

**MINUTES OF MEETING  
FULTON COUNTY BOARD OF COMMISSIONERS  
COMMISSIONERS SESSION ROOM  
JUNE 13, 2011**

[9:00:32 AM](#)

Call Meeting to Order

Pledge of Allegiance

Opening Prayer

Roll Call Attendance- All members present

[9:01:35 AM](#)

**Resolution 2011-573** Approve Minutes of June 9, 2011

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

[9:01:50 AM](#)

**Resolution 2011-574** Approve Agenda As Presented or Amended

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

[9:02:42 AM](#)

**OLD BUSINESS:**

1. Ziad Musallam, Sanitary Engineer To Discuss Correspondence from Ohio EPA:

- a. Pettisville Sewer District
- b. Airport Industrial Park
- c. Pleasant View Subdivision

Ziad Musallam, Sanitary Engineer, and Rick Meiring, Water and Sewer Technician, were both present for the discussion.

Mr. Musallam stated that the Pleasant View Subdivision had violations regarding the oxygen levels. These are being addressed as part of the proposed Pleasant View improvement.

Mr. Meiring explained that the Airport Industrial Park has experienced a lot of infiltration. The EPA is requiring a study of smoke and dye testing. The basic problem is related to heavy rain events that have washed out the operating sludge. Mr. Musallam noted that this park has a lot of copper, which cannot take a lot of ground infiltration. When the rain comes too fast, the system can't treat the ground water. Cracked tiles or floor drains and eaves that are tied in will be able to be detected with smoke.

Commissioner Rupp inquired of the options available. Mr. Musallam stated that they need to find out the inflow amounts and where it is coming from. Then they will proceed with the smoke and dye testing. The testing however requires ideal ground and weather conditions to be successful. This ideal time is in mid-summer when it is dry. If there is a broken tile or pipe, a leaking manhole, or eaves, it will show up right away with the smoke. Once the testing is done,

there is 2 years to do the evaluation and make a recommendation to the EPA. Commissioner Barnaby inquired of the mercury testing. Mr. Musallam stated that it hasn't started yet, and has a 5 year evaluation and recommendation period. In the meantime, they need to keep maintaining the pumps to keep them running properly. The heavy rains have caused the influent pumps to flood. A portable pump was used to relieve the system. 1 of 2 pumps is now working; the 2<sup>nd</sup> pump is being repaired. The moving parts of the pumps are submerged which is not healthy for them. They are not designed for heavy flow. The smoke test is inexpensive but perfect weather conditions are needed. Mr. Meiring added that they should do the dye testing also for the areas that cannot be penetrated by smoke.

Commissioner Genter asked if they needed authorization from the Board to move forward with the testing. Mr. Musallam stated that this is not necessary as the Sewer Rules and Regulations already have a provision included for this. He just needs to notify the landowners and send a letter to the EPA notifying them of the action being taken.

[9:18:33 AM](#)

2. Review Correspondence from John O'Neil Regarding Water Meter Located at 9741 SR 120  
Correspondence was received from Mr. O'Neill in response to the action taken by the Board on June 2, 2011 regarding water usage at 9741 SR 120. Commissioner Genter inquired of Mr. Meiring what was done to check the accuracy of this meter. Mr. Meiring stated that he met with the occupant of the building, Scott McDermott. After doing a check, he shut down the system at the meter for the weekend. Upon return, there was no movement in the meter at all. The water meter usage from that point was in the range of 200-300 gallons which is in the normal range historically for the facility. At some point, 290K gallons went through that meter. Commissioner Genter inquired if there was anything that could've caused this like flushing when the system was switched over. Mr. Meiring explained that there was no such scenario. When the County took over the system it was a matter of shutting off their valve and turning on ours. This amount of water usage could very easily be caused by a faucet or hose left on or even toilet leakage. It was tested and the meter does not move unless there is water going through it. He has been checking periodically and the water usage is in the normal range, indicating that when the excess water usage was discovered it was discontinued. They checked back through service records of Lyons and there were no instances of any history of problems.

Commissioner Genter inquired of the total amount of the bill. Mr. Musallam stated it is \$2,061.37, before 10% late fees. Commissioner Genter stated that he would propose a one-time settlement and provided that something like this doesn't happen again. Mr. Musallam stated that as of now he has agreed to pay \$150/month.

