

COUNCIL MINUTES
October 6, 2014

St. Clairsville City Council met at in Council Chambers on Monday, October 6, 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	Cindi Henry, Finance Director
Perry Jones, Council-At-Large	Al Davies, Law 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
	Shelley Fortney, Utility Office Manager

The meeting was called to order by Council President Terry Pugh

Minutes: Minutes of the September 15, 2014 Council Meeting were distributed to Council. A motion to accept the minutes was made by Perry Jones and seconded by Libby Heintzelman.

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

CITIZENS HEARING:

Bill Jeffers, 199 Young Lane

Terry Pugh: My rules are you will have ten minutes if you have some new issues to bring up.

If they are old issues you are not going to speak tonight. **Bill Jeffers:** I just want to go over a few things here. **Terry Pugh:** Did you hear what I said first? Do you understand what I said?

Bill Jeffers: You don't want any old issues. These are recent issues. I will just let you know that today was the refilling of my one court date, of course I didn't remember October 6th so you are off the hook on that one. I didn't pursue that small claims so there you go Merry Christmas. I want to go over a couple things here. I have some police reports because I almost got hit, this makes five times. There is no control of speed, no lines an excessive amount of gravel on the road around the corner. I don't want no sympathy, I don't want no empathy. I am considered an American with disabilities under the disability act. I have this where this guy on this date came around the corner and almost hit me in the van. So after that I strung out my string which portioned me off from the road. They had to hit that before they hit me. This is not the first time. Mr. Davies on the phone you asked that I give you five feet of some kind of right of way

for something right? **Al Davies:** I didn't ask for five feet I told you we had a valid right of way.

Bill Jeffers: ok your rules say here under city ordinance, I am trying to hurry because nobody else gets rushed here. This is for the law breakers, use of barbed wire is illegal, all around the perimeter of the school there is barbed wire. We need to look into that. Since you want to take and steel my fence and stuff. And I have pictures of that fence being there for approximately four years. I have a letter from (obviously some type of collusion between Mr. Henry and Mr. Murphy) saying my white fence was put up. Here is pictures of it in the snow. Mr. Henry actually put up one because I didn't have them in the ground last year and he actually stopped on the corner and was kind enough to pick them up. One blew down and was partly on the road and he was actually, I don't know if I have pictures of that, I have a couple of cameras that are not developed. As you see this is recessed, this is my white fence; I put that up because they plow my driveway with a foot, 20 feet deep they drag all of that snow and stuff. That is the second reason, that I put that up for protection. These are protective things. Plus you have so much slag around this corner when the vehicles come around they drag it all the way past my mailbox all the way up to the next driveway. I refuse to clean that. I am trying to hurry up and get these all done. Would you like to see something in the snow to prove that thing has been there for awhile. Your letter said he recently spotted it on September 5th. Do you have the letter? Or would you like for me to show it to you.

Terry Pugh: These are not new topics you are bringing up if they are about snow but keep going you are running out of time. **Bill Jeffers:** This is my fence that has been there for approximately the fourth winter. They stole my fence. This is for my protection and for my welfare, I have disabilities. I cannot go out and shovel they plow my driveway over five times in one day. I do believe this is a reflection (I hate to see the guy being sick and stuff) of Mr. Smith because we had a disagreement. He shouldn't take it out on me. I had more pictures I just figured these were good enough to show that this wasn't put up, erected on September 5th. It says that I am allowed on my property line (I'll bounce back and forth because you want to make me hurry) may be located on the property line. the fence. That was a temporary fence but I think I am going to go with something else. Here is all of my properties if you want to see them. They start form Young Lane and they work back 120 feet. It says I can erect a fence on the property line, this is City Ordinance. It says exemption for temporary fence that is what I had a temporary fence so I can protect myself. It's been hit at least five times.

This guy in a green van, he hates my guts. I am trying to cover everything because this is not all. There is couches laying in this guy's back yard, there is junk he just drug up against my property.

Terry Pugh: We are getting off the point. **Bill Jeffers:** You won't give me enough time.

Terry Pugh: You have one minute left. So make it a good minute. **Bill Jeffers:** I have decided to just go ahead and, I will just hand these out. Under Ohio ditch law says I am allowed to and you are allowed to relieve your water problem and give it to the other guy. It is the Ohio Supreme Court Law and I will give you a copy of it. So it says if you are using my property that I am to be compensated. These are ditch laws. Under nuisance laws this is what it is. Am I correct on that Mr. Davies? **Al Davies:** I don't advise you Mr. Jeffers, **Bill Jeffers:** I am not

advising you, I am asking you a question. **Al Davies:** I don't have to answer your question I am

