

**COUNCIL MINUTES**  
**April 20, 2015**

St. Clairsville City Council met at the Recreation Center on Monday, April 6, 2015 with the following present

Terry Pugh, Council President	Robert Vincenzo, Mayor
Libby Heintzelman, Council-At-Large	Tom Murphy, Planning & Zoning Administrator
Perry Jones, Council-At-Large	Dennis Bigler, Service Director
David Trouten, Council, 4 <sup>th</sup> Ward	Jeff Henry, Police Chief
Frank Sabatino, Council, 2 <sup>nd</sup> Ward	Richard Myser, Law Director
Jim Weisgerber, Council-At-Large	Cindi Henry, Finance Director

The meeting was called to order by Council President Terry Pugh

**Minutes:** Minutes of the April 6, 2015 regular meeting were distributed to Council. A motion to accept the minutes was made by Perry Jones and seconded by Jim Weisgerber.

Roll Call Vote:

Heintzelman	Yes	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Trouten	Yes		
Roll Call Vote:	Five (5) Yes	Zero (0) No	Motion Approved

**CITIZENS HEARING:** There were no Citizens present who wished to address Council.

**OATH OF OFFICE:** Mayor Vincenzo administered the Oath of Office to the new Law Director, Richard Myser. Mr. Myser is a resident of St. Clairsville, he has been an Attorney for many years and I think he will do a great job for the City of St. Clairsville.

**REPORTS**

**Service Director, Dennis Bigler**

- I wanted to bring to Council's attention Resolution No. 2015-19. We took bids for the final layer of work that we need to do on the bikeway tunnel. Although we had three plan holders we received only one bid and it was from Suburban Maintenance Construction a company we have done business with in the past. The low bid was \$550,830.90. That was over our prior estimate which was \$440,000 roughly. So we had to come up with a difference there so we looked at what we could do design wise to bring the price down and we actually had success in that but the engineer is saying yes it would work but, he would prefer not to use that method. So we went back and sought additional grant funds and were successful there. For an additional \$19,400 from what we thought it was going to cost based on our estimate of construction compared to what our actual bid is for an additional \$19,400 we can award this and be on our way. The problem this evening the Chairman points out to me is we do not have a quorum for emergency legislation. What I would ask Council to

consider doing is give us a first reading and voting on it at the next meeting. I think the contractor will hold his bid or as the chairman said we can have a special meeting. The only problem is we are trying to meet ODOT's schedule to complete the work within the time that they have it budgeted. That is the only thing I need to check with ODOT on. Terry didn't know and I didn't know that we were going to be without a quorum this evening. **Clerk:** We didn't know until just before we came to the meeting that one of the member was sick. **Dennis Bigler:** This is on the north portal liner of the tunnel. Also we are paving a piece of trail that we damaged during prior work and damage we think we will have following this work that we are doing because it is heavy work we are doing. We also are drilling down the surface of the tunnel where the upper plaza is. We are going in there with a drilling rig and drill down and fill a void between the upper part of the tunnel and liner where the rock is above. We have had some collapses in there we know there are voids in there and we want to fill that long term. This is like the bridge repair, this should be a fifty year repair to this tunnel when we are done with everything. We should not have to touch it again for 50 years which is important to me so that those of us who know the tunnels issues will be here to address it.

