

**COMMISSIONERS JOURNAL NO. 41 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MARCH 1, 2001**

**THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:**

Present: James Ward, Deborah Martin, Donald Wuertz

**RESOLUTION NO. 01-220**

**IN THE MATTER OF APPROVING RESOLUTIONS AND MINUTES FROM REGULAR MEETINGS HELD FEBRUARY 20 AND FEBRUARY 22, 2001:**

It was moved by Mr. Wuertz, seconded by Mrs. Martin dispense with the reading of the minutes and resolutions of the regular meetings held February 20 and February 22, 2001, and to approve resolutions and minutes as submitted.

Vote on Motion                      Mr. Ward                      Aye                      Mrs. Martin                      Aye                      Mr. Wuertz                      Aye

**RESOLUTION NO. 01-221**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS NUMBERED 297063 THROUGH 297400:**

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve for payment warrants numbered 297063 through 297400 and Purchase Orders and Vouchers as listed below:

**PO's**

<u>PO Number</u>	<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
1B01339	Schooley Caldwell & Assoc.	Expenses for Capital Facilities Project	8610-4031	\$ 8,546.86
1B43116	Helpline	Prof Services Vocation	4510-2024	\$ 29,700.00
1P06706	Penn Care Medical Products	2 Ford Ambulences	0260-4130	\$ 207,021.00
1P06710	Emergitech, Inc.	Software and professional services	4814-4106	\$ 37,597.50
1B07336	Owens & Krivda	Professional Legal services	0120-2002	\$ 9,000.00

**Vouchers**

1P03997	Digital design, Inc.	Voice & Data Cabling	8610-4120	\$ 6,880.20
1B06720	Del City Fire Dept.	EMS provided by Del City Fire	0260-2047	\$ 89,885.73
1B43003	DATA	Client Residential Travel	4510-2303	\$ 8,011.50
1B43099	Del Cty Bd of Dev. Dissabilities	Board & Care	0270-2054	\$ 6,250.00
1B43054	LHS Family & Youth Services	Cluster	4535-2081	\$ 5,500.85
1P07332	Kirk Brothers	Ashley wastewater project	0098-2005	\$ 38,800.00
0P03692	Kirk Brothers	Village of Ashley	0098-2005	\$ 10,000.00
Decrease PO				
1P07332	Kirk Brothers	Ashley wastewater project	0098-2005	\$ 10,000.00
0P04564	CDW Government, Inc.	New computers for 7 positions	4810-4105	\$ 23,870.58

Vote on Motion                      Mrs. Martin                      Aye                      Mr. Wuertz                      Aye                      Mr. Ward                      Aye

**RESOLUTION NO. 01-222**

**IN THE MATTER OF AUTHORIZING EXECUTION OF AN AMENDMENT OF AN ENTERPRISE ZONE AGREEMENT WITH GOOSEBERRY PATCH COMPANY AND COUNTRY FRIENDS LLC:**

It was moved by Mr. Wuertz, seconded by Mrs. Martin to authorize an amendment of an Enterprise Zone Agreement:

WHEREAS, the City of Delaware and Delaware County have encouraged the development of real estate and investment in personal property within a certain area of the City via the establishment of an Enterprise Zone Area; and

WHEREAS, the Delaware County Board of Commissioners, the City of Delaware, Gooseberry Patch Company, and Country Friends LLC did enter into an Enterprise Zone Agreement dated September 9, 1996, in conjunction with a PROJECT to be undertaken on an 4.2-acre site located in the Johnson Industrial Park, at 149 Johnson Drive; and

WHEREAS, pursuant to said Enterprise Zone Agreement, Gooseberry Patch Company and Country Friends were to receive certain tax incentives as the investor in real property, personal property, inventory, and creator and retainer of

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new and existing full time equivalent job opportunities and payroll at the PROJECT site; and

WHEREAS, it is understood by all parties of the original Enterprise Zone Agreement for the referenced PROJECT that Gooseberry Patch Company is desirous of relocating said existing personal property and inventory to a new location in order expand its operations into an existing facility located at 600 London Road, referred to as the NEW PROJECT site, owned by Sealy Ohio LP, a Georgia Limited Partnership. The NEW PROJECT site is located in the City of Delaware Enterprise Zone.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio that the Enterprise Zone Agreement for the Gooseberry Patch/Country Friends PROJECT, originally dated September 9, 1996 is hereby amended to include the following consideration:

1. As of June 1, 2001, Gooseberry Patch Company shall relocate its existing personal property and inventory from the PROJECT site at 149 Johnson Drive to an existing 52,411 square foot facility located at 600 London Road, which Gooseberry Patch shall lease from Sealy Ohio LP.
2. The level and term of tax exemption granted to Gooseberry Patch for the amount of investment in personal property and inventory established in the Enterprise Zone Agreement dated September 9, 1996 shall continue at the NEW PROJECT site. The expiration of tax exemptions for said eligible amounts of personal property and inventory investment shall remain as specified in said Enterprise Zone Agreement.
3. As of June 1, 2001, the tax exemption granted to Country Friends LLC for investment in real property improvements, as established in the Enterprise Zone Agreement dated September 9, 1996, for the PROJECT located at 149 Johnson Drive, shall be terminated.
4. Gooseberry Patch shall be responsible for creating and maintaining the stated number of full-time equivalent job opportunities and level of new payroll established in the Enterprise Zone Agreement.
5. Gooseberry Patch shall be responsible for achieving and maintaining the required levels of personal property investment, including inventory, established in the Enterprise Zone Agreement.
6. Gooseberry Patch shall be responsible for all other commitments stated in the Enterprise Zone Agreement.
7. If Gooseberry Patch materially fails to fulfill its obligations under the Enterprise Zone Agreement dated September 9, 1996, or as amended, or if Delaware County determines that the certification as to delinquent taxes required by said Enterprise Zone Agreement is fraudulent, Delaware County and the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement, and may require the repayment from Gooseberry Patch Company of the amount of taxes that would have been payable had the property not been exempted from taxation said Enterprise Zone Agreement, or as amended.
8. The City of Delaware and Delaware County shall provide the personal property tax exemption called for under said Enterprise Zone Agreement for the referenced PROJECT in recognition of this amendment.
9. The Delaware County Director of Economic Development is directed to formally notify the Delaware City Schools and the Delaware Joint Vocational School of this action.
10. The Delaware County Auditor, the Ohio Department of Development, and the Ohio Department of Taxation shall be advised in writing of this amendment and the relocation of the existing inventory from the PROJECT site to the NEW PROJECT site at 600 London Road.

