

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday March 9, 2015

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday March 9, 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.

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 and City Clerk Diana Ratliff.

Council dispensed with the reading of the Journal for the regular session of February 23, 2015 on a motion by Councilman Kevin E. Johnson.

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 appropriation of \$46,600 from the unappropriated monies of Flood Defense Fund No. 265 to Line Item No. 265.225.5502 in order for there to be sufficient funds to complete the certification of the Flood Defense System.

**Ord. #09-15
Appropriation
to complete
the
certification
for the Flood
Defense
system**

Councilman Kevin E. 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 **third reading**, to an Ordinance authorizing the vacation of a portion of Waller Alley that runs east/west between Fifth Street and Sixth Street directly adjacent to the current St. Mary of the Annunciation Catholic Church, and more fully described in the attached legal description, with the City of Portsmouth reserving all easements to this property.

**Ord. #10-15
Vacation of
Waller Alley
for St. Mary's
Catholic
Church**

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

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

The clerk gave a **first 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 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 \$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 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 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 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

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. Received the Oath of Office for Kirk Donges and Matthew Schackart for the Design and Review Board.
2. Attended the Annual “Celebrate Portsmouth” dinner hosted by Main Street Portsmouth.

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 provided the Engineering Departments monthly statistics.
3. He provided the updated river levels, but at no time were the levels of concern.
4. He stated that the City has had several request from the WARN system. They received a request from Charleston WV, but we were unable to help them with their request. However the request from Lawrence Water Corporation which was on the East side of Lawrence County, they needed a pump and other equipment, we didn't have the pump but there were other items that were of assistance to them along with some of our staff to assist them for 4 or 5 days with their needs. The Ohio EPA and the Director of Surface Water was concerned enough that they were present and he believed that the City of Portsmouth represented well that we were assisting another District and he had received paperwork that they were filing for a declaration of Emergency, and expenses that were incurred were turned in for possible reimbursement.
5. He was very pleased with the work that the Street, Water and Wastewater Departments did on the snow event, everyone helped out and did a fabulous job. They worked round the clock for 48-60 hours, the total cost is not yet known, but he will get that for Council. All the trucks were in service, there was one truck that broke down but it was quickly put back into service. There were back hoes and front end loaders also.
6. The City is just about out of salt. There is sufficient amount of salt and grit if there is another event.
7. There were many concerns about potholes in the streets and the Street Department spent the day filling the potholes. They were using a water soluble mix, that he was not aware they were using, it apparently was cheaper but it was not working. They now have a mixture that ODOT is using and he hoped that it had a better chance of staying in the holes. This winter did a lot of damage to the streets.
8. He reiterated from his written report to Council the flood gate stages and that the first flood gate does not go into place until the water reached 56 feet.
9. Councilman Kleha asked what the status was for the Walnut Street potholes as they were pretty bad. Manager Allen stated that it was a bad area but that it is a priority. The 3 areas of priority were on 11th Street underneath the Railroad tracks, Summit Street and Walnut Street.
10. Councilman Kevin E. Johnson asked about the employees that went to Lawrence County and who is obligated to pay them. Manager Allen stated that it was 5 or 6 employees and the cost was around \$5,000 but is hopeful that we will be reimbursed. He said that their entire water system went down and they didn't have the manpower or the expertise to get it working again. Councilman Saddler added that it's called “being a good neighbor”. Manager Allen stated that at some point we may need help and that's how that system works.

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

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

1. He received a request from PMHA to sign a letter of support for them as they are filing for a HUD safety security grant.

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 attended a meeting at PMHA regarding their 5 year plan.
2. He updated Council on the lawsuit that was filed against the city for damages to the U.V. equipment that was being installed at the wastewater treatment facility. The entry went on as dismissed with prejudice which means it cannot be refiled. He stressed that the litigation was complicated and Director Duncan and his staff were very instrumental in getting the case dismissed. He pointed out that the Plaintiff hired an expert witness which did an inspection of the wastewater facility and basically was hired to criticize the City of Portsmouth but couldn't and indicated that the staff handled the situation in an excellent manner and the damage had nothing to do with the city or the employees.
3. Councilman Kevin W. Johnson asked about the question Acting Mayor Kalb had made at the last meeting regarding Robert's Rules of waiving the 3 readings. Solicitor Haas stated that he had researched it and it was non-debatable.

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 had no report due to absence.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

1. He also attended with the City Clerk and Councilman Kevin E. Johnson the Main Street Portsmouth dinner and it was very enjoyable except for walking through the snow.
2. He had a complaint from a citizen in the first ward that had snow dumped in their customer parking lot and he thanked the City Manager for having that removed promptly.
3. He addressed the comments on facebook regarding the snow removal and was very upset by them and he stated that our city employees had been out working 24/7 for at least 3 days and 99% of the roads, not counting the alleys had been cleared. He added that our employees went above and beyond; given our limited staffing he believed that we came through the last snow storm very well and attributed that to the leadership and the fact that our employees were willing and able to do what needed to be done. He appreciated all the work the staff had done.

2nd Ward – Councilman Saddler reported the following:

1. He thanked Manager Allen for keeping Council informed of the snow events and what was being done. He issued a big kudos to the employees for a job well done as he was out on those days driving around the 2nd Ward and in other areas of the city and every time he saw our crews out he'd slow down and thank them. He witnessed them cleaning out catch basins so that the water would drain off and filling potholes on a Sunday afternoon.
2. He reviewed the Parks and Recreation committee financial status. They had an activity on Saturday which put them over the top to be able to purchase swing set seats for all the local parks. The estimate to replace the seats is approximately \$1,600 and there will still be money left over for other things in the parks and requested to talk during the conference meeting about how to get the money appropriated so that the seats could be ordered and installed before spring. He also provided a list of upcoming activities.

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

1. He too attended the Main Street Portsmouth dinner and they did a wonderful job and he appreciated everything that Main Street does for the community. He urged the citizens to get involved and support Main Street.
2. He did not make the meeting at PMHA on March 6th due to his recent hip surgery and will do his best to make the next meeting.
3. He acknowledged the City Manager and how the snow event was handled and appreciated the communication. He believed that our city employees did a good job and people need to remember that "when we're at home where it's warm and we're sitting on our couch or chair, there are city employees out in ditches fixing water breaks or removing snow and they're not home with their family." He encouraged citizens to go to other similarly small towns and check out their snow removal and they will see that Portsmouth does a very good job with what we have to work with and he does believe that the citizens have the right to ask questions about snow removal and that the City Manager's updates were quite helpful in relaying the information to the citizens that had questions.

4th Ward – Councilman Kalb reported the following:

1. He reminded everyone of the events this weekend. The St. Patrick's Day parade begins at 11:00 a.m. and the "Founders Day" event at the Municipal Building begins at 1:00 p.m. He hoped that everyone comes out to participate.

5th Ward – Councilman Meadows reported the following:

1. He stated that a lot of people didn't go out Thursday morning but he had court in Ironton and left his home early and several of the streets in Portsmouth had already been plowed which made it easier to get through the city. He added that the streets in Portsmouth were actually

better than Route #23 in Greenup County and better than the streets in Ironton, however Ironton didn't get as much snow.

2. He addressed the pothole issues in the 5th Ward. Manager Allen stated that the Street Department was actually working over tonight.
3. He asked the City Manager if there was a time frame for when things might be coming to a completion for the Grandview Avenue sewer project. He answered that he wasn't sure, Solicitor Haas replied that Director Duncan had told him that they were about 90% done with the sewer project and then the clean-up will begin. Manager Allen stated that every street that was cut for the project will get re-paved so that there will be new streets, including some of the detour routes that weren't cut, but they are worn out and will need re-paved.

6th Ward – Councilman Kleha reported the following:

1. He received several phone calls regarding the conditions of the streets and was happy to hear that Walnut Street will be a priority.
2. He was happy with the response during the snow crisis and believed a lot of the complaints came from the first snow storm when the equipment broke.

Acting Mayor Kalb introduced the Bicentennial Committee's entries for the selection of a new City Seal and he appreciated all the efforts from the people that sent in submissions. He wasn't happy with the time frame in which he had to choose because the packets were delivered to them on Friday and he didn't believe that 2 days was long enough to make a decision that may last for 200 years. Each entry was good and had their own merits, but personally there were some changes that he'd like to see made. Councilman Kleha asked what would happen if one wasn't chosen, Councilman Kevin W. Johnson replied that Council had the right to reject but that was not what the Council President was suggesting, but that we just take our time in selecting. Mr. Johnson agreed with Mayor Kalb's opinion and motioned to "Table" the item.

Councilman Kevin E. Johnson asked how the project was presented and if it was presented to the schools. The reason he asked was that he had asked a few of the teachers at the city schools and they knew nothing about the contest. Mayor Kalb stated that he wasn't sure how it was advertised but it was supposed to be a city wide contest, but he needs more time to go over them. Solicitor Haas asked that a selection be made for the purpose of Saturday's event and then "Table" the permanent issue of the city seal for a later date. Councilman Saddler stated he felt that one needed to be chosen for the purpose of the upcoming program, but just not have it as an official seal, but the flipside of that was that a winner be chosen but not used as the City Seal. He added that every one of the submissions were very good but the one that he prefers was not in any of the list but the seal that was created for the Bicentennial program. Mayor Kalb stated that this was just a contest and a winner can be chosen but that doesn't mean that we have to use that as a permanent seal. Councilman Saddler stated that there were a lot of options that need to be looked at for a city seal, because they're going to be on the side of vehicles, on letterhead and will be quite small and a lot of the entries had intricate details on them that would be lost when shrunk down to size. Councilman Kevin W. Johnson stated that the Bicentennial committee was supposed to have provided us with their top picks and they were to pick their winner and that would leave City Council off the hook should a winner not be chosen. There was money involved for the winner of the contest. Mayor Kalb said that we were not under a deadline but it needs to be done this year, and of the submission that were received each one had something special and he proposed putting something together from all of them or open it up for more submissions. Councilman Saddler said that it was the Bicentennial's contest and they need to choose their winner and then they would submit the winner as one of the proposals of a new city seal. Councilman Kevin W. Johnson concluded by saying that each one of these had nice portions to it and maybe City Council could give them feedback on how these could be improved.

Councilman Kevin W. Johnson motioned to Table the item: 6 ayes – 0 nays, the item was tabled.

The meeting adjourned at approximately 6:45 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Acting Mayor