

June 14, 2011

The Gallipolis City Commission met in special session on Tuesday, June 14, 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 Clint Patterson Tony Gallagher
 Beverly Dunkle Bill Gene Johnson

Commission received the minutes of the June 7, 2011 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

Ms. Bev Dunkle, President of the Gallipolis in Bloom Committee, was recognized for *Privilege of Floor*. She distributed copies of the Judges' itinerary, with meals highlighted. She invited Commissioners to attend as many of the stops as they could. They need to let her know by Friday which meals they will be attending. She talked briefly about the experience of the judges. One is new this year as a judge, but has served her community on their America in Bloom Committee for several years. The other judge is the owner of a landscaping business. The judging is set for June 23rd and 24th.

The City Manager reported on the following:

- Demolition of old City Building – still working to get all utilities disconnected. Demolition should begin next week.
- River Sweep Cleanup Day is set for this Saturday.
- Reminder - The Tour of Ohio Bike race is Sunday, June 19th.
- Cemetery Access Road – The contractor hydro-seeded nine acres. The final price was \$162,000 for all of the work. Nuko from Crown City can do the chip and seal for \$10,400. It would cost \$36,000 to blacktop the road. Mr. Cremeens made a motion to approve the chip and seal, seconded by Mr. Johnson. Upon voice vote on the motion, all votes were yes.
- Cemetery Slip Repair – US Bridge began assembling materials and equipment today.
- Mound Hill Flag Pole – The contractor is working on the flag pole, removing the pegs and installing an assembly to raise and lower the flag.
- Remote Fire Station/Cemetery office – Site work has begun. It will involve installing new culvert to assure proper drainage. Hoon, Inc. from Athens had the lowest bid of \$57,095.
- Slip on Allen Drive – The maintenance department worked there today

- Reminder: The City Manager will attend an ODNR meeting on Monday, June 20th, at 10 a.m. He asked again for any Commissioners available to attend the Beltone Grand Opening the 20th from 10 a.m. to 2 p.m.
- Wind Symphony Orchestra – Mr. Finney met with a representative of the Wind Symphony Orchestra. They need \$25,000 to come to town and give a concert. Mr. Hood of the Gallia County Visitor's Bureau has said that he thinks their group can raise the money, so Mr. Finney is referring the project to them.
- New Administrative offices – The Commission needs to meet to discuss where to put the administrative group. Mr. Finney said that he is being pressed for an answer from a couple of the people who approached the Commission earlier with offers on leasing space. He has emphasized to them that the Commission has made no decisions. The administrative offices need around 5,000 square feet. After a short discussion, the Commission decided to meet next Tuesday at 7 p.m. They did not want to meet with any of the parties offering space, but wanted to concentrate on deciding the issues of lease or buy and acceptable locations. Price is unknown on some of the options. The City Solicitor stated that there would be no issue of the separation of church and state if the Commission leases space from a separate corporation set up by officers of a church.
- Consultants for WPC Capacity Upgrade – Mr. Finney told the Commission that he met with Mr. Woodall and Mr. Westfall to prepare a short list of consultants for requests for qualifications. Interested consultants not included were: Chapman Technical Group, E.L. Robinson, and Triad Engineering. Consultants included on the short list were: Floyd Browne Group, Delaware, Ohio; MS Consultants, Columbus, Ohio; and Pirnie/Arcadis, Columbus, Ohio. Mr. Johnson made a motion to approve the short list, seconded by Mr. Cremeens. Upon voice vote, all votes were yes.
- Committee to assist with aesthetics of outside of new Justice Center – Mr. Finney advertised in the newspaper for volunteers. The ad specified that volunteers must be residents. Two residents volunteered, plus one non-resident who has property in town. After a short discussion, Ms. Bailey made a motion to appoint Ms. Janet Johnson and Ms. Janice McKenzie, both residents, to the committee, seconded by Mr. Wallis. Upon voice vote, Mr. Johnson abstained due to close family relationship with one of the appointees. All other votes were yes. The Committee will consist of the two resident volunteers, a representative of the Court, a Commissioner, the City Manager, and Mr. Breech, who will only serve to make recommendations to the other members. The Commission will consider the recommendations of the Committee, but reserves the right to make the final decisions. Mr. Wallis suggested placing in the newspaper a thank you to those who volunteered to serve.
- Prevailing wage – At last word, the \$3.5 million prevailing wage threshold was still in the state budget. Mr. Finney has told Mr. Breech to have the bid solicitation/packets for the new Justice Center ready for advertising on July 3rd.
- Pool 25th Anniversary – July 26th is the 25th anniversary of the opening of the City pool at its present location. There will be a celebration, details to be announced later. The slide recently broke and would cost around \$80,000 to replace. He plans to replace parts to get through this year. Mr. Finney is looking for grants to help with the cost. Attendance and receipts have been very good so far this year. The pool is closing this year at 5 p.m. daily. Historically, very few people used the pool from 5 to 6 p.m. Mr. Wallis asked whether there was an issue recently at the pool. Mr. Finney responded that someone had her purse stolen. Mr. Finney praised the pool manager for "running a tight ship" up there, even though it causes some complaints.
- Letter from French Art Colony – Mr. Finney discussed their concerns with them. They are now in agreement on the location of the property lines. The rough spots have been tilled and are ready to seed. He agreed to give them the sections of old fence for them to use, but made it plain that the City has no need for erecting a fence there. The maintenance department is looking for any leaks in the area where the trucks may have crossed and damaged their water pipes. If we

