

**MINUTES OF COUNCIL MEETING
December 18, 2018**

The Regular Meeting of City Council was called to order at 7:30 p.m. with Mayor Barilla presiding. The meeting was opened with the Pledge of Allegiance followed by Roll Call.

Present were Councilmen Dressel, Hahn, Paul, Petrella, Timmons, Villamagna, & DiLoreto.

Also present; Police Chief Bill McCafferty (Acting City Manager), Law Director Costa Mastros, Finance Director Dave Lewis, Financial Accountant Dave Babela, Wastewater Superintendent Chuck Murphy, Engineering Director Mike Dolak, Fire Chief Carlo Capaldi, Urban Projects Director Chris Petrossi, Linda Harris from the Herald Star, & WTOV.

APPROVAL/CORRECTION OF MINUTES

Mrs. Hahn – “Yes I have one quick question Mr. Costa Mastros first; in the minutes it only records the number that yay and nay votes last week and I believe those need to be specific when we did the roll call.”

Mr. Mastros – “You mean...”

Mrs. Hahn – “It should say the name.”

Mr. Mastros – “Yeah that’s better.”

Mrs. Hahn – “Okay so if we could correct the minutes to reflect that. Do we need to have a motion to do that?”

Mr. Mastros – “That should be pretty standard.”

Mrs. Hahn – “Okay. So we can just go ahead and pass the minutes and then our clerk can...”

Mr. Mastros – “Correct.”

Mrs. Hahn – “Make that correction.”

Mr. Mastros – “That should be standard how we do it.”

Mrs. Hahn – “Okay so aside from that I move that we accept and approve the minutes as written for December 11, 2018.”

Minutes were approved by Mrs. Hahn for December 11, 2018. Second by Mr. Timmons. Roll Call. All ayes. So moved minutes accepted declared Mayor Barilla.

PETITIONS/COMMUNICATIONS

Mayor Barilla – “Petitions and Communications Madame Clerk?”

Mrs. Haley – “Nothing this evening.”

Mayor Barilla – “Thank you Madam Clerk.”

ORDINANCES AND RESOLUTIONS

NO. 2018-87 – BY THE FINANCE COMMITTEE

Messrs. Paul, Dressel, Timmons

AN ORDINANCE AMENDING ORDINANCE NO. 2017-105 ADOPTING A REVENUE TAX BUDGET FOR THE YEAR ENDING DECEMBER 31, 2018 FOR THE PURPOSE OF PROVIDING THAT PERFORMANCE WILL BE SPECIFIED BY PLAN AND PROJECTION AND DECLARING AN EMERGENCY.

Mayor Barilla – “You have heard the reading of Ordinance No. 2018-87. If anyone would like to speak on Ordinance No. 2018-87 please come forward and state your name and address.”

Mr. Paul called question. Roll Call. All ayes. So moved Ordinance No. 2018-87 is duly adopted declared Mayor Barilla. It will take effect immediately.

NO. 2018-88 – BY THE FINANCE COMMITTEE

Messrs. Paul, Dressel, Timmons

AN ORDINANCE AMENDING ORDINANCE NO. 2017-106 TO MAKE APPROPRIATION FOR THE CURRENT EXPENDITURES AND OTHER EXPENDITURES OF THE CITY OF STEUBENVILLE WITHIN THE GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, DEBT SERVICE FUNDS, ENTERPRISE FUNDS, INTERNAL SERVICE FUNDS, EXPENDABLE TRUST FUNDS AND NONEXPENDABLE TRUST FUNDS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018, AND DECLARING AN EMERGENCY.

Mayor Barilla – “You have heard the reading of Ordinance No. 2018-88. If anyone would like to speak on Ordinance No. 2018-88 please come forward and state your name and address.”

Mr. Paul – “You’re Honor I have...”

Mayor Barilla – “Yes Mr. Paul.”

Mr. Paul – “If there is anybody that really would wish to ask a question or anybody else that would wish to ask a question; Dave Lewis and his staff is here tonight; Dave Babela. If you would have a question on any of these ordinances we’re bringing in tonight; I think it would be a good time if you want to ask the questions to find out actually what’s going on. This is about the budget for next year. If anybody has any questions I think speak now or forever hold your peace. We have a few gentlemen here that can answer those for you. Okay? That’s all I

wanted to say. I should've said that earlier but; I just want to make sure everybody understands we can ask a question now. Thank you you're Honor."

Mayor Barilla – "Thank you Mr. Paul. Yes Mr. DiLoreto?"

Mr. DiLoreto – "I want to reemphasize what Councilmen said last week; Petrella. Took us too long to do all this last year; you know all this budget. (All inaudible) water works just too many questions asked down here that want material. So next year I think we're in voting of sub committees; if you got any questions just bring the whole process back to Council because we waste a lot of time on questions that were tendency to Chuck Murphy or Dave Lewis; go down his office (all inaudible). (All inaudible) it just wasn't the water. Okay thank you."

Mayor Barilla – "Do we have a second on ordinance..."

Mr. Paul – "Well (all inaudible from multiple people talking) anybody got a question out there. I mean."

Mrs. Hahn – "I'll second it."

Mr. Paul – "Okay?"

Mayor Barilla – "I just need a..."

Mrs. Hahn – "Yeah I second it."

Mrs. Haley – "There is no second."

Mayor Barilla – "I just need question then."

Mr. Paul called question. Roll Call. All ayes. So moved Ordinance No. 2018-88 is duly adopted declared Mayor Barilla. It will take effect immediately.

NO. 2018-89 – BY THE FINANCE COMMITTEE

Messrs. Paul, Dressel, Timmons

AN ORDINANCE ADOPTING A REVENUE TAX BUDGET FOR THE YEAR ENDING DECEMBER 31, 2019 FOR THE PURPOSE OF PROVIDING THAT PERFORMANCE WILL BE SPECIFIED BY PLAN AND PROJECTION AND DECLARING AN EMERGENCY.

Mayor Barilla – "You have heard the reading of Ordinance No. 2018-89. If anyone would like to speak on Ordinance No. 2018-89 please come forward and state your name and address."

Mr. Paul called question. Roll Call. All ayes. So moved Ordinance No. 2018-89 is duly adopted declared Mayor Barilla. It will take effect immediately.

