

COUNCIL MINUTES

February 3, 2020

St. Clairsville City Council met in Council Chambers on Monday, February 3, 2020 with the following present:

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

Kathryn Thalman, Mayor
Jim Zucal, Public Service/Safety Director
Tom Murphy, Planning & Zoning Administrator
Elizabeth Glick, Law Director

The meeting was called to order by Council President Jim Velas. President Velas led Council and attendees in the Pledge of Allegiance. Mr. Velas thanks everyone for attending the meeting tonight and asks the Clerk to call the roll.

ROLL CALL:

Basile Here	Oprisch Here
Bukmir Here	Sabatino Here
Butler Here	Smith Here
Jordan Here	

Minutes: President Velas asks if anyone has any questions about the January 21, 2020, minutes. A motion was made by Councilwoman Oprisch and seconded by Councilman Smith to approve the minutes of January 21, 2020.

ROLL CALL:

Basile Yes	Oprisch Yes
Bukmir Abstain	Sabatino Yes
Butler Yes	Smith Yes
Jordan Yes	

Roll Call Vote: Six (6) Yes Zero (0) No One (1) Abstention Motion Approved

CITIZENS HEARING: Carl Rockaway; and Lance Rice.

Mr. Carl Rockaway (113 Clairborne St.) spoke to Council about traffic signs on Hickman Avenue which concern him. Mr. Rockaway states there is a stop sign on both ends of Hickman, but there also is a “do not enter” sign on one end. He questions why the “do not enter” sign is there. Mr. Rockaway also told Council that cars regularly park in front of the fire hydrant across the street from his house. He cites the Ohio Revised Code 4511.68 regarding distances needed for parking near a fire hydrant (10’) and a stop sign (30’); he requested that a “no parking” sign be placed behind the fire hydrant and red paint added to the curb because he is concerned that a fire truck responding to an emergency on Clairborne could not access the hydrant. **Mr. Zucal** responds that the City will take care of the hydrant issue and will get back to Mr. Rockaway after

discussing the traffic sign issue as a group. Councilwoman Oprisch asks for his phone number so that the City can get back to him.

Mr. Lance Rice (112 Orchard Dr.) I will be speaking on the [Cumberland Trail] Fire District Trustee appointments. I have been with the Cumberland Trail Fire District for 25 years, serving as a Lieutenant, Fire Chief, and Union President (for 13 years), and states he is not here as a representative of the Cumberland Trail Fire District but as a citizen of St. Clairsville. Mr. Rice states his concern is at the last City Council meeting questions were asked about the Cumberland Trail Fire Board District and the appointments onto the Fire Board. Frank Sabatino is the City Council representative on the Fire Board and has served in this position for over 20 years. There seemed to be some confusion if there are bylaws and where they could be found. I do not believe that any Fire Board bylaws exist. The Fire Board operates under ORC [Ohio Revised Code] 505.371 which only references the two positions appointed by the City of St. Clairsville City Council and Richland Township Trustees. The other two Fire Board Trustees are not referenced in the ORC. The City of St. Clairsville representative and the Richland Township representative seem to be appointed as they go along without any predetermined plan or written procedure. I do believe they are legitimate positions, and at some point in the past 30 years they were created and approved by Fire Board Trustees, but specific procedures and terms have been lost in past board meeting minutes and no formal policies or procedures were documented. It was said that these vacant Fire Board positions are advertised and applicants are taken, but that is not always the case. Again, there are no bylaws or written procedure.

In January and February of 2016 -- and I have a copy of the Board minutes from those dates -- there were temporary appointments to fill the Fire Board Trustees so they would have a quorum. February 29, 2016 Perry Jones was appointed as Fire Board Trustee representing the City of St. Clairsville; this position was not advertised. March 23, 2016 Tom Costine was appointed Fire Board Trustee representing Richland Township; this position was not advertised. June 29, 2016 Tom Costine's resignation was accepted from the Fire Board. July, 27 2016 Richland Township Trustees advertised for the opening that exists on the Fire Board. August 24, 2016 Fire Board Chair Rick Ferrell reported two applicants had submitted letters of interest. The Fire Board Trustees interviewed the applicants, and Todd Whitchey was appointed Fire Board Trustee at the September Fire Board regular meeting.

The question was asked about why only 4 Fire Board members and not a 5th. What happens if there is a tie? This question was answered "that is the way it is set up". I have always asked about that. My question is who was always asked and as a Fire Board Trustee they should have the ability to fix this problem. I don't believe the Mayor would be the tie-breaker for a critical issue. I would ask what qualifies as a critical issue.

To finish, I did not come here to speak tonight to throw stones or criticize anyone. I came here to hopefully clear up some questions and concerns I had. This topic has gone on for many years, and five minutes is not enough time to cover everything. I also want to reassure everyone that Cumberland Trail Fire District provides excellent Fire and EMS service because of the firefighters, EMTs and paramedics who are there every day. This lack of written procedure involving the Fire Board has nothing to do with the day to day emergency operations. The Fire Department has clear defined procedures and standing operating guidelines.

President Velas asks if there are any questions or comments?

Councilwoman Oprisch thanks Mr. Rice for coming and says she appreciates the clarity. The two positions are spelled out by Code, and the other two positions have not been advertised. **Mr. Rice** adds that sometimes the positions have been advertised, and sometimes they have not been. **Councilwoman Oprisch** confirms with President Velas that the City Council position on the Fire Board is established by the City Council President every year, and she asks how the second City (or resident) position is named, and she asks if it is a compensated position?

Councilman Sabatino Very minimal. \$25.

President Velas confirms that the position is compensated at \$25 per month. He asks Councilman Sabatino how the City resident position is decided. He states that he knows the [Richland Township] Trustees' position rotates year to year. But, is it the Board that appoints the other two positions?

Councilman Sabatino Like Mr. Rice just said, we advertise the one position, but a lot of times they ask if the person just wants to stay on it because a lot of people don't want to give up that time.

Mayor Thalman Without advertising it?

Councilman Sabatino So we just appoint it. That's the way it was when I got on, and that's the way it continued.

President Velas Who actually has the bylaws?

Councilman Sabatino You'd have to ask Chief Hall that. I know he has been looking for them.

Councilwoman Oprisch There are no bylaws. You can't find something that doesn't exist. The Board is governed by the Ohio Revised Code and two appointments are absolutely in Code; that was done in the late 1980s. [Responding to information from the public] '89. The composition of the Board it just...

Councilman Sabatino interjects asking why is this such a big issue, why is this such a big issue, Ms. Oprisch?

Councilwoman Oprisch I was curious about the Board appointments and had a couple of questions. You gave a report last week. I appreciate the clarification from Lance [Rice].

Councilman Sabatino The Board has been great, things run smooth, there has been no controversy, and I don't know what the big issue is.

President Velas My only question is, if there is a big issue the Board would vote on, what happens if there is a tie?

