

May 4, 2010

The Gallipolis City Commission met in regular session on Tuesday, May 4, 2010, at 7:00 p.m. in the Meeting Room of the Gallipolis Municipal Building, 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 Fellure, Assistant City Solicitor
 Michelle Miller, Gallipolis Daily Tribune
 Ronnie Lynch Fred Holmes Roberta Holzer
 Clint Patterson Susan Grady Randy Breech
 Roma Wood

Commission received the minutes of the April 19 and April 20, 2010 meetings prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

Privilege of Floor was granted to Ms. Roberta Holzer. She was granted permission to read a letter, which she had submitted to the Gallipolis Daily Tribune, but which was rejected due to excessive length. Her letter read as follows:

“In this 100th Year Anniversary of Dr. Charles E. Holzer, Sr.’s establishing his medical dreams in Gallipolis (due to the generosity of town citizens), I wish that he, his wife, or his son (my husband) were here to share dreams that I’m sure each of them would also hold dear.

Our city, the second settlement in Ohio, desperately needs and now has plans for a new municipal building. I’m sure most of us appreciate that need, are willing to help pay for it through our taxes, and believe that our City Commissioners and the contractor are listening to all suggestions for making it fit attractively into Gallipolis’ beauty and needs.

My present plea to the Commissioners is that they consider seriously giving or selling at a reasonable price Davis Hall on First Avenue to the French Art Colony. A small part of Davis Hall is already built on FAC property since the Holzers owned the property to the alley at that time. Davis Hall was built and given to the Holzer Hospital in the early 1950’s by Mr. D.D. Davis of Oak Hill, who had great respect for Holzer nurses and their need for better facilities. He knew of their impressive record in the classes they were sent to Cincinnati to take and of their outstanding grades on State Boards. It was after the early hospital was replaced by the new Jackson Pike facility that the school was moved to Rio Grande and changed from a three to two year program. Davis Hall was sold in 1999 to the city to be used for the Municipal Court. Unfortunately, new building codes made it necessary to spend a great deal of money if heavy equipment were used there. Were it to be

used for anything else or to be sold, the Holzer Hospital Foundation had the first right of refusal to purchase it, but did not.

You have undoubtedly heard of problems with asbestos and leaks in the roof during the past six months. Asbestos would only be a problem if the old furnace were used – which it will never be.

My dream is that the building can be saved, modern heating/cooling put in a portion of the windows, and that it be given or sold to the French Art Colony. There would be definite requests and assurances that each person in the entire town of Gallipolis can benefit from its use under FAC supervision. Since the FAC does not have the money to take on such a project, I am begging for volunteers to help find donors. If my own financial situation were such that I could provide this to the community by myself, I would certainly do so. If each head of family in Gallipolis could give \$200 and we had 3000 heads of families, we would have over a half million dollars. I *am* a dreamer and I hope there are many other dreamers – or some financier who will step forward and tell us how to do it. We'll have to hurry since the latest plan may be to demolish Davis Hall and have a trade between the City and the County parking spaces, allowing the County a large parking space and the possibility of building on it at a later date. A jail has been mentioned as a possibility. I'm sure that my mother-in-law (who restored and gave the Our House, at a later date, to the Ohio Historical Association), Mrs. Harold Wetherholt, and dozens of other equally-spirited, beauty-loving women who have graced Gallipolis through the years are wishing their Heavenly homes were not quite so far away. Sincerely, Bobbie Holzer”

President Cozza thanked Mrs. Holzer for her input.

The City Manager reported on the following:

- We are in the second week of work on the Spruce Street Water/Sewer Improvements Project. Work on the water line is progressing from Fifth Avenue outward. So far, 1860 linear feet of line has been installed. There are still four hold-outs on annexation, with one of those a definite no. Some of the residents who have agreed to annexation have asked to receive the inside rate immediately. The City Solicitor stated that the present ordinance would not allow for this. There followed a discussion of the process and time required to complete annexation for those desiring it. President Cozza asked the City Solicitor to prepare the necessary paperwork for the next meeting. There was also a brief discussion of the lack of progress in annexation of the golf course.
- Five houses are out to bid for demolition under the County grant. Bids are due back on May 6th.
- The City of Gallipolis received a fifteen year award from Tree City USA at their recent meeting.
- 184 letters have been sent out concerning sidewalk repairs. 58 sidewalks have been repaired or are in process of repair. The City repaired 13 sections in the streetscape.
- 62 letters were sent out concerning I & I from downspouts. Of those, 41 have now been completed. All but one have indicated their intent to comply.
- 59 of the 62 grease traps are now in compliance. The remaining three are in the process of installing grease traps.
- The Municipal Court will begin moving tomorrow to their temporary location on Olive Street.
- A Papa John's carry-out will soon be locating in Gallipolis.
- The maintenance crew put a roof on the portable stage. This will be a great improvement for those using the stage for events, such as the gospel sings.
- The City is sending out information to residents in the Historic District to educate them on the requirements for renovations of their properties. This will be available as a CD.
- The French Art Colony will be recognizing the City with an award at their annual dinner on Friday evening at 6 p.m. Mr. Finney asked if any of the Commissioners would be interested in attending to represent the City, but there were no volunteers.

