

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday April 22, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday April 22, 2013 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Vice President of Council Rich Saddler 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

Also present were Mayor David A. Malone, Solicitor John Haas, and City Auditor M. Trent Williams.

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

Council dispensed with the reading of the Journal for the regular session of April 8, 2013, on a motion by Councilman Johnson.

Councilman Johnson moved to add to the agenda the following: Item E - 2013 Income Tax Capital Budget. Item F - 2013 Special Revenue Capital Budget and Item G - 2013 Enterprise Funds Capital Budget

The motion carried viva voce. **VOTE: ayes 5 – nays 0 - The legislation was added to the agenda as Items “7e”, Item “7f” and Item “7g”.**

Add Item to
Agenda –
2013 Income
Tax Capital
Budget,
Special
Revenue
Capital
Budget and
Enterprise
Funds Capital
Budget

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Linda Switzer – 319 Front Street – She ask Council to discuss the letter they received from Shawnee State University regarding the Ohio Department of Transportation's response to the traffic study regarding the closure of 3rd Street. She questioned Council about whose responsibility it would be for the upkeep and maintenance of 4th Street and Gallia Street should 3rd Street be closed and inquired if ODOT had approved a traffic light at 4th & Gay Streets. She concluded that she still has had no reply to how Shawnee State University will handle the handicap parking in front of First Christian Church.

Scott Moore – President of the Board of Directors for Main Street Portsmouth – He thanked Councilman Johnson and Councilman Saddler for the participation they've had in the regular meetings and acknowledged that Councilman Johnson has given regular updates on what's going on in the city. He stated that Main Street Portsmouth has received again this year accreditation through Heritage Ohio and National Trust of Historic Preservation. He added that Main Street Portsmouth continues their partnership with the City and announced that the building grant improvement project awards, went to the following: Journey Within - \$5,000 for roof replacement; Center for Appalachian Philanthropy - \$2,000 for exterior lighting, signage and awning repair; Southern Ohio Museum - \$2,500 for exterior repair; Cirque D'Art - \$2,000 for new awnings; Smith's Drug Store - \$2,000 for exterior painting; Royal Lounge - \$3,000 for roof repair; SHNA - \$5,000 for rehabilitation of windows; Compass Health \$1,500 for exterior signage; Jim Daehler - \$2,000 for historic window renovation work. He concluded by stating that they continue to invest the \$25,000, which this year will produce over \$160,000 in repairs and will also include some interior projects which will result in over \$300,000 worth of repairs in the downtown area.

Sarah Surina – Interim Director for Main Street Portsmouth – She stated that the goal of Main Street Portsmouth is to promote and preserve the district's historic integrity in the commercial downtown and historic Boneyfiddle areas. By promoting a healthy economic downtown, Main Street Portsmouth works to create centers of activity to encourage individuals to visit the downtown. In 2012, they worked with local merchants and property owners and planned over 30 promotions, some of which included the followings: The Chocolate Walk - brought in over 300 individuals to shop the district; A Cash Mob – reintroduces local downtown shops; Garden Tours – showcases the beautification efforts in this area; The Tour of Lofts - encourages historic preservation through revitalization; The Farmers Market – located on the Roy Rogers Esplanade on Saturdays during the months of May through October; The Dogs Day Out – utilizes our parks; The Building Doctor Workshops – helps to solve old building problems with maintenance and repairs; Reception held in Alexandria Park for donors; Golf Tournament; County Fair; Health Coalition; Volunteer Recognition dinner; Fund Raiser held at the Party Connection; Partnered with Upward Bound students from Shawnee State University for clean-up day. Main Street Portsmouth has over 5,000

volunteer hours which is dedicated to the betterment of the community and they ask for continued support from Council to continue to help make a positive impact on the Portsmouth area.

Eric Musser – 2904 Sunrise Avenue - Board Member of Main Street Portsmouth – He currently is working on a swim relay fundraiser through Main Street Portsmouth and it is hoped that if the fundraiser is successful that the funds raised could be used to bring in Speakers for Small Businesses needing help with their taxes. He ask for Council’s continued support.

