

## COUNCIL MINUTES

February 21, 2017

St. Clairsville City Council met in Council Chambers on Tuesday, February 21, 2017, with the following present:

Jim Weisgerber, Council President  
Mark Bukmir, Council 3<sup>rd</sup> Ward  
Linda Jordan, Council-At-Large  
Beth Oprisch, Council-At-Large  
Jake Olsavsky, Council, 1<sup>st</sup> Ward  
Frank Sabatino, Council 2<sup>nd</sup> Ward  
Mike Smith, Council-At-Large  
John Tomlan, Council 4<sup>th</sup> Ward

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

The meeting was called to order by Council President Jim Weisgerber.

### MINUTES

Minutes of the February 6, 2017 regular meeting were distributed to Council. A motion to accept the minutes was made by John Tomlan and seconded by Jake Olsavsky

#### Roll Call Vote

Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Tomlan	Yes
Olsavsky	Yes		

Roll Call Vote: Seven (7) Yes Zero (0) No Motion Approved

### CITIZENS HEARING:

#### REPORTS:

##### Service Director: Jim Zucal

Scott Brown and I attended a pre-construction meeting for the new road that ODOT will be building. They will be having a ground breaking around the end of March.

I have been working with Lindsay Piccolini and a Nature Works Parks Grant for the Recreation Department

The sewer line at the St. Clair Commons Mall is complete.

The old building behind the water tank has been removed by Theaker

I provided the Council Members with comparable water rates and 1,000 gallon minimum.

##### Mayor: Terry Pugh

Jim Zucal and I will be attending the TID meeting on Wednesday.

**Police Chief, Jeff Henry:** No Report

**Finance Director, Cindi Henry:** No Report

**Planning & Zoning, Tom Murphy:**

A Board of Zoning Appeals meeting has been scheduled for March 1<sup>st</sup> at 6:00 P.M. Paula Henry is requesting a conditional use home occupation at 251 East Main Street.

**COUNCIL COMMITTEES**

**Finance, Mike Smith:** No Report

**Utilities, Frank Sabatino:** No Report

**Police, Mark Bukmir:** No Report

**Street North Side, Jake Olsavsky:** No Report

**Street South Side, Linda Jordan:** No Report

**Safety, Beth Oprisch:** No Report

**Building & Grounds, Mark Bukmir:** No Report

**Planning Commission, Mike Smith:** No Report

**Fire District, Frank Sabatino:**

Next regular Fire Board meeting is Tuesday the 28<sup>th</sup> of February at 3:00 at the Main Station

**Recreation, Linda Jordan:**

The meeting was rescheduled for next week at a time to be announced

**Park District, Linda Jordan:** No Report

**ORDINANCES & RESOLUTIONS**

**Law Director, Richard Myser**

We have Ordinance No. 2017-03, that is the Ordinance that is extending the time to file the final plat for the St. Clair Commons Subdivision. It will be up for the third reading tonight and it will be ready to be passed tonight.

The next Ordinance we have is up for its second reading is Ordinance No. 2017-06. It is Ordinance approving an agreement among the Columbus-Franklin County Finance Authority, the City of St. Clairsville, Senior Suites at St. Clair Commons and the Huntington National Bank. That is up for its second reading tonight.

We have four new Ordinances to be presented and read for the first time tonight.

The first one is Ordinance No. 2017-07. It is an Ordinance enacting codified section 505.15 relating to vicious dogs. At our meeting two weeks ago I handed out a proposed draft to everyone. I took several ordinances from different communities and I came up with this ordinance. I heard from no one except the Mayor and we had several discussions on this. The only real change is under (C) you must carry liability insurance for anybody owning a vicious dog. The definition of a vicious animal is (D) (2) b.) Attacks a human being or another domestic animal without provocation. Under (B) Dog cannot go beyond the premises unless secured with a leash no longer than three feet.

The second Ordinance to be read for the first time tonight is 2017-08, it is to adjust the water rates.

