

EAST PALESTINE COUNCIL - REG. - MARCH 26, 2012 - 7 - PARK COMMUNITY CENTER

Council met with Mayor Margo Zuch presiding. Present were Don Elzer, Fran Figley, Raymond Hull, Scott Rauch, Jim Tyger & Endia Wisser. Six pages of minutes from the last meeting were presented. The Village Manager had distributed a letter to 9 people at the Council table at the March 12, 2012 meeting - to 6 members of Council, the Mayor, the Law Director and Clerk - during the last meeting, while it was still in session and before a motion to adjourn was made. The distribution of the letter from the Manager to 9 people during the meeting made the letter public record so the Clerk had incorporated the contents of the letter into the minutes. Council members Elzer, Figley, & Wisser said they did not think the contents of the letter should have been incorporated into the minutes. The Clerk felt the letter was part of the meeting because the meeting was still in session, before adjournment. Elzer said it should not have been included because it was not discussed. Wisser said that since the (19-page) annual report had not been typed into the minutes word-for-word, the letter from the Manager should not have been typed into the minutes word-for-word. The Mayor noted that Hull had read his letter out loud and it was incorporated into the minutes. Elzer made a motion, seconded by Hull to have the letter from the Manager stricken from the March 12th minutes. Motion carried. After Council voted to strike the letter from the minutes, Figley made remarks about the letter. Figley did not like the contents of the letter because he felt that Clark was patting himself on the back in the letter and that Clark had listed his "accomplishments". Figley said what was in the letter started an "ink war". Figley said the projects listed in Clark's letter caused the town to be in debt for 2 million dollars and Figley feels that debt was unneeded. Figley brought up the executive session that did not happen at the March 12th meeting. He said he has seen minutes in the past that had no additional information. Zuch explained that Council members expressed that they just wanted to talk about Clark "in general" and she also said that Council wanted to have an executive session that was just for the 6 of them and excluded the Manager and the Manager is supposed to be in the executive session. She said that she attends the executive sessions, too, as does the Law Director. Figley said to Zuch that that the "new Council members have made mistakes in procedures or what have you." He said Zuch corrected them and led them "in the right track". Figley said if the voting here is 3 - 3, with Zuch having to make the deciding vote, he feels it would have been fair to allow Elzer to ask for an executive session. Figley said going into executive session would "save the manager a lot of trouble because now the 8 things that we wanted to bring up in executive session will be brought up right here in this Council room." Zuch said that the Manager had said to bring up these things in open session, but Figley doesn't think that's what Clark said. Figley thought he was told to talk to Clark one-on-one & said he's been speaking to Clark in the office. Wisser said that the Ohio Ethics Commission & the International Manager's Association said 6 can go into executive session. At this time the Law Director said that the Charter specifically says that the Manager can attend. She said the Mayor attends executive sessions & in the past previous Law Directors have attended the executive sessions. Smith also said she believes there was never a motion for an executive session at the last meeting. She said we are a charter-governed town. Figley feels the executive session was "shut down" but Zuch said she read the article listing reasons. At this time Elzer said that, "Mr. Clark decided to run to the newspaper and embarrass the community." Elzer said, "We'll just do this publicly." Wisser then read from the Charter Section 3.11 concerning executive session, but the Law Director explained aspects of the Sunshine Law. Figley read through some minutes from the past when Council went into executive sessions to discuss personnel. Wisser read over the 7 reasons for executive session. Zuch said she made the decision and the decision stands. She asked Council to continue on with the items on the agenda, but Figley said, "No. Let's stay with this." Figley again referred to the stricken letter from the Manager, reading the portion of the letter out loud where the Manager had typed, "I am seeing some unjust harassment and discrimination with a few members of Council. This surprised me." He asked Gary Clark why he felt as though he was experiencing harassment and discrimination. Clark asked if the letter Figley was reading from is presently "in the minutes or out of the minutes" & was told it was "out. Before Clark could continue, Elzer talked about the newspaper. Elzer said he is constantly hearing things about Clark from members & he thought these things should be discussed in executive session. He said Clark told him he wanted to be treated like a professional, that he wanted to be part of the meeting. Elzer said he had responded to Clark by saying, "You don't get a choice. It's up to us." Elzer then said that Clark said that you don't know what someone will do if you mess with their income. Elzer again brought up the fact that Clark went to the newspaper. Elzer said that it is Clark who embarrassed the town. Clark responded by saying that he received information from very reliable sources that he was going to be terminated in executive session that night and that it had been arranged in advance. Clark said he asked Elzer if he could be present in this executive session & Elzer had told him that people won't be honest if Clark is there. Clark said he doesn't have any problems with honesty from Council. Clark said if they want to have an executive session to discuss his duties, responsibilities or performance, as long as it's within the Sunshine Laws, he said he would be "happy to participate". Elzer again questioned Clark about "the article you put in the paper". Clark said once he passed the letter out, it became a public record. Elzer said Clark didn't pass out any pictures but noted that Clark sent 13 pictures to the paper. Clark said he had additional pictures of Elzer's properties at the last meeting but didn't pass them around the table. Elzer asked why he did it. Elzer told Clark that there are ethics issues pending against

