

**ST. CLAIRSVILLE CITY COUNCIL**

**April 5, 2021 Meeting**

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

sJim 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  
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 7:35 pm. 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. Councilman Smith made a motion to approve the minutes from March 15, 2021 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:** Mr. Smithberger stated the fire hydrants will be flushed starting the week of April 19<sup>th</sup>. Mr. Smithberger advises the public to not do laundry due to water being disturbed. The Fire department will be checking the flow and pressure on the hydrants to better serve the community.

**REPORTS:** Mayor Kathryn Thalman was not present.

**Service Safety Director Jeremy Greenwood** reports they are working on the street list from the 2<sup>nd</sup> Ward and additional streets. Mr. Greenwood states they are reviewing getting some paving this summer in addition to potential projects including water and sewer lines. Mr. Greenwood had several meetings, including with the law director on various projects, Rec Board meeting, OMEGA meeting, Vaughn, Coast & Vaughn regarding a wastewater plant issue, GIS monthly meeting, 2 Wastewater plant employees’ 6-month evaluation, equipment supplier, citizens regarding trees and driveway issues, Mayor’s Court, and ARC webinar. Spring cleanup is scheduled for April 19<sup>th</sup>-23<sup>rd</sup>; citizens are asked not to leave out garbage and to place leaves and debris in paper bags by the street [more information can be found on the City website]. Fire hydrants are scheduled to be flushed for the week of April 19<sup>th</sup>- 23<sup>rd</sup>; citizens are advised to expect discolored water and not to do laundry until water clears up. GPS receiver is set up and waiting on additional training for the employees. Computer for the Leak Detection equipment is in and work will be started soon. Mr. Greenwood and the Rec Center have layouts for the Community Garden and are reviewing material prices. Building projects that are still in progress, include renting the building [S. Sugar] to Belmont County Soil and Water, the fire department

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building to Cumberland Trail Fire District, touchless fixtures for the City and Rec Center restrooms, and the Train Station renovation. Crews helped install the St. Clairsville softball scoreboard. Mr. Greenwood had a meeting with the Wastewater crew regarding updating the treatment procedures. Mr. Greenwood is receiving resumes for the Wastewater Superintendent; Council will be advised on how many resumes were received and who applied. Mr. Greenwood is continuing to work on updating the Administrative Policies and Procedures. The East End Water Connection is waiting on funding approval. Application for the Ohio EPA WSRLA (Water Supply Revolving Loan Account) has been submitted and waiting on direction. Continuing with dam repairs. Electric department crew is doing utility locates, service work and trimming trees. Water/Wastewater departments are working on water leaks, East End Lift Station, and working on beds for West End Package Plant. Street department is cleaning and repairing catch basins, repairing streets and alleys, cold patching but hope to start hot patching, and equipment repairs. Rec Center finished Soccer Clinic last week, Easter Egg scavenger hunt on Facebook, Summer League Basketball registration has started, hosting a car maintenance class as part of the Life Skills Program on April 13<sup>th</sup> and 27<sup>th</sup> from 3-4 pm, planning Community Day, and fishing tournament for this summer, Red Devil Classic track meeting will be later this summer, all 10 concerts are booked, and a “cause” connector grant for people to donate to their programs ends April 9<sup>th</sup>. Police department has K9 Certification Training ending next week. Currently no one is out sick. St. Clairsville Schools sent a thank you letter for donating the AeroClave machine. The City has been awarded the 2020 Tree City USA Award. The St. Clairsville Light and Power has won 3 awards, including 2020 Certificate of Excellence in Reliability, 2020 APPA Safety Award, and Gold RP3 Designation. April’s Employee of the Month is awarded to Ryan Denham [Water III license] with the Water department.

**Police Matt Arbenz** reports there were 316 calls, 58 traffic stops, 4 crashes, and 20 criminal arrests. The department has had several more drug cases in the past 2 weeks; including one resulting in 3 quarters of a pound of meth. The K9 officer is finishing up training next week. The drone was deployed on its first call Saturday night after a fleeing suspect rammed into a cruiser; the flight lasted 28 minutes and the infrared night-vision was very clear. Chief Arbenz had a meeting with morning Rotary regarding the Juvenile Justice Outreach Program, have another meeting with Rotary tomorrow.

