

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday August 24, 2015

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday August 24, 2015 at 6:05 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 (Absent)
Rich Saddler	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward (Absent)
Jeff Kleha	6 th Ward

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

Councilman Kevin W. Johnson and Councilman Meadow's absences were excused on a motion by Councilman Kevin E. Johnson.

Council dispensed with the reading of the Journal for the regular session of August 10, 2015 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 4 – 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 amending Section 305.01 Authority and Considerations for Placement of Devices 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: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance amending Section 305.03 - Powers of Mayor 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: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance amending Section 305.05 – Mayor's Powers not Limited 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: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance amending Section 305.06 – Records of Mayor 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: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance amending Section 305.07 – Reservation of Power to Council 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: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance repealing Chapter 353 – Parking Meters of the Codified Ordinances of the City of Portsmouth, Ohio.

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

Councilman Kevin E. Johnson advised to those in attendance that the legislation being read are code clean-ups.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 943.02 Rules and Regulations; Authority of Mayor 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: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance repealing Section 943.04 – Police Powers of Supervisor 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: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 943.05 - Application for Interments; Digging Graves 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: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance Amending Section 943.06 – Burial of Deceased Indigents; Fees 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: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance Amending Section 943.07 - Cemetery Plat 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: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance Amending Section 943.08 – Sale of Lots; Free Burial Ground 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: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance Amending Section 943.13 – Greenlawn Cemetery Burial Charges 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: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance to amend the Codified Ordinances of the City of Portsmouth, Ohio by enactment of supplemental rules and regulations to Chapter 943 - Cemeteries.

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

Councilman Kevin E. Johnson asked the City Manager about prohibiting the planting of shrubs and flowers on and around the graves at Greenlawn Cemetery and if this had always been in effect. The City Manager replied that the flowers in vases or hanging pots are acceptable but not put into the ground. The staff had stated that there are rules in place but there was not a codified ordinance in place clarifying the rules. The current shrubs and flowers that have been planted will not be removed. It makes it hard for the staff to mow around the stones when flowers or shrubs are planted.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing the need for Bridge Inspection Program Services, including, but not limited to bridge load rating calculations, scour assessments, bridge inspections and fracture critical plan development.

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

There were no questions or comments. The role was called. **VOTE: 3 ayes – 0 nays – 1 abstain (R. Saddler), a first reading was declared.**

The clerk gave a **first reading**, to a Resolution to adopt a new city flag for the City of Portsmouth, Ohio, as depicted in the attached Exhibit A.

Councilman Kevin E. Johnson motioned to adopt the Resolution.

Councilman Saddler thanked Gina Chabot and Michael Vermillion and others that put in the effort toward a new city flag, he also thanked City Council for moving this forward.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Resolution was adopted.**

The clerk gave a **first reading**, to a Resolution in memory of Michael D. Shaw honoring him for outstanding service to the City of Portsmouth during his 29 years of employment. City Clerk Ratliff read the resolution in its entirety.

Councilman Kevin E. Johnson motioned to adopt the Resolution.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Resolution was adopted.**

Mrs. Beverly Shaw came forward with her family and was presented the Resolution and Mayor Kalb read a letter that was signed by all of City Council. Mrs. Shaw thanked City Council and said that Mr. Shaw would have been very proud.

The clerk gave a **first reading**, to a Resolution in memory of James Richard Saddler honoring him for outstanding service to the City of Portsmouth during his 21 years of employment. City Clerk Ratliff read the resolution in its entirety.

Councilman Kevin E. Johnson motioned to adopt the Resolution.

Councilman Saddler stated that this was a bittersweet moment, he totally respects the process of what City Council and other office holders have started with honoring deceased and retired employees. He thanked each of Council for starting this process and hopefully it will continue on. He thanked the City of Portsmouth for giving his father a job, the City of Portsmouth took care of his family, put clothes on their back and food in their bellies. He said just like his Dad, he's planning on staying in Portsmouth and resting here too.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Resolution was adopted.**

Mrs. Jane Saddler came forward with her family and was presented the Resolution and Mayor Kalb read a letter that was signed by all of City Council. Mrs. Saddler stated that Jim loved the City of Portsmouth, he loved people and was a people person. The night before his funeral, she greeted over 600 people that came to pay their respects which shows what kind of person he was and how loved he was. She stated that as a family they are so proud of him and they miss him.

**Res. #12-15
Adoption of
a new
City of
Portsmouth
Flag**

**Res. #13-15
In Memory
of Michael
D. Shaw**

**Res. #14-15
In Memory
of James R.
Saddler**

Mayor Kalb told Mrs. Saddler that Jim would really be missed. Mr. Kalb stated that he had a friend tell him once “Kalb, you’re the most hated person in Portsmouth and when you die you will have to rent pall bearers (laughter)”. He said this was not the case with Jim.

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 thanked American Savings Bank for funding the trimming of the trees on the Esplanade last fall and the new American Flag and Ohio Flag for the Esplanade. And also thanked the Service Department Employees who installed the new flags.
2. She attended the Red Cross Heroes breakfast awards ceremony on Thursday August 13th where our Fire and Police personnel were being honored.
3. She received the Oath of Office for Portsmouth Firefighter Ryan Robertson on August 17, 2015.
4. She prepared the Proclamation for the American Legion Legacy Run and attended the laying of the wreath ceremony at Tracy Park on Sunday August 23rd.

