

MINUTES – REGULAR SESSION**PORTSMOUTH CITY COUNCIL MEETING**

Monday June 23, 2014

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday June 23, 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 represented by Chris Gerard, City Auditor Trent Williams and City Clerk Diana Ratliff.

Council dispensed with the reading of the Journal for the regular session of June 9, 2014 on a motion by Vice Mayor Johnson.

PROCLAMATION

A proclamation was given to Jacob Albrecht for being accepted into the United States Military Academy at West Point. Jacob is a 2014 graduate of Portsmouth High School and was a member of the National Honor Society, Key Club, Quiz Bowl Team, Science Bowl Team, Show Choir and participated in Varsity Football, Basketball, Swimming, Baseball and the Principal's Advisory Committee. The City of Portsmouth commends Jacob Albrecht for his appointment to West Point and wishes him continued success.

Proclamation to Jacob Albrecht selected to attend West Point

Public Hearing – Tax Budget 2015

There was no one present who wished to address Council on the Public Hearing. Mayor Sturgill closed the hearing since there were no comments.

Public Hearing for Tax Budget 2015

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Chris Neff – 2412 Mabert Road – Portsmouth – He urged Council not to pass the proposed Ordinance Reduction of Income Tax Credit as it would affect his family financially in a negative way.

Austin Leedom – 1521 5th Street – Portsmouth – He opposes changing the proposed Ordinance to amend Section 47(g) of the Charter and submit it to the voters. The ordinance as it is now keeps the city from doing wild spending and in the past year the city hasn't done any wild spending due to this Ordinance.

LEGISLATION

The clerk gave a **third 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.

Vice Mayor Johnson moved that this Ordinance be passed.

Councilman Saddler stated that he knows that some people are opposed to this proposed ordinance but it is needed due to the financial situation of the city. Councilman Kevin E. Johnson stated that he has been against the legislation since it was first introduced and he remains against it as he doesn't believe that it's fair. Councilman Kalb stated "that he realizes that passing this ordinance would cause a small increase in the city tax paid by somebody that lives in the city but works out of town, but it is not fair that those taxpayers that live and work in the city pay for all city service. Those that work out of town and live in Portsmouth drive on the same streets, are protected by the same police and fire departments and use the same parks and recreational areas but pay nothing for those services, making it more of a financial burden on Portsmouth taxpayers. If everyone paid their fair share, everyone would benefit."

Ordinance Defeated – Reduction of Income Tax Credit

There were no questions or comments. The role was called. **VOTE: 3 ayes – 3 nays (S. Sturgill, K.W. Johnson, K.E. Johnson), the Ordinance was defeated.**

The clerk gave a **third 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.

Ord. #25-14
Vacated
Beech Alley

Vice Mayor Johnson motioned to bring from the Table the above proposed Ordinance.

The role was called. **VOTE: 5 ayes – 1 nays (G. Meadows), the proposed Ordinance was brought from the table.**

Vice Mayor Johnson moved that this Ordinance be passed.

Vice Mayor Johnson ask City Manager Allen to provide some further information. City Manager Allen stated that we did receive a stamped copy from the County Engineer of the legal description, survey and map.

Councilman Kalb inquired as it is a matter of procedure since this was tabled at the last meeting, did that constitute a second reading. Councilman Meadows agreed stating that there was no second reading. City Clerk Ratliff stated that there was a full reading and discussion at the last meeting which would constitute a second reading.

Councilman Meadows stated that we just turned down a tax ordinance and now we're looking for ways to make money and again we're giving our property away and added that we may not receive much for it but every little bit helps. He is opposed to giving the property away. Councilman Kalb would agree with that statement but we can't pick and choose what properties are worth.

Mayor Sturgill stated that the City Manager will have to bring forth some kind of comprehensive approach to all the issues such as the prior proposed ordinance which was defeated and the ordinance which is giving property away. He won't be around to join in the conversation but it would be worthwhile for the effort to be made so that we're much clearer on how we approach these items.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 1 nays (G. Meadows), the Ordinance was passed.**

The clerk gave a **third 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. The clerk added that Mike Kelley of Walter Drane made several suggested amendments to the Ordinance.

Vice Mayor Johnson moved that the Ordinance be passed and to amend the Ordinance with the suggested amendments provided from Walter Drane which handles our Codified Ordinances.

Ord. #26-14
Water
Quality
requirements
of the MS4
program

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

Vice Mayor Johnson moved that this amended 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 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.

Vice Mayor Johnson moved that this Ordinance be passed.

City Manager Allen stated for the record that upon passage it will be advertised for 5 weeks in the local publication and if terms are offered it will return to Council for acceptance. Councilman Saddler stated that the Parks & Recreation Committee has worked hard to get this legislation moved forward and he believes that this is a way for us to recoup some money and to get rid of unneeded properties around the city.

Ord. #27-14
advertise for
the sale of the
Babcock
Building

There were no questions or comments. The role was called. **VOTE: 5 ayes – 1 nays (K.W. Johnson), the Ordinance was passed.**

The clerk gave a **second reading**, to an Ordinance to submit to the electors of the City of Portsmouth, Ohio, at the general Election to be held on the 4th day of November 2014, proposed amendments of Section 47(g) of the Charter of the City of Portsmouth, Ohio.

Vice Mayor Johnson motioned to bring from the Table the above proposed Ordinance.

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

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 providing for the annual tax budget for municipal purposes for the year 2015.

