

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday April 8, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday April 8, 2013 at 6:00 p.m., in the Council Chambers of the Municipal Building.

President of Council Steve Sturgill called the meeting to order and welcomed the Military Order of the Purple Heart. A moment of silent prayer was observed followed by The Pledge of Allegiance to the Flag and taps provided by the Military Order of the Purple Heart.

**Proclamation
naming
Portsmouth a
Purple Heart
City**

Mayor David Malone accepted a plaque on behalf of the City of Portsmouth Ohio from the Military Order of the Purple Heart designating Portsmouth Ohio a Purple Heart City. Mayor Malone read a proclamation declaring April 8, 2013 as Purple Heart Day.

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 25, 2013, on a motion by Councilman Johnson.

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Todd Book – 148 East Little Cheryl Drive – He stated that he was there on behalf of the County Commissioners and the Economic Development Director of Scioto County in support of the closure of 3rd Street between Gay & Waller Streets. He added that by allowing the University to expand and fulfill their mission of providing a quality education, there will be major economic impacts for the area with spin off employment in the food industry, housing and retail. He respectfully requested Councils support for the closure of 3rd Street and hopes for the continued growth of the University for the benefit of all the community.

Michael Messerly – 3351 Indian Drive – He reviewed his observations over the past meetings concerning the closure of 3rd Street. He requested of Council to stay focused, to not be fooled and to be fearful of the real risk with regard to the expansion of Shawnee State University. He began with “stay focused”, the traffic patterns will be changing and that is a good thing for attracting businesses to the area. He stated that when businesses come to town, they are the ones putting up all the risk with absolutely no guarantee on a return. Secondly, “don’t be fooled”, he’s listened as people have stood up to the podium and spoke about the safety of the children and offered a suggestion to those very people; if they are concerned about school safety they need to get out and volunteer to be a traffic crossing guard and assist the schools with some of the “so called” safety issues. Lastly, “be fearful”, he warned Council that if the closure doesn’t happen, they run the risk of killing the economic development and the future of Portsmouth.

Linda Switzer – 315 Front St (log cabin)– She stated she attends First Christian Church and the church just finished a week of daily Lenten Lunches which is combined of many of the local churches. She added that many people used the front entrance and if 3rd Street is closed this will pose a problem for activities held at the church. She concluded by inviting Council to the Spring Salad Smorgasbord on April 26, 2013.

LEGISLATION

The clerk gave a **third 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 the Ordinance be passed.

Mayor Malone addressed the issue of allowing sell backs on vacation time by the Courts and asks Council to consider amending the wording if they are uncomfortable with the sell backs. He stated that the Court employees can sell back their unused vacation time and in the 2012 budget the vacation sell backs resulted in almost \$12,000 from Court employees (only) which came from the General Fund on a line item that was not identified on the budget. The Court also got a \$1,200 bonus in 2012 and a \$1,300 bonus this year in 2013.

Solicitor Haas expressed that he takes great offense to the sell back of vacation time, as he has two employees that have gone without a raise for a number of years and his employees don't have the opportunity to sell back unused vacation as it is not in the budget and he cannot order the Mayor to allow it. He requested that if the Courts are allowing their employees to sell back their unused vacation time that the onus should be on the Court to put an order on to make sure that everyone in the city knows who approved the sell back. He recalled previous meetings when it was said that by giving the extra week vacation it would not cost the city any money, only to now find out that it will cost the city money. He believes that it would be very unfair for Council to deny or vote down the proposed Ordinance as his employees are loyal and should not be punished based on the actions of the Courts. He thanked Council for the opportunity to speak out and the opportunity to be heard.

Councilman Saddler asks about unused vacation time when a person retires, does the time accrue and roll over from year to year.

Auditor Trent Williams replied that any accrued time that has been built up can be sold back upon retirement however it is mostly sick time that has been accrued. Employees have to use their vacation time or lose it, but they can carry over 40 hours and it must be used by April of the following year. He stated that he hasn't really heard employees asking for more vacation time but for more pay and would like to see the government body come up with some ways to compensate the employees more fairly.

Councilman Johnson stated that the employees would like to have both vacation and wage, but this way we're starting with one and after we're out of the fiscal deficit we can start to look at the other, but the vacation time will cost us minimally.

Auditor Williams stated that every time he's seen an increase in a contract proposing more vacation, it usually is with the intent to sell it back.

Councilman Basham stated that if we approve this proposed Ordinance then it will cost the City through the Court employees and questions why we should approve a vacation that these employees just intend to sell back. He questioned if the wording of the Ordinance could include banning sell back of vacation time.

Solicitor Haas said that the "banning of vacation sell backs" could be included in the wording but that the Judge could put an order on for the Auditor to pay it, and should that happen then it would be up to the Auditor to release the funds. With an Order from the Judge that would give the Auditor coverage.

Councilman Sturgill stated that for the past 6 weeks there's been opportunity to have this conversation but again Council has been blindsided by the fact that on the last reading you now want this amended to read differently. He reiterated what he has said in past meetings about sitting down and having a conversation about ways that we may make our employees better off with regard to wages.

**Employee
 Vacation
 Ordinance
 failed**

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

The clerk gave a **second 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 second reading.

Councilman Johnson stated that he received an e-mail from Ohio Department of Transportation regarding the concern about traffic for US #23 north and how it's going to be configured and questions regarding a traffic light at 4th & Gay Streets. He added that he forwarded the e-mail to Shawnee State University for them to reply to how it will be laid out.

Following further discussion Councilman Saddler advised that since the replacement of the Grant Bridge, tractor trailers can now use the Grant Bridge as it can now handle the weight.

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

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

MISCELLANEOUS BUSINESS AND REPORTS:

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

Mayor’s Report – Mayor Malone informed Council that he received a telephone call today from the State Auditor and the City of Portsmouth is being put on a fiscal watch due to the lack of sufficient progress in becoming compliant with Ohio budgetary laws and with several funds being in a negative balance. There are some funds that have Grant issues and delays in moneys being received; he requested Auditor Williams elaborate on his report.

**Portsmouth
under a
fiscal watch**

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

President’s Report – Councilman Sturgill reminded the citizens of the open forum meeting on April 15, 2013 at 6:00 p.m. at James Dickey Post #23 regarding the search for a City Manager. He advised that this will be an opportunity to ask questions of the committee about the status of the search. He also advised that he has reappointed Steve Myers to the Zoning Board and has appointed Dan Ruggiero to the Fair Housing Board.

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 has appointed Norma Jean Smith to the Traffic Committee. Ms. Smith lives in the 1st Ward and will be replacing Vicki Hatcher. Mr. Johnson extended his deepest thanks to Ms. Hatcher for her 4 years of service and has given a certificate of public service to the City Clerk for her to mail to Ms. Hatcher.

He commended the Health Department on their 2012 annual report, but would like to see a comparison report for the past 5 years to see how we’ve progressed.

He expressed his displeasure with the timing of the traffic lights and concluded with an inconsistency in signs on Gay Street as there are 3 whole streets that are lacking “one way” signs going East & West and there’s a sign coming out of Kroger parking lot that says left turn only however you can actually go straight onto 8th St, it really needs to read no right turn.

2nd Ward Councilman Saddler thanked the Military Order of the Purple Hearts and all other veterans for their service to our country.

He also reported on Portsmouth Day at Great American ballpark and that Portsmouth was well represented. He added that his father Jim Saddler had thrown out the 1st pitch and Mayor Malone had the honor of catching it.

3rd Ward Councilman Basham received an email from Alan Beckett who lives on the West End of Ruhlman where they’re doing major construction work and the road to Mr. Beckett’s home is basically a dirt road, he ask for the Mayor to look into making that situation better for this citizen.

He commended the Engineer’s department for the Gateway Project and has heard from several people that they are thankful for the improvements with the tearing down of the blighted homes along Routes #52 and #23, as it makes the drive through these areas so much better.

4th Ward Councilman Kalb voiced his opinion on the failed vacation ordinance stating that nothing was accomplished as the Courts will still continue doing what they’re doing and we’ve punished the ones that we were actually trying to help.

He believes we should have something in writing from the Ohio Department of Transportation with their opinion regarding the traffic issue coming off the bridge onto 3rd and then onto Gay and if there should be a traffic light installed at the intersection of 4th & Gay Streets. The University is responsible for 3rd St. between Gay & Waller Streets and ultimately the city will need to discuss with ODOT the changes they would propose if 3rd Street is closed from Gay to

Waller Streets. The University has promised that if there are problems with that area that they will work with us.

He also has reappointed Richard Grimm to the traffic committee and appreciates his service.

5th Ward Councilman Meadows had no report

6th Ward Councilman Sturgill had no report

City Solicitor Solicitor Haas added to Councilman Kalb's comments about the vote on the vacations not accomplishing anything. He does believe that something was accomplished and that something is resentment on the employees that this affects. In his office his employees don't complain and work very hard. Last year his office handled 14,000 criminal cases, prepared the paperwork for the Land Reutilization project and prepared legislation for Council, all this work was done with 1 secretary and 1 investigator. He's sorry that this Ordinance didn't pass but hopes you take the necessary steps to treat these employees more fairly in the near future.

City Auditor Auditor Williams continued with what the Mayor had advised regarding the fiscal watch. He stated that there are 7 different things that are the primary criteria:

- 1 - The major operating budgets - which are improving.
- 2 - Budgetary compliance – he advised that they are aware of the issues which stem from the past couple of years spending more than has been appropriated. This is being address, but is a slow process.
- 3 - Expenditures being made prior to the official certification being given for those expenses. This has also been addressed with new software that will be implemented within the next month or so that will require approval by a purchaser before they go out and make purchases.
- 4 & 5 - Grant and Court funds that ran in deficit at year end that is very minor but create deficits in those funds.
- 6 – Health Insurance has not made much progress, however a plan was given to the State that covered the next 2 years that would solidify the health insurance by 2015.
- 7 – Allocation of insurance claims which is being currently worked on. He'd allocated the premiums but not all the claims and ran a surplus for several years in the health insurance fund, but then there were problems with bigger claims that hadn't been allocated with enough to cover in the operating funds, which has now grown to \$900,000.00 in the red for the past 2 years.

All of the combined problems were the original reasons for the fiscal caution and he believes that the State doesn't feel that we're progressing quickly enough and he's disappointed they didn't wait until at least the end of the 1st Quarter to see how the numbers came out. He believes that it is just going to take time and is seeing improvements, because the Water fund deficits are already gone and the Sewer and Health Insurance funds are coming around just at a slower pace.

As far as the vacation and pay issue, he thinks it might be a good idea for Council to consider anything received from the inheritance tax this year, can be money set aside for \$1,000 bonuses at the end of the year for the 35 non-union employees. This is not something that's budgeted, but would be purely over and above what our revenue is and would otherwise go to cover the deficit or go in surplus. It can be done as an increase or a bonus and that may be one way of resolving the problem rather than to tack on more vacation time, as he believes that plenty of vacation time is already given.

The meeting adjourned at approximately 7:05 p.m. on a motion by Councilman Johnson.

City Clerk

President of Council