

## COUNCIL MINUTES

November 18, 2019

St. Clairsville City Council met in Council Chambers on Monday, November 18, 2019

With the following present:

Jim Velas, Council President	Terry Pugh, Mayor
Perry Basile, Council, 1 <sup>st</sup> Ward	Richard Myser, Law Director
Mark Bukmir, Council, 3 <sup>rd</sup> Ward	Jim Zucal, Director of Public Services
Beth Oprisch, Council-At-Large	Cindi Henry, Finance Director
Frank Sabatino, Council, 2 <sup>nd</sup> Ward	Jeff Henry, Police Chief
Mike Smith, Council-At-Large	Tom Murphy, Planning & Zoning Administrator

The meeting was called to order by President, Jim Velas.

**Minutes:** A motion was made by Mike Smith and seconded by Perry Basile to approve the minutes of October 21, 2019.

ROLL CALL:

Basile	Yes		
Bukmir	Yes	Sabatino	Yes
Oprisch	Yes	Smith	Yes
Roll Call Vote:	Five (5) Yes	Zero (0) No	Motion Approved

**Mayor Pugh:** Letter from AQUA: After the recent tabling of the Asset Purchase Agreements for the purchase of the water and sewer systems as well as the results of the election, we wanted to follow-up with Aqua's perspective regarding our commitment to the City and helping you explore options to address your system-noncompliance with OEPA expectations. From the onset, we have taken the position that we are here to assist the City is addressing the severe issues being faced in both your drinking water and wastewater systems. We are confident that Aqua offers the best option for the City and its residents. In responding to the City's Request for Qualifications and Proposals, Aqua demonstrated both the technical and financial resources to address the City's issues, that the proposals reflect a fair purchase price for the systems given their condition and that we commit to millions of dollars of capital spending needed for a sustainable and affordable future. With that being said, we have no objection to City Council deferring the final vote to approve or reject the asset purchase agreements until the new administration and council has an opportunity to more fully evaluate the water and wastewater system issues along with the options they wish to explore. Aqua is willing to extend the current offers through April 6, 2020. After that we will need to respectfully rescind our offers. We continue to believe we can be a valuable resource to solve the City's outstanding issues and create a sustainable future for these operations. We are confident that the community and elected officials will ultimately recognize our offer as an opportunity for positive transformation for St. Clairsville. We also recognize that some parties feel they need more time to evaluate the situation and options for resolution. This extension is an attempt to honor that request.

**Jim Velas:** Under New Business there is an entry for a possible election for the 4<sup>th</sup> Ward vacant Council position. We started out with five people. One of the applicants has decided to withdraw.

A second applicant who expressed his interest in the position after some issues came up questioning the possibility that he actually applied late, he did not want to create an issue.

**CITIZENS HEARING:** We had a little problem with Citizens Hearing. People were used to sending an email to speak at Council. Council meetings are to conduct City Business it is not like a town hall meeting where everyone asks questions at random. That is why people are asked to apply. Three people did ask to speak and we just ask that you be courteous and polite. **Gabrielle Fillon:** Started her speech down grading Aqua-OH. **Jim Velas:** Informed her that we were not going to discuss Aqua until the New Year. When she would not discontinue her rant about Aqua she was escorted out of the Council Room.

**Terra Butler:** I just wanted to thank you for the opportunity to run for the 4<sup>th</sup> ward council seat. I really hope that I get the opportunity to sit with Council.

**Pat Halloran:** I had an issue I wanted to talk about that I can talk to Mr. Zucal later.

### **REPORTS:**

**Service Director, Jim Zucal:** No Report

### **Mayor, Terry Pugh:**

I would like to reappoint Bill Phipps and Charlie Bean to the Planning Commission and Charlie Bean and Mark Loy to the Board of Zoning Appeals. A motion was made by Mike Smith and seconded by Frank Sabatino too make these reappointments.

### **ROLL CALL:**

Basile	Yes		
Bukmir	Abstain	Sabatino	Yes
Oprisch	Yes	Smith	Yes
Roll Call Vote:	Four (4) Yes	One (1) Abstain	Motion Approved

**Police Chief, Jeff Henry:** The Christmas parade is on Sunday at 4:00. There will be road closures starting at 1:00.

**Finance Director, Cindi Henry:** No Report

### **Planning and Zoning Administrator, Tom Murphy:**

In July 2019 the Planning Commission voted for amending the Planning & Zoning Code. That includes the Zoning Map which need updating. The Commission wanted particular attention paid to the Zoning Map and updating. The request of the Commission grew out of the realization that property owned by the St. Clairsville School District was not zoned appropriately. Many of the existing school buildings are located in an R-1 Low Density District, R-2 Medium Density Residential, and CD Corridor District & C-1 Corridor District.

