

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**  
 Monday January 26, 2015  
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday January 26, 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 <sup>st</sup> Ward
Rich Saddler	2 <sup>nd</sup> Ward (Absent)
Kevin E. Johnson	3 <sup>rd</sup> Ward
Jim Kalb	4 <sup>th</sup> Ward
Gene Meadows	5 <sup>th</sup> Ward
Jeff Kleha	6 <sup>th</sup> Ward

Also present was City Manager Derek Allen, City Solicitor John Haas, City Auditor M. Trent Williams and City Clerk Diana Ratliff.

Councilman Saddler’s absence was excused on a motion by Councilman Kevin W. Johnson, the motion carried viva voce: **VOTE: ayes 5 – nays 0**

Council dispensed with the reading of the Journal for the regular session of January 12, 2015 on a motion by Councilman Kevin E. Johnson.

There was no Public Hearing.

**STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA**

**Jeff Albrecht – 3731 Stagecoach Lane** – He applauded Council for their willingness to increase the city income tax and publically stated that he was for the income tax increase and would do all he could to help Council. As a member of both the residential and business community, he felt that Council was taking a brave stance with trying to increase the income tax. He’s invested in the community and done many things to try to bring development to the community and will continue to do so, but when he reaches out to retailers or industrial people to consider coming to our town, it’s important for them to see a progressive city that’s on the move and taking care to make our city a better place. The streets need repaired, potholes fixed, curbs, gutter and parking lots maintained and the grass cut in the summer time and its simple mathematics that over the years the population had declined, revenue base had declined and the expenses have not declined. We’ve cut, cut, cut until you can’t cut any more, and there’s no other choice but to increase the income tax. He offered his support and will do whatever he can to help to convince our community that we need to stand up and take care of ourselves.

**Dwayne Childers – 77 Foothill Drive Chillicothe, Ohio (Childers Music Center-Portsmouth)** - He stated that there’s no reason for people to come to downtown Portsmouth to shop. He had spoken with his mother about going out of business because they earned almost zero at the Thanksgiving Day sale. It was decided that on January 5, 2015 they would begin their “Going out of Business” sale and they put a sign in their window that said “thanks for 45 great years and going out of business”. On about January 20, 2015 the City Auditor came to the store and acted genuinely concerned about the fact that the business was closing. He started to discuss the “Going out of Business” sale but was interrupted by Councilman Kevin W. Johnson who explained to him that this section is for items on the agenda, he will have a chance to speak under items not on the agenda.

**LEGISLATION**

The clerk gave a **third 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 Ordinance be passed.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third 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.

**Ord. #02-15  
 C.I.P.  
 Budget**

**Ord. #03-15  
 Charter  
 Amendment  
 for Income  
 Tax**

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

Councilman Kevin W. Johnson stated that he introduced and supports this legislation, however the introduction he made was that there should be a purpose included in the legislation. He withdrew his purpose statement and it was recommended that the language be reviewed and compromised, but doesn't consider the language provided to be a compromise. The purpose for having introduced this was not simply to add money to the General Fund but the actual purpose was for the City to avoid going into financial emergency under the control of the State Auditor, to avoid lay-offs and to avoid cutting services. We're not providing the reasons for requesting the increase to the voters.

Councilman Kleha stated that he understood there to be a Resolution that would be attached. Acting Mayor Kalb added that it had been discussed and decided that it wasn't proper for ballot language. Solicitor Haas stated that there was a Resolution already adopted by Council that went into the rationale that Mr. Johnson was describing with the purpose identified and doesn't believe it proper to put in the ordinance itself for various reasons some of which would tie the city's hands if it were put into the Ordinance. His recommendation was that the previous adopted Resolution be used for campaign purposes.

