

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**  
 Monday July 24, 2017  
 6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday July 24, 2017 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Mayor James D. Kalb called the meeting to order. A moment of silent prayer was observed followed by The Pledge of Allegiance to the Flag.

Roll Call showed the following members to be present:

Kevin W. Johnson	1 <sup>st</sup> Ward
Jo Ann Aeh	2 <sup>nd</sup> Ward
Kevin E. Johnson	3 <sup>rd</sup> Ward
Jim Kalb	4 <sup>th</sup> Ward
Gene Meadows	5 <sup>th</sup> Ward
Thomas K. Lowe	6 <sup>th</sup> Ward

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

Council dispensed with the reading of the Journal for the regular session of July 10, 2017, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 6 – nays 0.**

**Proclamation**

**Whereas, Lynsey Shipley** is the daughter of Juan & Lynn Shipley and is a State Champion in the Division III Track & Field 400 meter dash with a state winning time of 56.28. Lynsey also finished in 3<sup>rd</sup> place for the Long Jump event with a jump of 17ft. 10in. and participated in the 100 and 200 meter dash and finished 6<sup>th</sup> in both performances; and

**Whereas, Lynsey Shipley** will be a Senior at Portsmouth High School and is involved in not only Track and Field but is on the honor roll with a 4.51 grade point average. Lynsey is a member of the National Honor Society, the Key Club, and the Quiz Bowl team. She has been selected to the Academic All-Ohio Team and is an Ohio Valley Conference Academic Athlete and has been chosen to participate in the Miami Summer Scholars program. **Now, Therefore I, James D. Kalb, Mayor of the City of Portsmouth, do hereby commend Lynsey Shipley for her accomplishments and wish her continued success in the future.**

**IN WITNESS WHEREOF, I, James D. Kalb** have hereunto subscribed my name this 24<sup>th</sup> day of July, in the year of Our Lord, Two Thousand seventeen.

Councilwoman Aeh motioned to add to the agenda as item 8(d) an Ordinance to amend the Salary Ordinance as amended by Ordinance No. 20 of 2016 to reflect wage increases for union member of FOP Lodge 33 to be effective January 1, 2017 and to repeal Ordinance No. 20 of 2016. The motion carried viva voce: **VOTE: ayes 5 – nays 1 (K. W. Johnson).**

**Item 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 vacation of an alley between the southernmost parcel of four (4) parcels on Kendall Avenue for the expansion of Speedway located at 2401 Gallia Street more fully described in the attached legal description Exhibit A, with the City of Portsmouth reserving all easements to this property; the vacation being effective once all properties are acquired by Speedway and a Certificate or Affidavit from the title company, Esquire Interstate title, LLC.

**Ord. #35-2017  
 Vacation of  
 Alley at  
 Kendall  
 Avenue and  
 Gallia Street  
 for Speedway**

Kevin E. Johnson motioned that this Ordinance be passed.

Solicitor Haas stated that the Ordinance needed amended because there were no easements in the area being vacated and Speedway requested that the wording “with the City of Portsmouth reserving all easements to this property;” in the 1<sup>st</sup> paragraph and in Section I be removed. Councilman Lowe ask if there was a fire recently behind the location and if it would affect anything and the Solicitor replied “no” but that it might make it cheaper (laughter). Mayor Kalb stated that he had thought there were sewer lines or something that ran in that alley.

Councilwoman Aeh motioned to amend the ordinance in accordance with the Solicitor’s suggestion.

The role was called. **VOTE: 6 ayes – 0 nays, the Ordinance was amended.**

There were no further questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, the amended Ordinance was passed.**

The clerk gave a **third reading**, to an ordinance to amend the Zoning Map of the City of Portsmouth, Ohio, by rezoning parcels 33-0809.000, 33-2204.00, 33-1912.000 and 33-1208.000 from its current zoning of Residence “C” District to Business “B” District.

Kevin E. Johnson motioned that this Ordinance be passed.

Solicitor Haas asked that the Ordinance be amended per Speedway’s Title Company request to add “including all alleys vacated by the City contiguous to said parcels” in the 1<sup>st</sup> paragraph and in Section I. Mayor Kalb thought that it was understood but it wasn’t written into the document and Solicitor Haas replied that they wanted it to be very precise so that down the road if there’s ever an issue, the ordinance made it clear.

**Ord. #36-2017  
 Re-zoning  
 current zone  
 from  
 Residence “C”  
 to Business  
 “B” District.  
 Parcels at  
 Kendall  
 Avenue and  
 Gallia Street**

Councilwoman Aeh moved that the Ordinance be amended in accordance with the information provided by the City Solicitor.

