

**MINUTES OF MEETING  
FULTON COUNTY BOARD OF COMMISSIONERS  
COMMISSIONERS SESSION ROOM  
NOVEMBER 3, 2011**

[9:02:46 AM](#)

Call Meeting to Order

Pledge of Allegiance

Opening Prayer

Roll Call Attendance – All Members present

[9:03:36 AM](#)

**Resolution 2011-1095** Approve Minutes of October 31, 2011

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

[9:05:06 AM](#)

**Resolution 2011-1096** Approve Agenda As Amended

The Agenda was amended to include a resolution to appoint members to the Fulton County Family and Children First Counsel pursuant to Ken Caldwell's retirement. Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:06:20 AM](#)

**OLD BUSINESS:**

**Resolution 2011-1097** Approve Payment of Bills

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

[9:06:45 AM](#)

Review Month End Financials

Administrator Hall presented the Board with Year-to-Date and Month-to-date financial reports and revenues with a historic perspective for review.

[9:07:32 AM](#)

·Review Correspondence from Juvenile Court Judge Bumb Regarding Proposed Rule 3 of Ohio Rules of Juvenile Procedure

Judge Bumb provided the Board with a copy of a proposed Rule 3 of the Ohio Rules of Juvenile Procedure which concerns a waiver of rights, specifically the rights of counsel. Judge Bumb is not in favor of this as it would drive up the costs of court appointed counsel fees. He has requested the Commissioners consideration to take this to the CCAO to get involved in shaping the legislation.

[9:08:16 AM](#)

·Discuss Change Order Requests for Fulton County Senior Center ADA Project

Administrator Hall presented a request received by Adam Young from Midwest Contracting regarding the reconsideration of change orders that were previously rejected by the Board. Mr. Hall explained that it is Midwest's contention that by authorizing a change order to be prepared, it was authorizing the change order. Mr. Hall further explained that once the change order is prepared, it must go to the architect for approval, and then come before the Board.

This involves the fastening of the new front to the old building. The contractor stated that this was bid according to the plans, but not built according to the plans. The change order was submitted to Poggemeyer (architect) and they approved it, however the Board rejected it based on the fact that it should have been in the plans to begin with. Commissioner Rupp questioned why this was not clarified by the contractor or brought up in the meeting. This is an issue between the architect and the contractor.

[9:12:18 AM](#)

**Resolution 2011-1108** Appoint Board of Commissioners Representative and Acting Director to Family and Children First Council

Anita Smith is the current appointed Commissioners Representative to the Family and Children First Council. Ms. Smith was just appointed as Acting Director of the Fulton County Department of Job and Family Services to fill the vacant position created by the retirement of Ken Caldwell, a position that also serves on the council. It is necessary to appoint Ms. Smith to the Council as the Acting JFS Director and an alternate Commissioners' Representative. The Board asked for suggestions from Administrator Hall. Mr. Hall recommended that it be a children services supervisor, such as Eric Bidwell or Maureen Clymer, as they have intimate knowledge of family and children matters. Commissioner Barnaby asked who had been in that position longer. Mr. Hall indicated that Mr. Bidwell.

Commissioner Barnaby made the motion to appoint Eric Bidwell as the Commissioners' Representative on the Fulton County Family and Children First Council and Anita Smith as the Acting Director and Commissioner Rupp seconded the motion. Motion carried unanimously.

Commissioner Genter was not present for this discussion.

[9:16:03 AM](#)

**NEW BUSINESS:**

**Review Clerk's Notice of Filing of Ditch Improvement Petition 2117, filed for by Eric Patty, et al.**

Rod Creager, Chief Deputy Engineer, was present for the discussion. He explained that this is in a residential subdivision that was converted from farmland. At the time of development, the developer had noted some concerns with water but unable to come to an agreement with the adjacent landowner to hook into the tile. Now 15 years later, they are starting to have some water troubles. The petition prays for the installation of a new storm water detention basin outlet. They are proposing 3 new tiles; 1 new solid outlet and 2 parallel headers for farm drainage. Originally many residents of the subdivision wanted to go together as a group to get this done and even had someone lined up to do it. They found out that not all of the landowners were in favor so it now comes to the Board by petition.

**Resolution 2011-1108** Fix Date and Time of View and 1<sup>st</sup> Hearing on Petition – 2117-Patty

The Board fixed the time of the view for November 28, 2011, at 10:00 a.m. at the Deer Creek Estate subdivision, the site of the proposed improvement. The 1<sup>st</sup> hearing will take place in the Commissioners' Chambers on December 19, 2011 at 10:00 a.m. Notices will be sent to the benefitting landowners per the ORC.

