

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

Monday February 10, 2014

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday February 10, 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 <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 (Mayor)	6 <sup>th</sup> 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 January 27, 2014 on a motion by Vice Mayor Johnson.

Vice Mayor Johnson motioned to remove Item F from the Agenda as the proposed legislation asked for full support to Wabuck Developments for Low-Income Housing Tax Credits to construct new affordable living homes at 425 Harmon Street was withdrawn by Wabuck Development as they were unable to purchase the property.

Item  
removed  
from the  
Agenda

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

There was no Public Hearing.

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

**Amy Rosenthal – National Church Residence** – spoke with regard to item 7e on the Agenda which is the request for Councils full support for the rehabilitation of Riverview Retirement Center. The Center consist of 106 units of senior housing and is divided into two buildings. The Biggs Building was constructed in 1836 and The Washington House was constructed in the 1900, both buildings were rehabbed in 1978-1979 by Southern Ohio Medical Center and at that time they transitioned it from a hotel to senior housing. National Church Residence bought the property in 2013 and had been well maintained over that time frame but is now in need of basic capital needs to continue to serve the community for another 30 years. Once the rehab is complete the facility will be placed on the National Historic Registry and the property will have a Green Leed certification as it will be of the utmost energy efficient. She added an Enhanced Community Living program will be provided by the Ohio Department of Aging and allows seniors to have access to Home Health Aides and a Nurse Practitioner to serve their day to day needs.

**LEGISLATION**

The clerk gave a **second 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 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 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 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 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 second reading.

Councilman Kalb provided the following reasons that he doesn't agree with the proposed Ordinance:

1. He believes there should be set term limits for the committee members.
2. He does not agree with one Councilman appointing the committee members and states that it is structured to allow one Councilman to serve on 4 committees in a single term.
3. He does not agree with allowing committee members to not have any affiliation with the City of Portsmouth and as it stands they do not have to live in the city or have a business in the city and a committee member can be from anywhere.
4. He believes that we have plenty of facilities available and could meet at one of the facilities and does not agree with having meetings outside a City facility.
5. He does not agree with a Councilman presiding over a handpicked committee for more than two years at a time.
6. He stated that there is no language designated for a quorum.

Solicitor Haas stated that on the Agenda the items marked as Discussion should have an Ordinance number as that is how they're cataloged and he understands there's been an issue on how these originate.

Manager Allen stated that they originate from the City Manager's office, he's given them a "CM initials, the year and then a number"; however some of these originated from Council.

Solicitor Haas asked the City Clerk if this is how we keep track and what happens when an Ordinance is passed.

City Clerk Ratliff replied that she brings the items forward from the Manager's Agenda onto Council's Agenda and when there's a Discussion Item, it is not given a number on the Manager's Agenda so it has to be brought forward as a Discussion Item. Once an Ordinance is passed it is then given a number. The numbers from the Manager's Agenda and the Ordinance numbers do not match because sometimes items are brought onto Council's Agenda that require 3 readings and some are Consent Agenda items so they will not pass in the order they are brought forward from the Manager's Agenda.

Councilman Kalb asked if a date could be provided by the Discussion Items so as to know when it was discussed on the Manager's Agenda and she replied that she could add a date with no problem.

Councilman Kevin E. Johnson asked the City Manager his feelings regarding the committees and if it hindered or helped him.

City Manager Allen replied that most cities have committees and in his experience the committees work on items given to them by the City Manager, the committees then discuss and bring recommendations before Council. He stated that he doesn't have a problem with the committees and the only issue he has with the committees is that they are new and he doesn't want to restrict or discourage the committees but there is a fine line not to cross and interfere in running the day to day operations and it's going to take some time to get used to not crossing the line. When issues come up he wants to be made aware and welcomes everyone's input. He told Council that there are 11 items in his report that he wants to remain focused on and doesn't want to be bogged down with other items and he added that Council hired him, gave him frame work and continues to give frame work to make things happen and he feels pressure from Council to do more, but allot of things are critical to this city moving forward and one is having a good foundation and it's going to take this first year to lay that foundation but once it's in place, miraculous things can happen, but if it's not in place there will be allot of wasted energy and frustration because things won't happen naturally because the foundation is missing. He needs to remain focused and used the Parks and Recreation Committee as an example stating that he doesn't have an interest in the "Adopt a Park" or "Dog Park" so if the committee wants to do the leg work, he will make sure it's on the Agenda. Ultimately it is Council's decision.