NO. 2018-90 – BY THE FINANCE COMMITTEE

Messrs. Paul, Dressel, Timmons

AN ORDINANCE TO MAKE APPROPRIATION FOR THE CURRENT EXPENDITURES AND OTHER EXPENDITURES OF THE CITY OF STEUBENVILLE WITHIN THE GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, DEBT SERVICE FUNDS, ENTERPRISE FUNDS, INTERNAL SERVICE FUNDS, EXPENDABLE TRUST FUNDS, AND NONEXPENDABLE TRUST FUNDS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019 AND DECLARING AN EMERGENCY.

Mayor Barilla – "You have heard the reading of Ordinance No. 2018-90. If anyone would like to speak on Ordinance No. 2018-90 please come forward and state your name and address."

Mr. Paul called question. Roll Call. All ayes. So moved Ordinance No. 2018-90 is duly adopted declared Mayor Barilla. It will take effect immediately.

NO. 2018-91 – BY THE FINANCE COMMITTEE

Messrs. Paul, Dressel, Timmons

AN ORDINANCE REPEALING THE EXISTING TABLE OF ORGANIZATION OF THE CITY OF STEUBENVILLE, OHIO AND NOW ENACTING A TABLE OF ORGANIZATION FOR ALL EMPLOYEES OF THE CITY AND DECLARING AN EMERGENCY.

Mayor Barilla – "You have heard the reading of Ordinance No. 2018-91. If anyone would like to speak on Ordinance No. 2018-91 please come forward and state your name and address."

Mayor Barilla – "Mr. Petrella?"

Mr. Petrella – "Yeah you know what I only got one question. On the table of organization are all the positions filled?"

Dave Lewis – "No not at this time."

Mr. Petrella – "Which ones aren't and why?"

Dave Lewis – "I have to refer you to; to the organizational charts (all inaudible) that department. So (inaudible) I'll get it for you. I have to rely on some of my department heads that helped with this. There's some temporary positions that wouldn't be filled; not needed at this time. Let's see under Parks and Recreation we have position being created a second maintenance worker to with a CDL so it would be vacant so that in the process of being filled you know it's in the process of being created. Under Planning and Urban Development we're creating a second building inspector so because that position is being created it's in the process of being filled. Police Chief are all your jobs filled at this time?"

Chief McCafferty – "No mine is opened because the court case with that employee that was terminated and that'll be sometime in February because we have full training officers and we only have two so (all inaudible from noise)."

Mr. Petrella – "But chief we do have an active list for you correct?"

Chief McCafferty – "Yes; yes we do."

Mr. Petrella – “Okay thank you.”

Dave Lewis – “Joe if I could ask Joe Marracino for your help under streets and sanitation. I believe we have three positions being created in streets and I; are those the only (inaudible) streets at this time?”

Joe Marracino – “Correct.”

Dave Lewis – “Okay and we have two being created in sanitation as well. I think we have one or two.”

Joe Marracino – “We have two.”

Dave Lewis – “Two vacancies so you have four; two are being created and two are in the process to either bid out or advertise. Does that sound right?”

Joe Marracino – “We have three CDL driver positions in street that aren’t filled at the time.”

Dave Lewis – “Correct.”

Joe Marracino – “Then there’s two CDL sanitation positions that aren’t filled at this time.”

Dave Lewis – “Those are the ones we’re; we’re providing the funding (all inaudible). You don’t have any; all the other ones are filled to your knowledge? Chuck if I could ask your assistance under wastewater; I believe you have a few plant operators; assistant plant operators vacant.”

Chuck Murphy – “We actually have one plant operator which is currently out for bid and I believe that we’ll have that position filled; matter of fact we’re going to have it filled as of the 24th because we have a person who’s applied for it (inaudible) qualified. Evidently we’ll be looking for a chief operator and filling that position because the chief operator is taking the operators position. Then we’re going to have; you know currently the assistant operators position is currently opened and that one is one that I discussed with Council turning it into a fifth operator which we’ll go ahead and continue that process in the new year; now that we have the funding and then essentially we will now have an assistant operators position open due to the fact that one of the assistant operator give up to the filtration plant and we will go ahead and proceed with getting an application and get it to them. So we’re in the process.”

Dave Lewis – “I understand but; (all inaudible) to the water fund; filling the only vacancy of the water plant.”

Chuck Murphy – “Yes. That’s the; we only had one position as the operators position which (all inaudible) filled.”

Dave Lewis – “(All inaudible).”

Mr. Petrella – “At this time...”

Dave Lewis – “Well that’s where we stand. If you ever need a reference; the charts that we gave you (all inaudible) where we stand on that.”

Mr. Petrella – “The reason I asked I’ve gotten a lot of questions from citizens thinking we have a lot more employees working than we do.”

Mr. Paul – “No we’re trying to hire.”

Mr. Petrella – “Yeah I mean they’re looking at the; they were looking at the table of organization and they says well you have X number of drivers and I says not that I know of. We have a lot fewer drivers than what is on the table of organization. Every position that’s on the table of organization is funded correct?”

Dave Lewis – “Pretty much. There’s an IT position...”

Mr. Petrella – “This is a yes or no answer Dave.”

Dave Lewis – “No. There’s one other one there’s an IT position but we use an outside contractor. There’s reasons for that; basically; but basically all of them are funded.”

Mr. Petrella – “Okay.”

Mr. Villamagna – “I’d like to add one comment to that. Dave thank you very much because the funding unless I’m wrong; this is the first time in five years that I’ve been here that table of organization has been filled.”

Street in particular? Yes. Yes.”

Mr. Villamagna – “Thank you.”

Dave Lewis – “You’re welcome.”

Mr. Paul called question. Roll Call. All ayes. So moved Ordinance No. 2018-91 is duly adopted declared Mayor Barilla. It will take effect immediately.

NO. 2018-92 – BY THE FINANCE COMMITTEE

Messrs. Paul, Dressel, Timmons

AN ORDINANCE ADOPTING A CAPITAL IMPROVEMENT PLAN FOR THE CITY OF STEUBENVILLE FOR THE PERIODS OF 2019 TO 2023 AND DECLARING AN EMERGENCY.

