

**MARCH 22, 2012**

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

President Montgomery entertained a motion for approval of the March 15, 2012 minutes. Joe Foster made and Lois Snyder seconded the motion; Roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

TRAVEL REQUESTS				
DEPARTMENT	NAME	DATE	TO	RE:
EMS	Larry Boyer	4/18	Athens	Pipeline Safety Meeting
Commissioners	Karen Sprague	4/18	Columbus	Community Development Training
	Lois Snyder	3/27	Piketon	OVR&D
	Harold Montgomery Joe Foster Lois Snyder	3/29	Georgetown	OVRDC

President Montgomery entertained a motion to approve travel requests as submitted. Joe Foster made and Lois Snyder seconded the motion; Roll call: Mr. Montgomery, 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
3/19	24	0	1	1	0	13	0	15	57	58

**KA SEWER – SURETY AGREEMENT – COUNTY ROAD DAMAGE**

The County Administrator presented the Commission with a draft letter of agreement between the County Commissioners and the County Engineer with regard to settling a claim with the KA Sewer Surety Company over road damage incurred by Trimat Construction during the installation of the KA Sewer. Joe Foster moved and Lois Snyder seconded a motion to allow Commission President Harold Montgomery to sign the agreement after the assent and signature of the County Engineer. Upon roll call votes were as follows: Harold Montgomery, yea; Joe Foster, yea; Lois Snyder, yea.

*Brett A. Boothe, P.E., P.S.*  
Gallia County Engineer  
1167 State Route 160  
Gallipolis, Ohio 45631

Re: *Kanauga & Addison Sanitary Sewer Improvements*  
*Repair of Road Damage Caused by Trimat Construction*  
*Revision/Clarification of Commissioners' October 19, 2011 Letter*

Dear Brett:

*The Gallia County Commissioners understand that your office has refined its estimate of the cost to repair Addison Pike and Georges Creek Road from damage caused by Trimat Construction during construction of the Kanauga & Addison Sanitary Sewer project, to \$175,522. The Commissioners understand further that you have obtained or will obtain an OPWC grant for the 59% of the cost of the repairs, a grant that includes a 41% local share, or \$71,964.*

*The Commissioners are willing to accept from Trimat's surety the amount of \$71,964, as a final settlement and complete release of all of the County's road damage claims to-date with respect to the sewer project. The Commissioners will earmark that amount for your office to satisfy the 41% local share of the OPWC grant for completing roadway repairs.*

*Please indicate your agreement with this approach by signing below, and return a copy to me, or through a separate response.*

*Respectfully submitted,*

*Harold G. Montgomery, President,*  
*Gallia County Board of Commissioners*  
**AGREED.**

*s/Brett A. Boothe, P.E., P.S.*  
*Gallia County Engineer*

**USDA APPROVAL OF BP SEWER 2011 ANNUAL REPORT & 2012 OPERATING BUDGET**

The County Administrator presented the Commission with a letter from USDA approving the BP Sewer 2011 Annual Report and the 2012 Operating Budget.

**COUNTY POLICY – BILLING FOR NON-UTILIZED SEWER TAPS**

The County Administrator presented the Commission with a draft county policy for handling requests from sewer customers to disconnect from sewer systems when one of the following conditions is met:

- Structure is dilapidated beyond repair, not inhabited and is not connected to water service.
- Structure is being utilized for storage only, is not inhabited and is not connected to water service.
- Structure has been torn down or razed and the property is vacant.

Commission reviewed and discussed the draft policy and requested some changes be made before final approval. No action taken.

