

COMMISSIONERS JOURNAL NO. 50 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD DECEMBER 3, 2007

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

- 7:00

PM

Regular Business (Rutherford B. Hayes Service Building-Room G-35)
- 7:30

PM

Public Hearing For Consideration Of The Chadwick Ditch No. 135 Ditch Petition Filed By Thomas C. Heston Jr. & Marlene Heston

PUBLIC COMMENT

Commissioner Evans congratulated the Big Walnut Gold Eagles on their state football title.

RESOLUTION NO. 07-1485

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 29, 2007 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the resolutions and records of the proceedings from regular meeting held November 29, 2007 as contained in the county’s official electronic recordings of the proceedings.

Vote on Motion	Mr. Evans	Aye	Mr. Jordan	Aye	Mr. Ward	Aye
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RESOLUTION NO. 07-1486

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1130:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1130, and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO’S</b>			
Delaware Chamber	Membership	10011102-5308	\$ 10,000.00
<b>Decrease</b>			
United Methodist Children's	Residential Treatment	22511608-5342	\$ 6,000.00
<b>Increase</b>			
Synagro	Chemical	66290303-5301	\$ 50,000.00
General Body Shop	Repairs	60111901-537037030	\$ 2,500.00
Maryhaven	Residential Treatment	22511607-5342	\$ 6,000.00
Village Network	Residential Treatment	22511607-5342	\$ 100,000.00
Village Network	Residential Treatment	22511608-5342	\$ 5,000.00
United Methodist Children	Residential Treatment	22511607-5342	\$ 11,000.00
Juvenile Ct.	MOM'S Program	22511607-5348	\$ 2,333.33
Christian Children's Home	Residential Treatment	22511607-5342	\$ 6,000.00
Beech Brook	Residential Treatment	22511608-5342	\$ 16,047.82
Cincinnati Children’s Home	Residential Treatment	22511608-5342	\$ 59,000.00
Child Care	Day Care	22411610-5348	\$ 27,118.23
<b>Vouchers</b>			
Starr Commonwealth	Residential treatment	22511607-5342	\$ 7,203.47
Starr Commonwealth	Residential treatment	22511608-5342	\$ 7,203.47
Blue's Auto Service	21-20 Deer Hit	60111901-5370	\$ 5,009.28
Bellefaire JCB	Residential Treatment	22511608-5342	\$ 9,322.63
Trident	Security Services	10011102-5360	\$ 12,570.58
Delaware Chamber	Membership	10011102-5308	\$ 10,000.00
Toddler Inn	Child Care	22411610-5348	\$ 9,735.01
Nancy Lucas	Child Care	22411610-5348	\$ 5,005.28
T&J Junior Academy	Child Care	22411610-5348	\$ 5,075.00
<b>Memo Transfer Voucher</b>			
<b>From</b>	<b>To</b>		
Commissioners	DCBDD	County Home Closing	\$ 6,250.00
10011501-5350	29519000-4539		
Job and Family	DATA	Client Transportation	\$ 5,388.06
22411601-5355	72291901-4232		

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

RESOLUTION NO. 07 -1487

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Engineer’s Office is requesting that Doug Riedel and Erik Mackling attend a 2007 GEOFair in Columbus, Ohio December 4, 2007, at the cost of \$30.00.

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

RESOLUTION NO. 07-1488

SETTING DATE AND TIME FOR VIEWING AND PUBLIC HEARING FOR CONSIDERATION OF A DITCH PETITION FILED BY HOMEOWNERS ASSOCIATION MEMBERS, MICHAEL J. HOLTSCHULTE AND OTHERS, FOR THE BRAEMAR AT WEDGEWOOD PHASES 1, 2 AND 3 SUBDIVISION DITCH MAINTENANCE PROJECT:

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

WHEREAS, on the 31<sup>st</sup> day of October, 2007, the Clerk of this Board gave notice to the Board of County Commissioners and the County Engineer of Delaware County, Ohio, on the filing with her of a petition signed by Homeowners Association Members Michael J. Holtschulte and other petitioners, to:

- 1. Replace, Repair or alter the existing Improvement as required and to maintain this improvement per engineer plan.
- 2. In Delaware County, Liberty Township, In Braemar at Wedgewood Phases 1, 2 and 3 Subdivision and generally following the existing course and terrain of the improvement in this subdivision.

