

August 19, 2014

The Gallipolis City Commission met in special session on Tuesday, August 19, 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:

Randall J. Finney, City Manager  
 Adam R. Salisbury, City Solicitor  
 Annette M. Landers, City Auditor/Clerk/Treasurer  
 David K. Smith, President, Gallia County Commission  
 Brent Saunders, Vice-President, Gallia County Commission  
 Karen Sprague, Gallia County Administrator  
 Ronnie Lynch                      Keith Elliott                      Joy Elliott  
 Clint Patterson                      Ed Swisher

Commission received the minutes of the August 5, 2014 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

*Privilege of Floor* was granted to Dr. David Smith, President of the Gallia County Commission. He gave a brief update on the Green Sewer Project, saying that construction would begin next spring at the earliest. They are working diligently with ODOT to resolve all issues as quickly as possible.

He went on to announce their main purpose for attending tonight's meeting: to announce the award of a Critical Infrastructure Grant of \$154,400 to the City of Gallipolis by the Ohio Office of Community Development for our SR 588 Slip Repair Project. They received word of the award just yesterday. The required local match will be \$74,984.06, of which the City already has \$29,000 of TID money promised. The County will be administering the grant. The grant agreement will be dated September 1, 2014, with the environmental review expected to begin sometime in October. Because the project is located within the flood plain, the environmental review will take about forty-five days longer than it would otherwise. Construction is expected to begin in spring of 2015.

Ms. Sprague added that, according to their new data, Gallipolis still qualifies for preferential treatment as LMI (low to moderate income) for the coming year for CDBG grant funding. This designation is now updated annually. Dr. Smith commended Ms. Sprague for her success in bringing grant money into the County for so many needed projects. President Wallis thanked Dr. Smith, Mr. Saunders, and Ms. Sprague for the wonderful news and for the great working relationship that they have helped to foster between the County and the City. Dr. Smith expressed his gratitude for the City helping County residents by agreeing to treat sewage for County residents. This was a great savings for County residents.

The City Manager reported on the following:

- Electric aggregation opt-out letters will be going out on August 22<sup>nd</sup>. There were 859 customers signed up under the VESI electric aggregation program.
- Bids will be opened this Thursday, August 7<sup>th</sup>, for the Chickamauga Creek Main Water Line Repair Project. The City will need to acquire some easements before beginning the project.
- The WPC Facility Improvements Project is out to bid. Bids are due in early September.
- According to the PTI for the Green Township Sewer Project, the Vine Street Lift Station needs to be rehabilitated. EMH & T has been selected as engineer for the lift station rehab project. We will now negotiate for a fair price for this.
- ODOT requires that the City perform a traffic study, quoted at \$2,025, before they will make a decision on installing a light at the intersection of Court Street and Second Avenue. They suggested that this be done prior to changing the traffic pattern around the City Park to two-way, which Mr. Finney said does not make a lot of sense to him, but perhaps is to establish a base line. However, in discussion, President Wallis and Mr. Brown expressed the opinion that the pattern should be changed before a traffic study in order to assess the impact of the new pattern in the study. Otherwise, we will need to do two studies.
- United Way of Gallia County plans to have a fundraiser in the City Park on September 20<sup>th</sup>, sponsored by local attorney, Jenny Evans. They would like to sell alcohol at this event under the same conditions as others have done. They will have some bands and activities. Mr. Gallagher made a motion to approve their request, seconded by Mr. Johnson. In discussion, Mr. Brown expressed concern about the increase in these requests setting a precedent. Mr. Finney replied that when the amphitheater is completed, such requests are indeed likely to increase. Upon voice vote on the motion, all votes were yes.
- Love's Travel Stop, located at the Route 850 exit off Route 35, needs to install two lines and a lift station at their expense, but would like for the City to take over maintenance of the lift station after it is completed. We have done this in other cases in the past. Mr. Walters and Mr. Swisher have looked at their prints and determined that the operation will be similar to ours, but on a smaller scale. President Wallis suggested that we make sure that the parts used are compatible with those we currently use. Mr. Brown made a motion to approve the City assuming the maintenance of their lift station after construction is complete, seconded by Mr. Johnson. Upon voice vote on the motion, all votes were yes.
- There is an ordinance on tonight's agenda to lease-purchase a printer/copier/scanner unit for the Project Coordinator at a cost of \$190 per month for 60 months. It will be capable of reproducing large maps and drawings. It will be used mostly (99%) for water and sewer drawings.
- Relay for Life will be having their event this Saturday. Mr. Gallagher has agreed to represent the City by presenting a proclamation at their 2 p.m. dedication ceremony.
- On September 12<sup>th</sup>, the Chamber has sponsors for a bus and lunch for those planning to attend a special legislative day in Columbus. Our Representative Ryan Smith is setting up meetings with state officials for this special day. Commissioners were encouraged to attend.
- There will be a reception & dinner on Thursday, August 28<sup>th</sup>, at 5:30p.m. at Bob Evans to honor those who helped with the River Recreation Festival.
- There will be an OVRDC full commission meeting in Jackson on Friday, September 19<sup>th</sup> at 11 a.m., with lunch following at noon. With the location so convenient, Commissioners were especially encouraged to attend.
- Mr. Finney will be out of the office on Monday, August 11<sup>th</sup>.

