

COUNCIL MINUTES

March 20, 2017

St. Clairsville City Council met in Council Chambers on Monday, March 20, 2017, with the following present:

Jim Weisgerber, Council President
Mark Bukmir, Council 3rd Ward
Linda Jordan, Council-At-Large
Beth Oprisch, Council-At-Large
Jake Olsavsky, Council, 1st Ward
Frank Sabatino, Council 2nd Ward
Mike Smith, Council-At-Large
John Tomlan, Council 4th 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
Don Smithberger, Electric Superintendent

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

MINUTES

Minutes of the March 6, 2017 regular meeting were distributed to Council. A motion to accept the minutes was made by Linda Jordan and seconded by Mike Smith.

Roll Call Vote

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

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

CITIZENS HEARING:

Frank Sabatino: Introduced John Slavik, Interim Fire Chief for the Cumberland Trail Fire District and Tim Hall, Assistant Fire Chief. **Chief Slavik:** Very honored to serve the Citizens of St. Clairsville and Richland Township. We have an excellent crew the best you can find in an area this size. **Tim Hall:** I am very grateful for the opportunity to serve the Citizens.

Doug McCroskey, Ohio County West Virginia Dog Warden

Britany Banal, Teacher & Foster for the Belmont County Animal Shelter

Jason Cook, Animal Advocate, State of Ohio

Donna Simpson & LuAnn Kennedy St. Clairsville Kennel Club

John Paglialunga Jr. for the Paglialunga Family, Pit Bull Owners

All of the above named people were at Council asking that the ordinance not be breed specific to Pit Bulls. There was much discussion among Council and the Mayor and Beth Oprisch stated that she could not support breed specific legislation. A motion was made by Mark Bukmir to table the ordinance so Council can get more information and clarify among Council Members how we want to proceed. Jake Olsavsky seconded the motion. **Richard Myser:** We can amend the Ordinance. It has had two readings before we have the third reading on this you can amend the Ordinance. A motion and second have to be made to table the Ordinance. Our next meeting will be April 3rd. If we substantially change it we will not have to have three readings. **Mark Bukmir:** One of the things we need to clarify is lowering the amount of insurance from \$300,000 to \$100,000 before we enact this ordinance. **Jim Weisgerber:** I want everyone to understand this ordinance does not say you cannot have a Pit Bull.

Roll Call Vote

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

A motion was made by John Tomlan to amend section 1 (C) from \$300,000 to \$100,000 and that we delete section 1 (D) (2) e) & f) Beth Oprisch seconded the motion.

Roll Call Vote

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

Richard Myser: I told you before if we make a substantial change and in my opinion I think this is a substantial change. We are changing the definition of vicious dog. The ordinance was designed for the purpose of confining, restraining and making responsible the ownership of vicious dogs. We are now reducing the responsibility and we are changing the definition. I will make the changes and bring it back to Council as a new Ordinance.

REPORTS:

Service Director: Jim Zucal

I have been very busy

Mayor: Terry Pugh

Bob Livingston who is a retired Police Officer had an adult son who died unexpectedly. We pass our sympathy along to the family.

Police Chief, Jeff Henry:

We will have a Police Committee meeting after this meeting.

Finance Director, Cindi Henry:

You have Resolution No. 2017-13 and Resolution No. 2017-15 both are the establishment of new funds. One is pertaining to the Young Lane water line and the other is the repair of Legion Road.

Planning & Zoning, Tom Murphy:

On March 28th at 6:00 p.m. the Board of Zoning Appeals will hold a meeting. John Sambuco is requesting a variance to construct an accessory garage that will be taller in height than the code allows. The address is 160 Greentree Drive.

Ordinance No. 2017-12 is for a second reading that is to establish the land reutilization program.

COUNCIL COMMITTEES

Finance, Mike Smith: No Report

Utilities, Frank Sabatino:

Utility met in a special meeting tonight.

Police, Mark Bukmir: No Report. Police Committee meeting tonight

Street North Side, Jake Olsavsky: No Report

Street South Side, Linda Jordan: No Report

Safety, Beth Oprisch: No Report

Building & Grounds, Mark Bukmir:

Jim Zucal reported on the old Street Dept. garage on Station Street. We are looking at taking off the south portion which is a wooden structure and try to save the block portion.

Planning Commission, Mike Smith: No Report

Fire District, Frank Sabatino: A special meeting will be held on Friday the 24th at the main station at 3:00 and next Wednesday the 29th is our regularly scheduled meeting at 3:00 at the Main Station.

Recreation, Linda Jordan:

The charity game and hockey homecoming went very well.

The Easter event will be Saturday, April 8th.

Park District, Linda Jordan: No Report

ORDINANCES & RESOLUTIONS

Law Director, Richard Myser

Ordinance No. 2017-07 will not be read for the third reading.

The next Ordinance to be read on its third reading is 2017-08, it is to adjust the water rates.

Ordinance No. 2017-09 also on its third reading is to adjust the sewer rates.

Also to be read for the second time is Ordinance No. 2017-12. Authorizing the adoption of a land reutilization program.