WHEREAS, the proper bond has been filed with the clerk, approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the cost incurred by the Engineer in making his preliminary reports, if the prayer of this petition is not granted, or if the petition is for any cause dismissed, unless the Board decides to pay the Engineer’s cost from the bond in accordance with Section 6131.09 of the Revised Code;

THEREFORE, BE IT RESOLVED, BY THE Board of County Commissioners, that **Monday the 28<sup>th</sup> day of January, 2008, at 2:00 PM** at the upper terminus of the improvement, be and the same is hereby fixed as the time and place for the view thereon, and

BE IT FURTHER RESOLVED, That **Monday the 7<sup>th</sup> day of April , 2008, at 7:30 PM** at the Office of the Board of County Commissioners, 101 North Sandusky Street Delaware, Ohio 43015 be and the same is hereby fixed as the time and place for the first hearing on the petition, and

BE IT FURTHER RESOLVED, that notice of said view and hearing be given, as required by law.

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

RESOLUTION NO. 07-1489

IN THE MATTER OF APPROVING PLAT FOR WEDGEWOOD COMMERCE CENTER SECTION 3, LOT 2960 DIVISION 1; DITCH MAINTENANCE PETITION FOR MANSARD ESTATES SECTION 1 AND 2 AND AMENDED DITCH MAINTENANCE PETITION FOR THE WOODS AT WILDCAT RUN:

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

Wedgewood Commerce Center Section 3, Lot 2960 Division 1

Situated In The State Of Ohio, County Of Delaware, Township Of Liberty And Being Part Of Farm Lot 11, Quarter Township 3, Township 3 North, Range 19 West, United States Military Lands, And Containing 6.485 Acres Of Land, More Or Less And Being All Of That 6.392 Acre Part Of Lot 2960 Of Wedgewood Commerce Center Section 3 (Plat Cabinet 1, Slides 679-679d) As Conveyed To Wedgewood Office Park Llc. Of Record In Official Record 725, Page 1207, Also Being All Of The 0.093 Acre Lot 4616 Of Big Bear Farms Section 10 (Plat Cabinet 3, Slides 254-254b) As Conveyed To Wedgewood Office Park, Llc. Of Record In Official Record 725, Page 1209, All Being Of Record In Recorder’s Office, Delaware County, Ohio . Cost \$3.00.

Ditch Maintenance Petition- Mansard Estates Section 1 And 2 Excluding Lots 7457

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We the undersigned owners of 105.598 acres in Genoa Township, Delaware County, Ohio propose to create a subdivision known as Mansard Estates Section 1 (excluding lot 7547), section 2 and Section 1 Lot 7451 Division as evidenced by the attached subdivision plat (Exhibit “A” which is available at the County Engineer’s Office). This plat has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider’s agreement Exhibit “B” available at the County Engineer’s Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit “C” (available at the County Engineer’s Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement. We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the Mansard Estates Subdivision.

The cost of the drainage improvements is \$466,214.00 and a detailed cost estimate is available at the County Engineer’s office in Exhibit “D”. The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. 114 lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$4,089.60 per lot. An annual maintenance fee equal to 2% of this basis \$81.79 will be collected for each lot (excluding lot 7457). I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year’s assessment 60 lots in section 1 in the amount of \$8,096.68 has been paid to Delaware County. The first year’s assessment for section 2 (\$1,227.60) and Section 1 lot 7541 Division (\$0.00) will be provided prior to the final plat for those sections using the same annual maintenance fee per lot as stated above.

Easements to provide for the maintenance of the improvements have been provided on the plat.

Ditch Maintenance Petition- Amended Ditch Maintenance Petition For The Woods At Wildcat Run

We the undersigned owners of 23 acres in Liberty Township, Delaware County, Ohio propose to create a subdivision known as **The Woods At Wildcat Run** as evidenced by the attached subdivision plats (Exhibit “A” which is available at the County Engineer’s Office). These plats has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider’s agreement Exhibit “B” available at the County Engineer’s Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit “C” (available at the County Engineer’s Office), be accepted as part of the County Drainage Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement. We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of **The Woods At Wildcat Run** Subdivision.

The cost of the drainage improvements is \$68,066 and a detailed cost estimate is available at the County Engineer’s office in Exhibit “D”. The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. 15 lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$4,538 per lot. An annual maintenance fee equal to 2% of this basis \$91.00 will be collected for each lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year’s assessment for all of the lots in the amount of \$869.00 has been paid to Delaware County.

Easements to provide for the maintenance of the improvements have been provided on the plat.

