

COUNCIL MINUTES
October 15, 2018

St. Clairsville City Council met in Council Chambers on Monday, October 15, 2018 with the following present:

Tim Porter, Council President	Terry Pugh, Mayor
Perry Basile, Council 1 st Ward	Cindy Henry, Finance Director
Mark Bukmir, Council 3 rd Ward	Richard Myser, Law Director
Linda Jordan, Council-At-Large	Tom Murphy, Planning & Zoning Administrator
Beth Oprisch, Council-At-Large	Jeff Henry, Police Chief
Frank Sabatino, Council 2 nd Ward	
Mike Smith, Council-At-Large	
Jim Velas, Council 4 th Ward	

The meeting was called to order by President, Tim Porter

MINUTES: Minutes of the October 1, 2018 meeting were distributed to Council. A motion was made by Linda Jordan and seconded by Jim Velas to approve the Minutes of October 1, 2018.

Roll Call Vote:

Basile	Yes	Sabatino	Yes
Bukmir	Yes	Smith	Yes
Jordan	Yes	Velas	Yes
Oprisch	Yes		
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

CITIZENS HEARING:

Attorney David Trouten, Candidate for Judge:

Thank you for having me, as most of you know, I am David Trouten. I am a former Councilman and sat in the seat Mr. Velas now occupies. It was a pleasure to do that and now I am running for County Court Judge. As you know I am the Clerk of Courts right now. This position came available. I have been an Attorney for 24 years. I practiced all law but I really concentrated a lot on criminal law. I have been a prosecutor, a public defender and through the years doing that I have seen the drug problem get worse and worse. That is really the reason I am running, I want to try to make a difference in that area. I don't want to take up too much of your time, I had a chance to speak to some of you. If anyone has any questions I will be glad to answer them, but I just wanted to ask for your vote. Thank you for your time.

Judge Frank Fregiato:

I would like to talk a little bit about Issue No. 1. I would like to break it down into three segments. The first segment I am going to talk about is what it purports to do, which is pretty much what it does. The second segment I am going to talk about are three technical issues. The third finally we are going to get to the merit, whether it is correct and whether it will help the St. Clairsville area, the Belmont County Area, the State of Ohio. Let's talk about the four things that this Issue No. 1 does do. Number 1: It makes drug possession offenses misdemeanors. That is not necessarily bad so I don't take issue with that. There are some good points with that and some bad points. The second thing, it prohibits Judges from incarcerating a person for drug possession

charges until their third conviction in 24 months. Number 3: It limits a Judge's ability to send felons to prison whether or not drug related when they violate probation. Number 4: It gives almost all prisoners the opportunity to earn 25% credit off of their sentence whether or not drug related. That is what this Constitutional provision does do. Now three technical issues. First of all it is a Constitutional Amendment. It is not a Legislative action. Any time you pass a statute it takes some tinkering, some correcting, and some dealing with. You can't do that with this. To change this provision you have to pass another Constitutional Amendment. This is not the kind of stuff that goes into your Constitution whether it is a good provision or a bad provision. Think about the United States Constitution. Think about how few amendments there have been and what they are about. The second issue is where does the funding for the promotion of Issue I come from? I was asked the other night about that. I got these figures from the Ohio Supreme Court. 99.5% of the funding for the promotion of issue number 1 comes from out of the State of Ohio. This is not a grass root endeavor where everyone in Ohio is rising up to support this, to seek this out. Where does the money come from out of State? Primarily from Mark Zuckerberg from Face Book and primarily from George Soros. The third issue I want to talk about is this is purely and simply a nonpartisan approach. I am not talking whether Democrats support it, Republican's support it, Left Wing, Right Wing we are going to see where we go on this. Now let's talk about the merits itself. When you have a problem whether it is drug addiction or whatever, what does the individual that is trying to get you to resolve that problem see? A carrot and stick approach, this is what we can give to you but if you don't this is what we are going to do to you. This destroys the carrot and stick approach completely. In other words if a person has a drug problem I am going to want to resolve that problem. How do we resolve that problem? We order him in to counseling. If he doesn't do counseling, what can I do about it, nothing. He can sit there and tell me Judge that is a sweet idea but go to hell. There is nothing I can do about it. The second point about it is I could put him on probation, conditional probation you do your counseling. However, if he doesn't do his counseling there is nothing I can do about violation of counseling. In other words whether it is a felony or misdemeanor you are taking away the power of the Common Pleas Judges or the three County Court Judges to enforce the requirement of counseling. In other words they are not going to do the counseling. What you are going to end up with is less concealing not more counseling. It is crystal clear. I run a drug court. It is not a requirement by law. It is my choice to do that to help people. Sometimes I can be pretty brutal. You have got to be. The idea is I might not sentence you to jail but you know darn well if you don't do the counseling that is the next step. So with the carrot and stick approach I have the power to put you in jail, to put you in prison, to put you in EOCC whatever if you don't do it. Or I send you for the first violation for 5 days in jail, how was it? The next time 6 months in jail, how was it? So you have got the power, this totally destroys the power of the Judge to do anything to inforce the counseling. With the passage of this Constitutional Amendment, Ohio becomes one of the most lenient drug states in the nation. You know what is going to happen to Ohio. You know who is going to be coming to Ohio someone who wants to promote these drug issues and come to Ohio because they know the Judges, the Police Officers can do nothing about it. You can arrest them but what difference does it make. For example Fentanyl, two milligrams can kill the average person. There are 5,184 people in St. Clairsville it takes 19 grams of Fentanyl to kill 10,000 people. If you have less than 20 grams of Fentanyl it is a misdemeanor. It is a misdemeanor where the Judge has no power to do anything about it. That goes for all drugs, all misdemeanors with no jail time, and no consequences for violation of probation. Quite clearly this is going to result in less treatment, less rehabilitation not more. The promoters of this Constitutional Amendment titled

“Ohio Neighborhood Safety Drug Treatment and Rehabilitation “Who in this room is against neighborhood safety? Who is against drug treatment? Who is against rehabilitation? The problem with this amendment is it does not result in neighborhood safety, it results in the opposite, and less drug treatment and less rehabilitation. I just got some polls in yesterday and in Belmont County Issue 1 is losing but State wide it is winning. I am asking you to oppose Issue #1

REPORTS:

Service Director, Jim Zucal: Not Present

Mayor, Terry Pugh:

Police Report for September, 2018

Calls and Complaints	347
Special Teams Call Outs	1
Accidents	17
Parking Tickets Issued	35
Traffic Stops	110
Miles put on Cruisers	6,434

The Police Department has been busy and I just want to thank them for all that they do for the Citizens.

Just want to remind everyone that Halloween will be observed on Wednesday, October 31 from 6:00 to 7:30. Please watch you're driving and watch all the trick-or-treaters that are out.

We have talked about a problem with the Commons Mall Crossing road lift station. We continue to have problems out there. The people who have supplied all of the engines and the electronics from California with local contacts out of Cleveland. It has been an ongoing discussion with them. They brought their people in, they flew people in from California. We have a portable pump, pumping from the lift station into our force main. It has been that way for almost two weeks and from what I heard today it might be awhile longer. This particular lift station all the expenses incurred are all going back on Equity. This is their project and we have a guarantee.

Today was the first day that people could call Kathy and we would go out and pick up paper leaf bags. On November 5th we will start picking up loose leaves and we need them raked within 10 feet of the curb.

The Commons Mall Crossing has been open to Buffalo Wild Wings and Residence Inn. We are patrolling that area now. The signal lights will be up and going shortly. That is not our responsibility at this time.

Tomorrow will be a big day for us. It will be the Water Tower bid openings at 10:00 in the Council Chamber.

Police Chief, Jeff Henry:

We have a domestic violence walk on Wednesday evening. It will start from the Tri-County Help Center at 6:00 and end up at the Court House. It should be over by 7:00.

We will have all our officers out on Halloween evening between 5:30 and 7:30.

Finance Director, Cindi Henry: No Report

Planning & Zoning Administrator, Tom Murphy:

There will be a Planning Commission meeting on Monday, November 5th at 6:00. The sole item on the agenda is the Laroche Development the final site plan. That property is located across from the Burger King, in front of the Knights of Columbus. An approximately 4,000 sq., ft., one story building is proposed. The building will house two tenants a martial arts school and a cosmetics school. Give me a call if you have any questions.

COUNCIL COMMITTEES:

Finance, Mike Smith: No Report

Utilities, Frank Sabatino: No Report

Police, Mark Bukmir:

We will have a Police Committee meeting after the next Council Meeting.

Street North Side, Jim Velas: No Report

Street South Side, Beth Oprisch: No Report

Safety, Beth Oprisch: No Report

Building and Grounds, Perry Basile: No Report

Planning Commission, Mike Smith: No Report

Recreation, Linda Jordan:

Bantam Basketball signups are open until November 10th

Park District, Linda Jordan: No Report

Fire District, Frank Sabatino:

The Fire Board met last Wednesday, we discussed personnel and replacement of a position interviews will take place on the 16th. Looking at the purchase of a new ambulance in the near future. Next meeting will be Wednesday, November 7th at 3:00 at the main Station.

ORDINANCES & RESOLUTION: Law Director, Richard Myser

Would like Council to pass a Resolution opposing Ohio Issue I. It will be Resolution No. 2018-31.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2018-31; A RESOLUTION OPPOSING OHIO ISSUE I. Linda Jordan moved that the rules requiring Ordinances and Resolutions to be read on three separate readings be suspended and declaring an emergency; Jim Velas seconded the motion.

Roll Call Vote:

Basile	Yes	Sabatino	Yes
Bukmir	Yes	Smith	Yes
Jordan	Yes	Velas	Yes
Oprisch	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. 2018-31. a motion was made by Jim Velas and seconded by Mark Bukmir that Resolution No. 2018-31 be passed by Council.

Roll Call Vote:

Basile	Yes	Sabatino	Yes
Bukmir	Yes	Smith	Yes
Jordan	Yes	Velas	Yes
Oprisch	Yes		
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

Resolution No. 2018-31 was declared adopted.

New Business: Mayor's Report

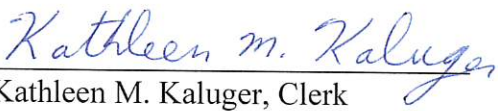
The Mayor's Collection for September 2018 was \$4,096.85. A motion to accept the Mayor's Report was made by Mike Smith and seconded by Jim Velas.

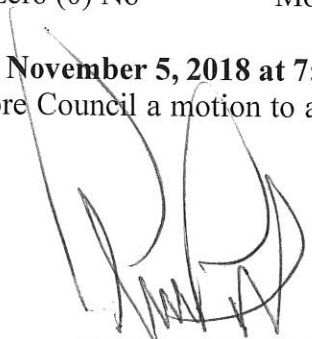
Roll Call Vote:

Basile	Yes	Sabatino	Yes
Bukmir	Yes	Smith	Yes
Jordan	Yes	Velas	Yes
Oprisch	Yes		
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

The Next Council Meeting will be Monday, November 5, 2018 at 7:30 in Council Chambers.

There being no further business to come before Council a motion to adjourn was made by Mike Smith and seconded by Linda Jordan.


Kathleen M. Kaluger, Clerk


Tim Porter, Council President