

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday August 10, 2015

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday August 10, 2015 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Solicitor John Haas 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 (Absent)
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.

Solicitor Haas asked for nominations to run the meeting in the absence of Acting Mayor Kalb. Councilman Kevin E. Johnson nominated Councilman Kevin W. Johnson. The motion carried viva voce: **VOTE: ayes 4 – nays 0.**

Councilmen Kalb and Saddler's absences were excused on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 4 – nays 0.**

Council dispensed with the reading of the Journal for the regular session of July 27, 2015 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 4 – 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 amending Section 169.20 – Life Insurance of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #54-15
Code Clean-Up
Life Ins.**

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

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance repealing Section 169.21 – Liability Insurance; City Vehicle of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #55-15
Code Clean-Up
Liability Insurance**

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

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance amending Section 169.23 – Ohio Public Employees Deferred Compensation Program of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #56-15
Code Clean-Up
Deferred Compensation
program**

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

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance amending Section 169.24 – Voluntary Layoff Agreement of the Codified Ordinances of the City of Portsmouth, Ohio.

**Ord. #57-15
Code Clean-Up
Voluntary Layoff**

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

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance amending Section 169.25 – Veterans Preference of the Codified Ordinances of the City of Portsmouth, Ohio.

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

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third 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 moved that the Ordinance be passed.

Councilman Kevin E. Johnson asked about the letter that was to be sent to the County Engineer. Manager Allen stated that we were waiting on the County to respond to the agreement, Solicitor Haas stated that the County had approved the agreement and at the County's next meeting they will adopt it as well. Clerk Ratliff stated that the agreement had been emailed to all of City Council today.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance to revise the Codified Ordinances by adopting replacement pages thereto.

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

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third 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 moved that the Ordinance be passed. Councilman Kevin W. Johnson entertained a motion to table the ordinance, Councilman Meadows motioned that the Ordinance be tabled due to the time restraint as the date to submit items to be placed on the ballot for the November ballot had already passed.

The roll was called. **VOTE: 4 ayes – 0 nays, the Ordinance was tabled**

The clerk gave a **third 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 moved that the Ordinance be passed. Councilman Meadows motioned to table the ordinance due to time restraints.

The roll was called. **VOTE: 4 ayes – 0 nays, the Ordinance was tabled**

The clerk gave a **third 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 moved that the Ordinance be passed. Councilman Meadows motioned to table the ordinance due to time restraints.

The roll was called. **VOTE: 4 ayes – 0 nays, the Ordinance was tabled**

The clerk gave a **first reading**, to an Ordinance An ordinance to create the Department of Utility Account Services and the position of Director of Utility Account Services and consider the same to be an emergency measure. **Consent Agenda**

Councilman Kevin E. Johnson motioned to suspend the three reading rule as it was a consent agenda item.

Ord. #58-15
Code Clean-
Up Veterans
Preference

Ord. #59-15
Agreement
with County
Engineer's
Office to
participate
in G.I.S.
system

Ord. #60-15
Replacement
pages for the
codified
ordinances

The
Ordinance
was tabled

The
Ordinance
was tabled

The
Ordinance
was tabled

The role was called. **VOTE: 4 ayes – 0 nays, the rule was suspended.**

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

Councilman Kleha spoke but was not audible as his microphone was not on. Manager Allen replied to his question by stating that there were improvements that were made to what used to be called “The Water Works Department” and is not “Utility Account Services”, he outlined the chain of command from the past and reviewed that the Department Head would now report to his office. The department would be basically rebuilt, reviewing all the rules, all the accounts, separating what was consider the delinquent account and the collectible accounts. There will be a list of uncollectible accounts that will be brought forward to Council to have them removed from the books. Director Weghorst will be reviewing the time frame that people have to submit their payments as there have been a lot of complaints about poor customer service that she will be addressing. There are many improvements to be made which is what they will be concentrating on and restructuring to make it more accountable. He reiterated that this in no way reflected poorly on Director Sutherland, but Manager Allen stated that he needed him to concentrate on updating the infrastructure and improve the status of our water system. Even though the office was called “The Water Works Department” it was collecting revenue from Wastewater and Trash and now it’s an independent group and they collect about \$11,500,000 per year. In his time over in that department he realized that there were a lot of changes that need to happen.