**Oath of Office
 for Ryan
 Robertson
 Firefighter**

**Proclamation
 for American
 Legion Legacy
 Run laying of
 the wreath**

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 attended the Red Cross Heroes Breakfast where a Police Officer was recognized along with a multitude of firemen.
3. Firefighter Ryan Robertson took the Oath of Office and another name has been added to the eligibility list.
4. The G.I.S. agreement has been signed and returned by the County.
5. 2015 resurfacing is ongoing and the plans for Kinney’s Lane and Scioto Trail are at ODOT for review.
6. The police impound facility made approximately \$10,000 in the first two months and there will be a car auction on Saturday August 29th.
7. Truck 58 was getting a new bed and one of the seven vehicles are getting snow plows installed.
8. Salt bid was received.
9. Congressman Brad Wenstrup will be presenting a Resolution to the City of Portsmouth for the Bicentennial and would like to extend the invitation to all of Council and other officials that would like to be there. It will be at 1:30 at the City Building.
10. He reviewed the errors in the utility bills and he stated that there will be a letter go out to all utility customers explaining the error by next month.

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 there were over 500 motorcycles in town for the American Legion’s Legacy Run. He complimented the members of the Legion and those volunteers that made the event happen, he thanked the Police Department for being on every corner handling the traffic, which made moving through town very easy.

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 expressed his condolences to Beverly Shaw and her family, he had known the family for a while and he remembered back in 2010 when the City lost their acting Waste Water Director and fell out of compliance with the EPA, Mr. Shaw stepped up and helped the City which was one of the ways we were able to get around the compliance stipulation and he kept us from being cited by the EPA. He gave a lot and cared a lot about the city.
2. He also expressed condolences to Jane Saddler and her family and added that we lost a giant and that Jim was a great man. He met him years ago when running for State Representative (unsuccessfully). When he made his announcement that he was running he said he only had about 12-13 people show up and Jim and Jane were among them and that’s something he would never forget.

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

Auditor Williams – Auditor Williams reported the following:

1. He stated that he didn't realize why the bikers were in town until after the fact, but he really got to see all of them quite well about 8:00 in the morning as they were leaving town, he said he set at the light for approximately 10 minutes watching the motorcycles leaving town.
2. He said that anyone that had known either Mike Shaw or Jim Saddler would feel and agree that they have been blessed to have known them and he's a better man for having known them.

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

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Kevin W. Johnson had no report due to absence.

2nd Ward – Councilman Saddler reported the following:

1. He appointed Christine Pennywitt to the Traffic Committee to fill the unexpired term of his father.
2. He thanked Mayor Kalb and Diana for their efforts with the American Legion Riders Legacy Run on Sunday with providing a Proclamation and the Mayor reading it. After the wreath laying ceremony, he had many good words by a lot of out of town people thanking the Mayor and the City of Portsmouth for reading the Proclamation. One gentlemen that was the head of the group said that the City of Portsmouth is the first city since he's been in charge that had acknowledged the group in a formal manner.
3. He thanked John Blevins and Sandy Rawlins at Greenlawn cemetery, those two individuals are very hard workers and some of the best people that you would ever meet and would do anything for anyone. He put in a plug for them that they really could use some help.
4. He thanked Chief Ware and all the Police Officers for all that they did in leading the funeral procession through town and all of the department for what they did for his family.
5. He gave a huge "thank you" to Chief Raison, he was with the Saddler family when Jim passed away and stayed with them the entire day. He's a very good man and he really appreciated that he was there to help console that morning and he thanked all of the firefighters in the Fire Department for everything that they've done. He added that none of the firefighters ever worked with his father but at any moment that anything was ever needed, they just made a phone call and within a matter of minutes there was someone there. They built a ramp for his Dad to make it easier to get in and out of the house and they've done a lot for other people in the community as well. He and his family will be forever grateful for these individuals.

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

1. He had some residential complaints about weeds and overgrowth on Indian Drive.
2. He stated that the Mound at Mound Park was overgrown, he's not sure who is responsible for cutting the Mound. He added that the football area was in bad shape too with tall grass.
3. A local architect had concerns about the fee structure for plan submittal and plan review. He stated that the City Manager had discussed this with him and he will continue to address the situation and he asked that he continue to follow with further communications.
4. He reminded everyone of the Employee Appreciation Picnic on October 2, 2015 at the 40/8 shelter at the American Legion Post #23. The potential sponsor will be donating all the food, and paper products. All of Council and the Clerk will be helping this year and we will accept anyone willing to volunteer to help.
5. He acknowledged the Shaw and Saddler families and thanked them for their husbands service to our area. Words cannot describe our gratitude.

4th Ward – Councilman Kalb had no reported the following:

1. He stated that the city was no longer responsible for cutting the grass at Mound Park because of an agreement, but he had spoken with the people that care for the mound and they are supposed to be taking care of it.
2. He acknowledged that he missed the opportunity during the Mayor's report to make a couple of appointments but he will do that at the next meeting.

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

6th Ward – Councilman Kleha reported the following:

1. He thanked the families that were here tonight.
2. He recognized the work of the Sciotoville Preservation Society. There was an issue with a historical marker that they were hoping would be moved back to the original place. This group does a wonderful job, they're always out cleaning up.

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

City Clerk

Acting Mayor