

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**

Monday May 11, 2015

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday May 11, 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 <sup>st</sup> Ward
Rich Saddler	2 <sup>nd</sup> Ward
Kevin E. Johnson	3 <sup>rd</sup> Ward
Jim Kalb	4 <sup>th</sup> Ward
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.

Council dispensed with the reading of the Journal for the regular session of April 27, 2015 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 that wished to address Council on items on the agenda.

**LEGISLATION**

The clerk gave a **second reading**, to an Ordinance authorizing the appropriation of \$25,000 from the unappropriated monies in Flood Defense Fund No. 265 to Flood Defense Miscellaneous Services Line Item No. 265.225.5299 for the repair of a sinkhole adjacent to the sluice gate well for Pump Station No. 2.

Councilman Kevin E. Johnson moved 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 authorizing the appropriation of \$10,500 from CIP Fund No. 301 to CIP Building Renovation Line Item No. 301.115.5513 for roof repairs to the Marting's Building, the City Building and the Health Department.

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

Councilman Kevin E. Johnson asked Solicitor Haas if the City was alright to make these repairs and Solicitor Haas replied that he could find nothing that prevented us from making the repairs. Councilman Kleha stated that this would fall under a nuisance because of the potential damage to other buildings.

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

The clerk gave a **first reading**, to an Ordinance accepting a perpetual, non-exclusive sanitary sewer easement in, on, under, over, through and across a portion of CVS property being more particularly described in Exhibit A attached hereto.

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

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

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager to enter into an agreement between the City of Portsmouth and Mainstreet Portsmouth as per attached Exhibit A that details the City funding Mainstreet Portsmouth for a period of three years in the amount of \$150,000, payable in annual installments of \$50,000 per year contribution.

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

Councilman Kleha commented that this was not an increase and Mayor Kalb confirmed that it was not an increase. Councilman Kevin E. Johnson asked if there was a reason why Council needed to do this agreement for 3 years as opposed to a yearly agreement. Manager Allen stated that this would give Main Street the ability to plan ahead and it was the same amount and he doesn't foresee any changes and they will continue to give reports as to how the money was spent. He hopes to see more interaction between the City and Main Street on some of the projects downtown as well as with SOPA.

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

The clerk gave a **first reading**, to an Ordinance to authorize extending the terms of a lease agreement between Shawnee State University and the City of Portsmouth regarding the use of Branch Rickey Park for an additional two year term through June 30, 2017.

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

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

The clerk gave a **first reading**, to an Ordinance authorizing the submittal of a FY 2015 Community Development Block Grant (CDBG) and Small Cities CDBG Neighborhood Revitalization Program applications and accepting grant and obligations, if funded.

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

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

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

There was no one present that 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 prepared the Proclamations for Goodwill Industries Week and Better Speech and Hearing Month and attended the ceremonies for both.
2. She attended Tree City USA ceremony in Athens, Ohio and accepted the award for the City of Portsmouth.
3. She received a letter from Time Warner Cable regarding the failed merger with Comcast.
4. She received on May 4, 2015 the franchise fee from Time Warner Cable in the amount of \$54,614.65 and deposited in the Auditor's office the same day.
5. She received the signed and dated contract from ODOT for the State Route 139 project.
6. She received from the Auditor via e-mail, the following Combined MTD/YTD reports for the period ending April 30, 2015: Expense, Revenue and Fund.
7. She reminded everyone that the next Council meeting will be on May 26, 2015 due to Monday May 25<sup>th</sup> being Memorial Day.

**Proclamations  
 for Goodwill  
 Industries  
 week and  
 Better  
 Hearing  
 Month**

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. He passed around a copy of the letter that went out to residents on Grandview giving the progress of the project and that it will be paved in May. Other streets that were affected would be paved later on in the summer.
3. He stated that Ralph Hayslip a long time employee was retiring but was currently out on sick leave. They won't be filling the position at this time, but it would be posted internally.
4. They had a resignation in the fire department, he moved on to a better job offer and something that he desired more.
5. Fire and Health Departments did turn in reports.
6. A contract was signed with Strand for the design of the Kinneys Lane and Scioto Trail project along with the agreement with ODOT that the City would receive \$120,000 in state funding.
7. Crews will be sent out on Tuesday to pick up the large debris on Highland Avenue.
8. He reviewed the NPDES violation at the Wastewater Treatment Plant due to the extremely high flows that we received.
9. Flood Defense System was put into operation but the flood gates were not put into operation.

