

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

Monday May 9, 2016

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday May 9, 2016 at 6:00 p.m., in the Council Chambers of the Municipal Building.

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 |
| Jo Ann Aeh | 2 nd Ward |
| Kevin E. Johnson | 3 rd Ward |
| Jim Kalb | 4 th Ward |
| Gene Meadows | 5 th Ward (absent) |
| Thomas K. Lowe | 6 th Ward |

Also present was City Manager Derek K. Allen, Assistant Prosecutor David Beck for City Solicitor Haas, City Auditor M. Trent Williams and City Clerk Diana Ratliff.

Councilman Gene Meadows's 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 April 25, 2016 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

Jane Murray – 1920 Dorman Drive – She said that there were two issues regarding the flood defense legislation. 1. She said all things should be fair and equitable and unfortunately even though it had been done historically it was not fair and equitable. She did an analysis in 2009 which showed over 70% of property taxes came by property owners and if a current analysis were to be completed that percentage would be higher. Also the residences throughout the city and businesses in other areas were bearing the full brunt of the flood defense when properties in the downtown area that were exempt or abated such as the one across the street (Holiday Inn) and Shawnee State University and other major properties were not contributing to the flood defense. At one time she spoke with the President of Shawnee State who was more than willing to pay their fair share of flood defense. 2. There's an increase needed in revenues in flood defense primarily because of Katrina and federal requirements. She said that the Auditor certainly had a responsibility to bring legislation forward, this may be the time to take a pause and look at another way to have all properties contribute to flood defense and not just those who were paying property taxes. She also added that Code Enforcement was done out of the Health Department that done an incredible job of code enforcement of junk, weeds, rats, boarding up buildings. The Courts had people working off fines and working with the Code Enforcement officers by taking a small dump truck and picking up junk, weeds etc. Those jobs were eliminated and they were critical positions and could address the serious problem within the city. She concluded by adding that residents throughout the city were affected by neighbors who were not taking care of their properties.

LEGISLATION

The clerk gave a **third reading**, to an Ordinance amending Section 705.21 Junk Shops, Second-Hand Dealers and Antique Dealers of the Codified Ordinances of the City of Portsmouth, Ohio

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

Mayor Kalb ask Solicitor Haas if he had touched base with the gentleman that had questions at the last meeting and Solicitor Haas stated that he had spoken with him. Councilman Kevin E. Johnson ask if the gentleman was satisfied with the response. Solicitor Haas stated that he had sent him basically the same email that he sent to Council and said the Ordinance merely removed pawn shops and it did not add any new requirements to second-hand dealers that weren't there before. Council could choose to remove the whole section as he's not sure if it's being enforced, that would be up to Council, but he believed that it should be left there in case there was an issue in the future. Councilman Kevin E. Johnson stated that originally he didn't support this because he didn't believe that it would be fair to some of the Antique dealers and shops but no one was in attendance to speak against it.

There were no further questions or comments. **The role was called. VOTE: 5 ayes – 0 nay, the Ordinance was passed.**

**Ord. #24-16
Junk Shops,
Second-Hand
Dealers,
Antique
Dealers**

The clerk gave a **third reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth to renew the lease of the Anchor Pad Boat Club to allow for three (3) years beginning upon the date of execution of the Lease Agreement (Exhibit A) and ending January 1, 2019, and shall be renewable every three (3) years at a cost of \$100.00 per annum.

Ord. #25-16
Anchor
Pad Boat
Club lease

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 authorizing the City Manager of the City of Portsmouth to renew the lease of Shawnee Boating Club, Inc. to allow for three (3) years beginning upon the date of execution of the Lease Agreement (Exhibit A) and ending January 1, 2019, and shall be renewable every three (3) years at a cost of \$100.00 per annum.

Ord. #26-16
Shawnee
Boat Club
lease

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 authorizing the City Manager of the City of Portsmouth to renew the lease of Sciotoville Boat Club, Inc. to allow for three (3) years beginning upon the date of execution of the Lease Agreement (Exhibit A) and ending January 1, 2019, and shall be renewable every three (3) years at a cost of \$100.00 per annum.

