

**COMMISSIONERS JOURNAL NO. 74 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JANUARY 28, 2021**

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

**Present:**  
**Barb Lewis, Vice President**  
**Jeff Benton, Commissioner**

**Absent:**  
**Gary Merrell, President**

**1**  
**RESOLUTION NO. 21-60**

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 25, 2021:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on January 25, 2021; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.12 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. Merrell              Absent   Mrs. Lewis              Aye              Mr. Benton              Aye

**2**  
**RESOLUTION NO. 21-61**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0127 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0127:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0127, memo transfers in batch numbers MTAPR0127 and Purchase Orders as listed below:

<b>PR Number</b>	<b>Vendor Name</b>	<b>Line Description</b>	<b>Line Account</b>	<b>Amount</b>
R2100836	ANDERSON REPORTING SERVICES INC	PD TRANSCRIPT SERVICES	10011202 - 5301	\$10,000.00
R2101752	PETERSON CONSTRUCTION CO	ALUM CREEK PROCESS IMPROVEMENTS UPGRADE PROJECT	66611900 - 5410	\$16,213.00
R2101798	HAZEN AND SAWYER PC		66611900 - 5410	\$46,500.00
R2101799	TIGER LEE'S MARTIAL ARTS, LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101815	MOBILE HEALTH RESOURCES	EMS SURVEYS 08 01 21-07 31 2022	10011303 - 5301	\$12,690.00
R2101860	ALPHA GROUP OF DELAWARE INC	JANITORIAL SERVICES	10011105 - 5325	\$24,700.00
R2101894	STRYKER SALES CORP	EMS POWERLOAD SYSTEMS STRETCHERS STRAPS	41711436 - 5450	\$116,646.80
R2101896	740 GROUP	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101897	BELLA NAILS & SPA SALON LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101898	BLUE FITNESS INC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101899	BUNS RESTAURANT	SMALL BUSINESS PROTECTION PROGRAM	10011102 - 5601	\$15,000.00

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		GRANT		
R2101900	GESSNER,CASSIDY S	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101901	CLUB PILATES POLARIS LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101902	COMFORT DENTAL DELAWARE	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.000
R2101903	DELAWARE DENTAL GROUP	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101904	DUBLIN DIAGNOSTIC IMAGING LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101905	ESSENCE BODY WORK LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101906	FIREHOUSE TAVERN LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101907	FRESH START LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101908	VASU COMMUNICATIONS INC	5 PORTABLE RADIOS	10011303 - 5260	\$13,442.00
R2101909	GEOAMPS LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101910	KCBBHB HOLDINGS LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101911	HAMMER & NAILS GROOMING	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101912	HOT TROPIX DESIGN	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101913	INDUSTRIAL WELDING & ENGINEERING CO	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101914	INFINITY DANCE AND WELLNESS LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101915	J AND R LEWIS CENTER CHILDCARE LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101916	JK COMMUNICATIONS LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101917	LEI ASIAN BISTRO INC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101918	MJ SANCUS INC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101919	WILLIAMS,MYIA	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101920	NAR DINER LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101921	OHIO PREMIER DERMATOLOGY LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101922	CENTRAL OHIO MOBILE VETERINARY	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101923	ORBIT SYSTEMS INC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101924	RATLIFF,PATRICK A	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101925	PEACHTREE STREET LLC	SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - 5601	\$15,000.00
R2101926	PENN STRIKES LLC	SMALL BUSINESS	10011102 - 5601	\$15,000.00

