



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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**TOM GROSSMANN
SHANNON JONES
DAVID G. YOUNG**

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Regular Session – May 26, 2020

The Board met in regular session pursuant to adjournment of the May 20, 2020 meeting.

David G. Young – present

Shannon Jones – present

Tom Grossmann – present

Laura Lander, Deputy Clerk – present

Minutes of the May 12, 2020 and May 19, 2020 meetings were read and approved.

- 20-0716 A resolution was adopted to designate Family and Medical Leave of Absence to Michelle Tegtmeier, within the Building and Zoning Department. Vote: Unanimous
- 20-0717 A resolution was adopted to approve end of 365-day probationary period and approve a pay increase for Sophia Abrams within the Warren County Department of Emergency Services. Vote: Unanimous
- 20-0718 A resolution was adopted to approve end of 365-day probationary period and approve a pay increase for Lance Czinege within the Warren County Department of Emergency Services. Vote: Unanimous
- 20-0719 A resolution was adopted to approve end of 365-day probationary period and approve a pay increase for Jennifer Key within the Warren County Department of Emergency Services. Vote: Unanimous
- 20-0720 A resolution was adopted to approve end of 365-day probationary period and approve a pay increase for Brittany Carvalho within the Warren County Department of Emergency Services. Vote: Unanimous
- 20-0721 A resolution was adopted to cancel regularly scheduled Commissioners' meeting of Thursday May 28, 2020. Vote: Unanimous

- 20-0722 A resolution was adopted to approve Notice of Intent to Award Bid to Building Creafits, Inc. for the Lower Little Miami WWTP Improvements Project. Vote: Unanimous
- 20-0723 A resolution was adopted to approve and authorize County Administrator to sign addendum to memorandum of agreement for deposit of County funds for period ending August 22, 2021 with LCNB National Bank. Vote: Unanimous
- 20-0724 A resolution was adopted to approve emergency purchase of CPR Spur II bag reservoir and bacterial mask filters in response to the Covid-19 Pandemic on behalf of Warren County Emergency Services. Vote: Unanimous
- 20-0725 A resolution was adopted to approve agreement and addendum with NECCO, Inc. as a child placement and related service provider for the Warren County Board of County Commissioners on behalf of Warren County Children Services. Vote: Unanimous
- 20-0726 A resolution was adopted to approve agreement and addendum with Nu Beginnings as a child placement and related service provider for the Warren County Board of County Commissioners on behalf of Warren County Children Services. Vote: Unanimous
- 20-0727 A resolution was adopted to approve agreement and addendum with Maryhaven, Inc. as a child placement and related service provider for the Warren County Board of County Commissioners on behalf of Warren County Children Services. Vote: Unanimous
- 20-0728 A resolution was adopted to set public hearing for the rezoning application of Creek Song LLC to rezone 70.39 acres from Rural Residence "R1" to Planned Unit Development "PUD" and administrative hearing to consider the PUD Preliminary Site Plan (Stage 2) application for Creek Song LLC in Turtlecreek Township. Vote: Unanimous
- 20-0729 A resolution was adopted to approve letter agreement with nCourt LLC on behalf of the Clerk of Courts for processing credit card payment transactions in the Warren County Court of Common Pleas and authorize the County Administrator to sign documents relative thereto. Vote: Unanimous
- 20-0730 A resolution was adopted to approve OhioMeansJobs/Butler-Clermont-Warren extension of memorandum of understanding and authorize County Administrator to sign documents relative thereto. Vote: Unanimous
- 20-0731 A resolution was adopted to approve and authorize the County Administrator to enter into a Youth Worksite Agreement on behalf of OhioMeansJobs Warren County. Vote: Unanimous

