

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

Monday March 11, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday March 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 February 25, 2013, on a motion by Councilman Johnson.

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Linda Switzer – 315 Front St – She stated that she has been to both the Traffic Committee and Planning Commission meetings regarding the closure of 3rd Street and that she loves Shawnee State University however, she does not believe it's safe for the children to close 3rd Street as that would increase the traffic over on 4th Street and put the children in danger. She asks Council if they had checked with the State Fire Marshall and ODOT for their recommendation on the closing of 3rd Street. She added that the proposed traffic light at 4th & Gay Streets will create a lot of traffic accidents.

Jill MacDonald – 3032 Michigan Avenue - She stated that she represents the Portsmouth Municipal Court Clerk's office and would like Council to know that their office supports the Mayor's proposal that Non-Union employees receive the same vacation leave as the Union Employees. She added that they are a hard working and dedicated office that just wants to be treated fairly and equally. She thanked Council for their consideration.

Mandy Maxwell – 627 Apt. B Front Street – She stated that she's a student at Shawnee State University and has served as a resident adviser for 3 years and does a lot of programming. She added by closing 3rd Street and having an enclosed campus, the students would be able to interact as a whole and have better access to utilized programs such as Ultimate Frisbee and Scavenger Hunts. She concluded that by enclosing the campus, it would be an asset in attracting future students.

Charles Levertton – 113 Madison – He stated that Ms. Switzer had addressed many of his concerns but he also wanted to express his concerns in the same area. He said with regard to the elementary school students, that the impact of the increased traffic on 4th Street would possibly cause major injuries as they are likely to act on impulse and dart out in between traffic, unlike the University students that know how to look both ways before crossing the street. He believes the entity that will be most affected will be First Christian Church and the proposed cul-de-sac is not the correct solution.

Butch Kotcamp – Shawnee State University – He stated that over the past 3 years he's shared Shawnee State's growth plan with neighbors, City Council and the community and over the past several months addressed the result of the traffic study for the growth plan. He summarized some key points of the growth plan, one being the closure of 3rd Street as part of a massive plan that was created in concert with the City in 2007 which would allow the enrollment to expand to 5,300 students. He added that the economic impact is \$93,000,000 in the community, based on a survey of 2008 which is a growth of 39% over the past 10 years. He concluded stating that Shawnee State University is committed to paying for the improvement as outlined by the engineers in the traffic study.

Harold Daub – 1221 22nd Street - He stated that he has read the Ordinance and it is poorly written as he believes there's no considerations or guarantees. He added that there is an Ordinance on the books that states if you are a Contractor, you are required to have insurance, a license, bonded and required to make good on said promises; our City has none of those guarantees from Shawnee State University. He also stated that Council has made poor decisions in the past with regard to the Martings and Adelpia buildings that are sitting empty. He suggested putting this issue on the ballot and let the public decide.

Eric Braun – 3503 Westwood Drive – He stated that he was born and educated in Portsmouth, Ohio and was able to return to Portsmouth because of Shawnee State University as it has provided an opportunity for him as a Professional and he was amazed at the growth of the University. He added that the mission remains for a draw of local and regional students, however with the expansion being discussed that the draw could expand outside of the usual local and regional students which would lead to the growth of the University and the growth of the region economically. He concluded that he thinks that Council should scrutinize any Ordinance and believes that Council as well as the citizens has done that in this instance and that it is in Shawnee State University best interest to look out for and protect the safety of all the students.

Sharon Bender – 1666 Highland Avenue – She stated that Shawnee State University should have built upwards with regard to the parking situation, as currently they have parking lots scattered out when it could have been more uniformed. She added that where they have the parking lots could have been considered for new class rooms.

Austin Leedom – 1521 5th Street – He stated that 4th Street cannot handle the amount of traffic that will be routed there if 3rd Street is closed and that this has become more of a political item and this should be put on the ballot for the people to decide.

LEGISLATION

The clerk gave a **third 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.

Ord. #11-13
checks/fund
s up to
\$5,000 for
refunds etc.

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 #11-13**

The clerk gave a **third 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 Five and Six within the City of Portsmouth and repealing Section 105.01 of the Codified Ordinances.

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 #12-13**

Ord. #12-13
Ward
realignment
of 1st, 3rd, 5th
& 6th

The clerk gave a **second reading**, to an Ordinance authorizing the Mayor to purchase real estate located at 0 Havecotte Road (25th 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 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**, on an Ordinance vacating to the SHAWNEE STATE UNIVERSITY portions of the following streets and alleys, all within the Second Ward, to accommodate the expansion of SSU hereinafter fully described. (Exhibit A)

Councilman Johnson moved that this constitute a first reading.

Councilman Johnson asks Solicitor Haas why the attachment (Exhibit A) was not included.

Solicitor Haas replied that the University was currently contracting to have the land surveyed.

