

January 9, 2018

The Gallipolis City Commission met in special session on Tuesday, January 9, 2018, at 6:00 p.m. at the Gallipolis Municipal Building, 333 Third Avenue, having complied with Section 9 of the City Charter.

Commission President Michael Fulks called the meeting to order. Mr. Wallis gave the invocation.

Upon roll call, the following members were present:

Michael C. Fulks, President
 Steven E. Wallis, Vice-President
 Cody C. Caldwell, Member
 Albert "Tony" Gallagher, Member
 Beau Sang, Member, arrived during Privilege of Floor

Others attending were:

M. Eugene Greene, City Manager
 Annette M. Landers, Auditor/Clerk/Treasurer
 Ronnie Lynch Keith Elliott Joy Elliott
 Jeff Boyer Bradie Angell Kevan Mock
 David Walters Diana Love Richard Rose
 Bill Jenkins

Privilege of Floor was granted to Mr. Rick Rose to appeal charges related to water and sewer tap installations at his property at 709 First Avenue. Mr. Rose received bills totaling \$9,255.68, which included one water tap fee, plus installation and 20% administrative charge; two sewer tap fees, plus installation and 20% administrative charge; and two sewer capacity fees, all according to current ordinances. Mr. Rose claimed to have no problem with the tap fees and sewer capacity fees. He said his objection arose from the cost to install the sewer line to his property. He contended that the City owns the sewer line, so he should not have to pay for it. The old sewer line along First Avenue is very deep under the road, necessitating connection through the nearest manhole and the running of a new lateral to serve his property and two other parcels. He was charged for one-third of the cost of the line.

Mr. Rose stated that the City needs to look at its current ordinances because the costs involved for developers of properties is discouraging to the very development that the City says it wants to encourage. He has plans to do more development on Eastern Avenue, but will need to take another look at this in light of the costs involved. He also complained that there is now a lock on the meter of the unit that he sold, which he claimed had the owner upset and threatening to call a lawyer. Mr. Greene answered that this lock is not Mr. Rose's concern. The City has been in contact with the owner regarding un-authorized (by the owner) consumption on this meter. Mr. Greene also said that Mr. Rose did not come in and sign paperwork for his new taps which needed to be completed before installation began. Mr. Rose had told Mr. Walters that the paperwork was completed.

In discussion, Mr. Wallis said that it appears that the City followed the ordinances as they are written. There was some interest on Commissioners' parts to look into the ordinances to see if anything would need to be changed. Mr. Rose said he planned to consult his lawyer on the matter.

Mr. Kevan Mock of Woodland Centers was granted *Privilege of Floor*. Mr. Mock explained that a toilet leak over the Thanksgiving holiday had resulted in a \$4,229.77 water bill. Their water bill normally runs from \$400 to \$700. They did not have the water leak insurance, but have since signed up for help with

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any future leaks. There is no sewer adjustment available because the water went through the sewage treatment system. He asked if the Commission could provide any form of relief for this high bill. In discussion, Mr. Gallagher recalled that the free clinic had high consumption due to a toilet leak and had appealed to the Commission before he was a member. Their appeal was denied. He cited another case where a couple came before another Commission and the wife cried during her appeal. That appeal was granted. Mr. Mock replied that he was not going to cry, but wondered if they might be granted a payment plan to make the payments over time and how this process would work. Ms. Landers explained that they could sign up for a payment plan for the large bill. Such plans usually extend over a six-month period, interest-free. During this period, all current bills would need to be paid on time. Mr. Mock seemed satisfied with this solution.

Mr. Greene requested executive session for legal matters: lawsuits. Mr. Wallis made a motion to enter executive session for legal matters: lawsuits, seconded by Mr. Caldwell. Mr. Bill Jenkins objected to the Commission going into executive session, saying that our Charter does not allow for executive session. This led to a discussion of where in the Charter it says that. Mr. Jenkins pointed out wording in Section 9 "Meetings," which says "all meetings of the City Commission shall be public." This he claimed to prohibit executive sessions. During discussion, Mr. Wallis pointed out that our legal counsel, though not present at this meeting to provide an opinion, had been presented with this same issue by Mr. Jenkins in the past. At that time, it was Mr. Salisbury's opinion that this wording does not prohibit executive sessions since all meetings are public and the section goes on to say, "Commission shall determine its own rules and order of business." The Commissioners did agree that it would be a good idea to pay for an expert to review the Charter to assure that wording is up to date and not in conflict with subsequent law. Upon roll call to enter executive session, all votes were yes. Upon completion of executive session, Commission returned to special session. There being no further business to come before the Commission, the meeting was adjourned.


Clerk, City Commission


President, City Commission