

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Tuesday, December 27, 2011

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Tuesday, December 27, 2011 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting President of Council, 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 Johnson	1 st Ward
Rich Saddler	2 nd Ward
Nicholas Basham	3 rd Ward
Jerrold Albrecht	4 th Ward
John Haas	5 th Ward
Richard Noel	6 th Ward

Also present were Mayor David A. Malone and Solicitor, Michael L. Jones, and City Auditor, M. Trent Williams.

On a motion by Councilman Albrecht, Council dispensed with the reading of the Journal for the regular session of December 12, 2011.

Councilman Basham made a motion to add an item to the agenda regarding passage of Tax Levy.

City Solicitor Jones stated for clarification that this was an administrative ordinance to implement the vote as a result of the elections of November 2011, when the Income Tax was passed. This will formally change the charter.

Added agenda item 7i

The motion carried viva voce. **VOTE: ayes 6 – nays 0 The agenda item was added as Item “7i”**

Councilman Basham made a motion to add an item to the agenda regarding creation of fund to accept ARC grant monies.

City Auditor Williams noted that since the last Council meeting, they were notified that we (the City) received the ARC portion and that the money has been received. He explained that that it is required that there be a separate fund for the money to be deposited into. The fund would need to be created prior to the end of the year, thus the requirement for the ordinance to pass as an emergency.

Added agenda item 7j

The motion carried viva voce. **VOTE: ayes 6 – nays 0 The agenda item was added as Item “7j”**

There was no public hearing and no one present wished to address Council with regard to any item on the agenda.

LEGISLATION

The Clerk gave a **third reading** to an ordinance authorizing the vacation of the alley located between Southern Ohio Museum property Parcel No. 30-1072 and Caudill property Parcel No. 30-0755 as requested mutually by Southern Ohio Museum and Richard Noggins and more fully described in the attached Legal description. With the City of Portsmouth reserving all easement to this property.

**ORD. 58
vacation of
alley between
SOM and
Noggins**

Councilman Albrecht made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 1 (Councilman Noel) –The ordinance was passed. ORD. #58-11**

The Clerk gave a **third reading** to an ordinance authorizing the appropriation of funds in the amount of \$14,680 into Legal Department Attorney Fees Line Item No. 101.105.2532 for attorney fees for legal services incurred to defend three separate lawsuits and also for substitute prosecutor services.

**ORD 59 funds
for lawsuits
and substitute
prosecutor
services**

Councilman Albrecht made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 1 (Councilman Noel) –The ordinance was passed. ORD. #59-11**

The Clerk gave a **second reading** to an ordinance authorize the transfer of \$66,666.67 from Fund 225 Law Enforcement Trust to Fund 217 Dispatch OCJS appropriate the funding as received, and upon

completion of the grant allow for reimbursement amount of \$50,000.00 to be transferred back to Fund 225 from Fund 217.

Councilman Albrecht moved this constitute a second reading.

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

The Clerk gave a **first reading** to an ordinance authorizing the Mayor of the City of Portsmouth, Ohio to advertise for bids and to enter into contracts with the lowest and/or best bidder for required supplies, materials and services for 2011 in accordance with Ohio Revised Code 735.05

City Solicitor Jones, Councilman Johnson and Councilman Haas simultaneously requested an amendment to the Ordinance correcting the year from 2011 to 2012.

There were no further questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 Ordinance amendment was declared.**

Councilman Albrecht moved this constitute a first reading.

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

The Clerk gave a **first reading** authorizing the City Auditor to amend appropriations in order to reflect actual revenue and expenditures in order to balance and close the City's books for the fiscal year 2011.

Councilman Albrecht moved to suspend the rule requiring an ordinance be read on three separate dates.

The roll was called. **VOTE: ayes 5 – nays 1 (Councilman Noel) The rule was suspended.**

Councilman Albrecht made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 –The ordinance was passed. ORD. #60-11**

The Clerk gave a **first reading** of an ordinance to make appropriations necessary for the current expenses of the City of Portsmouth, Ohio for the months of January and February 2012 as provided for the Section 50 of the Charter of the City of Portsmouth, Ohio.

Councilman Albrecht moved this constitute a first reading.

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

The Clerk gave a **first reading** of an ordinance to make appropriation for the current expenses and other expenditures of the city of Portsmouth, Ohio beginning January 1, 2012 and ending December 31, 2012, as provided for in Section 49 of the Charter of the City of Portsmouth, Ohio.

