

May 1, 2018

The Gallipolis City Commission met in regular session on Tuesday, May 1, 2018, at 6 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

Others attending were:

M. Eugene Greene, City Manager		
Adam R. Salisbury, City Solicitor		
Annette M. Landers, Auditor/Clerk/Treasurer		
Dean Wright, Gallipolis Daily Tribune		
Dottie Chestnut	Marvin Vanderberg	Mary Lee Marchi
Ronnie Lynch	Randy Breech	Roma Wood
Claudia Miller	Dave Walters	Bradie Angell
Karen McCarty	Brett Bostic	Lynn Angell
David McCarty	Jim Cozza	Chris Cozza

Commission received the minutes of the April 17, 2018 meeting prior to this meeting. Mr. Sang distributed copies of changes he wished to make to the minutes. The proposed changes were all on Page 2 and were as follows:

1. Paragraph 1: Strike "more frequent" as a modifier to "progress reports." He said he did not remember receiving any progress reports on Code since taking office.
2. Paragraph 2: Add a quote from Mr. Sang.
3. Paragraph 3: Add wording on Mr. Sang's concern with Mr. Greene's agitation and his feeling disrespected by a comment from Mr. Greene.

Mr. Sang made a motion to make these changes, seconded by Mr. Caldwell. Mr. Greene said that if the Commission, as a group, directs him to make a particular report, he will be glad to comply, but he cannot respond to individual requests. In discussion on the motion, Mr. Sang quoted from the Codified Ordinances 1139.02 the duties of the Code Enforcement Officer. Mr. Gallagher and Mr. Greene responded that Code Enforcement is doing all it can with current resources available. The City Solicitor read Section 1139.02 in its entirety. This section requires an annual report. It also requires he make records available for use of the Commission. Commission could have a voice vote to require more frequent reports. At this point, Mr. Gallagher called for an immediate vote on the motion on the floor. Ms. Landers said that the minutes are to report what happened, not people's unexpressed thoughts or feelings. She asked to change the wording in Paragraph 3 to "Mr. Greene expressed concern..." Upon roll call on the motion to make the changes that Mr. Sang proposed, Mr. Sang and Mr. Caldwell votes yes. Mr. Gallagher, Mr. Wallis, and Mr. Fulks votes no.

Ms. Landers asked that her change to Paragraph 3 (Mr. Greene expressed concern...) be approved. Mr. Wallis made a motion to approve the minutes with this change, seconded by Mr. Gallagher. Upon voice vote on the motion, Mr. Sang and Mr. Caldwell voted no. All other votes were yes.

Ms. Karen McCarty, representing The Colony Club, was recognized for *Privilege of Floor*. She and Mr. David McCarty came forward to address the Commission. They distributed copies of plans for an outdoor, railed-



in patio area for serving of food and drinks. The railing would be 42" tall and constructed of metal and wood and would be secured, but not permanently installed. There was discussion on whether it would hinder people in wheelchairs. Since the tables and chairs would be contained within the fenced area, it was determined that there would be no problem with obstruction of sidewalk traffic. Commissioners said they had no problem with it as long as it complied with the laws on beer/wine service in outside venues. There was extensive discussion of their plans. Mr. Wallis and Mr. Fulks instructed that they should present their plans to Code, Planning and the Historic Board before bringing it to Commission. They agreed to schedule hearings with the proper boards.

Ms. Chris Cozza was next granted *Privilege of Floor*. She read a letter to the City Manager and the Commission describing an incident from August 2017. She said that after observing two ducks in a yard on Second Avenue, she had called the City Building to ask if city code permitted keeping ducks within the City limits. When no one answered in Code, she called the City Auditor and told her about the ducks. She said she did not ask to leave a message or to file a complaint. Later, she discovered that her name had been given to the father of the ducks' owner. This led to a series of unpleasant Facebook posts from the owner attacking Ms. Cozza, which Ms. Cozza included in her letter to Commission. Ms. Cozza said that she felt the situation was not handled properly in involving her name with the matter. She said that she wants the City Manager to write a letter to the owner of the ducks to tell her that Ms. Cozza did not file a complaint against her. She also wants the City to keep complaints and inquiries confidential.

