

**MINUTES OF MEETING
FULTON COUNTY BOARD OF COMMISSIONERS
COMMISSIONERS SESSION ROOM
JUNE 9, 2011**

[9:00:25 AM](#)

Call Meeting to Order

Pledge of Allegiance

Opening Prayer

Roll Call Attendance – All Members Present

[9:01:26 AM](#)

Resolution 2011-560 Approve Minutes of June 6, 2011

Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion Carried 2-0. Commissioner Genter abstained.

[9:01:45 AM](#)

Resolution 2011- 561 Approve Agenda As Presented or Amended

Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:02:22 AM](#)

OLD BUSINESS:

· **Resolution 2011-562** Approve Payment of Bills

Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:03:37 AM](#)

Steve Brown, Regional Planning Director – To Discuss CDBG Projects

Steve Brown presented a list of projects that have been submitted for funding, noting that the City of Wauseon has not yet submitted their application. He stated that the application deadline to the state has been moved to the end of July this year and funding numbers are not yet known. He is suggesting that we proceed as normal and hold the second hearing that way when allocation numbers are received they can make a decision.

The list of applicants so far are as follows:

Village of Lyons – Park Restroom Improvements

Total project cost: \$75,000.00

CDBG Request: \$35,000.00

Village of Metamora – Playground Equipment

Total project cost: \$24,960.00

CDBG Request: \$19,960.00

Village of Fayette – W. Industrial Parkway Improvements

Total Project Cost: \$213,019.00

CDBG Request: \$40,000.00

He noted that they are receiving \$80,000 in funding from the Ohio Department of Development for this also. The village is contributing \$93,019.00. The RP Office is working with the village on putting together an income survey, which will be needed for the CDBG portion of the project.

Chesterfield Township – Road 16-3 Paving
Total Project Cost: \$109,200.00
CDBG Request: \$54,600.00

Fulton County – Pleasant View Sanitary Sewer Improvements
Total Project Cost: \$100,000.00
CDBG Request: \$100,000.00

He noted that Lyons and Metamora both have a valid income survey and that the area of improvement for the Pleasant View Sanitary Sewer Improvement qualifies also.

He will send over a written request for a 2nd hearing for Monday.

[9:08:57 AM](#)

Resolution 2011-571 Take **Resolution 2011-550** Off the Table

The Clerk stated that Resolution 2011-550 To Enter Into Contract 2011-71 with Mika Construction, Inc. was previously tabled due to a conflict of interest and was to be re-presented when a full board was present. Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:09:10 AM](#)

Resolution 2011-550 Enter Into **Contract 2011-71** with Mika Construction, Inc. for Ditch Improvement Project 2110-Howard

A contract was entered into for \$68,242.80 for the improvement of Branch 41 of Bad Creek, as petitioned for by Jack Howard, etal. Commissioner Genter made the motion and Commissioner Barnaby seconded the motion. Motion carried unanimously.

[9:12:32 AM](#)

· Review Dog Warden Reports for Week Ending 6/4/2011

[9:13:32 AM](#)

Review Dinner Invitation from OSU Extension at 4-H Camp Palmer

An invitation was received for dinner at 4-H Camp Palmer on Tuesday, June 14 at 5:30 a.m. and a tour thereafter. All Board members plan to attend. The Clerk will call in the RSVP.

[9:15:32 AM](#)

· **Resolution 2011-563** Enter Into Contract 2011-74 with Ward Construction Co. for 2011 Seal Coat Program on Behalf of County Engineer

A contract was entered into with Ward Construction in the amount of \$813,957.90 for the 2011 Seal Coat Project on behalf of the County Engineer. Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[9:15:47 AM](#)

· **Resolution 2011-564** Authorize Board President to Enter Into Contract 2011-75 with Pitney Bowes on Behalf of Western District Court

A 60-month contract was entered into with Pitney Bowes for the lease of a postage meter for Western District Court, in the amount of \$314.00/month. Commissioner Genter made the motion and Commissioner Barnaby seconded the motion. Motion carried unanimously.

