

April 4, 2017

The Gallipolis City Commission met in regular session on Tuesday, April 4, 2017, at 6:00 p.m. at the Gallipolis Municipal Building, 333 Third Avenue, having complied with Section 9 of the City Charter.

Commission President Tony Gallagher called the meeting to order. Mr. Wallis gave the invocation.

Upon roll call, the following members were present:

Albert "Tony" Gallagher, President
 Roger P. Brandeberry, Member
 W. Matthew Johnson, Member
 Steven E. Wallis, Member

Others attending were:

M. Eugene Greene, City Manager		
Adam R. Salisbury, City Solicitor		
Annette M. Landers, Auditor/Clerk/Treasurer		
Beth Sergent, Gallipolis Daily Tribune		
Ronnie Lynch	Randy Breech	Russell Wood
Roma Wood	Marvin Vanderberg	Jeff Boyer
Cletus Harder	Joy Elliott	Keith Elliott
Claudia Miller	Dottie Chestnut	

Commission received the minutes of the March 21, 2017 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

Privilege of Floor was granted to Mr. Russell Wood to speak on the topic of former tenants' delinquent utility bills. Mr. Wood was appealing the City's policy of assessing these delinquencies against the property taxes for the parcels involved. He claimed that Gallipolis is the only municipality that does this and asserted that it was unfair to hold landlords responsible for tenants' utility bills because landlords have no control over their tenants' behavior. He cited one example in the letter he received where a tenant left a bill of roughly \$1,000. Ms. Landers said that she and Mr. Wood have discussed the City's policy before and that they have maintained a good relationship through the years. The City's policy is based on Ohio Revised Code, which especially protects municipalities that provide water & sewer services by granting them the ability to assess these delinquencies, plus penalties, against the property taxes of the parcels where the bills are left delinquent. From meetings that Ms. Landers has attended with representatives from other municipalities where these issues are discussed, we know that Gallipolis is definitely not the only municipality in Ohio taking advantage of these sections of ORC.

Many years ago when the City first began collecting these delinquencies by special assessments, the Commission, along with the City Auditor and City Manager, decided that it would be unfair to hold landlords responsible for a tenant's late fees or shut-off fees. Therefore, those are always written off for all landlords. Likewise, they did not feel that it would be fair to expect landlords to pay for periods beyond the time the City should have shut off service. Since we bill in arrears, it takes three months of service before we can possibly go through the required process to legally shut service off. Any bills beyond this three-month period are also written off for landlords. Ms. Landers explained that she looks at each account in detail to give landlords the maximum amount of credit that they are due. Owner-occupied properties get no such write offs.

Mr. Wood said that a few years ago, the City raised the amount of the utility deposit from \$50 to \$125 in response to appeals for some form of relief from a group of landlords. He said that has helped, but he and others are still burdened with large bills each year. He asked the City to go after the tenants, not the landlords.

Commissioners were sympathetic to his situation, but the consensus seemed to be that, short of raising the deposit again to an amount that might be prohibitive to tenants, there was little more that the City could do. We cannot just go shut off service without going through the process of billing and notification of shut off any more than landlords can just evict a tenant without going through the required legal process. Also, we cannot refuse service to someone that has a legal rental lease agreement with the property owner. Ms. Landers asked Mr. Wood if he goes through any process of vetting his tenants for their credit worthiness. He responded that he has started doing more of that. Commissioners suggested that Mr. Wood could put his own shut off valve on his property beyond the City's meter pit. Then he could turn off the water at his own discretion. He could also appeal to the State legislature to change Ohio Revised Code, but in the meantime, the City is responsible to use any means available to collect amounts due.

During discussions, Mr. Wood raised a side issue of his frustration with a policy that the Utility Department follows requiring not only signed rental lease agreements for service, but also written correspondence from the property owner that the renter is allowed to sign for such service. Although this seemed at first consideration to many present to be redundant, Ms. Landers suggested that it might have come from an instance a few years ago where a "renter" presented what appeared to be a properly signed lease agreement, but it was later discovered to be a forged document from a squatter. This policy may be just an additional effort to protect the property owner by verifying that the owner is aware that a certain person is signing for water service at one of their properties.

