

## COUNCIL MINUTES

June 2, 2014

St. Clairsville City Council met at in Council Chambers on Monday, June 2, 2014 with the following present

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

The meeting was called to order by Council President Terry Pugh

**Minutes:** Minutes of the March 28<sup>th</sup> meeting are not available.

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:

**John Swan:** I want to thank all the Councilmen and all the departments for the good job that you are doing. I am on this side now and I think you should get some praise and say thank you for your services.

### REPORTS:

#### Service Director, Dennis Bigler

- We had a couple of fairly serious water breaks on Ruggles Avenue, one right after another. Most of you probably saw that Sugar Street has been raised and undermined. We are going to excavate tomorrow morning and see what we have below the brick on that street. We are talking about doing a section by emergency. We don't think we will have to take bids but we will know more after tomorrow. We are removing that section of street and rebuilding that section.
- We have got a number of streets that need attention. Because of our large paving program last year we were not planning on doing anything this year. We have a large program next year with Route 40 & Route 9 being done. In the past we have only had to come up with the 20% share ODOT has always found other money to pick up the 20% share. That has ended they will no longer do that so we have to pick up the 20% of Route 40 & Route 9 next year. We are accumulating funds to be able to do that work next year. The shape that Route 40 & Route 9 are in it is too bad that paving wasn't this year but as you know it isn't.
- The Ruggles water line is essentially ready to put out to bid. It is an open cut installation. We are doing the other project with the Provident water line we are going through Plaza Drive because of the depth we will be boring that one in. We were going to bid the two together. The point is the asphalt issue will be taken care of immediately.
- The only other items that I will mention is that we have made a selection pending the routine physicals that we do for Water/Wastewater employees. I thank Doug Frye and Tom Murphy for their work in interviewing these candidates. Also in Electric Don Smithberger and Tom Murphy did the interviewing. The two individuals we have for Water/Wastewater are Cary Leach and Roger Herbert and Jamie Hummerich for Electric lineman he has been working with Westerville and has the training that we look for.
- I would like to have a brief Executive Session on a personnel matter and I will let Al Davies explain that when the time is right.

#### Mayor, Robert Vincenzo

- Our Utility meeting tonight was pretty involved and I neglected to make the announcement to the Utility Committee that next Monday at 1:00 p.m. I have two

representatives from AMP Ohio coming in. We have met before on this program and they want to address the Utility Committee to present this Efficiency Smart Program which several cities have been involved in. We think it is a good idea for the City of St. Clairsville to be involved in this program. It requires no funding from our part. It is a program that is going to benefit the business people of our area. It is a voluntary program for customers to take advantage of if they want. It is a direct savings for these people involved and we feel that we would like to offer that to our customers and give them the opportunity to participate in this program.

- I have a Safety Award that came from the American Public Power Association to give to our St. Clairsville Light & Power Department and I am presenting the award to Don Smithberger, Superintendent. This is 2013 Utility Safety Award for meritorious achievement in attaining a low accident frequency in the year 2013 first place in group A for systems less than 15,000 worker hours of exposure. I appreciate the efforts made for the department and it is a pleasure to present this award.

**Police Chief, Jeff Henry**

- We will be having a Police Committee meeting on Thursday at 1:00

**Finance Director, Cindi Henry**

- I brought an ordinance tonight. It is not an emergency it is 2014-17 and it is in regards to entering into a contract with the Auditor of States office for the annual GAAP reporting.

