



# The Delaware Gazette



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WEDNESDAY, JULY 16, 2008

50 CENTS

## THURSDAY'S WEATHER

High 91  
Low 66

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## INSIDE



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- US 23 northbound will be reduced to one lane today between Pennsylvania Avenue and Panhandle Road from 8 a.m. to 5 p.m. for pavement repair.
- US 42 will be reduced to one lane between London Road and Sandusky Street for bridge work. Completion date is set for Sept. 11.
- Resurfacing work will be done on an eight-mile stretch of Ohio 229 in Delaware County Thursday. The roadway will be resurfaced from U.S. 23 to the Morrow County line. Crews will be working from 7 a.m. to 6 p.m. Thursday and Friday. The project is scheduled to be completed on Friday.

# Buckeye Valley moves forward with bond plans

## Board switches focus to high school for now

By DEVON IMMELT  
Staff Writer

The Buckeye Valley School Board on Tuesday agreed to ask for the state's consent to issue bonds — the next step needed to place the board's latest bond issue effort before voters this fall.

The move keeps the board on pace for its November ballot plans, when it

will ask voters to approve a \$16 million bond issue to fund major improvements at the district high school. The board is expected to hold a special meeting between now and its regularly scheduled August meeting in order to send the ballot language to the county board of elections in advance of election certification deadlines.

The November bond issue will be

the school board's fourth crack at convincing voters that improving the high school building is a much needed and prudent move. District voters rejected three previous facility bond issue attempts, most recently in March when an \$18.5 million bond issue was rejected by a slim eight-vote margin. That tax issue would have funded renovations to the high school as well as immediate repairs to the elementaries.

The issue's latest iteration reduces

the bond amount from \$18.5 to \$16 million, which would go entirely to the high school. The reduction was made possible in part by the board's decision in May to transfer \$500,000 in existing general fund dollars to the district's permanent improvement fund. That money is being used to help pay for roof repairs at the district's elementary schools.

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## Building a wall



Gazette Matt Emmons

Ohio Wesleyan University installs new concrete fencing at the south end of Selby Stadium as part of the university's Remembering Mr. Rickey campaign. The concrete panels will be replaced with aluminum fencing to match the current gates. The concrete pillars will remain. The project will open up the view into and out of the stadium. The project is scheduled for completion prior to the beginning of classes Aug. 25 and cost approximately \$270,000, including concrete work, fencing and some electrical work.

## HERRELL TRIAL

# Some of Tuesday testimony stricken

By ANDREW TOBIAS  
Staff Writer

A Toledo police officer testified yesterday that an Oct. 1999 search of two vehicles owned by James A. Brenson yielded latex gloves, zip-ties and a hunting knife, which are similar to items that were used to kill Norman "Duck" Herrell.

Herrell was found dead by his son in the basement of his Maple St. home on June 12, 2001, a little more than eight months after the search. He had been stabbed 49 times and his house was ransacked. His arms were bound behind his back by 10 zip-ties.

Yesterday marked the fourth day of the aggravated murder trial of Brenson and William T. Allen, both of Toledo, in Judge Everett H. Krueger's courtroom on the third floor of the Delaware County Courthouse.

Lieutenant Jeff Gorney told jurors that during a search of Brenson's car and van outside his Toledo home, police also found a ski mask, a shotgun and nylon rope, among other items. A photo of the collected evidence was displayed on a courtroom overhead projector.

Prior to Gorney's testimony and the entrance of the jury, defense attorneys argued that the discussion of the search of the vehicles would unfairly prejudice the jury against Brenson, and by proxy, Allen. They moved to prevent Gorney from testifying.

The search was conducted as part of an investigation against Brenson for identity fraud. Brenson, who is also known as James Muhammed, is identified by eight different aliases on court documents.

Prosecutors argued introducing Gorney's testimony would help establish a modus operandi for Brenson and serve as evidence of premeditation.

Judge Krueger denied the defense's motion. "We don't need to talk about a search warrant," he said. "We need to just talk about a search of a vehicle."

Assistant Prosecutor Carol Hamilton O'Brien said she had instructed Gorney not to mention the search warrant, but later referred to the warrant during questioning before correcting herself. O'Brien's question was stricken from the record by Judge Krueger.

