

**ST. CLAIRSVILLE CITY COUNCIL**

**July 20, 2020 Meeting**

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

Jim Velas, Council President  
Perry Basile, Council, 1<sup>st</sup> Ward  
Mark Bukmir, Council, 3<sup>rd</sup> Ward  
Terra Butler, Council, 4<sup>th</sup> Ward  
Linda Jordan, Council-At-Large  
Beth Oprisch, Council-At-Large  
Frank Sabatino, Council 2<sup>nd</sup> 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, July 6, 2020 Regular meeting, and July 15, 2020 Special meeting.

Councilwoman Jordan made a motion to approve the corrected minutes from the June 15, 2020 Regular 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

Councilwoman Butler made a motion to approve the minutes from the July 6, 2020 Regular Council meeting; motion seconded by Councilman Smith.

**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 July 15, 2020 Special Council meeting; motion seconded by Councilwoman Jordan.

**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

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**REPORTS: Mayor Thalman** welcomed Jenn McMillen as the Mayor's assistant, who started on Monday, July 13. A thank you card was received from Dominic Alexander for being the ambassador for the July 4<sup>th</sup> parade and for the police hat he received. The Municipal Building has not yet been opened to the public, except by appointment. Belmont County currently has 614 cases of COVID-19. Governor DeWine is urging handwashing, wearing masks, and social distancing, as well as the mayor. The Tuesday concert series at the amphitheater was a success; X's were marked for social distancing. Sean Hanley, Debbie Reed, and Board Members Jennifer Johnson and Ed Bober helped enforce guidelines. Any new mandates from the Health Department will be implemented immediately.

Mr. Smithberger and the mayor met with Courtney & Co. to review an electric audit and future projections of electric use. The City is expected to use the same amount of electricity for the next four years. No significant changes to electric rates are anticipated. A water audit meeting will be held Monday, July 27 with Wayne Cannon of the Rural Community Assistance Program (RCAP) to help target water loss. Mr. Vaughn and the mayor talked with a Division of Environmental and Financial Assistance (DEFA) representative and EPA attorney Janine Maney regarding funding for the Bellview Street sewer issues. A low interest loan could be obtained, but due to the City's high household median income, no grant funding would be available. Written records of flooding related to storm or sewage issues need to be kept and sent to the EPA, per Jason Duvall. This has not been done. Letters were sent to all affected residents, asking them to report this information. The mayor thanked Councilmembers Butler and Basile for their help with these issues. The City of Martins Ferry is ready to help us smoke lines if needed. Local engineer Bryan May brought information to the City regarding possible funding for an alternative route around St. Clairsville. Electric shutoffs have resumed. The utilities office is working with customers to help maintain their service. The HEAP Office is available for assistance, if needed. A presentation will come before Council next month about installing solar power in the City to help offset power costs. The mayor also thanked the Police Department who, with the Belmont County Sheriff's Office, made one of the largest drug busts in county history.

Councilwoman Jordan addressed two issues residents have reached out to her regarding. She firstly inquired about the mayor's response to Councilman Basile's social media post addressed at a recent Council meeting. Councilwoman Jordan made a motion that Councilman Basile be removed from Council; motion seconded by Councilman Sabatino. A motion was made by Councilman Basile to remove Councilman Sabatino. Law Director Glick advised that per the City Charter, Council cannot take such action. A recall would have to be made by the voters in that jurisdiction. Councilwoman Jordan cited a recent incident regarding an employee from the Village of Bellaire and their social media post that ultimately resulted in their firing. Law Director Glick clarified that the individual fired from the Village of Bellaire was an employee, not an elected official – and that the individual had identified themselves as an employee of the Village. Councilwoman Jordan requested a vote be taken. President Velas stated since Council does not have this authority, no action could come of such a motion, therefore no vote would take place. He added that only specific offenses allow for the removal of a councilmember. Mayor Thalman added that she responded to Mr. Berher, who had originally written the letter, and believed the issue to be finished.

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Councilwoman Jordan introduced her second concern regarding a social media post recently made by Jim Behl commenting on the black community and the media. After reading the post, she remarked that residents have told her they feel that Mr. Behl appears to think he is superior to people of color. She added the City has paid Mr. Behl several thousands of dollars as well as \$800 a month; the people do not want someone who feels this way benefiting from their tax dollars. She asked the Law Director what action can be taken for a contracted employee such as Mr. Behl. Mayor Thalman replied that that mayor is allowed to make such administrative decisions and hires. Ms. Glick concurred this is an administrative function and any issues should be brought up with the mayor. Council cannot strike such contracts.

**Police Chief Matt Arbenz** discussed the recent large drug bust. He reported 13 criminal arrests took place in June – mostly drug related. Calls for service last month: 388.

