

**MINUTES OF MEETING
FULTON COUNTY BOARD OF COMMISSIONERS
COMMISSIONERS' SESSION ROOM
MAY 5, 2011**

[9:00:25 AM](#)

Call Meeting to Order

Pledge of Allegiance

Opening Prayer

Roll Call Attendance - All members present

[9:01:55 AM](#)

Resolution 2011-417 Approve Minutes of May 2, 2011

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

[9:02:52 AM](#)

Resolution 2011-418 Approve Agenda As Presented

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

[9:03:12 AM](#)

OLD BUSINESS:

· **Resolution 2011-419** Approve Payment of Bills

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

[9:03:50 AM](#)

· Review Correspondence from ODOT Regarding Pettisville Safe Routes to Schools Project
A field review was conducted on April 14. It is anticipated that the project will take place in early FY2013. A meeting with the County Engineer is scheduled for later today.

[9:04:43 AM](#)

· Review Month-End Financial Reports

Vond Hall, County Administrator, presented the Board with a Year-to-Date Fund Summary Report and a Year-over-year comparison for the General fund for their review.

[9:05:28 AM](#)

· Review Auditor/Treasurer Tie-Out Report

[9:06:20 AM](#)

· Review Certificate of Non-Compliance

[9:07:00 AM](#)

· Review Amended Certificate

[9:09:33 AM](#)

· Review Dog Warden Reports for Week Ending 4/30/2011

[9:11:59 AM](#)

NEW BUSINESS:

**Review Clerk's Notice of Filing of New Ditch Petition
Filed for by Daniel Heer**

Resolution 2011-420 Fix Date and Time of View and First Hearing Ditch 2115-Heer
Daniel Heer and others filed a petition to clean and brush clean Branch 3a of Bean Creek in German Township. The Board will conduct a view at the site of the proposed improvement on May 31, 2011 at 11:00 a.m. and the 1st hearing will be held in the Commissioners Chambers on June 13, 2011 at 10:00 a.m. Commissioner Genter made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:16:59 AM](#)

· **Resolution 2011-421** Advance Funds; Increase and Transfer Appropriations - Various Departments
Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[9:17:49 AM](#)

· **Resolution 2011-422** Authorize Draw Down #230 from Ohio Department of Development for FY2010 Formula Grant
Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:19:07 AM](#)

· **Resolution 2011-423** Appoint Part-time Intermittent Delta/Swanton Meal Delivery/Driver for Senior Center
Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:20:10 AM](#)

· **Resolution 2011-424** Increase and Transfer Appropriations for Fulton County Landfill Fund
Commissioner Rupp made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[9:21:22 AM](#)

· **Resolution 2011-425** Increase Contract 2010-157 with Downes Fishel Hass & Kim LLP for Legal Services
Commissioner Genter made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:21:56 AM](#)

· **Resolution 2011-426** Approve Then and Now Purchase Orders
Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Roll call vote: Barnaby, yes; Genter, yes; Short, yes. Motion carried unanimously.

[9:22:35 AM](#)

· **Resolution 2011-427** Approve Purchase Orders and Travel Requests
Commissioner Genter made the motion and Commissioner Barnaby seconded the motion. Motion carried unanimously.

[9:23:04 AM](#)

Recess

[9:37:19 AM](#)

Hold Executive Session Pursuant to ORC §121.22(G)(1) to Discuss the Compensation of a Public Employee

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

[10:27:21 AM](#)

Out of Executive Session

No action taken

[10:27:46 AM](#)

Adjourn

Approved:

Paul D. Barnaby

Dean A. Genter

Perry L. Rupp

Attest:

Jennifer L. Connors, Clerk

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

RESOLUTION 2011-417

In the Matter of Resolution Approving) Office of County Commissioners
Minutes of May 2, 2011) Fulton County, Ohio
) May 5, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on May 5, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter and Perry Rupp

Commissioner _____ moved for the adoption of the resolution herein.

