

COUNCIL MINUTES

June 16, 2014

St. Clairsville City Council met at in Council Chambers on Monday, June 16, 2014 with the following present

Terry Pugh, Council President

John Bukmir, Council, 3rd Ward

Libby Heintzelman, Council-AT-Large

Perry Jones, Council-At-Large

David Trouten, Council, 4th Ward

Frank Sabatino, Council, 2nd Ward

Jim Weisgerber, Council-At-Large

Dennis Bigler, Service Director

Cindi Henry, Finance Director

Tom Murphy, Planning & Zoning Administrator

Jeff Henry, Police Chief

The meeting was called to order by Council President Terry Pugh

Terry Pugh: Before we start the meeting I would like to thank Richard Myser for filling in for Al Davies who had surgery on Friday. **Richard Myser:** I come with greeting from Al Davies. I will be substituting for him tonight.

Minutes: Minutes of the May 28, 2014, June 2, 2014 & June 9, 2014 Council Meetings were distributed to Council. A motion to accept the minutes was made by John Bukmir and seconded by Libby Heintzelman.

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

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: There were no Citizens present who wished to address Council.

REPORTS:

Service Director, Dennis Bigler

- We went out and took bids for the Sugar Street area and received bids. You have an ordinance there tonight to award to the low bidder which is Lash Paving for \$ 40,899.75. We identified that there was a potential grant opportunity that Tom has been working on with OPWC for some emergency funds. There is no guarantee and we have another ordinance here this evening that would give us authority to make application for emergency funds for this work on Sugar Street. Just to clarify we are talking about just that Sugar Street area.
- Another matter on paving that I would ask you to take a look at, I have been getting a number of complaints the last few years are the streets within the Highlands. If you would take a look at that area I would appreciate it. If we did any paving this year it would be very small because as you know we are kind of pooling our funds for next year for the Rt. 40 & Rt. 9 job and the local share of that job. We have been receiving a number of complaints about that area in the last couple of years.
- I just want to let you know that the Electric Department is making good progress working with the contractor Gudenkauf Inc. doing directional boring down in the Orchard Terrace area on the new underground and that work should be done very soon.
- There is a ton of work around and not enough people to do it, grass and things are just out of control. We have the smallest mowing crew that we have ever had since I have been here. It really consists of Jimmy Benda. One of the zero turn mowers is down right now. We know we are way behind and things aren't up to their usual appearance but we are operating with less people than we would usually operate with. The same goes for the

Street Department. Water/Wastewater their two new employees are starting next Monday the new Electric Department employee started today. Jeff Motel bid into the job in the Water Plant, he will be doing that job very soon now. We have had some extraordinary breakdowns at the Wastewater Plant. Those are being repaired, new equipment is being ordered.

Mayor, Robert Vincenzo - Not Present

Police Chief, Jeff Henry

- We have an ordinance for the Lieutenant's position tonight. The Police Committee talked about that and Al Davies prepared the ordinance before he got sick. **Frank Sabatino:** The first sentence in Resolution No. 2014-22 reads, pursuant to the request and recommendation of the Chief of Police, that was also with the approval of the Police Committee. I would just like to add that.
- **Dennis Bigler:** Brian Kralovic and Jeff Motel are just about finished installing Chief Kendzora's bench out in front of the Police Station.

Finance Director, Cindi Henry

- I have two Resolutions and one Ordinance. No. 2014-19 is transfers that I had to do in the Recreation Center, just moving money around inside the fund itself to cover the soccer program the one just finishing for spring and the one for fall. Resolutions No. 2014-20 & 2014-21 pertain to the .95 mil renewal levy for the Police Department. This is one of the many levies that supports a good portion of the Police department. One of the resolutions pertains to the fact that we are asking the County Auditor to determine what that is going to bring in financially, once he does that then I have to attach it to the second resolution and forward all that information to the Election Board for it to be put on the ballot.
- In Finance tonight I discussed with the Finance Committee and they felt I needed to bring it to you folks, RITA has sent us a letter and we have to respond before the 19th of this month. They are starting a program where there will be no cost to us for the situation. They want to send letters to the active tax payers that have not filed required returns. They will take that upon themselves and do it without contacting us or me continually saying so and so slipped through the cracks. The other thing they want to do they call an administrative subpoena, if someone hasn't paid and they have been contacted and they are sure that they owe it and they have gone through all the hoops they need to and they haven't gotten to where they need to be they will issue them a subpoena and they will charge us \$8 for mailing it to them. We agreed in Finance that this is something we need to move towards and start doing so we will be doing that. I just have to send the paper work on that.
- The other thing is I have to schedule a budget hearing. Is it normal that we have a Council Meeting when we have a budget hearing? **Clerk:** Yes. **Cindi Henry:** Then we will have to have a meeting on July 1st and it won't last more than 5 minutes. **Terry Pugh:** What about 4:00? **Cindi Henry:** When I get it worked out I will email it or print out a hard copy and put it in your boxes prior to the meeting so you can look at it.
- We are going to need an executive session for personnel issues.