Councilman Johnson asks Solicitor Haas if there was more than the portion of 3rd Street to consider and if we are lacking the legal definition of the portion of 3rd Street from Gay Street to Waller Street. He added that he normally doesn't like to proceed without all the information. He stated that 2 years ago he voted against the closure as there were questions that Shawnee State had not addressed with Council and the citizens. Those issues have been addressed and Shawnee State has an agreement with the Police Department to access that part of 3rd Street with Emergency vehicles.

Councilman Meadows asks Solicitor Haas when (Exhibit A) might be available to attach to the Ordinance.

Solicitor Haas stated that he was unsure of what stage the survey was in, but it will be a description of the part of 3rd Street that will be closed.

Councilman Meadows feels that it's premature to be looking at an Ordinance without the attachments to the Ordinance.

Councilman Basham recommended a trial closure of 3rd Street.

Councilman Saddler stated that "with all due respect to Mr. Basham that that is not a good idea at this time". He suggested that it might create more confusion and possible accidents in those locations because the proposed construction on 4th Street would not be in place. He stated that the upgrades would need to be put in place prior to the closure of 3rd Street, so that 4th Street could handle the increased traffic.

Councilman Johnson moved to Table the Ordinance until the next meeting.

The role was called. The motion carried. **VOTE; ayes 4 – nays 2 (Basham & Kalb)**

The clerk gave a **first reading**, to an Ordinance amending Sections 169.02(a) and 169.02(b) of the Codified Ordinances of the City of Portsmouth, Ohio – Employees Generally.

Councilman Johnson moved that this constitute a first reading.

Councilman Kalb pointed out that the wording on the second page was incorrect as it included the Mayor. It should read "All Department Heads" and remove the wording "The Mayor,".

City Auditor Trent Williams added that this was probably wording left over by the previous City Manager form of government and was never changed.

There were no further questions or comments. The role was called. **VOTE; ayes 6 – nays 0 – The proposed Ordinance was amended.**

There being no further discussion the roll was called on Councilman Johnson's earlier motion for passage. **VOTE: ayes 6 – nays 0, a first reading was declared.**

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Judge Steve Mowery – 728 2nd Street - He thanked Council for their service and believes they are a well meaning people and he's proud of them for serving. He stated that he's also proud of the employees in the Portsmouth Municipal Court for exercising their right to speak as they are non-union and sometimes non-union persons not having a voice don't take the opportunities to speak in a united voice. He added that he has had a lot of complaints about the mess along Route 52 (Gallia Street), so they've had two crews of about 20 people along with the help of Steve Hamilton from New Boston and Bill Beaumont cleaning up along that area and that he tries to assign some Community Service workers where it's warranted. He continued by commending Chris Smith who has been very helpful to the courts and community service and in conversation the idea of a Part Time worker to write citations within the city for litter control came up and while he cannot endorse such a position, he can add that it might be well reasoned and something to consider. He further stated that he has discussed with the Mayor about a cleanup day in Portsmouth with the date being May 25, 2013 and hopefully have City Council on board with the following items that were discussed to implement the program:

- a. Providing a dumpster behind the city building for people with Portsmouth identification to get rid of unwanted items that are not harmful or unfit for the environment.
- b. The Service Department will attempt to get the transfer station open for that day.
- c. The Court will need to provide some roll off dumpsters.
- d. Possibly provide a front end loader that will smash down the trash as it's collected.
- e. Advertisement for the cleanup day.

He concluded by stating that he hopes by implementing this program, the citizens of Portsmouth will take pride in the area and hopefully it will change the mindset of some people to continue to pick up the litter without it being assigned.

Chris Smith – 1544 Charles Street – He asked to elaborate on what Judge Mowery had stated regarding the request of a Part Time employee to issue citations. This person would work 1 day per week, 3 weeks out of the month writing citations only and 1 day a month they would be in court. He stated that his full time employees are overwhelmed and it's hard for them to write tickets because they know they'll have to spend a full day in court. The approximate cost would be around \$10,000 a year.

Harold Daub – 1221 22nd Street – He ask Council to review some of the cost of things that have happen or that is going to happen as far as hiring a City Manager, tearing down of properties for schools, hospitals or homes that have been condemned, fewer people in these homes means fewer people paying taxes and fewer people with jobs. He stated that there is \$600,000 worth of property that is tax exempt from this city, the income tax has been raised and people are moving out of the city to avoid paying the tax. The water rates are being used to supplement retirement funds, the Water Works is the biggest resource and that money is being squandered, redirected and wasted and Council needs to deal with this and take away the authority from the Mayor and new City Manager. He added that Council should consider blocking off a portion of 2nd Street during the summer and let people set up booths and walk in the streets. He concluded with advising Council to get rid of the buildings that have set empty for so long and offer them to other businesses and bring some jobs back to Portsmouth.

