

**MINUTES – REGULAR SESSION**

PORTSMOUTH CITY COUNCIL MEETING  
 Monday January 23, 2017  
 6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday January 23, 2017 at 6:03 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 <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, Auditor M. Trent Williams and City Clerk Diana Ratliff.

Council dispensed with the reading of the Journal for the regular session of January 9, 2017 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**

**Rod Siddons – Frontier Community Services – 238-3<sup>rd</sup> Street - Chillicothe, Ohio** – He wanted to acknowledge Councilman Kevin W. Johnson’s assistance in providing a Resolution of support for an upcoming affordable housing program application that they were preparing to submit to the Federal Home Loan Bank of Cincinnati. The application will be for up to \$1,000,000 of cost for rehab for the Park Apartments on the corner of Chillicothe and Third Streets in Portsmouth.

**LEGISLATION**

The clerk gave a **third reading**, to an Ordinance authorizing the City Manager to adopt an Agreement with the Scioto County Commissioners to require the County Dog Warden to perform statutorily mandated duties on behalf of the City of Portsmouth at no cost to the City.

**Ord. #01-17 Agreement with Scioto County Commissioners regarding Dog Warden mandated duties**

Councilman Kevin E. Johnson motioned that the 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 **third reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth, Ohio to advertise for bids and to enter into contracts with the lowest and/or best bidder for required supplies, materials and services for 2017 in accordance with Ohio Revised Code section 735.05.

**Ord. #02-17 Advertise for bids to enter into contracts for supplies and materials for 2017**

Councilman Kevin E. Johnson motioned that the 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 **third reading**, to an Ordinance authorizing the City Manager to enter into an agreement between the City of Portsmouth and the Southern Ohio Port Authority (SOPA) for 2017, 2018 and 2019.

**Ord. #03-17 Agreement with SOPA for 2017, 2018 & 2019**

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 to submit to the electors of the City of Portsmouth, Ohio, at the Primary Election to be held on the 2nd day of May, 2017 proposed amendment of Section 164 Hours of Labor of the Charter of the City of Portsmouth, Ohio.

**Ord. #04-17  
Amendment  
to Charter  
Section 164  
Hours of  
Labor**

Councilman Kevin E. Johnson motioned that the 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 **third reading**, to an Ordinance authorizing the establishment of Building Reserve Fund No. 103

**Ord. #05-17  
Establish  
Building  
Reserve Fund  
No. #103**

Councilman Kevin E. Johnson motioned that the 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 **third reading**, to an Ordinance authorizing the transfer of \$50,000 from General Fund No. 101 to the newly created Building Reserve Fund No. 103.

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

Auditor Williams stated that the Ordinance needed to be amended to include the wording **appropriation and** transfer. He told Council that he would try to be more careful in the future to provide the proper language.

**Ord. #06-17  
Transfer of  
funds from  
Gen. Fund  
#101 to new  
fund #103  
Building  
Reserve**

**The role was called. VOTE: 6 ayes – 0 nays, the Ordinance was amended**

Councilman Kevin W. Johnson moved that the Ordinance be passed as amended.

There were no 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 the City Manager to enter into an amended agreement with Brownfield Restoration Group, LLC to conduct a VAP Phase II Assessment and No Further Action Document in an additional amount not to exceed \$14,831.00 to be paid from unappropriated Water Fund Revenue and to appropriate the same to New WTP Fund Line Item No. 606.771.5515.

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

There were no 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 amendments to the City Manager Employment Agreement effective January 1, 2017 and preparation of a new contract incorporating the amendments herein and approved by City Council in Ordinance 2016 – 05 said contract attached hereto as Exhibit A.

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

Mayor Kalb commented that he thought this was premature since the Manager's contract stated that increases and changes were based on the evaluation and the evaluation wasn't completed. He had concerns about the City Manager being grouped in for raises with City Employees and believed that was a conflict of interest for a person that negotiated contracts or provides information for negotiating contracts. He said that his current contract under "compensation" said that the City Manager was a non-classified exempt employee of the City of Portsmouth, Ohio. Solicitor Haas stated there was no conflict of interest because he's not voting and as far as the contract, any raise that might be given to other employees wouldn't go into effect unless Council approved it. Mayor Kalb said that if there was a vote and it was approved and other employees were given raises then the City Manager would receive the raise as well. Solicitor Haas said that the other employees weren't getting a raise unless Council voted on it, and the City Manager could've outright asked for a 15% raise but he asked for the same as everyone else. Councilman Kevin W. Johnson said that in the long run, this would save the City money. Councilman Meadows stated that he had concerns with the way the contract was written "the same across the board increase that other employees receive", he said that wasn't quite specific enough and

wanted the word “all” other employees, meaning no raise until everyone got one including the employees in the building who haven’t had one for a long time. Councilwoman Aeh said she agreed and in the past there have always been changes to the contract such as additions in compensations or whatever, but she would like to see the legislation “Tabled” and have Council look at the whole contract to see if there was other things that Council might want changed. She added that contracts were for both sides to discuss regarding changes.

