

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday December 14, 2015
 6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday December 14, 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 st Ward
Rich Saddler	2 nd Ward
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 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 November 9, 2015 and November 23, 2015 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce:

VOTE: ayes 6 – nays 0.

Councilman Kevin W. Johnson motioned to bring from the table, the legislation to amend Chapter 181 of the Codified Ordinances of the City of Portsmouth regarding Municipal Income Tax per H.B. 5 and Chapter 718 of the Ohio Revised Code.

Brought from the Table

There were no questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, the item was brought from the table.**

Councilman Kevin W. Johnson motioned to add to the table, the legislation authorizing the City Manager to enter into a contract with Distel Construction in the amount of \$63,480.75 for emergency relocation of Pershing Avenue/ Slocum Road Sewer for the Portsmouth Highway Bypass Project and declaring the same to be an emergency.

Item added to the Agenda

There were no questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, the item was added to the agenda.**

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 authorizing the establishment of Fund No. 268 for the acceptance and appropriation of funds as received within this new fund for the HIV Prevention (Federal) grant.

**Ord. #84-15
 New Fund
 268 HIV
 Prevention
 Federal
 grant**

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 the establishment of Fund No. 269 for the acceptance and appropriation of funds as received within this new fund for the HIV Prevention (State) grant.

**Ord. #85-15
 New Fund
 269 HIV
 State grant**

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 the establishment of Fund No. 256 for the acceptance and appropriation of funds as received within this new fund for the Injury Prevention grant.

**Ord. #86-15
 New Fund
 256 Injury
 prevention
 grant**

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 the establishment of Fund No. 267 for the acceptance and appropriation of funds as received within this new fund for the PHEP (Public Health Emergency Preparedness) grant.

**Ord. #87-15
New Fund 267
Public Health
Emergency
Preparedness
grant (PHEP)**

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 amending Section 901.06 – Obstructing Streets of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #88-15
Amending
Section 901.06
Obstructing
Streets**

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 amending Section 901.11 – Littering; Responsibility of Mayor of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #89-15
Amending
Section
901.11
Littering**

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 **second 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 2016 in accordance with Ohio Revised Code section 735.05.

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

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

The clerk gave a **second reading**, to an Ordinance to amend Section 105.01 of the "Codified Ordinances of the City of Portsmouth, Ohio," entitled "Wards Created," to amend the ward boundaries of Wards One, Two, Three, Four, Five and Six within the City of Portsmouth and repealing Section 105.01 of the Codified Ordinances.

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

Solicitor Haas requested that the Ordinance be amended by striking out the words “and repealing Section 105.01 of the Codified Ordinances”. At the meeting of November 9th Councilman Meadows had requested that the Solicitor check that particular wording and after reviewing the wording he decided that it would work best if the above would be stricken.

Councilman Kevin E. Johnson motioned that the proposed Ordinance be amended with specification recommended by the Solicitor.

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

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

The clerk gave a **third reading**, to an Ordinance to amend Chapter 181 of the Codified Ordinances of the City of Portsmouth regarding Municipal Income Tax per H.B. 5 and Chapter 718 of the Ohio Revised Code.

**Ord. #90-15
Amending
Chapter 181
Municipal
Income Tax**

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

Councilman Kevin W. Johnson moved to amend the proposed ordinance by adding reference to Exhibit-A that Auditor Williams had provided.

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

Auditor Williams gave an explanation as to how the new proposed tax amendment was set up and asked Solicitor Haas to give his opinion on why the emergency wording wasn't used in the ordinance. Solicitor Haas

stated that under Section 12 of the Charter the wording is not needed in the preamble. In Section 12 it was referred to as an administrative ordinance and the tools are set and provided for in situations like this. “We are good”.

Auditor Williams stated the reason for not repealing the current ordinance was that we have to have the existing tax ordinances for a period of time. Also there would need to be two members of Council for tax review.

Councilman Kevin W. Johnson motioned that the amended 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 **first reading**, to an Ordinance authorizing the City Manager to enter into a contract with Distel Construction in the amount of \$63,480.75 for emergency relocation of Pershing Avenue/ Slocum Road Sewer for the Portsmouth Highway Bypass Project and declaring the same to be an emergency.

Councilman Kevin W. Johnson moved to waive the three reading due to emergency nature and time restraints.

