

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Thursday May 23, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Thursday May 23, 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
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Steve Sturgill	6 th Ward

Also present was Solicitor John Haas.

Council dispensed with the reading of the Journal for the regular session of May 13, 2013, on a motion by Councilman Johnson.

Item from the Table

Councilman Johnson motioned to bring from the Table an item that was placed on the Table during the December 20, 2012 meeting and that being Legislative Item 7-A (Charter Amendment) for a second reading.

Roll was called. **VOTE: 5 ayes – 0 nays**, the item was brought from the table.

Councilman Johnson motioned to move into Executive Session for the specific purpose of interviewing applicants for the open seat on Council.

Executive Session

The motion carried viva voce. **VOTE: 5 ayes – 0 nays. Council recessed into Executive Session at approximately 6:05 p.m.**

Council reconvened at 6:54 p.m. The roll call showed all those previously in attendance were still present and Auditor Trent Williams was now in attendance.

President Sturgill opened up the floor for nominations for 3rd Ward Council person.

Councilman Saddler nominated Kevin E. Johnson.

Mr. Sturgill called for other nominations three times.

Mr. Johnson moved that nominations be closed.

The motion carried viva voce. **VOTE: ayes 5 – nays 0 Nominations for the position of 3rd Ward Councilman were closed.**

Appointment of Kevin E. Johnson to 3rd Ward Council position.

There were no further discussions. The roll was called. **VOTE: 5 ayes – 0 nays, Kevin E. Johnson appointed as 3rd ward Councilman.**

Solicitor John Haas gave the Oath of Office to Kevin E. Johnson and Councilman Kevin E. Johnson joined the other Councilmen at the table.

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Bridget Osborn – 1647 7th Street – She discussed item 7-A regarding the Charter amendments, she stated that she's stood before Council in the past and explained how the Charter was dragging the city down and that the Charter needed to be done away with for the betterment of the people.

LEGISLATION

The clerk gave a **second reading**, to an Ordinance to submit to the electors of the City of Portsmouth, Ohio, at the Primary Election to be held on the 5th day of November, 2013, proposed amendments of Sections 31, 32, 41, 42 and 144 of the Charter of the City of Portsmouth, Ohio.

Councilman Johnson motioned that this constitute a second reading.

Councilman Kevin W. Johnson motioned for an amendment which changed the word Primary Election to General Election.

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

Councilman Kevin W. Johnson motioned for another amendment to include the original language in Section #144 with a strike through of the language being deleted and then highlight the wording that will replace the original wording.

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

Councilman Saddler thanked Councilman Kevin W. Johnson for his follow up work on the Charter amendments, even though these are minor changes it needed to be done and is much appreciated.

There were no further 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 authorizing the adoption of a Citizen Participation Plan for the Ohio Small Cities Community Development Block Grant (CDBG) Program. **Consent Agenda**

Councilman Kevin W. Johnson stated the reason that this was placed on the Consent Agenda is the CDBG is something that we participate in every year but was not incorporated into the language, he moved to suspend the 3 reading rule as part of the Consent Agenda.

The roll was called. **VOTE: ayes 6 – nays 0 The rule was suspended.**

Councilman Kevin W. Johnson motioned that this Ordinance be passed.

Councilman Kevin W. Johnson acknowledged the closeness of his name and newly appointed Kevin E. Johnson.

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

The clerk gave a **first 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) and (b) - Rates for Residential Collection and Disposal to increase Sanitation rates in the City of Portsmouth.

Councilman Kevin W. Johnson motioned that this constitute a first reading.

Councilman Kevin W. Johnson stated that previously an entire line item was eliminated from the CIP budget for the Department that handles garbage collection. He added that they needed a new truck, tipper cans and other things, however there was no money as the current rates are not replenishing the funds necessary to replace equipment.

Auditor Williams commented that there's nothing in this Ordinance that directs the money for the actual Capital Improvement fund section of the sanitation system. He reiterated that there are 2 funds: #1. Fund 631 which has been in place since the beginning of the sanitation system. #2. Fund 632 which was created but wasn't given any type of revenue generating mechanism; he suggested to Council that they specify in the legislation an amount to be directed into Fund 632 which would actually be designated for capital improvement. He also suggested that 2½ % be set aside in Fund 632 with the other 97½ % going into the other designated Fund, but without that designation all the money is going into the same operating fund.

