

COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD AUGUST 19, 2004

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

Present: Kristopher W. Jordan, James D. Ward  
Absent: Deborah B. Martin

**PUBLIC COMMENT**

**RESOLUTION NO. 04-1016**

**IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD AUGUST 16, 2004 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:**

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the resolutions and records of the proceedings from regular meeting held August 16, 2004 as contained in the county's official electronic recordings of the proceedings.

Vote on Motion                      Mrs. Martin              Absent      Mr. Jordan              Aye              Mr. Ward              Aye

**RESOLUTION NO. 04-1017**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0818 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0818:**

It was moved by Mr. Ward, seconded by Mr. Jordan to approve payment of warrants in batch numbers CMAPR0818, memo transfers in batch numbers MTAPR0818 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO's</b>			
Harris & Mazza	Public Defender Services	10011202-530130107	\$ 5,000.00
Norris Auto Mall	Dodge Dakota Pick Up Truck	65211919-5450	\$ 8,882.00
Norris Auto Mall	4 Door Crew Cab/4 Wheel Drive	65211905-5450	\$ 8,882.00
<b>Increases</b>			
Kinzua Environmental	Chemicals for OECC	65211905-5290	\$ 2,000.00
<b>Vouchers</b>			
Quality Control Inspection Inc.	Inspections for Multiple Areas	65111904-5301	\$ 9,496.00
Child Care Unlimited	Day Care	22411610-5348	\$ 6,664.00
Community Action Organization	Train Chore Pro	22411603-5348	\$ 6,062.35
Jobs for Ohio Grads	CL Train Youth Services	22411603-5348	\$ 84,542.42
Walnut View Farms Inc.	Rental/99 Acres Farm Land	65211919-533833515	\$ 12,375.00
JG Contracting Company, Inc.	Signing Contract & Project Schedule	41111421-5410	\$ 99,450.00
Alternative Services Concepts	Annual Runoff /Liability Insurance	60111901-5370	\$ 5,150.00
Ben Bro Enterprises Inc.	Bldg/Land Rental for September	10011105-5335	\$ 14,625.00
Bartha Visual	Projector for Hayes Bldg	40111402-5410	\$ 5,244.00
MT Business Technologies Inc.	Ricoh Printer	65111904-5450	\$ 8,993.00

Vote on Motion                      Mr. Jordan              Aye              Mrs. Martin              Absent      Mr. Ward              Aye

**RESOLUTION NO. 04-1018**

**IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE SHERIFF'S OFFICE:**

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following:

<b>Transfer of Appropriation</b>	<b>Amount</b>
From	To
29031318-5345	29031318-5260
Concealed Handgun/Safety & Security	Concealed Handgun/Inventoried Tools & Equip.
	\$500.00

Vote on Motion                      Mr. Ward              Aye              Mr. Jordan              Aye              Mrs. Martin              Absent

**RESOLUTION NO. 04-1019**

**IN THE MATTER OF AUTHORIZING EXECUTION OF AN ENTERPRISE ZONE AGREEMENT WITH AMERICAN SHOWA, INC.:**

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It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following:

WHEREAS, Delaware County has, via Resolution Number 91-846, designated an area in the Village of Sunbury as a Rural Jobs and Enterprise Zone and has encouraged the development of real property and the investment in personal property therein; and

WHEREAS, the Director of Development of the State of Ohio has certified said area in Delaware County as a Rural Jobs and Enterprise Zone, effective the 27th of November, 1991; and

WHEREAS, American Showa, Inc. has 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 American Showa, Inc. to negotiate an Enterprise Zone Agreement, has reviewed and recommends approval of the proposed Enterprise Zone application submitted by American Showa, Inc., with American Showa, Inc. being an enterprise which desires to expand, invest, and create employment opportunities within said Enterprise Zone, and has determined that this enterprise meets the Enterprise Zone Guidelines adopted by the Delaware County Board of Commissioners by Resolution Number 93-317 on May 17, 1993; and

WHEREAS, the Village Council of the Village of Sunbury 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 RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. The Board of County Commissioners recognizes that the Negotiating Committee for the Village of Sunbury Enterprise Zone has investigated the application submitted by American Showa, Inc. and determined that American Showa, Inc. is qualified to create job opportunities in said Zone.

Section 2. The Board of County Commissioners hereby authorizes the president of the Board to participate in the execution of an Enterprise Zone Agreement for the American Showa R&D Expansion Project.

