

COUNCIL MINUTES
September 16, 2019

St. Clairsville City Council met in Council Chambers on Monday, September 16, 2019 with the following present:

Tim Porter, Council President
Perry Basile, Council, 1st Ward
Mark Bukmir, Council 3rd Ward
Linda Jordan, Council-At-Large
Beth Oprisch, Council-At-Large
Frank Sabatino, Council, 2nd Ward
Mike Smith, Council-At-Large
Jim Velas, Council 4th Ward

Terry Pugh, Mayor
Jim Zucal, Director of Public Services
Richard Myser, Law Director
Tom Murphy, Planning & Zoning Administrator
Cindi Henry, Finance Director
Jeff Henry, Police Chief

The meeting was called to order by President, Tim Porter

Minutes: September 3, 2019 minutes not available

Citizens Hearing:

Jody Williams: Thank you for the opportunity to speak to you all tonight. Tonight I would like to address my comments specifically to the Mayor, Mr. Zucal and City Council. My name is Jody Williams. I am representing myself and my husband Jim Williams. We are under contract to purchase a house within St. Clairsville city limits we have much concern on the quality and condition of the water system. I have attended almost every council meeting in the last five months and I am dismayed at the condescending responses that have often been made by Mayor Pugh and Service Director Zucal to the city Council legitimate concerns and questions. I find it very frustrating that there is a reluctance to answer questions with concrete data and information that can be understood and then explored. Options were publicly discussed during the August 28 council meeting by the Engineering Firm Quicksall. The engineers conceded that St. Clairsville is not a unique situation, that almost all municipalities are experiencing water and infrastructure concerns. Due to this concession how many municipalities are we working with too uncover options that are pertinent too our water conditions? Wouldn't it make sense and serve all local communities too come together in order to explore all safe water alternatives? Have any of our neighboring towns found that selling their water is the most equitable solution? Julie from ARCAP also presented financing alternatives for the contradictions regarding interest rates and proposed water rates, were they ever resolved? My career as a pharmaceutical representative providing me with training that emphasized the importance of concrete data, safety information and demographics too make informed decisions. You can't just say something you have to prove it. Have you proven too City Council and the Citizens of St. Clairsville that the selling of our water is the only solution? I believe that water is a very precious resource and that the quality, safety and access are all citizenry entitlement. Those entitlements Mayor and Service Director are your responsibility. After the executive session on September 10th at the open meeting Mayor Pugh and Service Director Zucal stated that everyone needs to work together. I would like too completely agree with that, however, please define everyone. Is it just you two

and AQUA, is it you two and four of the Council Members? Please define everyone. It would be my limited political understanding that everyone would include every resident in St. Clairsville. You consistently state that we keep kicking the can down the road. Who are you referring to when you say we and what is the can and where is the road? Basically according to the EPA this kicking is coming to an end. The only solution you are proposing is to sell our water. This is being decided without adequate due diligence. This is a major economic and health related decision. Mr. Zucal, as Service Director can you supply documents of improvements and maintenance to our water system in the three years that you have been Service Director? Mr. Zucal and Mayor Pugh have you explored the alleged law suits that AQUA is involved in and the legal concerns that AQUA faces? Can AQUA meet the EPA time line in a satisfactory way? Why is the EPA suddenly issuing ultimatums and deadlines when past water samples have met their standards? There are just too many unanswered questions and too many contradictions. In order to get the citizens of St. Clairsville behind this project will you obtain third party to explore all options and present a written proposal a full report with three viable solutions, include all costs, financial alternatives, increased resident rates and long term feasibilities. This would enable council to compare apples to apples and then to make an informed knowledgeable decision.

