

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday September 11, 2017
 6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday September 11, 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

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

Council dispensed with the reading of the Journal for the regular session of August 28, 2017, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 1 (T. Lowe).**

Councilwoman Aeh motioned to add to the agenda as item 7(u) an Ordinance authorizing approval of final legislation submitted by the Ohio Department of Transportation (ODOT) regarding the resurfacing of a portion of U.S. 52 Westbound, within the City of Portsmouth. The motion carried viva voce: **VOTE: ayes 6–nays 0.**

Item added to the agenda

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Cheryl Shuman – She stated that she lived in the 3rd Ward and was born and raised in Portsmouth, but left the city because there were no jobs and now she’s known as the most powerful woman in the marijuana industry. She’s worked with scientist all over the world including Canada and Israel and they were undergoing clinical trials for drugs that become pharmaceutical drugs. She’s also been involved in every single legislation/regulation campaign throughout the United States as well as other countries. Mayor Kalb interrupted Ms. Shuman and explained that this was not on the agenda but there was a time for her to speak on items **not** on the agenda.

Matthew Seifert – 133 Crystal Drive Lucasville, OH – He was a former and is a future resident of Portsmouth and spoke on the legislation regarding a City Manager Assistant. He said that he wasn’t from around Portsmouth and had grown up in Lancaster, Ohio. In 2010 he came to Portsmouth to work with the Boy Scouts of America and there were a lot of the same issues that still plague this area now. After Law School he decided to come back to Portsmouth because he saw good things happening. He had seen local citizen groups getting together making the community a better place and people like Derek Allen working hard to balance budgets and making things happen within the community. Mr. Allen has always acted in a professional manner and has gone above and beyond the call of duty for his position to help. He had the fortune to interact with Mr. Allen during the recent “Serve Day” which was held every year through Life Point Church. Mr. Allen had taken time from his daily duties to assemble a lengthy list of projects in which “Serve Day” volunteers could assist throughout the community by helping to make it better and a more beautiful, livable and exciting place to be; he also took time out while he was in Honduras to communicate in the planning and he’s very happy to have Mr. Allen as part of the community. He added that when he came back to town it was during the time of former Mayor Murray and having seen a little bit of a mess as far as leadership, it was wonderful to have someone who had the area’s well-being at heart. Mr. Seifert stated that as a non-native, he cared more about Portsmouth than the town he grew up in or any of the other towns he had resided. He intends to make Portsmouth his home in the near future and fully supports the efforts of Mr. Allen and his request to give Mr. Allen an assistant. Mr. Allen is asking for one assistant, but we might as well give him two as he would be able to do much more good.

LEGISLATION

The clerk gave a **third 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 the Ordinance be passed.

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

**Ord. #41-2017
 ODOT to
 resurface
 portion of US
 23 and SR 73
 within city
 limits**

The clerk gave a **third 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.

**Ord. #42-2017
 Appropriations
 for Pershing
 Avenue
 Reconstruction**

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 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.

**Ordinance
 was Tabled**

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

Councilwoman Aeh stated that her comments remained the same as the ordinance asked for an assistant to follow-up on insurance claims. She admired Mr. Johnson and Mr. Meadows for wanting to keep their word, but the key word was “need” and it wasn’t a position that we need. If the ordinance had said, someone to answer the phone, or to be available when Renee couldn’t be there, or to follow up on citizens complaints, she would be voting “yes” but she would be voting “no” because he was asking for something that was not needed.

Councilman Kevin W. Johnson said that the original memo gave that as one example but the one they had received over the weekend stated that there would be plenty of other things. Also he said that this was the first City Manager that we’ve had since the 1980’s and everything that we do would be setting a precedence not only for this City Manager but for future City Manager’s; how we provide assistance to the City Manager, will lend itself to how others view his position once he’s gone. First, he was concerned that we were nitpicking over a word or two that the Manager may have made in the original recommendation and secondly he knew that there were people who prefer that he not be our City Manager, but that’s not the issue because he is our City Manager and he needs the help. He was concerned that should this fail, we would be establishing a precedence that would hinder future City Managers.

Councilman Kevin E. Johnson asked that if any of his fellow Council members were waivering, he wished that they would consider the fact that Mr. Allen was the City Manager and hired to do a job which he was doing. Council doesn’t need to micro-manage as Mr. Allen wouldn’t have asked for an assistant if he didn’t need one and Council should oblige the City Manager. He said that if any of Council was teeter-tottering he wished they would lean in that direction.

Councilwoman Aeh stated that this was an ordinance and Council was obligated to follow the ordinance and maybe it was nitpicking at words but it would still become an ordinance that Council had to follow. She would be more than happy to see him have someone in his office and doesn’t know why the ordinance couldn’t have stated the real need, because he doesn’t need someone to follow up on insurance claims as that was the insurance company’s job.

