

**COUNCIL MINUTES**  
**October 5, 2015015**

St. Clairsville City Council met in Council Chambers on Monday, October 5, 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 Heintzelman, 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	Don Smithberger, Electric Superintendent
Jim Weisgerber, Council-At-Large	Shelley Fortney, Utility Office Manager
	Lindsay Piccolini, Recreation Director

The meeting was called to order by Council President Terry Pugh

**CITIZENS HEARING:**

**Jennifer Compston:** My name is Jennifer Compston Stroud, I am the new Managing Editor of the Times Leader. I spent 15 years with the Wheeling New Paper and covered the City of St. Clairsville for a portion of that time so I am familiar with some of the goings on here. I am not here to take Robert's place I am just visiting, so hello. **Terry Pugh:** Thank you very much and I am glad that you could come tonight.

**Donte Vincenzo:** Thank you for having me, my name is Donte Vincenzo and I am a junior at St. Clairsville High School. I just recently got my Eagle Scout Project. I had an idea for my project. I first played baseball for Junior Sports for a long time, probably since first grade. They had an old wooden entrance sign there that fell down. It has been gone for a long time now. I just figured doing a new entrance sign would be a real good help to our community and for visiting communities. That is when I got the idea of putting in a new entrance sign at the Junior Sports Complex. **Mayor Vincenzo:** Can you give us a little bit of information about that sign? What was the process of your Eagle Scout project? **Donte Vincenzo:** I had to go past the Board of Review. That was just to confirm the project. I got the project confirmed and then I was good to work on the project and get it dug up and get the sign put up and everything. Once I got that done I had to go back for a final review and that was a review of my entire Eagle Scout career and my entire Scouting career. So I got a lot of questions asked and answered. I got that confirmed and I am a confirmed Eagle Scout. **Terry Pugh:** Congratulations again. **Donte Vincenzo:** Thank You. **Terry Pugh:** I will say this Donte and I have said it before I am an old Eagle Scout and we never had to go through this when I became an Eagle Scout. I know how hard it was even then but it is nothing compared to what you had to go through now. You and all other Eagle Scouts are to be commended. **Donte Vincenzo:** Thank You. **Mayor Vincenzo:** That is one of many Eagle Scout Projects the City has been the recipient of all through the years. It is really nice that we do have this Scouting program. We do have leaders also that make this possible. If you would like to introduce your leader who is with you here tonight, he is very instrumental in keeping this program going. **Donte Vincenzo:** This is my leader Reverend Harden.

### **John Samons, Williams Energy**

I think I met most of you the last time I was here. This is for a post pipeline project that is going to cross hopefully underneath the walking trail on Warnock Road and Reservoir Road. I have been talking to Mr. Myser and actually he had a copy of the new agreement which still needs some work. I got some of his requests later this evening at kind of short notice so I got some of the changes in there. Some of the pages are the same as I passed out before. The addendum page is the only one that changed. Mr. Murphy was kind enough to print that out for me when I got down here. **Richard Myser:** Do you know yet John is this going to be a cable method boring process? **John Samons:** I do not know and the reason we don't know is depending on who gets the bid for the contract to do the bore. The cable is not like a towing cable or anything it is basically like a coax cable that hooks into your direct t.v. It is just a small cable to locate the line. Depending on what Company gets that if they use the cable location devise or the handheld. With that being said it is not a necessity that it be in the agreement. That is something that can be in what they call construction stipulations. Once I find out who the contractor is it can be in my constructions stipulations that this is to be taped down and that is the only thing it is something to tape it down is a biketrail. **Richard Myser:** The concern was your boring whether it is underground method or the cable method. **John Samons:** The cable method, just so we are clear on this it is one and the same. We are boring from point A to point B and we are going completely under the property and starting 700 feet on the other side. The cable or the locator, that is just to locate the bit as it is boring under the surface. Both are just a means of locate. **Richard Myser:** The point I want to make is that it be opened and not closed. The bike trail will not be closed. **John Samons:** It will not be closed. That is something that we will put in here. Like I said I got this a little bit later this evening. I talked to you around 4:30 and some of our Attorneys were out so I will get them to correct it and have some language stating that the biketrail will remain open during the entire time of construction. **Richard Myser:** Two weeks ago he left the draft of the original pipeline right of way I looked at it and I also had my son look at it. My son sent several recommendations on to John. I think those were things that we thought needed to be changed and in the addendum that I am looking at here he has addressed those. I looks as those concerns were taken care of with the exception of number 8. Number 8 was how are you calculating the price of \$2,500? **John Samons:** Before we ever walked this and I talked to Mr. Bigler to get permission to survey and permission to walk. Before we walked this I wanted to have some kind of draft. I knew the footage, usually we pay a price per foot. We agree on a price per foot. At this point I didn't know how many feet we were going to be. I knew it was going to be miniscule at best. I put a lump sum in there if we come out ahead or come out short once you agree on a price if we are talking about ten feet another \$10 is not going to make a huge difference either way. I just put this in there before we walked it. When we walked it we came out with 87 feet across and of course the width of the easement is 75 feet as stated in the agreement. Now with that being said I was wondering myself as a lump sum is this an unreasonable price, \$2,500 plus you get \$500 for consideration so total monies would be \$3,000. I have that paper here for consideration. **Terry Pugh:** Richard the Mayor signs this for the City it is not something that there is a Resolution or an Ordinance? **Richard Myser:** It is dealing with our realty what I would suggest that we do once we get this in some final form is I prepare a Resolution to be passed at the next meeting. I would authorize the Mayor to be the person to sign it. **Terry Pugh:** You mentioned two years you are looking at. **John Samons:** The reason we have in the agreement a two year option this is not a federally regulated project