The role was called. **VOTE: 6 ayes – 0 nays, the Ordinance was amended.**

There were no further questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, the amended Ordinance was passed.**

The clerk gave a **first reading**, to a Resolution approving and ordering for each eligible member of the American Federation of State, County and Municipal Employees (AFSCME) Local 1039 employed by the City of Portsmouth, Ohio, that an increase of three (3.0%) of the statutorily required employee contribution of the Ohio Public Employees Retirement System (OPERS) shall be “picked-up” (assumed and paid to the Ohio Public Employees Retirement System on behalf of its eligible member employees) by the City of Portsmouth, Ohio.

**Res. #13-2017  
 AFSCME  
 pension pick-  
 up**

Kevin E. Johnson motioned that this Resolution be adopted.

There were no further questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, the Resolution was adopted.**

The clerk gave a **first reading**, to an Ordinance to amend the Salary Ordinance as amended by Ordinance No. 20 of 2016 to reflect wage increases for union member of FOP Lodge 33 to be effective January 1, 2017 and to repeal Ordinance No. 20 of 2016.

**Ordinance  
 Defeated**

Councilwoman Aeh motioned to suspend the rule requiring an ordinance be read on three separate dates.

The role was called. **VOTE: 4 ayes – 2 nays (K. W. Johnson, G. Meadows), the rules were suspended.**

Councilwoman Aeh motioned that the Ordinance be passed.

Solicitor Haas stated that he didn’t believe that the Ordinance was necessary at this time because the only reason we need a Salary Ordinance was for non-union employees. The Ordinances for the City require that the ordinance be put into place unless otherwise provided by law, and the law covers all of the Union Employees whether we have the salary ordinance for the Union Employees or not, it would be the Labor Contracts that control. He said that the Non-Union Employees salaries haven’t even been addressed yet and we’re waiting on AFSCME to be signed, then the Dispatchers, Fire, Auditor’s office and then Non-Union. He added that if this passed, it would need amended again and again; he suggested to pass one that listed everyone, but he didn’t believe that it made any difference whether we have one until we get to the Non-Union employees which would be when it needed to be done. Councilwoman Aeh said that she disagreed, having been in the City Clerk’s office for 24 years and providing people with information when all the salaries were in one ordinance was much more efficient, cleaner and everything would be in one ordinance as they were completed because phone calls were received regarding the salaries and it would be a whole lot easier and much more efficient if everything was in one ordinance. Solicitor Haas said he wasn’t disagreeing with Mrs. Aeh and he didn’t have a problem writing the individual ordinances, but he thought that it would be much more efficient for Council and his office if just one was done once all of the contracts were completed, but it was the Non-Union

