

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

Monday February 27, 2017

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday February 27, 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, 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 February 13, 2017 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 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~~ **\$113,410.50** to be paid from unappropriated Water Fund Revenue and to appropriate the same to New WTP Fund Line Item No. 606.771.5515.

**Ord. #08-17  
Brownfield  
Restoration  
Group,  
VAP Phase  
II and no  
further  
action  
document**

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

Councilman Kevin E. Johnson requested Manager Allen briefly describe why the amount was increased. Manager Allen said that last year the city entered into an agreement for \$98,000 worth of environmental testing on the property behind the current Water Plant but the work had not begun by the end of the year when the books were closed. Had we carried that appropriation over, the appropriations in the Water Fund would have exceeded the estimated revenues and it would have been an audit citation. Now we are just reappropriated the funds because the \$98,000 was never touched.

There were no further 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 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 second reading.

Councilman Kevin W. Johnson stated that at the last meeting Councilman Meadows had asked whether we could legally do this and Solicitor Haas answered “yes” that’s why he prepared the legislation. Councilman Meadows said that he saw where this was headed as far as other cities preparing legislation and trying to slow these things down. He doesn’t see it as a problem, and added that there were two car/title loan places on Gallia which this wouldn’t apply. He said that he wasn’t comfortable regulating businesses and that the market place would take care of it; if people need it and if they don’t they won’t come here for business anyway. Councilman Kevin W. Johnson said that he would agree if the State legislature followed through on its own regulation of lending practices to the poor in Ohio. They have legislated and put the controls on certain loan companies but there were loop holes and Ohio charges the highest rates. This would put it in place for the future because we can’t touch the ones already in business. Mayor Kalb said that he had mixed emotions but

thought by grandfathering and limiting the number of those currently in business, we're not slowing them down but enhancing it because there would be not competition.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 2 nays (G. Meadows and T. Lowe), a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the acceptance of grant funds from the Ohio Department of Public Safety, Office of Criminal Justice Services under the Justice Assistance Grant program for Police Department equipment purchases, establishing a dedicated account for the grant and authorizing appropriations of grant and matching funds.

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

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 an Ordinance authorizing the acceptance of grant funds from the Ohio Department of Public Safety, Office of Criminal Justice Services under the Justice Assistance Grant program to provide confidential funds to the Drug Task Force, establishing a dedicated account for the grant and authorizing appropriations of grant and matching funds.

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

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 an Ordinance authorizing the City Manager to donate Police Department vehicle no. 709 a 2007 Ford Crown Victoria to the Scioto County Career Technical Center (SCCTC) "as is" with no warranties, either expressed or implied.

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

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 an Ordinance repealing Section 735.04 – Frequency 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 as this was a cleanup and to eliminate the redundancy.

**The role was called. VOTE: 5 ayes – 1 nays (K. E. Johnson), the rules were suspended.**

Councilman Kevin W. 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 1501.01 (a) Edition Adopted; Identity and Purpose of the codified ordinances for the City of Portsmouth.

Councilwoman Aeh moved to suspend the rule requiring an Ordinance be read on three separate dates as this was a cleanup and to eliminate the redundancy.

**The role was called. VOTE: 5 ayes – 1 nays (K. E. Johnson), the rules were suspended.**

Councilman Kevin W. 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.**

Ord. #09-17  
Repealed  
Section  
735.04  
Frequency

Ord. #10-17  
Amended  
Section  
1501.01(a)  
Edition  
Adopted;  
Identity and  
Purpose

The clerk gave a **first reading**, to an Ordinance amending Section 1511.01 - Definitions of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #11-17  
Amended  
Section  
1511.01  
Definitions

Councilwoman Aeh moved to suspend the rule requiring an Ordinance be read on three separate dates as this was a cleanup and to eliminate the redundancy.

