

**COUNCIL MINUTES**  
**November 16, 2015**

St. Clairsville City Council met in Council Chambers on Monday, November 16, 2015 with the following present

Terry Pugh, Council President	Robert Vincenzo, Mayor
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

**The pledge of allegiance was led by Michael Carroll of Scout Troop 66**

**PRESENTATION: Mayor Vincenzo:** As all of you know Mr. James Kacsmar has been a businessman for over 30 years in the City of St. Clairsville and I felt with his exceptional business practices and dedication to the City I felt it was time that we gave him the honor of a proclamation. Mayor Vincenzo read the proclamation to Council. **James Kacsmar:** This is really an outstanding award but I must quickly add that without my lovely wife Caroline for 40 years of marriage this achievement would not have been possible. With her love and gentle guidance I was able to do what I did and enjoy it. Both of our Daughters are employed with Ernest & Young an international accounting firm. I must point out that having a business in this community and watching Mayor Vincenzo in his outstanding leadership, he has been a visionary. He and members of Council and his fine staff have made a lot of tough decisions that were all for the betterment of his community. This pro-business environment allowed me to do what I did.

**PUBLIC HEARING: Tom Murphy:** Council Members recall that this day is the official public hearing for City Council for Kelly Cappelletti on behalf of Kelly's Suite II. I have already talked to you a good bit about this so I will give a brief overview of what is being asked. If you have any questions of me you certainly can ask and Kelly will step forward after I have finished and add anything she would like to. Again she is asking for a zone change to a half acre parcel at e35 West Main Street. It is a single family rental currently. It is requested to be changed from CD Corridor District to DD Downtown District. Mrs. Cappelletti is proposing to renovate the existing structure at 235 W. Main Street and move her business Kelly's Suite II into that structure. It is currently located at 153 W. Main Street. Kelly's Suite II is described as a full service interior design business. Kelly has also mentioned that she wants to improve the existing parking at that location. Right now there is a small parking lot in the front that she will improve to provide about four off street spaces. She is also looking to have a drive along the west side of the structure that would access a small parking lot in the back for the employees. The Planning Commission already had their public hearing and voted 4 to 1 to recommend that City Council amend the Zoning for that half acre parcel from Corridor District to Downtown District. There were conditions attached. The conditions of approval were: That a final site development plan

must be submitted as outlined by code. Specific attention must be paid to the parking and storm water runoff. The final site development plan must be submitted prior to the opening of the business at the new location. The original structure must be renovated and 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 for the purpose of preserving the structure. This wasn't one of the conditions of approval but they did recommend that if City Council does approve the change that Mrs. Cappelletti should follow through with their advice and contact the State of Ohio regarding any building permit issues to make sure that she does follow their code. **Kelly Cappelletti:** It is Kelly's Suite II but it is my husband and these employees. We just want to move our business to that structure and have parking. We are not going to change the home besides making it beautiful and put our business in. We are out more than we are in. We just need a structure where we can show our clients what we can do. **David Trouten:** Exactly what kind of business is it? **Kelly Cappelletti:** Interior design. **David Trouten:** Is it an office or do you sell merchandise? **Kelly Cappelletti:** We do sell merchandise but things are delivered. We do have a warehouse so we would not be getting big deliveries. We do furniture, window treatments, flooring we do everything. **David Trouten:** Where is the warehouse? **Kelly Cappelletti:** It is Newell Avenue. It is Porterfield's old building. **David Trouten:** How many clients do you have come per day? **Kelly Cappelletti:** Two at the most. We are out, our service is going to the homes. **David Trouten:** Right now it is Corridor District and you could have a business there if you lived there, do you not plan to live there? **Kelly Cappelletti:** We do at some point but not right now. **David Trouten:** I guess my big question is why do we need to change the zoning besides just giving you a variance to let you put your business in there? **Tom Murphy:** You cannot give a variance for a use. In the Corridor District the owner does have to live in the structure. In my conversations with Kelly their plan at some point and time is to move into it but they are also going to move out of it. If they move out of it they can't meet code and therefore keep their business. In some time in the future they even thought they might sell the business to Derrick and they didn't want that condition tied to it. I think they want the freedom to sell the property as a business. **David Trouten:** Is that right Richard that you can't do a variance? **Richard Myser:** What he is doing tonight is in accordance with our zoning regulations. That is the way we are proceeding tonight. **David Trouten:** If we did not approve this would it be possible to later approve a variance in other words saying it could be used with that business but could not carry with any successor business unless they apply for a variance. If we approve this one how do we say no to the next one? I don't know if any traffic studies have been done but that is a very busy traffic area because of the school. **Tom Murphy:** You can't give a variance on a use if there is another district where that use is permitted. That is why you have different districts set up. Otherwise people would be living in a residential area and say I want a variance to have a commercial business in there. They are following it legally and appropriately as they should. As far as traffic wise, I was curious about that too. I don't know if I have it in my file but I looked at O.D.O.T's traffic count for that area. It was surprisingly high like 15,000. If they are proposing two or three customers per day I don't see how it will make a difference. **David Trouten:** I am not concerned about that, my concern is if we completely change the zoning of it and five years from now their business changes anything could go in there. **Kelly Cappelletti:** Wouldn't they have to go through this again? **David Trouten:** No they wouldn't. **Tom Murphy:** No if the