him & legal action being taken against the Village. Elzer again asked why Clark went to the paper. Clark told Elzer, "If you're threatening litigation, I'm done talking". Even though Clark's letter had been stricken, Figley again started to read portions of it out loud. "I have worked with many council members. The current body has not set goals nor provided direction and this has worked in the past." Again Figley accused the Manager of starting an "ink war". Clark started distributing copies of legislation passed by a former set of Council members that he established administrative goals for the town. As he was distributing the copies to those at the table, Clark started to say, "Actually to help out, I brought examples of..." Figley cut Clark off saying, "Wait a minute. I wasn't done. Haven't I sat with you & helped & suggested things? Have I been working with you?" Clark said, "Well, one day you're threatening me, the next day..." Figley said he has never threatened Clark. At this time Zuch used the gavel. She read from Roberts Rules. She read, "The rights of the organization supercede the rights of individual members. The organization has the right to make its own rules which then must be observed by all members. Should a conflict arise between the rights of a member and the rights of the organization to do its business, the rights of the organization prevail." She then said we are here for a business meeting. She said nothing that is going on now is on the agenda. Elzer said, "Are you really going to play that card? After not letting us go into executive session?" Figley then told everyone that Zuch cried in his car after she received word that "Clark was going to be fired." Figley said at that time he didn't know about the "firing". He said it was more than from Don Elzer. Elzer then said, "What are the rules to replace Gary? What has to happen?" Attorney Smith said it's governed by the Charter. She said in order to remove Clark you need 5 votes. And they need a vote of 4 to do a preliminary resolution to suspend him or put him on notice. That starts the appeal process and at the end of that you still need 5 votes. Figley said that he could not hear what Smith was saying. Smith gave the explanation. Elzer asked if Clark can be fired in executive session. Smith said her understanding is that you can take no formal action in executive session. Elzer asked why there is a "fear" of an executive session. Clark said there is no fear & he'd be happy to go into executive session. Elzer again went back to the subject of Clark going to the paper. He said Clark forgot the City is using his property. Elzer said everyone at the table doesn't agree but they all agree that voices should be heard. He said the Manager out "attacking" a Council member is out of the question because there is a code of ethics. Figley asked Zuch why she stopped the executive session. Again Zuch said it was because she was told they just want to go in & talk "in general" about Gary. Figley wanted to know why Zuch didn't "correct" things but she said it not only is not her job to correct Council members and most will not listen to her anyway. Wisser said it was City business. Zuch said the purpose tonight is to hold a business meeting. Figley said Council wants to talk about 6 or 7 things. Elzer said we spend \$100,000 to keep Gary here. Wisser feels that the Clerk of Council should not hold her position as Clerk of Council due to the Clerk using facebook to report Council incidents. Wisser said the Clerk should keep her personal life & her duties as Clerk separate. Zuch reminded Wisser that other people started posting Council things on facebook last fall & some of those things should not have been posted back then. Wisser had spoken to the Ohio Ethics Commission and found out that nothing the Clerk did by posting Council events on facebook was illegal, but she said it was unethical. She feels that only personal issues of the Clerk should be posted on facebook. Elzer claimed that Council doesn't place things like this on facebook. Elzer said it's because the people who were elected to this Council have "class". Zuch said she is attempting to conduct a meeting but no one is allowing her to do this. Elzer told Wisser to read the posts out loud. The Clerk had posted to her facebook friends & family: "My husband will be celebrating his 60th birthday soon. It was announced at Council tonight that 3 members of Council had been meeting each other in secret for months making plans to fire my husband. The firing was supposed to take place tonight. When speaking of hiring employees tonight, one Council member went as far as to say we should hire some 'young blood' ". At this time Wisser stopped reading the facebook posts and said, "That was me" (referring to who said the phrase "young blood"). Wisser went on, "It's on 2 tape recorders. Can you say age discrimination on top of work place harassment." Wisser continued on with what the Clerk had posted: "Just the fact that you noticed and appreciated all that he has done for EP in 10 years of management made by evening better. We both have spent our entire lives in EP and chose to raise 4 kids here so everything we do is to try to make it a good place to live. His heart & soul are in EP. They didn't even have enough votes to get rid of him tonight. They need 5 but it was all out in the open. It was really unbelievable. I understand what you said about your parents." "Gary did tons of paperwork, went to meeting after meeting & got grants for new streets that will be started this week: Main, Market, Bacon, Brookdale. When all that new pavement goes down he will be a hero for about a day." She said there was a correction about Sunshine Laws. Wisser then chose to read a separate post made by the Clerk out loud even though that post did not mention the word "Council" or any Council members' names. The post read: "In my opinion a person who looks you straight in the eye, smiles, pretends to be your friend and then joyfully stabs you in the back is a snake. There seems to be several slithering about in our town. They seem to enjoy doing hateful, spiteful, mean things that hurt entire families including an 8-year-old granddaughter." Wisser omitted the next portion of the post concerning the granddaughter and then continued on with the last sentence of the post. "Do they realize a big guy named Karma is usually lurking right around the corner." Rauch wanted to know if issues about the Manager will come out tonight. Elzer said no secret planning goes on between Council members. He said that doesn't happen. Figley agreed,