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R2101927	COPPERS PUB LLC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101928	PM FRANKLIN ENTERPRISES LLC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101929	POLARIS BARRE LLC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101930	POWER FUEL NUTRITION	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101931	R2 JOINT VENTURE CORP	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101932	RAUSCH FOODS LLC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101933	FOUR FAT BS LLC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101934	ROWAMPS LLC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101935	DAVERN HOLDINGS LLC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101936	MASA RESTAURANT GROUP LLC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101937	SOLOMON OIL COMPANY	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101938	BUCKEYE SSC SANCUS LLC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101939	GESSNER, TANNER J	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101940	BARE BOWL LTD, THE	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101941	THE BOUNCE CLUB LLC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101942	S2M2 LLC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101943	THE GREATER GOUDA LLC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101944	WONDER WITHIN LLC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101945	WINE DINE & PAINT WITH NAT	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101946	YE TABLE INC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
R2101947	J D WEAVER LLC	PROTECTION PROGRAM GRANT SMALL BUSINESS	10011102 - 5601	\$15,000.00		
Vote on Motion	Mrs. Lewis	Aye	Mr. Merrell	Absent	Mr. Benton	Aye

**3****RESOLUTION NO. 21-62****IN THE MATTER OF ACCEPTING THE TREASURER'S REPORT FOR THE MONTH OF  
DECEMBER 2020:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to accept the Treasurer's Report for the month of December 2020.

(Copy available for review at the Commissioners' Office until no longer of administrative value.)



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**THE DEPARTMENT OF EMERGENCY SERVICES, AND NEW CINGULAR WIRELESS PCS, LLC:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

WHEREAS, the Director of Emergency Communications recommends approval of the following Second Amendment to the Tower Site License Agreement between the Delaware County Board of Commissioners, the Department of Emergency Services, and New Cingular Wireless PCS, LLC;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the following Second Amendment to the Tower Site License Agreement between the Delaware County Board of Commissioners, the Department of Emergency Services, and New Cingular Wireless PCS, LLC:

Market: ROWP  
Cell Site Number: OHL03226  
Cell Site Name: DT Sunbury  
Fixed Asset Number: 10049539

**SECOND AMENDMENT TO TOWER SITE LICENSE AGREEMENT**

THIS Second AMENDMENT TO TOWER SITE LICENSE AGREEMENT dated as of the latter of the signature dates below, is by and between Delaware County Board of Commissioners, acting by and through the Department of Emergency Services, having a mailing address of 10 Court Street, Delaware, OH 43015 ("Licensor") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 1025 Lenox Park Blvd NE, 3rd Floor, Atlanta, GA 30319 ("Licensee").

WHEREAS, Licensor and Licensee, or their respective predecessors-in-interest, entered into a Tower Site License Agreement dated July 6, 2006, and First Amendment to Tower Site License Agreement dated April 28, 2008 (collectively, the "Agreement") whereby Licensor leased to Licensee certain Premises, therein described, that are a portion of the Property located at 238 West Granville Street, Sunbury, OH 43074; and

WHEREAS, Licensor and Licensee desire, in their mutual interest, wish to amend the Agreement as set forth below.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Licensor and Licensee agree as follows:

1. **New Premises Area.** Licensor agrees to increase the size of the Premises leased to Licensee to accommodate Licensee's needs. Upon the execution of this Amendment, Licensor leases to Licensee the additional premises described on attached Exhibit 1-A ("New Premises Area"). Licensor's execution of this Amendment will signify Licensor's approval of Exhibit 1-A. The Premises under the Agreement prior to this Amendment in addition to the New Premises Area under this Amendment shall be the Premises under the Agreement.
2. **Generator.** Licensee shall have the right to install, repair, maintain, modify, replace, remove, utilize and operate (including but not limited to operate as may be required by applicable law) equipment within the New Premises Area, including without limitation a concrete pad and generator thereon, including back-up power supply. Licensee shall have the right to access the New Premises Area, and any provisions in the Agreement governing access shall apply to such access. The generator shall remain the property of Licensee, and Licensee shall have the right to remove or modify it at any time.
3. **Rent.** Commencing immediately upon execution of this Second Amendment by the Licensor and the Licensee ("Increase Commencement Date"), Rent shall be increased by Nine Hundred Sixty and No/100 Dollars (\$960.00) per annum, subject to further adjustments, if any, as provided in the Agreement; provided that the pro-rated amount of Rent, as increased herein, for the remainder of the current license year shall not be due until sixty (60) days after the Increase Commencement Date.
4. **Other.** Licensor represents and warrants that, to its knowledge, no conditions exist within the New Premises Area or otherwise on the property where the Premises and New Premises Area are located that would adversely impact Licensee's permitting and/or installation of a generator within the New Premises Area. Licensor authorizes Licensee to prepare, execute and file all required applications to obtain any government approvals for Licensee's use of the New Premises Area under this Agreement and agrees, at Licensee's request, to reasonably assist Licensee with such applications and with obtaining and maintaining the government approvals. Where applicable law governs how the generator will be used, Licensee may use the generator in the manner set forth in applicable law. Licensee may terminate this Amendment by written notice to Licensor at any time, and the rent increase set forth in Section 3 shall not take effect or shall be cancelled, as applicable, following any such termination. Within one hundred twenty (120) days after termination of this Amendment, Licensee shall remove its equipment from the New Premises Area; provided that any portions of the equipment that Licensee fails to remove within such period and cessation of Licensee's operations at the New Premises Area shall be deemed abandoned. Licensee shall repair any damage, less ordinary wear and tear, to the New Premises Area caused by its removal activities.