Solicitor Haas stated he doesn't have a problem with the committees and has tried to clearly define the rules and lines so that the committees do not get involved in directing Department Heads and he tried to draft it so that the committees can do nothing except make recommendations back to Council. He used the flea market as an example and agreed with Manager Allen's prospective that he doesn't want to spend a bunch of time making the ground rules, policies, procedures and security assignments as those types of items need to be worked out within the committees prior to presenting them to the Manager. In regard to the Flea Market, there's allot that needs to be done between now and May and he suggested tabling the item until the rules etc. are set in place. For all future legislation, the committees need to develop them and get them as close to being done as possible.

Councilman Meadows stated that we didn't get in this position overnight and we need to be patient.

Councilman Kalb stated that he’s not a committee person but if that’s Council’s desire then he will be on board, he’s just against the committee structure.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 1 nay (J. Kalb), a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth, Ohio to approve Adopt-A-Park applications of groups requesting to adopt one of the City’s twelve parks and accept responsibility for providing services as identified in the application.

Vice Mayor Johnson motioned that this constitute a first reading.

Councilman Saddler thanked all of Council and the committee members as he believes that this will be beneficial to improving our parks.

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 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.

Councilman Kevin E. Johnson and Councilman Saddler both stated that they had received several telephone calls and emails in support of the rehabilitation. Mr. Johnson urged National Church Residence to remember the local contractors and to shop locally.

**Res. #02-14  
Support for  
rehabilitation  
on Riverview  
Retirement  
Center**

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

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. #03-14  
Extended  
terms for  
providing  
representation  
for indigents**

Vice Mayor Johnson motioned that the Resolution be adopted.

Councilman Meadows stated that he would abstain from the vote.

Solicitor Haas provided a print out of what we pay out and stated that it is mandated by the constitution.

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

The clerk gave a **first reading**, to a Resolution Designating a date and location for a community flea market for the City of Portsmouth, to be held on Saturday, May 3, 2014 at Spartan Stadium.

**Flea  
Market  
Tabled**

Vice Mayor Johnson motioned that the Resolution be tabled.

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

**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. Received from the Auditor via e-mail, the following Combined MTD/YTD reports for the period ending December 31, 2013:

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

- 2. Received on February 3, 2014 the franchise fee from Time Warner Cable in the amount of \$58,536.69 and deposited in the Auditor’s office the same day.
- 3. Received an Oath of Office for Firefighter Christopher Prater.

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. **Personnel**
  - a. He hired an Administrative Assistant Renee' Matiz to handle the Human Resources activities and to assist him, she's an outstanding addition to the staff. Formerly there were 4 people in the Mayor's office and now there's only two, he hopes to lay the foundation for a program that would allow interns from Shawnee State University to work and get some job experience.
  - b. The date for wage reopener for AFSCME will be set after the budget is finished and we know where we stand financially.
  - c. Ms. Matiz met with the Bureau of Workers Compensation and the City currently has 119 claims of which 38 are for loss time. She's also working on getting us a 17% discount on Worker's Compensation.
  - d. An employee was hired into the position of IT/GIS however that person is no longer with the City and he will not be filling the position.
2. **Water** - The City of Portsmouth pumped 142.090 million gallons of water in the month of January 2014. Cold weather brought many water main breaks that were repaired.
3. **Wastewater**
  - a. The City of Portsmouth treated 148.000 million galls of wastewater in January 2014, there were no NPDES permit violations at either plant.
  - b. All major milestone events are on schedule for a bid later this summer.
  - c. The OWDA loan application has been submitted for the loan.
  - d. This department ended the year \$139,000 in the red and there is a 5 year project coming in June. They will be creating a 5 year Capital Improvement Plan.
4. **Public Service**
  - a. The City of Portsmouth issued a press release notifying the public that the rotating trash schedule has been ended and customer trash collection would be on the same day every week. He personally went out and picked up garbage from residents that had called and complained that their garbage hadn't been collected and in doing so noticed that everywhere he drove the garbage had not been collected.
  - b. He continues to work on a solution for the transfer station and the Rumpke bid to operate the transfer station and dispose of the waste at the landfill.
  - c. There were four burials in January.
  - d. There was a State wide shortage of salt for treating our roads and ODOT was assisting the City in treating the overpasses and bridges. This week 150 tons of salt was delivered and with the cold winter weather that we've experienced, it has put a stress on our service department and he's been able to see how they react and operate and in his opinion it was not acceptable.
5. **Engineering**
  - a. There was a building collapse at 530 2<sup>nd</sup> Street in the historic district and a Building Inspector was brought in and it was determined that the building needed to be razed immediately due to safety issues. Also brought down was 528 2<sup>nd</sup> Street as it was only a facade.
  - b. There is an issue with 536 2<sup>nd</sup> Street as it has a hole that is approximately 20 feet long and 18 feet high and the representative from the Insurance Company will be coming to inspect it to determine whether it can be repaired.
  - c. He stated that he didn't want citizens to think that's he's coming in and tearing down the Boneyfiddle District. The fact that the City hasn't had an Engineering Department on top of some of these building in 30-40 years and the buildings have reached a deteriorating point in which they are collapsing.
6. **Miscellaneous**
  - a. He is aware that the Community Reinvestment Act report is due by March 31, 2014 and this will be taken care of by the City Manager's office.
  - b. He met with staff and the mural committee and they have come to a decision on where to install the electrical box for the electric to the riverfront, however there still is an issue on where to set the pole.
  - c. He met with the Connex Group and asked them to put this project on hold until after the budget is completed and we find out where the City is financially.
  - d. He is still hoping to have the budget completed by the end of February.
  - e. Police and Fire contracts are to be negotiated this summer.
  - f. He plans to begin the 2015 budget process in August so that it will be ready by November.
  - g. He intends to stay focused on the things he's outlined and once there is a facility plan for all City Operations, we will have a good foundation.

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 reported the following:

1. He thanked the Manager for his detailed report and offered Council's continued support as they know that he's been dealing with many issues and we've had terrible weather that has created some hardships. Council realizes that he's got his work cut out for him and that's why he was hired.
2. He asked that the citizens be patient as the elements have been bad and it's going to take a while.
3. Vice Mayor Johnson has been appointed to the Ohio Valley Regional Development Commission's Board of Directors and we're very lucky that he will be serving on the Executive committee of that group. We've recently been awarded some money through OVRDC and over the last few years we haven't gotten our fair share and we know that Mr. Johnson will not continue to let that happen. We need funds so that when we have projects we can move forward with them.
4. Vice Mayor Johnson will also be the representative to the Southern Ohio Port Authority and once the City Manager has caught up in his office, he will be appointed as well. We will then have two representatives from our Administrative and Legislative bodies.
5. He had the opportunity along with City Clerk Ratliff to swear in our newest Portsmouth Firefighter Christopher Prater.

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 and Jason Kester met up with Steven Alexander who is a representative of Terry Johnson's Office regarding the By-Pass project. Many items were discussed but the main point of discussion was brown signage. He will be meeting with County Engineer Craig Opperman later this week to discuss the information as there are several things that could be advertised on these signs such as: The Scioto County Fair Grounds, The Floodwall Murals, and Shawnee State University.
2. He went over the By-Pass timeline:
  - a. February 21, 2014 – Filing an Appropriation of Properties with the Attorney General
  - b. April 2014 – Final request for proposals of properties
  - c. October 2014 – Selection of the Developer Team
  - d. October 2014 – March 2015 – Tree Clearing
  - e. Spring of 2015 – 2020 – construction will begin and conclude in 2020
  - f. 2020-2055 – By-Pass operated by the Maintenance crew
  - g. 2055 – State will be totally responsible
3. He's working with Jason Kester on developing methodologies for raising funds for what they are calling "By-Pass the bypass" project.
4. He's working on created an unusual concept in dealing with health in trying to regulate tobacco within Portsmouth City limits.
5. He asked the City Manager if he was still going to Honduras and if so the Charter calls for an appointment to replace him in his absence. City Manager Allen replied he was aware and he is going at the end of June.

**2nd Ward** – Councilman Saddler had no report.

**3rd Ward** – Councilman Kevin E. Johnson had no report.

**4th Ward** – Councilman Kalb had no report.

**5th Ward** – Councilman Meadows had no report.

**6th Ward** – Councilman Sturgill had no report.

**City Solicitor** – Solicitor Haas reported that the Civil Service Commission met and worked through about one-third of the drafted new rules that was put together last fall. He advised Manager Allen that at some point, he will need to give some input.

**City Auditor** – Auditor Williams reported the following:

1. He stated that we've made great strides in our 2 year plan that we had with the State in our original fiscal caution plan and we will continue to further reduce the insurance deficit and continue to build the General Fund balance. The breakdown is as follows:
  - a. The General Fund ended in a surplus of \$570,000 for 2013, the goal was to be at zero and we've exceeding that goal. The good part of that is that we don't have to deal with a deficit going forward with the General Fund but the bad part is that there is no more inheritance tax to supplement our revenue.
  - b. The Water Fund finished \$200,000 in surplus for 2013.
  - c. The Sewer Fund is \$134,000 in the red, and will continue to have its problems, but is still an improvement over last year.

- d. The Sanitation Fund continues to be about \$39,000 in the red.
- e. The Insurance Fund is around \$580,000 in the red and we had budgeted for 20% rates and it was only 13% so the additional 7% was allocated to reduce the deficit.

The meeting adjourned at approximately 7:15 p.m. on a motion by Vice Mayor Johnson.

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City Clerk

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Mayor