

APRIL 14, 2022

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: President Harold G. Montgomery, present; Vice President M. Eugene Greene, present; Commissioner Q. Jay Stapleton, present.

The President entertained a motion for approval of the April 7, 2022 minutes. Q. Jay Stapleton moved and M. Eugene Greene seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

TRAVEL REQUESTS				
DEPARTMENT	NAME	DATE	TO	RE:
Commissioners	Harold G. Montgomery, M. Eugene Greene, & Q. Jay Stapleton	4/14	Wellston, Ohio	GJMV Solid Waste Management Dist. Mtg

The President entertained a motion to approve travel requests as submitted. Q. Jay Stapleton moved and M. Eugene Greene seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

2022 Canine Shelter Weekly Report														
Week Ending	Came in	Adopted	Reclaimed	Euthanized	Out to Rescue	MIA	Died (Natural or unknown Causes)	Destroyed (in field)	Total Out	Remaining at shelter	Out to County Foster	In from County Foster	Died in Foster (Natural or Unknown Causes)	Total in Foster
4/10	7	3	2	0	0	0	0	0	5	25	0	0	0	5

SEWER – WAIVER OF O&M FEES FOR VACANT

Sewer Billing Director Terri Walters met with the commission to discuss a current request for removal of O&M fees, noting the current contract will still need to be completed and signed by property owner. President Montgomery noted the commission may need to revisit the disconnect and recount fees.

AUDITOR – CEBCO

Gallia County Auditor Robbie Jacks and Auditor Accounts Payable Clerk Stephanie Lester met with the commission to discuss an invoice from CEBCO. The President noted the Auditor could pay this invoice from the 105 fund which is intended for insurance payments. No action taken.

GRANT ADMINISTRATOR UPDATE
CDBG RPIG GRANT (B-W-19-1AY-1) 4th STATUS REPORT

GMCAA Grants Administrator Karen Sprague presented the Commission with the 4th Status Report for the period February 1, 2020 thru March 31, 2022 for the County's FY 2019 CDBG Residential Public Infrastructure Grant (B-W-19-1AY-1) which has been submitted to the Ohio Department of Development. The following project/activity were noted:

- Sewer Facility Improvements – Green Sanitary Sewer Phase 2 Project – Grant award \$650,000; Drawn/Expended \$426,812.83
 - Project Local Match:
 - Federal ARC Grant \$250,000; Expended \$0.00
 - OPWC Loan \$650,000; Expended \$313,631.85
 - OWDA Construction Loan \$463,617; Expended \$1,617
 - USDA Loan \$2,500,000; Expended \$1,802,059.83
 - USDA Grant \$3,664,000; Expended \$0.00
- Tap-Ins Household Connections – Green Sewer Sanitary Phase 2 Project – Grant award \$100,000; Drawn/Expended \$0.00
- Total CDBG Grant Award \$750,000; Grant Expended \$426,812.83; Local Match expended \$2,117,308.68

Ms. Sprague advised the status report further notes 15,964 LF of pipe and 26 manholes installed to date. Harold Montgomery entertained a motion that the 4th Status Report be approved as submitted to ODOD. M. Eugene Greene made and Q. Jay Stapleton seconded that motion. Upon roll call votes were as follows: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea. The report is on file in the County's CDBG grant files.

ROAD PETITION
ALLEY IN VILLAGE OF PORTER

County Commission received a public road petition for the following:

The undersigned petitioners, freeholders of said County residing in the vicinity of the proposed improvement hereinafter described, respectfully represent that the public convenience and welfare require the VACATION of

- Alley in Village of Porter

Public Roads on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises for vacating such roads, the same not being a road on the State Highway System.

The following is a general route and termini of said roads:

Alley 1:

Situated in part of an alley between Lots 34 and 42 of the Village of Porter (Plat Book 2 Pg. 26) Lot 42 and part of vacated alleys, Section 24, Township 6, Range 15, Springfield Township, Gallia County, State of Ohio and being more particularly described as follows:

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Beginning at an iron pin found (5/8" rebar with blue plastic caps stamped P.R. HUTCHINS 8515) at a corner common to Lots 41 and 42 of the Village of Porter (Plat Book 2 Pg. 26), said pin being a corner common to Henry and Esther Coblentz (O.R. 666 Pg. 222) and Kim and Sharon Haney (Vol. 353 Pg.284), said pin being on the west right of way line of an unnamed alley, said pin also being the point of beginning of the Parcel herein described:

