

ST. CLAIRSVILLE CITY COUNCIL

September 21, 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
Jeremy Greenwood, Public Service/Safety Director
Don Smithberger, Super. of General Services
Annette Williams, Finance Director
Matthew Arbenz, Chief of Police
Tom Murphy, Planning & Zoning Administrator
Elizabeth Glick, Law Director

The meeting was called to order by Council President Jim Velas at 7:31pm. President Velas led Council in the Pledge of Allegiance. Members of the public were thanked for listening.

ROLL CALL:

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

MINUTES: President Velas confirmed all councilmembers received the minutes from the last meeting. Councilwoman Oprisch made a motion to approve the minutes from the September 8, 2020 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

NEW BUSINESS: Larry Taylor from Volunteer Energy Services spoke before Council about gas aggregation. The City voted to allow gas aggregation in 2010 – with Volunteer administering the program for the City. The current contract will expire March 2021. Those residents participating in the gas aggregation are guaranteed a savings of 5%. Residents can choose a supplier of their choice. Those residents that don’t choose, Columbia Gas will automatically pick a supplier for them and be placed in the aggregation program. Residents can opt out of the program. Volunteer donates money back to the City as a civic grant based on usage. The check was presented in February 2020. Mr. Taylor provided his contact information to Council.

Councilman Basile asked if those participating in the aggregation are receiving bulk pricing. Mr. Taylor confirmed Volunteer combines the residents, giving the City purchasing power.

REPORTS: Mayor Kathryn Thalman thanked members of the police department, the school, and the community for making the homecoming parade a success. On September 14, the Community Foundation of the Ohio Valley and Give Belmont County presented the grant check to the Recreation Center to make upgrades to the restrooms. Halloran Park recently saw the addition of “the pizza man” as a permanent fixture. The mayor has been active in seeking funding for the City and ensuring allocations from the CARES funds are encumbered appropriately. A friendly bet with Mayor Davies was won when St. Clairsville defeated Martins Ferry in football last week. Congratulations to St. Clairsville for being number one in their division.

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Service/Safety Director Jeremy Greenwood reported interviews have been ongoing to fill a wastewater position. Procedures and questions have been created. Fifteen employee meetings have taken place so far. COVID funding work continues; supplies are difficult to order. The EPA findings and orders for the water plant have been completed since the last meeting – one month before the deadline. A letter to be sent to all residents about turning out their downspouts is in draft. Burgess & Niple are working on the Traffic Study Request for ODOT to help alleviate traffic flow issues. Mr. Greenwood met with the Richland Township Trustees regarding the Cumberland Trail Fire Board. Being unable to find the legislation when the Fire Board was expanded to four members, the Board has been proposed in legislation to revert to the original two members – one from the City and one from the township – with the Fire Board themselves advertising for a third position from the jurisdiction. A Halloween costume contest will take place at the Recreation Center on October 24.

Several members of Council gave their commendations to Mr. Greenwood. Councilman Smith asked about arrangements for Halloween. Mayor Thalman discussed the state’s guidelines for safely carrying out trick or treat.

Police Chief Matt Arbenz reported the K9 unit has been working since last Monday. The new computer mounts have been installed in all but one of the cruisers. October is Crime Prevention Month. The Chief gave advice on avoiding scam telephone calls. Otherwise, business as usual.

Finance Director Annette Williams has been working on COVID funds. Purchase orders currently amount to \$59,878.

Planning & Zoning Administrator Tom Murphy reported Campbell Oil has submitted an application for variances from the City code at 246 South Marietta Street. Mr. Murphy will continue meeting with representatives of Campbell Oil. When a public hearing takes place, it will be advertised. Regarding the 2020 Census, the self-response rate for the City has increased to 73.5%; the statewide non-response follow up is averaging 26.8%. Results are expected in March 2021.

COMMITTEE REPORTS:

Finance Chair Mike Smith reported the Finance Committee met before tonight’s Council meeting. Discussed was having a post audit meeting with the auditors. The original date to have COVID funds spent was late September/early October; that has been extended to November.

Utilities Chair Beth Oprisch: No report

Police Chair Mark Bukmir: No report

Streets – North Side Chair Terra Butler: No report

Streets – South Side Chair Beth Oprisch: No report

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Safety Chair Terra Butler: No report

Building and Grounds Chair Perry Basile noted the unused buildings around the school and old fairgrounds and their potential.

Planning Commission Chair Frank Sabatino: No report

Fire Chair Frank Sabatino reported the Fire Board met on Wednesday, September 9. Ted Norris was promoted from firefighter/paramedic to lieutenant effective immediately. Clemmons & Nelson was consulted regarding the Fire Board legislation. Next meeting is Wednesday, October 14 at 3pm at the ECOESC.

Recreation Chair Linda Jordan: No report. The next meeting is Monday, October 19 at the Recreation Center at 4:30pm.

Park District Chair Linda Jordan: No report.

ORDINANCES & RESOLUTIONS: Law Director Elizabeth Glick addressed the two pieces of legislation before Council. Both have emergency language.

