

## MINUTES – REGULAR SESSION

### PORTSMOUTH CITY COUNCIL MEETING

Monday, June 27, 2011

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, June 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. The Pledge of Allegiance to the Flag followed a moment of silent prayer.

Roll Call showed the following members to be present:

Kevin Johnson	1 <sup>st</sup> Ward
Rich Saddler	2 <sup>nd</sup> Ward
Nicholas Basham	3 <sup>rd</sup> Ward
Jerrold Albrecht	4 <sup>th</sup> Ward
John Haas	5 <sup>th</sup> Ward
Richard Noel	6 <sup>th</sup> Ward

Also present were City Solicitor, Mike L. Jones and City Auditor, M. Trent Williams.

Council dispensed with the reading of the Journal for the regular session of June 13, 2011, on a motion by Councilman Albrecht.

In response to a memo from the Mayor, Councilman Albrecht moved to add to the agenda preliminary legislation submitted by The Ohio Department of Transportation.

The motion carried viva voce. **VOTE: ayes 6 – nays 0 The legislation was added to the agenda as Item “7d”.**

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 accepting an easement from David Messer and Tonya Messer, and accepting an easement from Jean R. Carver, acquired for right-of-way needed for sewer facilities.

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. #30-11**

The Clerk gave a **second reading** to an ordinance to submit to the electors of the City of Portsmouth, Ohio, at the General Election to be held on the 8<sup>th</sup> day of November, 2011, a supplemental section to the Charter of the City of Portsmouth, Ohio to levy annually, beginning January 1, 2012, an income tax in an additional amount of six-tenth (6/10) of one percent (1%). Notwithstanding any provision in Section 47-a prohibiting said tax, to provide funds for the operations of the Police and Fire forces of the City of Portsmouth for no other purpose whatsoever.

Councilman Albrecht moved this constitute a second reading.

There were no questions or comments. The roll was called. **VOTE: ayes 5 (Saddler; Basham; Albrecht; Haas; Johnson) – nays 1 (Noel) The motion carried. A second reading was declared.**

The Clerk gave a **first reading** to an ordinance to revise the codified Ordinances by adopting replacement pages thereto and declaring an emergency.

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.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. #31-11**

The Clerk gave a **first reading** to an ordinance authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing, within the City of Portsmouth, to repair the slip on SR 139, and consider the same an emergency measure.

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

The roll was called. **VOTE: ayes 5 (Haas; Noel; Johnson; Basham; Albrecht) – nays 0 – abstain 1 (Saddler)**

Councilman Albrecht made a motion to pass the ordinance.

The Solicitor advised that this is being done by the State of Ohio at no cost to local residents. Councilman Noel noted the slip to be in much need of repair.

There being no further remarks the roll was called. **VOTE: ayes 5 (Noel; Johnson; Basham; Albrecht; Haas) – nays 0 – abstain 1 (Saddler)** The ordinance was passed. **ORD. #32-11**

#### **STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGENDA**

Eugene Collins – 222 Chillicothe Street Apt. 604 spoke against increased taxes, saying that was not the desire of the people. He felt people who were making “good salaries” should take a 3% to 4% wage cut. He was against businesses receiving tax breaks, saying we need to “get Portsmouth back in the swing”. He felt it to be Council’s duty to bring jobs into the community.

#### **Miscellaneous business and reports:**

##### City Clerk’s Report

1. Received a notice from the Ohio Division of Liquor Control of a request to transfer a C1 and C2 permit:

From: 612 Offnere Street LLC  
DBA 6<sup>th</sup> St. Carryout  
612 Offnere St.

TO: Hannah LLC  
612 Offnere St.

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

##### President’s Report

1. The Acting President reported attending a meeting last week where he learned that several new businesses are in the process and very close to announcing that they are making a deal with New Boston. Mr. Haas expressed his surprise at hearing that since New Boston’s income tax rate is 2.5% and found that interesting, saying if, in fact, our proposed tax rate increase to from 1 and 4/10% to 2% is what is keeping businesses from coming to Portsmouth.
2. Appointed Terry Ockerman and Darren Mault to the Board of Design and Review.

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

##### Miscellaneous business from City Council

###### 1<sup>st</sup> Ward

Councilman Johnson announced that on June 10<sup>th</sup> he received a copy of the first report provided to the City from AMERESCO. He said that after reviewing the report his major concern is that it does not document or ascertain how the savings was calculated. He also claimed that with this type of project the largest savings occurred in the first year. He noted that part of the guarantee in this contract was that the savings would more than compensate for the cost. Mr. Johnson further noted that if that is the basis of what we are seeing from this contract, it has a net present negative value of 31% over the term of the ten years. He acknowledged that certain department heads have not been happy with the contract. He said, “If I were the Chief Administrative Officer, I would be rejecting the report because it does not document, it does not show how they calculated the savings”. Noting this to be a “major investment” and this is the first report we have received in a year, Mr. Johnson described it as “a horrible report”.

###### 2<sup>nd</sup> Ward

Councilman Saddler had nothing to report.

###### 3<sup>rd</sup> Ward

Councilman Basham, noting he has voiced this concern for several months now, reported having received several complaints about a “huge hunk” of pavement that is missing from the street where Sunrise Avenue meets Kinney’s Lane. He acknowledged that the City to had replaced a broken waterline and when they covered the hole they used rough concrete. He said this was done during the winter and he was told by Mr. Beaumont that the City did not have any hot patch then in the Spring Mr. Beaumont told him the asphalt plants had not yet opened. Mr. Basham pointed out the fact that the problem was created by the City and he believed the asphalt

plants are open by now. In the absence of the Mayor, Mr. Basham asked his assistant to check on this matter, advising it to be more than a hole, saying “it takes up one lane.”

4<sup>th</sup> Ward

Councilman Albrecht had no report but welcomed an auto parts store that just opened in his ward.

With regard to AMERESCO, Mr. Albrecht advised that the amount of the loan includes the cost of projects for the water and waste water plants, outside of the AMERESCO Project, that were included in the loan because of the savings it would be for the City due to the low interest rate. Therefore, Mr. Albrecht noted, the figures are not going to be exact

5<sup>th</sup> Ward

Acting President, Haas had nothing to report from his ward.

6<sup>th</sup> Ward

Councilman Noel had nothing to report from his ward.

The meeting adjourned at 6:18 p.m., on a motion by Councilman Johnson.

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City Clerk

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Acting President of Council