

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday December 28, 2015
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday December 28, 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 (Absent)

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

Councilman Jeff Kleha absence was excused on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Council dispensed with the reading of the Journal for the regular session of December 14, 2015 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

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 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.

**Ord. #92-15
Advertise for
bids to enter
into contracts
for 2016**

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 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.

**Ord. #93-15
Amending All
Wards with
updated
information**

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

Councilman Kevin E. Johnson commended all those involved in getting this legislation updated.

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 amending Section 901.13 – Notice to Remove Obstructions; Barricades and Lights of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute 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 to make appropriation for the current expenses and other expenditures of the City of Portsmouth, Ohio beginning January 1, 2016 and ending December 31, 2016, as provided for in Section 49 of the Charter of the City of Portsmouth, Ohio. Now, therefore,

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

Auditor Williams stated that he had mentioned to Clerk Ratliff and the Solicitor's office that he would be working on the ordinance but it would not be ready for the meeting because it's quite lengthy to put together. The Ordinance that he passed around earlier was not complete, there were usually budget changes and would need amended to include the rest of the pages once they are completed. He said that he would forward the more inclusive copy to Council before the next meeting.

Councilman Kevin W. Johnson stated that at the previous meeting he had requested to hear from the Department Heads regarding their portion of the budget and ask the City Manager when would be a good time for them to approach Council and discuss their budgets. Manager Allen stated that he did not know why they would need to come to Council as he could answer any questions from Council. Councilman Kevin W. Johnson stated the reason he asked for their input was that there was rarely any interaction with the Department Heads and they don't have feedback. He added that it was not a reflection on the City Manager but it was obvious when doing the evaluations that certain questions they were asked to evaluate and they could not answer as there was no interaction with employees at all. At least Council once a month should hear from the Department Heads in an effort to get their view on their departments. Councilman Saddler concurred with the City Manager as they went through the process of hiring a City Manager to supervise the Department Heads and employees and it was not Council's job to question his employees. Our employees are the City Manager and the City Clerk, it's not our business as Council was only a legislative body of the City. Acting Mayor Kalb referred to the old budget process when Council would meet on Saturday with the Department Heads to discuss the budget. When he was Mayor, there were a lot of questions that he didn't have all the answers to and needed the Department Heads input. He had some questions on this budget and asked the City Manager and all the questions were answered. If there are certain questions that Council feels they need to speak with a Department Head about, he's sure that it could be arranged.

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 authorizing the transfer of funds for FY 2016 budget.

Councilman Kevin E. Johnson motioned that this constitute 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 authorizing the City Auditor to amend appropriations in order to reflect actual revenue and expenditures in order to balance and close the City's books for the fiscal year 2015. Consent Agenda

Ord. #94-15
Close the
books for
2015

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

The role was called. **VOTE: 5 ayes – 0 nays, 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 an Ordinance providing for the issuance of bonds by the City of Portsmouth, Ohio, in the principal amount of \$1,250,000 for the purpose of providing funds to refund outstanding bonds issued to prepay, at a discount, the City's accrued liability to the State Police and Firemen's Disability and Pension Fund, and declaring an emergency. Consent Agenda

Ord. #95-15
Bond
issuance for
State Police
and
Firemen's
disability
and
Pension
fund

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

The role was called. **VOTE: 5 ayes – 0 nays, the rule was suspended.**

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

Auditor Williams stated for the record that this ordinance was to refinance again a bond issue from back in 2001. At the time the amount was \$2,090,000 to pay off the accrued liability for the Police and Firemen pension fund system. We would receive a discount on the amount of principal owed at that time and we would issue bonds at a rate of approximately 5% and reduce the number of years we have with the State pension system. The bill would have been paid off in the year of 2035 and by doing this it would now be 2027. The issue would also be an additional 2 years cut off and the annual payment reduced by close to \$10,000 per year saving us \$330,000 over that same time period. Acting Mayor Kalb asked the Auditor what the new rate would be and he responded that the new rate would be 2.52%.

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 transfer of funds for fiscal year 2015. **Consent Agenda**

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

The role was called. **VOTE: 5 ayes – 0 nays, 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 an Ordinance authorizing amendments to the City Manager Employment Agreement effective January 1, 2016.

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

There were no questions or comments. **The role was called. VOTE: 3 ayes – 2 nays (K. E. Johnson, G. Meadows), a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation and payment of up to \$50,000 from the General Fund for settlement of claims in the matter of Ronald Baker, et al. vs. City of Portsmouth, Christopher Smith & Andrew Gedeon, U.S. District Court Southern District of Ohio, Case 1:14CV00512. **Consent Agenda**

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

The role was called. **VOTE: 5 ayes – 0 nays, the rule was suspended.**

Councilman Kevin E. Johnson motioned that this constitute 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 providing for the adoption of Post-Issuance Compliance Policies and Procedures for Tax Exempt Obligations. **Consent Agenda**

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

The role was called. **VOTE: 5 ayes – 0 nays, the rule was suspended.**

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

Auditor Williams stated that this would go along with the issuance of the bonds and it was recommended that these policies be adopted by Council.

