

COUNCIL MINUTES

March 3, 2014

St. Clairsville City Council met at in Council Chambers on Monday, March 3, 2014 with the following present:

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

The meeting was called to order by Council President Terry Pugh

Minutes: Minutes of the February 18, 2014 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
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.

Libby Heintzelman: Asked the Council President for permission to speak before the Meeting starts. I just want to address the people in this room that were in our talk at the end of the meeting on Friday. Tempers got a little flared and I was out of line. I have already apologized to Dennis Bigler. I don't think anybody really realizes (most of Council knows) in 2012 I had two strokes. What has happened because of that is I don't really retain a lot of knowledge if you speak. I have to constantly take notes or I have to have visual assurance. So I need to read to absorb the knowledge so that is why I go through the records, minutes and notes so I can absorb knowledge. That is the only reason. I apologize again if I offended anyone it was not my intention what so ever. I just wanted to be educated so I knew a little bit before ODOT got here. You were busy and I know that open door policy which I appreciate is always there but as I said I don't retain it. So I hope that Dennis, Mr. Mayor, Al, Council Members Weisgerber, Trouten & Sabatino accept my sincere apology for getting a little ruffled feathers Friday. **Terry Pugh:** Thank You Libby. Again I think it's something we all want to be as Councilmen is as informed as possible. I commend you for all your hard work. I was not there. **Dennis Bigler:** No offense taken. I don't have good excuses for being grouchy all the time. **Terry Pugh:** I want to thank all of you for being here tonight.

CITIZENS HEARING:

Fred Holmes, Volunteer Energy: It has been two years since I have been here, my name is Fred Holmes, I am the Director of Municipal Aggregation for Volunteer Energy. The City of St. Clairsville has a natural gas aggregation program that has been in place for several years. We have some new Council Members and I am just going to briefly tell you what that is. Several years ago the City put on the ballot natural gas aggregation. The voters approved it, the program was implemented which means that everyone that has not chosen a natural gas supplier will be included in that program unless they chose to opt out. We sent out a letter giving everyone an opportunity to opt out of the program. We have no cancelation fee in our program. Part of that program includes a community reinvestment check. That is what I am here tonight to present to Mayor Vincenzo. Once a year we send out a letter to people who have not signed up. In the

winter time people get behind some times in their bill. If they get a month or two behind they are dropped from the aggregation program. They can be reinstated, all they have to do is bring their bills up to date. Plus you have people who are constantly moving in and out of town. By sending out a refresh list we give them an opportunity to become a part of the program. It pretty well runs itself. Columbia gas is here and you are always guaranteed to be below their price. It is a great program, we have very few complaints on it. Are there any questions? It is my pleasure to present to Mayor Vincenzo a check in the amount of \$6,640.61. **Mayor Vincenzo:** Thank you very much, we all knew in the beginning that this program had merit for the City and the voters did understand. We tried to put out as much information about aggregation and it has been happening all over the State of Ohio. We knew it was going to pay dividends not only for the residents but also the City would enjoy the rewards. This will take care of a lot of incidentals it is a surprise. **Fred Holmes:** That check is a little higher. We have done three checks this year for other communities and they all seemed to be a little higher and that is based on volume. So if you think it is high this year just wait until next year.

Warren & Sarah Ellis & Holly Rauschenberg: My name is Warren Ellis this is my wife Sarah and Holly Rauschenberg who has a business Holly's Dress Boutique at 111 South Marietta Street. We have a little bit of an issue when it comes to parking for her business and the apartment above the business. For years on the City right of way is a nice little paved area right beside the business that has been utilized for that business forever until somewhat recently. Now and Holly may want to elaborate a little more because she is there on a daily basis but even I am witness to people that are parking there in those particular spaces and they are legal and they are gone for the whole day. We have had instances where a truck or two park there the drivers have gotten out and got into other vehicles and gone somewhere to work I assume. There other people I presume from the other surrounding area that is right there in that intersection and they come in there and park a lot too. I know with the influx of all the oil & gas industries that parking is an issue everywhere in town but what we would like to do is ask for a little assistance, a little help here from Council. Maybe some ideas on how we can maintain those four parking spaces for Holly and the business for daylight hours of service. Holly may want to expand on that and I believe she has spoken to a couple people here perhaps about the situation. **Holly**

