

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

Monday July 8, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday July 8, 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
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.

Council dispensed with the reading of the Journal for the regular session of June 24, 2013, on a motion by Councilman Kevin W. Johnson.

The motion carried viva voce. **VOTE: ayes 6 – 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.

Auditor Williams requested 3 Resolutions be added to the Agenda regarding pension pick-ups for Fire Department, Police Department and Fire and Police Chiefs.

Councilman Kalb questioned Mr. Williams on why these items were late.

Auditor Williams apologized and stated that it simply slipped by him, but that they need to be completed by the next payroll. It has no affect on the City, it merely reflects the correct rate for the Fire and Police pensions and the increase is paid by the employees. The resolutions are housekeeping items for the Auditor's office and requested again that the resolutions be added to the Agenda.

**Items added
to the
Agenda
(Fire and
Police
pension pick-
ups)**

Councilman Kalb motioned to add the items as C, D & E.

The motion carried viva voce. **VOTE: ayes 5 – nays 1 (Kevin W. Johnson)**

LEGISLATION

The clerk gave a **third 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.

**Ord #34-13
KDMC
closing
portion of
Argonne
Road and
Spring Lane**

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

Councilman Saddler asked KDMC representative Harrison for a time frame to begin construction. Mr. Harrison replied that the designs are currently being worked on and stated that he wasn't being evasive however it's hard to anticipate, but would like to see it begin by the first quarter of 2014.

Councilman Kevin W. Johnson remarked that he has had a lot of positive feedback from his Ward on what a great addition this is to the community. He congratulated KDMC on their approach to the property owners and how they've dealt with issues in that area.

Councilman Sturgill stated that he continues to hear that Council doesn't do enough to bring jobs to the area and this project is a job creator.

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

The Clerk gave a **first reading** to an Ordinance revising the Codified Ordinances by adopting replacement pages thereto and declaring an emergency. (Consent Agenda)

Councilman Kevin W. Johnson moved to waive the 3 reading rule as this is a Consent Agenda item due to the codified ordinance replacement pages that need to become part of the ordinances right away.

The motion carried viva voce. **VOTE: ayes 6 – nays 0**

Auditor Williams asked where the Ordinance is declared an emergency.

Solicitor Haas replied that it was in the first sentence.

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

The Clerk gave a **first reading** to a Resolution reaffirming and restating prior resolutions and ordinances in such form approved by the Ohio Police and Fire's Pension Fund's Board of Trustees as required by Ohio Administrative Code Section 742-7-14 in order to continue pension pick-ups under the new procedures of the Ohio Police and Fire Pension Fund. Whereas, the eligible employees of the Portsmouth Fire Department as members of Local #512 of the International Association of Fire Fighters participate in the Ohio Police and Fire Pension Fund ("OP&F").

Councilman Kevin W. Johnson moved that the resolution be adopted.

Auditor Williams reiterated that the reason for each of these resolutions was that over the next 3 years there will be an increase of three-fourths percent each year. These are rates that are paid by the employees and the rates of the current pension pick-ups would stay the same whether this is passed or not as this is paperwork required by the pension board giving them authorization to match the rate they are putting into effect on July 16, 2013.

Councilman Saddler asked if the State would mandate the implementation, if these resolutions were not passed. He also asked if there were any kind of a grant or State assistance that would help offset the employees having to pay extra money out of pocket.

Auditor Williams replied that regardless whether it's passed or not, the State is going to implement the rate increase and the State will still require the employee to pay the share required by law. Mr. Williams stated if not passed he would come back at the next meeting and asked that it be passed as an emergency, because our paperwork (Resolution) has to match the States information. Every Fire and Police personnel are a part of this pension fund and they've been working for some time to build a more stable fund for the employees.

Councilman Meadows questioned that if we don't pass the Resolution the State will implement the increase but we won't be taking it out of their pay to send to the State.

Auditor Williams stated that he didn't know why Council is talking about not passing these resolutions as they are simply housekeeping items that are required by law. Whether it's taken from the employee's payroll or if the City pays it, the increase must be paid.

Councilman Sturgill stated that he believes everyone is concerned that this was dropped in front of us when there's been months to get it done.

Auditor Williams replied that he understands, but as human beings we're subject to error and he hasn't asked for anything to be added to the Agenda since December.

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 a Resolution reaffirming and restating prior resolutions and ordinances in such form approved by the Ohio Police and Fire's Pension Fund's Board of Trustees as required by Ohio Administrative Code Section 742-7-14 in order to continue pension pick-ups under the new procedures of the Ohio Police and Fire Pension Fund. Whereas, the eligible employees of the Portsmouth Police Department as members of Local #33 of the Fraternal Order of Police participate in the Ohio Police and Fire Pension Fund ("OP&F").

Councilman Kevin W. Johnson moved that the resolution be adopted.