Thence (bearings are based on the ODOT VRS RTK Network and used to denote angular measurement only) leaving said Kim and Sharon Haney, also being Lot 41 of said Village of Porter, with said Henry and Esther Coblentz and the west right of way of said unnamed alley, also being the east line Lot 42 of said Village of Porter, South 21° 32' 46" East 85.80 feet to a point (from which an iron pin found 5/8" rebar with blue plastic cap stamped P.R. HUTCHINS 8515 bears South 21° 32' 46" East 8.25 feet);

Thence leaving the west right of way line of said unnamed alley and the east line of Lot 41 of said Village of Porter and said Henry and Esther Coblentz, through said unnamed alley North 68° 27' 14" East 16.50 feet to a point, said point being a corner common to said Henry and Esther Coblentz and Lot 34 of said Village of Porter;

Thence with the common line of said Henry and Esther Coblentz, also being the east right of way line of said unnamed alley and the west line of Lot 34, North 21° 32' 46" West 85.80 feet to an iron pin found (with cap stamped P.M.R. 6196), said pin being a corner common to Lucas Tyler Fitch (O.R. 667 Pg. 962), said pin also being the Southwest corner of Lot 33;

Thence leaving said Henry and Esther Coblentz and Lucas Tyler Fitch also being the common corner of Lots 33 and 34 through said unnamed alley South 68° 27' 14" west 16.50 feet to the Point of Beginning containing 0.033 acres more or less, subject to all easement and restrictions.

As a result of this vacation, the following adjacent landowner shall be taxed as follows:

Henry and Esther Coblentz: 0.033 acres in Alley 1

We will advertise a public hearing for two consecutive weeks in local newspaper, hold a road viewing on the 3rd week with local officials and interested parties and then hold a public hearing on the 4th week to give testimony upon the necessity of vacating said alley (s) and whether the prayer of the petitioners should be granted. To be published on these dates: April 15 & April 22, 2022 and will also be located on the Gallia County website www.gallianet.net from April 15 through May 12, 2022.

BOARD OF ELECTIONS

Anette L. Brown, Clerk presented the Commission with the estimated cost of conducting a special election received from the Gallia County Board of Elections on April 11, 2022. The B.O.E. is required to file the cost estimate with the Commissioners and the Secretary of State by April 13, 2022. No action taken.

HOLZER - LETTER OF SUPPORT

Anette L. Brown, Clerk presented the Commission with the following letter of support for the Holzer Emergency Services Redevelopment. The President entertained a motion to approve the letter as presented. Q. Jay Stapleton made and M. Eugene Greene seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

April 14, 2022

The Honorable Sherrod Brown
United States Senate
503 Hart Senate Office Building
Washington, DC 20510

RE: *Congressionally Directed Spending Request – Holzer Emergency Services Redevelopment*

Dear Senator Brown:

As the Gallia County Commissioners, we are responsible for budgeting county tax dollars, serving on boards and committees, as well as other numerous responsibilities representing the fine people of Gallia County, Ohio. We are elected by our community to assist in governance, management and growth for our local and regional area. This letter is being specifically submitted to your office in support of one of our largest community assets, Holzer Health System, a non-profit hospital system that has actively served the local area for more than 100 years. As engaged members of our community, we strongly support Holzer's Emergency Services Support project proposal.

Holzer has been the largest employer and economic engine for our county for decades. They continue to provide exceptional care, training and positive culture for all of Gallia County and many of the surrounding counties in Ohio. The organization is a substantial contributor to our schools, businesses, and the entire community. As medicine continues to evolve, the organization finds it necessary to prepare and plan for a redevelopment of our emergency care services. Holzer is uniquely positioned to develop this project and leverage it for the growth and prosperity of its organization and for the community at large.

The commission understands that Holzer is requesting congressional directed spending for this project. We see Holzer as a staple and great citizen to our community and support these efforts in gaining federal funding to grow, prosper and assist Gallia County with tools and exposure for positive impact in the future.

Thank you for your consideration of this letter and Holzer's Congressionally Directed Spending request. Please contact me at 740-446-4374 or gcboc@gallianet.net with questions.

