

COUNCIL MINUTES

January 2, 2018

St. Clairsville City Council met in Council Chambers on Tuesday, January 2, 2017 with the following present:

Tim Porter, Council President
Perry Basile, Council, 1st Ward
Mark Bukmir, Council 3rd Ward
Linda Jordan, Council-At-Large
Beth Oprisch, Council-At-Large
Frank Sabatino, Council 2nd Ward
Mike Smith, Council-At-Large
Jim Velas, Council 4th Ward

Terry Pugh, Mayor
Jim Zucal, Service Director
Cindi Henry, Finance Director
Richard Myser, Law Director
Tom Murphy, Planning & Zoning Administrator

The meeting was called to order by Council President Pro-Tem Frank Sabatino.

We want to congratulate all the newly elected officials on City Council and all of those who have been here previously.

Law Director, Richard Myser: Administered the Oath of Office to three newly elected Council Members, Tim Porter, Council President, Perry Basile, 1st Ward and Jim Velas, 4th Ward.

Tim Porter, Council President: I would like to thank our City Crews: Street Department, Police Department, Electric Department, Water & Wastewater Department for all the hard work that they have done through the last week and half. They were out through the holidays and the freezing cold weather. Just want to give them a thank you for all the hard work that they have done.

APPOINTMENTS:

Council Pro-Tem: A motion was made by Mark Bukmir and seconded by Perry Basile to reappoint Frank Sabatino as Council President Pro-Tem for 2018.

Roll Call Vote

Basile	Yes		
Bukmir	Yes	Sabatino	Abstain
Jordan	Yes	Smith	Yes
Oprisch	Yes	Velas	Yes
Roll Call Vote:	Six (6) Yes	One (1) Abstain	Motion Approved

Council President asked Council to appoint a Council Clerk for 2018. A motion was made by Mark Bukmir and seconded by Mike Smith to make the reappointment of Kathy Kaluger as Council Clerk.

Roll Call Vote

Basile	Yes		
Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Velas	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

CITIZENS HEARING: Rich & Kathy Miller

Thank you for having me here tonight. We have been citizens of St. Clairsville for 29 years. I want to briefly discuss with you the pending issue before Council that is regarding the Medical Marijuana Dispensary within the City. As Mayor Pugh said in the Times Leader, it is not whether or not you are for Medical Marijuana but whether we want to have a dispensary in the City. That is a very important issue. There are many differences of opinion but that ship has sailed already. It is going to be in Ohio whether you want it or not. The question is do you want it in our community. My comments are based on risk versus reward. I would like to say Marijuana medical or otherwise is not a harmless drug. There is a lot of press on it both ways but it is a drug. It is not recognized by the FDA. Insurance companies don't pay for it, they do not recognize it. It still remains illegal in most states. With any drug there are abuses that can happen. The New England Journal of Medicine reported that in 2017 U.S.A. Today reported on a study that was done. It said that marijuana used without a doctor's note increased in states with marijuana laws from 2001 to 2013 as did people considered to have a marijuana disorder. While most people who use marijuana suffer no ill effect from casual use, heavy users can experience ill effects. Many Ohio Cities do not feel it is appropriate for their cities. Some of the Ohio Cities that have fully banned marijuana sales in their city are Hilliard, Worthington, Lancaster, Plain City, Canal Winchester, Middleton, Hamilton, Sidney, Brecksville, Vandalia, Fairfield, Grove City, Dover & Bellaire.

MINUTES

Minutes of the December 18, 2017 meeting were distributed to Council. A motion to accept the minutes was made by Beth Oprisch and seconded by Linda Jordan.

Roll Call Vote

Basile	Abstain	Sabatino	Yes
Bukmir	Yes	Smith	Yes
Jordan	Yes	Velas	Yes
Oprisch	Yes		

Roll Call Vote: Six (6) Yes One (1) Abstain Zero (0) No Motion Approved

REPORTS:

Service Director: Jim Zucal

We have some big things on board and I think it is going to be a very productive year. We have been very busy. I put a letter in everyone's mailbox to inform you that the Belmont County Commissioners did appoint me to the Belmont County Transportation Improvement District Board. I am very excited about that for the City of St. Clairsville and Belmont County.

We do have an American Electric Power representative Mr. Vince Findley. He does come in occasionally. I have been meeting with him more lately due to the electric rate changes and I want to keep Council informed about that. It will start by working with the Utility Committee.

On a daily basis we are working on the plans, procedures and bidding process for the new water tank. That will be a project that I think will come to fulfillment this year. It should be bid in June. The Mayor, Cindi, Tom and I met with the Engineering Team. We are securing grants and putting the funding in place. It will wrap up in 2019. That will be a new 500,000 gallon tank that will be placed out at the Commons Mall Crossing area.

Tom Murphy and I have been meeting with the group from Equity about the street and the future of the plat, the portion that has to be dedicated to the City. We also talked about the Senior Suites.

I am asking for a motion to go into Executive Session for a brief discussion about personnel matters. I thank Council for their support last year and I think we are going to have a very successful year this year.

