

**MINUTES – REGULAR SESSION****PORTSMOUTH CITY COUNCIL MEETING**

Monday February 13, 2017

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday February 13, 2017 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, Auditor M. Trent Williams and City Clerk Diana Ratliff. Solicitor Haas was absent.

Council dispensed with the reading of the Journal for the regular session of January 23, 2017 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 6 – nays 0.**

Councilman Kevin W. Johnson motioned to bring from the table, the ordinance authorizing the amendments to the City Manager's employment agreement.

**The role was called. VOTE: 2 ayes – 4 nays, the motion was rejected.**

Councilman Kevin W. Johnson motioned to add a Resolution to the agenda authorizing the City of Portsmouth to enter into an agreement with the Ohio Development Services Agency for the FY 2017 through FY 2019.

Item added to  
Agenda

The motion carried viva voce: **VOTE: ayes 6 – nays 0, the item was added to the agenda.**

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 **second reading**, to an Ordinance authorizing the City Manager to enter into an amended agreement with Brownfield Restoration Group, LLC to conduct a VAP Phase II Assessment and No Further Action Document in an additional amount not to exceed \$14,831.00 to be paid from unappropriated Water Fund Revenue and to appropriate the same to New WTP Fund Line Item No. 606.771.5515.

Councilman Kevin W. Johnson motion to amend the ordinance with the following:

- a. Remove the word additional from the first paragraph and Section I.
- b. Replace \$14,931.00 in the first and fourth paragraphs as well as Section I with the total amount of \$113,410.50.

Councilwoman Aeh asked if there was another ordinance that allowed the difference that we need and does it need repealed. Auditor Williams replied that the Ordinance was passed, appropriated and encumbered in 2016. The decision was made to unencumber it at the end of the year so that appropriation would lapse and would have no authority.

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

Councilwoman Aeh 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 to revise the Codified Ordinances by adopting replacement pages thereto. 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.

Councilwoman Aeh motioned that the rule be suspended that required an ordinance to be read on three separate occasions per the recommendation of the City Clerk.

**The role was called. VOTE: 6 ayes – 0 nays, the rule was suspended.**

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

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance amending Section 1133.08 - Business AA Districts of the Codified Ordinances of the City of Portsmouth, Ohio.

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

Councilman Kevin W. Johnson remarked that he had introduced this legislation based on research from other cities who were addressing the issue in the same manner. He considered these types of businesses as predators charging up to 500% interest and State Legislature had refused to deal with the issue. He heard that the legislature would try to address it this year due to numerous communities having to tackle the situation. Current businesses would not be affected only future businesses in this category. Councilman Meadows had asked Solicitor Haas to take a look at this to see if we were allowed to regulate these types of businesses under State law. Councilman Kevin W. Johnson said that there were two more readings and we could check with him during the next meeting.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to a Resolution requesting the advance payment of all taxes now standing to the account of the City of Portsmouth, Ohio, from the Treasurer of Scioto County, Ohio, and any and all other monies due the City of Portsmouth, Ohio, included in the certificate of estimated resources as issued and approved by County Budget Commission, and to be credited to the respective funds by the warrants received from the Auditor of Scioto County, Ohio.

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

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, the Resolution was adopted.**

The clerk gave a **first reading**, to a Resolution authorizing the City of Portsmouth to enter into an agreement with the Ohio Development Services Agency for the FY 2017 through FY 2019 for the administration of the Housing Revolving Loan Fund (HRLF). 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 motioned that the Resolution be adopted.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, the Resolution was adopted.**

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

**Kay Barlowe – 2017 Waller Street – Portsmouth** – She spoke on behalf of the North end Super Reunion Committee. She had sent a letter to the City Manager and City Auditor and requested that their letter be put into the minutes. They have a community reunion every four years and the City of Portsmouth had always helped in deferring their cost. The event will be held June 29, 2017 through July 2, 2017 and they were requesting financial support and added that it would help defer their cost for items that they rent. The event brings in added revenues to local hotels and restaurants as well as golfing venues.

**Ord. #07-17  
Updated  
Codified  
Ordinances**

**Res. #01-17  
Advance  
payment of  
taxes from the  
Treasurer of  
Scioto County**

**Res. #02-17  
Agreement  
with Ohio  
Development  
Services  
Agency for  
HRLF**

**MISCELLANEOUS BUSINESS AND REPORTS:**

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

1. She received an Oath of Office for Ron McCain of the Cultural Affairs Panel:
2. She received from the Ohio EPA notice of a Public Hearing which was held on Thursday February 2, 2017 to discuss proposed changes to the Wheelersburg Wastewater Treatment Plant Discharge Permit.
3. She received via email on February 3, 2017 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending January 31, 2017: Expense, Revenue and Fund.
4. She received from the Ohio Division of Liquor Control a request for a change in ownership of stocks for a D1, D2, D3, D3a and D5 permit class for F.G.S dba Sunset & Rainbow Lounge at 2330 17<sup>th</sup> Street and 1400 Kendall Avenue Portsmouth, Ohio. There were no objections.
5. She received the 2020 Census registration which was completed and returned.
6. She prepared two Proclamations: Herb Dillow retiring as Superintendent of Streets and Carl Compton retiring as a Police Officer.
7. Received an Oath of Office for Naomi Robirds as a Special Deputy Clerk.

Oath of Office  
for Ron  
McCain  
Cultural  
Affairs Panel  
and Naomi  
Robirds as  
Special  
Deputy Clerk

Liquor  
License stock  
ownership  
change for  
F.G.S dba  
Sunset &  
Rainbow  
Lounge

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 congratulated Street Superintendent Herb Dillow on his retirement and he was replaced by Barry Nagle who had left Traffic to be the new Street Superintendent.
3. He received the letter from the Northend Super Reunion in which they had requested \$3,500, however only \$2,500 was budgeted. He said unless he heard different from Council, they would forward out the money that was budgeted, but if that wasn't satisfactory then Council should let him know.
4. He addressed the striping around the entrance to the restaurants and movie theatre. He spoke to Scott Schmidt about the thermal plastic striping. Mr. Schmidt has agreed to pay for the striping in front of the restaurants and entrance when they come back to do more striping in the city.

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 reported the following:

1. He notified Council of his plan to appoint Sharon Bender to the Portsmouth Visitors Bureau as well as Councilman Kevin W. Johnson who had previously served on the committee. He said if any other member of Council would like to serve, they need to make their wishes known, otherwise he would appoint Councilman Kevin W. Johnson. He would make it official at the next meeting.
2. He notified Council of his plan to appoint Dr. Timothy Angel to the City Board of Health and would make that official at the next meeting.
3. He extended his condolences to the family and friends of Daniel Saez who recently passed away. He was a long time employee with the city in the Community Development Department.
4. He congratulated Herb Dillow on his retirement who was a longtime and good employee.
5. He mentioned to the City Manager about painting the median at the entrance to the restaurants and movie theatres.

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: 6 ayes – 0 nays.**

**City Solicitor** – Solicitor Haas had no report due to absence.

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

1. He reviewed his written report that he had given to Council as follows:  
January's General Fund was \$1,351,200 which was \$447,879 more than last year in the same month. The new tax collected was \$304,670 was from the new tax revenue. Total collection included in both General and Capital was \$1,535,883 which was \$473,762 more than last year. Major Fund Balances – General Fund \$1,310,170, Streets \$259,375, Water \$261,758, Sewer -\$1,571,015, Sanitation \$475,680 and Insurance \$2,000,477.

The 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**

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

1. He asked if anything was introduced at the OVRDC meeting and the first round caucus. Manager Allen said that the deadline for the submissions was delayed until May.
2. He asked the City Manager who the four new members of SOPA were. Manager Allen said they were: Kay Reynolds, Sean Stratton, Mark Ward, Phil LaJoye. The appointments were made by the County Commissioners.
3. He said there had been a lot of chatter on facebook about the video of the Police altercation. He said the actual issue was in the 2<sup>nd</sup> Ward but it was regarding the downtown area and that he had received feedback from businesses in that area. He said every Monday morning they have a major cleanup to do of the streets and parking lots because of trash, beer cans and bottles, vomit and sometimes blood. The problem seemed to be getting out of hand and he questioned if there was anything they could be doing to ameliorate the problem.

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

1. She said there was another one of those advertising benches on the northwest corner of 11<sup>th</sup> Street and Lincoln Street. She said it blocked the view of oncoming traffic.
2. She gave her condolences to the family and friends of Dan Saez and there will be a memorial service Friday at 11:00 a.m. at Melcher's Funeral Home.

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

1. He thanked City Manager Allen for meeting with him last week and standing in the rain, looking at drainage issues on Sheridan and was waiting for the Manager to follow up.
2. He visited with some constituents in Forest Heights and they were very happy with the pot holes that had been patched and wanted him to express their gratitude.
3. He said Baird Avenue had some potholes that needed patched as well as the alley behind Baird Avenue which runs along Greenlawn cemetery had very large holes. Manager Allen said that on the brick streets, they would try to have someone come and fix the bricks.
4. He said a resident had spoken with him about the bricks on Highland Avenue and they were worried the Gas Company was going to tear them up and not replace them. Manager Allen said that the Gas Company had been advised that if they work on the brick streets, they have to put them back into place.
5. He said there was a house on Highland Avenue that he had brought up several times and something needed done about it. People were going in and out of the house and it had holes in the roof.
6. He said he would like to see an emergency fund put in place for emergency tear down of houses.
7. He said he would be in favor of funding the \$3,500 for the Northend Reunion. It's a very positive event.

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

1. He said he forgot to mention contract negotiations in his Mayor's report. He had heard from someone that we were in contract negotiations and had moved into fact finding. He was wondering when Councilmembers would get an update. If raises were being requested, Council would have to make appropriations and work it into the budget.
2. He reminded the Manager of the buckling concrete on Vermont Avenue which needed knocked down whenever the equipment was available.
3. He reminded the Manager of the appropriation for the widening of Grandview Avenue and would like to see it get started early and have it done for this year.

**5<sup>th</sup> Ward** – Councilman Meadows told the Manager that he was encouraged by the Truck Route signs and the progress that had been made. He asked if the signs had been ordered and when they would be in. Manager Allen said they had been ordered but didn't know a timeline.

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

1. He was in favor of the emergency tear down fund because there were problems in his ward, where houses need to come down immediately.
2. He remarked on the lighting along the restaurants and the Movie Theatre.
3. He asked how to get a City Income Tax form.
4. He said there was a drain clogged on Eastern Avenue in Sciotoville.
5. He questioned whether the pot holes on East Front Street were filled.
6. He said Munn Run/Valley Street was grown up and questioned what was going to be done about it and Manager Allen said that we were waiting on the National Guards response.
7. He thanked Andy Gedeon from the Health Department and said he was an asset to the City.

The meeting adjourned at approximately 6:40 p.m. on a motion by Councilman Kevin E. Johnson.

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City Clerk

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Mayor