COUNCIL MINUTES
September 3, 2019

St. Clairsville City Council met in Council Chambers on Tuesday, September 3, 2019 with the following present:

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

The meeting was called to order by President, Tim Porter

MINUTES: Minutes of the August 5, 2019 meeting and the August 19, 2019 Meeting were distributed to Council. A motion was made by Linda Jordan and seconded by Jim Velas to approve the minutes.

Roll Call Vote:

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

Roll Call Vote: Seven (7) Yes Zero (0) No Motion Approved

CITIZENS HEARING:

Paula Koch: This is show and tell for the people who don't think there is a problem with the water. There is a problem. This is my neighbor's pictures from 2017. This is her water filter, this should be white. **Beth Oprisch:** Where do you live? **Paula Koch:** Reservoir Road. She has to get red be gone from the pump house to put in her stuff. I have a water filter on my house too. I also filter again with a Brita filter. I changed my water filter today. The inside of the pitcher was brown. We filled buckets several times to flush out the lines and it did not get better. There is something wrong with the water and I really do believe it need fixed sooner rather than later. I don't know how but it does. I work in a lab at Wheeling Hospital. We have daily maintenance on instruments, we have weekly maintenance, we have monthly maintenance, and we have 6 month maintenance. Don't they have to do things at the pump house? Don't they have to do maintenance, should it not have always been documented? People should have been looking at this. I have lived in the same house all my life except when I was away at college. My neighbors are just as bad, they are on city water too. There is something wrong. **Mike Smith:** What would that be, do you have any idea? **Jim Zucal:** Thank you for your presentation. That water has been brought in here before. I believe that is iron manganese and those are some of the components that I told you were a serious threat to our system. We have a very antiquated system. There are also blending issues, you may be aware that when we blend the county water and the city

water problems on Reservoir Road actually get worse. **Beth Oprisch:** How long has it been like that? **Paula Koch:** five to ten years. **Tim Porter:** Thank you for your presentation. We appreciate you coming in. **Cindi Henry:** My mother recently moved on Reservoir road and her water looks the same.

Kathryn Thalman: First of all I would like to thank you very much, I had two back surgeries at Wheeling Hospital. You are right things need to be checked and maintained. You are right there are problems with our water now but ask the question is AQUA going to do the right things and all the things to fix what she just identified. Those are things that have not been answered yet. Before we make a decision let's make sure that the solution will indeed fix the problem because once our water is gone it is gone. I want to say thank you to the Administration I understand that we are now looking for a class three operator which we have not had for quite some time. We are in the process of hiring two new people. That is a step in the right direction. So I would like to say thank you for that. Again let's make sure that the solution brought forward will answer these problems. **Jim Zucal:** We have advertised for a class three. We are also looking for a contract person we have until October 8th to find someone.

Tim Porter: We understand our situation. We have been gathering information, listening to our citizens concerns for the last six months concerning our water system. After talking to the EPA, W.E. Quicksall last week. Even though our water system is antiquated and we have many issues with it in my thoughts there is no immediate emergency to have a sell off of our water system. I strongly think we need to hire a class three or an independent, whatever we need so that we are up to date and stay there. I think we still and I have been saying this all along we need to get a water distribution study so that we know with exact numbers what we are looking at. I believe the administration should be obligated to supply the council and citizens with all the options and the facts before we make any kind of decision on selling the water. This is the future of this town coming up. We really have to be careful what we do, how we do it and why we do it for the right reasons. That is what I have to say.

REPORTS:

Service Director, Jim Zucal:

I can assure you the administration we try to turn over every rock that we can, we have looked at every option that we can. We are trying to give council and the city every perception, option what we can do, who we can use and why we can do it. With that this evening we would like to thank Julie Ward from RCAP for coming in (Rural Community Assistance Partnership). They help smaller communities with problems. She is going to talk to us about assistance from RCAP and funding options. **Julie Ward:** I brought you a summary of our services, assistance that we work with in Ohio. We are a national network of non-profit organizations. Every state has an RCAP working in it. We basically work providing technical assistance and professional services primarily water and sewer infrastructure services. We have a lot of different skills to help small communities. Most of our services are free if you are under 10,000 in population. We also do some service where we charge. One thing we look at in determining your eligibility is your rates compared to your medium household income. **Jim Zucal:** Keep in mind a loan is somebody else money. There is not free money out there, you have to pay it back. So what we have to consider

