

January 15, 2009

The Gallia County Board of Commissioners met on this date for the purpose of approving the minutes of the previous meeting and approving the current bills. At 9:00 a.m. the meeting was called to order by President Justin L. Fallon. Roll Call: Mr. Justin L. Fallon present; Mr. Howard J. "Joe" Foster Vice-President, present; and Ms. Lois M. Snyder, Member, present.

President Fallon entertained a motion for approval of the January 8 minutes. Lois Snyder made and Joe Foster seconded the motion. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea.

President Fallon entertained a motion for approval of the January 12 reorganizational meeting minutes. Joe Foster made and Lois Snyder seconded the motion. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea.

TRAVEL REQUESTS				
DEPARTMENT	NAME	DATE	TO	RE:
JFS	Carol Belville	4/8/09	Delaware, OH	HR Conference
Auditor	Larry Betz	1/14/09	Fairfield County, OH	CAAO District Mtg
Commissioners	Karen Sprague	1/20/09	Reynoldsburg, OH	ODOD CHIP Training

President Fallon entertained a motion to approve travel requests as submitted. Joe Foster made and Lois Snyder seconded the motion. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea.

ANIMAL SHELTER REPORT

Week Ending	Adopted	Reclaimed	Euthanized	Died of natural causes	Rescued	Destroyed in field	Total Month
1/12/09	0	1	14	0	2	0	17

TREASURER REPORT

Treasurer Steve McGhee submitted the 2008 4<sup>th</sup> quarter and year end reports for review. These reports are kept on file in the County Commissioners office.

GENERAL ROAD WORK - CITY

President Justin Fallon entertained a motion to sign the submitted contract for general road work and dust control with the City of Gallipolis as recommended by the County Engineer. Joe Foster made and Lois Snyder seconded the motion to approve said contract. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea.

CONTRACT

THIS CONTRACT AND AGREEMENT, MADE AND CONCLUDED IN GALLIPOLIS, OHIO, THIS 15TH DAY OF JANUARY 2009, BY AND BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF GALLIA COUNTY, OHIO, HEREINAFTER CALLED THE FIRST PARTY, AND GALLIPOLIS CITY HEREINAFTER CALLED THE SECOND PARTY.

## WITNESSETH:

WHEREAS, THE SECOND PARTY IS DESIROUS OF HAVING CERTAIN STREETS AND ROADS WITHIN ITS TERRITORY CONSTRUCTED, RELOCATED, REPAIRED, OR IMPROVED, AND ANY OTHER WORK REQUIRED OF THE FIRST PARTY, AS FOLLOWS: TO WIT: GENERAL ROAD WORK AND DUST CONTROL.

WHEREAS, THE SECOND PARTY DOES NOT HAVE THE NECESSARY EQUIPMENT AND/OR PERSONNEL TO PERFORM THE WORK AFORESAID AND DOES DESIRE TO HAVE SAID WORK PERFORMED BY THE FIRST PARTY, THROUGH THE ENGINEER AND HIGHWAY DEPARTMENT OF SAID COUNTY; AND GALLIPOLIS CITY.

WHEREAS, THE ENGINEER'S OFFICE AND THE EMPLOYEES OF SAID GALLIA COUNTY HIGHWAY DEPARTMENT MAY BE AVAILABLE ON SATURDAYS AND OTHER DAYS OF EACH WEEK (PROVIDING IT DOES NOT INTERFERE WITH OVERALL MAINTENANCE OF COUNTY HIGHWAY SYSTEM) TO PERFORM WORK AND LABOR FOR, AND ON BEHALF OF, OTHER POLITICAL SUB-DIVISIONS WITHIN THE COUNTY.

