

COUNCIL MINUTES
July 25, 2016

St. Clairsville City Council met in Council Chambers on Monday, July 25, 2016 with the following present

Jim Weisgerber, Council President	Terry Pugh, Mayor
Mark Bukmir, Council 3 rd Ward	Jim Zucal, Service Director
Linda Jordan, Council-At-Large	Jeff Henry, Police Chief
Beth Oprisch, Council-At-Large	Cindi Henry, Finance Director
Jake Olsavsky, Council, 1 st Ward	Richard Myser, Law Director
Frank Sabatino, Council 2 nd Ward	Tom Murphy, Planning & Zoning Administrator
Mike Smith, Council-At-Large	
David Trouten, Council, 4 th Ward	

The meeting was called to order by Council President Jim Weisgerber

MINUTES

Minutes of the June 30, 2016 special meeting and July 5, 2016 regular meeting were distributed to Council. A motion to accept the minutes was made by Linda Jordan and seconded by Beth Oprisch.

Roll Call Vote

Bukmir	Yes		
Jordan	Yes	Sabatino	Yes
Oprisch	Yes	Smith	Yes
Olsavsky	Yes	Trouten	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

Mayor, Terry Pugh

It is my pleasure to present this Certificate of Appreciation to Ryan Denham for receiving a perfect score in the water supply I Operator Certification Examinations. We appreciate all the hard work taking the test. You have a couple more to do and we wish you well with that. Thank you very much for coming to the meeting. **Ryan Denham:** Thank you very much.

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

REPORTS:

Service Director: Jim Zucal

- Thank you Mr. President and members of the Administration and guests this is my first report. I want to tell everyone thanks for this wonderful opportunity. I feel privileged and it has been a wonderful two weeks already. I am working on my third week and it has been very exciting. I am doing a lot of listening and learning, attending meetings and having conferences with Cindi and the Mayor. All the Department Heads have been very gracious and I spent some time with them. I am just doing a lot of learning and a lot of observing. I want to assure Council that I will work with them diligently. I am confident that I can save the City money, I think I have some good ideas and I shared those with the Mayor. St. Clairsville is a wonderful City. A lot of what you are embarking on we had already started the process in New Philadelphia years ago and I think I can bring a lot of that here. It is an exciting thing and I can assure you I know one of Council's requests no

matter where you go is to be informed and have plenty of time to see things and meet on things and discuss things and follow procedure like government should. I will give you advance notice as much as I can with everything and work with you very closely. I thank everyone very much and I also want to take just one minute to introduce my lovely wife Jody who made the trip down here tonight to be part of this meeting. **Jim Weisgerber:** Thanks very much Jim and we look forward to working with you through the years.

Mayor, Terry Pugh

- I just want to say that the transition between Jim Zucal and Dennis Bigler has gone smoothly. I am sure that Jim has a lot of good ideas for the City in the future and I know he is anxious to get started. He has been a true pleasure to work with and I know he is going to be a team player for all of us to move St. Clairsville forward.
- I would like to go into executive session tonight.

Police Chief, Jeff Henry

- We are getting close to the end of the year and the golf cart law is going to be passed. If we want to permit golf carts on the roadways, the State of Ohio is going to permit them but it is going to be licensed drivers with insurance. The cart is going to have to be inspected. The State of Ohio has already passed it and it will come into effect in January 2017. If we don't want to permit golf carts on certain roadways like Rt. 40 or Rt. 9 or in the entire town we have to do something at this time. Either way it really doesn't matter to me. Most of the towns that have them there is not a big problem. It is mainly a lot of old people putting around the neighborhoods. That is what I found out but Council is going to have to decide what you are going to do. We have to pass an ordinance before the State law comes into effect. After that we can't supersede the State law. That is what I was told at the Chief's meeting. **Beth Oprisch:** So it comes into effect in January and this law would allow golf carts anywhere? **Jeff Henry:** Anywhere on roadways 35 miles per hour and under. Everything in our town is 35 and under. **David Trouten:** Do they have to meet all the requirements of regular cars? **Jeff Henry:** Yes turn signals, seatbelt, windshield and headlights. They have to be inspected, they will issue a license plate and show proof of insurance. You can't drive intoxicated and you can't drive recklessly. **Beth Oprisch:** How fast do golf carts go? **Jeff Henry:** You can get the sopped up ones and they could go 40 to 45. **Mayor Pugh:** Whatever we do, it is up to you but I think we certainly should consider no carts on Rt. 40 or Rt. 9 especially with the amount of truck traffic that we have any more. That is my own personal thought. **Jeff Henry:** They will be able to cross Rt. 40 & Rt. 9 but not travel on them. **Beth Oprisch:** ATV's? **Jeff Henry:** No ATV's they are not allowed on any roads.
- **Jeff Henry:** One other thing we discussed was chicken coops in the City. The Mayor went to a conference and they had a big discussion about chicken coops. The ones that I looked at were Akron and Beachwood. **Mayor Pugh:** The one I heard a presentation on was Bexley and Athens. Bexley permits chicken coops as long as they are inspected by the code enforcer. They are not charged for a building permit but they must be approved. Bexley has a five pet rule. You can have a dog a cat, three chickens, you can have five chickens but no more than five. You cannot have roosters. In Athens you can have no roosters the coops have to be portable and you have to move them within your yard every month. Who inspects that I don't know. **David Trouten:** Is this a growing thing, people raising chickens? **Mayor Pugh:** It seems to be. **Jeff Henry:** We are getting a lot of calls wanting to know if we allow them and we can only say we don't allow chickens running at large or noxious odor. **Mayor Pugh:** The biggest thing is no roosters. **Tom**

Murphy: I would recommend not having them at all. We are too small of a community, lots are too small. Do we want to start dealing with an issue of chickens in many backyards? If we had yards that were four or five acres and agriculture in the community that would be one thing but within the city limits there is no agriculture at all now. **Jeff Henry:** I do like the five pet rule. We have had nothing but problems with people with fifteen dogs at their house. The only thing that we can do is answer the call listen to the dog barking and sign charges against the owner. That is \$100 each time they come to see the Mayor after it is three or four time and they have \$400 in Mayor's Court they finally get the message. That just happened up on Harbel. **Beth Oprisch:** If we go back to chickens, we get a lot of calls but are there a lot of chicken coops in town right now? **Jeff Henry:** No. **Beth Oprisch:** I would say the plus side is you get to have your own eggs. That is why you want to have chickens. I would guess the down side would be the noise, the smell and disease? **Jeff Henry:** I don't know of any disease but if you don't take care of your chicken coop. When I was a kid I had to take care of my grandmother's chicken coop it stunk. You had to rake it out, sweep it out and wash it down. **Beth Oprisch:** If we did do something about saying no chicken coops but there aren't any yet. **Jeff Henry:** Not that we know of, we have had chickens in back yards in a pen but no coops. **Beth Oprisch:** So if we do the five pet thing would you be grandfathered in if you already had five pets? **Jeff Henry:** Yes, It is like the golf cart ordinance if we don't pass something they are going to be allowed to ride on the road. Like I said Rt. 40 & Rt. 9, I really hate to see 40 & 9 but the rest of the town I really don't have an opinion one way or the other. **Beth Oprisch:** Those are the only streets you would not allow them on? **Jeff Henry:** Well Sugar Street is a high volume street and people are going to go around a slow moving golf cart. I am just bringing this up so Council can think about it.

- **Jeff Henry:** The last thing that Richard has, we are going to follow the Ordinance that is already in effect but we haven't followed on soliciting permit. This might curb solicitors going door to door bothering people. We are going to change it so that people will pay for the background check. **Richard Myser:** We already have an ordinance in place that if anybody wants to come into the city and sell things or advertise door to door they have to fill out an application. Apparently that may not have been followed. Three things that it does require in addition to basic information is that the person must give a recent photograph of themselves and they must provide fingerprints and the third thing that the Chief wanted to put into the ordinance that we don't have now is they provide some type of criminal background check and they pay for the background check. **Jeff Henry:** That is \$60.00 for BCI and FBI. If this outfit is from Florida we would ask them for both because the BCI which is an Ohio background check would not cover Florida. **David Trouten:** Would this just cover commercial enterprises, it would not include Church groups? **Jeff Henry:** Kirby Sweepers or anything on that order. It would not include educational, religious or charitable organizations. We have not followed this application. They would come in and pay their \$1 and we would run their license through the computer which we are no longer allowed to do. **Richard Myser:** There are two changes, number one is require the applicant to provide a criminal background check at their own expense and number two is that the application fee be increased from \$1 to \$5 per day.

Finance Director, Cindi Henry

- I put your Council pays in your boxes today. If you notice they are dated for the end of the month. This was the first month that they got paid on the second payroll and are

dated for the actual month end and not the month beginning. From now on the will go in your account on the last day of the month.

- We received our preliminary Health Care quotes for renewal and we will be meeting the first week of August with the Broker. We will discuss our options on Health Care for the upcoming year. **Jeff Henry:** Did everybody fill the questionnaires out? **Cindi Henry:** No we had 14 Staff members that refused to fill out the questionnaires that made it to where the broker could shop for other insurance. **Beth Oprisch:** Their reason for refusing? **Cindi Henry:** I was given none. **David Trouten:** We should point out that our Broker was trying to give us more options when shopping for insurance which they cannot do because they were not given all the information. They are really tying our hands. This is probably going to cost our employees money.

Planning & Zoning, Tom Murphy

Starting August 1st Theaker Excavating will be starting a storm water project for the County. That job will take place on Newell Avenue in the vicinity of Whiteside's body shop. The whole goal is removing water from Newell Avenue that was created by the parking lot up above. There will be a new catch basin put in and new culvert will tie in to the catch basin at the bottom of the hill that is across from Ferren Studio. Just to make Council aware in regard to the project the plan is to leave at least one of the lanes open. There will be flaggers there to direct traffic. Depending on what they are doing they may have to shut the traffic down for a little while. The goal is to avoid that, Newell Avenue is too busy of a street and we ask that they keep that open. Ideally it will take about two weeks.

COUNCIL COMMITTEES

Finance, David Trouten

- We met tonight we basically discussed the issues that Cindi has already mentioned.

Utilities, Frank Sabatino

- I would just like to reinforce what the Mayor said to Ryan. Congratulations Ryan that is quite an achievement we are very proud of you and glad to have you. Keep up the good work.
- I saw the guys working yesterday on a water break in all that heat. They are out there in those elements and it is not easy. We appreciate all of our workers being out there. We want them to take care of themselves.

Police, Mark Bukmir - No Report

Street North Side, Jake Olsavsky – No Report

Street South Side, Linda Jordan - No Report

Safety, Beth Oprisch - No Report

Building & Grounds, Mark Bukmir -- No Report

Planning Commission, Mike Smith – No Report

Fire District, Frank Sabatino

- Our regular meeting will be this Wednesday at 3:00 at the Main Station

Recreation, David Trouten

- I have a couple of things that Lindsay asked me to pass along. They all have to do with building and grounds. The fire system needs completely redone, sidewalk, drainage, water heater, water fountain. These are all really building & grounds issues. I was thinking that maybe Mark could go back to Lindsay and find out what she thinks they would cost and address them as building & ground

Park District, Linda Jordan

- The retaining wall has been temporarily repaired. They plan to do the permanent repair when the pool closes after Labor Day. The approximate cost is \$85,000 which will actually take away from the paving. They are going to try to go ahead with the paving if they can find the money. Right now the wall is priority.
- The free Community Day is August 7th this year. It is free admission to the pool, free hot dogs, and free Kirke’s Ice Cream.
- There will be a new scoreboard installed. Walt Skaggs came to the Board and got permission to install a modernized scoreboard in left field as opposed to right because it is hard to see with the sun.

ORDINANCES & RESOLUTIONS

Law Director, Richard Myser

- You will see on the agenda that we will be reading for the third time Ordinance No. 2016-27 that will be passed tonight. Another Ordinance that Kathy brought to light today and I think she passed it out to everybody is an Ordinance No. 2016-32 it says in there that it is an ordinance to approve the 2016 reprinting of the St. Clairsville Codified Ordinances. Ordinance No. 2016-27 is for the 2015 Codified Ordinances, They are for the reprinting and codification of our ordinances. That is all the legislation I have for tonight.
- I am going to do some more research myself on the golf carts and at our next meeting I will bring back a little more detailed report back to Council and also on the chicken-coops.
- Next meeting I will bring back legislation to amend our ordinance that we have for solicitation.
- We will need to go into Executive Session tonight for two reasons the first one is section 121.22 (g) (1) which is consideration of employment of Public Officials and (G) (3) to consider pending action with Legal Counsel.

EXECUTIVE SESSION: A motion was made by Beth Oprisch and seconded by Linda Jordan to go into Executive Session per Ohio Revised Code Section 121.22 (G) (1) to consider the employment of public employees.

Roll Call Vote

Bukmir	Yes		
Jordan	Yes	Sabatino	Yes
Oprisch	Yes	Smith	Yes
Olsavsky	Yes	Trouten	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

RETURN TO REGULAR SESSION:

A motion was made by Jake Olsavsky and seconded by Linda Jordan to return to regular session.

Roll Call Vote

Bukmir	Yes		
Jordan	Yes	Sabatino	Yes
Oprisch	Yes	Smith	Yes
Olsavsky	Yes	Trouten	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

Mayor Pugh: I would like to inform you that Chief Henry will be retiring on August 26th and I would like to make the recommendation that he is rehired as Chief on August 27th and I would like your motion to back me up on that recommendation.

There was presented and read to Council on its first reading by Title only, RESOLUTION NO. 2016-31; A RESOLUTION CONFIRMING THE REHIRE OF JEFF HENRY AS THE CHIEF OF POLICE FROM AND AFTER AUGUST 27, 2016 AND DECLARING AN EMERGENCY. Linda Jordan moved that the rules requiring ordinances and resolutions to be read on three separate readings be suspended and declaring an emergency; Frank Sabatino seconded the motion.

Roll Call Vote

Bukmir	Yes		
Jordan	Yes	Sabatino	Yes
Oprisch	Yes	Smith	Yes
Olsavsky	Yes	Trouten	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

There was presented and read to Council on its third and final reading y title only, RESOLUTION NO. 2016-31. A motion was made by Frank Sabatino and seconded by Beth Oprisch that Resolution No. 2016-31 be passed by Council.

Roll Call Vote

Bukmir	Yes		
Jordan	Yes	Sabatino	Yes
Oprisch	Yes	Smith	Yes
Olsavsky	Yes	Trouten	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

Resolution No. 2016-31 was declared adopted.

Jeff Henry: I thank the Mayor and Council for their continued support that they have in me and my department. I assure you that we will strive to do the very best job that we have been doing and we are going to continue to do that. Thank You. **Beth Oprisch:** I want to recognize you for the work that you do in these tough police days. We are fortunate to have you at our help so our quick action recommended by the Mayor we want to be sure to be seen as 100 % behind our Chief. **Jeff Henry:** Thank You. I know I have 100% support from all of you folks and support of my department also. **Jim Weisgerber:** Thank you Jeff for all the work you have done for the City over the years we appreciate it. **Jim Zucal:** If I may I have only been here a couple of weeks but I want to tell you as an outsider coming in I really appreciate what you do, I think you do a great job. I appreciate your personality and you're doing things on a professional level. **Jeff Henry:** Thank You.

There was presented and read to Council on its third and final reading by title only, ORDINANCE NO. 2016-27; AN ORDINANCE TO APPROVE THE 2015 REPRINTING OF THE ST. CLAIRSVILLE CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY. A motion was made by Jake Olsavsky and seconded by David Trouten that Ordinance No. 2016-27 be passed by Council.

Roll Call Vote

Bukmir	Yes		
Jordan	Yes	Sabatino	Yes
Oprisch	Yes	Smith	Yes

Olsavsky Yes Trouten Yes
Roll Call Vote: Seven (7) Yes Zero (0) No Motion Approved
Ordinance No. 2016-27 was declared adopted.

There was presented and read to Council on it first reading by title only, ORDINANCE NO. 2016-32; AN ORDINANCE TO APPROVE THE 2016REPRINTING OF THE ST. CLAIRSVILLE CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY.

Beth Oprisch: I would like to make a motion to adjust the vacation hours for Service Director Jim Zucal based on PERS hours that he has earned to make it equitable for Jim. Frank Sabatino seconded the motion.

Roll Call Vote

Bukmir Yes
Jordan Yes Sabatino Yes
Oprisch Yes Smith Yes
Olsavsky Yes Trouten Yes
Roll Call Vote: Seven (7) Yes Zero (0) No Motion Approved

NEW BUSINESS

Linda Jordan: Harbor of Hope Church is having a Rocking Back to School Bash where they give the kids school bags filled with school supplies. There will be a dunk tank, inflatables, carnival games, face painting and free haircuts. It is August 6th from 11 to 2.

NEXT MEETING:

The next meeting will be held on Monday, August 1, 2016 at 7:30 at the Municipal Building.

There being no other business to come before Council a motion to adjourn was made by Mark Bukmir and seconded by Beth Oprisch.

Kathleen M. Kaluger, Clerk

Jim Weisgerber, Council President