THEREFORE BE IT RESOLVED, that after review, the Fulton County Commissioners hereby approve the minutes of Regular Session held May 2, 2011 as presented; and

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

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

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Paul D. Barnaby

Paul D. Barnaby

Paul D. Barnaby

Dean A. Genter

Dean A. Genter

Dean A. Genter

Perry L. Rupp

Perry L. Rupp

Perry L. Rupp

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

Attest: _____
Jennifer L. Connors, Clerk

Copy To: File

RESOLUTION 2011-418

In the Matter of Resolution to approve) Office of County Commissioners
the agenda as amended or presented) Fulton County, Ohio
) May 5, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on May 5, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

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

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

THEREFORE, BE IT RESOLVED, that the Board of Fulton County Commissioners hereby approve the agenda as amended or presented for: May 5, 2011; and

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

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

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

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

Attest: _____
Jennifer L. Connors, Clerk

cc: File

RESOLUTION 2011-420

ORDER FIXING DATE AND HOUR OF VIEW AND FIRST HEARING

Revised Code, Sec. 6131.07

In the Matter of the <i>Single</i>)	Office of County Commissioners,
County Ditch No. <i>2115</i> Petitioned)	Fulton County, Ohio
for by <i>DANIEL HEER, et al.</i>)	<i>May 5, 2011</i>

The Board of County Commissioners of Fulton County, Ohio met in *regular* session on *May 5, 2011*, at the office of said board with the following members present:

Commissioner Barnaby, Commissioner Genter and Commissioner Rupp

Commissioner _____ moved for the adoption of the following Resolution:

WHEREAS, on this *5th day of May, 2011*, the Board of Commissioners and the County Engineer of Fulton County, Ohio have been given notice on the filing of a petition signed by *Daniel Heer, and others, to clean and brush clean Branch 3a of Bean Creek; and*

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

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

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

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

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

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

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

Attest: _____
Jennifer L. Connors, Clerk

cc: Rod Creager
File

RESOLUTION 2011-421

In the Matter of Resolution to Increase and) Office of County Commissioners
Transfer Appropriations and Advance Funds -) Fulton County, Ohio
Various Departments) May 5, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on May 5, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, it is necessary to increase appropriations as requested by the County Auditor’s Office in the Information Technology Internal Services Fund for the VIPRE system and for equipment for the wireless backhaul between the engineer’s office and the airport; and

WHEREAS, it is further necessary to increase appropriations in professional services for additional representation under Contract 2010-157 with Downes Fishel Hass and Kim LLP for labor relations; and

WHEREAS, it is further necessary to increase appropriations and advance funds into the ditch improvement fund for Ditch Improvement 2110-Howard, awarded on May 2, 2011, and other forthcoming ditch projects; and

WHEREAS, there are sufficient funds available in the Certificate to allow the increases as requested; and

WHEREAS, a request has been received to transfer appropriations for the Clerk of Courts for Equipment Expenses and the Regional Planning Commission for Internal Services Costs; and

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

<u>AMOUNT</u>	<u>ACCOUNT</u>	
\$ 2,745.00	6002-11800-5-41000	Contract Serv-IT
\$ 5,600.00	6002-11800-5-61300	Computer Hardware Equip-IT
\$ 25,000.00	1000-11100-5-41100	Professional Serv-Comm
\$100,000.00	1000-19194-5-96300	Contingency

BE IT FURTHER RESOLVED, the Board of Commissioners hereby authorize the following APPROPRIATIONS be TRANSFERRED:

<u>AMOUNT</u>	<u>ACCOUNT</u>	
\$ 96.65	From: 2110-12120-5-41000	Contract Serv-Clerk of Courts
\$ 96.65	To: 2110-12120-5-61000	Equipment-Clerk of Courts
\$5,000.00	From: 9025-17904-5-20400	Hospital Ins-RPC
\$ 500.00	From: 9025-17904-5-96200	Wellness Refund –RPC
\$5,500.00	To: 9025-17904-5-41000	Contract Serv-RPC

BE IT FURTHER RESOLVED, the Board of Commissioners hereby authorize the following FUNDS be ADVANCED:

<u>AMOUNT</u>	<u>ACCOUNT</u>	
\$100,000.00	From: 1000-19194-5-96300	Contingency
\$100,000.00	To: 1000-53100-5-93000	Advance Out-GF
\$100,000.00	From: 1000-53100-5-93000	Advance Out-GF
\$100,000.00	To: 3200-48146-4-48100	Advance In-Ditch Improvement

