

January 23, 2018

The Gallipolis City Commission met in special session on Tuesday, January 23, 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		
Adam R. Salisbury, City Solicitor		
Annette M. Landers, Auditor/Clerk/Treasurer		
Dean Wright, Gallipolis Daily Tribune		
Ronnie Lynch	Mary Lee Marchi	Marvin Vanderberg
Jeff Boyer	Bradie Angell	Gary Waldron
Kevin Plantz	Sandra Plantz	Debbie Saunders
Richard Rose	Brynn Noe	Randy Breech
Robbie Jenkins	Adam Holcomb	Farrell Miller
Diana Love	Jeremy Spencer	Lisa Osbourne
Shane Plantz	Scott Adkins	

Privilege of Floor was granted to Police Chief Jeff Boyer to present the Gallipolis Police Department's Life Saving Award with ribbon to patrolmen Scott Adkins, Shane Plantz, and Gary Waldron for their response to a call at First Holzer Apartments on November 14, 2017. Upon arrival, a male resident was lying face-down, not breathing and with no pulse. The officers immediately began CPR, continuing until EMS arrived to transport the patient to the hospital. EMS later reported that without the officers' quick action, the patient likely would not have survived. As recognition of their exemplary action, Chief Boyer presented each officer with the Life Saving Award and a ribbon to place on their uniforms. This was the second such award received by Patrolman Adkins and Plantz. Everyone joined President Fulks in thanking the officers for their service to the community.

Mr. Farrell Miller was granted *Privilege of Floor*. Mr. Miller introduced himself as a long-time employee of the City. He said his complaint was that he had not received a copy of the 1095-C (ACA proof of insurance) with his W-2 form in early January. His tax preparer will not submit his tax return without seeing this document. He said that, in his opinion, this form should be provided at the same time as the W-2's. When he went to see what the delay was, he said that he was directed to the City Auditor, who prepares the 1095-C's. He said that Ms. Landers said she had other things to do, was waiting for the software, and, when pressed further, told him to get out of her office. He had received a phone call later that day from the City Manager that his form was ready for pick-up, but that he was not able to go in then and told Mr. Greene he would get it on Monday. He wanted to know how it was that the forms were not available, but suddenly they were ready. He felt that Ms. Landers was disregarding the needs of the employees and neglecting her job in not getting everything done in December to get the forms out.

Ms. Landers objected to his characterization of their discussion, saying that she had explained to him that she understood his need for the form, but that she had not yet received the software from CMI to prepare the forms, although she had been working throughout the year on the spreadsheets needed to do so. She flatly denied telling him to get out of her office. After talking to him, she said she went to the City Manager to discuss the problem that the delay was causing some employees and to try to come up with a solution. Employees who file their taxes electronically don't need the form. Also, some preparers don't demand the form. They decided to provide Mr. Miller with a letter on City letterhead that stated he had insurance coverage for the entire year. After she left Mr. Greene's office, she decided to go on the IRS website to see if she could find a template to use, so she could manually prepare an actual 2017 1095-C form just for Mr. Miller. She found a form that could be filled in and printed individually, so she started manually filling out forms one at a time for each of the employees. It took three days to complete the forms for all of the employees, which she distributed as each was completed.

Mr. Sang said that the response time sounded good to him, since Mr. Miller's complaint was received and his form produced the very same afternoon. Mr. Greene said that many companies do not distribute the W-2's until the end of January, but the City distributes them as soon as they are ready as a convenience for the employees. We could delay distribution of both forms to the end of January, the IRS due-date. President Fulks told Mr. Miller that he will not have this problem next year because his W-2 and 1095-C will be distributed together.

The City Manager briefly reported that the Maintenance Department has been busy with snow removal and water leaks. He commended the department, thanking them for their hard work and long hours.