Ordinance No. 2017-09 is to adjust the sewer rates.

Ordinance No. 2017-10 is to establish right-of-way work permit within the City

There was presented and read to Council on its third and final reading by title only, ORDINANCE NO. 2017-03; AN ORDINANCE EXTENDING THE TIME TO FILE THE FINAL PLAT FOR THE ST. CLAIR COMMONS SUBDIVISION FROM MARCH 17, 2017 TO SEPTEMBER 17, 2017. A motion was made by Mike Smith and seconded by Linda Jordan that Ordinance No. 2017-03 be passed by Council.

Roll Call Vote

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

There was presented and read to Council on its second reading by title only, ORDINANCE NO. 2017-06; AN ORDINANCE APPROVING A COOPERATIVE AGREEMENT AMONG THE COLUMBUS-FRANKLIN COUNTY FINANCE AUTHORITY, THE CITY OF ST. CLAIRSVILLE, SENIOR SUITES AT ST. CLAIR COMMONS, LLC AND THE HUNTINGTON NATIONAL BANK AS TRUSTEE.

There was presented and read to Council on its second reading by title only, ORDINANCE NO. 2017-07; AN ORDINANCE ENACTING CODIFIED SECTION 505.15 RELATING TO VICIOUS DOGS. **Jim Weisgerber:** With the first reading of this Ordinance we have a Citizen here who would like to speak to this. This will be read on three readings. **Brian Gehrig:** I AM A Citizen in St. Clairsville, I live on Pinecrest. My timing was pretty good. I spoke to the Mayor this morning about the vicious dog ordinance. My neighbor's two houses away from me have two Pit Bulls and I have two young kids a 3 year old and a 1½ year old that are pretty scared to go outside at this point. The Pit Bulls attacked a neighbor's dog about a month ago. We have been worried for some time. These dogs run pretty regularly outside the neighbor's yard. I have seen them in my yard a couple of times. It kind of hit me this morning when I called my wife and told her to take the kids outside to play and she said I don't want to because I am afraid for their safety. That is why I called the Mayor today and expressed my concern with those dogs. That attack that took place a month ago took place on my property. I just hope that as a Council and as a City issue that we don't wait until it is too late to do something. Thank God my neighbor's dog is going to be alright. I watch the news and it seems like it always takes a tragedy to take a stance. I spent 13 years in Columbus but I am originally from this valley. When we decided to move back here we chose St. Clairsville for the good schools and we felt it was safe. I would like to raise my family here not in fear. That is what I would like for you to think about when this is proposed to Council that we do something now and not wait until it is too late. I appreciate your time. **Jim Weisgerber:** We appreciate you coming in and I am along the same lines personally. I don't feel that anyone should feel afraid to go in their yard or have their children play outside. **Frank Sabatino:** Is there an electric fence or any type of barrier? **Brian Gehrig:** These neighbors are good people, they are friendly, and we talk to them. My kids like to go out in the cul-de-sac and ride their battery powered cars. Over the weekend they came around the house and growled at us. These are big dogs. I have been told that there is an electric fence but sometimes in the evening when we pull into our driveway we see something in the yard. It first I thought it was a deer but it was the dogs. Personally I feel that the ordinance should call for a fence that is taller than the dogs. **Beth Oprisch:** So the only barrier is maybe

