

COUNCIL MINUTES
September 21, 2015

St. Clairsville City Council met in Council Chambers on Monday, September 21, 2015 with the following present

Terry Pugh, Council President
Mark Bukmir, Council 3rd Ward
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

Robert Vincenzo, Mayor
Tom Murphy, Planning & Zoning Administrator
Richard Myser, Law Director
Cindi Henry, Finance Director
Jeff Henry, Police Chief

The meeting was called to order by Council President Terry Pugh

CITIZENS HEARING:

John Samons, Williams Energy

Ladies and Gentlemen I am from Williams Energy out of North Canton. I was informed to keep this short and sweet. Basically what this is concerning is the walking track area off of Warnock Road and Reservoir Road if you guys are familiar with that. There is an area that we are coming off the adjacent property to the East and we are going to be doing what they call a directional drill. The drill is basically going to go under the road and popping up on the property that is directly behind the walking trail. I have an agreement that I will leave with the Council for you guys to look at. There are some things that I would like to add in that was brought to my attention during the walk. We actually walked the path this last Wednesday. I didn't want to discuss at liberty what we were going to do until the route development team looked at it and told me exactly what they planned on doing. So it is in fact going to be a bore and it is a 75 foot easement which you won't be realizing any surface disturbance in that area. What we are looking at is a two year option. We have to have time to get all of the pieces of the puzzle in place. This pipeline project is coming from our two facilities, one is in Moundsville, WV and the other one is in Scio, OH. We are connecting those two facilities. I hope I am not leaving anything out. This is kind of the Readers Digest version. If you guys have any questions I am better at answering questions than I am rambling on. **Jim Weisgerber:** If you are going to bore under the walking trail would we have to shut that section down for safety while you bore. **John Samons:** I don't think so, I am about 90% sure that you would not have to shut that down because there will be people up there walking constantly. They will put two wire lines and that just shows the depth of the bore. It will probably be give or take the radius 30 feet below the walking trail so I don't think anyone will be in jeopardy. There will be people walking it constantly to monitor it. I will check on that and give you a more definitive answer when I find out. **Terry Pugh:** I think John that you met with Dennis Bigler. **John Samons:** Yes I met with Dennis, it has been a while back. Our Company requires us as agents to get permission to walk. Even though it is a walking track I had to ask for permission to walk. Mr. Bigler was the one who allowed us to walk and have a survey crew out there to look at it. **Terry Pugh:** I was just going to bring up with Council that I am sure the Mayor and Dennis were going to go over all the plans that you have left with them and probably be better able to discuss it with Council and have any questions for you at a future time. **John Samons:** Right, I was going to meet with Dennis

last week and I actually met with the Mayor and he allowed me to come in here and just address everybody at once. I actually have some agreements and I actually had them email them to me today and printed them out at Staples and I will leave these with you guys. It is more agreements and the maps that they gave me and I have on my computer as well I would like to show you guys before I leave. Some of these things in here will change because some of them won't pertain to this particular track. The back page has the map of disturbance which is kind of a zoned out portion. I have a better diagram on my computer that I would like to show you exactly what we are taking a look at. In that agreement they won't say that we are going to bore anything that will be changed in the body of that agreement that will be in the form of an addendum page that will supersede anything that the body of the document states. So there is going to be some addendums that I am going to add in there myself such as no surface disturbance to the area because if we are boring it needs to be in there. And of course any kind of feedback that I get from you guys will be great. Reviewed the attached map with Council.

Terry Pugh: Thank you John, I am sure you will hear from the Mayor or Mr. Bigler and they will present something to Council. **John Samons:** I am leaving cards with my phone number and my email address. If you have any questions just call me or email me.

Minutes: Minutes of the September 8, 2015 Council Meeting were distributed to Council. A motion was made by Perry Jones and seconded by Jim Weisgerber to accept the minutes as written.