Mayor Barilla – “You have heard the reading of Ordinance No. 2018-92. If anyone would like to speak on Ordinance No. 2018-92 please come forward and state your name and address.”

Mr. Paul called question. Roll Call. All ayes. So moved Ordinance No. 2018-92 is duly adopted declared Mayor Barilla. It will take effect immediately.

NO. 2018-93 – BY THE FINANCE COMMITTEE

Messrs. Paul, Dressel, Timmons

AN ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO ESTABLISH THE DEMOLITION BOND TRUST FUND (FUND 14) AND DECLARING AN EMERGENCY.

Mayor Barilla – “You have heard the reading of Ordinance No. 2018-93. If anyone would like to speak on Ordinance No. 2018-93 please come forward and state your name and address.”

Mr. Paul called question. Roll Call. All ayes. So moved Ordinance No. 2018-93 is duly adopted declared Mayor Barilla. It will take effect immediately.

NO. 2018-94 – BY THE FINANCE COMMITTEE

Messrs. Paul, Dressel, Timmons

AN ORDINANCE OUTLINING THE USES OF THE WATER INFRASTRUCTURE IMPROVEMENT FUND AND DECLARING AN EMERGENCY.

Mayor Barilla – “You have heard the reading of Ordinance No. 2018-94. If anyone would like to speak on Ordinance No. 2018-94 please come forward and state your name and address.”

Mr. Paul called question. Roll Call. All ayes. So moved Ordinance No. 2018-94 is duly adopted declared Mayor Barilla. It will take effect immediately.

NO. 2018-95 – BY THE FINANCE COMMITTEE

Messrs. Paul, Dressel, Timmons

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE PUBLIC UTILITY DIRECTOR TO ENTER INTO VARIOUS AGREEMENTS FOR THE TEMPORARY AND EMERGENCY REPAIR OF THE NORTH STREET CSO OVERFLOW LINE AND DECLARING AN EMERGENCY.

Mayor Barilla – “You have heard the reading of Ordinance No. 2018-95. If anyone would like to speak on Ordinance No. 2018-95 please come forward and state your name and address.”

Mr. Paul called question. Roll Call. All ayes. So moved Ordinance No. 2018-95 is duly adopted declared Mayor Barilla. It will take effect immediately.

NO. 2018-96 – BY THE PLANNING COMMITTEE

Messrs. Villamagna, Hahn, Petrella

AN ORDINANCE AMENDING SECTION 145.05 (D) (2) OF THE CODIFIED ORDINANCES OF THE CITY OF STEUBENVILLE AND DECLARING AN EMERGENCY.

Mayor Barilla – “You have heard the reading of Ordinance No. 2018-96. If anyone would like to speak on Ordinance No. 2018-96 please come forward and state your name and address.”

Mr. Paul called question. Roll Call. All ayes. So moved Ordinance No. 2018-96 is duly adopted declared Mayor Barilla. It will take effect immediately.

REPORT OF COMMITTEES

Mr. Dressel – “I have; I’d like to make a motion to approve the reappointment of the persons below; I’ll list them; to the board of library trustees by roll call. Paul Brandt of 1 Laurel Woods term to expire 1/2023; Gary Hallock of 1802 Columbia Ave term to expire 1/2023 and Maddalena Repella of 1805 Williams Place term to expire 1/2023.” Second by Mr. Timmons. Roll Call. All ayes. So moved motion accepted declared Mayor Barilla.

Mayor Barilla – “I want to thank you for having them reappointed again.”

Mrs. Hahn – “Okay I am asking Council to reconsider the lawsuit filed by the city against Mark Nelson last week and before doing so I think Scott Dressel you had a couple of questions for Chris Petrossi.”

Mr. Dressel – “Yes I do.”

Mrs. Hahn – “So if I could ask him to ask those questions and then I want to share a few comments.”

Mayor Barilla – “Okay alright Mr. Dressel.”

Mr. Mastros – “Excuse me one second.”

Mayor Barilla – “Yes?”

Mr. Mastros – “I just want to correct something it’s terminology but we didn’t file a lawsuit against Mr. Nelson.”

Mr. Villamagna – “Thank you.”

Mr. Mastros – “We took an administrative appeal of our board’s decision as it relates to Nelson Holdings LLC. There’s maybe some annex but I think there’s a difference in how it comes out just to correct the record that’s all.”

Mr. DiLoreto – “It’s the issue.”

Mr. Mastros – “Yeah just to correct the record.”

Mr. Dressel – “Okay. I had; we had two questions for Chris to answer on this just to clarify; we’re all here on what we have. The first one was Mr. Nelson in his letter from the city which he told me he could appeal for a variance to that board.”

Chris Petrossi – “Yes. (All inaudible) is correct. The violation we mail out includes; also advises the addressee that they have the opportunity to appeal.”

Mr. Dressel – “Okay and during the hearing was the board told that; that they had the authority to grant that variance?”

Chris Petrossi – “The board is (all inaudible) they have the authority to consider an appeal based on the claim that the intent of the ordinance or the rule adopted thereunder have been incorrectly interpreted; the provisions of the code don’t apply for the requirements of that code (all inaudible from noise) there’s three considerations.”

Mr. Dressel – “Okay thank you.”

Mr. Villamagna – “I have a couple questions for Mr. Petrossi regarding that.”

Mayor Barilla – “Wait; wait. I think Mrs. Hahn still has the floor.”

Mrs. Hahn – “If he wants to ask those questions...”

Mr. Villamagna – “Yeah I’d like to....”

Mrs. Hahn – “That’s fine with me.”

Mr. Villamagna – “Jerry you’re going to have to excuse me for not standing up.”

Mayor Barilla – “Okay that’s fine.”

Mr. Villamagna – “What’s the deadline for filing an appeal? When you sent the notice out for the vacant structure what’s the deadline for the appeal?”

Chris Petrossi – “The notice states 30 days.”

Mr. Villamagna – “30 days and give or take a day it was approximately 240 days before the appeal was filed. Could that be a correct statement?”

Chris Petrossi – “Correct.”

Mr. Villamagna – “Okay and I’ll also have some comments later about this.”

Mayor Barilla – “Okay Mr. Villamagna thank you.”

Mr. Mastros – “Mayor?”

Mayor Barilla – “Yes?”

Mr. Mastros – “If I may?”

Mayor Barilla – “Mr. Costa?”

Mr. Mastros – “If we are going to ask Mr. Petrossi questions and if you want answers I’m going to advise you as clients that we go into executive session and do this. This is a; we’re in court now. That’s my advice to you; you don’t have to do it but that’s my advice to you.”

Mr. DiLoreto – “Costa can we give our opinion?”

Mr. Mastros – “You can give your opinion.”

Mr. DiLoreto – “(All inaudible).”

Mr. Mastros – “I can’t tell you what to say.”

Mr. DiLoreto – “I’m afraid to go off if I give my opinion.”

Mr. Mastros – “You can say your opinion but what I don’t want to do is litigate the case among ourselves and discuss it among ourselves. (Inaudible) open public; we are; we have filed an appeal it should be done in executive session.”

Mayor Barilla – “Mr. Petrella.”

Mr. Mastros – “Is my advice to you.”

Mr. Petrella – “I’d like to make a motion at the time that we go into executive session for purpose of pending litigation. Okay?”

Mr. Mastros – “Thank you.”

Mayor Barilla – “Do we have a second? We have no second.”

*Second by Mr. Villamagna. Roll Call started...

Mrs. Hahn – “I’m willing to but I don’t prefer too. May I ask you a point of information Costa?”

Mr. Mastros – “Yes mam.”

Mrs. Hahn – “Are we permitted to state our opinion afterwards even if we have stated it in executive session? Is that considered discussion of it what was said in executive session?”

Mr. Mastros – “I think your opinion is your opinion. What I don’t want to do is litigate facts while we have a pending lawsuit.”

Mrs. Hahn – “So I will vote for executive session.”

Six (6) ayes; Hahn, Paul, Petrella, Timmons, Villamagna, DiLoreto. One (1) no; Dressel. So moved motion carried declared Mayor Barilla.

Mr. Petrella made a motion to go into executive session to discuss litigation. Second by Mr. Villamagna. Roll Call. Six (6) ayes; Hahn, Paul, Petrella, Timmons, Villamagna, DiLoreto. One (1) no; Dressel. So moved motion carried declared Mayor Barilla.

Council exited Council Chambers for executive session in the Pugliese Conference Room.

Council Chambers was reopened to continue meeting.

Mr. Petrella made a motion to come back from executive session. Second by Mr. Dressel. Roll Call. All ayes. So moved motion carried declared Mayor Barilla.

Mrs. Hahn – “At this point in time I’m not going to put forth the motion and we will divert to legal counsel. Thank you.”

Mr. Paul – “Yes you’re Honor. I would like to make a motion that we for next Tuesday which is Christmas Day; we cancel next week’s meeting and then the following week which is January 1st I make a motion that we cancel that day and I make a motion that we don’t have any meetings until what would be next year; January what is that date?”

Mr. Petrella – “January 8th.”

Mr. Paul – “Thank you January 8th that will be the next time we meet. I think we meet enough. I really do think we meet enough. I really do; other Council’s just meet twice a month.” Second by Mr. Petrella.

Mr. Paul – “Thank you. I think we need a little break.”

Roll Call. All ayes. So moved motion carried declared Mayor Barilla.

Mr. Petrella – No report

Mr. Timmons – No report

Mr. Villamagna – “Yes you’re Honor and I would like to apologize to the body for us being in executive session for so long and also that I won’t be standing tonight because I got a problem with my hip and I won’t be able to stand up for any length of time so with that being said under economic; well before I get into economic

development and planning; I'd like to read to this body an e-mail that was sent to nine people including myself from Mrs. Hahn and also a paragraph from the Ohio Sunshine Law regarding Ohio Public Meetings Act. This e-mail was sent to nine people; Dear all; Just before Council last night, Bob Villamagna sent me a copy of the minutes he had received from the Board of Property Maintenance Appeals, but it hadn't arrived in my inbox before I left for Finance Committee. I had no opportunity to read it before Council. I don't know if any of the rest of you received a copy of the minutes beforehand last night. Echoing Craig's comment on a different topic - we ought to read materials for ourselves before anything is put to a vote. What Bob didn't read from the minutes last night is the substantive part that contradicts what Bob implied that for no basis in fact, the Board granted Mark Nelson a variance for his vacant property fees. Specific reasons for the variances were addressed; case files were shared. Please read this document through carefully. Mark Nelson gives specifics on having contracts for electrical service, permits pulled, and plans for use. His appeal was valid. The Board was presented facts. And though the Board leveled criticism towards the City a relevant subject to be addressed by Council to the Board that has no bearing on Mark Nelson's case. He has gone through the legal process and there is no legitimate need for us to spend taxpayer money to pursue him further. I strongly urge everyone to read through this document and let Costa know whether or not you can continue to support appealing this Board's decision. I believe the vote was taken without the facts of the case being presented. Sincerely Kimberly Hahn. She sent that to Costa Mastros, Jerry Barilla, Craig Petrella, Eric Timmons, Scott Dressel, William Paul, myself, Karly Haley, and James Mavromatis and just a quote from the Ohio Open Meetings Act; another court describes the term as involving a decisional analysis; example; it's change of views on the facts in attempt to reach a decision note that the Ohio Supreme Court recently held that discussions of public that this may also be conducted over any other media such as the telephone, video conference, e-mail, ext. tweet; in other words just because the discussion did not occur in person does not mean it is exempt from the requirements of the open meeting act. Now for seven days those eight people; because I was the ninth guy and I wasn't sure if I was lying or not to be honest with you after I read the e-mail. But I don't know if they thought I was lying or if they didn't think I was lying so I had no way of knowing that. But my question to you Costa; well it's in the body first before I even ask Costa the question; did anybody answer that e-mail?"

Mr. Petrella – "Not me."

Mr. Villamagna – "Nobody answered it? Nobody answered it? Costa..."

Unknown – "(All inaudible)."

Mr. Villamagna – "Yeah. Well I'm going to get to that. Costa I need you..."

Mr. Dressel – "I sent Costa a question."

Mr. Villamagna – "Pardon me?"

Mr. Dressel – "I sent Costa a question."

Mr. Villamagna – "No I'm talking..."

Mr. Dressel – "In response to that?"

Mr. Villamagna – "In response to this because..."

Mr. Mastros – "Not to the group. Not to the group just to me."

Mr. Dressel – "Oh no."

Mr. Villamagna – "No that's what I was talking about yeah."

Mr. Dressel – "No I just asked Costa."

Mr. Mastros – "Yeah."

Mr. Villamagna – "Nothing to Mrs. Hahn?"

Mr. Dressel – "No."

Mr. Villamagna – "Okay. I need you to check that with the IT guy and if there is any responses I want a copy of every response sent regarding this case. We've been warned by you; we've been warned by Mr. Repella; Mr. Paul has said repeatedly he will not do business on e-mails; I have said repeatedly that I will not do business on e-mails and we continue to do it. So with that I'm going to go into my economic development and my planning committee. (All inaudible) I find with interest that the Herald Star; there was an article in here and it says and I'm not going to read this whole thing because it's; we're going to be here for a while if I do that so; correction it says that Mr. Villamagna we have 58 other people that have letters and they're paying; it was probably a misprint but I said 158. In the next paragraph it says since then, however, at least one council member said after reading the transcript in its entirety there was little doubt the appeals board had granted variances because of progress being shown in each, such as painting, cleaning and some repairs, and while not commercially occupied, all three had at least electric service connected. We're not physically permitted to go onto a property; we can't go onto a person's property without owner permission and that is 100% correct. Unless you're invited and Mr. Nelson in no time has invited anybody from the city to go on his property so they would have no way of knowing painting or anything of that direct okay? In Mr. Nelson's case we had sent him a notice that he was required to register and then that adding while the appeals board exempted Nelson from complying with the registry I don't believe in the motion they said why; I guess that's something where you had to be there, had to be at the meeting that was Chris Petrossi. So Mr. Nelson goes on to say they're interrupting the ordinance their way but it's not the right way. I've known him for a while but I don't know if he's an attorney, a judge, constitutional attorney, or a; he might be I don't know but I didn't know that; everybody has an opinion and everybody knows what an opinion is. Nelson said the ordinance as written doesn't take into account the work that's being done that doesn't require building permits like painting and he never contacted anybody with it. This is just a response to this Herald Star and I find it interesting it says until there's an economic reason to restore them most buildings are going to stay empty. He added that needs to be an economic reason to restore. That's why all buildings are empty. All buildings are empty and vacant until there's an economic reason to

restore them. The ordinance which I'll get into in a minute; the ordinance was created to stop the vacant properties; it never said in that ordinance any place about there's an economic development we're going to postpone anything. In the paper Mr. Nelson pointed out while 58 people are paying registration fees there were 158 letters out and there are supposed to be 1,000 vacant properties that should get letters; I'll address that. April 7, 2016 there was 1,048 letters that were sent out notice to vacant property as per utility list however there were too many issues with the list to be useable. Therefore this effort using the utility list alone will discontinue; utility list only valuable as a starting point cannot be as generated plans. What it created and I'm not going to ask Chris any questions but what it created was a funnel effect where everything was coming into one place; the court couldn't handle it and the maintenance people couldn't handle it and also just to give you a little bit of information here. There's some cost involved when we do these vacant registration there's a soft cost for employee time which is about \$141.85 without interior inspection that was without an interior inspection that excludes hard costs such as posters and supplies so that would total \$141,000 over that. So if we only did half of them it'd be 70 and if we had to do and interior inspection it goes up to 342; that includes there wages and everything that goes with the employee. So that would be 208,000 so that's why the problem didn't happen overnight it's been going on for 40-50 years there and we're not going to correct them. Saint Nick's not going to bring the answer to us by Christmas. Okay. So with that; (inaudible) paper work when we went over there. This is a little brief about the 1199 ordinance. Letter was sent to Mr. Nelson on October 10, 2017 regarding the vacant structure law. The second letter was sent on February 27, 2018. In both letters it clearly states the appeal process with a time frame of 30 days to appeal from the above dates. So the first appeal should have been filed somewhere around November 23, 2017 or if you want to be gracious 30 days from the second letter April 10th."

Mr. Dressel – "I'm sorry but didn't we go into executive session to discuss this?"

Mr. Villamagna – "I'm talking about; I'm getting to the planning part."

Mr. Dressel – "Okay."

Mr. Villamagna – "This is a whole different thing."

Mr. Dressel – "You keep mentioning..."