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5. Section 8 of the Agreement is hereby deleted in its entirety and replaced with the following:

Notices. All notices, requests, and demands hereunder will be given by first class certified or registered mail, return receipt requested , or by a nationally recognized overnight courier, postage prepaid , to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows.

If to LICENSOR:  
Delaware County Board of Commissioners  
10 Court Street  
Delaware, OH 43015

If to LICENSEE:  
New Cingular Wireless PCS, LLC  
Attn: TAG - LA  
Re: Cell Site # OHL03226  
Cell Site Name: DT Sunbury  
Fixed Asset #: 10049539  
1025 Lenox Park Blvd NE  
3rd Floor  
Atlanta, GA 30319

With copy to:  
New Cingular Wireless PCS, LLC  
Attn: Legal Department  
Re: Cell Site # OHL03226  
Cell Site Name: DT Sunbury OH  
Fixed Asset #: 10049539  
208 S. Akard Street  
Dallas, Texas, 75202-4206

The copy sent to the Legal Department is an administrative step which alone does not constitute legal notice. Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

7. Memorandum of Lease. Either party will, at any time upon fifteen (15) days prior written notice from the other, execute, acknowledge, and deliver to the other a recordable Memorandum of Lease substantially in the form of the Attachment 2. Either party may record this memorandum at any time, in its absolute discretion.

8. Other Terms and Conditions Remain. In the event of any inconsistencies between the Agreement and this Second Amendment, the terms of this Second Amendment shall control. Except as expressly set forth in this Second Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Second Amendment. The rights granted to Licensee herein are in addition to and not intended to limit any rights of Licensee in the Agreement. Unless otherwise specified herein or unless the context requires otherwise, the terms in the Agreement shall apply to the New Premises Area.

9. Capitalized Terms. All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

(Copies of exhibits available for review at the Commissioners’ Office and Emergency Communications Department until no longer of administrative value.)

Vote on Motion            Mr. Benton            Aye            Mr. Merrell            Absent            Mrs. Lewis            Aye

**8**  
**RESOLUTION NO. 21-67**

**IN THE MATTER OF APPROVING A PERMIT FOR USE OF DELAWARE COUNTY FACILITIES:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

WHEREAS, the Delaware County Commissioners passed Resolution No. 19-810 on August 19, 2019, adopting a Delaware County Facilities Permit Policy; and

WHEREAS, it is the intent of the policy to allow persons and organizations access to appropriate Delaware County facilities, grounds and meeting places; and

WHEREAS, each request will only be considered after the receipt of a completed Delaware County Facilities Permit Form; and

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WHEREAS, the August 19, 2019 policy mandates approval from the Commissioners for use of county facilities by groups of 30 participants or more that have agreed in writing to full compliance with the Permit Policy;

NOW, THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED that the Delaware County Board of Commissioners hereby authorizes the use of 1610 SR 521 (Old DACC North) Delaware, Ohio 43015 on March 25, 27 and 30, 2021; at no cost.