property is rezoned anything permitted in that Downtown Zone. **David Trouten:** They could put a cigarette shop in there. **Tom Murphy:** You can put a cigarette shop anywhere. It is something Council should be aware of. In each district various uses can move into that district if it is a permitted use a permitted business. **David Trouten:** When is the last time we did something like this? **Tom Murphy:** You haven't had a lot of them just because we are a smaller community. Jeff Woda requested a zone change when he developed the 54 residential units. **David Trouten:** I have not been on Council that long to where I have ever experienced this before. Is it not more typical to change an entire region rather than one spot at a time? **Tom Murphy:** It is not typical, you could have a situation where you have a large piece of property or requests when it is just one piece of property. David Diosi who is in the audience, he maybe 12 years ago requested a zone change for the property that his business is located in is maybe two structures away from a residential district. It was zoned at that time to CD. **David Trouten:** So is that when that whole area was zoned Corridor District? **Tom Murphy:** When the City updated its ordinances in 2002 most of those properties out there were zoned CD. **David Trouten:** So that is when all of that became Corridor District? **Tom Murphy:** Right, all except for Dave's property and he asked to have it rezoned. **David Trouten:** What is that property then? **Tom Murphy:** If it is CD it was Residential. There is maybe six properties out there and they were all zoned CD except for Dave's and that is when he came before Planning Commission and City Council to request the zone change to CD. **David Trouten:** So that is what her property is now C.D.? I guess I am still a little unclear, I am just trying to get information. **Tom Murphy:** That is fine feel free to ask questions. **David Trouten:** This is more for you Richard, can you give a variance to where a person could have a business in that area without residing in it? **Richard Myser:** Dave I have to be very honest with you I have never researched our zoning procedures and I am going to have to defer to Tom's expertise on that. However if we change the zoning to a particular property and if in the future and it appears that is what you are concerned about then it is no longer used for the purpose that it is right now you can always change that back. If the Council feels that it is to the better of the community to change it back they can change it. **David Trouten:** You can't change it if something is there. **Tom Murphy:** You can, Council can petition a zone change. It doesn't just have to be the property owner Council could say we want to study this area of the city and we want to possibly rezone some of that. A property can be rezoned as a matter of fact I think a property Terry Pugh owns years ago was under a zone change in the 80's to Commercial. When the ordinance was updated in 2002 it was zoned to a CD District. So that can be done. **Richard Myser:** The point I was making was the potential problem you are talking about could be remedied at that time. **David Diosi:** I am the owner of the property and I wanted to make the comment that I have a vested interest in that land as well because my home is in that area, I have rental properties in that area and I wanted to say Kelly Cappelletti is a person I trust and I know she will only improve that land and improve the property. If any of you have received any letters every single person in that neighborhood is in favor of having Kelly take that over. I will also say that if Kelly decides to sell to Derrick I will say he is one of the youngest people here and he will be having that business for quite a while. If for some reason he decides to sell it I will be the first person up here to have the same concerns that you have David. **David Trouten:** So you own the property now? **David Diosi:** Yes. Then Kelly will be buying it. **Terry Pugh:** The other thing Dave out in that area the majority of the properties are either a church or businesses or rental properties. There are very few actual residences I think maybe three. **David Diosi:** From Riesbeck's down to Beck's Funeral Home I counted 22 businesses. To add a structure and to

dump the same amount of money in as the selling price to improve that will only help our community and the beauty of Main Street in my opinion. **Tom Murphy:** Is there anyone else who has any questions? So where things stand now this will close the public hearing before Council. At this point and time someone on Council should make a motion to either adopt the recommendation of the Planning Commission to adopt the zone change with those conditions or to deny the recommendation of the Planning Commission. A motion was made by Jake Olsavsky to adopt the recommendation of the Planning Commission to adopt the zone change with the conditions. Libby Heintzelman seconded the motion.