Roll Call Vote:

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

REPORTS

Service Director, Dennis Bigler - Not Present

Mayor, Robert Vincenzo

- On the East end of town at the St. Clair Commons the roadway has been completed. It has been striped, the sidewalks have been installed. The next step now is we are preparing to meet the October 13th with ODOT and preparing to secure the remainder of funding to bring the connector road from Route 40 to the back of the Mall and around to Mall Road to complete that connector road. The Track meeting will be on October 13th with ODOT we have a very good case prepared and we feel that it is going to be very much in our favor so that we will receive the funding to finish the rest of the project.
- The paving on the other parts of the City Route 9 and Route 40 has been completed. We are still working on a few areas of striping, pedestrian walkways and a couple of other issues. We are just about wound up with the project and Tom Murphy I have to give a lot of credit for this project because Tom was on the project every day. He has been working with the engineers from ODOT and the contractors and keeping abreast of all the small details and believe me we had some headaches along the way. It has been completed and the long wait has been over and I just want to thank the citizens for being patient with our project because the east end of town had some serious problems that we corrected. It took some time to correct the storm sewer area and replacement of the waterline. With all that I think it has been worthwhile waiting to get this done. Now we have a good

surface and it will be there for the next ten years. It is done before the bad weather and we are very happy to have a nice job done. **Frank Sabatino:** Once it is completed will they still do the hash marks from Route 40 onto Orchard Drive? Is that our responsibility? **Tom Murphy:** I think that is the City's responsibility. **Mayor Vincenzo:** Our Street Department is still uncertain what they have to do. I am sure that the State is to provide the crosswalks. The sidelines still have to be painted yet. Also there was a mistake on the double line at the intersection of Route 40 and Route 9 and they had to remove a double line and move it over because when we put the parking spaces in in front of Calvary Church the line was too close. It was just a series of not knowing the right place for the right person with the right information. There is another one in front of the Marathon that they have to correct. But it was all done at night and even with lights sometimes mistakes are made at night but it did help out to not do this during the day and have all this traffic tie up because it would have been impossible to do it during the day without shutting businesses down. I think they did a tremendous job.

Police Chief, Jeff Henry

- I can add a little bit to what the Mayor said. Out on the east end between Crosby's and Orchard Drive there were some residents who asked why we couldn't mark the parking spaces and put yellow lines in front of their driveways. With the businesses out there they are always getting their car blocked in. I think maybe if the Street Department had time if we could mark off the parking spaces like they have done from Beck's out to the Catholic Rectory on that side of the street. It would look nicer and we know the residents out there would be happier. That was just brought up to me today and I said I would pass it on here at the Council Meeting and see how the feelings were with everybody. **Mayor Vincenzo:** I don't know if anyone recalls but I am certain that years ago we had them spaced out there. **Jeff Henry:** I think from the paving we had twelve years ago I think before that there was parking spaces. **Mayor Vincenzo:** Ed Slavic had two in front of his place and they were spaced out. I don't know how we got away from doing that. **Jeff Henry:** I think it was money and man power but I think it would be nice for the residents who do live there to have the yellow end marks so people weren't blocking their driveways. **Jeff Henry:** I don't know who has to order that. **Mayor Vincenzo:** We will work on it.
- The Police Committee will have a meeting after the Council Meeting tonight.

Finance Director, Cindi Henry

- Just Resolution No. 2015-38 with regards to the UAN Software system. I sent an email out earlier today that showed the reduction in cost on the current software we are on which would equate to \$1,779.00 less per year.

Planning and Zoning Administrator, Tom Murphy

- Just a reminder to Council there is a Board of Zoning Appeals meeting this Wednesday at 5:30 in Council Chambers. There are two items on the agenda. One is Joe Krehlik requesting an additional use home occupation at 105 Park Street. That is to have a photography studio in his home. The second item Perry & Associates is proposing to move to 104 S. Sugar Street.
- Another item the Planning Commission has a meeting scheduled for Monday, October 5th at 6:00 p.m. You might recall from a previous Council meeting that Kelly Cappelletti is requesting a change the Zoning classification for 235 W. Main Street. The zoning on that

property is (CD) Corridor District she is requesting to rezone that property to (DD) Downtown District. She would like to move Kelly's Suite Tooth to that location at 235 W. Main Street and utilize the existing structure. Anyone is welcome to that public hearing before the Planning Commission.

