

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday October 13, 2014
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday October 13, 2014 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting Mayor 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
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.

Councilman Saddler’s absence was excused on a motion by Councilman Kevin E. Johnson.

Council dispensed with the reading of the Journal for the regular session of September 22, 2014 on a motion by Councilman Kevin W. Johnson.

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**, to an Ordinance authorizing the transfer to General Fund No. 101 of unclaimed monies in the amount of \$92,729.25 accumulated for years 1995 through 2010.

**Ord. #41-14
 Transfer
 Unclaimed
 Monies from
 1995 to 2010**

Councilman Kevin E. Johnson moved 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 authorizing the appropriation of \$10,000 into CIP Engineering Traffic Fund No. 301.331.5327 from the unappropriated funds in CIP Fund No. 301 for the purpose of ordering two new street lights.

**Ord. #42-14
 2 New Street
 Lights**

Councilman Kevin E. Johnson moved 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 authorizing the appropriation of \$3,000 into Cemetery/Grounds Computers Line Item No. 301.333.5536 to pay for burial records software.

**Ord. #43-14
 Appropriation
 Into Cemetery
 Fund for
 burial records
 software**

Councilman Kevin E. Johnson moved 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 an Ordinance authorizing the City Manager to enter into an agreement between the City of Portsmouth and the Southern Ohio Port Authority (SOPA) as per attached Exhibit A that details the City joining the SOPA for three years with a \$25,000 per year contribution and the City of Portsmouth receiving a seat on the board.

Councilman Kevin W. Johnson moved that this constitute a first reading and motioned to have the agenda amended with the wording as follows: the use of a city owned vehicle for 2014 and \$25,000 per year for calendar years 2015 and 2016. He stated that the reason he wants this amended is so that the Agenda will reflect the legislation and for the purpose of record.

Councilman Meadows asked what years are to be used in the agreement as the Ordinance doesn't reference the years other than the renewal date of June 1, 2016. Manager Allen stated that the commitment is for 2014, 2015 and 2016. Councilman Meadows stated that it probably needs to be cleaned up to include the fact that it's 2014, 2015 and 2016. Councilman Kevin W. Johnson referenced #4 of the agreement where the years are broken down as to what will be given to SOPA per year. Acting Mayor Kalb asked Solicitor Haas if it could be reworded. Solicitor Haas stated that it references Exhibit A which is the agreement, but if Council wanted to get more technical, we could strike through the words "a \$25,000 per year contribution". Councilman Kevin W. Johnson stated that there was a motion to amend the Agenda that needs to be voted on.

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

Councilman Kevin W. Johnson moved to amend the Ordinance to match the Agenda wording. He asked Solicitor Haas if he had any objections to changing the wording. Solicitor Haas stated he didn't believe that it was necessary but if Council wanted to change it that would be up to them, but the agreement laid out the terms. Councilman Kevin W. Johnson continued with his motion to amend the Ordinance to mirror the language of the Agenda.

The role was called. **VOTE: 5 ayes – 0 nays, the proposed Ordinance was amended.**

Councilman Kevin W. Johnson moved to accept the amended Ordinance as a first reading.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Chapter 303 of the Codified Ordinances of the City of Portsmouth, Ohio – Enforcement, Impounding and Penalty by repealing Sections 303.08, 303.081, 303.082, 303.083, 303.084, 303.085, 303.086, 303.087, 303.088, 303.09, 303.10, and 303.11 and adding new sections with language reflecting the creation of a Police Impound Facility.

Councilman Kevin W. Johnson moved that this constitute a first reading.

Councilman Kevin E. Johnson questioned section 303.088 (I-2) regarding the theft of a vehicle and the limitations of this section being that if a person's car is stolen and recovered and the owner is notified of the recovery, the owner of the vehicle has only one hour to retrieve the vehicle before it is impounded. Police Chief Ware responded to this question by stating the owner has one hour to get back in contact with the Police Department and they will work with the owner. Councilman Kevin W. Johnson asked how these procedures vary from the original procedures currently in place. Chief Ware stated that there were many differences but in this particular instance, this is the current practice as every effort is made to contact the owner but the vehicles cannot be left on the street so they have to be taken to impound. Councilman Kevin E. Johnson asked a hypothetical question such as: If the owner is out of town on vacation, will the owner have impound fees for the duration of the owner's vacation? Police Chief Ware stated that he has the ability to evaluate each situation on a case by case basis but there has to be some kind of set policy in place. Manager Allen stated that currently if this scenario were to happen, then you are charged the fee from the current impound facility. Solicitor Haas stated that typically if you have car insurance and your car stolen and there are fees associated with the recovery, then the insurance should cover those fees.

There were no questions or comments. The role was called. **VOTE: 5 ayes – 0 nays, a first reading was declared.**

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 Oaths of Office on the following:
 - Sherry Collins appointed to the Shade Tree Commission.
 - Andrew Dawes appointed as Special Deputy Clerk
 - Michael Sines appointed as Lieutenant
 - Aaron Rawlins hired as a Firefighter
 - Tyler Snow hired as a Firefighter
 - Ashley Schwamberger hired as a firefighter
2. She received a legal opinion from W. Mack Anderson Assistant Prosecuting Attorney for Lawrence County regarding Council's vote to pay outside Legal Expenses.
3. Proclamation "Notice of General Election" received from the Scioto County Board of Elections.

The City Clerk's report was received, filed and made part of the record, on a motion by Councilman Kevin W. Johnson.

