

**MONDAY, JULY 18, 2016**

THE BOARD OF DARKE COUNTY COMMISSIONERS MET IN REGULAR SESSION AT 1:30 P.M. WITH MEMBERS PRESENT: Commissioner Chairman Michael E. Stegall and Member Michael W. Rhoades; Robin Blinn, Administrative Clerk/Secretary; Patty Harter, Asst. Clerk/Secretary; John Cook, Business Administrator; Jeff Marshall, Community Development/Grants Coordinator; Susan Hartley w/Earlybird; Erik Martin w/Daily Advocate and Alex Mikos w/TIGER Radio; and Darke Co. Citizens Leon Rogers and Richard George.

ABSENT: Vice Chairman Diane L. Delaplane

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Attendees for 1<sup>st</sup> "Public Hearing" – PROPOSED LICENSE TAX

Darke County Commissioners Michael E. Stegall and Michael W. Rhoades; Margaret B. Hayes, Asst. Prosecuting; County Engineer James P. Surber; Co. Highway Supt. Shane Coby; Curt Garrison & Chad Henry, both from Greenville City; News Media, except TIGER; and various concerned Darke Co. Citizens.

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Minutes of Wednesday, July 13, 2016: Mr. Rhoades moved to approve the minutes as read; motion seconded by Mr. Stegall and both voted YEA.

**IN THE MATTER OF RESOLUTION (R-174-2016) EXAMINATION AND ALLOWANCE OF BILLS**

County Bills Approved

It was moved by Mr. Rhoades and seconded by Mr. Stegall that the following resolution be adopted

The attached vouchers dated July 18, 2016 for County Bills, including any "Then & Now" Certificates, in the amount of the General Fund \$ 12,018.44; Outside General Funds \$ 19,694.43; for a Grand Total of \$ 31,712.87; are hereby approved for payment.

Michael E. Stegall  
ABSENT

Michael W. Rhoades  
Board of Darke County Commissioners

**IN THE MATTER OF PETITION FOR ANNEXATION OF 1.537 ACRE TRACT (J. MCELLOWNEY) IN WAYNE TWP. TO THE VILLAGE OF VERSAILLES, OHIO**

Mr. Rhoades moved to accept the "Petition" for Annexation, filed by Agent Atty. Thomas L. Guillozet, for Petitioner Jackie J. McEldowney, of Wayne Twp.; motion seconded by Mr. Stegall and both voted YEA.

Dear Honorable Commissioners:

Please be advised that I, Jackie J. McEldowney, respectfully request that the Darke County Commissioners allow 1.537 acres in Wayne Township, Section 18, Town 10, Range 4 East, currently in Wayne Township, Darke County, Ohio, to be annexed into the adjacent Village of Versailles, Ohio. The complete description of said acreage and a map of the proposed annexation is attached to this petition.

The petitioner, Jackie J. McEldowney, is the one and only "owner" as defined in Section 709.02(e) Ohio Revised Code of the property herein described.

The petitioner, further makes known that my agent for this petition is Thomas L. Guillozet, Attorney at Law, whose address is 207 East Main Street, Versailles, Ohio 45380, and whose telephone number is 937-526-3501.

Respectfully submitted,

Dated: 7-12-2016

Jackie J. McEldowney  
JACKIE J. MCELLOWNEY

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**PETITION (CONT.)**

**LEGAL DESCRIPTION OF 1.537 ACRE TRACT OF LAND  
SOUGHT TO BE ANNEXED INTO THE VILLAGE OF VERSAILLES**

Situated in the Southwest Quarter of Section 18, Township 10 North, Range 4 East, Wayne Township, Darke County, Ohio and being part of the 1.734 acre tract as described in Darke County Official Records Volume 457, Page 2553 and being more particularly described as follows:

Commencing at a stone found at the northeast corner of the Southwest Quarter of said Section 18;

thence South 00° 20' 06" West 30.00 feet along the east line of said Southwest Quarter, said line also being the centerline of Reed Road, to a point on the south right of way of Baker Road extended east, said point being the TRUE POINT OF BEGINNING for the tract described herein;

