

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday August 11, 2014

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday August 11, 2014 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting Mayor 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 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.

The motion carried viva voce: **VOTE: ayes 5 – nays 0**

Councilman Kevin W. Johnson motioned to add an Ordinance to the Agenda as item 7h; An Ordinance authorizing the City Auditor to make fund transfers and appropriations necessary to satisfy the requirements of the Auditor of State's proposed finding for adjustment as a result of over-allocated central service costs in the 2013 budget as an emergency. The motion carried viva voce the item was added.

**Item added
to the
Agenda**

Council dispensed with the reading of the Journal for the regular session of July 28, 2014 on a motion by Councilman Kevin W. Johnson.

There was no Public Hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

There was no one present who wished to address Council on items on the agenda.

LEGISLATION

The clerk gave a **third reading**, authorizing the appropriation of funds in the amount of \$27,180 from Capital Improvement Fund No. 301 for the purchase of a 2014 GMC Terrain from Glockner to be utilized by SOPA as the City of Portsmouth's contribution towards operation costs.

**Ord. #32-14
Purchase
Vehicle for
SOPA**

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 passed.**

The clerk gave a **third reading**, to an Ordinance authorizing the City Manager to enter into an interagency agreement between the City of Portsmouth and SOPA that details the conditions of a vehicle loan to SOPA as per Exhibit A, attached.

**Ord. #33-14
Agreement
on Vehicle
with SOPA**

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 passed.**

The clerk gave a **second reading**, to an Ordinance amending Section 181.15 of the Codified Ordinances of the City of Portsmouth, Ohio – Credit For Tax Paid To Another Municipality.

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

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

The clerk gave a **first reading**, to an Ordinance authorizing the transfer of monies from FEMA Fund No. 261 to Wastewater Fund No. 621 in the amount of \$47,324.54; Flood Defense Fund No. 265 in the amount of \$32,471.13; Campground Fund No. 801 in the amount of \$1,993.18; and General Fund No. 101 in the amount of \$13,020.20.

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

Acting Mayor Kalb asked Auditor Williams if this legislation needed to be passed at this meeting. Auditor Williams said it does not need to pass at this meeting, this was something that was agreed upon between him and City Manager Allen.

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 vacation of Brady Alley as requested by Jeff and Patricia Keaton and more fully described in the attached legal description, with the City of Portsmouth reserving all easements to this property.

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

Councilman Meadows asked if there was a Resolution passed prior to this legislation going to the City Planning Commission, Acting Mayor Kalb replied no this is the first reading. Councilman Meadows stated that in the Charter under Section 124 he read “before vacating any street or part thereof, or narrowing any street, the Council shall first pass a resolution declaring its intention so to do. The City Auditor shall cause notice of such resolution to be served, in the manner that service of summons is required to be made in civil actions, upon all persons whose property abuts upon the portion of the street affected by the proposed vacation or narrowing, and by publication once in one newspaper of general circulation in the City as to all the persons who cannot be personally served”. It then goes to the Board of Revision to be reviewed and then back to Council. He stated that if he had to watch all this happening it should be done as the Charter outlines. Solicitor Haas stated that he would have to take a look at it, Councilman Meadows stated that he realizes that it isn’t the way it’s been done in the past, but the Charter states that it should be done in a certain manner. Acting Mayor Kalb stated that since this was just a first reading, time should be given to the Solicitor to review the Section being questioned.

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

The clerk gave a **first reading**, to a Resolution authorizing the City Manager to donate surplus Fire Department Vehicle 189 a 1989 1500 GPM Sutphen pumper to another governmental jurisdiction “As Is” with no warranties, either express or implied

**Res. #09-14
Donate Fire
Truck 189**

Councilman Kevin W. Johnson motioned that the Resolution be adopted.

There were no questions or comments. The role was called. **VOTE: 4 ayes – 1 nays (G. Meadows), the Resolution was adopted.**

The clerk gave a **first reading**, to a Resolution to authorize the City Manager to execute a Master Utility Reimbursement Agreement with the Ohio Department of Transportation.

**Res. #10-14
Master Utility
reimbursement
agreement**

Councilman Kevin W. Johnson motioned that the Resolution be adopted.

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

The clerk gave a **first reading**, to an Ordinance authorizing the City Auditor to make fund transfers and appropriations necessary to satisfy the requirements of the Auditor of State’s proposed finding for adjustment as a result of over-allocated central service costs in the 2013 budget as an emergency.

Councilman Kevin W. Johnson moved that the three reading rule be waived.

The role was called. **VOTE: 4 ayes – 1 nays (G. Meadows), the rule was suspended**

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

Councilman Meadows asked Auditor Williams when the report had to be turned in and Auditor Williams replied, at least one week before it’s due to be turned into the State. Councilman Meadows stated that he doesn’t like passing budgetary items without the public having the chance to comment. Auditor Williams stated that it would be fine to give it one more reading.

Councilman Kevin W. Johnson withdrew his motion to waive the three readings.

The role was called. **VOTE: 5 ayes – 0 nays, the three reading rule was implemented again.**

Councilman Kevin W. Johnson withdrew his motion to pass the Ordinance and motioned that this constitute a first reading.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

There was no one present who 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 received the Oath of Office for the following:
Tristen Throckmorton – Special Deputy Clerk
Brittany Carter – Special Deputy Clerk
2. She received on August 4, 2014 the franchise fee from Time Warner Cable in the amount of \$57,578.96 and deposited in the Auditor's office the same day.
3. She received Licensing Fee Distribution list on August 4, 2014 from the State of Ohio Division of Liquor Control, copy given to the Auditor's office the same day.

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

City Manager's Report – Manager Allen was absent

Acting Mayor's Report – Vice Mayor Kalb made the following appointments:

1. Paul Yost of 630 2nd Street to the Design Review Board
2. Kevin E. Johnson to the Shade Tree Commission.

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

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Kevin W. Johnson reported that he attended the Health Coalition meeting and continues to be amazed at how the organization pulls the community together and is doing positive things.

2nd Ward – Councilman Saddler was absent.

3rd Ward – Councilman Kevin E. Johnson thanked Acting Mayor Kalb for the appointment to the City Shade Tree Commission. He stated that he had forwarded all his Ward concerns onto the City Clerk and City Manager.

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Kleha had no report.

City Solicitor – Solicitor Haas had one complaint in his Ward regarding a home on Eastern Avenue and has forwarded it to the City Clerk to forward on to the proper departments.

Auditor Williams – Auditor Williams had no report.

The meeting adjourned at approximately 6:25 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Acting Mayor