

EAST PALESTINE VILLAGE COUNCIL- AUGUST 27, 2012 COMMUNITY CENTER 7P.M.

Mayor Zuch called the meeting to order. Present were Don Elzer, Ellen Beagle, Fran Figley, Jim Tyger and Endia Wisser. The minutes of the regular meeting on August 13, the special meeting of August 20 and the Legislation committee meeting were approved on a motion by Mr. Elzer, seconded by Mr. Tyger.

AGENDA: John Herbert to talk about signs at the park. Mr. Herbert began by stating when he was on Council a few years ago; one of the issues he brought up was the polluted ice-skating pond where the ducks and geese multiply. He said that right now West Nile Virus is spreading in the United States because of mosquitoes. He stated he was going to read some things he has already said and then had something to donate. He said the pond is a health hazard and mess and said the mosquito population by the pond is phenomenal. He said it had previously been suggested to stop feeding the waterfowl and bring dogs in to scare them away. He said recently a dog got in there and scared them away but that the owner was fined for the dog being in the park. He said you can fire noise blasts to scare them away, but local people continue to feed and protect the birds. He said that it takes a lot of washing to get the mess out of the kid's football uniforms and the dresses from prom time. He said the park has laws that say no pets, but he said a pet is something that you feed and care for. He also said it was suggested to drain the pond and turn it into a dog park. He said if Council is unwilling to correct this problem, then they should tell the public what they are headed for by putting up the sign he is donating. At this point he gave Council a sign the said " Goose Poo Road" There was no clerks report.

MANAGER: Monteleone stated that Council requested he handle the oil & gas lease issue and went over the paper from Buckeye Mineral Development. He said he spoke with Bob Rea and he sent him a letter of engagement that normally would have a 180-day time frame. Monteleone asked for a shorter amount of time and Mr. Rea revised it to a 30-day commitment for his representation. Monteleone stated he wanted to make sure council is aware that when they sign this they have to stop all other negotiations. If they come back within those 30 days with an offer and he was confident they would. There would be a 2 3/4 % fee that they would come out of the signing bonus, but there would be nothing from the royalties. Mr. Rea said that time is of the essence and Monteleone advised him he would get the paperwork on Tuesday. Mr. Elzer asked Atty Smith if the non-surface was still the goal, she said she couldn't say and Monteleone said they would come back with specific numbers and at that time would specify if it was surface or non surface drilling. Mr. Elzer asked what the 30-day delay would do to Atty Smiths negotiations. She said it would stop them, but she said the motion last week already did that. Mr. Elzer said that Mr. Rea is a middleman negotiating with the drillers and asked if that made sense to anyone. Mr. Figley said that they have been waiting for 8 months for something to get done and he took it upon himself to find someone to give them a proposal and numbers. Mr. Rea told Mr. Figley that it would be \$5850 and 20% but he wouldn't put that in the initial paperwork. Mr. Figley said that we should give him the 30 days. Mr. Elzer asked if those numbers were surface or non-surface. Mr. Figley said all of the specifics will be given in the proposal and then you can decide if you want surface or non-surface. Monteleone stated we are not obligated to whatever contract he comes up with. That he will give it to Atty Smith and to Council to look over. Mr. Elzer said that all this does is stop negotiations with other companies for 30 days. Monteleone stated that a few council meetings ago council voted to approve the Planning commission's recommendation to allow Betty Frederick to put up a decorative fence. Upon further review it was determined that the fence was actually on the alley so he asked her to take it down. He stated he needed a motion to approve rescinding the approval of that process. Mr. Elzer made a motion to rescind the approval previously granted, seconded by Mrs. Wisser. All in favor, motion carried.