- 20-0732 A resolution was adopted to approve and authorize County Administrator to enter into Lease Amendment No. 1 with Inmet Associates relative to the lease of property located at 773-775 Reading Road, Mason, Ohio on behalf of the Warren County Clerk of Courts. Vote: Unanimous
- 20-0733 A resolution was adopted to authorize publication of Notice to Public to Construct in a Floodplain relative to the Fiscal Year 2020 Morrow-Phegley Park Community Development Block Grant Project. Vote: Unanimous
- 20-0734 A resolution was adopted to authorize the filing of applications with the Ohio Department of Transportation for FY2021 Ohio Transit Partnership Program. These grants may include the Ohio Elderly and Disabled Transit Fare Assistance Program and the Urban Transit Program. Vote: Unanimous
- 20-0735 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 20-0736 A resolution was adopted to enter into street and appurtenances (including sidewalks) security agreement with Erbeck Development Company, Ltd, for installation of certain improvements in Kensington, Phase 2, Block "C" situated in Deerfield Township. Vote: Unanimous
- 20-0737 A resolution was adopted to enter into a subdivision public improvement performance and maintenance security agreement with Erbeck Development Company, Ltd, for installation of certain improvements in Kensington, Phase 2, Block "C" situated in Deerfield Township. Vote: Unanimous
- 20-0738 A resolution was adopted to approve bond release for Towne Development Group, Ltd for completion of improvements in Beacon Hill South situated in Deerfield Township. Vote: Unanimous
- 20-0739 A resolution was adopted to approve a street and appurtenances (including sidewalks) bond release for M/I Homes of Cincinnati, LLC, for completion of improvements in Rivercrest Section Two situated in Hamilton Township. Vote: Unanimous
- 20-0740 A resolution was adopted to approve Stillwater Drive in Rivercrest, Section Two for public maintenance by Hamilton Township. Vote: Unanimous
- 20-0741 A resolution was adopted to approve bond release for Windfield Estates, LLC for completion of improvements in Windfield Estates, Section 3 situated in Wayne Township. Vote: Unanimous
- 20-0742 A resolution was adopted to approve various record plats. Vote: Unanimous
- 20-0743 A resolution was adopted to accept amended certificate, and approve a supplemental appropriation for the Board of Elections Cyber Security fund 2209. Vote: Unanimous

- 20-0744 A resolution was adopted to approve supplemental appropriation into Board of Elections Tech fund #2217. Vote: Unanimous
- 20-0745 A resolution was adopted to approve appropriation adjustment within Common Pleas Court General fund 11011220. Vote: Unanimous
- 20-0746 A resolution was adopted to approve appropriation adjustments within Workforce Investment Board fund #2238. Vote: Unanimous
- 20-0747 A resolution was adopted to approve appropriation adjustment within Children Services fund #2273. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board accepted and approved the consent agenda.

Tiffany Zindel, County Administrator, was present along with Jason Woehrle, Granger Construction, and Adam Nice, Warren County Assistant Prosecutor, for a work session to discuss the New Warren County Jail and Sheriff's Office Administration Project.

Mrs. Zindel stated that the Board is in receipt a request from Granger Construction (attached) to utilize the project contingencies due to the economic impact that the COVID -19 Pandemic has had on the Project.

Mr. Woehrle explained that prior to COVID-19 pandemic the project was two weeks ahead of schedule and on budget. The pandemic is an unprecedented event and has caused expenses that could not have been foreseen. He stated that additional safety measures and sanitation processes, such as personal protective equipment (PPE) and hand washing and sanitization stations, have had to be put into place to comply with CDC and OSHA recommendations. He stated that labor costs have increased due to the masonry crews being short staffed because masons work in close proximity to each other and are not able to maintain recommended social distancing. He stated that some of the masons, concerned for their health or the health of family members should they contract the virus, chose not to work, creating a staffing shortage. He then stated that the staffing shortage will require an extra two months to complete the work.

There was discussion relative to the masonry staffing and safety protocols.

Mr. Nice stated that in reviewing the contract, he believes that the money requested from the owner's contingency for additional PPE and safety measures falls under the "unknown events" category and would be a fair request under the contract. He further stated that the reason for the funds requested from the construction manager's contingency is not clearly outlined in the contract and if the Board wished to consider this request, it would require an amendment to the contract.

Commissioner Young stated his understanding of the delay and is not interested in paying liquidated damages. He further explained that the contingencies are "wobble room" in the budget and stated his desire to be fair to the contractor but also does not want the county to pay more than necessary for the project.

Mr. Woehrle stated that the amount requested is an estimated amount for two months of additional time to complete the project. He would like to come back at a later date with actual costs as opposed to estimates.

Upon further discussion, the Board stated their agreement to the request with Mr. Woehrle returning at a future meeting with exact figures for consideration.

Tiffany Zindel, County Administrator, updated the Board on the auto sales estimate for March relative to sales tax collections. She stated that sales showed roughly a 14% decrease from last year and stated that April's numbers will give a more accurate picture but those figures won't be available until June. She further expressed her concern relative to the loss of revenue to the county if Kings Island and other attractions are not able to open soon.

Mrs. Zindel then stated that the County is in receipt of a letter from the Deerfield Township Trustees requesting the Board take legal action against the State of Ohio regarding the delay in opening Kings Island and other tourist attractions.


Commissioner Grossmann expressed his concerns relative to the loss revenue due to the state not opening tourist attractions and sporting venues. He stated that Warren County has already lost two tournaments that were slated to play at the Warren County Sports Complex to other states, resulting in an estimated economic impact loss of \$24 million and stated the need to communicate with the Governor as to what needs to be done to get things moving forward.

Commissioner Young stated that while he believes the Governor is doing a good job, he thinks that the Board needs to convey their deep concern about the continuing closure of tourist attractions and the impact that has on the economy of countless businesses within the county. He further stated his plan to speak with the Governor about those concerns this afternoon and that the Board should draft a strong letter to the Governor expressing the need to move forward as soon as possible.

Sheriff Sims joined the meeting via conference call and told the Board that he appreciates the discussion to take some sort of action to get things moving again in the County.

Lelle Hedding, Deerfield Township Trustee, joined in via conference call and thanked the Board for addressing the issue. She stated that the letter from the trustees stems from seeing the struggles that local businesses are enduring.

Upon motion the meeting was adjourned.



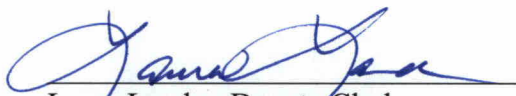
David G. Young, President



Tom Grossmann

Shannon Jones

I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on May 26, 2020, in compliance with Section 121.22 O.R.C.



Laura Lander, Deputy Clerk
Board of County Commissioners
Warren County, Ohio

5/20/2020

Board of County Commissioners
Warren County, OH

New Jail and Sheriff's Administration Office Project
Job #: 1822-00
Regarding: Ohio - State of Emergency / COVID-19 Notice of Claim

Dear Commissioners,

This Notice of Claim serves to summarize the impact to date of the COVID-19 virus and subsequent State of Emergency issued by Governor DeWine dated March 9, 2020. In the days and weeks following this order, the construction industry was faced with uncertainty and no recent precedents to follow regarding keeping jobsites safe, staffed, and productive. The Granger/Megen team took immediate action as required by Article 10.4 of the contract to increase the number of hand washing stations, increased the frequency of servicing the sanitation devices, posted signs regarding best practices to reduce transmission of the virus, and required subcontractors to screen their workers prior to start of each work day with a questionnaire and fever check.

Industry organizations such as Association of General Contractors (AGC) and Occupational Safety and Health Association (OSHA) we actively involved with the Centers for Disease Control (CDC) to better understand the virus and best practices for reducing transmission. Weeks later, new safety protocols emerged from these organizations. Grange/Megen again took quick action to promote physical distancing, procure masks, face shields, and additional hand sanitizer. Granger also developed a web-based application for subcontractors to log their daily temperature and questionnaire answers to improve data collection and expedite start-up efforts each day on the jobsite.

In the weeks between the State of Emergency Order and the construction industry's response, workers were faced with fear and uncertainty. Some were caring for elderly loved ones at home and others were simply afraid that being in close quarters to so many people presented a danger to their well-being. By the time new protocols were in place, as many as 20 masons had already made the personal decision to remain home and self-quarantine. Productivity slowed to a halt in one of the three housing units of the jail project. The masonry contractor, Combs and Weisbrod, worked the active masons overtime to minimize the impact to the schedule in the other 2 housing areas. Granger/Megen was not billed for this overtime.