Sincerely,
/s/ Harold G. Montgomery, President
Gallia County Commissioners

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SHERIFF – AGREEMENT

The Sheriff office submitted the following agreement with Vinton Village to provide police protection. M. Eugene Greene moved and Q. Jay Stapleton seconded the motion to approve as submitted. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

AGREEMENT

This Agreement made and concluded this 14th day of April 2022, by and between the Village of Centerville, Matt Champlin, Gallia County Sheriff and the Gallia County Commissioners.

WHEREAS, there exists a need for police protection for residents of the Village of Centerville, 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 Village of Centerville, in consideration for this police protection, agrees to pay direct to the Sheriff of Gallia County, Ohio, the amount of \$5.00 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".
3. The patrol duties of the designated deputy will be directed by the Gallia County Sheriff's Office. The chain of command described in the Gallia County Sheriff's Office Policies & Procedures manual will be in effect during the term of this Agreement.
4. The Village in consideration for this police protection agrees to pay direct to the designated deputy the sum of Twenty Dollars (\$25.00) per hour from April 1, 2022 through March 31, 2023, plus employer's portion of Unemployment, Medicare, Workers compensation and OPERS.
5. The Sheriff requires that Deputies assigned to this detail submit activity logs, preferably by electronic system, to the Village Council for review.
6. The Village of Centerville will make available to the Gallia County Sheriff's Office the use of the Village owned equipment pertaining to law enforcement for the Village listed as follows: **Any equipment that may be in use at this time.**
7. The Sheriff of Gallia County, Ohio will be entitled to use said equipment so long as he has an agreement with the Village of Centerville for police protection.
8. It is expressly understood by the parties that upon the termination of this agreement, the equipment if still in the possession of the Gallia County Sheriff's Office will be immediately returned to the Village of Centerville, Ohio for its use.
9. The parties agree that the Gallia County Commissioners shall provide liability insurance for the officers providing services pursuant to this Agreement. The Village of Centerville 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.
10. The parties agree that the Gallia County Sheriff's Office will be the exclusive provider of law enforcement services during the time of this contract.
11. This Agreement can be canceled by either party with thirty (30) days written notice.
12. This Agreement shall be effective from April 1, 2022 through March 31, 2023.

IN WITNESS WHEREOF, the parties hereto have, by their duly authorized officers, executed this Agreement on the 14th day of April, 2022.

SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:

s/ Brian Waugh

s/ Anette L. Brown, Clerk

APPROVED AS TO FORM:

s/ Jason D. Holdren, Prosecuting Attorney

GALLIA COUNTY SHERIFF'S OFFICE

s/ Matthew D. Champlin, Sheriff

VILLAGE OF CENTERVILLE

s/ Eugene Layton, Mayor

s/ David Hase, Clerk

GALLIA COUNTY COMMISSIONERS

s/ Harold G. Montgomery, President

s/ M. Eugene Greene, Vice President

s/ Q. Jay Stapleton, Commissioner

EXECUTIVE SESSION – LEGAL - PERSONNEL

At 9:55 a.m. the President entertained a motion to enter into executive session with Prosecutor Jason D. Holdren to discuss a legal matter. Q. Jay Stapleton moved and M. Eugene Greene seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea. At 10:02 a.m. DJFS Director Dana Glassburn was asked to joined the session to consider the employment of a public employee. Returned to regular session at 10:21 a.m.; no action taken.

2022/2023 CORSA RENEWAL

Wiseman Agency representative Nick Roach and CORSA Ali Redmond presented the Commission with the 2022/2023 CORSA invoice for property and casualty Insurance through the joint self-insurance pool and give a detailed description of the invoice, noting the invoice is paid in full. No action taken.

MAINTENANCE – COOLING SYSTEMS

Casto Technical Service Richard Burgroff and County assistant superintendent Josh Skidmore met with the Commissioners to discuss the cooling system on the annex side of the courthouse. The President noted further discussion was needed. No Action taken.

APRIL 14, 2022

SEWER TRUCK - BID OPENING

At 11:00 am. the President opened the following bid for the Gallia County Sewer department service truck (noting received only one bid):

Kaffenbarger Truck	\$89,700.00
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The bid was turned over for the county administrator review and recommendation. The following were in attendance: County Sewer Superintendent Tommy Dillon and Gallipolis City Commissioner President Tony Gallagher.