The City Manager reported on the following:

- At the Water Plant, cleaning of the #4 well is about 50% complete. Because of water leaks, the level of water in the reservoir was not rising at night. After working two weeks straight on leaks, it is now gaining about 0.3' each night.
- The Cemetery Sexton is having a marker made for the base of the flag pole on Mound Hill to recognize the Elks Lodge for donating money for the flag for many years. They plan to have a formal recognition ceremony once the marker is installed.
- Water and Sewer rates will increase 3% automatically with the April billing, per ordinances enacted several years ago.
- The Fire Department is down from traditional membership levels over thirty to just twenty-four members. Chief Elliott said the department has been operating on volunteers since 1861. They are trying to get the word out to encourage people to volunteer. Volunteers take 36 hours of basic training plus hazmat training. There is additional training available beyond that for those wishing to rise in rank and responsibility.
- The K9 officer and his new dog are away at training now. Chief Boyer reported more overdoses last weekend, bringing the year-to-date total of overdoses to twenty-two, with two deaths. The Attorney General sent two checks for drug task force forfeitures. This money is placed in the Law Enforcement Trust Fund for the police department's use. This week, the police department also received their new cruiser that was financed from the County Task Force surplus.
- Code Enforcement has been sending out letters to owners of vacant properties with code violations. This starts the clock on deadlines set by the new ordinance.
- There will be a meeting of the Historical Board and Planning Commission at 5 p.m. on April 18th to discuss applications for new housing on First Avenue and storage on Second Avenue.
- Paperwork for the CDBG Airport Road grant is being compiled. This project should stop the flooding problem in that area.
- Mr. Greene attended the Mayor's meeting in Athens today. The big topic of discussion at the meeting was cyberattacks, which have recently been launched against some communities in our region. Also, it was announced that Athens will be getting a new Minards. On May 11th at 6 p.m., they will be meeting at the Bossard Library in Gallipolis. The topic will be criminal justice. Chief Boyer, Mr. Salisbury, and Judge Mulford are encouraged to attend along with any interested public officials in the surrounding area.
- West End Electric has been awarded the contract for the CDBG Traffic Light Replacement Project. We can either accept \$27,000 in grant money with a \$1,200 match or for a \$6,000 match, we can receive \$32,000 in grant money that will allow us to replace 90% of the traffic lights with more energy efficient

LED lights. Commissioners agreed that the larger project would make sense as energy savings would soon pay the additional match required. The project will begin the last two weeks of April. Thanks go to Ms. Karen Sprague and the Gallia County Commission for their help in receiving this grant.

- The contractor for the ditch work on Oakwood Drive has met with the City on the project.
- We should soon be ready to demolish the property on Pine Street and at 75 Cedar Street.
- Mr. Greene met with EL Robinson concerning the additional work on steps for the Riverfront Project.
- Other projects in the works are the pool project; Bandstand, Kerr Memorial, and Electrical Upgrade in the Park (the electrical upgrade is ready to go); and CDBG Airport Road Project (received a quote from Brett Boothe, County Engineer, to replace culverts). Mr. Brandeberry asked the cause of flooding on Airport Road. Mr. Greene said there are two causes. First, there is a bow in the culvert under Airport Road, which leaves the inlet end up in the air too high to drain properly. Second, the ditch needs to be cleaned and dredged. Some areas need to be filled with concrete. Some of the problem is on privately owned property, but the County Engineer, Brett Booth, is certain that access can be obtained because of the danger to public health and safety. The CDBG Grant is for \$78,000 to \$79,000.
- Mr. Greene attended a meeting this evening at 4 p.m. to discuss further the idea of public transportation. The group was hoping the City could help in paying the drivers if they are able to get grant funds for the busses (actually more like blocky vans). Two possibilities they suggested for revenues would be from donations of businesses wanting bus service to their locations and also from fares. Mr. Greene said we could also sell advertising space on the sides of the busses. Mr. Brandeberry cautioned that whatever is decided, it cannot be a General Fund expense. He added that most places form a transit authority. The City Solicitor added that employees driving vehicles represent our biggest risk of liability to our immunity, so the idea of a separate transit authority seems prudent. Mr. Wallis was concerned that we not compete with anyone's private business venture. The State has expressed interest in whatever plans we might have.
- ODOT will repave State Rt. 160 (from Pine Street to Second Avenue) and State Rt. 141 this year. The SR 141 project will need to wait until completion of the County's sewer project.