Solicitor Haas said that he had a typed statement to give to Diana to be typed verbatim into the minutes so that it was very clear and that there would be no misunderstandings. “Very early on after I met Mr. Allen, I told him the easy part of this job will be to fix the financial issues, assuming those issues could be fixed. It will be the easy time because this city and its government are desperate. The hard part will be when the balances are in good shape and there is no sense of desperation anymore. People will forget.

It is easy to explain cuts and the steps necessary to fix the books. But once that is fixed and you are trying to explain abstract ideas or processes to move this city to a place it hasn’t been for a long time, I told him you are going to run into three types of people. Some will fall into more than one category. One will be a person who just doesn’t have the intellectual capacity to grasp the concepts of an abstract plan for the future, will be scared and will be a roadblock. The second type will be one who think things should remain the same and for better or worse, do whatever they think is right to stop progress because they feel threatened by it. I don’t necessarily blame them. The country and world has progressed over the past 50-60 years and left Portsmouth behind. To them progress is a dirty work (albeit for wrong-headed reasons, it is that same thinking that let us fall behind instead of adapting in the first place). The third type of person is involved just to pursue a personal agenda and really doesn’t care about the future of the city when it really comes down to it. They are in it to either protect what they think is their legacy, get even with people they feel slighted them and/or to make themselves feel more important.

The time I warned him about has come. The past week or so has found us at a crossroad. One of the biggest and best opportunities was blown by council before it even got off the ground. Thus, there is no need to go into executive session to discuss economic development. The second issue/vote may be the most important votes this Council has taken as far as the City's future is concerned. Council's voting down the assistant to the city manager position is doubling down on the economic development debacle that will haunt this city for a long time.

The City Manager has laid out why he needs help. He identified a long list of projects that are new to this city and many be difficult for some of you to understand. He left out a handful of projects that need to be undertaken that will require even more of his time. Water treatment plant, reservoir waterline replacement, EPA consent order projects to name but a few.

He is asking for help, not so that he will be able to do LESS. He is asking for help so that he can do MORE. Not approving the request will slow or stop some of the projects, stop others before they ever even get started and set him up for not being able to accomplish what he set out to do so that certain members of this Council have an excuse to fire him (which I believe is the true rationale for the no votes).

I do not see any valid reason to vote NO. Members of council may not like the city manager for all sorts of reasons. He has made changes that have made past and current employees look bad. But no one can argue he hasn't moved the City in the right direction. I would hope that rather than double down on the mistakes that drove us into the ditch, Council would be more worried about how they look now and work to make this a better city rather than try to knock the city manager down to make themselves feel better.

There wasn't one person in this room who had an answer for pulling us out of the ditch. If they did, they sure were quiet about it for a long time. In fact, some of you are responsible for steering us into the ditch before the change of form of government. I include myself in that group, I was on Council, but I know we did the best that we could. I and members of Council at the time and the administration did the best we could with the skill sets we had. The scariest part of the past to me is when I look back is that I did not realize what I did not know until after someone with actual training and experience came to town. Some of you may be too proud or hard headed to admit that you don't know what you don't know. It is difficult to admit but it is liberating. I'll be the first to admit that I've learned a lot since the City Manager has been here.

Sure he has ruffled a few feathers but, to mix metaphors, you can't bake a cake without breaking eggs. What exactly has the City Manager done that was a significant wrong turn for the city?

I have sat back and watched Council members do foolish things to diminish council's already low standing in the public but had little to no effect on the positive direction of the City because of the Administration.

I for one cannot sit back and watch Council vote against continued progress without expressing my feelings and the feelings of those members of the community that stop Derek in public and I've witnessed this on a regular basis "don't let those folks on Council discourage you from what you are doing." Please don't pursue a personal agenda, remain stuck in the past or afraid of something you don't understand. I think the City Manager needs help to continue moving us forward".

Councilman Meadows said that it had been said a couple of times that there's a group that want to fire the City Manager and for whatever reason his name was listed in an article in the Scioto Voice a few weeks ago without even bothering to ask him his thoughts or opinions on the matter. He directed his question at the City Manager and ask if he remember the conversation and Manager Allen said "yes" and Mr. Meadows asked him if he was good with it or had any questions about it and Manager Allen replied "yes he was good with it and no he didn't have any questions". Mr. Meadows said that he would relay what was said but they wouldn't print it correctly anyway.

