

EAST PALESTINE VILLAGE COUNCIL MARCH 25, 2013- 7PM- COMMUNITY CENTER

Mayor Zuch called the meeting to order. Present were Atty. Beagle, Mr. Cohen, Mr. Elzer, Mr. Figley, Mr. Tyger and Mrs. Wisser. Mr. Cohen made a motion to amend the agenda to remove the word "Emergency" for the two pieces of legislation as relates to the Brittain Motors project. Atty. Smith explained the legislation is proper as written, they are not written as emergency. The title of the legislation is just repeating the titles of the legislation being repealed and they were emergency so all that needs amended is the agenda to remove the word emergency. The motion was seconded by Mr. Tyger. All in favor, motion carried.

AGENDA: Sandy Wales spoke on the the issue of free use of the Community Center for non profits. She stated she is not for it. She stated years ago the Park Board decided the Park needed money and they didn't want to raise fees again and the current building was nothing more than a storage building with no bathrooms or anything. After going to council it was decided that the Park Board would raise the money and remodel this building along with Rotary. Most of the work was done by three men. Bob Reeves, Bob Zuch and Lindy Cyrus worked on it every day with the help of volunteers. Now with the discussion of the Park needing more money, it doesn't make sense to consider giving it away for free. Those people volunteered their time knowing it would be rented out. She said it will be opening a "can of worms". People will want to rent it and it will be taken up by the non profits and people may just go elsewhere if it's always taken up by them. The Center is left open on July 4th for the community. If it is let go for free, who will pay utilities and maintenance. Mr. Elzer said he doesn't disagree with anything Wales said. He stated she is taking care of DOG Days and trying to raise money for that and then have to pay \$200.00 to rent the building for that day. Wales stated they don't pay for DOG Days because the majority of the work on that day is at the Park. Mr. Elzer asked if DOG Days pays for use on that day and Wales said they do not. Mrs. Wisser stated that is a can of worms because when she put on Movies at the Park for Rotary, they had to pay to use the gazebo and that was in the Park for the Community. There are a lot of grey areas but it could be resolved by working together, for example the Rotary Breakfast with the Easter Bunny, if you are charging admission they should pay the rental fee, but DOG Days is not charging so they should get it for free as the Military Convoy or the welcoming when the new Police Chief came. When they did the movies on Fridays each movie cost them \$300 and they didn't charge admission and had to pay for the gazebo. Having to pay is a deterrent for people who want to do things for the community. Mrs. Wales asked what if an organization books it every Saturday for a year, and Mrs. Wisser said she doesn't think that would happen. Mr. Elzer stated he thinks DOG Days should be free but that's how all of the organizations feel. He stated the last Crime Watch meeting was in Bea's Insurance back room while the Community Center sat empty. Mrs. Wisser said Crime Watch benefits the community. Mr. Elzer said this isn't about dollars; we are trying to do what's best for the community. Atty. Beagle asked how it could not be about dollars. Mr. Elzer said by Crime Watch using the facility, it makes this a better community and it's not about the dollars. Mrs. Wales said if it's not about the dollars then you can't say the park needs money. Mr. Figley stated he got a list from Traci of all of the non profits including his church and out of almost all of them, none object to paying the fees. Mrs. Wales stated all of the churches rent their basements. Mr. Figley said there would be too much confusion in trying to pick and chooses who would get it for free. Mr. Elzer said by DOG Days not paying and he don't think they should, we already are picking and choosing. Mr. Cohen asked if any of the organizations on Mr. Elzers list to not pay had asked to be put on. Mr. Elzer said he didn't ask anyone if they wanted on that list, that they don't even know about it. Mr. Elzer said his argument has nothing to do with these organizations; it's about the Village doing what's right. Atty. Beagle stated that Mrs. Wales had said that even the churches rent their basements out. Jerry Coblentz stated that he also believed that the NASH Foundation funded the gazebo and it wasn't meant to be rented. Coblentz also said it doesn't make any sense to keep the open longer to make more money and then give the Community Center away for free. Mr. Elder said it's not about the money. Atty. Beagle said that parts are about the money and some parts aren't and apparently we are going to pick and choose. Mrs. Wisser then asked what should be done about DOG Days, should they have to pay. Mrs. Wales said that if they have to pay for the building then the Village will have to pay for all of the supplies.

