

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday July 27, 2015

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday July 27, 2015 at 6:04 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
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.

Council dispensed with the reading of the Journal for the regular session of July 13, 2015 on a motion by Councilman Kevin E. Johnson.

There was no Public Hearing.

G.I.S. Presentation was given by S.O.P.A Director Jason Kester and was later joined by County Engineer Craig Opperman. Mr. Kester explained that “Oneview” will be the brand that will be used for the system. Citizens as well as businesses will be able to enter an address or name and search an area around our county and the system will zoom in on the parcel. The system will be able to break out zoning, tax map, land records, google maps, water lines, sewer lines, property maps, school systems, fire districts and public utilities. The system will start off basic and continue to build and eventually they hope to have crime data. There will be a full time person hired to load data into the system, there had not been anyone hired at this point. The County Engineer will be responsible for the program. Mr. Opperman came into the meeting and added that there will be at least 2 people hired to start up the program, he believed the program start-up would be approximately \$200,000 which includes benefits. He stated that they would need to identify what the City’s needs are for the program. They want to be able to access and preserve all the information from one place. Manager Allen commented that by combining our forces there will be a better product with having one unified program. Councilman Saddler stated that this was what businesses look for and could possibly draw businesses to our area. All of Council thanked them for the presentation.

G.I.S.
presentation

Police Chief Ware introduced his new officers and explained that with the addition of these officers that brings the department up to the staffing they were before the economic problems developed. He announced Shane Hatfield’s name but he wasn’t in attendance. Each new officer introduced themselves starting with: Josh Linkous, he’s 26 years old from Wheelersburg, Ohio and had spent 2 years with the New Boston Police Department. Cory Hicks, he previously worked with the Pike County Sheriff office where he had worked for 4 years and now lives in the Lucasville, Ohio area. John Musholt attended Northwest High School and had lived in Portsmouth for 6 years, he joined the National Guard and returned home in December as a member of the 1191st Portsmouth Unit.

Introduction
of new
officers

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 appropriation of funds in the amount of \$522,250 for the construction of the Water Plant Rapid Mix project.

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

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

The clerk gave a **third reading**, to an Ordinance repealing Section 169.11 – Temporary Employment of the Codified Ordinances of the City of Portsmouth, Ohio.

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

Ord. #48-15
Appropriations
for the Repair
of Pump Station
#2

Ord. #49-15
Code Clean
Up
Temporary
Employment

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

The clerk gave a **third reading**, to an Ordinance amending Section 169.13 - Mileage of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

The clerk gave a **third reading**, to an Ordinance amending Section 169.15 – Bonds of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

The clerk gave a **third reading**, to an Ordinance repealing Section 169.16 – Suspension of Fringe Benefits for Part-Time Employees, Substitute Fire-Fighters, Suspended Employees and Those on Extended Leave of Absence of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

The clerk gave a **third reading**, to an Ordinance amending Section 169.19 – Manual of Personnel Rules and Regulations of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

The clerk gave a **second reading**, to an Ordinance amending Section 169.20 – Life Insurance 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: 6 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance repealing Section 169.21 – Liability Insurance; City Vehicle 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: 6 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance amending Section 169.23 – Ohio Public Employees Deferred Compensation Program 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: 6 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance amending Section 169.24 – Voluntary Layoff Agreement 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: 6 ayes – 0 nays, a second reading was declared.**

Ord. #50-15
Code Clean
Up Mileage

Ord. #51-15
Code Clean
Up Bonds

Ord. #52-15
Suspension
of Benefits
for PT
employees,
etc.

Ord. #53-15
Code Clean
Up Manual
of Personnel
Rules

The clerk gave a **second reading**, to an Ordinance amending Section 169.25 – Veterans Preference 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: 6 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager to enter into a two year agreement with the Scioto County Engineer's Office to participate in a City/County GIS system including for the Scioto County Engineer's Office to maintain the system and to appropriate \$25,000 from the unappropriated monies in Central Computer System Fund No. 101-119-5235.

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

Councilman Kevin W. Johnson stated that this agreement was somewhat different than the ones we've signed in the past. The agreement with Main Street Portsmouth was an open ended, long term, economic development and we knew what to expect. This agreement is for a product and the terms do not recognize that we're paying for the G.I.S., it stated that we're paying \$25,000 to construct and maintain the county-wide G.I.S. The entire terms are poor point and he understood that this was a first inter-government agreement of its kind with the county. At the last meeting we spoke about hand-shake agreements and part of our Hotel tax goes to an organization that makes no report to the city, how we establish the relationship is of concern and those are his issues. Solicitor Haas stated that with respect to the agreement between the City and the County, it laid out the general framework of what they would be operating under and what he tried to do when writing the agreement was to leave it open so that over the next couple of years we could monitor what the City would be getting in return for the money being spent. He did not want to restrict our ability to negotiate the best terms when 2017 rolls around. For many years the City Prosecutor's office, the assistant prosecutors were under a hand-shake agreement over how much the county was going to pay for their services. He did some research and put together an agreement and worked with Mark Kuhn and wrote a formal agreement which required the county to pay 40% of the Assistant Prosecutor's salary. Councilman Kevin W. Johnson motioned to amend #3 of the agreement from 2015 to 2017. Solicitor Haas stated that this was a draft and there may be items that the county would like included, but before there is a final reading he will have the final draft and if there isn't, Council may want to Table the item. Manager Allen stated that the purpose for the two year arrangement was to get the system up and going, see what it would take to operate and then at the end of the two years we would have a chance to sit down and evaluate the city's fair share.