**Resolution 2011-583** Offer Settlement for Water Usage at 9741 SR 120

Commissioner Genter made the motion to offer a settlement of \$1200.00 and Commissioner Rupp seconded the motion. This shall be a one-time payment, with no late fees, and it shall be made within 10 days of notification. Notification shall be sent by U.S. Certified Mail Service. A roll call vote was taken. Rupp, yes; Genter, yes; Barnaby, yes. Motion carried unanimously.

[9:32:33 AM](#)

**Discussion on Regional Water**

A regional water study was performed in November of 2000 on the Lucas County side. This showed what the system is capable of, the location of the infrastructure and the county's critical

need areas. This was again updated in 2005, with only minor changes. Commissioner Genter stated that he would like to see another update. Mr. Musallam noted that it can be done in house. Commissioner Rupp indicated that once we arrive at a revised study, he would like to go to an engineering firm to get an outside opinion. Mr. Musallam indicated that ARCADIS was hired to do a water study and contracted with Toledo/Lucas County. Commissioner Rupp acknowledged this and stated they need to bring in someone that is not from the Toledo area.

[9:43:01 AM](#)

### **Fulton County Dog Wardens-Weekly Update**

Dog Warden, Peter Skeldon, and Deputy Warden, Brian Banister, were present for the update. In reference to the Standard Operating Procedures recently adopted and put into place on June 1, Mr. Skeldon indicated that there are things included that do not pertain to modernized facilities. Sections regarding transfer of ownership and redemption of dogs were discussed. Mr. Skeldon brought up other issues such as what is permitted and not permitted when a person finds a dog and wishes to keep the dog until the owner is found. If no one claims it in 10 days they can license the dog and claim it as theirs. This is to prevent having the dog double licensed. Law requires that the tag is worn by the dog, but there are exceptions, such as hunting dogs. They do not need to wear tags when they are out hunting.

Commissioner Genter inquired if the new schedule was working out. Mr. Skeldon stated that it is except they have been without a 2<sup>nd</sup> truck. Commissioner Genter stated that they are looking into getting something different, so not to spend the money on getting this one fixed as of yet. It is rusted out and beat up. Specs will be drawn up and will go through state purchase or someone local that can match that price.

They shall continue working out the bugs with the Standard Operating Procedures and will return next Monday.

[9:58:32 AM](#)

3. Review Notice of Annual Fulton County Farm Bureau Policy Development Breakfast  
The annual Fulton County Farm Bureau Policy Development Breakfast will be held Tuesday, June 28, 2011 at 7 a.m. in the Fulton County Administration Building.

[9:58:55 AM](#)

4. Review Notice of Northwest Ohio Commissioners and Engineers Quarterly Meeting  
The 2<sup>nd</sup> Quarter Northwest Ohio Commissioners and Engineer's Meeting will be held in Van Wert County on Monday, July 11, 2011.

[9:59:06 AM](#)

5. Review Notice of NORED Meeting Regarding Ohio Turnpike  
NORED will hold a Roundtable Meeting with Northwest Ohio State Legislators on Monday, July 18, 2011 from 9-11 at the Perrysburg French Quarter.

[10:00:27 AM](#)

6. Review Amended Certificate\_

[10:00:39 AM](#)

7. Review Certificate of Non-Compliance

[10:01:30 AM](#)

**First Public Hearing on Ditch Improvement Petition Number 2115-Heer**

Commissioner Barnaby opened the hearing and turned the discussion over to Chief Deputy Engineer, Rod Creager. Mr. Creager explained the ditch process as prescribed by ORC 6131. He showed pictures of the petitioned area and discussed observations at the View that took place 2 weeks ago. He noted that Pete Carr from the Soil and Water Conservation District is working on a way to keep debris from clogging up the drains.

Commissioner Genter asked if there is any need to extend the petition downstream. Mr. Creager stated that shouldn't be necessary as downstream seems to be handling normal rains ok. The flooding is in the upstream only.

**PROJECT INITIATION**

This drainage improvement was initiated through a single county drainage petition filed by Dan Heer and Andy Heer. The petition calls for the cleaning and brush cleaning of an open ditch known as Branch 3a of Bean Creek, located in the Southeast and Southwest Quarters of Section 8, T-7-N, R-5-E in German Township, Fulton County, Ohio.

The last drainage improvement of record on Branch 3a of Bean Creek was petitioned by Mr. Clyde Gigax in 1953. This is before the maintenance provision went into effect in 1957. At that time the open ditch was cleaned and brush cleaned from about one quarter mile east of what is now County Road 23, to Branch 3 of Bean Creek, approximately 725 feet south of US 20 Alternate. Since that time landowners have closed the upper 2300 feet of the channel and have maintained the lower 5200 feet of the open ditch privately. This proposed improvement is to begin at the upper terminus of the present open ditch, near the southwest corner of the Dan Herr property, south of the NORTA bike trail and about 640 feet west of County Road 23.