Councilman Kevin W. Johnson stated that the reason for the 3 resolutions is that one is for the Fire Department, one is for the Police Department and one is for the Fire Chief and Police Chief.

Ord #35-13
 Codified
 Ordinance
 replacement
 pages.

Res #09-13
 Fire
 Department
 Pension pick-
 up increase

Res #10-13
 Police
 Department
 Pension pick-
 up increase

Auditor Williams stated that they are all equally members of the pension fund but need to be viewed separately.

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 a Resolution reaffirming and restating prior resolutions and ordinances in such form approved by the Ohio Police and Fire's Pension Fund's Board of Trustees as required by Ohio Administrative Code Section 742-7-14 in order to continue pension pick-ups under the new procedures of the Ohio Police and Fire Pension Fund. Whereas, the Chief of the Police Department and the Chief of the Fire Department participate in the Ohio Police and Fire Pension Fund ("OP&F").

**Res #11-13
 Fire Chief
 and Police
 Chief Pension
 pick-up
 increase**

Councilman Kalb moved that the resolution be adopted.

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

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Tim Hartlage – 1555 Jackson Street – He commended Mr. Sturgill on his statement in the Portsmouth Daily Times regarding the poor quality conditions of City owned property. He reiterated what Councilman Sturgill had previously stated "how can the City ask property owners to clean up their property, when the City is not cleaning up their own". The City garage is a prime example, his Mother's backyard overlooks the City garage and its deplorable conditions with trash strewn everywhere along with old discarded tires which hold water and draw mosquito's which he's sure is violating EPA regulations. His Mother cannot sit and enjoy her patio because the mosquitos are so bad. He states that he's seen off work City employees dumping their trash into the pile that has accumulated at the City garage site and if he has to pay to dump his trash so should these employees. He commented on the statement that Service Director Beaumont made to the Daily Times when he stated "it's common practice for City Employees to take equipment home", he believes this to be an untrue statement as several years back a City employee was fired because he had taken equipment to his sons home on Sunrise Avenue. He concluded with the statement that if he has to rent equipment from Wagner's Rental then so should the City Employees.

Jerry Book – Stockham Hill West Portsmouth – The Boat Races will be held on the Ohio River this year on August 3rd and 4th. He requested the help of City Council for either a monetary donation or providing services such as Water & Electric or the Police Services. The races bring approximately 30 teams to the area, each team consists of 5 members which means each team would be purchasing at least 2 hotel rooms within the city, utilizing restaurants and shops in the downtown area. He concluded with the fact that this would be a great asset for the City of Portsmouth and Portsmouth should be known for something other than as a side bar on television's A&E regarding the drug problems in our community.

Helen Shear – 3906 Pleasant Avenue – She has concerns regarding a garage her neighbor built back in 2011 when the City Engineer granted them permission to build the garage. When they were asked about the garage, they initially didn't have a problem with the neighbors building it and minutes from the zoning board meeting reflect that the neighbors agreed to not park in front of the garage. However, the neighbors built a 3 foot ramp into the garage and they park on the ramp making it next to impossible to get out of their driveway safely; since they live on a corner lot, cars don't always abide by the speed limit, there's also a weeping willow tree and a white fence that make it hard to get out of the driveway. She's called the Police and spoken with the City Engineer's office and was told that it was a civil matter between her and her neighbor and that she might consider calling her neighbor when she needs out of her driveway. She stated that she's not sure that Council can help her with her problem but in the future the 30 foot easement should be looked at on an individual, case by case manner before something is allowed to be built.

Dan Shear – 3906 Pleasant Avenue – He came to speak to Council on the suggestion of Councilman Sturgill and reiterated the statements that his wife previously made. He stated that he was born and raised in the home he lives in as it was his Grandfathers home place. The neighbors have 3 daughters that park wherever they want and now that the garage is built, they say they'll do whatever they want. He doesn't believe that he should have to call his neighbors every time he wants out of his driveway.

Councilman Meadows motioned to go into Executive Session to discuss pending litigation at 6:30 p.m.

**Executive
 Session**

The roll was called and the motion carried. **VOTE: ayes 6 – nays 0**

Council returned from Executive Session at 7:40 p.m. all were still present with the exception of Auditor Williams.

MISCELLANEOUS BUSINESS AND REPORTS:

1. City Clerk's Report –

Oaths of Office:	Corey Fischer	Police Officer	7-1-2013
	Jacob Newman	Police Officer	7-1-2013

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

Mayor's Report – Mayor Malone passed out a letter regarding the Bureau of Worker's Compensation but withdrew it as legislation and will hold off adding it to the Mayor's Conference Agenda. He stated that the City is part of the Metro Group program and earlier this year the City received a BWC refund of \$41,000 and another check this week in the amount of \$34, 892.

