

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday January 25, 2016
 6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday January 25, 2016 at 6:01 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 January 11, 2016 on a motion by Councilman Kevin E. Johnson. Councilwoman Aeh posed the question that Mr. Lowe pointed out there was an error and Clerk Ratliff said it had been taken care of. 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 **third 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 Ordinance be passed.

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

Ord. #02-16
 Updating
 Section
 901.13

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, 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 Ordinance be passed.

Councilwoman Aeh stated that this Ordinance could not be passed because Council had already passed the 2 month budget and this Ordinance should have been removed from the Agenda last meeting and if we pass this we have a 12 month budget and a 2 month budget. Auditor Williams said the old Ordinance stated that it would be replaced by a permanent ordinance. Ms. Aeh said if we give this a reading than any questions we have on the budget would be passed. Solicitor Haas said this Ordinance would replace the Ordinance we passed at the last meeting. Ms. Aeh said that we've done this for years and when you do the two month you should take away the 12 month and then after the two month you do another ordinance and she assumed the reason we didn't pass the budget before was that there were questions about it as she had questions about this budget as she was not in favor of hiring another employee and would like to discuss that. Manager Allen stated so that everyone was clear, the City had not spent one cent, no bills have been paid and if you pass the final budget which everyone has had since November 15th, this would become our operating budget. Ms. Aeh said that this budget also included a new employee in the Utilities Department and currently there is a position in Utilities that's called "Controller" and by definition is a Chief Financial Officer who pays bills and accepts payments. She stated that she worked here for a long time and at one time the person in that position was to pay the bills and to sign ups. When the Utilities Department was moved to the old AEP building that position changed and that person no longer did sign-ups and all that was done was pay the bills and she said that she would bet anyone there that the City does not pay 2,080 bills per year which would mean that one invoice/requisition would be done every hour and that position is not an 8 hour position and she questioned why we would leave that position there that's not an 8 hour position and hire a new person to come in and do whatever, she believed that we could use the current "Controller" to do that.

On average one requisitions when filled out by hand could be done within 5 minutes, now it's a couple of clicks on the computer and it is her recommendation that we use that person to fill in and not hire a new person. The city would be paying for a new position at \$31,000 plus benefits would equal around \$68,000 and if it's not needed when we currently have someone that could fill that position and if the need is still there, then hire someone part time.

Councilman Kevin E. Johnson asked the City Manager what his opinion was on this matter. He stated that as everyone was aware, the city went from quarter billing to monthly billing and there was an extraordinary amount of people who pay with cash who do not have automatic bill withdrawal. There are 13,000 customers and if you divide that by 3 you have 4,200 customers paying every month which means there were 2/3 more people every month. We had originally started the process when Director George Howard was there and he stated he needed more people, so the decision was made to wait until Director Howard retired. When the new person was put into place it was verified that an additional cashier was needed. He stated that Council would be alarmed if he was on a hiring spree but currently the city was down 15-16 people and he ask for the first time to hire one person back and it that person would have to pass a civil service test.

Ms. Aeh stated that it still didn't amend the fact that there is a position that is not an 8 hour day and she asked what else that person does that takes up 8 hours a day. Manager Allen stated that he didn't want to fixate on one employee and what one person does or does not do. Ms. Aeh says that it doesn't justify with all the people that we've hired that is not getting raises and the people that we're not filling positions to have a department that has a job that by its description does not take 8 hours to do and we still pay \$68,000 per year in benefits and salary for that position and why can't we use that person in Utilities. Mayor Kalb asked if we did 2,080 requisitions per year and Auditor Williams replied that he did not know how many that position does in a year.

Councilman Kevin W. Johnson stated that if this had come up at the previous meeting that would have given the City Manager enough time to provide feedback. Solicitor Haas stated that this budget was given to everyone November 15th and Manager Allen said the only reason we passed a temporary budget was because we didn't have the November 23rd meeting because we didn't have a quorum, otherwise during the first regular session would have been the 3rd and final reading for the budget. Manager Allen stated that he had been very conservative in hiring and in two years outside Police and Fire the only employee hired was his assistant. Currently the Utilities people are putting in a lot of overtime and Council knows that there were issues with checks not being cashed because they could not get to everything. If there are customer complaints, it's because they have to stand in line down the hallway because they can't get them through fast enough.