Councilwoman Jordan asked for clarification on the Ordinance No. 2020-29 and whether it is about Social Security payments. Ms. Williams said the legislation is in regard to an individual Social Security payment and a personnel payment for the Law Director. Councilwoman Jordan asked if the Social Security payment was for the mayor. Ms. Williams stated an elected official form was not filled out when the mayor took office. A refund was received from OPERS for the time the funds were not being accepted (because the paperwork was not on file). Social Security deductions are for the period OPERS deductions were not made. President Velas clarified that previous Law Directors were paid personally for their services, as well as their firm. The current Law Director has requested the split payment be made to her solely. Councilwoman Oprisch asked about the urgency of the legislation and clarified that the Law Director did not receive pay during the last payroll. This was confirmed by the Finance Director. Fund allocation transfers cannot be made without Council's approval.

A motion was made by Councilwoman Oprisch that the rules requiring three separate readings be suspended on Ordinance No. 2020-29 and that the ordinance be passed on an emergency basis; seconded by Councilwoman Butler.

ORDINANCE No. 2020-29: 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	ABSTAIN
Butler	YES	Smith	YES

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Jordan YES

Roll Call Vote: Six (6) YES Zero (0) NO One (1) ABSTAIN

Rules requiring three separate readings failed

Vote to pass Ordinance No. 2020-29:

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

Councilwoman Oprisch asked the necessity of emergency language on Resolution No. 2020-31. Ms. Glick stated since the Board currently has only two members, it cannot act on matters effectively. A third member is needed to proceed operationally. The members serving on the Board are Trustee Kathy Kaluger – trustee representative from the township – and Councilman Frank Sabatino – Council’s representation. The Fire Board has been a three member body since February 2020 and a two member body since August 2020. The proposed third member would be chosen by the Fire Board from the jurisdiction for a one year term starting from the time of the appointment. The legislation made by the Fire Board stating that the Board expanded to four members – with non-elected representation from the City and township each – cannot be found. Councilman Smith asked for clarification and what say the City has. Ms. Glick said the Fire District is its own political entity; however Council has a say in its appointment to the Fire Board. Councilman Sabatino encouraged the legislation’s passage on emergency.

Attorney Andrew Esposito of Clemons & Nelson joined the meeting, discussing and clarifying aspects of the legislation. He advises the Fire Board. Mr. Esposito stated Richland Township has already approved the same legislation. Councilwoman Oprisch asked about appointment procedures addressed in section 3. Mr. Esposito explained that since the City Charter states how the City’s Fire Board member is appointed, changing how that member is appointed would require an amendment to the City Charter. Since the Charter Review only happens every five years, a solution is to allow the Fire Board to appoint the third member. The township representation was actually appointed by the Fire Board, although the Township Trustees accepted applications. Councilwoman Oprisch requested the legislation be amended to state the term expires December 31. Mr. Esposito said the Fire Board can allow the appointment to run January 1 through December 31 or to stagger the term. He encouraged the legislation to pass regardless because having a two member board could be problematic. If one member is absent there is no quorum. Tiebreaking is not possible with a two member board. There would be no legal reconciliation to expand a one member board. Mr. Esposito discussed adopting bylaws.

A motion was made by Councilwoman Jordan that the rules requiring three separate readings be suspended on Resolution No. 2020-31 and that the ordinance be passed on an emergency basis; seconded by Councilman Sabatino.

RESOLUTION No. 2020-31: A JOINT RESOLUTION BY THE BOARD OF TOWNSHIP TRUSTEES FOR RICHLAND TOWNSHIP, BELMONT COUNTY, OHIO, AND THE COUNCIL OF THE CITY OF ST. CLAIRSVILLE, BELMONT COUNTY, OHIO

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CONFIRMING THE COMPOSITION OF THE JOINT FIRE DISTRICT CREATED THROUGH JOINT RESOLUTION No. 89-22; AND DECLARING AN EMERGENCY

ROLL CALL:

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

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

Rules requiring three separate readings suspended

Vote to pass Resolution No. 2020-31:

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

OLD BUSINESS: Councilman Sabatino asked if the City has received a response regarding the letter sent to the Ohio Ethics Commission. Ms. Glick said it has been mailed. A response is expected in October.

Discussion ensued whether to charge reconnection fees for October. Anita Robinson said disconnections would take place October 15. Legislation would need to be prepared.

A motion was made by Councilman Sabatino to prepare legislation to reinstate reconnection fees for the month of October; second by Councilman Bukmir

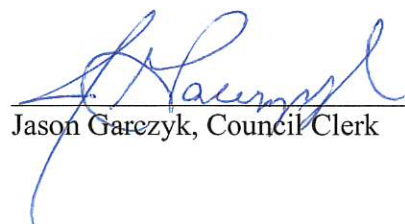
ROLL CALL:

Basile	NO	Oprisch	NO
Bukmir	YES	Sabatino	YES
Butler	NO	Smith	NO
Jordan	YES		

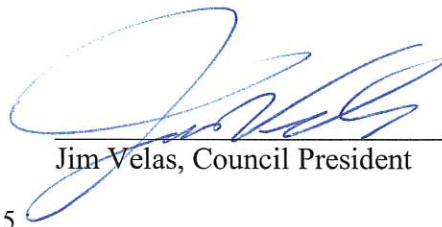
Roll Call Vote: Three (3) YES Four (4) NO Motion Not Carried

ADJOURNMENT: With no action to take and there being no further business to come before Council, Councilman Sabatino made a motion to adjourn; seconded by Councilman Smith. Meeting adjourned at 9:18pm.

Next meeting will be Monday, October 5, 2020 at 7:30pm via teleconference.



Jason Garezyk, Council Clerk



Jim Velas, Council President