Section 3. The Delaware County Economic Development Director is directed to formally notify the Big Walnut Local School District 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                      Mrs. Martin              Absent      Mr. Jordan              Aye              Mr. Ward              Aye

**RESOLUTION NO. 04-1020**

**IN THE MATTER OF AUTHORIZING THE ACCEPTANCE AND AWARDED OF THE BID AND APPROVING THE CONTRACT SUBMITTED BY LEHNER EXCAVATING, INC. FOR CDBG FY'03 VILLAGE OF GALENA DRAINAGE IMPROVEMENTS:**

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following:

WHEREAS, the Ohio Department of Development provides financial assistance to local governments under the Community Development Block Grant (CDBG) Formula Program to Delaware County; and

WHEREAS, funding, in the amount up to \$35,000 has been provided to Delaware County through the FY03 CDBG Formula Program, and the Village funding in the amount up to \$20,700 has been approved by the Delaware County Board of Commissioners; and

WHEREAS, the project was bid out and bids were received August 11, 2004; and

WHEREAS, the engineering firm for the Village of Ostrander, has reviewed the bids received, and the bid submitted by Lehner Excavating, Inc., in the amount up to \$35,344.00 has been determined to be the lowest and best bid.

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

Section 1. That the Delaware County Board of Commissioners awards the bid to Lehner Excavating, Inc., to construct the Storm Drainage Improvements as approved in the FY03 CDBG Formula Grant Program for the Village of Galena.

Section 2. That the Delaware County Board of Commissioners agrees to the funding up to \$35,000 from

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CDBG FY 03 funds, and up to \$20,700 from the Village funds towards the construction of said Storm Drainage Improvements. This amount may be exceeded by no more than 10%, subject to review and approval of any Project change orders.

Section 3. That this resolution shall take effect and be in force immediately after its passage.

**AGREEMENT FORMS**

THIS AGREEMENT made this 19<sup>th</sup> day of August, 2004, by and between, **Lehner Excavating** hereinafter called the "Contractor" and **Delaware County Commissioners**, hereinafter called the "Owner".

WITNESSETH, that the Contractor and the owner for the considerations stated herein mutually agree as follows:

**ARTICLE 1. Statement of Work.**

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment and services including utility and transportation services, and perform and complete all work required for the construction of two Culvert in the project; namely **Galena Drainage Improvements**.

Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as followed.

**The proposed work includes the** clearing and grubbing, structure removed, pipe removed, rock channel protection, concrete masonry, 12", 18", and 48" conduit type C, catch basin 2-2-B, construction layout stakes, mobilization and seeding and mulching.

**ARTICLE 2. The Contract Price.**

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum **Thirty-Five Thousand Three Hundred Forty-Four (Dollars)** subject to additions and deductions as provided in Section 109 hereof.

**ARTICLE 3. Contract.**

The executed contract documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation for Bids
- d. Instructions to Bidders
- e. Signed copy of Bid
- f. General Conditions, Parts I and II
- g. Special Conditions
- h. Technical Specifications
- i. Drawings (as listed in the Schedule of Drawings)

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern, except as otherwise specifically stated.

Vote on Motion            Mr. Jordan            Aye            Mrs. Martin            Absent    Mr. Ward            Aye

**RESOLUTION NO. 04-1021**

**IN THE MATTER OF APPROVING PERSONNEL ACTIONS:**

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following:

Brian Newcomb's has resigned his position with the EMS Department; effective date August 31, 2004.

Vote on Motion            Mrs. Martin            Absent    Mr. Jordan            Aye            Mr. Ward            Aye

**RESOLUTION NO. 04-1022**

**IN THE MATTER OF AUTHORIZING EXECUTION OF BARGAINING UNIT AGREEMENT WITH OHIO COUNCIL 8 AND LOCAL 3981 AFSCME:**

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It was moved by Mr. Ward, seconded by Mr. Jordan to authorize the following:

WHEREAS, bargaining unit members of the County Engineers Office are represented by the American Federation of State, County, and Municipal Employees, Ohio Council 8 and Local 3981; and

WHEREAS, the bargaining unit and the employer have engaged in negotiations for a new Bargaining unit agreement; and

WHEREAS, the bargaining unit and the employer have reached agreement on the issues negotiated; and

WHEREAS, the bargaining unit, on August 10<sup>th</sup> 2004, ratified the agreement.

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners, Delaware County, State of Ohio, hereby approves the negotiated agreement that shall be effective from August 19, 2004 through June 30, 2007.

(A copy of the agreement is available in the Commissioners Office until no longer of administrative value).

Vote on Motion            Mr. Jordan        Aye       Mrs. Martin       Absent   Mr. Ward        Aye

**RESOLUTION NO. 04-1023**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:**

It was moved by Mr. Jordan, seconded by Mr. Ward to adjourn into Executive Session at 10:25AM.

Vote on Motion            Mr. Ward        Aye       Mr. Jordan        Aye       Mrs. Martin       Absent

**RESOLUTION NO. 04-1024**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

It was moved by Mr. Ward, seconded by Mr. Jordan to adjourn out of Executive Session at 10:35AM.

Vote on Motion            Mrs. Martin       Absent   Mr. Jordan        Aye       Mr. Ward        Aye

There being no further business the meeting adjourned.

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Kristopher W. Jordan

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Deborah B. Martin

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James D. Ward