an electric fence, are they on a leash when they are outside at all? **Brian Gehrig:** No, there is a neighbor between me and that house and they have pretty well marked a path between their house and the neighbor's house. I have never once seen them on a leash. I have never seen them actually walk them on a leash. They leave the garage door open so they can go in and out. I have talked to a lot of the neighbors on different streets that people like to walk and we have been told several times that they won't come on our street anymore because they are afraid of the dogs. **Beth Oprisch:** Has there been any action taken since the attack of this other dog? **Brian Gehrig:** I understand they went to Mayor's Court but it doesn't appear anything has changed. **Mayor Pugh:** I was assured that they had an electric fence. I told him to keep his dog secure. That is all the more reason we need an ordinance. **Richard Myser:** After the first draft was presented to Council the Mayor and I did speak and what you will see under definitions it says you must keep the dog in a secured enclosure which does not include an electric fence. **Linda Jordan:** Can we put specifics on the fence? **Mayor Pugh:** It has to meet the regulations we have as far as Zoning and fences have to be in the back yard. **Tom Murphy:** If they are required to put up a fence they will still have to follow our existing fence guidelines. For example someone could not have a six foot fence in the front yard, it would have to be in the back or side yard. Fences can be as high as seven feet in a back yard. **Beth Oprisch:** If someone wanted an 8 foot fence could they get a variance? **Tom Murphy:** They could apply for a variance. **Beth Oprisch:** I have no qualms about passing an ordinance about vicious dogs. I think dogs should absolutely be controlled but I do have an issue about a breed specific. I think that laws should be people specific. I as for removing E & F of the ordinance as we have it. Any dog has the potential to be vicious it is the way it is raised. **Mayor Pugh:** Beth had brought this up to me and I looked up vicious and dangerous dogs and number one everywhere is Pit Bull. 76% of all attacks by dogs are by Pit Bulls. We are not saying they can't have them in St. Clairsville. You are right any dog can be vicious, I don't trust my dog with my grandchildren that is my responsibility. You can vote any way you want but I do not want to see Pit Bull removed from that ordinance. **John Tomlan:** Are you aware that when those dogs were running at large even if they do not attack that is a violation of our current ordinances. You need to take a picture with your phone so the law can be enforced. **Brian Gehrig:** I am not here to have a war between us and our neighbors. **Mayor Pugh:** The best thing to do is call the Police Department. **Jeff Henry:** All we have to do is get a statement from the complainant. A picture is great but all we need is a statement. **John Tomlan:** If we just added a first degree misdemeanor to this if it bites we have already got that legislation. **Mayor Pugh:** I think we are getting pretty nit-picky basically over an ordinance the City needs. **Mike Smith:** My neighbor had a golden retriever with an electric fence it was a nice dog but it would chase anything. It would barrel right through the fence and take the hit. Is this guy going to be grandfathered in if we pass this? **Mayor Pugh:** A vicious dog is a vicious dog there will be no grandfathering. **Mike Smith:** Do other cities have where you have to purchase insurance? **Jim Zucal:** It is very common. **Jim Weisgerber:** There are some cities that do not even allow a specific breed at all.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2017-08; AN ORDINANCE AMENDING SECTION 925.01 (b) TO ESTABLISH WATER RATES EFFECTIVE AT THE EARLIEST DATE DETERMINED BY LAW AND DECLARING AN EMERGENCY. **Jim Weisgerber:** I would like for this Ordinance to be read three times to give any citizens a chance to come in to voice their opinion and at that time if we feel it is ok to pass it on an emergency.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2017-09; AMENDING CODIFIED SECTION 933.02 (b) TO ESTABLISH SEWER RATES EFFECTIVE AT THE EARLIEST DATE DETERMINED BY LAW AND DECLARING AN EMERGENCY.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2017-10; ESTABLISHING CODIFIED SECTION 901.011 TO ESTABLISH RIGHT-OF-WAY WORK PERMIT REQUIRED WITHIN THE CITY OF ST. CLAIRSVILLE AND DECLARING AN EMERGENCY.

