

January 3, 2012

The Gallipolis City Commission met in regular session on Tuesday, January 3, 2011, 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		
Stephanie Filson, Gallipolis Daily Tribune		
Michelle L. Miller, Gallia Hometown Herald		
Tony Gallagher	Clint Patterson	Marvin Vanderberg
Dick Moore	Dave McCoy	Ronnie Lynch
Joy Elliott	Mary Deloris Saxon	Marvin Ours
Morgan Saunders	Keith Elliott	Jeremy O'Dell
Jonathan Elliott	Bette Horan	Randy Breech
Brad Harris	Steve Elliott	Jim Johnson
Bill Gene Johnson	Bob Hood	Tom White
Dottie Chestnut	Brent Saunders	Andrew Holcomb
Kevin Plantz	Kim Elliott	Tim Neekamp
John Elliott	Brad Rose	Dean Mays

The City Manager reported on the following:

- FEMA disaster team – Some response is expected in the next ten to fifteen days concerning our earlier submissions.
- Justice Center – The structural steel is about 85% installed. Weather has been interfering some.
- Administration Building – Mr. Finney showed the architect's design for the exterior of the building, which is 5,750 square feet. It is very similar to the design for the Justice Center. We need to set up public hearings on the design before going out to bid.
- New Cemetery Road – Triad did five borings last week. Results should be back around the first of next week. Mr. Finney does not expect the cost to fix the problem to be very great.
- Rt. 850 Lift Station – An insurance claim has been submitted. One of the motors can be repaired, which will save some money.
- Chillicothe Road – E. L. Robinson was available to come in and do the engineering for the re-route of the sewer line. The City must obtain a permit to install (PTI). The drawings should be

ready in the next two weeks. Cost to re-run the line was estimated around \$70,000, but Mr. Finney said he thought it might come in less.

- Mr. Finney plans to attend the Ohio Department of Development's meeting concerning their Local Government Innovation Fund Program, set for Wednesday, January 11th, from 10 a.m. to noon in Marietta.
- Planning Commission meeting – January 9th at 5 p.m. Mr. Cremeens was informed that he is now President of the Planning Commission.
- The Chamber of Commerce dinner is on January 26th at 5:30 p.m.. The Gallipolis in Bloom Committee is to be honored as the "Committee of the Year" at the dinner. Mr. Finney asked permission to send the members to the dinner at City expense. Mr. Johnson made a motion to approve payment of Gallipolis in Bloom Committee members' dinners, seconded by Mr. Wallis. Upon voice vote on the motion, all votes were yes.
- Demolition of houses – They are very close to being able to proceed with demolition of the house on Second Avenue, across from Foodland. The owner has agreed to allow demolition and placement of the cost on his property taxes. They are also working on the property in the 700 block of Third Avenue.
- Digital River Project - The committee working on the Digital River Project has approached Mr. Finney to ask if the City would be willing to participate in helping to fund growth in the downtown. Several businesses are planning to contribute. Ohio Valley Bank has already pledged \$40,000. The committee asked if the City would consider donating the money from the added income tax collections for community investment in the downtown area. Ms. Landers suggested that it could be treated similarly to other Community Investment donations that the City makes. The Commission could, by ordinance, donate an amount equal to a percentage, up to 100%, of the income tax collections from the new businesses created in the downtown area for the public purpose of downtown development. The City Solicitor cautioned that the Commission would need to be very clear that the income tax itself was not dedicated to any other entity, which would constitute an abuse of the City's taxing authority. This revenue stream would not be available as "up-front" money since collections would lag somewhat. If desired, a special fund could be created for donations, which the City could administer in the same way it did for the Born2Sk8 Committee for the Skatepark. This would qualify donations to be itemized for federal tax purposes as charitable donations. Mr. Johnson said that the Committee wants to start a business incubator and promote their efforts downtown with such things as Digital River banners on the light poles. They may need a variance for a sign they want to put up, as well. He encouraged the City to get behind this group and encourage their efforts. The Committee meets again tomorrow evening at 5:30 p.m. Jodie McCalla must go to Baltimore for training for a couple of months, but things could progress rapidly when they are ready to roll. Mr. Johnson said he hopes to bring more information to the next meeting.

The City Auditor presented three invoices over \$3,000 for approval of payment:

- \$5,291.20 from the Gallia County Commissioners for 4th Quarter IT Director salary. Invoice date: 2/14/11. P.O. date: 11/8/11 (This invoice was dated wrong, but a corrected copy was not sent.)
- \$4,234.00 from Breech Engineering for engineering services on the new Administrative Building. Invoice date: 12/1/11. P.O. date: 12/22/11.
- \$3,622.50 from Grace Myers for track-hoe work on the Henkle storm drain repair. Invoice date: 12/13/11. P.O. date: 12/14/11.

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

Ms. Landers asked the Commissioners if they would be discussing budgetary hearings. President Cremeens replied that they would discuss this during their portion of the meeting.

The City Solicitor requested executive session for two legal issues.

Mr. Wallis said he wanted to add a personnel issue for executive session.

President Cremeens welcomed newly-elected member, Mike Brown, to the City Commission. He also welcomed the other members back. He said that he has been reading in the Columbus paper reports from the Ohio Municipal League about the financial struggles many communities are facing. Gallipolis is not immune to these struggles, as well. He said that the Commission will need to meet with department heads this year and examine each budget request by line item to identify ways to cut back. He also spoke of the dangerous conditions on the new cemetery road, adding that he sees no need to spend a lot more on it unless the engineering studies indicate otherwise. He recommended fixing the old road.

There was presented and read to the Commission for a second reading an Ordinance No. O2011-122 entitled **AN ORDINANCE AMENDING CHAPTER 153, CIVIL SERVICE RULES FOR APPOINTMENT AND PROMOTION OF MEMBERS OF POLICE AND FIRE DEPARTMENTS, OF THE CODIFIED ORDINANCES OF THE CITY OF GALLIPOLIS, OHIO.** Mr. Johnson made a motion to adopt this ordinance on second reading, seconded by Mr. Cozza. Mr. Salisbury reminded the Commissioners that this was the amended version of the ordinance as amended at the last meeting. Mr. Wallis said that the ordinance contains verbiage that is distorted and seems to repeat itself. Mr. Salisbury advised that if the wording is amended from the amended wording that was noted in the record and adopted at the last meeting, then the newly amended ordinance would revert back to first reading. Mr. Wallis made a motion to amend the ordinance to read, "153.01 APPOINTMENT OF POLICE CHIEF. (first paragraph) Selection for Police Chief shall be made from officers with a minimum of ten years of experience as a police officer. (second paragraph) The City Manager, using an appropriate evaluating process, will interview each applicant and select the most qualified candidate, subject to approval of the Gallipolis City Commission. 153.02 APPOINTMENT OF FIRE CHIEF. (first paragraph) Selection for Fire Chief shall be made from firefighters with at least ten years of experience. (second paragraph) The City Manager, using an appropriate evaluating process, will interview each applicant and select the most qualified candidate, subject to approval of the Gallipolis City Commission."

Mr. Finney and Mr. Johnson both spoke against opening the initial search to those outside the departments. Mr. Johnson said that he feared what this would do to the fire department if the volunteers got upset and quit. He also said that this would be contrary to the common practice of posting vacancies in-house before going outside. Mr. Wallis said that he was interested in getting the most qualified person, whether in-house or from outside. After a period of discussion, Mr. Salisbury stated that the motion needed a second. There was no second made to the motion. There was no further discussion on the proposed amendment.

Discussion was opened on Mr. Johnson's original motion, seconded by Mr. Cozza, to adopt Ordinance No. O2011-122 on second reading. Upon request, Ms. Landers read again the amended wording, adopted at the last meeting. Upon roll call to adopt this ordinance on second reading, Mr. Wallis voted no. All other votes were yes. Ordinance No. O2011-122 was adopted on second reading.

There was presented and read to the Commission as an emergency an Ordinance No. O2012-01 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO AUTHORIZE AND FUND CHANGE ORDER NO. 3 WITH THE KINSALE CORPORATION FOR CONSTRUCTION OF THE GALLIPOLIS JUSTICE CENTER COMPLEX TO CHANGE SCOPE OF SIDEWALK WORK.** Mr. Johnson made a motion to adopt

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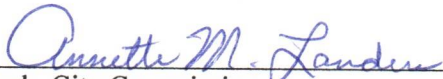
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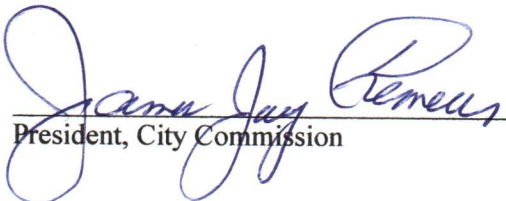
this ordinance as an emergency, seconded by Mr. Wallis. Mr. Finney said that this is for a retaining wall, sidewalk work, and landscaping, which was in the budget already. Kinsale will now be doing this work. Mr. Breech said that the work will be tied to the building. The materials being used will provide greater protection from kick damage by pedestrians walking along the side next to the Warehime Building. Upon roll call to adopt this ordinance as an emergency, all votes were yes.

Mr. Wallis made a motion to enter executive session to discuss personnel, property, and legal issues as set forth in ORC Section 121.22(G)(1), (2), & (3). Mr. Finney said that they must state what personnel department they wish to discuss. Mr. Salisbury stated that he had a property and legal dispute. Mr. Wallis stated that his personnel matter involved management. Mr. Dick Moore asked for permission to speak, which was granted. Mr. Moore asked if the person they were going to talk about was an appointed official being disciplined or terminated. He added that if so, an appointed official has the right to choose that discussion be conducted in open session. President Cremeens said that he was not aware of any issues other than property and legal that needed to be discussed. When pressed, Mr. Wallis stated that personnel would not be discussed in tonight's meeting. Mr. Wallis changed his motion to enter executive session to discuss property and legal issues as set forth in ORC Section 121.22 (2) & (3), seconded by Mr. Johnson. Upon roll call to enter executive session, all votes were yes. President Cremeens announced that there would be no business following executive session.

Upon completion of executive session, Commission returned to regular session. There being no further business to come before the City Commission, the meeting was adjourned.



Clerk, City Commission



President, City Commission