Councilman Sabatino I was always told the Mayor -- Bob Vincenzo, a charter member, and as Mayor -- would break any tie if needed, but there has never been a tie, never.

Councilman Basile questions whether we are compliant with the Ohio Revised Code?

Councilman Sabatino Again, you would have to ask Chief Hall. I'm just a Board member, and I haven't been there from the beginning. I've just been appointed by the City to represent the City. And that's all I can tell you. Obviously, I'm being scrutinized, so I am not going to say any more without having any knowledge of it. So, if you want it investigated, you can go from there. That would be my advice.

Mayor Thalman states that she would like to see it done in compliance if it is a paid position. And, if it is to be advertised, I would like to see it done correctly, just my two cents.

President Velas tries to clarify that if there are no bylaws, then the ORC governs everything.

Councilman Sabatino I guess. Again, you'd have to ask an attorney.

President Velas suggests we need legal counsel to look into it.

Law Director Glick That is something I will have to look into.

Councilwoman Oprisch states her desire to know how the City assigns the resident representative. I think that is a fair question.

President Velas suggests we need to look into it if we don't have bylaws, what we are doing and what we need to do.

Councilman Basile Do they have a charter that spells anything out?

Councilman Sabatino They just told you. If there are no bylaws, then it is governed by the Ohio Revised Code.

President Velas asks Frank [Sabatino] and Lance [Rice], is it correct that the Cumberland Trail Fire District is perhaps one of the first or second joint districts in the state, so everything was kind of a hit or miss thing? But, now the ORC covers it. But, I guess before we know if we are violating bylaws, we need to know if we have bylaws.

Councilman Sabatino The only thing I know is that before I was appointed, the City rep never attended the meeting, and I only missed 3 or 4 meetings with excuse in 20 years. I'm just serving the City in that capacity, reporting to the City. It is run well, and there is no controversy, we have a positive attitude no matter who has been on that Board, those guys have a job to do and it is a life or death situation, we try to give them the best equipment/material that they need, we are fortunate to have a supportive tax base, and we are able to give them good vehicles and

equipment. And, I don't know what is the big issue. I don't know why we are tampering with something that works well.

Mayor Thalman adds that she wants to make sure it is functioning correctly.

Councilman Sabatino adds that it speaks for itself, Mayor.

President Velas adds that we also have an excellent fire district/fire department. They are to be commended. And, we will ask the Law Director to check into this.

Reports:

Public Service/Safety Director, Jim Zucal: The Ohio EPA has issued its Findings & Orders for the City of New Philadelphia -- St. Clairville, excuse me -- regarding our drinking water program. It was dated January 28, 2020. The Administration is taking this very seriously.

The Mayor and I talked with Russell Flagg, the acting chief for our [OEPA] district, who said we have three options:

1. to accept the Findings & Orders, and to put in place a unilateral agreement;
2. negotiate just the timeframes of this document, and we are looking at doing that; we are talking with the Law Director and the Mayor has some ideas. We are going to meet with the group in Columbus and negotiate the timeframes on completing these actions; and
3. not act at all, which certainly would not be in the best interest of the City, and it is not even an option.

It is a very serious matter, and we will act on it. The Ohio EPA is willing to work with us. I will keep the folks in the community posted on this. We will continue to do our best.

Speaking on behalf of the City's Police Department tonight, we would like to thank the American Legion Post 159 for the purchase of four tactical binoculars for each of the cruisers. The City thanks the American Legion, and we appreciate all they've done for the City.

President Velas Does anyone have any questions for Mr. Zucal?

Councilman Sabatino asks if Mr. Zucal is actively involved in answering the [Ohio] EPA? **Mr. Zucal** states yes, the Mayor and I had a conference call with Russell Flagg, and I have and will continue to talk with them, and we are meeting tomorrow with Jeff Vaughn a local, licensed engineer to talk to the EPA again. And, the Law Director is looking at some dates when the administration can go to Columbus and talk to the Ohio EPA. The Mayor and Law Director will talk to the legal team in Columbus.

Councilwoman Oprisch asks if our Class III Operator will be in on the meeting with the EPA tomorrow?

Mr. Zucal states he doesn't think so as it is an administrative function. I don't know what a Class III Operator would bring to the table as far as discussing the [end of comments].

Mayor Thalman adds that what we will discuss tomorrow, Beth [Oprisch], is a sheet of mandates with timelines, and the negotiation we will have when we go to Columbus is to try to negotiate more time to resolve some of these problems. Jeff Vaughn has graciously agreed to sit down with us to get appropriate timelines for things like exercising valves and deciding 2" versus 6" lines. We will take this timeline to Columbus with the Law Director to see if we can negotiate that extra time.

Councilwoman Jordan inquires about the cost involved with Jeff Vaughn.

Mayor Thalman We are looking at approximately \$25,000.

Councilwoman Oprisch adds I think this is two different things.

Mayor Thalman OK.

Councilwoman Oprisch What you are talking about, Jim, you just invited him [Jeff Vaughn] to this meeting. The report is what I am going to report about.

Mr. Zucal states he [Vaughn] will be attending, but he doesn't know whether there is a cost to that. I'm not privy to that.

Councilwoman Oprisch For tomorrow's meeting...is that what you are asking, Linda [Jordan]?

Councilwoman Jordan No. Kathryn [Thalman] was expanding on Jeff was going to do some things.

Mayor Thalman He is going to help us decide a reasonable timeline to take to the EPA. He's just coming in because we've asked him as a contractor to help us decide these timelines.

Councilwoman Jordan asks were any of the other St. Clairsville engineers invited for a consultation or estimate or anything?

Mayor Thalman No. We are in a big time crunch.

Councilman Sabatino Mayor, I have a question for you about Jeff Vaughn. If I remember right, when a citizens committee was disbanded which you were on with Mr. Brooks and Jeff Vaughn, I distinctly remember that there was a quote in the paper from you that anyone that was on that committee should not benefit from it? Do you remember that?

Mayor Thalman I do, but he [Jeff Vaughn] is just coming in to help us with the timeline. We have a two week deadline. He's helping us otherwise we are going to be fined badly.

Councilman Sabatino And, he is not on a retainer?

Mayor Thalman No.

Councilman Sabatino I find that unbelievable in today's day and age.

Councilwoman Oprisch That's the kind of guy he [Jeff Vaughn] is.

President Velas We'll move on to the Mayor's report.

Mayor, Kathryn Thalman: Thank you. We are going to try something different tonight. I asked Jim Behl to bring some equipment to the meeting to enable all of the citizens to hear. I promised transparency and a lack of hidden agendas; availability of full information required for collaboration, cooperation, and collective decision making.

I want to preface that with when I started my career I was the first woman as a sales rep with General Mills food company -- in a man's world. Then, I went to work for Sanofi-Armour Pharmaceuticals and I was the only woman -- again, working in a man's world. So, I want to see us working with collaboration, cooperation, and collective decision making; however, if we have to get tough, I can do that too. But, I want to look at the way we do business. And, we are making sure we have the right people in the right places, doing the right work. In the spirit of cooperation, I had proposed a Director of Development last month, and we are going to table that tonight. I heard the people. But, that's not to say at some point we might revisit it because our City needs economic development to sell our City to other parts of the county and to bring other businesses in.

I would like to respond to some of the questions at the last meeting. In particular, questions about the Public Service Director and Finance Director job postings, including whether the posting was in compliance with the Charter due to payroll being left out. Mr. Sabatino, I checked with Clemans-Nelson about the employment ad, and it is perfectly acceptable. The notice in the paper is an advertisement of the position, not the actual posting of the job description. And, because these positions are appointments, it is a moot point anyway. I also was questioned about my campaign's position to reduce taxes and expenditures. Posting of the complete job description in the newspaper would have cost thousands of dollars for the City's taxpayers without any return on investment.

Mr. Sabatino raised questions about permitting dogs in the municipal buildings. Clemans-Nelson investigated this pro bono since it was a phone call. There are no ordinances to prohibit dogs in the building according to the Ohio Revised Code, City's Charter, and personnel rules, or the Belmont County Health Department. Mayor Thalman asks Councilman Sabatino to do a report about assisted dogs, therapy dogs and animals in the building. However, I will not be riding my horse down the sidewalk because there is an ordinance I found. Hopefully, that answers that.

And, you brought up fiscal responsibility. Every dollar in the City budget is your money, it is my money. In my short time on the job, I've spent time determining revenues and expenditures of the City up to this point. Tonight, I want to inform the citizens about money which was spent in the City in 2019 which wasn't discussed in a public setting that I am aware of. We spent \$30,426.00 in August and September to Street Consulting, and that wasn't consulting about

fixing the streets. That was a consulting company at \$158 an hour to try to make us sell our water to Aqua. That was your previous Mayor who spent that.

Councilwoman Oprisch Excuse me, Mayor. This is news. So, I just want to try to understand. In two months' time, we spent \$30,000?

Mayor Thalman Yes. We spent \$30,426.00 at \$158 per hour for someone to write a couple press releases. We also spent \$66,000 with Clemans-Nelson & Associates for human resources purposes; we won't be spending that much this year. Also, the law firm of Carpenter-Lipps, we spent \$110,000 for the Roger Barack utility lawsuit. We won't be spending that kind of money either. I agree fiscal responsibility is so important, and I am going to be going through these numbers like a Jack Russell. I will be checking, Mr. Sabatino.

Councilman Sabatino I'm glad you will.

Councilwoman Oprisch Was some of that money for insurance or [unintelligible].

Mayor Thalman Strictly, law firm. Next slide please. We have two big contracts coming up this year with the FOP [Fraternal Order of Police] and the AFSCME [American Federation of State, County and Municipal Employees]. We are going to be doing good faith negotiations with both. Clemans-Nelson is not going to be negotiating these this year; we will be doing it ourselves. This will save a lot of money.

I met with Mr. Murphy who has done a fabulous job. He has a report about how he has been working to change the zoning and codes to make the City more business friendly. He is going to update the GIS map of the City which will improve the development of the St. Clair Commons. Excellent steps to get business going. We met with Belmont County Commissioner J.P. Dutton and Larry Merry, the Director of the Belmont County Port Authority, to discuss the mutual goal of developing the St. Clair Commons. They want to pass a resolution now that the City and the County are finally working together to develop and bring prosperity.

Kirk Porterfield and the St. Clairsville Noon Rotary have purchased 56 veterans' flags; thanks also to the municipal employees for the great job they did installing them. They will be adding barcodes to the bottom of the post which you can scan with your cell phone to hear information about each veteran's history. This entire project to honor our veterans was done at no cost to the City. Thank you to the Noon Rotary and its members. There are more flags available at \$100 per flag, so anyone interested should speak with Kirk Porterfield.

I've met with John Tomlan who is leading the Morning Rotary in another project to plant the Mayor's Garden and the landscape along the bike trail. I think that is fabulous. I've asked them to plant one row of Brussel sprouts.

We met with Jeannette Wierzbicki with OMEGA [Ohio Mid-Eastern Governments Association] about funding including the water and wastewater projects.

Thank you to Kathy Kaluger for her many years of service, and thank you to Mike Troullos for his service as Acting Chief of Police during the interim period. I also want to thank the American Legion Post 159 for their binoculars for the Police vehicles.

We are going to make an announcement tonight for a new Police Chief. We have a dedicated officer offering 28 years of progressive law enforcement experience. He always goes above and beyond job requirements to make a lasting impact on the department and public with exceptional integrity, leadership and problem solving abilities. He has worked for the City of St. Clairsville since June of 1998. His current assignments include: Belmont County Major Crimes Unit, Belmont County Swat Team Assistant Team Leader, Belmont County Swat Team Sniper, Field Training Officer, Firearms Instructor, Taser Instructor, A.L.I.C.E. Instructor, Stop Stick Instructor, Evidence Room Manager, Body Cam Manager, Car Cam Manager, Glock Armorer, and Weapons System Manager. This man has had an exceptional career. Can we do this now, Jim? We are recommending to Council the appointment of Matthew Arbenz be the new Chief of Police.

That's the end of my Mayor's Report. Thank you for giving me a chance to try out this new technology. If you like it, tell me; if you don't like it, tell me. Thank you.

Councilman Sabatino I have several questions for the Mayor. Bellview Street residents, where are we? **Mayor Thalman** We are looking at that with two contracting companies, and we are looking at having City employees do it. **Councilman Sabatino** You were talking about your finances. It has been pointed out to me that you've given a \$5,000 raise to the Rec Center director. Who authorized that? **Mayor Thalman** Sir. I did not, that was already done. **Councilman Sabatino** By whom? **Mayor Thalman** I guess my predecessor. **Councilman Sabatino** Not the way I heard it. I heard it was you and, if it was you, that is a financial violation of the Charter of this City. **Councilwoman Oprisch** She just said it wasn't. **Mayor Thalman** It wasn't.

Councilman Sabatino I have a disagreement with you and Ms. Glick. The way the position was publicized for the Service Director, specifically "limited oversight of police operations;" I don't care if you streamlined it, you changed the wording on it. That is an illegal, that's another violation. **Mayor Thalman** Actually, that wasn't done by me. **Councilman Sabatino** Well, whoever did it. And, how much did that ad cost? **Mayor Thalman** We'll talk about it. Why don't you come to my office? **Councilman Sabatino** I brought this up two weeks ago. Ms. Glick told me you two were meeting last Tuesday, and you'd get back to me, and I'm still waiting for a phone call. So much for transparency. **Law Director Glick** Attempts to make a point about referring the question to Clemans-Nelson. **Mayor Thalman** Sir, I referred it to Clemans-Nelson. I just read the answer to you, that it is appropriate. **Councilman Sabatino** You wrote it, and that's not how the Charter states it. That's illegal, that's a violation. **Mayor Thalman** Why don't you come to my office, and we will discuss it. **Councilman Sabatino** Going on...

