

ST. CLAIRSVILLE CITY COUNCIL

June 15, 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 7:37pm after some technical difficulties. President Velas led Council in the Pledge of Allegiance.

ROLL CALL:

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

NEW BUSINESS: President Velas explained a delegate from the City would need to be appointed to the Regional Income Tax Agency (RITA) Regional Council of Governments. Mayor Thalman had asked Councilman Smith to serve. Councilman Basile made a motion to appoint Councilman Smith to the RITA Regional Council of Governments; seconded by Councilwoman Oprisch.

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

MINUTES: President Velas confirmed all councilmembers received the minutes from the June 1, 2020 regular meeting and June 11, 2020 special meeting. There were no questions/corrections.

Councilman Smith made a motion to approve the minutes from the June 1 regular 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

Councilwoman Butler made a motion to approve the minutes from the June 11 special Council meeting; motion seconded by Councilwoman Jordan.

ROLL CALL:

Basile	YES	Oprisch	YES
Bukmir	YES	Sabatino	YES
Butler	YES	Smith	YES
Jordan	YES		

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Roll Call Vote: Seven (7) YES Zero (0) NO Minutes Approved

CORRESPONDENCE: Councilman Sabatino read a letter he received from ward resident Matthew Berher. The letter was also sent to Mayor Thalman and President Velas, but deferred to Councilman Sabatino to read. Mr. Berher addressed a concern he had with a Facebook post Councilman Basile shared on his account regarding the Black Lives Matter (BLM) movement. See letter attached at end of minutes.

President Velas commented that all public officials, including City officials, need to be cognizant of their words and actions – including social media content. Councilman Sabatino considered the post disruptive and racially insensitive and further stated that Councilman Basile should resign from City Council. Councilwoman Jordan said although the original post was not that of Councilman Basile's, he did share it. Not only did he share it, but he added his own caption, reinforcing that he agrees with the post – demeaning the BLM movement by referring to it as "Brats Love Moaning." She went on to note that Councilman Basile has made snide remarks to her in emails, texts, and meetings, as well as rude outbursts while she was commenting or questioning. Councilwoman Jordan further stated that the City deserves better and should not be represented by someone who has issues with people of color. Councilwoman Oprisch started by saying that the shared post does not reflect her attitude. While she is for open speech, as was expressed by Councilwoman Jordan, Councilwoman Oprisch stated that the post was insensitive to the Black Lives Matter movement – which she had expressed directly to Councilman Basile before the meeting. Councilwoman Butler had also talked with Councilman Basile, agreeing with the comments made by Councilwoman Oprisch. She further said she does not view Councilman Basile as a racist, adding he apologized for sharing the post. Councilman Bukmir agreed with Mr. Berher's letter and believes that following the recent precedence would be proper. Councilman Basile commented that he shared the graph for its statistical value, not seeing the content of the original Facebook post. He posted an apology afterward. It was never his intention to show disrespect to the Black Lives Matter movement, stating he is in favor of it.

REPORTS: Mayor Thalman reported a water audit will be scheduled for August with Wayne Cannon of RCAP and engineer Jeff Vaughn, with a kick-off meeting to be tentatively held in Council chambers. She also reported that all City buildings have their water metered now. The City's water loss is 28% - not 57% as previously reported. This undertaking took three months, allowing the City to develop a better plan of action. The mayor said St. Clairsville Sunrise Rotary will be re-mulching and improving the Newlin Falls Nature Trail at Memorial Park, along with portions of the National Road Bikeway. This is much appreciated, especially with both seeing an increase in use during the last few months. She also reported she had met with Craig Richards of Burgess & Niple, among others, to discuss traffic congestion in downtown St. Clairsville when accidents occur on Interstate 70. Planning alternative accesses are being sought. Interviews with utilities employees have concluded and she thanked the crews who responded to the electric outage on Tuesday. AFSCME negotiations may commence soon.

Councilman Bukmir requested Mr. Smithberger be asked to help in securing a Service Director. Mayor Thalman said they have been brainstorming. President Velas asked if Cumberland Trail Fire Department is metered for water use. Anita Robinson reported the fire department is metered and is charged for their use.

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Police Chief Matt Arbenz reported trainings will be taking place soon. A down payment has been made on a K-9 unit. Calls are increasing, including two stolen vehicles over the weekend, occupied by two armed felons.

