

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday July 11, 2016

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday July 11, 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
Jo Ann Aeh	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward (Absent)
Thomas K. Lowe	6 th Ward

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

Councilman Gene Meadows'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 June 27, 2016 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

There was no public hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

There was no one present that wished to address Council on items on the agenda.

LEGISLATION

The clerk gave a **second 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, proposed amendments of Sections 49 and 50 of the Charter 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 authorizing the adoption of the Procurement and Credit Card Policy for the City of Portsmouth, Ohio (Exhibit A attached).

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 929.01 Director of Public Utilities-Water; General Duties 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 929.02 Permit Required to Use Water 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 929.03 Water Connections Generally 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 929.05 Adjustment of Claims for Leakage 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 929.08 Use of Fire Hydrants Outside of Corporate Limits; Authority of City Department of Public Utilities 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 929.09 Authority of Director to Install Meters 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 **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 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.

**Ord. #51-16
 Flood Defense
 Levy**

Councilman Kevin E. Johnson motioned to waive the three reading rule as the legislation had been discussed numerous times.

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

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 appropriation of funds in the amount of \$40,000 to the Health Department Primary Care Fund.

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

Councilman Kevin E. Johnson thanked Health Commissioner Chris Smith for speaking at the last meeting and said it was enlightening.

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 Chapter 931 – Water Wells of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. 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 Chapter 929 – Water Regulation of the Codified Ordinances of the City of Portsmouth, Ohio by adding Section 929.16 – Drilling of Wells Prohibited and Section 929.17 – Rules and Regulations; Authority of City Manager.

Councilman Kevin E. 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 313.11 Right Turn on Red Prohibited of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. 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 339.02(b) (5) Trucks and Truck Routes of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. 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 339.02(c) (5) and adding Section 339.02(c)(6) Trucks and Truck Routes of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. 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 339.02(d) Trucks and Truck Routes of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. 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 351.17 Parking in Alleys of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. 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 351.20 (b) Two Hour Parking of the Codified Ordinances of the City of Portsmouth, Ohio.

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

Councilman Kevin E. Johnson asked the City Manager if the legislation would eliminate the two-hour Parking and Manager Allen replied that the two-hour parking would remain but eliminate the part-time employee position.

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 enacting a new Chapter entitled "Fire Hydrants", of the codified ordinances of the City of Portsmouth establishing the prohibition of obstructing fire hydrants with trees, shrubs and other flora.

Councilman Kevin E. 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.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

There was no one present that wished to address Council on items not on the agenda.

MISCELLANEOUS BUSINESS AND REPORTS:

City Clerk's Report – City Clerk Ratliff had no report.

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

1. His written report can be found on the City's website.

Councilwoman Aeh asked the City Manager about the cemetery promotion to supervisor and in his report it stated that no one else wanted the position. Manager Allen explained that there were two positions, Jon Blevins and Sandy Rawlins, Mr. Blevins who was the supervisor retired and Ms. Rawlins applied for the supervisor position and was granted the position. However, there was an Arbitration over the position. The position he had listed was for Ms. Rawlins old position in the Cemetery that no one wanted. We have had to hire a temporary employee to help out at the cemetery. Councilman Kevin E. Johnson asked again if there had been anyone interested in the position at the cemetery that was vacated by Ms. Rawlins and Mr. Allen said that there had been three people sign up but once they were offered the position, they turned it down which happens quite often.

Mayor Kalb asked about the walk-through for appraisal of the Martings Building and the old Cable Company Building and asked if Council had voted to put those up for sale. Manager Allen stated that there was a discussion last year and Solicitor Haas confirmed that it had been discussed and agreed upon. Manager Allen stated that it had taken him a while to get around to getting someone to look at it. Mayor Kalb asked if there was money appropriated to pay for a commercial appraiser and Manager Allen confirmed that it was in account 101.119 Management Consultants.

The City Manager's report was received, filed and made part of the record, on a motion by Councilman Kevin W. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Mayor's Report – Mayor Kalb reported the following:

1. He said that he would like input from the Second and Sixth Ward Councilmembers as to whether they would like to see the current member re-appointed or if they have another person in mind. Clerk Ratliff advised that Second Ward currently had Janice Shanks and Sixth Ward currently had Jeff Brant. Mayor Kalb asked that they bring their recommendations to the next conference meeting.

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 stated that there had been a Civil Service meeting (inaudible-microphone wasn't on)

The City Solicitor's report was received, filed and made part of the record, on a motion by Councilman Kevin W. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Auditor Williams – Auditor Williams had no report.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

1. He stated that Steve Wallace had spoken at Council meeting and requested the trimming and removal of trees that were hanging out on the street on Richardson Road and asked the City Manager if it had been resolved. Manager Allen replied that the street department had been asked if they could fit the trimming of the trees into their schedule, but they had not gotten a chance to do that. He wasn't sure it was going to be satisfactory because in talking to the staff

they told him that if they cut down those trees, there was a danger of the hillside slipping and that would be costly.

2. He stated that the Thermo-plastic striping on Gay Street and 11th Street did not align and people were upset because it was a danger. Mayor Kalb ask if that was something that could be easily corrected and Manager Allen said that he would check on it and get an answer.

2nd Ward – Councilwoman Aeh had no report.

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

1. He received a phone call from a resident who was concerned about the weeds and the shape of the cemetery and said that it seemed like the City Manager was addressing those issues.
2. He was not able to make it to the fireworks but he had heard that everything went off great.

4th Ward – Councilman Kalb reported the following:

1. He sent Manager Allen a request about the weeds on Young Street and said the bushes were turning into trees. Manager Allen said that he would speak with Director Beaumont.
2. He mentioned the weeds around the Mound Park shelter buildings. He announced that the Life Point Church would be doing a service day at Mound Park and they would try to address the graffiti on the buildings. Manager Allen said that he had coordinated with them before on Buckeye Park, Mound Park, Tracy Park and the grass area under the railroad area between 11th and 12th. Mayor Kalb said that they had a large group and they divide into smaller groups to cover more area.
3. He mentioned the raised concrete section on Vermont Avenue that was heaved and Manager Allen said that was behind Mayor Kalb's house and Mayor Kalb said "yes" it was very hard to get into his garage.
4. He requested an update on the widening of Grandview Avenue.
5. He said that Councilman Meadows had mentioned the brush hanging out into the street on Sunrise by the reservoir had been removed. He said his daughter had asked him who to call because she lived in that area and it was still needing trimmed.

5th Ward – Councilman Meadows had no report due to absence.

6th Ward – Councilman Lowe reported the following:

1. He advised that over the weekend there was a 55 gallon drum with a foreign substance in it was in the middle of Bonser Run, Kitt & Elliott Street. He said he called Police Dispatch and after it sat there for 2 hours, he and two other residents got it turned over on its side and rolled it off to the side of the street. He said Police Dispatch sent the flood defense manager and wasn't sure why they sent him, but appreciated the guy showing up and asked the Manager to relay kudos. Manager Allen stated that it was a Union contract and it went by seniority on who was called out.
2. He said there was a hole by a manhole that he had filled in but it continued to sink and had gotten to the point that it was about 6 inches deep. Manager Allen ask for an intersection or an address and Mr. Lowe said it was across the street from the corner of 3rd and Harding.
3. He asked if there was an update on the paving for Bonser Avenue and the flood problem with the culverts. Manager Allen stated that it was on the resurfacing list.
4. He apologized to Deanna Burris of Auburn Avenue as he wasn't able to help them on a handicap parking spot in their neighborhood.

The meeting adjourned at approximately 6:35 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Mayor