not going to give you legal advice. **Bill Jeffers:** I don't need your advice, I have it right here. **Al Davies:** Asking me to respond to a Supreme Court Case is advice. **Bill Jeffers:** All right like you said I am not here to challenge you. It says to promote public safety and to protect public property, the right of way, ok. I put in a fax to Mr. Murphy that I will leave a section open for an easement for your sewer. My fence will not be because I am exempt by this 4 foot or below. That is how I was going to do my fence. I called in because I was worried if I hit any lines are you going to tell me anything, no because there has never been any cooperation between you guys. I am trying to hurry this up. I called into OUPS for all the utilities and I was going to, he's got a fax. **Terry Pugh:** There is an 800 number to call if you are going to dig, it has nothing to do with the City and they will mark everything. Tom does Bill have to have a building permit for this fence? **Tom Murphy:** If a fence is under 4 foot high a permit is not needed but it has to be on your property, it can't be on the right of way. So he basically can't put a fence on someone else's property. **Terry Pugh:** You know what the law is Bill. **Bill Jeffers:** No I don't exactly because it says I can put a fence according to the city ordinance, I can put a fence, hedge or walls I think may be located on property line. I have the property line here stated that it starts at Young Lane. It says property line and I was cordial enough to include that in there, I said it will have a section that will be access if you need to get to your sewer you can just take it our within five minutes and get to your sewer or whatever you have to do so I am protected. Why should I go and not be protected when I am cutting my grass. I can't even cut my grass. **Terry Pugh:** We appreciate you coming tonight. We appreciate you staying within the ten minutes telling us what you are going to do. It seems you can do anything within the law. **Bill Jeffers:** It says within the line and I don't need a permit. **Terry Pugh:** That is what Tom said as long as it is not over 4 foot. Thank you for coming. **Al Davies:** I would like to respond because this is probably going to be a situation that goes on and on. I want Council to understand that on Thursday Mr. Jeffers called my office because that was the day that what he calls a fence was removed from the City right of way. The cinder block, stakes, rope and some plastic flags that were on it. I told Mr. Jeffers on Thursday what I am going to tell you. One the City has a valid right of way in that area. Two there is no doubt as evidenced by his own pictures that he put things in the right of way, this fence that he created. He received written notification from Mr. Murphy's office of the violation and that things were in the right of way. In that notification he was told that he needed to remove those items from the right of way and he was given a date certain to remove those items from the right of way. That was all put forth to him in writing. The deadline came and passed and so the Police Chief, Mr. Murphy and some other representatives of the City did go and remove what he had in the right of way, once again cinder blocks, stakes, rope and flags. He then called me upset about that. I tried to settle the matter by telling him that if he would sign a document acknowledging the city's right of way there and never again to put anything in the City's right of way that we would return his things to him. He said no that he would not do that. I thought that would be the easy way to resolve it. Acknowledging the right of way, acknowledging you can't put things in the right of way and return those things to him. When he refused to come to an agreement on that I said fine if you

put things up again in the City's right of way then we are going to pursue criminal trespassing charges. That is how we left it. Mr. Jeffers wants to constantly argue with me about the validity of the right of way. I am never going to be able to convince him that the City has a valid right of way there. According to his research he thinks it is not a valid right of way and like I told him, if that is where we are initiate litigation and put our arguments in the courtroom and let a court decide where I am confident the City is going to come out on this. That is where we are. **Terry Pugh:** Thank you Mr. Davies. **Bill Jeffers:** I have a rebuttal. **Terry Pugh:** Mr. Jeffers we are not going to keep going any further. **Bill Jeffers:** First Constitutional article 1, I am allowed to possess land and be safe. It says that I can put a fence up (in City Ordinance 301.26) **Terry Pugh:** Mr. Jeffers we have been through this please. **Bill Jeffers:** How much right of way did you say you have? I am going to fill both of my ditches in because I have a right to do that and I don't care what you do with your water. **David Trouten:** Mr. Jeffers you should probably consult an attorney. **Al Davies:** He won't, he thinks he is a lawyer. **Bill Jeffers:** No I don't. I came here to present my case. This is what your ordinance says, it is very confusing. **Terry Pugh:** Now I am asking you to leave, we have other people who want to talk here tonight. **Bill Jeffers:** Alright I am getting my stuff ready. **Terry Pugh:** Can you do it outside so we can move on? **Bill Jeffers:** I sat here 40 minutes waiting my turn. You can't give me three minutes, you are in a hurry here. I can only with my disability move so fast, you obviously to be prejudice against me. So you can have your right of way sir I will take the rest of the property back. You have lines in my property too, so you need to remove them. I don't see any permits. I requested them a number of times. You have ten lines in my property. You need me back here again, am I going to get another five minutes? **Terry Pugh:** If you have issues, yes. **Bill Jeffers:** Here this tell you all the stuff I will be doing. Some of these might be repeats but you can have them, I have copies. Are you guys happy? This is how safe I feel, I can't even go into my back yard without locking my front door. **Terry Pugh:** Bill you stated your case, thank you. **Bill Jeffers:** Hurriedly. Make sure this gets erased since we have other witnesses. By the way when you tell stories, you shouldn't tell lies. So how many feet is your right of way sir, I want to know. How many feet is your right of way, I want to know before I start covering up my ditches and start making my ritual stone garden. **Al Davies:** You have done your research Mr. Jeffers. **Bill Jeffers:** It doesn't state it in your city ordinance. **Terry Pugh:** That is enough Bill please. I gave you ample time now we are done. **Bill Jeffers:** We can't go with five more seconds to answer my question how many feet?

