

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday October 9, 2017

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday October 9, 2017 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Mayor James D. 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
Jo Ann Aeh	2 nd Ward Absent
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Thomas K. Lowe	6 th Ward

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

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

Council dispensed with the reading of the Journal for the regular session of September 25, 2017, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Councilman Kevin W. Johnson motioned to add to the agenda as item 7(j) 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. The motion carried viva voce: **VOTE: ayes 5–nays 0.**

Item added
to the
agenda

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Jackie Craig – 1733 Valley Street – Portsmouth – She thanked City Council, the City Manager and all involved in getting the wall fixed by her property.

LEGISLATION

The clerk gave a **third reading**, to an ordinance authorizing the City Manager to declare garbage truck surplus equipment and to dispose of the 2000 compactor garbage truck.

Ord. #54-2017
Declare
garbage truck
as surplus
equipment and
dispose of 2000
compactor
garbage truck

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

There were no further questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an ordinance authorizing the appropriation of an additional \$75,000 to Fund No. 623 Wastewater C-Rigrish from the unappropriated fund balance.

Ord. #55-17
Appropriated
additional
funds to
wastewater

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

There were no further questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an ordinance authorizing the transfer of funds and appropriation of \$31,381.00 to Wastewater Fund No. 621 from Wastewater C-Rigrish Fund No. 623 as reimbursement for expenses incurred in years 2015 and 2016.

Ord. #56-2017
Transfer and
appropriation
of wastewater
funds from
2015 and 2016

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

There were no further questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an ordinance authorizing the transfer of funds and appropriation of \$89,520.17 from Flood Defense Fund No. 265 to Wastewater Fund No. 621 for reimbursement of expenses incurred in year 2014.

**Ord. #57-2017
 Transfer and
 appropriation
 of Flood
 Defense funds
 for 2014**

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

Auditor Williams stated that he noted that the amendment was in the preamble but requested to know if it had been amended in Section I as he had requested. Clerk Ratliff stated that the changes had been made to the preamble and section I.

There were no further questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an ordinance authorizing the transfer and appropriation of \$70,000 from the unappropriated revenues of General Fund No. 101 to Probation Fund No. 204 Probation Fund.

**Ord. #58-2017
 Transfer and
 appropriate
 monies for
 Probation
 Fund**

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

There were no further questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an ordinance authorizing the City Manager to enter into an agreement with Medicount Management Inc. for EMS billing services.

**Ord. #59-2017
 EMS billing
 services**

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

There were no further questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

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 Kevin E. 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 the appropriation of \$32,000 to Munn's Run Cleaning Fund No. 101.116.5508 from the unappropriated revenues of General Fund No. 101.

Councilman Lowe motioned that the rules be suspended as an emergency.

The role was called. VOTE: 5 ayes – 0 nays, the rules were suspended.

**Ord. #60-2017
 Appropriation
 for the
 cleaning of
 Munn's Run**

Councilman Kevin E. Johnson asked for the record, if the rules were suspended due to pending winter weather. Councilman Lowe stated that people were complaining and have been waiting on this for two years.

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

There were no further questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an ordinance authorizing the salary ordinance be amended to add the position of economic development director with a pay range of \$70,000 - \$75,000 per annum, and further, authorizing the city manager to hire an individual to fill the position.

Councilman Kevin E. 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 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.

Res. #16-2017
OPWC
application

Councilman Kevin E. Johnson motioned the Resolution be adopted.

There were no further questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Resolution was adopted.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Vina Colley – P.O. Box 136 Portsmouth, OH – She said that she has two separate issues.

1. Picketon dump – she requested that Portsmouth adopt a Resolution preventing them from putting a dump in Picketon. She stated that The Department of Energy had lied to the community for years, the Picketon Mayor and the Commissioners were all coming together to try to stop the dump and she wanted to make sure that Portsmouth had input. She also requested a public meetings so that people could come and ask questions to the D.O.E. She wanted to know how to get it on the agenda.
2. Charles Street – She said that kids could get in and out of that dump and that one of the Commissioners told her it was on the Brownfield site. She said if it was on the Brownfield site that would be a superfund site and an EPA site and someone was not cleaning it up. She said the grass had been mowed but someone was dumping large tires.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She said the City Employee picnic went very well and believed that a good time was had by all. She said that thank you letters were sent to the American Legion Post 23 40/8 for the use of the Shelter House, Lisa Carver at the Chamber of Commerce for all the work she done for the city and to Terry Ockerman for the coffee from Coffee at the Lofts.
2. She received via email on October 2, 2017 from the Auditor's office, the following statements of the Combined MTD/YTD reports for the end of September 30, 2017: Expense, Revenue and Fund.
3. She received from the Ohio Division of Liquor Control a request for a transfer in ownership for the following:
 - a. From MAA Santoshi LLC dba DKS Food Mart at 1508 11th Street North End Unit Only Portsmouth, Ohio to Prem LLC dba EZ Stop at the same address. There were no objections.
 - b. From Town & Country Stores LLC at 842 11th Street West End Unit Only Portsmouth, Ohio to JJ's Convenience Mart LLC at the same address. There were no objections.
4. She received an Oath of Office for Sgt. Christopher Hedrick for Special Deputy Clerk.
5. She stated the Medical Marijuana meeting will be October 16th at Shawnee State University Center in the Sodexo Ballroom at 6:00.
6. She extended her condolences to Councilwoman Aeh in the loss of her husband Roy. Her thoughts and prayers are with Councilwoman Aeh and her family.

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.**

City Manager's Report – City Manager Allen had the following report:

1. His written report can be found on the city's website: www.portsmouthoh.org
2. He extended his condolences to Councilwoman Aeh and Mark Aeh for the loss of JoAnn's husband. He sent flowers from the City which included City Council.
3. He thanked City Council for their generosity of the Employee Picnic, he had heard multiple employees state how appreciative they were and asked him to pass along their thanks.
4. He said to follow up on what Diana had said about the Public Hearing regarding the Medical Marijuana which was scheduled Monday October 16th at 6:00 p.m. He said that they had try to find somebody to speak on the rules, laws and how it would operate but were not able to find anyone to speak. This will be a chance for the public to offer their input.
5. He stated that he would not be at the next meeting as he will be attending the ICMA annual conference. There will be items on the Conference Agenda and Solicitor Haas will be able to speak on those because they were involving the Solicitor's office.
6. He said that he was a little behind and had just started the budget.
7. He said the squads for the Fire Department had arrived and they had done a lot of research.
8. He said there was repair work being done to the drainage area on the 17th Street pump station by Van Dam Associates. The pipe had been backordered but the site was prepped.
9. The Service Department had started going down every alley on a quarterly basis to pick up couches, shopping carts, debris. The first day they collected about 9 ½ tons.
10. The 2017 resurfacing project was awarded to Shelley paving and should begin soon.
11. The fence at the tennis courts in Mound Park was being removed.

12. He said there was a water main break again on Sunrise Avenue and they were trying to get ready to bid the project. They've been trying to exercise the valve that isolated the reservoir but they've had problems with it.
 - a) Councilman Kevin W. Johnson asked if that was the reason Sunrise Avenue had been closed and Manager Allen said he wasn't sure but would check.
 - b) Mr. Johnson also asked about the Impound Lot and what constituted the expense increase? Manager Allen said that there was a building at the Impound Lot where the roof had collapsed as well as other work that needed to be done. The project had been targeted to work on last year and they used the Impound money to repair it and now it was being used as a storage facility.
 - c) Mr. Johnson asked why there were two different reports on Building Code Violations, one by the Engineering Department and the other from the Police Departments Code Enforcement and were they separate. Manager Allen gave an example of The Engineering Department code violations as possibly electrical on a business. The Code Enforcement report covered houses that were standing wide open but needed to be boarded up. Code Enforcement Officer Hedrick was citing abandon houses that weren't secured, then she, Andy Gedeon and Chris Tomlin would board them up and secure the property.

The City Manager'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.**

Mayor's Report – Mayor Kalb had the following report:

1. He passed along his condolences for Councilwoman Aeh's family and hoped that everyone got through it. It will would be hard on her son and he wished them the best.

The Mayor'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.**

City Solicitor – Solicitor Haas reported on the following:

1. He extended his condolences to JoAnn and Mark, he believed it would be a rough time for the family and he wished them the best.

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 reported the following:

1. September's General Fund \$787,080 and last years was \$797,151 and the new tax revenue collected was \$178,762. Total collection included in both General and Capital was \$894,445 and last year was \$837,517. Major Fund Balances – General Fund \$4,208,223, Streets \$325,992, Water \$245,404, Sewer -\$1,600,466, Sanitation \$447,425 and Insurance \$1,771,642.
2. He passed along his condolences to JoAnn, Mark and the Aeh family.

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 Kevin W. Johnson reported the following:

1. He said he spoke with Councilwoman Aeh this morning and extended his condolences.
2. He understood that we had not been able to get a speaker for next Monday's Medical Marijuana meeting that was knowledgeable concerning the law itself. He felt that it was incumbent upon Council to pull up the ORC and any information so that Council could be as knowledgeable as possible for that meeting. Manager Allen said that Council was provided the rules and he doesn't know what else to give to Council. Mr. Johnson said that most people were concerned because they were presuming and assuming that the marijuana could be smoke which in this case, it cannot be smoked. It is liquid or pill form and only 20% THC was allowed and that was for a specific population and the other 80% doesn't. The medicines were designated for certain illnesses which would determine how they would be prescribed and controlled.
3. He said the Employee picnic was great and he had a ball. He thanked Clerk Ratliff for coordinating the picnic.
4. He said there was a huge tree over Kent Street that needed to be dealt with and asked Manager Allen to follow up.
5. He would like Manager Allen to look into the request made by Mr. Wallace regarding the alleyway.

2nd Ward – Councilwoman Aeh had no report due to absence.

3rd Ward – Councilman Kevin E. Johnson reported the following:

1. He extended his condolences to Councilwoman Aeh and her son Mark and family over the loss to the family. Prayers and thoughts are with them.
2. He thanked all that was involved in the City Employee cookout, there was a great turnout, it was a lot of fun with a lot of folks and he looked forward to it again next year. He said the whole purpose for the cookout was to say thank you to our city workers and he hoped they knew that Council was appreciative.
3. He had a resident from Sheridan Road contact him about the speed of the traffic on that road. He went and sat in his vehicle and watched the traffic for himself and the gentleman was right, the traffic was speeding up and down the road. He wondered if we still had the speed control machine and the reply was “yes” and he requested that it be put on that street and monitored.
4. He said the public hearing for the Medical Marijuana was next Monday night at 6:00 p.m. and he hoped that the press would get the word out to the public.

4th Ward – Councilman Kalb reported the following:

1. He expressed his gratitude for all the work the City Clerk put into the Employee picnic and he too enjoyed it and believed all the employees that attended enjoyed too.
2. He reminded Manager Allen that he wanted to be in the meeting about the Grandview Avenue widening project.

5th Ward – Councilman Meadows reported the following:

1. He expressed his condolences to Councilwoman Aeh and asked Clerk Ratliff to keep Council advised on when the arrangements are set.

6th Ward – *Councilman Lowe has asked that his statements be verbatim.* Councilman Lowe reported the following:

“I’d also like to give condolences to JoAnn and Mark, uh on the passing of their her husband and his father.”

“Uh second thing is uh, I’d like to thank whoever took down the uh no turn sign there at the uh four-way stop in Sciotoville at #52.”

“Uh then, I have a catch basin issue on Oakland Boulevard, I’m not exactly sure where it’s at yet, I’m supposed to go up there tomorrow and look at it, as soon as I find out I’ll let you know Derek.”

“Uh, number four, let’s see, uh great stuff, I see the Chief’s not here but on the EMS vehicles, after looking at them, I just don’t think we could have got any better, you know so, great job on that, that’s for sure, Sciotoville will be glad to see that in the Community is all I can tell you.”

Uh let’s see one more thing, uh thank the Tartans on their 60-20 victory over uh, who was it that they played, uh Eastern.”

“And one more thing on the marijuana meeting on the 16th, have we got this posted on our website, on the city’s website?” Manager Allen said that it could be put on there. “I didn’t know, I just figured the more out there the better for people that’s wanting to ask questions or whatever. That concludes my report, thank you.”

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

City Clerk

Mayor