10. He stated that he was very pleased that the income tax ballot issue passed and it gave him confidence in the community and he understood that the public was watching and he wanted to reassure the public that nothing was different today than from two weeks ago before the election and he thanked the voters. The city is not hiring and the city is not giving raises and they continue to look for every efficiency and savings out there and will continue to do so and he wanted to make sure that everyone understood that on the Health Department advertisement of a position, that it was being funded by a grant and not a General Fund position. The City is still under a hiring freeze.
11. The VFD's that Council authorized have been ordered.
12. The switch to monthly billing was made and it has been very busy.
13. There was some minor slips on Kenwood and the contractor has been in contact with the city about repairing the slips.
14. He will be meeting with the Engineering Department and going over the expense for the thermoplastic that will be put down on the streets.
15. The pool is being prepared to be painted and the campground is running a little behind.
16. He recognized Water Filtration Director Sam Sutherland who took and passed an exam for the designation of a Professional Operator and now has the accreditation of being a Professional Operator.

Councilman Kleha asked the City Manager if the State hadn't taken away the funding would the city still be under a fiscal watch. The Manager replied that he could not answer that for sure. Auditor Williams stated the City lost approximately \$1.4 million per year in funding. Councilman Kevin E. Johnson asked what happens when the EPA gives the City a monthly violation and asked if it were a fine or a slap on the wrist. Manager Allen stated that we self-reported and that there were no fines or penalties, but if we were to continually have violations it would show that we were non-compliant and an Administrative Consent Order like the issue the city had on Grandview Avenue.

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 reported the following:

1. He attended the Goodwill Industries Open House event and the Better Speech and Hearing open house and read a Proclamation for each.
2. He attended the Chamber of Commerce Breakfast in which the City Manager and the SOPA Director both spoke of the need and reasons to support the income tax increase.
3. He thanked all the individuals and groups that supported the issue both financially and vocally. He thanked each and every voter that got out and made a positive vote for our City's future. Each voter will see that their elected government officials were working diligently to make Portsmouth a better place to live and do business.
4. He congratulated Director Sutherland on his accomplishment.

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

**City Solicitor** – Solicitor Haas reported the following:

1. He attended the Civil Service meeting and they discussed the final draft of the civil service rules. He will be sending them to the Police Chief, Fire Chief and the City Manager for review.
2. He thanked the voters for passing the income tax increase.
3. He issued a legal opinion on the subject of Panhandling.
4. He answered legal questions for different Department Heads.
5. The City received notice of a tax foreclosure as part of the land reutilization program. The title report showed that there was a mortgage on the property, he will be researching this to get more information.
6. They are working on the final stages of the floodwall certification.

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 reported the following.

1. He had forwarded the full monthly reports to the city clerk, but passed out a current cash position report for the month of April for Council to review. The summary report consisted of the General Fund being over by \$42,559 in collections and the Total tax was \$50,099 over last year with an accumulation of \$75,607. The General Fund was \$682,387; Streets \$13,342; Water \$217,943; Sewer -\$547,108; Sanitation \$193,823; Insurance \$209,804.

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

**MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

- 1<sup>st</sup> Ward** – Councilman Kevin W. Johnson had no report.

**2<sup>nd</sup> Ward** – Councilman Saddler reported the following:

1. He thanked the citizens of the 2<sup>nd</sup> Ward and the people of Portsmouth for supporting our new tax increase. It was something that was necessary due to no fault of our own.
2. He reminded that there would be a Parks & Recreation meeting at 6:00 on Tuesday at Mound Park.

**3<sup>rd</sup> Ward** – Councilman Kevin E. Johnson reported the following:

1. He attended Jerusalem Call at Calvary Baptist with Speaker Terry Johnson. Many of the local city leaders were there and he stated that the event was held every year and felt honored to be invited and able to attend.
2. He attended the Tree Commission meeting and thanked the City Manager for being in attendance.
3. He had his monthly meeting with the City Manager.
4. He forwarded his concerns regarding illegal dumping to the City Manager.
5. He thanked the voters for coming out in the 3<sup>rd</sup> Ward and all the other wards and giving the city their votes.

**4<sup>th</sup> Ward** – Councilman Kalb had no report

**5<sup>th</sup> Ward** – Councilman Meadows had no report.

**6<sup>th</sup> Ward** – Councilman Kleha reported the following:

1. He too attended Jerusalem Call with Councilman Johnson and Auditor Williams.
2. He said whether you were for or against the tax increase (inaudible)
3. He said the City Manager had a vision for the City and a direction for the way it should go. He had the knowhow and the purpose and that seemed to be manifested and we can expect good things for the city.

The meeting adjourned at approximately 6:35 p.m. on a motion by Councilman Kevin E. Johnson.

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City Clerk

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Acting Mayor