Councilwoman Aeh stated that there was also another department with only one person in it and one person in a department is not a department and the city is to pick up \$7,000 more for that person's salary because we don't have grants and she doesn't see the justification there either. However, if the majority of you are fine with passing the ordinance, her vote would be "no". Councilman Kevin E. Johnson ask what the other department was and Ms. Aeh stated that it was Community Development. She added that it started in the 80's as a grant writer, it wasn't a department and the grant writer worked under the City Manager's office. Grants were plentiful in the 80's, there lots of federal and state grants and there were so many grants the city hired a secretary and a Community Development Director but as the grants fell off, they let go of the secretary because there weren't enough grants coming in and it was supposed to be a self-sustaining department. When the grants continued to fall off, instead of keeping the grants writer they kept the Director, so there was only one Director with no employees, no grants coming in and the city will be picking up \$7,000 more of that persons salary which should be paid by grants. Mayor Kalb offered different options that Council could do at this point.

Councilman Kevin E. Johnson stated that he believed that the City Manager had done his due diligence, Council hired him to put these budgets together and he believed that he had done a good job on the outline of it and sometimes you have to rely on the person you hired.

Councilman Kevin W. Johnson moved to question.

The role was called. VOTE: 6 ayes – 0 nays, the motion was approved

There were no questions or comments. **The role was called. VOTE: 5 ayes – 1 nays (J. Aeh), the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance authorizing the transfer of funds for FY 2016 budget.

Councilman Kevin E. Johnson motioned that this 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 amendments to the City Manager Employment Agreement effective January 1, 2016.

Ord. #03-16
2016
Budget

Ord. #04-16
Transfer of
funds for FY
2016

Councilman Kevin W. Johnson motioned that this Ordinance be passed.

Councilwoman Aeh stated that she noted there was a 2 week vacation with an option of buy back.

Councilman Kevin W. Johnson motioned to amend the Ordinance regarding the additional vacation week and if not used it cannot be sold back to the city. Solicitor Haas suggested removing “or cash out” from the wording.

There were no further questions or comments. **The role was called: 4 ayes – 2 nays (K.E. Johnson, G. Meadows), the Ordinance was amended.**

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

Councilman Kevin E. Johnson stated that he believed the City Manager had done a remarkable job but he did not support this and he had been very upfront with him. He feels that when there are city employees and department heads that haven’t had a raise since 2009, he doesn’t feel that now is the time. He added that this was no reflection of the City Manager job performance, as he believed he was doing an outstanding job.

Councilman Thomas Lowe stated that he agreed with Councilman Kevin E. Johnson, however after this past weekend’s snow event, the City Manager went over and above the call of duty and that was why he would change his vote.

Councilwoman Aeh asked if the Life Insurance was Term Life or Whole Life and the Manager stated that it was term and that it was not something that he would take with him should he leave.

Councilman Meadows stated that there’s no question that the City Manager worked hard for the city, but he still felt there were some issues which were put in the evaluation which have not been talked about, but the Manager had seen it. When the initial contract was done, the City Manager told us what he wanted and that was what was put into the agreement and he’s confident that if the Manager had requested after so many years that he wanted to increase his vacation time, pay or benefits then it would have been put in there. He appreciated Mr. Lowe’s comments about the snow event and it was nice to have the streets plowed but that was why all the extra equipment was approved and that’s the job. He’s not going to say “you did a good job over the weekend and now I’m going to change my mind” because that is what he was hired to do.

Councilman Kevin W. Johnson commented that the Manager’s contract stated that there should be a yearly review of the contract. Solicitor Haas stated that it says “shall” review. Mr. Johnson reminded Council that they did not do that the first year and the second year the Manager brought it forward. So everything that was written in the original contract was not written in stone and was supposed to be reviewed every year. The goodwill that the Manager had engendered in this city and that was prevalent with the passage of the income tax increase. The community had great faith in him and he gets positives constantly from the community.