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

The following invoices over \$3,000 were presented for approval of payment:

- Two invoices totaling \$15,171.34 from Bob's Market for GIL. Invoices: 11/4/17. PO: 12/5/17.
- \$22,308.33 from PEP for 2nd installment property/liability ins. Invoice: 10/1/17. PO: 12/5/17
- \$21,476 from Waste Management for Nov. refuse. Invoice: 12/1/17. PO: 12/1/17.
- \$27,722.45 from CMI for annual support agreements. Invoice: 11/27/17. PO: 1/8/18.
- \$3,080 from CT Consultants for WPCF Project (final bill). Invoice: 10/11/17. PO: 1/8/18.
- \$2,026.10 from OPWC Spruce St. Improvements loan. Invoice: 11/15/17. PO: 11/30/17.
- \$8,333.33 from OPWC WPCF Headworks loan. Invoice: 11/15/17. PO: 1/2/18.
- \$21,653 from Waste Management for Dec. refuse. Invoice: 1/1/18. PO: 1/2/18.

Mr. Wallis made a motion to approve payment, seconded by Mr. Caldwell. There was a brief discussion of the Waste Management contract, which is a three or four year contract with annual increases built into the contract. Upon voice vote on the motion, all votes were yes.

The City Solicitor requested executive session to discuss pending lawsuits.

Mr. Gallagher said that he has worked with Ms. Landers for four or five years now and has always found Ms. Landers to be very good in the work she does.

President Fulks spoke about the Martin Luther King Day program that he and others from the City attended on Monday, January 15th. Patrolman Mark Still was the speaker and did a fine job representing the Police Department and the City. We are all very proud of him.

Mr. Sang started to bring up the matter of Mr. Rose's complaint, which was discussed at the prior meeting. Mr. Greene said it would be okay to discuss the ordinances, but that the City received a letter from Mr. Rose's attorney, which now makes this a legal matter to be addressed through both parties' legal representatives. Mr. Rose stood and began to speak, asking Mr. Greene if he was now a lawyer and demanding to know what the letter said. President Fulks stated that Mr. Rose is out of order. The City Solicitor restated that the matter was now to be discussed through legal channels.

Commissioners took up the issue of selecting members for a list of committees that was distributed at the January 2nd meeting. After some discussion, Mr. Caldwell was selected to serve on the Family and Children First Council and the Ariel Theater board. Mr. Wallis will serve on the Threat Risk Assessment group. Mr. Gallagher will serve on the Gallipolis in Bloom Committee. Mr. Sang will serve on the Our House Committee. President Fulks will be on the CIC Executive Committee and the OVRDC.

Mr. Wallis made a motion to take resolutions R2018-01, R2018-02, and R2018-03 off the table, seconded by Mr. Caldwell. Upon voice vote on the motion, all votes were yes.