[9:19:27 AM](#)

· **Resolution 2011-565** Enter Into Contract 2011-76 with Northwoods Consulting Partners Inc. on Behalf of Department of Job and Family Services

The Board signed a data sharing and confidentiality agreement with Northwoods Consulting Partners on behalf of the Department of Job and Family Services for all programs existing under contract with said firm. Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:22:26 AM](#)

· **Resolution 2011-566** Approve Reduction of Maximum Weight of Vehicle and Vehicle Load on Lucas/Fulton County Bridge 1

Due to structural deficiencies and to prevent further stress on Fulton-Lucas Road Bridge No. 1 over Ten Mile Creek, in Richfield Twp, Lucas County, and Amboy Twp, Fulton County, the Lucas and Fulton

County Engineers have recommended reducing the load limit for said bridge by 25%. Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

The reduction approved shall be posted in accordance with ORC §5577.071(C).

[9:24:14 AM](#)

· **Resolution 2011-567** Increase Appropriations in Eastern District Court Computer Fund
Commissioner Genter made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:24:38 AM](#)

· **Resolution 2011-568** Authorize Board President to Execute Environmental Covenant on Behalf of County Engineer
Due to the presence of underground storage tanks located on county property located at the Engineer's Office, it is necessary to execute an environmental covenant with the Ohio State Fire Marshal, pursuant to ORC §5301.80 to §5301.92, for the purpose of subjecting said property to certain activity and use limitations.

Commissioner Genter made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:25:40 AM](#)

· **Resolution 2011-569** Approve Then and Now Purchase Orders
Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[9:27:21 AM](#)

· **Resolution 2011-570** Approve Purchase Orders and Travel Requests
Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:27:53 AM](#)

Recess

[9:32:58 AM](#)

BID OPENING-FY2010 CDBG Wauseon Willow Street Sidewalk Proj

The Engineer's Estimate for this project is \$32,200.00.

1 Bid was received:

Midwest Contracting, Inc.
Holland, Ohio
Bid Bond Received
\$29,284.00

The bid was referred to the Regional Planning Office for review and recommendation for award of bid.

[9:33:58 AM](#)

Recess

[9:41:18 AM](#)

BID OPENING-2011 Sign Upgrade Project

The Engineer's Estimate for this project is \$36,653.10.

Bids were received as follows:

Newman Signs, Inc.
Jamestown, ND
No surety submitted
\$38,385.16

Unistrut Toledo
Cincinnati, OH
Cashier's Check Submitted
\$22,280.17 – for posts and anchors only

Rocal Inc.
Frankfort, OH
Bid Bond submitted
\$47,094.30

Custom Products Co.
Jackson, MS
Bid Bond submitted
\$40,502.44

The bids were referred to the County Engineer for review and recommendation for award of bid.

[9:46:58 AM](#)

Recess

[10:00:42 AM](#)

Public Hearing on Proposed Vacation of Portion of Road 26, German Township

Commissioner Barnaby opened the hearing and turned it over to the Clerk for a brief overview of the petition.

The Clerk stated that on April 26, 2011 Karl and Jill Campbell filed a petition to vacate a portion of German Township Road 26, stating that this section was once a public thoroughfare but was vacated to the south by Williams County making it a dead end. The Campbells alleged in their request that their residence is the only one on the road with farmland owned by Myra Short on all sides of the property.

On April 25, 2011, the German Township Trustees voted unanimously in support of the road vacation.

The Board of Commissioners held a view of the proposed vacation on May 31, 2011 with the petitioners and County Engineer present, and Peter Short, as representative for the surrounding farmland.

Frank Onweller, County Engineer, reviewed the petition and submitted the his findings, which were read into the record as follows:

In accordance with Ohio Revised Code 5553.06, I have reviewed the vacation petition filed on April 26, 2011 by Karl and Jill Campbell. The public right-of-way proposed for vacation is German Township Road 26 (40' wide) from SR 2 south to the Fulton-Williams County Line. An accurate legal description and map of the right-of-way proposed for vacation was submitted with the petition.

Previously, the southerly extension of Road 26 into Williams County turned into unimproved Springfield Township Road 24. In December 2010, the Board of Williams County Commissioners vacated Road 24 between the Pennsylvania Lines Railroad and the Fulton-Williams County Line, thus dead ending Road 26 at the county line. At their April 25, 2011 meeting, the Board of German Township Trustees voted unanimously to pass a resolution in support of the vacation of that portion of Road 26 as petitioned.