Rauschenberg: Across the street from us where the Church is there are gentlemen who leave their vehicles there all day. We don't open until noon because most of my clientele is still in high school at that time so when we open and we come to even personally park we can't find a place to park. A lot of my customers will drive around and around and the four spots on the side are usually taken by trucks. Some of them are out of state trucks, some of them are Ohio trucks but they are definitely not coming into our business and they are there all day long. It is really hard for me where I can't tell people who have never been to my store different places to park in St. Clairsville because I don't know they are coming until they can't find a place to park and they call and ask where they can park. It is kind of hard to take a very expensive dress and lug it clear down the street or uptown somewhere if they can find a place to park so that is my problem.

Warren Ellis: We will answer any questions but whatever assistance you can help us with would be greatly appreciated. **Holly Rauschenberg:** I know that they had talked about putting parking signs up for a two hour limit and that would be great across the street, my only concern is in those four spots that you put a two hour limit if we would have to park there would we get a personal parking ticket every time we work an eight hour shift also. So that is why I didn't know what we could do about those four spots. **Perry Jones:** Your hours are? **Holly**

Rauschenberg: Normally in season we are noon to 7:00. **David Trouten:** The two hour parking is that only until 5:00 or 6:00 or all the time. **Jeff Henry:** Until the normal parking time for downtown business, I believe it is 8:00 to 6:00. **Frank Sabatino:** How many employees do you have? **Holly Rauschenberg:** Four employees right now. Usually we have more when it is prom or homecoming season which is right now the start of prom. It usually runs from February until May and homecoming runs from July to October. **Frank Sabatino:** Holly called me about two weeks ago and I have been to her shop a couple of times and I just wanted to tell Council I have had Chief Henry, Tom Murphy and myself went down to the shop. We talked about the feasibility of two hour parking but Holly has unique hours and by the time she gets there our meter maid would be off duty and there would be no way of enforcing that and I don't think we