A viewing of the proposed project site was conducted by the Board of County Commissioners, Fulton County, on Tuesday May 31, 2011.

The watershed involved is approximately 663 acres. There are a total of forty-seven (47) parcels of land within the watershed, including twenty-five (25) parcels in the unincorporated village of Elmira. Ninety-two percent (92%) of the area is agricultural, seven percent (7%) is residential and commercial, and one percent (1%) is rural estate.

**PROJECT OBJECTIVES**

The primary objective of this improvement is to remove the nuisance brush and accumulated sediment to reestablish an adequate drainage outlet for the Branch 3a watershed. Another objective is to establish an ongoing maintenance program to keep the drainage improvement in good condition throughout its useful life.

## **PROBLEMS OBSERVED**

The problems observed along Branch 3a of Bean Creek are consistent with the problems usually found on open ditches that have not been regularly maintained. Brush was found growing on the channel banks along the upper 2500 feet of the ditch. The extent of the brush varied depending upon the past maintenance efforts of the adjacent landowners. Nuisance brush on channel banks impedes the flow of storm water in the channel.

Sediment has accumulated in the bottom of the channel from the upper terminus to just downstream from US 20 Alternate. Sediment can block the tile outlets that are needed to remove excess storm water from the root zone in cropland areas. Sediment can also block outlets for the accelerated runoff from roadways and developed properties in the watershed.

The culvert on the Smucker property appears to be adequate but will be checked to verify that it is the proper size and set at the correct grade elevation.

There was some evidence of erosion at the outlet of Smucker's culvert and at the outlet of a 15-inch tile outlet draining a portion of the watershed north of the abandoned railroad.

## **WORK PROPOSED**

The proposed work plan for this project will include the removal of the nuisance brush that interferes with channel flow from both banks of Branch 3a of Bean Creek. Brush will be flush cut and treated with herbicide to prevent regrowth and will be piled along the line of the improvement for disposal by adjacent landowners.

The work plan will also include the removal of sediment and the leveling of spoils from Br. 3 of Bean Creek to the upper terminus of the proposed project at the southwest corner of the Heer property, a distance of 5,150 feet. The channel will be excavated to a design grade line and spoils will be leveled in adjacent fields. Through the wooded area on the Smucker property, one-sided construction techniques will be used and spoils may be left piled on the side of construction to limit the extent of clearing required. Culverts will be evaluated as to their size and elevation. Highway and private culverts that are of the proper size and that are on grade will be cleaned. Culverts that are inadequate will be replaced.

Channel banks will be re-seeded daily as needed during the course of construction. A 15-foot wide berm will be seeded along the top of both channel banks except through areas of one-sided construction. The existing filter strip downstream from UR 20A will be leveled and seeded where disturbed by construction activity.

Rock channel protection will be provided at large outlet tiles and culvert outlets and on banks where erosion is expected to occur. Other erosion control measures such as temporary seeding will be included in the work plan as required.

## **CONSTRUCTION ESTIMATE**

The attached preliminary construction estimate is based on information that was obtained through aerial photos and field observations. The total estimated cost for all of the work proposed including contingencies, construction financing, engineering and administrative costs is \$25,851.20.

The final detailed construction estimate, based upon a complete engineering survey will be used to determine the estimated assessments for each parcel. Assessments will be considered at the final hearing on this proposed improvement. Upon completion of the project work plan, actual assessments will be prorated to reflect the final cost of the work completed.

## **PROJECT BENEFITS AND ESTIMATED ASSESSMENTS**

Assessments for the proposed improvement will be based on the benefits received from the improved drainage outlet. The type and quantity of drainage runoff contributed by each parcel will be a considered. The location of a parcel relative to the location of the work will also be given consideration.

It is expected that the benefits derived from the proposed improvements over their estimated 20-year useful life will exceed the project costs. Rural residential properties will benefit from improved drainage by increasing or maintaining their property values. According to local real estate sources, as a general rule, properties suffering from standing water throughout their entire yards are often judged to be devalued as much as 20% to 30%. Properties with some standing water could be devalued as much as 10% to 20%. Areas that suffer even the stigma of standing water could be devalued by 5% to 10%. Standing water can flood septic systems and contribute to mosquito control problems and other health risks.

