

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday July 13, 2015

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday July 13, 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 Absent
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 Allen, City Solicitor John Haas, City Auditor M. Trent Williams and City Clerk Diana Ratliff.

Councilman Rich Saddler's absence was excused on a motion by Councilman Kevin W. Johnson.

Council dispensed with the reading of the Journal for the regular session of June 22, 2015 on a motion by Councilman Kevin E. Johnson.

Councilman Kevin W. Johnson motioned to bring from the Table an item that was placed on the Table during the May 11, 2015 meeting and that being the authorization of appropriations of \$25,000 from the unappropriated monies in Flood Defense Fund No. 265 to Flood Defense Miscellaneous Service Line Item No. 265.225.5299 for the repair of a sinkhole adjacent to the sluice gate well for Pump Station No. 2.

**Item from
the Table**

Roll was called. **VOTE: 5 ayes – 0 nays**, the item was brought from the table.

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 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.

**Ord. #41-15
Repair of
Sinkhole to
Pump
Station No.
2**

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

Councilman Kevin W. Johnson motioned that the legislation be amended from \$25,000 appropriations to \$100,000 appropriations.

Councilman Kevin E. Johnson asked why the change. City Manager Allen replied that the original estimate contained cost for a small segment of pipe, but when the pipe was inspected it was found to have been rusted out. The pipe that was rusted was installed by ODOT back in the 1960's and we contacted them to inquire if they would pay for the repair and they declined.

The role was called: **VOTE: 5 ayes – 0 nays, the Ordinance was amended.**

Councilman Kevin W. Johnson moved to further amend the legislation changing the project estimate from \$18,400 to approximately \$81,000.

The role was called: **VOTE: 5 ayes – 0 nays, the Ordinance was amended**

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

City Manager Allen stated that the full report regarding the floodwall certification had been sent to F.E.M.A and the only item left was the repair to the sinkhole at Pump Station No. 2.

Councilman Kevin E. Johnson requested to view the estimate of the project prior to voting. Auditor Williams stated that he has this particular one but normally doesn't have copies of the estimates. The meeting was paused. City Manager Allen and Auditor Williams went to get the cost estimate and make copies for Council at 6:10 p.m.

There was a gentlemen that stood from the audience and spoke but it wasn't audible as he wasn't speaking into the microphone. There was discussion about a traffic light at 23rd and Scioto Trail.

The Manager and Auditor returned at 6:14 p.m. and meeting began again. Councilman Kevin E. Johnson wanted to clarify that the vote was for \$100,000 in appropriations for the \$81,000 project and the City Manager confirmed that it was correct.

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 amending Section 169.02 of the Codified Ordinances of the City of Portsmouth, Ohio – Vacations.

Councilman Kevin E. Johnson moved 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 amending Section 169.03 of the Codified Ordinances of the City of Portsmouth, Ohio – Sick Leave.

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

Acting Mayor Kalb stated that most all of the Ordinances on the Agenda were to change the language.

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 amending Section 169.07- Legal Holidays; Rates of Pay of the Codified Ordinances of the City of Portsmouth, Ohio.

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

Acting Mayor Kalb asked what the time line for when the Ordinances are codified. Clerk Ratliff explained that it was on the agenda as (7t).

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 amending Section 169.08 - Appointments of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson moved 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 repealing Section 169.09 – Increase and Reduction of Pay of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson moved 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 amendment of Section 47 of the City Charter and Section 181 of the Codified Ordinances of the City of Portsmouth, Ohio to reflect the election results of May 5, 2015 that increased the city income tax from 2.0% to 2.5% as outlined in Ordinance No. 3 of 2015.

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

Acting Mayor Kalb thanked the citizens of Portsmouth for their forward thinking and seeing the need for the increase and expressed Council's appreciation.

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

Ord. #42-15
Amended
Section
169.02
Vacations

Ord. #43-15
Amended
Section
169.03 Sick
Leave

Ord. #44-15
Amended
Section
169.07 Legal
Holidays;
Rates of Pay

Ord. #45-15
Amended
Section 169.08
Appointments

Ord. #46-15
Repealing
Section
169.09

Ord. #47-15
Authorizing
amendment
of Section
47 city
income tax
increase
from 2.0%
to 2.5%

The clerk gave a **second reading**, to an Ordinance authorizing the appropriation of funds in the amount of \$522,250 for the construction of the Water Plant Rapid Mix project.

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 repealing Section 169.11 – Temporary Employment of the Codified Ordinances of the City of Portsmouth, Ohio.

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 amending Section 169.13 - Mileage of the Codified Ordinances of the City of Portsmouth, Ohio.

