

August 17, 2010

The Gallipolis City Commission met in special session on Tuesday, August 17, 2010, at 7:00 p.m. in the Olive Street Courtroom of the Gallipolis Municipal Court, 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  
 W. Matthew Johnson, Member  
 Steven E. Wallis, Member

(Lori F. Bailey, Member, arrived during the work session on the new municipal building.)

Others attending were:

Randall J. Finney, City Manager		
Adam R. Salisbury, City Solicitor		
Amber L. Fellure, Assistant City Solicitor		
Annette M. Landers, City Auditor/Clerk/Treasurer		
Margaret Evans, Judge, Gallipolis Municipal Court		
Amber Gillenwater, Gallipolis Daily Tribune		
Ronnie Lynch	Tony Gallagher	Bette Null Horan
Clint Patterson	Joe Giles	Polly Wetherholt
Jon Lynch	Bob Marchi	William Jenkins
Randy Breech	Kay Kerr	Bill Gene Johnson
Marian Schoonover	Sandy Bledsoe	Henny Evans
Dottie Chestnut	Phyllis Taylor	Marvin Vanderberg
Ann Brown	Russell Wood	Dow Saunders

Commission received the minutes of the July 22 and August 3, 2010 meetings prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

*Privilege of Floor* was granted to Ms. Henny Evans of the Gallia County Genealogical Society. Ms. Evans said she wished to answer any questions that the Commissioners have regarding their request to share in the bed tax distribution. Mr. Johnson asked her what their group did that was different from the Gallia County Historical Society. Ms. Evans responded that their group is purely genealogical, whereas the Historical Society is historical in nature and includes a museum. She said that they have always been separate groups, but were housed in the same building until their split a few years ago. She stressed that the Genealogical Society brings in numerous visitors out of state. There is no paid staff, just volunteers. They operate from private donations.

Mr. Jenkins was granted *Privilege of Floor*. He said that because Section 9 of the Gallipolis City Charter requires that all City Commission meetings be public, this means that it is illegal for the Commission to go into executive session. He said that Columbus is seeking to change their charter to allow executive sessions. He distributed a copy of an editorial from the Columbus Dispatch and a copy of Section 9 of the Gallipolis City Charter. He accused the Commission of conducting "secret sessions" in regard to the new municipal building. He asked the Commission to bring the public up to date on the deliberations concerning the municipal building, as well as any sale of property to the County. He also suggested that the Commission appoint a Committee, to be composed of two Commissioners and members of the public, to get things moving on this City Building.

President Cozza explained that no deals have been made regarding the new City building or the buying or selling of property. Everything is still open to discussion, which is why the public has been invited to participate in these work sessions. Mr. Salisbury said that Ohio law allows executive sessions to protect the public interest in allowing the discussion of sensitive information which would give an unfair advantage to those in negotiations with the public entity for such things as contracting for services, the buying or selling of

property, or settlement of lawsuits. Mr. Dow Saunders asked if the City Commission had met in executive session with the County Commission to discuss the sale of property. President Cozza answered that they had not.

Mr. Jenkins pressed Mr. Salisbury to comment on whether the City must comply with their Charter or whether they could go with the state statutes. Mr. Salisbury responded that the City must comply with the Charter, except where it conflicts with the laws of the State of Ohio. Mr. Saunders asked why Columbus was seeking to change their Charter to allow executive sessions. Mr. Salisbury answered that he could not determine the legalities of Columbus' case, nor its possible application to Gallipolis, based solely on the dubious legal authority of an editorial in a newspaper. Mr. Saunders said that their concern was that executive session has been taken too lightly; and moreover, based on what he has been reading, it would appear that the Commission needs an amendment to the Charter to allow executive session.

President Cozza opened the work session on the new municipal building, urging all present to join in brainstorming to help select the site for the new building or buildings. Mr. Finney made a separate sheet for each of the four sites currently under discussion: the site of the current City Building, the City Building parking lot (including Davis Hall lot), the Demick property (300-block Second Avenue), and the Miller Property (500-block Second Avenue). He also provided the square footage of each property. Each site was discussed separately, with pros and cons listed.

**Current City Building lot-**

Pros: Already own, close to jail, and 1-story administrative building would fit with drive around and parking.

Cons: 2-story building would not fit and must cross street for parking.

**Current City Parking lot with Davis Hall lot-**

Pros: Already own, close to jail, could start building immediately, room for structure, with parking available across the street.

Cons: Not enough room around building, no room for drive-thru, and no access

**Demick Property-**

Pros: Would fill up hole downtown and is located on the town square

Cons: Requires 2-story historical façade, not all functions could fit, would require two separate locations, transformer in the way, not close to Courthouse, soil problems.

**Miller Property-**

Pros: No demolition costs and can accommodate police and court facility

Cons: Have to buy, lot is too narrow to accommodate all functions, and residents on Third Ave. may object to parking lot.

Considerable time was spent allowing all present to express their thoughts on the location of the new building or buildings. Mr. Marchi questioned the ability of the City to pay for the project. Ms. Landers distributed and went over a spreadsheet outlining the debt capacity of the City and the amount available for construction. Judge Evans was invited to comment on her feelings about a separate facility. She said it was not an unusual arrangement. There would be advantages in security, but her concern has been that the Commission would balk at funding operational supplies for two separate buildings. Given the greater cooperation in recent months, that is less of a concern now.

At the end of the discussion period, each Commissioner was asked for a statement concerning where the City Building should be located. Mr. Johnson said that he thought the administrative offices should be re-built on the site of the current building, with the court and police across the street. Mr. Cremeens said that, from the discussions tonight and calls he has received, he now believed that the City should build one building across the street. Mr. Wallis said he had not totally made up his mind, but was leaning now toward building the

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administrative offices in the 300 block of Second Avenue and the Court and Police on the present City Building site. Ms. Bailey said she was not sold on any one location or configuration, but she likes the idea of being able to use the downtown location and cooperate with the County. Ms. Landers asked if it would be possible to plan the Police/Court facility, if sited on the parking lot, to allow for the addition of the jail facility at sometime in the future. Mr. Breech answered that it would be possible if such a contingency could be included at the outset. President Cozza asked the Commissioners to be ready at the next meeting to make a decision on the site or sites for the building(s).

President Cozza gave the County credit for funneling to the City all of the grant money that they received for demolition of houses. He added that too often the public only hears the negative without hearing of genuine efforts to improve communication and cooperation between our entities.

The City Manager reported on the following:

- The Spruce Street Project should be finished in one to two weeks. Because the project is extending beyond the contracted date for completion, the City Manager is negotiating liquidated damages with the contractor.
- The contractor came across more asbestos in Davis Hall, which will require an estimated \$10,000 additional for abatement. Demolition may begin as early as Monday.
- Mr. Finney, Mr. Cozza, and Ms. Landers will be attending the RCAP conference next week in Columbus.
- Mr. Finney telephoned the state concerning repairs to Garfield Avenue. They will try to grind the surface this year and blacktop it next year.
- The rate per visit at Quickcare is expected to go up from \$39 to \$45 with the new contract.
- Bid opening is scheduled for noon on Monday for the Mill Creek Paving Project.
- M & R Streets has had heavier than usual expenses and will require additional appropriations to get through the year. Many of these costs are being reimbursed by the property owners.

The City Auditor presented the July Financial Statement for approval. Mr. Johnson made a motion to approve the July Financial Statement, seconded by Mr. Cremeens. Upon voice vote on the motion, all votes were yes.

Ms. Landers presented a list of delinquent, inactive water and sewer accounts for approval to certify to the County Auditor. Mr. Wallis made a motion to approve the list for certification, seconded by Mr. Johnson. President Cozza asked about names missing from the current list. Ms. Landers stated that property owners not listed have either paid their accounts in full or have agreed to make payments. Upon voice vote on the motion, all votes were yes.

Ms. Landers reported on the second half property tax distribution. General Fund received a total for the year of \$121,165.09 or \$5,766.21 less than the County's original estimate. The Fire Levy received for the year \$110,127.41 or \$3,231.50 less than estimated. The TIF Fund received for the year \$127,642.88 or \$5,142.88 more than estimated. This was due to a Tax Board of Review increase in the rates for JDN Realty Corp. for the second half 2010. \$193.34 was collected on delinquent water/sewer accounts. \$330 was collected for mowing; and \$728.28 was collected for ICC Cleanup. Total of the check was \$165,707.08 after deduction of county fees.

The City Solicitor reported on recent complaints for illegal dumping filed by his office against a property owner on Eastern Avenue, Mr. McGuire. Every day is considered a continuing violation.

There was presented and read to the Commission for a second reading an Ordinance No. O2010-44 entitled **AN ORDINANCE AMENDING O2006-62, AUTHORIZING PAYMENTS TO VARIOUS ENTITIES FOR COMMUNITY INVESTMENT CONTRIBUTION**. Mr. Cremeens made a motion to adopt this ordinance on second reading, seconded by Ms. Bailey. The City waits until the end of the year to make this distribution, which is typically \$4,000 to \$6,000 per entity. Upon roll call to adopt this ordinance on second reading, all votes were yes.

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There was presented and read to the Commission as an emergency an Ordinance No. O2010-45 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO CONTRACT FOR HOSPITALIZATION, MEDICAL AND MAJOR MEDICAL, DRUG AND DENTAL INSURANCE COVERAGE FOR FULL-TIME EMPLOYEES AND ELECTED AND APPOINTED OFFICIALS OF THE CITY OF GALLIPOLIS, OHIO.** Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Johnson. Commissioners are not included as "elected officials." 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. O2010-46 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO CONTINUE TERM LIFE INSURANCE COVERAGE FOR EMPLOYEES AND ELECTED AND APPOINTED OFFICIALS OF THE CITY OF GALLIPOLIS, OHIO.** Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. Again, Commissioners are not included. Upon roll call to adopt this ordinance as an emergency, all votes were yes.

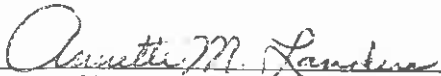
There was presented and read to the Commission as an emergency an Ordinance No. O2010-47 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AGREEMENT FOR VISION INSURANCE COVERAGE FOR FULL-TIME EMPLOYEES AND ELECTED AND APPOINTED OFFICIALS OF THE CITY OF GALLIPOLIS, OHIO.** Mr. Cremeens made a motion to adopt this ordinance as an emergency, seconded by Mr. Johnson. Only the judge is included as an elected official. This is for a two-year contract. 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. O2010-48 entitled **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT APPLICATIONS TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE FIRST AVENUE RESURFACING PROJECT.** Mr. Cremeens made a motion to place this ordinance on first reading, seconded by Ms. Bailey. Upon voice vote to place this ordinance on first reading, all votes were yes.

Mr. Wallis announced that he would need to abstain from voting on the next ordinance due to his employment with an electrical provider.

There was presented and read to the Commission for a first reading an Ordinance No. O2010-49 entitled **AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SCIOTO ENERGY AS A COMPETITIVE RETAIL ELECTRIC PROVIDER FOR MUNICIPAL LOCATIONS.** Mr. Johnson made a motion to place this ordinance on first reading, seconded by Mr. Cremeens. This contract locks in the rates for three years. Upon voice vote to place this ordinance on first reading, four Commissioners voted yes, with Mr. Wallis abstaining.

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

  
Clerk, City Commission

  
President, City Commission