

**COUNCIL MINUTES**  
**November 2, 2015**

St. Clairsville City Council met in Council Chambers on Monday, November 2, 2015 with the following present

|   |   |
|---|---|
| Terry Pugh, Council President                 |   |
| Mark Bukmir, Council 3 <sup>rd</sup> Ward     | Tom Murphy, Planning & Zoning Administrator |
| Libby Heintzleman, Council-At-Large           | Dennis Bigler, Service Director             |
| Perry Jones, Council-At-Large                 | Richard Myser, Law Director                 |
| Jake Olsavsky, Council, 1 <sup>st</sup> Ward  | Cindi Henry, Finance Director               |
| 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

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

**MINUTES:** The minutes of the October 5, 2015 and the October 19, 2015 meetings were distributed to Council. A motion was made by Jake Olsavsky and seconded by David Trouten to approve the minutes of the October 5<sup>th</sup> & October 19<sup>th</sup> minutes as presented.

Roll Call Vote:

|                 |             |             |                 |
|-----------------|-------------|-------------|-----------------|
| Bukmir          | Yes         | Olsavsky    | Yes             |
| Heintzleman     | Yes         | Trouten     | Yes             |
| Jones           | Yes         | Weisgerber  | Yes             |
| Roll Call Vote; | Six (6) Yes | Zero (0) No | Motion Approved |

**REPORTS**

**Service Director, Dennis Bigler** – No Report

**Mayor, Robert Vincenzo** – Not Present

**Police Chief, Jeff Henry**

**Monthly Police Report – October 2015**

|                                |            |
|--------------------------------|------------|
| <b>Calls and Complaints</b>    | <b>162</b> |
| <b>Special Teams Call Outs</b> | <b>7</b>   |
| Drug Task Force                | 4          |
| Special Operations Branch      | 3          |
| <b>Assist Other Agency</b>     | <b>11</b>  |
| <b>Accidents</b>               | <b>21</b>  |
| On Roadway                     | 15         |
| Private Property               | 6          |
| <b>Arrests</b>                 | <b>41</b>  |
| <b>Traffic</b>                 | <b>20</b>  |
| Criminal                       | 11         |
| Domestic                       | 1          |
| Juvenile                       | 7          |

|                               |                     |
|-------------------------------|---------------------|
| Warrant                       | 2                   |
| <b>Parking Tickets Issued</b> | <b>53</b>           |
| Traffic Citations Issued      | 20                  |
| Warnings Given                | 18                  |
| Domestic Calls                | 1                   |
| Alarm Drops Answered          | 9                   |
| Breaking & Entering           | 0                   |
| Theft                         | 6                   |
| Burglary                      | 0                   |
| Miles Put on Cruisers         | 6,900               |
| Gasoline Used                 | 617.7 <b>gallon</b> |

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

**Planning & Zoning Administrator, Tom Murphy**

- Wednesday, November 18<sup>th</sup> at 5:30 there will be a Board of Zoning Appeals Hearing the establishment of an office for the Good to be Home Care Services LLC. Its and elderly services company. It is at the former St. Clair Lawn Care Office on South Marietta Street. That is where they would like to locate. That conditioning use hearing will be on that date if you would like to attend.
- The second item, I handed out the staff report on Kelly Cappelletti's zone change request. There was some additional attachments that weren't part of the first batch of information that I handed out to you two meeting ago. You may recall that the Planning Commission recommended in favor of that zone change with five conditions.  
That a final site development plan must be submitted as outlined by code. Addressing storm water runoff. The original structure cannot be demolished. That no deliveries can be made to the property except for UPS, Fed X and similar type of delivery services. Any façade changes proposed to the structure must be reviewed and approved by the Architectural Board of Review. The above conditions run with the land and must be adhered to by any future property owners of 235 W. Main Street. That hearing before City Council will be November 16<sup>th</sup> at our next Council meeting. At that hearing is where you review this information. I will give a brief report, the applicant will be here and ultimately you will make your decision on the Planning Commission's recommendations.

**COUNCIL COMMITTEES:**

**Finance, Libby Heintzelman** – No Report

**Utilities, Frank Sabatino** – Not Present

**Police, Perry Jones**

- **Jeff Henry:** The Christmas Parade is Thursday, November 19<sup>th</sup>. Main Street will be shut down at 5:00 between Sugar and S. Marietta. There will be no parking after 4:30 on

Main Street. We will go door to door to the businesses and the apartments along there and pass out flyers to remind them.

- Our Halloween came through without a hitch. We had all the cars out, all the guys were working and we didn't have any problems.

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

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

**Safety, Libby Heintzelman** – No Report

**Building and Grounds, Mark Bukmir** – No Report

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

**Fire District, Frank Sabatino** – Not Present

**Recreation, David Trouten** – No Report

**Park District, Perry Jones**

- The Park has been closed down, they have shut the water off and everything. They are not locking it up yet but the Park is shut down for the winter now.