Mike Osovich: I want to thank everyone for being here tonight and taking time out of their evening. I am a forty year resident and forty year business person in St. Clairsville. I have a lot of concerns about a lot of different things. We don't even have time to get into all of my concerns. I remember as a young man I had a car that had a bad tire on it, every other day I had to put air in it. I remember my dad telling me get that tire fixed before you get stranded. Guess what that tire blew out on a cold rainy night and regretfully I knew I had to call dad. I was in the Athens area and it was pouring down rain. I remember my dad saying son, bad judgement and incompetency your part does not constitute an emergency on my part. He left me sit there for longer that he probably should have. Isn't that what we are really dealing with here today? Why hasn't the water situation been looked at long before now by the current administration? Deterioration, rusty pipes do not happen overnight. In addition to that why hasn't a class 3 operator been hired? We know we have needed one since March. Why the closed door meetings? Here is my take. In my opinion I have seen the City millions of dollars in debt and the AQUA sale a bail out for the current administration. Among residents that I have had the pleasure to speak with believe that the Mayor, Mr. Zucal and some of the Council Members thought that AQUA was in the bag. The residents of this fine community would just fall victim too it all. That is why an operator wasn't hired in my opinion. Would it be AQUA's problem? Maybe. Now because of the lack of proper execution we are faced with staggering fines from the EPA of \$100,000 per day until we employ one. It is very obvious that the Mayor and Mr. Zucal have been caught with their pants down and we the residents are expected to pay the price again. As a resident and business man like many others here I am appalled and embarrassed by the current administration and many of the Council Members. It is our water, we need to keep it our water. If we don't do something pretty soon my concern is the sign on the east end of town that says city of St. Clairsville is going to say village of St. Clairsville.

Kathy Osovich: I am a Realtor, I have been a realtor for about 24 years now. Before that Mike and I started Prime Time Video we were in business for about 40 years. We have taken the punches with the City over the years. I have stayed quiet up too now because of my profession because I don't know who is for and who is against. I try not to be political. Now is time to talk about it. Regarding the water system, everything that Jody just said is spot on and everything Mike just also. I am not going to repeat any of that. Why I am standing here before you is I have had numerous people with the negative face book stuff going on, there is stuff in the newspaper, stuff on TV. It is affecting our values. It has not affected them yet so much but I am afraid it is going too. I have a listing right now here in town, it is close to \$400,000 and their comment to me was I glad we are selling now, glad to get out of here. I used to get calls from people who only wanted to live in St. Clairsville now they say anywhere but in St. Clairsville. As a realtor, as a business person for 40 years watching how this has all happened and like Mike said it hasn't happened over night. I don't think we should be making this decision right now just because. The other thing I am going to touch on is the Community Garden. I am very concerned about it. Once again it is a St. Clairsville epic fail. A lot of money was put into it and it is just trash now. Nobody does anything with it. I am an avid Gardner and I have supported it every year and I volunteered every year and it is just going down the drain.

Kathryn Thalman: I am a concerned Citizen and I just want to say that I have gotten into this and the more I peel back the layers of the onion the worse it gets. Mr. Zucal and Mr. Pugh said at the last meeting we will do everything for the good of St. Clairsville. I have a report drinking water source assessment from the City of St. Clairsville from June of 2017. Drinking water quality monitoring summary. It revealed that the system had no water quality violations from 2000 to 2016. We now have a list of violations as long as my arm. I think it is time for the Pugh administration to go and let this town begin to heal not just the water, the trees, and the crisis in the Police Department.

REPORTS:

Service Director, Jim Zucal

At the last two meetings we discussed the poor condition of our Water and Sewer Treatment Plants and water distribution and waste water collection system. For anyone who questions the need for investment in these systems the Ohio Environmental Protection Agency issued the last notice of violations which outlined several serious deficiencies that we face. Again these mandates come from the Ohio EPA. I would like to update you on three main issues of that report, the efforts that we made, attempting to hire a class 3 operator for our water treatment plant, the status of our responses to the EPA and the most recent list of violations and how I am going to address those and the state of negotiations with AQUA, Ohio. We have been looking for a class 3 operator since March through professional contacts and EPA recommendations. We believe the EPA would be flexible with us on our requirement to hire a person with this certification because we have two class 2 operators who are perusing their class 3 and the EPA realizes there is a shortage of these operators across the state of Ohio. This is a state wide problem no different than the infrastructure problem that we are facing here, all over Ohio and all over the Country. Until a recent survey of the plant by EPA personnel and subsequent letter that we saw the condition of the plant, they monitor it monthly. Since the survey we have increased our effort to find a class 3 operator. The universe that these individuals operate in is

very limited. We have a list of all the qualified people in the area and I have been reaching out to them individually. In case there is someone outside the Ohio Valley that is looking for a job change we are advertising in five Ohio publications and on our website. So far we have not found an operator interested in joining our operation. Based on the feedback that we have been getting I believe there are two main reasons we are having trouble attracting Talent. The first is the condition of our plant and distribution system and no commitment to find necessary improvements. If a person signs on to lead our operation at the plant they are putting their professional reputation on the line. People understand the failing condition of our plant and know we don't have the resources to make the needed investments. If we hire someone and we have a catastrophic failure in the treatment plant it will leave a permanent mark on someone's professional reputation. The second reason I think we are having trouble attracting someone into this position is even though AQUA has agreed to hire our employees if we reach an agreement, I think it is a lot to ask someone to make a career change and maybe move their family when it isn't clear who will own the system over the next few years. It may be a difficult decision to make when you don't know who your boss is going to be and there is no security involved. As far as notifications of violations from the EPA, the next item I would like to address are those items. The treatment and distribution system that we currently maintain, as required in the letter, I plan to respond to them in writing within the next thirty days. We are working on more manageable issues as we acquire revenue, however there are issues that we simply are not equipped to address without additional resources like reducing our water loss from 30% to 40% to 15%. The month of August our water loss percentage was 52%. As I told Council recently finding the leaks is one thing but the real challenge is when we find them. We need the resources to fix them. In addition to this incredible water loss to our system, we do not have the modern firefighting pipe lines that we need. 25% of our system is 4 inch water pipe and we know that many of these pieces of pipe are leaking throughout the City. We just don't have the funds to take them on. When you take up water pipe today you must rebuild the streets to State standards and Federal standards and American with Disability Act Requirements. Items like repairing the leak in the holding tank in the lower level of the water plant those are small issues compared to others. Evaluating the main reservoir, provident reservoir, establishing a back flow prevention program, etc. Our Utility Department is not equipped to undertake many of these problems and we don't have the resource to outsource them. Frankly our hope is to pass the responsibility off to an organization that has experience with massive projects such as these as well as the expertise and resources to implement them successfully. The Mayor and I are meeting with the Chief, Craig Butler from the Ohio EPA on Friday of this week. We plan to discuss the challenges that we are facing with trying to hire a class 3 operator as well as violations at the meeting. I will brief Council as I get additional information. Without big rate increases we do not meet the qualifications to raise the millions of dollars we need. Let me restate all options for funding are still on the table should Council decide to raise the rates to meet requirements for assistance. Only this Council has the authority to take that action. We can't afford to wait years for Belmont County to build their new plant. We have no guarantee that they will be able to fill all of our needs if we do wait. The City has delayed fixing our crumbling system. The need to increase rates has been there for decades. The situation is critical as the plant and our system reaches the end of its useful life, I am quoting the EPA. The administration hopes to bring you the proposal for the first reading and your eventual consideration. The City needs to decide on a clear direction very soon or face significant consequences for noncompliance with the EPA. Councilman Oprisch asked me for a letter where she had some questions, I am going to give that to her tonight. I did answer all of those for her.

I have had several phone calls today. For those of you who have seen rather large water trucks going through the city from the water plant to the wastewater plant. That company is Zimba Brothers Inc. They are a vac system company. They have three large trucks running. As mandated by the Ohio EPA

we are vacing out our carbon lagoons taking out all the sediment from the water plant and as permitted by the Ohio EPA putting that material on our sandbag filters at the wastewater plant with a price tag of between \$70 & \$100 thousand dollars.