[9:26:24 AM](#)

**· Review Clerk's Notice of Filing of Filing of Expedited Type 2 Annexations to Village of Swanton:  
2011-009 Ham  
2011-010 Von Seggern,  
2011-011 Bonifas**

The Board reviewed three (3) Type II – Expedited Annexations to the Village of Swanton that were filed with the Clerk of Commissioners. The legal descriptions were reviewed by the Fulton County Engineer's Office and were found to be accurate. The technical requirements of the petition were reviewed by the Clerk and were found to be filed in the manner as set forth in the Ohio Revised Code §709.21.

The agent for the Petitioners is Alan J. Lehenbauer.

The following are the proposed properties to be annexed:

Bruce E. Ham, et ux.

8547 S.H. 646

James A. VonSeggern, et ux.  
1178 Lee High Drive

Alan L. Bonifas Trustee, et ux.  
7024 CR 1-3

This matter will come back before the Board after the affected municipality and township are given the opportunity to act upon it as prescribed by the ORC.

[9:28:09 AM](#)

**RESOLUTIONS:**

· **Resolution 2011-1098** Approve Annexation (2011-006) to the Village of Swanton filed for by Peter M. Kelley

This is the 1<sup>st</sup> of 3 Type II Annexations that were filed with the Clerk of the Board on September 15, 2011 and subsequently entered upon the Board's Journal at the next regular session of the Board. Proof of service was delivered to the Clerk of the Board on October 25, 2011. The Village of Swanton filed their municipal statement of services Ordinance on October 25, 2011. Swancreek Township acknowledged receipt of the Petition but did not act upon it, and is therefore deemed consent by statute. Being that no objections were filed, the code states that the Board of Commissioners must grant the petition.

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

[9:28:35 AM](#)

· **Resolution 2011-1099** Approve Annexation (2011-007) to the Village of Swanton filed for by Andrew Pilliod

This is the 2<sup>nd</sup> of 3 Type II Annexations that were filed with the Clerk of the Board on September 15, 2011 and subsequently entered upon the Board's Journal at the next regular session of the Board. Proof of service was delivered to the Clerk of the Board on October 25, 2011. The Village of Swanton filed their municipal statement of services Ordinance on October 25, 2011. Swancreek Township acknowledged receipt of the Petition but did not act upon it, and is therefore deemed consent by statute. Being that no objections were filed, the code states that the Board of Commissioners must grant the petition.

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

[9:29:34 AM](#)

· **Resolution 2011-1100** Approve Annexation (2011-008) to the Village of Swanton filed for by Sharon R. Marvin and David P. Marvin

This is the 3<sup>rd</sup> of 3 Type II Annexations that were filed with the Clerk of the Board on September 15, 2011 and subsequently entered upon the Board's Journal at the next regular session of the Board. Proof of service was delivered to the Clerk of the Board on October 25, 2011. The Village of Swanton filed their municipal statement of services Ordinance on October 25, 2011. Swancreek Township acknowledged receipt of the Petition but did not act upon it, and is therefore deemed consent by statute. Being that no objections were filed, the code states that the Board of Commissioners must grant the petition.

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

[9:30:24 AM](#)

· **Resolution 2011-1101** Transfer Funds and Appropriations for Various Departments

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

[9:31:02 AM](#)

· **Resolution 2011-1102** Approve Change Orders for Gerken Paving, Inc. for FY10 CDBG Village of Fayette Gamble Road Widening Project

It was discovered after the project started that there were bad soil conditions therefore calling for an additional 2 ft. widening full depth repair and 1.75 in. and 22 ft. asphalt leveling coursing between 13+25 to 27+10. Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Roll call vote: Rupp, yes; Genter, yes; Barnaby, yes. Motion carried unanimously.

[9:32:25 AM](#)

· **Resolution 2011-1103** Establish County Department of Public Utilities

This is pursuant to the retirement of Don Krieger, Solid Waste Director, and the transfer of his responsibilities to the Sanitary Engineer, Ziad Musallam. Mr. Musallam will manage the Department of the Public Utilities, under the direction of the County Administrator, which will include: utilities administration and billing; engineering services; solid waste, which includes the landfill and transfer station; water distribution and sewer services.

Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Roll call vote: Rupp, yes; Genter, yes; Barnaby, yes. Motion carried unanimously.

