

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday January 13, 2014

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday January 13, 2014 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Mayor Steve Sturgill called the meeting to order. A moment of silent prayer was observed followed by The Pledge of Allegiance to the Flag.

City Solicitor Haas administered the Oath of Office for Councilman of the 5th Ward Gene Meadows.

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 City Manager Derek K. Allen, City Solicitor John Haas, City Auditor Trent Williams and City Clerk, Diana Ratliff.

Council dispensed with the reading of the Journal for the regular session of December 23, 2013 and the Organizational Meeting of January 6, 2014 on a motion by Councilman Kevin W. Johnson.

There was no Public Hearing.

Vice Mayor Kevin W. Johnson made a motion to add two items to the Agenda as Item 8-a and 8-b with both being consent agenda items. 8-a being an Ordinance authorizing the amendment of the City Manager's Employment Agreement and 8-b being an Ordinance making appropriations for current City expenses for the Months of January and February 2014.

**Items to the
Agenda**

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

STATEMENTS 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 **first reading**, to an Ordinance authorizing the amendment of the Portsmouth City Manager's Employment Agreement. *Consent Agenda item*

Vice Mayor Kevin W. Johnson stated that this legislation was a consent agenda item due to a slight mistake on the original contract and motioned for the three reading rules to be suspended.

There were no questions or comments. The role was called. **VOTE: 6 ayes – 0 nay, the rule was suspended.**

Vice Mayor Kevin W. Johnson motioned that the Ordinance be passed.

Solicitor Haas explained that during the drafting and negotiations of the contract, it went back and forth several times and everyone had agreed to the terms. This was a clerical error as a copy of the earlier version got attached to the previous Ordinance and this correction is being made to correct the record.

Councilman Meadows reiterated Solicitor Haas' comments in that it was the correct price that was agreed upon.

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

The clerk gave a **first reading**, to an Ordinance making appropriations necessary for the current expenses of the City of Portsmouth, Ohio for the months of January and February 2014 as provided for in Section 50 of the Charter of the City of Portsmouth, Ohio.

**Ord. #01-14
Amendment
of City
Manager's
Employment
Agreement**

Vice Mayor Kevin W. Johnson offered for the public's knowledge that the charter provision allows for an approval of a temporary budget. Due to the transfer of our form of government from the Mayor to a City Manager there was a delay in getting a budget together and the temporary budget will allow the City to continue to pay the bills for at least the first two months. He motioned to waive the 3 reading rule as this is a consent agenda item.

**Ord. #02-14
 3 month
 appropriations
 for current
 expenses**

There were no questions or comments. The role was called. **VOTE: 6 ayes – 0 nay, the rule was suspended.**

Vice Mayor Kevin W. Johnson motioned that the Ordinance be passed and asked that when we get to Section 9 of the Agenda should any citizen wish to speak on these two added items that they be allowed to ask questions or make comments.

Mayor Sturgill stated that this legislation also has the support of the Budget & Finance Committee.

Councilman Kalb explained for the record that this is not an uncommon practice and that there is a better picture of the revenues and expenditures.

Councilman Meadows asked if two months would be enough or if 3 months would be better.

City Auditor Williams replied that it is usually only two months, but has been done for 3 months in one month increments. It will be close to the end of February and there may be a need for an additional month for legislation; Council can amend it to 3 months to save on time and paperwork and he would not object.

City Manager Allen stated that his goal is to have the budget to Council by the end of February but won't know until the process has started. He said that this will be a priority and even if Council decides on 3 months he will not procrastinate.

Auditor Williams stated that he has no doubt that the City Manager will have it prepared in time but will need time for the legislative process.

Vice Mayor Kevin W. Johnson stated that the 3rd month would be taken up with readings because Council will not allow this to be a consent agenda item. He motioned to amend the proposed Ordinance to reflect 3 months in lieu of 2 months.

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

Auditor Williams addressed Councilman Meadows question stating that typically there is a budgeting process throughout November and December and the 2 months budget is usually for legislative proceedings. We transitioned from a Mayor form of government to a City Manager form of government which caused a delay.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

There was no one present who wished to address Council on items not on the agenda.

MISCELLANEOUS BUSINESS AND REPORTS:

City Clerk's Report – City Clerk Ratliff reported the following.

1. She received notice from the Ohio Division of Liquor Control of a request for license transfer from "Mona West, LLC" at 714 Lincoln Street, 1st Floor & Patio Portsmouth, OH to "FNT Lincoln East, LLC" same address.
2. She received from the Auditor's office via email on January 7, 2014 the MTD/YTD Revenue Report for December 2013.
3. She received from the City Solicitor, pursuant to Section 733.62 of the Ohio Revised Code an annual report for the year 2013.
4. She received the following Oath's of Office:
 - Diana Ratliff – City Clerk
 - Steve Sturgill – Mayor & 6th Ward Councilman
 - Kevin W. Johnson – Vice Mayor & 1st Ward Councilman
 - Kevin E. Johnson – 3rd Ward Councilman
 - Derek K. Allen – City Manager
 - Suzette Rhea – Cultural Affairs Committee
 - Linda Switzer – Cultural Affairs Committee
 - Donna Hartlage – Cultural Affairs Committee
 - Ron McCain – Cultural Affairs Committee

Allison Kalb – Cultural Affairs Committee

Tom Lowe – Cultural Affairs Committee

5. She received a copy of a letter from the City Auditor's office to Gary Duzan of Portsmouth Insurance confirming that 3 Council members opted to continue with Health coverage. One Councilman had just the AFSCME care plan only and two other Councilmen have full Health Insurance coverage plus the AFSCME Care plan.
6. City Clerk's Annual Report:

<u>CITY CLERK'S ANNUAL REPORT</u>		
<u>FOR YEAR 2014</u>		
<u>PURSUANT TO SECTION 7 OF THE CITY CHARTER</u>		
Regular Meetings		24
Mayor's Conference Sessions		20
Special Meetings		5
Organizational Meeting		
	TOTAL	49
Executive Sessions		9
Public Hearings		1
Ordinances Passed		59
Resolutions Adopted		22
Additions to the Agenda		11
Consent Agenda Items		36
Tabled Ordinances		2
Defeated Ordinances		1
Appointments by Council		48
Oaths of Office		25
Ohio Department of Liquor Control		
Notice of Permit Transfers		3
Request for New Permits		0
Notice of Stock Transfers		2
Citizens Addressing Council		
Items on the Agenda		36
Items not on the Agenda		56

7. She wished Mayor Sturgill a Happy Birthday.

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

City Manager's Report – Manager Allen reported the following:

1. He advised Council that they will receive his written Manager's report along with the Manager's Conference Agenda at least one week prior to Council meetings.
2. He met with the City Auditor and each Union President to create open lines of communications and to establish guidelines for good working relationships with employees.
3. He thanked Jeanette Langford for the smooth transition from the Mayor form of government to the City Manager form and appreciated her professionalism. He stated that there is currently no office support staff in the Manager's office but that he will be searching for an Administrative Assistant to handle office duties and human resources duties.
4. He will be hearing a grievance from AFSCME that was filed in late November.
5. He received a ruling from an Arbitrator that there was no contract violation concerning personnel assignments in the Police Department.
6. A letter was sent to the Civil Service Commission requesting names for 3 Police recruit positions as Police Chief Ware said it was approved in the 2013 budget and that 3 additional officers were set to be approved in 2014 and that there will be an additional 3 officers added through the COPS grant funding which the City accepted in 2011.

7. The Fire Department is anticipating 1 retirement and 2 employees going for military duty later in 2014. The Civil Service will be conducting an exam for entry level firefighters.
8. He assured everyone that our water plant, the staff, his office and EMA have been monitoring the situation from the chemical spill in West Virginia and according to the testing, the limits of the chemical in the water is below the threshold limit. He asked Sam Sutherland director of the Water Filtration Plant to give an overview of the situation.
Director Sutherland stated that they were testing every hour and that the equipment is set up to screen for what they were concerned about at the Charleston site. He added that every sample was below the level of concern, but that they would continue to monitor to make sure there's nothing there, but if something happened and they did see an amount that would exceed the standard they would immediately shut down. They have someone in the plant throughout the night and the lab will be operational, also there will be an extra operator to help feed carbon, so there will be some overtime cost associated with this issue.
City Manager Allen stated that he felt it important that the extra money be spent to keep our people safe and he asked that citizens contact his office if they felt a reason to be alarmed.
9. He stated that there have been numerous water breaks resulting from the frigid temperatures.
10. He received the plans for the repair of the Oakland Boulevard Road and the current estimate is \$420,000 but added that he will be seeking less expensive alternatives.
11. He assured everyone that the electrical box installed in front of the murals has been moved and a permanent location will be determined once he's had a chance to meet with Bob Morton of the Portsmouth Murals, Inc. and any other interested party to determine the best location to satisfy all involved.
12. He received a letter from ODOT indicating that the previously requested legislation regarding demolition on SR 823 was no longer necessary.
13. He met with the City Planning Commission regarding vacating portions of Maple Alley and Pfau Alley.
14. There was a delay in trash collection due to the frigid cold weather. He will also be meeting with Service Director Bill Beaumont to discuss the transfer station contract, trash routes and methods of better communication.

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

Mayor's Report – Mayor Sturgill reported the following:

1. He welcomed City Manager Allen and wished him the best of luck.
2. He spoke with Auditor Williams and stated that the cooperation between his office and the City Manager's has been tremendous and he hopes that the relationship continues to build so that it may serve the city in the right way.
3. He re-appointed Gary Clark to the Zoning Board.
4. He re-appointed Helen Adams to the Fair Housing Board.

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

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward - Vice Mayor Kevin W. Johnson reported the following:

1. He stated that the Economic Development and Sustainability committee met and discussed a number of items:
 - a. National Church Residences' would like our total support to try to acquire the low income housing tax credit to renovate Riverview Retirement Center.
 - b. Auditor Trent Williams was the guest speaker and Solicitor Haas suggested updating the tax abatement process.
2. He welcome Councilman Meadows back, he wished Mayor Sturgill a Happy Birthday and told Manager Allen that he looks forward to working with him.

2nd Ward – Councilman Saddler reported the following:

1. He stated that the Parks & Recreation committee will be meeting at 6:00 on January 14th at the American Legion on Court Street. They will be discussing the possibility of a dog park and moving forward with ideas about starting an annual flea market at Spartan Stadium.
2. He congratulated Ace Vandevorts and the Horr family for the J.D. Power award they received. He said that it speaks a lot for this community to have a family oriented business for so many years.
3. He wished Happy Birthday to Mayor Sturgill and congratulated City Manager Allen on his position and stated that he looks forward to working with him.

3rd Ward – Councilman Kevin E. Johnson reported that the next meeting of the Personnel & Performance Committee will be on January 22, 2014 at 5:00 p.m. in the Engineering Department. He wished Mayor Sturgill a Happy Birthday and expressed that he was looking forward to working with Manager Allen.

4th Ward – Councilman Kalb wished Mayor Sturgill a Happy Birthday and welcomed Manager Allen.

5th Ward – Councilman Meadows reported the following:

1. He apologized for missing the previous meetings and that it had been a battle to get back to where he's at and it might take a few more weeks.
2. He observed that that the water is brown and it just seemed strange with all the current water issues.
3. He wished Mayor Sturgill a Happy Birthday and welcomed Manager Allen and stated that he looks forward to working with him and helping him to achieve his goals.
4. The Legal, Legislative & Cultural Committee will be meeting on Thursday January 23, 2014 at 5:30 in Council Chambers.

6th Ward – Councilman Sturgill had no report.

City Solicitor – Solicitor Haas reported the following:

1. He welcomed Manager Allen and stated that they have had a few conversations over the past week.
2. He brought Council up to date on litigation on a lawsuit that had been filed against the City over a project done at the wastewater treatment facility. With respect to that lawsuit, he filed an answer on behalf of the city and he has a 3rd party complaint that will be sent on Tuesday.
3. Civil Service met and has decided to update their rules by breaking them down 1/3 per meeting. He added that the version that they are currently using, the phone number begins with "EL" and he believes that goes back to the 50's or 60's but they definitely need updated.
4. He spoke with the County Commissioners regarding formalizing the deal the city has with the county in respect to paying the people in his office for the work they do on behalf of the County. He said that any of the felonies that are picked up on warrants or arrested come through the City first and then end up in the County system. In the past there was a gentleman's agreement that went back to Judges names he didn't recognize, but Judge Mowery and Judge Kegley are supporting his efforts and he hopes to get some resolution and something formalized.
5. He will have his annual report at the next meeting as it breaks down what his office has been working on over the past year with respect to the number of criminal and traffic cases and is then broken down by the Agency that was responsible whether it be New Boston Police Department, The Sheriff's office, the Highway Patrol or the City Police.

City Auditor – Auditor Williams reported the following:

1. He stated that we finished out 2013 in the black in the Water Fund and the General Fund will start 2014 at about \$500,000. The sewer fund is about 50% better than what it was and the insurance fund was reduced from \$900,000 to just under \$600,000 and it all goes a long way in getting the State Auditor's office to release us from a fiscal watch status and they will be meeting with them after the yearend reports are completed.
2. He believes that Council made the right choice in hiring City Manager Derek Allen and he means no disrespect to former Mayor Malone and gave him credit for the 10 years of service to the City. He appreciated that Manager Allen met with him and supports getting things off in the right direction.

The meeting adjourned at approximately 6:25 p.m. on a motion by Vice Mayor Kevin W. Johnson.

City Clerk

Mayor