Councilwoman Aeh moved to table the legislation.

**The role was called. VOTE: 4 ayes – 2 nays (K.E. Johnson and K. W. Johnson), the legislation was tabled.**

The clerk gave a **first reading**, to a Resolution to authorize extending the terms of agreement between the Board of Scioto County Commissioners and the City of Portsmouth regarding providing representation to indigents charged in the Portsmouth Municipal Court.

**Res. #01-17  
Agreement  
with Scioto  
County  
Commissioners  
regarding  
indigent  
representation**

Councilman Kevin E. Johnson motioned that the Resolution be adopted.

Councilman Meadows stated that on occasion he worked some of these cases and for that reason he would be abstaining from the vote.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays – 1 abstain (G. Meadows), the Resolution was adopted.**

Mayor Kalb asked the Solicitor if the abstention was a non-vote and Solicitor Haas confirmed that it was a non-vote.

The clerk gave a **first reading**, to a Resolution to express full support to the efforts of Rod Siddons, Chief Development Officer of Frontier Community Services on behalf of the Park Apartments in the Anderson Building to obtain AHP funding for rehabilitation.

**Res. #02-17  
Support for  
rehabilitation  
of the Park  
Apartments**

Councilman Kevin E. Johnson motioned that the Resolution be adopted.

Councilman Kevin W. Johnson thanked Mr. Siddons for attending the meeting, he came from Chillicothe, Ohio and he thanked the Solicitor for a very well written resolution. He said Park Apartments need the improvements that were being requested. He said the roof, windows and access for the disabled were really critical for the overall upkeep and down the line for the integrity of the building. He would appreciate Council’s affirmative vote. Councilman Kevin E. Johnson also thanked Mr. Siddons for traveling from Chillicothe to attend the meeting and that it was nice to put a face with what’s on paper. He said he understood a little bit about construction and old buildings and they scream money sometimes.

There were no 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**

**Stephanie Henderson – 1034 John Street – West Portsmouth, OH** – She had never been to a Council meeting before but she wanted to express her feelings about the depreciating values in homeowners, property values, as well as businesses all over the area being abandoned and dilapidated. She had concerns about the Portsmouth bypass which would take jobs out of the community and hurt the future of our children. She said regardless of your age, you could sell knowledge and possibly through grant writing or people within Scioto County coming together to try to do something to change and be selfless. She suggested an attraction such as COSI or a science center, possibly where the Mitchellace parking lot is located or where Wilson School was and it would bring money to our area and change everything and would have a great impact on our community.

**MISCELLANEOUS BUSINESS AND REPORTS:**

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

1. She received an Oath of Office for the following:  
For the Cultural Affairs Panel: Suzette Rhea, Linda Switzer, Amy Partlow, Allison Kalb, Gina Chabot and Kris Liles.
2. She received from the Ohio Division of Liquor Control a request for a transfer of ownership of Belini Cucina Italian Ristorante, LLC at 603 Chillicothe Street Portsmouth, OH. There were no objections.

**Oath of  
Office  
Cultural  
Affairs Panel  
members**

**Liquor  
License  
transfer for  
Belini Cucina**

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 reported the following:

1. The Manager's written report can be found on the City's website.
2. He thanked the Ohio Department of Transportation in response to a letter that was written to them asking if they could apply Sodium Chloride brine to the roads in advance of snow storms. He said that they applied the brine to the Chillicothe overpass and the Sciotoville overpass because of the icy weather that we've had which was very beneficial to the City.
3. He said the first week of the year, there was 300 tons of salt used which had been replenished and fully loaded.

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 reported the following:

1. He appointed Jerrold Albrect to the Zoning Board of Appeals. He requested a letter of appreciation be sent to the outgoing member of the board to thank him for his services.

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. The City had transferred several properties over to the land bank and we're waiting on the extermination permit request and to see when those building might be torn down. He said that hopefully some of the worst properties would be taken care of first.
2. He said that something came to his attention regarding a City Planning Commission meeting that was held but wasn't needed because there was no Engineer to look at agenda's or applications to see whether they should be listed on a Planning Commission agenda or the Zoning Board of Appeal. In the last couple of months, there had been two agenda's and two meetings scheduled for no reason.
3. He said there was another issue where a local business owner had plans drawn up and the City had no one to look at them and were sent off to Columbus for review. Those plans from Columbus were approved but as it turned out no one caught that the waterline was not where the business owner thought it was located, so the plans were approved but the waterline was on the other side. If we had an Engineer or somebody in that office that took control of these types of issues it would have saved a lot of time and energy.
4. He stated that since he's been in the Solicitor's office, he's been an advocate for an Engineer because it was needed.

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 reviewed his written report that he had given to Council as follows:  
 December's General Fund was \$865,128 which was \$246,322 more than last year in the same month and the accumulated amount compared to last year was \$2,615,175 and of that amount \$195,432 was from the new tax revenue. Total collection included in both General and Capital was \$983,310 which was \$255,303 more than last year and a total collection of \$2,698,141. If we had not had the new tax, we would have been up \$555,992 but with the new tax the city was up \$2,698,141. The new tax that began in January 2016 collected \$2,142,149 exceeding his projected revenue of \$2,050,000 by \$92,149 and the tax should produce in 2017 in the range of \$2,400,000 to \$2,700,000.  
 Major Fund Balances – General Fund \$1,548,549 which was up \$1,102,923 from last year, Streets \$306,614, Water \$330,039 over \$118,456 from last year, Sewer -\$1,514,609 which was less by -\$2,479,807, Sanitation \$509,936 which was less by -\$35,215 and Insurance \$1,633,646 which was \$1,106,141 over last year.  
 He said that for the second year in a row only one of the city's 67 funds remained in a deficit at year-end and that was the Sewer Fund #621. He also said that all of the six major operating funds reflected a significant positive change in fund balance from the previous year except for Funds #621 and #631.

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**

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

1. He asked Auditor Williams about the checkbook and Mr. Williams replied that it would be a top priority for this year and that it would be sometime this quarter and preferably sometime in the mid part of the first quarter.
2. He addressed a comment made by Mrs. Henderson and her concerns about the bypass. He said he was looking forward to the bypass because it would open up land that we've never had access to such as warehousing, light manufacturing and there would finally be a four-lane highway going through the north part of the county that we hadn't had access to in the past including the airport. He said that studies were being done at the airport to determine what kind of businesses we could implement around the airport and possibly expanding that airport now that there was real access. He told her that if she was interested in keeping up with the things that were happening in the area, to go onto the website for the Southern Ohio Port Authority because they list everything that was going on.

Mayor Kalb stated that at the last meeting he had requested that Council hold all questions until after all the reports were given, but perhaps the way Councilman Kevin W. Johnson gave his report, should be the way Council proceeds instead of doing a big discussion at the end.

**2<sup>nd</sup> Ward** – Councilwoman Aeh reported the following:

1. She asked Auditor Williams if he had any idea how the closing of the A-Plant would impact the City's income tax. Auditor William said that we've looked into in the past and it wasn't significant, however he didn't want to belittle what that would do to our area.

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

1. He thanked the City Manager for the lights that had been fixed on Scioto Trail and was passing on that a business owner expressed his appreciation.
2. He appointed Eddie Edwards of 2015 Franklin Avenue for the Charter Review Committee.
3. He re-appointed Ron McCain 1729 Franklin Boulevard for another term on the Cultural Affairs Panel.

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

1. He appointed Richard Schisler for the Charter Review Committee. He asked the Clerk if she had gotten his contact information and she replied that she had obtained it.
2. He said that a few meeting ago, there was a question that came up about Captain D's restaurant and possibly a questionable fire and asked if there had been a settlement so that building could be cleaned up or torn down. Manager Allen stated that it was in litigation.

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

1. He said his report was on a personal note. His house got vandalized twice on Thursday and he thanked the Portsmouth Police officers that took the police report. They were able to track some of it all the way up Old Post Road and was assured that patrol would be increased to hopefully find who's doing this.

**6<sup>th</sup> Ward** – Councilman Lowe reported the following:

1. He thanked Ms. Boggs that was at the last meeting regarding the expedience of the signs being put up and the painted curb.
2. He thanked the City Manager for the pot hole patching in the 6<sup>th</sup> Ward.
3. He thanked Mr. Gedeon for everything that was being done on Dever Street.

Councilman Kevin E. Johnson moved that Council go into Executive Session to discuss City Business and Mayor Kalb said that it needed to be more specific and said that the request was to recess into Executive Session for personal matters.

Executive  
Session

The roll was called. **VOTE: ayes 5 – nays 1 (G. Meadows) - The motion carried. Council recessed into Executive Session at approximately 6:41p.m.**

Councilman Kevin E. Johnson requested to reconvened from Executive Session which was held to discuss the employment, discipline, compensation and personal matters of the City Manager pursuant to Revised Code Section 122.22 g(1) at 7:40 p.m. The roll call showed all those previously in attendance were still present.

Councilman Kevin E. Johnson moved that Council go into Executive Session to discuss the employment, discipline, compensation and personal matter of the City Manager pursuant to Revised Code Section 122.22 g(1) and invited City Manager Allen to attend.

Executive  
Session

The roll was called. **VOTE: ayes 5 – nays 1 (G. Meadows) - The motion carried. Council recessed into Executive Session at approximately 7:41p.m.**

Councilman Kevin E. Johnson requested to reconvened from Executive Session which was held to discuss the employment, discipline, compensation and personal matter of the City Manager pursuant to Revised

Code Section 122.22 g(1) at 8:45 p.m. The roll call showed all those previously in attendance were still present.

The meeting adjourned at approximately 8:45 p.m. on a motion by Councilman Kevin E. Johnson.

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City Clerk

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Mayor