

**COUNCIL MINUTES**  
**March 16, 2015**

St. Clairsville City Council met for a Special Meeting at the City Garage on Reservoir Road on Thursday, March 26, 2015 with the following present

John Bukmir, Council, 3 <sup>rd</sup> Ward	Cindi Henry, Finance Director
Libby Heintzelman, Council-At-Large	Jeff Henry, Police Chief
Perry Jones, Council-At-Large	Dennis Bigler, Service Director
Jake Olsavsky, Council, 1 <sup>st</sup> Ward	Al Davies, Law Director
David Trouten, Council, 4 <sup>th</sup> Ward	
Frank Sabatino, Council, 2 <sup>nd</sup> Ward	
Jim Weisgerber, Council-At-Large	

The meeting was called to order by Council President Pro-Tem, Frank Sabatino

**Frank Sabatino:** Originally this meeting was scheduled a Special Meeting but since then we have an issue that Commissioner Mark Thomas is on the agenda. Mark it is your floor to address Council.

**Mark Thomas:** I will tell you first thank you for letting us intervene and add one more thing to the agenda. Understanding agendas for all the years, I am very grateful as are my colleagues. I will stand here as long as you want but my goal is to be very brief. As you know I called three of the Council people individually to talk about what we say in the paper a couple of weeks ago about the four/three vote to what I think was perceived in the media as a vote against the Solid Waste Management Plan by our Solid Waste Management Authority when in fact it wasn't that. So if you have been following the media the last couple of days Shadyside and Barnesville adopted the Solid Waste Management Plan and I want to thank Commissioner Coffland for his work on those two villages and Commissioner Favede who now chairs the Solid Waste District has done an inordinate amount of work too so I want to thank her. The purpose for us being here is to answer any questions that you may have relative to the Solid Waste Authority which is also known as the JB Green Team. Part of the preceded problem is there are some people out there who think they are two separate entities. Anyway in a nutshell what we are looking to do is we would like Council to take a look at what I have offered to the three Councilmen individually explaining the Plan itself why it is there, etc. Ultimately what we are asking Council to do is to take a vote. Basically it would be a vote to suspend the rules and adopt the ordinance that I think that Al had prepared and offered Council a week or ten days ago. Now again I don't want to take a whole lot of time but just a brief synopsis so for future reference and talking with David and talking with Frank and being accosted by people throughout the County whether it is the grocery store or on the street or whatever, in a nutshell every County in Ohio has to have a Solid Waste Management District. Shall not may and the Commissioners may form a Regional Waste Authority and many years ago Belmont County and Jefferson County got together and formed one. I think it is under 343 of the Ohio Revised Code. So we have this Solid Waste Authority that has been around forever. Four or five years ago it became the JB Green Team. It is still the Solid Waste Management. Then under another section of the code you have to have a Solid Waste Management Plan submitted to the EPA. That is the dialog that has been going around the County over the last two to four months. That is just a very brief history of why this is even