Councilwoman Jordan asked if Council could receive reports as they had in the past including mileage reports. Chief Arbenz stated the reports are placed in Council's mailboxes at the office. Discussion about mileage can be one on one.

Finance Director Annette Williams sent out reports regarding the FOP contract negotiations. Ms. Williams will be doing online State Auditor training this month. She requested a Finance Committee meeting take place soon, whether in person or teleconferencing. The 2021 budget is due to the auditor on July 15.

President Velas confirmed with Law Director Glick that the Finance Committee must be open to the public. The meeting may take place prior to the next Council meeting via teleconference. Determination to be made soon. Councilman Sabatino inquired about the principle (\$3,731.34) and interest (\$42,879.50) listed in Ordinance No. 2020-16. Ms. Williams explained these figures are for the Tax Increment Financing (TIF) that the City just collected and would be the first installment. No money was appropriated for the fund. She said the TIF was set up for the St. Clair Commons. Councilwoman Oprisch wanted to confirm whether the line item was set up for the fund; Ms. Williams said the line item was created, but no appropriations were made in January. She stated two annual payments are made, after asked by Councilman Smith. More information regarding the TIF will be provided to Council soon. Regarding Ordinance No. 2020-18, Councilman Sabatino asked about the listed figures, adding he thought anything labeled as 'capital' cannot be used outside of 'capital.' Ms. Williams stated there was not enough money for the loan, so the funds came from water. Councilman Sabatino requested this be looked into further. Councilman Bukmir also requested the auditor be consulted about the outlay transfer.

Planning & Zoning Administrator Tom Murphy wanted to remind the public that permits are required before construction. A concrete block porch and deck were recently constructed without a permit over a main sanitary sewer line. The deck has since been taken down. Such construction can become public concern when issues arise with utilities.

Councilwoman Oprisch asked for an update regarding the 2020 Census. Mr. Murphy noted the City's response rate has increased to 71.4%. Enumerators will be sent out soon, if not already.

COMMITTEE REPORTS:

Finance Chair Mike Smith said a Finance meeting will need to take place soon. Discussion on logistics ensued. The public must be able to listen.

Utilities Chair Beth Oprisch reported that Anita Robinson, Don Smithberger, Mayor Thalman, and herself met regarding utilities collections. The City has been following guidelines to not disconnect services or administer late fees. Ms. Robinson reported that electric disconnections can begin in July. Water disconnections cannot be made until December; however, recently

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received information says that date may become July 10. Penalties may resume in July. A five month payment plan (Resolution No. 2020-21), if passed, will be created for those customers who may need it. Teleconference Council meetings are anticipated for July as well. A Utility Committee meeting may take place prior to a future Council meeting.

Councilman Sabatino asked how much money is owed to the City by the delinquent accounts. There were 167 delinquent accounts reported at the last Council meeting. There are now 75 delinquent accounts totaling about \$35,000 past due.

Police Chair Mark Bukmir: No report

Streets – North Side Chair Terra Butler had no report. She asked about any updates on Bellview Street. Mayor Thalman said Jeff Vaughn is reviewing the studies that have been completed and hope to be drafting solutions soon.

Streets – South Side Chair Beth Oprisch had no report. She asked if any paving would take place this year. Mayor Thalman said the most needed areas in the City have been identified. Councilwoman Oprisch requested a list of those identified streets. Ms. Williams added that there is not much money available for paving and that a project would not likely take place this year.

Councilman Sabatino added that Spring Park Ave needs paving where a water break happened.

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 last week's meeting scheduled for Wednesday, June 10 was canceled due to a conflict and has been rescheduled for Wednesday, June 17 at 3pm. As requested during the last meeting, he reported call volume for each month from March, April, May, and June (as of June 11) to be: 267, 187, 236, and 80, respectively.

Councilman Sabatino noted that Kathy Kaluger is the Richland Township representation on the Fire Board, after asked by Councilwoman Oprisch.

Recreation Chair Linda Jordan reported that today's meeting was canceled due to lack of quorum. The playground is now open with social distancing and sanitizing twice daily. The next regular meeting will be July 20. No update on the concert series for July.

Park District Chair Linda Jordan reported the playground and courts are open, as well as Allen Pool from 12pm to 6pm with social distancing. Capacity is set at 75 people. Daily admission and pool pass prices have been reduced. Next meetings will be July 13 and July 27 at the Rotary Pavilion.