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 to make appropriations necessary for the current expenses of the City of Portsmouth, Ohio for the months of January and February 2016 as provided for in Section 50 of the Charter of the City of Portsmouth, Ohio. **Consent Agenda**

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

Auditor Williams asked that this not be passed tonight as the Charter stated that budget Ordinances should not be passed until after the New Year. Councilman Kevin W. Johnson stated that it was brought forward at the last meeting as a consent agenda and Auditor Williams said it should not have been because a budget ordinance cannot be passed in the current year for the following year. Auditor Williams asked that it be given just a first reading.

The role was called. **VOTE: 0 ayes – 5 nays, the rule was not suspended.**

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

Ord. #96-15
Transfer
funds for FY
2015

Ord. #97-15
Claim
Settlement of
Ronald Baker
against
Christopher
Smith and
Andrew
Gedeon

Ord. #98-15
Post
Issuance
Compliance
Policy and
Procedures
for Tax
Exempt
Obligations

Auditor Williams asked that the Solicitor do some checking to make sure he had interpreted the rules correctly. These was a problem in the Charter provision in which it doesn't allow you to pass a budget in the current year for the next year. Manager Allen said he had never heard of a place that doesn't allow to have appropriations in place for January 1st. Acting Mayor Kalb stated that it would have to be addressed as a Charter amendment.

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 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. #18-15
Agreement for
indigent
representation
with Scioto
County**

Councilman Kevin E. Johnson motioned that this Resolution be adopted.

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

Joseph Pratt – 342 2nd Street - Main Street Portsmouth Executive Director – He wanted to introduce himself to Council and he looked forward to having a good working relationship with Council.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received from Auditor Williams the Public Official Bond and Oath on December 23, 2015.
2. She received the resignation of Thomas Lowe on December 17, 2015 for the Cultural Affairs Committee.
3. Main Street Portsmouth has hired Joseph Pratt as the new Director.
4. She received from the Ohio Division of Liquor Control a request for a new C1 license for the Damini, LLC dba One Stop Market at 1663 Jackson Avenue – Portsmouth, Ohio.

**New Main
Street
Portsmouth
Director
Liquor License
for One Stop
Market**

The City Clerk's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

City Manager's Report – Had no report but thanked Councilman Saddler for his public service and told him it had been a pleasure working with him. He had a special place in the Manager's heart as he was one of the 6 individuals that hired him. He enjoyed working with him and appreciated the support that he'd shown and he looked forward to continuing to work with him on community activities.

The City Manager's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

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

1. He received a copy of a require distribution from Community Action Organization about a CSBG grant that they received and they are required to contact City officials about their application and he would file it with the City Clerk and if any of Council would like to take a look at it and make comments or suggestions, the deadline is January 25, 2016.
2. He appointed Kris Liles to the Cultural Affairs Panel due to the recent vacancy.
3. He reappointed Ralph Bussey to the Zoning Board of Appeals.
4. He appointed Juanita Jewett of 1249 Bihlman Drive to the City Planning Commission due to the recent vacancy.
5. He appointed Ann Sydnor of 1111 29th Street to the City Planning Commission to replace Kerry Keating and asked the City Clerk to send a letter of appreciation to Mr. Keating.

The Acting Mayor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. **The motion carried viva voce: VOTE: ayes 4 – nays 1 (K. W. Johnson).**

City Solicitor – Solicitor Haas had no report but also extended his thanks to Councilman Saddler for his service on Council and the support that he's given to him.

The Solicitor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Auditor Williams – Auditor Williams reported the following:

1. He gave the general fund tax revenue report. \$351,000 over this time last year (November 30th) with the accumulated total of \$151,910. The General Fund balance at the end of November was \$551,000, Streets -\$36,000, Water -\$83,000, Sewer -\$886,000, Sanitation \$477,000 and Insurance Fund \$836,000. As a reminder in the City Manger's budget, the negative balances were set to be taken care of. Hopefully next year all of these would be set to be in the positive.
2. He thanked Rich for his years of service and he recalled speaking with Mr. Saddler about becoming a Councilman. He appreciated what he had done in the years he's been on Council.