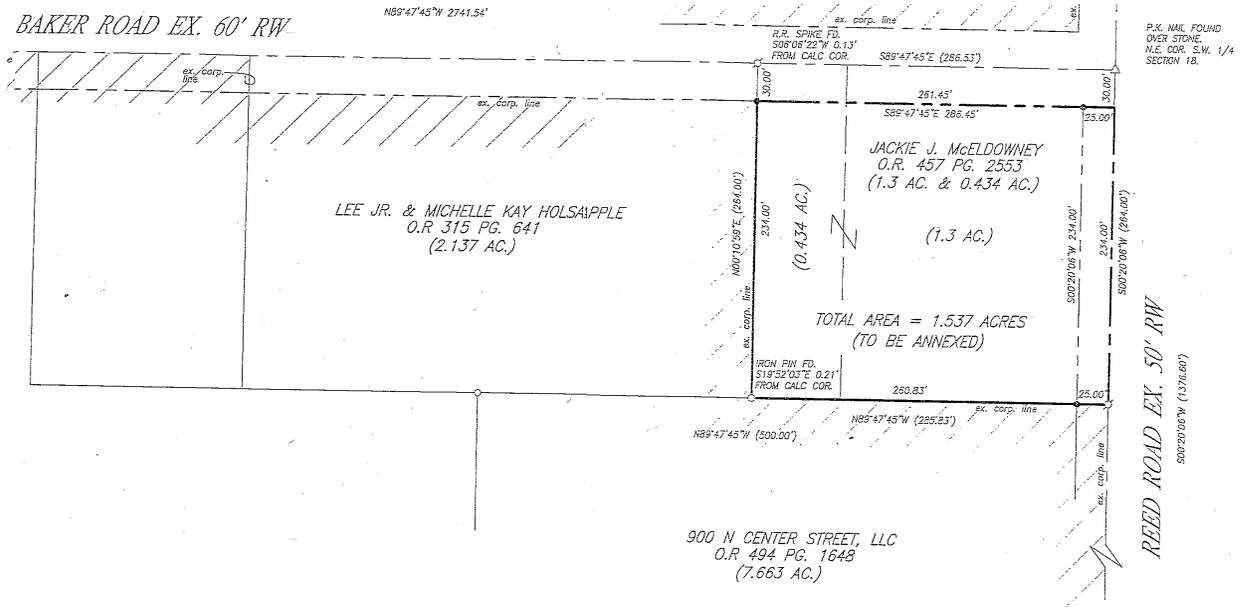
thence continuing South 00° 20' 06" West 234.00 feet to an iron spike found at the southeast corner of said 1.734 acre tract;

thence North 89° 47' 45" West 285.83 feet to a point at the southwest corner of said 1.734 acre tract, said point being witnessed by an iron pin found South 19° 52' 03" East 0.21 feet;

thence North 00° 10' 59" East 234.00 feet along the west line of said 1.734 acre tract to an iron pin set on the south right of way of Baker Road;

Thence South 89° 47' 45" East 286.45 feet along said south right of way passing through an iron pin set at 261.45 feet to the point of beginning containing 1.537 acres, more or less, and being subject to all legal highways and easements of record.

This description was prepared from an existing survey completed in May, 2016 by Louis J. Bergman, Registered Surveyor #7177



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**IN THE MATTER OF RESOLUTION (R-175-2016) FIXING OF TIME OF HEARING FOR PETITION OF ANNEXATION OF 1.537 ACRE TRACT IN WAYNE TWP. TO VILLAGE OF VERSAILLES, OH**

WHEREAS, on the 14<sup>th</sup> day of July, 2016, a Petition was filed in the Office of the Board of Darke County Commissioners, by the Agent for the Petitioner, that being Thomas L. Guillozet, Attorney at Law, whose address is 207 East Main St., Versailles, OH 45380, and whose telephone number is 937-526-3501; respectfully request that the Darke County Commissioners allow 1.537 acres in Wayne Twp.; and

WHEREAS, the Petition states that the Petitioner, Jackie J. McEldowney, of Wayne Twp., Section 18, Town 10, Range 4 East, 1.537 Acres in Wayne Twp., Darke County, OH, be annexed into the adjacent Village of Versailles, OH. The complete description of said acreage and a map of the proposed annexation is attached to the Petition, along with a list of surrounding property owners within 200 feet of "Annexation Petitioner"; and

WHEREAS, the Petitioner is the one and only "owner" as defined in Section 709.02(e) Ohio Revised Code of the property herein described; and

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**RESOLUTION (R-175-2016) CONT.**

WHEREAS, the Board finds the Clerk has caused the Petition to be part of today's Regular Session and will be filed along with this Resolution "Fixing the Time and Date of Hearing"; we therefore

RESOLVE, in accordance with the ORC 709.02(e), we do hereby fix our hearing at 1:30 p.m., Wednesday, September 14, 2016. It is further ordered that the Agent for the petitioner be notified of this time that he may cause public notice of said hearing in accordance with the law.