There were no questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance to revise the Codified Ordinances by adopting replacement pages thereto.

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

There were no questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, a second reading was declared.**

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 3rd day of November, 2015, proposed amendment of Section 147-a of the Charter of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a second reading. There was discussion regarding the cut-off date of August 5, 2015 for the upcoming election, there will not be another meeting until after the deadline. Councilman Kevin E. Johnson withdrew his motion for a second reading.

Councilman Kevin W. Johnson moved to waive the balance of the readings due to time restraints and getting it on the ballot.

The role was called: **VOTE: 3 ayes – 3 nays (Kevin E. Johnson, G. Meadows, J. Kleha), the motion to suspend failed and a second reading was declared.**

Councilman Meadows stated that there will always be another election and because it did not get done in a timely manner, he felt that the citizens should have every opportunity to comment on items before they are voted on. Councilman Kevin E. Johnson stated that he supported all of the Ordinances but doesn't support waiving the three readings. Councilman Kevin W. Johnson stated that it was his obligation to move forward and he doesn't disagree and Mayor Kalb added that this was not something new that we've sprung on everyone because it was discussed in prior meetings and this was the third time that it had been brought up.

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 3rd of November, 2015, proposed amendment of Section 3(a) of the Charter of the City of Portsmouth, Ohio.

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

Councilman Saddler asked if this should be amended with a different date as it showed the November 3, 2015 date. Councilman Kevin W. Johnson stated that it doesn't need to be amended at this point because he would like to follow through with a second reading and then two weeks from now he will motion to Table all three of the Charter amendments and in the meantime work with the City Solicitor to clean them up and pull them from the table in December.

There were no questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, a second reading was declared.**

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 3rd of November, 2015, proposed amendment of Section 36 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: 6 ayes – 0 nays, a second reading was declared.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Jane Murray -1920 Dorman Drive – Citizens and taxpayers of Portsmouth have now had committed for them an excess of \$3,400,000 to correct a problem that had plagued her neighborhood and her neighbors. They had sewage back up, storm sewer and sanitary sewer, combined sewer back up in their homes on Tuesday July 14, 2015. She provided Council with copies of communication that she forwarded to the U.S. E.P.A. regarding the sewer back-up along with the City Manager's response to her and her reply to him. They will continue to communicate with the U.S. E.P.A. and she personally confirmed that 20 homes had combined sewer back-up in them, sewage and storm water on Grandview Avenue, 25th Street, Shawnee, Dorman and on Coles Boulevard. She stated that she thought that Council as well as the public needed to be informed since she had seen nowhere in tonight's reports that this was up for discussion. She and her neighbors have suffered repeated combined sewer back-up in their homes and she sent the U.S. E.P.A. pictures. She added that this issue would not be covered up and they will go forward and the information will be distributed and the travesty of what's occurred needs to be part of a public debate on the money wasted under the administration's plan that came into office in 2011 and subsequent years. They should not have to pay for this and people should be fired, Strand & Associates should be sued.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She prepared the Proclamation for the Pleasant Green Baptist Church on their 150th Anniversary.
2. She received the Oath of Office on the following Police Officers: Joshua Linkous, Johnathon Musholt, Cory Hicks and Shane Hatfield.
3. She received via email on July 15, 2015 from Main Street Portsmouth the minutes and financials for the month of June.
4. She received via email on July 13, 2015 the minutes from The Shade Tree Commission.
5. She received on July 27, 2015 the franchise fee from Time Warner Cable in the amount of \$55,666.55 and deposited in the Auditor's office the same day.

**Proclamation
for Pleasant
Green Baptist
Church's 150th
Anniversary**

**Oath of Office
for 4 new
Police Officers**

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

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

1. His written report can be found on the City's website.
2. He met with Shawnee State University for their monthly meeting.
3. He reviewed the current medical claims with Portsmouth Insurance.
4. He attended the Board of Health meeting but was not able to attend the SOPA Board meeting.
5. He met with CMI about on-going software upgrades.
6. He performed the Oath of Office for four new police officers, which brings the Police Department to a full 44 employees.
7. There was another resignation in the Fire Department, however, one of the employees that had previously resigned had expressed interest in returning to the department and by civil service rules he would be allowed to do that within one year.
8. Water main and hydrant work. He added that the variable frequency drive had been delivered and he asked Director Sutherland if they had been installed and he stated that it was currently

being worked on. Manager Allen stated that as soon as it was completed they would be able to adjust the input of our raw water which will allow the rapid mix replacement to be installed.