John Williams: I appreciate the Council giving me the time and the opportunity to share an experience that I had here on September 24th. I would almost bet that all of you have heard some comments concerning the Income Tax review process. Now my experience started a few days prior to the 24th. It started when I received in the mail a notice from the RITA organization, not asking me to be here, not requesting that I be here, not inviting me to be here, subpoenaing and mandating that I show up at this building sometime between the hours of 9 a.m. and 12 p.m. I don't like to be subpoenaed; I don't like to be mandated but ok if that is the process. I could talk

about when I got here about 10:00 that morning that I had to walk through and around people sitting on the steps outside of this building waiting for their tax review. I could also talk walking through and around people sitting on steps all the way up to this office and people sitting on the floor and on the bench outside of the room. I could also talk about when I walked in here and saw people standing along the walls and these chairs filled. We only had two people from RITA here to review all these taxes. One on one side of the room and one on the other. I don't know how many subpoenas were sent out someone told me somewhere around 800. 800 St. Clairsville City residents were subpoenaed to show up at this building to have their taxes reviewed. For four hours from 10:00 until quarter till 2 my wife and I sat here, I stood part of the time because there wasn't a chair. We sat here that length of time to have our taxes reviewed. First of all let me say I don't have a problem with the City income tax at all. We voted for you folks on a 4 to 3 vote after the public had voted it down you determined that we needed this tax in order to raise the money to maintain and better the benefits and the services this city has to offer its residents. I have absolutely no problem with that at all. I don't have a problem with RITA. My issue is with the City Council. Somebody in this room or subpoenaed in this room had to communicate with RITA. There had to be a communication even if it was from the fact that we are going to do this on this day and we are going to have two people here to do it because you let them use your Council Chambers to do these income tax reviews. Somebody had to communicate with them. Logic would tell me if I have got 800 citizens of St. Clairsville who are going to be affected by these subpoenas there should have been somebody in this room say RITA how many subpoenas are you sending out? Ah 800 ok. How many subpoenas are you sending to people to be in this room from 9 am to 12 pm? How many people are you asking to come in here? And how many people coming in from 1 pm to 4 pm? Because I am still sitting here when the 1:00 people came in. The Mayor was here, am I exaggerating? **Mayor Vincenzo:** Not a bit Mr. Williams. **John Williams:** So this is the condition, I don't know I don't recall seeing any of you sitting here for four hours because you had better things to do I bet. If you knew they were going to send out 100, 200, 300 subpoenas to be in this building between 9 am and 12 pm isn't it logical we would have said ok about how many tax reviews can you do in an hour. If you got this many people coming in and it is going to take you ten or fifteen minutes to do these reviews it seems to me you can apply some math to that whether it was two people or six people or 200 people. The citizens of St. Clairsville did not need to be inconvenienced because there was a lack of planning by the City Council. I am the only one here I guess I can tell you there was a group of I figured of 50 or 60 people who would be here with all the complaining I heard. No excuse. I will tell you that after my wife and I sat from 10:00 until quarter till 2 they called our name. We went over to the young man, I handed him my income tax returns which I knew I had filed on time and when and where. He takes them, he looks at it says we are ok you can go. I said wait a minute I got a letter from you people that told me that there was a question about my return so I contacted the people who did my taxes, I sent them a copy of the letter they confirmed to me that the taxes had been filed but they would resubmit. Then I get this other invitation to be at this building between 9 and 12 so I called my tax people again. I sent them again and they told me

