

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

Monday January 22, 2018

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday January 22, 2018 at 6:00 p.m., in the auditorium of Life Point church.

Mayor James D. Kalb called the meeting to order and thanked Life Point Church, their members and their staff for providing this nice venue for our meeting. 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:

Sean Dunne	1 <sup>st</sup> Ward
Jo Ann Aeh	2 <sup>nd</sup> Ward
Kevin E. Johnson	3 <sup>rd</sup> Ward
Jim Kalb	4 <sup>th</sup> Ward
Gene Meadows	5 <sup>th</sup> Ward
Thomas K. Lowe	6 <sup>th</sup> Ward <i>Absent</i>

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

Councilman Lowe's absence was excused on a motion by Councilwoman Aeh. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Council dispensed with the reading of the Journal for the regular session of December 28, 2017 and January 8, 2018 on a motion by Councilman Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

There was no Public Hearing.

**STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA**

**Sammie Ishmael – 1306 Center Street Portsmouth, OH** – She spoke regarding the Abandoning Animals legislation and stated that there was talk about changing some of the wording in city ordinance 505.04, Section C. She added that the punishment for the crime needed to be changed to meet the standards of the Ohio House Bill which became effective September 13, 2016 which was also known as “Goddard’s Law”. She advised that anyone could goggle it as it was a simpler form that could be read instead of having to read all of the Ohio House Bill. She added that on the information she would be providing to Council, Section 959.131 section E, stated that no owner, manager or employee of a dog kennel who confines or was the custodian or caretaker of a companion animal shall knowingly do any of the following: torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal. She said that this also included not giving them wholesome food, water, or a place to sleep (good shelter). She added that they changed the penalty to a 5<sup>th</sup> degree felony from a misdemeanor, which doesn't necessarily mean that a person had to be charged a felony but instead the crime would be looked at and determine what was done to the animal. She said there had been a lot of animals in Scioto County that had been severely abused and now they could charge up to a felony instead of it just being a misdemeanor. She gave information to the City Clerk for each Councilperson.

**LEGISLATION**

The clerk gave a **second reading**, to an Ordinance authorizing the Acting City Manager to enter into a lease agreement for the Sunrise cell tower property.

Councilman Johnson motioned that this constitute a second reading.

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

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 utilize a TAP Grant for the construction of approximately 1.25 mile of paved shared use path along Front Street in central Portsmouth and the Shawnee State University campus.

Councilman Johnson motioned that this constitute a second reading.

There were no further questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance Amending Section 505.04 – Abandoning Animals of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Johnson motioned that this constitute a second reading.

Councilman Johnson asked Solicitor Haas if we were utilizing what he had put together or have we decided to use “Goddard’s Law” instead. Solicitor Haas advised that he had sent an email to all of Council and responded to an individual that had contacted him. He said that all we’re dealing with on this ordinance was “Abandoned Animals” at vacant houses. He said currently the way the ordinance was written there was no way for the Health Department or Police to take an animal or cite the owner for leaving an animal behind even if they have food, water and shelter. The animals were being left behind for days at a time and there wasn’t a way to cite the owners. This ordinance wasn’t about torturing or any other parts of the city ordinances that deal with those types of issues. This was specifically drawn to deal with issues that have come up most recently and that had been on the increase with a lot of the abandoned and burned out homes in the area. People were moving and leaving their animals behind; they may come and check on them on occasion, there may be food and water but the city needed something that the Health Department and Police officers could use to cite individuals for those conditions. He added that “Goddard’s Law” dealt with other sections of the Ohio Revised Code, the code section in the revised code also had an abandoning animals section that was not modified by “Goddard’s Law”. This abandoning animal’s ordinance would be the same penalty as the Ohio Revised Code ordinance penalty for abandoning animals. He received the House Bill and had reviewed it; “Goddard’s Law” did not affect the abandoning animals section and was not modified by “Goddard’s Law”. Councilman Johnson asked if this was stricter with tougher penalties and Solicitor Haas stated that the proposed ordinance would be much more specific than what the Revised Code defined as an abandoned animal. He said that the abandoned animals section in the Revised Code was only one sentence long and very vague, but the new city ordinance would be much more defined, but regardless, the actual penalty between the Revised Code section and the city’s ordinance were the same. Councilman Meadows stated that if the city’s Police Officers found something more severe than what our ordinance covered, the officers could write a citation under the Revised Code and bring in the stricter or all-encompassing law with regard to torture and those areas. Solicitor Haas stated that this would be another tool for the Police or Health Department to use, but doesn’t restrict them from using a more serious penalty if they found that an animal was left at an abandoned house with no food, water or shelter and they could pursue that under the other code section and issue the felony if the circumstances warrant it. He said they were trying to make the law broader than it was before so that we could cite individuals who were leaving animals at homes that have been abandoned and doesn’t affect the other code sections or preclude other code sections from being enforced. Mayor Kalb reiterated for clarification that the city was under the same law as the Revised Code but these would be in addition to and were more defined. Solicitor Haas said that was correct and another difference would be if an Officer cited someone under the city code for abandoning animals, the city would get to keep the fine money which would be the incentive for using the city ordinance.

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

The clerk gave a **second reading**, to an Ordinance authorizing the Acting City Manager to execute an agreement with Main Street Portsmouth for an additional three calendar years being 2018, 2019 and 2020 that would include supplementing an additional \$5,000 to the annual contribution of \$50,000 previously made by the City in years 2015, 2016 and 2017.

Councilman Johnson motioned that this constitute a second reading.

Councilman Johnson stated that the three year agreement helped Main Street Portsmouth with budgeting commitments.

There were no further 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 Acting City Manager Sam Sutherland to enter into an agreement to contribute \$80,000 to Access Scioto County Public Transit in 2018.

Councilman Johnson motioned that this constitute a first reading.

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

The clerk gave a **first reading**, to an Ordinance authorizing the transfer of \$15,028 from General Fund No. 101 to Compensated Absences Fund No. 102.

Councilman Johnson motioned that this constitute a first reading.

Mayor Kalb asked Auditor Williams if all three readings were needed and Auditor Williams replied that yes it could go three readings, but he would have an amendment to the ordinance at either the second or the third reading. He said it was a standard budget operating transfer that was in the budget but the amount would need to change because one of the employees was affected in the compensated absences fund on his retirement which was more than what was in the budget. He would get that figure to Council prior to the next meeting.

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

The clerk gave a **first reading**, to an Ordinance authorizing Acting City Manager Sam Sutherland to enter into an agreement with Portsmouth Connex for Mound Park.

Councilman Johnson motioned that this constitute a first reading.

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

The clerk gave a **first reading**, to a Resolution to authorize extending the terms of agreement between the Board of Scioto County Commissioners and the City of Portsmouth regarding providing representation to indigents charged in the Portsmouth Municipal Court.

Councilman Johnson motioned that the Resolution be adopted.

There were no further questions or comments. **The role was called. VOTE: 4 ayes – 0 nays – 1 abstain (G. Meadows), the Resolution was adopted.**

**Res. #03-2018  
Agreement  
with Scioto  
County  
regarding  
indigent  
representation**

#### **STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA**

**Bill Shope 6018 Harding Avenue Sciotoville, OH** – He thanked Sam Sutherland and the Service Department for the tremendous job that they did in garbage pickup during the snow event. He said he was the President of the Governing Board of Sciotoville Community Schools and was speaking with their blessing and authorization regarding the 7 year old student that was hit by a car on Wednesday January 10, 2018 at Sciotoville Elementary Academy. The car was making an illegal turn while a school bus was loading near East High School on Farney Avenue and the young boy suffered a severely broken arm. He said he sent a video to Council of the accident that was recorded on school surveillance. This was a violent collision and not just a bump, however the child had returned to school and was healing and moving on, but this was a problem that as President of the Board, he believed needed to be looked at by the city. He said currently on 3<sup>rd</sup> Street in Sciotoville and Farney at the other end of Sciotoville, there was very limited street markings designating the school zone. Their Councilman Thomas Lowe had made a request in July that the striping take place prior to school starting in August and the striping was received the 3<sup>rd</sup> week in September, three weeks after school started. There was very little signage at the main crossing area for their students and the signage that was up, was decrepit, rusted and dirty, yet when he traveled on 4<sup>th</sup> Street in Portsmouth behind Portsmouth Elementary there were bright neon green school crossing signs often accompanied by an LED read out of the current speed of a vehicle driving in that area. He was not saying that the lack of signage was the fault of this accident that could have injured or taken the life of this boy. He said the amount of danger could be reduced with the proper signage as well as an increased Police presence in their community. He knew that the Police were doing the best that they could with the crime rate rising over the last decade but it would be the Board's wish through whatever mechanism's the city had at their disposal to increase that Police protection at least during the morning, late afternoons or early evenings while a lot of school activities were taking place. He concluded by saying that they had an agreement with the Portsmouth Police Department to have an officer at their basketball games and at the largest basketball game of the year, there was no officer at the gate and they did not receive a call or text as to why they couldn't be there, but this added to the issues they were experiencing.

