

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

Monday June 24, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday June 24, 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 W. Johnson	1 st Ward
Rich Saddler	2 nd Ward - Absent
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Steve Sturgill	6 th Ward

Also present was City Solicitor, John Haas and City Auditor, M. Trent Williams, City Clerk, Diana Ratliff.

Councilman Saddler's absence was excused on a motion by Councilman Kevin W. Johnson.

The motion carried viva voce. **VOTE: ayes 5 – nays 0**

Council dispensed with the reading of the Journal for the regular session of June 6, 2013 and special session June 17, 2013, on a motion by Councilman Kevin W. Johnson.

The motion carried viva voce. **VOTE: ayes 5 – nays 0**

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

There was no one present who wished to address Council on any item 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), (d) and (e) - Rates for Residential Collection and Disposal to increase Sanitation rates in the City of Portsmouth.

**Ord #30-13
Sanitation
rate increase**

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

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third 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 moved that this Ordinance be passed

Councilman Sturgill asked Auditor Williams if there was money available to cover the expense.

Auditor Williams replied that the City is receiving more inheritance tax which was not included in the budget, therefore there would be enough money to cover the overtime.

**Ord #31-13
Approval for
Fire
Department
overtime**

Councilman Meadows asked if the money had already been received or is it expected to be received.

Auditor Williams replied that the monies have already been received.

There were no further questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third 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.

**Ord #32-13
Salary
increase for
City Council**

Councilman Kevin W. Johnson moved that this Ordinance be passed

There were no questions or comments. The role was called. **VOTE: 4 ayes, (K.E. Johnson, S. Sturgill, G. Meadows, K.W. Johnson) - 1 nay (J. Kalb), the Ordinance was passed.**

The clerk gave a **second reading**, to an Ordinance authorizing the vacation of an alleyway located between the 2000 and 2100 blocks of Argonne Road and the west side of US 23 (Scioto Trail) and a portion of Argonne Road and Spring Lane as it now exists; and the relocation of Spring Lane, as requested by KDMC Ohio and more fully described in the attached legal descriptions, with the City of Portsmouth reserving all easements to this property.

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

There were no questions or comments. The role was called. **VOTE: 5 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 2014.

**Res #08-13
Tax Budget
for 2014**

Councilman Kevin W. Johnson moved that this Resolution be adopted.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the Mayor of the City of Portsmouth, Ohio to enter into a contract with J M Miller Enterprises to perform the electrical upgrades along the riverfront in the amount of \$122,047.75 to be paid for from CIP Fund No. 301 and consider the same an emergency. (**Consent Agenda due to emergency status**)

**Ord #33-13
Electrical
Upgrade
along the
Riverfront**

Councilman Kevin W. Johnson stated that the emergency status is based upon the timeliness of the construction that needs to be completed and moved to suspend the 3 reading rule as part of the Consent Agenda.

The roll was called. **VOTE: ayes 5 – nays 0 The rule was suspended.**

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

Auditor Williams stated that he wasn't here for the conference meeting when this legislation was introduced and is unsure why it's being brought before Council as it has already been budgeted and approved in the Capital Improvement fund.

Community Development Director Tracy Shearer stated that any contract over \$100,000 had to be approved by Council.

Solicitor John Haas stated that it does have to be brought before Council due to the Community Workforce Agreements.

Auditor Williams stated that he thought that the Capital Improvement Ordinance would authorize the Mayor to enter into a contract, bids and everything necessary as far as standard procurement. He thanked Solicitor Haas for his answer.

There were no further questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Michael Malone – 1731 Robinson Avenue – He is a member of the North End Super Reunion committee and was authorized by the President of the Committee to give a brief overview of the activities planned for the Super Reunion for July 4-7th. He thanked the City for their support of the Super Reunion on various occasions and would like to invite Council and the citizens of Portsmouth to the event. Approximately 200-250 people are registered and will be utilizing the area hotels and motels. If anyone would like to attend any of the events, the committee request that you register so that there will be plenty of food and drinks for everyone. You can contact Kay Barlowe or contact through e-mail: northendreunion@yahoo.com

The events are as follows:

July 4, 2013:

10:30-1:00 - 14th Street Community Center, there will be a meet, greet and reconnect with citizens that have left the area and returned for the reunion. Light refreshments will be served

12:00-1:00 - Registration for the balloon launch.

11:00-6:00 p.m. - McKinley pool will be free to all citizens of Portsmouth.

July 5, 2013:

6:00-9:00 p.m. – Banquet at the SOMC Friends Community Center (*A professional comedian will be providing the entertainment*)

July 5th -7th, 2013:

Jeff Lisath Basketball Classic at Bannon Park (*If anyone would like to participate, contact Jeff Lisath*)

July 6, 2013:

Golf Tournament at Shawnee Golf Course

12:00-2:00 – Picnic at Bannon Park.

9:00 p.m – 1:00 a.m. – Ball at SOMC Friends Community Center.

MISCELLANEOUS BUSINESS AND REPORTS:

1. **City Clerk's Report –**

Oaths of Office: Steven Timberlake Special Deputy Clerk June 5, 2013

2. Renovations of the city clerk's office were completed on June 12, 2013 and the equipment was moved back into the office on June 13, 2013.

