

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

Monday November 25, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday November 25, 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, Auditor Trent Williams and City Clerk, Diana Ratliff.

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

Council approved to add to the Agenda an Ordinance which authorizes ODOT to demolish various buildings on the Portsmouth By-Pass.

**Added item
to the
Agenda**

There was no Public Hearing.

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 **third 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 the Ordinance be passed.

Councilman Kalb moved to amend the ordinance where \$106,000 is being requested as the project came in \$2,300 over budget and the figures need to reflect the new amount. Instead of \$106,000 it should be \$108,300 and also in the actual breakdown "Bannon Park Fence project" should reflect the actual amount of \$24,500 in lieu of the 22,200.

**Ord. #47-13
Revolving
Loan Fund
to expend
funds for
CDBG**

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

Councilman Kevin W. Johnson motioned that the amended Ordinance be passed.

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

The clerk gave a **second reading**, to an Ordinance authorizing the appropriation of funds in the amount of \$3,703.34 from the General Fund into Community Development Miscellaneous Line Item No. 101.661.5349 to repay unexpended Grant Funds for A-F 08-2DH1 to the State of Ohio.

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

Mayor Malone asked that the 3 reading rule be suspended so that this could be returned. Director Shearer has done additional research and been unable to find anything further.

Councilman Meadows asked why he wanted to suspend the rule.

Mayor Malone stated that if Council had no further questions, the money needs to be returned and we would like to go ahead and take care of it as opposed to waiting another two weeks.

Councilman Kevin W. Johnson stated that this had been requested previously and turned down. The State is aware of our process and in two weeks we will still be in the fiscal year, he doesn't see any reason to suspend the rule.

Councilman Kalb commented that the Ordinance states "unexpended funds" however at the last meeting he was told that they weren't unexpended funds and it had been spent. He suggested changing this to "grant funds due".

Councilman Kevin W. Johnson stated that there was a fundamental breakdown and we overspent on administrative cost which was the only line item that was overspent.

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

The clerk gave a **second reading**, to an Ordinance Authorizing the approval of a Provider Agreement between the Portsmouth Health Department and the City of Portsmouth for an employee health clinic to provide primary health care services to City of Portsmouth employees and the appropriation of \$60,000 from the General Fund to Health Department Fund.

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 **second reading**, to an Ordinance Authorizing the appropriation of funds in an amount not to exceed \$300,000 from CIP Fund No. 301 to CIP Land Improvements Line Item No. 301.119.5502 for Phase I of the Rehabilitation of the former Adelphia Building and allowing the Mayor to advertise for bids and contract for such services.

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

Councilman Saddler thanked Director Sutherland and Service Director Bill Beaumont and the rest of the Parks, Recreation and Building committee for moving this forward and he looks forward to getting those employees into a safe environment and believes that it will work out for the betterment of the city.

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

The clerk gave a **second reading**, to an Ordinance Authorizing the Mayor to enter into a contract with Distel Construction Inc. in an amount not to exceed \$19,500 to replace a deteriorated storm sewer in the 3000 block of Orchard Drive with said funds to be appropriated from CIP Fund No. 301 upon certification by the City Auditor that the monies in said fund are available.

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 \$30,000 from General Fund No. 101 to Fire Department Payroll/Union Line Item No. 101.223.5115 to cover potential overtime expenses for the remainder of 2013.

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

Councilman Kalb asked Auditor Williams if this would affect bookkeeping as far as making payroll, however it probably won't pass until after the first of the year.

Auditor Williams stated if you don't pass it this year, it won't be in effect until next year.

City Clerk Ratliff commented that including this meeting there will be 3 readings by the end of the year.

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 the Mayor of the City of Portsmouth, Ohio to advertise for bids and to enter into contracts with the lowest and/or best bidder for required supplies, materials and services for 2014 in accordance with Ohio Revised Code section 735.05. **Consent Agenda item**

Councilman Kevin W. Johnson moved to suspend the 3 reading rule as part of the Consent Agenda due to this item being late.

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

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

Councilman Kalb asked that since the consent agenda has been adopted into the Rules of Council, shouldn't the Ordinance reflect that it is a consent agenda item for future reference.

