

COUNCIL MINUTES

October 7, 2019

St. Clairsville City Council met in Council Chambers on Monday, October 7, 2019 with the following present:

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

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

Minutes: September 3, 2019, September 10, 2019, September 16, 2019

A motion to approve the minutes of the September 3, 2019 Council Meeting was made by Jim Velas and seconded by Linda Jordan.

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

A motion to approve the minutes of the September 10, 2019 Special Meeting was made by Linda Jordan and seconded by Mark Bukmir.

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

A motion to approve the minutes of the September 16, 2019 Meeting was made by Jim Velas and seconded by Perry Basile.

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:

Frank PaPini: I am Frank PaPini from Wallace Street and I thank you for allowing me to address you tonight. My concern is with the water situation in our city. I am not here to rehash everything that has been said before, nor to point fingers. I am asking that some type of compromise be reached with this Council and the citizens of this city. I have been enlightened as to the deteriorating conditions at the water plant and agree that something needs to be done to our antiquated system. I just don't feel privatization should be the first and only answer to this problem. I feel the citizens are being ignored in this process and we are the ones who are ultimately going to foot the bill. This is a tough situation that we find ourselves in today. Having been involved in negotiations and mediation for a long time, I feel that some type of common ground can be reached to satisfy everybody. I have asked the County Commissioners how long it would take for their new system to be on line and although they had no immediate time table, they said that they are going through the process of obtaining USDA loan/grant money. They just closed on the sewer side and are going through the process for the water side. Their new system will have a nine million gallon capacity as long as there is a water supply. An upgrade will be done on the pump station on Route 9 which will be critical to supplying water to the city of St. Clairsville. I feel a makeshift application can be done to our system in the interim. We should also look to submit a compromised plan of adjustments to the EPA for future considerations and possible waivers. This avenue should be considered until the county system goes on line. The County will then have the distribution system available to the city. If this is not an option for consideration, then I propose the citizens of St. Clairsville vote on a levy to tax themselves in order to pay for a new system. That to me is by far the more fair and equitable way. If the Citizens decline the levy and tax increases that would be needed to cover the costs, then a structured privatization plan with an opt-out-clause must be negotiated. This would allow us to withdraw from the agreement if we are not satisfied with the terms and conditions of service. We need some type of control over our own utilities and as elected officials you owe us that much. A final option for us is that if privatization is implemented by this Council, we as citizens can and should use a referendum to our city charter that allows us to file a petition within 30 days of your vote to collect the allotted percentage of signatures that will by our own charters language overturn your decision.

Pam Grey: Good evening we are the people of Bellview Street. We have heard thru the grapevine that if AQUA doesn't get brought into the city, that our Bellview Project will go away. Also heard that some of the council has switched over against AQUA, we are curious. We also heard that they want to hire another Engineering Company, Why, they have already spent the money & know where the problem is. We have been flooded 3 times in 1 year not with rain water but sewage. How would you like that in your basements? Some of us have lost a great deal and we fear every time it rains hard. We shouldn't have to live that way. Karen has to live with 30 sandbags in her yard to try to help keep water out. I basically lost everything in my basement in the last year. Now I live with washer, dryer & freezer on concrete blocks. Everything on shelves 2 up from the bottom. Lyndsie Hindman has the sewer cover in her front yard and ends up with toilet paper and worse every time we get flooded. She also has a 7 year old daughter that plays in that yard! Bill Piper lost his living quarters in the basement literally thousands of dollars, now his wall is caving in. Yes I know we aren't the only ones with problems but we have been told over and over this will be fixed. Maybe we should call the Council members next time to come over and help us clean up. Other people on our street have been affected also. It's not fair we pay our taxes for this city & get no results to our problems. Will this ever be fixed? We would like an answer from the Council in the near future.

Mark Poindexter: I am Mark Poindexter and I have had two St. Clairsville lives. I grew up here and moved back five or six years ago. As I walked into the room I saw Coach Jones, he will always be Coach Jones to me. We are a very competitive city. You forget that if you leave for a while and then come back. But as we are competitive we are surrounded by a lot of good people. One of the first folks we ran into when we moved back was Linda Jordan. We sat next to her at a Belmont County Board of Elections training session. She was so nice, helped us along with the paperwork, and helped us with where to go and what to do. As time went by we would see her sing and we had her at our church. It is knowing people and building relationships that really helped us along with getting reconnected here in St. Clairsville. There are lots of good people sitting here. I hope that we think about our history here. I joke and I tell people that I have 40 year old memories. I left here in my early 20's and now I am back. So I remember who lived in certain houses and who owned certain gas stations or ice cream parlor. As I look around this room there are some people here who will leave some terrific legacies. Mr. Bukmir was my neighbor. What a wonderful legacy his Father and Mother will leave for this community. Sometimes you have to think about the good people that are representing us and how tough it has to be. We are a very competitive community, always were and always will be. Sometimes it is ok too sit back, take a breath, walk around the building do whatever you have to do and just think maybe if I just looked at things from a different perspective. I am proud of everybody up here, I think you are doing the best that you can do. I think the support for this AQUA deal has been fabulous, I don't think we have had this many people here trying to move their ball forward. Thank you for your time, please think legacy.

Kathryn Thalman: I certainly am not a stranger here, I have been coming to the meetings for about six months when I was asked very serendipitously too be on a water board by the Mayor. As I went through the materials it just did not look like a good deal. We have all fought a good fight, we have brought information, we have brought anger, passion and this is where it has brought us. So tonight is not a time for passion or anger, it is a night of sadness and sorrow and frustration. Why should we be sad? Because some of our elected representatives have chosen political expediency over their sworn duty to represent the constituents they were elected to represent. Sadness because we are watching our city stagnate Sadness because politicians have chosen to defy rather than unify our community. I have to tell the story Mr. Sabatino, Mr. Velas and Mr. Bukmir my phone has been ringing off the hook with peoples frustrations that they are not getting return phone calls. They are not getting passion from you why you are holding so steadfast. I have such passion for this. I love this little town and I don't want to see it go down this road, I don't want it to be the only town in Belmont County when the prosperity that is coming does come too our County. Why do you think we got a Seventy Five Million Dollar grant? It is because of the prosperity and the infrastructure that is coming. We are going to be the only town that has sold our most precious commodity. That makes me sad but I get back to what I just said. Help us understand when we have had the EPA in here with alternatives, we have had RCAP in here with alternatives, we have had citizens, we have had representatives bring in alternative information and I am asking you right now if you would answer me. People are calling me day and night asking why you are holding this stand and won't let us hold off too look at alternatives. Can you answer me right now because I would like to take this back, I have taken phone numbers. **Jim Velas:** When it comes too alternatives no matter what people chose to believe or not believe we have been doing that. Too this point there has been no definite decision made. We just got the last bid in the form of a contract which everybody got in the last few days. I don't think anybody has really gone over it and that contract has to be compared with what we have found too this point what the other alternatives are. So it is not that other

alternatives have not been looked at, the main plan is to attempt to give very safe water at as low a rate that can possibly be provided and to find the best solution to do that. Privatize it then that is what we have to do. Not to privatize it and do it ourselves then that is what we need to do. We are in the process of looking at that at this point so that is basically all I can tell you.

Kathryn Thalman: I appreciate you answering. **Jim Velas:** I can't speak for anyone else but I have returned every phone call every message anybody has left. I have kept copies of emails, I have talked to people on the phone for hours, and I have told other people to give people my home phone number. If I am not there leave a message I will return the calls. **Kathryn**

Thalman: Mrs. Jordan why with all the information you have received why do you still think that giving us a little bit of time to explore another alternative is a bad idea? **Linda Jordan:**

Well because we have taken more than three years. I echo Mr. Vela's thoughts actually. **Frank**

Sabatino: Every meeting I hear you say you ask questions. If you have any questions the Mayor and the Service Director you go to their office and they will answer any question you want. For the public, if you get on the website the facts and figures are there. We have been transparent and I will correct you, we are not voting on that tonight. I will use facts, figures and data too make the decision for the betterment of the city of St. Clairsville and its citizens.

Bill Brooks: Asked for applause for retired Police Chief, Martin Kendra. I am not going to take up Council's time since I notified Council of this water situation in September 2018. I am going to say that I have always respected Mr. Sabatino and Mrs. Jordan. I remember when in October 2018 Council voted to support Build STC's efforts to pass the school levy. Mr. Sabatino and Mrs. Jordan both voted against the motion because they stated it wasn't about what they wanted, it was about what the citizens want. I hope when the vote comes up to sell our water system, they vote against it or at least vote to abstain until more information is provided.

Greg Honish: I am a resident of St. Clairsville and I appreciate a chance to address you and express my thoughts on the water situation here. Everybody in this room realizes we have a problem. We have an old system that is in need of repair. I commend Mayor Pugh, Director Zucal and this Council for addressing this issue. It has been long overdue. We got it out there now and we are working on it. I don't agree with the thought of selling this system to a private entity at this time. My understanding is the only qualified bid we received was from AQUA-OH. A project of this magnitude and to have this impact, we can't go forward with that with just one bid. Whether it is a good deal or not we don't have anything to compare it to. We need some more bids, either that means expanding the bidder list, maybe some changes in the specifications, I don't know but I can't believe that AQUA-OH is the only entity that we can go privately. Please take that into consideration. We need some more bids to see if this is a good deal. The second point is how this fits statically. Bill Brooks is the one who brought my attention to this. Is this what we really want to do for the long term is to privatize the water? Other communities are doing that but I have a lot of questions about it. What kind of rates of return could AQUA build into what they charge our residents? It is almost like a hidden tax. They are paying for whatever profit they will get from us. There has been some discussion about possibly partnering with the County or outside entities to help us get funding in fact I think AQUA is contemplating doing that. The final thing is that we don't feel pressured by the Ohio EPA to move forward with the sale. The other thing is the class three Operator. Wait until you get more information.

REPORTS:

Service Director, Jim Zucal

At the last Council meeting, I outlined the condition of our 9- year old water treatment plant and distribution system. Our systems have exceeded their useful life and some parts are literally crumbling. In August, we lost more treated water than we were able to deliver to our customers. More than 9 million gallons of water was lost too leaks throughout our system. Not only do we not know where these leaks are, we don't have the budget too fix them if we did. Crumbling infrastructure isn't our only problem and as you know, the Ohio EPA notified us of 26 violations and 18 recommendations in our water and wastewater systems dated September 9th. We're addressing many of them, but we simply don't have the funds or expertise to address them all. Mayor Pugh and I recently met with Craig Butler, Chief of the Ohio EPA's Southeast Ohio office and others from his office. They ae not going away and are here to stay. The water plant has exceeded its useful life and needs major repairs or a plan to replace it. They are going to keep a close eye to make sure the needed improvements get done correctly in a reasonable timeframe. They acknowledge that we have done a good job of taking care of the dozens of violations some that were pointed out too the last administration. But we still have many problems. Thankfully, they approved our plan for our Class 3 operator of record. This means we can share multiple operators to cover a seven-day week as long as their combined time totals forty hours. This isn't an ideal solution but it allows us to share these scarce operators either other jurisdictions for the time being. Regretfully, they said we're not currently eligible for grants. Loan amounts will need to be in the tens of millions of dollars because our distribution system is as bad as our plant. They confirmed earlier advice we'd received and stated, your bills need to be within 1.8-3.0 % of your median household income too compete for loans. They recommend for St. C too be at 2.5% Median household income and we are currently at .8%. That would mean doubling our rates. Finally they suggested they should come too address Council as a whole too discuss these issues. We expect to set up a meeting between Council and OEPA officials soon. Tonight the proposed Asset Purchase Agreements for the purchase of our water and wastewater systems will receive their first of three readings. Mayor Pugh is going to discuss what those agreements will and won't do. We know the systems need millions of dollars of investment. Millions we don't have and can't get without at least doubling our rates. AQUA is able to leverage their resources and keep rates much lower. For whatever reason, some people would prefer to double or even triple our rates too keep the government in control of these utilities. Doubling our rates too qualify for loans means our minimum bills would jump from 41.48 too well over \$100 a month or more over the next several years. Too vote against these agreements is too say that: You trust that the same institution that got you into this mess, will get us out and you believe that political entity, in spite of Neglecting the system for the past 30 years, preferring to pay for seemingly endless studies over making real investments. It assumes that our elected officials of the future will buckle down, make the tough decisions and have the expertise to make the right decisions. Too update our water system, it will cost the city between \$20 and \$25 million. Not to mention, we're carrying over \$3 and a half million in debt for past water and sewer projects. It all comes down to this: over the next few years, our water and wastewater systems need millions of dollars of investment and we don't have the money. Whatever we do, the city needs to take decisive action now too update both our water and our wastewater systems. I want our constituents too have clean safe drinking water at a reasonable price. Doubling our rates is not fair and I can't support such a plan. I believe Aqua is the right choice for this city. **Bill Brooks:** Is that a report or a lie? **Frank Sabatino:** Bill you are out of order, I will have you removed. **Beth Oprisch:** The only thing I can say about this is it is just not healthy, you are calling someone a liar. **Bill Brooks:** We have been hearing the same bull.

Beth Oprisch: All I am saying is I disagree with half the stuff but there is a way too be respectful in this room and that is the point I am making. **Bill Brooks:** Should I take my shoe off and throw it like they do in other countries? **Frank Sabatino:** Bill that is enough. **Beth Oprisch:** Is this the time to talk about the contract? **Frank Sabatino:** No. **Beth Oprisch:** Jim brought it up in his report. **Jim Zucal:** I am not prepared now. **Beth Oprisch:** That is my point we have had the contract for five days. They have had three months to negotiate it I would just ask that we don't have the first reading tonight until we have time to read the contract.

Mayor, Terry Pugh

Presented a Safety Award too Don Smithberger and his Electric Department that was awarded too them at the recent AMP Conference. A resolution was awarded to the Electric Department at the Conference for going too Woodsfield too help restore power in May.

Read the Police Report for August: Report is available in the Mayor's Office. Commended the Police Department for their hard work.

This past week the city employees with Richland Township employees completed paving work on several alleys in St. Clairsville and this cut the cost in half. In return we will help the Township with projects.

We have a special meeting scheduled for next Wednesday, October 16th at 6:30. Officials from the EPA have requested too have an Executive Session with Council. If the public has any questions they should get them too their Councilman.

At our meeting on October 21st Kim Bojko, our Attorney will be here too answer questions about the contract. If anyone has questions they should get them too their Councilman. This will be in the public meeting.

Tonight Council will take its first step toward solving our water and wastewater problems; problems that threaten our financial stability and the health and safety of our customers and our environment. I worry about major failures at our water plant or distribution system. I worry about the possibility of a breakdown that demands immediate repair and we can't afford too fix or even band-aid it now. I care deeply about this community and my roots are deep here. Jim and I have been talking about this since my first year in office. Jim has discussed our water and wastewater problems with council meeting since August 2016. Some claim we're rushing into our decision to solve these problems. I can't tell you how much it frustrates me too hear that. These aren't new problems. I've literally been asking the city to take these problems seriously for years. We began exploring options to pay for the millions of dollars we need more than three years ago. Selling the system wasn't even a consideration then. But we moved slowly, deliberately. Of those of you who think we rushed to this point, I'm glad you are finally paying attention. We've literally been looking at the problems and possible solutions for years. The City has neglected these systems for decades. Now is the time too face facts? It is time for each of us too be leaders and take action. Too those who suggest we delay decisions even more with the excuses like: "we should do more studies" or we should think about this more. I have to ask you this: When is enough, enough. Do we have to make national headlines like the City of Toledo? Do we wait until we have to quadruple our rates too fix it ourselves? More studies and discussions ae just delaying tactics to avoid making decisions. It is time to take action. And if

you don't act to approve this agreement, Council better start planning too double or triple rates. Too turn your back on this opportunity is too continue to gamble with the future of this community, our financial viability and our environment or too double utility bills to be able to get loans and be able to pay them back.

Contrary to what some people have claimed, the asset purchase agreements that will receive their first reading tonight does not "sell the City's water." It doesn't sell either of our reservoirs or the spillway or even the land where the water and wastewater treatment plants are located. What this agreement would sell, if passed, are the treatment plants themselves including the pipes, tanks and valves. It would sell the forty miles of mains, fire hydrants and sanitary sewer pipes that network through the city. Most importantly, it would get the city out from under the burden of paying too update those plants and system.

Police Chief, Jeff Henry - No Report

Finance Director, Cindi Henry

I do have two documents too present tonight. Resolution No. 2019-24 This is the Resolution that I emailed you about last week. This is the Resolution for our new water tank. When this project was put forth it was estimated to be 2.4 million dollars. After the bids and everything shook out it came down to 1.9 million. What happens though is all the funding metrologies change too. So OPWC got decreased because they go on the total project. What was 2 .4 is now 1.9. As a result of that we lost over \$200,000 of that anticipated funding. This has to be passed tonight.

Ordinance No. 2019-27 is accepting the rates that the Budget committee put together.

Planning and Zoning Administrator, Tom Murphy - No Report

COUNCIL COMMITTEES:

Finance, Mike Smith: No Report

Utilities, Frank Sabatino: Met Tonight, Congratulate Don Smithberger and Crew

Police, Mark Bukmir: No Report

Street North Side, Jim Velas: Several alleys in my ward

Street South Side, Beth Oprisch: No Report

Safety, Jim Velas: The safety meeting for the month was general safety. Good for the workers.

Building and Grounds, Perry Basile: No Report

Planning Commission, Mike Smith: No Report

Fire District, Frank Sabatino: The meeting was September 25th and we were told by the Chief that the new squad car would be in by the end of November but we were told there would be a delay on that. The next meeting will be Wednesday, October 16 at the main station.

Recreation, Linda Jordan: Flag football is ending on Sunday, The costume contest is October 26th if any Council people would like to judge that they would really appreciate it. The next meeting is October 21st at 4:00

Park District, Linda Jordan: The Park is in the process of installing a new splash pad. The meetings are now once a month and the next one is October 14th.

Law Director, Richard Myser:

Tonight we have six pieces of legislation first is Resolution No. 2019-22. That is the piece of legislation that is on its second reading. The second is Resolution No. 2019-24 on its first reading. Ordinance No. 2019-25 is on its first reading. Ordinance No. 2019-26 is on its first reading. Ordinance No. 2019-27 is also on its first reading.

There was presented and read to Council on its second 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 WE. QUICKS ALL 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. Beth Oprisch and seconded by Perry Basile.

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 Approved

There was presented and read too Council on its first reading by title only, RESOLUTION NO. 2019-24; A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ST. CLAIRSVILLE, TOO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT AGREEMENT FOR CONSTRUCTION OF THE NEW RESERVOIR. 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 first reading by title only, ORDINANCE NO. 2019-25; AN ORDINANCE AUTHORIZING THE MAYOR TOO ENTER INTO AN ASSET PURCHASE AGREEMENT BETWEEN THE CITY OF ST. CLAIRSVILLE, OHIO. AS SELLER AND AQUA OHIO WATER, INC., AS PURCHASER, AND AUTHORIZING THE ASSIGNMENT OF THE CITY'S RIGHTS AND OBLIGATIONS THEREUNDER AND DECLARING AN EMERGENCY.

There was presented and read to Council on its first reading by title only; ORDINANCE NO. 2019-26. AN ORDINANCE AUTHORIZING THE MAYOR TOO ENTER INTO AN ASSET PURCHASE AGREEMENT BETWEEN THE CITY OF ST. CLAIRSVILLE, OHIO, AS SELLER AND AQUA OHIO WASTEWATER, INC., AS PURCHASER, AND AUTHORIZING THE ASSIGNMENT OF THE CITY'S RIGHTS AND OBLIGATIONS THEREUNDER AND DECLARING AN EMERGENCY.

There was presented and read too Council on its first reading by title only; ORDINANCE NO. 2019-27; RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TOO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY. Jim Velas moved that the rules requiring Ordinances and Resolutions too be read on three separate readings be suspended and declaring an emergency; Mark Bukmir seconded the motion.

ROLL CALL VOTE:

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

There was presented and read too Council on its third and final reading by title only; ORDINANCE NO. 2019-27. A motion was made by Jim Velas and seconded by Linda Jordan the Ordinance No. 2019-27 be passed by Council.

ROLL CALL VOTE:

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

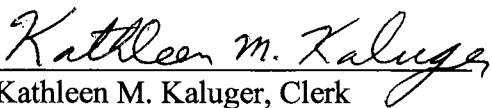
Ordinance NO. 2019-27 was declared adopted.

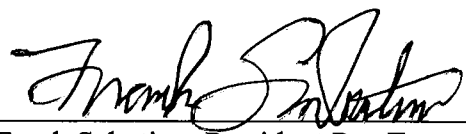
NEW, OLD & OTHER BUSINESS:

Trick or Treat Night on Wednesday, October 30th from 6:00 to 7:30.

Next Meeting will be Monday, October 21, 2019

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


Kathleen M. Kaluger, Clerk


Frank Sabatino, President Pro-Tem