is our debt, our ability to pay and our current rate in our revenue. We have an overall debt issue, we have a revenue issue so we have to have the ability to not only pay our debt but to operate our system. **Julie Ward:** A funder would look at your rates and say you have room to raise your rates. I know everybody thinks water and sewer is too high but you are paying about 1.1 cents per gallon. They would say your rates are pretty low. I have never worked on a project where they didn't phase in things. You don't do everything in one year. **Cindi Henry:** I am confused, after many conversations with the EPA and them continually coming back to the medium household income and the fact that it was 2 ½% not 1%. We were told that we would immediately have to triple the rates and before they would even look at any applications for any loans. **Julie Ward:** I have to be very careful when people ask me question because it depends. **Jim Zucal:** I still believe the city will have to double their rates. You don't just give out loans we have to prove our ability to repay it, they are not going to take out a risky loan. **Julie Ward:** When we do a loan application we have to do a proforma on it and you do have to show your ability to repay the loan. I look at the finance reports. Your current debt is 3.5 million. That is not a lot of debt on the water system. **Jim Zucal:** We have overall debt of about 7 million. Let me give you some numbers that are important for St. Clairsville. Water revenue is about 1.1 million per year. That is a very small income for a city this size. That is with our new rate increase. **Cindi Henry:** When we finally put rate increases in a year or so ago. We raised the sewer rates three years ago when we did an RVC project. The overall debt of the city is 7.6 million. That is obviously not all water. Right now the firm number is 2.3 but we have a water tank project which I estimated at 1.2 but that is a low number from what I am finding out now. When we started collecting the increase on water I estimated approximately 3 to 4 hundred thousand coming in annually to cover the cost because over a period of years we had dipped so deep into our cash carry over at the beginning of the year we were basically chasing our tails to get to the end of the month to pay a bill and to run the payroll. I didn't want the city getting that dangerously low so we obviously got a rate increase put in. Historically even prior to my being here there had never been a permanent improvement fund set up for the city. It took after a year and a half of rate increases January 1 was the first time that we had a debt service set up in the city. But the fact of the matter is just this year I am continually putting extra money into the fund. As I said before we can go to debt as much as we need to do for whatever we need to do but everybody who pays a utility bill will be paying it. **Julie Ward:** You are not alone. What RCAP can do for you free of charge is sit down with a utility subcommittee and look at what we have got, look at alternatives, prioritize those including the AQUA-OH option. Look at pros and cons do a feasibility option. In order to do that we would have to have cost estimates. We are not engineers, we cannot give you cost estimates. We also offered the Mayor that we could come and do a water audit. One of the other issues is your water loss. We can do that free of charge as well. **Beth Oprisch:** How long would all of that take? **Julie Ward:** I could sit down with a group of people and in two hours map out some stuff. I would work with Jim and see what he already has, what else we need to get.

Mayor, Terry Pugh: My only comment is we appreciate Julie coming here and educating us. I also know this problem has been growing for 30 years. A lot of people in this room have been here during part of that time. We have done other studies in the past nothing has been done. We have a water plant distribution center that is falling apart and we all know it. It is too bad

about the water. This didn't just happen in the last couple of years. Nothing was ever done by previous councils or administrations. All I want to do is do the best for the citizens of St. Clairsville and I don't want the water rates to double. I personally have been to a number of locations and I was impressed by AQUA which everybody here knows. You don't want to hear the term kicking the can down the road that is what we do when we waste more time. We had the EPA come in on a surprise visit and it is going to cost us quite a bit of money to fix that and we should. We don't know what the next surprise is around the corner. That is what I have to say about this. I feel that as far as RCAP goes, the information that I saw in writing from a colleague of Julies they kept using 2.5 and those emails were handed out to Council. It was as big a surprise to me as anyone what you said here tonight. Anyway it goes if you borrow money you have to pay it back. That means raising rates and it takes time. We only have to look to Belmont County, I talk to the Commissioners quite often and they haven't even got their funding lined up for their new project so who knows when they will be able to supply water to us.

I do have some good news. Jim and staff did apply for grant money for the bike trail through ODOT. Last year they applied for it and we were turned down. This year as the trail got worse the tunnel and entrances we had slip after slip. It got to the point that we thought we were going to have to close the tunnel for safety reasons. We were notified that we did get a half grant for $725,000 for this project and that requires a 5% match from the city. Also we got a $900,000 grant from Bel-O-Mar and that requires a 20% match so we will get 1, 625,000 to repair the bike trail and yet we can't get that money for our infrastructure. The staff should be commended for all the work they have done on all these projects. This will be for the year 2023.