9. They are waiting for the ground to dry out before beginning the repair work on #2 pump station.
10. They had a phone conference call with the U.S. E.P.A. regarding the status of the administrative consent order. We are looking at the options that will help certain individuals with their issues and he added that we have a separated system, it would be difficult to say that we have CSO backups. One of the houses on Shawnee had a sanitary backup it was coming out of the toilet and we had that individuals sanitary sewer smoke tested and she had all of her gutters and yard drain into the sanitary lateral and the neighbors also had their drains into the sanitary lateral. He imagined that there would be all kinds of rain water off of roofs being pushed into the sanitary system and that's the reason why sewage was coming out of her toilet. He strongly stated that there was no cover-up and people should not be fired and contractors/consultant should not be sued. He personally went out that evening and went door to door and he did not see sewage in people's homes. One of the questions the EPA asked was "how do we confirm that there wasn't sewage in people's homes" and the reverse of that question was "how do you confirm that there was sewage in people's homes". He concluded by stated that obviously they won't stop until they feel they have done everything that can be done for the citizens of this community. He categorically denies the items in the e-mail that was sent to the U.S. E.P.A. and what needs to happen for the people that had problems, is that the gutters, downspouts, sump pumps, yard drains, they all have to come out of the sanitary sewers and until that happens there's no way to protect these homes. Mayor Kalb asked the City Manager if the home he was speaking of had a backflow preventer, he replied that he did not know but it's one of the things they will look at. If we do go forward with that option, the condition will be that they have to remove sump pumps and gutters otherwise the flaps will close and their own gutter will cause the sewage to back-up. Councilman Saddler remarked that there was something initiated about a year or so ago requesting that individuals remove these items from the sanitary sewer. Manager Allen stated that it wasn't mandatory but if it were his home he would have a backflow preventer and he wouldn't have his gutters or sump pump going into the sanitary sewer.

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

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

1. He stated that he had calls regarding the big rain that we had and the complaints were that they had flooding in their basements other than what Ms. Murray had stated, it wasn't just one area. There were cars under water in New Boston and he's sure there were other places in the county that had flooding situations, it wasn't just a case of a problem in one area but more that there was a lot of rain all at once.

The Acting Mayor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson

City Solicitor – Solicitor Haas reported the following:

1. He expanded on the City Manager's report with respect to the Grandview area. He went to that area the evening of the big rain, the downtown was completely flooded, Scioto Trail was flooded and when he got to Grandview and 23rd Streets there was a manhole cover that was off and one of the neighbors said that water had pushed it off. He asked Director Duncan about it and he said that when there's that much water, the air had to go somewhere, so it wasn't water it was air that pushed the manhole cover off.
2. The water was running down Grandview into the storm drain just as it was designed to and he went around to 25th and Shawnee and it was backed-up but when the Police arrived shortly afterwards, they removed debris from the sewer drain and it drained very quickly.
3. He spoke with the neighbor next to the retention system (the underground tanks) on Grandview and he lifted the cover and said it was approximately 75% full. Our treatment facility is capable of handling 10 million gallons of water a day and at one point we had 16 million gallons go through in one hour. The estimate was that in a 24 hour period, because the ground was so wet, we had approximately 100 million gallons go through that treatment facility. It was an extraordinary event. There is to be another retention facility installed next to the hospital and it is supposed to be finished by the end of the year and when that's accomplished that should help with the storm water. He spoke with a lot of people as he walked through the neighborhood and a lot of them had water in their basements but it was coming through the walls.

The Solicitor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. 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 spoke regarding the Grandview issue and appreciated former Mayor Murray's information and added that we have not had a public hearing out in that neighborhood for at least 5 years.

There were public hearings prior to the construction but no follow-ups by this Council and he believed that it was time to go back out there and listen to the people that live in that area and have them advise Council of what they've seen since the construction was complete. These are issues that we need to address and if there are issues that need to be handled by the property owner they should also be addressed. He would like Council to consider having a meeting out in that neighborhood. We had previously spoken about moving Council meetings around every couple of years and this would be a great opportunity.

2. He noticed that there were not Department Head reports in this month's packets which he didn't mind and he would like to suggest quarterly reports to eliminate the amount of paper that was being used and a better idea for the department heads. He noticed in the last reports that they had received a yearly report, but he noticed some deviation in the Fire Department and the Health Departments reports that need to be addressed. He asked that each department head come in and review the yearly reports with Council as there are abbreviations in the Police and Fire that he does not understand and he'd like them to talk about their progress and any anomaly's that have shown up.

2nd Ward – Councilman Saddler had no report.

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

1. He spoke to the City Manager and reminded him that he had given him over 30 days regarding two properties that had grown up weeds in which the neighbors had complained. Apparently the owner's of these properties aren't going to do anything and he would like to see the City do something about it.
2. The City Employee Appreciation Day will be held on Friday October 2, 2015 for all of the City employees. He's working with the sponsors from last year and Council will be inviting all the city employees for a cookout and he hoped all on City Council will be there cooking and serving these employees to show our appreciation.

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows had no report but asked to be excused for the Manager's Conference as he had another meeting.

6th Ward – Councilman Kleha had no report.

The meeting adjourned at approximately 7:35 p.m. on a motion by Councilman Kevin E. Johnson.

City Clerk

Acting Mayor