

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**

Monday August 8, 2016

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday August 8, 2016 at 6:00 p.m., in the Council Chambers of the Municipal Building.

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

Roll Call showed the following members to be present:

|                  |                      |
|------------------|----------------------|
| Kevin W. Johnson | 1 <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, City 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 25, 2016 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 6 – 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 **third reading**, to an Ordinance authorizing the appropriation of funds in the amount of \$40,000 to the Health Department Primary Care Fund.

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

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

**Ord. #60-16  
Appropriate  
Fund to  
Health Dept.  
Primary Care  
Fund for  
Gateway  
Recovery**

The clerk gave a **third reading**, to an Ordinance repealing Chapter 931 – Water Wells of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

**Ord. #61-16  
Repeal  
Chapter 931  
Water Wells**

The clerk gave a **third reading**, to an Ordinance amending Chapter 929 – Water Regulation of the Codified Ordinances of the City of Portsmouth, Ohio by adding Section 929.16 – Drilling of Wells Prohibited and Section 929.17 – Rules and Regulations; Authority of City Manager.

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

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

**Ord. #62-16  
Amend Section  
929, Adding  
Section 929.16  
Drilling of Wells  
prohibited and  
Section 929.17  
Rules and  
Regulations**

The clerk gave a **third reading**, to an Ordinance amending Section 313.11 Right Turn on Red Prohibited of the Codified Ordinances of the City of Portsmouth, Ohio.

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

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

**Ord. #63-16  
Amend  
313.11  
Right Turn  
on Red  
prohibited**

The clerk gave a **third reading**, to an Ordinance amending Section 339.02(b) (5) Trucks and Truck Routes of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #64-16  
Amend Section  
339.02 b 5  
Trucks and  
Truck Routes

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

Ord. #65-16  
Amend  
Section  
339.02 c 5 and  
add 339.02 c 6  
Truck and  
Truck Routes

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

Ord. #66-16  
Repealing  
Section  
339.02 d  
Trucks and  
Truck Routes

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

Ord. #67-16  
Amend Section  
351.17 Parking  
in Alleys

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

Ord. #68-16  
Repealing  
Section  
351.20 b  
Two Hour  
Parking

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

There were no further 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 enacting a new Chapter entitled "Fire Hydrants", of the codified ordinances of the City of Portsmouth establishing the prohibition of obstructing fire hydrants with trees, shrubs and other flora.

Ord. #69-16  
Enact New  
Chapter,  
Fire  
Hydrants

Councilman Kevin E. Johnson motioned 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 repealing Section 351.10 – Bus Stops and Taxicab Stands 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 927.02 Rates; Acceptable Waste; Private Wells 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 927.03 Rates; City's Rights Reserved 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 927.07 – Connections to Sewerage System; Outside Toilets Prohibited of the Codified Ordinances of the City of Portsmouth, Ohio.

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

There were no further 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 927.08 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 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 123.02 Publication by Posting 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 123.03 Publication of Legal Notices 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 151.03 Preparation of Studies, Reports and Urban Renewal Plans 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 151.06 Action by Planning Commission 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 **first reading**, to an Ordinance authorizing the appropriation of \$288,715.74 from General Fund No. 101 to Police and Fire Pension Fund Line Item No. 101.223.5121.

Councilman Kevin W. Johnson motioned to suspend the three reading rule.

**The role was called. VOTE: 5 ayes – 1 nay (K.E. Johnson), the rule was suspended.**

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

Councilman Meadows stated that typically he voted no to waive the readings, but under the circumstances and the fact that we're not being required to pay a penalty or interest, he believed it to be prudent to push this through and get the State their money as quickly as possible. Councilman Kevin E. Johnson stated that he would be voting "yes" on the ordinance, and he voted "no" because he felt that any time this amount of money was being discussed, the public should be afforded the right to hear the readings.

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

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$90,789.81 from the unappropriated Community Development Department 243 Fund monies to BRLF-Loans Fund Line Item No. 243-689-5821.

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

There were no questions or comments. **The role was called. VOTE: 6 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 General Fund monies to Management Consultants Fund Line Item No. 101.119.5234.

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

Councilman Kevin E. Johnson ask Manager Allen to explain for the benefit of those in attendance how the money would be used. Manager Allen replied that they would hire a firm to create a downtown redevelopment district which would not exceed \$30,000 and would be kind of like a TIF district "Tax increment Financing District". Shawnee State University was doing work on Chillicothe Street which would be tax exempt, the city would research to see if there could be a development around that and related to the private sector. This would be one of the first steps for the Port Authority to work on plan to develop the downtown.

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

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager to enter into an agreement with The Montrose Group to assist the City of Portsmouth in the creation of a Downtown Redevelopment District (DRD) in an amount not to exceed \$30,000 to be paid from Management Consultants Fund Line Item No. 101.119.5234.

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

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

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager to enter into an agreement with Brownfield Restoration Group, LLC to conduct a VAP Phase II Assessment and No Further Action Document in an amount not to exceed \$98,579.50 to be paid from New WTP Fund Line Item No. 606.771.5515.

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

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

The clerk gave a **first reading**, to an Ordinance authorizing the transfer of water revenue from Fund No. 603 to Fund No. 604 and from Fund No. 603 to Fund No. 606 and appropriate \$100,000 from Fund 606 to New WTP Fund Line Item No. 606.771.5515.

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

Mayor Kalb asked Solicitor if this should have been prior to the previous legislation and Solicitor Haas replied that it didn't matter.

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

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

Councilman Kevin E. Johnson motioned to suspend the three reading rule.

**The role was called. VOTE: 6 ayes – 0 nays, the rule was suspended.**

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

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

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

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

**MISCELLANEOUS BUSINESS AND REPORTS:**

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

1. She received via email on August 2, 2016 from the Auditor’s office, the following summary statements of the Combined MTD/YTD reports for the period ending July 31, 2016: Expense, Revenue and Fund.
2. She received from the Ohio Division of Liquor Control a request for a transfer of C1 & C2 permit from Town & Country Stores, Inc. of 315 SR140 Portsmouth, Ohio to SRI MAA LLC DBA Hill Top Market 1922 Grandview Avenue – Portsmouth, Ohio 45662. There were no objections.
3. She received the Oath of Office for Police Officer James Bell.

**Ord. #71-16  
Updated  
Codified  
Ordinances**

**Liquor License  
for Hill Top  
Market**

**Oath of  
Office Police  
Officer  
James Bell**

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 reported the following:

1. He swore in a new Police Officer who was undergoing internal training and on Wednesday he would swear in another officer who would be attending the Police Academy.
2. An employee was hired for the cemetery which was a longer process than anticipated.
3. The Street Department will be closing off the street on East Gallia Street in Sciotoville to remove the railroad retaining wall.
4. The lightbulbs for the decorated lights in the downtown area have been received and when staff is available they will be replaced.
5. A tree fell in Sciotoville and was removed by the City although it wasn’t the city’s responsibility, but would probably have been sitting there for a long time.
6. The Thermoplastic project was completed for the year but would be done every year in different sections of the city.
7. The guardrail on SR 52 was repaired and the insurance checks were received.
8. The permit for the transfer station was received.
9. The pipe yard had to help fix the pool pump.
10. There’s been a lot of electrical outages at the campground because everyone was running their air conditioners which were only equipped with a 30 amp service.
11. The emergency work on the Water Plant trough was about half way completed.
12. The County is rebuilding Washington Boulevard in West Portsmouth and replacing and upgrading about 4,100 feet of water main. The city’s only responsibility would be to tie in the new water line and test it to be sure it’s safe.
13. The County Engineer had approved a 24 inch water main which had to be relocated for the St Rt. 823 project.
14. The repair work for the outfall pipe underneath the levee was completed.
15. The drainage problem at 27<sup>th</sup> and Grandview from the old St. Mary’s cemetery was repaired.
16. The telemetry device at 23<sup>rd</sup> and Grandview was being installed.
17. The milling had begun on the resurfacing project and he hoped to have all the resurfacing completed by Monday the 15<sup>th</sup>.

18. He said that 14,000 utility bills were sent out each month and they have sent 2,700 delinquent notices for the month.
19. They hired a new dispatcher to replace the dispatcher that retired.

Councilman Kevin E. Johnson asked Manager to elaborate on the water break on Sunrise Avenue. Manager Allen stated that the 30 inch water main broke again, this was the same water main that needed to be replaced. He also ask about the Levee certification and Manager Allen replied that it was submitted in June and they estimate a 90 day turn-around time period.

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 reappointed and appointed the following to the Land Reutilization Committee:
    - a. Reappointed Janice Shanks – 2<sup>nd</sup> Ward
    - b. Appointed Jerrold Albrecht – 4<sup>th</sup> Ward – 1420 Summit Street – 740-353-6950
    - c. Appointed Bill Shope – 6<sup>th</sup> Ward – 6018 Harding Avenue – 740-776-0606
- He requested that letters of appreciation be sent to the outgoing committee members.

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 reported the following:

1. He stated that we currently have no pending litigation against the city. The insurance defense counsel said that this was the first time in a very long time that they remember not having cases pending against the city.

The City Solicitor'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.**

**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 said that the neighbors in the 300 block of Chillicothe Street said that there was still no lighting from the city or AEP.
2. He was delighted with the Sunset repaving, but wondered if there was signage so that traffic wouldn't go up. Manager Allen said that he was told there were signs but he found out that people were able to drive over the top. This was a different paving company than what had been used in the past.
3. He said that Council passed three (3) Ordinances regarding trucks and he was looking forward to seeing how it would be enforced. He said one of the problems was that trucks were following their G.P.S. instead of looking at the signs. The sign indicating that they were not to use Chillicothe Street was at the beginning of Chillicothe Street which would be too late. Manager Allen said that the sign in Kentucky says they were not to use the bridge.
4. He attended the following meetings: Business After Hours at Trinity Business Group, Land Bank, Shade Tree Commission, and he participated in a Skype discussion with the Mayor of Zittau concerning next year's visit by SOPA and the possibility of a student exchange program.
5. He attended the Main Street Portsmouth Farm to Table dinner and it was great.

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

1. She requested an update on the school encroachment as she's had people asking for an update. The school knew what they were doing because they put curb cuts before and after each fire hydrant which was left in the middle of the sidewalk. He stated that she watched a couple with a baby in a stroller that had to wheel the baby out into 9<sup>th</sup> Street and go around the fire hydrant and back up onto the sidewalk. She wasn't sure how the ADA would look at that fact.
2. She said that she received a lot of positive comments on the Martings Building and the schedule is filling quickly.

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

1. He had reached out to the City Manager on some residential issues and they were handled.
2. He had a resident complain about flooding in their basement as a result of the water main break on Sunrise and their insurance company told them to contact the city. He will give the contact information to the City Manager after the meeting.
3. He thanked the City Manager for his prompt response to the emails.

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

1. He thanked the City Manager for having the vacant lots cut in his neighborhood and hoped they were documented and placed on tax liens.
2. He requested an update on the Grandview widening project.

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

1. He said when he first was appointed to Council he had an email that he had set up for Council as well as his law practice. Shortly afterwards he set up another one that he used strictly for City Council, but he liked the idea of the City email address and that was the only that he was using for city business. He requested all of Council to change their email address for him to the one that the City Clerk had set up for him because if it comes to the one that he conducts legal business on, he does not open it because he doesn't want a Judge looking at confidential emails.
2. He suggested providing truckers with signage a little further out so they could be prepared. He said he had seen signage on Coles Boulevard advising "no trucks" but that was when you're already on the street.
3. He said the garbage pile in the alley behind his work was getting larger.

**6<sup>th</sup> Ward** – Councilman Lowe reported the following:

1. He thanked Health Commissioner Chris Smith and Andy Gedeon for helping Mrs. Jarrell on Dunlap Road.
2. He thanked Manager Allen for having the grass cut on Gallia Street in Sciotoville, for having the guardrail fixed and the sinkhole on Harding Avenue fixed.
3. He suggested an "adopt a road" program to help out the city workers and keep it looking good.
4. He said the stripping looked good.
5. He said he still had concerns about the retaining wall and Manager Allen said that notification had been sent to the owner to correct the situation and it had not been done, so the wall would be removed by the city.

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

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City Clerk

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Mayor