

SEPTEMBER 1, 2011

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 Lois M. Snyder. Roll Call: Lois M. Snyder, present; Vice President Mr. Howard J. "Joe" Foster, present; Member Harold G. Montgomery, present.

President Snyder entertained a motion for approval of the August 25, 2011 minutes. Harold Montgomery made and Joe Foster seconded the motion; Roll call: Ms. Snyder, yea; Mr. Foster, yea; Mr. Montgomery, yea.

TRAVEL REQUESTS				
DEPARTMENT	NAME	DATE	TO	RE:
EMA	Mike Null	9/8	Columbus	Director Fall Conference
	Mike Null Jill Austin	10/17-10/18	Jackson OH	Event Security Planning for Public Safety Professionals
Recorder	Roger Walker	9/27	Dublin OH	Continuing Education Class
		9/29	Delaware OH	OCRRM Meeting
Commissioners	Lois Snyder Joe Foster Harold Montgomery	9/8	Wellston	Solid Waste Meeting
	Karen Sprague	11/2 - 11/3	Cambridge	ODOD 2011 Housing Conference
	Joe Foster Harold Montgomery	9/9	Columbus	CCAP Meeting
Economic Development	Melissa Clark Jacob Bodimer	9/8	Chillicothe	Jobs Ohio Rollout Event
		9/30	Columbus	Connect Ohio Tech Meeting
		9/9	Wellston	Coal Hearing

President Snyder entertained a motion to approve travel requests as submitted. Joe Foster made and Harold Montgomery seconded the motion. Roll call: Ms. Snyder, yea; Mr. Foster, yea; Mr. Montgomery, 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
8/29	22	1	1	3	0	3	8	8	105	101

2012 SOLID WASTE FACILITY LICENSE APPLICATION
GALLIA COUNTY LANDFILL

Commission President Lois Snyder entertained a motion to approve the 2012 Solid Waste Facility License Application for the Gallia County Landfill. Joe Foster moved and Harold Montgomery seconded this motion. Upon roll call votes were as follows: Lois Snyder, yea; Joe Foster, yea; Harold Montgomery, yea.

LEAVE DONATION APPLICATION

Commissioners received the following leave donation application:

Department	Donating Employee	Receiving Employee	Hours Donated	Pay Period
Sheriff	Catherine Hardyman	Sheila Northup	25	9/9/11
	Joshua E. Perry	Kimberly Blackburn	40	9/9/11

The President entertained a motion to approve the leave donation application as requested. Harold Montgomery made and Joe Foster seconded the motion; Roll call: Ms. Snyder, yea; Mr. Foster, yea; Mr. Montgomery, yea.

OPWC FUNDS – 2nd REQUEST

The County Engineer submitted for signature a 2nd request for disbursement of OPWC funds for the sole and express purpose of financing the capital improvement project named Williams Hollow Slips Repair, CU37N. Joe Foster made and Harold Montgomery seconded the motion to sign the disbursement as recommended by the County Engineer. Roll call: Ms. Snyder, yea; Mr. Foster, yea; Mr. Montgomery, yea.

EXECUTIVE SESSION – AUDITOR

At 9:40 a.m. the President entertained a motion to enter into executive session with Auditor Larry Betz and County Administrator Karen Sprague to discuss a contract issue. Joe Foster made and Harold Montgomery seconded the motion. Roll call: Ms. Snyder, yea; Mr. Foster, yea; Mr. Montgomery, yea. Returned to regular session at 9:54 a.m.; no action taken.

EXTENSION OFFICE AGENCY UPDATE

Extension Agent Tracy Winters met with the Commissioners to update them on activities in the agency. She also invited the Commissioners to attend the Ohio's State Budget: Challenges & Opportunities for Counties being held in Athens on Sept 12th as there will be an OSU Extension update on the agenda.

Winters hopes to reactivate the Extension Advisory Committee, possible members have been submitted including the Commissioners, no time set yet for meeting. She also advised that the state direction for 2012 funding will be the same as past years.

EXECUTIVE SESSION - DJFS

At 10:05 a.m. the President entertained a motion to enter into executive session with JFS Director Dana Glassburn to discuss contracts. Harold Montgomery made and Joe Foster seconded the motion; Roll call: Ms. Snyder, yea; Mr. Foster, yea; Mr. Montgomery, yea. Returned to regular session at 10:40 a.m.; no action taken.

EMANCIPATION PROCLAMATION

The following were present for the joint Emancipation Celebration Proclamation with the City of Gallipolis: Jessie Payne, Andy Gilmore, Glenn Miller, and Ralph Ganes all members of the Emancipation Celebration Committee and City Commission President Jim Cozza, Tribune Reporter Amber Gillenwater.

Joe Foster made and Harold Montgomery seconded the motion to proclaim the following:

PROCLAMATION

WHEREAS, The Emancipation Proclamation has been celebrated and honored in Gallia County since 1863, and

WHEREAS, it began on September 22, 1863, the first anniversary of President Lincoln's Proclamation of slavery, and has continued consecutively to pay tribute to this historic document, and

WHEREAS, the 148th Annual Emancipation Celebration is scheduled for Saturday, September 17 & Sunday, September 18, 2011, at the Gallia County Fairgrounds.

THEREFORE, BE IT HEREBY RESOLVED, that the Board of Gallia County Commissioners proclaim September 17th & 18th, 2011 as the

2011 Annual Emancipation Celebration Weekend
in Gallia County and lend our full support to the efforts of the Emancipation Celebration Committee.

s/ Lois M. Snyder, President

s/ Howard Joe Foster, Vice-President

s/ Harold Q. Montgomery, Commission Member

Roll call: Ms. Snyder, yea; Mr. Foster, yea; Mr. Montgomery, yea.

BID OPENING – VAN ZANT ROAD RESURFACING

At 11:00 a.m. President Lois Snyder opened the following bid for the County Engineer Project:

Company	Total Bid
The Shelly Company	\$ 104,365.15

The bids were turned over to the Assistant County Engineer for review and recommendation. The following were in attendance: Trevor Small, The Shelly Company, Jennifer Brown, Assistant County Engineer and Tribune Reporter Amber Gillenwater.

BID AWARD – VAN ZANT ROAD RESURFACING

Assistant Engineer Jennifer Brown advised this would be awarded next week after review of the bid documents.

BROADBAND EXPANSION

Jacob & Steve Kline submitted two business plans (1 using the 3 county towers, 1 using the Connect Ohio information water towers and the 3 county towers) to the Commissioners. They have completed initial surveys of the 3 towers and the ConnectOhio percentages of coverage using the water tanks they showed. The plan also includes a breakdown of a 3 yr period grow out of future investments. The first map shows what they can do immediately and the last maps reflect the utilization of the water tanks.

By using the 3 county owned towers and using repeaters from there, they would have good coverage. They could have up to 80% of the county covered by the end of the 3 year period. We currently have about 30% coverage at this time; with the additional towers, this would add 20-25% immediately and adding secondary towers (30 small repeaters) would increase coverage. The smaller repeater towers would be used to pick up valley areas.

Commissioner Montgomery stated that they were in hopes that property owners in high elevations would offer to assist in this effort in unserved areas of the County. Kline agreed that they would need cooperation from high elevation property owners. He stated the cell towers are able to pay near \$1200 a month and some property owners are expecting this as well however, they are only able to offer \$100 to \$300 per month depending on the area of coverage.

Montgomery stated that the Commission is open to discuss what we can do to assist you in this effort and advised that the towers also have generator backup which would be very beneficial to this service as well. He also wanted to confirm that in no way would it interfere with the County's radio communications equipment. Kline confirmed there would be no interference.

Commissioner Foster inquired what the Commission could do to get them on the towers and expedite this process. Kline stated they would need a contract in writing for the 3 towers and then do some additional studies to locate the best areas for the 30 repeaters. Commissioner Snyder will make contact with the 911 Director to get a draft contract prepared.

EXECUTIVE SESSION - LEGAL

At 1:05 p.m. the President entertained a motion to enter into executive session with City Manager Randy Finney, City Solicitor Adam Salisbury, Assistant Prosecutor Pat Story and County Administrator Karen Sprague to discuss a legal issue. Joe Foster made and Harold Montgomery seconded the motion. Roll call: Ms. Snyder, yea; Mr. Foster, yea; Mr. Montgomery, yea. Returned to regular session at 1:20 p.m.; no action taken.

