

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday October 10, 2016
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday October 10, 2016 at 6:04 p.m., in the Council Chambers of the Municipal Building.

Mayor Jim 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
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, City Solicitor John Haas, Auditor M. Trent Williams and City Clerk Diana Ratliff.

Council dispensed with the reading of the Journal for the regular session of September 26, 2016 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 6 – nays 0.**

There was no public hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

There was no one present that wished to address Council on items on the agenda.

LEGISLATION

The clerk gave a **third reading**, to an Ordinance amending Section 705.22 – Second-Hand Automobile Dealers of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

**Ord. #123-16
Amending
Section 705.22
Second-Hand
Automobile
Dealers**

The clerk gave a **third reading**, to an Ordinance amending Section 705.25 – Peddlers of Goods Carried by Hand of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

**Ord. #124-16
Amending
Section 705.25
Peddlers of
Goods
Carried by
Hand**

The clerk gave a **third reading**, to an Ordinance amending Section 705.29 – Street Vendors of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

**Ord. #125-16
Amending
Section 705.29
Street
Vendors**

The clerk gave a **second reading**, to an Ordinance amending Section 705.33 – Open Markets of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

**Ord. #126-16
Amending
Section 705.33
Open Markets**

The clerk gave a **third reading**, to an Ordinance amending Section 735.03 – Hours; Sunday Sales Prohibited of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #127-16
 Amending
 Section 735.03
 Hours;
 Sunday Sales

Councilman Kevin E. Johnson motioned that the 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 **third reading**, to an Ordinance amending Section 735.07 – License Required; Fee of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #128-16
 Amending
 Section 735.07
 License
 Required Fee

Councilman Kevin E. Johnson motioned that the 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 **second reading**, to an Ordinance amending Section 737.03 – Issuance of License; Fee; Term; Renewal of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. 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 **second reading**, to an Ordinance amending Section 745.20 – Issuance or Bond of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. 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 affirming and accepting dedication of public alleys as more particularly described on the plat of J.F. Stark Proposed Addition (the "Stark Addition"), said plat being located in the Scioto County, Ohio, Recorder's Office, Abstract City 5-A, Page 154, also on file in the City records.

Councilwoman Aeh moved to suspend the rule requiring an Ordinance be read on three separate dates.

The role was called. VOTE: 5 ayes – 1 nays (K. E. Johnson), the rules were suspended.

Ord. #129-16
 Accepting
 Dedication of
 Public Alleys
 J.F. Stark
 Addition

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

Councilman Meadows stated that he usually voted “no” when suspending the reading of the rules and explained that this was a situation where nobody was affected. The alley had been there and was thought to belong to the City and should the legislation pass, it would bring development into the city and possibly some temporary jobs during construction. He said that he thought it would be a boost to that area and hopefully it would make it look a little better.

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/Treasurer to solicit for applications for depositories for City funds coming into the Finance Department of the City of Portsmouth, Ohio and to designate eligible public depositories for a period of five (5) years, with applications providing for the security to be given by such depositories.

Ord. #130-16
 Applications
 for
 depositories
 for City Funds

Councilwoman Aeh moved to suspend the rule requiring an Ordinance be read on three separate dates as there was nothing that would affect the public. Auditor Williams stated that this had to be done by law.

The role was called. VOTE: 6 ayes – 0 nays, the rules were suspended.

Councilman Kevin E. Johnson motioned that the 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 a Resolution of support for the Ohio Department of Transportation to proceed with proposed Bike Routes. The Ohio Department of Transportation has worked with the American Association of State Highway and Transportation Officials to propose and approve bike routes throughout the State of Ohio.

**Res. #17-16
 Support for
 ODOT Bike
 Routes**

Councilman Kevin E. Johnson motioned that this Resolution be adopted.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

There was no one present that wished to address Council on items not on the agenda.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received via email on October 3, 2016 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending September 30, 2016: Expense, Revenue and Fund.
2. She received a telephone call from the Scioto County Engineers office requesting a list from Greenlawn Cemetery of names and location of where people are buried for the County GIS system. Director Beaumont said that Sandy would work on getting something together.
3. She prepared a Proclamation for The Rhino AG 36th Annual Dirt Track World Championship for Portsmouth Raceway Park for October 13th – October 15th.

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: 6 ayes – 0 nays.**

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

1. His written report can be found on the city's website.
2. He received some emails and other contacts regarding a house that had roaches and clarified that it involved the City Health Department and not his office. He said there was a complaint posted on facebook that said they had called his office and didn't get a response and he said that he had not gotten any contacts from his office. He said any contacts with the city would've been directed to the Health Department. Health Commissioner Chris Smith spoke and said they had a couple of houses on the east end that had an extremely bad roach infestation. He said sometimes they get so out of hand that they come out in the day time and normally they are nocturnal. He said both houses were condemned and one of the homes had the problem taken care of and the house was uncondemned but there were still issues from the other house and they shouldn't be renting it yet. He met with both owners today and tried to get their pest control companies to work together so that their not spraying the roaches from one house to the other and if they do it at the same time that puts a barrier around. He said they contacted the person that was feeding cats and they have stopped doing that because it was not helping the problem.
3. He said that the Daniels Drive ditch was cleaned out. Councilman Meadows said he had heard and would be mentioning in his report of how grateful they were and that it was much appreciated.
4. He received a compliment on the Water guys and the respect that was shown as a funeral procession went by, he said they were working on a water main break on Gallia and State Route 140 when the procession went by and the guys stopped and took off their hard hats and stood in respect as it passed by. He enjoyed receiving things like that which demonstrate that we have good quality employees.
5. Councilman Kevin E. Johnson asked about the meeting with Columbia Gas (Shane Cartmill). Manager Allen said that the City meets with them annually and they map out where they would be working over the next year. He expressed his displeasure because this year he was told they would be working around Mound Park which was why no streets were paved around Mound Park. He received a request from them to cut Elmwood Drive around 25th & Grandview and he told them that it was just paved and wasn't on the list. He said they told him they had received some extra money and he reiterated again to them that they would not be cutting the street after it was just paved. He said that they had cut Bonser after it had been paved. He said that they were going to cut Elmwood but it would be repaved curb to curb. He said they told him that they were

being mandated by the federal government to invest the money. He said they have went over where they would be cutting next year so those streets won't be paved.

6. Councilman Kevin E. Johnson asked about the meeting with the Scioto County Land Bank and Manager Allen said everything was going well and thought there would be a big announcement soon and he believed that we would be successful.

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: 6 ayes – 0 nays.**

Mayor's Report – Mayor Kalb reported the following:

1. He reported that there were a lot of limbs down in Mound Park and requested when possible for city workers to go there and pick up those limbs as well as weed eat around that back building.
2. He said the display in front of the city building was really nice and he told the ladies working on it that it was very nice.
3. He mentioned how bad the sand bags on the side of the building looked and City Manager Allen said that a purchase order had been done for someone to come and repair the leaks in the roof.

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: 6 ayes – 0 nays.**

City Solicitor – Solicitor Haas had no report.

Auditor Williams – Auditor Williams reported the following:

1. He reviewed his written report that he had given to Council as follows:
 September's General Fund was \$661,056 which was -\$62,407 less than last year in the same month and the accumulated amount compared to last year was \$1,685,950 and of that amount \$145,589 was from the new tax revenue. Total collection included in both General and Capital was \$752,091 which was \$99,085 less than last year and a total collection of \$1,720,761 above last year. Major Fund Balances – General Fund \$1,753,174, Streets \$371,755, Water - \$174,943, Sewer -\$1,223,362, Sanitation \$549,038 and Insurance -\$95,745.
2. He said that the higher than normal balance in Insurance Fund #705 was due to a request by the City Manager to remove the remaining health insurance premiums so that he could see what the operating funds would be and the result of that was that the insurance fund would be elevated for a few months but the operating funds would have already paid out those expenses. He said that would continue to reduce compared to last year throughout the remainder of the year. Manager Allen said that it would finish over a million and that there would be a quarterly transfer of about \$1,000,000 because our insurance premiums were \$330,000 each month. Mayor Kalb commented that it was very nice to see 4 out of 6 funds that are in the black today that were in the red this time last year.

The City 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: 6 ayes – 0 nays.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Kevin W. Johnson had no report.

2nd Ward – Councilwoman Aeh had no report.

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

1. He received complaints about Mound Park regarding parking on the grass and in front of the fire hydrants. He had pictures that had been sent to him and Manager Allen requested the pictures.
2. He said that he was contacted by Tanya Bohannon of K-Love radio station which was nationally heard and she will be coming to our city and interviewing him about our City. He said it would be either the 20th or 21st of October.

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows reported the following:

1. He thanked Manager Allen for cleaning Daniels Drive. He said they called him after it had been cleaned and told him that they appreciated getting it done and that it should help with the approaching winter and spring seasons.
2. He addressed a time to meet regarding the other items of concern (Truck Route signs and garbage issues behind his office) and he will let him know when his schedule frees up.
3. He received a couple of calls from residents in the 5th Ward because there were now transitional living houses from the drug programs springing up around town. He said there were at least 20 people on the porch one evening when he drove by, which sends red flags. He said typically there were people who had been through a drug treatment program living in the house and their

significant other which hadn't been through treatment were coming to visit constantly. He said he got a call from a resident on Willow Way stating that the same person that owned the one on Grandview and Kinneys had bought the house next to her on Willow Way. It was his understanding that they were putting 12-15 people in single family homes. The addresses were 1948 Kinneys Lane and 2919 Willow Way. Solicitor Haas said that there were limitations on that type of activity and how many people can live there and he would look into it.

6th Ward – Councilman Lowe reported the following:

1. He inquired about a camera that Mr. Brant installed on a telephone pole and asked if anyone had checked it out. Manager Allen said they were inquiring who owned the pole because the camera had been there for 10 years. Mr. Lowe said that it was tied into our traffic light system.
2. He asked if there was a timeframe for the clean-up of the rock removal on U.S. #52. Manager Allen said the rock people had left and ODOT was getting ready to build a wall.
3. There was a business residence owned by Sam Simon that needed cleaned up and he wanted to know if a letter had been sent to him as he's received a lot of complaints. He will get the address for the Manager.
4. He received complaints on street lights not working.
5. He's received complaints about the pavement tear up on Bonser Avenue.
6. He read a prepared statement as follows:
 "After recent accusations of me not following or breaking City Ordinance 175.10 (PERMIT FOR MAINTENANCE AND REMOVAL OF TREES AND SHRUBS), I checked under the Ohio Revised Code under section 2739.01 titled Libel and Slander it states: "In an action for libel or slander, it is sufficient to state, generally that the defamatory matter was published or spoken of the plaintiff". This was done to me, also there is possible defamation as this seems to be done with malice. The person responsible for this accusation brought it to the attention of someone in the city management chain of command or it came from the city management chain itself which was then forwarded to Mr. Haas. I can only assume that this was done in an attempt to have me falsely charged or reprimanded. On September 20, 2016 Mr. Haas sent me an email saying that it had come to his attention that I was in violation of Ordinance 175.10 and I responded on that same day explaining that I had not took part in any action of the cutting or trimming of tree's or shrubs. I asked Mr. Haas to supply more information on my involvement in this matter, with no response. Still I received no information and on September 22, 2016 I emailed Mr. Haas again asking for this information, I still have received no reply on this information. I am concerned for myself and my family's well being and feel the need to know just who my accuser is. It is only good common sense to stay out of arms reach of someone who has slandered me in this way or who is trying to wrongfully prosecute or prosecute me without just cause. So I again ask Mr. Haas in a public setting to provide me with the information that has been requested so I may protect my family and myself, and decide if legal action needs to be taken."

The meeting adjourned at approximately 6:40 p.m. on a motion by Councilman Kevin E. Johnson.

City Clerk

Mayor