

COUNCIL MINUTES

November 4, 2019

St. Clairsville City Council met in Council Chambers on Monday, November 4, 2019
With the following present:

Jim Velas, Council President	Terry Pugh, Mayor
Mark Bukmir, Council, 3 rd Ward	Jim Zucal, Director of Public Services
Linda Jordan, Council-At-Large	Richard Myser, Law Director
Beth Oprisch, Council-At-Large	Cindi Henry, Finance Director
Frank Sabatino, Council, 2 nd Ward	Jeff Henry, Police Chief
Mike Smith, Council-At-Large	Don Smithberger, Director of General Services

The meeting was called to order by President Jim Velas. I want to thank all of City Council for expressing the confidence they have in me for making me president of Council. I appreciate that and I will do the best job I possibly can. I would also like to thank everybody who is here tonight for coming. Unfortunately since this is my first meeting as President the penalty for coming is to listen to my little bit of speech before we start the meeting. Often in a City Council meeting many issues are discussed some not very important, some more complex and they can sometimes get very emotional on peoples and how they look at the issues that we have to deal with. I would like to make sure starting at this point for my tenure as President that the meetings are handled fairly, properly organized and most of all respectful. I am going to attempt to stick as close to Roberts Rules of Order in running the meeting as I can. I do have a copy that one of the residents was kind enough to give me and I got my own idiot version that I bought, it works a little bit better for me. The one thing I do want to say is I want to stick strictly to Roberts Rules. If people have the floor I want them to be able to speak without being interrupted by someone else in the audience or anybody on the administration or the Council, and the same thing with the Council. So please do not just stand up and start talking, please request to be recognized before you speak. That also maybe will give people another couple of seconds to think before they stand up and make a comment. Sometimes when some of the issues we are discussing get very passionate sometimes words come out to quickly and they shouldn't have come out. Please, I don't ever want to have to gavel anybody but if that need to be that is what we are going to have to do so thank you for coming, sorry you had to listen to my little speech but we will go from there. **Beth Oprisch:** I wanted to congratulate you, the Council hasn't been unanimous for a while and it was unanimous that you have our support. **Jim Velas:** Thank you very much, I appreciate it.

Minutes: October 7, 2019

The Clerk is still in the process of trying to transcribe the minutes from the October 21 meeting. It was kind of lengthy. A motion to approve the October 7, 2019 minutes was made by Mike Smith and seconded by Frank Sabatino.

ROLL CALL:

Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes		

Roll Call Vote:

Five (5) Yes

Zero (0) No

Motion Approved

CITIZENS HEARING: Milton Sumner, 213 Marietta St.

I am here tonight to not only express my strong opposition to selling the water system but also express my disappointment that our mayor and certain members of the council are not listening to the people. I am further disappointed in the fact that as a citizen I cannot ask questions that arise from discussion during the council meetings. These questions cannot be presented to our council person since they do not arise before the meeting. Subsequently, it is too late to ask them after the meeting because of the rule that prevents a person from bringing up an issue discussed in a previous meeting. I am sure that there are other alternatives to solve the water problem. However, council shot down the proposal to explore them. One solution that I believe would be the most beneficial is to place a bond issue on the ballot that would provide the necessary funds to solve the situation with the water system. The payment by the taxpayer then would be spread over many years and be much more affordable to we the citizens. It is also sad that mayors and councilpersons have neglected this problem for at least thirty years. I believe their neglect was due to fearing losing an election instead of passing the necessary legislation to solve the problems at that time. The stated rate increase of \$4.13 per 1,000 gallons would raise my bill by \$41.30 for water and another \$41.30 for sewage which adds up to be \$82.60. Further increases following 2026 add up to \$21.15. Add the sewage increase and the total would be 42.30%. This would raise my bill by another \$413.00. I cannot afford this since I am on a fixed income and presently have no additional funds left at the end of the month. Also, I do not believe Aqua Ohio is being honest in their assertions that rates would not rise to the five-year contract. If you check with Ashtabula, Ohio you will find they imposed system improvement fees of 3% in 2013 and 4.25% in 2015. Would they do the same too St. Clairsville? I also believe that since the state law says the utilities can recover costs and receive a reasonable profit that the PUCO would rule to override the contract. After all, after the sale Aqua Ohio would be under PUCO regulation and not the city since the city would no longer own the water and sewage systems. Furthermore, I believe that Aqua Ohio will patch the system until they can purchase water from the county. In closing, why can the city not do the same? **Beth Oprisch:** Thank you for coming, thank you for your comments.