Mr. Villamagna – "I'm not giving any facts. I'm just giving the brief synopsis of what happened that's all. So approximately 240 days; well I already read that. So 11-28 the appeal is heard with no notice to the media or the public; no notice to the media or the public. Minutes are taken and recorded. These minutes due to the length were not readily available until a few hours before the Finance Committee meeting of December 11, 2018. No one sent them to me I requested them by phone and Mrs. Hahn called me on another matter and I told her that I had them and sent her a copy. I couldn't find Mr. Petrella's e-mail and I was getting ready to go to the Planning Committee meeting. If I had time I would've printed a copy for everybody which I've done in the past on everything I've ever done. I've always gave out a copy of what I was going to say about it. The minutes of the Board of Property Maintenance Appeals on page 2 the lawyer representing Mr. Nelson hands him not the board; information pertaining to the property at 168 South 4th St. On page 3 Mr. Nelson stated electric has been on for years; not a problem. On page 3 Mr. Nelson pertaining to property at 113 South 4th St. says and I quote we have a permit to put electricity in it; we have contracted with Mike Serevicz to put electricity in there; there's a permit pulled for that property as well. End of quote. By the way the electrician I just mentioned is an excellent one in my opinion. He's been around for quite a while. Page 4; 420 Washington St. and I quote we are under contract also with Mike to put electricity into that building as well; end quote. Page 7; now we're going to hear from a board member finally after 7 pages; board member #1 says we are here because the city has a code that says what exactly? Let's get this out. Board member #4 says what are they asking for? Board member #3 says what is registration? What are you talking about registration? Mr. Petrossi explains. Board member #3 says and I quote he owns too many buildings; right now he's in the middle of too many projects. You expect this guy to get engineering plans on every one of these buildings; end quote. Board member #1 says and I quote in other words they send out notices to owners of empty buildings to get them to tell the what they're going to do with the building or try to sell it or register it; end of quote. Board member #1 motion to approve the appeal. Board member #2 second. Board member #3 motion passed. Not one question about permits, plans, nothing. It's not my opinion; it's in the minutes. Anybody can get them and read them. It was just derogatory remarks about the city. That's nice. The reason I didn't read any more of the 9 pages of the minutes from Property Maintenance Board of Appeals was because most of it was Mr. Nelson telling all the wonderful things he has done and the board praising him for it without any presentation of facts. Well I agree Mr. Nelson and his family do some very nice things for the City of Steubenville alongside a lot of other families in this City. Not one family is responsible for helping this town come alive. Some examples are the Tony Teramana Cancer Center. Tony Gentile wing at the Franciscan University, replacement of pipes and pumps at Belleview Pool, the slide removal at the pool, car donated for a raffle to keep the pool open, pressure washer donated to the Recreation Department, the Police K-9 dog, beautiful entrance signs at the North and South entrances of the City, maintenance on those signs as well as the Lovers Lane roundabout, Police equipment, fireworks for the Light up Night over here, conduit for the lighting at the Nutcracker Village to light it up over here. 4th of July fireworks, bought safe houses for battered women and they maintain them, the Nutcracker Village itself, the tree at the Fort, there's Council members right here in this room who give money and time anonymously for children events, \$38,000 for the North End Field for asphalt from an anonymous donor that doesn't even live here; he doesn't even live here, Laborers Local, Carpenters Local, Bricklayers local, electrical union, countless citizens giving of their selves in numerous ways, local pastors involved with youth groups, First Fridays on Fourth, citizens who bought brick and mortar to fix our City Building in the front here that didn't even live here, we even have a citizen who through a trust fund helps us even in death. Not 1; not 2; not 3; several of these people have had violations and infractions with the building code and property maintenance code. I have four

friends of mine; personal friends that have buildings right on 4th Street. I contacted every one of them and warned them their property was in violations and all four of them received citations and they weren't happy with me but if it's good enough for my friends it's good enough for everybody's friends that sits on this Council. One of them went to court and was facing a substantial fine and jail time if he didn't comply. He did comply as a matter of fact they all complied and as a result of this three of them have businesses in them; one is being torn down and one is creating a new business. I don't blow my own horn maybe I should. You might ask why we're doing this. After I see the names and things that are posted about me on Mrs. Nelson's Facebook page as well as employees and friends of theirs Facebook page and WTOV and Herald Star Facebook page I ask myself that same question sometimes. Well let me tell you why we do it; simple so more business will come, so Mark Nelson's businesses will stay open; so all the stores in the downtown area as well as all the stores in the entire city stay and flourish so neighborhoods can be rid of blight. Instead of thanks I'm portrayed as a villain along with Council to which I could care less about that. These people who are complaining were the ones who started this whole vacant structure building by complaining to Council about the rundown buildings in downtown and the blight so we, Council, ask Mr. Petrossi to start in the downtown area first then when we started I guess they didn't mean; they meant other people's property not the ones they own. We constantly talk about the new businesses downtown and praise the Nelsons and we should. How about the Carpelotti family investment at Franciscan Square Bennigans, Rubi's Pizza, Brooklyn Bagel as well as a new insurance office. Hollywood Plaza there's close to 36 stores in Hollywood Plaza plus a new restaurant the Breakfast Club. This is not a one man show. It's a joint effort. It has to be or it's not going to work. Everyone was treated fair the same as citizens who have done nothing; have done nothing for the City. My job as a city father is to assure the city's codes are followed no matter who you are. I have pledged transparency, honesty, and fair treatment to all our citizens regardless of race, color, creed, or standing of community or my friendship. I'm not a perfect man; I'm not a perfect servant but I am a public servant. The City along with myself personally are being accused of picking on the Nelsons. Here are a few facts the public needs to know; 1. He has tried to circumvent the building code in every way. 2. He's tried to circumvent the fire code. 3. The City gave him a temporary occupancy for the building on North 4th which they didn't have to do, for the first floor so he could get his businesses open. So what does he do? He opens up the second floor after being told not to. 4. He comes to Council and he asks for permission to cut a tree down in front of his store; we told him no; that we were trying to come up with a plan. He starts to cut a tree down in the nighttime but is stopped by myself and the Police Department. 5. Vacant structure registration he ignored all of it. All of it... 6. Even the appeals board says he has too much property to be in compliance. 7. In 2018 there were 220 code violations written; he only got two of them. In 2017 there was 158 vacant structure violations went out and he got 4. He's not the only one that got them. One citizen filed for an exemption so he could sell his property. He got it and he sold it and now a business is located in that property on the South end of 4th Street. Exactly what the ordinance was designed to make people do. Something with their property. It worked. Mr. Nelson has other property in violations that he wasn't cited for by the City; he could've been but he wasn't. 8. This City gave Mr. Nelson through CDBG \$35,000 revolving loan to which he fell behind in payments several months. The City didn't go after him. They didn't go after him and he's caught up now. 9. This City gave Mr. Nelson through CDBG a \$35,000 grant to do his faced on his buildings on North 4th Street. 10. The city increased funding to the Old Fort Steuben Project from 1.5% to 3% to the tune of \$173,132.84 was budgeted for 19 specifically to help with the Nutcracker Village and Advent Market. That doesn't sound anti Nelson or Nutcracker Village to me. Council passed this ordinance in January 2014 unanimously and voted 5 to 2 to appeal the decision of the appeals board in the Nelson's case. For anyone; anyone for that fact to call me a liar or that I misled anything or anyone they better prove it. I check and double check all my facts because I don't like to apologize. I'm not good at that. I'm now going to show you a Herald Star article with some pictures I've taken of buildings that are in bad shape downtown. If you bear with me so I can pass this around so everybody can see what I'm talking about. The buildings are 716 Adams Street, this is on 426-430 Market, this one here is 420 Market, and this one here is 114 South 4th Street. If yins would take a look at that I'd appreciate it. You'll notice that there's stuff up here getting ready to fall down and kill somebody; all the windows are broken out; windows broken out here; it's a little bit hard to see the ceiling has fell down in this building."

