

OCTOBER 7, 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 September 30, 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:
Commissioners	Joe Foster Justin Fallon Lois Snyder	10/13/10	Wellston	Solid Waste District Mtg.
EMA	Mike Null Jill Simpkins	10/6	Lawrence County	CERT Regional Meeting
JFS	Dana Glassburn	10/13	Columbus	OJFSDA Modernization Committee meeting
Auditor	Terri Short	10/15	Athens County	OJFSDA General Session
		10/8		District CAAO Meeting

President Foster entertained a motion to approve travel requests as submitted. Justin Fallon made and Lois Snyder 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
10/4	25	2	2	4	0	1	0	9	0	43

RESIDENT MARGARET FINNICUM

Ms. Margaret Finnicum comes before the board requesting some assistance at her residence located at 851 SR 7 North. Two months ago the sewer contractor said they would put up another mailbox for her damaged one. She bought a mailbox and the old one is still up with the lid dangling and it was placed too close to the road. She needs gravel in front of her house; when it rains, it is red mud and very slick. She fell earlier in the summer, and had to go to Holzer and received 5 stitches. All she wants is some gravel in front of her home. When they replaced a highway sign, they put it right in front of her house and it prevents her from backing out beside the highway instead of directly into the highway. She would like for it to be put back to its original location. Commissioners assured her they would contact those responsible to have these three issues corrected today.

COUNTY ENGINEER UNION CONTRACT

County Engineer's Secretary Lana Lane presented the Union Contract for approval and signature of the Commission. The contract has been signed and approved by Engineer Brett Boothe and Superintendent David Roush. President Foster entertained a motion to sign and approve the contract. Lois Snyder made and Justin Fallon seconded the motion to approve the contract upon the recommendation and approval of the County Engineer. Roll call: Mr. Foster, yea; Mr. Fallon, yea; Ms Snyder, yea.

INDEPENDENT CONTRACTOR AGREEMENT

Economic Development Director Melissa Clark submitted the following agreement with Mr. Paul Hutchins for Construction Supervisor over the Industrial Park Speculative Building construction project.

INDEPENDENT CONTRACTOR AGREEMENT

This AGREEMENT made at Gallia County, Ohio on the 7th day of October 2010 by and between GALLIA COUNTY BOARD OF COMMISSIONERS and the PAUL HUTCHINS (hereinafter CONSTRUCTION SUPERVISOR)

WITNESSETH

WHEREAS, the Gallia County Board of Commissioners will construct a speculative building in the Dan Evans Industrial Park; and

WHEREAS, an individual to provide project and construction oversight is desirable; and

WHEREAS, CONSTRUCTION SUPERVISOR represents to Gallia County Board of Commissioners that he/she is ready, willing, and able to provide construction oversight of the Speculative Building Project in the Dan Evans Industrial Park;

NOW THEREFORE, in consideration of the foregoing recitations and the benefits to them mutually accruing, the parties agree as follows:

Section 1. TERM This AGREEMENT shall commence upon the date of execution and shall remain in effect until project completion. Either party may terminate the contract with or without cause at any time by giving thirty days (30) days prior written notice to the other party.

Section 2. DUTIES CONSTRUCTION SUPERVISOR agrees to devote as much time, attention, and energy as necessary to provide construction oversight during the Dan Evans Industrial Park Speculative Building Project (estimated 4-6 hours per week); work cooperatively and maintain frequent project communication with Melissa Clark, Gallia County Economic Development Director and Robert Condee; provide weekly written project updates to Melissa Clark.

Section 3. COMPENSATION In consideration of his/her performance of services as provided for herein, CONSTRUCTION SUPERVISOR shall be compensated at the rate of \$1,650.00 for the term of this agreement. Payment shall be made monthly upon receipt of payment invoice from CONSTRUCTION SUPERVISOR and signature of approval by GALLIA COUNTY BOARD OF COMMISSIONERS. Upon the event of termination as provided for herein, CONSTRUCTION SUPERVISOR shall only be entitled to compensation for services performed prior to the effective date of the termination.

Section 4. INDEPENDENT CONTRACTOR The parties hereto agree that pursuant to this AGREEMENT, CONSTRUCTION SUPERVISOR is an independent contractor and not an employee of Gallia County. As such, CONSTRUCTION SUPERVISOR is solely responsible for the payment of all applicable taxes including, but not limited to, applicable income taxes, self-employment tax, Medicare tax, worker's compensation, and unemployment compensation. Since CONSTRUCTION SUPERVISOR is an independent contractor and not an employee entitled to the protections afforded public employees under Ohio Revised Code Chapter 2744.

Section 5. PERSONAL SERVICE CONTRACT The parties agree that this AGREEMENT is, and is intended to be a "personal service contract" as provided in Ohio Revised Code Section 145.012 and as interpreted in Ohio Administrative Code Section 145-1-42 (A) (3). This AGREEMENT is and is intended to be a formal bilateral written contract between the parties as required by Section 145-1-42 (A) (2) (a). The parties further agree that since this is a personal service contract no Public Employees Retirement System deductions will be made from CONSTRUCTION SUPERVISOR's compensation nor paid to the Public Employees Retirement System of Ohio and in accordance with provisions of Ohio Administrative Code Section 145-1-42 (B) (2). As a personal service contract, the duties are personal to CONSTRUCTION SUPERVISOR and may not be assigned by him/her to any other person with the written consent of the Gallia County Board of Commissioners

Section 6. MISCELLANEOUS This AGREEMENT represents the entire understanding between the parties. No amendment or modification shall be effective unless in writing signed by both parties. Any notices provided for herein shall be served in person or by mail.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT on the date first above written.

BY: s/Howard J. Foster
President, Gallia County Board of Commissioners
s/Paul Hutchins
s/ WITNESS

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

EXECUTIVE SESSION – PERSONNEL

At 9:36 a.m. the President entertained a motion to enter into executive session to discuss a personnel issue regarding employee accrual balances. Lois Snyder made and Justin Fallon seconded the motion. Roll call: Mr. Foster, yea; Mr. Fallon, yea; Ms Snyder, yea. Returned to regular session at 9:38 a.m.; no action taken.

RESIDENTS of SHADYBROOK AKA BUCK RIDGE ROAD

The following residents of Shadybrook aka Buck Ridge Road was present: Jessie Payne, NAACP; Mary Armstrong, NAACP; Edward Buffington, Pastor; Resident Joe Peck; Tribune Reporter Amber Gillenwater.

They wanted to know why the petitioners wanted the road name changed. President Foster explained the intention of the new name of the road as described by the petitioners. Ms. Armstrong stated that she had lived there all her life and was ask a couple of months ago how she felt about changing the name and told them she was not in favor of this. Their church is also on this road and is one of the oldest churches and they do not want to change the road name. The first black school was also located on this road on the Carter property.

Mr. Peck stated that when it was gravel and the Carter's lived at the foot of the hill they had no problem with the name of the road. When they started building the big fancy houses, they wanted the name of the road changed.

Ms. Payne wanted to know what the process was for changing a road name. President Foster explained the ORC code for such. Copies of the petition and code were distributed to those present. Foster explained the process for them to obtain a petition to change a road name. Those present indicated they would pursue such a petition.

PUBLIC HEARING - 2011 TAX BUDGET

The time being 10:30 AM as advertised, the Commission held the public hearing for the 2011 Alternative Tax Budget. Karen Sprague, Co. Administrator, presented information on the 2011 Alternative Tax Budget as follows:

- 2011 Alternative Tax Budget was submitted to County Auditor's Office on 9/30/2010
- Published advertisement on 9/10/2010 that 2011 Alternative Tax Budget open for inspection in the Auditor's Office on 10/1/2011
- Published advertisement on 9/10/2010 regarding 2011 Alternative Tax Budget Public Hearing on 10/7/2010
- Reviewed the County General Fund Actual and Estimated receipts and expenditures for years 2009, 2010 and 2011 as follows:
 - FY 2009 – actual receipts = \$8,218,766.61 + carryover of \$1,481,153.69 = \$9,699,920.30
 - FY 2009 – actual expenditures = \$8,601,736.66
 - FY 2009 – actual year-end balance = \$1,098,183.64
 - FY 2009 – actual encumbrances = \$97,057.17
 - FY 2010 – actual & estimated receipts = \$8,484,320.68 + carryover of \$1,098,183.64 = \$9,582,504.32
 - FY 2010 – actual & estimated expenditures = \$8,518,413.24
 - FY 2010 – estimated year-end balance = \$1,064,091.08
 - FY 2010 – estimated encumbrances = \$90,000.00
 - FY 2011 – estimated receipts = \$8,478,300.00 + carryover of \$1,064,091.08 = \$9,542,391.08
 - FY 2011 – estimated expenditures = \$8,972,462.11 (NOTE: based on dept. budget requests – cuts will be made to these before the 2010 annual appropriation resolution is approved)
 - FY 2011 – estimated year-end balance = \$569,928.97 (See Note above)

- FY 2011 – estimated encumbrances = \$0.00
- Commission must review entire alternative tax budget and make any changes they feel are necessary
- Commission must adopt alternative tax budget on or before 10/15/2011
 - Commission must submit the adopted 2011 Alternative Tax Budget to the Auditor's Office on or before 10/15/2011

Commission noted they have already reviewed the FY 2011 Alternative Tax Budget and they will make cuts to the County General Fund departmental requests so that the FY 2011 appropriations will be based on estimated receipts, not including the carryover. Ms. Sprague stated that it has been the policy of the Commission to not use carryover dollars for fixed costs. Carryover dollars are only to be used for one-time costs such as emergencies, one-time purchases or infrastructure upgrades. Commission stated they would be adjusting the budget requests so that FY 2011 appropriations will be based on FY 2011 anticipated revenue only, which means a reduction of the departmental requests by approximately \$500,000.

