

May 3, 2011

The Gallipolis City Commission met in regular session on Tuesday, May 3, 2011, at 7:00 p.m. in the Gallipolis Municipal Courtroom on Olive Street, having complied with Section 9 of the City Charter.

Commission President James Cozza called the meeting to order and gave the invocation.

Upon roll call, the following members were present:

James A. Cozza, President
 James Jay Cremeens, Vice-President
 Lori F. Bailey, Member
 W. Matthew Johnson, Member
 Steven E. Wallis, Member

Others attending were:

Randall J. Finney, City Manager
 Adam R. Salisbury, City Solicitor
 Annette M. Landers, City Auditor/Clerk/Treasurer
 Amber Gillenwater, Gallipolis Daily Tribune
 Ronnie Lynch Tony Gallagher Marvin Vanderberg
 Patrick Leighty Roma Wood Clint Patterson
 Tim Divens Trey Johnson John O'Brien

Commission received the minutes of the April 19, 2011 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

President Cozza invited those present to speak during *Privilege of Floor*. Mr. Patrick Leighty of E. I. Robinson Engineers introduced himself and said that his company was planning to respond for the request for qualifications for engineering work for the WPC upgrades.

President Cozza asked if there was anyone present to receive the resolution for Poppy Day, May 14, 2011. There was no one present.

The City Manager reported on the following:

- Mr. Finney attended U.S. Congressman Bill Johnson's town hall meeting on April 28th. He was able to talk with Congressman Johnson's representative about setting up a meeting in May.
- Spring Cleanup Day on Saturday, April 30th was a success. Two full dumpsters of waste were collected.
- Homeland Security Training – Mr. Finney collected certificates from Mr. Cremeens and Mr. Cozza. The other Commissioners were reminded to complete their on-line training and turn in their certificates.
- Heritage Ohio Seminar- Mr. Finney attended the Heritage Ohio Seminar. He reported that the sessions were not exactly what he expected, but he did receive some valuable information.
- Melissa Clark is interested in helping set up a meeting of people interested in helping stimulate growth in the city and county. She suggested enlisting the aid of Becky Nesbitt from the OSU Extension Office to seek funding for strategic planning. Mr. Johnson and Ms. Bailey volunteered to represent the City Commission on this committee.

- Next week is the deadline for removal of items from the old City Building prior to demolition. After assessing the condition of the furniture remaining in the old building, Mr. Finney would like to donate it to Goodwill rather than try to have an auction. Mr. Cremeens made a motion to declare the furniture as excess and donate it to Goodwill, seconded by Mr. Johnson. Upon voice vote on the motion, all votes were yes.
- AT&T is opening a retail store in downtown Gallipolis, possibly as soon as tomorrow. The manager seems interested in promoting the downtown area.
- The week of May 1st is National Goodwill Week. On Thursday at 11 a.m., there will be an open house with refreshments at their store in the Silver Bridge Plaza. The City will present a proclamation. Commissioners are invited to attend.
- Holzer Hospital is hosting this month's First Friday at Holzer Medical Center. Mr. Cozza is one of the legislators invited to speak.
- At the June 7th regular meeting, Ms. Karen Sprague has requested permission to present her annual fair housing public hearing.
- Work on Hedgewood Drive has been delayed due to the weather. It has not deteriorated as badly as Cemetery Road from the recent rains.
- Concerning slips – The new access road to Mound Hill Cemetery is about one-third of the way up the hill. It will take ten to twelve more days to complete. We have received our first bill from the contractor for more than \$30,000. Mr. Finney has increased his earlier estimate of \$80,000 to \$100,000. The old road is still deteriorating. A drain pipe was installed to allow the road to be widened to skirt the worst section of the slip. This is only to allow emergency access. Mr. Finney showed slides of all of the damage and the work being done. U.S. Bridge has given a quote of \$74,328.50 to repair the 110' slip at the top of the hill near Bob Evans' grave. The slip on Garfield Avenue on Jay Caldwell's property continues to worsen. The Army Corps of Engineers in Huntington referred Mr. Finney's request for assistance to those higher in authority. The verdict is that they cannot help because it is on private property. Mr. Finney is also looking into whether our insurance would cover the damage to our sanitary sewer lines and replacement of our manhole. Our lift station is also in danger should the slip progress further in that direction.

