

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**

Monday October 23, 2017

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday October 23, 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 <sup>st</sup> Ward
Jo Ann Aeh	2 <sup>nd</sup> Ward
Kevin E. Johnson	3 <sup>rd</sup> Ward <i>Absent</i>
Jim Kalb	4 <sup>th</sup> Ward
Gene Meadows	5 <sup>th</sup> Ward
Thomas K. Lowe	6 <sup>th</sup> Ward

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

Councilman Kevin E. Johnson'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 October 09, 2017, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 4 – nays 1 (T. Lowe).**

Councilman Kevin W. Johnson motioned to add to the agenda as item 7(g) an Ordinance authorizing the City of Portsmouth, Ohio to join a coalition of municipalities retaining special counsel for purposes of litigation. The motion carried viva voce: **VOTE: ayes 5–nays 0.**

**Item added  
to the  
agenda**

Councilman Kevin W. Johnson motioned to add to the agenda as item 7(h) a Resolution approving the filing of civil complaint against manufacturers and distributors of prescription opiates. 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**

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 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.

**Ord. #61-2017  
ODOT to use  
TAP Grant  
for  
construction  
of Bike Path**

Councilman Kevin W. 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 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 W. 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 **first reading**, to an Ordinance authorizing the establishment of the Portsmouth Community Improvement Corporation.

Councilman Kevin W. 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 807 Washington Street, parcel 29-0388.000 for the purpose of redevelopment to the Portsmouth Community Improvement Corporation.

Councilman Kevin W. 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 appropriation of \$75,000 to Line Item No. 101.118.5373 called 807 Washington Street for the purpose of preparing the site. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

Councilman Kevin W. Johnson motioned that the rules be suspended as an emergency.

**The role was called. VOTE: 4 ayes – 1 nays (G. Meadows), the rules were suspended**

Councilman Kevin W. Johnson motioned the Ordinance be passed.

Councilman Meadows stated that he had concerns over the amount of the appropriation and that we had a proposal for \$49,000. Councilman Kevin W. Johnson that this was due to the termination of SOPA and Mr. Meadows said that he understood that but it was a \$26,000 increase.

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

The clerk gave a **first reading**, to a Resolution to authorize the city manager to terminate the City of Portsmouth's agreement with SOPA.

Councilman Kevin W. 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.**

The clerk gave a **first reading**, to an Ordinance authorizing the City of Portsmouth, Ohio to join a coalition of municipalities retaining special counsel for purposes of initiating litigation to challenge the constitutionality of amendments to chapter 718 of the Ohio Revised Code relating to municipal income tax, appropriating \$4,000 for same, and declaring an emergency arising from the need for immediate judicial proceedings.

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

Councilman Kevin W. Johnson said that he knew of some that didn't agree with the legislation and he wanted to allow for discussion. Auditor Williams wasn't sure of the date to be a part of the litigation but it had to be by the first of November. He said the proposed state law and new state biennial budget aims to take home rule, or the ability for a government to be self-governing, away from local governments. The bill will require governments to give the State authority to administer and collect the net profit portion of income taxes. Mr. Williams stated that he had sent the information to Council and read an excerpt from it "an attack on our authority to exercise all powers of local self-government "home rule" and further erosion of our operating revenue". He stated that there had been 110 cities that have joined the coalition and he asked Council to consider passing an ordinance in opposition of the new law, which would authorize Solicitor Haas to join a coalition of municipalities retaining special Counsel to challenge the constitutionality of the State's decision. *(The recorder was full of static, could not understand what he was saying)* He gave an explanation as to why this legislation needed to be passed as an emergency due to time restraints. Councilman Meadows asked what would happen if we didn't join the lawsuit. Auditor Williams wasn't sure but felt it would be better if we were part of it. *(The recorder was full of static, could not understand what he was saying)* Solicitor Haas agreed with the Auditor in that the amendment itself was a horrible idea.

Ord. #62-2017  
807  
Washington  
Street –  
Adelphia  
building to be  
abated and  
demolished

Res. #17-2017  
Terminating  
agreement  
with SOPA

Ord. #63-2017  
Join coalition  
to challenge  
amendments  
to Chapter  
718 ORC

Councilman Kevin W. Johnson withdrew his motion for a first reading and motioned that the rules be suspended as an emergency.

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

Councilman Kevin W. Johnson motioned 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 a Resolution approving the filing of civil complaint against manufacturers and distributors of prescription opiates.

Councilman Kevin W. Johnson motioned the Resolution be adopted.

Solicitor Haas said that evidence had been acquired showing that the manufacturers were aware.

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

Res. #18-2017  
Civil  
Complaint  
against  
manufactures  
and  
distributors of  
prescription  
opiates

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

**Nikki Blankenship – Portsmouth Daily Times** - She addressed Council on communications with the Portsmouth Daily Times. She said that there were times that she had called to get information on a story and was totally ignored. She had asked about an Officer who was put on leave, she contacted multiple offices and the City Manager's office and was ignored. She said there were conflicting reports on a body found and the Portsmouth Police Department released a Press Release to WSAZ news but the Portsmouth Daily Times received nothing.

#### **MISCELLANEOUS BUSINESS AND REPORTS:**

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

1. She received an Oath of Office for the following:
  - Police Officer Stacey Croasmun.
  - Traffic Committee member Jackie Enz
  - Police Officer Joshua Shears
2. She received from the Ohio Division of Liquor Control a request for a transfer in ownership for the following: From Maggie & Sydney, LLC dba Woodys Sports Bar at 1018 Clay Street, 1<sup>st</sup> Floor Portsmouth, Ohio to Recovery Room LLC dba Thirsty Beaver at the same address. There were no objections.
3. She advised that Trick or Treat will be on Tuesday, October 31<sup>st</sup> from 5:00 – 7:00 p.m.
4. She said the City Manager evaluations were emailed to Council on October 4<sup>th</sup> and sent with the October 9<sup>th</sup> packet. The due date for the evaluations is today. (October 23<sup>rd</sup>) Reminders went out via email on October 19<sup>th</sup> and again this morning October 23<sup>rd</sup>.

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

**City Manager's Report** – City Manager Allen had no report due to absence.

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

**City Solicitor** – Solicitor Haas had no report.

**Auditor Williams** – Auditor Williams had no report.

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

**1<sup>st</sup> Ward** – Councilman Kevin W. Johnson reported the following:

1. He was impressed and delighted with the Public Hearing for Medical Marijuana.
2. He and the City Manager attended an Ohio 6<sup>th</sup> and 2<sup>nd</sup> District Collaboration Forum Federal legislation updates. He said that one of the presenters was Lawrence County Commissioner Bill Pratt. He indicated they (commissioners) now live stream their meetings on Facebook; which turned out to be an inexpensive way to broadcast to a large segment of the county.
3. He said the Columbus Dispatch was doing a five part series pertaining to fire fighters and cancer. He contacted Chief Raison regarding the article and he said that this year he had applied

for a FEMA grant to purchase gear washing equipment because they currently have to hand wash their equipment.

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

1. She thanked everyone for their prayers and condolences.

**3<sup>rd</sup> Ward** – Councilman Kevin E. Johnson had no report due to absence.

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

**5<sup>th</sup> Ward** – Councilman Meadows had no report.

**6<sup>th</sup> Ward** – Councilman Lowe reported the following:

1. He said that we need to do better with transparency with the Portsmouth Daily Times.
2. He encouraged the Portsmouth East Tartans.

Councilman Kevin W. Johnson moved to recess into Executive Session to discuss an employee situation and requested Solicitor Haas and Jason Kester to be present.

The roll was called and the motion carried: **VOTE: 5 ayes – 0 nays, they recessed into Executive Session at 6:47 p.m.**

Executive  
Session

Councilman Kevin W. Johnson 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 7:06 p.m.**

The meeting adjourned at approximately 7:07 p.m. on a motion by Councilman Kevin W. Johnson.

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City Clerk

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Mayor