**KANAUGA/ADDISON SEWER – UNITED SURVEY REQUEST FOR CHANGE ORDER # 1**

County Administrator Karen Sprague presented the Commission with a change order request in the amount of \$4,170.00 from United Survey, Inc. for their company's part of the Kanauga-Addison Sewer Project. The change order description of work reads:

*Due to circumstances beyond our control we have not been able to complete the Cured-In-Place Pipe Lining for the Tara Estates Sewer Rehabilitation Project. We are able and willing to complete this contract; however since we will have to make an additional mobilization and de-mobilization that was not included in our initial bid we are requesting additional compensation.*

Ms. Sprague noted this change order is due to Trimat not finishing the project in a timely fashion, because the final part of the sewer lining project cannot be completed until Tara Estates Subdivision is connected to the KA sewer system and lift station # 4 is not finished as well as the final section of sewer line to Tara Estates is not finished, which must be completed in order for the connection to occur. Harold Montgomery entertained a motion to approve change order # 1 for United Survey as submitted. Lois Snyder moved and Joe Foster seconded the motion. Upon roll call votes were as follows: Harold Montgomery, yea; Joe Foster, yea; Lois Snyder, yea.

**MERCERVILLE SEWER – B-R-09-1AY-1 GRANT AMENDMENT APPROVAL**

County Administrator Karen Sprague presented the Commission with a grant amendment form from ODOD for approval and signing, noting ODOD has approved the County's request to amend the grant as follows:

- Activity # 1 – Increase activity budget from \$450,000 to \$492,953
- Activity # 3 – Decrease activity budget from \$50,000 to \$7,047

Ms. Sprague further noted the following transfer of funds will need to be approved to move the grant dollars from one activity to the other in the County Auditor's Office:

- Transfer \$42,953 from 179.0179.531101 to 179.0179.531100

Harold Montgomery entertained a motion to approve the grant amendment form and the transfer of funds. Joe Foster moved and Lois Snyder seconded the motion. Upon roll call votes were as follows: Harold Montgomery, yea; Joe Foster, yea; Lois Snyder, yea.

**RELEASE OF REAL ESTATE MORTGAGE  
GALLIA COUNTY CHIP PROGRAM (B-C-05-025-1)**

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. The Prosecuting Attorney prepared the Release of Real Estate Mortgage forms. Mr. Montgomery entertained a motion that the Release of Real Estate Mortgage for the following persons be approved and signed as presented:

- Kenneth & Lori Owens

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

Release of real estate mortgage form was signed by Harold G. Montgomery, as President of the Commission, and is on file in the County's CHIP files.

**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 real estate mortgage executed by KENNETH AND LORI OWENS, husband and wife to the above named County of Gallia, Office of Gallia County Commissioners, dated March 20, 2007 and recorded in Volume 455, Page 301 of the Mortgage Records of Gallia County, Ohio.

IN WITNESS WHEREOF, the above named County of Gallia, Office of Gallia County Commissioners, has hereunto subscribed its name and seal this 22<sup>nd</sup> day of March, 2012.

WITNESSES:

COUNTY OF GALLIA, OFFICE  
GALLIA COUNTY COMMISSIONERS  
*Sl Harold G. Montgomery*, PRESIDENT

*Sl Karen Sprague*

*Sl Terry Homby*

STATE OF OHIO, GALLIA COUNTY, SS:

Before me, a Notary Public in and for said County and State, personally appeared Harold G. Montgomery, 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

*Sl Connie Johnson*  
NOTARY PUBLIC

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

**CONTRACT FOR HOUSING PRISONERS**

Sheriff Joe Browning presented the Middleport Jail Contract for approval:

**CONTRACT FOR HOUSING PRISONERS  
Middleport Jail**

**WHEREAS**, this contract is made this 22nd day of March, 2012 by and between the Village of Middleport, Middleport Ohio.

**WHEREAS**, Gallia County Sheriff wants to confine prisoners in the Middleport Jail, such prisoners have been charged with misdemeanors and felonies awaiting trial.

**WHEREAS**, this agreement is intended to set forth the rights, duties, responsibilities, and obligations of the Village of Middleport and Gallia County Sheriff for the term hereinafter set forth.

