

**FULTON COUNTY BOARD OF COMMISSIONERS
COMMISSIONERS' SESSION ROOM**

**MINUTES OF MEETING
APRIL 4, 2011**

[9:00:15 AM](#)

Call Meeting to Order

Pledge of Allegiance

Opening Prayer

Roll Call Attendance – All Members Present

[9:01:15 AM](#)

Resolution 2011-324 Approve Minutes of March 31, 2011

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

[9:01:37 AM](#)

Resolution 2011-325 Approve Agenda As Presented or Amended

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

[9:02:33 AM](#)

OLD BUSINESS:

· Review Notice Pursuant to §325.19 Regarding Alternate Leave Schedule

Notice was submitted by the Recorder, Auditor, Treasurer and Prosecuting Attorney of their intent to close at noon on April 22, 2011 in observance of Good Friday.

Resolution 2011-334 Close Commissioners Office at Noon on April 22, 2011

Commissioner Genter made the motion to close the Commissioners' offices at noon also and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:03:27 AM](#)

·Review Year-to-Date Fund Summary Report

Commissioner Genter asked Vond Hall, County Administrator, to come up with a presentation on the total effect the Governor's budget will have on Fulton County. Mr. Hall stated that this presentation can also include discussion on pension reform and Senate Bill 5 as this also impacts the budget.

[9:07:33 AM](#)

NEW BUSINESS:

· **Review Clerk's Notice of Filing of New Ditch Petition**

Ditch 2114 Vandebusch

Resolution 2011-326 Fix Date and Time of View and 1st Public Hearing

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

Notice was given to the Board of Commissioners and the County Engineer of the filing of a new ditch petition by Larry Vandebusch and others to clean and brush clean Branch 7a of Ten Mile Creek.

The Commissioners will view the site of the proposed improvement on June 6, 2011 at 10:00 a.m. The 1st hearing on the petition will take place in the Commissioners' Chambers on July 7, 2011 at 10:00 a.m. Notice will be given as required by law.

[9:10:49 AM](#)

· **Resolution 2011-327** Approve Pay Request No. 8 for Northeast Fulton County Water System Contract B
Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[9:11:09 AM](#)

· **Resolution 2011-328** Approve Pay Request No. 6 for Northeast Fulton County Water System Project Contract DIII
Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:11:52 AM](#)

· **Resolution 2011-329** Approve Draw Down of Funds for Northeast Fulton County Water System Project
Commissioner Genter made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:13:13 AM](#)

· **Resolution 2011-330** Increase and Transfer Appropriations for Various Departments
Commissioner Genter made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:13:55 AM](#)

· **Resolution 2011-331** Appoint Prevailing Wage Coordinator
Ziad Musallam, Sanitary Engineer, has been appointed as the Prevailing Wage Coordinator for Airport Projects and the Senior Center Exterior Vestibule Project. Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[9:14:51 AM](#)

· **Resolution 2011-332** Enter Into Contract 2011-56 with The Shelly Company for the Asphalt Resurfacing of County Road D Project

Bids were received on March 3, 2011 for the Asphalt Resurfacing of County Road D, between Roads 11 and SR 109, on behalf of the County Engineer. The bid was awarded to the lowest and best bidder, The Shelly Company, on March 10, 2011, in the amount of \$654,837.25. The Board will now enter into contract for said amount. Commissioner Genter made the motion and Commissioner Barnaby seconded the motion. Motion carried unanimously.

[9:17:34 AM](#)

· **Resolution 2011-333** Approve Purchase Orders and Travel Requests
Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:19:05 AM](#)

Recess

[10:00:05 AM](#)

1 ST Public Hearing on Ditch Petition 2113 Filed for by Roger Debacker

Commissioner Barnaby opened the hearing and turned it over to Chief Deputy Engineer, Rod Creager. Mr. Creager explained the ditch petition process as it follows ORC 6131. He then gave a brief overview of how drainage works explaining that drainage or the lack thereof significantly affects everyone in the watershed. He stated that this area is part of the Black Swamp is not naturally well drained. Those in the country rely on ditches and drains the way that city residents rely on storm sewers.

He presented a map of the area and gave the following report:

PROJECT INITIATION

This drainage improvement was initiated through a single county drainage petition filed by Mr. Roger DeBacker and others on February 22, 2011. The petition calls for the improvement of an existing open ditch known as Little Bear Creek located primarily in Royalton Township, Fulton County, Ohio.

