

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday June 8, 2015
 6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday June 8, 2015 at 6:05 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
Rich Saddler	2 nd Ward
Kevin E. Johnson	3 rd Ward (Absent)
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Jeff Kleha	6 th Ward

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

Councilman Kevin E. Johnson’s absence was excused on a motion by Councilman Kevin W. Johnson.

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

There was no Public Hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Austin Leedom – 1521 5th Street-Portsmouth, OH – He spoke about the Main Street Portsmouth 3 year agreement. He wanted to know why this needed to be for a 3 year period and why the writing in the Ordinance had changed. He said it was deceptive and if it goes through as is there will be trouble in court because you cannot change an Ordinance in the middle and it would be challenged. He stated that the program had been going on for eight years and the citizens would like to know where the money was being spent. (Remarks were not audible). He concluded that the new administration had been with us for 17 months, we’re paying more taxes we have no relief in sight and there’s no transparency.

Sharon Bender – 1666 Highland Avenue – Portsmouth, OH – She spoke about Main Street Portsmouth and what a wonderful program it was and how they did a lot for the community and the money was coming back to the businesses. They now have the funds to make improvements to their buildings that could not be made without the organization. The programs that they have instituted (Chocolate Walk, Halloween etc.) all of these activities are bringing business and people to their stores. She hoped that Council would pass the Ordinance.

She also spoke regarding the sale of the 6th Street property. She stated that she hoped that Council would authorize the City Manager to sell the property because the city doesn’t need to be saddled with all these vacant properties. The city could be held liable if someone were to get in one of these properties and get hurt, they could sue the city. She concluded by saying that even a little bit of tax is better than nothing.

LEGISLATION

The clerk gave a **third 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 W. Johnson motioned that this Ordinance be passed.

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

**Ord. 31-15
 Sewer
 easement to
 CVS
 property on
 11th St &
 Chillicothe
 Street**

The clerk gave a **third 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 W. Johnson motioned that this Ordinance be passed.

**Ord. 32-15
 3 year
 Agreement
 with Main
 Street
 Portsmouth**

Councilman Kleha asked the City Manager if this would memorialize what had been done in the past and asked if it had been changed.

City Manager Allen stated that he had not made any changes and he asked Solicitor Haas if he had made any changes to the proposed Ordinance and he replied that no changes had been made. Clerk Ratliff added that no changes had been brought to her. Councilman Kevin W. Johnson said that the agreement was very similar to the contract that the city had with Southern Ohio Port Authority. He also stated that he had participated in and was on the Board of Main Street Portsmouth when it was in its early configuration and he had seen no other organization that benefited the downtown area as this organization has benefited our downtown. Manager Allen reiterated that working in combination with Southern Ohio Port Authority and Main Street Portsmouth, those two entities would help move all the redevelopment along over the next few years. Acting Mayor Kalb stated that was considered an honor to have the designation of being a Main Street community as there are standards that must be met and kept in order to be a part of the Main Street designation. He stated that Council had asked for and received the financial reports from Main Street Portsmouth and they had been transparent and by passing the ordinance it would allow them to plan more into the future. Councilman Meadows asked if it would be in the budget each year and the Manager confirmed that it would be in the budget and Councilman Meadows reminded everyone that if at any point the spending got out of control that the ordinance could be repealed. Solicitor Haas stated that over the years City Council and the administration had been criticized for not planning ahead, and now Mr. Allen had started planning ahead and we're criticized if we do and criticized if we don't. Councilman Saddler thanked Main Street for all the work that they do and added that they had made a difference in the community.

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 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.

Ord. 33-15
2 year Lease
agreement
with
Shawnee
State
University
for Branch
Rickey Park

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

Acting Mayor Kalb stated that this was another example of planning ahead. Councilman Kevin W. Johnson asked about the repairs that were to be expedited. Manager Allen stated that they were almost done and should be done this week because the Gene Bennett Baseball tournament will be held this weekend.

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 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.