Vote on Motion            Mr. Merrell        Absent   Mrs. Lewis        Aye       Mr. Benton        Aye

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**RESOLUTION NO. 21-68**

**IN THE MATTER OF A LETTER OF SUPPORT EXPRESSING IMPORTANCE OF OBTAINING FULL REIMBURSEMENT FOR INDIGENT DEFENSE:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

January 28, 2021

The Honorable Mike DeWine  
Governor, State of Ohio  
77 S. High Street, Floor 30  
Columbus, OH 43215

Dear Governor DeWine:

As the Delaware County Board of Commissioners, we are writing to express our unanimous support for full funding in the 2022-23 budget for the indigent-defense services that the state is constitutionally obligated to provide.

The need for full reimbursement is great, particularly in a county like Delaware, which continues to grow both in population and in the need for quality indigent defense. As a result of the improved funding for indigent defense in the most recent budget, in October 2020 we authorized the creation of a Public Defender Office so that we could improve the quality of representation provided, while also exercising greater control over the total cost of indigent defense.

The cost of paying independent local attorneys to represent indigent defendants had risen to an untenable level, while the quality of those services declined. The decision to create this office was the direct result of the improved state funding, which made it clear that your office considered improving indigent defense to be an important initiative. We feel we have done our part to fulfill this mission, and we now respectfully call upon the state to honor its initial commitment and help us meet this obligation.

We deeply appreciate the increased funding seen in the most recent budget and, while we recognize that the availability of those monies was curtailed by the budgetary challenges of COVID-19, we are confident that the state and Delaware County both are poised to rebound strongly in the future. Together, we can continue to meet the needs of our citizens and, to that end, we encourage you to make full indigent-defense reimbursements to Ohio’s counties a priority once again in the 2022-23 budget.

Sincerely,

Gary Merrell  
Barb Lewis  
Jeff Benton

Vote on Motion            Mrs. Lewis        Aye       Mr. Merrell        Absent   Mr. Benton        Aye

**RESOLUTION NO. 21-69**

**IN THE MATTER OF SCHEDULING A SPECIAL SESSION ON WEDNESDAY, FEBRUARY 3, 2021 AT 3:30 P.M.:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to schedule a special session on Wednesday, February 3, 2021 at 3:30 P.M..

Vote on Motion            Mr. Merrell        Absent   Mrs. Lewis        Aye       Mr. Benton        Aye

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**ADMINISTRATOR REPORTS**

Dawn Huston, Deputy Administrator  
-No reports.

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**11**

**COMMISSIONERS' COMMITTEES REPORTS**

Commissioner Benton

- MODE held their annual meeting virtually yesterday.
- Regional Planning will meet tonight.
- Attended a CEBCO meeting last week.

Commissioner Lewis

- Attended a Bridges/Community Action virtual meeting yesterday. We were introduced to a new board member: Chris Schmenk.

**12**

**RESOLUTION NO. 21-70**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

WHEREAS, pursuant to section 121.22(G) of the Revised Code, a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the matters specified in section 121.22(G)(1)-(7) of the Revised Code; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio:

Section 1. The Board hereby adjourns into executive session for consideration of the purchase of property for public purposes.

Vote on Motion	Mrs. Lewis	Aye	Mr. Merrell	Absent	Mr. Benton	Aye
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**RESOLUTION NO. 21-71**

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

It was moved by Mr. Benton, seconded by Mrs. Lewis to adjourn out of Executive Session.

Vote on Motion	Mr. Benton	Aye	Mr. Merrell	Absent	Mrs. Lewis	Aye
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There being no further business, the meeting adjourned.

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Gary Merrell

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Barb Lewis

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Jeff Benton

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Jennifer Walraven, Clerk to the Commissioners