Estimated assessments will be computed once a final work plan estimate is completed. Owners will be notified of any estimated assessments and assessments will be considered at the final hearing if this project proceeds beyond the first hearing.

## **MAINTENANCE**

The Ohio Revised Code requires that all drainage improvement projects be placed on a permanent maintenance program. Maintenance activity is limited to the maintenance of the items originally constructed. Maintenance is paid for by periodic ditch maintenance assessments to the parcels in the watershed. The amount of the maintenance assessment is in proportion to the original ditch assessment for each parcel.

The revised code provides for the right of access to drainage tiles and open ditches constructed through ditch improvement petitions in order to perform necessary maintenance activities. The permanent maintenance access easement for this improvement will be twenty-five (25) in width along both sides.

## **APPARENT FAVORABLE FACTORS**

Crop yields will be maintained and improved.

Property values will be improved or protected.

The ditch will be placed on permanent maintenance to insure that it can be kept clean and free flowing, thus protecting the investment in this proposed improvement.

## **APPARENT UNFAVORABLE FACTORS**

Temporary disruption to farming operations will occur during and immediately after construction

Disruption to farming operations can be expected to occur periodically during future maintenance activities.

## **PROJECT FEASIBILITY**

This project work plan is feasible and can be economically completed through the drainage improvement petition process.

Mr. Creager stated that with the other projects that are going on right now, it would be at least February before the survey would be completed. This will give the landowners time to do their own construction on the specially assessed portions. He mentioned also that for brush removal, the landowners may be able to save money if they work together for the nuisance brush removal as opposed to hiring separate contractors.

Mr. Creager stated that with the other projects that are going on right now, it would be at least February before the survey would be completed. This will give the landowners time to do their own construction on the specially assessed portions. He mentioned also that for brush removal, the landowners may be able to save money if they work together for the nuisance brush removal as opposed to hiring separate contractors.

**At 10:50:10 a.m.** Commissioner Barnaby performed a mass swearing in for those in attendance wishing to provide testimony.

**Jeff Schmucker** – he has walked the ditch and seen water flowing slowly out of the culvert. By the time it hits 20A it is flooded. He lost some of his wheat crop due to this flooding. On his farm ground, he really can't see much of a difference between Branch 3 and Branch 3a. He has seen the whole area flood where 3a merges into 3.

**Dan Heer** – the 30 inch tile in this ditch never gets more than half empty. The mud and sediment needs to come out to give the tile some freeboard.

**Commissioner Barnaby closed the floor for testimony at 10:54:25 a.m. and began deliberations.**

**Resolution 2011-584** Find for Improvement – Ditch 2115

Taking into consideration the view of the petitioned area, the report of the Chief Deputy Engineer, and the testimony given by the landowners, Commissioner Genter made the motion to find for the improvement and order the County Engineer to complete the surveys, maps and schedules. Commissioner Rupp seconded the motion. A date of March 1, 2012 at 10:00 a.m. was set for the filing of the plans. Motion carried unanimously. Mr. Creager noted that if he is able to get it done before that he will contact the Clerk and set up an earlier date.

Commissioner Barnaby noted that a representative from the Soil and Water Conservation District was present today for landowners to discuss options for lowering costs associated with the project.

[11:02:19 AM](#)

**NEW BUSINESS:**

· **Resolution 2011-575** Increase Contract 2007-62 with Mastin Septic Tank, Inc. and Increase and Transfer Appropriations for Fulton County Landfill Fund  
Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[11:03:04 AM](#)

· **Resolution 2011-576** Authorize Advertisement of Bids for 2011 Asphalt Resurfacing Program  
Bids will be accepted until 10 a.m. on July 5, 2011 for the 2011 Asphalt Resurfacing Program. Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[11:03:35 AM](#)

· **Resolution 2011-577** Approve Request for Release of Permissive Tax Funds for Village of Delta  
Pursuant to the recommendation of the County Engineer, the Board released \$12,500.00 in funds to the Village of Delta in Permissive Motor Vehicle Tax Funds. Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[11:04:00 AM](#)

· **Resolution 2011-578** Lower Purchase Orders; Transfer Funds for Shared Costs, Mandated Shares, and Boarding Home Payroll Expenses for Department of Job and Family Services  
Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[11:04:25 AM](#)

· **Resolution 2011-579** Accept Resignation for Part-time Intermittent EMT's  
Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[11:04:53 AM](#)

