

COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 22, 2004

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

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

PUBLIC COMMENT

RESOLUTION NO. 04-1422

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 18, 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 November 18, 2004 as contained in the county's official electronic recordings of the proceedings.

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

RESOLUTION NO. 04-1423

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1119 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1119:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR1119, memo transfers in batch numbers MTAPR1119 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Kevin McGovern	New Boiler	40111402-5410	\$ 9,500.00
Decrease			
Goodyear Auto Service	Tires	10011106-5228	\$ 8,000.00
Increases			
BP Products	Fuel	10011106-5228	\$ 9,000.00
Vouchers			
Boys Village Inc.	Residential Treatment	22511608-5342	\$ 6,520.80
Child Care Unlimited	Day Care	22411610-5348	\$ 6,212.00
Toddler Inn	Day Care	22411610-5348	\$ 10,530.00
Vance Outdoors Inc.	Point Blank Vest/Level II	21511315-5250	\$ 14,430.00
AEP	Service	10011105-533833802	\$ 14,653.59
Scott, Scriven & Wahoff	Legal Services	10011108-5301	\$ 725.00
Scott, Scriven & Wahoff	Legal Services	75110902-5301	\$ 5,366.58
Boys Village Inc.	Residential Treatment	22511608-5342	\$ 5,335.20
Noahs Ark	Day Care	22411610-5348	\$ 5,325.00
Today's Learning	Day Care	22411610-5348	\$ 7,020.00
Liberty Community	Day Care	22411610-5348	\$ 16,840.00
Bovis	Construction Management Jail	40411414-5410	\$ 43,423.13
Franklin County Coroner	Autopsies	10030301-5342	\$ 7,020.14
Northwestern Ohio	Wolf Building	40111402-5410	\$ 5,920.75
Bank of New York	Interest Payment	50111117-5720	\$ 206,135.03
	Principal Payment	50111117-5725	\$ 220,000.00
Bank of New York	Interest Payment	50111117-5720	\$ 46,451.19
Bank of New York	Interest Payment	50111117-5720	\$ 1,148,748.13
	Principal Payment	50111117-5725	\$ 2,050,000.00
Bank of New York	Interest Payment	50111117-5720	\$ 35,495.00
	Principal Payment	50111117-5725	\$ 675,000.00
Bank of New York	Interest Payment	50111117-5720	\$ 60,416.25
	Principal Payment	50111117-5725	\$ 385,000.00
Bank of New York	Interest Payment	50111117-5720	\$ 165,510.00
	Principal Payment	50111117-5725	\$ 1,085,000.00
Bank of New York	Interest Payment	50111117-5720	\$ 82,765.63
	Principal Payment	50111117-5725	\$ 540,000.00
Delaware County Bank	Interest Payment	50111117-5720	\$ 19,335.00
	Principal Payment	50111117-5725	\$ 360,000.00
Delaware County Bank	Interest Payment	50111117-5720	\$ 15,158.75

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	Principal Payment	50111117-5725	\$	95,000.00
Huntington	Interest Payment	50111117-5720	\$	111,968.75
	Principal Payment	50111117-5725	\$	185,000.00

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

RESOLUTION NO. 04-1424**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

The Emergency Services Department is requesting that 22 Paramedics attend a Paramedic Refresher Course in Delaware County November 23-December 17, 2004, at the cost of \$726.49.

The Emergency Services Department is requesting that Larry Fisher and John Tracey attend a 2005 IWCE Technology Workshop in Las Vegas, Nevada April 5-9, 2005 at the cost of \$2,824.00.

Juvenile Court is requesting that Donald Worly attend an Evidence Course in Canton, Ohio December 9, 2004, at the cost of \$149.40.

The Engineer's Office is requesting that Chris Bauserman, Tiffany Brinkmiller, Michelle Strohl, and Ryan Mraz attend the CCAO/CEAO Winter Conference in Columbus, Ohio November 29 to December 1, 2004, at the cost of \$1,792.00.

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

RESOLUTION NO. 04-1425**IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, MICHAEL R. SHADE, REQUESTING ANNEXATION OF 3.375 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF DELAWARE:**

It was moved by Mr. Jordan, seconded by Mr. Ward to acknowledge that on November 18, 2004, the Clerk to the Board of Commissioners received an annexation petition request to annex 3.375 acres from Liberty Township to the City of Delaware.

