

COUNCIL MINUTES

May 16, 2016

St. Clairsville City Council met in Council Chambers on Monday, May 16, 2016 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
David Trouten, Council, 4th Ward

Terry Pugh, Mayor
Tom Murphy, Planning & Zoning Administrator
Cindi Henry, Finance Director
Dennis Bigler, Service Director
Richard Myser, Law Director
Mike Troullos, Police Lieutenant

The meeting was called to order by Council President Jim Weisgerber

MINUTES

Minutes of the May 2, 2016 regular meeting were distributed to Council. A motion to accept the minutes of the May 2, 2016 meeting was made by Linda Jordan and seconded by Mark Bukmir.

Roll Call Vote

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

CITIZENS HEARING:

Mr. William Jeffers, 199 Young Lane

Mr. Jeffers once again stated that he was threatened by Chief Henry on four different times. He claimed that he was told that he was not allowed to go on his property since the City seized it. He once again claimed that there was collusion between Chief Henry and Judge Davies and that they made the decision to put the guardrail in his front yard. He asked Mayor Pugh how many people have a guardrail in their front yard. **Jim Weisgerber:** Mr. Jeffers you came to Council numerous times complaining of a safety issue on that turn. We as a city took care of that issue. **Mr. Jeffers:** No you didn't, it is still there. **Jim Weisgerber:** You bought a house at the bottom of a hill you should have known that there could be possibilities of run off. **Mr. Jeffers:** The curb is all busted. Mr. Bigler said the reason they put in the guard rail was to make it harder for me since I was in a horrific head on collision you really don't give a crap. All those incidents you said were for my safety, this is what you said. We are not doing it for him this will make it harder for him to mow. Those are his words. **Dennis Bigler:** When was that? **Mr. Jeffers:** It was February 23, 2015. **Dennis Bigler:** When I said that did you think I said that deleteriously towards you? **Mr. Jeffers:** Yes because you hate me. You slammed the door in my face, you grit your teeth like a wild animal. Every time I talk a councilman laughs like a hyena. Two or three time he has done that. **Dennis Bigler:** I was trying to evaluate whether it would make it harder for you to mow. **Mr. Jeffers:** It was between Mr. Henry and Al Davies it was decided to put the guardrail up. Not by a vote it was by two people which is collusion between those two to put the guard rail in my yard. **Jim Weisgerber:** If you have issues like this my suggestion to you which I said at the last meeting is you hire an attorney. **Mr. Jeffers:** I don't need an attorney. **Jim Weisgerber:** You already know you should get one. **Mr. Jeffers:** I will get the documents I want. I want copies of the easements,

you said I sent you a bill for damages, never did I send you a bill for damages. **Mayor Pugh:** Mr. President with all due respect we have heard all of this before. **Jim Weisgerber:** I think we are done with it. **Mr. Jeffers:** All these incidents happened in my driveway it was from D. J. Wycoff. Which nothing was ever done probably five to seven times he bout hit me. Two times from Tim Larson, one time from Jerry Palmer they are all drunks and they are all buddies with the renter that lives at 201. You will give me my request of all easements I asked for. I will discuss the other ones next time. I can prove Mr. Henry is a liar 100%. **Jim Weisgerber:** You don't have to keep repeating that. **Mr. Jeffers:** I just want to be redundant a couple of times so you get the emphasis of what I am trying to explain. **Jim Weisgerber:** The only emphasis I have is you have been coming up here for about 2 ½ years saying the same thing and we give you the same answers. **Mr. Jeffers:** Since 2008 or before you have been given notice to get your water and divert it because you have no right to do that. You violated the Ohio freedom of information act of the United States. **Jim Weisgerber:** Mr. Jeffers you are done. **Mr. Jeffers:** When he threatens to shoot me with a gun you might want to address it. He threatened to shoot me with a gun. **Dennis Bigler:** I did? **Mr. Jeffers:** Yes he did. I said well come on we will just do it man to man and I will just use one arm. That is all I need for you. **Jim Weisgerber:** I think it is time for you to leave please. We have had enough and don't be babbling out the door. **Mr. Jeffers:** We will do the religion one next two weeks. Thanks have a nice evening, the next time we will video it. I will see you in court. I might have dropped one of the answers that are out there on the way in. If it is not in my truck somebody has picked it up one of you all. You need to return it. **Discussion:** There was a lengthy discussion on what legally can be done with a persistently disruptive Citizen. Research will be done before the next meeting.

