

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**

Monday February 25, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday February 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 Johnson	1 <sup>st</sup> Ward
Rich Saddler	2 <sup>nd</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 were Mayor David A. Malone and Solicitor John Haas.

Councilman Basham's absence was excused, on a motion by Councilman Johnson.

Council dispensed with the reading of the Journal for the regular session of February 11, 2013, on a motion by Councilman Johnson.

Councilman Johnson moved to add to the agenda a resolution to participate as a collaborative partner with the Village of New Boston to secure funding through the Local Government Innovation Fund program (LGIF).

**Addition of  
resolution  
(LGIF)**

The motion carried viva voce. **VOTE: ayes 5 – nays 0 The legislation was added to the agenda as Item “7h”.**

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

**LEGISLATION**

The clerk gave a **third 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”.

**Ord. #8-13  
Sciotoville  
Elementary  
Academy**

Councilman Johnson moved that the Ordinance be passed.

Councilman Johnson asks who the Principals are that will be handling this property and asks that this information be provided to the Mayor.

Councilman Sturgill replied that Sciotoville Elementary Academy has a Board of Directors; Bill Shope and Matt Hammer, but could not recall the other names, he stated that he will find out and forward the information to the Mayor.

There were no further questions or comments. The role was called. **VOTE; ayes 5 – nays 0 – the Ordinance passed. ORD #08-13**

The clerk gave a **second 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 second reading.

There were no further questions or comments. The role was called. **VOTE; ayes 5 – nays 0 – a second reading was declared.**

The clerk gave a **second 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 asks the City Clerk if the Sixth Ward was also part of the realignment.

City Clerk Ratliff replied that the Sixth Ward was part of the realignment.

Councilman Johnson moved that the Ordinance be amended to include the Sixth Ward.

There were no further questions or comments. The role was called. **VOTE; ayes 5 – nays 0 – The proposed Ordinance was amended.**

Councilman Johnson moved that this constitute a second reading.

There were no further questions or comments. The role was called. **VOTE; ayes 5 – nays 0 – a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the Mayor of the City of Portsmouth to enter into a contract with Maximus Consulting Services for the preparation of an update Cost Allocation Plan for the City of Portsmouth in an amount not to exceed \$8,500 to be appropriated from General Fund Management Consultants Fund No. 101.119.5234 and to repeal Ordinance No. 59 passed November 13<sup>th</sup>, 2012.  
**CONSENT AGENDA**

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

There were no further questions or comments. The role was called. **VOTE; ayes 5 – nays 0 – the rule was suspended.**

Councilman Johnson moved that the Ordinance be passed.

There were no further questions or comments. The role was called. **VOTE; ayes 5 – nays 0 – the Ordinance was passed. ORD #09-13.**

The clerk gave a **first reading**, to an Ordinance to amend Ordinance No. 5, passed by City Council on January 28, 2013 and to make appropriation for the current expenses and other expenditures of the City of Portsmouth, Ohio beginning January 1, 2013 and ending December 31, 2013, as provided for in Section 49 of the Charter of the City of Portsmouth, Ohio and to repeal Ordinance No. 5, passed on January 28, 2013. Now, therefore, **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 5 – nays 0 – the rule was suspended.**

Councilman Johnson moved that the Ordinance be passed.

There were no further questions or comments, The role was called. **VOTE; ayes 5 – nays 0 – the Ordinance was passed. ORD #10-13.**

The clerk gave a **first reading**, to an Ordinance authorizing the Mayor to purchase real estate located at 0 Havecotte Road (25<sup>th</sup> Street and Coles Boulevard) Parcel ID 33-1241000 currently owned by Phyllis Holsinger for the amount of \$30,000 to be appropriated from CIP Fund No. 301 with said property to be used for the purpose of constructing a storm water detention structure.

Councilman Johnson moved that this constitute a first reading.

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

The clerk gave a **first reading**, to a Resolution opposing HB 5, as currently written, the new municipal tax reform proposal introduced on January 30, 2013 by Representatives Cheryl Grossman and Mike Henne.

Councilman Johnson made a motion to adopt the resolution.

Councilman Johnson gave a brief description of HB 5, stating the legislation was introduced last year to simplify the tax structure of municipalities throughout Ohio. Most municipalities use different formats and this supposedly would make it easier for businesses to pay their taxes across the board. However, there were items built into this legislation that would negatively affect the income of our city.

There were no further questions or comments, The role was called. **VOTE; ayes 5 – nays 0 – the Resolution was adopted. RES #5-13**

The clerk gave a **first reading**, to a Resolution authorizing the City of Portsmouth, to enter into a cooperative agreement for collaboration with the Village of New Boston to secure funding through the Local Government Innovation Fund program (LGIF).