Mayor Kalb said that he appreciated the comments on this issue and he does believe that the City Manager needs additional help, what he disagreed with was the way it was proposed. He said he didn't want to be a part of the way it was proposed sounded as if he already had someone. He believed there to be other job duties required in the office that have been lacking, like answering the phone and replying to citizens, but this wasn't the position described to Council that was needed. He said if the issue failed tonight he would hope that the City Manager would come back to them again and present it in a proper way that he does need assistance.

Manager Allen said that he explained in a letter that was sent out to all of Council. He said part of the problem was his fault because he sent out a bad letter to begin with but he was pressed for time, by doing the City Manager's report, monthly statistics (which didn't occur before he came), and trying to provide Council

with information to make informed decisions. He said sometimes he had to rush to get those items out and he probably didn't describe all of the things that he needed help with in his office. He prompted Council to amend the ordinance based on the most recent letter. He does not intend to come back and ask again, it's obvious that he's ask for help and to vote "no" because it referenced following up on insurance claims when he sent a letter that better described to him what was needed.

Councilman Kevin E. Johnson ask if this could be tabled and modify the request then bring it back to the table at the next Council meeting for those that don't support it as it is currently written.

Councilwoman Aeh ask that the City Manager bring another legislation asking for what he really needed, and they would suspend the rules because it had already been discussed. It would be a clean ordinance.

Tabled item

Councilman Kevin E. Johnson motioned to table the ordinance. **The role was called. VOTE: 4ayes – 2 nays (G. Meadows, T. Lowe), the ordinance was tabled.**

The clerk gave a **second reading**, to an ordinance enacting a new Chapter entitled "Private-Public Improvement Projects to City Owned Properties", of the codified ordinances of the City of Portsmouth establishing a procedure to carry out said improvement projects.

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 authorizing creating the Gallia Street downtown redevelopment district within the municipality; declaring the improvements to real property within the downtown redevelopment district to be a public purpose; exempting seventy percent of the value of such improvements from real property taxation for a period of ten years; requiring the owners of parcels for which improvements are declared to be a public purpose to make annual service payments in lieu of taxes during the period of exemption; establishing a municipal downtown redevelopment district fund for the deposit of such service payments; and approving related matters.

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

Councilman Lowe called for a Point of Order stating that Councilman Kevin E. Johnson was on his cellphone. Councilman Kevin E. Johnson apologized.

Mayor Kalb inquired as to which reading this was since it was time specific coming off the table. Councilman Kevin W. Johnson said it was given a first reading which tabled the legislation in order to have a public hearing which had been accomplished and now brought back from the table for 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 creating the Chillicothe Street downtown redevelopment district within the municipality; declaring the improvements to real property within the downtown redevelopment district to be a public purpose; exempting seventy percent of the value of such improvements from real property taxation for a period of ten years; requiring the owners of parcels for which improvements are declared to be a public purpose to make annual service payments in lieu of taxes during the period of exemption; establishing a municipal downtown redevelopment district fund for the deposit of such service payments; and approving related matters.

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 authorizing creating the West Boneyfiddle downtown redevelopment district within the municipality; declaring the improvements to real property within the downtown redevelopment district to be a public purpose; exempting seventy percent of the value of such improvements from real property taxation for a period of ten years; requiring the owners of parcels for which improvements are declared to be a public purpose to make annual service payments in lieu of taxes during the

period of exemption; establishing a municipal downtown redevelopment district fund for the deposit of such service payments; and approving related matters.

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 authorizing creating the East Boneyfiddle Downtown Redevelopment District within the municipality; declaring the improvements to real property within the downtown redevelopment district to be a public purpose; exempting seventy percent of the value of such improvements from real property taxation for a period of ten years; requiring the owners of parcels for which improvements are declared to be a public purpose to make annual service payments in lieu of taxes during the period of exemption; establishing a municipal downtown redevelopment district fund for the deposit of such service payments; and approving related matters.

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 **first reading**, to an ordinance authorizing the City Manager to declare garbage truck surplus equipment and to dispose of the 2000 compactor garbage truck.

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

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 appropriation of an additional \$75,000 to Fund No. 623 Wastewater C-Rigrish from the unappropriated fund balance.

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

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 appropriation of \$31,381.00 to Wastewater Fund No. 621 from Wastewater C-Rigrish Fund No. 623 as reimbursement for expenses incurred in years 2015 and 2016.

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

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 appropriation of \$89,520.17 from Flood Defense Fund No. 265 to Wastewater Fund No. 621 for reimbursement of expenses incurred in year 2014.

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

Councilman Lowe asked why we were paying as far back as 2014. Manager Allen said he explained at the last meeting the payroll expenses for flood defense were supposed to come out of the flood defense fund but instead they were expensed into the wastewater.