**Vina Colley – P.O. Box 136 Portsmouth** – She had three items she wanted to discuss:

1. She said that there was a problem with the meter readers for the Water Company. She knew someone that had rental property and the people that were living in the house had not paid the water bill and normally at three months the water was being shut off for non-payment, but the water wasn't shut off and was still on and they're going to make the owner of the property pay the water bill. She knew that in the past few months the meters weren't read and people were paying up to \$100 a month for their water bill. She wanted to know if there was a budget problem or if they weren't replacing employees.

2. She spoke regarding the dump on Charles Street, and didn't know if the Ohio Valley Regional Development were the ones who had the money sent to them for the brownfield sites but according to the five affidavit that she had, they put waste on Charles Street from the Piketon and Paducah Plants and if that was true

then there was radioactive materials dumping into the Ohio River. She had never been able to get an actual comment or anyone who seemed to be knowledgeable about the issue.

3. She had hoped that when the Mayor of Piketon came to speak to Council that a Resolution would be put on the agenda about the Piketon site. They have contaminated the area for 30 plus years and they were requesting that they clean up the area. She knew for a fact that there were two pipes that have run from the Piketon Plant to the Scioto River since 1954 and she wasn't even counting the air omissions. The waste cell needs to be stopped that would be buried on the site ovetop of a fractured bedrock.

Councilwoman Aeh moved to adjourn into Executive Session to discuss possible litigation with the Solicitor and personnel matters. The second item would be personnel issues and would like to discuss that with City Auditor and Labor Consultant/Attorney Ben Albrecht.

Executive Session

The role was called and the motion carried: **VOTE: 6 ayes – 0 nays, Council recessed into Executive Session at 6:35 p.m.**

Councilwoman Aeh moved that Council reconvene from Executive Session.

The roll was called and the motion carried. **VOTE: ayes 5 – nays 0, Council reconvened with all still in attendance at 7:50 p.m.**

**MISCELLANEOUS BUSINESS AND REPORTS:**

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

1. City Clerk's Annual Report

<b><u>CITY CLERK'S ANNUAL REPORT</u></b>	
<b><u>FOR THE YEAR 2017</u></b>	
<b><u>PURSUANT TO SECTION 7 OF THE CITY CHARTER</u></b>	
Regular Sessions	26
Manager's Conference Sessions	20
Special Meetings	3
Organizational Meeting	0
Executive Sessions	18
Public Hearings	2
Citizens Addressing Council at the Public Hearing	19
Ordinances Passed	80
Resolutions Adopted	20
Additions to the Agenda	16
Items Waived	42
Tabled Ordinances	3
Tabled Resolutions	0
Defeated Ordinances	1
Defeated Resolutions	1
Appointments by Council	20
Oaths of Office	36
Proclamations	17
<b>Ohio Department of Liquor Control</b>	
Notice of Permit Transfers	7
Request for New Permits	1
Notice of Stock Transfers	3
<b>Citizens Addressing Council</b>	
Items on the Agenda	13
Items not on the Agenda	59

2. She fulfilled 4 public records request.
3. She received from the Ohio Division of Liquor Control a request for a transfer of ownership from Shree Laxmi Narayan, LLC dba Oasis Convenient Mart located at 2350 17th Street Portsmouth, Ohio to Shree Gopinath, LLC dba Oasis Convenient Mart same location. There were no objections.

4. She received today from the Board of Elections the cost to the city for the 2017 Primary and General elections in the amount of \$32,442.76.

The City Clerk's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: 5 ayes – 0 nays.**

**Acting City Manager's Report** – Acting City Manager Sutherland reported the following:

1. His report can be found on the city's website: [www.portsmouthoh.org](http://www.portsmouthoh.org)

**Mayor's Report** – Mayor Kalb had no report.

**City Solicitor** – Solicitor Haas reported the following:

1. He thanked members of Council for meeting Saturday at the Special Session engaging in the mediation, he was very happy that everyone seemed to be trying their best to get the matter resolved. He knew that it was a long day for everyone and expressed his appreciation to Council for being involved.
2. He received a call from the insurance agent for the city's Property & Casualty Insurance and due to the fact that we've had low claim rates over the past three years, the city would receive a decrease in premium. They also offered to increase the limits based upon the low claim level over the last three years.

The Solicitor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: 5 ayes – 0 nays.**

**Auditor Williams** – Auditor Williams had no formal report but thanked all of those involved in putting the meeting together at Life Point, he appreciated whoever set it up on the city's behalf and thanked Pastor Nickel's and Life Point for allowing the city to have the meeting there. It was much more conducive to a meeting and he appreciated it.

The Auditor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: 5 ayes – 0 nays.**

#### **MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

**1st Ward** – Councilman Sean Dunne reported the following:

1. He thanked Solicitor Haas for reaching out to the Mediator and organizing the meeting. He thanked the City Clerk for opening the building up and helping run the session.
2. He said that he had his first informal meeting with people at Port City Pub and that it was a very good meeting. They agreed and disagreed on things, but that was part of meeting and thought it to be very productive. He added that the next meeting would be Tuesday January 23<sup>rd</sup> at the Brew Pub at 6:30 p.m. and he stated that not all of the meetings would be held at bars or pubs.
3. He advised that he was going to attend the Piketon meeting and thanked City Council for letting him be the representative but due to the National issues that meeting was cancelled with Senator Portman.
4. He had the pleasure of working with the Acting City Manager over the past two weeks, the issues ranged from securing a garbage can for a resident of the First Ward, to getting entry into McKinley Pool, and then exploring the possibility of adopting Tableau software for the city. Tableau software was something that helped work on data analysis and produce data visualization. He said he also discussed with the City Manager's assistant Scott Leeth the Tableau software which was very helpful.
5. He met with people about the possibility of a Skate Park in Portsmouth which included people who were previously involved in the construction of Skate Parks locally and outside of Ohio. He was very happy with the direction of those meetings and they were currently exploring different grant opportunities.
6. He had spoken with other Councilmembers about Spartan Municipal Stadium. He said currently there was a documentary crew that was filming in our area and talking with different people about the significance of Spartan Municipal Stadium. It was a great development because it was another way of developing narratives around our city that were positive and also exploring the possibility of putting the stadium on the National Register, and conducting a core stress test. He was very grateful for both Tom Lowe and Gene Meadows for helping.
7. He was able to look at McKinley Pool and one of the things he would like to do for this season was try to improve the bathrooms at the pool which have been ignored for the last few years.
8. He said that he had reached out to the three federally recognized Shawnee tribes that were located in Oklahoma to try to develop a conversation between Southern Ohio and those tribes. They suggested holding a conference in Portsmouth, specifically at Shawnee State University and that was something he would like to explore. He thanked Mayor Kalb for saying that he would like to help with that issue.
9. He had spoken with Councilman Johnson about the possibility of bringing Dolly Parton's imagination library to Portsmouth as it was something she ran and it was a great program for getting books to kids at a very early age to help develop a love for reading. Mr. Johnson and his

wife knew a lot more about the reading and mentoring programs and hoped to explore that further with them.

10. He was trying to do more of an outreach to millennials in our community and trying to include them in meetings like these and to get their input into our city and both Jo Ann Aeh and Gene Meadows have agreed to help with that effort.

**2<sup>nd</sup> Ward** – Councilwoman Aeh reported the following:

1. She thanked all of the Service Department workers for their efforts during the snow event. She said that while we were all sitting in our warm homes, they plowed or salted over 100 miles of city streets. She said that the Wastewater Department inspected and cleaned 4 sanitary sewers and the Water Department repaired 12 water main breaks during the cold and dealing with that cold water.

**3<sup>rd</sup> Ward** – Councilman Kevin E. Johnson reported the following:

1. He thanked all for participating and getting involved in their local government and encouraged everyone to continue coming to the City Council meetings.
2. He thanked Pastor Nickel's and Life Point and asked the audience for applause for the way that Life Point reached out to the community offering, coffee, bottled water and cookies. (applause)
3. He said that he would be getting with Acting City Manager Sutherland as he had a complaint regarding an alley on Waller Street where Columbia Gas had done some work and left a mess.

**4<sup>th</sup> Ward** – Councilman Kalb had no report.

**5<sup>th</sup> Ward** – Councilman Meadows reported the following:

1. He acknowledged the Service Department for the attempted salting and the plowing of the streets. He said what a lot of people don't realize, was that once the temperature got so cold, the salt won't work very well. He had the opportunity to be in both Ashland, Ky and Ironton, Ohio and our streets were in much better shape than those two cities.
2. He acknowledged that the Street Department was out with cold patch today filling potholes, it was nice of them to get something in those holes.

**6<sup>th</sup> Ward** – Councilman Lowe had no report due to absence.

The meeting adjourned at approximately 8:02 p.m. on a motion by Councilwoman Aeh.

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City Clerk

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Mayor