

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**  
 Tuesday December 27, 2016  
 6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Tuesday December 27, 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 (Absent)
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.

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 December 12, 2016 on a motion by Councilman Kevin W. 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.

Councilman Kevin W. Johnson motioned to add to the table, an Ordinance authorizing the Auditor of the City of Portsmouth, Ohio to enter into an contract with Balestra, Harr & Scherer, CPAs, Inc. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Item added to Agenda

**LEGISLATION**

The clerk gave a **third 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.

Ord. #171-16  
 Transfer of Rental Licensing Funds to Gen. Fund and closing Fund 271

Councilman Kevin W. 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 903.01 – Permit Required of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #172-16  
 Amending Section 903.01 Permit Required

Councilman Kevin W. 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 947.06 – Permit Fees of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #173-16  
 Amending Section 947.06 Permit Fees

Councilman Kevin W. Johnson motioned that this 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 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 W. 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. #174-16  
 Repealed  
 Section 947.09  
 Regulation of  
 Ticket Sales  
 and Auditing  
 of Gate  
 Receipts**

The clerk gave a **third 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 W. Johnson motioned that the Ordinance be passed.

Councilwoman Aeh requested to amend the Ordinance to remove the funding for an Engineer as she would rather have more Code Enforcement Officers and possibly hire a college student part time or senior citizen. She advised that she had asked someone who was retired how much of the city they could cover in four hours and they responded that they could do the whole city in one week. This would be someone who would establish where the broken sidewalks were, gutters falling off of houses, trash in the yard, and then bring it back to the city where a code enforcement officer could do his job of going out to those particular places and enforcing the Ordinances. The citizens would not gain anything by having an Engineer to go out and look for these infractions as it would be way below their pay grade. We've been telling citizens to be patient because we don't have the man-power or we don't have the money and it would be a disservice to hire an Engineer because he would have to have certification as a plans examiner. Councilman Meadows asked Manager Allen what he thought about removing the funding and Manager Allen replied that he didn't have anything to say about it. Mr. Meadows said that he obviously put it in the budget for a reason and Manager Allen said that there needed to be someone in charge of the Engineering Department, however, there were no plans to hire anyone at that rate because the City would not hire anyone that wasn't a P.E. (Professional Engineer) and no one will accept that rate of pay. He said that it had been in the budget since he started but at some point it needed to be filled but he's not to the point that he was ready to talk about a salary. The Engineering Department had no one to supervise and we're hiring a code enforcement officer and a rental licensing inspector and there won't be anyone to supervise them. A lot of the issues that we have now was because there was no one in charge of the Engineering Department. Mrs. Aeh said that the City could fund the position if it become necessary, but if you need someone to manage the office, then hire an Office Manager at a much less salary. Councilman Kevin W. Johnson said it was like a domino effect and if we do find someone who wants the position it would be more money than what we're paying other Department Heads and the other domino would be what we're paying the city employees. Manager Allen stated that there needed to be a wage analysis completed but it's not currently in the plans. He doesn't understand the lack of trust because there was no urgency to hire an Engineer.

**The role was called. VOTE: 4 ayes – 1 nays (G. Meadows), the Ordinance was amended.**

Councilman Kevin W. Johnson moved that the Ordinance be passed as amended.

**Ord. #175-16  
 General Fund  
 Budget for  
 2017**

Councilwoman Aeh said there was a position in the budget establishing a new department called Economic Development and it won't have anyone in the department because the City Manager will be in charge of it, she questioned why that couldn't be a division of the City Manager office. She said currently we have a City Service Department and within that department there were divisions of the garage. If it was just a line item why not make it a division of the City Manager's office which wouldn't need Councils approval otherwise Council would need to amend the preamble to show that we were establishing a department. Manager Allen said that it was a tracking number, the first three digits were the fund, the middle three digits are the departments and the last four digits were the activity and it was just a way of tracking. Mrs. Aeh said she understood and that we've tracked the garage with their own numbers which was a division of the Service Department. Auditor Williams said that Councilwoman Aeh had previously asked him about this but not in the same context, he said that a couple of years ago we didn't establish a department as an operational department but it was an accounting department as far as the reporting was concerned, but there would not be any personnel and he doesn't see anything that would require Council to establish a new department. Mrs. Aeh stated that she would like to withdraw her motion. Mayor Kalb expressed his gratitude for the inclusion of the widening of Grandview Avenue.

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

The clerk gave a **third 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 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 **first reading**, to an Ordinance authorizing the City Manager to adopt an Agreement with the Scioto County Commissioners to require the County Dog Warden to perform statutorily mandated duties on behalf of the City of Portsmouth at no cost to the City.

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 City Manager of the City of Portsmouth, Ohio to advertise for bids and to enter into contracts with the lowest and/or best bidder for required supplies, materials and services for 2017 in accordance with Ohio Revised Code section 735.05.

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

Mayor Kalb asked Manager Allen if there was any urgency or if it could go three readings and Manager Allen replied that it could go three readings.

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 City Manager to enter into an agreement between the City of Portsmouth and the Southern Ohio Port Authority (SOPA) for 2017, 2018 and 2019.

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 to submit to the electors of the City of Portsmouth, Ohio, at the Primary Election to be held on the 2nd day of May, 2017 proposed amendment of Section 164 Hours of Labor of the Charter of the City of Portsmouth, Ohio.

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 establishment of Building Reserve Fund No. 103

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 of \$50,000 from General Fund No. 101 to the newly created Building Reserve Fund No. 103.

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 of funds for 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.

**Ord. #177-16  
 Transfer of  
 Funds for  
 Health  
 Department**

Councilman Kevin W. Johnson motioned that this constitute a first reading and Solicitor Haas reminded that it needed to be passed. Councilman Kevin W. Johnson withdrew his first motion and moved to suspend the rule requiring an Ordinance be read on three separate dates due to the emergency status.

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

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

Councilwoman Aeh said that we had already given a first reading to establish the fund and now you want to transfer something into a fund that we've only given one reading to. Solicitor Haas stated that Mrs. Aeh was on the wrong question, Mrs. Aeh apologized.

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 a Resolution in support of persuading the Ohio EPA to update Ohio's outdated bus fleet with VW mitigation funds.

**Res. #18-16  
 Ohio EPA  
 letter of  
 support for  
 VW  
 Mitigation  
 funds**

Councilman Kevin W. 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.**

The clerk gave a **first reading**, to an Ordinance authorizing the Auditor of the City of Portsmouth, Ohio to enter into an contract with Balestra, Harr & Scherer, CPAs, Inc., an independent public accountant (IPA), to perform the annual financial and compliance audits of the City of Portsmouth for the period of January 1, 2016 through December 31, 2020, in an amount not to exceed \$36,000 per year to be paid from the Audits and Examinations accounts appropriated within General and Enterprise Funds as outlined in each year's annual operating budgets.

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

Auditor Williams said the Auditor of State notified him that they would not be performing an audit this year. He said that over the years there were different CPA's and for the last several years the City has been audited by the State. This year it was based on the personnel they had in the area and the number of audits scheduled. They plan this out several years in advance and determine the firm that would be completing the audit for the next five years. He said the one benefit was that they would be quicker get in and out which resulted in a lower cost. The cost for the five year term would be \$180,000 at \$36,000 per year in comparison to the three year contract with the Auditor of State which had been \$65,000 per year and was a \$29,000 savings per year for the next five years. The final review does go before the State and they hadn't given up control but they have a list of approved IPA's that they allow to perform audits. Mr. Williams said that Council doesn't need to pass it now but requested that during the second reading, the third reading be waived so that they can begin the audit work.

Councilman Kevin W. Johnson withdrew his first reading motion and motioned to waive the readings.

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

**Ord. #178-16  
 Contract with  
 Balestra, Harr  
 and Scherer,  
 CPA's**

Councilman Kevin W. Johnson motioned that this ordinance be passed.

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

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

**Jason Kester-Director of SOPA– 342 2<sup>nd</sup> Street** – He gave the year end update.

1. They received the ABC grant and had worked on that during the spring and they also received a follow up grant from the EDA Economic Development Administration and the topic of that grant

was the expansion of public WI-FI and Broadband capabilities in the downtown area through Second Street. The experts will be coming into town in February and he will get the dates to the City Clerk as everyone is invited.

2. He said they had submitted a request to a highly competitive grant for \$300,000 to perform some brownfield remediation on sites in Portsmouth. He said over the last two years had scored a 195 out of 200 total points, but were not funded and they're hoping that the third time was a charm.
3. He said they were also working on some gas stations in Councilman Kevin W. Johnson and Mayor Kalb wards and had a plan of action with a law firm on tackling a gas station in each of their wards. There were a host of legal issues with back taxes, back insurance payments and things of that nature in which they needed to retain Council.
4. They also received grants from Jobs Ohio to do environmental work on the former Dayton Walther site. They've had some projects look at the site but it needed some environmental remediation which was the first steps with the hope that Jobs Ohio would fund the environmental too.
5. He's working with a private entity Shawnee State Dr. Dunne got the grant for Portsmouth Spartan Stadium and the next step would be a comprehensive engineering analysis to figure out everything that was wrong with the stadium. Howerton Engineering had done one a few years ago and they were trying to figure out the next steps. Someone had said that they would pay for the study as a donation to Portsmouth, so they were working on a quote.
6. He said Councilman Meadows had asked him about the Business Retention issue within the City and the County and he said it had been the permit process with both the County and the City. He said the Engineering Department and Mr. Tolle were working on a flow chart where there were issues.
7. The two big projects from the past year was Appalachian Wood Floors, they redid the Shaffer Building and continue to expand their campus. The other was Yost Engineering and they received a grant for \$2,000,000 and were looking to hire approximately 100 new employees.
8. He said the Portsmouth area would have nine economic development projects for this year which should rank us in the top 10 in mid-sized communities within the United States.

