

**MINUTES OF MEETING
FULTON COUNTY BOARD OF COMMISSIONERS
COMMISSIONERS SESSION ROOM
APRIL 28, 2011**

[9:00:13 AM](#)

Call Meeting to Order

Pledge of Allegiance

Opening Prayer

Roll Call Attendance – All members present

[9:01:39 AM](#)

Resolution 2011-391 Approve Minutes of April 25, 2011

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

[9:02:41 AM](#)

Resolution 2011-392 Approve Agenda As Presented or Amended

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

[9:03:19 AM](#)

OLD BUSINESS:

· **Resolution 2011-393** Approve Payment of Bills

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

[9:03:42 AM](#)

· Review Notice of Issuance of Final Permit to Operate for Oakshade Dairy LLC

The Ohio Department of Agriculture issued a final Permit to Operate for Oakshade Dairy LLC, located in Fulton County, Chesterfield Twp, Lyons, Ohio. This is a renewal application for the expiring permit that was issued by the department on July 8, 2005. The permit is valid for 5 years. The existing facility has a design capacity of 1,750 mature dairy cows, which will remain the same under this permit. This is for the entire facility. It is drafted to regulate operation with plans for manure management, insect and rodent control, mortality management and emergency response.

This permit can be appealed to the Environmental Review Appeals Commissioner until May 27, 2011 at 5:00 p.m.

[9:04:24 AM](#)

· Review Notices from Ohio Department of Development:

- 1) FY2008 NSP Action Plan
- 2) FY2008 CDBG Formula Grant

- 1) A draft amendment of the FY08 Ohio Consolidated Plan Neighborhood Stabilization Program Action Plan will be posted on the ODOD Website and will accept comments until May 9, 2011.
- 2) The final monitoring report for the FY08 Formula Grant has been reviewed by the ODOD and closed without any findings, subject to the FY09 Audit.

[9:05:02 AM](#)

· Review Dog Warden Reports for Week Ending 4/23/2011

Commissioner Genter noted that he would like to see a column added to the weekly summary report to track the number of dogs that are on site.

[9:06:55 AM](#)

NEW BUSINESS:

· Review Correspondence from Village of Archbold Regarding Water Rate Adjustment

Effective with the June 1, 2011 billing, rates in Archbold will increase 2% across all usage classes. The service/billing charge will also go from \$5 per month to \$6 per month. The new rates will be:

1st 1,000,000 gallons - \$2.61 per 1,000 gallons

Next 10,000,000 gallons - \$2.31 per 1,000 gallons

Over 11,000,000 gallons - \$2.16 per 1,000 gallons

The outside-the-corporation surcharge of 50% will remain unchanged and applies to water only, not sewer.

Ziad Musallam, Sanitary Engineer, was present for the discussion. He stated that this will increase all water services areas, such as Archbold, Pettisville and Elmira Burlington. This is mostly related to an EPA mandate for additional treatment due to a change in EPA regulations regarding surface water. It was noted that this will maintain the current standard and not affect the quality.

[9:08:55 AM](#)

· Review Clerk's Notice of Filing of Petition to Vacate a Portion of Road 26

Resolution 2011-394 Fix Date and Time of View and Public Hearing

A petition to vacate a portion of Road 26, East of SR 2 to the Williams County Line was filed by Karl and Jill Campbell. Commissioner Genter noted that by looking at the farmland which surrounds this, he doesn't see an access if this were to be vacated. This will be addressed in the Engineer's report and findings.

The Date of View was set for May 31, 2011 at 10:00 a.m. at the course and termini of the proposed vacation and the Engineer will file his report at a Public Hearing on June 9, 2011 at 10:00 a.m. in the Commissioners' Chambers.

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

[9:12:04 AM](#)

· Resolution 2011-395 Authorize Advertisement of Bids for 2011 Seal Coat Program

Bids will be received in the office of the Board of Commissioners for the 2011 Seal Coat Program until May 19, 2011 at 9:30 a.m.

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

[9:12:45 AM](#)

· **Resolution 2011-396** Increase and Transfer Funds Within Northeast Fulton County Water System Fund

Mr. Hall noted that this is to reimburse the Village of Metamora for sewer charges and fees collected for the Northeast Fulton County Water System, per the agreement. He noted that the County is waiting on surcharge collections from the Village under the old system, indicating that they are not able to pay now. Commissioner Genter noted that both entities need to adhere to the contract. Mr. Hall indicated that Mr. Musallam has been instructed to prepare a letter to the Village. Commissioner Barnaby suggested the Prosecutor draw up a letter to get this resolved. Commissioner Rupp indicated that there needs to be communication on this because if this is going to be an ongoing problem it needs to be faced today or will only grow worse. Commissioner Genter made the motion and Commissioner Barnaby seconded the motion. Motion carried unanimously.

