

## COUNCIL MINUTES

June 18, 2018

St. Clairsville City Council met in Council Chambers on Monday, June 18, 2018 with the following present:

Tim Porter, Council President

Perry Basile, Council 1<sup>st</sup> Ward

Mark Bukmir, Council 3<sup>rd</sup> Ward

Linda Jordan, Council-At-Large

Beth Oprisch, Council-At-Large

Frank Sabatino, Council, 2<sup>nd</sup> Ward

Mike Smith, Council-At-Large

Jim Velas, Council, 4<sup>th</sup> Ward

Terry Pugh, Mayor

Jim Zucal, Service Director

Cindi Henry, Finance Director

Richard Myser, Law Director

Tom Murphy, Planning & Zoning Administrator

Jeff Henry, Police Chief

The meeting was called to order by President, Tim Porter

**MINUTES:** Minutes of the June 4, 2018 meeting were not distributed.

**PRESENTATION: Mayor Pugh:** This is a true honor for myself. First I would like to give to Officer Terry (T.J.) Weyand a certificate of recognition from "We the People of the Ohio Valley" recognizing excellence in Law Enforcement. He was also given a certificate of recognition from State Senator Frank Hoagland commending his actions in rescuing a St. Clairsville resident from her burning house. He also was presented with a certificate of appreciation from the City for outstanding bravery and professionalism, for his quick thinking in the rescue of Barbara Griffith from her burning home thinking only of the safety of Mrs. Griffith.

The parents of Scott Folmar accepted a certificate of appreciation from the City to be awarded to Scott Folmar for outstanding bravery when seeing a house on fire, calling for help, and with the help of Officer Weyand managed to remove Mrs. Griffith from her burning home and save her life.

**Barbara Griffith:** I was really sound asleep and sometimes I ignore sounds if the dog doesn't bark. However the dog was probably already dead. The Fire Marshall asked me if I saw flames and I said no everything was so black. I was standing there saying why is my house so hot. I looked at the back door and I didn't realize that they had kicked it in. I was trying to find the door handle and T.J. saw my hand and pulled me out. I really appreciate them.

### CITIZENS HEARING:

**William Jeffers, 199 Young Lane:** They were supposed to come down and clean all of those rocks out and that wasn't done. I have maybe six feet I can get out of my driveway without running over red dog. They come down and cut maybe less than half of the weeds there. They said there is poison there. I cut it over 25 years and I didn't seem to have a problem. They said there were rocks. The rocks are gone because I made a mistake. I have a letter from your City Director Bigler making me believe that I owned the properties on both sides of the ditch which I filled in, if I had known it was not my property I would not have done that. I am not a felon, I was made out to be a felon, it cost me thousands of dollars because they wanted to put me in jail. The point is I am

going to fill in my ditch. You have made no arrangements and I have it under Ohio ditch laws that I am allowed to do that. It says that I am entitled to compensation. You have been sent a number of bills. My basement has been flooded four or five times and 4 flash floods ran through my yard. They put in catch basins which is a direct encroachment. I say that because she said in her minutes the last time. Jeff Henry, February 23, 2015 with Mr. Henry, Frank Sabatino, Tom Murphy and all the boys agreeing that we should put in a guardrail. It was Jeff Henry's idea not mine. Make sure you don't defame my character. Jeff Henry is quoted in the minutes saying about the only thing we can do is put in a guardrail for him. Never was I at this meeting, never did I have anything to do with putting a guardrail in and he said that I told him that. He yelled at me you told us to put it in. No I didn't tell them to put in nothing. You blocked the ingress and egress into my property. So I am allowed under the Ohio ditch laws to if it causes harm to anyone. I have municipality case laws, I have statutory laws, which one do you want to hear? They protect me so I am going to start filling in my ditch. I am tired of crawling over more stones. They left the place a stinking mess.

**Tim Porter:** Is that his property? **Jim Zucal:** The pins are out there. **Bill Jeffers:** The sticks are still there. Part of your big 48 inch pipe is on my property. I can't get everything in. When there were three major sewer leaks, who call them in? **Tim Porter:** Mr. Jeffers your time is up. **Bill Jeffers:** I do want to thank you for giving me consideration, more than the Council has ever done for me. I appreciate you doing that for me. Before they would interrupt me and get me off my train of thought. I have one more question I didn't get my permit, it has been two weeks. **Tim Porter:** That is up to you and Mr. Murphy you can talk to him later. **Tom Murphy:** Just so Council knows no one has ever contacted me. **Bill Jeffers:** I faxed you. You said I had to fax you to make an appointment. **Tom Murphy:** I never said anything about a fax, you have to call me and make an appointment. **Bill Jeffers:** I will call you tomorrow. **Tom Murphy:** You have to apply for a permit, permits are not just issued. You have to apply just like everybody else in the city and submit what everyone else has to submit.

**Ray Dobbs, St. Clair Street:** I truly hate to be here. Everybody knows I received a letter saying I will be prosecuted and a lien put on my property. I have a picture of the city grass adjacent to my property. **Mayor Pugh:** It is city right-of-way and you used to cut it. **Ray Dobbs:** I did. This is how the city takes care of it. Yes I did use to cut it, last year we had an issue with me blowing grass on the street, right? The city cut the grass this week and there is grass on the street. **Tim Porter:** What is your actual issue Mr. Dobbs? **Ray Dobbs:** That I am going to be prosecuted and have liens put on my property when the city doesn't take care of their property. If someone stops and asks me why I don't cut my grass I will say it is because I don't have any water. I have a water valve leak, you turned the water on today not Friday like you said. It is back on but the valve still leaks. In the winter time I have an issue that I would like to discuss privately. **Mayor Pugh:** I will call you. **Tim Porter:** Thank you Mr. Dobbs. **Perry Basile:** What is the accommodation for the leak? **Ray Dobbs:** I don't know you will have to ask Mr. Myser. **Mayor Pugh:** Nothing happens until you come to Mayor's Court. He got a letter that he was in violation of the grass being more than 5 inches high like anybody else in St. Clairsville. I went down and met with Mr. Dobbs and thought we had an agreement. Most of the grass that was cut by one of our part time people. I told him that we had a brush hog and we would go down on his property and cut it for him if we could. It appears that he did. The deal that I thought Mr. Dobbs and I had was that he was going to maintain it after that. **Ray Dobbs:** The part that I will maintain is along the road not the right-of-way. Not the City property but along the road absolutely I will. It has not changed one bit except for the water. **Mayor Pugh:** I guess nothing. **Jim Zucal:** Part of the

problem was Tom Murphy and I met, there is a platted alley, we did not know it is a platted sod grass alley that adjoins his property until we looked at the maps. We were made aware that it is our alley. My comments have always been that City Council will maintain our city property first. The water is a different problem. There is a meter that is in a pit, there was some issues about that meter leaking and how it was turned on and off. We are addressing those issues. There is really no correlation between the grass and the water, there is no reason the grass could not be cut. All of this is new we will take care of it.

**SERVICE DIRECTOR, JIM ZUCAL**

I want to inform Council and Constituents that the paving project will start hopefully this Wednesday. Shelly & Sands plans on doing milling and bringing in equipment so you won't see a lot of asphalt until probably next week but again as I assured Council, we want to do things properly. We want to put in manhole risers, catch basins and water valve boxes, profile the streets and berms before they come in. There will be some excitement on Wednesday with the crews being in town. We will do some public relations and media advertisement of that.

The water tank, the project is moving along well. For the funding I did have a conference call with the Ohio EPA last week and we are excited about the possibility that everything is falling in place and we will be advertising for bid in July for the new water tank out at the St. Clair Commons.

**Frank Sabatino:** The new water tank, will it replace the one behind the Municipal Building? **Jim**

**Zucal:** Yes. **Frank Sabatino:** Even though it is on the East side will it benefit the whole City?

**Jim Zucal:** Yes, the dynamics of the tank, this tank being 250 thousand gallons and the new tank will be 500 thousand. **Frank Sabatino:** Our reservoir will supply that? **Jim Zucal:** Yes.

The crew broke ground today for the Recreation Center restrooms. They are putting in the footers the concrete should have come in, I am very excited and I hope it is up and functional by Community Days. Terry and I met with the contractor and all is going well. Hopefully we will get some nice days and get things done.

**MAYOR, TERRY PUGH:**

We do have yards that are out of control, some of them we are a major undertaking such as the Graham property which is finally being cut. It was unoccupied and it took a lot of effort to find the people responsible. I just want to assure you that actually we are changing the way things are being done in the Mayor's Court. We are going to set a whole Mayor's Court date aside for nothing but grass cutting issues and people are going to be brought in if they do not take care of their problems. If their grass goes over the 5 inches the fine are automatically going to go into existence and they will be notified of that in court. Now if the grass is under control as well as garbage in certain yards then they will not end up in court. But we have so many repeat offenders that it is getting to be ridiculous. **Ray Dobbs:** Will the City be held to the same accountability? **Terry Pugh:** We are going to try our best. We have been down a mower, we rented a mower with a boom on the side. We just bought another mower, we have hired another person so we are trying to stay on top of it as well. Now I am sure someone will find a spot somewhere that we didn't get but we do the best we can. **Beth Oprisch:** Have you set a date for that Mayor's Court yet? **Mayor Pugh:** No but it will probably be a Thursday because that is what is best for the Court Clerk.

**Jim Zucal:** Mr. Dobbs it has always been my goal with our buildings or yards or whatever that we take care of ours first. If Council Members know of a place where there is high grass, we deal with it. The letters that go out are form letters typically Tom & I work on those with Mr. Myser.

**POLICE CHIEF, JEFF HENRY:**

I have nothing. I think the Mayor said it all tonight with Officer T.J. Weyand. He did a great job and it is a good feeling that one of my officers got an award like that from Senator Hoagland, the City and "We the People".

**FINANCE DIRECTOR, CINDI HENRY:**

The next meeting, the first meeting in July we are having our budget hearing prior to our regular meeting.

I emailed you all Ordinance No. 2018-16, periodically during the year I move money inside of a fund. That means that I might take it from operating supplies to maintenance for whatever to cover. I had two earlier this year, one was to move money inside the Recreation Center fund to purchase the barriers. The other one I was \$386.00 short on a principal line item for supplies in the Street Department.

The additional item, the third one on here is the Auction proceeds. When we broke it all down the Street Department actually had \$21,000 and that is what we had appropriated and certified by the County Auditor and this now has purchased our new mower.

**PLANNING AND ZONING ADMINISTRATOR, TOM MURPHY:**

Don Smithberger and I today went to a workshop in Columbus. It was regarding small cell antenna technology. There was a House Bill that was adopted in May, in a nut shell the Bill regulates that technology. It does outline that these antennas can locate within the city right of ways. The city can regulate to some degree, we cannot stop cell phone technology, not that we would want to. We just want to make sure that it looks good. It is called 5G technology. It is some years off in smaller communities so it is not something we have to worry about now. It was a good workshop, it gave us some good information and gave us an idea how other communities are starting to regulate that too.

**COUNCIL COMMITTEES:**

**Finance, Mike Smith:** No Report

**Utilities, Frank Sabatino:**

Jim talked about the main issue of Utility, the new water tank and funding. Robert had a good article about the tank in the Times Leader.

**Police, Mark Bukmir:** No Report

**Street North Side, Jim Velas:** A couple of people were requesting some pothole repair on one of the alleys off Sugar Street. I addressed that with Mr. Zucal and it is going to be taken care of.

**Perry Basile:** There is a Street behind us right off Newell Avenue where Kings Auto Glass is the one that goes north. That Street is getting real bad. I spoke briefly with Donnie a couple of weeks ago and he was telling me that the City did not have equipment that could take care of that small of a road. He said the Township would have smaller equipment. I don't know if that has been scheduled? **Terry Pugh:** We did paving with the Township last year we paved with them and they paved the Rec. Center. Actually we still owe them a couple of days but we are hoping in the fall we hope to borrow the small paver to do some of the smaller alleys. **Jim Zucal:** We will take care of it.

**Street South Side, Beth Oprisch:** No Report

**Safety, Beth Oprisch:** No Report

**Building and Grounds, Perry Basile:** No Report

**Planning Commission, Mike Smith:** No Report

**Fire District, Frank Sabatino:**

It was very nice to have everyone together to honor Officer T.J. & Scott. What a life event that is. Fortunately it all turned out good. I am speaking for the Fire Department when I commend all of them and thanks that Mrs. Griffith is still with us. Our next meeting will be Wednesday, June 20<sup>th</sup> at the Main Station.

**Recreation, Linda Jordan:**

Tomorrow is the Beatlemania Concert. Next Tuesday is Radio Tokyo who was a big hit last year and drew a large crowd.

Community Days is June 30<sup>th</sup>. Athletic games will be held in the morning. Vendors start at 4:00, band at 7:00 and fireworks to finish out the night. **Tim Porter:** I think Council Members should try to make it to some of these concerts especially Community Days.

**Park District, Linda Jordan:**

Next meeting is June 25<sup>th</sup>. **Terry Pugh:** July 11<sup>th</sup> is going to be opening of the Nature Trail at noon. Gulfport is going to sponsor that as well. It will be at the Trail Entrance.

**ORDINANCES & RESOLUTIONS:**

**Law Director, Richard Myser**

We have two pieces of Legislation tonight. Ordinance No. 2018-15 is on it second reading. However, we need to suspend the rules and pass it tonight because it has to go on the ballot.

**Cindi Henry:** On that note, last meeting I told you there might be some discrepancies on what would take place where it says it is for five years, commencing in 2018, first due in 2019. I have since found out that is incorrect and it is commencing in 2019, first due in 2020. That has to be

mentioned in the minutes due to an error in what I was told by the Election Board.

The second one that Cindi just talked to you about is for interfund transfers. This one also has emergency language. It is another administrative matter that Cindi needs to take care of and would like to have it passed tonight.

**Richard Myser:** We talked about the grass, I don't know why but in previous years we sent out maybe 20 letters to citizens regarding grass cutting we have sent out 50 letters this year. Tom and the Mayor have really been busy with grass cutting.

We do need to go into Executive Session per Section 121.22 (G) (5) to address matters to be kept Confidential.

There was presented and read to Council on its second reading by title only, RESOLUTION NO. 2018-15; RESOLUTION DECLARING THE NECESSITY FOR THE RENEWAL LEVY OF A 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. Linda Jordan moved that the rules requiring Ordinances and Resolutions to be read on three separate readings be suspended and declaring an emergency; Jim Velas seconded the motion.

**Roll Call Vote:**

<b>Basile</b>	<b>Yes</b>	<b>Oprisch</b>	<b>Yes</b>
<b>Bukmir</b>	<b>Yes</b>	<b>Sabatino</b>	<b>Yes</b>
<b>Jordan</b>	<b>Yes</b>	<b>Smith</b>	<b>Yes</b>
		<b>Velas</b>	<b>Yes</b>
<b>Roll Call Vote:</b>	<b>Seven (7) Yes</b>	<b>Zero (0) No</b>	<b>Motion Approved</b>

There was presented and read to Council on its third and final reading by title only, RESOLUTION NO. 2018-15. A motion was made by Jim Velas and seconded my Perry Basile that Resolution No. 2018-15 be passed by Council.

**Roll Call Vote:**

<b>Basile</b>	<b>Yes</b>	<b>Oprisch</b>	<b>Yes</b>
<b>Bukmir</b>	<b>Yes</b>	<b>Sabatino</b>	<b>Yes</b>
<b>Jordan</b>	<b>Yes</b>	<b>Smith</b>	<b>Yes</b>
		<b>Velas</b>	<b>Yes</b>
<b>Roll Call Vote:</b>	<b>Seven (7) Yes</b>	<b>Zero (0) No</b>	<b>Motion Approved:</b>

Resolution No. 2015-15 was declared adopted.

There was presented and read to Council on its First reading by title, ORDINANCE NO. 2018-16; 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 21, 2018, AND

DECLARING AN EMERGENCY. Jim Velas moved that the rules requiring Ordinances and Resolutions to be read on three separate readings be suspended and declaring an emergency; Mike Smith seconded the motion.

**Roll Call Vote:**

<b>Basile</b>	<b>Yes</b>	<b>Oprisch</b>	<b>Yes</b>
<b>Bukmir</b>	<b>Yes</b>	<b>Sabatino</b>	<b>Yes</b>
<b>Jordan</b>	<b>Yes</b>	<b>Smith</b>	<b>Yes</b>
		<b>Velas</b>	<b>Yes</b>

**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. 2018-16. A motion was made by Jim Velas and seconded by Frank Sabatino that Ordinance No. 2018-16 be passed by Council.

**Roll Call Vote:**

<b>Basile</b>	<b>Yes</b>	<b>Oprisch</b>	<b>Yes</b>
<b>Bukmir</b>	<b>Yes</b>	<b>Sabatino</b>	<b>Yes</b>
<b>Jordan</b>	<b>Yes</b>	<b>Smith</b>	<b>Yes</b>
		<b>Velas</b>	<b>Yes</b>

**Roll Call Vote:**      **Seven (7) Yes**      **Zero (0) No**      **Motion Approved:**

Ordinance No. 2018-16 was declared adopted.

**EXECUTIVE SESSION**

A motion to go into Executive Session per Ohio Revised Code 121.22 (G) (5) to address matters to be kept confidential was made by Linda Jordan and seconded by Perry Basile.

**Roll Call Vote:**

<b>Basile</b>	<b>Yes</b>	<b>Oprisch</b>	<b>Yes</b>
<b>Bukmir</b>	<b>Yes</b>	<b>Sabatino</b>	<b>Yes</b>
<b>Jordan</b>	<b>Yes</b>	<b>Smith</b>	<b>Yes</b>
		<b>Velas</b>	<b>Yes</b>

**Roll Call Vote:**      **Seven (7) Yes**      **Zero (0) No**      **Motion Approved:**

A motion to return to regular session was made by Jim Velas and seconded by Mike Smith.

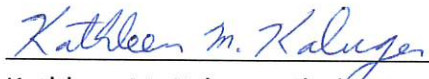
**Roll Call Vote:**

<b>Basile</b>	<b>Yes</b>	<b>Oprisch</b>	<b>Yes</b>
<b>Bukmir</b>	<b>Yes</b>	<b>Sabatino</b>	<b>Yes</b>
<b>Jordan</b>	<b>Yes</b>	<b>Smith</b>	<b>Yes</b>
		<b>Velas</b>	<b>Yes</b>

**Roll Call Vote:**      **Seven (7) Yes**      **Zero (0) No**      **Motion Approved:**

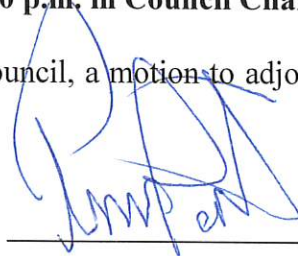
**NEXT MEETING: Monday, July 2, 2018, at 7:30 p.m. in Council Chambers**

There being no further business to come before Council, a motion to adjourn was made by Jim Velas and seconded by Linda Jordan.



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Kathleen M. Kaluger, Clerk



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Tim Porter, Council President