

**UHRICHSVILLE CITY COUNCIL**  
**Thursday December 9th, 2021**

Council President Robert Cottrell called the meeting to order at 7:01 p.m.

ROLL CALL showed the following members present: Mr. Fox-yes, Mr. Huff- yes, Ms. Myers-yes, Mr. Harmon-yes, Mr. Miller- Yes, Mr. Baker- yes, Mr. Zucal-yes.

The Pledge of Allegiance was led by Council Clerk Jen Wright.

Council President Robert Cottrell asked for a motion to accept the Council Meeting Minutes from November 22, 2021. A motion was made Ms. Myers, seconded by Mr. Miller. ROLL CALL: Mr. Fox-yes; Mr. Huff-yes; Ms. Myers-yes; Mr. Harmon- Abstain; Mr. Miller- yes; Mr. Baker-yes; Mr. Zucal-yes.

Council Member Ms. Myers had a special presentation to Wes from Mako's Market and Pharmacy for the Appreciation from the City of Uhrichsville.

Special Presentation to Councilman Baker for his years on City Council.

**7:06PM**

Motion made by Mr. Baker to go into Executive Session "pending litigation against the city with no action to follow, with the Council, Mayor Haney, DOCS Everett and Attorney of Record Mr. Piersall and JJ Ong in attendance. Seconded by Mr. Zucal.

ROLL CALL: Mr. Huff- yes, Ms. Myers- yes, Mr. Harmon- yes, Mr. Miller- Yes, Mr. Baker- yes, Mr. Zucal-yes, Mr. Fox- yes.

**7:28pm**

Motion made to come out of executive by Mr. Huff, seconded by Mr. Zucal. ROLL CALL: Ms. Myers- Yes, Mr. Harmon- yes, Mr. Miller- yes, Mr. Baker- yes, Mr. Zucal- yes, Mr. Fox- yes, Mr. Huff- yes.

**ADMINISTRATIVE REPORTS:**

**Mayor Mark Haney:**

- Out with snow at 3am.
- Sunday 12/12, The Fire dept will be doing Toys for Tots collection site so that you don't have to go to New Philadelphia. 1pm-3pm.
- Moose Contract for charity. Needs approval.
- Thank you to the midnight shift guys for decorating the building. It looks nice.
- Almost done with Union Contracts, hope to have at the next council meeting.
- Working on the Budget for 2022.

Motion to Sign the Moose Contract: 1<sup>st</sup> Ms. Myers, Seconded- Mr. Miller. ROLL CALL: Mr. Harmon-yes, Mr. Miller – Yes, Mr. Baker- Yes, Mr. Zucal- yes, Mr. Fox- yes, Ms. Myers- yes, Mr. Huff- yes.

- Question from Ms. Myers re: OK to sell Durapatch, Meeting that Bob had the cardiac event. It included the Durapatch, the boom truck, the sandstone and the asphalt spreader on the westside. It was to be placed on GovDeals. Jerry Galbraith approached Mayor before putting them on the website. It was the same night the Ambulance was approved. The ambulance was sold for \$6700. The cruiser and the boom truck are next to go on. Mill township worked out a deal and we are able to use it if we need.

**City Services Director Belle Everett:**

- Covid exposures in the Street Dept. They are shorthanded. Working on potholes with coldmix to fix.
- Beginning Monday the 13<sup>th</sup> the City will be handing out Covid 19 test kits, 2 per box. City has 400 boxes. 9-11am and 1-3pm Uhrich St. Door. We are the 4<sup>th</sup> highest city with Covid Deaths and county is 3<sup>rd</sup> in the State. Tests are free.
  - Questions:
    - Union Cemetery Meeting here in the Council Room. Is that ok from Mr. Harmon.
    - Mayor stated that the new Admin Assistant was hired, Maci Seibert.
    - Mr. Fox- Finishing Closing Waterpark
      - Buckets coming down, shrink-wrap is bought, umbrellas to be wrapped, pipes are done, water/sinks and toilets are done. This has all been discussed.
      - Mr. Zucal- can we use Southern District Court Matt O'Hara to help, they have been helping with painting and park cleaning. Ms. Myers- Use temp to hire (Mancan) for help since we are shorthanded.

**Law Director James J. Ong:**

- Executive Session items

**Auditor, Jessica Young:**

- Wrapping up, bills cut off Dec. 15<sup>th</sup>, New big purchases will try to be put on 2022 Budget to not mess up. Trying to get mail on time and in the office. Moving money around and any big purchases need to be looked at for 2022.

**Treasurer, Bob Michels:**

- Absent.

**Correspondence:**

- None

**Committee Reports**

**Ms. Myers-** Finance Committee meeting cancelled next Tuesday.

**Mr. Fox-** Nothing to report

**Mr. Huff-** Nothing to report

**Mr. Harmon-** Union Cemetery minutes read. Cemetery Meeting Jan. 16,2022. New Committee person is needed for next year. A Motion to approve the minutes was made by Mr. Zucal and seconded by Mr. Huff.

**ROLL CALL:** Mr. Miller- yes, Mr. Baker- yes, Mr. Zucal- yes, Mr. Fox-yes, Mr. Huff-yes, Ms. Myers-yes, Mr. Harmon-yes.

**Mr. Miller-** Nothing to report

**Mr. Baker-** Nothing to report

**Mr. Zucal-** Nothing to report

**Old Business:**

**Mr. Fox –** Food Pantry and shortage, possible Donation from the City.

**Mr. Huff-** Nothing to report

**Ms. Myers –** Nothing to report.

**Mr. Harmon-** Nothing to report

**Mr. Miller –** Nothing to report

**Mr. Baker –** Nothing to report.

**Mr. Zucal –** Nothing to report.

### **New Business**

**Mr. Fox** – Nothing to report

**Mr. Huff** – Nothing to report

**Ms. Myers** –Eric Harmon- Thank you for your years of service on Council. Merry Christmas and 150 years for Immaculate Conception Church.

**Mr. Harmon**- Nothing to report

**Mr. Miller**- Nothing to report

**Mr. Baker** – Why the motions are not debated, we had 3 motions at the last special meeting and it was motion, second, roll call and no debate.

**Mr. Zucal** – Nothing to report

President Cottrell recommending cancelling the December 27<sup>th</sup>, 2021 meeting, unless it is an emergency meeting per the Mayor or Auditor. Mr. Harmon Thanked the city for the opportunity on council.

A motion was made by Mr. Huff to cancel the December 27<sup>th</sup> meeting and seconded by Ms. Myers. **ROLL CALL**: Mr. Baker-yes, Mr. Zucal- yes, Mr. Fox- yes, Mr. Huff- yes, Ms. Myers- yes, Mr. Harmon-yes, Mr. Miller- yes.

### **Visitors:**

**-Chief Beal**- 380 calls- Got the 16 cruiser back from Parkway, Sherriff jail contract, increased \$10/day. The cruiser repairs were \$3100 including water pump, motor mount, timing chain, control arm made it unsafe and then an oil change with the repair. It was a \$600 increase and the Mayor was informed about the control arm being fixed. Auditor Young has a requisition made out for overages and Mayor Haney will be signing for it to be paid off. To show he approved it. Ms. Myers then questioned the authorized amount he is allowed to approve. Mayor Haney has the authority in an emergency situation. Chief stated that this was brought up at the last meeting and that it had to go to parkway for repair. Ms. Myers is questioning the \$10,000 emergency approval, Mayor Haney stated it was in the Culbertson administration because there was an issue with a dump truck. JJ Ong stated that there should be something in the codified ordinances regarding that.

Motion made to allow Mayor Haney to sign the Jail Agreement by Ms. Myers, seconded by Mr. Harmon. **ROLL CALL**: Mr. Zucal- yes, Mr. Fox- yes, Mr. Huff- yes, Ms. Myers- yes, Mr. Harmon-yes, Mr. Miller-yes, Mr. Baker- yes.

### **ORDINANCES/RESOLUTIONS:**

- Ordinance 54-37: Ordinance Regarding EMS Calls (Second Reading)
  - Ordinance 54-38: Ordinance regarding Fireworks within City Limits (Second Reading)
  - Ordinance 72-21: Ordinance for renumbering certain ordinances that were passed in year 2021, and declaring an emergency (First Reading)
- A Motion to Suspend rules for 72-21 was made by Mr. Huff, seconded by Mr. Harmon. **ROLL CALL**: Mr. Fox-yes; Mr. Huff-yes; Ms. Myers- yes; Mr. Harmon-yes, Mr. Miller-yes; Mr. Baker-yes; Mr. Zucal-yes
- A motion to approve made by Mr. Huff and seconded by Mr. Harmon. **ROLL CALL**: Mr. Huff-yes; Ms. Myers-yes; Mr. Harmon-yes; Mr. Miller-yes; Mr. Baker-yes, Mr. Zucal-yes; Mr. Fox-yes.

Question from Mr. Harmon, “Do the other two ordinances need to be passed before the end of the year?” Mr. Baker stated no. The current ordinances will cover the ones that are on the floor, they will just be cleaned up.

### **Motion for Executive Sessions:**

JJ Ong: Two matters of imminent litigation and city property, he asks for a motion to be made and council to indicate who they would like to attend the sessions. We can go in and come back out and go back in due to the two issues at hand for clarity sake.

President Cottrell states we will do the Property one first.

**7:57pm**

Motion made by Mr. Zucal and seconded by Mr. Huff. No Discussion. **ROLL CALL**: Ms. Myers- yes, Mr. Harmon- yes, Mr. Miller- yes, Mr. Baker- yes, Mr. Zucal- yes, Mr. Fox- yes, Mr. Huff- yes.

**8:13pm**

Motion made to come out of executive session for Property made by Ms. Myers and seconded by Mr. Miller. **ROLL CALL**: Mr. Harmon- yes, Mr. Miller- yes, Mr. Baker- yes, Mr. Zucal- yes, Mr. Fox- yes, Mr. Huff- yes, Ms. Myers- yes.

Mr. Baker made a motion to look into it. Asked JJ how to rephrase that. JJ responded "Make a motion to authorize the Mayor to explore a purchase of property on behalf of the City of Uhrichsville". Mr. Zucal seconded, no discussion. **ROLL CALL**: Mr. Miller- yes, Mr. Baker- yes, Mr. Zucal- yes, Mr. Fox- No, Mr. Huff- yes, Ms. Myers- No, Mr. Harmon- yes.

**8:15pm**

Motion made to go into executive session to discuss purchase of city property by Mr. Huff and seconded by Mr. Zucal. **ROLL CALL**: Mr. Baker- yes, Mr. Zucal- yes, Mr. Fox- yes, Mr. Huff- yes, Ms. Myers- No, Mr. Harmon- yes, Mr. Miller- yes.

**8:24pm**

Motion made to come out of executive session regarding purchase of city property by Mr. Huff and seconded by Mr. Zucal. **ROLL CALL**: Mr. Zucal- yes, Mr. Fox- yes, Mr. Huff- yes, Ms. Myers- Yes, Mr. Harmon- yes, Mr. Miller- yes, Mr. Baker- yes.

**8:25pm**

Motion made to go into executive session for Imminent litigation with JJ present made by Mr. Zucal and seconded by Ms. Myers. No discussion. **ROLL CALL**: Mr. Fox- yes, Mr. Huff- yes, Ms. Myers- Yes, Mr. Harmon- yes, Mr. Miller- yes, Mr. Baker- yes, Mr. Zucal- yes.

**8:39pm**

Motion made to come out of executive session with JJ made by Mr. Huff and seconded by Ms. Myers. **ROLL CALL**: Mr. Huff- yes, Ms. Myers- Yes, Mr. Harmon- yes, Mr. Miller- yes, Mr. Baker- yes, Mr. Zucal- yes, Mr. Fox- yes.

President Cottrell puts the Council back in regular session. Mr. Fox wants to bring a motion to the floor that was brought up earlier about the City of Uhrichsville to donate \$2000 to the Food Pantry and Lois Grandison who helps run it. Seconded by Ms. Myers. **Discussion**: Where are the funds coming from? Any federal monies or recycle fund. The recycle fund is open to buying recycled goods per Mayor Haney. Ms. Myers stated that we then use the Relief Act funds. American Rescue Plan. **ROLL CALL**: Ms. Myers-yes, Mr. Harmon- yes, Mr. Miller- yes, Mr. Baker- yes, Mr. Zucal- yes, Mr. Fox- yes, Mr. Huff- yes.

**COMMITTEE ASSIGNMENTS:**

None.

**Other Discussions:**

- Mr. Zucal spoke up and asked the Mayor and Belle and Admin. Assistant to get documents ahead of time. Also like to thank Eric, he was instrumental when I came on board, I think his service as a young man to this community has been unbelievable, his professionalism is excellent and I hope this is only a sabbatical, I understand where you are at in life, I was there at one time studying,

trying to do school and manage a life and all the things that go with it. I hope that we see him back helping the community in another way and the experience I've had with him has been awesome, Thank you Eric.