**Finance Director Annette Williams** reports Melanie Smith, traveling clerk, contract has ended as of March 31<sup>st</sup>; the City is keeping her on as a retainer for the rest of the year. Ms. Williams states that with Ms. Smith’s help and the changes that have been made in the Finance department, the City is in a good place and is back on track.

Mr. Sabatino asked what Ms. Smith rate will be to retain her; Ms. Williams stated she will be paid \$35 per hour plus travel.

**Planning & Zoning Administrator Tom Murphy** reminds resident to get permits prior to construction. Board of Zoning Appeals met March 24<sup>th</sup> and approved the variances for Convenient Food Mart Express [188 E. Main]; final plans will be submitted soon and then will set up the required meeting before the Planning Commission.

Councilwoman Oprisch asked when the final Census information will be released; Mr. Murphy stated the window when it will be released is between April 1<sup>st</sup> and October 30<sup>th</sup>.

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COMMITTEE REPORTS:

Finance Chair Mike Smith: No report.

Utilities Chair Terra Butler: Councilwoman Butler stated Council needs to vote on April's \$50 reconnect fee. Disconnects are scheduled April 14<sup>th</sup>. Councilwoman Butler stated they also discussed customers checking out pool meters and receiving a sewer credit for the portion of water used to fill up the pool. Also discussed was waiving the cost of water for the commercial entity filling up the pool for the first of the year.

A motion was made by Councilwoman Butler to waive late fees for April's utilities bill; seconded by Councilman Basile.

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 Carried

Police Chair Beth Oprisch: No report. Next meeting is Monday, April 12 at 7 pm via teleconference.

Streets – North Side Chair Perry Basile: No report.

Streets – South Side Chair Frank Sabatino: No report

Safety Chair Frank Sabatino: Councilman Sabatino congratulated Mr. Smithberger and crews for all the safety awards they received.

Building and Grounds Chair Perry Basile: No report.

Planning Commission Chair Frank Sabatino: No report

Fire Chair Frank Sabatino: The board met Thursday, March 25<sup>th</sup> at 3 pm. Councilman Sabatino reports they discussed insurance rates and personnel; had a resignation of 1 full-time and 1 part-time employee, both positions have been filled with new employees. Next meeting is April 21<sup>st</sup> at 3pm in the ESC building.

Recreation Chair Linda Jordan: Councilwoman Jordan made a motion to reappoint Alicia Freeman [expires April 17<sup>th</sup>] to the Rec Board; seconded by Councilman Sabatino. Councilwoman Oprisch asked if there are other nominations and how many nominations Council has; Councilwoman Jordan stated Council has two nominations. Councilman Basile nominated Lisa Amos to the Rec Board; seconded by Councilwoman Oprisch. Councilman Basile asked if the two nominations will fill the two positions expiring April 17<sup>th</sup>; President Velas states yes, the two nominations on the floor are for the two open positions. Councilwoman Jordan stated only one appointee available for Council and the next position is October 1, 2022. President Velas stated the paper that he has states under a 5-year term, Diane Schubert [appointed November 4,

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2019] was filling a vacancy for another appointment and that term was April 18, 2016-April 17, 2021; other appointment, Alicia Freeman, term was April 18, 2016-April 17, 2021.