[9:17:22 AM](#)

· **Resolution 2011-397** Enter Into Contract 2011-60 with Heer Excavating, Inc. for the Replacement of Bridge C11.1 Project

Pursuant to the award of bid on March 14, 2011, the Board entered into a contract with Heer Excavating, Inc. in the amount of \$317,573.35 for the Replacement of Bridge C11.1 Project, on behalf of the County Engineer. Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:19:03 AM](#)

· **Resolution 2011-398** Authorize Board President to Execute Standard Terms, Conditions and Assurances for Receiving FAA Grant Funds

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

[9:20:06 AM](#)

· **Resolution 2011-399** Create New Line; Increase and Transfer Appropriations for Various Departments

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

[9:20:55 AM](#)

· **Resolution 2011-400** Enter Into Contract 2011-61 for Purchase of Real Estate on Behalf of Board of Developmental Disabilities and Triangular Processing, Inc.

An offer to purchase the property located at 550 Linfoot Street was signed by the Board. Commissioner Genter noted that with the acquisition of this site, this will allow for additional programming to service Board of DD Clients. Mr. Hall stated that the contract was prepared and stamped by the Prosecuting Attorney's office and there have been discussions with the realtor. Commissioner Genter made the motion and Commissioner Barnaby seconded the motion. Motion carried unanimously.

[9:23:30 AM](#)

· **Resolution 2011-401** Award Bid for 2011 Installation of Pavement Markings Project Pursuant to the bid opening on April 21st, the Board awarded the bid for the Installation of Pavement Markings to Oglesby Construction Company of Norwalk, Ohio in the amount of

\$125,612.95. This is below the Engineer's estimate of \$136,245.00. This was the only bid submitted. Commissioner Genter made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:24:03 AM](#)

· **Resolution 2011-402** Approve Then and Now Purchase Orders
Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[9:24:21 AM](#)

· **Resolution 2011-403** Approve Purchase Orders and Travel Requests
Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[9:25:13 AM](#)

Recess

[9:30:21 AM](#)

· **Kim Bowles and Curt Jones Soil and Water Conservation District Update**

Kim Bowles stated that they have been in the schools doing presentation on conservation topics that correlate with academic standards. They are now receiving registrations for educators for the Black Swamp Educator Extravaganza. Amanda Podach conducted a Project Wild Workshop for 14 Wauseon and Swanton Elementary teachers, principals, and superintendents on 4/25/11. This workshop is part of the requirement for the schools to receive grant funding for developing Wild School Sites.

The Area 1 Envirothon was conducted on 4/27/2011. One of the Delta High School teams placed fifth in a total of 63 Envirothon teams. The other Delta team placed 16th. The Delta team that placed 5th will be an alternate for the State Envirothon competition in June if one of the teams placing 1st through 4th cannot make the state competition. It was noted that this team were all Freshman. Curt Jones added that they are the host county for next year's Envirothon and are trying to raise \$3,000 to help sponsor this. It will be held at Camp Palmer.

Mr. Jones stated that the annual tree and seed program was held 4/15 & 4/16. There were about 150 customers, selling about 6,700 tree seedlings. A pond clinic will be held on 4/28 from 6-8:30 p.m. at the Robert Fulton Building. Fish fingerling distribution orders will be taken until May 9th. There are currently 21 customers for the pick up on May 12th at the fairgrounds. He indicated that this number was about normal and that there will be more coming in during the last week. Commissioner Rupp asked who handled the pond clinics? Mr. Jones stated that Greg LaBarge, Pete Carr and Bill Lynch all have a part. Greg LaBarge covers weed control; Pete Carr discusses soil; and Bill Lynch handles fish management.

Mr. Jones stated that Pete Carr attended the ditch hearing on Little Bear Creek and has been contacting landowners regarding filter strips so they are aware of their services if this project would move forward.

Ms. Bowles pointed out upcoming events:

- April 28, 2011 – Pond Clinic at Robert Fulton Building 6-8:30 p.m.

