

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday September 22, 2014

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday September 22, 2014 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting Mayor Kalb 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 (Absent)
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward (Absent)
Jeff Kleha	6 th Ward

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

Councilman Meadows and Councilman Kevin E. Johnson's absences were excused on a motion by Councilman Kevin W. Johnson.

Council dispensed with the reading of the Journal for the regular session of September 8, 2014 on a motion by Councilman Kevin W. Johnson.

Councilman Kevin W. Johnson motioned to add items to the Agenda as item 7h, 7i and 7j respectively. 7h - A Resolution authorizing the City of Portsmouth to prepare and submit an application to participate in the Ohio public works commission state capital improvement and/or local transportation improvement program (s) and to execute contracts as required. 7i – A Resolution accepting the amounts and rates as determined by the Budget Commission of Scioto County, Ohio, authorizing the necessary tax levies, and certifying the same to the Auditor of said County. 7j - A Resolution approving the City's Financial Recovery Plan as required by Section 118.06 of the Revised Code. The motion carried viva voce the item was added.

**Items added
to the
Agenda**

There was no Public Hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Mark Harner – 6606 Gallia Street Sciotoville, Ohio – He thanked the members of Council for bringing his request forward and requested Council forego the 2nd and 3rd readings as every week that goes by is a delay in starting the construction and with winter coming, every week will be important. They own on all sides of the alley and he doesn't know of anyone who would object.

LEGISLATION

The clerk gave a **third reading**, to an Ordinance amending Sections 175.02 and 175.03 of the Codified Ordinances of the City of Portsmouth, Ohio – Shade Tree Commission.

Councilman Kevin W. Johnson 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 authorizing the transfer to General Fund No. 101 of unclaimed monies in the amount of \$92,729.25 accumulated for years 1995 through 2010.

Councilman Kevin W. Johnson 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 appropriation of \$10,000 into CIP Engineering Traffic Fund No. 301.331.5327 from the unappropriated funds in CIP Fund No. 301 for the purpose of ordering two new street lights.

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

**Ord. #38-14
Increasing
number of
citizens for
The Shade
Tree
Commission**

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 appropriation of \$10,000 into CIP Engineering Traffic Fund No. 301.331.5327 from the unappropriated funds in CIP Fund No. 301 for the purpose of ordering two new street lights.

Councilman Kevin W. Johnson 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 appropriation of \$1,480 into Camp Street Maintenance Line Item No. 801.551.5325 to pay for gravel used to upgrade and maintain roads at the Riverfront Campground.

Councilman Kevin W. Johnson moved that this constitute a second reading and motioned to amend to add the following language: “from the unappropriated Capital Fund 301” to be inserted in the first paragraph and in Section I.

Auditor Williams stated that it will require another elimination of Item 801.551.5325 as you cannot appropriate from the unappropriated Capital Fund 301 into the Recreation Fund 801.

Manager Allen ask Council to Table the item until he can find out more information.

Councilman Kevin W. Johnson withdrew his motion and moved to table the item.

The role was called. **VOTE: 4 ayes – 0 nays, the item was Tabled**

The clerk gave a **second reading**, to an Ordinance authorizing the appropriation of \$3,000 into Cemetery/Grounds Computers Line Item No. 301.333.5536 to pay for burial records software.

Councilman Kevin W. Johnson 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 **first reading**, to an Ordinance authorizing the vacation of two sixteen foot alleys that run from Gallia Street to U.S. 52, as requested by Mark Harner and Joy Harner, and more fully described in the attached legal description, with the City of Portsmouth reserving all easements to this property.

Councilman Kevin W. Johnson asked the City Manager and City Solicitor if a timeline had been addressed during the City Planning Commission.

Solicitor Haas and Manager Allen both stated that they did not recall and in all fairness to the applicant the timeline for 3 readings never came up during the Planning Commission meeting.

