

EAST PALESTINE VILLAGE COUNCIL MONDAY FEBRUARY 23, 2015 7 PM 85 N. MARKET ST.

Mayor Zuch called the meeting to order, present were Atty. Beagle, Mr. Cohen, Mr. Elzer, Mr. Figley, Mr. Tyger and Mrs. Wisser. Also present was Village Manager Pete Monteleone, Law Director Dave Powers, Finance Director Traci Thompson, Chief Kevin Dickey and Clerk Misti Martin. The minutes of the February 9 meeting were approved on a motion by Mr. Cohen, seconded by Mrs. Wisser. There were no monthly department reports or Clerks report.

AGENDA: Chief Kevin Dickey- Chief Dickey presented a plaque to Emery Coon for his retirement after 48 years of service to the East Palestine Police Department. Chief Dickey said he started his career in law enforcement in 1966 and saw many changes occur over the years including the computerization of the department and he also saw the department's first female office, Fran Beers.

MAYOR: Mayor Zuch stated the Fire Department has been very busy lately and thanked them for their hard work during all of the cold weather.

MANAGER: At this point Patty Sugar presented Monteleone and Mayor Zuch with a check for \$15,000.00 from the East Palestine Community Foundation for the new Splash Pad at the park pool. Monteleone said the water department found a water leak in the creek on W. Martin St, he said they are planning on cutting valves in on both sides of the leak when the weather allows. John Jurjavcic stated the issue is more the bridge abutment because it's going to have to be tied back together, the abutment may have to be removed and that could be expensive. Monteleone had given council a drawing showing the issues. Mr. Cohen asked if there was a way to tell how long it has been leaking and Jurjavcic said no. Mr. Figley asked if it would be easier to put in pipe that is at a 45 degree angle to move the line away from the abutment and Jurjavcic said the problem with that is the gas line is right there. Mr. Elzer asked if it was too big for a saddle, Jurjavcic said there is cement around the pipe and very little room. In reading through the annual report he said everyone should be proud, the finances look much better and the streets are great. He also said the dispatchers handled 56,000 calls last year which is more than one every ten minutes and they should be very proud of the work they do.

LAW DIRECTOR: Atty. Powers stated that at a previous meeting a motion had been made to update the ordinance to increase fines to be comparable to state. That increase is already included in the updated codified ordinances which are on the agenda for tonight.

STREET: NO REPORT

SAFETY/PARK/REC/CEM: NO REPORT

DEVELOPMENT: Mr. Elzer had no report but thanked the street department for doing a good job.

UTILITY: NO REPORT

FINANCE: Mr. Tyger had no report but thanked the Community Foundation for their generous donation.

At this point Mayor Zuch gave a brief explanation of the upcoming legislation. In reference to the codification legislation Atty. Powers stated that every time an ordinance is passed it goes into a codification and the legislation tonight is the update to that including some changes to state law, he said the legislation is indicated as an emergency because it is important to have up to date revised code for the court system but it is up to council if they want it to go three readings. Mr. Figley stated that it is an emergency and council would like to go over each item included, he said they have discussed over and over councils dislike of emergency legislation, he feels that emergency legislation should be discussed with all of council so the residents understand what is happening. Atty. Powers said this legislation is codifying ordinances that have already passed. Mr. Figley said he sees no harm in reading it once or twice even if it's an emergency and Atty. Powers said that is