The City Auditor presented a liquor license transfer request from Courtside Times LLC to PDC Two LLC dba Courtside Bar & Grill. Mr. Gallagher made a motion to not request a hearing, seconded by Mr. Johnson. In discussion, there was some concern over the new owner. Mr. Salisbury was asked his opinion. He said that although there is a possible issue with the Courtside transfer, it is not up to him to

bring that forward. He does not personally have a problem with it and he does not believe that the City has a problem with it either. Upon voice vote on the motion, Mr. Brown and Mr. Cremeens voted no. Mr. Wallis, Mr. Johnson, and Mr. Gallagher voted yes. Motion carried.

There is another liquor license transfer request from JD Hill Inc. & Patio to Brick Tavern LLC & Patio (Rajinder Kumar Sharma, owner). Mr. Johnson made a motion not to request a hearing, seconded by Mr. Gallagher. Mr. Johnson pointed out that this is the second request received from them in the last few months. Upon voice vote on the motion, all votes were yes.

Ms. Landers presented donations received in May and June of \$1,829 to the Brick Project, Gallipolis in Lights, and recreation programs. Mr. Brown made a motion to accept these donations, seconded by Mr. Johnson. Upon voice vote on the motion, all votes were yes.

Invoices over \$3,000 were as follows:

- \$6,275.61 from CT Consultants for Headworks Project. Invoice 5/14/14; P.O. 7/16/14.
- \$10,000 from Gallia Co. Economic Development for 2<sup>nd</sup> yr. commitment to Marketing Plan Project. Invoice 5/22/14; P.O. 7/17/14.
- \$355,981 from E-One for pumper truck. Invoice 5/22/14; P.O. 6/2/14.
- \$19,530 from CT Consultants for WWTP design. Invoice 6/11/14; P.O. 7/16/14.
- \$7,655.51 from CT Consultants for Headworks Project. Invoice 6/11/14; P.O. 7/16/14.
- \$3,602.45 from Walter Drane Co. for 2014 Codified Ord. Update. Invoice 7/2/14; P.O. 7/8/14.
- \$19,749.16 from OVB for Fire Station Bond pmt. Invoice 7/2/14; P.O. 8/1/14.

Mr. Cremeens made a motion to approve payment, seconded by Mr. Brown. Upon voice vote on the motion, all votes were yes.

Ms. Landers reported on the Second Half Property Tax distribution from the County. General Fund received \$49,511.42, reduced by County Auditor fees of \$1,601.03. The Fire Levy received \$44,774.89, reduced by \$1,430.63 fees. TIF received \$49,678.86, reduced by \$2,365.66 fees. Water/Sewer special assessments received \$38.90. Code Enforcement received \$205 for mowing, \$841.19 for ICC cleanup, \$103.95 for penalties, and \$3.31 for interest. Ms. Landers stated that special assessment still on the books with the County Auditor include \$11,449.54 in water/sewer, \$7,690.76 in Code Enforcement, and \$4,730 in demolitions. She passed around a spreadsheet that listed each special assessment outstanding.

The City Auditor spoke about changes in the appropriations change ordinance on tonight's agenda, which includes numbers for the amphitheater project and Chickamauga Creek Main Water Line Project. She did not include the State Route 588 Slip Repair, since it is expected to begin next year. The net change in the General Fund is a reduction of \$5,725, which reflects efforts by the City Manager and the departments to trim the budget going into the final months of the year.

The City Solicitor reported that there was a protest one week ago by animal rights groups concerned about the court cases involving the Gallia County Animal Shelter. Mr. Salisbury invited them inside and spoke to them about the plea deal, addressing rumors that have been floating about on the internet. This served to address their concerns and dispel any misinformation that they had received.

