

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

Monday January 12, 2015

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday January 12, 2015 at 6:00 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 Manager Derek Allen, City Solicitor John Haas, City Auditor M. Trent Williams and City Clerk Diana Ratliff.

Councilmen Saddler and Kevin W. Johnson'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 December 22, 2014 on a motion by Councilman Kevin E. Johnson.

Councilman Kevin E. Johnson motioned to add a Resolution to the Agenda as "7d" regarding the City's 5 year Financial Recovery Plan, the motion carried viva voce: **VOTE: ayes 4 – nays 0**

**Added item
to Agenda**

There was no Public Hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

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

LEGISLATION

The clerk gave a **third reading**, an Ordinance to make appropriation for the current expenses and other expenditures of the City of Portsmouth, Ohio beginning January 1, 2015 and ending December 31, 2015, as provided for in Section 49 of the Charter of the City of Portsmouth, Ohio. Now, therefore,

**Ord. #01-15
General
Fund
Budget**

Councilman Kevin E. Johnson moved that this legislation 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 approving the 2015 Capital Improvement Program budget and appropriating funds for same from Capital Improvements Funds Fund No. 301 for listed items only. Now, therefore,

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

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

The clerk gave a **second reading**, to an Ordinance submitting to the electors of the City of Portsmouth, Ohio, at the Primary Election to be held on the 5th day of May, 2015, a supplemental section to the Charter of the City of Portsmouth, Ohio to levy annually, beginning January 1, 2016, an income tax in an additional amount of five-tenths (5/10) of one percent (1%), notwithstanding any provision in Section 47-a prohibiting said tax, to provide funds for general municipal operations of the City of Portsmouth.

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

Councilman Kevin E. Johnson asked Solicitor Haas a question on behalf of Councilman Kevin W. Johnson regarding the wording on this legislation and asked if there were any issues with the wording. Solicitor Haas stated that there were no issues with the way that it was wording and believed Councilman Kevin W. Johnson was inquiring about adding additional language with respect to the purpose which Solicitor Haas does

not believe needs to be in the Ordinance as it was in the Resolution that passed at the last meeting. He will be introducing a Resolution on the Manager’s agenda that had the proper wording which goes along with the Ordinance directing the Board of Elections to place it on the ballot.

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 a Resolution approving the City’s Financial Recovery plan as required by Section 118.06 of the Revised Code.

Councilman Kevin E. Johnson moved to adopt the Resolution.

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

Res. #01-15
5 year
recovery
plan

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

There was no one present who 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 received from the Auditor via e-mail, the following Combined MTD/YTD reports for the period ending November 30, 2014: Expense, Revenue, Fund and Bank Report.
2. She received an Oath of Office for Will Burke from the Shade Tree Commission
3. She received the City Solicitor’s Annual Report.
4. The following City Clerk’s annual report was compiled for the year 2014 pursuant to Section 7 of the City Charter:

Oath of
Office Will
Burke
Shade Tree
Commissio

Regular Meetings	24
Manager’s Conference Sessions	21
Special Meetings	2
Organizational Meeting	1
Executive Sessions	5
Public Hearings	2
Citizens Addressing Council at the Public Hearing	14
Ordinances Passed	55
Resolutions Adopted	20
Additions to the Agenda	22
Consent Agenda Items	18
Tabled Ordinances	1
Tabled Resolutions	3
Defeated Ordinances	3
Appointments by Council	15
Oaths of Office	35
Proclamations	8
<u>Ohio Department of Liquor Control</u>	
Notice of Permit Transfers	5
Request for New Permits	2
Notice of Stock Transfers	0
<u>Citizens Addressing Council</u>	
Items on the Agenda	20
Items not on the Agenda	33

5. She also reported that the 2014 Organizational booklet had been completed and will be on the city’s website within the week.

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. On page 8 of his report, he stated that the City re-bid the Rapid Mix Replacement for the Water Treatment Plant. The original estimate was \$380,000 and the first and only bid that was received was for \$493,818 and that bid was rejected. The Engineer’s estimate was re-examined and adjusted to \$500,000 and additional funding was secured. The project was then re-bid and again received only one bid for \$521,000, it was decided that the city will not award that bid to

- the one contractor because it is still way over the engineers estimate. There will be a meeting on Tuesday to attempt to transfer the additional money to another project.
3. The syringe exchange program had a dramatic increase in the amount of syringes that were being exchanged. He's unaware if it's an indicator to what was happening within the city since the soboxone clinics have closed.
 4. He stated that at the end of January, Council will begin receiving overtime reports from every department.
 5. He requested Council to advise him of additional reports they may want and he would check on it.

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 appointed Ann Sydnor to the Portsmouth Metropolitan Housing Board and her address is: 1111 29th Street – Portsmouth.
2. He appointed Jo Ann Aeh to the City Planning Commission and her address is: 1559 Charles Street – Portsmouth.
3. He asked City Clerk Ratliff to send a letter to the outgoing member to thank them for their service.

**Appointed
Jo Ann Aeh
to the City
Planning
Commission**

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. Pursuant to Section 73.62 of the Ohio Revised Code he submitted his annual to the City Clerk who distributed it to City Council. He stated that over the past year Attorney Ruth Buckler took a job as a domestic mediator for Scioto County Common Pleas Court and the position was filled by Attorney Chris Gerard. David Beck remained as assistant prosecutor, Norb Cassidy as Investigator and Kathy Hodkinson as Legal Secretary. Norb and Kathy were originally hired by David Kuhn years ago. This year they prosecuted over 1,000 cases being felony, misdemeanors, OVI and traffic offenses. There was one new case filed against the city this year and still ongoing but is very close to being resolved. The city is still involved in the Rental Licensing Program litigation; the brief had been filed and they are expecting a motion to have the case dismissed. The city was fortunate to have legal aid within the city to file a brief as a friend of the court and gave the city's position on that program.

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 had no report.

4th Ward – Councilman Kalb reported that over the past few months he had been attending meetings with regard to the potential redevelopment project for the east end which is mostly in the 4th Ward. It was in the talking stage on what can be done with that property and as things develop he will keep Council informed.

5th Ward – Councilman Meadows asked the City Manager if it was possible to get the Manager's packet via email which would save on paper and time as there was a delay in delivery on Friday and the packets were not received until Saturday. City Manager Allen stated that it can be done and asked how many wanted them electronically instead of paper and Councilman Meadows was the only one that wanted it electronically.

6th Ward – Councilman Kleha had no report.

Acting Mayor Kalb stated that it had previously been discussed that the City Manager's evaluation would take place during the meeting, however, with two Councilman absent he requested that the evaluation be suspended until the next meeting. Councilman Meadows stated that a copy of the evaluations should be given to the City Manager and Acting Mayor Kalb agreed and Councilman Kleha suggested giving the City Clerk the instruction to give a copy to the City Manager. Solicitor Haas stated that the contract says that the City Manager must agree on the format and procedure and there's never been an agreement on the format or procedure. Manager Allen stated that he was emailed two separate forms and believed that the second one was the form they were using and he didn't have any issues with that form or any problems with the document

being compiled as one document with all the submittal from the six different Councilmen. He would like to have it ahead of time so that he knows how to address what will be discussed. Acting Mayor Kalb suggested that the evaluation be put on the agenda for the next meeting and instructed the City Clerk to give a copy of the evaluation to the City Manager as it had been ruled that they are public record. Councilman Kevin E. Johnson stated that he did not realize that they were public record and he asked if the public had seen the evaluations to date. Solicitor Haas replied “No” they had not been released and the City Clerk confirmed that they had not been released but stated that there had been one public record request and the copies would be distributed immediately following the meeting as the person that requested the evaluations was present at the meeting. City Clerk Ratliff asked where on the agenda they would like to evaluation to be placed and it was decided after the reports.

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

City Clerk

Acting Mayor