- April 29, 2011 – Arbor Day-All 1st grade student receive a tree seedling
- May 12, 2011 – Fish Order Distribution at Fulton Co. Fairgrounds
- May 21, 2011 – Woodland/Wildlife Workshop at Pearson Metro Park from 9 a.m. – 2 p.m.
- June 8-11, 2011 – Black Swamp Educators’ Extravaganza at 577 Foundation in Perrysburg
- August 4, 2011 – SWCD 63rd Annual Meeting Open House and Election at Robert Fulton Building
- August, 2011 – (Date TBA) Air Tour with Stewart Aviation and Fulton Co. Airport
- September 23, 2011 – Fulton SWCD Public Officials Tour

Ms. Bowles submitted a sample resolution and requested that the Board approve at an upcoming meeting to submit to the General Assembly for funding support.

The Board thanked them for their update.

[9:55:15 AM](#)

Recess

[10:00:36 AM](#)

Stan Multhauf To Discuss CORSA Renewal

Dawn Hogrefe, County Loss Control Coordinator, and Stan Multhauf were present for the discussion. Mr. Multhauf presented the Board with the 2011/12 premium costs in comparison with the 2010/11 program year. He stated that this program year costs are down by almost \$3,000 and discussed the breakdown. He pointed out that it is important to note that credits come from the Loss Control Coordinator meeting a number of factors through the incentive program, saving the county almost \$4,600 for this program year. He further noted that if there is equity in the program it is given back in the premium also, this year resulting in a discount of \$20,816.

The basics of the program remain the same. He discussed coverage enhancements added that will cover fund transfer frauds and computer frauds.

He noted that the widespread storm damage over Ohio will have an impact on premiums next year and that while the insurance industry is pretty well stable right now it will start changing.

The Board thanked him for his update.

[10:11:53 AM](#)

Recess

[10:30:32 AM](#)

Resolution 2011-404 Hold Executive Session Pursuant to ORC §121.22(G)(1) to Discuss the Compensation of a Public Employee

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

[11:35:02 AM](#)

Out of Executive Session

Resolution 2011-405 Adopt 2011 Revision of Alternate Plan Eligibility

After coming out of executive session, Commissioner Barnaby made the motion to adopt a revision of the current Alternate Plan Eligibility guidelines as set forth in the 2010 Health and Benefits plan and Commissioner Rupp seconded the motion. A roll call vote was taken: Barnaby, yes; Genter, yes; Rupp, yes. Motion carried unanimously.

[11:35:54 AM](#)

ADJOURN

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

Approved:

Paul D. Barnaby

Dean A. Genter

Perry L. Rupp

Attest:

Jennifer L. Connors, Clerk

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

RESOLUTION 2011-391

In the Matter of Resolution Approving) Office of County Commissioners
Minutes of April 25, 2011) Fulton County, Ohio
) April 28, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 28, 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 April 25, 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 2011-392

In the Matter of Resolution to approve) Office of County Commissioners
the agenda as amended or presented) Fulton County, Ohio
) April 28, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 28, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

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

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

THEREFORE, BE IT RESOLVED, that the Board of Fulton County Commissioners hereby approve the agenda as amended or presented for: April 28, 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 2011-394

In the Matter of Resolution to Fix Date) Office of County Commissioners
And Time of View and Public Hearing) Fulton County, Ohio
for Vacation of a Portion of Road 26) April 28, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 28, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, a letter of petition has been received from Karl and Jill Campbell to vacate a portion of County Road 26, located in German Township, Fulton County, Ohio, and described as follows:

A parcel of land being part of the Southeast quarter of Section 35 & the Southwest quarter of Section 36, Town 7 North, Range 4 East, German Township, Fulton County, Ohio, and being more particularly described as follows:

Commencing at a found Ohio Department of Transportation PK Nail & Shiner at the Northeast corner of the Southeast quarter of said Section 35;

Thence South 89°32'03" East, on the centerline of State Route 2 (Right of Way Varies), a distance of 20.00 feet to a point;

Thence South 00°50'27" West, a distance of 40.00 feet to a point, said point marking the **True Point of Beginning** of the parcel herein described;

Thence continuing South 00°50'27" West, a distance of 2597.68 feet to a point;

Thence North 89°17'36" West, on the South line of the Southwest quarter of said Section 36, also being the Fulton-Williams County Line, a distance of 20.00 feet to an aluminum disk in concrete over a found stone at the Southeast corner of the Southeast quarter of said Section 35;

