

March 29, 2011

The Gallipolis City Commission met in special session on Tuesday, March 29, 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 James Cozza called the meeting to order and gave the invocation.

Upon roll call, the following members were present:

James A. Cozza, President
 James Jay Cremeens, Vice-President
 Lori F. Bailey, Member
 W. Matthew Johnson, Member
 Steven E. Wallis, 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
 Ronnie Lynch Tony Gallagher Marvin Vanderberg
 Claudia Miller Roma Wood John Allen

Commission received the minutes of the March 15, 2011 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

The City Manager reported on the following:

- The last of the Spruce Street annexation letters were sent out. Property owners have sixty days to respond.
- The Town Hall meeting on March 21st had eight people in attendance, in spite of the thunderstorm. Mr. Finney plans to have quarterly meetings due to consistently low attendance.
- Rio Valley Stables would like permission to offer horse carriage rides in the City on Sunday afternoons, beginning in April or May. They would be responsible for observing code and safety regulations, maintaining proper insurance, and keeping the route clean. The route would begin at the Parkfront, go to Spruce Street, back to Vine Street and return to the Parkfront. Rides would cost around \$10 per person. Mr. Johnson made a motion to grant permission, seconded by Ms. Bailey. Upon voice vote on the motion, all votes were yes.
- Ohio Safety Congress is having a meeting in Columbus on Wednesday and Thursday. Mr. Finney plans to attend on Thursday, leaving the City around 8 a.m. He will go from there to the OVRDC meeting on Thursday evening in Washington Court House.
- Concerning questions on political signs, our Codified Ordinances state that such signs may not be displayed earlier than 45 days before an election. However, an Ohio Supreme Court ruling, from a case heard last fall, did away with such restrictions as a limitation of political speech. President Cozza asked if it also did away with ordinances concerning placement of signs. Mr. Salisbury said he would need to review the wording of the Supreme Court ruling.
- There have been several instances recently of water line breaks causing huge water bills. Under current policy, there is no provision for relief in such cases beyond offering a payment plan or granting a sewer credit, if applicable, for water not entering the sewage treatment system. Unfortunately, the City has cost involved in such cases. Commissioners discussed the possibility of granting a one-time credit. President

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Cozza asked Mr. Finney to check with Gallia County Rural Water to see what their policy is for such cases.

- During the move, some confiscated weapons were found. Rather than destroy them, the City Manager would like to sell or trade them to Kiesler Police Supply, one of our vendors for ammunition and other supplies. The City Solicitor offered to check into the law concerning disposal of confiscated weapons.
- Spring Cleanup Day is set for April 16th from 8 a.m. to 2 p.m. The court will be providing community service workers. Other volunteers are needed.
- April 30th will be Drug Prescription Destruction Day for those wishing to safely dispose of old medications.
- While he was searching through the City's easements, Mr. Woodall found easements from back in 1997 for Bob Evans Lane for street purposes, sewer lines, and water lines. These involve all of the properties. The City Solicitor said that an easement does not create an obligation to pave, but would allow us to do so if we wish. In discussion, it was agreed that this would give the City the ability to pave without the cost of pursuing ownership.
- There is a Heritage Ohio Workshop on April 26th and 27th in Columbus that Mr. Finney plans to attend to learn more about sources of funding, methods, and legislation needed for rehabilitating the downtown areas.
- Mr. Finney met with the businessman downtown who wants to get additional ramps and railings for the Skatepark, similar to what is at Central Supply. He does not anticipate that the cost will be very great. He is looking for donations from the public. The City may need to help in some small ways.
- Bids for asbestos abatement and demolition of the old Municipal Building are due tomorrow at noon. Twenty-two vendors showed up for the pre-bid meeting.
- First Friday meeting is this Friday morning at 8 a.m. at the OVB Annex. Gallia County Engineer Brett Boothe will be the speaker.
- Hedgewood Drive has moved significantly since last fall. The purchase order for drilling has been processed. We will need at least a five year guarantee on any work we do over there because of the cost.
- Mound Hill Cemetery Road has also deteriorated badly in the last month. Mr. Finney has contacted the County Engineer for help, perhaps in driving pilings to help stabilize the road. Mr. Wallis said he knows a guy who does this type of work. He will ask him to contact Mr. Finney. Mr. Cremeens expressed his concern for the situation that the property owners are facing on Hedgewood. It could reach the point that emergency vehicles may not be able to provide service to residents because of unsafe road conditions.
- Ms. Tate, Ms. Landers, and Mr. Finney are attending the County Auditor's Training on April 6th in Columbus.
- Mr. Finney will be taking vacation on April 7th, 8th, and 11th.

The City Auditor explained Ordinance Nos. O2011-23 (amending appropriations), O2011-24 (amending transfers & advances), and O2011-31 (declaring intent to advance money to purchase Cox Property). She told the Commissioners that she has talked to our Dennis Schwallie about the structuring of our financing for the Justice Center. He is preparing the wording for our solicitation for bids on financing.

The City Solicitor provided an answer on whether a municipality can limit the size or location of political signs. He said that the size of signs can be restricted, but the only time the placement of "protected speech" signs can be restricted is when they distract or interfere with motorists' visibility or with the state right-of-way.

Mr. Salisbury reported on the sentencing of Mr. McGuire. He was sentenced to the maximum fine on all three charges and six months probation, ordered to place no-dumping signs on his property, and ordered to become compliant with our Code regulations by obtaining a hydrologic survey and complying with same.

Concerning the resident with numerous unlicensed, unregistered vehicles, he has now become compliant by licensing and registering all of his vehicles. They are all still there, but they are now in compliance.

Mr. Salisbury requested executive session to discuss a fatality case under current legal matters.

Mr. Johnson told the Commissioners that he was approached by representative for a couple of people interested in developing a subdivision two tenths of a mile from the Industrial Park. If they must install septic systems, they can create 25 to 30 three-acre lots. If they could connect to the City's sewer line, they could sell 50 one-acre lots. They are requesting to tie on to the line coming from the Industrial Park. They would provide all of the lines to connect. In discussing this request, Commissioners talked about the capacity of the line and current restrictions on usage. The line is at 3% capacity now. The City Manager said it actually would benefit from more input to keep the line flowing properly. Capacity fees and tap fees would provide considerable revenue.

Mr. John Allen asked if the City had a master plan for growth. Such a plan could specify that large users, such as subdivisions, could tap in. He also asked if the City would receive taxes from them. Mr. Johnson said that the County would receive the property taxes, so they would be receiving a great benefit from additional residents. Also, the City would be taking on their problem of sewerage these residences. The problem that concerned most was how to open it for some and deny others. The fact that this would be a large group and not single residences could influence the decision for some.

President Cozza polled the Commissioners for their thoughts. Mr. Wallis said he thought that the plant should be run as a business that should be making money. He is not opposed. Mr. Cremeens said he was not opposed, but needed more information. We need to talk to the County and Springfield Township. Ms. Bailey said she was fine with it as long as we get more information in a more detailed proposal. Mr. Johnson is not opposed. Mr. Cozza said he was also not opposed, but would want more information. Mr. Johnson can tell the representative that the Commission is not philosophically opposed, but would need more detailed information before making a decision.

Mr. Wallis requested that the City do something to improve the road around the Water Treatment Plant before baseball season. The City Manager said that they plan to use grindings from the paving project for that road.

Mr. Cremeens said that a man and woman had approached him with a complaint about the permitting process to remove and plant trees. They said that the Code Enforcement Officer had told them that they can only choose from four species of trees and must get a permit to do so. They complained that the City is "permitting people to death." They said that our onerous permitting requirements might be one of the reasons we are no longer a city. The City Manager answered that the Code Enforcement Officer is following the City Code, which is his job. While we may indeed be permitting people to death, the Code requires people to submit plans, pay required taxes, and follow safe practices in making improvements to their properties. The Commissioners asked Mr. Finney to bring more information about permits, particularly in regard to trees, to the next meeting.

Ms. Roma Wood asked to speak. She said she had received a letter from Code Enforcement complaining about tires at a residence. She said that the property was not hers, but her husband's. She asked why the City worries with little offenses, but cannot seem to get to the big offenders faster. The City Manager answered that he is under great pressure from the Commissioners to get properties cleaned up in the City. He and the Code Enforcement Officer and Code Inspector have been driving through the City periodically to identify areas of concern and address them in a timely manner. There is a court case on the big offender that she mentioned, which needs to be resolved before proceeding with other cases against him.

Mr. Cremeens asked who is responsible for the trees on Ohio Avenue. They are rotted and dangerous. Mr. Finney said he was aware of the problem and will be discussing it with officials from GDC when he meets with them tomorrow. He will also be discussing water issues with them.

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Mr. Cremeens asked when the paving project would begin on First Avenue. Mr. Finney said it would likely be after July before the paving could be done, but they will patch the worst spots.

President Cozza said that he, Mr. Breech, and Mr. Finney had inspected the old train station to determine what might be done to preserve it. It needs a new roof. There are companies that buy old slate, salvaged from buildings such as this. A new metal roof would cost \$5,000. The bricks from the building are in storage at the City Garage. With a little concrete, the bricks could make a nice floor. The rest of the work needed could be done for perhaps \$15,000 or less. It could be used for a Farmers Market, if they would be interested. Mr. Finney was asked to try to find a buyer for the slate.

There was presented and read to the Commissioners as an emergency a Resolution No. R2011-06 entitled **AN EMERGENCY RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ENGINEERING SERVICES FOR GALLIPOLIS WATER POLLUTION CONTROL FACILITY.** Mr. Johnson made a motion to adopt this resolution as an emergency, seconded by Mr. Cremeens. Upon roll call to adopt this resolution as an emergency, all votes were yes.

There was presented and read to the Commissioners as an emergency a Resolution No. R2011-07 entitled **AN EMERGENCY RESOLUTION AUTHORIZING AND DIRECTING THE CITY AUDITOR TO REQUEST BIDS FOR CONSTRUCTION LOANS FOR A NEW MUNICIPAL BUILDING TO HOUSE THE GALLIPOLIS MUNICIPAL COURT AND MUNICIPAL LAW ENFORCEMENT OFFICES.** Mr. Cremeens made a motion to adopt this resolution as an emergency, seconded by Mr. Johnson. Upon roll call to adopt this resolution as an emergency, all votes were yes.

There was presented and read to the Commissioners as an emergency a Resolution No. R2011-08 entitled **AN EMERGENCY RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF A NEW MUNICIPAL BUILDING TO HOUSE THE GALLIPOLIS MUNICIPAL COURT AND MUNICIPAL LAW ENFORCEMENT OFFICES.** Mr. Cremeens made a motion to adopt this resolution as an emergency, seconded by Ms. Bailey. Mr. Finney said that they must still have public hearings and prepare the paperwork before they can go out for bids. This will just allow things to proceed without delay when ready. Upon roll call to adopt this resolution as an emergency, all votes were yes.

There was presented and read to the Commissioners as an emergency a Resolution No. R2011-09 entitled **AN EMERGENCY RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF A SECONDARY FIRE STATION AND CEMETERY SEXTON OFFICE ON THE CEMETERY GROUNDS.** Mr. Johnson made a motion to adopt this resolution as an emergency, seconded by Mr. Wallis. Mr. Cremeens asked if this was located within the City limits. Mr. Finney affirmed that it was. He showed the Commissioners the design for the 20' x 40' building, which he received today from Mr. Breech. Clean fill from the old City Building will be used to fill in at the site. Several volunteer firefighters live close to the new location. Neither the Fire Chief nor the Cemetery Sexton has seen the design yet. They will have a chance to approve before the City proceeds. There was a short discussion about the height of the door, but it was determined that it should be adequate. Upon roll call to adopt this resolution as an emergency, all votes were yes.

There was presented and read to the Commission for a second reading an Ordinance No. O2011-20 entitled **AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN DOCUMENTATION FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 512 SECOND AVENUE.** Mr. Cremeens made a motion to adopt this ordinance on second reading, seconded by Mr. Johnson. Upon roll call to adopt this ordinance on second reading, all votes were yes.

There was presented and read to the Commission as an emergency an Ordinance No. O2011-23 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2011-12, SETTING APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF GALLIPOLIS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2011.** Ms. Bailey 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. O2011-24 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2011-13, AUTHORIZING THE CITY AUDITOR TO TRANSFER OR ADVANCE FUNDS.** Mr. Cremeens 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.

There was presented and read to the Commission as an emergency an Ordinance No. O2011-25 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE AND SELL BY BID REAL PROPERTY KNOWN AS PARCEL NO. 007-555-016-00 (KNOWN AS DAVIS HALL PROPERTY).** Mr. Johnson 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. O2011-26 entitled **AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR FUNDING UNDER THE COMMUNITY CORRECTIONS ACT FOR JAIL AND PRISON DIVERSION PROGRAM FUNDS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT IF THE GRANT IS AWARDED.** Ms. Bailey made a motion to adopt this ordinance as an emergency, seconded by Mr. Johnson. This is for a \$50,000 grant. 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. O2011-27 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE VILLAGE OF MIDDLEPORT, OHIO, FOR THE HOUSING OF PRISONERS.** Mr. Cremeens 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.

There was presented and read to the Commission as an emergency an Ordinance No. O2011-28 entitled **AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT FOR THE LEASE OF A VEHICLE FOR THE GALLIPOLIS MUNICIPAL COURT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. The money for this comes from Court Capital Improvement and is with Dollar Leasing Company. 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. O2011-29 entitled **AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION AND TO ENTER INTO AGREEMENT IF THE GRANT IS AWARDED FOR THE ODOB'S CDBG FORMULA FUND ALLOCATION FOR THE PAVING OF MOUND HILL CEMETERY ROAD.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Mr. Cremeens. This grant would require a 25% match. There was a brief discussion of the work required to fix the problem. 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. O2011-30 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A LETTER OF AGREEMENT WITH JEANNE INGLES FNP-BC FAMILY PRACTICE FOR HEALTHCARE SERVICES FOR CITY OF GALLIPOLIS EMPLOYEES AND ELECTED AND APPOINTED OFFICIALS.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. The City Manager explained that Quickcare has moved in with Ohio Valley Physicians. Employees are encountering problems with long waits at the new location. Ms. Ingles offers a basic office visit at \$10 cheaper than our contract with Quickcare. 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. O2011-31 entitled **AN ORDINANCE DECLARING OFFICIAL INTENT WITH RESPECT TO REIMBURSEMENT OF TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES FOR THE CITY OF GALLIPOLIS, OHIO, TO BE MADE FROM SUBSEQUENT BORROWINGS, AND DECLARING AN EMERGENCY.** Mr. Johnson 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 for a first reading an Ordinance No. O2011-32 entitled **AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ALLOW THE GALLIA COUNTY FARMERS MARKET BOARD TO SET UP A FARMERS MARKET ADJACENT TO THE GALLIPOLIS CITY PARK.** Mr. Cremeens made a motion to suspend the rules and adopt this ordinance on the first reading, seconded by Ms. Bailey. Upon roll call to suspend the rules and adopt this ordinance on the first reading, all votes were yes.

The City Manager asked the Commissioners what they would like to call the new court/law enforcement complex. After a brief discussion, they decided to name it the Justice Center. Mr. Finney showed those present the architect's rendering of the outside of the Justice Center. He said that some changes were already under discussion, such as changing the entry doors to present a more balanced appearance. The Commissioners also briefly discussed the possibility of using a shingle-style metal roof. The consensus of opinion was that the slightly higher cost would be more than compensated in a more attractive appearance.

Mr. Johnson made a motion to enter executive session to discuss legal issues as set forth in ORC Section 121.22(G)(2), seconded by Ms. Bailey. President Cozza announced that there would be no business following executive session. Upon roll call on the motion, 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