

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

Monday March 24, 2014

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday March 24, 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 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 (Mayor)	6 th 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 March 10, 2014 on a motion by Vice Mayor Johnson.

Vice Mayor Johnson moved to remove item 7c from the agenda regarding the 2014 Capital Improvement Program budget as it was still being reviewed. He also moved to replace 7c with a proposed Ordinance to ratify a Memorandum of Understanding entered into the 25th day of February, 2014, by and between Derek K. Allen, City Manager of the City of Portsmouth, and the Fraternal Order of Police, Scioto Lodge #33 representing the supervisor and patrol officers bargaining units of the Portsmouth Police Department dealing with Article 34 Section B and the “take home cruiser” program.

Items
removed and
added to 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

Chris Smith – 1544 Charles Street – He addressed Council regarding the \$25,000 for Southern Ohio Port Authority that was removed from the budget and requested that it be put back into the budget. He stated that there are still details to be worked out, appointments that need to be made, and discussions on expectations that need to be drawn out. He assured Council that he would do everything to keep the Health Department’s budget down to save money. The City can’t afford Economic Development, as there is no money; he pointed out that for \$25,000 we can buy into Southern Ohio Port Authority and do our part in Economic Development. This is an investment and the City will not grow without Economic Development, without jobs or without trying to get companies to move into the City and not be just a County effort. It’s an expense but it’s also an investment in which the money will come back to the City. He wants to work with the Southern Ohio Port Authority in trying to bring the successful Land Reutilization program into the County as the program needs to expand; houses have been torn down but nothing is going up in their place so we’re only doing half of the equation and he reiterated we’re not going to have much of a city if we tear down all our tax revenues. It would be too hard for the Health Department and the Engineering Department has a small staff in that they would not be able to do the building part of it but Southern Ohio Port Authority has the abilities to do the reinvestments to start rebuilding.

Jason Kester – Southern Ohio Port Authority – It is the Southern Ohio Port Authority’s hope that Council will find a way to support them. He stated that he’s been working closely with Mayor Sturgill and Vice Mayor Johnson and recently has spoken with the City Manager and at the end of the day we’re all going to work together, but it’s his hope that Council will find a way to help fund the program. He added that he and the Mayor met with the EPA last week on the Dayton-Walther site and discussed some options, unfortunately there was not good news, but the key is that we all work together.

LEGISLATION

The clerk gave a **second reading**, to an Ordinance authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing to resurface a portion of US 52 within the corporation limits of the City.

Vice Mayor Johnson moved that this constitute a second reading.

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

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays – 1 Abstain (R. Saddler), a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance appropriation for the current expenses and other expenditures of the City of Portsmouth, Ohio beginning January 1, 2014 and ending December 31, 2014, as provided for in Section 49 of the Charter of the City of Portsmouth, Ohio. Now, therefore, Consent Agenda

Ord. #10-14
General
Fund
Budget

Vice Mayor Johnson moved that the three reading rule be waived.

The role was called. **VOTE: 6 ayes – 0 nays, the rules was suspended.**

Vice Mayor Johnson moved that this Ordinance be passed.

Councilman Kalb motioned that the Ordinance be amended to include \$25,000 for the Southern Ohio Port Authority.

Vice Mayor Johnson confirmed with the City Manager and Auditor that the City is approximately \$120,000 in the black. City Manager Allen stated that it would be closer to \$104,000 at the end of the year. Vice Mayor Johnson supports Councilman Kalb's motion for various reasons.

Councilman Meadows agreed that Southern Ohio Port Authority is important to the City, however, \$100,000 is not much of a cushion and it doesn't give us any room if something goes wrong. He suggested possibly setting aside \$25,000 and as the year progresses if the money hasn't been used, he would propose an Ordinance to fund \$25,000 to the Southern Ohio Port Authority.

Councilman Kalb appreciates Councilman Meadow's comments but it appears that we are going to be in the black this year and we did give the other organizations funding and we're leaving out one organization.

Mayor Sturgill said that no one around the table feels worse about not being able to fund SOPA than he does, because he's the one who made the commitment to them and at the time he shouldn't have made that commitment. He remembered the conversation with SOPA being that we didn't currently have the money to do the projects. We did have conversation during the Budget meeting and decided against the funding, however he agreed with Councilman Meadow's comments if during the course of the year we can make some of kind of commitment to them.

Councilman Saddler stated that SOPA is our only tool in Economic Development and we don't have any other options here in the City of Portsmouth. We hesitantly funded some of the other organizations during the Budget Meeting, however some of these organizations do bring money into town, more tourism type money, and financial sustainable money. He feels that a \$25,000 investment in our City would help develop industry, jobs, commerce and generate revenue.

Councilman Kalb believes that this would be a good time to show our support while the budgets are being completed and it would help get them started in the right direction.

City Manager Allen stated that his recommendation would be that if Council decides to put this back into the budget, we should have an inter-agency agreement which explains what we would get for the \$25,000 so that there's no confusion. Mayor Sturgill replied that at least 5 months ago when he made that statement that the City would like to see at least a basic request of Memorandum of Understanding and it was never received.

Vice Mayor Johnson agreed that we should have a Memorandum of Understanding before proceeding.

Solicitor Haas concurred with the City Manager in that there are other issues that need to be addressed if we're going to pay money to SOPA, but it would definitely need to be in writing.

Councilman Kalb withdrew his motion to amend the budget ordinance with the understanding that we invite Mr. Kester back and that he would have some sort of agreement prepared and then re-evaluate.