After reading the letter, she asked if there were any questions. In discussion, Commissioners talked about whether keeping ducks is illegal. Mr. Greene said that there does not appear to be an ordinance specifically mentioning ducks. The City Solicitor pointed out that harboring wild animals anywhere in the City is a misdemeanor. There was also discussion of the expectation of privacy in an environment governed by the public records law. Even jotted notes are available for public inspection. Mr. Bostic talked about voice mails being demanded in court cases to find the source of a complaint. Mr. Salisbury said that there are only a limited number of exceptions to the public records act, so people need to understand that anytime they contact a city employee, their communication comes under the public records act. Ms. Landers said that common practice in the office, especially as short-handed as we are, is to pass a message on to the City Manager and/or proper department when calls come in. Mr. Greene agreed, adding that he has considered instituting a formal complaint form to keep people from calling in anonymous complaints against their neighbors. If people want to make a complaint, they should be grown up enough to put their names to that complaint. There was some discussion of whether a formal complaint form should be adopted for cases such as this, but no decision was made to implement such a form. President Fulks said the Commission would take her complaint under advisement.

Ms. Roma Wood requested and was granted *Privilege of Floor*. She said that her concern was related to the recent changes in billing procedures in the Water Department. All new water service is in the property owners' name(s), with the bills mailed to the property owners. She said that this is creating a ridiculous amount of paperwork in their office. She noted that the County e-mails their sewer bills to property owners and mails the bills to the service address. She wanted to know if the City could do the same. Ms. Bradie Angell said that she had helped her mother, Lynn Angell, get access online to all of her properties' water accounts. Her grandmother, Ms. Wood, could possibly do the same. Ms. Bradie Angell said that she thought the County might be sending individual e-mails for each account, which could mean hundreds of e-mails coming into her grandmother's inbox. After discussion, Mr. Fulks said the City Manager will look into the matter to see how the County is handling this.

Ms. Wood and Ms. Lynn Angell both complimented Mr. Bostic for assisting them recently with problems.

The City Manager reported on the following:

- Mowing season has begun in the cemeteries, with seasonal help now hired and on the job.
- The Maintenance Garage has been working with Dollar General to move a 6" water main at Routes 7 & 218. They need to secure a right-of-way. They want the City to write this up for them, but, as a private entity, they need to hire a professional to prepare the descriptions for them.



- There will be a meeting with GDC and state contractors on May 7<sup>th</sup> at 10 a.m. to set plans for this project and review the site.
- Our crews have been providing support services for the gas company with their project on Third Avenue.
- Mr. Greene met with FEMA yesterday for about three hours to discuss Public Assistance for flood damage to the Spruce Street Bridge. We now have paperwork to request funding.
- We are going to rewrite and formally bid the generator replacement work at the Water Treatment Plant.
- Code has been working on the issues surrounding the burned out house on Third Avenue, which needs to be demolished. The City could contract for the demolition and place the cost against the property taxes. This has not been altogether successful in the past. The City cannot afford to be involved in the demolition if there is no way to recoup the cost. If the owner has insurance, the insurance company must remit a portion of the claim to the City to hold in the Fire Loss Recovery Fund until Code inspects the completed clean-up and authorizes release of the held funds back to the owner. The owner has stated that he has no insurance. The City Solicitor remarked that if there is a mortgage on the property, it is possible that the mortgage company may have purchased insurance that would cover the cost. Alternatively, if there are no other liens on the property, the owner could possibly sign ownership of the property over to us so we could sell the property and get our costs back. Mr. Sang asked if there is any way to get the property owner to take care of it without accruing any costs to the City. Mr. Salisbury suggested sending a code violation letter to the owner, making him responsible for abatement and liable for additional violations for every day it is not abated. Mr. Wallis further refined this idea by suggesting the property owner be encouraged to make a private deal with a demolition contractor, signing over the property for them to sell.

Mr. Bostic gave a report of Code Enforcement activities for April. Upcoming court cases include 136 & 140 Fourth, 36 & 62 Chillicothe Rd., and 631 Fourth with surrounding parcels. Letter and tickets issued: 14 for high weeds, 6 for motor vehicles, 15 for sanitation, and 7 unfit for human occupancy. He has been working with state agencies on several violations and citations at car lots. He sent out thirty-one letters for violations of the vacant structure ordinance (O2017-02). These have fees of \$200 or \$400 depending on the type of structure involved. He collected for 9 contractor's licenses, 6 building permits, 2 vacant structures, 9 code complaints, and conducted 93 code meetings/investigations.

Mr. Bostic also informed Commissioners that the City Wide Yard Sale will be May 18<sup>th</sup> & 19<sup>th</sup>. On that Friday and Saturday, residents do not need to purchase a permit for their yard sales.