Councilman Kevin W. Johnson reviewed with Mr. Williams the amounts to be set aside as follows: First year the total amount 8% and 4% increase will be directed into the general fund operations and the next nine years 2½ % will be set aside for Fund 632. He motioned to amend the Ordinance with these changes.

Auditor Williams confirmed that this would achieve building Fund 632 and if in the future more money is needed than is in Fund 632, the other Fund 631 could be used.

Councilman Sturgill asks Mr. Williams what would happen if the city were to lose a major account holder, for instance Metropolitan Housing.

Auditor Williams replied that he could not be sure but it would be a moderate to significant loss; the Water collection office would have those figures.

Service Director Bill Beaumont stated that it would be approximately \$80,000-\$90,000 per year if it was just Portsmouth Metropolitan Housing as they are the largest customer.

Ord #26-13
 CDBG,
 Citizens
 participation

Councilman Saddler stated that Portsmouth Metropolitan Housing is the only entity that has been brought up as being the largest account. He added that it is also tax payer subsidized, so our tax payers are actually paying their sanitation rates.

Councilman Johnson requested that the Ordinance be amended to dedicate the first year increase into Fund 631 and thereafter 2½ % into Fund 632.

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

Councilman Sturgill asks Mr. Beaumont if dumpsters were included in this increase.

Mr. Beaumont replied that they were not included, just the tipper cans and no increase on dumpsters.

Councilman Saddler ask Mr. Beaumont about the dumpster rate as Council was informed during the last Mayor's Conference that the increase included dumpsters and asks if they're not included shouldn't they be included.

Mr. Beaumont stated that he could not attend the last Mayor's Conference due to a previous engagement and that the dumpsters were not to be included. He also stated that the service department had a hard time keeping the dumpsters and they've rebuilt some of the old dumpsters to make them useable again.

Councilman Kevin W. Johnson stated that the dumpsters should be researched separately and he believes that the City is very competitive on the rates but the dumpsters should not be considered at this point. He asks for the vote on the amendment.

There were no further 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 \$40,000 from General Fund No. 101 to Fire Department Payroll/Union Line Item No. 101.223.5115 to cover potential overtime expenses for the remainder of 2013.

Councilman Kevin W. Johnson motioned that this constitute a first reading.

Councilman Kevin W. Johnson stated that he remains uncomfortable with this legislation but he also understood that there were not enough monies allotted for overtime for the Fire Department. He hopes that at some point, Council will get a clearer picture of how to utilize, manage and hold to an acceptable level as the City is in a deficit it is hard to appropriate \$40,000 for anything. He also stated that if the Auditor is unable to certify that he would not support the Ordinance.

Councilman Meadows asks Mr. Williams if the City has the money for this overtime.

Auditor Williams replied that he would not be willing to certify at this point. He added that since this is the first reading, there is still time to receive revenues and if the Bureau of Workers Compensation rebate check materializes and is enough to cover the overtime, he would be happy to certify it at that point.

Councilman Saddler stated that Council was presented a proposed budget earlier this year and was not made aware that not all of the numbers were correct. He wishes that they had not been given a fake ideology and that the actual numbers needed would've been put into the budget process. He understands that the overtime money is needed and he will support it but would like to make known that this is not an action of Council but a problem Council has to address and fix.

Councilman Kalb asks Mr. Williams if we're looking at possible revenues coming in with the inheritance tax and ask if there were figures yet.

Auditor Williams replied that they've had some problems getting reconciled for April but as it becomes available then he'll be able to determine where the income taxes and major revenues stand at that point and confirmed that he should know by the next meeting date.

Councilman Meadows recalled along with other Council members to being advised during the Mayor's Conference that there was a \$50,000 surplus somewhere in the budget.

Councilman Sturgill asks Mr. Williams if he had had a conversation with the Mayor regarding this issue and what would we have done if there were no monies from the Bureau of Workers Compensation.