The role was called: **VOTE: 6 ayes – 0 nays**

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

Councilman Saddler asked the City Manager if there would be any connection with Ohio Department of Transportation and the City Manager stated that not initially but would eventually fall to ODOT. Councilman Saddler stated that he would abstain from the discussion and vote. Manager Allen stated that the City would be 100% reimbursed.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays – 1 abstain (R. Saddler), the Ordinance was passed.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

James Loggins -1909 Jackson Avenue-Portsmouth, OH – He stated that he worked at Digital Works which was located in the Community Action Building. They were notified that as of January 1, 2016 the program would be shut down due to lack of funding. He explained how the business worked and the amount of people from Scioto County that had received training and jobs from the business and for some of the families it’s the only means of support. If the business closes the nearest training facility would be Gallipolis or West Union. He stressed to Council the need for this business to remain open and ask for City Council’s support.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She placed the order for the new city flags and they have been received.
2. She attended the Christmas parade and helped with the Tree Lighting festivities on Market Square on November 19th.
3. She received from all of the Councilmen, the evaluations of the City Manager. I have calculated and distributed the totals to all of City Council and the City Manager.
4. She received from the Ohio Division of Liquor Control a transfer request for Delmer E. & Agnes B. Hicks at 1508 11th Street Portsmouth, Ohio to be transferred MAA Santoshi, LLC dba DKS Food Mart at the same address. The request was approved.
5. She received from the Auditor via e-mail on December 2, 2015, the following summary statements of the Combined MTD/YTD reports for the period ending November 30, 2015: Expense, Revenue and Fund.

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 – Written report only and the report can be found on the City’s website.

1. He stated that there was a sewer collapse in Greenlawn Cemetery (he’s not sure why a sewer line was run through the cemetery in the first place). The cost was \$37,000 and it was done on an emergency basis.
2. He stated that there would be sewer and water relocations regarding State Route 823. Next year, there will be a 24 inch water main relocation and the cost is \$250,000 and the Solicitor was working with the County to try to get reimbursement as the State had stated that they would not reimburse the City because it was outside city corporation limits.
3. He stated Pump Station #2 was completed and the paperwork had been forwarded to FEMA.
4. He attended the Public Hearing regarding the transfer station permit.

Ord. #91-15
 Sewer
 relocation for
 Portsmouth
 Bypass on
 Pershing
 Avenue and
 Slocum Road

Liquor License
 for DKS Food
 Mart

5. He stated that the Rapid Mix project remains on schedule.
6. He stated that leaf pick-up was on-going.
7. He concluded adding that he had met with Columbia Gas and the next phase of work would be around the Mound Park area.

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.

City Solicitor – Solicitor Haas reported the following:

1. He gave his condolences to the family of Mac McFarland who recently passed away.
2. He voiced his appreciation to the County Commissioners for working with him on a resolution for the reimbursement of the relocation of a water main for the Portsmouth bypass.
3. He stated that the Civil Service Commission accepted the resignation of Jo Ann Aeh as interim secretary as she will be a member of City Council in the coming year. The Commission hired Kathy Hodgkinson to fill the position beginning January 2016. Councilman Meadows asked if there was a conflict of interest and Solicitor Haas replied that there was no conflict of interest. He added that the Civil Service Commission will be giving a Captains test for the Fire Department as they have been advised that a Captain would be retiring soon.

Civil Service
 Resignation of
 Jo Ann Aeh as
 interim
 secretary and
 hiring of
 Kathy
 Hodgkinson

The 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

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

1. He attended the public hearing for the transfer station.
2. He stated that he had spoken with a resident on 18th Street (Melinda Connelly) and she had voiced her concerns regarding speeding on her street and requested a speed limit sign and had had no response from the Administration. He added that since there was no arrow traffic signal to turn left at Scioto Trail and Kinney's Lane to get to KDMC, many people had been going to Waller Street and down 18th Street to get easier access to KDMC and it had become a problem.
3. He advised that the pedestrian signal at the intersection of the Grant Bridge/Chillicothe Street/Second Street was not safe and needs to be observed for safety.
4. He requested that the traffic light at 16th Street before you get to the viaduct be observed. If a vehicle pulled across the trip, it turns the light even if the vehicle was turning on red and was no longer there at the traffic light and that stopped the flow of traffic coming onto and off of the viaduct. He stated that at the 28th Street traffic light there is a 30 second delay to allow for traffic that was turning on red and he would like to see this type of delay installed for 16th Street.
5. He read and gave a Certificate of Appreciation to Amy Hartlage-Partlow for attending all of the Council meetings with Councilman Saddler.

2nd Ward – Councilman Saddler had no report.

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

1. He requested that after the first of the year he would like to discuss the rental licensing program and zoning issues.
2. He would be following up with the City Manager on some residential complaints.
3. He thanked everyone involved in the Jaycee's Christmas parade and Market Street tree lighting. He thanked Leroy Hackworth for letting us coordinate with the Jaycee's and Dave Duncan for providing food for everyone at the lighting, Mark Harris for providing electricity and space for the Christmas Tree, Service, Police and Fire Departments for all their help, Life Point Church for allowing their "Star Wars" characters to have some photo ops with all the kids attending the tree lighting ceremony, Rick Fraley for providing the tree and Clerk Ratliff for all her help.

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 for the purpose of discussing litigation regarding the Land Reutilization Program. The City Manager and City Solicitor were asked to join Council.

Executive
 Session

The motion carried viva voce: **VOTE: 6 ayes – 0 nays, Council recessed into Executive Session at 7:01 p.m.**

Council reconvened at 7:25 p.m. The roll call showed all those previously in attendance were still present.

Acting Mayor Kalb opened the floor for discussion regarding City Manager Allen's evaluation.

Councilman Kevin W. Johnson stated that he thought this year the process went a lot smoother, however there were still a lot of questions that Council had to answer -0- as "not observed", he would like to re-evaluate some of the questions and change to items that were actually observed or possibly another question that would be more appropriate. He suggested having an Executive Session with the City Manager or some kind of meeting. Solicitor Haas stated that he didn't believe that would be proper to have that in Executive Session but possibly on the City Manager's agenda. Acting Manager Kalb stated that he never understood why the City Manager or whomever they were evaluating had to know what he was going to be evaluated on, in his previous employment he was evaluated and they never ask him if it was alright to ask certain questions and he explained to the City Manager that he wasn't trying to cut him out because he believed that the Manager would provide some valuable input. Councilman Saddler stated that the questions on the evaluation should be "how's he working for us", not "how are your employees working for you". Councilman Meadows stated it should be addressed sooner rather than later to let the manager know what Council would be evaluating him on. Mr. Johnson then suggested for this to be on the City Manager's agenda for the second meeting in January. Acting Mayor Kalb stated that all in all the evaluation went smoother and there was still room for improvement. No concerns with the job the City Manager had been doing.

City Manager Allen stated that obviously this year's evaluation process was smoother and it would take a couple of years to refine. It's a new process but together we will learn the process, there may have been some things that he didn't whole-heartedly agree with but that would be an individual conversation with each Councilman. He's happy with the movement of the city, however he thought things would be moving a lot faster and thought at first it would be a 5 year process but it's looking more like 10 years on getting to where we should be, which was frustrating. The infrastructure was crumbling faster than we can keep up with it and that didn't happen overnight. He added that he was very proud of what was accomplished. There's been a lot of Labor strikes in this community in the past in the public and private sector, and right now there's a situation where there are 5 Union contracts that have expired and they are not pushing. They will wait and trust what the administration is doing and see where we stand at the end of 2016. There wasn't always trust between the Unions and the City, the employees haven't always worked together and certainly haven't put the City's best interest at heart, but was probably a reflection of how they were treated and they've come a long way with educating the employees in such that their well-being was tied directly to the well-being of the community. The income tax raise would have to be well managed and not blown and the employees have bought into that.

Councilman Meadows stated that it was irrational to believe that we would solve these problems faster than the problems radiate and it will take a substantial amount of time to get out of the situation that we're in.

Solicitor Haas stated that he believed that the employees of the city have a lot of confidence in the Manager and they could see what he's done. They are confident that he would do the right thing and that's why the Union's aren't begging for raises. There's been some distractions along the way but as far as the goals set out, there have been improvements

Manager Allen asked how many people check out the foundation of a house before buying it, he said it's not glamorous but the first two years we had not been doing a lot of the stuff the people on the outside see because we're building that foundation and that's important. The first two years was focusing on finances and we are well on our way to having the finances in good shape. The one goal for next year is to improve the appearance of this town, whether that be through code enforcement, employees doing maintenance and upkeep and making this town a more presentable community, tearing down dilapidated buildings, condemned structures along with cleaning up the property that the city owns, cleaning the weeds along the downtown curbs, that will be a priority. He wanted the people of the community to see the results.

Acting Mayor Kalb stated that the taxpayers needed a pat on the back for giving the tools needed to do the types of work to move forward and added that he believed that this Council should be commended for providing the Manager with the tools needed to move forward and worked together.

Councilman Kevin W. Johnson stated that Adam Phillips gave a presentation last week to the public regarding "The Best Communities". The first topic was the citizens of this community had bought into their future not only with the hiring of a City Manager but they voted a full 1% increase in 2 years. This was a big point that was made during the presentation. Manager Allen stated that he did appreciate the good relationship with Council and support and enthusiasm.

The meeting adjourned at approximately 7:45 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Acting Mayor