Councilman Basile You know, Frank, you need to just quit.

Councilman Sabatino Excuse me, I have the floor.

President Velas states that Councilman Sabatino has the floor.

Councilman Sabatino What's the job status of Mr. Zucal and Cindi [Henry]? Are you going to reappoint him or keep him? **Mayor Thalman** That's at my discretion. **Councilman Sabatino** Well, I think you owe this Council and this City an explanation. **Mayor Thalman** Those jobs have been advertised. I'm still in the process of interviewing. And, the best candidate will be here. **Councilman Sabatino** The deadline was January 27. **Mayor Thalman** That was the deadline for resumes, and I have them all that came in; the interview process is ongoing. **Councilman Sabatino** OK, I think you owe Mr. Zucal and Ms. Henry some kind of deadline date. All of these job postings...who is determining the amount of money? **Mayor Thalman** I don't understand your question. **Councilman Sabatino** Well, you know with your friend, you proposed the Director job, and...**Mayor Thalman** Excuse me, Frank, but I've talked to two lawyers, and they've told me that rings strongly of sexism. **Councilman Sabatino** I'm just talking about the finances. Who determined the amount of money that was set? **Mayor Thalman** For what, the job postings? **Councilman Sabatino** Or, the salary of that individual? **Mayor Thalman** They are negotiable. **Councilman Sabatino** But, you know, I'm on Finance, and I've never heard anything. **Mayor Thalman** That's because no one has been hired yet. **Councilman Sabatino** Are you determining that on your own? And, if you are, you are again in violation of the Charter. **Mayor Thalman** No. No. Come down and talk to me. You stated at an October meeting that if anyone has a problem, they should come and speak to the Mayor. So, why don't you take that advice now? **Councilman Sabatino** Well, Mayor, I have a lot of things going on, and it is not just me. It is the citizens of this City who pay taxes. **Mayor Thalman** That's exactly right which is why I pointed out those terrible expenses from last year. **Councilman Sabatino** Well, that was last year...that was last year.

President Velas At this point, I don't think we are going to accomplish a whole lot. Maybe it would be a good idea for you to sit down with the Law Director, and maybe we can get ahold of Clemans-Nelson and get this straightened out to see if we are totally in compliance with what the Charter says.

Councilman Sabatino There are a lot of questions out there. I understand there was a citizen who tried to come in a couple times to see the Mayor and, instead of being at the Mayor's office, her car was always on her driveway.

Mayor Thalman That's a lie.

President Velas Frank, we are not going to accomplish anything with this.

[Unintelligible due to the various voices who are talking over each other for about 15 seconds.]

Councilman Sabatino So much for transparency.

Mayor Thalman Mr. Sabatino, this is a part-time job. Let me finish answering. This is a part-time job, and I've been in there every day. What are you doing, trolling my street?

Councilwoman Oprisch This discourse, this is ridiculous. Seriously. It's fine to ask a question. It's fine to ask a question, but come on.

Councilman Sabatino Ms. Oprisch, is it all right when you ask questions?

President Velas Frank [Sabatino], we are not going to accomplish anything with this.

Police: President Velas states that we don't have an Acting Chief here this evening.

Finance Director, Cindi Henry: **President Velas** states that the Finance Director is not here, she is still ill. She has a couple of motions that she needs acted on this evening. They've been given to Mr. Smith, who is on the Finance Committee. This has to do with several purchases which were made after the deadline and apparently they were unaware and they were charged. Cindi [Henry] said we need to have a motion read and approved by Council so that these bills can get paid.

Councilman Smith Do we need a resolution? Do you want me to go now?

President Velas It's just a motion to approve them.

Councilman Smith Can we have a motion to pay a few bills which need to be paid? The first one is for Sew Biz, and I think they do sewing or stitching for the Rec Center, for \$2,375. A bill to Erb Electric for \$189. And, some type of a water filter at the Rec Center; there is no price on it but it shouldn't have been that expensive.

President Velas There probably should have been a price on that one, so we may not be able to approve that one tonight.

Councilman Smith Then, there is a publishing bill in the paper for \$499.

President Velas Those will have to be separate motions on each bill for Council to decide whether or not they are going to approve payment on those. So, I'll need somebody to make a motion

[Council members are speaking among themselves.]

Councilman Smith Should we find out what these are for first?

President Velas The one had to do with stuff for uniforms for the Rec Center. Sean [Hanley] went ahead and charged these things after the deadline before he was aware that he could no longer purchase anything. So, Cindi can't pay the bills without Council's approval.

Councilman Bukmir Ms. Henry says she needs them approved first. How can we approve one without the price?

President Velas That one we can't approve. But that can be done at a later date.

Councilman Bukmir But she needs it done.

Councilwoman Oprisch Are these just motions, so we don't need the three readings?

President Velas We just need a separate motion for each one.

Councilman Smith I'd like to make a motion to approve the payment of Sew Biz in the amount of \$2,375.00? **Councilman Basile** offers a second.

ROLL CALL:

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

Councilman Smith I'd also like to make a motion to approve payment to Erb Electric of \$189.00; **Councilwoman Oprisch** offers a second.

ROLL CALL:

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

Councilman Smith We are going to skip the water filter, and I'll move on to the last one. We have two publishing bills for \$499.00, payable to I assume its the newspaper.

President Velas I think that had to do with advertisements too.

Councilman Sabatino asks if that would have been the legal ads? [He directs the question to the Council Clerk (in her role as Executive Assistant to the Public Service/Safety Director) about whether these newspaper ads were for the Public Service/Safety Director and Finance Director positions which were advertised.] **Ms. Mertz** Are you asking me? **Councilman Sabatino** Yes, because I don't know. **President Velas** I think these all had to do with the Rec Center. **Mr. Zucal** No, these were for the legal ads for the Service Director and Finance Director. **Ms. Mertz** No, I don't think so. They were more than that, and I haven't submitted them yet, so I don't think that's it. **Mr. Zucal** They were \$499 each. I think they were.

President Velas OK. Apparently it was the legal ad.

Councilman Smith OK. So I make a motion to pay \$499 for publishing in the newspaper; otherwise we will never get another ad in the paper?

Councilwoman Oprisch So, I'm fine with that, but I don't think it was that.

President Velas I'm not sure.

Councilman Smith None of them lists what they are for. So, at the next meeting we can report specifically.

Councilwoman Oprisch So, I have no problem seconding it since we did the ad, so we need to pay it.

President Velas It was definitely our ad.

Councilman Sabatino I think someone should have put this on paper for Council to see.

