

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**

Monday May 27, 2014

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday May 27, 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 (Absent)
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 (Absent)
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.

Councilman Gene Meadow's and Vice Mayor Johnsons absences were excused on a motion by Councilman Saddler.

The motion carried viva voce: **VOTE: ayes 4 – nays 0**

Council dispensed with the reading of the Journal for the regular session of May 12, 2014 on a motion by Councilman Kalb.

Councilman Saddler moved to add to the Agenda as item 7i, a Resolution authorizing the City of Portsmouth and City Manager to prepare and submit an application to participate in the Community Development/Critical Infrastructure Program and to execute contracts as required.

**Items added  
to the  
agenda**

The motion carried viva voce. **VOTE: ayes 4 – 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 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

**Ord. #21-14  
Garbage rate  
increase**

Councilman Kalb moved that this Ordinance be passed.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **second 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.

Councilman Kalb moved that this constitute a second reading.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the submittal of a FY 2014 Community Development Block Grant (CDBG) application and accepting grant and obligations, if funded.

**Ord. #22-14  
CDBG FY  
2014**

Councilman Kalb moved that the balance of the readings be waived.

The role was called. **VOTE: 4 ayes – 0 nays, the rule was suspended.**

Councilman Kalb moved that this Ordinance be passed.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance amending Section 181.15 of the Codified Ordinances of the City of Portsmouth, Ohio – Credits for Tax Paid to another Municipality. Reduction of Income Tax Credit.

Councilman Kalb moved that this constitute a first reading.

Councilman Kevin E. Johnson asked City Manager Allen to explain how the tax works.

City Manager Allen explained that if you live in Portsmouth and work somewhere else that has an income tax, they take their portion first and the City of Portsmouth is currently giving 100% credit on what they're paying somewhere else. If this legislation passes instead of getting 100% you will only get a 50% credit. The people that live and work in the City of Portsmouth will not be affected by this legislation.

Councilman Kevin E. Johnson reiterated what Manager Allen said in that someone living in Portsmouth but working in New Boston, will have to pay more taxes than someone living and working in the City of Portsmouth.

Councilman Saddler stated that he understands that some people might have to pay a little bit more but the people that live in town but work outside the City (as he does) will need to pay this tax. He gave the example that these people still drive on the city streets, utilize fire and police protection among other services. Other municipalities have gone this route as well.

Councilman Kalb stated that Portsmouth isn't the only City that has this legislation in place.

Councilman Kevin E. Johnson stated that he's not opposed to taxes, but he is opposed to this tax and added that we shouldn't try to balance the budget on the working man's back.

There were no questions or comments. The role was called. **VOTE: 3 ayes – 1 nays, (Kevin E. Johnson) a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the vacation of Beech Alley, as requested by Justin Clark on behalf of Southern Ohio Medical Center, and more fully described in the attached legal description, with the City of Portsmouth reserving all easements to this property.

Councilman Kalb moved that this constitute a first reading and so noted that the Legal Description has not been received yet.

Solicitor Haas stated that he has requested it from Mr. Clark.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance enacting a new Chapter entitled "Water Quality", of the codified ordinances of the City of Portsmouth establishing the requirements of the MS4 program.

Councilman Kalb moved that this constitute a first reading.

City Manager Allen stated that he wanted to correct what he had listed in his conference agenda. He had listed it as city wide, however it will only be the combined sewer systems in the Sciotoville and North Moreland areas.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance to amend the Salary Ordinance as amended by Ordinance No. 02 of 2013, to remove the positions of Mayor, Administrative Assistant Mayor's Office and Administrative Assistant to Mayor PT and add the position of Administrative Assistant – City Manager's Office with no change in compensation and add the position of City Manager effective January 6, 2014 with the compensation range of \$90,000 to \$120,000 per annum, and to remove the position of Emergency Service Man which is provided for per AFSCME contract that was effective May of 2012 and to repeal Ordinance No. 02 of 2013. **Consent Agenda**

**Ord. #23-14  
Salary  
Ordinance**

Councilman Kalb moved that the three reading rule be waived.