There is a Board of Zoning Appeals hearing scheduled for tomorrow at 6:00 p.m. in Council Chambers. Lancione, Lloyd and Hoffman and Buffalo Wild Wings want to establish offices at 104 South Sugar Street. That is regarded as a conditional use. Many of the regulations and restrictions are not conducive to any additions that may be planned in the future. The appropriate district for this land use would be Community Facilities District. In doing this analysis we found that many City owned properties were not zoned as Community Facilities. Other things that were

looked at were the extension of the Downtown District along West Main Street. Also looked at were areas along North and South Sugar Street and North and South Marietta Street. This meeting will not take place before the Planning Commission until February 3, 2020.

### **COUNCIL COMMITTEES**

**Finance, Mike Smith:** No Report

**Utilities, Frank Sabatino:** No Report

**Police, Mark Bukmir:** No Report

**Street North Side, Jim Velas:** No Report

**Street South Side, Beth Oprisch:** No Report

**Safety, Jim Velas:** Meeting was held this Thursday at the city garage on Reservoir road at 9:00 a.m. These are always worthwhile for the employees and any Council people who wish to attend.

**Building and Grounds, Perry Basile:** No Report

**Planning Commission, Mike Smith:** No Report

**Fire District, Frank Sabatino:** Our next meeting will be Wednesday, November 20<sup>th</sup> at 3:00 at the Main Station.

**Recreation, Linda Jordan:** Not Present

**Park District, Linda Jordan:** Not Present

### **ORDINANCES & RESOLUTIONS:**

**Law Director, Richard Myser:**

This evening we have four pieces of legislation to discuss. The first one is 2019-28, this is a resolution that is going to come before Council tonight on its second reading. This is the Resolution approving a partnership between the City of St. Clairsville and the Belmont County Soil and Water Conservation District. We do not have the required six members present so we cannot pass it on an emergency.

The second is Resolution No. 2019-29. This is also on its second reading and is the Resolution authorizing participation in the ODOT contract for Road Salt. Once again it cannot be passed on and emergency tonight.

The next two Ordinances have already been read on three readings. They are Ordinance No. 2019-25 and Ordinance No. 2019-26. Ordinance No. 25 is the resolution to authorize the contract with Aqua for the purchase of our Water System and Ordinance No. 26 is the ordinance authorizing the contract with Aqua for our Wastewater System. In light of the letter that the Mayor read to Council tonight and in mind that we do not have a full Council tonight and in light that we have a new administration coming in the beginning of the year, I am going to recommend to Council tonight that these two ordinances be tabled and no further action be taken until at least April 6<sup>th</sup>.

There was presented and read too Council on its second reading by title only, RESOLUTION NO. 2019-28; A RESOLUTION APPROVING A PARTNERSHIP BETWEEN THE CITY OF ST. CLAIRSVILLE, OHIO, AND THE BELMONT COUNTY SOIL AND WATER CONSERVATION DISTRICT.

There was presented and read to Council on its second reading by title only, RESOLUTION NO. 2019-29; A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT CONTRACT (018-20) FOR ROAD SALT AND DECLARING AN EMERGENCY.

There was presented and read to Council on its third and final reading by title only, ORDINANCE NO. 2019-25; AN ORDINANCE AUTHORIZING THE MAYOR TOO ENTER INTO AN ASSET PURCHASE AGREEMENT BETWEEN THE CITIES 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. A motion was made by Perry Basile and seconded by Beth Oprisch that Ordinance No. 2019-25 be tabled until after the first of the year.

ROLL CALL:

Basile	Yes		
Bukmir	Yes	Sabatino	Yes
Oprisch	Yes	Smith	Yes
Roll Call Vote:	Five (5) Yes	Zero (0) No	Motion Approved

There was presented and read to Council on its third and final reading by title only; ORDINANCE NO. 2019-26. 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. A motion was made by Perry Basile and seconded by Beth Oprisch that Ordinance No. 2019-26 be tabled until after the first of the year.

ROLL CALL:

Basile	Yes		
Bukmir	Yes	Sabatino	Yes
Oprisch	Yes	Smith	Yes
Roll Call Vote:	Five (5) Yes	Zero (0) No	Motion Approved

**NEW BUSINESS:** That brings us to the election of a 4<sup>th</sup> ward Council Person. A motion was made by Perry Basile and seconded by Mike Smith to nominate Terra Butler to the vacant 4<sup>th</sup> ward council seat.

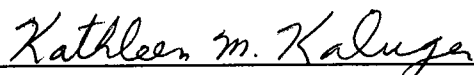
ROLL CALL:

Basile	Yes		
Bukmir	Yes	Sabatino	Abstain
Oprisch	Yes	Smith	Yes
Roll Call Vote:	Four (4) Yes	One (1) Abstain	Motion Approved

The Oath of Office was administered too Terra Butler by Law Director, Richard Myser.

The next meeting will be Monday, December 2<sup>nd</sup> at 7:30 in Council Chambers.

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

  
Kathleen M. Kaluger, Council Clerk

  
Jim Velas, Council President