**WITNESSETH:**

In consideration of the mutual covenants herein made each of the parties agree as follows:

1. The Middleport Police Department shall receive, keep, board and safely maintain in the Middleport Jail on behalf of Gallia County Sheriff the following persons:
  - a. All persons arrested by Gallia County Sheriff for violations of state criminal statues until such persons have had an initial appearance before a judge, after which such persons shall be deemed to be in the custody of the Middleport Jail for purpose of compensation under this contract.
  - b. All persons arrested for violation of Ohio Revised Code from arrest through termination of any jail sentence imposed for that violation except as provided in paragraph 4 thought 9 below.
  - c. Persons incarcerated pursuant to subparagraphs a. and b. above shall be designated as Gallia County Sheriff prisoners in this contract.
2. Gallia County Sheriff shall pay to Middleport the sum of Sixty dollars (\$60.00) per day for each person incarcerated in the Middleport Jail under paragraphs 1.a, 1.b., and 1.c. For purpose of determining the compensation to be paid, each part of any calendar day; a person incarcerated up to Eight (8) hours shall be paid for at the rate of one-half of the one day's fee; each part of a calendar day over Eight (8) hours shall be paid at the rate for a full day.
3. Gallia County Sheriff prisoners confined in the Middleport Jail shall be subject to the rules and regulations of the jail, which apply to all prisoners therein.
4. The Middleport Jail may reject or refuse to receive any prisoners who may be afflicted with a prior medical problem with any contagious, infectious or venereal disease, mental illness, or injury that has not been treated prior to entry into the Middleport Jail, or having received any prisoner so affected without knowledge thereof, upon discovery of such condition in any prisoner thereafter.
  - a. The Middleport Jail may refuse to keep such prisoners thereafter following notice to Gallia County Sheriff and following receipt of such notice Gallia County Sheriff agrees to receive back such affected prisoner.
  - b. The Jail Administrator may refuse to receive any prisoner based upon current jail population, internal security conditions of the jail, or any other reasons that the Jail Administrator deems pertinent at the time.
5. Gallia County Sheriff agrees to pay for any and all medical, surgical, dental, or ophthalmology expenses incurred on behalf of a Gallia County Sheriff prisoner including doctor's fees, hospital charges, and prescription costs.
6. Gallia County Sheriff shall transport and provide security anytime a Gallia County Sheriff prisoner must leave the Middleport Jail for any reason, unless a court orders that no transportation or security is needed.
7. Gallia County Sheriff shall bear the expense of the burial of a Gallia County Sheriff prisoner who dies in the Middleport Jail, if the body is not claimed for interment at the expense of friends or relatives.
8. No person under eighteen years of age shall be received by Middleport Jail.
9. The Middleport Jail shall provide an itemized statement of the amount due each month for housing Gallia County Sheriff prisoners. Payment shall be made by Gallia County Sheriff to the Middleport Police Department, 659 Pearl Street, Middleport Ohio 45760 within thirty days of the date of the statement. The Middleport Jail may refuse to accept Gallia County Sheriff prisoners if timely payment is not made.
10. Gallia County Sheriff agrees that during the period of time this contract covers, it will abide and be governed by any and all rules and regulations which now are, or at any time in the future may be in force at the Middleport Jail.
11. This agreement may be terminated by either party during its term, by giving the other party ninety (90) days written notice.
12. Anytime Gallia County Sheriff arrests an individual for domestic violence, violations of a temporary protection order or a civil protection order or menacing threats by stalking, and victim does not have a phone number; Gallia County Sheriff will be responsible for attempting to make notification to the victim the offender's being released from the Middleport Jail.
13. This agreement shall be effective as of March 1, 2012 and terminate Dec. 31, 2012.
14. All former contracts and /or agreements between the parties hereto relative to the subject matter of this contract are hereby canceled and terminated.

This Agreement entered into on behalf of the Gallia County Sheriff pursuant to Resolution passed March 22<sup>nd</sup>, 2012.

Any alteration of contract shall result in the contract being null and void.

**IN WITNESS WHEREOF**, the parties hereto, by their respective duly authorized officers, none hereto caused their names be transcribed on the day first written above.