EXECUTIVE SESSION – SHERIFF – PERSONNEL/CONTACT

At 11:19 a.m. the President entertained a motion to enter into executive session with Sheriff Matthew D. Champlin and Sheriff administrator Heather Casto to consider the employment of public employees and contact. Q. Jay Stapleton moved and M. Eugene Greene seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea. Returned to regular session at 11:54 a.m.; no action taken.

1st QUARTER INVESTMENT ADVISORY COMMITTEE

Gallia County Treasurer, Steve McGhee, Chair of the Investment Committee, presented the 1st quarter 2022 investment report for review. The Investment reports are submitted monthly; with meetings held quarterly. Members present were: Commissioners Harold G. Montgomery, M. Eugene Greene and Q. Jay Stapleton; Clerk of Courts, Noreen Saunders and Steve McGhee, County Treasurer. The Investment Report is on file in the Treasurer's office and in the Commissioner's office for review. Also, in attendance: Gallia County Auditor Robbie Jacks and Gallipolis City Commissioner President Tony Gallagher.

***12:00 pm – Commissioners attended the 911 luncheon to celebrate National Public Safety Telecommunicators Week**

***1:30 pm – Commissioner Q. Jay Stapleton attended the Board of Revision Meeting, rejoining the Commissioners meeting at 1:45 pm**

COOLING SYSTEMS - QUOTE

After discussion, the President entertained a motion to approve the quote to repair the cooling system from Casto Technical Services for \$27,631.33 that includes labor and materials to replace compressor on Jail Chiller. Q. Jay Stapleton moved and M. Eugene Greene seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

DJFS – RESOLUTION

DJFS Director Dana Glassburn presented the following Resolution for approval:

Resolution

The Board of County Commissioners of Gallia County, Ohio, met in regular sessions on the 14th day of April 2022, with the following members present: Harold G. Montgomery, M. Eugene Greene, and Q. Jay Stapleton.

Q. Jay Stapleton moved for passage of the following

Resolution:

RESOLUTION APPROVING DANA GLASSBURN, DIRECTOR OF GALLIA COUNTY JOB AND FAMILY SERVICE TO ACT ON BEHALF OF THE COMMISSIONERS DURING THE FILING OF (AN) APPLICATION(S) WITH THE OHIO DEPARTMENT OF TRANSPORTATION.

WHEREAS, the Director of the Ohio Department of Transportation is authorized to make grants for the US DOT Federal Transit Administration (FTA) funds and the State of Ohio;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program if applicable;

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

NOW, THEREFORE, BE IT RESOLVED BY the Board of Gallia County Commissioners do hereby resolve that:

1. That Dana Glassburn, Director of Gallia County Job and Family Service is authorized on the behalf of the Board of County Commissioners of Gallia County, Ohio
 - a. To execute and file
 - i. Proposals to aid in the financing of capital, operating, and planning assistance projects;
 - ii. Grant agreements with the Ohio Department of Transportation for aid in the financing of capital, operating, and planning assistance projects;
 - iii. An assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964; and
 - iv. Set forth affirmative disadvantage business policies in connection to any procurement made as part of the project
2. Dana Glassburn, Director of Gallia County Department of Job and Family Service is authorized to furnish such additional information as the Ohio Department of Transportation may require in connection with the proposal for the program of projects submitted to the Federal Transit Administration and the State of Ohio.

The foregoing resolution was introduced upon a motion by Board member

Q. Jay Stapleton, and seconded by Board member

M. Eugene Greene and the vote taken thereon resulted in the following:

Votes in favor of the resolution: 3 yeas

Votes opposed to the resolution: n/a

/s/ Harold G. Montgomery, President
/s/ M. Eugene Greene, Vice President
/s/ Q. Jay Stapleton, Commissioner

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EMPLOYEE – DJFS - TERMINATION

Director Dana Glassburn met with the Commission to recommend Terminating Service During Probationary Period of Jennifer Riffle effective immediately. M. Eugene Greene moved and Q. Jay Stapleton seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.

PROSECUTOR - LEGAL OPINION

Assistant Prosecutor Randy Dupree presented the following Legal Opinion:

March 31, 2022

PROSECUTING ATTORNEY LEGAL OPINION

Gallia County Commissioners
18 Locust Street
Gallipolis, OH 45631

Dear Sirs:

You have requested a legal opinion regarding who is responsible for the repair of damage to a storm sewer or drainage system outside of the County road right of way. As I understand it, the failure of a storm sewer or drainage system outside of the County road right of way has created a dangerous situation in the form of a sinkhole.