REPORTS

Service Director, Dennis Bigler

- Street sweeping is complete
- You have an Ordinance this evening in regard to cooperative purchasing for salt. Because the winter was as it was last winter we did not purchase all of the salt that we had anticipated and we have a commitment to take 90% of what was estimated so we have space in the bins for that so we are contractually bound to take close to 200 ton of salt at this time. From what I heard today there are others in that same boat. **Beth Oprisch:** Does the salt go bad? **Dennis Bigler:** No not in the bins that we have. We are estimating we will need to purchase 200 ton beyond that later next year. This is the process we have to use. We found out that if we don't go through this cooperative bulk salt purchasing process through ODOT that if you try to buy salt individually it becomes extremely difficult. One year be basically could not buy salt because we didn't go with the ODOT process. It forces you to make these estimates and it is weather dependent. **David Trouten:** We are bound by next year's estimate. **Dennis Bigler:** We will be bound to buy 90% of 200 ton next year. Generally the prices escalate, that isn't always the case.
- They did the scoping of the two water tanks today and we will be getting the report on that.
- As far as Mr. Shaw who was here last time with the storm sewer issue we had that storm sewer televised. It is a large line and we got into what is called a junction box in there. We had a contractor working for us and he could not get through that box with his cameras. What we saw was in pretty good shape. There is some report that what is happening is extremely hard rain is draining a big area. The pipes are running full the catch basin won't accept it and it pools up on Woodrow and runs over the curb. That is when there is some water that comes against his house and that is during extreme storms. There really is no liability for that type of thing that is a natural condition. Storm sewer systems are sized for

ten year storms, culverts for two year storms and if you have storms beyond that it tops it. Water goes places people don't want it to. What we are going to try to do, we were a little inhibited because we couldn't get through the whole way with the camera. So what we are going to try to do is monitor it and just kind of visually see if water goes in do you see it on the other end? You see if what is going in up top on Woodrow is it coming out on Woodrow or do we have some kind of obstruction down in there that could cause the pipe to surcharge.

- We are also this week or next week cleaning the sludge lagoons at the Water Plant.
- We continue to work on trying to get a third reading on the TIF (Tax Increment Financing) It is pretty much agreed to in principal I am told. What I would like to do if Council would be agreeable is to have the agreement prepared by us and the developer. Hopefully it will get sent tomorrow to the Developer and the School and if everybody is still on board with the actual terms of that agreement then we would ask the developer to sign the agreement. Once that is done we will submit it to the School and ask the school to do a special meeting which they have indicated that they would and then we would have the City Council meet and they would have final approval of that and then they could proceed with their financing. What I would like to do I would like to preliminarily set up a meeting that would happen maybe next Thursday if council would be agreeable and if we had enough folks here because you would have to do it as an emergency. **David Trouten:** As long as we have a quorum we can pass it on its third reading. **Beth Oprisch:** What is the delay? It was rush, rush and now it is we have to get this done and we haven't heard anything. **Dennis Bigler:** Well that would be a many faceted answer. One thing at the very last when we had everything worked out they counted on a 30 year term and they could not get that 30 year term they only got a 20 year term. So that made us go back to the drawing board about how the distribution of the proceeds would go. **Beth Oprisch:** So how did they resolve that? **Dennis Bigler:** They reworked the scenario of how the parties would share in the TIF revenues. **David Trouten:** Has it changed anything that we talked about in our meetings? **Dennis Bigler:** Yes, It takes the hotel out of the equation is what I remember most prominently. Other than that the sharing is the same between the City and the School but we are no longer counting on revenues from the hotel site. **Beth Oprisch:** I thought the one we were talking about only had to do with the Senior Housing. **Dennis Bigler:** It does. But as I remember it included the hotel site as well. **David Trouten:** If they later decide to put a hotel in we will have to do it again. **Beth Oprisch:** Why is it out? **Dennis Bigler:** That was our preference because there is no certainty to it. **Mark Bukmir:** Will we have access to our Attorney to speak about this issue? **Dennis Bigler:** If you want to you certainly can. I would feel much more comfortable speaking to our Attorney and get his recommendation. **Dennis Bigler:** Every turn of this agreement at this point is vetted between Greg Daniels and Andy Bosart. I am told by Greg that typically once you start a TIF and know basically what you are trying to produce typically takes about six months to work out all the details. We are slightly ahead of schedule but I am not sure we are going to make it in the end. **Linda Jordan:** If we have a meeting on Thursday we will have more information? **Dennis Bigler:** We should have the complete deal ready to sign. That is what I have been waiting for. I want everything signed off on and then we can have the third and final reading knowing that the School has agreed the developers has signed. We think that it is still a satisfactory deal.
- **Frank Sabatino:** On tonight's resolution concerning City streets, it said there should have been an Exhibit A would that have been the listing of the streets? **Dennis Bigler:** We have a tentative list of streets but we do not yet have a list of streets. We had a

discussion with finance tonight about how to do that. **Mayor Pugh:** I think that we are looking at a bigger project in another year or two so this isn't going to be extensive for us it is going to be the streets that need it the very worst.

Mayor, Terry Pugh

- The Street Department is down a man even though we have a new hire but they have been out putting up no parking signs on some of the streets. They still have been doing some patching
- I met with the J.B. Green Team representative and I think we have settled on a location for everybody's benefit for the recycling bins. They will be in the parking lot where the students used to park west of the Recreation Center. They are going to go along the hillside. There are really no residents close to it. It will be easier observed if there are people dumping the wrong items there. We are looking at getting some kind of camera coverage of it. This is all going to take place on June 15th. **Beth Oprisch:** What are the concerns with the present location? **Terry Pugh:** There are a lot of neighbors that are concerned about the units getting overfilled or people put actual garbage down there instead of bringing just recycling items. You have the problem with people getting back out onto St. Clair Street. Also they keep putting slag down and it keeps disappearing. There has been a number of complaints from Wellington Woods. They wondered why they had to have them down there.
- Scott Hamrick came back to work this week. He is doing great. He is very happy to be back, he has a few limitations yet but is doing well.

Police Lieutenant, Mike Troullos - No Report

Finance Director, Cindi Henry

- We will be holding our budget hearing on July 5th. I will be advertising it for next month.
- We got our annual award at Workers Comp the other day at the Safety meeting that we usually get for no lost time accidents. We had perfect attendance at Safety Council so that is a discount we get through Workers Comp.
- We discussed this evening the subpoena program which we held a couple of years ago about the delinquent tax payers for the RITA tax. I will be having them hold that hearing down here again but be a little more friendly to the tax payers.
- I handed out the bank reconciliation for the month of April

Planning & Zoning Administrator, Tom Murphy

- Horizon Network Partners are requesting permission to locate fiber optic line on 16 city power poles extending from Route 40 by Burger King South behind Domino's to reach the two medical facilities located in the southern end of Plaza West. I think everyone is familiar with those two structures. Horizon does already have a fiber optic line along Route 40 and that was approved in 2012 by City Council. As you are aware no one can put additional line on Route 40. No new line is being proposed on Route 40. This installation will greatly improve the network capabilities between these facilities and the main complexes of OVMC in Wheeling and East Ohio Regional in Martins Ferry. Don Smithberger our Electric Superintendent has reviewed the plans stopped out to the site as I have they walked us through what they want to do. It is seen as a positive because it will increase real time speed so if Doctors are working down at the Medical Facility at OVMC or East Ohio Regional and you are in one of those offices you can easily contact each other and work back and forth in real time. No new poles are needed, no extended poles. At the next meeting they will have someone present at Council. The way it has worked in the

past Council doesn't have an ordinance, you would just if you feel it is acceptable you could vote to approve it. If you do have questions on it feel free to contact me or Don Smithberger.

COUNCIL COMMITTEES

Finance, David Trouten

- Cindy covered most everything I just wanted to add that with the RITA audit the last time the City benefited because a lot of taxes were collected that would have otherwise gone unnoticed. As you know there were some problems last time but we have been talking about that and we are hoping those can be avoided this year.

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

- Our next meeting will be Wednesday, May 18th at 3:00 at Main Station

Recreation, David Trouten

- There was a Recreation Board Meeting today, the highlights are there is an Eagle Scout who is proposing a Scout project one idea is to build some benches down there and have them as memorials to a couple of school kids that passed away recently as well as Bill Hendershot who recently passed away.
- They were also talking about creating some committees and sub-committees to include even some folks from the community. They talked about fund raising for the Rec. Center and improving the summer concert series which kicks off in June.

Park District, Linda Jordan

- They welcomed their new Board member Kathy Lowey who actually received her appointment letter today.
- The lights will be put up at the tennis court and also at the pool house
- Stainless steel grills and new metal roofs have been installed at each shelter. Walls at the JC Shelter have been repaired. All of the repairs that needed to be done to the Rotary Pavilion have been repaired as well as the grill being fixed. A new metal door was placed on the Park Manager's Office. Aprons were installed in the restrooms at the pool. Electrical has been updated. French drains were put in the JC and Child Study Shelters
- They approved the purchase of a fax, printer, scanner machine for the Park Manager's Office, that way he will be able to scan and fax time sheets and invoices to the Accountant. They are going to contact Vasco to see what they need to have paved. They are hoping to start paving where they left off which is in front of the Rotary Pavilion including parking lots.
- Auditors are going to meet with the Accountants next week
- The next meeting will be Monday, May 23rd
- They did vote to give a 3% raise to all employees since there was a minimum wage increase effective June 1st.

ORDINANCES & RESOLUTIONS:

Law Director, Richard Myser

I have three different Ordinances to discuss this evening. The first one is Ordinance No. 2016-21, we read it for its first reading two weeks ago. This is the Ordinance to make permanent appropriations for normal expenses and other expenditures. It is up for a second reading tonight.

The next Resolution that we have is the one that Dennis was talking about, 2016-22 it is a Resolution to authorize the Service Director to put out bids to advertise for resurfacing of streets. We will read it for a first reading tonight and add the exhibit A for the next reading.

The last one is Resolution No. 2016-23 it is a resolution to authorize the participation in the ODOT winter program for road salt that Dennis was talking about earlier. It is drafted as emergency legislation so if you want to you can suspend the rules and pass it tonight.

There was presented and read to Council on its second reading by title only, ORDINANCE NO. 2016-21; AN ORDINANCE TO MAKE PERMANENT APPROPRIATIONS FOR THE NORMAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ST. CLAIRSVILLE, STATE OF OHIO, FOR THE PERIOD JANUARY 1, 2016 THROUGH DECEMBER 31, 2016, AND DECLARING AN EMERGENCY.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2016-22; A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICES TO ADVERTISE FOR BIDS FOR THE RESURFACE OF STREETS ACCORDING TO ATTACHED EXHIBIT A IN THE CITY OF ST. CLAIRSVILLE AND DECLARING AN EMERGENCY.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2016-23; A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT WINTER CONTRACT (018-17) FOR ROAD SALT AND DECLARING AN EMERGENCY. David Trouten 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		
Jordan	Yes	Sabatino	Yes
Oprisch	Yes	Smith	Yes
Olsavsky	Yes	Trouten	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, RESOLUTION NO. 2016-23. A motion was made by David Trouten and seconded by Jake Olsavsky that Resolution No. 2016-23 be passed by Council.

Roll Call Vote

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

Resolution No. 2016-23 was declared adopted.

OLD BUSINESS:

Beth Oprisch: In January the County stopped paying for indigent funerals. Has that impacted us, have we seen anything? **Cindi Henry:** No one has contacted us.

Mark Bukmir: Mr. Sabatino brought up about grass clippings being blown on to the street. I know it has been a rough spring but there is more and more of that happening. For cars it is alright but for motorcycles that grass gets pretty slippery. **Dennis Bigler:** The sweeping company brought that to my attention today also. **Jim Weisgerber:** I don't remember any legislation that would stop that. **Richard Myser:** I don't know that we passed any. I think that could fall under obstructing roadways or something that they could be cited into Mayor's Court. **David Trouten:** Are there particular places where that is frequent? **Frank Sabatino:** It is getting to be wide spread that is why I brought it up. I noticed there is a lot on East Main. After a heavy rain it plugs the storm drains. **Beth Oprisch:** What about a message on the Utility Bills? **Tom Murphy:** They can put a line on the Utility bills. **Richard Myser:** If you can identify the people who are blowing their grass onto the roadway perhaps I could write a letter similar to the grass cutting letter we send out.

NEW BUSINESS:

Mayor's Report

The Mayor's collection for April 2016 was \$3,771.50. A motion was made by Linda Jordan and seconded by Beth Oprisch to accept the Mayor's report for April.

Roll Call Vote

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

CORRESPONDENCE:

Relay for Life: The Clerk read a letter from Chelsea Edwards of the American Cancer Society requesting the use of the amphitheater and surrounding area on Saturday, August 20th as well as the tent owned by the City for the Relay For Life GLOW5K Run and Walk. A motion was made by Linda Jordan and seconded by Mark Bukmir to allow the use of the Amphitheater area and the tent on August 20th.

Roll Call Vote

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

Sam Mumley Race: The Sunrise Rotary Club is requesting permission to host the Sam Mumley Race on Saturday, August 13th. The race course will be the same as last year. The time period will be 6:00 a.m. to 11:00 a.m... As in the past, the Rotary Club is asking for the assistance of the City's Street Department and Police Department. A motion was made by Jake Olsavsky and seconded by Linda Jordan to allow the race on August 13th.

Roll Call Vote

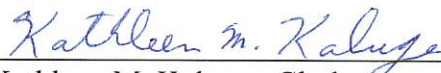
Bukmir	Yes			
Jordan	Yes		Sabatino	Yes
Oprisch	Yes		Smith	Abstain
Olsavsky	Yes		Trouten	Yes
Roll Call Vote:	Six (6) Yes	One (1) Abstain	Zero (0) No	Motion Approved

David Trouten: The St. Mary's Race two weekends ago was a pretty big success. They had over 200 runners.

NEXT MEETING:

The next meeting will be held on Monday, June 6, 2016 at 7:30 in Council Chambers.

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



Kathleen M. Kaluger, Clerk



Jim Weisgerber, Council President