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

RESOLUTION NO. 04-1426**IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, MICHAEL R. SHADE, REQUESTING ANNEXATION OF 12.823 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF DELAWARE:**

It was moved by Mr. Ward, seconded by Mr. Jordan to acknowledge that on November 18, 2004, the Clerk to the Board of Commissioners received an annexation petition request to annex 12.823 acres from Liberty Township to the City of Delaware.

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

RESOLUTION NO. 04-1427**IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, MICHAEL R. SHADE, REQUESTING ANNEXATION OF 30.7 ACRES OF LAND IN TROY TOWNSHIP TO THE CITY OF DELAWARE:**

It was moved by Mr. Jordan, seconded by Mr. Ward to acknowledge that on November 18, 2004, the Clerk to the Board of Commissioners received an annexation petition request to annex 30.7 acres from Troy Township to the City of Delaware.

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

RESOLUTION NO. 04-1428**IN THE MATTER OF APPROVING PLAT FOR TARRAGON ESTATES; PLAN FOR EAST POWELL ROAD LEFT TURN IMPROVEMENTS AND DITCH MAINTENANCE PETITION FOR KILLDEER MEADOWS SECTION 2:**

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

Tarragon Estates

Situated In The State Of Ohio, Delaware County, Berkshire Township, Lying In Farm Lot 23, Section 4, Township 4, Range 17, United States Military Lands, And Being All Of That 10.260 Acre Tract As Conveyed To Monsul Homes, Llc. By Deed Of Record In O.R. 528, Page 197. All Records Herein Are From The Recorder's Office, Delaware County, Ohio. Cost \$15.00.

East Powell Road Left Turn Improvements

The Village At Polaris Green East Powell Road Left Turn Lane Improvements Plan, Orange Township, Delaware County, Ohio. No Cost.

Ditch Maintenance Petition- Killdeer Meadows Section 2

We the undersigned owners of 54.09 acres in Berkshire Township, Delaware County, Ohio propose to create a subdivision known as **Killdeer Meadows Section 2** as evidenced by the attached subdivision plat (Exhibit "A" which is available at the County Engineer's Office). This plat has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider's agreement Exhibit "B" available at the County Engineer's Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit "C" (available at the County Engineer's Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement. We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the **Killdeer Meadows Section 2** Subdivision.

The cost of the drainage improvements is \$163,930.70 and a detailed cost estimate is available at the County Engineer's office in Exhibit "D". The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. Forty-two (42) lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$3,903.11 per lot. An annual maintenance fee equal to 2% of this basis \$78.06 will be collected for each lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots has been paid to Delaware County.

Easements to provide for the maintenance of the improvements have been provided on the plat.

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

RESOLUTION NO. 04-1429

IN THE MATTER OF ACCEPTING MAINTENANCE BONDS FOR BIG BEAR SECTION 10:

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

Big Bear Section 10

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineer's recent field review, he has determined that minor remedial work will be required during the 2005 construction season.

In accordance with the Subdivider's Agreement, The Engineer recommends that the maintenance bond be set at **\$23,700** for the duration of the one year maintenance period. A Letter of Credit in that amount is available. He also request approval to return the Letter of Credit being held as construction surety to the developer, Capitol Square Ltd.

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

RESOLUTION NO. 04 -1430

IN THE MATTER OF APPROVING RIGHT OF WAY WORK PERMIT SUMMARY SHEET:

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

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Permit #	Applicant	Location	Type of Work
U04188	American Electric Power	Hollenback Road	Install pole line

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

RESOLUTION NO. 04-1431

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR CORRUGATED METAL PIPE MATERIALS; CORRUGATED POLYETHYLENE TUBING & PIPE MATERIALS (INCLUDING SMOOTH LINED PIPE); OHIO DEPARTMENT OF TRANSPORTATION ITEM 606 GUARDRAIL ITEMS; CRUSHED LIMESTONE MATERIAL ITEMS AND SS921 COLD MIX; VARIOUS SIZES, LENGTHS AND SHAPES OF REINFORCING STEEL FOR CONCRETE REINFORCEMENT; REINFORCED CONCRETE PIPE MATERIALS; VARIOUS ROLLED STEEL SHAPES; VARIOUS SIZES AND LENGTHS OF TREATED WOOD FOR BRIDGE FLOORING; READY MIX CONCRETE; VARIOUS SIZES OF 3-SIDED FLAT TOPPED PRECAST CONCRETE CULVERTS; VARIOUS SIZES OF 3-SIDED ARCH TOPPED PRECAST CONCRETE CULVERTS; VARIOUS SIZES OF 4-SIDED PRECAST CONCRETE BOX CULVERTS AND STEEL BEAM BRIDGE COMPONENTS (DESIGN/BUILD):

