

June 27, 2017

The Gallipolis City Commission met in special session on Tuesday, June 27, 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
 Michael C. Fulks, Vice-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
 Ronnie Lynch Randy Breech Mary Lee Marchi
 Claudia Miller Dottie Chestnut Bev Dunkle
 Jerry Davis Jim Love Jeff Boyer
 Mindy Caldwell Cody Caldwell Erin Buckley
 Patricia Rawlinson

Commission received the minutes of the June 6, 2017 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

Privilege of Floor was granted to Ms. Bev Dunkle to speak on the topic of the itinerary for the Gallipolis in Bloom judging set for July 13th and 14th. She distributed printed copies for the Commissioners and highlighted some of the events that she thought would be of particular interest to the Commissioners. RSVPs are needed for any of the meals.

The City Manager reported on the following:

- Ms. Angell and Mr. Greene attended the County Caucus on June 22nd where they received information on the Airport Road Project. The total cost to replace 160 feet of 60 inch culvert and repave Airport Road and the airport parking area is \$74,984.81. CDBG funding will cover \$61,500, with the County providing a \$13,484 local match. The City will need to do some work to clean ditches in the area. Some of this can be done in-house. This should relieve many of the flooding issues for residents and businesses in the area.
- City crews have been busy repairing yards and driveways involved in water leaks last winter. They've also been working on street repairs. The State has been repaving State Route 141 from Mound Hill to the intersection of SR141 and SR7.
- Today our workers finished replacing the curb above the amphitheater to stop runoff along the upper side of the amphitheater.
- The City Park electrical upgrade project will begin after the Fourth of July activities.
- There is an ordinance on the agenda tonight to raise the cost of parking tickets. In comparing fees with other towns around us, we are way below what others are charging.
- The dedication of the Amphitheater will be Monday, July 3rd, at noon. This will also kick off the annual River Recreation Festival.

- Mr. Lynch, City Tax Administrator, was invited to speak to the Commissioners about changes that the State is making in their biennial appropriations bill that will impact municipal income tax collections. Mr. Lynch said that businesses will have the option, beginning next January, to file their for-profit returns using the Ohio Business Gateway. The State will retain 1% of revenues collected this way as a fee for their services. If a business selects this option, it will have a five-year obligation to continue to use the gateway, which will provide a sure source of revenue for servicing the cost to revamp their portal. The problem in all of this is the very likely eventual expansion of this program to include a larger proportion of municipal taxes collected, such as including business withholding, and the likely increase the State's fee percentage over time. We also have no idea how often they will distribute revenues collected, but they will certainly be delayed from our current immediate receipt to monthly or quarterly. It seems that the State is determined to go forward with their plan regardless of all protests. In discussion, everyone agreed that the State just continues to deliver bad news to the local governments, eroding receipts without any recourse or relief.
- Mr. Greene has been talking to brokers about bidding out our gas and electric aggregation contracts, which are both up for renewal this year. He asked to have Mr. Wallis and another Commissioner attend meetings with brokers to discuss their services. Mr. Wallis, because of his particular understanding of electrical utilities due to his job, was asked to be one of those to serve. Mr. Wallis asked the City Solicitor if this would be a conflict of interest for him. Mr. Salisbury expressed the opinion that it would not since he would not be involved in choosing a provider, but only in understanding potential pitfalls and the ins and outs of the business environment of the industry. This being the case, Mr. Wallis agreed to serve.

The City Auditor presented the May Financial Statement for approval. Mr. Wallis made a motion to approve the May Financial Statement, seconded by Mr. Johnson. Upon voice vote on the motion, all votes were yes. Ms. Landers commented that the General Fund balance was still holding steady. However both she and Mr. Wallis cautioned that the City remains only one emergency event from potential financial ruin.

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

- \$10,359.43 from the Ohio Treasurer for OPWC Spruce St. Loan. Invoice: 2/24/17; PO: 3/1/17.
- \$3,785.51 from Ohio BWC for monthly premium. Inv.: 5/19/17; PO: 6/1/17
- \$10,000 from Harris Industrial Services for partial bill for wet well rehab. Inv.: 5/26/17; PO: 6/5/17
- \$5,090.35 from AEP for the monthly street lights bill. Inv.: 5/26/17; PO: 6/1/17
- \$8,820 from West End Electric Co. for local share of CDBG project. Inv.: 6/1/17; PO: 6/7/17
- \$7,500 from Gallia Co. Auditor for 1st Qtr. Indigent Defense contract. Inv.: 6/5/17; PO: 6/12/17

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

The City Solicitor reported that he is waiting to hear from the State of Ohio on their lien on the Last Chance Carryout property. This is the final issue to resolve before we can go forward with the auction of the property.

Sentencing for the Amsbary case is set for Thursday morning, June 29th. Commissioners were invited to attend, if interested.

Mr. Salisbury and Mr. Bostic are looking into expanding the scope of the anti-littering/illegal dumping ordinance to deal with the particular issue of dumping human waste. Vagrancy cannot be outlawed, but the City still has health and safety concerns over improper disposal of human waste. Mr. Wallis brought up an additional concern over improper disposal of needles and meth bags. Mr. Salisbury pointed out that these items are addressed in statutes already in the books, which have harsher penalties than those that can be imposed under the anti-littering/illegal dumping ordinances that they are working on.

President Gallagher requested executive session for personnel issues.

Mr. Wallis asked about rescheduling the meeting for July 4th to another day. The Charter allows this if the regular meeting falls on a holiday. After a short discussion, Commissioners decided to meet on Wednesday, July 5th, at 6 p.m.

Mr. Brandeberry commented that the train depot is looking great. He thanked Mr. Davis, Mr. Love, and the other volunteers for their work. He asked if they wished to make any remarks. They said that the train car that was delivered the other day weighed 16 tons. The man who delivered it had several flat tires due to vandalism of the access road to get to the train car. The steam engine that will be delivered soon is 21 tons. It is not a standard, full-sized engine, which makes it less of a problem to move.

Ms. Mindy Caldwell was invited to speak about the fundraiser over the weekend at and for the pool. She said that it was not as well attended as they had hoped, but it did okay. They will use what they learned from this one in planning future events.

For the benefit of those present who might not know him, President Gallagher introduced Mr. Cody Caldwell, a candidate for City Commission.

There was presented and read to the Commission as an emergency an Ordinance No. O2017-24 entitled **AN EMERGENCY ORDINANCE TO EXEMPT GALLIPOLIS RAILROAD FREIGHT STATION MUSEUM, LLC FROM PAYING UTILITIES TO THE CITY OF GALLIPOLIS.** Mr. Fulks made a motion to adopt this ordinance as an emergency, seconded by Mr. Brandeberry. Mr. Caldwell asked if there were guidelines as to what organizations qualify for this exemption. He was told that this group qualified due to their historical purpose and the fact that the City gave the property to them. 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. O2017-25 entitled **AN ORDINANCE AMENDING SECTION 351.15, SCHEDULE OF FINES FOR PARKING VIOLATIONS, (A) OF THE CODIFIED ORDINANCES OF THE CITY OF GALLIPOLIS, OHIO.** Mr. Wallis made a motion to place this ordinance on first reading, seconded by Mr. Johnson. The City Manager read the new schedule of fines for those present. Most of the fines were \$5, increasing to \$15. The police department does not write many tickets, but they were not even covering costs at \$5. 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. O2017-26 entitled **AN ORDINANCE DIRECTING THE GALLIA COUNTY BOARD OF ELECTIONS TO PLACE ON THE BALLOT FOR NOVEMBER 7, 2017, THE ISSUE OF A CHARTER AMENDMENT TO PRESERVE THE HISTORIC CHARACTER OF THE GALLIPOLIS CITY PARK.** Mr. Wallis made a motion to place this ordinance on first reading, seconded by Mr. Fulks. The City Manager explained that the City Park belongs to the residents and the intent of this ordinance is to assure them a say in what goes into the park. In discussion, both Mr. Greene and Mr. Johnson agreed that wording should be added allowing for new construction as well as for demolition, which is already included. Mr. Johnson observed that Section D would not prevent construction of anything that has already come before the Commission, which had been his concern before having a chance to review the ordinance right before the meeting.

Mr. Salisbury suggested changing Section A to allow construction with a petition of 50% of eligible voters. Mr. Johnson made a motion to amend Section A to say that construction would be allowed with a petition of 25% of eligible voters and a majority (instead of unanimous) vote of the Gallipolis Commission and amend Section B to "a majority vote of the Gallipolis Commission." There was no second for this motion. Mr. Johnson

Gallipolis City Commission

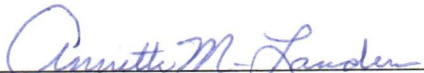
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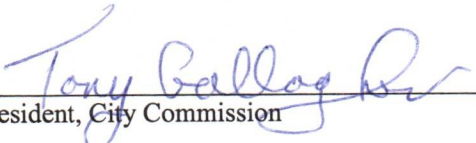
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next made a motion to amend the wording in Section A to allow construction with a petition of 50% of eligible voters and a majority vote of the Gallipolis Commission and amend Section B to "a majority vote of the Gallipolis Commission." This motion also died for lack of a second. In further discussion, it became obvious that many wanted further time to consider the wording.

Mr. Johnson made a motion to table the ordinance, seconded by Mr. Brandeberry. There was discussion of the timeline necessary to get the issue on the ballot for November. Mr. Salisbury looked into the matter online. He said that the ordinance must be adopted by Commission, but does not require waiting the 30 additional days until it goes into effect before submitting it to the Board of Elections. Therefore, it can be adopted in July or even a little later and still be placed on the ballot in time. Upon voice vote on the motion to table, all votes were yes. The City Solicitor informed the Commission that the person who made the motion to table the ordinance must also make the motion to take it off the table, but the person who seconded the motion is not required to second the new motion. When asked, Mr. Greene affirmed for those present that the intent of the ordinance is to allow voters to screen ideas for changes to the City Park.

Mr. Wallis made a motion to enter executive session to discuss legal matters and personnel/employee matters, seconded by Mr. Johnson. Upon roll call on the motion, all votes were yes. Upon completion of executive session, Commission returned to special session. There being no further business to come before the City Commission, the meeting was adjourned.


Clerk, City Commission


President, City Commission