

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday January 27, 2014

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday January 27, 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.

Roll Call showed the following members to be present:

Kevin W. Johnson (Vice Mayor)	1 st Ward
Rich Saddler	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward (Absent)
Steve Sturgill (Mayor)	6 th Ward

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

Councilman Gene Meadow's absence was excused on a motion by Vice Mayor Johnson.

The motion carried viva voce: **VOTE: ayes 5 – nays 0**

Council dispensed with the reading of the Journal for the regular session of January 27, 2014 on a motion by Vice Mayor Johnson.

There was no Public Hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Amy Rosenthal – National Church Residences – She spoke in regard to the renovation of Riverview Retirement center and stated that they had tried to get the credit last year but did not get the funding. National Church Residences is one of the nation's largest non-profit providers. The plan is to rehabilitate 106 existing units at a cost of \$15,000,000 and once it is completed it will be placed on the National Registry of Historic places.

Brianna Metler – Director of Health Care Management for National Church Residences – She stated that they would be introducing Enhanced Community Living to Riverview as it is a unique program and it brings an element of Nursing. There are only 2 current Enhanced Community Living programs in the State of Ohio and they would like for this to be the third. A Nurse Aide would be in the building 6 hours a day 7 days a week with a Nurse being in the building at least 3 hours each week but that's a minimum, it's usually more and they are on-call 24/7. This helps our aging to stay in place and helps prevent complications and they also offer a hospice program.

LEGISLATION

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 2014, collected in accordance with Ordinances No. 100 of 1970; No. 110 of 1976; No. 84 of 1987; and No. 61 of 2011 into the General Fund and Capital Improvements Fund as hereinafter set forth. **Consent Agenda Item**

Vice Mayor Johnson stated that this legislation was a consent agenda and motioned for the three reading rules to be suspended.

The role was called. **VOTE: 5 ayes – 0 nay, the rule was suspended.**

Vice Mayor Johnson motioned that the Ordinance be passed.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager to enter into a cooperative agreement with the Ohio Water Development Authority for the construction of projects required under the Administrative Order on Consent issued by the US Environmental Protection Agency and executed on September 27, 2013 and considering the same an emergency measure. **Consent Agenda Item**

**Ord. #03-14
Distribution
of City
Income
Taxes**

Vice Mayor Johnson stated that this legislation was a consent agenda and motioned for the three reading rules to be suspended.

The role was called. **VOTE: 5 ayes – 0 nay, the rule was suspended.**

Vice Mayor Johnson motioned that the Ordinance be passed.

Solicitor Haas stated that this is one of the items that will be discussed in the upcoming meeting with the EPA. He believes that the other projects that are contained within the Consent Order are moving along appropriately in accordance with the terms of the agreement. He expressed the importance of passing this Ordinance in keeping good faith and abiding by the Administrative Order on Consent.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$157,150 from Flood Defense Fund No. 265 for the construction of two levee relief wells so the City's flood defense system can be certified according to standards set by the Federal Emergency Management Agency (FEMA).

Vice Mayor Johnson motioned that this constitute a first reading.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the vacation of Maple Alley and a portion of Pfau Alley, as requested by Jeff Albrecht, and more fully described in the attached legal description, with the City of Portsmouth reserving all easements to this property. *Consent Agenda Item*

Vice Mayor Johnson stated that this legislation was a consent agenda and motioned for the three reading rules to be suspended.

The role was called. **VOTE: 5 ayes – 0 nay, the rule was suspended.**

Vice Mayor Johnson stated that he's delighted that Mr. Albrecht and his crew are taking on this project and motioned that the Ordinance be passed.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager to enter into a Billing Services Contract between the Village of New Boston and the City of Portsmouth a copy of which is attached hereto as Exhibit A.

Vice Mayor Johnson thanked Solicitor Haas for the additional information that Council had requested and motioned that this constitute a first reading.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance to organize six committees appointed by City Council to advise Council and the City Manager on matters pertaining to issues within the City of Portsmouth, Ohio said committees to be structured as Budget and Finance; Public Works, Codes and Standards; Legal, Legislative and Safety; Economic Development and Sustainability; Parks, Service, Buildings, Recreational & Cultural Affairs; and Personnel and Performance.

Vice Mayor Johnson motioned that this constitute a first reading.

Councilman Saddler believes that these committees are a good idea. The different committees have become more familiar with the City processes which helps to keep Council more informed.

Mayor Sturgill asked Manager Allen what he thought of the committees.

Manager Allen replied that most communities have committees where issues are assigned and discussed. He asked that any operational concerns need to come through his office and he will inform Council and he added that he's not prohibiting Department Heads from attending the meeting but would like respect for the fine line between day to day operations. Overall he believes the committees will increase communication and be an added asset to the city.

Vice Mayor Johnson asked if there had been any committee meetings he attended that infringed upon or suggested crossing that line.

Ord. #04-14
Cooperative
Agreement
with Ohio
Water
Development
Authority

Ord. #05-14
Maple Alley
and Pfau
Alley
vacated

He stated that there were discussions at the Personnel and Performance committee but he believes that it will all be fine.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 1 nays (J. Kalb), a first reading was declared.**

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.

Vice Mayor Johnson motioned that the Resolution be adopted.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the resolution was adopted**

The clerk gave a **first reading**, to A Resolution to express full support to National Church Residences' efforts to obtain Low-Income Housing Tax Credits offered by the Ohio Housing Finance Agency to rehabilitate Riverview Retirement Center.

Vice Mayor Johnson motioned that the Resolution be adopted.

Mayor Sturgill stated that he will be abstaining from the vote due to a conflict of interest.

Manager Allen advised that there is another group on his conference agenda that would like to make a presentation.

Vice Mayor Johnson stated that National Church Residence has been working with the City for two years and they've provided tours and made a presentation to the Economic Development & Sustainability committee that was impressive. There's a need to continue to improve the current downtown and possibly have a recognized building on the National Historic Registry with a group that's investing \$15,000,000 to redevelop the cornerstone to the Market Street area. He added that he's concerned that at the last minute we get another group that wants the support for the tax credit and then a decision has to be made quickly because it's a short process and has to be into the State quickly. He has read the other project and stated that it was a great project and just what the community needs and would like to see them back next year.

Councilman Kalb asked the Solicitor if we could support both groups.

Solicitor Haas replied that Council could support both groups, however by supporting both groups they would not get the priority points that are needed.

Manager Allen explained that the groups get points by being selected as a priority project and added for the record that he will follow suit with Council and support the one Council supports.

Mayor Sturgill was concerned with Vice Mayor Johnson's statement about this being a last minute submission when last year we signed two support letters a week prior to when they had to be submitted.

Councilman Saddler asked if we could go ahead and allow the other group to make their presentation.

Councilman Kevin E. Johnson stated that the deadline isn't until February 20, 2014 and Council will have another meeting prior to that date and he appreciates that National Church Residence had everything in order but feels that Council owes it to the other group to hear their presentation.

Councilman Kalb commented that it would not be proper to have another group speak when Council is addressing a resolution for another group.

Councilman Kevin E. Johnson asked if the resolution could be tabled until the next meeting.

Solicitor Haas stated that there was a motion on the floor which needs a vote unless Vice Mayor Johnson requested to withdraw his motion.

Vice Mayor Johnson stated that by Roberts Rules even though a resolution is opened by a motion doesn't preclude a motion for a reason to table.

Councilman Saddler motioned to table the proposed resolution until the next meeting so that the other group could make their presentation.

There were no questions or comments. The role was called. **VOTE: 3 ayes – 1 nays (KW Johnson) – 1 Abstain (S. Sturgill), the resolution was tabled.**

Res. #01-14
Advance tax
payment
from Scioto
County

Resolution
was tabled.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Jeff Albrecht – 3731 Stagecoach Lane – He thanked the City Manager and the City Employees for all the work they've done in the past couple of weeks. He is concerned about the replacement of gas lines to our city and he doesn't know what the contract states or what approval they had but there are several instances in which the replace repair and refilling of the gas lines have not been adequate or professional. He gave several instances in which the streets have not been refilled all the way and there's a 6 inch dip and feels we need to call their attention to this problem but recognizes that it may be too late. He personally does not like the idea of the gas meters in front of our storefronts on Chillicothe Street, for those of us trying to make our city a better place and safer for those driving around in our City.

Sarah Bramlette – 2905 Gilbert Avenue – She was born and raised in Portsmouth and graduated from Shawnee State University, she addressed the City Manager and Council regarding the trash collection situation and stated that the system is broken and the public would like to be notified as to when the trash will be collected. She suggested possible text alerts or social media alerts from the City concerning any delays in the trash pickup schedule, water breaks, boil orders etc. She wants the best for her City and is willing to help with any of the committees if there are positions open.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. Oath of Office for Gene Meadows 5th Ward Councilman.
2. She received a letter from the Scioto County Board of Elections on January 15, 2014 advising the estimated cost of the November 2013 election was \$2,718.85 and that it will be withheld by the County Auditor.
3. She received notification of filing requirements from the Ohio Ethics Commission and urged all elected officials to get theirs submitted.
4. She received from the Scioto County Board of Elections on January 24, 2014 the certification results for the Salary of Council Members and Charter Amendments 31, 32, 41, 42, & 144 of the Election held on November 5, 2013.
5. She received notice from the Ohio Division of Liquor Control of a request for license transfer to Francesca Hartop for Port City Café and Pub. Inc. at 424 Chillicothe Street Portsmouth, Ohio.
6. She received notification from the Chancellor of the Ohio Board of Regents that Portsmouth will receive \$3,619.00 in state fiscal year 2014 for providing police and fire protection for the central campus of Shawnee State University in academic year 2012-2013.

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

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

1. He met with the CEO of SOMC; the President of Shawnee State University; Lou Ann Valentine of the Community Action Organization of Scioto County and he toured the building and was impressed by their one stop employment and training services center. He attended the Economic Development committee meeting, the Parks & Recreation committee meeting; the Martin Luther King Jr. celebration, the baseball banquet both held at the Friend's Center, and the Chamber of Commerce Business after Hours at Portsmouth Pizzeria.
2. He received a proposal for the liability and property insurance coverage which went up by 10%. He advised that it was due on February 15, 2014 and there would not be sufficient time to explore alternative options.
3. He attended a preliminary meeting with the City of Portsmouth labor attorneys to discuss upcoming labor contract negotiations.
4. He advertised for an Administrative Assistant and hired Renee' Matiz.
5. He received notification from AFSCME to negotiate a wage reopener in accordance with Article 40 of the Collective Bargaining Agreement, he then forwarded it to the City's labor attorneys at Fishel Hass Kim Albrecht LLP
6. The Civil Service Commission certified 10 names for vacant positions in the Police Department and all of those names have been exhausted from the police eligibility list. The Civil Service Commission will be asked to conduct an entrance exam to create a new list for the Police Department and as only two names are left on the fire eligibility, they will be asked also to conduct an entrance exam for firefighter.
7. In our Water Department the City of Portsmouth pumped 118.227 million gallons in the month of December 2013 for an average daily use of 3.814 million gallons per day which was down significantly from December 2012. The staff monitored the raw water at the plant for any issues as a result of the chemical spill in West Virginia. The staff conducted lab work and added carbon to eliminate any taste and other problems with the water. The additional cost of the effort was \$2,227.76

8. The Wastewater treatment plant in Portsmouth treated 140 million gallons in December 2013 and the Sciotoville plant treated 10.54 million gallons. There were no NPDES permit violations at either plant.
9. The City collected and disposed of 8,949.65 tons of refuse in 2013. Rumpke has purchased Pike Sanitation and submitted a 3 year bid of \$600,000, \$637,500 and \$675,000 for operation of the transfer station and the disposal of the refuse at the landfill and with that we are exploring other options. He has received numerous complaints regarding the rotating trash schedule, and stated that it does not work and if Council has no objections, he would like to revert back to the regular schedule and will make that announcement soon.
10. There were 56 burials in 2013.
11. He is looking at implementing changes on how to conduct snow removal in order to create a more efficient operation.
12. Engineering and the Health Department will be reporting statistics for the month of January.
13. He attached statistics for the Police and Fire Departments.

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

Mayor's Report – Mayor Sturgill addressed the City Manager stating that over the past 3 weeks, he'd been faced with difficult tasks and reminded the public to have patience as the City did not get in the shape that it's in overnight and will not recover that fast either. He added that the with the extreme weather conditions he believes the City Manager and staff have done extremely well. He told Manager Allen that he has the full support of Council to make the changes in the community that he believes need to be made. Council will let him know if it's something they do not support.

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

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward - Vice Mayor Johnson reported the following:

1. He stated that he's been out around his ward during this extreme winter weather checking on his neighbors and thanked the City Employees for working out in the cold weather.
2. He wished Councilman Meadows a speedy recovery.
3. He's consulted with Kim Bauer of the Visitor Bureau and estimates a cost loss of \$300,000-\$500,000 with regard to the departure of Swap Days at the Scioto County Fairgrounds. He gave several examples of different churches, business and individuals that will lose a substantial amount of money because of the departure. He stated that it is a bigger loss to our community than what the Fair Board has released which has not been much.

2nd Ward – Councilman Saddler reported the following:

1. He thanked all the City Employees that have been out in the weather and he understands what it's like to be out on the road in sub-zero weather.
2. He thanked Manager Allen for all the time he's been working to get things straightened out and that he was doing an outstanding job.
3. He had a complaint about a burnt structure with just the foundation left on the ground and he has communicated that complaint to the Engineer Department and Manager Allen to help resolve those issues.
4. He gave a brief review of what the Parks & Recreation committee has been working on:
 - a. Dog Park – The first suggestion was to create a dog park at Larry Hisle Park on Thomas Avenue but after some discussion other members wanted to relocate it to Labold Field at Spartan Stadium. That property is owned by Portsmouth City Schools and he will be contacting them to check if they would be interested in selling an acre of the property. He stands firm that he believes that we should clean up and redevelop these parks that have been forgotten.
 - b. Adopt a Park – This is on the Conference Agenda to begin discussion, but Paul Penix spoke with Kim Cutlip of the Scioto Foundation and she will attend their next meeting to review what funds or grants would be available to upgrade these parks.
 - c. Kismet Bratchett would like to add the Chamber of Commerce yearly events to the City's Website which will help people know what's going on around town.
 - d. Flea Market/Community Yard Sale – This is on the Conference Agenda and it was proposed to have a community yard sale on May 3rd at Spartan Stadium and charge \$5.00 for individuals and \$25.00 for food vendors for the use of water, electric etc.
 - e. Babcock Building – Sam Sutherland suggested getting some quotes for appraisal and then the committee will reassess to possibly sell the property.

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

1. The Personnel & Performance Committee meeting will be on February 19, 2014 at 5:00 p.m. in the Engineering Department.
2. He has had many complaints about the lack of trash collection and he too encouraged the citizens to be patient.
3. He commended the City Workers for having to endure the cold weather for the long hours.

4th Ward – Councilman Kalb reported the following:

1. He thanked the City Manager for getting a handle on the trash schedule situation as the residents have had trouble keeping up with the schedule.
2. He stated that he thought it would be nice to acquire the Labold field property as it's a nice big grassy area between Spartan Stadium and the Service Department and it would be a nice to have a dog park there.

6th Ward – Councilman Sturgill reported the following:

1. He advised that he forwarded the minutes from the November Budget & Finance committee meeting to the City Clerk and she will distribute them to the news media.
2. He admits that Council has the same problem all the other citizens have with the weather and trash and assured everyone that the city is doing the best that it can and intend to do better in the future.
3. He has passed all other concerns from his ward to the City Manager's office.

City Solicitor – Solicitor Haas reported the following:

1. He reiterated that the meeting with the EPA is coming up this week and he believes that the U.S. EPA will be pleased with what they're going to hear. Mr. Duncan deserves credit for getting us this far and Council deserves some of the credit for acquiring the property on Grandview and passing the legislation allowing us to move forward with the funding issues.
2. He thanked Mr. Allen for his work on the issues with respect to the Rumpke bids and the transfer station. He stated that it was a big issue and is glad that he picked it up and took off running with it.
3. He advised that Judge Mowery took the initiative to schedule a meeting with the County Commissioners over the payment of the Solicitor's office which is part of the Assistant Solicitor's salary. Hopefully getting the Judge involved will get some movement for a formal agreement. For informational purposes, the County pays 40% of the salary for the Assistant Prosecutors for handling the prosecutions of the County and State charges. It's always been handled as a gentlemen's agreement, but the City needs something more formalized.

City Auditor – Auditor Williams reported the following:

1. He thanked Vice Mayor Johnson for bringing up the loss of income for churches with regard to Swap Days as his church is one that will suffer a loss.
2. He supports the idea of a dog park at Larry Hisle Park as it would be a central location and he believes that a lot of people would use it.
3. He asked Council to keep in mind that the Babcock building may be more valuable if sold in conjunction with the Martings building. He believes that it is in major disrepair.
4. He thanked Ms. Bramlette for coming to speak to Council regarding the trash situation and that he appreciated her comments on facebook.

The meeting adjourned at approximately 7:10 p.m. on a motion by Vice Mayor Johnson.

City Clerk

Mayor