Several councilmembers gave their commendation to the Police Department for the recent drug bust and all their work. Councilwoman Oprisch asked what drugs were seized and the location. Chief Arbenz said it was mostly meth, but prescription drugs and marijuana as well. The investigation started in the City, leading to the discovery of a stolen vehicle and drugs in Loomis.

**Finance Director Annette Williams** has worked on retro-pay for some employees. After the coronavirus legislation is passed tonight, she will be working on what reimbursements the City can receive.

Mayor Thalman noted that legislation passed tonight regarding coronavirus reimbursement would go to the County Auditor. The Finance Director also said it is not certain how much money the City would receive, after asked by Councilman Smith.

**Planning & Zoning Administrator Tom Murphy** noted the Board of Zoning Appeals will be holding a meeting on July 30 at 6pm at the Recreation Center. Social distancing will be required and masks are strongly recommended. A conditional use permit is being sought by Campbell Oil /Bellstores to construct a new two-bay carwash. The current six-unit carwash would be demolished. The plan is to eventually also construct a new store at the gas station, upgrading all facilities. All property owners within 200 feet have been notified. The 2020 Census self-response rate for the City is currently 71.5% compared to 77.7% in 2010. The lower response rate may be due to the recent pandemic. Enumerators will be sent out in August and September.

Mr. Murphy clarified that the gas station is the former BP on Route 9 near the Interstate, after asked by Councilman Sabatino. Councilman Smith asked about the project's timeline. Mr. Murphy said construction is anticipated to start in 2021. Councilwoman Oprsich asked if there would be any issues with these anticipated improvements. Mr. Murphy explained the changes should not cause any issues or concerns. She also asked had enumerators been working in the field already, would the Census rate be higher than ten years ago. Mr. Murphy noted these figures are the self-response rate: those who voluntarily complete the Census form.

**COMMITTEE REPORTS:**

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**Finance Chair Mike Smith** noted that RITA collection figures are down from last year. Finance Director Williams added that the tax filing date was extended from April 15 to July 15, which likely adds to the discrepancy.

Councilman Sabatino asked for a copy of the RITA statistics. He also stated he wished he had been consulted and not excluded about the salary for Service Director in Resolution No. 2020-27, especially as a member of the Finance Committee. Councilman Smith said he had also been excluded, but was asked about some figures several months ago. Councilman Sabatino asked whether Council approves the salary. Councilman Smith said yes – through an affirmative vote on the legislation. He added that the previous Service Director made a similar salary when he started. Law Director Glick added if any specific questions need to be discussed, Executive Session is an option. Councilman Sabatino reiterated his request to be involved in the decision-making – as well as utilization of the committees.

**Utilities Chair Beth Oprisch** discussed recent the utility decisions. Anita Robinson reported disconnections resumed last week, with 44 being made. By connecting customers with different agencies and the payment plan passed by Council, 12 accounts remain disconnected; half are suspected as being vacant. The payment plan was utilized by 17 customers. The amount owed by accounts using the payment plan total \$13,000; \$3,600 is owed from accounts that have given no feedback. The United Way may be able to provide assistance to residents. Penalties from March through June totaled \$29,000, which the City forgave and will not be collecting. The \$50 reconnection fee has also been waived. Penalties will resume this month. Many generous residents have wanted to make donations and assist residents who are struggling with their utilities payments; however, the City cannot accept these contributions without legislation allowing for it. Money must be put toward a specific account. The Council of Churches is happy to help and those needing assistance can contact them. An anonymous donor gave \$50 cash to the City. This will be transferred to the Council of Churches.

Several councilmembers commended the Utilities Department for all their work.

**Police Chair Mark Bukmir** said he would talk to Chief Arbenz about whether to have a committee meeting after asked by Councilwoman Oprisch.

**Streets – North Side Chair Terra Butler** discussed the issues plaguing Bellview Street and Overbaugh Avenue. Those residents affected always reach out to Council, especially after a heavy rain. She discussed temporary solutions to alleviate the situation before a permanent solution can be made. First, disconnecting downspouts that feed into the sanitary sewer system would help alleviate the flooding. A majority of the houses in that area feed their rainwater into the sewer system. Second, cleaning the main should be done, though it does not appear to be too bad. It was cleaned in 2018. Ultimately, separating the sewer system from the storm water must take place, which the City is required by the EPA to complete. Letters have been sent to those affected residents to report issues related to sewer or storm water damage. This will help document issues, especially for the EPA. She thanked Bill Suto and his crew from Martins Ferry for their time, ideas, suggestions, and taking a look at the situation. Councilman Basile noted that houses are situated atop the sewer lines, so when that main line becomes overloaded, it backs up into those houses. There used to be a diverter near the American Legion, which helped to

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alleviate pressure. Smoking the lines should be done again. Finding a solution must be a priority for the City.