- The second issue is an Inter Government Agreement with the Belmont County Transportation Improvement District. As you know that project has started and we have obtained a \$225,000 grant from the State of Ohio Development Services Agency. We received a \$225,000 Rapid Outreach Grant which looks at needs for funding to make projects go. What this would be is a straight pass through. The TID is acting to build the road. The TID will turn the road over to the city as to the portion that is in St. Clairsville. The portion outside the city of St. Clairsville becomes the County Engineer's. So the TID is using its powers to bundle the units of government together to do things in building this road. What we were able to take advantage of as a city that in this case the TID couldn't we were able to apply for this Rapid Outreach Grant. So what this does is the TID will build the road, it will pay the bill send us evidence that it has paid the bill. We will then in turn bill the State under our agreement as the grantee. They will pay us the money in 30 days and we will reimburse the TID. We are simply acting as a pass through with our ability to do that when the TID can't. What this does is lower the cost of the project for the local dollars of this project to take advantage of state funds for this project. So there is no city funds being involved. There are no city funds at risk. You do not have to pass this agreement tonight. You can take it and look at it. The TID Board did pass this today. They have passed it and we have signed it.
- On a lighter note just for information the contractor moved in today to start work on the Maple Avenue water line, the Rt. 9 North water line. So we are beginning that and trying to stay ahead of ODOT's plan for the repaving of Route 40 & Route 9.
- There are a number of other issue going on right now. There are dozens of issues, it is that time of year. Those are some of the highlights.
- City wide street sweeping is going on right now. I would repeat again tonight that we ask

people to stay off the streets as much as possible so that we can get a nice clean up. If your car is parked in the street and you see the sweeper going by please move your vehicle to a place that has been swept. Then we can get everything cleaned up. Property Maintenance Service is under contract with us to do that city wide to clean up all the mess we have out there.

- **Frank Sabatino:** On Resolution No. 2015-19 the bikepath, will there be any closure. **Dennis Bigler:** Yes not to exceed 45 days. **Mayor Vincenzo:** That is the tunnel area. Either side of the tunnel is still permissible. **Dennis Bigler:** We will probably close it at Station Street like we did before. This kind of work, I would like to say we could do it off season but you just can't. It is concrete work it is weather dependent. We hate to close it this time of year but it will be relatively brief and the advantage is the tunnel a crucial line to the bikeway will be complete. We will have spent grant funds doing it principally and we will have a project that should last for years. **Frank Sabatino:** My second question in regards to the TID project, still as we have been told previously no cost to the city of St. Clairsville? **Dennis Bigler:** Right no cost but I want to stress what I also told you it is a tremendous benefit to the city of St. Clairsville. But it should be no cost, I don't know of any plan and isn't that phenomenal.

#### **Mayor, Robert Vincenzo**

- I have a couple of things. First of all I really want to thank the residents of the city for their patience in the repairing of the potholes in the city. It has been a problem but they have been very patient and we are still trying to keep up with some of the conditions on Route 40 & Route 9 those roads will soon be resurfaced. In the meantime trying to keep Route 40 open and half decent to travel. Our crews are trying to keep up with that and they have had a lot of work to do. I just want to thank the residents for their patience and their consideration.
- We have had some breakdowns at the main wastewater plant. As we speak we are making some decent repairs to keep it in operation with our own crews. We have an engineering report now to have to put this in a more permanent restoration. In the meantime they have things back up and operating and it is no longer in critical condition and it is moving along fine. Our own people are doing the work and again I take my hat off to them because they have stepped up and done a remarkable job. **Dennis Bigler:** Expanding on what Bob said Sue Bell is a former employee of ours who is a double Class 3 licensed operator. She is working for us as an interm operator of record a few hours per week to sign reports. She is doing some training in the lab. The guys are extremely busy in that department trying to keep those RVC's working until we get replacements in there and they had several sewer plugs last week and a problem at Plaza Drive. Some pretty tough areas they dealt with last week.

#### **Police Chief, Jeff Henry**

- I had a good meeting with the Mayor, Dennis and the Police Committee last week. We discussed a few items in the Police Department. I asked them to consider security cameras at some of the city's major assets like our sub-stations, the biketrail and intersection cameras. The Police Committee and the Mayor and Dennis agreed. Dennis has worked on this with Steve Mularcik last year and we just need a few dollars to get things started and the vote of Council. Whenever we get something firmed up from Steve Mularcik with a definite price, it will work off our metering system. We won't have any expense there all we will have is the expense for the cameras. We won't have the internet or anything it will come right to the city building. Our two sub-stations are millions of dollars and if we can just take care of all the city's assets along with some major intersection cameras and the biketrail, I think it would be a great help for our department. **Terry Pugh:** I really appreciate the 25 mile per hour speed limit with the new signs on Route 40 & Route 9. I live off Route 9 and it sure helped a lot with getting out of my own driveway. **Jeff Henry:** I think it has slowed a few people down. It is going to be safer in town. All that was changed to 25 is residential area that is why Council voted last year to put this in place. Finally we got our signs up. **Terry Pugh:** All the comments that I have heard have been positive.
- Our new cruiser is lost. Ford doesn't know where our cruiser is, it was supposed to be here on the 23<sup>rd</sup> of March and they put a tracer out on it trying to figure out where it got dropped off other than Doan Ford.

**Finance Director, Cindi Henry - No Report**

**Planning and Zoning Administrator, Tom Murphy**

- The pre-construction meeting with ODOT in regard to the Route 40 & Route 9 job will be April 27<sup>th</sup> in New Phillidelphia. I will be attending that meeting to relay any city concerns. We should find out more at that meeting from the contractor on when their actual start date will be. Once we have that information I can relay that to Council.

## **COUNCIL COMMITTEES**

**Finance, Libby Heintzeman - No Report**

**Utilities, Frank Sabatino**

- Dennis touched on the Maple Avenue project and the Mayor talked about Wastewater

**Police, Perry Jones**

- At our meeting last week. Some good improvements have been made in the Police Department. The Chief pretty well explained some of the other stuff that we discussed.

**Street North Side, David Trouten - No Report**

**Street South Side, Jim Weisgerber - No Report**

**Safety, Libby Heintzeman - No Report**

**Building and Grounds, John Bukmir - No Report**

**Planning Commission, Jim Weisgerber - No Report**

### **Fire District, Frank Sabatino**

- The Fire Board met in regular session on Tuesday, April 14<sup>th</sup>. W
- We granted pay raises to the part time employees. We already signed a contract with the Firefighters
- Our new ambulance will arrive sometime in May
- We are applying for a Hazmat training grant
- Our next meeting will be May 20<sup>th</sup> at 3:30 at the Main Station

### **Recreation, David Trouten**

- I am going to ask when the time comes if we can go into executive session to discuss the new Recreation Director.

### **Park District, Perry Jones - No Report**

## **ORDINANCES & RESOLUTIONS**

### **Law Director, Richard Myser**

- The Ordinance that Dennis was telling you about Ordinance No. 2015-19 to accept the contract, I have it drafted as an emergency measure. We can have the first reading tonight so I am going to suggest we have the first reading. We won't be able to pass it as an emergency measure because we don't have enough of Council Members present.
- That is the only Ordinance I have, however I spoke to several of you and I spoke to Terry by telephone and asked him if there was anything Council would perhaps like for me to do different from my predecessor. Terry suggested that the ordinances that we have prepared that perhaps the Council Members would like to see them before they walk into the Council session. If I have everyone's email I would have no problem doing that. Coming from other municipalities I know that sometimes legislation does not get prepared until the last minute however sometimes it does get prepared in advance and I could email those to you. If you give me your email address as soon as I have them prepared I will send them on to each one of you to review in advance prior to you coming into this room including everybody here so that everybody sees the legislation before you walk in here.
- **Terry Pugh:** I think we need something to go into executive session. **Richard Myser:** Are you going to do that now or are you going to do it later? **Terry Pugh:** We are going to do it later but I guess the way Al always did it, he would say we need to go into executive session for personell per this number and Mr. Weisgerber would always make the motion at the end of our normal meeting. **Richard Myser:** The section that you need is Ohio Revised Code Section (G) dealing with personell for the employment of your Recreation Director. That will justify us going into executive session.
- **David Trouten:** They Charter Committee that are meeting, when do they make their decision and what is the next step? It needs to go on the ballot correct? Do we pass something first? **Richard Myser:** The Charter Committee has met three times. They met before I was officially your Law Director. The third meeting last week I met with

them and they have three recommendations for changes and they are going to meet tomorrow night. I already have prepared the legislation for those changes. They will approve those tomorrow night. At your meeting two weeks from now we will bring legislation before the body here to approve that and what you will be approving will be to ask that those three issues be placed on the ballot for election for the changes. They are minor changes, the major one deals with residency for the Finance Director. Those will be brought before Council at your next meeting and discussed thoroughly. **David Trouten:** Are they each on the ballot separately? **Richard Myser:** Yes. **Mayor Vincenzo:** The ordinance will have three separate readings. **Richard Myser:** The Mayor is exactly right, for something like this we can't pass it as an emergency measure. We can't suspend the rules, there have to be three readings. Kathy has it all planned out. A certain number of days so we can get it on the ballot. **Kathy Kaluger:** You have plenty of time, it does not have to be at the Board of Elections until August 5<sup>th</sup>.

There was presented and read to Council on its third and final reading by title only, ORDINANCE NO. 2015-12, AN ORDINANCE ACCEPTING THE FINAL PLAT OF THE NANCY MACK PROPERTY SUBDIVISION TO THE CITY OF ST. CLAIRSVILLE, OHIO. A motion was made by Jim Weisgerber and seconded by Perry Jones that Ordinance No. 2015-12 be passed by Council.

Roll Call Vote:

Heintzelman	Yes	Sabatino	No
Jones	Yes	Weisgerber	Yes
Trouten	Yes		
Roll Call Vote:	Four (4) Yes	One (1) No	Motion Approved

Ordinance No. 2015-12 was declared adopted.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2015-19, A RESOLUTION DETERMINING THE LOWEST AND BEST BID FOR THE BIKEPATH NORTH PORTAL LINER AND AWARDED THE CONTRACT TO SUBURBAN MAINTENANCE & CONSTRUCTION, INC. AND DECLARING AN EMERGENCY.

#### **NEW BUSINESS:**

**Jim Weisgerber:** One of the people in my neighborhood received a letter today and I think other people are getting it and it is from Volunteer Energy for Natural Gas. This letter basically states that if you don't want to be automatically enrolled you have to cut off the bottom sheet and mail it back to them. I don't remember when we voted this in that it was an automatic deal like this. This is the first time I have seen this or heard of it. I know we have been contacted and asked if we wanted to be involved in the program as individual homeowners but I have never seen something like this and I am concerned. **David Trouten:** I had a Citizen call me with the

exact same thing today. They were of the understanding that once they opted out the first time they would never have to opt out again, they would not keep getting it. **Jim Weisgerber:** My concern is the fact that people will read this and won't answer it and really don't want in the program. I am just a little disappointed at the way they are approaching this at this point. I don't disagree with the program, I disagree with the method. **Mayor Vincenzo:** You had to notify them if you were going to opt out. If you opted out the only way you could get back in was to request to get back into the program. **Dennis Bigler:** You want to be able to opt in not out. **Jim Weisgerber:** That is correct. **David Trouten:** The person I talked to had the same concerns and they called Columbia Gas or someone and they were told the same thing once you opt out you should not have to do it again. **Mayor Vincenzo:** I will contact Fred Holmes and get an explanation. **David Trouten:** We appreciate that.

**EXECUTIVE SESSION:**

- A motion was made by Jim Weisgerber and seconded by David Trouten to go into Executive Session under Ohio Revised Code Section 121.22 (G) (1) which is to discuss issues concerning the appointment and replacement of a Public Employee or Official.

Roll Call Vote:

Heintzelman	Yes	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Trouten	Yes		
Roll Call Vote:	Five (5) Yes	Zero (0) No	Motion Approved

**RETURN TO REGULAR SESSION:**

A motion was made by Jim Weisgerber and seconded by Perry Jones to return to regular session.

Roll Call Vote:

Heintzelman	Yes	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Trouten	Yes		
Roll Call Vote:	Five (5) Yes	Zero (0) No	Motion Approved

**NEXT MEETING:** Monday, May 4, 2015 at 7:30 at the Recreation Center

There being no further business to come before Council a motion to adjourn was made by Jim Weisgerber and seconded by Perry Jones.

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Kathleen M. Kaluger, Clerk

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D. Terry Pugh, Council President