

September 7, 2010

The Gallipolis City Commission met in regular session on Tuesday, September 7, 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
 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		
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	Stephen Hawkins	Polly Wetherholt
Jeff Snedaker	Vera Snedaker	Bob Marchi
Randy Breech	Kay Kerr	Bill Gene Johnson
Barb Epling	Carroll Snowden	Dow Saunders
Dottie Chestnut	Jeanne Fisher	Marvin Vanderberg
Claudia Miller	Roma Wood	Janet Johnson
Becky Rothgeb	Karen Smith	

Commission received the minutes of the August 17, 2010 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

Privilege of Floor was granted to Mr. Jeff Snedaker. He asked if the First Avenue Paving Project on this evening's agenda would include stripping. Mr. Finney told him that it would.

President Cozza introduced the topic of the new municipal building by giving a brief review of earlier discussions. Mr. Breech has provided the Commissioners with updated drawings of the three locations that are still under consideration. He told those present that the Commission plans to hire an architect with experience in designing to preserve an historical appearance. He asked the Commissioners to comment on their preferences after considering all of the input from the public.

Mr. Johnson said that he preferred keeping the administrative offices on the present site, with the police and court across the street on the present parking lot. Mr. Wallis said he was leaning toward placing the administrative offices in the 300-block of Second Avenue, with the police and court where the current City Building is located. We should keep the lots across the street for parking. Mr. Breech said that there would not be enough space for police and court on the present site. Mr. Wallis countered that there was if the design would be tweaked. Mr. Cremeens spoke in favor of locating the administrative

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offices in the 300-block of Second Avenue. Court and police would go across the street on the present parking lot. Ms. Bailey said she preferred placing the administrative offices on the present site, with court and police across the street. Mr. Cozza said he would prefer the administrative building on the present site, with court and police across the street.

Several issues were discussed. If the Court/Police facility was placed on the site of the present City Building, there would be an additional cost for fire walls to protect neighboring properties, as required by code. Most of the people present did not favor the purchase of additional property in order to locate in the downtown. They were openly skeptical of rumors that people were considering locating new businesses downtown contingent on the new municipal building also locating downtown. Mr. Cremeens addressed the question of parking spaces, stating that there were already about 300 parking spaces in the vicinity. The Commissioners also discussed the possibility of using the Davis Hall property for one of the buildings.

Mr. Marchi questioned the cost involved in two buildings once again. Mr. Breech told the Commissioners that the administrative building should cost around one million dollars. The Court/Police facility should cost approximately two million dollars. This does not include the cost of demolition and paving. Mr. Snowden asked if Ms. Landers had a letter from Dennis Schwallie, bond counsel for the City, stating that the City could not afford to go into debt for more than two million dollars. Ms. Landers said she did not. Mr. Schwallie's letter gave a formula to calculate the maximum debt capacity for the village, but did not express an opinion as to how much debt the City should undertake less than the limit. However, Ms. Landers said that she understood Mr. Marchi's caution over income tax and estate tax revenues. In 2010, the General Fund was insulated from the effects of the economic downturn by the unusually high revenues from estate taxes and income taxes from the school building projects. No one knows what these revenues might look like in 2011 and beyond. President Cozza agreed that there are many questions unanswered concerning costs, but the bottom line is that the Commission will not fund the project if it comes in at a cost exceeding our ability to repay.

Mr. Finney asked to speak. He said that if the City uses the two sites on the 500-block, there will be an issue with inadequate parking. His greatest concern is the growth of Gallipolis and revitalization of the downtown area. The hole in the middle of town looks terrible. Foot traffic from those visiting the City Building would have to help the downtown businesses. Regardless of how the Commission votes tonight, the City should make some effort to fill that space, whether with a park, or restrooms, or whatever. President Cozza said the City could address this issue at a later date, perhaps going out for a grant.

Upon completion of the discussion period, Mr. Johnson made a motion to locate the two buildings on the 500 block of Second Avenue, leaving room for deciding on exact configuration at a later time. Ms. Bailey seconded the motion. Upon voice vote on the motion, Ms. Bailey, Mr. Johnson, and Mr. Cozza voted yes. Mr. Cremeens and Mr. Wallis voted no. The motion carried. Mr. Finney was asked to contact the French Art Colony about the exchange of land to make the Davis Hall site accessible for building.

