

Minutes for Thursday, May 3, 2018

Mr. Lammers moved for the adoption of the following resolution:

WHEREAS the Board of Putnam County Commissioners, Putnam County, Ohio has determined that excessively loud noise from engine retarders, in unincorporated areas within Putnam County zoned for residential use, serves no public purpose, and constitutes a nuisance and is detrimental to public health, welfare, safety, and quality of life within Putnam County, Ohio; and

WHEREAS the Ohio Office of Attorney General in Opinion No. 99-050 has determined that, pursuant to Ohio Revised Code Section 4513.221(E)(4), a Board of County Commissioners may regulate internal combustion engine noise and enact a regulation prohibiting the use of engine retarder's within the unincorporated area of the county; and

WHEREAS the Board of Putnam County Commissioners, Putnam County Ohio has received complaints from citizens residing along streets and roadways in the unincorporated portions of Putnam County, Ohio traveled by vehicles with regard to loud noises emitted by said vehicles using engine retarders sometimes known as "Jake brakes" which reduce the vehicle's rate of speed but causes the vehicle's exhaust systems to admit loud, cracking and chattering noises unusual to their normal operations; and

WHEREAS such residents have complained that these noise emissions have occurred at all times of the day and night, and the Board of Putnam County Commissioners, Putnam County, Ohio find that the noise generated by such engine retarders constitute a nuisance and is detrimental to the public health, welfare, safety, and quality of life within Putnam County Ohio;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUTNAM COUNTY COMMISSIONERS, PUTNAM COUNTY, OHIO THAT:

The Board of Commissioners hereby determine that is necessary to regulate noise from vehicles using internal combustion engines, in the unincorporated area of the county and directs that No person, while operating a motor vehicle within the unincorporated part of the county, shall apply an engine retarder, engine brake (a practice commonly known as "Jake braking"), or otherwise use the vehicle's engine to decelerate, in such a manner as to cause excessive, unreasonable, or unusual noise and by this regulation hereby prohibits such use within the unincorporated area of Putnam County.

Whoever violates this resolution is guilty of a minor misdemeanor unless otherwise specified under the Ohio Revised Code.

Signs conforming to Ohio Revised Code Section 4511.09, giving notice of this regulation, shall be prominently displayed to the extent required by the Ohio Revised Code.

Mr. Schroeder seconded the motion

Vote: Mr. Love yes Mr. Schroeder yes Mr. Lammers yes
Comm. Jrl. 112, Page 188

Mr. Schroeder moved the adoption of the following Resolution:

WHEREAS, Putnam County's Dangerous Wild Animal Response Committee was formed by the Putnam County Commissioners, and

WHEREAS, there is no longer any requirement to maintain the Dangerous Wild Animal Response Committee, and

WHEREAS, as of February 20, 2018 the County's Dangerous Wild Animal Response Committee can be dissolved, and

WHEREAS, the responsibilities of the County's Dangerous Wild Animal Response Committee will become the responsibility of the LEPC/EMA, Now therefore be it,

RESOLVED, the Putnam County Dangerous Wild Animal Response Committee will be dissolved.

Mr. Love seconded the motion

Vote: Mr. Love yes Mr. Schroeder yes Mr. Lammers yes
Comm. Jrl. 112, Page 189

Mr. Lammers moved the adoption of the following Resolution:

WHEREAS, The State of Ohio makes available funds to assist public transportation systems in Ohio.
and

WHEREAS, It is the intent of the Putnam County Airport Authority to apply to the Department of Transportation Division of Aviation for improvement grant funds in order to Remark the Runway at the Putnam County Airport.
now therefore, be it

RESOLVED, The Board of County Commissioners does hereby authorize the president of the Putnam County Airport Authority to authorize and direct to file an application and execute contracts with the Ohio Department of Transportation Division of Aviation on behalf of the Putnam County Airport Authority for improvements at the Putnam County Airport.
and be it further

RESOLVED, The Board of County Commissioners does hereby agree that the Putnam County Airport has sufficient funds available for the portion which will not be paid by Department of Transportation, and the required local funding has been appropriated.
and be it further

RESOLVED, That this resolution shall be in full force and effect from and after the earliest period allowed by law.

Mr. Schroeder seconded the motion

Vote: Mr. Love yes Mr. Schroeder yes Mr. Lammers yes
Comm. Jrl. 112, Page 190

Mr. Love moved the adoption of the following Resolution:

BE IT RESOLVED, By the Board of County Commissioners of Putnam, Ohio, that to provide for the unanticipated revenues for the fiscal year ending December 31, 2018, the following sum be and the same are hereby appropriated for the purpose for which expenditures are to be made during the fiscal year as follows:

Fund 035, Solid Waste District Disposal Fees
35 EXP, Expenses-Solid Waste\$ 42,000.00

Mr. Schroeder seconded the motion

Vote: Mr. Love yes Mr. Schroeder yes Mr. Lammers yes
Comm. Jrl. 112, Page 191

Now and Then Purchase orders

Youth Subsidy.....purchase order 35954

Solid Waste Dist Disp Fees....purchase order 36559

Mr. Love moved to approve the now and then purchase orders

Mr. Schroeder seconded the motion.

Vote: Mr. Love yes Mr. Schroeder yes Mr. Lammers yes

Exceptions: Mr. Love none Mr. Schroeder none Mr. Lammers none
Comm. Jrl. 112, Page 192

Purchase orders and travel requests

Solid Waste Dist Disp Fees.....Purchase order to Schimmoeller Construction for Concrete for recycling drop off for \$41,975.00.