Councilman Meadows asked the City Auditor about the information he had requested on the delinquencies in the city income. Auditor Williams stated he thought he had replied and believed the amount to be \$65,000. Councilman Kleha stated that the purpose for wanting the information from the City Auditor was that the money that was received from the last increase was a wash because the State withdrew funding. Councilman Kevin W. Johnson stated that it wasn't a wash, we lost money and we're still behind to the tune of \$1.1 million. Councilman Meadows stated that election time will be here soon and he's a firm believer that once an issue is raised, it should go to the electors, he said he will probably vote for the Ordinance but doesn't know how he'll vote at the polls but encouraged everyone that may have concerns about it to get to the polls to vote one way or the other on the tax ordinance. Auditor Williams stated that the city would have several million dollars in surplus right now if it weren't for the State cuts in local government. Before the cuts we were at \$1.4 million dollars and now there's just \$640,000 that we get from the State. Acting Mayor Kalb added that this comes on the back of another tax increase and currently we were probably lower than most city's that were comparable in size and population and should the increase pass, it would bring us in line with the majority of other municipalities out there.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance authorizing and directing the Auditor of the City of Portsmouth, Ohio, to distribute all City Income Taxes for the year 2015, collected in accordance with Ordinances No. 100 of 1970; No. 110 of 1976; No. 84 of 1987; and No. 61 of 2011 into the General Fund and Capital Improvements Fund as hereinafter set forth. **Consent Agenda**

**Ord. #04-15  
Distribute  
City Income  
Taxes for  
2015**

Councilman Kevin E. Johnson moved to waive the three readings as it is a consent agenda item.

The role was called. **VOTE: 4 ayes – 1 nay (G. Meadows), the rule was suspended.**

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

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

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. #02-15  
Agreement  
for Indigents  
Between  
Scioto  
County and  
Municipal  
Court**

Councilman Kevin E. Johnson moved to adopt the Resolution.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Resolution was adopted.**

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. #03-15  
Advance  
payment of  
all taxes**

Councilman Kevin E. Johnson moved to adopt the Resolution.

Councilman Kevin W. Johnson moved to amend the Resolution by removing the mention of "Personal Tangible Property taxes" and "Inheritance taxes" as the final reimbursement for the Personal Tangible Property taxes that the city received was in 2011 and the Inheritance tax was repealed in January 2015 and no longer applicable.

Solicitor Haas asked the Auditor if there were estates still pending with respect to the inheritance taxes. Auditor Williams stated that the city received some monies in 2014, but this was asking for an advance of those taxes and doesn't have a problem removing those items.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Resolution was amended.**

Councilman Kevin E. Johnson motioned to adopt the amended Resolution.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Resolution was adopted.**

The clerk gave a **first reading**, to a Resolution providing for the submission to the electors of the City of Portsmouth, at the Primary Election to be held on May 5, 2015, an ordinance to enact section 47-g of the Charter of the City of Portsmouth to increase the city income tax rate from the current rate of two percent (2.0%) to a rate of two and one-half percent (2.5%) to become effective on January 1, 2016 for the purposes of general municipal operations and services.

Res. #04-15  
Charter  
Amendment  
income tax  
wording for  
ballot

Councilman Kevin E. Johnson moved to adopt the Resolution.

Councilman Kevin E. Johnson asked the Solicitor why both a Resolution and Ordinance had to be passed and he explained that it was a State requirement. Councilman Kevin W. Johnson asked the Solicitor about the previous Resolution and he replied that it did not have the appropriate language.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, the Resolution was adopted.**

#### **STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA**

**Dwayne Childers – 77 Foothill Drive Chillicothe, Ohio (Childers Music Center-Portsmouth)** – He reiterated what he stated before about business not being good and voice that he wanted to continue to run the store and retire from there some day. He stated that on January 20, 2015 the City Auditor came to the store and showed genuine concern and he thought he was being very caring about the business and even ask about the cost of the most expensive guitar in the store to which Mr. Childers replied around \$16,000. Auditor Williams then approached him about the signs in the window and in the shop and proceeded to tell him that he could not have a “Going out of Business” sale without a license and a bond and referred him to Ordinance #12 of 1958 and explained how the procedure worked; Mr. Childers told Auditor Williams that he would not be bullied and that he needed to know what the cost would be because the Portsmouth Daily Times would be interviewing him in regard to the “Going out of Business” sale. He told the Auditor that he would be saying some things that weren't very nice about the City because the City doesn't seem to be going in the right direction and there's no reason for people to shop in the city. He accused Council of going out of town to do their shopping and not shopping downtown. The City Auditor did return to the store with a copy of the Ordinance and as he was reading it he realized that it could possibly cost him anywhere from \$1,500 to \$5,000 to go out of business. Also in the packet was a request for complete inventory of everything in the building, the value of the items, what price they will be sold, the percentage of profit and the percentage of markdown price and this would need to be kept daily and submitted weekly to the Auditor and at any point the city could send an Auditor to Audit our business. It also stated that we are subject to a 3<sup>rd</sup> degree misdemeanor per day that we operate the sale without a license and bond. They operated the sale for 15 days and now according to that paper they were served, he and his mother could have to spend up to 900 days in jail. He wanted to know from Council who authorized him to bring that to the store. Acting Mayor Kalb stated that this was not a question and answer time, it was a time for him to speak and explain his issues. He asked when he could asked that question and Mayor Kalb replied that he could ask it of his Councilman after the meeting. He added that he had over 17,000 hits on facebook as it's a public forum and believed that people needed to know how the City was treating a long standing business of the community. It was suggested on facebook that he call it a “Clearance Sale” and he said that he wanted to be able to call it what it is, a “Going out of Business” sale without having to pay for a license and a fee.

