

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday March 25, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday March 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 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 March 11, 2013, on a motion by Councilman Johnson.

Councilman Johnson moved to remove from the agenda 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), and add to the agenda an Ordinance vacating to the SHAWNEE STATE UNIVERSITY a portion of Third Street, between Gay Street and Waller Street, within the Second Ward, as fully described in (Exhibit A), to accommodate the expansion of Shawnee State University;

**Item G
added to
Agenda and
Item C
removed
from
Agenda**

The motion carried viva voce. **VOTE: ayes 6 – nays 0 the legislation on Item 7(c) was removed and legislation 7(g) was added to the agenda.**

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Linda Switzer – 315 Front St – She stated that she lives in a log cabin on Front Street and attends First Christian Church and would like Council to take into consideration the problems to the front entrance of the church and the delay for the emergency vehicles to get to the west side of the city if 3rd Street is closed. She asks Council to get input from the State Fire Marshall's office on how the closure would affect businesses, churches, high rises and homes on the west end of town.

Judge Dick Schisler – 2210 Cleveland Avenue – He recalled spending a lot of hours in the Court room as a judge and spoke in favor of the closure of 3rd Street. He stated that he has been working as a Judicial Officer at Shawnee State University and has gotten to know several of the Resident Assistants all of which live on campus. He has noted that in the afternoon as he's leaving Shawnee State to go to his other job at All Saints Episcopal Church, he travels 3rd Street and has witnessed students trying to cross the very busy street. He continued by saying that Councilman Johnson had raised some legitimate questions, all of which have been addressed. He reflected on the foresight of Speaker Vern Riffe and what an addition that the University has been to our community. He believes that Council should not blindly turn over anything that is ask for, but when a plan has been well thought out and is clearly betterment to the community, he would encourage Council to give the matter serious consideration.

Ray Mitchell – 2460 Micklethwaite - He stated that Shawnee State still has not given a good enough reason for the closing of 3rd Street and that people on Jackson and Charles Street should not have to go 6 blocks out of their way to get to the other side of town. He questioned what would happen if 3rd Street were closed and a student had headphones on walking across the closed street that was designated for Emergency use and that student couldn't hear the emergency vehicle. He read from an "Our View" article, which claims that the grassy knoll will be a place where students can go and spend their money. He concluded by saying that he understood that the closure was for the betterment of the University but their own article states otherwise.

Eugene Collins – 222 Chillicothe Street – He believes that closing 3rd Street will be costly to the city and bring a lot of disheartening to the Portsmouth people. He loves Shawnee State University as he was a graduate of the 1988 class, however they have not provided what they're going to do with the property and he sees no benefit for closing 3rd Street. He also stated that this should be put on the ballot for the people of Portsmouth to decide.

Charles Leverton – 113 Madison – He stated that he's relatively new to the area and 3rd Street is the main street that he uses to get where he's going. He commended the Shawnee State police for the increased patrol in that area and it is appreciated, however would like Council to consider the consequences of closing 3rd Street.

Brandon Prince – 627 ½ Front Street – He's a 4th year student at Shawnee State and is from Columbus, Ohio and would like Council to consider the closure of 3rd Street from a student prospective. He came to Shawnee to play soccer and stated that his time here has turned into an absolutely amazing college experience. He encouraged Council to close 3rd Street as he believes that it will create a more cohesive campus for all students, which in turn will bring more students and would be more appealing to outside businesses to come to the area with the knowledge that there are more students attending the University. He referenced Medina, Ohio and how they've taken the old and new entities of their town and merged them together to create a local community that receives over a million visitors per year. He envisions this idea for Portsmouth and with the increased revenue the city could be revitalized.

Chris Shaffer - 815 Armbruster Parkway -Waverly – He grew up in Portsmouth and his father was a State Trooper for many years and he now works at Shawnee State University. He has served in the military during Operation Iraqi Freedom and has had the opportunity to serve the Assistant Director and Director of former Governor Ted Strickland. He added that Portsmouth has a lot of assets with access to the Ohio River, Railroad, University, Hospitals and 4 lane Highways. The Shawnee State University campus is bursting at the seams and needs this expansion.