**Ord. #05-16
Updating the
City Manager’s
contract
agreement**

Councilwoman Aeh stated that it no reflection on him personally and she had all the faith in the world in him, but she was against buy back because if you don’t take the vacation, it turns out to be a raise.

Councilman Lowe asked the City Manager if he was fully committed to the city and ask he was looking for another job and the Manager replied that he wanted to see this through.

Solicitor Haas stated that employees were given additional vacation in lieu of raises. In his office he had two full time employees that have 6 weeks’ vacation each and when one of them are gone, all the workload falls on the other and it’s his understanding that some of the employees have requested and been allowed to cash in some of the extra vacation either because they didn’t have time to take it or because there was too much work to be done which is the case in his office.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 2 nays (K. E. Johnson, G. Meadows), the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance Approving the 2016 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 first reading.

Councilman Kevin W. Johnson stated that he noted that the amounts given to the Police and Fire. Manager Allen stated it was because the Police eat up their allotment with the amount of cruisers they require. Mr. Johnson said that it had bothered him for years that some of this comes out of a very limited CIP budget instead their own particular budgets. It’s not that this stuff isn’t needed but every time that we’ve allowed this, we come back and look at Engineering’s resurfacing which was limited to \$75,000 which could be eaten up by a couple of streets. Manager Allen reminded that \$300,000 of this was committed to resurfacing East US 52 from the Scioto River to New Boston. He stated that prior CIP had a lot of operating along with other things in there

that should not have been but were out of necessity. This CIP has a lot of Police and Fire but we're in a situation because of the financial troubles that the infrastructure had been let go and we're slowly in the process of trying to put all of that back. He understood that the roads are bad but hopefully we can utilize the street department for that in order to get somethings repaired, but it would take a while with resurfacing because when he drives around on streets that were just paved and witnesses the same street being torn up due to water main break or sewer collapse. There's a water main on Sunrise by Notre Dame High School that needs replaced but the cost is \$3,000,000. Front Street was just repaved and then the Gas Company come along and cut it up, so there needs to be a fine balance and before we invest in street resurfacing the infrastructure must be dealt with first. The cemetery trust used to come out of the #851 fund and it was supposed to be for Capital Improvement and it was being used for operating expenses that has been moved back to where it belongs.

Councilwoman Aeh asked the City Manager if Coles Boulevard was a feeder street in which the State would actually pay for the repair. The Manager replied that they wouldn't pave but there are grants available. She recalled Kinney's Lane being a feeder street because the retaining wall was covered by the State. The Manager stated that he had to get the sewer that is located on Coles Boulevard lined because it had been dug up a couple of times as the joints have failed and it's been concluded that it need re-lined but he's unsure of the cost. As it stands, the city goes from emergency to emergency and we've not been to the point where the infrastructure was sound enough to not have to worry about the emergencies and start planning out improvements.

Mayor Kalb commented that Grandview Avenue widened from 17th Street to U.S. #52 for a portion of that \$75,000, he stated that he was amazed at the low cost for the improvement that it made. Manager Allen stated that the city had applied for a grant and did not get it.

Councilman Lowe asked why we were paying a fire engine lease payment, why aren't we owning this equipment. Manager Allen stated that it was a lease purchase and this would be the last year and the total cost was \$375,000 which was divided into 5 payments. Mr. Lowe stated that he agrees with others that there's not enough in the resurfacing fund and said there's a spot in the 6th Ward that hasn't been touched in 45 years and there's a major drainage problem. He knows the people that if affects and they are ready to file a lawsuit against the city. Manager Allen asked for the location and he would check it out.

Councilwoman Aeh requested to make an amendment on the CIP budget to add a recorder into the budget. Manager Allen stated that it could be paid for out of the operating budget.