The role was called. **VOTE: 4 ayes – 0 nays, the rule was suspended**

Councilman Kalb moved that this Ordinance be passed.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager to offer for sale certain surplus City real estate located at 720 and 722 Sixth Street, Portsmouth, Scioto County, Ohio, as described in the attached legal description, and further, authorizing the City Manager to enter into a contract for the sale of such surplus property and establish \$50,000 as a minimum bid for the sale of such surplus property.

Councilman Kalb moved that this constitute a first reading.

Councilman Kevin E. Johnson asked if they were authorizing the City Manager to sell the property or entertain all bids.

Manager Allen stated that it would have to come back to Council for a final vote.

Auditor Williams stated that the Ordinance reads as authorizing the City Manager to enter into a contract for the sale of such surplus property.

Solicitor Haas stated that it was a typo and should read “to enter into advertisement for the sale of such surplus property”.

Councilman Saddler stated that we’re losing money the longer this property sits empty and we could be getting taxes on it and it continues to deteriorate and is a terrible eyesore on the downtown area. He stated that this is one of many properties that the Parks and Recreation committee has been and will be working on.

Councilman Kevin E. Johnson stated that he agreed with Councilman Saddler but would like to see future dealings on a case by case basis.

Councilman Kalb stated that he doesn’t feel the city should be a property management, but it is vital to own property around the city and utilize it in accordance with other property.

Councilman Saddler agreed that there are certain instances where that would apply, but where this property is, there is no development. It has been discussed to keep this property for parking for the Martings Building, however it has been 12 years and there has been no development on the Martings Building.

Councilman Kevin E. Johnson stated that normally he would agree with Councilman Kalb if we had a better track record. He referred to the Adelpia Building, the Martings Building and could go on and on and on, but we as a city are in no position to keep these properties maintained.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a first reading was declared**

The clerk gave a **first reading**, to a Resolution authorizing the City of Portsmouth and City Manager to prepare and submit an application to participate in the Community Development/Critical Infrastructure Program and to execute contracts as required.

Councilman Kalb moved that this Resolution be adopted.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Resolution was adopted.**

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

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

**City Clerk’s Report** – City Clerk Ratliff received from the Auditor via e-mail, the following Combined MTD/YTD reports for the period ending April 30, 2014:

Expense Report, Revenue Report, Fund Report and Appropriations Transfer.

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

**City Manager’s Report** – Manager Allen reported the following:

1. Received 2 bids on the Lawson Run Project, the low bid was Distel Construction.
2. No bids were received for the cleaning and televising of the sewers.
3. He addressed Councilman Saddler request about the plaque for the 2<sup>nd</sup> Street Bridge that was discarded in a pile of dirt. He will see about having that reinstalled.

**Res. #07-14  
Community  
Development  
Critical  
Infrastructure  
program**

4. He addressed Councilman Kevin E. Johnson's concerns regarding the restrooms at Tracy Park not being open for the Memorial Day event. He asked Council what events that the restrooms need to be opened. Auditor Williams provided some history on how it has worked in the past. Whoever rents the park has always had the option to ask for the restrooms but they've never been just for everyday use.
5. The fire hydrants are being painted red.
6. He read in the Daily Times about the Municipal Courts moving to the Court house but he has not been privy to any information regarding the financial analysis. He stated with all due respect that he's hopeful that the move will be cost neutral to the city, as he has been working hard to cut cost by not filling positions, reducing operating expenses and he has explained to his employees that they will not be receiving any raises for the next couple of years. Obviously he doesn't want all the savings to go to increased costs on paying rent for the Courts, but whatever decision the Court makes it will impact the General Fund. Solicitor Haas added that as far as the City Solicitor's office is involved the Courts will not be paying, the Courts can't pay for the Solicitor's office if they're going to charge rent and he's not had any discussions with the County Commissioners as to what kind of rent they would be looking for and really doesn't know if the space or square footage has been finalized at this point and believed that it's early in the works, but more information is needed on how it will be funded
7. He just got back into town this morning and hasn't had a chance to look at the Service Department, but it's his understanding that everything has been cleaned up. By the end of the summer you will start to see the city facilities looking the way they should. It has been mentioned to him and he firmly agrees that it's not fair for the city to cite homeowners/landowners on their property when we as a city have failed to maintain our own properties. He commended the employees that assisted in the cleanup of these properties.
8. The pool should be open by the first week of June.

The City Manager's report was received, filed and made part of the record, on a motion by Councilman Kalb.

**Mayor's Report** – Mayor Sturgill reported the following:

1. He was honored on Memorial Day to represent the City of Portsmouth in the Memorial Day activities which included the parade and the service at Greenlawn Cemetery. He added that he sometimes had difficulty finding words to express his appreciation on the things that are being done in this community. He commended Councilman Saddler and those that work with Councilman Saddler on the Memorial Day service, he was honored to be a part of the service and Councilman Saddler has made us very proud.

The Mayor's report was received, filed and made part of the record, on a motion by Councilman Kalb

**MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

**2<sup>nd</sup> Ward** – Councilman Saddler reported the following:

1. He thanked City Manager Allen for the cleanup at the Service Department and the Pipe yard and he also thanked the employees that helped in the cleanup and he hopes that they will continue to keep it cleaned.
2. He thanked the employees that cleaned up Tracy Park for the Memorial Day services and he thanked John Blevins and Sandy Rawlins who are the only 2 employees that work the entire cemetery and they work hard every day to keep up with the demands of the area they have to cover. There were some other employees up there on Memorial Day helping out and he appreciated their help. He thanked Mayor Sturgill for his words and for being at the service and representing the city.

**3<sup>rd</sup> Ward** – Councilman Kevin E. Johnson reported the following:

1. He recognized all those involved in the Memorial Day celebration and he was very proud of Mayor Sturgill and Councilman Saddler.
2. He stated that at Tracy Park, his only complaint would be that the restrooms weren't opened, which Manager Allen had already addressed in his report, but he believed that if we have restrooms, they need to be open especially when we have an event where our Veterans are in attendance, we owe it to them to have restrooms facilities. He believes that we can work out a plan in which someone would work the restrooms.
3. Forwarded his ward issues to the City Manager.
4. He acknowledged in attendance was former Councilman Mohr and former Councilman Noel.

**4<sup>th</sup> Ward** – Councilman Kalb gave his condolences to the Gilley family, he has known Bobby Gilley for a long time.

**6<sup>th</sup> Ward** – Councilman Sturgill reported the following:

1. He announced that he would be resigning as 6<sup>th</sup> Ward Councilman on June 30, 2014. The State of Ohio has purchased his current home in the 6<sup>th</sup> Ward and they are relocating out of the City of Portsmouth.
2. He continues to pass on his concerns of the 6<sup>th</sup> Ward to the City Manager.

**City Solicitor** – Solicitor Haas expressed that he hated to hear that Mayor Sturgill was stepping down, as he was hoping that he would have found something in the 6<sup>th</sup> Ward.

**City Auditor** – Auditor Williams stated that he too thought the service at Greenlawn cemetery was nice and he also attended the lost at sea service at the Court Street landing and the fire station ceremony. He reiterated what a nice job the employees John and Sandy did at Greenlawn Cemetery. He believes that the issue with the restrooms at Tracy Park probably needs to be better communicated. City Manager Allen stated that the City would have the restrooms open for the Memorial Day events in the future.

The meeting adjourned at approximately 7:00 p.m. on a motion by Councilman Kalb.

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City Clerk

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Mayor