

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday August 26, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday August 26, 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 Acting City Clerk, Tracy Shearer and City Auditor, M. Trent Williams.

Council dispensed with the reading of the Journal for the special session of August 7, 2013, on a motion by Councilman Kevin W. Johnson.

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 Mayor to approve and sign an Administrative Order on Consent (AOC) which has been negotiated with USEPA Region V. The AOC includes the construction of a number of improvements to Portsmouth's sewer system.

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

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

**Ord. #37-13
AOC for
construction
improvements
to
Portsmouth's
sewer system**

The clerk gave a **second reading**, to an Ordinance authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing to resurface a portion of SR 139, improve the intersection of SR 139/Maple Benner Rd, add 2' wide shoulders from 3.0 to 10.5, and provide Access Management improvements for driveways at SR 139 & High Street in Minford.

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

Councilman Saddler abstained from the vote due to his employment with ODOT.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays – 1 abstain (R. Saddler), a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the appropriation of \$6,000 from Capital Improvement Fund No. 301 into Council Trust for Recreation Fund Pool Line Item No. 801.552.5289 for repairs/replacement of items at McKinley Pool.

Councilman Kevin W. Johnson 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.**

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of funds in the amount of \$260,000 from CIP Fund No. 301 for the settlement of Newsome and Hunt vs. City of Portsmouth, Case No. 10CIC0024, and considering the same as an emergency measure. **Due to Emergency measures this was a Consent Agenda item.**

Councilman Kevin W. Johnson stated that due to the emergency status he moved to suspend the 3 reading rule as part of the Consent Agenda.

**Ord #39-13
Settlement
for
Newsome
and Hunt
case**

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

Councilman Kevin W. Johnson motioned that this 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 **first reading**, to an Ordinance authorizing the City Auditor to make fund transfers and appropriations necessary to satisfy the requirements of the Auditor of State's proposed finding for adjustment as a result of over-allocated central service costs in the 2012 budget as an emergency.

**Ord #38-13
Fund
Transfer and
appropriation
to satisfy
State
Auditor's
requirement.**

Councilman Kevin W. Johnson stated that due to the emergency status 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.

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

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Karen Conkle – 2719 Sherman Road – Thanked everyone for coming out and helping with the clean up at Mound Park. She's very concerned about people having yard sales signs up on poles and then not taking them down after the yard sale, which makes the neighborhood look very trashy, there needs to be better enforcement of the current law.

There were no other citizens that made statements.

Auditor Williams requested that an Ordinance be added to the Agenda regarding fund transfers and appropriations necessary to satisfy the requirements of the Auditor of State's proposed finding for adjustment as a result of over-allocated central service costs in the 2012 budget as an emergency.

**Item added to
the agenda**

Extensive discussion was held on whether to add the requested item to the agenda for the following reasons:

- a. The public did not have an opportunity to discuss the item.
- b. Council does not accept legislation at Council meetings.

Councilman Kalb moved to add this item to the Agenda.

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

Councilman Kalb moved to suspend the 3 reading rule due to the emergency status. .

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

Councilman Kalb moved that the Ordinance be passed.

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

MISCELLANEOUS BUSINESS AND REPORTS:

1. **City Clerk's Report** – City Clerk Ratliff reported the following:

- a. Received on March 4, 2013 from the Police Department the LET fund report.

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 had no report.

President's Report – He stated that the next Budget and Finance committee meeting will be held on August 27, 2013.

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 stated that the Economic Development and Sustainability committee will be meeting on September 11th at Ports City Pub at 6:00 and the special guest speakers will be: President of Council Steve Sturgill, Vice President of Council Rich Saddler and Assistant Director of the Engineering Department Crystal Weghorst.

2nd Ward – Councilman Saddler thanked all that helped with the Mound Park clean up day and thanked all those volunteering their time to help with the upcoming River Days Parade. He reminded everyone of the Parks & Recreation meeting on September 12, 2013 at 6:00 p.m. at the American Legion Post #23.

3rd Ward – Councilman Kevin E. Johnson thanked everyone that came out and helped with the Mound Park clean up day.

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Sturgill had no report.

City Solicitor – Solicitor Haas thanked Council for their efforts regarding the EPA and Grandview Avenue issues.

City Auditor – Auditor Williams encouraged everyone to come out to the River Days festivities.

Councilman Kevin W. Johnson moved to recess into Executive Session to discuss possible candidates for the City Manager position at 6:45 p.m.

**Executive
Session**

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

Council returned from Executive Session at 7:25 p.m. all were still present with the exception of Auditor Williams.

The meeting adjourned at approximately 7:25 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

President of Council