

July 16, 2019

The Gallipolis City Commission met in special session on Tuesday, July 16, 2019, 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		
Brynn S. Noe, City Solicitor		
Annette M. Landers, Auditor/Clerk/Treasurer		
Dean Wright, Gallipolis Daily Tribune		
Ronnie Lynch	Ted Lozier	Claudia Miller
Randy Breech	Joy Elliott	Dottie Chestnut
James W. Roush	Keith Elliott	Michael W. Brown
Shelly Few	Marvin Ours	

Commission received the minutes of the July 2, 2019 meeting prior to this meeting. There being no corrections, objections, or additions, these minutes were approved.

The City Manager reported on the following:

- City crews have been busy with water leaks and fixing potholes.
- The City's storm sewer lines have taken a beating this year with all of the rain. The Maintenance Department has finished work on the storm sewer line at First & Locust.
- We met with ODOT last week to discuss state projects in the area. It looks like the SR 588 slip will be their only major project this year inside the City limits.
- Rod Clary will begin work on the new parking lot very soon, perhaps this week. AEP will be moving their pole.
- The Planning Commission met last night with only three members present. It is hard for people coming before the City's boards to present their plans when there are not enough members present to make a decision. Mr. Greene suggested allowing any Commissioner to serve as an alternate for board members unable to attend a meeting. He also talked about the benefit of appointing past Commissioners to serve as members of the Sinking Fund. He explained that the Sinking Fund steps in to choose a replacement Commissioner when the Commission does not act within ten days of the vacancy. Mr. Gallagher made a motion to allow Commissioners to serve as alternates to the Planning Commission, seconded by Mr. Sang. Upon voice vote on the motion, all votes were yes.
- Mr. Greene brought up an issue that came before the Planning Commission regarding a variance request for the recent 1,000 square feet of heated, first floor living space agreed to for new construction. A contractor is asking for a variance to build a three-unit apartment building, each unit having a little over 500 square feet on each of the two floors per unit. Mr. Gallagher said he is not in favor of doing variances for so many of the ordinances that we adopt. Mr. Wallis asked if there was a recommendation from the Planning Commission, adding that he did not want to ignore

the opinions of the boards that the City has put in place. Mr. Greene answered that there was a split in the opinions, with one member wanting to decide on a case-by-case basis and the other two wanting to stay with the rule. Mr. Wallis suggested that the entire Planning Commission meet and decide what they would recommend. The City Commission can help if they need. The discussion was suspended to allow the Planning Commission to meet again to discuss the matter further.

- Mr. Greene requested executive session to discuss legal matters related to property maintenance and any possible related buying or selling of property.

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

One invoice over \$3,000 was presented for approval of payment:

- \$30,000 to redacted name (ORC 718.13) for un-cashed 2018 income tax refund check.
Invoice/Claim: 6/6/19. PO: 7/1/19.

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

Ms. Landers corrected a mis-statement from discussion at the last meeting on the number of years unclaimed funds are held before they are deposited into the General Fund. It is five years, not ten.

Ms. Landers detailed changes to the appropriations contained in Ordinance No. O2019-21 on tonight's agenda. These included the new part-time Project Engineer to be split 30% General, 40% Water, and 30% WPC; salary increases, payouts, and new patrolman in Police; pay-out for Bev Dunkle 25% Code & 75% Police; property taxes for 2nd Half 2019 on newly-purchased property, which the former owner paid to us by check; \$133.45 additional to outfit the new cruiser and \$1,000 more for misc. expenses in Law Enforcement Trust, which was paid by a recent forfeiture received of more than \$2,000; and expenses for the new CCA Grant period, beginning 7/1/19.

The City Solicitor reported that she and Mr. Salisbury would be attending the Ohio Municipal Attorneys' Association training conference next week. She requested executive session for legal matters in conjunction with the City Manager's request.

Mr. Sang asked about the Lodging tax rate. It is 3%, which is set by Ohio state statute. This cannot be increased and was enacted by ordinance several years ago when Mary Rusk was the Tax Administrator. During the first few years after enactment, the Commission voluntarily donated one-half of the proceeds from that tax to a list of specific non-profits. According to the state auditors, we were the only Ohio municipality that they knew of that was making such donations from the lodging tax. This has not been done in recent years because of budgetary concerns. There was an earlier measure enacting 3% under a different state statute. This was earmarked for the county convention and visitor's bureau. We do not collect these funds.


Mr. Sang stated that he would like to place a calculator on the City's website for people to use to estimate the effect of annexation in their own situations by plugging in their own numbers. Ms. Landers offered to help place his calculator there.

There was presented and read to the Commission as an emergency an Ordinance No. O2019-21 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2019-06, AS AMENDED BY ORDINANCE NO. O2019-11, AS AMENDED BY ORDINANCE NO. O2019-13, AS AMENDED BY ORDINANCE NO. O2019-15, AS AMENDED BY ORDINANCE NO. O2019-19, SETTING APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF GALLIPOLIS,**

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OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019. Mr. Wallis made a motion to adopt this ordinance as an emergency, seconded by Mr. Caldwell. Upon roll call to adopt this ordinance, all votes were yes.

Mr. Wallis made a motion to enter executive session for legal matters: property maintenance and buying & selling of property, seconded by Mr. Caldwell. Upon roll call on the motion, all votes were yes. President Fulks announced that there would be no business following executive session. 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