

**COUNCIL MINUTES**  
**February 23, 2015**

St. Clairsville City Council met at the Recreation Center on Monday, February 23, 2015 with the following present

Terry Pugh, Council President	Robert Vincenzo, Mayor
John Bukmir, Council, 3 <sup>rd</sup> Ward	Cindi Henry, Finance Director
Libby Heintzelman, Council-At-Large	Tom Murphy, Planning & Zoning Administrator
Jake Olsavsky, Council, 1 <sup>st</sup> Ward	Al Davies, Law Director
David Trouten, Council, 4 <sup>th</sup> Ward	Jeff Henry, Police Chief
Frank Sabatino, Council, 2 <sup>nd</sup> Ward	Dennis Bigler, Service Director
Jim Weisgerber, Council-At-Large	

The meeting was called to order by Council President Terry Pugh

**Minutes:** Minutes of the February 2, 2015 Council Meeting were distributed to Council. A motion was made by John Bukmir and seconded by David Trouten to accept the minutes as presented.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Abstain	Sabatino	Yes
Olsavsky	Yes	Weisgerber	Yes
Roll Call Vote:	Six (6) Yes	Zero (0) No	Motion Approved

**CITIZENS HEARING:**

- We have one person on the schedule to speak tonight, however I do not see Mr. Jeffers here so we will continue on with our meeting.

**REPORTS:**

**Service Director, Dennis Bigler**

- Several items to update you on things that we are doing.
- A bit of good news, we talk so much about insurance going up. We have gone in and done a review of our insurance coverages and made some changes with the company we insure with. In the area of property and liability, the auto, police liability, etc. Plus there was some savings with our dental policy. Those two independent policies together saved us about \$20,000 per year. That we will be realizing this year.
- We have been working on a number of bids. That is what we have been doing recently in my office. The connector road had a pre bid meeting today at the Recreation Center. We have a number of bidders on that project and we open bids next Monday. On the same day, next Monday at 1:30 we will be having a pre bid meeting on the north end of the tunnel, the reconstruction there. We have the construction of the new water line on Maple Avenue from Butler to the end of that road out to bid right now. We will be opening bids on that in early March. I believe the Rt. 40 & Rt. 9 resurfacing bid is this

week is that right Tom? **Tom Murphy:** Yes, February 26<sup>th</sup> it is my understanding when that bid is opened.

- We are doing interviews for a lineman and we are having a hard time finding anyone that is an experienced lineman. We only find people who have a bare bones knowledge out of a couple of Technical Schools. We continue to search to pick up a contractor tired of traveling or someone like that. That is one of the problems we are having.
- We just hired a gentleman named Jason Duvall pursuant to Civil Service testing for a Water/Wastewater position to handle a transfer where Mark Berry left there and went to the Street Department. Water/Wastewater is at full strength right now. We continue to have problems in the area of the Electric Department and those are the best paying jobs on any of the City crews but it takes training.
- Lastly I have had two secretaries in my nearly 35 years here and Nancy Edgar informed me last week that she will be leaving effective next Tuesday to take another position. So we have got that job advertised right now.

**Mayor, Robert Vincenzo:**

- First of all we went through a real tough weekend, the crews were all out and I went down a couple different times just to see how the equipment was working. There were a few little hitches but nothing seemed to be serious, no breakdowns at all. I know I had one independent snow plow operator had a breakdown this week. The City was pretty lucky. Not to say it doesn't take a toll on our equipment. Our salt supply got replenished today. The bins were not to full yesterday. One problem they had the snow kept coming down. The only other problems I had people complaining about their driveways. It is an ongoing complaint, we have probably 3,000 driveways that are affected and we just can't go out and shovel those driveways. That is one of the things that happen when you have heavy snowfall, you just have to bear the fact that the truck comes through and it does fill up in your driveway and we are sorry about that but there is no other way to do it and we don't have service vehicles to come down and remove what is in front. We had all departments work to relieve one another the Electric Department and Water/Wastewater also were out to help with the plowing. So with that we got through it ok and I think I will not predict this will be the last one.