Roll Call Vote

Bukmir	Yes	Olsavsky	Yes
Heintzelman	Yes	Trouten	Yes
Jones	Yes	Sabatino	Yes
		Weisgerber	Yes

Roll Call Vote;        Seven (7) Yes        Zero (0) No        Motion Approved

**Tom Murphy:** To give an overview Council did accept the recommendation of the Planning Commission with those conditions that were outlined. The guidance I need from Council now is Richard and I can prepare an ordinance for the next meeting. Do you want it prepared for three readings or prepared with emergency language how does Council want to proceed? Council responded that they wanted emergency language. Richard and I will prepare that for the next meeting. You are certainly welcome to attend that. It is not a public hearing but the ordinance will be approved on that date. Once that is done I will review the plan approval process and what we need to be submitted.

**MINUTES:** The minutes of the November 2, 2015 meeting were distributed to Council. A motion was made by Jim Weisgerber and seconded by Perry Jones to approve the minutes of the November 2<sup>nd</sup> meeting as presented.

Roll Call Vote

Bukmir	Yes	Olsavsky	Yes
Heintzelman	Yes	Trouten	Yes
Jones	Yes	Sabatino	Abstain
		Weisgerber	Yes

Roll Call Vote;        Six (6) Yes        One (1) Abstain        Zero (0) No        Motion Approved

**CITIZENS HEARING: John Samons, Williams Energy:** I guess this is the third reading of the Resolution concerning the pipeline right-of-way easement agreement going across the biketrail. I was unable to attend the last meeting. I talked with Mr. Myser and I asked if there were any questions or concerns. I really didn't get any until about 7:00 when I met with Mr. Bigler and one of the questions was about shutting down the biketrail for a period of five days. This is more of a construction related question. I didn't really have time to prepare for that particular question but I think the five day is a window in my honest opinion I don't think they will need five days. I am thinking realistically they will need 2 or 3 days during hydro testing just for that area they are not shutting the whole trail down or anything of that nature. But the reason that they are asking for the five day window in case some anomaly or something happens because they are contracting this job to be done. If there is a delay or something happens they are just trying in account if something that would cause them to be down for one day. I am not