Vice Mayor Johnson moved that this constitute a first reading. City Manager Allen questioned that it should be a second reading in which the City Clerk confirmed. Vice Mayor Johnson withdrew his motion for a first reading and motioned 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.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

There was no one present who wished to address Council on items not on the agenda.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. Received from the Auditor via e-mail, the following Combined MTD/YTD reports for the period ending May 31, 2014: Expense Report, Revenue Report, Fund Report and Appropriations Transfer.
2. Received a letter on June 11, 2014 from the City Manager dated June 10, 2014 appointing Chief Raison as Acting City Manager in his absence for his upcoming vacation.
3. Received the Legal description on Beech Alley from the City Manager on June 18, 2014.
4. Received resumes for the 6th Ward Council position that will soon be vacant and forwarded those applications to City Council via email and in their Council packets. Also on instruction by Council, advised all the applicants to attend the June 23rd Council meeting for interviews.
5. Received from the Auditor June 23, 2014 a Daily current cash position for June 23, 2014.
6. Wished Mayor Sturgill well and stated that it had been a pleasure working with him.

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 stated that Council has his written report (which is also available on the city's website) and he reviewed some of the following items from his report:

1. In the Capital Improvement budget was an item that was voted on and approved for the upgrade of the city's financial software. He believes this will aid us in eliminating some of the audit citations by allowing us to get requisitions processed prior to purchasing. The software upgrade is \$118,000, so there will be an adjustment in the Capital Improvement budget and he plans to review that in July.
2. He received an email regarding the mowing of Mound Park. He really wants our property's to look the best that they can at all times, but one of the realities he had to come to terms with is that we don't have the manpower to provide that level of service. If there is a special event the city will pull people from other departments to help mow, but on a routine basis the city only mows the parks every 14 days, he stated that the city doesn't have the manpower to maintain the parks.
3. We had a bear within the city limits and he stressed to the public to be very cautious as he has witnessed that the bear can run quite fast and the police have seen it jump 8ft privacy fences. He warned not to take on this bear with a weapon as it is a protected species.
4. He thanked Mayor Sturgill for the short time that they've gotten to work together and wished him all the best.

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 has no final report.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – He told Mayor Sturgill that it had been a pleasure working with him and he hopes he can come close to the professionalism in Chairing Council.

2nd Ward – Councilman Saddler reported the following:

1. He thanked Mayor Sturgill for his time served and added that it had been a pleasure working with him and asked him to return for a visit.
2. He stated that he was late in getting the minutes out for the Parks & Recreation Committee for last month. He asked the public that if they would like to start receiving the minutes that he would get their email address and put them on the list of recipients. He review the following:

- a. He said there are 4 groups that have adopted Parks and Committee Member Kismet Bratchett will be contacting local churches around Farley Square to possibly adopt Bannon Park. He added that he has filled out the paperwork to adopt a park and it has been approved, he's adopting Buckeye Park and invited the public to help pick up trash in some of these parks. He will begin Saturday June 28, 2014 and will be mowing every 10-14 days. He encourages all the public to consider adopting a park.

3rd Ward – Councilman Kevin E. Johnson thanked Mr. Beaumont for attending to some overgrown weeds on some property in the 3rd Ward and he responded to them the same day. He also thanked Mayor Sturgill and stated that he enjoyed working with him for a little over a year and that he would be missed.

4th Ward – Councilman Kalb wished Mayor Sturgill the best and wished the City Manager well on his mission trip to Honduras.

5th Ward – Councilman Meadows reiterated what the City Manager said about the bear and added “under no circumstances should anyone feed a wild bear” and advised citizens to keep garbage secured. He also wished Mayor Sturgill the best and thanked him for the time served on Council and for all that he has taught him.

6th Ward – Councilman Sturgill reported that he continues to pass on his concerns of the 6th Ward to the City Manager. He made an apology to the residents on Oakland Avenue; the hole is still in the road and he's aware that the City Manager is committed to getting it fixed and added that it will take a little while longer due to the hold up with Columbia Gas redirecting the gas line.

City Solicitor – Chris Gerard stated that there was no report from the Solicitor.

Auditor Williams – He went over the tax report very similar to the fund report but thought that Council would like to see more frequent reports. The new system can print out up to date daily reports and can customize more reports and if Council would like to see anything different or specific, to please advise him as he invites suggestions. He also thanked Mayor Sturgill and added that it has been very nice and pleasurable working with him.

Vice Mayor Johnson motioned to move into Executive Session with the sole purpose of interviewing candidates for the soon to be vacant 6th Ward Council position.

The role was called. **VOTE: 6 ayes – 0 nays, the motion carried. Council recessed into Executive Session at approximately 6:45p.m.**

Council reconvened at 7:45p.m. The roll call showed all those previously in attendance were still present with the exception of Mayor Sturgill and City Auditor Williams.

Vice Mayor Johnson opened up the floor for nominations for 6th Ward Council person.

Councilman Saddler thanked the three individuals that put their names in for the 6th Ward Council position. He stated that he knew two of them pretty well and one he just met before the meeting. He added that all the candidates had very good qualities, good ideas and answered all the questions that were asked of them. He was satisfied with all three people but unfortunately there can only be one person to be accepted. He hoped that it doesn't deter the other two from attending Council meetings or getting involved in the community because our city does need help.

Councilman Meadows nominated Jeff Kleha

Councilman Kevin E. Johnson nominated Tom Lowe

Councilman Kalb nominated Will Mault

Vice Mayor Johnson called for other nominations three times.

Since there were no other candidates to nominate the nominations were closed. Roll call vote was requested for each candidate in alphabetical order by last name.

Candidate: JEFF KLEHA. The roll was called. **VOTE: ayes 4 (K.W. Johnson, R. Saddler, J. Kalb, G. Meadows) – 1 nay (K.E. Johnson)**

Vice Mayor Johnson advised newly appointed Councilman Jeff Khela that he would be sworn in at the first meeting in July and he thanked all the candidates.

The meeting adjourned at approximately 7:55 p.m. on a motion by Councilman Kalb.