Later, Chad Heald, defense attorney for Brenson, moved to strike the entirety of Gorney's twenty-minute testimony from

Please see TRIAL, Page 3



“  
I set goals and go after them. As long as I have my hands and eyes, it's OK.  
—Long-time Delaware resident Leekay Bennett  
”

# No obstacle too big for busy Bennett

By CONNIE E. CURRY  
Special to the Gazette

Optimistic, humorous, energetic and volunteer are just a few of the words that come to mind when describing Leekay Bennett.

Bennett, 68, born in Seattle, Wash., moved to Delaware in 1975 from Portland, Ore., where she spent most of her childhood. And while she has roots in the Pacific Northwest, it's obvious that Delaware is her true home.

Bennett's desire to help others is apparent in all the volunteer work she does for the community. She loves to be active and is determined to make a difference, whether she's working within the community or an organization or with children.

Bennett has kept busy over the years, writing poetry (she has a poetry book that's soon to be published), being a concert pianist for nearly three decades, painting, drawing and making puppets (she owned a puppeteer company in Dayton in the early 1960s). She was the script writer for each puppet she

**OUR NEIGHBORS**

• Submit your nominee to newsroom@delgazette.com

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A couple overlooks the Muskingum River.

# Stockport Mill Inn offers view of Muskingum River

By MELISSA MACKEY  
Staff Writer

If you visit Stockport you can see the last remaining mill on the Muskingum River.

A two hour and 21 minute drive from Delaware, the Stockport Mill was built in 1842 and operated only a few years before it burned. In 1849, a second mill was built and operated for 54 years before it caught fire and burned to the ground on July 1, 1903.

The current mill was constructed in 1906 by the Dover brothers. It was powered by two Leffel turbines used for grinding. The mill produced Gold Bond pastry flour, Pride of the Valley bread flour and ground feed for livestock.

In October 1998, the mill was purchased by Randy and Laura Smith of Bellville, who renovated it into a tourist attraction. The Stockport Mill Inn and Restaurant was opened on the dam in May 2000.

The building features 14 guest rooms with private balconies overlooking the river. Rooms are priced from \$65 per night to \$300 depending on the floor and room type, according to the Web site. The rooms have themed decorations



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## ONLINE POLL

Log on to www.delgazette.com for this week's question:

What do you think would be the best way to fund a new recreation center for the City of Delaware?

- a) Income tax
- b) Sales tax
- c) Impact fees on new housing starts
- d) Private fund-raising and/or donations
- e) Don't want/need one

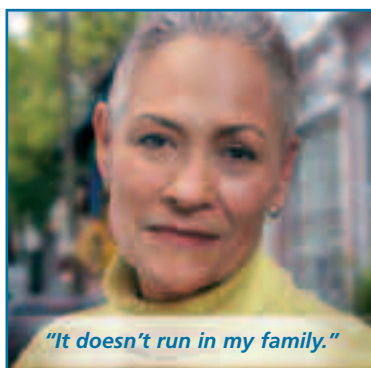
Readers commenting on this question after voting may have their comments printed on the Gazette's editorial page.

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## Thank You

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**TRIAL**

■ CONTINUED FROM PAGE 1

the record, saying it violated Brenson's constitutional right to a fair trial.

Judge Kreuger agreed. He said it had originally been admissible because of the presence of the zip-ties, knives and gloves. But, the visibility of the other evidence unrelated to the murder trial, including the ski mask and shotgun made the testimony unfairly prejudicial. He ordered the testimony to be removed from court records and instructed the jury to disregard it.

Brenson and Herrell knew each other when they were in prison together at Marion Correctional Institute in 1980. Brenson was initially arrested in 2000 and charged with the murder, but charges were dropped six months later.

Brenson admitted at the time to authorities he had traveled from Toledo to purchase fireworks from Herrell. However, he said he did not murder Herrell.

Charges were re-filed in April after new evidence was revealed.

Three forensic scientists from the Ohio Bureau of Criminal Identification and Investigation also testified during yesterday's trial session, including forensic DNA expert Diane Gehres.

Gehres testified the BCI&I conducted a series of DNA analyses on evidence found at Herrell's home, including pieces of drywall, black cloth gloves and a blue long-sleeve T-shirt.

Original attempts to make DNA matches to these items were unsuccessful, but DNA analysis has become more sensitive since the investigation began, said Gehres.

Specifically, the term "touch DNA" has been used since 2006.