going to come to you guys and negate the agreement by shutting it down for another day. If there is a hang-up the only thing I can do is run it back up the chain. As far as my supervisor I talked to him and he called his supervisor and he said it is a construction safety issue and we will have to bounce it back to construction and see. I wasn't in that particular meeting when that was brought up. That is the only thing I have. I hope that is not a big hang-up I know it is five days, I know it is an inconvenience. I go under an off ramp it is closed down for months at a time. I know it is an inconvenience everybody is able to live with a minor inconvenience for a while... I don't think five days is going to put to many people out depending on the time of year we are constructing this. If that is a legitimate concern and a deal breaker the only thing I can do is put it back in construction's hands and see where we are at. **David Trouten:** I think the other question was the money. **John Samons:** I understand it is not a lot of money but it is not a lot of area. The only disturbance or interruption is the shutting of the track down for a period of five days. And \$500 up front is not a lot of money but if something happens and the pipeline get rerouted and in some cases they do you get to keep that. For the area that we are talking about it used to be an old railroad bed I am assuming. The area is basically a wetland at least it is deemed a wetland by the environmentalist that walked the route. The only part we are talking about is the actual track its self which will not be disturbed. I thought \$3,000 was a pretty reasonable number although I can't read minds or anything like that. Somebody bounce something off of me, what was your thoughts behind it or why do you think it is not reasonable. **David Trouten:** I didn't say it was I kind of defer to Dennis on this. **Dennis Bigler:** \$100 per foot is what I have heard from \$30 to \$100 per foot. You guys are staying put at the original offer that you made. There hasn't been any change on that and that isn't a new issue. **John Samons:** Right there has been more money bounce around like you said but they are realizing the entire disturbance. **Dennis Bigler:** If you are shutting the biketrail down for five days believe me that is a disturbance whether you guys realize it or not that is a disturbance to the city of St. Clairsville to the people who use the trail. **John Samons:** I am talking about a person who has a large piece of land and they will no longer be able to build a structure on that piece of land. So in some cases they do pay a good bit more money. Now the five days it is shut down after it reopens there is not going to be any reclamation issues. There is not going to be any equipment on it other than the guide wires to guidewires to indicate where they are going to be drilling. That is going to be the only thing, it is still going to be a biketrail after the five days are up and it will always remain a biketrail. You said that was our initial offer. I threw out a lump sum before we even walked it because I had looked at the area and I knew what we were talking about. I told my supervisors we haven't walked it yet, I don't want to get into this price per foot because what they do a lot of times they will do an as built once they are through they will write you a check for the as built and sometimes off as much as ten to fifteen feet. When you are talking price per foot and you are talking about 10 or 15 feet you can be talking about some pretty substantial money. So we decided to give a lump sum price on that particular spot and no matter if it is less or more on the as built you still know what you are signing for. We are not talking about hundreds or thousands here. **David Trouten:** But if you have to go around our Biketrail it will cost you a fortune. **John Samons:** No not really actually this is part of a reroute anyway because we were coming actually to the south. That is the problem we were running into there was money. I can't think of the gentleman's name the man who owns the property next door to you. I made him the same offer and I talked to him about it and he thought it was a fair offer. He signed and there are three narrow strips of land right there as far as the building aspect I don't think you could ever build on any of those properties. It is all going to be bored

every bit of it. My supervisor is the one who came up with the price. **Mark Bukmir:** What I think John is it is our property. You guys might need it and you might not need it. You can't blame the City Council for trying to maximize our offer. **John Samons:** I can't. **Mark Bukmir:** We don't know if you low balled us or not so my concern is are we making the best decision for the city as far as getting recouped for what you are using. **John Samons:** I don't know if you could ever utilize that spot, I am just saying it is an area that is not constructible. It is utilized for a biketrail. **Mark Bukmir:** That is the city's use and you may put us out for five days citizens will not be able to use that trail. I think that should be used in that consideration somehow. Maybe a good faith value or something of that nature. **Terry Pugh:** John since you may shut the biketrail down and the biketrail is used for athletics have you thought about maybe making a donation to the St. Clairsville Recreation Department for our inconvenience of the citizens not being able to run on the biketrail? **John Samons:** That might be a possibility that is not a decision I can make standing in front of all of you people right now but I will certainly make a suggestion. They do donation all the time I don't see why that wouldn't be possible. **Terry Pugh:** We are still looking at the money that is on the table but in addition for the inconvenience. **John Samons:** I will certainly put it forward actually I would almost say do the whole thing as a donation if it is a donation you don't have to pay the taxes. That is just my thoughts. **Terry Pugh:** For the inconvenience what you are saying you are donating \$5,000 to the Recreation Department? **John Samons:** I will get with my supervisor I can't make those decisions while I am talking to you guys here today. I will push it forward, I just want to know because I have been down here this is my third trip here and I wish had some of these questions a couple of weeks ago but we have them now. What would be something that everybody could unanimously agree on? **Terry Pugh:** Would a \$5,000 donation be good? **Dennis Bigler:** It sounds much better then where you are. **John Samons:** You are talking \$5,000 total money. **David Trouten:** No you are talking about the donation in addition to the contract right? **Terry Pugh:** What I was talking about he said how about donating the whole amount which was \$3,000 that we are getting and that is when I came back and said how about making it \$5,000 but you are putting \$500 up front and then a \$5,000 donation. **John Samons:** You said \$5,000 that is \$5,500. **Terry Pugh:** It doesn't matter to me it is how Council feels about it but I think if we are taking a place that people are using all the time and the main reason they use it is for physical activity at least I would feel if you want to make a donation to the Rec. Department and the betterment of we are building basketball courts right now. We would welcome that with open arms. **John Samons:** Ok let's have a recap. So we can leave the five days where it is at, we can shut it down for five days. Total money \$5,000. **Terry Pugh:** Donation. **John Samons:** You are not paying taxes anyway so whatever you want to utilize the money for \$5,000 all for the Rec Center or if you want to split it is up to Council what you want to do with the money. **David Trouten:** We have to vote on this ordinance tonight anyway. **Richard Myser:** It is up for the third reading tonight and if Council wants to table the third reading tonight until we have something further we will do the third reading at the next meeting. **John Samons:** You mentioned something earlier Mr. Bigler that if all of us as a whole can narrow it down to one detail and it gets approved then maybe Council can empower Terry or Mr. Vincenzo to agree to it. If I can get it tomorrow and you guys agree on a set number tonight. So I will put an email in tonight and hopefully by noon I should have some kind of formal answer, who should I call. **Terry Pugh:** The Mayor. **Richard Myser:** So I understand we are going to have the third read, we are going to pass it but you are going to have to amend the addendum for the amount. **Mark Bukmir:** \$500 plus \$5,000 correct? **John Samons:** I will put it up there if you want. All