Councilman Albrecht moved this constitute a first reading.

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

The Clerk gave a **reading** for an ordinance Resolution approving an amendment to the Ohio Municipal League 457 Deferred Compensation Plan.

Councilman Albrecht moved the resolution be adopted.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 –The resolution was passed. RES #25-11**

The Clerk gave a **first reading** of 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 November 8, 2011 that increased the city income tax from 1.4% to 2.0% as outline in Ordinance No. 33 of 2011.

Councilman Albrecht moved to suspend the rule requiring an ordinance be read on three separate dates.

The roll was called. **VOTE: ayes 5 – nays 1 (Councilman Noel) The rule was suspended.**

Councilman Albrecht made a motion to pass the ordinance.

RES. 25 Ohio
Municipal
League 457
Deferred
Comp Plan -
amendment

ORD. 61
amendment to
Section 47
Charter & 181
Cod. Ord
regarding tax
levy passage

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. #61-11**

The Clerk gave a first reading to an ordinance establishing a new fund to be designated Appalachian Regional Commission Fund No. 244 to account for revenue and expenditures from moneys received from the ARC State Program and further authorizing acceptance and appropriation of funds as received with in this new fund and declaring same to be an emergency.

**ORD. 62
Appalachian
Regional
Commission
Fund creation**

Councilman Albrecht moved to suspend the rule requiring an ordinance be read on three separate dates.

The roll was called. **VOTE: ayes 6 – nays 0 The rule was suspended.**

Councilman Albrecht made a motion to pass the ordinance.

Councilman Haas stated that this has come up since the last meeting and his understanding from the email is that this is for a grant that was awarded for \$150,000 from the ARC and questioned what this was for.

City Auditor Williams advised that this is for the Stewart Hollow pump station in Wheelersburg.

Mr. Haas questioned if the City will have to have matching funds for this.

Mr. Williams advised yes the City has already passed the ordinance earlier this year but did not remember the amount or the ordinance number.

There were no further questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. #62-11**

Statement or Remarks from Citizens on items not on the Agenda

Mike Malone – 1731 Robinson Ave: Mr. Malone wanted to compliment the good job Bill Beaumont from the Service department is doing. Mr. Malone commented on the how Mr. Beaumont has done a great job, he has done with the parks and recreational facilities this year. Making sure that they are up and running and even the McKinley Pool was open on time, for the first time in a long time. The pool was also prepared for next year when it was closed out. Mr. Malone stated that he knows that it is early to discuss budgets but if Mr. Beaumont requests monies to continue his work, he would hope the Council would tell Mr. Beaumont what a good job he is doing.

Mr. Malone stated as a member of the Carpenters Local 437 he is authorized by Trampas Puckett, Business Agent for the Carpenters Local to make the following statement:

Members of the Carpenters hall, especially the leadership of 437, as well as other union members and leaders are not happy or impressed with the City's willfulness to disregard its own laws. By what appears to violate POA, Project Labor Workforce Agreement that was signed by members of Council, endorsed by City officials and agreed upon by union leaders. Awarding the water treatment plant project to PAE a company out of Dayton. Is not the way to keep the local people employed. Money that should have stayed here in Portsmouth will be going outside the area. There are many local residents who would have loved to be on that project are now shut out of that job. Therefore it will be the intent of union members and especially its representative to be present at the next City Council meeting and to address this issue and its concerns. Thank you

Miscellaneous business and reports:

City Clerk's Report

1. Received from the Auditor, on 12-15-2011 the following reports for the period ending 11-30-2011:

Combined MTD/YTD expense report
MTD/YTD revenue report
Combined MTD/YTD fund report
MTD bank report
Appropriation transfer from transaction listing

2. Oath of office:

Sonia M. Banks – Portsmouth Municipal Court Special Deputy Clerk – 12-15-11
Kevin J. Fannin – Portsmouth Municipal Court Special Deputy Clerk – 12-15-11
Cathy A. Davis – Portsmouth Municipal Court Special Deputy Clerk – 12-15-11

3. Received an Order from Scioto County Auditor declaring Parcel No. 31-2030 has been forfeited to the City of Portsmouth and all debt related to such property has been wiped clean. The order has been forwarded to the Auditor's office.

The City Clerk stated on a personal note that she wanted to thank both Councilman Noel and Albrecht for helping her ease into her position and that they will both be missed.