NOW THEREFORE, THE FIRST PARTY IS WILLING TO FURNISH THE NECESSARY EQUIPMENT AND LABOR, AND TO PERFORM THE WORK AFORESAID, AS A CHARGE TO THE SECOND PARTY FOR THE USE OF SAID EQUIPMENT, MATERIALS, AND LABOR. ALL LABOR, MATERIALS USED, AND FRINGE BENEFIT RATES WILL BE CHARGED AT THE CURRENT COUNTY RATES. EQUIPMENT WILL BE CHARGED AT THE FOLLOWING RATES:

THE SECOND PARTY AGREES, DOES COVENANT, TO SAVE HARMLESS THE FIRST PARTY FROM ANY AND ALL LOSS AND RESPONSIBILITY FOR ANY DAMAGES FOR INJURY TO PERSONS, PROPERTY, OR OTHERWISE, ARISING FROM THE USE OF THIS EQUIPMENT PERFORMANT OF THE WORK AND LABOR UNDER THIS AGREEMENT.

THE FIRST PARTY AGREES THAT THE WORK SHALL BE DONE UNDER THE SUPERVISION OF THE GALLIA COUNTY ENGINEER OR PERSONS DESIGNATED BY HIM.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS TO DUPLICATES HEREOF THE 15TH DAY OF JANUARY, 2009.

SIGNED IN THE PRESENCE OF:  
(AS TO FIRST PARTY)  
s/Terry Hamby, clerk

THE BOARD OF COUNTY COMMISSIONERS  
OF GALLIA COUNTY, OHIO  
s/Justin Fallon  
s/Lois M Snyder  
s/Howard J Foster

SIGNED IN THE PRESENCE OF:  
(AS TO THE SECOND PARTY)  
s/Sandra M. Saxon  
s/Beverly B. Dunkle

SECOND PARTY  
s/C. Joseph Woodall  
GALLIPOLIS CITY MANAGER

THIS AGREEMENT IS HEREBY APPROVED AS TO FORM.  
s/Brent A. Saunders  
GALLIPOLIS CITY SOLICITOR

HEALTH DEPARTMENT REPORTS & MINUTES

The County Health Department submitted their 4<sup>th</sup> quarter reports and minutes for the Commissioners review. The information is kept on file in the County Commissioners office.

APIARY

The Commissioner received a letter from Ohio Department of Agriculture Inspection Manager Tom Harrison advising them that it is time to consider county bee inspector appointments for the 2009 season. After correspondence exchange with ODA they were advised that our past inspector had not done any work the last season and they highly recommended his replacement and submitted the name of Daniel Lizak. Commissioners advised the clerk to contact Mr. Lizak to see if he would be interested in the Apiary contract.

2008 COUNTY GENERAL FINANCIAL REPORT

County Administrator Karen Sprague reviewed the 2008 County General Financial Report with the Commission. The report reflects the revenue per revenue stream totaling \$9,027,663.65 as follows: Sales Tax \$3,346,377.02; Real Estate Tax \$2,545,097.82; Fees, Licenses & Fines \$952,286.81; Other Receipts \$605,176.77; Refunds/Reimbursements \$556,235.12; Undivided Local Government \$491,170.51; Depository/Investment Income \$364,977.12; Personal Property Tax \$108,328.49; Leases \$34,362.16; Sales & Services \$23,651.83. The report also reflects the expenditures per department totaling \$8,444,485.43 as follows: Sheriff, Jail, Security \$2,210,813.17; County Buildings & Grounds \$700,327.21; Commissioners \$618,661.16; EMS \$431,483.74; Prosecutor \$429,418.17; Auditor \$370,939.81; Miscellaneous \$358,181.65; Juvenile/Probate Court \$309,617.22; Common Pleas Court \$307,975.92; Veterans Services \$278,031.77; Board of Elections \$272,960.66; Agriculture \$272,800.00; Jobs & Family Services/Child Support Enforcement Agency \$261,795.00; Treasurer \$195,083.07; Recorder \$188,503.88; Clerk of Courts \$187,436.62; Various Transfers \$164,583.11; Insurance \$156,797.00; IT Dept. \$123,487.36; Engineer Maps & Prints \$115,805.58; Dog & Kennel \$88,834.44; Annual State Audit \$85,794.37; Municipal Court \$72,979.74; Coroner \$72,681.43; Health \$64,557.28; Planning Commission \$ 48,525.03; Law Library \$32,797.45; Airport Grant match \$20,000.00; Unanticipated Emergencies \$3,613.59.