Ord. 34-15
Authorization
of CDBG
application
and grant

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

Councilman Kevin W. Johnson asked about the 'if funded' comment. Manager Allen stated that the CDBG money was guaranteed but we made application for \$300,000 for the possibility of funding some projects.

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

The clerk gave a **second 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 W. 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 Chapter 137 and Sections 137.01, 137.02, and 137.03 of the Codified Ordinances of the City of Portsmouth, Ohio – Department of Police.

Councilman Kevin W. Johnson motioned that this constitute a second reading Clerk Ratliff stated this legislation was consent agenda at the last meeting. Solicitor Haas and Manager Allen stated that the Ordinance included the fees for the Police Impound facility and it was ready to open, they were just waiting on the Ordinance. Councilman Kevin W. Johnson withdrew his motion and moved to suspend the readings.

Ord. 35-15
Police
Impound
Facility and
Police code
clean up

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

Councilman Kevin W. 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 **second 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 W. 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 153.02 of the Codified Ordinances of the City of Portsmouth, Ohio – Miscellaneous Fees.

Councilman Kevin W. 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 repealing Chapter 161 of the Codified Ordinances of the City of Portsmouth, Ohio –Citizens Council on Human Relations.

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

Councilman Kevin W. Johnson stated that Human Relations commission were not established to address racism. One of the Human Relations commissions that he belonged to, they did Random Acts of Kindness certificates where citizens could applaud a random act of kindness of another citizen. He also commented on the length of time that this commission had been absent of members and if that logic had been followed the Shade Tree Commission would not be in existence. Five years ago the Tree Commission had not met in years and it was with permission of Council and the then Mayor that he helped to reconstitute the Commission and now we are a Tree City USA community. He believed that there should be as much citizen participation as possible. Councilman Kleha asked how someone would get involved in being on the commission and Councilman Johnson replied that the original ordinance outlined the requirements. Manager Allen stated that this was from 1966 and was for Fair Housing and Federal money coming in for public housing and low to moderate income housing and believed that these were the requirements implemented by the State and Federal government and in order to get the money, we had to participate. All of those activities are now done either through Federal or State programs and no longer on the local level. The last time it was utilized was 1978 and complaints about fair housing are channeled through another avenue. This didn't have anything to do with race relations but money being spent under fair housing. Councilman Kevin W. Johnson agreed that this was created for Fair Housing but took on other aspects as well, such as the items he had mentioned and would rather amend the section and bring it up to date rather than deleting it altogether. Acting Mayor Kalb agreed with Mr. Johnson but nothing would stop Council from putting an Ordinance in place at the time of need. Councilman Meadows stated that the State's Civil Rights would address any complaint of a public or private employer and recalled seeing a commercial that if a person had a problem with Fair Housing to call H.U.D. and they would investigate and enforce the laws. He said at the time this was written it was probably needed but since then the federal and state laws have caught up and surpassed. Councilman Saddler also agreed that another Ordinance could be put in place should the need arise.

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

The clerk gave a **second 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 W. Johnson motioned that this constitute a second reading.

Manager Allen stated that he would ask for an Executive Session later but Council continue with a second reading. Councilman Saddler hoped that Council would consider getting rid of a lot of the vacant properties around town and putting them back in the hands of the taxpayers. Acting Mayor Kalb said he would normally agree that it was wise to get rid of unused property, but in this instance he believed that this was a different set of circumstances. This property was kind of tied to the Martings property which had been an Albatross for City Council for many years since there had been no plans for that building. He added that this particular property could bring a higher sale amount should the Martings property be sold in the future as it was a valuable piece of property. Councilman Kevin W. Johnson stated that for a long time he agreed with Mr. Kalb but after numerous talks with people that Mr. Kester had brought in for tours of the Martings building, it was truly an Albatross for the city and doesn't believe that anyone would ever come along and would want the building because it would take 5-7 million dollars to get the building operable. He would recommend that when the city was in better financial shape with the capital funds, that the building be torn down and put in the needed parking for the downtown.

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

The clerk gave a **first reading**, to an Ordinance amending Section 169.02 of the Codified Ordinances of the City of Portsmouth, Ohio – Vacations.

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

There were no 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 amending Section 169.03 of the Codified Ordinances of the City of Portsmouth, Ohio – Sick Leave.

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

There were no 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 amending Section 169.07- Legal Holidays; Rates of Pay of the Codified Ordinances of the City of Portsmouth, Ohio.

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

There were no 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 amending Section 169.08 - Appointments of the Codified Ordinances of the City of Portsmouth, Ohio.

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

There were no 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 repealing Section 169.09 – Increase and Reduction of Pay of the Codified Ordinances of the City of Portsmouth, Ohio.

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

Councilmen Johnson, Kalb and Saddler commended the City Manager for the code clean up.

There were no 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 amendment of Section 47 of the City Charter and Section 181 of the Codified Ordinances of the City of Portsmouth, Ohio to reflect the election results of May 5, 2015 that increased the city income tax from 2.0% to 2.5% as outlined in Ordinance No. 3 of 2015.

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

Acting Mayor Kalb thanked the voters of Portsmouth for having the confidence in them to be able to pass the Ordinance.

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

The clerk gave a **first reading**, to a Resolution providing for the annual tax budget for municipal purposes for the year 2016.

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

Councilman Kevin W. Johnson asked about the \$500,000 transfer in the budget year of 2016. Mr. Allen responded that he had to come up with a plan because the Street Fund would be short this year approximately \$200,000 as the permissive tax would not go into effect until 2016. Since the income tax passed, a one-time transfer of \$250,000 would go into the street fund and be self-sufficient afterwards. He had the Auditor's office research the amount that was in the Cemetery Trust Fund before the City started using it and was told it had been around \$200,000 at one time and the plan was to put that money back into that account by the end of 2016. He added that there was a difference between the Tax Budget and the Operating Budget.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Lee Scott – 936 9th Street – Portsmouth, OH – He and his wife own the Columbia Music Arena and they recently relieved Mr. Kalb of his headache as a former owner. They had been getting prices on putting a retractable roof on top of the building, 14 months have been spent getting the plans drawn up and have gone the extra mile to have the building out rigged with all the bells and whistles, they also intend to use the Revolving Loan Fund as they did before to put the roof on the building. The people of that area weren't happy and last week he received a letter last week as did City Council from Attorney Stephen Rodeheffer representing Terry Ockerman filing a lawsuit. In the letter they referred to him as a convicted felon and he admitted that 35 years ago he was a felon but the letter goes on to state that they hold themselves out as professionals and the individual that done the study on the building and wrote the report found that it was not being built to code. This same man had just been released from Lebanon Correctional Facility and had served 10 years for many charges. Mr. Scott disputed the information that had been released regarding the building codes and advised that he is following the codes. Mr. Ockerman also uses the city parking lot as his own personal parking lot for the Lofts and is in violation and now he's using the parking lot for his business.

Austin Leedom 1521 5th Street – Portsmouth, OH – He had a photograph of the Main Street plaques and wanted to know who gave permission for these to be placed on city property. Acting Mayor Kalb stated that this wasn't a question and answer segment but a time for him to voice his concerns.

Gina Chabot – 3037 North Hill Road – Portsmouth, OH – She spoke about the City Seal selection and to follow up on the email that she sent. She said regarding the comments that they had received from City Council, they had taken those into consideration and revamped the Seal and the result was the 3 that were sent earlier via email. If Council does wish to change the Seal we hope to be in time for ODOT to use the seal on the new Veterans Highway.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received from the Ohio Division of Liquor Control a request for a Transfer of D1 & D2 license from Gregory Scott Miller, LLC dba Miller Chevron at 1552 SR 139 Portsmouth, OH to the Sonora Mexican Grill at 1701 Grandview Avenue – Portsmouth, Ohio.
2. She received from the Scioto County Board of Elections, the certificate of result of the May 5, 2015 election regarding the income tax increase.
3. She attended and helped with the City Wide Clean-Up Day this past Saturday. There was a very good turn-out of 130 volunteers and had been a request to repeat the clean-up in the fall.
4. She advised that Councilman Kevin E. Johnson's son had surgery today and had come through that good and was resting.

