

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**

Monday April 25, 2016

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday April 25, 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 <sup>st</sup> Ward
Jo Ann Aeh	2 <sup>nd</sup> Ward
Kevin E. Johnson	3 <sup>rd</sup> Ward
Jim Kalb	4 <sup>th</sup> Ward
Gene Meadows	5 <sup>th</sup> Ward (Absent)
Thomas K. Lowe	6 <sup>th</sup> Ward

Also present was City Manager Derek K. Allen, Assistant Prosecutor David Beck for City Solicitor Haas, City Auditor M. Trent Williams and City Clerk Diana Ratliff.

Councilman Gene Meadows'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 April 11, 2016 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Councilman Kevin W. Johnson motioned to add two items to the agenda. As 7(k) an Ordinance authorizing the City Manager of the City of Portsmouth, Ohio on behalf of the City of Portsmouth to prepare and execute an application for Transportation Enhancement funds for the stated described project and to submit same to the State of Ohio, Department of Transportation Pursuant to Council Rule 5. Also 7(i) A Resolution authorizing the submittal, by the City Manager, of a FY 2016 Community Development Block Grant (CDBG) and Critical Infrastructure Program applications and accepting grant and obligations if funded. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Items added  
to the agenda

There was no Public Hearing

**STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA**

**Paul O'Neill – 607 Harding Avenue - Sciotoville, Ohio** – He spoke about the Ordinance and referenced 705.21 concerning Antique Dealers. He would like to look at the new Ordinance versus the old Ordinance and would like to know the differences. He said that he spoke at a previous Council meeting when the Ordinance included Pawnshops and when the Pawnshops were taken off, he assumed that the Ordinance would die. He was told at the time that Antique shops were not included and if they were not included, then the reference needed to be removed from the Ordinance. He spoke about Antique Malls where there were possibly 50 dealers in one location and inquired if they all were required to have a license. If the requirement was to keep a record and to release that record every Monday morning for purchases as it stated in 705.24, how were box lot purchases to be considered when bought at auctions, flea markets, yard sales, antique shows, craigslist or just things that were purchased at the location? A lot of antiques are identical items and if they were required to give a description of the identical items, how are they to prove that it belongs to them? For instance if someone would come into his shop and state that an item in his store was theirs because it had been stolen and he knew that he bought it fairly, how would that get resolved? He had a list of questions for Solicitor Haas and City Council that he passed around and would like answers as the legislation offered was not a business friendly proposal.

**Sharon Bender – 1666 Highland Avenue – Portsmouth, Ohio** – She spoke to Chief Ware when the legislation first was introduced and he told her that the intent was not to make them do those types of things. Things that were easily identifiable like with a serial number should be reported but in their shops they do not have things like that, they don't buy electrical equipment, tools etc. that would have a specific identification. A lot of their items were picked up from yard sales and it would be inappropriate to ask each person to give their name and address because it's rude and most people don't want to give their names. She said that the Police Chief and Solicitor should get together and make the necessary changes.

**William Abner – 11373 State Route 348** – He spoke about a 99 year lease on Market Street, he had documentation of the deed that showed the property was privately owned since 1836. He ask Council to remove the legislation regarding the 99 year lease for Market Street. Clerk Ratliff stated that the lease was written for the length of the mortgage.

Councilman Kevin W. Johnson stated that Council shouldn't discuss this as he was contending that our records were faulty and that he actually owned what the City claimed was City property and he had documentation dated back to 1836 proving it.

Councilman Kevin W. Johnson moved to withdraw item 7(i) from the agenda.

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

Items  
removed  
from the  
agenda

### LEGISLATION

The clerk gave a **third 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 E. Johnson moved that the Ordinance be passed.

Mayor Kalb stated that he would be abstaining as in the previous votes.

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

Ord. #22-16  
Distribution of  
the Hotel  
Motel Income  
Tax

The clerk gave a **second 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 E. Johnson motioned that this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 1 nay (K. E. Johnson), a second reading was declared.**

The clerk gave a **second 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 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 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 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 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 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 approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing rock removal and replacement of rock barrier along US 52 (SLM 24.73-25.02) within the City of Portsmouth.

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

Mayor Kalb asked Manager Allen if there was a time frame and the reply was "no", this was for the State's FY 2017 which would begin July 1<sup>st</sup> and it could go three readings.

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 enter into a five (5) year non-transferrable lease with E-Flow Services, LLC, for three (3) distinct described areas of City property for a fenced in sitting/patio area for its patrons and for ingress and egress to the building beginning upon the date of execution of the Lease Agreement (Exhibit 1) and renewal shall be automatic at a cost of five hundred dollars (\$500.00) per annum.

