

October 7, 2014

The Gallipolis City Commission met in regular session on Tuesday, October 7, 2014, at 6:00 p.m. at the Gallipolis Municipal Building, 333 Third Avenue, having complied with Section 9 of the City Charter.

Commission President Steven Wallis called the meeting to order and gave the invocation.

Upon roll call, the following members were present:

Steven E. Wallis, President
 James Jay Cremeens, Vice-President
 Michael W. Brown, Member
 Albert "Tony" Gallagher, Member
 W. Matthew Johnson, Member

Others attending were:

Ed Swisher, Acting City Manager		
Adam R. Salisbury, City Solicitor		
Annette M. Landers, City Auditor/Clerk/Treasurer		
Jon Lynch	Dick Moore	Dave McCoy
Ronnie Lynch	Keith Elliott	Joy Elliott
Phyllis Rowland	Stephanie Chapman	Bob Swisher
Jeff Boyer	Keith A. Sheets	Mary Lee Marchi
Chris Withee	Clinton Patterson	Marvin Vanderberg
Dow Saunders	Michael Johnson	Christi Johnson
Bob Hood	Marvin Ours	Randy Breech
Tim Clapper	Janet Johnson	Bill Gene Johnson
Christina Munn	Robbie Johnson	Paul Covey
Roma Wood	Tammy Brabham	Dottie Chestnut
Brian Lane	John Saunders	

Mr. Cremeens, citing concern over a long agenda and need to have a hearing for a police department employee as near to 6 p.m. as possible, made a motion to enter executive session for hearing for a police employee, pending lawsuits, and discussion of Interim City Manager position, seconded by Mr. Brown. Mr. Johnson objected to rearranging to order of the agenda, stating that he thought the items on the agenda could be taken care of quickly, allowing the Commission to go into executive session at the end of the meeting as usual and not inconveniencing those attending by sending them out into the thunderstorm. Mr. Brown suggested that the Commission could convene executive session in another room to allow the public to stay in the meeting room. Mr. Johnson asked if it was legal according to our Charter to go into executive session. Mr. Johnson stated that this question has been addressed previously and he was not prepared to argue about this or anything else tonight. The City Solicitor responded that it was legal according to Ohio Revised Code. Upon roll call to enter executive session for the stated reasons, Mr. Johnson abstained. Mr. Gallagher voted no. All other votes were yes. Commission entered executive session. Upon completion of executive session, Commission returned to regular session.

Commission received the minutes of the September 16, 2014 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

Ms. Christina Munn of Volunteer Energy had to leave during executive session, but gave a check for \$4,918.77 from the gas aggregation program to Ms. Landers before she left. She asked that it be presented to the Commission with their thanks for our continued business.

There were several re-appointments to City boards on the agenda. Mr. Brown made a motion to re-appoint Mr. Jon Lynch to the Shade Tree Committee, seconded by Mr. Cremeens. Upon voice vote on the motion, all votes were yes.

Mr. Gallagher made a motion to re-appoint Mr. Mike Allen to the Board of Zoning Appeals, seconded by Mr. Brown. Upon voice vote on the motion, all votes were yes.

Mr. Brown made a motion to re-appoint Ms. Joann Nibert to the Historic Preservation Review Board, seconded by Mr. Cremeens. Upon voice vote on the motion, all votes were yes.

Mr. Cremeens made a motion to re-appoint Mr. Tom Childs to the Planning Commission, seconded by Mr. Brown. Upon voice vote on the motion, all votes were yes.

Mr. Swisher mentioned the fire contracts with the townships, which are coming up for renewal. Commissioners received copies of the former contract to serve as a starting point for discussions. The Fire Chief asked to review them before Commissioners enter negotiations.