coming up, because it is statutorily required. So we are here today knowing that with the cooperation and the work of my two colleagues a number of municipalities are on board getting us over the required 60% that we need that we are in pretty good shape. However having St. Clairsville on board as one of our two cities quite frankly would be very positive. On top of the fact that we wanted to see that there was a clarification of what you actually did at the last meeting. I read a headline and correct me if I am wrong that you voted against the plan which in fact was not the case after I spoke with your Law Director. So that is where we are, we are here to answer some questions. Matt has been working on it more specifically most recently as the former Chair of the Authority. Ginny just took over on January 1 as the new Chair. As I told the three of you individually and others, I have been doing this Solid Waste thing for many years. I am currently not on the Board because we only have one representative Commissioner. I also served during the Strickland administration on the Ohio Solid Waste Management Advisory Council. I have seen many plans written by the EPA, we do not want an EPA written plan. We want our own plan. Lastly this plan has nothing to do with the \$12.92 assessment that is out there on your tax bills. It is not related to that, it is separate and apart. However, if this proposed plan is adopted there is a great likelihood that with new funding sources allowed by our plan that this assessment could go away. It could be as soon as next year 2016. We don't want to guarantee that but it allows us new funding sources. With that said Matt may want to say something and we will open it up for questions. We are done we would consider the vote and adopting the plan would be great for us and we would really appreciate it. **Matt Coffland:** And we will answer any questions that you have. As you know the \$12 which keeps getting confused is under the old plan. In the new plan there are mechanisms to make at least some of that tax to go away. Those we will implement as soon as the new plan is put in place. One of them is designation fees. Just real quick how that works is, this is a fee put on trash hauled out of our District. If it is hauled to Wheeling there will be a charge. If it is hauled to Tuscarawas County they will be charged. Right now about 60% of our trash goes outside the Authority so we do not charge that. The other thing is the designation fee on the well cuttings, the dirt. When it is hauled to the landfill we will be able to charge the oil companies \$2.00 a ton which as you know there is many tons of dirt that comes out of the ground that they are hauling somewhere that we are not collecting on it. So that is kind of our golden ticket for temporary to get by as long as the dirt continues to roll in. It is a good plan. We have worked almost two years on it to put it together. We have to put in a new plan, this plan is running out. We need a new plan or the state will run your Solid Waste Program. There are no guarantees what they will charge or how they will do it. Fortunately right now you have two Commissioners, two Mayors Two or three Trustees on the Board and some lay people. It is just a good Board, they work very hard and we feel confident that we have put together a good solid Waste Plan. That will be for the next fifteen years but it will be reviewed I think in five years. You start working on a new one. I will answer any questions that you have about anything. **Ginny Favede:** Just two very important facts, the assessment and what we are here about today have nothing to do with one another. The other is in effect. Secondly the plan does have enough votes, we are at 62% in Belmont County to be ratified with or without your support today. We are here because we would like the City of St. Clairsville to be a part of that support because we only have two cities in Belmont County. It is more a show of support for what the Authority actually does. If you choose not to support it, it will still be ratified next Monday night because we are at 62%. Because of the assessment you will see a return on the investment into the community. We will be doing the Township Cleanups as well we are taking on the cost for recycling of all televisions

and mattresses. In past years that has been to the expense of the resident which I didn't think was a productive use. You ask them to recycle and then they have to actually pay to do it so the Authority is taking on that cost. We will be returning 75% of recycled goods in the form of dollars to the schools which is important to a lot of us. Those of us who are involved with St. Mary's know that funds St. Mary's Science program at the school. So there is a tremendous reinvestment to the Community by way of that assessment. I as the Chair did not feel it was appropriate for the Residents to take money from them and then not give them something in return. So you will see a reinvestment in the Communities throughout the Counties as well as having a household hazardous waste cleanup in each County on an annual basis. In the past we have gone every other year and that is where we have been able to collect a lot of the paints and chemicals like that that you don't want dumped into the landfill. You don't want them dumped over a hill side. So it is connected to you personally because it is about our environment, about our community and our ability to keep it clean and make a positive impact on our environment.

**Matt Coffland:** Just on a lot of those programs they were funded 100%, we used to do 14 to 16 cleanups with the two electronics. We gave back to the schools 100%. The reason the \$12 was put on APEX quit taking out of State trash. Our budget was cut by \$1.2 million overnight. Under this plan we had to show some way for income to maintain the service that we provide. When that happened, we cut back on our cleanups, we cut three people off payroll, cut back on schools. That is why the \$12 came on under this plan. Under this plan we had to run and we had to show an income so that is why it was put on. In the new plans as I said there are mechanisms to take that off, to be able to get rid of a lot of that tax maybe not all of it right at first because there are a lot of unknowns out there especially in the drill cutting industry. **Perry Jones:** I have a comment. I think it would have been much better for all the Cities and Communities and Townships if we would have had a representative from JB Green come in and tell us why they felt they needed this. Eight years I have been on Council and the first time I ever heard of anything. We got this and we had no idea what was going on. We asked questions we got all don't knows. Nobody voted against it, three of us voted not to make it an emergency. **Mark Thomas:** I respect that. **Perry Jones:** Since Monday night what I found out that is giving me better positive thoughts about it. **Mark Thomas:** I have expressed to my two colleagues that last year should have been handled a little differently as far as this presentation here today maybe should have been six months ago. I agree with you. **Matt Coffland:** I would like to tell you what happened so you know with the Board. I was Chairman. We put in a new Solid Waste Plan. We had this plan pass once in Belmont County. What happened was Jefferson County did not pass it. So we had to go back in and change the plan. In the middle of putting together a new Solid Waste Plan, we lose the APEX \$1.2 million. So we have to throw the assessment on. Really we probably wouldn't be here explaining anything if we didn't put the assessment on. You guys would have passed the plan. Here is the old plan, new plan. What threw the flags up was the \$12.94 was put on everyone said what is going on here, which has nothing to do with the plan. I was busy in Jefferson County trying to pass the Solid Waste Plan that we had 90% support here. I didn't have to waste time because Belmont County passed it the first time around. Jefferson didn't so we were in Jefferson County trying to get it passed. They passed it and in the meantime we lost Belmont County because we didn't give Belmont County any attention. That is what happened and we apologize for not being here. **Mark Thomas:** Valid comment. **Perry Jones:** I am not looking for an apology. **Ginny Favede:** I think you are owed an apology because it is a partnership between the Authority and its Municipal Government and we do owe you an apology because that conversation should have been had. It is a conversation

that I have had with our Executive Director that there needs to be more communication in the way of publications. Conversations need to be had because it is a relationship and it is an important relationship. **Mark Thomas:** I don't think it would be a bad idea for Cliff or whoever once a year get on the agenda and just give an overview year end, if Council would want that. You can do a handout or whatever but I don't think it would be bad to communicate. That is why I gave you the five minute Ohio Revised Code thing. This is not going away, it will be back to you again and again. Whether any of us are here or not representing government it is going to be a repetitive thing and it is not something that someone just makes up as I always say the actions that you make through the Charter or through the Code, you don't make things up it comes from somewhere that tells you what you can and cannot do. That is why I wanted to give you a brief history on it. **Ginny Favede:** Two other things because Dennis walked in and it jogged my memory, we do a grants program. We are returning this year \$80,000 that is available to Communities and my goodness how many Grants has the City of St. Clairsville and Kevin Barr and Brian Kralovic. You have been a recipient of a lot of those Grant dollars. So that assessment fee will go back to benefiting you locally. As well as the fact the I think that as we move forward if you ever have a question don't hesitate to call because there is always going to be one of your Commissioners on the particular Board. **David Trouten:** So you said there is going to be a charge on garbage leaving the area? **Matt Coffland:** Out of the District. **David Trouten:** That is under the new Plan so I think what I get from what Mark was saying was if it is our own Plan we have control to make these charges and chip away at this cost but if it is an EPA Plan we will not. **Mark Thomas:** They will not do designation fees. So it takes away that funding source so that reinforces and keeps that assessment on which by the way in case anyone asks you, that assessment was approved by the Board as another statutory thing. If you saw in the paper it is being challenged by the Solicitor for the Villages of Flushing and Dillonvale. He is challenging that and challenging the Constitutionality of that statute which is not us, that is the State. So you are going to be reading a lot about that, but that comes directly out of the statute. Quite frankly we did it about ten years ago when we had a similar funding issue. I was a sitting Commissioner it was \$12 this one is \$12.92. We had it on for two years and then we had the opening of the APEX landfill and tons of trash coming from the East Coast which is no longer. **David Trouten:** So ironically it would repeal that by passing this Resolution. **Matt Coffland:** It will offset that with the other revenues coming in. We will be able to reduce that, maybe not completely until we know but we feel it will definitely reduce \$6 or \$7 for sure. Maybe all of it. **David Trouten:** Finally I want to echo what Perry said, we didn't have anything against the plan we wanted information. We didn't want to vote on something we didn't understand. **Mark Thomas:** Well taken. **David Trouten:** I appreciate you coming in.

