

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday September 14, 2015

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday September 14, 2015 at 6:05 p.m., in the Council Chambers of the Municipal Building. The late start was due to technical error with the recorder.

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

Roll Call showed the following members to be present:

Kevin W. Johnson	1 st Ward
Rich Saddler	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Jeff Kleha	6 th Ward

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

Council dispensed with the reading of the Journal for the regular session of August 24, 2015 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 amending Section 305.01 Authority and Considerations for Placement of Devices of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #63 -15
Code clean up
Authority and
Consideration
for placement
of Devices**

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

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

The clerk gave a **third reading**, to an Ordinance amending Section 305.03 - Powers of Mayor of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #64 -15
Code clean
up Powers of
Mayor**

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

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

The clerk gave a **third reading**, to an Ordinance amending Section 305.05 – Mayor’s Powers not Limited of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #65 -15
Code clean
up Mayor’s
Powers not
limited**

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

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

The clerk gave a **third reading**, to an Ordinance amending Section 305.06 – Records of Mayor of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #66 -15
Code clean
up Records
of Mayor**

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

Acting Mayor Kalb asked the City Manager if there were more of these clean-ups that would need to be addressed and the Manager stated that these were the easy ones. He added that update sign ordinances, street-cut standards, utilities, water and wastewater would all have to be updated and there are some that would need in depth discussions. He said that there would be a break until after the first of the year because he will be attending the ICMA conference and when he returned he would begin work on the budget.

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 305.07 – Reservation of Power to Council of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #67 -15
Code clean up
Reservation
of Powers to
Council.**

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

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

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

**Ord. #68 -15
Code clean
up Repeal
Parking
Meters**

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

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

The clerk gave a **second reading**, to an Ordinance amending Section 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 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 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 second reading.

Acting Mayor Kalb asked the City Manager exactly what this was and the Manager replied that this was for the Supervisor of the Cemetery who had full Police Powers (there was other conversation but it was muffled).

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 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 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 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 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 943.07 - Cemetery Plat 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 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 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 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 second reading.

Acting Mayor Kalb asked the Manager if this had to be legislated and the Manager replied stated that is specified in the codified ordinances.

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

The clerk gave a **second reading**, to an Ordinance to 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 second reading.

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

The clerk gave a **second reading**, to an Ordinance authorizing 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 second reading.

Councilman Kevin E. Johnson asked how much money the city would be saving and the Manager replied that the city spends about \$4,000 per year on bridge inspections, there were charges that were above and beyond, as there are no bridges that are in critically poor condition. Councilman Saddler stated that he would be abstaining from the conversation and the vote.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays – 1 abstain (R. Saddler), a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$8,000 to the Health Department CIP Mach 7 Equip Line Item No. 301.440.5533 for the purchase of a Canon copier for the third floor.

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

Acting Mayor Kalb asked if they were currently without a copier and Andy Gideon from the Health Department responded stating that the 3rd Floor was without a copier. Councilman Meadows asked the City Manager if this was a program that operated on Grant Funding, the Manager replied that he didn't believe that they could get a copier as an eligible grant reimbursement line.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Miles Ferguson – 1221 Tipton Lane – He spoke with regard to the Buckeye Elite program that was started last year by himself and a group of guys within the city and they put together some basketball tournaments for high school aged kids. The point of the group was to try to bring some positive things for our community and in doing that, one of the tournaments last year was a National Showcase and on a high school level there's elite tournaments across the country. The tournament draws National attention and the top high school programs from around the country come and play in these tournaments. They held one last year and in order to get established they had to have it in Huntington, West Virginia, but this year will be held in Portsmouth on Thursday December 10th through Saturday December 12th. He gave examples of how the tournaments gave a boost to the community, they stated that Huntington made approximately \$30,000 just in hotel cost last year. ESPN had also caught notice of the tournaments and he's been in contact with them and they are interested in several of the games. He stated that they are trying to grow past basketball and reiterated that they gain no financial support at all, whatever was made was put directly back into the program. In the spring they are looking to have golf tournaments and a 3 on 3 basketball tournaments and they've also had conversations with Basketball Coach Thad Motta of The Ohio State University about giving a speech. They are trying to reach out and bring positive things to the community and he asked Council for their support. He asked council to go online and look up High School National Showcases to view how enormous it is. In other cities, the leadership support the tournaments and are involved in the activities and they are asking for Council's involvement and community support.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received from the Auditor via e-mail on September 9, 2015, the following Combined MTD/YTD reports for the period ending August 31, 2015: Expense, Revenue and Fund.
2. She prepared the Proclamations for Prostate Cancer Awareness and Star Spangled Banner Day.
3. She received a thank you note from Portsmouth Area Arts Council & Children Theatre thanking Council for their continued support.

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's been working with Jason Kester at SOPA on several different projects and Delmas Conley working on expanding the Port between the Portsmouth Water Plant and Sciotoville
3. He participated in the ceremony recognizing Portsmouth's Bicentennial with Congressman Brad Wenstrup.
4. A conditional letter of employment was made to Ben Figlestahler for the position of firefighter. He received an answer on Mike Bowman's termination from last summer and it was upheld. The arbitration on a Police Officer was also concluded.
5. He explained about the Utility Bills as they are struggling to get accurate bills out to the community. In the bill there was a monthly service charge (Prior bill on a quarterly basis was \$21.00), we divide the \$21.00 by 3 and come up with \$7.00 a month for water and do the same for sewer. The consumption rate was also divided by 3 and it should not have been, it was discovered and was corrected. They have made personnel changes and there is now someone over there to fix everything. Last month there were even more issues. Usually there is several months of conversion before the rates can be increased.
6. At the last meeting, there was a discussion about sanitation rates and "Other", he had found out was for Public Housing.
7. 2015 resurfacing project was completed. They were going to put down thermoplastic striping, however by the time the job was bid out, it would be cold weather and the plastic would not adhere in the colder weather, so the job will be put off until next year with a completion date of June 2016. In his report he stated that the traffic signal improvement at Scioto Trail and Kinneys Lane would not be done until next year but ODOT informed him that the money had to be spent this year. Last year there was a rock slide and a contractor had been obtained to move and clean up the slide as it was too big of a job for any of our equipment.
8. The Police auction went well and brought in \$6,500 and the total revenue since June was \$21,627.44. The next auction will be October 3, 2015.
9. The repair on pump station number 2 has been delayed but hopefully this will be addressed next week. Also the certification had been submitted and as soon as the work on pump station number 2 is completed, it would also be submitted.
10. There were some concerns regarding the algae in the Ohio River by Huntington, West Virginia. He wanted to make everyone aware that the city had taken precautionary measures. The warning was more for recreational purposes.
11. The VFD's are installed and operating and the \$18,000 rebate application was being prepared.
12. The rapid mix project was started.
13. The Public Service Department has 7 trucks that will be outfitted with new snow equipment, 2 of those have been completed. The salt bid was received at a bid of \$64.59 per ton.
14. He thanked West End Electric for helping with the electrical work that was done at Branch Rickey Park and AEP for setting a meter for the River Days.
15. The brick pavers on Market Street were dug up to repair a gas leak and they are being reset by contractor Tom Rayburn. Columbia Gas will be contacted for possible reimbursement.
16. The cemetery fence that was damaged by a fallen tree was replaced.
17. Main Street Portsmouth advised him that they had money to remove some of the dead Ash Trees from Tracy Park, he received a call stating that there was a 6th tree that was rotted and he advised them to go ahead and remove it and the city would pay for the one tree.
18. He reviewed the plans for the transfer station that was required by the Ohio EPA. Each resident within 250 feet of the tipping floor had to be notified of the changes.
19. He stated that Civic Forum returned the \$5,000, since there were no fireworks this year.

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 attended the ceremony in which Brad Wenstrup acknowledged the City of Portsmouth's Bicentennial.
2. He attended some of the River Days festivities and he thought everything went very well.
3. He read a Proclamation recognizing Star Spangled Banner Day as September 14th.
4. He attended and chaired the Board of Health meeting this past week.

5. He re-appointed Linda Switzer, Jerry Conkel and Kelly Raise to the Land Reutilization Neighborhood Committee.

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 attended an Ohio EPA meeting with Rick Duncan and they would like to see us get away from using Chlorine to treat the water. There was a UV system in place and had been the subject of litigation but the litigation is now complete. The system had not been tested to date, but the EPA would like to see us use it, because with the Chlorine there are all kinds of reporting requirements which added unnecessary work.
2. He attended the Humane Society hearing at Judge Lemons courtroom, he interviewed some folks and appointed some humane agents to handle animal abuse complaints in the county. He met the individuals that were appointed and he looked forward to working with them and invited them to come in and speak with his Prosecutors, Investigator and Staff to see what they can do to all work together. These individuals can issue summons because they do have some quayside type Police powers and he wanted to make sure they knew what kind of evidence he would need in court. He wanted to see everyone be successful in this endeavor. Acting Mayor Kalb asked if we had an animal control officer and Solicitor Haas replied that "yes" we have Wendy Payton but the County did not have anyone.

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 reviewed the monthly report as there have been some changes. He said that this year the General Fund is at \$127,635 and at this same time last year the amount was \$124,165; the total tax for both General and Capital funds was \$154,047 and last year they were \$145,696. The General fund was -\$349,097, Streets were at -\$93,959, Water -\$199,828, Sewer -\$837,811, Sanitation was in the positive \$408,635 and the Insurance Fund jumped to a positive \$2,145,578. He noted the dramatic changes were because the City Manager had ask him to move the insurance fund cost allocations from the operating fund to the insurance fund to better project the end of the year fund balances. These changes will correct on a monthly basis. The City Manager stated that he estimated that the General Fund would end the year at \$500,000 to the positive, \$231,000 to the Streets, Water will end at zero or in the positive, Sewer will be negative between -\$600,000-\$700,000, Sanitation will probably end the year around \$400,000 and Insurance will end around \$800,000.

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 reported the following:

1. He received an email from Don Blevins formerly of Boneyfiddle Arts Center and he proposed installing some large artwork as well as works by other artists in Martings show windows.
2. He stated that since our voters approved increasing the city's income tax rate, he had received numerous calls about paving of the streets. In his ward there are heavily traveled streets such as Sunrise Avenue, 28th Street and Waller Street that desperately need repaving and he's hopeful that the City Manager will direct a priority study of our streets for repaving over the next couple of years and report back to Council so that they can keep the people in their respective wards apprised of what roads will be paved.
3. The Railroad tracks on Waller Street are an absolute mess, you need to slow down to about 7 miles an hour to safely cross the tracks, and the situation is dangerous and unacceptable.
4. He commented on the Department of Energy's decision to ignore past promises and codicils by shutting down the Piketon American Centrifuge Project and cutting funding to clean up the old uranium enrichment plant. Energy Secretary Ernest Moniz would be effectively destroying the economy of Pike County and the surrounding area as well as devastating the lives of hundreds of families.

His anger was not limited to Mr. Moniz; Ohio had one of the most powerful congressional delegations in Washington, D.C., they and President Obama have long made personal promises over the years to fully fund the cleanup as well as protect the most efficient centrifuge plant in the country. President Obama had apparently forgotten his personal promise to Jeff Albrecht when then candidate Obama campaign here years ago and now our congressional delegation portrays itself as being unable to sway either the President or the Energy Secretary. He went on to say that this was the same congressional delegation and president which had no problem allowing brand new C-27J Spartan cargo planes to be built and sent straight to the boneyard in the Arizona desert for storage. The Mansfield National Guard Base here in Ohio was one of the homes of the C-27J fleet but the Ohio Air National Guard said it could fly the C-130 for a third of the price of the C-27J. It was cheaper to build the new C-27J fleet and send it to the

boneyard than it was to just cancel the \$567 million program, we could have utilized that \$567 million in Piketon.

The Ohio delegation had no problem forcing the Army to continue to build an unwanted Abrams tank, spending an extra \$436 million on a weapon that the Army and military experts explicitly stated was not needed. He questioned why they spent that extra \$436 million and stated because the tank was built in Lima, Ohio which was Representative Jim Jordan's district. Representative Jim Jordan, Senator Rob Portman and Senator Sherrod Brown were quoted as stating their support for the extra \$436 million was rooted in national security, not pork-barrel politics. The \$436 million could have been utilized in Piketon. The clean-up of the old uranium enrichment plant is now projected to be completed in 2054 instead of the original completion date of 2018 a forty year difference. In his opinion, it was no wonder people like Donald Trump.

2nd Ward – Councilman Saddler reported the following:

1. He thanked the Service Department for the clean-up after the River Days Parade, he felt like there was a big crowd; he would like the Manager and Director Beaumont to pass that on to the employees.
2. He received a complaint on property at 1565 Charles Street, very high grass and gutters falling off the structure. He ask that the City Manager take a look at the property.
3. He ask to be excused from the Conference Meeting tonight for personal reasons.

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

1. He reminded everyone of the City Employee Appreciation Picnic scheduled for October 2, 2015. City Councilmen will be cooking hamburgers and hotdogs for all the employees and it will begin at 11:00 a.m.
2. He commended those involved in River Days this year and stated that he had the opportunity to attend several events with his family and it appeared that there was very good attendance and the midway was kept cleaned.

4th Ward – Councilman Kalb reported the following:

1. He requested that the City Clerk email the evaluation forms for the City Manager's evaluation as they want to do a better job this year.

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

1. After the River Days Parade, Councilman Johnson sent out an email regarding a statement that someone had made about the water bill and how much theirs had increased. He encouraged Council to take a look at their old water bills and compare them because when he compared them he came out \$2.00 to the good and he liked the monthly billing.

6th Ward – Councilman Kleha had no report.

The meeting adjourned at approximately 7:10 p.m. on a motion by Councilman Kevin E. Johnson.

City Clerk

Acting Mayor