Mr. Rhoades moved the adoption of the above resolution, seconded by Mr. Stegall and both voted YEA.

Michael E. Stegall  
Michael E. Stegall, Chairman

Robin Blinn  
Robin Blinn,  
Administrative Clerk/Secretary

ABSENT  
Diane L. Delaplane, Vice Chairman

Michael W. Rhoades  
Michael W. Rhoades, Member  
DARKE COUNTY BOARD  
OF COMMISSIONERS

**IN THE MATTER OF RESOLUTION (R-176-2016) TRANSFER OF APPROPRIATIONS (DARKE Co. VEHICLE MAINT. DEPT. AND SHERIFF)**

WHEREAS, pursuant to R. C. 5705.38-40 and OAG Opinion #94-007; and

WHEREAS, Commissioners are requesting that appropriations, etc. be changed as follows, we therefore

RESOLVE, the following funds be changed as follows,

Appropriation line transfer use only:

FROM:

TO:

**DC Comm.'s/Veh. Maint.:** Transfer funds to cover purchases of vehicle parts & supplies, and Utilities

\$ 23,000.00	Facility Maint.	#001-1509.536000	Vehicle Parts & Supplies	#001-1511.522020
\$ 1,000.00	"	"	Electric	#001-1511.531010
\$ 1,000.00	"	"	Other Utilities	#001-1511.531050

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**DC Sheriff:** Transfer needed for equipment lease

\$ 1,200.00	Travel, Lodging etc.	#001-6010.532000	Mach. & Equip. Rent/Lease	#001-6010.530000
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Mr. Rhoades moved; and Mr. Stegall seconded the resolution and BOTH voted as follows:

Michael E. Stegall (YEA)  
ABSENT YEA

Robin R. Blinn  
Robin R. Blinn  
Administrative Clerk/Secretary

Michael W. Rhoades (YEA)  
Board of Darke County Commissioners

**IN THE MATTER OF APPROVING "CHANGE ORDER FORM" WITH BRUMBAUGH CONSTRUCTION, INC. FOR EAST CANAL ST. RECONSTRUCTION, VILLAGE OF ANSONIA, OHIO**

Mr. Rhoades moved to approve the following "Change Order"; motion seconded by Mr. Stegall and both voted YEA.

To the Contractor:	NUMBER:	1
Brumbaugh Construction, Inc.	DATE:	6/13/2016
3520 State Route 49, PO Box 309	CONTRACT NO.:	
Arcanum, Ohio 45304	PROJECT NAME:	East Canal Street Reconstruction
	PROJECT LOCATION:	Village of Ansonia

The Contract is changed as follows:

Item Number	Description of Change (Quantities, Unit Prices, Completion Schedule, Etc.)	Increase/Decrease in Contract Price
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**CHANGE ORDER (CONT.)**

1	Remove and replace Sanitary Manhole #4 including 12" pipe and all related connections to make fully operational, including maintaining sanitary flow.	\$8,400.00
2	Remove and replace Sanitary Manhole #16 including 15" pipe and all related connections to make fully operational, including maintaining sanitary flow.	\$9,204.00
		<u>\$17,604.00</u>

**JUSTIFICATION:**

1 & 2 Relocation of sanitary manholes to accommodate utilities as requested by the Village.

**THE CHANGES RESULT IN THE FOLLOWING ADJUSTMENTS TO THE SUBJECT CONTRACT:**

Original Contract Sum:.....	\$ 1,185,557.00
Net change by previously authorized Change Orders:.....	0.00
Contract Sum including previous Change Orders:.....	\$ 1,185,557.00
This Change Order <b>increases</b> Contract Sum by:.....	\$ 17,604.00
The new Contract Sum including this Change Order will be:.....	\$ 1,203,161.00

The date of Final Completion as of the date of this Change Order is:..... 8/31/2016