damaged their water line, the damage will be fixed. If the problem is not from damage we caused, then it is their service line and they are responsible.

- Picture for the River Recreation Festival – Mr. Finney asked one of the Commissioners to represent the Commission in a picture of River Rec sponsors. Mr. Cremeens volunteered.
- Chamber Booklet – Mr. Finney showed the Commissioners the ad that he wanted to place in the Chamber booklet that they give to tourists and new residents in the area. The ad he created lists the telephone numbers of key departments that might be of interest to tourists or new residents. The cost of publication is \$795 to come from the advertising line item in our budget. Booklets are good for two years. Mr. Johnson made a motion to approve the ad, seconded by Mr. Cremeens. Upon voice vote on the motion, all votes were yes.

The City Auditor presented for approval of payment an invoice for \$37,558 from Grace Myers for work done on the Mound Hill Access Road. The invoice was dated 4/30/11; the purchase order was dated 5/3/11. This work was done as an exigency due to the critical need for access to the cemetery, water reservoir, and communication towers, which was impeded by the recent slip. Mr. Johnson made a motion to approve payment, seconded by Mr. Cremeens. Upon voice vote on the motion, all votes were yes.

Ms. Landers informed the Commissioners of the e-mail that she received late last week from Robert Johnson of the Ohio Capital Asset Financing Program (OhioCAF). They are getting a group of municipalities together to go out for bonds this summer. She called David Conley, their underwriter, to find out specifically when they would be going out. He said in mid-August to mid-September, but they could arrange for a short-term bond anticipation note (BAN) for those needing more immediate financing.

Ms. Landers explained some of the advantages of this program, which include lower costs due to economies of scale, all costs are shared and included in the interest rate, interest rates are typically much lower for the group than what could be achieved individually, every step of the process is guided by their staff, they use the same bond counsel that we do (Peck, Shaffer, and Williams), and there is no need for a bond rating or an individual Official Statement. Rates right now are 5.1% for 25-year bonds and 4.77% for 20-year bonds. Payments are in May and November, which is typical for bonds of this nature. Bonds are not callable for ten years, which is more restrictive than we get from the local banks, but should not cause undue hardship because we seldom pay off bonds early and the projected interest rates are very low already, making the desire to re-finance in the future unlikely, especially in the first ten years.

In their telephone conversation, Mr. Conley also discussed refinancing the two fire trucks, one maturing in 2013 and the other in 2017. He said that he could get the interest rates down on these from 4.68% and 4.48% respectively to a rate between 2% - 3%. He said that we could word the refinancing in such a way that it does not go against our calculated debt capacity, but would be dedicated from the Fire Levy. This is the purpose for the Fire Levy anyway.

Ms. Landers next called Mr. Schwallie, our bond counsel with Peck, Shaffer, and Williams, to ask his opinion of the OhioCAF program, to confirm the information she had received from Mr. Conley, and to ask Mr. Schwallie's advice on how to proceed. He confirmed what Mr. Conley had told me concerning our debt capacity and the wording of bonds for fire equipment from the Fire Levy. He also endorsed the program, but said we should check to determine the commitment of the other participants in this round of financing. The main risk would be that some may drop out and cause the dollar amount of the bond issue to sink below the \$5 million required. Ms. Landers said she followed Mr. Schwallie's advice and called the major players in this round. She went into details of who she called and what they told her. All but one were totally committed to going forward with this round of financing.

Ms. Landers emphasized to the Commission that if we decide to use this program, it means committing not to pull out and seek funding elsewhere because we would be a major player in this

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financing and could jeopardize the ability of the others to go forward. She said that the Commission would need to look the facts over and come to a firm decision to follow through. She asked permission to make a non-binding application, which would give the Commissioners time to think about what they have heard tonight before making a firm commitment. Mr. Johnson made a motion to allow Ms. Landers to submit a preliminary, non-binding application, seconded by Ms. Bailey. Upon voice vote on the motion, all votes were yes.

The City Solicitor recognized the Tax Department again for additional tax cases submitted for litigation. Code Enforcement has identified forty new nuisance cases, as well as other cases involving such violations such as noxious weeds.

Mr. Salisbury requested executive session for two legal issues.

Mr. Johnson reported that the Strategic Planning Committee will meet again at the Visitor's Bureau at 6 p.m. this Monday. He mentioned that WSAZ has reported that help is being made available by the State Controlling Board to individuals affected by flash floods on May 10th and 11th. Gallia County is included in the area to receive benefits. He said we could thank our Representative John Carey among others for this aid. He also informed the other Commissioners that Ohio River Live is progressing with their plans for their event. They are securing their main act and firming up the Court Street location. They have a meeting scheduled for this Thursday at 6:30 p.m. at the Down Under.

Mr. Salisbury invited the Commissioners to attend the Ohio Municipal League's Attorneys Association Municipal Law Institute training event in Columbus on July 28th and 29th. Criminal law and civil law tracks will be offered, with many topics of potential interest to the Commission, such as annexation. Mr. Salisbury and Ms. Fellure both plan to attend. Mr. Salisbury also encouraged the Commissioners to attend a hearing on the legality of the Intoxilizer 8000 machine on June 24th in the Athens Municipal Court. The outcome of this case will determine whether we can continue to use this technology in our district. The Attorney General's office is representing the State's interests. The defense attorney is from out-of-state and experienced in defending such cases in multiple states.

Mr. Cremeens praised the work of City Maintenance crews in the City Park, saying that it looks great.

Mr. Finney announced that Congressman Bill Johnson will be in town on June 28th at 1:30 p.m. He invited Commissioners to come to that meeting.

There was presented and read to the Commission as an emergency a Resolution No. R2011-13 entitled **AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES FOR THE CITY OF GALLIPOLIS, OHIO**. 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 a Resolution No. R2011-14 entitled **AN EMERGENCY RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A NEW ENTERPRISE FUND (WATER LEAK INSURANCE PROGRAM)**. Ms. Bailey made a motion to adopt this resolution as an emergency, seconded by Mr. Johnson. 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 a Resolution No. R2011-15 entitled **AN EMERGENCY RESOLUTION REPEALING RESOLUTION NO. R2005-04, AND**

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ESTABLISHING A CITY PERSONNEL POLICY. 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. O2011-50 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2011-12, AS AMENDED BY ORDINANCE NO. O2011-23, AS AMENDED BY ORDINANCE NO. O2011-36, AS AMENDED BY ORDINANCE NO. O2011-42, SETTING APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF GALLIPOLIS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2011.** 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. O2011-51 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2011-13, AS AMENDED BY ORDINANCE NO. O2011-24, AS AMENDED BY ORDINANCE NO. O2011-37, AS AMENDED BY ORDINANCE NO. O2011-43, AUTHORIZING THE CITY AUDITOR TO TRANSFER OR ADVANCE FUNDS.** Ms. Bailey 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.