Ord. #61 -15
Creation of
Department of
Utility
Account
Services,
formerly “The
Water
Works”

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance to amend the Salary Ordinance as amended by Ordinance No. 23 of 2014 to create the position of Director of Utility Account Services with an associated salary range of \$37,029 - \$47,840 per annum, to delete the position of Public Utilities Assistant Director/Office Manager, to amend the salary range for the position of City Engineer from \$31,800 - \$43,744 per annum to \$43,755 - \$53,557 per annum and to repeal Ordinance No 23 of 2014 and consider the same to be an emergency measure. **Consent Agenda**

Ord. #62 -15
Salary
Amendment
for
Engineering
and The
Department of
Utility of
Services,
formerly “The
Water
Works”

Councilman Kevin E. Johnson motioned to suspend the three reading rule as it was a consent agenda item

The role was called. **VOTE: 4 ayes – 0 nays, the rule was suspended.**

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

Councilman Kevin W. Johnson asked the City Manager what the timeline was for hiring a qualified Engineer. Manager Allen stated that he would advertise it this week, he was just waiting on the vote.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance amending Section 305.01 Authority and Considerations for Placement of Devices of the Codified Ordinances of the City of Portsmouth, Ohio.

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

Manager Allen stated that there was an article in the paper that made it sound like he was crowned King or something (laughter). He reminded everyone that this legislation was just replacing the authority line from where it was the Mayor to now the City Manager. Councilman Meadows stated that he had had several people ask him about that and Manager Allen responded that the article made it sound like new powers had been granted.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 305.03 - Powers of 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: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 305.05 – Mayor’s Powers not Limited 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: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 305.06 – Records of 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: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 305.07 – Reservation of Power to Council 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: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance repealing Chapter 353 – Parking Meters of the Codified Ordinances of the City of Portsmouth, Ohio.

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

Councilman Kevin W. Johnson requested that the ordinances regarding parking for the downtown area be updated as the spaces need marked otherwise the ordinance cannot be enforced.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, a first reading was declared.**

The clerk gave a **first reading**, to a Resolution naming Derek K. Allen as the City of Portsmouth's Appointee to the District 15 Public Works Integrating Committee.

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

There were no questions or comments. The role was called. **VOTE: 4 ayes – 0 nays, the Resolution was adopted.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Regina Chabot – 3037 Northhill Road – She stated that she and Michael Vermillion had teamed up again to bring forward a proposal for a new City of Portsmouth flag.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received from the Division of Liquor Control on August 3, 2015 the Licensing Fee Distribution list and gave the Auditor's office a copy the same day.
2. She received the Oath of Office for the following Shade Tree Commission members: Sue Burke, Sherri Collins, Sarah Surina and Hilda Drake
3. She received an invitation and attended the Roy Rogers Character Award Breakfast on Wednesday August 5th, it was a very nice event.
4. She received from the Auditor via e-mail on August 10, 2015, the following Combined MTD/YTD reports for the period ending July 31, 2015: Expense, Revenue and Fund.

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. He did not present a formal report as he was busy and unable to get everything together and he wanted to make sure everything was covered and would present it at the next Council meeting.
2. He wished Councilman Kevin E. Johnson a Happy Birthday.
3. He expressed his condolences to the Saddler family. He hadn't known Jim Saddler very long but in that short period of time he commented of what a quality individual that he was and the impact that he had on this community. It was with some sadness but at the same time he was going through a lot, he told the family that he's a better person for having known him.

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 – There was no Acting Mayor Kalb report.

City Solicitor – Solicitor Haas had no report

Auditor Williams – Auditor Williams reported the following:

1. He stated that he provided Council with reports for Current Cash Position, Fund Report which compared this year against this time last year. There were highlights which were fairly routine; the month of July Income Tax collection was down and out of the six major operating funds, four of them are on the positive side and two on the negative side with Streets at -\$29,000 and Sewer at -\$650,000.
2. He requested for City Council to do as they have done in the past and consider preparing Resolutions for former City employees Michael Shaw and Jim Saddler.

The 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

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

1. He ask the City Manager to check on the tree that fell some time ago at Kinney's Lane and Scioto Trail. Manager Allen recalled that the last time this was discussed he believed it to be on private property but he will double check.
2. He relayed birthday wishes to Councilman Kevin E. Johnson.
3. He stated that every community that he had lived in, there was a least one person or one couple that had been active in the community. There was a couple in California that lived and survived the Japanese internment camps and in our community we had Jim Saddler who was somebody that made such a difference for so many people and each of these had their own impact on their communities. He's very proud to have known Mr. Saddler and he wished Rich, Jane and the entire Saddler family his very best wishes.

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

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

1. He thanked everyone for the best wishes.
2. He thanked Director Beaumont and Manager Allen for working on a couple of properties within the 3rd Ward that were eyesores and the grass was recently cut and the residents send their appreciation.
3. He expressed his condolences to the Saddler family, he had the privilege of knowing Mr. Saddler for many years and he was a better person for knowing him and when he thinks of true heroes which we don't see many of anymore, he was a man that we looked up to and our community lost a great man. His heart and prayers go out to the Saddler family.

4th Ward – Councilman Kalb had no report due to absence.

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Kleha had no report.

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

City Clerk

Acting Mayor