

MINUTES OF COUNCIL MEETING
February 14, 2017

The Regular Meeting of City Council was called to order at 7:30 p.m. with Mayor Domenick Mucci presiding. The meeting was opened with a silent prayer followed by the Pledge of Allegiance. Present were Councilmen Johnson, Paul, Timmons, Villamagna, DiLoreto and Hahn. Mr. Paul moved that Mr. Dressel be excused from the meeting. Second by Mr. Johnson. Roll call. All ayes. So moved declared Mayor Mucci.

Also present; City Manager James Mavromatis, Assistant Law Director Costa Mastros, Finance Director Dave Lewis, Dave Gossett from the Herald Star and WTOV9.

APPROVAL/CORRECTION OF MINUTES

Mrs. Hahn moved that the minutes of February 7, 2017 be accepted as written. Second by Mr. Johnson. Roll call. All ayes. So moved minutes accepted declared Mayor Mucci.

PETITIONS/COMMUNICATIONS

The Clerk read a letter from the Ohio Division of Liquor Control regarding the application for a liquor license by Microtel, Inc.

Mr. Paul moved that the communications be accepted and forwarded to the appropriate Department Heads. Second by Mr. Johnson. Roll call. All ayes. So moved declared Mayor Mucci.

ORDINANCES AND RESOLUTIONS

NO. 2017-9 – BY THE FINANCE COMMITTEE – 2nd reading

Messrs. Paul, Johnson, Dressel

ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO TRANSFER THE AMOUNT OF \$323,429.90 FROM THE GENERAL FUND TO THE GENERAL RESERVE FUND (90).

Mayor Mucci – “You have heard the second reading of Ordinance No. 2017-9. The third and final reading will be on February 21st.”

NO. 2017-10 – BY THE PLANNING COMMITTEE – 2nd reading

Messrs. Johnson, Dressel, Hahn

ORDINANCE CREATING SECTION 521.12 OF THE CODIFIED ORDINANCES OF THE CITY OF STEUBENVILLE.

Mayor Mucci – “You have heard the second reading of Ordinance No. 2017-10. The third and final reading will be on February 21st.”

NO. 2017-11 – BY THE PLANNING COMMITTEE – 2nd reading

Messrs. Johnson, Dressel, Hahn

ORDINANCE AMENDING SECTION 1323.122 OF THE CODIFIED ORDINANCES OF THE CITY OF STEUBENVILLE.

Mayor Mucci – “You have heard the second reading of Ordinance No. 2017-11. The third and final reading will be on February 21st.”

NO. 2017-12 – BY THE PLANNING COMMITTEE – 1st reading

Messrs. Johnson, Dressel, Hahn

ORDINANCE AMENDING ORDINANCE NO. 1992-20, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF STEUBENVILLE, OHIO BY REZONING PROPERTY OWNED BY RIVER RAIL DEVELOPMENT, LOCATED AT STATE ROUTE 7 AT SOUTH THIRD STREET, STEUBENVILLE, OHIO, FROM I-3, HEAVY INDUSTRIAL DISTRICT TO I-1, GENERAL COMMERCIAL AND INDUSTRIAL DISTRICT.

Mayor Mucci – “You have heard the first reading of Ordinance No. 2017-12. The second reading will be on February 21st. The third and final reading will be April 4th; however, there will be a public hearing by the Planning Commission on April 3rd.”

NO. 2017-13 – BY THE PLANNING COMMITTEE – 1st reading

Messrs. Johnson, Dressel, Hahn

ORDINANCE AMENDING CHAPTER 1175 OF THE ZONING CODE CREATING THE CRESTLINE DRIVE AND CENTRAL AVENUE NEIGHBORHOOD CONSERVATION DISTRICT.

Mayor Mucci – “You have heard the first reading of Ordinance No. 2017-13. The second reading will be on February 21st. The third and final reading will be April 4th; however, there will be a public hearing by the Planning Commission on April 3rd.”

NO. 2017-14 – BY THE PLANNING COMMITTEE – 1st reading

Messrs. Johnson, Dressel, Hahn

ORDINANCE AMENDING CHAPTER 1175 OF THE ZONING CODE CREATING THE WHITEHAVEN BOULEVARD AND DEVONSHIRE ROAD NEIGHBORHOOD CONSERVATION DISTRICT.

Mayor Mucci – “You have heard the first reading of Ordinance No. 2017-14. The second reading will be on February 21st. The third and final reading will be April 4th; however, there will be a public hearing by the Planning Commission on April 3rd.”