The City Manager reported on the following:

- Spruce Street was paved today. Seeding of grass and annexation paperwork remains to be completed. The ordinance concerning waiving of fees needs to be amended because the period for annexation must now be extended beyond the construction period.
- Davis Hall demolition is on-going. They are removing the woodwork now.
- The Mill Creek paving bid came in at \$6,000 over earlier estimates. This requires an appropriation change.

- Department Heads are involved in creating a five-year capital plan to assist management in setting priorities. This should be ready by next meeting.
- ODOT is meeting on Thursday, September 16th to discuss plans for road projects. Mr. Finney plans to attend to talk about Phase 2 Farm Road. He invited the Commissioners to attend.
- The Emancipation Proclamation presentation is set for Thursday, September 9th at 11:30 a.m. at the Gallia County Courthouse. Commissioners are invited to attend.
- There is a reception for those who donated to or were otherwise involved in the River Recreation Festival, set for Thursday, September 16th, at 6:30 p.m. at the Bob Evans Farm shelter house.
- Horizon Communications is interested in extending their lease of the tower site on Mound Hill to twenty years. There will be a 5% increase each year, payable monthly. This will require an ordinance amendment.
- Part-time Patrolman Mark Still has requested that his hours be reduced. Chris Walker is interested in becoming a part-time patrol officer. Mr. Cremeens made a motion to approve this appointment, seconded by Mr. Wallis. Upon voice vote on the motion, all votes were yes.
- Mr. Finney said he is looking into a voice mail system for public announcements, such as for water line breaks or other emergency announcements. It would cost an estimated \$6,000 per year or \$1.50/household. This would be a three-year contract. Mr. Wallis said he thought it would be handy for residents. The other Commissioners also seemed positive.
- The America in Bloom Seminar is coming up in Saint Louis. He asked approval to have Sandee Saxon, Bev Dunkle, and himself attend at a cost of \$2,100 for registration, lodging, etc. Mr. Johnson made a motion to approve their attendance, seconded by Mr. Wallis. Upon voice vote on the motion, all votes were yes.
- Public Information Officer Training is set for October 19 to 21. This is a free event. Mr. Wallis made a motion to approve the City Manager's attendance, seconded by Mr. Johnson. Upon voice vote on the vote, all votes were yes.
- ODOD is having a seminar to discuss grants for streets, etc. It is scheduled for November 3rd – 5th at Salt Fork State Park near Cambridge. Registration is \$140. Rooms are \$80/night. Mr. Wallis made a motion to approve the City Manager to attend, seconded by Ms. Bailey. Upon voice vote on the motion, all votes were yes.
- The Quickcare contract renewal is on tonight's agenda. Cost per visit went up from \$39 to \$45.

The City Auditor presented the August Financial Statement for approval. Mr. Johnson made a motion to approve the August Financial Statement, seconded by Ms. Bailey. Upon voice vote on the motion, all votes were yes. A comparison of revenues to the General Fund was included in the Commission packets.

Two invoices over \$3,000 were presented for approval: One for \$4,017.72 from AEP for July electric bill and one for \$30,000 from Thermal Solutions for the first draw on Davis Hall asbestos removal. Mr. Johnson made a motion to approve payment of these two invoices, seconded by Ms. Johnson. Upon voice vote to approve payment, Mr. Wallis abstained from voting due to the invoice from AEP, his employer. All other votes were yes. Motion carried.

Ms. Landers informed the Commission that she would be out of the office for vacation on September 9th and 10th. She asked permission to attend Ethics Training in Columbus on Friday, September 17th and to attend "Criticism and Discipline Skills for Managers and Supervisors" in Charleston on Tuesday, September 28th. Mr. Wallis made a motion to approve attendance at these two trainings as "hours worked," seconded by Mr. Cremeens. Upon voice vote on the motion, all votes were yes.

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The City Solicitor reported that he is working with the tax office to collect delinquent income taxes. They are planning to go beyond the usual court fines by requesting judgments, levying liens and garnishing wages.

Mr. Salisbury reported back to the Commission concerning the judgment against the resident on Fourth Avenue. He has learned that there is no other recourse than to collect that judgment as a lien against his property taxes. This is the same as when we assess delinquent water bills against the property taxes.

Four complaints have been filed so far against the person on Eastern Avenue. Another is due to be filed tomorrow. Police and Code Enforcement are watching for further illegal activity. A new complaint can be filed each time he breaks the law. This action has definitely gotten his attention.

