

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday June 9, 2014

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday June 9, 2014 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Mayor Steve Sturgill 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 (Vice Mayor)	1 st Ward (Absent)
Rich Saddler	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Steve Sturgill (Mayor)	6 th Ward

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

Vice Mayor Johnson's absence was excused on a motion by Councilman Saddler.

The motion carried viva voce: **VOTE: ayes 5 – nays 0**

Council dispensed with the reading of the Journal for the regular session of May 27, 2014 on a motion by Councilman Kalb.

Public Hearing – Traffic Proposal to make Front Street a One Way Street

Charles Leaverton – 113 Madison Avenue – Portsmouth – He opposes the proposal to make Front Street one way from Court Street to Madison. Being a resident of that area, he has witnessed many vehicles private and commercial delivery semi-trucks that come South on Madison and turn East onto Front Street to deliver supplies to the businesses in that area, they would be unable to make the turn if this street were one way. Also motorist who are viewing the murals usually travel West on Front Street then turn around and go East for a second look at the murals and there are sidewalks along Front Street that have placards placed along the route that tell the history of each mural. Bicyclist have to follow the rules of the road, so this mean that a bicyclist can only travel West on Front Street; currently TOSRV route their cyclist South on Madison and East on Front Street, this would need to be changed. He has also witnessed emergency vehicles that travel East on Front Street and believes that this is not the best thing for Front Street and appealed to Council not to change it to a one way street.

Naomi Ferguson – 113 Madison Avenue – Portsmouth – Her family previously owned a restaurant business and she lives in the area being discussed. She witnesses tourist coming and going every day as many of them turn around in the alley by her home to go back the second time to see the murals. She recommended moving the planters away from the murals and use that area for bicyclist and runners, the street would not need to be changed and could remain a 2-way street. The proposed change adversely affects the residences and some of the businesses in that area when there have been no problems thus far and to change it would be a big mistake. She had also heard a rumor of another park being put on Front Street and added that there was no need for a new park and advised that we currently have enough parks in that area.

Barb Bradbury – Homeowner on Vinton Avenue – Portsmouth – She is a former employee of Shawnee State and traveled East on 2nd street for 29 years on a daily basis and she never used Front Street going east as it was slower. She stated that the mural district is the gem of Portsmouth and she's thankful for the people who developed the murals and she believes that designating Front Street one way will make that area more special as it will make the flow of traffic go with the chronology of the murals from Washington to Madison. We have a lot of tourist that come to Portsmouth and this could become an entertainment area and a meeting place for the community. She is also the President of Connex Group which is the bike route activity effort that is ongoing; Connex has many partners: Shawnee State University, SOMC, KDMC, Schools, City Council, Local Groups and other non-profit groups that have helped to develop a series of routes that will help connect key destinations in Portsmouth including Tracy Park, Mound Park and Alexandria Point Park. The hope is that these areas will become share the road routes which would make it safer for the cyclist and Front Street is the only area that they are looking at that would have a designated bike lane.

Joni Fearing – 1816 Grant Street – Portsmouth – She is an avid bicyclist but is unsure of the idea of making Front Street one-way. She loves the murals as they brought her back to Portsmouth 10 years ago, but she prefers to ride her bike along the river and not along the murals as there are bike paths along the old floodwall and the view is beautiful. She suggested moving the planters to the other side of the street

**Public
Hearing to
make Front
Street One-
Way**

and add striping along the murals for bikes and runners and suggested a trolley tour bus along Front Street. She added that the emergency vehicles are needed for the retirement center and they would need easy in and easy out and making this one-way would make it difficult for them to have access.