- To bring you up to date you might remember this has been quite a while ago Kennedy Park asked to build a few more Retirement Duplexes out there. As part of that they have to extend sanitary lines and water line. They have been working on that the past month approximately. The sanitary line is in and has been tested, it is being built to city specifications. The other item the water line is in preliminary testing has been done they are just waiting on some final testing which will be in the end of this week. In most cases when a line is extended like that they dedicate it to the city and the city takes over. That is why we are requiring it to be done by city specifications. **David Trouten:** The one on West Main they are not looking for approval they want to completely change the zoning? Why wouldn't they just ask for approval? **Tom Murphy:** In the CD zone there certain requirements in that zone for instance the person has to either live in the structure, live adjacent or there has to be an existing business on either side. None of those three can be met. Plus they are looking at the long term. If they have the business located at that property and they want to sell the business and have someone else take it over and that person wasn't living in it they wouldn't meet those requirements. This allows for a more long term commercial use. **David Trouten:** Couldn't you do a variance to do the same thing? **Tom Murphy:** State Law maybe even Federal Law says you cannot get a variance for a use so that is why they can't get a variance they have to go for an actual zone change of the property.

COUNCIL COMMITTEES

Finance, Libby Heintzelman - Not present

Utilities, Frank Sabatino - No Report

Police, Perry Jones: We are going to have a committee meeting this evening after Council

Street North Side, David Trouten - No Report

Street South Side, Jim Weisgerber

- Yes but it is on the North side. I had a person talk to me today an Jeff may be able to help me out on this one. There seems to be a left car on North Market Street with the side bashed in and the wheels bent it is not drivable. **Jeff Henry:** It was involved in an accident. They are probably waiting for the insurance. It happened behind the Courthouse so they drove it down to in front of their house. We can talk to them because it has been two weeks since the accident. **Jim Weisgerber:** I think that is what was brought up it may have been sitting there awhile and they were concerned about traffic issues. **Jeff Henry:** There is parking there. **David Trouten:** He is parked in a parking space. **Jeff Henry:** They are allowed to park there but the vehicle has to be operable.
- The other thing that I would like to bring up not that we jump on it right tonight but since the Clarendon is being developed have we thought about the possibility to increase parking down the road for people to make South Market Street one way and diagonal parking both sides. You could pick up a lot of parking spaces that way. That is just something I am throwing out to Council to think about.
- **Frank Sabatino:** As a resident of the South Side an on behalf of the residents of Orchard Drive at the end of the block between 98 and 100 we seem to be having a very

serious problem with the individual cutting the grass. The grass is high again. I think this individual has cut it twice this whole summer. The one time grass was laying all over the curb and right now I think they have the distinction of having the highest weeds on the back lot in the city. The people down there keep their lawns cut. Like I said the weeds are 4 feet tall in the back part of that lot. Quite frankly the people down there are quite upset about that. **Richard Myser:** I will address that. Earlier this spring Tom had contacted me and we sent a letter to the property owner with no response. I then called him and that is when he cut it the first time. Then Tom brought it to my attention again, I called him a second time. After our last meeting two weeks ago I called him again and I thought he was going to be here tonight as a matter of fact. There is an ongoing dispute on whether that is a building lot but there is no question that individual, it is actually owned by an LLC but there is no question that they own the property. And there is no question that they have a responsibility to keep it cut. Any other dispute there may be regarding that property they own the property and they have a responsibility to keep it maintained. The individual and the LLC has been contacted numerous times and they know what the situation is so I would suggest that we cite them into Mayor's Court. **Mayor Vincenzo:** Cite them in we will take care of it. We try to be lenient with these people and when they thumb their noses at you after a period of time it doesn't matter who they are bring them in an we will take them through Mayor's Court. **Richard Myser:** I told him that would happen. He would be brought into Mayor's Court and he would be fined.