they would contact RITA again. So I said young man you are telling me you have my papers? He said yes we have everything. I appreciate City Council, it is wonderful that people like you take the time and the responsibility to be involved in the management of this City. I do appreciate what you do but you dropped the ball big time. So why am I bringing this up now? In the famous words of our former Secretary of State “What possible difference does it make now”? Well I planned to be a resident of St. Clairsville next year and if something like this should come up hopefully there will be a little better planning and a little bit of follow up. Somebody on this council has to have oversight to see that this doesn’t happen. Thank you for your time. **Mayor Vincenzo:** May I speak on this issue. Mr. Williams, I am having a meeting with RITA on Wednesday. Immediately after I left this Council Chambers I went down and called them immediately. First of all I had no knowledge and no one else had knowledge that they were coming in this building. **John Williams:** Isn’t that even worse sir? Cindi did you know they were coming into this building? **Cindi Henry:** Yes I know they were coming but I did not know they were only bringing two representatives. They stated that they had subpoenaed people in and they had representative coming to discuss individual taxes. It was so bad the people who made it to my office I took the copies they brought and sent them home. It was that bad. **John Williams:** Here is another thing they told us, after you came in Mayor the young lady told us if you can’t wait or if you don’t want to wait you can just leave your information up here on the desk. I said ok you want me to take my tax returns, my income, my social security no., my address, my phone number and lay it on the desk. **Cindi Henry:** It will never happen again. **Mayor Vincenzo:** I guarantee they will never be in this building again to do that, honestly. **John Williams:** I don’t care about that, it is over and done with. I am saying you or these folks who ran for these positions and again God love you, I appreciate it but you are the ones who sit here and you are the ones who set up this whole situation. Somebody on here ought to have oversight. You can pick who ever you want. But somebody from this day forward I would think should have oversight. Somebody on this Council has to know what is going on with this tax collection agency. **Mayor Vincenzo:** When I came up and I listened to the gentleman who was sitting here and he cut this woman off and then I heard the woman make the caustic remark and that is when I spoke up and told her in front of everybody that I was going to go talk to her supervisor and I did immediately. I will not listen to that attitude anymore because these are the people that pay our taxes. **John Williams:** But here is the thing Mayor I didn’t have a problem with them , I felt sorry for them. I can’t imagine sitting there and have all these people come up who are upset. They don’t want to be here so the first thing they do when they walk up there that poor person gets an earful, and they got a lot. **David Trouten:** Has there ever been anything like this before? **Cindi Henry:** Never, this is a program they wanted to run because they are trying to determine what has been filed right and what has been filed wrong and trying to get a hold on who is truly skirting paying the income tax versus who has just gotten in the shuffle and got mixed up. They came to us asking us to do the subpoena program. They left here and went to Martins Ferry and did it the next day. This is just one of their procedures that they do. It is not something unusual or whatever and we did have notice. **David Trouten:** How

much notice did we have? **Cindy Henry:** They emailed me three or four days before they came and the only thing they told us was that they needed a room that had seating and that if we couldn't provide them Wi-Fi they would bring their own hot spots and that is all they needed. They did not say how many people were coming. At the last minute I got an email saying that they had sent out 700 subpoenas. My bad because I should not have assumed that they would have brought seven or eight people and I found out later that day that there was two people here and they were being extremely rude to the individuals that were coming in. Most of the individuals I talked to that made it to my office and I know Kathy got inundated with them also, were people who had used various tax preparers and it was actually just a verification process. But it still was unacceptable that these people were subpoenaed to come in here and then had to sit here as long as they did and go through what they did and experience the two people who were very rude to our taxpayers. One young man who came after I did, he came a little after 10 and he said are all of these people waiting and I said it look like it. He said I have a job interview at 1:00 I don't know what I am supposed to do. I said I don't know what to tell you but I would hate to see you miss a job interview. He was still sitting here when I left at quarter till 2. A lot of people said if we had known we could have gone to lunch. **Jim Weisgerber:** I got a subpoena too. **John Williams:** Someone asked me if we could have Riesbeck's cater lunch. **Cindi Henry:** To add insult to injury the air conditioner didn't work. It went out the same day which was unfortunate, but it will never happen again as far as I am concerned. **John Williams:** That is all we can hope, it is over and done with. There is nothing anybody can do about it now. I just wanted you all to be aware. **David Trouten:** Are we contractually bound to let them do that? **Cindi Henry:** The Mayor is going to meet with them and I am sure he is going to tell them the same as I would to tell them that it isn't happening again. **Terry Pugh:** My daughter ended up being here and she had a similar experience to yours. But what she did find out, of course my daughter does everything on a computer was that Turbo Tax does not print a City tax form and I thought that is something that should be brought up to RITA. Because how many younger people do their own taxes. **Mayor Vincenzo:** But when I talked to the manager Turbo Tax does not kick back into the system for them to be able to tell on the W-2 Form to pick up the City tax. More and more people are using Turbo Tax. I will find out more Wednesday when I talk with them. **Terry Pugh:** So Mr. Williams I have already gotten the brunt of my daughter. We all feel terrible it happened. RITA is something new for all of us and with the Mayor meeting with them I am sure he is going to go over all of this. So it will never happen again, I appreciate you coming tonight to bring it to everybody's attention.

Jack Burn: I live at 170 Westminster Drive I came up for one reason and like Mr. Williams I appreciate what you do. You go through a lot of things, a lot of havoc and very seldom to you get told that you are doing a great job. I am here to tell you I think you are doing a great job by supporting your Police Chief. I have known Jeff all my life, went to school with him, served on the Fire Department with him and until somebody can prove me wrong I think you guys need to continue to back him. Jeff I know you didn't know I was going to say anything, you didn't know

I was going to be here. There are a lot of people who wanted to be here why they are not I don't know. Maybe they are afraid to come up to speak what is really on their mind but I am telling you that you have a good Police Chief. You made the right choice. **Terry Pugh:** Thank you very much Mr. Burn.

