

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday September 28, 2015

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday September 28, 2015 at 6:03 p.m., in the Council Chambers of the Municipal Building.

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

Roll Call showed the following members to be present:

Kevin W. Johnson	1 st Ward (Absent)
Rich Saddler	2 nd Ward (Absent)
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 Solicitor John Haas, City Auditor M. Trent Williams and City Clerk Diana Ratliff.

Councilmen Kevin W. Johnson and Saddler's absences were excused on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 4 – nays 0.**

Council dispensed with the reading of the Journal for the regular session of September 14, 2015 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 4 – nays 0.**

There was no Public Hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

There was no one present that wished to address Council on items on the agenda.

LEGISLATION

The clerk gave a **third reading**, to an Ordinance amending Section 943.02 Rules and Regulations; Authority of Mayor of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #69 -15
Code clean up
Rules and
Regulations
Greenlawn
Cemetery

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

Councilman Kevin E. Johnson advised the public that was in attendance that the next several legislative items are Ordinance clean-ups.

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

The clerk gave a **third reading**, to an Ordinance repealing Section 943.04 – Police Powers of Supervisor of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #70 -15
Code clean up
Police Powers
of Supervisor

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

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

The clerk gave a **third reading**, to an Ordinance amending Section 943.05 - Application for Interments; Digging Graves of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #71 -15
Code clean up
Applications
for Interments

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

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

The clerk gave a **third reading**, to an Ordinance Amending Section 943.06 – Burial of Deceased Indigents; Fees of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #72 -15
Code Clean up
Burial of
Deceased
Indigents

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

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

The clerk gave a **third reading**, to an Ordinance Amending Section 943.07 - Cemetery Plat of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #73 -15
Code Clean up
Cemetery Plat
Greenlawn
Cemetery

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

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

The clerk gave a **third reading**, to an Ordinance Amending Section 943.08 – Sale of Lots; Free Burial Ground of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #74 -15
Code Clean
up Sale of
Lots
Greenlawn
Cemetery

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

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

The clerk gave a **third reading**, to an Ordinance Amending Section 943.13 – Greenlawn Cemetery Burial Charges of the Codified Ordinances of the City of Portsmouth, Ohio.

Ord. #75 – 15
Code Clean
up Burial
Charges

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

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

The clerk gave a **third 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.

Ord. #76 - 15
Code Clean up
Enactment of
supplemental
rules and
regulations for
Greenlawn
Cemetery

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

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

The clerk gave a **third 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.

Ord. #77 - 15
Approval of
ODOT Bridge
Inspection

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

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

The clerk gave a **second 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 second reading.

Councilman Meadows stated that he had spoken with the City Manager regarding this issue and he understood that the Health Department receives hundreds of thousands of dollars each year and yet the City had no control over what they were doing. He was under the understanding that they had hired more people and given pay raises and if that was all true, he would have a hard time voting to pass this on the third reading if they are not utilizing the money allocated to them wisely and he felt that there were some issues that need to be resolved. Acting Mayor Kalb ask the City Clerk to make the City Manager aware of Councilman Meadows concerns and have him check into these issues and have a representative from the Health Department here at the next meeting.

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

The clerk gave a **first reading**, to an Ordinance authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing the need for an overlay project on the US 23 Grant Bridge.

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

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

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$2,500 from Community Agencies Line Item No. 101.119.5291 to support the Buckeye Elite Event Management Holiday Classic Basketball Tournament.

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

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

The clerk gave a **first reading**, to 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.

Res. #15 - 15
Accepting
Amounts and
Rates
determined by
Budget
Commission of
Scioto County

Councilman Kevin E. Johnson motioned to adopt this Resolution.

Auditor Williams stated that these were the same rates that we've had over the past several years.

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

The clerk gave a **first reading**, to a Resolution authorizing the City of Portsmouth to prepare and submit an application to participate in the Ohio public works commission state capital improvement and / or local transportation improvement program(s) and to execute contracts as required.

Res. #16 - 15
Application for
OPWC state
capital
improvement
or local
transportation
programs

Councilman Kevin E. Johnson motioned to adopt this Resolution.