MISCELLANEOUS BUSINESS AND REPORTS:

City Clerk's Report –

1. Received from the Auditor via e-mail, on February 26, 2013 the following reports for the period ending 12-31-2012.

Combined MTD/YTD expense report
MTD/YTD revenue report
Combined MTD/YTD fund report
MTD bank report
Appropriation transfer from transaction listing

2. Received from the Auditor via e-mail, on March 7, 2013 the following reports for the period ending 01-31-2013.

Combined MTD/YTD fund report
MTD bank report
MTD/YTD revenue report

3. Oath of Office:

Robert Nichols	Police Sergeant	3-4-2013
Tracy Shearer	Community Development Director	3-5-2013
Kerry Keating	City Planning Commission	3-5-2013
Sarah Surina	Shade Tree Commission	3-5-2013

Councilman Johnson stated that Ms. Surina should not have been sworn in until after the Council approval.

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

Mayor's Report - The Mayor had nothing to report.

President's Report - Councilman Sturgill has several items to discuss:

1. He announced an open public meeting on April 15th at the American Legion on Court Street for a question and answer session regarding the hiring of a City Manager. The committee would like to share its progress and urged the public to attend.
2. He proposed the formation of several committees where Council can learn and understand more about what's going on within the city government. Council will be taking on a different role in 2014 and needs to be prepared. He requested that the Mayor add to his next Mayor's Conference Agenda the proposal of the following committees:
 - a. City and Safety Service Committee
 - b. Public Works Committee
 - c. Finance and Personnel Committee
 - d. Community and Economic Development Committee

3. He attended several meetings within the past week concerning the Portsmouth by-pass. ODOT officials have plans in place that will be a private/public partnership along with a construction and maintenance contract for U.S. and State highways within Scioto County. His home will be taken by eminent domain for this by-pass which does not make him happy. He added that he will continue to stay in the 6th Ward as long as possible.
4. He has appointed Sarah Surina to the Shade Tree Commission.
5. The City of Portsmouth received an extension on its public comment period from the EPA regarding the draft Administrative Order on Consent between the EPA and the City which is valid until May 3, 2013.

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

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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| 1 st Ward | Councilman Johnson commended Chief Ware as he noticed a step up in monitoring traffic along Scioto Trail and writing citations at Kroger for illegal parking and that Chief Ware is also putting a larger emphasis on getting more patrols on the streets and utilizing the grant money just as he promised Council. He stated that Chief Ware communicated that his officers were aware of the difference the texting band has made since it took effect in the State of Ohio and that they are enforcing the offense according to the Ordinance of our City. |
| 2 nd Ward | Councilman Saddler had no report |
| 3 rd Ward | Councilman Basham remarked that he has heard cries from the public for more jobs and that a constituent had stood before Council and exclaimed how the City of Portsmouth is dying. He stated he had good news that Shawnee State University is expanding and will be bringing new jobs and the Ordinance before Council to close 3 rd Street would help the University to expand. |
| 4 th Ward | Councilman Kalb stated that as far as he can tell the biggest concern with the closing of 3 rd Street is the children crossing the street going to school. He added that Portsmouth City Schools have endorsed the closing of 3 rd Street and that currently these children have to cross 3 rd and 4 th Streets to get to school and back home and doesn't believe that they would endorse the closing if they thought it would harm the children. The Police and Fire Departments do not have issues with the closure as they have worked out a plan with Shawnee State University should there be an emergency. The proposed traffic light at the intersection of 4 th & Gay Streets might pose a problem, as it does seem that there are more accidents that occur at traffic lights in general and that this could also cause a back up of traffic. Shawnee State University and the City of Portsmouth have worked together for years and there is no reason to believe that they would do anything other than what's proposed. He concluded with a response to the recommendation of putting the issue on the ballot and is totally against doing so as the citizens have elected Council to govern and this should be a decision of Council. |
| 5 th Ward | Councilman Meadows stated that at the last Council meeting, one of his constituents spoke to Council about Scioto Residential Service and that they were attempting to put a Group Home type of facility on Willow Way. He understands that Scioto Residential Services has retained Counsel to deal with a deed restriction issue. He stated that that area of the 5 th Ward is not zoned for commercial enterprise and that there are plenty of commercially zoned areas in the city that need businesses and that if Scioto Residential Services desired to have another facility they should use one of the commercially zoned areas and let the 5 th Ward remain a residential area. He assured the residents of the 5 th Ward that he's committed to pursuing this issue and urged members of the 5 th Ward to contact him in order to make a united front. |
| 6 th Ward | Councilman Sturgill congratulated the Sciotoville Community School Tartans for an outstanding basketball season and would like to also congratulate the Notre Dame Titans for a 3 point victory and both schools have very good basketball teams. He stated that he continues to pass on his Ward concerns to the Mayor and Department Officials and they continue to give corrective actions. |
| City Solicitor | Solicitor Haas had nothing to report |
| City Auditor | Auditor Williams had nothing to report |

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

City Clerk

President of Council