Kathryn Thalman: Mr. Sumner that was wonderful. This has been an ongoing battle for six months, we have rallied, postulated, we brought numbers to the table and nothing was listened to. Our voices essentially have not been listened to. I urge you all tomorrow to make your voices heard loud and clear, exercise your right to vote.

Bill Brooks: Tonight City Council will probably vote on the privatization of our water systems. Regardless of how you Council members vote, it is going to create problems for our senior citizens and our hardworking families. Tomorrow is election day and however the citizen vote, I hope and pray that the City Council and the mayor can get back too working as a unit that will work in the best interests of our citizens. We need our City Council and Mayor to be transparent and too work in our best interests. No matter who the citizens elect as Mayor or to City Council at large, we need to support them. We have become a center of attention because of the way we have handled this year's election campaign and I will take my share of the blame, but we must vow to never let

this happen again. We must put our best foot forward and return to being the best community in the Ohio Valley – Paradise on the Hill.

Service Director, Jim Zucal: No Report

Mayor, Terry Pugh:

I handed out to Council the report that I received today from the EPA. It has items that have been done so far and the items that still need addressed and the only thing that I will read is the paragraph at the end that has never been on any previous report it reads. *Conclusion: Please be advised the violation evaluation will continue until the violations have been properly resolved. Failure to comply with chapter 6109 of the Ohio Revised Code and the rule promulgating there under may result in administrative or civil penalties up to \$25,000 per day for each violation. It is imperative that you turn to compliance. If the circumstances delay the resolution of the violations the City of St. Clairsville is requested to submit written correspondence of the steps that will be taken by a date certain to obtain compliance.* There are a few new findings in there. This is how serious the EPA is taking this matter. I have been asked to call after the vote tonight to the EPA Chief to advise him what the vote was with Aqua which I will do. **Beth Oprisch:** What are the new violations? **Mayor Pugh:** There is one in particular about the water plant its self that has never been in there before.

I would like to ask Council’s approval for an individual that is to fill Becky Modena’s position on the Recreation Board. Her name is Diane Schubert and she sent a letter expressing her interest in the position. A motion to approve Diane Schubert to a position on the Recreation Board was made by Linda Jordan and seconded by Beth Oprisch.

ROLL CALL:

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

I received today from AMP-Ohio a request for any student who may want to apply for an AMP scholarship. This information will be available in my secretary’s office. Nominations must be submitted by December 13, 2019.

Police Chief, Jeff Henry: We made it through trick or treat night. We had all the officers working, we had five cars out on the road. We only had one minor accident so everything was pretty good.

Finance Director, Cindi Henry: No Report

Planning and Zoning Administrator, Tom Murphy:

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.

The U.S. Census count will be held in April 2020. The local Representative recommends establishing a complete count committee to encourage residents to respond to the Census and be counted that helps out our community. It is recommended that a Council Member be a part of that committee. It is still early, I will keep you informed about what your responsibilities might be. I talk to various groups in the area to emphasize to them why the Census is important. I will give information to anyone stopping into the City Building. We will be printing information from the Census website and I would encourage Council to take some too pass out.

Everyone knows that Storm Water Management is getting more and more important you see that example down on Bellview. The Ohio EPA would like for us to partner with the Belmont County Soil and Water Conservation District regarding education of the public. I met with the Board in regard to partnering at their last Board Meeting on October 12th. They were all for that so they submitted a letter to us saying we want to partner with you and they sent a resolution for Council. It doesn't have to be an emergency. Any questions you might have feel free to ask.

COUNCIL COMMITTEES

Finance, Mike Smith: I handed out some papers to Council just to show a little bit of math on this water issue. I feel that we could do this ourselves if we wanted to.

Utilities, Frank Sabatino: The Utility Committee met tonight. **Don Smithberger:** Nothing to report. **Frank:** It is unfortunate what the rains have done to Bellview but on the bright side I understand because of the heavy rains the reservoirs are pretty much filled up. We do need to address Bellview for the residents down there.

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 last Thursday. It was well received by all of the employees. The next meeting will be the November 21st this month at the city garage on Reservoir road at 9:00 a.m.

Building and Grounds, Perry Basile: Not Present

Planning Commission, Mike Smith: No Report

Fire District, Frank Sabatino: At our last meeting like every department in this entire valley there is a great awareness of the status of I-70 and I-470 with the road condition. So far we have been able to work around it but we all know every day there are accidents that back traffic up and will be for the next two or three years. Our next meeting will be Wednesday, November 20th at 3:00 at the Main Station.

Recreation, Linda Jordan: The fantastic costume judging went very well and the Board would like to thank the people who donated all of the candy, the Rec Center did not have to pay for any of it.

Park District, Linda Jordan: No Report

ORDINANCES & RESOLUTIONS:

Law Director, Richard Myser: We have four pieces of Legislation to consider this evening. The first is 2019-25 that is the Ordinance 2019-25 this is the Ordinance to approve the contract between the City of St. Clairsville and Aqua Ohio for the privatization of our water system. This is up for its third reading but before we do that one thing that I would like to mention is two meetings ago when the Attorney that assisted Council in negotiating these contracts Council had questions for her. Perry Basile raised a very good question. It was related to the interim between the time when we pass this contract and the time when it actually goes into effect. If we were to pass the contract tonight the Ohio Public Works Commission must approve the contract. It may be six to eight months down the road. Perry's question was in that period of time if the City of St. Clairsville has to make expenditures to improve our system who is going to pay for that? Are we going to have to pay or is Aqua going to have to pay? The answer is Aqua will pick up the bill after the closing, after they take possession and after the contract is closed. Kim the Attorney thought that was a very good question. She took that to heart and she also took it back to Aqua. She sat down with Aqua again and renegotiated an amendment that will be attached to the contract that we are going to be considering tonight. Here is the amendment. *In the event that the Ohio EPA issues some type of order against the City of St. Clairsville requiring us to make an emergency expenditure of up to or more than \$250,000 before the closing takes place and if that expenditure was not already budgeted and planned for by the City Aqua has agreed to sit down with the City and negotiate the sharing of whatever that expense is. In a sense what they are doing they are willing to renegotiate and increase our purchase price in the event in interim period we are going to have to make some capital improvements to the system. They are willing to occur some of the expense. I wanted to bring that to Council's attention.* Are there any questions for me? Our next piece of legislation is 2019-26. This is the Ordinance to approve the contract between the City of St. Clairsville and Aqua-Ohio for our wastewater project. Both of these are up for their third reading tonight. The next piece of legislation is on its first reading tonight. It is seeking a partnership between the City of St. Clairsville and The Belmont County Soil and Water Conservation District. The next piece of legislation is Resolution No. 2019-29, this legislation authorized the City of St. Clairsville to participate in the ODOT contract for road salt. It does have emergency language in it.

Beth Oprisch: I have been concerned about this process ever since six members of Council voted to approve Ordinance No. 2019-08 giving the city administration the ability to explore the possibility to privatize our water and sewer systems. All other options seem to have gone off the table. We were not seriously looking at loans, we were not making the necessary improvements to the system, and we were not having the cost analysis that needed to be made or allowing a feasibility study that needed to be made. In March we would have had ample time for both studies. I am concerned that we were asked to begin the reading of these Ordinances before we had the opportunity to discuss the contracts with the attorneys that negotiated them. There was absolutely no reason why we had to start the readings on October 7th. We could have waited until October 21st when the attorneys attended our session. I am concerned that we were asked to vote on these ordinances on the day before the election, an election that could result in a new chief executive and two new Council Members. I believe that a vote tonight the day before the election is irresponsible and unwise. I am concerned that we are asked to vote on this ordinance without a full Council. A Council member was out of town last week so we were unable to interview the

