

**MINUTES – REGULAR SESSION**

PORTSMOUTH CITY COUNCIL MEETING  
Monday September 25, 2017  
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday September 25, 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 <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, Solicitor John Haas and City Clerk Diana Ratliff.

Councilman Kevin W. Johnson motioned to remove item “m” from the agenda. Councilman Lowe asked if this was the Adelphia Building and the reply was “yes”. The motion carried viva voce: **VOTE: ayes 6 – 0 nays.**

Councilman Kevin W. Johnson motioned to add to the agenda as item 7(q) 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. The motion carried viva voce: **VOTE: ayes 6–nays 0.**

Item added  
to the  
agenda

Council dispensed with the reading of the Journal for the regular session of September 11, 2017, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 1 (T. Lowe).**

**STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA**

**Fire Chief Bill Raison** spoke with regard to the ambulance legislation and requested that the final readings be waived as they have an opportunity to purchase two 2013 Ford F450’s that have low miles but the time frame was of an essence. They possibly can get them for 1/3 of what the original acquisition was listed.

**LEGISLATION**

The clerk gave a **third 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.

Ord. #46-2017  
Establishing  
procedures for  
Private-Public  
Improvement  
Projects to  
City Owned  
properties

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 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.

Ord. #47-2017  
DRD Gallia  
Street

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

Councilman Kevin W. Johnson motioned to amend the body of the legislation with the date of the DRD public hearing which was held on August 9, 2017 and to eliminate any references to Southern Ohio Port Authority.

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

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

Councilman Lowe asked about the reference of exempting 70% of the tax and if the city would still receive the 30%. Manager Allen stated that 30% goes to the schools.

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 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.

**Ord. #48-2017  
 DRD  
 Chillicothe  
 Street**

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

Councilman Kevin W. Johnson motioned to amend the body of the legislation with the date of the DRD public hearing which was held on August 9, 2017 and to eliminate any references to Southern Ohio Port Authority.

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

Councilman Kevin W. Johnson motioned that the amended 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 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.

**Ord. #49-17  
 DRD West  
 Boneyfiddle**

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

Councilman Kevin W. Johnson motioned to amend the body of the legislation with the date of the DRD public hearing which was held on August 9, 2017 and to eliminate any references to Southern Ohio Port Authority.

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

Councilman Kevin W. Johnson motioned that the amended 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 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.

**Ord. #50-17  
 DRD East  
 Boneyfiddle**

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

Councilman Kevin W. Johnson motioned to amend the body of the legislation with the date of the DRD public hearing which was held on August 9, 2017 and to eliminate any references to Southern Ohio Port Authority.

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

Councilman Kevin W. Johnson motioned that the amended 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 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 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 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 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 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 second reading.

Councilman Kevin W. Johnson moved to amend the legislation per Auditor William's request as follows: Add "transfer of funds and" in between "the" and "appropriation" in both the preamble and section I.

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

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 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 second reading.

Councilman Kevin W. Johnson moved to amend the legislation per Auditor William's request as follows: Add "transfer of funds and" in between "the" and "appropriation" in both the preamble and section I.

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

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 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 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 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.

Councilwoman JoAnn Aeh 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.

Councilman Kevin W. Johnson moved to amend per Auditor William’s request that the Fire Department Line item to be used should be: 301.223.5532 in the Preamble and Section I. Also to eliminate the wording in the second whereas paragraph “however, due to the current demand for funds in Fund No. 301, it is recommended that General Fund No. 101 be utilized.”

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

Councilman Kevin W. Johnson motioned that the amended 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 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 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 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 W. Johnson motioned to suspend the rules based on time restraint in order for Council to be affirmative.

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

Councilman Kevin W. Johnson motioned the Ordinance be passed.

Councilman Kevin E. Johnson asked for an explanation for the record as to why the readings were waived. Manager Allen explained that there were only 30 days for Council to reject it and if not it would go into effect after that 30 day period. Councilman Kevin W. Johnson said that he would prefer Council to be affirmative in its passage as opposed to allowing it to pass on its own.

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 approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing to utilize a TAP Grant for the construction of approximately 1.25 mile of paved shared use path along Front Street in central Portsmouth and the Shawnee State University campus.

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

Ord. #51-2017  
Purchase of  
two used  
Ambulances  
for Fire  
Department

Ord. #52-2017  
Ratification of  
the AFSCME  
1039-C  
contract

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 \$32,000 to Munn's Run Cleaning Fund No. 101.116.5508 from the unappropriated revenues of General Fund No. 101.

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 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.

Councilwoman JoAnn Aeh motioned to suspend the rules based on previous discussions.