There was presented and read to the Commission as an emergency a Resolution No. R2018-01 entitled **AN EMERGENCY RESOLUTION EXPRESSING THE APPRECIATION OF THE GALLIPOLIS CITY COMMISSION TO MICHAEL W. BROWN FOR OUTSTANDING SERVICES RENDERED AS MEMBER OF THE CITY COMMISSION OF THE CITY OF GALLIPOLIS, OHIO, AND EXTENDING THE BEST WISHES OF THE COMMUNITY TO HIM.** Mr. Gallagher made a motion to adopt the 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. R2018-02 entitled **AN EMERGENCY RESOLUTION EXPRESSING THE APPRECIATION OF THE GALLIPOLIS CITY COMMISSION TO W. MATTHEW JOHNSON FOR OUTSTANDING SERVICES RENDERED AS MEMBER OF THE CITY COMMISSION OF THE CITY OF GALLIPOLIS, OHIO, AND EXTENDING THE BEST WISHES OF THE COMMUNITY TO HIM.** Mr. Wallis made a motion to adopt the resolution as an emergency, seconded by Mr. Gallagher. 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. R2018-03 entitled **AN EMERGENCY RESOLUTION EXPRESSING THE APPRECIATION OF THE GALLIPOLIS CITY COMMISSION TO ROGER P. BRANDEBERRY FOR OUTSTANDING SERVICES RENDERED AS MEMBER OF THE CITY COMMISSION OF THE CITY OF GALLIPOLIS, OHIO, AND EXTENDING THE BEST WISHES OF THE COMMUNITY TO HIM.** Mr. Gallagher made a motion to adopt the 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. O2018-01 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2017-44, AMENDING SECTION A: COMPENSATION FOR APPOINTED OFFICIALS AND CLERK OF MUNICIPAL COURT AND REPEALING PREVIOUS ORDINANCES SETTING SAID COMPENSATION.** Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Caldwell. Ms. Landers explained that Judge Mulford had decided to give the Clerk of Court her raise in the "Court Administrator" line in the Court Capital/Special Projects Fund. This ordinance restores the amount paid from the General Fund to the former level (before the increase). 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. O2018-02 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2017-42, SETTING TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES FOR THE CALENDAR YEAR 2018**. Mr. Caldwell made a motion to adopt this ordinance as an emergency, seconded by Mr. Sang. Ms. Landers stated that the amendment adds \$50,000 for the Court's new Ohio JRI Grant, \$3,080 for Fund 352 for C. T. Consultants' final bill on the WPC Improvements Project, and \$62,300 for debt service to pay the final principal and interest on the Riverfront Improvements Project loan. 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. O2018-05 entitled **AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A LETTER OF AGREEMENT WITH GALLIA COUNTY HEALTH DEPARTMENT PRIMARY CARE CLINIC FOR HEALTHCARE SERVICES FOR CITY OF GALLIPOLIS EMPLOYEES AND ELECTED AND APPOINTED OFFICIALS**. Mr. Caldwell made a motion to adopt this ordinance as an emergency, seconded by Mr. Sang. Mr. Greene explained that this adds the Health Department to the three other providers (Jeannie Ingles, Betsy Canaday, and the Holzer facility at Fruth Pharmacy on Second Avenue) that the City has contracted for healthcare services for employees on our health insurance. 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. O2018-06 entitled **AN EMERGENCY ORDINANCE AMENDING CHAPTER 1315.03, BUILDING PERMIT FEES; EXEMPTION, OF THE CODIFIED ORDINANCES OF THE CITY OF GALLIPOLIS, OHIO**. Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Sang. Mr. Salisbury explained that this adds a street cutting fee of \$35. 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. O2018-03 entitled **AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE FOR THE CITY OF GALLIPOLIS, OHIO, AND REPEALING ORDINANCE NO. O2004-83**. Mr. Wallis made a motion to place this ordinance on first reading, seconded by Mr. Caldwell. Mr. Salisbury told the Commissioners that this is to adopt the standardized set of laws and standards adopted by most communities and is in addition to laws we have in place on our own books. This standard code gives property owners certain rights and outlines procedures. The prior version has been in place since 2004. 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. O2018-04 entitled **AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GALLIPOLIS, OHIO**. Mr. Caldwell made a motion to place this ordinance on first reading, seconded by Mr. Sang. Mr. Greene explained that Mr. Bostic has been looking over the zoning maps and wishes to make some changes. This particular change is from "light industry" to "neighborhood commercial." It will not interfere with the library's plans. Upon voice vote to place this ordinance on first reading, all votes were yes.

Mr. Wallis made a motion to enter executive session for legal matters: lawsuits, seconded by Mr. Caldwell. Upon roll call to enter executive session, all votes were yes. Upon completion of executive session, Commission returned to special session.

Mr. Salisbury mentioned that his 4-year term ends in April. He asked to be re-appointed at the next meeting. He may move as early as fall of this year, but does not know yet the exact timing. Mr. Greene endorsed allowing Mr. Salisbury to be re-appointed and look outside for a replacement when he decides to

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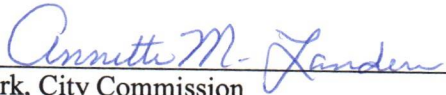
move. Mr. Salisbury cautioned that municipal law is a specialized area that most lawyers do not have the requisite knowledge to just step into. He offered to spend some time training the new solicitor when the time comes.

Mr. Wallis asked that his cell phone number not be given out to the public because he cannot have people calling him at work.

Mr. Fulks announced that he will be absent at the meeting on February 6th. This should not pose a problem since he informed Mr. Greene and Ms. Landers far enough in advance to avoid any emergency legislation for that meeting.

Commissioners set the first budgetary session for 5 p.m. on February 6th, to be followed by the regular meeting at 6 p.m. They will concentrate on areas outside of the General Fund to allow time for all department heads to get their budgets turned in. The first reading must be done in March for placement in time for April 1st. Mr. Greene talked about maybe financing purchase of a generator. Mr. Sang said that the hospital leases a lot of their equipment.

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


Clerk, City Commission


President, City Commission