MAYOR: Mayor Zuch stated that 70 fire hydrants have been painted and this has been an ongoing project for 2 years. This was done under the direction of Larry & Sandy Wales along with community service workers. She also stated that Rainbow Dreamland has been power washed and partially stained by Rotary. On September 8, there is a polo match to benefit Social Concerns at Powers field sponsored by Covington Skilled Nursing and Independent living facility. There also is a soccer match on Monday Sept 10 at the High School honoring local heroes with free admission with a \$10 donation and you receive a t-shirt. Mayor Zuch asked for direction from Council on filling the vacant council seat. If they wanted to have people send in letters of interest as was previously done. Mr. Elzer said that's what was done last time and it worked out well. Mr. Figley said he wanted to take the letters for longer than a week, Mayor Zuch said she would like to see a replacement by the next meeting, Ms. Beagle agreed with the Mayor. Mr. Figley said we have 30 days to fill the seat so he would like to give people 10 days to 2 weeks to get their letters in. The next meeting is Sept 10, so Mayor Zuch said we will take applications until Sept 7 at noon and then the information will go out in Council packets that day and a decision will be made at the Sept 10 meeting. Mr. Elzer said that when he got on council he was surprised there was one person to chair the **Safety/Park/Recreation/Cemetery Committee**. He asked if it could be divided up. Mr. Elzer said police and fire should be a committee and cemetery and park could be included with utilities and would make it more balanced. Mr. Tyger said you would have to see what the Charter says. Mayor Zuch said it would be looked into and discussed before a decision was made on a new councilman. Mayor Zuch also stated that if anyone wanted to trade committees with the new person that was on option. Mr. Figley said there are 3 people on each committee and they can also utilize those other people for help.

LAW DIRECTOR: Atty Smith stated that there will need to be a motion to amend the agenda when they get to legislation to add additional legislation for tonight. And that there are 2 exhibit A's and council will need to decide which one they would choose. In the authorized positions section in the prior ordinance, under SEWER had seasonal college at 2 part time and it had a line drawn thru it. After researching she could not find a reason they were taken out if they actually were. On the first exhibit there is a section with two seasonal part time college where it's left in, and the other exhibit it was removed. On a positive note she stated she has been

working with the Manager on some of the non-compliance issues as far as trash and garbage. She said between his enforcement and turning them over to her, she said he has gotten some good results. At this point, the Mayor thanked Dot Herbert for her report, and stated it was very informative and greatly appreciated.

STREET: Mr. Figley stated he is receiving a lot of complaints on the chip and seal in the Neely Manor area. He talked with some blacktop people, he said a lot of it was already chip & sealed and didn't have a lot of base. They agreed that chip & seal would be a good application. Chip and seal for this year and possibly blacktop next year. He said the total area that was chip and sealed this year it was a little over a mile. He said that if that was all paved with 1 ½ of pavement it would cost a little less than the \$140,000 that was paved this year because it wouldn't be ground. An important thing to look at is a crack-filling program starting with W. North Ave and Sugarcamp Dr. There is a very bad section of Sugarcamp that he would like to see something done with this year if possible. He stated he spoke with Unity Township Trustee Joe Ferris. Mr. Figley said they were given a lot of road grindings in trade for permission to store slag there. He asked Mr. Ferris if we could possible have some of it back and Mr. Ferris said he would get back to him. Mr. Figley said he felt Mr. Herbert was right on the duck/geese issue at the park. Mr. Figley asked if there was a rule to not feed the ducks. He said we shouldn't be feeding the ducks and that it's not like its little kids doing it, everyday massive amounts of food are taken there. Mayor Zuch said the field where the kids practice football is very bad. Mr. Figley asked Mr. Herbert how to get rid of them and Mr. Herbert said to fill it in and make it a dog park. Mr. Figley said he didn't want to do that as they used to ice skate there. Mr. Figley said people ice there every year as long as they can. Mrs. Wisser said it's a beautiful area from a far but up close it's disgusting. Mrs. Wisser also said in Dot Herbert's report that the horseshoe pits need refurbished. It was discussed about putting up signs to ice skate at your own risk.