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 amending Section 169.15 – Bonds of the Codified Ordinances of the City of Portsmouth, Ohio.

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 repealing Section 169.16 – Suspension of Fringe Benefits for Part-Time Employees, Substitute Fire-Fighters, Suspended Employees and Those on Extended Leave of Absence of the Codified Ordinances of the City of Portsmouth, Ohio.

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 amending Section 169.19 – Manual of Personnel Rules and Regulations of the Codified Ordinances of the City of Portsmouth, Ohio.

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 **first reading**, to an Ordinance amending Section 169.20 – Life Insurance 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 repealing Section 169.21 – Liability Insurance; City Vehicle 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 169.23 – Ohio Public Employees Deferred Compensation Program 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 169.24 – Voluntary Layoff Agreement 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 169.25 – Veterans Preference 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 authorizing the City Manager to enter into a two year agreement with the Scioto County Engineer's Office to participate in a City/County GIS system including for the Scioto County Engineer's Office to maintain the system and to appropriate \$25,000 from the unappropriated monies in Central Computer System Fund No. 101-119-5235.

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

City Manager Allen stated that at the next conference meeting he should have the agreement. If it takes longer this item could be tabled until Council is ready to proceed.

Councilman Kevin E. Johnson asked the City Manager about the Director of SOPA Jason Kester making a presentation on this subject. Manager Allen stated that "yes" Mr. Kester would be making a presentation. Acting Mayor Kalb asked if this was a one-time cost and the Manager replied that it would be for two years as it will be a two year contract.

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 revise the Codified Ordinances by adopting replacement pages thereto.

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 3rd day of November, 2015, proposed amendment of Section 147-a of the Charter of the City of Portsmouth, Ohio.

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

Councilman Kevin W. Johnson mentioned that this charter amendment regards the primary elections and specifically had to do with an issue that arose at this year's primary election. Acting Mayor Kalb stated that this was a reaction to a problem we had at the last election. Councilman Kevin W. Johnson stated that "yes" partially but he would like to ensure that it does not happen again, because the Charter was quoted and he wanted to make sure that if the Charter is quoted again, the wording would be correct. Councilman Kleha stated that the County Board of Election should not be interpreting our Charter. Solicitor Haas stated that he had made some amendments to the legislation.

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 3rd of November, 2015, proposed amendment of Section 3(a) of the Charter of the City of Portsmouth, Ohio.

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

Councilman Kevin W. Johnson stated that this amendment regards a charter review and was part of the 1996 Charter Review Committee's recommendations. He reviewed some of the literature that he emailed to Council regarding how other cities handle their charter reviews. Solicitor Haas asked if it was the intent of the legislative body to only have the changes made every 10 years and if it had to go through this committee because that is the way that it was written. City Manager Allen asked if Council would be allowed to bring forward charter amendments if this committee was implemented and would the City be bound to just the 10 year review. Councilman Kevin W. Johnson stated that in Cincinnati they have a full time City Council that can look at these and our Council was only a part time Council. Acting Mayor Kalb asked if this would prevent a group from doing an Initiative for charter changes and if Council would still be able to do charter changes. Councilman Meadows stated that he didn't see the need. Solicitor Haas stated that he was wrestling with some of the language in the amendment, he will take a look at this and make changes and bring it back to Council for review.

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 3rd of November, 2015, proposed amendment of Section 36 of the Charter of the City of Portsmouth, Ohio.

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

Councilman Kevin W. Johnson stated that again the proposed amendment was from 1996 and it was just a clean-up of language removing "audits" from the Department of Finance.

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

Steve Wallace – Richardson Road, Portsmouth, OH – He asked if he had 5 minutes total or 5 minutes per question and was advised a total of 5 minutes. He discussed the traffic light at 23rd and Scioto Trail and asked Council a question and was told that this wasn't a question and answer period but a time for him to relay his concerns and if he had specific questions, it would be best for him to contact his Councilman. He stated that he didn't have anything further to say and thanked Council for their time.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She attended the Main Street Portsmouth "Coffee Networking" presentation given by Zach Jenkins and Joey Boggs of Portsmouth Cement and Lime. She also attended the Compass Community Health informational meeting regarding "The Impact of Addiction". Ed Hughes gave the presentation. Both were very informative meetings.
2. She received from the Auditor via e-mail on July 2, 2015, the following Combined MTD/YTD reports for the period ending June 30, 2015: Expense, Revenue and Fund.
3. She received from the Ohio Division of Liquor Control a request for a new C1 license for the Sahjanand, LLC. dba Portsmouth Quick Stop at 703 2nd Street – Portsmouth, Ohio. This has been approved.
4. She received her certificate of completion for the Ohio Sunshine Laws Training.

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 stated that he attended the Sunshine/Open Meetings training and every Department Head is currently completing that training and turning in their certificates and his goal for next year was to have all office staff complete the training.
3. He attended the post audit meeting with Auditor Williams; he attended the Portsmouth City Board of Health meeting; he along with Chief Ware, Solicitor Haas and Acting Fire Chief Tim Mosley participated in a webinar titled "How many Public Safety Personnel do I need?" He will try to get more information about this out to Council.
4. He thanked Solicitor Haas for taking care of the City Manager's duties in his absence.
5. William Ingles is a member of the Wastewater crew, he received his certification for sewer assessments and is now qualified to perform assessments on city sewers. Part of the consent order was that we have to televise all of the sewers that are 18 inches or smaller.
6. Mechanic Ralph Hayslip retired with 31 years of service, we will not be hiring anyone at this time. Utility Supervisor George Howard is also retiring at the end of July, he will provide Council with something at the next conference session regarding that position. He was advised

this week that a street department employee will be retiring because of health reasons and there wasn't a lot of notification and we will not be hiring for that position at this time. We will let that position sit empty the remainder of this year and revisit it at the beginning of next year.

7. He attended an arbitration hearing for former employee Michael Bowman
8. There was a resignation in the fire department and that position will be filled.
9. The Audit was completed and he was proud to report that there were no financial adjustments to correct any cost allocations and there was significant progress in eliminating many of the other issues.
10. Paving will begin this week or next depending on the weather.
11. The City responded to a request from New Boston on June 29th to video inspect a sewer and it was nice to help our neighbors.
12. The recent storms have provided a good test to the improvements that were made at 23rd and Grandview.
13. They will be going out to bid for the 25th and Coles Boulevard storm water retention detention facility and it should be advertised soon. This was part of the Administrative Consent Order.
14. Descriptive report for the Service Department and the monthly department statistics.
15. The joint certification of our flood defense was submitted to F.E.M.A. and everyone was in agreement and hoping for approval with the item that was appropriated this evening excepted out and when that's completed a report will be sent back to F.E.M.A. and then it should be done. Hopefully the next time it will be a more streamlined and efficient process for certifying the flood defense system as it should not have taken this long.

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 wished the best to the retiring employees Ralph Hayslip and George Howard
2. He acknowledged the passing of long time Mayor Warren of New Boston and sends his condolences. He also wished the new Mayor, William Williams the best.
3. He reappointed the following to the Shade Tree Commission: Sarah Surina, Sue Burke, Carrie Massie, Sherry Collins and Hilda Drake.

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 stated that at the last meeting there was a discussion about a liquor permit for the Dollar Store in Sciotoville and there was a hearing scheduled for July 6th but it was continued because after some research at the Board of Election, it turns out that the precinct is "dry" and they can't get a permit.
2. He attended the Civil Service meeting and the rules are finally down to the last few changes which are minor and hopefully those rules will be adopted by the commission and presented to Council.

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 reported.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

1. He attended the post audit meeting and concurred with the City Manager that it was nice to not have certain things come up again. He believed that this was a pretty fast post audit meeting.
2. He attended the July 1st Tree Commission meeting; participated in the "Best Community" video that was done by SOPA; attended the Scioto County Health Coalition meeting on July 10, 2015; attended an interview on July 8th with Adam Phillips of SOPA and Sarah Surina of Main Street regarding Historic Tax Credits.

2nd Ward – Councilman Saddler had no report due to absence.

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

1. He attended the Tree Commission
2. He had email the City Manager some citizen complaints a few weeks ago. He had heard back on one and a couple of them he hadn't heard anything back and just wondered what the status was. Manager Allen stated that letters had been sent to the ones with grass situations.

4th Ward – Councilman Kalb reported the following:

1. He stated that there had been quite a few people upset over the cancellation of the 4th of July fireworks and wondered if the city contributed to the Civic Forum for fireworks. Manager Allen acknowledged that we did contribute. Acting Mayor Kalb requested that we get together with Civic Forum before next year and plan something better and asked about a barge on the river.

Councilman Kevin W. Johnson stated that a barge cost \$5,000. The City Manager questioned whether we will contribute to this next year or will they use our \$5,000 from this year on next years fireworks. Councilman Kevin W. Johnson stated that it always concerns him when the city puts out money and it isn't used for the purpose that it was issued and asked the City Manager to ask for the money back from Civic Forum because each one of these things should be looked at individually and if the money wasn't used for that specific purpose then they should pay it back to the city. Acting Mayor Kalb stated that he agreed or they could make better preparations for next year to ensure that we have a fireworks display

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Kleha had no report.

The meeting adjourned at approximately 7:00 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Acting Mayor