

JULY 23, 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 July 16, 2009 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:
Commissioners	Lois Snyder Amy Corbin Justin Fallon	7/27	Columbus	Broadband Seminar
EMA	Mike Null Jill Simpkins	8/4	Columbus	Electron Grants Mgt System training
JFS	Fred Childers Kitty Griffith	7/29	Ironton	Training – Gazelle
Commissioners	Amy Corbin	8/20	Cincinnati	ED Workshop

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 Canine Weekly Report										
Week Ending	# IN	Adopted	Reclaimed	Euthanized	Died (Natural Causes)	Rescued	Destroyed (in field)	# Out	In Foster Care	Remaining at Shelter
7/20	42	4	3	1	0	10	0	18	5	*64

\*As of today (7/23/09) 28 were rescued, 7 euthanized, leaving a total in shelter at 29.

LEAVE DONATION APPLICATION

Commissioners received leave donation applications going to Tanya Gill (Probate/Juvenile) for upcoming maternity leave from the following employees:

- 40 hours from Eric R. Mulford (Prosecutor) for maternity leave as needed.
- 80 hours from Terri James (Prosecutor) for maternity leave as needed.
- 80 hours from Sue E. McKittrick (Prosecutor) for maternity leave as needed.

Justin Fallon entertained a motion to approve the leave donation application as requested. Lois Snyder made and Joe Foster seconded the motion. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea.

COUNCIL ON AGING – LEASE AGREEMENT

Joe Foster made and Lois Snyder seconded the motion to approve the renewal lease agreement with Gallia County Council on Aging as follows. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea:

*THIS AGREEMENT made and concluded at Gallipolis, Ohio, this 23<sup>rd</sup> day of July, 2009, by and between the Board of County Commissioners of Gallia County, Ohio, hereinafter called Commissioners or Lessor and Gallia County Council on Aging, a non-profit corporation, Gallipolis, Ohio, hereinafter called Corporation of Lessee.*

*WITNESSETH:*

*The interests of Gallia County so require, and Ohio Revised Code Section 307.09 so permits a Board of County Commissioners to lease real estate belonging to the county to a Corporation not for profit for recreational purposes; and*

*WHEREAS, said Corporation desires to lease from Commissioners for recreational purposes a portion of the Gallia County Home, which purposes are not deemed to be inconsistent with the need of such land for public use by the County; and*

*WHEREAS, said Commissioners desire to lease to said Corporation a designated portion of the Gallia County Home located at 1165 State Route 160, Gallipolis, Ohio, for the purpose aforesaid; and*

*WHEREAS, the parties agree that the Corporation, at no time in the future, will assign or transfer its rights under this agreement; and*

*WHEREAS, the parties agree that in the event said Corporation does not use the facilities for the purposes expressed herein and fails to abide by the conditions set forth herein, Commissioners will take back possession of said facilities and use the same for its original purpose.*

*NOW, THEREFORE, BE it agreed by and between the parties hereto upon the considerations aforesaid and hereafter as follows:*

- 1. Said area designated by the parties located at the address herein before referred to is leased to said Corporation for the term of five (5) years commencing August 1, 2009 and ending on July 31, 2014.*
- 2. That the consideration for said Lease shall be the sum of one (1) dollar per year, payable in advance each year during said term and the benefits conferred upon the populace of this County by having an existing Corporation to provide for the recognized recreational need. Either party, however, may terminate this lease by giving ninety (90) days written notice of such intention to the other party.*
- 3. The first payment under this lease will be due payable August 1, 2009. Subsequent payments will be due and payable the first of August each year hereafter for the term of this lease.*
- 4. Lessee shall have the right and option to renew lease for a further term of five (5) years, commencing on the expiration of the term hereof, at the same rental and subject to all the terms, covenants and provisions of this lease. Said option shall be exercised by giving Lessor written notice of Lessee's intention to exercise said option no less than thirty (30) days prior to date of expiration of the term hereof, provided no defaults exist in the covenants, agreements, terms and conditions on the part of the Lessee to be kept and performed or in payment or rent hereunder. Said renewal option shall in no way be extended by interim renewals, to exceed (40) years from the date of the first renewal.*
- 5. Lessee agrees to carry adequate liability insurance to cover the portion of county property leased herein and used by the Corporation.*
- 6. Lessor shall have the right to make such additions, alterations, and improvements in and to the building on the*

demised premises as is deemed necessary or desirable provided, however, that in constructing such additions, alterations, or improvements, Lessor does not unreasonably interfere with the operation of Lessee's activities.

7. Lessee agrees to make no structural changes or alterations in the premises or the improvements thereof without first obtaining Lessor's written consent, and any permissions given by the Lessor to make structural changes or alterations shall be on condition that the work shall be at the Lessee's expense, unless otherwise agreed in writing, and shall be in accordance with the Building Code of the State of Ohio, and shall be such as not to weaken any structure or building. All additions, fixtures, improvements and repairs made upon said premises by Lessee are thereafter the property of the Lessor.