Mel Collins – 613 Chillicothe Street – Portsmouth – She’s speaking on behalf of Connex and stated that recently during the TOSRV event, they collected 86 surveys from cyclist and community members. In this survey one of the questions were “What attributes/features would make you want to bring your family or friends to Portsmouth”, 49 respondents answered the Front Street Murals and 43 chose citywide bike lanes and routes. She noted too that the Portsmouth Murals were recently found by national survey completed by Tripadvisor.com to be the most popular travel attraction in the state of Ohio. Also in the TOSRV survey those surveyed were asked to rate the City of Portsmouth on a scale of 1 to 5 with 1 being the worst, on bicycle friendliness and 71% of those surveyed answered 3 or below. She believes that turning Front Street into a one-way street so that an activity lane can be developed would benefit Portsmouth.

Linda Switzer – 319 Front Street – Portsmouth – She moved back to Portsmouth in 1993 and in 1996 she bought the log cabin on Front Street and has opened it up to the public. She has lots of tourist signatures from all over the world and in the last few weeks she has spoken with a lot of tourist and she’s asked them what they thought about making the street one-way and their response was an overwhelming “NO”. They stated that they enjoy driving west on Front Street but then they like to turn around and view them again driving east and this also allows the passenger of the vehicle a good view. She added that the Washington House and Biggs House need emergency vehicles and it’s not a smart idea to make this a one-way street, but also recommended added lines back on the street.

Larry Edwards – 424 Campbell Avenue – Portsmouth – He is an avid boater and uses the Court Street landing for putting his boat in and taking his boat out of the river. He advised that when you come from the river with a boat and trailer, it is nearly impossible to make a hard left turn to go west on Front Street and that it’s much easier to go straight which is east when hauling a large boat. He also asked if the bicycles were going to be able to travel both ways on Front Street, and said they should follow the same road rules as vehicles.

Mike Russell – 2835 Circle Drive – Portsmouth – He is a lifetime resident of Portsmouth and his family has 8 parcels of property in the Front Street area and has ran their business from there since 1977. He and his family oppose the one-way, he’s been hearing of the safety factor but has yet to see any report of traffic accidents, speeding tickets or pedestrian accidents. It would make it difficult for their business to function properly if this were to become a one-way street. He is also President of the Boneyfiddle Military Museum and not one of his patrons are in favor of the change. He thanked Council and asked for them to carefully consider the change and how it would impact the people that live and work there on a daily basis and not just for the people who come down there once or twice a year.

Wendi Waugh – SOMC Health & Wellness and Scioto County Health Coalition representative – She has lived and worked in this area for over 27 years, she’s a cyclist, runner, walker and a Mommy and when the topic of safety is brought up, she’s talking about ascending progress in terms of how people address (was not audible as she turned to speak to the audience and was no longer addressing Council). She wants to be able to bring her children down to the murals and let them ride their bikes along the mural floodwall safely and she doesn’t want to navigate them on their training wheels, running or walking along with vehicles. She doesn’t want to interrupt the economic viability of the town or these businesses and believes that a solution can be reached that will allow the provisions for the businesses along the route. She wants to keep the community safe but we cannot continue to not allow change in this community because we are 88th of the 88 counties in the State of Ohio in terms of health. She asked the audience “When are we going to stand up and say “no more” and when are we going to promote good health, biking, walking and running”, and added that “this is the time and this is the place”. We can improve the economic viability of our town and improve our health results, we can improve the happiness, retain ability, recruit ability for the people that we need here in our city to help us flourish.

Christine Pennywitt – 2508 Thomas Avenue – Portsmouth – She is an avid outdoor person, she rides bikes, walks, boats, and goes 4-wheeling and she would take her child down in that area any day of the week and let them ride their bicycle on the sidewalk safely and making that a one-way street has nothing to do with safety. You cannot make people healthy, you cannot make them get out there and exercise. She took a picture of the mural area where the street is painted and it is large enough for a vehicle so it should be large enough for bicycles to ride safely in that area if the planters were moved. As Larry mentioned earlier when you come out of the Court Street landing you are headed east and on any given day you go to the river and there are people fishing, people using jet skis and this would hinder the access to and from the riverbank using boat trailers. Our riverfront is one of our greatest assets as well as the murals and she suggested the one-way road on the river side which is the other side of the murals as a designated bike path. She believes that the money that Connex is requesting is a lot of money which could be used to fix our roads.