The proposed open ditch improvement is petitioned to begin at the outlet of 18-inch concrete tile located about 1660 feet west and 250 feet north of the east quarter corner of Section 21, T-9-S, R-3-E in Royalton Township. From that point the improvement is petitioned to continue downstream in an east north easterly direction following the alignment of the existing open ditch for approximately 4.6 miles, terminating at Big Bear creek on the east side of County Road 7 just south of Township Road.

The work petitioned for includes the removal of brush, down trees, drift and debris from the Little Bear Creek channel. The petitioned work plan also includes the removal of sediment from the channel bottom, the leveling of the spoil removed from the channel, and the restoration of disturbed banks and berms. Erosion control measures such as alignment improvements, rock channel protection, surface water control structures, and the creation of filter strips are also included in the proposed project work plan.

A viewing of the project site was conducted by the Board of County Commissioners, Fulton County, on Monday, March 21, 2011.

There are records of improvements to the main channel of Little Bear Creek dating back to 1886. The channel was also cleaned in 1905 and 1941. The latest successfully completed main channel drainage improvements through petition were in the late 1950's. The upper 1.5 miles of Little Bear Creek and one of its major branches to the east were successfully reconstructed through a petition filed in 1958. A petition to clean the lower 3.9 mile reach of Little Bear, outlet for the previously petitioned main and the branch, was filed in January of 1959. That petition called for the cleaning and brush cleaning of the main Little Bear channel from just west of State Route 109 all the way to Big Bear Creek.

There were ninety (90) parcels and about 2,835 acres of land involved in the 1958 and 1959 petitions. Due to rural residential development, there are now about one hundred fifty (150) parcels on the same watershed acres under consideration in these proceedings.

Channel improvements to Little Bear were again petitioned in the late 1970's but dismissed and since then any maintenance to Little Bear Creek has been completed by the adjacent land owners.

PROJECT OBJECTIVES

The primary objective of this project is to improve the drainage capacity of Little Bear Creek in order to provide an outlet for modern drainage demands and to establish a permanent ditch maintenance program for drainage tile and open ditch systems.

PROBLEMS OBSERVED

The most obvious problem observed along Little Bear Creek during the project viewing and subsequent inspections was the nuisance brush growing on and along the channel banks. The inconsistency of the brush removal efforts of the adjacent land owners was also obvious. Some channel reaches have no brush at all while other sections are choked with dense brush and down trees. There may be mowable light brush along one section of the ditch but the next section may require a significant brush removal effort. Through one section near the middle of the project the land owners used one sided construction techniques cleaning the brush from one side of the channel and removing down trees and debris from the channel bottom.

Except for one section of Little Bear that appeared to have been recently cleaned, the sediment in the channel is estimated to average between one and one-half to two feet deep. There was some variation in the depth of sediment depending upon the nature and the distribution of brush and debris and where surface waters washed out banks and channel berms. Upstream from State Route 109 some tiles were observed to be at or below the water level in the ditch. Downstream from State Route 109 the drain tiles had a little more freeboard.

Most of the erosion problems in Little Bear were downstream from Township Road 8. The ditch seems to meander more downstream from Road 8 and the dense brush and fallen trees through those lower reaches divert stream flow into the adjacent ditch banks creating erosion problems. There were some points of surface water entry into the ditch, where little if any grass berm existed, that will need to be protected from erosion.

All culverts and bridges will be checked to make certain that they can adequately convey channel design flows. Undersized culverts will be removed and culverts that are in disrepair or above grade will need to be improved. Most culverts appear to be adequately sized except the culvert through County Road S which appears to be a little too small.

Evidence was offered at the project viewing that the tile upstream from the upper terminus to this project didn't have sufficient cover. According to the 1919 record of the tile installation, the new drain averaged about 2 feet of cover over its entire length. There was however one section of the tile that had only about a foot and a half of cover. In order to deepen the tile to provide the recommended 30 inches of cover, the Little Bear channel would have to be deepened as well.

Flooding along the lower reaches of the proposed improvement was also said to be an issue. The potential for flooding and possible needed improvements to the outlet stream, Big Bear Creek, were also discussed at the viewing. An effort to improve Big Bear Creek downstream in Michigan was dropped several years ago for lack of a willing petitioner in the Ohio watershed of the creek.

Mr. Creager asked if there was any interest in deepening the channel on the upper reach as shallow cover was reported at the view. He stated that he spoke with the Drainage Commission in Michigan as there was previously interest to petition Big Bear Creek, however at the time, there was no interest or support for that in Ohio so the petition was dropped. He explained that with interstate ditches both states have different procedures so it would actually have to be filed with 2 separate petitions. The projects would run concurrently.

Mr. Creager answered questions from the landowners in attendance. He then showed slides of the petitioned area.

WORK PROPOSED

The work plan proposed will consist of the proposed work spelled out the petition. Brush, down trees drift and debris will be removed from both sides of the Little Bear channel. Brush and trees removed will be left for disposal by the land owner.

Sediment will be excavated from the channel bottom and spoils will be leveled in adjacent fields. Spoil will be hauled from lawn areas and spread in upstream fields. Disturbed yards, filter strips and roadsides will be restored.

Erosion control measures will be incorporated in the work plan. Banks and berms will be seeded. Rock channel protection will be placed on turns where required. If necessary rock chutes will be installed to protect banks from erosion due to concentrated surface water flow. Fifteen foot grass berms will be established where none exist.

Traffic control and incidental items associated with the cleaning of these open ditches will also be included in the work plan.

A temporary construction easement will be established along the line of the improvement.

CONSTRUCTION ESTIMATE

The attached preliminary construction estimate is based on information that was obtained through aerial photos and field observations. The breakdown of cost is as follows:

Construction and contingencies	\$179,563.10
Construction financing	\$ 9,569.42
Engineer's costs	\$ 15,334.00
Clerk's costs	<u>\$ 3,750.00</u>
TOTAL	\$208,216.52

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 improved drainage. 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 throughout the 2800 acre watershed from the proposed improvements over their estimated 20-year useful life will be greater 1.14 million dollars and will exceed the estimated project costs by a ratio of about 5.5:1. House lots and the rights-of-way will be assessed at higher rates than agricultural land. Woods and pasture land will be assessed at a lower rate than tillable land.

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%. Without good drainage outlets septic systems do not function properly leading to the contamination of groundwater. Standing water can also contribute to mosquito control problems and other health risks.

Estimated assessments could range from \$130.00 to \$270.00 per acre for house lots and from \$66.00 to \$130.00 per acre for farm land drained, depending on location. Public rights-of-way could be assessed between \$165.00 and \$300.00 per acre, again depending upon location.

It is important to note that about one half of the estimated \$208,216.52 project cost will be assessed to the land owners adjacent to the ditch as special assessments for the removal of brush, the installation of rock chutes and the establishment of 15 foot grassed berms. Those stream side owners can elect to complete those work items themselves at a probable cost savings.

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 tile and open ditches to perform necessary maintenance activities. The permanent maintenance access easement for this improvement will be twenty-five (25) in width measured from the top of both ditch banks.

Mr. Creager answered more questions from the landowners and explained that anytime a maintenance bill gets paid, it goes against the maintenance fund, which all landowners contribute to. He also explained that maintenance is done at the request of the landowners.

APPARENT FAVORABLE FACTORS

1. Crop yields will be maintained and improved.
2. Property values will be improved or protected.
3. Erosion control measures at the open ditch will reduce erosion and protect the open channel from deterioration.
4. The outlet will be placed on permanent maintenance that will insure that the drain can be kept clean and free flowing which will protect the investment in this proposed improvement.

APPARENT UNFAVORABLE FACTORS

1. Temporary damage to adjacent land can be expected during construction.
2. Crop production will be lost along the proposed construction easement during the course construction activities.
3. Periodic production loss and inconvenience may result from future maintenance activity.

PROJECT FEASIBILITY

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

Mr. Creager explained that half of the work involved in this case is special assessments for brush, rock chutes and so on. If landowners did these on their own it would be a big savings for them. He further explained that the Fulton County Soil and Water District may be able to help also.

Mr. Creager answered more questions from landowners. He explained that taking care of the ditches is not an obligation of the county but of the landowner. When asked how he knows how much property actually drains into the ditch, he stated it is based on past records and topographic maps. He stated that if it is different than what is on record at their office, the landowners need to let him know. He also explained the concept of varied assessments and how they are calculated.

At 11:28 Commissioner Barnaby performed a mass swearing-in for all those that wish to give testimony.

Commissioner Barnaby first read an email that was sent to the Clerk from Barbara M. Pokornik and Shirley A. Griffeth that was to be read into the record as testimony. It Read: Please view and review Section 22-

04294800.000 and Section 22-043076-00.000. Our section of Little Bear Creek is clear and free flowing, due to the efforts of our tenants, the Hollands, who are prominent members of the Fulton Soil and Water Conservation District. The ditch is clear of brush and debris and a filter strip is established to prevent run off. We are opposed to the petition. If the petition should go forward we should be given no additional assessment for being proactive and already having our portion of the ditch clean.

Carol Newbury – In favor of the petition. She presented pictures to the Board of Commissioners to evidence the flood damage that has been done. She stated that there have been several buildings on their property that have been flooded, their cars and tractors have been flooded, and their yard has been destroyed.

Judy Farely – In favor of the petition. She also presented pictures to evidence the flooding that occurs on her property.

Commissioner Barnaby asked for questions. None were asked.
The Hearing was closed for testimony at 11:32 a.m.

The Board deliberated on the evidence observed at the view, the engineer's report, and the testimony given today.

Commissioner Barnaby stated that the ditch needs to be cleaned. Water doesn't go around things very well without causing problems. Fulton County has the 2nd most ditches in the State of Ohio.

Commissioner Genter explained that if they would find for the improvement today, it is only to instruct the engineer to prepare a survey and that it will come back before the Board for a final hearing. He stated that from what he saw at the view and from the pictures shown today something needs to happen. These are tough decisions to make when faced with these projects, but there is an obvious need for proper drainage here.

Commissioner Rupp stated that he agrees and would add that they pursue the outlet into Michigan. They can clean all the ditches in Fulton County but it will still stack up at the State Line if not cleaned out.

Resolution 2011-335 Commissioners Finding for the Improvement; Ordering Engineer to Conduct Survey; File Reports, Plans and Schedules

Commissioner Genter stated that both sides need to be cleaned to eliminate the potential for trees on the other side falling in and creating more problems. Commissioner Genter made the motion to find for the improvement thereby ordering the County Engineer to conduct a full survey. Commissioner Rupp seconded the motion. A date was fixed for October 17, 2010 for the engineer to file his report with the Clerk of Commissioners. A roll call vote was taken: Rupp, yes; Genter, yes; Barnaby, yes. Motion carried unanimously.

Mr. Creager stated that it is important for the landowners to try and work with the Soil and Water District. After the final survey is performed they will know for sure the special assessments and the structures needed. Commissioner Genter added that they want everyone to be able to speak through the process and to stay well informed. Commissioner Genter asked Pete Carr from the Soil and Water District if he would give a presentation on what services they offer. He said that he would upon approaching the final hearing in this matter. He is hoping that he can help to eliminate special assessments. Mr. Creager added that by working with Soil and Water they may also qualify for future maintenance base reductions.

Mr. Creager will work with Michigan to see if there is a sponsor willing to petition Big Bear Creek.

An unidentified landowner presented an envelope to the Board stating that he was instructed by the Township to do so. Commissioner Barnaby opened the envelope and enclosed was a petition signed by several landowners stating that they are against the cleaning and brush clearing of Little Bear Creek. The Petition was signed by Tim

Meeker, Chris Olejownik, Charles and Norma Schuch, John Gleckler, Marianne Gleckler, Lars Ryan, Mary Meeker and Thomas Stack.

Also enclosed was a letter in from Frank Noe and Cheryl Noe stating their opposition to the petition.

[11:52:46 AM](#)

Hearing Closed

[12:16:23 AM](#)

ADJOURN

Commissioner Genter made the motion and Commissioner Rupp 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 2011-324

In the Matter of Resolution Approving) Office of County Commissioners
Minutes of March 31, 2011) Fulton County, Ohio
) April 4, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 4, 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 March 31, 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 2011-325

In the Matter of Resolution to approve) Office of County Commissioners
the agenda as amended or presented) Fulton County, Ohio
) April 4, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 4, 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: April 4, 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 2011-334

In the Matter of Resolution Close) Office of County Commissioners
Commissioners' Offices at Noon) Fulton County, Ohio
On April 22, 2011) April 4, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 4, 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, Ohio law allows each elected office holder the right, power, and authority to establish office operations for their respective office with regard to holidays, vacation, and sick leave compensation equal to or in excess of the ORC minimum standards; and

WHEREAS, the Board of Commissioners wishes to close all offices under their care, custody, and control at Noon on April 22, 2011 in observance of Good Friday; and

THEREFORE BE IT RESOLVED, the Fulton County Commissioners hereby close all offices under their care, custody, and control at Noon on April 22, 2011 in observance of Good Friday; 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: Affected Departments; File

RESOLUTION 2011-326

ORDER FIXING TIME OF VIEW AND FIRST HEARING

Revised Code, Sec. 6131.07

In the Matter of the Single) Office of County Commissioners,
County Ditch No. 2114 Petitioned) Fulton County, Ohio
for by Larry Vandebusch, et al.) April 4, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session on April 4, 2011, at the office of said board with the following members present:

Commissioner Barnaby, Commissioner Genter and Commissioner Rupp

Commissioner _____ moved for the adoption of the following Resolution:

WHEREAS, on this 4th day of April, 2011, the Board of Commissioners and the County Engineer of Fulton County, Ohio have been given notice on the filing of a petition signed by Larry Vandebusch, and others, to clean and brush clean Branch 7a of Ten Mile Creek; and

WHEREAS, it appears to the Board that the proper bond has been filed, approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the costs incurred by the Engineer in making his preliminary reports, if the prayer of the petition is not granted, or if the petition is for any cause dismissed, unless the Board decides to pay the Engineer's costs from the bond in accordance with §6131.09 of the Ohio Revised Code.

THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, that the _____ day of _____, 2011 at _____ at the site of the proposed improvement be and the same is hereby fixed as the time and place for the view thereon; and

BE IT FURTHER RESOLVED, that the _____ day of _____, 2011 at _____ at office of said board be and the same is hereby fixed as the time and place for the first hearing on the petition; and

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

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

Table with 3 columns: Voting Aye thereon, Voting Nay thereon, Abstain. Rows for Paul Barnaby, Dean Genter, Perry Rupp.

BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO

Attest: _____
Jennifer L. Connors, Clerk

cc: Rod Creager
File

RESOLUTION 2011-330

In the Matter of Resolution to Increase) Office of County Commissioners
 And Transfer Appropriations for Various) Fulton County, Ohio
 Departments) April 4, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 4, 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, it is necessary to increase and transfer appropriations for various departments to cover expenses for the remainder of the year for health insurance, computer maintenance, community corrections; and equipment; and

WHEREAS, there are sufficient funds available in the certificate to allow the increase of appropriations as requested hereinabove; and

THEREFORE, BE IT RESOLVED, the Board of Commissioners hereby authorizes the following line APPROPRIATIONS be INCREASED:

<u>AMOUNT</u>	<u>ACCOUNT</u>	
\$ 6,000.00	6002-11800-5-20400	Hospital Insurance – IT-Internal Serv
\$ 900.00	2383-13138-5-32000	Training-CCGFY11
\$ 430.00	2383-13138-5-51000	Supplies-CCGFY11
\$ 900.00	2383-13138-5-62000	Equipment-CCGFY11
\$10,000.00	2222-12124-5-41200	Computer Maintenance-CCE

BE IT FURTHER RESOLVED the Board of Commissioners hereby authorizes the following APPROPRIATIONS BE TRANSFERRED:

<u>AMOUNT</u>	<u>ACCOUNT</u>	
\$ 96.65	From: 2110-12120-5-41000	Contract Service-COC
\$ 96.65	To: 2110-12120-5-61000	Equipment-COC
\$30,000.00	From: 2420-14143-5-62000	Equipment Garage
\$30,000.00	To: 2420-14143-5-6100	Office 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 D. Barnaby	_____ Paul D. Barnaby	_____ Paul D. Barnaby
_____ Dean A. Genter	_____ Dean A. Genter	_____ Dean A. Genter
_____ Perry Rupp	_____ Perry Rupp	_____ Perry Rupp

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

Attest: _____
 Jennifer L. Connors, Clerk

cc: Auditor; Affected Depts; Journal

RESOLUTION 2011-331

In the Matter of Resolution to Designate and) Office of County Commissioners
Appoint Ziad Musallam to Serve As) Fulton County, Ohio
Prevailing Wage Coordinator for Fulton County) April 4, 2011
Projects)

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 4, 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 Board of County Commissioners wish to designate and appoint Ziad Musallam, Sanitary Engineer, to perform any and all functions otherwise conferred to the Prevailing Wage Coordinator for the Board of Commissioners under Ohio Revised Code Chapter 4115 for certain projects.

THEREFORE, BE IT RESOLVED, the Board of Commissioners hereby designates and appoints Mr. Ziad Musallam to serve as Prevailing Wage Coordinator for the following projects:

- 1) FY2008 Improvements to Fulton County Airport – Section B
Tree Clearing and Grubbing
- 2) 2011 Fulton County Parking Lot Paving and Repair Project

BE IT FURTHER RESOLVED, Ziad Musallam is hereby authorized to carry out any and all functions otherwise conferred to the Prevailing Wage Coordinator under Ohio Revised Code, Section 4115; and

BE IT FURTHER RESOLVED, that the Prevailing Wage Officer oversees the compliance by contractor of Ohio Revised Code Chapter 4115 concerning prevailing wage laws for improvements financed by public funds. This compliance includes paying the correct prevailing wage rate, submitting certified payrolls and filing a notarized affidavit at the completion of a project. The office also oversees any contracts funded with federal funds governed by the Davis-Bacon Act with the same type of submittals and expectations.

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: Z. Musallam; journal; file

RESOLUTION 2011-332

In the Matter of Resolution Enter Into Contract) Office of County Commissioners,
2011-56 with The Shelly Company for the) Fulton County, Ohio
Asphalt Resurfacing of County Road D) April 4, 2011
(Road 11 – SR 109))

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 4, 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, bids were received on March 3, 2011 for the Asphalt Resurfacing of County Road D, between Roads 11 and State Route 109 Project, on behalf of the Fulton County Engineer; and

WHEREAS, on March 10, 2011, the bid was awarded to the lowest and best bidder, The Shelly Company, in the amount of \$654,837.25; and

WHEREAS, a contract has been successfully negotiated with the Shelly Company on behalf of the County Engineer to furnish all materials, equipment, tools, and labor necessary to perform all work required and according to the plans and specifications and to the satisfaction and acceptance of the Board, as well as complying with all applicable federal, state, and local laws in the conduct of work performed for the project herein; and

THEREFORE, BE IT RESOLVED, that the Board of Commissioners shall hereby enter into Contract 2011-56 with the Shelly Company for the Asphalt Resurfacing of County Road D, Between Roads 11 and State Route 109 Project, on behalf of the County Engineer, and according to the terms and conditions 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:
_____ 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: Engineer; Bidders; File; Journal

RESOLUTION – 2011-335

COMMISSIONER’S FINDING FOR THE IMPROVEMENT
Revised Code, Sec. 6131.12

In the Matter of the *Single*) Office of County Commissioners,
County Ditch No. *2113* Petitioned) Fulton County, Ohio
for by *Roger Debacker, et.al.*) *April 4, 2011*

The Board of County Commissioners of Fulton County, Ohio met in *regular* session on the *4th* day of *April, 2011*, at the office of said board with the following members present:

Commissioner Paul Barnaby
Commissioner Dean Genter
Commissioner Perry Rupp

Commissioner GENTER moved the adoption of the following Resolution:

WHEREAS, This being the day fixed by the Board in its order dated the *24th* day of *February, 2010*, for the hearing on the petition in the above named improvement, the Board met at 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, The Board has 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 1660 feet west and 250 feet north of the East Quarter Corner of Section 21, T-9-S, R-3-E, in Royalton Township, Fulton County, Ohio;

Thence continuing in an east northeasterly direction following the alignment of the open ditch, approximately 4.6 miles to County Road 7;

Thence crossing into Amboy Township and continuing to the north, east of County Road 7, eventually crossing back into Royalton Township and continuing to the north along the west side of County Road 7, across State Route 120;

Terminating at Big Bear Creek 1500 feet north of State Route 120 in Section 12, T-9-S, R-3-E, in Royalton Township.

This open ditch is known as Little Bear 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 *17th* day of *October, 2011*, 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 RUPP seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye thereon:

Paul Barnaby

Dean Genter

Perry Rupp

Voting Nay thereon:

Paul Barnaby

Dean Genter

Perry Rupp

Abstain:

Paul Barnaby

Dean Genter

Perry Rupp

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

Attest: _____
Jennifer L. Connors, Clerk

CC: Rod Creager
File