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

Councilman Kevin W. Johnson motioned 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. #53-2017  
City Manager  
Assistant

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

**Gary Chaffin – Pastor at Bigelow Church** – He spoke in regard to the Medical Marijuana dispensary and stated that he had researched the topic and had his own conclusion. He said that he realized how divisive the issue was after speaking with other people in the community. He recommended Council hosting a town hall meeting for those who have questions, as most people don't have access to get answers.

**Michael Vermillion – 1010 Coles Boulevard** – He said that his biggest concern was the time restraints for the city to move forward with the dispensary. It would still be determined by the State whether or not it comes to Portsmouth and that there was a deadline for the State to make their decision.

**Vina Colley – Portsmouth/Piketon Resident for Environmental safety and security** – She said that she had attended three or four Council meetings requesting that the facility on Charles Street be put on the agenda to find out what's in the dump and what she would need to do to see if there were any radioactive materials on that site. She gave Stephen Carter as the name of the person who would know what was dumped on that site as he used to be over the Ohio Valley Regional Development.

#### **MISCELLANEOUS BUSINESS AND REPORTS:**

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

1. She stated that Mr. Gedeon of the Health Department received a \$600 bid from Robert Whisman for the vacant lot located at 2119 7<sup>th</sup> Street and stated that Mr. Whisman had purchased 2 other parcels and will use the new parcel to expand his property and build a new dwelling. Mr. Gedeon recommends that the bid be accepted.
2. She reminded everyone that the City Employee picnic is Friday the 29<sup>th</sup> at the American Legion Post 23 Shelter House.

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](http://www.portsmouthoh.org)
2. He said that the westbound US 52 paving project was bumped with a start date of June 30, 2018. ODOT had advised him they would mill out and resurface Gay and Chillicothe Streets between 11 & 12<sup>th</sup> Streets as semi-trucks had pushed the asphalt and it was very uneven. He said that since they've delayed the project, he would put a change order in and have that resurfaced now as opposed to waiting until next year.
3. The Pershing Avenue reconstruction project was ready for bid and would like to schedule a meeting in Sciotoville to inform the people in that area and invited Councilman Lowe to attend.
4. He received an email regarding the Grandview widening project and when he meets with them he will call Mayor Kalb to attend the meeting.

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 appointed Daniel Gower to the Shade Tree Commission – 2651 Grandview Avenue Portsmouth and his telephone number is: 740-353-1810. He believed that Mr. Gower's background and experience would be an asset to the Commission. He asked that a letter of thanks be sent to Hilda Drake the outgoing member who had resigned.

**Appointment  
Of Dan Gower  
Shade Tree  
Commission**

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 he and Mr. Allen would be attending Federal Court in Columbus concerning the pre-trial on the opioid litigation. The attorneys involved had asked that all of the parties that were being represented by them to be present to show support.
2. He explained that due to the destruction of SOPA and the City's reliance on them, some of the projects the city was going to do or in the process of doing, may not be able to be completed. He has started the steps to set up a Community Improvement Corporation (CIC) for the City of Portsmouth to perform duties that SOPA would have performed for the city, once that was completed, it would need to be put on an agenda, with a request to waive readings in order to transfer some property that we're holding onto and finish some of the deals that were in the process of being completed. He will have more information for Council in the near future.
3. Medical Marijuana – He explained that the Governor of the State of Ohio through legislation permitted medical marijuana in certain circumstances throughout Ohio. He said that in Southern Ohio they had designated four counties which comprised our region, and there would be one Medical Marijuana Dispensary in that region. He said the city does not have to pass an ordinance to approve a medical marijuana dispensary but would only need to pass an ordinance to ban it because the State approved the dispensaries. The County passed a Resolution banning it outside the city limits which was the topic at the last meeting and it was determined by Council/City that they did not desire to ban dispensaries from inside the city limits so no legislation was necessary. He said the only item City Council had asked him to look at was the zoning code and if it needed modified to allow for the dispensary. He added that after he had reviewed the zoning code it was fine as written. He stated that it was unusual because the City was requested to ban it or permit it. Manager Allen said that the city does not choose where the dispensary will be located, the State of Ohio will review the applicants and then make their decision.

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 due to absence.

**MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

**1<sup>st</sup> Ward** – Councilman Kevin W. Johnson reported the following:

1. He felt that it would be important if we could manage a public meeting so that people could understand the State legislation regarding Medical Marijuana. He said that he agreed with Mr. Chaffin that there were various opinions. He said that he may be strongly in favor of it as he seen what it could do for someone dying of cancer, and those who haven't been with someone dying or had a spastic condition especially a child would never know what Medical Marijuana could do to help. There were a lot of aspects, with one being that it cannot be smoked.
2. He said when he first heard about the Commissioners disassociating themselves from SOPA, he went online and the first thing he saw was "Massacre from Portsmouth" which would have been a perfect headline for a well written story. He said the last two meetings he had spoken on the economy and what the State legislature had done to our city. He added that the State income tax in the State of Ohio had been reduced 30.5% since 2005 with the vast majority of income earners paying less than 3%. Ohio was giving back 1.1 billion per year to owners of pass through entities such as: Sole Proprietors, Partnerships and S Corporations; they pay zero income tax on the first quarter of a million dollars and have a 40% tax cut for those above a quarter of a million dollars. The estate tax was repealed January 1, 2013 and they've made up for that by increasing the sales tax from 5.5 to 5.75. The combination of that means that poor people didn't have to pay income tax before and still don't but they have to pay more income tax. In previous years 60% of Ohio's budget was generated by income tax and now it's 40% and the 60% is being generated by sales tax. The poverty level in Portsmouth is 35.8%, and every time the legislature increases the sales tax, it kills our people. After all these steps of eliminating tax rates, giving the 1.1 billion dollars which was a promise to bring new jobs into Ohio, the state is ranked the 3<sup>rd</sup> worst in the United States in unemployment. He doesn't know what our legislature does because we're getting absolutely nothing and they keep cutting budgets on everything and they're ignoring all the county's issues regarding the tax on Medicare that was passed through and they're ignoring the huge hit to Scioto County.

**2<sup>nd</sup> Ward** – Councilwoman Aeh had no report.

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

1. He thanked Bill Beaumont and Andy Gedeon for taking care of the over grown weeds on Highland Avenue.
2. He invited everyone to the City Employee cook-out at the American Legion Post 23. He stated that this was Council's way of saying thank you to our city employees. There will be hamburgers and hotdogs and it starts at 11:00. He will be fixing his special hotdog sauce and challenged others on Council to fix some kind of special recipe. The picnic is for our City Employees and some of those employees were down in ditches in crazy places with crazy hours just to keep our city moving.
3. He had received one letter and one email on the Medical Marijuana issue and he made no reservations about the issue as he supports the use of Medical Marijuana, but does take issue with the way that this had happened. He explained that usually the process was that items were placed on the City Manager's agenda and if Council voted to bring it forward it would be placed on City Council's agenda. He read from the Manager's letter from the last meeting "this legislation should go three readings to allow for any public input". He valued what the public thought and does his best to be as transparent as possible. He felt the item should have been on Council's agenda and should have gone three readings just as all other legislation had done and if there was a time restraint, the three readings could be waived. He believed that there needed to be public input on the issue as there was a lot of misinformation. He said that people in the community think that people will be smoking pot on the street corners which isn't true at all and the key word is "Medical". During the Manager's meeting he will be motioning to set a date to have a public meeting as he believed this to be our obligation to hear their concerns.

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

1. He agreed with Councilman Johnson regarding the public meeting as there have been a couple of request for a meeting. He responded to Councilman Kevin E. Johnson's remark regarding the readings and believed that would have been if we had banned the legislation, it would have gone three readings but since there was no need for legislation there were no readings required.
2. He reported that the lights at Mound Park were out again and would like to continue the work on removing the graffiti.

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

1. He thanked Manager Allen for having the street sign at Seneca and Sandstone straightened up as it was leaning.
2. He questioned when the hole on North Hill Road would be fixed as it was in a bad location. Manager Allen said that he would find out, and agreed that it was a bad location.

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

"I just have a few things, uh first off I'd like to thank the service department or whoever done it for removing the dead deer at uh State Route 140 exit. Uh also like to thank for getting to fix, the fence fix on Bahner. I'd like to thank Sciotoville Community for all their support uh and supporting me in this position. Uh I'd like to give a shout out to a friend of mine who passed away this morning uh Bobby Altman, lived on my street, I've known him for probably like 55 years. Uh let's see what else. I'd like to congratulate the Tartans on their 49-7 victory over Manchester, go Tartans and that's the end of my report."

Councilman Kevin W. Johnston made a motion to move into Executive Session to discuss an Employment issue. He would like the City Manager and the Solicitor to join them in Executive Session.

The role was called and the motion carried: **VOTE: 6 ayes – 0 nays, they recessed into Executive Session at 6:55 p.m.**

Executive  
Session

Councilman Kevin W. Johnson moved that Council reconvene from Executive Session.

The roll was called and the motion carried. **VOTE: 6 ayes – 0 nays, Council reconvened with all still in attendance at 7:18 p.m.**

The meeting adjourned at approximately 7:18 p.m. on a motion by Councilman Kevin W. Johnson.

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City Clerk

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Mayor