

**MANAGER'S CONFERENCE MINUTES**  
**Portsmouth City Council Meeting on**  
**February 8, 2016 – 7:10 p.m.**

Present were all members of Council, Assistant Prosecutor David Beck for Solicitor Haas, the City Manager, Auditor Williams and the City Clerk.

1. CAFR Preparation

CM-16-04

Auditor Williams stated that this was the request for the contract with Schonhardt & Associates that we have done routinely throughout the years at a rate of \$20,000 or less in each of those years.

Councilman Kevin W. Johnson motioned to accept Alternative #1 to authorize the request as a Consent Agenda item.

Councilwoman Aeh brought up concerns regarding the consent agenda. She stated she knew what a consent agenda was and this is not a consent agenda. She passed around sample copies of Consent Agendas for all of Council to review and said that a consent agenda was an actual agenda and not what was being done by this Council. She explained that a Consent Agenda would be done by the President of Council/Mayor, he would look at Council's agenda and with assistance from the City Clerk he would go through and decide which items on there that would require a "yes" vote, they would then be put on an agenda called "Consent Agenda". These would be items not up for discussion, such as: approval of minutes, final approval of proposals or reports, routine matters such as appointments to committees, staff appointments requiring board confirmation, reports provided for information only and correspondence requiring no action. All items that are listed on a Consent Agenda, everyone would agree as one vote and the discussion would be eliminated. Councilman Kevin W. Johnson stated that Council passed this 2 years ago and the minutes would show that because of our Charter, Council could not implement a true consent agenda because the charter required three readings for various things. Upon further research on consent agendas in California and elsewhere, other things were included in consent agenda and it could be legislation that no one opposed and it was thoroughly discussed and the only reason we called it consent agenda was to identify an item which when agreed upon during Conference Session was fast tracked and it was just a name that was chosen. Mrs. Aeh stated that the name that was chosen actually exists and means something else. The Charter addresses suspending the rules in sections 10 and 12 and if the request is to suspend the rule why not just reference "suspension of the rule requested". She added the Sunshine Law makes it clear that you have to have language that years from now that somebody reading this would understand what was being done and years from now they're not going to understand a consent agenda by that name. Mrs. Aeh said that she doesn't see how in the Conference Session, Council could make a decision on how to vote in the legislative meeting and that everyone would agree to vote a particular way. Councilman Kevin W. Johnson stated that in previous meeting not everyone would agree with certain "consent agenda" items and those Council members would vote against it and this was not saying how they're going to vote in Council meetings. He added that she could always bring her concerns forward to amend the Rules of Council and Mrs. Aeh responded that she planned on doing that but she wanted to explain ahead of time why she's doing it because this Council was using a Parliamentary word in an incorrect manner. Councilman Kevin W. Johnson stated that it needed to be separate but right now we're deciding on CAFR Preparation. Auditor Williams stated that it could go three readings but he would prefer it not because it was just routine.

**There were no further questions or comments. VOTE: 6 Ayes – 0 Nays**

**2. Advance Payment of Taxes**

**CM-16-05**

Auditor Williams stated this was also a routine request to the County Auditor to advance any payment that are outstanding to the City of Portsmouth for real estate taxes and any other tax type payments that would be due.

Councilman Kevin W. Johnson motioned to accept Alternative #1 to authorize the request.

Auditor Williams said that there was another piece of legislation that always went along with this one in which a request was made to make distribution of the income tax, this was based on a legal opinion from former Solicitor Kuhn and was done every year. It basically said that the income tax collected would be distributed into the proper funds which were the General Fund and the CIP Fund. These were always done together, however because of the new tax ordinance, he requested an opinion from Solicitor Haas on the language in the new Codified Ordinance which stated that the distribution of those taxes would be according to the Charter. The new wording makes the distribution automatic.

**There were no further questions or comments. VOTE: 6 Ayes – 0 Nays**

**3. Chapter 771 & 773 Pawnbrokers & Second Hand**

**CM-16-06**

City Manager Allen stated that Solicitor Haas was going to speak to Council regarding this matter but he had asked Chief Ware to discuss it in his absence. Chief Ware asked Council to look at the inch thick paperwork regarding the issue, he said typically that was what was received from each pawn shop on a daily basis, showing what wares had been taken in. He explained how "Leadsonline" worked and how each business had to document each item on paper and now if they used the online database it would eliminate the paperwork and would expedite the work and it would make the item searchable. He gave some examples on how the process worked and explained that by using the paper process it would take all day compared to the online process which took minutes to look up an item in the database. This would be a major benefit to our citizens in recovering their stolen items. This would be a private/public partnership and request that it be put into the Business License Ordinance for those types of shops, so that everyone would be reporting and they would increase the chance of catching stolen property. Councilman Meadows asked what the charge would be and Chief Ware responded that there would be no charge to the business because it's something they have to do anyway and rather than writing it down, they would log into the website and enter the information. This also would make it consistent with the scrap dealer law as they enter information in a State database for scrap metal. Councilman Meadows asked if we passed this, if there were any Ex Post Facto issues contained in the constitution requiring an existing business to comply with the requirement when they could apply by other means. The Ohio constitution doesn't allow you to pass a law that's Ex Post Facto meaning that we can't pass a law now and make it binding on existing businesses, if the business is already in existence and currently complying with the reporting requirement, he ask if Council could pass an ordinance that made them go to an electronic database if they don't want to. Chief Ware stated that he would pose that question to the Solicitor. Mayor Kalb asked if there was a standardized language for input, for example if a business takes in a gold ring would they put in a gold ring or gold hand ornament which would be vague. Chief Ware stated that if they see something similar to the item that they're looking for, they would reach out to the business and ask for a detailed description of the item. Councilman Kevin W. Johnson stated that there are some businesses in town that claim to be Title Companies that had gotten into pawn and these businesses hire someone at minimum wage to be there pawn broker. There are businesses like Morgan Brothers that have people coming in and asking if their diamond was real because the new businesses were telling them it's not a diamond when in fact Morgan Brother's confirmed that it was a diamond. If that particular diamond was pawned and they said it wasn't a diamond, there would be major discrepancies. They were also appraising 18 carats gold rings as 10 carats. We have two very competent pawn brokers, one on Chillicothe Street and the other on Gallia Street, both have been there a very long time and they don't have that problem. The new businesses don't seem to have a clue as to what they're doing, he asked Chief Ware how that was dealt with. Chief Ware stated that on the back side of the system, there was a way for the property owners to input their property with serial numbers and pictures which also helps to identify. Councilman Kevin W. Johnson stated that Antique

Shops would also fall under this requirement, Chief Ware stated that “yes” and it would be much better to report to a database than having to write everything out and hand deliver to the Police Station. Councilman Lowe stated that it would also help the Pawn Broker to eliminate taking in stolen property and he suggested a longer period of time. Councilman Kevin W. Johnson stated that the second hand dealers are small businesses and they can’t afford to hold something longer than a week and Antique Shops normally try to put their stuff out immediately. He gave an example of an Antique business leasing space to individuals who actually do the buying and the antique store only sells on their behalf. The antique store itself is not doing the second hand buying, how are those to be controlled. Chief Ware said that would be a question posed to the Solicitor and he offered Council to come down to the Detective Division and they can show you how the system worked. Councilman Kevin E. Johnson asked what the City’s cost was on this program, Chief Ware stated that they do pay for the cost of the system which was \$7,800 per year but it was more than made up in the time that it saved them to do the leg work. The department can issue as many license as they wish which could be installed so that each officer could access the database or it leave it to the investigators. Manager Allen stated that if we go forward with the legislation, there should be a public hearing to notify all the pawn shops and secondhand dealers to make sure they come in and voice their opinions. Mayor Kalb stated that Chief Ware had made note of Council’s concerns to discuss with the Solicitor so that it would be discussed at the next meeting.

Councilman Meadows motioned to accept Alternative #3 to take no action at this time.