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

RESOLUTION NO. 07-1490

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR MCCAMMON ESTATES SECTION 2 AND BOULDER RIDGE:

It was moved by Mr. Jordan, seconded by Mr. Ward to release bonds and letters of credit and accept roads within the following:

McCammon Estates Section 2

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The roadways to be accepted are as follows:

- An addition of 0.16 mile to **Township Road Number 867, Walker Wood Boulevard**
- **Farmers Delight Drive**, to be known as **Township Road Number 1565**
- **Vinson Drive**, to be known as **Township Road Number 1566**

The Engineer also recommends that 25 mile per hour speed limits be established throughout the project.

**Boulder Ridge**

The roadways to be accepted are as follows:

- An addition of 0.24 mile to **Township Road Number 1428, Upper Cambridge Way**
- **Basom Drive**, to be known as **Township Road Number 1564**

The Engineer also recommends that 25 mile per hour speed limits be established throughout the project.

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

**RESOLUTION NO. 07-1491**

**IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR MCCAMMON ESTATES SECTION 2 AND BOULDER RIDGE:**

It was moved by Mr. Ward, seconded by Mr. Jordan to establish stop conditions for the following:

**Stop Conditions – McCammon Estates Section 2**

- On Township Road Number 1565, Farmers Delight Drive, at its intersection with Township Road Number 867, Walker Wood Boulevard
- On Township Road Number 1566, Vinson Drive, at its intersection with Township Road Number 867, Walker Wood Boulevard
- On Township Road Number 1566, Vinson Drives, at its intersection with Township Road Number 1565, Farmers Delight Drive

**Stop Conditions – Boulder Ridge**

- On Township Road Number 1428, Upper Cambridge Way, at its intersection with County Road Number 108, Tussic Street Road
- On Township Road Number 1564, Basom Drive, at its intersection with Township Road Number 1428, Upper Cambridge Way

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

**RESOLUTION NO. 07-1492**

**IN THE MATTER OF ACCEPTING MAINTENANCE BOND FOR WOODS AT WILDCAT RUN:**

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

**Woods at Wildcat Run**

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineer’s recent field review, he has determined that minor remedial work will be required during the 2008 construction season.

In accordance with the Subdivider’s Agreement, The Engineer recommends that the maintenance bond be set at **\$31,610** for the duration of the one year maintenance period. A Letter of Credit in that amount is available.

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

**RESOLUTION NO. 07-1493**

**IN THE MATTER OF APPROVING THE RELEASE OF THE MAINTENANCE BONDS FROM PLAN COMMUNITIES INC. FOR THE OLENTANGY CROSSINGS EASTSIDE COMMERCIAL & OLENTANGY CROSSINGS EASTSIDE COMMERCIAL EXTENSION:**

It was moved by Mr. Ward, seconded by Mr. Jordan to release the maintenance bond for the following:

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**Olentangy Crossings Eastside Commercial & Olentangy Crossings Eastside Commercial Extension**

Your Board entered into agreement with Planned Communities, Inc. in August, 2006 and August, 2007, respectively, for the above referenced projects. Planned Communities has completed both projects to the satisfaction of this office and we, therefore, request approval to release the Letter of Credit being held as surety and to release Planned Communities from their responsibility to these projects.

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

**RESOLUTION NO. 07 -1494**

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

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

Permit #	Applicant	Location	Type of Work
U07144	Columbia Gas of Ohio	Sawmill Road	Install gas main
U07148	AT&T	N. Hampton Drive/Liberty Lane/Wellington Boulevard	Install cabinet & cable/conduit
U07149	AT&T	Sawmill Road	Place buried cable
U07152	Del-Co Water	River Road	Install waterline
U07153	Del-Co Water	Center Village Road	Install waterline
U07164	American Electric Power	Jewett Road	Trench, backfill & pull cable
U07155	Del-Co Water	River Road	Install waterline
U07158	American Electric Power	Old State Road	Relocate pole
U07159	American Electric Power	Old State Road	Relocate pole
U07160	American Electric Power	E. Powell Road	Replace poles
U07161	Columbia Gas of Ohio	Jewett Road	Install gas main

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

**RESOLUTION NO. 07 -1495**

**IN THE MATTER OF APPROVING THE SERVICES OF BID BRIDGE FOR THE SUPPLY OF GUARDRAIL MATERIALS FOR 2008 FOR THE ENGINEER’S OFFICE:**

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

The Engineer’s Office has learned from other counties about their use of a company called Bid Bridge that will handle the bidding of guardrail materials for government agencies in order to get a bulk rate. The Engineer is , therefore, requesting approval to utilize the services of Bid Bridge this year for the supply of guardrail materials (materials only; we will still bid the supply and installation contract ourselves) to ascertain if we do incur a savings.

