

COUNCIL MINUTES

May 28, 2014

St. Clairsville City Council met at in Council Chambers on Wednesdays, May 28, 2014 with the following present

Terry Pugh, Council President	Robert Vincenzo, Mayor
John Bukmir, Council, 3 rd Ward	Al Davies, Law Director
Libby Heintzelman, Council-At-Large	Dennis Bigler, Service 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	
Jim Weisgerber, Council-At-Large	

The meeting was called to order by Council President Terry Pugh

Council Meetings on May 5, 2014 and May 19, 2014 were canceled due to lack of quorum.

Minutes: Minutes of the April 21, 2014 Regular Council Meeting were distributed to Council. A motion to accept the minutes was made by John Bukmir and seconded by David Trouten.

Roll Call Vote:

Bukmir	Yes	Sabatino	Yes	
Heintzelman	Abstain	Trouten	Yes	
Jones	Yes	Weisgerber	Yes	
Roll Call Vote	Five (5) Yes	One (1) Abstain	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.

ORDINANCES & RESOLUTIONS

Law Director, Al Davies

I was asked to prepare several ordinances for this meeting. Some of them I was asked to prepare by Mr. Bigler's office, some of them I was asked to prepare by Mr. Murphy's office, and some of them were prepared pursuant to Council discussions last time around. It is a little potpourri of several pieces of legislation.

Dennis Bigler: Resolution No. 2014-14 is something that the Police Committee has taken up in response to the request by the Chief. That requests the modification of the speed limit on certain portions of Route 9 and Route 40. That is pursuant to the traffic study that you all authorized. It was submitted to ODOT. That would authorize the reduction of speed on those routes from 35 to 25. What ODOT is wanting is to hear from the City that officially that is what is requested on those streets. There was a little bit of give and take between the Chief and ODOT with discussion with regard whether to do that or not but I think the final resolution is if Council wished it ODOT will certainly take notice of that and grant it. **David Trouten:** What was ODOT saying? **Jeff Henry:** I talked to ODOT, they thought that the company that we did the traffic study with said that there would not be a problem with the statistics that we had to get it to 25. I was kind of amazed there was 11,000 cars and trucks on Route 9 between High Street and the Interstate. ODOT said that they didn't think that it should go to 25. They said that between the Fire Station and the Intersection of Main and South Marietta they didn't see a problem getting it 25. He didn't have all the stats, he just drove it. I explained that from Taylor Lane to High Street is very narrow. All of the residents back out onto the road. They don't have a driveway that they can turn around in. We have quite a few accidents at High Street and South Marietta in the turn. We have accidents at Woodrow and South Marietta. On the other side of Route 9, I explained all the high accident areas. After he looked at all of those he agreed with me that if the Council was in agreeance he could submit that as down to 25 to Lloyd McAdam,

the final say so is the director. **David Trouten:** For safety purposes I definitely can see 25. Is there some concern by ODOT that by reducing the speed it will create traffic? **Jeff Henry:** He said he thought it would slow things down too much. I said that is exactly what I want to do. I said the slower the people are going the less severe the accident or a kid might have a chance of not getting run over. On Route 40 he didn't see a real big problem lowering the speed from Crosby Oil to Spring Park. It has to be in ordinance form, the Council has to agree upon it and it has to be submitted to him in order for them to do anything further. **David Trouten:** It isn't written as an emergency so it has to have three readings. **Jeff Henry:** That gives Council time to think about it. **Al Davies:** I didn't set it up as an emergency because I thought if you are going to undertake lowering the speed limit in two busy parts of the town you might want to give that three readings. I talked that over with Jeff and I thought that was what we had agreed on.

Dennis Bigler: Ordinance No. 2014-09 is the purchase of a truck for the Electric Department. That is the light truck that we discussed at the Utility Meeting. The Utility Committee approved the purchase of a this light truck. The trucks that we have are getting extremely old I think the boom part of one truck is over 25 years old. It has been rebuilt once. This is a smaller truck than we have purchased in the past so it is more maneuverable in a tight space such as alleys and places like that. It is from the State Cooperative purchasing program so we would be purchasing a truck and then selling a truck. Don Smithberger has discussed this with Cindi. Ordinance No. 2014-10 is the sale of the existing truck. We are hoping to get \$15 to \$20 thousand out of that truck. Ordinance No. 2014-11 is the used water and electric meters that we are scrapping. They are taking up a lot of space in our garage right now but there is definitely a lot of value in the scrap and we want to take advantage of that. Resolution No. 2014-15 I discussed just before I came up here, with Equity Council they would like to have us defer on this ordinance tonight and they have asked us to have a conference call with them. **Al Davies:** Tom Murphy wrote the ordinance and sent it down to me for review and modification. **Dennis Bigler:** We may want to discuss this a little more that is why the request. Ordinance No. 2014-16 this is one that can be passed tonight or it can wait until Monday. This is regard to a grant application to Ohio CDBG. This would be a grant that would flow to the development. It would be for infrastructure, however I would like to know more about one section of this so I would suggest that we defer that one as well. **Al Davies:** At the last Council Meeting I was instructed to prepare an Ordinance regarding the installation of that three way stop sign at the intersection of High Street and Windermere. That is what Ordinance No. 2014-12 does. It also address the installation of the stop signs, it addresses the LED light that we are going to use. Ordinance No. 2014-13 Council had a discussion about primarily portable basketball hoops that are being placed on City right-of-way or perhaps on private property but the actual game is played out in the city street. I was instructed to do some research on drafting an ordinance that addresses that issue and Ordinance No. 2014-13 is what I prepared for your consideration. If you need more discussion on that of course you can do so. If you want to move forward with the first reading or if you want to defer that it is fine as well but that represents my best efforts to address the issue that I think you all are trying to address. **Frank Sabatino:** On Ordinance No. 2014-13 in the title it states portable, should it say portable and or fixed? **Al Davies:** If it is a fixed pole like what we have right now that is a trespass. If it is within the city's right-of-way someone has erected something permanent we can go about that in a different way.