**There were no questions or comments. VOTE: 6 Ayes – 0 Nays**

**4. Correction of Ordinance #96 of 2015**

**CM-16-07**

Manager Allen stated that late last year ordinance #96 of 2015 was passed and the ordinance (lots of paper being shuffled could not hear). He said by accident the transfer from fund #263 HIV Prevention and #253 Rural Aids was listed as an advance but that it was actually a permanent transfer. This ordinance if passed would clarify that this was a typographical error and could be presented to the Auditor to show that it had been corrected.

Councilman Kevin W. Johnson motioned to accept Alternative #1 to authorize the request.

**There were no questions or comments. VOTE: 6 Ayes – 0 Nays**

**5. Segway’s**

**CM-16-08**

Manager Allen stated that they were approached by Justin and Gene Ridout as they wish to open a Segway rental establishment. They are requesting permission to rent Segways to the public and be allowed to use certain streets along the floodwall. In reviewing Codified Ordinance Section 311.02, it referred to Toy Vehicles and was written before Segway’s were invented. The issue becomes whether to allow Segway’s on the streets and another issue would be that we don’t want the Segway’s all over town. The idea was along the floodwall and the outside of the floodwall along the river as those streets were not typically high speed or travelled areas. There are many people that walk along the floodwall murals and we’re in the process of trying to come up with a multiuse path that would share Front Street with vehicular traffic. He requested that the ordinance specify where people would be allowed to ride Segway’s and as part of that prohibit Segway’s on all other city streets. He doesn’t know the long term viability of renting Segway’s for \$30 an hour and doesn’t know how it would be received in the community but he would like to try to accommodate a new business. He believed that if there was an issue with a Segway and a motor vehicle, the liability would be between the two of them and not the city. Chief Ware said they would have to observe the same rules as bicycles and if the Segway’s follow the chronological order of the history of Portsmouth, it goes east to west. Mayor Kalb asked about a designated bike lane which could be shared with the Segway’s and Chief Ware said that would be excellent. Councilman Lowe stated that he sees a liability issue as this business should be made to have insurance if they’re going to rent out these Segway’s. Chief Ware said obviously if you have a business you would have to be bonded. Councilman Kevin W. Johnson asked how the user would know what the limitations were and would there be signage. Manager

Allen stated that it would be made clear to the business once the ordinance was in place, that if the renter takes them off the designated streets, they would be cited. Chief Ware suggested posting the Ordinance on the wall of the business and have it be part of their rental agreement. Councilman Lowe said that the Police should write certain laws pertaining to this and there should be a penalty if they go outside of that area. Chief Ware said that this was what this Ordinance would do and only allow operation of the Segway's on designated streets and there were penalties for operating outside of designated areas. Councilman Kevin E. Johnson stated that he believed that most people that would be renting the Segway's would probably be tourist and the last thing he wants to do is put a bad flavor with these people when they're out spending money in the City of Portsmouth.

Councilman Kevin W. Johnson motioned to accept Alternative #1 to authorize the request.

**There were no questions or comments. VOTE: 6 Ayes – 0 Nays**

**6. Final Legislation Resurfacing Eastbound U.S. 52**

**CM-16-09**

Manager Allen had Council recall when the State sent over the final legislation on Route 139 and only gave us 3 weeks to return it. (Lots of noise with shuffling of paper, I turned the #6 microphone off and it stopped) The agreement must be back to them by March 2, 2016, so the readings would need to be suspended so that it could be signed and back to Chillicothe by March 2, 2016.

Councilman Kevin W. Johnson motioned to accept Alternative #1 to authorize the request with the rules suspended.

**There were no questions or comments. VOTE: 6 Ayes – 0 Nays**

**Discussion regarding the bricks on Franklin and Baird Avenue.**

Manager Allen spoke to Columbia Gas and reminded them that people were very concerned about the bricks. Columbia Gas told him that they were planning on pushing the gas line through the tree lawn which was between the curb and the sidewalk. There would be some areas where they may need to be in the street but it was understood that they would be storing the bricks somewhere where they won't be stolen and after the work was completed the bricks would be put back. Manager Allen said he would be keeping an eye on the work.

The meeting adjourned at 8:00 p.m. on a motion by Councilman Kevin W. Johnson.

Submitted by: *Diana Ratliff* – City Clerk