

May 1, 2012

The Gallipolis City Commission met in regular session on Tuesday, May 1, 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
 Tony Gallagher Ronnie Lynch Marvin Vanderberg
 Henry L. Myers David Carter Rodney VanNest
 Michael Smith Dottie Chestnut Ellen VanNest
 Claudia Miller Oscar Bastiani Nina Jeffers
 Bill Gene Johnson Bob France Donnie France
 Patty Sessor Susie Phalin Jeff Marple
 Patti Barton Beau Sang Ellen Marple

Commission received the minutes of the April 3, 2012 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

Privilege of Floor was granted to Mr. Henry L. Myers, Sons of Union Veterans of the Civil War (SUVCW), to speak on replacement of the Civil War Monument in Pine Street Cemetery. He provided a brief history of the monument, informing those present that it was erected in Pine Street Cemetery and dedicated on June 1, 1868. It is believed that this may have been the first Memorial Day observance. He said that no one seems to know what happened to the original monument, but they have located the base of the monument next to the flag pole. They are requesting permission to remove the old base and install a new engraved granite monument, which will be donated by Saunders Monument Company. The City Solicitor will check to assure that the site they have chosen will not impinge upon any grave spaces. Mr. Wallis made a motion to approve installation pending the outcome of this search, seconded by Mr. Johnson. Upon voice vote on the motion, all votes were yes.

Mrs. Ellen Flinger VanNest was invited to speak about her request for access to her lots in Walter's Hill Subdivision. She and her husband are seeking access via Bastiani Drive and the old railroad bed. The residence will be within the corporation limits. Several residents voiced concerns over granting an easement for the old railroad bed. Some expressed concerns that there could be another slip as occurred in the past when the land beside the railroad bed gave way. Others were concerned about the proximity of the proposed road to their own property. Mr. Oscar Bastiani provided a history of the ownership of the railroad bed. He said that he did not believe that the State of Ohio had ownership of the property when they deeded it to the City. He stated that a title search would prove that Mr. Robert France

owns the railroad bed. Further controversy arose when it was revealed that Ms. VanNest had a bulldozer put in the road on Good Friday. She claimed that Brett Bostic told her (and another, un-specified City employee confirmed) that the easement from the City was coming and she could proceed with putting in her road. Mr. Finney said that Brett Bostic claims that he had told her that she could only proceed with work on her own property. Mr. France thought that she had deliberately lied when she said during a confrontation on Good Friday that she already had an easement from the City. Ms. VanNest said that she was not lying because she thought she did have one forthcoming.

Mr. Salisbury advised her that she should hire a lawyer to help her draw up an easement to present to the Commission. All easements involving City property require Commission approval. He further advised that the City's only role would be to possibly grant the easement. Any costs or problems arising from construction or use of the road would be solely her responsibility.

Ms. Ellen Marple approached the Commission to show pictures of a slip that occurred in 2003. Mr. Beau Sang asked the customary procedure for handing requests for easements. Is there a policy about informing neighboring landowners? Mr. Cozza explained how the Planning Commission and Board of Zoning Appeals handle similar matters coming before their boards. President Cremeens made the observation that from the attendance at the meeting, someone did inform all interested parties.

To conclude the discussion, President Cremeens instructed the City Solicitor to investigate and determine ownership of the railroad bed. The Commission reserved further comment pending the outcome of the deed search.

The City Manager reported on the following:

- FEMA disaster team – The City received a check for partial reimbursement on Allen Drive and Elm Alley. RFQ's for the engineering work on the old cemetery road are due on Friday. Notice of rejection on the new cemetery road was received, but can be appealed as soon as we receive the proper forms.
- Elm Alley bids – Bids were opened on the Elm Alley Project on Friday. Our engineering consultant is still reviewing the bids. Mr. Finney recommended tabling the ordinance until we receive our engineer's recommendation.
- The America in Bloom judges will be arriving in town on Sunday, June 17th. Judging will occur on June 18th and 19th.
- On appeal, PUCO rolled back the electric rate increase on the generation portion of the electric bill, but allowed the 45% increase in distribution rates to remain.
- The City received a plaque for our donations to United Way at their recent awards breakfast.
- Ms. Dunkle, Mr. Bostic, and Mr. Finney will be attending the annual Tree City USA award event tomorrow.
- First Friday will sponsor the annual "Meet Your Legislator" event on Friday, May 4th, from 7:30 a.m. to 9:30 a.m., at Holzer Hospital.
- National Travel and Tourism Week (May 7-12, 2012) will kick off with a Travel Rally Day on Monday, May 7th, at noon in the City Park.
- National Goodwill Week will be celebrated at an event on Thursday, May 10th, at 2 p.m., at the Goodwill Store in the Silver Bridge Plaza.
- The Grow Gallia Strategic Plan Kick-off Event will be held on Monday, May 14th, at 6 p.m. at Bob Evans Hall Auditorium, University of Rio Grande. Everyone is encouraged to attend.
- Administrative Building bids all came in over \$700,000. The Commission will need to decide where to go from here. Reasons attributed to the high bids were higher material costs and the fact that contractors are busier than they were when we received bids for the Justice Center. The

building site has problems with a thick layer of concrete and sandy soil down to about 8 feet. It will cost an estimated \$80,000 or more to excavate and fill.

- Justice Center – The block has been installed on the back of the building and the transformer is in. They are working on the sallyport. Some of the brick has gone up on the walls. The drywall is mostly done inside. There are three change orders on tonight's agenda. Mr. Finney showed spreadsheets of all of the change orders so far and who (City or Court) is paying for each.

The City Auditor presented a liquor license transfer request from Tolson Enterprises, 1601 SR 7 S to Deanozl LLC, 1601 SR 7 S. She said that the police department reported no problems with the transfer. Mr. Wallis made a motion not to request a hearing on the transfer, seconded by Mr. Johnson. Upon voice vote on the motion, all votes were yes.

There were three invoices over \$3,000 submitted for approval of payment:

- \$10,000.00 from Pine Grove Kennels for the new police dog and training. Invoice date: 1/20/12. PO date: 2/1/12.
- \$143,764.12 from Wal-Mart for TIF refund. Invoice date: 3/6/12. PO date: 4/4/12.
- \$18,262.86 from Waste Management for March. Invoice date: 4/1/12. PO date: 4/2/12.

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

Ms. Landers went over the appropriation change ordinance on tonight's agenda. She told the Commissioners that the City's server is eight years old, starting to have problems, and needs to be replaced. The judge paid for the last server. This time, the cost will be split between General Fund, Water, and Sewer. She also included in the appropriations the software upgrade for the utility billing department to offer on-line bill payments and additional money for equipment repairs in the WPC Line Maintenance Fund. They are awaiting insurance reimbursement for lightning damage to a lift station, but in the meantime, they need additional funding for this line.

The County sent out their first half property tax settlement checks. The City Auditor went over the amounts received, highlighting receipts for demolitions & cleanup and water/sewer special assessments. She said that the County Treasurer's debt collection program has been very effective in bringing in some of the older debts, including some dating from 2004 and 2005. Four of our special assessments had been removed from the list that the County provides, showing amounts still uncollected. In exploring what happened to these special assessments, Ms. Landers learned that the parcels had been auctioned for back taxes, but had not sold on the first sale. When that happens, the Gallia County Circuit Court Judge then sets a price as the lowest acceptable bid. In the case of these properties the lowest acceptable bid was not sufficient to recapture all of the costs assessed against the property. The judge specifies which costs receive priority, but in three of the cases, there was no money available for the City's special assessments. On tonight's agenda, there will be a first reading on a special write-off for the four accounts that we have learned are uncollectable.

Ms. Landers said that the City will need to take this risk (of never being able to collect) into account when deciding which properties to demolish at City expense to be reimbursed from property tax assessments. We had always thought that the money would eventually come back into the City treasury, but we now know that it is possible in some cases that we will never recapture the cost. Ms. Landers suggested that the City adopt legislation to participate in the Ohio Attorney General's debt collection program, which is on first reading this evening. Their Collection Enforcement Section is able to collect on certain debts, other than utility billings, for local governments. They add 10% to the amount due to cover their costs of collection. They are able to attach state tax refunds and lottery winnings in collecting

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debts, as well as bring to bear the greater authority and resources of the State Attorney General's offices. This could become our first choice for collecting on the types of debts that qualify for their services.

The City Solicitor reported that the special assessment for cleanup of the Amsbary property was collected in the First Half Settlement. He also reported that the receivership for the McGhee properties has filed a motion for summary judgment, which is moving forward rapidly. The civil cases for AT&T and the landslip are in discovery stage.

Mr. Johnson encouraged folks to get out and attend the Grow Gallia Kick-off event on Monday, March 14th, beginning at 6 p.m., at the University of Rio Grande Bob Evans Hall Auditorium. He said that they will be discussing employment, business development, infrastructure, building County capacity, and Gallipolis City development. Anyone interested in growth in Gallia County should plan to get involved by attending the kick-off meeting.

Mr. Johnson announced that the Honorable Drew Hastings, Mayor of Hillsboro, Ohio, will be performing at the Ariel Theatre this Friday evening. Also, Ohio River Live will be sponsoring two concerts this season, the first on June 9th and the second in September. Every second Friday of each month, the French Art Colony will be sponsoring a special event. Everyone was encouraged to come out and support these events.

Mr. Cozza said that he noticed many people out walking in the downtown area this evening. He was very encouraged to see the community out enjoying the downtown amenities. He said that the trash cans on Second Avenue were very full with what appeared to be someone's household garbage. The City Manager responded that he and Brett Bostic were aware of the problem and have contacted the property owners and renters in the vicinity. If the situation is not remedied, it will go to legal action.

The Commissioners briefly discussed the sidewalk sweeper and street sweeper. Neither one is doing a good job.

President Cremeens informed the Commissioners that Mrs. Barbara Chevalier, a former City resident, wrote a letter concerning access to Mound Hill Cemetery. She was concerned about the poor condition of the new road and wondered where the Commission was in their project to fix the old road. He asked Ms. Landers to write to her, expressing the Commission's concern over the poor conditions and their interest in expediting the project, as well as the steps they are taking toward that goal. Mr. Brown asked if it would be feasible to offer shuttle service for Memorial Weekend for those afraid to travel the access road. The City Manager and others were concerned about liability issues in offering such service.

Mr. Johnson stated that the Digital River Project now includes First Avenue to Third Avenue, Court Street to State Street, plus the 400 block of Second Avenue.

There was presented and read to the Commission as an emergency a Resolution No. R2012-12 entitled **AN EMERGENCY RESOLUTION SUPPORTING THE COUNTY BUDGET COMMISSION'S ALTERNATIVE FORMULA FOR THE DISTRIBUTION OF THE LOCAL GOVERNMENT FUND AND THE LOCAL GOVERNMENT REVENUE ASSISTANCE FUND FOR 2013, 2014, 2015, 2016 AND 2017**. 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 an Ordinance No. O2012-23 entitled **AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WASHINGTON COUNTY FOR THE BOARDING OF**

PRISONERS. Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Brown. There was discussion of the price per day (\$60) and the cost involved in transporting prisoners to and from. 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. O2012-24 entitled **AN EMERGENCY ORDINANCE ACCEPTING AND REJECTING BIDS FOR WATER/SEWER MAINTENANCE SUPPLIES, HYDRANTS, AND METERS.** Mr. Wallis 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. O2012-25 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO AUTHORIZE AND FUND CHANGE ORDER NO. 8 WITH THE KINSALE CORPORATION FOR COURTROOM FINISHES FOR THE CONSTRUCTION OF THE GALLIPOLIS JUSTICE CENTER COMPLEX.** Mr. Cozza 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. O2012-26 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO AUTHORIZE AND FUND CHANGE ORDER NO. 9 WITH THE KINSALE CORPORATION FOR THE AUDIO/VISUAL CONTRACT (COURTROOM) FOR CONSTRUCTION OF THE GALLIPOLIS JUSTICE CENTER COMPLEX.** Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Cozza. 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. O2012-27 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO AUTHORIZE AND FUND CHANGE ORDER NO. 10 WITH THE KINSALE CORPORATION FOR CONSTRUCTION OF THE GALLIPOLIS JUSTICE CENTER COMPLEX.** 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. O2012-28 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2012-07, AS AMENDED BY ORDINANCE NO. O2012-20, SETTING APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF GALLIPOLIS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2012.** Mr. Wallis 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. O2012-29 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ISSUE A PERMIT TO A CHARITABLE ORGANIZATION 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 adopt this ordinance as an emergency, seconded by Mr. Cozza. This permit is for the MGM Marine Corps League to solicit funds in the Wal-Mart intersection on Saturday, May 5th. Commissioners discussed the danger of collecting in the street. Organizations are encouraged to exercise caution. 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. O2012-30 entitled **AN EMERGENCY ORDINANCE ACCEPTING AND REJECTING BIDS FOR THE ELM ALLEY SANITARY SEWER REHABILITATION (HENKLE AVENUE SEWER IMPROVEMENTS)**. Mr. Johnson made a motion to table this ordinance. There was discussion about whether to it would be advisable to table this ordinance, but the Commission decided to alter the wording and adopt it as an emergency. Mr. Johnson removed his motion to table and made a motion to amend this ordinance to include wording to give authority to the City Manager to enter into contract with the firm recommended by the engineer, 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. O2012-31 entitled **AN EMERGENCY ORDINANCE REJECTING BIDS FOR CONSTRUCTION OF THE GALLIPOLIS MUNICIPAL BUILDING ADMINISTRATIVE OFFICES**. Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Mr. Cozza. Commissioners discussed what they might do since the bids all came in too high, but nothing was decided. Some ideas were to buy an existing structure, alter the size of the building, or continue leasing. 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. O2012-32 entitled **AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH THE COLLECTION ENFORCEMENT SECTION OF THE OHIO ATTORNEY GENERAL'S OFFICE**. Mr. Johnson made a motion to place this ordinance on first reading, seconded by Mr. Cozza. Upon voice vote to place this ordinance on first reading, all votes were yes.

There was presented and read to the Commission for a first reading an Ordinance No. O2012-33 entitled **AN ORDINANCE AUTHORIZING THE REMOVAL FROM THE LEDGERS OF THE CITY OF GALLIPOLIS CODE ENFORCEMENT OFFICE AND UTILITY BILLING OFFICE CERTAIN PAST DUE ACCOUNTS AS SET FORTH WITHIN**. Mr. Johnson made a motion to place this ordinance on first reading, seconded by Mr. Brown. 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