**Austin Leedom 5<sup>th</sup> Street** – He's followed Council meetings for close to 20 years and he believed the attempt by Auditor Williams to collect taxes from Mr. Childers was something new. He recalled back in 1999 when a fire destroyed a big part of Martings stoc, their sale lasted nearly 90 days but the City Auditor didn't collect from them and when Martings went out of business they had a monster sale with no license and Mr. Williams didn't collect anything from them. When Lewis Furniture went out of business, he asked them if they had a license, they didn't want to give that to him but he finally got a copy of that license which was dated 30 days after the sale began, again rules were not followed and Mr. Williams only collected a small amount of money. He believed this was a case of discrimination.

**Judy Childers – Chillicothe, Ohio (Childers Music Center – Portsmouth)** – The whole event had been very upsetting, heartbreaking and had put a hardship on her. She had asked Auditor Williams how a business was supposed to know about the Ordinance and his reply was that it was on the internet. She wanted to know where the Ordinance was before the internet because the internet had not been here all these years.

**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 December 31, 2014: Expense, Revenue, Fund and Appropriations Report.
2. She attended Orientation and Board meeting for Main Street Portsmouth.
3. She received an Oath of Office on Jo Ann Aeh for the City Planning Commission.
4. Received the Organizational Booklets from Councilman Saddler who printed them for the City and she took them to Bihls where they were bound. The Booklets have been passed out to all departments and can be viewed on the City's Website at: [www.portsmouthoh.org](http://www.portsmouthoh.org) or purchase a copy for \$6.00.
5. She prepared a Proclamation for Portsmouth Area Jaycee's member "Leroy Hackworth".
6. She received a letter from the Scioto County Board of Elections along with the invoice for the cost of the city's portion of the 2014 General Election which was \$1,149.78. A copy was e-mailed to Auditor Williams.

Oath of Office  
 Jo Ann Aeh to  
 City Planning  
 Commission

Organizational  
 Booklets for  
 2014

Proclamation  
 For Leroy  
 Hackworth

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. He attended an award presentation at YEI as part of the Port Authority and Flour B&W.
3. He thanked Police Captain Jerry Leach who retired January 20, 2015 with 26 years of service with the city and wished him nothing but happiness in his retirement.
4. The Civil Service exam was conducted for the position of patrol officer. They had 36 applications taken out, 35 returned and 28 took the exam.
5. The Christmas decoration were removed.
6. There was a rock slide on U.S. #52 between Sciotoville and New Boston and ODOT was contacted for their assistance but were told that it was a maintenance issue and that it was the responsibility of the City of Portsmouth. There were some rocks that were too large for the city crews to handle so the work was contracted out for cleanup.
7. The Rapid Mix Replacement was re-bid and came in significantly over the Engineers estimate. The city will buy the equipment and do portions that can be done by our crews and the other will be contracted out. They met with the State on the grant and they approved the changes and there will be savings that will be achieved.
8. The Army Corp. of Engineers have granted the permit for the 25<sup>th</sup> and Coles detention basin which is in the Administrative Consent Order and bids have been initiated.
9. He received an email as well as Council from a former employee who was dissatisfied with a Workers Comp claim. He provided Council with an explanation of the procedures that are followed during a Workers Comp claim and this former employee was not being treated any different than anyone else and they City is utilizing the appeals process with all the claims. There are many discrepancy in the former employee's letter, but one thing that was spot on was that in the past it appears that we approved everything with an open check book and in 2014 safeguards were implemented to protect the public's tax dollars and it is the intent of his office to protect the interest of the City of Portsmouth. There are appeal processes that the Bureau of Workers Comp allows and the City utilizes those processes; after it's all said and done and should the client make it through the appeals process, the individual would be awarded their claim. We believe with the wisdom of the Bureau those that are not deserving will rule in favor of the city. It is a process, nothing out of the ordinary was occurring for one individual and not others, there's an applied system.

