

	Reemployment with Public Employer and Notice of Public Meeting	yes; Barnaby, yes; Genter no. Motion carried 2-1.
9:13:56 AM	· <u>Resolution 2010-737</u> Approve Pay Request #2 for Miller Contracting Group for Bridge A21-31.1 Project	Commissioner Barnaby made the motion and Commissioner Short seconded the motion. Motion carried unanimously.
9:15:54 AM	· <u>Resolution 2010-738</u> Enter Into Technical Service Contract 2010-105 with Village of Metamora	Commissioner Short made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.
9:18:01 AM	· <u>Resolution 2010-739</u> Transfer Funds for DJFS for Board Home Payroll Expenses	Commissioner Barnaby made the motion and Commissioner Short seconded the motion. Motion carried unanimously.
9:18:37 AM	· <u>Resolution 2010-740</u> Transfer Appropriations for County Engineer	Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.
9:19:30 AM	· <u>Resolution 2010-741</u> Create New Lines and Transfer Appropriations Within Internal Services Fund 6002	Commissioner Short made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.
9:20:14 AM	· <u>Resolution 2010-742</u> Increase Appropriations for Law Library	Commissioner Genter made the motion and Commissioner Barnaby seconded the motion. Motion carried unanimously.
9:21:52 AM	· <u>Resolution 2010-743</u> Approve Pay Request #2 for Gerken Paving, Inc. for Resurfacing of County Roads H&K	Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.
9:22:33 AM	· <u>Resolution 2010-744</u> Approve Purchase Orders and Travel Requests	Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.
9:23:00 AM	Recess	
9:30:29 AM	Ken Caldwell, Director of Department of Job and Family Services To Present Quarterly Update and PRC Plan	Mr. Caldwell presented the following report:

Medicaid	Total # of recipients	Nursing Home \$	Other Medicaid \$	Total \$
Previous Quarter	5788.0	\$2,487,209	\$6,734,938	\$9,222,147
Apr	5839	\$907,008	\$1,240,240	\$2,147,248
May	5899	\$919,628	\$2,295,425	\$3,215,053
Jun	5888	\$960,531	\$2,525,695	\$3,486,226
Monthly Average	5875.3			
Total	2,787,167	\$6,061,360		\$8,848,527
Total Y-T-D		\$5,274,376	\$12,796,298	\$18,070,674

Food Assistance	Total # of recipients	# of Families	Amount Issued
Previous Quarter	3799.0		\$1,266,414
Apr	3858	1480	\$426,704
May	3818	1466	\$481,805
Jun	3851	1485	\$437,005
Monthly Average	3842.3	1477.0	
Total			\$1,345,514
Total Y-T-D \$2,611,928			

OWF Cash	Total # of recipients	Total \$
Previous Quarter	90.7	\$49,862
Apr	99	\$17,631
May	97	\$17,734
Jun	99	\$22,144
Monthly Average	98.3	
Total		\$57,509
Total Y-T-D \$107,371		

Children Services	Reports/ Investigations	Kids in Custody	Foster Care \$
Previous Quarter	78.7	11.0	\$132,640
Apr	82	14	\$44,184
May	88	13	\$39,952
Jun	88	13	\$37,783
Monthly Average	86.0	13.3	
Total			\$121,919
Total Y-T-D \$254,559			

DA	Total # of recipients	Cash Assistance	Transport Assistance
Previous Quarter	19.7	\$6,819	\$17,284
Apr	18	\$2,395	\$5,733
May	20	\$4,973	\$6,693
Jun	22	\$2,394	\$9,149
Monthly Average	20.0		
Total		\$9,762	\$21,575
Total Y-T-D		\$16,581	\$38,859

Child Support	Total \$ Collected
Previous Quarter	\$1,613,631
Apr	\$635,454
May	\$536,054
Jun	\$605,977
Total	\$1,777,485
Total Y-T-D \$3,391,116	

Child Care	Total # of recipients	Total \$
Previous Quarter	220.3	\$206,763
Apr	235	\$82,984
May	238	\$77,778
Jun	243	\$96,926
Monthly Average	238.7	
Total		\$257,688
Total Y-T-D \$464,451		

PRC	Total \$
Previous Quarter	\$13,600
Apr	\$866
May	\$11,334
Jun	\$1,924
Total	\$14,124
Total Y-T-D \$27,724	

TANF Contracts	Total \$
Previous Quarter	\$6,895
Apr	\$1,088
May	\$979
Jun	\$1,124
Total	\$3,191
Total Y-T-D \$10,086	

Contracts Courts/Prosecutor/Sheriff	Total \$
Previous Quarter	\$46,277
Apr	\$9,827
May	\$11,452
Jun	\$13,767
Total	\$35,046
Total Y-T-D \$81,323	

He stated that not much has changed since the last quarter and the rate of increase has slowed down. There are a few more reports of child welfare and

	<p><u>Resolution 2010-747</u> Execute PRC Plan for Department of Job and Family Services</p>	<p>increase in child placement. They have received their allocations and took only a small hit this year compared to last.</p> <p>He then presented the PRC plan stating that it must be updated every 2 years. He recalled the amendment last year stating that it was due to the huge cut in allocations. He stated that car repairs are back in the plan this round and are only for working families. Workforce development has different programs available for those who are not working.</p> <p>He stated that he went over the changes with the planning commission last week and they approved. Commissioner Barnaby made the motion to approve the PRC plan as presented and Commissioner Barnaby seconded the motion. Motion carried unanimously.</p> <p>This plan will go into effect August 23, 2010.</p>
<p>9:37:33 AM</p>	<p>Recess</p>	
<p>10:02:22 AM</p>	<p>Final Hearing on Ditch Petition 2109-Anderson</p>	<p>The Hearing was opened and turned over to Mr. Rod Creager, Chief Deputy Engineer. He gave a brief overview of the petition process under ORC Chapter 6131. He explained that a view and 1st hearing were held. The Surveys and Schedules were complete and now a final hearing is being held. Mr. Creager gave the following report:</p> <p><u>PROJECT INITIATION</u></p> <p>This drainage improvement was initiated through a single county drainage petition filed by Mr. Donald Anderson and others in April of 2009. Mr. Anderson had been issued a court order to connect the drainage outlet for his property into the tile along Township Road 1 in front of his property. Swancreek Township denied Mr. Anderson's request to connect his outlet into the tile along Road 1, citing their policy to preserve roadside tile for roadside drainage. Without land rights to cross downstream properties with his own outlet, Mr. Anderson's only alternative was to file a single county drainage improvement petition with the Fulton County Commissioners.</p> <p>The petition called for the installation of a new storm drain and appurtenances across the frontage of his property at 4457 County Road 1 located in Swancreek Township, Fulton County, Ohio. It was the intent of the petition to provide a modern storm drainage system to completely replace an existing 8-inch drain tile along Road</p> <p>The proposed improvement was, petitioned to begin approximately 395 feet south of the east quarter corner of Section 25, T-7-N, R-8-E, on the west side of Road 1. From there, the improvement was to proceed downstream to the north for a distance of 627 feet along the west right-of-way of Township Road 1, following and replacing an existing 8-inch drain terminating at an existing catch basin at the west end of a 12-inch crossover to an open ditch east of Road 1. There was no record of the existing clay tile that was likely installed at the time of some past road improvement. Typically 6-inch tile was used for basic roadside drainage. The fact that the existing tile is an 8-inch suggests that it also provided an outlet for drainage from adjacent property. Swancreek Township maintains the tile as needed.</p> <p>A viewing of the project was conducted by the Board of</p>

County Commissioners, Fulton County, on Thursday, June 25, 2009. Based on their observations and the evidence offered at the viewing and first hearing conducted on July 2 2009, the county commissioners altered the route, course and termini of the proposed improvement.

Swanecreek Township did not want their existing roadside drainage disturbed. The primary drainage problems were determined to be between Anderson's pond and his north property line. Therefore, the upper terminus and route were altered to begin at Anderson's pond, continue to his north property line and then to proceed east on a neighboring property to Road 1, then north along Road 1 to the 12-inch cross over.

PROJECT OBJECTIVES

The primary objective of this project is to install a new high quality storm sewer to provide an outlet for seasonal standing water on and around the Anderson property. The outlet is needed to respond to past and pending court action as well as to answer certain zoning issues related to drainage, grading and lot filling.

Another objective is to provide a permanent maintenance program for the improvement.

PROBLEMS OBSERVED

There were no obvious drainage problems observed on the day of the view other than brush and some sediment in the open ditch that serves as the outlet for the drain in question. There was evidence of past seasonal flooding in some lawns and in the wooded areas surrounding nearby residences.

Evidence was offered by several land owners in attendance that there has been a long history of drainage issues in the neighborhood over the years.

The petitioner, Mr. Anderson, had been sued several times by his neighbors.

Landowners at the viewing stated that they did not have any major drainage problems that needed attention and did not need a more dependable high quality storm water outlet.

They gave the impression that the seasonal high water in the area was tolerable and that

Mr. Anderson was the only person in the neighborhood with a problem.

The drainage issue on the Anderson property stems from that fact that a wide natural swale that at one time crossed his downstream neighbor's lot was filled when that lot was originally developed, thereby obstructing the natural flow of storm water from his property. USGS stream maps bear this out (See the attached Exhibit). The owners involved in the downstream pond construction and lot filling have long since moved away.

Once the natural outlet was obstructed, Mr.

Anderson's attempts to fill and grade on his own lot only aggravated the problem, causing water to stand on his property and to overflow onto others. A reliable drainage outlet is needed.

WORK PROPOSED

The revised work plan will consist of installing a new 10-inch diameter **PVC** pipe from the existing catch basin opposite the head of the open ditch on the west

side of Road I to the south, just inside the township right-of-way to a point about twenty-five (25) feet inside Cleland's south property line. A new catch basin will be installed at that point. From there 10-inch solid corrugated plastic tile without joints, will be trenched in to the west parallel with Cleland's south property line to the low area at the north side of the Anderson property, terminating approximately where the original swale left the Anderson property. A new catch basin is proposed on Anderson's property. From the catch basin new 8-inch PVC pipe will be extended to a new structure on the north side of Anderson's pond.

In addition to the new outlet tile, a 12-inch pipe will be installed through the embankment at the south side of Anderson's pond to allow the standing water in the woods to the south to be drained. The land around each new catch basin will be graded to direct surface water to the new catch basins.

Erosion control measures will be incorporated in the work plan. All disturbed lawns, pastures, and rights-of-way will be restored.

Traffic control and incidental items associated with the installation of this drainage system will also be included in the work plan.

A temporary construction easement, fifty (50) feet in width has been established along the line of the improvement.

CONSTRUCTION ESTIMATE

The attached construction estimate is based on information that was obtained through aerial photos, field observations and an engineering survey. The estimated cost to install the new tile and appurtenances is \$30,893.55. This estimate includes engineering, administrative costs and construction financing.

This construction estimate was used to determine the estimated assessments for each parcel. The project will be publicly bid and it is expected that the project can be completed at a cost below the estimate. Upon completion of the project work plan, final assessments will be prorated to reflect the final cost of the work completed.

PROJECT BENEFITS AND ESTIMATED ASSESSMENTS

The testimony offered by some neighbors would lead one to conclude that Mr. Anderson created a drainage problem and that he alone will benefit from the work proposed. However, our investigation concludes that the neighborhood drainage problem was created when the property to the north of Mr. Anderson was developed, cuffing off the natural drainage patterns of the area. That disruption to drainage caused water to pond on Anderson and his attempts to protect his property by digging ponds, placing fill and trenching may have aggravated the problem for the watershed. The outlet dam has been done. The watershed needs a new drainage outlet. Every property in the watershed will benefit.

Estimated assessments for the proposed improvement are based on the benefits expected to be received from improved drainage. The type and quantity of drainage

runoff contributed by each parcel was a consideration. The location of a parcel relative to the location of the work was also considered.

Rural residential properties benefit from improved drainage by increasing or maintaining theft 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. Standing water can also contribute to mosquito control problems and other health issues. The proposed tile will have an expected useful life of 50 years. However, for the purpose of assessment calculations a 20-year analysis period was used. The calculated benefit of this proposed improvement over 20 years is \$91,885.50.

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 lines and open ditches to perform maintenance activities. The permanent maintenance access easement for this improvement will vary from thirty (30) to fifty (50) feet in width as shown on the project plans.

APPARENT FAVORABLE FACTORS

1. Property values will be improved or protected.
2. The outlet will be placed on permanent maintenance that will insure that the drain can be kept clean and free flowing.

APPARENT UNFAVORABLE FACTORS

1. Temporary lawn and landscaping damage can be expected during construction.
2. 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 answered questions from those in attendance. At 10:49:45 a.m. Commissioner Genter performed a mass swearing in for all those that wish to give testimony. Testimony was given as follows:

Scott Pawlicki – is against the project. Asked what would be the problem with ditching it out to the road and putting a catch basin on the Anderson property. He was given a right of way by another landowner to

do that.

Don Anderson – for the project. Not fair to the Cleland's to go onto their property.

Angela Cleland – for the project, as long as it is the right and proper thing to do to take care of the problem.

Tom Burzynski – He presented the Board with written opposition that was stamped into testimony. He also gave verbal testimony against the project. Stated that he wants to get the matter resolved but was surprised by the assessment for the improvement. Feels it should be restored to it's previous condition. All have contributed to the problem, and if all fill could be removed, it could be restored. He understands that removing the fill cannot be done, however an alternative way should be found to restore the area. He suggested that Mr. Anderson perform some of his own work. The improvement should contain most of his property. This is being requested pursuant to a court order. He was asked to take the overflow to the ditch. The township said no. He took it took the Engineer, but this now draws in other property owners to comply with his court order. The primary objective is to have the flooding corrected. He doesn't believe that this will solve the problem.

Bo Carroll – Against the petition. Feels Mr. Anderson has caused all the problems because of all the dirt he has hauled in and doesn't feel this will solve the problem.

Richard Kern – Against the petition. There was an open ditch there years ago. Since this ditch was closed, the water is higher in the woods and gets into his crawlspace from January through June.

Donald Anderson – the goal is to get the problem solved. This new tile will handle the water. When you get 3 inches of water, water is going to lay.

Joanne Winkler – is for the project if it will alleviate the problem.

Jeff McFarland – is for the project. As long as the problem is solved. He can see the benefit to running the tile.

The hearing for testimony was closed at 11:12:10 a.m. The Board began deliberations.

Commissioner Genter inquired the result of the Court action against Mr. Anderson. Mr. Anderson's Counsel, Brad Everhart, was present and stated that this petition addresses the ongoing issue of where the water discharges. Every landowner has the right to discharge water. Water will clearly drain to the North. This is clearly caused by the fact that Mr. Anderson does not have an outlet. All he is trying to do is alleviate the problems. The court order stated that he had to plug the outlet, which has caused a problem.

Mr. Pawlicki stated that he doesn't understand why they are paying when it's pursuant to Mr. Anderson's Court Order. Mr. Creager explained that no one knows where this problem actually began. It is not all caused by Mr. Anderson. When the water began to back up Mr. Anderson tried to fix the problem. The problem is, there is no where for the water to go. He explained that all landowners have the right to drain, however they all also have the responsibility to control the drainage coming off of their property. The original problem happened a long time ago. There is a common outlet that needs to be taken care of here.

Commissioner Short stated that everyone wants the situation resolved. Mr. Anderson went to Court over this, they said to drain it. He tried. The township will not allow him to tie into the road tile. Now he has asked for the county's help. This plan answers the prayer of the petition and the order of the court. He needs to create an outlet. It is here to today to be resolved. He believes that this plan will resolve the problem. Unfortunately there are costs that are to be spread around. There will also be benefits to each landowner.

Commissioner Genter stated that he does believe that Pawlicki and Burzynski did get water blocked. He believes Mr. Anderson needs to be responsible to get the water down to where it was before the fill was put in. For the Cleland's and Winkler's, it will definitely improve their property drainage because they can hook into the tile.

Mr. Creager answered more questions from those in attendance.

Commissioner Barnaby asked Mr. Creager why they were putting a solid pipe in. Mr. Creager stated it would keep the sand, sediment and tree roots out. Commissioner Barnaby then asked how people would be able to hook on. Mr. Creager stated through catch basins and they can direct tiles to an outlet.

Commissioner Barnaby stated that this area was part of the Black Swamp and Fulton County has the 2nd most ditches in the State of Ohio. There have always been problems in this area. The law says everyone has the right to drain. (The commissioners) job is to follow the law and to meet the prayer of the petition, not get neighbors fighting or promote antagonism. Water does not just go down. It has been plugged here due to shifting of the land and won't say that it is one person's responsibility more than another's. He has heard enough to move forward. He stated that there is not a ditch here, so the next best thing is to put in a tile. He asked of those in attendance if anyone had better ideas. No one responded.

Commissioner Genter asked Commissioner Barnaby where he stood on including Pawlicki, Burzinski and Kern in the petition, all the properties south of Anderson.

Commissioner Barnaby stated that they are asking 5

	<p><u>Resolution 2010-748</u> Affirm Former Order; Confirm Assessments and Order Letting of the Contracts</p>	<p>people to assume 1/3 of the project, then Mr. Anderson to assume 2/3 of the project to get the whole watershed to drain. There are problems in all 6 areas. It would be in all fairness for everyone to take care of their portion of the project.</p> <p>Commissioner Barnaby made the motion and Commissioner Short seconded the motion. Motion carried unanimously. Motion carried unanimously. Commissioner Genter noted however that only 2/3 of Board was in favor of moving forward will all of the landowners included.</p> <p>A bid opening date was set for this project for October 4, 2010 at 10:00 a.m.</p>
<u>11:59:17 AM</u>	Adjourn	
	<p>Approved:</p> <hr/> <p>Dean Genter</p> <hr/> <p>Paul Barnaby</p> <hr/> <p>Joseph D. Short</p> <p>Attest:</p> <hr/> <p>Jennifer L. Connors, Clerk</p> <p>A signed copy of the minutes or a recording of the meeting in it's entirety can be obtained in the office of the Clerk of the Board at 152 S. Fulton St, Ste 270, Wauseon, Ohio 43567.</p>	

RESOLUTION 2010-735

In the Matter of Resolution Approving) Office of County Commissioners
Minutes of August 12, 2010) Fulton County, Ohio
) August 16, 2010

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on August 16, 2010, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Dean Genter, Paul Barnaby and Joseph D. Short

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 August 12, 2010 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:

Dean A. Genter

Dean A. Genter

Dean A. Genter

Paul D. Barnaby

Paul D. Barnaby

Paul D. Barnaby

Joseph D. Short

Joseph D. Short

Joseph D. Short

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

Attest: _____

Jennifer L. Connors, Clerk

Copy To: File

RESOLUTION 2010-736

In the Matter of Resolution to approve) Office of County Commissioners
the agenda as amended or presented) Fulton County, Ohio
) August 16, 2010

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on August 16, 2010 at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Dean Genter, Paul Barnaby and Joseph D. Short

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: August 16, 2010; 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:
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Joseph D. Short	_____ Joseph D. Short	_____ Joseph D. Short

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

Attest: _____
Jennifer L. Connors, Clerk

cc: File

RESOLUTION 2010-745

In the Matter of Resolution Approving Public) Office of County Commissioners
Notice of Retirant Seeking Reemployment With) Fulton County, Ohio
Public Employer & Notice of Public Hearing) August 16, 2010

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on August 16, 2010, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Dean Genter, Paul Barnaby and Joseph D. Short

Commissioner _____ moved for the adoption of the resolution herein.

WHEREAS, Frank Onweller, Fulton County Engineer has informed the Board of Commissioners of the retirement of Mr. Jack E. Brooks, the current Tax Map Draftsperson, effective October 29, 2010; and

WHEREAS, ORC §5713.10 states that the county engineer shall appoint the necessary draftsmen and fix the salary thereof, subject to the approval of the Board of Commissioners; and

WHEREAS, pursuant to ORC §5713.10 and §145.381, the County Engineer is requesting approval by the Board of Commissioners to rehire Mr. Brooks to the position of Tax Map Draftsperson, effective November 1, 2010; and

WHEREAS, ORC §145.381(A) applies in the case of a person who is or most recently has been employed by a public employer in a position that is customarily filled by a vote of members of a board or commission or by the legislative authority of a county, municipal corporation, or township. (B) A board Commission, or legislative authority that proposes to continue the employment as a reemployed retirant or rehire as a reemployed retirant to the same position an individual described in division (A) of this section shall do both of the following in accordance with the rules adopted under division (C) of this section:

- (1) Not less than sixty days before the employment as a reemployed retirant is to begin, give public notice that the person is or will be retired and is seeking employment with the public employer;
- (2) Between fifteen and thirty days before the employment as a reemployed retirant is to begin and after complying with division (B)(1) of this section, hold a public meeting on the issue of the person being employed by the public employer. Notice regarding division (B)(1) of this section shall include the time, date, and location at which the public meeting is to take place.

(C) The Public Employees Retirement Board shall adopt rules as necessary to implement this action.

THEREFORE BE IT RESOLVED, the Board of Commissioners, pursuant to ORC §145.381(B)(1), hereby authorize the public notice of Mr. Brooks seeking reemployment with the Office of the County Engineer and further, pursuant to ORC §145.381(B)(2) authorize public notice of the meeting to be held on October 12, 2010 at 10:00 a.m. in the Board Room of the Fulton County Board of Commissioners; and

BE IT FURTHER RESOLVED, publication of the notice shall be in the Fulton County Expositor on August 24, 2010 and on the County’s website at fultoncountyoh.com; 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:

Dean A. Genter

Dean A. Genter

Dean A. Genter

Paul D. Barnaby

Paul D. Barnaby

Paul D. Barnaby

Joseph D. Short

Joseph D. Short

Joseph D. Short

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

Attest: _____
Jennifer L. Connors, Clerk

Copy To: File

RESOLUTION 2010-737

In the Matter of Resolution to Approve) Office of County Commissioners
Pay Request No. 2 to Miller Contracting Group,) Fulton County, Ohio
Inc. for A21-31.1 Bridge Replacement Project) August 12, 2010

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on August 12, 2010 at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Dean Genter, Paul Barnaby, and Joseph D. Short

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, Miller Contracting Group, Inc. has submitted a pay request (2) in the amount of \$21,340.07 for work performed under Contract 2010-71 for the A21-31.1 Bridge Replacement Project; and

WHEREAS, said pay request has been reviewed by the Fulton County Engineer and payment is recommended as submitted; and

THEREFORE BE IT RESOLVED, that the Board of County Commissioners hereby approve the pay request (2) as submitted in the amount of \$21,340.07 for Miller Contracting Group, Inc. for work performed under Contract 2010-71for the A21-31.1 Bridge Replacement Project; and

BE IT FURTHER RESOLVED that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Joseph Short	_____ Joseph Short	_____ Joseph Short

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

Attest: _____
Jennifer L. Connors, Clerk

cc: Eng; file; journal; voucher

RESOLUTION 2010-738

In the Matter of Resolution to Enter Into) Office of County Commissioners
Technical Assistance Contract 2010-105 with) Fulton County, Ohio
Village of Metamora) August 16, 2010

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, August 16, 2010, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Dean Genter, Paul Barnaby, and Joseph D. Short

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, an technical assistance agreement has been successfully negotiated with the Village of Metamora to provide services to the Village of Metamora in connection with the current Metamora public water system; and

THEREFORE, BE IT RESOLVED, that the Fulton County Board of Commissioners shall enter into **Contract 2010-105** with the Village of Metamora for technical assistance as referenced hereinabove and set forth in the agreement attached hereto; and

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Dean Genter

Dean Genter

Dean Genter

Paul Barnaby

Paul Barnaby

Paul Barnaby

Joseph D. Short

Joseph D. Short

Joseph D. Short

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

Attest: _____
Jennifer L. Connors, Clerk

Copy to: Auditor; Village of Metamora. Journal; Contracts

RESOLUTION 2010-739

In the Matter of Resolution to Transfer) Office of County Commissioners
Funds for Department of Job and) Fulton County, Ohio
Family Services for Boarding Home) August 16, 2010
Payroll Expenses)

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on August 16, 2010, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Dean Genter; Paul Barnaby, and Joseph D. Short

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, the Department of Job and Family Services has reconciled the cost for the care of children for July 2010 and is thereby requesting a transfer for the balance owed by the County in the amount of \$21,443.80; and

THEREFORE BE IT RESOLVED, the Fulton County Board of Commissioners approve the **transfer of funds** for as follows:

<u>Amount</u>	<u>Account</u>
\$21,443.80	From: 1000-16161-5-96200 County Share-Children Services
\$21,443.80	To: 2615-12914-4-24001 Children Services-Board and Care

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____	_____	_____
Dean Genter	Dean Genter	Dean Genter
_____	_____	_____
Paul Barnaby	Paul Barnaby	Paul Barnaby
_____	_____	_____
Joseph Short	Joseph Short	Joseph Short

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

Attest:

Jennifer L. Connors, Clerk

cc: Auditor, Journal; JFS

RESOLUTION 2010-741

In the Matter of Resolution to Create New Lines) Office of County Commissioners
And Transfer Appropriations Within) Fulton County, Ohio
Internal Services Fund 6002) August 16, 2010

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on August 16, 2010, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Dean Genter, Paul Barnaby and Joseph D. Short

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, a request has been received from the County Auditor’s Office to create a new line for professional services within the IT Internal Services Fund and to transfer appropriations; and

THEREFORE, BE IT RESOLVED, the Fulton County Board of Commissioners hereby authorizes the following line to be established:

6002-11800-5-41100 Professional Services-IT Internal Services

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

<u>AMOUNT</u>	<u>ACCOUNT</u>
\$970.00	From: 6002-11800-5-61300 Computer Hardware Equipment
\$970.00	To: 6002-11800-5-41100 Professional Services

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Dean A. Genter	_____ Dean A. Genter	_____ Dean A. Genter
_____ Paul D. Barnaby	_____ Paul D. Barnaby	_____ Paul D. Barnaby
_____ Joseph D. Short	_____ Joseph D. Short	_____ Joseph D. Short

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

Attest: _____
Jennifer L. Connors, Clerk

Cc: Auditor; Journal

RESOLUTION 2010-742

In the Matter of Resolution to Increase) Office of County Commissioners
Appropriations in Library Fund 2245) Fulton County, Ohio
) August 16, 2010

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on August 16, 2010, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Dean Genter, Paul Barnaby and Joseph D. Short

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, the Fulton County Law Library has requested an increase in appropriations in their fund 2245 to cover expenses for the remainder of 2010; and

WHEREAS, there are sufficient funds in the certificate to allow the increase;

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

<u>AMOUNT</u>	<u>ACCOUNT</u>
\$46,000.00	2245-12126-5-59000 Legal Research Materials

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Dean A. Genter	_____ Dean A. Genter	_____ Dean A. Genter
_____ Paul D. Barnaby	_____ Paul D. Barnaby	_____ Paul D. Barnaby
_____ Joseph D. Short	_____ Joseph D. Short	_____ Joseph D. Short

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

Attest: _____
Jennifer L. Connors, Clerk

Cc: Auditor; Journal

RESOLUTION 2010-743

In the Matter of Resolution to Approve) Office of County Commissioners
Pay Request No. 2 to Gerken Paving, Inc.) Fulton County, Ohio
for Resurfacing of County Roads H & K Project) August 12, 2010

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on August 12, 2010 at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Dean Genter, Paul Barnaby, and Joseph D. Short

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, Gerken Paving, Inc. has submitted a pay request (2) in the amount of \$135,757.46 for work performed under Contract 2010-72 for the Resurfacing of County Roads H & K Project; and

WHEREAS, said pay request has been reviewed by the Fulton County Engineer and payment is recommended as submitted; and

THEREFORE BE IT RESOLVED, that the Board of County Commissioners hereby approve the pay request (2) as submitted in the amount of \$135,757.46 for Gerken Paving, Inc for work performed under Contract 2010-72 for the Resurfacing of County Roads H & K Project; and
and

BE IT FURTHER RESOLVED that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Joseph Short	_____ Joseph Short	_____ Joseph Short

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

Attest: _____
Jennifer L. Connors, Clerk

cc: Eng; file; journal; voucher

RESOLUTION 2010-____

In the Matter of Resolution to) Office of County Commissioners
Execute PRC Plan for the Department) Fulton County, Ohio
Of Job and Family Services) August 16, 2010

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on August 10, 2010 at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Dean Genter, Paul Barnaby, and Joseph D. Short

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, a Prevention, Retention, and Contingency (PRC) plan has been prepared on behalf of the Department of Job and Family Services; and

WHEREAS, the Board of County Commissioners has reviewed said plan, and pursuant to ORC §5108.7, the Board affirms that the Fulton County Job and Family Services has complied with ORC Chapter 5108 in adopting the statement of policies as outlined in the PRC plan.

THEREFORE, BE IT RESOLVED, that the Board of Fulton County Commissioners shall execute the Prevention, Retention and Contingency Plan as presented; and

BE IT FURTHER RESOLVED, that the Prevention, Retention and Contingency Plan is effective August 23, 2010; 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:
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Joseph D. Short	_____ Joseph D. Short	_____ Joseph D. Short

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

Attest: _____
Jennifer L. Connors, Clerk

cc: File

RESOLUTION 2010-748

**COMMISSIONER’S FINDING AFFIRMING FORMER ORDER, CONFIRMING
THE ASSESSMENTS, AND ORDERING THE LETTING OF THE CONTRACTS**

Revised Code, §6131.21 to 24
Form 22025

In the matter of the **Single** County) Office of County Commissioner’s
Ditch No. **2109** Petitioned for by) Fulton County, Ohio
Donald Anderson et al.) **August 16, 2010**

The Board of County commissioners of Fulton County, Ohio met in **regular** session on this **16th day of August, 2010**, pursuant to notice, at the office of said Board, with the following members present:

Commissioners Dean Genter, Paul Barnaby and Joseph D. Short

Commissioner _____ moved for the adoption of the following Resolution:

WHEREAS, this being the day fixed by said board, in its order dated the **10th day of June, 2010**, for the final hearing on the Report, Plans, and Schedules of the County Engineer, on the estimated assessments, on claims for compensation or damages and on the proceeding for the improvement, and on application filed for change of route or change in the nature, kind and extent of the work proposed to be done; and

WHEREAS, the Board finds that due and legal notice of this final hearing has been given as required by law; and

WHEREAS, the Board has heard all the evidence offered in the proceedings and received and considered all the schedules, plans and reports filed by the county Engineer; and

WHEREAS, The Board has considered the cost of location and construction, the compensation for land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, etc.; and

WHEREAS, Objections to the proposed assessment having been file by:

- Scott Pawlicki
- Tom Burzynski – Both written and verbal
- Bo Carroll
- Richard Kern

And the Board having heard the objections and all evidence offered for or against the assessment proposed to be levied against any owner or on any land, as shown by the schedule of assessments filed by the County Engineer and any competent evidence on the question of benefits, and from an actual view of the premises;

THEREFORE BE IT RESOLVED, that the Board hereby approve the maps, profiles, plans, schedules, and reports prepared by the County Engineer, and review and reconsider its former order made and dated the 2nd day of July, 2009; and

BE IT FURTHER RESOLVED, that the former order finding in favor of the improvement made at the hearing on the 2nd day of July, 2009, is hereby affirmed; and

BE IT FURTHER RESOLVED, that the assessments are hereby attached; and

BE IT FURTHER RESOLVED, that the County Engineer’s assessments, as presented are hereby approved and confirmed; and

BE IT FURTHER RESOLVED, that \$31,109.43 is hereby assessed for benefits to the general public by reason of the improvement being conducive to the public welfare and shall be paid by the public and \$0 found to benefit State Roads or highways is hereby assessed against the State, and \$0 found to benefit County Roads or Highways is hereby assessed against the County, and \$0 found to benefit Swancreek Township Roads and is hereby assessed against Swancreek Township, and the following sums found to benefit the following political subdivision of the State are hereby assessed against such political subdivisions, respectively: NONE; and

BE IT FURTHER RESOLVED, that the 4th day of October, 2010, at 10:00 a.m. at the office of said Board is hereby fixed as the time and place for the county Engineer to receive bids, and that the County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements; and

BE IT FURTHER RESOLVED, that the County Engineer be and hereby is directed to give at least two (2) weeks public notice as required by law of the time when and the place where bids will be received for furnishing any material for the improvement, or for the construction of the improvement, or any part thereof, and in case manufactured material is required for the construction of the improvement, the County Engineer is hereby directed to send copies of the notice by mail to dealer and manufacturers, and all bids shall be received at the office of said Board; and

BE IT FURTHER RESOLVED, that the notice of letting shall be given by posting in the Fulton County Expositor on September 16, 2010 and September 23, 2010, 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 §121.22 of the Ohio Revised Code.

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

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Dean Genter

Dean Genter

Dean Genter

Paul D. Barnaby

Paul D. Barnaby

Paul D. Barnaby

Joseph D. Short

Joseph D. Short

Joseph D. Short

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

Attest: _____
Jennifer L. Connors, Clerk

Copy to: Rod Creager
Auditor
2104 File