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

**RESOLUTION NO. 07-1496**

**IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR THE FOLLOWING 2008 ENGINEERING MATERIALS: CORRUGATED POLYETHYLENE TUBING & PIPE MATERIALS (INCLUDING SMOOTH LINED PIPE); GUARDRAIL INSTALLATION; CRUSHED LIMESTONE MATERIAL ITEMS AND SS921 COLD MIX; VARIOUS SIZES, LENGTHS AND SHAPES OF REINFORCING STEEL FOR CONCRETE REINFORCEMENT; REINFORCED CONCRETE PIPE MATERIALS; READY MIX CONCRETE; VARIOUS SIZES OF 3-SIDED FLAT TOPPED PRECAST CONCRETE CULVERTS; VARIOUS SIZES OF 3-SIDED ARCH TOPPED PRECAST CONCRETE CULVERTS AND VARIOUS SIZES OF 4-SIDED PRECAST CONCRETE BOX CULVERTS:**

It was moved by Mr. Ward, seconded by Mr. Jordan to approve specifications and set bid opening date and time for the above mentioned items.

Sealed bids will be received by the Delaware County Engineer’s Office, 50 Channing Street, Delaware, Ohio 43015 until **10:00 a.m. on Thursday, December 27, 2007**, at which time said bids shall be opened for review. The County reserves the right to make non-exclusive awards which shall be awarded at the discretion of Delaware County based on the selection of the Lowest and Best bidder on a project-by-project basis. All bidders shall be notified accordingly.

All material shall meet the general specifications which may be obtained at the County Engineer’s Office, 50 Channing Street, Delaware, Ohio 43015.

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Prices for all materials shall also be made available for cooperative purchasing by the 18 Townships within Delaware County, the Delaware County Preservations Parks District and the Delaware County Agricultural Society.

This contract is subject to the prevailing wage requirements of section 4115.05 of the Ohio Revised Code.

Bids shall be submitted in a sealed envelope.

This **Invitation to Bid** is hereby made a part of the Specifications. The Delaware County Commissioners reserve the right to reject any and/or all bids.

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

RESOLUTION NO. 07-1497

IN THE MATTER OF APPROVING THE BID FOR BID PACKAGE 2 - HVAC (AGGRESSIVE MECHANICAL, INC.) FOR THE RE-BID OF TENANT IMPROVEMENTS: 2081 NORTH US HIGHWAY 23, DELAWARE COUNTY, OHIO:

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

WHEREAS, Delaware County received bids for the Re-bid - Tenant Improvements: 2081 North US Highway 23, Delaware County, Ohio on November 20, 2007. And;

WHEREAS, after carefully reviewing the bids received, the bids submitted in the following chart have been determined to be the lowest and best bids for Tenant Improvements: 2081 North US Highway 23, Delaware County, Ohio;

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Delaware County, State of Ohio, approve and accept the bids submitted for Tenant Improvements: 2081 North US Highway 23, Delaware County, Ohio.

Description	Company Recommended	Amount of Contract Award
Bid Package 2 –HVAC	Aggressive Mechanical, Inc.	\$438,000.00 Alternate

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

RESOLUTION NO. 07-1498

RESOLUTION ESTABLISHING DATE AND TIME FOR PUBLIC HEARING REGARDING THE ISSUANCE OF ONE OR MORE SERIES OF ADJUSTABLE RATE DEMAND HEALTH CARE FACILITIES REVENUE BONDS, SERIES 2007 (THE CENTRUM AT WILLOW BROOK) BY THE COUNTY OF DELAWARE, OHIO:

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

WHEREAS, the County of Delaware, Ohio (the “County”), previously issued its Health Care Facilities Mortgage Revenue Bonds, Series 1995 (FHA Insured Mortgage Loan – The Centrum at Willow Brook, Inc. Project) in the original aggregate principal amount of \$2,695,000 (the "1995 Bonds") and its Health Care Facilities Revenue Bonds, Series 1998 (GNMA Collateralized – The Centrum at Willow Brook, Inc. Project) in the original aggregate principal amount of \$2,555,000 (the "1998 Bonds" and together with the 1995 Bonds, the “Prior Bonds”) and made the proceeds thereof available to The Centrum at Willow Brook, Inc., an Ohio nonprofit corporation, to finance the acquisition, construction, equipping and installation of certain “hospital facilities”, as that term is defined in Chapter 140 of the Ohio Revised Code (the “Act”), including without limitation, the construction, equipping and installation of a 40-bed addition to the assisted living facility known as The Centrum at Willow Brook located in Delaware, Ohio (the “Prior Project”); and

