

**MINUTES – REGULAR SESSION****PORTSMOUTH CITY COUNCIL MEETING**

Monday January 14, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday January 14, 2013 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting 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 <sup>st</sup> Ward
Rich Saddler	2 <sup>nd</sup> Ward
Nicholas Basham	3 <sup>rd</sup> Ward
Jim Kalb	4 <sup>th</sup> Ward
Gene Meadows	5 <sup>th</sup> Ward
Steve Sturgill	6 <sup>th</sup> Ward

Also present were Mayor David A. Malone, Solicitor John Haas, and City Auditor M. Trent Williams.

Council dispensed with the reading of the Journal for the regular session of December 20, 2012 and special session of January 3, 2013, on a motion by Councilman Johnson.

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

**STATEMENT OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA**

Bridget Osborne - 1647 7<sup>th</sup> Street - Portsmouth, Ohio - Spoke with regard to the Ordinance appropriations necessary for current expenses for January and February 2013. She asked Council what was being done about the leaky hydrant on the corner of 8<sup>th</sup>& Brown Street and asked if any of the City Income Tax Distribution would be used to help fix that situation. She stated that there had been multiple arsons in that area and because the water pressure is so low, the homes burn down because the fire department didn't have any pressure to save the homes and she believes that this is a direct violation of the EPA.

**LEGISLATION**

The clerk gave a **second reading**, to an Ordinance to make appropriation for the current expenses and other expenditures of the City of Portsmouth, Ohio beginning January 1, 2013 and ending December 31, 2013, as provided for in Section 49 of the Charter of the City of Portsmouth, Ohio. Now, therefore,

Councilman Johnson moved that this constitute a second reading.

Mayor David Malone stated that he has presented Council with a balanced budget and requested that the Ordinance be passed.

Councilman Saddler and Auditor M. Trent Williams respectfully disagreed with Mayor Malone as they had only just received the replacement sheets for the budget and had not had time to review the changes.

Councilman Johnson noted that the \$36,500 for the City Manager Search Committee had not been included in the budget and requested that it be amended to include this expense.

Councilman Basham ask the Mayor if the charge off's listed on the budget are in agreement with the State guidelines and if these guidelines were still being followed.

Mayor Malone responded "not exactly, as far as this report, it does not fall in line with those numbers." He further stated that the charge off's have been reduced almost \$200,000 and is almost half of what it was for 2012 and hopes the new cost allocation plan would be more favorable to the city as to what is charged off.

Councilman Sturgill asked the Mayor if we officially responded to the State Auditor's request and if so, he'd like a copy of that response.

Mayor Malone stated that he would get Mr. Sturgill a copy of that response.

Councilman Basham also stated for the record that for the past three years, budgets have been brought before Council to help fund departments. Council rarely asks for anything and never asks for more than the basic bare bones to run legislative and now that something is needed, Council has to jump through hoops because suddenly there's all these issues.

Following further discussions, it was decided that Mayor Malone would contact the Court about a loan of \$36,500 to cover the expense outlined by Councilman Johnson for the City Manager Search Committee.

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

The clerk gave a **second reading**, to an Ordinance to make appropriations necessary for the current expenses of the City of Portsmouth, Ohio for the months of January and February 2013 as provided for in Section 50 of the Charter of the City of Portsmouth, Ohio.

Councilman Johnson asked City Auditor M. Trent Williams if it would be appropriate to waive the three readings on this item due to the timeliness.

City Auditor M. Trent Williams stated that it was necessary in order to make payroll and that if passed, this would include not only payroll but insurance payments that would also be due during this period of time.

Councilman Kalb asked Mr. Williams if this budget included any pay increases or pay changes that wasn't in the prior budget.

Mr. Williams stated that anything that's contractually obligated was included.

Mr. Johnson moved to waive the three readings.

There were no further questions or comments. The role was called. **VOTE; ayes 6 – nays 0 – the rule was suspended.**

Councilman Johnson moved that the Ordinance be passed.

There were no further questions or comments. The role was called. **VOTE; ayes 6 – nays 0 - the Ordinance was passed. ORD #01-13.**

The clerk gave a **second reading**, to an Ordinance to amend the Salary Ordinance as amended by Ordinance No. 11 of 2012, to reflect AFSCME employee salaries that were not updated for the contract year beginning May 1, 2011; to change salary grade for Building Inspector-Electrical from ~~P to Q~~ - Q to P; to change Emergency Flood Defense Worker (Temporary) to current minimum wage of \$7.85; and to change the salary for Public Utilities Director of Waste Water, currently listed as an Assistant's salary, to be the same as listed for Public Utilities Director/Water and to repeal Ordinance No. 11 of 2012.

Councilman Johnson asked City Auditor M. Trent Williams if this needed immediate passing.

City Auditor M. Trent Williams answered in the affirmative.

Councilman Johnson moved to waive the three readings.

There were no further questions or comments. The role was called. **VOTE; ayes 6 – nays 0 - the rule was suspended.**

Councilman Johnson asked City Auditor M. Trent Williams if the wording could be amended to read "Ohio Minimum Wage" with regard to the Emergency Flood Defense (Temporary) workers, in lieu of specifying an amount. This would avoid future changes when Ohio's Minimum Wage increased.

Mr. Williams stated that it would be best to list it as "Ohio Minimum Wage".

City Solicitor, John Haas confirmed that the wording could be amended to "Ohio Minimum Wage".

Mr. Johnson motioned to amend the wording to "Ohio Minimum Wage".

There were no further questions or comments. The role was called. **VOTE; ayes 6 – nays 0 - the wording was amended.**

Mr. Johnson moved that the Ordinance be passed.

There were no further questions or comments. The role was called. **VOTE; ayes 6 – nays 0 – the Ordinance was passed. ORD #02-13.**

Ord. #1-13  
2 month  
appropriation  
for 2013

Ord. #2-13  
Salary  
Ordinance  
amended

The clerk gave a **first reading**, to an Ordinance authorizing and directing the Auditor of the City of Portsmouth, Ohio to distribute all City Income Taxes for the year 2012 collected in accordance with City Ordinances No. 100 of 1970, No. 110 of 1976, No. 84 of 1987 and No. 61 of 2011 into the General Fund and Capital Improvement Fund as hereinafter set forth.

Councilman Johnson stated that this is a yearly Ordinance and moved to waive the three readings.

There were no further questions or comments. The role was called. **VOTE; ayes 6 – nays 0 - the rule was suspended.**

Mr. Johnson moved that the Ordinance be passed.

There were no further questions or comments. The role was called. **VOTE; ayes 6 – nays 0 – the Ordinance was passed. ORD #03-13.**

The clerk gave a **first reading**, to an Ordinance ratifying the recently negotiated contract between the Portsmouth City Auditor and the American Federation of State, County and Municipal Employees (AFSCME), Ohio Council 8, AFL-CIO, Local 1039C for the period of January 1, 2012 through December 31, 2014.

Councilman Johnson moved to waive the three readings.

There were no further questions or comments. The role was called. **VOTE; ayes 6 – nays 0 - the rule was suspended.**

Mr. Johnson moved that this Ordinance be passed.

There were no further questions or comments. The role was called. **VOTE; ayes 6 – nays 0 - the Ordinance was passed. ORD #04-13.**

The clerk gave a **first reading**, to a Resolution requesting the advance payment of all taxes now standing to the account of the City of Portsmouth, Ohio, from the Treasurer of Scioto County, Ohio, and any and all other monies due the City of Portsmouth, Ohio, included in the certificate of estimated resources as issued and approved by County Budget Commission, and to be credited to the respective funds by the warrants received from the Auditor of Scioto County, Ohio.

Councilman Johnson moved that the Resolution be adopted.

There were no further questions or comments. The role was called. **VOTE; ayes 6 – nays 0 - the Resolution was adopted. RES #01-13.**

#### **STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA**

Peter Schwiegeraht – 9349 WaterStone Boulevard - Cincinnati, Ohio – Mr. Schwiegeraht is with Miller Valentine Group which has been in existence for 60 years, known more for their commercial work but have been in residential development for the past 20 years as well. He informally proposed a development for the preservation and rehabilitation on the property known as Scioto Valley Garden Apartment located at 16<sup>th</sup> & Dewey Streets. This affordable housing complex houses 101 units and has a mix of 1, 2 and 3 bedroom units and was built in 1971. These units have not received any substantial rehabilitation other than patch case methodology to keep in compliance and up to code, but nothing has been invested in this property and it is lacking in modern amenities. We will be applying for Housing Tax Credit through the State of Ohio to perform substantial rehabilitation on this property, including a new roof, new doors and windows, blown in insulation for the attic and walls, new furnaces which include Air Conditioning, new hot water heaters, new electric outlets, new flooring, new lighting, installation of dishwashers & disposals, retro fitting the bathrooms and kitchens to meet today's assess ability and visibility requirements. As many of the units as possible will be made ADA accessible. Each unit will require approximately \$50,000 bringing the total to approximately 8 million for the total development. The application must be submitted by February 21, 2013 and we'd like to have a formal proposal to you by the next meeting. This is a very competitive process, we have already spoken with the local Community Action Organization and we'll need the support of the Community, Council, Mayor, Community Development, and we'll also request the support of the Scioto County Commissioners as well as the local State Representative and Senator. Thanked Council for any consideration and support and will return with a formal request for support.

Bridget Osborne - 1647 7<sup>th</sup> Street - Portsmouth, Ohio - Since moving to Portsmouth has had nothing but trouble. She stated that sidewalk safety is an issue, as one of her neighbors had to walk in the street because the sidewalks are too dangerous, however he was struck by a pick-up truck and has 5 broken ribs and is in the Trauma Center in Columbus, Ohio, but the Police stated that he tripped and fell. She stated that Portsmouth has the highest paid Police Department in the State and also the highest crime record. She suggested that the Charter is the reason for the downfall of the city and needs to be abolished along with the Union.

Ord. #3-13  
City  
Income Tax  
for 2012

Ord.  
#4-13  
Ratifying  
contract  
AFSCME

Res. #1-13  
Advance  
Payment  
of all taxes

James K. Wilson - 1394 16<sup>th</sup> Street - Portsmouth, Ohio - He lives in the 16<sup>th</sup> Street apartments that were talked about previously. There are 101 units with 101 families living in these apartments, if this rehabilitation takes place, where would the families go?

**MISCELLANEOUS BUSINESS AND REPORTS:**

City Clerk's Report –

1. Oath of Office:

Diana Ratliff – Portsmouth City Clerk – 12-21-12.  
John Haas – Portsmouth City Solicitor – 12-27-2012.  
Gene Meadows – Portsmouth City Councilman – 1-3-2013.

2. Received notice from the Ohio Division of Liquor Control of a request for license transfer from “Hicks Wholesale Co.” to “SHLR Petroleum, Inc.” located at 2306 Gallia Street – Portsmouth, OH 45662. (Same address for both)

3. Received from the City Solicitor, pursuant to Section 733.62 of the Ohio Revised Code, an Annual Report for the year 2012.

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

Mayor's Report –

The Mayor had no official business to report.

President's Report –

Acting President Saddler, requested nominations for President of Council as he is unable to fulfill the duties.

Councilman Saddler nominated Councilman Johnson

Councilman Kalb nominated Councilman Sturgill

Councilman Johnson moved that the nominations be closed.

The role was called. **VOTE; ayes 6 – nays 0**

The Roll was called for vote on the nominees

Kevin Johnson - **VOTE; ayes 3(Johnson, Saddler, Meadows) - nays 3 (Basham, Kalb, Sturgill)**

Steve Sturgill - **VOTE; ayes 4 (Saddler, Basham, Kalb, Sturgill) - nays 2 (Johnson, Meadows)**

Solicitor Haas stated that only one vote can be given to each nominee and suggested a re-vote.

Mayor Malone stated that according to Roberts Rules of Order, the Acting President cannot nominate from that seat and Solicitor Haas confirmed that rule.

Councilman Saddler retracted his vote for Councilman Sturgill, which means the vote was even so the floor was opened for nominations again.

Councilman Kalb nominated Councilman Sturgill

There were no other nominations

Councilman Johnson moved that nominations be closed.

The role was called. **VOTE; ayes 6 – nays 0**

Councilman Sturgill is the new Acting President

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

**MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

- 1<sup>st</sup> Ward Councilman Johnson had nothing to report.
- 2<sup>nd</sup> Ward Councilman Saddler appointed James R. Saddler to the Traffic Committee. Solicitor Haas administered the Oath of Office.
- 3<sup>rd</sup> Ward Councilman Basham stated that Portsmouth does not have the highest paid Police Department in the State of Ohio as was said earlier. Addressed the Health Commissioner, Chris Smith asking if an Animal Control officer still does code enforcement? Mr. Smith replied in the affirmative that Portsmouth still has full coverage in Animal Control. Addressed the Mayor, Solicitor and Auditor regarding a recent newspaper article where the County received monies for the 911 system and the Public Utilities commission of Ohio. Since we run our own 911 system, does that mean we are due monies since this is a tax. Mayor Malone replied that we are not due any money at all, the money goes to the County, and however the County does pay for our equipment.
- 4<sup>th</sup> Ward Councilman Kalb had nothing to report.
- 5<sup>th</sup> Ward Councilman Meadows stated that so far it has been a pleasure serving the 5<sup>th</sup> Ward and looks forward to working with Council.
- 6<sup>th</sup> Ward Councilman Sturgill had nothing to report.
- City Solicitor Mr. Haas summarized the annual report for the Solicitor's office.
- City Auditor Mr. Williams said he would like to reiterate what Councilman Basham, our Police Department is not the highest paid in the State of Ohio nor does Portsmouth have the highest crime rate. He thanked Council for sending suggestions and input on what might help with the budget and would be happy to answer any questions.

The meeting adjourned at approximately 7:10 p.m. on a motion by Councilman Basham.

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City Clerk

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President of Council