

**COUNCIL MINUTES**  
**JANUARY 6, 2014**

St. Clairsville City Council met at in Council Chambers on Monday, January 6, 2014 with the following present:

Terry Pugh, Council President	Robert Vincenzo, Mayor
John Bukmir, Council, 3 <sup>rd</sup> Ward	Dennis Bigler, Service Director
Libby Heintzleman, Council-At-Large	Al Davies, Law Director
Perry Jones, Council-At-Large	Cindi Henry, Finance Director
David Trouten, Council, 4 <sup>th</sup> Ward	Tom Murphy, Planning & Zoning Administrator
Frank Sabatino, Council, 2 <sup>nd</sup> Ward	Jeff Henry, Police Chief
Jim Weisgerber, Council-At-Large	Shelley Fortney, Utility Office Manager
	Don Smithberger, Electric Superintendent
	Doug Frye, Water/Wastewater Superintendent

The meeting was called to order by Council President Terry Pugh

**Oath of Office:** Law Director administered the Oath of Office to all newly elected Council Members. Terry Pugh, Council President and three of the Ward Councilmen, John Bukmir, David Trouten & Frank Sabatino

**Nomination of Clerk of Council:** A motion was made by Jim Weisgerber and seconded by Perry Jones to reappoint Kathy Kaluger as Clerk of Council for 2014.

Roll Call Vote:

Bukmir	Yes	Sabatino	Yes
Heintzleman	Yes	Trouten	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote	Six (6) Yes	Zero (0) No	Motion Approved

**Nomination of President Pro-Tem of Council:** A motion was made by Libby Heintzleman and seconded by Perry Jones to appoint Frank Sabatino as President Pro-Tem for the year 2014.

Roll Call Vote:

Bukmir	Yes	Sabatino	Yes
Heintzleman	Yes	Trouten	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote	Six (6) Yes	Zero (0) No	Motion Approved

**Terry Pugh:** The Mayor was kind enough to take me on a tour of the City. We saw the Sewer Plant, Water Plant, Lift Stations, Pump Stations, Sub Stations, etc. I had talked to him before and mentioned that I would like for us as a Council to get together and do something very similar to that. I hope that over the next month or so that we could set a time that we could all go on a tour and I think it will be that much more enlightening for all of us. On my tour I thought I knew some things well I was totally surprised. These are things that we are voting on here at Council and I think it will make a big difference. I will talk to everybody and see if we can set a time up and I hope that Doug Frye, Don Smithberger, Mayor Vincenzo, Chief Henry & Kevin Barr can attend also so we can all become a little more familiar with the people running the departments and see what they have to deal with.

**Minutes:** Minutes of the December 16, 2013 Regular Council Meeting were distributed to Council. A motion to accept the minutes was made by John Bukmir and seconded by Perry Jones.

Roll Call Vote:

Bukmir	Yes	Sabatino	Yes
Heintzleman	Yes	Trouten	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote	Six (6) Yes	Zero (0) No	Motion Approved

Minutes of the Council Meeting are a matter of public record and are available for inspection in the Mayor's Office from 8:30 to 4:30 Monday thru Friday.