It was moved by Mr. Jordan, seconded by Mr. Ward to approve specifications and set bid opening date and time for **Wednesday, December 15, 2004, at 10:00 AM (50 Channing Street, Delaware, Ohio 43015)** for the above mentioned items.

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

RESOLUTION NO. 04-1432

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR HAULING TO VARIOUS JOBSITES FROM ESTABLISHED SOURCES FOR THE YEAR 2005:

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

Sealed proposals will be received by the Delaware County Engineer at 50 Channing Street, Delaware, Ohio 43015 until **10:00 a.m. local time on Wednesday, December 15, 2004** for hauling to various jobsites from established sources for the year 2004, and at said time and place, publicly opened and read aloud. Contract Documents, Bid Sheets and Specifications can be obtained at the Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015.

Each Proposal must contain the full name of the party or parties submitting the Proposal and all persons interested therein as well as submit evidence of Bidder's experiences on projects of a similar nature.

Prices on all services shall also be extended to the 18 Townships within Delaware County, the Delaware County Preservation Parks District and the Delaware County Agricultural Society.

The Delaware County Commissioners reserve the right to waive irregularities and to reject any and or all bids.

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

RESOLUTION NO. 04-1433

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR SEEDING AND MULCHING:

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

Sealed bids will be received by the Delaware County Engineer's Office, 50 Channing Street, Delaware, Ohio 43015 for Seeding and Mulching. Said bid shall be based upon unit prices per the sheet available for review. The County reserves the right to make non-exclusive bid awards. Bids will be received at **10:00 a.m. on Wednesday, December 15, 2004**, at which time said bids shall be opened for review. Bids shall be awarded at the discretion of the Delaware County Commissioners, and all bidders shall be notified accordingly.

All work and materials shall meet the Specifications which may be obtained at the Delaware County Engineer's Office, 50 Channing Street, Delaware, Ohio 43015.

Prices on all materials shall also be extended to the 18 Townships within Delaware County, the Delaware County Preservation Parks District and the Delaware County Agricultural Society.

Bids shall be submitted in a sealed envelope and marked as follows: "SEALED BID FOR SEEDING AND MULCHING".

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This Invitation to Bid is hereby a part of the specifications. The Delaware County Commissioners reserve the right to reject any and/or all bids.

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

RESOLUTION NO. 04-1434

IN THE MATTER OF APPROVING A PERMANENT EASEMENT, ESTABLISHING A MAINTENANCE ACCOUNT AND APPROVING ASSESSMENTS FOR THE DELAWARE RUN DITCH:

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

Delaware Run Ditch

As the above referenced project has been completed, the revised assessments for the affected property owners are available. Please note, as this project came in under the estimate, those property owners who paid ahead are due a refund. For the property owners shown shaded on the available spreadsheet, it shows the amount they paid and the amount of refund due. Also, there are several property owners whose total cost is below the minimum \$10.00 requirement and we have, therefore, increased their cost to the \$10.00 minimum.

Name: Delaware Run #17

Organization: 21911401

Account: 0319

Amount: \$3,366.87

Maintenance Easement Description: (Map available at Engineer's Office)

Commencing at a point approximately 320 feet north of the Kessler/Humphreys parcel line on the Delaware Run #17 ID #0319 subsurface drain and terminating approximately 510 feet south of the Hills Miller road right of way.