City Clerk Ratliff responded by stating that after an Ordinance is passed, it is prepared with the number of readings and the date of each reading and if it is a consent agenda item, it is prepared as such with the date.

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 authorizing the vacation of an alley/service strip between 2925 and 2923 Brant Avenue, as requested by Jeff Keaton and more fully described in the attached legal description, with the City of Portsmouth reserving all easements to this property.

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

Councilman Kevin W. Johnson asked the Solicitor if the legal description met all requirements.

Solicitor Haas stated that it has been approved and certified at the bottom of the page by the County Engineer.

Councilman Saddler stated that he would be voting against this as Mr. Keaton does not own all the surrounding properties and advised that there was a 16 foot section that butts up against property owned by Linda Koeing Trustees. Also the City owns this property and he believes that it should be bid out or auctioned instead of being given away; throughout Portsmouth's history the City keeps giving things away and he doesn't feel that should be the case.

Councilman Kevin W. Johnson stated that normally he would agree with that line of reasoning; however in this instance .42 acre is not in real estate terms sellable.

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

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of Moving Ohio Forward demolition reimbursals in the amount of \$138,852.54 into Community Development CIP Demolition Line Item No. 301.661.5529.

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 the Mayor of the City of Portsmouth, Ohio to enter into a lease agreement with Notre Dame High School for the use of Spartan Stadium.

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 approving the sale of Parcel 370 WD, as more fully described in attached Exhibit A, for the assessment value amount of \$350.00 to the Ohio Department of Transportation for the purpose of a highway project. Consent Agenda item

Ord. #49-13
Sale of Parcel
370 WD to
ODOT

Councilman Kevin W. Johnson moved to suspend the 3 reading rule as part of the Consent Agenda so that ODOT can move forward with the project.

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

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

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

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 **first reading**, to a Resolution that the City of Portsmouth shall entertain a city-wide contest open to all for the purpose of creating and submitting suggestions for a new City Seal.

**Res. #20-13
 Proposal to
 create a
 new City
 Seal**

Councilman Kevin W. Johnson motioned that this Resolution be adopted.

Councilman Kalb moved to amend the language of the resolution as follows:

Delete – Whereas, the City Seal of the City of Portsmouth, Ohio is recognized as a poor copy of the Great Seal of the State of Ohio; and

Replace With – Whereas, the City Seal of the City of Portsmouth, Ohio is 198 years old and in need of being updated; and

Delete – Whereas, the City Seal of the City of Portsmouth, Ohio is not only monochromatic but reflects an agricultural motif; and

Replace With – Whereas, over the past 198 years the old City Seal has served Portsmouth well and over the years the City of Portsmouth has evolved and changed; and

Delete – Whereas, the City of Portsmouth is not and has never been an agricultural city; and

Replace With – Whereas, the old City Seal of the City of Portsmouth, Ohio should be replaced to reflect the ever-changing City of Portsmouth, Ohio today; and

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

Councilman Kevin W. Johnson motioned that this amended Resolution be adopted.

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

The clerk gave a **first reading**, to a Resolution authorizing the Ohio Department of Transportation to demolish various buildings on the Portsmouth Bypass.

Councilman Kevin W. Johnson motioned that this Resolution be adopted.

**Resolution
 failed**

Councilman Saddler stated that he will be abstaining from the conversation and the vote.

Councilman Sturgill also will be abstaining from the vote stating that not only are there buildings on this resolution but there are homes as well.

Councilman Meadows asked why the State of Ohio needs a resolution if they own these properties.

Mayor Malone stated that legally they can do it and exercise eminent domain but they would like to have a resolution showing local support.

Councilman Meadows stated that this isn't an issue for eminent domain because eminent domain is an issue for getting the property into their possession. The way this reads, they already have the property.

Councilman Sturgill stated that to his knowledge none of these properties have been purchased or had eminent domain enforced by the State of Ohio to date.

Councilman Kevin W. Johnson stated that the State request a resolution as part of their normal process.

Councilman Kalb suggested changing the wording to "supporting" as opposed to "authorizing".

Councilman Meadows stated that he believes this is a little premature to authorize something when the property doesn't belong to the State yet. He's not saying that he doesn't support the by-pass but as Council we're authorizing them to demolish certain buildings on the Portsmouth By-Pass that they don't have the right to demolish at this point.

