

**COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 24, 2011**

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

Present:
Dennis Stapleton, President
Ken O'Brien, Vice President
Tommy Thompson, Commissioner

RESOLUTION NO. 11-187

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 22, 2011:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on February 22, 2011; 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. Stapleton Aye Mr. O'Brien Aye

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 11-188

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0223, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0223 AND PROCUREMENT CARD PAYMENTS IN BATCH NUMBER PCAPR0223:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0223, memo transfers in batch numbers MTAPR0223, Procurement Card Payments in batch number PCAPR0223 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Amount	Line Number
R1102838	WINDSTREAM CORP	CONTRACT FOR WORK ON 9-1-1 BACK UP CENTER	21411306 - 5410	\$117,173.00	0001
R1102974	SAFY INC	RESIDENTIAL TREATMENT	22511607 - 5342	\$25,000.00	0001
R1103017	STANLEY CONVERGENT SECURITY SOLUTIONS INC	INFORMER DATA UPGRADE JAIL	41411434 - 5450	\$5,990.00	0001
R1103018	STANLEY CONVERGENT SECURITY SOLUTIONS INC	COMMANDER UPGRADES JAIL	41411434 - 5450	\$24,853.00	0001
R1103019	JOHN DEERE CO	MOWER DECK SNOW BLOWER	40111402 - 5450	\$23,600.00	0001
R1103056	UNITED STATES DEPARTMENT OF TREASURY	MEDICARE FEDERAL INCOME TAX	60111901-5370	\$28,000.00	0001

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

RESOLUTION NO. 11-189

IN THE MATTER OF AUTHORIZING THE ACCEPTANCE AND AWARDED OF THE BID AND APPROVING THE CONTRACT SUBMITTED BY 2K GENERAL CONSTRUCTION TO ASSIST MCNAMARA PARK, HILMAR PARK, FREEMAN PARK, AND CENTER GREEN PARK WITH ADA COMPLIANCE:

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

WHEREAS, the Delaware County Commissioners approved on Resolution No. 10-1035 dated October 4, 2010 to use Revolving Loan Funds (RLF) to assist McNamara, Hilmar, Freeman, and Center Green Parks with ADA Compliance; and

WHEREAS, the project was bid out and bids were received January 28, 2011; and

WHEREAS, Genoa Township has reviewed the bids received, and the bid submitted by 2K General Construction., in the amount of \$108,676.000 has been determined to be the lowest and best bid, and.

WHEREAS, the Director of the Economic Development Department recommends approval of the following:

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 award the bid to 2K General Construction, in the amount of \$108,676.00 for ADA Compliance to McNamara, Hilmar, Freeman, and Center Green Parks

.

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

CONTRACT

THIS AGREEMENT made this 24th day of February, 2011, by and between 2K General Construction hereinafter called the "Contractor" and the Delaware County Commissioners, hereinafter called the "Owner".

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

Genoa Township Parks ADA Compliance Project will consist of ADA compliance to the four area parks (Center Green Park, Freeman Park, Hilmar Park, and McNamara Park).

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 Genoa Township Parks ADA Compliance Project..

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

The proposed work Center Green Park-rubberized playground surface, Freeman Park – ADA parking and accessible picnic table, Hilmar Park –ADA Fishing Pier and ADA parking, and McNamara Park- ADA parking and crosswalks.

ARTICLE 2. The Contract Price.

The Owner will pay the Contractor for the total quantities of work performed at the prices stipulated in the Bid for the respective items of work completed for the sum of up to One Hundred Eight Thousand Six Hundred Seventy-Six and 00/100 (Dollars) \$108,676.00 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 ADA signs, ADA curb ramps, asphalt pavement, paver bricks, warning mats, pressure treated boards, concrete, white traffic paint, handicap picnic table, ADA child and adult swing, and TerraSoft poured in place playground surfacing.

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

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- 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 Contractor 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. Contractor also agrees that, as an independent contractor, Contractor assumes all responsibility for any federal, state, municipal, or other tax liabilities alone with workers compensation, unemployment compensation, and 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 waived 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 circumstances 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 law.
- 4.5 Contractor certifies that it has no outstanding findings for recovery pending or issues against it by the state of Ohio.
- 4.6 The Contractor 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 of omission of the contractor, any subcontractor, 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. O'Brien Aye Mr. Thompson Aye Mr. Stapleton Aye

RESOLUTION NO. 11-190

**IN THE MATTER OF ORGANIZING AND APPOINTING REPRESENTATIVES FOR THE VARIOUS
DELAWARE COUNTY TAX INCENTIVE REVIEW COUNCILS FOR 2011:**

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

WHEREAS, the Board of County Commissioners, Delaware County, is responsible to make appointments to various boards, councils, and committees; and

WHEREAS, the Commissioners are to appoint individuals to the various Tax Incentive Review Councils (TIRCs) for an unspecified term. and

WHEREAS, the Board of County Commissioners, Delaware County, sincerely appreciate the public service of the Shawn Stevens, Chase Bank; Frank Reinhard, Delaware County Bank & Trust; Sean Currie, Citi; and Lewis Blackford, Retired School Superintendent, and

WHEREAS, the Delaware City Council appointed on their Resolution 11-04 dated February 14, 2011, the City of

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Delaware Tax Incentive Review Council.

NOW THEREFORE BE IT RESOLVED by the Delaware County Commissioners, State of Ohio, to appoint the following to the various TIRCs:

Delaware County / City of Delaware Enterprise Zone TIRC:

- ? George Kaitsa – TIRC Chairman
- ? Mayor Milner, City of Delaware
- ? Tom Homan, City of Delaware
- ? Dean Stelzer, Finance Director, City of Delaware or Designee
- ? Chris Blue, Delaware City School District
- ? Chris Bell, Delaware Area Career Center
- ? Rebecca Jenkins, Olentangy Local School District
- ? Carl E. Johnson, PPG Industries (County designee)
- ? Frank Reinhard, Delaware County Bank (County designee)
- ? Tim Hansley, Delaware County Administrator, or Designee (County designee)
- ? Dan Bennington, City Attorney, City of Delaware

Delaware County / Orange Township Enterprise Zone, Community Reinvestment Area and Tax Increment Financing TIRC:

- ? George Kaitsa – TIRC Chairman
- ? Sean Currie, Citi (County designee)
- ? Frank Reinhard, Delaware County Bank & Trust (County designee)
- ? Shawn Stevens - Chase (County designee)
- ? Chris Bell, Delaware Area Career Center
- ? Rebecca Jenkins, Olentangy Local School District
- ? Gail Messmer, Orange Township Representative
- ? Robert Quigley, Orange Township Representative

Delaware County / Berlin Township Enterprise Zone & Community Reinvestment Area TIRC:

- ? George Kaitsa – TIRC Chairman
- ? Lewis Blackford –Retired (County designee)
- ? Frank Reinhard, Delaware County Bank & Trust (County designee)
- ? Shawn Stevens - Chase (County designee)
- ? Mike Dickey, Berlin Township Representative
- ? Phil Panzarella, Berlin Township Representative
- ? Rebecca Jenkins, Olentangy Local School District
- ? Chris Bell, Delaware Area Career Center

Delaware County / Village of Sunbury Enterprise Zone, Community Reinvestment Area and Tax Increment Financing TIRC:

- ? George Kaitsa – TIRC Chairman
- ? Sean Currie, Citi (County designee)
- ? Frank Reinhard, Delaware County Bank & Trust (County designee)
- ? Shawn Stevens - Chase (County designee)
- ? Village Representative or Designee
- ? Village Representative or Designee
- ? Steven Mazzi, Superintendent Big Walnut Local School District
- ? Chris Bell, Delaware Area Career Center

Delaware County / Village of Ashley Community Reinvestment Area TIRC:

- ? George Kaitsa – TIRC Chairman
- ? Sean Currie, Citi (County designee)
- ? Frank Reinhard, Delaware County Bank & Trust (County designee)
- ? Shawn Stevens - Chase (County designee)
- ? Jim Nelson, Village Council, Village of Ashley or Designee
- ? Cheryl Friend, Village Council, Village of Ashley or Designee
- ? Chris Bell, Delaware Area Career Center
- ? James Grube, Superintendent Buckeye Valley Local School District

Delaware County/Liberty Township Enterprise Zone & Community Reinvestment Area TIRC:

- ? George Kaitsa – TIRC Chairman

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- ? Lewis Blackford –Retired (County designee)
- ? Frank Reinhard, Delaware County Bank & Trust (County designee)
- ? Shawn Stevens - Chase (County designee)
- ? Chris Bell, Delaware Area Career Center
- ? Rebecca Jenkins, Olentangy Local School District
- ? Robert Mann, Liberty Township Representative
- ? Dave Anderson, Liberty Township Representative

Delaware County/ Berlin-Liberty Township Community Reinvestment Area TIRC:

- ? George Kaitsa – TIRC Chairman
- ? Lewis Blackford –Retired (County designee)
- ? Frank Reinhard, Delaware County Bank & Trust (County designee)
- ? Shawn Stevens - Chase (County designee)
- ? Chris Bell, Delaware Area Career Center
- ? Rebecca Jenkins, Olentangy Local School District
- ? Robert Mann, Liberty Township Representative
- ? Dave Anderson, Liberty Township Representative
- ? Phil Panzarella, Berlin Township Representative
- ? Mike Dickey, Berlin Township Representative

Delaware County/Village of Shawnee Hills Tax Increment Financing TIRC:

- ? George Kaitsa – TIRC Chairman
- ? Lewis Blackford –Retired (County designee)
- ? Frank Reinhard, Delaware County Bank & Trust (County designee)
- ? Shawn Stevens - Chase (County designee)
- ? Chris Bell, Delaware Area Career Center
- ? Superintendent or Designee, Dublin School District
- ? Pat Monahan, Village Representative or Designee
- ? Yvonne Cippinger, Village Representative or Designee

Vote On Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Stapleton Aye

PRESENTATION

STEPHEN HEDGE, EXECUTIVE DIRECTOR

DELAWARE/MORROW MENTAL HEALTH RECOVERY SERVICES BOARD

STRATEGIC PLAN UPDATE

COMMISSIONERS' COMMITTEES REPORTS

Commissioner O'Brien

-No Reports Today

Commissioner Thompson

-Reporting On Joint County DKMM; Issues On Recycling Bids And Extra Containers; Upcoming Evaluation Of New Director

-Grant Request Reviews

Commissioner Stapleton

-Attending An Event At Willow Brook To Participate On A Discussion Panel On Campaign Finance

-There Is A Regional Meeting In Bucyrus On Friday

RESOLUTION NO. 11-191

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; FOR PENDING OR IMMINENT LITIGATION AND TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES :

It was moved by Mr. O'Brien, seconded by Mr. Thompson to adjourn into Executive Session at 11:13AM.

Vote On Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Stapleton Aye

RESOLUTION NO. 11-192

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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It was moved by Mr. O'Brien, seconded by Mr. Thompson to adjourn out of Executive Session at 11:57AM.

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

There being no further business, the meeting adjourned.

Ken O'Brien

Dennis Stapleton

Tommy Thompson

Jennifer Walraven, Clerk to the Commissioners