

EAST PALESTINE CITY COUNCIL-TUESDAY MAY 29, 2012

Mayor Margo Zuch called the meeting to order in the Community Center. Present were Figley, Wisser, Elzer, Tyger and Rauch. The minutes of May 14, 2012 on a motion from Mr. Rauch seconded by Mrs. Wisser, carried. There were no agenda items or Clerks report.

MAYOR ZUCH stated the Village received a donation of the first baseball that was thrown in 1955 from the first little league game. Don Woods was in town for his 50th class reunion and has had the ball since 1955. Mr. Woods is going to approach the school board and see if they will display it in the trophy case.

INTERIM MANAGER THOMPSON attended a meeting at the county for the demo program for condemned houses. She has 8 houses that will be inspected by herself, the fire and police chiefs. Letters will go out to property owners at that time. And asked if council had any homes they wanted inspected to let her know by this Thursday, as she has to have the list submitted by June 15. Thompson complimented Park and Street department for getting everything caught up at the park and the pool is ready to open June 1. The hours are noon to 7. We have received a bid from Shelly and Company for paving from W. Main to the Waste Water Treatment plant for approximately \$15,000. It will come out of street levy money. Mr. Elzer made a motion to allow Thompson to accept the bid, seconded by Mrs. Wisser. All in favor, motion carried. She also received an email from Pam Ewing of RCAP regarding the loan for Wheathill Reservoir. The new training requirements to get the loan involve at least 50% of council have to attend a utility management meeting and a financial management meeting. Mrs. Wisser and Mr. Figley volunteered to attend and Mr. Elzer said to let him know the dates. Council received their copies of 2013 budget and they don't have to be passed until July 11 meeting. Shelly and Sands paving did the first coat of paving on Bacon Ave, W. Main, and N. Market and will be back in two weeks to finish. Mr. Elzer asked why Bacon Ave. was closed and Mr. Figley stated that the water & sewer department has to raise manholes before the final coat of blacktop and that it is just temporary. Thompson received an email, which was distributed to council stating the corrected engineering cost for option one of the Brittain Motors project. Total project cost is \$398,270 with the Village receiving a CDBG grant for \$280,000 and an ARC grant for \$62,500 leaving the Villages share at \$55,700. Thompson asked council if they wanted her to go out for bid to sell the road grindings at Clark St. Fire station. Rauch asked if there were locals that were interested and Tyger said it is valuable. Mayor Zuch asked how valuable. Mr. Figley said some are paying up to \$200 a load. Mr. Elzer asked if some had already been removed and Figley and Thompson stated yes, some had already been sold at \$10 a load. Figley said we can't do anything about what's been sold but there is still a large pile there, approx 40 to 50 loads. Elzer asked if the Village could use it. Mr. Figley said you would have to find a company to mix it and put it down. Mr. Figley made a motion to put the road grindings out for bid, seconded by Tyger. All in favor, motion carried. Mr. Rauch asked Thompson if there is someone lined up to cut high grass. Thompson stated yes and that they are getting a final list together.

LAW DIRECTORS SHIRLEY SMITH stated that the legislation tonight is basically for easements with the exception of the loan application. Two sets were requested by MS Consultants for Wheathill Reservoir, the other is requested by Dallis Dawson as relates to the Moore Lane and Main St. bore project. She is confident Thompson and Crawl will approve the easements. The only issue is that in the drawings, there is a small corner that is owned by Federal Loan Mortgage. She has put a call into MS to see if that is essential to the easements because she is not sure if that portion can be acquired. The second set of ordinances is in regard to EP Mgt. LLC as relates to Moore Lane and Main St. bore project. They want a temporary and permanent easement for the water line and an additional work agreement for the bore and for the reservoir it's an ingress/egress only (a right of way). Mayor Zuch asked if they should be passed as an emergency, and Smith said yes. Atty. Smith announced there would be a special council meeting on Thursday May 31 at 5:30p.m. at her office at 139 N. Market Street. The meeting is to interview city manager applicants. Mr. Figley asked if it is legal to go into executive session to discuss personnel with out them being present. Smith said yes it is. Mr. Figley asked why that was different from when council wanted to go into executive session to discuss the previous manager with out him being present. Smith said that the manager has to be present because of the charter. Figley then asked if it is correct that they can go into executive session to discuss employees with out them being there to defend themselves. Figley then said that there is an email chastising John Jurjavic sent by a councilman. Smith stated anything in executive session should not leave that session. Mayor Zuch stated she never saw a letter and Mr. Elzer said there were two emails, but they were both before executive session. Mr. Elzer stated that the purpose of going to executive session is so as not to embarrass anyone.

