

September 21, 2010

The Gallipolis City Commission met in special session on Tuesday, September 21, 2010, at 7:00 p.m. in the Meeting Room of the old Gallipolis Municipal Building, 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	Bette Null Horan
Clint Patterson	Jon Lynch	Bob Marchi
Caroll Snowden	Dow Saunders	Dottie Chestnut

Commission received the minutes of the September 7, 2010 meeting prior to this meeting. Mr. Wallis pointed out the omission of the word "yes" from page 5, paragraph 6. Ms. Landers apologized for the error. There being no other corrections, objections, or additions, these minutes were approved as corrected.

Mr. Finney said he had spoken to Mr. Bill Davis, who was scheduled for *Privilege of Floor*. Mr. Davis was concerned about a section of his property that needed to be reseeded due to the work on the Spruce Street Project. The contractor has agreed to fix the problem. The contractor has three or four more manholes to finish, as well as the reseeding to do. Then they must flush the line before the residents can hook on.

The City Manager reported on the following:

- Davis Hall is down now. It may take another three weeks to haul away the debris. The contractor has done a very good job so far.
- There is a change order on asbestos removal on the agenda tonight. This change was necessary because the prints for the building did not include pipes that were in the ceiling of the third floor. The contractor finished the work, but needs to be paid extra for the additional asbestos removal.
- The department heads have been participating in the development of a five-year capital plan. Mr. Finney requested the Commission's approval of the draft plan to be submitted with the OPWC Grant application.
- Mr. Finney showed the plaque that the City received from the River Rec. Committee for the City's involvement in the festival.
- After looking into the matter of maintenance of the downtown sidewalks, everything indicates that the property owners are legally responsible for the maintenance of their sidewalks. The City

Manager said he plans to go to the property owners in the streetscape area and inform them of their responsibilities. He asked for the Commission's backing. Ms. Horan and Ms. Chestnut both agreed that the property owners were responsible for their sidewalks, adding that they took responsibility for cleaning and maintaining the sidewalks outside of their own businesses. They said that property owners paid for the work from special assessments.

- The City Park Advisory Board is re-examining guidelines for use of the City Park.
- Elizabeth Chapel Church wishes to have a fundraiser for local tornado victims on Thursday, September 23rd, from 6 p.m. to 9 p.m. They are asking to block off Locust Street between Second and Third Avenues. They would also like to solicit donations from vehicles at the two intersections. Such solicitations require an ordinance, which is on tonight's agenda as an emergency. Chief Patterson said he has reviewed their request and it should not create a traffic hazard.
- Mr. Finney plans to attend the Ohio Public Works Integrating Committee District 15 meeting tomorrow night in Waverly. He will also be attending the OVRDC meeting on Thursday night in Bethel, near Cincinnati.
- The America in Bloom Symposium is scheduled for Thursday thru Saturday of next week.

Ms. Bailey made a motion to approve the appointment of Ms. Lorie Neal to the City Park Advisory Board, seconded by Mr. Johnson. Upon voice vote on the motion, all votes were yes.

Mr. Johnson made a motion to approve the re-appointment of Mr. Jeff Snedaker to the Board of Zoning Appeals, seconded by Ms. Bailey. Upon voice vote on the motion, all votes were yes.

The City Auditor presented for acceptance a donation of \$1,700 from Mrs. Janet Wetherholt for a bench in memory of her husband, Mr. Douglas Wetherholt. Mr. Wallis made a motion to accept this donation, seconded by Mr. Johnson. Upon voice vote on the motion, all votes were yes.

Two invoices over \$3,000 were presented for approval: one for \$14,457.84 from the State Infrastructure Bank for the June loan payment and one for \$3,744 from Gallipolis Township for our share of culvert work on Burkhart Lane. Mr. Johnson made a motion to approve payment of these two invoices, seconded by Mr. Wallis. Upon voice vote on the motion, all votes were yes.

The City Solicitor reported that he has filed some new cases against property owners for junk on their property. He has also begun work with the tax administrator to collect delinquent taxes.

