

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**

Monday November 28, 2016

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday November 28, 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 <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 (Absent)
Thomas K. Lowe	6 <sup>th</sup> Ward

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

Councilman Gene Meadows'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 November 14, 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**

Councilman Kevin E. Johnson motioned to move item 7(s) to the beginning of the legislative agenda for the convenience of those in attendance and to present the Resolution and Proclamation. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

The clerk gave a **first reading**, to a Resolution to express full support to the Buckeye Elite Group of the Portsmouth Community in bringing the 2016 Buckeye Elite National Showcase boys High School Basketball Tournament back to Portsmouth, Ohio December 8-10, 2016.

**Res. #18-16  
Buckeye Elite  
National  
Showcase  
Boys  
Basketball  
Tournament**

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

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

Mayor Kalb read the Proclamation for the Buckeye Elite National Showcase boys High School Basketball Tournament and presented the Proclamation to Miles Ferguson of the Buckeye Elite Group.

The clerk gave a **third reading**, to an Ordinance amending Section 745.33 – Fees of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #158-16  
Amending  
Section 745.33  
Fees**

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 753.03 – Application and Fee of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #159-16  
Amending  
Section 753.03  
Application  
and Fee**

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 753.031 – Riverfront Trailer Park Fees 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: 5 ayes – 0 nays, the Ordinance was passed.**

**Ord. #160-16  
 Amending  
 Section  
 753.031  
 Riverfront  
 Trailer Park  
 Fees**

The clerk gave a **third 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 the Ordinance be passed.

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

**Ord. #161-16  
 Amending  
 Section 745.25  
 Replacement  
 of Lost or  
 Stolen Licenses**

The clerk gave a **second reading**, to an Ordinance amending Section 923.02 – Tapping Fee 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: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing the need for Bridge Inspection Program Services, including, but not limited to bridge load rating calculations, scour assessments, bridge inspections, and fracture critical plan development within the corporation limits of the City for the years 2017, 2018 and 2019. 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 E. Johnson moved to suspend the rule requiring an Ordinance be read on three separate dates due to the emergency status.

**The role was called. VOTE: 5 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: 5 ayes – 0 nays, the Ordinance was passed.**

**Ord. #162-16  
 ODOT Bridge  
 Inspections  
 for 2017, 2018  
 and 2019**

The clerk gave a **first reading**, to an Ordinance authorizing the transfer of \$12,389.70 from Rental Licensing Fund No. 271 to General Fund No. 101 and the close out of Rental Licensing Fund No. 271.

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 133.03 – Audit of Accounts 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. #163-16  
 Amending  
 Section 133.03  
 Audit of  
 Accounts**

The clerk gave a **first reading**, to an Ordinance amending Section 351.20 (a) – Two-Hour Limited Parking 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 903.01 – Permit Required 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 903.04 – Street Restoration Fund 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 903.05 – Restoration and Re-pavement 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 947.06 – Permit 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 repealing Section 947.09 – Regulation of Ticket Sales and Auditing of Gate Receipts 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: 3 ayes–2 nays (K. E. Johnson and K.W. Johnson), the motion failed.**

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.**

**Ord. #164-16  
Amending  
Section  
351.20(a) –  
Two Hour  
Limited  
Parking**

**Ord. #165-16  
Amending  
Section 903.04  
Street  
Restoration  
Fund**

**Ord. #166-16  
Amending  
Section 903.05  
Restoration  
and Re-  
pavement**

The clerk gave a **first reading**, to an Ordinance repealing Section 947.10 – Refreshment Concessions in Parks and Spartan Stadium 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. #167-16  
Repealing  
Section 947.10  
Refreshment  
Concessions in  
Parks and  
Spartan  
Stadium**

The clerk gave a **first reading**, to an Ordinance amending Section 947.12 (c) – Roy Rogers Esplanade; Permit 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 Ordinance removed the Retail Merchants Association which no longer exists and replaces it with Main Street Portsmouth.

**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. #168-16  
Amending  
Section 947.12  
(c) Roy Rogers  
Esplanade  
Permit  
Required**

The clerk gave a **first reading**, to an Ordinance to make appropriation for the current expenses and other expenditures of the City of Portsmouth, Ohio beginning January 1, 2017 and ending December 31, 2017, as provided for in Section 49 of the Charter 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 approving the 2017 Capital Improvement Program budget and appropriating funds for same from Capital Improvements Funds Fund No. 301 for listed items only.

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

Councilman Kevin W. Johnson asked the City Manager if \$250,000 was the total for all 6 marked Police Cruisers and he replied that “yes” it was for all of them because the city received insurance money for one of those six cruisers. He had not received authorization to purchase a new cruiser with the insurance money so it was added to the amount to be purchased because the insurance money was deposited back into the CIP fund.

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

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

**Marvin Johnson - 2121 Robinson Avenue** – He stated that he had made several request to his Councilman, the City Manager, the Portsmouth Daily Times and the Health Department regarding his street. He said at Cole and Robinson which was right across from Burger King Restaurant there was a sidewalk and the citizens that own that property allow the dirt and grass to travel over the sidewalk which took up about one-third of the sidewalk, there’s also a telephone pole and a fireplug. He said it was impassable and he had seen a woman get hung up that was pushing a baby stroller. He also said that there were women in wheelchairs that could not get through that area and would have to go out into the street. He added that the drain from Cole Avenue down to Robinson Avenue had sunk and when it rained the water accumulated where the sidewalk was supposed to be and when the water finally receded it left a muddy mess. The citizen that owns that property should be made accountable for taking care of that sidewalk. He said there’s also a street sign getting ready to fall off at Cole and Robinson. He said that he also had a house on Grandview between 17<sup>th</sup> and 18<sup>th</sup> Streets and on Grandview alley there were hedges that stick out into the street which needed to be cut because cars and

even the garbage trucks were getting scratched up because of these hedges. He realized that this wasn't the city's problem but a ticket needed to be issued to the homeowner to get the alley cleaned up. He mentioned on Gallia Street around the woodworking plant there were no sidewalks but there used to be an orange stripe along each side for people that walk that area because when it was rainy or dark it was a nice guide, however now the orange line had been painted black and there was no guide. Mayor Kalb stated that was his ward and the City Manager had the information now and the City Manager stated that Mr. Johnson sent him letters every week. Councilman Lowe asked why it wasn't fixed and Manager Allen replied that it would take relocating a fire hydrant and the ramps would be replaced in 2017 as part of the ODOT project and he cannot move a utility pole. He also said this was the first he had heard about the street signs and he didn't know who painted over the stripes on Gallia because it wasn't the city.

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

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

1. She received via email on November 4, 2016 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending October 31, 2016: Expense, Revenue and Fund.
2. She received on November 21, 2016 the franchise fee from Time Warner Cable in the amount of \$55,076.46 and deposited in the Auditor's office the same day.
3. She prepared the Proclamation for Buckeye Elite National Showcase Days.

**Proclamation  
for Buckeye  
Elite  
Basketball  
Tournament**

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. He stated that he had no formal report.
2. He said that he had one amendment for the appropriation ordinance which was in the General Fund 101-119 miscellaneous for Community Agencies, he did not budget in 2017 for the Basketball Tournament because he thought it was only a one time deal and if Council wanted to donate again in 2017, it would need to be amended. He added that the North-End Reunion would be held in 2017 and if Council wanted to contribute, Council would need to amend the line item.

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 reported the following:

1. He thanked Vice President Johnson for reading a Proclamation for Diabetes Awareness.

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 the following:

1. He stated that he would be bringing an ordinance forward at the next Conference Meeting to accept an agreement between the County Commissioners and the city regarding the Dog Warden and the responsibilities within the city. There was some dispute on whether the dog warden was allowed to operate within the city and it came to light last year when there was an incident on Grandview and the city couldn't get the Dog Warden to remove some dogs that were in a house that shouldn't have been there. Councilman Lowe ask if the Warden was allowed to operate within the city and Solicitor Haas replied "Yes" that it was in the Ohio Revised Code.

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. He reminded Council that he sent a request to Council for legislation to close the 2016 books.

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: 5 ayes – 0 nays.**

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

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

1. He said the City Manager had taken care of issues that had been forwarded to him by residents and only one of those were outstanding. Manager Allen asked if it was about the trees and Mr. Johnson replied "yes". Manager Allen said that he had the right of way marked which was 50 feet and they would mark the trees and get a quote on clearing the trees that were in the right of way.

2. He won't see Council until after Christmas and wished everyone a Merry Christmas.

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

1. She said at the last meeting she reported the alley between Jackson and Charles and apparently two small holes were fixed near Mary Ann Street but the large hole had not been repaired and the large hole at Brown Street still existed and the residents were told that Columbia Gas caused it. Manager Allen stated that it had been fixed early in the day.

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

1. He had received some complaints of potholes in the 3<sup>rd</sup> Ward and said he would send pictures to the City Manager to keep him updated.
2. He asked about the lights on Scioto Trail and Manager Allen said those would be fixed.

**4<sup>th</sup> Ward** – Councilman Kalb reported the following:

1. He said the 4<sup>th</sup> Ward continued to be a poor area and he planned to bring up in the spring about the program he had mentioned before about getting the streets and alleys cleaned up.

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

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

1. He asked the City Manager about the areas where the Gas Company was working and if they were responsible for repairing a sidewalk in which they had dug up. Manager Allen said that the Gas Company was required to fix sidewalks and driveways that they tear up.
2. He said there was a sinkhole on 3<sup>rd</sup> Street in Sciotoville in front of the Community School.
3. He said there were potholes on Farney Street near the carwash.
4. He thanked Mr. Simon for cleaning up his property in Sciotoville.
5. He said they had finished the overpass and it looked good.

Mayor Kalb asked if anyone would like to bring forward legislation to close the books for 2016. Councilman Kevin E. Johnson motioned to bring legislation forward for the closing of the books for the fiscal year of 2016. He requested Alternative #1 as emergency legislation.

**Item added to  
next Council  
Agenda**

The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Councilman Kevin W. Johnson moved to go into Executive Session for the purpose of discussing the City Manager's evaluation and he requested that Solicitor Haas be present.

**Executive  
Session**

The role was called. **VOTE: 5 ayes – 0 nays, Council went into Executive Session at 6:45 p.m.** Council reconvened at 7:00 p.m. and roll call showed all those previously in attendance were still present.

The meeting adjourned at approximately 7:01 p.m. on a motion by Councilman Kevin W. Johnson.

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City Clerk

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Mayor