saying, "I swear to God". Elzer then said at least 20 people came up to him and said he's doing all these things because he wants the Manager's job. He said, "Nothing can be further from the truth. What I'm hoping to do is find somebody to do Gary's job." Rauch cited the Charter, saying that legally Elzer could not become Manager unless 2 complete years had passed since he had a seat on Council. Rauch said 2 years would have to go by before Elzer could even be considered for the Manager's job. Wisser said, "Yes. Two years." Wisser told Elzer, "Fran and I wouldn't vote for you." Elzer said that stories are being made up and they are nuts. Elzer gave as an example that "Gary is running around saying we're trying to fire him but it takes 5 people to do that publicly." Clark said, "If I may speak, please. About 30 seconds ago you said you were 'hunting somebody to do Gary's job'." Elzer said, "Well, since you ran to the paper two weeks ago - and I told you this two days ago when you came to me - I will do everything to find someone to do your job, who is a professional and who cares about this Village, not about himself. You don't make a hundred thousand dollars a year walking around here to protect your job. You're supposed to be doing the best for the Village." Figley referred to the stricken letter again, and what was printed in the newspaper. Figley said, "Gary, you wrote in the paper that I told you 6 times to pave my street or I'd run for Council to get it paved." Clark said that he doesn't "write" anything in the paper. He just gave them a letter. Figley said, "You didn't say that to the paper?" Clark said what the paper chooses to quote is up to them, to which Elzer said, "This is stupid." Rauch said he doesn't want things to get "crazy" at this meeting & again asked what is being brought up tonight & Figley said they are not bringing up all of the issues about Clark tonight, just one under Utilities. Rauch said right now he knows of no "just cause" for removing Gary Clark. If there is, he will look at it, but right now Rauch said he does not have anything. Rauch said he has voted for and against Council in the past & he has no alliances with anyone. Rauch said he wants to do what is best for the City & he doesn't want to hear that there is a "division" between members. He said there is no division if the information is put together. Elzer said Clark ran to the newspapers & bypassed ethic rules. Rauch said to Elzer, "If you remember, 3 years ago it happened to me when you told the Fire Department to go to the newspaper. I had a hundred people in here and I took it & I took it. But you know, It kind of goes... I didn't have a chance to refute what I said in Council. When I said that that day in Council I had every Council member with a nod in agreement but those nods aren't recorded unfortunately, so I understand what you're feeling. But I've been there." Elzer said, "There's a big difference. You don't understand what happened.." Rauch disagreed, saying, "No. There's not a big difference, Don. I've been in this City all my life. And then to have these guys that I thought were friends come in here furious over something that I didn't have a chance to review." Elzer asked if Clark's job is to go to the newspaper when someone's grass isn't cut and Rauch said, "I agree." Elzer said he went around procedures. Rauch said to Elzer, "I know you're excited but I don't want to hear pieces of things." Figley said he wants to know about all the things that go on "between the paragraphs that Gary writes" and it upsets him that he doesn't. Figley said he wasn't ready for the meeting 2 weeks ago. He said he argued about the meeting. He said, "I was not ready. It would have been a good idea to sit down and air all this inside that meeting that we're talking about and he wouldn't have got fired. He knows how I feel. I tell him every day." Rauch said, "I was there when we had our talk." Rauch asked if they could get all this together because he doesn't know what is going on. Figley told Rauch, "You know some of it." Rauch agreed that he knows some of it. Rauch said in the effort of fairness he should know all of what is going on. Figley said, "There's isn't any - there's no criminal - we're not proving criminal here." Rauch said he was told that previously. Rauch wants Council to be on the "same page". Wisser suggested executive session. Rauch said, "We are past executive session." Figley said he is going to address items about Clark "when the time comes." Figley then said, "I'm trying to hold him off." A special meeting was discussed but Elzer said, "Why don't we just do it at the next meeting?" Rauch agreed, but said he wants to have information ahead of time. Rauch said if the Council members are not comfortable placing the items about Clark into the packets, Rauch will go to their homes to get it. Rauch feels everyone should get the items in "black & white". Figley then said he will not be ready to address the items about Clark at the next meeting. He said, "When I'm ready I'll let you know. I'm not ready." Rauch pressed to receive this information in the meantime. At this time Attorney Smith reminded Council of the procedure to begin. Figley again alluded to the stricken Manager's letter saying that Clark referred to Council as "not offering any any assistance or don't help him". Figley said he can't remember exactly how Clark worded this in the letter. Figley said he tried to discuss items with Clark and it's OK if he agrees. Figley then said Clark had scheduled a culvert project but Figley said there was nothing wrong with it, "Absolutely nothing." Figley feels some of the other things Clark has slated might really not need to be done so this concerns him. Figley said, "I'm not out to burn Gary's butt. I like the guy. But I'm here on Council to straighten some of these things out. I'm not here to get in an ink war like you guys started." Figley said he has spoken to Hull and he is abreast of what Figley talks about but he feels it is to no avail. He said "Now we turn out to be jerks, - the three of us because we're I guess, fighting with you guys. I'm for the good of the City. He said he checks things out, like chip & seal, the culvert and the bridge and the costs. Figley said, "I said to Gary, 'We need a new Manager. And I don't care if it's Gary Clark the new Manager or a brand new manager. That's what we need. If you can swing like me and change for the better then fine, that's all we're looking for - is a City that's not wasting money and throwing money away.' " Figley went on to speak about the Vineyards and