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

Mayor's Report

1. Mayor Malone announced that beginning Monday January 2, 2011 the City will be instating a new rotation schedule for garbage pickup. This will be effective city wide and will affect the city through the rest of the year. If the plan continues to work well it will remain in place. This change will be implementing by the Service Department in an effort to maintain the current weekly pick up as related to the City Charter and will bring budgetary relief by eliminating holiday/overtime pay opportunities. On each City observed holidays, there are two in January, garbage pickup will be delayed one day for each holiday. Example: Monday is a holiday, Monday pickup will be on Tuesday and Tuesday on Wednesday, Wednesday on Thursday and that rotation will remain until the next holiday. The next holiday will start the next rotation. Mr. Malone stated that this will be put in the paper and publically announced to educate the community as to which day the garbage/rotation will change and the garbage needs to be placed out. He stated if everyone will keep in mind the "One day Delay" rule everyone will be up with the new delay schedules caused by the holidays. If there are any questions they can contact his office or the Service Department/ Mr. Beaumont.

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

Presidents Report

1. Councilman Haas wanted to take the opportunity to thank Mr. Noel and Mr. Albrecht, our outgoing Councilmen. He wished them both the best and requested that they not be strangers and that we do appreciate the time and effect that they both have put in as Councilmen and that their knowledge would be helpful to the gentlemen that will be filling their positions.

Mr. Haas presented each with cards.

The President's report was received, filed and made a part of the record, on a motion by Councilman Albrecht.

Miscellaneous business from City Council

1st Ward Councilman Johnson presented Councilman Noel and Councilman Albrecht certificates of appreciation for their wives, for "putting up with" their husband's years of service.

Mr. Johnson thanked both Councilmen, stating it has been an honor serving with them both.

2nd Ward Councilman Saddler wanted to thank Councilman Albrecht and Councilman Noel for their service.

He has nothing else to report at this time, but hoped everybody has a Happy New Year.

3rd Ward Councilman Basham wanted to comment to Mike Malone regarding his statement to Council. Mr. Basham stated it was his understanding, and invited him to check with the Mayor, that the company out of Dayton was the selected because the local company had put in a much higher bid. Mr. Basham asked the Mayor if this was a fair statement.

Mayor Malone stated that was not the only but yes.

Mr. Basham continued with statements to the Mayor. Regarding the garbage rotation, if that could be put on the website, as he does receive calls and he directs them to the website.

Mr. Basham also stated that the Council does not deal with the hiring and firing but want to make a recommendation. He knows that there have been two secretaries retire from the Police Department?

Mayor Malone stated one has retired and that one will retire at the end of the year.

Mr. Basham continued that in helping with the budget the City could do some attrition and only keep two secretaries. This way the City will not be laying off anyone.

- 4th Ward Councilman Albrecht stated it has been an honor to serve the residence of the 4th Ward and thanked Council for their kind words and it has been a pleasure serving with each member.
- 5th Ward Councilman Haas wanted to put out the reminder that the Councils Organizational Meeting will be held Monday January 2, 2012 at 7:00 P.M.
- 6th Ward Councilman Noel reported how much he appreciated ODOT and Feds cooperation on the widening and resurfacing of route 52 through New Boston through Sciotoville. He also stated that 140 and 335 exit ramps are being bid now and he has discussed this with the Mayor today. Thanks to grants most of the cost is being covered and the portion the City was responsible for has been covered by the stimulus package from the Fed. Mr. Noel stated that 52 is something to be proud of and remembered times when he would have to wait for over an hour for a car to be removed and it is much better now.
- Mr. Noel stated it has been an honor to serve on this Council and he appreciates the card and is sure his wife will too. He intends to stay active however he intends to put in more time fishing and being on the river. He concluded by saying he appreciated working with all of them.
- City Solicitor Solicitor Jones stated wanted to wish Councilman Noel and Councilman Albrecht best wishes.
- City Auditor Auditor Williams stated that it has been good to work with Councilman Noel and Councilman Albrecht over the years and that he appreciates their years of service and their dedication to the City. Mr. Williams wished them well.

Councilman Basham made a motion to recess with the City Solicitor, into an executive session to discuss union negotiations.

**Executive
Session**

Roll was called. There **VOTE: ayes 6 – nays 0 The motion carried. Council recessed into Executive Session at 6:32 p.m.**

Council reconvened at 6:54 p.m. The roll call showed all those previously in attendance were still present with the exception of City Auditor M. Trent William.

The meeting adjourned at 6:52 p.m., on a motion by Councilman Johnson.

City Clerk

Acting President of Council