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 to ratify a Memorandum of Understanding entered into the 25th day of February, 2014, by and between Derek K. Allen, City Manager of the City of Portsmouth, and the Fraternal Order of Police, Scioto Lodge #33 representing the supervisor and patrol officers bargaining units of the Portsmouth Police Department dealing with Article 34 Section B and the "take home cruiser" program.

Vice Mayor Johnson moved that this constitute a first reading.

Councilman Meadows asked Manager Allen if the Police Department was doing its own random drug testing or if they were mixed in with all city employees.

City Manager Allen replied that all Labor Union have different language in terms that would allow for random drug testing. The Bureau of Workers Compensation has specific language which is not in the Police Union contract; he would have liked to facilitate the common good of the city and hoped they would have agreed to it, but they wished to negotiate.

Vice Mayor Johnson asked if it now meets the requirement.

City Manager Allen stated that he believed that language reads “all Bureau of Workers Compensation regulations”.

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 fund transfer of \$40,000 from Fund No. 217.223 OCJS Cruisers to Fund No. 225 Law Enforcement Trust to reimburse Fund No. 225 for the advance that was made from Fund No. 225 to purchase Police Vehicles through a grant award.

Vice Mayor Johnson moved 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 fund transfer of \$3,260.33 from Fund No. 217.223.5901 OCJS Cruisers to Fund No. 214 Police Donations to reimburse Fund No. 214 for a purchase that was wrongfully paid in 2013 from Fund No. 214.

Vice Mayor Johnson moved 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.**

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.

Vice Mayor Johnson motioned to move into Executive Session to discuss Personnel issues and potential litigation and requested the City Manager and City Solicitor be present.

**Executive
 Session**

The motion carried viva voce. **VOTE: 6 ayes – 0 nays. Council recessed into Executive Session at approximately 6:30 p.m.**

Council reconvened at 6:45 p.m. The roll call showed all those previously in attendance were still present with the exception of Auditor Trent Williams was absent.

MISCELLANEOUS BUSINESS AND REPORTS:

City Clerk’s Report – City Clerk Ratliff reported that she received from the Auditor via e-mail on March 11, 2014, the following Combined MTD/YTD reports for the period ending February 28, 2014:

Expense Report, Revenue Report, and Fund Report.

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. The doors for the Municipal Building were ordered.
2. He addressed the fire hydrants that were out of service and they are working on getting them fixed as quickly as possible.
3. The bids for the hauling and disposing of refuse will be opened on March 25th at 3:30 p.m.
4. The Street Department continues to fill potholes.
5. The Oakland Boulevard road slip has worsened and it will need to be addressed by the summer.
6. Received the appraisal on the Babcock Building.
7. He received evaluation and recommendation reports from the structural engineer on 309 Front Street, 418 2nd Street and 526 2nd Street.
8. The building at 536 2nd Street has been repaired and is occupied again.
9. There was discussion about having a Public Hearing for making Front Street a one-way street going west. There are some issues that have to be addressed before a Public Hearing can be held. He’s been communicating with the Connex group and Mr. Morton of the Murals committee.

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 thanked the City Manager for the comprehensive budget on behalf of the City Council.

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. There are damaged trees on the corner of 9th and Findlay Street.
2. He made a request from Auditor Williams on March 14, 2014 requesting a list of City owned properties in which taxes are paid. Manager Allen stated that there is a list of all the properties that we are paying taxes on and how the City is using them. Solicitor Haas stated that he has a list of all the properties that we've paid taxes on that we shouldn't have been paying taxes due to our tax exemption status.
3. He addressed the outstanding legal issue regarding the CGI contract that was signed by Mayor Malone. The contract ties the City's website to CGI for their exclusive use and charges local businesses \$7,000 to create a video and to put the advertisements on our website along with a yearly fee paid by the businesses. The contract is almost in perpetuity. Solicitor Haas stated that there is a termination notice that needs to be sent out a year before the 3 year term expires and expressed that we need to calendar, but that there is nothing that can be done at this time. The City is not paid for CGI to be on our website.

2nd Ward – Councilman Saddler reported the following:

1. He thanked the City Manager Allen for submitting a clear idea of where the City is headed.
2. Parks & Recreation Committee will be having a Special meeting Thursday, March 27, 2014 at 6:00 in Council Chambers.

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

1. He commended the City Manager on the budget.
2. He thanked the citizens that cleaned up at Mound Park.

4th Ward – Councilman Kalb thanked the Engineering Department and the Health Department for their prompt response of a reported problem in the 4th Ward.

5th Ward – Councilman Meadows reported the following:

1. The Legal, Legislative & Safety Committee met to discuss the capability of the City to provide Emergency Medical Service through the Portsmouth Fire Department as it is currently being provided by private services. Representatives from Portsmouth Ambulance were in attendance and explained to the committee how they provide service and their response. The committee was satisfied with the response from Portsmouth Ambulance.
2. The Legal, Legislative & Safety Committee will meet in the future as needed.

6th Ward – Councilman Sturgill reported the following:

1. He will forward a couple of items to the City Manager's office regarding issues in the 6th Ward.
2. He asked Council to consider having the May Council meeting in Sciotoville at the Sciotoville Community School. Council decided that since Memorial Day falls on a Council Monday to switch that meeting to Wednesday, May 21, 2014 in Sciotoville.

City Solicitor – Solicitor Haas stated that his office has a description of all the properties that the City's been paying taxes on and that copies of the deeds have been requested. He advised that the forms will be completed and turned in as quickly as possible to avoid having this issue next year.

City Auditor – Auditor Williams had no report.

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

City Clerk

Mayor