Councilman Kevin E. 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 enter into a five (5) year non-transferrable lease with E-Flow Services, LLC, for certain City owned property on the west side of Court Street between the property commonly known as 546 Second Street and 113 Court Street in order to concrete the area along with the lots at 113 and 111 Court Street for parking and finished access to the rear of the buildings facing Second Street beginning upon the date of execution of the Lease Agreement (Exhibit 1) and renewal shall be automatic at a cost of one dollar (\$1.00) per annum.

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

Councilman Kevin E. Johnson asked Manager Allen if this concrete was solely for parking and Manager Allen replied that he didn't believe it was for parking but they don't want dirt and weeds between their parking lot and the building. Councilman Kevin W. Johnson stated that it would be access for them to offload supplies. There's two parts because there's a sewer line that goes through that lot.

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 an additional appropriation of one hundred twenty six thousand, three hundred eighteen dollars (\$126,318.00) from CIP Fund No. 301 for resurfacing of U.S. 52, including curb ramps, lying within the City of Portsmouth as approved by Ordinance No. 9 passed on February 22, 2016.

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

Councilman Kevin W. Johnson commented that he was shocked at the increase.

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, Ohio on behalf of the City of Portsmouth to prepare and execute an application for Transportation Enhancement funds for the stated described project and to submit same to the State of Ohio, Department of Transportation 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 to meet the Transportation Enhancement application deadline set by the Ohio Department of Transportation requiring submission on or before May 16, 2016.

Councilman Kevin E. Johnson motioned to suspend the three reading rule due to the deadline.

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

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.**

The clerk gave a **first reading**, to a Resolution authorizing the submittal, by the City Manager, of a FY 2016 Community Development Block Grant (CDBG) and Critical Infrastructure Program applications and accepting grant and obligations if funded.

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

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

Ord. #23-16  
 Bike Path –  
 Transportation  
 Enhancement  
 application

Res. #5-16  
 CDBG Grant  
 Application for  
 Critical  
 Infrastructure

**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 attended the Tree City USA award program in New Lexington, Ohio at Ludowici Tile Plant and accepted the designation on behalf of the city.
2. She attended the Main Street Portsmouth meeting on Thursday April 21<sup>st</sup>.
3. She attended the Tree City Celebration this past Saturday April 23<sup>rd</sup> in Tracy Park. Mayor Kalb read the Proclamation and Vice President Kevin E. Johnson was the Emcee for the event. The Portsmouth Elementary Trojan Express opened the event with the National Anthem. All the entertainment was done for free and they all were great and the turn-out was amazing and it was estimated around 500 in attendance which was a real boost for the City. There were almost 50 Vendors, Entertainment and Exhibits. SOMC donated a tree for the park and The Tree Commission members and some of the City officials had their picture taken in front of it. It was a fun and beautiful day and she thanked all who helped make the day possible.
4. She administered the Oath of Office for Alan Barlow for the Traffic Committee.
5. She prepared the Proclamation for the Goodwill Industries Week which will be held on Tuesday May 3, 2016 at 11:00 a.m. at the Robinson Avenue Goodwill Store.

Tree City USA

Tree City Celebration in Tracy Park

Oath of Office Alan Barlow Traffic Committee

Proclamation for Goodwill Industries

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 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, it was abbreviated because it was prepared prior to leaving.
2. He participated in Portsmouth Day at the Cincinnati Red’s game on April 10<sup>th</sup>. He said it was a great experience to see the City of Portsmouth being promoted in such a positive manner. Also the ABC grant and to see the wonderful things going on within the community. He had been asked how they selected who threw out the first pitch and he advised that the Chamber of Commerce selected a Man or Woman of the Year and they get to throw out the first pitch. Last year Jason Kester was selected as that individual by the Chamber of Commerce and catching it was anyone dumb enough to get up there. (Lots of laughter)
3. Connex had been installing bicycle racks around town in the right of way and all that were installed in front of businesses were given permission by the business to be installed.
4. The flood levee certification had been submitted with the exception of Howerton Engineering and they requested an extension until May 30, 2016.

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: ayes 5 – nays 0.**

**Mayor’s Report** – Mayor Kalb reported the following:

1. He thanked all those responsible for making the Tree City event a very nice event. He attended and there was a lot going on and well attended and he appreciated all the hard work put in by everybody.

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: ayes 5 – nays 0.**

**City Solicitor** – Assistant Prosecutor Beck had no report.

**Auditor Williams** – Auditor Williams reported the following:

1. He had served on the Auditor of State’s Regional Advisory Panel for several years and they met last week and he was honored to be ask to sit at the head table with Auditor Dave Yost and long-time Hamilton County Auditor Dusty Rhodes. It was followed by fraud prevention training that was held by the Auditor of State.

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: ayes 5 – nays 0.**

**MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

**1<sup>st</sup> Ward** – Councilman Kevin W. Johnson reported the following:

1. He acknowledged former Mayor Murray in attendance.
2. He responded to Mr. O’Neill’s comments regarding Second Hand Stores and offered to sit in with him and Solicitor Haas so that Mr. Haas knows what he was required to do when he operated a business.
3. He said that Diana done a wonderful job on the Tree City Celebration, she put that together and put in a lot of hours and he knows she’s hoping that the Tree Commission would pull together and do it again next year. He had a lot of fun and it was a beautiful day.
4. He had heard from Mr. Howerton and he had indicated that the Manager had hired a firm from Bowling Green to design the bike path and bike issues and Howerton advised that he was qualified and concerned that he wasn’t given the opportunity to receive a bid. Manager Allen addressed that concern and advised Council that the firm was not out of Bowling Green but out of Columbus and a legal notice was submitted to the newspaper and three firms submitted bids and Howerton did not submit. A firm from Columbus, Ironton and another firm submitted but Howerton was given the same opportunity as everyone else.
5. He ask Auditor Williams where the public check book was. Auditor Williams stated that they were working on it but have made no significant progress to date. Councilman Kevin W. Johnson ask what the delay was, and Auditor Williams replied stated that it wasn’t the top priority right now but it would be done this year.

**2<sup>nd</sup> Ward** – Councilwoman Aeh had no report.

**3<sup>rd</sup> Ward** – Councilman Kevin E. Johnson reported the following:

1. He had also heard from Mr. Howerton and it appeared that the Manager had already addressed the situation.
2. He acknowledge former Mayor Murray in attendance.
3. He voted against the 705.21 Antique Shops/Second-Hand dealers as he respects what they do for our Boneyfiddle area and throughout the city and he believed that people come from far away as well as local folks to shop in these businesses and he doesn’t want to complicate that and he believed that there were some things that need to be worked out.
4. He received a residential complaint on 21<sup>st</sup> Street and took some pictures and will follow up with the City Manager, however, after he was there for an hour, he realized that it wasn’t his Ward but it was the 1<sup>st</sup> Ward. He told First Ward Councilman Kevin W. Johnson that he realized he was moving so he would send the complaint to the City Manager.
5. He told the City Clerk that she done a fabulous job on the Tree City Celebration this past Saturday as well as the others that volunteered their time and said that Mayor Kalb done a great job on the Proclamation. He mentioned the Portsmouth Elementary Trojan Express did the National Anthem and did super job and he promised that he would give a little plug for their upcoming performance Friday and Saturday in the production of “The Aristocats”.

**4<sup>th</sup> Ward** – Councilman Kalb had no report.

**5<sup>th</sup> Ward** – Councilman Meadows had no report due to absence.

**6<sup>th</sup> Ward** – Councilman Lowe reported the following:

1. He too received the same from Mr. Howerton and the only thing he could tell him was “If you don’t put in the bid, you can’t expect to win it”.
2. He thanked the City Manager for getting the sidewalk fixed on Harding Avenue.
3. He had a major complaint within his neighborhood of the burned out house at 5424 Wilson Avenue. The house has not been secured in the past three years and his neighbors were breathing down his neck because they’re sick and tired. He said it was the same owner that owns the wall on Gallia Street that’s falling down. He suggested either writing him up or the City fix the property and charge him for it.

Councilman Kevin E. Johnson moved that Council go into Executive session to discuss contract negotiation talks between the City and the County and invited Assistant Prosecutor David Beck and the City Manager.

The roll was called. **VOTE: ayes 5 – nays 0 - The motion carried. Council recessed into Executive Session at approximately 6:43p.m.**

Executive  
Session

Council reconvened at 7:07 p.m. The roll call showed all those previously in attendance were still present.

Councilman Kevin W. Johnson moved that Council continue to have faith in the City Manager’s negotiation of the contract on behalf of the City of Portsmouth.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the City Manager would continue negotiations with the County.**

The meeting adjourned at approximately 7:10 p.m. on a motion by Councilman Kevin W. Johnson.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor