

**City of Salem  
Regular Council Meeting  
July 11, 2006**

**Present:** Phyllis Plaughner, Councilwoman  
James Plaughner, Councilman  
Grady Lamb, Councilman  
Jackie Ritter, City Recorder  
Fredette Leda, Councilwoman  
Dave Fisher, Councilman  
Frank Robinette, City Manager  
Derika Sutton, Councilwoman  
Beth Snead, City Attorney

**Absent:** Eric Wolford, Mayor

The Salem City Council met on Tuesday July 11, 2006 for its regular council meeting. Vice Mayor Lamb called the meeting to order at 7:00 p.m.

**1. Pledge of Allegiance and Prayer:**

Vice Mayor Lamb opened the meeting with the Pledge of Allegiance and James Plaughner offered prayer.

\*\*At this time Donald Stamm spoke on the status of demolition to homes he owns on East Main Street. He hopes to complete demolition of 186 East Main Street by the end of this week. He is working on finalizing the deed work for 188 and 188A East Main Street and hopes to begin demolition on these properties together soon. He already owns 190 and 190A East Main Street. He hopes to rent some of the lots for parking and requested clarification of any applicable zoning regulations in this matter. The City Manager will refer the Building Inspector to Mr. Stamm to discuss parking ordinances.

**2. Review and Approval of Minutes from Previous Meetings:**

The minutes for the June 27, 2006 regular council meeting were reviewed. A grammatical error was noted on page 2. Councilwoman Plaughner made a motion to approve the minutes with the noted correction. Councilwoman Sutton seconded the motion. Carried 5/0/1 with Councilman Lamb abstaining.

**OLD BUSINESS**

**2. Mayor to Nominate Park Board Members:**

William Hopkins indicated his desire to become a member of the Salem Park Board and stated he would work hard especially for the youth of the city. He lives within the Salem City limits. Janet Wolford also volunteered to serve on the Park Board.

**3. Budget Amendment for Water System Upgrade Sheena Hunt:**

Ms. Hunt presented a needed budget amendment #7 (Revised) to transfer \$17,400 from the construction line item to the legal line item for payment of the attorney fees for the Sun Valley agreement. Councilman Fisher made a motion to approve the \$17,400 budget amendment and approve the mayor signing of the amendment. Councilwoman Sutton seconded the motion. Carried 6/0. Ms. Hunt will be sending a letter to the selected attorney to advise him of the acceptance of his bid.

**5. Annexation:**

Councilwoman Leda presented information on the pros and cons on the city annexation issues. There was discussion of legal/ethical issues regarding the voting of those council members who are also members of the Gun Club. Mary Sneed for the City Attorneys office presented an opinion regarding their assessment of the issue. Ms. Sneed stated the city charter and state code would prohibit their voting on this issue due to conflict of interest. The City Manager reports he received an opposing verbal opinion from the Ethics Commission with discussion of competing interests versus monetary gain. The City Manager will try to obtain a written opinion from the Ethics Commission and will also contact the Attorney General. Councilman Plaugher made a motion to table this issue until a written opinion is received from the Ethics Commission. Councilwoman Plaugher seconded the motion. Carried 6/0.

**NEW BUSINESS**

**6. Mr. Mason from Judel Glass requests Abandonment of Right of Way:**

Mr. Tom Mason from Judel Glass discussed his recent acquisition of property near and around the glass factory and has plans to tear down at least two unsightly buildings along Main Street. He requested abandonment of a small alley that exists in the middle of these properties for ease in continued maintenance of the property. He is having a large sale the first week of August and wants to develop and promote the property and hopes to have an outlet business and possibly a distribution facility. He does not plan to build or add on to his building. The Public Works Director reported there is a city sewer line in the alley. There was discussion of a possible right of way agreement that will allow city access for maintenance as needed and restriction of any building on the alley. Mr. Mason advised he would have his attorney draft this type of agreement at his cost for consideration of council. Councilman Fisher made a motion to pursue a right of way agreement without actual abandonment due to the existing city utility in the alley, that will be beneficial to the City and Judel Glass. Councilman Plaugher seconded the motion. Carried 6/0.

