

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday June 12, 2017

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday June 12, 2017 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Mayor James D. 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)
Jo Ann Aeh	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Thomas K. Lowe	6 th Ward (Absent)

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

Councilmen Kevin W. Johnson and Lowe's absence was excused on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 4 – nays 0.**

Council dispensed with the reading of the Journal for the regular session of May 22, 2017, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 4 – nays 0.**

There was no public hearing.

Councilwoman Aeh moved that they recess into Executive Session to discuss the proposed AFSCME 1039 tentative agreement and the litigation regarding opiates. Mayor Kalb invited the City Manager, Solicitor and Attorney Albrecht.

The roll was called and the motion carried. **VOTE: ayes 4 – nays 0, they recessed into Executive Session at 6:05 p.m.**

Executive
Session

Councilman Kevin E. Johnson moved that Council reconvene from Executive Session.

The roll was called and the motion carried. **VOTE: ayes 4 – nays 0, Council reconvened with all still in attendance at 6:40 p.m.**

Councilwoman Aeh motioned to add to the agenda as item 7(d) an Ordinance approving and ratifying the recently negotiated collective bargaining agreement between the City and AFSCME 1039. The motion carried viva voce: **VOTE: ayes 4 – nays 0.**

2 Items added
to the agenda

Councilwoman Aeh motioned to add to the agenda a Resolution authorizing the City Manager to retain Paul T. Farrell, Jr. of Green, Ketchum, Farrell, Bailey & Twell, LLC on a contingent fee basis with regard to the opiate abuse. The motion carried viva voce: **VOTE: ayes 4 – nays 0.**

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 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 E. Johnson motioned that the Ordinance be passed.

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

Ord. #31-17
Improvements
to Mound
Park, new
Pickle Ball
Courts

The clerk gave a **third 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

Ord. #32-17
Ratifying
FOP
collective
bargaining
agreement

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 Ordinance be passed.

Councilman Kevin E. Johnson noted that this was ceremonial only because the contract had already gone into effect. Solicitor Haas said that this showed that Council supported the contract.

There were no further 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 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 E. Johnson motioned that this constitute a second reading.

There were no further 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 approving and ratifying the recently negotiated collective bargaining agreement between the City of Portsmouth and AFSCME 1039, 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.

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

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

The clerk gave a **first reading**, to a Resolution to declare that opiate abuse, addiction, morbidity and mortality is a serious public health crisis in the City of Portsmouth and is a public nuisance; and further, to authorize the City Manager Derek K. Allen to retain Paul T. Farrell, Jr. of GREEN, KETCHUM, FARRELL, BAILEY & TWELL, LLC, on a contingent fee basis, to investigate and hold accountable those in the chain of distribution, including the wholesale distributors, who caused this public health crisis and abate the same by seeking all civil remedies which may be afforded under Ohio law.

**Res. #11-17
Retaining
Green,
Ketchum,
Farrell, Bailey
& Twell
regarding
Opiate Abuse**

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

Councilman Kevin E. Johnson stated that a couple of the councilmembers weren't in attendance but Councilman Kevin W. Johnson expressed via email that he fully supported the Resolution. Mayor Kalb said that there was nothing on paper but Councilman Lowe did express to him that he was in favor of this legislation also.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Thomas Bailey 924 ½ Gay Street – He thanked the City Manager and the staff for helping with the McKinley pool upgrades and he looked forward to the pool opening tomorrow.

Vina Colley – P.O. Box 136 Portsmouth, OH – She requested information regarding the Dayton-Walther plant. She had obtained affidavits from former employees stating that waste from Paducah and Piketon was sent to that site and if that was true, the site might qualify for the Brownfield money for superfund sites. She said that she believed Portsmouth got \$300,000 and she would like that site looked at for a recommendation to do something with it because it was her understanding that there was radiation going into the Ohio River from the wells. She said that the affidavit stated that the workers witnessed trucks coming on site from Paducah. She said that she had tracked waste from Piketon that was sent to Williamsburg, Ohio and that site had become a superfund site. If waste had been sent to that property on Charles Street then it could become a superfund site and the State could help pay for the cleanup of that site and hopefully put some type of industry in that location.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received from Andy Gedeon the following bids for the Land Reutilization program.
 - a. \$1,000 bid from Robert Whisman for vacant property at 1629 7th Street, he is in the process of purchasing the adjoining property and will use the lot to expand his existing property and possibly build a new house.
 - b. A \$250 bid from Robert Whisman for the vacant property located at 1207 Coles Alley, Portsmouth, Ohio. Mr. Whisman will keep and maintain this vacant lot. Mr. Gedeon recommended that all bids be accepted.
2. She received via email on June 1, 2017 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending May 31, 2017: Expense, Revenue and Fund.
3. She received on May 31, 2017 the franchise fee from Charter Communications in the amount of \$50,916.74 for February, March and April of 2017 and it was deposited in the Auditor's office the same day.
4. She received June 12, 2017 from the Ohio Division of Liquor Control a request for a transfer of ownership for Portsmouth Beer & Wine Co., LLC DBA Party Connection at 2034 11th Street Portsmouth, OH.
5. She received June 12, 2017 from the Ohio Division of Liquor Control for a request Economic Development Transfer from Roger A. Carson DBA Berils Bar & Grill at 706 East Main Street Piketon, OH to Southern Ohio Rep LLC DBA Rapid Fired Pizza at 828 11th Street Portsmouth, Ohio.

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: 4 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 congratulated Ben Fugitt who recently retired after 36 years of service to the Portsmouth Police Department.
3. Lynsey Shipley won the State Championship in her event in Track & Field. She is the daughter of Police Officer Juan Shipley. He requested the Mayor issue a Proclamation on her accomplishment as well as a Resolution. He will contact the family members as he thought it would mean a lot to them. Mayor Kalb ask Manager Allen to submit the information to the City Clerk.
4. He welcomed the Reach Mission who were in town working on approximately 15 owner occupied houses. They are putting on roofs, fixing porches, and building handicapped ramps. He thanked the Portsmouth City Schools for letting them use their buildings as the headquarters and allowing them to sleep in the gymnasium.
5. He spoke to the Traffic Division about erecting signs at the entrances to the City. He will double check on the status.

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: 4 ayes – 0 nays.**

Mayor's Report – Mayor Kalb reported the following:

1. He had sent an email to all of Council advising them that the person that he had previously mentioned for consideration to the Design and Review Board was not going to be able to fill the position. He advised that he intended to appoint Charles (Chuck) Davis to the position. Mr. Davis is a professor at Shawnee State University with a background in design and digital arts. His address is: 1133 Meadow Lane Portsmouth, Ohio 45662, his phone number is: 740-464-0396 and his email is: bestksivad@yahoo.com

**Design &
 Review
 Appointment
 Charles
 Davis**

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: 4 ayes – 0 nays.**

City Solicitor – Solicitor Haas reported the following:

1. He thanked Ben Fugitt for his service to the city. Mr. Fugitt retired recently and had a nice and very well attended retirement party at the Welcome Center.
2. He said there was a lot going on in the city and it seemed like things had picked up since the weather had gotten warmer. He said a lot of it could be viewed on Social Media. He added that the City Manager, the Police Department, Probation Office, the County Probation Department, the Fire Fighter Tactical EMT's have been going out and doing more drug sweeps over the last several months but it had picked up more recently and been very affective.
3. He attended the Civil Service meeting and reviewed the test result from the Civil Service exam that was given several weeks ago for the Dispatcher's position. There were 45 people that took

the test and only two (2) positions. He expressed his satisfaction with the Civil Service testing as the hires that have been made since this was re-implemented for AFSCME and some of the other positions have helped.

4. He said they had been dealing with some reports that the EPA needed on the Consent Order that the City had agreed to.
5. They have been working with a law firm, Jason Kester, and Adam Phillips on the Downtown Redevelopment District (DRD) which will be reviewed during the Conference Agenda. He said one of the things he had been working on trying to straighten out was the agreements with the Land Bank. There needed to be written agreements with respect to the properties in the city and what would happen to those should the Land Bank fail or wasn't worth pursuing. He will continue to work on those with the County.
6. They met with the attorney over of the opioid litigation.
7. He attended the Charter Review Committee meeting last week as he currently was serving as their secretary and it was one of the best meetings that he had attended of all the boards that he has had the pleasure of serving on or attending.
8. He said they had been working with the insurance company, the County, and the Sheriff's Department to provide tactical EMT trained fire fighters. They've been doing a lot of training in order to be considered tactical EMT's and to go out on drug sweeps, they attend the sweeps in case someone needed emergency assistance. They also want them to be involved county wide and are working on agreements with the County and the Insurance Company for the County.
9. He said that it had been very busy at the City Building and good things were happening.

Councilwoman Aeh ask if the EMT that have had the tactical EMT training would be carrying guns on regular calls. Solicitor Haas said it would be pre-arranged situations where they are needed on site just in case something might happen, or if they're called out because something was going on like an active shooter situation, but for day to day calls they would not be carrying firearms. The firearms will be locked down and they won't have access to them. The agreement between the County Sheriff, the Police Department and the Insurance Company state that it would be for defensive purposes only, they would be there in case someone would be shooting at them, at officers or at the public and not for a general call. He said there were eight (8) total and most of them were ex-military and very capable. He also added that they were doing this as part of their job and as a service to the City and County and were not getting paid extra. Mayor Kalb asked when we were going to start billing for EMT services, Manager Allen said that he would be bringing that to Council in July

The City Solicitor'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: 4 ayes – 0 nays.**

Auditor Williams – Auditor Williams was absent but had a written report.

1. May's General Fund - \$1,050,563 which was \$58,879 less than last year in the same month which was \$563,292. The new tax revenue collected was \$237,597. Total collection included in both General and Capital was \$1,194,028 which was \$71,902 less than last year and the accumulated total compared to last year was \$573,999.
 Major Fund Balances – General Fund \$3,107,366, Streets \$272,643, Water \$320,976, Sewer -\$1,616,871, Sanitation \$338,216 and Insurance \$1,648,466.

The City 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: 4 ayes – 0 nays.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Kevin W. Johnson had no report due to absence.

2nd Ward – Councilwoman Aeh reported the following:

1. She said this wasn't in her ward but she took Gallia Street when going to 11th & 12th if she's heading to the Eastern part of town. She said there was a stop sign that caught her attention and it looked professional. Under stop, there were the words "drop and roll". Manager Allen ask where it was at and she replied that it was past the fire station and it was where you merge into traffic. She had been looking around to see if we had any other stop signs that were like that and we don't.

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

1. He addressed the City Manager regarding Sheridan Road as he had been told that an Engineer would be there to assess the situation. Manager Allen said he had a proposal to do the evaluation on the basin. He said that the homeowner had done a bunch of work putting drains in. Mr. Johnson said there was still an issue with the pipe at the other end and the Engineer was supposed to look from the top to the bottom, he requested to be notified when the Engineer would be there as he would like to be in attendance as well as the homeowner who knows the problem and it would be nice to have his input.
2. He ask if we found out if the Gas Company was working after 11:00 p.m., Manager Allen said that he had not heard back from them.

3. He also ask about the bricks on Highland Avenue and if they were still going to be put back. Manager Allen said they were being stored somewhere so that they don't get stolen and they would be put back in the street once the job was completed.
4. He thanked all of the volunteers that participated in the Clean-up day in Portsmouth. There was a large turnout and a lot of trash was cleaned up.
5. He had the honor of being in the Memorial Day parade and the honor of speaking at the service at Soldier Circle. He thanked all of the people that were involved in the Memorial Day celebrations and showed respect and honor to our veterans. He expressed his gratitude to all of the veterans that have served and that are serving now as we owe them a debt of gratitude that we can't repay.

4th Ward – Councilman Kalb reported the following:

1. He congratulated Officer Fugitt and had planned to be at his ceremony but wasn't able to attend.
2. He noticed in the Manager's written report that he had met with or intended to meet with the representatives for the Grandview widening project. Manager Allen said that they had sent their qualifications and he told them to go ahead and send the proposal for the design which was what he was waiting on.
3. He thanked Vice President Kevin E. Johnson for doing the Memorial Day ceremony as he was unable to attend.
4. He congratulated Miss Shipley on her accomplishments and we would do an official proclamation at the next meeting.

5th Ward – Councilman Meadows reported the following:

1. He said this wasn't in the 5th Ward but he was downtown on Chillicothe and Sixth Street and the "Walk – Don't Walk" lights were not working.

6th Ward – Councilman Lowe was absent but sent a written report as the follows:

1. He requested an update on Munn's Run. What was happening with the clearing out of the watershed area and what is the expected date.
2. He first reported an issue with high grass at 760 Bonser (Habitat for Humanity house) on May 9, 2017 and it was still not cut.
3. He first reported that the alley between Harrison and Winchester to Bloom Street behind 1st Stop needed patching on February 14, 2017 and to date nothing had been done.
4. He first reported the gaping hole in the fencing in the 6400 block of Bahner Road on August 26, 2016, September 11, 2016, February 27, 2017 and then again on May 22, 2017 with no action taken or information on repairing fence to this date. People were complaining about the safety issue that existed as this was open to U.S. 52.
5. On March 24, 2016, February 27, 2017 and May 22, 2017, he reported that a house located at 5424 Wilson Avenue (property #34-2387) was a burned out house. Nothing had been done to remedy the problem on the house. It was an eyesore to the neighborhood, possible health issue with rodents etc. The property owner had yet to remedy the problem other than a basic cleanup and it presents a safety issue with children playing in the neighborhood. He questioned why the property owner wasn't being held accountable as the house burned some time in 2014.

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

City Clerk

Mayor