

## COUNCIL MINUTES

August 7, 2017

St. Clairsville City Council met in Council Chambers on Monday, August 7, 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  
Cindi Henry, Finance Director  
Richard Myser, Law Director  
Tom Murphy, Planning & Zoning Administrator

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

### MINUTES

#### Discussion:

John Tomlan questioned the minutes stating that permission was given to Fibertech to proceed with the underground instillation of fiber optics in the city. He felt that Council should have seen plans and a signed agreement. Jim Zucal explained the he and Tom Murphy had been working with this company since the first of the year. They have seen all of the plans and approved the work that is being done. The presentation last meeting was just to inform Council a vote from Council is not necessary. They just needed approval.

Minutes of the July 17, 2017 regular meeting were distributed to Council. A motion to accept the minutes was made by Linda Jordan and seconded by Jake Olsavsky.

#### Roll Call Vote

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

Roll Call Vote: Five (5) Yes One (1) Abstain One (1) No Motion Approved

### CITIZENS HEARING:

#### Bob Dorris: Barton Road Issue:

Thank you all for allowing me to speak to you. I am not a resident of St. Clairsville, however I have lived in the St. Clairsville Area, Richland Township just off of Barton Road for 35 years. I have seen in those years a lot of growth both in the city of St. Clairsville and the Ohio Valley Plaza and the Mall area as well. Generally growth brings more traffic. Of course the reason I am here on behalf of myself and hundreds of other people who live off Barton Road and have to get through the intersection of Barton Road and Route 40. The last time I was here, that was brought up before Council. They were offered a free red light and they decided they didn't need it. It is my understanding when Council membership turned over they decided to go back and asked for that red light, correct me if I am wrong. The gas and oil people said too late. So now what happens if they have construction going on out Barton Road they have people sitting there in cars to stop traffic so the trucks can get in and out of there. That must be a tremendous cost to them but evidentially they just gave up on the city of St. Clairsville as far as putting up a red

light. At the last meeting I was at there were 30 people here behind me supporting the red light. None of them were allowed to speak. One lady was allowed to speak from Barton, of course she was for the red light. The other person was from the place that used to be a church at Barton Road & Route 40. She said she was against it and her reasoning was in an emergency they could not get out. I don't know what kind of emergency that a business who operates in rehabilitation would have. None the less she was against it. The lady from Barton who spoke for it is a School Teacher from Bridgeport. She had all kinds of facts and figures and she had gotten them from the study that was done by the oil & gas people to try to get that red light established. Unfortunately that was all turned down and right after the vote took place all 30 of the people who were sitting here, who don't vote in St. Clairsville got up and left very mad. And so did I. During that time it hasn't gotten any better in fact it has gotten worse. That has been more than two years ago. They now have a well out on Barton Road not too far from where I live. There are trucks going in and out of there and it has been ridiculous. I think the biggest objections to doing something at that intersection was the fact that it was going to be costly and it would be inconvenient. Of course it wasn't going to inconvenience any of you because you all live in St. Clairsville but for us who live on Barton Road it is terrible. After 35 years there are times when I sit there for five or ten minutes just to get to exit. The biggest complaint I here is that is only during certain times of the day. Well I took my camera and took pictures today between 9 and 11 and between 1 and 3 of the cars backed up on Barton Road and the cars coming down Route 40 and coming down from St. Clairsville. It seems like now that there is more action up around Whiteside Chevrolet there are a lot more cars coming through the red light there. The cars back up maybe 10 or 15 cars and they all come at once. The answer somebody had was to lower the speed limit. So picture this you are sitting there waiting to pull out and along comes 20 cars. Now instead of them going by at 35 miles per hour they are going by at 25 miles per hour which takes them longer. The Chief tells me that there have been less injury accidents and I can agree with that. But the thing of it is I came up with what I thought could be an answer and you can either except it or reject it. Why not put a three way stop there? The cost would be very minimal and I heard somebody say well if you had a stop sign and there is that crest coming up from Thomas Jeep Eagle that they wouldn't see the car there and slam into it. Well they do have systems where when there is a light ahead it warns people and tells them that there is a stop sign or a light ahead. I think the problem is not going to go away. I posted on Facebook that I had this meeting and I was going to speak before Council. 57 people responded because they live on Barton Road, none of those people probably live in St. Clairsville. I am just offering a solution that I think might work. The four way stops at the plaza don't seem to have any trouble and a lot more cars go through there. The lady who had the study from the gas and oil people mentioned in her remarks that as many as 1,000 cars go through that intersection in one hour. **Jim Weisgerber:** I appreciate what you are saying but as I remember I don't think we went back to Gulfport. After it was voted by Council not to accept the light it was a done deal. I think we can as a Council take this under advisement. **Bob Dorris:** I got the impression that the reason it was turned down the last time was because the people who were here were not from St. Clairsville. **Jim Weisgerber:** I disagree, I think Council voted and I remember how I voted, decided not to do it. **Bob Dorris:** I thought that maybe since Council has turned over somewhat that maybe they would be interested in doing something about it. **Jim Weisgerber:** We do appreciate your concern and we will take it under advisement.

## REPORTS:

**Service Director: Jim Zucal**

I would appreciate Council's support on the OPWC application. I was left with handling the issue which I think is a key component of the Commons Mall Crossing utilities is putting a water tank at that site. I think the 'timeliness' of this is very important. We have been working on it diligently. We would have started sooner but we didn't have everything that we needed and we had to work through the W.E. Quicksall group to get the EPA permit and various applications to the EPA so that has come upon us. I would appreciate passage tonight. It is very important to the city that whole area can't function out there without that tank. It has been overlooked. There should have been more work done on it in the planning phase. I come from an environment where you don't have utilities you don't get approval. There is a deadline by the OPWC. I couldn't get it done any sooner that is just what we had to work with. I do appreciate the rest of the administrations help and Richard's help in getting this ready, I think personally this is something that should have been done years ago. Everything is moving forward and I feel fortunate that is going on.

We only had one bidder for the electric components for the distribution out there. The engineer has recommended ERB Electric. Once again I would appreciate if you would pass that tonight so we can move forward.

We do have a monthly staff meeting, we were interrupted with what was initially a chlorine leak at the wastewater plant. That became quite an issue with all the safety forces in the community. I do want to thank them and compliment them. They did a fine job. The Mayor and I were there, the Fire Chief and the Police Chief handled it very well. What it comes down to in the end is that at the wastewater plant we do inject chlorine before the approved runoff enters the stream. Chlorine is an agent that kills anything that would be unhealthy. We also use as many other plants do Sulphur dioxide what that does it goes in and strips the molecule out of the chlorine so that when the runoff is put in the stream it does not kill all the little fish. There are two cylinders, they are long cylinders in that building and apparently each of them were leaking to a minor degree. The safety forces handled it well, they did notify the constituents. Some people were asked to leave their homes. They were brought back in a timely fashion. It was a minor event but we did handle the safety of the constituents very well. We are going to meet with all the safety forces later in the week to see how we can improve.

The big picture item for Council I want to share is I am familiar with this treatment process and I think today with modern technology it is common in a wastewater plant to take out those risk factors and you can treat that with ultraviolet light. It would take some money to do that. I think it would be in the utmost safety of the city to do that. It is not going to happen right away but it is something we can plan for. **Mark Bukmir:** Would the system we have in place be able to use the ultraviolet light or would we have to change the whole system? **Jim Zucal:** No we wouldn't have to change the whole system. We just put several million dollars into our plant. I have been told this is about a \$150,000 investment but it would take away the risk factor.

**Mayor: Terry Pugh:**

I also want to thank all the Safety Forces and I think one of the blessed thing is we did have two employees there when this gas was released they were not harmed nor anybody in the immediate area. It could have been a real problem but as it turned out it was good news all the way around. A big surprise to me was that at 9:30 in the morning we had so many volunteer firemen there. **Jeff Henry:** They were trained Has mat people that are volunteers.

**Police Report for May**

Calls and Complaints	264
Special Teams Call Outs	1
Accidents	21
Arrests	17
Parking Tickets Issued	105
Traffic Stops	8
Miles put on Cruisers	6,248
Gasoline Used	651.5 gallons

I continue to hear from everyone how pleased they are to see the Officers out in the neighborhoods

There are a couple of things that we are going to be undertaking with Richland Township. Richard Myser is meeting with David Liberati the Attorney for the Township to work up an agreement for the purchase for the Dura Patcher which we are going to undertake 50/50 between the two of us and both use. The other thing that is happening in the near future is Richland Township recently purchased a new used paver and we are going to work with their people in conjunction with the school as well and try to pave the parking lot at the Recreation Center. The City will also be looking into putting in new catch basins to solve the water problem there. The last thing that Richland Township is involved with the City is our Auction. We are going to have the Auction the 17<sup>th</sup> at 6:00 in the Commercial building across from the Recreation Center.

**Police Chief, Jeff Henry:**

The Belmont County Sheriff's Office assisted us by going door to door notifying residents. We also used the reverse 911 code red. A lot of people are not signed up for that. City crews also helped with the door to door. With the leak it was great that nobody got hurt and it was a good practice for all of the emergency personnel. **Jim Weisgerber:** I appreciate all the departments working together and that all went well.

**Finance Director, Cindi Henry:**

What Jeff just told you about 911, there is no cost. It is a public safety issue. We had the post Audit tonight. I will make you copies if you want them. We have Ordinance No. 2017-41. It was necessary for me to move \$20,000 from water purchasing from the County to Operating.

There is a Budget hearing tomorrow with the County Auditor and you are welcome to come.

**Planning & Zoning, Tom Murphy:**

There will be a Planning Commission Meeting on Monday, August 14<sup>th</sup> at 6:00 p.m. Equity is coming before the Commission on behalf of the Senior Living Facility at St. Clair Commons. They have some proposed changes to the exterior. Anyone is welcome to attend.

The Board of Zoning Appeals will meet on August 16<sup>th</sup> at 6:00 p.m. A variance request is being made by the Hartley Company for the Starfire on Route 9. They would like to add three new parking spaces. They are partly on the Route 9 Right-of-Way. Even though it is a State Route when it is within a city ODOT lets the city make the decision.

**COUNCIL COMMITTEES:**

**Finance, Mike Smith:** Not Present

**Utilities, Frank Sabatino:**

Utilities are very busy with the leaks at the Wastewater Plant. There is an Ordinance that has to do with utilities.

**Police, Mark Bukmir:**

We do not have a meeting tonight but we will have one after the next Council meeting.

**Street North Side, Jake Olsavsky:**

**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:**

Had a meeting on July 26<sup>th</sup>. Accepted resignations of for part time employees and hired four part time employees. Budget hearing is August 9<sup>th</sup> at 2:00. Received pricing for new fire helmets.

Department received an EMS grant for \$3,900 for equipment. Ordered new turn out gear. New squad car has been delivered and is in use. The brush truck is done with the fabrication and is in service. Nest meeting Wed. August 23<sup>rd</sup>.

**Recreation, Linda Jordan:** Junior angler classis will be held Wednesday from 6:00 to 8:00.

Most importantly right now is tomorrow is the final concert of the season. An inflatable obstacle course is being donated by Dr. Doug Hocking.

**Park District, Linda Jordan:**

The annual Community Day is Sunday, August 13<sup>th</sup>. Next meeting is Monday August 14<sup>th</sup>.

**ORDINANCES & RESOLUTIONS**

**Law Director, Richard Myser:**

We have several for its third reading id Ordinance No. 2017-35 to be read for the third time and passed tonight. The next one is Ordinance No. 2017-39. This is the one that the Service Director explained to you. He would like for it to be passed tonight. Resolution NO. 2017-40 was also explained by Mr. Zucal and he asked that it be passes tonight. The last one is Ordinance No. 2017-41. That is the one that was explained by the Finance Director and also need to be passed tonight.

There was presented and read to Council on its third and final reading by title only, ORDINANCE NO. 2017-35; AN ORDINANCE TO APPROVE THE 2017 REPRINTING OF THE ST. CLAIRSVILLE CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY. A motion was made by Linda Jordan and seconded by Jake Olsavsky the Ordinance No. 2017-35 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. 2017-35 was declared adopted.

At the request of Councilman John Tomlan the reading of Ordinance No. 2017-39 was put aside until after the Executive Session.

There was presented and read to Council on its first reading by title only, RESOLUTION NO. 2017-40; A RESOLUTION AUTHORIZING THE CITY OF ST. CLAIRSVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED 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. 2017-40. A motion was made by Linda Jordan and seconded by John Tomlan that Resolution No. 2017-40 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. 2017-40 was declared adopted.

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2017-41; AN ORDINANCE TO MAKE INTERFUND TRANSFERS AND REALLOCATIONS (SUPPLEMENTAL APPROPRIATIONS) WITHIN THE FUNDS FOR THE NORMAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ST. CLAIRSVILLE, STATE OF OHIO, FOR THE PERIOD JANUARY 1, 2017 THROUGH DECEMBER 31, 2017, AND DECLARING AN EMERGENCY. John Tomlan 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, ORDINANCE NO. 2017-41. A motion was made by Linda Jordan and seconded by Jake Olsavsky that Ordinance No. 2017-41 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  
Ordinance No. 2017-41 was declared adopted.

**NEW BUSINESS:**

**Mayor's Report to Council:**

The Mayor's Collection for July 2017 was \$3,789.20. A motion to approve the Mayor's report 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

**EXECUTIVE SESSION:**

A motion to go into Executive Session was made by Beth Oprisch per Ohio Revised Code Section 121.22 (G) (1) Discipline or possible removal of Public Employee. John Tomlan 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

A motion to return to regular session was made by Beth Oprisch 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

A motion was made by John Tomlan and seconded by Beth Oprisch to return to Executive Session per Ohio Revised Code Section 121.22 (G) (3) Litigation.

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 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

There was presented and read to Council on its first reading by title only, ORDINANCE NO. 2017-39; AN ORDINANCE DETERMINING THE LOWEST AND BEST BID FOR ST. CLAIR COMMONS UNDERGROUND DISTRIBUTION INSTALLATION PROJECT IN THE CITY OF ST. CLAIRSVILLE AND AWARDED THE CONTRACT TO ERB ELECTRIC AND DECLARING AN EMERGENCY. John Tomlan 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, ORDINANCE NO. 2017-39. A motion was made by Linda Jordan and seconded by Jake Olsavsky that Ordinance No. 2017-39 be passed by Council.

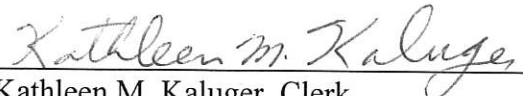
Roll Call Vote

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  
Ordinance No. 2017-39 was declared adopted.

**NEXT MEETING: The next Council Meeting will be Monday, August 21, 2017 – 7:30 p.m. In Council Chambers**

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

  
Kathleen M. Kaluger, Clerk

  
Jim Weisgerber, Council President