

September 21, 2021

The Gallipolis City Commission met in special session on Tuesday, September 21, 2021, at 6:00 p.m., at the Gallipolis Municipal Building, 333 Third Avenue, having complied with Section 9 of the City Charter and Section 121.03 of the City Codified Ordinances.

Commission President Cody Caldwell called the meeting to order.

Upon roll call, the following members were present:

Cody C. Caldwell, President (in person)
Michael W. Brown, Member (in person)
Albert "Tony" Gallagher, Member (in person)
T. Beau Sang, Member (remote access)

Mr. Mike Fulks, Vice-President will be joining by telephone call at the beginning of the presentation of resolutions and ordinances.

Others attending were:

Ronnie Lynch, Acting City Manager (in person)
Brynn S. Noe, City Solicitor (in person)
Shelly Clonch, Asst. City Auditor (in person)
Brittany Hively, Gallipolis Daily Tribune (in person)
Kirk Frazee (in person) Randy Breech (in person)
Diana Love (in person) Jeff Boyer (in person)
Keith Elliott (in person) Bill Thomas (in person)
Joy Elliott (in person) Marvin Ours (remote access)
Terry Lane (in person) Steve Burnette (remote access)
Whitney Vilfer (remote access) J (remote access)
Jonathan Elliott (remote access) Bill Jenkins (remote access)

Commission received the minutes of September 7, 2021 prior to this meeting. Mr. Brown made a motion to accept the September 7th minutes, seconded by Mr. Sang. Upon voice vote on the motion, all votes were yes.

Privilege of Floor was granted to Mr. Randy Breech. Mr. Breech asked if anyone is in charge of watching when and where Columbia Gas is shutting down streets. He stated that he has been involved several times to major traffic holdups. Mr. Lynch stated that no one has called in to complain and this was the first time he was hearing it. Mr. Breech also mentioned that Burkhart Lane that is taken to avoid the traffic is starting to slip.

Mr. Breech also inquired about the last commission meeting when a current commissioner put the rest of the commission on notice that if the historic preservation board was not reinstated that the commissioner would not vote on future legislation. He asked if this was allowed. Mr. Gallagher stated that the commissioner in question is not doing anything wrong and is exercising his right as a commissioner. Mr. Brown spoke up and said that he was the one who made that statement and has every right to do that. Mr. Brown also said that he will have a statement to read later in the meeting.

Mr. Lynch reported on the following:

- There were cuts made by the gas company on Third Avenue that were not supposed to be cut. Mr. Bostic has sent them a letter, made phone contact with them, and will schedule a zoom meeting to get the exact details and doesn't see a problem with getting it fixed.
- It was suggested that we use the ARP funds to pay premium pay to employees as a one-time payment of \$1,000 instead of doing an hourly pay adjustment. This would make it a lot cleaner to keep track of. The commission was ok with this and an ordinance will be prepared for the next meeting.
- Discussed Christmas bonuses for employees that would total roughly \$18,500. It would be the same as previous years being \$300.00 for all full time employees and \$100.00 for part time working 25 hours a week. An ordinance will be prepared for the next meeting.
- Mr. Lynch presented a quote for a new microphone system for commission meetings. Some people had complained that they were not able to hear well and commission agreed that upgrades were needed.
- The streets included on the paving grant are Third Avenue from Pine Street to Sycamore, Sycamore from Second to Fourth Avenue, Second Avenue from Sycamore to Mill Creek, Fourth Avenue from Pine to Spruce Street, and from approximately 52 Chillicothe Road to State Route 588. Mr. Sang stated that he travels on Mill Creek every day and the road close to Second Avenue looked like the asphalt may be giving way.
- Gallia Vinton Educational Service Center contacted Mr. Bostic about an ice sculpting company wanting to put ice sculptures throughout the park on Feb 19th and possibly a portable small ice rink on the street. The ice sculptures will remain in the park until they are melted. The commission thought this was a great idea.

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

- \$3,653.98 from Ohio BWC for monthly workers comp premium. Inv: 8/27/21. PO: 9/1/21.
- \$26,738.79 from Rumpke for August refuse pickup. Inv: 8/17/21. PO: 9/1/21.
- \$4,948.10 from AEP for August lighting bill. Inv: 8/27/21. PO: 9/1/21.
- \$4,472.80 from Allcom LLC for trend micro anti-virus software. Inv: 8/27/21. PO: 9/16/21.