Councilman Kevin W. Johnson stated that all this resolution is saying is that we recognize that it's within the city limits and if the city wants an additional egress the cost would be up to the city.

Mayor Malone asked the City Clerk to forward a copy of the list to him, she replied that she would.

Councilman Kalb again suggested changing the wording to "supporting".

Councilman Kevin E. Johnson stated that he would rather wait until the properties have been purchased.

There were no questions or comments. The role was called. **VOTE: 1 ayes (K.W. Johnson) – 3 nays (G. Meadows, J. Kalb, K.E. Johnson) – 2 Abstain (R. Saddler, S. Sturgill) the Resolution failed.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

There were no statements.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. Received from the Auditor via e-mail on November 15, 2013, the following Combined MTD/YTD reports for the period ending October 31, 2013:

Expense Report, Revenue Report, Fund Report and Appropriation Transfer from transaction listing report.

2. Received on November 18, 2013 the franchise fee from Time Warner Cable in the amount of \$59,423.33 and deposited in the Auditor's office the same day.

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:

1. Negotiations with Portsmouth Insurance regarding the Health Insurance have concluded and will become effective March 1, 2014. It originally was anticipated that the increase would be 43.2% however it was secured at a 15.7% increase. One of the options that will be new is the elimination of spousal insurance if the spouse is employed and has insurance with their employer. A review of the spousal claims showed that over a 12 month period from March 2012 to April 2013 the total cost for just the spousal claims was \$1.3 million dollars which represents 37% of the whole premium cost for the City and by implementing this restriction it will be an additional savings to the city.
2. Reappointed William Bower to a 5 year term with the PMHA Board of Trustees.
3. Wished everyone a very Happy Thanksgiving.

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 asked the Auditor about the October end of the month reports which showed a \$900,000 balance in the general fund, if there was any way we could take any charge offs back from the general fund and apply them toward the deficit accounts to start eliminating those numbers. The Auditor replied that we still have 3 payrolls to meet in December and the rule of thumb is to have \$1,000,000 at the beginning of November to be able to meet payroll through December. The Auditor added that we're actually close to \$1,000,000 in income tax over last year and if this stays in the positive he hopes to end the year \$250,000 in the positive or at least even. The Auditor went on to say he'd like to leave at least that amount in the general fund and work on the insurance fund over the next 2-3 years as planned, but this is a decision completely up to Council.

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 reported the following:

1. He reappointed Linda Switzer to the Cultural Affairs Committee
2. He appointed Gabe Brown to the Economic Development & Sustainability Committee
3. He recently attended a Portsmouth City School meeting along with Mayor Malone, Steve Sturgill and Chief Raison and was glad to hear Scott Dutey speak about better communications. He also is glad that the City Clerk has plans and will be helping next year with our communications and is hopeful that the City Manager will also have good communication skills.
4. He advised that the next Economic Development and Sustainability meeting will be December 11, 2013 and the guest speaker will be Crystal Weghorst who will discuss the Engineering Department and Councilman Rich Saddler will bring us up to date on his committee.
5. He thanked Chief Raison for helping out on the issue on West Ruhlman with the construction that has been going on there and the clean up.
6. He is concerned about an alleyway behind the 2500 block of Scioto Trail as the reinforced walls continue to deteriorate and one fell over the weekend, but has been temporarily moved back and the resident on Ritchie Street has not dealt with it. The other issue is a crumbling concrete block that is holding up a yard along Scioto Trail and as it crumbles it falls into the

alley which serves approximately 15 residents. Engineering and the Service Department are focusing on these areas and we need to get the land owners to correct these situations.

7. He advised that the AFSME insurance will end at the end of the year for Members of Council due to the salary charter amendment and to continue with the policy you will need to contact Auditor Williams. He plans on staying on the policy as it is well worth the cost and will have it deducted from his pay next year. The plan has a life insurance policy, along with eye glass and dental coverage and prescription refund.
8. He wished everyone a safe Thanksgiving and since the weather is anticipated to not be good, please travel safe.