Kathy Miller: I have asked this question before and no one has ever given me an answer why we pay AEP for our City Utilities? **Jim Zucal:** The City is not in the business of producing electricity. We are a distribution module for electricity. We have a portfolio where we buy different forms of electricity: coal generation, natural gas, wind and hydroelectric. We have a contract with American Electric Power so the bulk of our electricity is purchased from A.E.P. and redistributed. **Kathy Miller:** Is that cheaper for the residents than if they bought it directly? **Jim Zucal:** It is typically cheaper. A.E.P. works through the PUCO so there is a set price. We have a contract so being a resident of the city you are paying what the administration and council work to get a good price on. **Mike Smith:** Is there an option other than A.E.P. **Jim Zucal:** There is an option and we have discussed that recently. Our contract is in place through 2020. We are a part of the American Municipal Power System so we do have options to buy into other memberships. Some cities have their own power plants we do not. **Terry Pugh:** We do also buy some of our power through AMP Ohio. **Beth Oprisch:** How long are the contracts? **Mayor Pugh:** We have different contracts for different types of power. **Cindi Henry:** We get a dividend check once a year from the wind power contract.

Mayor: Terry Pugh

I would like to congratulate Tim Porter, Perry Basile & Jim Velas for coming on board. I look forward to working with you. I want to thank Council for providing the Christmas Lunch for all the employees.

We had all the problems possible over the holidays. We had snow, ice, power outages and water line breaks. All the employees came together and provided the services the people need.

Police Chief, Jeff Henry: Not Present

Perry Basile: At previous meetings you discussed hiring a new police officer in place of the dispatchers. Where are we in that process? **Terry Pugh:** We really haven't done anything yet. The Chief is on vacation. When he comes back we will start advertising. **Perry Basile:** I have a question about the test that was given previously. When does that expire? **Mike Kasper, Civil Service Committee Chairman:** State guidelines give you a full two years. When we certified our last test we certified nine people. That test was April of 2016. I do believe that Mr. Bigler sent out a letter saying within a year but if you go by state you have two years. **Perry Basile:** So I wouldn't want to see this put off it will be an unnecessary expense for the city. I also hear that another Officer is going to be retiring and that will be another. **Jim Zucal:** We will follow Ohio Law. We are in contact with Clemans Nelson in Columbus. We are not going to expend extra dollars when we don't have to. Today is only January 2nd. We intend on moving ahead with that. We have not heard anything about retirements. Clearly it is our intention to hire a new officer.

Finance Director, Cindi Henry:

I gave the three new people new hire packets so we can get them into the system. As far as the water tank, it is our goal at this point to have minimal or no debt involved with this project.

In order to get payroll done on Monday we may have a short special meeting either Friday or Monday.

Planning & Zoning, Tom Murphy:

The Senior Suites is about 90% complete. I think their hope is that in February they will be open for business. Some of the issues we are still working on are the street lights, resolution on the water meter and there is a retaining wall next to the lift station that they want completed. There are also some storm water issues we want resolved. It is moving along.

Another item we have a person interested in being a member of the Architectural Board of Review. Her name is Karen Burge and she was on this board at one time. She submitted a resume. Mayor Pugh asked Council to accept the appointment of Karen Burge to the Architectural Board of Review. A motion was made by Linda Jordan and seconded by Perry Basile to approve the appointment.

Roll Call Vote

Basile	Yes		
Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Velas	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

COUNCIL COMMITTEES

Finance, Mike Smith: No Report

Utilities, Frank Sabatino:

The Utility Committee met tonight and discussed several things.

The New Year did not get off to a good start with the water breaks and the power outage.

It was our first water break and power outage when the people had to call 911. **Mayor Pugh:** The 911 operators called the Superintendents and it all worked well. The power outage was an AEP problem, it was wide spread around the area not just St. Clairsville.

Police, Mark Bukmir: No Report

Street North Side, Jim Velas: I did over the last couple of days go through most of the streets on the North Side because of the snow and ice and I give a pat on the back for the Street Department. All the intersections were pretty well down to bare pavement and the residential areas do have some hard packed snow and ice but with the temperature the way it is that is not going to melt. People need to drive slowly but they did a very good job.

Street South Side, Beth Oprisch: No Report

Safety, Beth Oprisch: No Report

Building & Grounds, Mark Bukmir: No Report

Planning Commission, Mike Smith: No Report

Fire District, Frank Sabatino

The reorganization meeting was changed to tomorrow at 3:00 at the Main Station. Our regular meeting will still be Wednesday, January 10th.

Recreation, Linda Jordan: Community Days will be held on Saturday, June 30th from 4:00 thru the fireworks.

Park District, Linda Jordan: No Report

ORDINANCES & RESOLUTIONS

Law Director, Richard Myser

We have two pieces of Legislation this evening. Ordinance No. 2017-52 on its first reading. This is an Ordinance to make interfund transfers. The second piece of Legislation I have is Ordinance No. 2017-49. This is the Ordinance to prohibit Medical Marijuana Cultivation, Process and Retail Distribution within the City of St. Clairsville. This Ordinance was read for the first time on November 6th, the second time on November 20th, the third time on December 4th it was tabled at that time. It came up for a vote again on December 18th and was tabled. It now comes before Council tonight for action. If Council wants to table it they can but at some point in time they are going to have to vote in favor of it or they are going to have to oppose it.