they can do is say no. (**John Samons returned to the meeting**) **Terry Pugh:** Do you have good news for us? **John Samons:** I do have good news. I called my specialist he relayed the information to our right-of-way supervisor and explained to him that it was going to be shut down for five days. When I first met you guys they told me it was not going to be shut down and that is what I told him. I said my first meeting with them it was not going to be shut down surprising now it is going to be shut down and it is a convenience and they agreed to \$5,500. I don't know if it already passed. **Richard Myser:** We will read it tonight for the third time and will pass it with the understanding that what I will need you to do is the addendum. **John Samons:** I will have to change it if someone has a printer I can use I have my laptop. If I can get the signatures I will not have to come back.

## REPORTS

### Service Director, Dennis Bigler

- We received the bids on the rotating biological contactors at the Wastewater Plant the RBC's that you have heard us talk about for so long. The apparent low bidder we are still waiting on a recommendation from the engineers and we are waiting on the Ohio Water Development Authority. Cindi, The Mayor, Terry & I are trying to arrange financing but the low bid is about \$600,000 below the estimate and it is a company that our engineers have worked with many times. They say it is a very good company. The company is called Workman Industrial Services from Kent, Ohio so as soon as we can get together the financing then we will be asking Council to make an award. We have 60 days to hold the bids unless we get an extension. So we are trying to work within that time frame. So I wanted to make you aware of that. We have a contract that will be financing as well with our engineering firm for services during construction including the bidding we just finished. We would probably be financing that as well.
- We talked to the Finance Committee tonight about various pieces of equipment for different departments. Some of our equipment is very old, we haven't bid very much equipment for a good while. So several vehicles that are going to be coming back to the next meeting with and putting a bid up for equipment purposes for all departments. For example a backhoe for the Street Department, a skid steer for another department, a couple trucks and they want a boom truck for the Electric Department. Those are probably the most significant items. The current boom truck that Donnie is wanting to replace has a boom on it that was replaced once but the boom is from the 1960's.
- We are rapping up the work on the tunnel. We hope to pave that section of the trail from Station Street thru the tunnel yet this week if the weather cooperates.
- Lastly just a quick note I would like to thank my friend Jim Kacsmar and his wife for all the hospitality over the years and all of Jim's many Pro-Bono services to my office over the years with different business issues he helped me analyze thank you very much. **Jim Kacsmar:** You are welcome Dennis. **Frank Sabatino:** I would just like to thank you Dennis I had a bucket list of things that needed to be done before the cold weather and I appreciate your help getting those done in the second ward.

**Mayor, Robert Vincenzo** – No Report

### Police Chief, Jeff Henry

- It has been a little over a year that the flashing stop signs at High Street & Windermere have been placed up there. We told the residents that after the residents got used to stopping at that three way intersection we would be taking those stop signs out and I

discussed it with Dennis and the Mayor and also with Mr. Jones. I don't think we need any kind of a motion or anything I just wanted to let you know that is what we are going to do. We will remove those and put the regular stop signs in their place. We haven't had any accidents at that three way stop with that flashing stop signs in place. I think they served their purpose.

**Finance Director, Cindi Henry**

- The only thing is the resolution No. 2015-47. This is to proceed with the OWDA funding that we will need for this RVC's for the Wastewater Department. This has the emergency language due to the time element of the Board of the OWDA meeting and their next meeting will be the second week in December so they will need this by the end of this week.