**The role was called. VOTE: 5 ayes – 1 nays (K. E. Johnson), the rules were suspended.**

Councilman Kevin W. 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 repealing Section 1511.02 - Relations to Other Prohibitions of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #12-17  
Repealed  
Section  
1511.02  
Relations to  
Other  
Prohibitions

Councilwoman Aeh moved to suspend the rule requiring an Ordinance be read on three separate dates as this was a cleanup and to eliminate the redundancy.

**The role was called. VOTE: 5 ayes – 1 nays (K. E. Johnson), the rules were suspended.**

Councilman Kevin W. 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 repealing Section 1511.03 - Open Burning in Restricted Areas of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #13-17  
Repealed  
Section  
1511.03  
Open  
Burning in  
Restricted  
Areas

Councilwoman Aeh moved to suspend the rule requiring an Ordinance be read on three separate dates as this was a cleanup and to eliminate the redundancy.

**The role was called. VOTE: 5 ayes – 1 nays (K. E. Johnson), the rules were suspended.**

Councilman Kevin W. 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 repealing Section 1511.04 – Permission to Individuals and Notification to the Ohio EPA of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #14-17  
Repealed  
Section  
1511.04  
Permission to  
Individuals &  
notification to  
Ohio EPA

Councilwoman Aeh moved to suspend the rule requiring an Ordinance be read on three separate dates as this was a cleanup and to eliminate the redundancy.

**The role was called. VOTE: 5 ayes – 1 nays (K. E. Johnson), the rules were suspended.**

Councilman Kevin W. 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 repealing Section 1511.05 – Open Burning; Recreational Fires; Portable Outdoor Fireplaces 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 as this was a cleanup and to eliminate the redundancy.

**The role was called. VOTE: 5 ayes – 1 nays (K. E. Johnson), the rules were suspended.**

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

Ord. #15-17  
Repealed  
Section  
1511.05 Open  
Burning,  
Recreational  
Fires,  
Portable  
Outdoor  
Fireplaces

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 1503.01 - Fees; Issuing Permits for Inspections and Other Services of the Codified Ordinances of the City of Portsmouth, Ohio.

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

Councilman Lowe asked what was being amended. Manager Allen listed the changes of the proposed legislation. He said the fees had not been changed since 1991. The commercial inspection, food service inspection were being increased; residential inspection for one and two family homes were being decreased; school inspections were being increased; fireworks permit now has a fee; service training and fire report were deleted. Mayor Kalb asked why the residential inspections were being cut in half when everything else was being increased and Manager Allen said he wasn't sure when the last time a house was built within the city.

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 an Ordinance authorizing the City Manager to execute an amendment to the Poggemeyer Design Group agreement for the design of the Portsmouth Multi-Use Path in the amount of \$20,761.90 and to appropriate the same from Capital Improvement Fund No. 301.

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

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

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

**Pamela Lewis – 5409 Kiff Street Sciotoville, OH** – She said that there were issues with water drainage on Kiff and Pyle Streets. The rainfall water doesn't go into the storm drain in the alley because of the poor condition of the alley but crosses the street and washes out her front yard. She said it was causing all of the gravel to wash down Kiff Street all the way around to Bonser to the driveway in the back and it has taken up a large amount of room with the gravel around the driveway. She said the ditches haven't been cleaned out in years, and the water was coming across because there wasn't a ditch in one spot. She provided pictures for Council that she will leave with the City Clerk.

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

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

1. She received on February 14<sup>th</sup> a notification from Bobeck Funding II, LLC of their intent to rehabilitate the Scioto Valley Apartments.
2. She received a call on February 15<sup>th</sup> from Andrew Brandes of the State Auditor's office requesting a time to give Council a report regarding the Performance Audit. He will be here at 5:00 on March 13<sup>th</sup> to give his report to Council.
3. She received an invitation to the Southeast Ohio Tree City USA Awards Program which will be April 20<sup>th</sup> in Marietta and requested to attend again this year.
4. She set up the first Charter Review Committee meeting which will be held on March 15<sup>th</sup> at 5:00 p.m. in the Engineering Office at the Municipal Building.