The next thing I have is that we have been asked to go into Executive Session after our regular Council Meeting. The section of the Ohio Revised Code is 121.22 (G) (1) to discuss personnel matters.

Perry Basile: With this Medical Marijuana issue the question in a previous meeting was where could you have it if it passed. I know there are limitations of where you can put it. It cannot be near Schools, etc. That was never answered. Where in St. Clairsville would it legally be able to go? **Tom Murphy:** A facility like that could only be in a commercial district. In St. Clairsville there are two commercial districts. One is the downtown district and you can't locate one of these facilities within 500 feet of Churches, Schools, Libraries, Play Grounds, etc. I got on our GIS system and mapped 500 feet from all of those types of things. There was no area within the Downtown District that could legally have one of those facilities. Small areas like where Convenient is located is near a school and where the B.P. Station is located on Rt. 9 is within 500 feet of the Lutheran Church. The only other real commercial district is Plaza West where Riesbeck's is located and the bike trail that goes from Reservoir Road to the South Side of Plaza West would be within the 500 feet. The building where Citizens Bank, Burger King, Dr. Chaudhry and the Veterans Office are the only ones not within the 500 feet limit. **Jim Velas:** Someone asked me about the section at Rolling Acres, if it would be allowed there. **Tom Murphy:** That is zoned office and institution so it would not be allowed.

There was presented and read to Council on its third reading by title only, ORDINANCE NO. 2017-49: AN ORDINANCE TO PROHIBIT MEDICAL MARIJUANA CULTIVATION, PROCESS AND RETAIL DISTRIBUTION WITHIN THE CITY OF ST. CLAIRSVILLE AND DECLARING AN EMERGENCY. A motion was made by Linda Jordan and seconded by Jim Velas. **Richard Myser:** Procedurally it has already been read for three times. A motion was made for a vote and a second was made. Apparently it is going to be on the floor for a vote unless somebody wants to make a motion to table it. **Mike Smith:** I still don't have enough information to vote on it.

A motion was made by Perry Basile and seconded by Mike Smith to table Ordinance No. 2017-49.

Roll Call Vote

Basile	Yes		
Bukmir	No	Sabatino	No
Jordan	No	Smith	Yes
Oprisch	Yes	Velas	No
Roll Call Vote:	Three (3) Yes	Four (4) No	Motion Not Approved

A motion has been made by Linda Jordan and seconded by Jim Velas that ORDINANCE NO. 2017-49; be passed by Council.

Roll Call Vote

Basile	No		
Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Abstain
Oprisch	Yes	Velas	Yes
Roll Call Vote:	Five (5) Yes	One (1) No	One (1) Abstain
			Motion Approved

Ordinance No. 2017-49 was declared adopted.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2017-52; AN ORDINANCE TO MAKE INTERFUND TRANSFERS AND REALLOCATIONS (SUPPLEMENTAL APPROPRIATIONS) WITHIN THE FUNDS FOR THE NORMAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ST. CLAIRSVILLE, STATE OF OHIO, FOR THE PERIOD JANUARY 1, 2017 THROUGH DECEMBER 31, 2017, AND DECLARING AN EMERGENCY. Linda Jordan moved that the rules requiring ordinances and resolutions to be read on three separate readings be suspended and declaring an emergency; Jim Velas seconded the motion.

Roll Call Vote

Basile	Yes		
Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Velas	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

There was presented and read to Council on its third and final reading by title only, ORDINANCE NO. 2017-52. A motion was made by Mike Smith and seconded by Linda Jordan that Ordinance No. 2017-52 be passed by Council.

Roll Call Vote

Basile	Yes		
Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Velas	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

Ordinance No. 2017-52 was declared adopted.

EXECUTIVE SESSION: A motion was made by Frank Sabatino and seconded by Mike Smith to go into executive session per Ohio Revised Code 121.22 (G) (1) regarding personnel.

Roll Call Vote

Basile	Yes		
Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Velas	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

A motion was made by Mike Smith and seconded by Jim Velas to return to regular session.

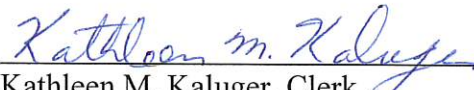
Roll Call Vote

Basile	Yes		
Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Velas	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

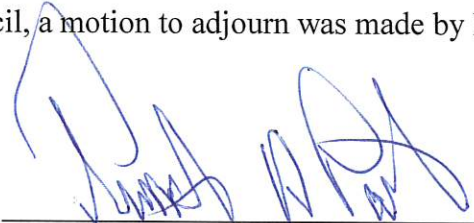
A special meeting will be held Monday, January 8, 2018 at 7:30 a.m.

The next regular Council Meeting will be Tuesday, January 16, 2018, at 7:30 in the Council Chamber.

There being no other business to come before Council, a motion to adjourn was made by Mike Smith and seconded by Linda Jordan.



 Kathleen M. Kaluger, Clerk



 Tim Porter, Council President