Councilman Kevin W. Johnson stated that given the nature of the contracting season, he moved that the three reading rule be suspended

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

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

Solicitor Haas stated that there have been no objections from the public. Acting Mayor Kalb thanked the applicant for coming prepared with all the paperwork in order.

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 a replat of the subdivision located at Buckley and Harding Avenue including the vacation/erasure of the service strips and lot lines located within the subdivision and more fully described in the attached legal description, pending approval by the County Engineer. Consent Agenda.

Councilman Kevin W. Johnson moved that the three reading rule be suspended due to time restraints.

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

Item was
Tabled

Ord. #39-14
Vacation of
two alleys for
Mark
Harner and
Joy Harner

Ord. #40-14
replat
Buckley and
Harding
Avenue
service strips

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

Solicitor Haas stated that the school had already signed off on the project and if Council passes it then it could be taken care of the next day.

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

The clerk gave a **first reading**, to a Resolution authorizing the City of Portsmouth to prepare and submit an application to participate in the Ohio public works commission state capital improvement and/or local transportation improvement programs (s) and to execute contracts as required.

**Res. #15-14
OPWC local
transportation
improvement**

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

Manager Allen stated that normally this would have been put on the Manager's Conference Agenda, but the City was approach by the County to replace a water line to West Portsmouth. It was not on the City's scheduled projects nor was it something that was going to be done.

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

The clerk gave a **first reading**, to a Resolution accepting the amounts and rates as determined by the Budget Commission of Scioto County, Ohio, authorizing the necessary tax levies, and certifying the same to the Auditor of said County.

**Res. #16-14
Accepting
amounts &
rates
determined by
the Budget
Commission of
Scioto County**

Councilman Kevin W. Johnson 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.**

The clerk gave a **first reading**, to a Resolution approving the City's Financial Recovery Plan as required by Section 118.06 of the Revised Code.

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

Councilman Saddler thanked Manager Allen for getting this together within the 30 day time limit that was given by the State. Councilman Kevin W. Johnson thanked Manager Allen and had two questions pertaining to the outline. 1. Where will the closing of two railroad track crossing be located? Manager Allen stated that it is still in the works but the proposed closings are Spring Street, Gallia Street, 14th Street and Hutchins Street. He is still working with the local businesses to determine which two will be closed. 2. Increase rates to cover the debt payment, what kind of vehicle will be used. Manager Allen replied that he has a meeting with the Engineer to do some rate calculations and the calculation on the debt. He stated that the operating expenses are not being met and they will be doing calculations on what the rates need to be absent New Boston in order to make the operating budget in the black and then they will do one to include New Boston. The second component will be that the debt will not be a part of New Boston because New Boston has their own project and their own debt and we're collecting a debt service fee for New Boston. He reviewed the recovery plan with Council.

**Res. #17-14
5 year
Financial
Recovery Plan**

- 1) He began with the General Fund showing what has been accomplished in 2014 and what is planned to be accomplished in 2015. He stated that we should finish the year in the black, but emphasized that ending the year in the black didn't mean that there will be raises for the employees. He added that the city needs at least one month's expenses which is around \$1,000,000 in the General Fund and until that is achieved there will be no raises. He anticipates a statement from the State that shows that the Fund balance should be around \$1,000,000. He concluded the General Fund by stating that there are two items not in the recovery plan but he plans to put into the budget next year, which is to have an independent study of manpower for the Police and Fire Departments this will verify to us as to what the staffing should be in those departments. He wants to exhaust everything possibility before recommending to the citizens that there be an income tax raise. As a city we cannot turn the corner if we don't have people to mow grass or take care of the parks, as we have zero parks people. The street department should be fixing streets, but they've had to be pulled to help with the mowing around the city. He stated that before we get a plan in place it should be noted that any income tax increase would go to these departments. The city will not be asking the citizens to vote for an income tax increase for the employees to get a raise, but for the departments to be able to do their jobs. Focus will be on tightening our belt and becoming more efficient.
- 2) He reviewed the Street Fund and stated the possibility of raising the permissive tax by \$5.00 which would be through License Plates. There are 16,700 vehicles in Portsmouth and that would generate \$83,500; Council has the authority to raise the permissive tax fees in \$5.00 increments.
- 3) The Water Fund is in the black right now and the only possible savings in this department would be to install a VFD on raw water pump, the projected savings would be approximately \$25,000 per year.
- 4) The Wastewater Fund has a negative balance and there will be some FEMA money transferred into the account. Staffing levels will be held constant and as people leave the positions will not be filled.

