

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday August 12 2013
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday August 12, 2013 at 6:00 p.m., in the Council Chambers of the Municipal Building.

President of Council Steve Sturgill 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 W. Johnson	1 st Ward
Rich Saddler	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Steve Sturgill	6 th Ward

Also present was Mayor David Malone, City Solicitor, John Haas, City Auditor Trent Williams and Acting City Clerk, Tracy Shearer.

Council dispensed with the reading of the Journal for the regular session of July 22, 2013, on a motion by Councilman Kevin W. Johnson.

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

There was no one present who wished to address Council on any item on the agenda.

LEGISLATION

The clerk gave a **second reading**, to an Ordinance authorizing the Mayor to approve and sign an Administrative Order on Consent (AOC) which has been negotiated with USEPA Region V. The AOC includes the construction of a number of improvements to Portsmouth's sewer system.

Councilman Kevin W. Johnson motioned that this constitute a second reading.

Councilman Kevin W. Johnson requested Director Rick Duncan to give a brief overview of the financing for the project.

Director Duncan stated that he's been refining the estimates down to a number that the City can be more confident in. He held a public meeting at Shawnee State University to make the public aware of the amount the project was going to cost. He outlined the following:

- A. Currently linings sewers in North Moreland to eliminate inflow creek water into the sanitary sewer.
- B. Apply for a CDBG grant to do some manhole lining.
- C. Looking at the storage basin at 25th & Coles Boulevard right behind the hospital, the cost will be \$300,000 but that does not include property acquisition. The purpose of the project is to catch and retain the storm water from heavy rains.
- D. Grandview Avenue sewer study found deteriorated sewers especially in Redwood Alley between Grandview and Micklewaite. This project will require that a lining be pulled through the sewer to keep it from collapsing and keep ground water from the sewer.
- E. North of 23rd Street, there will be sewer separation work. There will be a storm line and a sanitary line.
- F. Underground storage facility at the 2300 block of Grandview, the cost for this has come down as we've looked at some less expensive ways to store the sewage.
- G. Develop an emergency overflow response plan to submit to the EPA which is another part of the Administrative Order. MOMS - Management and Operations Maintenance plan for the sewer system.
- H. The total amount of the project is \$4,320,000 and the total amount to be financed will be \$4,335,000.
- I. Requesting 1 - Administrative Assistant which would assist the Director in various aspects of the job. 2 - Utility Workers which would be doing the maintenance work. The cost for the current budget would be \$561,000.
- J. Various ways of financing the above is: homeowners fees, cut back on some other improvements, some cities have turned their sludge into additional revenue and he would like to try that by applying for some grants that the city may be qualified for.

Auditor Williams asked Director Duncan if the \$561,000 was for one year and he replied that it would be for the period of the debt service which is 20 years.

Councilman Sturgill stated that over that period of time the amount would be \$11,500,000.

Councilman Kevin W. Johnson motioned that the proposed Ordinance be amended with the following language: Council understands this AOC is limited to the Phase I SSO project and that the financial impact upon the taxpayers of the City of Portsmouth for the upcoming 20 years shall be approximately \$11.2 million.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 2 nays (S. Sturgill, J. Kalb) the proposed Ordinance was amended.**

Councilman Kalb asked the Auditor if there were funds available to cover the \$561,000 because the personnel cost is not included in the project cost and if the City implements the additional personnel we (the City) have to have a way to cover the cost. He also asked if we will be able to make loan payments

Auditor Williams stated that there is no money in the current revenues to cover this cost.

Councilman Kalb stated that with the addition of an Assistant to the Director, that person would be in charge of the storm water fees and that would be a way of generating funds.

Councilman Sturgill stated that if we do not do a storm water fee or charge of some sort, the utility user will be responsible for whatever the cost is.

Councilman Kalb stated that the City needs a storm water plan to increase the cost to people that aren't really carrying their fair share right now rather than tacking it onto the current users.

Director Duncan stated that the original \$70,000,000 plan that was proposed several years ago was renegotiated with the EPA and is now \$6,000,000. The City could not afford the \$70,000,000 and had more pressing needs to address so we negotiated with the EPA for what is now called Phase I. If there is a Phase II it would be negotiated under a whole new process. The EPA has made it very clear that if this plan is not accepted they will take the City to federal court.

Councilman Meadows asked the Mayor if these additional 3 proposed employees were taken into consideration on the 5 year budget.

Mayor Malone responded that they were not added into the budget.

Councilman Kevin W. Johnson asked if the payments began in 2015 and he would like the Director to provide a cost analysis on how he proposes to pay for not only the storm water fees but the Administrative fees before the next meeting in 2 weeks.

Director Duncan stated that Council has everything as far as the figures and the payments would begin a year after the project completion.

There were no questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing to resurface a portion of SR 139, improve the intersection of SR 139/Maple Benner Rd, add 2' wide shoulders from 3.0 to 10.5, and provide Access Management improvements for driveways at SR 139 & High Street in Minford.

Councilman Kevin W. Johnson motioned that this constitute a first reading.

Councilman Saddler stated that he would be abstaining from this vote.

Mayor Malone clarified that the portion of Route #139 is within the City of Portsmouth and is about 1-1 ½ miles and the City would be paying for that portion only.

Councilman Kalb asked Solicitor Haas if it was necessary for Councilman Saddler to abstain from this vote.

Solicitor Haas stated that it would be best so that there is no appearance of any wrong doing.

Councilman Saddler added that he feels it would be a conflict of interest and made it very clear from the beginning that he would be abstaining from any vote regarding ODOT since they are his employer.

Auditor Williams asked when the money would be due on this project.

Mayor Malone replied not until 2015.

There no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays - 1 abstain (R. Saddler), a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$2,000 from the General Fund into Engineering Enforcement Fund No. 101.112.5298 to pay the court server of record to deliver summons to appear in court for housing/property issues. **Due to Emergency measures this is a Consent Agenda item.**

Ord #36-13
Court server
for Engineer
Department

Councilman Kevin W. Johnson motioned that due to the emergency measure that the 3 readings be waived.

The motion carried viva voce. **VOTE: ayes 6 – nays 0**

Councilman Kevin W. Johnson motioned that this Ordinance be passed.

There were no questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, the Ordinance passed.**

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$6,000 from Capital Improvement Fund No. 301 into Council Trust for Recreation Fund Pool Line Item No. 801.552.5289 for repairs/replacement of items at McKinley Pool.

Councilman Kevin W. Johnson motioned that this constitute a first reading.

Councilman Kalb asked what kind of repairs needed to be done.

Mayor Malone replied that the repairs have already taken place.

Auditor Williams asked if this could be passed now or is there was a reason for dragging this out.

Councilman Kevin W. Johnson stated that it was not an emergency.

Councilman Meadows asked the Auditor if there were funds to cover this expense.

Auditor Williams replied that there are funds to cover the expense.

There were no questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, a first reading was declared.**

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Ray Mitchell - 2460 Micklewaite - We've had traffic and building committees and the Mayor stated in the Portsmouth Daily Times that the city has lost a lot of tax revenue. He suggested a tax abatement committee because a lot of people are getting free money and it's not just the big businesses but some people have gotten a 20 year tax abatement and are not hiring any people. You can put up a garage door and get a tax abatement, he doesn't feel it's fair to give tax abatements to people who aren't hiring other people. He also commented that since the City is planning on hiring a new City Manager at a price of \$90,000-\$120,000, that anything over \$100,000 would need to come before the citizens for a vote. He concluded with Shearer's Hollow Road is in very rough shape and needs to be inspected and repaired.

Paul Penix - 1709 Timmonds Avenue - He stated that on face book there's been some interest in Mound Park and it's a little different than the group put together last year. Over the past 17 years the park has been somewhat neglected, vandalized and things have been stolen. The main purpose of the group is to clean up the park on Saturday beginning at 9:00 and he invited anyone willing to help to join in the effort. He stated that Shawnee State Students will be helping out this year. He would like to see the group form a non-profit organization to address the needs of the park. He knows the person who's in charge of the Maxine Levi foundation which has funds established to help with the needs of the park and he would like to see increased Police visibility in that area.

MISCELLANEOUS BUSINESS AND REPORTS:

1. City Clerk's Report – Acting City Clerk Scherer reported the following:

- a. Received Time Warner Cable payment on July 29, 2013 in the amount of \$62,394.44 and deposited it to the Auditor's department the same day.
- b. Received from the Ohio Liquor Control a request to transfer liquor license from Frog Willy's, LLC and Patio at 1545 Gallia Street to Southern Moon Pit BBQ, LLC at 1501 11th Street.

The Clerk's report was received, filed and made part of the record, on a motion by Councilman Kevin W. Johnson.

Mayor's Report – Mayor Malone reported the following:

- a. In response to Mr. Mitchell's statement, the City does have a tax abatement committee and everyone that receives the tax abatement must meet a certain criteria.
- b. Shearer Hollow is on the list for repaving.
- c. He reappointed Jenny LeMaster to the Board of Health effective September.
- d. The support letters that were given on the 16th Street apartments and the apartments on 2nd & Market Street unfortunately neither one received approval for funding, however they stated that they would try again next year.
- e. Rumpke Sanitation has purchased Pike Sanitation and they will honor the contract that Pike Sanitation has with the City.

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

President's Report – Councilman Sturgill reported the following:

- a. He thanked Tracy Shearer for filling in as City Clerk while Ms. Ratliff is recuperating, he knows that it's not an easy job but is grateful she's willing to give of her time.
- b. He stated that there continues to be a line sight problem on Shearer's Hollow Road. The problem is not going away and we will have to address it because when you come out of the Shearer's driveway, you cannot see to get out due to the neighbors newly built garage.
- c. August 19, 2013 Novak Consulting Group will be here to review the list of applicants for City Manager, part of this meeting will need to be done in Executive Session.
- d. He asked Councilman Kalb if he intended to form his committee. Mr. Kalb replied that he never had received a formal structure of the committee, as in the past any formation of a committee was done by Ordinance or Resolution. Mr. Sturgill asked the Solicitor if there's any reason Council cannot continue with these committees as they've been formed. Solicitor Haas replied "no". Councilman Kevin W. Johnson recommended an amendment to Council rules regarding committee structures.

The President's report was received, filed and made part of the record, on a motion by Councilman Kevin W. Johnson.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Kevin W. Johnson stated that he did not have a report and ask to be excused from the Mayor's Conference Agenda.

2nd Ward – Councilman Saddler reported that the Parks & Recreation committee meeting will be August 13, 2013 at 6:00 at the American Legion Post #23. The public is invited to attend.

3rd Ward – Councilman Kevin E. Johnson reported the following:

- a. He stated that he had more complaints on the property on Ruhlman Avenue with the uncut grass, water standing possibly harboring mosquitoes. He contacted Mr. Gideon at the Health Department who stated that he would turn this over to the Code Enforcement Officer.
- b. He asked about Residential alleyways, whose responsibility is it to maintain the alleyways in residential neighborhoods, the residents or the City. The Mayor responded that the streets are the City's responsibility. Chris Smith Health Commissioner stated that it is the owners responsibility to clean up to the middle of the alleyway, the Code Enforcement Officer will soon be issuing tickets on these sights.
- c. He encouraged everyone to come to Mound Park for cleanup day.

4th Ward – Councilman Kalb reported the following:

- a. He expanded on Mr. Mitchell's comments regarding tax abatements. The City doesn't give those tax abatements to just anyone, you must have all the proper paperwork in order to get the abatement. There's also a Board of Appeals in case someone is denied an abatement. He's not sure but he believes that the City cannot just remove these abatements once they're in place.
- b. The salary of the City Manager has nothing to do with the citizens voting on the issue.
- c. He is looking forward to the cleanup day at Mound Park and encouraged people to come out and help.

5th Ward – Councilman Meadows stated that the Legal, Legislative & Safety Committee will be meeting August 15, 2013 at 5:30 in Council Chambers. The public is invited to attend.

6th Ward – Councilman Sturgill stated that with the exception of the Pleasant Avenue line sight issue, all other major concerns had to addressed.

City Solicitor – He has no formal report, but encouraged Council to bring back the Transfer Station as an In-House job and have a City employee over the transfer station because Rumpke is considerably higher than Pike Sanitation and at some point the contract will need to be reviewed and he believes that it needs to be discussed before it becomes an issue.

City Auditor – Auditor Williams reported the following:

- a. He stated that we do not give 20 year tax abatement, he believes that its 12-15 years and that he doesn't believe that there's a lot of lost revenue due to these abatements but that it does allow businesses to come into town and start up their business, which the City will in turn get income tax revenue.
- b. He addressed the \$100,000 issue, he stated that 47-F is the most ill-conceived wording and limit's the city's ability to function but it does not have anything to do with City personnel.

The meeting adjourned at approximately 7:33 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

President of Council