[9:34:24 AM](#)

· **Resolution 2011-1104** Authorize Board President to Enter Into Contract 2011-132 with Underground Archives on Behalf of County Recorder

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

[9:35:29 AM](#)

· **Resolution 2011-1105** Authorize Board President to Enter Into Contract 2011-133 with Stephen Campbell and Associates on Behalf of County Sheriff

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

[9:36:12 AM](#)

· **Resolution 2011-1106** Approve Then and Now Purchase Orders

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

[9:36:40 AM](#)

· **Resolution 2011-1107** Approve Purchase Orders and Travel Requests

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

[9:36:53 AM](#)

### **Dog Warden Update**

Brian Banister, Deputy Dog Warden, was present for the discussion.

Discussion was held on the new truck. Commissioner Genter indicated that he needs to get it serviced at Rich's until the warranty expires. Deputy Banister indicated that he has been busy in court with several cases on a daily basis between both Eastern and Western District. The Wardens are happy with their new uniforms. Deputy Banister indicated that he would like a new gun. He has a county issued dart gun and shotgun but the 9mm he carries is not county issued.

**Resolution 2011-1110** Secure County Issued 9mm Sidearm for Dog Wardens

Commissioner Rupp made the motion to allow the Dog Wardens to secure a county issued sidearm, and to go through State Purchase, if possible. Commissioner Barnaby seconded the motion. Roll call vote: Rupp, yes; Genter, yes; Barnaby, yes. Motion carried unanimously.

[9:51:55 AM](#)

Recess

[10:02:14 AM](#)

**Bid Opening FY2011 CDBG Village of Lyons, West Morenci Street, Water Main Replacement Project**

The Engineer's Estimate on this Project is \$116,700. There was one addendum file in this project on October 31, 2011. Bids were received as follows:

Hank's Plumbing and Heating  
Toledo, Ohio  
\$155,260.00

Crestline Paving and Excavating  
Toledo, Ohio  
\$126,649.00

Anderzack-Pitzen Construction, Inc.  
Metamora, Ohio  
\$122,458.00

Mika Construction, Inc.  
Lyons, Ohio  
\$96,994.47

PHC, Inc.  
Toledo, Ohio  
\$89,486.00

E.R. Zeiler Excavating, Inc.  
Temperance, MI  
\$98,638.75

Vernon Nagel, Inc.  
Napoleon, Ohio  
\$124,006.00

The Bids were turned over to Steve Brown, Regional Planning Commission Director, for review of the bids and recommendation for award of bid.

[10:29:37 AM](#)

**BUDGET HEARINGS:**

**Brett Kolb, County Auditor**

Brett Kolb, County Auditor, and Annie Hernandez, Financial Coordinator, were present for the hearing. Mr. Kolb presented the Budgets for the Auditor, Real Estate Assessments, GIS, IT, and EMS fund 2345.

He indicated for that in the Auditor's General Fund budget there is a reduction in \$90K from the prior year. \$40K of that is due to the elimination of a payroll position. Other reductions shown were due to no postage machine or upgrades planned for the year. He noted that there is an increase in contract services due to the required appraisal of county assets this year. He may be able to lump this in CORSA's appraisal, but put it in his budget just in case that is not able to be secured.

The REA budget includes the 2014 required sexennial appraisals. He went out for RFP and will save approximately \$165K from the last round that was done in 2006. This contract will come back before the Board for their endorsement.

The GIS budget only shows a small change as they may utilize an intern in 2012. This will be decided after the internal services costs come in and the cash flow is evaluated.

The IT budget is similar as mid-year he hired a website person that is paid partly out of REA and partly out of IT. Changes in the ensuring year could change the budget. Internal Services costs will again dictate contract renewals.

There are no changes in the EMS budget. The expenses incurred for the radios and defibrillators were taken out for 2012 and is back to the \$2.2M. The contract line can be adjusted as they see fit.

He would like to fund to see funding from the Dog Pound as seen in the past, which is 15% for the clerk fees.

[10:47:08 AM](#)

Recess

[10:59:33 AM](#)

### **Beth Friess, Superintendent -Board of DD**

Present for the hearing was Beth Friess, Superintendent, and Jim Hacker, Finance Director. Ms. Friess presented the Board with projections for 2012 based on 2010 actuals, the 2011 budget and the 2011 estimate. She noted that there is an increase in salaries as some workers from Henry County are coming to the workshops. These costs will be offset by waivers, however there may be one or two that they end up hiring. The costs associated with their new building was predicted to the best of their ability as they do not know what the utility costs will be or how much for sure building renovations will cost. It is estimated that they will move into their new building in June 2012, with the anticipated bid going out by Thanksgiving.

