

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday August 14, 2017

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday August 14, 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 st Ward
Jo Ann Aeh	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Thomas K. Lowe	6 th Ward (Absent)

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

Councilman Lowe'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 July 24, 2017, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

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 **first reading**, to an ordinance authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing to resurface a portion of U.S. 23 and S.R. 73 within the City of Portsmouth.

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

There were no further 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 appropriation of \$30,000 from the unappropriated General Fund revenues to Munn's Run Wall Repair Line Item No. 101.116.5509 in order to make needed repairs. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

**Ord. #37-2017
Munn's Run
Wall Repair**

Councilman Kevin E. Johnson motioned to suspend the rule requiring an ordinance be read on three separate dates.

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

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

There were no further 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 \$20,000 from the unappropriated General Fund revenues to Sheridan Road Drainage Basin Line Item No. 101.116.5510 to make drainage improvements on Sheridan Road. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

**Ord. #38-2017
Sheridan
Road
Drainage
Basin**

Councilman Kevin E. Johnson motioned to suspend the rule requiring an ordinance be read on three separate dates.

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

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

There were no further 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 \$450,000 from the unappropriated revenues of CIP Fund No. 301 to Pershing Avenue Reconstruction Line Item No. 301.335.5268 for road improvements.

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

Mayor Kalb asked Manger Allen if most of this will be reimbursed and Manager Allen said that approximately \$400,000 would be grant money and the City's contribution would be \$50,000.

There were no further 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 appropriation of \$40,000 from the unappropriated revenues of the General Fund to Municipal Building Maintenance Line Item No. 101.115.5261 for replacement of the Municipal Building boiler. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

**Ord. #39-2017
Appropriate
funds for new
boiler for city
building**

Councilman Kevin E. Johnson motioned to suspend the rule requiring an ordinance be read on three separate dates.

The role was called. **VOTE: 4 ayes – 1 nays (G. Meadows)**, the rules were suspended.

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

Councilman Kevin E. Johnson stated that when this was brought up at a previous meeting Manager Allen said that he would be accepted other bids. Manager Allen said that the City solicited two other quotes, in which one was received from a firm in Huntington, WV. in the amount of \$70,000 and they were still waiting on another one from Columbus.

There were no further questions or comments. The role was called. **VOTE: 4 ayes – 1 nays (G. Meadows), the Ordinance was passed.**

The clerk gave a **first reading**, to an ordinance authorizing the salary ordinance be amended to add assistant to the city manager position with a pay range of \$23,251-\$38,829 per annum, and further, authorizing the city manager to hire an individual.

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

Councilwoman Aeh stated that a precedence had been created by hiring with a college degree and she wasn't in agreement with that for the reason that this person would be pursuing city property that was damaged by individuals that have no insurance. She said that from February 15, 2015 until February 15, 2016 there were eight (8) claims for property damage for a total of \$8,000. February 15, 2016 until February 15, 2017 there had been five (5) claims for a total of \$25,000 and \$10,000 of that was for someone who did not have insurance. February 15, 2017 until current date there had been three (3) claims for \$418.28 two (2) of those were pending, another was an overhang that was hit by a garbage truck and the other was a Fire truck had hit a car and on that one the city only had to pay the deductible and that claims had been going down. She said that her son's car was hit by an uninsured driver and her insurance paid for it and then her insurance company persued the cost from the uninsured motorist. She advised that she had ask the insurance company and the City does not have to persue any uninsured person who causes damage to city property because that would be done by the insurance company. She explained that she didn't know why we would consider hiring someone when we only have had \$8,000, \$25,000 and \$418.28 claims in three (3) years. She doesn't believe we need this person that we would be paying a salary of almost \$40,000 per year with benefits and she disagreed with some of the figures that

