

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday April 27, 2015
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday April 27, 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. City Auditor M. Trent Williams and City Clerk Diana Ratliff.

Council dispensed with the reading of the Journal for the regular session of April 13, 2015 on a motion by Councilman Kevin E. Johnson.

Councilman Kevin W. Johnson brought attention to Councilman Kleha that he didn't have his microphone on and it made it difficult for the City Clerk to record his comments. Councilman Kleha obliged and put on the microphone.

There was no Public Hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Jim K. Wilson – 1407 16th Street – He reminded City Council that there was an Ordinance that prohibits any money to be spent on the Marting's Building. He said it was passed by the citizens of Portsmouth, Ohio and still stands and there would be problems if it passed.

LEGISLATION

The clerk gave a **third 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,

**Ord. #25-15
Ohio Power
privileges
for public
places**

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

**Ord. #26-15
Purchase of
snow
equipment**

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

Councilman Kleha commented that just because the amount was appropriated doesn't mean the whole amount had to be spent and City Manager Allen stated that was correct.

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 appropriation of ~~\$1,650~~ \$1,633 from Recreational Miscellaneous Fund No. 801.101.5299 for payment for swing set seats for each of the city parks.

**Ord. #27-15
Appropriations
for Swing Set
Seats**

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

Councilman Saddler thanked City Council for supporting this item as it was an item that came out of his parks and recreation committee. The money was earned by various committee members and deposited into the

City account. He thanked the City Manager and Service Director Beaumont who volunteered to install the seats for the committee. Once the transaction is completed, there will be no further ties with the City as the committee is no longer a City Committee. Councilman Kleha brought up that this was the legislation that had been amended and Councilman Kevin W. Johnson stated that it was read correctly as \$1,633 and had been amended from \$1,650. Councilman Kevin E. Johnson thanked Mr. Saddler and the Parks & Recreation committee on behalf of citizens for everything that they've done and for all the hard work and commitment.

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

The clerk gave a **first reading**, to an Ordinance authorizing the acceptance of a check in the amount of \$27,500.00 received from HCC U.S. Specialty Insurance Company into CIP Fund No. 301.000.4931 and to appropriate the same into CIP Police Department Line Item No. 301.221.5532 to use towards the purchase of a new police department vehicle.

Councilman Kevin W. Johnson motioned to suspend the three reading rule as the legislation is accepting an insurance check so that the check could be processed.

Manager Allen stated that the readings didn't need to be waived and the actual check was \$28,000 he wasn't sure of the exact amount.

Councilman Saddler asked if the amount should be corrected, Councilman Kevin W. Johnson stated that it was accepting of the check and it wouldn't matter.

The role was called. **VOTE: 4 ayes – 2 nays (G. Meadows, KE Johnson), the rule was suspended.**

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

Councilman Meadows asked if they were making appropriations for the \$27,500 amount or would we does something different need to be done to appropriate the additional funds. Auditor Williams stated that the amount appropriated would be as the Ordinance reads because Manager Allen had additional funds set aside in the CIP fund that would cover the any check balance will remain in the CIP fund.

Councilman Kevin E. Johnson stated that he had mentioned in a previous meeting that he believed that we were over using the Consent Agenda and he had no problem with voting "yes" for the acceptance but as the City Manager stated "it was not needed". He believed that more discretion needed to be used on Consent Agenda items. Acting Mayor Kalb stated that he agreed with the principle of Councilman Kevin E. Johnson however when Council voted to accept the "Consent Agenda" it was specifically for items like this and it's not that Council was trying to slide something through for passage.

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

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$25,000 from the unappropriated monies in Flood Defense Fund No. 265 to Flood Defense Miscellaneous Services Line Item No. 265.225.5299 for the repair of a sinkhole adjacent to the sluice gate well for Pump Station No. 2.

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

Councilman Meadows asked what a sluice gate was and Manager Allen answered that it was a valve. Manager Allen stated that it had to be repaired in order for the flood wall to be certified.

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 \$10,500 from CIP Fund No. 301 to CIP Building Renovation Line Item No. 301.115.5513 for roof repairs to the Marting's Building, the City Building and the Health Department.

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

Manager Allen stated that this was not an improvement. He received a phone call that water was pouring into Charter One Bank due to a tear in the roofing and it was repaired to keep water out of a local business. Acting Mayor Kalb stated that there was a previous Solicitor's opinion that money cannot be spent on the Marting's Building for improvement but the City had the right to maintain the property and to prevent damage from surrounding properties. Councilman Kevin W. Johnson recalled that the ruling had to do with the fact that the Ordinance passed by the voters prohibited the City from spending money in order to make it a city office. Councilman Kleha reiterated previous comments that it was not putting money into the building but preventing a nuisance.

Councilman Meadows stated since this was a first reading, would it be possible to find the Ordinance or Charter Amendment or whatever was passed by the voters so that Council could see the specific language, it could possibly eliminate future problems. Acting Mayor Kalb asked the Solicitor to find the language that was being referred to by Mr. Wilson. Solicitor Haas stated that if he had to choose from defending a lawsuit filed by a taxpayer over fixing our building or a landowner that suing us because their building is being flooded, he would take the taxpayer lawsuit any day. Councilman Kleha stated that if the Solicitor doesn't believe that it's relevant, could he possibly find us the past legal opinion on the subject. Councilman Kevin E. Johnson stated that he too would like to have the legal opinion.

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 approval of final legislation submitted by the Ohio Department of Transportation (ODOT) regarding the resurfacing of a portion of SR 139 lying within the City of Portsmouth. Consent Agenda

Councilman Kevin E. Johnson moved that the three reading rule be suspended as it was a consent agenda item.

Ord. #29-15
ODOT
resurfacing
St. Rt. 139

The role was called: **VOTE: 4 Ayes – 1 Nays (G. Meadows) – 1 Abstain (R. Saddler), the rule was suspended.**

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

Councilman Saddler stated that he would be abstaining.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays -1 Abstain (R. Saddler , the Ordinance was passed.**

The clerk gave a **first reading**, to a Resolution in memory of William Rush honoring him for outstanding service to the City of Portsmouth while serving as Service Director.

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

Res. #07-15
In Memory
of William
Rush

Acting Mayor Kalb stated that it would be nice to have a document for all of City Council to sign and present to the family of Mr. Rush. Councilman Saddler stated that Mr. Rush would be missed in the community, he was a city employee for a long time and he was a veteran and was very active in the Memorial Day Association in Scioto County and a fiscal officer and was a big proponent in getting the "Lost at Sea" monument established on the Riverfront. He will be greatly missed.

There were no 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

Regina Chabot – did not state her address - She addressed Council regarding a problem spot of traffic. She witnessed various vehicles crossing lanes at Gay Street because the stripes are completely gone and she fears that someone will get hurt. Manager Allen responded by stating that there was a contract being written for thermoplastic instead of painting lines on the street that fade, the city will be using the thermoplastic.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received an Oath of Office from Carol Caudill for the Traffic Committee
2. She prepared the Proclamation for Arbor Day and Poppy Month.
3. She attended the Arbor Day and Earth Day event at Highland Head Start.
4. She received from the Ohio Department of Public Safety confirmation of receipt of Ordinances #22 and #23 imposing the municipal vehicle license taxes.
5. She received from the Board of Elections the Proclamation of the upcoming election on May 5, 2015.
6. She received the OCMA application for 2015.

Oath of Office
for Traffic
Committee

Proclamation
for Arbor Day
and Poppy
Month

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

Manager Allen asked Chief Raison to introduce the new firefighters: Corey Sloas and Nick Rymer came to Portsmouth from the Greater Cincinnati area and both of them have been firefighters and paramedics

and have a fair amount of experience, so for a change instead of losing people to someplace else, we have people coming to Portsmouth. Ashley Schwamberger, she was born and raised in Scioto County and she's been with the department since last October and doing a great job. Tyler Snow is from Texas and an Air Force Veteran. Chief Raison stated that the City was fortunate for some of the experience he gained in the Air Force, he too started with the department last October. Aaron Rawlins born and raised in Scioto County and a firefighter/EMT and is currently in Paramedic school at Shawnee State University and they're very pleased to have him working for the City. They are now fully staffed.

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

1. His written report can be found on the City's website.
2. Fully staffed with firefighters, but they are looking for two part time dispatchers.
3. Civil Service provided 6 names for the Police Department and they are looking for 4 entry level police officers.
4. Police Department had been doing training at Mid-Ohio Race Way, there was training offered to Police Officers to drive there at no cost to the City.
5. The "No Engine Brake" signs are in place. Trucks have been ticketed for coming down Chillicothe Street because they are supposed to be on State Routes.
6. Someone broke into the Marting's Building and stole all the copper piping out of the building. The staff welded the metal garage door shut.

Councilman Kevin W. Johnson asked about the design for the Kinney's Lane/State Route 23 intersection. Manager Allen stated that the agreement had been signed with ODOT. The concrete median will be removed from the bridge to the intersection, there will be a left turn left but the details have not been worked out on how it will be striped, there are still issues with the catch basin and the intersection being offset. The pedestrian indicator does not work, but a new one will be installed.

