

COUNCIL MINUTES
September 6, 2016

St. Clairsville City Council met in Council Chambers on Tuesday, September 6, 2016 with the following present

Jim Weisgerber, Council President	Terry Pugh, Mayor
Mark Bukmir, Council 3 rd Ward	Jim Zucal, Service Director
Linda Jordan, Council-At-Large	Jeff Henry, Police Chief
Beth Oprisch, Council-At-Large	Cindi Henry, Finance Director
Jake Olsavsky, Council, 1 st Ward	Richard Myser, Law Director
Frank Sabatino, Council 2 nd Ward	Tom Murphy, Planning & Zoning Administrator
Mike Smith, Council-At-Large	Don Smithberger, Electric Superintendent
David Trouten, Council, 4 th Ward	Lindsay Piccolini, Recreation Director

The meeting was called to order by Council President Jim Weisgerber

MINUTES

Minutes of the August 15, 2016 meeting were distributed to Council. A motion to accept the minutes was made by Beth Oprisch and seconded by Jake Olsavsky.

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:

Kellie Conway, Americans for God and Country

Asked Council's permission to hold a rally in the Courthouse Courtyard on Sunday, September 25th from 6:00 p.m. to 8:30 p.m. We will bring our own chairs, there will be zero clean up. A motion was made by David Trouten and seconded by Linda Jordan to approve the meeting in the Courtyard on September 25th.

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

Michael Bianconi, Candidate for Commissioner

Good evening Mayor & Council. My name is Michael Bianconi I have been here many times. I am running for County Commissioner, there is an open seat. Mrs. Favade is running for a State position and I really hope she gets it. I am one of three candidates running for that job. I am on the Democrat side, there is a Republican and also an Independent. I served as a Commissioner when Bill Clinton was President and George Voinovich was Governor. From the 1990's through 2000. There was a lot done we were able to bring the State Prison in, Ohio Coating along the river,

Motor Panels in Shadyside and locally close to all of you is the Ohio Valley Plaza. A lot has been done and there is a lot to do. Every week for years and years I attend every County Commissioner Meeting on Wednesday. I try to educate myself listen to what is going on. Sometimes I ask a question but usually I sit and listen. After that meeting I usually come over to the City Building. I come through the Police Department, stop and see Cindi Henry, sometimes stop and see the Mayor and stop and see Kathy. I just get a feel for what is going on. I am asking for your vote. We are not always going to agree but I will tell you that you will always know my feeling and my opinion. I am very open about what I say and what I think. I am very conservative on spending. There is lots to do, I am very involved. I am retired from Wheeling Pittsburg Steel, Yorkville Plant. I am also currently a Township Trustee in Pease Township for a good many years. I like things that help people, I am a 40 year plus member of the Fire Department. I am an Airforce Veteran, I believe in Community and public service. You all have a tough job I know because I deal with it as a Township Trustee. I don't know anybody who wouldn't want to pave every road, tear down every old house but it is a money thing. I commend you for your service

Joe Jeffries, Pharmacist Barnesville Hospital

Thank you for letting me be here tonight. My goal was to give a brief overview of House Bill 523 Medical Marijuana in Ohio and what it might mean for St. Clairsville. I also want to provide links to information about Medical Marijuana. I will do my best to try not to express my own personal feelings because opinions are wide and varied there is no doubt about it. Just in summary though I would say there is exaggeration on both sides of the issue. This Law actually takes effect this Thursday, September 8th. But the rules for Ohio prescribers, cultivators, and dispensers will not be ready until September 2017. So Ohio marijuana won't be available until sometime in 2018. Patients will be able to obtain a recommendation and it is a recommendation not a prescription from a qualified physician for up to a 90 day supply. It can't be smoked, it can be vaped and it can be edible, topical oils. Products will be made from the plant material into products that are deemed not attractive to children. These are called marijuana infused products. Labeling will be established by the Department of Commerce in the State of Ohio. Dispensaries will be required to report each dispensing of medical marijuana on the Ohio Automated RX reporting system. So a physician deciding to enter this program will be able to see how much marijuana the patient has received and the recent period of time and also any medications they are on that might react with the marijuana. Licenses will be issued by the Department of Commerce for the growing, Department of Pharmacies the distribution and the Ohio Medical Board will be in charge of the Physicians certifications. Municipal authority can adopt zoning ordinances for land and use of a home rule authority. Already in the law are restrictions how far each of these dispensaries can be from libraries, schools, etc. It is also important to note that dispensaries are not pharmacies. They are completely separate and you cannot have a dispensary in a pharmacy. Banking is a problem because it is cash only. **Jeff Henry:** Cities can ban dispensaries. My idea of the law was that it was going to be dispensed in a pharmacy. I didn't know it was going to be separate. **Joe Jeffries:** It is not a requirement to have a pharmacist present.

REPORTS:

Service Director: Jim Zucal

We have been very busy the last couple of weeks since our last meeting. I did want to talk to you tonight. I did pass out a sheet of information that I put together with Roberta's help. It is a time line of the ARC (Appalachian Regional Commission) water line grants. This is a timeline that I

put together that kind of brings us up to current time. I put the funding sources in today. I was aware of the funding and I also talked to Rick Coley of Quest and I know that we have \$330,000 earmarked for the Young Lane water line project. To tell you about the Young Lane water line project, Bill Street is the Engineer. I met with Bill the specks for the water line project are ready to go. I am hoping that on September 19th that I can meet prior to the meeting with the Law Director and have legislation prepared. I know it would only be on the second meeting but there is a timeline on there that I will explain a little bit later. We have to advertise, accept bids and award a bid for that project. Don Smithberger and I met with the folks out at the St. Clair Commons project. The Quest people are going to bring in their construction division and move equipment in starting September 12th. They will start doing grading and site work, the excavation, the prep work for Dorothy Place the street that is going to be there. They want to get in there and work in September and October and possibly into the first of November. My timeline for the waterline project is Bill Street is very comfortable with this package if we get that through Council on the 19th and get that out and advertised and accept the bids and award the bid it should fall into place about the time the Quest people are moving out, the contractor can move in and start to bring in that utility from the Young Lane area down through the St. Clair Commons site. That contractor would typically be in there late November, December, maybe into February and then it is my understanding that the ODOT construction division along with their bid for the overhead bridge project on I-70 would start sometime in March. So all of this is starting to come together very nicely, I am very comfortable with it. Getting up to speed was a little bit difficult but I am comfortable with all of this and I have it together. Terry and I have met with a lot of different entities and I wanted to share this information with you on the time frame and the events. I wanted to share with you on the funding sources and hopefully you can review this and if at all possible we can have that read on the 19th. I wish I had a little more time to work with but I didn't. I feel like I hit the ground running and we are going to keep running. I will be happy to take any questions.

Mayor, Terry Pugh
Police Report for August, 2016

Calls and Complaints	263
Special Teams Call Outs	1
Accidents	14
Arrests	26
Parking Tickets Issued	48
Traffic Stops	90
Miles put on Cruisers	6,706
Gasoline Used	690.5 gallons

The JB Green Team will be holding a Household Hazardous Waste Collection on Saturday, September 17 at the Ohio Valley Mall from 9a.m. to 1p.m. A list of items that will be accepted can be obtained from their web page www.jbgreenteam.org

Talking about marijuana I have had the first resident of St. Clairsville contact me to say that their child is taking treatments and she wanted to come in to talk about House Bill 523. As it turned she had a conflict and couldn't come in but will be coming in on another date. You are going to have citizens asking you the same questions. The first person I called was my daughter who is a

pharmacist and she was able to provide me a couple of things that Joe mentioned here and websites. I will say that House Bill 523 is 83 pages long and I did not download it.

It has been a job and very busy working with Jim Zucal. We just keep going forward and that is what it is all about. **Jim Weisgerber:** Personally I am pleased with the job that you and Jim are doing. It has been good so far.

Police Chief, Jeff Henry: No Report

Finance Director, Cindi Henry

We had our pre-Audit meeting last week and they have started the Audit.

Planning & Zoning, Tom Murphy

We do have a Planning Commission Meeting on Monday, September 26th in regard to the Dairy Dream Property for the new office building. If anyone has any questions feel free to contact me.

COUNCIL COMMITTEES

Finance, David Trouten: No Report

Utilities, Frank Sabatino

The Utility Committee met this evening. **Don Smithberger:** Nothing to report. **Frank Sabatino:** Jim Zucal covered a lot of the things that were discussed in the meeting. As the Mayor said we are being pro-active and we need to be as far as infrastructure.

Police, Mark Bukmir

Just want to commend Jeff Henry and his staff for doing a good job at the night race. Also I have seen a much heavier presence of cruisers around town.

Street North Side, Jake Olsavsky: No Report

Street South Side, Linda Jordan: No Report

Safety, Beth Oprisch: No Report

Frank Sabatino: I would just like to tell Beth thanks. We had an issue brought up by a neighbor a safety issue near the elementary school and Beth and I are working on it.

Building & Grounds, Mark Bukmir: No Report

Planning Commission, Mike Smith – No Report

Fire District, Frank Sabatino

The Fire Board met in regular session on August 24th. We talked about personnel, disciplinary action of a member of the department. We also approved a part time firefighter. We came back the following Wednesday at a special meeting. The Board appointed a Township resident to a vacancy on the four man Board. There is a representative from City Council, A township Trustee

and two citizens one from the City and one from the Township. Next meeting will be Wednesday, September 28th at 3:00.

Recreation, David Trouten: I have nothing to report but Lindsay Piccolini our Recreation Director is here. **Lindsay:** Things are going very well. We continue to working from the inside out. We are working on different programs making a few tweaks here and there making sure that our programs are quality. We are working hard with Cindi to make sure financial documenting is going well. If you have any questions feel free. You are always welcome to stop down and see us.

Park District, Linda Jordan

The meeting was canceled due to lack of quorum. The pool is closed, yesterday was the last day. The next meeting will be Monday, September 12th.

ORDINANCES & RESOLUTIONS

Law Director, Richard Myser

We have several ordinances to go over tonight. For the third reading we have 2016-33 that is the Ordinance amending the requirements for licensing for solicitation. We also have on their second reading Ordinance No, 2016-34 regarding chickens in the City limits and Ordinance No. 2016-35 regarding unsafe vehicles on City streets. We will be going into Executive Session tonight under Ohio Revised Code Section 121.22 (G) regarding conference with Legal Counsel regarding pending and past litigation.

There was presented and read to Council on its third and final reading by title only, ORDINANCE NO. 2016-33; AN ORDINANCE AMENDING PROVISIONS OF ORDINANCE NO'S. 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. A motion was made by Linda Jordan and seconded by Jake Olsavsky that Ordinance No. 2016-33 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. 2016-33 was declared adopted.

There was presented and read to Council on its second reading by title only, ORDINANCE NO. 2016-34; AN ORDINANCE AMENDING PROVISIONS OF ORDINANCE NO. 505.01 OF THE CODIFIED ORDINANCES OF THE CITY OF ST. CLAIRSVILLE REGARDING DOGS AND OTHER ANIMALS RUNNING AT LARGE.

There was presented and read to Council on its second reading by title only, ORDINANCE NO. 2016-35; AN ORDINANCE AMENDING PROVISIONS OF ORDINANCE NO. 337.01 OF THE

CODIFIED ORDINANCES OF THE CITY OF ST. CLAIRSVILLE REGARDING UNSAFE VEHICLES.

David Trouten: It has come to my attention that the school uses golf carts so someone from the school contacted me and some other Council members. One of the things they pointed out was that they use golf carts basically to get from one of their facilities to another. They have done it for quite a while and they do it to save money. I was going to propose that we exempt them from this.

Mayor Pugh: It is in the ordinance about utility vehicles. I was going to talk to the School Superintendent, It is just like the utility vehicle that the County uses in this area. It has a safety triangle on it and it has a strobe light. I think that is not unreasonable for the school to put those on and use it on the school campus.

Beth Oprisch: They go on more than just the school campus.

Mayor Pugh: They had tried before to take the Kubota to the Park and out Market St. and you said no.

David Trouten: We had that discussion but I think what they were referring to is to get from the school to the football field they do have to somehow go out on the road.

Mayor Pugh: They go down through the parking lot.

Jeff Henry: The first time they came to us they drove their cart on the road. They can drive across the road. They were going from the school to St. Clair Lumber, to the bus garage driving on the streets. We go complaints about it so they brought it to Council's attention, Council voted no.

David Trouten: I do remember that discussion and I know they were going to the Park but they also go to the bus garage a short distance but it is on the street.

Jim Weisgerber: They have a couple of pick-up trucks, there is no reason they can't use a truck to go to St. Clair Lumber. I think that what we have granted them already we can continue with.

David Trouten: They said they are willing to make the golf carts street legal to go to the bus garage.

Jeff Henry: Well that means we won't be passing that ordinance because we would just have to let the State Law to come into effect. I don't think you can allow them and no other residents.

David Trouten: The only way you could do that is if you exempted those streets. Then anyone could go on those streets.

Mayor Pugh: How often do they have to go to the bus garage?

Jeff Henry: Their computer people are there every day but they haven't done it since we said they could not drive on the streets.

Beth Oprisch: So right now they are allowed to drive golf carts but not on the streets?

Jeff Henry: They go down to the fairgrounds and to get to the elementary school they cross the street. Their property is adjoining so they just cross the street twice.

OLD BUSINESS:

Beth Oprisch: How is the new location for the recycling bind going? **Mayor Pugh:** It is going great everyone has raved about it. It is a lot cleaner. **Jim Weisgerber:** The area is cleaner and there are more dumpsters.

NEW BUSINESS: Mayor's Report

The Mayor's Collection for August 2016 was \$5,052.55.

A motion to accept the Mayor's report was made by Jake Olsavsky and seconded by Linda Jordan.

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

Trick or Treat: The Clerk asked Council's permission to hold Trick or Treat in the City on Monday, October 31st from 6:00 p.m. to 7:30 p.m... A motion to approve Trick or Treat night was made by Jake Olsavsky and seconded by David Trouten.

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

David Trouten: I know we have had a lot of water breaks do we know why that is? **Jim Zucal:** You know that is a good question. Actually I believe Scott Brown, Water/Wastewater Superintendent and I talked about that. We had some dynamics in the system we started out with some breaks, we had some pump issues. You had some pressure issues in the system that were not typical that were influenced by that. You also have crazy events typical for Ohio with freeze and thaw winters and really hot dry summers so you have expansion and contraction. So when that happened in July we had a string of about seven day in a row. That affected the Oak Drive project because they can only do so much. I think the events were because of the weather more than anything. Also like everywhere else we have aging infrastructure. We are working on that and everything is good right now. **Mayor Pugh:** One other thing we are looking at we have no permit system for anyone that is boring through our streets. It might be that one of these leaks was because of a fiber optic bore. Jim and I have a meeting with the new County Engineer, Terry Lively who came from a City that had a permit system so we are looking to bring something back to Council.

CORRESPONDENCE:

The Clerk read a letter from the St. Clairsville Sunrise Rotary Club thanking the City for its support and assistance with the 18th Annual Samuel A. Mumley Memorial Classic Race.

The Clerk read a letter from the St. Clairsville High School Student Council asking permission to have their homecoming parade on Friday, October 7th at 6:16 P.M. The parade will start at the First Presbyterian Church and travel down Main Street to the football stadium. A motion was made by Beth Oprisch and seconded by David Trouten to permit the Homecoming Parade.

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

The Clerk read a letter from the Tri-County Help Center requesting permission to hold a March for Domestic Violence Awareness on Wednesday, October 19 from 6:00 to 6:45. The March will begin at the Tri-County Help Center at 104 ½ N. Marietta St. and end at the Belmont County Courthouse. A motion was made by Beth Oprisch and seconded by Mike Smith to allow the March on October 19th.

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

EXECUTIVE SESSION:

A motion was made by Linda Jordan to go into Executive Session per Ohio Revised Code Section 121.22 (G)(3) regarding conference with Legal Counsel regarding pending and past litigation and 121.22 (G)(4) Public Employees.

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

A motion was made by Jake Olsavsky and seconded by Linda Jordan to return to regular session

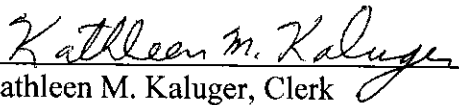
Roll Call Vote

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

NEXT MEETING:

The next meeting will be held on Tuesday, September 19, 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 Mike Smith.


 Kathleen M. Kaluger, Clerk


 Jim Weisgerber, Council President