

County Commissioners Office
Auglaize County, Ohio
December 20, 2016

NO. 16-456

IN THE MATTER OF AUTHORIZING THE AUGLAIZE COUNTY BOARD OF COUNTY COMMISSIONERS TO MAKE A PAYMENT TO FIDELITY NATIONAL TITLE INSURANCE COMPANY.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 20th day of December, 2016.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, Fidelity National Title Insurance Company acted as Escrow Agent regarding a deed that was recorded from National Church Residences of Wapakoneta, Ohio to Wapakoneta Village Senior Housing Limited Partnership ("Buyer") on Wednesday, May 22, 2016 relative to a real estate closing between the parties regarding real estate sold and purchased in Auglaize County, Ohio; and,

WHEREAS, Fidelity as the Commercial Closer in this transaction, mistakenly filled out the Real Property Conveyance Fee Statement of Value and Receipt ("DTE Form 100") and inadvertently and mistakenly listed a much higher price (\$7,255,808.00) paid for the property than was a) set forth in the Purchase Agreement, than was b) listed on the Closing Statement, c) intended by the parties, or d) was actually paid (which amounts were all \$2,648,828.00) e) that this mistake resulted in a transfer tax payment of \$21,768.00 instead of the correct amount of \$7,947.00; and,

WHEREAS, that, therefore, the correct conveyance fee was \$7,947.00 but, in error, \$21,768.00 was paid, which resulted in an overage payment in the amount of \$13,821.00; and,

WHEREAS, the Auglaize County Auditor's Office was contacted on May 22, 2016 concerning the error and the Auditor's Office has no authority to issue a reimbursement for the over payment; and,

WHEREAS, that on September 16, 2016, the Buyer assigned its rights of recovery against Auglaize County to Fidelity National Title Insurance Company; and,

WHEREAS on September 28, 2016 Fidelity reimbursed the Buyer for the mistaken overpayment of \$13,821.00; and,

WHEREAS, on or about November 1, 2016 the Commissioners became involved in discussions on the matter; and,

WHEREAS, on November 17, 2016 the Commissioner's office received documentation evidencing the error made by Fidelity; and,

WHEREAS, the Auglaize County Board of Commissioners requested and received an opinion from Auglaize County Prosecutor Edwin A. Pierce regarding the Board of County Commissioners ability to authorize a payment to a third party in the amount of an overpayment of a conveyance fee made in error due to a mistake on the part of the of third party. Such opinion will be memorialized as a written opinion and become part of the file on this matter.

THEREFORE BE IT RESOLVED that after much deliberation the Board of County Commissioners, Auglaize County, Ohio, does believe it to be in the best interest of the County to issue a payment to Fidelity in the amount of the overpayment; and,

THEREFORE BE IT FURTHER RESOLVED, the Board of County Commissioners, Auglaize County, Ohio does hereby authorize the Clerk of the Board to encumber the funds to process the payment to, Fidelity National Title Insurance Company in the amount of \$13,821.00.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
20th day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

cc: Prosecutor

✓ Auditor

✓ Fidelity National Title Insurance Company

IN THE MATTER OF APPROVING LEASES AT THE NEIL ARMSTRONG AIRPORT FOR VARIOUS HANGAR SPACES; RATIFYING THE EXECUTION OF THE LEASES.

The Board of County Commissioners of Auglaize County, Ohio met in special session on the 20th day of December, 2016.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, at the Auglaize County owned Neil Armstrong Airport, there are various hangars which are rented to numerous companies and individuals by the Auglaize County Airport Authority, designated as Agent for Auglaize County, for non-commercial storage of aircraft and auxiliary incidental uses associated therewith; and,

WHEREAS, the subsequent companies/individuals have entered into twelve (12) month leases, commencing January 1, 2017:

Kenneth Boyd	\$ 95.00/month
Shelby & Co.	\$ 95.00/month
KGS Investments	\$330.00/month
Will & Associates	\$330.00/month
NBO Enterprises	\$150.00/month
Paul LeBlanc	\$170.00/month
Brent Richter/Lance Bryant	\$170.00/month
Truck Drivers Institute Inc.	\$170.00/month
Timothy Quellhorst	\$210.00/month
4534XRay Flyers Ltd.	\$210.00/month
Randall & Naomi St. Julian	\$170.00/month
Mike Schnell	\$170.00/month
Ned Koenig	\$170.00/month
Bobs Biz Ltd.	\$170.00/month
Hahn Aviation Inc/Troy Hahn	\$250.00/month
Globus Printing	\$360.00/month
Mark Gesler	\$115.00/month
Arnold Aviation Ltd	\$115.00/month
Michael Schnell	\$115.00/month
Arnold Aviation Ltd	\$115.00/month

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve and authorize the above mentioned Hangar leases with companies and individuals as listed for airplane hangars as specified in the lease agreements; and,

BE IT FURTHER RESOLVED that said Board ratifies the execution of said lease agreements.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
20th day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

cc: Matthew Bailey - Airport Manager
Brent Richter - Airport Authority

IN THE MATTER OF AUTHORIZING A BUDGET ADJUSTMENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 20th day of December, 2016.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the Board has been requested to authorize the budget adjustment as follows: and,

General Fund:	From:	To:
Amount:	001.1701.53800 (Transfers)	001.1701.53500 (Non-operating other expense)
\$ 13,821.00		

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby authorize the budget adjustment to show the changes as tabulated above.

Commissioner Spae seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
20th day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, Yes
Douglas A. Spencer

cc: Auditor
County Administrator

IN THE MATTER OF AMENDING THE ANNUAL APPROPRIATION AS REQUESTED BY THE COUNTY ADMINISTRATOR.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 20th day of December, 2016.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, under date of January 5, 2016, the Annual Appropriation for Auglaize County was accepted, having been prepared with the 2016 Annual Amended Official Certificate of Estimated Resources which was given to the Board of County Commissioners by the County Auditor; and,

WHEREAS, County Auditor Janet Schuler informed the Board that an amendment was made to the Annual Amended Official Certificate of Estimated Revenue for the (085) FAA Rehab Taxiway Fund by \$82,776.00; and,

WHEREAS, County Administrator, Erica Preston, requested that the Board amend the 2016 Annual Appropriation to reflect the following increase:

Increase – 085.0085.530600 (Contract Services) by \$82,776.00

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby order the 2016 Annual Appropriation Resolution be amended to show the changes as tabulated above.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
20th day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

Douglas A. Spenger, yes
Douglas A. Spenger

✓cc: County Auditor - Janet Schuler
✓ County Administrator

IN THE MATTER OF RE-APPOINTING DOUG METZ AND TONJA RAMMEL TO THE AUGLAIZE COUNTY SOLID WASTE MANAGEMENT DISTRICT POLICY PLANNING COMMITTEE.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 20th day of December, 2016.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, pursuant to Ohio Revised Code Section 343.01.1, Tonja Rammel and Doug Metz were appointed to the Auglaize County Solid Waste Management District Policy Planning Committee to be the citizen and public representatives respectfully in the county; and,

WHEREAS, the terms of Tonja Rammel and Doug Metz as members of the Auglaize County Solid Waste Management District Policy Planning Committee will expire on December 31, 2016; and,

WHEREAS, the Board of County Commissioners has contacted Ms. Rammel and Mr. Metz about their willingness to serve another term on said Committee; both parties consented to another term.

THEREFORE, BE IT RESOLVED that the Board of Commissioners, Auglaize County, Ohio does hereby re-appoint Tonja Rammel citizen representative and Doug Metz public representative to the Auglaize County Solid Waste Management District Policy Planning Committee; and,

BE IT FURTHER RESOLVED that the terms of Doug Metz and Tonja Rammel to the Auglaize County Solid Waste Management District Policy Planning Committee, starting January 1, 2017 and terminating December 31, 2018.

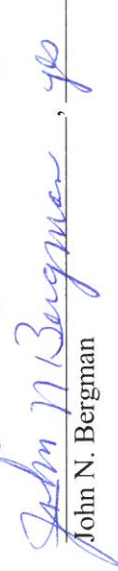
Commissioner Spava seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
20th day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO


Douglas A. Spencer


Don Regula


John N. Bergman

cc: Solid Waste Coordinator – Scott Cisco
✓ Doug Metz
✓ Tonja Rammel

County Commissioners Office
Auglaize County, Ohio
December 20, 2016

No. 16-4461

IN THE MATTER OF DECLARING RESOLUTION #16-446 NULL AND VOID AS REQUESTED BY THE AUGLAIZE COUNTY VETERANS SERVICE OFFICE.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 20th day of December, 2016.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, on December 13, 2016, in Resolution #16-446, the Board of County Commissioners approved the Auglaize County Recorder to issue identification cards to veterans in Auglaize County; and,

WHEREAS, the Auglaize County Veterans Service Office has informed the Board of County Commissioners that the identification cards will be issued by their office.

THEREFORE BE IT RESOLVED, the Board of Commissioners of Auglaize County, Ohio at the request and direction of the Auglaize County Veterans Service Office, does hereby declare the following Resolution null and void: **Resolution #16-446 Matter of permitting the Auglaize County Recorder to issue identification cards to veterans in Auglaize County.**

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
20th day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula
Don Regula

John N. Bergman
John N. Bergman

Douglas A. Spencer
Douglas A. Spencer

cc: Auditor
Recorder
County Administrator
Veterans Service Office

**IN THE MATTER OF PERMITTING THE AUGLAIZE COUNTY VETERANS SERVICE OFFICE TO
ISSUE IDENTIFICATION CARDS TO VETERANS IN AUGLAIZE COUNTY.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 20th day of December, 2016.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, O.R.C. 317.241 allows the County Recorder or Veterans Services Office to issue Ohio Veterans identification cards; and,

WHEREAS, an identification card is a more efficient and streamlined method of verifying veteran status for discounts, burial benefits, veterans hospital services, and other benefits earned from an honorable discharge; and,

WHEREAS, these cards may be issued after successful filing of a military discharge document (DD214 form) with the County Recorder; and,

WHEREAS, the County Recorder has received requests from Auglaize County veterans for the implementation of this program; and,

WHEREAS, the Veterans Service Commission Office will provide the equipment necessary for this operation and issuance of the ID card.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Auglaize County, Ohio that the County Veterans Service Office be authorized to issue state identification cards to veterans according to the design standards established by the State of Ohio; and,

BE IT FURTHER RESOLVED that the Clerk of the Board certifies copies of this resolution to Erica L. Preston, County Administrator; Christina Lambert, County Recorder; and Janet Schuler, County Auditor.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
20th day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

Douglas A. Spender, yes
Douglas A. Spender

cc: Auditor – Janet Schuler (certified)
- Recorder – Christina Lambert (certified)
- Veterans Service Office
- County Administrator (certified)

IN THE MATTER OF AUTHORIZING THE SUBMISSION OF THE UNDERGROUND STORAGE TANK (UST) CLOSURE DOCUMENTATION FOR THE UNDERGROUND STORAGE TANK REMOVAL AT THE NEIL ARMSTRONG AIRPORT TO DIVISION OF STATE FIRE MARSHAL - BUREAU OF UNDERGROUND STORAGE TANK REGULATIONS (BUSTR).

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 20th day of December, 2016.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, on August 3, 2016, permit number #P0005 was issued by Division of State Fire Marshal for Tank ID T00001 to be permanently closed and removed from the Neil Armstrong Airport facilities; and,

WHEREAS, Buckeye Oil Equipment Company provided the professional services for the removal and disposal of the 12,000 gallon tank. Soil samples were collected from the cavity sidewalls and floor for field screening and potential laboratory analysis in accordance with BUSTR Closure sampling guidelines [OAC 1301: 7-9-12] using the excavator and placed in laboratory-provided glassware. The analytical results for the soil samples collected from the UST cavity and stock pile indicate that concentrations of constituents of concern are less than Closure Actions Levels. Accordingly, no further action is recommended; and,

WHEREAS, Civil & Environmental Consultants, Inc. (CEC) has prepared and presented the "Closure Form" in association with the closure activities, which occurred in November 2016.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby approve and authorize the submission of the Closure Assessment Form 2012 to the Division of State Fire Marshal Bureau of Underground Storage Tank Regulations (BUSTR) for tank ID T00001 located at the Neil Armstrong Airport; and,

BE IT FURTHER RESOLVED that the President of the Board of Auglaize County Commissioners, Don Regula, is hereby authorized to execute closure form assessment for 2012 which will part of the file.

Commissioner Spava seconded the Resolution, and upon the roll being called, the Vote resulted in the adoption of the Resolution as follows:

Adopted this
20th day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

cc: Buckeye Oil Equipment Company
CEC
Division of State Fire Marshal

IN THE MATTER OF AUTHORIZING ADJUSTMENTS TO THE 2016 APPROPRIATION
BUDGETED AS REQUESTED BY THE COUNTY AUDITOR.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 20th day of December, 2016.

Commissioner Bergman moved the adoption of the following:
RESOLUTION

WHEREAS, Janet Schuler, County Auditor has submitted the following request to the Board of County Commissioners:
December 19, 2016

Board of County Commissioners,

The 2016 Appropriation Budget needs adjusted for the following line items:

INCREASE:

513.0021.539800	Interest	-	10.76
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DECREASE:

028.0028.530600	Contract Services	-	144,266.12
034.0034.530900	Other	-	3,634.48
036.0036.530600	Contract Services	-	200.00
046.0046.530600	Contract Services	-	3,356.50
048.0048.538000	State Payments	-	425.82
048.0048.538100	County Payments	-	487.31
061.0061.531000	Administration	-	7,743.00
076.0076.510200	Salary	-	20,444.46
076.0076.563400	Work Comp	-	673.97
076.0076.500100	Medicare	-	432.81
076.0076.536700	PERS	-	2,330.67
093.0093.540200	Reimbursement	-	8,538.10
196.0196.531000	Reimbursement	-	1,847.08
249.0249.540100	Ditch Notes	-	30,433.33
240.0240.540100	Principal	-	751.59
241.0241.540100	Principal	-	8,642.22
500.0021.539700	Trust Fund	-	7,558.00
503.7503.530300	Supplies	-	2,923.15
513.0021.539700	Auglaize Acres	-	100.00
522.0522.535900	Contract Services	-	175,329.00
526.0526.535900	Contract Services	-	3,550.00

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio does hereby authorize the County Auditor to make the appropriation budget adjustments as requested and listed above.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
20th day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

✓cc: County Auditor