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

President's Report – Councilman Sturgill has several issues to go over and they are as follows:

- He announced that he will not be in attendance at the next meeting on July 22, 2013.
- He stated that there are several issues in the 6th Ward and is not sure what the answer is, he has driven down Pleasant Avenue and there's definitely a problem; this is another example of zoning issues, allowing the garage to be built in a place where it should not have been allowed and is now creating problems for other residents.
- He commented that the Committee meetings are off to a good start as the Budget & Finance committee met last month, Parks & Recreation will meet on Tuesday and Economic & Sustainability will meet on Wednesday. He reminded all committee chairpersons to contact the City Clerk with the Agenda & Minutes for each meeting as she will need to publically announce the meetings date, time and location.
- He advised that during the Mayor's Conference there will be a discussion regarding the EPA's visit.
- He commented on the pipe replacement being done on Chillicothe Street by the Gas Company and advised that as soon as the replacement is complete, the Gas Company will repave the street where the replacement was completed.
- He visited the Martings Building last week and has had several businesses looking around, he stated they were surprised at what good shape the building is in, however, the annex building didn't fare as well and is a mess. He asked the Mayor if we've contacted a Realtor Company about putting the building on the market, the Mayor replied "not officially, but unofficially we've spoken with a couple of them and based on the article in the paper, we've been looking at some things and processes for a few of the properties."

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 several issues as follows:

- He has spent some time on 2nd Street and there are 3 or 4 new shops that have opened and said that he had gotten a yogurt from the new shop "Brain Freeze Yogurt". He stated that he was disappointed in all of the weeds in the sidewalks, trees that need trimmed and unfortunately some business owners don't know that it's their responsibility to keep the condition of the sidewalks clear and the trees trimmed. It's very discouraging to shoppers who have to walk through the mess.
- He stated that several people have mentioned to him that a couple of trees have been ripped out on Chillicothe Street, one at the former Roberta's Tax Service and the other in front of the Park Apartments. He said it disgust him that several years back Desco Federal Credit Union did the same thing and poured concrete into the space designated by the City for the trees. The City invest \$5,000 each year into these trees and all that is ask in return is that the business owners take care of them. This year we've started a small grove of trees in the side lot of the Municipal Building in hopes that once they mature people will be able to enjoy them.
- He concluded with an issue at the corner of 24th and Waller Streets. There's an elderly gentleman who sells cars from his home and has at a minimum of 8 cars parked on the street with 4 cars on Waller Street and 4 cars on 24th Street which has created a blind spot for traffic turning toward Scioto Trail. He has been told that this man is a very nice elderly man, but there have been some close calls and it's creating major traffic problems with this man running a business from his home.

2nd Ward – Councilman Saddler had several issues to review as follows:

- He formally announced the members of the Parks & Recreation committee as follows: Rich Saddler as Chairman, Service Director Bill Beaumont, Water Works Director Sam Sutherland, Sam Ishmael, Kismet Bratchett and Casey Glenn. Jane Saddler will be doing the secretarial roll. They will be meeting at the American Legion Post #23 at 6:00 on July 9, 2013, this will not be the permanent place to meet and he will get with City Clerk Ratliff on setting up times for Council Chambers.
- He thanked Mr. Hartlage for coming forward to voice his concerns but stated for the record that the Mayor and the Service Director had been contacted about this issue some time back.
- He thanked Jerry Book for coming forward with the information regarding the Boat Races. He served on the racing board last year and they fell short on funds to provide a race last year, he would like to strongly urge the Mayor and Council to provide some type of service whether it be Police Services or Water & Electric as these races are a part of Portsmouth history and believes it would be a major asset to the City.
- He stated that he firmly believes that Mr. & Mrs. Shear have a sight issue and the City has a responsibility to provide proper sight distances to our community members and that the Engineer's office should look into this further.
- He apologized for not attending the last meeting as he was out of town celebrating his parents 50th Wedding Anniversary. He would have liked to comment on some of the issues that were discussed and has strong feelings regarding those issues but feels that those issues are now behind us at this point.

3rd Ward – Councilman Kevin E. Johnson had no report.

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows had a couple of items to discuss as follows:

- He formally announced the members of the Legal, Legislative and Safety Committee as follows: Councilman Meadows as Chairman, Chief Robert Ware, Solicitor John Haas, Larry Essman, Teresa Blankenship and Councilman Sturgill. They will be meeting on July 11, 2013 at 5:00 in Council Chambers.
- He stated that he had been out of town last week and when he returned he had received an e-mail from a resident on Grandview Avenue regarding some apparent flooding. He would like to know the status of the downspout removal, how it's progressed and how many people have complied with that order in that area as he's spoken with Larry Essman who still has some issues with the downspout removals.

6th Ward – Councilman Sturgill had no report.

City Solicitor – Solicitor Haas had no report.

City Auditor – Auditor Williams had no report.

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

City Clerk

President of Council