

EAST PALESTINE VILLAGE COUNCIL-SPECIAL MEETING SEPT. 17, 2013 6:15 PM

Mayor Zuch called the meeting to order. Present were Atty. Beagle, Mr. Cohen, Mr. Elzer, Mr. Figley, Mr. Tyger and Mrs. Wisser. Mayor Zuch stated she didn't recall who requested the meeting but they could begin. Atty. Beagle stated she did not request a special meeting that she wanted to have a Legislation Committee meeting to go over ordinances but it was changed to a special meeting. Mayor Zuch stated she thought the meeting was to go over ordinances. Mrs. Wisser stated that at the last meeting they were discussing many things and that Atty. Beagle had said they were making too much of things so they waited for a response from her (Atty. Beagle). Atty. Beagle stated she wanted a Legislation Committee to go over legislation that was tabled about the concession stand because Mr. Elzer wasn't present to discuss it. In reference to the legislation the clerk had copied for everyone Mr. Elzer stated there is a lot of ordinances that don't get enforced and probably shouldn't. Atty. Smith stated she thought the purpose in having the meeting was before creating new legislation to address concerns to see what we have first. Mr. Cohen stated he thought they were going to discuss ordinances pertaining to high grass and weeds and how we could enforce them. Manager Monteleone stated that last week he stated he had discussed it with the Atty. Smith and they feel the legislation currently in place addresses it and that they are going to implement a new way of doing it and addressing the limb issue now. In reference to the grass they plan issuing one letter at the beginning of the season and as the situation repeats itself to not send more letters, to just go mow and then bill them and also file charges each time. Atty. Smith stated there is a civil and a criminal track to follow with this. Atty. Beagle asked how that is different than what is currently being done. Monteleone stated now we send a letter and wait an amount of days and when it happens again we send another letter and that could be done up to four times a season. Mr. Cohen stated a lot of our ordinances are "boiler plate" and were purchased as a package in the beginning. Atty. Beagle stated this issue is still being discussed as seasonal, and Monteleone said he was talking about grass as seasonal but limbs can be addressed now. Mr. Figley stated he always hears that we have the ordinances that we just need to enforce them, we only have a few habitual people who won't mow grass. We have employees who start at 7 in the morning and that is part of the job and it isn't getting done. Mr. Figley referenced a story in the paper about a woman who was killed in a car accident, and stated that if we have a pothole in town and someone calls about it one or two times and it's not fixed and something happens that Alan McCamon told him the city would be liable. He stated he got a call about a tree limb hanging over the devils strip into the road on Market St. and he went to look at it. If it breaks off someone is going to get hurt and said that we have been warned. Mr. Figley asked if that is or isn't our responsibility. Atty. Smith asked whose property it is on and Mr. Figley said he didn't know and Smith said that is what makes the difference. He also stated he has a problem with landlords that don't take care of their properties. We do have a couple landlords with multiple properties that have destroyed the city. Atty. Smith said it all goes back to due process, if its private property there are certain things that have to be done. Mr. Figley said he knows what has to be done but we never do it. Atty. Smith stated that she has sent letters, we have to give 30 days and if they don't then we can proceed. Monteleone stated he had told Mr. Figley that they would go and look at the tree on Market St. and that he does get calls about trees weekly and he goes to inspect them and go from there. Mr. Cohen stated a tree that extends over a sidewalk or street has to be 8 ft above the street or sidewalk. Mr. Figley asked if Atty. Smith had been sending out letters since she had been here and she said yes, probably around 5. Mr. Figley asked if she had to take any action and she said we have gotten some resolved but not legal action. Monteleone said we are in the process of taking the first action since he has been here. Mr. Figley stated Atty. Smith said she has sent out letters but we haven't, only 5. Atty. Smith stated she herself has sent out approximately 5 letters but that doesn't speak to what the Manager does. Monteleone stated that he and the clerk send out a lot of letters and the property at 460 N. James is having action taken on it now. He stated he has been corresponding about Christopher Courts and they are working on it right now. Mr. Figley asked if he could get copies of the violation letters as they are sent and Monteleone said yes. Mr. Figley said after talking to a couple council people they feel that the smaller issues should be taken care of by our guys and they have enough time to do it and he expects it to be done. He said there are landlords in town who take care of things such as Reno Davis and David Gotthardt. Gotthardt bought the Hisey property and doesn't have the resources to do the inside but the outside is immaculate. Atty. Beagle asked if anything had been done with the property the Mr. Lynch talked about and Monteleone said he had the trash picked up. Atty. Beagle stated this is the same property that she, Mrs. Brewer and her son talked to him about not this summer but last summer about the limbs and this isn't a reputation she wants. Mr. Lynch stated his original complaint was about the limbs not trash and they are there every year. Monteleone said that is what he is working on with changing the letters and charging them. Atty. Beagle said there has to be repercussions. Mr. Cohen asked what he meant by "charge" them, financially or legally or both. Monteleone said both. Mr. Cohen said a legal charge will mean more than just a bill. Mr. Figley asked if there was anything Christopher Courts could be charged for and Monteleone said

not structurally but cosmetically but they are working on it. Mr. Figley said another concern is a semi truck that keeps backing up and down James St. and he and the Police Chief told him there was nothing that could be done. Monteleone said they are working on the house on James St. and they are taking legal action. Mr. Figley asked if there was a law against backing a truck down a street and asked Atty. Smith to check into it. Mr. Cohen said it is problem when you talk about backing down a street, for example he stated he sat for 5 minutes on Taggart St. while a truck was backing into the Incubator. Mr. Figley said that isn't the same thing and Mr. Cohen said it is. Mr. Figley said that is commercial and doesn't matter and Figley said there is a difference between a semi backing down a residential street and a truck backing into a loading dock. Mr. Cohen said the law can't be different for different streets. Atty. Beagle stated she thought there could be different laws for residential streets, that Taggart St. is a state route in an industrial zone and that has to be different than a residential area. Mr. Cohen stated we just have to make sure before we prohibit it and where an when. Mr. Elzer stated the way to fix a lot of these problems all over town are raising property values, people buy a home for little cost and rent it out to make money. If that same house sold for \$80,000 we wouldn't be having these problems. That would take care of all of the problems. Mr. Figley asked how we raise property values and Mr. Elzer said by making the town more attractive and cleaning up the properties. Monteleone stated his intention is to hire a part time building and zoning inspector for next year and that will alleviate the time problem in addressing these issues. Mr. Cohen stated that the Village Manager is the building inspector when there is not one. Mr. Figley asked when he expected to hire a building inspector and Monteleone said the first of the year. Mr. Figley asked if he had considered a volunteer and Monteleone stated he planned on hiring someone and asked Mr. Figley if he knew of someone qualified. Mr. Figley said he felt there had to be someone qualified to volunteer. Mr. Cohen said the key word is qualified. Mr. Elzer stated the problems be discussed are a lot better than they were a year ago, last year a lot of properties weren't shoveling when it snowed and the Manager sent everyone a letter and it was spotless. He said most property owners take care of the problem when they get a letter. Former Mayor Jim Lynch stated he feels things are starting to move in the right direction, we have to make people abide by the law and if they don't take them to court. Atty. Beagle stated that demographics really are the problem, that you either care about your property or you don't. Mr. Cohen said there are some people who just can't afford to do it. Monteleone said there was another very nice distribution bust Friday night, and that is a step in the right direction in changing the demographic of the city. Mrs. Wisser stated she feels that East Palestine caters to poor people and Mayor Zuch agreed. Mrs. Wisser stated another big issue is the dust and debris at Jasar. Monteleone said they are gaining ground with that issue and have been advised they will be putting up more fence and that he speaks with Darren Machuga from OEPA consistently. He will be sending a letter about the oil that is to be put down to help with the dust. The fence will help with the visual aspect and the garbage blowing around. Mr. Elzer said zoning comes into play with that issue, there are businesses scattered in residential areas and will always be an issue but not everyone will always be happy. Atty. Beagle stated that you know when you buy a house if you buy it next to an industrial property, you don't deserve health issues from it. Mrs. Wisser said it's the same with the train issue. Monteleone said he is getting great response on that issue, it isn't solved yet but he is told the coal companies are responsible for putting the spray on and will be addressed soon.

VISITORS: John & Dot Herbert, Jim Lynch, Dianna Elzer, Charles Treece, Katie Schwendemen.

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

Mayor Margo Zuch

Misti J. Martin Clerk