people wanting more people to come to town. He said we already had Malibu Estates, Timmy's place, Joe Elder's place and didn't need to spend a million and a half dollars. Rauch again asked to be provided information so they can make their decisions. Figley said he already gave most of the information to Rauch and he gave it all to Hull. He said Hull agreed with him face to face but Hull then "turned around". Figley said he didn't tell any lies, he just doesn't want to waste money. Figley looked at Elzer and said, "He's (Elzer's) for annexation, I'm not for annexation. Annexation is a wonderful thing at a wonderful time but right now we need to protect our own community and improve our park and improve our streets and help citizens. Elzer asked how Council has not been told the whole truth about the bridge. Figley brought up the emergency annexation legislation that all of Council voted for at the last meeting. Figley said he investigated and he read the Vargo legislation regarding the one year. Clark told him there are places in the town without sewer and water. Figley said Vargos have not received their service. Figley said it is a thousand feet to their property & can't be fed gravity wise so we'd better start dealing with the Vargo's before we consider any annexation for Brittain's. Figley said he will never again vote for an emergency legislation again until he 100% understands it. He said that Clark asked him about Moore Lane. Figley said that is already in the City, there have been 5 water breaks and Figley thinks that truly is an emergency. Elzer said this is bad for the community. Elzer wants to be ready & lay everything out for the next meeting. Again, Figley let it be known that he will not be ready to address the Clark issues at the next meeting and he wanted this on record. Figley said, "If he said put everything out at the next meeting and vote for his removal, I did not say that. And I won't be ready for that." Rauch said "discovery" will be at the next meeting. The motion to remove the Manager's letter from the March 12th minutes carried. The Mayor asked for a motion to approve the minutes without the letter. Rauch made a motion, seconded by Tyger to approve the minutes without the Manager's letter. Motion carried unanimously.

DEPARTMENT REPORTS: The Fire/Ambulance report for February was presented. Tyger said that the Fire Chief and Finance Director have filed twice for the fire/EMT money. They are having trouble but the funds will eventually come in. Rauch made a motion, seconded by Elzer to accept the Fire/Ambulance Feb. report. Motion carried.

