

COUNCIL MINUTES
October 19, 2015

St. Clairsville City Council met in Council Chambers on Monday, October 19, 2015 with the following present

Terry Pugh, Council President

Mark Bukmir, Council 3rd Ward

Libby Heintzleman, Council-At-Large

Perry Jones, Council-At-Large

Jake Olsavsky, Council, 1st Ward

David Trouten, Council, 4th Ward

Frank Sabatino, Council, 2nd Ward

Jim Weisgerber, Council-At-Large

Tom Murphy, Planning & Zoning Administrator

Dennis Bigler, Service Director

Richard Myser, Law Director

Cindi Henry, Finance Director

Jeff Henry, Police Chief

Lindsay Piccolini, Recreation Director

The meeting was called to order by Council President Terry Pugh

Terry Pugh: The next part of our Council Meeting is generally for the Citizens to respond to Council however, you are supposed to call in and get on the agenda. John Samons is on the agenda.

CITIZENS HEARING:

John Samons, Williams Energy

We will pick up where we left off the last time. I have been kind of communicating with Mr. Myser. The last issue concerning the pipeline right-of-way agreement was the walking track remain open. I spoke verbally with a few supervisors and they said they didn't see a problem with that. They had a construction meeting. I sent it out in an email just to put it to everybody's attention just to make sure. That way I could put it in the agreement whether it would remain open or not. As it turns there was a guy that brought up an issue of maybe a safety concern. I suspect I was thinking more along the lines of the guidewires I think we talked about for locating as they are boring. After it is bored and the pipeline is in place is an aspect I just didn't think of. That is why we have checks and balances. During the period of what they call hydro testing. They hydro test the line. The actually put water in the line as a final test. There are multiple test phases but they pressurize the line supposedly beyond its capability to see if anything happens. During that amount of time they requested the track just close for a period of five days. I sent him the language they will give 48 hours verbal notice when they would begin the hydro testing up to a period of five days. I think there is some language in there that states that if they need more time they would request it but five days is what is in the agreement. That was the only thing that I had to add. Everything else we had already discussed at the previous two meetings so that is the only thing that I had to add today and see if you had any questions. **Richard Myser:** Council I have a resolution that I put in front of you and attached to the resolution is the right-of-way agreement and page 5 of the 6 page document that is attached you can see the exact language that John is referring to. It is referred to as grantees pipeline construction to mitigate surface disruption. As John mention we discussed this at two meetings and everything is the same and the resolution is ready for passage tonight if Council wants to pass it tonight. The only thing that was different is that particular paragraph right there indicating that the Biketrail will be closed for five days and they will give us a 48 hour notice before it is closed. It is being closed for safety purposes so they can test the lines. **Jim Weisgerber:** When you say closing the

biketrail just that area down there not the complete trail? **John Samons:** Not the complete trail. Actually we cannot close anything that is not our easement. The easement is 75 ft. width 100 ft. during construction. **Dennis Bigler:** How are you guys handling State Highways when you go under those right now for the same purpose? **John Samons:** To be honest with you that is above my pay scale. We have a department that deals with all the permitting. We have a complete permitting department. They will have to apply for a permit to go under the road. This is not a onetime occurrence it happens all the time. We go under Interstates, we go under a lot of places that we can't go across. **Dennis Bigler:** Couldn't that five days be reduced somehow? That is a long time just for a test. **John Samons:** Well I see where you are coming from the thing is at this point they don't know if they are going to test just that section or hydro test a larger section. This pipeline project being give or take 57 miles it won't be any more than that. It could be reduced they are just asking for a five day buffer they need it. Hydro testing does take time because they don't just put the pressure on it and all of a sudden take the pressure off. Say for instance a Plummer has to put air pressure on the lines. They had a PSI gauge attached to it. It had to be closed off on all ends and the PSI gauge would indicate how much air pressure is on that line. It had to exceed what that line was capable and it couldn't be pressurized and then turn a relief valve and let it go it had to be pressurized time specific to that home of that business. I am sure with a pipeline there is a time it has to be under pressure. That may be why they need the extra time. **Dennis Bigler:** When we do water or wastewater lines we do 24 hours. The only other thing that I will mention is to close the trail even for our own work we need to get Federal permission to do that. **David Trouten:** This amount that has been offered to do this is that a standard rate? Have you been able to research that? That doesn't seem like much money to run gas under your city. **John Samons:** We are kind of talking about 87 feet here. Obviously the more land you own the more is paid. I put out a number when I first talked to you and I have never bought 87 feet of pipeline to be honest with you. This is the shortest section of pipe I have bought since I was up here in 2011. So to put a per foot price on it regardless if it is \$50 or \$100 87 feet is not going to make a whole lot of difference regardless. The reason I put a lump sum number on it is because it is 87 feet. If it was in an area where the city could use to build some kind of municipal building or a recreational building then I venture to say that that price should be higher. The only flat piece of ground in that area is the walking track itself. **David Trouten:** Just so everybody knows my feelings I do not want to waive the three readings. This is the first reading and I want more time to consider it.

