

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**

Monday October 28, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday October 28, 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 <sup>st</sup> Ward
Rich Saddler	2 <sup>nd</sup> Ward
Kevin E. Johnson	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 was Mayor David Malone, City Solicitor, John Haas, Auditor Trent Williams and City Clerk, Diana Ratliff.

Council dispensed with the reading of the Journal for the regular session of October 14, 2013 on a motion by Councilman Kevin W. Johnson.

There was no Public Hearing.

**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 **third reading**, to an Ordinance authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing to construct a new Bypass beginning at US52, Ramp A SLM 26.59 and Ramp B, SLM 27.27 (SR 823 SLM 0.00), heading north moving in and out of the east corporation limit of the City of Portsmouth and terminating at US23, SLM 11.59 (SR823 SLM 16.78).

**Ord. #44-13  
Portsmouth  
By-Pass**

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

Councilman Saddler stated that he would be abstaining from this vote due to his employment with ODOT.

Councilman Sturgill stated for the record that any vote on this legislation was not a vote for or against the bypass. The vote was simply an Ordinance from the City acknowledging the States' role in developing the bypass within the city limits.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays – 1 Abstain (R. Saddler), the Ordinance was passed.**

The clerk gave a **second reading**, to an Ordinance to appoint an individual to the position of City Manager of the City of Portsmouth, Ohio.

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

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 the appropriation of \$106,000 of the City's Business Revolving Loan Fund in order to expend these funds for CDBG activities as required by the Ohio Developmental Services Agency.

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

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

The clerk gave a **first reading**, to an Ordinance authorizing that any funds deposited into Revenue Fund No. 101.4520 be appropriated as received into Court Security Line Item No. 101.110.5299.

Councilman Johnson moved to suspend the 3 reading rule as it is a Consent Agenda item and the Courts need to enact this as soon as possible.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 2 nays (G. Meadows, K. E. Johnson), the rule was suspended.**

**Ord. #45-13**  
**Court**  
**Security**  
**funds**

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

There were no questions or comments. The role was called. **VOTE: 5 ayes – 1 nays (G. Meadows), the Ordinance was passed.**

The clerk gave a **first reading**, to a Resolution to authorize extending the terms of agreement between the Board of Scioto County Commissioners and the City of Portsmouth regarding providing representation to indigents charged in the Portsmouth Municipal Court.

**Res. #18-13**  
**Agreement**  
**providing**  
**representation**  
**to indigents**

Councilman Kevin W. Johnson moved that the resolution be adopted.

Councilman Meadows stated that he will be abstaining from conversation and vote as on occasion he represents these types of clients.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays – 1 Abstain (G. Meadows), the Resolution was passed.**

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

**Ray Mitchell – 2460 Micklewaite Street** – He stated that his backyard had been flooding since SOMC started doing some new construction and is concerned with runoffs from where they tore down a home and put in a parking lot. He didn't know if he should take it before Council or bring it up to SOMC.

**Peggy Rice – 410 Court Street** – She commended the Police and Fire Department for their response to the Hudson House situation. The employees have nothing but good things to say about both departments. She stated that they got the best possible outcome due to the training displayed to what could have been a very bad situation. Chief Ware and Chief Raison are definitely doing something right in their departments and she publically thanked both departments.

**RobWare – 728 2<sup>nd</sup> Street** – He thanked Ms. Rice for her comments. He spoke of 3 of the upcoming items on the Mayor's Conference Agenda. He stated that currently the General operating fund is looking good for the coming year and the insurance fund is not looking good. The Budget & Finance committee, The Mayor and The Department Heads have all reviewed and tried to understand the enormity of the problems the city is facing and how they can be fixed and the 3 proposals on the Mayor's Conference Agenda will go a long way towards fixing the insurance fund deficit. Health Commissioner Chris Smith's proposal for a Health Clinic for City employees will help reduce some of the insurance claims. The 6% pay increase for non-union employees along with these same employees paying the increased health insurance will help to reduce that insurance fund deficit. By doing the math with a 6% pay increase based on a \$30,000 wage earner is \$1,800 and we're asking that they put that \$1,800 toward the insurance fund and would bring them current to what the Union is paying and would not put a great liability on the City. He added that there are a lot of disparities in wages for various positions in the City that still needs to be looked at and is hopeful that the new City Manager will review each of these after he takes office. He stated that depending on which Union you are in, the next labor agreement is in 2014-2015 and he's heard from these Unions that they are not willing to negotiate any changes to the current health insurance contract without the non-union employees paying an equal share into that fund in which they would be more apt to listen and negotiate. He encouraged Council to look at this for non-union employees and transfer that liability from the insurance line item to the salary line item so that the City can trend in the right direction on the insurance fund and get out of the deficit.