where we have the right to eminent domain that we know we are going to get the route that we pick out on the desktop. We can't condemn a property. The footwork for 57 odd miles of pipeline and there are 10 or 12 of us knocking on doors and talking to people. We started this project in January and of course with any pipeline project that I have worked that does not have the right to eminent domain that does not have the right to condemn the route and go with it you always run into holdups with whether it be landowner cooperation whether it be interstates, housing developments, wetlands there are quite a few issues you run into all along the way that you have to have alternate routes of multiple options. So the option for the two years is to give us time to acquire the easement. They are not going to start permitting this, they are not going to bid the job out until all of this is acquired. It just takes a lot of time to get the project done from start to finish. **Terry Pugh:** I guess my question was I didn't feel personally there was any need for any urgency in this that it could go through the normal three readings instead of emergency. **Richard Myser:** That is exactly right and that is why I knew John was wanting to get this done as soon as possible and even suggested we even have something tonight. I said no we have to at least have a resolution for next week and if you want to go through a three reading procedure we can or I can draft the legislation so it can be done on an emergency basis which means if you want to pass it next week you can or three readings however you want to do it. **Terry Pugh:** That is up to Council. I would think if there wasn't any urgency in it Council might have some questions from people in town or people who use the biketrail it would be an opportunity for them to answer before the ordinance was voted on for the third time. **Richard Myser:** My concern was I don't think and I was very much concerned about it will not affect people using the biketrail. Apparently it is not going to affect people using the biketrail. **Terry Pugh:** Council does anyone have any questions? **Jake Olsavsky:** You need this done right away John? **John Samons:** Well if you are asking me I would probably say within a reasonable time my supervisor would say I would like to do this tonight. I know everybody looks at two years as not urgent but the whole time we are developing these routes and we call it painting the track green. Once the landowner agrees our workload shifts accordingly. Every day you will be working this route and if something happens and it falls through or is not going well and your alternate route starts turning green then your work load shifts. Right now I have what we call books ends. I have everything on the other side of you so this is the small 87 feet that I have that is holding up four or five miles of pipeline. So to me yes it is urgent. I know two years doesn't seem urgent. **Terry Pugh:** I think Richard will contact you and I would say to Council if there is any question you have then you contact Richard and that is how we will present the Resolution at the next meeting. **Richard Myser:** Let me ask Council does anybody have any other concerns about the pipeline going underneath the biketrail? **Mark Bukmir:** What happens if that pipeline collapses? If the biketrail collapses where you tunnel through? **John Samons:** I can give the City an as built. This thing is going to be probably 30 feet below because you are boring from two high points and to get back up to get the radius on the bor. This is a proposal of a 12 inch pipeline so I don't think that 30 feet below the surface you are going to realize a major collapse. It is not like we are longwall mining or anything of that nature taking a large chunk of the earth out. And we are boring through and we are putting pipe back in place. So this pipe is not going to collapse for one we are going to be running gas through it. If it collapses we have bigger problems. **Dennis Bigler:** What do you do if you have a problem with it? Do you dig it up? **John Samons:** You can't dig it up there would be absolutely too much earthwork. They have early detection devices out there now and I don't know if you guys are really familiar with it. This particular line is going to have automatic shut off stations so if it detects differences in