Thence North 89°23'11" West, on the South line of the Southeast quarter of said Section 35, also being the Fulton-Williams County Line, a distance of 20.00 feet to a point;

Thence North 00°50'27" East, a distance of 2597.63 feet to a point;

Thence South 89°17'29" East, on the South R/W line of State Route 2, as noted as Parcel No. 8 and recorded in Volume 161, Page 161, a distance of 20.00 feet to a point;

Thence South 89°32'03" East, on the South Right of Way Line of State Route 2, as noted as Parcel No. 10 and recorded in Volume 161, Page 161, a distance of 20.00 feet to a point marking the **True Point of Beginning** of the parcel herein described, said parcel containing 2.385 acres of land, more or less, subject to all easements, zoning restrictions of record and legal highways.

WHEREAS, pursuant to Ohio Revised Code §5553.05, it is necessary to fix a date when the Board will view a proposed vacated road and shall set a date for the final hearing thereon,

THEREFORE BE IT RESOLVED, that pursuant to Ohio Revised Code §5553.05, the Board of County Commissioners of Fulton County, Ohio, will VIEW the course and termini of the proposed vacation on **May 31, 2011 at 10:00 a.m.** and the PUBLIC HEARING shall be held on **June 9, 2011 at 10:00 a.m.** in the Commissioners Session Room, located at 152 S. Fulton St., Suite 270, Wauseon, Ohio;

BE IT FURTHER RESOLVED, publication of the notice of the viewing and hearing will be in the Fulton County Expositor on May 5, 2011 and May 12, 2011, and on the county's website at www.fultoncountyoh.com; and

BE IT FURTHER RESOLVED, that notice of the viewing and final hearing will be sent to each affected owner and the Ohio Department of Natural Resources by first class mail at least 20 days before the date of the public hearing; 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

Copy to: German Township Trustees
Fulton County Engineer
Auditor
Recorder
Affected Landowners
File

RESOLUTION 2011-395

In the Matter of Resolution to Approve Legal Notice) Office County Commissioners
And Authorize Advertisement of Bids for 2011 Seal) Fulton County, Ohio
Coat Program) April 28, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 28, 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 publicly advertise to solicit competitive bids for the 2011 Seal Coat Program on behalf of the County Engineer; and

WHEREAS, the Board has been presented with a copy of the Legal Notice for publication; and

THEREFORE BE IT RESOLVED, that the Fulton County Board of Commissioners hereby approves the Legal Notice as attached hereto and further authorize advertisement of the same; and

BE IT FURTHER RESOLVED, that sealed bids will be received for the 2011 Seal Coat Program on behalf of the County Engineer until **9:30 a.m.** on the **19th day of May, 2011** in the office of the Fulton County Commissioners at 152 S. Fulton Street, Suite 270, Wauseon, Ohio, at which time the bids will be opened and publicly read aloud; and

BE IT FURTHER RESOLVED, the necessary publication of notice of bid will be in the Fulton County Expositor on Tuesday, May 3, 2011 and on the Fulton County Website at fultoncountyoh.com; and

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

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

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

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

Attest: _____
Jennifer L. Connors, Clerk

cc: Engineer; journal; Project file

RESOLUTION 2011-397

| | | |
|---|---|---------------------------------|
| In the Matter of Resolution to Enter Into |) | Office of County Commissioners, |
| Contract 2011-60 with Heer Excavating, Inc. |) | Fulton County, Ohio |
| for the Replacement of Bridge C11.1 Project |) | April 28, 2011 |
| On Behalf of County Engineer |) | |

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 28, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, bids were received on April 7, 2011 for the Replacement of Bridge C11.1 Project, on behalf of the Fulton County Engineer; and

WHEREAS, on March 14, 2011, the bid was awarded to the lowest and best bidder, Heer Excavating, Inc., in the amount of \$317,573.35; and

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

THEREFORE, BE IT RESOLVED, that the Board of Commissioners shall hereby enter into Contract 2011-60 with the Heer Excavating, Inc. for the Replacement of Bridge C11.1 Project, on behalf of the County Engineer, and according to the terms and conditions therein; and

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

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

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

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

Attest: _____
Jennifer L. Connors, Clerk

CC: Engineer; Bidders; File; Journal

RESOLUTION 2011-398

In the Matter of Resolution to Authorize Board) Office of County Commissioners,
President to Execute Standard Terms and) Fulton County, Ohio
Conditions for Receiving FAA Grant Funds) April 28, 2011
for Fulton County Airport)

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 28, 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, due to required changes in Vision 100-Century of Aviation Reauthorization Action (Public Law 108-176), it is necessary to amend the Terms and Conditions of accepting Airport Improvement Program grant funds thereby incorporating the changes into the previous documents dated June 2005; and

WHEREAS, this document must be fully executed for Fulton County to be eligible to receive grant funding from the Federal Aviation Administration.