The Acting City Manager reported on the following:

- Chickamauga Creek Main Water Line Repair Project – E. L. Robinson is confirming the profile based on feedback from the Horizontal Boring Company. We are working on temporary construction easements. The contract has been awarded, but haven't signed the Notice to Proceed yet. Waugh Construction is the contractor. Their bid was \$124,167, \$93,125.25 from Ohio EMA and \$31,041.75 local share. Construction is anticipated within the next two weeks.
- The WPC Facility Improvements Project – Bid opening was October 3, 2014. Mechanical Construction was the low bidder at \$7,225,646.17. Stockmeister bid \$7,657,111.13. The engineer's estimate was \$6.75 million, which the actual bid exceeded by 2.7%, which is in the acceptable range. CT Engineering is working on a reference check for Mechanical Construction. They reportedly did a good job on the Lawrence County Wastewater Upgrade Project, an 8 million dollar project. Tentative starting date for the construction project is November 3, 2014.
- Dan Evans Industrial Park sewer line – A meeting is set up for tomorrow morning at 9 a.m. at the City Building with EL Robinson and the CIC to work on sanitary sewer collection. He met today with Bob Foster, Tammy Brabham, and Tony Gallagher. They will attend tomorrow's meeting as well.

The City Auditor presented the 2015 Alternate Tax Budget for approval. She explained changes that she made and supplied additional schedules. Mr. Brown made a motion to approve the 2015 Alternate Tax Budget, seconded by Mr. Gallagher. Upon voice vote on the motion, all votes were yes.

Ms. Landers presented the September Financial Statement for approval. Mr. Cremeens made a motion to approve the September Financial Statement, seconded by Mr. Johnson. Upon voice vote on the motion, all votes were yes.

Ms. Landers enumerated the major changes included in the appropriations change ordinance and the transfer ordinance on tonight's agenda, offering to answer any questions the Commission might have.

Mr. Salisbury informed the Commissioners about a request that he received from Mr. David Evans, Esq. to release a mortgage that the City holds on a small portion (160 sq. ft.) of a parcel. Ms. Landers

explained that this mortgage was from a CHIP Housing Rehabilitation Grant that several of the City's low to moderate income residents participated in around 15 years ago. There were two types of mortgages involved in the program. In the first, the entire amount of the mortgage was forgiven over a period of, she thought, five years that the owner resided in the house. In the other, most of the mortgage was forgiven over the period of time, with a small residual amount remaining at the end of the period. The Commission was given great latitude to forgive these mortgages in certain conditions, including death or severe financial hardship of one or more of the mortgagees. Money collected from the residual mortgages goes into our own Housing Rehabilitation Fund, which can then be used for our own program for low to moderate income residents to rehabilitate additional houses. Residual mortgages generally run between \$1,000 and \$3,000. Since this is only a partial release, the dollar amount would be very small. All of the mortgages were from grant dollars, so the City would not be out any of our own dollars. Mr. Gallagher made a motion to approve the partial release of this mortgage, seconded by Mr. Johnson. Upon voice vote on the motion, all votes were yes.

Mr. Cremeens said that he had received a public records request for amounts paid to the Breech Engineering firm over the past ten years. He forwarded this request to Ms. Landers. She supplied a spreadsheet showing the past three years of payments, totaling \$79,049.25. Ms. Landers apologized and said that the software system was not allowing for input of any range in excess of three years.

President Wallis appointed Mr. Brown to serve on his seat on the OVRDC Executive Committee.

President Wallis also brought up the appeal of a \$1,201.87 water bill at 610 Third Avenue. Mr. Swisher explained that the leak was caused by a leaking toilet valve. The owner/resident of the house is now in a nursing home and his daughter is trying to keep an eye on the house. They usually have a minimum bill. Mr. Swisher recommended granting relief in this situation due to the fact that the daughter repaired the leak as soon as she was aware of it. Mr. Gallagher cautioned that in the past when these types of situations have been brought before the Commission, he has been concerned over the setting of a precedent that would need to be followed for everyone. The daughter is asking that the bill be reduced to a minimum bill. Mr. Brown made a motion to grant her request to be charged a minimum bill, seconded by Mr. Cremeens. Upon voice vote on the motion, Mr. Gallagher abstained. All other votes were yes.

