

**APRIL 8, 2010**

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 Howard "Joe" Foster. Roll Call: President Mr. Howard J. "Joe" Foster, present; Vice-President Mr. Justin L. Fallon present and Member Ms. Lois M. Snyder, present.

President Foster entertained a motion for approval of the April 1, 2010 minutes. Lois Snyder made and Justin Fallon seconded the motion. Roll call: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea.

TRAVEL REQUESTS				
DEPARTMENT	NAME	DATE	TO	RE:
EMA	Jill Simpkins	4/27 to 4/29	Columbus	PIO Course

President Foster entertained a motion to approve travel request as submitted. Lois Snyder made and Justin Fallon seconded the motion. Roll call: Mr. Foster, yea; Mr. Fallon, 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
4/5	20	3	3	0	0	41	0	47	10	22

**ODOT SUSPENSION OF KANAUGA-ADDISON SEWER PROJECT**

9:05 a.m. - President Foster advised that on 4/7/10 at 6:29pm, he received a call from Jamie Hendershot, ODOT District 10 respectfully requesting the county stop operation of the Kanauga-Addison sewer project, sighting public safety concerns. Foster advised that Hendershot was to email a letter at the start of business today, documenting this action. Correspondence below was received at 9:17 a.m.:



Ohio Department of Transportation  
 District 10 • 338 Muskingum Drive • Marietta, OH 45750  
 Larry Woodford, District Deputy Director  
 740-568-3900 • 800-845-0226 (Ohio Only)

April 8, 2010

Howard Joe Foster, President  
 Gallia County Commission  
 Gallia County Courthouse  
 18 Locust Street - Room 1292  
 Gallipolis, Ohio 45631

Re: Kanauga/Addison Sanitary Sewer Project on State Route 7

As per our phone conversation April 7, 2010, The Ohio Department of Transportation respectfully requests the subject project be suspended. By authority of the Ohio Revised Code, Section 5515.01, ODOT has the legal authority and responsibility to ensure safety and convenience of the traveling public within the Right-of-Way.

As the owner of this project, the Department asks the Gallia County Commissioners remove their contractor - Trimat Construction Company, and all associated equipment and unincorporated materials from ODOT's Right-of-Way. Additionally, please secure and protect the work area, ensuring conformance to the Ohio Manual of Uniform Traffic Control Devices and the Construction and Materials Specification, Section 614.

This misfortunate request is a result of several factors, all of which have been discussed with the Gallia County Commissioners throughout the past several weeks. Primarily, this request is to protect the health and safety of the traveling public. After extensive direction from the Department, the project contractor continues to perform acts threatening public safety and routinely fails to properly secure and protect the work zone. Additionally, the permit issued by ODOT allowing the subject work has expired.

It is imperative that work be suspended and this area be properly secured immediately. Possible solutions for properly protecting the work area include, but may not be limited to:

- backfill and compact any open trench
- utilization of portable concrete barrier walls
- utilization of portable steel barrier walls
- removal of vertical obstructions (trench boxes) and covering the trench with adequate sized steel plates.

The Department request all involved parties convene via conference call as soon as possible, preferably this afternoon at 1:30 p.m. This meeting is intended to explain the necessary steps and required submittals to obtain an approved permit which will ensure the safety of the traveling public.

The Department is committed to the success of the project and willing to assist in any way practical. We look forward to talking with you this afternoon so we can begin collaboration on this project.

Respectfully,

Larry E. Woodford  
 District Deputy Director

*Jamie Ray Hendershot, P.E., P.S.*

Jamie Ray Hendershot, P.E., P.S.  
 District Highway Management Administrator

Cc: Keith Swearingen  
 Steve Campbell  
 Jennifer Farmer  
 File

2009 MUNICIPAL COURT ANNUAL REPORT

Commissioners reviewed the 2009 Municipal Court Annual Report provided by Judge Margaret Evans. A copy is on file in the Commissioners office.

GREEN SEWER DRAFT AGREEMENT

City Manager Randy Finney stopped by and advised that the City Commissioners are in agreement with the 2<sup>nd</sup> Draft of the Green Sewer agreement. There were some minor grammatical corrections but they are in agreement overall and is scheduled for readings.

Finney also advised they would be staying with Breech Engineering for the new city building. Space would be an issue in the parking lot behind the courthouse. They have plans to demolish the Davis Hall building and would like to exchange that vacant lot for the county's rear parking areas. This would give them some additional space for the new city structure. Commissioners advised they may be interested in the possibility and ask to see the drawing of the Davis Hall lot.