REPORTS

Service Director, Dennis Bigler

- We have been given notice officially of three retirements, one in the Street Department, one in the Wastewater Plant and one official Electric lineman and one unofficial. What I mean by official is one is verbal one is a letter. Just to give you a sense of some of the retirements that we have. One of our people who is on the Water/Wastewater crew has bid over to the job being vacated but we will have to fill that position on the crew. As far as the Street Department we are putting that out for bid and if we don't receive any bids we will then have to go out and advertise for that position. I just wanted to give you a feel as we transition to some of our older workers retiring.
- There is an Ordinance tonight to award the sale of the used water and electric meters that we have.
- We have got a severe erosion problem that we are looking at on Route 9 North across from the cemetery about 150 feet from the corporation line on the West side of Route 9. We are trying to figure out an engineering approach to that. It is going to be a difficult area to fix.
- We are underway at the Highlands patching it, we are being held up a little bit because we are having intermittent ability getting asphalt but we are back over there again tomorrow. We have one of the big areas dug out based it with limestone material in there with fabric in there. What seems to be wrong over there in our best judgment is the asphalt has never been resurfaced since that road was built and the base under it in most cases the surface is crumbling and sliding off the base. The long term fix is to go over there plane a couple inches down to the base and put in a new surface course. He has got 22 to 25 years of life on this asphalt.

Mayor, Robert Vincenzo:

- I will be attending the Ohio Municipal League's Annual Conference and I will set up a meeting with RITA and discuss this situation that happened this past week. I can assure you it will be taken care of differently than what occurred. We will let them know that these are our people that are paying the taxes and it is not their call to arrange this kind of confusion.
- On the 17th of this month I will be attending Mayor's Court Training for continuing education for the General Court and OVI qualifications which is mandatory.
- **David Trouten:** Were there very many other municipalities that had the RITA issue. **Mayor Vincenzo:** The way they explained it to me they have this every year but most of it thinned out. They didn't realize it would be this type of a situation. Apologetically

they were trying to tell me that they had not forecast this to happen with this many people showing up. They thought that some of these people had it resolved prior to them coming here. We had people that were strictly on Social Security that had no reason to be subpoenaed because they didn't have to pay any taxes according to the rules of the ordinance. I have no idea how this happened but I am sure they will have an answer for me why this happened this way. It was utter confusion. Not only for these people but for the operation of the City, we had no control of our building. When I came up to talk to them I got very upset with them because they had a bad attitude the way they were treating the people. I immediately went down and called their supervisor and of course they were going to try to rectify this.

Monthly Police Report

Calls & Complaints	92
Accidents	17
On Roadway	7
Private Property	10
Arrest	20
Traffic	16
Criminal	3
Domestic	2
Juvenile	0
Warrant	0
Parking Tickets Issued	120
Traffic Citations Issued	17
Warnings given	649
Domestic Calls	21
Alarm Drops Answered	87
Miles put on cruisers	5537 miles
Gasoline used	500 gallons

Police Chief, Jeff Henry - No Report

Finance Director, Cindi Henry

- I have three ordinances. No. 2014-35 is when we talked about doing Ruggles and the East End I did an ordinance to move the money and I moved partial for Ruggles thinking I was going to have the OPWC money back that we had used on Sugar Street. It did not happen so this is the additional money that we needed to make sure that Purchase Order got covered for that work to be done.
- No 2014-36 I actually got the money last week from the OPWC and it was significantly less than what we had originally been told. So the actual amount that we received is being appropriated once I get the certification letter back from the County Auditor

- The other appropriation is the \$41,000 that we had for the Police cruiser in order to handle the books correctly it has to be appropriated and I have to show it brought into the books and taken out of the books. That is just cleaning up budgetary items for the State Auditor.
- The last one that I have is 2014-38 the Recreation Center held a Fall Fest. They got a Tourism Grant for \$2,500 and this is appropriating that additional money for expenditure purposes for the Recreation Center.

Planning & Zoning Administrator, Tom Murphy

- One thing I want to mention is thanks to Jeff Henry, Mike Troullos, Brian Kralovic and Frank Sabatino last week when we had that incident with all those items that were in the right of way that we had to unfortunately had to go and remove and it was nice to have a group there to kind of support everybody. Thanks to Jeff especially, in years past I didn't have as much support as I needed and in that regard he was there right off the bat and I always appreciate the work he does for me and assists me. Very well said Mr. Burn.
- There will be a Board of Zoning Appeals meeting on October 8th at 5:30 there is one item on the agenda that is Northwest Title, they are requesting a special exception in order to operate an office at 227 East Main Street that is where most recently Mike Shaheen , had his office in that location. Any questions you might have not or if you want to contact me prior to the meeting. You certainly can go to the meeting.