Mr. Salisbury reminded Commissioners that the mediation that he discussed at the last executive session is coming up on September 10<sup>th</sup>. He will need their input at the next meeting.

Mr. Cremeens thanked the Commission for allowing him to be excused from the last meeting. He said he had some issues, which at least four residents had brought to his attention just today, involving the

Police Department. He said that he had briefly discussed some of his concerns with the City Manager earlier today. His questions involved the following topics:

1. The new cruisers sitting unused - Mr. Cremeens has received many complaints about the new cruisers not being put into service yet, months after purchase. He asked if the Police Department did not need the cruisers. One of the cruisers is already damaged from someone hitting it where it is parked. It is apparent that they are not needed. Maybe they should just be sent back. Chief Patterson responded that one cruiser was at the sign shop.
2. The second job that the Police Chief has accepted as Police Chief of the Village of Coalton – Mr. Cremeens asked the City Solicitor if anything in the Ohio Revised Code would disallow someone serving as Police Chief in two departments. Mr. Salisbury responded that it would not violate ORC. Mr. Finney stated that there is nothing in our own Personnel Policy Manual that disallows outside employment as long as the employment does not interfere with the employee's job performance in their current position. Mr. Cremeens went on to ask if Chief Patterson was planning to retire. At this point Chief Patterson requested that this talk be held in private. Mr. Finney affirmed Chief Patterson's right to request that this discussion be held privately in executive session.
3. Disgruntled employees within the police department – Mr. Cremeens asked Chief Patterson if he was aware that a couple of the employees in his department were looking for positions elsewhere. Chief Patterson answered that he has not been informed of any such intentions.
4. Complaints of police officers not responding to calls for assistance – Mr. Cremeens said that a resident called him the other night complaining that he had called for assistance concerning speeders along upper Second Avenue and the officer never showed up. He further stated that an Ohio State Patrol Officer, called in to assist, reported that he caught many drivers violating the law with no Gallipolis police personnel to be seen. Mr. Finney reiterated that, in the interest of fairness to the Police Chief, these issues should be addressed in executive session.

Concerning the City Park Yard Sale, Mr. Finney reported that seventy-one people signed up to participate. Mr. Johnson remarked that we might want to consider having two per year. Mr. Brown mentioned that he had received lots of positive feedback. Mr. Gallagher attended and observed that there were a lot of people there.

Mr. Finney stated that they will review the drawing for the amphitheater on Thursday.

Mr. Gallagher reported on the building dedication at the University of Rio Grande, which he and Mr. Brown attended. He stated that it was very well done. Mr. Brown agreed that it was very nice.

There was presented and read to the Commission as an emergency an Ordinance No. O2014-42 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. Brown 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 as an emergency an Ordinance No. O2014-43 entitled **AN EMERGENCY ORDINANCE ACCEPTING AND REJECTING BIDS FOR ENGINEERING AND CONSTRUCTION SERVICES TO REPAIR THE MAIN WATER LINE IN CHICKAMAUGA CREEK**. Mr. Brown 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. O2014-44 entitled **AN EMERGENCY ORDINANCE ACCEPTING AND REJECTING BIDS FOR DEVELOPING PLANS AND ENGINEERING DRAWINGS FOR AMPHITHEATER AND**

**OUTDOOR SEATING.** Mr. Gallagher 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. O2014-45 entitled **AN EMERGENCY ORDINANCE ACCEPTING AND REJECTING BIDS FOR SLIP REPAIR ON STATE ROUTE 588.** Mr. Cremeens 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. O2014-46 entitled **AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH KOMAX BUSINESS SYSTEMS FOR THE LEASE OF A PRINTER-SCANNER-COPIER FOR ENGINEERING DOCUMENTS.** 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. O2014-47 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, SETTING APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF GALLIPOLIS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2014.** Mr. Johnson 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 for a first reading an Ordinance No. O2014-48 entitled **AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ISSUE PERMITS TO CHARITABLE ORGANIZATIONS TO SOLICIT FROM THE OCCUPANT OF A VEHICLE PURSUANT TO CHAPTER 371.06(B)(2) OF THE CODIFIED ORDINANCES OF THE CITY OF GALLIPOLIS, OHIO.** Mr. Johnson made a motion to place this ordinance on first reading, seconded by Mr. Brown. There is a list of groups included in this ordinance. Upon voice vote to place this ordinance on first reading, all votes were yes.

Mr. Cremeens made a motion to enter executive session to discuss personnel in the Police Department with the first part just with the City Manager, Auditor, and Solicitor in attendance, seconded by Mr. Brown. Upon roll call to enter executive session as stated, 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