

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday May 12, 2014

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday May 12, 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 April 28, 2014 on a motion by Vice Mayor Johnson.

Vice Mayor Johnson moved to add two Ordinances to the Agenda as item 7f and 7g; An Ordinance amending Section 181.05 Return and Payment of Tax, of Chapter 181 of the Codified Ordinances of the City of Portsmouth, Ohio – Income tax, to require mandatory Income Tax Filing to become effective January 1, 2015 and an Ordinance authorizing the submittal of a FY 2014 Community Development Block Grant (CDBG) application and accepting grant and obligations, if funded.

**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 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).

**Ord. #18-14
Public
Records
Policy**

Vice Mayor Johnson moved that this Ordinance be passed.

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

The clerk gave a **third 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.

**Ord. #19-14
Prohibit the
use of Jake
Brakes**

Vice Mayor Johnson moved that this Ordinance be passed.

Councilman Saddler advised that he would be abstaining from the 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 amendment of Chapter 941 of the Codified Ordinances of the City of Portsmouth, Ohio, entitled Garbage, Rubbish and Weeds, Section 941.15(a) (b) (c) and removing (d) - Rates for Residential Collection and Disposal to increase Sanitation rates in the City of Portsmouth

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 a Resolution authorizing cooperative agreement for construction of the sewer system improvements projects between the City of Portsmouth and the Ohio Water Development Authority.

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.**

The clerk gave a **first reading**, to an Ordinance amending Section 181.05 Return and Payment of Tax, of Chapter 181 of the Codified Ordinances of the City of Portsmouth, Ohio – Income Tax, to require mandatory Income Tax Filing to become effective January 1, 2015.

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 submittal of a FY 2014 Community Development Block Grant (CDBG) application and accepting grant and obligations, if funded.

Vice Mayor Johnson asked Manager Allen if there was a timeline for the application, Manager Allen replied that there is but it can go at least two readings.

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 appropriation of \$10,000 to Health Department Equipment Fund No. 301.440.5533 from the unappropriated funds in CIP Fund No. 301 for the purchase of an air conditioner.

Vice Mayor Johnson asked Manager Allen what the time frame was and he replied that this really needed to be a Consent Agenda item. They can't order the air conditioner without having a purchase order and Auditor Williams (rightfully so) won't sign the purchase order until we've appropriated the money.

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

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

Vice Mayor Johnson moved that this Ordinance be passed.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Cindy Morrow – City Health Department – She introduced herself to Council as she is the new Director of Nursing for the City of Portsmouth.

Jason Kester – Southern Ohio Port Authority – He invited Council to the June 11th, 1:00 p.m. training meeting at Shawnee State University funded by American Electric Power, and advised that he has also invited other area officials to participate in this event. He thanked City Manager Allen and Water Director Sutherland for infrastructure within the city and hopes to work with folks on a local Port for the Ohio River. He continues to gather information regarding the Martings Building and pros and cons of selling the Babcock Building.

Phil Matiz – Sunrise Avenue – He thanked Vice Mayor Johnson for issues that he's had in the past on Sunrise Avenue and he has concerns regarding the pot holes around the city and on Sunrise Avenue. He contacted City Clerk Ratliff and she advised him to contact the City Manager's office and Service Director Bill Beaumont but he hasn't gotten back with him yet and the City Manager wasn't in his office. He also mentioned the traffic light at North Hill Road/Coles Boulevard/Dorman Drive/Hillview Drive/Shawnee Road. He stated that many people have complained about this light and proposed having the light flash during non-busy hours.

Chris Neff – 2412 Mabert Road – He expressed his concerns regarding the recent headlines that has been published in the Portsmouth Daily Times and believes that these Councilmen owe the city an apology or

**Res. #06-14
ODWA
agreement for
sewer
improvement
project**

**Ord. #20-14
Air
Conditioner
for Health
Department**

requested the resignation of the Councilmen that placed the city in this controversy. He also agreed with Mr. Matiz's comment regarding the 5-way traffic light.

MISCELLANEOUS BUSINESS AND REPORTS:

City Clerk's Report – City Clerk Ratliff reported the following:

1. Received from the Auditor the first quarter balance for postage.
2. Prepared the Proclamation proclaiming the week of May 4th through May 10, 2014 as Goodwill Industries Week and attended the open house celebration on Tuesday May 6, 2014.
3. Received on May 5, 2014 the franchise fee from Time Warner Cable in the amount of \$56,568.03 and deposited in the Auditor's office the same day.
4. Received May 12, 2014 from the State of Ohio Division of Liquor Control the licensing fees distributed to the City of Portsmouth.