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 congratulated Captain Jerry Leach on his retirement and wished him the best.
2. He addressed the "Going out of Business" issue (even those most of principals had left the Chambers) and stated that he doesn't believe that the Auditor was acting maliciously towards Childers Music Center, this is part of our Codified Ordinances and the Auditor was just doing his job, regardless of how distasteful it may be. As far as how it was done in the past, he can't answer that and he doesn't believe that reflects on how this situation was handled. Auditor Williams was doing what he was sworn to do in upholding the Codified Ordinances.

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. He thanked City Clerk Ratliff for the hard work that she put into the Organizational Booklet, it turned out really good. He knew that she spent a lot of time and effort and it shows.
2. He thanked Captain Jerry Leach for his service to the City, he had the opportunity to work with him on a semi-regular basis and wished him all the best on his retirement.
3. He wanted to go on the record that Auditor Williams did come to his office to ask if he was required to follow the procedures outlined in the City Ordinances and enforce them. He advised Mr. Williams that “Yes” if it’s in the Ordinance then it needed to be enforced. He realized that it was not the most pleasant experience and he was not looking forward to it, but he was required to do so by Ordinance and if he hadn’t done it, it would have been a dereliction of his duties.

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 reported the following:

1. Basic financial information for the end of the year; the books are closed which is the faster than it had been in the past.
2. For the month of December, the Income Tax collections were \$657,733 which was \$3,563 more than the previous year, but \$62,000 less compared to last year.
3. Total tax including Capital Improvement Fund and the General Fund \$773,911, which is \$4,194 more than December of 2013, but less than \$74,597 compared to previous years. We are slightly under in Income Tax collections in 2014 as compared to 2013.
4. Operating Funds: General Fund ended 2014 at \$665,211; Streets ended at \$11,177; Water ended at \$526,600; Sewer ended at -\$445,698; Sanitation ended at \$6,272; Insurance ended at \$280,318 and the deficit had been reduced approximately \$500,000 to almost \$280,000 in the negative. It should be back in balance by the end of the year.
5. He asked to address the “Distressed Merchandise Sales” during the Conference session, but for the record, based on a couple of things that were said earlier, he doesn’t remember what year Martings closed, but it was said earlier that in 1999 Martings had a fire sale. He was not in office in 1999, but even if he had been he was not aware of the Distressed Merchandise Sale Ordinance until later. He said that Mrs. Childers stated that it was on the internet, but that was not what was said to her; he advised her of the Codified Ordinances on the City’s website which is far different than telling someone that it’s on the internet. He did learn in 2010 of the Ordinance after a discussion with the owners of Lewis Furniture and as was stated, the owner did turn in an inventory of more than 100 pages and an inch thick and he paid his license fee based on every dollar amount that was in his inventory. This is something that’s not dealt with every day, but he will deal with the rest of his comments during the Conference Session.

The City Auditor’s report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson.

**MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

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

1. Mr. Childers brought up an interesting point and he stated for the record that he did 100% of his Christmas shopping in Portsmouth, he always had and never shopped in Ashland or Huntington.
2. He attended the YEI event with the City Manager and was amazed that the very highly technical operation was in the basement of the Garage Café and he had no idea that a huge basement existed. He added that it was an incredible operation and it was a delight to be there to view how the “chips” are manufactured.
3. He presented a Proclamation to Leroy Hackworth proclaiming it “Leroy Hackworth Day” as he had been named a Senator to the Jaycee’s organization.
4. He thanked the City Manager for the extensive response to his questions regarding the EPA notifications.
5. He thanked City Clerk Ratliff on the incredible job she did on the Organizational Booklet. He’s heard great things about it.
6. He appreciated the extensive response from the City Manager to the email Council received from Mr. Thoroughman the former employee with the Workers Compensation claim. He did disagree with one statement that was made by the City Manager in that it was not a matter for Council to address. Had Council not received a response from the City Manager, Council would have had to address the issue of a former employee which would affect our budget and he would have requested adjourning into Executive Session for the purpose of discussing employee or former employee’s issues.