ROUTE 40/9 PAVING JOB FOR 2014

You may recall that as far as the Route 40 & 9 job, that you voted to have the paving work done at night between 7:00 pm and 7:00 am. In conversations with ODOT they are going to put it out to bid like that however one part of the project the storm portion of the project on East Main Street, that would have to be done during the day because of the intricacies of catch basins, storm water culvert work and water line work and all the taps that need to go in there. That portion will be done first and that will be done during the daytime. The planning and paving obviously will be done at night.

In **July 2013** we received an estimate from ODOT for the Route 40/9 job. Out of the total project cost of \$1,151,989.14 the City was responsible for \$306,680.28. In conversations with Belomar, they said they could contribute \$76,282.46 to the project reducing the City portion to \$230,397.82. At that time, we were told by ODOT that the culvert and catch basin portion of the job on East Main Street would cost about \$45,000. This portion of the job was included in our City costs. An existing water line would have to be moved due to the storm work. We understood that this would increase the cost estimate and therefore increase our responsibility but never to the degree it did in the new estimate.

We were not given another update regarding cost until **September, 2014**. It turned out the project cost increased to \$1,301,648.64. The City's portion increased to \$494,062.33, an increase of \$187,382.05, due to the cost of the new waterline, excavation work, compaction, new base, new asphalt, et. al. With Belomar contributing \$76,282.46 the City would have to fund \$417,779.87 rather than the \$230,397.82. Again, an increase of \$187,382.05.

I then contacted Belomar once more. The good news is that due to another project coming in well under estimate, Belomar can increase the amount of funding they can give our project. They can now contribute \$233,732.60. The City will now have to contribute \$260,329.73. This is an increase of \$29,931.91 rather than the \$187,382.05 figure without the additional Belomar funding.

What I need from Council is a decision on whether or not to go forward with this proposal which includes the culvert and catch basin work on East Main Street. I did talk with Cindi Henry this morning and it sounds like that would be potential with getting \$233,000 in grant funds from Belomar we would be able to hopefully resolve that issue out there. This is really a golden opportunity. It is unfortunate that everything increased but with the additional grant funds that we would get from Belomar, a substantial increase.

	July 2013	September 2014	Increase
Total Project Est.	\$1,151,989.14	\$1,301,648.64	\$149,659.50
Total City responsibility	\$306,680.28	\$494,062.33	\$187,382.05
Total City responsibility after Belomar Contribution	\$230,397.82	\$260,329.73	\$29,931.91

Approximate estimate of storm work and other items related to it is \$200,000.

Again Council would have to give us direction of yes proceed forward with that. Now with that said the Central Office of ODOT does the final estimate and we can't have much control over what it will be. **Jim Weisgerber:** I think we should go ahead with the whole program for \$30,000 more if we can correct that issue out there which has been bad forever. I know \$30,000 is a lot of extra money, but what happens three years from now and we have to tear it all up again and it is going to cost us \$90,000. If we can go for the whole thing. **Terry Pugh:** This money doesn't have to be available until when? **Tom Murphy:** Next year is when they are going to bid out the project, I am sure we don't have to have all of the money up front. There will be bills that we will have to reimburse, however ODOT sets that up. Next year we will have to have the funding available. **Cindi Henry:** It will be the RITA money that goes to the permanent improvement fund that goes for it. **Terry Pugh:** We would have RITA money there, in the Permanent Improvement Fund? **Cindi Henry:** Yes. **David Trouten:** This is a good long term

fix is that right? **Tom Murphy:** The way it is engineered anyway. In reality engineering does not always totally work but we have to trust the engineering and the results rather than not doing anything it would at least be an improvement. **Perry Jones:** Do we need a motion on that?

Tom Murphy: Yes, ODOT has asked me to call them tomorrow and let them know how Council voted. They have to submit their final plans on the project. Belomar has to be made aware because if we are not going to go forward that can utilize those funds somewhere else. A motion was made by Perry Jones and seconded by Jim Weisgerber to move forward with the Route 40/9 paving project along with the East Main Street storm water portion of the project with the change to the estimate as outlined with the City's increase in funding responsibilities.

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

COUNCIL COMMITTEES

Finance, Libby Heintzelman - No Report

Utilities, Frank Sabatino

- Had our monthly meeting on Ruggles the water part is done and Dennis informs me that we will hopefully be under the deadline for the paving. That is good news for the Residents around Ruggles.
- **Don Smithberger, Electric Superintendent:** Everything is moving along smoothly. You are aware that we have some personnel issues and I appreciate your efforts on that.
- CVS & Advanced Auto are on line and we are finishing those projects up
- **Shelley Fortney, Utility Office Manager:** Everything is running pretty smooth. We are coming to a close with our Meter installations so things are starting to take more of a daily routine rather than a changeover.
- **Doug Frye, Water/Wastewater Superintendent:** Nothing further at this time

Police, Perry Jones

- We are having a Committee meeting Thursday at 1:00
- Thank you for coming in and giving more support to our Police Chief. He still has our support here.
- The stop signs that were put out on Ruggles are not being used at this time. They are up it is very interesting everybody in that area is happy the signs are going in, people outside of St. Clairsville are complaining about it though. I said it is for a safety factor. Thanks.
Jeff Henry: Thank the Electric Department and the Street Department they are the ones who got them up.