Gallipolis City Commission

May 4, 2010

Page 3

- The City will be receiving the OCJS drug enforcement grant. The City will hire a new patrolman and re-assign an experienced officer to the new position.

The City Auditor presented for acceptance a donation of \$50 from the Gallipolis Elks Lodge for the Easter in the Park recreational program. Mr. Wallis made a motion to accept this donation, seconded by Mr. Cremeens. Upon voice vote to accept the donation, all votes were yes.

Ms. Landers went over the appropriation change ordinance and the amendments to the transfers and advances ordinance, both on tonight's agenda.

She informed the Commissioners that she would be out of the office on May 17th and 18th to attend training for her CPA CPE requirement. She said that she would be taking vacation and paying the cost of this training. Mr. Wallis questioned why she must take vacation and pay these costs. President Cozza suggested that this might be more appropriate for executive session. The Assistant Clerk, Shelly Terry, will be substituting at the meeting on May 18th.

Estate taxes of \$167,937.54 have been received so far this year, with an additional \$58,758.42 receivable. This makes a total of \$226,695.96 that we are sure of receiving this year. Ms. Landers suggested that the Commission consider investing this unexpected "windfall" toward something of lasting value.

Her first suggestion was to use a portion to pay to have a performance audit conducted by the Auditor of State's office. Performance audits are designed to improve efficiencies of operations and optimize internal control processes. Ms. Landers stated that, in light of our contemplated move, this would be an ideal time to address these matters. She also pointed out the greater risk to internal controls posed by recent attrition of personnel and the current economic environment. She encouraged the Commission to take a pro-active approach to addressing these risks before a problem arises. She said that Mr. Penning and Ms. Bayshore of the Performance Audit Division will be coming to the City on Thursday, May 20th to discuss our needs and prepare a scope of audit with a cost estimate. The Commission can then decide whether or not to approve going forward with a performance audit.

Her other two suggestions for use of the estate tax revenues would be to fund some portion of the new municipal building and, if necessary, to help make up for the shortfall in income tax collections to the General Fund.

The City Solicitor requested executive session for legal matters.

Mr. Cremeens asked for an update on the placement of dumpsters in 2-½ Alley. Mr. Finney stated that Rumpke has given a couple of quotes for a compactor for the Municipal Parking Lot. They will need to pour a concrete pad for it. The City might also build a fence around it.

Concerning Hedgewood Drive, a portion of the road has dropped considerably in the last thirty days. It could cost a great deal to fix it properly. Mr. Finney also looked at the section of road that Mr. Fulks brought before the Commission during *Privilege of Floor*. Mr. Finney said that the problem could probably be fixed by running a drainage ditch to divert water from that section.

President Cozza asked if the other Commissioners had read a section of the Health Department's report which dealt with the Health Department's passage of a resolution requiring residents of Spruce Street to connect to the City's new sewer line. Mr. Finney said that some of the residents are trying to say that they are not required to connect because their houses are not within 200 feet of the sewer line, but the

Gallipolis City Commission
May 4, 2010
Page 4

law requires hook-up if their premises are within 200 feet. Since the sewer line runs along a right of way through their properties, they fall within the requirement for hookup.

There was presented and read to the Commission as an emergency a Resolution No. R2010-16 entitled **AN EMERGENCY RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A NEW SPECAIL REVENUE FUND (OCJS DRUG TASK FORCE GRANT)**. Mr. Johnson made a motion to adopt this resolution as an emergency, seconded by Mr. Cremeens. Upon roll call to adopt this resolution as an emergency, all votes were yes.

There was presented and read to the Commission as an emergency an Ordinance No. O2010-20 entitled **AN EMERGENCY ORDINANCE ACCEPTING AND REJECTING BIDS FOR WATER/SEWER MAINTENANCE SUPPLIES, HYDRANTS AND METERS**. Mr. Cremeens made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. This ordinance was placed on first reading at the last meeting, but needed to be adopted sooner. Upon roll call to adopt this ordinance as an emergency, all votes were yes.

