

September 3, 2008

The Board of Wayne County Commissioners met in Regular Session.

The minutes can be found as a digital recording saved as **9 3 2008 Session**

Mr. Wiggam moved the agenda be approved and Mrs. Noah seconded the motion.

The vote is as follows: Cheryl A. Noah yea Ann M. Obrecht yea Scott S. Wiggam yea

Approval of minutes from the Commissioners' Regular Session held August 27, 2008.

Mrs. Noah moved the minutes be approved and Mr. Wiggam seconded the motion.

The vote is as follows: Cheryl A. Noah yea Ann M. Obrecht yea Scott S. Wiggam yea

Approval of minutes from Commissioners' Meetings and/or Hearings held August 27 – September 2, 2008.

Mrs. Noah moved the minutes be approved and Mr. Wiggam seconded the motion.

The vote is as follows: Cheryl A. Noah yea Ann M. Obrecht yea Scott S. Wiggam yea

Resolutions follow this page.

There being no further business to come before the Board, Mr. Wiggam moved the meeting be adjourned and Mrs. Noah seconded the motion.

The vote is as follows: Cheryl A. Noah yea Ann M. Obrecht yea Scott S. Wiggam yea

Attest: _____
Diane L. Austen, Clerk

Ann M. Obrecht, President

Scott S. Wiggam, Vice-President

Cheryl A. Noah, Member
Wayne County Commissioners

Resolution

No. 2008-436

Board of Wayne County Commissioners

Cheryl A. Noah Ann M. Obrecht Scott S. Wiggam

Adopted: September 3, 2008

Subject: Approval of County Bills

It was moved by Mr. Wiggam and seconded by Mrs. Noah that the following resolution be adopted:

Computer run dated **September 2, 2008** for County Bills in the amount of **\$308,471.14** is hereby approved for payment.

The vote is as follows: Cheryl A. Noah yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2008-437

Board of Wayne County Commissioners

Cheryl A. Noah Ann M. Obrecht Scott S. Wiggam

Adopted: September 3, 2008

Subject: Approval of Appropriation Transfers

It was moved by Mrs. Noah and seconded by Mr. Wiggam that the following appropriation amounts be transferred by the Wayne County Auditor.

Department	Amount	From Appropriation	To Appropriation
Clerk of Courts	\$355.00	A002-E03 Supplies	A002-E09 Other
Replacement of refrigerator in Common Pleas office			
Soil & Water	\$475.62	L-L12 W. Comp.	L-L13 Other Expenses
To allocate the unspent balance after paying workers comp. for 2008			

The vote is as follows: Cheryl A. Noah yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2008-438

Board of Wayne County Commissioners
Cheryl A. Noah Ann M. Obrecht Scott S. Wiggam

Adopted: September 3, 2008
Subject: Approval of Personnel Changes

It was moved by Mr. Wiggam and seconded by Mrs. Noah that the following resolution be adopted:

Department	Name	Title	Pay Rate	Effective Date	Status
Job & Family	Stacey Chuhi	Investigator I	\$11.76	9/9/08	New hire

The vote is as follows: Cheryl A. Noah yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2008-439

Board of Wayne County Commissioners

Cheryl A. Noah Ann M. Obrecht Scott S. Wiggam

Adopted: September 3, 2008

Subject: Approval of Travel Expenses

It was moved by Mr. Wiggam and seconded by Mrs. Noah that the following resolution be adopted:

Dept./Person	Where	Date	Travel	Reg.	Seminar, Conf., Mtg., etc.
Auditor					
James Todd	Morgan Co.	9/9/08	\$15.00		OWMA Qtly. Mtg.
James Todd	Reynoldsburg	9/11-12/08	\$30.00		Field Standards Certification
James Todd	Rock Island, IL	9/13-18/08	\$448.56		Central Weights & Measures 2008 Interim Mtg.
Child Support					
Elizabeth Keets	Canton	9/4/08	\$15.00		Cash Medical Trng.
Teresa Wengerd	Akron	9/24/08	\$15.00		Region 8 Qtly. Fiscal Mtg.
Marjorie Butler	Columbus	9/10/08	\$10.00		Exec. Board Mtg.
Clerk of Courts					
Tim Neal, Dennis Archer, Laurel Duty, Pam Studer, Chris Rose, Sue Davies, Diana Charbonneau, Kathy Gerber, Bethany Zickefoose, Deb Ackerman, Glenna Morris, Doris Stutzman, Veronica Felter, Dechelle Bishop, Tammy Walk, Ashley Hobart, Michael Hostetler, Kelly Wade, Jeanne Schenk, Jane Margison, Julie Johnson, Sarah Williams, Cheryl Schmucker, Nan Tillis, Ann Kieffaber, Penny Corle, Joyce Garn	Dalton/Kidron	9/25/2008		\$750.00	Education & Hosting of OCCA District Seven Meeting
Common Pleas					
Robert B. Hines, Mag.	Columbus	9/24-26/08	\$395.00	\$375.00	OAM Fall Conf.
Dog Warden					
Pame Chastain	Columbus	9/10/08	\$ -0-		Ohio Co. Dog Wardens' Board Mtg.
Job & Family					
Richard Owens	Delaware	9/10/08	\$102.00		Area 7 Tracking System
Margie Byrd	Columbus	9/5/08	\$110.13		Ohio Coalition for Adult Prot. Serv.
Veterans					
Nelson Weirick, Charles Craig, James Ross, Dale Rohrer, Millard Delauder, Harley Williams	Ravenna	10/16/08	\$315.00		OSACVSO Regional Trng.

The vote is as follows: Cheryl A. Noah yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2008-440

Board of Wayne County Commissioners
Cheryl A. Noah Ann M. Obrecht Scott S. Wiggam

Adopted: September 3, 2008
Subject: Approval of Special Events Expenses

It was moved by Mr. Wiggam and seconded by Mrs. Noah that the following resolution be adopted:

Department	Event	Date	Expenses Not to Exceed
Child Support	Retirement of Patricia Weber (cake, punch, table service)	8/28/08	\$77.12

The vote is as follows: Cheryl A. Noah yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2008-441

Board of Wayne County Commissioners

Cheryl A. Noah Ann M. Obrecht Scott S. Wiggam

Adopted: September 3, 2008

Subject: Authority to Execute Contract Amendment #1 with Barbicas Construction Company, Inc. for Street Improvements/City of Orrville Water Street Resurfacing CDBG/BF07-078-1(01.1)

It was moved by Mr. Wiggam and seconded by Mrs. Noah that the following resolution be adopted:

Name: Barbicas Construction Company, Inc.
2855 W. Market St., Suite 202
Fairlawn, OH 44333

Purpose: to authorize necessary additional work for Street Improvements/City of Orrville Water Street Resurfacing CDBG/BF07-078-1(01.1)

Cost: \$69,532.55 original amount approved
\$15,540.00 for additional planing and asphalt
New total not to exceed \$85,072.55

The vote is as follows: Cheryl A. Noah yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2008-442

Board of Wayne County Commissioners

Cheryl A. Noah Ann M. Obrecht Scott S. Wiggam

Adopted: September 3, 2008

Subject: Award Contract to W.W.Williams Midwest for Standby Generator for the West Salem Wastewater Treatment Plant CDBG/BF07-078-1 (09.10)

It was moved by Mrs. Noah and seconded by Mr. Wiggam that the following resolution be adopted:

Name: W. W. Williams Midwest
1176 Industrial Parkway North
Brunswick, OH 44212-2342

Purpose: Standby Generator for the West Salem Wastewater Treatment Plant
CDBG/BF07-078-1 (09.10)

Cost: Not to Exceed \$81,312.00

Effec. Date: 9/3/08

Rejected Bids:

MECO McDonald Equipment Co. 37200 Vine St. Willoughby, OH 11094-6346	Buckeye Power Sales Co., Inc. P.O. Box 489 Blacklick, OH 43004-0489
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The vote is as follows: Cheryl A. Noah yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk

Resolution

No. 2008-443

Board of Wayne County Commissioners

Cheryl A. Noah Ann M. Obrecht Scott S. Wiggam

Adopted: September 3, 2008

Subject: Approval of a Regular Annexation of 57.245 Acres to the City of Wooster, Wayne County, Ohio (2008-A3)

It was moved by Mrs. Noah and seconded by Mr. Wiggam that the following resolution be adopted:

WHEREAS, on May 28, 2008, J. Stewart McCoy and Elizabeth F. McCoy filed with the Board of County Commissioners, Wayne County, Ohio, a Petition for Annexation of 57.245 acres to the City of Wooster, County of Wayne, pursuant to RC 709.02 which Petition was entered on the journal on May 28, 2008, pursuant to Resolution No. 2008-274; and

WHEREAS, said Petition is valid in that:

1. The Petition conforms to all of the statutory requirements outlined in Chapter 709 of the Ohio Revised Code and contains all of the matters required by RC 709.02.
2. RC 709.02(C)(1) requires signatures from at least 51% of property owner(s), this Petition is signed by 100% of the owner(s) of the territory proposed to be annexed and no signature is dated more than 180 days before the date of the filing of the Petition [RC 709.02(C)(1)].
3. The Petition includes an accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation [RC 709.02(C)(2)].
4. The Petition names Atty. John Keating to act as agent for the Petitioner(s) [RC 709.02(C)(3)].
5. The Petition includes a list of all tracts, lots, or parcels proposed to be annexed; and all tracts, lots or parcels located adjacent to the territory to be annexed or directly across the road when a road is adjacent to the territory to be annexed, including the name and mailing address of the owner of each tract, lot or parcel, and the auditor's permanent parcel number for each tract or parcel [RC 709.02(D)];
6. Any owner that is a firm, trustee or corporation has been signed by a person authorized to sign for that entity [RC 709.02(E)];
7. The City of Wooster has complied with RC 709.03(D) by adopting Ordinance No. 2008-60, which indicates what services it will provide upon annexation, and the approximate date it will provide such services, and this Statement of Services was filed with the Board of County Commissioners on July 10, 2008.

WHEREAS, Atty. John Keating, Agent for the Petitioner(s), caused written notice of hearing to be sent to all owners of property adjacent to the property to be annexed and caused a notice of hearing to be published; and

Resolution 2008-443

Page 2 of 3

WHEREAS, a hearing on this Petition was held by this Board on August 7, 2008, at 10:00AM in the Commissioners' Meeting Room, 428 W. Liberty St., Wooster, Ohio; and

WHEREAS, the record in this matter consists of the following:

- a. The Annexation Petition;
- b. The Notice of Petition for Annexation;
- c. A certification that notice of the filing of the Petition for Annexation was served by publication and by certified mail;
- d. The Ordinance or Resolution from the municipal corporation indicating the services that will be provided;
- e. Digital Recording of Public Hearing and Minutes prepared by Clerk of the Board of County Commissioners approved by the Board on August 13, 2008;
- f. Post Hearing Briefs filed by Agent for Petitioner(s) and Attorney for Wayne Township;
- g. Affidavits introduced at hearing; and

WHEREAS, based upon a preponderance of the substantial, reliable and probative evidence found within the record, this Board finds that:

1. The requirements stated in 709.033(A)(1) – (3) have been met, as stated above.
2. The territory proposed to be annexed is contiguous to the City of Wooster; there is a common border of 1,211 feet.
3. The territory proposed to be annexed is not unreasonably large; this matter was not in dispute. It consists of 57.245 acres.
4. On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding areas will outweigh the detriments to the territory proposed to be annexed and the surrounding area ORC 709.033(A)(5). No detriments were presented at the public hearing relating to the territory proposed for annexation or to the Territory in the unincorporated area of Wayne Township within a one-half mile radius of the Territory proposed for annexation. One Hundred Percent of the property owner(s) petition for annexation, annexed territory will be subject to the City of Wooster Zoning Code giving surrounding property owners protections of that code, and there will be less adverse environmental impact when compared with private on-site water and septic systems in the event of development.
5. No street or highway will be divided or segmented by the boundary line between a township and the municipality as to create a road maintenance problem. (Route 83 is not an issue because it is a State Route, maintained by the State)

Resolution 2008-443

Page 3 of 3

IT IS HEREBY RESOLVED that the Petition for Annexation be granted.

IT IS FURTHER RESOLVED that a certified copy of this Resolution be sent to the Clerk of the City of Wooster, the Fiscal Officer of Wayne Township and to the Agent for the Petitioner(s); and then if no appeal is filed within 30 days, certified copies of the Petition, map, and all other papers on file, and the record of these proceedings be delivered to the Clerk of the City of Wooster in accordance with RC 709.033.

The vote is as follows: Cheryl A. Noah yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

Diane L. Austen, Clerk