only that was required by salary ordinance and he doesn't have a problem with listed them all in one ordinance. He said that personally he thought it was a lot of paper, time and effort to keep amending it when there could be just one at the end that would cover everything. Mrs. Aeh said that the City Clerk would have to have copies of the Union contracts and she would have to look through each contract. Solicitor Haas agreed with Mrs. Aeh that the City Clerk would have to use the contracts until the end of the year and he didn't know how many calls she got on a daily, weekly or monthly basis requesting pay rates. Mayor Kalb asked when the last time there was an updated salary ordinance, Solicitor Haas said that it was 2016. Councilman Kevin W. Johnson asked what the 2016 Salary Ordinance updated and Manager Allen said it updated the Civil Service. Mr. Johnson then asked when the last time we changed the primary ordinance due to salary and Manager Allen said that in 2015 the Public Utility Account Services was made into a Department and made Crystal Weghorst a Department Head, but there hadn't been a pay raise since he got here in 2014. Solicitor Haas said it was probably when the last Union contract was signed. Mr. Johnson said at that last contract did the City wait until all contracts were completed to do one salary ordinance or were they done individually as the contracts were signed and Mrs. Aeh said they were done as each contract was completed. Solicitor Haas said that when he read the Ordinance that required a salary ordinance the only thing that it applied to was the Non-Union Employees, and all of the other Union contracts were covered by law and not required to be in the salary ordinance. Mrs. Aeh said that with the history of this city, every salary had been in the salary ordinance for the whole 24 years that she sat in the City Clerk's office and for the years before when she was on Council in the 1980's and if it was changed, it would be changed from what it had been historically even before the Unions but they fell under Civil Service. Solicitor Haas said that his thought would be that "it's always been this way" and nobody had ever bothered to look to see if it was required as he never thought about doing an ordinance after every Union contract and if he prepared each salary ordinance, they would overlap each other. Mayor Kalb said that the rules had been suspended and he understood Solicitor Haas and the additional paperwork when we could wait and do them all at once, but he too said that in the past anytime there was any change there was a salary ordinance done and he didn't see it as such a big paperwork deal, they might get the extra copy of the salary ordinance with an updated item but he didn't see any problem with having them individually updated. Mrs. Aeh said that as a member of Council, she liked having one ordinance and if she wanted to check something, she doesn't have to get a copy of a contract. Councilman Kevin E. Johnson said that he was straddling the fence on the topic; he asked Mrs. Aeh if it was just the fact that it made it easier to access and Mrs. Aeh replied that it made it a whole lot easier to have them individually. Councilman Kevin W. Johnson said that it would be done at the end of the process and all Solicitor Haas was requesting was to streamline the process; he understood that the city "had done this forever" but there was so much that used to be done that we don't do anymore because it didn't work or was unnecessary and he thought that it was creating more work for that department instead of waiting for them to be done all at one time. Mrs. Aeh said that she used to do the salary ordinances and it was one of the easiest ordinances to amend and change. Councilman Kevin E. Johnson asked Solicitor Haas if what was being discussed was the same thing, Solicitor Haas replied that it was the same thing the only difference was that it would be four months from now instead of doing 4-5 between now and then. Mrs. Aeh said that it would also eliminate the bargaining unit's salaries and Mr. Haas said that he would put those in there if that was what Council wanted. Councilman Kevin E. Johnson asked Mrs. Aeh if that would be a good compromise and Mrs. Aeh said that if that was what Council wanted, but she wanted to see all of the salaries in the ordinance. Mayor Kalb said his opinion was that it would be better to have an up to date salary ordinance as the changes were made and he understood the additional work but also said that it wouldn't be that much more work to delete an old figure and replace it with a new one. Councilman Meadows ask Manager Allen if he needed the up to date Ordinance since he was the one dealing with it on a daily basis and Mr. Allen said that he looks at the contracts

There were no further questions or comments. The role was called. **VOTE: 2 ayes – 4 nays (K. E. Johnson, G. Meadows, T. Lowe, K. W. Johnson, the Ordinance was defeated.**

#### **STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA**

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

#### **MISCELLANEOUS BUSINESS AND REPORTS:**

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

1. She said that Main Street Portsmouth will be having their Farm to Table Dinner on August 22, 2017 at 6:00 p.m. at the SOMC Friends Center.

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: 6 ayes – 0 nays.**

**City Manager's Report** – City Manager Allen had the following report:

1. His written report can be found on the city's website: [www.portsmouthoh.org](http://www.portsmouthoh.org)
2. He said that approximately 970 people came out to volunteer on "Serve Day 2017". The city submitted eight projects and people volunteered their time and helped beautify some of the

Parks and the Pool. It was good to see people out volunteering in the community and he felt that was more important than the physical improvements.

3. He signed the agreement with the Law Firm providing the litigation on the opiate distributors.
4. The thermoplastic pavement markings for this year will be all of the school crosswalks and school zone markings which was sent to the Public Service Director to be completed.
5. The city received checks totaling \$320,000 back from the Bureau of Workers Compensation, on top of \$19,000 worth of rebates that were received earlier this year and there should be a total of \$388,000 in cost reductions this year from Workers Compensation due to the efforts of the City staff. He thanked Renee Matiz for all of her hard work and getting money back for the city.

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: 6 ayes – 0 nays.**

**Mayor's Report** – Mayor Kalb reported the following:

1. He thanked all of the area churches and their members that were involved in Serve Day. He said it was an amazing thing to see almost 1,000 red shirts down at the stadium ready to go do battle against some of our worst problem areas. He thanked Life Point church for organizing and putting the event together. He thanked the City workers that were involved to help everything run smoothly.
2. He said that he had appointments which were mentioned at the previous meeting and per Council rules. He thanked 1<sup>st</sup>, 3<sup>rd</sup> & 5<sup>th</sup> Ward Councilmen for their efforts and help in coming up with these people to serve on the Land Reutilization Neighborhood Committee, they are as follows:
  - 1<sup>st</sup> Ward - John Leasure – 610 5<sup>th</sup> Street, Apt. 209 Portsmouth, OH, 740-352-5540
  - 3<sup>rd</sup> Ward – Sondra Hash – 2213 Timlin Road Portsmouth, OH - 740-353-6627 (Home) – 740-727-1648 (cell) – email: [soniehash@gmail.com](mailto:soniehash@gmail.com)
  - 5<sup>th</sup> Ward – Reappointing Kelly Rais

He requested that Clerk Ratliff send out a letter of thanks to the outgoing members for their service and contribution.