Mayor Thalman asked what pool admission costs. Councilwoman Jordan said she thought prices were normally \$3 per child and \$5 per adult. Councilwoman Butler added that current rates are

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\$2 per child, \$4 per adult, and \$2 per senior. Councilwoman Oprisch asked if anyone is being turned away due to the limit on attendance. Councilwoman Jordan was unaware of anyone being turned away.

ORDINANCES & RESOLUTIONS:

Law Director Elizabeth Glick announced the six pieces of legislation before Council.

A motion was made by Councilwoman Oprisch that the rules requiring three separate readings be suspended on Ordinance No. 2020-16 and that the ordinance be passed on an emergency basis; seconded by Councilman Basile.

Councilman Bukmir verified whether the interest and principle figures were correct and was not certain that Council should vote on this ordinance. Ms. Williams confirmed the figures are correct. The schedule and information were emailed to Council. She also explained that the emergency language is necessary because it has already been paid.

ORDINANCE No. 2020-16: AN ORDINANCE TO SUPPLEMENT APPROPRIATIONS, WITHIN THE TIF FUND 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. 2020-16:

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

A motion was made by Councilman Basile that the rules requiring three separate readings be suspended on Resolution No. 2020-17 and that the resolution be passed on an emergency basis; seconded by Councilwoman Butler.

Councilwoman Oprisch asked whether emergency language is necessary. Law Director Glick said this resolution is to correct EPA non-compliance matters related to Ordinance No. 2012-23. Mr. Murphy explained that this would allow, for example, storm water management fees and fines to be collected into a specific fund. This would satisfy the EPA's request.

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RESOLUTION No. 2020-17: RESOLUTION TO ESTABLISH THE NEW STORM WATER MANAGEMENT FUND 2401; 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 Resolution No. 2020-17:

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

It was requested by the Law Director that **ORDINANCE No. 2020-18** be tabled until more information is available. A motion was made by Councilwoman Jordan to table Ordinance No. 2020-18; seconded by Councilman Sabatino.

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 Tabled

Law Director Glick explained that Resolution No. 2020-19 would establish the salary for the Clerk to the Finance Director – not the position. This is an appointment by the mayor, who has appointed Dana Goletz to serve as a part time clerk. The salary is proposed to be \$20 per hour. Councilwoman Jordan asked how much government accounting experience Ms. Goletz has. She noted the last employee had 30 years of experience, starting at \$25 per hour; when fired, she was at \$27 per hour. Councilwoman Jordan added she thought \$20 per hour was high and would like to see her resume. Mayor Thalman said she has worked in county government for about 20 years and as a treasurer for the Barton Volunteer Fire Department, as well as treasurer for other organizations. Ms. Goletz will only work two days a week, which will result in a savings. The mayor said she felt the wage was fair. Councilman Smith asked if a resolution was necessary for this position. Mayor Thalman replied that in the past, this was not done, but should have been. Councilman Bukmir asked Councilman Smith if \$20 per hour was a fair wage. He said with her experience, it is.

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A motion was made by Councilwoman Oprisch that the rules requiring three separate readings be suspended on Resolution No. 2020-19 and that the resolution be passed on an emergency basis; seconded by Councilman Basile.

RESOLUTION No. 2020-19: A RESOLUTION TO ESTABLISH THE SALARY OF CLERK TO THE FINANCE DIRECTOR; AND DECLARING AN EMERGENCY

ROLL CALL:

Basile	YES	Oprisch	YES
Bukmir	YES	Sabatino	ABSTAIN
Butler	YES	Smith	YES
Jordan	ABSTAIN		

Roll Call Vote: Five (5) YES Zero (0) NO Two (2) ABSTAIN

Rules requiring three separate readings suspended

Vote to pass Resolution No. 2020-19:

ROLL CALL:

Basile	YES	Oprisch	YES
Bukmir	YES	Sabatino	ABSTAIN
Butler	YES	Smith	YES
Jordan	ABSTAIN		

Roll Call Vote: Five (5) YES Zero (0) NO Two (2) ABSTAIN Motion carried

Law Director Glick announced Resolution No. 2020-20, noting it has emergency language because of the 30 day window to approve the contract. Tonight's Council meeting can be the legislation's first reading. More figures related to the contract will be discussed in Executive Session tonight.