County.....Travel request for Aaron Vorst and Brady Schroeder to pick up materials in Fort Wayne on May 2, 2018 no expenses listed.

AuditorTravel request for Jeremy Maag to attend the NW Inspector's meeting in Bowling Green on Jun 12, 2018 with \$33.00 for meals.

Mr. Love moved to approve the purchase orders and travels requests.

Mr. Schroeder seconded the motion.

Vote: Mr. Love yes Mr. Schroeder yes Mr. Lammers yes

Exceptions: Mr. Love none Mr. Schroeder none Mr. Lammers none
Mr. Lammers called the meeting to order with Mr. Schroeder and Mr. Love by reciting the Pledge of Allegiance.

Gary Lammers, Prosecutor met with Commissioners Schroeder, Love and Lammers at 9:00 a.m. to discuss the Communication tower on Hickory & Third Streets. Gary has talked to Joe Schroeder Ottawa's Solicitor regarding Ottawa's beliefs in the tower being removed. Joe Schroeder never wrote a letter to the Prosecutor regarding the tower at the time it was first discussed. The Village did not give a reason that the tower should be coming down. The Commissioners did not wish to alienate anyone. The Prosecutor explained to Joe Schroeder that the initial intention was to remove the tower. The permit for the new tower had a letter attached from the engineer that the old tower would be decommissioned and removed. That intention has changed since there were no bids to remove the tower, there were bids to lease the tower. The Village thinks they were misinformed when presented that the tower would be removed. The 911 Coordinator signed the permit for the new tower, not the Commissioners. The cost was a deterrent for taking the tower down after the new Communication tower was completed. Joe believes the Village was induced to give the variance on the new tower giving that the old tower would be torn down. Can the parties find middle ground to get this amicably resolved? The old Communication tower is not owned by the County any longer, Metalink has purchased the tower. There is no time frame listed in the letter that states that the tower would be taken down. The Engineer (Jobes Henderson) stated the tower was deteriorating to be able to sell a new tower. If the tower was in bad condition Metalink would not have purchased it. Metalink had it inspected for integrity. The Village wants to bind future Commissioners to put a cap on the lease for the tower. The Commissioners were acting to benefit the whole County when they sold the tower rather than spending a large amount to have it removed. The terms of the lease would be the factor to determine if the lease would not be renewed. This tower lease was also contingent upon the lease of the property near Brookhill. The MARCS equipment still on the on the tower affects the whole County, the fire departments use it, Ottawa's fire department uses it. There is no language in the variance for the new tower that mentions the removal of the old tower. The Commissioners' are wondering why this is a concern of the Village now. The Commissioners gave public notice on the tower, it was advertised for bids to take down the tower and with no interest, it was bid out twice for purchase. It was estimated at \$39,000 to tear the tower down. Technically the tower was publicly bid out three times, how did Ottawa not know about it? The Village does not currently have an operational warning siren in the mid-town area. The original application for the tower does not have a statement for it to be used solely for public safety. Mr. Lammers did say that Mr. Schroeder asked if Mr. Betscher wrote the lease for the tower, that was not allowed since Mr. Betscher is not an attorney. Mr. Gary Lammers did review the lease prior to its approval, CORSA attorneys also review the lease prior to approval.

Glen Schroeder stopped in to talk to Commissioners Schroeder, Love and Lammers regarding a Dog Warden complaint. Mr. Schroeder had a visit from the Dog Warden and received a violation due to not purchasing a dog license. Mr. Schroeder no longer has the dog and he is very upset because the dog had to be put down. The Dog Warden giving the citation did not stay to talk to Mr. Schroeder. Mr. Schroeder is also upset that there is not a place on the website to leave a message that he no longer had the dog.

The business agenda was held at 10:00 a.m. with Commissioners Schroeder, Love and Lammers; Jackson Betscher, Administrator; Cindy Landwehr, Clerk and Marin Verni, Putnam County Sentinel.

The minutes from Tuesday May 1, 2018 were reviewed and approved.

Commissioners Schroeder, Love and Lammers attended a ditch viewing at 11:00 a.m. for the William Foulkes Dt# 991 in Sugar Creek township.

Mr. Love moved to adjourn for lunch at 12:00 p.m. and traveled to Lima for their meeting with Allen County Commissioners.

Mr. Schroeder seconded the motion.

Vote Love yes Schroeder yes Lammers yes

Commissioners Schroeder, Love and Lammers returned from lunch at 1:00 p.m.

Commissioners Schroeder, Love and Lammers attended a Joint County Ditch meeting with Allen County Commissioners in Lima at 1:30 p.m. regarding Sugar Creek conditional maintenance agreement.

Teresa Grigsby, CORSA Attorney met with Commissioners Schroeder, Love and Lammers; Jackson Betscher, Administrator; and Gary Lammers, Prosecutor at 3:00 p.m. to hold a briefing on the Horstman Road 5 litigation.

Mr. Lammers moved to go into executive session to discuss pending litigation on the Horstman vs Bd. of Commissioners case currently pending in Federal District Court.

Mr. Love seconded the motion.

Vote: Love yes Schroeder yes Lammers yes

The Commissioners went back on the record at 4:20 p.m. and no decisions were made.

Mr. Love moved to adjourn for the day at 4:30 p.m.

Mr. Lammers seconded the motion.

Vote: Love yes Schroeder yes Lammers yes

Mr. Lammers moved to approve the minutes as read from Thursday, May 3, 2018.

Mr. Love seconded the motion.

Vote: Mr. Love yes Mr. Schroeder absent Mr. Lammers yes