**Planning & Zoning Administrator, Tom Murphy**

- Just a reminder to Council that on Wednesday, November 18<sup>th</sup> at 5:30 the Board of Zoning Appeals will be having a special exception hearing for an office for the Good to be Home Care.

**COUNCIL COMMITTEES:**

**Finance, Libby Heintzleman – No Report**

**Utilities, Frank Sabatino**

- Good to hear about the bid

**Police, Perry Jones – No Report**

- **Jeff Henry:** The Christmas Parade will be this Thursday. Streets will be blocked off at 5:00 on Main Street between Sugar & S. Marietta. Tree Lighting is at 6:00 and the parade follows after.

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

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

- **Frank Sabatino:** Once again before Council the lot between 98 & 100 Orchard Drive the weeds are still there. Maybe we can decorate them for Christmas. It is kind of frustrating.

**Safety, Libby Heintzleman – No Report**

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

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

**Fire District, Frank Sabatino**

- The Fire Board met on October 21<sup>st</sup> and at that meeting we formally recognized the retirement of our 25 year veteran Lieutenant Steve Cupryk. He has been with the Fire Department since it became a District. We want to thank Steve for all his service to the Department. We certainly are going to miss him.
- We discussed insurance rates.
- Our next meeting will be Monday, November 30<sup>th</sup> at 3:30 at the Main Station

### **Recreation, David Trouten**

- Youth basketball is getting started with practices they have a pretty good sign up.
- The painting down there is looking nice
- We have a Rec. Board meeting tomorrow so stay tuned.

### **Park District, Perry Jones**

- The Park is still finishing up with what they need to do. They are still taking down a few trees and getting ready to close it up.

## **ORDINANCES & RESOLUTIONS**

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

- We have four Ordinances to address this evening. The first one is Resolution No. 2015-43 tonight will be the third reading. That is the pipeline ordinance that we were talking about with John Samons. It is my understanding we will read it pass it and what we will be doing then apparently is passing it on the condition that they will be amending the addendum to the agreement. The agreement is the order of payment that is going to be \$5,500 donation to the Rec. Center rather than payment made to the City. It is up for the third reading tonight and if we read it tonight we can then pass it on our understanding the payment is going to be \$5,500. **David Trouten:** Is there a reason why this is not going to the General Fund instead of the Recreation Center? Not that I don't want it to go to the Rec. Center. **Terry Pugh:** I just made that statement because it seems like it was an inconvenience and I am sure the Rec. Department can use all the money they can get.
- The second Ordinance that I have tonight is Ordinance No. 2015-45. That is the Ordinance where we need to amend our income tax legislation that we already have. Tonight will be the second reading. It has emergency language in it and if after the second reading we want to pass it we can pass it tonight. I would suggest if we are going to act on it we do pass it tonight because this legislation has to be in place before January 1<sup>st</sup> and after we pass the legislation we have to wait 30 days before it can be effective so we really need to pass it tonight. An update on it the exhibit A is actually the ordinance it's self, it has all the details and it is a large book. I have been working with Cindi on this and what I did was, they sent us a model ordinance that we can use. I sat down with the model ordinance and our ordinance and I attempted to marry the two together to take what we had already passed and put that in where the model ordinance goes. Cindi suggested and I have to give Cindi credit for that, she suggested that we send the model to RITA our consultants for them to review it. They did and they came back they had a few changes semantics basically some words here and there and some places we didn't insert the words City of St. Clairsville. Those were changed. They did have one major change though. We have right now in our ordinance that if you are a resident of the City

of St. Clairsville and you work in another municipality someplace that also imposes a municipal income tax and if you have to pay the income tax in the other municipality you get credit for that in the City of St. Clairsville. The model ordinance had a provision that if you are a City resident and you work in a County that imposes an income tax for example if the County of Jefferson had an income tax and you worked in the Court House in Steubenville and you had to pay the income tax you could get a credit for the St. Clairsville municipal tax. Our Ordinance does not currently have that provision. If however we wanted to make that provision and give credit we can do that if you so wish to do that. That was the only thing that RITA came back to us and said we may want to look at that a little closer. **David Trouten:** But we don't have to do it. As a practical matter no counties around here have a tax anyway. **Richard Myser:** As far as I know there isn't, there are 88 counties and I don't know what the rest of them are doing.