Auditor Williams replied that he has not had a conversation with the Mayor and that he would hope Council would give this legislation its first reading because chances are we are going to take in extra revenue and I'm not sure where the \$50,000 was identified and why Council was given that number.

Councilman Sturgill stated that it was on the last budget that was received.

Auditor Williams stated that Council authorized the hiring of new police officers with the thoughts that the \$50,000 is generated from several new reasons: #1. From enhanced enforcement which will produce revenues from the court. #2. Whatever amount was there has been absorbed by an already approved plan in hiring the three additional officers this year.

Councilman Sturgill asks Mr. Williams if there is any indication that they are increasing revenue in that department.

Auditor Williams replied that he has not looked at the Courts revenues in the last month or so to see if there's been an increase.

Solicitor's Haas stated that based on court activity, they have been much busier on a weekly basis and added that the Judges encourage the people to pay their fines before leaving the building.

Councilman Sturgill stated that we cannot continue to operate like this and one of the first things that was told to him during the budget hearing in 2012 was that Council would be seeing some surpluses in these budgets and based on this conversation, they're not even close. He added that hopefully through the new committee structures, Council will be more informed.

Auditor Williams stated they we've used up any chance for surplus that might have been accumulated at the end of the year. He believes with the new committee structure, Council will have a better understanding and be able to ask better questions and formulate a better budget at the beginning of the New Year.

Councilman Sturgill said that the bottom line was that Council depends on the Mayor or City Manager for the future to bring us true figures as we cannot continue to spend more money than what we're taking in. He asks Mr. Williams if he has had conversation with departments that request the additional monies, in this case the Fire Department.

Auditor Williams stated that he cannot fully control the expenses and he has not had any conversations with the Fire Department regarding the overtime requested.

There were no further 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 submit to the electors of the City of Portsmouth, Ohio, at the General Election to be held on the 5th day of November, 2013, a proposed amendment of Section 6 of the Charter of the City of Portsmouth, Ohio.

Councilman Johnson motioned that this constitute a first reading.

Councilman Johnson stated for the benefit of the citizens in attendance that the amendment of Section 6 will increase Councils salary from \$600/\$1,000 to \$5,000/\$6,000 annually and in return the amendment calls for eliminating the cost of Health Insurance for Council which will be a substantial savings to the City.

Councilman Saddler stated that it appears Council is trying to give themselves raises but in reality it will save the city a lot of money especially over the long term throughout time. He added that he had done some research with other municipalities that are equal in size to Portsmouth and found that these other municipalities are already receiving a much higher pay and they receive benefits in addition. He asks the citizens and the media to portray this amendment fairly because it's not just a pay raise, but a substantial savings to the City overall. The insurance fund is one of the accounts that are in a deficit and this will help alleviate that especially with the fiscal watch that we're in with the State Auditor's Office.

Councilman Sturgill asks the Solicitor if there were a better way to communicate this to the public. He added that the sponsored Health Care Plan will be eliminated and will be a savings of approximately \$115,000 a year and the only remuneration that Council would receive is their salary.

Solicitor Haas stated that he's tried to draft in as plain and concise of manner as possible that the goal is to raise the salary and eliminate the City paying a premium for Health Care coverage for Council, but if a Council Member wants the insurance it is still available to them, however they will be 100% responsible for the full premium.

Councilman Saddler said that he has been ask a question regarding the Ordinance and what keeps a future Council from reinstating the Health Insurance on top of the salary increase.

Solicitor Haas replied that because it's a Charter change, the people would have to vote on any changes being made to the Charter. If this passes in November, then it becomes part of the Charter language and any future changes would need to go before the voters. He also added that if this passes, Council will need to amend or repeal the previous Ordinance that's on record as it would become a violation of the Charter.

There were no further questions or comments. The role was called. **VOTE: 5 ayes – 1 nays (J. Kalb), a first reading was declared.**

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Dave McDaniel – 1647 7th Street – He stated that he had a copy of the U.S. constitution and he doesn't understand the Consent Agenda as the people never agreed to it. This doesn't come from the people because a lot of these people don't show up to the meetings and it's not in the newspaper, so the people of Portsmouth are unaware. He concluded that he has asks several people from different areas to move to Portsmouth and when they come to visit they say it's not worth their time.

