

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Tuesday May 26, 2015
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Tuesday May 26, 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 (Absent)
Rich Saddler	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward (Absent)
Jeff Kleha	6 th Ward

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

Councilman Kevin W. Johnson and Councilman Meadows absences were excused on a motion by Councilman Kevin E. Johnson.

Council dispensed with the reading of the Journal for the regular session of May 11, 2015 on a motion by Councilman Kevin E. Johnson.

There was no Public Hearing.

Councilman Kevin E. Johnson motioned to add a Resolution to the Agenda as “7m” which honored William Craig, the motion carried viva voce: **VOTE: ayes 4 – nays 0**

Item added to the Agenda

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Austin Leedom – 1521 5th Street – Portsmouth, OH – He spoke with regard to the money to be appropriated to Main Street Portsmouth. He had a picture of one of the six monuments that were posted around the city, the one in the picture pays homage to a former resident and was very closely associated with and a life member of one the Councilmen. (*Unable to hear what Mr. Leedom was saying as he turned to speak to the audience*). He wanted to know who gave the authority to post the monuments as they are an insult. He referred to the situation surrounding Mr. Jerry Sandusky of Pennsylvania who is now doing 50 years in Pennsylvania State Prison for committing sexual pleasures of young boys. He stated that the City didn’t need people like that and that they don’t need to be encouraged and the people that encourage this should be taken out of office. If people don’t stand up and speak then they are cowards, but he has stood up and spoke.

LEGISLATION

The clerk gave a **first reading**, to a Resolution in memory of Bill Craig honoring him for outstanding service to the City of Portsmouth during his 45 years of employment.

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

**Res. 08-15
 In Memory
 of Bill Craig**

Acting Mayor Kalb asked that the family of Mr. Craig come forward and he read the Resolution in its entirety and presented it to the family along with a letter of condolence from all of City Council.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Resolution was adopted.**

The clerk gave a **third 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.

**Repair of
 Pump
 Station #2
 Tabled**

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

Manager Allen explained that the original estimate to repair the sinkhole was approximately \$18,000 but they asked for \$25,000 to be appropriated in case it went over the estimated cost. The Engineering firm recommended by the Army Corp of Engineers went down into the structure and inspected the corrugated metal pipe and the bottom was completely rusted out. The problem is beyond the sinkhole and the cost to repair it could be around \$100,000-\$200,000. The good news is that ODOT may have to foot some of the bill because when

they widened State Route #52 they moved the levee and when it was moved they installed the corrugated metal piping which is what rusted. There's a chance that ODOT will be paying for the repair. If that doesn't work out then the \$25,000 is insufficient and he requested that it be tabled until he could get more details.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Ordinance was Tabled.**

The clerk gave a **third 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.

**Ord. 30-15
 Roof Repair
 to City
 Building,
 Marting's
 Building and
 Health
 Department**

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

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **second reading**, to an Ordinance accepting a perpetual, non-exclusive sanitary sewer easement in, on, under, over, through and across a portion of CVS property being more particularly described in Exhibit A attached hereto.

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

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager to enter into an agreement between the City of Portsmouth and Mainstreet Portsmouth as per attached Exhibit A that details the City funding Mainstreet Portsmouth for a period of three years in the amount of \$150,000, payable in annual installments of \$50,000 per year contribution.

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

Councilman Kleha asked how long we had been giving money to Main Street Portsmouth and the reply was since 2010. Manager Allen stated that this helps the organization plan for more than one year at a time and that there were some projects that they are working on and they need to know they can't count on the funding. Councilman Kevin E. Johnson asked for clarification of what was being done with the \$50,000 and about the earlier comments about how the "Paul Johnson" name is tied into Main Street Portsmouth. Manager Allen asked Sue Burke of Main Street Portsmouth to speak on behalf of the subject. Ms. Burke said the plaques were erected last year to claim the areas that Main Street Portsmouth beautifies. Every year sometimes twice a year, Councilman Kevin W. Johnson holds fund raisers and raises anywhere from \$5,000-\$10,000 per year and gives the money to Main Street and it was used and specifically designated for beautification. These signs represent who donated funds to that particular area and each plaque says something different. Main Street Portsmouth also does fund raising and they receive grants from The Scioto Foundation. An example would be the plaque at "Alexandria Park", the funds used were: The City of Portsmouth, Main Street Portsmouth, The Scioto Foundation and the Paul Johnson fund. Acting Mayor Kalb stated that he believed the citizen concern was that the \$50,000 per year that the city would be giving to Main Street Portsmouth would be used to pay for these signs. Councilman Kevin E. Johnson commended Ms. Burke on the work she had done around the city.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second 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, 2017.

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

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the submittal of a FY 2015 Community Development Block Grant (CDBG) and Small Cities CDBG Neighborhood Revitalization Program applications and accepting grant and obligations, if funded.

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

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Chapter 131 and Sections 131.01 and 131.02 of the Codified Ordinances of the City of Portsmouth, Ohio – Mayor.

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

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Chapter 137 and Sections 137.01, 137.02, and 137.03 of the Codified Ordinances of the City of Portsmouth, Ohio – Department of Police. **Consent Agenda**

Councilman Kevin E. Johnson asked if questions could be asked prior to waiving the readings and Acting Mayor Kalb replied that there needed to be a motion first.

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

The role was called. **VOTE: 3 ayes – 1 nays (K.E. Johnson), the rule was defeated.**

Councilman Kleha motioned that this constitute a first reading and asked why this was made a consent agenda item. Manager Allen reminded Council that the Ordinance contained the fees for the Impound Facility and the intent was to start the operation immediately but now it will have to wait. Councilman Saddler stated that at the last meeting there was a thorough discussion regarding the topic and everyone was in agreement. Acting Mayor Kalb stated that was the reason why this was the only one that was a consent agenda item because all of these were to clean-up the codified ordinances. Councilman Kleha withdrew his motion of a first reading and requested a motion to waive the three readings. He was informed that Council could not go back at this point. Councilman Kevin E. Johnson motioned that this constitute a first reading.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Chapter 139 and Sections 139.01, 139.02, and 139.03 of the Codified Ordinances of the City of Portsmouth, Ohio – Department of Fire.

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

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 153.02 of the Codified Ordinances of the City of Portsmouth, Ohio – Miscellaneous Fees.

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

Acting Mayor Kalb commented for those in attendance that these Ordinances are to clean-up the language of the codified ordinances.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance repealing Chapter 161 of the Codified Ordinances of the City of Portsmouth, Ohio –Citizens Council on Human Relations.

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

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager to advertise for bids and to execute a deed for the transfer to the person or entity submitting the best bid over the minimum appraised value of \$50,000 certain surplus City real estate located at 720 and 722 Sixth Street, Portsmouth, Scioto County, Ohio, as described in the attached legal description.

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

Councilman Kevin E. Johnson asked the City Manager if the property was the building and the parking lot adjacent and he replied “no” it was just the two buildings, there’s no parking lot. Councilman Saddler stated that there may have been parking directly behind the building. Manager Allen stated that he may asked that this be tabled but it could go through with the first reading. He said there’s been some discussion that was informally submitted and he would like to go into Executive Session to discuss the item at the next meeting. He suggested the possibility of possibly swapping some properties.

There were no questions or comments. The role was called. **VOTE: 3 ayes – 1 nays (J. Kalb), 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. She received from the Ohio Division of Liquor Control the Licensing Fee Distribution list.
2. She received the following Oaths of Office:
 - a. Earl Braun for the Traffic Committee.
 - b. Nicholas Rymer as a firefighter
 - c. Cory Sloas as a firefighter
3. She received from the Ohio Division of Liquor Control a request for a new C1 license for the Clarks Pump N Shop Inc. dba Clarks Pump N Shop 55 at 2626 Gallia Street – Portsmouth, Ohio. There have been no objections and this was approved.

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 was honored to participate in the swearing of two new firefighters at Central Fire Station.
3. The masonry repairs have been completed and the transformers installed at Branch Rickey Park. They've become aware of a problem with the wiring shorting out on one of the poles and they are waiting for the Fire Department to bring the aerial truck over to get an electrician to make the repairs and they are trying to get it completed by June 6th for the Gene Bennett baseball tournament.
4. There were various request to have some items taken care of and he advised that he doesn't always have time to reply but one issue was couches on Highland Avenue and another issue was the trees growing out of the Mausoleum gutters. He was very happy with the way the cemetery looked with the limited resources.
5. He mentioned earlier about the sinkhole situation for pump station #2 and the floodwall certification is 99.9% complete and he believed that it would be moving forward because everyone had signed off on it and he's hoping the sinkhole situation doesn't hold it up.
6. He thanked everyone in the Grandview Avenue area for their patience and they anticipate all the bidding to be done by the end of the week. They are going out to bid for resurfacing as they will be resurfacing the streets around that area where traffic had been detoured. In addition to those streets, Oakland Boulevard will be resurfaced once the road had settled and there's another street in Sciotoville that will be resurfaced.
7. There were some minor road slips on Kenwood Avenue in Sciotoville and the contractor was proceeding to fix the slips.
8. Last year there was a rockslide between New Boston and Sciotoville and a contractor had to be brought in and they are continuing to clean it up.
9. The crews are out mowing and trying to make things as presentable as possible.
10. He had a walk through with Shawnee State University in which they toured the perimeter of the campus and identified the parcels of property that were under the University's jurisdiction and which were under the City's jurisdiction. They are trying to come up with a plan so that if there are streets to be resurfaced or any improvements or anything involving the Police Department, then we are all aware of where the responsibilities fall.
11. The Tracy Park Restrooms were not requested to be opened for the TOSRV, but the City did go ahead and open them.
12. The City Crews cleaned up Spartan Stadium and cut the grass inside in preparation for the throwback game. Notre Dame's mowers were down.

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 acknowledge the great conditions of the cemetery as he did attend the Memorial Day ceremony and everything looked very good. He thanked Councilman Saddler and his group's efforts in putting together a very nice ceremony.

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

City Solicitor – Mr. Gerard had no report.

Auditor Williams – Auditor Williams reported the following.

1. They received the Moody's rating for this year and it was good news. There was a slight improvement over last year with mainly maintaining the rating that we have but removing the negative outlook. He believed that it will continue to improve over the next couple of years. Moody's did recognize that the City had made improvements but would not change the rating until the city had gotten past the point of actually producing a result that we hope to see in the next few years. Acting Mayor Kalb asked if the improved outlook by Moody's was a result of the voters seeing the need for and passing the income tax increase and he stated that "yes" that was probably the primary reason.
2. He attended the Portsmouth City School educational forum.
3. He attended the reenactment game of the Portsmouth Spartans.
4. He thanked Councilman Saddler for another great Memorial Day ceremony. He said the choice of a speaker (Scott Osborne) was very good. He too commented on the conditions of the cemetery and how good everything looked.
5. The Gene Bennett tournament will be coming up soon and he invited everyone to the event. He said that this will be the 5th year and every year it has grown. The event started out with 8 teams and there are now 22 teams that will be participating in the event this year. They play on Branch Rickey as well as 6 other fields throughout Scioto County and in Kentucky.

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 had no report due to absence.

2nd Ward – Councilman Saddler reported the following:

1. He thanked the citizens of Portsmouth for coming out to Greenlawn cemetery for the Memorial Day ceremony. He praised John Blevins and Sandy Rawlins and all the other employees that worked towards making the cemetery look good for the ceremony. He asked Manager Allen to pass his appreciation along to all the employees. He thanked the Police Department for escorting the parade route and also thanked Scott Osborne of the Fire Department as he was the featured speaker. He was the first enlisted military personnel that had ever spoken for the Memorial Day ceremony and he did a great job.
2. He stated that City Council recently passed an Ordinance to spend \$1,633 on swing set seats. The seats are in and he would like to get together with the newspaper to do a photo op this week as he'd like to thank everyone that was a part of raising that money. This will replace all of the swing set seats in all the local parks that have those type of swings. He thanked Council for letting his Committee use the City account to store the money until the seats could be purchased.
3. He stated that on the 30th of May, his Parks & Recreation group will be having a clean-up day at York Park and asked for volunteers to help clean-up that park. His committee will be going around to the different city parks to help assist the groups that have adopted the parks.
4. He thanked Service Director Bill Beaumont and Manager Allen for getting the dirt to fill underneath the swings at Buckeye Park. He said that it could actually use more and maybe in the future, when they have time they could deliver more.
5. He thanked Manager Allen for the job that he does in general and for the City. He said that Manager Allen was making a difference and he understood that it was still an uphill battle. He stated that he appreciated his leadership and dedication to the cause which was something that this city had lacked for 30-40 years.

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

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows had no report due to absence.

6th Ward – Councilman Kleha had no report.

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

City Clerk

Acting Mayor