*THIS DOCUMENT SHALL BECOME AN AMENDMENT TO THE CONTRACT AND ALL PROVISIONS OF THE CONTRACT WILL APPLY HERETO.*

ACCEPTED BY: <u>Brumbaugh Construction, Inc.</u> <small>CONTRACTOR</small> 3520 State Route 49, PO Box 309 <small>ADDRESS</small> Arcanum, Ohio 45304 BY <u><i>[Signature]</i></u> DATE <u>7/12/16</u>	RECOMMENDED BY: <u>Mote &amp; Associates, Inc.</u> <small>ENGINEER</small> 214 West Fourth Street <small>ADDRESS</small> Greenville, Ohio 45331 BY <u><i>[Signature]</i></u> DATE <u>6-21-16</u>	APPROVED BY: <u>Village of Ansonia</u> <small>OWNER</small> 202 North Main Street <small>ADDRESS</small> Ansonia, Ohio 45303 BY <u><i>[Signature]</i></u> VA DATE <u>6-14-16</u>
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**NOT VALID UNTIL SIGNED BY THE CONTRACTOR, ENGINEER AND OWNER.**

APPROVED BY: <u>Darke County Commissioners</u> <small>CONTRACTING AUTHORITY</small> 520 South Broadway <small>ADDRESS</small> Greenville, Ohio, 45331 BY <u><i>[Signature]</i></u> DATE <u>7/18/16</u>	BY <u><i>[Signature]</i></u> DATE _____	BY <u><i>[Signature]</i></u> DATE <u>7/18/16</u>
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**IN THE MATTER OF RESIGNATION OF COMMUNITY DEVELOPMENT/GRANTS COORDINATOR JEFFREY N. MARSHALL**

Mr. Rhoades moved to approve the following "Resignation"; seconded by Mr. Stegall and both voted YEA.

To: Darke County Commissioners, Darke County, Greenville, Ohio

**Jeffrey N. Marshall** resigned his position as **Community Development/Grants Coordinator** effective **July 22<sup>nd</sup>, 2016** as per the attached resignation signed by Jeffrey N. Marshall on **July 6<sup>th</sup>, 2016**.

Submitted by: **John M. Cook**  
**Business Administrator**  
**Darke County Commissioners Office**

Date: **July 14, 2016**

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Dear Commission Board,

I am writing to inform you that I will be resigning my position and capacity as Community Development/Grants Coordinator effective the end of the business day on Friday, July 22, 2016. A position has been offered to me and accepted with the City of Dayton in a new and employment opportunity that I will begin in August. It has been an honor having the chance to work with various elected officials, communities, business associates to serve the people of Darke County for the past 15+ years, but the time has come for me to move on and take my career in a new direction that is the best prospect and outlook for me and my wife.

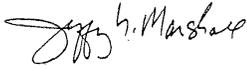
Please accept my sincere gratitude to be an employee, being hired by the previous Commission Board, and having the capacity to continued my employment growing as a public employee and a person during my tenure with the Darke County Board of Commissioners. As well, and most importantly, I will cherish the people that I have worked with not as my colleagues, but as my friends and will forever hold them in my memories.

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**LETTER OF RESIGNATION (CONT.)**

My main priority over the next few weeks is to do my utmost best to make my departure as smooth as possible and assist to whom you designate to be a replacement assuming the duties and responsibilities of my position.

Respectfully,



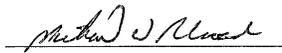
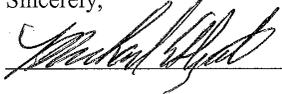
Jeffrey N. Marshall

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Dear Mr. Marshall,

Please be advised that this is our official acceptance of your resignation as the Darke County Community Development/Grants Coordinator effective end of the business day on Friday, July 22<sup>nd</sup>, 2016. Thank you for your 15 plus years of service to Darke County. We wish you well.

Sincerely,



Darke County Board of Commissioners

**IN THE MATTER OF ROOFING MATERIAL AND SERVICES PROPOSALS FOR DARKE COUNTY COURTHOUSE/BELL TOWER AND GOODWILL STORE/WAGC**

The Commissioners were addressed by Business Administrator John Cook regarding the above listed projects. He presented the following quotes to the Board:

Garland/DBS, Inc.  
3800 East 91<sup>st</sup> Street  
Cleveland, OH 44105  
Phone: (800) 762-8225  
Fax: (216) 883-2055

**ROOFING MATERIAL AND SERVICES PROPOSAL**

Darke County  
Courthouse and Goodwill Roofing Projects  
Date Submitted: 7/15/2016 - revised  
Proposal #: 25-OH-160408  
MICPA # 14-5903  
License #: 80-0525452

Purchase orders to be made to Garland/DBS, Inc.

**Please Note:** The following estimate is being provided according to the pricing established under the Master Intergovernmental Cooperative Purchasing Agreement (MICPA) with Cobb County, GA and U.S. Communities. This estimate should be viewed as the maximum price an agency will be charged under the agreement. Garland/DBS, Inc. administered a competitive bid process for the project with the hopes of providing a lower market adjusted price whenever possible.

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**SCOPE OF WORK: FOR COURTHOUSE....**

**(CAN BE SEEN IN FULL IN THE COUNTY COMMISSIONER'S 2016 QUOTE FILE)**

<b>Base Bid Total Maximum Price of Line Items under the MICPA:</b>	<b>\$ 75,231</b>
<b>Proposal Price Based Upon Market Experience:</b>	<b>\$ 28,874</b>
<b>Competitive Bid Results:</b>	
<b>Enterprise Roofing</b>	<b>\$ 28,874</b> ✓
A.H. Sturgill Roofing	\$ 66,201
Maxim Roofing Co., LLC.	\$ 68,398
Kremer Roofing, Inc.	\$ 98,969

**\*\*Crane and access to the tower to be provided by the owner.**

ENTERPRISE ROOFING.....\$ 28,874.00

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QUOTES (CONT.)

**SCOPE OF WORK: FOR GOODWILL STORE/WAGC.....**

**(CAN BE SEEN IN FULL IN THE COUNTY COMMISSIONER'S 2016 QUOTE FILE)**

<b>Base Bid Total Maximum Price of Line Items under the MICPA:</b>	\$ 123,888
<b>Proposal Price Based Upon Market Experience:</b>	\$ 95,873
<b>Competitive Bid Results:</b>	
<b>Enterprise Roofing</b>	\$ 95,873 ✓
Kremer Roofing, Inc.	\$ 116,247
Maxim Roofing Co., LLC.	\$ 118,989
A.H. Sturgill Roofing	\$ 130,156

Potential issues that could arise during the construction phase of the project will be addressed via unit pricing for additional work beyond the scope of the specifications. This could range anywhere from wet insulation, to the replacement of deteriorated wood nailers. Proposal pricing valid through 12/31/2016.

**ENTERPRISE ROOFING.....\$ 95,873.00**

After presentation of quotes; Mr. Rhoades moved to approve the low quotes from Enterprise Roofing for both the Courthouse/Belltower and Goodwill Store/WAGC; motion seconded by Mr. Stegall and both voted YEA.

**IN THE MATTER OF RESOLUTION (R-177-2016) REVENUE & APPROPRIATION INCREASES (DARKE CO. HEALTH DEPT.)**

WHEREAS, the DC BDD is requesting that the following "Revenue/Appropriation Increases" be changed; and

WE DO HEREBY RESOLVE, the following 'increases' be changed as follows:

*Unknown revenue in January 2016*

Est. Revenue Increase	\$ 8,150.42	State Grant	#492-4260.433000
<b>Total Revenue Increase...</b>	<b>\$ 8,150.42</b>		

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Approp. Increase.....	\$ 8,150.42	Distribution of Grant	#492-4260.570060
<b>Total Approp. Increase...</b>	<b>\$ 8,150.42</b>		

Mr. Rhoades moved; and Mr. Stegall seconded the resolution and BOTH voted as follows:

Michael Stegall (YEA)

ABSENT \_\_\_\_\_ YEA \_\_\_\_\_

Robin R. Blinn  
Robin R. Blinn  
Administrative Clerk/Secy.

Michael J. Rhoades (YEA)  
Board of Darke County Commissioners

**IN THE MATTER OF PROCLAMATION PROCLAIMING JULY 29 THRU 31, 2016, AS "ANNIE OAKLEY FESTIVAL" AT YORK WOODS**

*WHEREAS, The Annie Oakley Festival began in the summer of 1963, by individuals, who sought to further the memory, the history, and the legacy of their native daughter, "Annie Oakley."*

*WHEREAS, The core mission of The Annie Oakley Festival, is honoring Darke County's most famous daughter, Annie Oakley.*

*WHEREAS, The Annie Oakley Festival Committee is a group of volunteer citizens and business owners, who dedicate themselves and many countless hours, to provide this community with an enjoyable and educational weekend festival.*

*WHEREAS, The Annie Oakley Festival Committee strives to bring to the festival, a variety of entertainment and family oriented activities, while continuing to make this year's festival a free festival for all to attend.*

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**PROCLAMATION (CONT.)**

WHEREAS, The Annie Oakley Festival Committee, in making the Annie Oakley Festival a more family oriented festival, and encouraging families to spend time together, has set aside Sunday, July 31, 2016, as Family Fun Day.