The City Auditor presented three invoices over \$3,000 for approval of payment:

- \$33,478.50 from PEP for 2nd installment Property/liability Insurance. Inv: 10/1/16. PO: 3/8/17
- \$8,050 from the Gallia Co. Sheriff for WRC Housing. Inv: 3/10/17. PO: 3/15/17
- \$3,800 from Jackson Bros Construction for fire hydrant repair. Inv: 3/14/17. PO: 3/21/17

Mr. Wallis made a motion to approve payment, seconded by Mr. Johnson. Upon voice vote on the motion, all votes were yes.

Ms. Landers gave each of the Commissioners a copy of an e-mail she received today from Mr. Whitt at the Gallia County Board of Elections. It contained an itemized list of costs involved in a special election, which the Commissioners had requested. They should call Mr. Whitt if they have any additional questions.

The City Solicitor informed the Commissioners that if they want to establish an Eastern Avenue Revitalization District, they will need to do so by the middle of July in order to meet the deadline for November's ballot. This process would begin with the request of at least one property owner within the proposed district. Given the size of the district envisioned, it would allow fifteen more liquor license permits, which would not be transferrable outside of the district. Mr. Brandeberry expressed concern about competition with the downtown district. The City Manager noted that it might attract a major retailer such as an Applebee's.

President Gallagher introduced the topic of portable buildings for sale that are showing up on many private lots in the City. The concern is that these vendors are not paying any City fees or taxes. There followed a discussion about whether these sales lots should be treated as a temporary business. Mr. Greene read off a list of fees that other businesses pay. The City Solicitor responded that these types of sales lots could be categorized as temporary stores for which rules are already in place under Code Enforcement. We just need to enforce these rules. Chief Elliott commented that the actual owners of these types of businesses are often out of state. The City Manager

stated he has had a couple of complaints. The consensus of opinion was that we need to enforce our code. Temporary stores must pay \$100/week up to 120 days. Thereafter, they are no longer considered temporary and must register as any other business.

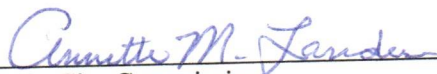
Mr. Harder asked how long cars can sit on lots, making reference to some he has seen with grass growing up through their hoods along Eastern Avenue. Mr. Salisbury answered that the City addressed this topic vigorously about two years ago with some success. One particular business has been taken to court about five times, but they always slowly revert to their old ways. Mr. Greene agreed that this is a continuing problem that the City must address again and again.

Mr. Johnson asked how much power is available in the camping area along the Riverfront. Mr. Greene answered that there is power in the stage area with additional planned to be added from the excess grant dollars. The stage will be portable. He would like to have power at the stage area and also at the sign, but asked for input. There will be a grand opening for the Riverfront Project soon.

Mr. Brandeberry asked if the pool would be open for adult swim in the mornings as it has been in recent years. Mr. Greene responded that it would, utilizing volunteers to open and manage it.

Mr. Wallis asked for a public statement of the results of the City Solicitor's research into the question of easements in the alley behind the Elks & old Historical Society buildings. Mr. Salisbury responded that he had checked the deeds for both properties back 100 years and found that, throughout that time, there have been no easements granted to the City. The County has digital records of easements back to the 1940's, which he used in his search. Additionally, Mr. Salisbury tracked back through the record books to the 1920's. The bottom line is that the City does not own or have any easements in the alleyway. It is all privately owned, just as the plat maps show.

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


Clerk, City Commission


President, City Commission