**2<sup>nd</sup> Ward** – Councilman Saddler had no report due to absence.

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

1. He acknowledged the City Clerk for her work on the Organizational Booklet and urged the citizens that do not have a copy of the booklet to get a copy or go online and review it. She did extensive

work on the booklet and was out at crazy hours but the pictures are wonderful. He highly encouraged our resident to stop by and pick up a copy.

2. He recognized one of the greats from our community that recently passed away, Zeke Mullins, he was a radio personality that many people grew up listening to on the radio. He had the privilege of working with and for at one time in his life. On behalf of City Council send our condolences to the Mullins family. He will be greatly missed.

**4<sup>th</sup> Ward** – Councilman Kalb reported that he appreciated the work that City Clerk Ratliff put in on the Organizational Booklet, it is quite comprehensive and he was impressed.

**5<sup>th</sup> Ward** – Councilman Meadows thanked City Clerk Ratliff for the Organizational Booklet.

**6<sup>th</sup> Ward** – Councilman Kleha asked the City Manager if there could be stripes painted on the 6000 block of Gallia. The pavement looked really good but it needs striping. City Manager Allen stated that it is in the Capital Improvement Budget and that whole section in Sciotoville will be striped. He said that maybe they could put something temporary down.

### **City Manager Evaluation**

Acting Mayor Kalb stated that the City Clerk gave Council an average of all the scores on the evaluations and goals for the City Manager. The goals were set on an average scale of 1-5 and the rating for the City Manager was 3.85. On the large Novak evaluation form the average was 4.0, both of those are high marks with 5 being the highest. There were some problems with the whole process, but Council accomplished it as they stated they would do. He opened the conversation up to the other Councilmen.

Councilman Kevin W. Johnson stated that he presented Manager Allen with a separate write up on comments regarding an open letter to Council that was issued in June. He will conclude his evaluation with the fact that he continues to be very pleased that we hired Derek Allen as our City Manager.

Councilman Kevin E. Johnson stated that he was contacted by many concerned citizens when the evaluation news came out in the newspaper. He stated for the record that the evaluation is part of the contract and process which occurs annually and by no means is the evaluation a negative thing. He concluded by agreeing with Councilman Kevin W. in that he was glad that we choose Derek Allen.

Councilman Meadows stated that the City Manager had read the evaluations and indicated that he would contact Council if he had any questions. He added that he was easy to contact if Manager Allen had any questions for him.

Councilman Kleha stated that he believed that Manager Allen was doing a good job and had nowhere to go but up.

Acting Mayor Kalb read a statement that he had prepared, “I realize that because of an unprofessional comment that I made on my evaluation form of the City Manager that perhaps some of you consider that I didn't take the evaluation process serious enough. I want to assure you all that I did take the evaluation very serious and scored each question only after carefully reflecting and giving serious consideration to the questions. I would hope that my numbers and totals would reflect my proper and fair scoring. My average score on the Novak evaluation form was the exact number as the average of all six of the evaluations. My average score for the goals for the city manager was only 7/100 of a point of being the same as the average of all evaluations submitted. I would also hope that all of my comments on the evaluation forms were considered professional and useful, except the one that I really didn't have a comment for; and in retrospect should have just left blank.

Overall my scores and comments show that I'm satisfied with the city manager's performance and have no big concerns there. My biggest concern or disappointment was not with the person being evaluated, but with the evaluation process itself.

From the beginning, when we were debating the proper procedure for a professional evaluation process, we failed miserably at planning. On a 1 to 5 scale I would give us a 2 for planning. We couldn't agree on who would be on a committee, if there were going to be a committee, would we seek professional assistance, would the evaluations be public or private, when would the city manager be made aware of the evaluation contents or will he even be made aware of individual comments and who they were from. In retrospect, we should have agreed to have professional guidance from the start and most of our questions and concerns could have been addressed early in the process.