8. In the event that Lessee erects any alterations or improvements to the premises as hereinabove provided, Lessee hereby agrees to and does indemnify Lessor against any mechanics liens that may be filed against the within demised premises for labor, and/or material furnished, and in the event any such lien is filed, Lessee will immediately pay the same and cause it to be satisfied and discharged of record.

9. Lessee shall not commit or suffer any waste or damage to any building or improvements on the demised premises.

10. Lessee agrees that Lessor or its representatives shall have the right at all reasonable times to enter upon and to inspect the demised premises to ascertain that Lessee is carrying out the terms, conditions and provisions hereof, and to make the necessary repairs, improvements and alterations as hereinabove provided.

11. Lessee shall, upon termination of the lease by lapse of time or otherwise, surrender up and deliver the premises together with all improvements made thereon by Lessee in as good order and repair as when first received or constructed by him, reasonable wear and use thereof and damage by fire and the elements excepted.

12. Lessee agrees to indemnify and save Lessor harmless from all loss, cost and expense by reason of injury to any person or personal property on or about the demised premises, which results from the careless or improper conduct on the part of Lessee's agents or employees. Lessee further agrees to carry public liability insurance in the amount sufficient to cover its use of said premises.

13. It is distinctly understood between the parties hereto that all agreements and understandings of any character heretofore had between them are embodied in this instrument, and no changes shall be made herein unless the same shall be in writing and duly signed by the parties hereto in the same manner and form as this lease has been executed.

14. Any personal property in the demised premises shall be kept at the risk of the Lessee only, and Lessor shall not be liable for any damage to said personal property, or said premises, or to Lessee arising from the bursting or leaking of water or steam pipes, or from the accident or neglect of any other person whatsoever other than willful or negligent acts of the Lessor, its officers, agents, servants or employees.

IN WITNESS WHEREOF, the parties hereto have subscribed their hands and seal the day and year first written above herein.

WITNESS IN THE PRESENCE OF:  
s/Dedidre McCullough  
s/Danetta McCabe

GALLIA COUNTY COUNCIL ON AGING  
s/Shirley A. Doss, Executive Director  
s/Phyllis Taylor

WITNESS IN THE PRESENCE OF:  
s/Terry Hemby, Clerk to the Board

GALLIA COUNTY COMMISSIONERS  
s/Justin L. Fallon, President  
s/Howard J. Foster, Vice President  
s/Lois M. Snyder, Member

STATE OF OHIO, GALLIA COUNTY, OHIO, SS:

Personally appeared before me, a Notary Public, in and for said county, the above who acknowledged that they did sign the foregoing instrument and that the same in the free act and deed of each of them personally, and as such officers, under authority of resolutions properly approved.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, this 23<sup>rd</sup> day of July, 2009.

s/Connie Johnson  
 NOTARY PUBLIC

**FAA GRANT 2008 DRAW #5 APPROVAL**  
**GALLIA-MEIGS REGIONAL AIRPORT PROJECT**

County Administrator Karen Sprague presented the Commission with FAA grant 2008 draw #4 forms requesting \$10,257.00 from the County's FAA grant for Delta Airport Consultants for the Master Plan. Justin Fallon entertained a motion to approve and sign the grant draw #5 forms for payment of engineering invoices as presented. Lois Snyder moved and Joe Foster seconded this motion. Upon roll call votes were as follows: Justin Fallon, yea; Lois Snyder, yea; Howard Joe Foster, yea.

**PARTIAL RELEASE OF REAL ESTATE MORTGAGE**  
**GALLIA COUNTY CHIP PROGRAM (B-C-03-025-1)**

The County Administrator advised the Commission that the following deferred mortgage from a previous round of Community Housing Improvement Program (CHIP) grant has met the term of the mortgage being 5 years and a partial release is now warranted. A partial release is required since the county can only release 85% of the mortgage, which amount equals \$5,529.51. The balance of 15%, which amount equals \$975.80, must remain in effect until paid in full. The Prosecuting Attorney prepared the Partial Release of Real Estate Mortgage forms. Justin Fallon entertained a motion that the Partial Release of Real Estate Mortgage for the following persons be approved and signed as presented:

- Amy Pearce

Joe Foster made and Lois Snyder seconded the motion. Upon roll call votes were as follows: Justin Fallon, yea; Joe Foster, yea; Lois Snyder, yea.

Release of real estate mortgage forms will be signed by Justin L. Fallon, as President of the Commission, and is on file in the County's CHIP files.