were used in calculation for the position. She read from the proposed legislation “The anticipated wage would be approximately \$15.00 per hour (\$31,200) which is less than the two (2) part-time wages in 2013 of \$28.00 per hour, (\$14.00 each)” and those two part time employees were not getting benefits which was not figured into the calculations on the proposed legislation. She said there was one (1) full time employee, the Mayor and two (2) part-time employees, which would be equivalent to three (3) employees. She said currently we have – City Manager Allen, Administrative Assistant Renee Matiz and Tracy Shearer Community Development Director who does some secretarial work, which was the equivalent of three (3) full time workers. She said we need employees but not in the Manager’s office, but possibly in the Engineers Department because we have one (1) person plus a clerical position. She also said that she wasn’t sure if we were still certified because there had not been any money in the budget for the mandated certification for the person currently in the Engineering Department; she added that if the city lost its certification, everyone would have to get their building permits from Columbus and inspections would be from Columbus. We could use that money to hire an extra employee in Engineering rather than in the City Manager’s office. She concluded by saying that hiring someone for the City Manager’s office would not warrant a 40 hour work week of pursuing claims from uninsured people who do damage to city property. Councilman Meadows asked if he understood the Manager in that he was going to advertise for the position but that he had someone in mind already. Manager Allen said that someone was interested in the position and that he has had multiple people express interest in the position. Councilwoman Aeh said that the single insurance plan wouldn’t necessarily apply because it may be someone that would need a family plan. Manager Allen said it could be a family but he would be looking for people recently out of school. He also said this position would not be for just pursuing insurance claims, which was only one aspect and that things get damaged all of the time and not all got turned into the insurance company. He received Police reports on damage but there was no one to follow up, and there were so many things that he doesn’t have time to do. He said he needed a helper and that Community Development Director Tracy Shearer does not work in his office. He said he cannot hire an Engineer because the funding was removed from the budget and that all of our permits do go to Columbus because at the budget hearing that was what Council wanted. All commercial building inspections go to Columbus; Mr. Winters had his certification for Plumbing and a guy from the Electricians Union does the Electrical inspections and most everything else was contracted out at \$100 per hour to Columbus. Councilwoman Aeh said that hiring someone in the Engineering Department would actually be saving us money. Councilman Meadows said that he told the City Manager a couple of years ago that if he needed help to come to Council but he wanted to make sure that we would be advertising the position and that he didn’t already have the person picked out. Councilman Kevin E. Johnson said that he brought this up in the Conference meeting, the stretch between the pay ranges of \$23,251-\$38,829. Manager Allen said that he would not be paying them more than his current Administrative Assistant makes at \$31,200. Mayor Kalb stated that he agreed with the concerns that had been brought up and also the city had made big strides towards involving the Civil Service in our hiring process and this would be side stepping that. Manager Allen said that non-classified employees did not have to take the Civil Service test.

There were no further questions or comments. **The role was called. VOTE: 3 ayes – 2 nays (J. Aeh, J. Kalb), a first reading was declared.**

The clerk gave a **first reading**, to a Resolution to express support for the Portsmouth Fire Department in providing transport Emergency Medical Services (EMS).

Kevin E. Johnson motioned that this Resolution be adopted.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Ray Davis – 1604 Robinson Avenue – He had several things he wanted to discuss:

- a. He said the streets were tore up all over due to the Gas Company contractor there were rocks being used as fill which were being thrown and hitting cars and they were very slow about repairing and it was like driving over a corn field. He said if they were ever permitted to do work again they should use another contractor, one that uses cold patch. He said there was only one crew working very slowly to repair the roads.
- b. He said that he had called the Health Department numerous times to complain about property at 1901 Mabert Road which was a rental property. He said they constantly let their dogs run loose, the neighbors have complained, the Police have been there (he walked away from the microphone, could not hear what he was saying). He said there were pictures there of different days of the dogs running loose, and they have a pit bull and a big brown dog that have been chasing the deer off that he feeds. He said there was a city lot right next to the house where old concrete and old tires had been dumped, he said they’ve also driven cars back in there and made big mud holes.

- c. He said the City had passed ordinances about the height of grass/weeds but yet the city neglects its own property. He said that on 5th between Lincoln and Brown there was property owned by the city that had high weeds.
- d. He said that he had complained and called the Health Department about the dogs and if the Dog Catcher that we currently have wasn't going to enforce the ordinance, the city should get someone that would enforce the leash law. He said there was someone up there that had a kennel license and have five (5) or six (6) their home and those dogs get out a lot and that they have. (He was saying something but couldn't understand, he again walked away from the microphone).

Jackie Craig – 1733 Valley Street – She said there was a creek that ran behind her property and that the city used to clean it out but it had been years since it had been done. She had a house on the back of her property that was built in 1917, the city had built a retaining wall and the rock from the wall was falling away from it and putting that home in jeopardy. She said Mr. Duncan gave her an estimate of between \$22,000 and \$24,000 for the repairs. She said that she had been to every office in the building trying to get something done. She called Clerk Ratliff on June 12th who told her that no legislation had been presented yet. She then called Mr. Allen's office three (3) times with no return call. She said that Mr. Duncan came to her house and asked for proof of her property running along the creek, she then went to the recorder's office because she knew there was an easement from when the WPA built the wall and that the City of Portsmouth would maintain the wall (inaudible). Solicitor Haas said that Council had earlier in the evening passed the Ordinance to repair the wall and Manager Allen said that he would call the contractor and have them go to work, but before they begin, the contractor had to get a permit from the Soil and Water Conservation District to be in the creek and eventually the shrubs and trees would be cleaned out.

Teresa Blankenship – 3009 Noddin Way – (Inaudible). She said that she's never seen the drug problem brought up on any agenda and that it should be our biggest concern. She said that was what caused burglaries and there were not enough Police Officers to take all of the reports. She said she wanted to know what happened to the reports when they got sent upstairs to the Solicitor's office. She wasn't sure what happened to them next but understood that it was the City Solicitor's responsibilities to make sure who was charged and with what based on the report. She explained that she had a case where she was run over by a car back in October and she wasn't sure which Solicitor looked at it but they chose an assault, so she begged for it to be dismissed in May because an assault was not right, when you run over someone with a car it was a felonious assault. She said she wasn't sure which Solicitor was supposed to be arguing in Preliminary Hearings but she knew that Felony 1 Drug dealers, Aggravated Robbers and everybody else was walking out the door or signing their own bonds which could be a big problem with our drugs if everyone's walking out the door by signing their name saying "I promise I'll come back to Felony Court". She believed that it was the job of the Solicitor's office to give an argument to the Judge on why those people shouldn't be running the streets, for example their failure to appear history, how much money was spent on failure to appear cases in the Municipal Court system because we appoint them attorneys for free, then they don't show up and then they come to court any time they want and get back on the docket with no new charges, then we give them another attorney for free. These people come and goes as they want. She attended Felony Court and they had 39 people on arraignments for felonies and only nine (9) people were there, eight (8) of them were in jail and one (1) came off the streets but twenty-nine (29) felons did not show up for court and were still running the streets. The cops had already arrested them once and don't have time to chase them again because there weren't enough Police Officers. She said that everyone would probably say "She's just complaining because it hurts her business", she said that it did hurt her business but it also hurts her community when there are Aggravated Robbers and Drug Dealers from Detroit running the streets. She wanted to know when the City was going to do something about that issue. She said it was important and why people aren't addressing it was beyond her.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She said that she received via email on August 1, 2017 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending July 31, 2017: Expense, Revenue and Fund.
2. She received notice that Mr. Gedeon had obtained a \$750 bid from Neal Hatcher for the vacant lot located at 1522 5th Street. He advised that Mr. Hatcher was buying the surrounding properties in order to build new apartments. Mr. Gedeon recommends that Mr. Hatcher's bid be accepted.
3. She received from the Auditor of the State of Ohio, the audit report for 2016 and distributed accordingly.
4. She reminded Council of Main Street Portsmouth's Farm to Table Dinner on August 22, 2017 at 6:00 p.m. at the SOMC Friends Center.
5. She prepared a Proclamation for the month of September proclaiming it as Prostate Cancer Awareness Month.

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: 5 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

2. He acknowledged Aaron Smith and Chad Spriggs for their work on the riverfront as it looked really good and it was exciting to see how well the riverfront cleaned up.

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: 5 ayes – 0 nays.**

Mayor's Report – Mayor Kalb had no report.

City Solicitor – Solicitor Haas had no report.

Auditor Williams – Auditor Williams reported the following:

1. July's General Fund - \$1,115,089 which was \$29,770 less than last year in the same month which was \$575,667. The new tax revenue collected was \$253,355. Total collection included in both General and Capital was \$1,267,160 which was \$34,278 less than last year and the accumulated total compared to last year was \$587,152. Major Fund Balances – General Fund \$3,541,372, Streets \$314,438, Water \$506,585, Sewer -\$1,766,289, Sanitation \$467,131 and Insurance \$1,710,231.

The Auditor'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: 5 ayes – 0 nays.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

1. He welcomed Former Mayor Murray and Portsmouth Daily Times Hope Comer.
2. He had planned an extensive discussion regarding individual meetings with the City Manager for two reasons: 1. His esteemed colleague in the Sixth Ward on facebook called for his resignation which he will address at the next meeting. 2. He found out that the City Manager was informed that there were 3 ½ votes among Council for firing him which was of concern. He will address all of that at the next meeting when Mr. Lowe is present since most of his comments concern his facebook post.
3. He was pleased to attend the DRD public hearing on August 9th and was very pleased and surprised to see twenty-seven (27) downtown property owners and business people in attendance. He regretted that there was a breakdown in communication between SOPA and the City as far as communicating to Council and we received late notice of the hearing. He understood that quite a few business members spoke to the staff of SOPA after the meeting and they were very interested in the DRD legislation.
4. He also attended the regular SOPA meeting and to refresh everyone's memory, there were four (4) recent people appointed to SOPA by the County Commission. Previously the County Commission had told SOPA that the numbers were too big and needed to shrink and they weren't going to appoint any more members, however four (4) new members were appointed, all of which were political appointments in support of the Chairman of the Republican Party in Scioto County, the Chairman of the Republican Party was a member of the Board of SOPA and the Chairman of the Democratic Party was forced off the board a few years back. He doesn't know why there were political appointments to SOPA but that's how it was. He said at this particular meeting one of the new board members derided any suggestion that SOPA Executive Director Jason Kester should be given any credit for jobs that were developed or retained in Scioto County and even suggesting that the term "jobs retained" was a joke and that none of the businesses would have left had SOPA not been there to assist their business. He was disturbed by that greatly, that someone on the Board of SOPA didn't understand what job retention was and to assist various companies from our Lumber Company to Food and the need to expand is job retention. He said this particular individual went on and on attacking Jason Kester, then the County Commission Chairman launched into a very long speech concerning the future of SOPA and that SOPA was not going away and explaining that the County would probably not be in the position to help fund them in the future, citing also that a decision made 4 ½ years ago that SOPA needed to be self-sustaining in 3 ½ years. Mr. Johnson researched multiple web searches for Ohio Port Authorities and their goals were to be self-sustaining and the way they become self-sustaining was by owning airports, ports, real property and derive income from that property, issue bonds and they receive a fee from those bonds. He said SOPA doesn't have any property to speak of and the County wasn't big enough nor has it had enough businesses to create a lot of bonds, except for the upcoming one. He planned on asking how they determine what basis that they thought Scioto County's Port Authority could be self-sustaining in 3 ½ years. Mr. Johnson had been in business and even a small business took five to seven years to get a return on their equity/investment to show a profit. He said that he had to leave the meeting early but as he was leaving, one of the key business leaders also left in disgust and said that he was going to resign. He said that there was frustration on behalf of some of the board members at the discussion that was going on and it was to him one of the most dramatic, pointless, unprofessional and in the end frustrating meetings that he's ever attended. He concluded by saying that there was no press there to report any of it.

2nd Ward – Councilwoman Aeh reported the following:

1. She received a complaint at 1616 7th Street regarding an alley house. Years ago it was decided that you cannot have an alley house, there was a lot of junk and it was reported that they may be getting electric from another house.

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

1. He said that he had a couple of complaints and had emailed those to Manager Allen.
2. He had complaints from Highland and Lincoln regarding the work the Gas Company had done. He said when the work began he had citizens ask him to make sure that the bricks that were removed from the street be placed back in the streets when the work was completed. He contacted Manager Allen who in turn contacted Mr. Cartmill and he ensured that the bricks that were taken out would be placed back in the street once the job was complete. He said the gas line work was done and now the bricks need to be put back in place. Manager Allen was told that the Gas Company originally just wanted to fill it in with stamped concrete which looked like bricks and he told them “no” because they had been told the original bricks would be returned to the streets. Mr. Johnson asked that this be part of the record that the citizens want those brick to be replaced and they want it sooner than later because those roads are rough and if you have a small car you bottom out and he wanted Manager Allen to keep on top on the situation.
3. He thanked our Portsmouth Fire Department and their endeavor to get into the Emergency Medical Services line of business and it was something this city needed.

4th Ward – Councilman Kalb reported the following:

1. He had already passed along concerns of the 4th Ward residents to the City Manager.

5th Ward – Councilman Meadows reported the following:

1. He said the City Clerk forwarded a concern from Joyce Childers about a discarded mattress and a boxspring on 17th Street and trash along the streets. He said he drove along 17th Street and it wasn't too bad until you got close to Oasis Carry-Out and then it started getting a little trashy. He said that he didn't see any mattresses on Thomas Avenue but he did see three (3) shopping carts and there were no permits on the carts, he then saw a 4th shopping cart on a property and the garbage up Thomas Avenue was horrible. He said Pleasant Avenue was worse now than it had ever been and he'd like to get the Probationers to get some of that picked up. He then proceeded onto Daniels Drive and there was a tire laying in the road. These roads look like forgotten areas of the city.

6th Ward – Councilman Lowe had no report due to his absence.

The meeting adjourned at approximately 6:55 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Mayor