#### **MISCELLANEOUS BUSINESS AND REPORTS:**

**City Clerk's Report** – City Clerk Ratliff had no report.

**Mayor's Report** – Mayor Malone reported the following:

1. He commented on Mr. Mitchell's concerns and stated that it has been brought to his attention of the new construction at SOMC and there are assurances that there will not be any runoffs. He stated that SOMC has followed all of the permits, policies and engineering designs to insure that there won't be a negative impact on the community and to protect the neighborhood.
2. He reiterated what Ms. Rice mentioned about the work of the Police and Fire Department over the weekend with the situation at the Hudson House and he gave special recognition to

Detective Dawes who was the chief negotiator in that particular standoff and Detective Dawes worked with the individual for a peaceful and safe resolution to the whole situation. He added that he will look forward to writing up some special commendation to Detective Dawes and generally to the Police and Fire Departments.

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

**President's Report** – President Sturgill reminded everyone of the two charter amendments on the ballot and encouraged all to get out and exercise their right to vote on Election Day November 5, 2013.

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 followed up on Ms. Rice's and the Mayor's comments regarding the Hudson House incident. He was impressed with the level of personal response; from a resident manning the elevator to help evacuate 35 people one of which was brought down from the 5<sup>th</sup> floor by ladder, to staff members willing to help the residents by getting a list of their medications and going back into the building to retrieve them. The negotiator handled an incredible situation, which could have gotten out of control if not for his training. He is very proud of the Police and Fire Department as well as the Sheriff's Department on how well this situation was handled.

**2nd Ward** – Councilman Saddler reported the following:

1. He thanked the Police and Fire Department for a job well done this past weekend and stated that these men and women do a fine job. He also thanked the off duty officers that responded to help support their brothers and sisters in the line of duty and he thanked each one of them for doing an outstanding job.
2. He reminded everyone of the Parks & Recreation committee meeting on November 12, 2013 at 6:00 at the American Legion Post #23. He thanked everyone for coming and supporting the committee with ideas and joining in on the conversation. He encouraged everyone to come out and support the local parks.

**3rd Ward** – Councilman Kevin E. Johnson echoed his gratitude toward the Portsmouth Police and Fire Department, Chief Ware and Chief Raison and all the men & women responders and stated that they did a very commendable job.

**4th Ward** – Councilman Kalb commended the Police and Fire Departments even though he wasn't here and still doesn't know what happened, it sounds like they did a good job.

**5th Ward** – Councilman Meadows reported the following:

1. He too thanked the Police and Fire Department and commended them on how well they did at quarantining the whole area to keep those not involved safe.
2. He reminded everyone of the Legal, Legislative and Safety committee meeting on November 21, 2013 at 5:30 in Council Chambers. He stated that it was pushed back a week due to conflicting schedules on the 14<sup>th</sup>.

**6th Ward** – Councilman Sturgill brought everyone up to date on the details of the Sciotoville Community Schools which is in the process of having a community meeting concerning a proposal that Sciotoville schools have made to Portsmouth City Schools with regard to the possibility of taking over Portsmouth East Elementary in the Sciotoville district. The East Portsmouth Elementary continues to operate but not with children from Sciotoville, children are being bused from the City of Portsmouth to the Sciotoville everyday to fill up that school building. Sciotoville Community School may propose building a new building directly across from Portsmouth East Elementary and obviously that will not be a good alternative to this situation. He recommended that Sciotoville Schools come to Portsmouth to discuss their proposal to the School Board. It's not a matter of picking sides but he believes it's a matter of all of us sitting down and being reasonable to come up with a solution.

**City Solicitor** – Solicitor Haas had no report.

**City Auditor** – Auditor Williams had no report.

Councilman Kalb questioned the next meeting being on November 11, 2013 which is Veterans Day and a City Holiday. Clerk Ratliff replied that the alternative date of November 14, 2013 may not be available due to a jury trial. Councilman Saddler responded that in the past the Welcome Center has been available when there was a scheduling conflict. President Sturgill requested for the Clerk to keep Council informed so that the changes can be made.

The meeting adjourned at approximately 6:30 p.m. on a motion by Councilman Kalb.

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City Clerk

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President of Council