RC 5535.08 mandates the state, counties and township to maintain their respective road system.

A reading of Attorney General Opinion OAG 81-039, sheds some light on the responsibility of political subdivisions for the maintenance of appurtenances of their respective road systems and what is included in those systems. Culverts, drains and storm sewers abutting the roadway that allow water to drain from the roadway and carry drainage under the roadway are deemed to be part of the roads which they abut and therefore part of the County road system. This makes the County responsible for the repair and maintenance of so situated storm sewer systems by way of their responsibility to maintain the roads themselves.

As to who is responsible within the County for such repairs, RC 5543.01 places the duties of highway construction, improvement, maintenance, and repair in the hands of the County Engineer and RC 5543.19 further expands upon how the Engineer may perform those duties.

If this damaged line was outside of the right of way, not appurtenant to and abutting a roadway then it is likely not part of the County road system and as such, the County Commission or County Engineer would not have the responsibility to repair, replace or maintain the sewer or drain in question.

As to the Engineer, nowhere in ORC Chapter 315, is there a duty placed upon the Engineer to maintain or repair drainage systems except as to those that are part of the road by being appurtenant to and abutting a roadway under the control of the Engineer and used for the for the purpose of keeping the roadway clear.

GALLIA COUNTY PROSECUTOR'S OFFICE, 18 LOCUST STREET, ROOM 1267 GALLIPOLIS, OH 45631-1267

PHONE-740-446-0018 FAX-740-441-2050
prosecutor@gallianet.net

As to the County Commission, it has no duty and is not liable to replace inadequate or damaged ditch tiles or drainage (Attorney General Opinion OAG 58-2775. Upon proper petition and if the Commission finds the benefit to the general public outweighs the public cost, the Commission may be able to cause to have completed the repairs but costs would be required to be allocated to the affected property owners by assessment.

Storm sewers/ drainage installed as part of a platted division that was meant to benefit the lots, even if they also aid in keeping water from the roadway is generally the responsibility of the affected property owner.

Conclusion:

Assuming that the road involved is a County road and if a storm sewer/ drain in question was installed to and acts to allow water to drain from the roadway, the County would be responsible to repair the damage. The party responsible for and in charge of those repairs would be the County Engineer.

A storm sewer drain that is damaged and causing issues that is part of a County installed drainage system and within a County easement but outside of the road right of way, would likely be the responsibility of the County with the responsible party being the County commission.

Storm sewers/ drainage installed as part of a platted division that was meant to benefit the lots, even if they also aid in keeping water from the roadway is generally the responsibility of the affected property owner. This could be the case even within a road right of way. The property owner would be the responsible party to effectuate repairs.

This opinion was made after a review of relevant statutes, precedent and opinions and is based upon a factual basis as relayed by the Commissioners or their representatives and the County Engineer or his representatives.

This opinion on the issue before the County any determination as to responsibility and liability is heavily dependent upon the fact pattern upon which it is based. For what purpose, the location and by whom the line is owned and was installed are relevant and determinative factors. This office cannot be the factfinder in situations such as this.

Please feel free to contact me with any additional information that may affect the conclusion or with any questions or concerns you may have.

Respectfully Yours,

Randy H. Dupree

Assistant Prosecuting Attorney

APRIL 14, 2022

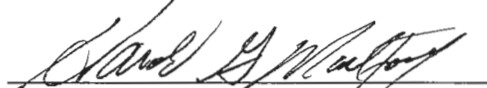
PUBLIC SAFETY

The Commission agreed public safety out way the cost, and the need to the repair or the replacement of a storm drainage system that has created a dangerous situation in the form of a sinkhole in the Green Acres Subdivision near the county road of Le Grande Blvd. in Green township. No action taken


*2:45 pm – Commissioners traveled to Wellston, OH for the GJMV Solid Waste District meeting.

ADJOURN

Q. Jay Stapleton moved to adjourn at 5:00 p.m. and M. Eugene Greene seconded the motion. Roll call: Mr. Montgomery, yea; Mr. Greene, yea; Mr. Stapleton, yea.


Harold G. Montgomery, President


Anette L. Brown, Clerk


M. Eugene Greene, Vice President


Q. Jay Stapleton, Commissioner