Laurel DeAtley – Promotions Committee with Main Street Portsmouth – She stated that the promotion committee is about bringing people into town and giving merchant an opportunity to promote their business. She added that among the 2012 promotions was the Chocolate Walk which allowed people from our area and out of town guests to visit local merchants and restaurants and gives the merchants a chance to connect with new customers. The Farmers Market brought about 12 vendors throughout the season and an average of 100-150 people each Saturday morning. The farmers market is extremely important when we think about some of the health issues our county is facing as this gives people an excellent opportunity to buy fresh homegrown produce and also there is a licensed meat vendor who raises his own meat. They go by the Ohio Cottage Industry rules and are looking to double the amount of vendors this year. They also are looking to expand their marketing to get the word out to more areas, so that more people will be given an opportunity to connect and be a part of some of the things that are going on in our town.

Sharon Bender – 1666 Highland Avenue – She stated that as a local merchant, the Chocolate Walk brought in droves of people and lots of people that had never been in her store before but have since been repeat customers and the Farmers Market is a wonderful way to get people into town. If the people come for one of these events, it’s more likely that they will continue to shop at the local stores downtown. She would like Council to continue their support of Main Street Portsmouth.

LEGISLATION

The clerk gave a **third 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 Basham motioned that this Ordinance be passed.

Councilman Johnson requested that a representative from Shawnee State University share with the public their response from the Ohio Department of Transportation with regard to issues that have been brought forward as he believes that it will help with their concerns. He continued by stating that as far as traffic lights are concerned, Portsmouth is a home ruled city and has the authority to place traffic lights wherever needed. He went on to say that items still have to go through the Planning Commission as it will be a step by step process and believes that the City and the University will continue to work closely so that there are no negative impacts. He is very concerned about the routing of traffic for First Christian Church and will be watching to see how it works out.

There were no further questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Ordinance passed.**

The clerk gave a **first reading**, to an Ordinance authorizing the distribution of \$20,827.00 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**

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: 5 ayes – 0 nays, the rule was suspended.**

Councilman Johnson motioned that this Ordinance be passed.

Councilman Johnson stated that he attended the Cultural Affairs panel and watched as they conducted their analysis of all the documentation that was presented to them and was very impressed with how organized they were and commended their decision making process.

Councilman Kalb stated that he would be abstaining from the vote due to his affiliation with one of the organizations.

There were no further questions or comments. The role was called. **VOTE: 4 ayes, 0 nays, 1 abstain (Kalb), the Ordinance passed.**

Ord #16-13
 Closure of 3rd
 Street

Ord #17-13
 Hotel/Motel
 awards

The clerk gave a **first reading** to an Ordinance authorizing the acceptance of insurance check no. 21585 in the amount of \$5,173.22 from HCC U.S. Specialty Insurance Company for payment of damages to a 2007 Ford Crown Victoria Police Department vehicle into General Fund No. 101.000.4931 and the appropriation of the same into Police Department Vehicle Maintenance Line Item No. 101.221.5264 for payment of invoice. **CONSENT AGENDA**

Ord #18-13
Insurance
check for
damages on
2007 police
cruiser

Councilman Kalb 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: 5 ayes – 0 nays, the rule was suspended.**

Councilman Johnson motioned that this Ordinance be passed.

There were no further questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Ordinance passed.**

The clerk gave a **first reading**, to a Resolution to recognize and appoint Albert Oliver Jr. as Ambassador of and for the City of Portsmouth.

Res #7-13
Al Oliver
Ambassador

Councilman Johnson motioned that this Resolution be passed.

Mayor Malone conveyed Mr. Oliver's regrets that he was not able to attend the meeting due to prior commitments, but that he was honored for the opportunity to represent Portsmouth as an Ambassador.

Councilman Johnson stated that that it has been a pleasure working with Mr. Oliver on the Economic Development Group and watching his interactions with not only that group but various other government bodies and commends his representation of Portsmouth.

There were no further questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Resolution was adopted.**

The clerk gave a **first reading** to an Ordinance approving the 2013 Income Tax Capital Budget and appropriating funds for same from the Capital Improvement Fund No. 301, for items listed only. Now, therefore,

Ord #19-13
Income Tax
Capital
Budget

Councilman Johnson moved to suspend the 3 reading rule.

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

Councilman Johnson motioned that this Ordinance be passed.

Councilman Basham stated that while he appreciated the work that Main Street Portsmouth does, he's concerned about how the monies are appropriated with regard to signage. He understands that the historic buildings are very expensive to maintain as far as roofing, windows etc., but personally has a problem with using tax payer money for putting a sign out in front of their building. He also wanted the public to know that the budget has allotted money for road repair, building maintenance and blighted property teardowns and believes this is making a difference.