**PARTIAL RELEASE OF REAL ESTATE MORTGAGE**

**KNOW ALL MEN BY THESE PRESENTS**, That County of Gallia, Office of Gallia County Commissioners, for a good and valuable consideration, the receipt of which is acknowledged, does hereby remise, release and discharge a portion of a real estate mortgage executed by **AMY PEARCE** to the above named County of Gallia, Office of Gallia County Commissioners, dated July 22, 2004 and recorded in Volume 415, Page 852, of the Mortgage Records of Gallia County, Ohio. (This document releases 85% of said mortgage, which equals \$5,529.51. The balance of said mortgage will remain in effect until paid in full, balance remaining equals \$975.80.)

IN WITNESS WHEREOF, the above named County of Gallia, Office of Gallia County Commissioners, has hereunto subscribed its name and seal this 23<sup>rd</sup> day of July, 2009.

WITNESSES:

COUNTY OF GALLIA, OFFICE

**GALLIA COUNTY COMMISSIONERS**s/ Karen Spragues/ Justin L. Fallon**JUSTIN L. FALLON**s/ Terry Hemby

PRESIDENT

**STATE OF OHIO, GALLIA COUNTY, SS:**

Before me, a Notary Public in and for said County and State, personally appeared Justin L. Fallon, President of County of Gallia, Office of Gallia County Commissioners, to me personally known, who acknowledged that he did execute the foregoing instrument as such officer and that the same is his free act and deed as such officer.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed my notarial seal at Gallipolis, Ohio, the day and year last above written

s/Connie Johnson**NOTARY PUBLIC**

This instrument Prepared by: C. Jeffrey Adkins, Gallia County Prosecuting Attorney  
18 Locust Street, Gallipolis, Ohio 45631.

**KA SEWER PROJECT – OEPA ENVIRONMENTAL REVIEW**

The County Administrator presented the Commission with OEPA's Environmental Review for the Kanauga-Addison Sewer Project noting their designation of finding of no significant impact.

**MERCERVILLE SEWER PROJECT – OEPA WPCLF APPLICATION**

The County Administrator presented the Commission with the completed OEPA Water Pollution Control Loan Fund application for the \$500,000 in ARRA stimulus dollars Gallia County has been awarded for the Mercerville Sewer Project. Justin Fallon entertained a motion to approve the application as submitted. Lois Snyder made and Joe Foster seconded the motion. Upon roll call votes were as follows: Justin Fallon, yea; Joe Foster, yea; Lois Snyder, yea.

**GALLIA COUNTY INVESTMENT COMMITTEE**

GC Treasurer, Steve McGhee, Chair of the Investment Committee, presented the 2<sup>nd</sup> Quarter 2009 investment report for review. The Investment reports are submitted monthly; with meetings held quarterly. Members of the Committee are the Commissioners, the Treasurer and the Clerk of Courts.

There were no comments or questions. The Investment Report is on file in the Treasurer's and in the Commissioner's office for review.

**HEATING ASSISTANCE SUBSIDY**

JFS Director Dana Glassburn informed the Commissioners of an ongoing AEP program which offers heating assistance and JFS processes the applications locally. With this agreement the PRC program sends JFS a subsidy for the application processing. In doing so, JFS has received an amount of \$6,715.

**NON-EMERGENCY TRANSPORTATION – PROPOSALS OPENING**

The following proposals for non-emergency transportation were opened and read aloud:

Woodland Center \$3.77 per unit

Gallia/Meigs CAA \$3.25 per unit

The proposals were turned over to the JFS Director for review and recommendation.

**EXECUTIVE SESSION**

At 10:22 a.m. Justin Fallon entertained a motion to enter into executive session with JFS Director Dana Glassburn for personnel issues. Lois Snyder made and Joe Foster seconded the motion. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea. Returned to regular session at 11:20 a.m.; no action taken.

**VICTIM OF CRIME ACT (VOCA) GRANT**

Victim's Assistance Program Advocate Susan Grady and City Assistant Auditor Shelly Terry, met with the Commissioners to request the VOCA grant cash match. The grant is due July 30<sup>th</sup> to the AG office and requires a 25% cash match of which, the county normally provides 50% with the additional 50% coming from the City of Gallipolis. Ms. Grady advised that the state has minimally increased their funding by a few dollars this year. The total budget for this program is approximately \$35,000. With the current budget issues, Commissioners advised they would discuss this and get back to her.