NOW THEREFORE, The Annie Oakley Festival will be celebrating it's 53rd year in existence, and hereby declares, July 29, 30 & 31, 2016 to be ANNIE OAKLEY FESTIVAL DAYS in Darke County Ohio.

absent  
Diane L Delaplane

Michael W Rhoades  
Michael W Rhoades

Michael E Stegall  
Michael E Stegall

Proclaimed this 18<sup>th</sup> day of July, 2016  
BOARD OF DARKE COUNTY COMMISSIONERS

**IN THE MATTER OF PAY INS**

Pay In#086540	Received of Commissioners	Co.-Rev. Reduction-Ditch Maint. Reimb. – 2 <sup>nd</sup> qtr. share	\$359.55
Pay In#086553	Received of Commissioners	Co. Zoning-3 <sup>rd</sup> . qtr. 2016 (Harrison, Twin & Adams)	\$900.00
Pay In#086554	Received of Commissioners	Co.-Annexation Fees (J.McEldowney-VSL-1.537 acres)	\$50.00
Pay In#086597	Received of Commissioners	Co.-OH History Connection FY17 Management	\$2,375.00
Pay In#086603	Received of Commissioners	Co. Airport-Hangar rent – M. Homan	\$513.00
Pay In#086604	Received of Commissioners	Co. Airport-Hangar rent – P. Ryan	\$245.00
Pay In#086615	Received of Solid Waste	Misc. Receipts – Recycled Bench/Nisonger	\$550.00
Pay In#086616	Received of Solid Waste	Tipping Fees-Best Way of Indiana for July 2016	\$1,900.40

**IN THE MATTER OF PUBLIC ATTENDEES COMMENTS/QUESTIONS**

\*\*None

MR. RHOADES MOVED TO RECESS @ 1:44 P.M.; SECONDED BY MR. STEGALL AND BOTH VOTED YEA.

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CHAIRMAN STEGALL DECLARED BOARD OUT OF RECESS @ 2:00 P.M.

CHAIRMAN STEGALL OPENED THE FIRST PUBLIC "HEARING" FOR IMPOSING A "LICENSE TAX" PER ORC SECTION 4504.02; AND A "SUPPLEMENTAL LICENSE TAX" PER ORC SECTION 4504.15. VARIOUS INTERESTED CITIZENS ATTENDED THE HEARING, ALONG WITH VARIOUS COUNTY/CITY EMPLOYEES. (SEE LIST FOR NAMES OF ALL ATTENDEES). MUCH DISCUSSION FOLLOWED. (ENTIRE HEARING CAN BE LISTENED TO ON CD-RW DTD. JULY 18, 2016 AND/OR MP3 FILE 071816-ON (MYBOOK LIVE)

MR. RHOADES MOVED TO ADJOURN THE MEETING/HEARING; MOTION SECONDED BY MR. STEGALL AND BOTH VOTED YEA. ADJOURNED @ 2:48 P.M.

\_\_\_\_\_  
ROBIN R. BLINN, ADMINISTRATIVE CLERK/SECY.

\_\_\_\_\_  
PATRICIA S. HARTER, ASSISTANT CLERK/SECY.

\_\_\_\_\_  
MICHAEL E. STEGALL

\_\_\_\_\_  
**ABSENT**  
DIANE L. DELAPLANE

\_\_\_\_\_  
MICHAEL W. RHOADES,  
BOARD OF DARKE Co. COMMISSIONERS.

**IN THE MATTER OF FURTHER DISCUSSION BY THE BOARD**

- \*\*Commissioners Stegall & Rhoades met with various residents out North of town regarding tile-drainage issues.
- \*\*Commissioners Stegall & Rhoades met with Susan Laux, of Key Engineering, regarding the status of various grants.
- \*\*Commissioners Stegall & Rhoades, along with Admin. Clerk/Secy., Business Admin. John Cook, Co. Engineer & Supt. of County Highway Dept., Asst. Pros. Atty. Margaret Hayes, all met with various concerned residents for Hearing #1 of #2, regarding the Permissive License Tax.