THEREFORE, BE IT RESOLVED, that the Board of Commissioners shall hereby authorize the Board President, Paul Barnaby, to execute the Federal Aviation Administration Terms and Conditions of Accepting Airport Improvement Program Grants as 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: |
|----------------------------|----------------------------|-----------------------|
| _____ 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: FAA; Stantec; AP File; Journal

RESOLUTION 2011-399

In the Matter of Resolution to Create New Line;) Office of County Commissioners
Increase and Transfer Appropriations for Various) Fulton County, Ohio
Departments) April 28, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 28, 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 create a new line to receipt in a refund issued to the Law Library Resources Board; to transfer appropriations for the purchase of property located at 550 W. Linfoot Street; and to increase and transfer appropriations to cover negative appropriations and expenses for the remainder of the year.

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

THEREFORE, BE IT RESOLVED, the following LINE be CREATED:

2245-18126-4-81000 Refunds and Reimbursements - LLRB

BE IT FURTHER RESOLVED, the following APPROPRIATIONS be INCREASED:

| <u>AMOUNT</u> | <u>ACCOUNT</u> | |
|---------------|--------------------|-------------------------------------|
| \$ 2,597.00 | 2110-12120-5-39100 | Clerk of Courts-Title-Internal Serv |
| \$ 353.00 | 6002-11800-5-41100 | Professional Services-Internal Serv |

BE IT FURTHER RESOLVED, the following APPROPRIATIONS be TRANSFERRED:

| <u>AMOUNT</u> | <u>ACCOUNT</u> | |
|---------------|--------------------------|--|
| \$552,345.63 | From: 2520-15907-5-99998 | Unappropriated ARRA Stimulus |
| \$552,345.63 | To: 2520-15907-5-72000 | Cap Outlay-Building-Board of DD |
| \$ 122.92 | From: 1000-11500-5-51000 | Supplies-BOE |
| \$ 122.92 | To: 1000-11500-5-61000 | Equipment-BOE |
| \$ 300.00 | From: 2420-14143-5-99999 | Unappropriated-GT&MV |
| \$ 300.00 | To: 2420-14143-5-62000 | Equipment –Garage |
| \$ 1,266.00 | From: 1000-11400-5-33000 | Professional Serv-Pros Atty |
| \$ 1,266.00 | To: 1000-12121-5-10300 | Salaries-Common Pleas |
| \$ 334.00 | From: 2245-12126-5-59000 | Legal Research Materials-LLRB |
| \$ 334.00 | To: 2245-12126-5-39100 | LLRB-Internal Services |
| \$ 4,238.00 | From: 1000-11100-5-41100 | Professional Services-Comm |
| \$ 4,238.00 | To: 1000-30800-5-96200 | Info Tech-Co Share |
| \$ 527.12 | From: 5208-70903-5-96000 | Other Exp-Fulton/Lucas WL |
| \$ 527.12 | To: 5208-62093-5-41000 | Fulton Co Water Charge-Fulton/Lucas WL |

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 2011-401

In the Matter of Resolution Awarding Bid) Office of County Commissioners,
For 2011 Installation of Pavement Markings) Fulton County, Ohio
Project) April 28, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 28, 2011 at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, bids were received on April 21, 2011 for the 2011 Installation of Pavement Markings Project on behalf of the Fulton County Engineer; and

WHEREAS, after review of the bids by the Frank Onweller, County Engineer, it was determined that the bid submitted was accurate and complete. With the Engineer’s estimated cost in the amount of \$136,245.00, the Engineer recommended that the bid of \$125,612.95, submitted by Oglesby Construction, Inc., be accepted as the lowest and best; and

THEREFORE, BE IT RESOLVED, the Fulton County Board of Commissioners accepts the Engineer’s recommendation and hereby awards the bid for the 2011 Installation of Pavement Markings Project to Oglesby Construction Company of Norwalk, Ohio, in the amount of \$125,612.95. This is below the engineer’s estimate of \$136,245.00. A contract will be offered for the 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: |
|----------------------------|----------------------------|-----------------------|
| _____ Paul Barnaby | _____ Paul Barnaby | _____ Paul Barnaby |
| _____ Dean Genter | _____ Dean Genter | _____ Dean Genter |
| _____ Perry Rupp | _____ Perry Rupp | _____ Perry Rupp |

