

ST. CLAIRSVILLE CITY COUNCIL

July 6, 2020 Meeting

[Teleconference format in compliance with temporary changes to Ohio's Open Meetings Act]

Jim Velas, Council President
Perry Basile, Council, 1st Ward
Mark Bukmir, Council, 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
Open, Public Service/Safety Director
Annette Williams, Finance Director
Elizabeth Glick, Law Director
Don Smithberger, Super. of General Services
Tom Murphy, Planning & Zoning Administrator

The meeting was called to order by Council President Jim Velas at 7:30pm. President Velas led Council in the Pledge of Allegiance and thanked those residents listening to the meeting.

ROLL CALL:

Basile	HERE	Oprisch	HERE
Bukmir	HERE	Sabatino	HERE
Butler	HERE	Smith	HERE
Jordan	HERE	Seven (7) Present	Zero (0) Absent

NEW BUSINESS: No new business.

MINUTES: President Velas confirmed all councilmembers received the minutes from the June 15, 2020 regular meeting and June 23, 2020 special meeting. Councilman Sabatino requested the letter he read from resident Matthew Berher to be included with the June 15 minutes. No vote taken on the June 15 minutes.

Councilman Smith made a motion to approve the minutes from the June 23 Special Council meeting; motion seconded by Councilwoman Butler.

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	Minutes Approved

REPORTS: Mayor Thalman discussed flooding issues on Bellview Street. Engineer Jeff Vaughn called the recent rain a 100-year event, resulting in 3 inches in 45 minutes. Sewage was entering many houses. The mayor thanked Councilwoman Butler, Councilman Basile, and Officer TJ Stewart for their help during the situation. Meetings were held with Mr. Vaughn, Mr. Smithberger, and Jason Duvall about reporting these incidents to the EPA. The reporting of these events is required and had not been happening. Issues with Bellview have been occurring since at least 2005. Mr. Duvall works for the company that is monitoring the City's [waste]water plant. The sewer lines will be resmoked; it was last smoked in 2018. Although not allowed, many residents have tied their downspouts into the sanitary system, which overwhelms the pipework. Enforcement will be taking place. Several discussions have taken place with Curt Hanstine of Diversified Engineering regarding Bellview Street.

Robert McHenry was hired at the water plant. The mayor bought ice cream and delivered it to employees around the city for the second time. A 25-car parade through town on July 4th was well-received. The honorary ambassador was Dominic Alexander, who donated all of his

ST. CLAIRSVILLE CITY COUNCIL
July 6, 2020 Meeting

allowance toward the K-9 unit. Discussions continue with Burgess & Niple about an alternate route around the city. Coronavirus cases are increasing quickly in Ohio with 589 cases in Belmont County. The mayor also thanked staff members Megan Shaw, Georgeanne Stillion, and Tiffany Burley for their quick action upon finding a motorist slouched in their vehicle in front of the Municipal Building. After calling emergency services, the squad and Officers Greg Clark and Michael Duplaga responded, saving the individual's life.

Councilman Sabatino asked if there is already an engineer study on file regarding Bellview. The mayor said the last study was performed in 2018 and additional insight will see what else might need done. Several councilmembers expressed their gratitude toward the July 4th parade.

Superintendent of General Services Don Smithberger reported that electricity has been good given the hot weather. A few water breaks happened; otherwise, all is well.

Police Chief Matt Arbenz reported the person who does the monthly statistics is on vacation.

Councilman Sabatino said the only report he received recently in his mail slot was for April; not March or May. Chief Arbenz said he would look into it. Councilwoman Jordan noted trash was found at Central Park. She requested extra patrolling there at night, especially on the weekends.

Finance Director Annette Williams is working with the county to obtain funding or reimbursement related to coronavirus. A resolution will be necessary to take action. More figures will be coming next month showing how the pandemic has affected the City's collections.

Councilman Sabatino had requested a copy of bank reconciliations for March, April, and May, as well as comparisons of RITA collections for May 2019 and May 2020. Ms. Williams said she would get those to him tomorrow.