pressure from one station to the next we don't have to call somebody out or have somebody on call to shut these stations down it will automatically shut off, send an alert to personnel and they will run diagnostics to see what the problem is. That is just one of the features, the other for preventative maintenance they run what they call a pig through the line. There are three kinds. One will swab the line out, the next one is a wire brush and the third one is what they call a smart pig. It is equipped with diagnostic equipment it tells corrosion, thickness of the pipe so they can detect at an early stage whether or not they are going to have problems. If they see it starts to go below whatever their minimums are then they will shut off the section of the line and basically pull the line out rebore it and redo it. That would be a worst case scenario. So I hoped that answered the question. **Richard Myser:** In addition to that addendums that we asked to be put in No.1 an indemnification clause will be put in there that they will indemnify us against any damage that may occur, there is an insurance clause in here that they will obtain insurance and keep it insured up to \$500,000 minimum and there is a warranty clause in here too. There are some things that address exactly what your question was. **David Trouten:** What does the City get out of this? **Richard Myser:** The original one that he gave us two weeks ago the consideration was \$2,500. He is telling me there is a \$500 consideration. **John Samons:** They call it a consideration so if you sign the agreement and something happens, the other route works out and this one doesn't you keep the \$500. That is the consideration for the work we have done with me being here. **Richard Myser:** That is over and above the \$2,500 so it is actually \$3,000. I will put together a resolution after we get the addendums. **John Samons:** Let me recap here. I think the only thing we need is where the biketrail will remain open. As soon as I get that addendum added in there I will add it to the agreement. I will email it to you for your review and if you want to forward it to the rest of Council that way they can review the document in its entirety then in two weeks hopefully when we reconvene everybody is on the same page and everything is good.

**Stephanie Harris:** I am a parent at St. Mary's Central here in St. Clairsville. I have been working with Mrs. Kennedy on a fundraiser idea to do a 5K next spring, May 7, 2016. We are actually going to do a program throughout the year with the students working on wellness and health and exercise. We will be doing a monthly goal to do running a marathon total at the completion of the race in May. My question to you is we were hoping to be able to use mainly the northern end of the biketrail, also part of Hutchinson Drive about .6 miles. We want to be able to start at the school run to the trail, run the north end come back to the Gazebo and then run to the Church Parking Lot. Basically we want to be able to use the gymnasium and the restrooms at the school that is the main reason we wanted to be able to go back and forth. **Terry Pugh:** This is next May? **Stephanie Harris:** Yes, May 7, 2016. **David Trouten:** Chief is that feasible? **Jeff Henry:** This is only the second time that I have heard of it so I haven't looked at the route or discussed it with anybody. You are welcome to come to the office. **Stephanie Harris:** Is that the process, I wasn't sure. I spoke to Mr. Kralovic and I sent the letter to Council. I can set up a time to come in and speak to you if that is easier. **Jeff Henry:** That would probably be best. **Terry Pugh:** Is there any time schedule when you want to know if it has been approved? **Stephanie Harris:** As soon as possible, the school is already working on their part of it. If not we would just use the biketrail but we would like to close that short portion of road.

**Minutes:** Minutes of the September 21, 2015 Council Meeting were distributed to Council. A motion was made by Jim Weisgerber and seconded by Jake Olsavsky to accept the minutes as written.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes	
Heintzelman	Abstain	Sabatino	Yes	
Jones	Yes	Weisgerber	Yes	
Olsavsky	Yes			
Roll call Vote:	Six (6) Yes	One (1) Abstain	Zero (0) No	Motion Approved