Gallia County Sheriff

*s/ Joe Browning, Sheriff*

*s/ Eric Mulford*

*s/ Harold G. Montgomery, President*

*s/ Howard J. Foster, Vice President*

*s/ Lois M. Snyder, Commissioner*

**Village of Middleport/ Middleport Police Department**

Micheal Gerlach, Mayor

Sue Baker, Clerk

Rae Moore, Council President

Bruce Swift, Chief of Police

Approved as to Form

Lt. Mony Wood, Jail Administrator

Village Solicitor

The President entertained a motion to approve the agreement as recommended by the Sheriff. Joe Foster made and Lois Snyder seconded the motion; Roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

**FUEL BID OPENING**

At 11:00 a.m., the President opening the following bid:

- Burtile Petroleum, Gallipolis, OH +\$.15 over average rack price

It was duly noted that this was a definite increase however, with no other bids being submitted, it was turned over to the County Engineer for review and recommendation.

**11:10 a.m. – Commissioner Foster left the meeting for an outside appointment.**

**ODOT UPDATE**

Mark Kirkhart, ODOT District 10 met to update the Commission regarding the Indian carvings that were uncovered on the State Rte 160 construction site. He reported that an archeological expert had been onsite and reported that it was "interesting but not eligible" and the construction had resumed. He advised the rock will be removed as gently as possible and will attempt to bring it out in one piece so those that are interested can move it where they desire.

Kirkhart also requested an update on the Kanauga-Addison Sewer Project which involves the ODOT Roadside Rest Area on State Rte 7 North. The Commission advised they had entered into a takeover agreement with the bonding company and who is in the process of hiring contractors to finish the work. The objective of the surety company is to get it operational as soon as possible, but we have no timeline yet; they just started this past Monday. The Commissioners assured Kirkhart that Marietta's punch list was being addressed. The main focus is getting it up and running as quickly as possible; ODOT will be kept informed of the progress.

#### EXECUTIVE SESSION - LEGAL

At 11:49 a.m. the President entertained a motion to enter into executive session with Auditor Larry Betz and Prosecutor Jeff Adkins to discuss a legal issue. Lois Snyder made and Harold Montgomery seconded the motion; Roll call: Mr. Montgomery, yea; Mr. Foster, absent; Ms. Snyder, yea. Assistant Engineer Jennifer Brown joined the session at 12:04 p.m. Returned to regular session at 12:10 p.m.; no action taken.

#### HOLZER BOND SIGNING

Peck Shaffer representative Diana Silveira presented the execution copies of documents with respect to the following financing requiring the signatures of the County Commissioners:

County of Gallia, Ohio, \$155,315,000 Hospital Facilities Revenue Refunding and Improvement Bonds, Series 2012, (Holzer Health System Obligated Group Project) consisting of: \$122,000,000 County of Gallia, Ohio Hospital Facilities Revenue Refunding and Improvement Bonds, Series 2012A and \$33,315,000 County of Gallia, Ohio Subordinate Hospital Facilities Revenue Bonds, Series 2012 B.

All copies were signed as presented. The resolution and adoption was approved February 16, 2012, Volume 46, Page 357 of the Commissioners Journal.

#### EMS DIRECTOR UPDATE

EMS Director Larry Boyer met to update the Commissioners of the following activities with his agency:

- Scheduling is going well and they have 5 new applicants for part time positions.
- Use of county vehicles.
- Nursing home contacts
- Maintenance MOU with City School Board

Commissioners requested the following:

- Prepare draft letter to schools, fair boards and etc that utilize ambulances for special events.
- Compile an inventory list of equipment distributed to outside agencies/organizations.
- Find ownership of the vending machine in front of old EMS building.

#### ADJOURN

At 3:15 p.m. President Montgomery entertained a motion for adjournment. Joe Foster made and Lois Snyder seconded the motion; Roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

absent for signature  
Harold G. Montgomery, President

Howard J. Foster  
Howard J. Foster, Vice President

Lois M. Snyder  
Lois M. Snyder, Commissioner

Terry Hemby  
Terry Hemby, Clerk