James Wilson - 1394 16th Street - He reminded Council that when Shawnee State started growing they came to Council and requested the closure of 2nd Street and that they would never go beyond 2nd Street. He stated that now Shawnee State is asking for the closure of 3rd Street and questions how long it will be before they come back to Council and want 4th Street. He requested Council not to close 3rd Street.

Butch Kotcamp – Shawnee State University – He reiterated the importance of their plan and that there has been 3 versions of the master plan and that they've worked with the City, Community and had Public meetings to compile as much information as possible to get it right. He stated that Shawnee State University has worked very hard to get to this point and been forthcoming with information on the website and in locations for the public to view. He concluded that Shawnee State University would like Council's support and he shared that back in 1990 Shawnee State had 220,000 square feet and now it's grown to 700,000 square feet.

Austin Leedom – 1521 5th Street – He stated that if the plan to close 3rd Street goes through, traffic will be worse on 4th Street. He added that it's his belief that not everything is all sunshine on that campus and there no reason for the closure.

LEGISLATION

The clerk gave a **third 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.

**Ord. #13-13
Storm
Water
Detention
structure**

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 #13-13**

The clerk gave a **second 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 motioned 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 acceptance of grant funds from the Ohio Department of Public Safety, Office of Criminal Justice Services funding, under the Justice Assistance Grant (JAG) and establishing a dedicated sub account in Fund 217 for this grant that is specifically for the purchase of 2 police cruisers. **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 6 – nays 0 – the rule was suspended.**

**Ord.#14-13
JAG
funding for
2 police
cruisers**

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 was passed. ORD #14-13.**

The clerk gave a **first reading**, to an Ordinance to authorize the transfer of \$53,333.33 from Fund 225 Law Enforcement Trust to Fund 217 Cruisers OCJS, appropriate the same, and upon completion of the grant, allow for the reimbursement amount of \$40,000.00 to be transferred back to Fund 225 from Fund 217.

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 6 – nays 0 – the rule was suspended.**

**Ord.#15-13
Transfer of
funding for
2 police
cruisers**

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 was passed. ORD #15-13.**

The clerk gave a **first reading**, to an Ordinance amending Section 169.10 (b) and (c) of the Codified Ordinances of the City of Portsmouth, Ohio – Health Insurance Premiums.

Councilman Johnson motioned that this constitute a first reading.

Councilman Johnson moved to amend the wording on the proposed Ordinance to read:

- a. In Part “B” the last sentence - “Members of City Council, Mayor, City Solicitor and City Auditor shall pay the same share of the cost premiums as the AFSCME Bargaining Unit employees”.
- b. In Part “C” - strike the words “Mayor, Solicitor and Auditor”.

There were no further questions or comments. The role was called. **VOTE; ayes 3 (Johnson, Saddler, Meadows) and nays 3 (Basham, Sturgill, Kalb) – the amendment failed.**

Councilman Basham asks why AFSCME 1039 was mentioned in the Ordinance and not the other two Unions.

Councilman Johnson stated that he had researched past Ordinances and it is the standard by which the premiums have been set and this is not new language.

Auditor Trent Williams asks if it was Councils intent to bring the premium up to what others in the city are paying right now. AFSCME 1039 is paying \$80/\$125 and they are not paying the full health premium that most other employees are paying.

Councilman Johnson made a motion to amend the Ordinance to match the Fire Fighters and the Fraternity Order of Police.

There were no further questions or comments. The role was called. **VOTE; ayes 3 (Johnson, Saddler, Meadows) and nays 3 (Basham, Sturgill, Kalb) – the amendment failed.**

Councilman Kalb stated that he would vote against this Ordinance simply because in the 20 years he’s worked in the City, Council has never gotten a raise and now this Ordinance is proposing less compensation and it doesn’t seem Council is headed in the right direction proposing less compensation.

Councilman Johnson stated that he would now vote against this legislation, as he believes that Council is sending the wrong message to the City Employees.

Councilman Saddler added that he believes every human being to be equal and feels everyone should be paying an equal amount for the exact same service. He knows that contracts are bargained differently but the City should strive to become more equal and that it all should balance.

Councilman Sturgill stated that for the past 15 months he’s commented that the City cannot continue to peace mill the situation with proposed vacation time and proposed wage increases. He suggested sitting down to honestly address all these issues and come to a resolution.