Planning & Zoning Administrator Tom Murphy reported that the issue with a deck built over a sanitary line has been resolved and a different deck is being constructed. In a separate incident, a swimming pool and deck were recently constructed without a permit over a main sanitary line. He is working with the property owner to resolve this violation. A Board of Zoning Appeals meeting will need to be scheduled to gather public comment. A teleconference meeting will not work for this. The house at 104 Jefferson Street recently sold and the new owners are interested in renovating the structure. He is working with them. The City had submitted a grant application to demolish this property. The City's 2020 Census response rate is 71.5%; this is higher than the national average of 61.9%.

Councilman Basile asked if the response rate achieved would be enough to keep St. Clairsville a city. Mr. Murphy noted there is no raw data to give any indications. The 2010 Census final response rate was 87%. He believes the response rate is likely on par to 2010, but coronavirus is expected to affect response rates.

COMMITTEE REPORTS:

ST. CLAIRSVILLE CITY COUNCIL

July 6, 2020 Meeting

Finance Chair Mike Smith commented on the RITA meeting he participated via teleconference. President Velas noted the City's budget hearing took place on July 1 via teleconference.

Utilities Chair Beth Oprisch reported a utilities meeting took place prior to tonight's Council meeting via teleconference. The mayor updated the committee on the issues on Bellview Street. Ms. Robinson brought resident concerns before the committee. No utilities have been disconnected; however, those customers who are in arrears and who have not contacted the Utilities Office can have services disconnected as early as July 15. Ms. Robinson reported 165 customers are presently delinquent, valued around \$57,000. Of the 165 accounts, probably 10% are COVID-19 related. A payment plan can be set up for residents who contact the City by July 13. The HEAP Office is also available for assistance. The committee feels it has given as much compassion as possible during the pandemic.

Police Chair Mark Bukmir: No report

Streets – North Side Chair Terra Butler: No report

Streets – South Side Chair Beth Oprisch: No report

Safety Chair Terra Butler: No report

Building and Grounds Chair Perry Basile: No report

Planning Commission Chair Frank Sabatino: No report

Fire Chair Frank Sabatino reported that the last Fire Board meeting was held Wednesday, June 17. A new full-time employee was hired replacing a retiree. The next meeting will be Wednesday, July 22 at 3pm at the ECOESC building. Councilman Sabatino mentioned the burn legislation before Council this evening and thanked Chief Arbenz and Chief Hall for their efforts to draft an enforceable ordinance.

Recreation Chair Linda Jordan reported that the July concert series will start tomorrow. Social distancing will be in place with X's painted on the ground. The fishing tournament is still scheduled for August 5. Any updates can be found at www.stcrecdept.recdesk.com or the Recreation Department's Facebook page. Next meeting to be determined.

Councilwoman Oprisch asked how social distancing will be enforced, concerned about maintaining a safe environment. Councilwoman Jordan said everything will be clearly marked. Mayor Thalman added that if there were any issues, these would be addressed appropriately.

Park District Chair Linda Jordan noted the next meeting would be July 13 at the pavilion.

Councilwoman Oprisch asked about pool attendance. Councilwoman Jordan said capacity is now 125 and there have been no issues with attendance.

ORDINANCES & RESOLUTIONS:

ST. CLAIRSVILLE CITY COUNCIL
July 6, 2020 Meeting

Law Director Elizabeth Glick announced the four pieces of legislation before Council – three pieces on their first reading. Resolution No. 2020-20 is on its third reading.

A motion was made by Councilwoman Oprisch to approve Resolution No. 2020-20; seconded by Councilman Basile.

Councilwoman Oprisch asked since this legislation was read for three readings and not passed on an emergency basis, would it still take effect immediately. President Velas said the requirement for three separate readings is suspended when legislation is passed as an emergency. This contract will take effect retroactively to October 2019.

RESOLUTION No. 2020-20: RESOLUTION APPROVING TENTATIVE AGREEMENTS BETWEEN THE CITY OF ST. CLAIRSVILLE AND FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC.

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 Carried

ORDINANCE No. 2020-22: AN ORDINANCE ESTABLISHING GENERAL LIMITATIONS ON BURNING WITHIN THE CITY OF ST. CLAIRSVILLE

The first reading of Ordinance No. 2020-22 took place. No action taken. Police Chief Arbenz commented that it has never been clear what residents can and cannot do when burning. This legislation clears any confusion and ensures safety. Fire Chief Tim Hall added this legislation is in compliance with the Ohio Revised Code and ODNR. Many calls are made to the fire department asking about burning.