There will be a rate increase and a change to monthly billing so that it will be more affordable for the citizens.

- 5) The changes in the Sanitation Fund have already been made but the fund is still in the negative. The fees were increased for the monthly collection, tipping fees at the transfer station and the dumpster fees. He added that the main reason for the negative balance was the increase cost to haul had tripled.
- 6) Insurance Fund is starting to work its way back to the black and in next year's budget he will set a debt reduction fee of \$2,500 per each insured employee.

He believes that by following this plan we will be headed in the right direction. He anticipates being in the black this year and next year's budget will be close to zero and we will not be deficit spending.

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

Regina Chabot – 3037 North Hill Road – She has been working with various group on revitalizing Mound Park. She is motivated by the rich history of Mound Park, fond childhood memories, child rearing memories and feels that it's vital to the city as a play space, green space and a potential tourist attraction. She hopes to address Council with a long range plan in the near future.

Jessica Horsley – 1805 Highland – She was dismayed by the comments made in the Portsmouth Daily Times regarding Mound Park. She supports Ms. Chabot's plans for the park and she amongst others took it upon themselves to clean up the park. She hopes that going forward that there will be a more positive relationship towards Mound Park and hopefully only positive comments are made regarding the park.

Ben Davis – 2315 Waller Street – He's a member of the Parks & Recreation Committee and is committed to the vibrancies at Mound Park and to providing green space in that area for people to enjoy.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received from the Auditor via email, the following combined MTD/YTD reports for the period ending August 30, 2014: Expense Report, Revenue Report, Fund Report and Appropriation Transfer Report.
2. She received Oath of Office for Ashley Burton as Special Deputy Clerk.

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

City Manager's Report – Manager Allen reported the following:

1. His written report can be found on the City's website.
2. He advised that CMI would be updating our financial software on September 25th.
3. He spoke at the League of Women Voters on Tuesday September 16th.
4. He said he'd had a discussion with the County Engineer and was advised that the County had a bridge project and they've pulled the gas company from the Oakland Boulevard project in order to be able to complete the bridge project. The Oakland Boulevard project was bumped until the end of the year.
5. He's been working on the 5 year recovery plan and 5 year budget.
6. The 2013 audit has been reviewed and the staff is working hard to resolve some of the issues from the audit citations.
7. A ceremony was held for Tom Lancaster as he was promoted to Sergeant and commented that the newspaper article was very nice.
8. There were three AFSCME grievances resolved.
9. There were 3 firefighter candidates selected and one was the first female firefighter in the history of Portsmouth Fire Department.
10. The salt barn is full and ready for winter.
11. He reviewed the letter that was drafted and sent to U.S. EPA in Chicago involving the Lawson Run project as there were some accusations being raised and the letter clarified the city's position.

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

Acting Mayor's Report – Acting Mayor Kalb reported the following:

1. He thanked all the volunteers that have been working on our parks and at different events around the city.

2. He thanked Linda Switzer for opening her log home to visitors from Portsmouth England that were riding across the country on a motorcycle. He and Clerk Ratliff had been showing the couple the Murals on the floodwall and Ms. Switzer invited them into her home.
3. He appointed Sherri Collins to the Shade Tree Commission.

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

City Solicitor – Solicitor Haas had no report. Councilman Kevin W. Johnson ask that at the next meeting that Solicitor Haas review the legal opinions that have been given.

Auditor Williams – Auditor Williams reported the following:

1. He is looking forward to the new system that is being put in place and stated that he's been working with CMI for a few years. They've had some issues with the system but are working the kinks out and they've experimented with different reports and it looks like a good system. The employees are going to be thrilled as it will eliminate the requisition forms and will be more efficient once it is in place. He's also been experimenting with the information that he wants to give Council and expanding the financial reports and at the next meeting he will give some trial reports for Council to review.
2. Councilman Kevin W. Johnson ask for a comparison report in the city income tax area for the period from September 2013 to September 2014. Auditor Williams stated that in the City Income Tax area we had not taken a hit as was originally thought because usually when there's a spike upward, the next year we tend to spike downward, but this year we fortunately did not have those spikes. Councilman Kevin W. Johnson asked about the Real Estate taxes. Solicitor Haas stated that he believed the main reason for that is the County Prosecutor's office doing a lot of work on tax efficiencies and collecting millions of dollars in delinquent taxes. Auditor Williams believed that the city had collected more this year than last year at the same time.
3. Acting Mayor Kalb ask Auditor Williams for a paper copy of the reports in lieu of the emailed copies. Auditor Williams stated that there was input from Council to email the reports and anyone is welcome to a hard copy, but he will set Councilman Kalb up with a hard copy.

The City Auditor'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 reported the following:

1. He sent an email to the City Manager regarding the 50th Anniversary of the Ohio Valley Regional Development Commission in 2017 and most people that are familiar with OVRDC know that their headquarters used to be in Massie Hall. Once a year they have a barbeque with a guest speaker. In September 2017 he would like it to be put on the calendar that he wants to put a tent on the City green next to the Municipal Building for the event.
2. He thanked people for coming and speaking regarding Mound Park. When he spoke to the newspaper he made sure they knew he was playing the devil's advocate and from a budgetary standpoint the city has multiple problems and we have to look at how we spend our money. He is involved in Main Street Portsmouth and raises funds for the Paul Johnson Fund and is involved in the betterment of the city. He wanted the article to be a wake-up call to the citizens regarding the horrible condition of the park. He recently walked around the park and noted that a lot of the trash had been picked up, but there still needs to be graffiti sandblasted off of the buildings, playground equipment needs rehabbed, refurbished and repaired.
3. He thanked all that attended the Paul Johnson foundation fundraiser.

2nd Ward – The Parks & Recreation Committee will be hosting a flea market on October 4, 2014. All the proceed will go into the Parks & Recreation fund and they currently have about \$740.00 in the account and will hopefully be adding to that for future activities.

3rd Ward – Councilman Saddler gave Councilman Kevin E. Johnson report as the following:

1. The Personal & Performance Committee will be hosting an Employee appreciation picnic on October 7, 2014 at 11:00 a.m. and it will take place on the green space across from the Municipal Building. He gave special thanks to Lisa Carver from the Chamber of Commerce, Shawnee Boat Club, American Legion Post #23, Wal-Mart, Terry Ockerman and the Lofts for providing coffee for the event.

4th Ward – Councilman Kalb reported the following:

1. He expanded on Councilman Johnson's comments regarding the parks and believes that it's good to have committees work on parks but the parks need to be maintained. Once the graffiti is sandblasted off the buildings there needs to be procedures in place to keep them maintained and secured, because if not there will be spray paint on them the very next day. It is necessary to have security for the park.

5th Ward – Councilman Meadows was absent.

6th Ward – Councilman Kleha reported the following:

1. He thanked the City for cleaning up a tree on Lynn Street
2. He received a complaint from a citizen on Oakland Boulevard and was very glad the City Manager addressed the issue.
3. He thanked the people that spoke on behalf of Mound Park.

The meeting adjourned at approximately 7:10 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Acting Mayor