**Planning and Zoning Administrator, Tom Murphy**

- There is a Board of Zoning Appeals meeting set up for Tuesday, June 24<sup>th</sup> at 5:30. A property owner on Iona is requesting a variance. If anyone has any questions feel free to contact me.
- I gave each Council Member a report summarizing the past three meetings we have had with the Planning Commission. Some of the items we are just making Council aware some of them you will have to take action today or another day.
- The first item is St. Clair Commons preliminary plat approval and subdivision. The subdivision of the property. The second is St. Clair Commons Health and Quality of Life Campus and Hotel preliminary plan approval. Many of you did attend the meetings on May 5<sup>th</sup> and May 19<sup>th</sup> of the Planning Commission ultimately the Planning Commission did recommend approval of the preliminary plat and preliminary plan with various conditions: That there will be a resolution on how the site will be served with water. The Ohio EPA must issue any relevant permits. The City Storm Water Management Committee must review and approve Equity's required plan submission. No grading of the site will take place until these approvals are in hand. Utility easements do have to be on preliminary plat. No request for final plat/plan approval can be requested until all infrastructures have been constructed, tested and approved. No structures can be constructed until that final plat/plan approval has been granted. All final engineering plans for sanitary lines and profiles water lines, sewer lines must be submitted and deemed acceptable by the city. The engineer has to submit their survey of the property, site for the future Municipal water tower must be reserved for the city of St. Clairsville so we have control over that. A public easement for the purpose of a road leading toward Young Lane if it were ever to happen must be outlined on that plat. Outlined on the plat any pedestrian walks, loading areas. The developer of the approximately 94 acre site currently owned by GDNG must use city utilities when feasible. City Council must take action on the preliminary plat & plan in the form of an ordinance. I think there is an ordinance before Council tonight for a first reading it is 2014-15. I should have mentioned that Rick Coley is here on behalf of Equity.
- The second item is Ashburn Greene II preliminary plat approval for subdivision of property this is their third submission there is actually two things that should happen tonight. One we can do at the end of this review that I have. Ashburn Greene the preliminary plan has already been granted approval five years ago. In July of this year that preliminary plan approval expires, Tom Simmons is here for Woda Development. The Planning Commission already recommended that an additional year be granted to extend their preliminary plan so it will expire in 2015. There is no ordinance required by that. City Council can take the Planning Commission's recommendation and approve

that extension, nothing is changing. The second part of that is the preliminary plat has been submitted twice and approved by both the Planning Commission and City Council. However they have not moved forward with the seven lots that have been proposed. They stopped before the Planning Commission tonight submitting that preliminary plat again so they can move forward on that project. The expiration of the plat was this past January. It is only good for a year, that is why they are back before Planning Commission and City Council. The Ordinance is drawn up as 2014-18 and is as an emergency but as we know that can't be done so we will just have a first reading. I would ask at this point that City Council would act in extending the preliminary plat approval for one more year. A motion was made by Jim Weisgerber and seconded by Parry Jones to extend the preliminary plat for Ashburn Greene II for one more year.

Roll Call Vote:

Bukmir	Yes	Sabatino	Yes
Heintzelman	Yes	Weisgerber	Yes
Jones	Yes		
Roll Call Vote	Five (5) Yes	Zero (0) No	Motion Approved

The final item presented before the Planning Commission this evening is the Penn Lane Apartments are requesting the expansion of their parking lot. That was granted for a total of approximately 20 spaces. No one was present to speak in opposition. A few variances were requested one was that the lot remain gravel, it is gravel right now and the expansion will remain gravel also. The parking lot will be within 5 ft. of the property line as it is now. The engineering plan did not have the proposed contours to the area of fill. Originally two of them were that a fence of hedge not be planted on the north side of the property and three trees not be planted on the north side of the property as required by code. The owner said that he would do those two things so those were stricken as variances. The aisle will be only 20 ft. at the far end but the majority of the aisle is much wider than required by code. The only other thing added by the Planning Commission was that the property owner plant and seed the bank that will be created by the fill. The owner said he has every intention of doing that so it won't be just a dirt wall. That matter was presented to Council, you don't take action on it the Planning Commission has the final say but I just wanted to at least make you aware what they decided. That was approved unanimously also.

## COUNCIL COMMITTEES

**Terry Pugh:** I would like our comments to be kept to current committee issues.

**Finance, Libby Heintzelman** - No Report

**Utilities, Frank Sabatino**

- I would like to congratulate Don Smithberger again, I never get tired that is an award we will take every year because of what it stands for. Congratulations to you and your crew.
- The Mayor alluded to our issues down around Sugar Street and ongoing from Ruggles for the past year so. I want to thank Doug Frye for checking into a couple of issues that some citizens in Wellington Woods brought to our attention last week
- Don Smithberger and Shelley Fortney updated Council
- I believe the installation of the water meters and electric meters are going well so we are pretty much on schedule on the installation by the company.

**Police, Perry Jones**

- I would like to pass on to chief Henry and the rest of Council the number of people that I have talked to about seeing our Officers all over town and how impressed they are with that and also on High Street the slower cars are going and they are real happy about the idea of putting the stop signs in.
- We will have a Police Committee meeting on Thursday at 1:00
- **Terry Pugh:** You do have the new cruiser? **Jeff Henry:** It was sitting out front but now it is in the back. The new cruiser is up and running, we need another one now. As many miles as the guys are putting on it is either that or a big repair bill.

