

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

Monday November 24, 2014

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday November 24, 2014 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Solicitor Haas 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 ( <b>Absent</b> )
Kevin E. Johnson	3 <sup>rd</sup> Ward
Jim Kalb	4 <sup>th</sup> Ward ( <b>Absent</b> )
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.

Solicitor Haas called for nominations for a presiding Acting Mayor due to the absence of Acting Mayor Kalb. Councilman Kleha motioned for Councilman Kevin W. Johnson to preside over the meeting, there were no other nominations, the motion carried viva voce: **VOTE: 4 ayes – 0 nays**

Councilmen Jim Kalb and Rich Saddler's absences were excused on a motion by Councilman Kevin E. Johnson, the motion carried viva voce: **VOTE: ayes 4 – nays 0**

Council dispensed with the reading of the Journal for the regular session of November 10, 2014 on a motion by Councilman Kevin E. 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 **second reading**, to an Ordinance authorizing the establishment of Fund No. 220 Indigent Drivers Alcohol Monitoring for the purpose of tracking these funds separate from the indigent alcohol treatment fund.

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

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

The clerk gave a **second reading**, to an Ordinance authorizing the establishment of Fund No. 202 Municipal Court Subsidy Fund as part of the Five Year Recovery Plan submitted to the State of Ohio.

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

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

The clerk gave a **second reading**, to an Ordinance authorizing the establishment of Fund No. 250 Health Department Subsidy Fund as part of the Five Year Recovery Plan submitted to the State of Ohio.

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

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

The clerk gave a **second reading**, to an Ordinance to levy a municipal motor vehicle license fee pursuant to Section 4505.17 Ohio Revised Code. Now, therefore,

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

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

The clerk gave a **second reading**, to an Ordinance to levy a municipal motor vehicle license fee pursuant to Section 4505.17 Ohio Revised Code. Now, therefore,

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

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

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

**Judge Russ Keglev – 728 2<sup>nd</sup> Street** – He was present to speak to Council and defend the Courts budget. He stated that since he was sworn in on January 28, 2003 the court and its budget had been under siege. Early in his career as a Judge, the Mayor and Auditor's office would complain that the Municipal Court was not supporting itself. He added that the citizen would not want the court to support itself due to the apparent conflict of interest and potential for abuse. He referenced the days of Judge Roy Bean whose court supported itself and there were speed traps throughout the State that were used only to support that Municipality and the main revenue for that municipality. Should there be a court that fully supported themselves then you would have judicial speed traps. He went on to reflect on additional years when it was said that they weren't meeting their projected earned revenues when revenues were projected by the Mayor, Auditor and Council giving more than ever generated before. He commented on the current Manager situation and stated that now it's that they don't have any control of the court and that the court didn't provide a budget when in fact they weren't asked for a budget. He stated that the Court now has done a budget that will reflect the cost to maintain court services. He didn't think they'd need a budget when they were told that they would receive a lump sum and could spend it how it was needed, so a budget wasn't given, but since they were told that they had to submit a budget one was prepared and submitted and it fully supports the courts minus the Security cost that was laid out in the 5 year plan. There are cell phones that have always been paid for, vehicle maintenance coming out of the budget that was never taken out before. The Courts budget is \$1,006,000.00 which includes a proposed 10% cut in the court for a period of 5 years and not \$910,000. He had more to say but was reminded by Councilman Kevin W. Johnson that there is a time limit of 5 minutes for comments, but reminded him that he will have another opportunity to speak during the Manager's Conference.

#### **MISCELLANEOUS BUSINESS AND REPORTS:**

1. **City Clerk's Report** – City Clerk Ratliff reported that she had received the Permit Renewal Objection notification from the Division of Liquor Control for the State of Ohio.