INDUSTRIAL PARK SPECULATIVE BUILDING RECOMMENDATION

Economic Development Director Melissa Clark submitted the following recommendation by correspondence:

April 7, 2010

Gallia County Commissioners

On April 5, 2010, I met with the Speculative Building Committee to review three proposed site plans submitted by Breech Engineering Co regarding the Speculative Building Project in the Dan Evans Industrial Park.

After thorough review and consideration, by the Speculative Building Committee and myself, I am making a recommendation to the Gallia County Commissioners on behalf of myself and the committee to accept the proposed site titled "Industrial Park Spec. Building Proposed Site Plan 'C' ".

The February 17, 2010, estimated projected cost for Site Plan "C" was listed at \$990,500.00

Sincerely,

*s/Melissa Clark*

Economic & Community Development Director  
Gallia County

Upon the submitted recommendation of the Economic Development Director, Lois Snyder made and Justin Fallon seconded the motion to move forward with Site Plan "C". Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea.

President Foster also entertained a motion for the Economic Development Director to contact Breech Engineering to get bid specs for site excavation in preparation for advertisement. Lois Snyder made and Justin Fallon seconded the motion. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea.

POLICE PROTECTION AGREEMENT – CROWN CITY VILLAGE

Sheriff Joe Browning submitted the following agreement with the Village of Crown City for Police Protection:

AGREEMENT

*This Agreement made and concluded this 5<sup>th</sup> day of April 2010, by and between the Village of Crown City, Ohio, Joseph R. Browning, Gallia County Sheriff and the Gallia County Commissioners.*

*WHEREAS, there exists a need for police protection for residents of the Village of Crown City, Gallia County, Ohio and*

*WHEREAS, Section 311.29 of the Ohio Revised Code provides for authority of a taxing district to enter into an agreement with the Sheriff of the County whereby the Sheriff undertakes and is authorized to contract to perform any police function, in behalf of the contracting subdivision.*

*NOW THEREFORE, it is hereby agreed by and between the parties hereto upon the considerations as follows:*

- 1. The parties do hereby agree and understand that the employees of the Gallia County Sheriff's Office have voted and approved representation by the FOP. Therefore, upon organization and representation of the employees by the FOP each party herein (Village, Sheriff and Commissioners) reserves the right to cancel or modify this Agreement if the organization of the FOP causes a change in the terms set forth herein. If the organization of the FOP does not change the terms of the Agreement, the parties are bound by the terms listed below.*
- 2. The Gallia County Sheriff's Office is to supply a qualified deputy chosen by mutual agreement between Council and the Sheriff's Office.*
- 3. The Village of Crown City, in consideration for this police protection, agrees to pay directly to the Sheriff of Gallia County, Ohio, the amount of \$3.75 per contract hour to be used for expense and maintenance of Gallia County sheriff's office cruiser, training of officers, uniforms, equipment, etc. for use by the Village. Said sum shall be made payable to the TREASURER OF GALLIA COUNTY, to be credited to a special fund known as the "Sheriff's Policing Rotary Fund".*
- 4. The Village in consideration for this police protection agrees to pay direct to the designated deputy the sum of Seventeen Dollars (\$17.00) per hour, plus employer's portion of Unemployment, Medicare, Workers compensation and OPERS.*
- 5. The scheduling for the deputy is to be prepared by the Gallia County Sheriff's office with recommendations from the Mayor of Crown City Village.*
- 6. The Sheriff requires that Deputies assigned to this detail submit activity logs, preferably by electronic system, to the Village Council for review.*
- 7. The Village of Crown City will make available to the Gallia County Sheriff's Office the use of any Village owned equipment pertaining to law enforcement for the Village.*
- 8. The Gallia County Sheriff's Office will be entitled to use said equipment as long as there is a current agreement with the Village of Crown City for police protection.*
- 9. It is expressly understood by the parties that upon the termination of this Agreement, the equipment, and if still in the possession of the Gallia County Sheriff's Office will be immediately returned to the Village of Crown City.*
- 10. The parties agree that the Gallia County Commissioners shall provide liability insurance for the officers providing services pursuant to this Agreement. The Village of Crown City understands and agrees that it shall be liable for any damages that may exceed the applicable coverage, limited to the policy provided by Gallia County. In the event, for any reason, that any act or omission by the Officer were to result in damages assessed against the Village, the Village would be*

responsible for any damages, that may not be covered by the Liability Policy provided by Gallia County. This provision is not and shall not be construed as an indemnification agreement by the County in favor of the Village. The County's sole obligation is to provide liability coverage in an amount determined to the sole discretion of the Gallia County Commissioners.

11. This Agreement can be canceled by either party with thirty (30) days written notice.
12. This Agreement shall be effective from April 1, 2010 through March 31, 2011.
13. The cost of jail confinement for prisoners of the Village will be waived.
14. If a deputy is requested to respond to a 911 call out and there is no deputy on duty at the Village, the 911 Center will then dispatch an available Sheriff's Deputy to the call.
15. Any time off leave will be the responsibility of the Village of Crown City.
16. All uniform and cruiser markings will conform to the BSSA and Gallia County Sheriff's Office standards and the purchase of these items will be the responsibility of the Sheriff's Office.
17. All deputies on duty for Village assignment will follow the Gallia County Sheriff's Office Policy and Procedure Manual in effect.

IN WITNESS WHEREOF, the parties hereto have, by their duly authorized officers, executed this Agreement on the 5<sup>th</sup> day of April, 2010.

SIGNED AND ACKNOWLEDGED  
IN THE PRESENCE OF:  
s/Cheryl Vanco

GALLIA COUNTY SHERIFF'S OFFICE

s/Joseph R. Browning, Sheriff

VILLAGE OF CROWN CITY

s/Pam Swain

s/Keith Durst, Mayor

s/Paul Delton, Clerk

GALLIA COUNTY COMMISSIONERS

s/Terry Hemby  
s/Connie Johnson

s/Howard J. Foster, President

s/Justin Fallon

s/Lois M. Snyder

APPROVED AS TO FORM:

s/Jeffrey Adkins, Gallia County Prosecuting Attorney

Justin Fallon made and Lois Snyder seconded the motion to approve the submitted contract as recommended by the Sheriff. Roll call: Mr. Fallon, yea; Mr. Foster, absent; Ms. Snyder, yea.

#### BOARD OF ELECTIONS

BOE Director Jeff Halley stopped to inquire what the Commissioners needed from them in order to pay the requested PERS invoice which was submitted for additional appropriations last week. Commissioners advised they needed a revised budget to reflect where the required funds are coming from within their budget as was stated in the memo below that was sent to the BOE on 4/1/10:

TO: Board of Elections

FROM: Gallia County Commissioners

RE: Request for revised 2010 Budget

Please be advised your request for a supplemental appropriation in the amount of \$13,369.80 for delinquent PERS has been tabled at this time. The Gallia County Commissioners request you submit a revised 2010 departmental budget sheet (current sheet on file with our office is attached) to reflect changes the Board of Elections has instituted in all line items and what it will take for your department to end 2010 in the black. Be sure your salary, fringe benefit, hospitalization and PERS-delq line items reflect changes that have been enacted after 1/1/2010.

Thanks for your prompt response in this regard.

Halley asked if they would also need to include the 27 pays since they have changed their employees from salary to hourly for the 2010 year. Commissioners advised they would need a revised budget to reflect all enacted changes in their budget for the 2010 year.

#### COURTHOUSE ANNEX HVAC

Auditor Larry Betz, Treasurer's Office Loretta Atha, Recorder's Office Karen Salisbury, Clerk of Courts office Barb Swain and Treasurer Steve McGhee met to discuss the lack of air conditioning in the annex area. Auditor Betz invited the Commissioners to walk over to the annex area and spend 30 minutes. He wanted to know why we could not convert to air conditioning. Salisbury advised it was 90 degrees in the Recorders office yesterday afternoon; it is miserable.

Commissioner Foster informed those present that he was apprised of the situation on Monday and within the hour had met with Building Superintendent Tom Halfhill. Halfhill advised that the plans were to turn on the air in a couple of weeks and explained that it is not a heat pump system and it cannot be turned back and forth. They look at the long range weather forecast and there are several days that will fall into the 30's at night and 60's during the day. We have no problem turning it on now; knowing that once it is on, it will not be switched back and forth. With the temperatures dropping, it could be in the fifties in those offices and there should be no complaining. All stated that they understood and could always put on a jacket and agreed to switch it to air conditioning immediately. Halfhill was instructed to follow this request.

#### DJFS AGENCY UPDATE

Director Dana Glassburn notified the Commissioners of the required PERS conversion plan. This plan is part of their union contract so it is already in place and will be sent to PERS.

Glassburn also advised he is just now getting figures as of March 2010 for the June 30 2009 closeouts. They are reviewing to determine what effects it will have on the current budget.

WORK RELEASE CENTER

Sheriff Browning advised that the draft lease is in the Prosecutor's office for his approval. Browning has no major issues with the lease; once this is signed by all entities they can begin the move in. Several items are needed to open the center, bedding being an expensive item. They have contacted the grant administrators and funds may be approved through this grant if they are used strictly for the work release center. Commissioners requested a copy of the items needed so they could watch for items also.

FINANCIAL REPORT REVIEW

The March 2010 Financial Fund report was submitted by Auditor Larry Betz. The Commissioners and County Administrator reviewed and compared the reports with the March 2009 report. Reports are on file in the Commissioners office.

FAA 2<sup>nd</sup> QUARTER REPORT  
GALLIA-MEIGS REGIONAL AIRPORT PROJECTS

Commission President Joe Foster entertained a motion to approve the FAA 2<sup>nd</sup> Quarter Report for 2010. Lois Snyder moved and Justin Fallon seconded this motion. Upon roll call votes were as follows: Joe Foster, yea; Justin Fallon, yea; Lois Snyder, yea.

REVIEW RECORD - B-F-09-025-1  
CERTIFICATION OF DETERMINATION OF SUBSEQUENT EXEMPTION  
FOR A CATEGORICAL EXCLUSION PROJECT

The County Administrator presented the Commission with the paperwork for approval of the Environmental Review Record for the following projects for which a certification of determination of subsequent exemption for a categorical exclusion project could be made:

- #3-Senior Center – Public Rehabilitation Project (Replacement Windows for Senior Citizens Center)
- #5-Harrison Township – Parking Facility Project (Harrison Twp. Fire Dept. Parking Lot Paving)

Joe Foster entertained a motion to approve the forms as presented. Lois Snyder made and Justin Fallon seconded that motion. Upon roll call votes were as follows: Joe Foster, yea; Justin Fallon, yea; Lois Snyder, yea.

All forms were signed by Joe Foster, as President of the Commission, and are on file in the County's CDBG files.

EXECUTIVE SESSION

At 10:49 a.m. Joe Foster entertained a motion to enter into executive session for legal issues with County Administrator Karen Sprague. 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 11:08 a.m.; no action taken.

CHILD ABUSE & NEGLECT PREVENTION MONTH

Children Services Executive Director Russ Moore presented the Commissioners with a resolution recognizing April 2010 as Child Abuse and Neglect Prevention Month for approval.

A Resolution  
BY

The Gallia County Board of Commissioners  
Recognizing April 2010  
as Child Abuse and Neglect Prevention Month

WHEREAS, The members of the Gallia County Commissioners are pleased to recognize Child Abuse and Neglect Prevention Month in Ohio and Gallia County, April 2010; and

WHEREAS, In an effort to increase public knowledge and understanding of the issues surrounding the abuse and neglect of minors, the month of April was first designated by the U.S. Congress as National Child Abuse and Neglect Prevention Month in 1983, with commemorative legislation passed each year since. Affecting youth of all races and socio-economic backgrounds, child abuse and neglect has long-lasting repercussions, not only for the victims and their families but also for communities and society as a whole; and

WHEREAS, Childhood is a formative time, and family members as well as communities, educators, public officials, and faith-based organizations play important roles in helping ensure that children grow up in a safe and stable environment, one that provides nurturing love and support. According to the American Humane Association, as many as 2,463 children are victims of abuse and neglect across the country every day. Young people of all ages are denied a loving home experience due to the ever-increasing prevalence of this heinous crime. In order to prevent the escalation of these events in the future, it is vital for all concerned citizens to join in educating the general public, including potential offenders, about the effects of this injustice and in developing a general consciousness regarding its far reaching devastation; and

Whereas, All Gallia Countians share the responsibility of protecting our youth and during Child Abuse and Neglect Prevention Month in Ohio, we renew our commitment to preventing child abuse and neglect so that all children can realize their full potential. In addition, we urge all citizens to mark this observance by working to build safe communities, promote strong families, and raise healthy children by supporting those who are striving to end the tragic abuse and neglect of children; therefore be it

Resolved, That we, the Gallia County Board of Commissioners, in adopting this Resolution, recognize April 2010 as Child Abuse and Neglect Prevention Month in Gallia County; and be it further

Resolved, That the Clerk of the Board make available copies of this resolution to all interested persons and to the news media of Gallia County.

s/Mr. H. Joe Foster, President

4/8/10 Date Adopted

s/Mr. Justin L. Fallon, Vice President

s/Ms. Lois Snyder, Member

Lois Snyder made and Justin Fallon seconded the motion to adopt the above resolution. Roll call: Mr. Fallon, yea; Mr. Foster, yea; Ms. Snyder, yea.