A public view of the area was held on May 31, 2011. This right-of-way is currently a stone road/driveway maintained by German Township. The petitioners, Karl and Jill Campbell, own the land on both sides of Road 26 for approximately 330 feet south from SR 2. Their house is located on a 3.5-acre parcel of land on the west side of the road and their garage and a barn are located on a 1.5-acre parcel

on the east side. The remainder of the land on both sides of the road south (approximately 2300 feet) to the Fulton-Williams County Line is owned by Myra J. Short (LE). There is a 76.5-acre parcel of the west side of the road and a 78.5-acre parcel of the east side and both are agricultural farmland. All four parcels of land also have frontage on SR 2 though they do not have access drives off SR 2. All four parcels have ingress and egress off Road 26.

The petitioners would like Road 26 vacated as it divides their 5-acres of land with the house on one side and the garage and barn on the other side. They expressed concern with the unsafe condition created with the agricultural equipment traveling through their property to get in and out of the fields.

At the public viewing, Peter Short was in attendance representing the Short properties. Mr. Short expressed concern that if Road 26 is vacated they would need to install new drives off of SR 2 to access their farm fields. Constructing these new field drives would create an additional financial expense for the Shorts.

ODOT will have to approve a drive request for SR 2 and issue a permit. I contacted the ODOT District 2 Office in Bowling Green and the Fulton County ODOT Garage in Wauseon for their permit requirements for field drives. There is no permit fee so the only cost to the landowner is the actual construction cost of the drive. The construction specification for an access drive will need to be verified with ODOT, but some details include a minimum 40' long drive pipe, 8" thickness of ODOT Item 304 stone, and a minimum drive width of 24' measured at the right-of-way line. Another requirement is that a new drive can be constructed no closer than 495 feet to an intersection or existing drive in either direction located on the same side of the road. The contact person for a field drive is Mr. Steve Trausch, Transportation Manager, for the Fulton County ODOT Garage in Wauseon.

Commissioner Barnaby asked Mr. Onweller if there were any additional comments. Mr. Onweller stated that their concern with vacations is to make sure they are not land-locking parcels when a road or right-of-way is abandoned. This abandonment will not land-lock any properties but it is clear that improvements will need to be made.

At 10:07 a.m. Commissioner Barnaby performed a mass swearing in for all those in attendance wishing to give testimony.

Carl Campbell, Petitioner, stated that the reason for the request is for the safety of their family and pets. There are times when there are semis going through there hauling sludge, beginning at 6 a.m. in 15-minute intervals until 10 p.m. He finds that to be excessive. Other issues that have arisen is people coming down that road for test driving and four-wheeling. The farm equipment that was used way back is not the same as it is now. It is too large to safely go down this road and to avoid damage. Often times there are semis that try to get through there thinking it is a thru-road only to find out that it is a dead end. They then cause damage when trying to turn around.

Peter Short is the owner and farms the ground surrounding the Campbell's property. He grew up there and was raised there. This property has been in their family for over 100 years. They sold the buildings on the property to Dave Manahan about 12 years ago. The Manahans then sold it to the Campbells. At the time of the sale of the buildings, since it was a public thoroughfare, it didn't seem necessary to obtain an easement. Times have changed and he respects that, however, ORC Section 5553.09 requires that if a street is vacated, damages shall be awarded. The damages the Shorts incur is the cost of needing to construct a lane to gain access his property if this road would be vacated. These damages are to be paid out of the county treasury or assessed to the landowners. He previously received an estimate for putting in a stone drive. It is in the amount of \$4,500.00. He mentioned that this estimate does not include what is needed to comply with the state requirements so this estimate is way low. He voiced inquiry if the state would differentiate between a normal driveway or farmland driveway. He is prepared to put in an access if necessary but according to the statute, should not come out of their pockets. He further proposed if the vacation were granted they could work out a private easement situation. He stated that if they would be

able to continue using it, it would be agreed that they would beef up the road on the Campbell property and continue to maintain that portion of the road. The only alternative is to build an alternate route around the barn.

Frank Onweller, in response to Peter Short's questions, stated that the cost estimate quoted earlier at the view was to put a lane in on the east side of the barn. He pointed out that a new drive can be constructed no closer than 495 feet to an intersection or existing drive in either direction located on the same side of the road. He noted that there have been discussions with ODOT regarding this matter and introduced Rich Schatzer from ODOT that was also in attendance for the hearing.

Commissioner Genter inquired of this ORC provision regarding damages. Mr. Onweller stated that he cannot speak to that as there has not been a situation where a landowner was adversely affected by a vacation, however he agrees that it makes sense that this provision be in place as no one wants to create a hardship for another. This should be addressed by the Prosecuting Attorney.