**Frank Sabatino:** Mr. Davies would you review for Council our vote that Council took on March 16<sup>th</sup> and lay it out what our options are. **Al Davies:** The information that we had received from JB Green indicated that the Resolution needed to be passed by March 23<sup>rd</sup> 2015. So at our last meeting which was just before March 23, 2015 in order for Council to pass that you needed to waive three readings and proceed to pass it on an emergency. According to our Charter basically it take a vote of 6 out of 7 of Council members to waive the three reading rule. That is what did not pass. Robert does a great job of getting things accurate in the paper and reporting for us in the paper it was stated that the Resolution didn't pass. Actually what didn't pass was the motion to waive the three reading rule. So you still have the Resolution it is Resolution No. 2015-13. Once you didn't pass the motion to waive the three readings no other

action was taken on the Resolution. So today you will be more than able to again bring the Resolution up. Somebody can make the motion to waive three readings and then proceed to pass it on an emergency. **Kathy Kaluger:** Question will that be the second reading? **Al Davies:** No you didn't have a first reading. **Frank Sabatino:** Then if Council wishes we can bring it back up on the floor. **Al Davies:** Bring it back up I assume due to the time frame they would like to have this done right away? **Matt Coffland:** Actually we have 90 days actually to do it. We did it in 71 days. A motion was made by John Bukmir and seconded by Jim Weisgerber to bring Resolution No. 2015-13 back on the floor.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Yes	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2015-13, A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE JEFFERSON/BELMONT REGIONAL SOLID WASTE MANAGEMENT AUTHORITY AND DECLARING AN EMERGENCY. Libby Heintzelman moved that the rules requiring ordinances and resolutions to be read on three separate readings be suspended and declaring an emergency; Jim Weisgerber seconded the motion.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Yes	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

There was presented and read to Council on its third and final reading by title only, RESOLUTION NO. 2015-13. A motion was made by Jim Weisgerber and seconded by John Bukmir that Resolution No. 2015-13 be passed by Council.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Yes	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

Resolution No. 2015-13 was declared adopted.

#### EXECUTIVE SESSION:

A motion was made by Perry Jones and seconded by Jim Weisgerber to meet in Executive Session per Ohio Revised Code Section 121.22 (G) (4) Collective Bargaining Negotiations Regarding the FOP Negotiations.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Yes	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

A motion was made by Libby Heintzelman and seconded by David Trouten to return to regular session.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Yes	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

**Frank Sabatino:** We discussed the FOP Contract is there any further discussion. **Al Davies:** I have handed out to Council Ordinance No.2015-16 that is authorizing the Mayor to execute a collective Bargaining Agreement and memoranda of understandings between the City of St. Clairsville, Ohio and the FOP/Ohio Labor Council and declaring an Emergency.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2015-16; AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT AND MEMORANDA OF UNDERSTANDING BETWEEN THE CITY OF ST. CLAIRSVILLE, OHIO, AND THE FOP/OHIO LABOR COUNCIL, INC., AND DECLARING AN EMERGENCY. Libby Heintzelman moved that the rules requiring ordinance and resolutions to be read on three separate readings be suspended and declaring an emergency, Jake Olsavsky seconded the motion.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Yes	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

There was presented and read to Council on its third and final reading by title only, ORDINANCE NO. 2015-16. A motion was made by Jake Olsavsky and seconded by David Trouten that Ordinance No. 2015-16 be passed by Council

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Yes	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

Ordinance No. 2015-16 was declared adopted.

There being no further business to come before Council a motion to adjourn was made by Perry Jones and seconded by Libby Heintzelman.

---

Kathleen M. Kaluger, Clerk

---

Frank Sabatino, President Pro-Tem