AGENDA: Jim Mackall had questions about aggregates and read items from newspapers about other towns getting payments. The Manager told Mackall that we did get \$75,000 at the end of 2009/beginning of 2010. Mackall said that he hadn't seen this amount listed in the newspaper but Clark said the money has been in the bank. He thought it may have been announced at Council. Thompson told Mackall that this money was received.

CLERK Cindy Clark said that 41 applications for summer jobs at the Park have been received so far, 11 of them being lifeguard applications. She said we are getting close to having the number of lifeguards we need to open the pool. The deadline for applying is Friday at 4.

MAYOR Zuch had no report.

MANAGER Gary Clark said the Legion has set the annual street fair for July 18 through July 21. The cemetery contract is up for a 1-year renewal. This is with Michael Beight for \$22,800. We determine when it's mowed & the height. There will be a minimum of 16 mowings, more need authorization, leaves taken care of in fall, trimming around stones every two weeks, a three day window. Clark said although this is under the financial threshold that needs Council's approval, he asked Council's thoughts. Wisser asked about problems in the past and was told Earl Hersman did complain. Clark said they usually address problems quickly and effectively. Thompson said they are working this out. There was no dissent from other Council members about the Manager signing a contract with Beight. Tyger asked if anyone else offered a contract and was told they had not. Clark said Shelly Company has the resurfacing contract for 170 and is considering night time grinding and he wants Council's opinion. He said they are not obligated to follow the opinion. After some discussion about downtown vs. residential sections, parked cars in daytime, etc. the consensus of Council was that it be done at night. Clark again said that they are not obligated to do it at night, even if Council wants this. Clark spoke about a letter he received regarding a local family affected by autism & he read some statistics. Autism awareness is coming up & he will place a sign & blue lights at the Municipal Building for this on April 2. He announced that Moore Lane bids will be opened on April 26th. We must close the loan on June 1st to get 20% loan forgiveness. He said if we miss that date we have to take our chances on what the new rates would be. He said he wanted to bring this to Council's attention. He said we have to enter a contract with the lowest & best bidder, relatively quickly & then go to the EPA & then the OWDA for loan approval. Clark said some of Council have expressed to him that they don't want debt and he said this was set in motion last year. He asked Council if this is a program that they wish to go ahead with bids for. Clark said if the program is going to be shot down there is no sense spending bidding money. Figley said he already discussed Moore Lane with Clark & found out about the problems there. Clark drew Council's attention to the 4 options presented by Dawson & Associates. He had provided these 3-pages titled "DECISION POINT FOR THE BRITTAIN RELOCATION UTILITIES" to each member of