Points A to B:

15 feet right of subsurface drain
15 feet left of subsurface drain

Points B to C:

30 feet right of subsurface drain
30 feet left of subsurface drain

Points C to D:

155 feet right of open channel center-line
155 feet left of open channel center-line

Points D to E:

25 feet right of top of bank
25 feet left of top of bank

Points F to G:

25 feet right of top of bank
25 feet left of top of bank

Points H to I:

25 feet right of top of bank
25 feet left of top of bank

North of Hill-Miller Road Commencing near Point G and Terminating 230 feet upstream at Point J

15 feet right of subsurface drain
15 feet left of subsurface drain

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

RESOLUTION NO. 04-1435

IN THE MATTER OF APPROVING THE REQUEST TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR AN EXTENSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY'03 AND REVOLVING LOAN FUND (RLF) FOR OSTRANDER DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, the Ohio Department of Development awarded \$177,000 in Fiscal Year 2003 Small Cities Community Development Block (CDBG) grant funds under the Formula Program to Delaware County, and

WHEREAS, funding to Delaware County through the FY'03 CDBG Formula Program, is intended to assist communities within the Delaware County with necessary and useful public programs, which are responsive to State and National program objectives and qualification criteria for this program

WHEREAS, Ostrander Drainage Improvements Project was awarded CDBG FY'03 funds in the amount of \$37,000, and Delaware Revolving Loan (RLF) in the amount of \$28,000, and

WHEREAS, the contractor has delay the start of the CDBG FY'03 Ostrander Drainage Improvements Project; and

WHEREAS, the delay to the Project has made it necessary to request a six month extension, and

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 hereby authorizes the President of the Board as the official representative of the County FY'03 Formula CDBG program to approve a request to the Ohio Department of Development for a six month extension.

Section 2. That this resolution shall take effect and be in force immediately after passage

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

RESOLUTION NO. 04-1436

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR DELAWARE COUNTY'S HOUSING IMPROVEMENT PROGRAM (DCHIP) RENTAL HOUSING REHABILITATION:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve specifications and set bid opening date and time for **Thursday, December 9, at 3:30 pm**. The bid is for a rental unit located at 115 East Main Street, Ashley, Ohio. This bid opening will be held at the Commissioners Hearing Room located at 101 N. Sandusky St., Delaware, Ohio.

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

RESOLUTION NO. 04 - 1437

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY RLF FUNDS FOR THE COOP, LLC PROJECT:

It was moved by Mr. Jordan, seconded by Mr. Ward to authorize the use of Delaware RLF Funds for The Coop, LLC:

WHEREAS, Delaware County has established a Revolving Loan Fund (RLF) capitalized with the payback from Community Development Block Grant (CDBG) loans to local eligible businesses; and

WHEREAS, the Delaware County RLF is intended to facilitate the implementation of job-creating projects that would not go forward without RLF participation; and

WHEREAS, the County's RLF Loan Review Committee has reviewed the application and supporting documentation for **The Coop Restaurant Economic Development Project** and has recommended RLF participation in same.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT RESOLVED that the Delaware County Board of Commissioners, does hereby approve a loan in the amount of **\$127,600** from the Delaware County Revolving Loan Fund to **The COOP, LLC** (the Company) to complete the financing of the referenced project. Said loan shall be made at a fixed rate of **3.5%** for **7** years, subject to the following terms and conditions as recommended by the Delaware County RLF Review Committee and required by the RLF program:

Section 1: Final approval of a renovation and expansion loan from Delaware County Bank (DCB) to The Coop, LLC in the amount of \$150,000 per DCB's Commitment Letter Dated November 11, 2004.

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Section 2: The loan shall be secured by a Security Agreement on the equipment to be purchased with the proceeds of the RLF loan and on all the assets of the Company, plus a personal guaranty and corporate guaranty of repayment of said loan shall be provided by the owner of the Company and the Company.

Section 3: Key person Life Insurance on The Coop, LLC owners Denise E. Dunlap and Carol Arthur in the amount of the RLF loan.

Section 4: The Coop, LLC agrees to any and all Federal Davis Bacon Prevailing Wage requirements and CDBG bidding requirements as applicable to said project.

Section 5: Use by the Company of current HUD Low-Moderate Income (LMI) Limit levels for Delaware County, CDBG Job Certification and Verification Forms to verify and certify levels of jobs created by the project.

Section 6: Upon passage of this resolution, approval of the Legally Binding Loan Documents for this project by the Delaware County Prosecutor's Office, and approval of the RLF Project Report Form for this project by the Ohio Department of Development, Deborah B. Martin, President of the Board of County Commissioners, shall be authorized to execute the Legally Binding Document for the RLF financing for the referenced project.

