

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday June 13, 2016
 6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday June 13, 2016 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 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

Also present was City Manager Derek K. Allen, City Solicitor John Haas, 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 May 23, 2016 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

There was no Public Hearing

Councilwoman Aeh motioned to add two items to the agenda. As 7(s) an Ordinance authorizing payment to Distel Construction in the amount of \$83,406.00 to be paid from the Wastewater fund No 621 for emergency work performed to repair a sewer collapse/sink hole on Third Street between Market and Jefferson Streets. Also 7(t) an Ordinance authorizing the City of Portsmouth to apply for, accept, and enter into a cooperative agreement for planning of the Sunrise Reservoir 30 inch water main replacement project. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Items added to the agenda

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 transfer of \$11,109.19 from Unclaimed Monies Fund No. 803 to General Fund No. 101 accumulated for years 2011 and 2012.

Ord. #32-16 Transfer of Unclaimed Monies accumulated for years 2011 & 2012

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

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

The clerk gave a **third reading**, to an Ordinance to submit to the electors of the City of Portsmouth, Ohio, at the General Election to be held on the 8th day of November, 2016 a proposed renewal tax levy for the Flood Defense System of the City of Portsmouth, Ohio, after declaring the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors to be insufficient.

Flood Defense System defeated

Councilwoman Aeh motioned that the Ordinance be passed.

Councilman Lowe stated that he realized the importance of the levy and he’s wasn’t against it, however one of his campaign promises was “no new rates, levies, taxes or fees” and intended to hold true to that and would be voting “no” against the Ordinance. Solicitor Haas reminded Mr. Lowe that the levy was not new but a renewal and was necessary for the maintenance of the flood defense system in the City of Portsmouth part of which covered the 6th Ward along Walnut Street. Mayor Kalb added that this was not City Council renewing the fee but the vote would be to put it on the ballot to let the citizens decide. Councilman Meadows stated that he renewed his tags for his vehicles and driver’s license, the cost was \$175.00 and he expressed that he was taxed out. He said that he didn’t have a problem with the license and tags because everyone paid it, but this was a situation where everyone was not paying for it. Mr. Basham said it very well at the last meeting, in that if there was a flood everyone in the city would suffer, but also if there was a flood everyone should chip in and there should be a more fair and equitable way to fund the flood defense. He suggested exploring some options but he had some concerns about continually dumping on the

property owners in the city when other organizations should be contributing as well. Mayor Kalb said there had been some discussion over the past few years regarding a storm water fee which he felt would be fairer than having just the taxpayers paying property taxes. He said that this was important and necessary and wasn't sure but doesn't believe that it has ever failed, and he reiterated that fact that the vote was to put it on the ballot to let the voters decide. Councilman Kevin E. Johnson said that he lived on Grant Street in Portsmouth and he didn't see the likelihood of his home ever being flooded, but as former Councilman Basham said at the last meeting that if we were to experience a flood that we all would lose, whereas he doesn't have a problem paying. He agreed with Councilman Meadow's statement and had a problem with others not ponying up and a very wise individual brought up to him about a storm fee tax and believed it should be looked at sooner rather than later and would like to see this legislation be for one year rather than five years. He added that whether this passes or fails he believed that Council should look at other means and others paying their fair share. Councilwoman Aeh asked Mr. Johnson who the "others" he was talking about paying their fair share, because this was a property tax and every piece of property in this town was owned by somebody. Mr. Johnson said churches, educational facilities, healthcare facilities. Mrs. Aeh said that the educational facilities would be hit hard if we were to have a flood. Mayor Kalb said that he believed this to be important and that it wasn't a fund that could sustain itself without this passage and said that Council would be sending mix messages to the State who was reviewing our financial status, that we weren't holding up our end to make sure our budgets were balanced and he said again that this would just be to put it on the ballot for the voters to decide. Mr. Johnson asked Manager Allen how this would look to the State Auditor's office should it not pass and Manager Allen replied "not good" because if this doesn't go on the ballot the fund would be devastated and would come out of the General Fund to maintain the flood wall and as part of the flood wall certification, they televised the pipes under the floodwall and the one by OSCO was collapsed due to rot and there were two or three others that the City was planning on spending \$100,000 next year and \$100,000 the year after on two more of those pipes. At some point if four members of Council want the storm water utility, he would put a plan together for hiring a consultant to calculate everyone's area. He went on the record by saying that there would be some people hurt by the unintended consequences and when churches and schools come in upset he would refer them to Council, but if at least four members of Council say they want to spend the money, he would do it. He doesn't recommend putting something on for one year because a lot of money would be spent on the ballot initiative for one year and reiterated that this was a renewal and not a replacement. Mayor Kalb said that if this wasn't voted on by the public and passed or if it doesn't even pass Council to get on the ballot that would make it tight to move forward with the storm water plan without funding to hire a consultant. Manager Allen stated that he would hate to move forward with this and see what the cost would be only to have Council say "we don't want to pay that much" because he heard a Councilman say that they don't want to pay more taxes but every utility customer would see it on their bill as an amount they would have to pay. If you're a renter you currently don't pay that cost but they would have to pay it if the storm water fees were enacted and if there was a thought process that the entirety of this would be put on the backs of the University or Hospital it won't be, it would be spread out to everyone. He pays the storm water fees at his home in Piqua and the amount was \$6.30 each month and he had rain barrels, but regardless there was no getting out of it and it had to be paid. He said every commercial property or non-residential property must have a calculation performed on the impermeable area and they would be charged a price per square foot. Councilman Meadows stated that he had listened to the comments about churches and commercial entities and said they are paying for their water, electric, gas, and garbage pick-up, they're paying utilities because we don't give those services away. He said maybe it would cost too much to do but we don't know until we see it. He said if someone had done the calculation and Council hadn't seen, he would like to see it to know how much it would cost to enact storm water fees. Mayor Kalb agreed to review a storm water fee in the future because most of the offenders of water run-off are the ones with the big lots and were not being fairly charged.

There were no further questions or comments. **The role was called. VOTE: 3 ayes – 2 nays (T.K. Lowe & G. Meadows), the Ordinance was defeated.**

The clerk gave a **third reading**, to an Ordinance authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing to resurface a portion of U.S. 52 Westbound within the City of Portsmouth.

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

Councilman Lowe asked the City Manager about the guardrail that was destroyed on westbound 52 and how the City would cover that cost. Manager Allen stated that didn't have anything to do with this legislation. Mr. Lowe said that it's resurfacing and right next to the guardrail and it would need to be fixed before paving. Manager Allen stated that the guardrail was our responsibility and it wasn't decided whether it would be repaired or taken out completely but it was a discussion he would give during his report.

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

The clerk gave a **third reading**, to an Ordinance repealing Chapter 909 – Poles and Wires of the Codified Ordinances of the City of Portsmouth, Ohio.

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.**

Ord. #33-16
Resurfacing
of U.S. 52
Westbound
by ODOT

Ord. #34-16
Repealing
Chapter 909
Poles & Wires

The clerk gave a **third reading**, to an Ordinance repealing Chapter 911 – Occupational Safety Rules of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

**Ord. #35-16
Repealing
Chapter 911 –
Occupational
Safety Rules**

The clerk gave a **third reading**, to an Ordinance amending Section 933.01 – Utility Deposit Required of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

**Ord. #36-16
Amending
Chapter 933.01
Utility Deposit**

The clerk gave a **third reading**, to an Ordinance amending Section 933.02 - Billing for City Utilities Service of the Codified Ordinances of the City of Portsmouth Ohio.

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

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

**Ord. #37-16
Amending
Chapter 933.02
Billing for City
Utilities Service**

The clerk gave a **third reading**, to an Ordinance amending Section 933.05 – Billing Procedures; Delinquent Accounts of the Codified Ordinances of the City of Portsmouth Ohio.

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

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

**Ord. #38-16
Amending
Chapter 933.05
Billing
Procedures;
Delinquent
Taxes**

The clerk gave a **third reading**, to an Ordinance amending Section 941.02 – Rules and Regulations of Commissioner of Health and Mayor of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

**Ord. #39-16
Amending
Chapter 941.02
Rules &
Regulations of
Commissioner
of Health and
Mayor**

The clerk gave a **third reading**, to an Ordinance amending Section 941.06 – Rules, Regulations, Powers and Duties of the Mayor of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

**Ord. #40-16
Amending
Chapter 941.06
Rules,
Regulations,
Powers &
Duties of
Mayor**

The clerk gave a **second reading**, to an Ordinance amending Section 903.02 – Application and Issuance; Security of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

The clerk gave a **second reading**, to an Ordinance amending Section 907.02 – Materials of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

The clerk gave a **second reading**, to an Ordinance amending Section 941.07 – Sanitation Code Enforcement Officer of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

The clerk gave a **second reading**, to an Ordinance amending Section 941.20 – Weeds, Grass, Vines, Brush and Shrubbery; Maintenance of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

The clerk gave a **second reading**, to an Ordinance amending Sections 945.01 – Responsibility of City Manager; 945.02 - List of City Parks; 945.03 – General Rules; 945.04 – Hours of Operation; and 945.99 - Penalties and repealing Sections 945.05 – Animals Running at Large; 945.06 – Hitching Animals to Trees; 945.07 – Use of Vehicles and 945.08 – Sale of Merchandise of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

The clerk gave a **second reading**, to an Ordinance amending Section 947.02 – Responsibility of Service Director of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

The clerk gave a **second reading**, to an Ordinance amending Section 947.03 – Use of Stadiums and Parks; Permit required of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

The clerk gave a **second reading**, to an Ordinance amending Section 947.04 – Application for Permit of the Codified Ordinances of the City of Portsmouth, Ohio.

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

There were no 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 payment to Distel Construction in the amount of \$83,406.00 to be paid from Wastewater Fund No. 621 for emergency work performed beginning May 12, 2016 to repair a sewer collapse/sink hole on Third Street between Market Street and Jefferson Street, and approving the waiving of the requirement of the bidding process for a project over \$50,000. 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 make payment in a timely manner for services performed in an emergency situation.

Councilman Kevin E. Johnson motioned to waive the three reading rule.

The role was called. VOTE: 5 ayes – 0 nays, the readings were suspended.

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

Councilman Kevin E. Johnson asked the City Manager to give an explanation to the audience of what the money was spent on. Manager Allen explained that the City had some heavy rains in early May and he received a call of a sinkhole developing on Third Street between Market and Jefferson Streets. They examined the manhole and determined that there was no manhole structure any longer. The city crews opened up the pavement and realized that the project was too big and too deep. Distel construction was called out to inquire if they could replace the manhole structure and upon further inspection Distel determined that the sewer had collapsed and he was able to stand up inside the void. Manager Allen stated that we were lucky a car didn't fall through the road. He had looked at replacing the one manhole structure and putting a manhole structure where the sewer had collapsed; they went ahead and opened up the manhole to the east and one of the crew crawled down into it and one side of the manhole had washed out and at that point the city crews televised the sewer east of Market Street down to Madison Street and those were the only collapses. In all, there were two manhole structures and 200 ft. of pipe; the sewer was too deep for the city crews

because a Trackhoe was needed. He e-mailed City Council that night of what had happened and that we would need an emergency ordinance to get someone on the scene to make repairs right away. The pipe was \$11,000 which came out of the budget and the repair was \$83,000 which was over the \$50,000 threshold limit and the city had to declare it an emergency. Councilman Lowe asked the clerk what the total amount of the check was and she replied \$83,406.00. Councilman Kevin E. Johnson thanked the City Manager for his communication of what potentially could have been a devastating event. He believed it was handled professionally and Council was kept informed. He commended all involved and said Distel as well as the city crews did a good job.

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

There were no 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 City of Portsmouth to apply for, accept, and enter into a cooperative agreement for planning of the Sunrise Reservoir 30-inch main replacement project between the City of Portsmouth and the Ohio Water Development Authority and declaring an emergency.

Councilman Kevin E. Johnson motioned to waive the three reading rule.

The role was called. VOTE: 5 ayes – 0 nays, the readings were suspended.

Councilman Kevin E. Johnson said that Manager Allen had communicated very well on the other legislation but this was the first that he had seen this legislation and ask him to review it with Council. Manager Allen said that on June 10, 2016, he and Utility Director of Water Sam Sutherland and Community Development Director Tracy Shearer attended a meeting in Columbus in which they made a presentation to apply for \$2,000,000 of Army Corp. 594 Funds and it was the intent to attempt to get \$2,000,000 worth of grant funding for the City of Portsmouth for replacement line. They've been in discussion for several weeks about applying for Appalachian Regional Commission money and making application to Ohio Public Works Commission for Issue 1 money; also \$500,000 in CDBG formula money, CDBG is critical infrastructure (Public Residential Infrastructure) which was a new revenue source that had never been tapped into in the past. They made the presentation Friday June 10th and found out that in order to qualify and move forward, the project would have to be designed or under design. The City doesn't have \$200,000 revenue readily available in our water fund and applications for an OWDA planning loan or design loan was due July 1st which was the reason for moving forward quickly. The intent was not to turn it into a loan but use it as an advance and when the grant was obtained, we can refund the borrowed money. They would like to replace the water line with all grant funding and not from borrowing. The project would cost over \$3,000,000 as it was over 1 mile of 30 inch water line, which was the water line that fed the Sunrise Reservoir which was a 22,000,000 gallon underground reservoir. The pipe had broken on numerous occasions and broken three times in the past year and the reason it hadn't been replaced in the past was due to the cost. He gave perspective of what happened when that pipe burst as it had caused major damage to everything around it. As an example, last year when the pipe burst on Kinneys Lane, it floated a block of pavement. He said that the City was applying for Federal money which had a fiscal year of October 1st until September 30th and also applying for State money which had a fiscal year of July 1st until June 30th as well as other sources that follow a calendar year. The City does not have the money in-house and it would have to be borrowed and the loan application was due July 1st. The reason Council had not seen it was because it had not gone through the normal channels, because it was just discovered. Councilman Kevin E. Johnson ask what happened if the grants were not secured, would we be out the money. Manager Allen replied that the water line had to be fixed regardless and the fall back would be trying to obtain 0% interest on loans but still paying the principle back, but we hope to secure the grants. The \$3,000,000 would be for the pipe from Robinson Avenue up Offinere Street to Kinneys Lane down Kinneys Lane to Sunrise Avenue then up Sunrise Avenue to the reservoir. Solicitor Haas ask who brought the program to the Manager's attention and the reply was Strand.

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

There were no 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

Sean Boldman – 133 Crystal Drive Lucasville, OH – He stated that he would be moving into the first ward very soon. He spoke about the potential de-certification of the floodwall due to the flood defense ordinance not passing. The potential outcome of the floodwall not being certified had huge implications for all of Portsmouth. He owned an insurance agency in Portsmouth and would like everyone to contact their insurance company and ask approximately what the cost of flood insurance would be on your home and what the insurance would be for the place you do business in. He said that FEMA subsidizes the insurance up to a certain level and over the past three years he has had more residential houses go bankrupt due to the increased cost of flood insurance. FEMA had changed the flood zone map after hurricane Katrina in 2005 and put a bunch of our community in the flood zone that wasn't previously in the flood zone. Even though his business was not in a flood zone he had done a quote on the potential of what the cost would be and the flood insurance on one of his commercial buildings was in excess of \$10,000 and that cost would in turn have to be passed down to the tenants. He read one of the statements from an organization that helped with small businesses and farmers, "property owners in the area where levees and dams have been decertified must maintain federally subsidized flood

Ord. #42-16
 Sunrise
 Reservoir 30
 inch main
 replacement
 project

insurance through FEMA administrating national flood insurance program and building permits for new structures including both residential and architectural structures and facilities may be delayed, denied or made excessively prohibited.” He said that once a property was in a flood zone that all of the statistics and building codes change for new construction. New construction in a flood zone depending on who you talk to could easily be an additional 15-20% over what it would cost to build the same property that wasn’t in the flood zone. He realized that by not passing the ordinance does not necessarily mean the flood wall would be decertified, but it could potentially be a slippery slope to decertification. Certification of a flood zone was a very long process and in the event that the property would become decertified, the city could be looking at years. He appreciated the ones that understood the situation and those that may not have understood, he asked them to contact someone to ask what would be the potential implications.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She prepared and administered the Oath of Office to Terry Easter for the Traffic Committee.
2. She participated in the cleaning up of Chillicothe Street with Main Street Portsmouth.
3. She received a thank you call and card from Marcia Harris of “Time out for me” as well as “Connex” thanking Council and the Cultural Affairs Panel for their portion of the Hotel/Motel Tax Distribution.
4. She received via email on June 2, 2016 from the Auditor’s office, the following summary statements of the Combined MTD/YTD reports for the period ending May 31, 2016: Expense, Revenue and Fund.
5. She received an invitation to the Scioto Soil & Water Conservation District program tour on June 25th.
6. She received a thank you call from “Connex” thanking Council and the Cultural Affairs Panel for their portion of the Hotel/Motel Tax Distribution. Connex also provided a map that was printed out with the funds so that Council could see how the money was used.

Oath of Office
 Terry Easter
 Traffic
 Committee

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: ayes 5 – nays 0.**

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

1. His written report can be found on the City’s website.
2. He met with AEP representatives on May 25th regarding the Circle Drive area and the metal utility poles in which AEP will be replacing with underground utilities. If people in that area want to have them run underground to their house, there would be some cost involved but if they don’t want it AEP will set a wood pole and run it overhead.
3. He received a panic call from someone that thought we were tearing down the cemetery chapel. He said for the record, that the city would be demolishing the garage that was added to the original historic structure and had applied to use Community Development Block grant money to restore the chapel.
4. He met on June 10th at OWDA in Columbus with SCEIG group and they made a presentation to apply for the Army Corp 594 grant and that would be the first time that had been used around here.
5. He said the pool is set to be opened. They had hired a pool manager and three lifeguards, however one lifeguard had left and they were still looking for a replacement.
6. He said the concrete work for the trough repair at the Water Treatment Plant was complete and the plastic liner will be installed within a few weeks.
7. He had spoken with a citizen who had been misinformed regarding the Walnut Street water main, the citizen had been told that there were problems and the City had fired a contractor. Manager Allen explained to the citizen that was not the case; the contractor put in 2,100 feet of 8 inch water line in preparation for ODOT resurfacing eastbound US 52. He said that if anyone went around and seen newly resurfaced streets, they would see patches, because no one ever looked at what was underneath the street. When ODOT said that were going to pave eastbound US 52, he spoke with Sam Sutherland and was told that the water main was in really bad shape. Since there was a short timeframe they talked about doing it in-house, instead the City hired a contractor to lay the water main and the city crews disconnected the old water main and inserted the new connection. There were 74 water taps replaced and old lead taps were removed as well as new water main and all prior to the new resurfacing was set to begin. This was a good project
8. He met with the Joint venture group and ODOT regarding the twenty-four (24) inch water main relocation along Old Gallia Street. It had been designed, but ODOT was in such a hurry that they were going to do the work and reimburse the City for the design.
9. He met on June 9th with the contractor that will be doing the Thermos Plastic on Gay Street, Offnere Street and Gallia Street in Sciotoville and was told they should be here within the next two weeks.
10. June 20th will be the bid opening for the resurfacing project.

11. He advised that a purchase order was given to Reiser Construction to repair the retaining wall on Woodlawn Avenue.
12. He said that the repair work on the transfer station scales was complete and it had been recertified. The cost was \$13,437.00
13. He said that someone hit the guardrail on US 52 and took out a section of guardrail. The City had ordered parts for the guardrail after they had contacted ODOT to see if they would replace it and they declined. Another incident occurred when a semi-truck hit the guardrail and took out about 300 feet of it. We are going to request again that ODOT come in and fix it, if not we will order the parts and fix it.
14. He thanked Main Street Portsmouth in all the work they've done downtown with mulching around the trees and getting the downtown looking nice.
15. There was a request for bulbs for the decorative lights downtown and those have been ordered.

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: ayes 5 – nays 0.**

Mayor's Report – Mayor Kalb reported the following:

1. He reminded everyone of the Appreciation Ceremony at Shawnee Boat Club for the Nursing Home Veterans.

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: ayes 5 – nays 0.**

City Solicitor – Solicitor Haas reported the following:

1. He publically thanked Judge Mowery and City Employees that went out on cleanup day.

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: ayes 5 – nays 0.**

Auditor Williams – Auditor Williams was absent but Solicitor Haas gave a report by proxy:

1. He spoke about the pension issue with the Fire Department. He said that from 2003 until present the contracts with the Fire Department had changed the way they handled vacation. They moved vacation hours into the Holiday section of the contract and when that occurred it gave the Fire Department Employees the option of taking 120 hours of straight pay or 2 days extra vacation. It was stuck in the Holiday section but didn't have anything to do with Holidays, so from 2003 until present the City hadn't been paying any pension on those payments because most of the employees chose the 120 hours straight pay instead of taking extra vacation. There was a period of time from 2003 until present that pension wasn't paid by the City for those Fire Department employees and the issue came up at some point last fall and was brought to his attention in March of this year that a couple of the Fire Department Employees raised an issue about the pension and whether it was being paid on those hours. The pension board was unaware of the contract change and had no idea that there was supposed to be pension or whether it was pensionable or not and had no idea that this was going on because it was never reported. The pension board determined that those hours were pensionable because they were paid in the year they were accrued, that was the defining term that made it pensionable. He and Mr. Williams and another employee had a meeting with the pension board and their attorney and his main purpose for being there was to understand why it was pensionable and once it was explained he agreed with them. The long and short of it was that the City owes back pension of \$285,000 to the pension board. The pension board said it was an unusual circumstance and have decided to waive the interest and penalties, which saved the City a lot of money. He said that there was a contract change several years ago and some of the employees were paying some of their pension pickup and there would be some employees that would need to pay their portion of the pickup as well. Manager Allen stated that they said the City could make payments, but would be paying as a lump sum.
2. Manager Allen reminded Council on behalf of Auditor Williams that there needed to be a Public Hearing at the next meeting regarding the tax budget.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Kevin W. Johnson was absent but Councilwoman Aeh gave a report by proxy:

1. He had reported street lighting out on Chillicothe Street, but did not know about AEP and when they would replace their bulbs.
2. He requested and received approval from Manager Allen for adopting the West 4th Street Municipal Parking Lot. Mr. Johnson and his nephew Jeff cleaned it and would continue to keep it cleaned throughout the summer.
3. He approved of everything on the Conference Agenda.

2nd Ward – Councilwoman Aeh had the following report:

1. He thanked Andy Gedeon from the Health Department for addressing a couple of health issues in the 2nd Ward and appreciated his quick response.

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

1. He had a couple of residential issues that were handled by the City Manager regarding some illegal dumping. He reminded folks that you can't take your couch and chairs and throw them in an alley and hope for the best.
2. He received a letter from a resident that he will pass on to the City Clerk for filing and also gave a copy to the City Manager regarding signage.
3. He stated that he was really concerned over the defeat of the flood defense legislation and hoped that we've made the right decision.

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows reported the following:

1. He said that he doesn't believe anyone on Council wants the Floodwall decertified, but that it was time to start looking at other alternatives.
2. He liked the speed sign on Coles Boulevard and found it beneficial as it may or may not have reminded him a time or two to slow down. (Laughing) He had also had some residents of the 5th Ward request that it be put up on Grandview Avenue toward Dorman Drive or on Dorman Drive because vehicles tend to travel very fast on Dorman Drive. He also requested the City Manager look into putting a three-way stop at Dorman and Grandview Avenue which might help slow down traffic.
3. He reminded residents not to put grass, leaves and shrubbery in the storm sewer, they need to be put in the tipper cans, in a dumpster or find another way to dispose of them as opposed to backing up our storm sewers.
4. He extended his condolences to the family of former Governor George Voinovich.

6th Ward – Councilman Lowe reported the following:

1. He addressed a complaint at Kegley's auto, the residents were concerned that they have old tanks in the ground and how to go about checking to see if there were tanks.
2. He had requested a speed limit sign and a children playing sign two blocks down the street from where he lived on Wilson Avenue. He was told that the City no longer installs Children Playing signs and that his street didn't warrant a speed limit sign because it was a dead-end street. He wanted to know why a speed limit sign was put in front of his house, two blocks away from where it should have been. He advised the City Manager that the residents on his street do not have nice things to say about him and requested that the speed limit sign be removed from his yard.
3. He mentioned the damaged guardrail on US 52.

The meeting adjourned at approximately 7:15 p.m. on a motion by Councilman Kevin E. Johnson.

City Clerk

Mayor