

October 20, 2010

The Gallipolis City Commission met in special session on Wednesday, October 20, 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 Marvin Vanderberg
 Clint Patterson Bette Null Horan Randy Breech
 Claudia Miller

Commission received the minutes of the October 5, 2010 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

The City Manager reported on the following:

- Spruce Street Project – Mr. Finney did a walk-through last week, taking pictures particularly of areas needing seeding. The contractor tested the line today and is seeding grass this week. Liquidated damages of \$450/day are being charged until the project is complete. One property owner is ready to connect. Annexation paperwork has been sent out to ten property owners, with four letters remaining to send.
- Davis Hall will be complete once the gravel is put down. The contractor has cleaned up the alley, removing the fence and the cones. We still owe \$10,000 to the contractor, which will be held until the project is completed to our satisfaction.
- The property owner on Eastern Avenue has come back to town and met with the City Manager. It appears that he will allow the City to get an easement across his property and put a pipe into his pond, if the other owner also agrees. This would be the most cost-effective solution.
- Hedgewood Drive – got advice from a local gentleman in town who has background in this type of work. He made some suggestions, which Mr. Finney is still looking into.
- Paving for Roberts Lane and the road leading to Dave's American Grill are both on the agenda tonight.
- The EPA issue at Fourth Avenue and Olive Street – City workers fixed a split in the sanitary sewer line that was allowing infiltration into the storm sewer. The repair took four days to complete and saved the City a ton of money in not having to install a lift station. Mr. Finney sent a note to the gentleman at the EPA, informing them of the repair. The EPA is satisfied that the problem has been fixed.

- Mr. Finney is currently attending the Public Information Officer Training. It is going very well and Mr. Finney feels good about where Gallipolis stands relative to other entities. He made a special trip back to Gallipolis this evening to attend the Commission meeting.
- The Park Board, Shade Tree Committee, and the Records Commission have not been meeting. Mr. Finney intends to get them back on track by scheduling a meeting with each in the next couple of weeks.
- The French Art Colony has requested that the City replace the fence that stood between Davis Hall and their property. They are requesting 280 feet of fence at a cost of \$15,680. The property line alongside Davis Hall was only 140 feet, so the City Manager is still in negotiations over their request.
- The Christmas Party is set for Friday evening, December 3rd, beginning at 6 or 6:30 p.m. Mr. Finney recommended that the Commission consider picking up the cost of the Christmas party for the volunteer firefighters and their families, which is held at the Methodist Church each year, at a cost of around \$500, donated to the church. Mr. Wallis made a motion to approve payment of \$500 to the volunteer fire department to fund the party for the volunteer firefighters and their families, seconded by Mr. Johnson. Upon voice vote on the motion, all votes were yes.
- There were a couple of major water breaks last night and today: the first at Third and Olive Street and the other on Chatham Avenue. A "boil water" advisory is in effect for the next couple of days.
- Mr. Finney worked on the Breech contract, which can be discussed tonight.

Mr. Finney recommended the appointment of Ms. Shayna Chapman-Burris to the Historic Preservation Review Board. Ms. Susan Brandeberry has asked to resign from the Historic Preservation Review Board upon completion of her term on 11/5/10. Ms. Angela Ferneding has agreed to serve on the Board.

Mr. Johnson made a motion to appoint Ms. Shayna Chapman-Burris to the Historic Preservation Review Board, seconded by Ms. Bailey. Upon voice vote on the motion, all votes were yes.

Mr. Johnson made a motion to accept the resignation of Ms. Susan Brandeberry from the Historic Preservation Review Board, effective November 5, 2010, seconded by Ms. Bailey. Upon voice vote on the motion, all votes were yes.

Mr. Johnson made a motion to appoint Ms. Angela Ferneding to the Historic Preservation Review Board, effective November 5, 2010, seconded by Ms. Bailey. Upon voice vote on the motion, all votes were yes.

Mr. Finney told the Commissioners that he would like to begin holding town meetings to give residents a forum to ask any questions they might have or to register their concerns. This would be held once per month. Mr. Salisbury suggested that he might consider requiring that questions be submitted in writing ahead of time. He also told them that if three or more Commissioners attend the meeting, it would need to be announced as a public meeting of the Commission. The Commissioners were agreeable to having Mr. Finney conduct these meetings and report to them on any ideas or concerns raised.

November 3rd to 5th, Mr. Finney will be attending the Ohio Conference of Community Development seminar for CDBG grants.

HB9 Public Records Training for the City Commissioners will follow executive session tonight.