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 he had received the email from Ms. Lewis and had forwarded it to the Department Head and they will see what they can do to help.
3. He provided Council with a copy of his report from the City Manager's Conference.
4. He said they had been going through the city and cleaning up couches, mattresses, tires, debris and today they collected 20,000 pounds of debris off of 4 city streets. They had to stop early because they filled all the containers at the transfer station but would begin again tomorrow. They had put 100 tons of garbage through the transfer station today. That will continue on and they will go through the entire city. This would be the first steps in making some improvements.

5. He advised that he would not be at the next Council meeting, he would be on vacation. Mr. Andrew Brandes of the Ohio State Auditor’s office will be making a presentation. He said that after he makes his presentation, he will have a response to it because he believed there were many flaws in his study. He met with Mr. Brandes but wasn’t allowed to see everything and wasn’t given a report. He said there were serious methodology problems in the items they had discussed.
6. He met with Tom Kayser at Spartan Stadium regarding improvements and utilizing the money that was awarded through a contest that State Farm conducted.
7. He met with Rocla Concrete Ties in Sciotoville regarding making improvements to the road on Pershing Avenue. The City is attempting to obtain grants and state funding to help that business.
8. He met with a group that wanted to create a 501c3 “Friends of Greenlawn Cemetery” to raise money for the purpose of making improvements to the cemetery.
9. He met with two Shawnee State University students who were interested in raising money for improvements at Mound Park.
10. He met with Portsmouth School Superintendent Scott Dutey in regard to the Athletic Complex.
11. He participated in a telephone conference call regarding abandoned gas stations in Portsmouth and the City will be moving forward to take action doing Phase I environmental on those properties.

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 appointed Sharon Bender and Councilman Kevin W. Johnson to the Portsmouth Convention and Visitor’s Bureau.
2. He appointed Dr. Tim Angel to the Portsmouth City Health Department Board.
3. He said that he requested an update about 6 weeks ago on the current contract negotiations and hasn’t received anything. Council needs to know what’s going on as far as salary proposals and positions not filled.
4. He said the Manager reported that he had a meeting with the Portsmouth City School Superintendent, and felt that he had intentionally left the report insufficient because it doesn’t tell Council anything about the issue at hand. He was surprised and disappointed that the city had removed the fire hydrant on Findlay Street and quoted from the newspaper was “we had met with the school and we had kind of a discussion and we said we’ll do this to see what happens”. He questioned the “we” that was referred to four times in the articles, and what did he actually think would happen. He’s disappointed that it was removed without first discussing it with Council and not sharing with Council what was discussed at the meeting with the Superintendent. He said that Manager Allen kept Council in the dark about the controversial issue and the plan to remove the hydrant. He also didn’t consult with the Fire Chief which sends a message to the Portsmouth citizens that when it comes to city business the right hand doesn’t know what the left hand is doing. He said that it wasn’t within his authority but suggested inviting the Portsmouth City School officials to bring documentation to a City Council meeting supporting their side of the issue so everyone would know what was going on and the matter could be put to rest.
5. He also had read in the City Manager’s report that Sergeant Carl Compton had retired and that he had attended his ceremony. He congratulated Sergeant Compton and wished him a long and happy retirement, but would like to have known the information sooner, he would’ve personally wished him congratulations.
6. He recently reported to 1<sup>st</sup> Ward Councilman Johnson that a structure had been demolished on 2<sup>nd</sup> Street without a permit or going before the Design Review Board. He asked if there was any action taken or if there was going to be action taken.
7. He reminded the Manager that it would be a good time to begin the Engineering work on the widening of Grandview Avenue.
8. He asked Solicitor Haas about the recent email about Council updating the City Manager Evaluation form and the process. The email asked for input from each Council member which he considered a vote and any kind of a vote outside of an open meeting was illegal. He asked if the matter should be handled through regular conference process and legislative meetings or were the emails proper for preparing the document. Solicitor Haas said that it should be in open meeting.
9. Council received an Agenda for the Charter Review Committee that was prepared by Councilman Kevin W. Johnson who also inserted himself into the meeting for updates and guidance. He told Councilman Johnson that the city had picked members for that committee who have extensive backgrounds and much experience to follow what was written in the Charter and nowhere in that Charter provision does it say that he nor any other member of Council would be a part of that committee or be involved in the Charter review process. He asked Councilman Kevin W. Johnson to cease and desist from inserting himself into that process.

**Appointed  
Sharon  
Bender and  
Kevin W.  
Johnson to  
PCVB**

**Appointed  
Dr. Timothy  
Angel to  
PCHD Board**

Manager Allen asked to address the questions and requested Mayor Kalb to read back the questions that pertained to him.

1. Contract negotiations - Manager Allen said that he had negotiated one contract with the FOP and a tentative agreement was reached. They're attempting to ratify it and if so it would come before Council to decide if that was acceptable. He doesn't know what they want him to report. They will be starting the Dispatcher agreement. AFSCME has filed to negotiate and the Fire Department hasn't even started. If Council doesn't like the contract that was negotiated, then it would be voted down and it would go to fact finding mediation and then binding arbitration.
2. Filling Positions – Mayor Kalb said there were 22 positions. Manager Allen said that they interviewed two people in the past week for Utility Billing. Two jobs were offered and they would proceed with the background checks and drug screening and both were from the Civil Service list. One employee in that department will be transferring to the Water Plant for one of three openings, she was held back because they didn't have anyone to do the billing. A job offer was made off of a civil service list to an individual to work at the Water plant. The third position will remain open. He said one person transferred out of garbage and another one will be transferring. They've interviewed four individuals, two off the civil service list will go to garbage and one will go to water distribution. Mayor Kalb asked if the rest of those positions needed to be abolished and Manager Allen said "no". Some of the department's staff have been reduced to get out of the financial difficulties. Mayor Kalb said that his understanding of the contracts were that the positions had to be filled within 30 days and some of these have been longer. He wondered if there was some kind of agreement with the unions if they're not filing grievances. Manager Allen asked Mayor Kalb to show him where it said he had to hire people and Councilwoman Aeh said she had it; the AFSCME contract stated that the positions have to be filled within 30 days and if for any other reason were not filled, there had to be a Memorandum of Understanding passed by City Council. Manager Allen said that he was unaware of any minimum staffing and Mrs. Aeh said it wasn't minimum staffing, per their contract if there was a vacancy it must be filled within 30 days. Manager Allen said there hasn't been any grievances and Mrs. Aeh said that there had always been a Memorandum of Understanding done by ordinance between the Union and the City Council who ratified the contracts. Manager Allen said no one had asked for a Memorandum of Understanding and it was reviewed by the Legal Counsel Ben Albrecht. Mayor Kalb suggested negotiating more than 30 days to fill the position. Manager Allen said their contract was coming up for negotiations and he anticipated a lot of changes in the contract.
3. Who was with you when you met with the Superintendent of Schools – Manager Allen said the "we" means the City Administration. His question was that if this was a concern, why anyone didn't come see him after he sent his report out a week ago. Mrs. Aeh said she doesn't always read it right away. Manager Allen offered to tell Council what he met with them about, because there's nothing odious or hidden. He said when he met with them and was told that they believed they had a set of plans that were signed and he requested to see them. In the meantime they asked what could be done about the obstructions and Manager Allen told them that the City would remove the obstructions because the concern was that people couldn't walk or couldn't go down the sidewalk with a wheelchair or stroller. The pole belongs to the city and the School gave us permission to put it over the fence on their property and he told them he would relocate the fire hydrant across the street. He said this wasn't a miscommunication, he called the Water Superintendent to ask if the fire hydrant could be moved from one side to the other and was told "yes" which didn't require him to tell the Fire Chief because all they were doing was moving the fire hydrant and that happens quite often. If he were removing the fire hydrant completely, he would've had a conversation with the Fire Chief. He explained that the newspaper had asked an employee why we were taking out the fire hydrant and the employee said "the Fire Chief said we don't need it", which wasn't true, the employee had no idea what he was talking about. Manager Allen said that an employee should have never been asked, the administration should have been the one answering the questions. He and the Fire Chief had a conversation about being quoted as saying that we didn't need it and Mr. Allen explained what had happened and the Chief agreed that he didn't need to be bothered with the issue. It was all over the fact that he was quoted in an article which wasn't true. Mayor Kalb asked how we got to the point of where the city was responsible for moving the fire hydrant and now we're talking about moving utility poles when we don't have the crews to do that and then we become liable for moving all of those obstructions. Manager Allen said that we're moving a pole that belongs to the city and served no other purpose than a tension pole for a traffic light. He said that he thought it was a good thing to remove the obstructions that were causing hardships for people in wheelchairs and baby strollers. He took an opposing view that relocating fire hydrants was