There was presented and read to the Commission as an emergency an Ordinance No. O2011-52 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 this ordinance was updated to include the most recent figures on the costs of projects that the Commission might want to include in the bond issue. This preserves their ability to make that choice, if desired, when the time comes. 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. O2011-53 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPLY FOR LEAP FUNDING AND IF AWARDED TO ENTER INTO AGREEMENT WITH THE AUDITOR OF THE STATE OF OHIO FOR A PERFORMANCE AUDIT THROUGH THE LEVERAGE FOR EFFICIENCY, ACCOUNTABILITY AND PERFORMANCE (LEAP) FUND.** Mr. Cremeens made a motion to adopt this ordinance as an emergency, seconded by Mr. Wallis. Ms. Landers affirmed that this was the application that she told the Commissioners about in her e-mail. 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. O2011-54 entitled **AN EMERGENCY ORDINANCE ACCEPTING AND REJECTING BIDS FOR CONSTRUCTION OF A REMOTE FIRE STATION AND CEMETERY SEXTON OFFICE ON MOUND HILL CEMETERY GROUNDS.** Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Johnson. Ms. Landers told the Commissioners that there is sufficient money already appropriated in the New Municipal Building construction line to cover this. Mr. Cozza asked if the Fire Levy could pay for the fire station portion. Ms. Landers responded that it could legally, but might not be able to do so financially because of current debt service and projected reductions of revenues from the elimination of the State's personal property tax reimbursement to local governments, which is estimated at \$20,000 to \$30,000. If it is able to do so financially, that would certainly be an option. In

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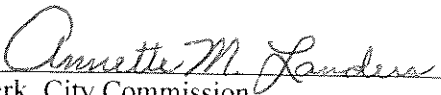
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making that decision, the Commission would need to preserve the ability to use the Fire Levy money for the 5% local match on future Assistance to Firefighters grants. Mr. Wallis asked if there would be any advantage if the Fire Levy could finance the entire cost and lease the cemetery sexton's office to the cemetery fund. Ms. Landers responded that the cemetery is subsidized so highly by the General Fund that any additional amount charged to it would come from transfers of money from the General Fund. This would not result in any net savings to the General Fund. 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. O2011-55 entitled **AN EMERGENCY ORDINANCE ESTABLISHING SECTION 921.09 OF THE CODIFIED ORDINANCES OF THE CITY OF GALLIPOLIS, OHIO, PROVIDING CITY OF GALLIPOLIS WATER CUSTOMERS WITH THE OPTION OF A VOLUNTARY WATER LEAK INSURANCE PROGRAM.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. There was a discussion of water leaks around the City. The person outside the City with a recent large leak did go ahead and pay. Ms. Landers pointed out that she had included in the appropriations ordinance an advance of \$1,000 from the Water Fund to the Water Leak Insurance Fund to cover any early claims before the fund builds up. The money will be advanced back to the Water Fund later. Upon roll call to adopt this ordinance as an emergency, all votes were yes. Mr. Finney told the Commissioners that a letter would be sent to water customers to inform them of the program.

There was presented and read to the Commission as an emergency an Ordinance No. O2011-56 entitled **AN EMERGENCY ORDINANCE ENTERING INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR EMERGENCY RELIEF PROJECT FOR A ROCKFALL/LANDSLIDE REPAIR ON STATE ROUTE 160 NORTH OF VINTON STREET.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Mr. Wallis. In discussion, Mr. Finney told the Commission that he did not think this was on our property, but the State thought it might affect our property. There is no cost involved for the City. 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 issues pertaining to purchase and sale of real property and pending lawsuits per ORC 121.22(G), seconded by Mr. Cremeens. President Cozza determined and 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 special session. There being no further business to come before the City Commission, the meeting was adjourned.


Clerk, City Commission


President, City Commission