Police Chief, Jeff Henry: No Report

Finance Director, Cindi Henry:
I emailed all of you a copy of Ordinance No. 2019-21 to transfer money from the General Fund for repairs for the Water & Sewer Departments and Accounting and Legal Fees. This money has already been moved so I need it passed tonight.

We also migrated the city health care over to Anthem Blue Cross Blue Shield. We are able to save a little bit of money on that this year. It went into effect September 1st.

Planning & Zoning Administrator, Tom Murphy: No Report

COUNCIL COMMITTEES:
Finance, Mike Smith:
I think we saved a lot of money on the health care. **Cindi Henry:** It looks like we are saving a lot of money but the bottom line is we pick up the medical reimbursement for all of these employees. When we look at what the rates are yes we saved money but when you take the $125,000 off of that to cover the MR it is very little savings.

Utilities, Frank Sabatino:

I think all has been said about Utilities. I want to thank Bret for coming to our meeting and thank Don & Anita for attending the meeting.

Police, Mark Bukmir: No Report

Street North Side, Jim Velas:
We have a couple of small alleys that do need paved. The delay on that is waiting for the Township to clear the small paver and an operator. They are still in the process of using it so as soon as we get that freed up we will pave the alleys

Street South Side, Beth Oprisch: No Report

Safety, Jim Velas: No Report

Building Perry Basile: How are we doing with the new walls & stalls in the restrooms. **Jim Zucal:** I am sure that has passed on to the new director I will ask him about it.

Planning Commission, Mike Smith: No Report

Fire District, Frank Sabatino:
The Fire Board met on Wednesday, August 14th at 3:00 at the Main Station. The big topic of conversation was the Hospital closing situation plus the road closing on 70, it will be quite a challenge that will have to be worked out. The Chief also informed the Board that the new ambulance will be delivered in October. We want to thank all of the tax payers in the Fire District for supporting us. The next meeting will be Wednesday, September 25th at the Main Station at 3:00 p.m.

Recreation, Linda Jordan: Flag football starts on Sunday

Park District, Linda Jordan: The pool is officially closed. The park will be open from dawn to 11:00 p.m.

Law Director, Richard Myser:
We have two pieces of legislation tonight to consider. The first one up for its second reading tonight is Resolution No. 2019-20 that is A Resolution declaring the intent of the City to reimburse its permanent improvement fund. Ordinance No. 2019-21 is on its first reading. It is an ordinance to make reallocations within the funds. It needs to be passed tonight.

There was presented and read to Council on its second reading by title only, RESOLUTION 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.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2019-21; AN ORDINANCE TO 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. Jim Velas moved that the rules requiring Ordinances and Resolutions to be read on three separate readings be suspended and declaring an emergency: Perry Basile seconded the motion.

Roll Call Vote:

Basile	Yes		
Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Velas	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. 2019-21: AN ORDINANCE TO 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. A motion was made by Jim Velas and seconded by Perry Jones that Ordinance No. 2019-21 be passed by Council.

Roll Call Vote:

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

Ordinance No. 2019-21 was declared adopted.

Richard Myser: Let me remind everybody that a few months ago we passed legislation authorizing the administration to put out bids to privatize our water system. We accepted bids, we accepted AQUA, and we have employed legal counsel to negotiate a contract with AQUA. We have not sold our system we simply are in the process of doing that. If what you want the administration to do is to take additional action, perhaps to conduct another engineering study I think we should do that officially through legislation through council. **Julie Ward:** We would not require a contract to work with the city. **Richard Myser:** Whatever the agreement is, whatever information you give us, we are going to rely on that as if it is a contract or a recommendation or an opinion and council would be better served if they took official action to enter into an agreement whether it is with RCAP or Quicksal or Vaughn Engineering or whatever engineering company it is. If that is what the majority of council wants to do. **Mike Smith:** I just think that when we were going down that road we either had bad information or confusing information or no information at all on some things. I just think it would be wise to have a different study and try to work with RCAP. I have nothing against privatization if that is the way we have to go but I think it would be worth exploring other options. **Tim Porter:** I think what Richard is trying to say