Safety, Libby Heintzelman: Not Present

Building and Grounds, Mark Bukmir - No Report

Planning Commission, Jim Weisgerber - Mr. Murphy covered it quite nicely

Fire District, Frank Sabatino

- The Fire District will meet in Regular Session on Wednesday, September 30th at 3:30 at the Main Station

Recreation, David Trouten - No Report

Park District, Perry Jones - No Report

ORDINANCES & RESOLUTIONS

Law Director, Richard Myser

- This evening we have two resolutions to address. You will recall at the last meeting two weeks ago we talked about a contract with the Auditor of the State of Ohio to provide us with computer hardware and software. We discussed it and Council asked that I prepare a resolution for that to be adopted. That is what Cindi was addressing Council about just a few minutes ago. It is Resolution No. 2015-38 it is drafter in such a fashion that it can be passed as an emergency measure tonight suspending the rules.
- We also have Resolution No. 2015-37 Dennis Bigler asked that I prepare this. This is a resolution authorizing him to request a grant from the Ohio EPA for the purchase of testing equipment regarding cyanotoxins and it actually is asking for a grant to reimburse for the payment of \$8,142.70. Once again this is also prepared in such a fashion that it can be passed as an emergency measure this evening with the suspension of the rules.
- We also will need to go into executive session this evening. The Ohio Revised Code Section that will authorize us going into executive session is 121.22 (G) (3) and (G) (4).

For conference with the City Attorney reviewing negotiations and bargaining sessions with public employees.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2015-37; A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICES TO REQUEST A GRANT TO OHIO EPA FOR \$8,142.70 FOR THE PURCHASE OF TESTING EQUIPMENT FOR CYANOTOXINS AND DECLARING AN EMERGENCY. Mark Bukmir 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
Jones	Yes	Sabatino	Yes
Olsavsky	Yes	Weisgerber	Yes
Roll call Vote:	Six (6) Yes	Zero (0) No	Motion Approved

There was presented and read to Council on its third and final reading by title only, RESOLUTION NO. 2015-37. A motion was made Perry Jones and seconded by Jim Weisgerber that Resolution No. 2015-37 be passed by Council.

Roll Call Vote:

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

Resolution No. 2015-37 was declared adopted.

Three was presented and read to Council on its first reading by title only, RESOLUTION NO. 2015-38; A RESOLUTION AUTHORIZING THE CITY OF ST. CLAIRSVILLE TO ENTER INTO A CONTRACT WITH THE AUDITOR OF THE STATE OF OHIO FOR COMPUTER HARDWARE, SOFTWARE AND TECHNICAL SUPPORT AND DECLARING AN EMERGENCY. Mark Bukmir 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
Jones	Yes	Sabatino	Yes
Olsavsky	Yes	Weisgerber	Yes
Roll call Vote:	Six (6) Yes	Zero (0) No	Motion Approved

There was presented and read to Council on its third and final reading by title only, RESOLUTION NO. 2015-38. A motion was made by Jim Weisgerber and seconded by Perry Jones that Resolution No. 2015-38 be passed by Council.

Roll Call Vote:

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

Resolution NO. 2015-38 was declared adopted.

CORRESPONDENCE:

The Clerk read a letter from the Tri-County Help Center to request permission to hold A “March” for Domestic Violence Awareness on Wednesday, October 21, 2015 from 6:00 p.m. to approximately 6:45 p.m. The plan is to gather at 6:00 at the administrative office at 104 ½ North Marietta St. and march up to the Belmont County Courthouse after a brief program they will return to the Tri-County Help Center. A motion was made by Jake Olsavsky and seconded by Jim Weisgerber to allow the march on October 21st. **Terry Pugh:** Jeff are there any problems? **Jeff Henry:** No we have taken care of it every year. If you ok it we will take care of it.

Roll Call Vote:

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

NEW BUSINESS: Frank Sabatino: I have been asked about Halloween. **Clerk:** October 31st is Saturday if Council approves Trick or Treat will be Saturday, October 31st from 6:00 to 7:30.

EXECUTIVE SESSION:

A motion was made by Jim Weisgerber to go into Executive Session per Ohio Revised Code Section 121, 22 (G) (3) & (G) (4)). For conference with the City Attorney reviewing negotiations and bargaining sessions with public employees.

Roll Call Vote:

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

RETURN TO REGULAR SESSION:

A motion was made by Jim Weisgerber and seconded by Jake Olsavsky to return to regular session.

Roll Call Vote:

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

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

NEXT MEETING: The next regular scheduled meeting will be Monday, October 5, 2015 at 7:30 in the Council Chambers.

Kathleen M. Kaluger, Clerk

D. Terry Pugh, Council President