Section 7: Resolution No. 04-1131 is hereby rescinded.

Section 8: Upon passage this resolution shall be immediately in effect.

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

RESOLUTION NO. 04-1438

IN THE MATTER OF ACCEPTING THE AWARD OF THE 2005 COMMUNITY RECYCLING AND LITTER PREVENTION GRANT:

It was moved by Mr. Ward, seconded by Mr. Jordan to accept the award of the 2005 Community Recycling and Litter Prevention Grant.

(A copy of the grant is available for review at the Commissioner's Office until no longer of administrative value).

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

RESOLUTION NO. 04-1439

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR GOLF VILLAGE SECTION 12, PHASES C & D; WINDSONG SUBDIVISION AND HOMESTEAD AT HIGHLAND LAKES, SECTION 2:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve sanitary sewer plan for Golf Village Section 12, Phases C & D; Windsong Subdivision And Homestead At Highland Lakes, Section 2 for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

RESOLUTION NO. 04-1440

IN THE MATTER OF APPROVING THE STORAGE OF 800 MHZ RADIO EQUIPMENT BY MOTOROLA, INC:

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

WHEREAS, the radio equipment associated with the new Countywide 800 MHz radio system has been constructed; and,

WHEREAS, system acceptance of the equipment is expected in December with a delivery in January; and,

WHEREAS, the County will need to temporarily store this equipment for a period of three to six months while the tower locations are built; and

NOW, THEREFORE, for and in cooperation between the County and Motorola, Inc. the parties agree to the following:

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- The temporary storage location will be the Motorola project office located 350 C Worthington Rd. Westerville, Ohio 43082.
- The charges to be paid by Delaware for the temporary storage will be \$0.00 for the three month period beginning upon equipment arrival and ending March 31, 2005. Beginning April 1, 2005 a charge of \$2500.00 per month will be payable from Delaware to Motorola. Partial months will carry the full monthly charge.
- The total duration and availability of the temporary storage period shall not exceed June 30, 2005.
- No additional charges will be incurred by Delaware for the re-delivery of the FNE from the temporary storage location to the final telecommunications site(s).
- Access to the temporary storage facility will require coordination with and approval from the Motorola project manager, which shall not be unreasonably withheld.
- Title to the equipment will pass to Delaware upon shipment from the Motorola factory.
- Risk of loss will pass to Delaware upon installation of the equipment at the Delaware provided telecommunications site(s).
- A project billing/invoice milestone will be achieved upon delivery of the equipment to the temporary storage facility. Upon receipt of the FNE at the storage location an inventory of the received equipment will be verified and an appropriate Motorola project milestone completion certificate will be presented to Delaware for signature with billing invoice to follow.

BE IT FURTHER RESOLVED: That the Board of County Commissioners approve the appropriation of supplemental funds totaling \$7,500.00 for this storage into Project Account #40211407-5335.

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

RESOLUTION NO. 04-1441

IN THE MATTER OF APPROVING A CONTRACT WITH DALMATIAN FIRE INC. FOR BID PACKAGE THIRTEEN (FIRE PROTECTION) FOR THE DELAWARE COUNTY JAIL, DELAWARE, OHIO:

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

**DELAWARE COUNTY BOARD OF COMMISSIONERS
CONTRACT**

This Contract made by and between:

**Dalmatian Fire Inc.
7719 Graphics Way, Suite G
Lewis Center, Ohio 43035**

(the "Contractor") and the Delaware County Board of Commissioners (the "Owner").

In consideration of the mutual promises herein contained, the Delaware County Board of Commissioners and the Contractor agree as set forth below:

ARTICLE 1

1.1 The Contractor shall perform the entire work described in the Bid Documents and as necessary to produce the results intended by the Bid Documents, for:

**Bid Package Thirteen-Fire Protection
New Dormitory and Jail Renovations for the Delaware County Jail
844 US 42 North
Delaware, Ohio 43015**

ARTICLE 2

2.1 The Delaware County Board of Commissioners shall pay the Contractor for the performance of this Contract, subject to additions and deletions as provided in the Bid Documents, the amount of One Hundred Three Thousand Dollars (\$103,000.00), based upon the Bid Form, dated August 31, 2004 submitted by the Contractor.