Council in their packets to study. He listed the 4 options & comments about each: OPTION 1/A: Start on Brookdale, in front of Covington, bring new water main 2500 ft. east to Brittain via Covington & Powers; install grinder pump sewage station on Brittain property & force sewage 1500 ft. west via Powers' field to sewer mains behind Covington; estimated costs: \$325,930; pending grant commitments are \$255,000, leaving us \$71,000 short; difference could be made up with TIF meaning Brittain's future property taxes pay the cost of the utility expansion after grants are used up; Brittain makes a contribution to project; we keep 1 business & 30+ jobs on income tax rolls; down side is that only 1 business benefits; CDBG-ED money is usually intended to benefit one project so this is typical for an economic development project; this would be quickest plan to accomplish. OPTION 2/B: Start on Brookdale, in front of Covington, bring new water main north to Route 14, east along Route 14 to Brittain's, a total of 5500 feet. Bring the sewer north along N. Market, from the point Unity's sewer project ends, a distance of over 2000 feet to Brittain's; total cost of this routing is estimated to be \$741,840; This costs the most; allows for most potential customers, allows for private participation from a company like Aqua Ohio or Buckeye Water District; would have to be funded by combination of grants, TIF & private participation by Aqua Ohio or Buckeye Water, or loans in lieu of private participation; this would be the hardest to accomplish, financially and time-wise. OPTION 3/C: Start water main on Brookdale, in front of Covington, going north to Brookdale & east to Brittain's for a total of 5500 ft. & using a grinder pump sewage station on Brittain's property to force sewage west 1500 ft. cross country to Covington; This option estimated at \$553,210; would need combination of TIF funds, grant funds & private participation, or loans in lieu of same. Less potential sewer customers than Option 2/B; OPTION 4/D: start with water main on Brookdale, in front of Covington, run 2500 ft east to Brittain's; start sewer on N. Market where Unity's project terminates & run it north over 2000 ft to Brittain's; estimated to cost \$504,460; same as Option 3, less potential water customers than 2/B. On Clark's option chart, Clark had included a request for all Council members to put the options in order of preference. Clark also let Council know in writing that if the plan is proven unaffordable or undesirable, Council has the option not to accept the annexation when it comes back before Council in July or August. Clark told Council they should choose a back-up second option also. Figley asked Clark what his preference and Clark responded that he told Council to rank them. Figley said it seems the only option we can afford is 1/A. Clark said D/4 may also be considered. Clark said he has talked to the Appalachian Regional Commission about funds, also but this is just a possibility. Clark said he has also talked to Tom Brittain about Tax Increment Financing and Clark had stapled 2-pages of information on the TIF to the back of the chart. Figley noted that Powers has not agreed to any dollar amount & it will be costly. Figley said we will need cash for that. Figley noted that will just service Brittain's. Clark said that if you are going to do Economic Development Funding & Tax Increment Financing it will only service the business that is the focus of the project. Figley then said there is still a problem with Vargo's & there is a lawsuit coming and now we're discussing another expenditure. Elzer said that anything other than 2/B would be a "huge mistake". He said it might be the most expensive, but it has the most potential, serves the most people & has the most grants available. He said the other only serves one place. Figley thought our portion of 2/B could be over \$574,000. Elzer said that is not true. Elzer said there is a half million dollars available if there are additional jobs. Clark said more is only available if there are additional jobs. Figley then said the figure be \$274,340. Elzer said, "If we go that direction, there are other grants available." Figley said, "Well, then, that's what I want to hear. If you want to go that route & get the other grants. But I'd like to hear from all the Council people. Do we want to go on the hook for another deal before we solve the other one that isn't solved yet?" Elzer said that Option 2/B solves the Vargo situation but Figley disagreed. He said a pumping station would be required. There was additional discussion about directions, lines, stations, Unity Township & the County, etc. Again, Elzer said there are more grants available for Option 2/B. Figley said we're not gaining anything. Figley said whether we or the County put lines up North Market we are going to tie residents in and gain money from the sewer revenue. Clark agreed. Figley said Brittain's is touting 30 jobs but it's not 30 jobs, it's 20-some jobs. He said half live in town. Figley said it's the same as the nursing home. At this time Rauch and Zuch suggested that Council choose an option. Figley said Council has to figure out how to afford this. Clark said he'd like Council to choose an option and a back up option so he can start working on one. He will also have a fall-back plan. The voice vote for first choice from Council members was as follows: Elzer: 2/B; Figley: 2/B; Hall: 2/B; Rauch: 2/B; Tyger: 2/B; Wisser: 2/B. Clark also if Council understood that there is the option of using a private participation from Aqua Ohio or Buckeye Water if he can't find additional grant money and Council doesn't wish to take any loans on this. Figley said he does not want to get stuck with a big cost like the nursing home. Clark explained how those 2 agencies work: There is a master meter, they run the lines, service the customers, collect the bills & pay us. Rauch said Brittain's will bring in jobs and a focal point to EP. He said the economy, by far, has been our worst enemy for 10 years. He is against using Aqua Ohio or Buckeye Water. Figley said we can't afford more debt and said that Clark is doing 4 jobs already. He said pretty soon Clark will be doing the "ditch digging" as part of his job. He said Clark's doing 4 jobs because 2 1/2 million dollars was dwindled away by helping the nursing home, the Vineyards & others. He said it would be wonderful to help Brittain's if we were rich, but we're not." Figley said, "We can't help anybody any more, I would say." Elzer wanted to continue with Option 2/B without the option of bringing in Aqua Ohio or Buckeye Water. Council members said they do not want to

use either one. Clark told them that this was just one of the options that was presented. Clark then asked by voice vote to pick a second choice. Figley again brought up the Vargo's. Rauch feels Option 2/B will take care of Vargo's. Figley feels it won't take care of Vargo's. Rauch feels it will help them with a loop. He said he is aware of the Vargo situation. Rauch said he originally told the Vargo's he would vote against Brittain's because of the way they (Vargo's) were treated, but now he sees the lines on 14. Figley said this option takes the water line down to them but not the sewer. Rauch said the Vargo's should have been hooked into our lines. Figley said we are going to have to face Vargo's problems. Figley said it is a thousand feet from the property line. Clark and Figley said the easement for the sewer goes to the property line. Figley said, "We are obligated to deal with them to get rid of their problem." He said it could be \$60,000 or it could be \$120,000. Elzer asked about Option 2/B and Figley said it only takes the water to them. Figley asked about Vargo's & Clark said it could help with gravity. It doesn't get it any closer. There was some discussion on the gravity item. Clark again asked Council for a back up plan. The other 3 options were discussed further. Wisser said that Jurjavcic had mentioned the possible breaks. Jurjavcic said they have to have a right of way for this. Wisser asked about a better way to do this added, "I'm almost blond." On voice vote all six members of Council chose 4/D. Figley then said, "Can I change? I don't want any other option." Clark then said that he provided Council with a list of streets to be chip & sealed & asked Council for any additions or deletions. At this time, Figley said to Clark, "That's another thing I'm mad about." Figley said he thought the chip & seal list was just for Clark and he didn't know Clark was going to use it for "public use". Figley complained that his own writing on the chip & seal list he prepared was too "sloppy" for Gary Clark to have distributed it to Council members. Clark offered to type it up tomorrow. Tyger made a motion, seconded by Rauch to accept Figley's list of streets for chip & seal. Motion carried.

LAW DIRECTOR Shirley Smith updated Council on where the oil & gas leases stand at this time. She said we had a verbal offer from Chesapeake but they are behind on their documentation and it is not yet in writing, so she has not yet had a chance to go over the green addendum clauses. She has the boiler plate language from Shell but not addendum clauses. She is awaiting them. She wants to follow up on 2 things with Chesapeake saying that besides the local person, she also had contact with someone from their land office on Tuesday. He indicated he will be willing to push. She said if we don't have them by the end of the week, he will push. She will go through them and tell Council what she feels the plusses & minuses are. She said whatever she does will be subject to Council's questions & approval. She also talked about water revenue potential for the City and said she will look to both John Jurjavcic and the others at the table. She said Clark does not know at this time if it is feasible. She talked about a staging area on Brookdale to alleviate issues at the plant, but said we need to have the volume & make sure it won't impact anything else in town. This would be a potential revenue source. She said she just put this out as "food for thought". Figley asked about lease figures but the Law Director said that she feels it would be premature right now for her to give these figures because it's still in negotiations. Figley asked what it is and Smith said, "Can I finish? I think to do that in light of the fact that I'm waiting for 2 more companies will inhibit our abilities to get the highest and best rate." Figley said that we've already missed the highest and best rate. Smith said that she doesn't personally agree with Figley. Figley asked why Council wasn't allowed to know the number, but again Smith said it isn't that Council isn't "allowed" to know, but it just would not be her recommendation because things are still in the negotiation stages. She said two other companies may bid higher. Figley was still upset over not being told the figures & said we have wasted 3 months. He said some got \$5800 an acre but now it \$4000 & is going down. Smith explained that there are differences between individual land & municipal land. Figley said he knew of someone who was told to wait until the new Council was seated at the table. Smith said Figley could direct this person to her. Smith also said there could be a higher best offer by going together with other communities. She is anticipating 2 meetings this week. Figley said, "I am not happy about this, to say the least." Elzer asked if the numbers would be ready for the next meeting & she said she hopes so but these have to be put together. She said this will ultimately be Council's decision. Rauch agreed this project has gone slowly but also feels it would not be wise to put the numbers out right now. Figley said we should have gotten numbers first & then gone to the Smith. Figley feels we've lost thousands of dollars on this. Rauch also said that he has the utmost confidence in Attorney Smith.

STREET: Figley talked about the paving to be done. We have \$130,000 for chip & seal and he mentioned the 30,000-35,000 program and \$60,000 or \$70,000 to think about. He asked Council for any other suggestions. He said he hasn't gotten many complaints except about Main. Elzer said that nothing is going on on Main Street yet. Start dates were discussed & info was placed on the sign downtown. Clark said they have to layout the projects first. Clark said they are supposed to give him a work schedule. He said the blacktop plant opened today.

SAFETY/PARK/REC/CEMETERY: Rauch said he attended the Park Board meeting & there has been some vandalism/graffiti on the playground there that needs attention. He said playground work will be done on Dog Days. Referring to Elzer's request at the last meeting to consider charging

out of town residents more for pool passes, Rauch said the Park Board was adamant in their thinking that this would be a detriment to people at the pool. He said going to the pool is what many children do on their summer vacations. He said they felt that there should be no increase in rates for out of towners for swimming, saying, "They are sufficient the way they are." Rauch told Elzer this is his stance and this is the Park Board's stance on the matter. He said work is being done on the pony field. Rauch said he talked with the Sergeant about the Mexican Restaurant & the change in stockholders there & was told there are no issues. Tyger made a motion, seconded by Figley to direct the Clerk to return the form marked that we "do not request a hearing". Motion carried with 5. The Clerk will return this form to the Liquor Board. Elzer abstained because he said he is involved with the Liquor Board but the remainder of the Council members passed the motion.

DEVELOPMENT: Elzer said the meet & greet will be April 7th. The general public can come at 7. Elzer talked about an article about Chesapeake & having a drug free work place. Elzer then said he thinks that all of the Village employees should be tested for drugs. He said this would send a message to the public. Wisser agreed, saying that this could help insurance rates. Elzer said it would be a simple process. But Finance Director Traci Thompson said that every employee must be trained. She also said that since the Village has union employees, they must agree to this. She said we already get group rates. Rauch said he would be for this but only if it is affordable. John Jurjavic said there are about 30 to 35 employees in our Fire Department. He asked if Elzer would want all of them to be tested and how that would be done. He said that presently when Village employees are tested randomly, they report almost immediately. He said many of our firemen & EMT's have jobs in other towns, quite a distance away. He asked how they would just leave their other jobs to be tested quickly. Elzer said he thought employees had 30 days to go for testing. Mayor Zuch said this could be looked into and Rauch suggested discussing this with the new Chief of Police who will begin soon.

UTILITY: Wisser said there was no water break with the Wheathill shut down. It was turned on slowly. A test was done on the water in the bladder and the bacteria test came back zero. Jurjavic gave an explanation and said now MS has the information they need to take to the EPA. Jurjavic said we will get a recommendation.

FINANCE: Tyger explained that the EMT funds still are not coming in yet.

It was noted that Traci Thompson sent flowers when former Building/Zoning officer Bob McElroy passed away recently if anyone would like to help her with these costs.

VISITORS: The following people signed in: Brock Jurjavic, Dan Figley, Ben Figley, Shelley Vargo, Brittany Vargo, Rick & Karen Gorby, Chuck McGuire, John Jurjavic, Heather Loyd, Israel Loyd, Rich Bolon, Park Grim, Jim Mackall, John and Bonnie Davis, Brian Moore, Kerri Stewart, Scott Wolfe, Karen King, Tami Harris, Bob Harris, Katie Schwendeman, Melissa Smith, Shirley Gorby, Dianna Elzer, Linda Ungaro, Dan Scott, Alan Cohen, Barb Lynch, Theresa Rutledge, Julia Clark, Denny Griffith, Vicky Terwilliger, John & Dot Herbert, Larry & Terri Ward, Abel Figley, Pam Figley, Kent Chapman, John Martin, Mike Dugan, Ben Terwilliger, Traci Thompson, Clyde Hoffmeister, Sandy Wales, Rosetta Kimble, Emery Coon, Pete Rukenbroad, Lee Dyke, Tiffany Inman, Dave Biggins.

LEGISLATION: Hull introduced **Res. 3-2012-R** and made a motion, seconded Rauch that it be read by title only. Carried. **...declaring it necessary to levy a one mill renewal additional tax in excess of the ten million limitation for 1.0 mill for the purpose of providing and maintaining municipal park equipment, lands, and activities, buildings and sites used directly in operation of a park department, and or the payment of salaries of park personnel.** Rauch gave an explanation regarding the two levies. Hull called for a vote and there were 6 yes votes for passage of the legislation. Hull introduced **Res. 4-2012-R** and made a motion, seconded by Rauch that it be read by title only. Carried. **...declaring it necessary to levy a two mill renewal additional tax in excess of the ten million limitation for 2.0 mills for the purpose of providing and maintaining municipal park equipment, lands and activities, buildings and sites used directly in operation of a Park Department, and/or the payment of salaries of Park personnel.** Hull called for a vote and there were 6 yes votes for passage. Hull introduced **Ordinance 6-2012** for its first reading & made a motion, seconded by Tyger that it be read by title only. Carried. **...ord. providing for the financial allocation of proceeds as to revenues received as a result of oil and gas lease/royalties.** This legislation was given its first reading only.

ADJOURN: Rauch made a motion, seconded by Wisser to adjourn. Motion carried. Meeting adjourned.

ATTEST: _____ SIGNED: _____

Cindy K. Clark, Clerk of Council

Margo Zuch, Mayor/President of Council