

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday April 11, 2016
 6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday April 11, 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 (Absent)
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, City Auditor M. Trent Williams and City Clerk Diana Ratliff.

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

Council dispensed with the reading of the Journal for the regular session of March 28, 2016 on a motion by Councilman Kevin W. 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

Darrell Ramey – 1628 Robinson Avenue-Portsmouth, Ohio – He spoke on behalf of the Shawnee Boat Club and he had the financial reports that had been requested at the previous meeting. He ask if Council had any questions and Mayor Kalb told him that this wasn’t the question and answer portion of the meeting but this was a chance for him to speak about the club. Mayor Kalb said after the meeting that he could approach Council members or they could approach him to get questions answered. Manager Allen ask if this was a little different because it’s not on the Conference Agenda and there were specific questions that were asked at the last meeting. Solicitor Haas said he believed he did this backwards and that he released the lease agreement to the club for their approval first and then brought it to Council. He had added another term to the agreement at the suggestion of the Fire Chief, and in the new draft there was a provision that would allow the Fire Department to dock their boat there for up to seven (7) consecutive days at a time whenever the need arose.

Joe Canter – 1603 Pipestone Drive – Portsmouth, Ohio – He spoke on behalf of the Anchor Pad Boat Club but wanted to add that if the Fire Department needed a place to dock, he could accommodate them all season if they need it.

LEGISLATION

The clerk gave a **third 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.

**Ord. #20-16
 Salary
 Amendment
 for Civil
 Service/Legal
 Secretary**

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

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

The clerk gave a **third 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.

**Ord. #21-16
 Appropriation
 for Relocation
 of Waterline
 for St. Rt. 823**

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

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

The clerk gave a **second 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.

Councilman Kevin W. 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 amending Section 705.21 Junk Shops, Second-Hand Dealers and Antique Dealers of the Codified Ordinances of the City of Portsmouth, Ohio

Councilman Kevin W. Johnson motioned that this constitute a first reading.

Councilman Meadows asked the Solicitor if this was applicable to all businesses that were already in operation but weren't subject to a license fee. Solicitor Haas stated that they haven't been responsible for reporting fees to the city for a long time and this was codifying what should have been codified 10-15 years ago when the State Law preempted the City's ability to regulate (unable to decipher what else he said).

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

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth to renew the lease of the Anchor Pad Boat Club to allow for three (3) years beginning upon the date of execution of the Lease Agreement (Exhibit A) and ending January 1, 2019, and shall be renewable every three (3) years at a cost of \$100.00 per annum.

Councilman Kevin W. Johnson motioned that this constitute a first reading.

Councilman Lowe stated that he would like to look at the financial statements that the clubs have prepared. He wanted to make sure that it was in the City's best interest and that the City was not losing money and that nobody's making money off a \$100 lease. Mayor Kalb stated that since this was a request, they could give the information to the Clerk and she could distribute the information. Solicitor Haas stated that there was mention at the last meeting that Sciotoville Boat Club had presented some information to Councilman Lowe that he was happy with and that information should be given to the rest of Council. Mr. Lowe said that he believed that there was a representative from Sciotoville Boat in attendance. Mayor Kalb stated that if any information had been given to anyone, it would need to be given to the Clerk so that it could be distributed to all of Council as a whole. (Clerk noted that no information was given to the Clerk's office)

Councilman Kevin W. Johnson asked Solicitor Haas about the information regarding the Fire Department and if it was in the new paperwork that had been given to Council in their packets and Solicitor Haas stated that it was listed under number seven (7) and it was included in all three of the agreements for each club. Councilman Lowe ask who wrote the agreement and Solicitor Haas replied that he had written it. Councilman Kevin W. Johnson said that "7" should have the word spelled out prior to the number. Mayor Kalb stated this was a typo and can be corrected.

Manager Allen stated that if Council had a problem with these leases and they weren't going to approve them then it would be best to speak up now because the Clubs would be moving forward with preparations for the boating season. If things there were things that we're not in agreement on, it would be best to speak up while the Clubs have representation. Councilman Lowe stated he didn't have a problem with the Boat Clubs per say but wanted to make sure that it was in the City's best interest and that nobody was making money off a \$100 lease and putting money in their pocket. If the money was going back into the club, he would be all for the clubs, but there shouldn't be a private individual profiting off a \$100 lease.

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

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth to renew the lease of Shawnee Boating Club, Inc. to allow for three (3) years beginning upon the date of execution of the Lease Agreement (Exhibit A) and ending January 1, 2019, and shall be renewable every three (3) years at a cost of \$100.00 per annum.

Councilman Kevin W. Johnson motioned that this constitute a first reading.

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

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth to renew the lease of Sciotoville Boat Club, Inc. to allow for three (3) years beginning upon the date of execution of the Lease Agreement (Exhibit A) and ending January 1, 2019, and shall be renewable every three (3) years at a cost of \$100.00 per annum.

Councilman Kevin W. Johnson motioned that this constitute a first reading.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Regina Chabot – 3037 North Hill Road – Portsmouth, Ohio – She spoke on behalf of her client Tim Wolfe that had property at 546 Second Street that was currently under development. They requested consideration for a lease agreement to pave the portion of property that sits between two parcels that he owned. It was an eight foot wide strip with an odd dogleg to it. He would like to pave that piece of property and maintain it and in the event that it would need to be excavated for repair work, he had offered to take care of the repairs. There was also a ramp that the building plans examiner requested for a rear entrance and it had been put in the sidewalk area as well as a patio and they requested that as well to be considered for a 99 year lease with the city. Mayor Kalb stated that it was on the Conference Agenda and that perhaps they would like to speak at that time.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received the Oath of Office from Lieutenant Christopher Thoroughman and Captain Travis Garrett for the Fire Department.
2. She attended the Shade Tree Commission and finalized the details of Tree City Celebration on April 23rd. She sent Tree City Celebration flyers to all of Council and I have flyers set out for the public for the event. Mayor Kalb will be reading the Proclamation and Vice President Kevin E. Johnson will be the emcee for the event. The Shade Tree Commission plans to do a tour of the trees in Tracy Park and there will be lots of other events which will prove to be a fun day.
3. She prepared the Proclamation for the Arbor Day and Earth Day celebration for April 23, 2016.
4. She received via email on April 4, 2016 from the Auditor’s office, the following summary statements of the Combined MTD/YTD reports for the period ending March 31, 2016: Expense, Revenue and Fund.

Oath of Office
Fire
Department
Lieutenant C.
Thoroughman
and Captain
Travis Garrett

The City Clerk’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 5 – nays 0.**

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

1. His written report can be found on the City’s website.
2. He stated that in the past 2 years 4 months other than the Police and Fire hiring’s which were done to satisfy the Charter requirements, the only other person hired was his Administrative Assistant. The City had cut back around 15 employees, but were hiring three (3) new employees. He strongly believed in attracting quality applicants and hiring good employees is a lot of work, but it pays off in the long run. They have done Civil Service testing for the Clerk Typist in Engineering and for a Cashier in the Utility Account Services Department. They interviewed approximately eight candidates for each position and had quality applicants to choose, and they were in the process of running background checks and pre-employment drug screenings. They will be doing Civil Service testing for dispatchers and for laborers in Water, Sewer, Streets and Sanitation which had not been done for years.
3. A request for an extension had been submitted to FEMA because we didn’t meet the deadline of April 8th. Mayor Kalb said the letter of certification for FEMA was delayed because the Engineer had requested more money which caused us to miss our deadline, what was the outcome and Manager Allen stated that the City would be receiving the additional information at no additional cost to the city.
4. Received an email from ODOT stating that the bid came in higher than expected on resurfacing eastbound U.S. 52 and the cost to the City will need to be increased in the amount of \$126,000. He stated that it’s hard for him to say anything because they’ve stepped forward with \$150,000 rock removal on U.S. 52. We had applied for a grant and received \$247,000 that was signed over to ODOT as part of our \$300,000 match and then we paid an additional \$25,000 for our match, and by doing that, it allowed us to increase our resurfacing within the city. He recommended that we move forward because ODOT has been a good partner and worked with us, he reminded Council that next year we would be paving westbound U.S. 52

which would also require a match and that will put a financial strain on the City. By paying this it would give us a little bit of latitude to say “We’ve worked with you, work with us” because next year we would have a hard time coming up with whatever the match is going to be. Councilman Kevin W. Johnson stated that this would need to be brought up during the Conference Agenda so that legislation can be brought forward. Mayor Kalb stated that it was ironic that we had the amount set and now it’s increased just when they agreed to take care of the Rock issue in Sciotoville.

Councilman Meadows had several questions:

1. He asked about the monitoring device for 23rd and Grandview under the Wastewater Department and asked if it was the telemetry equipment going back in and if so he thought it was said that it wasn’t needed. Manager Allen said he doesn’t believe we need it, but it’s going back in. He said the base had been installed but they’re waiting on the conduits and once those are installed, they will get with the company that provided the equipment and setting it so that it would read down at the plant.
2. He asked if the backflow preventer at 2634 Shawnee Road was a private residence and why we were responsible for paying for that. Manager Allen stated that we were starting a program that if people within a certain area of the City voluntarily removed their gutters from the sanitary sewers, the City would install a backflow preventer. Mayor Kalb asked how that would be funded and Manager Allen said it would come from sewer fees and he believed they allotted \$1,500 per household. It was one of the items discussed with the U.S. E.P.A. after basements in that area flooded. Solicitor Haas stated that it had been discussed and suggested that the City follow through with that concept. Mr. Meadows said some people have already removed their downspouts in that area and ask if this would apply to them. Manager Allen replied that once they set a district it would apply to anyone within that District. Solicitor Haas said there was a report done after the last incident and there were still quite a few people that this affected. Mayor Kalb asked how this would be monitored and Manager Allen replied that it would have to be thought out before the Districts are set.
3. He wanted to know what the modification of the inlet manhole was at 25th and Coles Boulevard. Manager Allen stated that he would need to check it out and get back with him.

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 5 – nays 0.**

Mayor’s Report – Mayor Kalb reported the following:

1. He reappointed Paul Yost and Darren Mault to the Design and Review Board.
2. He replaced another expired term with Attorney George L. Davis, III – 602 Chillicothe Street, Suite 802 – Portsmouth, Ohio – 740-353-4661. He asked the Clerk to compose a letter to the outgoing member for his service to the city.

The Mayor’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 5 – nays 0.**

City Solicitor – Solicitor Haas reported the following:

1. He stated that the Wastewater Treatment Facility had litigation regarding the U.V. system that got flooded and damaged. That system has been repaired and was now up and running and the initial reports on the effectiveness have been very good and we’re intending to proceed to use that and eliminate the use of chlorine at the Wastewater Treatment Facility. This makes the City’s reporting requirements much easier and makes the E.P.A. and the State of Ohio happy.

The Solicitor’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 5 – nays 0.**

Auditor Williams – Auditor Williams reported the following:

1. He had given all of Council his written report and reviewed the report.
The General Fund for March was \$825,239 which was \$223,460 more than last year in the same month and the accumulated compared to last year was \$548,508 and of that amount \$317,283 was from the new tax revenue.
Total collection included both General and Capital was \$942,237 which \$234,242 more than last year and \$589,085 higher than last year accumulative.
2. There were two major operating funds that were deficit and that was the Sewer Fund and it would be that way throughout the remainder of this year, however the new rates have gone into effect and it would level out that deficit over the next year. The other fund in the deficit was the General Fund and that was primarily due to the one time transfers that were made within

the budget this year to the compensated absences fund, street fund, and the cemetery trust fund for a total of \$544,000 which would only be one time as well as two transfers to the Municipal Court operation subsidy fund and the Health Department subsidy fund in the amount of \$237,732 and \$210,000 respectively that are quarterly. The General Fund will recoup over the next two months and there won't be any expenses offsetting the revenues.

3. With the tax deadline approaching, he reminded everyone of the new tax laws in effect throughout Ohio that affect the City of Portsmouth specifically. The tax rate went up 2.5% which was in effect as of January of this year. Also mandatory filing which began last year for 2014 and this year for 2015 which required everyone in the City of Portsmouth to file a tax return whether they had tax due or not, with a few exemptions which was only retirement income and if it's not earned income from working. The forms are available in the City Income Tax office and the City's website online. Another change was 100% to 50% for residence that pay tax to another municipality. Next year we are hoping to have it to where you can file your City tax along with your State and Federal and hopefully have it online.

The Auditor'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 5 – nays 0.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

1. He questioned how we should reference Mr. Williams now that the voters have approved eliminating from the Charter the Department of Audit. Mr. Williams stated that it still referred to Auditor in other statutes.
2. Portsmouth Day at the Reds was incredible and the City Manager made a good catch.
3. He appointed Alan Barlow to the Traffic Committee

2nd Ward – Councilwoman Aeh reported the following:

1. She advised that there was an advertising bench sitting at the 7th and Gay Street exit from Kroger Parking lot which blocks the view. She had noticed that they were scattered all over the city in the right of ways.
2. Columbus Gas had been in her neighborhood replacing lines and she commented on how polite and nice they have been. She said they done a beautiful job on where they've repaired the pavement.

3rd Ward – Councilman Kevin E. Johnson had no report due to absence.

4th Ward – Councilman Kalb reported the following:

1. He requested that Council review the information that he had emailed them regarding trash pick-up and would like to discuss it at the next Conference Agenda.

5th Ward – Councilman Meadows reported the following:

1. He advised the City Manager that the trenching that was being done around the Old Post area was the Power Company was replacing the old electric conduits in that area.
2. He asked if there was a way to get his Water Bill online and Solicitor Haas advised that it is online and that he would show him after the meeting.

6th Ward – Councilman Lowe reported the following:

1. He received a thank you card from Mrs. Monk thanking him for getting the neighborhood cleaned up.

Health Department Chris Smith said he would speak at the next meeting but he would briefly go over what he wanted. He said two years ago Council gave the Portsmouth Health Department funds to do the employee based clinic and it had been very successful. He requested to bring his Nursing Director and Nurse Practitioner in to talk about the cost effectiveness.

The meeting adjourned at approximately 6:59 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Mayor