

COMMISSIONERS JOURNAL NO. 47 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 3, 2005

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

Present: Glenn A. Evans, Kristopher W. Jordan, James D. Ward

1:00 PM Prosecutor Session

RESOLUTION NO. 05-1330

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 1:05PM.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-1331

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Ward, seconded by Mr. Evans to adjourn out of Executive Session at 1:45PM.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 05-1332

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:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 1:50PM.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-1333

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Ward, seconded by Mr. Jordan to adjourn out of Executive Session at 4:45PM.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

PUBLIC COMMENT

Commissioner Ward mentions that the Hestons filed an appeal with the Court of Common Pleas on the Commissioners decision to turn down the Chadwick Ditch Petition.

If the project moves forward it will be the Courts’ not the Commissioners’ decision. The Commissioners felt the cost exceeded the benefits of the project.

Commissioner Jordan agreed. Commissioners Evans abstained from comment.

(For a complete record refer to the Official CD minutes).

RESOLUTION NO. 05-1334

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 29, 2005 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the resolutions and records of the proceedings from regular meeting held September 29, 2005 as contained in the county’s official electronic recordings of the proceedings.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05-1135

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IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS  
IN BATCH NUMBERS CMAPR0930:

It was moved by Mr. Evans, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR0930 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO Increases</b>			
Kindercare	Day Care	22411610-5348	\$ 4,000.00
Enchanted	Day Care	22411610-5348	\$ 4,500.00
Nancy Lucas	Day Care	22411610-5348	\$ 4,500.00
<b>Vouchers</b>			
Kindercare Neverland	Day Care	22411610-5348	\$ 18,971.06
Dalmation Fire	Fire Protection/Jail	40411414-5410	\$ 7,492.00
Railex Corporation	Jail Property Storage	40411414-5410	\$ 28,500.00
Jess Howard	Electrical Work/Jail	40411414-5410	\$ 82,183.75
Brunner	Plumbing/Jail	40411414-5410	\$104,161.00
Complete General	Site Utilities/Jail	40411414-5410	\$ 61,579.29
BP Products N. America	Unleaded Fuel/Service Center	10011106-522822801	\$ 18,217.17
Tab Weisenstein	Court Street Roof	40111402-5410	\$ 6,580.00
<b>Memo Transfer</b>			
<b>To:</b>	<b>From:</b>		
Family Childrens First	Job and Family	TANF	\$ 10,281.87
70161607-4501	22411601-5301		

Vote on Motion            Mr. Evans            Aye            Mr. Jordan            Aye            Mr. Ward            Aye

RESOLUTION NO. 05 -1136

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Child Support Enforcement Agency is requesting that Sandee Pinnick, Regina Prouty, Christine Dobrovich and Susan Brown attend a Interstate Training in Dayton, Ohio November 4, 2005, at the cost of \$30.00.

Juvenile Court is requesting that Renee Lovelein and Betsy Jones attend the Ohio Association of Probate Judges Probate Clerks' Training Seminar October 17th, 2005 in Columbus, Ohio, at the cost of \$160.00.

Juvenile Court is requesting that Magistrates Frank Darr, David Hejmanowski and Sharon McCollister attend the National Council of Juvenile and Family Court Judges Conference October 16-19, 2005 in Cleveland, Ohio, at the cost of \$1,648.00.

Juvenile Court is requesting that sixteen employees attend a Operation Street Smart Training in Delaware, Ohio October 20, 2005, at the cost of \$160.00.

The Code Compliance Department is requesting that Gary Wilhelm attend an Egress and Emergency Egress Lighting Seminar in Springfield, Ohio October 6, 2005, at the cost of \$35.00.

The Child Support Enforcement Agency is requesting that Wendy Shannon and Joyce Rhodes attend an IRS Tax Offset Release Training in Columbus, Ohio October 18, 2005, at no cost.

The EMS Department is requesting that EMS Personnel attend a November Inservice “Worst Case Scenario” at Grady in Delaware County November 29, 2005, at the cost of \$250.00.

The EMS Department is requesting that EMS Personnel attend an Advanced Cardiac Life Support Training at the Hayes Building October 6, 2005, at the cost of \$400.00.

The Department of Job and Family Services is requesting that Jackie Culbertson attend a County Fiscal Meeting in Columbus, Ohio September 29, 2005, at the cost of \$25.00.

The Department of Job and Family Services is requesting that Chad Richardson attend a Document Imaging Committee Group Meeting in Wood County October 5, 2005, at the cost of \$10.00.

Vote on Motion            Mr. Jordan            Aye            Mr. Evans            Aye            Mr. Ward            Aye

RESOLUTION NO. 05 -1337

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**SETTING DATE AND TIME FOR A PUBLIC HEARING TO DISCUSS THE POSSIBLE ISSUANCE BY THE COUNTY OF FRANKLIN, OHIO OF ITS HOSPITAL FACILITIES REVENUE BONDS FOR THE BENEFIT OF CHILDREN’S HOSPITAL LOCATED AT 700 CHILDREN’S DRIVE, CITY OF COLUMBUS, COUNTY OF FRANKLIN, AND AT 433 CLEVELAND AVENUE, CITY OF WESTERVILLE, COUNTY OF DELAWARE, OHIO:**

It was moved by Mr. Evans, seconded by Mr. Ward that the Board of County Commissioners of the County of Delaware fix the **31<sup>st</sup> day of October, 2005, at 8:15PM** at the Commissioners Hearing Room 101 North Sandusky as the time and place of the hearing by the Commissioners on the possible issuance by the county of Franklin, Ohio of its hospital facilities revenue bonds for the benefit of Children’s Hospital located at 700 Children’s Drive, City Of Columbus, County Of Franklin, and at 433 Cleveland Avenue, City Of Westerville, County Of Delaware, Ohio.

Vote on Motion                      Mr. Ward                      Aye                      Mr. Jordan                      Aye                      Mr. Evans                      Aye

**RESOLUTION NO. 05-1338**

**IN THE MATTER OF APPROVING PLATS FOR TARTAN FIELDS PHASE 20A AND TARTAN FIELDS PHASE 21:**

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

**Tartan Fields Phase 20a**

Situated In The State Of Ohio, County Of Delaware, Township Of Concord, Lying In Virginia Military District Survey 2546, Being 22.851 Acres Out Of The 56.000 Acre Tract (Tract One) Conveyed To Said NHG Development Group. LTD, By Official Record 530, Page 153, Including 3.888 Acre Of Right Of Way, Records Of The Recorder’s Office Of Delaware County, Ohio. Cost \$90.00.

**Tartan Fields Phase 21**

Situated In The State Of Ohio, County Of Delaware, Township Of Concord, Lying In Virginia Military District Survey 2546, And Containing 32.953 Acres, More Or Less, Including 4.700 Acres Of Right-Of-Way Area, With All Of Said 32.953 Acres Being Out Of The 56 Acre Tract (Tract One) Conveyed To NHG Development Group. Ltd, An Ohio Limited Liability Company By Deed Of Record In Official Record 530, Page 153, Records Of The Recorder’s Office, Delaware County, Ohio. Cost \$159.00.

Vote on Motion                      Mr. Evans                      Aye                      Mr. Jordan                      Aye                      Mr. Ward                      Aye

**RESOLUTION NO. 05-1339**

**IN THE MATTER OF APPROVING SUBDIVIDER’S AGREEMENTS FOR SOUTH SECTION LINE ROAD IMPROVEMENTS AND STORM SEWER IMPROVEMENTS FOR MEADOWS AT SCIOTO RESERVE AND RAVINES AT SCIOTO RESERVE STORM SEWER IMPROVEMENTS:**

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

**South Section Line Road Improvements And Storm Sewer Improvements For Meadows At Scioto Reserve**

**SUBDIVIDER’S AGREEMENT**

**THIS AGREEMENT** made and entered into this 3<sup>rd</sup> day of October 2005 by and between the **COUNTY OF DELAWARE** (acting by and through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **CV REAL PROPERTY, LLC**, hereinafter called the **SUBDIVIDER**, as evidenced by the Engineering and Construction Plans entitled “**SOUTH SECTION LINE ROAD IMPROVEMENTS AND STORM SEWER IMPROVEMENTS FOR MEADOWS AT SCIOTO RESERVE**” which was approved by the County Engineer, hereinafter called the **PLAN**, is governed by the following considerations, to wit:

1. The **SUBDIVIDER** is to construct, install or otherwise make all of the improvements as shown and set forth to be performed and completed on the **PLAN**, which is a part of this **AGREEMENT**.
2. The **SUBDIVIDER** shall pay the entire cost and expenses of said improvements.
3. The **SUBDIVIDER** is to provide an irrevocable letter of credit or other approved financial warranties in the amount of **ONE HUNDRED NINETY-SIX THOUSAND TWO HUNDRED DOLLARS** payable to the **BOARD OF COUNTY COMMISSIONERS** to insure the faithful performance of this **AGREEMENT** and the completion of all of the said improvements in accordance with the current “**Delaware County Engineering and Surveying Standards for Subdivision Development**” and the current “**Subdivision Regulations of Delaware County, Ohio**”.
4. The **SUBDIVIDER** shall deposit **ELEVEN THOUSAND THREE HUNDRED DOLLARS** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to **thirty percent (30%)** of the original amount deposited, the **SUBDIVIDER** shall replenish the

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account, upon notice by the **Delaware County Engineer**. Upon completion and acceptance of the construction, the remaining amount in the fund shall be returned to the **SUBDIVIDER**.

5. The **SUBDIVIDER** is to complete all construction to the satisfaction of the **COUNTY** as evidenced by an approval letter from the **Delaware County Engineer**.
6. The **SUBDIVIDER** shall hold the **COUNTY** free and harmless from any and all claims for damages of every nature arising or growing out of the construction of the said improvements.
7. The **SUBDIVIDER** shall perform and complete all said improvements prior to **MAY 31, 2006**.
8. The **SUBDIVIDER** will at all times during the construction of said improvements maintain through traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the **Delaware County Engineer**. Construction signs, barricades and lights shall be placed as needed on the job site in accordance with the **Ohio Department of Transportation "Uniform Traffic Control Devices"** and **"Traffic Control for Construction and Maintenance"**.
9. The **SUBDIVIDER** further agrees that any violation of or noncompliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **Delaware County Engineer** shall have the right to stop work forthwith and use the surety for the completion of the improvement.
10. If the **SUBDIVIDER** should become unable to carry out the provisions of this **AGREEMENT**, the **SUBDIVIDER'S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.
11. Upon approval and acceptance of the improvements, the original copy of the **PLAN** shall become the property of the **COUNTY** and shall be filed in the office of the **Delaware County Engineer**.
12. In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants to the **SUBDIVIDER** or his agent the right and privilege to make the said improvements stipulated herein.

**Ravines At Scioto Reserve Storm Sewer Improvements**

**SUBDIVIDER'S AGREEMENT**

**THIS AGREEMENT** made and entered into this 3<sup>rd</sup> day of October 2005 by and between the **COUNTY OF DELAWARE** (acting by and through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **RAVINES AT SCIOTO RESERVE LLC**, hereinafter called the **SUBDIVIDER**, as evidenced by the Engineering and Construction Plan entitled **"RAVINES AT SCIOTO RESERVE STORM SEWER IMPROVEMENTS"** which was approved by the County Engineer, hereinafter called the **PLAN**, is governed by the following considerations, to wit:

1. The **SUBDIVIDER** is to construct, install or otherwise make all of the improvements as shown and set forth to be performed and completed on the **PLAN**, which is a part of this **AGREEMENT**.
2. The **SUBDIVIDER** shall pay the entire cost and expenses of said improvements.
3. The **SUBDIVIDER** is to provide an irrevocable letter of credit or other approved financial warranties in the amount of **TWO HUNDRED FORTY-THREE THOUSAND ONE HUNDRED EIGHTY-FOUR DOLLARS** payable to the **BOARD OF COUNTY COMMISSIONERS** to insure the faithful performance of this **AGREEMENT** and the completion of all of the said improvements in accordance with the current **"Delaware County Engineering and Surveying Standards for Subdivision Development"** and the current **"Subdivision Regulations of Delaware County, Ohio"**.
4. The **SUBDIVIDER** shall deposit **TWO THOUSAND DOLLARS** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to **thirty percent (30%)** of the original amount deposited, the **SUBDIVIDER** shall replenish the account, upon notice by the **Delaware County Engineer**. Upon completion and acceptance of the construction, the remaining amount in the fund shall be returned to the **SUBDIVIDER**.
5. The **SUBDIVIDER** is to complete all construction to the satisfaction of the **COUNTY** as evidenced by an approval letter from the **Delaware County Engineer**.
6. The **SUBDIVIDER** shall hold the **COUNTY** free and harmless from any and all claims for damages of every nature arising or growing out of the construction of the said improvements.
7. The **SUBDIVIDER** shall perform and complete all said improvements prior to **MAY 31, 2006**.
8. The **SUBDIVIDER** will at all times during the construction of said improvements maintain through traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the **Delaware County Engineer**. Construction signs, barricades and lights shall be placed as needed on the job site in accordance with the **Ohio Department of Transportation "Uniform Traffic Control Devices"** and **"Traffic Control for Construction and Maintenance"**.
9. The **SUBDIVIDER** further agrees that any violation of or noncompliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **Delaware County Engineer** shall have the right to stop work forthwith and use the surety for the completion of the improvement.
10. If the **SUBDIVIDER** should become unable to carry out the provisions of this **AGREEMENT**, the **SUBDIVIDER'S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.
11. Upon approval and acceptance of the improvements, the original copy of the **PLAN** shall become the property of the **COUNTY** and shall be filed in the office of the **Delaware County Engineer**.
12. In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants to the **SUBDIVIDER** or his agent the right and privilege to make the said improvements stipulated herein.

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Vote on Motion                      Mr. Jordan                      Aye                      Mr. Evans                      Aye                      Mr. Ward                      Aye

RESOLUTION NO. 05-1340

IN THE MATTER OF ACCEPTING PERFORMANCE CONSTRUCTION BONDS FOR TARTAN FIELDS  
PHASE 20A AND TARTAN FIELDS PHASE 21:

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

Tartan Fields Phase 20A

The construction of the above referenced project was started without bonding, thereby not allowing the developer to file the plat. They are now at a point where they would like to file the plat. The Engineer has, therefore, estimated the remaining construction costs to be **\$272,426** and a Letter of Credit in that amount is available to cover the bonding of this project.

Tartan Fields Phase 21

The construction of the above referenced project was started without bonding, thereby not allowing the developer to file the plat. They are now at a point where they would like to file the plat. The Engineer has, therefore, estimated the remaining construction costs to be **\$290,684** and a Letter of Credit in that amount is available to cover the bonding of this project.

Vote on Motion                      Mr. Ward                      Aye                      Mr. Jordan                      Aye                      Mr. Evans                      Aye

RESOLUTION NO. 05 -1341

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

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

Permit #	Applicant	Location	Type of Work
U05158	American Electric Power	Home Road	Relocate overhead line

Vote on Motion                      Mr. Evans                      Aye                      Mr. Jordan                      Aye                      Mr. Ward                      Aye

RESOLUTION NO. 05-1342

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS FOR CROSS CREEK SECTION 3  
PHASE B:

It was moved by Mr. Evans, seconded by Mr. Ward to accept the sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

Cross Creek Section 3 Phase B                      1,415 feet of 8- inch sewer                      9 manholes

Vote on Motion                      Mr. Jordan                      Aye                      Mr. Evans                      Aye                      Mr. Ward                      Aye

