

August 16, 2011

The Gallipolis City Commission met in special session on Tuesday, August 16, 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	Marvin Vanderberg
Sarah O'Brien	John O'Brien	Tim Divens
Troy Johnson	Karen Hassel	Sarah Sheets

Commission received the minutes of the August 2, 2011 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

*Privilege of Floor* was granted to Ms. Sarah Sheets, President of the Friends of Our House Museum. Ms. Sheets told the Commission that she was there, along with Ms. Karen Hassel of the Ohio Historical Society, to discuss a problem with erosion of the museum's limestone foundation. Ms. Hassel explained that during the winter months salt is splashed onto the limestone foundation, causing erosion. This could compromise the integrity of the entire structure. The simplest solution would be to block traffic from the section of alley that runs next to the foundation, using two removable pylons for emergencies. They asked that the Commission consider taking this step. There was considerable discussion of the consequences of taking such action. Mr. Salisbury said that the Commission could take action to block the alley to traffic, but this would open the City to lawsuits from adjoining property owners for potentially causing their property values to decline. Other options are available, such as a treatment that could be painted onto the limestone annually. The Commission promised to take their request under consideration and get an answer back to Ms. Sheets.

The City Manager reported on the following:

- The guardrails have been installed on Cemetery Hill Road. They are moving in their equipment for the chip and seal.
- FEMA has not made it to our county yet, but we expect to hear from them soon.
- Related to the sale of Davis Hall: The County has conditioned their purchase on the City granting permission to remove the tree. They also want to be able to build a three-floor building there.

The Building Code stipulates that it would be limited to 45 feet high. The Board of Zoning Appeals must issue a variance to go higher.

- Baxter's Harley Davidson would like to connect to the sewer line near the Industrial Park. This would require voice vote approval of the City Commission. They will have just a few commodes, sinks, and showers. Mr. Johnson made a motion to approve their connection, seconded by Ms. Bailey. Upon voice vote on the motion, all votes were yes.
- Silver Bridge Coffee is building in the Industrial Park. CIC is running a line to her section of the property, so that she can connect to the sewer. Since this is in the Industrial Park, it does not require approval of the Commission.
- The City Park Yard Sale is set for Saturday, beginning at 10 a.m. There are ten vendors signed up so far, with more expected.
- Quality Inn is having their Grand Opening on August 24<sup>th</sup> at 10 a.m. Commissioners are invited to attend.
- The City has received five proposals for the lease of administrative office space. Mr. Finney displayed and went over the bid tabulation sheet. He asked for input concerning location (downtown vs. not). The Commission discussed the options briefly and decided to form a committee to do on-site visits and make a recommendation within 30 days. Mr. Cremeens and Mr. Johnson agreed to serve on the committee with Mr. Finney and two administrative employee volunteers.
- The Commission needs to discuss the replacement of the Resident Firefighter. They will discuss this at the end of the meeting.
- Mr. Finney will be off the next two Thursdays for personal business. Mr. Woodall will cover for him.

The City Auditor presented the July Financial Statement for approval. Mr. Johnson made a motion to approve the July Financial Statement, seconded by Mr. Cremeens. Upon voice vote on the motion, all votes were yes.

Ms. Landers presented the following two invoices over \$3,000 for approval of payment:

- \$4,700 from the Gallia County Sheriff for April Housing of Prisoners. PO dated 7/22/11; Invoice dated 4/1/11
- \$3,223.32 from Walter Drane Company for 2011 Codified Ordinance up-date. PO dated 8/3/11; Invoice dated 7/19/11.

Ms. Landers told the Commissioners that the April Housing of Prisoners invoice was received on July 13<sup>th</sup>. The Sheriff's department is still far behind on their billing due to the death in their department. Mr. Johnson made a motion to approve payment, seconded by Mr. Cremeens. Upon voice vote to approve payment, all votes were yes.

The City Auditor presented a new liquor license permit request from Jars I Inc, dba Buffalo Wild Wings, 215 Upper River Road. Mr. Cremeens made a motion not to request a hearing, seconded by Ms. Bailey. Upon voice vote on the motion, all votes were yes.

Ms. Landers informed the Commission that there are two resolutions on the agenda tonight to go out for bids for financing: one for purchase of the Cox Property and the other to finance the construction of the Auxiliary Fire Station/Cemetery Office. We already have Resolution No. R2011-07, adopted 3/29/11, to allow solicitation of bids to finance the Justice Center.

The City Solicitor reported that Ohio Valley Bank plans to settle with Mr. Bennett on the Cox Property. This should break up the log jam to getting that property sold.

The Tax Department continues to work with the Solicitor in collection of tax delinquencies.