Unknown – "(All inaudible)."

Mr. Villamagna – "Yeah it does it degrades. I'll give you a second to look at that. Because it; (all inaudible) the article and I; I don't even want to get into those; I don't know if you were here or not Craig; no I know you weren't. We had a; we wanted to discuss broken window policy; remember that? And we were all adamant about that; that broken windows; one broken window and I found it interesting because there's an article in the paper it says and then written by Therese Nelson I think it says; if that's the only problem there is; you build a family here you have to have a good community with less crime; a beautiful downtown; beautiful attitudes; (all inaudible) from things that are broken. People see one broken window and they think what's another. If you keep things whole and keep it nice it's a lot less likely people will trash it and you can tell by the buildings sitting there. It's a true statement. Well I want to pass around some more pictures. First does anybody agree that those buildings are; disagree that those buildings are abandoned?"

Mr. Timmons – "No."

Mr. Villamagna – "I wouldn't think so. Now here's some more pictures this is 1210 Labelle Ave. and it's owned by HJB next to 1202 (all inaudible) that's the (all inaudible) building. This is 1202 Labelle Ave. the owner is Mark Nelson Holdings every single window and door; every window and every window and every door is broken. Not half of them all the windows are broken and peeling paint since 2012; that's this building. Pass that around. Every window is broken but this article..."

Unknown – “This article said...”

Mr. Villamagna – “And I agree with this article 100% one broken window leads to another. I don’t know if you can zoom in on that. If you can’t these are buildings all downtown here. Because I think it’s important for the people in the audience to also see. You can put it anyway you want out of your way or; beautiful building right next to the one with all the windows broken out. Alright. Okay now I want to ask everybody; now I ask you is the City supposed to turn the other way and just cite the four people or all five of the people? Think about it. You know I don’t want an answer but think in your head do we cite four or five? Mr. Nelson interviewed with WTOV the other night said he believes the law of vacant registration is unconstitutional. Again I don’t; he’s not an attorney so if it is I have a list of 30 buildings here; sorry 30 cities in the State of Ohio that have the same law that we have. Nelson stated in an interview we should be in the Christmas spirit. Well when I see some of those comments on Facebook pages it doesn’t seem to be. To the media check the facts; follow the money; and report the truth. Now Costa can I state facts? You want to look at this for a second real quick?”

Mr. Mastros – “Sure.”

Mr. Villamagna – “You don’t want me to say (all inaudible).”

Mr. Mastros – “No don’t.”

Mr. Villamagna – “Okay thank you because I’m going; there’s a little bit left in here left but I’m not going to say it because we are going to go forward with the; with the appeal. As of; well we don’t know if we are or not. Costa’s going to turn over the investigation and then we’ll go by what he says. I’ve never interfered with anybody’s property down here. Not one person. I’ve never called that building department one time and said go after anybody. Nobody. For me to be portrayed that I’m picking on anybody; I’m not; I was called a bully this evening. I’m adamant; I’m stubborn; and when I’m right there’s nobody in this world that’s going to back me down and that’s a guarantee and if I’m wrong I’ll apologize. I’m not a saboteur; I don’t sabotage people that live downtown. I was born here. I was born downtown. I’ve been on these streets down here since I was 10 years old. I started working downtown. I have a love for the city. There are people that love it as much as me. There’s nobody that loves it more than me. And let me make sure I don’t have anything else. There’s nobody picking on anybody.”

Few unknown – “(All inaudible)”

Mr. Villamagna – “And that; (all inaudible); that executive session got me twisted up here. I think that’s about it. One other thing to the Chief of Police; Chief; I’m going to stand up for this; I commend you; Chief I want to commend you and the department for a quick resolution to the vandalism at Belleview Park’s restrooms. I was a little disappointed that it was five adult students from the Franciscan University; four males and one female; four males and one female. But today’s nothing surprises me and I also understand that the Judge took a hard stand with them but thank you very much again.”

Chief McCafferty – “Thank you.”

Mr. Timmons – “I had a question about that.”

Mr. Villamagna – “Yeah?”

Mr. Timmons – “I haven’t heard about that so when was that? When did it happen?”

Mr. Villamagna – “This happened; chief I think you can help with this.”

Chief McCafferty – “When did the vandalism happen?”

Mr. Timmons – “Are you talking about the bathroom with all the...”

Chief McCafferty – “Yes.”

Mr. Villamagna – “Yeah. Yeah.”

Mr. Timmons – “Is that when we had...”

Mr. Villamagna - “They spray painted in the back?”

Mr. Timmons – “Yeah.”

Mr. Villamagna – “It was five students from the Franciscan University. Four adults and one female. Scott was right. Remember when you said...”

Mr. Dressel – “I know.”

Mr. Villamagna – “Somebody; just a little bit; there was the swear words and all that stuff.”

Mr. Timmons – “I remember saying that.”

Mr. Dressel – “Right.”

Mr. Timmons – “Was there; did we link that to any of the other ones on Labelle? Because the same type of writing was on some of it.”

Chief McCafferty – “No this was; the one that they; there’s been one arrest; the other summons were sent. No there’s a big difference. Their language was more like Lord of the Rings.”

Mr. Timmons – “Okay.”

Laughter and some chatter in the background.

Mr. Villamagna – “One more thing and then I’ll finish it up. That was really quick work.”

Chief McCafferty – “The cameras; I mean the cameras aren’t very good up there; we couldn’t get a license plate number; couldn’t even get a make of the car but we got the color of the car and it was missing hub caps and then officers just went out (inaudible).”

Mr. Villamagna – “But the new cameras will be a lot better?”

Chief McCafferty – “Yes.”

Mr. Villamagna – “So then and one more thing because again I’m different and I know I am but I’m a good person; was born and raised in this town; I born and raised by an Italian mother and father; Italian grandparents and I’m a good person. You can laugh you can smile at me you can do whatever you want. If you call me and you give me; and you have a little bit of time to talk to me; I’ll talk to anybody. Anybody. Doesn’t matter who

you are I've been like that my whole life so before you judge me the Christian way to do it would be to get me like that because I'm a Christian and I'll talk to anybody but if we're all Christian then we should all get together and get along and that's all I got to say. And we'll have more talk about it January 15th. Do your homework and bring me some property that has to be and I thank you for your time and it was a little bit lengthy but I think the conversation was candid."

