

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

Monday April 14, 2014

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday April 14, 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 <sup>st</sup> Ward
Rich Saddler	2 <sup>nd</sup> Ward
Kevin E. Johnson	3 <sup>rd</sup> Ward
Jim Kalb	4 <sup>th</sup> Ward
Gene Meadows	5 <sup>th</sup> Ward
Steve Sturgill (Mayor)	6 <sup>th</sup> 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 24, 2014 on a motion by Vice Mayor Johnson.

Vice Mayor Johnson moved to add to the Agenda as item 7h, an Ordinance authorizing the distribution of \$19,085.46 which is the 33 1/3% of the Hotel/Motel Tax assigned to Cultural Affairs, to various organizations as recommended by the Cultural Affairs Panel and as item 7i, a Resolution designating a date and location for the Portsmouth Community Flea Market for the City of Portsmouth, to be held on Saturday, May 3, 2014 at Spartan Municipal Stadium

**Items 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**

There was no one present who wished to address Council on items on the agenda.

**LEGISLATION**

The clerk gave a **third 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.

**Ord. #11-14  
ODOT  
resurface of  
US 52**

Vice Mayor Johnson moved that this Ordinance be passed.

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), the Ordinance was passed.**

The clerk gave a **second 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 second reading.

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

The clerk gave a **second 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 second reading.

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

The clerk gave a **second reading**, to an Ordinance to ratify a Memorandum of Understanding entered into the 25<sup>th</sup> 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 second reading.

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

The clerk gave a **first reading**, to an Ordinance approving the 2014 Capital Improvement Program budget and appropriating funds for same from Capital Improvements Funds fund No. 301 for listed items only. Now, therefore, **Consent Agenda**

Ord. #12-14  
 CIP 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.

Vice Mayor Johnson asked Manager Allen about the list of unexpended items that dated back to 2009 Manager Allen stated that \$639,000 had been freed up from funds on that list.

Mayor Sturgill asked how much road will be resurfaced for \$300,000 and Manager Allen replied that not much will be resurfaced for that amount, but he plans to solicit request from Council and compare that to the list the Engineering Department has and evaluate what roads need to be resurfaced immediately. He also added that the road slip on Oakland Boulevard will be fixed as soon as the Gas Company moves the gas line and Blue Rock will be done within 30 days.

Councilman Saddler commented that he noticed that there was little if any money for the Service Department and Manager Allen replied that there wasn't money set aside for the service department as he will be going to the service department to evaluate their equipment. He knows that there are snow plows out there but he's not sure if they work. He stated that he's been on the job 3 months and had to make the evaluations on Capital Improvements and he really wants to make an evaluation on the equipment because he's not the type of person that will purchase pick-up trucks unless there is a need, he'd rather we take care of the equipment we have.

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 authorizing the Public Records Policy for the City of Portsmouth be officially adopted to satisfy the request by Wendy McGoan of the State of Ohio Auditor's Office. (Exhibit A attached).

Vice Mayor Johnson moved that this constitute a first reading.

Mayor Sturgill has received many phone calls regarding this issue. Manager Allen stated that we have been doing this, it's just there wasn't any official documentation regarding it.

Vice Mayor Johnson asked who was on the Public Records Commission, the Manager replied that he believed that it consists of the City Auditor, City Solicitor and City Clerk, but he will check on that to be sure.

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 to amend the Codified Ordinances of the City of Portsmouth, Ohio by enactment of a supplemental section to Chapter 339 to prohibit the use of Jake brakes and other similar engine retarders.

Vice Mayor Johnson moved that this constitute a first reading.

Councilman Saddler stated that he would be abstaining from the vote since it would be a direct conflict.

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

The clerk gave a **first reading**, an Ordinance authorizing the distribution of \$19,085.46 which is the 33 1/3% of the Hotel/Motel Tax assigned to Cultural Affairs, to various organizations as recommended by the Cultural Affairs Panel. **Consent Agenda**

**Ord. #13-14  
Hotel/Motel  
Tax  
Distribution**

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

The role was called. **VOTE: 5 ayes – 1 nays (G. Meadows), the rules was suspended.**

Vice Mayor Johnson moved that this Ordinance be passed and requested that the City Clerk read the names of each organization and the amounts that were distributed. The City Clerk complied with the request.

Councilman Meadows noted that the amount in the second paragraph was incorrect. Solicitor stated that it was a typo and that the amount is \$19,085.46 and that the City Clerk will correct it.

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 a Resolution designating a date and location for the Portsmouth Community Flea Market for the City of Portsmouth, to be held on Saturday, May 3, 2014 at Spartan Municipal Stadium.

**Res. #04-14  
Community  
Flea Market**

Vice Mayor Johnson moved that this Resolution be adopted.

Councilman Saddler thanked the all the people that helped pull this event together and invited anyone in the city that would like to participate or help volunteer; they will be meeting on April 30<sup>th</sup> at Spartan Stadium at 4:00 to map out job details for the day of the flea market. He also added that the Resolution doesn't specifically state what fund the money should be deposited, he believes that it should be the Council Trust and Recreation Fund.

Auditor Williams stated that for the record it probably should be added to the Resolution and he advised that it will be fund #801.

Councilman Saddler requested that the Resolution be amended to include that all funds generated by this City sponsored event be deposited into Fund #801. Solicitor Haas suggested the 5<sup>th</sup> "Whereas" paragraph be worded "after all expenses are paid shall be deposited in fund #801 to be used exclusively for the improvements" etc.

The role was called. **VOTE: 6 ayes – 0 nays, the resolution was amended.**

Vice Mayor Johnson moved that this Resolution be adopted.

There were no questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, the Resolution was adopted.**

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

**Preston Smith – 1115 15<sup>th</sup> Street** – He informed Council and the City Manager of past delays in opening the pool. He believes they should start working on the pool at least 30 days before it should be opened to insure that it opens on time. He also brought up that he had a house on 16<sup>th</sup> Street that was an arson case and the City made him remove it and clean it up at his expense. He advised of a house on 14<sup>th</sup> Street that was in need of a cleanup for the past 6-7 months and the 2<sup>nd</sup> Ward Councilman has been made aware of this issue. He was advised that if he didn't clean his property up that the City would clean it up and bill him on his taxes. His question to the City is "why isn't this property owner having to live under the same standard, they should be made to clean it up or the City should clean it up and bill the property owner".

#### **MISCELLANEOUS BUSINESS AND REPORTS:**

**City Clerk's Report** – City Clerk Ratliff reported that she received a letter from the Arbor Day Foundation congratulating Portsmouth on earning the 2013 Tree City USA recognition. She also attended the Award Ceremony for the Tree City USA recognition in Marietta, Ohio.

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. He apologized to Councilman Kevin E. Johnson as he had called about a dumpster on Sherdian Road that was in the street and making for hazardous driving conditions and he delegated that to the Police Department to get it moved as he thought it was a private hauling company but it was actually the city's dumpster and he assured that in the future, city dumpsters will be in the parking lane and not the street.

2. He's received numerous phone calls about trash in the City Parks, so he has implemented with the Sanitation Department a scheduled pickup day for each park
3. He advised that the pool will be opened this year and he wasn't aware of any past issues. There was money appropriated out the Capital Improvement Fund for repairs and he will be going to inspect the pool. He asked the probation department to cut the grass at the pool as it was getting high.
4. He advised that the City will give every effort to keeping the grass mowed around city properties. He may have to pull people from other jobs to keep up with the grass so that it doesn't get out of control. In this effort the City is going to try to clean up all the city owned properties.
5. He stated that during staff meetings there was an issue brought up about unsecure properties that have become crime and fire magnets. Right now, there will be a light duty Police Officer going around to inventory all the houses that are unsecure. The Fire, Police and Service Departments will then go out and secure these buildings with plywood.
6. He advised that 8 dead trees were removed last Friday at Martha Burton Park and there are 3 live trees left.
7. He advised of his priorities with the Fiscal Watch and addressing the financial problems. There are 3 avenues that he wants to address. (a) Operational Savings (b) Reduction in Personnel cost specifically the medical insurance (c) Increase the City's revenues. He's been working hard on each of these.
8. Municipal Court doors should be installed this week.
9. He reviewed the items on his written report.

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 reported the following:

1. He has appointed Angela Hodge to the Portsmouth City Health Board. She replaces April Kegley Johnson who resigned.
2. He re-appointed Darren Mault and Terry Ockerman to the Design Review Board. He asked the City Clerk to get him the phone number for Scott Moore, he is the other existing member that he hasn't gotten a chance to speak with concerning the reappointment. The telephone number on file is incorrect.
3. He re-appointed John Stephenson to the Civil Service Commission.
4. He requested that the City Manager schedule a Public Hearing regarding making Front Street a One-Way Street from Washington Street to Madison Street.
5. He represented the City of Portsmouth in the opening of the Portsmouth Lady Trojan Softball Field. He stated that it was a beautiful facility.
6. He was honored to represent the City of Portsmouth at the Cincinnati Reds Game for Portsmouth Day. He is a big baseball fan and it was an incredible opportunity to be on the major league field. He caught the first pitch from Mike Bell who threw out the first pitch. Mr. Bell was the Chambers distinguished citizen and is known for his work on Autism.

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. He thanked Bill Beaumont for dealing with an issue on 2<sup>nd</sup> Street.
2. He is still awaiting a date on which the trees to be delivered and planted on Chillicothe Street.
3. He extended prayers for Dr. Inoshita and his family as he was injured in an automobile accident earlier today.

**2nd Ward** – Councilman Saddler reported that they will be at Spartan Stadium on April 30<sup>th</sup> at 4:00 p.m. if anyone would like to volunteer to help out with the flea market.

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

1. He thanked the City Manager for the trash schedule for the City Parks as he has had several complaints regarding that issue.
2. He congratulated the Portsmouth City Schools and the Lady Trojan on the opening of their new softball field. He stated that it is a beautiful complex and wonderful field and his daughter is on the Lady Trojans team.
3. The Personnel & Performance Committee will be meeting on Wednesday, April 16<sup>th</sup> at 5:00 in the Engineers office.

**4th Ward** – Councilman Kalb had no report.

**5th Ward** – Councilman Meadows had no report.

**6th Ward** – Councilman Sturgill reported that he continues to forward his Wards concerns onto the City Manager.

**City Solicitor** – Solicitor Haas reported the following:

1. He stated that as the City Manager mentioned, we submitted the paper work to the County Auditor’s office on the Tax Exemption issues and we have asked to make it retro-active for the past 3 years.
2. He went over a detail from the City Manager’s report regarding the Engineer’s office and Contractor’s Permits. He stated that they had actually sited a contractor for not having a license and convicted them.

**City Auditor** – Auditor Williams stated that Council will receive the reports for March very soon. He added that there were some things that needed to be checked and we were waiting for some revenue to come in, Income Tax specifically because it is the largest one and it was the one he was worried about the most, but so far we’re approximately \$50,000 over our previous year.

The meeting adjourned at approximately 6:50 p.m. on a motion by Vice Mayor Johnson.

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City Clerk

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Mayor