There was presented and read to Council on its third and final 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. A motion was made by Jake Olsavsky and seconded by Linda Jordan that Ordinance No. 2017-08 be passed by Council.

Roll Call Vote

Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Tomlan	No
Olsavsky	Yes		

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

Ordinance No. 2017-08 was declared adopted.

There was presented and read to Council on its third and final 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. A motion was made by Frank Sabatino and seconded by Mark Bukmir that Ordinance No. 2017-09 be passed by Council.

Roll Call Vote

Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Tomlan	No
Olsavsky	Yes		

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

Ordinance No. 2017-09 was declared adopted.

There was presented and read to Council on its second reading by title only, ORDINANCE NO. 2017-12; AN ORDINANCE AUTHORIZING THE ADOPTION OF A LAND REUTILIZATION PROGRAM AND IMPLEMENTING THE PROVISIONS OF CHAPTER 5722 OF THE OHIO REVISED CODE.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2017-13; RESOLUTION TO ESTABLISH THE YOUNG LANE/ARC WATERLINE GRANT FUND # 4201 ALONG WITH REVENUE ACCOUNTS AND NECESSARY APPROPRIATIONS AND DECLARING AN EMERGENCY. A motion was made by John Tomlan that we suspend the rules requiring Ordinances and Resolution to be read on three separate readings and not declaring an emergency. The motion died for lack of a second.

Mark Bukmir moved that the rules requiring ordinances 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	Yes	Tomlan	No
Olsavsky	Yes		
Roll Call Vote:	Six (6) Yes	One (1) No	Motion Approved

There was presented and read to Council on its third and final reading by title only, RESOLUTION NO. 2017-13. A motion was made by Linda Jordan and seconded by Jake Olsavsky that Resolution No. 2017-13 be passed by Council.

Roll Call Vote

Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Tomlan	No
Olsavsky	Yes		
Roll Call Vote:	Six (6) Yes	One (1) No	Motion Approved

Resolution No. 2017-13 was declared adopted.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2017-14; ORDINANCE AUTHORIZING THE ADVERTISEMENT FOR BIDS TO LEASE OIL, AND GAS OWNED BY THE CITY OF ST. CLAIRSVILLE, OHIO. Mark Bukmir moved that the rules requiring ordinances and resolutions to be read on three separate readings be suspended and declaring an emergency; Mike Smith seconded the motion.

Roll Call Vote

Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Tomlan	No
Olsavsky	Yes		
Roll Call Vote:	Six (6) Yes	One (1) No	Motion Approved

There was presented and read to Council on its third and final reading by title only, ORDINANCE NO. 2017-14. A motion was made by Linda Jordan and seconded by Jake Olsavsky that Ordinance No. 2017-14 be passed by Council.

Roll Call Vote

Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Tomlan	No
Olsavsky	Yes		

Roll Call Vote: Six (6) Yes One (1) No Motion Approved
Ordinance No. 2017-14 was declared adopted.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2017-15; RESOLUTION TO ESTABLISH THE LEGION ROAD CAPITAL PROJECT/OPWC GRANT FUND # 4904 ALONG WITH REVENUE ACCOUNTS AND NECESSARY APPROPRIATIONS AND DECLARING AN EMERGENCY. Mark Bukmir moved that the rules requiring ordinances and resolutions to be read on three separate readings be suspended and declaring an emergency; Frank Sabatino seconded the motion.

Roll Call Vote

Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Tomlan	No
Olsavsky	Yes		

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

There was presented and read to Council on its third and final reading by title only, RESOLUTION NO. 2017-15. A motion was made by Frank Sabatino and seconded by Linda Jordan that Resolution No. 2017-15 be passed by Council.

Roll Call Vote

Bukmir	Yes	Sabatino	Yes
Jordan	Yes	Smith	Yes
Oprisch	Yes	Tomlan	No
Olsavsky	Yes		

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

Resolution No. 2017-15 was declared adopted.

CORRESPONDENCE:

Thank you letter from the St. Clairsville Public Library thanking the City for the new street light that was installed in St. Patrick's Alley.

A letter was received from the Ken & Nancy Williams announcing the 2017 National Day of Prayer and Bible Reading Marathon. The Bible reading will start Friday, April 28th at 7:30 a.m. and the 66th annual National Day of Prayer observance will be held Thursday, May 4th at 11:30 a.m.

EXECUTIVE SESSION:

A motion was made by Mark Bukmir to go into Executive Session per Ohio Revised Code Section 121.22 (G) (3) Personnel and 121.22 (G) (4) Legal Issues. Linda Jordan seconded the motion.

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

RETURN TO REGULAR SESSION:

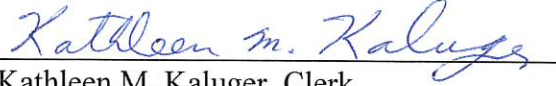
A motion was made by Beth Oprisch and seconded by Mike Smith to return to Regular Session.

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

The next regular Council Meeting will be Monday, April 3, 2017, at 7:30 in the Council Chamber.

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


Kathleen M. Kaluger, Clerk


Jim Weisgerber, Council President