STREET COMMITTEE REPORT: Mr. Figley stated that Conner Dr. is an access that needs repaired before the Moore lane water line project begins. He contacted Snyder Chip and Seal Co.

and he gave a price of \$5900 to go from North Ave to the top of the hill. The street crew would have to fill the potholes and level it out first. We could have the county do it in lieu of Garfield, Alice and Wood, which he wants a hard surface but they can't do it until the end of August and it needs done now. They charge \$1.80 per square yard including slag and the county could do it for \$1.40 but county cant do it until August and we can only get one day from them. Thompson stated that would come from the street levy money. Mr. Elzer asked if it had to be bid, Smith said anything over \$25,000 has to be bid. There is only one other company besides Snyder that could do it. Mr. Figley made a motion to chip and seal Conner Dr, seconded by Elzer. All in favor, motion carried. Mr. Figley has a bid package ready for grinding and paving for Garfield, Alice and Wood St. and shoot and chip Neely Manor. We have approximately \$80,000 left in street levy money right now. He stated the bridge would have cost \$300,000 that is not getting done and we saved \$40,000 on engineering costs. If we plan right, he thinks we can get most of the streets done. The bridge report from the state including the bridge on W. Main, bridge at James and Taggart said that they are all satisfactory. Mr. Figley would also like to have sealing done on the cracks in the roads so we can maintain them. The estimated cost for Garfield, Alice and Wood is \$133,000. Thompson stated there isn't enough money in street levy fund to cover, considering borrowing the difference to get it done. Mr. Figley wants to borrow the approx \$140,000 and save the current balance in the fund for maintenance. Mr. Elzer stated he has lived here for 5 years and hasn't seen the streets look as good as they do now. Mr. Rauch asked how long was left on the street levy and Thompson stated 3 more years of collection. Mr. Figley made a motion to allow Atty Smith to draw up an ordinance to allow Thompson to get started on the Alice, Wood, and Garfield paving project, seconded by Mr. Elzer. All in favor, motion carried.

SAFETY/PARK/REC/CEMETERY COMMITTEE REPORT: Mr. Rauch attended park board meeting. They told him that senior citizens get a discount on daily admission but not pool passes and they would like to see the gazebo rented free of charge. Mayor Zuch requested the Clerk look into how often the gazebo is rented. Mr. Elzer asked if it had ever been brought up about city residents getting discounts on pool passes and Mr. Rauch said it had. Park board was not thrilled with the idea. A lot of the pools patronage comes from Pennsylvania, Unity, and Negley. Places that don't have pools. Mr. Elzer asked Jerry Cobletz opinion and he said he agreed with Mr. Rauch. That probably 75% of pool business comes from Pennsylvania. Mrs. Wisser asked what the pool rates are and was told \$4 adults and \$3 for students. She said that Columbiana is \$5 for adults and \$3 for students. Thompson asked if they had non resident rates and Mrs. Wisser said no. Thompson said any changes would have to be for 2013 season. Thompson said we should charge for the gazebo because we have to take our time to do the bookings and it needs to be reserved to keep things straight. Mr. Rauch said he would bring it up again closer to the end of the season. Mr. Rauch commented on how nice Glenview Cemetery looks. Mr. Elzer asked if Thompson had spoke to CSI about trash at the park. Thompson stated they are going to put trash cans with lids around the oval and will empty them when the empty to other cans. If they get stolen, it will stop because the can are property of CSI. Figley said he got a call asking why there are no benches at the park. Coblentz said they haven't had time to get them out. Mr. Figley asked if dogs were allowed in the park and Thompson stated only on the trail. Mr. Rauch said that rule needs to be enforced but would like to see a dog park in the city park. Mrs. Wisser asked why we couldn't have dogs in the park, and Mr. Rauch said because of waste. Mrs. Wisser said the geese leave waste too, and Mr. Rauch said the geese are there because they are domesticated and people feed them. Mr. Figley asked if you are allowed to feed the ducks and Mr. Rauch said there is nothing saying you cant. Dogs were not allowed there at all until we got a Nature Works grant for the trail, it is a stipulation of the grant that dogs are allowed on the trail. Mr. Rauch said people would not clean up after there animals. Atty Smith said it is a liability whether they are on the trail or not. Mr. Figley asked why there isn't a railing on both sides of the steps going down to the gazebo. Ben Terwilliger stated he would rather take his chances with the dogs than with the cussing at the playground. Mr. Rauch stated the park board has a game plan to start dealing with the problems at the playground.

