

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday October 24, 2016

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday October 24, 2016 at 6:00 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 (Absent)
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.

Councilman Kevin W. Johnson's absence was excused on a motion by Councilman Kevin E. 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 10, 2016 on a motion by Councilman Kevin E. 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

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 737.03 – Issuance of License; Fee; Term; Renewal of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #131-16
Amending
Section 737.03
Issuance of
License, Fee,
Renewal**

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

There were no 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 amending Section 745.20 – Issuance or Bond of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #132-16
Amending
Section 745.20
Issuance or
Bond**

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

There were no 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 amending Section 745.31 – Application of the Codified Ordinances of the City of Portsmouth, Ohio.

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

The role was called. VOTE: 4 ayes – 1 nays (K. E. Johnson), the rules were suspended.

**Ord. #133-16
Amending
Section 745.31
Application**

Councilwoman Aeh motioned that the Ordinance be passed.

There were no 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 amending Section 745.32 – Issuance of the Codified Ordinances of the City of Portsmouth, Ohio.

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

The role was called. VOTE: 4 ayes – 1 nays (K. E. Johnson), the rules were suspended.

**Ord. #134-16
Amending
Section 745.32
Issuance**

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

There were no 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 amending Section 745.33 – Fees of the Codified Ordinances of the City of Portsmouth, Ohio.

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

There were no 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 amending Section 745.35 – Contents and Display of License of the Codified Ordinances of the City of Portsmouth, Ohio.

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

The role was called. VOTE: 4 ayes – 1 nays (K. E. Johnson), the rules were suspended.

**Ord. #135-16
Amending
Section 745.35
Contents and
Display of
License**

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

There were no 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 amending Section 745.37 – Renewals of the Codified Ordinances of the City of Portsmouth, Ohio.

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

The role was called. VOTE: 4 ayes – 1 nays (K. E. Johnson), the rules were suspended.

**Ord. #136-16
Amending
Section 745.37
Renewals**

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

There were no 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 amending Section 745.39 – Suspension and Revocation of the Codified Ordinances of the City of Portsmouth, Ohio.

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

The role was called. VOTE: 4 ayes – 1 nays (K. E. Johnson), the rules were suspended.

**Ord. #137-16
Amending
Section 745.39
Suspension
and
Revocation**

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

There were no 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 repealing Chapter 749 –Theaters and Shows of the Codified Ordinances of the City of Portsmouth, Ohio.

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

The role was called. VOTE: 4 ayes – 1 nays (K. E. Johnson), the rules were suspended.

**Ord. #138-16
Repealing
Chapter 749**

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

There were no 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 amending Section 745.22 – Transferability of the Codified Ordinances of the City of Portsmouth, Ohio.

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

The role was called. **VOTE: 4 ayes – 1 nays (K. E. Johnson), 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: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance amending Section 753.02 – License Required of the Codified Ordinances of the City of Portsmouth, Ohio.

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

The role was called. **VOTE: 4 ayes – 1 nays (K. E. Johnson), 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: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance amending Section 753.03 – Application and Fee of the Codified Ordinances of the City of Portsmouth, Ohio.

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

There were no 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 amending Section 753.031 – Riverfront Trailer Park Fees of the Codified Ordinances of the City of Portsmouth, Ohio.

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

There were no 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 amending Section 753.09 – Restrictions on Location; Board of Zoning Appeals of the Codified Ordinances of the City of Portsmouth, Ohio.

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

The role was called. **VOTE: 4 ayes – 1 nays (K. E. Johnson), 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: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance amending Section 745.23 – Transfer of Taxicabs of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

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

Ord. #139-16
Amending
Section 745.22
Transferability

Ord. #140-16
Amending
Section 753.02
License
Required

Ord. #141-16
Amending
Section 753.09
Restrictions on
Location,
Board of
Zoning Appeals

Ord. #142-16
Amending
Section 745.23
Transfer of
Taxicabs

There were no 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 amending Section 745.25 - Replacement of Lost or Stolen Licenses of the Codified Ordinances of the City of Portsmouth, Ohio.

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

There were no 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 amending Section 745.29 - Suspension and Revocation of the Codified Ordinances of the City of Portsmouth, Ohio.

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

The role was called. **VOTE: 4 ayes – 1 nays (K. E. Johnson), 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: 5 ayes – 0 nays, the Ordinance was passed.**

Ord. #143-16
 Amending
 Section 745.29
 Suspension
 and
 Revocation

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Joseph Pratt – 342 2nd Street Portsmouth, OH – He handed out a sample ordinance and pictures for the new toy trains that Main Street Portsmouth would like to use on occasion. He stated that Main Street Portsmouth hosted their annual “Falloween” event over the weekend and he thanked Manager Allen for arranging the “touch a truck” which was always a favorite. He said that he had discussed this with Manager Allen, Chief Ware and Solicitor Haas and that’s why he came before Council to discuss any questions that they may have. He said some of the topics that came up were: **1.** What was the city’s liability with the trains on city streets? **2.** Would the city be liable? **3.** How could we take the best precautions to make sure that it would be safe if it were accepted to be on the streets? Mr. Pratt addressed Solicitor Haas and commented that in there discussion Solicitor Haas stated that the City wouldn’t be liable in case Main Street had an accident with the trains and Solicitor Haas said it would be between Main Street and their insurance, but that didn’t mean that the City wouldn’t also get sued. He said that he hadn’t looked it over since their last meeting. Mr. Pratt stated that the trains were insured but there was a caveat included stating that it had to be included within a city ordinance; currently they cannot take them out unless the street was closed which meant they were very limited on how they could use the trains. When he spoke to Chief Ware he promised certain safety precautions such as flashing lights and slow moving vehicle signs and the hours that the trains would be used would not be during high traffic hours. He addressed the sample ordinance and said that it mimics the privileges that Council gave the “Segways”. This would help gain children’s interest in the murals and of our City’s history. He said that any other street that they would use would be by City permit only and that way you would have to have the judgement of Chief Ware and the City beforehand. He was looking to use these during the Christmas season for Santa Claus or if there was something in Sciotoville possibly their Christmas parade or other gatherings. It would cost Main Street to maintain these but they would be doing that themselves and the easiest way would be tours through the downtown with the route being: Market to Fifth with a cross-over of Court Street, Washington Street and Chillicothe Street and end up at the Esplanade, he suggested early Saturday mornings and permits would be obtained for those events. There were two trains and only one is operable. He said that he posted the pictures on facebook and included some of the comments from the post which was well accepted and they had over 30,000 impressions which were openly positive. He added that there were positive things around the area and they were a part of making those things happen but to have someone go online to say something positive was really hard because people have a tendency to be negative. Mayor Kalb stated that the timer had gone off and ask Council if anyone objected to Mr. Pratt continuing his comments and it was approved. Mr. Pratt said that they had the support of the Southern Ohio Port Authority, the Chamber of Commerce, the Visitor Bureau, the Library and all of these groups want to see the trains in use because they saw the impact during the Falloween event. Mayor Kalb asked how long Main Street had had the trains and Mr. Pratt replied since May and they were being graciously stored by Shawnee State University. The trains can fit up to about 35 - 40 people, the red train in not currently operable and they would be doing some fund raising to get it up and running as the batteries cost about \$1,000. Mayor Kalb reiterated the request written in the sample ordinance.

Main Street
 Portsmouth
 request for
 Toy trains

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received the Proclamation from the Scioto County Board of Elections for the upcoming General Election on November 8, 2016.
2. She attended the swearing in ceremony of firefighter Joseph Reinhardt on October 18, 2016.

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 reported the following:

1. His written report can be found on the city's website.
2. He said he anticipated the budget being done before the Charter requirement of November 15th and that would be distributed to City Council. He didn't believe that it would be out a week before the next meeting but it would be out before the next meeting which will be November 14th.

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 no report.

City Solicitor – Solicitor Haas had no report.

Auditor Williams – Auditor Williams had no report.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

2nd Ward – Councilwoman Aeh thanked the City Manager for the new traffic lines.

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

1. He commented on the great news about the Land Bank funding and congratulated all of those that worked on it and were involved.
2. He said there was a tree issue at Robinson and Franklin Avenue. He had sent pictures to the City Manager and Service Director Beaumont as well as the Tree Commission. He would like to see something done.
3. He informed the Manager about some furniture that was illegally dumped at Mound Park. Manager Allen said it would be taken care of.

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Lowe reported the following:

1. He reported flooding problems at the 600 block of Bonser Avenue.
2. He said they were installing a retaining wall where they have cleaned off the rock.
3. He congratulated the East Tartans on their undefeated season and recognized Akia Brown for being the only 4-year 1,000 yard rusher in school history and congratulated Drew Lowe for setting the all-time passing record
4. He wished Auditor Williams a Happy Birthday.

The meeting adjourned at approximately 6:30 p.m. on a motion by Councilman Kevin E. Johnson.

City Clerk

Mayor