

July 28, 2012

The Gallipolis City Commission met in special session on Saturday, July 28, 2012, at 8:00 a.m. in the Gallipolis Municipal Courtroom on Olive Street, having complied with Section 9 of the City Charter.

Commission President Jay Cremeens called the meeting to order and gave the invocation.

Upon roll call, the following members were present:

James Jay Cremeens, President  
 Steven E. Wallis, Vice-President  
 Michael W. Brown, Member  
 James A. Cozza, Member  
 W. Matthew Johnson, Member

Others attending were:

Randall J. Finney, City Manager  
 Adam R. Salisbury, City Solicitor  
 Annette M. Landers, City Auditor/Clerk/Treasurer  
 Kevin Kelley, Gallia Hometown Herald  
 Tony Gallagher                      Marvin Vanderberg                      Claudia Miller

Commission received the minutes of the July 17, 2012 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

The City Manager reported on the following:

- June 30<sup>th</sup> storm damage – There will be a meeting with FEMA on Wednesday. Besides the damage to trees, a building at the cemetery was damaged.
- Slip on 800 block of First Avenue – All work should be completed by the end of next week.
- Temporary Mound Hill Access Road – We are still awaiting the results of our appeal for FEMA funding.
- Elm Alley – Work is almost complete. They are waiting for AEP to do their portion.
- WPC Plant Upgrade – An ordinance is on the agenda tonight to coordinate funding of a portion of the headworks project with OWDA.
- Justice Center – Change Order # 13 for railing and other front entrance changes and the different gauge steel and Change Order 14 for paving are on tonight's agenda. These should be the final two change orders. Work is still expected to be complete by the end of August. A group of officers have asked to meet with the Commission about naming the building.
- Thomas Clothiers Building demolition – Mr. Finney has asked a consultant to look at the adjoining wall, but he has not come down yet to do so.
- Geese in the park – People have been complaining about the number of geese in the City Park. Mr. Finney plans to discuss the problem with the ODNR.
- The County has purchased the Jobs & Family Services Building. They will continue to allow the City to occupy offices in the building for \$1,900 per month in rent, beginning August 1<sup>st</sup>. They will expect to continue to receive free water and sewer service as long as we are occupying the offices.
- Three hundred feet of 8-inch water line on State Route 141 need to be moved. The materials will cost an estimated \$10,000, with the maintenance crew providing the labor.

- The water pressure problem on Sanders Hill has been fixed. Residents seem pleased with the improved service.
- The Tuscany Cuccini Italian restaurant has requested approval to transfer a liquor license from Backroads Inc, Crown City, to their location on Eastern Avenue. A TRESX transfer requires the legislative body's approval of the transfer as an economic development effort. Mr. Johnson made a motion to endorse the transfer as an economic development project, seconded by Mr. Wallis. Upon voice vote on the motion, all votes were yes.
- Mr. Finney asked Commission approval to send Kim Canaday, Bev Dunkle, Sandee Saxon, and the City Manager to the America in Bloom Conference in Arkansas. Total cost of the trip, including registration, air fare, and hotel would be around \$4,500. Mr. Johnson made a motion to send these four employees to the conference, seconded by Mr. Wallis. Upon voice vote on the motion, all votes were yes.
- Mr. Christian Scott has resigned from the Board of Zoning Appeals. Mr. Finney said that he sent a thank you note to Mr. Scott for his service to the City. He asked the Commissioners to be thinking of a candidate for the vacated position.

The City Auditor presented an invoice for \$3,115.60 from the Walter Drane Company for Codified Ordinance update and online hosting. The invoice was dated 7/24/12. The purchase order was dated 7/27/12. Mr. Johnson made a motion to approve payment, seconded by Mr. Brown. Upon voice vote on the motion, all votes were yes.

The City Solicitor told the Commissioners that he and Amber attended the Ohio Municipal Attorneys' Conference in Dublin. He attended the civil sessions, with Amber attending the criminal sessions. While there, he spoke with a few other attorneys about how the City might go about recovering the cost of demolition of the building on Second Avenue. The suggestion that he liked best was to do a negligence action against all parties (the property owner and the person buying the property on land contract) and let them sort it out. Before proceeding, Mr. Salisbury plans to do a search of case law to see if others have been successful in such cases. Mr. Salisbury told the Commissioners that there will be a free training meeting on the Sunshine Law, which he will tell them more about when he gets the information.

Mr. Johnson stated that the Digital River Project is going well, with recent grants to Nybble Café and Jividens Customs. He said that there is interest in putting a 24-hour fitness center in with the River City Fellowship.

Mr. Johnson asked if the flashing on the roof of the new Justice Center was damaged by the storm. The City Manager answered that it was not, but the flashing is to be installed this week as part of the construction process for \$800.

Mr. Johnson asked if the golf cart ordinance could be amended to allow exceptions to some portions of Ohio Revised Code. For instance, ORC says that golf carts must have two headlights, but some old carts have only one. Some municipalities allow one headlamp if it is of sufficient illumination. The requirement of a windshield wiper can be problematic with fold down windshields on some carts. He also said that some people are wondering if gators and razors fall under the golf cart ordinance. Mr. Salisbury said that he has been encouraging people to take a picture of whatever golf cart they plan to buy for pre-approval by the Police Department before they buy. Mr. Wallis expressed concern of the City assuming civil liability if we downgrade our ordinance from ORC, but Mr. Salisbury said that this would not be the case. He will bring some wording to the next meeting.

There was presented and read to the Commission as an emergency a Resolution No. R2012-17 entitled **AN EMERGENCY RESOLUTION NAMING GALLIPOLIS CITY MANAGER RANDALL J. FINNEY AND PROJECT COORDINATOR C. JOSEPH WOODALL AS ALTERNATE FOR THE CITY OF GALLIPOLIS APPOINTMENT TO THE DISTRICT 15 PUBLIC WORKS INTEGRATING COMMITTEE**. Mr. Johnson made a motion to adopt this resolution as an emergency, seconded by Mr. Cozza. 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 a Resolution No. R2012-18 entitled **AN EMERGENCY RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A NEW SPECIAL REVENUE FUND (POLICE SPECIAL EQUIPMENT FUND)**. Mr. Johnson 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 a Resolution No. R2012-19 entitled **AN EMERGENCY RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A NEW SPECIAL REVENUE FUND (MOVING OHIO FORWARD DEMOLITION GRANT PROGRAM)**. Mr. Johnson made a motion to adopt this resolution as an emergency, seconded by Mr. Cozza. The Commissioners asked if the list of suggested demolitions was finalized. Some did not receive the list and a couple wanted priority given to properties where the owner was unable to come up with the cost of demolition. They asked to be included in discussing any list before it is finalized. 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 a Resolution No. R2012-20 entitled **AN EMERGENCY RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A NEW CAPITAL PROJECTS FUND (OPWC WATER/SEWER PROJECTS FUND)**. Mr. Johnson 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. O2012-52 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO AUTHORIZE AND FUND CHANGE ORDER NO. 13 WITH THE KINSALE CORPORATION FOR FRONT ENTRANCE CHANGES AND METAL STUD GAUGE UPSIZE FOR CONSTRUCTION OF THE GALLIPOLIS JUSTICE CENTER COMPLEX**. Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Cozza. 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. O2012-53 entitled **AN EMERGENCY ORDINANCE ACCEPTING AND REJECTING BIDS FOR THE CONSTRUCTION OF THE GALLIPOLIS MUNICIPAL BUILDING (A NEW MUNICIPAL BUILDING TO HOUSE CITY ADMINISTRATIVE OFFICES)**. Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Cozza. 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. O2012-54 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2012-07, AS AMENDED BY ORDINANCE NO. O2012-20, AS AMENDED BY ORDINANCE NO. O2012-28, AS AMENDED BY ORDINANCE NO. O2012-34, AS AMENDED BY ORDINANCE NO. O2012-49, AS AMENDED BY ORDINANCE NO. O2012-51, SETTING APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF GALLIPOLIS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2012**. Mr. Johnson made a motion to adopt this ordinance as an emergency,

seconded by Mr. Brown. Ms. Landers explained that the changes were to fund the new funds established this evening and to take care of shortfalls developing in other departments. 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. O2012-55 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2012-08, AS AMENDED BY ORDINANCE NO. O2012-21, AS AMENDED BY ORDINANCE NO. O2012-35, AS AMENDED BY ORDINANCE NO. O2012-50, AUTHORIZING THE CITY AUDITOR TO TRANSFER OR ADVANCE FUNDS.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Mr. Brown. 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. O2012-56 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO AUTHORIZE AND FUND CHANGE ORDER NO. 14 WITH THE KINSALE CORPORATION FOR PARKING LOT ASPHALT PAVING AND MISCELLANEOUS ITEMS FOR CONSTRUCTION OF THE GALLIPOLIS JUSTICE CENTER COMPLEX.** Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Johnson. Commissioners discussed where the paving would be done. President Cremeens said that the building is looking good and he has received many compliments on it. 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. O2012-57 entitled **AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE FIRST AVENUE SINKHOLE REPAIR PROJECT.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Mr. Cozza. 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. O2012-58 entitled **AN EMERGENCY ORDINANCE TO REVISE THE CODIFIED ORDINANCES OF THE CITY OF GALLIPOLIS, OHIO BY ADOPTING CURRENT REPLACEMENT PAGES PURSUANT TO THE AGREEMENT WITH THE WALTER H. DRANE COMPANY.** Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Brown. 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. O2012-59 entitled **AN EMERGENCY ORDINANCE AUTHORIZING THE GALLIPOLIS CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MINTAKA FINANCIAL FOR THE LEASE OF AN ALLCOM LLC (BSB LEASING) IP PHONE SYSTEM WITH ATTACHMENTS AND ACCESSORIES FOR GALLIPOLIS JUSTICE CENTER OFFICES.** Mr. Johnson made a motion to adopt this ordinance as an emergency, seconded by Mr. Cozza. Mr. Finney explained the terms of the lease-purchase. 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. O2012-60 entitled **AN ORDINANCE AUTHORIZING A COOPERATIVE AGREEMENT FOR DESIGN OF THE HEADWORKS IMPROVEMENTS AT THE WASTEWATER TREATMENT PLANT BETWEEN THE CITY OF GALLIPOLIS AND THE OHIO WATER DEVELOPMENT AUTHORITY AND PROVIDING ASSURANCE TO THE OHIO WATER DEVELOPMENT**

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**AUTHORITY OF A SOURCE OF LOCAL FUNDS FOR SEWER IMPROVEMENTS IN THE CITY OF GALLIPOLIS AND DECLARING AN EMERGENCY.** 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.

President Cremeens announced that Mr. Wallis, Commission Vice-President, will be in charge at the next meeting in his absence. He also mentioned that the performance auditors plan to meet with the full commission when it can be arranged. Ms. Landers told the Commissioners that she has written to them to suggest the first regular meeting in September. She has not received a response yet.

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

  
Clerk, City Commission

  
President, City Commission