**CITIZENS HEARING:**

**Bruce Fink, Harbel Drive:** As the Mayor is well aware we had a utility pole placed in our front yard. If it was just a regular utility pole I wouldn't have much of a problem with it but this thing is definitely an eyesore. It is probably between 40 & 60 feet tall with a 4x4 on top and a metal rod on top of that. I came home from work on the 17<sup>th</sup> and as I rounded the corner I saw the pole, you can't miss it. I called Don Smithberger about 5:10 that night and talked to him. The dirt had not been cleaned up and it was taken care of the next day so I appreciate that. I also called my Councilman Jim Weisgerber who is a friend of mine. My conversation with him was would you want this in your front yard? I also called the Mayor's Office on the 19<sup>th</sup>. The Mayor wasn't in I did talk to him on the 23<sup>rd</sup> and I also called Dennis Bigler at 9:50 on the 19<sup>th</sup>. I live at 227 Harbel, I talked to all of my neighbors and nobody was notified of this. We did get something in the mail about upgrades to the water system which we are all in favor of. To read these meters electronically will save the City a lot of time and a lot of money, but St. Clairsville was not a responsible neighbor at this point. All utilities on Harbel with the exception of street lights are posted in the back yards. With that being said I have a clear line of sight to the water tower, I understand that but that pole really does look ridiculous. I did talk to a real estate agent in town and asked him his personal opinion of it because of what that is going to do to property values. He said that it really shouldn't hurt my property value but it is an eyesore. I want to know who is going to be responsible; it is not when but if, it is definitely going to happen. When that thing gets struck by lightning I want to know who is going to be responsible for the electronics in my house for the damage. I was an electrician for many years and I know what the ground path of electricity does. I am approximately 40 feet from that pole, it is a straight shot from my meter and where my ground wire is. Everybody has computers, flat screen televisions so I would like to know would the City be responsible for replacing my electronics or my neighbor's electronics? The biggest thing is why weren't we notified? I did talk to the Mayor and he did invite me to come here tonight. I realize that we need to move forward but esthetically I don't think there is anybody in this room that would like that pole in your yard. I thank you for your time. **Dennis Bigler:** This is the deployment site for the gateways for the AMI system (the automatic meter reading infrastructure system) this is one of the poles we are sighting for those. The City did not pick the location. The location was picked by the engineers of Cooper Power Systems. What they are trying to do is to get a line of sight back to the tank to communicate the information back to the tower and then back to the Utility Office. The reason the pole is of that height is to get that line of sight. I agree it does not add to the environment of the house. **Bruce Fink:** Anytime I have done anything with the city I have always come up and got my permits, tried to be a good citizen. That is what I expect of the City in return to be a good citizen. **Dennis Bigler:** The problem is what are you going to do about it? There are two options, you can move the pole to somebody else's yard or you can put in a lot more communication devises around town so instead of six it goes to maybe eighteen or so. You say nobody is going to accept this pole. I am sympathetic on the other hand I don't know quite what to do about it. AEP has a main 69 line going down through that neighborhood down below. That is much more significant than what this is. One of the things we are taking away is the pole that is right next to it. That pole will go so the line that is coming up through there is going to go between the houses. **Don Smithberger:** We are going to come from the back and feed to the new pole. We will no longer have to cut the oak trees and damage them and the other pole will come out. There will be a light on the new pole. **Bruce Fink:** I inherited that tree but I also removed two trees from my driveway because it didn't look right in front of my house immediately when I moved into that neighborhood. I had a clear line of sight on my driveway now I don't have that. **Don Smithberger:** The pole is on the property line. **Bruce Fink:** I have talked to my neighbors and unfortunately they are elderly and they are all upset about it and it is just that no one knew anything about it. **Dennis Bigler:** The reason that no one knew is we were working on our right-of-way and we had directions from the engineers where it had to be.

**Bruce Fink:** The deed also says too all utilities in the back other than the street light. **Don Smithberger:** That is the purpose of the street light that we are going to hang there. **Bruce Fink:** Well I have never seen a street light that big ever in my life. **Jim Weisgerber:** I don't see why we can't move it to the back of the property even if we have to add a couple of feet to the pole. **Don Smithberger:** It is the site. With the property going downhill and the house and trees in the way we can't get a good line of sight and that is the whole issue. **Libby Heintzelman:** With AMI I first thought the antennas would be put on top of existing pole that we already had in the city. And maybe I misunderstood the presentation but I thought if line of sight was impaired it was going to find another way to get around to the next point. That is what I thought was presented to us. **Don Smithberger:** You are right with one exception. The meters themselves will find a path back to these six locations but from that location once they find their way back to this particular gateway which is what this is, that gateway has to have a perfect line of site back to the old water tower. **Libby Heintzelman:** This is already up in your yard, so we need to find a solution that appeases you. **Bruce Fink:** The thing is you have got the pole and a 4x4 on top of it and then the metal rod on top of that. An engineer ought to be embarrassed to have done this. **Libby Heintzelman:** All of the gateways will look like this? **Don Smithberger:** Yes. **Libby Heintzelman:** When will the rest of them be put up? **Don Smithberger:** They are all up but two. **Dennis Bigler:** Cooper assigned the location but we are putting them up. **Libby Heintzelman:** We didn't notify the people in the neighborhood because it is our right-of-way is that correct? **Dennis Bigler:** It is on city right-of-way. **John Bukmir:** Is there any possibility you could locate this on the back of his lot? **Don Smithberger:** No sir, due to obstructions and the height. **Terry Pugh:** Have we talked to Cooper about how many new sites we would be looking at? **Dennis Bigler:** I have talked to the consultant but I haven't taken that step because I wanted to see what Council wanted to do first. **Terry Pugh:** Right now we are at a standstill but I appreciate you coming and expressing your concerns. Council is aware of it now and maybe we can come up with a workable solution for everyone. **Dennis Bigler:** What do you think we could do to correct the problem? **Bruce Fink:** Even if you went to a single pole, a tapered pole that you were able to mount the pole on the side. That big wooden pole sticking out with the a 4x4 and a metal rod on it that is a lightning rod. Something has to be done to make that look right in the neighborhood. It really does stick out.

