

**MINUTES – REGULAR SESSION**

PORTSMOUTH CITY COUNCIL MEETING  
Monday December 12, 2016  
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday December 12, 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
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.

Council dispensed with the reading of the Journal for the regular session of November 28, 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 923.02 – Tapping Fee of the Codified Ordinances of the City of Portsmouth, Ohio.

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

Councilman Lowe asked what a tapping fee was and the reply was to hook into water and further clarified as a hookup to the sewer system.

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 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 second reading.

Manager Allen stated that there had been a \$50,000 charge for insurance which was charged to the General Fund and the money was now being transferred to reimburse the money paid on insurance.

There were no further 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 903.01 – Permit Required 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 947.06 – Permit Fees of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #169-16  
Amending  
Section 923.02  
Tapping Fees**

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 repealing Section 947.09 – Regulation of Ticket Sales and Auditing of Gate Receipts 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 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 second reading.

Councilman Kevin W. Johnson motioned to amend the ordinance by adding \$5,000 to account #101.119.5291 Community Agencies for the purpose of adding \$2,500 for the Buckeye Elite National Showcase and Holiday classic and \$2,500 for the Northend Super Reunion.

**The role was called. VOTE: 6 ayes – 0 nays, the Ordinance was amended.**

Councilman Kevin W. Johnson moved that this constitute a second reading as amended.

Councilwoman Aeh requested to have the funding for the Engineer removed as she would rather have Code Enforcement and that if the need for an Enginner arose in the future it could be considered at that time.

Mayor Kalb asked if she wanted to request an amendment or to wait for the third reading and she opted to wait for the third 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 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 second reading.

There were no further 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 authorizing the City Auditor to amend appropriations to reflect actual revenues and expenditures in order to balance and close the City's books for the fiscal year 2016. 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: 6 ayes – 0 nays, the rules were suspended.**

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

Councilman Kevin W. Johnson stated that he had requested Auditor Williams begin this ordinance earlier so that it does not have to be done on an emergency basis. Auditor Williams said that he'd be happy to do it earlier but that sometimes there were transfers involved that weren't known until late in the year, but he'll get the routine part of it to Council in late October or early November in the future. Solicitor Haas asked Auditor Williams if the ordinance should show the amount of the transfers and Auditor Williams replied that there weren't any fund transfers this year. It would be appropriation adjustments.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 1 nays (T. Lowe), the Ordinance was passed.**

**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 December 5, 2016 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending November 30, 2016: Expense, Revenue and Fund.
2. She explained that due to the upcoming holidays, the next meeting falls on the Christmas holiday and recommended the meeting be moved to Tuesday December 27, 2016.
3. She wished everyone a very Merry Christmas.

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. The Manager's written report can be found on the City's website.
2. He said that we received from FEMA a letter stating that the floodwall met all certification requirements and accredited. He added that all the flood insurance maps would be reflected.
3. He said the leaf pickup continued.
4. He wished everyone a Merry Christmas

Councilman Kevin E. Johnson commented on the leaf pickup and stated that his had never been picked up in his neighborhood. He said that he had the same problem last year.

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 had no report.

**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:  
 November's General Fund was \$1,016,864 which was \$164,385 more than last year in the same month and the accumulated amount compared to last year was \$2,368,853 and of that amount \$224,579 was from the new tax revenue. Total collection included in both General and Capital was \$1,156,707 which was \$153,786 more than last year and a total collection of \$2,442,838 above last year. Major Fund Balances – General Fund \$1,431,661, Streets \$335,982, Water \$64,228, Sewer -\$1,349,985, Sanitation \$507,567 and Insurance \$1,602,600.

Councilman Kevin W. Johnson stated that in the larger report that had been emailed to Council, there were six income tax lines in the 101 Revenue report and they were all 105% with the exception the last one which was 81%, he asked why they weren't all equal. Auditor Williams said without looking at it, his guess would be that it was the new tax that took effect in January but didn't take full effect until April and in the first quarter some people were still paying taxes at the lower rate.

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 reported the following:

1. He stated that at the next meeting he would be appointing Steve Rodeheffer to the Charter Review Committee. Mr. Rodeheffer had served on the previous charter committee in 1996.
2. He would be re-appointing Linda Switzer to the Cultural Affairs Panel.
3. He stated that with regard to the Charter review committee, it was questioned whether Solicitor Haas should attend the first meeting to work on rules. He said that the only rule that he would stress would be the open meeting and open records. He said once the committee was in place and their emails addresses received, Diana would send out an email requesting the best time to meet each month.
4. He said that he had been involved in the Tree Commission for years and he was furious to read and hear about the trees being cut down at Jobs & Family Services especially when in December

of 2014 a letter from ODNr representative Ann Bonner was given to Job & Family Services which made them aware of the steps to take to fix the sidewalk problem without having to destroy the trees. He said one of the things recommended was to remove the concrete, shave the root and lay new sidewalks which was cheaper than the route they had taken. He mentioned too that Councilman Kevin E. Johnson had previously worked with ODNr Urban Forester Ann Bonner on a similar situation at his residence and he took advantage of the advice given and was able to save the tree and lay new sidewalk. The county then claimed that the City Manager gave them permission, but the City Manager received a text asking permission to remove the trees after the trees had been taken down.

5. He asked the Clerk how many evaluations had been submitted and she replied “three”. He requested that the rest of Council work on their and get them submitted. Councilwoman Aeh said she was getting hers finished up.
6. He asked Auditor Williams about the open checkbook. Auditor Williams said he wasn’t sure but it would be close either toward the end of the month or the first part of the year.
7. He wished everyone a Merry Christmas

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

1. She would be re-appointing Amy Hartlage-Partlow to the Cultural Affairs Panel.
2. She would be appointing Ann Syndor to the Charter Review Committee.
3. She wished everyone a Merry Christmas.