Councilwoman Oprisch asked if it repeals any legislation currently on the books. Chief Arbenz was not aware of any legislation being repealed, but this legislation will clear up any confusion. Law Director Glick concurred. Councilwoman Oprisch asked how we would notify residents if conditions would not be safe to burn. Chief Hall noted that it is usually announced by the state when citizens cannot burn. Chief Arbenz said his crew would let those residents who are burning know if it would be necessary to put their fire out. Councilman Smith asked about the 25 foot limitation to burn, especially for those whose houses are close together. He thought it was too far. Chief Hall noted the 25 foot requirement is in force in most municipalities and is listed in the ORC. Chief Arbenz added allowing burning any closer than 25 feet to houses could be deemed a liability to the City. Councilman Smith confirmed that a ‘fuel source’ would be wood. He also asked about what would be considered a disturbance or nuisance fire. Chief Hall said while it can be subjective, it would be a case by case decision. It should not impede normal living or operations. Chief Arbenz added that smoke coming into houses would be considered a nuisance.

ST. CLAIRSVILLE CITY COUNCIL

July 6, 2020 Meeting

Discussion turned to Ordinance No. 2020-23. Finance Director Williams said some payouts were made this year, so this legislation keeps payroll on track. Councilman Bukmir asked what the phrase 'personal services' references. Ms. Williams confirmed this is payroll. Councilman Basile asked if the ordinance needs to be passed as an emergency, which Ms. Williams confirmed it does. Money has already been taken from those line items.

A motion was made by Councilman Basile that the rules requiring three separate readings be suspended on Ordinance No. 2020-23 and that the resolution be passed on an emergency basis; seconded by Councilman Smith.

ORDINANCE No. 2020-23: AN ORDINANCE TO MAKE REALLOCATIONS (SUPPLEMENTAL APPROPRIATIONS) WITHIN THE FUNDS FOR THE NORMAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ST. CLAIRSVILLE, STATE OF OHIO, FOR THE PERIOD JANUARY 1, 2020 THROUGH DECEMBER 31, 2020; AND DECLARING AN EMERGENCY

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 Rules requiring three separate readings suspended

Vote to pass Ordinance No. 2020-23:

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 Carried

ORDINANCE No. 2020-24: AN ORDINANCE PROHIBITING THE FEEDING OF WILDLIFE WITHIN THE CITY OF ST. CLAIRSVILLE

The first reading on the Ordinance No. 2020-24 took place. No action taken. Chief Arbenz commented the feeding of deer and squirrel has created a nuisance, allowing fox, raccoon, groundhogs, and coyote into the City. Damage to property is happening as a result. Though many in the City feed wildlife, one particular case was addressed. The chief also added ODNR had said unless animals were being trapped, the only recourse would be through legislation. Feeding wildlife tames the animals and creates more traffic incidents. Having to put down animals in town can also become dangerous. Mr. Smithberger added that these animals have caused issues with electric services in the past. Birds may continue to be fed. A violation of this legislation would be a minor misdemeanor, which would typically be a fine.

Councilwoman Oprisch asked how widespread the issue of feeding wildlife is. Chief Arbenz said this particular resident is the worst case. Having legislation in force will help fight this issue

ST. CLAIRSVILLE CITY COUNCIL
July 6, 2020 Meeting

when residents wish not to quit feeding wildlife. Councilman Smith confirmed with the chief that nothing is currently in force regarding wildlife. Councilman Smith was concerned about those residents who throw the occasional food outside. The chief noted that the City will not be intentionally looking for violators, but addressing those nuisance cases they receive calls regarding. Several Councilmembers commented on the complaints they have received from residents.

Mr. Murphy suggested a wording change could help clarify the legislation to read: “creating a nuisance, concerning to the public health, safety, and welfare.” Ms. Glick noted a change in wording would put the wildlife legislation on its first reading at the next meeting. Discussion ensued whether to keep current wording, update the wording, or add emergency language. Chief Arbenz added that there is no hurry on this legislation, so emergency passage is not necessary. Councilwoman Oprisch said the language should be changed without emergency language. No objections from Council. The ordinance number may change.


OLD BUSINESS: No old business

ADJOURNMENT: With no action to take and there being no further business to come before Council, meeting adjourned at 9:09pm.

Next meeting will be Monday, July 20, 2020 at 7:30pm via teleconference.



Jason Garezyk, Council Clerk



Jim Velas, Council President