**Police Chief, Jeff Henry**

- **Terry Pugh:** Did you get your bench? **Jeff Henry:** Yes and it has been tried out already. It is a prisoner bench, it is bolted to the floor and while we are giving a breath test or holding somebody in the office until we can get them transported to the County Jail. They are hooked up to the bench. It is a safety thing for the Officer or the Dispatcher. When you are in there by yourself they have to be hooked up to the bench.

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

**Planning and Zoning Administrator, Tom Murphy:**

- Actually quite a few items for City Council.
- The first item, I think you each have a picture, Jeff Henry actually took a picture of the front of a resident's property on Young Lane. About six months ago we had issues with fencing and things being put up in the right of way and now this resident is putting up stones both painted and not painted in the right of way. I did talk to Al Davies about it a

bit and he suggested I talk to Council and see how Council would want to proceed with it. Whether letters first, whether just removing. When there was the fencing on the right of way letters were sent out he would not remove the fencing from the right of way we had to go out and remove it. Now three months after that rocks started to appear on the right of way. Does any Council Member has any direction or suggestions? **David Trouten:** Are they hard to get out of there? **Tom Murphy:** I would assume they are placed on the ground, some of them are pretty good size so I would hope that one or two people could pick them up. **David Trouten:** We have already been down the road of telling him not to put stuff in the right of way. So is there any reason to even give him a warning can't we just do it. **Jeff Henry:** The problem is that you have rocks in town all over the place. I really don't have a problem with the round rocks but the pointed ones that are sticking up that somebody could fall on I think they should be removed but Al Davies and Tom Murphy both say that if we remove one set of rocks we have to remove them all. We are going to get into a problem if you go around town even the City has placed rocks at intersections to keep vehicles at the top of Thompson Drive the City placed a rock to keep semi's or trailered vehicles out of the lady's yard. **Tom Murphy:** If that is the case we might as well not even remove them. **Terry Pugh:** Can we ask them to move them back because these are pretty close to the actual road where the plows run aren't they? **Tom Murphy:** I imagine they are pretty darn close. **Terry Pugh:** If we hit them with a plow and damage the truck and plow it could cause a wreck in the meantime down by the school. **Tom Murphy:** It is not really a Planning & Zoning matter at all. It would be Street Department, Police Department, and Public Safety. I wanted to at least bring it to your attention. **Frank Sabatino:** Al if all of those rocks are on City right of way if someone has an accident is it our liability since we permitted him to have it? **Al Davies:** Well that could be an issue, as you know I sure if there is an accident the City will be sued but we didn't put the rocks there. The resident is the one who put the rocks there. But I think by not taking action to have him remove those rocks certainly opens a door to an argument somebody can make as to liability on behalf of the City. Again the City has immunity in a lot of these issues. Whether or not someone can prevail against the City have to first get past immunity issues. **Frank Sabatino:** My point too we have already gone through the channels to get him to remove the fence on City property and now we would be permitting him to keep the rocks there and you know that is a tough bend there. People are noted to go a little fast there. If someone hits those rocks there they are going to damage their property if not get hurt. I am in favor if we told him nothing on City right of way then the rock got to go. That is my feelings. For him it is just something to be combative. Like Jeff said he started out with the white rock, I go down there a lot to the recycling center. Now he has the other rocks, what is going to be next down there. **Al Davies:** I am not certain that the other situations that were alluded to by the Police Chief are exactly the same situation that we have here. **Frank Sabatino:** I am in favor of getting them out of there, if we have to charge him for the time and labor to do it. **Tom Murphy:** Do you need a vote from Council on that? **Al Davies:** No I will talk with the appropriate department heads. **Terry Pugh:** Would you give him the option to move them onto his property? And if he doesn't do that we will move them onto his property. It would be hard to keep them on that hillside. **Al Davies:** Sure we will do that. **David Trouten:** You mean roll them back? **Terry Pugh:** It wouldn't take much to roll them down the hill. **David Trouten:** How many rocks are there that we are talking about? I