## REPORTS

### Service Director, Dennis Bigler

- I don't know what if anything you want to do with the issue of the fiber optic locations in the City right-of-way on Route 40. **Terry Pugh:** Is there any comment on the fiber optic? Where did we leave it two weeks ago? **Dennis Bigler:** I think I considered if you want to do an ordinance after this current company is out of the way or if you want to do one now. **David Trouten:** Didn't we talk about freezing it? **Dennis Bigler:** This Company is still pressing me to do it. Don Smithberger, the Mayor and I have worked with our engineer to evaluate the route. They have concerns, this company wants to a subsurface bore but that is just as chocked as the aerial locations especially on Route 40. I don't want to get into a situation where I am digging up brand new pavement or working over top of brand new pavement. There has to be an ending point to this. There is not an unlimited capacity out there, so there are six companies that are currently located out there so that is evidence that we have been cooperative to companies doing this kind of co-location. But it is a finite piece of land and at some point it has to end. **Jake Olsavsky:** Where do they want to go? **Dennis Bigler:** Right down Route 40 right through the City. **David Trouten:** I am good with doing the ordinance if everyone else is. **Jim Weisgerber:** I think we should go around the town and set a precedence. **Richard Myser:** I am going to need some direction I guess and some language from Dennis to prepare that resolution. I really do thing you should wait until after the one that you have pending right now is over and then we prepare some type of ordinance or resolution declaring that to be a utility free zone for future development. **David Trouten:** Do we have to cite a reason? **Richard Myser:** I don't know. Are we going to run into a problem with the Ohio Department of Utilities? **Dennis Bigler:** they will threaten you with the Federal Communications Act. **Mayor Vincenzo:** There is still that demon out there on pole attachment. We just went through that issue this past week at the AMP Conference. Like you said the Telecommunication Act has great bearing. You may legislate but I don't know. No one really has an answer that is the problem. **David Trouten:** At least that gives us a first line of defense. **Mayor Vincenzo:** That is a point. **Terry Pugh.** There has to be a point from a safety standpoint on how much we can keep hanging off our poles. **Dennis Bigler:** That is what our Engineers say. **Mayor Vincenzo;** this has been an issue for 15 or 20 years. Pole attachment is the issue. **David Trouten:** We are not that big of a City that you can't go around us and if we have the

ordinance maybe they won't want to fight us and will just go around us. **Terry Pugh:** Is there anything that says we have to give them the easiest route as long as we give them a route to go through? **David Trouten:** I just don't think it hurts us any to do it. **Terry Pugh:** Are there other routes other than right down 40 that we can offer them? **Dennis Bigler:** It is their responsibility to pick another route. What I am suggesting is Council might want to say we are done on Route 40. **Mark Bukmir:** What do you think Mr. Smithberger? You do that all the time what is your opinion? **Don Smithberger:** I think the Mayor and Dennis truthfully have covered it. Our Engineers have given us a report as to safety, to the route and the loading of the poles. The Mayor is correct the Telecommunications Act there is a lot of teeth in that but on the same token I have to agree with them I don't think we have to give them everything. The City should have the right to dictate where they go. The real problem is and you ladies & gentlemen all know the fact is trying to get the so called make ready is to get everybody to make ready. We are still fighting with poles from two or three years ago. This is just another round of it. **Terry Pugh:** Council this is where we were at the last meeting. Does Council want to say that we are putting a moratorium on anything going down Route 40? We will provide other avenues for you to get around the City. **Perry Jones:** I think that is where we need to go. **Mark Bukmir:** I think we have to listen to Mr. Bigler and Mr. Smithberger that is their expertise. I think we have to listen to what they tell us. **Jake Olsavsky:** In town what are they going to tear up? **Dennis Bigler:** Well the biggest thing is there are places we are going to have to do pole change outs to get the height. We are at 55 foot poles on the East End now. We will be going still higher. In the next couple of years you will be going still higher. Where is this going to end is what I am saying. **Don Smithberger:** Then they will be forcing us into equipment to service this stuff with. **Dennis Bigler:** You have a pole clipped by a car out there like happens every year or so now we are contacting eight or ten companies to come in and work with us on making the restoration. It is complicated, cumbersome, unsightly, and unsafe. **Don Smithberger:** We are not the only ones having this problem it is statewide. **David Trouten:** I am in favor of the ordinance. **Terry Pugh:** One more thing if we are looking at future growth for our self and we need these poles for our own use for electricity we are cutting our own throat. **Dennis Bigler:** Exactly, we are talking about an under built circuit on the East End right now which will take up some of the capacity that we have out there now.