The City Manager stated that an issue has arisen involving vacant lots that used to have sewer taps, but no one knows their location anymore. Finding the old tap can be a huge problem for the owner and for City crews. If not located, a new tap must be installed, which means charging for a tap fee, the installation, and a sewer capacity fee. There is some debate that charging a sewer capacity fee for every new sewer tap in some cases may be excessive. The City Manager summarized that there needs to be a balance struck in order to encourage development of vacant properties. Commissioners encouraged him to look further into the matter and make recommendations for change.

Ms. Landers presented four invoices over \$3,000 for approval of payment:

- \$5,022.92 from AEP for March street lights. Invoice: 3/29/18. PO: 4/2/18
- \$3,750 from Gallia Co. Auditor for 1<sup>st</sup> Qtr indigent defense. Inv: 3/26/18. PO: 4/2/18
- \$6,263.41 from Workers Comp for monthly premium. Inv: 3/30/18. PO: 4/2/18
- \$21,136.75 from Waste Management for March refuse. Inv: 4/1/18. PO: 4/2/18

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

Ms. Landers reminded Commissioners of upcoming events. Three Commissioners are signed up for the OML Regional Conference on May 18<sup>th</sup>. They talked about driving arrangements. Mr. Caldwell is driving



Gallipolis City Commission

May 1, 2018

Page 4

separately. Mr. Gallagher and Mr. Wallis will discuss their plans and let Ms. Landers know if they need the company van. Mr. Gallagher and Mr. Fulks are signed up for the Visitor's Center Dinner on May 7<sup>th</sup>. RSVP's were due on April 27<sup>th</sup>, but it may still be possible to get a reservation. She sent an e-mail about the dinner out to Commissioners on April 20<sup>th</sup>.

May is a busy month for special days to recognize. May is National Historic Preservation Month. On May 4 & 5, the Marine Corps League Department of WV, which includes Gallia and Meigs Counties in Ohio, will be having their 2018 Convention at the Quality Inn in Kanauga. Goodwill Industries Week is May 6 to 12, with an observance on Thursday, May 10<sup>th</sup> at our local Goodwill store. Peace Officers' Memorial Day is Tuesday, May 15<sup>th</sup>. National Police Week is May 13 to 19. Commission President Fulks signed proclamations for each event and Commissioners worked out between them who could attend to present proclamations.

Ms. Landers asked the Commissioners if they would all be in attendance at the next meeting on May 15<sup>th</sup> to pass emergency appropriations. Of immediate importance is the appropriation of money for the replacement of the docks at the Public Use Area. Our insurer sent \$22,199. We will add that to the \$1,050 from contractors' bid packets already in Fund #368. The \$1,171 balance needed to replace the docks will need to be appropriated in General Fund's Parks capital line. The replacement docks have already been ordered, so the appropriations must be done in May. After consulting their calendars, everyone agreed that May 15<sup>th</sup> should be good for this meeting.

Mr. Caldwell brought up the topic of a recycling program for businesses again, saying that some businesses are still wanting to participate. Mr. Greene responded that he will check with Waste Management about this. He has already spoken to Mr. Breech about how he will handle trash for his apartments. He is going to use a compactor and has spoken to Waste Management concerning this.

Mr. Gallagher gave a report on the Arbor Day proclamation in the City Park. Gallipolis in Bloom planted a buckeye tree. It was a very nice event. He also attended a meeting on human trafficking. Although not yet a problem in our area, in some parts of Ohio and the rest of the country, some parents are selling their children to human traffickers for drug money.

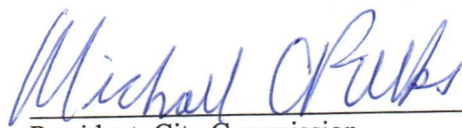
Mr. Caldwell proposed that the City sponsor a spring cleaning event to pick up trash, large appliances that don't use freon, etc. He speculated that Judge Mulford might be interested in providing community service workers if we could provide a truck. Mr. Salisbury noted that offenders cannot be forced to work off their fines, so that can make it difficult to find interested participants. Add to that the fact that if they claim indigence each month, they are excused from paying court fines for that month. Mr. Gallagher mentioned that Gallia Meigs Community Action sends out youth crews for some events. Mr. Caldwell replied that he is thinking about a big community event. Some schools have community service requirements for graduation that this could fulfill.

Mr. Caldwell reported that Huntington enacted a non-smoking ordinance for their parks. We might want to watch to see how this plays out for them. Other communities in Ohio have adopted such policies.

Mr. Sang asked if we are still working on the ordinance, similar to the one in Huntington, to penalize property owners with fines and /or confiscation for repeat drug offenses by their renters. Mr. Greene answered that we are.

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

  
Clerk, City Commission

  
President, City Commission