This refers to the human DNA that is left on items after incidental contact.

"If I touch this pen and lay it down, can you get DNA from it?" assistant prosecuting attorney Kyle Rohrer asked.

"Maybe," said Gehres. "What form would it be in?"

"You would shed skin cells, or if you sneezed on your hand, it could leave saliva behind," said Gehres.

DNA tests done on most items excluded Brenson as a match. However, a Mar. 2001 test conducted on an envelope addressed to Michael Herrell, the victim's son, did not.

Gehres said the odds of the DNA profile on the envelope being linked to a person besides Brenson were over one quadrillion to one.

Greg Meyers, attorney for Allen, said that DNA testing was a matter of probability, not identification.

"If the odds are one in 500 that I'll win the lottery, does that mean I have to wait 499 more times before I win again?" Meyers asked.

He also questioned whether the FBI information used to calculate the odds — which was calculated using random samples from 600 people — was actually indicative of the general population.

Gehres was still on the witness stand when the trial adjourned for the day and will continue to testify today.

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**BENNETT**

■ CONTINUED FROM PAGE 1

made and contracted with various schools as she took the show on the road for 14 years.

In 1971, Bennett, then a busy mom, was diagnosed with cancer. She was able to find a positive, humorous attitude as she wore various wigs of many colors after the loss of her hair from chemotherapy. Bennett was able to kick cancer.

But in May 1979, just as life seemed to settle down, Bennett's life took another turn when she was injured in an industrial accident and broke her lower lumbar. Newly divorced and with three children at home, ages 10, 9 and 8, she found herself looking for answers and waiting for her injury to heal. She visited numerous doctors, had spinal taps and traction treatments and maintained her strong will to work. Her walk had turned into a painful shuffle.

She had bought a home on land contract in 1975 and needed to make ends meet to feed her family. Her back worsened and she became a paraplegic at age 40. From there, she would be wheelchair-bound, but nothing would keep her from being productive.

She adopted a dog from Happy Canine Helpers to help her adjust. "His name was Bubba. I couldn't have that name," she said. "I changed it to K.A.S.I. which stands for Kanine Assisted Support Independence." K.A.S.I. was with her 11 years until his death.

"My neighbor Marge Reichert helped me so much when I was injured," Bennett said. "I was in a nursing home for six months and Marge kept my kids until I came back home. Delaware Christian organized a carpool so my kids could attend school, and to return the favor, I worked for the school by setting up their first-ever library. I was already working at Ohio Wesleyan's library and knew I could help establish this needed addition for Delaware Christian."

Instead of curling up and giving up, she took her crutches and braces and made flower pots out of them to decorate her yard. She wheelchaired her way back to independence. Bennett even entered the Ms. Wheelchair Ohio pageant in Cincinnati in 1986, where she came away with the Miss Congeniality award.

In April of this year, Bennett was a judge for the Wheelchair Pageant held at Recreation Unlimited. She will return next year to help again, as she was asked to be the head judge.

For years, Bennett portrayed Mrs. Santa Claus for Hobby Central, which was

located at the Troy Road Shopping Center, and also was dubbed Mrs. Claus for People In Need for several years.

She's worked a variety of jobs in addition to her volunteer work and continued after her injury. She has yet to leave the work world and has always paid her own way. She has worked for Farmers Insurance for 20 years, and currently works for agent Jay Middleton.

Bennett also is on her third term with the Parks and Recreation Board and recently participated on the interview board for the selection of a new director. She has served on the Salvation Army Board, and is the street marshal each year for the annual All-Horse Parade. In 2004 she was chosen as the parade's grand marshal. Bennett has spent the last 10 years working at the Delaware County Fair. She is so appreciated there that she was given a special award by the fair board in 2004. That same year, she was inducted into the Central Ohio Senior Citizens Hall of Fame for all her generous work. Today her picture hangs at the Janis Center at the Ohio State Fairgrounds.

Nothing keeps her idle; she even found a way to work in the information booth at this year's Arts and Craft Festival. "Sometimes when I enter a meeting and the streets are wet or snow covered and my wheels leave trails, I just tell people I am Leaky Fawcett, sister to Farrah," she said.

Bennett has sponsored a men's bowling team called Strikers for the last four years and also sponsors the Delaware Police Department each year when it competes in a shooting contest. She's a photographer, has taken a business class at Columbus State Community College and builds doll houses. Her current passion is her new business called "Itty Bitty Ditties," which features unique bags that are personally designed with a "ditty" (poem) written by Bennett. The colorful bags have a wide variety of uses.

"Itty Bitty Ditties are original and unique...very colorful. They make a nice keepsake and are great for advertising. I love them," said Lynette Combs, Bennett's hair stylist. "She is an amazing woman, and as I cut her hair, she talks on and on. What wonderful stories she has!"

"I'm so busy, but I don't run around, I roll around," Bennett said with a chuckle. "I always dangle a carrot in front of myself to get me goin'. I set goals and go after them. As long as I have my hands and eyes, it's OK that I don't have my legs. I started out in a high chair and now I am in a roller chair...that's all."

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**BW to ask state to OK bond issue**

By Lenny C. Lepola  
For the Gazette

Big Walnut Local School District Board of Education came one step closer to placing a 2.96-mill bond issue on the November ballot during Monday's meeting.

Late last year, district superintendent April Domine assembled an all-volunteer development committee composed of community members with backgrounds and experience in architecture, design, development, construction management and engineering to assess the district's future facilities needs, and also help formulate a plan for meeting those needs.

During the May and June board of education meetings, members of the committee presented a two-part School Usage and Building Recommendations Report that indicates both an elementary school and a middle school facility are needed to meet anticipated district student population growth.

During a special board of education meeting held at the Galena administration building on June 24, Domine reviewed the report's findings before board members held a lengthy discussion about whether or not to place a bond issue on the November ballot to raise \$30 million for a new grade seven and eight middle school and a new elementary school.

According to the report's findings, Big Walnut Middle School operated over capacity during the 2007-08 school year and district elementary schools were at capacity.

Also at that meeting, district fiscal officer Jim Szabo reported that a 60,000-square-foot, 500-student elementary school sited on 20 acres would cost \$10.9 million; and a 98,000- to 120,000-square-foot middle school serving 700 grade seven and eight students would cost between \$17.8 and \$19.1 million.

During 2007, Szabo said, Big Walnut debt service millage was 4.10; that number dropped to 3.34 for 2008.

If a 2.96-mill bond issue was approved by voters with the debt service issued in two phases (build the elementary school first, then the middle school), the debt issue phase in, coupled with assessed real estate value increases and the original Big Walnut High School construction bond issue scheduled to roll off the books in 2014, the net increase in bond millage between 2007's 4.10 mills and 2011, and total school district debt service millage would increase to 4.56 mills.

With a mill representing \$31 per \$100,000 valuation, that one-half mill increase would cost home owners only \$17 more annually per \$100,000 valuation than district residents are paying today to service school district debt; and Szabo said that number would decrease each year after 2011.

Szabo added the current district debt service is roughly 2 percent of district valuation; the Ohio Department of Education caps debt service at 9 percent of valuation. However, Szabo added, the state examines any debt service over 4 percent of a school district's total real estate valuation.

A 2.96-mill bond issue would take the district slightly over 4 percent, Szabo said. To go on the November ballot with a 2.96-mill bond issue would require the district to file with the state by July 22.

Szabo explained that seeking state consent would not obligate the district in any way; that a resolution of necessity would still need to be approved by members of the board of education before application is made to the Delaware County Board of Elections to be placed on the November ballot.

During discussion, Domine noted, as she has at several previous meetings, that the current slow construction market and low interest rates make this an ideal time to invest in the needed buildings.

"One of the other cost savings is the way we've aggressively built the bond structure," Domine said. "Now we can go to designers and builders and they have to live within the budget; we can tell them: 'You will have to build it for this.'"

"We will be able to complete both buildings with \$30 million, including technology for the buildings," Domine added. "We will probably go ahead and engage in evaluations of design firms. The request portion requires no costs; we will get the search out, get people's names in, if the bond issue fails we will table it."

Following Monday evening's discussion, board members approved a resolution requesting a state consent to issue bonds for the levy.

Domine also noted a special board of education work session scheduled from from noon until 3:30 p.m. July 23 at the Galena administration building. During that meeting, board of education members will set district goals for the year and discuss, and possibly vote on, a resolution of necessity to place a bond issue on the November ballot.

If the resolution of necessity is approved on July 23, board members would have to formally approve a resolution to place the bond issue on the November ballot during the Aug. 11 board of education meeting in order to file with the board of elections by the Aug. 20 deadline.

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**STOCKMILL**

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relating to riverboats and sternwheelers. A massage therapy room is on site located in the original grain bin. A licensed massotherapist is available by appointment. Room prices vary among seasons and holidays. Special events and holidays may also have packages.

The Captain Hook Suite

offers two bedrooms, kitchenette, fireplace, large screen TV, six person hot tub, private balcony and spiral staircase leading to the Mill's cupola. The suite sleeps six and is a tribute to riverboat captain Isaac Newton Hook (1819-1906).

An eight-foot dining terrace wraps around the mill from the first floor restaurant. The first floor also features the main lobby, one handicap accessible guest room and gift

gallery.

Guests can visit the "signing wall" to sign their name for posterity or look at paintings, pictures and artifacts donated by local Morgan County residents.

The turbine re-installation process was completed in June 2002. The turbines produce approximately 800,000 kilowatt-hours of electricity per year, supplying the electrical needs for both the inn and restaurant. The excess is

sold back to American Electric Power. The turbines suffered severe damage in 2003.

Current owner Dottie Singer of Three Sisters Inn purchased the property in July 2004. Singer had the turbines restored and repaired. It was November 2006 before the hydro project was supplying the electricity for Stockport Mill and Restaurant.

The Restaurant at the Mill hours are 5 to 9 p.m. Friday

and Saturday and noon to 4 p.m. for Sunday buffet. According to the menu listed on the mill's Web site, appetizers range from \$3 to \$7. Entree prices range from \$10 to \$16.

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**HELL BOY II, THE GOLDEN ARMY (PG-13)**  
MONDAY: 2:30, 5:00 & 7:15  
TUESDAY: 5:00 & 7:15  
WED. & THURS: 2:15, 5:00 & 7:15

**HANCOCK (PG-13)**  
MON & TUES: 5:00 & 7:15  
WED. & THURS: 2:15, 5:00 & 7:15

**SUMMER KIDS SHOW THE SPIDERWICK CHRONICLES (PG)**  
TUESDAY: 11:00 & 2:00  
DONATION: HELP ME GROW

**BOND**

■ CONTINUED FROM PAGE 1

Those repairs had previously been part of the earlier bond issues.

In the months since its last defeat at the polls, the board has worked to fine-tune its message, including attempting to address a frequently heard concern: That the board was lacking longer-term facilities plans and that the elementaries needed attention.

The board has said it is committed to conducting long-range facility planning. It recently hired a consulting firm to provide updated student enrollment projections. That information is to be used to help the board decide, among other things, when the

district would need a new elementary building, which could be located in the Scioto area along the district's southern edge.

On Tuesday, the board issued a new draft timeline — minus specific times — that lays out the order in which the board could see work on the high school begin, when it would make further improvements to the elementaries (new boilers, technology, eliminate portable classes), and when enrollment could warrant construction of a fourth elementary, among other things.

Reevaluating options for the elementaries would begin shortly after passage of the high school bond issue, the timeline shows.

That the latest version of

the bond issue does not include funding for the elementaries should not be taken to mean the elementaries have been forgotten, Board President Rod Boester said.

"It doesn't mean we're abandoning the elementaries. We're addressing the (elementary building) roofs now and plan to use additional permanent improvement funds to address other issues," he said.

In other business Tuesday, the board agreed to award the elementary roof replacement work to two contractors. AH Sturgill Co. was awarded contracts for the work at East and West elementaries. The North Elementary roof work was awarded to Chemcote Co.

The total bid estimate for the roof work came in at

\$398,578, or about \$115,000 less than the board had anticipated. The work is to be completed over the summer and fall months.

The board also voted to rescind its April resolution to withdraw from the Delaware/UNION ESC. The earlier resolution needed to be nullified in order to join the newly merged Delaware/Union and Franklin County ESC, said John Schiller, district superintendent.

The school board withdrew from the Delaware/Union ESC in April, a move that had been expected following the earlier withdrawals of the Olentangy and Big Walnut school districts after those districts expressed dissatisfaction with Delaware/Union

ESC's service.

As with those districts, BV had planned to join the Franklin County ESC to service its special education needs. Because of the merger, each of the districts are now rescinding their earlier withdrawals, Schiller said.

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