Councilman Johnson asks the Mayor why the \$5,000 for the Tree Commission was not included on the budget.

Mayor Malone stated that Mr. Beaumont presented the budget and it was simply an oversight.

Councilman Johnson asks Auditor Williams if the money was available and he received an affirmative reply from the Auditor, he then requested that the budget be amended to include \$5,000 under "Public Service-Section II-Amenities" for the Tree Commission. He also reminded the Mayor of reports that will need to be submitted to Tree City USA in order to be certified.

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

Councilman Johnson motioned that the amended Ordinance be passed.

There were no further questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Ordinance passed.**

The clerk gave a **first reading** to an Ordinance approving the 2013 Special Revenue Capital Budget designating and appropriating \$48,900 in the Flood Defense Fund No. 265 and designating and appropriating \$5,000 in the Cemetery Trust Capital Outlay Fund No. 851 for listed items only. Now, therefore,

**Ord #20-13
Special
Revenue
Capital
Budget**

Councilman Johnson moved to suspend the 3 reading rule.

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

Councilman Johnson motioned that this Ordinance be passed.

Solicitor Haas added that there was a typo in the body of the Ordinance but that it can be corrected and the preamble is correct.

Councilman Kalb stated that since it was a typo, there would be no need for an amendment to the Ordinance.

There were no further questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Ordinance passed.**

The clerk gave a **first reading** to an Ordinance approving the 2013 Enterprise Funds Capital Budget designating and appropriating \$150,000 in the Waterworks Capital Fund No. 606, designating and appropriating \$151,800 in the Waste Water Capital Fund No. 622, designating and appropriating \$62,000 in the Waste Water Sciotoville Capital Fund No. 623, and designating and appropriating ~~\$251,200~~ **\$-0-** in the Sanitation Capital Fund No. 631, for listed items only. Now, therefore,

**Ord #21-13
Enterprise
Funds
Capital
Budget**

Councilman Johnson moved to suspend the 3 reading rule.

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

Councilman Johnson motioned that this Ordinance be passed.

Auditor Williams stated that the request from Sanitation for \$251,200 for fund #631 was simply not possible. When looking at the budget, they estimated their carry over balance was \$171,000, their revenue was \$1,367,000 and their expenses were \$1,400,000 which leaves a balance of \$95,153 to be used for additional expenses including their CIP budget. Their department may not have realized that \$100,000 came out at the end of the year for the final truck payment.

Councilman Johnson motioned to amend removing Sanitation Capital Fund #631.

Councilman Basham stated that we've upgraded the telephone system throughout the departments which should generate more communication and he finds it a little frustrating and embarrassing that this couldn't have been worked out before being brought to Council.

Auditor Williams recommended funding Fund #632 that was established several years ago but has never been funded but could be accomplished by a rate increase even if it's minimal. He added that if this were done years ago, there would have been money to cover a new truck; however we need to start looking forward and planning for the future.

Councilman Meadows ask if it might be better if the Ordinance was tabled for 2 weeks until the department has had a chance to review.

Councilman Johnson replied that this department could always bring it back before Council under a separate Ordinance. He requested that the Mayor work with this Department Head to reach a solution.

Auditor Williams added that the other departments need their funding as soon as possible and he does not see a solution for the Sanitation Department.

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

Councilman Johnson motioned that the amended Ordinance be passed.

There were no further questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Ordinance passed.**

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Andy Gedeon – Portsmouth Health Department - Director of Environmental Health- He stated that Councilman Johnson had requested that he speak to Council regarding the new Rental Licensing Ordinance

that went into effect January 1, 2013. This program has been a complete success thus far, to date the total revenue has been \$113,370 that includes total permits of 1,619 which requires us to do a total of 2,124 inspections throughout the year. Mr. Gedeon stated that he and Bruce Spriggs are the primary inspectors. One major success encountered this year was a rental home that was being inspected, it seemed in every respect to be immaculate both inside and out, however upon further inspection of a newly installed gas water heater in the basement, it was found that a vent to the outside had come loose and the unit was currently pumping carbon monoxide into the home. The family was alerted and found to be experiencing symptoms of carbon monoxide poisoning and through this program, we saved an entire family. Currently this program has condemned 2 houses and one house has been given 90 days to correct some issues. We're using this first year as an education process with the landlords, showing them on these inspections what is expected and explaining any deficiencies and allowing them to be corrected. We're giving the property owners one year to correct any issues unless there is an immediate danger to the life and health of a tenant.