	\$102,000 Base Bid
	<u>\$ 1,000</u> Alternate M1
Total Bid Amount	\$103,000

2.2 The Contract Price shall be paid in current funds by the Owner upon payment requests issued by the

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Contractor and approved by the Delaware County Board of Commissioners as provided in the Bid Documents.

ARTICLE 3

3.1 The Contractor shall diligently prosecute the Work and shall effect Contract Completion on or before

▪ Commencement of Site Utilities	08/30/2004
▪ Men’s Rec Yard (Cells) Completion	09/24/2004
▪ Male Dorm Building Pad Prep Complete	10/13/2004
▪ Female Dorm Building Pad Prep Complete	10/21/2004
▪ Intake/Booking Demolition Start	11/17/2004
▪ Footing Installation Complete Male Dorm	11/22/2004
▪ Masonry Bearing walls to Roof Bearing – Female Dorm	11/22/2004
▪ Precast Corridor 47 Deliver/Install	11/23/2004
▪ Kitchen Renovation Start	11/10/2004
▪ Roof Top unit delivery – Female Dorm	12/09/2004
▪ Kitchen Renovation Completion	12/15/2004
▪ Roofing Complete – Female Dorm	12/16/2004
▪ Start existing Jail security electronics upgrade	12/31/2004
▪ Masonry Bearing walls to 2 nd Floor Bearing – Male Dorm	01/03/2005
▪ Female Dormitory Substantial Completion	02/25/2005
▪ Intake/Booking Substantial Completion	03/15/2005
▪ Existing Jail Security Electronics Upgrade Substantial Completion	04/01/2005
▪ Masonry Bearing walls to Roof Bearing – Male Dorm	03/14/2005
▪ Roof Top Unit Deliver – Male Dorm	04/05/2005
▪ Medical & Isolation Renovation Start	04/12/2005
▪ Roofing Complete – Male Dorm	04/25/2005
▪ Permanent Electric – Male Dorm	05/02/2005
▪ Male Dorm Under Temporary Temperature Control	05/23/2005
▪ Medical & Isolation Substantial Completion	08/09/2005
▪ Substantial Completion for all Bid Packages and Male Dorm	08/12/2005
▪ Completion of all Associates Prepared Punch List Items	09/08/2005
▪ Project Turnover, Owner Move-In All Bid Packages	09/29/2005

unless an extension of time is granted by the Delaware County Board of Commissioners in accordance with the Bid Documents.

3.2 It is understood and agreed that all Work to be performed under the Contract shall be completed within the established Contract Completion time and that each applicable portion of the Work shall be completed upon the respective Milestone Completion Dates, unless an extension of time is granted by the Delaware County Board of Commissioners in accordance with the Bid Documents.

3.3 Upon failure to have all Work completed within the specified period of time, or to have the applicable portion of the Work completed upon the date of any Milestone Completion Date set forth in Section 3.1, in addition to other remedies at law and as set forth in the Bid Documents, the Owner shall be entitled to retain or recover from the Contractor, as liquidated damages, the applicable amount as set forth in the following table for each and every calendar day thereafter until Contract Completion, unless an extension of time is granted in accordance with the Bid Documents.

3.4 The amount of Liquidated Damages is agreed upon by and between the Contractor and the Delaware County Board of Commissioners because of the impracticality and extreme difficulty of ascertaining the actual amount of damage the Delaware County Board of Commissioners would sustain.

3.5 **LIQUIDATED DAMAGES**

<u>Contract Amount</u>	<u>Dollars Per Day</u>
\$1. To \$50,000	\$ 150.
More than \$50,000 to \$150,000	\$ 250.
More than \$150,000 to \$500,000	\$ 500.
More than \$500,000 to \$2,000,000	\$1,000
More than \$2,000,000 to \$5,000,000	\$2,000
More than \$5,000,000 to \$10,000,000	\$2,500
More than \$10,000,000	\$3,000

ARTICLE 4

4.1 The Bid Documents shall embody the entire understanding of the parties and form the basis of the Contract between the Delaware County Board of Commissioners and the Contractor. The Bid Documents shall be considered to be incorporated by reference into this Contract as if fully rewritten herein.