Gallipolis City Commission
 October 20, 2010
 Page 3

The City Auditor reported that she attended the OAPT Conference in Columbus last week. She said that she made 100% on the examination for Certified Public Funds Investment Manager, the seventh in the nation and the first in Ohio to do so.

The City Solicitor reported back to the Commission regarding the e-mail that Mr. Cozza received from an attorney in Columbus. He said that the attorney was asking the City to sign off on conditional approval of a transfer of a liquor license from another municipality to Gallipolis. This would not prevent the City from later requesting a hearing when the Division of Liquor Control considers his liquor license request. Mr. Salisbury said that his advice would be that the President of the City Commission cannot take unilateral action in sending a letter. Mr. Salisbury went over some of the objections that the Commission could bring before the Division of Liquor Control. Mr. Salisbury was asked to contact the attorney to tell him that the President of Commission cannot unilaterally send the letter that the lawyer is requesting, but that the Commission has not historically requested a hearing in the absence of concerns from our police department.

Mr. Salisbury also brought up the issue of the banning of the sale of synthetic marijuana in town. He said that this particular chemical compound is similar to cannabis, but produces a more intense reaction. It is not tobacco or marijuana. It is a chemical compound that is sprayed on another plant. Its sale has been banned in several states. We already have laws on our books against the use of intoxicating substances. Given the public health and safety concerns, it would seem a good idea to ban the sale or attempt to sell of this harmful substance. There is no field sobriety or instant test yet for this substance. Following discussion, Mr. Salisbury and Mr. Finney were asked to bring an ordinance to the next meeting.

In light of a recent Supreme Court decision, Mr. Bostic has requested an update of the City's ordinances regulating the placement of political signs on private property. Mr. Salisbury will prepare the necessary ordinance to bring our code into compliance.

Mr. Wallis asked that Mr. Finney convey the Commission's thanks to the crew that found the leak on Olive Street and also those that fixed today's leaks.

There was presented and read to the Commission as an emergency a Resolution No. R2010-20 entitled **AN EMERGENCY RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR THE PURCHASE OF MATERIALS, SUPPLIES, EQUIPMENT AND SERVICES FOR USE BY THE CITY IN THE CALENDAR YEAR 2011 AS HEREIN DESCRIBED.** Mr. Johnson made a motion to place this resolution on first reading, seconded by Ms. Bailey. Upon voice vote to place this resolution on first reading, all votes were yes.

There was presented and read to the Commission as an emergency an Ordinance No. O2010-65 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 EMENDED BY ORDINANCE NO. O2010-51, AS AMENDED BY ORDINANCE NO. O2010-57, 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 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. O2010-66 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2010-10, AS AMENDED BY ORDINANCE NO. O2010-25, AS AMENDED BY ORDINANCE NO. O2010-42, AS AMENDED BY ORDINANCE NO. O2010-52, AUTHORIZING THE CITY AUDITOR TO**

TRANSFER OR ADVANCE FUNDS. Mr. Wallis 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 as an emergency an Ordinance No. O2010-67 entitled **AN ORDINANCE AMENDING ORDINANCE NO. O2008-15, AS AMENDED BY ORDINANCE NO. O2009-04, AS AMENDED BY ORDINANCE O2009-45, AS AMENDED BY ORDINANCE NO. O2010-11, AS AMENDED BY ORDINANCE NO. O2010-26, SETTING COMPENSATION FOR MUNICIPAL EMPLOYEES AND APPOINTED OFFICIALS, AND REPEALING PREVIOUS ORDINANCES SETTING SAID COMPENSATION, SECTION D9, CLOTHING ALLOWANCE/SUMMER SHIRTS.** Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Johnson. The Commission discussed the fact that an increase in the clothing allowance for operations and maintenance employees from \$110 to \$300 was discussed during budgetary sessions last spring and included in the 2010 budget appropriations. 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. O2010-68 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR A SECOND AMENDMENT TO THE OPTION AND LEASE AGREEMENT WITH GLOBAL TOWER PARTNERS (PREVIOUSLY DBA HORIZON PERSONAL COMMUNICATIONS INC.) FOR LEASE OF PROPERTY FOR COMMUNICATIONS EQUIPMENT ON MOUND HILL.** Ms. Bailey made a motion to adopt this ordinance as an emergency, seconded by Mr. Johnson. Mr. Finney explained the need for and the terms of the extended contract. 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. O2010-68 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR A SECOND AMENDMENT TO THE OPTION AND LEASE AGREEMENT WITH GLOBAL TOWER PARTNERS (PREVIOUSLY DBA HORIZON PERSONAL COMMUNICATIONS INC.) FOR LEASE OF PROPERTY FOR COMMUNICATIONS EQUIPMENT ON MOUND HILL.** Ms. Bailey made a motion to adopt this ordinance as an emergency, seconded by Mr. Johnson. Mr. Finney explained the need for and the terms of the extended contract. 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. O2010-69 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PAVE STREETS ALONG UPPER RIVER ROAD (ACCESS ROAD TO ROBERTS LANE AND ACCESS ROAD BESIDE BOB EVANS RESTAURANT AND THE GALLIPOLIS VA CLINIC).** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Ms. Bailey. Mr. Finney explained that the paving near Bob Evans involved the straight section from the traffic light back to Sherwin Williams. Discussion focused on the propriety of paving a private road, whether property owners could be assessed the cost, and the pursuit of ownership from property owners. On the question of propriety, Mr. Salisbury said that the City has paved other through streets in the interest of public safety. If the City does pave these roads, it would be considered a gift and would not obligate the City for future paving nor cause the City any civil liability resulting from the gift. We cannot assess property owners unless we inform them beforehand. The Commission seemed mostly in favor of pursuing ownership, but there would not be sufficient time to accomplish this before the asphalt plant closes for this season. Mr. Cremeens stated that the City had roads, such as Hedgewood Drive, that belong to the City and are in need of paving. Upon roll call to adopt this ordinance as an emergency, Mr. Cremeens voted no. All other votes were yes. O2010-69 was placed on first reading.

