

COUNCIL MINUTES

June 5, 2017

St. Clairsville City Council met in Council Chambers on Monday, June 5, 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
Cindi Henry, Finance Director
Jeff Henry, Police Chief
Tom Murphy, Planning & Zoning Administrator
Richard Myser, Law Director
Jim Zucal, Service Director
Don Smithberger, Electric Superintendent

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

Jim Weisgerber: I would like to ask for a moment of silence in honor of Libby Heintzelman who served on Council from 2012 thru 2015.

MINUTES

Minutes of the May 15, 2017 regular meeting were distributed to Council. A motion to accept the minutes was made by John Tomlan and seconded by Beth Oprisch.

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:

John Paglialunga: I was told that the City is doing away with the collection of deposits for water and electric. I don't think that is right because people just leave and we have no recourse to get the money back. I did some checking today and called around the surrounding areas and Martins Ferry, Flushing, Steubenville and Wheeling all have deposits. I feel that we should follow their footsteps and keep a deposit. **Jim Weisgerber:** My personal opinion is I used to have rental property. I collected my own deposit up front so if somebody left there was hopefully enough money left so if there were any outstanding bills. As a former owner of rental property I felt that was my responsibility. **John Paglialunga:** I was told that if you collect more than the monthly rent you have to pay interest on the deposit. That would be so much more work for us to do. It used to be \$100 but we went up and fought for \$200 because most outstanding bills are about \$235 to \$240 and I just can't see us having the responsibility for it. **Terry Pugh:** I do have some rental property and I don't feel it is the city's responsibility to do my job. If they don't pay their bill in a timely fashion you have to go to them and collect it.

REPORTS:

Service Director: Jim Zucal

I can assure you that we have been very busy. It seems like the last two months have been the busiest months since I started. I want to thank Mr. Myser for helping me with a lot of legislation

before you this evening. Briefly I will discuss some of those items here this evening. I have a paving ordinance before you. What we are looking at is putting a paving list together and present that to Council. The reason I haven't is we don't have that together yet. Last year we had an incident with a major water line break on South Marietta Street and it took a lot of our paving monies to fix that problem that we didn't expect. I am asking Council for the approval for up to \$150,000. Where that number came from Cindi has secured \$120,000 in motor vehicle license plate tax monies that we received and she has held. It is very much appreciated and we have an additional \$30,000 to spend. Once we get a list together we will get it to you before we do anything. We just want to advertise early and get started and get it out to the contractors. That is Resolution No. 2017-29.

The next order of business is Resolution No. 2017-27. The A.E.P. Market Based agreement I have been told Vince Findley comes in from A.E.P. on a yearly basis and has works with the administration. We have a portfolio of mixed investments in our Electric Division. A.E.P. does a lot of that work for us and they lock us into the best rates that they feel are possible for the city. They have the major interest in all of that. It has been done every year. I didn't feel comfortable just signing that and moving forward with it. I talked to the Mayor and Richard and I wanted Council to be informed. **Don Smithberger:** It is the best rate that we can give to our transmission people and they are the ones that deliver power to us and it is something that has been on a continual basis. **John Tomlan:** The Delivery period is January 1, 2013 to December 31, 2024 can you explain that? **Don Smithberger:** It represents the period of what we have paid to purchase for that period and moving forward. There is emergency language in it. It is not a big rush for us but then again if Council would ever want a presentation from Vince Findley who works for A.E.P. he is our representative and has been working with the city for many years. I would mislead you to tell you I know all about this because I don't. We just have to trust that they put the best program together for us. **Don Smithberger:** Those rates do represent less than we have been paying. **John Tomlan:** It's a reduction? **Don Smithberger:** It is a slight one but overall it will add up. **Beth Oprisch:** What is the emergency? **Jim Zucal:** Because A.E.P. feels the sooner we can lock that rate the better. There are a lot of ventures out there, solar, hydro that market is ever changing and he feels we should lock it in the sooner the better. We won't see a big jump. Right now the biggest concern A.E.P. has right now is the natural gas market. **Don Smithberger:** Politically right now with all the talk of environment all over the world there is quite a gamble out there as to what will take place and what could take place but locking that in under an emergency basis right now that is fixed and they cannot change it. So whatever changes take place that try to drive that price up they cannot do it because you have already signed it. **John Tomlan:** Will we get a refund if the price goes down? **Don Smithberger:** It reduces the rate that you pay because it is a fluctuating rate. **Jim Zucal:** We have to trust that what Vince is doing is right. This was always signed in the past and not even brought to Council. **Don Smithberger:** A.E.P. has been the provider to the city for over 100 years, the system is 127 years old. **Beth Oprisch:** Donnie do you think 2 weeks makes a difference? Yes I do because they can change the price at any time. This is approved by all A.E.P. **Richard Myser:** This is the forth amendment to the agreement we have signed with A.E.P., and I give Jim and Don credit for this. They came to me with an agreement that was to be signed just by the Mayor and Jim said I believe this is something that should go to Council. **Don Smithberger:** This is a solid binding agreement with all A.E.P. customers not just the city of St. Clairsville.

The next item on the agenda is Ordinance No. 2017-30 and this spawned by a conversation with Cindi and the Mayor. When we looked at the original moneys for paving we knew that the money came from the motor vehicle license fee. I was under the impression that there are three legs to the license tax. The city gets a \$5 portion, the County gets a \$5 portion and there is a \$5 portion out there for either the County or the City to grab. By passing this Ordinance that \$5 comes to the city of St. Clairsville. We want to be the ones to get that piece of the pie. **Richard Myser:** The Cities of Martins Ferry and Bellaire have already done it and we need to also. In order to get this money for 2017 it has to be sent in before July 1st. **Cindi Henry:** This tax can only be used for the maintenance of the streets.

Resolution No. 2017-28 is to advertise for bids to buy materials for the St. Clair Commons project. In 2004 when the 95 acres that is now the St. Clair Commons was annexed the city committed to the construction and installation of the main line electric system within the property. This will be money out of the capital improvement fund. I do believe the city has a commitment and it would be in the best interest of the city to do that. **Don Smithberger:** It is for everything that is necessary to get power to the facility. **John Tomlan:** Why was it not put in the TIF? **Jim Zucal:** I am not trying to buck this but I got put in this game at half time, it is a big project. **Rick Coley:** That is the agreement that was in place when I came into this project. That understanding was always on the table. **Jim Zucal:** I would say that Dennis Bigler agreed to this as part of the project. **Don Smithberger:** It is anticipated at just short of \$300,000. That is covering a lot of equipment. **Rick Coley:** It is set up to run the whole development.

Mayor: Terry Pugh

Presented to Don Smithberger and the entire Electric Department a safety award for excellence for 2016. This is the 23rd year this award was presented to the Electric Department.

The patriotic banners and the flower baskets are now up in the city. A huge thanks goes to the American Legion Post 159 for purchasing the banners. It totally was their project.

Police Report for May

| | |
|-------------------------|---------------|
| Calls and Complaints | 252 |
| Special Teams Call Outs | 0 |
| Accidents | 13 |
| Arrests | 22 |
| Parking Tickets Issued | 96 |
| Traffic Stops | 61 |
| Miles put on Cruisers | 6,401 |
| Gasoline Used | 672.6 gallons |

Tonight a citizen came to the Utility Committee and said I want to tell you how much I appreciate seeing the Police out in the neighborhoods.

Police Chief, Jeff Henry: No Report

Finance Director, Cindi Henry:

You have Resolution No. 2017-24, this is the legislation I told you has to be passed and taken to the Election Board before August 9th. This is the renewal of the (1.95) mill levy that was put on

in the 80's. At that time it was for the General Fund and now it is going to the Police Department.

Planning & Zoning, Tom Murphy:

There was a Planning Commission meeting tonight, there were two matters that came before the Commission that are relevant to the City Council. The first matter was for the 1.7 acre parcel owned by Jack Malik and known as 100 High Street. From CD Corridor District to OI Office and Institution. The public hearing for this was continued to tonight from May 2016 and February 2017 meeting. The property has a single family home that is rented. Hull and Associates had interest in using this property for offices. The Planning Commission voted unanimously to not approve the zone change and that the property remain CD Corridor District. The Commission's recommendation was based on the fact that Hull and Associates had withdrawn its interest in locating at this property due to entrance concerns. A motion was made by Linda Jordan and seconded by Jake Olsavsky to follow the Planning Commission's recommendation to not approve the zone change from CD Corridor District to OI Office and Institution. A motion was made by Linda Jordan and seconded by Jake Olsavsky to accept the Planning Commission's recommendation to deny the zone change.

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 second item is a request for another six month extension to the preliminary plat approval for the St. Clair Commons Subdivision. The proposed preliminary plat was approved by the City in March 2016. The Code requires that final plat approval must be petitioned for within that year. In January 2017 the Planning Commission and Council extended the approval for six months which extended the expiration until September 2017. It is the City's understanding that the project will not be completed until December 2017. Therefore, the developer is requesting the approval be extended for another six months extending the expiration date to March 2018 if approved by Council. This will give the time to complete the infrastructure required for the project and time for the City to review its adequacy. The developer must petition for final plat approval prior to March 2018. The Planning Commission voted 4-0 to recommend approval to City Council of the six month extension of the preliminary plat approval of the St. Clair Commons Subdivision. Unanimous approval was given by Council to grant the extension of the Preliminary Plat Approval for the St. Clair Commons Subdivision.

COUNCIL COMMITTEES:

Finance, Mike Smith: No Report

Utilities, Frank Sabatino:

- The Utility Committee met tonight. Want to congratulate Don Smithberger and his men for the safety award. That is a great record.
- We did have a citizen attend the Utility Meeting. He has an issue that Jim Zucal will look into. He was very complimentary about how easy it was to make a transition to St. Clairsville and how happy he was to be here.

- I spoke to a woman who said she had a call from the City about supply charges. I told her it was most likely a scam and she should check with any city office. Don Smithberger has also had reports of a scam going around.

Police, Mark Bukmir: No Report.

Street North Side, Jake Olsavsky:

Frank Sabatino: glad to see the crews are out fixing pot holes already

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:

- At our last meeting I stated that the Fire District was having a special meeting on May 22 and our regular meeting on May 24th. The Chief and I decided to combine the meetings. It was a lengthy meeting. There was no action taken on personnel or litigation. In the regular meeting we hired a part timer, we also discussed doing something other than patrolling for any fires at the Plaza West Feast and there was discussion about a possible department Chaplin.
- Next meeting Tuesday, June 20th at 3:00

Recreation, Linda Jordan:

- Junior High summer volleyball begins June 11th
- The concert series begins tomorrow night 7 to 9, bring your lawn chairs
- Next meeting June 19th.

Park District, Linda Jordan:

- The pool is open and in full swing. They are in the process of distributing mulch at the playground.
- Next meeting will be Monday, June 12th

ORDINANCES & RESOLUTIONS

Law Director, Richard Myser:

We have several ordinances tonight, we have already discussed some of them. If you recall we passed ordinances to submit bids on two different occasions for different parcels of real estate in the city of St. Clairsville. Tonight Ordinance No. 2017-25 is to accept the bid we received from Gulfport Energy for multiple tracts of about 9 acres. Attached to the Ordinance is the lease. On 2017-26 is the Ordinance to accept the bid of Ascent Energy and I think their acreage was about 2 acres. There is emergency language in both of these Ordinances. I would ask Council to pass them tonight. Resolution No. 2017-27 is the fourth amendment to the agreement that Don Smithberger and Jim Zucal talked to you about. They are asking that this be passed as an emergency. The next one is Resolution No. 2017-28. It is a Resolution authorizing the Service Director to advertise for bids to perform work for the power system project at St. Clair Commons. Resolution No. 2017-29 is a Resolution authorizing the Director of Public Services to solicit bids for the Resurfacing of streets in the City. Ordinance No. 2017-30 is an Ordinance to Levy a Municipal Motor Vehicle License Fee.

We will be going into Executive Session tonight under Ohio Revised Code Section No. 121.22 (G) (1) Dealing with public employees.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2017-24; RESOLUTION DECLARING THE NECESSITY FOR THE RENEWAL LEVY

WITH NO INCREASE AND NO DECREASE OF A CONTINUOUS TAX IN EXCESS OF THE TEN (10) MILL LIMITATION FOR THE PURPOSE OF CURRENT OPERATING EXPENSES OF THE CITY OF ST. CLAIRSVILLE, OHIO, FOR A PERIOD OF FIVE (5) YEARS.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2017-25; ACCEPTING THE BID FOR THE OIL AND GAS LEASE WITH GULFPORT ENERGY CORPORATION AND DECLARING AN EMERGENCY. Jake Olsavsky 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, ORDINANCE no. 2017-25. A motion was made by Linda Jordan that Ordinance No. 2017-25 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 |

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2017-26; ACCEPTING THE BID FOR THE OIL AND GAS LEASE WITH ASCENT RESOURCES-UTICA, LLC AND DECLARING AN EMERGENCY. Beth Oprisch 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

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|-----------------|-------------|------------|-----------------|
| 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. 2017-26. A motion was made by Jake Olsavsky and seconded by Mark Bukmir that Ordinance no. 2017-26 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. 2017-26 was declared adopted.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2017-27; A RESOLUTION AUTHORIZING THE FOURTH AMENDMENT TO MARKET BASED RATE PARTIAL REQUIREMENTS AGREEMENT AND DECLARING AN EMERGENCY. Jake Olsavsky 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 | Yes |
| Olsavsky | 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. 2017-27. A motion was made by John Tomlan and seconded by Jake Olsavsky that Resolution No. 2017-27 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 |

Resolution No. 2017-27 was declared adopted.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2017-28; A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICES TO ADVERTISE FOR BIDS FOR CONTRACTORS TO PERFORM WORK AND PROVIDE MATERIALS FOR THE POWER SYSTEM INSTALLATION PROJECT FOR THE ST. CLAIR COMMONS PROJECT 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; Jake Olsavsky 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 |

There was presented and read to Council on its third and final reading by title only, RESOLUTION NO. 2017-28. A motion was made by Linda Jordan and seconded by Jake Olsavsky that Resolution No. 2017-28 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
Resolution No. 2017-28 was declared adopted.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2017-29; A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICES TO SOLICIT COMPETITIVE BIDS FOR THE RESURFACING OF STREETS IN THE CITY OF ST. CLAIRSVILLE AND AUTHORIZING AN EXPENDITURE NOT TO EXCEED \$150,000.00 FOR THE CALENDAR YEAR 2017 AND DECLARING AN EMERGENCY.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2017-30; AN ORDINANCE TO LEVY A MUNICIPAL MOTOR VEHICLE LICENSE FEE PURSUANT TO SECTION 4504.17, OHIO REVISED CODE 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; 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, ORDINANCE NO. 2017-30. A motion was made by Jake Olsavsky and seconded by Frank Sabatino that Ordinance No. 2017-30 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. 2017-30 was declared adopted.

NEW BUSINESS:

Mayor's Report to Council: The Mayor's collection for May 2017 is \$3,848.80. A motion was made by Jake Olsavsky and seconded by Linda Jordan.

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 |

CORRESPONDENCE:

Received a thank you note from the St. Mary's Spring into Shape 5K. They would not be able to hold the race without the City's help especially the Police Department

The St. Clairsville 3rd Grade students and teachers wanted to thank everyone for the wonderful time they had when they visited the City Building.

Jim Weisgerber: We did have a team from St. Clairsville go to Destination Imagination Global Finals this year and out of about 75 teams in that particular problem they placed right in the upper third. They really did a nice job representing St. Clairsville.

EXECUTIVE SESSION: A motion was made by Mike Smith and seconded by Mark Bukmir to go into executive session per Ohio Revised Code Section 121.22 (G) (1) Public Employees.

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 |

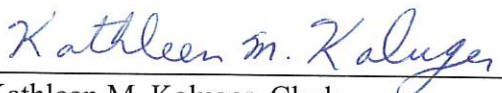
A Motion to return to regular session was made by Linda Jordan and seconded by John Tomlan.

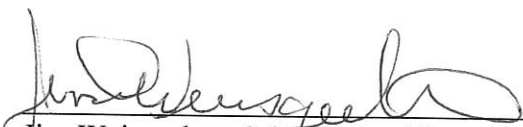
Roll Call Vote

| | | | |
|-----------------|---------------|-------------|-----------------|
| 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 |

NEXT MEETING: The next Council Meeting will be **Monday, June 19, 2017 – 7:30 p.m. in Council Chambers**

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


Kathleen M. Kaluger, Clerk


Jim Weisgerber, Council President