

**COUNCIL MINUTES**  
**January 20, 2015**

St. Clairsville City Council met at the Recreation Center on Monday, January 20, 2015 with the following present

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

The meeting was called to order by Council President Terry Pugh

**Minutes:** Minutes of the January 5, 2015 Council Meeting will be presented at a later date.

**PRESENTATION: Colin Peck, Josh O’Ferrell**

**Mayor Vincenzo:** We have a good thing that is going to happen here this evening. The fact that Rice Energy is presenting the City with a check for \$1,474,251 for the leasing rights to 170 acres of city property. We are glad to be a partner of Rice Energy and are wishing the company well in its ventures in the City. **Al Davies:** Council will notice that the check is a little bit less than was anticipated. There had been a total of 193 acres but 23 were deemed not appropriate for leasing by Rice. **Josh O’Farrell:** First and foremost let me say it was an honor representing the City in these negotiations. We have been able to negotiate a lease that both protected the city from an environmental standpoint and enhanced the city’s economic well- being in the short and long term. We will look over the Rice Energy report explaining why they deemed 23 acres to be defective. Thank you for letting me represent you in this matter. **Mayor Vincenzo:** The funds will prove very useful to the City. Council will pass a resolution during its next meeting to pay off the debt for the fairgrounds. We have two other debt accounts that total about \$350,000 that are inside debts that we are paying off. This will free up money that would have been paid for interest.

**Bill Jeffers:**

**Terry Pugh:** You have five minutes. I hope you are going to discuss a topic other than the fence. **Bill Jeffers:** I hope that you are going to discuss things that are misleading. You sent me a letter. You addressed the time thing. You seized my land. You said it was encroachment. You took my personal property. **Al Davies:** It is not personal property it is real property. We are not going any further with this. That question has already been answered. I asked to see the permits for all the lines in my property. You said that they were not your lines but you would have issued permits for them to be put in there. That is as far as Council is going in response to your questions. You come here month after month it has already been answered. If you want to discuss it further file a law suit and we will deal with it in Court. **Bill Jeffers:** You didn’t answer. **Al Davies:** We did, if we didn’t answer it the way you wanted that is too bad. **Bill Jeffers:** I asked for addresses and I did not get them. **Al Davies:** Anything you have to send can be sent to the Municipal Building. That is a matter for Northern County Court. We are not

dealing with that. I will take that matter up with Judge Berhalter. I will have him squash the summons. Next issue. **Terry Pugh:** You have one more minute. **Al Davies:** You take up this council's valuable time. **Bill Jeffers:** You won't answer my questions. **Al Davies:** It is the same issue with the right of way and he has been her for 16 or 17 months. We have told this gentleman if he has something new ok. I am begging him to initiate litigation so we can settle a civil issue. Is his five minutes up? **Terry Pugh:** Yes. **Bill Jeffers:** Who is in charge of this meeting? **Terry Pugh:** I am in charge and your five minutes are up. **Bill Jeffers:** The last time Mr. Davies took over. I asked for a full police report. **Terry Pugh:** Jeff will you escort Mr. Jeffers out of the meeting. He has had his five minutes. We will go on to the next report. **Chief Henry:** You need to shut up or leave. I am not going to tell you again, you are going to be leaving. You can read the laws, you are disrupting a public meeting. I am not telling you again, you will be leaving if you keep running your mouth. It is being recorded with the Clerk. **Bill Jeffers:** You need to give me all of the tapes and police reports that I have requested.

## **REPORTS:**

**Service Director, Dennis Bigler** - Not Present

**Mayor, Robert Vincenzo:**

- The post audit conference was held on Thursday, January 15<sup>th</sup>. Several Council people were present.
- Since we have received the check for our gas leasing we will be preparing a resolution for the next meeting to amortize the loan for the Fair Grounds and other debts. Receiving the check is great news and we hope to make great use of it.

**Police Chief, Jeff Henry:**

- I need to meet in Executive Session per Ohio Revised Code Section 121.22 (G)(1) to discuss personnel

**Finance Director, Cindi Henry:**

- I was not able to attend the post audit conference but I have read it and if there are any questions please stop by my office.

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

- I have one item for Council. I am presenting Resolution No. 2015-04 that references the Route 40 & Route 9 job. You might notice that our share is now estimated to be \$310,442.00 that is an increase of about \$50,000. I talked to Cindi about that and she said we would have the funds available for that increase. The estimate from the central ODOT office in Columbus was higher than that of the local District 11 Office. However, the true amount will be determined when the project goes out for bid. Bids should be opened by February 26<sup>th</sup>, with the contract awarded within two weeks after that.

## **COUNCIL COMMITTEES:**

**Finance, Libby Heintzelman** - Not Present

**Utilities, Frank Sabatino:**

- Terry Pugh thanked Mr. Sabatino for filling in as President Pro-Tem last meeting
- Thanked Mr. Pugh for attending the last meeting when his mother-in-law had just passed away
- No other report

**Police, Perry Jones**

- Ordered the prison bench it will be here in a couple of weeks.
- Signs for the parking lots have also been ordered
- Parking permits have been ordered. Reserved parking should begin around March 1<sup>st</sup>.

**Street North Side, David Trouten - No Report****Street South Side, Jim Weisgerber - No Report**

**Frank Sabatino:** Tom Murphy and I have been in discussion for months concerning a house begin built on Orchard Drive. Read a letter to Council.

On behalf of all the concerned citizens on Orchard Drive, I as councilman and resident of Orchard Drive plan to present to this council the following points and facts. As you know I strongly oppose splitting any lot or building within this city. To me a forbidding and dangerous precedent with major implications is set forth. The situation on Orchard Drive involves a proposal by Mike Sulek and WTFWWT LLC to construct a house between 98 and 100 Orchard Drive and bordered on the lower west side of 270 E. Main Street belonging to Richard Cunningham.

1. Our subdivision only states Lot #1 – My understanding is that years ago the then owners of Lot #1 approached the city to divide the lot to build a structure – they were denied. There is a sewer sanitary line and electrical right of way that goes through the yard closest to 98 Orchard.
2. The new address will be 98 ½ Orchard Drive – highly unusual a subdivision was laid out with this particular address in mind. It's clearly obvious then and now that this "lot #1 was never laid out to accommodate any type of house!" In addition unlike ALL OTHER houses on Orchard there is NO Cut Curb for the single garage 10 foot wide driveway. In my many discussions with Tom I've told him we set the precedent with the Wellington Woods folks about not allowing asphalt ramps and neither will it be the city's responsibility to replace and lower the concrete curb.
3. Of most importance is the issue of water runoff and diversion. The city needs to have definitive plans as to water run-off. 98 is higher and presently as is there are no water issues that I am aware of. The Schambach residence at 100 will receive runoff water due to sloping since there is only 15 feet from the back of the house to 270 E. Main St. Mr. Cunningham will bear the onslaught of much runoff. The city needs to have this addressed I don't want another Brad and Sandy Young in Aneda Woods as we recently watched the stream of water causing much damage and costly erosion to their landscaping. In essence Lot #1 is the narrowest lot, it is part of the subdivision but laid out like an East Main Lot. – I am truly convinced to accommodate and absorb the water so it doesn't cause any damage to any neighbor. As previously stated there are no

rainwater runoff issues that I am aware of but if this is allowed I'm positive there will be many such issues and legal liabilities.

4. Residents are upset that the city provided the owner a temporary electrical hookup weeks before any plan was presented to Mr. Murphy.
5. Another area of concern is where 98 ½ will have sewage hook-up. There is a main line on the Schambach side, surely the city won't permit a sewage line hook-up to a main line??
6. The proposed house will have a 10' wide driveway and single car garage, almost unheard of in this era of wide driveways and 3 car garages. This small driveway will in all likelihood lead to street side parking near a very busy and one of, if not the most dangerous intersection in St. C. Any street parking is very disruptive to the flow of the endless traffic that navigates Orchard Drive. Trust me as a resident of this busy, dangerous street an issue will arise which the city will have no answer for!!
7. In looking at the proposed house I and a couple other professional builders are in total agreement that the structure especially the back side in no way, shape or form fits the integrity of any house on Orchard Drive. 100% of all residents are strongly against this structure.
8. Wise decisions now will save many unsolvable and liability issues in the future!!

At 2:00 today Tom called me and he had approved the Building Permit. In one of my discussions with Tom I asked that the builders and the owner provide to the city where the water is going to go .When I asked Tom today, he passed along my concerns that I have read to you and I don't think that he got an answer. I am just saying we need to have a definite plan. You all know sitting on City Council we always pay for the sins of the past and let's not commit this one. With that in mind, Tom said the permit was approved today I would like to entertain a motion that Tom put the brakes on the permit and have the owner and the builder submit a definitive plan where this water will go. If anyone would like to call me I could give you a tour of that log show you everything. **Tom Murphy:** I talked to the property owner and the home builder about the water runoff. Our ordinance does not address water run off for a single family home. They said that they understand the problem and will not put the water on any other property. **Perry Jones:** Can that be part of the contract or at least something in writing? **Tom Murphy:** It definitely be put in writing. **Perry Jones:** If a neighbor doesn't have water runoff and they build a new house and he has run off it is pretty clear. **Tom Murphy:** My understanding is if there was water run off that would be a civil matter. **David Trouten:** If you build a new house and throw the water onto your neighbor that becomes a civil matter. **Frank Sabatino:** With all due respect what I am saying is eventually Mr. Sulek will build the house and what I see all too often, he will sell the house and once you have the water problems then it is neighbor pointing the finger at neighbor and there will be unneeded lawsuits. Why can't we get a plan in the beginning and solve this. I am trying to avoid that, give us a definite plan. Where is this water going to go, it has to go somewhere. **Al Davies:** Then it becomes a civil matter. If the code doesn't require it we can't request it. We would have to make a change to the code. **David Trouten:** If the code doesn't require it would have to be changed for every house. However that will not affect this house. **Frank Sabatino:** I am just saying down the line the neighbors are saying they will name the City in a lawsuit. **Al Davies:** The City would not be liable for the water runoff the builder and the homeowner would be liable. If there is an issue with parking, no problem. We could pass an ordinance saying no parking for 500 feet or whatever. **Terry Pugh:**

Is the lot undersize? **Frank Sabatino:** It is basically undersized, he put a one car garage and a 10 foot driveway. **Terry Pugh:** But I mean the actual lot? **Frank Sabatino:** In my subdivision regulations it just says Lot #1, it has been split. Like Tom and I were talking today to go back and try to find records from 25 or 30 years ago I don't know where they would be and to try to find out why. I understand from some of the neighbors on the street he had it sub-divided because he was going to build another structure and the City back then denied it. I don't know why but someone said to go back in the City Council minutes but we would have to go back almost 50 years. **Tom Murphy:** I did some research at the Engineers office. They break it out into different parcels. I went back to 1968 and it showed that there were two lots. I tried to research city records and did not find anything. **Frank Sabatino:** I told Tom in my research all the lots on my side of the street were about 180 feet. This lot in question is set up like an East Main Street lot. It is not east and west it is North and South. There is only going to be 15 feet between the back of this house and the other yard. The water has to go somewhere. I always said whoever laid out Orchard Drive they did a good job. They made our lots deep so any water going down would never reach the house behind. It was absorbed by the ground. This lot is laid out to go with Main Street and everything is channeled. I talked to Rich Cunningham and he said I don't have any water problems now but I can see where I am going to have it. My yard is going to be very wet at times. I am just asking Council to pass a motion to ask Tom to ask Wayne Homes what is your definite plan don't say you are going to do it then pass the buck and then it will be neighbor against neighbor. **David Trouten:** They have already gone through the process how can we stop it now. **Al Davies:** Tom has done his due diligence to see that all of the plans meet our current ordinances. If you want to amend the ordinance for the future you can but you cannot ask them for a plan now. **Frank Sabatino:** Even asking them for a plan, that is all I am asking for. Tell us what you are going to do with the water. When Tom brought it up they just kind of blew him off, there was no response. **Tom Murphy:** If Council wants I can talk to them again. I can ask. **David Trouten:** Truthfully they would have to sue. **Al Davies:** I don't think we can pull the permit now. If it gets back that it is not a requirement under our current code. They would have to sue, it is not a City issue. **David Trouten:** We have to act within the law. **Tom Murphy:** The builder will not want to ruin his reputation. **Al Davies:** There is no guarantee there is going to be a problem.

**Safety, Libby Heintzelman** - Not present

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

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

**Fire District, Frank Sabatino**

- The Fire Board will meet on January 21<sup>st</sup> at 3:30 for its regular meeting and January 23<sup>rd</sup> for a special meeting.

**Recreation, David Trouten:**

- Held two meetings today. At our regular meeting we discussed with Eric Gay some new programs such as Volleyball and Soccer for Adults, revamping the Web Page, etc.

- Perry Jones, Ben Frye, Tom Zuzak, Jake Olsavsky & I to formulate an ad for a Full Time Recreation Director. We hope to have all the applications back by March 1<sup>st</sup>. Hoping to have someone in place by April 1<sup>st</sup>.
- **Mayor Vincenzo:** June 1<sup>st</sup> is the deadline for an extended grant for the volleyball program. Former Director Kevin Barr has offered to continue assistance with two grants during the interim period
- The St. Clairsville Rotary Club has committed to \$5,000 yearly for five years for the basketball court. Construction must begin sooner so Barr had applied for a grant.

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

**ORDINANCES & RESOLUTIONS**

**Law Director, Al Davies**

- Presenting Resolution No. 2015-04 to proceed with the U.S. 40 and SR 9 resurfacing project.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2015-04: A RESOLUTION REQUESTING THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION TO PROCEED WITH THE U.S. 40 AND SR 9 RESURFACING PROJECT AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CONTRACT REGARDING SAID PROJECT AND DECLARING AN EMERGENCY. Jim Weisgerber moved that the rules requiring ordinances and resolutions to be read on three separate readings be suspended and declaring an emergency: Perry Jones seconded the motion.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Jones	Yes	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. 2015-04. A motion was made by Jim Weisgerber and seconded by Perry Jones that Resolution No. 2015-04 be passed by Council.

Roll Call Vote:

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

Resolution No. 2015-04 was declared adopted

**EXECUTIVE SESSION:**

A motion was made by Jim Weisgerber and seconded by Perry Jones to meet in Executive Session per Ohio Revised Code Section 121.22 (G)(4) to discuss Collective Bargaining with the

FOP, Section 121.22 (G)(3) Pending Litigation and Section 121.22 (G)(1) Pertaining to a Public Official.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Jones	Yes	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 Perry Jones to return to Regular Session.

Roll Call Vote:

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

**NEXT MEETING; The next regular scheduled meeting of the City Council will be Monday, February 2, 2015 at 7:30 at the Municipal Building.**

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