

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday March 28, 2016
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday March 28, 2016 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 |
| Thomas K. Lowe | 6 th Ward |

Also present was City Manager Derek K. Allen, City Solicitor Haas, and City Clerk Diana Ratliff.

Council dispensed with the reading of the Journal for the regular session of March 14, 2016 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 amending Ordinance No. 96 of 2015 that transferred funds for fiscal year 2015 by moving the transfer from Health Department Fund No. 263 HIV Prevention to Health Department Fund No. 253 Federal Rural Aids Grant in the amount of \$81,496.03 from Section II which listed the funds as a loan or an advance to Section I which are permanent transfers and repealing Ordinance No. 96 of 2015.

**Ord. #12-16
Transfer
funds from
Health
Department**

Councilman Kevin E. Johnson motioned that this 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 **third reading**, to an Ordinance amending Section 311.03-Toy Vehicles on Streets of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

**Ord. #13-16
Toy Vehicles on
Streets.
Allowing
Segways on
certain streets.**

The clerk gave a **second reading**, to authorize the fund transfer of \$5,156.00 from Law Enforcement Trust Fund No. 225 to Task Force Fund No. 217 in order to participate in a grant awarded the City of Portsmouth Police Department from the Ohio Department of Public Safety, Office of Criminal Justice Services (OCJS), the appropriation of the funding when received and the fund transfer of \$4,640.40 from Task Force Fund No. 217 to Law Enforcement Fund No. 225 upon completion of the grant program.

Mayor Kalb stated that there was a request from the Police Chief to Suspend the three reading rule.

Councilman Kevin E. Johnson moved to waive the balance of reading rule.

The role was called. VOTE: 4 ayes – 2 nays (G. Meadows, T. Lowe), the rules were suspended.

**Ord. #14-16
Transfer
funds for
Police
Department
Task Force**

Councilman Kevin E. Johnson motioned that this 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 **second reading**, authorizing the acceptance of grant funds from the Ohio Department of Public Safety, Office of Criminal Justice Services under the Justice Assistance Grant (JAG)-Law Enforcement (LE) specifically for equipment purchases by the Police Department and to authorize appropriation of such funding as received.

**Ord. #15-16
Acceptance
of Grant
Funds for
JAG
equipment
for the
Police
Department**

Councilman Kevin E. Johnson moved to waive the balance of reading rule.

The role was called. VOTE: 4 ayes – 2 nays (G. Meadows, T. Lowe), the rules were suspended.

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

Councilman Meadows apologized for missing the last meeting but he was involved in a trial. He questioned whether he missed something, he received the revised Rules of Council and said that it stated that the reason for waiver shall be noted in the ordinance preamble but he doesn't see the reason noted in the ordinance preamble. Mayor Kalb stated that these particular ordinances were already prepared and the revised rules would apply to future ordinances. Councilwoman Aeh stated that these ordinances had already received one reading prior to the implementation of the revised rules. Mr. Meadows said that if we're changing the rules mid-stream the ordinances should be amended. Councilman Kevin W. Johnson stated that these were Council Rules first and secondly Chief Ware came to Council and gave a time period for which these were needed, although they have had a first reading, they really needed these authorized. Mrs. Aeh said the Council rule stated that when legislation is requested, if they want the rules suspended, they need to ask at that time and then it should be in the preamble. She said the charter allows to suspend the rule at any time. Mr. Meadows stated that he understood and said that if it's going to be in the rules then we should be doing it. Solicitor Haas stated that the Charter says that the rules can be waived and it does not have to be in the legislation and the rule change came after these ordinances were prepared, it's an emergency and there's no point in amending it at this time. He reiterated that if it was something being presented on the Conference Agenda then Council rules would apply and it would be in the preamble but at this point, it could be passed under the Charter and the Charter overrides the Council Rules.

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 authorize the fund transfer of \$13,333.33 from Law Enforcement Trust Fund No. 225 to Task Force Fund No. 217 in order to participate in a grant awarded the City of Portsmouth Police Department from the Ohio Department of Public Safety, Office of Criminal Justice Services (OCJS), the appropriation of the funding when received and the fund transfer of \$10,000.00 from Task Force Fund No. 217 to Law Enforcement Fund No. 225 upon completion of the grant program.

**Ord. #16-16
Transfer
funds for
Police
Department
Task Force**

Councilman Kevin E. Johnson moved to waive the balance of reading rule.

The role was called. VOTE: 4 ayes – 2 nays (G. Meadows, T. Lowe), the rules were suspended.

Councilman Kevin E. Johnson motioned that this 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 **second reading**, authorizing the acceptance of grant funds from the Ohio Department of Public Safety, Office of Criminal Justice Services under the Justice Assistance Grant (JAG) specifically for equipment purchases by the Police Department and to authorize appropriation of such funding as received.

**Ord. #17-16
Acceptance
of Grant
Funds for
JAG
equipment
for the
Police
Department**

Councilman Kevin E. Johnson moved to waive the balance of reading rule.

The role was called. VOTE: 4 ayes – 2 nays (G. Meadows, T. Lowe), the rules were suspended.

Councilman Kevin E. Johnson motioned that this 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 **second reading**, authorizing the fund transfer of \$25,000.00 from Law Enforcement Trust Fund No. 225 to Task Force Fund No. 217.237 in order to participate in a grant awarded the City of Portsmouth Police Department from the Ohio Department of Public Safety, Office of Criminal Justice Services (OCJS), specifically for the Task Force use and the appropriation of the funding as received; and further, authorizing the fund transfer of \$25,000.00 from Task Force Fund No. 217.237 to Law Enforcement Trust Fund No. 225 upon receiving reimbursement at the completion of the program.

**Ord. #18-16
Transfer
funds for
Police
Department
Task Force**

Councilman Kevin E. Johnson moved to waive the balance of reading rule.

The role was called. VOTE: 4 ayes – 2 nays (G. Meadows, T. Lowe), the rules were suspended.

Councilman Kevin E. Johnson motioned that this 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 **second reading**, authorizing the acceptance of grant funds from the Ohio Department of Public Safety, Office of Criminal Justice Services under the JAG program for Drug Task Force use and the appropriation of such funding as received.

Councilman Kevin E. Johnson moved to waive the balance of reading rule.

The role was called. VOTE: 4 ayes – 2 nays (G. Meadows, T. Lowe), the rules were suspended.

Councilman Kevin E. Johnson motioned that this 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 **second reading**, to amend the Salary Ordinance as amended by Ordinance No. 62 of 2015 to create the position of Legal Secretary to Solicitor/Executive Secretary – Civil Service with an associated salary range of \$20,800 - \$44,889 per annum to be effective January 1, 2016 and to repeal Ordinance No. 62 of 2015.

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

Councilman Kevin E. Johnson said that Councilwoman Aeh had some issues over the wording of the Ordinance and asked if those had been resolved. Mrs. Aeh said that it was whatever the Solicitor says that it is, but she was still fearful that there will be an issue sometime in the future with the way it was worded.

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

The clerk gave a **second reading**, to an Ordinance authorizing the appropriation of \$250,000 from the unappropriated revenues in Fund No. 606 to WW Waterline Line Item No. 606.771.5521 needed for waterline relocation for the new State Route 823 project currently in progress.

Councilman Kevin E. Johnson motioned 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 authorizing the distribution of \$24,832.81 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. *Request to Suspend the Reading Rules*

Councilman Kevin E. Johnson moved to waive the three reading rule.

Mayor Kalb stated that he would be abstaining from the vote as he was a member of one of the organizations. He had received an opinion from the Solicitor that it wouldn't be necessary but would abstain for fear of any negative appearance.

The role was called. VOTE: 2 ayes – 3 nays (K. W. Johnson, G. Meadows, T. Lowe) – 1 Abstain (J. Kalb), the rules were not suspended and a first reading was declared.

The clerk gave a **first reading**, to a Resolution authorizing the City Manager on behalf of the City of Portsmouth to prepare and submit an application to participate in the APPALACHIAN REGIONAL COMMISSION GRANT PROGRAM and to execute contracts as required.

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

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

The clerk gave a **first reading**, to a Resolution opposing Senate Bill 270, proposed last month by Senator John Eklund, R-Chardon, concerning pawnshop and scrapyards reporting requirements.