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

Mr. Sang mentioned a traffic light issue at 4th Avenue and Pine Street that had traffic backed up on Fourth Avenue. He thought maybe the light could be out of sync. Police Chief Boyer stated that the light is on a shorter timer on Fourth Avenue due to traffic coming in and out of town on Pine Street.

Mr. Caldwell stated that they needed to conclude on their City Manager search. At the last meeting they were told to bring their top three choices to discuss. He asked if the commission wanted to discuss it in public meeting or executive session. The commission agreed to discuss in executive session.

Mr. Fulks joined the meeting via telephone call.

There was presented and read to the Commission as an emergency Resolution No. R2021-04 entitled **AN EMERGENCY RESOLUTION APPOINTING THE AUDITOR/CLERK/ TREASURER FOR THE CITY OF GALLIPOLIS, OHIO.** Mr. Sang made a motion to adopt this resolution as an emergency, seconded by Mr. Fulks. 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 Resolution No. R2021-05 entitled **AN EMERGENCY RESOLUTION AUTHORIZING THE ACTING CITY MANAGER,**

RONNIE LYNCH, TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. Mr. Gallagher made a motion to adopt this resolution as an emergency, seconded by Mr. Fulks. Upon roll call to adopt this resolution as an emergency, all votes were yes.

There was presented and read to the Commission for a second reading a Resolution No. R2021-06 entitled **A RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO GRANT AN EASEMENT TO AMERICAN ELECTRIC POWER (AEP) FOR ELECTRIC SERVICE FOR THE SANDERS HILL WATER TOWER FACILITY, 0 ADELAIDE DRIVE, GALLIPOLIS, OHIO.** Mr. Brown made a motion to adopt this resolution on second reading, seconded by Mr. Sang. Upon roll call to adopt this resolution on second reading, all votes were yes.

There was presented and read to the Commission for a first reading a Resolution No. R2021-07 entitled **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT FOR EMERGENCY SERVICES FOR FIRE PROTECTION AND SAFETY WITH THE TOWNSHIP OF ADDISON, GREEN, AND GALLIPOLIS OF GALLIA COUNTY, OHIO.** Mr. Gallagher made a motion to place this resolution on first reading, seconded by Mr. Brown. Fire Chief Keith Elliott stated that the agreements are the same as the previous year. Upon voice vote to place this resolution on first reading, all votes were yes.

There was presented and read to the Commission as an emergency Ordinance No. O2021-28 entitled **AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT WITH GALLIA COUNTY TO FURNISH EMERGENCY MANAGEMENT SERVICES.** Mr. Fulks made a motion to adopt this ordinance as an emergency, seconded by Mr. Sang. 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 Ordinance No. O2021-29 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2021-04, AS AMENDED BY ORDINANCE NO. O2021-07, AS AMENDED BY ORDINANCE NO. O2021-11, AS AMENDED BY ORDINANCE NO. O2021-16, AS AMENDED BY ORDINANCE NO. O2021-23 SETTING APPROPRIATIONS FOR CURRENT EXPENSES OF THE CITY OF GALLIPOLIS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021.** Mr. Gallagher made a motion to adopt this ordinance as an emergency, seconded by Mr. Fulks. 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 Ordinance No. O2021-30 entitled **AN EMERGENCY ORDINANCE TO DONATE ANY INTEREST THE CITY MAY HAVE IN 300 STATE STREET, GALLIPOLIS, OHIO TO THE STATE OF OHIO.** Ms. Noe explained that this was to follow up on an earlier easement. Mr. Sang made a motion to adopt this ordinance as an emergency, seconded by Mr. Fulks. 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 Ordinance No. O2021-31 entitled **AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2021-05, AS AMENDED BY ORDINANCE NO. O2021-12, AS AMENDED BY ORDINANCE NO. O2021-24, AUTHORIZING THE CITY AUDITOR TO TRANSFER OR ADVANCE FUNDS.** Mr. Gallagher made a motion to adopt this ordinance as an emergency, seconded by Mr. Fulks. 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. O2021-32 entitled **AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO CONTRACT FOR HOSPITALIZATION, MEDICAL, AND MAJOR MEDICAL, DRUG AND DENTAL INSURANCE COVERAGE FOR FULL-TIME EMPLOYEES AND ELECTED AND APPOINTED OFFICIALS OF THE CITY OF GALLIPOLIS, OHIO.** Mr. Brown made a motion to place this ordinance on first reading, seconded by Mr. Gallagher. Ms. Clonch informed the commission that the rates came in at a 0% increase and will remain the same as last year. 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. O2021-33 entitled **AN ORDINANCE AMENDING CHAPTER 105, DISPOSITION OF PROPERTY, OF THE CODIFIED ORDINANCES OF THE CITY OF GALLIPOLIS, OHIO.** Mr. Fulks made a motion to place this ordinance on first reading, seconded by Mr. Sang. Mr. Brown spoke up and said that he had the following statement to read:

Our ordinances have required the vote to sell real property to be unanimous for decades. However, because I am opposed to the sale of the City parking lot on the 500 block of Second Avenue, they want to change it to 4 votes rather than 5.