All other funds included in the FY 2011 Alternative Tax Budget were reviewed with the Commission and it was noted that a few of them will need to be reduced before FY 2011 appropriations are approved in order to remain within anticipated revenue and carryover.

Mr. Foster noted the Commission has already reviewed the FY 2011 Alternative Tax Budget and that since Ms. Sprague will be absent for the next meeting he would entertain a motion to approve it as presented. Lois Snyder moved and Justin Fallon seconded that motion. Roll call votes: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea.

AIRPORT – AEP EASEMENT & RIGHT OF WAY APPROVAL

The County Administrator presented the Commission with an easement & right of way for approval from AEP needed for the install of overhead facilities for new service to the new airport hangars. Mr. Foster entertained a motion to approve the easement and right of way documents as presented. Lois Snyder moved and Justin Fallon seconded the motion. Roll call votes: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea. Note: the cost for installation is \$2,820.82.

FAA 4th QUARTER REPORT GALLIA-MEIGS REGIONAL AIRPORT PROJECTS

Commission President Joe Foster entertained a motion to approve the FAA 4th 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.

AIRPORT – CONCRETE WORK FOR HANGAR ACCESS

The County Administrator presented the Commission with quotes for hangar access as follows:

- Blair Builders - \$11,910.40 for concrete access at Hangar # 2 (45 x 100 ft)
- Myers Paving - \$14,800.00 for asphalt access at Hangar # 3 (45 x 100 ft)

Per Airport President Bret Little, the airport was not able to obtain any other concrete quotes that were less than the one submitted by Blair Builders. Mr. Foster entertained a motion to approve the quote from Blair Builders as presented. Lois Snyder moved and Justin Fallon seconded the motion. Roll call votes: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea.

SEPTEMBER FINANCIAL REPORT REVIEW

The County Administrator presented the Commission with the September 2010 Financial Reports for comparison with the September 2009 Financial Reports. The following was noted during the review:

- 1/1/2009 beginning cash balance was \$1,481,153.69
- 1/1/2010 beginning cash balance was \$1,093,981.11
- Difference of \$382,970.05
- 9/30/2009 ending cash balance was \$1,606,564.34
- 9/30/2010 ending cash balance was \$1,533,791.75
- Difference of \$72,772.59
- Therefore the General Fund has gained \$310,197.46 in cash balance since 1/1/2010
- This is up from the August review as the general fund has gained \$154,409.89

No action taken.

BID OPENING – VAN ZANT BOX CULVERT

At 11:00 a.m. President Joe Foster opened the following bids for the County Engineer Van Zant Box Culvert:

Company	Total Bid
Scioto Valley Precast Co., Chillicothe OH	\$ 31,269.00

Present for the bid opening was Assistant County Engineer Jennifer Brown and Tribune Reporter Amber Gillenwater. The bid was turned over to Assistant County Engineer Jennifer Brown for review and recommendation.

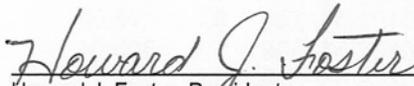
EXECUTIVE SESSION - LEGAL CRIMINAL DEFENSE LAWYERS – 2011 CONTRACT DISCUSSIONS

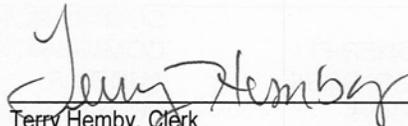
At 11:37 a.m. the President entertained a motion to enter into executive session with Prosecutor Jeff Adkins, Judges Dean Evans, Margaret Evans, Tommy Moulton, Attorneys Bill Conley and Bill Medley; Deputy Auditor Rosalie Casey and Greg Shrader of the Probate Juvenile Court to discuss a personnel issue. Lois Snyder made and Justin Fallon seconded the motion. Roll call: Mr. Foster, yea; Mr. Fallon, yea; Ms Snyder, yea. Returned to regular session at 12:20 pm; no action taken.

* 12:22 p.m. The Commissioners left the office to attend tours of several local businesses as well as the airport hangar project and grand opening of the Veterans Clinic with Congressman Charlie Wilson.

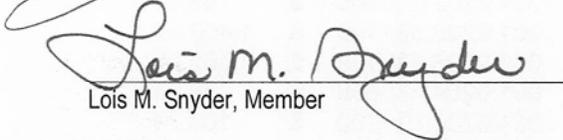
ADJOURN

At 5:25 p.m. President Foster entertained a motion for adjournment. Justin Fallon made and Lois Snyder seconded the motion. Roll call: Mr. Foster, yea; Mr. Fallon, yea; Ms. Snyder, yea.


Howard J. Foster, President


Terry Hemby, Clerk


Justin L. Fallon, Vice-President


Lois M. Snyder, Member