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

Ord. #19-16
Acceptance of
Grant Funds
for JAG
equipment
for the Police
Department

Res. #03-16
Application
for
Appalachian
Regional
Commission
Grant

Res. #04-16
Opposition
against
Senate Bill
270
Pawnshops
and scrapyards
reporting

Councilman Kevin W. Johnson thanked Solicitor Haas for the language in the Resolution. As discussed when it first came to Council's attention, the legislation that was introduced to the legislature was concerning at a number of levels and the Columbus Dispatch voice it best that certain money speaks loud in Columbus and sometimes it was seen reflected in legislation and was disappointed to see it in this particular legislation.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Lee Scott – 936 9th Street-Portsmouth, Ohio – He was developing the Columbia Music Hall and about two and half years ago, he came before Council because they were involved in some law suits due to the volume of the music coming from the building. They went through several court hearings and voluntarily closed the music hall because it had become apparent that it was going to be long and drawn out. He spoke to City Council about using the City's Revolving Loan Fund and at that time the then President of City Council Steve Sturgill ask the Revolving Loan Manager how long it would take to get the loan fund through so that the Columbia could install a roof and soundproof the building and he told Mr. Sturgill that it could be done in 30 days or less. It had taken 22 months for the architect to get the designs done for the building for various reasons. The steel for the roof came in some time ago, he thanked the City for allowing it to lay on the parking lot. The job is about 80% completed, the sprinkler system needs to be installed and the final building of the inside, every wall and door had been doubled up, soundproofed and much more than was requested to make it sound proof. They are now at the time to pay for the project, the City did have the money in the revolving loan fund but choose to use part of it on a sewer project. He had submitted his Revolving Loan Fund paperwork this week and the total bill on it was approximately \$300,000. They had applied over \$1,000,000 of their own money and when they used the Revolving Loan fund in the past the State waived the rights for them to have a bank participate with them because they had already put in so much of their own money and they want to go that same route again. Progress will stop at this time until the financial situation gets completed. Mullins Construction had already done over \$248,000 worth of work and the Sprinkler System was the next phase and Mullins can't complete their work until the Sprinkler System was installed. He would appreciate any assistance from the City in putting these funds together to make the loan possible and would like to have it done as soon as possible. The Columbia could be very beneficial for this area and they have a multitude of agents waiting to bring really good bands here which would fill up our hotels and motels in the local area. He said that he's been told that every time a dollar was spent here, it turned into seven. They have had the front part of the Columbia opened as a bar for college kids and business had picked up tremendously.

Joe Canter – 1603 Pipestone Drive-Portsmouth, Ohio – He was one of the owners of the Anchor Pad Boat Club and said that they do get a lot of river traffic that utilize the docks, stay at the City's hotels and eat at our City restaurants. They have been a good partner to the city and he'd like to make sure that the lease gets renewed. They've put a lot of work in on the riverbank, he obtained all of his permits through the city, Corp of Engineers, the impact studies and had done everything that the City requested and would like to see the lease granted. Councilman Lowe requested to ask Mr. Canter something and Solicitor Haas stated that it would have to wait until the Conference meeting.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received the Oath of Office from Ann Sydnor and Juanita Jewett for the City Planning Commission.
2. She prepared the Proclamation for World Autism Awareness.
3. She made final preparation for the Tree City Celebration on April 23rd and attended the Tree Academy Class.

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: ayes 6 – nays 0.**

City Manager's Report – City Manager Allen said his written report can be found on the City's website and had nothing to add.

The City Manager's report was received, filed and made part of the record, on a motion by Councilman Kevin W. Johnson. The motion carried viva voce: **VOTE: ayes 6 – nays 0.**

Mayor's Report – Mayor Kalb had no report.

City Solicitor – Solicitor Haas had no report.

Auditor Williams – Auditor Williams was not present.

Oath of
Office for
Ann Sydnor
and Juanita
Jewett for
City Planning
Commission

Proclamation
for World
Autism
Awareness

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

1. He thanked the voters for the passage of all 3 charter amendments that were on the ballot. He was especially pleased with the Charter Review Commission and he referred to Solicitor Haas to advise Council once it takes effect on how they should proceed.
2. He had the opportunity to meet with the owners of Patties and Pints Brian Listerman and Timothy Wolfe at 546 2nd Street-Portsmouth, Ohio. He stated that not only would the restaurant be incredible but they also gave him a tour of the upper floors, which was two floors of student housing and two lofts at the top. He said that it was very impressive and the total investment was about \$1,200,000 which would be incredible for that area.
3. He said it was good to see former Mayor Malone.

2nd Ward – Councilwoman Aeh had no report.

3rd Ward – Councilman Kevin E. Johnson also said it was good to see former Mayor Malone in the audience.

4th Ward – Councilman Kalb stated that he had had a couple of complaints that had been addressed.

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Lowe reported the following:

1. He had a couple complaints about trash and appliances and was working on getting the people to clean it up without having to contact the city.

The meeting adjourned at approximately 7:35 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Mayor