At the last meeting, the Solicitor was asked to look into the issue of open meetings and executive sessions as regulated under the Sunshine Law, Ohio Revised Code as it pertains to Open Meetings, and our Charter. Mr. Salisbury also consulted with the Ohio Municipal League and the Ohio Municipal Lawyers Association. Neither entity would give a definitive answer because they did not want the village relying on their answer instead of that of a judge. The Ohio Revised Code says that any question of whether we are allowed to have executive session would be heard in our local Court of Common Pleas. The judge could possibly file an injunction against executive sessions until we change our rules. If we ignored the injunction, we would be fined \$500. If the judge determined that the person filing the complaint did so frivolously, he could fine the person bringing the action. There are two issues: one is that residents would like to see more clarity in what is discussed in executive session, which is a valid concern. The second is that we cannot have executive sessions at all. Based on the wording of the Charter and the City's long history of executive sessions, this would not seem to have any validity. Therefore, the City Solicitor would advise that we can have executive sessions for those limited purposes outlined under the Sunshine Law.

Mr. Cremeens asked who was cutting the grass on demolished properties. Mr. Finney said that Code Enforcement and the City Solicitor are doing paperwork for filing of court complaints against those properties in violation.

Mr. Johnson asked to clarify his position in not wanting to locate the administrative offices in the downtown. He said he wants to focus on developing the downtown into the cultural and artistic hub of the City. He cited examples of what some other municipalities that are doing.

Mr. Wallis asked if there is an active Neighborhood Watch group on the east end. He said a couple of the youth in that area have asked whether they could get involved and could get a t-shirt. Chief Patterson said there was one, but it did not last. Mr. Gallagher said that his group would be pleased to involve them.

There was presented and read to the Commission for a second 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. Johnson made a motion to adopt this ordinance on second reading, seconded by Ms. Bailey. Upon roll call to adopt this ordinance on second reading, all votes were yes.

There was presented and read to the Commission for a second 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 adopt this ordinance on second reading, seconded by Ms. Bailey. Mr. Wallis stated that he must abstain from voting due to his employment with an electrical energy provider. Upon roll call to adopt this ordinance on second reading, Mr. Wallis abstained. All other votes were yes.

There was presented and read to the Commission as an emergency an Ordinance No. O2010-50 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A LETTER OF AGREEMENT WITH OHIO QUICKCARE LLC FOR HEALTHCARE SERVICES FOR CITY OF GALLIPOLIS EMPLOYEES AND ELECTED AND APPOINTED OFFICIALS.** Mr. Johnson 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. O2010-51 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2010-09, AS AMENDED BY ORDINANCE NO. O2010-24, AS AMENDED BY ORDINANCE NO. O2010-34, AS AMENDED BY ORDINANCE NO. O2010-41, SETTING APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF GALLIPOLIS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2010.** Mr. Wallis 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. O2010-52 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2010-10, AS AMENDED BY ORDINANCE NO. O2010-25, AS AMENDED BY ORDINANCE NO. O2010-42, AUTHORIZING THE CITY AUDITOR TO TRANSFER OR ADVANCE FUNDS.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. 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. O2010-53 entitled **AN EMERGENCY ORDINANCE ACCEPTING AND REJECTING BIDS FOR OPWC MILL CREEK ROAD PAVING PROJECT.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. Upon roll call to adopt this ordinance as an emergency, Mr. Cremeens voted no. All other votes were yes. Ordinance No. O2010-53 was placed on first reading.

There was presented and read to the Commission as an emergency an Ordinance No. O2010-54 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TRAVELERS INSURANCE COMPANY FOR GENERAL LIABILITY INSURANCE.** Ms. Bailey made a motion to adopt this ordinance as an emergency, seconded by Mr. Johnson. Mr. Finney informed the Commissioners that this was for a 3-year contract. 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. O2010-55 entitled **AN EMERGENCY ORDINANCE ESTABLISHING CHAPTER 121.02, PUBLIC MEETINGS, OF CHAPTER 121, CITY COMMISSION, OF THE CODIFIED ORDINANCES OF THE CITY OF GALLIPOLIS, OHIO.** Mr. Salisbury read the full text of the ordinance. Mr. Johnson 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.

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There was presented and read to the Commission as an emergency an Ordinance No. O2010-56 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AGREEMENT FOR ODNR LWCF NATUREWORKS PUBLIC RECREATION PROGRAM FINANCIAL ASSISTANCE FOR BASKETBALL EQUIPMENT FOR THE CITY OF GALLIPOLIS TED PERRY MEMORIAL FIELD (WATER TREATMENT PLANT) AND FOR HASKINS PARK.** 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 being no further business to come before the City Commission, the meeting was adjourned.


Clerk, City Commission


President, City Commission