not a legislative matter, it was an administrative matter and he doesn't need anyone's permission to move a fire hydrant. He explained that when a fire hydrant was moved, people were not charged because it is our hydrant. Mayor Kalb said that it was obvious that it was moved because of the controversy and media attention, Manager Allen said it was moved because of the concerns of people in wheelchairs and baby strollers. Mayor Kalb said the problem didn't exist until the schools built there, Manager Allen said that there has been 3 Mayors since the schools were built and when he was hired there were no files on this matter. They've searched everywhere in the building and cannot find any documentation and the City was supposed to keep the records, not the person who made the application. He's trying to remove all of the obstructions in the sidewalks so that people in wheelchairs and baby strollers can get down the sidewalks. Manager Allen reference a gentlemen that lived on Robinson that had complained about a fire hydrant because it was in the sidewalk and explained that the city will be moving it and paying for it. Mayor Kalb said that was a city sidewalk and the sidewalk by the schools were changed, this become a city sidewalk when the schools took city property that wasn't a sidewalk and moved the sidewalk over and around the fire hydrant. He said that he didn't believe that it was not up to the city to provide documentation that stated we own the property because the G.I.S. system showed it was City owned. He believed that it was up to the builders or construction crew to make sure that they were building on property that was deeded to them or vacated to them. He used the example that if he was building on someone's property, he would have documentation to be sure that he was covered for the structure he was building.

4. Retirements – He requested ahead of time for retirements such as Sergeant Compton. Manager Allen said he didn't know about it until the day of the retirement.
5. Grandview Avenue widening – Manager Allen said it was in the budget.

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 reported the following:

1. He stated that he wasn't at the last meeting but it was his understanding that at some point there was a vote about whether to proceed against the schools regarding the city's right-of-way and it was voted down. As far as his office was concerned, without legislation and authorizing the hiring of outside Counsel and a surveyor, it was a dead issue. He doesn't know why we're wasting or spending time on the subject. Mayor Kalb said the only thing voted on was the hiring of a surveyor. Solicitor Haas said if you're going to make a claim against the schools being on city property, you have to be able to prove your case and you will need a surveyor and outside Counsel. If you're not going to hire a surveyor or outside Counsel, then having the schools in here or discussing this any further would not be the best use of his office's time or the administrations time.

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: 6 ayes – 0 nays.**

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

1. He advised that all the documentation and data necessary for the open checkbook had been submitted to the state. It was now under review by the State Auditor office which shouldn't take maybe a week or two. He would keep Council advised.

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 addressed the comment regarding the Charter Review Committee. The Charter does not give instruction on how to organize a committee established by the Charter and passed by the voters. A similar situation occurred when we moved to City Manager form of Government, he helped organize it, then stepped away once officers were elected and the same would occur with the Charter Review Committee. He worked with the City Clerk to get the emails out regarding the first meeting, identifying when all of the members would be available to meet and helped to develop an agenda. His only role in that was because he had introduced and did a total review of the 1996 Charter Review Commission and subsequently introduced all of the legislation that they had recommended but not all was approved by Council, other than that, he would be stepping away. That will be the only thing that he's presenting to that committee. Mr. Rodeheffer will be discussing his experience from being on the 1996 Charter Review Committee.

2. He responded to Mr. Larry Essman who was in the audience. He had called the other day about parking on Kinney's Lane. The City Manager had said that the city cannot enforce parking without striping and a Police Department that had enough staff to enforce it.
3. He received two calls thanking the city for cutting the trees on Richardson Road. There remains one tree that was being watched to see if it was still living which should show signs in the spring. It was a large tree that hung out, but he would watch it to see if it was alive.
4. He said that regarding the evaluation, it would be discussed in open but he and the City Clerk would appreciate the responses so that the discussion can begin. He would like the responses back by the next meeting March 13<sup>th</sup>. He asked the City Clerk if she had emailed a copy to the City Manager and she responded that she had emailed him a copy. He would like the City Manager's response also.

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

1. She thanked the City Manager for having the debris from alley's picked up and appreciated having the bench on 11<sup>th</sup> Street moved.
2. She said with regard to the raising of the building on 2<sup>nd</sup> Street. She said people, along with the schools were disregarding the processes they have to go through. Manager Allen said that he had spoken with Kirk Donges of the Design and Review Board and was told they had gone through the DRB and received a permit. She said as far as the schools were concerned, there were still seven poles and two fire hydrants. She doesn't have a problem with the city workers moving the hydrants but if it entailed a cost to move the utility poles then that was a different issue and the schools should pay for it because they did the encumbrance.
3. She said that Council deserved a pat on the back for the members that were chosen to serve on the Charter Review Committee because they were really good people. Dick Schisler was the City Solicitor for 17 years, he was a Prosecutor prior to that, a Municipal Judge for at least 12 years and nobody knew the Charter better than Mr. Schisler, he was an excellent Parliamentarian. She said Ann Sydnor was on City Council for 17 years and both she and Mr. Schisler were here during the 1996 committee of 23 members when they did their meetings and recommendations. Mr. Schisler was here in 1980 when the city was under fire and learned the Charter because it had to be defended. There were two other attorneys, as well as Bill Shope who was one of the founders of the Charter School and had worked with things like this before. Mr. Larry Essman who was an accountant and who would be good at parts of the Charter that dealt with money, taxes and distribution. These were very intelligent and capable people and she also had issues with anyone thinking that they had to explain to anything to them. She added that there were 12 cassette tapes in the City Clerk's office from those meetings in 1996 and they were as clear as when she typed the minutes for their meetings.
4. She said if the school had asked for a vacation of any sidewalks, there would be a record and it would be in the form of an ordinance. If there was not an ordinance, then that means they did not get permission. Manager Allen said if there was a set of building plans with our signature, it would mean we approved whatever they did and the mistake would be on our part because it didn't get caught. Solicitor Haas said this was the issue all the long, we don't have the plans, we don't have an Engineer and whatever plans were over there were destroyed and it's an issue. He's trying to get their plans but this was the first city he had worked for that if the city didn't have the plans, then it wasn't submitted. In Portsmouth it's like "you might have submitted the plans but all of our records are gone". He said half were thrown over into the Naval Reserve where the pipes burst and ruined them; some plans were on the top floor of the Municipal Building; some plans were taken to the Martings Building but they're all gone. Mrs. Aeh said she had plans to the Martings Building at her house and there were several sets in the City Clerk's office. Mrs. Aeh said if some Engineer approved the schools building in the right-of-way they would had to have permission. Solicitor Haas said we don't have an Engineer and the Engineer we hired out of Columbus approved electrical plans that went right in front of the murals and it was because they weren't viewing it locally and don't know any better. We need an Engineer.
5. She said in the history of this city since we have had Unions, negotiations did not take place until they met with Council and agreed whatever percentage was being charged. Any positions that were being created, any adding of employees was always decided by Council before the negotiations started. During the negotiations there was always a couple more City Council Executive Sessions with the negotiators and now if the City Manager agreed to their terms and City Council doesn't it would end up in Arbitration which it might not have otherwise. She had never in the history of the city known that Council was completely left out of the loop on any negotiations when it come to the financing portion.

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

1. He asked the City Manager to get back with him about the Sheridan Avenue drainage issue.
2. He asked the City Manager about Baird Street and the alley behind it with all the potholes.
3. He thanked Andy Gedeon for his work on some Nuisance issues that they've had in the third ward.
4. He thanked the City Manager for the cleanups in the alleys and for his communications through facebook and social media. He enjoyed seeing what was being done, who he's meeting with and he's sure the citizens do as well.
5. He commented on the sidewalk issue and reminded Council of when there were drug houses and buildings that were falling down, but now there's a Coliseum, baseball field, a track, a



softball field and we see kids and families making memories. He said mistakes were made, there was a fire hydrant where it shouldn't be; we griped and complained and now it's fixed. We have a pole in the way and it's getting fixed. He thanked the City Manager and said that he didn't have to contact him as a Councilman because that's why we hired him.

6. He asked that when Friends of Greenlawn and the Mound Park improvements group meets with the City Manager he would like to be notified since that's in the Third Ward.
7. He thanked the media for attending, the newspaper, radio and television all represented.

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

1. He said the email he received from the President of the Design and Review Board said that they did not come before them. He stated that there needed to be some kind of penalty established for not getting a permit or following the proper procedures.
2. He said that he disagreed with the Solicitor and City Manager because if you build on someone's property, you should have the paperwork showing that you're allowed to build on their property.

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

1. He stated that about a year ago, he mentioned to the City Manager about parking around the Court House at Sixth and Court Streets. He said they discussed the yellow lines around the curbs and around the Counseling Center where they park all the way to the corner. His concern was that in the past week, there was one crash at Seventh and Washington Streets, the newspaper did an article and later when he drove by, he saw all the freshly painted curbs. He was upset because he couldn't get the curbs painted at Sixth and Court Street where there had been a half a dozen crashes. Manager Allen said that he wasn't aware that they had been painted.

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

1. He referred back to Mrs. Lewis' comments. He originally contacted the City Manager on August 18, 2016 about a problem with the Kiff/Pyle Alley not being patched and nothing was done. On November 13, 2016 he reported drainage problems. Mrs. Lewis contacted Manager Allen 3-4 months later and got no response which was unacceptable.
2. He said on January 2, 2017 he had requested patching on Milldale/Dunlap Road and the patch was not satisfactory. He could hire someone on the street to do a better job and Milldale wasn't even touched
3. He said on January 18, 2017 he had asked for patch from Sycamore Street to Shoemaker Road and it still had not been done.
4. He said on February 14, 2017 on Harrison/Winchester Alleys, there were major holes and was wondering when those would be filled.
5. On February 16, 2017 on Farney and Oak Streets, he would like to have a status updates.
6. Patch was needed at the intersection of Cherry and Mayo with all of Mayo needing patched as well as Stewart and Division Streets.
7. He said a re-pave was needed on Bonser from the City limits to Pyle Street which was a high traffic area. He also requested to know when the last time that section was paved.
8. He said a re-pave was needed on Harding Avenue from the 4-way stop to the City limits.
9. He said on August 26, 2016 he reported that the Bahner Road fence was damaged and no action was taken. He doesn't know whose responsibility it was but it needs fixed.
10. He said on March 24, 2016 he reported a burned out house at 5424 Wilson Avenue and he believed there to be a health issue. Mr. Gedeon said that a warrant had been issued.
11. He said on November 15, 2016 he reported a problem with a house at 6102 Harding Avenue as well as 6735 Harding Avenue and nothing had been done. Manager Allen said that some of those might be with the Landbank.
12. He thanked the city employees, the probation department, the Lawrence Scioto Waste and anyone else who was involved in the cleanup.
13. He thanked Mr. Tom Vogelsong who was a local Sciotoville property owner and landlord who set good examples on how to manage rentals by keeping them in good shape and following the protocol of the city's codified ordinance and said we need more landlords like him.

The meeting adjourned at approximately 7:25 p.m. on a motion by Councilman Kevin W. Johnson.

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City Clerk

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Mayor