There were no further questions or comments. The role was called. **VOTE; ayes 1(Saddler) and nays 5 (Basham, Sturgill, Kalb, Meadows, Johnson) – the Ordinance was defeated.**

The clerk gave a **first reading**, to an Ordinance vacating to the SHAWNEE STATE UNIVERSITY a portion of Third Street, between Gay Street and Waller Street, within the Second Ward, as fully described (Exhibit A), to accommodate the expansion of Shawnee State University;

Councilman Johnson motioned that this constitute a first reading.

Councilman Basham commended Shawnee State student Brandon Prince for coming to speak on behalf of the college.

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

Councilman Johnson motioned to adjourn to Executive Session to discuss pending litigation regarding the EPA.

Councilman Saddler stated he knew nothing about this Executive Session.

The motion carried viva voce. **VOTE: ayes 5 – nays 1 (Saddler). Council recessed into Executive Session at approximately 7:00 p.m.**

Executive
 Session

Council reconvened at 8:10 p.m. The roll call showed all those previously in attendance were still present with the exception of the Auditor.

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Linda Switzer – 315 Front St – She stated that she lives in a log cabin on Front Street and would like to address the issue of the entrance of the church and according to the plans that Shawnee State has given her, there will be a turnaround in front of the church that they (Shawnee State) will pay for, however there is not enough room to turn a car around much less a van in the area specified by Shawnee State.

MISCELLANEOUS BUSINESS AND REPORTS:

City Clerk's Report – Received from the Auditor via e-mail, on March 21, 2013 the following reports for the period ending February 28, 2013.

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

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 informed Council of the kick off meeting on the previous Tuesday with Sheri Smith who is a representative from Maximus Consulting Services. The representative wanted to meet the staff and get acquainted with each Department and Directors; she expressed her desire to work with the City to help develop the cost allocation plan.

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

President's Report - Councilman Sturgill encouraged everyone to attend the April 15th open forum at James Dickey Post #23 beginning at 6:00 p.m. which will last about an hour. Mr. Sturgill also added that the State of Ohio is on the fast track to begin construction on the Portsmouth by-pass and he strongly recommends that citizens who have concerns contact the Ohio Department of Transportation.

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 advised that the tree commission will be meeting April 3rd to discuss the tree collapse at Tracy Park. He spoke with Ann Bonner who is the Naturalist on the Tree Commission and she informed him that her advice was sought and ignored when the playground was being constructed. Mr. Johnson stated that when the pit was dug that they cut the roots of the surrounding trees; those types of

trees have horizontal roots and allowed the tree that fell to fall exactly toward where the root had been cut which causes further fears of the other trees whose roots were cut to put in the playground equipment. The tree commission may make a recommendation to move the playground to another park.

Councilman Johnson stated that he read an article in the Shawnee Chronicle that the students are not happy with the local services especially since Kroger is no longer opened 24/7 and that the Student Government Association is looking into installing a huge automat which would carry approximately 700 miscellaneous items such as detergent, dinners, popcorn, drinks etc, because local businesses aren't responding to the needs of the campus. He continued by saying that the Students don't feel safe in walking great distances and there's nothing within walking distance to accommodate their needs and suggested that our local business community look into better serving the campus so that they don't move forward with the automat and possibly take away from a local business opportunity.

2 nd Ward	Councilman Saddler had no report
3 rd Ward	Councilman Basham had no report
4 th Ward	Councilman Kalb advised that there was a new restaurant on 2 nd Street called "The Garage Café" which is geared toward healthier foods.
5 th Ward	Councilman Meadows advised that he took time to meet with John Carey and Butch Kotcamp of Shawnee State University to better understand the closing of 3 rd Street.
6 th Ward	Councilman Sturgill advised that he has had several major concerns over the past couple of weeks and the various City Departments had taken care of these issues.
City Solicitor	Solicitor Haas asks Mayor Malone not to put the lease agreement for Branch Rickey on the Mayor's Conference Agenda as they are still in discussions.
City Auditor	Absent during the reports

The meeting adjourned at approximately 8:10 p.m. on a motion by Councilman Johnson.

City Clerk

President of Council