DEVELOPMENT COMMITTEE REPORT: Mr. Elzer stated that they voted to have one meeting a month in the summer and asked if that had changed. Mr. Rauch said special meetings can be called if need be. Mr. Figley said there is too much going on and wants it changed back to twice a month in the summer. Mr. Elzer suggested town hall meetings. Mr. Figley made a motion to go back to meetings twice a month in the summer seconded by Wisser. Elzer-YES, Figley-YES, Rauch-NO, Tyger-NO, Wisser-YES. 3 YES, 2 NO. Motion carried. Mr. Elzer stated that the street sweeper had been rebuilt by volunteers but no one has been using it. Thompson stated that it had been in use a couple of days, but the employee who runs it is currently on vacation.

UTILITY COMMITTEE REPORT: Mrs. Wisser stated she is on a committee for Camp Frederick and stated that on June 20 & 21 they have a group of 8 volunteers looking for some work. They will be here for those two days so anyone has suggestions for them to let her know.

FINANCE COMMITTEE REPORT: Mr. Tyger stated that Traci had passed out the preliminary budgets for 2013. Its basically a wish list and will schedule finance committee meetings to go over them. Mr. Rauch asked that everyone keep their budgets so they do not have to be re-printed.

VISITORS: Merle Stewart, Katie Schwendeman, Fran & Kathy Ross, Terry Keresty, Dianna Elzer, Mary Ann Morgan, Ellen Beagle, Tiffany Inman, Dave Biggins, Dan Knight, Ben Terwilliger, Vicky Terwilliger, Larry Ward, Shelly Vargo, Tiffany Vargo, Dave Vargo, Tom Brittain, Kent Chapman, John & Bonnie Davis, Jon Rettig Jr., Rick & Karen Gorby, Karen King, Charles McGuire, Shirley Wilson, Brent Wilson, Bill Wilson, Jerry Coblenz, Park Grim, Sgt. Kevin Dickey, Chief Monteleone, Clyde Hoffmeister, Tami Harris, Brock Jurjavcic, John Jurjavcic, Denny Griffith, Emery Coon.

LEGISLATION: Mayor Zuch introduced **Ord. No. 10-2012** and made a motion that it be read by title only, seconded by Mr. Tyger. All in favor, motion carried. **An ordinance adopting the budget and estimated resources for the City of East Palestine, Ohio, for the fiscal year beginning January 1, 2013 and declaring an emergency.** Mayor Zuch stated this is listed as an emergency so it will pass immediately on the 3rd reading. Mayor Zuch introduced **Ord. No. 11-2012** and made a motion that it be read by title only, seconded by Mr. Tyger. All in favor, motion carried. **An ordinance providing for the authorization of the interim municipal manager to approve and execute certain real property documents for the allowance of easements and/or rights of way as relates to property owned by Franklin E. Thompson and Cheryl D. Thompson and located at 5014 Wheathill Road, East Palestine, Ohio, and Declaring an emergency.** Mayor Zuch made a motion to suspend the rules and declare an emergency, seconded by Mr. Rauch. All in favor, motion carried. Mayor Zuch called for a vote on **Ord. 11-2012**. All in favor with 5 YES to pass, motion carried. Mayor Zuch introduced **Ord. 12-2012** and made a motion that it be read by title only, seconded by Mr. Tyger. All in favor, motion carried. **An ordinance providing for the authorization of the interim municipal village manager to approve and execute certain real property documents for the allowance of easements and/or rights of way as relates to property owned by Robert L. Crowl and Janice Rae Crowl and located at 5016 Wheathill Road, East Palestine, Ohio, and declaring an emergency.** Mayor Zuch made a motion to suspend the rules and declare an emergency seconded by Mr. Tyger. All in favor, motion carried. Mayor Zuch called for a vote on **Ord. 12-2012**. All in favor with 5 YES to pass. Mayor Zuch introduced **Resolution 10-2012** and made a motion that it be read by title only, seconded by Mr. Rauch. All in favor, motion carried. **A resolution authorizing the interim village manager of the village of East Palestine to apply for, accept, and enter into a water supply revolving loan account on behalf of Village of East Palestine for the construction of 300,000 gallon steel water tank; and designating a dedicated repayment source for the loan.** Mayor Zuch called for a vote on **Res. 10-2012**. Mr. Elzer-Y, Mr. Figley-N, Mr. Rauch-Y, Mr. Tyger-Y, Mrs. Wisser-Y. 4-YES, 1-NO, motion carried. Mayor Zuch introduced **Ord. 13-2012** and made a motion that it be read by title only, seconded by seconded by Mr. Tyger. All in favor, motion carried. **An ordinance providing for the authorization of the interim municipal village manager to approve and execute certain real property documents for the allowance of easements and/or rights of way as relates to property owned by E.P. Management LLC. for, including but not limited to waterline/bore placement as described in the Moore Lane waterline/East Main bore project, and declaring an emergency.** Mr. Elzer stated he could not vote on this ordinance. Mrs. Wisser asked for an explanation of the project. Thompson stated that the Moore Lane water line project and the West Main St. bore were combined into one project and bid out that way to save money on the bidding. Mr. Figley felt the West Main bore is not needed and we could save money by not doing that portion of the project. Mr. Rauch stated that this ordinance could be tabled. Atty Smith stated that it is titled for both projects but it is only for the bore portion. Mayor Zuch asked Atty Smith what can be done. Atty Smith stated that it could either be tabled until they make a formal decision to abandon the bore project or if it is voted down it cannot go forward because there would be no easement. Mr. Figley stated it may be ok to get the easement but not do the project. Atty Smith stated if the easement is given it would be a record on EP Managments property but you may elect not to break ground. Mr. Rauch made a motion to table **Ord. 13-2012**, seconded by Mr. Figley. All in favor, motion carried. (Mr. Elzer abstained). Mayor Zuch introduced **Ord. 14-2012** and made a motion that it be read by title only, seconded by Mr. Tyger. All in favor, motion carried. **An ordinance providing for the authorization of the interim municipal manager to enter into and adopt a work agreement with E.P. Management LLC., as to Moore Lane waterline/East Main bore project and declaring an emergency.** Mr. Rauch made a motion to table **Ord. 14-2012**, seconded by Mr. Tyger. All in favor, motion carried (Mr. Elzer abstained).

Mr. Rauch made a motion to go into executive session to discuss personnel and vacant village council seat, and there may be further business after. Seconded by Mr. Tyger. All in favor.

Adjourned into executive session. Mr. Rauch made a motion to go back into regular session seconded by Mr. Tyger. All in favor, motion carried.

Mayor Zuch called for a nomination to fill the vacant council seat. Mr. Elzer nominated Ellen Beagle, seconded by Mr. Tyger. Mayor Zuch asked if there were any additional nominations and then called for a vote. All in favor, motion carried. Mayor Zuch called for a vote on Ellen Beagle filling the vacant council seat. Mr. Figley-yes, Mr. Elzer-yes, Mr. Tyger-yes, Mr. Rauch-yes, Mrs. Wisser-yes. All in favor with 5 yes to pass. Motion carried. Mr. Tyger made a motion to adjourn seconded by Mr. Tyger. Meeting adjourned.

ATTEST _____ **SIGNED** _____
MISTI J. MARTIN- CLERK **MARGO ZUCH-MAYOR**