The City Clerk's report was received, filed and made part of the record, on a motion by Councilman Kevin W. Johnson.

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

1. His written report can be found on the City's website.
2. He reviewed the NPDES renewal permit, it is unchanged and expires in 2020.
3. He had passed out copies of the monthly statistics for all departments.
4. They are continuing to look at the six candidates to be hired to the Police Department.
5. They had six police officers that went through Crisis Intervention Training and became certified and it was the city's intent to send more through that program.
6. They are working to remove the graffiti at Mound Park and looking for some sort of solvent to remove the graffiti.
7. There had been a delay in opening the pool due to an issue with lifeguards but it is now opened.
8. The transfer station was open for the clean-up day with 90 tons of garbage being collected. Many City Employees participated and he reiterated that they would like to repeat this again in the fall.
9. The Branch Rickey masonry work was done but they were working on the wiring and replacing light bulbs.
10. Work continues with the pavement markings for the thermos plastic.
11. The Police Impound Facility is ready.
12. The Lawson Run project was completed.
13. He requested an Executive Session for the purpose of discussing real estate.

Councilman Kevin W. Johnson asked if the City would ever be able to get back to Rental Property Inspections. He referred the question to Solicitor Haas who answered that the lawsuit is ongoing and the Judge had not made a ruling. He's been discussing it with Commissioner Chris Smith, but right now it's a wait and see timeline. Mr. Johnson asked about the timeline for the Kinneys Lane and US 23 turn lane. Manager Allen responded that he had received the plans but had not been able to look at them, but it's not a huge project and it's something that should be completed by the end of the year.

Acting Mayor Kalb stated that at the first Mound Park Preservation Society meeting there were a couple of gentlemen whose business was masonry work and they were confident they had chemicals and were willing to help out to make it easier on the city.

The City Manager's report was received, filed and made part of the record, on a motion by Councilman Kevin W. Johnson.

Acting Mayor's Report – Acting Mayor Kalb had no report.

City Solicitor – Solicitor Haas reported the following:

1. He stated that he had spoken with a couple of residence on Grandview Avenue and they were very complimentary of the construction crews and employees and of the Waste Water Department. Every time they had a question, they got an answer and they asked that he relay that to Council.
2. He spoke at the Final Bell Ceremony at the Fire Station and thanked Chief Raison for asking him to speak as it was quite an honor.
3. The final draft of the Civil Service rules will go before the Commission at the next meeting.

The City Solicitor's report was received, filed and made part of the record, on a motion by Councilman Kevin W. Johnson.

Auditor Williams – Auditor Williams had no report due to absence.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Kevin W. Johnson reported the following:

1. He commented on the 3 different drafts of the City Seal that was sent via email, but he liked the second one the best as it represented Portsmouth the best. He appreciated all the effort of the ones that worked on the Seal.

2nd Ward – Councilman Saddler reported the following:

1. He reminded and invited everyone to the Parks and Recreation meeting at Mound Park at the Stone Building.
2. He said that he liked the combination of the City Seal that was implemented on these final drafts and would like to see us move forward very quickly on this for the ODOT project. He suggested revamping the City Flag by using the State of Ohio Pennant and instead of the red dot use the City Seal. If anyone had noticed the green City Flag that flies on the Esplanade, it in his opinion was pretty tacky.

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

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Kleha reported that he had a complaint about the condition of Bonser Run.

Councilman Kevin W. Johnson motioned to move into Executive Session for the purpose of discussing real estate and asked that the City Manager and City Solicitor join them.

The role was called: **VOTE: 5 ayes – 0 nays, Council recessed into Executive Session at 7:15 p.m.**

On motion by Councilman Kevin W. Johnson, Council reconvened at 7:30 p.m. and roll call showed all those previously in attendance were still present.

The meeting adjourned at approximately 7:30 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Acting Mayor

**Executive
 Session**