within the rights of council. Mr. Cohen asked if we were under time constraints from the publishing company and Atty. Powers said no. Mr. Figley said that this legislation could really be no big deal but how do they know from meeting to meeting what is or isn't a big deal. Mr. Cohen said the legislation asks them to approve changes on 38 ordinances and there is nothing telling them what the changes are and that they have a duty as a council to understand the laws. Atty. Powers said it is within the rights of council to determine if they want it to go emergency or not and Monteleone said that he after receiving the info from the publishing company he forwarded the changes to council and stated that they could do it three readings if they preferred. Mr. Cohen said after starting to read the changes he said it couldn't be done in one afternoon as there were many pages, he said they need the time to review everything and having it as emergency doesn't give the time they need. Mr. Elzer asked if something becomes law when council passes it or when it is codified. Atty. Powers used the general assembly as an example, He said they pass laws throughout the year, but they are just statute laws until they are codified. He said they are laws when they are passed but they are not laws that a judge can access until they are codified. Mr. Cohen asked if it would be different if they charged under state or village law. Atty. Powers said when the housing code was amended previously and he had to charge someone with a violation he attached a certified copy of the ordinance to the charges so the court knew there was updated law because they couldn't check codified ordinances yet. Mr. Figley stated the residents have a right to know and to have a chance to call and ask questions and that's why he doesn't like emergency legislation. Mr. Elzer asked if there would be negative effects to not passing it emergency and Atty. Powers said no.

VISITORS: Sandy & Emery Coon, Chief Kevin Dickey, John & Dot Herbert, Patty Sugar, Julie Young, Dianna Elzer, Kent Chapman, Wendy Tyger, Marty Grim, Missy Smith, Barb Kliner, Rick & Karen Gorby, Fran Beers, Alex Gregory, Terri Ward, Carolyn Wilcovich, Nate Foster, Brett Todd, John Davis, Bob Dunn, Cpl Brian Moore, Officer Justin Morris, Officer Richard Burbick, John Jurjavcic, Brock Jurjavcic, Jen Calko, Mary Beth DiCello, Pam Figley, Officer Don Johnson and Katie White.

THERE WERE NO VISITORS COMMENTS ON CURRENT LEGISLATION.

LEGISLATION: Atty. Beagle introduced Ord. 1-2015 for a third reading and made a motion that it be read by title only, seconded by Mr. Cohen. . **An ordinance providing for the authorization of the Municipal manager to advertise for public bid the construction/paving of : West St. from W. North to W. Main St., Howell Ave from Stacy Ave to Village Limits, Lyons Ave to the turn (approx 900 ft), E. Highland Ave. (Entire Rd.), N. James St. from E. Grant St. North to end of road, Carbon Hill Rd. from Bacon Ave. to Village Limits and Marion Ave. from N. Market St. to Howell Ave. Together known as the 2015 Street Resurfacing Project, and to further award and enter into a contract with the lowest and best bidder as relates to the contract, pursuant to the specifications and bidding requirements as determined by the Municipal Manager, and in compliance with law.** Atty. Beagle called for a vote on Ord. 1-2015. Atty. Beagle-y, Mr. Cohen-y, Mr. Elzer-y, Mr. Figley-y, Mr. Tyger-y, Mrs. Wisser-y. Mr. Figley asked why visitors are asked if they have questions on current legislation before the legislation is read. Mayor Zuch stated she gives an explanation of the legislation, then asks for comments and then each piece of legislation is read. Mr. Figley said it's too late to ask a question after the legislation is read because they have already voted, Mayor Zuch said she asked for comments after she gave her explanation and that if anyone had additional questions all they had to do was raise their hand. Mr. Cohen suggested asking for comments on each ordinance after the title is read. Mr. Elzer said the reason we do it the way we do now, with the Mayor giving a description, is because the title usually doesn't tell you much about the ordinance itself. Dianna Elzer said that most of the time the title of the legislation gives nothing away as to what it covers. Atty. Beagle made a motion to amend Ord. 3-2015 to remove the clause "... and declaring an emergency" seconded by Mr. Cohen. All in favor. Atty. Beagle introduced Ord 3-2015 for a first reading and made a motion that it be read by title only seconded by Mr. Cohen. **An ordinance approving the editing and inclusion of certain ordinances as parts of the various component codes of the codified ordinances; providing for the adoption of new matter in the**

updated and revised codified ordinances; repealing ordinances and resolution in conflict therewith; and ~~declaring an emergency.~~

ADJOURN: Mr. Cohen made a motion to adjourn, seconded by Mrs. Wisser. All in favor, meeting adjourned.

MISTI J. MARTIN CLERK

MARGO ZUCH MAYOR