· **Resolution 2011-580** Reject All Bids for 2011 Sign Upgrade Project and Authorize Re-Advertisement  
Four bids were received and opened on June 8, 2011 on behalf of the County Engineer for the 2011 Sign Upgrade Project. The bids were turned over to the County Engineer for review and

recommendation for award of bid. After review, the County Engineer reported that one bid submitted was incomplete and two bids were more than 10% over the engineer's estimate. The fourth did not provide surety. The engineer recommended that all bids be rejected and requested authorization to advertise for the rebid. Commissioner Genter made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

**Bids will be accepted for the re-bid of this project until 10:00 a.m. on July 11, 2011 in the Commissioners' Office.**

[11:05:21 AM](#)

· **Resolution 2011-581** Increase and Transfer Appropriations for Various Departments  
Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[11:05:55 AM](#)

**Resolution 2011-582** Approve Purchase Orders and Travel Requests  
Commissioner Genter made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[11:06:16 AM](#)

**Resolution 2011-585** Set Date for Public Hearing for 2012 Budget for Fulton County  
Pursuant to ORC 5705.30, a public hearing must be held before the tax budget can be adopted.  
**A public hearing will be held on June 30, 2011 at 11:00 a.m.** The advertisement thereof will be in the Fulton County Expositor and on the County Website. Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[11:08:55 AM](#)

ADJOURN

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

Approved:

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Paul D. Barnaby

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Dean A. Genter

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Perry L. Rupp

Attest:

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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 2011-573**

In the Matter of Resolution Approving ) Office of County Commissioners  
Minutes of June 9, 2011 ) Fulton County, Ohio  
) June 13, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 13, 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 9, 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

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Dean A. Genter

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Dean A. Genter

\_\_\_\_\_  
Perry L. Rupp

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Perry L. Rupp

\_\_\_\_\_  
Perry L. Rupp

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

Attest: \_\_\_\_\_  
Jennifer L. Connors, Clerk

Copy To: File

**RESOLUTION 2011-574**

In the Matter of Resolution to approve ) Office of County Commissioners  
Agenda as Amended or Presented ) Fulton County, Ohio  
) June 13, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 13, 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 13, 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:

<b>Voting Aye thereon:</b>	<b>Voting Nay thereon:</b>	<b>Abstain:</b>
_____ 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 2011-583**

In the Matter of Resolution Authorizing ) Office of County Commissioners  
Settlement Offer to John O’Neil Regarding ) Fulton County, Ohio  
Water Usage at 9741 SH 120 ) June 13, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 13, 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**, Mr. John O’Neil, a customer of the Fulton County Northeast Water System, recently submitted correspondence to the Board of Commissioners thereby inquiring about water usage at the property located at 9741 SH 120; and

**WHEREAS**, pursuant to that inquiry, a review of the water usage history of said premises and the existing water meter was conducted and it was determined that the water meter is working properly; and

**WHEREAS**, in an effort to settle this matter and to avoid the customer’s water service disconnection, the Board wishes to offer a one-time payment settlement.

**THEREFORE, BE IT RESOLVED**, the Board hereby authorizes a settlement proposal to Mr. John O’Neil as follows:

- A one-time payment of \$1,200. This will settle the current Northeast Water System bill which includes water usage through April 2011; and
- Payment be made within 10 days of the date of the proposal; and
- Late fees will be waived if payment is made in accordance with the terms of this proposal

**BE IT FURTHER RESOLVED**, said proposal shall be sent by U.S. Certified Mail; 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

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Paul Barnaby

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Paul Barnaby

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Dean Genter

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Perry Rupp

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

Attest: \_\_\_\_\_  
Jennifer L. Connors, Clerk

CC: File; Z. Musallam

**RESOLUTION – 2011-584**

**COMMISSIONER’S FINDING FOR THE IMPROVEMENT**  
Ohio Revised Code §6131.12

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In the Matter of the *Single* ) Office of County Commissioners,  
County Ditch No. *2115* Petitioned ) Fulton County, Ohio  
for by *Dan Heer et al.* ) **June 13, 2011**

The Board of County Commissioners of Fulton County, Ohio met in *regular* session on the *13<sup>th</sup>* day of *June, 2011*, at the office of said board with the following members present:

*Commissioner Paul Barnaby*  
*Commissioner Dean Genter*  
*Commissioner Perry Rupp*

*Commissioner* \_\_\_\_\_ moved the adoption of the following Resolution:

**WHEREAS**, this being the day fixed by the Board in its order dated the *3<sup>rd</sup>* day of *May, 2011*, for the hearing on the petition in the above named improvement, the Board met at the office of said Board, and conducted the hearing by causing the petition to be publicly read, together with all applications for and against the improvement, and

**WHEREAS**, after proper examination, the Board finds that due and legal notice has been given in the manner and for the length of time required by law, to all owners of land affected by said improvement; and

**WHEREAS**, on May 31, 2011, the Board made an actual view of the proposed improvement and has heard either in person, or by counsel, all evidence offered by any owner of land for or against the granting of the proposed improvement, or for or against the granting of any laterals, branches, spurs, or change of route, course, termini, or manner of construction described in the petition, or any application therefor; and

**WHEREAS**, The Board has given consideration to the protection of environmentally significant areas when those areas could be adversely affected by the construction of the proposed improvement and has given consideration, where necessary, to alternative plans providing for that protection as well as for construction of the proposed improvement.

**THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Fulton County, Ohio, that it is hereby found that the proposed improvement petitioned for is necessary and will be conducive to the public welfare, and it is reasonably certain that the cost thereof will be less than the benefits, and the prayer of the petition is hereby granted; and it further finds that the following described route and termini of the proposed improvement and of the branches, spurs and laterals thereof, and the manner of constructing the same are the best and the same are hereby adopted and prescribed by the Board:

*Commencing* approximately 760 feet south and 640 feet west of the Northeast corner of the Southeast Quarter of Section 8, T-7-N, R-5-E, in German Township, Fulton County, Ohio;

*Thence*, continuing downstream in a westerly, then southwesterly direction, following the route and course of the existing open ditch, crossing US20A and terminating at Branch 3 of Bean Creek.

*This ditch is known as Branch 3a of Bean Creek.*

**BE IT FURTHER RESOLVED**, That the County Engineer be and he is hereby directed to cause to be made the necessary survey for the proposed improvement, plans for the structures, maps showing the location of the land proposed to be assessed, and profiles showing the cutting and gradient of the improvement, and make an estimate of the cost of the construction of the improvement; which shall include actual construction cost, the cost of engineering, and the cost of notices, publication and other incidental expenses; and set proper construction stakes, and perform such other duties as required by Section 6131.14 of the Revised Code of Ohio, and

**BE IT FURTHER RESOLVED**, That the *1<sup>st</sup>* day of *March, 2012*, at *10:00 a.m.* is hereby fixed as the time for filing with the Clerk of the County Commissioners all of the plans, maps, profiles, schedules and reports prepared by the County Engineer; and

**BE IT FURTHER RESOLVED**, that further hearing on the improvement is hereby adjourned to the date above fixed for the filing of the reports, plans, and schedules by the County Engineer.

*Commissioner* \_\_\_\_\_ seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

**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: Rod Creager  
File

**RESOLUTION 2011-575**

In the Matter of Resolution to Increase ) Office of County Commissioners  
Contract 2007-62 with Mastin Septic Tank, ) Fulton County, Ohio  
Inc. and Increase Appropriations in Landfill ) June 13, 2011  
Fund 4170 )

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 13, 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 made by the Fulton County Sanitary Engineer to Increase Contract 2007-62 with Mastic Septic Tank, Inc. previously entered into by the Board of Commissioners, on behalf of the Sanitary Engineer, due to an increase in leachate hauling at the Fulton County Landfill; and

**WHEREAS**, due to this increase it is necessary to increase appropriations in the Landfill Fund 4170; and

**WHEREAS**, there are sufficient funds in the Certificate to allow the increase of appropriations as requested; and

**THEREFORE, BE IT RESOLVED**, the Board of Fulton County Commissioners hereby authorize an INCREASE in Contract 2007-62 with Mastin Septic Tank, Inc. for increased leachate hauling at the Fulton County Landfill, in the amount of \$7,350.00; and

**BE IT FURTHER RESOLVED**, the Board of Fulton County Commissioners hereby authorizes an INCREASE of appropriations as follows:

<u>Amount</u>	<u>Line</u>
\$7,350.00	4170-20921-5-43000 Contract Projects - Landfill

**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:

<b>Voting Aye thereon:</b>	<b>Voting Nay thereon:</b>	<b>Abstain:</b>
_____ 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 2011-576**

In the Matter of Resolution to Authorize            )       Office County Commissioners  
Advertisement of Bids for 2011 Asphalt            )       Fulton County, Ohio  
Resurfacing Project                                    )       June 13, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 13, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, Perry Rupp