Peter Short stated that they recently tilled this field and with this 495 feet provision it makes almost an acre of land that is practically unfarmable. That is \$7,000/acre that is out of production. Commissioner Genter asked Mr. Schatzer if ODOT was solid on that or if there was room for a variance? Mr. Schatzer responded in the negative stating that there is no variance. Joe Fenicle from the County Engineer's office was present for the hearing. He stated that to solve the unusable land issue he could parallel the drive and go east. Peter Short then expressed concerns with trucks loading from the road and the ability to maneuver a semi as it will not be able to snake around the barn.

Commissioner Barnaby closed the hearing for testimony at 10:25 a.m. and started deliberations.

Commissioner Genter stated that it at least seems that everyone is in agreement that this road going through the yard is not adequate to safely handle that kind of traffic. With the size of farm equipment used today, it cannot safely fit through that road and between those buildings.

Commissioner Rupp stated that not to be negative toward the Campbells but, they knew what they were buying when they bought the property. He however is in favor of vacating this road as long as there can be a location for access that is suitable for everyone.

Discussion was held as to whether this access would be a single or double access. Skip Leupp, German Township Trustee, asked why we would want to be building roads, when all that is needed is an access? He further alleged that the Campbells did not know what they were buying. Peter Short responded stating that the law presumes that they do. He is sympathetic to their need here, but they need suitable access to their farm ground.

Resolution 2011-572 Approve Vacation of Portion of German Township Road 26, as petitioned for by Carl & Jill Campbell

Commissioner Genter stated that there is a need to abandon this road, and the need to create an access to the farm ground. **He made the motion to vacate the road and Commissioner Rupp seconded the motion.**

Frank Onweller, stated that there are a lot of things that have been thrown out there and wants to be clear on what is happening. Commissioner Genter stated that he does not see the need to provide dual access. Peter Short stated that 1 access to hook up to will be fine and will solve the farming issues, the issue becomes the financial responsibility of the access.

Jill Campbell noted that there is another access that they have been using this whole last week and questioned why they cannot continue to use that? Randy Short, farmer of this ground, stated that this access she is referring to is owned by a cousin and is private property. If that were to be sold, this access would no longer be accessible to them.

Commissioner Barnaby noted that the Campbell portion of this road will revert to the Campbells and the Short portion of this road will revert to the Shorts.

A roll call vote was taken. Rupp, yes; Genter, yes; Barnaby, yes. Motion carried unanimously.

Peter Short stated that he respects what the Board has done here today and wants to be sure that there is an understanding that the Shorts be allowed to continue to use this lane until access is created, with the understanding that the Shorts will use the other access that is available to them at this time as much as possible. Carl Campbell stated that he will be happy to work something out with them.

Mr. Short inquired of how soon this access can be done? Mr. Onweller stated that they need to contact the State to get the permit in place and to construct the access. The county will work on the reimbursement issue. Randy Short asked if any of this access would be on the Campbell's property? Commissioner Genter stated it would all be on the Short's Property. Mr. Short stated that as soon as he knows how this is getting paid, they will get started.

[10:42:42 AM](#)

ADJOURN

Commissioner Rupp made the motion and Commissioner Genter seconded the motion.

Approved:

Paul D. Barnaby

Dean A. Genter

Perry L. Rupp

Attest:

Jennifer L. Connors, Clerk

A signed copy of the minutes or a recording of the meeting in its entirety can be obtained in the office of the Clerk of the Board at 152 S. Fulton St, Ste 270, Wauseon, Ohio 43567.

RESOLUTION 2011-560

In the Matter of Resolution Approving) Office of County Commissioners
Minutes of June 6, 2011) Fulton County, Ohio
) June 9, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 9, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter and Perry Rupp

Commissioner _____ moved for the adoption of the resolution herein.

THEREFORE BE IT RESOLVED, that after review, the Fulton County Commissioners hereby approve the minutes of Regular Session held June 6, 2011 as presented; and

BE IT FURTHER RESOLVED, by the Board of County Commissioners, County of Fulton, State of Ohio that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and 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 of the Ohio Revised Code.