2nd Ward – Councilman Saddler reported the following:

1. He has had no complaints within his Ward.
2. The Parks & Recreation committee met and discussed the following:
 - a. After much discussion, it was decided that the Martings Building will be passed along to the Economic Development & Sustainability Committee for January to discuss and figure out pricing and upload it to the Ohio website to see if it's feasible to sell or what to do with it as it has been going on far too long.
 - b. The Parks & Recreation committee will be meeting on December 10, 2013 at 6:00 at the American Legion Post #23. Conversation will be introduced regarding the Babcock building as there have been a couple of calls in the past weeks from people interested in purchasing the building to renovate and expand their business. This will be on the fast track for the December meeting.
 - c. They are working on an "Adopt A Park" program. They have some examples that have been modeled after a couple of other cities and will be working with the Solicitor to start moving this idea toward Council. Hopefully we will get the community involved to come up with a plan and start improving our parks.

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

1. Personnel and Performance committee met and discussed the following:
 - a. The committee met on November 20, 2013 and voted to proceed over the year of 2014 with reinstating a Portsmouth City progress report, which hasn't been done since the 1960's. This report will give a description of each department within our city, our city finances, our city crime statistics and overall general information in all departments. This will include some pictures from the departments. After its completion, we hope to upload it to the city website so that it will be available to all citizens or available for purchase from the city clerk for a minimal fee which will cover the cost of the supplies.
 - b. The committee also announced that there will be a Holiday party for the Employees in the City Building on December 19, 2013 at 11:30 a.m. The Mayor will be providing 2 Hams for the party and everyone is asked to bring a covered dish.
 - c. The next committee meeting will be January 15, 2014 at 6:00 in the Engineers Office.
 - d. He wished everyone a blessed and Happy Thanksgiving.

4th Ward – Councilman Kalb commented on the new format for the Agenda and in the almost 20 years he's been coming to these meetings it has never changed and he's glad that we finally have an updated Agenda that has much more contact information on it such as the phone number, address and email. He considers this first new agenda a birthday present as this is his birthday.

5th Ward – Councilman Meadows reported the following:

- a. The Legal, Legislative & Safety committee met on November 21, 2013. WSAZ channel 3 news was there to cover the issues concerning truck traffic in residential neighborhoods. One participant showed a picture of a UPS semi-truck on Dorman Drive and questions arose as to why a truck of that size would be on a small neighborhood street. It was also provided that trucks are turning onto Grandview Avenue from Route #52 and connecting with Coles Boulevard which leads to U.S. Route #23. The committee is concerned due to the weight of these trucks. He received an email after the committee meeting, that a loaded semi-truck was downtown on Chillicothe Street stuck in traffic because of the Christmas parade. These trucks are not only tearing up the streets but they jeopardize the safety of our citizens.
- b. Steve Rodeheffer made a presentation regarding the bike path, with a proposed Ordinance to update the city ordinances to allow for bike paths in designated areas throughout the city.
- c. There will be no meeting in December due to the holiday and he will announce the date of the next meeting at a later time.

6th Ward – Councilman Sturgill reported the following:

1. He thanked Andy Gideon and the Health Department for trying to help with the issues on Stewart Street and advised that this is an issue that needs resolved as soon as possible. He understands that the Solicitor now has information and he will await his input.
2. The Budget & Finance committee met on November 19, 2013 and he reported the following:
 - a. A representative from Portsmouth Connex gave a presentation regarding the proposed Portsmouth Bike Trail.
 - b. A representative from the Southern Ohio Port Authority gave a brief description of what they are trying to accomplish.
 - c. Both of these groups have come to the City requesting financial backing, both projects will return in January with more information for Council.
 - d. He stated that all of these committees have been beneficial and very informative.
 - e. There will not be a meeting this month due to the holiday and he will announce the date of the next meeting at a later time.

City Solicitor – Solicitor Haas had no report.

City Auditor – Auditor Williams welcomed everyone to spend Sunday afternoon at the Vern Riffe Center for the Arts for the Portsmouth Wind Symphony's Annual Christmas concert. The symphony is under new direction this year and has a new format; it's a great family place and will be a very nice concert. He also wished Councilman Kalb a Happy Birthday.

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

City Clerk

President of Council