Street North Side, David Trouten - No Report

Street South Side, John Bukmir - People were down and filled in the manholes, they are all covered over with asphalt

Safety, Jake Olsavsky - Not Present

Building and Grounds, John Bukmir - No Report

Planning Commission, Jim Weisgerber - No Report

Fire District, Frank Sabatino

- A few items from our Regular meeting on September 17th, They interviewed and tested and appointed a new Lieutenant. Hired some part time. Approved some equipment purchases. Board is moving ahead with the new squad car which will replace #35. Three years ago the Chief initiated a program to phase in new vehicles and unfortunately we had the wreck with the brush truck so we will get a new brush truck pretty soon. the new pumper should be coming in and all this is possible with the residents of the Cumberland Trail Fire District supporting the levies and supporting the Fire Department
- Our next meeting will be Wednesday, October 22 at 3:30 at the Main Station.

Recreation Report, Libby Heintzelman - No Report

Park District, Perry Jones

- We have somebody that I am recommending for the position that Randy Bernard has resigned from. My recommendation is Terri Walters, she has worked with the Park Board for a long time. She is a resident of the City. A motion was made by Perry Jones and seconded by David Trouten to appoint Terri Walters to the Park Board.

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

ORDINANCES & RESOLUTIONS

Law Director, Albert Davies

Dennis Bigler: ODOT has a deadline coming up in the near future to have the plans and all the paperwork filed on this project December 1st so we are trying to wrap things up to take advantage of the grant that we have. It is approximately \$400,000 to finish the North Portal of the Tunnel which will complete the work on the tunnel. It is a local share of about \$92,000. I think you might remember we talked about this some months ago. This Ordinance authorizes us to execute and proceed with the project. **Perry Jones:** Exactly which tunnel are we talking about? **Dennis Bigler:** The old one, the North concrete, the smooth interior portion of the old tunnel. **David Trouten:** Is there another tunnel on the Bikepath now? **Dennis Bigler:** There are two, there is a new one. **Terry Pugh:** One under Route 40 and one under I-70. **Perry Jones:** This is to fix the liner? **Dennis Bigler:** It does several things, it is picking up water that is still coming through the liner, we did some work in there some time ago, we did it ourselves. There is more work that needs to be done. That was just a stopgap to collect water so the water would not come through the concrete and direct it down to the ground so we wouldn't have ice

forming overhead. That is the problem, you have large chunks of ice form in the winter. The other thing is you have a void above that concrete liner, we tried to fill that void once before and it didn't work so we had to stop and this is a different approach that would fill the void that is above the liner and before the surface of the ground kind of a tunnel above the tunnel so to speak. So this would reinforce that area. There are two things we are doing, it is drainage control like we did in the interior of the tunnel, it will also re-gunnite that smooth interior so we will have structural stability of that concrete for a long time. Last and not least if we can afford it, if bids come in sufficient we will pave inside the tunnel out to Station Street because of some of the damage done to it during the other phase of construction. **Perry Jones:** You say we have a grant for this? **Dennis Bigler:** It is around \$400,000 and our share of this is about \$90,000 of the construction cost. **Perry Jones:** So the total project close to \$500,000? **Dennis Bigler:** We had to spend some Engineering money but that has been spent a good while ago. I think we are pretty well done with that. The plans are submitted to ODOT, they approved it now we are wrapping up everything now. **Perry Jones:** Do we have funds for that \$90,000 Cindi? **Cindi Henry:** That would be your permanent improvement money. **David Trouten:** What if we didn't do it, what are the ramifications? **Dennis Bigler:** It is a safety issue. **David Trouten:** Safety because it would collapse or because of the ice? **Dennis Bigler:** Because of the ice right now but long term I think you could have collapse especially on the surface where the steps come down there is that void in there but the other thing is long term if you don't do something with it concrete because of the freeze thaw going on there I think you would have trouble with that concrete liner in time. So with the work that we did this is probably a 50 year fix on the tunnel if we complete this. We need to do it because it is very competitive if we pass we might not get it again. **Dennis Bigler:** We have the grant funds now, if you have to go back and take another run at it. Turning these back would be not good. **David Trouten:** If that collapsed would it affect the road above it? **Dennis Bigler:** Not in this area. Long term it affect the ability to use the biketrail.