DEVELOPMENT: Mr. Elzer thanked the Rosens for the donation of the cameras at the park. He said that Larry Wales asked him to ask council about the proceeds from the Haunted Trail that is held at the park about keeping the money and needing council's approval to do that. Finance Director said it was her understanding that the Park Board couldn't keep the money because they are just advisory. Mr. Elzer said that last year council approved it and they could keep it and put it back into the park. Thompson said she would talk to Larry. Mr. Elzer thanked the City along with Street, Fire and Police departments for all of their work for the Car Cruise. Mr. Elzer said that the pool brings in around \$8000 a week between swimming and concessions which makes it a big asset and we only keep it open for 10 weeks. He wants to be able to keep it open longer and hire lifeguards who can stay longer even if it's just on the weekends in September. Mrs. Wisser asked why it closed and Mr. Elzer said the lifeguards go back to school. At this point Jerry Cob Lentz who is the Park Manager said the only way it would work is if they could hire older people for lifeguards. Finance Director Traci Thompson said there are a lot of other costs just to keep it open on weekends such as electric and chlorine. Mr. Elzer said if all of the other area pools close and we were open it would be good. Cob Lentz said it would be nice to be open longer. Mr. Elzer said the lifeguards make minimum wage and have to pay their own certification and we need to come up with a way to subsidize that for them. Mrs. Wisser said if we communicated with the guidance counselor at the high school, she felt there would be a lot of kids who would want the job. Mrs. Wisser said when she opens her personal pool, everyone wants to swim but by August people are tired of it. She suggested opening the pool earlier and closing later. Mayor Zuch stated that years ago the Village had their own water safety instructors to certify lifeguards. Mr. Elzer said if we could get a city employee certified, they could certify our own lifeguards and have as many as needed. Mr. Elzer also said that the concession stand should be open longer, during the football season. Terri Ward who works at the pool stated they do not get any business from the football kids & parents because they all bring their own with them. Mr. Elzer asked how much revenue is from inside the pool and how much from outside. Mrs. Ward and Jerry Cob Lentz said maybe 5 or 10% is from outside and the majority is from the swimmers. Mrs. Wisser said baseball starts in April with all of the other schools coming in and she always hears about there not being a concession stand. Mr. Elzer stated that he recently read an article in the paper regarding an unemployment case in Lisbon where Lisbon lost and they had to pay half of the unemployment. He asked the Finance Director how the unemployment works here. She said her understanding is we pay 100% for 18 months and that we do not pay any premiums in and that is what makes us 100% responsible. Mr. Figley asked how the Clark unemployment hearing went. Mayor Zuch said the Finance Director was the only one called to testify. Atty Smith said they proffered evidence, which means indicating what other people would have said. She stated that Gary Clarks has been postponed and rescheduled for Sept 7 at 7:30.

UTILITY: Mrs. Wisser said she had no report for utilities but wanted to talk about the report from the park by Dot Herbert. She said it is a very informative report. Mrs. Wisser said that with the senior discount the park lost about \$150 but were questioning if a military discount could be given the same as senior citizens. Mr. Elzer said all of the park issues should be addressed at one time with the Park Board.

FINANCE: Mr. Tyger stated that by Charter, Council is to evaluate the Manager in September. He said he could email everyone the forms and when they are returned to him, he could have a meeting with Pete to go over them. Mr. Tyger said this is his first year doing the reviews. Mr. Elzer asked if they could just sit down and talk and Mr. Tyger said he would like to pass out the evaluations first and then sit down and talk. He said he would email them Tuesday and then they could talk before the next meeting.

LEGISLATION: Ms. Beagle introduced **res.17-2012** and made a motion that it is read by title only. All in favor. **A resolution authorizing the fiscal manager to certify annual special assessments to the county auditor, and declaring an emergency.** Ms. Beagle made a motion to suspend the rules and declare an emergency. Ms. Beagle-y, Mr. Elzer-y. At this point Mr. Figley said he didn't know what this resolution was for. Mrs. Wisser said it is outstanding debt and we are asking the County to put the monies owed on their

property taxes. Mr. Figley asked what the money would be owed for. Atty Smith said back water & sewer bills, grass mowing. Mr. Figley asked why this was an emergency. Finance Director stated the Auditor only allows her to file special assessments between the first and second Monday in September. And it has to be to the County by September 9. Thompson stated it takes time to get the figures and you want to turn in the most current ones possible. The vote resumed with Mr. Figley- y, Mr. Tyger-y and Mrs. Wisser-y. All in favor. Ms. Beagle called for a vote on **res. 17-2012**. Ms. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Tyger-y and Mrs. Wisser- y. 5 yes to pass. Ms. Beagle made a motion to amend the agenda for additional legislation of **ord. 22-2012**. All in favor, motion carried. Ms. Beagle introduced **ord.22-2012** and made a motion that it be read by title only. All in favor. **An ordinance amending section 246.02 of the codified ordinances of the Village of East Palestine, ohio dealing with authorized positions by department, and declaring an emergency.** Atty Smith stated this was specifically requested as relates to the police department, but upon review it appeared under sewer it said seasonal college and there were 2 part time positions there and it had a line drawn thru it, with no explanation. There are two options for the attached exhibit A. The Police Department will change either way, but 1 option will retain the 2-season partime in the sewer department, the other option will remove them. For voting purposes, option makes the PD Changes and retains sewer part time, option 2 makes the PD changes and deletes the sewer part time. Mayor Zuch asked WWTP Supervisor John Jurjavcic if he still had seasonal part time and Jurjavcic said no, not right now. Mayor Zuch and Mr. Elzer asked if it would hurt to leave them in and Jurjavcic said he would like the positions left in. Mr. Elzer asked why this ordinance was an emergency. Ms. Beagle stated it was so the Chief Dickey could use it right away and they wanted to allow him that leeway. Ms. Beagle made a motion to suspend the rules and declare an emergency. All in favor. Ms. Beagle called for a vote on **ord. 22-2012 with option 1** Ms. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Tyger-y and Mrs. Wisser-y. 5 yes to pass. At this point John Herbert stated that the audience couldn't hear anyone speaking and asked if the seating could be rearranged. Mark Rhodes asked in reference to the Frederick property that if the alley was vacated years ago, why was it opened up again and why was she or any resident allowed to begin building without going thru the proper channels. Mr. Figley stated he was involved with this issue and when The Planning Commission members looked into it they were looking at the wrong property stake. Manager Monteleone stated that Ms. Frederick began her fence and when he found out he immediately told her to halt construction until she got a building permit and it went through the Planning Commission. The Planning Commission made a recommendation to approve the fence permit and construction was resumed. Upon further review it was discovered that the wrong property stake was being used to determine the property line and he told her that the fence had to be removed. Alan Cohen stated he believed that alley had been vacated and Monteleone said it was being looked into. At this point John Jurjavcic asked that residents who have fire hydrants by their property not to repaint them because they do not like the colors they were painted. Each color on the hydrant was painted that way for a specific reason and represents pressure and flow and is done that way for the Fire Department.

VISITORS: Dianna Elzer, John Jurjavcic, Katie Schwendeman, John & Dot Herbert, Dan Scott, Chuck McGuire, Dave Biggins, John & Bonnie Davis, Jerry Coblantz, Alan Cohen, Virginia Foster, Rich Bolon, Park Grim, Alyssa Henderson, Chrissy Rauch, Laura Beight, Teri Rauch, Tami & Bob Harris, Shirley Wilson, Brent Wilson, Scott Wolfe, Betty Reeves, Kip Reeves, Patti Bosley, Brock Jurjavcic, Ben Terwilliger, Larry & Terri Ward, Pam Figley, Mark Rhodes and Traci Thompson.

Ms. Beagle made a motion to adjourn, seconded by Mrs. Wisser. All in favor, meeting adjourned.

MARGO ZUCH-MAYOR

MISTI J. MARTIN-CLERK