Ord. #27-16
Sciotoville
Boat Club
lease

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 **second reading**, to an Ordinance authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing rock removal and replacement of rock barrier along US 52 (SLM 24.73-25.02) within the City of Portsmouth.

Councilman Kevin E. Johnson motioned that the readings be waived as this was emergency legislation.

The role was called. VOTE: 5 ayes – 0 nays, the rules were suspended.

Ord. #28-16
Rock
Removal of
U.S. 52
Sciotoville

There were no questions or comments. **The role was called. VOTE: 5 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 to enter into a five (5) year non-transferrable lease with E-Flow Services, LLC, for three (3) distinct described areas of City property for a fenced in sitting/patio area for its patrons and for ingress and egress to the building beginning upon the date of execution of the Lease Agreement (Exhibit 1) and renewal shall be automatic at a cost of five hundred dollars (\$500.00) per annum.

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

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth to enter into a five (5) year non-transferrable lease with E-Flow Services, LLC, for certain City owned property on the west side of Court Street between the property commonly known as 546 Second Street and 113 Court Street in order to concrete the area along with the lots at 113 and 111 Court Street for parking and finished access to the rear of the buildings facing Second Street beginning upon the date of execution of the Lease Agreement (Exhibit 1) and renewal shall be automatic at a cost of one dollar (\$1.00) per annum.

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

Councilman Kevin E. Johnson stated that he had driven by the property and asked Manager Allen where the concrete will begin and if it was building, concrete, grass? Manager Allen replied that on the west side of the property there was a steel post, the concrete will be 10 feet wide going west.

There were no further questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing an additional appropriation of one hundred twenty six thousand, three hundred eighteen dollars (\$126,318.00) from CIP Fund No. 301 for resurfacing of U.S. 52, including curb ramps, lying within the City of Portsmouth as approved by Ordinance No. 9 passed on February 22, 2016.

**Ord. #29-16
 Additional
 appropriation
 for U.S. 52
 Eastbound**

Councilman Kevin W. Johnson motioned to waive the three reading rule as work had already begun and needed to be considered an emergency legislation.

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

Councilman Kevin W. Johnson moved that the Ordinance be passed.

Mayor Kalb asked if the Ordinance needed to be amended with emergency language and the reply was “no”.

There were no further 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 \$11,109.19 from Unclaimed Monies Fund No. 803 to General Fund No. 101 accumulated for years 2011 and 2012.

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 submit to the electors of the City of Portsmouth, Ohio, at the General Election to be held on the 8th day of November, 2016 a proposed renewal tax levy for the Flood Defense System of the City of Portsmouth, Ohio, after declaring the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors to be insufficient.

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

Councilman Kevin E. Johnson stated that he heard Former Mayor Murray’s comments and he was curious if this could be looked at more and if there were any time restraints to get it on the ballot, Solicitor Haas replied must be submitted before the first week of August to get it on the ballot. Mr. Johnson said Former Mayor Murray brought up some interesting information and he was curious if there was a different method to this and asked if there were a way besides property owners shouldering the burden of the levy. Manager Allen stated that renters would be added which were mostly low income people and it would be put on their utility bills instead of the landlords paying it on the property tax. He said the point Ms. Murray was trying to make was that there were Churches, University and other properties who do not pay property tax and they would be paying a Storm Water Utility Fee based on the amount of surface area and yes there was another way of doing it but he wasn’t sure it was the way to go and added that there would be Churches complaining about a new fee that they aren’t currently paying but would be mandated to pay. There would be low income renters paying the fee as part of their utility bill and property owners/landlords would no longer have to pay the fee. There was currently a sewer fund that was -\$1,200,000 and the rate just went up and he said they would observe to see if it was sufficient to eliminate that deficit because the rate may have to be raised again, he added that they were trying to hold the water rates the same but eventually they would need to be raised. Currently, Churches, the University and City Schools among others don’t have to pay. Mayor Kalb said he understood what the Manager was saying but doesn’t understand how a proposed Storm Water Fee would affect renters. Manager Allen said that it would be on the Utility Bill and the renter would be paying it instead of on the Property tax in which the property owner/landlord would be paying it. Councilman Kevin E. Johnson asked how the tax was figured and the Manager answered that it was based on the impermeable surface area. He gave an example of a Church with a parking lot and that every square foot would be figured into the equation. He said they would be paying for a flood defense system and most communities enact this to address storm water issues. Councilman Kevin E. Johnson ask Manager Allen if we had a storm water issue and he replied “yes” but there were many other issues too, but it wasn’t a flood defense issue. Councilman Kevin W. Johnson stated that this legislation had more to do with our maintaining the flood wall and not the storm drains. Councilman Lowe asked to see a list of everyone not paying the fee. Manager Allen ask how he was to come up with that list and Mr. Lowe replied he didn’t know that wasn’t his job to do. Councilman Kevin W. Johnson said that the City has tax exempt organizations which were every Church, Hospital and School which was a County issue because the County collects the fee on behalf of the City through the tax process at the County level. He said we don’t have a methodology that Councils works as a committee separate from a City Council meeting and we’re one of the few Councils that don’t have a committee structure. Manager Allen stated that our City had a Council as a whole and in that case they don’t have committees. He also stated that if the millage is not renewed, there would be a problem financing our flood defense. Mayor Kalb suggested having a discussion on the Manager’s agenda regarding Storm Water fees. Auditor Williams stated that he agreed with looking at alternative ways but at this point, we were long past where other alternatives should have been looked at.