**Mayor, Robert Vincenzo**

**Monthly Police Report – September 2015**

<b>Calls and Complaints</b>	<b>162</b>
<b>Special Teams Call Outs</b>	
Drug Task Force	1
Special Operations Branch	0
<b>Assist Other Agency</b>	7
<b>Accidents</b>	<b>14</b>
On Roadway	9
Private Property	5
<b>Arrests</b>	<b>47</b>

<b>Traffic</b>	<b>21</b>
Criminal	8
Domestic	1
Juvenile	11
Warrant	6
<b>Parking Tickets Issued</b>	<b>184</b>
Traffic Citations Issued	21
Warnings Given	19
Domestic Calls	1
Alarm Drops Answered	10
Breaking & Entering	1
Theft	8
Burglary	0
Cars Entered	38
Stolen Car Recovered	1
Miles Put on Cruisers	6,234
Gasoline Used	639.8 gallons

**Police Chief, Jeff Henry**

- I think Perry is going to ask for an Executive Session, we have some things we want to discuss with Council due to the last Police Committee Meeting.

**Finance Director, Cindi Henry**

- Earlier this summer Ohio Attorney General Mike DeWine was able to reach a settlement with Morton and Cargill Salt and we applied for our portion and out of an \$11.5 million settlement we received our check today in the mail for \$1,540.
- We also received this past week a portion of our 2016 Local Government monies and that equates to \$118,000.
- I have the following ordinances No. 2015-40, 2015-41 & 2015-42. 2015-40 is asking for appropriations of money that was received by the Chief via donations for the body cameras in the amount of \$1,785.00. 2015-42 is asking for the approval for the appropriations for Rapid Response Grant the we entered into which is the money, we are the pass through agency for the TID. 2015-41 is the establishment of a new fund which is for the bikepath portal work that we are having done. It is a grant that has to be put on our books and taken off not our portion but the portion that we received from the State.

**Planning and Zoning Administrator, Tom Murphy**

- The Planning Commission held their regularly scheduled meeting this evening. I did hand out to each Council Member a report to Council in regard to that meeting. The item on the agenda was Kelly Cappelletti on behalf of Kelly's Suite II. She was requesting a zone change or amendment of zoning for 235 West Main Street from the existing CD District to the Downtown District. The Planning Commission voted four to one to recommend in favor of rezoning that property with five conditions. Those five conditions are listed in that report. The conditions are: That a final site development plan must be

submitted as outlined by code, specific attention must be paid to parking and storm water runoff. This final site development plan must be submitted prior to the opening of any business in the new location. The existing structure identified as 235 West Main Street must be renovated and can not be demolished. No deliveries can be made to the property other than UPS, FED X and other similar services. If any façade changes are proposed for the structure it must be reviewed and approved by the Board of Architectural Review prior to any changes. The conditions listed run with the land and must be adhered to by any future property owners of 235 West Main Street. There is no action required by Council at this time. All the Planning Commission does is recommend to the full City Council. What I do is I set up a public hearing before the City Council in regard to that requested zone change. That would occur at your November 16<sup>th</sup> City Council Meeting. What the Council will do is review the proposal and ultimately decide to accept the Planning Commission's recommendation with the conditions or deny the Planning Commission recommendation. In the meantime that is over 30 days away if any Council Member has questions of me contact me if you have questions in regard to the Planning Commission's decision. In that information that I sent you there is the report to Council and attached is the main section of the report that was sent to the Planning Commission. There are other attachments that I didn't include because I didn't want to overload you with all of the attachments.

## **COUNCIL COMMITTEES**

**Finance, Libby Heintzelman - Not present**

**Utilities, Frank Sabatino**

- The Utility Committee met this evening
- Shelley Fortney, Utility Office Manager: Everything is running smoothly, we are winding down the summer, bills are getting ready to go out. It is Halloween at the end of this month so we do have that on the messages
- Don Smithberger, Electric Superintendent: The Electric Department is making some improvements to our system and we appreciate the support that folks have given us and all the help we are getting
- Frank Sabatino: Some other issues we discussed were personnel updates, equipment and repairs and some City utility issues

**Police, Perry Jones: No Report**

**Street North Side, David Trouten**

- Jake Olsavsky: Mr. Reichley called me and he is complaining about parking. David looked at it and the Chief and I went over. The Chief and I thought there is one spot on Sugar Street where we are thinking about limiting the parking to the lower side of Talbot and have some parking on Crisswill and Willinda. I think that would alleviate the problem. **David Trouten:** What is the actual problem? **Jeff Henry:** On the south side of Talbot there was never any parking now the signs have just disappeared. At the mouth of Talbot there was parking on the north side. We are proposing to eliminate that down to the alley so that the snow plows can come in and out of there. The no parking would go all the way down to Legion Road on the south side. I have had that on my sign list for the past two years. Terry asked me about Park Street. When they put the two signs at the bottom of the alley the west side of Park Street was supposed to be posted. There are a couple of signs but most of them are gone. It is just a matter of manpower and getting the

signs up. **David Trouten:** You said those signs were there but now they are not so it is already no parking there. So all you are asking is to get some signs in there. **Jeff Henry:** The mouth of Talbot we are going to change that. We are going to change one parking space on North Sugar in front of 145 it is a corner house. They are losing one parking space in front of their house. They have one but they are going to lose one because that is to tight there.

