

**MINUTES – REGULAR SESSION**  
**PORTSMOUTH CITY COUNCIL MEETING**  
 Monday May 22, 2017  
 6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday May 22, 2017 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Vice President Kevin E. Johnson 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 (Absent)
Gene Meadows	5 <sup>th</sup> Ward
Thomas K. Lowe	6 <sup>th</sup> Ward

Also present was City Manager Derek Allen, Solicitor John Haas, Auditor M. Trent Williams and City Clerk Diana Ratliff.

Mayor Kalb’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 May 8, 2017, 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**

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 to authorize extending the terms of a lease agreement between Shawnee State University and the City of Portsmouth regarding the use of Branch Rickey Park for an additional two-year term through June 30, 2019.

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

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

**Ord. #29-17  
 Lease  
 Agreement  
 with Shawnee  
 State  
 University for  
 Branch  
 Rickey Park**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager to have improvements made to the Mound Park Tennis Courts and accept \$20,000 from Mound Park Pickle Ball League, the City contribute \$30,000 toward the project and \$50,000(the total investment in the project) be appropriated from Capital Improvement Fund No. 301.

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

There were no further questions or comments. **The role was called. VOTE: 4 ayes – 1 nays (T. Lowe), a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing approving and ratifying the recently negotiated collective bargaining agreement between the City of Portsmouth and F.O.P. Lodge 33, for the period beginning January 1, 2017 through December 31, 2019. 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 in order to facilitate administration, daily operation and avoid practical and legal entanglements.

Councilman Kevin W. Johnson motioned that the rule be suspended that required an ordinance to be read on three separate occasions due to the emergency nature of the ordinance.

**The role was called. VOTE: 3 ayes – 2 nays (K E. Johnson & T. Lowe), the rule was not suspended.**

Councilman Kevin W. Johnson moved for re-consideration, Councilwoman Aeh called Point of Order and said that before you can reconsider there must be other business considered and then Council can go back and reconsider but Council cannot reconsider right after a vote. Councilman Kevin W. Johnson asked the Solicitor's opinion. Solicitor Haas said that in affect not waiving the three reading rule was the same as passing/adopting it because the 30 day will expire and Council didn't vote it down. He advised Council that they could not vote it up or down now and it will go into effect. Councilman Lowe said that it wouldn't go into effect until the next reading and Solicitor Haas said there would be no next reading because the 30 days would have expired and it would be in effect because it wasn't voted down and basically took no action. He said the only vote whereas you need four votes is on the third reading or waiving of the readings up until then it doesn't matter.

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

There were no further 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 the City Manager to enter into an agreement between the City of Portsmouth and The Friends of Greenlawn Cemetery as per the attached Exhibit A. 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 in order to facilitate administration, daily operation and avoid practical and legal entanglements.

Councilman Kevin W. Johnson motioned that the rule be suspended that required an ordinance to be read on three separate occasions due to the emergency nature of the ordinance.

**The role was called. VOTE: 4 ayes – 1 nays (T. Lowe), the rule was suspended.**

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

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

The clerk gave a **first reading**, to an Ordinance authorizing the acceptance of \$8,550.00 into General Fund Revenue Account 101.4922 and the appropriation of the same into Fire Department Training Line Item No. 101.223.5222 received from a 2016 Fire Department Training Grant Award.

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

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

Councilman Kevin W. Johnson moved to reconsider item 7c ratification of the collective bargaining agreement between the City of Portsmouth and F.O.P Lodge 33 and moved to waive the three reading rule. He rescinded that motion and moved that the Ordinance be passed. Solicitor Haas advised Council that they could not vote it up or down now and it will go into effect unless a Special meeting is called. Councilman Lowe asked if it was really imperative that we do pass this today. City Manager Allen said that the City only had 30 days under State law to reject. Councilman Lowe said "so we still have time". Manager Allen said "no" that we were out of time and that Council had the opportunity to vote it down and if that's not done or no action was taken then it automatically goes into effect because the 30 days would be up before the next meeting. Vice President Johnson asked the Solicitor if that was correct and Solicitor Haas replied that Council had 30 days to take action. Councilman Kevin W. Johnson rescinded his motion and stated that he was disappointed that no action was taken because two people voted against waiving the three readings and that Council was simply allowing it to go into effect because we did not take appropriate action.

#### **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 Goodwill Industries open house and Proclamation on May 9<sup>th</sup> with Mayor Kalb.
2. She received an email from Andy Gedeon with the following bids for the Land Reutilization program and Mr. Gedeon recommended that all bids be accepted.

- a. \$500 bid from Dave Gannon for vacant property at 1802 Vinton Avenue, he intends to expand his rental property.
- b. \$750 bid from Eric Pierce for the vacant lot at 1914 Valley Street Portsmouth, he intends to expand his existing property.
- c. \$500 bid from David Robbins for the vacant property at 2911 Gallia Street Portsmouth. He intends to expand his existing property.
3. She received from the State of Ohio Auditor’s office a request for copies of certification of Sunshine Law training for each member of City Council.
4. She received an invitation to the Retirement Party for Sgt. Ben Fugitt Wednesday, May 31, 2017 11:00 am – 1:00 pm. Sgt. Fugitt has provided 36 years of service.
5. She reminded everyone of the Citywide Cleanup Day June 3, 2017 from 8:00 a.m. until 3:00 p.m.

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: 5 ayes – 0 nays.**

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

1. The Manager’s written report can be found on the City’s website.
2. He stated that in his written report he had given an update of the Capital Improvement projects, he said there were a few that weren’t included but he would give updates on those soon.
3. He said that he was supposed to go on a tour of the Veterans Memorial Highway but it got rained out. He added that there had been a lot of progress and activity even in the City of Portsmouth around Sciotoville.
4. He encouraged all to come out to Sgt. Ben Fugitt’s retirement ceremony on Wednesday May 31, 2017 at the Fire Department Conference room. Ben is a great guy and we want to wish him well in retirement.
5. He encouraged all to come out on June 3<sup>rd</sup> for the Citywide Cleanup. He’s told others that it might be work but it sure was a whole lot of fun and if you’ve ever done it you know how much fun we have and the day goes fast. It’s fun but at the end of the day there was satisfaction in knowing that the community was a lot cleaner than it was the day before.

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: 5 ayes – 0 nays.**

**Mayor’s Report** – Mayor Kalb was absent.

**City Solicitor** – Solicitor Haas had no report.

**Auditor Williams** – Auditor Williams had no report.

**MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

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

1. He said anything that he had was taken care of by the City Manager.

**2<sup>nd</sup> Ward** – Councilwoman Aeh reported the following:

1. She wished Councilman Kevin W. Johnson a Happy Birthday.

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

1. He thanked the City Manager for responding to a couple of residential complaints.
2. He thanked “Friends from Greenlawn” for coming to the meeting.

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

**5<sup>th</sup> Ward** – Councilman Meadows reported the following:

1. He was driving across Pleasant Avenue and took a picture of a semi-truck driving across Scherer’s Hollow and down Pleasant Avenue. He wondered why that was happening and if there was anything that could’ve been done to prevent that from happening. He asked what the progress was on the signs and Manager Allen said he thought they were up and Mr. Meadows said there are no signs. He said there were still a few signs up for “no engine brakes” but none for truck route signs. Manager Allen said that he had a conversation with them to put them up at every entrance to the city and will check to see why they were not up. Mr. Meadows said they obviously didn’t listen.
2. He mention Grandview Avenue widening on behalf of Mayor Kalb (laughter). Manager Allen said that he was meeting with the Engineers tomorrow morning.

**6<sup>th</sup> Ward** – *Councilman Lowe has asked that his statements be verbatim.* Councilman Lowe reported the following:

“I’ve got a few things here on the uh whatever. I’ve got some houses that need boarded up, I originally reported this on 3-24-16 and then again on 2-27-17 and I’m reporting it again tonight. There’s a house at 5424 Wilson Avenue property number 34-2387, it’s a burned out house, nothing is been done to remedy the problem on the house, it’s an eyesore to the neighborhood, possible health issues with rodents, the property owner has yet to make repairs to the house since it burned other than a minor cleanout, a safety issue exists with the children playing in the neighborhood and then I have another one on 4-27-17 in my ward report I ask that a property 34-011A at 1216 Division Street be boarded up, I’ve received numerous complaints of people entering the residence and nothin has been done to remedy the problem. I have another house that’s located at 5520 Wilson Avenue, uh property number 342151, it’s being used as a drug hangout and people are using the residence as such, would like to get this address boarded up another safety issue exists, people complaining cause of the children in the neighborhood, I personally have witnessed people being at the residence on a regular basis, uh, another thing that’s done with the houses. Uh the Bahner Road fencing in the 6400 block, I’m just just keep receiving calls, people complaining about the gaping hole in the fence and it’s a safety issue because it’s right there on the highway. Are is somein being done, or I just wanna be able to tell em something.” Manager Allen said “yes” it’s going to be replaced. “Do we have a timeline on it or whatever. I also have a complaint about speeding on Pershing Avenue, uh where the con uh, the cross tie plant is, uh the residents say the trucks are speedin up and down the road and uh they think that speed bumps would cure it, there’s only a limited number of residents that live on the street, it’s a dead-end street, see what we can do about that issue and then uh I have a grass issue at 670 Bonser, I believe it’s the property’s own by habitat of human uh Habitat for Humanity, the grass is like 4 foot tall and I’ve already wrote that up and I didn’t know if anythings being done about it or are they gettin special treatment because they’re habitat you know.” Manager Allen said that nobody gets special treatment. “OK, but the problems still not taken care of” Manager Allen said that he didn’t know if a notice had been mailed but he would check. “That concludes my ward report, thank ya.” Manager Allen said that all of the addresses that Mr. Lowe sent were forwarded and have had notices sent out. If they haven’t acting within the time frame, the city will then mow it. “Thank you that concludes my ward report.”

The meeting adjourned at approximately 6:27 p.m. on a motion by Councilman Kevin W. Johnson.

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City Clerk

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Mayor