

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**

Monday May 8, 2017

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday May 8, 2017 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 (Absent)
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
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.

Councilman Kevin W. Johnson'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 24, 2017 and Special Session of April 27, 2017 on a motion by Councilman Kevin E. 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**

**Fire Chief Bill Raison – Gallia Street Portsmouth, OH** – He spoke about the work camp that the City Manager brought to Council's attention at the last meeting and apologized for not being able to attend. He encouraged Council to seriously consider funding the project as he had been involved with the work camp program for over 30 years even when he was young. They have worked in Portsmouth a number of times and he knew the impact that it had on young people in working with other communities to bring these types of housing projects to their community. They are bringing the camp to Portsmouth because it was supposed to be somewhere else this year but that community backed. There will be approximately 250 people that will come and they are partnering with Portsmouth City Schools where they will stay. They are trying to improve the community especially with owner occupied housing that need repairs. He spoke with a retired man on 6<sup>th</sup> Street whose home was very nice but needed a new roof due to leaks, the man could not afford a new roof on his house and if the roof is no good the building isn't going to last long. The value of the program is tremendous and matching funds has always been an issue. Every time that they go to bring something like this into a community they need some matching dollars and the rest of the money was provided by the campers who attend. They really need the matching funds from the city and he encouraged Council to approve the legislation.

Councilwoman Aeh motioned to add a Resolution to the agenda as item 7(f) authorizing the submittal, by the City Manager, of a FY 2016 Community Development Block Grant (CDBG) and a Residential Public Infrastructure Grant program.

Item added to  
Agenda

The motion carried viva voce: **VOTE: ayes 5 – nays 0, the item was added to the agenda.**

Councilwoman Aeh motioned to add an Ordinance approving and ratifying the recently negotiated collective bargaining agreement between the City of Portsmouth and F.O.P. Lodge 33 as item 7(g).

Item added to  
Agenda

The motion carried viva voce: **VOTE: ayes 5 – nays 0, the item was added to the agenda.**

Councilwoman Aeh motioned to add an Ordinance authorizing any funds deposited into Revenue Fund No. 207.4363 pertaining to Supreme Court of Ohio Technology Grant Fund be appropriated as received into Court Computer Fund Line Item No. 207.111.5536.

Item added to  
Agenda

The motion carried viva voce: **VOTE: ayes 5 – nays 0, the item was added to the agenda.**

**LEGISLATION**

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, 2019.

Councilman Kevin E. 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 have improvements made to the Mound Park Tennis Courts and that \$50,000 be appropriated from Capital Improvement Fund No. 301

Councilwoman Aeh motioned to waive the three reading rule so that they could get started on the court.

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

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

Councilman Kevin E. Johnson asked Manager Allen to go over how the amount came to \$50,000. Manager Allen said the group had already given the city \$20,000 and they were just waiting for the ordinance to be passed. Half of the tennis courts at Mound Park will be converted into Pickle Ball courts and the city will pay to resurface and reseal the other four tennis courts and the city will also replace the fence around the complex. Mr. Johnson asked if it was a \$70,000 project and Manager Allen said “no” that it was \$47,000 and the Pickle Ball League had given \$20,000 to the city. Mr. Johnson asked why we were appropriating \$50,000 when they’ve already given us \$20,000; shouldn’t the ordinance read \$30,000 and Manager Allen replied because we have to accept the check and appropriate the money they gave us. Mr. Johnson said that it appeared misleading on paper. Auditor Williams explained that he couldn’t spend money that’s given to the city without Council’s authority and Council needed to give the appropriation of the full amount and not just the portion from the city. Councilwoman Aeh asked if the Ordinance should read that we accept the \$20,000 and appropriate it and the \$30,000. *Councilman Lowe has asked that his statements be verbatim.* Councilman Lowe made the following statement. “I’m not against the uh recreation here but uh I got stuff that needs fixed infrastructure that needs fixed in my ward and I think we ought to be spending the money towards that instead of recreation, thank you”.

Councilwoman Aeh motioned to amend the ordinance to read: Authorizing the City Manager to have improvements made to the Mound Park Tennis Courts and that \$30,000 be appropriated from Capital Improvement Fund No. 301 and accepting \$20,000. Solicitor Haas said that the \$20,000 needed to be accepted first and then appropriate the full amount. Clerk Ratliff read back what had been discussed “accepting \$20,000 from Mound Park Pickle Ball League and that \$50,000 be appropriated from Capital Improvement No. 301.” There was more discussion, Solicitor Haas ask Auditor Williams what his pleasure was and Mr. Williams said he was fine with it as long as \$50,000 was appropriated. He said he believed that Mr. Johnson just wanted the ordinance to show that the \$20,000 was coming from a source other than taxpayer dollars. Solicitor Haas said he would work on the wording as we have additional readings left. Mrs. Aeh removed her motion to amend.

There were no further 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 of Portsmouth to contribute \$7,500 to the Reach Mission Home Rehabilitation Project in 2017 and to appropriate the same from the unappropriated monies in the General Fund. 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.

**Ord. #26-17  
 Matching  
 funds for  
 Reach  
 Mission Home  
 Rehabilitation  
 Project**

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

There were no further questions or comments. **The role was called. VOTE: 4 ayes – 1 nays (T. Lowe), the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$8,000 from General Fund No. 101 into Engineering Miscellaneous Services Line Item No. 101.112.5299 for emergency tear down of property, and where necessary, giving authorization to the City Manager to enter into a contract with the lowest and/or best bidder for the aforesaid tear-down. 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 Aeh 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 nay (K. E. Johnson), the rule was suspended.**

Councilman Kevin E. Johnson motioned that the Ordinance be passed. He asked for an explanation as to why this was being done on an emergency basis for the benefit of those in attendance. Solicitor Haas replied that the explanation was in the Ordinance, but explained that there was a code section and it was the code that required this be a special appropriation from Council to do this emergency tear-down due to a situation in Sciotoville that needed taken care of. Mr. Johnson thanked Solicitor Haas for giving the explanation for the benefit of those in attendance this evening.

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 a Resolution authorizing the submittal of a FY 2017 Community Development Block Grant (CDBG) application and accepting grant and obligations, if funded.

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

Manager Allen said that this was \$500,000 for the Sunrise water main project that we weren't sure we were going to get and it seemed that we would receive it. Councilman Johnson asked what the total of the project was and Manager Allen replied \$3,200,000 and this was for the 30 inch water main that goes up Offnere Street down Kinneys Lane and up Sunrise Avenue and supplies water to the underground reservoir. It had burst quite often in the past several years and when it burst it took about 12-20 hours to repair the pipe and it caused significant damage not only to the road but had actually flooded some homes.

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

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 a Residential Public Infrastructure Grant program application and accepting grant and obligations if funded. 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 E. Johnson motioned that the Resolution be adopted.

Manager Allen said this was the \$500,000 for Sunrise Avenue and the Resolution we just passed was for Mound Park.

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

The clerk gave a **first 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.

Councilwoman Aeh asked Solicitor Haas why Council was being requested to suspend the rule because she had questions about this legislation. Solicitor Haas said that he had anticipated that someone would move to go into Executive Session to discuss the collective bargaining agreement as Attorney Ben Albrecht was here to discuss and answer any questions that Council may have. Mrs. Aeh said she was concerned that by adding this, it would be public and they would not be allowed to discuss it in Executive Session. The Charter states that certain things such as raises and positions, but this came close to stepping on

Ord. #27-17  
 Emergency  
 tear down of  
 Coolidge  
 Avenue  
 Sciotoville  
 property

Res. #09-17  
 CDBG  
 application  
 for Mound  
 Park

Res. #10-17  
 CDBG  
 application  
 and  
 Residential  
 Public  
 Infrastructure  
 Grant  
 program

the line of interfering with administration. It was Council's right by Charter and when she agreed to add it, she was not aware that the rules would be suspended and thought that there would be at least one reading. Solicitor Haas said that Council was welcome to give a first reading but Attorney Albrecht was present to answer questions and Mrs. Aeh said that no one told her that Mr. Albrecht would be present. Solicitor Haas said that the contract had to be ratified within 30 days of the date that it was accepted by the F.O.P. which would provide only one more meeting between now and then.

Councilwoman Aeh moved to recess into Executive Session to discuss the ratification of the F.O.P. contract. She invited Attorney Albrecht, Manager Allen and Solicitor Haas into Executive Session. Manager Allen said that it would be best to do that at the end of the meeting so that it doesn't hold the public up. Mrs. Aeh said it would have to be tabled and Solicitor Haas said that Council could give it a first reading because we would still be within the timeline.

Councilman Johnson requested that a first reading be given and move into Executive Session at the end of the meeting. Mrs. Aeh said that Council was not informed that Attorney Albrecht would be present to discuss the contract. Councilman Meadows addressed Council and said Mr. Albrecht is here and the clock was running. Solicitor Haas asked Council what they were expecting to do tonight and Mrs. Aeh replied there was nothing given to Council that said that Attorney Albrecht would be in attendance and she apologized to him. Manager Allen said that Council had had this for a week and he hadn't gotten a single phone call from anyone. Mrs. Aeh said that she had a busy week and a death in the family. Manager Allen said that Attorney Albrecht was present for Council's benefit and would answer questions and explain what had been negotiated.

Kevin E. 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.**

The clerk gave a **first reading**, to an Ordinance authorizing any funds deposited into Revenue Fund No. 207.4363 pertaining to Supreme Court of Ohio Technology Grant Fund be appropriated as received into Court Computer Fund Line Item No. 207.111.5536. The Court requests that City Council pass the legislation as an emergency, as the Court only has thirty days (30) to pay out the Grant Funds. 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.

Ord. #28-17  
 Accepting  
 grant funds  
 from  
 Supreme  
 Court of  
 Ohio  
 Technology  
 Grant  
 Fund

Councilman Kevin E. 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: 5 ayes – 0 nays, the rule was suspended.**

Councilman Kevin E. 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.**

#### **STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA**

**Debra Gambill 3130 Michigan Avenue – Portsmouth, OH** – She spoke on behalf of the Friends of Greenlawn Cemetery Foundation and she gave Council a handout of their Board of Directors. She said that they've put together a group of individuals who want to do projects in Greenlawn Cemetery for improvement. They don't want to utilize city funds, but they want to make repairs, do a memorial garden, monument restoration and to work on making it a better and safer place. She said ideally the number one focus would be security and then they would like to digitalize the records so that anyone anywhere could log on and find information about the cemetery. They would use a navigation system that would allow people to physically pull up the website on a person's smart phone and upload genealogical and community information. She gave an example of a person's family in which they could input the genealogy information as well as photographs and it would become informational to everyone because we view that as important because that's where our founding fathers were buried. They started on this in January and had ideally hoped that by Memorial Day they would have boots on the ground.

**Thomas Bailey – 924 Gay Street – Portsmouth, OH** – He gave an update about the McKinley Pool project. He said they had two volunteers that replaced the upper siding of pool free of charge and the next task would be to power spray the inside of the pool and paint the outer fences black. He said that as of today, they had six candidates for Life-Guard training and he understood that the city would be paying for four candidates

and he had obtained sponsorship for the other two candidates and their training would be on May 29<sup>th</sup>. He will be meeting with Attorney Ruggiero to go over the paperwork for the 501C3 status.

**MISCELLANEOUS BUSINESS AND REPORTS:**

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

1. She attended the Tree City Celebration which went very well. The rain was averted and the Tree Commission had a wonderful turn out of about 500 people. The Commission wanted to thank those involved: The Spirit of the Drum Circle; Portsmouth Elementary Choir; Steve Free; Councilman Kevin W. Johnson for reading the Proclamation; Southern Ohio Medical Center to the donation of a planted tree in Tracy Park; American Savings Bank for donating 125 tree saplings to be given out at the event; Main Street Portsmouth for the donation of a large tent; to all the vendors and businesses that were a part of the event. A great day was had by all.
2. She prepared the Proclamation for the Goodwill Industries which will be holding an open house tomorrow May 9<sup>th</sup> at 11:00 and are having a Hawaiian theme this year.
3. She received via email on May 1, 2017 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending April 30, 2017: Expense, Revenue and Fund.
4. She attended the open checkbook kickoff at the Welcome Center on May 3<sup>rd</sup>.
5. She received from Andy Gedeon a bid of \$500 The Broken Need of Healing (Rocky Duncan), for the vacant property located at 1831 7<sup>th</sup> Street, Portsmouth, Ohio. The applicant stated that they will build a building that will be utilized to serve the community. Mr. Gedeon recommended that we accept the Broken Need of Healing's bid.
6. She attended the Workplace Violence presentation today at the Welcome Center.

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: 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 there were a lot of good things happening around the city; the Community Development Director worked with the Shawnee State students to submit a grant request to Kaboom playground equipment in the amount of \$100,000 but believed in the preliminary look that it would get funded at \$15,000.
3. An application had been submitted for a \$22,000 Natureworks grant for lighting at Mound Park.
4. The City was making a joint application with Scioto County for the Community Housing Improvement Program (CHIP) which our share would be \$400,000 to be applied to homes within the community.
5. The City has submitted an application again this year to the Ohio Department of Transportation (ODOT) for grant funding for a multi-use path from Alexandria Point through Shawnee State University down to Offnere.
6. The City was going to make an application to the Appalachian Regional Commission (ARC) for \$250,000 for the Sunrise Water Main. However the city choose to accept \$225,000 guaranteed funding in lieu of the \$250,000 as it may not be funded in the future.
7. The City received grants of \$303,000 from Jobs Ohio and \$85,000 from the Ohio Department of Transportation for road improvements on Pershing Avenue in Sciotoville which would widening Pershing back to the former KSA which is now Rocla Concrete Ties. They are making a significant investment in that facility. We've negotiated and lobbied for funding to help with that road and received almost a half million dollars.
8. He said that Friends of Greenlawn Cemetery were looking to make an investment in the community.
9. The Scioto County Land Reutilization Corporation has started taking houses down and they've been cleaning up some houses that were in deplorable conditions.
10. Officer Tiffany Hedrick accepted the position of Code Enforcement Officer and she began May 2<sup>nd</sup>. She's currently creating a list of high weeds and houses that were unsecured and vacant.

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: 5 ayes – 0 nays.**

**Mayor's Report** – Mayor Kalb had the following report:

1. He said that per Council rules his intention is to appoint Ralph Bussey to the Design and Review Board and he will make the announcement at the next meeting to become official.

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: 5 ayes – 0 nays.**

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

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

1. April's General Fund - \$1,300,134 which was \$309,500 more than last year in the same month which was \$622,171. The new tax revenue collected was \$294,413. Total collection included in both General and Capital was \$1,477,614 which was \$341,499 more than last year and the accumulated total compared to last year was \$645,900.  
 Major Fund Balances – General Fund \$2,809,741, Streets \$256,687, Water \$244,274, Sewer -\$1,643,635, Sanitation \$279,837 and Insurance \$1,564,246.

Mayor Kalb asked why there was a big discrepancy in the General Fund which was \$2,809,741 and last year it was only \$307,546. Auditor Williams said he didn't have that information at this point but would report back to him. Manager Allen said that it was probably the new income tax which went into effect in January 2016 and it hadn't been collected at this point, Auditor Williams agreed.

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: 5 ayes – 0 nays.**

### **MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

**1<sup>st</sup> Ward** – Councilman Kevin W. Johnson had no report due to absence.

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

1. She attended the kickoff to the "Save Portsmouth Spartan Stadium" Saturday with Tom Kayser and she applauded the group for their efforts as well as Dr. Sean Dunne for his initiative in successfully applying for the State Farm Neighborhood Assist Grant and for the supportive votes from members of our community. She said these were the types of things that make us a good community.

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

1. He had received a couple of residential complaints which had been worked out thanks to our City Manager and Solicitor. He had a couple more that he needed to get with the City Manager on regarding illegal dumping.
2. He thanked Mrs. Gambill for coming to the meeting and he loved that what she was doing and expressed how wonderful it was.

**4<sup>th</sup> Ward** – Councilman Kalb reported the following:

1. He requested an update on Grandview Avenue widening.

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

1. He thanked the City Manager for having the curbs painted around 6<sup>th</sup> and Court Streets.
2. He addressed Chief Ware and said that the Double Parking had stopped.

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

"I just got a couple things here. Uh, the grass in the medium like to thank the Manager for gettin that taken care of below the underpass and the Coolidge cleanup Mr. Andy Gedeon headed that, excellent job. And uh, like to say uh congrats to uh my little league team "The Villers" they're 5 and 1 I believe and that concludes my report."

Councilwoman Aeh moved that they recess into Executive Session to discuss the negotiations with the F.O.P. lodge 33. Mayor Kalb invited the City Manager, Solicitor and Attorney Albrecht.

**Executive  
Session**

The roll was called and the motion carried. **VOTE: ayes 5 – nays 0, they recessed into Executive Session at 6:52 p.m.**

Councilman Meadows moved that Council reconvene from Executive Session.

The roll was called and the motion carried. **VOTE: ayes 5 – nays 0, Council reconvened at 7:30 p.m.**

The meeting adjourned at approximately 7:30 p.m. on a motion by Councilwoman Aeh.

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City Clerk

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Mayor