City Manager's Report – Manager Allen reported the following:

1. His written report can be found on the City's website.
2. He stated that originally there were no items listed on Manager's Agenda, but since the packets went out there's an item that needs to be added. There's an easement that needs to be put onto the next Council Agenda and requested all to stay to address the item after Council meeting.
3. He has participated in several meetings over the last several weeks.
4. The bid was open for salt for 2015, however the bids that were received stated that there was no salt available due to the harsh winter of 2014. The city's salt barn is full and according to our existing contract, there's a possibility that 200 tons should be delivered and if that happens it will be stored under a tarp. If it is a harsh winter, we will mix grit or sand in with the salt to make sure that we're able to make it through the winter.
5. There was a 30 inch water main leak/break on Waller Street that isn't listed on the statistic's portion of the report as it happened over the weekend.
6. He reviewed the financial report and explained to the audience that there is a scanned copy and if anyone would like a copy to contact the City Clerk for it to be e-mailed.
7. In 2010 due to price increases imposed by the City of Portsmouth, Scioto Water decided that they would build their own water plant and not require our services any longer. The worst case scenario is that in our water system we will lose approximately \$564,000.
8. Director Duncan submitted calculations on the anticipated principal and interest payments for the Lawson Run project/loan which is currently under construction and being withdrawn. The estimated annual payment will be \$207,000.
9. Revenue projections – The State Auditor has looked over our General Fund, Street Fund, Water Works Fund, Wastewater Fund, Sanitation Fund and Insurance Fund. The 3 things that the State Auditors wanted to see was: 1. Recovery plan 2. 5 year revenue projection 3. A 5 year budget.
10. He reviewed a summary of revenue vs. expenditures and explained that it was hard to give an accurate forecast of what the cost of gasoline or insurance would be over the next 5 years. He said that the General Fund would try to hold steady to the expenditures, but the General Fund Revenues will fluctuate. In 2015 the General Fund surplus will be \$241,000 but in 2016 and in 2017 we will be deficit spending and in 2018 there will be a slight surplus. In the Medical Insurance Fund there will be a \$300,000 reduction and depending on the negotiations with the Unions it could possibly be a \$700,000 reduction. When he first came to Portsmouth he was shown revenues in the Street Fund of \$900,000, however the Street Fund is \$934,000 which is the reason for the increase in the license plate fees. The gas tax for 2014 was over estimated by \$50,000 and it was discovered that the real revenue is \$838,000. We will be losing revenues in the Water Department and the rates will need increased by \$300,000 to offset Scioto Water leaving the City due to the 2010 increase for users over 40,000 gallons. Sewer rates need to be raised to generate revenues of \$700,000 per year, this will pay for the debt and cover the operating expenses. We will need to go to monthly billing to help the citizen's budget for the increases. The Insurance Fund is at a -\$500,000 and everyone is budgeted to pay 50% of the self-insured portion, this has not been funded before and is now funded and this has helped reduce the deficit down this year to -\$280,000 and by next year the negative balance in the insurance will be gone. In 2015 and on, the Police Department and Fire Departments will be fully funded. We are compliant with the Charter for the Fire Department with the exception of one hire and in the Police Department we need three more which will be done through Civil Service.

The City Manager's report was received, filed and made part of the record, on a motion by Councilman Kevin W. Johnson.

Acting Mayor's Report – Acting Mayor Kalb reported the following:

1. He appointed Will Burke to the Shade Tree Commission.

The Acting Mayor's report was received, filed and made part of the record, on a motion by Councilman Kevin W. Johnson.

City Solicitor – Solicitor Haas stated that he had the documents ready and will review the easement details during the Manager's Conference for the Beechwood Heights project.

The City Solicitor's report was received, filed and made part of the record, on a motion by Councilman Kevin W. Johnson.

Auditor Williams – Auditor Williams had no report.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

1. He thanked Councilman Kevin E. Johnson, City Clerk Diana Ratliff, Lisa Carver of the Chamber of Commerce and everyone that helped with the City Employee picnic. He regretted that he could not attend but heard it was incredible.

2. He thanked Councilman Saddler for his work on the Flea Market, although the weather did not cooperate.
3. He asked Auditor Williams the amount generated from the new 0.6% income tax increase. Auditor Williams approximated it to be around \$2.8 million.

2nd Ward – Councilman Saddler was absent.

3rd Ward – Councilman Kevin E. Johnson reported the following:

1. He thanked all of the Personnel Committee, Sponsors and the City Employees that came out to the Employee picnic, he estimated approximately 160 employees were in attendance.
2. The Personal & Performance Committee will be meeting at “Coffee at the Lofts” on November 5, 2014 at 5:00 p.m.
3. He thanked Larry Moore and his masonry class from the Scioto County JVS for taking on the Greenlawn Cemetery project, re-building the wall at the Grant Street entrance.
4. He attended the swearing in ceremony at the Portsmouth Fire Department and congratulated all those sworn in and Chief Raison on a very nice ceremony.

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Kleha had no report.

Councilman Kevin W. Johnson motioned to move into Executive Session to discuss Personnel issues and requested the City Manager and City Solicitor be present.

The motion carried viva voce. **VOTE: 5 ayes – 0 nays. Council recessed into Executive Session at approximately 6:50 p.m.**

**Executive
Session**

Council reconvened at 7:12 p.m. The roll call showed all those previously in attendance were still present.

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

City Clerk

Acting Mayor