Commissioner Rupp inquired about rentals. Mr. Hacker indicated that this includes the E&H Building for transportation; SSA; a house for seniors; and \$1,000/month to the City for the recycling building. Next year there will only be a portion of the E&H Building and the SSA.

Their auto fleet was recently updated so no purchases are anticipated in 2012.

[11:11:14 AM](#)

Recess

[11:29:44 AM](#)

### **Judge James Barber, Common Pleas Court**

Present for the hearing was Judge Barber, and his Court Administrator, Sue Behnfeldt. Judge Barber stated that the big thing that he sees coming up are court appointed counsel fees and other fees associated with the Zimback case. Last year there was \$161K allocated for this in anticipation that the majority of this would take place in that budget, however since the case was dismissed and sent back to his court, this will be a county expense. This will include a visiting Judge, Jury, Witnesses, and Special Investigators. There is a meeting coming up on the 21<sup>st</sup>. They will advise the Board of the timeline and of any possible changes. He mentioned that the Prosecuting Attorney has also hired another prosecutor to act as co-counsel.

There is an increase in the continuing education and travel line as the Judge is required to attend additional training this year.

He requested that the electrical be check on the 2<sup>nd</sup> floor of the courthouse as breakers are tripping. Commissioner Rupp indicated that when they do the study for the AC this will be included.

[11:41:58 AM](#)

Recess

[12:37:34 PM](#)

### **EMS Discussion Held**

Commissioner Barnaby stated that we received a letter from the Fulton county fire chiefs today expressing concern of any changes to the EMS contract. We have and do respect the opinion of the Fire chief's and that is why we have been discussing the topic with them since mid summer.

Given the current concern by the chief's and communities, he is willing to honor the current contract language to continue going forward. It has been our goal at all times to honor the purpose of the levy as approved by our county residents.

Commissioner Rupp added that as stewards of the public funds, we are always trying to learn best practices. We welcome the opportunity to discuss any and all ways to improve the countywide EMS system. He said he feels we have a great system, and we trust chiefs and our teams that respond when called upon for an emergency that do the field work.

All the discussions we have had have been very helpful. Our system has been in place for approximately ten years now and when need to look at both good and bad things that may have happened during that period, so we can examine how to make our system even better. I can support extending our current contract as is for a 1-3 year period and hope discussions remain open. He said he still has a concern about our ambulance in Swanton that conducts responses outside the county as a first responder and would like to discuss options with them as we move forward.

[12:40:00 PM](#)

Adjourned

Approved:

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Paul D. Barnaby

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Dean A. Genter

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Perry L. Rupp

Attest:

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Jennifer L. Connors, Clerk

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

**RESOLUTION 2011-1095**

In the Matter of Resolution Approving ) Office of County Commissioners  
Minutes of Regular Session on October 31, 2011 ) Fulton County, Ohio  
) November 3, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on November 3, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Paul Barnaby  
Dean Genter  
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 October 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

**RESOLUTION 2011-1096**

In the Matter of Resolution to Approve ) Office of County Commissioners  
Agenda as Amended or Presented ) Fulton County, Ohio  
) November 3, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on November 3, 2011 at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Paul Barnaby  
Dean Genter  
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: November 3, 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

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Dean Genter

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Dean Genter

\_\_\_\_\_  
Perry Rupp

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Perry Rupp

\_\_\_\_\_  
Perry Rupp

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

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



**RESOLUTION 2011-1098**

In the Matter of Resolution Approving	)	Office of County Commissioners
Petition for Annexation <b>2011-006</b> to Village	)	Fulton County, Ohio
of Swanton Filed by Peter M. Kelley	)	November 3, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on November 3, 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**, a Petition for Annexation (2011-006), as provided under §709.02(C), and (E), and §709.021, §709.022, and §709.023 of the Ohio Revised Code, of certain territory in Swancreek Township, Peter M. Kelley, as owner and title holder, with Alan J. Lehenbauer appointed as agent, whose mailing address is P.O. Box 237, Swanton, Ohio 43558, and having been filed in the office of the Board praying that the following described territory be annexed to the Village of Swanton:

A parcel of land situated in the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 13, Town 7 North, Range 8 East, Swancreek Township, Fulton County, State of Ohio, and more particularly described as follows:

Commencing at the North quarter-quarter corner of the Northeast  $\frac{1}{4}$  of the above-described Section marked by a steel pin; thence South 2° 20' West binding upon the North-South quarter-quarter Section line and Road 1-1 672.67 feet to a point being the place of beginning; thence North 89° 0' East 1,318.89 feet to a point marked by a metal surveyor's stake; thence South 2° 49' 41" West binding upon the East Section line, also being the Fulton-Lucas County line; 174.09 feet to a point marked by a metal surveyor's stake; thence South 89° 0' West 1,317.38 feet to a point; thence North 2° 20' East binding upon the North-South quarter-quarter Section line and Road 1-1 174 feet to the place of beginning and containing 5.257 acres of land more or less.