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 attended the Arbor Day/Earth Day event at Highland Head Start and read a Proclamation and watched as an Apple Tree was planted.
2. He attended the Board of Health meeting.
3. He did the Proclamation for Poppy Month and congratulated the ladies that were selected as Miss Poppy.
4. He attended the Visitor's Bureau meeting, but there was no meeting due to lack of a quorum.
5. He completed his "Sunshine Laws" online training and submitted his certificate to be filed with the City Clerk. He reminded all elected officials that it was a requirement.

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 requested the citizens within the City of Portsmouth that are registered to vote to get educated and go out and vote in the Primary. People can currently go out and vote at the Scioto County Court House Board of Elections. The two issues are the Tax Increase and the 6th Ward Council position.

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 updated Council on the first 3 months of the year. In January we were up \$60,000, but in February we were down \$66,000 which brought us to -\$6,000, then in March we were up \$31,000 which brought us to \$25,000 over last year's collections and it had been steady in April. He reminded everyone of the Mandatory filing which last until April 30th. There have been a few new accounts picked up which brought in new dollars, but the dollar amount had not yet been determined.

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 reported the following:

1. He witnessed a man in his car with his family toss out garbage from his car, it made him sick.
2. He's pleased note that the Mound Park Preservation Society had submitted an application to adopt Mound Park and it was approved, they are meeting monthly at the Stone House in Mound Park. He would like to know how many Parks have been adopted for this year, possibly by the next meeting the City Manager could report on how many parks have been adopted.

3. He reminded the City Manager of a previous email that he had sent him regarding the building that collapsed on Court Street that did not have a permit and also the building that is now housing students, were permits obtained to do the renovation work on that building. He wanted to know if the owners had been fined. City Manager Allen stated that the property owner was not fined, the fine is \$50-\$75 he wasn't sure, but in the one property the loss was over \$100,000 and to fine him \$50 would not make a difference. All permits that were required on the building that houses the students were obtained.

2nd Ward – Councilman Saddler reported the following:

1. He thanked the City Manager and employees for starting the grass mowing early this year and keeping ahead of the game and said that it looked really good.
2. Prior to the meeting he and Councilman Kevin W. Johnson were discussing the adopt-a-park program and he thanked him for bringing it up and he too would like a list of the parks that have been adopted. Manager Allen stated that he believed that they have all been adopted. His Parks & Recreation group wanted to find out which parks had not been adopted and reach out to the community to find someone to fill the void.
3. He adopted Buckeye Park again this year and he requested that the Service department bring in some dirt for underneath the swing sets to level out underneath each seat.
4. He requested the status on the Babcock Building. Manager Allen stated that the asbestos was abated and he was bringing it to the next Conference Agenda.
5. He would like the Manager to consider in the areas that we mow or that were hard to mow, that these areas be created into bee pollinator habitat areas in some of these location. He stated that it's a bit of a process and he had a couple of areas in mind and would like to start on them. It would save a lot on mowing and labor cost and it would promote our bee population which is very important for the foods that we eat. He said it was a very good program and in fact ODOT had implemented it along the highway in some areas and they have been very successful. He passed along some information that he wanted the Manager to look over.

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

1. He had a couple of residential complaints in which he had taken pictures and sent to the City Manager and that those issues were in the process of worked on.
2. He thanked the City Manager for educating the public regarding the tax increase.
3. He thanked the firefighters and their service to our City.

4th Ward – Councilman Kalb reported the following:

1. He requested support from the voters on the upcoming tax increase because it is something that the City really needed. A tax increase was not something that anyone wanted to talk about, but it should have been done a long time ago and it was needed to move the City forward.

5th Ward – Councilman Meadows reported the following:

1. He re-appointed Earl Braun to the traffic committee.
2. He received a call the other day about people begging on the corners, the citizens are not pleased with the action. Manager Allen stated that they would look into it, but it was a little more complicated than it appeared on the surface. He will add it to his conference agenda.

6th Ward – Councilman Kleha reported the following:

1. He stated that crime in Sciotoville is always a sore issue and there were people on Farney that were not happy with the crime. On a positive note, he did see a cruiser patrolling on Route #335.
2. There was a complaint about property on State Route 139 and the City is aware of the situation.

The meeting adjourned at approximately 7:00 p.m. on a motion by Councilman Kevin E. Johnson.

City Clerk

Acting Mayor