

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

Monday March 13, 2017

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday March 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 st Ward
Jo Ann Aeh	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward (Absent)
Thomas K. Lowe	6 th Ward

Also present was Solicitor John Haas, Auditor M. Trent Williams and City Clerk Diana Ratliff.

Councilman Meadow's absence was excused on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Council dispensed with the reading of the Journal for the regular session of February 27, 2017 on a motion by Councilman Kevin E. 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.

LEGISLATION

The clerk gave a **third 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 the Ordinance be passed.

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

**Ord. #16-17
Amended
Section
1133.08
Business
AA District**

The clerk gave a **second 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 second reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second 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 second reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second 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 second reading.

Mayor Kalb asked Chief Ware how it was decided who would get the vehicle. Chief Ware responded that typically these cars were sold at auction at the end of their useful life for the City. He said the training center would utilize the vehicle for training purposes and they were in need of a vehicle. He explained that the vehicle had some body and structural damage and would not draw very much at auction and we felt that giving them the donation would allow them to possibly train our future law enforcement officers. Councilman Kevin E. Johnson asked Chief Ware if the City had any Police Officers that were previous students of SCCTC and he replied that we've had several. He said there were two ways that officers typically receive their training. 1. Through the Scioto County Career Technical Center 2. If they were hired without training, they were sent to the Ohio State Highway Patrol basic academy.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second 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 second reading.

Councilman Lowe asked Solicitor Haas what was being done with this ordinance and if fees were being raised. Solicitor Haas said the fees were increased and a fireworks fee had also been added. Mayor Kalb asked the question again as to why everything but the residential inspection fees were going up, Councilman Kevin W. Johnson said the City Manager had responded before that there were fewer homes being built.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second 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 second reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the distribution of \$25,899.14 which is the 33 1/3% of the Hotel/Motel Tax assigned to Cultural Affairs, to various organizations as recommended by the Cultural Affairs Panel.

Councilman Kevin E. Johnson motioned that this constitute a first reading. Mrs. Aeh said she thought it was understood that we would suspend the rules so that the organizations could get their money. Mr. Johnson withdrew his first reading request and motioned to waive the readings.

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

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

Councilman Kevin W. Johnson stated that he was delighted that Councilman Kevin E. Johnson voted "aye" to waive the three readings. Councilman Kevin E. Johnson laughed and said sometimes it had its purpose. (laughter)

Solicitor Haas announced that Mayor Kalb should recuse himself due to his affiliation with PROUD. Mayor Kalb stated that he had ask in the past if it was necessary and was told it wasn't necessary.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 0 nays – 1 abstain (J. Kalb), the Ordinance was passed.**

Councilman Kevin W. Johnson asked for a point of clarification regarding the rules. He asked Solicitor Haas if the abstention count as a "No" vote and Solicitor Haas said that it reflected as if he weren't here to vote. Mrs. Aeh said the Charter doesn't address it at all but that it was addressed in Parliamentary

procedures. Auditor Williams commented that when the first motion was made for a “first reading” Councilman Kevin E. Johnson would not have had to necessarily rescind his motion, he could’ve motioned to suspend the rule and it would’ve taken precedence.

The clerk gave a **first reading**, to an Ordinance amending Chapter 1311 - Unsafe and Unsanitary Buildings by adding Section 1311.05 - Occupying a Condemned Structure to the codified ordinances for the City of Portsmouth.

Councilwoman Aeh motioned to suspend the rules based on her conversation with Solicitor Haas who made her aware of someone that has had repeated arrest for being on property that was deemed unsafe.

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

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

Mayor Kalb asked if this was something that unique to Portsmouth or was it done in other cities. Solicitor Haas replied that it was done in other cities. Councilman Kevin E. Johnson asked Solicitor Haas to explain to the audience what this was about because there were a lot of students from Shawnee State University in attendance. Solicitor Haas stated that in the past few months during Police patrols, they’ve been looking for people with outstanding warrants and drug activity. Andy Gedeon was involved in that as well through the Health Department as they were the department that makes the recommendation to condemn a house. As a representative of the Health Department, Mr. Gedeon condemns homes because of the condition that they were in and the residents are required to leave, however when the Police would go back a few days later, the same people would be back in the home even though it was condemned and no one was supposed to be living there. This ordinance would require the owners of the house to have a permit issued by the Health Department with the times that they would be in there working and if they can’t show a permit to the Police, they could be arrested on a new charge in which the penalty is significantly higher than rushing them out of the house. The city hoped that this would get some of these people out of these homes because they’re in very bad shape and deemed unsafe. A lot of these condemned houses were being used as drug houses, selling drugs, using drugs and one of the bust, there was a child in a house that had horrendous conditions. The city is trying to clean up some of the areas in town that have the most significant problems and hoped that this would go a long way in giving the Police, Courts, and the Health Department assistance. Solicitor Haas said that they could charge everyone found in one of these houses, they don’t need a warrant but they would pursue other charges.

Mayor Kalb shared with the audience of what looked like an inside joke when Council would make a motion to suspend the rules, because Vice President Johnson is a stickler for not suspending the rules on any ordinances and on occasion he does vote to suspend the rules which comes as a surprise.

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 to place another six-month moratorium on medical marijuana dispensaries inside the corporation limits of the City of Portsmouth.

Councilman Kevin E. 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 a Resolution strongly opposing the state of Ohio governor’s proposed 2017-2018 budget, which proposes centralized collection of net profit tax returns and other provisions related to the municipal income tax which will cause a substantial loss of revenue needed to support the health, safety, welfare and economic development efforts of Ohio municipalities. 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 this Resolution be adopted.

Councilman Kevin W. Johnson said the County was looking at a loss of \$2,000,000 in lost revenues in a tax issue with the Federal Government and at the State level we continue to see the State cutting back on local government fund transfers that were promised to municipalities for their support in allowing the State to institute an income tax back in 1930 which was the agreement and now the State was breaking their promise. He said that this was the primary reason for having to raise the local income tax because of what the State has

**Ord. #18-17
Adding
Section
1311.05
Unsafe and
Unsanitary
buildings**

**Res. #05-17
Extension of
Medical
Marijuana
Moratorium**

**Res. #06-17
Opposing
Governor
Kasich’s
budget**

done to us. The Governor's budget is horrible for local governments and it seemed to be a State trend and not just in Ohio, but they were grabbing more and more control of Charter cities and other municipalities and he fears what we will be facing ten years down the road if we can't deal with these things right now.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

There was no one present that wished to address Council on items not on the agenda.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received via email on March 6, 2017 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending February 28, 2017: Expense, Revenue and Fund.
2. She received the Oath of Office for the following:

Christopher Lowery	Assistant Fire Chief
Jarred Canter	Fire Department Captain
Josh Sherman	Fire Department Lieutenant
3. She attended the Main Street Portsmouth Annual Fundraising Dinner, the turnout was great and she believed they did well on their fundraising endeavors. Joseph Pratt the Director of Main Street Portsmouth asked her to pass along his sincere appreciation to those who attended the dinner and his regrets for not being able to attend tonight's Council meeting.
4. She prepared two Proclamations for the Celebrity Chef Dinner which will be held tomorrow at the SOMC Friends Center. Both were for retiree's Ed Hughes and Clarence Parker.
5. She prepared a Proclamation for National Social Work Month for Shawnee State University which will be held March 21, 2017 in the Clark Memorial Library room 205 (lecture hall) at 12:30 p.m.
6. She received notification of the first demolition of the Land Bank program at 1655 8th Street taking place on Tuesday March 14th at 10:30.
7. She received from the City Manager a copy of his Continuing Education report from March 7, 2017 Ohio City Manager's conference.
8. She received Councilman Kevin W. Johnson's feedback on the City Manager's evaluation process.

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: 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.

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: 5 ayes – 0 nays.**

Mayor's Report – Mayor Kalb reported the following:

1. He thanked Main Street Portsmouth for the very nice dinner that he attended along with Councilman Kevin E. Johnson, Councilman Kevin W. Johnson, Councilwoman Aeh, Solicitor Haas, Auditor Williams, and City Manager Allen. He thanked Clerk Ratliff and Councilman Kevin W. Johnson for assisting in making that dinner a success.

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: 5 ayes – 0 nays.**

City Solicitor – Solicitor Haas reported the following:

1. He thanked Council for passing the condemned structure ordinance as an emergency because he believed that it would make a difference, especially in the short term.
2. He said Mrs. Ratliff mentioned the Land Bank's first demolition to be done Tuesday. This will be the first of many structures to be demolished.
3. He received an email right before Council from Andrew Brandes from the State Auditor's office and the Performance Audit has been rescheduled for April 10th at 5:00 right before the Council meeting.

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: 5 ayes – 0 nays.**

Auditor Williams – Auditor Williams reported the following:

1. He reviewed his written report that he had given to Council as follows:
 February's General Fund was \$848,820 which was -\$131,715 less than last year in the same month which was \$316,164. He said that was an example of when he pointed out how the tax revenues sometimes fluctuates and was largely dependent upon when a taxpayer pays their taxes. The new tax collected was \$116,510 from the new tax revenue. Total collection included in both General and Capital was \$965,329 which was -\$161,289 less than last year and the accumulated was \$312,473 above last year at this time.
 Major Fund Balances – General Fund \$2,123,893, Streets \$230,878, Water \$215,897, Sewer -\$1,577,233, Sanitation \$333,848 and Insurance \$1,405,645.
2. He acknowledged the email that was sent by the State Auditor's office regarding the Performance Audit and advised Council that he would be out of town on April 10th on a prescheduled event that he would be attending.

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: 5 ayes – 0 nays.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Kevin W. Johnson reported the following:

1. He had a great time at the Main Street Portsmouth dinner and they did a good job.
2. He had sent an email to the City Manager regarding a hole developing in front of Office Cleaning Supplies on Court and 3rd Streets.

2nd Ward – Councilwoman Aeh reported the following:

1. She would love to attend the demolition because it was in her Ward, however her husband was having a new stair glide installed at 10:00.
2. She commended Main Street Portsmouth on a successful fund raiser and told Kevin W. Johnson that he made a wonderful waiter. (laughter)
3. She thanked the Police because her son's car was the victim of a hit and run. The Police almost immediately caught the person who did it.

3rd Ward – Councilman Kevin E. Johnson reported the following:

1. He will not be able to attend the demolition either as he would be working.
2. He attended the Main Street Portsmouth dinner and tipped his hat to Director Joseph Pratt and all those involved. It was a very nice evening.
3. He would be sending an email to the City Manager explaining that the trash in his ward had not been picked up again. He said it's been hit and miss since the first of the year.
4. He congratulated two Portsmouth Elementary Students who attended the Scioto County Spelling Bee:
 5th Grader Piper Cunningham placed 5th
 4th Grader Sara Tackett placed 3rd
5. He thanked the Shawnee State University students who were in attendance.

4th Ward – Councilman Kalb reported the following:

1. He thanked the City Manager and the Service crews for the clean-up efforts throughout the 4th Ward as it had made a big difference and looked a lot better. He noted that it was already starting to accumulate again and he would be bringing back his program that he had previously recommended.
2. He planned on attending the demolition.

5th Ward – Councilman Meadows had no report due to absence.

6th Ward – Councilman Lowe reported the following:

1. He said there was a speeding problem and a parking complaint on Glen Street by the Fire Department
2. He offered his condolences to the Hoover family for their loss. He asked Auditor Williams to pass that along for him.

The meeting adjourned at approximately 6:37 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Mayor