President Velas noted that there is an ordinance in the City that downspouts cannot be tied into the sanitary sewer system. Mr. Murphy added most of these houses have been tied in this way for many years.

**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 the next Fire Board meeting will be Wednesday, July 22 at 3pm at the ECOESC building.

President Velas recognized and thanked Lance Rice for his 25+ years of service and his recent retirement. Many councilmembers expressed the same.

**Recreation Chair Linda Jordan** reported many sports have been cancelled. The concert series on Tuesday was great and well-attended; social distancing was practiced. President Velas estimated 180 people were in attendance. The fishing tournament is still scheduled for August 5. Donations have been received from Advanced Auto in Canonsburg, PA, Cabela's at the Highlands, Jacob & Sons Meats, and Nickles Bakery. A fall festival is being planned for October in lieu of not having Community Days this summer. Riesbeck's and Unified Bank are interested in sponsoring. Next meeting will be August 17.

**Park District Chair Linda Jordan:** No report

**ORDINANCES & RESOLUTIONS:**

**Law Director Elizabeth Glick** announced the four pieces of legislation before Council – three pieces on their first reading. Ordinance No. 2020-22 is on its second reading. Resolution No. 2020-25 and Resolution No. 2020-27 both have emergency language. Ordinance No. 2020-26 contains the updated language requested by Council.

Ordinance No. 2020-22 was read for its second reading.

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

A motion was made by Councilwoman Jordan that the rules requiring three separate readings be suspended on Resolution No. 2020-25 and that the resolution be passed on an emergency basis; seconded by Councilman Smith.

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**RESOLUTION No. 2020-25: A RESOLUTION AUTHORIZING THE APPLICATION FOR AND THE EXPENDITURE OF MONIES RECEIVED FROM COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND BY THE CITY OF ST. CLAIRSVILLE; 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. 2020-25:

**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. 2020-26 was read for its first reading.

**ORDINANCE No. 2020-26: AN ORDINANCE PROHIBITING THE FEEDING OF WILDLIFE WITHIN THE CITY OF ST. CLAIRSVILLE**

A motion was made by Councilwoman Butler that the rules requiring three separate readings be suspended on Resolution No. 2020-27 and that the resolution be passed on an emergency basis; seconded by Councilwoman Oprisch.

Councilman Sabatino opined that the candidate seems to be a fine individual, but he is concerned Mr. Greenwood would not be able to serve the city effectively with his full-time practice. Councilman Bukmir said he thought further discussion should take place. He asked if that is why Council received an Executive Session notice. President Velas clarified the codes were only sent in the event an Executive Session was called. The Law Director said Councilwoman Butler would need to rescind her motion to allow Council to enter Executive Session. Councilwoman Butler stated she would not rescind her motion. She further stated the last Special Council meeting was to ask Mr. Greenwood questions, which she felt were answered satisfactorily. She also added the candidate had already stated he would ensure his time would be devoted to serving the City, spending less time with his practice.

**RESOLUTION No. 2020-27: A RESOLUTION CONFIRMING THE APPOINTMENT OF JEREMY GREENWOOD AS THE DIRECTOR OF SAFETY AND PUBLIC SERVICES FROM AND AFTER JULY 20, 2020; AND, DECLARING AN EMERGENCY**

**ROLL CALL:**

Basile	YES	Oprisch	YES
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Bukmir NO  
Butler YES  
Jordan NO

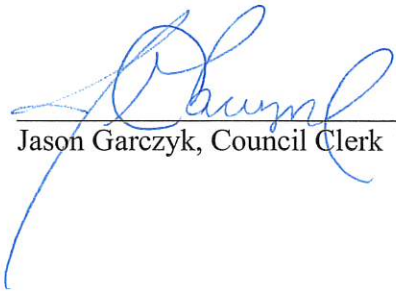
Sabatino NO  
Smith YES

Roll Call Vote: Four (4) YES Three (3) NO Emergency passage failed

**OLD BUSINESS:** No old business

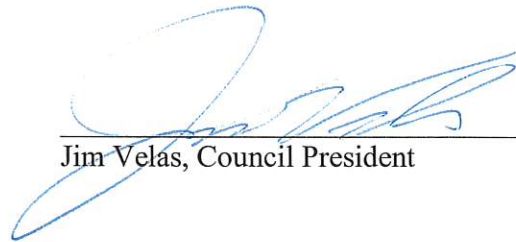
**ADJOURNMENT:** With no further action to take and there being no further business to come before Council, Councilwoman Oprisch made a motion to adjourn; seconded by Councilman Basile. Meeting adjourned at 9:07pm.

Next meeting will be Monday, August 3, 2020 at 7:30pm via teleconference.



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Jason Garczyk, Council Clerk



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Jim Velas, Council President