

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday March 23, 2015

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday March 23, 2015 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting Mayor Jim Kalb called the meeting to order. A moment of silent prayer was observed followed by The Pledge of Allegiance to the Flag.

Acting Mayor Kalb acknowledge the Boy Scouts that were present and wished them well on the merit badge for communications that they were working on.

Roll Call showed the following members to be present:

Kevin W. Johnson	1 st Ward
Rich Saddler	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Jeff Kleha	6 th Ward

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

Council dispensed with the reading of the Journal for the regular session of March 9, 2015 on a motion by Councilman Kevin E. Johnson.

There was no Public Hearing.

Councilman Kevin W. Johnson moved to add an Ordinance to the Agenda as 7(g). An Ordinance authorizing the distribution of \$21,810.20 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.

**Item added
to the
Agenda**

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

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 advertise for bids for the Water Plant Raw Water Intake Pump VFD Conversion.

Councilman Kevin E. Johnson moved that this constitute a second reading.

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

The clerk gave a **second reading**, to an Ordinance Authorizing the appropriation of \$80,000 from Water Works Revenue B to Water Works Contractual Line Item No. 604.772.5521 for the Water Plant Raw Water Intake Pump VFD Conversion.

Councilman Kevin E. Johnson moved that this constitute a second reading.

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

The clerk gave a **second reading**, to an Ordinance amending Chapter 173 of the Codified Ordinances of the City of Portsmouth, Ohio – Records Commission - Records Retention and Disposition Policy.

Councilman Kevin E. Johnson moved that this constitute a second reading.

There were no 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 granting a franchise to Ohio Power Company, its successors and assigns, for the right to acquire, construct, maintain, and operate in the streets,

thoroughfares, alleys, bridges, and public places of the City of Portsmouth, State of Ohio, and its successors, lines for the transmission and distribution of electric energy to the City of Portsmouth, and the inhabitants thereof for light, heat, power, and other purposes, and for the transmission and distribution of the same within, through or across said City of Portsmouth, State of Ohio. Now, therefore,

Councilman Kevin E. Johnson moved 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 appropriation of \$115,000 from Capital Improvement Fund No. 301 for the purchase of snow removal equipment.

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

Councilman Kevin W. Johnson asked the Auditor if the funds were available and requested the balance after the \$115,000. Auditor William's responded that "yes" funds were available and currently the unencumbered balance is \$1,128,000, however some approved items for the year have not been encumbered by departments yet. Acting Mayor Kalb stated he thought that it was great that this was being done in good weather so that we're prepared for any future snow storms. Auditor Williams reminded Council that it would be wise to be proactive on getting a Christmas tree before the season.

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 appropriation of \$1,650 from Recreational Miscellaneous Fund No. 801.101.5299 for payment for swing set seats for each of the city parks.

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

Councilman Kevin W. Johnson asked if an Ordinance is required to accept the monies from the Parks and Recreation committee for offsetting the amount. Auditor Williams stated that he had the authority to accept checks and he noted that the actual amount was \$1,633 that had been received from the committee. Councilman Saddler stated that there was a form that had to be completed and turned into the Auditor which showed the amount deposited to the Auditor's office. Manager Allen stated that there usually is legislation if there are strings attached, however, this money was a donation for the purpose of purchasing swing set seats. If it were grant money, the City would be accepting the conditions that go along with grant funding, that is not the case.

Councilman Saddler added that when the committee first began it was a City Council Committee and the first money that was deposited was on the City's behalf and that was how it got started and the only way for the committee to use that money was to work out an agreement with the City to write a check for the purchase of these items. The organization had to deposit enough money to cover the cost of the whole project and once this project is completed, the Parks and Recreation committee will be totally separated from City. Auditor Williams asked if the committee was setting up a 501c-3 and Councilman Saddler confirmed that they were setting up a 501c-3. Councilman Kevin E. Johnson thanked Councilman Saddler and the committee for all they have done for the community and he appreciates their efforts.

The amount was discussed as the Ordinance states \$1,650 but the amount is only \$1,633, the City Auditor and City Manager stated that it could be left as is.

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 distribution of \$21,810.20 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. The City Clerk requested that the rules be suspended.

Councilman Kevin W. Johnson moved that the three reading rule be suspended as this was an item that occurred every year.

The role was called. **VOTE: 5 ayes – 1 nays (G. Meadows), the rule was suspended.**

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

Councilman Saddler asked about Main Street Portsmouth's portion of the distribution. The Clerk responded that under the 501c-3 they are eligible to receive part of the distribution. Acting Mayor Kalb stated that the City encouraged individual groups to meet all requirements. The Clerk added that the Cultural Affairs Panel had worked very hard to follow the guidelines in the Ordinance. They check to make sure that each organization was registered as a 501c-3 and that they are qualified. Councilman Kevin E. Johnson asked what type of organization "Time Out for Me" was, the Clerk responded that the Organization was under the direction of Marcia Harris and she works with children in our area. Acting Mayor Kalb stated that the organization does

different children events, he also stated that most of the listed organizations have been awarded part of the distribution in the past with the exception of Connex, this was their first year. Solicitor Haas asked Mayor Kalb about his affiliation with “Proud” and stated that he should abstain from the vote. Mayor Kalb stated that he had asked the question in the past and had been told that there was no problem with him voting but he doesn’t have a problem abstaining from the vote.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays – 1 abstain (J. Kalb), the Ordinance was passed.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Shane Cartmill – Columbia Gas of Ohio – 290 West Nationwide Boulevard – Columbus, Ohio – He thanked City Council for their continue support of the infrastructure replacement project that was ongoing, they are progressing on that project. He introduced Amy Garrett who outlined what Columbia Gas would like to do for the all citizens of Portsmouth.

Amy Garrett – Home Energy and Audit Program of Columbia Gas of Ohio – 209 West Nationwide Boulevard – Columbus, Ohio – She outlined how the program worked and explained that it was available to all Ohio Columbia Gas customers. Columbia Gas extended more benefits to the residents of Portsmouth and typically a customer would pay \$50 to receive a home energy audit, but if a resident of Portsmouth wanted a home audit, it would only cost them \$20. For \$20 residents could have a trained energy auditor come to their home to do a comprehensive test, from attic to basement, side to side using infra-red photography to identify the insulation levels of a home, blower doors to identify air leaks throughout the home and the use of technology to do safety testing on homes and gas appliances. They would install a thermostat and shower head and the value alone for those two items are \$89 and the value of the audit is \$500 but you all that for \$20. For the citizens of Portsmouth regardless of the recommendation of the audit, there would only be a \$300 out of pocket for all of insulation and air seal improvement. For example, if the auditor would recommend insulation that cost \$1000-\$2000 it still would only cost the customer \$300 and Columbia Gas would offset the difference. Also Columbia Gas is offering \$1,000 rebate for customers needing a new furnace. Columbia Gas also offers a referral bonus for customers.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received from the Auditor via e-mail, the following Combined MTD/YTD reports for the period ending February 28, 2015: Expense, Revenue, Fund and Appropriations Report.
2. She assisted in the Founder’s Day Event that was held at the Municipal Building on Saturday March 14, 2015, there was a very nice turn out.
3. She received notification that Portsmouth was awarded the Tree City USA designation and the invitation for the Awards Program.
4. She received from the Ohio Division of Liquor Control a request for license transfer from “Hannah, LLC” at 612 Offnere Street – Portsmouth, OH to Kukis SRI Modi LLC dba 6th Street Carryout at the same address. This transfer has been approved.
5. She received from the Ohio Division of Liquor Control a request for a new license for Dolgen Midwest LLC dba Dollar General Store – 6135 Harding Avenue – Sciotoville. There have been objections to this request. I’ve contacted the Board of Elections and found out that this area is a “dry” precinct. I also contacted the Ohio Dept of Liquor Control and explained the situation to them and was instructed to mark the request for a Hearing to be Held in our County Seat, then return the form and they will take the necessary steps from there.
6. She attended the monthly Main Street Portsmouth Board meeting and advised that they will be having a Boneyfiddle Scavenger Hunt on April 18th from 10am-4pm.

Liquor License transfer 6th Street Carryout

Liquor License New for CVS in Sciotoville - rejected

The City Clerk’s report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson.

City Manager’s Report – Manager Allen reported the following:

1. His written report can be found on the City’s website.
2. He stated that one of the brand new Police Cruisers was totaled. Someone ran a red-light, delivering pizzas and hit the cruiser. The person had insurance but when the insurance company found out he was delivering pizza’s they denied coverage and the restaurant declined coverage because it’s the employee responsibility to have insurance coverage. They did receive a check for \$27,000 but the cost of a replacement cruiser is \$41,000. The reason it is high priority is that the order just went in for 4 new cruisers and they would like to change that to a 5 car order. If Council is alright with that he will bring forward legislation to accept the insurance check and to amend the CIP budget.
3. He had a telephone conversation with Rita Rice-Morris the President of Shawnee State University to follow up with a request from Butch Kotcamp. A problem exist with the Branch Rickey Ball Park lighting and the cost is approximately \$5,000, the lights really need repaired.

4. He thought that he had added the money into the CIP for the security camera and lights for the Police Impound lot which will be opening May 1, 2015.
5. The above items will be brought forward at the next meeting as consent agenda items, he will also be removing some items from the CIP to help offset the cost of the above items and he will also be asking for a higher amount for resurfacing due to the harsh winter.
6. He presented Council with comments from a facebook account, in which a lady stated that she was upset with the City of Portsmouth for not having the public restrooms unlocked at Tracy Park during an Easter Egg Hunt. He had looked into the issue and found out that the group “Scioto County Board of DD” rented the Park and on the application did not request the restroom nor did they pay a deposit for the key. The organization renting the Park must complete the application and request the key to the public restrooms. He urged citizens to please not believe everything that is on facebook and reminded everyone that the City does not have employees for the Parks. He also stated that there was another issue on facebook where a woman accused the Police Department of shooting her dogs, which also didn’t happen and some of the comments were very cruel and when the City confronted the woman and requested that she correct her statement. She did correct her statement on facebook as “Come to find out we were misinformed, the dogs were not shot, they started showing up on my doorstep last night and this morning. Thank you for everyone for your thoughts and prayers”. Unfortunately the statement was already out there that our police shot these dogs. The police were called to the scene as 4 of the dogs had cornered the mailman and roto-rooter man that was swinging at it with a shovel, but the police did not shoot any dogs.
7. After the last meeting a citizen came up to him and said that the City didn’t do a very good job of plowing the snow and that New Boston did a much better job. He provided Council with the numbers that he hoped would bring it into better perspective. New Boston had 11 lane miles and the City of Portsmouth had 106 lane miles; New Boston’s lane miles are concentrated in 1.1 square mile and they have 2 plow trucks and the City of Portsmouth has 11 square miles and 4 plow trucks. Hopefully when we get the new equipment, instead of having to cover 26.5 miles we will be covering 11 miles per truck and we will be much better prepared.
8. His assistant will be contacting City Council to set up a meeting with each Councilman.
9. There was a sink-hole that developed on Coles Boulevard. The pipe was a 36 or 48 inches which had insufficient joints and was installed approximately 30 years ago and the parts are outdated. The heavy rain caused a lot of wash outs on our sewer system. There was also a sewer collapse in Sciotoville and a contractor was called in as we were unable to make the repairs with our equipment.
10. He will continue to monitor the flood levels and will keep everyone informed.
11. The traffic signal at 6th and Chillicothe was repaired.
12. There was a gas leak on Market Street, the decorative lights were removed and Columbia Gas made their repairs and the lights were reinstalled. The bricks have not been repaired to date.
13. Any time that Council gets Public notices for NPDES permit notifications, he will give a follow up report.

Councilman Kleha stated that he lived on the street in Sciotoville that had the collapse but was not affected, but there were many that had been affected. There was a citizen passing around flyers that showed a contact person and he asked the City Manager to make an official statement. Manager Allen stated that there was a heavy storm where the sewer collapsed, the City responded as soon as they were notified, they had no prior knowledge that it would collapse. He believed that there were 12 homes that were affected and dumpsters were placed in that area to help those citizens clean out what was destroyed and the City didn’t charge them a dumpster fee. He believed that those people were working with their insurance companies. Mr. Kleha wanted to know how many complaints that the Manager had received and the Manager replied that he was not sure, when people called regarding this we referred them to our insurance carrier.

Councilman Kevin W. Johnson stated that he understood the issue surrounding the restroom, however he and Mr. Saddler were looking at the form and noticed that under “Will you need?” the restroom was not listed. They noticed a key deposit but it doesn’t specify that it was for the restroom. Manager Allen stated that the form could be changed and Mr. Johnson asked if it could be the first thing on the list as it had always been a problem and maybe make it a restroom key deposit which would make it very easy. Mr. Saddler asked if there was a way that if there were over a certain amount of people, that the group be required to rent the restrooms, as he knew that it was the adjoining businesses around the park that were complaining that people want to use their restrooms.

Councilman Kevin E. Johnson asked about the \$35,000 repair fee for Branch Rickey Park, and in reviewing the lease contract under #3 it states that the University must pay the City as rent a sum of \$100 in advance for the term of the lease. Manager Allen stated that the University maintains the Park, Mr. Johnson stated then they should have to fix the lights. Manager Allen stated that they mow and do routine maintenance but that it is up to the City to do major repairs and it’s his understanding that there is a problem where someone could get shocked if this was not repaired. During the follow up the University explained that the City needs to fix the problem or they may decide to do something different and not renew the lease. Acting Mayor Kalb stated that he had visited the field recently and he believed that there are some major Capital Improvement items that the school is not responsible for and basically the money they spend is improving our property and they’ve done an excellent job on their end and have been living up to their responsibilities. Auditor Williams added that they do the regular maintenance like cutting the grass but they have also put in brand new locker

rooms, all new plumbing, basic wiring and everything inside and underneath the bleachers, they have improved the concession stand and a lot of the improvements are from donations and volunteers. Solicitor Haas stated that prior to the 5 year lease agreement from 2013, the University had spent over \$70,000. The Manager stated that this be expedited because of the upcoming Gene Bennett tournament in June.

Acting Mayor Kalb said that he knew that there were concerns about Council receiving notification of the permit process and appreciated the update on the renewed permits, but he had no use for the whole permit process which was 12 pages and the language is not something that an average person would understand and as far as all the background information, he did not find it necessary and the other Councilmen agreed.

Councilman Kevin E. Johnson asked the Manager again about the delinquent commercial water accounts. Manager Allen stated that he would have George Howard to come and speak to Council at the next meeting because he cannot get an answer out of him. Mr. Johnson gave an example that if he was late on his water, it would be shut off and he would like to see the delinquencies.

Councilman Meadows asked about the monthly billing. Manager Allen advised that a letter was sent out to the citizens advising them of the monthly billing and explains how it will work.

The City Manager's report was received, filed and made part of the record, on a motion by Councilman Saddler.

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

1. He learned over the weekend that elected officials are responsible for receiving some type of Ohio State Sunshine Law training at least once during a term and it is a requirement. The only ones that have taken the training are: Solicitor Haas, Councilman Kevin W. Johnson and Councilman Jeff Kleha. The training can be taken online or a scheduled classroom environment.
2. He also reviewed the email that was received from the Councilman Kevin W. Johnson about setting new goals for the City Manager and agreed that we shouldn't wait until the last minute and it needed to be in writing and finalized.
3. He stated that at the "Founder's Day" event, there was a selection by the Bicentennial Committee for a City Seal. He would like Council to stay on top of that and decide how to move forward with developing a City Seal.

The Acting Mayor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson.

City Solicitor – Solicitor Haas reported the following:

1. He congratulated the Portsmouth High School basketball team and Coach Eugene Collins on an outstanding season and for doing a bang up job, the team made it to the Elite Eight.
2. Acting Mayor Kalb asked the Solicitor how we received a liquor license request from the State for an area that is "dry". The City Clerk replied that they send it to the Legislative body first and then when we send it back and they contact the Board of Elections. She was not sure why that process wasn't done prior to sending it to the Legislative body. She used the example of when Council approved the "Sonara's" restaurant liquor license, that too was a dry area but Council approved it and then they had to put it on the ballot.
3. Councilman Kevin W. Johnson asked the Solicitor about local businesses "Going out of Business" sales. Solicitor Haas said that he had not looked it up and Councilman Kleha stated that we were going to look at how Chillicothe had done their "Going out of Business" sales and Auditor Williams stated that he had that information and would forward that onto Council.

The City Solicitor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson.

Auditor Williams – Auditor Williams reported the following.

1. He thanked the Boy Scouts for coming to the Council meeting and hoped that they were enjoying the City Government's process.
2. He also congratulated the Portsmouth Trojans and Coach Eugene Collins for a great season.
3. He sent well wishes to Councilman Saddler's father Jim Saddler on his 81st birthday.

The City Auditor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Kevin W. Johnson wished Jim Saddler a Happy Birthday.

2nd Ward – Councilman Saddler reported the following:

1. He thanked the Boy Scouts for coming and was glad that they attended and were working on their Community Service badge as he spoke about Community Service. He said he was proud to live in a town where individuals volunteer their time to go out and help other people. A lot of our City Employees spend their off-duty time helping individuals or their elderly neighbor

now their grass or participate in an activity. Community Service is all around from the Fire Department passing the boot during parades or the Police Department's Shop with a Copy program that provides Christmas gifts. He stated that this past weekend he witnessed Community Service as he watched ladies and gentlemen of the Portsmouth Fire Department who had worked a 24 hour shift and when they got off work they helped an individual with a handicap ramp. Those individuals could have gone home to their families but they didn't because they stepped up to help a brother in need and built a ramp and he gave kudos to those individuals: Lt. Travis Garrett, Asst. Chief Shawn Gee, Captain Chris Lowry, Asst. Chief Randy Duncan, Firefighter Brandon Shirley, Firefighter Aaron Rawlins, Firefighter Rich Pridemore, Firefighter Josh Sherman, Firefighter Ashley Schwamberger, Firefighter Eli Garrett. They took time out of their personal life to help a brother in need and it was greatly appreciated.

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

1. He wished Jim Saddler 81st birthday, a true gentleman, a man that had done so much in and for our community.
2. He congratulated the Portsmouth Trojans and their coach on an outstanding season. "It was an exciting game".
3. He had the honor of being in the St. Patrick's Day parade and taking part in some of the Founder's Day events and thanked everyone for coming out on that rainy day.
4. He had some residents complain and reached out to Director Beaumont and copied the Manager concerning some garbage that was illegally dumped and the issue was resolved. He also reached out to Chief Ware regarding a speeding issue that was happening around the schools. A speed check machine was set in place and he was hopeful that that will curtail some of those issues.

4th Ward – Councilman Kalb reported the following:

1. He gave kudos to the Portsmouth Trojans.
2. He wished Mr. Saddler a Happy Birthday and hoped that he was flooded with cards. Councilman Saddler stated that his Dad had about 75 birthday cards as of yesterday and more were delivered today.

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Kleha had no report.

Councilman Kevin E. Johnson motioned to move into Executive Session for the purpose of discussing and preparing for conducting and reviewing the negotiations for bargaining sessions with public employees concerning their compensation and other terms and conditions of their employment. He also invited the City Manager, City Solicitor and the City Auditor.

Executive
Session

The motion carried viva voce: **VOTE: 6 ayes – 0 nays, Council recessed into Executive Session at approximately 7:15 p.m.**

Council reconvened at 7:45 p.m. The roll call showed all those previously in attendance were still present.

The meeting adjourned at approximately 7:46 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Acting Mayor