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 transfer and appropriation of \$70,000 from the unappropriated revenues of General Fund No. 101 to Probation Fund No. 204 Probation Fund.

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

Councilman Kevin W. Johnson reminded everyone that the city had to transfer from the General Fund into the Probation Fund \$70,000 and \$140,000 in 2018 because of State budget cuts. The State continues to force more and more upon local taxpayers.

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 appropriation of \$180,000 from the unappropriated Capital Improvement Fund No. 301 revenues to Fire Department Line Item No. 101-223-5532. for the purchase of two (2) used ambulances.

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

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 Medicount Management Inc. for EMS billing services.

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

Mayor Kalb asked if we would be ready to start billing and Manager Allen said it would be the first of the year. Councilman Kevin E. Johnson asked Manager Allen to explain the billing process. Manager Allen said that instead of the city billing for all of the EMS runs, this company would bill and they would keep 7.5% of everything they collect. We are not paying them, they would be keeping a portion of what was billed.

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 amending the Zoning Map of the City of Portsmouth, Ohio by rezoning parcel no. 33-2598.000 from Residence C to Business B Commercial.

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

Councilman Lowe asked for the address and Manager Allen said it was Little Caesar's pizza. Solicitor Haas asked that Council consider suspending the rules as the gentleman that was doing this was under a time restraint on paving this fall.

Councilwoman Aeh stated that Exhibit A (Legal description) had not been turned in yet. Solicitor Haas said the County Engineer had to approve it and it was held up there.

Councilman Kevin E. Johnson withdrew his motion and motioned to suspend the rules based on time restraint.

The role was called. VOTE: 6 ayes – 0 nays, the rules were suspended.

Councilman Kevin W. Johnson moved 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 **first reading**, to an ordinance authorizing the vacation of Maryland Alley as requested by Scott Goodwin on behalf of Goodwin Family Foods, LLC, and more fully described in the attached legal description, with the City of Portsmouth reserving all easements to this property.

Councilman Kevin W. Johnson motioned to suspend the rules.

The role was called. VOTE: 6 ayes – 0 nays, the rules were suspended.

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

**Ord. #43-17
Rezoning
Residence C
to Business B**

**Ord. #44-17
Vacating
Maryland
Alley**

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 transfer of 807 Washington Street, parcel no. 29-0388.000, to the Southern Ohio Port Authority (SOPA) for the purpose of redevelopment with the provision that if SOPA closes the property reverts back to the City.

Item
 Tabled

Councilman Kevin W. Johnson motioned to table the Ordinance on advice from the City Manager.

The role was called. VOTE: 6 ayes – 0 nays, the legislation was tabled.

The clerk gave a **first reading**, to an ordinance approving and ratifying the recently negotiated collective bargaining agreement between the City of Portsmouth and A.F.S.C.M.E. Local 1039-C, for the period beginning January 1, 2017 through December 31, 2019.

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

Solicitor Haas asked if we had time and Auditor Williams replied that the next meeting would fall within the 30 day period. Mayor Kalb asked if having a reading would be the same as taking action or would this be a regular reading. Manager Allen replied that Council had 30 days to reject the contract and if it's not rejected and Council goes through all the readings, once the 30 days expired it would be considered accepted. Councilman Kevin W. Johnson stated that on the previous contract readings were waived on the second reading and Council passed it.

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 a Resolution accepting the amounts and rates as determined by the Budget Commission of Scioto County, Ohio, authorizing the necessary tax levies, and certifying the same to the Auditor of said County.

Councilman Kevin E. Johnson motioned that this Resolution be adopted.

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

The clerk gave a **first reading**, to an ordinance authorizing approval of final legislation submitted by the Ohio Department of Transportation (ODOT) regarding the resurfacing of a portion of U.S. 52 Westbound, lying within the City of Portsmouth.

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

The role was called. VOTE: 6 ayes – 0 nays, the rules were suspended.

Ord. #45-2017
 Final approval
 for paving US
 52 westbound

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

Auditor Williams asked about the payment that was due and if the ordinance included an appropriation. Manager Allen replied that money was appropriated in the 2017 budget.

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

Councilwoman Aeh commented that a number of weeks ago there had been a correction made to a letter of reprimand to correct the wording and she would like to make a motion to accept the amended letter. Solicitor Haas stated that the July 10, 2017 letter needed to be repealed first. Mrs. Aeh motioned to withdraw the first letter and replace it with the corrected one. Councilman Kevin W. Johnson stated that it should be two separate motions. Mrs. Aeh motioned to withdraw the previous letter of reprimand.

City Manager
 reprimand
 repealed

There were no further questions or comments. **The role was called. VOTE: 4 ayes – 2 nays (G. Meadows, T. Lowe) the letter was repealed.**

Councilwoman Aeh motioned to replace the repealed letter with the amended wording. Mayor Kalb went over the changes as follows:

Original letter stated at the end: “Your continued contemptuous behavior regarding the polo shirt is disrespectful to one or more members of city council to the point that your actions are insubordinate.” The change being: Your continued contemptuous behavior regarding the polo shirt is disrespectful to one or more members of city council to the point that your actions **border** on being insubordinate. In the last paragraph: “Based upon the insubordination, you are being given a written reprimand. This written reprimand is intended to improve performance and help you attain the standards of conduct expected of a city manager of the City of Portsmouth. Continued insubordinate actions shall result in further disciplinary actions up to and possibly including termination.” That paragraph had the words insubordination/insubordinate removed and replaced by: “Based upon **this questionable and inappropriate conduct** you are being given a written reprimand. This written reprimand is intended to improve performance and help you attain the standards of conduct expected of a city manager of the City of Portsmouth. Continued such **questionable and inappropriate conduct** actions shall result in further disciplinary actions up to and possibly including termination.”

Councilman Kevin E. Johnson stated that he did not vote for the reprimand and won’t support any form of reprimand. He addressed fellow Council members and advised them that the original reprimand was removed and to do the right thing and vote “no” on this to completely do away with the reprimand.

Councilman Meadows addressed Manager Allen “Mr. Allen you know if I have something to say, I’m going to say it. I’m probably going to vote “no” for this because I don’t agree with the changes, not that I agree that it should not happen and I’ll take exception with Councilman Johnson’s wording of do the right thing. It’s my conscience as to what I do as the right thing and I’ll interpret it that way, but I just wanted you to know how I feel upfront and if you end up not having enough votes to have it in your file then congratulations, good luck on it.”

There were no further questions or comments. **The role was called. VOTE: 3 ayes – 3 nays (K. E. Johnson, K. W. Johnson, G. Meadows) the reprimand was not replaced.** Mayor Kalb stated that as of now there would be no reprimand in his file.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Cheryl Shuman – 1436 Layton Drive – Portsmouth, OH – She stated that she’s testified in front of Congress and the Senate but this was her hometown and it was very important to her with her parents and grandparents both being raised in Portsmouth. She left Portsmouth because there was no work here and Portsmouth is currently fighting an opioid addiction problem as well as a lack of jobs. The primary reason she’s speaking was that she was a cancer survivor. She said her parents divorced when they were 19 years old because there was no work and it split the family, however, 40 years later her parents remarried and moved back to Portsmouth. She was diagnosed with cancer within two weeks of the reunion and what was supposed to be a joyous occasion turned out to be almost a death sentence for her. She had several surgeries and was turned over to hospice care and as a last result she tried medical cannabis and it saved her life. She learned everything she could about it from Israel, Canada and from all of the places where it is federally legal. She said that because she chose that path it saved her life, but she couldn’t come back to Ohio and couldn’t see her parents for eight years. This past year she received a call that her mother had been diagnosed with cancer and she passed away two weeks later. It broke her heart that she was able to save thousands of lives across the world, but couldn’t save or see her mother because of the laws. She’s built a very successful company in Beverly Hills and investments in multiple countries. There were so many people that need consistent quality, pharmaceutical level medical cannabis and not just for end of life patients or cancer patients but for children that are suffering from up to 300 seizures a day when medical cannabis could save them. This may not be able to save everyone’s life but definitely could improve the quality of life. This also would help with jobs and rebuilding Portsmouth; she’s worked on practically every State, City and International campaign since 1996 and had given up everything in Beverly Hills and had dedicated the rest of her life to being in Portsmouth helping to rebuild the town. She has over \$6 million dollars’ worth of working capital from different investment banking firms, family offices, from investors who understood the cannabis industry. She had spoken with several people who had done clinical trials in Israel and Canada who were willing to do something here in Portsmouth, such as clinical trials and be a leader in the community. In cities like Denver, Los Angeles the marijuana community has raised so much money in regulation and taxes that they’ve been able to fund all of their infrastructure, all of their goals and not only did they get everything done that the city needed but they have \$5 million dollars left over to give a rebate back to those citizens. She will do everything that she can to make sure patients have access to safe, quality medicine and that they were educated and also see what we could do to build jobs. She offered her help and assistance in any way and would like to see this happen in Portsmouth. She’s never drank a beer, never smoked a cigarette and two weeks after her mother died she moved back here to Portsmouth to care for her ailing father and wants to be able to spend the last days of his life with him.

Michael Vermillion – 1510 Coles Boulevard Portsmouth, OH – He spoke on the marijuana topic and said that as a paramedic he had seen the devastation of the opioid epidemic. He understood the potential this would be for generating tax revenue and funds for the City of Portsmouth. He's tired of seeing people die from opiates and going on EMS runs to try to revive people that have overdosed on opiates. He said it was time for Portsmouth to step up and be a trend setter and leader in something that could potentially save hundreds of millions of people in this State and not just within the five counties. He recommended to apply to do this as he thought it to be a smart move. He said with the two hospitals in Portsmouth it would benefit them as well to have medicinal marijuana available for their patients.

On a different note and somewhat embarrassing moment, he had to participate in community service and had to go around and pick up trash. While serving community service he had a chance to speak with employees that oversee the program and they were very confident of the work that Mr. Allen was doing and what he brings to our community. He also heard people driving by saying thank you and if it would help the City of Portsmouth and he needs another assistant, he believed Council should look into it.

Vina Colley - P.O. Box 136 Portsmouth, OH – She is President of Portsmouth/Piketon Residents for Environmental Safety and Security and co-chairs the National Nuclear workers for justice. She ask Council to include on the agenda their support against the nuclear waste dump in Piketon. She said if they allow the DOE to continue to put a waste dump over top of the infraction of the bedrock that was underneath the facility, it would contaminate our area as she believed that it already was contaminated. She said that they look at all the cancer in this area; thirty years after this facility had been built and it was releasing uranium, plutonium, neptunium as well as every chemical that you could imagine had left that site with fluorides. They have plutonium on the west side of the facility towards Jackson and the eastside had 360 acres of plutonium. She said the citizens have a lawsuit that stated the pine needles were radioactive, and she hoped that Council would put it on the agenda. We need jobs and if we're going to be stuck with a dump site, it wouldn't just affect Pike County but it would affect all the surrounding counties because it had gone airborne, in the creeks, in the water, the fish in the Scioto River were radioactive and all of that water goes to the Ohio River. Pike County Mayor hired a group called Ferguson that read the 4,000 page document and agreed that there was a bedrock infraction. She also brought up the Charles Street dump having stuff from Piketon and Paducah dumped on that site and it was her understanding that radioactive materials were leaking from that site to the Ohio River. She gave her telephone number as 740-357-8916.

Jackie Craig – 1733 Valley Street – North Moreland - She and her husband have owned 8 pieces of parcel in North Moreland since 1969. She said they try to keep it up and accept their responsibilities and their duties. Her husband was 71 years old and retired from SOCF at the age of 51; she went over some of her husband's past accomplishments and their family. She had one house that had been empty for over 5 years but she kept the grass cut every week and strives to make it all look presentable. She received a letter about the grass needing cut at one of the properties that she owned; she understood that if any of her properties needed work done on it, she was responsible and if someone turned her in, there was a penalty. She questioned if the city had responsibilities and they didn't do their job, what was the penalty. She felt like there should be a penalty if the city doesn't do their job too and that actions speak louder than words. She spoke with a neighbor who had contacted the City Manager's office several times and never got an answer back. She contacted the City Manager's office on August 29, 2017 at 11:00 a.m. and the girl that answered said she'd call back but never called back so she called again and left a message. She said that Renee called her back and then transferred her to the Engineers office to see if anyone had applied for a permit for Munn's Run but they had not heard anything; she was going to contact the construction company to see if they had gotten a permit. She then called Bill Beaumont on September 1, 2017 and he said no one had approached him about the wall but saw in the paper where Council had to get money to repair the wall and that Manager Allen may have contacted someone else on the issue. She said that she noticed that New Boston had cleaned out all of their drainage and it really looked good and if New Boston could do that, why couldn't our city do it and make the citizens of North Moreland safe from Munn's Run. She wondered if we could borrow the equipment to get the work done. She said that she would be taking further steps so that the project could get started so that they could get some repair and replacement before they have another devastation up there.

Mayor Kalb said that this wasn't a time for questions and answers but he wanted to let her know that they had been working on it and it was on the next agenda to hire a company to address that issue.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received via email on September 1, 2017 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending August 31, 2017: Expense, Revenue and Fund.
2. She received on September 7, 2017 the franchise fee from Charter Communications in the amount of \$51,265.81 for the 2nd quarter of 2017 and it was deposited in the Auditor's office the same day.
3. She said that Mr. Gedeon received a \$500 bid from Joel Ross for the vacant lot located at 2109 Mabert Road. Mr. Ross will use the vacant lot to expand his adjacent rental property. Mr. Gedeon recommends that the bid be accepted. He also received a \$500 bid from Trampas Nolan for the vacant lot located at 1710 5th Street and will use the lot to expand his adjacent property. Mr. Gedeon recommends that the bid be accepted.

The City Clerk's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: 6 ayes – 0 nays.**

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

1. His written report can be found on the city's website: www.portsmouthoh.org
2. He said the city was sad and surprised to hear about the passing of Sean Garnett who was the McKinley Pool Manager for many years.
3. The legislation that was passed for paving of U.S. 52 was due September 2, 2017 and will be bid in October and he called them because he thought that was too late in the year and he was told that the contract had a start date of June 2018 and completion September 2018.
4. He said that in September they will be doing a city-wide clean up, having the street department go through every alley and pick up the debris that's been put out.
5. He appreciated Council stepping up and funding the probation department and the money they lost which allowed them to resume going out with the Police Department. They went out last week and was able to remove a lot of people that had warrants or doing things they shouldn't have been doing and getting them off the streets.
6. He said the resurfacing was bid and awarded and paving should begin soon.
7. He thanked the Probation Department for taking the Probationers out and picking up trash that was thrown out the windows on Mabert Road, Scherer's Hollow, Pleasant Avenue, 17th Street and Daniels Drive.
8. He answered the questions about Munn's Run and said that Reiser's Construction was given a notice several weeks ago to do the wall repair at 1733 Valley Street, but the last he had heard Reiser was conducting repairs to the flood wall foundation boxes on 11th Street and once that was completed, he believed they would be headed over to do the wall repair at 1733 Valley Street. On tonight's conference agenda was a proposal from the Tree Company that removed trees along the river and the trees that were abutting the flood defense levee. Once they do that and remove the trees out of Munn's Run, they would be able to assess the condition of the walls and make a determination of how to proceed.

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 had the following report:

1. He met with Jason Kester of the Port Authority and discussed project updates and plans for future projects. He agreed with Mr. Seifert, there were some good things happening in our area.
2. He thanked all the members of the River Days committee and the city personnel who worked hard to make our 2017 River Days another great success.

Clerk Ratliff asked if he was going to appoint Dan Gower to the open position on the Tree Commission. Mayor Kalb said that he received the email but had forgotten about it and he knew Dan and will share the information with Council.

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 on the following:

1. He said there was a Charter Review Committee meeting last week in which he was pulled out on an emergency and he missed the meeting. Mr. Shope was kind enough to take the notes and he believed they covered all of the Charter. He asked Auditor Williams who had attended the meeting if they would be having a public meeting and Mr. Williams replied that they were discussing whether to have one or not but it had not been determined. They were going to distribute the minutes to the members and do a review of those and determine whether they need to have another meeting before it comes to Council.

The 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

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

1. He said that he and his dog Banjo walked in the River Days parade and it turned out to be a great day.
2. He mentioned that there was an appropriation for \$70,000 to the Probation Department because the State had made cutbacks. He said the Scioto Voice had an article titled "State budget cuts made on Shawnee Forest" and it seemed also that our legislature was able to cut the division of forestry by 55% and in order to make up for that they were going to log more out of the forest. These cuts were coming in dribs and drabs, an article here and somebody would get a notice

the next day about funding cuts. JobsOhio was supposedly doing great, but that wasn't the case because we stink at doing Economic Development compared to the other 50 states.

2nd Ward – Councilwoman Aeh reported the following:

1. She too met with Jason Kester and thought he was one of the highlights of the city, he's got a lot of good ideas and followed through on what he does and she hoped that we would have him around for a long time.
2. She also enjoyed the parade especially Kevin W. Johnson and his dog.

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

1. He doesn't have the address of the alley he wanted the Manager to look at and didn't want to look at his phone because he doesn't want to get a Point of Order called on him again, but he was looking for the address on his phone when the Point of Order was called. He said on 21st or 22nd Street there was a sidewalk that meets with the alley and appears very dangerous and he had sent the Manager an email regarding it. The sidewalk was hooved up against the alley and it looked like something the city should be taking care of because the alley was so bad that a car cannot be driven on it without scraping the bottom. In his email he said that he would like to go with the City Manager when he looks at it and will get him an address.
2. He said the bricks were being laid on Lincoln Street. For the residents on Lincoln and Highland Avenue the bricks are going back.
3. He said on a serious note that 16 years ago we were sitting in front of our televisions and watched our leaders as they stood arm in arm, joining together singing "God Bless America". With our busy lives, in case it had escaped anyone's thoughts, 9-11 which was a very tragic day and he was proud to live in a country where we do what American's do, we rebound, we rebuild and it's resolved. He acknowledged the men and women who had served our country and who our serving our country at the present and he was very proud to be an American.

4th Ward – Councilman Kalb reported the following:

1. He mentioned the Grandview Avenue widening project and that it didn't look like there was going to be any movement on it this year and hopefully we could carry the money over to next year. Manager Allen said he hadn't heard where they were with the project but if they're ready, it could be bid. He will call them and check on the status.
2. He thanked Ms. Shuman and Mr. Vermillion for being here and hopefully moving forward they would be called on for their expertise and information. This was an important issue and it needed to be done right the first time.

5th Ward – Councilman Meadows reported the following:

1. He clarified that he voted "no" on tabling the ordinance for the City Manager's assistant because he believed that we should have gone ahead and got it approved tonight and been done with it.

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

"Uh, I just have a few things, uh, I had a few complaints from some residents about a stop sign that's been er uh a no turn sign that's been put in at the corner of Gallia and Harding, it's where you exit on the highway. Do you know anything about it, can we find out something about it. I'd like to know if the Traffic Committee made that decision er who just made the decision basically." Manager Allen asked Bill Beaumont if he knew anything about it and was told "no". Mr. Lowe continued "Yes there's a no turn sign uh if you're coming from the underpass from New Boston and go under the underpass and go towards Cline Jenkins when you get to the 4-way stop, right there at that stop sign they put it on a regular on a telephone pole telling you that you can't make a right hand turn onto the highway." Mr. Beaumont said that he had seen that but he didn't believe that the City put it up. Mr. Lowe continued "I don't know, you know, but after 53 years of being able to turn there and all of the sudden this sign has popped up." Mr. Beaumont said he would see what he could find out. Mr. Lowe continued "Thank you sir." Manager Allen said the Traffic guys didn't put it up either. Mr. Lowe continued "Somebody had to put it up, it looks like a city sign but anyway."

"Uh moving on, uh I'd like to just address Mrs. Craig, uh thank you for coming, I've been on the Munn's Run deal for probably over a year since I've been sitting on Council when it was brought to my attention, uh back whenever I first, I walked the whole uh North Moreland section of that creek myself. I put a pair of boots on, took my camera, I've got numerous pictures of it, you're right it's overgrown and hopefully something is being done about it uh from what I hear it's been in the works so hopefully some of you people down there is finally gonna get some relief, and I wanna get with you at the end of the meeting here and uh we'll talk later on it.

Okay I have a couple other items, uh the Sciotoville Little League finally had their uh end of the league banquet this year and I have uh, like to congratulate the people that uh was running Little League, Eric and uh Brian uh Goodman uh for doing a outstanding job and then I'd like to congratulate some uh kids on my team, I'd like to uh congratulate Tyler Brown for winning the MVP award this year, I would like to uh congratulate Lyndon Williams for winning the most improved player award, they ended up with a 10-2 record, had the best in league and uh I was proud to sponsor that team.

Uh I would like to uh congratulate uh the Tartans on their latest victory last week against Alexander, I think 52-14 or something like that er 20. And then I wanna uh wish them the best of luck this uh weekend against uh Green.

And then I have another issue uh that stems from the last meeting here, uh seems like uh when we broke in to go to Executive Session last meeting somebody’s wanting to play games here and uh they took my drink off my table sitting right here and if we cannot leave this Council Chambers and go into the sanctity of being able to leave your stuff here, we got a problem., So uh Mr. Haas, this is directed to you.” Mr. Haas said “I didn’t take your drink” Mr. Lowe continued “I didn’t accuse you of taking it, I just said we have a problem you know, you’re the head law dog here, well I’m just saying you need to be aware of what’s going on. Who is responsible then, whose responsible?” Clerk Ratliff said that he could go back and look at the video camera. Mr. Lowe continued “well let’s review the camera, there you go, that’s all I’m asking, you know, when you can’t leave the sanctity of Council, (lots of people talking and laughing) well I’m just saying before anybody gets their head jacked up over it, you know what I’m sayin, because if you mess with my stuff, there’s gonna be a problem, all I’m saying, so fair warning to everybody sitting in here at Council, thank you. That concludes my report Mr. Mayor.”

Councilwoman Aeh made a motion to move into Executive Session to discuss the possibilities of entering into a personnel contract and also the possible violation of an ordinance with regard to a personnel issue, she would like the City Manager and the Solicitor to join them in Executive Session.

Executive
Session

The role was called and the motion carried: **VOTE: 6 ayes – 0 nays, they recessed into Executive Session at 7:35 p.m.**

Councilwoman Aeh moved that Council reconvene from Executive Session.

The roll was called and the motion carried. **VOTE: ayes 6 – nays 0, Council reconvened with all still in attendance at 7:55 p.m.**

The meeting adjourned at approximately 7:55 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Mayor