**Mayor Vincenzo:** There are none in our immediate area. **Richard Myser:** That may be why it wasn't adopted originally. **Richard Myser:** What does Council want to do on that point? **David Trouten:** Leave it alone. **Richard Myser:** With that one change the ordinance is ready to be passed this evening and I would suggest that we read it for the second time and suspend the rules and go ahead and pass it on an emergency measure.

- The third Resolution that I have this evening is Resolution No. 2015-46. It will be up for the second reading tonight and this is our ordinance 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. We read it for the first time two weeks ago. We have discussed this several times in open Council and there is also emergency language in this ordinance if you wanted to pass it tonight. If you want to go three readings we will pass it at the next meeting.
- The fourth ordinance is the one that Cindi Henry explained to you. This is the ordinance authorizing a cooperative agreement for construction of wastewater system improvements between the city of St. Clairsville and the Ohio Water Development Authority. It has emergency language in it and it could be passed tonight by reading it once and suspending the rules. I think it is the Finance Director wish that you pass it tonight.
- No one has come to me and asked to go into executive session and I don't have any other reason for us to go into executive session.
- **Terry Pugh:** on Ordinance #2015-45 you don't have emergency language in it in order to pass it tonight and you said it should be passed tonight. **David Trouten:** What we are talking about is suspending the rules we can do that what it means is it doesn't go into effect immediately, it can't go into effect until January 1<sup>st</sup>. **Richard Myser:** Thank you, you are right there is a difference between emergency application and suspending the rules. We can suspend it right now. When we say it has emergency language that means it goes into effect immediately and we don't have to wait the thirty days for passage. We do have to wait the thirty days for this.

There was presented and read to Council on its third and final 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. A motion was made by Jake Olsavsky and seconded by Libby Heintzelman that Resolution No. 2015-43 be passed by Council.

Roll Call Vote

Bukmir	Yes	Olsavsky	Yes
Heintzelman	Yes	Trouten	No
Jones	Yes	Sabatino	Yes
		Weisgerber	Yes

Roll Call Vote; Six (6) Yes One (1) No Motion Approved  
Resolution No. 2015-43 was declared adopted.

There was presented and read to Council on its second 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. 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	Olsavsky	Yes
Heintzelman	Yes	Trouten	Yes
Jones	Yes	Sabatino	Yes
		Weisgerber	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 by title only, ORDINANCE NO. 2015-45. A motion was made by Jim Weisgerber and seconded by Perry Jones that Ordinance No. 2015-45 be passed by Council.

Roll Call Vote

Bukmir	Yes	Olsavsky	Yes
Heintzelman	Yes	Trouten	Yes
Jones	Yes	Sabatino	Yes
		Weisgerber	Yes

Roll Call Vote; Seven (7) Yes Zero (0) No Motion Approved

There was presented and read to Council on its second 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

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2015-47; A RESOLUTION AUTHORIZING COOPERATIVE AGREEMENT FOR CONSTRUCTION OF WASTEWATER SYSTEM IMPROVEMENTS BETWEEN THE CITY OF ST. CLAIRSVILLE AND THE OHIO WATER DEVELOPMENT AUTHORITY 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	Olsavsky	Yes
Heintzelman	Yes	Trouten	Yes
Jones	Yes	Sabatino	Yes
		Weisgerber	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 by title only, RESOLUTION NO. 2015-47; a motion was made by Perry Jones and seconded by Jim Weisgerber that Resolution No. 2015-47 be passed by Council.

Roll Call Vote

Bukmir	Yes	Olsavsky	Yes
Heintzelman	Yes	Trouten	Yes
Jones	Yes	Sabatino	Yes
		Weisgerber	Yes

Roll Call Vote;        Seven (7) Yes        Zero (0) No    Motion Approved  
Resolution No. 2015-47 was declared adopted.

**NEW BUSINESS: Perry Jones:** I would like to congratulate the High School Football Team for another great season that they had. Our number one defensive halfback did a nice job

I would also like to congratulate the High School Band on qualifying for State Band Competition the first time since 1992 and they earned an excellent rating. Our number one defensive halfback did a nice job

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, December 7, 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