**ECONOMIC DEVELOPMENT**

Economic Development Director Amy Corbin updated the Commissioners on the following projects:

- She submitted for signature a letter of support for the TRAC application also needs ODOT district acknowledgement. She has left messages with ODOT's Larry Woodford and Mark Kirkhart. Joe Foster made and Lois Snyder seconded the motion to approve the submission of the letter. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea.
- The RBEG Application is complete and ready for signature. Lois Snyder made and Joe Foster seconded the motion to sign this application. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea.
- August 20<sup>th</sup> - Economic Development workshop in Cincinnati for new ED Directors with a \$50 registration fee. Ms. Corbin requested permission to attend; permission was granted.
- Ms. Corbin discussed the Industrial Park Spec building loan/grant. This is a reimbursement type loan, as we do segments of this project we are refunded 75%. The grant agreement must be executed by August 5<sup>th</sup>; we will have 18 months to finish the project. The County Administrator advised that a new fund would be created for the grant / loan monies and everything will be spent from this line item. We will have to make sure the funds are drawn down in a timely manner so we will be in the black at the end of the year. Once the building is sold, the loan will be paid. We will request loan quotes from the local banks for the loan portion of the project. A structured agreement securing the counties interest will be required and the County Administrator

advised that they should include more than \$250,000 for the ED revolving loan fund. Any profits can then be used as local match for the next project. They encouraged Ms. Corbin to communicate with the CIC Board to come up with an MOU on this project and to continue to work with the County Administrator for guidance.

**EMA – EMS BUILDING**

EMA Director Mike Null advised the Commissioners of the following issues that need repaired/replaced in the old EMS building that they are scheduled to move into.

- Poor lighting, some lights not working
- Exit signs broken
- Door locks need repaired
- Replace blinds
- Repair door bell

Null also advised that Steve Wilson is working with AT&T to get phone lines turned on. When they move to the EMS building, they will not be on the GalliaNet server. Therefore, their computers will not be networked, nor will they have a way to back up their computers. He has spoken to the I.T. Director and he is working on a solution for him.

Commissioners advised him to coordinate with the Maintenance and Information Technology Departments to resolve these issues.

**EYES ON THE RIVER PROGRAM**

President Fallon asks that Director Null explain the purpose of the "Eyes on the River Program". Null explained that this is the posting of cameras along the river to watch for Terrorism and they want the local Law Enforcement or EMA to handle the grants and funds for this program. Null stated this would be a lot of work and felt this was a Law Enforcement issue not EMA. Commissioners acknowledged the information.

**DISTRICT 15 PUBLIC WORKS INTEGRATING COMMITTEE APPOINTMENT**

Lois Snyder made and Joe Foster seconded the motion to make the following appointment. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea.

**RESOLUTION  
NAMING GALLIA COUNTY COMMISSIONERS APPOINTMENT TO THE  
DISTRICT 15 PUBLIC WORKS INTEGRATING COMMITTEE**

*Effective date: September, 2009*

**Whereas**, Chapter 164.04, Division A6 of the Ohio Revised Code defines membership to the District 15 Public Works Integrating Committee (PWIC), and

**Whereas**, such definition states: "...one (member) shall be appointed (to the 30 member committee) by each board of county commissioners..."

**Now therefore, be it resolved by the Gallia County Commissioners:**

**Section 1:** That the Gallia County Commissioners hereby appoint County Engineer Brett Boothe to serve on the District 15 Public Works Integrating Committee for a term of three (3) years beginning September, 2009; and

**Section 2:** That the appointed individual will serve this three (3) year term in its entirety unless he/she submits a formal letter of resignation to the District 15 Coordinator's office, and

**Section 3:** That the appointed individual will serve on the county subcommittee and participate in the county review and prioritization of OPWC assisted projects in his/her county, and

**Section 4:** That the appointed individual will attend in person approximately two (2) to four (4) Full Integrating Committee meetings annually.

On this 23<sup>rd</sup> day of July, 2009

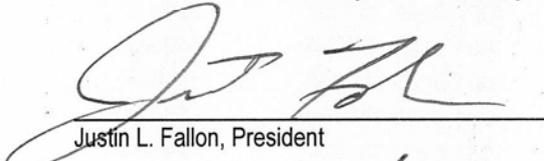
**GALLIA COUNTY COMMISSIONERS**

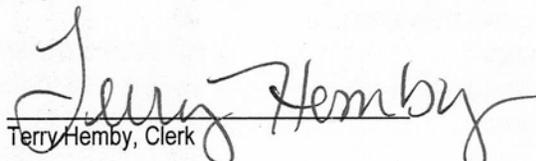
s/Justin L. Fallon, President  
s/Howard J. Foster, Vice President  
s/Lois M. Snyder, Member

I hereby certify this to be a true and correct copy of this resolution.  
s/Terry Hemby, Clerk to the Board

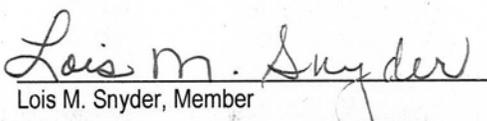
**ADJOURN**

At 2:50 p.m. President 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

  
Terry Hemby, Clerk

  
Howard J. Foster, Vice-President

  
Lois M. Snyder, Member