President Wallis recognized three former Commissioners in attendance at tonight's meeting: Mr. Jon Lynch, Mr. Dick Moore, and Mr. Dow Saunders. Another former Commissioner, Mr. John Saunders, left earlier. He thanked them for coming and for their service.

There will be a special meeting on Friday, October 10th at 4:30 p.m. An executive meeting concerning the hiring of an Interim City Manager will be the first order on the agenda, with the meeting following. For those in attendance tonight who have expressed an interest in the City Manager's position, President Wallis explained that, due to the budgetary crunch, the City will hire an Interim City Manager for the position, with the Commission beginning their due diligence in the process of seeking a permanent City Manager to begin serving sometime during the coming year. All five Commissioners will be working together in this process.

There was presented and read to the Commission as an emergency a Resolution No. R2014-18 entitled **AN EMERGENCY RESOLUTION OF THE CITY OF GALLIPOLIS, OHIO, IN SUPPORT OF H.R. 3997, THE SOCIAL SECURITY ADMINISTRATION ACCOUNTABILITY ACT OF 2014, TO ADVOCATE FOR THE RETENTION OF LOCAL SOCIAL SECURITY ADMINISTRATION (SSA) OFFICES; AND IN SUPPORT OF H.R. 4964, THE SENIORS ACCESS TO SOCIAL SECURITY ACT OF 2014, AND TO REQUIRE THE CONTINUATION OF SOCIAL SECURITY NUMBER PRINTOUTS; AND IN SUPPORT OF S. 2742 THE TRANSOF SOCIAL SECURITY OFFICE CLOSURES, CONTINUATION OF REQUIRED SERVICES, REDUCTION**

Gallipolis City Commission

October 7, 2014

Page 4

OF ONLINE FRAUD POTENTIAL, REDUCTION OF FEES, AND ASSISTANCE TO THE PUBLIC REGARDING CONDUCTING BUSINESS ONLINE. Mr. Brown made a motion to adopt this resolution as an emergency, seconded by Mr. Johnson. There was discussion of where this resolution came from. There was information available in the packet that the City received. Two Ohio senators are sponsoring this bill. There has been some discussion on closing our local Social Security office. 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. R2014-19 entitled **AN EMERGENCY RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A NEW SPECIAL REVENUE FUND (OHIO MAS GRANT).** Mr. Gallagher 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 an Ordinance No. O2014-58 entitled **AN EMERGENCY ORDINANCE ACCEPTING AND REJECTING BIDS FOR THE WATER POLLUTION CONTROL FACILITY UPGRADE.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Mr. Brown. 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. O2014-59 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2014-13, AS AMENDED BY ORDINANCE NO. O2014-19, AS AMENDED BY ORDINANCE NO. O2014-24, AS AMENDED BY ORDINANCE NO. O2014-30, AS AMENDED BY ORDINANCE NO. O2014-37, AS AMENDED BY ORDINANCE NO. O2014-47, AS AMENDED BY ORDINANCE NO. O2014-56, SETTING APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF GALLIPOLIS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2014.** Mr. Brown made a motion to adopt this ordinance as an emergency, seconded by Mr. Gallagher. 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. O2014-60 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2014-14, AS AMENDED BY ORDINANCE NO. O2014-25, AS AMENDED BY ORDINANCE NO. O2014-31, AS MAENDED BY ORDINANCE NO. O2014-57, AUTHORIZING THE CITY AUDITOR TO TRANSFER OR ADVANCE FUNDS.** Mr. Gallagher made a motion to adopt this ordinance as an emergency, seconded by Mr. Brown. Upon roll call to adopt this ordinance as an emergency, all votes were yes.

President Wallis requested a motion to dismiss the charges against the police department employee brought to executive session. Mr. Gallagher made a motion to dismiss the charges against the police department employee, seconded by Mr. Brown. Upon roll call on the motion, Mr. Johnson abstained. All other votes were yes.

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


Clerk, City Commission


President, City Commission