RENTAL SPACE INFORMATION

County Administrator Karen Sprague reviewed rental space information with the Commission regarding rates charged or paid by county agencies. No action taken.

CAPITAL ASSET POLICIES

County Administrator Karen Sprague presented the Commission with sample capital asset policies from Franklin and Warren counties. No action taken.

KA SEWER LEGAL SERVICES AGREEMENT

County Administrator Karen Sprague presented the Commission with a legal services agreement for County Prosecuting Attorney Jeff Adkins to serve as the legal representative for Gallia County for the Kanauga Addison Sewer Project. Lois Snyder made and Joe Foster seconded a motion to approve the legal services agreement as presented. Roll call votes: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea.

RUS Bulletin 1780-7

UNITED STATES DEPARTMENT OF AGRICULTURE  
Rural Utilities Service  
LEGAL SERVICES AGREEMENT

*This agreement made this 15th day of January, 2009 between the Board of Gallia County Commissioners hereinafter referred to as "Owners," and C. Jeffrey Adkins, attorney at law, of Gallia County Prosecuting Attorney's Office, hereinafter referred to as "Attorney":*

*WHEREAS, Owners are intending to construct and operate the Kanauga-Addison Sewer System ("public sewer system to be operated by the Board of Gallia County Commissioners") in Gallia County, Ohio under the provisions of \_\_\_\_\_ (Cite statute(s) under which applicant will be organized); and*

*WHEREAS, the Attorney agrees to perform all legal services necessary to organize and incorporate said the Kanauga/Addison Sewer District under the provisions of said statutes and to perform all other customary legal services necessary to the organization, financing, construction, and initial operation of a county owned sewer system;*

WITNESSETH:

*That for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed:*

SECTION A - LEGAL SERVICES

*That the Attorney will perform such services as are necessary to accomplish the above recited objectives including, but not limited to, the following:*

*1. Preparation and filing of petition for incorporation and supervision and assistance in the taking of such other actions as may be necessary or incidental to cause the Owners to become duly organized and incorporated and to be authorized to undertake the proposed system.*

*2. Furnish advice and assistance to the governing body of the duly incorporated association in connection with (a) the notice for and conduct of meetings; (b) the preparation of minutes of meetings; (c) the preparation and enactment of such resolutions as may be necessary in connection with the authorization, financing, construction, and initial operation of the system; (d) the preparation of such affidavits, publication notices, ballots, reports, certifications, and other instruments and advice as may be needed in the conduct of such bond elections as may be necessary; (e) the preparation and completion of such bonds or other obligations as may be necessary to finance the system; (f) the completion and execution of documents for obtaining a loan made or insured or a grant made by the United States of America, acting through the Rural Utilities Service, U. S. Department of Agriculture; (g) entering into construction contracts; (h) preparation and adoption of By-laws, Rules and Regulations, and rate schedules; (i) such other corporate action as may be necessary in connection with the financing, construction, and initial operation of the system.*

*3. Review of construction contracts, bid letting procedure, and surety and contractual bonds in connection therewith.*

*4. Preparation, negotiation, or review of contract with a city or other source of water supply when necessary.*

*5. Preparation, where necessary, and review of deeds, easements and other right-of-ways documents, and other instruments for sites for source of water supply, pumping stations, treatment plants, and other facilities necessary to the system and to provide continuous right-of-ways therefore; rendering title opinions with reference thereto; and providing for the recordation thereof.*

6. Obtain necessary permits and certificates from county and municipal bodies, from State regulatory agencies, and from other public or private sources with respect to the approval of the system, the construction and operation thereof, pipeline crossings, and the like.

7. Cooperate with the engineer employed by Owners in connection with preparation of tract sheets, easements, and other necessary title documents, construction contracts, water supply contracts, health permits, crossing permits, and other instruments.

8. When applicable, secure assistance of and cooperate with recognized bond counsel in the preparation of the documents necessary for the financing aspects of the system. The attorney shall pay all bond counsel in perfecting the financing aspects, e.g., assessment procedures and completion of documents. Where bond counsel is retained, the Attorney will not be responsible for the preparation and approval of those documents pertaining to the issuance of the Owner's obligations.