could see the danger of this if someone would go straight through that turn they would plow into the rocks. **Terry Pugh:** They are right along the side of the road. **Jeff Henry:** About the only thing we could do is put a guard rail up for him. **David Trouten:** That might be a solution. What would that cost? **Dennis Bigler:** You might have \$12,000 in it. The biggest thing you get into in a place like that is where the underground utilities are, do you have enough room to get it around. **Al Davies:** It would be a few thousand dollars, you would just do the little turn there. **Jim Weisgerber:** Take a backhoe down there move the rocks and put a guardrail in and leave the rocks on the other side of the guard rail. **Mayor Vincenzo:** We would have to build the bank up to hold the rocks. **Jim Weisgerber:** We could always move then to the left a little bit by the tree that says no trespassing. **David Trouten:** I guess the real question is it really affecting us? Are our plows going to hit this? Is it a danger? **Terry Pugh:** Have you been down there? **David Trouten:** I am familiar with the area but I have not really stopped to look at this. **Terry Pugh:** It is pretty close to the road and being on that sharp turn. **Jim Weisgerber:** It would be easy to slide with the trucks that we have because we are using three quarter ton trucks. I know we have the real big ones but those smaller trucks can kick out on snow pretty easy. **Terry Pugh:** I think being right up from the school there is quite a bit of traffic on that road and a truck hit something and veer off and hit a parent or a child. **Jim Weisgerber:** I would personally be in favor of putting a little guard rail there. Then he can complain about that. **Al Davies:** That is a good idea. **Dennis Bigler:** We can proceed with that if that is what you want. **Davis Trouten:** That should make everybody happy, in essence that is what he is asking for anyway. **Terry Pugh:** It is a bad turn no one has ever gone down over there but if they did. **Jeff Henry:** We have had people in the ditch before. **Terry Pugh:** We are not doing this for him, we are doing this for the safety of the citizens. **David Trouten:** Let's put a guard rail in then. **Jim Weisgerber:** That is what I would suggest, we can take part of that \$20,000 that we just saved on insurance. **Al Davies:** So are you telling the Service Director to get some cost estimates on that? **Jim Weisgerber:** I think it would be a good idea, I am not speaking for the other folks that are sitting here. **Dennis Bigler:** ok. **Jake Olsavsky:** He will complain about that. **Dennis Bigler:** Yes because it will make it harder for him to mow.

- The next item is a reminder to Council that there is a Planning Commission on Monday, March 2<sup>nd</sup> at 6:00 p.m. That is for a minor subdivision of property owned by Nancy Mack. I mentioned that at the last Council Meeting so if there is any questions feel free to ask.
- There will also be a Board of Zoning Appeals Meeting on Tuesday, March 10<sup>th</sup> at 5:30. There are two items on the agenda. One is a conditional use for a new Real Estate Office at 251 E. Main Street where Dr. Parsons Office used to be. The second item is a variance request by Presbyterian Homes the owners of Mark Kennedy Park. They would like to construct three new senior duplexes that will be located closer to Pine Avenue than any other existing duplexes so therefore they do need a variance for those.
- The final item Terry Pugh did a handout prior to the meeting. It is a report from CESO Engineers. Gulfport is proposing on constructing wells outside the City. They are going to be using Rt. 40 then turning onto Barton Road and then heading out to their sites. The best way to describe it according to improvements is that they want to come before Council at the next meeting. One is potentially looking at traffic signals at the intersection of Barton Road and Route 40 (Main Street). The second improvement that

would be beneficial to all would be improving the turning radius. If you are making a right turn heading West on Route 40 on to Barton Road improving that turning radius. The third is widening Barton Road and also fixing a slip that is within the city limits on the right hand side of the road heading north. We have had a problem with that over the years. They did do a study as to whether or not a traffic signal was warranted or needed. There is enough traffic that one is needed, however they want to come before Council before they do any further studies on the traffic signal itself to see if Council wants to look at that. They don't want to spend the money if Council says no to the traffic signal. What they would have to do if the traffic signal does not go up is while they have construction going on and they have trucks utilizing those roadways they would at the very least have flaggers of some kind. Again I don't want to get into too much detail this is time for you to review, if you have questions I will meet with you and do my best to interrupt their plans. They will be at the Council Meeting on March 2<sup>nd</sup> and give a presentation and see if you all have any comments on that. Frank, Terry & Perry were involved in a preliminary meeting we had two weeks ago to discuss some of that with the engineers. **David Trouten:** We just need to review this and we will talk about it next time. **Tom Murphy:** Yes that will be the best thing just review it a lot of it takes a while to get through. This report here really all it says when you read the conclusion is there is enough traffic there to warrant a signal. Look at what they are proposing. They show where they want to put the lights. **Libby Heintzelman:** Didn't we have somebody at one point come and ask us to put a signal there? **Clerk:** We have had several. **Jeff Henry:** All the people from Barton. **Terry Pugh:** You have three Councilmen that live in that area, Frank, Jake and Perry so they can give good input as to what they face out there. **Jake Olsavsky:** There is a lot of traffic there. They cut down closer to where Perry and I live. **Frank Sabatino:** I will reserve my comments until after Mr. Whipp is here but you know I travel it every day and you know I have been keeping a log and we do have some problems there but we have problems everywhere throughout the city. I don't think it warrants a traffic signal strictly because of the dangers coming from Orchard Drive going east. If Council would drive past there this week right before you get to Orchard Drive you will see a sign there that says dangerous intersection and that will make Orchard Drive going over that hill will make that more dangerous. And like Mr. Whipp said when they travel that East the cars just disappear when they go over that crest of the hill. I go through there and it is actually harder to get out of Orchard Drive than Barton Road. It is not like the throughway in Pittsburgh where you are bumper to bumper yet. I think we have to look at this. If we allow that plus the red light at the connector road to go east it will take six red lights to get out of town. It is going to add quite a bit of time to a person's travel time. When you back up that traffic to Orchard Drive we are going to have major accidents. We are going to get to the time of the year when you go over the top of that crest it is blinding. It is a very blinding sun for an hour and a half or two. Of course you can tell right now and I told Mr. Whipp that I am not in favor of it in no shape or form. If it was beneficial yes but to me it is not. He will be here next week and he will do his report for you.

#### **COUNCIL COMMITTEES:**

**Finance, Libby Heintzelman - No Report**

**Utilities, Frank Sabatino - No Report**

**Police, Perry Jones** - Not Present

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

**Street South Side, Jim Weisgerber**

- I would like to compliment the City Employees for the job they did this last weekend because it was pretty miserable out there. They did a swell job.

**Safety, Libby Heintzelman** - No Report

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

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

**Fire District, Frank Sabatino**

- We had a regular meeting last Wednesday the 18<sup>th</sup> we talked about having a new phone system for the department. The other one has been in service quite a few years and we all know what technology does today. It out paces itself but we are going to have to keep up with it.
- We talked about the delivery of the new chassis.
- A lot of the meeting was devoted to the contract negotiations with the firefighters. We will have a special meeting Wednesday the 25<sup>th</sup> at 3:30 at the Main Station to discuss contract.
- There was a nice article in the paper about the 23<sup>rd</sup> of January about Cumberland Trail and its year end report. They did give me this report that I will pass on to the Mayor if anyone would like to see it. The only thing I would like to read to you out of the article is the Fire District answered 2,444 calls for assistance in the year 2014. The total number of calls fell just 7 short of the most calls answered in 2012. So it is a pretty busy department.

**Recreation, David Trouten**

- There was a Recreation Board Meeting today there was a lot discussed. To start Tom Zuzak who is the Chairman of the Board resigned today. He is actually appointed by the School so they will have to appoint somebody else.
- Another issue is the Board voted Eric Gay the interim Director. They want him to work on the summer band programing and the volleyball court grant. We had some discussions about that. I talked to Mayor Vincenzo, and we talked to Kevin Barr. You remember the last meeting we talked about Kevin seeing some of these things through. The Recreation Board voted that they wanted Eric to do these things. Logically I think Kevin and Eric could work together on all these things. So they make recommendations this Council votes on them. I don't know that we even need to do anything. Since I talked to the Mayor and we talked to Kevin on the phone, he indicated that he would continue to work on the grant with Eric and I talked to Eric since then and Eric and Kevin have talked and they are willing to work together to get the grant done for the volleyball court.
- Another factor on the Volleyball issue is that the school volleyball association donated \$3,000 toward the project and it was contingent on it being done by 3013 which it was not done. They extended it to 2014 and it is still not done, they want the \$3,000 back. That is out there as well. They talked about this was in the letter when they sent the money, they talked about this was discussed in the minutes of various board meetings. I did not see any of that stuff. Apparently they said they had talked to Kevin in recent months and Kevin and he indicated that he was going to recommend that the money be given back. I am not sure what the status of that is, I discussed that with the Mayor today

as well. **Mayor Vincenzo:** First of all that money did not come out of the School. It did not come from the volleyball association. It was donated by Victoria Hays \$3,000 for that project. The School held the money. **Cindi Henry:** It was in their activity fund so most likely a booster group created that money. **Mayor Vincenzo:** She donated that in honor of her family, it did not come from school funding. **David Trouten:** Somewhere somebody must have some documentation of what this is. **Cindi Henry:** I would hope. **Mayor Vincenzo:** I talked with Kevin today and with that whole thing at that time the money was given with no stipulations but now there are all kinds of stipulations given to that project. Kevin told me on the phone today that the volleyball association would run that program for the summer. That would leave the city nothing to do. Kevin told me today that volleyball gets very little funding so they are looking for a way to raise revenue. They reason for the sand volleyball court was so he could start his own summer league. **David Trouten:** We probably need to look into that more and find out exactly what it was. **Cindi Henry:** I will research and see if I can find out who the check was actually written from if the bank can go back and find me an image of the check. That will give us a starting point of where to go to.

- **Terry Pugh:** When will you be having a meeting on new Recreation Director? **David Trouten:** The first week in March. **Jake Olsavsky:** The 6<sup>th</sup>. **David Trouten:** That is the day we will review the applications after the deadline. Then we will set up interviews and try to move as fast as we can. **Terry Pugh:** Who is taking over leadership of the Rec. Board? **David Trouten:** I don't know it all happened five hours ago. He resigned at the end of the meeting. **Terry Pugh:** He was one of your members on the search committee.

**Park District, Perry Jones** - Not Present

## **ORDINANCES & RESOLUTIONS**

### **Law Director, Al Davies**

I passed out Resolution No. 2015-05 you had first reading of that at our last Council Meeting. It was initially drafted without Emergency Language but it appeared on further review that Council wanted to go ahead and pass this resolution as an emergency. That is the only change that has been made to the resolution.

Also at our last meeting the Mayor reviewed with Council the Solid Waste Management Plan and the request of the Regional Solid Waste Management Authority for Council to consider passing a resolution and if that resolution is going to be addressed we need to move quickly on that because it is supposed to be submitted by the deadline of March 23, 2015. I know that the Mayor passed out the letter and some material on that new plan and I am just wondering where Council is on this. If we do not pass the resolution then that is the equivalent of a no vote. Again I don't know if everyone has had an adequate opportunity to review the issue and if so I need some direction if Council wants to have a resolution on this, if so we will have it for the next meeting. **Mayor Vincenzo:** I am not sure if there has been an addition to that. I didn't get anything myself but I just happen to meet John Callarik and he asked me about it. He said there was a new revision. **Cindi Henry:** I think the first one came out way back in October so this is the latest one. **Mayor Vincenzo:** The way I understand it the State will come in if Belmont County rejects this plan, the State will come in and establish a formula for the County. I know the Commissioners have had a lot of questions on this plan in protest. **Terry Pugh:** I mentioned