There were no further questions or comments. **The role was called. VOTE: 4 ayes – 1 nays (T.K. Lowe), a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing to resurface a portion of U.S. 52 Westbound within the City of Portsmouth.

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 repealing Chapter 909 – Poles and Wires of the Codified Ordinances of the City of Portsmouth, Ohio.

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

Councilman Lowe ask if this could be done as a consent agenda because it concerned all the old wires from back in the 60's for the Fire Department. Manager Allen said that all the old wires were completed removed and this Chapter hadn't been followed for 30-40 years.

There were no further 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 repealing Chapter 911 – Occupational Safety Rules 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 amending Section 933.01 – Utility Deposit Required of the Codified Ordinances of the City of Portsmouth.

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 amending Section 933.02 - Billing for City Utilities Service 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 amending Section 933.05 – Billing Procedures; Delinquent Accounts 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 amending Section 941.02 – Rules and Regulations of Commissioner of Health and Mayor 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 amending Section 941.06 – Rules, Regulations, Powers and Duties of the Mayor 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.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Jane Murray – 1920 Dorman Drive – She spoke again on the flood dense legislation and said that if Council goes forward with the proposal, she recommended only two years in lieu of the five year requirement. She addressed the question ask by Mr. Lowe regarding which properties were paying, she said that these were readily available in the Mayor’s office and the County Auditor’s office does collect the taxes and remits them to the city, she added that the staff was paid to provide those services and getting that data should be something that the city’s staff should always be able to do. She had accessed it as a citizen and there were two list; the first was for maintenance and that list was maintained in the Mayor’s office and she assumed it was still available and those were properties that were tax abated, the number of years and when they would be put back onto the property tax rules and exempt properties would be easily assessable. She said she was not talking about Storm Water Fees as that was a separate issue and that issue was to address the problems that have been caused by storm water infiltrating the system and the sewer capacity at the plant runs about 20% on a dry day but it exceeds (inaudible due to coughing) because of the rain water that gets into the system, but that was another discussion. She said as far as adding other properties to the list that were paying for flood defense, was a totally separate issue and should be addressed separately from storm water fee. She said the flood defense should be applied in her opinion to all properties and the fee be paid by exempt and abated properties as well as those paying their property taxes. She added that the delinquency list is huge as well and in looking at revenues and forecasting revenues this information was critical because those were large issues.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She attended the Proclamation for the Goodwill Industries Week which was held on Tuesday May 3, 2016.
2. She prepared the Proclamation for Poppy Days which Mayor Kalb read prior to the meeting with the Miss Poppy and Little Miss Poppy representatives.
3. She received via email on May 2, 2016 from the Auditor’s office, the following summary statements of the Combined MTD/YTD reports for the period ending April 30, 2016: Expense, Revenue and Fund.
4. She received from the Ohio Division of Liquor Control a request for a transfer of C1 and C2 permit for SRI MAA LLC dba Hilltop Mart & Drive-Up window – 1922 Grandview Avenue, Portsmouth, Ohio from Badal I Corp, LLC dba Hilltop Mart & Drive-Up Window same address.

**Goodwill
Proclamation**

**Poppy Days
Proclamation**

**Liquor License
Transfer
request Hilltop
Mart & Drive-
Up**

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 – City Manager Allen reported the following:

1. His written report can be found on the City’s website.
2. He attended a 911 planning committee meeting on April 28, 2016. The Sheriff was going to be making equipment and software improvements to the 911 system so that the system could handle the next gen of 911 that would be coming onboard in the future. The upgrade that was proposed by the Sheriff’s office was approximately \$550,000 and \$200,000 of that was the actual upgrade and \$300,000 had to do with the G.I.S. system that the County, Sheriff and the 911 center utilized. The upgrade is for the Sheriff’s office, the City of Portsmouth, Village of New Boston and all three entities would be getting an upgrade and the City of Portsmouth and Village of New Boston would not have to pay anything because the money was coming from \$104,000 grant that was applied for and \$400,000 came out of the County’s General Fund. It was his understanding that it was not the .25 cent per cellphone that goes to the County for 911. That money was for equipment and they’re funding the equipment.
3. The Clerk Typist in the Engineering Department had begun working as well as the Cashiers in the Utilities office.
4. The Civil Service gave an exam for Dispatcher. 25 people applied and 21 showed up and 15 passed and 6 failed.
5. The City was working to get funding for the 30 inch water main that feeds the Sunrise Reservoir.
6. The pavement marking quotes were being received and should be awarded soon for getting the streets Thermo-plastic striped.
7. In the Sanitation Department, the scales broke down. There had been a request to do some maintenance on them before hand, but now there needed to be major work on it which would cost around \$11,000.
8. The campground was set to open May 16, 2016 and they’re still looking for positions for lifeguard and pool manager.
9. He recognized the amount of work that had been done by the Anchor Pad Boat Club and said it looked great.

10. The street department set the posts for the gate in Sciotoville and would be installing a gate along Gallia Street that allowed access down to the bridge. Councilman Lowe stated that it was already in place.
11. He received a current Fund report of where the City stood financially. He had received a lot of calls, emails and people coming in his office about code enforcements, high weeds and buildings that were in bad shape. He said if the County gets the Land Bank established and they City applies for the funding, there should be well over a million dollars for houses to be torn down that were burned, abandoned, or in terrible shape. Hopefully the County will act on that and we're able to receive that money; absent that money, there would be no money to tear down houses. The City did receive a grant for about \$250,000 several years ago as well as some Capital Improvement money that allowed houses to be torn down.
12. We recognize that some of the City owned properties has high weeds and the reason why we're not mowing, we don't have the money to mow all the properties. Notices could be sent and if that prompts them to cut the grass that would be great, but a lot of these houses have been abandoned. He suggested Council pull up the addresses of these particular properties on the County Auditor's website to view delinquent taxes, some of which were over five years delinquent. The City does not have the staff to mow all these properties due to the fiscal watch status and added that at one time we had a street department of ten employees and now there are only seven and of that seven, one worked nights running the street sweeper and we recently just lost an employee to extended medical leave and that leaves us with only 6 daytime workers. These jobs include: fixing the roads, mowing all the parks, mowing the right of way. Right now all the City can do was maintain what they are currently doing. He said Code Enforcement would be a high priority to get but again due to financial restraints we do not have one because that would be a General Fund item which currently had \$305,000 and could be negative soon because there's an issue with the pension that was waiting to be resolved and if that goes unfavorably to us, then the General Fund would be negative again and there would be no money to have a Code Enforcement Officer. Having two Code Enforcement officers in the Health Department wouldn't change anything because it would still come out of the General Fund. This whole year was about getting the income tax passed and resolving the financial issues and then at the end of the year seeing where we stand to make sound decisions about the direction of the City. If we act by spending money by hiring people, then we blow that income tax money and the voters would never give us more. He would like to wait until the end of the year to make a decision on how to tackle some of these problems and realized that this was a very conservative approach. Some of the people who are wanting things done, we're the ones who openly campaigned against the income tax and now the people who stepped up to the plate and voted for it, want to tell us how to spend the money. He would like to see the City well-manicured and properties kept up, but due to the number of abandoned properties and properties with delinquent taxes, the City could assess penalties all day long and never get that money back because the taxes are delinquent on properties that were abandoned. If we clean these properties up, the City should not anticipate on getting any monies back because these properties would have to go through a Sheriff's sale and then the taxes would be wiped clean. He believed that it was a priority to have a Code Enforcement but at the same time it was quite a struggle because he can't do all of the things that were expected of him because the City doesn't have a City Engineer, a Code Enforcement Officer or an Assistant City Manager, which other communities have and there's a reason why we don't have those because we're not willing to spend all the income tax money until we make sure we're on firm financial ground.

Councilman Kevin E. Johnson said with respect to the Manager's report that it sounded like a bunch of excuses. He said we ask for more money from the taxpayers and got it and not we say we can't cut grass on properties because we don't have the money. He said it took a mower, a weed eater and possibly a bush hog and there were jail programs that could do some of this work to pay off fines. Manager Allen said the people who were on probation, pick up trash occasionally, they do custodial work in the City Building and they mow the grass around the building and the Health Department with a push mower but that was it because he cannot put someone on probation on a tractor and reiterated that the City only had six daytime employees to mow the parks, to fix the streets and they would be the ones to go out and mow those properties. He said that we could barely keep our own properties mowed.

Councilman Lowe said that he wasn't asking to cut private property grass or abandoned lots, he felt that we owe it to the people of this City to at least keep the right of way areas clean. He received a lot of complaints in Sciotoville on Gallia Street and he had elderly people trying to cut it and was afraid they're going to get hurt and felt it was a liability to the City. He ask if there was a way that the liability could be removed if people adopted some of these places to clean and if we can get the community involved that would be dandy

but mostly release the city from the liability. Manager Allen said that the public right of way would get mowed; he was talking about houses that were in violation of code that have high weeds. Mr. Lowe said there was a tree issue on Mayo Street and he realized the City doesn't own the lot and he ask Solicitor Haas if the City was in the process of taking that for back taxes, Mr. Haas said he didn't know the answer but there was another house that Mr. Lowe had complained about and he wasn't sure if the land reutilization program had picked that up or not. The problem was that there were so many houses in different areas and these must be prioritized and he felt the Health Department had been very good about prioritizing what properties need an immediate response. (Solicitor Haas' microphone was not on and I could not hear him). Mr. Lowe said that there was a dangerous tree and it's going to fall and he believed that we need to step in and do something about it because someone was going to get hurt or it's going to crush through someone's house. He said that the City could step in and do something through Codified Ordinance 941.20 because it's an immediate danger to the public. He said this particular property was 15 years in arrears on their taxes.

Manager Allen said that if Council thought he was making excuses, he could hire someone at a cost of about \$65,000. He said he was at a loss for words because we don't have enough people to do everything and he wasn't making excuses but the City doesn't have any extra money. He added that he walked into a mess where there was deficits and not enough revenue but he could hire 3-4 people to mow the town down at a cost of \$250,000 and added that currently there's only \$305,000 in the General Fund and if the Fire Pension deal goes south there would be -\$200,000 in that fund and reminded Council that this was not the time to go out and hire a bunch of people. He ask people for patience and he took the job thinking that in 3-4 years things would be going good and in 5 years be fixed but he's looking more at 10 years of things getting fixed and if that's an unacceptable speed, then he's not the right guy for the job, but he's not going to go against what he believed and spend money because people think there's plenty of money. It would be fiscally irresponsible.

Councilman Kevin W. Johnson said to Manager Allen that he believed part of the confusion for many people was that at the beginning of the year, it was indicated as part of your goals for this year was the beautification of the downtown and he believed that was where some of the questions had come up. Manager Allen said that he should have been more specific in that the City would be cutting and spraying for weeds in the streets, there would be some painting and new signage downtown. He added that if the City gets the grant through the County, Council and citizens would see action right away, but as far as all the abandoned properties with yards that need mowed that's an impossibility. He was looking into the whole scenario regarding the thrown out couches and what our abilities were as we now have the ability to take the employees and work overtime, which wasn't an option before unless there was an extreme emergency. He said positive things were happening and he hoped everyone would recognize that and be patient.

Councilman Kevin E. Johnson said he believed there was a way of sitting down and figuring out a solution. He said Manager Allen had told them many of times that he didn't realize how bad off the city was and Council had heard that quite a bit, but he thought they should sit down with the Health Department and figuring out a way to keep some of the grass cut. He realized that people shouldn't abandon their property and the City shouldn't have to address it but unfortunately we do. He added that the City had taxpayer's properties up and down the streets and then there would be an abandoned property where the grass was grown up and all kinds of unwanted varmints; the voters and taxpayers came through for the City and he believed that we should come through for them. He said that this was no reflection on the Manager, but there should be a way to keep our city clean.

Councilman Kevin W. Johnson said that when his Mother-In-Law was still alive, there was an abandoned property across from where she lived and he and his nephew would go over and mow it and believed that right now it takes the community to take care of some of these issues in the city.

Mayor Kalb ask about the Fire fighters retirement and if there was a resolution for it any time soon. Manager Allen said he was going to schedule a meeting with them.

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.**

Mayor's Report – Mayor Kalb reported the following:

1. He reappointed Dr. Wayne Wheeler to another term on the Civil Service Commission and appointed Terry Easter to fill an expired term on the Traffic Committee, his address: 1816 Charles Street, his phone: 740-353-7401 and email: midnight.ele@frontier.com and he asked the Clerk to send a letter expressing appreciation to the outgoing member.
2. He said there was a lot of work being done on the City streets, curbs and sidewalks and he hoped that we were being proactive in following up and making sure that all the work was done to the specifications that they should be and complete, instead of being reactive waiting for a complaint from the resident's. There's been problems in the past with utility companies and

street repairs, but hopefully the City won't have any of that with the gas work going on. He also suggested that the City and Gas Company coordinate work on Grandview Avenue where they've discussed widening the street because a lot of that work would be overlapping and if the City had a schedule of when they would be working on Grandview, they could coordinate their schedules and might be able to save a few dollars.

3. He reminded everyone that their ethics report is due this coming week.

The 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 5 – nays 0.**

City Solicitor – Solicitor Haas had no report.

Auditor Williams – Auditor Williams reported the following:

1. He responded to the City Manager's report. He said he respected the Manager's approach on the way he handled the City's financial affairs and if Council would remember back two or three years ago, we weren't talking about cutting weeds, we were talking about how many employees to lay off. He ask everyone to keep in mind how the City had progressed and that the Manager had a major responsibility to Council, but he also had to keep the State happy as far as fulfilling what he said he would do in his fiscal report, because had he allowed that to continue to progress into a fiscal emergency, the State would be coming in and telling us how we were to operate. He doesn't mean to say it in a condescending way but he wanted Council to remember how bad we were and he believed the Manager deserved a little credit in getting the City to the condition that it's in now. The most important thing to remember was that this was the first year of collecting the income tax increase and he recalled that he wouldn't give a projection of how much revenue that it would generate in full until he had seen at least a year's collection. He believed in the Manager's approach of waiting to see how much was collected this year and then start releasing some of that money. He also believed that the City does need to look better and that we will get there, but patience was what was needed at this point and to allow the tax revenues to come in and get built back up to where we get off the fiscal watch condition rather than going the opposite direction.

