

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday, October 22, 2012
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, October 8, 2012 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Vice-President of Council, Rich Saddler called the meeting to order. A moment of silent prayer was observed followed by The Pledge of Allegiance to the Flag.

Roll Call showed the following members to be present:

Kevin Johnson	1 st Ward
Rich Saddler	2 nd Ward
Nicholas Basham	3 rd Ward
Jim Kalb	4 th Ward
Steve Sturgill	6 th Ward

Also present were Mayor David A. Malone and City Auditor M. Trent Williams.

Councilman Haas absence was excused, on motion by Councilman Kalb.

City Solicitor Mike Jones absence was excused, on motion by Councilman Basham

On a motion by Councilman Basham, Council dispensed with the reading of the Journal for the - regular session October 8, 2012.

Councilman Johnson made a motion to remove item “7a” as the \$6500 will no longer be required for the Building Committee to make a determination as they will be able to utilize the 1996 study.

LEGISLATION

The Clerk gave a **first reading** to an ordinance authorizing the establishment of a new revenue fund account, Fund No. 254 and the acceptance of funds for the DFC Grant Receipts for the Drug Free Communities (DFC) Support Program.

Councilman Johnson asked the Auditor prior to making a motion, if this ordinance needs to be expedited in order to get this fund opened.

Auditor Williams advised yes, that the fund already operating or very close to operating.

Councilman Johnson move to have the rule requiring three reading be waived.

The roll was called. **VOTE: ayes 5 – nays 0 The rule was suspended.**

Councilman Johnson moved to pass the ordinance.

Mr. Williams clarified that this grant began on September 30th and it needs to pass today.

There were no questions or comments. The roll was called. . **VOTE: ayes 5 – nays 0 The Ordinance was passed. ORD #12-52.**

The Clerk gave a **first reading** to an ordinance authorizing approval of the acceptance of overtime reimbursements received from Ohio HIDTA, City of Shaker Heights, for overtime worked by the Southern Ohio Drug Task Force Officers and to appropriate the same back into the Police Department Payroll Account Line, 101.221.5115.

Councilman Johnson move to have the rule requiring three reading be waived as this involves a financial transaction. He further explained to the public that this is a reimbursement and that the City would like to get their money back into our account.

The roll was called. **VOTE: ayes 5 – nays 0 The rule was suspended.**

Councilman Johnson moved to pass the ordinance.

There were no questions or comments. The roll was called. . **VOTE: ayes 5 – nays 0 The Ordinance was passed. ORD #12-53**

**ORD#12-52 –
establishing
new revenue
fund 254**

**ORD#12-53 –
overtime
reimbursement
HIDTA – Police
overtime**

The Clerk gave a **first reading** to an ordinance authorizing the acceptance and the appropriation of check no. 005287748 in the amount of \$9,365.00 received from Ohio Mutual Insurance Group into Police Department Vehicle Maintenance Line Item No. 101.221.5264 in order to pay repair costs for a 2007 Ford 500 police department vehicle.

ORD#12-54 – insurance Check from Ohio Mutual Insurance Group

Councilman Johnson move to have the rule requiring three reading be waived for the same reason as the last piece of legislation.

The roll was called. **VOTE: ayes 5 – nays 0 The rule was suspended.**

Councilman Johnson moved to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 The Ordinance was passed. ORD #12-54**

The Clerk gave a **first reading** to an ordinance Authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing, within the City of Portsmouth, to install/repair/maintain Highway Lighting Service and Power Service in the area of and near S.L.M. 19.07 of U.S. 52.

ORD#12-55 – ODOT contract for Lighting at SLM 19.07

Councilman Johnson asked the Mayor; what is the time frame the State is expecting for this legislation to be passed.

Mayor Malone advised that it depends on the type of legislation. In this case the cost is on the State and they would like to get the project done and move forward with their monies moved and the project finished.

Councilman Johnson move to have the rule requiring three reading be waived

The roll was called. **VOTE: ayes 4 – nays 0 Abstain – 1 (Saddler) The rule was suspended.**

Councilman Johnson moved to pass the ordinance.

Mr. Johnson addressed the Mayor stating that he was not present for the Mayor's Conference when this legislation was discussed and would like to know the location of the S.L.M. 19.07.

Mr. Malone advised it was the 19 mile marker right by Osco, just west of Osco.

Mr. Johnson requested clarification as to whether the City is to pick up all cost for the highway lighting in the area.

Mr. Malone advised that is not correct. The State will take care of this area and that the City will not incur any costs.

There were no questions or comments. The roll was called. **VOTE: ayes 4 – nays 0 Abstain – 1 (Saddler) The Ordinance was passed. ORD #12-55.**

The City Clerk had a question regarding the passage of the last ordinance.

Mr. Johnson clarified that he moved to pass then had a comment afterwards.

The Clerk gave a **first reading** to an ordinance authorizing the City to repay the remaining balance of \$11,435.73 on a 2007 grant to the Department of Development from CIP Fund No. 301.

ORD#12-56 – repay balance to Veters from CIP

Mr. Johnson inquired to the Mayor if it was in the best interest of the City to take care of this quickly.

Mayor Malone advised yes it is.

Councilman Johnson move to have the rule requiring three reading be waived

The roll was called. **VOTE: ayes 5 – nays 0 The rule was suspended.**

Councilman Johnson moved to pass the ordinance.

Councilman Sturgill asked the Mayor if to his knowledge there has been an inquiry by the Solicitor regarding the contractor involved.

Mr. Malone advised that the Solicitor indicated that he would continue to look into this issue and if the money could be recovered back from the contractor. However at this point it has not been successful. In fact their attorney has sent a letter stating that their hands have been washed of this matter and they did their part and that they were owed what the City has paid them.

Mr. Williams added that he believed there was a correspondence between the Solicitor and the construction company's attorney after the \$29,000 payment was made. Thus, confirming the Solicitors attempts to contact the construction company.

Mr. Malone addressed Mr. Sturgill ensuring that he received the package from his office regarding this matter.

Mr. Sturgill confirmed that he did receive the package and it was very interesting reading.

Councilman Kalb asked the Mayor to give reasoning as to why the City has to pay these funds back.

Mr. Malone advised that there was a change order in 2010 on this particular project and that change order involved this amount of work. He questioned Mr. Williams if the City paid this amount.

Mr. Williams advised that there is a long explanation. However without going into all the details: The City had a Mayor that wanted to pay a bill that should not have been paid. There were time frames that were told to her that were exceeded and demands were still received from her that this be paid for the work that was allegedly done. The City contacted the State and asked for their advice. He advised that in his email that he stated that he did not want this to come back a year from now and have an audit say that the City would have to pay it back. He stated that he does not have a crystal ball to know that there were going to be problems with this. The Solicitor concluded from the conversation with the contractor that because the work had allegedly been done it had to be paid. The former Mayor was demanding that it be paid at that time. It was fiasco.

Mr. Sturgill asked if the work was done or was the work not up to some body's standards.

Mr. Malone advised that the work was done. The problem was that the inspector that was supposed to do the final inspection didn't get to do it.

Mr. Williams elaborated that the former Mayor would not allow the project engineer of record to perform their duties. She would not allow Strand on the property to do the final inspection.

Mr. Malone advised that there was an internal inspector that inspected this work.

Mr. Kalb asked for clarification that this was a 2007 issue.

Mr. Williams agreed that this was not Mr. Kalb's issue.

There were no further questions or comments. The roll was called. . **VOTE: ayes 5 – nays 0**
The Ordinance was passed. ORD #12-56

The Clerk gave a **first reading** to a resolution authorizing a cooperative agreement for construction, maintenance and operation of a wastewater project between the City of Portsmouth and the Ohio Water Development Authority and repealing Resolution No. 17 of 2012.

Councilman Johnson moved that the resolution be adopted.

There were no questions or comments. The roll was called. . **VOTE: ayes 5 – nays 0**
The Resolution was adopted. RES #12-19.

**RES#12-19 –
agreement for
construction
Maintenance
and operations
of waste Water
project with
OWDA**

MISCELLANEOUS BUSINESS AND RPORTS:

City Clerk's Report – Nothing to report at this time.

1. Mayor's Report – Mayor Malone wanted to inform Council that he attended the Sister City farewell dinner at Shawnee State University. Our Sister/Friends from Zittua Germany, had been in town since Thursday evening and there were a lot of activates throughout the area. His only regret is that he was not able to be with them through the entire visit. He did have the opportunity to be with them on the last night; it was a wonderful time and positive response from the visitors. They enjoyed the tours and activities.
2. Mr. Malone continued discussing the four new signatures on the Flood Wall: Gordon Freeman – IBWE union individual, "Stuff" Smith – Jazz Violinist, Holly Harold – Writer/Producer for shows such as Criminal Minds and Warehouse 13, and Hoad Copas. We were able to make contact with all their families which came from all over to visit the City. There was a signing ceremony and reception after. The reception after was very big, bigger than anticipated. The family members were impressed with the efforts of the City to honor their families.

3. Mr. Malone stated that he has forwarded a letter of appreciation to Sam Sutherland and the Water Department with regards to the water line breaks on 52. There were several breaks in the same area and even one in that occurred as they were preparing to pour concrete and blacktop the street. They had to cut and go down again and repair the additional break. Mr. Malone wanted to publically voice his appreciation to them and their work to get the work done so the motoring public could have the street back.

The Mayor's Report was received, filed and made a part of the record, on a motion by Councilman Johnson.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward Councilman Johnson stated that he wanted to add on to what the Mayor said about our guest from Zittau. They arrived on Thursday to a reception at Port City Café. One thing he wanted to mention is that the Sister City Committee raised money so that our friends from Zittau didn't have to spend a dime while in the City. All the dinners and visits were done at no cost to our guests. Just getting here from Germany is expensive enough. It was an incredible group of 30 or more people. They loved being here. Mr. Johnson had met several during the trip to Zittua two years ago. Their next stop is in California which will be a change from visiting Portsmouth.

Mr. Johnson spoke regarding The City Manager Committee and expressed his continued support that these meeting be open to the public. He has spoken briefly with Mr. Haas and has gotten an email out to the other four member regarding the meeting be held on the 1st and 3rd Mondays of each month to start off. This will provide time to get updates to Council that the other members feel that Council needs in order to proceed. Mr. Johnson stated that if there are no objections he would like to get this suggested meeting time out to all members and begin sending emails of confirmation with Council copied on all correspondences.

2nd Ward Councilman Saddler wanted to concur with the Mayor on the work done by Mr. Sutherland and the Water Departments efforts with the repairs. He would also like to thank Boone Coleman Construction for their efforts and usage of their large equipment to access the area for repair. He stated he received several calls about Boone Coleman's presence on site and the fact that our equipment could not reach the break explains their presence. He thanked them again for their assistance. He thanked all again for the quick resolution. He did ask the Mayor about having the street cleaner to clean up the dirt and gravel up off the road.

Mr. Malone indicated that it was indicated to be completed today.

He wanted to thank the guest from Germany as well.

He wanted to thank everyone for supporting Breast Cancer awareness throughout the month as it is a problem in this area. He noted that the Mayor and Councilman Sturgill both were wearing Pink in supports. He pointed out that his burgundy sweater was the closest color he had to pink.

3rd Ward Councilman Basham echoed the Mayor's comments regarding the Water and Pipe Yard crews. He also appreciated the email and pictures of the construction area. Mr. Basham stated he drives that way to work and back every day so he was playing the through the parking lot game. He knew that the construction was big because he had stopped and spoke with some of the workers on the second break at about 11:30 at night on his way back from a football game. It was neat to see the pictures of what broke and how big and how deep it was.

4th Ward Councilman Kalb also wanted to thank the water department.

Mr. Kalb thanked Rick (Duncan) and Chris (Smith), Department Heads, for being at the meeting even though they are not required to be here. They are usually here taking care of things.

Mr. Kalb continued by stating he didn't wear pink but he has been drinking pink 5 hour energy drinks all day.

6th Ward Councilman Sturgill did not have a report at this time.

City Auditor Trent Williams wanted to give the third quarter update of the financial numbers through the end of the third quarter of 2012. The numbers are actually good: the general fund at the end of September 2012 was negative \$967,000. Our goal was

to be at -\$700,000 by the end of this year and back in the black by the end of 2013. There were issues with the Charge-off problems that were redirected about \$300 to \$400K back to the general fund. However, that \$967,000 includes those transfers. Mr. Williams expects to be in the same place if not better by the end of the year. He does not believe that even with the addition of the charge-offs that we will be back up to the 1.4 million dollars at the end of the year or even the 1.1 million dollars.

Councilman Basham jokingly advised Mr. Williams he could have smiled when he said that. This is good news.

Councilman Saddler asked what the number was again.

Mr. Williams advised that at the end of September it was \$967,000. He would say anything under one million, including the \$300 and some thousands charge-off reversals, we would have easily exceeded our original goals. Part of this is due to the Income Tax collections this year. Right now on their own had there not been an increase would be up over \$140,000 in collections, that is just for reference to show where the new taxes have put us. This has brought in as of September 30, 2012, with the increase we are at 1.8 million dollars over last year and 1.7 million is attributed from the collections of the new tax. We made up 100,000 on our own plus the 1.7 million from the new tax. That is about right on track with the projection that the tax will generate about 2.1 million dollars for 2012. He had previously stated that the tax would not generate the full amount in the first year due to the tax beginning in January and collections from 2011 would still be coming in. We will collect approximately 2.1 million and beginning 2013 we should be able to collect about 2.5 million depending on economic conditions. This is good news.

Mr. Williams wanted to recognize Alley Miller – Simi Finalist for the Portsmouth Trojans in Girls Tennis this year. She has been in the final four, State Finals all three years of high school and the three girls ahead of her this year are all seniors so the path is laid out for her next year.

Mr. Kalb clarified that other funds were helped out by the charge-offs being returned.

Mr. Williams concurred and stated he helped the enterprise funds too or at least the Water funds. As was indicated that there was a reduction in the sewer funds so that didn't help them but did help the water, streets and sanitation.

The meeting adjourned at approximately 6:32 p.m. on a motion by Councilman Johnson.

City Clerk

President of Council