Vote on Motion                      Mr. Wuertz              Aye              Mr. Ward              Aye              Mrs. Martin              Aye

**RESOLUTION NO. 01-223**

**IN THE MATTER OF AUTHORIZING EXECUTION OF AN ENTERPRISE ZONE AGREEMENT WITH GOOSEBERRY PATCH COMPANY AND SEALY OHIO LP**

It was moved by Mrs. Martin, seconded by Mr. Wuertz to authorize execution of an Enterprise Zone Agreement:

WHEREAS, the Delaware County Board of Commissioners, via Resolution Number 91-693, designated an area in the City of Delaware as an Enterprise Zone and has encouraged the acquisition of and investment in real and personal property therein; and

WHEREAS, the Director of Development of the State of Ohio has certified said area in the City of Delaware, as a

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Delaware County Enterprise Zone, effective the 16<sup>th</sup> day of September, 1991; and

WHEREAS, Gooseberry Patch Company and Sealy Ohio LP, have applied for incentives for a proposed expansion project in said zone under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, the duly appointed Enterprise Zone Negotiating Committee has met with representatives of Gooseberry Patch Company to negotiate an Enterprise Zone Agreement, and has reviewed and recommends approval of a proposed Enterprise Zone Application submitted by Gooseberry Patch Company an enterprise which desires to expand within said Enterprise Zone, and Sealy Ohio LP, and has determined that the enterprises meet the Enterprise Zone Guidelines adopted by the Delaware County Board of Commissioners by Resolution Number 91-693 on September 16, 1991, and by Enterprise Zone Guidelines adopted by the City of Delaware by Resolution Number 91-35 on September 30, 1991; and

WHEREAS, the Council of the City of Delaware has agreed to review such applications, to approve applications which meet the guidelines, and to forward all approved proposals to the Delaware County Board of Commissioners for final approval.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Delaware County Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. The Board of Commissioners of Delaware County recognizes that the Negotiating Committee for the City of Delaware Enterprise Zone has investigated the application submitted by Gooseberry Patch Company and Sealy Ohio LP and has determined that Gooseberry Company is qualified to create job opportunities in said Zone.

Section 2. The Board of Commissioners of Delaware County hereby authorizes the execution of an Enterprise Zone Agreement, having determined that the Enterprise Zone application submitted by Gooseberry Patch Company and Sealy Ohio LP meets all of the guidelines established by the Board of Commissioners of Delaware County, and by the City of Delaware, and the same is hereby approved.

Section 3. The Delaware County Economic Development Director is directed to formally notify the Delaware City Schools and Delaware Joint Vocational School of this action, and to submit copies of the Agreement after it is executed to the Ohio Departments of Development and Taxation.

Vote on Motion            Mr. Ward            Aye            Mrs. Martin            Aye            Mr. Wuertz            Aye

**RESOLUTION NO. 01-224**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PERSONNEL MATTERS AT 9:40 AM:**

It was moved by Mr. Wuertz, seconded by Mrs. Martin to adjourn into Executive Session.

Vote on Motion            Mr. Wuertz            Aye            Mr. Ward            Aye            Mrs. Martin            Aye

**RESOLUTION NO. 01-225**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION AT 10:05 AM:**

It was moved by Mrs. Martin, seconded by Mr. Wuertz to adjourn out of Executive Session:

Vote on Motion            Mrs. Martin            Aye            Mr. Wuertz            Aye            Mr. Ward            Aye

There being no further business, the meeting adjourned.

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Deborah Martin

\_\_\_\_\_  
James D. Ward

\_\_\_\_\_  
Donald Wuertz

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Letha George, Clerk to the Commissioners

**March 2, 2001**

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Bid Opening for Cast in Place Concrete and Structural Masonry Walls, Mass Excavation and Shoring and Site Utilities for the County Services Building

Bidders	#4	#5	#6	Combinations
Cody Zeigler	1,677,000	0	0	0
CountrySide	0	572,999	237,168	795,599
Tuttle	1,257,311	0	0	0
Kokosing	1,579,600	0	0	0
George Igel & Co.	1,510,800	459,286	269,800	(#4,#5,#6) 2,170,300
				(#5 & #6) 730,600
				(#4&#5) 1,891,600
				(#4&#6) 1,718,400
Altman General	1,269,000	0	0	0
Arnold Deel General	0	574,083	0	0
Northern Valley Contractor	1,285,000	530,000	293,000	(#4,#5,#6) 2,081,000
				(#5 & #6) 813,000
Performance Site Management	0	0	0	(#5 & #6) 740,000
Baker Concrete Construction	1,475,000	961,000	0	0