COUNTY ENGINEER EQUIPMENT

Engineer Brett Boothe and Assistant Engineer Jennifer Brown met to discuss equipment purchase for the upcoming year. The Engineer plans the following purchases for 2010 and has estimated the costs below:

- Two ½ ton pickup trucks (\$25,000 each)
- One tractor mower (\$60,000)
- Two single axle dump trucks to maintain the fleet (\$125,000 each)
- One fuel truck (\$24,000)

The total for all equipment would exceed \$300,000. Boothe advised he was not sure yet if they would be purchased through state bid but would look at the most cost effective method. If we can purchase locally at a reduced cost, we will pursue that route; Commissioners agreed. County Administrator Karen Sprague advised that all purchases through State Cooperative Purchasing or local dealer must be journalized by the Commissioners. If purchased locally, all quotes must be identical to the State Cooperative Purchasing descriptions, spec for spec. Also, equipment coming in under \$25,000 would only need a couple of quotes prior to purchase.

COUNTY ENGINEER CORSA PREMIUM

Commissioners inquired from the County Engineer regarding the past due CORSA insurance premium invoice. Booth advised that there had been a case in Knox County that had been challenged locally regarding the use of M&R monies in this regard. (Article 12, Section 5A, M&R funds cannot be used for insurance; it is not considered construction costs). The county won the case locally and at the state level but the decision was reversed at the state supreme court. This information was submitted to the prosecutor and we are awaiting his opinion. Once the opinion is received from the Prosecutor he will copy the Commissioners.

LIBRARY LEGAL RESOURCES BOARD MEETING

The first meeting of the newly formed Library Legal Resources Board (LLRB) was held at 11:30 a.m. The board members were introduced: Chairperson Adam Salisbury, Jeff Adkins, Eric Mulford, Douglas Cowles, and Terry Hemby. Absent members: Barbara Wallen, and Mark Sheets. Law Librarian Gloria Stevers served as the Administrator. Discussions were held regarding the purpose of the new board as dictated by ORC 307.51 – 307.516 and the changes in the operation of the Law Library.

Noon – Commissioners recessed for lunch at the Early Childhood Development Center.

1:05 pm Commissioners Foster & Snyder returned; meeting reconvened.

EXECUTIVE SESSION

At 1:14 p.m. Joe Foster entertained a motion to enter into executive session with County Administrator Karen Sprague for legal issues. Lois Snyder made and Joe Foster seconded the motion. Roll call: Mr. Fallon, absent; Mr. Foster, yea; Ms. Snyder, yea. Returned to regular session at 1:31 p.m.; no action taken.

1:30 p.m. Commissioner Fallon returned to the meeting.

ODOT CONFERENCE CALLKANAUGA-ADDISON SEWER PROJECT STOP ORDER

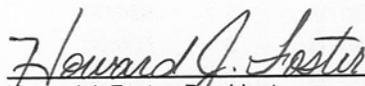
A conference call was placed with ODOT District 10 and Central Office Representatives; Stantec Engineer and Project Manager, TriMat Construction, Senator John Carey's representative and Michelle Miller, Tribune.

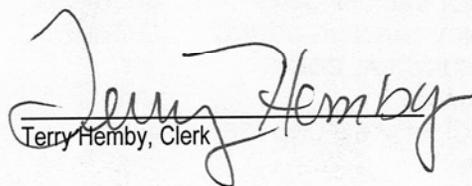
The conference call was to discuss the 4/8/10 correspondence ordering the sewer project suspension from District 10 Director and possible solutions. After a lengthy discussion, Stantec Engineer Gary Silcott advised that Gallia County would request a temporary permit extension for 30 days, so the crew could return to work using the PCB's as previously approved. Then follow up with a revised traffic plan and new permit application to ODOT.

2:39 pm. Fallon & Snyder left for a Solid Waste District meeting in Wellston. Foster stepped out to attend a BOR meeting in the County Auditor's office returning at 3:30 pm.

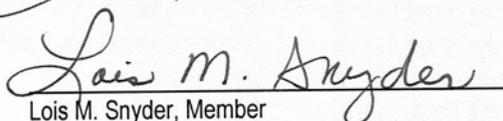
ADJOURN

At the close of the Solid Waste District Meeting, Vice President Fallon entertained a motion for adjournment at 5:00 p.m. Lois Snyder made and Justin Fallon seconded the motion. Roll call: Mr. Fallon, yea; Ms. Snyder, yea; Mr. Foster, absent.

  
Howard J. Foster, President

  
Terry Hemby, Clerk

  
Justin L. Fallon, Vice-President

  
Lois M. Snyder, Member