Mr. DiLoreto – "I'm not going to be as long. No disrespect. I'm all for retaining this issue. For 12 years I've been fighting this battle so I hope now it's going through the proper procedure. Let Costa handle it. First of the year we'll see what comes about and this isn't about Mark Nelson or anybody else this is about the City. What we do for one we're going to do it for all. No favorites just like the college students; what's right is right; what's wrong is wrong. You want to know why there are dilapidated houses. There's a hundred houses on here half are in my ward; half are dead; can't find the owners; so how are you going to tear the house down. You got a building property down there on South 4th Street I've been going there for breakfast for 25 years the landowners put 25 cents in the place after 20; and it's going to come down. But there's a brand new building on 5th Street that could be used for restaurants all the way down. Probably congressmen or the City Manager no help at all. So that's why we're here; the problem is not going away and we need money. These houses aren't coming down by (inaudible). There's a house on McKinley Ave. that you missed Bob; \$40,000; it's falling into the streets and falling on the sidewalk. Somebody's going to get killed. Thankfully Mr. Vukelic cut his price down and is doing his charity work for us (all inaudible). Thank you."

REPORT OF ADMINISTRATIVE OFFICERS

Mr. Mastros – No Report

MISCELLANEOUS REPORTS

Mayor Barilla – "We'll now move onto miscellaneous reports and signing in this evening under miscellaneous is Mr. Petrella."

Mr. Petrella – "Very quick you're Honor. I'm not going to be politically correct because I'm going to say Merry Christmas and a Happy New Year to everybody. That's it. Thank you."

Mayor Barilla – "Mr. Villamagna you've signed in."

Mr. Villamagna – "You know what Mayor I think I detained you long enough."

Mayor Barilla – "Yes. Mr. Timmons."

Mr. Timmons – "I just wanted to ask; Chief did you get my e-mail Monday about that issue with the bus?"

Chief McCafferty – "Yeah I spoke to the principal and he..."

Mr. Timmons – "I guess we have to go to that."

Chief McCafferty – "I mean it's really not a Police matter. Did he answer you?"

Mr. Timmons – "Yeah but I think what we're going to have to do is go the other route so I just wanted to make sure you got it."

Chief McCafferty – "Yeah."

Mr. Timmons – "Okay. Also I'll send you a follow up e-mail but I sent an e-mail out October 2nd and one last January about something else but this house at 1122 Arlington; potholes they haven't been filled it's been at least 6 months; causing damage to cars is what this guy said so I'll give you the number to give him a call but like said I think I e-mailed in October about this one (inaudible) so if you could reach out to him I would appreciate it."

Chief McCafferty – "Okay."

Mr. Timmons – "I'll e-mail you. You'll have it."

Chief McCafferty – "Okay I'll get it tomorrow morning."

Mr. Timmons – "Thank you."

Mayor Barilla – "Is that it?"

Mr. Timmons – "That's all."

Mayor Barilla – "Alright let me; let me say a few words here. I'm here to say a few words on behalf of Mark Nelson. I'm not here to judge whether he followed the law or didn't follow the law but I think it needs to be said that the Nelson Family and I've passed out to you; there are three stores on 4th Street because of those three stores there's a total of six (all inaudible) that have come into downtown Steubenville. Without those three stores; one girl sitting here in the audience; would not be here. It would not be on 4th Street. I work with Mr. Nelson across the street with the Nutcracker Village which we instituted four years ago. We have drawn some 35,000 people to this City. I have never seen that many people come to an event in my life in Steubenville, Ohio. We have achieved magazine (inaudible) in Ohio magazines; full page; color ad; two sides; another one as such and recently we have an article in the Pittsburgh Post-Gazette which we have had probably from that article a good 500 people come to Steubenville including a bus last evening. Whether again he's followed the law or not followed the law; the question is at the opinion of me; as of this man has done more for our City to promote it in the most positive way than anyone in the last 10-15 years; 20 years and to criticize a man and his family personally I think is uncalled for. Mr. Nelson has been approached by other cities. You may say go head and go but you take that out of this city you've hurt a lot of restaurants; you've hurt the Fort; you've hurt a lot

of businesses in this city because of that Nutcracker Village leaves us we're going to be back struggling again. He can pull his whole business out of here. He don't have to stay here. He's been approached by other cities across this nation. He has 200 nutcracker orders from Georgia. So for to criticize a family; Lincoln Ave. School; business is there; he ships all over the country his pride for religious catholic faith. I'm appalled at how a man and his wife and family have been chastised because of one individual that has in my view something more so on the agenda and I don't think we should stand for it and I don't think we should stand for someone who points their finger at this City Manager and says I run the City not you. For me that calls for an expulsion from Council. I'm offended. I'm appalled and if it continues this way the public is going to be on the side of Mr. Nelson. They ain't going to be on the side of this guy. There's no way in hell that this man is going to have the popularity as Mark Nelson and his family have. So you know you guys in Council; you got some big decisions to make. Whether we continue to thrive in our town from what's happening; you know the First Friday's brought down thousands; we've had 35,000 people; we had 3,000 people in one day over in that visitor center. Great city you have here Mayor. Great city. Wish we had something like this in our city. People of Steubenville telling me you know I was ashamed; I was ashamed to say I was from Steubenville when I was out with others; now I'm proud to be associated with Steubenville. Where do you get that kind of positive feedback? We want to throw it in a trash can you want to dispense of it. I don't know where we're going with it but I think we need to have a serious conversation about who's in charge of this Council? Who leads this Council? Who's the administrator of this Council? And I'll tell you what; you know it can get pretty fed up with how things are going and I think it's time that next year 2019 we better straighten out and fly right because as I said the citizens of this city are going to be at 100% behind Mark Nelson as opposed to 100% behind this City Council. Never going to happen. Thank you."

Mr. DiLoreto -

REPORT OF ADMINISTRATIVE OFFICERS

Mr. Mastros – No Report

MISCELLANEOUS REPORTS

Mayor Barilla – “

PUBLIC FORUM

Mayor Barilla called on the woman that signed up for Public Forum but she decided that she would speak at a later date.

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

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR