

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday February 11, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday February 11, 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 Johnson	1 st Ward
Rich Saddler	2 nd Ward
Nicholas Basham	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Steve Sturgill	6 th 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 January 28, 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

LEGISLATION

The clerk gave a **second reading**, to an Ordinance authorizing the Mayor of the City of Portsmouth, Ohio, to enter into an Agreement with Sciotoville Elementary Academy, a not-for-profit corporation, d.b.a. in the State of Ohio, and hereinafter referred to as “SEA”.

Councilman Johnson moved that this constitute a second reading.

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 **first reading**, to an Ordinance authorizing the City Auditor of the City of Portsmouth to accept checks/funds in amounts up to and including \$5,000 (five thousand dollars) as received by the city for various refunds, reimbursements and payments for claims by the City for damage to City property or other purposes with said funds being appropriated into the Fund and/or Account from which it was or would have been paid and repealing Ordinance #6 of 1998.

Councilman Johnson moved that this constitute a first reading.

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

The clerk gave a first **reading**, to an Ordinance authorizing the City Auditor to make a fund transfer, as an advance, in the amount of \$36,500 and appropriations necessary to provide for the anticipated costs identified and recommended by the City Manager Search Committee to City Council for the selection of a new City Manager. **(CONSENT AGENDA)**

Councilman Johnson moved to suspend the 3 reading rule as this is part of the Consent Agenda.

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 and thanked Judges Steve Mowery and Russ Kegley for agreeing to this transfer. He also stated that the City Manager Search Committee has discussed this and will definitely be conservative and hopefully not spend the entire amount.

Councilman Kalb asks the Solicitor if the Clerk could read this as a Consent Agenda item and move right into passage.

Solicitor Haas replied that the waiving of the three readings needs to be abided by.

Councilman Johnson inserted that it would take an Ordinance to amend the current Ordinance with regard to the three reading rule as it is a part of the Charter. This was implemented solely to advise the Public that the three reading rule would be waived, but that Council would still have to go through the process of waiving the three readings.

Ord. #6-13
City
Manager
Search
Committee
fund

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

The clerk gave a first **reading**, An Ordinance authorizing the Auditor of the City of Portsmouth, Ohio to enter into a three (3) year contract with Schonhardt & Associates for technical accounting and management oversight assistance in preparation of the 2012, 2013 and 2014 Comprehensive and Summary Annual Finance Reports. (CONSENT AGENDA)

Councilman Johnson moved to suspend the 3 reading rule as this is part of the Consent Agenda.

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

Ord. #7-13
approved
contract for
Schonhardt
and
Associates

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 passed. ORD #7-13.**

The clerk gave a first **reading**, to an Ordinance to amend Section 105.01 of the "Codified Ordinances of the City of Portsmouth, Ohio," entitled "Wards Created," to amend the ward boundaries of Wards One, Three and Five within the City of Portsmouth and repealing Section 105.01 of the Codified Ordinances.

Councilman Johnson moved this constitute a first reading and ask if the proposed boundary changes have been provided to the press.

City Clerk Ratliff replied that it had not, other than the proposed Ordinance.

Councilman Johnson requested that the information be given to the press so that the public could see the proposed changes. He continued by congratulating the Clerk and all involved in the redistricting of the Wards.

Councilman Kalb requested a map with the changes as the ordinance is quite lengthy to read.

Councilman Saddler asks if there was a time frame with the Board of Elections.

Councilman Johnson answered by stating that there is no Primary Election this year, so it would not be an issue.

Councilman Basham commented that this was a perfect reminder that our government structure does change and flex with the city to balance out as this is one system in place that worked really well in redistricting the Wards with no problems.

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

The clerk gave a **first reading**, to a Resolution authorizing, for ceremonial purposes only, the co-naming of the intersection of Oakland Avenue and Kinney's Lane as "Mercy Hospital Way".

Res.#3-13
Mercy
Hospital
Way

Councilman Johnson moved that this resolution be adopted.

Councilman Saddler clarified the location of this resolution.

Councilman Johnson stated that he hoped other organizations, historical societies and people interested in history would take advantage of this opportunity.

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

The clerk gave a **first reading**, to a Resolution to approve membership for the City of Portsmouth with the Metropolitan Educational Council.

Councilman Johnson moved that this resolution be adopted.

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

Res.#4-13
Metro-
politan
Education
Council

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Scott Moore – Main Street Portsmouth – Mr. Moore is the current acting President of the Board of Directors for Main Street Portsmouth, which has been in partnership with the City of Portsmouth since 2008 to provide building improvement grant programs to improve the downtown area. They accept applications for building improvements within the designated area of Gay Street West to the River and from the River to 11th or 12th Street. These grants are geared toward commercial business owners for exterior renovations. He stated that in 2011 they did \$138,400 worth of renovations through 5 applications in the grant program. In 2012 they received 12 applications and were able to award 9 projects from those applications, totaling over \$160,000 which is over \$30,000 from last year's improvements, this includes the City contribution of \$25,000 that was administered through Main Street Portsmouth. He described the improvements as being a range from roof repair to brick cleaning. 12 applications have been received totaling over \$225,000 worth of improvements for the 2013 cycle.

Matthew Rule - 2335 North Bank Drive – Columbus, Ohio – Mr. Rule is with National Church Residences which is an affordable housing developer based out of Columbus, Ohio. He stated that National Church Residences just purchased Riverview Retirement Center from Southern Ohio Medical Center and will be renovated each of the 106 units for an approximate cost of \$5,000,000-\$8,000,000. He gave background on National Church Residences stating that they've been in business for over 50 years and they employ around 3,000 people throughout the United States and they currently own 300 senior facilities across the United States. They intend to submit an application to a competitive tax credit program with the Ohio Housing Finance Agency and would like Council's support. By receiving Council's support, they will receive substantial points that increase their ability to obtain the funding.

Lee Scott – 936 9th Street – Portsmouth, Ohio – Mr. Scott discussed the proposed noise ordinance and stated that there are many loud things in this city, such as; motorcycles, church bells and the new Trojan Coliseum, but the target of enforcement is towards the Columbia Theater. He stated that they are proud of the fact that the police have never been to our business due to fights, blood in the street, people being dragged out of their vehicles or people being shot, such as some of the other businesses around us such as Noggins, The Royal or Party Time. He stated that his Theater has generated lots of tax dollars and brought many people to the downtown area, he added that he had the City's permission, he purchased all of the permits and followed all the guidelines. He asks Council to consider Grandfathering the Columbia Theater from the new proposed Noise Ordinance.

Terry Ockerman – 840 Gallia Street – Portsmouth, Ohio – Mr. Ockerman asks Council to take a look at the noise report and he produced a building permit obtained by Christine Scott for the property at 832 Gallia – Portsmouth, OH that states "Add/Alter Exist Building" and "The acceptance of this permit shall constitute an agreement on the part of the applicant to abide by all conditions herein contained and to comply with all Ordinances of the City". He added that in the past that he had requested Noggins, The Royal and Paulette's to turn the music down and they complied, however with the Columbia he had witnessed underage drinking, extreme profanity which is not something the city needs. He confirmed that he's done a survey of people asking if they felt there should be a noise ordinance with a decibel level, some said yes and some didn't have an issue with it, he added that he will forward his findings to Council. He acknowledged that he understands the financial shape the city is in and is willing to pay the higher taxes, but would like to see this proposed noise ordinance implemented and have all businesses abide by it.

MISCELLANEOUS BUSINESS AND REPORTS:

City Clerk's Report –

1. Oath of Office: Steve Sturgill President of Council 1-14-2013
2. Received on February 6, 2013, a notice from the Scioto County Board of Elections that an estimated amount of \$7,114.30 will be withheld by the County Auditor from the monies payable to the city during the fiscal year 2012. This amount represents the city's share of the primary election held on March 6, 2012 in an amount of \$2,418.40 and for the general election, held on November 6, 2012, in an amount of \$4,695.90.

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 - Councilman Sturgill apologized to the Council members that he did not get to meet with, however he continued the discussion regarding the committee assignments and requested the Mayor to add this discussion to the Mayor's Conference Agenda for the next meeting. He invited all citizens to attend the EPA meeting at the Flohr Lecture Hall at Shawnee State University. He advised that he has a meeting with the Martings Foundation on February 25th and will report the outcome at the next meeting. He intends to send a letter to all committees outlining their responsibilities and get updates from each committee.

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

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

- 1st Ward Councilman Johnson stated that he had attended an earlier session of Mr. Duncan's and there were two people in attendance. Mr. Johnson also thanked Mr. Duncan for going out of his way to provide information to the area and was disappointed that more people didn't attend. He extended his gratitude after receiving an email complementing two officers of our Police Department for their response time and has forwarded this on to the Mayor and Police Chief. He requested the Chairperson of each Committee to forward their Agendas and Minutes and to keep Council up to date. He asks the Clerk to follow up on the Cultural Affairs advertisement for the Hotel/Motel tax. He added on a personal note that his Mother-in-Law had passed away last week at the age of 88 and she will be greatly missed.
- 2nd Ward Councilman Saddler stated that there have been no issues regarding the topics discussed. He thanked the Mayor, Department Officials and all the employees for a job well done.
- 3rd Ward Councilman Basham had nothing to report
- 4th Ward Councilman Kalb stated that his comments have nothing to do with his Ward but on the Noise Ordinance. He extended an invitation to Council, elected officials and guests to the Columbia to check out the supposed noise problems, he has extended this offer in the past but based on the former Solicitor's advice, the invitation was declined. He added that the noise study that was submitted to Council, was bought and paid for by the chief complainant Mr. Ockerman. It seems that the Columbia is being singled out as there are other venues that have "noise" issues. If this proposed Ordinance is passed, he requested that all venues be held to the same standard.
- 5th Ward Councilman Meadows stated he attended the meeting with Mr. Duncan on January 29, 2013 concerning the downspout issues in the 5th Ward, only one resident was in attendance. The meeting went smoothly and he thanked Mr. Duncan for giving the citizens the opportunity to attend those meetings.
- 6th Ward Councilman Sturgill continued to assure the people of the 6th Ward that he is available if they have any concerns and that when he has had concerns in his Ward they were very well handled and commended the Mayor's office and the Department Officials.
- City Solicitor Solicitor Haas had nothing to report.
- City Auditor Auditor Williams had nothing to report.

The meeting adjourned at approximately 7:40 p.m. on a motion by Councilman Kalb.

City Clerk

Acting President of Council