Councilwoman Jordan stated Diane Schubert was filling John Nemeti seat whose term was October 2, 2017-October 1, 2022. Councilwoman Oprisch asked if this issue could be pushed to the next meeting until the terms are made clear; Law Director Elizabeth Glick stated next Council meeting is April 19<sup>th</sup> and the Board would be without two members for 2-3 days if Council chooses to wait until the next meeting. President Velas advises Council to wait until the April 19<sup>th</sup> Council meeting until the members' terms are clarified. Councilman Bukmir asked if the motion on the floor and the second needs to be rescinded. President Velas asks Councilwoman Jordan to withdrawal her motion; Councilwoman Jordan stated no. Councilman Basile stated that both nominees should be rescinded to get clarity and revisit the issue next Council meeting. He also asked what happens if you do not withdrawal a motion; President Velas stated if it is not withdrawn then the motion is voted on. Law Director Elizabeth Glick explains this is for the nomination for this particular candidate, if Council gets a "no" vote this candidate will not be seated on the Board. Councilwoman Oprisch asked if this candidate could be renominated; Law Director Elizabeth Glick stated yes, they could be renominated. Law Director Elizabeth Glick states the exact term for the second member needs clarified due to the official minutes and the Rec Board's records not agreeing; Councilwoman Oprisch states the official minutes trump anything because they are the official record, and Council should proceed with both nominations. President Velas calls for a 5-minute recess.

President Velas resumes the Council meeting. Law Director Elizabeth Glick states that both nominations occurred on April 18, 2016 to expire April 17, 2021; Alicia Freeman filled the entire 5-year term, and the other appointee has been filled by 4 different people during this 5-year term. Diane Schubert [nominated November 19, 2019] was the last appointee in this position and according to official Council minutes her term will end April 17, 2021. Law Director Elizabeth Glick states that in her opinion the Council minutes declare there are 2 positions that expire in April, and we should proceed with nominations for the 2 positions. Councilwoman Jordan nominates Diane Schubert to the Rec Board; seconded by Councilman Sabatino. President Velas asked if Council has access to email; all members did have access to email. President Velas stated Council will email Jennifer McMillen [jmcmillen@stclairsville.com], Mayor's Assistant, their two nominations for the Rec Board [Alicia Freeman, Lisa Amos, Diana Schubert]. Councilman Bukmir asked if Diana Schubert and Alicia Freeman want to be reappointed for the Rec Board; Councilwoman Jordan stated yes, she has spoken with both. Councilman Bukmir asked if both members were good Board members and worked well on the Board; Councilwoman Jordan stated yes both members worked exceptionally well, Diana brought in \$1,000 to the Rec Board. Councilwoman Oprisch asked if Councilwoman Jordan can vote for Alicia being that she is her daughter; Law Director Elizabeth Glick stated Councilwoman Jordan should abstain on that vote. Councilwoman Oprisch asked if Councilwoman Jordan could make the recommendation for Alicia considering the relationship; Law Director Elizabeth Glick stated she can make the motion but must abstain from the vote. Councilwoman Jordan asked if Council will be able to see the votes; President Velas stated the email votes will be released after being tallied. President Velas stated Ms. McMillen will email the votes to the Council members and will release the email votes to the public by contacting Ms. McMillen.

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President Velas announced Alicia Freeman and Diana Schubert have been voted to the Rec Board (attached email votes to minutes).

Councilwoman Oprisch asked for clarity on how many appointments the Mayor has; President Velas stated the Mayor has 4 appointments and she has appointed 5. President Velas stated since the Mayor is out, this will be addressed next Council meeting.

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

**ORDINANCES & RESOLUTIONS:** Law Director Elizabeth Glick addressed one piece of legislation before Council.

A motion was made by Councilman Oprisch that the rules requiring three separate readings be suspended on Resolution 2021-7 and that the ordinance be passed on an emergency basis; seconded by Councilwoman Basile.

**RESOLUTION NO. 2021-7 A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2021 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. 2021-7:

**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 introduced by Law Director Elizabeth Glick per ORC 121.22 (G)(3).

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

**ROLL CALL:**

Basile	YES	Oprisch	YES
Bukmir	NO	Sabatino	NO
Butler	YES	Smith	YES
Jordan	YES		
Roll Call Vote:	Five (5) YES	Two (2) NO	Motion Carried

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Executive Session was entered 9:04 pm.

Councilman Sabatino made a motion to exit Executive Session and resume open Regular Session; seconded by Councilman Basile. Regular Session resumed at 10:02 pm.

**Old Business:** President Velas discusses the request for variance for the property owner who request to apply for City sewage without annexation into the City following the agreement that was in place.