## **REPORTS:**

### **Service Director, Dennis Bigler**

- The Street Department will be collecting Christmas trees. We will chip all the Christmas trees so we will ask people to please for the safety of our workers and also for the integrity of the equipment to remove any metal from the trees. Just put them out to the curb line and the City will get them.
- We bought a small piece of equipment last fall to implement something that you approved last summer. That was the Global Positioning System device, I think it was about a \$11,000 device and I can tell you for the guys that work out in the fields on nights like tonight trying to find a line or a valve at night in the snow to fix a break this is going to revolutionize the way these guys work. When we did the work up in Rand Subdivision Brian Kralovic went up there and to an accuracy of a few inches it has every bend in that line and that is placed into the GPS information so future people will not be out there trying to triangulate this stuff in. You will punch in the coordinate and it will take you right to it.
- We have had a notice of another retirement, this one in the Water Plant. Tony Kelich is going to be retiring soon. Tony has approximately 34 years with the City. We will be posting that job first in the bargaining unit and if we don't get any interest we will be advertising it publicly. We are also filling Mike Froline's position so those two jobs will be tested and we are still trying to wrap up the hiring of a new Police Officer.
- We had an anonymous donor who came in on Christmas Eve and asked to pay several Utility Bills for people who were in need. It was a fairly significant amount of money and what a wonderful gift. It was a special Christmas gift for somebody.

**Mayor, Robert Vincenzo**

- We have the same problem every year, as soon as the freeze weather comes we develop the pot holes and we get a lot of complaints. We are using the temporary patching, you can't get the hot asphalt and sometime we put it down today and it goes tomorrow. You will just have to bear with us. We take care of the worst areas as they develop but until spring comes we will be living with that same problem. We just ask a little bit of patience and slow down a bit particularly on the city streets. The speed limit is only 25 in most of the city.
- We have the big freeze coming in tonight and tomorrow, if you know some neighbors or elderly people that might need help please be a kind neighbor and check in with these people. It is a dangerous time.
- **Jim Weisgerber:** When the Mayor was talking about city services and things we don't realize, I had a person on the East end of town call me and they had a dead deer in their yard. I called the Mayor's office and I asked what we do about this. Kathy said that as a city we would pick it up. They got it the same day. I called the guy about a week later and asked him if it was still in his yard and he said no they had picked it up. Honestly in all the years I have served on Council I did not realize that we would do this. I certainly appreciate the Street Department for doing this.

**Police Chief, Jeff Henry**

- .We will have a Police Committee meeting on Thursday at 1:00
- Monthly Police Report for December

Calls and Complaints	62
Accidents	20
On Roadway	16
Private Property	4
Arrests	25
Traffic	17
Criminal	3
Domestic	0
Juvenile	2
Warrant	3
Parking Tickets Issued	103
Traffic Citations Issued	11
Warnings Given	30
Domestic Calls	0
Alarm Drops Answered	7
Miles put on cruisers	6046.5
Gasoline used	547.4

**Finance Director, Cindi Henry**

- I presented Ordinance No. 2014-02 that establishes our permanent improvement fund. The actual Ordinance has the actual fund total on it however the State Auditors wanted the actual appropriation levels so that is on the largest packet that I handed out that says appropriations. The numbers correspond to the very penny. That will have to be passed as an emergency so that we can go ahead because we are not actually authorized to spend money until then. The one marked revenue is where the revenue streaming came from for each one of those funds and it is by fund. The other page is our statement of cash position which was the ending numbers for the year. The last is the largest spread sheet that I put together is basically a combination of all of these reports that I have given you.

**Tom Murphy, Planning & Zoning Administrator - Not Present**

**COUNCIL COMMITTEES**

**Finance, Libby Heintzelman**

- I have no report right now Cindy pretty much said everything but also Cindy has offered anyone who wants to get a crash course in Governmental revenues 101 she would be happy to oblige and I know that I am going to do that.

### **Utilities, Frank Sabatino**

- The Utility Committee met this evening and we were made aware of Mr. Fink's situation on Harbel. As a city we can't make any promises but I am sure that we will look into any alternatives that we are able to pursue but we appreciate your input and your points are well taken. During Utilities Don Smithberger reported that last night a pretty strong wind came through about 1:30 a.m. fortunately all of us woke up to our alarm clocks this morning so we were lucky.

**Shelley Fortney, Utility Office Manager:** We got through the year end, we had a few hiccups but we got it taken care of. I gave each one of you the Utility Report for the end of the year. We did collect \$6.4 million this year on utility payments. We are working on meter readings right now. It is bitter cold out there so we would encourage people to not try to look at their meters just stay inside and stay warm and stay safe.