- The other matter is I want to tender my resignation as Ward 1 councilman tonight. Effective Immediately. JJ stated that the council does not have to accept his resignation. President Cottrell asks if he was making that as a motion, Mr. Zucal stated yes. President Cottrell asked if anyone wants to second it, Ms. Myers seconded, any discussion. JJ stated that they don't get to vote on it due to not being able to force him to stay on. He is just notifying that he is resigning.
- President Cottrell asks if there is any other discussion. **Ms. Myers:** I would like to appoint Mr. Matt Fox to replace Mr. Zucal in Ward 1. **JJ:** Council has 30 days from the point of vacancy, just so I understand, Mr. Zucal, you were not elected, nor were you appointed by the central committee. **Mr. Zucal:** That is correct, the council, I was appointed by Council and voted on by council, I have been notified by the election board that there was some confusion, but this is the 2<sup>nd</sup> year of a 4 year term. So, there is 2 more years for Ward 1. **JJ:** So that is what you are resigning. **Mr. Zucal:** That is correct. **JJ:** So, what will you be elected to then at the first of the year? **Mr. Zucal:** At the first of the year I will be council at large. **JJ:** So, you are resigning your current position which was an appointed position, so if it was not elected or appointed by the central committee, then the council has 30 days to appoint the replacement, if not done within 30 days then it is the Mayor's decision. **President Cottrell:** We have a motion that you (Ms. Myers) are appointing Matt (Mr. Fox). **Ms. Myers:** Yes. **President Cottrell:** Second? **Mayor Haney:** I thought there had to be a deadline out for applications. **JJ:** That is the procedure, but there is no requirement under law that they have to do that, that I am aware of. Normally you announce the position and you go from there. I don't believe there is a strict requirement that you set a deadline for applications. So, what I am understanding, is that you (Mr. Zucal) are resigning effective immediately, You, (Mr. Zucal) have resigned, you are no longer Mr. Zucal a member of Council. **Mr. Zucal:** That is correct. **JJ:** OK, then I should ask you to remove yourself from the seat there and sit back in the general audience. **Mr. Zucal:** OK. **JJ:** Ms. Myers, if I am understanding your motion, you are making a motion to fill his appointment. **Ms. Myers:** Yes, with Mr. Fox. **JJ:** OK, and again I don't know that there is any, there is no legal requirement that it be posted, you take applications, that is the normal process so the public can know. So, I am just advising council, I am not suggesting that you can't do what you are doing, but that's not the standard protocol. So, again, not saying you can't do it, you normally let the city residents know that there is an opening and that if anybody is interested we want to take applications, but you don't absolutely have to do that. I am just putting that on record. **President Cottrell:** Matt (Mr. Fox) you second it. **Mr. Fox:** I'll second that. **President Cottrell:** More discussion? **JJ:** And Mr. Fox, the motion is to appoint yourself and you are seconding the motion. **Mr. Fox:** Yes. **JJ:** You, that may be an ethical issue that you have, you cannot, you can't vote on anything by which you are going to gain financially or business. You are making that motion on your own, I am not comfortable telling you sitting here right now knowing whether or not that is ethically permissible and that is not my position to do for you as a council member. I say that for the record. **Mr. Fox:** I rescind my motion to second it then. **President Cottrell:** Can he do that. **JJ:** If he doesn't want to make his motion then. **President Cottrell:** Does anyone else want to second it? **JJ:** And again, Mr. Fox, I am not saying one way or another something that pops up to me, I don't know if that is permissible. **Mr. Fox:** JJ real quick, question, has this happened in the past, where someone has been appointed and they voted for themselves? **JJ:** Not that I am aware of. **Mr. Fox:** As far as Council or anything. **President Cottrell:** In the central committee it has. **Belle:** But that is separate. **President Cottrell:** well he asked if it had happened. **JJ:** And I am not saying I know one way or the other, I am just pointing out to you I am making representation that I endorse it and I know, I am saying there is probably a grey area there. **Mr. Fox:** Right. **JJ:** Normally the issue is if you owned a construction company, you can't make the motion to hire your construction company, voting on the hiring of your construction company, participating in the deliberations on who we should be hiring. So, this is a little bit different, the flip side I suppose the other argument is there is you are going to get paid as this, so are you voting to pay yourself. I don't know, I am not comfortable on the spot advising you one way or the other. I don't want to say it to discourage your vote, but I want to put it on record that I don't have enough to say yea or nay one way or the other. **President Cottrell:** You shouldn't be seconding, basically. **Mr. Fox:** OK. **President Cottrell:** You (Mr. Fox) rescinded it, so

still a motion, anyone want to second it. **Mr. Harmon**: Would you accept it, if you were appointed? **Mr. Fox**: Yes, I would. **Mr. Harmon**: I'll second it. **President Cottrell**: OK. Any other discussion? **ROLL CALL**: Mr. Miller- No, Mr. Baker- Abstain, Mr. Fox- unable (**JJ**: stated that I, Jen Wright, am able to call his name, he has a personal decision to make on whether or not to vote on that motion) Mr. Fox- Abstain, Mr. Huff- No, Ms. Myers- yes, Mr. Harmon- yes. **JJ**: so we have a 2:2 vote, that turns it over to **President Cottrell** to make the deciding vote on the motion. **President Cottrell**: Well, Matt, um, I like your work, I think you do a good job and um, investigating stuff and bringing questions up for the city and everything. It's been a pleasure like even working with you, I think you do a good job as councilman. I would like to have you on, my vote is yes. **Mr. Fox**: Well thank you Buck.

- **President Cottrell**: Any other discussions? Motion to Adjourn

Meeting Adjourned at 8:51 p.m.

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Jen Wright  
Clerk of Council

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Robert Cottrell  
Council President