NO. 2017-15 – BY COUNCIL AS A WHOLE

RESOLUTION PROCLAIMING THE MONTH OF FEBRUARY, 2017 AS NATIONAL AFRICAN AMERICAN HISTORY MONTH

Mr. Villamagna moved that Resolution No. 2017-15 be adopted by roll call. Second by Mr. Johnson. Roll call. All ayes. Resolution No. 2017-15 duly adopted declared Mayor Mucci.

Mr. Villamagna – “Mrs. Wiggins; it is with great honor that I give you this resolution; but before I say that; I have been involved with your family for forty plus years; your sister, you, everybody in your family, the kids; on a social level, a business level and a family level. I’ve eaten at your houses; I’ve gotten recipes off of you guys for some of the food I couldn’t make; you taught me how to make. But most importantly; in my lifetime with you in those forty plus years; forty one to be exact; I’ve always seen you to be fair in all situations; I dealt with you when I was on the Police Department and I never once ever had an argument with you or anybody that came into the office with a complaint because I’m the one who handled complaints if you remember. You were always unbiased, always; you were always concerned about the end result, that justice was served; and sometimes it was in the favor and sometimes it wasn’t in the favor and you never let that get in the way of anything. I’m very proud of what you’ve done for civil rights over the years for the City of Steubenville for everybody and I appreciate it very much as this city and this Council does; and that is why I give you this resolution, Delores.”

Delores Wiggins – “I’d like my daughter and son to come up here please along with Mattie Patterson and Sandi Rue. This is my daughter Ori and everybody knows Benny. Mattie works along with me at the Ohio Valley Black Caucus when I need her; when we’re short-handed I call on Mattie; and of course Sandi here; I’ll say Sandi I need you to do something for me and she does it. To the Mayor and to our City Manager, Mr. Mavromatis; and to Council at Large, Kimberly Hahn; to all Council and my good friend Frankie; I’d like to say thank you so much. I like the song that we sing in our church, ‘it’s so nice to be nice’. It is nice to let someone know that you’re nice. You didn’t have to do this and I thank you for it; I accept it on behalf of African American History Month; I thank Carter Woodson who founded black history month in 1929; that’s why we’re here today and I thank God for all he’s done. I just want to say one thing; everyone that is sitting out here; I don’t care who you are or what color you are; you have civil rights. There is not one person left out; when you were born you were born with civil rights; you have the honor of having civil rights. The modern day civil rights started in 1955 under the leadership of Martin Luther King because of Rosa Parks sitting on the bus and she said she wasn’t going to move today; she was tired; we know the story. But civil rights doesn’t belong to one sect of people or one class of people; it belongs to all people; and I thank you so much.”

Mayor Mucci – “I too would like to express gratitude on behalf of our citizens for your leadership; but more importantly to this resolution; this year’s theme is a crisis in black education; and what is going on in the national scene and really the attacks on our educational system I think it’s more important that we focus on that; so hearing no objection I would like a resolution also forwarded to the Steubenville City Schools and to the superintendent Melinda Young; hearing no objections it is so ordered.”

REPORT OF COMMITTEES

Mr. Johnson – no report

Mr. Paul – “I do, your honor; tomorrow evening at 7:00 we will have a Rec Board meeting over at the Belleview Clubhouse. We will meet with the Board and also Council members can be there; we may go into executive session to discuss what the Board needs to do moving forward; that will be tomorrow at 7:00 at the Clubhouse.”

Mr. Timmons – “I would like to make a motion that we move into executive session after public forum to discuss the City Manager’s annual review as well as Council personnel.” Second by Mr. Johnson.

Mayor Mucci – “Ok; executive session for the City Manager evaluation and Council personnel?”

Mr. Johnson – “Yes; dealing with Council.”

Mayor Mucci – “The Chair will just question Council personnel because we’re elected officials but we can move into executive session for the discussion of personnel in the Recreation Department.”

Roll call. All ayes. So moved declared Mayor Mucci.

Mr. Villamagna – “I don’t have anything Mayor but I want to be clear on something; you said to move into executive session to discuss recreation department and that’s not what we want to do; we want to discuss Council personnel; do we have to say what it’s about; is that what you’re getting at?”

Mayor Mucci – “It has to fall within the objectives.”

Mr. Villamagna – “Salaries; for Council personnel.”

Mayor Mucci – “That is set by the charter?”

Mr. DiLoreto – “It’s set by the charter; can’t do anything about it.”

Mr. Villamagna – “Well, there was a mistake with some of the payroll.”

Mr. Johnson – “We can discuss it now if you want; we can discuss it in open session. The question is; Council gets paid; there are two tiers of Council pay; \$75 for the older guys; \$100 a meeting for the newer guys. We get paid for every meeting; the way I interpret the charter is we get paid for every meeting that is called by Council. So last year we called special meetings when we appointed Jim Mavromatis as the City Manager; we had at least I think two special meetings; we’ve had other special meetings; we’ve had committee meetings; so the thing is I think Bob Villamagna kept track of how many meetings we had last year and I think he went to 181 meetings last year. So the question is; should we get paid for 52 meetings when we attended 181; that is the question; I brought it up to Gary and Dave and Jim; I thought it was resolved; the way I interpret the charter and Gary ultimately agreed that every meeting we call is one; you’re entitled to one; it doesn’t specify regular meeting because if you go back to when we had the sunshine meetings; there is no such thing as a sunshine meeting in the Ohio Revised Code; you either have a regular meeting or you have a special meeting or you have a committee meeting; there is no language defining a sunshine meeting in the Ohio Revised Code yet everybody at Council was always paid for those. You have two excused absences and we always follow that; but I guess some people didn’t; well nobody got paid the last week at Christmas because there was no meeting. Although we have 181 meetings administratively it doesn’t make sense to pay us one week for every meeting; that is the question; I guess Bob wanted to bring it up.”

Mr. Villamagna – “To be clear; the charter says you max out at \$5200; my salary is still under the old formula of \$3900. That’s all we want; we don’t want paid for 181 meetings.”

Mayor Mucci – “The charter under section 12 salaries for the members of Council; the salary of each Council member shall be \$100 per stated meeting as long as Council member is in attendance; it does state the maximum compensation for a Council member shall be \$5200 per year; so the max anybody can make is \$5200; however the individuals that are under the old charter such as myself and the even wards are still under the old; you can’t change compensation during a term while you’re in office. The max that any member of Council can make is \$5200; I don’t care how many meetings you attend.”

Mr. DiLoreto – “We got shortchanged one meeting.”

Mr. Paul – “The question was; we took off for Christmas; that is what it is, the week of Christmas; we did not get paid for the week of Christmas because we didn’t have a meeting.”

Mrs. Anderson – “We’ve never done that before; they always get paid for 52 meetings.”

Mayor Mucci – “Can the Clerk pull out the payroll records to make sure of the end of year amount for each member of Council and we’ll go from there.”

Mrs. Anderson – “I don’t have their paystubs or W2s.”

Dave Lewis – “We checked with our Law Director Gary Repella and he had said that only Council meetings qualify and you had discussion about sunshine meetings; but he did say only Council meetings and we wouldn’t be able to issue payment for that last meeting because there was no meeting.”

Mr. Johnson – “Gary isn’t here; but he since changed his mind because I sent an email to you Dave to Gary and to Jim; and I said my interpretation is a meeting and we’re capped at 52; all we want paid for is 52 meetings, that’s it; and for the older guys we get \$75 per meeting; we’re happy with that; the newer guys get \$100 and they’re happy with that; but pay us for 52 meetings if we attended at least 52 meetings; that’s it. Gary initially came back and said only regular meetings; I went through what I already stated earlier today and I said if that is your opinion, mine is different; let’s ask the auditors who is right. Gary then said now that I think about it I think you’re right Mike and I agree and I talked to Dave about it. That was my conversation with Gary; that’s what happened.”

Dave Lewis – “If that’s the case it’s no problem; I don’t recall having that discussion with Gary or seeing that.”

Mr. Johnson – “I can forward you the email; I forwarded it to Frankie earlier this afternoon.”

Dave Lewis – “At the time there were no auditors to ask because our audit is out for bid.”

Mr. Villamagna – “I’d like to add one thing too; the Mayor read the charter and the charter doesn’t say Council meetings; it says \$5200 is the max out for the pay; and it’s not about the money because to be honest about it nobody even realized we didn’t get paid; we did not realize that we didn’t get paid. But then when it came to our attention which is just recently; it’s not the money; but it is the principle that I kept track of all the meetings and every Councilman that is here with maybe the exception of one meeting he didn’t go or maybe he went to one more than me but I just kept track because we were all at them; 181 meetings that I attended and again it’s the principle, not the money.”

Mr. Mavromatis – “Can I make a suggestion? Just let us follow up with this with the auditors because I was there and I know why it was changed. The salary of each Council member will be \$100 per stated meeting as long as said Council member is in attendance except as hereafter provided. Again, the auditors may have input on that; you’ve clearly been to far more meetings or all of Council have been there and you can substitute one of those meetings such as the budget hearings; all Council was there; it’s a meeting; it’s open to the public. But again, a simple ruling by them; Gary has made a comment on it; this isn’t something that needs to be decided right this second but you can surely have an answer by next Tuesday; is that fine with you, sir?”

Mr. Villamagna – “Yes, that’s fine.”

Dave Lewis – “That’s fine; whatever the Law Director says. The reason it was done is if there is an overpayment the State Auditors could come in and issue a finding for recovery against you guys personally. We were following the Law Director’s opinion at that time.”

Mr. Johnson – “I understand that; the charter just says stated meeting and like what we had at 6:00 was a stated meeting and we put everybody on notice, the public that we were meeting at 6:00.”

Mr. Villamagna – “I agree with what Dave said; this should’ve never come up tonight at this meeting; this question has been asked and it should’ve been answered and it wasn’t answered yet. This question we’re asking tonight should’ve been answered already.”

Mr. Johnson – “That’s true; it first came up at the end of January.”

Mr. Villamagna – “Nobody got back to us.”

Mayor Mucci – “I just know that the headaches and all if there is compensation that is owed in 2016 what it will create when we pay it in 2017 and what it will do to the bottom line and all. If my position because of attending meetings and all; if there is more compensation, the City can keep it; I’m donating it; I don’t want compensated for that. Let the Law Director determine that with the auditors input and present it to us in writing.”

Mr. Johnson – “I wasn’t asking to get paid for Christmas; I’m just saying going forward; we get 52 meetings, give us 52 meetings; that’s fair. We’ve already done that and if we would actually get paid for that in this year it presents another problem because you can’t go over the max; just going forward; what are the rules; this is when you get paid; once you have accumulated pay for 52 meetings you get paid for 52 meetings.”

Mr. Villamagna – “To follow up what the Mayor said; I will give the money back but only under one condition; it has to go to the Beautification Committee for flowers to make the City look nice. Nobody in here is going to object to doing that either.”

Mr. DiLoreto – no report

Mrs. Hahn – no report

REPORT OF ADMINISTRATIVE OFFICERS

Mr. Mavromatis – no report

Mr. Mastros – no report

MISCELLANEOUS REPORTS

Mr. Villamagna – “Thank you, Mayor; I would like to know if we have any advancement on our website? Last week I gave you guys that paper; has anyone looked at it?”

Dave Lewis – “The website is being completely redesigned.”

Mr. Villamagna – “Has anyone from our IT looked at it?”

Mr. Mavromatis – “I can’t answer that; it was sent over there; he works on Mondays and Wednesdays; I can check on that for you and call you.”

Mr. Villamagna – “Some of the things that we talked about putting on there can be addressed with that pamphlet there and letting people know what is going on. Second; the form letter that we talked about giving all the employees for when they’re riding around and see violations they can write it down and turn it in; have we made any advances on that?”

Mr. Mavromatis – “There are standard forms that Police Departments use; they’re called SSI reports; special service reports; it’s a matter of what we want to come up with. The eyes and ears of our employees are the best ones to send in the reports; picking up garbage; downed signs; things of that nature.”

Mr. Villamagna – “But we have nothing; we don’t have a form yet?”

Mr. Mavromatis – “No, because we’re going to talk to Tri State Printing; they’d be the best one to come up with whatever we want to put on there.”

Mr. Villamagna – “That brings me to Efts Lane; the problem that I have on Efts Lane; is there a decision made about the snow removal on those two houses at the end?”

Mr. Mavromatis – “Well, clearly the road is not the City’s; I verified that again today; so that’s a decision that we have to make.”

Mr. Villamagna – “Well, for seventeen years that they’ve lived there the road has been plowed by City crews; this was the first time it wasn’t.”

Mr. Mavromatis – “If the City trucks have been going down there then they should continue to go down there; but that road is normally the responsibility of Cross Creek; and then on Care Place two houses in is where the City stops right there; our people don’t go in there.”

Mr. Villamagna – “So, it’s just a matter of you telling them that you want them to continue to plow that?”

Mr. Mavromatis – “If the City has been doing that then yes I can do that.”

Mr. Villamagna – “Let’s just for the sake of argument say that the City hasn’t been doing it; but they have and I don’t want to bring it up again; it’s 100 yards of road is all it is; and he sent me the pictures on video which I forwarded to you where they did not take care of it; Cross Creek or whatever township that is didn’t do it; he’s annexed into the City; he pays City property taxes; they pick up the garbage so clearly they drive on the road to begin with and there is a turnaround down there so they don’t even have to bring a big truck; we owe it to the citizen to plow that street.”

Mr. Mavromatis – “Bob; if the City has been clearing that then we’ll continue it; if Cross Creek has been the ones plowing that; I don’t know if he stays up all night to see that; I’ll verify that.”

Mr. Villamagna – “He’s gets off work at 4:00 and when he comes home it’s not plowed; and just for the sake of argument again; if Cross Creek is doing it once in a while then we have to overlap it; they come down and turn in to Cara Place and it makes no sense whatsoever to not travel 100 more yards to do two houses that are inside our corporation. I don’t want to make a federal case out of it but they’re taxpayers and they deserve to have their road plowed. I don’t want to get in an argument with Cross Creek; if we just do it when we go there if it’s not plowed, do it; if it’s plowed, don’t do it. We can’t get in trouble for plowing it.”

Mr. Mavromatis – “We overlap on other State routes.”

Mr. Villamagna – “I was thinking about something and the Mayor always tells me to celebrate and he knows I always say that I like celebrating but I also like to point out the bad; I ride around a lot and I didn’t feel like being bugged by anybody when I was getting a sandwich; so I said well I’m going to go to Wendy’s in Hollywood Plaza; while I’m sitting in Hollywood Plaza I looked out the window and I got to counting and I started thinking about this; Hollywood Plaza has thirty plus stores in it; so I looked at it; the parking lots are full; very nice place; why is that plaza so nice; and I said because the people who own that plaza; they change the lightbulbs; they have a street sweeper; they sweep the parking lot; they paint the lines; they take care of all the property; they have two vacant properties right now and they’re remodeling those places to move somebody into; they’re already occupied once they get them remodeled; they’re putting a lot of money into them, making them good for the customer that’s coming in there. And we never hear from that corporation; they never complain that this isn’t going on and nobody is helping them; I think that is a jewel and I think other people in the community should take that as a model to help ourselves and do some of this work. Hollywood Plaza to me; I know it’s there but I didn’t pay attention until I sat there and I looked out and saw all the people going in and out; there are a lot of stores; there is thirty plus stores in that plaza. So it is a jewel; we always talk about the Mall is closing and we talk about the downtown is bad; so I want to celebrate and talk about the Hollywood Plaza which is a beautiful place in the City; you have office buildings, restaurants, shopping centers, groceries; that’s my celebration for tonight, Mayor. He’s not here but I want to congratulate Mr. Repella on being inducted in the Ohio Valley Athletic Conference Hall of Fame.”

Mrs. Hahn – “A couple of different things; one, I just wanted to really encourage you for all of us to consider being part of a couple of these groups that are focused on revitalization. It seems like January is the time that notices for membership come out and I just wanted to encourage you to consider a membership at the Fort and a membership in the Steubenville Revitalization Group. Their focus is economic development; especially in the downtown area and I just wanted to put in a plug for them; I think we all benefit from a lot of the volunteering that they do and it would be great if more of us joined and gave some time to it. The other thing I wanted to mention; two weeks ago we said that we wanted to do a code enforcement workshop and we never came up with a day and time. Jim, I didn’t know if you really ought to be the one to pull that together because I don’t know all the different aspects.”

Mr. Mavromatis – “This is probably a good time for this; what I want to do is have a meeting with all of Council and be briefed on all these issues so you can at least answer the hard questions you get. Where I’d like to hold it is at the Inn at Franciscan; that’ll give you a chance to see the new facility; they’re amenable to work with us at having a meeting; although we have a meeting room here, there is going to be no cost to us. It gives us a chance to see the new facility there; it’s large enough that I can have my briefers come in and brief all of Council on those issues that you have. Again, it’s going to probably have to be a Saturday; so I open it up to Council to come up with a Saturday that is amenable because we have leaves or whatever but pick a good Saturday that we can all make it and I will set it up and it will be done.”

Mrs. Hahn – “Should we email you out of the next three or four Saturdays what Saturdays can work? Do you know, Eric; do you have your work schedule yet?”

Mr. Timmons – “I work every Saturday now but I can request somebody to work for me one of those days; just let me know and I’ll make it work.”

PUBLIC FORUM

Mayor Mucci – “If there is anyone wishing to speak to City Council on City business please come forward and state your name and address.”

Chambers were cleared for executive session.

Chambers were reopened for adjournment.

Mr. Paul moved to adjourn. Second by Mr. Villamagna. Roll call. All ayes. So moved; meeting adjourned declared Mayor Mucci.

Mary F. Anderson
Clerk of Council

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR