

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday January 8, 2018
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday January 8, 2018 at 6:00 p.m., in the old gymnasium of Portsmouth High School.

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:

Sean Dunne	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 Acting City Manager Sam Sutherland, 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 December 21, 2017, Special Session December 23, 2017 and Organizational Meeting January 1, 2018 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 6 – nay 0.**

Councilwoman Aeh moved to adjourn into Executive Session to discuss personnel matters and potential litigation and requested that Solicitor Haas attend. The role was called and the motion carried: **VOTE: 6 ayes – 0 nays, Council recessed into Executive Session at 6:05 p.m.**

Executive
Session

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 6:35 p.m.**

Councilwoman Aeh motioned to add on the agenda items **7(i)** an Ordinance to revise the Codified Ordinances by adopting replacement pages thereto. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements. Item **7(j)** a Resolution authorizing the submittal by Acting City Manager Sam Sutherland of a FY 2018 Ohio Department of Natural Resources Clean Ohio Trails Fund (COFT) and accepting grant and obligations, if funded. The motion carried viva voce: **VOTE: ayes 6–nays 0.**

Items
added to
the agenda

Solicitor Haas requested and was approved to address the citizens. He said there several things had been discussed over the last couple of weeks and at the previous meeting it was suggested that the two parties get together and mediating the issues. He said that it was decided to announce a Special Meeting for the purpose of going into Executive Session for mediation. He had contacted a former Judge that was retired and had agreed to act as a mediator; he will be assigned to work between Mr. Allen and City Council to discuss ways to resolve the issues. The Mediator's instructions were for the parties to keep an open mind and help the parties come to an agreement. The proposed date for the Special Meeting will be January 20th at the Municipal Building and it will either be resolved or it would be intractable with no way of being resolved. He requested that City Council set a date for a Public Hearing just in case the issues do not get resolved in mediation. He advised that the two parties would not be in the same room but would be in the same building and the mediator would walk from one party to the other party until the issues were resolved. The mediator's name was Donald Cox, he was a retired Judge out of Gallia County and now has a business called Judicial Alternatives in Groveport, Ohio. He had been doing mediations for many years and was very good at and Solicitor Haas had used him in the past on cases he believed would never get settled. Judge Cox does not know either party, however Councilman Meadows may have come into contact with him in the past and Mr. Meadows stated that he had practiced in front of him back in the 1990's and provided a little history about Judge Cox stating that he was elected and served one term then retired for several years and set up a Mediation and Arbitration business that had been running since approximately 1994. Solicitor Haas said that Judge Cox had done hundreds and hundreds of Mediations and he was very confident in his abilities to be able to resolve these issues. Mr. Haas stated that he knew there were people who wanted to speak on the subject, but that the parties were trying to get together to work things out. An unidentified person in the audience ask a question and Solicitor Haas replied that was arbitration, but mediation was where nobody was going to force Council or Mr. Allen to do anything. This would be where both parties sit down in separate rooms and speak to Judge Cox and try to work things out amongst themselves. He impressed upon Council and Mr. Allen to go into mediation with an open mind. Solicitor Haas added that he would like to see this get resolved so that there were no issues a week to two weeks afterwards with respect to something that was forgotten and he encouraged

them to think about all of the issues that they wanted addressed so that everything would get addressed and not be peace milled together. There would be a resolution that day that would cover everything. An unidentified person in the audience ask what Mr. Allen's status was currently and Solicitor Haas replied that there was legislation on the agenda that would clarify his status, he added that there would be an opportunity to address Council on the agenda. He said that on the morning of the 20th the meeting would be opened to the public, however the parties would go into Executive Session immediately and the discussions would not be public, these mediation's are confidential with the whole point being that each party could speak freely and be open and honest about how they feel without any worries about the public hearing what was being said. He added that things said in mediation could not come back later if there was litigation down the road. If there was an agreement, it would be drawn up and become a public record. Someone ask about a Public Hearing and Solicitor Haas replied that it would be the first meeting in February if they could not come to a resolution. An unidentified person ask if that was a violation of the Sunshine Laws and Solicitor Haas replied "no" not for mediation as there would be no votes taken during the mediation. There would be perimeters as to what an agreement might be and there would be a vote that would take place in public and hopefully there will be an agreement on the 20th. An unidentified person ask how many Councilmembers would be in attendance, Solicitor Haas replied six Councilmembers, the mediator, Mr. Allen and his attorney if he chooses to have Counsel. He said that his involvement in the process was merely to contact the mediator and give him the date.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Neal Hatcher 1044 Noel Drive Portsmouth – He stated that he wanted to compliment City Council for agreeing to a mediation as he believed that was the right way to go. He hoped that everyone would have an open mind and hopefully get it resolved for the betterment of Portsmouth.

Toni Dengel 2840 North Hill Road Portsmouth – She spoke regarding Project ROMP in connection with Connex. She asked that the legislation be passed at the second reading because their annual meeting is January 23rd. She passed around the maps for Mound Park that were being proposed.

Richard Howerton 2nd Street Portsmouth – He thanked City Council for taking on such a difficult issue and small town politics were very difficult. He said that no matter who City Council selects as a City Manager, there were things they would like to see happen at the city level. He stated that they were a small business owner who had invested in this town and this town needed investments from small businesses. He said that thousands of people had left this town to find work and people like him who had invested in this town had been treated unfairly as of late. He pointed out that they needed to find someone who was good for business and their firm had three Shawnee State graduates working for them and they're not inferior in any way shape or form. Shawnee State puts out a good product and they were very happy to have those graduates working for them. He spoke regarding fairness. He said that their firm had been around for over 20 years in Scioto County and Portsmouth, but the last few years they have not been given the opportunity to bid on any projects with the city and he didn't understand why there were "no bid" contracts with one firm in Columbus. He added that they could beat anyone's price and it was important to keep business local. He stated that they had sent a bid to Columbus last year and the Columbus City Engineer called him and stated that Howerton was the cheapest bid for the project, however he couldn't give Howerton the job because his Council and City Manager told him they needed to hire someone local even if Howerton was half the price, it didn't matter. He told the Columbus Engineer that he was doing the right thing by supporting local business in Columbus. He said Columbus was a boom town and it could be that way in Portsmouth. He asked City Council to find someone who was inclusive and not divisive and supported all small businesses regardless of party, religion, and politics. He appreciated City Council and the difficult decisions that have to be made.

Regina Chabot 3037 North Hill Road Portsmouth – She thanked Council for going into Mediation as that was a good step and hoped it could be resolved. She said that citizens at large voted for a City Manager form of government and it had been working, even with some disagreements she felt that our budget was stronger and we were able to start doing development. She was happy to see the ordinance for the TAP Grant for the riverfront as she helped worked on that with the ABC Grant and Shawnee State people. She liked the development that was ongoing and hoped that we could come to an equitable solution because she felt that he was doing a good job. On behalf of Connex, they were getting ready to put out a new map for the city, they've had people at Shawnee State help with the map to promote the city which would include "items of interest, items to see" and what they want to see was for Council to be on that PR team to have a positive message coming out of whatever the differences. She said that we were a challenged area and we all need to grow together. She was happy to say that the Cultural Affairs money from the Hotel Motel tax was going back into the city and those will be coming up again for various organizations to apply and to beautify the area. She hoped for a positive outcome.

Joseph Pratt 342 2nd Street Portsmouth – He stated that he was the Executive Director of the non-profit organization Main Street Portsmouth in the downtown area with the mission of building up community and revitalizing the downtown area and preserving the history. They have about 53 events per year, they have a Building Improvement Grant that invested \$25,000 back into the properties that apply for the grant. They have the design program which everyone got to enjoy and appreciate, from the parks in the downtown to the flowers and new design elements. He said he was bringing everyone up to date because they were on the agenda for a first reading to continue an agreement with the city. He said before the agreement originated three years ago, Main Street Portsmouth would come to the city every year to request funding for their expenses and they leveraged that funding with memberships and people from the community, businesses, corporate sponsorships which have made all the good stuff happen. He said they had a shoestring budget of \$100,000 which they turn into about \$300,000. The city was giving them \$50,000 per year for three years and he was really proud of that because that says a lot

about the city’s confidence in the organization and was proud of how the money was spent. He said that of the \$50,000, \$25,000 went directly back into the Building Improvement Program where the city worked with Main Street to grant that money back out to business owners. He said \$15,000 went to the design budget and only \$10,000 went towards operation which made the 53 events possible each year. He said the only change was that they were asking for an additional \$5,000 to cover the Main Street Portsmouth membership on the National and State level to retain being a Main Street community. This would help them alleviate that burden and to continue programming at a momentum that grows.

Joni Fearing P.O. Box 1917 Portsmouth – She said that she wasn’t completely up to date with the particular item being discussed but a while back she attended the meeting regarding the riverfront and the discussion of different possibilities and options. She also was an active member of Connex and followed their desire for a path but was a little concerned because the wording in the legislation stated that it was a shared use path along Front Street in central Portsmouth and Shawnee State campus. She thought that the path would be utilized along the river side that would be out of the way of traffic. She added that she’s ridden her bike and walked throughout the 12-13 years since she’s been back and had seen people with children walking and children in strollers and they were always having to get off the road for cars. She apologized for not being up to date on the subject.

Mark Hunter 1551 Beechwood Heights Portsmouth – He thanked and applauded Council for taking the steps toward mediation. He would also like to know if the mediation yielded no results if there would still be a public hearing. He said that there’s a lot going on that would not take place in the eyes of public view. He was a businessman and understood that there was some need for that but there was also a time when things need to be aired out in public. He sincerely hoped that they were entering into the mediation process with the idea of resolving the issues and putting the city back onto firm footing and good track. He wished them all the best.

Amy Partlow 1538 Charles Street Portsmouth – She ask that when Council went to mediation that all personal feelings be left outside the door and that when you’re sitting there that you think of the City of Portsmouth and what it was and what Mr. Allen has done for the city. You might disagree and make errors, things happen but agree to disagree but the Manager had done a fantastic job and she had watched him work with nothing when the city was in the hole and he brought us out of that situation. It took him a long time and now he may not answer e-mails all of the time but he was busy and you can see what the man had done. She asked Council not to go backwards because who would come and be City Manager if we did that, she said to please resolve it, he’s not from here and was thankful that he even came to Portsmouth. (Applause)

LEGISLATION

The clerk gave a **third reading**, to an ordinance to make appropriation for the current expenses and other expenditures of the City of Portsmouth, Ohio beginning January 1, 2018 and ending December 31, 2018, as provided for in Section 49 of the Charter of the City of Portsmouth, Ohio.

Councilman Johnson motioned that this Ordinance be passed.

Item
Tabled

Mayor Kalb stated that the two month appropriations had been passed to give Council time to review the full budget and make adjustments. He ask Solicitor Haas if by passing this are we locked into the budget and Mr. Haas recommended tabling it to a certain date since the first two months have been covered.

Councilman Johnson withdrew his initial motion and moved to table the legislation.

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

The clerk gave a **first reading**, to an Ordinance authorizing the Acting City Manager to enter into a lease agreement for the Sunrise cell tower property.

Councilman 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 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 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 Amending Section 505.04 – Abandoning Animals of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Johnson motioned that this constitute a first reading.

Councilman Johnson asked Solicitor Haas if there was a decision regarding adopting Ohio Law, Mr. Haas stated that he heard some discussion earlier but there hadn't been a conclusion yet. He recommended working on it and on the second reading make the changes. Mr. Johnson stated that the reason they were looking at this was that it would make it a 5th degree felony. Councilman Meadows stated that he was all in favor of taking care of animals and that he had a \$150,000 dog house that his dog allowed him to live in (laughter). The state statute had different degrees of the crimes; there were misdemeanor and felony versions of it and his concern was the vague way it was presented and he doesn't believe anyone would ever challenge it constitutionally but he thought it needed to be tightened up and made more specific.

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 Acting City Manager to execute an agreement with Main Street Portsmouth that would include supplementing an additional \$5,000 to the annual contribution of \$50,000 previously made by the City in years 2015, 2016 and 2017.

Councilman Johnson motioned that this constitute a first reading.

Solicitor Haas stated that the way the ordinance was currently drafted was for one year. He wanted to make sure that Council's intention was for a three year agreement and to make it clear in the ordinance for 2018, 2019 and 2020. He said the reason that we allowed it before was to give Main Street the security of having funding in the future instead of year by year so that they could plan ahead. Councilman Meadows checked with Mr. Pratt to make sure he was alright with the change and Mr. Pratt acknowledged that he was good with the three year agreement.

Councilman Johnson moved to amend to make the agreement for three years, 2018, 2019 and 2020.

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

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 removal of City Manager Derek Allen from terminated status and that he be placed back as City Manager on paid administrative leave backdated to December 18, 2017 for compensation.

Councilwoman Aeh motioned to suspend the three reading rule.

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

Councilman Johnson motioned to amend the legislation to "suspended with pay" from paid administrated leave.

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

Councilman 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 **first reading**, to an Ordinance to amend the Salary Ordinance as amended by Ordinance No. 74 of 2017 to reflect three percent (3%) wage increases for non-union employees, FOP Lodge 33, FOP/Ohio Labor Council Dispatchers Unit, AFSCME 1039C, AFSCME 1039 and Local 512 International Association of Firefighters to be effective January 1, 2018, and to repeal Ordinance No. 74 of 2017. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

Ord. #01-2018
Removing
terminated
status of
Derek Allen
and replacing
with
suspended

Councilwoman Aeh motioned to suspend the three reading rule.

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

Ord. #02-2018
Salary
Ordinance

Councilman Johnson motioned that the Ordinance be passed.

Councilman Johnson explained the reason for waiving the three reading rule was so the city employees that had received raises could be paid.

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 a Resolution requesting the advance payment of all taxes now standing to the account of the City of Portsmouth, Ohio, from the Treasurer of Scioto County, Ohio, and any and all other monies due the City of Portsmouth, Ohio, included in the certificate of estimated resources as issued and approved by County Budget Commission, and to be credited to the respective funds by the warrants received from the Auditor of Scioto County, Ohio.

Res. #01-2018
Advance
Payment of
taxes

Councilman Johnson motioned that the 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 to revise the Codified Ordinances by adopting replacement pages thereto. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

Councilwoman Aeh motioned to suspend the three reading rule.

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

Ord. #03-2018
Updated
Codified
Ordinance

Councilman 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 **first reading**, to a Resolution authorizing the submittal by Acting City Manager Sam Sutherland of a FY 2018 Ohio Department of Natural Resources Clean Ohio Trails Fund (COFT) and accepting grant and obligations, if funded.

Res. #02-2018
Clean Ohio
Trails Fund
COFT grant

Councilman Johnson motioned that the Resolution be adopted.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Geoffrey Sea – 1832 Wakefield Mound Road Piketon, OH – He had a small office in downtown Portsmouth and he had spoken at the last meeting regarding the Piketon Waste dump. He lives on the fence line of the A-Plant and owns a historic home. He urged Council to take care of some of the local administrative issues so that the more important issues that were facing this region could be addressed as it would affect this community for literally thousands of years. The Department of Energy planned to build a 100 acre radioactive waste mound on the site that was called the Portsmouth Area Gaseous Diffusion Plant, so it has the name of your city. There had been a movement that included most of the elected officials in Pike County, Ross County and they hope in Scioto County, to resist this horrendous affront to the region. The City Council and Mayor of Chillicothe, the Village Council and Mayor of Piketon, and the City Council and Mayor of Waverly along with 15-20 other local governmental bodies including School Boards, County Sheriff's etc. have all come out against this plan. He urged Council to undertake necessary steps to review the independent study of the plant that concluded that Department of Energy's lied to our communities and would continue to lie. The DOE hired a group called the Prospective Group to study the degree of public support and trust in the Department of Energy and that group concluded that there was almost zero trust in the DOE because they had lied to the community.

Joni Fearing P.O. Box 1917 Portsmouth - She said her Councilman was Kevin E. Johnson and that her father worked at the A-Plant and he had died with four different cancers. Her concern was for the employees and the residents. Her mother died from ovarian cancer which it was believed that since she washed his clothes for 10 years she may have been exposed and died earlier than her father. She said that only three people speaking about

this topic would not make much of an impact and they needed more people to speak out. They've carried the burden of the cold war for 60 years and does not know how many people on facebook have lost loved ones early because of cancers and other illnesses from that plant. She said that it's not about taking away jobs but about bringing jobs to the area, an area that had been cleaned up properly.

Derek K. Allen 3124 North Hill Road #14 Portsmouth – He hadn't had a chance to check with Diana to see if his public records request was ready due to automobile issues. He had been contacted by numerous people about having an open mind to mediation but before that happened he needed his public records request honored. He had requested it on December 20th and December 28th so the documentation that supported the outrageous allegations against him, especially the ones that accuse him of criminal misconduct. He said before there's a mediation session and before there's a public hearing he would like to see those documents so that he could refute them if they exist. He stated that he was a person that was very thorough and he documented things and he certainly hoped that City Council had something behind these allegations. He stated that he wanted his job back and was committed to the community but was more committed to clearing his name. He said he did not do these things and he would clear his name. In his job as City Manager and other jobs in other communities, he had to put people on paid administrative leave which was an action absent of judgement, it does not say that the person did what they were being accused of but that employee would be removed from that position while it was investigated. He said tonight Council changed from putting him on administrative leave to suspension which somebody might say that he must have done something if they've suspended him. He would like to see the documentation that was used to put together the list of slanderous comments especially the ones that state he committed criminal activity.

Mayor Kalb asked Mr. Allen about the notification letter he (Mr. Allen) handed out at the last meeting to Council stating that he would like a public hearing and now that the status had changed to suspension, he had the right to request a public hearing. Mayor Kalb asked Mr. Allen for the record if he wanted a public hearing and Mr. Allen answered "yes" but he would like to see the documents so that he could build his case.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received via email on January 4, 2017 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending December 31, 2017: Expense, Revenue and Fund.
2. She received notification today (1-8-18) that the creation of fund #258 for the Rural Health Opioid Program was approved by the Auditor of State.
3. She received on January 8, 2018, the 2017 Annual report from the Solicitor's office.

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.**

Acting City Manager's Report – Acting City Manager Sutherland reported the following:

1. His report can be found on the city's website: www.portsmouthoh.org
2. He stated that late this afternoon he received word that the Dollar Tree franchise would be moving into the former CVS Building on Chillicothe Street.

Councilman Johnson stated that it was his understanding that the Dollar Tree was going to be moving somewhere else. Mr. Sutherland stated that he didn't know the whole detail as to what had transpired but he received an email stating they were moving into the former CVS Building.

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

Mayor's Report – Mayor Kalb reported the following:

1. He reviewed that Council would be having a mediation on Saturday January 20th and requested notifications be sent out for a special meeting on January 20th at 9:00 a.m.
2. He stated that Council had changed the status of Mr. Allen and put him on paid leave and they were looking at a public hearing and suggested the first meeting in February. Clerk Ratliff said that would be February 12th.
3. He said that Council had decided that Councilman Kevin E. Johnson would continue another two years as their Vice President.
4. He welcomed the newly elected Councilman for the First Ward Sean Dunne.

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

City Solicitor – Solicitor Haas reported the following:

1. He swore in Councilman Kevin E. Johnson as Vice President.
2. He reviewed his annual report and provided some of the highlights from 2017. His staff had remained the same, there were no changes. They've prepared 80 Ordinances and 20 Resolutions and in Portsmouth Municipal Court which handled Felonies, Misdemeanors, Traffic and OVI's they handled a total of a little of 10,000 cases.
- 3.

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 reported the following:

1. He gave a brief update on the lawsuit that was filed regarding HB 49 in the centralized collection of municipal net profit tax. The suit was filed December 21st by a coalition of over 100 cities and villages throughout the State of Ohio. January 31st would've been the deadline to comply with HB 49 but on December 21st a preliminary injunction was given to Judge Cain in Franklin County Common Pleas Court which now gave a new deadline of February 24th pending the determination of the case. It was Mr. Williams understanding that briefs were to be submitted by February 9th and a hearing was set for February 12th. He said that depending on the outcome of the suit, if it came out in the city's favor (either way) he wasn't sure what the new deadlines would be on the lawsuit but that it was quite possible that emergency legislation would be needed to comply with the new deadline of February 24th. He provided and distributed to Council a brief overview from the Ohio Municipal League of the suit and the deadlines.

The Auditor'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.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Sean Dunne reported the following:

1. He said this was his first City Council meeting sitting at the table and it had been an interesting time to get started.
2. He advised that he met with the Scioto Foundation back in November and advised them that he wanted to donate his Councilman's salary to a fund that they could administer and they would be able to distribute funds to 501c3 organizations in our area. There were a lot of great people and great organizations doing work in our area and he wanted to provide them with funding to help with their work, but also wanted to call attention to the many great things that they do. He requested to be contacted with information for anyone having an organization in mind that he should work with.
3. He said before he moved to Portsmouth, he lived in Ireland for 13 years and there was a tradition there called "Clinics". He said a clinic was when an individual that had been elected to an office would meet with people on an informal basis and that was something he would like to begin now that he was elected to City Council. He said his first clinic would be on Tuesday the 9th at 6:30 p.m. at Port City Pub and he would be there for about an hour. He said that if you're a member of the First Ward or even if you're not, he would be very interested in speaking with them on whatever issue they had in mind. This practice stresses representation and what it was about, as community members come together and present ideas to one another and the direction they want their city to go in and then they select someone to re-present at a legislative level, hence the word representation and representative. He said that this practice reinforces the idea.
4. He said that he was finishing up his semester at Shawnee State University and traveling up the East Coast when all of these events transpired. He said that it was great to see the public take an interest in the City Council meetings and the decisions of the city. He dispelled some of the fears that some people have had regarding the events that have transpired as some type of conspiracy. He noted that he had seen a blog post stating that Mayor Kalb was the leader of a faction on the City Council which was not true and he thought that Council should proceed forward with fairness and rational thought, but from what he had seen from previous interactions between City Council and the City Manager, he does not see any nefarious plot. He added that it was good that we're all involved in the conversation.
5. He thanked the citizens of the First Ward for electing him and thanked Kevin W. Johnson for his eight years of service. He also thanked his campaign managers who were present in the audience and said that they did a great job.

2nd Ward – Councilwoman Aeh had no report.

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

1. He thanked everyone for coming to the Council meeting and participating.
2. He acknowledged the city workers that have been out fixing pipes and restoring water. They've been in some cold ditches while we were in the warmth of our home, they've been out there making sure that we have our water back on and have done a tremendous job. He asked everyone to thank a city worker when they see them out.
3. He welcomed the newest Councilman Sean Dunne to City Council and stated that he was looking forward to working with him.
4. He acknowledged former Councilman Kevin W. Johnson and that it was good to see him.
5. He thanked City Council for appointing him as Vice President for the next few years. He very much enjoyed serving the city he grew up in and he has a love for this city.
6. He said that Council would work through the problems that they're having right now and despite any negativity that had been heard, he asked them to remember that we have a bunch of Veterans that were currently serving and have served our country in the past which allowed us the

opportunity to speak our minds peacefully. He said that no matter what side of the road you’re on, we as citizens could state our opinions and we owe a debt of gratitude to the Veterans that have served our country to give us this right to come here and speak. He asked the public to thank a Veteran when you see one.

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Lowe reported the following:

1. He thanked all the hard working people out there. The city has had some water breaks in Sciotoville and he felt sorry for those guys out there but they’ve done a fantastic job and kept the water going.
2. He would like to honor a friend who was one of the last sole surviving World War II veterans. He was a real war hero – Williams “Red” Mowery” he was 93 years old and he had known him and his whole family since he was a kid and they grew up in the same household, lived with each other throughout their lives. He was a decorated war hero and served under the Rome Anzio campaign and was wounded in Mt. Grandy, Italy and received the Bronze Star for combat against the enemy in the European-African-Middle East campaign, he also received the infantry badge, the American Campaign medal and World War II victory medal. He was also a Purple Heart recipient. He extended his condolences to Mr. Mowery’s family.

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

City Clerk

Mayor