The Auditor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

1. He thanked Councilman Saddler for a number of reasons. A) He's a constant gentleman, not only here at Council but in the outside world as well. B) Occasionally they disagree on items that were discussed during Council meeting but it never left the building and that's one of the nicest things about working with Councilman Saddler. C) He's the chairman of the Parks and Recreation Committee and added that it was a great thing for our area and that it had been a pleasure working with him.
2. He welcomed Joseph Pratt to Main Street Portsmouth, and stated that MSP was one of the most important organizations that the city had.
3. He received a couple of emails regarding the pedestrian signal at the intersection of the Grant Street Bridge and Second Street. In his comments he had stated that there was a 2 second delay and he should have said a few seconds but it was not 7 seconds as was listed in the report. He went out and timed the light at 5 seconds and traffic was flowing off of the bridge. He knows that there had only been one complaint thus far and that was from Francesca Hartop who traveled that route for exercise. He worried that someone would not be paying attention and start across when it was green and it would turn and the person would be hurt. City Manager Allen stated that the solution was to stop traffic completely in every direction while someone was crossing, he also mentioned that the current crossing could be closed at 2nd Street/Grant Bridge and pedestrians would be forced to cross at the base of the Grant Bridge where they could cross safely. Councilman Kevin W. Johnson said he would support that approach.
4. He commended the City Manager on a job well done at the intersection of Kinney's and Scioto Trail. The turn lane turned out well and he's had a lot of compliments. He added that they did forget to repaint the cross walk, Manager Allen stated that they were not done and he signed a change order from a December 31st completion to May 31st completion because there are parts that had not been received and if they do not get the crosswalk lines painted by spring, the City will add that to the "to do" list.

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

1. Thanked the City Manager for addressing the residential complaints.
2. He thanked Councilman Kleha for his service over the past year that he had served. He thanked Councilman Saddler, he valued their friendships and looked up to him as a Councilman and he's sure that his father was looking down from Heaven and was very proud of him for his accomplishments with the City.

4th Ward – Councilman Kalb reported the following:

1. He had enjoyed working with Councilman Saddler and he believed that he was instrumental in getting a lot of things started especially in the Parks and Recreation area and he's glad that would be continuing.
2. He thanked Councilman Kleha who couldn't make it to the meeting tonight and his services were also appreciated.

5th Ward – Councilman Meadows reported the following:

1. He thanked Councilman Kleha and he advised everyone that he was on Christmas vacation with his family as he does every year.
2. He thanked Councilman Saddler for the insight that he's given to him and they hadn't always agreed on issues and some they have and that was one of the things he enjoyed about working with him. He wished him luck with the Parks and Recreation Committee and if there was ever anything they needed to let him know.

6th Ward – Councilman Kleha had no report.

2nd Ward – Councilman Saddler had no report.

1. He stated that it's been an honor to serve the City of Portsmouth and serve with each and every one of the Council Members, the City Clerk and former members of Council. As Auditor Williams stated he talked him into serving about 5 years ago and said it had been very enlightening on what happens behind these doors to operate the City. He's very proud to be a part of making some very major changes within the City with going from a Mayor form of

Government to a City Manager form of Government. He believed that the City hired the best person and commended him for what he had done for the city in the time that he'd been here as he had made drastic changes and major improvement within the city and without his direction this town would have rolled up the sidewalks. He addressed Solicitor Haas and said that when he came onto Council he was Council President and he always had a lot of questions for him and he always steered him in the right direction and he's learned quite a bit from him. He thanked all of Council for their support and stated that he would continue to advance the Parks and Recreation Committee, he stated there was some more paperwork that needed to be completed to be completely tax exempt and they would do whatever to support the City and maintain the Parks and looked forward to working with Derek on some ideas. He really didn't want to leave City Council but he had to make a decision back in May and most everyone knew that his father was sick at the time and they didn't think he was as sick as he was, they thought that he would have passed away closer to this time of the year and not back in July as he passed away so quickly. He had to make a decision back then to choose Council or his family and he chose his family. He didn't want to take out petitions, go through an election, possibly get elected and have an obligation that he couldn't fulfill. He said it hurts that he can't continue on with Council at this time and he wanted each and every member of Council to know that if at any time for some reason that something would happen in which Jo Ann couldn't proceed as a Council member that he would do whatever he could to step up and help the city again. He appreciated all the Department Heads and Employees as they do an outstanding job and they have huge task with all the repairs that need done. He thanked everyone that had come to the meetings and supported this Council because they've made some tough decisions over the past 4-5 years that's made this city better and they've finally gotten rid of all the arguing and the infighting and all the drama that happened over the years and he's glad to have been a part of helping the city move forward.

The meeting adjourned at approximately 6:55 p.m. on a motion by Councilman Rich Saddler.

City Clerk

Acting Mayor