The parking lot in question is the one to accommodate employees and visitors to the Justice Center, which is the police department and Municipal Court. I was elected to be a good steward of City property and voting to sell the only parking lot for this building seems like a dereliction of that duty. The County wants to purchase this parking lot and they will control it and decide its future. The current county commissioners intend this to remain a parking lot, but future county commissioners can do what they want to with this property. The County could construct a building there, which would leave the Justice Center without off-street parking.

This lot in question was purchased by the City in 2019 to be a parking lot for the general public. City and county employees and visitors alike can park there for free. Since the tribune is present for this meeting, I have a question for Gallia County residents: Why is Gallia County willing to spend \$225,000 to purchase a parking lot that they can use for free? How is purchasing a parking lot that they can currently use for free good stewardship? I would encourage the voters to ask this question to Harold Montgomery, Gene Greene and Jay Stapleton. Stop by the County Commission meeting on Thursday and find out why they want to do this.

I am informing the entire Gallipolis City Commission, employees and voters that if they persist in selling and giving up control of the only parking lot for the Justice Center employees and visitors that I will not vote for any emergency ordinance to be presented to the City Commission for the rest of my term, which ends 12-31-23.

Every person who has a reason to visit either the police department or attend Municipal court should have free parking available. This cannot be guaranteed if this lot is sold. Some of my fellow commissioners say that my refusal to vote for this is holding the commission hostage to my desires. Those of you who know me know that I can be found all up and down city streets picking up trash and talking to folks. In my travels throughout the City, it has been communicated to me that the City needs to retain control of this parking lot. So, no, I am not holding the commission hostage to my desires, I have listened to the people that voted me in this office to be a good steward of City property and that is the reason that I am taking this stand. An elected official who listens to constituents and does what they want is a textbook example of democracy in action. If you are against my vote in this process, then you are against democracy.

Let me close by saying to the Commissioners who want to do this, your short-term gain from the sale of this lot will be offset by the loss of grants and other opportunities that might be presented to the City that need immediate approval. Much like in the US Senate, should you pursue this nuclear option to achieve your desires, the result will be a scorched earth policy and divisions as long as this present commission exists, and for the next 2 years of the next City Commission.

I ask you to table this motion so it can be discussed in the hopes of finding a compromise that can benefit everyone, especially the residents.

Mr. Caldwell spoke about the compromise that Mr. Brown offered before about bringing back the Historical Board which stopped anybody from doing anything they wanted to do. He said it was an unelected board that had way too much power. Mr. Brown stated that the Historic Board and Planning Commission together was a conflict of interest and should be two separate boards.

Mr. Gallagher stated that he feels that if we do sell the parking lot to the County that we should have in writing a contract that guarantees the City a certain number of parking spaces for a period of 99 years. This would prevent the County from building there and taking the spaces away. Mr. Caldwell said that we discussed that with County Commissioner Gene Greene and he was agreeable with those terms.

Mr. Fulks said that this Ordinance has nothing to do with selling the parking lot. It has to do with a commissioner(s) holding the City hostage when the City has an issue that arises that is time sensitive and this Ordinance will give the commission flexibility to deal with the issue with a majority vote.


Ms. Noe stated that regardless of the Commission's decision, the Ohio Revised Code required 2/3 vote, which would require 4 out of the 5 commissioners vote. There are other sections in the ORC that she included in the Ordinance due to our code being outdated since the Ohio Revised Code was updated in 2013.

Mr. Brown adamantly stated that it should be a 5 person vote and he will vote no on all future emergency ordinances and resolutions if this is passed. Mr. Caldwell spoke up and asked him if he was willing again to hold up benefits for employees of the City. Mr. Brown stated that he will do it from here on out.

Upon voice vote to place this ordinance on first reading, Mr. Fulks, Mr. Sang, Mr. Gallagher, and Mr. Caldwell voted yes, and Mr. Brown voted no.

Mr. Gallagher made a motion to enter executive session to discuss personnel, seconded by Mr. Fulks. Upon voice vote to enter executive session, all votes were yes.

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



Clerk, City Commission



President, City Commission