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 new doors for the Municipal Building have been installed
2. He stated there had been quite a few water breaks.
3. The Fire Department has been doing their hydrant checks, but there are a lot of hydrant that are bad.
4. There was a sewer collapse on the North side of the cemetery near Kinney's Lane which was 23 feet deep and was beyond the City's capabilities, a contractor (Distel construction) was hired to do the repair.
5. The service department has been doing a good job, they've mowed Tracy Park and it looked good for the TOSRV.
6. He asked Council if there's an area of which they would like him to report on and to let him know, as he basically has been reporting on the nuts and bolts of the City and how it's operating and how we're doing.

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 stated that he had several opportunities to represent the City and has spoken to a lot of good people.
2. He continues to work with Jason Kester from Southern Ohio Port Authority regarding the Harmon Street property.
3. He took a consensus of Council on when the next City Council meeting should be since the next Council meeting falls on Memorial Day. It was decided that Tuesday, May 27th in Council Chambers would be best, however Vice Mayor Johnson would not be able to attend.

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 Councilman Saddler for the work on the Flea Market and stated that he had a good time.
2. Main Street has been doing a lot of the clean up around Alexandria Point and the Roy Rogers Esplanade and he thanked them for their help.
3. The Farmers Market begins Saturday, May 17, 2014
4. There was an issue on West Ruhlman and he is meeting with the individual on Tuesday at 9:30 regarding an easement.
5. He appreciated Mr. Matiz's comments regarding the potholes and assured him that the City Manager and crews have been working diligently on addressing these problems on a very slim budget. With regard to the traffic lights, it has been suggested that the traffic light in question be set to flash red from 10 p.m. to 4:00 a.m. to elevate the situation where a single car has to sit through that light.
6. He attended the following meetings:
 - a. Thursday morning breakfast group in which Columbia Gas representatives attempted to answer concerns regarding the gas line improvements in downtown Portsmouth.
 - b. Ohio Valley Regional Development Commission regarding the decertification of Chillicothe Street as part of U.S. #23.
 - c. Southern Ohio Port Authority Board meeting
 - d. Scioto County Health Coalition's Economic Development meeting.
7. The Shade Tree Commission regrettably accepted the resignation of Lisa Gibson and an announcement was provided to the media of the vacancy and the City Clerk has already had 3 inquiries.

8. He had a conversation with County Engineer Craig Opperman regarding the Brown signage for the Portsmouth Bypass. It was recommended that this signage be located north of the bypass on U.S. #23 and East on U.S. #52 and will feature the Portsmouth Floodwall Murals, Shawnee State Park and Shawnee State University.
9. The Economic Development & Sustainability Committee will be having their final meeting on Wednesday, May 14, 2014 at 6:00 located at the Holiday Inn.
10. Council has received an email in which he has taken the advice of Solicitor John Haas and sought independent legal advice concerning the Solicitor's report to Council on April 28th. He will forward the expense onto the City Auditor and has been advised that any questions concerning this issue be directed to Attorney Stephen Rodeheffer.
11. He will be submitting 3 proposed Charter amendments at the next conference agenda relating to Sections 43, 47(g) and 87/89 of the City Charter.

2nd Ward – Councilman Saddler reported the following:

1. He thanked City Manager Allen for addressing the issues that he had within the 2nd Ward.
2. He announced the Parks & Recreation Committee will be meeting in Council Chambers on May 13, 2014 at 6:00 p.m.
3. The 1st Portsmouth Flea Market had 29-30 Vendors that showed up and lots of shoppers and he's heard a lot of positive feedback from the community. The event made \$747.99, which is a drop in the bucket but it's a start, but believes that it was a success.

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

1. He had some recent residential complaints that he has communicated to the City Manager and he thanked him as those have now been addressed.
2. The Personnel & Performance Committee meeting is cancelled for this month and will reconvene on June 18, 2014 at 5:00 in the Engineering Department.
3. He thanked the Parks and Recreation Committee, Councilman Saddler and all the volunteers for an outstanding job on the 1st Portsmouth Flea Market.

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows stated that he appreciated the response letter that the City Manager wrote regarding the sewer project in the 5th Ward.

6th Ward – Councilman Sturgill reported the following:

1. He commented to the City Manager on how nice the lights in Sciotoville look since they were fixed as it makes the whole area look a lot better and asked that Manager Allen pass that onto whomever fixed them.
2. He asked City Manager Allen for an update on Oakland Boulevard and Manager Allen replied that we're waiting on the Gas Company to move the gas main.
3. He has also noticed an increased presence of Police in the Sciotoville area.

City Solicitor – Solicitor Haas stated that the Civil Service commission had met and they have 1/3 of the draft of the proposed new revised rules for Civil Service. The goal is to get a good draft to City Council by this fall.

City Auditor – Auditor Williams stated that the City Income tax took a downward turn for the month of April. In March the City was +\$50,000 in the General Fund and this month the General Fund has decreased to -\$168,000, however we still our within the budget goal for the end of the year.

The meeting adjourned at approximately 6:45 p.m. on a motion by Vice Mayor Johnson.

City Clerk

Mayor