**Doug Frye, Water/Wastewater Superintendent:** Nothing for Council at this time

**Don Smithberger, Electric Superintendent:** I think we covered everything

### **Police, Perry Jones**

- Not at this time but after we have our meeting on Thursday I will have something to bring to you

**Street North Side, David Trouten:** Nothing to report

**Street South Side, John Bukmir**

- The crews are doing a good job getting the salt down and getting the roads cleared

**Safety, Jake Olsavsky - Not Present**

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

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

### **Fire District, Frank Sabatino**

- As far as personal safety during this cold weather people look for alternative means of heating and the Fire Department wants them to use common sense and please be careful.
- The Fire Board met on Monday, December 30<sup>th</sup> as you might expect it was a rather lengthy meeting. During the regular meeting we talked about personnel, vehicle updates. We went into our organization meeting and we named Mark Summers as Interim Acting Chief for the Fire District. We re-named Jennifer Lohan as the Secretary and Gregg Bizzarri has agreed to stay on the Fire Board as the Richland Township Representative. Gregg will be the acting Chairman. As the City Representative I am the Vice Chairman, Ed Gorence and Al Vass are still members of the Fire Board. The next meeting will be on Wednesday, January 22<sup>nd</sup> at 4:00.

### **Recreation Report, Libby Heintzelman**

- Dennis Bigler, Mayor Vincenzo and I spoke about trying to do a little face lift at the Recreation Center the first of the year so we are going to try to address that.

**Park District, Perry Jones - No Report**

## **ORDINANCES & RESOLUTIONS**

### **Law Director, Al Davies**

Congratulation to the Council Members that were just sworn in tonight. I have two issues for Council tonight. One we will need an Executive Session per Ohio Revised Code 121.22 (G)(3) & (G)(4). (G)(3) is the section dealing with litigation and (G)(4) is the section dealing with collective bargaining negotiations. I have one piece of Legislation for Council's consideration tonight. This request comes from the Police Department via Chief Henry. We currently have on the books Ordinance No. 331.36 which is entitled squealing tires, peeling and cracking exhaust noises. I am sure that those of you who represent folks along Route 9 have been contacted about jake brake noises that we get from trucks. This is the Ordinance that will be utilized to attempt to address that situation, however it is not as specific and clear as it could be so the Chief wanted to tighten this ordinance up a little bit to specifically address problems associated with jake braking. That is what we have done with Ordinance No. 2014-01. What I have done is attach the old ordinance to this ordinance so that you can see how the old ordinance reads.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2014-01; AN ORDINANCE AMENDING AND REPEALING CERTAIN PROVISIONS OF ORDINANCE NO. 331.36 OF THE CODIFIED ORDINANCES OF THE CITY OF ST. CLAIRSVILLE.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2014-02, AN ORDINANCE TO MAKE PERMANENT APPROPRIATIONS FOR THE NORMAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ST. CLAIRSVILLE, STATE OF OHIO, FOR THE PERIOD JANUARY 1, 2014 THROUGH DECEMBER 31, 2014, 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	Sabatino	Yes
Heintzelman	Yes	Trouten	Yes
Jones	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, ORDINANCE NO. 2014-02. A motion was made by Perry Jones and seconded by Jim Weisgerber that Ordinance No. 2014-02 be passed by Council.

Roll Call Vote:

Bukmir	Yes	Sabatino	Yes
Heintzelman	Yes	Trouten	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote	Six (6) Yes	Zero (0) No	Motion Approved

Ordinance No. 2014-02 was declared adopted.

#### **NEW BUSINESS: Mayor's Report**

The Mayor's Collection for December 2013 was \$1,688.15. A motion was made by Jim Weisgerber and seconded by Libby Heintzelman to accept the Mayor's report for December 2013.

Roll Call Vote:

Bukmir	Yes	Sabatino	Yes
Heintzelman	Yes	Trouten	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote	Six (6) Yes	Zero (0) No	Motion Approved

#### **EXECUTIVE SESSION:**

A motion was made by Jim Weisgerber and seconded by Perry Jones to meet in Executive Session per Ohio Revised Code Section 121.22 (G)(3) to discuss pending litigation involving the city and certain employees of the city and 121.22 (G)(4) is to review matters regarding the collective bargaining negotiations with the FOP.

Roll Call Vote:

Bukmir	Yes	Sabatino	Yes
Heintzelman	Yes	Trouten	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote	Six (6) Yes	Zero (0) No	Motion Approved

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

Roll Call Vote:

Bukmir	Yes	Sabatino	Yes
Heintzelman	Yes	Trouten	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote	Six (6) Yes	Zero (0) No	Motion Approved

**NEXT MEETING: The next regular scheduled meeting of the City Council will be Tuesday, January 21, 2014 at 7:30 p.m.**

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

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Kathleen M. Kaluger, Clerk

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Terry Pugh, Council President