**Law Director, Richard Myser**

- The first thing that we have for the second reading tonight we have the Resolution regarding the pipeline right of way that is going to be going under the biketrail.
- For the first reading tonight we will have Ordinance No. 2015-46. For the last couple of meetings we have been discussing utility lines, the number of them that have been attached to poles. Dennis Bigler and I got together last week and we put together some language for the proposal and last Friday I email all of you a copy. It actually is a prohibition. It prohibits any additional wire or fiber optic lines being attached to existing poles. It doesn't prevent or limit the lines that are up there right now. It is a prospective application no new lines. It only deals with above ground lines it doesn't deal with underground lines. We are not completely prohibiting utilities from going through the city, we are simply prohibiting additional lines on the U.S. 40 corridor that goes through our city limits. I contacted at Dennis's suggestion the American Municipal Power Company in Columbus and was referred to a Lisa McAlester. I explained to her what our situation was and she did some research on this for us. They came back and she said that we absolutely have the authority to restrict and limit the number of lines on the poles in our city as long as long as we base it on the health, safety and welfare of its residents and that is how I have this drafted. As long as we base it on our electrical engineering consultant which we have a recommendation. I think you all got a copy of that and as long as we do not discriminate in its application. I said to her what we originally planned to exclude this prohibition as it would apply to our utility lines. She came back to me then later and you will see that exclusion is not in there. So I took it out. She said that would probably be suspect if we allowed ourselves to do that. She said that may be discriminatory. So I said what do we do if we have to put another line in there and she came back to me and she said you just grant yourself a variance if and when that ever

comes up and we will address it at that time. So here is the legislation that I have drafted and we can take care of that situation that I know was going to be a burdensome problem for us in the Route 40 corridor. I have the emergency language put in it tonight. If you want to read it and suspend the rules you can or you can read it three times. I don't know how much of an emergency it is. **Dennis Bigler:** We are not pushing for it.

- The next ordinance that we have tonight you also have a copy of that one. That is Ordinance No. 2015-45 and this is an Ordinance that deals with our Municipal Income Tax. The Mayor reported to you probably a month ago and Cindi has reported to you a couple of times that the Ohio Legislature in their infinite wisdom amended the Income Tax law for municipalities throughout the State of Ohio and all the cities and municipalities in Ohio had to go back and amend their Income Tax Ordinances. RITA our consultant has given us a recommended ordinance. I went through and massaged this and applied it to our city as much as I could using the current ordinance that we have as a model. So tonight what I have is an Ordinance for us to at least make our first reading. This has to be in place by January 1 if we are going to amend this. We will have to have passed it by January 1, we have plenty of time. What I am proposing is that we read our ordinance for the first time tonight and if you want to do it for three different readings we have plenty of time and we have to have it posted for at least 30 day after we get it passed. Attached to the ordinance is Exhibit A which is the statute. Last Friday I emailed you the Ordinance and Exhibit A that is attached to it. We then sent the Exhibit A. on to RITA to review and they have not come back to us. I am going to propose that we have our first reading of our ordinance this evening.
- We will need to go into Executive Session later this evening for two different reasons per Ohio Revised Code 121.22 (G) (1) which is to discuss compensation for a public employee and 121.22 (G) (3) conference with Legal Counsel.

There was presented and read to Council on its second reading by title only, RESOLUTION NO. 2015-43; A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF ST. CLAIRSVILLE TO EXECUTE A PIPELINE RIGHT-OF-WAY AGREEMENT, AND ALL OTHER DOCUMENTATION ASSOCIATED WITH THE SAME AND DECLARING AN EMERGENCY.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2015-45; AN ORDINANCE TO AMEND CHAPTER 175 OF THE CODIFIED ORDINANCES OF THE CITY OF ST. CLAIRSVILLE REGARDING MUNICIPAL INCOME TAX.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2015-46; A RESOLUTION PROHIBITING THE INSTALLATION OF ANY

FURTHER UTILITY LINES OR FIBER OPTIC LINES BEING ATTACHED TO UTILITY POLES LOCATED ALONG THE U.S. ROUTE 40 CORRIDOR AND DECLARING AN EMERGENCY

**CORRESPONDENCE:**

**Walter Skaggs, Superintendent of Schools:** To: Police Department

Thank you for taking the time to participate in the St. Clairsville-Richland City School District's multi-agency drill on October 20<sup>th</sup>. We appreciate your dedication to keeping our District safe. With us working together on these drills, we are allowing our students and staff to become more confident in themselves regarding safety. It is our hope that these drills are as beneficial to your organization as they are to ours. We look forward to working with you again in the future.

**EXECUTIVE SESSION:**

A motion was made by Jim Weisgerber and seconded by Perry Jones to go into Executive Session 121.22 (G) (1) which is to discuss compensation for a public employee and 121.22 (G) (3) conference with Legal Counsel.

Roll Call Vote:

|                 |             |             |                 |
|-----------------|-------------|-------------|-----------------|
| Bukmir          | Yes         | Olsavsky    | Yes             |
| Heintzelman     | Yes         | Trouten     | Yes             |
| Jones           | 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         | Olsavsky    | Yes             |
| Heintzelman     | Yes         | Trouten     | Yes             |
| Jones           | Yes         | Weisgerber  | Yes             |
| Roll Call Vote; | Six (6) Yes | Zero (0) No | Motion Approved |

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

**NEXT MEETING: The next regular scheduled meeting will be Monday, November 16, 2015 at 7:30 in the Council Chambers.**

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Kathleen M. Kaluger, Clerk

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D. Terry Pugh, Council President