Bridget Osborn – 1647 7th Street – She told Council that she was happy to hear a few of the ideas that she and other people have brought forward are being listened to and thanked them for listening. She said that she hopes that Council continues to listen as she is from the streets and Council is up on the mountain and she knows what the people want. She questioned the rate increase for sanitation and wondered if this affected people on disability. She concluded with the fact that the City streets and sewers are full of trash and recommended a recycling program because people don't want to live in a dump.

MISCELLANEOUS BUSINESS AND REPORTS:

1. **City Clerk's Report** –

Oaths of Office:

Josh Skaggs	Code Enforcement Officer
Lisa Gibson	Shade Tree Commission
Jerry Leach	Captain of Police
Jason Hedrick	Lieutenant of Police

Mayor's Report –

There was no Mayor's report.

President's Report – Councilman Sturgill has appointed Matthew Schackart to the Design and Review Board for another term. He wished Kevin W. Johnson a Happy Birthday and said he attended his birthday party and it was a very impressive event. He reminded the citizens of Portsmouth Clean Up Day on June 1, 2013. He understands that the Engineering Department has been evaluating which streets will be paved and will soon start paving as they are in dire need of pavement.

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 Kevin W. Johnson stated that he had specifically asked the Mayor to have the Directors available for the Council meeting, he wanted them to give an update on the issues regarding the Willow Way project and downspout program and wants to know where we're at with these projects. He's most disappointed, as he wanted the public to be made aware of what the city had to go through with regard to Willow Way and that the downspout issues continue to be a major problem. He doesn't know how else to communicate this to the Mayor other than to ask him to do so at the next meeting. He asks Council to excuse him from the next meeting as he will be on vacation.

2nd Ward – Councilman Saddler agreed with Ms. Osborn about the trash in the neighborhoods. However the service department is strapped and does not have the time as they must attend to the bigger jobs. He suggested getting involved and taking walks in the evening with a trash bag and picking up the trash which would help the neighborhoods become cleaner and to ask the neighbors to also get involved. He announced that the upcoming Memorial Day is Portsmouth's 145th annual event and the memorial service will be held at Greenlawn Cemetery after the parade which begins at 10:00 am and will follow the same route as in the past years. He thanked Mr. Williams for his work in getting the music venue lined up. The World War I ceremony will be incorporated into the main service at Soldier Circle. He thanked Mr. Beaumont for the work the service department has done on Tracy Park as they have been helping with some of the lights at the KIA/MIA War Memorial as well as other people from the community.

3rd Ward – He thanked Council for the opportunity to service the residents of the 3rd Ward and the residents of Portsmouth. He stated that he's grown up in Portsmouth, his daughter Kristin attends Portsmouth High School and he's excited about the opportunity and challenges that lie ahead.

4th Ward - He stated that Lee Scott was one of the people helping out at Tracy Park; he had been working on the lights and trying to get it ready for the Memorial Day weekend.

5th Ward – He received an email about increased criminal activity in the 5th Ward around the area of Dorman Drive, Shawnee Road and the area going towards Coles Boulevard. He understands that people are starting to lose their lawn furniture to criminal activity and asked Chief Ware to increase police visibility in that area as he knows that the citizens would appreciate it. He also attended a meeting at the Monastery with the Counseling Center along with Kevin E. Johnson and the turnout was fantastic, the citizens of that Ward took an interest and made their voices heard. He commended the Counseling Center for having the public meeting and taking the opportunity to let the public voice their concerns.

6th Ward – Commended the staff for continuing to deal with issues in the 6th Ward as there's been an issue with a cave-in on Oakland Boulevard and it appears that it will take some time to fix but the proper steps are being taken to fix the problem.

City Solicitor – He congratulated Kevin E. Johnson on his appointment as the 3rd Ward Councilman. He stated that they grew up together and have known each other for a long time and looks forward to working with him.

City Auditor – He congratulated Kevin E. Johnson and welcomed him to City Council and looks forward to working with him.

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

City Clerk

President of Council