Francesca Hartop – 630 2nd Street – Portsmouth – She stated that she wasn’t going to speak of the benefits of having a bike trail and if you’ve gone to any city from Columbus to any small city, one of the things that stand out is the ability for people to use bike trails and she thinks it’s silly to say we don’t need something like this. She believes that there is a legitimate safety issue as she spends a lot of time on

Front Street as she owns property there, and has witnessed lots of school buses that come through there and trying to corral 36 kids that are looking at murals, with having traffic coming in one direction as opposed to two, is a big deal. She has seen families that stand in the road to take pictures that are not paying attention to traffic. She stated that from her experience in running and walking, the traffic already goes one direction, which is east to west and we wouldn't be losing that much with making it one way.

Regina Chabot – Portsmouth – She is a lifelong resident and she spends a lot of time on and appreciates the river and supports the local docks. She's part of Connex and the design projects, and has put a lot of energy behind pedestrianizing the vicinity to a better advantage and enjoyment of shopping, tourism and what not. She doesn't have direct connections to the murals but totally appreciates them, and it was brought to their attention that there was some safety issues in that area. Chief Ware was concerned about safety and was interested in making this a one-way street and Connex fully supports it. Connex does not want to impede any business and believes that some of the comments made earlier need to be looked at, but with some creativity this could be made a win win for everyone.

Dr. John Darrell – 3003 Noddin Way – Portsmouth – He is a newcomer to the area and is a cyclist and a Cardiac Surgeon at SOMC, he got involved with this project as he was interested in helping the community and looking for reasons to live here and to bring some of his doctor colleagues into the fold. Portsmouth is famous for being the unhealthiest county in the State and part of the unhealthy is the fact that folks aren't out there doing the cardiovascular exercise that they should be doing. Running, biking, skate boarding, these proposed trails throughout the city will enhance the ability to increase that cardiovascular exercise and utilize our parks, which would in turn be a domino effect across the city and would be beneficial to tourism and businesses. This has to start somewhere and the obvious place to start would be the showcase place, which is the murals. They are not looking to take any public funds other than the city to start the Front Street project and once this is done more people will be opening their wallets and contributing. There are already hundreds of thousands of dollars being pledged to enhance the entire city, but people want to see some action and something done this summer. He's in favor of making Front Street a one-way street for all the reasons that have been stated.

Chris Lute – 411 Front Street – Portsmouth – statement via email dated June 9, 2014 stating that he supports changing Front Street to one way westbound and believes the community stands to gain much more in tourism and economic development in our area with the change.

PROCLAMATION

A proclamation was given to David Pettit for being selected as the 59th Drum Major for the Ohio State University Marching Band. David is a 2010 graduate of Portsmouth High School and currently a student at The Ohio State University; he is majoring in Piano Performance as well as the pre-med curriculum and plans to attend medical school following graduation. Along with his studies, he is an instrument-rated pilot, a state champion equestrian and a church organist. The City of Portsmouth commends David Pettit for his great accomplishments and wishes him continued success.

Proclamation to David Pettit – Drum Major for OSU Marching Band

Councilman Kalb moved to add to the Agenda as item 8(g), a Resolution providing for the annual tax budget for municipal purposes for the year 2015.

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

Austin Leedom – 1521 5th Street – Portsmouth – He has concerns about Council proposing legislation regarding 47(g), he believes that this is an attempt to take away the Ordinance that was passed by the voting people in 2009, which limits the city's spending to \$100,000 bonding indebtedness. That was a long and hard campaign for democracy and it was sent to the Supreme Court trying to reverse the decision and last year it was settled and determined that it was what the voters wanted.