#### SECTION B - COMPENSATION

1. Owners will pay to the Attorney for professional services rendered in accordance herewith, fees as follows:

None – attorney is the Prosecuting Attorney for Gallia County and is paid as required by the State Legislature for his services. Said fees to be payable in the following manner and at the following times:

N/A

#### SECTION C - OTHER PROVISIONS

1. That upon organization and incorporation the association shall by appropriate resolution adopt and ratify this Agreement, that the association shall be substituted for the individual Owners as a party to this Agreement, and that the Owners as individuals shall thereupon be relieved of all personal liability existing or arising from this Agreement.

2. That upon organization and incorporation should the association fail or refuse to adopt and ratify this Agreement by appropriate resolution within N/A days from the date of the commencement of its legal existence, this Agreement shall terminate and Owners shall be liable to the Attorney for payment of \$N/A, which sum represents payment in full for the organization and incorporation of the association and for all other legal services rendered to Owners under the terms of this Agreement to the date of said termination.

Attorney: Gallia County Prosecuting Attorney

s/ C. Jeffrey Adkins, Gallia County Prosecuting Attorney

Owners: Gallia County Commissioners

s/ Justin L. Fallon, President

s/ Howard Joe Foster

s/ Lois M. Snyder

#### SHERIFF OFFICIAL BOND

The official bond for Sheriff Joe Browning was presented in the amount of \$50,000 for approval of the Board of Gallia County Commissioners. Lois Snyder made and Joe Foster seconded a motion to approve the official bond as presented. Roll call votes: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea. The bond will be delivered to the County Auditor for filing.

#### EMS STATION PROJECT

The Commission was presented with the construction contract for the EMS Station Project for signing. County Administrator Karen Sprague advised the contract has been signed by Jim Blair, owner of Blair Builders. It was noted the project has been awarded, however the contractor will not be given notice to proceed until submittal of payment and performance bonds.

#### CD/FCS EDUCATOR UPDATE

CD/FCS Educator Amy Corbin informed the Commissioners that OSU Extension requires an emergency plan and they need to designate an alternate location and an alternate to the alternate. She requested that they designate the Courthouse as the alternate. Joe Foster made and Lois Snyder seconded the motion to allow them to develop the necessary emergency plan as required by OSU and to designate the Courthouse as their alternate location. The Commissioners also suggested she use the Service Center as the alternate to the alternate.

Ms. Corbin advised the following:

- Renewable Energy meeting will be held Monday, January 26<sup>th</sup> @ 5pm at the Ag Center.
- The Alliance met last Thursday with 12 present representing 9 agencies. They discussed the recent survey and discussed they may expand it in three years. Next meeting is February 5<sup>th</sup>.
- There is state and federal funding available for "shovel ready projects" that we need to pursue. The deadline for proposals was January 1<sup>st</sup> however there have been few applicants. Commissioners suggested that she and Dana Glassburn gather their information and return at 1:30 p.m. today to further discuss project ideas.

#### EXECUTIVE SESSION – PERSONNEL

At 10:19 a.m. Justin Fallon entertained a motion to enter into executive session with DJFS Director Dana Glassburn for personnel issues. Lois Snyder made and Justin Fallon seconded the motion. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea. Returned to regular session at 10:56 a.m.; no action taken.

#### DJFS

Director Dana Glassburn presented a provider contract with Catherine Justis; 640 Laurel St. Middleport. Joe Foster made and Lois Snyder seconded the motion to approve the contract as recommended by the JFS Director. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea.

Director Glassburn recommended Theresa Hash for the position Social Services Aide 1; Lois Snyder made and Joe Foster seconded the motion to approve the director's recommendation. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea. This will be effective 1/18/09.

#### RESOLUTION TO CHANGE OFFICE HOURS

JFS Director submitted the following resolution to change the office hours for the Department of Job and Family Services:

#### RESOLUTION

In the matter of Office Hours for the Gallia County Department of Job and Family Services (GCDJFS), the Board of County

Commissioners of Gallia County, Ohio, recognize that organizational changes must occur due to recent funding reductions by the State of Ohio Department of Job and Family Services (ODJFS). As a result of such organizational changes, it will be difficult for the GCDJFS to maintain appropriate staffing levels throughout the current operating hours of 7:00 a.m. to 4:30 p.m. to assure the public is served in a timely manner. The Communications Workers of America Local 4320 provided a letter, on January 14, 2009, endorsing the GCDJFS Directors proposal to change office hours to 7:00 a.m. to 4:00 p.m.

Therefore, be it resolved that, the Board of County Commissioners of Gallia County, Ohio, hereby authorize the change of office hours for the Gallia County Department of Job and Family Services from 7:00 a.m. opening and 4:30 p.m. closing to 7:00 a.m. opening and 4:00 p.m. closing. The new GCDJFS office hours from 7:00 a.m. to 4:00 p.m. will begin on January 20, 2009.

The Board of County Commissioners of Gallia County, Ohio, recognizes that further funding reductions and organizational changes may result in additional restructuring of office hours; however, the Commissioners and the GCDJFS are committed to serving those in need and will do everything possible to limit the reduction of services we provide.

The foregoing resolution was introduced upon a motion by Board member Joe Foster, and seconded by Board member Lois Snyder and the vote taken thereon resulted  
In the following:

Votes in favor of the resolution: 3  
Votes opposed to the resolution: 0

s/Justin L. Fallon  
Gallia County Commissioner

s/Howard J. Foster  
Gallia County Commissioner

s/Lois M. Snyder  
Gallia County Commissioner

This resolution adopted by the Gallia County, Ohio, Board of County Commissioners on the 15th day of January, 2009.  
Journal # \_\_\_\_\_, Page # \_\_\_\_\_

Attest: s/Terry Hemby, Clerk

#### **SHERIFF – VEHICLE PURCHASE**

Sheriff Joe Browning and Detective Chad Wallace met with the Commissioners to discuss the purchase of a vehicle. Mr. Wallace currently drives a 2002 Ford Explorer which has had several expensive maintenance issues and will soon need the transmission replaced. They are requesting to buy a new vehicle instead of continuing to put more money into the Explorer or buying another used vehicle. Vehicle options were distributed for comparisons for the Commissioners to review and come to a purchase decision. Sheriff Browning wants to look into the funding to see if there is money available in another area so he would not have to use the funds reserved for new cruisers. The Commissioners will review the submitted information and get back to them.

#### **MEETING ROOM – DUI COMMITMENTS**

Sheriff Joe Browning advised that he is required to notify the Commissioners that on 1/22/09 they are planning to open the 2<sup>nd</sup> floor meeting room for the back log of DUI commitments; this will begin at 6:00 a.m. and continue the entire day.

#### **EXECUTIVE SESSION - LEGAL**

Sheriff Browning requested Executive Session for legal purposes. At 11:16 a.m. Justin Fallon entertained a motion to enter into executive session with the sheriff for legal issues. Joe Foster made and Lois Snyder seconded the motion. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea. Returned to regular session at 11:24 a.m.; no action taken.

#### **GALLIPOLIS TWP TRUSTEES – BURNETT ROAD**

Gallipolis Township Trustees Dick Bane, Lloyd Danner and Dean Brownell met with the Commissioners to discuss the ODOT report regarding Burnett Road. The Trustees advised that they have reviewed the report and have sent a letter to ODOT with their recommendations. The Trustees do not want total closure as has been recommended by ODOT; to close access off at SR 35 and send the traffic to the traffic light at 735 and 7. The trustees have put a sign up that says "Dangerous Intersection" which is solar with a flashing light. They would also like to hold a public meeting; which the Commissioners agreed and encouraged them to schedule a hearing for the public and to include Addison Township. Once the hearing has been held the township and Commissioners will reach a consensus and draft a letter to ODOT with their recommendations.

#### **BOARD OF ELECTIONS**

At 11:50 a.m. Justin Fallon entertained a motion to enter into executive session with Board of Elections Director Jeff Halley and Board Directors Dan Davies and Patty Sprague for personnel issues. Joe Foster made and Lois Snyder seconded the motion. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea. Returned to regular session at 12:21 p.m.; no action taken.

#### **EARLY CHILDHOOD FAMILY CENTER**

MRDD Superintendent Rosalie Durbin met to update them on the meeting with the Architect and General Contractor on Tuesday of this week. They did a walkthrough of the facility looking at open issues with the contractor and sub contractor and discussed plans to get them resolved. She advised that General Contractor Gary Cunningham wants to work with us to get these issues resolved. These issues were noted:

- Cabinets in the classroom pulling apart and collapsing which is a safety issue. They will bring in a team to reinforce and repair.
- Roof is still leaking; Cunningham will get them on the roof in a few days.
- Storm drainage - he will get some people on this also.
- An additional item is a cracked window in the multi-purpose room and Irvin's Glass came for an estimate and advised us that this was not safety glass. They have reviewed the building specs and the safety tempered

glass was removed in the bidding process. They are checking into the requirements to see if it should be safety tempered. Ms. Durbin was not aware of anyone here locally that gave approval to remove the safety glass. A letter will be drafted by the Prosecutor to be given to them in 30 days containing the pertinent points.

They have tentatively scheduled a meeting with the HVAC representative for next Thursday at 1:00 p.m. to discuss what the resolution will be for those issues. This may involve a redesign of the system. This will be the first official meeting of all the planners on how these issues will be addressed, but there will be no additional dollars put into the project. Foster stated Dave Stone is the person in charge as the Architectural firm and most of the issues have been an error on his part. The General Contractor has tried to overcome the flaws that have been brought to their attention. It was also noted that if they removed tempered glass from the specs and didn't have written authority to do so from our jurisdiction that is an issue. Although, Rosalie stated, the cuts were probably made to make the building affordable. She has informed Dave Stone that he will be held personally responsible.

Current tenants at this facility are - Help Me Grow program, the city school district has a pre-school, head start from Clay school (3 classes) all guiding hand except the adults which is still located at Cheshire.

**ECONOMIC DEVELOPMENT**

Dana Glassburn and Amy Corbin returned for an idea-based session with the Commissioners to discuss ideas for possibilities to seek state and federal funds for shovel ready projects.

**BOARD APPOINTMENTS**

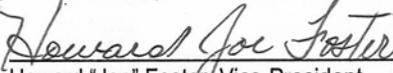
The Commissioners also decided on the required board appointments to be shared between the three Commissioners as follows:

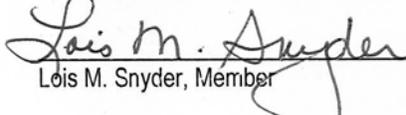
Ariel Theatre Board	Lois Snyder
Board of Revisions	Lois Snyder
Broadband Committee	Justin Fallon
Community Action Agcy	Justin Fallon, Vice Chair
CIC	Justin Fallon
Family & Children First Council	Joe Foster
LEPC	Lois Snyder
Local Corrections Planning Board	Joe Foster
OPWC	Justin Fallon
OVRC&D	Lois Snyder
OVRDC	Justin Fallon
Planning Commission	Joe Foster
Plumbing Advisory Committee	Joe Foster
Renewable Energy	Joe Foster
SOACDF/Tobacco	Justin Fallon
Solid Waste District	Justin Fallon, Chairman

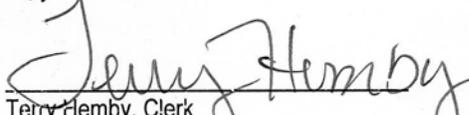
**ADJOURN**

At 3:22 p.m. Justin Fallon entertained a motion for adjournment. Joe Foster made and Lois Snyder seconded the motion. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea

  
Justin L. Fallon, President

  
Howard "Joe" Foster, Vice-President

  
Lois M. Snyder, Member

  
Terry Hemby, Clerk