

June 5, 2012

The Gallipolis City Commission met in regular session on Tuesday, June 5, 2012, at 7:00 p.m. in the Gallipolis Municipal Courtroom on Olive Street, having complied with Section 9 of the City Charter.

Commission President Jay Cremeens called the meeting to order and gave the invocation.

Upon roll call, the following members were present:

James Jay Cremeens, President
 Steven E. Wallis, Vice-President
 Michael W. Brown, Member
 James A. Cozza, 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
 Amber Gillenwater, Gallipolis Daily Tribune
 Michelle Miller, Gallia Hometown Herald
 Stephanie Carroll, Gallia Hometown Herald

Tony Gallagher	Ronnie Lynch	Marvin Vanderberg
Randy Breech	Keith Elliott	Joy Elliott
Clint Patterson	Marvin Ours	Dottie Chestnut
Bob France	Donnie France	Bill Gene Johnson
Bev Dunkle	Bob Donnally	Robert Jacks

Commission received the minutes of the May 15, 2012 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

Mr. Bob Hood, Gallia County Convention & Visitors' Bureau, was recognized for *Privilege of Floor*. He distributed copies of their annual report to the Commissioners, explaining that their bylaws require that they provide an annual report to the City Commission. He said that the lodging tax receipts have been up, due to greater occupancy rates for the motels. Super 8 has been running around 80% occupancy rate. He showed the Commissioners their new brochures with walking guides for Mound Hill Cemetery and the downtown. He also talked about the three upcoming weekends of bass tournaments. Attendance at these has been increasing yearly. Ohio River Live will be this coming weekend, as well.

Mr. Bob Donnally was invited to comment on the golf cart ordinance. He said that there was one typographical error, but the ordinance looked good otherwise. He has received mostly positive comments. The only person who complained changed his mind when he learned more about what was proposed. During discussion, Mr. Johnson asked what the fee would be and how often would you need to renew. The amount decided upon was \$20 annual fee. There was discussion about needing to follow state laws for motorized vehicles, such as having a regular license, registration, insurance, lights, mirrors, and turn signals. There was also discussion of whether the golf carts would be allowed to cross the state highways, but not travel on them. They would be allowed to travel on roads where the posted speed is not in excess of their maximum attainable speed, in most cases 25 mph. This would allow them to operate on most sections of the state highways within the City. Following discussion, the City Solicitor was directed to have an ordinance, with \$20 annual renewals, for the next meeting.

Mr. France was invited to speak for *Privilege of Floor*. He said that he wanted the City to inform Ms. VanNest that she does not have an easement and must repair the damage she has done to the property. Mr. Salisbury answered that he made it clear to Ms. VanNest at the last meeting that she does not have an easement from the City. The City is not responsible for any damage that Ms. VanNest has caused. If Ms. VanNest has damaged Mr. France's property, he can have his own attorney look into compelling her to repair the damage through a civil action. Mr. Salisbury asked Mr. France if he was prepared to concede that the property in question belonged to the City. Mr. France did not indicate a willingness to do so. Since the ownership of the property is in dispute, the City cannot step in prematurely and demand any action on the part of Ms. VanNest. President Cremeens stated that the City is waiting to see what Ms. VanNest's next step might be.

Ms. Bev Dunkle, President of the Gallipolis in Bloom committee, was granted *Privilege of Floor*. She thanked the Commission for their support. She went over the itinerary, highlighting those events that the Commission might be most interested in attending. Spouses are also welcome to attend. The meals require RSVP's. On behalf of the entire Commission, President Cremeens thanked her and the committee for all of their hard work.

The City Manager reported on the following:

- An employee resigned from the Utility office. Other employees are being re-assigned to fill the vacancy.
- Repair of old Mound Hill Road – Four engineers have been selected to begin negotiations.
- Elm Alley – The project is set to begin on June 18th, with a projected completion date of July 6th. A letter is being sent to the residents.
- Administrative Building – Some changes have been made for rebidding the project. Most of the storage spaces have been combined into one area, saving on extra walls and doors. The conference room has been extended by three feet. The City Manager and City Auditor offices have been combined with the Utility office to allow better utilization of employees to serve utility customers. Also, the soil work has been added to the contract.
- Justice Center – The lights are up in the courtroom. The transformer has come in and is set in place. The committee met last night and has recommended a wrought-iron look railing with split faced block for extra work at the front of the building. Mr. Wallis made a motion to approve this recommendation, seconded by Mr. Cozza. Upon voice vote on the motion, all votes were yes.
- The Chamber of Commerce has requested permission to sell alcohol at Chilifest, as they have in the past. After a short discussion, Mr. Johnson made a motion to approve sales of alcohol by the Chamber of Commerce for Chilifest, seconded by Mr. Cozza. Upon voice vote on the motion, all votes were yes.
- The City's Health Benefits Fair is set for tomorrow and Friday. Employees will be answering an on-line questionnaire to prepare for quotes on health insurance. They will also have the opportunity to learn about other voluntary insurance programs offered to employees.
- The Grand Opening for Jividen's is set for Saturday at 3p.m. Commissioners are invited to attend.
- The Indian rock has been moved to Haskins Park near the shelter house.
- Electric aggregation – We need to wait until after July 1st to see where PUCO is going with their rate regulations before we can go forward with a contract with Volunteer Energy Services.
- CMI Utility Upgrade – There is an ordinance on the agenda for this evening for a software upgrade for the Utility Billing Department. The upgrade includes internet access for customers for viewing their accounts and paying their bills, as well as docuscan to allow for document imaging for record retention.

President Cremeens invited Fire Chief Keith Elliott to speak to the Commission on the issues of purchasing a truck and reimbursement of firefighters for expenses associated with runs. Chief Elliott reported that runs are down so far this year, partially due to the curtailment of lift assists. He said that he has looked into the amounts that other departments reimburse their volunteer firefighters for runs. Rio Grande reimburses \$15/run. Vinton reimburses \$20. President Cremeens asked the City Auditor if the City could afford to reimburse \$20 to \$25 per run. Ms. Landers answered that she was not prepared to answer such a question on the spot. President Cremeens asked her to look into the matter and report back at the next meeting.

Chief Elliott also talked about the age of the fleet of trucks that the fire department is using. He said that when the levy was passed, the fire department was promised a new fire truck every seven years. He claimed that the levy has been expended for other things, such as the Ameresco improvements. Ms. Landers responded that the Ameresco improvements were capital items, which allowed them to be covered by the fire levy. No fire levy money has been expended for items not listed as appropriate in the levy language.

Chief Elliott said that he would like to buy a tanker truck (@ \$230,000) and a brush truck (@ \$60,000). The lead time on trucks is around eight months, but demo trucks can be available sooner (@ 2-3 months). He has spoken to the City Auditor about purchasing a vehicle and has learned that the earliest that the City could afford to go out for a loan would be in 2013. The ladder truck will be paid off in September of 2013. Ms. Landers confirmed his statement. She said that the debt service on this one vehicle could support the purchase of two less expensive vehicles. The other problem for the fire department is that the fire levy receipts have been reduced by about \$30,000 per year because of the reduction and elimination of the property tax reimbursements from the state. There are similar reductions in the amounts that the townships are receiving from their fire levies, which means that our contracts are not yielding as much either. We have mitigated that loss somewhat by increasing their percent from 80% to 85%, but it probably will not totally make up the difference. She explained that the City could go out again for a new continuous 2 mill fire levy and that would re-set the amount collected to a full 2 mills. We now have a reduction factor that is applied, which makes our actual revenues from our 2 mill levy yield less than the General Fund's 1.9 mills. If we are not successful in passing a new continuous 2 mill levy, we would still have the old 2 mill levy in place.

The City Auditor presented the May Financial Statement for approval. Mr. Wallis made a motion to approve the April Financial Statement, seconded by Mr. Brown. Upon voice vote on the motion, all votes were yes.

Two invoices over \$3,000 were presented for approval:

- \$3,100 from Lori Kelly for flower beds. The invoice was dated 4/30/12. The purchase order was dated 5/1/12.
- \$85,491.30 from U.S. Bank for loan payment. The invoice was dated 5/17/12. The purchase order was dated 5/21/12.

Mr. Wallis made a motion to approve payment, seconded by Mr. Johnson. Upon voice vote to approve payment, all votes were yes.

Ms. Landers told the Commissioners that there were two resolutions to establish new funds on tonight's agenda. The Fire Loss Recovery Fund was earlier established as a Special Revenue Fund. The Auditor of State's office has recommended that it would be better established as an Agency Fund. They also pre-approved the establishment of the Digital River Project Fund as an Agency Fund.

The City Solicitor told the Commission that he has won two of the three recent jury trials where he represented the City. He also reported that three businesses are still not compliant with the sign

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ordinance. They will be taken to court if they do not comply. Mr. Wallis commented that there seems to be an abundance of temporary signage along Eastern Avenue, which is distracting to drivers. Mr. Finney said that he would send a notice warning people to remove the signs

Mr. Johnson stated that there are lots of events set for the downtown this weekend. In addition to others already mentioned, the French Art Colony will be having their Second Friday event.

The Commission discussed the wall collapse of Mike Marchi's building on Third Avenue. The streets in the vicinity will need to be shut down on Friday and Saturday in order to preserve public safety during the clean-up. This might present some challenges with the downtown events.

Mr. Cozza asked how the City normally deals with a broken window in a city-owned vehicle. Mr. Finney answered that it would normally be taken to Irvin's Glass for replacement.

There was presented and read to the Commission as an emergency a Resolution No. R2012-13 entitled **AN EMERGENCY RESOLUTION AMENDING RESOLUTION NO. R2011-11, AUTHORIZING THE CITY MANAGER TO ENTER INTO FIRE PROTECTION AGREEMENT WITH THE TOWNSHIP OF GREEN, GALLIA COUNTY, OHIO.** Mr. Johnson made a motion to adopt this resolution as an emergency, seconded by Mr. Wallis. Mr. Wallis made a motion to amend the resolution and contract to insert the word "rescue" before "safety," seconded by Mr. Johnson. Upon voice vote to amend the resolution and contract, all votes were yes. Mr. Johnson made a motion to adopt the amended resolution as an emergency, seconded by Mr. Wallis. Upon roll call to adopt the amended resolution, all votes were yes.

There was presented and read to the Commission as an emergency a Resolution No. R2012-14 entitled **AN EMERGENCY RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF A NEW MUNICIPAL BUILDING TO HOUSE ADMINISTRATIVE OFFICES.** Mr. Wallis made a motion to adopt this resolution as an emergency, seconded by Mr. Cozza. The City Manager went over the changes made to the design. He said that the bid should go out one week from Sunday. 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. R2012-15 entitled **AN EMERGENCY RESOLUTION REPEALING RESOLUTION NO. R2012-09, AND AUTHORIZING THE ESTABLISHMENT OF A NEW AGENCY FUND FOR FIRE LOSS RECOVERY.** Mr. Johnson made a motion to adopt this resolution as an emergency, seconded by Mr. Wallis. 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. R2012-16 entitled **AN EMERGENCY RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A NEW AGENCY FUND FOR THE DIGITAL RIVER PROJECT.** Mr. Cozza made a motion to adopt this resolution as an emergency, seconded by Mr. Brown. 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. O2012-34 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2012-07, AS AMENDED BY ORDINANCE NO. O2012-20, AS AMENDED BY ORDINANCE NO. O2012-28, SETTING APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF GALLIPOLIS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2012.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Mr. Wallis. Ms. Landers explained the changes in appropriations. 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. O2012-35 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2012-08, AS AMENDED BY ORDINANCE NO. O2012-21, AUTHORIZING THE CITY AUDITOR TO TRANSFER OR ADVANCE FUNDS.** 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. O2012-36 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. Johnson made a motion to adopt this ordinance as an emergency, seconded by Mr. Cozza. Mr. Finney gave a brief description of the coverage offered. 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. O2012-37 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS FOR PROFESSIONAL CONSULTING SERVICES FOR THE MOUND HILL ORIGINAL ROAD SLIP REPAIR PROJECT.** Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Brown. Mr. Finney explained the process for selection. 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. O2012-38 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO AUTHORIZE AND FUND CHANGE ORDER NO. 11 WITH THE KINSALE CORPORATION FOR A NORTH SIDE RETAINING WALL FOR CONSTRUCTION OF THE GALLIPOLIS JUSTICE CENTER COMPLEX.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Mr. Cozza. Mr. Wallis pointed out a typographical error in the body of the ordinance, which Ms. Landers will correct. 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. O2012-39 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO AUTHORIZE AND FUND CHANGE ORDER NO. 12 WITH THE KINSALE CORPORATION FOR ELECTRICAL CHANGES PER PERMIT DRAWINGS FOR CONSTRUCTION OF THE GALLIPOLIS JUSTICE CENTER COMPLEX.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Mr. Wallis. Mr. Finney explained that the changes were for wiring on the police side, some work on the court side, and wiring for the handicapped entrance. The pole in front of the building will be removed, as well as one across the street. Of the many changes on this change order, only one was for the court. Mr. Finney stated that the court has paid for other change orders, and he did not split this out as a charge to the court. 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. O2012-40 entitled **AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH THE FOUNDATION FOR APPALACHIAN OHIO TO SPONSOR THE DIGITAL RIVER PROJECT UNTIL THE DRP RECEIVES 501(C)(3) STATUS.** 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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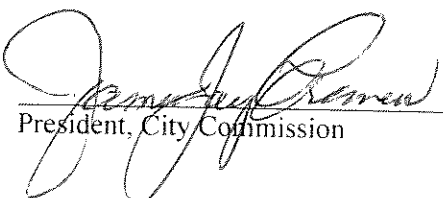
There was presented and read to the Commission as an emergency an Ordinance No. O2012-41 entitled **AN EMERGENCY ORDINANCE AUTHORIZING PAYMENT TO CREATIVE MICROSYSTEMS, INC. FOR COMPUTER SOFTWARE UPGRADES FOR THE UTILITY DEPARTMENT.** Mr. Johnson made a motion to adopt this ordinance as an emergency, 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. O2012-42 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH COMPANAGEMENT, INC., FOR CONSULTATION AND ADMINISTRATION WITH RESPECT TO WORKERS' COMPENSATION MATTERS.** Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Brown. Mr. Finney explained that this puts us back into group rating, with substantial savings. 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. O2012-43 entitled **AN ORDINANCE AMENDING ORDINANCE NO. O2009-23, AS AMENDED BY ORDINANCE NO. O2011-98, AUTHORIZING AND DIRECTING THE CITY AUDITOR TO MAKE PRIOR PERIOD REVENUE ADJUSTMENTS FOR THE YEARS FROM 1994 TO 2007 IN THE WATER POLLUTION CONTROL FUND AND WATER POLLUTION CONTROL REPLACEMENT & IMPROVEMENT FUND OF THE CITY OF GALLIPOLIS, OHIO.** Mr. Cozza made a motion to place this ordinance on first reading, seconded by Mr. Johnson. Upon voice vote to place this ordinance on first reading, 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