Terry Pugh: I understand that we have a lot of Citizens here that would like to discuss an event in the Recreation Department. As I said if you want to speak before Council you must call Kathy's Office by 4:30 the day of Council. The other thing is there is a Recreation Board that if there is a concern or complaint that it must be taken to before it comes before Council. Have you talked to anybody on the Recreation Board about your concerns? **David Trouten:** I can answer that question because I know the Rec. Board meets tomorrow. **Terry Pugh:** I am not going to get into discussion of what you are here for. **Pria Myers:** This is not a discussion it is about the Rec. Board meeting and how we go about getting on that agenda. **Terry Pugh:** David Trouten is on the Board and you can ask him. The Council is not a part of the Rec. Board. **Pria Myers:** What I would like to know on this situation is if the City Council does not have nay to do with the Rec Center doings how did the City Council come to hire the new Director? **Terry Pugh:** You have a Rec. Board to discuss the events that are happening in the Rec. Center. After it is brought to the Board then it is brought to Council if there is something that Council needs to act

on. I hope that answered your question. Now I will say this if you meet with the Rec Board and if you want to come back and pick one person to present your side to Council call before the next Council meeting and get on the agenda and you will be permitted to speak. **Pria Myers:** O.k. but the Council Meetings are open to the public? **Terry Pugh:** Oh yes very much so it is just a matter of who is going to speak like John called he is on the agenda. **Pria Myers:** I understand it is that Mr. Feaster talked to the Mayor and he told him to come to the Council meeting. **David Trouten:** Just out of curiosity are there people here with different views or does everyone have the same view? **Crowd:** We are all of the same view for Mr. Chris. **Terry Pugh:** I am sorry for the confusion. **Lisa Kazmirski:** I have tried to call the Rec. Center multiple time and no answer. You get an answering machine every time. How would you get ahold of them to be able to discuss that? **Terry Pugh:** I don't have anything to do with the Rec. Board or any member here except David Trouten. He is the Council Representative on the Rec. Board. **Lindsay Piccolini:** They can stop in. **David Trouten:** I will be happy to answer questions to clarify I actually am not on the Rec Board I am a liaison from Council to the Rec. Board. **Amanda Long:** I have actually talked to people at the Rec. Center and they have told me that I needed to come here so I am really confused. It is a big confusion and I don't think anybody knows the right answer. **Terry Pugh:** I don't think I can be clearer, there is a Rec. Board that issues in the Rec. Department are to be taken to first. Once again if you want to approach Council just call and get on the agenda. Just like every other matter that has come before Council I would like for you to pick a spokesman. Council doesn't want to hear 10 people say the same thing. **Gina Lyons Zebbs:** I just wanted to say first of all we didn't mean to disrespect anybody or to go against policy. We honestly didn't come here to disrupt anything we didn't know what the parameters were and now we know. We will contact the Rec Board but we are not going to go away. **Terry Pugh:** I understood from Kathy that you were here on an issue but it is something that has to be taken to the Rec. Board first. **Gina Lyons Zebbs:** I will happily go to them first. **Pria Myers:** One more time could Miss Piccolini let us know when the next Rec Board Meeting is? **Lindsay Piccoline:** It is tomorrow at 4:00 at the Rec. Center. **Terry Pugh:** You are welcome to stay for the rest of the meeting and thank you for coming.

