

COUNCIL MINUTES

August 1, 2016

St. Clairsville City Council met in Council Chambers on Monday, August 1, 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
Jim Zucal, Service Director
Jeff Henry, Police Chief
Cindi Henry, Finance Director
Richard Myser, Law Director
Tom Murphy, Planning & Zoning Administrator
Don Smithberger, Electric Superintendent
Shelley Fortney, Utility Office Manager

The meeting was called to order by Council President Jim Weisgerber

MINUTES

Minutes of the July 25, 2016 meeting were distributed to Council. A motion to accept the minutes was made by Jake Olsavsky and seconded by Beth Oprisch.

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: Brian Shambaugh

I just want to take two minutes to introduce myself, I am Brian Shambaugh I live in St. Clairsville. I did live in Marshall County, I am running for Belmont County Commissioner, Ginny Favede's seat. I was a Commissioner in Marshall County for four years. I worked with the oil and gas industry, I worked a lot on the budget. I am just going around to all the Council meetings introducing myself and just trying to stay informed about what is happening in St. Clairsville. **Jim Weisgerber:** We appreciate that, thank you. **Linda Jordan:** How long have you lived in St. Clairsville? **Brian Shambaugh:** Two years.

REPORTS:

Service Director: Jim Zucal

- Thank you Mr. President and members of the Council, the Administration and guests. Good evening, I have just a brief report this evening. I do want to inform Council and all the constituents that the City is currently using the County water system. We had a pump break down last Thursday. It was a faulty pump, it broke down and is being repaired. They will have it back to us this Wednesday and we will have that fully operational. I continue to review the dynamics of the water system and the wastewater system. I met with the Mayor today and Scott Brown the Superintendent. We are looking at the big picture items for that and I assure you we will get it operational. We are going to look at all the other mechanical pumps that work in that plant and keep it up to speed where it should be. I continue to evaluate and talk to the department heads on a daily basis. I am learning a lot,

it has been a pleasant experience so far and everybody has been very open minded and we are having a lot of good discussion. I think it is going very well so thank you.

Mayor, Terry Pugh

- I really have nothing tonight other than that Jim Zucal moved out of the Conference Room and into his real office today. Jim has been such a pleasure to work with. I told the Utility Committee that he has so many contacts and has such wide experience in the infrastructure. When we have talked about what grants are available he has contacts with the different agencies so we are going to pursue grants and in essence we are going to be a real team with the supervisors, Jim, Cindi, Tom & I. We really are going to move this City forward. I am really looking forward to get that accomplished.

Police Report for July, 2016

Calls and Complaints	267
Special Teams Call Outs	0
Accidents	18
Arrests	36
Parking Tickets Issued	36
Traffic Stops	79
Miles put on Cruisers	6,925
Gasoline Used	635.70 gallons

Police Chief, Jeff Henry - No Report

Finance Director, Cindi Henry - No Report

Planning & Zoning, Tom Murphy

One item for Council. The County did start on the Newell Avenue storm sewer catch basin job this morning. Theaker Excavating is the contractor. I did talk to the foreman the first thing this morning. If the conditions continue to be ideal which it might be this week the hope is that they will have the entire job finished by the end of the week and also paved. If not completed this week it should be next week. As the new culvert is put in you may have noticed they are filling in as they go along so there is not a huge hole along the side of the road. If there is a hole they have plated it. I drove by this evening and everything looked secure. It is not a city job but actually it improves our storm sewer system so I am keeping a close eye on it.

COUNCIL COMMITTEES

Finance, David Trouten - No Report

Utilities, Frank Sabatino

- We had a Utility Meeting this evening. The Service Director covered about the water.
- **Don Smithberger, Electric Superintendent:** We are looking at some new LED street lights right in front of the Utility Office there is a new LED fixture there. I would like for Council to look at that and give us your opinion. They operate cheaper than the ones we are currently using. I think they will do a good job. Also out by Riesbeck's from NAPA to Cooper Drive we put up new LTD lights, I would like for you to give us your opinion. Those are the units that I would like to start replacing the lights in town with. **Jeff Henry:** These lights out in front of the building are way brighter than what we have on Main Street. **Don Smithberger:** They focus the light better. **Mark Bukmir:** What kind of savings do you think we will see with the new lights? **Don Smithberger:** About a 20th of what a normal light uses. They are also cheaper than the current fixtures by about \$150 apiece.

David Trouten: Are you suggesting we should change everything or wait as they go out.
Don Smithberger: As they go out. I talked with the Mayor, Cindi and the Service Director and they were of the same mind too. We have a budget for these types of things.

- **Shelley Fortney, Utility Office Manager:** On the report that I give to the utility committee each month there is a section called unbilled electric. That unbilled electric is what the City pays for its own facilities. It is street lights, plants, buildings etc. So when Donnie is talking about these lamps that is the type of costs that we are absorbing because it is our own power. If we were on another electric company we would be paying that out. So anything we can do to reduce what our cost would be would be great. Other than that our calls to the office complaining about discoloration in the water have minimized. We are very busy with the first of the month.

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

- The Fire Board met in regular session on Wednesday. The Chief had a scheduled vacation so Assistant Chief, Mark Sommers was presiding. We talked about vehicle maintenance and the need of repairs on some of our vehicles. That was all that the Chief had for Mark to present to us. Our next meeting will be Wednesday, August 24th at 3:00 at the Main Station.

Recreation, David Trouten - No Report

Park District, Linda Jordan

- They did discuss a drainage system for where the hill is when you come into the park.
- They will be getting blacktop done from the Rotary pavilion down to the Y where you go to the pool. The estimated cost was \$67,000 however that will be less because there is a part that will not be done, it is a small parking area.
- Community Day is this coming Sunday the 7th beginning at 1:00. They have free pool admission, free hot dogs and free Kirke's ice cream.

ORDINANCES & RESOLUTIONS

Law Director, Richard Myser

- We have no Ordinances for a third reading this evening. For the second reading we have 2016-32 that is an Ordinance pertaining to the Codified Ordinances publication of the 2016 Ordinances. For a first reading this evening we have Ordinance No. 2016-33 this is the Ordinance that we discussed at our last meeting. This is Ordinance that amends the solicitation ordinance that we already had in effect. Basically what it does it adds item (h)(3) which says a criminal background check, at applicant's own expense, from the FBI and the Bureau of Criminal Investigation if the applicant has not been a resident of Ohio for the past five years but only from the B.C. I. if has been a resident of Ohio. Also we increased the fee from \$1 to \$5.
- The second Ordinance we have for a first reading is Ordinance No. 2016-28. An Ordinance to approve the Governance of St. Clairsville's Natural Gas Aggregation program.

There was presented and read to Council on its second reading by title only, ORDINANCE NO. 2016-32; AN ORDINANCE TO APPROVE THE 2016 REPRINTING OF THE ST. CLAIRSVILLE CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2016-28; AN ORDINANCE TO APPROVE THE PLAN OF OPERATION AND GOVERNANCE FOR THE CITY OF ST. CLAIRSVILLE'S NATURAL GAS AGGREGATION PROGRAM. Jake Olsavsky moved that the rules requiring ordinances and resolutions to be read on three separate readings be suspended and declaring an emergency; Linda Jordan 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, ORDINANCE NO. 2016-28. A motion was made by Jake Olsavsky and seconded by Linda Jordan that Ordinance No. 2016-28 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

Ordinance No. 2016-28 was declared adopted.

Jeff Henry: The criminal background check at the applicant's own expense should say from the Ohio B.C.I. let's just ask for that and be done with it instead of trying to figure out if they have been in state for five years. I know we talked about it but the more I think about it. There aren't too many salesmen that live out of Ohio. **Richard Myser:** I know we talked about it but it is an easy enough thing if we need to change it. This is the first reading tonight anyway and then if we want to strike the residency requirement it is easy enough to do. **Beth Oprisch:** Last meeting you said you only need one if you are out of state. **Jeff Henry:** If you are out of state you need two. **David Trouten:** He is just saying just ask for two from everybody because how are we going to sort out where they are really from. **Jeff Henry:** It is almost impossible for me to investigate where they have lived in the past. It is not that much more money for the applicant to get an F.B.I. check if they want to sell stuff in town. **David Trouten:** Richard did you model this off of ordinances from other cities? **Richard Myser:** I did not I drafted that. **David Trouten:** Ten days is that how long it takes to get a check? **Jeff Henry:** The F.B.I. takes longer than that. **Clerk:** We have not had one person apply for a permit since we put the longer form in effect. **David Trouten:** What is the fine if they violate the ordinance? **Jeff Henry:** I think it is a minor misdemeanor so it would be \$100 plus costs.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2016-33; AN ORDINANCE AMENDING PROVISIONS OF ORDINANCE NOS. 705.04 AND 705.05 OF THE CODIFIED ORDINANCES OF THE CITY OF ST. CLAIRSVILLE AMENDING THE REQUIREMENTS FOR A LICENSE APPLICATION FOR SOLICITATION WITHIN THE CITY LIMITS.

OLD BUSINESS:

Beth Oprisch: I thought Richard was going to look into Chicken Coops and Golf Carts. **Richard Myser:** What the Ohio Legislature has done and is going to be coming into effect in January 2017 is that they added by definition what cars, trucks, motorcycles and different types of vehicles and also now golf carts what law they have to follow. They are simply adding golf carts. You have to have an operator's license and they have to be inspected. Now I guess if council wants to make some specific regulation for golf carts we can do that. **Beth Oprisch:** Do you have to have a specific license for that or will your driver's license suffice? **Jeff Henry:** Just your driver's license and a license plate. **David Trouten:** What I understand is after the State law goes into effect we cannot ban golf carts from any of our roadways. **Richard Myser:** I think you can do it any time you want to but if you want to make certain that when it goes into effect you don't see them on the road and then we decide six weeks later we don't want them on the road. **David Trouten:** I think it is a good idea to pass it now for the main roads. Whatever the high traffic is. **Tom Murphy:** Jeff what is your opinion of golf carts on even residential streets? When you go to Myrtle Beach it is almost a disaster when you are driving around. **Jeff Henry:** I don't have a problem but I do have a problem with them on the main roads. The water trucks, the wide loads and the fracking trucks they would not be able to see golf carts that well. **Don Smithberger:** I live in Shadyside and the have lots of them down there. They are hard to see, you can't hear them. The electric ones will sneak up on you, it is tough. **Terry Pugh:** What about the school zone? You have kids that have a license, you are asking for problems. A High School Kid could drive one to school with his buddies on there. **Jeff Henry:** As long as he doesn't travel on the main route. They would be able to cross the main streets but not drive on them. **Terry Pugh:** Well if they go up Woodrow and cross Sugar St. they are there and they are in a mess with all the busses coming and parents. **Jeff Henry:** I don't disagree with you at all. **Mark Bukmir:** I see an issue on my street in the morning going to St. Mary's, Jeff knows in the morning the traffic t is horrible. I can't see anything but really a difficult situation. **Frank Sabatino:** I been thinking about it too since we talked about it at the last meeting. I question the safety, the amount of hills, coming up the hill from the elementary you have this vehicle going to climb that hill. We have quite a few hilly streets so I wonder about the safety there. If they go half way up and can't make it what do they do? There is not a lot of protection there, it is an open vehicle. Then we were saying you can't go on Route 9 and Route 40 now if you think about it along 40 & 9 there are not a lot of true four way intersections. So if I am right there on Orchard Drive and I want to go to Convenient I have got to get on Route 40 and the Police stop me. There are not many places you can go without driving on 9 or 40. Shadyside has a lot of four way intersections. I think it is a high risk on safety. **Don Smithberger:** Mr. Sabatino is right. I see it in Shadyside. They will put six or seven kids on one and now that they are starting to sell the bigger ones with four wheel drive what are we going to do when they are plowing snow. **Beth Oprisch:** Are there any accident statistics? This went through the Ohio Legislature right? **Jeff Henry:** That is why they gave us enough warning to say if you don't want this in your town you better do something before the law is enacted. **Linda Jordan:** so basically we have more cons than pros. **Jim Weisgerber:** If it is the will of the Council that we object totally to having Golf carts in our town then we need to instruct Attorney Myser to put something together. **Richard Myser:** I can prepare legislation for our next meeting. **Richard Myser:** The other thing was chickens. The Ohio Revised Code doesn't say anything about it. The only thing that regulates it is section 505.01 says no one owning animals shall permit them to run at large. Section 505.08 deals with nuisance conditions prohibited. No owner of animals shall permit nocuous odors or unsanitary conditions which are a menace to the health, safety or comfort of the public. So we pretty much have it covered here. So according to those sections of the ordinance you can have those animals you just can't let them run at large. So I don't know what Council wants to do with that. **Brian Shambaugh:** Moundsville had an issue

with a couple of people having chickens bothering the next door neighbors. They didn't totally eliminate it but they put a limit on the number you could have. It had to be enclosed. **Tom Murphy:** As I mentioned at the last meeting, it is not necessarily a zoning matter, if someone was going to build a big coop we might consider it a structure but there are just so many small lots within the city limits if you were to allow chicken coops or someone to keep chickens to sell the eggs. Everyone I have talked to who is a farmer or been around farming said they are dirty and they smell. Do we want that in our community? If we had areas that were zoned agricultural maybe it would make sense because there would be hundreds of acres. We are looking at lots that could be 60'x100' houses in certain areas that are pretty close to each other. **Richard Myser:** You could just make it that you are not allowed to own chickens at all or fowl of any nature. **Jim Zucal:** In New Philadelphia they don't allow them at all. It actually creates a health hazard and it brings in other critters. **Mark Bukmir:** You can get disease from bird droppings. It really is a health issue. **Beth Oprisch:** In the City I can't see a need for chicken coops. Just running around inside a fence there should be some kind of limit. It could be noisy, it could be dangerous. **Jeff Henry:** My suggestion would be no fowl. **Mark Bukmir:** Mr. Myser see if you can get Mr. Zucal to get the ordinance from New Philly and see if we can apply it to what we have and go from there.

NEW BUSINESS

Mayor's Report: The Mayor's Report for July 2016 was \$3,843.10. A motion to accept the Mayor's Report was made by Beth Oprisch and seconded by Mike Smith.

Roll Call Vote

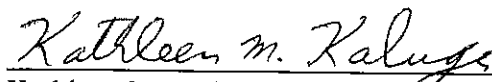
Bukmir	Yes		
Jordan	Yes	Sabatino	Yes
Oprisch	Yes	Smith	Yes
Olsavsky	Yes	Trouten	Yes
Roll Call Vote:	Seven (7) Yes	Zero (0) No	Motion Approved

Mark Bukmir: There was another water break in my neighborhood and those guys do a great job. They came out on Sunday morning and got in all the mud and water and I would like to congratulate those men because they really do a fantastic job. **Jim Weisgerber:** We do appreciate the work that all the guys do.

NEXT MEETING:

The next meeting will be held on Monday, August 15, 2016 at 7:30 at the Municipal Building.

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