There were no further questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, a first reading was declared.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Randy Goodwin – 1802 6th Street – He stated that he put \$60,000 into his home and would like to put another \$60,000 into it but he said from the sidewalk to the curb, there are two big sycamore trees and with the weather that we've been having there are limbs falling and battering his home. He said he's called every department in this town and had done everything he knew to do as far as research and finally spoke with Bill Beaumont and he explained that these trees were trashing his home. He stated that if he puts another \$60,000 into his home these two trees could take his home out. He asked the city to take them down and in order to do that the street would need to be shut down. Manager Allen stated that he would check it out and Solicitor Haas asked him to stick around and he would speak with him after the meeting.

Joseph Pratt – 1662 Grant Street – He reminded Council of the "Celebrate Portsmouth" banquet on February 11, 2016, it begins at 6:00 p.m. with dinner at 7:00 p.m. at the Friends Center and the table would be comped to Council because it is Celebrate Portsmouth and it wouldn't be the same without Council there. All of the Councilmembers, the Auditor and Solicitor are welcomed to join us for that and a table has been set aside for Mr. Allen. He also mentioned that the streets look fantastic after the snow event and he said he looked forward to Main Street working closely with City Government especially since Mr. Allen is now on the board.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received an Oath of Office on Kris Liles – Cultural Affairs Panel. She accepted the resignation of Donna Hartlage who is the 2nd Ward representative and notified Councilwoman Aeh of the resignation.
2. She congratulated to the Portsmouth Warriors on clinching the 2015 AA Semi-Pro National Championship.
3. She received on January 19, 2016 the upcoming dates for the Ohio Municipal League Newly Elected Council Training Programs
4. She received from the Ohio Division of Liquor Control a request for a transfer of D5A and D6 permit for Restaurant Open LLC dba Oscars at 711 Second Street and Pool Area – Portsmouth, Ohio from River House Portsmouth LLC at the same address.

**Oath of Office
 Kris Liles for
 Cultural
 Affairs Panel**

**Liquor Control
 transfer from
 River House to
 Oscars**

5. She attended the Main Street Portsmouth Board Meeting. They are planning and selling tickets to their “Annual Celebrate Portsmouth Dinner” to be held on Thursday February 11th and they are selling tickets for the Annual “Ellen Vetter Chocolate Walk” which will be on February 6th.
6. She received on January 22nd from the Board of Elections the ballot language for the proposed Charter amendments on the March Primary ballot.
7. She opened and closed the building for the Cultural Affairs meeting. She swore in Kris Liles as a member of the panel.

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 reiterated that in the two years in Portsmouth, he hasn’t hired anyone outside the Police and Fire Departments other than his assistant. For the first time we have positions where people have left and we have to fill them and in the past for whatever reason Police and Fire were the only ones going through Civil Service and now we will be utilizing the Civil Service test for the AFSCME positions and this hasn’t been done since 1988. The test will be advertised in the paper for two positions.
3. He thanked all the departments that stepped up this past weekend for the snow event. He appreciated the Street, Water, and Wastewater Departments working around the clock plowing. We went from 4 trucks to 11 trucks with 200 tons of salt. Trucks running and backhoes downtown scrapping the curb lining which he believed to be important and scrapped the curb lanes around the schools. He thanked Council for the additional equipment and the employees made good effort and showed pride and done a good job.

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 reported the following:

1. He thanked all the employees and one department that the City Manager forgot to mention was the Fire Department as they had a plow on one of their trucks and were plowing. Fire Chief Raison stated that he had a new appreciation for the street, sewer and water departments because it’s not an easy job. He had a lot of comments of how the streets were handled.
2. He had the following appointments and re-appointments:
 Reappointment of Dan Ruggerio – Fair Housing Board
 Reappointment of George L. Davis – Board of Health
 Reappointment of Lynne Daehler – Hardship Appeals Committee
 Reappointment of Sharon Bender – Portsmouth Area Visitors Convention Bureau
 Appointment of Kevin W. Johnson – Portsmouth Area Visitors Convention Bureau
 Appointment of Joseph Pratt – Shade Tree Commission
 By virtue of the office held Barb Gibson – Community Reinvestment Board – she replaces Clarence Parker.
3. He added that his mother-in-law Geraldine Neff passed away and it wasn’t something he normally mentioned in a report but she was a lady that was highly respected, she was an outstanding citizen in South Webster. She had a heart disease that no one was aware of, he admired her as she got out every day and walked back and forth to the Post Office and picked up garbage along the way.

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: ayes 6 – nays 0.**

City Solicitor – Solicitor Haas reported the following:

1. He stated that Clerk Ratliff had emailed the dates for the Ohio Municipal League Newly Elected Council Training Programs. If you’ve never done that before whether or not you’re new, he recommended that you take the training.
2. He stated that the Civil Service was very interested in this city hiring the best people for the positions that are open, it was a step in the right direction.
3. He doesn’t ever remember a city plow going up his street and it did this weekend and he very much appreciated it.

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 reported the following:

1. He received the final numbers for 2015. The Income Tax Collections were down for December compared to last December but not nearly as much as he had figured, they were down -\$38,927 but the city ended the year at \$112,983 above last year in the general fund. The total tax collections were -\$45,904 from last December but were \$131,797 total over last year. Both of those numbers are better than the projected numbers that were given to Council. The actual amount we ended with was \$10,280,299 which was \$131,797 over last year which was an increase of 1.3%. Only 3 years since the inception of the city income tax had they not been higher in the year than the previous year and those years were 2006, 2009 and 2014.
2. The General Fund had \$445,626, the Streets ended up even, the Water Fund had \$211,583, the Sewer Fund was -\$965,198, the Sanitation Fund was \$545,151 and the Insurance Fund was \$527,505.
3. He noticed that the employees did a great job and he said normally in his City parking spot he usually has about 8 feet of snow piled up in his spot but this year that didn't happen.

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: ayes 6 – nays 0.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

1. He thanked the Mayor for the appointment.
2. He met with the City Manager last week.
3. This past weekend before the storm hit he had two relatives from West Portsmouth who were stuck last year when the snow storm hit so they preplanned for them to stay with him and then he had another friend that could traverse the hills in Sciotoville and came over, so he had a full house. He was warm, comfortable, nice pot of chili and a movie marathon but he couldn't help but think about all the employees and the Fire Chief and how much he appreciated all of what they were doing.

2nd Ward – Councilwoman Aeh appointed Val Owens of 1657 5th Street to fill the vacancy on the Cultural Affairs Panel. Councilman Kevin W. Johnson reminded that the appointment should have come up at the previous conference agenda. Mayor Kalb said he thought that it was only for the Mayor appointments/reappointments with the approval of Council. Councilwoman Aeh stated that she believed this to be if it had to have Council approval then Council had to be notified ahead of time in case someone wouldn't approve of an appointment. This is a Ward appointment.

3rd Ward – Councilman Kevin E. Johnson complimented the city employees on the streets, he said there were streets cleaned that he had never seen cleaned. In acknowledging the city employees, we must acknowledge the leader and congratulated the City Manager on a good job.

4th Ward – Councilman Kalb reported the following:

1. He congratulated the street crews on a great job under the direction of the City Manager. He also informed everyone that the area in front of the Mayor's house was cleaned off clear to the curb due to a personal friend that came up and shoveled the snow.
2. He also mentioned two ladies that picked him up late last night on Route #52 deep in New Boston as he had a flat tire. He doesn't know their names but they were the only ones that stopped and he appreciated their help.

5th Ward – Councilman Meadows reported the following:

1. He received a call from a citizen on Franklin Avenue and it affects Councilman Kevin E. Johnson's ward as well. They are concerned about the work that Columbia Gas was doing there as they had been told that they were going to tear up the brick street instead of the alley where the lines currently are and move all of the gas meters. From what he understood the Gas Company had an easement for that area already. Manager Allen met with the Gas Company about their plans for 2016 which were basically all around Mound Park and they've been told that if they messed the bricks up, they would have to put the bricks back. He thought they had told him that some of those were going to be pushed underground into the tree line. He will stay in contact with them.

6th Ward – Councilman Lowe reported the following:

1. He congratulated Mr. Allen and the employees for an excellent job on snow removal and he believed people were happy with the streets. He had received 37 calls in his ward about the snow and he addressed every one of them and he took great pride in representing the 6th Ward.

The meeting adjourned at approximately 7:20 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Mayor