A motion was made by Councilwoman Oprisch to proceed with the negotiation of agreement to allow the two property owners to tap into the City sewer system without the requirement of annexation into the City per the agreement between the City and the Predecessor in title [2002]; seconded by Councilwoman Butler.

President Velas explains a “yes” vote will grant variance to the property owner to connect to the City sewage without annexation. A “no” vote is turning down the variance.

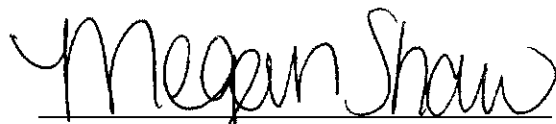
ROLL CALL:

Basile	NO	Oprisch	YES
Bukmir	NO	Sabatino	NO
Butler	YES	Smith	YES
Jordan	NO		
Roll Call Vote:	Three (3) YES	Four (4) NO	Motion Not Carried

Law Director Elizabeth Glick will contact Attorney Shaheen.

**ADJOURNMENT:** With no further business to come before Council, Councilman Sabatino made a motion to adjourn; seconded by Councilman Bukmir. Meeting adjourned at 10:08 pm.

Next meeting will be Monday, April 19, 2021 at 7:30 pm via teleconference.

  
 \_\_\_\_\_  
 Megan Shaw, Council Clerk

  
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 Jim Velas, Council President

## Jennifer McMillen

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**From:** Perry Basile  
**Sent:** Monday, April 5, 2021 8:51 PM  
**To:** Jennifer McMillen  
**Subject:** Nomination

Lisa Amos  
Diane. I didn't get her last name

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## Jennifer McMillen

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**From:** Frank Sabatino <fsabatino251@gmail.com>  
**Sent:** Monday, April 5, 2021 8:52 PM  
**To:** Jennifer McMillen  
**Subject:** Re: This is Jenn

My two votes for Rec Board:

Alicia Freeman

Diane Schubert

Thanks Frank

On Mon, Apr 5, 2021 at 8:49 PM Jennifer McMillen <[jmcmillen@stclairsville.com](mailto:jmcmillen@stclairsville.com)> wrote:

Thanks

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## Jennifer McMillen

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**From:** Comcast <book259@comcast.net>  
**Sent:** Monday, April 5, 2021 8:52 PM  
**To:** Jennifer McMillen  
**Subject:** Rec Board Vote

Miss McMillen,  
I vote for the two present board members :  
Mrs. Freeman  
Mrs. Schubert (sp)  
Respectfully submitted,  
Mark Bukmir  
3rd Ward Council Member

Sent from my iPhone

## Jennifer McMillen

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**From:** Terra Butler  
**Sent:** Monday, April 5, 2021 8:56 PM  
**To:** Jennifer McMillen  
**Subject:** 2nd try.

Lisa Amos and Diane S

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**Jennifer McMillen**

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**From:** Jennifer McMillen [REDACTED]  
**Sent:** Monday, April 5, 2021 8:54 PM  
**To:** Jennifer McMillen  
**Subject:** Fwd: This Is Jennifer

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**From:** Michael Smith <mjscpa@aol.com>  
**Sent:** Monday, April 5, 2021 8:48:40 PM  
**To:** [REDACTED]  
**Subject:** Re: This is Jennifer

I vote for:  
Alisha Freeman and Diane Schubert

-----Original Message-----

**From:** Jennifer McMillen [REDACTED]  
**To:** Council <Council@stclairsville.com>; Mike Smith <mjscpa@aol.com>  
**Sent:** Mon, Apr 5, 2021 8:47 pm  
**Subject:** This Is Jennifer

Thanks  
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## Jennifer McMillen

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**From:** Beth Oprisch  
**Sent:** Monday, April 5, 2021 8:50 PM  
**To:** Jennifer McMillen  
**Subject:** Rec Board

Lisa  
Alica

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## Jennifer McMillen

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**From:** Linda <ldjstc@comcast.net>  
**Sent:** Monday, April 5, 2021 8:51 PM  
**To:** Jennifer McMillen

I vote for Diane Schubert

Be blessed!