Minutes: Minutes of the October 5, 2015 Council Meeting were not available.

REPORTS

Service Director, Dennis Bigler

- The only thing I want to talk about is leaf collection. The year before last we started transitioning away from plastic bags. We also do loose leaf pick up. We offered paper bags for free for the past two years that grant went out of being. Last year I believe we passed an ordinance saying we were going to stop using plastic. Last year during the transition we would go knock on doors explain to people what was going on. This year we would like to advise people that we are with Council's concurrence stop picking up plastic bags. It is so much more efficient and environmentally better. Local retailers do carry them.
- The only other thing speaking of the bikeway the contractor continues to work at the North Portal. We think that within the next week to ten days we should be done with what they were doing with the inside of the tunnel. Part of the contract is to pave that section of Station Street.

- **David Trouten:** We talked a while ago about paving the new basketball courts and it was going to be part of the same blacktop project as the roads. **Tom Murphy:** We hit some weather problems and that slowed things down. Shelley & Sands is the Company that would pave that and they have been slammed with their primary work. This is a smaller job for them. They promised us that they would get it completed. I am just concerned about the weather when it gets colder and colder. **David Trouten:** It is prepared already. **Dennis Bigler:** What happened that was the week we got the 6 inches of rain. What we have talked about is having our guys go down there with our paving box and put down maybe 2 inches so you could get on it. We should try to push it this week. **Tom Murphy:** If they make it clear to us that they can't get to it for some reason this year we will have to deal with it.

Mayor, Robert Vincenzo - Not Present

Police Chief, Jeff Henry

- If you sign up for the 911 calls I am sure you heard that we are going to have an active shooter simulation at the High School and Middle School starting at 9:00. The roads will be shut down by our Utility trucks. We will go in and try to apprehend the active shooter. There will be State Highway Patrol, Sheriff's Office, The Swat Team from the Sheriff's Office and surrounding Agencies assisting. It will probably be over by 10:30 so if you don't want to be held up in traffic South Sugar Street will be closed and Woodrow Avenue will be closed for a short period of time. This is put together by our School Resource Officer, Jeff Gazdik.

Finance Director, Cindi Henry

- Tonight we have Resolution No. 2015-44. This is certifying the rates that the County Auditor prepared and returned to us after we filed our budget for next year where it shows what our levies will pull in most of them decreasing very little from last year. One of them actually increasing slightly. It is an emergency measure. It is just a formality on paper.
- We will be needing an Executive Session regarding compensation of personnel.

Planning and Zoning Administrator, Tom Murphy

- Thursday November 5th at 5:30 p.m. a Board of Zoning Appeals Meeting will be held. The request is being made by a2z Daycare/Preschool to establish a conditional use permit at 190 Woodrow Avenue the former Church of Christ. Anybody is welcome to attend and if you do have questions feel free to ask.
- On Monday November 16th at 7:30 at the City Council Meeting that is Council's Public Hearing for Kelly Cappelletti's request for rezoning 235 West Main Street for the purpose of moving Kelly's Suite II there. I will meet with Terry and determine at what time we will have that meeting.
- A reminder to everyone that permits are required before construction. This last week I had to stop a few jobs that people had started without a permit.
- **Mark Bukmir:** On the Cappelletti movement I saw that the Board voted four to one in favor of that. What was the negative? What was something that someone didn't approve of? **Tom Murphy:** They didn't voice their specific reason why they voted against that. **Mark Bukmir:** Do we have solid assurances that if there is a problem say drainage off the backside onto someone else's property that is taken care of? Even though the language may be in there is there any type of penalty to Mrs. Cappelletti if it does occur.