candidates to fill Mr. Velas's position. We were right to wait for a full Council because the remaining Council are all interested in this. I am concerned that three members have voiced their legitimate concerns about attempting to get additional information and have asked questions for the last six months have been characterized as wanting to triple water rates, of kicking the can down the road and having defaming letters mailed and distributed about them by an anonymous person. The right to question authority should be applauded not condemned. A question should be welcome not characterized as officious. Personal attacks from anybody are not helpful they are unkind and hurtful. Calling someone a liar, questioning someone's military record, threatening to expose past behavior, discredit and embarrass someone, we are all better than this. I don't necessarily want to vote no on the resolution. Selling our water to Aqua could be the best decision but in the absence of information of what it would actually cost to fix our system and not knowing what our water and sewer rates would be I still believe we are missing information and we are rushing the sale. We have been presented with conflicting information for the past six months. We were originally told that we couldn't borrow money, then we were told we could borrow money but our rates would have to be 2.5% of the medium household income. We were told that our rates would have to double then we were told our rates would have to triple, now we are getting other figures that the rates may only go \$25 or \$30 per month. We have not been given the opportunity to rectify these inconsistencies. Craig Butler from the Ohio EPA confirmed too me that our rates are not at 2.5 of the medium household income. He also confirmed to me that they don't have to be. I think that everybody understands that our rates will have to be increased in order to satisfy an EPA loan. Any amount we would have to show how we are going to pay it back. Water and Sewer rates would increase but to what amount I don't think we know. We don't have that figure and until we have that. This decision is going to have lasting consequences. I have only spoken to one person in the last six months that said to sell. His rationale was his rates won't be affected for the next few years. As a Council person I don't have the luxury of that kind of thinking. My responsibility as a Council Woman is to the present and the future.

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 TO 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 Frank Sabatino and seconded by Linda Jordan that Ordinance No. 2019-25 be passed by Council.

ROLL CALL:

Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	No
Oprisch	No		
Roll Call Vote:	Three (3) Yes	Two (2) No	Motion Not 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 TO 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 Frank Sabatino and seconded by Mark Bukmir that Ordinance No. 2019-26 be passed by Council.

ROLL CALL:

Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	No
Oprisch	No		
Roll Call Vote:	Three (3) Yes	Two (2) No	Motion Not Approved

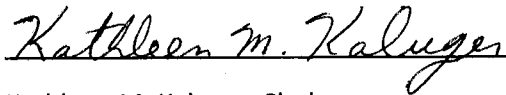
There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2019-28; A RESOLUTION APPROVING A PARTNERSHIP BETWEEN THE CITY OF ST. CLAIRSVILLE, OHIO, AND THE BELMONT COUNTY SOIL AND WATER CONSERVATION DISTRICT.

There was presented and read too Council on its first 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.

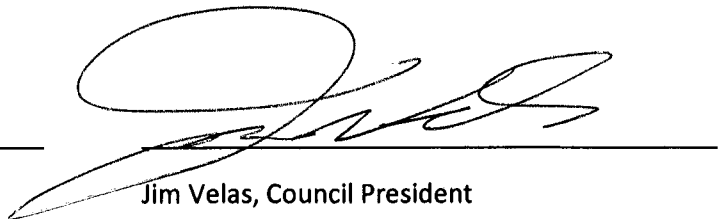
NEW BUSINESS: We will be getting together to consider filling the 4th ward vacancy and we will figure a date to get together with the few people who are interested. Council has thirty days from the day the seat was vacated to appoint a new member the request was that the interviews be before the entire Council. The 18th will be the last day Council can make the decision after that it will be up to the Mayor to appoint a new council member.

The next meeting will be Monday, November 18th 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 Frank Sabatino.



Kathleen M. Kaluger, Clerk



Jim Velas, Council President