is we need a resolution, how do we do that? **Richard Myser:** I can prepare a resolution for next meeting and in the meantime if we have to contact these other engineering companies or if we need to contact RCAP we can do that but what I am suggesting to council is that we take official action. A motion is not an official action of our city, it is like a recommendation, an unofficial action. **Jim Zucal:** Mr. President if I may, I take exception to the fact that there was not enough information or not adequate information or sufficient information. Again I can assure if you look back at council minutes you will find that I have talked to this council since July of 2016 about the condition of our water system. I assure you the EPA is not going to go away they are going to continue to mandate orders. Again my belief is this has been kicked down the road for many years by a lot of different entities and a lot of different people. Again I want to do what is right for the city, I want to provide good quality safe drinking water. Time is of the essence. I don't know how much is political motivation here I am not a politician but I think what we are doing is harboring and maybe harming the constituents and safe water for the city. That is my professional opinion and I will go on the record for saying that. With my 30 year career in government, I am not the law director but I know there are administrative functions and legislative functions. The administration does our best to provide council with all the information that we can. I talked about this the first week that I came on board. I came on board in 2016 and I inherited this problem along with Mayor Pugh, there were problems that could have been addressed and they were not. I assure you that council will be informed by the EPA again with another letter on its way. The funds will eventually dry up so I don't want our burden put on the constituents, I want to fix the problem and do it right. **Perry Basile:** We are talking 90 days to 120 days to really take a look. At the last two meetings look at all the information we got. I don't see that as being a big issue. I think we owe it to our citizens to do our due diligence. Whatever is a good deal for AQUA today is going to be a good deal in 120 days. At least we will know and not say I wish we would have done that. I don't want to do that, I have to live here for another generation. **Jim Zucal:** Do we just want to automatically give this to RCAP or do other interviews. Do you want to competitively bid that, how do you want to do this? **Beth Oprisch:** I think RCAP is the only one who does this. **Jim Zucal:** Bret is sitting right there. **Bret Norton:** RCAP has offered to do two services for free and I think that is what the council woman has recommended to do. They can do that and not have to enter into a contract. **Perry Basile:** RCAP is a wonderful resource but we will still have to go to someone who deals with water engineering. I don't know if civil engineering overlaps with what we are looking for. **Julie Ward:** Just to clarify what we would do is to sit down with either the administration or whoever council wants us to, with the utility committee whoever you want us to. As far as the alternatives we would have a working session what are the pro's & con's, what questions do you want answered in order to make a good decision. Then you would have to get professional engineering service to give you costs of those alternatives. At the same time we would be gathering data from Cindi to look at the finances. So when we got the cost estimates we could look at the different funding options and run you different scenarios of what those impacts might look like for your rates. We are not going to do certified cost estimates but we can do those other things free of charge. But you can't hire an engineer until you know what the scope of the project is that you want to do. **Jim Velas:** I am looking at another concern also. The longer we delay anything we don't even know what the final offer from AQUA is. We do not know if it is even something that we are going to accept. The longer we wait to do anything whether it is to do studies or sales on the system, we