**Street North Side, David Trouten:** Not Present

**Street South Side, John Bukmir**

- Doing a lot of patching on the streets and they are looking good

**Safety, Jake Olsavsky - Not Present**

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

**Planning Commission, Jim Weisgerber**

- We did have a meeting this evening and Mr. Murphy went over everything we discussed.

**Fire District, Frank Sabatino**

- To update Council on the Fire Chief selection for Cumberland Trail, the interview committee did meet on May 13<sup>th</sup> and they did set up a format for the interviews and they did formulate questions and a rating sheet for both objective and subjective questioning. They narrowed the list down to five candidates. Three of the candidates are from within the department and two are from outside St. Clairsville. Their tentative date to interview is on June 10<sup>th</sup> which will be a week from tomorrow. The only thing I can say is we are getting close.
- Our next Fire Board meeting will be prior to our next Council Meeting at 3:30 at the Fire Station.

**Recreation Report, Libby Heintzelman**

- Boys Varsity, Jr. Varsity, girls Varsity, Girls Jr. Varsity Leagues are starting tonight and will be held on Monday, Tuesday, Wednesday & Thursday. Games will be held at the Recreation Center, St. Clairsville High School, Bridgeport & Union Local gymnasiums.
- The One-A-Chord concert will be at the amphitheater on June 3<sup>rd</sup>. Appearing on June 10<sup>th</sup> will be the original 1170 Band.
- The St. Clairsville Chamber of Commerce will be holding their monthly safety meeting at the recreation center on June 5<sup>th</sup>
- On Friday, May 3<sup>rd</sup> the Senior Services hosted a rodeo style get together for the senior citizens of Belmont County.
- Bill Brooks called me over the weekend, I guess there was some kind of problem with a jungle gym. Kevin Barr took care of it right away. I went down today to tell him he did a good job.
- Talking with Kevin Bar and Tom Zuzak who is the head of the Recreation Board they said it was alright to talk about Wheeling Heritage Days because we are all trying to promote good stuff throughout the whole community and anybody who has small children there will be a lot of free things for little kids. That is being held on June 27<sup>th</sup> & 28<sup>th</sup>.

**Park District, Perry Jones**

- It is nice to report that there are a lot of people using the park. A lot of activities going on out there. They are doing very well and they almost have their cat situation is almost solved.

**ORDINANCES & RESOLUTIONS**

**Law Director, Al Davies**

As you all know the City Charter requires that a piece of legislation be read three times unless that three reading rule is suspended by a vote of 75% of Council. As you further know after that the piece of legislation becomes effective 30 days after passage unless it is passed as an emergency which requires 2/3 vote of Council. Since we only have five members here tonight we do not have enough to waive the three reading rule. That would require six council members voting in favor of doing so. So tonight we can only move forward with only one reading of the legislation that you have before you. According to my records Ordinance No. 2014-09 was read on its first reading at our meeting last week so that can be read for a second reading tonight. Ordinance No. 2014-12 likewise had a first reading at our last meeting so that is appropriate for a second reading tonight. Ordinance No. 2014-13 again that was read at our last meeting so we can have a second reading of that ordinance. Ordinance No. 2014-14 likewise we had our first reading so we can have the second reading tonight. Ordinance No. 2014-15 was passed out to you last week, it was held at that time and it has been revised. We can now move forward with the first reading of Ordinance No. 2014-15. Ordinance No. 2014-16 was also handed out last

week we are going to continue to hold that one it is not yet ready for council's consideration at this time. Cindi Henry, the Finance Director addressed with you Resolution No. 2014-17 that will be a first reading and Mr. Murphy addressed with you Ordinance No. 2014-18 and that will be read on a first reading tonight. In regards to the Executive Session tonight we will need to have a the conclusion of the open session, that will be under Ohio Revised Code Section 121.22 (G) (1) which is the section pertaining to personnel so that council can move to discuss an issue concerning compensation of a public employee.

There was presented and read to Council on its second reading by title only, ORDINANCE NO. 2014-09; AN ORDINANCE AUTHORIZING AND DIRECTION THE DIRECTOR OF PUBLIC SERVICES TO PURCHASE AN INDUSTRIAL TRUCK FOR USE BY THE CITY OF ST. CLAIRSVILLE'S ELECTRIC DEPARTMENT UNDER THE COOPERATIVE PURCHASING PROGRAM WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND AUTHORIZING AN EXPENDITURE IN EXCESS OF \$25,000.00 AND DECLARING AN EMERGENCY.