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

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

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Paul D. Barnaby

Paul D. Barnaby

Paul D. Barnaby

Dean A. Genter

Dean A. Genter

Dean A. Genter

Perry Rupp

Perry Rupp

Perry Rupp

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

Attest: _____
Jennifer L. Connors, Clerk

Cc: Auditor; Affected Depts; Journal

RESOLUTION 2011 – 422

In the Matter of Resolution to Authorize) Board of County Commissioners
Draw Request No. 230 from Ohio Dept.) Fulton County, Ohio
Of Development for FY10 Formula Grant) May 5, 2011

The Board of County Commissioners of Fulton County, Ohio, met in regular session pursuant to notice, on the May 5, 2011, at the office of said board with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, the Regional Planning Commission has submitted a draw of funds #230 for execution by the Fulton County Board of Commissioners in the amount of \$37,000.00 under FY10 Formula Grant No. B-F-10-1AX-1, and

THEREFORE, BE IT RESOLVED, that the Fulton County Board of Commissioners hereby authorize and execute draw of funds #230 in the amount of \$37,000.00 under FY10 Formula Grant No. B-F-10-1AX-1 for submittal to the Ohio Department of Development, Office of Housing and Community Partnerships; and

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

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

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Paul Barnaby

Paul Barnaby

Paul Barnaby

Dean Genter

Dean Genter

Dean Genter

Perry Rupp

Perry Rupp

Perry Rupp

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

Attest: _____

Jennifer L. Connors, Clerk

Cc: Regional Planning; MVPO; ODOD; journal

RESOLUTION 2011-423

In the Matter of Resolution to Appoint) Office of County Commissioners
Part-time Meal Delivery/Driver for Delta-) Fulton County, Ohio
Swanton Area for County Senior Center) May 5, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on May 5, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, pursuant to the Board’s authorization, a job offer has been successfully negotiated with Sherry A. Bittinger for the promotion to Part-time Meal Delivery/Driver for the Delta-Swanton Area for the Fulton County Senior Center.

THEREFORE BE IT RESOLVED, that the Fulton County Board of Commissioners hereby appoint Sherry A. Bittinger to the position of Part-time Meal Delivery/Driver for the Delta-Swanton Area for the Fulton County Senior Center, effective April 25, 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

Paul Barnaby

Dean Genter

Dean Genter

Dean Genter

Perry Rupp

Perry Rupp

Perry Rupp

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

Attest: _____
Jennifer L. Connors, Clerk

Copy To: Payroll; S. Griggs; Personnel Files; Journal

RESOLUTION 2011-425

In the Matter of Resolution to Increase) Office of County Commissioners
Contract 2010-157 with Downes Fishel Hass) Fulton County, Ohio
& Kim, LLP for Legal Services) May 5, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on May 5, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp.

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, it is necessary to increase **Contract 2010-157**, previously entered into with Downes Fishel Hass & Kim LLP for additional legal services being rendered for labor relations; and

THEREFORE BE IT RESOLVED, that the Fulton County Board of Commissioners hereby approve the increase in **Contract 2010-157** with Downes Fishel Hass & Kim LLP in the amount of \$25,000.00 and

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

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

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

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

Attest: _____
Jennifer L. Connors, Clerk

Copy: Auditor; B. Colon; Journal; Contract file

RESOLUTION 2011-426

In the Matter of Resolution to Approve) Office of County Commissioners,
 Then and Now Purchase Orders and Payments) Fulton County, Ohio
) May 5, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on May 5, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

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

PO Number	VENDOR #	PO Date	Amount
2011001042	MEDIC15	4/21/2011	\$ 55.00
2011001052	UTILI58	4/25/2011	1,160.66
2011001053	MASTI50	4/25/2011	2,520.00
2011001055	TOWER50	4/28/2011	335.00
2011001056	TOWER50	4/28/2011	335.00
2011001057	BORTO60	4/28/2011	235.00
2011001061	GRISI70	4/28/2011	200.00
			\$ 4,840.66

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

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

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

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

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

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

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

Attest: _____
 Jennifer L. Connors, Clerk

RESOLUTION 2011-427

In the Matter of Resolution Approving) Office of County Commissioners,
Purchase Orders and Travel Requests) Fulton County, Ohio
) May 5, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on May 5, 2011, at 152 South Fulton Street, Wauseon, Ohio, with all members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

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

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

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

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

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Paul Barnaby

Paul Barnaby

Paul Barnaby

Dean Genter

Dean Genter

Dean Genter

Perry Rupp

Perry Rupp

Perry Rupp

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

Attest: _____
Jennifer L. Connors, Clerk

Copy To: File