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

1. He said that he’d had problems contacting the person he wanted to re-appoint for the Cultural Affairs panel but hoped to make contact this week.
2. He will announce his Charter Review Committee appointment at the next meeting.
3. He reminded the Manager of the potholes on Forest Heights and Bihlman Drive. Manager Allen stated that there had been issues before where some of those streets weren’t the cities responsibility, but if there were just a few, he would see about having them taken care of.
4. He asked about the street light that was out on Scioto Trail by Matiz Motors. Manager Allen said there were three or four out and he had contacted Ameresco and got no response. He said that they had tried to get parts but had no luck and were trying to figure out how to re-wire it so that they would work.
5. He thanked Council for their support of the Buckeye Elite Basketball Tournament. He said they had a great turn-out and that there were some College coaches in attendance: Bob Huggins from West Virginia University, Brice Drew of Vanderbilt, an assistant from University of Kentucky and an assistant from University of Cincinnati. He said a lot of people were there and witnessed a lot of great basketball action. Mr. Ferguson extended his thanks to Council.
6. He said that he equally was as upset about the trees that were cut by Jobs and Family Services. The city had a Tree Commission within the city and there were reasons for the rules. Councilman Kevin W. Johnson was correct that he had had some roots cut on his property and there was a process which they removed the sidewalk, chipped away the root and poured a new sidewalk and the tree was still intact and he wasn’t sure why that couldn’t have been done at Jobs & Family Services. He reached out to Ann Bonner the ODNr Urban Forester who took time each month to come to the meetings in Portsmouth and ask if the same procedure could’ve been done there and she said “yes” it could have been done. He wanted to know the following: A. If there were any kind of permits issued. B. The trees were cut Friday morning and if it was such an emergency that it needed to be fast-tracked, why hadn’t there been concrete work being done to correct the actual problem. He recommended that the City and County sit down and talk and figure out what the next course of action to make sure that it doesn’t happen again. He said that no one wanted anyone to fall on a sidewalk but the situation could’ve been handled differently.
7. He wished everyone a Merry Christmas

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

1. He said that he made a note that the tree topic could be brought up again during the Conference Agenda.
2. He would be re-appointing Allison Kalb to the Cultural Affairs Panel
3. He stated that as the second pick as Mayor, he would be re-appointing Suzette Rhea to the Cultural Affairs Panel.
4. He wished everyone a Merry Christmas.

**5<sup>th</sup> Ward** – Councilman Meadows reported the following:

1. He said he appreciated the trees but in the relative scheme of things, we have a lot of other things that we need to have meetings about such as the Heroin problem, massive over doses in our city, etc.

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

1. He asked the City Manager if they were given permission to cut the trees. Manager Allen said he wasn’t sure what all was said, he thought that what was said was “he didn’t care and would forward it onto the tree commission”. He was not ask, he was told that the trees were being cut down. He said he was caught off guard after receiving a phone call about something totally different and at the end of the conversation it was “By the way, somebody fell and we’re going to

- cut the trees” and he said that he would forward it onto the Tree Commission. He said he was quoted in the paper as saying “ I don’t care, I got a lot bigger problems to worry about than trees”. He thought that when he forwarded it to the Tree Commission that there would be a discussion and had no idea that before 8:00 a.m. the next morning the trees would be cut down. He said he didn’t want to go any farther into what was said because the last time there was a dispute about what he said and about what the Manager said and was called a liar and it got drug through the newspaper. He does not have the authority to tell anyone that they could cut a tree down.
2. He asked Solicitor Haas if there had been a clear violation of the rules and if so, will they be reprimanded. Solicitor Haas said if you read the newspaper, they knew what the process was because they contacted him in 2014 about cutting sixteen trees out and they had asked him who they needed to speak with and he referred them to the Tree Commission and they did that and they received a letter indicating what the Tree Commission had recommended. He said the whole situation had put the Solicitor’s office in a very bad spot because the Commissioners went and knowingly cut down the trees, being well aware of the city ordinance and now their asking for a special dispensation. They basically were unapologetically saying that they had done it because they were worried about people. He said the problem that he had was that anyone up and down Chillicothe Street can now go out and cut their trees, if he treats the county any differently. They’ve put his office in a difficult position. Mayor Kalb asked that we continue the discussion during the Conference Agenda.
  3. He said there was a broken pole between Cherry and Stewart Street and believed it to be a Frontier Telephone Pole. Manager Allen said that they had called Frontier and they said it wasn’t their pole and AEP was saying the same thing, no one was taking ownership of the pole.
  4. He asked about an abandon vehicle on his street. The guy moved out four months ago and left the vehicle.
  5. He said there was a trash problem on Wilson Avenue in which he took care of himself by speaking to the people and made reason with them and they cleaned it up.
  6. He said there was a water problem on Milldale Road with Roger McGraw. He said he had gotten billed for 11,000 to 16,000 gallons per month and he’s a single man. He said he went down and looked around and couldn’t find any leaks and said it was probably a problem in the meter and not registering correctly. Mr. McGraw had already called and they had removed the meter and installed a new one and sent the old one off to be inspected. He said that Mr. McGraw hadn’t received a new bill yet to see if the problem was fixed but he told him if the meter was the problem, then the city would make an adjustment on his bill since he had been overpaying.
  7. He would be re-appointing Kris Liles to the Cultural Affairs Panel.
  8. He would be appointing Bill Shope to the Charter Review Committee.
  9. He wished everyone a Merry Christmas

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

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City Clerk

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Mayor