The above description is made pursuant to a survey made February 26, 1977 by Edwin R. Wyrick, Registered Surveyor, recorded in Volume "H", page 269, Record of Surveys, Fulton County Engineer's Office, Wauseon, Ohio.

Subject to all legal highways.

Taxing Parcel No. 26-050488-05.000

**WHEREAS**, there is **one owner** of said described property and has signed this petition; and

**WHEREAS**, petitioner has attached hereto and made a part of this petition, an accurate map of the territory showing the boundaries of the territory sought to be annexed labeled as Exhibit "A"; and

**WHEREAS**, the Board of County Commissioners of Fulton County, Ohio do hereby find as follows:

1. The petition contains all matter required by law, including, without limitation, ORC §709.021, §709.02, and §709.23, to wit:
  - a. An accurate legal description and map of the territory sought to be annexed
  - b. All signatures are of "owners", authorized to sign the petition and have title to the property on the date the petition was filed, including a date it was obtained and not obtained more than 180 days before filing
  - c. The name and address of the person to act as agent for the petitioner is included
  - d. Includes statutory disclosure statement in bold face, capital letters, regarding waiver of appeal rights
  - e. The list of parcels in the area to be annexed and adjacent territory that includes name of owner, mailing address and permanent parcel number was submitted with the petition
2. The matters alleged in the petition are true.
3. Proof of service to all government officials has been filed in accordance with §709.023(B) of the Ohio Revised Code.
4. The person or persons whose names are subscribed to the petition are owners of real property in the territory described in the petition, and as of the time the petition was filed, the number of valid signatures on the petition constituted a majority of the owners of real estate in the territory proposed to be annexed.

5. The real property proposed for annexation is continuous to the Village of Swanton.
6. The map and description of the territory contained in "Exhibit A" are accurate.
7. The territory proposed to be annexed does not exceed 500 acres.
8. The annexation will not create an incorporated area of the township that is completely surrounded by the territory proposed to be annexed.
9. The Village of Swanton passed Ordinance 2011-20, dated August 22, 2011, thereby stating that the Village will provide the availability of water, sewer, police, fire, and rescue protection, and contract for refuse collection to the territory that is annexed as wells as other services currently provided to properties and citizens located within the Village of Swanton to the territory sought to be annexed; and
10. The Township of Swancreek has not filed an ordinance/resolution consenting or objecting to the annexation within 25 days after the petition was filed thereby deeming consent thereof; and

**THEREFORE BE IT RESOLVED**, the Fulton County Board of Commissioners hereby ORDER that the prayer of the petition be and is hereby granted and that the above-described territory be annexed to the Village of Swanton; and

**BE IT FURTHER RESOLVED**, that a *CERTIFIED* copy of the entire record of the annexation proceedings of this Board relating thereto together with the accompanying map and petition and all other papers pertaining thereto be delivered forthwith to the Clerk of Council for the Village of Swanton; 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

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Dean A. Genter

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Dean A. Genter

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Dean A. Genter

\_\_\_\_\_  
Perry Rupp

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Perry Rupp

\_\_\_\_\_  
Perry Rupp

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

Attest: \_\_\_\_\_

Jennifer L. Connors, Clerk

**CERTIFICATION 2011-1098**

I, Jennifer L. Connors, Clerk of the Board of County of Fulton County, Ohio, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by said board at the regularly scheduled and conducted meeting held on the stated date, which resolution is on file and of record in the office of said board.

\_\_\_\_\_  
Clerk

**RESOLUTION 2011-1099**

In the Matter of Resolution Approving	)	Office of County Commissioners
Petition for Annexation <b>2011-007</b> to Village	)	Fulton County, Ohio
of Swanton Filed by Andrew Pilliod	)	November 3, 2011

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Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner \_\_\_\_\_ moved for the adoption of the resolution herein.

**WHEREAS**, a Petition for Annexation (2011-007), as provided under §709.02(C), and (E), and §709.021, §709.022, and §709.023 of the Ohio Revised Code, of certain territory in Swancreek Township, Andrew Pilliod, as owner and title holder, with Alan J. Lehenbauer appointed as agent, whose mailing address is P.O. Box 237, Swanton, Ohio 43558, and having been filed in the office of the Board praying that the following described territory be annexed to the Village of Swanton:

Being a parcel of land situated in the Northeast quarter of the Northeast Quarter of Section 13, Town 7 North, Range 8 East, Swancreek Township, Fulton County, State of Ohio, and more particularly described as follows:

Commencing at the North Quarter-Quarter Corner of the Northeast Quarter of the above described section marked by a steel pin; thence South 02° 20' West binding upon the North-South Quarter-Quarter Section Line and Road 1-1, 1,020.67 feet to a point and being the place of beginning; thence North 89° 00' East, 1,315.87 feet to a point marked by a metal surveyor's stake; thence South 02° 49' 41" West binding upon the East Section Line, also being the Fulton-Lucas County Line, 174.09 feet to a point marked by a steel anchor post; thence South 89° 00' West, 1,314.36 feet to a point marked by a small spike; thence North 02° 20' East binding upon the North-South Quarter-Quarter Section Line and Road 1-1, 174.00 feet to the place of beginning.

Subject to legal highways.

Taxing Parcel No. 26-050488-01.000

**WHEREAS**, there is **one owner** of said described property and has signed this petition; and

**WHEREAS**, petitioner has attached hereto and made a part of this petition, an accurate map of the territory showing the boundaries of the territory sought to be annexed labeled as Exhibit "A"; and

**WHEREAS**, the Board of County Commissioners of Fulton County, Ohio do hereby find as follows:

1. The petition contains all matter required by law, including, without limitation, ORC §709.021, §709.02, and §709.23, to wit:
  - a. An accurate legal description and map of the territory sought to be annexed
  - b. All signatures are of "owners", authorized to sign the petition and have title to the property on the date the petition was filed, including a date it was obtained and not obtained more than 180 days before filing
  - c. The name and address of the person to act as agent for the petitioner is included
  - d. Includes statutory disclosure statement in bold face, capital letters, regarding waiver of appeal rights
  - e. The list of parcels in the area to be annexed and adjacent territory that includes name of owner, mailing address and permanent parcel number was submitted with the petition
2. The matters alleged in the petition are true.
3. Proof of service to all government officials has been filed in accordance with §709.023(B) of the Ohio Revised Code.
4. The person or persons whose names are subscribed to the petition are owners of real property in the territory described in the petition, and as of the time the petition was filed, the number of valid signatures on the petition constituted a majority of the owners of real estate in the territory proposed to be annexed.

5. The real property proposed for annexation is continuous to the Village of Swanton.
6. The map and description of the territory contained in "Exhibit A" are accurate.
7. The territory proposed to be annexed does not exceed 500 acres.
8. The annexation will not create an incorporated area of the township that is completely surrounded by the territory proposed to be annexed.
9. The Village of Swanton passed Ordinance 2011-20, dated August 22, 2011, thereby stating that the Village will provide the availability of water, sewer, police, fire, and rescue protection, and contract for refuse collection to the territory that is annexed as well as other services currently provided to properties and citizens located within the Village of Swanton to the territory sought to be annexed; and
10. The Township of Swancreek has not filed an ordinance/resolution consenting or objecting to the annexation within 25 days after the petition was filed thereby deeming consent thereof; and

**THEREFORE BE IT RESOLVED**, the Fulton County Board of Commissioners hereby ORDER that the prayer of the petition be and is hereby granted and that the above-described territory be annexed to the Village of Swanton; and

**BE IT FURTHER RESOLVED**, that a *CERTIFIED* copy of the entire record of the annexation proceedings of this Board relating thereto together with the accompanying map and petition and all other papers pertaining thereto be delivered forthwith to the Clerk of Council for the Village of Swanton; 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 Rupp

\_\_\_\_\_  
Perry Rupp

\_\_\_\_\_  
Perry Rupp

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

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

**CERTIFICATION 2011-1099**

I, Jennifer L. Connors, Clerk of the Board of County of Fulton County, Ohio, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by said board at the regularly scheduled and conducted meeting held on the stated date, which resolution is on file and of record in the office of said board.

\_\_\_\_\_  
Clerk

**RESOLUTION 2011-1100**

In the Matter of Resolution Approving ) Office of County Commissioners  
Petition for Annexation **2011-008** to Village ) Fulton County, Ohio  
of Swanton Filed by Sharon R. Marvin and ) November 3, 2011  
David P. Marvin )

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on November 3, 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**, a Petition for Annexation (2011-008), as provided under §709.02(C), and (E), and §709.021, §709.022, and §709.023 of the Ohio Revised Code, of certain territory in Swancreek Township, Sharon R. Marvin and David P. Marvin, as owner and title holder, with Alan J. Lehenbauer appointed as agent, whose mailing address is P.O. Box 237, Swanton, Ohio 43558, and having been filed in the office of the Board praying that the following described territory be annexed to the Village of Swanton:

Lot Number 1 of Lee High subdivision in the southeast ¼ of the Northeast ¼ of Section 13, Town 7 North, Range 8 East, Swancreek Township, Fulton County, Ohio.

Taxing Parcel No. 26-0049308-00.000

**WHEREAS**, there is **one owner** of said described property and has signed this petition; and

**WHEREAS**, petitioner has attached hereto and made a part of this petition, an accurate map of the territory showing the boundaries of the territory sought to be annexed labeled as Exhibit “A”; and

**WHEREAS**, the Board of County Commissioners of Fulton County, Ohio do hereby find as follows:

1. The petition contains all matter required by law, including, without limitation, ORC §709.021, §709.02, and §709.23, to wit:
  - a. An accurate legal description and map of the territory sought to be annexed
  - b. All signatures are of “owners”, authorized to sign the petition and have title to the property on the date the petition was filed, including a date it was obtained and not obtained more than 180 days before filing
  - c. The name and address of the person to act as agent for the petitioner is included
  - d. Includes statutory disclosure statement in bold face, capital letters, regarding waiver of appeal rights
  - e. The list of parcels in the area to be annexed and adjacent territory that includes name of owner, mailing address and permanent parcel number was submitted with the petition
2. The matters alleged in the petition are true.
3. Proof of service to all government officials has been filed in accordance with §709.023(B) of the Ohio Revised Code.
4. The person or persons whose names are subscribed to the petition are owners of real property in the territory described in the petition, and as of the time the petition was filed, the number of valid signatures on the petition constituted a majority of the owners of real estate in the territory proposed to be annexed.
5. The real property proposed for annexation is continuous to the Village of Swanton.
6. The map and description of the territory contained in “Exhibit A” are accurate.
7. The territory proposed to be annexed does not exceed 500 acres.
8. The annexation will not create an incorporated area of the township that is completely surrounded by the territory proposed to be annexed.

9. The Village of Swanton passed Ordinance 2011-20, dated August 22, 2011, thereby stating that the Village will provide the availability of water, sewer, police, fire, and rescue protection, and contract for refuse collection to the territory that is annexed as wells as other services currently provided to properties and citizens located within the Village of Swanton to the territory sought to be annexed; and
10. The Township of Swancreek has not filed an ordinance/resolution consenting or objecting to the annexation within 25 days after the petition was filed thereby deeming consent thereof; and

**THEREFORE BE IT RESOLVED**, the Fulton County Board of Commissioners hereby ORDER that the prayer of the petition be and is hereby granted and that the above-described territory be annexed to the Village of Swanton; and

**BE IT FURTHER RESOLVED**, that a *CERTIFIED* copy of the entire record of the annexation proceedings of this Board relating thereto together with the accompanying map and petition and all other papers pertaining thereto be delivered forthwith to the Clerk of Council for the Village of Swanton; 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

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Dean A. Genter

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Perry Rupp

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Perry Rupp

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Perry Rupp

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

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

**CERTIFICATION 2011-1100**

I, Jennifer L. Connors, Clerk of the Board of County of Fulton County, Ohio, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by said board at the regularly scheduled and conducted meeting held on the stated date, which resolution is on file and of record in the office of said board.

\_\_\_\_\_  
Clerk

**RESOLUTION 2011-1101**

In the Matter of Resolution to Transfer Appropriations ) Office of County Commissioners  
And Funds for Various Departments ) Fulton County, Ohio  
 ) November 3, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on November 3, 2011 , at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Paul Barnaby, Dean Genter, Perry Rupp

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

**WHEREAS**, it is necessary to transfer funds for the Regional Planning Commission Annual Assessment and to increase and transfer appropriations for various departments to cover expenses for the remainder of the year; and

**WHEREAS**, there are sufficient funds available in the Certificate of Estimated Resources to allow the increase of appropriations requested herein.

**THEREFORE, BE IT RESOLVED**, the Board of Commissioners hereby authorizes the following APPROPRIATION TRANSFERS:

<u>AMOUNT</u>	<u>ACCOUNT</u>
\$100.00	From: 1000-12124-5-34000 Equipment Rental-CCE
\$100.00	To: 1000-12124-5-96000 Other Exp-CCE

**BE IT FURTHER RESOLVED**, the Board of Commissioners hereby authorizes the following APPROPRIATION INCREASES:

<u>AMOUNT</u>	<u>ACCOUNT</u>
\$100.00	6002-11800-5-96000 Other Exp-IT

**BE IT FURTHER RESOLVED**, the Board of Commissioners hereby authorizes the following FUND TRANSFERS:

<u>AMOUNT</u>	<u>ACCOUNT</u>
\$29,000.00	From: 1000-30904-5-96200 Co Share-RPC
\$29,000.00	To: 9025-50904-4-24000 Assessments-RPC

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

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

<b>Voting Aye thereon:</b>	<b>Voting Nay thereon:</b>	<b>Abstain:</b>
_____ Paul 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 Departments

**RESOLUTION 2011-1104**

In the Matter of Resolution to Authorize Board        )     Office of County Commissioners  
President to Enter Into **Contract 2011-132** and        )     Fulton County, Ohio  
Addendum #1 with Underground Archives, LLC        )     November 3, 2011  
on Behalf of County Recorder                         )

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on November 3, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Paul Barnaby  
Dean Genter  
Perry Rupp

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

**WHEREAS**, a service agreement has been successfully negotiated with Underground Archives, LLC, to provide storage and management of materials on behalf of the County Recorder; and

**THEREFORE, BE IT RESOLVED**, that the Fulton County Board of Commissioners hereby authorize the Board President to enter into **Contract No. 2011-132** with Underground Archives on behalf of the Fulton County Recorder in accordance with the said contract and the Addendum (#1) attached thereto, effective October 27,2011; 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.

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

**Voting Aye thereon:**

**Voting Nay thereon:**

**Abstain:**

\_\_\_\_\_  
Paul Barnaby

\_\_\_\_\_  
Paul Barnaby

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Paul Barnaby

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Dean Genter

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Dean Genter

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Dean Genter

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Perry Rupp

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Perry Rupp

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Perry Rupp

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

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

Cc: Auditor; Recorder; Contract file

**RESOLUTION 2011-1105**

In the Matter of Resolution to Enter Into **Contract** ) Office of County Commissioners  
**2011-133** with Stephen Campbell & Associates, Inc.) Fulton County, Ohio  
For Maintenance Service on County 911 System ) November 3, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on November 3, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Paul Barnaby  
Dean Genter  
Perry Rupp

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

**WHEREAS**, a contract has been successfully negotiated with Stephen Campbell & Associates, Inc. for maintenance service on a Reliant 16-CH Analog, 8-CH digital DVD1 Recorder, S/N 20129 UPS Power Supply for the County 911 System;

**THEREFORE, BE IT RESOLVED**, that the Fulton County Board of Commissioners enter into **Contract 2011-133** with Stephen Campbell & Associates, Inc. for maintenance service on a as indicated hereinabove, pursuant to the terms and conditions contained therein and attached hereto; and

**BE IT FURTHER RESOLVED**, said contract shall not exceed \$2,700.00 unless amended by formal proceedings; and

**BE IT FURTHER RESOLVED**, said contracts shall be in effect beginning January 1, 2012 through December 31, 2012 unless otherwise amended or terminated by formal proceedings; and

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

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

<b>Voting Aye thereon:</b>	<b>Voting Nay thereon:</b>	<b>Abstain:</b>
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Perry Rupp	_____ Perry Rupp	_____ Perry Rupp

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

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

CC: Auditor; Sheriff; Contract File



**RESOLUTION 2011-1107**

In the Matter of Resolution Approving ) Office of County Commissioners,  
Purchase Orders and Travel Requests ) Fulton County, Ohio  
) November 3, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on November 3, 2011, at 152 South Fulton Street, Wauseon, Ohio, with all members present:

Paul Barnaby  
Dean Genter  
Perry Rupp

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

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

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

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

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

**Voting Aye thereon:**

**Voting Nay thereon:**

**Abstain:**

\_\_\_\_\_  
Paul Barnaby

\_\_\_\_\_  
Paul Barnaby

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Paul Barnaby

\_\_\_\_\_  
Dean Genter

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Dean Genter

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Dean Genter

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Perry Rupp

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Perry Rupp

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Perry Rupp

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

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

Copy To: File