want to put that on Chief Henry's department to be chalking tires and then going back and checking that every two hours and enforcing it. That is what I have seen of the limitation of the two hour parking. I think she needs for the survival of her business something a little more. Because of her hours maybe it needs to be 8 to 4 but we can modify that. Whatever the Southside committee would come up with perhaps 11 to 4 because if I understand it right after 5:00 it becomes public parking. **Tom Murphy:** Across the street at Green & Associates? **Frank Sabatino:** Even at Holly's is there a certain time? **Tom Murphy:** Those five spaces there is no time set. Across the street is 7:00 to 5:00 Monday thru Friday. **Frank Sabatino:** But if we would put signs up even at Holly's after a certain time it would become public parking again. Say theoretically if you put signs up limiting it say 11:00 to 4:00 or 5:00 parking only for her shop. **Tom Murphy:** Some type of signs would be required, whatever the Southside committee would determine on those spaces off of Woodrow just so the public knows who can or cannot park there and between what hours. **Frank Sabatino:** One further point I think when one owns property it has always been that a corner lot is the best spot to have and in Holly's situation you have no dedicated parking on Woodrow. There is no parking on Route 9 on her side. We want to keep her in St. Clairsville. She has four employees and they pay city income tax. She has made a good run of the shop and I think if we would lose her Warren's building would be a very hard sell. **Warren Ellis:** It is my wife's building. **Frank Sabatino:** It would be a very hard place to rent and it would be one of those empty storefronts and with everything going on in St. Clairsville with the Clarendon & Gulla's, Etc. I don't think we want a hard to sell business. I have looked at some of the other corner businesses in the same situation as Holly and most of them have some kind of dedicated parking for their business. We know parking is at a premium but she has absolutely nothing for her shop and when she gets there they are pretty much gone. I went past there Saturday at 8:00 in the morning and she already had a vehicle parked there on the side. **Terry Pugh:** I am very familiar with it because I own the property catty-corner from you where our office was for St. Clair Lawn Care. I understand one of the biggest problems is that Green's have a gym in the basement and they pretty much dictate who can park that rent space from them. I don't know when it is going to happen but they are building a new facility across from Lashley now. I know this doesn't help you out at the present time but it seemed like it all started when they started the gym and when the oil company rented space over there. I have let the oil company park in my spaces and I can say your people can find one I would be willing to say go ahead and park there although my building is up for lease right now. Have you also looked into the churches over there. **Holly Rauschenberg:** We thought about that for our employees talking to the church and see if we can get any spots but people who have never been to my store and they drive around the corner three or four times they are not coming back. **Terry Pugh:** I know when Lucarelli's were there customers actually parked in the front. There is a driveway above between the house and your store is that yours Warren? **Warren Ellis:** Yes **Terry Pugh:** Do your employees park there? **Holly Rauschenberg:** I actually park there. **Terry Pugh:** How about if Mr. Bukmir who is in charge of Southside talks with you, gets with the Chief and comes back to Council and maybe we can come up with some resolution to it. **John Bukmir:** Mr. Jones and Mr. Weisgerber are on the committee also. **Jim Weisgerber:** I think they just make a sign that those four spots are during such a time for Holly's place of business and I would suggest that you do call either or both churches because I know that Calvary up on the corner is letting people park and all they are doing is saying they would make a donation at some time. At least your employees could park there. I know it would be a little bit of a walk. If you put your four places up and your four employees park there you have defeated your purpose. **Holly Rauschenberg:** Not all of them work at the same time. **John Bukmir:** Has anyone talked to Mr. Green about his renters not parking there? **Warren Ellis:** That just won't work.

Bob Stewart: Am I permitted to ask why the Council Meeting tomorrow morning is in executive session? **Al Davies:** We are going to be having a meeting that falls under Ohio Revised Code Section 121.22 (G)(8) which is a newly enacted division under the open meetings law which allows for the subject matter of tomorrow's meeting to be held in executive session.

REPORTS:

Service Director, Dennis Bigler

• Mike Kasper and the Civil Service Committee were busy last week giving a test for the two water/wastewater positions and pretty soon we should have results on that hopefully this week or next week. They go the Civil Service Committee and they certify them and we start interviewing. Tony Kelich's last day was Friday and one of Don Smithberger's linemen Dustin Kolanski's last day is today so I presume we want to proceed and fill that position for the Light Department so we will be moving with that as well.

Mayor, Robert Vincenzo

• As you know the EPA has required a Storm Water Committee to be appointed, a management committee that is required by law. The Council appointment is Mr. Sabatino and the City needs one more appointment and I have the name of Mr. Bill Street to be considered for confirmation to serve on this Storm Water Management Committee. I am asking for your endorsement at this time for Mr. Bill Street. A motion to appoint Bill Street to the Storm Water Management Committee 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

• The Board of Architectural Review is also short a member and at this time I have for Council's consideration and confirmation Mrs. Pat Bruhn to serve in this position. She has agreed to serve if appointed. A motion was made by John Bukmir and seconded by Jim Weisgerber to appoint Pat Bruhn to the Architectural Board of Review.

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

Monthly Police Report

Calls & Complaints	49
Accidents	20
On Roadway	14
Private Property	6
Arrest	11
Traffic	9
Criminal	1
Domestic	0
Juvenile	1
Warrant	0
Parking Tickets Issued	63
Traffic Citations Issued	63
Warnings given	39
Domestic Calls	0
Alarm Drops Answered	3
Miles put on cruisers	5113 miles
Gasoline used	528.10 gallons

Police Chief, Jeff Henry - No Report

Finance Director, Cindi Henry - No Report

Planning and Zoning Administrator, Tom Murphy - No Report

COUNCIL COMMITTEES

Finance, Libby Heintzelman

- In the work session we were doing Al Davies said if I wanted to change some of the language in Resolution No. 2014-04 for consideration to go ahead and do it, Dave Trouten graciously helped me with that so I will just pass these to everybody. **David Trouten:** When we go to vote on it we can just say as amended and vote on it. **Al Davies:** It has never been read. Do we want to run it past who prepared it. **Dennis Bigler:** It is a standard ARC application. I think at this point I would suggest we just vote on it and hope it is ok with them.

Utilities, Frank Sabatino

- Utility Committee met tonight
- **Don Smithberger:** We are well into the electric meter change out things seem to be going very well. I want to thank the public for their help and courtesy.
- **Doug Frye:** We have had several water line breaks here in the past couple months and just thank everybody for their patience. The guys are doing really well and thanks to the other departments they helped us out a bunch.

Police, Perry Jones

We are reviewing the ordinances that we have on the cars that are parked on the street for the snow and we are going to make some adjustments to that and bring that to Council.

Street North Side, David Trouten:

- We all know about the pot holes and we all know there is nothing we can do about it at this time of the year because of the weather

Street South Side, John Bukmir

- On the problem we have with parking down by the dress shop, I have been viewing that for the last two or three weeks ever since I got the call from Frank. I am going to meet with Jeff again to see what is going on. How we are going to resolve that I don't know yet. I will talk with Mr. Jones and Mr. Weisgerber. I have been viewing it and I gave the inventory to Mr. Sabatino as to what I saw with the parking down there.

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 met in regular session on February 19th. The Fire Board decided to post the position of Fire Chief. The deadline for the applications is March 10th. The Fire Board will meet again on March 12th at 4:00 at the Main Station to review the applicants and our next regular meeting will be on March 19th at 4:00 and there could be meetings in between or thereafter with the Chief Position but I will keep Council advised as things happen.

Recreation Report, Libby Heintzelman - No Report

Park District, Perry Jones - No Report

ORDINANCES & RESOLUTIONS

Law Director, Al Davies

I have no new legislation for Councils to consideration tonight. We will need to adjourn to an Executive Session per Ohio Revised Code Section 121.22 (G)(4) which is the statute that allows executive sessions for the purpose of discussing collective bargaining negotiations. That is what we will be doing in regards to our negotiations with the F.O.P.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2014-04; A RESOLUTION AUTHORIZING THE CITY OF ST. CLAIRSVILLE TO APPLY FOR APPALACHIAN REGIONAL COMMISSION (ARC)/OHIO DEPARTMENT OF TRANSPORTATION (ODOT) GRANT FUNDING FOR THE MALL ROAD AREA CONNECTOR ROAD (ST. CLAIR COMMONS) PROJECT, AND DECLARING IT AN EMERGENCY. Libby Heintzelman moved that the rules requiring ordinances and resolutions 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. 2014-04. A motion was made by David Trouten and seconded by Perry Jones that Resolution No. 2014-04 be passed by Council.

David Trouten: Is the motion to approve it as amended by Councilman Heintzelman? **Al Davies:** It is to approve it with what you submitted tonight under the first reading. Again we never had a reading so this is a first reading of what you presented for tonight which includes that language.

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. 2014-04 was declared adopted.

Frank Sabatino: On Friday when we were all gathered here Lloyd McAdams from ODOT did say the City of St. Clairsville will not be on the hook for any payback.

Mayor's Report: The Mayor's collection for February 2014 was \$2,702.00. A motion to accept the Mayor's Report 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

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)(4) which pertains to collective bargaining negotiations.

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 Monday, March 17, 2014 at the Recreation Center.

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.