Commissioner \_\_\_\_\_ moved for the adoption of the following resolution:

**WHEREAS**, it is necessary to publicly advertise to solicit bids for the 2011 Asphalt Resurfacing Project on behalf of the County Engineer; and

**THEREFORE BE IT RESOLVED**, the Board of Commissioners shall hereby receive sealed bids for the 2011 Asphalt Resurfacing Project until **10:00 a.m.** on the **5<sup>th</sup> day of July, 2011** in the office of the Fulton County Commissioners at 152 S. Fulton Street, Suite 270, Wauseon, Ohio, and at **10:01 a.m.** the bids will be opened and publicly read aloud; and

**BE IT FURTHER RESOLVED**, the necessary publication of notice of bid will be in the Fulton County Expositor on June 16, 2011 and on the Fulton County Website at [fultoncountyoh.com](http://fultoncountyoh.com);

**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:

<b>Voting Aye thereon:</b>	<b>Voting Nay thereon:</b>	<b>Abstain:</b>
_____ 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: C. Stamm; journal; Project file

**RESOLUTION 2011-577**

In the Matter of Resolution Approving        )       Office of County Commissioners  
Request of Village of Delta for Release of    )       Fulton County, Ohio  
Permissive Motor Vehicle Tax Funds         )       June 13, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 13, 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 Village of Delta submitted a request to the County Engineer dated June 2, 2011, for the release of permissive tax funds in the amount of \$12,500.00 to assist in the costs for eligible street related projects within the Village; and

**WHEREAS**, upon review by the Fulton County Engineer, Frank Onweller, and by his letter dated June 7, 2011, approval is recommended; and

**THEREFORE BE IT RESOLVED**, that the Fulton County Board of Commissioners approve the distribution of \$12,500.00 of Permissive Motor Vehicle Funds to the Village of Delta to assist in the costs for eligible street related projects within the Village; 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:

<b>Voting Aye thereon:</b>	<b>Voting Nay thereon:</b>	<b>Abstain:</b>
_____ 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 2011-578**

In the Matter of Resolution to Lower Purchase ) Office of County Commissioners  
 Orders and Transfer Funds for Department of ) Fulton County, Ohio  
 Job and Family Services ) June 13, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 13, 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 was submitted by the Assistant Director of the Fulton County Department of Job and Family Services to lower purchase orders that are no longer needed ; and

**WHEREAS**, the Department of Job and Family Services has reconciled the cost for the care of children for the month of May 2011 and the Assistant Director is thereby requesting a transfer for the balance owed by the County; and

**WHEREAS**, reports are complete to establish the Child Support Enforcement Agency’s Shared Cost payment to public assistance for May 2011 and a transfer is being requested for said funds; and

**WHEREAS**, a request was submitted for the transfer of funds for the County’s monthly mandated cost payment for Public Assistance and the Child Support Enforcement Agency, respectively, for June 2011; and

**THEREFORE BE IT RESOLVED**, the Fulton County Board of Commissioners hereby approve Purchase Orders be LOWERED as follows:

<u>Purchase Order</u>	<u>Vendor</u>	<u>Account Line</u>	<u>Amount to lower</u>
2011000567	SCHAE60	2710-17920-5-41003	\$ 70.00
2011000568	WYSEW90	2710-17920-5-41003	\$ 210.40
2011000826	PROFE70	2710-17920-5-41003	\$3,587.00
2011000838	CASEY10	2710-17920-5-41003	\$ 14.27
2011001110	ROYAL52	2710-17920-5-41003	\$ 67.50
2011001111	GRAME50	2710-17920-5-41003	\$ 70.00
2011000722	PREST20	2710-17920-5-41004	\$ 19.00
2011000753	SMITL20	2710-17920-5-41004	\$ 290.00
2011000779	COOKP50	2710-17920-5-41004	\$ 255.60
2011001107	ROSAL50	2710-17920-5-41004	\$ 170.00
2011001112	HALLL50	2710-17920-5-41004	\$ 95.00
2011001164	KEESB50	2710-17920-5-41004	\$ 400.00
2010000846	FULTO33	2610-16914-5-41000	\$6,906.18