Planning and Zoning Administrator, Tom Murphy

- We have a Board of Zoning Appeals meeting set up for June 24th at 5:30 p.m. A resident of Iona Drive is requesting a variance in order to construct an attached garage closer to the side property line than what the Code does allow. That is a public hearing anybody can attend. The neighbors are sent notices so they can come to that meeting also.
- As Dennis mentioned Ordinance No. 2014-23 allows me to apply to the Ohio Public Works Commission to see if we can gain some of their emergency funds. I did speak with Kim Killian who handles that and she said that is a difficult grant and our chances of getting it aren't very high but I would rather apply and give it a shot and hopefully we can get some funds. In the grant it mentions that our share would be \$4,090. Obviously that could change depending on whether we receive more or less or whether the grant is not approved. But to at least give it a try and see if we can come away with it.

COUNCIL COMMITTEES

Finance, Libby Heintzelman

- Cindy pretty much covered everything we spoke about

Utilities, Frank Sabatino

- I hope we get the grant that Tom spoke about because that was a bad water break down on Sugar Street there was a lot of damage to the street so it would help out the finances

Police, Perry Jones

- First is the Ordinance for the Lieutenant position
- We did have a concern about somebody was unable to read or recognize a two hour limit parking sign. They wanted to know if there was something that could be done about that, either move it up or move the flowers or get a new sign or something like that. **Jeff Henry:** I think Mr. Bigler has been looking at the two hour parking limit signs. He had a prototype of one in the fall. We have talked about that. **Dennis Bigler:** It is still something we want to do we just haven't done it because of the expense. We normally don't receive that complaint this early in the year because the plants were just planted before Memorial Day. If you look out the window and see what they look like right now. They haven't started coming down yet. But the ultimate answer to that complaint is to replace those signs. The price of those signs is several thousand dollars I am sure. Some of them are faded so there are more reasons than one and we would redesign the sign so instead of being a standard 12 by 18 we would go longitudinal and just follow the pole so it will be more vertical than it would be horizontal.

Street North Side, David Trouten

- I have had some comments from folks in the Highlands also about the streets there. I don't know what we have to do or necessarily how bad they are

Street South Side, John Bukmir - No Report

Safety, Jake Olsavsky - Not Present

Building and Grounds, John Bukmir - No Report

Planning Commission, Jim Weisgerber - No Report

Fire District, Frank Sabatino

- The Fire Board will have our Budget Hearing on July 8th at 8:00 a.m. at the Station
- Al Vass who was on the interview committee for the Fire Chief wanted me to publicly thank the City for the use of the Conference Room several times during the process. This afternoon and evening the Fire Board met from 3:30 to about 6:30 and I have some very important news for the Citizens of the City of St. Clairsville. The interview committee conducted a 9 hour interview session last Tuesday the 10th of June. Five candidates were interviewed throughout the day. Three of them were from our department and two were from outside St. Clairsville. The interview committee recommended a candidate and we called that candidate in this evening for a follow up interview and that person has accepted the job to become the next Fire Chief of the City of St. Clairsville effective July 1st. and that person is from our department and has been with our department for awhile and is a current Lieutenant and I will have him at a meeting here. It is Lance Rice, so if you see Lance congratulate him. It was a pretty good field and he has done pretty well and we are looking forward to finally get the Chief's job up and going here. I want to thank the interview committee for the matter of public record they are Al Vass from the Fire Board, the Fire Chief of Wheeling Larry Helms, the Fire Chief from New Concord Brent Case and also the Assistant Fire Chief from the City of Steubenville. We expressed to them what we wanted, what we were looking for and they were able to formulate a nice questionnaire for the candidates. They recommended to the Board and the Board accepted. We are lucky to have Lance as our new Chief starting July 1st.

Recreation Report, Libby Heintzelman - No Report

Park District, Perry Jones - No Report

ORDINANCES & RESOLUTIONS

Law Director, Al Davies: Richard Myser covering Council for Mr. Davies

I am not certain what your protocol here is. I have been on several different Council's and they have different ways of passing their Ordinances. I see that you have on the agenda two ordinances for a third reading.

There was presented and read to Council on its third and final reading by title only, ORDINANCE NO. 2014-13; AN ORDINANCE ESTABLISHING CODIFIED ORDINANCE NUMBER 521.10 TO BE TITLED, PORTABLE ATHLETIC DEVICES PROHIBITED. A motion was made by John Bukmir and seconded by Perry Jones that Ordinance No. 2014-13 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. 2014-13 was declared adopted.

There was presented and read to Council on its third and final 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. A motion was made by Jim Weisgerber and seconded by David Trouten that Resolution No. 2014-14 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

Resolution No. 2014-14 was declared adopted.

There was presented and read to Council on its second 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, ORDINANCE NO. 2014-19; AN ORDINANCE TO MAKE LINE ITEM TRANSFERS WITHIN THE FUND 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. 2014-19. A motion was made by Jim Weisgerber and seconded by Perry Jones that Ordinance No. 2014-19 be passed by Council/

Roll Call Vote:

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

Ordinance No. 2014-19 was declared adopted.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2014-20; A RESOLUTION REQUESTING THE COUNTY AUDITOR TO CERTIFY TO THE CITY OF ST. CLAIRSVILLE THE TOTAL CURRENT TAX VALUATION OF THE CITY OF ST. CLAIRSVILLE AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY NINETY – FIVE HUNDREDTH (0.95) MILL 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, RESOLUTION NO. 2014-20. A motion was made by Jim Weisgerber and seconded by Perry Jones that Resolution No. 2014-20 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

Resolution No. 2014-20 was declared adopted.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2014-21; RESOLUTION DECLARING THE NECESSITY FOR THE RENEWAL LEVY OF A TAX IN EXCESS OF THE TEN (10) MILL LIMITATION FOR THE PURPOSE OF CURRENT OPERATING EXPENSES OF THE CITY OF ST. CLAIRSVILLE, OHIO, FOR A PERIOD OF FIVE (5) YEARS 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, RESOLUTION NO. 2014-21. A motion was made by Perry Jones and seconded by Jim Weisgerber that Resolution No. 2014-21 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

Resolution No. 2014-21 was declared adopted.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2014-22; A RESOLUTION CREATING THE POSITION OF LIEUTENANT IN THE ST. CLAIRSVILLE POLICE DEPARTMENT 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, RESOLUTION NO. 2014-22. A motion was made by Perry Jones and seconded by Jim Weisgerber that Resolution No. 2014-22 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

Resolution No. 2014-22 was declared adopted.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2014-23; AN ORDINANCE AUTHORIZING AND DIRECTING THE PLANNING & ZONING ADMINISTRATOR TO SUBMIT A GRANT APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION FOR EMERGENCY FUNDS TO PAVE A PORTION OF SOUTH SUGAR STREET AND DECLARING AN EMERGENCY. Libby Heintzelman moved that the rules requiring ordinances and resolutions to be read on three separate reading 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. 2014-23. A motion was made by Perry Jones and seconded by Jim Weisgerber that Ordinance No. 2014-23 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. 2014-23 was declared adopted.

There was presented and read to Council on its first reading by title only, Resolution No. 2014-24; RESOLUTION DETERMINING THE LOWEST AND BEST BID FOR THE RESURFACING OF AREAS AFFECTED BY A WATER BREAK IN THE CITY OF ST. CLAIRSVILLE AND AWARDED THE CONTRACT TO LASH PAVING 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.

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; RESOLUTION NO. 2014-24. A motion was made by Perry Jones and seconded by Jim Weisgerber that Resolution No. 2014-24 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

Resolution No. 2104-24 was declared adopted.

OLD BUSINESS: Jeff Henry: Police reports for May and June are available in the Clerk's office for review.

EXECUTIVE SESSION: A motion to go into Executive Session per Ohio Revised Code Section Number 121.22 (G)(1) Personnel was made by Jim Weisgerber and seconded by Perry Jones.

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

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 Monday, July 7, 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