Auditor Williams asked for more details regarding the WI-FI and Mr. Kester said that one of the issues that some of the businesses had was connect ability problems downtown and it didn't matter what provider they had but there were connection issues. That was some of the planning with the ABC grant and how to address those issues. They applied for an additional grant

Mayor Kalb asked about the brownfield study and if that included the area around the water plant property. Mr. Kester said that was a separate project.

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

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

1. She received from the Ohio Division of Liquor Control a request for a new license from 1<sup>st</sup> Stop dba 1<sup>st</sup> Stop Sciotoville at 500 Harding Avenue Portsmouth, Ohio. There were no objections.
2. She received the City Manager Evaluations, Summarized and distributed them to the City Manager and City Council.
3. She wished everyone a very Happy New Year.

**Liquor  
 Request – 1<sup>st</sup>  
 Stop  
 Sciotoville**

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 reported the following:

1. The Manager's written report can be found on the City's website.
2. He said he would like to add the letter of appreciation from the Village of New Boston to his report. They were having a drainage problem on the corporation line between New Boston and Portsmouth across from the water plant.

The City Manager'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.**

**Mayor's Report** – Mayor Kalb reported the following:

1. He re-appointed Suzette Rhea to the Cultural Affairs Panel.
2. He planned to reappoint Helen Adams to the Fair Housing Board
3. He had an appointment to the Zoning Board of Appeals but hasn't made contact to date.

The Mayor'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 Solicitor** – Solicitor Haas wished everyone a Happy New Year.

**Auditor Williams** – Auditor Williams reported the following:

1. He had a reply for Councilman Kevin W. Johnson regarding the percentages and collections on Revenue Income Tax, he found out how it occurred. There was a formula on the Excel Spreadsheet that he could enter \$10,000,000 and it would break it down for each line unless it was a year where there were slightly less collections, he would have to enter it manually for it to work out correctly. Only in the years where there was a tax increase would it make a difference.

The City Auditor'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.**

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

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

1. He appointed Steve Rodeheffer to the Charter Review Committee.
2. He re-appointed Linda Switzer to the Cultural Affairs Panel.
3. He said he was taken aback by the Portsmouth Daily Times and the Scioto Voice report regarding the Scioto County Prosecutor Mark Kuhn's statement. He said that every community had problems but the law and ORC shouldn't be ignored. He doesn't buy into the argument that we could ignore certain things and he believed the response was illogic and found that given that the Tree Commission worked closely with Main Street Portsmouth and their primary objective was to beautify the County's seat. He had one criticism of the Tree Committee in that they didn't follow up with the County two years ago on how to rectify the situation and the Tree Committee assumed that the Jobs & Family Services had been notified and the County would deal with that but they did not. He said that in the future when issues come before the Tree Commission that they need to do a follow up on the recommendation to make sure that they followed through with the recommendation. These laws have been on the books for 19 years and were not new and he totally rejected the thesis/basis whatever type of reasoning because it doesn't make sense. He said that we shouldn't be picking and choosing what laws we follow.

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

1. She appointed Amy Hartlage-Partlow to the Cultural Affairs Panel.
2. She appointed Ann Sydnor to the Charter Review Committee.
3. She reported a house at 4<sup>th</sup> and Offnere Street that caught fire in the summer and there was a box spring sitting on the sidewalk and a mattress in the front yard of 3<sup>rd</sup> Street side along with other debris and it had been setting there for over a month.
4. She thanked the Sanitation Department and Tony Gibson for picking up her garbage at a later time because her son had forgotten to remove the lock from the can.
5. She wished everyone a Happy New Year.

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

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

1. He re-appointed Allison Kalb to the Cultural Affairs Panel.
2. He agreed with Councilman Kevin W. Johnson regarding the trees. We should be proactive and not reactive.
3. He wished everyone a Happy New Year.

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

1. He re-appointed Gina Chabot to the Cultural Affairs Panel.
2. He appointed Larry Essman to the Charter Review Committee.
3. He reported some sidewalks being broken in the 5<sup>th</sup> Ward several weeks ago as one of his constituents had complained and someone had fallen and gotten hurt. He believed that he was told this was not something they were going to enforce but he believed that if it was an ordinance it needed to be enforced. If it made someone mad, then they need to get with their Councilperson to have the ordinances repealed. If we're not going to enforce them, we need to get rid of them.

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

1. He agreed with the other Councilpersons, if there was an ordinance on the books, it was there for a reason and needed to be enforced.
2. He asked the City Manager if there was any type of patching program since the weather was getting bad and there were lots of potholes. Manager Allen said "yes" and Mr. Lowe said all he had to do was identify them and turn them in.
3. He appointed Bill Shope to the Charter Review Committee.
4. He re-appointed Kris Liles to the Cultural Affairs Panel.
5. He wished everyone a Happy New Year.

The meeting adjourned at approximately 6:55 p.m. on a motion by Councilman Kevin W. Johnson.

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City Clerk

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Mayor