SEWER ACCOUNT BALANCE REMITTED

Commissioners were in receipt of the following correspondence:

Dear Commissioners:

Pursuant to your request I have researched the issue of whether or not Alan Wood, who purchased the real property that was subject to the foreclosure lawsuit of United States of America vs. Teresa Albrecht, Case No. 09 CV 171, in the Gallia County Common Pleas Court, is responsible for paying sewer bills that accumulated after said sewer bills were certified to the county auditor. The grantee, Alan Wood, bought the property according to the entry which stated he would be responsible for and would take title subject to taxes and assessments due, if any, that appear on the tax duplicate after the sale. Mr. Wood paid for said property and those taxes and assessments appearing on the tax duplicate were paid in the amount of \$1,870.19. Since the subsequent sewer bills that accumulated after the sewer bills were certified to the auditor were not included in the foreclosure action, Mr. Wood would as a bona fide purchaser for value with no knowledge of these sewer bills would not be responsible for said bills.

If there are further questions, do not hesitate to contact my office.

Sincerely,

/s/ Jeff Adkins, Prosecuting Attorney

Upon the Prosecutor's recommendation, Harold Montgomery made and Lois Snyder seconded the motion to remit the unpaid delinquency in the amount of \$ 1,870.19 on said sewer account # 181-133*1. Roll call: Ms. Snyder, yea; Mr. Foster, abstained; Mr. Montgomery, yea. *Note above amount includes delinquent real estate taxes. Delinquent sewer amount is \$391.02, see page 160 of journal Th*

EXECUTIVE SESSION - PERSONNEL

At 2:01 p.m. the President entertained a motion to enter into executive session with Information Technology Technician Shawn Huston and Information Technology Director John Grubb to discuss a personnel issue regarding disciplinary action. Joe Foster made and Harold Montgomery seconded the motion. Roll call: Ms. Snyder, yea; Mr. Foster, yea; Mr. Montgomery, yea. Returned to regular session at 2:43 p.m.; no action taken.

A RESOLUTION CONFIRMING AND ADOPTING
THE DISCIPLINARY ACTION OF EMPLOYEE

Commissioner Joe Foster presented the following resolution:

WHEREAS, the Gallia County Board of County Commissioners has been advised of insubordination and poor performance by employee Shawn Huston, IT Technician. This is a position in the unclassified service.

WHEREAS, the Commissioners have investigated and confirmed the facts surrounding the insubordination and poor performance, and

WHEREAS, the Commissioners have met with Shawn Huston and have considered the facts and circumstances surrounding the insubordination and poor performance.

NOW, THEREFORE, BE IT RESOLVED BY THE GALLIA COUNTY BOARD OF COUNTY COMMISSIONERS THAT:

Employee Shawn Huston be terminated from employment with Gallia County effective this date September 1, 2011.

Passed: September 1, 2011

Date Signed: September 1, 2011

Lois M. Snyder, President

Howard J. Foster, Vice President

Harold G. Montgomery, Member

Joe Foster made and Lois Snyder seconded the motion to adopt the following resolution. Roll call: Ms. Snyder, yea; Mr. Foster, yea; Mr. Montgomery, yea.

AFFIDAVIT DISMISSED

President Snyder entertained a motion to dismiss affidavit for Claim/Public Improvements filed pursuant to ORC 1311.26 by Tunneling & Grouting, Plus received by the county on May 25, 2011. Harold Montgomery made and Joe Foster seconded the motion; Roll call: Ms. Snyder, yea; Mr. Foster, yea; Mr. Montgomery, yea.

ADDENDUM TO LEASE

Economic Development Director Melissa Clark submitted the following addendum to the Ohio Valley Trackwork Inc. (OVT) lease agreement for approval:

ADDENDUM TO LEASE AGREEMENT

This Addendum to a contract between the Board of Gallia County Commissioners and Ohio Valley Trackwork Inc. (OVT) is hereby entered into this 1st day of September, 2011.

The original contract executed between the parties on the 28th day of April, 2011 was intended to be the entire agreement between the parties; pursuant to Article 22, it could be modified by a writing signed by the parties.

WHEREBY, the circumstances have changed since the execution of the original contract and the parties hereby enter into this Addendum on the property described as follows:

Situated in the Township of Springfield, County of Gallia and State of Ohio: Being Lot No. 4 of the Dan Evans Industrial Park as described in Plat Book 5, pages 147-151, of the Gallia County Recorder's Plat Records, and altered in Plat Book 6, pages 20-21, Springfield Township, Sections 21 and 27, Gallia County, Ohio.

Subject to all legal easements and leases.

Subject to all restrictive and protective covenants of record in Plat Book 5, pages 147-151, Plat Records of Gallia County, Ohio.