Perry Basile: Last Friday Myself, Tim Porter, Jeff Vaughn. Jeff is an Engineer and works directly with the County on their water system. I wanted to sit with him and take a look at all the violations that were given by the EPA. I asked him what is the remedy too this and what is the cost? Some of the issues are operations and some are administrative like record keeping, missing information, etc. There are many things that can be fixed without a lot of money. Many things have not been maintained. Our plant is in bad shape but we can keep it long enough with repairs until the County gets their water plant complete, then we can go on County water which we will do anyway. It never has been in the cards to build a new plant. All we have to do is get the plant up and running too where the EPA can approve it and then we concentrate on the distribution. We do have some more costly issues. Perry gave a report on what he feels can be fix so we can keep our plant as least until the County water is readily available. **Jim Zucal:** The fixes that Perry is talking about are not easy fixes. There are water problems all over the State of Ohio. Our system is not unique. The manageable issues that Perry brought up, we are taking care of them. Almost a third of our water system has 4" pipes. The EPA states that by law that you cannot have a fire hydrant on a 4" water main. In that report they are telling us we have to remove and replace 10.4 miles of 4" water main. That doesn't mean you go out with a backhoe and start digging. You have to have it engineered, you have to have a permit to install from the EPA, You have to advertise for bids, you have too award bids and have a general plan. It could take years if not decades to replace 10.4 miles of water main. You would have to take a street blow it out from curb too curb new water lines, new sewer lines, new water taps, you have to put in a new road system, you have to build it too Federal Law too ADA compliance. Millions of dollars, it doesn't matter who is here that is what you have to do. The EPA says the Provident Reservoir has to be cleaned up or abandoned. I don't want to downplay Perry's suggestions. The gasket in the clarifier is a \$100,000 fix. The seal is so old it had to be custom made. We had to shut the system down and buy County water. My job is to inform Council and make hard decisions.

Mayor, Terry Pugh

I just want to thank all the crews for all the hard work. Street Department has been out painting all the stripes. We had a big wind storm a couple of weeks ago, all the departments were out collecting debris from that. Last night a driver was texting and took out two of our electric poles, knocked out power too part of the City. I want to thank our Electric Department who were out too early hours in the morning.

Everyone should look at the new water tank that is going up at the Commons. It is starting to look like a water tank and they are moving ahead.

With the help of Richland Township we will be paving some of the alleys in the City hopefully next week.

Trees: Beth Oprisch: I have gotten a lot of comments from people upset with the trees on Main Street.

Terry Pugh: My feeling on these trees is some of them were the wrong trees, the sidewalks were raising, and the trees had never been trimmed. I was getting complaints from some of the business owners. We went out for bid and this company was the low bidder. In fact Mike Osovich had a tree by his house that another tree trimmer would not even give us a bid on. It was on city right of way and this company took care of it for us.

Police Chief, Jeff Henry - No Report

Finance Director, Cindi Henry

I emailed you Ordinance no. 2019-23. It is a move of \$200,000 from the Permanent Improvement fund too Repairs. It needs to be done on an emergency basis.

Planning and Zoning Administrator, Tom Murphy

Pizza Milano is moving along. They are doing a lot of inside work now. They hope to be open by the end of the year. Many of you I am sure have seen the framing of the new structure in front of the Knights of Columbus. That structure is going to house the Olympic Tae-Kwan-Do Academy and another office. Things are moving along there as well.

COUNCIL COMMITTEES:

Finance, Mike Smith: I am going to meet with Jim and Cindi too go over projected water rates Cindi has the Rec. Center accounts running pretty good now.

Utilities, Frank Sabatino: No Report

Police, Mark Bukmir: No Report

Street North Side, Jim Velas:

Glad to hear that we are going to get the paver too do some of the alleys. Some of the alleys that are in bad shape are Newell Avenue Extension and the alley by King's Auto Glass.

Streets South Side, Beth Oprisch: No Report

Safety, Jim Velas: The next safety meeting will be held on the 26th at the City Garage at 9:00. The program will be CPR and First Aid.

Building and Grounds, Perry Basile: No Report

Planning Commission, Mike Smith: No Report

Fire District, Frank Sabatino: The next meeting will be September 25th at 3:00 at the Main Station.

Recreation, Linda Jordan: Our new Program Coordinator Debbi Reed seems to be working out very well. Olivia stepped down too go back to school for her master's degree.