Commissioner _____ seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Paul D. Barnaby

Paul D. Barnaby

Paul D. Barnaby

Dean A. Genter

Dean A. Genter

Dean A. Genter

Perry L. Rupp

Perry L. Rupp

Perry L. Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

Copy To: File

RESOLUTION 2011-561

In the Matter of Resolution to approve) Office of County Commissioners
Agenda as Amended or Presented) Fulton County, Ohio
) June 9, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 9, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, Commission Staff, to the best of its ability, has prepared the agenda for the day, and

WHEREAS, the Board of County Commissioners has reviewed said agenda and find it to be satisfactory as presented or as officially amended on the record in open session.

THEREFORE, BE IT RESOLVED, that the Board of Fulton County Commissioners hereby approve the agenda as amended or presented for: June 9, 2011; and

BE IT FURTHER RESOLVED that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and 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 of the Ohio Revised Code.

This resolution was seconded by Commissioner _____ and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Perry Rupp	_____ Perry Rupp	_____ Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

cc: File

RESOLUTION 2011-571

In the Matter of Resolution to Take) Office County Commissioners
Resolution 2011-550 Off The Table) Fulton County, Ohio
) June 9, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 9, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Dean Genter, Paul Barnaby and Perry Rupp,

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, on June 6, 2011, the Board of Commissioners voted 2-0 to table Resolution 2011-550, captioned "Enter Into Contract 2011-71 with Mika Construction, Inc. for Ditch Improvement 2110-Howard" due to a conflict of interest with a voting member of the Board and until such time all 3 voting members were present; and

WHEREAS, a full Board is now present to vote on said resolution.

THEREFORE BE IT RESOLVED, the Board of Commissioners of Fulton County hereby take Resolution 2011-550, to Enter Into Contract 2011-71 with Mika Construction, Inc. for Ditch Improvement 2110-Howard, off the table; and

BE IT FURTHER RESOLVED that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and 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 of the Ohio Revised Code.

Commissioner _____ seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Perry Rupp	_____ Perry Rupp	_____ Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

RESOLUTION 2011-550

In the Matter of Resolution to Enter Into **Contract**) Office of County Commissioners
2011-71 with Mika Construction, Inc. for Ditch) Fulton County, Ohio
Improvement Project 2110 – Howard, Branch 41 of) June 9, 2011
Bad Creek)

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 9, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Dean Genter, Paul Barnaby and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, on April 25, 2011, the Board of Commissioners of Fulton County held the bid opening for Ditch Improvement Project Number 2110-Branch 41 of Bad Creek, as filed for by Jack Howard, and others; and

WHEREAS, on May 2, 2011, upon the recommendation of the Chief Deputy Engineer, the Commissioners awarded the bid to lowest and best bidder, Mika Construction, Inc., in the amount of \$68,242.80 and a contract has been successfully negotiated.

THEREFORE BE IT RESOLVED, that the Fulton County Board of Commissioners will now enter into **Contract 2011-71** with Mika Construction, Inc. in the amount of \$68,242.80, to furnish all materials, equipment, tools, and labor necessary to perform all the work required for the project known as Drainage Improvement 2110, Branch 41 of Bad Creek, according to the plans, specifications, terms and conditions contained therein; and

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and 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 of the Ohio Revised Code.

Commissioner _____ seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Perry Rupp	_____ Perry Rupp	_____ Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

Copy to: Auditor, Contract File, Project file, Contractor, Engineer

RESOLUTION 2011-563

In the Matter of Resolution to Enter Into **Contract**) Office of County Commissioners
2011-74 with Ward Construction, Co. for 2011) Fulton County, Ohio
Seal Coat Program) June 9, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 9, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Dean Genter, Paul Barnaby and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, on May 19, 2011, the Board of Commissioners of Fulton County held the bid opening for the 2011 Seal Coat Program on behalf of the Fulton County Engineer; and

WHEREAS, on May 26, 2011, upon the recommendation of the County Engineer, the Commissioners awarded the bid to lowest and best bidder, Ward Construction, Co. in the amount of \$813,957.90 and a contract has been successfully negotiated.

THEREFORE BE IT RESOLVED, that the Fulton County Board of Commissioners will now enter into **Contract 2011-74** with Ward Construction, Co. in the amount of \$813,957.90, to furnish all materials, equipment, tools, and labor necessary to perform all the work required for the project known as the 2011 Seal Coat Program, according to the plans, specifications, terms and conditions contained therein; and

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and 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 of the Ohio Revised Code.

Commissioner _____ seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Perry Rupp	_____ Perry Rupp	_____ Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

Copy to: Auditor, Contract File, Project file, Contractor, Engineer

RESOLUTION 2011-564

In the Matter of Resolution to Authorize Board) Office of County Commissioners
President to Enter Into **Contract 2011-75** with) Fulton County, Ohio
Pitney Bowes, Inc. on Behalf of Western District Court) June 9, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 9, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, a contract has been successfully negotiated on behalf of the Western District Court for the lease on a postage meter for the Court; and

WHEREAS, Pitney Bowes, Inc. is a vendor under the State Term Schedule Number 111 800051 with the Ohio Department of Administrative Services; and

THEREFORE, BE IT RESOLVED, that the Fulton County Board of Commissioners hereby authorize the Board President to enter into **Contract No. 2011-75** with Pitney Bowes, Inc. on behalf of the Western District Court for the purposes, terms and conditions therein, at a rate of \$314.00 per month for a period of sixty (60) months, and shall only be amended through formal proceedings of the Board of Commissioners of Fulton County, Ohio; and

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and 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 of the Ohio Revised Code.

Commissioner _____ seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Paul Barnaby

Paul Barnaby

Paul Barnaby

Dean Genter

Dean Genter

Dean Genter

Perry Rupp

Perry Rupp

Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

RESOLUTION 2011-565

In the Matter of Resolution to Enter Into **Contract**) Office of County Commissioners
2011-76 with Northwoods Consulting Partners, Inc.) Fulton County, Ohio
On Behalf of the Department of Job and Family) June 9, 2011
Services)

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, June 9, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, an agreement has been successfully negotiated on behalf of the Department of Job and Family Services for data sharing and confidentiality of information for programs in use by the Department and under contract with Northwoods Consulting Partners, Inc.; and

THEREFORE, BE IT RESOLVED, that the Fulton County Board of Commissioners, on behalf of the Fulton County Department of Job and Family Services will enter into **Contract 2011-76** with Northwoods Consulting Partners, Inc. for data sharing and confidentiality of information for all programs that exist under said agreement as attached hereto and outlined therein; and

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and 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 of the ORC.

Commissioner _____ seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Paul Barnaby

Paul Barnaby

Paul Barnaby

Dean Genter

Dean Genter

Dean Genter

Perry Rupp

Perry Rupp

Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

Copy to: Contract File, DJFS; Auditor

RESOLUTION 2011-566

In the Matter of Resolution to Approve) Office of County Commissioners
Reduction of Maximum Weight Limit) Fulton County, Ohio
Of Vehicle and Vehicle Load on Fulton-Lucas) June 9, 2011
County Bridge No. 1 and Posting Thereof)

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 9, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter and Perry Rupp

Commissioner _____ moved for the adoption of the resolution herein.

WHEREAS, due to structural deficiencies and to prevent further stress on Fulton-Lucas Road Bridge No. 1 over Ten Mile Creek, in Richfield Township, Lucas County, the Lucas County Engineer recently recommended reducing the load limit for the bridge by 25%, in accordance to ORC §5577.071; and

WHEREAS, this bridge is also located in Amboy Township, Fulton County, and there is a maintenance agreement in place between Fulton and Lucas County for different portions of Road 1; and

WHEREAS, although this bridge lies within the portion of road that is maintained by Lucas County per said maintenance agreement, the Fulton County Engineer is recommending that the Fulton County Commissioners, pursuant to ORC §5577.071(C), approve the reduction of maximum weight of vehicle and load for motor vehicles by 25% and the posting of the reduction thereof in Fulton County, in accordance with ORC §5577.071(B); and

THEREFORE BE IT RESOLVED, the Fulton County Commissioners hereby approve the reduction of maximum weight of vehicle and load for motor vehicles by 25% for the Fulton-Lucas County Bridge No. 1, pursuant to ORC §5577.071(C), and the posting of the reduction thereof in accordance with ORC §5577.071(B); and

BE IT FURTHER RESOLVED, by the Board of County Commissioners, County of Fulton, State of Ohio that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and 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 of the Ohio Revised Code.

Commissioner _____ seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Paul D. Barnaby	_____ Paul D. Barnaby	_____ Paul D. Barnaby
_____ Dean A. Genter	_____ Dean A. Genter	_____ Dean A. Genter
_____ Perry L. Rupp	_____ Perry L. Rupp	_____ Perry L. Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

Copy To: File

RESOLUTION 2011-567

In the Matter of Resolution to Increase) Office of County Commissioners
Appropriations for Eastern District Court) Fulton County, Ohio
) June 9, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 9, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, a request has been submitted by Eastern District Court to increase appropriations in their Computer fund to cover the Courtview contract recently entered into on their behalf;

WHEREAS, there are sufficient funds available in the Certificate of Estimated Resources to allow the increase as requested hereinabove; and

THEREFORE BE IT RESOLVED, the Fulton County Board of Commissioners approves the **INCREASE of APPROPRIATIONS** as follows:

<u>Amount</u>	<u>Account</u>
\$5,000.00	2222-12124-5-41200 Computer Maint- CCE

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and 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 of the Ohio Revised Code.

Commissioner _____ seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Perry Rupp	_____ Perry Rupp	_____ Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest:

Jennifer L. Connors, Clerk

cc: Auditor, CCE

RESOLUTION 2011-568

In the Matter of Resolution Authorizing) Office of County Commissioners,
Board President to Execute Environmental) Fulton County, Ohio
Covenant on Behalf of County Engineer) June 9, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 9, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, due to the presence of underground storage tanks located on County Property located at the Engineer’s Office, it is necessary to execute an environmental covenant with the Ohio State Fire Marshal, pursuant to ORC §5301.80 to 5301.92 for the purpose of subjecting said property to certain activity and use limitations; and

THEREFORE BE IT RESOLVED, the Board of Commissioners hereby authorize the Board President, Paul Barnaby, to execute the Environmental Covenant, as attached hereto; and

BE IT FURTHER RESOLVED, by the Board of County Commissioners, County of Fulton, State of Ohio that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and 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 of the Ohio Revised Code.

Commissioner _____ seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Perry Rupp	_____ Perry Rupp	_____ Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

RESOLUTION 2011-569

In the Matter of Resolution to Approve) Office of County Commissioners,
 Then and Now Purchase Orders and Payments) Fulton County, Ohio
) June 9, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 9, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, the Fulton County Auditor has certified the following listed Then and Now purchase orders and payments:

PO Number	VENDOR #	PO Date	Amount
2011001203	BRITS50	5/31/2011	\$ 9,036.60
2011001204	UTILI58	5/31/2011	1,104.56
2011001205	VILLA76	5/31/2011	250.00
2011001210	BRITS50	6/2/2011	563.51
2011001211	FULTO45	6/2/2011	358.76
2011001217	RAMSO50	6/2/2011	4,275.00
2011001220	ACEHA50	6/2/2011	37.48
2011001221	JONES49	6/2/2011	150.00
2011001232	CHANN50	6/6/2011	225.60
			\$ 16,001.51

WHEREAS, it is certified that both at the time that the contract or order was made (“then”), and at the time that the County Auditor is completing the certification (“now”), that sufficient funds were available or in the process of collection, to the credit of the proper fund, properly appropriated and free from any previous encumbrance; and

WHEREAS, pursuant to Ohio Revised Code §5705.41(D)(1), these purchases must be approved by resolution of the Board of Commissioners; and

THEREFORE BE IT RESOLVED, the Board of Commissioners hereby approve the Then and Now Purchase Orders as certified by the County Auditor; and

BE IT FURTHER RESOLVED, by the Board of County Commissioners, County of Fulton, State of Ohio that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and 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 of the Ohio Revised Code.

Commissioner _____ seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Perry Rupp	_____ Perry Rupp	_____ Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
 FULTON COUNTY, OHIO**

Attest: _____
 Jennifer L. Connors, Clerk

cc: Auditor

RESOLUTION 2011-570

In the Matter of Resolution Approving) Office of County Commissioners,
Purchase Orders and Travel Requests) Fulton County, Ohio
) June 9, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 9, 2011, at 152 South Fulton Street, Wauseon, Ohio, with all members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

BE IT RESOLVED , that the Fulton County Commissioners will sign a Purchase Order computer edit list prepared by the Fulton County Auditor, in addition to signing each individual purchase order, if necessary. Said Purchase Order Edit List will be on file in the Fulton County Commissioners Office in lieu of being journalized, and;

BE IT FURTHER RESOLVED, that the Board of Commissioners approve travel requests as submitted, and;

BE IT FURTHER RESOLVED that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and 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 of the Ohio Revised Code.

Commissioner _____ seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Paul Barnaby

Paul Barnaby

Paul Barnaby

Dean Genter

Dean Genter

Dean Genter

Perry Rupp

Perry Rupp

Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

Copy To: File