

COUNCIL MINUTES
April 15, 2019

St. Clairsville City Council met in Council Chambers on Monday, April 15, 2019 with the following present:

Tim Porter, Council President	Terry Pugh, Mayor
Perry Basile, Council 1 st Ward	Cindi 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	Jim Zucal, Director of Public Services
Frank Sabatino, Council 2 nd Ward	Jeff Henry, Police Chief
Mike Smith, Council-At-Large	Don Smithberger, Director of General Services
Jim Velas, Council 4 th Ward	

The meeting was called to order by President, Tim Porter

MINUTES: Minutes of the April 1, 2019 meeting were distributed to Council. A motion was made by Jim Velas and seconded by Linda Jordan to approve the Minutes of April 1, 2019.

Roll Call Vote:

Basile	Yes	Sabatino	Yes
Bukmir	Yes	Smith	Abstain
Jordan	Yes	Velas	Yes
Oprisch	Abstain		

Roll Call Vote: Five (5) Yes Zero (0) No Two (2) Abstain Motion Approved

COUNCIL PRESIDENT, Tim Porter: As president of this City Council I am responsible for running the meetings and keeping them in order. We have an Ordinance that people who wish to speak at the Council meeting must submit a written request by the Friday before the meeting. Currently we realize that we are dealing with multiple issues in various departments in our City. At this time many of the issues have become complicated and difficult for us to resolve. As you know our organization is part elected and part appointed. We are obligated to run the various affairs and requirements of this city by its Charter that is in place. At this meeting I am asking the Council and the Administration to work together in an ethical way so we can resolve these difficult issues that we are all aware of. We all desire to keep our City a great prosperous place to live.

CITIZENS HEARING:

Wendy Anderson, St. Clairsville Area Chamber of Commerce: I would like to thank Tom Murphy and Chief Henry for their help with our Art Walk. As Tim said we are trying to bring a lot of recognition to St. Clairsville, some excitement to St. Clairsville. On April 25th we are going to have an Art Walk. It is going to begin at Window Fashions by Beth and end at Kelly's at Suite II. In between there we are going to have a lot of businesses open up their doors and host different artists. Newellstown Diner will be open for the event. I understand that there will be Bible

reading in front of the Sherriff's Museum so we are moving some of our events down the street so we will not affect that area. I just want to thank everyone for being a part of it.

Brewster Martin: The Mayor asked me if I would be interested in going on a tour to visit three facilities that Aqua Ohio owns and operates. I want to thank the Mayor for the privilege of serving the community. Along with us were Ernie Schlatt and Councilman Velas. Mr. Schlatt is not here tonight so he dictated a letter concerning the trip and the Mayor asked me to read it.

Ernie Schlatt, a St. Clairsville resident, admits that he was a little skeptical about a pending proposal to sell the City's water and sewer assets after reading available information and speaking with other residents of St. Clairsville. After a trip to Northeast Ohio to discuss the privatization option with other community leaders who have had years of experience with a private operator Mr. Schlatt's concerns were addressed. Recognizing that water and sewer utility rates will go up regardless, Mr. Schlatt feels that the City should sell these assets at this time. The first stop was in Green, Ohio, where its Mayor spoke to the representatives from St. Clairsville. The Mayor Gerard Neugebauer is a Civil Engineer by training. He explained that Greene couldn't keep up with the new City's growth by itself which is why in the mid- 1900s it turned to a private contractor. The Mayor had good things to report about working closely with a private contractor to meet Green's needs for water and sewer services. City Council members from Struthers, Ohio and the Village Administrator of Jefferson, Ohio also reflected positively on their communities' experience with a private contractor. All the feedback from these community leaders was positive in regard to the current operations and relationship with the contractor. When any glitch has occurred, the private contractor had employees with the knowledge to solve the problems without the need to hire outside consultants. The elected appointed officials also reported that most citizens of their communities also are happy with the quality of the services under privatization. Following the new information presented, these meetings and tour of the water facilities in Struthers, Ohio, Mr. Schlatt's opinion is that any future rate increases would be higher if the City of St. Clairsville were to undertake the needed reconstruction project to the Water Treatment Plant on its own. The bottom line is the private contractor has the expertise in- house which makes these and other system upgrades affordable for all utility customers.

Brewster Martin: That was a pretty positive review. My review however is not quite as rosy. I am not here to say that I oppose privatization but I think there might be a rush to accomplish this with still a lot of unanswered possible problems to be addressed. I do have a concern. After meeting with Aqua Ohio people and Government officials from the three communities which was very positive, I think we have to remember Aqua Ohio is basically a monopoly. They have no competition. That concerns me right off the bat because we don't want to give our water plant away. I really think the Mayor said it is going to go out for bid but I think Aqua Ohio will be the only bidder because they are the only one qualified one to bid it in the state of Ohio. I think myself as a resident and I would hope everyone in the City would be concerned that we would be getting the true value of our water plant in the sale of it. Right now I don't know if that will happen. Let me say that I am certainly willing to meet with anybody and express my views. I have some thoughts about maybe solving the city's problems without a private contractor. Here is what I noticed. I have a feeling that Council thinks that if the plant is sold in a very short period of time problems will disappear. That concerns me because Jefferson, a town that is slightly

bigger than St. Clairsville in square miles, has fewer water customers than we do, fewer citizens than we do has been owned by Aqua Ohio for going on 40 years. The Mayor said we have 10 miles of line that needs replaced. I asked the Administrator of Jefferson how many they had replaced. He said he did not know but he knew how big it was in square miles. It turns out that St. Clairsville is 2.4 square miles. Jefferson has been going through a water line replacement program for 17 years. That concerns me because talking to the Mayor and Councilman Velas, they recognize the need for water line replacement. This is something I did not know until this trip. The water plant puts out 600,000 gallons of water per day but only bills for 300,000 because of leaks or unmetered use. The feeling is that the problems will go away, just telling you that Jefferson has gone through water line replacement for 17 years and it still is not done. We toured a very nice new facility, a maintenance facility in Struthers. They employ 22 people in that facility that do nothing but maintenance. Struthers is not that big of a city to demand 22 maintenance people. I didn't ask but I think the facility in Struthers was probably like a hub that went out other than Struthers. That is something that concerns me because in Northeast Ohio there seems to be several communities that have sold their facilities to Aqua Ohio. I am concerned that St. Clairsville might be a satellite situation where the need to make emergency repairs for water line breaks or other emergency we might have will not happen out of our local facility but they will have to come from two hours away to make major repairs. Minor things would probably happen with local employees. The City Administrator of Jefferson told me that there are only two people employed in Jefferson by Aqua Ohio. I am not against it, I just think there are a lot of concerns that need to be addressed. I am willing to meet and talk about it.

Chris Musser: 128 Franklin Street

I want to thank the Mayor for some changes that have been made that improved the parking. I do have one minor problem, the no parking sign that they did put up is right on the corner of my driveway. I would like to talk to somebody about the potential of moving that down a little bit. Another question is that parking a temporary situation or can people just park there without any timeline. People on our street will park there for days and weeks at a time without moving their vehicles. I went to the meeting at the Rec. Center on the Water Treatment Plant and will be glad to get that information. Living on Franklin Street we have had a water problem forever. If more citizens knew what was out there and had taken the time to attend that meeting they would try to get it resolved. I urge Council to try to get it resolved whether it is privatization or bringing it up to standard. If people has taken the time to attend that meeting there would be a lot more people here trying to get it resolved. There is nothing better than good water. This time of year it is not even drinkable out of the faucet. **Beth Oprisch:** Do we know about the parking sign? **Mayor Pugh:** That sign has to be replaced, I talked to Darin Pytlak and he has ordered new signs. **Chief Henry:** As long as a vehicle is parked in front of your residence except the people who live on the no parking side.

Tim Porter: While we are talking about the water, I did a little research on my own. I made some phone calls to some different organizations. I talked to someone at RCAP (Rural Community Assistance Program). I am sure the Mayor and Jim are aware of this program. What they offer is a program that they can come in and talk to the city, go through our program and see what they can do to maybe help us get some money or assistance from another organization through

them. Maybe they can help us with our situation. There is not a lot of information here but I just wanted to introduce this. They will do the initial evaluation for free. They do training, help you with development and they have a support team that will work with us.

REPORTS:

Service Director, Jim Zucal

I will follow up with the Council President's suggestion. I am very familiar with RCAP. I will have to ask Cindi but I do believe we are a member of RCAP. When we looked at utility rates we went to RCAP first, if you remember the Quicksall Company came in cheaper so we used them. I will be glad to look into it but the problem is we are a city, RCAP is mainly for rural communities. We don't meet their usual formula based on our medium household income and our utility rates. They do rent equipment, they really don't give anything away. They are more of a training board. They train the financial officers, your operators and the people in the field. I will be glad to follow up and get back to Council.

