

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Thursday December 21, 2017
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Thursday December 21, 2017 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Mayor James D. 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 Solicitor John Haas, Auditor M. Trent Williams and City Clerk Diana Ratliff.

Council dispensed with the reading of the Journal for the regular sessions of December 18, 2017 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 6 – nay 0.**

Councilman Kevin W. Johnson motioned to add on the agenda items **7(d)** a Resolution appointing an Acting City Manager of the City of Portsmouth, Ohio, effective December 28, 2017. The motion carried viva voce: **VOTE: ayes 6–nays 0.**

**Item added
to the
agenda**

Councilman Meadows stated that this was not a regular scheduled meeting and he had a prior meeting scheduled but would request to leave by 8:00 p.m.

Councilman Meadows moved to adjourn into Executive Session to discuss possible litigation and personnel matters. The roll was called and the motion carried: **VOTE: 5 ayes – 1 nays (K. W. Johnson), Council recessed into Executive Session at 6:05 p.m.**

**Executive
Session**

Councilman Kevin E. Johnson moved that Council reconvene from Executive Session.

The roll was called and the motion carried. **VOTE: ayes 6 – nays 0, Council reconvened with all still in attendance at 6:32 p.m.**

Councilman Meadows moved that Council add a Resolution as **7(e)** as the City Solicitor found himself in an untenable position as the elected Solicitor as he represents the City, City Council and Administration of the City which put him in a potential natural conflict as the procedure moves forward. He moved that we retain Attorney Mark McCown of Ironton to represent City Council regarding employment matters of Derek Allen. City Clerk Ratliff ask Mr. Meadows if he had a copy of the Resolution, he said that he made it up and Clerk Ratliff said there would be nothing to adopt if the Resolution had not been prepared.

Solicitor Haas stated that it must be in writing before it could be voted on. He also added that there had been issues raised by some of the folks out in the lobby that this would be an illegal meeting because it wasn't open to the public and he had done some research while Council was in Executive Session and he believed that to be the case. He said that meetings were required according to the ORC Section 121.22C to be open to the public, the case law stated where doors were locked which basically the fire code prevents people from coming into Council Chambers (Clerk Ratliff advised the Solicitor that his microphone was not on) and there's no other circumstances such as closed circuit TV that would allow people to observe the ongoing meeting and he doesn't believe that Council could proceed, take a vote or do any business this evening. He advised Council to re-schedule to a bigger forum to allow people the opportunity to be involved in the meeting. Councilman Kevin W. Johnson ask Solicitor Haas what date he would suggest since it had to be in this month. Solicitor Haas suggested the Welcome Center would be an option and would be open to the public. Mayor Kalb stated that this had happened in the past and it had never come to this before. Solicitor Haas stated that no one had ever raised the issue in the past but it had been raised tonight and the last thing he wanted to do was to go through an illegal meeting and end up in court over it. There were a lot of people that wanted to be here to hear what was being said and have an opportunity to speak as well, and the way things currently are, they won't be able to hear. Councilman Meadows stated that he sided with Solicitor Haas on this subject because if there was any question, Council needed to do it appropriately. Councilman Kevin W. Johnson suggested Thursday December 28th, and asked Clerk Ratliff if that would be good with her schedule and she stated that she would be on vacation. Mayor Kalb ask if it could be moved tonight to a different venue and Solicitor Haas stated that there would be an issue with the notification of the meeting place. Councilman Kevin W. Johnson requested that they hire a stenographer for the 28th. Solicitor Haas asked Council to do a motion and that would give him authority to hire a court reporter.

Councilman Kevin W. Johnson motioned to have a meeting December 28th at a venue to be determined at 6:00 p.m. Solicitor Haas ask for authority to hire a court reporter. Clerk Ratliff ask about an Acting City Manager and Councilman Kevin W. Johnson stated that Council could not appoint anyone yet. Mayor Kalb stated that a lot of the issues were time sensitive and he was at a loss. He asked if this meeting was a regular meeting and Solicitor Haas stated that it was and that this meeting would be postponed because it couldn't take place because of the size of the crowd and another meeting would be necessary to resolve the issues.

Councilman Kevin W. Johnson motioned to move forward with his motion to adjourn and meet again on December 28th.

There were no further questions or comments: **VOTE: 6 Ayes – 0 Nays**

The meeting adjourned at approximately 6:16 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Mayor