

August 2, 2011

The Gallipolis City Commission met in regular session on Tuesday, August 2, 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 Clint Patterson Tony Gallagher
 Dottie Chestnut Bob Marchi Roma Wood

Commission received the minutes of the July 19, 2011 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

Privilege of Floor was granted to Mr. Bob Marchi. Mr. Marchi asked why the City was buying the Cox Property. Mr. Finney told him that it would provide eight additional parking places, two exits (to Locust Street and to Second Avenue), access to the back of the building, and lay down space on the same side of the street during construction. Mr. Marchi said that he does not understand this expenditure of taxpayer dollars, which he estimated at \$100,000 for purchase, demolition, and paving. He pointed out that there is access to the back of the building from the alley that connects to Locust Street. He questioned the need for an additional exit to Second Avenue.

The City Manager reported on the following:

- The change order for \$2,950 of extra work at the old City Building is on tonight's agenda. It will cost \$4,500 to do boring of the substructure to find out the soil composition. The Moore property is overhanging ours by about a foot. According to the City Solicitor, because this has been the case in excess of twenty-one years and no letter was sent earlier, they have now acquired title by adverse possession.
- FEMA is coming to the County on the second week of August to begin field work on the disaster claims. We expect to be among the first visited.
- Bids for the lease of administrative office space are due in this Friday. The Visitor's Center has requested a one to two week extension on the time to submit a bid. Mr. Finney said he did not believe that such an extension would be fair to the other bidders. The City Solicitor agreed that an extension could not be granted.
- Next Wednesday, August 10th, there is a free "Positioning Appalachia" meeting on economic development, hosted by Ohio University. Mr. Finney plans to attend.

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- President Cozza asked if there was a meeting today with John Carey in Ironton. Mr. Finney answered that there was, but that he did not receive a notice about it until yesterday afternoon, and was unable to attend.
- The replacement boat docks, which our insurance policy paid for, are in. They are putting railings and an extension on them.
- Mr. Finney needs to talk about replacement of the resident firefighter. In executive session, he needs to talk about an Ohio Bell lawsuit.
- Mr. Finney will be off on Friday for personal business. Mr. Woodall will cover for him.
- The chip and seal on the new cemetery access road still has not been completed. The contractor has promised to do the work, but has postponed in each of the last three weeks. Mr. Finney is giving him one more week to get the work done. Mr. Cremeens told of an incident where an older couple was too afraid to drive off the hill and had to get a cemetery worker to drive their car down.

The City Auditor reported that two of the local banks have promised to meet or beat the Ohio CAF terms and rates. Ms. Landers distributed spreadsheets showing items to be financed, along with an amortization schedule, showing possible payment amounts and sources of funding for each. The amounts payable by the General Fund in future years should not exceed what the General Fund is currently paying for debt service and lease payments. She spoke again of the need to do a performance audit as soon as the state approves us for their LEAP funding. This will enable us to run our departments as efficiently as possible, which is necessary to address funding cuts. After some discussion, the Commissioners decided to defeat the ordinances on tonight's agenda dealing with financing through Ohio CAF and go with financing through the local banks. The City Solicitor pointed out that the financing must be put to bid. Ms. Landers said that she and Mr. Finney were planning to introduce legislation to go out to bid for financing at the next meeting, advertise for bids on August 18th and 25th, and open bids on August 29th.

The City Solicitor reported that every week people are coming in to address tax violations.

Ms. Fellure and Mr. Salisbury attended the Ohio Municipal Attorneys Association training in Columbus. Ms. Fellure attended the criminal law sessions and Mr. Salisbury attended the civil sessions. Mr. Salisbury said that it was particularly comforting that our own bond counsel, Dennis Schwallie, was the trainer on the bond financing session. One of the sessions was on Joint Economic Development Districts, an emerging trend in some areas of the state. It is a provision in Ohio Revised Code that allows municipalities to create a special taxing district in the township. This provision is causing a bidding war between some municipalities around Columbus. At some time in the future, we may find it advantageous to create such a district.

There is still some disagreement between Mrs. Bennett's son and Ohio Valley Bank concerning how much his father's estate should receive from the sale of the Cox Property. The sale is awaiting resolution of this disagreement. Mr. Salisbury has made clear to all parties how important it is to the City to have this property available for lay down during construction.

The City Solicitor requested executive session for personnel issues and pending lawsuits. He went into an expanded explanation of acquiring property by adverse possession.

There was presented and read to the Commission as an emergency a Resolution No. R2011-17 entitled **AN EMERGENCY RESOLUTION DESIGNATING THE CITY MANAGER AS THE AUTHORIZED AGENT FOR THE CITY OF GALLIPOLIS, OHIO TO OBTAIN FEDERAL ASSISTANCE GRANT PROGRAM FUNDING FOR FEMA-DR-4002-OH**. Mr. Johnson made a

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motion to adopt this resolution as an emergency, seconded by Mr. Cremeens. Upon roll call on the motion 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. O2011-59 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2011-12, AS AMENDED BY ORDINANCE NO. O2011-23, AS AMENDED BY ORDINANCE NO. O2011-36, AS AMENDED BY ORDINANCE NO. O2011-42, AS AMENDED BY ORDINANCE NO. O2011-50, AS AMENDED BY ORDINANCE NO. O2011-57, SETTING APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF GALLIPOLIS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2011.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Mr. Cremeens. Ms. Landers read the changes. 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. O2011-60 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2011-13, AS AMENDED BY ORDINANCE NO. O2011-24, AS AMENDED BY ORDINANCE NO. O2011-37, AS AMENDED BY ORDINANCE NO. O2011-43, AS AMENDED BY ORDINANCE NO. O2011-51, AUTHORIZING THE CITY AUDITOR TO TRANSFER OR ADVANCE FUNDS.** 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. O2011-61 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO AUTHORIZE AND FUND CHANGE ORDER NO. 1 WITH SEXTON'S EXCAVATING FOR DEMOLITION OF THE FORMER MUNICIPAL BUILDING.** 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, Mr. Johnson abstained due to business ties between his employer and the contractor. All other votes were yes. Ordinance No. O2011-61 was placed on first reading.

There was presented and read to the Commission as an emergency an Ordinance No. O2011-62 entitled **AN EMERGENCY ORDINANCE ESTABLISHING CHAPTER 1189.10, SIGN REGULATIONS, ABANDONED SIGNS, OF THE CODIFIED ORDINANCES OF THE CITY OF GALLIPOLIS, OHIO.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. Mr. Johnson asked what the purpose of the ordinance was. Mr. Finney explained that there have been numerous complaints from residents about signs remaining on abandoned businesses. This causes confusion for visitors to the City when they pull into a lot expecting to do business and there is no one there. This ordinance does not require removal of the sign or post. The property owner just must paint over the sign or remove the words. 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. O2011-63 entitled **AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$578,000 OF BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF ROAD AND STREET IMPROVEMENTS, INCLUDING THE REPAIR OF HEDGEWOOD DRIVE, THE CONSTRUCTION OF A CEMETERY ACCESS ROAD, AND THE MOUND HILL SLIP REPAIR, AND PARTICIPATION IN THE OHIO CAPITAL ASSET FINANCING PROGRAM AND DECLARING AN EMERGENCY.** 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 no.

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There was presented and read to the Commission as an emergency an Ordinance No. O2011-64 entitled **AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,605,000 OF BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF ACQUIRING AND CONSTRUCTING A NEW JUSTICE CENTER, AND PARTICIPATION IN THE OHIO CAPITAL ASSET FINANCING PROGRAM AND DECLARING AN EMERGENCY.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. Upon roll call to adopt this ordinance as an emergency, all votes were no.

There was presented and read to the Commission as an emergency an Ordinance No. O2011-65 entitled **AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$62,000 OF BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF CONSTRUCTING AN AUXILIARY FIRE STATION, AND PARTICIPATION IN THE OHIO CAPITAL ASSET FINANCING PROGRAM AND DECLARING AN EMERGENCY.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. Upon roll call to adopt this ordinance as an emergency, all votes were no.

There was presented and read to the Commission as an emergency an Ordinance No. O2011-66 entitled **AN ORDINANCE CONSOLIDATING UP TO THREE BOND ISSUES OF THE VILLAGE OF THE CITY OF GALLIPOLIS, OHIO INTO A CONSOLIDATED BOND ISSUE, ESTABLISHING THE TERMS OF SUCH CONSOLIDATED BOND ISSUE, AND AUTHORIZING PARTICIPATION IN THE OHIO CAPITAL ASSET FINANCING PROGRAM AND DECLARING AN EMERGENCY.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. Upon roll call to adopt this ordinance as an emergency, all votes were no.

There was presented and read to the Commission as a first reading an Ordinance No. O2011-67 entitled **AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES OF THE CITY OF GALLIPOLIS, OHIO BY ADOPTING CURRENT REPLACEMENT PAGES.** Mr. Johnson made a motion to place this ordinance on the first reading, seconded by Mr. Cremeens. Upon voice vote on the motion, all votes were yes.

There was presented and read to the Commission for a first reading an Ordinance No. O2011-68 entitled **AN ORDINANCE AUTHORIZING THE CITY OF GALLIPOLIS TO FILE CLAIMS AGAINST INSURANCE POLICY PROCEEDS FOR PAYMENT OF PROPERTY TAXES AND COSTS OF REMOVAL OR REPAIR OF PREMISES IN CERTAIN FIRE LOSSES.** Mr. Johnson made a motion to place this ordinance on first reading, seconded by Mr. Cremeens. Ms. Landers explained how this process would work. The Commission had discussed this possibility a few years ago. Upon voice vote on the motion, all votes were yes. Mr. Cozza asked the Solicitor about a house on Garfield Avenue. He will check on it.

Mr. Johnson made a motion to enter executive session to discuss personnel and legal issues as set forth in ORC 121.22(G)(1) & (2), seconded by Mr. Cremeens. Upon roll call on the motion, all votes were yes. 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