There was presented and read to the Commission for a second reading an Ordinance No. O2010-21 entitled **AN ORDINANCE LEVYING A LICENSE TAX PURSUANT TO OHIO REVISED CODE SECTION 4504.172 AT THE RATE OF \$5.00 PER MOTOR VEHICLE IN THE CITY OF GALLIPOLIS, OHIO**. Mr. Johnson made a motion to adopt this ordinance on second reading, seconded by Ms. Bailey. This is the last section that can be enacted by the City and would go into effect with the January 2011 renewals. Upon roll call to adopt this ordinance on second reading, all votes were yes.

There was presented and read to the Commission as an emergency an Ordinance No. O2010-22 entitled **AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO ADDENDUM AGREEMENT WITH VOLUNTEER ENERGY SERVICES, INC. (VESI)**. Ms. Bailey made a motion to adopt this ordinance as an emergency, seconded by Mr. Johnson. The City Solicitor explained the terms of the contract. Mr. Holmes added that residents can opt out of the program with no transfer penalty. He said that the company would be sending out cards to all currently eligible residents. President Cozza asked Mr. Holmes to track costs over a period of months to see how costs compared to Columbia Gas. Mr. Holmes agreed to do so. He will send his report to the City Manager. 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. O2010-23 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE VILLAGE OF MIDDLEPORT, OHIO, FOR THE HOUSING OF PRISONERS**. Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Johnson. Chief Patterson told the Commissioners that the City has used this jail on occasion in the past. They are closer and cheaper, but have limited availability. 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. O2010-24 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2010-09, SETTING APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF GALLIPOLIS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2010**. Mr. Cremeens 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.

There was presented and read to the Commission as an emergency an Ordinance No. O2010-25 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2010-10, AUTHORIZING THE CITY AUDITOR TO TRANSFER OR ADVANCE FUNDS**. Mr. Wallis

Gallipolis City Commission

May 4, 2010

Page 5

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 for a first reading an Ordinance No. O2010-26 entitled **AN ORDINANCE AMENDING ORDINANCE NO. O2008-15, AS AMENDED BY ORDINANCE NO. O2009-04, AS AMENDED BY ORDINANCE O2009-45, AS AMENDED BY ORDINANCE NO. O2010-11, AMENDING SECTION A(5)(a) CLERK OF COURTS, AND AMENDING SECTION C2, RANGE 22, TO ADD LEGAL SECRETARY, AND SETTING AN ADMINISTRATIVE EMPLOYEES COMPENSATION PLAN AND IMPLEMENTING PROCEDURES AND POLICY STATEMENT.** Mr. Cremeens made a motion to suspend the rules and adopt this ordinance on first reading, seconded by Ms. Bailey. 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 for a first reading an Ordinance No. O2010-27 entitled **AN ORDINANCE ACCEPTING AND REJECTING BIDS FOR THE DAVIS HALL DEMOLITION AND ASBESTOS REMOVAL PROJECT.** Mr. Johnson 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, Mr. Cremeens voted no. All other votes were yes. Ordinance No. O2010-27 was placed on first reading.

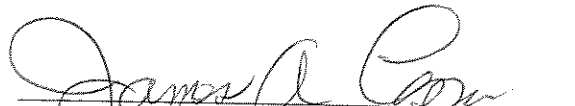
There was presented and read to the Commission for a first reading an Ordinance No. O2010-28 entitled **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AUTHORIZE AND FUND CHANGE ORDER NO. 1 WITH BREECH ENGINEERING FOR MUNICIPAL BUILDING DESIGN.** Mr. Wallis made a motion to suspend the rules and adopt this ordinance on first reading. There was no second to this motion. Ordinance No. O2010-28 died for lack of second.

There was presented and read to the Commission as an emergency an Ordinance No. O2010-29 entitled **AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR FUNDING FOR AN OFFICE OF CRIMINAL JUSTICE (OCJS) DRUG TASK FORCE GRANT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT IF AWARDED.** Mr. Cremeens made a motion to adopt this ordinance as an emergency, seconded by Mr. Johnson. 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 personnel issues as set forth in ORC Section 121.22(G)(1) and legal matters as set forth in ORC Section 121.22, seconded by Mr. Cremeens. President Cozza announced that there would be no business to follow executive session. Upon roll call on the motion to enter executive session, all votes were yes. Upon completion of executive session, Commission returned to special session.

There being no further business to come before the City Commission, the meeting was adjourned.


Clerk, City Commission


President, City Commission