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

The clerk gave a **first reading**, to a Resolution to endorse legislation to exempt textbooks from Ohio Sales Tax.

Defeated
Resolution to
exempt
textbooks from
Ohio Sales Tax

Councilman Kevin E. Johnson motioned to adopt this Resolution.

Councilman Kleha comments were (inaudible). Acting Mayor Kalb ask if there were any requests from outside of Council and the City to implement the legislation. Councilman Meadows stated that he did not know of any requests from the outside.

There were no questions or comments. The role was called. **VOTE: 2 ayes – 2 nays (J. Kalb, G. Meadows), the Resolution was defeated.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

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

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She prepared the following Proclamations: Constitution Week, Masonic Trinity Lodge No. 9 and PHS Class of 1965 50th Year Reunion Weekend.
2. She prepared and distributed the Draft copies of the Evaluation forms for Council to review for the City Manager's evaluation.

Proclamations
Constitution
Week,
Masonic
Trinity Lodge
No 9 and PHS
Class of 1965
50th Year
Reunion

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 – Written report only.

1. His written report can be found on the City's website.

The City Manager's written 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 reminded everyone of the Port Authority's Stakeholder's breakfast on Thursday and on Friday, they will have the Employees picnic.

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 the Nuisance and Zoning Board meetings and a Health Department meeting. He reviewed some of the points that Lisa Roberts from the Health Department made during a power point presentation concerning the drug issues that our City faces. In her presentation she went over some of the findings and statistics of Heroin and Opioid addictions in our area.
2. The City Manager was out of town at an ICMA Conference and he asked the Solicitor to discuss this with Council. He distributed an update on some concerns that have been raised concerning the Grandview area. He stated that there had been some emails regarding public records requests, some Council members were copied and some were not and he wanted Council to be on the same page with what had been taking place. The City is in the final phase of the project and the construction started last week. He believed that this was a basic misunderstanding of how the wastewater system works and there have been numerous emails going to the City and Ohio EPA for public records requests and the City had been forced to respond to the emails. Of all of the emails and allegations that had been presented none of them have had merit, but the City was forced to respond at a substantial cost and time to the City along with having to hire an Engineer to respond to the EPA. The City Manager and Solicitor both feel that the record needed to be set straight and if Council had any questions regarding the allegations being made, the information distributed should answer some of the questions and if there are other questions, he requested that Council contact him or the City Manager.

Councilman Meadows referred to page 3 of the information "relocation information was also communicated to City Councilman Gene Meadows by City Manager Allen during the project." Councilman Meadows stated that it was possible that this was emailed to him but it may have gotten lost in other emails that he received but his recollection was that Solicitor Haas relayed the message not City Manager Allen. He stated that he will search his emails. Councilman Kevin E. Johnson stated that he been interested to know if he finds the email.

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 had no report

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

2nd Ward – Councilman Saddler had no report due to absence.

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

1. He reminded everyone of the Employee Picnic this Friday October 2, 2015 at Post #23 American Legion (40/8 Shelter Building) and he invited all the city employees to attend. He thanked the sponsors: Chamber of Commerce, Coffee at the Lofts, Shawnee Boat Club, American Legion (40/8) for letting us use their facility. He again thanked the Chamber of Commerce for handling all of the donations and he stressed to the public that every bit of the picnic items were donated and none of it comes from City funds.
2. He attended "Prayer in the Park" this past Friday at Tracy Park and he thanked all that were involved. He stated that there was a pastor from each Ward praying for our City and its leaders.
3. He wished City Clerk Ratliff a belated birthday and stated that she does a great job.

4th Ward – Councilman Kalb reported the following:

1. He stated that the Councilmen will be cooking and serving the Employees.

5th Ward – Councilman Meadows had no report but did ask what time he needed to be down there at the picnic. It was determined that we all should show up around 9:00 a.m. to start setting up.

6th Ward – Councilman Kleha had no report.

The meeting adjourned at approximately 6:30 p.m. on a motion by Councilman Kevin E. Johnson.

City Clerk

Acting Mayor