Ord.#9-13  
Maximus  
Consulting  
Services

Ord.#10-13  
Appropriations  
for January 1,  
2013 through  
December 31,

Res.#5-13  
Opposing  
HB 5

Councilman Johnson made a motion to adopt the resolution.

Solicitor Haas stated that this proposal was given to him by Steve Hamilton from the Village of New Boston indicating to him that the Village was applying for funding and would like Portsmouth to be involved in this arrangement which would increase their chances of getting the funding and this can be conducted at no cost to the City of Portsmouth since the sewer systems are tied together. He stated that Mr. Hamilton indicated that the application was due prior to the next meeting and he was unaware of our Rules of Council. Mr. Haas respectfully requested Council to adopt this resolution.

Councilman Johnson stated that Council rarely allows an Ordinance/Resolution to be presented before Council without first being introduced on the Mayor's Conference Agenda. However there are emergency instances in which Council will give consideration and given the time restraints, this resolution falls into that category. Mr. Johnson instructed the City Clerk to make available for any person who requests a copy of the resolution.

**Res.#6-13  
Support  
Village of  
New Boston  
LGIF**

Councilman Kalb added that this is just a resolution of support and does not bear the weight of an Ordinance or this probably would not have been accepted without first being on the Mayor's Conference Agenda.

There were no further questions or comments, The role was called. **VOTE; ayes 5 – nays 0 the Resolution was adopted. RES #6-13**

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

**Ray Mitchell – 2460 Micklethwaite** - He expressed his opinion about the closing of 3<sup>rd</sup> Street, stating that he doesn't see the purpose for the closure right now as there is no construction going on currently and if it's not broke, don't fix it. At OSU they have thousands of students that seem to know how to cross a street; we provide crosswalks for students at Shawnee State and haven't heard of any injuries involving car/pedestrian accidents with Shawnee State Students. If Council votes to close 3<sup>rd</sup> Street, it will divert traffic to somewhere else which will slow down response teams for fire and rescue, jeopardizing the citizens of Portsmouth and your own Wards. If you vote to close down 3<sup>rd</sup> Street, you're certainly not listening to your constituents.

**Linda Switzer – 319 Front Street** – She stated that she's a Trustee of First Christian Church and represents the voice of the church stating that the church is against closing 3<sup>rd</sup> street and asked Council if they had read the 2010 and 2012 traffic reports and if not she advised them to read them. She supports Shawnee State University, but closing 3<sup>rd</sup> Street would put our children in the Elementary, Junior High School and High School in jeopardy because of the extra traffic that will be on 4<sup>th</sup> Street and Gallia Street. Also there are a lot of Emergency vehicles that use 3<sup>rd</sup> Street as there are a lot of elderly people that live in those high rises downtown and if there is any traffic backup on 4<sup>th</sup> or Gallia Streets that will be putting those people in jeopardy. She concluded with a statement that she says she knows isn't very nice, but asked Council if they would consider closing a street by Hillview Retirement Center if it put their people in jeopardy, and will the city be liable for any accidents or deaths resulting from the closure of 3<sup>rd</sup> Street. She asked Council to think about it and get the advice of the two attorneys that are a part of the meeting.

**Kay Barlowe – 2017 Waller Street** – She delivered a letter of request for assistance for the North End Reunion to the Mayor back in October and followed up in January and then forwarded the letter onto Councilman Johnson. The North End Reunion Event has been held in the city of Portsmouth since 1983. In the past they've had the city's assistance in helping to defray the cost of this event. They had over 400 guests at last years' event and expect at least 500-550 this year and those participating in the event will be using the local hotels and restaurants. If Council has any questions, please contact her.

**Charles Leverton – 113 Madison** – He opposes the closing of 3<sup>rd</sup> Street for basically the same reasons that have been stated, he also has noticed at First Christian Church that the proposed cul-de-sac that Shawnee State University referred to has a drop off point. Closing Third Street and utilizing the cul-de-sac would put the handicapped people at risk that are coming to Sunday services at the church, as the front entrance is also the handicap entrance. Secondly, he has been observing the traffic pattern and closing Third Street will automatically shift traffic to 4<sup>th</sup> Street putting the students at the Elementary school at risk.

**Jan Bailey – 2924 Willow Way** – She stated that she'd spoken to Councilman Meadows but wanted to bring this issue before Council as she received news that Scioto Residential Services, Inc is putting a Group Home in her neighborhood, in fact 2 houses up from where she lives. She has 3 small children and pays higher taxes to live in a neighborhood that assures her children's safety. She does not know what type of people will be in this Group Home and what type of people will be there in the future if this goes forward. They currently are working without a building permit and the job was shut down, but she believes that they are applying for one. There are several neighbors that are unhappy and want to know if there's anything that can be done to prevent this from happening, as this will lower the property value and again just the safety issues.

**Tom Lowe – 5257 Wilson Avenue – Sciotoville, OH** – He stated that he's all for higher education, however, he doesn't feel that this is the right plan for the city at this time. He attended the Planning

Commission last week and was surprised that there was not proper planning involved. There's no alternative plan for anything and did not see where we had a proper engineer to represent the city.

**Dave McDaniel – 1647 7<sup>th</sup> Street** – He stated that the city received a grant to assist with the drug problem in the City and other uses through the Police Department. There's supposed to be extra Police force to help with the needle exchange program but he's found needles lying on the ground everywhere. He states that only 6 people were arrested for drugs and wanted to know what happened to the rest of the grant money.

**James K. Wilson – 1394 16<sup>th</sup> Street** – He states that he uses 3<sup>rd</sup> Street quite often especially to come to these meetings. He was told 3<sup>rd</sup> Street would be kept open for Fire Trucks, Delivery Trucks and such, so if this is true, it's only being closed to the citizens of Portsmouth and he feels that's not proper. He addressed that 3<sup>rd</sup> Street will continue to stay open for the buses that bring in celebrities for events held at the Vern Riffe Center for the Arts and for the Fire Department in case there is a fire in one of the dorms. If it is open for them, it needs to stay open for all citizens.

**Butch Kotcamp – Shawnee State University** – He addressed Council stating that the plan for Shawnee State University is very similar to what happened back in the early 1990's with the closing of 2<sup>nd</sup> Street. Plans have been in place since 1986 (when the campus was designated a 4 year University) for the proposed expansion. Currently enrollment is at 4,600 and since the early 1990's our campus has gone from 220,000 sq. ft. to 700,000 sq. ft. and is projected to reach an enrollment of 5,300 so the plan was revised in 2007. They have done everything possible to take on the expansion of the student enrollment; they've converted to semesters and spread out classes across the week, but they're at the point where expansion is necessary. With every new revision or expansion, the University holds an open discussion with the public. The economic impact on the community computes to the tune of \$93,000,000 influx in both capital and local funds. The University has reached out to the City Emergency response folks to ensure the vehicles can get onto our campus. The master plan is a concept drawing and not a construction document so he cannot show anyone where future buildings will be on the campus, but he's been with the University for 23 years now and estimates around \$150,000,000 in new buildings over that period of time. He respects the opinions of the folks that have spoken and understands their concerns, but he too is a resident of Portsmouth and in working with the traffic consultant believes that most of the issues have been resolved. The need for this expansion to increase the enrollment is just the next revolution in the overall plan and this is about what we need to do first in getting a commitment to grow this campus to the next level.

**Sharon Bender – 1656 Highland Avenue** – She stated that she was at the planning commission meeting and listen to what they had to say and is still against the closing of 3<sup>rd</sup> Street. She added that what it amounts to is that there is only one sq. block from Bond Street to Gay Street between 3<sup>rd</sup> & 4<sup>th</sup> Streets that is needed for the growth they are talking about. In that one block you could construct any kind of building and the students/faculty could still cross 3<sup>rd</sup> Street as they will still need to be crossing one of the streets to reach the campus. She questions why they can't build upward and integrate themselves with the city. Their students are adults; they should be able to cross the street by now, however the children in the elementary school do still need help crossing the street and with traffic being routed down 4<sup>th</sup> Street this is going to become increasingly harder for the children to cross. She stated that she's not against the college because she believes they should be able to grow but they haven't proven the actual need for the closure.

**Elizabeth Blevins – Director of Communications at Shawnee State University** – She stated that they've shared a lot of data with Council, Community members, Neighbors and the Planning Commission on the traffic study and the need to grow and what has been done to address some of the issues. They've been working with Portsmouth City Schools and one of the things identified in the traffic study has some solutions for their school system. They received a letter of support from Portsmouth City School Superintendent Scott Dutey that said "after reviewing your letter and meeting with members of our traffic team regarding the closure of 3<sup>rd</sup> St., we endorse the continued growth of Shawnee State University. We at Portsmouth City Schools realize the value of Shawnee State University on our local community from both an educational and financial standpoint."

**Austin Leedom – 1521 5<sup>th</sup> Street** – He stated that he has watched the growth of Shawnee State University and believes there is a traffic problem and closing the street will make it a safety problem. It will make it hard for Emergency vehicles to access that area and there could be a major catastrophe that would ruin the name of Shawnee State University and the City of Portsmouth. Shawnee State University is in trouble academically as we rank near the bottom of Universities in the United States. Enrollment is not bursting at the seams but in fact has declined the past two years even after switching to a semester program which gave us access to more of the student's money quicker. They're enrolling people that they shouldn't and then take their money knowing that these people have little chance of ever graduating. The dropout rate is tremendous and within a month or so, we have all their money and they go home.

**John Carey – Assistant to the President of SSU** – He thanked Council for their attention to this matter and the citizens who are interested enough to come and talk to City Council about their issues. The traffic studies have been done by professional engineers (the same ones that did the KDMC traffic study) and was hired at the University's expense. Shawnee State University has been a good neighbor in answering all the questions regarding the closure of 3<sup>rd</sup> Street. He respects the emotional and personal opinions but engineering and the data in the traffic study shows no legitimate reason why it should not be closed. He added that there are some traffic problems that have been identified and need to be fixed regardless and Shawnee State University has committed to make these improvements on 4<sup>th</sup> Street. He reiterated that Shawnee State University is

willing to work on a plan with the church and it has been a learning process and he's enjoyed meeting new people.

**MISCELLANEOUS BUSINESS AND REPORTS:**

City Clerk's Report –

1. Received, from the Ohio Division of Liquor Control, a notice of a stock transfer

From: D. Scott Schmidt, Justin S. Schmidt & Aaron T. Schmidt  
To: D. Scott Schmidt & Justin S. Schmidt

2. Oath Of Office: Michael Hamilton - Police Lieutenant - 2-22-2013

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 several items to discuss:

- a. He stated that since 2008-2009, Shawnee State University had put forth their plan and answered all the questions that many people had concerning the closure of 3<sup>rd</sup> Street and for many years they've re-engineered, re-planned and moved forward with all the safety issues that were brought before them. The Engineering and planning issues have been addressed. He urged everyone to look at the positive economic impact that this will have on our community and that if this legislation is moved forward to the Council's Agenda, the citizens will still have 6 weeks to voice their concerns to Shawnee State University, their Councilmen and at the Council meetings.
- b. We have been asked to be appointed to the Southern Port Authority Committee. This group is willing to put forth ideas and improve the workforce and the economy in the community.
- c. The Traffic Committee met to address the issue of putting a left turning lane from 23 North (Scioto Trail) onto Kinney's Lane. The Committee recommended a temporary fix and will be installing a left arrow turn light at this intersection. We are in discussions with different funding Agencies to actually provide monies to create a new left turn lane.

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

President's Report - Councilman Sturgill stated that since there were many items on the Agenda that he would present his report at the next meeting.

**MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

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| 1 <sup>st</sup> Ward | Councilman Johnson stated that he had been barraged with e-mails opposing the 3 <sup>rd</sup> Street closure, even from people outside his Ward and has received e-mails from 2 businessmen that are in support of the closure. Shawnee State University has addressed his concerns over the past few weeks and has been forthcoming with information as requested. |
| 2 <sup>nd</sup> Ward | Councilman Saddler stated that out of all of the people that live in his Ward, he had only received one complaint in opposition to the closing of 3 <sup>rd</sup> Street with the exception of the 7 people that spoke in opposition during the meeting.  |
| 4 <sup>th</sup> Ward | Councilman Kalb stated that he has not received any complaints or support for the closing of 3 <sup>rd</sup> Street. This doesn't seem to be an issue with his constituents as long as 4 <sup>th</sup> Street is not closed.  |
| 5 <sup>th</sup> Ward | Councilman Meadows had nothing to report.   |
| 6 <sup>th</sup> Ward | Councilman Sturgill continued to pass on his Wards concerns to the Mayor and Department Officials for action and they continue to do a good job as he gets reports back and some of the people are not always pleased with the response but the people of his Ward are getting a response.  |

City Solicitor      Solicitor Haas thanked Shawnee State University, Mr. Carey, Ms. Blevins, Mr. Kotcamp and Ms. Moore for taking the time over the last few years to answer any questions that he had regarding the 3<sup>rd</sup> Street closure. He appreciates the efforts that they've undertaken and expressed his appreciation for the opportunity to meet with them and discuss these issues.

The meeting adjourned at approximately 7:00 p.m. on a motion by Councilman Johnson.

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City Clerk

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President of Council