There was presented and read to Council on its second reading by title only, ORDINANCE NO. 2014-12; AN ORDINANCE AUTHORIZING THE INSTALLATION OF A 3-WAY STOP SIGN AT THE INTERSECTION OF HIGH STREET AND WINDERMERE DRIVE IN THE CITY OF ST. CLAIRSVILLE.

There was presented and read to Council on its second reading by title only, ORDINANCE NO. 2014-13; AN ORDINANCE ESTABLISHING CODIFIED ORDINANCE NO. 521.10 TO BE TITLED, PORTABLE ATHLETIC DEVICES PROHIBITED.

There was presented and read to Council on its second reading by title only, RESOLUTION NO. 2014-14; A RESOLUTION REQUESTING THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION TO MODIFY THE SPEED LIMIT ON CERTAIN PORTIONS OF STATE ROUTE 9 AND U.S. 40 WITHIN THE CITY OF ST. CLAIRSVILLE

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2014-15; AN ORDINANCE ACCEPTING THE PRELIMINARY PLAT FOR THE ST. CLAIR COMMONS SUBDIVISION AND PRELIMINARY PLAN FOR THE ST. CLAIR COMMONS HEALTH & QUALITY OF LIFE CAMPUS & HOTEL WITH CONDITIONS OUTLINED BY THE CITY OF ST. CLAIRSVILLE'S PLANNING COMMISSION AND DECLARING AN EMERGENCY.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2014-17; RESOLUTION TO APPROVE ENTERING INTO AN AGREEMENT WITH THE AUDITOR OF STATES LOCAL GOVERNMENT SERVICES (LGS) FOR THE PREPARATION OF THE ANNUAL GAAP REPORTING AND DECLARING AN EMERGENCY.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2014-18; AN ORDINANCE ACCEPTING THE PRELIMINARY PLAT FOR THE ASHBURN GREENE II SUBDIVISION WITH CONDITIONS OUTLINED BY THE CITY OF ST. CLAIRSVILLE'S PLANNING COMMISSION AND DECLARING AN EMERGENCY.

**OLD BUSINESS:** The Clerk read a letter from Chelsea Edwards of the American Cancer Society requesting the use of the amphitheater and surrounding area on Saturday, August 23<sup>rd</sup> for the Relay For Life "GLOW for Goal" 5K Run and Walk. The race will begin at 8:30 p.m. on Saturday . The course will be the same as the last two years. **Jeff Henry:** They will be using the services of the Police Department. **Terry Pugh:** Did we get that cleared up that we need to see proof of insurance on the gators, etc. **Jeff Henry:** No but I can tell them at the next meeting. **Al Davies:** I thought we weren't going to let them use gaiters. **Jeff Henry:** They were going to use Martins Ferry's Fire Department they use it for in the woods rescue. I would say that

Martins Ferry Fire Department has insurance. I will tell them if they are going to use it we will have to see proof of insurance. A motion was made by Jim Weisgerber and seconded by John Bukmir to allow the "GLOW for goal" walk for the third year.

Roll Call Vote:

Bukmir	Yes	Sabatino	Yes
Heintzelman	Yes	Weisgerber	Yes
Jones	Yes		
Roll Call Vote	Five (5) 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)(1) which is the section pertaining to personnel so that council can move to discuss an issue concerning compensation of a public employee.

Roll Call Vote:

Bukmir	Yes	Sabatino	Yes
Heintzelman	Yes	Weisgerber	Yes
Jones	Yes		
Roll Call Vote	Five (5) Yes	Zero (0) No	Motion Approved

A motion was made by Jim Weisgerber and seconded by Libby Heintzelman to return to regular session.

Roll Call Vote:

Bukmir	Yes	Sabatino	Yes
Heintzelman	Yes	Weisgerber	Yes
Jones	Yes		
Roll Call Vote	Five (5) Yes	Zero (0) No	Motion Approved

**NEXT MEETING: The next regular scheduled meeting of the City Council will be Monday, June 16, 2014 in Council Chambers**

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.

---

Kathleen M. Kaluger, Clerk

---

Terry Pugh, Council President