Gallipolis City Commission
 October 20, 2010
 Page 5

Mr. Salisbury said he would go ahead and read the final emergency ordinance out of the order listed on the agenda in order to keep all of the emergency ordinances grouped together.

There was presented and read to the Commission as an emergency an Ordinance No. O2010-72 entitled **AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION AND TO ENTER INTO AGREEMENT, IF AWARDED, FOR 2010 JUSTICE ASSISTANCE GRANT – LAW ENFORCEMENT (JAG LE) PROGRAM FUNDING.** 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 for a first reading an Ordinance No. O2010-70 entitled **AN ORDINANCE AMENDING O2003-57 A SPECIAL PURPOSE FLOOD DAMAGE REDUCTION ORDINANCE, PROVIDING STANDARDS AND PROCEDURES FOR REDUCING FLOOD DAMAGE CONSISTENT WITH REGULATIONS OF THE FEMA FOR THE CITY OF GALLIPOLIS, OHIO, UPDATING SECTIONS 1.6, GENERAL PROVISION, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD AND UPDATING SECTION 2.0 DEFINITIONS, NEW CONSTRUCTION, TO ADOPT THE NEW FLOOD PLAIN MAP EFFECTIVE JANUARY 19, 2011.** Mr. Wallis made a motion to place this ordinance on first reading, seconded by Mr. Johnson. Upon voice vote to place this ordinance on first reading, all votes were yes.

There was presented and read to the Commission for a first reading an Ordinance No. O2010-71 entitled **AN ORDINANCE SETTING TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES FOR THE CALENDAR YEAR 2011.** Mr. Johnson made a motion to place this ordinance on first reading, seconded by Ms. Bailey. Upon voice vote to place this ordinance on first reading, all votes were yes.

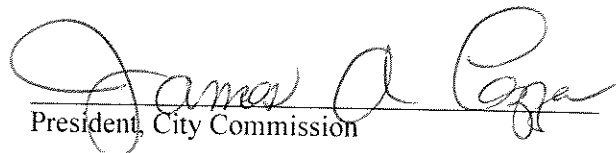
The City Commission discussed the draft of a contract with Breech Engineering. Mr. Finney stated that the contract was for a net amount of \$90,000 (\$100,000 less the earlier retainer of \$10,000.) The City would be billed monthly for work at the regular rate. State permits would run around \$8,000 for both buildings. The Commission would need to adopt an ordinance to enter into this contract. Mr. Breech and the City Manager both indicated their satisfaction with this contract.

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 roll call on the motion, all votes were yes. Prior to entering executive session, President Cozza informed those present that the City Manager would be conducting HB9 Public Records Training for the City Commission following executive session. There will be no other business to follow executive session. Upon completion of executive session, Commission returned to special session.

Mr. Finney conducted HB9 Public Records Training, using materials supplied by the Auditor of State. All of the City Commissioners were in attendance for the entire training.

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


 Clerk, City Commission


 President, City Commission