

May 15, 2012

The Gallipolis City Commission met in special session on Tuesday, May 15, 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

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
Ellen VanNest	Rodney VanNest	Patti Barton
Bob Roach	Bob France	Donnie France
Marvin Ours	Dottie Chestnut	Claudia Miller
Oscar Bastiani	Bob Donnally	Robbie Jacks
Phyllis Taylor	Nina Jeffers	Keith Elliott
Joy Elliott	Clint Patterson	Marilene Young
Otis Young	Arthur Rupe	

Commission received the minutes of the May 1, 2012 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

*Privilege of Floor* was granted to Mr. Bob Donnally and Mr. Robbie Jacks to present their proposal to allow the use of golf carts on City streets. Mr. Donnally said he and his neighbors had been talking and would like to see a street-legal golf cart ordinance for Gallipolis. He said that several communities allow them. Gasoline powered golf carts can travel up to 40 mph and electric carts travel 25 mph, which is compatible with the maximum speeds allowed on most of our streets. Mr. Donnally did not have a proposed ordinance specifically for Gallipolis, but Mr. Salisbury was provided a copy of Wellston's ordinance that he has been studying.

Mr. Salisbury said he had a look at Wellston's ordinance, as well as ordinances for a few other municipalities. He said that he had no legal objection to such an ordinance. The City would need to have special licensing privileges for golf carts, which would involve the police department taking a person's application, inspecting the vehicle to assure that it meets the criteria that we set forth, and issuing a sticker to go on the cart. Some municipalities have restrictions such as on hours of usage or driving on State Routes. Mr. Salisbury said that he would put together some proposals with wording to allow the Commission to consider several options. Chief Patterson said that the operators would need to carry insurance similar to that of any other vehicle.

Ms. Ellen VanNest was invited to come forward to continue her discussion of access to her property in Walters Hill Subdivision. When asked if she had any more information, she deferred to the City Solicitor. Mr. Salisbury reported that he conducted a search of the County Recorder's records to determine who owns the raised railroad bed that goes from State Route 160 over to GDC. The City has a 1976 deed that they received from the State of Ohio. The State of Ohio purchased the land from property owners in the 1890's. It is not clear whether the railroad got involved through deeds or easements, but the County's official plat maps show the property as a 30 ft. wide strip that belonged to the State of Ohio and then the City of Gallipolis. Mr. Salisbury expressed the opinion that the County plat maps and his research show that the City owns the property, but the measurements are often ambiguous, expressed in rods and chains and citing landmarks that perhaps no longer exist. Since the last meeting, he has been contacted by an attorney for a neighboring homeowner. He believes he can prove that at least a portion of the road bed belongs to one of the neighbors over there. Because ownership is being contested, Mr. Salisbury advised that the interested parties determine ownership. Then Ms. VanNest can request an easement from the owner. He again advised Ms. VanNest to retain an attorney to look into the matter for her.

Ms. VanNest continued to maintain that she spoke to Mr. Bostic the Thursday before Good Friday and was told to go ahead, the Commission knew about her request, and it was only a matter of processing the paperwork. Mr. Salisbury told Ms. VanNest that he spoke to Mr. Bostic about the matter on the same day by telephone and advised Mr. Bostic that the City does not write the easement, that it is the responsibility of the one requesting an easement to have one prepared for Commission approval. He added that he could not see Mr. Bostic turning around and telling Ms. VanNest something different. He said that he was not unsympathetic for her position and he was sure that every one of the Commissioners was interested in having people build houses in the City and making that process as easy as possible. At the same time, they cannot ignore the other property owners present who feel that their property interests are being infringed upon. Once again, he encouraged her to hire an attorney.

Mr. France said that Mark Sheets is his attorney and has been looking into ownership. He believes that the case can be made for Mr. France's ownership of at least a portion of the property. Mr. Salisbury acknowledged that he had spoken to Mr. Sheets and was aware of his research into the matter.

Mr. Bastiani said that the VanNests now have good access to State Route 160, with improved visibility as the result of the recent road work in the vicinity. This was followed by some additional discussion of the deeds and history of the Walters Hill Subdivision. Mr. Salisbury said that the property really needs to be surveyed to clear up the ambiguities.

Police Chief Clint Patterson was granted permission to introduce the new police dog, a two year old German shepherd named Kris. He has received training and his first certification as a dual purpose patrol dog for apprehension and detection of narcotics.

The City Manager reported on the following:

- Mr. Travis Willford contacted the City Manager about renting out jet skis from the docks along the Parkfront during daylight hours this summer. Mr. Finney went over the plans for operating this concession, which would include the sale of water and Gatorade. Mr. Salisbury told the Commissioners that the permitting procedure would be the same as for vendors setting up for the Fourth of July. This does not require a new ordinance to approve. Mr. Wallis made a motion to approve Mr. Willford's request to perform this business activity from the Parkfront, seconded by Mr. Brown. Upon voice vote on the motion, all votes were yes.
- Repair of old Mound Hill Road – The City Manager will select four engineering firms from the six who have submitted RFQ's for interview and for the Commission to select from on June 4<sup>th</sup>.
- Temporary Mound Hill access road – The maintenance crew is working to stabilize the road for use over the Memorial Day Weekend.

- There is a new slip on Mound Hill just past the mausoleum. It is not as extensive as earlier slips.
- Elm Alley – Alpha Earthworks met with the City today to discuss the project. It may be up to six weeks before they begin the project.
- The Grow Gallia Strategic Plan Kick-off Event on Monday, May 14<sup>th</sup> was well attended. Mr. Johnson will be leading the City portion of the project.
- Justice Center – The drywall is done. They are now painting and installing the remainder of the ceiling grids and lights. They are waiting for some of the lighting to come in for the Court side of the building. One side of the building is bricked. There is a one foot drop coming from the porch to the sidewalk. The Commission discussed whether to put planters out front to act as a safety barrier. It would cost \$33,000 for the planters and \$12,000 for the sidewalk. Mr. Brown and Mr. Wallis were both in favor of using other materials than brick to create a more appealing contrast. A suggestion was made to make the columns brick up so far and then another material for the remainder. Mr. Finney will call the committee back together to look into alternatives.
- Super 8 is having an Open House on Friday. Commissioners were encouraged to attend.
- The City-wide Yard Sale is set for Friday and Saturday, May 18<sup>th</sup> and 19<sup>th</sup>. No permits are required.
- State Forester Ann Bonner will be in town next Wednesday, May 23<sup>rd</sup>, to discuss trees in town.
- The County is anticipating receiving up to \$89,000 in a new demolition grant. The City should be able to use some of this funding. The new grant requires abatement of asbestos and lead. The City has a list of houses that could qualify.
- The Commission needs to discuss the new Administrative Building.
- Municipal Court is seeking approval to apply for additional grant funding for their CAA and MRT Grant Programs. Mr. Wallis made a motion to approve application for these grants, seconded by Mr. Cozza. Upon voice vote on the motion, all votes were yes.

The City Auditor presented the April 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.

The City Solicitor requested approval to apply for another year of VOCA and SVAA grant funding. Ms. Susan Grady has been the Victim's Advocate for several years and has done a very good job in serving the needs of victims of domestic violence. Mr. Wallis made a motion to approve application for VOCA and SVAA grant funding, seconded by Mr. Brown. Upon voice vote on the motion, all votes were yes.

Mr. Cozza said that he had an invoice letter from Children and Family First, requesting the \$1,000 that they assessed against all mandated members. Mr. Salisbury had replied to their earlier request by asking for a waiver. He said that this assessment is their own internal rule, with nothing in the statutes allowing them to collect dues from members. The City Solicitor took the invoice letter, saying that he would attend to it.

There was presented and read to the Commission for a second 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. Cozza made a motion to adopt this ordinance on second reading, seconded by Mr. Wallis. Upon roll call to adopt this ordinance on second reading, all votes were yes.

There was presented and read to the Commission for a second 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. Wallis made a motion to adopt this ordinance on second reading, seconded by Mr. Brown. Ms. Landers said that she planned to make additional efforts to locate a couple

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of these who are still living, but wanted to leave them on the write-off list in case those efforts fail. Upon roll call to adopt this ordinance on second reading, all votes were yes.

President Cremeens asked the City Auditor if she wished to discuss alternatives for the Administrative Office Building. She distributed a spreadsheet to the Commission, which showed the estimated costs in the construction project, as well as the allocation of those costs between the Water/Sewer Enterprise funds and the General Fund. The Water and Sewer departments would be 100% responsible for the costs involved in their own office and storage space, as well as for their drive-thru. Common areas of the building (corridors, employee restrooms, lunch room, meeting room, and copy room) would be allocated according to the number of employees using the facilities. Four of the twelve employees in the building or 33.33% will be in the enterprise funds. General Fund would be 100% responsible for all remaining offices, storage areas, and the public restrooms. Using these allocation rates, the General Fund would be responsible for about \$661,000 of the cost, with Water and Sewer responsible for around \$232,000. Ms. Landers estimated that there would be \$400,000 remaining from the Justice Center project, which the General Fund could apply to their share. This would leave around \$261,000 for the General Fund to borrow, with Water borrowing \$152,750 (65%) and Sewer borrowing \$82,250 (35%), based on their already established allocation rates according to numbers of water and sewer customers that they serve.

Ms. Landers gave an update of the remaining debt capacity for the City, which has risen from \$920,740.17 on January 1, 2012, to \$959,740.17 as of today's date, reflecting principal paid in February and March on fire trucks and the fire station. The City clearly has remaining debt capacity sufficient to cover the \$261,000 and still retain enough debt capacity for purchase of fire trucks and emergencies. However, remaining debt capacity does not address the practical issue of coming up with additional money for debt service. In order to make the debt service payments on additional borrowing, the City will need to incorporate into the budget as many cost saving ideas as possible from the performance audit. Whether to proceed with additional borrowing will be a policy decision that the Commission would need to make.

In discussion, Mr. Cozza suggested having the Sewer Fund repay the General Fund a portion of the interest that they owe the General Fund. The total amount owed is in excess of \$400,000. Ms. Landers agreed that this was a very good idea and would not harm the WPC Fund because they have been doing much better over the last couple of years. If the WPC Fund repaid the General Fund roughly \$262,000 this year, then the General Fund would not need to dedicate any of its debt capacity for additional borrowing for the Administrative offices. The Enterprise Funds could go out for their own loan for any money they needed. Loans for Enterprise Funds do not affect the City's debt capacity.

Mr. Finney said that his concern was that if the City does not go ahead and build now, we will be saddled with lease payments for office space while the cost of building materials continues to rise. It will be less costly in the long run if we can figure a way to go ahead and build now. It will help the downtown, too. We have looked again into the possibility of purchasing an existing building, but none offer all of the features we need. Remodeling can be very costly, with all of the new code requirements. Mr. Cremeens approached the attorney across the street from the Justice Center about perhaps purchasing his building, but he is not ready to retire.

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

  
Clerk, City Commission

  
President, City Commission