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4.2 The Contract and any modification, amendments or alterations thereto shall be governed, construed and enforced by and under the laws of the State of Ohio. Any legal action arising pursuant to this Contract shall be brought in a court of competent jurisdiction in the State of Ohio.

4.3 If any term or provision of the Contract, or the application thereof to any person or circumstance, is finally determined, to be invalid or unenforceable by a court of competent jurisdiction, the remainder of the Contract or the application of such term or provision to other persons or circumstances, shall not be affected thereby, and each term and provision of the Contract shall be valid and enforced to the fullest extent permitted by law.

4.4 The Contract shall be binding on the Contractor and the Delaware County Board of Commissioners, their successors and assigns, in respect to all covenants and obligations contained in the Bid Documents, but the Contract may not be assigned by the Contractor without the prior written consent of the Delaware County Board of Commissioners.

ARTICLE 5

5.1 It is expressly understood by the Contractor that none of the rights, duties and obligations described in the Bid Documents shall be valid and enforceable unless the Delaware County Board of Commissioners first certifies funds are available.

5.2 The Contract shall become binding and effective upon execution by the Delaware County Board of Commissioners.

ARTICLE 6

6.1 This Contract has been executed in several counterparts, each of which shall constitute a complete original Contract which may be introduced in evidence or used for any other purpose without production of any other counterparts.

Further be it resolved, that the Commissioners approve a Purchase Order Request to Dalmatian in the amount of \$25,000.00.

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

RESOLUTION NO. 04-1442

IN THE MATTER OF APPROVING A CONTRACT WITH KROMER-STATES ROOFING CO. FOR BID PACKAGE EIGHT (ROOFING) FOR THE DELAWARE COUNTY JAIL, DELAWARE, OHIO:

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

**DELAWARE COUNTY BOARD OF COMMISSIONERS
CONTRACT**

This Contract made by and between:

**Kromer-States Roofing Co.
2425 Blacklick Eastern Road
Baltimore, Ohio 43105**

(the "Contractor") and the Delaware County Board of Commissioners (the "Owner").

In consideration of the mutual promises herein contained, the Delaware County Board of Commissioners and the Contractor agree as set forth below:

ARTICLE 1

1.1 The Contractor shall perform the entire work described in the Bid Documents and as necessary to produce the results intended by the Bid Documents, for:

**Bid Package Eight-Roofing
New Dormitory and Jail Renovations for the Delaware County Jail
844 US 42 North
Delaware, Ohio 43015**

ARTICLE 2

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2.1 The Delaware County Board of Commissioners shall pay the Contractor for the performance of this Contract, subject to additions and deletions as provided in the Bid Documents, the amount of One Hundred Fifty-seven Thousand Eight Hundred Dollars (\$157,800.00), based upon the Bid Form, dated August 31, 2004 submitted by the Contractor.

\$157,600 Base Bid
\$ 200 Alternate M1

Total Bid Amount \$157,800

2.2 The Contract Price shall be paid in current funds by the Owner upon payment requests issued by the Contractor and approved by the Delaware County Board of Commissioners as provided in the Bid Documents.

ARTICLE 3

3.1 The Contractor shall diligently prosecute the Work and shall effect Contract Completion on or before

- Commencement of Site Utilities 08/30/2004
- Men’s Rec Yard (Cells) Completion 09/24/2004
- Male Dorm Building Pad Prep Complete 10/13/2004
- Female Dorm Building Pad Prep Complete 10/21/2004
- Intake/Booking Demolition Start 11/17/2004
- Footing Installation Complete Male Dorm 11/22/2004
- Masonry Bearing walls to Roof Bearing – Female Dorm 11/22/2004
- Precast Corridor 47 Deliver/Install 11/23/2004
- Kitchen Renovation Start 11/10/2004
- Roof Top unit delivery – Female Dorm 12/09/2004
- Kitchen Renovation Completion 12/15/2004
- Roofing Complete – Female Dorm 12/16/2004
- Start existing Jail security electronics upgrade 12/31/2004
- Masonry Bearing walls to 2nd Floor Bearing – Male Dorm 01/03/2005
- Female Dormitory Substantial Completion 02/25/2005
- Intake/Booking Substantial Completion 03/15/2005
- Existing Jail Security Electronics Upgrade Substantial Completion 04/01/2005
- Masonry Bearing walls to Roof Bearing – Male Dorm 03/14/2005
- Roof Top Unit Deliver – Male Dorm 04/05/2005
- Medical & Isolation Renovation Start 04/12/2005
- Roofing Complete – Male Dorm 04/25/2005
- Permanent Electric – Male Dorm 05/02/2005
- Male Dorm Under Temporary Temperature Control 05/23/2005
- Medical & Isolation Substantial Completion 08/09/2005
- Substantial Completion for all Bid Packages and Male Dorm 08/12/2005
- Completion of all Associates Prepared Punch List Items 09/08/2005
- Project Turnover, Owner Move-In All Bid Packages 09/29/2005