Jeff Henry: I gave a letter to the Mayor and Kathy from the Relay for Life requesting on August 23 at 8:30 p.m. to use part of City streets and the biketrail and the amphitheatre for their Glow for Goal race that they have had for the last two years. When we give them permission I want to add that they are not permitted to run Gators or Four Wheelers. The school is not allowed to run their stuff on the road unless we can show that these vehicles are insured like when Martins Ferry Fire Department brings up their gator I am sure it is insured. So if we get something in writing that their vehicles are insured and if something happens in this parade or race we know they are covered. **Terry Pugh:** I know in last year's race they used gators. **Jeff Henry:** They used gators and they used Martins Ferry's fire department's emergency gator but there were also private gators out there. If we allow them to do that we are opening ourselves up for liability. We are permitting it and it is against the law. We have to make sure that they

are insured if we are going to allow them to participate in that. **Libby Heintzelman:** So are they supposed to show you proof that they have insurance on the gator? **Jeff Henry:** Well I would say that the Martins Ferry Fire Department probably has insurance on its vehicle that would cover if they would wreck into somebody or hit somebody but a private individual I don't know. **Libby Heintzelman:** You will coordinate this because I know last year when they had this race you were a little leery about people running through the streets and it being dark. **Jeff Henry:** It worked good last year they got signs from ODOT, they got light plants, Pat Halloran from Home Pizza strung luminary lights on the bike path and it worked out good. Don Smithberger made the one intersection that we were concerned about on Marietta and Woodrow well lit.

ORDINANCE & RESOLUTIONS

Al Davies, Law Director

I think we have touched on all of the ordinances and given a little bit of an introductory and background on of them unless Council has any more questions about any of the legislation that you have. I prepared them thinking there would be a first reading on all of these but apparently a couple of them you are going to defer until further investigation. **David Trouten:** I have a question on the one with basketball hoops. I thought we were only discussing permanent structures. I may remember it wrong but I thought that was the concern people putting permanent poles in there and portable ones as well. **Al Davies:** What brought it on was we have a resident who has installed a permanent one on the city right-of-way. **David Trouten:** Have we taken care of that issue? **Al Davies:** I know that the further construction on that has not occurred, I am not certain if what was put in which was the lower part has been removed. **Frank Sabatino:** There is one in my ward that is the heart of all of this. It is on the city right-of-way. **Al Davies:** I know they have not completely erected a basketball hoop there because they got a letter from us telling them to decrease but I don't know if they have removed the first three feet. **Frank Sabatino:** No they have not. They told us they were going to. It is clearly in the city right-of-way and it is in concrete. Down in the Woda development there are one or two portable ones. **Al Davies:** There are a lot of them around the city, if you are going to approve legislation like that you better be ready for some calls. **Frank Sabatino:** I was given a list of seven or eight of them that I checked out. It is just a safety factor. **Al Davies:** In researching this there are a lot of municipalities across the state that have this type of ordinance.

There was presented and read to Council on its first reading by title only ORDINANCE NO. 2014-09; AN ORDINANCE AUTHORIZING AND DIRECTING 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. Jim Weisgerber moved that the rules requiring ordinances and resolutions to be read on three separate readings be suspended and declaring an emergency; Perry Jones seconded the motion

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	No	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote	Five (5) Yes	One (1) No	Motion not approved

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2014-10; AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICES TO ADVERTISE FOR BIDS FOR THE SALE OF AN INDUSTRIAL TRUCK AND DECLARING AND EMERGENCY. Jim Weisgerber moved that the rules requiring ordinances and resolutions to be read on three separate readings be suspended and declaring an emergency; Perry Jones seconded the motion.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Yes	Sabatino	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. 2014-10. A motion was made by David Trouten and second by Jim Weisgerber that Ordinance No. 2014-10 be passed by Council.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	No	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote	Five (5) Yes	One (1) No	Motion approved

Ordinance No. 2014-10 was declared adopted.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2014-11; AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICES TO ADVERTISE FOR BIDS FOR THE SALE OF USED WATER AND ELECTRIC METERS AND DECLARING AN EMERGENCY. Jim Weisgerber moved that the rules requiring ordinances and resolutions to be read on three separate readings be suspended and declaring an emergency; Perry Jones seconded the motion.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	Yes	Sabatino	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. 2014-11; A motion was made by Perry Jones and seconded by Jim Weisgerber that Ordinance No. 2014-11 be passed by Council.

Roll Call Vote:

Bukmir	Yes	Trouten	Yes
Heintzelman	No	Sabatino	Yes
Jones	Yes	Weisgerber	Yes
Roll Call Vote	Five (5) Yes	One (1) No	Motion approved

Ordinance No. 2014-11 was declared adopted.

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

There was presented and read to Council on its first 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.

Al Davies: I need a brief Executive Session under Ohio Revised Code Section 121.22 (G)(4) preparing for or conducting bargaining sessions with public employees concerning compensation or other conditions of their employment.

NEXT MEETING: The next regular scheduled meeting of the City Council will be Monday, June 2, 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