

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 12, 2009

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

Present: Todd Hanks, Ken O'Brien, Tommy Thompson

RESOLUTION NO. 09-1415

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 9, 2009:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on November 9, 2009; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

PUBLIC COMMENT

RESOLUTION NO. 09-1416

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1110, MEMO TRANSFERS IN BATCH NUMBERS MTAPR1110 :

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1110, memo transfers in batch numbers MTAPR1110, and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R0907287	A&M Outdoor Concepts	Sunbury ADA Playground Equip	23011703-5365	\$14,321.00	1
	<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>	
PO' Increase					
	Postmaster	Tax Mailing	10011105-5331	\$ 5,000.00	
Voucher					
	Postmaster	Tax Mailing	10011105-5331	\$ 10,500.00	

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1417

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONERS, DANIEL B. BENNINGTON DELAWARE CITY ATTORNEY, REQUESTING ANNEXATION OF 10.777 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. Hanks, seconded by Mr. Thompson to acknowledge that on November 9, 2009, the Clerk to the Board of Commissioners received an annexation petition request to annex 10.777 acres from Liberty Township to the City of Delaware.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1418

IN THE MATTER OF AUTHORIZING THE ACCEPTANCE AND AWARDING OF THE BID AND APPROVING THE CONTRACT SUBMITTED BY A & M OUTDOOR CONCEPTS, INC. FOR ADA ACCESSIBLE PLAYGROUND EQUIPMENT AT JR SMITH PARK IN SUNBURY:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

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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 of \$24,900 has been provided to Delaware County through the Formula 2008 CDBG grant for ADA accessible playground equipment for JR Smith Park in Sunbury, and

WHEREAS, the Village reviewed the bids received, and the bid submitted by A & M Outdoor Concepts, Inc., in the amount of \$14,321.00 has been determined to be the lowest and best bid, and

WHEREAS, the Director of the Economic Development Department recommends approval.

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 A & M Outdoor Concepts, Inc. in the amount of \$14,321.00 for ADA playground equipment to be located at JR Smith Park in Sunbury.

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

CONTRACT

THIS AGREEMENT made this 12th day of November 2009, by and between, A & M Outdoor Concepts, Inc. hereinafter called the "Company" and Delaware County Commissioners, hereinafter called the "Owner".

WITNESSETH, that the Company and the Owner for the considerations stated herein mutually agree as follows:

ARTICLE 1. Statement of Work.

The Company shall furnish 2 Bay Swing Sets, 2 Spring Mounted Seesaws, and 1 double Spring Rider

ARTICLE 2. The Contract Price.

The Owner will pay the Company 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 of up to Fourteen Thousand Three Hundred Twenty-One and 00/100 (Dollars) \$ 14,321.00 subject to additions and deductions as provided in Section 109 hereof.

1. Choose term most applicable: a corporation organized and existing under the laws of the State of Ohio; a partnership consisting of N/A; and individual trading as N/A.

2. Supply principal items of Contract such as electrical, concrete, signs, caution tape and other items needed.

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.

Article 4. Miscellaneous Terms & Conditions

4.1 Company agrees that no agency, employment, joint venture, or partnership has been or will be created between the parties hereto pursuant to the terms and conditions of this Contract. Company also agrees that, as an independent Company, Company assumes all responsibility for any federal, state, municipal, or other tax liabilities alone with workers compensation, unemployment compensation, and

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insurance premiums which may accrue as a result of compensation received for services or deliverables rendered hereunder.

- 4.2 This Contract shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Contract shall be filed in and heard before the courts of Delaware County, Ohio.
- 4.3 No term or provision of this Contract shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.
- 4.4 If any item, condition, portion, or section of this Contract or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Contract and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and to be complied with to the fullest extent permissible under the law.
- 4.5 Company certifies that it has no outstanding findings for recovery pending or issues against it by the State of Ohio.
- 4.6 The Company shall indemnify and hold harmless the county, its agents and employees from any and all losses, claims, damages, lawsuits, costs, judgments, expenses or any other liabilities which they may incur as a result of bodily injury, sickness, disease or death, or injury to or destruction of tangible property including the loss of use resulting therefrom, caused in whole or part by the negligent act or omission of the Company, any subCompany, any person directly or indirectly employed by any of them or any person for whose acts any of them may be liable.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1419

SETTING DATE AND TIME FOR PUBLIC HEARING #2 TO CONSIDER USING DELAWARE COUNTY REVOLVING LOAN FUNDS (RLF) TO ASSIST THE CITY OF POWELL WITH ADA RENOVATIONS:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas, the Economic Development Director recommends the following date and time for the Commissioners to consider using Delaware Revolving Loan Funds (RLF) to assist Powell in bring one of their buildings up to ADA compliance.

Notice
Delaware County
Notice of Public Hearing#2

The Delaware County Board of Commissioners anticipates requesting the approval from the Ohio Department of Development to utilize Delaware County Revolving Loan Funds to assist in funding projects. The Delaware County Revolving Loan Fund (RLF) purpose is to encourage the expansion and stability of the economic base of, and encourage increased employment opportunities, particularly for low and moderate (LMI) income persons within Delaware County.

On January 5, 2009, the County conducted its first public hearing to inform citizens about the Revolving Loan Program. Based on both citizen input and local officials' assessment of County's needs, the County is considering undertaking the following RLF Project.

To assist Powell in bring a municipally owned building up to ADA compliance. This building will be used to house a business incubator that promote and locates start-up businesses (non-retail) within downtown Powell.

Citizens are encouraged to attend this meeting on November 30, 2009, to provide their input on the RLF Project.

Now Therefore Be It Resolved, that the Delaware County Commissioners approve the date and time of **9:30 AM on Monday, November 30, 2009**, at 101 North Sandusky Street Delaware, Ohio 43015, for public hearing #2 to consider using Delaware County Revolving Loan Funds (RLF) to assist the City of Powell with ADA renovations:

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

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RESOLUTION NO. 09-1420

IN THE MATTER OF APPROVING TRANSFER OF FUNDS; SUPPLEMENTAL APPROPRIATIONS AND PURCHASE ORDER AND VOUCHER TO GEORGE PARKER:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the following:

Supplemental Appropriations

1001102-5801	Comm General/Transfers	\$34,593.93
43111424-5410	CFOA/Construction	\$34,455.54
43111424-4601	CFOA/Interfund Revenue	\$34,593.93

Transfer of Funds

From	To	
1001102-5801	43111424-4601	
Comm General/Transfers	CFOA/Interfund Revenue	\$34,593.93

Further Be It Resolved, that the Commissioners approve a Purchase Order and Voucher to George Parker in the amount of \$36,875.00 (43111424).

Vote on Motion Mr. Thompson Aye Mr. O'Brien Nay Mr. Hanks Aye

**COMMISSIONERS' COMMITTEES REPORTS
 (Refer To Cd Minutes For Entire Record)**

Commissioner Hanks

- Meeting with Zoo Officials about Hotel
- Meeting With Sarcom

Commissioner O'Brien

- Also Participated in Sarcom Expansion Meeting
- Meeting with Let Us Work Autism Group
- Reviewed Minuets of CIC; Meeting Later Today
- Participated in RPC Meeting
- Leadership Delaware Is Later Today

Commissioner Thompson

- Attended Fair Board Meeting; Swearing In Ceremony New Board Position
- Presented Veterans Proclamation at Ceremony On Wednesday

Commissioner O'Brien Mentioned COYC Bond Options Should Be Discussed Soon

RESOLUTION NO. 09-1421

IN THE MATTER OF ADJOURNING THE MEETING:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to adjourn the meeting.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

 Todd Hanks

 Ken O'Brien

 Tommy Thompson

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Letha George, Clerk to the Commissioners