Park District, Linda Jordan: The Park is now closed.

Law Director, Richard Myser:

Tonight we have three pieces of legislation first is Resolution No. 2019-20. That is the piece of legislation that is on its third and final reading. The second is Resolution No. 2019-22 on its first reading and Ordinance No. 2019-23 on its first reading.

There was presented and read to Council on its third and final reading by title only, Resolution No. 2019-20; A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF ST. CLAIRSVILLE ON BEHALF OF THE STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS PERMANENT IMPROVEMENT PROJECTS FUND FOR THE BELLVIEW SANITARY AND STORM SEWER SEPARATION PROJECT, OPWC PROJECT NUMBER CR30W, WITH THE PROCEEDS OF TAX-EXEMPT DEBT OF THE STATE OF OHIO AND DECLARING AN EMERGENCY. A motion was made by Linda Jordan and seconded by Jim Velas that Resolution No. 2019-20 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. 2019-20 was declared adopted.

There was presented and read too Council on its first reading by title only, RESOLUTION NO. 2019-22; A RESOLUTION RECOMMENDING THE CITY ADMINISTRATION, WORKING WITH THE CITY COUNCIL UTILITY COMMITTEE, EXPLORE FURTHER OPTIONS WITH W.E. QUICKSALL ENGINEERING COMPANY AND THE OHIO RURAL COMMUNITY ASSISTANCE PROGRAM FOR THE FUNDING AND IMPROVEMENT OF THE CITY WATER AND SEWER SYSTEMS AND DECLARING AN EMERGENCY. Perry Basile moved that the rules requiring Ordinances and Resolutions to be read on three separate readings be suspended and declaring an emergency; Beth Oprisch seconded the motion.

ROLL CALL VOTE:

Basile	Yes	Sabatino	No
Bukmir	No	Smith	Yes
Jordan	No	Velas	No
Oprisch	Yes		
Roll Call Vote:	Three (3) Yes	Four (4) No.	Motion Not Approved

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2019-23; AN ORDINANCE TOO MAKE REALLOCATIONS (SUPPLEMENTAL APPROPRIATIONS) WITHIN THE FUNDS FOR THE NORMAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ST. CLAIRSVILLE, STATE OF OHIO FOR THE PERIOD JANUARY 1, 2019 THROUGH DECEMBER 31, 2019 AND DECLARING AN EMERGENCY. Beth Oprisch moved that the rules requiring Ordinances and Resolutions to be read on three separate readings be suspended and declaring an emergency; Mike Smith 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; ORDINANCE NO. 2019-23. A motion was made by Mike Smith and seconded by Jim Velas that Ordinance No. 2019-23 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. 2019-23 was declared adopted.

NEW, OLD & OTHER BUSINESS:

Calvary Presbyterian Church requested permission to block St. Patrick's Alley from 1:00 p.m. too 5:00 p.m. for their annual Fall Festival. A motion was made by Linda Jordan and seconded by Mike Smith to allow the closing.

ROLL CALL VOTE:

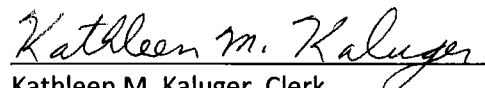
Basile	Yes	Sabatino	Yes
Bukmir	Yes	Smith	Yes
Jordan	Yes	Velas	Yes
Oprisch	Yes		
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

Trick or Treat night was discussed. October 31st is on Thursday, The football team is playing an away game on Thursday. We have had requests mainly from the school to have Trick or Treat any day other than Thursday. After discussion a motion was made by Beth Oprisch and seconded by Jim Velas to hold Trick or Treat Night on Wednesday, October 30th from 6:00 to 7:30.

ROLL CALL VOTE:

Basile	Yes	Sabatino	Yes
Bukmir	Yes	Smith	Yes
Jordan	No	Velas	Yes
Oprisch	Yes		
Roll Call Vote:	Six (6) Yes	One (1) No	Motion Approved

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


Kathleen M. Kaluger, Clerk


Frank Sabatino, President Pro-Tem