Mr. Johnson said he had received an e-mail from a resident on Vinton Avenue about the poor condition of Prospect Alley. Mr. Finney said he has been looking into the matter of ownership because there is a widely-held belief that this is not a City alley.

There is also a problem with flooding behind Eastern Avenue. Mr. Finney said that they plan to run the storm water off of this property, but cannot direct it toward the pond. They cleaned out the ditch behind Abie's last year, which helped some, but did not solve the problem. President Cozza encouraged the City Manager to keep the Commission informed about efforts to solve this long-standing problem.

There was presented and read to the Commission as an emergency a Resolution No. R2010-18 entitled **AN EMERGENCY RESOLUTION AMENDING RESOLUTION NO. R2010-15, AUTHORIZING AND DIRECTING THE CITY MANAGER TO WAIVE THE PAYMENT OF EXCESS CAPACITY AND INSTALLATION CHARGES AND PERMIT FEES FOR THE SPRUCE STREET WATER LINE AND SEWER IMPROVEMENTS PROJECT.** Mr. Johnson

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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. O2010-53 entitled **AN EMERGENCY ORDINANCE ACCEPTING AND REJECTING BIDS FOR THE PAVING OF MILL CREEK ROAD FROM EASTERN AVENUE TO THE CITY CORPORATION LIMITS**. Mr. Wallis 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. O2010-57 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2010-09, AS AMENDED BY ORDINANCE NO. O2010-24, AS AMENDED BY ORDINANCE NO. O2010-34, AS AMENDED BY ORDINANCE NO. O2010-41, AS AMENDED BY ORDINANCE NO. O2010-51, SETTING APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF GALLIPOLIS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2010**. Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. Mr. Finney explained that the rental of portable toilets in the Park was more than anticipated due to the presence of the Farmers Market. 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. O2010-58 entitled **AN EMERGENCY 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 as an emergency, seconded by Mr. Johnson. Ms. Landers explained that many of the revisions, such as the changes in the traffic code, are due to changes in Ohio Revised Code. Other revisions are from ordinances adopted by the City Commission in the current year. These changes are sent to the Walter Drane Company once per year for incorporation into our own Codified Ordinances. 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. O2010-59 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO AUTHORIZE AND FUND CHANGE ORDER NO. 1 WITH THERMAL SOLUTIONS FOR ASBESTOS ABATEMENT FOR DAVIS HALL**. 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 yes.

There was presented and read to the Commission for a first reading an Ordinance No. O2010-60 entitled **AN ORDINANCE ACCEPTING AND REJECTING BIDS FOR HIGHWAY DE-ICING SALT, CALCIUM CHLORIDE, AND COLD MIX**. Mr. Johnson made a motion to suspend the rules and adopt this ordinance on the first reading, seconded by Mr. Wallis. Upon roll call to suspend the rules and adopt this ordinance on first reading, all votes were yes.

There was presented and read to the Commission as an emergency an Ordinance No. O2010-61 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ISSUE PERMITS TO CHARITABLE ORGANIZATIONS 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**. 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.

Mr. Johnson made a motion to enter executive session to discuss legal issues concerning the purchase or sale of property as set forth in ORC Section 121.22(G)(2), seconded by Ms. Bailey. Upon

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roll call on the motion, Mr. Cremeens voted no. All other votes were yes. Prior to entering executive session, Mr. Wallis reminded the City Manager that the Commission had not made a motion approving his five-year capital plan. The City Solicitor went outside to inform those attending the meeting that the Commission would be taking action on the five-year plan following executive session. Upon completion of executive session, Commission returned to special session.

Mr. Johnson made a motion to approve the five-year plan, seconded by Ms. Bailey. The City Manager went over the list for the Commission. Upon voice vote on the motion, all votes were yes.

Mr. Johnson asked if the Our House Museum could have some of the old bricks from Davis Hall for a project they are doing. Mr. Finney said that they would need to get permission from the contractor, since the salvage from Davis Hall belongs to the contractor. Mr. Finney thought that there should be no problem in obtaining permission.

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


Clerk, City Commission


President, City Commission