Being a part of the premises conveyed to the Lessor herein by deed of record in Volume 312, Page 337, Deed Records of Gallia County, Ohio.

Parcel I.D. #028-001-703-07.

The Lessee has requested and the Lessor has agreed to complete addition specific building improvements above and beyond what was contemplated in the original contract; as a result of these additional improvements completed at the expense of the Lessors, the monthly lease and administrative fees have increased the total price of the building.

THEREFORE, the parties agree the total building price, monthly payments and administrative fees be changed to reflect the additional expense of the Lessors is as follows:

Price of Building as Spec'd:	\$637,500.00
OVT Requested Change Order #5:	\$106,795.00
OVT Requested Change Order #6	\$ 5,692.00
Total Building Price	\$749,987.00

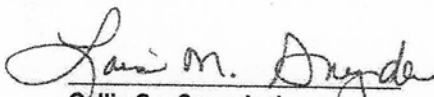
Total Building Price:	\$749,987.00
Total Lease Admin Fee:	\$149,998.40
20 yr (240 mos) Lease & Admin Fee Total	\$899,984.40

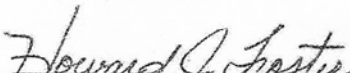
The monthly Lease and Administrative Fee Payments are to be paid to the Gallia County Board of Commissioners on the first day of each month as follows:

Payment #1	Monthly Lease	\$3,123.95
Payment #1	Administrative Fee	\$ 624.79
Payment #1	Monthly Lease & Admin Fee Total	\$3,748.74
Payment #2-240	Monthly Lease	\$3,124.95
Payment #2-240	Administrative Fee	\$ 624.99
Payment #2-240	Monthly Lease & Admin Fee Total	\$3,749.94

SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:

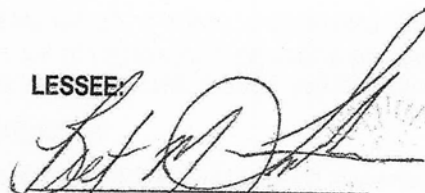
LESSOR:

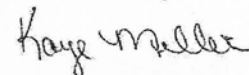

Gallia Co. Commissioner


Gallia Co. Commissioner


Gallia Co. Commissioner

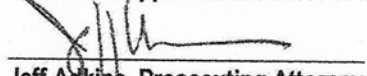
LESSEE:


By Bret Little
Ohio Valley Trackwork, Inc.



KAYE MILLER
Notary Public, State of Ohio
Gallia County
My Commission Expires Feb. 13, 2016

Document Approved to Form and Legal Content


Jeff Adkins, Prosecuting Attorney
Gallia County, Ohio

9/1/11
Date

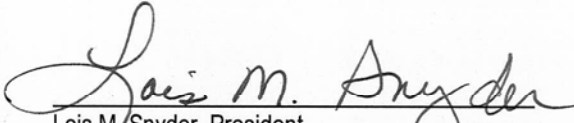
Joe Foster made and Harold Montgomery seconded the motion to approve the addendum as recommended by Economic Development Director Melissa Clark. Roll call: Ms. Snyder, yea; Mr. Foster, yea; Mr. Montgomery, yea.

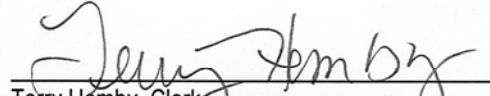
ANNUAL REPORT OF CRIMINAL PROSECUTIONS

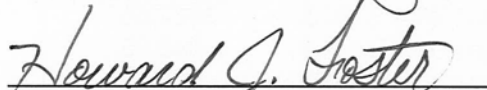
Commissioners were in receipt of the annual report of criminal prosecutions prepared by the Prosecutor for the period September 1, 2010 through September 1, 2011. This report is prepared pursuant to Section 309.16 of the Ohio Revised Code. Report is on file in the Commissioners office.

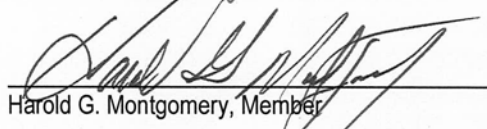
ADJOURN

At 3:49 p.m. President Snyder entertained a motion for adjournment. Joe Foster made and Harold Montgomery seconded the motion; Roll call: Ms. Snyder, yea; Mr. Foster, yea; Mr. Montgomery, yea.


Lois M. Snyder, President


Terry Hemby, Clerk


Howard J. Foster, Vice President


Harold G. Montgomery, Member