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

Attest: _____
Jennifer L. Connors, Clerk

CC: Engineer; Bidders; File; Journal

RESOLUTION 2011-402

In the Matter of Resolution to Approve) Office of County Commissioners,
 Then and Now Purchase Orders and Payments) Fulton County, Ohio
) April 28, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 28, 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 |
|------------------|-----------------|----------------|---------------|
| 2011001024 | BRITS50 | 4/18/2011 | \$ 11,200.00 |
| 2011001026 | INDUS60 | 4/18/2011 | 22.00 |
| 2011001027 | DSDIV50 | 4/18/2011 | 100.00 |
| 2011001028 | HERRD50 | 4/18/2011 | 100.00 |
| 2011001030 | MARAT41 | 4/18/2011 | 9,700.00 |
| 2011001037 | TOLED35 | 4/21/2011 | 1,600.00 |
| 2011001044 | PRODU60 | 4/21/2011 | 1,500.00 |
| | | | |
| | | | \$ 24,222.00 |

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 2011-403

In the Matter of Resolution Approving) Office of County Commissioners,
Purchase Orders and Travel Requests) Fulton County, Ohio
) April 28, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 28, 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

RESOLUTION 2011-404

In the Matter of Resolution to Hold an) Office of County Commissioners
Executive Session to Consider the) Fulton County, Ohio
Compensation of a Public Employee) April 28, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 28, 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, Ohio Revised Code §121.22 (G) states, except as provided in division (J) of this section, the members of a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of seven specific topics;

THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Fulton County, Ohio will hold an Executive Session, pursuant to ORC §121.22(G)(1) to begin at **10:30 a.m.** to consider the compensation of a public employee; 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 motion 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 |
| _____ Perry Rupp | _____ Perry Rupp | _____ Perry Rupp |

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

Attest: _____
Jennifer L. Connors, Clerk

RESOLUTION 2011-405

In the Matter of Resolution to Adopt 2011) Office of County Commissioners
Revision of Alternate Plan Eligibility) Fulton County, Ohio
) April 28, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 28, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter and Perry Rupp

Commissioner **BARNABY** moved for the adoption of the resolution herein.

WHEREAS, the Board wishes to adopt a revision to the current Alternate Plan Eligibility guidelines as previously set forth in the 2010 Health and Benefits Plan; and

THEREFORE BE IT RESOLVED, the Board of Commissioners hereby revises the plan to read as follows:

The Alternate plan is limited to those elected officials and employees (hereinafter referred to as employees) who 1) are enrolled on the Alternate plan on the last day of the prior year and that continue to be enrolled in Medicare, Medicaid, or Tricare during the -plan year; 2) become enrolled in Tricare or Medicaid during the plan year and continue to be enrolled in Tricare or Medicaid throughout the plan year; and 3) are enrolled in Medicare prior to initial health insurance eligibility and that continue to be enrolled in Medicare throughout the plan year. In all cases, the employee must remain enrolled in Medicare, Medicaid or Tricare to remain eligible for the Alternate Plan.

Employees who elect to double cover themselves on a non-high deductible health plan shall not be eligible for the Alternate plan.

Should the employee cease enrollment in Medicare, Medicaid, or Tricare during the plan year, the employee shall be transferred to the Premium plan and receive a monthly pro-rated share of the employer’s annual health savings account contribution. The monthly pro-rated share shall be calculated by using the following formula: (annual employer health savings account contribution (Single = \$720 or Family = \$1920)*(the number of full months remaining in the plan year/12).

Unless otherwise determined by the Board, should the employee become enrolled in Medicare during the plan year while on the Premium plan, the employee will not become eligible for the Alternate plan until properly enrolling in the following plan year during open enrollment. Should the employee so elect, he or she may remain on the Premium plan for the remainder of the -plan year. Subject to IRS regulations, the employee may have taxable income depending upon the contribution level to the health savings account and the time of the year in which enrollment occurs.

BE IT FURTHER RESOLVED, any and all provisions not revised herein shall remain in full force and effect; 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 **RUPP** 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: A. Votava, Payroll, Journal, File