**7. Adoption of Personnel Policies:**

There was review of the personnel manual and some typographical errors were noted. The City Manager suggested addition of a section to address termination of an employee due to job performance. Two sample sentences were suggested; Performance evaluations will carry considerable value on continued employment, OR, Performance evaluations will be considered a factor in continued employment. There was also discussion and clarification of the number of sick leave days available without a doctor s'

excuse. The policy states sick leave of **MORE THAN** 3 consecutive days will require a doctor's excuse. There was discussion of the health insurance for city employees. The City Clerk spoke on behalf of city employee Larry Carrico and other employees stating they do not feel it is fair to charge more for health insurance for tobacco users. He feels he is being discriminated against. The City Clerk stated the monthly difference for all employees' health insurance premiums is \$250-300 and many long-term city employees are upset with this policy. The City Manager noted that there is a no-tobacco policy for all city buildings and vehicles. The Public Works Director requested the issue be tabled until next meeting so the Personnel Committee can meet again and so that he has all the recent changes made to the manual. He would also like to allow Larry Carrico to speak if desired when he returns from vacation. Councilman Plaughter made a motion to table the approval of the personnel manual until next council meeting. Councilman Fisher seconded the motion. Carried 6/0.

**8. Permission to Submit a Governors Partnership Grant Application:**

The City Manager requested permission to apply for a Governors Partnership Grant to fix the Salem Pool. Councilman Fisher made a motion to approve the application for the noted grant to fix the pool. Councilwoman Sutton seconded the motion. Carried 6/0.

**9. Status Report on Fence Around Basketball Court:**

The City Manager and Public Works Director report the fence will hopefully be installed soon. He suggests a dedication ceremony with possibly a community picnic be planned. It was suggested the area beside the basketball court be cleaned up first. The labor for this will be donated and is still being coordinated. A Thank You note will be sent to Harrison County Parks and Recreation.

**10. Basketball Court Dedication/Community Picnic:**

This item was discussed under Item 9.

**11. Contract Agreement for Title V Library Worker:**

The City Manager reported it is time to renew the contract for the Library worker and a copy of the contract was provided for review. Councilwoman Sutton made a motion to accept the new contract as presented. Councilman Plaughter seconded the motion. Carried 6/0.

**12. City Managers Report:**

- A. There was review of a letter from Citizen Sharon Davisson regarding the cleaning of a ditch on Monroe Street and her concerns regarding safety in the city and payment of the police fee. The City Manager reports the police fees are in arrears \$35,000. It was suggested he discuss this with the City Attorney. Citizen Brad Eddy advised police and fire fees for abandoned properties can still be pursued and a lien can eventually be attached for non-payment.

- B.** The City Managers reported that letters were sent to all property owners of the burned buildings from the downtown fires. Fines can be \$250 per day. The Public Works Director reported on the progress of the Class D Landfill near the Sewer Plant. It has been determined by Thrasher Engineering that it is not in the flood plain and this certification cost \$450. The survey cost \$1,723.50 and the landfill application fee will be \$250. A tipping fee will be charged to property owners using this landfill but it will be much cheaper than going to Meadowview Landfill due to the distance involved. Councilman Fisher made a motion to allocate a total of \$3,000 for the development of this Class D Landfill from general and special funds for disposal of the downtown burned buildings and other abandoned properties as space permits. Councilwoman Leda seconded the motion. Carried 6/0.
- C.** The City Manager reported the engineering study was completed for the work on Ross and George Streets and a letter will be sent to FEMA who has already approved the excess costs.

\*\*At 8:45 p.m. Councilwoman Sutton made a motion to move to executive session to discuss personnel matters. Councilman Fisher seconded the motion. Carried 6/0.

\*\*At 8:45 p.m. Council took a break and resumed at 9:00 p.m.

#### **EXECUTIVE SESSION**

##### **13. Personnel Matters:**

\*\*At 9:32 p.m. Councilman Fisher made a motion to return to regular session. Councilwoman Sutton seconded the motion. Carried 6/0.

\*\*At 9:33 p.m. Councilwoman Sutton made a motion to adjourn. Councilwoman Leda seconded the motion. Carried 6/0.

#### **TABLED BUSINESS**

1. Allegheny Power Street Light Agreement
2. Actions of Sponsor Grant Agreements
3. Consideration of Purchasing a Gate and Fencing for Water Dept.
4. Workshop Committee Meeting Safety Director

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Mayor

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Recorder