James K. Wilson – 1394 16th Street – Portsmouth – He too wanted to speak about the legislation 8(f) regarding 47(g). This was put in place to limit the amount of money that the then Council could spend in any way they chose. There was a reason for doing that because they were spending money any way they chose and didn't care what the citizens thought and they kept raising taxes and water bills, so the voters chose to put a limit on the amount of money they could spend. He stated that maybe Council could ask for an increase in the amount which he believes would be more favorable with the voters, but he believes that the citizens will not be receptive to doing away with this Charter provision.

LEGISLATION

The clerk gave a **third reading**, to an Ordinance amending Section 181.05 Return and Payment of Tax, of Chapter 181 of the Codified Ordinances of the City of Portsmouth, Ohio – Income Tax, to require mandatory Income Tax Filing to become effective January 1, 2015

Councilman Kalb moved that this Ordinance be passed.

**Ord. #24-14
 Mandatory
 Income Tax
 filing**

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 Section 181.15 of the Codified Ordinances of the City of Portsmouth, Ohio – Credits for Tax Paid to another Municipality. Reduction of Income Tax Credit.

Councilman Kalb moved that this constitute a second reading.

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

The clerk gave a **second reading**, to an Ordinance authorizing the vacation of Beech Alley, as requested by Justin Clark on behalf of Southern Ohio Medical Center, and more fully described in the attached legal description, with the City of Portsmouth reserving all easements to this property. City Clerk Ratliff advised that we still do not have the legal description.

Solicitor Haas stated that there was some miscommunication. He believes they misunderstood when he told them that he would prepare the deed and that they needed to prepare the legal description and that he would prepare the deed from that description. He believes that it was cleared up and if not, it can always be tabled until they get the legal description completed, because he cannot prepare a deed without the legal description.

Councilman Meadows stated that it is important to have the legal description before moving forward, and he added that it's bad enough we're giving this land to them, they can at least follow the rules. He moved to table this Ordinance until the legal description is received.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 1 nays (J. Kalb), the item was Tabled.**

The clerk gave a **second reading**, to an Ordinance enacting a new Chapter entitled "Water Quality", of the codified ordinances of the City of Portsmouth establishing the requirements of the MS4 program.

Councilman Kalb moved 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 authorizing the City Manager to offer for sale certain surplus City real estate located at 720 and 722 Sixth Street, Portsmouth, Scioto County, Ohio, as described in the attached legal description, and further, authorizing the City Manager to enter into a contract for the sale of such surplus property and establish \$50,000 as a minimum bid for the sale of such surplus property

Councilman Kevin E. Johnson asked about the wording in the Ordinance and thought that it had been discussed to change it. City Clerk Ratliff stated that she was advised by Solicitor Haas that the wording works and that before any property is sold it has to be brought back before Council, he also advised that this just allows the City Manager to come to terms on property, but he will have to bring this back to Council before it can be sold. City Manager Allen stated that any property that has been decided to be disposed of, has to come back before and approved by Council. Councilman Johnson stated that he wished that it was worded differently. Solicitor Haas stated that as a matter of State law, it has to be voted on and all this is doing is authorizing him to advertise and enter into an agreement, and then bring it back to Council.

Councilman Meadows moved 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 **first reading**, to an Ordinance to submit to the electors of the City of Portsmouth, Ohio, at the general Election to be held on the 4th day of November 2014, proposed amendments of Section 47(g) of the Charter of the City of Portsmouth, Ohio.

Councilman Kalb moved this this constitute a first reading.

Solicitor Haas stated this was received from Vice Mayor Johnson and in glancing over it he found some errors in the wording. This bonding could never be used for combined sewer operations, so the wording needs to be removed as it is misleading the public because combined sewer projects come from the Enterprise fund.

Mayor Sturgill asked about the timeline. City Clerk Ratliff stated it needed to be to the Board of Elections by the first week in August. Solicitor Haas stated that he would look over the legislation and if nothing else jumps out at him, he will amend it at the next meeting. Councilman Kalb per the Solicitor's suggestion and explanation moved that we delete the words in Section I "such as, but not limited to the

combined sewer operations as follows”. Solicitor Haas stated that the “as follows” is built into the language and assumes that something will follow, but the paragraph is being deleted.