A motion was made by Councilman Basile that the rules requiring three separate readings be suspended on Resolution No. 2020-20 and that the resolution be passed on an emergency basis; seconded by Councilwoman Butler.

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

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 Emergency passage failed

Law Director Glick explained Resolution No. 2020-21 as a resolution to create a temporary payment plan for past due utilities bills as a result of the pandemic through five payments. This

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option will be available to customers through July 13, 2020. Amounts owed will be collected during this calendar year.

A motion was made by Councilwoman Oprisch that the rules requiring three separate readings be suspended on Resolution No. 2020-21 and that the resolution be passed on an emergency basis; seconded by Councilman Basile.

RESOLUTION No. 2020-21: A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A TEMPORARY PARTIAL PAYMENT PROGRAM FOR PAST DUE UTILITY BILLS INCURRED AS A RESULT OF COVID-19 HARDSHIPS; 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 Resolution No. 2020-21:

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

EXECUTIVE SESSION was called by Mayor Thalman per ORC §121.22(G)(3) allowing for a conference with an attorney and per ORC §121.22(G)(4) to discuss the FOP contract.

A motion was made by Councilwoman Butler to enter Executive Session; seconded by Councilwoman Oprisch.

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

Executive Session entered at 9:24pm.

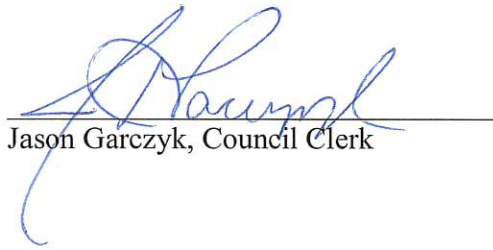
Councilman Smith made the motion to exit Executive Session and resume open Regular Session; seconded by Councilman Sabatino. All in favor. Regular Session resumed at 10:22pm.

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OLD BUSINESS: No old business

ADJOURNMENT: With no action to take and there being no further business to come before Council, Councilman Smith made a motion to adjourn; seconded by Councilwoman Butler. Meeting adjourned at 10:25pm.

Next meeting will be Monday, July 6, 2020 at 7:30pm via teleconference.



Jason Garczyk, Council Clerk



Jim Velas, Council President

Matthew Berher
124 W. Main Street
St. Clairsville, Ohio 43950

June 7, 2020

Kathryn Thalman
Mayor of The City of St. Clairsville
100 Market Street
St. Clairsville, Ohio 43950

Dear Mayor Thalman,

I wanted to take a moment to address and bring to your attention a matter of great import. A post was shared to Facebook by Councilman Perry Basile concerning the current human rights movement – Black Lives Matter. The post insinuated that the abbreviation of BLM (Black Lives Matter) should be changed to *Brats Love Moaning*. This post (attached to the next page) only serves to discredit, degrade, and disparage the all too important movement for racial equality. To reduce the present-day human rights movement and call those who fight for civil rights ‘Brats’ who merely love to “moan” is absolutely appalling.

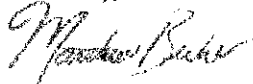
This attitude from a citizen is unnerving, however this attitude illustrated on social media by an elected city official is hideous. Is this what we as the City of St. Clairsville want from a councilman? Is this the image we want to portray to our fellow citizens or potential residents? I believe I speak for the vast majority when I say NO this is *not* the sentiment of our community. St. Clairsville is full of diversity and I cannot sit idly by and let that be thrown to the wayside.

The attitude of our city officials, by the virtue of their election, reflects the attitude of the community itself. Those who have influence within our community should be speaking out against all forms racism and promoting equality. This post did the exact opposite. It served to divide rather than unify. During this trying time in our country, communities look to their leaders for guidance and support. Just this past week the *Times Leader* reported that the Village of Bellaire took action to terminate an employee who made racists comments on Facebook.

I sincerely hope that this attitude does not reflect the council or city as whole. I respectfully ask that you address this matter. City officials **MUST** be held to a higher standard and St. Clairsville must not be allowed to be seen as anything but a bastion of civil rights.

I thank you for your time and your attention to this matter.

Sincerely,



Matthew Berher

(740)296-1905

cc: St. Clairsville City Council