Tom Murphy: Well the penalty say for example she constructed a parking lot and there was engineer plans submitted and for whatever reason those engineer plans were completed improperly and drainage became a problem that is when the city would get involved and take them to Court. The Court I assume would say one of the requirements was that it not become an issue and it has become one. Not being Attorney I don't know the official process for that.

COUNCIL COMMITTEES

Finance, Libby Heintzelman – I think Cindi pretty much covered it.

Utilities, Frank Sabatino - No Report

Police, Perry Jones

- **Jeff Henry:** I did talk to the Lady from St. Mary's School about the race. She went over her course. I don't have a problem with it. It is going to cost us two Officers for probably two hours.

Street North Side, David Trouten - No Report

Street South Side, Jim Weisgerber

- **Frank Sabatino:** Once again I have to report the ongoing grass and weed problem on Orchard Drive. The lot between 98 & 100 the grass was cut thank goodness by lawnmower it looks nice but the weeds are still there. I have checked with the neighbors and the weeds on the property do not belong to any of the neighbors. They belong to the owner of the lot. You know how this can exist the weeds are four feet tall. They are the highest weeds in St. Clairsville and quite frankly I am disappointed they are still standing. Also I have requested again that hash marks be put from Route 40 onto Orchard Drive. It is a dangerous intersection and I know coming out of that intersection sometime two or three times a day those hash marks are very important. It is safety issue. I see the State has put their paint marks there I am told that is not their job it is the City's job and as of today I have not seen those. I have requested several other items to be done, paving jobs and I know we are short on paving season but I would like to see those done in the second ward.
- **Terry Pugh:** Tom is it Friday that they are going to be in checking on any possible problems on the Route 40 & Route 9 job? If any Councilmen have noticed anything.
Tom Murphy: You can let me know or let Terry know an ODOT representative is going to meet with me and Terry on Peck's Lane there was a concern Terry had there. We are aware of some minor drainage issues that they are supposed to take care of.
- **Jim Weisgerber:** I have a question, my wife & I were out of town when we had the heavy rains. Did the road out by Convenient and down through there drain properly?
Tom Murphy: It seemed to work very well. We had a tremendous amount of rain and I had driven through there a few times. During the heaviest rains there was some spreading which we knew there was going to be some. The engineering plans showed they could help it a lot bur wouldn't fix it totally. It did appear to work very well.

Safety, Libby Heintzelman: No Report

Building and Grounds, Mark Bukmir - No Report

Planning Commission, Jim Weisgerber - No Report

Fire District, Frank Sabatino

- The Fire District had our open house last Sunday, October 11th from 11 to 4. If you happened to stop or drive by all the Fire Apparatuses were on display for the taxpayers

and voters of the district for keeping our vehicles up to date and we want to thank them for that.

- Our next meeting will be Wednesday, October 21st at 3:30 at the Main Station

Recreation, David Trouten

- We are going to have a lively Rec. Board meeting tomorrow. I will report back after that.

Park District, Perry Jones

- The City did go in and help the Park replace one of the electric poles. If you haven't had a chance to get down to the Park for a while you need to go down because they really have done a lot of work and it really is looking nice the roads and everything.

