

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday September 23, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday September 23, 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 Mayor David Malone, City Solicitor, John Haas, Auditor Trent Williams and City Clerk, Diana Ratliff.

Council dispensed with the reading of the Journal for the regular session of August 26, 2013, September 9, 2013 and Special Session of September 10th and 11th of 2013 on a motion by Councilman Kevin W. Johnson.

There was no Public Hearing.

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 **second reading**, to an Ordinance authorizing a fund transfer of \$820.00 from Police Department Donations Line Item No. 214.221.5298 to General Fund Miscellaneous Revenues Line Item No. 101.000.4690 and appropriating the same into Police Department Payroll Line Item No. 101.221.5115 to cover the cost of overtime for 4 officers that worked off-duty security for the boat races.

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 approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing to construct a new Bypass beginning at US52, Ramp A SLM 26.59 and Ramp B, SLM 27.27 (SR 823 SLM 0.00), heading north moving in and out of the east corporation limit of the City of Portsmouth and terminating at US23, SLM 11.59 (SR823 SLM 16.78).

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

Councilman Saddler stated that he would be abstaining from this vote due to his employment with ODOT.

Councilman Sturgill stated for the record that any vote on this legislation was not a vote for or against the bypass. The vote was simply an Ordinance from the City acknowledging the States' role in developing the bypass within the city limits.

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

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.

Councilman Kevin W. Johnson motioned that this resolution be adopted.

Councilman Kevin W. Johnson stated that the goal is to maintain approximately \$500,000 in the Liability fund and Auditor Williams confirmed the amount was very close. He advised that when millage rates come up for renewal, we're only allowed to get what we've got in the past. Councilman Johnson further noted that when the renewal came up the last time the actual millage was 0.91 and not 1.0 mills. Auditor Williams agreed stating that the only way we could obtain a true 1.0 mill is to have written the legislation as being a "replacement" instead of a "renewal". The difference between the 0.91 and 1.0 mill is approximately \$24,000.

Res. #14-13
Accepting
rates
determined
by Budget
Commission

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 authorizing the Mayor of the City of Portsmouth to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and Local Transportation Improvement Program and to execute contracts as required.

Res. #15-13
Application for
OPWC Capital
Improvement
and Local
Transportation
Improvement

Councilman Kevin W. Johnson motioned that this resolution be adopted.

Councilman Kevin W. Johnson stated that he received an e-mail from Director Duncan stating that October 4, 2013 is the deadline to submit the application to participate. The Councilman also thanked Director Duncan for his recommendation concerning the project's funding.

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

There was no one present who wished to address Council on any item 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 on September 17, 2013, the following Combined MTD/YTD reports for the period ending August 31, 2013:

Expense Report, Revenue Report & Fund Report.

2. Oath of Office:

Brandon Shirey	Firefighter	September 17, 2013
Elijah Garrett	Firefighter	September 18, 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 reported the following:

1. He ask for clarification on the Legal, Legislative Committee statement made to the newspaper in which Councilman Kevin W. Johnson stated that this committee would be writing and submitting legislation to Council. He asked how the staff would get any legislation to Council if this is the case.
2. The City has a public request policy already existence, contrary to the statement in the newspaper.
3. The City has a Personnel policy manual which is in the process of being updated.
4. He stated that with these policies in place, it would seem a waste of time to have them duplicated.

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

President's Report – President Sturgill reported the following:

1. He stated that the Ordinance for hiring the City Manager was not ready at the time of this meeting, but wants to assure the citizens that the Ordinance will be given 3 readings.
2. He thanked Jerry Schneider, Vicki Noel, John Carey, Laura Walker, former Councilman Nick Basham and all those involved with the City Manager Search. He also thanked Jeff Albrecht for lodging and meals for the candidates, Terry Ockerman for the use of "The Lofts" conference room for the candidate interviews, Maddie Burnside and Debbie Gambill for being gracious enough to provide tours of our City for the candidates. Council appreciates all those who helped throughout the year long process in the search for a City Manager.
3. The next Budget & Finance Committee meeting will be October 15, 2013 at 5:00 in Council Chambers.
4. The State Audit was released today.

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 reported the following:

1. He stated that in his previous report about the Tree Commission he forgot to mention that during the survey of trees along Second Street and Chillicothe Street, a large tree near 509 2nd Street and Brain Freeze appears to have been poisoned by paint cleaner or thinner and is dying. He inquired the Solicitor's advice on what legally can be done regarding the deliberate destruction of these city owned trees.

2. He remarked on a statement made by Scott Dutey the Portsmouth City School District Superintendent in which he reported a lack of a working relationship between the Portsmouth City Schools and Shawnee State University. A citizen made a statement to him about the image of Portsmouth City Schools in that there will always be stereotypes and negativity, but parents and citizens need to help promote and support their school system.

3. He attended the Scioto County Health Coalition monthly meeting and was astounded on the successes of this very young coalition of groups and individuals. They've received a Community Hero award from the American Red Cross and they're working towards obtaining their 501-C (3).

4. He stated that the article referenced by the Mayor concerning the Legislative and Legal Committee reviewing all council-initiated legislation was very clear in stating that this process did not affect legislation introduced by the Mayor, City Auditor or City Solicitor. He added that the recent Audit noted a lack of procedure regarding Public Information Requests. He concluded stating that the current policy concerning city employee use of city property has not been adhered to by all departments.

2nd Ward – Councilman Saddler stated that the Parks & Recreation committee will be meeting Tuesday October 8, 2013 at 6:00 at the American Legion Post #23.

3rd Ward – Councilman Kevin E. Johnson stated that the Personnel & Performance committee will be meeting on October 16, 2013 at 5:00 in the Engineer's Office.

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows reported the following:

1. He stated that the Legal, Legislative and Safety Committee met on September 19, 2013 and he hoped to answer the Mayor's question regarding Councilman Kevin W. Johnson's statement. He stated that the Councilmen are the ones proposing legislation; nothing has or will change with regard to where the Department Heads report as they are still to report to the Mayor's office.

2. He commented on the public records statement which was just to open dialogue.

3. He announced the next meeting will be held on October 10, 2013 at 5:30 in Council Chambers, the subject of "Pill Mill" legislation and Civil Service rules will be discussed at the next meeting and everyone is welcome to attend these meetings.

4. He has sent to the Mayor's office some service issues that are happening in the 5th Ward.

6th Ward – Councilman Sturgill stated that he has passed all his concerns on to the Mayor's office.

City Solicitor – Solicitor Haas informed Council that only one bid has been received with regard to the Sanitation issue and he would like Council to consider bringing that "In House", the Mayor confirmed that this is in the works. He informed Council that Scioto Water had received a loan to build in the East end of Scioto County which means that eventually we will stop receiving funds from them because right now they purchase their water from the City.

City Auditor – Auditor Williams agreed with the Solicitor's statement, that this needs to be looked for budget concerns.

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

City Clerk

President of Council