The City Auditor presented two invoices over \$3,000 for approval of payment:

- \$4,700 from Montgomery Trailer Sales for a trailer for the Street Department. Invoice date: 4/8/11; P.O. date: 4/11/11.
- \$5,139.68 from AT&T for telephone service. Invoice date: 3/19/11; P.O. date: 4/5/11.

Mr. Cremeens made a motion to approve payment, seconded by Mr. Johnson. Upon voice vote on the motion, all votes were yes.

Ms. Landers apologized and informed the Commission that she would need to be out of town on the evening of May 17th. Ms. Tate has agreed to attend in her place.

The City Solicitor informed the Commission that he has been working with Income Tax Administrator Ronnie Lynch to prepare seventy-four complaints for City Income Tax violations. These complaints include such violations as not turning in tenant's names, not withholding on employees wages, and not filing personal or business income tax returns. One-third of these complaints have been filed in Municipal Court, with the others soon to follow. Several of the complaints for non-filing go back to 2006. The City stands to collect between \$75,000 and \$100,000 in known tax arrearages. Many of the cases involve numbers that are not yet disclosed. If violators do not pay after being convicted in court (each of these violations is a first degree misdemeanor), their accounts can be turned over to a collection agency. President Cozza praised as "prudent" the cooperative efforts of the City Solicitor and the Tax Administrator in working together to assure compliance. When some do not pay their fair share, the burden unfairly falls on those who do.

Mr. Salisbury reported that he had researched the Commission's question of whether Gallipolis can still be called "City of Gallipolis" or must be called "Village of Gallipolis." He talked to several attorneys, including one with the Secretary of State's office, which is the office that classifies municipalities as villages or cities according to census figures. Everyone that he consulted concurred that it was completely a local decision what to call a municipality. They have cities that use the word "village" in their names and villages that have the word "city." The Commission will leave our name as it is in the Charter, City of Gallipolis.

Mr. Salisbury requested executive session for legal matters, per the agenda.

Mr. Johnson asked the City Manager if he knew whether the County's Emergency Services Director, Mr. Mike Null, was aware of the slips that are occurring in the County. He said that Mr. Caldwell told him that Mr. Null seemed unaware of the problems. Mr. Finney responded that Mr. Null was indeed aware of all of the slips and was looking into seeking disaster funding from FEMA or O-EMA. Mr. Finney plans to contact Mr. Null to see what he has learned.

President Cozza said that Mr. Dave Snyder has contacted him again about the placement of sculptures in town. He is very enthusiastic and has generated some interest already from several other sculptors. Mr. Johnson agreed to talk to Mr. Snyder to identify where they would like to display their work, what they would need the City to do for them, and what they would be willing to supply. The Police Department and the City Solicitor would need to explore any negative impacts to public safety or liability risks.

Mr. Wallis continued the discussion of the proposed changes to the Employee Personnel Policy Manual. He pointed out some typographical errors, which Mr. Finney had already corrected. Mr. Finney said that he had met with the Handbook Committee to inform them of the Commission's discussion at the last meeting of their proposed revisions. They would still like the Commission to consider their request to increase the percent payout on accumulated sick leave. During discussions, Mr. Cozza asked Mr. Finney for his recommendation. He recommended a 40% payout at thirty years service and beyond. Ms. Landers urged the Commission to leave the percentages as they were, reminding Commissioners of their primary duty to provide services to residents, not to further inflate already generous employee payouts, and citing planned cuts to local government revenues on the state level, which will severely impact operations. President Cozza asked Ms. Landers to bring figures of how much such a change would cost for the three employees retiring this year.