**BE IT FURTHER RESOLVED**, the Fulton County Board of Commissioners hereby approve the TRANSFER OF FUNDS as follows:

<u>Amount</u>	<u>Account</u>
\$53,181.19	From: 1000-16161-5-96200 Children Services
\$53,181.19	To: 2615-12914-4-24001 Board and Care
\$16,468.47	From: 2610-16914-5-94000 CSEA Shared Exp
\$16,468.47	To: 2605-15914-4-53020 PA Transfer In-Shared Cost
\$ 6,799.50	From: 1000-30914-5-96200 GF Mandated Share
\$ 6,799.50	To: 2605-15914-4-53015 PA Transfer In-GF Mandated Share
\$10,933.55	From: 1000-30914-5-96400 PA, CSEA Transfers
\$10,933.55	To: 2610-15914-4-55000 CSEA-County Share

**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

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Dean Genter

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Dean Genter

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Perry Rupp

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Perry Rupp

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Perry Rupp

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

Attest:

\_\_\_\_\_  
Jennifer L. Connors, Clerk

cc: Auditor, Journal; JFS

**RESOLUTION 2011-580**

In the Matter of Resolution to Reject ) Office of County Commissioners  
All Bids for 2011 Sign Upgrade Project ) Fulton County, Ohio  
and Authorize Re-advertisement for Bids ) June 13, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 13, 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,** four (4) bids were received and opened on June 9, 2011 on behalf of the County Engineer for the 2011 Sign Upgrade Project; and

**WHEREAS,** the bids were turned over to the County Engineer for review and recommendation for award of bid; and

**WHEREAS,** after review, the County Engineer reported that one (1) bid submitted was incomplete and two (2) bids were more than 10% over the engineer’s estimate. The fourth bid failed to provide surety; and

**WHEREAS,** for the reasons stated hereinabove, the County Engineer recommends that all bids be rejected and requests authorization to re-advertise for bids; and

**THEREFORE, BE IT RESOLVED,** pursuant to the recommendation of the County Engineer, the Board of County Commissioners of Fulton County hereby reject all bids received on June 9, 2011 for the 2011 Sign Upgrade Project and authorize the re-bid and re-advertisement of the same; and .

**BE IT FURTHER RESOLVED,** that sealed bids will be received for the **2011 Sign Upgrade Project until 10:00 a.m. on the 11<sup>th</sup> day of July, 2011** in the office of the Fulton County Commissioners at 152 S. Fulton Street, Suite 270, Wauseon, Ohio. **At 10:01 a.m.** the sealed bids will be opened and publicly read aloud. The necessary publication of notice of bid, as required by law, will be published in the **Fulton County Expositor on June 16, 2011 and June 23, 2011 and on the County’s website at fultoncountyoh.com .**

Commissioner \_\_\_\_\_ seconded the resolution and upon calling the roll, the following vote was taken.

<b>Voting Aye thereon:</b>	<b>Voting Nay thereon:</b>	<b>Abstain:</b>
_____ 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; Engineer; Bidders; journal

**RESOLUTION 2011-581**

In the Matter of Resolution to Increase and ) Office of County Commissioners  
 Transfer Appropriations for Various Depts ) Fulton County, Ohio  
 ) June 13, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 13, 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 the Clerk of Courts to transfer appropriations for the Title Office for Office Equipment; and

**WHEREAS**, a request has been submitted by Eastern District Court for appropriations for a visiting judge; and

**WHEREAS**, a request has been submitted by the Fulton County Sheriff to increase appropriations in the Wireless Fund 2316 for computer equipment; and

**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 hereby approves the **TRANSFER of APPROPRIATIONS** as follows:

<u>Amount</u>	<u>Account</u>	
\$924.70	From: 2110-12120-5-51000	Supplies-Title Office
\$924.70	To: 2110-12120-5-61000	Equipment-Title Office
\$ 50.00	From: 1000-12124-5-61400	Law Books-CCE
\$ 50.00	To: 1000-12124-5-33600	Visiting Judge-CCE

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

<u>Amount</u>	<u>Account</u>	
\$16,000.00	From: 2316-13137-5-61300	Wireless Computer Equipment

**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:

cc: Auditor, Affected Depts

\_\_\_\_\_  
Jennifer L. Connors, Clerk

**RESOLUTION 2011-582**

In the Matter of Resolution Approving ) Office of County Commissioners,  
Purchase Orders and Travel Requests ) Fulton County, Ohio  
) June 13, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 13, 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

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Paul Barnaby

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Dean Genter

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Dean Genter

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Dean Genter

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Perry Rupp

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Perry Rupp

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Perry Rupp

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

Attest: \_\_\_\_\_  
Jennifer L. Connors, Clerk

Copy To: File