President Velas Again, Cindi [Henry] contacted me and said that these were purchases after the deadline which they were unaware of. And, she wants to pay them, but without the approval of Council, she can't pay them.

Councilman Sabatino Again, there is confusion on this. What are these for? I don't know.

President Velas They are ads for the newspaper. I'm just not sure what they were for.

Councilwoman Oprisch offers a second to the earlier motion of Councilman Smith to pay two publishing bills for \$499, payable to the newspaper.

ROLL CALL:

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

President Velas The other one we don't have an amount for. We'll move on to Planning & Zoning, Mr. Murphy.

Planning & Zoning Administrator, Tom Murphy:

The first item is a reappointment to the Board of Architectural Review. I've talked to Kathryn [Thalman] last week. I contacted Jeremy Greenwood, an architect, who has served on the Board for approximately nine years, his term is expiring, and he is interested in serving again. City Council votes on that. **Mayor Thalman** I'd like to make the recommendation that Jeremy Greenwood be reappointed to the Board of Architectural Review.

Councilwoman Jordan makes a motion to rename Jeremy Greenwood as the chair of the City's Board of Architectural Review; **Councilman Basile** seconds the motion.

ROLL CALL:

Basile Yes	Oprisch Yes
Bukmir Yes	Sabatino Yes
Butler Yes	Smith Yes

Jordan Yes

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

Mr. Murphy states the next item for Council is the Planning Commission meeting earlier tonight. You have a staff report in front of you which outlines the proposed changes. The Planning Commission voted unanimously that Council adopt the proposed changes. There is a required public hearing before City Council which is the next step. The public, and Council members who haven't already done so, can contact me and I will review the changes with them. The proposed changes bring the zoning in line with what the properties are already being used for. They will streamline the process and bring government owned and other properties into compliance with what they should be. March 16, the same day as City Council, is the date we are looking at for the public hearing.

The final thing, I try to bring an interesting census fact since Council is the complete count committee. Doug Walsh, the [St. Clairsville Public] Library Director, told me that much of the library's funding comes from the state, which bases its allocation on the population of each county. Everyone uses the library and its programming, so this is one example of why an accurate count in the census is important to the City and its residents.

Councilwoman Jordan Before we go into our Committee reports, I have questions for Kathryn from citizens and also from myself. I don't know if you want to do that now. **Mayor Thalman** Sure.

President Velas Technically, you could have asked them after her report, but we can do it now.

Councilwoman Jordan These are from citizens who want to know why you are willing to lose the only people that know all about the operations of the City's government.

Mayor Thalman Meaning?

Councilwoman Jordan Meaning, Cindi [Henry], Jim [Zucal] and Kathy [Kaluger]. They specified those names.

Mayor Thalman I appreciate the question, but there are other people in the world who do understand the workings of government. And, I promised change, and I'm looking -- and I'm not saying those changes have happened yet -- but I'm looking for the person who will best serve the City as far as my initiatives are concerned. I appreciate their concern. I appreciate their loyalty, but again.

Councilwoman Jordan It wasn't loyalty, it was about knowing City government.

Mayor Thalman Like I said, tell them that they can rest assured that there are other people in the area that have knowledge of City government because I have talked to several. So, I appreciate that.

Councilwoman Jordan OK. Have those people applied that you've spoken with and who have experience and knowledge of our City's government?

Mayor Thalman Yes. A City government, but if you stay in your bubble, you don't learn anything. So, we're talking to people who have knowledge of all kinds of issues.

Councilwoman Jordan And they asked after seeing the minutes, when you have the individual meetings with the police, who were in those meetings? It said "we".

Mayor Thalman Myself, someone who is helping me, Jody Williams, and then each policeman.

Councilwoman Jordan And, why not Mr. Zucal?

Mayor Thalman Because those were merely meetings to get to know them, it was not an interview. I just wanted to sit down and say "hello" type of meetings. They were nothing legal; there was no specific reason.

Councilwoman Jordan My question. When you had the meeting with the two Council people and the engineer, why wasn't Zucal included?

Mayor Thalman Because they stopped in and wanted to have a meeting, and we did.

Councilwoman Jordan Have a meeting with the engineer?

Mayor Thalman Because I was asking him some questions about things that might be going on with the water.

Councilwoman Jordan And, why have you been holding the interviews outside the building as opposed to the Mayor's office?

Mayor Thalman Because I can have them anywhere I wish.

Councilwoman Jordan But, why not in the Mayor's office?

Mayor Thalman What's the difference?

Councilwoman Jordan What happened to transparency?

Mayor Thalman It is transparent. Do you want me to bring people in and interview them in front of everyone? That's kind of a ridiculous question, Linda. Honestly, what's the difference? It is for my comfort and their comfort.

Councilwoman Jordan It just seems a little [unintelligible]. Was it just you and the candidates?

Mayor Thalman Yes.

Councilwoman Jordan Offsite? All of the candidates?

Mayor Thalman Yes. And, two drive through employees at Burger King, who may have heard something.

President Velas Any more questions, Linda.

Councilwoman Jordan No.

President Velas OK. We'll move on to the Committee reports.

COMMITTEE REPORTS:

Finance, Chair Mike Smith: I haven't seen Cindi [Henry] in a while. We do have a meeting the third Monday of this month. I expect to have some information on other expenditures besides the ones Kathryn [Thalman] pointed out. Other than that, that's all I have.

President Velas Any questions for Mike?

Councilman Sabatino Yes. Mike, in Cindi's [Henry] absence, how involved are you in finances?

Chair Smith I don't do anything with the software, don't write any checks/pay any bills or anything like that.

Councilman Sabatino Were you instructed to perform those duties? You just assumed those duties because you are on finance?

Chair Smith What duties are you talking about?

Councilman Sabatino Well, whatever, decision making?

Chair Smith I've never done any decision making up here.

Councilman Sabatino OK. Thank you.

President Velas We'll move onto Utilities.

Utilities, Chair Beth Oprisch: We had a Utility meeting tonight as we do the first Monday of every month. The Utility Committee meeting is at 6:30, and it is open to the public. And, if they would like to be on the agenda, we'd appreciate knowing that. At the beginning of the meeting, we go through stuff we usually talk about like adjustments. If people have utility issues, we try to address them in a consistent manner. The City wants to participate heavily in the CODE RED program through 911, where we get everyone's contact information so we can inform people if the power or water goes out in their area or of inclement weather. We are going to put something on the March utility bills to remind people that Council in 2017 voted to raise water

and sewer utility rates which will happen in March. The increases in rates which were adopted in 2017 aren't going to be anywhere near what we need to cover issues we have with water and sewer. We know there are issues which we have talked about for seven months. We have an extension from Aqua until April 3, 2020, in order to decide whether to sell or not sell. When the new administration took over, Aqua extended the deadline because they wanted the new administration to study this and figure out what they wanted to do, sell or maintain. As the Utility Chair, I have talked with the Mayor about going forward to do a study to get the numbers that we need to really compare the difference between selling and maintaining the system. The numbers have been lacking in trying to make an informed decision. So the Mayor and I spoke with Jeff Vaughn, and Jeff just presented at the Utility Committee meeting a scope of work, a contract. That would be this engineering study that the public seemed certainly to want as we were having the discussions about selling the water, along with some of the Council. So, he is prepared to do a report which will take a couple of months, but we are under deadlines by the EPA. And, we are going to have a meeting tomorrow to talk about the deadlines. It's not negotiable what we need to do, it is just a question of when it gets done. We know that we need to do this; we know that our water and our sewer need attention. But, some of us have been asking for quite some time for this study. What is it going to cost? We know what we will be paid if we sell it, but there are concerns about what it will take to maintain it. So, this report should answer those questions with hard numbers and give us the information to make an informed decision. But, we face a deadline. Vaughn, Coast & Vaughn are local engineers. To me, it is the logical choice. He is knowledgeable and, I think Jim will concur with this that, he has been an ally to the City. And, it is reasonable, a cost of \$25,000. We wish we didn't have to spend it, but Kathryn [Thalman] is going to make sure we have the money to enter into this contract. It isn't anything that has to be bid out because it is under \$50,000. It isn't a lot of money, especially in light of the City having spent \$30,000 to sell it. It is \$25,000 to sell it or maybe save it. But, we don't know until we get the numbers. What I've said all along is that I can't make the decision because I didn't have the information. This is a report that I think will give us those numbers and be a piece of the puzzle. I don't think we need a resolution? It's kind of a question.

Law Director Glick I don't think we would need a resolution for this. It is under the bid amount.

Chair Oprisch It is one piece of the puzzle. And, we only have until April 3 to figure this out.

President Velas As Mr. Zucal said, the [Ohio] EPA did present their mandates and requirements that have to be done, and they've given us choices to figure this out. There is going to be a meeting tomorrow with the EPA, and they have not only given us choices, they have given us deadlines. Tomorrow, the meeting will be to negotiate those deadlines, and they will let us know whether we have time to do this, but we won't know before the meeting tomorrow. President Velas recognizes Councilman Sabatino.

Councilman Sabatino I've got a question for Beth [Oprisch]. Beth, at tonight's Utility meeting, how many Council members were in attendance?

Chair Oprisch I was there, as the Chair. Terra and Mark are on the Committee, and they were there. Perry also attended. It is open to anybody.

Councilman Sabatino Yea, I understand that. I was the Utilities chair too. I don't know if you realize but four Council members in a meeting like that is a Sunshine, that's a violation.

Chair Oprisch The door was open, it is open to the public.

Councilman Sabatino Four is a meeting, if you look on the Committee's [unintelligible].

Councilman Basile No, that's in private. This is a public meeting.

Chair Oprisch It is public.

Councilman Basile It is a public meeting.

Chair Oprisch If it was in private, I would completely concur. But, it was public. That's why it is not private. The door was open. Jim, Kathryn, Jim, everyone was in there was saying keep the door open. We kept the door open. It was a public meeting. As you, as the [former] chair, know it was a public meeting. So, it is not a violation of the Sunshine law.

President Velas As I understand it, correct me if I am wrong, Elizabeth [Glick], because the meetings specifically scheduled on a regular basis – it is on the website – and is open to the public for anyone that wants to attend those meetings, and the door was kept open...the only thing is, if there were enough people, we would probably have to move those committee meetings in here. All of the Committee meetings are open. Technically, since they are scheduled and advertised, we are OK with there being more than three [Council members] in there.

Law Director Glick Right.

Councilman Sabatino Clarification on this money \$25,000 to Vaughn and associates, are we spending that or projecting to spend that?

Chair Oprisch That's the cost.

Councilman Sabatino And, will we be paying them right now?

Chair Oprisch Not until the report is done.

Councilman Sabatino OK. On behalf of the citizens, do we need to spend \$25,000 more dollars to someone to tell us that our water and our infrastructure is severely lacking and you better get going on it and, basically, it sucks?

Chair Oprisch He's not going to tell us that.

Councilman Sabatino To me, it is just a waste of money.

Chair Oprisch So, we know that, right, and we have not done anything to get more information about that for quite some time. So, this report is not just going to tell us that our infrastructure to quote you "sucks", it is going to tell us the cost to maintain it. And, that to me, is important.

Councilman Sabatino I thought we've had that figure several times over.

Chair Oprisch We have not.

President Velas Basically, again, if the study is done at all it will be if the EPA grants us enough time to do it. My understanding is it is just to consider which of the five three options the EPA has given us we are going to choose. And the big issue is sell or don't sell and that will be based if the cost of everything and based on whether the EPA gives us enough of a timeframe to do a study. We've got the extension from Aqua. But again the time negotiations with the EPA will be tomorrow to see how much extra time they are willing to [unintelligible].

Mayor Thalman Jim [Velas], the negotiations, we have to go to Columbus maybe on Wednesday for that. The negotiations with the EPA are not tomorrow. We are going to sit down with Jeff [Vaughn] and ask him to give us a realistic timeframe to do these things. So that we go Wednesday and take that information to the EPA and say will you negotiate with us to give us this much realistic time.

President Velas OK, so that's basically when the EPA will still have to say no, you have to stick to our timelines, or we will grant you more time to make your decision on which option. That's the way I understood it. Am I correct with this?

Law Director Glick You are correct.

Councilman Sabatino Is Mr. Vaughn still being gracious or are we on the clock right now?

President Velas Pardon?

Councilman Sabatino Is Mr. Vaughn being gracious, as the Mayor said, or when does the clock start?

Councilwoman Oprisch Mr. Vaughn is being gracious.

President Velas Excuse me. My understanding is, there will be no charge for his consulting unless we actually ask him to perform a study. At this point, I'm assuming, is...

Councilman Basile He is being gracious.

Mayor Thalman He is being gracious.

President Velas ...[continues] doing this to say this is the time we need. So, right now, it is not costing us anything. The cost would be if in fact we are going to pursue a study. Until then, there is no cost.

Councilman Sabatino Pay now or pay later. That's all I have. Thank you.

Councilman Basile That's Aqua's slogan.

President Velas OK. Mark, Street report.

Police, Chair Mark Bukmir: No report.

Streets-North, Chair Terra Butler: Chair Butler reports on her visits with a couple of residents on Bellview over the weekend, especially, the ones who have major flooding in their basements. They wanted reassurance that they are not being forgotten about with the change of administration. I guess they were told that it would be started in the spring of this year. I told them I would be getting more information for them and keep in touch with them. **Mr. Zucal** To remind everyone, that project is engineered, it's designed, and it is ready to go. All we need is a permit to install from the Ohio EPA, and the biggest problem is that we still don't have the funding. So it is ready to go. **Chair Butler** OK.

President Velas We do have an \$800,000 interest free loan for thirty years. **Chair Butler** And, they did know that. **President Velas** But that only goes for a year before we can lose that funding.

Councilwoman Oprisch asks what the clock on that? **Mr. Zucal** That's only half. Excuse me. That's \$1.6 million.

Councilwoman Oprisch asks what's the clock on that loan? **Mr. Zucal** It expires on June 1st.

President Velas That would be a year since the loan was approved. And, if you don't start the project within that timeframe, you lose the money. Any questions?

Streets-South, Chair Beth Oprisch: No report.

Safety, Chair Terra Butler: The last City safety meeting was Wednesday, January 22; it was a good meeting. And the next one is on the 20th, the third Thursday of the month.

President Velas Confirmed the date with Don Smithberger [Superintendent of General Services] who was in attendance, and adds it begins at 9:00. Any questions?

Building & Grounds, Chair Perry Basile: Chair Basile reports that he did a tour of the City buildings. I'll start with the Rec Center. The stalls in the boys and girls bathrooms, we did get two bids on materials for that. He remembers last year we had gotten other bids so he wants to resubmit that to Sean [Hanley] to follow up on the previous one to give us three bids. He asked Sean to confirm that the size is ADA compliant. The shower floors are torn up, water fountains

need repaired, and volunteers may fix the bathroom issue. The Electric Garage has a vent on top of one of the bays that is leaking. He spoke with Don about, weather permitting, getting the guys up there with tar to fix the roof. We want to maintain our buildings since maintenance is more cost effective than having to rebuild the buildings. So, we are going to be diligent about maintaining what we have. There also is an issue with the exterior siding on that building which was built in 2010 maybe. The steel siding is starting to pit in some areas and the paint has some problems, so we are looking at maybe repainting it next year. The Rec Center was painted last year and it is already peeling, so I want to check what the warranty is on that paint. We'll figure out the issues with the paint out once we find the contractor that did the work. The Waste Water Plant in the main bays and in the warehouse needs light bulbs. I didn't get a chance to talk to Don about that, and I'm not sure what bulbs are in there. I'd like to see what the cost of what we did on the main streets and put up LED lighting there which might be more cost effective than trying to buy expensive bulbs. That's my report.

President Velas Any questions or input? **Mr. Zucal** If I may. Just an update, I talked to the Mayor. On the Rec Center bathrooms, the City passed legislation, and we talked to Jason Baughman, to accept the Mid-East Ohio Building Department, and defers to **Mr. Murphy** who confirms that prior to any construction on any non-residential building, a permit review and inspection are mandated under the Mid-East Ohio Building Department. **Mr. Zucal** We are going to get plans, which need the approval of the building authority [the Mid-East Ohio Building Department], then we can use volunteers to build it -- but it has to be ADA compliant. **Mr. Murphy** Yes, prior to any construction, the Mid-East Ohio Building Department of Ohio has to review the plans, and approve them and come out and do inspections. They have to make sure that whatever construction follows the plans and ultimately if everything is, approve it. The last thing the City would want to do is move forward and then there would be an issue, and they would fine the City. We don't want to see that happen.

Chair Basile Sure, absolutely. One other thing, I apologize, citizens have concerns that this building [Municipal Building] is not ADA compliant. The situation with this building is that we really can't do construction on it to make it that way, so we are looking at other alternatives to allow citizens to sit in on our meetings. Jim [Velas] and I are exploring all of our different options. We should come up with something pretty soon because we want to make it accessible for the citizens.

Mayor Thalman Perry, I wanted to mention that several of our citizens and policemen also volunteered their time to help with the Rec Center. Any questions or comments?

Planning Commission, Chair Frank Sabatino: Tom [Murphy] summed it up, nothing to add.

Fire District, Chair Frank Sabatino: The next open meeting of the Fire Board has been moved from Wednesday, February 19 to February 26; it is open to the public. Any questions for Frank.

Recreation, Chair Linda Jordan: The next meeting of the Rec Board is Monday, February 17. Riesbeck's is once again partnering with us on Community Day, and that was initiated by former Mayor Terry Pugh, so we can look forward to the great fireworks we had last year.

Park District, Chair Linda Jordan: No report other than that the next meeting is Monday, February 10.

President Velas Any questions for Linda?

Councilman Sabatino The \$5,000 raise for Sean, did the Rec Board know about that? **Chair Jordan** No.

Councilman Sabatino Why not?

Chair Jordan It was not brought up to us. Maybe at the next meeting?

Mayor Thalman Linda, I have a question. The money allocated for the concerts, is there any possibility of getting corporate sponsors for the concerts? **Chair Jordan** For instance, last year, the Chamber of Commerce sponsored one of the more expensive bands. Yes, we do go after that. **Councilwoman Oprisch** Did Outback do something? **Chair Jordan** Outback feeds the bands at every concert. **Mayor Thalman** Is there a 501 (c) (3) that they could take a deduction if they did help sponsor a band? **Chair Jordan** That I don't know. It's quite possible. **Councilman Smith** I think they just call it advertising or sponsorship. Any other questions for Linda on Parks and Recreation?

ORDINANCES & RESOLUTIONS:

Law Director, Elizabeth Glick: I have up for its second reading Resolution Number 2020-2:
Mayor Thalman That's going to be tabled. **Ms. Glick** Is there a motion to table that?

President Velas The Mayor has expressed, that was the creation of the new position, that Council at this time table the creation of that new position. Can we have a motion?

Councilwoman Oprisch makes a motion to table Resolution Number 2020-2; Councilwoman Butler seconds the motion. **RESOLUTION NO. 2020-2; A RESOLUTION CREATING THE POSITION OF CHIEF OF STAFF/ DIRECTOR OF DEVELOPMENT.**

ROLL CALL:

Basile Yes

Bukmir

Councilman Bukmir What are we voting on? I don't have that Ordinance in front of me.

President Velas Reminds Council that Mark [Bukmir] wasn't here.

Councilman Bukmir Creating a Chief of Staff/Director of Development?

President Velas Right. Creating a Chief of Staff. It had its first reading, and she is now requesting that this legislation be tabled at this time, not to take any further action.

Councilman Bukmir To table it? I'm fine with tabling it.

ROLL CALL:

Basile Yes

Oprisch Yes

Bukmir Yes

Sabatino Yes

Butler Yes

Smith Yes

Jordan Yes

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

President Velas That resolution has been tabled.

Law Director Glick I have up for the first reading Resolution Number 2020-4.

Mayor Thalman Jim, do you want to read that? The creation of the police chief.

Law Director Glick Yes. The appointment to a police chief which has a resolution, and you have it as an emergency.

Councilwoman Oprisch Is it really a resolution? Isn't it the Mayor appointing and we approve and three readings?

Law Director Glick Historically, you've done appointments by resolution. So, it is a resolution, and we have it as an emergency measure which must be approved by five members.

Councilwoman Oprisch OK. Thank you. I just trying to be clear.