There was presented and read to the Commission as an emergency an Ordinance No. O2011-35 entitled **AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH GRACE MYERS EXCAVATING, INC. FOR MOUND HILL CEMETERY ENTRANCE ROAD SLIP REPAIR AND CONSTRUCTION OF TEMPORARY ACCESS ROAD.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Mr. Cremeens. Upon roll call to adopt this ordinance as an emergency, all votes were yes.

There was presented and read to the Commission as an emergency an Ordinance No. O2011-36 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2011-12, AS AMENDED BY ORDINANCE NO. O2011-23, SETTING APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF GALLIPOLIS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2011.** Ms. Bailey made a motion to adopt this ordinance as an emergency, seconded by Mr. Johnson. Mr. Finney pointed out to the Commission that this ordinance includes reductions in some departments to help offset the additional costs at the Cemetery. Upon roll call to adopt this ordinance as an emergency, all votes were yes.

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There was presented and read to the Commission as an emergency an Ordinance No. O2011-37 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2011-13, AS AMENDED BY ORDINANCE NO. O2011-24, AUTHORIZING THE CITY AUDITOR TO TRANSFER OR ADVANCE FUNDS.** Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Cremeens. Ms. Landers told the Commissioners that the transfer from General Fund to the Cemetery Fund would likely be changed later to an advance, depending on whether financing is sought for the project. Upon roll call to adopt this ordinance as an emergency, all votes were yes.

There was presented and read to the Commission as an emergency an Ordinance No. O2011-38 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O88-42, ESTABLISHING CHAPTER 715.05, GARAGE SALES, FEE; CONDITIONS, (B)(C), OF THE CODIFIED ORDINANCES OF THE CITY OF GALLIPOLIS, OHIO.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. Mr. Finney explained the changes in the regulations. Residents will now be allowed up to three yard sales per year, with at least one month between. Sunday sales will be permitted between the hours of noon and 6 p.m. This will not affect road-side commercial sellers, who are covered by a vendor's permit. Upon roll call to adopt this ordinance as an emergency, all votes were yes.

There was presented and read to the Commission for a first reading an Ordinance No. O2011-39 entitled **AN ORDINANCE ACCEPTING AND REJECTING BIDS FOR WATER/SEWER MAINTENANCE SUPPLIES, HYDRANTS AND METERS.** Mr. Cremeens made a motion to suspend the rules and adopt this ordinance on first reading, seconded by Mr. Wallis. Upon roll call to suspend the rules and adopt this ordinance on first reading, all votes were yes.

There was presented and read to the Commission as an emergency an Ordinance No. O2011-40 entitled **AN ORDINANCE DECLARING OFFICIAL INTENT WITH RESPECT TO REIMBURSEMENT OF TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES FOR THE CITY OF GALLIPOLIS, OHIO, TO BE MADE FROM SUBSEQUENT BORROWINGS, AND DECLARING AN EMERGENCY.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. Ms. Landers explained that the purpose behind this ordinance was to preserve the option to seek financing for the projects at Mound Hill Cemetery, should the Commission determine that to be in the best interests of the City. Upon roll call to adopt this ordinance as an emergency, all votes were yes.

There was presented and read to the Commission as an emergency an Ordinance No. O2011-41 entitled **AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH U.S. BRIDGE FOR SLIP REPAIR OF AN ACCESS ROAD ON MOUND HILL.** Ms. Bailey made a motion to adopt this ordinance as an emergency, seconded by Mr. Wallis. Upon roll call to adopt this ordinance as an emergency, all votes were yes.

Mr. Johnson made a motion to enter executive session to discuss legal/property issues as set forth in ORC 121.22(G)(2), seconded by Ms. Bailey. President Cozza announced that there would be no business to follow executive session. Upon roll call to enter executive session, all votes were yes. Upon completion of executive session, Commission returned to regular session. There being no further business to come before the City Commission, the meeting was adjourned.


 Clerk, City Commission


 President, City Commission