At this point Mayor Zuch stated she skipped the approval of the minutes earlier so that needed to be taken care of. The Street Committee minutes from March 8 and the regular meeting minutes from March 11 were approved on a motion by Mr. Cohen, seconded by Mr. Figley. All in favor, motion carried.

AGENDA: Dot Herbert stated as the person who works in the ticket booth all summer it would be a total can of worms whether it is or isn't the right thing to do. Herbert stated that it was always intended to be a rental facility, but the gazebo was not. Herbert stated people do use the center for free, from Mon thru Thur until

3:30pm. She gave a list of the organizations they use for that purpose. As far as the center is concerned it has utilities and maintenance that need to be paid for. Giving up evening and weekend rentals no matter how charitable the organization may be while trying to make the park self sustainable doesn't make sense. East Palestine residents who pay the park levy do get a break on some of the facilities there as out of town renters pay a higher rate. It doesn't make sense to have to turn away someone willing pay the \$200 fee because a nonprofit has the building for free. She also said it has been discussed for a few years that senior citizens get a reduced rate on a pool pass but not on the daily admission rate. Last year they documented the total income and if there was a senior rate they would have lost only \$135.00. They bring their grandkids and buy things at the concession stand. We should give them a reduced rate. She also said the gazebo was not intended to be rented. It may be rented twice a summer for a wedding. It would still need to be booked to avoid problems. Mayor Zuch stated all of these issues need addressed at the Park committee meeting coming up. Mr. Cohen stated there is a Park Committee meeting before the next council meeting on April 8th at 6pm. Mr. Elzer stated that he does agree with everything that has been said. He stated he is about to go to the board for the Chamber of Commerce and ask them to give \$10,000.00 to pay for the splash pad at the pool, but if they want to have a business development meeting at the center they can't and that makes no sense. Atty. Beagle said that makes perfect sense to her, she has no problem with things like that. She said that Mr. Elzer has a quid pro quo going on that she feels is wrong and unethical and should be illegal. You can't say "I'll give you \$10,000.00 if you give me free rent". Mr. Elzer said he has stated many times it's not about the money. Atty. Beagle said he keeps saying it's not about the money but that not what he just said. Mr. Elzer said that all he said was he is going before the board to ask for the money Elzer said If the chamber wants to use the center for a business development meeting for people who want to bring new businesses here they have to pay. Mayor Zuch asked if they could do it Monday thru Thur and Elzer said sometimes yes and they do. Mr. Elzer said people don't realize how many things do not get done here because they have to pay to use it. Mr. Cohen said he didn't understand that point that you can say how many cars did I not buy because I can't afford to pay, the point is if you can't afford it you don't do it.

CLERK: The clerk stated that there will be a Park/Safety/Recreation/Cemetery meeting at 6pm on April 8th.

MAYOR: Mayor Zuch stated they had they Organ Donor Awareness Day Saturday at the Clark St. Fire Station and she thanked the Fire Chief for allowing them to have it there. It didn't go as well as she had hoped but Lifebank was pleased and she also thanked Katie Schwendemen from the Journal for putting something in the paper about it.