to the Mayor on the back under financial planning what got me was that for disposal fees we paid \$1 a ton , however if you were in the State of Ohio outside this Authority it was \$2 per ton but for out of state it was \$1. I agree with the Mayor we are bringing out of state trash in here to fill up our land fill and they are getting the same deal we are. **Mayor:** Now we don't have a trash collector in the city of our own. They can only get so many deliveries and they don't have another trailer. Complaints that have been going to the Commissioners say that when that one trailer is full then maybe you won't get to dump today. It is not owned by the same person who instituted it there. I know Bridgeport had a problem and that is when he told me that their drivers go up and they are two or three hours to get the load to dump it. Comments are being made. **Terry Pugh:** But we don't know what the State Plan is. **David Trouten:** Or how quick it would happen. **Mayor Vincenzo:** Only what they indicated in this report. **Al Davies:** What you can do is review it and tell me at the next Council Meeting if we want to go with this. If you want to pass a resolution in favor of it, we can do it at the following Council Meeting that will still be under the March 23<sup>rd</sup>.

I do need to have an Executive Session under two sections of the statue. Ohio Revised Code Section 121.22 (G) (3) litigation and 121.22 (G) (4) negotiations with our FOP & AFSCME Unions.

There was presented and read to Council on its second reading by title only, RESOLUTION NO. 2015-05; A RESOLUTION TO ESTABLISH A CAPITAL PROJECTS FUND AND ASSOCIATED REVENUE AND EXPENDITURE CODES FOR THE CITY OF ST. CLAIRSVILLE AND DECLARING AN EMERGENCY. Libby Heintzelman moved that the rules requiring ordinances and resolutions to be read on three separate readings be suspended and declaring an emergency; Jim Weisgerber seconded the motion.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Abstain	Sabatino	Yes
Olsavsky	Yes	Weisgerber	Yes
Roll Call Vote:	Six (6) Yes	Zero (0) No	Motion Approved

There was presented and read to Council on its third and final reading by title only, RESOLUTION NO. 2015-05. A motion was made by Jim Weisgerber and seconded by John Bukmir that Resolution No. 2015-05 be passed by Council.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Abstain	Sabatino	Yes
Olsavsky	Yes	Weisgerber	Yes
Roll Call Vote:	Six (6) Yes	Zero (0) No	Motion Approved

Resolution No. 2015-05 was declared adopted.

**CORRESPONDENCE:**

The Clerk read a letter from the National Day of Prayer and Bible Reading Marathon Task Force requesting the use of the big tent on the Belmont County Courthouse Plaza. The Bible reading will state Friday, May 1<sup>st</sup>. and the 64<sup>th</sup> annual Nation Day of Prayer Observance will be held

Thursday, May 7<sup>th</sup> at 11:30 a.m. A motion was made by John Bukmir and seconded by Jim Weisgerber to allow the tent to be used for the Bible Reading and National Day of Prayer.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Abstain	Sabatino	Yes
Olsavsky	Yes	Weisgerber	Yes
Roll Call Vote:	Six (6) Yes	Zero (0) No	Motion Approved

**EXECUTIVE SESSION:**

A motion was made by Jim Weisgerber and seconded by David Trouten to go into Executive Session per Ohio Revised Code Section 121.22 (G) (3) litigation and 121.22 (G) (4) negotiations with our FOP & AFSCME Unions.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Abstain	Sabatino	Yes
Olsavsky	Yes	Weisgerber	Yes
Roll Call Vote:	Six (6) Yes	Zero (0) No	Motion Approved

A motion was made by Jim Weisgerber and seconded by David Trouten to return to Regular Session.

**NEXT MEETING; The next regular scheduled meeting of the City Council will be Monday, March 2, 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 Libby Heintzelman.

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Kathleen M. Kaluger, Clerk

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D. Terry Pugh, Council President