Mr. Salisbury provided clarification of the political sign law. The City can restrict the size of the sign or the distance from the right-of-way. However residents' First Amendment rights over-ride anything in the Charter or Codified Ordinances that would limit the rights of residents to display political signs on their own property. He offered to bring a couple of optional changes for the Commission's consideration.

Mr. Salisbury has spoken to the Code Enforcement Officer about the steps that must be taken in order to tear down houses when there is no owner of record in the County Auditor's office. Notice must be published in the local newspaper. In bankruptcy cases, the trustee must be notified. Ms. Bailey asked if there was any way to compel renters to clean up their property. Mr. Finney and Mr. Salisbury both affirmed that the City was filing court cases on these violators.

Mr. Johnson reported on the Strategic Planning meeting, held last Tuesday. He said that they spent some time fine-tuning their mission statement. They also tried out the County's software program, entering different parameters to see the effects. Their next meeting is scheduled for August 30<sup>th</sup>.

The Ohio River Live Music Festival is scheduled for Saturday, September 3<sup>rd</sup>, from 1 p.m. to 10 p.m., on Court Street. There are many sponsors lined up for the event. The committee would like to make this a quarterly event and hope to make it self-supporting.

Mr. Cozza congratulated Gallipolis Fire Chief Bob Poling and all of the volunteers on the 150<sup>th</sup> anniversary of the Gallipolis Volunteer Fire Department, to be celebrated on Saturday. Everyone was encouraged to come out and enjoy the day of celebration.

Mr. Rod Gordon has resigned from the Planning Commission, after many years of service. Mr. Cozza plans to do a letter of appreciation.

There was presented and read to the Commission as an emergency a Resolution No. R2011-18 entitled **AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO SOLICIT QUOTES FOR GENERAL LIABILITY, PROPERTY, AND COMPREHENSIVE, AUTO, PUBLIC OFFICIALS LIABILITY, AND LAW ENFORCEMENT LIABILITY INSURANCE**. Ms. Bailey made a motion to adopt this resolution as an emergency, seconded by Mr. Johnson. 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 a Resolution No. R2011-19 entitled **AN EMERGENCY RESOLUTION AUTHORIZING AND DIRECTING THE CITY AUDITOR TO REQUEST BIDS FOR A LOAN FOR PURCHASE OF PROPERTY AT 512 SECOND AVENUE FOR CONSTRUCTION OF GALLIPOLIS JUSTICE CENTER COMPLEX**. Mr. Johnson made a motion to adopt this resolution as an emergency, seconded by Ms. Bailey. 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 a Resolution No. R2011-20 entitled **AN EMERGENCY RESOLUTION AUTHORIZING AND DIRECTING THE CITY AUDITOR TO REQUEST BIDS FOR A LOAN FOR CONSTRUCTION OF A REMOTE FIRE STATION AND CEMETERY OFFICE**. Mr. Cremeens made a motion to adopt this resolution as an emergency, seconded by Mr. Johnson. Upon roll call on the motion to adopt this resolution as an emergency, all votes were yes.

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There was presented and read to the Commission for a second reading an Ordinance No. O2011-61 entitled **AN 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.** Ms. Bailey made a motion to adopt this ordinance on second reading, seconded by Mr. Cremeens. Upon roll call to adopt this ordinance on second reading, Mr. Johnson abstained. All other votes were yes.

There was presented and read to the Commission for a second 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. Wallis made a motion to adopt this ordinance on second reading, seconded by Mr. Cremeens. 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. 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. 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. O2011-69 entitled **AN EMERGENCY ORDINANCE ACCEPTING AND REJECTING BIDS FOR THE MILLING AND PAVING OF FIRST AVENUE FROM VINE STREET TO SYCAMORE STREET.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. Supreme Asphalt Maintenance LLC of Bidwell had the lowest bid at \$179,350. Paving will be done sometime in October. Upon roll call to adopt this ordinance as an emergency, all votes were yes.

The Commission discussed the Station Firefighter position, which will replace the Resident Firefighter position, soon to be vacated. Mr. Finney explained the need to change the job description and requirements. Gallipolis has the only Resident Firefighter position in the State of Ohio. Mr. Wallis said that the committee met today and discussed several options. They are still doing research to assure that the end product will be compliant with all laws and of benefit to all. Mr. Salisbury told the Commission that a fire fighter employee cannot also volunteer as a fire fighter for the same organization. The Station Firefighter would not be an exempt employee; he or she must be paid overtime. The committee still has some work to do before making a recommendation.

Mr. Finney said that eight bidders attended the mandatory pre-bid meeting on the Justice Center. Bids are due in on August 26<sup>th</sup> at noon. Bid opening will be in the Municipal Courtroom. Mr. Finney requested a special commission meeting on August 30<sup>th</sup> to accept/reject bids. After discussion, the Commission decided to hold the meeting at 5 p.m.

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

  
 Clerk, City Commission

  
 President, City Commission