WHEREAS, Willow Brook Christian Communities (the “Corporation”) plans to refund and retire the Prior Bonds and to acquire, construct, install and equip additional “hospital facilities”, as that term is defined in the Act, including without limitation, the acquisition of 20-40 skilled nursing bed licenses (the “Project”); and

WHEREAS, the Corporation has requested the County to issue its health care facilities revenue bonds (the “Bonds”) in one or more series in the approximate aggregate principal amount of not to exceed \$7,000,000 pursuant to the authority contained in the Act, for the purpose of (1) acquiring, constructing, installing and equipping certain “hospital facilities”, as defined in the Act, including without limitation, the Project; (2) refunding and retiring the Prior Bonds; and (3) paying certain costs and expenses incurred with respect to the issuance of the Bonds and the refunding and retirement of the Prior Bonds; and

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WHEREAS, the Project, the issuance of the Bonds, and the refunding and retirement of the Prior Bonds will promote the public purpose set forth in Section 140.02, Ohio Revised Code, by better providing for the health and welfare of the people of the State of Ohio by enhancing the availability, efficiency and economy of hospital facilities and the services rendered thereby; and

WHEREAS, the Corporation has requested that a public hearing be held by the County in order to comply with federal tax requirements;

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

Section 1. That a public hearing shall be held by the Board of County Commissioners of the County at its meeting on **Thursday December 20, 2007 at 9:45 a.m.**, and the Corporation is hereby permitted to publish a notice of such public hearing in a newspaper of general circulation in the County.

Section 2. It is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board any of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22, Ohio Revised Code.

Upon roll call on the adoption of the Resolution, the vote was as follows:

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

**RESOLUTION NO. 07 -1499**

**IN THE MATTER OF AUTHORIZING COMMISSIONER JAMES D. WARD TO SIGN THE CLOSING DOCUMENTS FOR THE CROOK PROPERTY:**

It was moved by Mr. Jordan, seconded by Mr. Ward to authorize Commissioner James D. Ward to sign the closing documents for the Crook Property.

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

**Ohio Revised Code 6131.60 Commissioner personally interested shall not act.**

If one or more members of a board of county Commissioners are petitioners for an improvement or own land that will be taken, benefited, or damaged by the improvement petitioned for, the clerk of the board of county Commissioners shall notify the Judge Of The Court Of Common Pleas of the county who shall within 10 days appoint as may disinterested freeholder of the county as are necessary to take the place of the interested members. The appointees shall not be related by blood or affinity to the interested members. They shall before acting be sworn to perform faithfully and impartially the duties of the members in the matter of the improvement, which oath shall be signed by them and by the officer before whom the same is taken and filed with the clerk. Upon appointment and qualification the appointee shall, in the proceedings upon the improvement, perform all the duties of the disqualified members and shall receive from the general drainage improvement fund the same per diem rate as the disqualified members receives, as shown by the record for such services, and the amount so paid shall be costs taxed in the proceedings.

**Mr. Gary Skinner will be filling in for Commissioners Glenn Evans for the Chadwick Ditch Project**

**RESOLUTION NO. 07-1500**

**7:30 PM - PUBLIC HEARING FOR CONSIDERATION OF THE CHADWICK DITCH NO. 135 DITCH PETITION FILED BY THOMAS C. HESTON JR. & MARLENE HESTON:**

It was moved by Mr. Ward, seconded by Mr. Jordan to open the hearing at 7:45PM.

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

**RESOLUTION NO. 07-1501**

**IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE CHADWICK DITCH NO. 135 DITCH PETITION FILED BY THOMAS C. HESTON JR. & MARLENE HESTON:**

It was moved by Mr. Ward, seconded by Mr. Skinner to close the hearing at 9:45PM.

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

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RESOLUTION NO. 07-1502

IN THE MATTER OF CONTINUING THE PUBLIC HEARING FOR CONSIDERATION OF THE CHADWICK  
DITCH NO. 135 DITCH PETITION FILED BY THOMAS C. HESTON JR. & MARLENE HESTON:

It was moved by Mr. Ward, seconded by Mr. Skinner to continue the first hearing for the consideration of the Chadwick Ditch No. 135 Ditch Petition filed by Thomas C. Heston Jr. and Marlene Heston to Monday August 4, 2008 at 7:30pm (Rutherford B. Hayes Service Building-Room G-35)

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

There being no further business the meeting adjourned.

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

\_\_\_\_\_  
Kristopher W. Jordan

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

\_\_\_\_\_  
Letha George, Clerk to the Commissioners