HEADQUARTERS
6267 Aurelius Rd
Lansing, MI 48911

517.393.1670 P
517.393.1382 F

WEST MICHIGAN
940 Monroe Ave NW, Ste 142
Grand Rapids, MI 49503

616.454.2900 P
616.454.9700 F

SOUTHEAST MICHIGAN
39475 13 Mile Rd, Ste 100
Novi, MI 48377

248.724.2950 P
248.489.5753 F

OHIO
400 Lazelle Rd, Ste 18A
Columbus, OH 43240

614.705.2280 P

The project schedule was negatively impacted by 36 days. The Granger/Megen team evaluated the costs to extend (option A) or recover/accelerate (option B) the project schedule. Option A was the less expensive option and is therefore our recommended course of action. The cost to extend the schedule with a revised Substantial Completion Date of 10/25/21 is \$258,578 and is broken down as follows:

\$155,292	Extended General Conditions, 2 months @ \$77,646/mo
\$ 18,050	Additional sanitation costs due to COVID-19 new regulations
\$ 74,225	Trade contractor COVID impacts
<u>\$ 11,011</u>	<u>Allowable change order mark-ups</u>
\$258,578	Total COVID-19 Impact

These incurred costs were caused by neither the Owner's nor the Construction Manager's negligence or breach. As such, Granger/Megen proposes an equitable sharing of the costs from project contingencies. For additional sanitation costs due to new COVID regulation, we propose funding **\$18,050** from the Owner's contingency. For extended General Conditions and trade contractor impacts, we propose funding **\$240,528** from the Construction Manager's Contingency. Funding extended General Conditions from the Contingency requires a waiver of contract article 5.2.1.1.d and written request for approval. We request this waiver due to the extenuating circumstances and indirect losses to productivity caused by the COVID-19 virus. Lastly, we request that Warren County agrees to forego Liquidated Damages on the original Substantial Completion Date and all interim milestones leading up to the Substantial Completion Date. The new Substantial Completion Date shall be 10/25/21.

We appreciate the opportunity to discuss this sensitive matter. Our project team of County Administrators, Facility Personnel, Sheriff and Jail Staff, Architect, and subcontractor team has worked hard for nearly 2 years to deliver this exceptional facility. We look forward to the day we can celebrate its completion and operation.

Thank you.



Jason Kaminski
 Sr. Project Manager

CC: Jason Woehrle



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Budget/Estimate of COVID-19 issues

Granger Staff	Duration		Option A - Time Extension
Staffing (Per 8/18/19 Staff & GC Matrix)	9/1/2021	10/31/2021	\$90,078
Other			
Other			
Staff Subtotal			\$90,078
CM General Conditions	Duration		
GC's (Per 8/18/19 Staff & GC Matrix)	9/1/2021	10/31/2021	\$65,214
Other GC Item			
Other GC Item			
CM GC Subtotal			\$65,214
COVID-19 Safety Measures	Duration		
Added temp toilets/cleaning	3/14/2020	10/31/2021	\$17,100
Supplies & PPE	3/14/2020	10/31/2021	\$950
Other			
Other			
COVID-19 SAFETY Subtotal			\$18,050
Potential Cost Risks			
Subcontractor / Sub Sub Risk Matrix	Extended GC	Extended Rentals	
Trade Subcontractors			
Lake Erie Electric			\$14,560
Graybach			\$7,465
Queen City Mechanical			\$0
Kelly Brothers Roofing			\$0
PCI			\$33,521
Combs & Weisbrod			\$18,678
Mound Technologies			\$0
Subcontractor Risk Total			\$74,225
SUBTOTAL			\$247,567
Bonds (0.6%)			\$1,485
Insurances (0.3%)			\$743
Sub Bond Risk Contingency (1%)			\$2,476
CM Fee (2.5%)			\$6,307
TOTAL			\$258,578

CLARIFICATIONS:

1. Assumes full work force onsite by May 4, 2020 to begin work in 3 areas at a time per original schedule.
2. Assumes acceleration to complete all area dry in by December 1, 2020 for all areas as roofing requires 35 degrees and above temperatures to be installed.
3. Assumes maximum of 6 temp toilets and 1 handwashing station onsite for additional cleaning.
4. Trade subcontractor costs to be allowance with verification thru receipts and time and material tickets.