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: 6 ayes – 0 nays.**

**City Solicitor** – Solicitor Haas had no report.

**Auditor Williams** – Auditor Williams had no report.

**MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

**1<sup>st</sup> Ward** – Councilman Kevin W. Johnson reported the following:

1. He conveyed three different issues to the City Manager and appreciated that he had responded.
2. He said recently the United States Attorney General indicated that they would rescind President Obama's restrictions on confiscation of monies, properties etc. of citizens who were suspected of being involved in illegal activities. He said that the confiscation had resulted in very innocent people losing thousands of dollars simply because they were carrying on their person thousands of dollars. He said that he knew that our bank system tracked money and that it was reported to the "Feds" if \$5,000 was withdrawn or if you deposit \$5,000 or more. He said that it had gotten to the point where there were Business people who were arrested and their monies taken simply because they were carrying that much money. He said arrest wasn't needed and conviction wasn't needed and from what he had read, the current Attorney General wanted to go back to the way it used to be. He understood why they went after a drug dealer that had been arrested and convicted but until someone had been convicted of something, he doesn't believe under our system of justice that we should be taking. He would hope that our city would never participate in something like that.
3. He addressed Mayor Kalb regarding keeping up with the changes on Wikipedia.

**2<sup>nd</sup> Ward** – Councilwoman Aeh reported the following:

1. She thanked all of the volunteers that worked on Serve Day as it made a big difference in the city.
2. She thanked the City Manager for responding to a concern from a citizen and she understood the answer.
3. She requested a report from our Code Enforcement Officer on how many violations and what's being done. She said that in her ward there was a weed issue. She asked if she was a full time Code Enforcement officer and Manager Allen said that she was full time and that she was still a Police Officer but would not be pulled off of Code Enforcing to cover streets.

**3<sup>rd</sup> Ward** – Councilman Kevin E. Johnson reported the following:

1. He thanked City Manager Allen for their meeting on the 18<sup>th</sup> as he had a couple of complaints from constituents and something that was listed on the conference agenda.
2. He thanked all of those that participated in “Serve Day” as he had the honor of serving that day too. He thanked Life Point.
3. He thanked the City Manager and his department for the \$388,000 Worker’s Compensation savings and he found it quite commendable. He thought that our rating would also improve.

**4<sup>th</sup> Ward** – Councilman Kalb reported the following:

1. He thanked Manager Allen on the pavement issue in his ward.
2. He forgot to mention in the Mayor’s report and wanted to let Council know that it was the intention tonight to have the wording changed on the written reprimand and possibly doing something at the next meeting.

**5<sup>th</sup> Ward** – Councilman Meadows reported the following:

1. He thanked the City Manager half way for the truck signs that were going up slowly, he noticed one on the 2<sup>nd</sup> Street Bridge but hadn’t seen one on the Grant Bridge yet. Manager Allen said that he would check on it. Mr. Meadows said that he assumed that the one in Sciotoville would be put up after all the construction on the by-pass was complete. He had notice that there was a “No Engine Break” sign in Sciotoville and it was now gone. Manager Allen said that it still should’ve been there.

**6<sup>th</sup> Ward** – *Councilman Lowe has asked that his statements be verbatim.* Councilman Lowe reported the following:

“I wanna mention Munn’s Run, the growth uh I continuously get calls about it uh be nice if we could let them people know what’s goin on down there. Okay, then I got uh Mr. Strehle and this is directed towards Mr. Haas uh he’s back to trashin up the neighborhood uh he’s actually got a new homestead now that’s across from the Dairy Bar at the old gas station, he’s drug in stuff there, I’ve got people complainin, uh me and Andy was up there last week and was tryin to talk to him and I thought we might uh actually got through to him but the following day he was right back to the same ol stuff. I got a flooding issue at uh at Bahner on Bahner Road near the BP Auto Sales and uh the Bonetique place there. And then uh, I got a couple other things uh I want uh to congratulate the Tartans on puttin on new Tartan turf there in Allard Park. Uh Sciotoville Little League Banquet is gonna be on August 5<sup>th</sup>. Uh I like to thank all of the Serve Day volunteers that worked in Sciotoville and I’d also a special thanks to uh a friend of mine that uh passed away Madina Stout she ran the Dairy Bar in Sciotoville and even though she’s gone, I’d like to thank her and her family for all the contributions they give to the Sciotoville community. Thank you.

The meeting adjourned at approximately 6:45 p.m. on a motion by Councilman Kevin E. Johnson.

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City Clerk

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Mayor