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. Oakland Boulevard and Blue Rock road slips have been fixed. They will let the repair work settle over the winter and next year they will use a part of the Capital Improvement program to resurface the streets.
3. Transformer at 3<sup>rd</sup> and Madison which is part of the flood control is in the process of being replaced.
4. The camera truck for Waste Water will be delivered December 1, 2014.
5. Smoke testing the sewers in North Moreland as part of the consent order.
6. Leaf pickup is on schedule
7. Christmas decorations did go up minus the Christmas tree on Esplanade as the tree was rusted.
8. The medical insurance was switched to Anthem at a reduction of over \$700,000 in premium. There are caps for 2016 to limit the ability for the insurance provider to lowball one year and jack the price up the next year.
9. The destroyed wooden bench at Tracy Park was removed
10. The two decorative street lights for downtown have been ordered.
11. A decorative bench on 2<sup>nd</sup> Street by Riverview Apartments was stolen.
12. 600 tons of salt and 10 tons was used during the recent icy weather.
13. An easement will be granted to the City of Portsmouth for the CVS site at 10<sup>th</sup> and Chillicothe Streets.
14. A quote was received for the removal of asbestos in the Babcock Building and they are in the process of contacting the person that submitted the bid to buy the building to inquire if they are still interested otherwise it will be abated and the bidding process will start over.
15. Tear downs of structures continues.
16. The old Sutphen Fire Engine was picked up by the prison staff on October 3, 2014.
17. The Horton Ambulance was traded in on a new fire engine in 2012.
18. There was a letter that was hand delivered to the residents on Oakland Boulevard.

19. He and the Solicitor have met with the State Auditors and 4 items have to be addressed and they want it before the end of the year.
- a. The recovery plan that was adopted by City Council will need to be re-written and placed in a format that the State Auditors utilize for Recovery Plans. They didn't have a standardized format at the time but do now and ask him to put the revenue projection/budget projections in that format which he added would not be a problem.
  - b. The General Fund plan was submitted with a deficit for 2016 and 2017 and the deficit condition will also be reflected in 2015. Originally the 2015 was basically breaking almost even at zero and the budget showed \$300,000 carryover, which sounds like a lot until it's compared to a \$12,000,000 budget. Now the deficit conditions will be for 2015, 2016, 2017 and probably 2018, it's not sufficient and it needs to be answered to remain at fiscal watch if not it will go into fiscal emergency. There will be some very tough decisions for this body to make because there are no more savings, there are no more monies to be found, there can only be cuts.
  - c. The allocation plan which was contained in the 2014 budget and begins in the 2015 budget, the State would like to see it adopted by Council and recognized as the allocation plan which is not an issue because the allocations in the budget are proper.
  - d. When the City was placed in fiscal caution in 2012 there was a letter written requesting answers but a response was never received. The State wants a response to how those issues will be addressed. When he responded, he was responding to the fiscal watch and he had no idea that there were other unresolved issues from fiscal caution, however he will prepare a response.
20. He provided Council with a list of General Fund issues and will review it during the Conference Agenda.

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 had no report due to absence.

**City Solicitor** – Solicitor Haas added to Manager Allen's report that the State Auditor made it very clear that they expect something to be done and that they've run out of patience. It was explicitly stated and very clear that they're watching and waiting for us to do something. They are reading the newspaper articles and we are under the microscope. There are issues that will need to be addressed and unfortunately at least from his perspective there are no good options. There will be tough decisions that will need to be made or we will find ourselves in fiscal emergency. The question was ask about what fiscal emergency means. The declaration of fiscal emergency does not trump the Charter, it doesn't throw out the provisions of the Charter or the Labor agreements, and we will have to live within those requirements.

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

**Auditor Williams** – Auditor Williams had no report.

#### **MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

**1<sup>st</sup> Ward** – Councilman Kevin W. Johnson thanked Councilman Kevin E. Johnson for his work with the Salvation Army and the kick-off of the Kettle Bell season.

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

**3<sup>rd</sup> Ward** – Councilman Kevin E. Johnson reported that a couple of residents have thanked him and wanted to express their gratitude for the paving job on Garfield Street.

**4<sup>th</sup> Ward** – Councilman Kalb had no report due to absence.

**5<sup>th</sup> Ward** – Councilman Meadows made a point of clarity about rumors that are floating around that involve him saying stuff about the Police and Fire staffing. He asked that if anyone had any questions, that they pick up the phone and call him and he'd be happy to answer any questions.

**6<sup>th</sup> Ward** – Councilman Kleha had no report

The meeting adjourned at approximately 7:25 p.m. on a motion by Councilman Kevin E. Johnson.

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City Clerk

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Acting Mayor