

MINUTES – REGULAR SESSION**PORTSMOUTH CITY COUNCIL MEETING**

Monday January 11, 2016

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday January 11, 2016 at 6:02 p.m., in the Council Chambers of the Municipal Building.

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
Jo Ann Aeh	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Thomas K. Lowe	6 th Ward

Also present was City Manager Derek K. Allen, 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 December 28, 2015 and the organizational meeting of January 4, 2016 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 **second reading**, to an Ordinance amending Section 901.13 – Notice to Remove Obstructions; Barricades and Lights 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 to make appropriation for the current expenses and other expenditures of the City of Portsmouth, Ohio beginning January 1, 2016 and ending December 31, 2016, as provided for in Section 49 of the Charter of the City of Portsmouth, Ohio. Now, therefore,

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

Auditor Williams asked the Solicitor if this Ordinance should be formally replaced or amended as the previous proposed legislation that was given to Council at the last meeting was not completed. Solicitor Haas asked what the Auditor submitted and Auditor Williams replied that he submitted the actual ordinance with the figures on it and added that the first one submitted did not have all the figures on it and asked if it could be replaced rather than amended and Solicitor Haas stated it could just be replaced.

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 transfer of funds for FY 2016 budget.

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 amendments to the City Manager Employment Agreement effective January 1, 2016.

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

There were no questions or comments. **The role was called. VOTE: 3 ayes – 3 nays (K. E. Johnson, G. Meadows, T. Lowe), a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance to make appropriations necessary for the current expenses of the City of Portsmouth, Ohio for the months of January and February 2016 as provided for in Section 50 of the Charter of the City of Portsmouth, Ohio. Consent Agenda

Councilman Kevin E. Johnson moved to waive the three reading rule as it was a consent agenda item.

The role was called. VOTE: 6 ayes – 0 nays

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.**

Ord. #01-16
 Two Month
 Budget

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Steve Wallace – 2549 Richardson Road – He stated that the hill was sliding onto Richardson Road and he thought the city was going to do something about it 15-20 years ago, but nothing had been done. He said that there are about 3 or 4 trees across the street from his home that could possibly fall onto his property and he requested that the city top these trees. Last June he spoke to Director Beaumont regarding the issue and was told that he would write a letter to the land owner and he wasn't sure who owned the property. When he asked Mr. Beaumont for a copy of the letter it was never sent to him and had called Mr. Beaumont two times since but did not get a response. He added that the trees had gotten so tall and feared a wind or ice storm would bring them down. He had taken the initiative to clean the weeds along the street and a big chunk of the street was taken back but the immediate problem was the trees.

Joseph Pratt – 1662 Grant Street – He was there to represent Main Street Portsmouth and he advised Council that there were quite a few events coming up but the reason he wanted to speak to Council was to tell them that he had requested a table be reserved for City Council and the City Manager for Celebrate Portsmouth which was the annual dinner. The Social Hour was 6:00 p.m. and dinner would be at 7:00 p.m. and he would be working toward getting a few other tickets for the Solicitor, Auditor and City Clerk. It will be held at the Friends Community Center.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. Received from Auditor Williams the Official Faithful Performance/Surety Bonds letter.
2. Received an Oath of Office from the following:
 M. Trent Williams – Auditor
 John Haas – Solicitor
 Jo Ann Aeh – 2nd Ward Councilwoman
 James D. Kalb – 4th Ward Councilman and Mayor
 Thomas K. Lowe – 6th Ward Councilman
 Diana Ratliff - City Clerk
 Kevin E. Johnson – Vice President of Council
3. Received via email on January 5, 2016 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending December 31, 2015: Expense, Revenue and Fund.
4. Received the Annual Report from the Solicitor's office.
5. The following City Clerk's annual report was compiled for the year 2015 pursuant to Section 7 of the City Charter:

Regular Meetings	23
Manager's Conference Sessions	20
Special Meetings	0
Organizational Meeting	0
Executive Sessions	4
Public Hearings	1
Citizens Addressing Council at the Public Hearing	0
Ordinances Passed	98
Resolutions Adopted	18
Additions to the Agenda	11
Consent Agenda Items	26
Tabled Ordinances	5
Tabled Resolutions	0
Defeated Ordinances	0
Appointments by Council	21
Oaths of Office	21

Oaths of
 Office

Clerk's Annual
 Report

Proclamations	16
<u>Ohio Department of Liquor Control</u>	
Notice of Permit Transfers	4
Request for New Permits	5
Notice of Stock Transfers	0
<u>Citizens Addressing Council</u>	
Items on the Agenda	6
Items not on the Agenda	19

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: ayes 6 – nays 0.**

City Manager's Report – Written report only.

1. His written report can be found on the City's website.
2. He gave Council a copy of each Department's year-end report.
3. He stated that in closing out the books for 2015 the City would finish the year with every fund with the exception of sewer in the black and he wasn't sure when the last time that it had occurred. He stated that if he left tomorrow, he would be proud of the fact that the city was in much better financial shape than when it was when he showed up. The only fund negative was sewer which was \$1,000,000 in the hole. He added that there would be a letter going out with new sewer rates to rectify the situation and then all funds should be out of the deficit condition and he believed that to be quite an amazing statistic.

Councilman Kevin E. Johnson asked about the \$257,000 listed on his report for Pershing Avenue and asked if ODOT or the City would be paying. Manager Allen referred the question to the Solicitor and he said that he was working with the County to work out all of the legalities and at this point, the City should be reimbursed. Solicitor Haas added that the old agreements were found and the city had provided water to the old Children's Home and that agreement would be used to work with the County. Councilman Lowe asked when the agreement was made and Solicitor Haas stated he believed in the 1930's. Manager Allen stated that all the other funds would be reimbursed but this was the only one that was different. Councilman Lowe suggested reviewing some of the old agreements to make sure everyone's on the same page because this could possibly be denied. Solicitor Haas stated that if we didn't have the agreement the City would be paying for it. Mayor Kalb stated that agreements such as that, you wouldn't know what to look for but as they come forward they need to be addressed.

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: ayes 6 – nays 0.**

Mayor's Report – Acting Mayor Kalb had no report but welcomed the new Councilmembers.

City Solicitor – Solicitor Haas stated that every year the Charter requires to submit an annual report which was distributed to Council via email. He said that he would not go through all the items on the report but in the past couple of years since he's been in the Solicitor's office there have been no new suits filed with regard to the Rental Licensing Program and there was only one pending suit that would soon be resolved. For the first time in a long time there was no litigation against the city.

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: ayes 6 – nays 0.**

Auditor Williams – Auditor Williams had no report.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

1. He spoke to Mr. Wallace and told him he would stop by to take a look at the property and he was sure that the City Manager would be following up as well. He requested Mr. Wallace's phone number and said he would get it after the meeting.
2. He completed the required Ethics Commission and provided a copy to the City Clerk.

Mayor Kalb requested that the City Clerk provide the links for the Sunshine Laws which had to be completed once every term and the Ethics Link that need to be completed prior to the first week in May.

2nd Ward – Councilwoman Aeh had no report.

3rd Ward – Councilman Kevin E. Johnson had no report.

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Lowe reported the following:

1. He said that before he took office he received a complaint and forwarded it to the City Manager’s office and he thanked him for taking care of it.

The meeting adjourned at approximately 6:25 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Mayor