RESOLUTION NO. 05-1343

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLAN FOR ESTATES AT  
MEDALLION:

It was moved by Mr. Ward, seconded by Mr. Evans to approve sanitary sewer plan for Estates At Medallion for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

Vote on Motion                      Mr. Ward                      Aye                      Mr. Jordan                      Aye                      Mr. Evans                      Aye

RESOLUTION NO. 05-1344

IN THE MATTER OF APPROVING THE HOSTING OF HOMELAND SECURITY TRAINING AND  
AUTHORIZING THE PURCHASE OF MEALS AND REFRESHMENTS:

It was moved by Mr. Evans, seconded by Mr. Ward to adopt the following Resolution:

WHEREAS, the Ohio State Emergency Management Agency (OEMA) has requested that the Delaware County Office of Homeland Security and Emergency Management host a National Incident Management System and

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Incident Command training course; and,

WHEREAS, this training provides an opportunity for first responders, elected officials and managers to acquire hands on training for IS-700 and ICS-100 that will satisfy Federal requirements for continued access to certain grant funds; and,

WHEREAS, the OEMA provides the hosting agency with up to \$300.00 to cover the cost of meals and refreshments;

NOW THEREFORE, BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby approve the Delaware County Office of Homeland Security and Emergency Management to host this all day training on 7 October 2005; and

BE IT FURTHER RESOLVED: that the Board of Commissioners approve the purchase of meals and refreshments for students through All Occasions Catering at a not to exceed cost of \$300.

Vote on Motion                      Mr. Jordan                      Aye                      Mr. Evans                      Aye                      Mr. Ward                      Aye

RESOLUTION NO. 05 -1345

IN THE MATTER OF AUTHORIZING A REVISION TO THE USE OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR THE WORKFORCE DEVELOPMENT MONTH BREAKFAST:

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

WHEREAS, The Ohio Attorney General Opinion No. 82-006 addresses the issue Expenditure Of Public Funds For Proper “Public Purpose”, and

WHEREAS, The October 20, 2003, State Auditor’s ruling on payment of Expenditures Of Public Funds For Proper “Public Purpose” states that for persons who are employees or non-employees of the County, the Commissioners must pre-approve expenditures for the purchase of coffee, meals, refreshments and other amenities.

WHEREAS, the Delaware County Department of Job and Family Services has responsibility for workforce development activities; and

WHEREAS, the month of September has been declared Workforce Development Month; and

WHEREAS, Delaware County has been awarded State funds for the purpose of recognizing workforce development activities in Delaware County; and

WHEREAS, a breakfast has been organized for the purpose of recognizing and showing appreciation to businesses working in partnership with the One Stop, providing internships, work experience and employment opportunities to job seekers utilizing the One Stop; and

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 hereby authorizes the use of Department of Job and Family Services funds in an amount not to exceed \$455 (Originally approved for \$440 Resolution #05-1189, September 6, 2005), to assist in funding the purchase of coffee, meals, refreshments and other amenities for The Workforce Development Breakfast.

Vote on Motion                      Mr. Ward                      Aye                      Mr. Jordan                      Aye                      Mr. Evans                      Aye

RESOLUTION NO. 05-1346

IN THE MATTER OF APPOINTING JEREMY FRYMAN AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS’ REPRESENTATIVE TO THE BOARD OF ZONING APPEALS:

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

Whereas, The Board of Commissioners of Delaware County is responsible to make appointments from the public to various boards, councils and committees, and

Whereas, the Board of Commissioners of Delaware County shall appoint an individual to the Board of Zoning Appeals for a five year term beginning October 3, 2005 and ending December 31, 2010, and

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Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, appoint Jeremy Fryman to the Board of Zoning Appeals.

Vote on Motion                Mr. Evans                Aye                Mr. Jordan                Aye                Mr. Ward                Aye

There being no further business the meeting adjourned.

\_\_\_\_\_  
Glenn A. Evans

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Kristopher W. Jordan

\_\_\_\_\_  
James D. Ward

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Letha George, Clerk to the Commissioners