**Jim Weisgerber:** This Ordinance I would like to move on with as an emergency. **Beth Oprisch:** What would be the emergency? **Jim Zucal:** This is actually language to allow for a right-of-way permit. We have never had a permit in place. I feel there is a need. I feel with the utility work that is going on in the City there is a way of being the watch dog of the utility companies and contractors and one way is most Cities do have a permit. We do have the OUPS call in reports so we know if they are going to work out in a city street, whether they are cutting the street or boring under the street. I think it is something we need to act on immediately. This is just a standard permit. We met as a group and I think we have a good permit in place. We don't want to penalize anybody we want to work with them. We just need to know what is going on in the City. One of my biggest concerns the City, the County and private individuals invested millions of dollars at the Commons Mall Crossing and what if a contractor went out and cut the street. I have been talking about this I think it is every one of my reports to Council and we did have a work session. The sense of urgency is because with all the work that is going on in the City right now with all the contractors we are not a big enough city where we have people out there every day. That is the sense of urgency just to protect what belongs to the city, make it safe for our constituents and just to be cautious about who is doing work in the city. **Jeff Henry:** It has been needed for a long time. We should be notified when they are going to block a street off, if they are going to cut a street and put plates down and when they are going to be boring under a street. With this permit all departments will be notified and now we do not know who to contact if there is a problem. If we don't do it on an emergency we will have three months of construction without permits. **John Tomlan:** Right now and for quite some time there has already been an ordinance regarding this. We do have a permit process. I think we are going to have a conflict if we pass this because we need to get rid of the other ordinance first. There is no provision for what to do if they do not get a permit. **Richard Myser:** I disagree with you. You are right that the section before it does say they have to get permission from Council. Your Service Director is the Agent for Council to determine whether or not the work should be granted. This is simply providing a mechanism for the Service Director to be able to handle the situation and give the permission. You are right there is no penalty but it does say they must obtain a permit before they start the construction. If they are out there doing something and do not have a permit we have the right to go out there and stop them. **Beth Oprisch:** Don't we currently have the right to stop them? **John Tomlan:** I understand what you are saying but I am going to respectfully disagree. There is no reference that we are giving Jim authority to grant this it says Councils permission. I am for it I just think it needs reworked. **Mayor Pugh:** Under Planning & Zoning when something is passed it goes on to Council. Surely with a work permit putting a gas line under the road does not come to the importance as building a new building. It seems like Council wants to tie the hands of the city to protect the city. It makes no sense. You are talking about two different things. **John Tomlan:** We are trying to make them clean. They don't fit together we need a little more time to tie them together. **Mayor Pugh:** In your opinion

but Richard is our Law Director. You used to be an Attorney but he is an Attorney. **John Tomlan:** I am willing to be educated, it is just reading, plain language. **Jim Weisgerber:** I think we are covering it. If we need to readdress it at a later date I think we should move on with it and have it read. **Jim Zucal:** I read all of those sections of the code and also ordinances from other Cities. I think this is necessary and I think stretching it out for 6 months will not be beneficial for the city. If necessary we can make changes later. Most cities have been doing this for a long time. I mentioned to Richard that I did not want a penalty, I want work with people doing work in the city.

Linda Jordan moved that the rules requiring ordinance and resolutions to be read on three separate readings be suspended and declaring an emergency; Jake Olsavsky seconded the motion.

Roll Call Vote

Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	No	Tomlan	No
Olsavsky	Yes		
Roll Call Vote:	Five (5) Yes	Two (2) No	Motion Approved

There was presented and read to Council on its third and final reading by title only, ORDINANCE NO. 2017-10. a motion was made by Jake Olsavsky and seconded by Linda Jordan that Ordinance No. 2017-10 be passed by Council.

Roll Call Vote

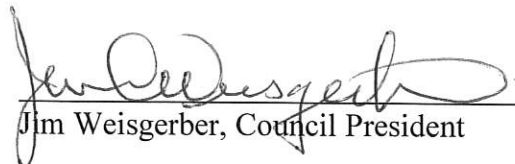
Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	No	Tomlan	No
Olsavsky	Yes		
Roll Call Vote:	Five (5) Yes	Two (2) No	Motion Approved

Ordinance No. 2017-10 was declared adopted.

The next regular Council Meeting will be Monday, March 6, 2017, 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 Jake Olsavsky.

  
 Kathleen M. Kaluger, Clerk

  
 Jim Weisgerber, Council President