Linda Switzer – 319 Front Street – She thanked Councilman Johnson for mentioning the Cultural Affairs Committee as she is on that committee as well as the Land Revitalization Committee and both are wonderful programs. She stated that she has complained about there being no restrooms for people visiting the Murals and has allowed people to use her facilities but would like Council to consider requesting that the Welcome Center be open on the weekend for these tourists.

MISCELLANEOUS BUSINESS AND REPORTS:

City Clerk's Report – City Clerk Ratliff had no report

Mayor's Report – Mayor Malone thanked Council for their approval of the closure of 3rd Street and commended Shawnee State University on the outstanding work they've done in relation to answering questions and concerns. He stated that United Health Care will be using a new prescription management "OptumRx" starting June 1, 2013 and that all those that are on the Health plan will be receiving a new card from United Health Care. He added that the city has become a part of an aggregate group of cities participating in a program with the Bureau of Workers Compensation which gives the city the opportunity to receive discount funding for budgeting workers compensation budget numbers. To date, the city has received a couple of checks amounting up to \$41,300 and according to a representative, there should be another check coming toward the middle of the year. Each department budgets approximately 4% each year, however because we're now part of the group of aggregate cities and our injury and claim numbers have decreased, we're looking forward to receiving a refund totaling approximately \$100,000 for this year. He concluded with encouraging all city employees and Council to combine with the Municipal Courts to volunteer on Saturday June 1, 2013 from 9-4, for a city wide clean up day. Dumpsters will be placed in various locations and he would like all volunteers to contact his office to be put on the volunteer list.

The Mayor'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 Portsmouth High School students for their outstanding public sculptures and writings and acknowledged the Daily Times for the great job they did in publishing the sculptures and writings. Each writer wrote beautifully about their viewpoint of what community means to them. One reflection was quoted from the bible scripture "Hebrews 11:1 – Now faith is the assurance of things hoped for, the conviction of things not seen." He concluded that this reflects what a young person sees of their city, their hopes and dreams and for the realization that our city has had rough times but sees light at the end of the tunnel. |
| 2 nd Ward | Councilman Saddler thanked James Dickey Post #23 and the Service Department for working together to clean up Tracy Park. He added that Jack Tackett is looking into the lighting issues at Tracy Park. |
| 3 rd Ward | Councilman Basham received a complaint about an alley between Highland and Robinson and flanked by North Avenue & Franklin Avenue. He asks the Mayor to look into having some of the ruts filled so that the people that use that alley will be able to do so without damage to their vehicles. He has been very impressed with the City Manager Search Committee as it has been one of the most efficient and effective committees that he's ever served on and he thanked American Legion Post #23 for hosting the City Manager Search Committee's open forum. He believes the presentation went very well and was handled in a professional but relaxed atmosphere and thanked everyone involved. |
| 4 th Ward | Councilman Kalb reiterated Councilman Basham's comments regarding the City Manager Search committee. He thanked Mr. Gedeon for the update on the rental licensing program and congratulated all those involved in getting that Ordinance passed. |

5th Ward Councilman Meadows stated that he encountered an issue in the 1st Ward regarding a bad trash problem in one of the alleys by the Court House, as there had been people going through the trash and putting it in shopping carts and rats were even seen around the area. He thanked the Mayor and Mr. Beaumont for handling the matter in an expedient fashion.

City Solicitor Solicitor Haas echoed Mr. Basham & Mr. Kalb's comments regarding the City Manager open forum. He found it to be very open and informative, as it gave people a chance to ask questions and present their thoughts. He thanked Council for voting to pass the Ordinance to close 3rd Street and the Capital Improvement Fund Ordinance. With regard to the Land Reutilization program and he thanked Mr. Smith & Mr. Gedeon as well as Mark Kuhn's office specifically Margaret Miller as she's the attorney handling the legal work and doing a great job.

City Auditor Auditor Williams had no report

Councilman Basham motioned to adjourn into executive session to discuss a personnel issue.

Executive
Session

The motion carried viva voce. **VOTE: 5 ayes – 0 nays. Council recessed into Executive Session at approximately 7:05 p.m.**

Council reconvened at 7:10 p.m. The roll call showed all those previously in attendance were still present.

Councilman Sturgill's absence was excused from executive session, on a motion by Councilman Johnson.

The motion carried viva voce. **VOTE: 5 ayes – 0 nays.**

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

City Clerk

President of Council