Councilman Saddler moved that this item be tabled until the Solicitor has had a chance to review.

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

The clerk gave a **first reading**, to a Resolution providing for the annual tax budget for municipal purposes for the year 2015.

City Manager Allen stated that this will also be reviewed on the Manager’s Conference Agenda but due to time constraints and the resolution needing 3 readings, the legislation needed to be added to this Council Agenda for a first reading.

Councilman Kalb moved 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.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Bridget Osborne – 1323 Mound Street – Portsmouth – She stated that she has several issues that need to be discussed. 1st - Rumor that the city is moving their telephone service to Frontier and added that it would be a big mistake and urged the city to stay with Time Warner Cable. 2nd - She has a problem with the water rates continually going up and stated that there should be a storm water fee added based on the size of each property, in which case everyone would pay their fair share. 3rd – She stated that on abandoned buildings that are being exterminated, the city should notify the neighbors to let them know that they will be exterminating, otherwise the bugs go to the neighbor’s home and the neighbors have to exterminate and then it becomes a viscous cycle. 4th – When a building is condemned, it should be torn down immediately instead all kinds of undesirables coming in and out of these condemned buildings.

Peggy Rice- 410 Court Street – Portsmouth – She spoke on behalf of the Housing Authority and asked for a letter of support from City Council, the City Manager and the Solicitor’s office for a competitive grant for “Emergency Safety and Security Grant” through the Housing and Urban Development (HUD). They are looking at expanded cameras and replacing some of their cameras. The more support you have from local government the higher your application is placed. They have reached out to all the local law enforcements and to the County government.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. On May 15, 2014 received a legal opinion from Solicitor Haas regarding the City Charter Chapters #33 and #40.
2. Received from the Ohio Division of Liquor Control a request for license transfer from Gabriel Garcia dba Toro Loco Cantina at 2311 Gallia Street – Portsmouth, Ohio to Sonora Mexican Grill, Inc. dba Sonora Mexican Grill at 1701 Grandview Avenue – Portsmouth, Ohio. This has not been approved to date.

The City Clerk’s report was received, filed and made part of the record, on a motion by Councilman Kalb.

City Manager’s Report – Manager Allen will allow his written report to stand. (This can be found on the City’s website)

The City Manager’s report was received, filed and made part of the record, on a motion by Councilman Kalb.

Mayor’s Report – Mayor Sturgill reported that he has appointed Carrie Massie to the Shade Tree Commission.

The Mayor’s report was received, filed and made part of the record, on a motion by Councilman Kalb

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

2nd Ward – Councilman Saddler reported that the Parks & Recreation Committee would be meeting on June 10, 2014 at 6:00 in Council Chambers. He also thanked the City Manager for helping out on some issues in the 2nd Ward.

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

1. Communicated with the City Manager on properties that need to be razed and some properties that need to be cleaned up.
2. Thanked the City Manager and Service Director Bill Beaumont for cleaning up the trees that were growing through the Mausoleum at Greenlawn cemetery.

4th Ward – Councilman Kalb replied to the gentleman that spoke of the Charter amendment and stated that Council does not have the authority to overturn the proposed amendment, however the vote will be to determine if it should go back to the voters to be amended as it only narrowly passed in 2009.

5th Ward – Councilman Meadows reported the following:

1. He commented to the City Manager that the fire hydrants around the city that are painted red, look really nice.
2. He thanked Chris Smith of the Health Department for the issues that were reported and taken care of in a timely manner.

6th Ward – Councilman Sturgill reported that he continues to pass on his concerns of the 6th Ward to the City Manager.

City Solicitor – Solicitor Haas stated that Assistant Prosecutor Chris Gerard would fill in for him in his absence at the next meeting.

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

City Clerk

Mayor