Al Davies: The other piece of legislation that you have is Resolution No. 2014-39 which Dennis Bigler did allude to in his initial presentation. Ordinance No. 2014-11 authorized Dennis to solicit bids for the sale of our obsolete and now unnecessary electric and water meters. Two companies submitted bids to purchase the meters the best bid to purchase was from Global Meter and this Ordinance authorizes either Dennis Bigler or the Mayor to accept that bid to purchase those meters. We have drafted it as an emergency so that we can receive the money. **Dennis Bigler:** \$10,879.

- **Al Davies:** The only other matter I have for Council is we do need to adjourn to Executive Session for two reasons (1) to review matters regarding Collective Bargaining Negotiations which is with the AFSCME which would follow under the Ohio Revised Code Section 121.22 (G)(4) the other matter falls under personnel involving a complaint against a city employee and that falls under Ohio Revised Code Section 121.22 (G)(1)

There was presented and read to Council on its third and final reading by title only, ORDINANCE NO. 2014-33; AN ORDINANCE ESTABLISHING PERMIT PARKING IN THE CITY PARKING LOTS ADJACENT TO SOUTH MARKET STREET. A motion was made by David Trouten and seconded by Perry Jones that Ordinance No. 2014-33 be passed by Council.

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

Ordinance No. 2014-33 was declared adopted.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2014-35; AN ORDINANCE TO MAKE TRANSFERS BETWEEN FUNDS, AND ESTABLISH ADDITIONAL 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; 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. 2014-35. A motion was made by Perry Jones and seconded by Jim Weisgerber that Ordinance No. 2014-35 be passed by Council.

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

Ordinance No. 2014-35 was declared adopted.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2014-36; AN ORDINANCE TO ESTABLISH ADDITIONAL 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	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. 2014-36. A motion was made by Perry Jones and seconded by Jim Weisgerber that Ordinance No. 2014-36 be passed by Council.

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

Ordinance No. 2014-36 was declared adopted.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2014-37; AN ORDINANCE AUTHORIZING AND DESIGNATING THE MAYOR AS THE LOCAL OFFICIAL WITH THE AUTHORITY TO EXECUTE THE PROJECT AGREEMENT KNOWN AS "BEL-BIKEPATH NORTH PORTAL LINER", PID NO. 97100, AND TO COMPLETE ALL NECESSARY FUNCTIONS THAT MAY BE REQUIRED TO COMPLETE SAID PROJECT, 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 on emergency; Jim Weisgerber 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. 2014-37. A motion was made by Jim Weisgerber and seconded by David Trouten that Ordinance No. 2014-37 be passed by Council.

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

Ordinance No. 2014-37 was declared adopted.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2014-38; AN ORDINANCE TO ESTABLISH ADDITIONAL 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: 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. 2014-38. A motion was made by Jim Weisgerber and seconded by David Trouten that Ordinance No. 2014-38 be passed by Council.

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

Ordinance No. 2014-38 was declared adopted.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2014-39; A RESOLUTION DETERMINING THE BEST BID FOR THE PURCHASE OF USED WATER METERS 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	Trouten	Yes
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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, RESOLUTION NO. 2014-39. A motion was made by Perry Jones and seconded by Jim Weisgerber that Resolution No. 2014-39 be passed by Council.

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

Resolution No. 2014-39 was declared adopted.

OLD BUSINESS: Planet Aide, Clothing & Shoe Boxes: Terry Pugh: Council said that they were going to discuss it and get back to it. **David Trouten:** I am not in favor of it. **Perry Jones:** I agree. **Libby Heintzelman:** Not enough of the stuff goes to the immediate area. I did a little research online and a lot of the stuff does go to Africa. **Frank Sabatino:** I go to the recycling center a couple of times a week they have added two bins. There is now ten five on each side. There really would not be a whole lot of room. I wouldn't be in favor of it. **Terry Pugh:** I think it is pretty much a consensus that they need to find someplace else to put their bins.

CORRESPONDENCE: Tri County Help Center: They are scheduling their 8th Annual "March for Domestic Violence Awareness March" for Wednesday, October 15th at 6:00 p.m. They will be coordinating this event with Chief Henry. A motion to allow the march was made by Jim Weisgerber and seconded by Perry Jones.

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

EXECUTIVE SESSION

A motion was made by Jim Weisgerber and seconded by Perry Jones to go into executive session (1) to review matters regarding Collective Bargaining Negotiations which is with the AFSCME which would follow under the Ohio Revised Code Section 121.22 (G)(4) the other matter falls under personnel involving a complaint against a city employee and that falls under Ohio Revised Code Section 121.22 (G)(1)

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

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

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

NEXT MEETING; the next regular scheduled meeting of the City Council will be Monday, October 20, 2014 at 7:30 at the Municipal Building.

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

Kathleen M. Kaluger, Clerk

D. Terry Pugh, Council President Pro-Tem