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 brought up at the last meeting about the open check book and he referred to a newspaper article from February 19, 2016 "We've been talking with the Treasurer of the State's office for the past year about the program" he said it wasn't like he just started in February but it had been going on for over a year and the article went on to say "You look forward to moving the City forward with this initiative in the near future". He said that now Auditor Williams was saying it wasn't a priority. Auditor Williams spoke up and said it wasn't his number one priority and Mr. Johnson asked what his number one priority was and Mr. Williams replied that he would have to go through and see what he dealt with on a daily basis and he did not put a timeline on it, but it would be this year.
2. He mentioned to Manager Allen about RFQ's and getting bids and a question came up about a business in the first ward. He used google to tag people and groups with articles from the Times or the Dispatch and he tried to do that with bids in the City of Portsmouth but it doesn't work. He doesn't know if other companies have a way to track that but he was trying to figure out how businesses in Columbus or any other area were advised, do they actually have to read the Daily Times to know that there's an RFQ in there. In the Manager's report instead of putting a RFQ/notice in the paper for the Thermo-Plastic it was sent to four companies specifically; there were both instances where on one project the RFQ was submitted to the newspaper and on the other it was submitted directly to companies. He wanted to know how it worked and Manager Allen said that the person that Mr. Johnson was advocating for so heavily had a contract with the City of Portsmouth, and last year the City had to pony up \$126,000 more and in February the City was contacted by FEMA and given an April 8th deadline to turn in the homework behind the work that was submitted. Within two weeks AMEC turned their work in; there were two sub-contractors for this individual "Cole" and "Thelen" both turned their work in and as of May 9th and we are still waiting on him to turn in his work which was due to FEMA April 8th. Councilman Lowe asked who "him" was and Manager Allen replied "Howerton" and the City had ask when the work would be turned in and questions go unanswered, we've had to go through his attorney to try to get answers and this was the individual in which Mr. Johnson is advocating. He sent the RFQ for the Engineering Department, but cannot answer why he didn't reply. The Thermo-Plastic did not have to be bid because there's no requirement to bid it, so it was given to Service Director Beaumont to get some quotes and he contacted Thermo-Plastic companies directly. He had met with Mr. Howerton and expressed what it would take to begin the process back to a good relationship with the City and he has chosen not to follow that advice. An Engineering Company was supposed to be someone who worked with you and had a good relationship with you and was not confrontational. If we lose the flood insurance, it's not

because of the City, it would be because of one individual. He had requested the information needed and his sub-contractors submitted but the Manager cannot get him to submit his work. If he doesn't meet deadlines, why would the City give him any work?

2nd Ward – Councilwoman Aeh had the following report:

1. She received a complaint that also required code enforcement and they've been told that there's no money. There's an enormous amount of cats in the neighborhood and one individual bought a house and put a fence around it, however the complaint came from Jackson Avenue where the complainant's neighbor was feeding the cats and it's presenting a hazard by bringing opossums and raccoons into the neighborhood. Manager Allen said that he would forward that onto the Health Department.

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

1. TOSRV was held this past weekend and it was wonderful to see all the bicyclist in town and he understood that they were late arriving due to strong headwinds. Tracy Park looked great and all of the riders he believed seen the spirit of the City.
2. He attended the Shade Tree Commission meeting, lot of things are happening there and he would try to be more in depth on his report regarding the commission.

4th Ward – Councilman Kalb reported the following:

1. He thanked the City Manager and the Service Crews for cleaning up the big mess in the alley behind Mound Park, although it wasn't in the 4th Ward, you could stand in the 4th Ward and see it and he hoped the City would put no dumping signs up there to make people aware that it was a violation.
2. He credited the Fire Department on a job well done containing and extinguishing the Mabert Road brush fire.

5th Ward – Councilman Meadows had no report due to absence.

6th Ward – Councilman Lowe reported the following:

1. He thanked Juan Shipley for not shooting his dog; there was an incident when delivering the Manager's packet.
2. He thanked City Employee Blevins for hauling the dead deer away that was laying in his driveway. He looked on his cameras and it just keeled over and was not dragged there.
3. He said there were weeds along the roadside area along Gallia Street and was sure it would be taken care of by the City, but he had seen old people cutting it and he's afraid for them.
4. He has a communication issue with the City Manager. He said the people elected him to that Ward and he doesn't care what happened in it, he wanted to know about it. He had requested on several different occasions to be notified whenever anything was being done in the 6th Ward and he's not being contacted. He added that the way he looked at that was insubordination and he won't tolerate it. He would like to be kept abreast of everything that happens in his Ward.

The meeting adjourned at approximately 7:21 p.m. on a motion by Councilman Kevin E. Johnson.

City Clerk

Mayor