

Gallia County Planning Commission Minutes

January 10, 2011

The Gallia County Planning Commission met on Monday, January 10, 2011, with the following members in attendance: Bob Condee, Tom Meadows, Paul Shoemaker, Barbara Bradley, Craig Barnes, Paul Hutchins, Melissa Clark, County Engineer Brett Boothe, County Commission Joe Foster. Guests attending: Nick Mills, Floodplain Administrator, Linda Sager, John Sager, Seth Montgomery,

Chairman Paul Shoemaker brought the meeting to order and established a quorum. The minutes were approved as submitted with a motion by Brett Boothe seconded by Bob Condee and all members voting yea.

Business discussed:

Election of Officers

The motion to nominate Paul Shoemaker as Chairman was made by Tom Meadows; second by Craig Barnes. All members voting yea.

The motion to nominate Craig Barnes as Vice Chairman was made by Paul Shoemaker; second by Joe Foster. All members voting yea.

The motion to nominate Melissa Clark as Secretary was made by Craig Barnes; second by Bob Condee. All members voting yea.

George Sheets – 50' & 30' Easements

Mr. Sheets was present to request variance of Section 302.1 for 50' & 30' Easements.

- **30' Easement** – Craig Barnes voiced concerned regarding the angle of inception/ lack of radius of 30' easement. Meadows moved to accept proposed 30' Easement as long as no additional users; second by Barbara Bradley. Members voting as follows:
Craig Barnes nay Paul Hutchins yea
Bob Condee yea Paul Shoemaker yea
Melissa Clark yea Barb Bradley yea
Tom Meadows yea
County Engineer Brett Boothe yea
County Commissioner Joe Foster – yea
- **50' Easement** – Tom Meadows moved to approve easement with signed maintenance agreement; second by Barbara Bradley. All members voting yea.

Oak Ridge Drive – Prosecutor’s Opinion

Meeting attendees were provided with an Opinion from the Gallia County Prosecutor’s Office. In his opinion, Assistant Prosecuting Attorney Pat Story cited Ohio Rev. Code 5591.36 and Ohio Rev. Code 55.91.37, stating *“Assuming, as is reasonable, that the County Engineer’s disinclination to approve the Oak Ridge Drive bridge stems from his conclusion that the bridges does not comply with Rev. Code 5591.36, the consequences of approval or acceptance of the bridge as a public road are relatively straightforward – the county is likely to be liable for its negligent compliance with Rev. Code 5591.36, if that noncompliance is the proximate cause of an injury to a bridge user... Consequently, the Board of Commissioners would appear to be bringing the County within the provisions of Rev. Code 5591.337 and subjecting it to potential liability should it fail to comply with Rev. Code 5591.36 in approving the non-complying bridge”*.

After review of the Asst. Prosecutor’s Opinion, Tom Meadows questioned what is the easiest way to bring bridge up to code to which County Engineer Brett Boothe replied would be to install the guard rail. John Sager reiterated that the then (2006) County Engineer, Planning Commission, and Township Trustees granted a variance to the brick wall and he (Mr. Sager) has made efforts to correct all other issues cited by Brett Boothe. County Commissioner Joe Foster acknowledged the brick was approved for variance in 2006, but after reviewing the opinion of the Assistant Prosecutor and Ohio Revised Code, he was personally not comfortable rejecting the opinion of County Engineer Boothe and the County Prosecutor’s office and putting the County in a liability situation.

Craig Barnes, inquired to the County Engineer about accepting a one-lane bridge with advance postings. Brett Boothe agreed to look into the suggested option, but doubted the option would be allowed. Tom Meadows stated that the Planning Commission needed to go back to the Prosecutor and fully explain who was involved in the original decision to approve the variance request of the brick wall in 2006. Joe Foster suggested the Prosecutor should be present at next meeting. Barbara Bradley moved to table the issue until the Gallia County Prosecutor could be present to discuss with the Planning Commission; second by Brett Boothe. Members voting as follows:

Craig Barnes abstain	Paul Hutchins yea
Bob Condee yea	Paul Shoemaker yea
Melissa Clark yea	Barb Bradley yea
Tom Meadows yea	
County Engineer Brett Boothe yea	
County Commissioner Joe Foster – yea	

Tom Meadows also asked that the following question be posed to the Prosecutor’s Office for consideration:

Q. 1 If the variance was approved by the County Engineer at the time of request and all interested parties, including the Prosecutor, were present with no objection, can revoke-

ing the previously granted variance be considered placing a hardship on the developer after the fact?

4:50pm Application for Variance & Requirements Proposal

Application for Variance & Requirements Proposal

Melissa Clark presented a revised Application for Variance. The new Variance Application would require the completed application and all necessary attachments be provided one week prior to next scheduled meeting in order to receive agenda appointment. Joe Foster moved to approve revised Application for Variance; second by Barbara Bradley. All members voting yea.

With no further business to discuss the meeting Barbara Bradley moved to adjourn the meeting; second by Joe Foster. Meeting adjourned at 5:17 pm.