On communication I would give us a 2 also, *just barely*. Through the whole process I was never sure if we were all on the same page (so to speak). The city manager had a legitimate concern that he was not even given the opportunity to agree to the evaluation procedure or forms to be used, as per the agreement that was made between him and City Council. I realize that evaluations can be handled in different ways, such as a private one on one session or an open and public evaluation, but when you're dealing with open records laws it is a completely different process. I didn't consider it fair to either party that the news media had the evaluations for review before the city manager.

On execution I gave us a 1 because I feel that we failed miserably. It seems clear that without proper planning and having a lack of communication, execution is pretty tough. We are now in the second meeting past the deadline we gave ourselves for executing the evaluations. To me, even the cover page of the City Manager Performance Evaluation form appears unprofessional and poorly planned. The evaluation period was from January 1, 2014 to December 31, 2014, yet the deadline for submitting the evaluations was December 22, 2014. So if the evaluations from council members were turned in at the earliest possible time there would be about a two week period of the year that was not included in the evaluations. A lot can happen in two weeks;... although five out of six of the evaluations were turned in on the very last day, leaving only a little better than a week of time that couldn't be considered for evaluation.

As the President of City Council/Acting Mayor, I will take responsibility for a large part of what I consider a failed evaluation process. I say I will take part for a *large portion* of the failure, but I do not take *full* responsibility. On this city council it takes more than one person to properly plan, communicate and execute anything. I will however take absolute responsibility for and I do publicly and sincerely apologize for the inappropriate comment I made on the city manager's evaluation form. In no way did I mean it as any personal reference to Derek Allen, nor did I mean to cause embarrassment to this council body or to the city. My comment was just a poor attempt at a bit of humor in what, in my opinion, was already an embarrassing and failed attempt at a professional evaluation. I do give kudos to Councilman Kevin W. Johnson for at least attempting early on in the process to get some professional guidance for the evaluation process, although perhaps he could have handled it differently.

Now that this evaluation process is over for the year, we will at least have many notes and experiences to look back on when we do the same process next year and hopefully do a much better job. Thank all of you for allowing me this time to share my thoughts, though I realize that you really didn't have much of a choice but to listen."

Manager Allen stated that the first time for evaluations is the most difficult as there was no evaluation of Mayors. The last City Manager was 25 years ago in 1989, this is a new process and there's going to be bumps in the road. We didn't know what to expect but anticipates that next year will go much smoother as we will all know what to expect and how it works and as they work together thing will all smooth out. Overall, he's read all six evaluations and was comfortable with the scores that are in the summary sheet and 99.9% of the comments listed on each individual Councilman's evaluation form; he had reviewed and understood that there are areas in which he could improve. After reading the evaluations he noticed that there were scores from 1-5 and other evaluation forms that he had used in the past there was a "not applicable" or "not observed" and it's not that he doesn't believe that anything in the forms is not applicable but there are things he questions since they don't see each other on a daily basis what it was that was observed. He had that question to people that gave him 5's and people that gave him 1's, the person that gave him all 5's he had already spoken with and the person that gave him 1's he would like to meet with and discuss because obviously if someone believes that he does anything poorly and rarely meets the performance standard, he wants to understand what was observed and how he can do better. Councilman Meadows stated that he had been available and Manager Allen replied that he will ask to meet with him. Anything that was below average or poor, if that's what you saw or what you believe, he needs to find out what he's lacking in that area and what Council wants to see more of so that he can work toward getting that corrected. He went through the evaluation and the Novak document and he would like to meet with Councilman Meadows but other than that he doesn't have any problems with the evaluations.

Acting Mayor Kalb agreed with Manager Allen in that there should be a section for not applicable as they don't know your interaction for instance with the Department Heads or with the Public on a daily basis but in the instructions he believed that it stated that if you were unsure or not aware of what the question was asking, then to score a 3 which is average. You don't know enough to be unhappy or overly happy and that's how he scored the items he had not observed.

Councilman Kevin W. Johnson stated that one of the next steps he'd like to see would be the Novak goals updated. The goals that the Manager sets for himself will need to be updated by the Manager. He commended Mayor Kalb on the well prepared comments.

The meeting adjourned at approximately 7:15 p.m. on a motion by Councilman Kevin W. Johnson.

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City Clerk

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Acting Mayor