Law Director Glick Historically, it has been done that way.

President Velas One question before she reads it. It does contain emergency language, and if it does not pass on emergency basis, then it will require three readings to make that appointment?

Law Director Glick Yes.

The Clerk reads the title of the legislation. **RESOLUTION NUMBER 2020-4: A RESOLUTION CONFIRMING THE HIRE OF MATT ARBENZ AS THE CHIEF OF POLICE FROM AND AFTER FEBRUARY 3, 2020 AND DECLARING AN EMERGENCY.**

President Velas That is the first reading. Does anyone want to make a motion?

Councilman Basile moves that the rules requiring Ordinances and Resolutions to be read on three separate readings be suspended and declaring an emergency to consider Resolution Number 2020-4.

President Velas We need a second.

Councilwoman Oprisch I will second it, but they have questions.

President Velas It can be discussed after the second.

Councilwoman Oprisch OK. I second it.

Councilman Sabatino Question. I'm very confused because I go back to the paper. And, the Service Director is being written as "limited oversight of police operations". All right, Mr. Zucal were you limited or was that your sole decision? And, again, this has nothing to do with Matt Arbenz. Matt is a very fine individual. I'm just questioning the procedure.

Mr. Zucal It is my understanding that I make the recommendation. I made the recommendation. But, that's what I did.

Councilman Sabatino And, you said recommendation. You didn't make the appointment? Isn't that what the Charter says?

Mr. Zucal I don't make the appointment.

Law Director Glick No. You don't make the appointment.

Mr. Zucal I make the recommendation.

President Velas And Council approves it or disapproves it.

Councilman Sabatino On a personal level and, again this has nothing to do with Officer Arbenz. Matt is a very fine individual. I've known him for a long time. For what reason, why wasn't this Lieutenant Troullos, who has been in that capacity for a bunch of years, considered? Can you expand on your reasons? Or is that the Mayor?

Mr. Zucal I'd have to defer to the Mayor.

President Velas I don't think so. If I am correct, the only question which is under discussion at the moment is whether this is an emergency not the question of who was recommended. Am I correct on that?

Law Director Glick Yes. You are.

Councilman Sabatino Again, this has nothing to do with Matt Arbenz. I've said that twice already. I feel like Lieutenant Troullos has paid his dues to this City, and we voted him as interim. And, he is the most qualified.

President Velas We are going back over the same thing. I understand, but that's not what we are voting on.

Councilman Sabatino I'm just stating my opinion. I feel like he [Troullos] has earned it, and he is the most deserving.

President Velas We are going to call the roll on passing this as emergency legislation.

ROLL CALL:

Basile Yes

Oprisch Yes

Bukmir No

Sabatino No

Butler Yes

Smith Yes

Jordan *No

Roll Call Vote: Four (4) Yes Three (3) No Motion not agreed to

[***Councilwoman Jordan** I'm sure he is a fine, fine officer, but considering the fact that Lieutenant Troullos is qualified and has experience with the position, I have to vote no.]

Council President Velas states that the resolution cannot be passed as emergency legislation on a 4 – 3 vote, so this vote will be considered the first reading of the legislation. The second reading will take place at the next Council meeting.

Law Director Glick Mr. President, I have a request from a Council member to go into Executive Session. The motion is to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official.

Executive Session:

At approximately 9:05 P. M. a motion to go into executive session is made by Councilwoman Oprisch and seconded by Councilwoman Butler.

ROLL CALL:

Basile Yes

Oprisch Yes

Bukmir yes

Sabatino No

Butler Yes

Smith Yes

Jordan Yes

Roll Call Vote: Six (6) Yes One (1) No Motion Approved

Council President Velas states Council now is in Executive Session.

President Velas We are back in Regular Session [at approximately 9:20 P. M.]. There is no correspondence. So, the next meeting will be on Tuesday

Councilman Sabatino Mr. Velas. Two things, one old, one new. A question for Ms. Glick. At the last meeting, I requested a report under public record act about the recent discipline of a City police officer. I asked for the discipline, the procedure and the circumstances about it and the officer's personal and existing folder or folders under the public record act. Can I have a copy of that?

Law Director Glick I apologize. Councilman, I did not.

Mayor Thalman I've got a letter for you, Frank [Sabatino]. The FOP asks that all disciplinary procedures be carried out in a private and business-like manner. If you'd like that, discuss it with Elizabeth [Glick] what you are allowed and not allowed.

Councilman Sabatino I'm just saying, I would like to see his folder and how it was handled and why.

Law Director Glick And, I will look, and that has to be in accordance with FOP contract.

Councilman Sabatino They are public records.

Mayor Thalman But the FOP contract says it will be in a private and business-like manner.

Councilman Sabatino I'm talking public records.

Mayor Thalman Here it is. [Mayor holds up a letter.]

Councilman Sabatino Second question. Thanks to Kathy [Kaluger] for 28 years of service. Who is the Secretary?

Mayor Thalman Jody Williams.

Councilman Sabatino Who?

Mayor Thalman Jody Williams.

Councilman Sabatino Why didn't you announce that at the meeting?

Mayor Thalman I don't know that I had to. That's my personal appointment.

Councilman Sabatino Well, is that communication. Is that transparency?

Mayor Thalman OK. Transparency. Jody Williams.

President Velas I think that's more of a hire, not an appointment, for an old position which is vacant.

Law Director Glick That's more of a hire. Right.

Councilman Sabatino I'm confused. Two weeks ago, you were [expletive]-bent on having Jody in one position. Now

Councilman Basile That was a creation of a new position.

Councilman Sabatino I am talking, please.

Mayor Thalman Let me tell you something, Frank.

Council President Velas That has been tabled, a decision on a new position, and with Kathy being gone, this is the hire of a current position. It is not an appointment so it is not anything that Council has to do with.

Councilman Sabatino I think it is a matter of courtesy and transparency. Council should know.

Mayor Thalman Jody Williams is the new secretary.

Councilman Sabatino I kinda figured it would be Jody.

Mayor Thalman Again, Frank, that smacks of sexism.

[unintelligible]

Council President Velas Enough. We are not accomplishing anything here.

Councilwoman Oprisch In all due respect, sir, if you are going to let him make outlandish comments like that. I'm just saying there needs to be decorum here.

Council President Velas I understand where you are coming from. And, that kind of stuff is not accomplishing anything positive in Council no matter who it is coming from. And, that has to stop from everybody

Councilwoman Oprisch Let's just be clear where it is coming from.

President Velas Anyone else have any comments?

Councilman Basile I want to congratulate the new library trustee, Jason Garczyk, who is here tonight. [applause]

A motion to adjourn is offered by Councilman Smith and seconded by Councilwoman Oprisch.

The next meeting will be Tuesday, February 18, 2020 at 7:30 in Council Chambers.



Roberta Mertz, Council Clerk



Jim Velas, Council President