3. Received from the Auditor via e-mail, on June 21, 2013 the following reports for the period ending May 31, 2013.

Combined MTD/YTD Expense Report
Combined MTD/YTD Revenue Report
Combined MTD/YTD Fund Report
Appropriation transfer from transaction listing

4. Received the Codified Ordinance replacement pages on June 21, 2013.

The Clerk's report was received, filed and made part of the record, on a motion by Councilman Kevin W. Johnson.

Mayor's Report – There was no Mayor's report.

President's Report – Councilman Sturgill asked Solicitor Haas if there was a contract with Shawnee State University for Branch Rickey Park. Solicitor Haas asked Jeanette Langford if the contract was signed and she replied that she had not seen it. He stated that it has been completed but must be somewhere between his office and the Mayor's office. Councilman Sturgill asked if Shawnee State had control of the park and if the City was responsible for anything in the park. Solicitor Haas replied that Shawnee State maintains the park, the field and scheduling, but with certain things they refer to the City or if there's something the City needs it will take priority. The city maintains the Sanitation pick up and buildings.

Councilman Sturgill stated that he had visited the park and remarked at how beautiful it had been maintained and that Shawnee State had done a wonderful job and the City needs to do its part to insure that we continue to pay homage to Branch Rickey and the stadium that bears his name. If there are any opportunities that we can help them, with possible grants, he hopes that the City would assist; Auditor Williams suggested new lights. He attended the Gene Bennett classic along with Mayor Malone and Auditor Trent Williams and had the opportunity to converse with many of the guest that were in attendance as most of them were from out of town, which means our hotels and restaurants were being utilized. He commended Gene Bennett and Al Oliver on the size of the current tournament and hopes that in the future the tournament will expand to include more teams.

He added Larry Essman as the final person to his Finance Committee which will be meeting on June 26, 2013 at 6:00.

He concluded with an observation regarding the well deserved accolades the City has been getting with regard to the blighted structures throughout the community. However, the City continues to ignore several of its own blighted properties such as the Martings building, the Babcock building, the Adelpia building and the Naval Reserve building on Charles Street. These properties continue to have wood covering the windows, weeds growing out of control, the parking areas are a mess and the building on

Charles appears to be ready to collapse and it is currently housing a boxing club. The City needs to step up to the same standards that we require of our citizens, we don't need a committee to drive around the City of Portsmouth to figure out that we have some real issues. These properties need to be brought up to standard, put on the market and sold or torn down.

The President's report was received, filed and made part of the record, on a motion by Councilman Kevin W. Johnson.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Kevin W. Johnson had received a number of complaints that he had forwarded to the Health Department and he thanked them for addresses the needs of his Ward. He has also received compliments on the City for the condition of the riverfront and how it's being taken care of and that it looks good. He concluded with the appointments of his Economic Development and Sustainability Committee:

Angela Davis, Kim Hill, Mike Otworth, Bill Raison, Chris Smith, Donald Washburn.

Sub-Committee: Dr. Johnny Ray Bernard, Jr., Dr. Barb Bradbury, Gabe Brown, Jon Jenkins, Brian McMullen, Gail Miller, Peggy Rice, Trent Williams.

3rd Ward – Councilman Kevin E. Johnson stated that he had received several complaints about an unoccupied home at 1141 Ruhlman Avenue regarding overgrown weeds and possible snake and mosquito infestation. The resident's in that neighborhood have very well manicured property's and this unoccupied home has become unsightly. He sent an e-mail to the Mayor's Office and to Service Director Beaumont requesting that the matter be addressed and has not had a reply to date. He also received a complaint from a resident living in the Forest Heights community on South Taylor Court regarding the conditions of the pavement on that street which are in need of repair or repaving, he will forward this complaint onto the Mayor's office and Service Department.

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Sturgill stated that he spoke with Ms. Parrish from Novak Consulting Group and she conveyed that she had been receiving applications from all over the country with various diversified backgrounds and she is very optimistic that in a very short time, she'll have some applicants for Council to be able to start the hiring process. Mr. Sturgill addressed the problem with the shortage of staff to enforce zoning issues around the city. Councilman Kevin W. Johnson stated that the Engineers Department has been decimated over the past 6 years as when long time employees retired, the City did not replace them. Jeanette Langford said that Crystal Weghorst has been doing the best that she can with trying to enforce the zoning ordinances, but that department is down to the bare bones. Mr. Haas explained that the Engineering Department is responsible for zoning and all complaints regarding a business setting up in a residentially zoned area should be reported to the Engineering Department. The Zoning Board of Appeals meets when a person who want to file an application for a variance because they want to do business in a residential area. Mr. Sturgill stated that he was surprised that the 6th Ward is having these issues and asked what happens when people build something within these zoned areas. Mr. Haas replied that if they're building something without a permit, that's a whole other issue but otherwise the Engineers office would issue a cease and desist order until the builders get all their paperwork in order and under these conditions the fine would be doubled. Mr. Sturgill asked if Mike Asebrook was still coming from Columbus periodically to work here in the city. Ms. Langford replied that "yes" he is still under contract.

City Solicitor – Solicitor Haas stated that at the next Mayor's Conference meeting, one of the issues will be the Consent Order with the EPA and the Lawyer representing the City would like to address Council. Executive Session may need to be called for some of the discussion due to the litigation that is involved.

City Auditor – Auditor Williams had no report.

The meeting adjourned at approximately 6:35 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

President of Council