#### **Street South Side, Jim Weisgerber**

- I did get a couple of copies from Brian Kralovic about the suggestion I made at the last meeting about South Market St. being one way. We can consider this later but Jeff Ross called me and we talked about it. He has a point that I had not thought about. I kind of renege on making that one way because he uses the lower part of that building to do body work and if we make it one way he has to take cars south and either go up past the High School or go up through town which puts an extra burden on him. My thought was putting more of a liability on him with his customer's cars taking him away from the business. I know his insurance covers that if he is involved in a collision but we don't need to create a heart ache. Brian gave me an idea here. What he is showing is we are picking up quite a few parking spots next to the Clarendon and making it one way but he stops the lines at the alley. You wouldn't affect Ross's business if you had it one way for a block then people could come up Woodrow and then make a right or a left at the alley but not continue up to Main Street. I don't know if I like that idea but he has picked up a lot of parking spaces. It would help businesses when they go in the Clarendon. I definitely would not be in favor of going one way all the way. **David Trouten:** Having it one way on half the street would be very confusing.
- **Frank Sabatino:** Last meeting I brought up the grass cutting issue between 98 & 100 Orchard Drive. Still no grass is cut, the weeds are still growing. **Mayor Vincenzo:** He was in Mayor's Court tonight. Friday is the deadline, it will have to be cut by Friday. We went through the whole issue and if it is not done by Friday he will be brought back into my Mayor's Court and will be dealt with accordingly.

**Safety, Libby Heintzelman:** No Report

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

**Planning Commission, Jim Weisgerber**

- We did have a meeting this evening and Mr. Murphy went over everything real well so I have nothing to add

**Fire District, Frank Sabatino**

- The Fire District Board met last Wednesday. We discussed some personnel moves, equipment update and some ideas that the Chief has given to the Board as far as reorganization to consider
- We will have an open house Sunday, October 11<sup>th</sup> from 12 to 4 at the Main Station
- Our next meeting will be Wednesday, October 21<sup>st</sup> at 3:30 at the Main Station

**Recreation, David Trouten**

- The Rec Board had a meeting last Tuesday
- Lindsay Piccolini: Things are going really well. We are slowly adding new programs so that we don't bite off more than we can chew at a time. I have a new workout program that will occur right after school. We are hoping to attract people who don't want to go to a gym.

- We are getting new software which is really exciting. We will be able to give reports. We will have more financial transparency and see what is making money and what is not. We will be implementing it and hope that will lead us in a direction where we can start putting money back in once we are making a little more money to make improvements. If any of you have been down there and you are welcome to stop down. We have been painting so it is a little crazy but we just kind of going neutral and doing one room at a time. We are updating and doing what we can within our limits. We are reaching out and thank you some of you have donated. Some people are being involved and some of our Council people have offered to help us out at some of our events so we are doing well down there. **David Trouten:** It is all in the attitude, I think the Board is pretty excited about what is going on. **Perry Jones:** It looks nice on the inside.
- October 10<sup>th</sup> is Bark in the Park it is a dog costume contest
- Kid's costume contest is Wednesday the 28<sup>th</sup>
- **Frank Sabatino:** I just want to say to Lindsay how much we appreciate everything you have done, how innovative, creative. From the get-go you are making a difference with the community with your efforts so thank you very much

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

- If you remember two weeks ago I said how much the Park was getting prepared and doing things more. They have begun to do that. They have finished repaving most of the roads so it is really beginning to look nice. They did a good job down there.

### **ORDINANCES & RESOLUTIONS**

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

- Cindi asked me if I would do some research. Dennis and the Mayor have also done some research on levying and excise tax on hotels within our city limits. I did some research on this and I found out that under Ohio Revised Code Section 5739.08 a municipality can in fact impose an excise tax on hotels within their jurisdiction up to a maximum of 3%. If we do not do it the County could impose that 3%. Tax or Richland Township could impose that tax. They have not done it yet. After I did that I was curious so I called Andy Sutak and he also contacted his references that he has in Columbus and they did confirm that we can if we so desire place a 3% excise tax on the hotels within our jurisdiction. I prepared an ordinance basically for something for us to talk about. If you want to propose it for its first reading tonight we can. If we just want to talk about it and act on it later we can. It is prepared in an emergency fashion so if we wanted to act on it and pass it tonight we can do that.
- We have three other ordinance for Council to consider tonight 2015-40, 2015-41, 2015-42 Cindy already talked about them and explained them to Council. They regard financial matters we have in the City. They also are prepared on an emergency measure and if you want to suspend the three reading rule tonight we could pass all three tonight.
- We will need to go into Executive Session and it will be under the Ohio Revised Code Section 121.22 (G) (1) personnel matters (3) conference with Legal Council (4) Bargaining session results with public employees.

There was presented and read to Council on its first reading by title only; ORDINANCE NO. 2015-39; AN ORDINANCE LEVYING AN EXCISE TAX ON HOTELS AND OTHER ESTABLISHMENTS WITHIN THE CITY LIMITS OF ST. CLAIRSVILLE AND

DECLARING AN EMERGENCY. Libby Heintzelman moved that the rules requiring ordinances and resolutions to be read on three separate readings be suspended and declaring an emergency; Jim Weisgerber seconded the motion.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Yes	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Olsavsky	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. 2015-39. a motion was made by Perry Jones and seconded by Jim Weisgerber that Ordinance No. 2015-39 be passed by Council.

Roll Call Vote:

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

Roll call Vote: Seven (7) Yes Zero (0) No Motion Approved

Ordinance No. 2015-39 was declared adopted.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2015-40; AN ORDINANCE TO MAKE ADDITIONAL PERMANENT APPROPRIATIONS FOR THE NORMAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ST. CLAIRSVILLE, STATE OF OHIO, FOR THE PERIOD JANUARY 1, 2015 THROUGH DECEMBER 31, 2015, AND DECLARING AN EMERGENCY. Libby Heintzelman moved that the rules requiring ordinances and resolutions to be read on three separate readings be suspended and declaring an emergency; Jim Weisgerber seconded the motion.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Yes	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Olsavsky	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. 2015-40. a motion was made by Perry Jones and seconded by Jim Weisgerber that Ordinance No. 2015-40 be passed by Council.

Roll Call Vote:

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

Roll call Vote: Seven (7) Yes Zero (0) No Motion Approved

Ordinance No. 2015-40 was declared adopted.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2015-41; RESOLUTION TO ESTABLISH THE BIKEPATH NORTH PORTAL LINER FUND #262 FUND AND DECLARING AN EMERGENCY. Libby Heintzelman moved that the rules requiring ordinances and resolutions to be read on three separate readings be suspended and declaring an emergency: Jim Weisgerber seconded the motion

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Yes	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Olsavsky	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. 2015-41. a motion was made by Jim Weisgerber and seconded by Jake Olsavsky that Resolution No. 2015-41 be passed by Council.

Roll Call Vote:

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

Roll call Vote: Seven (7) Yes Zero (0) No Motion Approved

Resolution No. 2015-41 was declared adopted.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2015-42; RESOLUTION TO ESTABLISH THE US-40 AND SR9 PAVING PROJECT FUND # 264 AND DECLARING AN EMERGENCY. Libby Heintzelman moved that the rules requiring Ordinances and Resolution to be read on three separate readings be suspended and declaring an emergency; Jim Weisgerber seconded the motion.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Yes	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Olsavsky	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. 2015-42. a motion was made by Perry Jones and seconded by Jim Weisgerber that Resolution No. 2015-42 be passed by Council.

Roll Call Vote:

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

Roll call Vote: Seven (7) Yes Zero (0) No Motion Approved

Resolution No. 2015-42 was declared adopted.

**EXECUTIVE SESSION:**

A motion was made by Jim Weisgerber and seconded by Perry Jones to go into Executive Session

Per the Ohio Revised Code Section 121.22 (G) (1) personnel matters (3) conference with Legal Council (4) Bargaining session results with public employees.

Roll Call Vote:

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

Roll call Vote:        Seven (7) Yes            Zero (0) No    Motion Approved

**RETURN TO REGULAR SESSION:**

A motion was made by Jim Weisgerber and seconded by Perry Jones to return to regular session.

Roll Call Vote:

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

Roll call Vote:        Seven (7) 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, October 19, 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