MANAGER: Manager Monteleone stated the gas company has been on Sumner St. to cap off and move a gas line there and Ohio Edison has been notified. The tentative plan is to remove the curb lawn and side walk section next week. A decision has to be made for the interest free loan thru OPWC and that was to replace the bridge. He stated he spoke with Pam Dray about CDBG money from a Critical Infrastructure Grant to get the bridge replaced and paid for at 80% but he's not sure of the timeline. The Fire Department received a \$121,000.00 grant thru FEMA for breathing apparatus, thermal imaging camera and rapid intervention equipment. The Fire Chief stated they currently have 18 air packs that are over 20 years old and in need of replacement. They have two thermal imaging cameras, one is out of service the other is over 20 years old and the technology has improved drastically. The cameras are a huge asset to the department. In the event a fireman is trapped in a confined space, the rapid intervention equipment allows the fireman to continue breathing during the rescue and that is the number one goal to protect the guys. We received a grant to work on the brick pavilion, this year we were approved for almost \$7000.00 to replace the roof and gutters and lighting and new counter tops that will be installed during DOG Days and work on the bathroom. And almost \$7000.00 for next year to replace all of the windows with gas filled double paned windows. He stated the street department took down 11 dead trees in the park this week and he is looking for 10 to 15 foot trees to replace them with. Mrs. Wisser stated that the Middle School held a 3 on 3 basketball tournament to raise money for the light poles and Monteleone said that could go towards painting or things like that.

LAW DIRECTOR: NO REPORT

STREET: NO REPORT

SAFETY/PARK/REC/CEMETERY: Mr. Cohen stated he attended the last Park Board meeting and discussed the plans for DOG Days and Larry & Sandy Wales have it under control. He stated they had a discussion on the counter top at the concessions stand. It has to be replaced, and they are getting estimates. It is not useable as it is.

DEVELOPMENT: Mr. Elzer stated that the local television station did a piece on B'Sue Boutiques this morning and they did a very good job. There was a couple in town looking for a space to open a business and they were discussing why they chose East Palestine and he was told they have travelled all over the state and the people here are more friendly than anywhere else and that's why they decided to come here. Manager Monteleone said we have lost a couple businesses but it has been very positive also, there have been a lot of inquiries about spaces for new business. Mr. Elzer said two businesses have opened in the last month. The Rustic Trunk and Bea's Antiques and Furniture. Mr. Elzer said they are working with approximately 12 businesses who want to expand or move here. Monteleone said some of them will bring a lot of jobs. Mayor Zuch stated for the small business the key thing is for the people of town to shop there.

UTILITY: Mrs. Wisser asked on the status of the water line to the baseball fields as it will be starting soon. Monteleone said it is done. Jerry Coblentz said there is still a little work left to be finished.

FINANCE: Mr. Tyger asked if there was an ordinance about apartments being on street level downtown. Mr. Elzer said it's not an ordinance but that its part of the zoning, the downtown zoning includes residential and it is acceptable. Mr. Tyger stated he spoke to Lynn Gould about selling water for fracking and Mr. Gould said the best way to do it would be to sell water out of City Lake. Mr. Figley said that the cost of it wouldn't be worthwhile and if you go to XL Sand and Gravel they have approximately 20 ports where the trucks can pull in and fill up. He stated it would be too costly to prepare for the trucks and that Mr. Elzer has probably the best facility available here.

At this point Mayor Zuch gave a brief overview of tonight's legislation.

VISITORS: John & Dot Herbert, Larry & Sandy Wales, Chuck McGuire, Kip Reeves, John & Bonnie Davies, Dianna Elzer, Larry & Terri Ward, Patti Bosley, Jerry Coblentz, Chief Kevin Dickey, Katie Schwendemen, Emery Coon, Nancy Reeves and Kerri Stewart.

VISITORS COMMENTS ON CURRENT LEGISLATION: In reference to repealing legislation for the Brittain Motors annexation, Mr. Elzer stated he thought that is what was done at the last meeting. Atty. Smith stated what happened at the last meeting is council voted no on approving the annexation itself, therefore the annexation process wasn't completed so the previous legislation as to petitioners and providing services has to be repealed. Mr. Elzer asked if it could be sent to the commissioners without having to supply utilities and Atty. Smith stated that with any annexation under the ORC it is required to supply utilities along with police and fire services. Mr. Figley asked if there would be a hearing on the Ortenzio issue and Atty. Smith and Mr. Cohen stated there will be. Atty. Smith stated the Planning Commission had previously met about Ortenzio however that was before the legislation was read and that has apparently happened in the past where people will approach them directly but per the Charter they can't meet on the issue until after the first reading of the legislation and in her opinion it needs to go to the commission again and then the public hearing will be set.

LEGISLATION: Atty. Beagle introduced **Res. 5-2013** and made a motion that it be read by title only, seconded by Mr. Cohen. All in favor. **A resolution declaring it necessary to levy a 1.5 mi;; renewal tax in excess of the ten million limitation for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefore, or sources of water supply and materials therefore, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part time, or volunteer firefighting , emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the revised code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company pursuant to Ohio Revised Code Section 5705.19 (I).** Atty. Beagle called for a vote on **Res. 5-2013**. Atty. Beagle-y, Mr. Cohen-y, Mr. Elzer-y, Mr. Figley-y, Mr. Tyger-y and Mrs. Wisser-y. 6 yes to pass. Atty. Beagle introduced **Ord. 7-2013** and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance authorizing the municipal manager to advertise, interview and hire an aquatic director, with council further fixing the rate of compensation and hours of work, pursuant to section 3.08 (d) of the Charter of the Municipality of East Palestine.** Atty. Beagle called for a vote on **Ord. 7-2013**. Atty. Beagle-y, Mr. Cohen-y, Mr. Elzer-y, Mr. Figley-y, Mr. Tyger-y, Mrs. Wisser-y. 6 yes to pass. Atty. Beagle introduced **Ord. 9-2013** for a second reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance amending codified ordinance section 248.05 and ordinance 7-2008 as to collection of fees associated with the use of the Park Community Center for all nonprofit organizations benefiting the Village of East Palestine.** Atty. Beagle introduced **Ord. 11-2013** for a second reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance vacating the remaining portions of an un named**

alley running between Market St. and Oak St. an directing the Clerk to notify the Auditor of Columbiana county of the vacation of said alley. Atty. Beagle introduced **Ord. 12-2013** 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 of the East & West Clark; Pinetree Circle; W. Grant; Kenmar; W. North; Sunset; Grandview; Edgewood; evergreen and Neely Manor 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 specification and bidding requirements as determined by the Municipal Manager and in compliance with law, and declaring an emergency.** Atty. Beagle made a motion to suspend the rules and declare an emergency. All in favor. Mr. Elzer stated in doing this legislation we are giving permission to get prices and place the order, but in his opinion he should be able to get prices on whatever he wants. Village Manager Monteleone said he has and will continue to bring the prices to council. Atty. Smith stated that if council prefers in the future the legislation can be separated , one to allow for bids and one for a contract, however it has always been this way in past because of timing. Monteleone said if this ordiance wasn't an emergency it could not be started until August as opposed to June and it will save significant money on patching. Atty. Beagle called for a vote on **Ord. 12-2013**. Atty. Beagle-y, Mr. Cohen-y, Mr. Elzer-y, Mr. Figley-y, Mr. Tyger-y, Mrs. Wisser-y. 6 yes to pass. Atty. Beagle introduced **Ord. 13-2013** for a first reading and made a motion that it be read by title only. Seconded by Mr. Cohen. **An ordinance repealing East Palestine Municipal codified Ordinance no. 3-2012; "An ordinance consenting to the annexation of the 9.312 acres known as the "Brittain Motors Annexation:, and declaring an emergency."** Atty. Beagle introduced **Ord. 14-2013** for a first reading and made a motion that it be read by title only. Seconded by Mr. Cohen. **An ordinance repealing East Palestine Municipal ordinance no. 4-2012; "An ordinance regarding municipal services to be rendered to the 9.312 acres known as the "Brittain Motors Annexation", and declaring an emergency."**

ADJOURN: Mr. Elzer made a motion to adjourn, seconded by Mr. Tyger. All in favor, meeting adjourned.

MAYOR MARGO ZUCH

MISTI J. MARTIN CLERK