I thank Mr. Martin for his report. Anyone who hasn't been to the Water Plant, I encourage you to do so. I think Council knows that we have been working for two years to find a solution. I am new in 2016 to the City but I can tell you our directives come from the Ohio EPA. As we continue to move forward we continue to get more violations. The EPA doesn't look at how much money we have they just want results. The EPA's formula for rates are you have to be within 1.8 to 2.3 % of your medium household income. In St. Clairsville the medium income is \$68,000. At 2% that is \$136.00 per month for a minimum water and sewer bill. Currently St. Clairsville is at \$42.00. We would have to triple our rates to be eligible for a loan. I want to do what is best for the Community, I want Council to be informed. This is what I do, I have been doing it for 30 years. A lot depends on what decision the Council makes. There is a document in place. The whole team has worked together to put this information together If you find the time to come and talk with us we will be available. An ad was in the paper yesterday that will run for three weeks advertising for privatizing the water/sewer department. We have been contacted by companies that do this sort of thing. I think we all agree it is about the future of the city. Everyone who talks to us want better water. The constituents of this city deserve clean, safe drinking water. If you want to talk to the EPA I would be glad to provide names and phone numbers.

I did pass out the paving list. I took the information from council members. I appreciate everyone's input. We have put together a list we think is adequate. The tonnage right now is estimated at 1,752 tons. The rate last week for asphalt was \$ 67 per ton. The legislation allow for up to \$150,000. I think it is a good list. We are contracting with the Township to pave some alleys and we will continue to dura-patch.

Mayor, Terry Pugh:

The Mayor read the monthly police report for March. The report is available in the Mayor's Office

I do have the final report on the discriminatory harassment investigation. I will distribute it to Council tonight. I have some questions that I want to ask of each Council member and when it is over we will have discussion. On March 11 I released a draft copy of the report on discriminatory

harassment to Council. Council were cautioned by our Law Director, Richard Myser that this was a draft copy and was not to disseminate to the public. After the warning by the Law Director it appears that some members of Council saw fit to disseminate and publicize the draft report contrary to the Ohio Public Records statute. Some members of Council also irresponsibly discussed the draft report with the media who have in turn mischaracterized it and inaccurately and selectively misquoted it. I am going to release this report to you. I want to say there is not much difference between the draft and the final copy except for the case subjects names have been redacted in the final report. That is another reason it should not have been released to the public. I am going to hand these out and ask a question that I would like to ask. The Mayor asked Council President, Tim Porter if he released the information, asked if he asked anyone to release it and if he knew who did release it. Mr. Porter answered the he absolutely did not do any of those things, The Mayor repeated the same three questions to the seven Council Members to which each of them answered the did not release it and did not know who did. **Mayor Pugh:** Someone is lying. I think I know who is lying and I think this is all political and it stinks to high heaven. I have a couple of statements I want to make and the first one is that I support Chief Henry totally. This was an investigation of alleged discriminatory harassment occurring in the Police Department and the Mayor's Office by City Councilmen. City Charter requires the Mayor to conduct an investigation on any claims of discriminatory harassment. I selected a well-qualified independent third party to conduct the investigation and issue a report to me. Because the allegations were made against me I did not feel right that I conduct the investigation. Some of the perseptonss provided by the persons interviewed were not flattering of the city generally and of the Police Chief, Jeff Henry specifically. Jeff Henry is a lifelong resident and well respected in this community and a long serving member of the Police Department and our duly appointed Chief of Police and again I support him completely. I am proactively working with Chief Henry to address some of the issues raised by the context of this report. Chief Henry and I are absolutely committed to making our police department, our officers, our city the absolute best they can be. It is important to remember that the purpose of this investigation was to examine an alleged discriminatory harassment within the Police Department. Most important the investigator concluded that there was no violation of state or federal law related to the employment, discrimination or harassment and or retaliation. This has turned out to be a huge black eye and as Mr. Zucal said it is toxic. That is a minor word for what this is. We are going to try to strive to straighten this out. I can tell you the people involved, if you want to do something politically, I am running for Mayor, you are running for Mayor. Let's run on our backgrounds and experience instead of stooping to things like this. **Tim Porter:** I am not involved in this and I don't want to hear it. **Mayor Pugh:** You and Mr. Basile are involved in this and Mr. Basile doesn't do a thing that you don't tell him to do. He looks to you for a vote. **Tim Porter:** We are moving on. **Beth Oprisch:** The recommendation & Report, we will be following up? **Mayor Pugh:** Yes we will.

Police Chief, Jeff Henry: No Report

Finance Director, Cindi Henry: No Report

Planning & Zoning Administrator, Tom Murphy:

Just a reminder to the public to apply for your zoning permits prior to construction and be sure you meet City code. This time of year there are a lot of projects being initiated without a permit.

Most of them we can take care of but one started without a permit and started to put a post in near a storm line.

The State of Ohio has granted as of this last Friday the right for the Mid-East Building Department to handle our commercial building permits.

The City is working with Horizon Telecom. Every so often there is a fiber company comes before Council asking for permission to locate on city poles. We have been working with Horizon at a few different occasions. They want to extend their lines to various businesses. We are working with Don Smithberger. We do have their proposals and they will most likely be at the next Council meeting.

A couple of times a year there is something called System for Award Management. In order for us to do business with the Federal Government we must register in order to apply for grants.

COUNCIL COMMITTEES:

Finance, Mike Smith: No Report

Utilities, Frank Sabatino:

Don Smithberger: We are in the process of trimming trees. If you have any problems call the Mayor's Office or the Utility Office. Since it is growing season, we ask you to keep your foliage back from your meters. **Frank:** I would like to commend the Mayor for taking a couple of our good citizens on the water trip.

Police, Mark Bukmir: No Report

Street North Side, Jim Velas:

Patching being done on North Market Street very much needed.

Street South Side, Beth Oprisch: Pinecrest?

Safety, Jim Velas:

Safety Meeting scheduled for the last Thursday of the month.

Building Perry Basile: No Report

Planning Commission, Mike Smith: No Report

Fire District, Frank Sabatino:

The Fire Board met on Wednesday, April 10th. We accepted the resignation of one full timer and moved two people from part time to full time. The resignations are mostly due to better opportunities. Approved the service contract with the Belmont County Commissioners. Some work being done on the building. Next meeting will be Wednesday, May 22 at 3:00 at the Main Station.

Recreation, Linda Jordan: Next meeting will be Monday, May 20th

Park District, Linda Jordan:

Pool Passes will be available on May 1st at Riesbeck's and Kirke's – Next meeting, May 13th.

I want to say one more thing, Mr. Basile, when you give your media interviews and you refer to Council, please exclude Linda Jordan. You do not speak for me.

Law Director, Richard Myser:

This evening we have one piece of legislation, it is Ordinance No. 2019-07, it is up for its third and final reading this evening. This is the Ordinance directing the Service Director to solicit competitive bids for the resurfacing of streets in the city.

I have been contacted that we need to go into Executive Session to review personnel matters under Ohio Revised Code Section 121.22 (G) (1).

There was presented and read to Council on its third and final reading by title only, ORDINANCE NO. 2019-07. AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICES TO SOLICIT COMPETITIVE BIDS FOR THE RESURFACING OF STREETS IN THE CITY OF ST. CLAIRSVILLE AND AUTHORIZING AN EXPENDITURE NOT TO EXCEED \$150,000.00 FOR THE CALENDAR YEAR 2019 AND DECLARING AN EMERGENCY. A motion was made by Linda Jordan and seconded by Mike Smith that Ordinance No. 2019-07 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
Ordinance No. 2019-07 was declared adopted.

EXECUTIVE SESSION:

A motion to go into Executive Session for Ohio Revised Code Section 121.22 (G) (1) Personnel was made by Beth Oprisch and seconded by Mike Smith.

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

RETURN TO REGULAR SESSION:

A motion to return to Regular Session was made by Mark Bukmir and seconded by Linda Jordan.

Roll Call Vote:

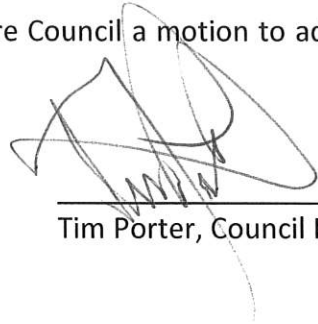
Basile	No	Sabatino	Yes
Bukmir	Yes	Smith	No
Jordan	Yes	Velas	Yes
Oprisch	No		

Roll Call Vote: Four (4) Yes Three (3) No Motion Approved

The Next Council Meeting will be Monday, May, 6, 2019 at 7:30 in Council Chambers.

There being no further business to come before Council a motion to adjourn was made by Jim Velas and second by Frank Sabatino

Kathleen m. Kaluger
Kathleen M. Kaluger, Clerk



Tim Porter, Council President