unless an extension of time is granted by the Delaware County Board of Commissioners in accordance with the Bid Documents.

3.2 It is understood and agreed that all Work to be performed under the Contract shall be completed within the established Contract Completion time and that each applicable portion of the Work shall be completed upon the respective Milestone Completion Dates, unless an extension of time is granted by the Delaware County Board of Commissioners in accordance with the Bid Documents.

3.3 Upon failure to have all Work completed within the specified period of time, or to have the applicable portion of the Work completed upon the date of any Milestone Completion Date set forth in Section 3.1, in addition to other remedies at law and as set forth in the Bid Documents, the Owner shall be entitled to retain or recover from the Contractor, as liquidated damages, the applicable amount as set forth in the following table for each and every calendar day thereafter until Contract Completion, unless an extension of time is granted in accordance with the Bid Documents.

3.4 The amount of Liquidated Damages is agreed upon by and between the Contractor and the Delaware County Board of Commissioners because of the impracticality and extreme difficulty of ascertaining the actual amount of damage the Delaware County Board of Commissioners would sustain.

3.5 LIQUIDATED DAMAGES

<u>Contract Amount</u>	<u>Dollars Per Day</u>
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More than \$150,000 to \$500,000	\$ 500.
More than \$500,000 to \$2,000,000	\$1,000
More than \$2,000,000 to \$5,000,000	\$2,000
More than \$5,000,000 to \$10,000,000	\$2,500
More than \$10,000,000	\$3,000

ARTICLE 4

4.1 The Bid Documents shall embody the entire understanding of the parties and form the basis of the Contract between the Delaware County Board of Commissioners and the Contractor. The Bid Documents shall be considered to be incorporated by reference into this Contract as if fully rewritten herein.

4.2 The Contract and any modification, amendments or alterations thereto shall be governed, construed and enforced by and under the laws of the State of Ohio. Any legal action arising pursuant to this Contract shall be brought in a court of competent jurisdiction in the State of Ohio.

4.3 If any term or provision of the Contract, or the application thereof to any person or circumstance, is finally determined, to be invalid or unenforceable by a court of competent jurisdiction, the remainder of the Contract or the application of such term or provision to other persons or circumstances, shall not be affected thereby, and each term and provision of the Contract shall be valid and enforced to the fullest extent permitted by law.

4.4 The Contract shall be binding on the Contractor and the Delaware County Board of Commissioners, their successors and assigns, in respect to all covenants and obligations contained in the Bid Documents, but the Contract may not be assigned by the Contractor without the prior written consent of the Delaware County Board of Commissioners.

ARTICLE 5

5.1 It is expressly understood by the Contractor that none of the rights, duties and obligations described in the Bid Documents shall be valid and enforceable unless the Delaware County Board of Commissioners first certifies funds are available.

5.2 The Contract shall become binding and effective upon execution by the Delaware County Board of Commissioners.

ARTICLE 6

6.1 This Contract has been executed in several counterparts, each of which shall constitute a complete original Contract which may be introduced in evidence or used for any other purpose without production of any other counterparts.

Further be it resolved, that the Commissioners approve a Purchase Order Request to Kromer-States Roofing Co. in the amount of \$5,000.00.

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

RESOLUTION NO. 04-1443

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR LAND ACQUISITION:

It was moved by Mr. Jordan, seconded by Mr. Ward to adjourn into Executive Session at 9:35AM.

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

RESOLUTION NO. 04-1444

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Jordan, seconded by Mr. Ward to adjourn out of Executive Session at 9:50AM

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

There being no further business the meeting adjourned.

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Kristopher W. Jordan

Deborah B. Martin

James D. Ward

Letha George, Clerk to the Commissioners