are fighting a time frame with the EPA. We are putting more money into fixing it and keeping it going. We don't know when that is going to go down again. We are putting thousands of dollars into a plant that we may tear down, we may go with County water in five to seven years. The concern I have is that water is probably the most important issue we had but we have aging infrastructure all over the place. We have a terrible storm sewer system especially for Belleview and people down there. They are getting awful tired of finding their basements full of stuff I didn't want to see. I have been down in several of those basements during a rain storm and saw water 2 feet deep. There is an overflow between the storm sewer and the wastewater sewers. They had raw waste in their basement. Every dime that we spend on the water plant is less money that we can put into the distribution lines. The lines are shot we know that. We don't pave any way near the number of streets that we used to pave because we don't have the money to do it. We had a paving budget this year of $150,000 and we lucked out and got another $50,000 and we are doing minimal streets because that is all we have the funds to do. I have lived in this town for a long time and I have seen a lot of paved roads that are going to turn into gravel roads in a few years if they don't get paved. Down in the Highlands it is terrible and that is a very nice housing section. We can't get the money to pave some of these streets. We try to keep the main streets as best we can because that is where everybody has to travel but we are very fortunate that the State still paves 40 & 9. Water is probably the most important problem we have but it is not the only problem. **Perry Basile:** I don't see that in 90 days we won't still be going back and forth with AQUA. So what is the hurry, there is still a lot that has to happen with AQUA in the meantime why don't we do our own survey or investigation. It is going to cost a whole ton of money if we make a mistake. **Linda Jordan:** I actually want to address Council. We all know that we have been discussing this issue for three years. Now all of a sudden in the last couple of months there have been questions and concerns. Another fact is every one on this council including the council president is very aware we need to do something now. Unfortunately some of you do not want to admit that. Some of you don't want to take the time to work with the Mayor and the Service Director all too satisfy your political aspirations and personal agendas. You need to do what is right. Put those personal agendas aside and do what is right. Ultimately it is not about if you get reelected, it is about doing what you were elected to do which is what is in the best interest of this city's residents. **Perry Basile:** I have to pay too. I have to live here. **Linda Jordan:** I live here too. We have been discussing this for three years. **Perry Basile:** I have been talking about it for two years. **Linda Jordan:** Some of us are just now coming up with these questions and reasons to stall. We need to move now. **Mark Bukmir:** Julie in your travels when we get the RCAP study done how much is it going to cost us to get an engineering study? **Julie:** feasibility studies usually run about $10,000 to $20,000. It depends on how many options. I see on your website that AQUA offered you $10.3 million, I thought gee a quarter of a percent would be like $25,000. I have not seen your finances so I don't know if that would create a hardship for you or not. **Bill Brooks:** You spent more than $10,000 investigating an officer of the City. **Mike Smith:** We have been talking about this for three years and we are still getting information. Another thing Cindi was confused, I think Jim was confused on a couple things today. We are still getting information and that is why I think we should give it another 90 days and maybe we will get the privatization. **John Tomlan:** How many communities have gone ahead and done a change without doing a feasibility study? **Julie:** I can't answer that because I have never worked with a

I think we should work with RCAP to get more information. **Richard:** That is a motion to the administration to investigate more possibilities. **Perry:** With the intention to hire an engineering firm to do a cost analysis. **Beth:** Too work with RCAP to do a financial feasibility study to develop a scope of work. **Jim Zucal:** Mr. President if I may, if that is the wish of council I would like a defined very definitive explanation of what you are looking for. You want a study on what? You want the condition of the plant, the condition of the infrastructure in the ground, the condition of the lift stations. So you want the condition of the water and the sewer. Do you want the rate structures, the system itself? What do we fix first, how many miles of pipe do we have in the ground. **Perry:** All of the above. This is the stuff that should have been done before we even considered selling. **Jim Zucal:** We have gone over that time and again over the three years. We have an engineering firm. We have a cost analysis, we know what it costs too replace the 4" pipe in the ground. We know what it takes to build a new plant. We have a cost analysis on the chemicals, on all of the components of the plant. **Perry:** We haven't sat down to prepare a plan to put in for grants or loans or whatever we need. **Jim:** That is the financial end. I don't know how many visitors Cindi gets but I can assure you I don't get any. **Julie:** have a quick question for your attorney. You indicated that the legislative body needs too direct the administration. What part does the Utility Committee play? Often we work through the actual Utility Committee as well as the administration. **Richard:** We have standing sub-committees that works with the administration and the committee discusses and advises the administration on things to do. Ultimately it is the Mayor who signs the contracts to do our work. That is the way our charter system is set up. **Julie:** You would work through the utility committee? **Richard:** Absolutely. **Beth:** I believe that we need to continue to get information and work with RCAP. I believe that what we have heard all along is all options are on the table. We are looking at everything, selling is still an option no question. Nothing that I have suggested has anything against AQUA. We have been given some options from RCAP and last meeting from Quicksall. I believe those need to be explored. Should we make a motion to continue to work with RCAP to develop a scope of work? **Richard:** That is fine, that can be done when we come back in two weeks. **Mark:** The issue is you to pinpoint for Mr. Myser what you want so he knows what to write up. **Beth:** I am withdrawing my motion and in two weeks we will have a resolution.

The Next Council Meeting will be Monday, September 3, 2019 at 7:30 in Council Chambers.
There being no further business to come before Council a motion to adjourn was made by Mark Bukmir and seconded by Frank Sabatino

Kathleen M. Kaluger

Kathleen M. Kaluger, Clerk

Frank Sabatino

Frank Sabatino, President Pro-Tem