ORDINANCES & RESOLUTIONS

Law Director, Richard Myser

- Cindi already explained that we have Resolution No. 2015-44 that takes care of some housekeeping matters. Some necessary tax levies and some other expenditures that we have to make.
- Resolution No. 2015-43 is the resolution to approve and authorize the Mayor to sign the right-of-way agreement with Utica Gas Services that Mr. Samons addressed to us tonight. Both of these are for the first reading, both are prepared with the emergency language in them. If you want to suspend the rules and pass them tonight you could. Mr. Trouten just indicated that on 2014-43 he would like to see three readings of this particular resolution. It is going to be up to Council what they want to do with this particular resolution.
- Last meeting we discussed the problem with the fiber pole attachments on Route 40. I have done some research on it and I still need to do some more. I need to get with Dennis Bigler and get some language to put together in an ordinance. I don't have that ordinance tonight but that will be something that I will be putting together in the future. Does Council have anything else that they would like to see in that ordinance? It was our plan to put together an ordinance, what I want to talk to Dennis about is whether we want to make this a temporary moratorium for example for five years or a permanent restriction on anything in the future. **David Trouten:** I thought we were thinking permanent. We can always repeal it. **Richard Myser:** It may be more palatable or acceptable if it is simply a temporary moratorium that we could pass again and continue. I am just throwing that out for discussion before it becomes an ordinance. **Terry Pugh:** I understood that we were going to pass it permanently for overhead lines but should it ever happen that we would put underground duct work in and it went down Main Street. **Richard Myser:** I could draft it so that the avolition is just for fiber poke attachments. So if it is underground we have no prohibition to that.
- We will be going into Executive Session this evening per Ohio Revised Code Section 121.22 (G) (1) for personnel matters and G) (3) for pending litigation.
- **Mark Bukmir:** Mr. Myser on the fiber optic that was on Route 40 is that correct Mr. Bigler? **Dennis Bigler:** Yes. **Mark Bukmir:** If they wanted to go around at our specifications our choice they could do that but it was just mainly to take care of the congested area. **Dennis Bigler:** Right on Rt. 40. **Richard Myser:** I was going to exempt the City of St. Clairsville if we want to put a line in that we can put our own line in.

- **David Trouten:** I may have forgotten where did we leave off on the hotel tax? **Richard Myser:** We passed it.

There was presented and read to Council on its first 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. **Libby Heintzelman:** Are we doing this as an emergency? **Terry Pugh:** If there is no more action we will read it the second time the next meeting. **David Trouten:** Can we discuss it? **Terry Pugh:** Sure. **David Trouten:** Dennis you think we could get more out of this? **Dennis Bigler:** I was sitting here thinking about your question. I haven't check it for a long time but I know a few months ago the range was \$30 to \$100 a foot typically. What I was driving at it seem like the five day thing, they are not going to close a State Highway for five days. I suppose a threat would be different and that is a long time for just a little bit of money. **David Trouten:** And the whole issue of gas beneath the biketrail and they need us. Could we get a lot more out of it? It doesn't seem worth it to me. **Mark Bukmir:** I agree with Dave, I didn't know if this was one of those kind of things where we try working hand & hand with people but as lucrative as this field is I think we should try to get as much money as we can for the city. Not to mention we are going to have five days that people are not going to be able to use the trail. It is an inconvenience. **Terry Pugh:** He is offering us \$3,000 do we want to negotiate with him? **Dennis Bigler:** I haven't tried negotiating with him. **Terry Pugh:** You were good with the other gas leases. **Perry Jones:** Does this need to be an emergency? **Davis Trouten:** No it doesn't have to be an emergency but we can have the first reading. **Richard Myser:** They were in a hurry but he has been in a hurry for a long time. I have communicated with him and negotiated the terms for a number of different clauses. They were very receptive on the terms, I never have talked to him about the price though. **Dennis Bigler:** Your first letter suggested paying more. **Mark Bukmir:** They are going to try to low ball us, if it goes through what do they lose.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2015-44; RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR 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 2015-44; RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS

DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING TH NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY. A motion was made by Perry Jones and seconded by Jim Weisgerber that Resolution No. 2015-44 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. 2015-44 was declared adopted.

NEW BUSINESS: Mayor's Report

The Mayor's Collection for September is \$3,133.10. A motion to accept the Mayor's Report was made by Jim Weisgerber and seconded by Perry Jones.

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

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) for personnel matters and G) (3) for pending litigation.

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, November 2, 2015 at 7:30 in the Council Chambers.

Kathleen M. Kaluger, Clerk

D. Terry Pugh, Council President