

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING Monday, September 12, 2011 6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, September 12, 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 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; City 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 August 22, 2011.

In response to memos from the Mayor and the Fire Chief, Councilman Basham made a motion to add to the agenda a resolution authorizing the sale of a 1989 Ford Utility Truck to Clay Local School District.

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

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

Councilman Basham made a motion to recess, along with the City Clerk, into an executive session to conduct interviews for the City Clerk’s position.

The roll was called. **VOTE: ayes 6 – nays 0 The motion carried. Council recessed into executive session at 6:05 p.m.**

Council reconvened at 8:05 p.m. The roll call showed all those previously in attendance, with the exception of the Solicitor, were still present. Acting President, John Haas announced the appointment, by Council, of Tamara Nathan to the position of City Clerk when Mrs. Aeh retires on October 1st.

LEGISLATION

The Clerk gave a **second reading** to an ordinance to amend Section 339.02(4) of the codified Ordinances of the City of Portsmouth, Ohio – Trucks and Truck Routes – Truck Routes Designated as recommended by the Traffic Commission.

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

The Clerk gave a **second reading** to an ordinance to amend Section 351.20 of the Codified Ordinances of the City of Portsmouth, Ohio – Parking Generally – Two Hour Limited Parking as recommended by the Traffic Commission.

Councilman Johnson moved this constitute a second reading.

Councilman Johnson claiming the “Charter” did not refer to a “Traffic Commission” but instead refers to a “Traffic Advisory Committee”, made a motion to amend the ordinance to reflect that. Upon Mr. Johnson stating that only the preamble would have to be amended, it was pointed out that the reference to a “Traffic Commission” is referenced throughout the ordinance. This being the case, Mr. Johnson withdrew his motion to amend, noting the importance of amending this ordinance, as well as the one that was previously read, wherever the term “Traffic Commission” appeared. He felt this amendment could be introduced at the next meeting after making sure all references were corrected.

There being no further questions or comments on the motion for a second reading the roll was called. **VOTE: ayes 6 – nays 0 A second reading was declared.**

The Clerk gave a **second reading** to an ordinance to amend Ordinance No. 36 passed July 25, 2011 to amend the 2011 Income Tax Capital Budget to appropriate an additional 432,298 from the

unencumbered balance of the Capital Improvement Fund No.301 to fund a Building Maintenance/Miscellaneous Line within this year's CIP.

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 acceptance and appropriation of a check in the amount of \$1,670.00 received from U.S. Specialty Insurance Company, to replace a damaged power board, into Garage Service Contracts Line Item No. 101.117.5238 and considering the same to be 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. #40-11**

The Clerk gave a **first reading** to an ordinance authorizing the Mayor of the City of Portsmouth, Ohio to enter into contract with Schonhardt & Associates for The preparation of an Indirect Cost Allocation Plan for the City of Portsmouth in an amount not to exceed \$8,000 as hereby appropriated from General Fund Account #101.119.5234 – Management Consulting, in order to better establish a reasonable methodology of allocating indirect costs.

Councilman Albrecht moved this constitute a first reading.

The Mayor advised Council that this process needs to move forward and requested the rule be suspended and the ordinance passed this evening. In response to the Acting President inquiring as to whether or not this is about charge offs that was discussed at the last conference meeting, the Mayor advised that to be correct. The Auditor noted that this potentially can directly affect the upcoming budget process and with this being a part of the State's recommendation, short of this being done, the State may, next year, require some audit adjustments. He agreed with the Mayor, saying "this needs to be done as quickly as possible". In response to Councilman Johnson asking how long he felt it would take to prepare a Cost Allocation Plan, the Auditor advised it would take about six weeks.

Councilman Albrecht withdrew his motion for a first reading and requested that in the future Council be advised if something needs to be passed as an emergency.

Councilman Johnson 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 Johnson 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. #41-11**

The Clerk gave a **first reading** to a resolution authorizing the Mayor of the City of Portsmouth to sign a Water Purchase Contract Modification between the City of Portsmouth and Scioto Water Inc.

Councilman Albrecht made a motion to adopt the resolution.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The resolution was adopted. RES. #16-11**

The Clerk gave a **first reading** to a resolution authorizing the City of Portsmouth to sell a 1989 Ford Utility Truck, VIN IFDKF37MKNB58854 to Clay Local School District for the amount of \$3,000 and appropriating the funds into Fire Department Contingency Line Item No. 101.223.5298 to be used to improve the Fire Department's existing equipment.

Councilman Albrecht made a motion to adopt the resolution.

Councilman Basham noted this truck to have been out of service since 2009 and further noted it was nice to see that the City can get something from fire equipment that is no longer being used.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 The resolution was adopted. RES. #17-11**

There was no one present who wished to address Council with regard to any item not on the agenda.

Miscellaneous business and reports:

City Clerk's Report

1. Received from the Ohio Division of Liquor Control a notice of a request for a Liquor Agency Contract from:
Kroger Co.
DBA 575
811 Gay Street

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

Mayor's Report

1. Thanked Councilman Saddler for the sign, welcoming residents of Portsmouth to the riverfront, erected at the south end of Offnere Street.
2. The Mayor welcomed Tamara Nathan, saying he was looking forward to working with her and for her to feel free to call him, if he could be of any assistance.

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

President's Report

1. Noting that, for the past few years, he has been out of town during the River Day's festival, Mr. Haas said this was the first weekend he has been able to attend for and expressed surprise at the turnout for the parade and other activities throughout the city.
2. Mr. Haas also commented on the ceremony, on Sunday in Tracy Park, commemorating the 10th Anniversary of the 911 attack. He recognized the City officials who participated in the program, and described the ceremony as "moving" and expressed his pride of the area and the speakers. Mr. Haas extended his appreciation to Councilman Saddler for the work that he and others did by cleaning up the park. He acknowledged there to be others who volunteered their time and also extended his appreciation to them.

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

Miscellaneous Business and reports:

1st Ward

Councilman Johnson reported having a brief discussion with the Mayor regarding the lack of garbage pick-up. Mr. Johnson stated that he did not receive many complaints from his ward's residents, noting that very few of the residents of his ward, with whom he spoke, hardly noticed there had been a problem. He did express his concern arch" revealed that the story about a resident who delivered her garbage to the Mayor's office was published in newspapers "around the world". He noted those things are going to happen and if that were the biggest mistake that is going to be made, he would take it.

Mr. Johnson echoed Mr. Haas and his comments regarding the ceremony in Tracy Park. He said he saw Mr. Saddler and other cleaning the park on Saturday. He advised of one individual, from Adams County, who was attending the event, remarked that the veterans in Portsmouth knew how to do this right. He extended his "thanks" specifically to the American Post #23.

2nd Ward

Councilman Saddler thanked Trent Williams and the River Days committee for a "wonderful parade and festival". He also thanked the Service Department employees for their "quick response" in cleaning up after the parade and for all the other work they do throughout the year.

Mr. Saddler extended his "thanks" to the James Dickey American Legion Post 23 family member for volunteering their time to clean up Tracy Park, especially the area around the KIA/MIA memorial. He reported the 21 volunteers contributed over 168 total man hours towards helping our City. He also extended his thanks to Wayne Lewis for donating the 5 ton of mulch, at a price of \$215.00 that was spread in various areas of the park.

He thanked Juanita Robinson and The American legion Post #23 family for providing our City with a wonderful, 10th year anniversary remembrance and tribute to the victims of the September 11, 2001 attack. He also thanked the keynote speakers, Mayor Malone, Police Chief Horner, Fire Chief Faison and EMT Life Ambulance Coordinator, Richard Caldwell. He further extended his appreciation and thanks to

Janet Doyle and Amy Saddler for providing the flowers for the state area and to all the local merchants and citizens that donated items for this event.

With regard to the new riverfront welcome sign, at the south end of Offnere Street, he extended his “thanks” to Cody McGraw, Amy Partlow, Kenny Locacio, Jane Saddler and Amy Saddler. He recognized Kyle Signs, Livingston & Sons, Simpson Machine Shop, Jim Saddler and himself. He reported a total of 33.5 man hours for this project at a cost of \$1,729.78 for all labor and materials, which were donated to and at no expense to the City. Mr. Saddler reported having provided an expense report to the Mayor, the Service Director and Frank Lewis of the Portsmouth Daily times, along with pictures.

Mr. Saddler closed by modifying a quote from our late President, John F. Kennedy, saying “Ask not what your City can do for you; Ask what you can do for your City”. He asked the City employees, local merchants and citizens to remember and try to abide by this quote while working and living in our City.

3rd Ward

Councilman Basham, with regard to the garbage issue, said he had received about six phone calls and several personal contacts from people who pointed out that this service is paid for through their water bill. Noting the article that appeared in newspapers throughout the country, Mr. Basham stated that someone said to him that only in Portsmouth would that type of publicity be acceptable. He reported his garbage to not yet have been picked-up but assumed it would be by the next scheduled pick-up.

Mr. Basham again reported a bad area of concrete on Sunrise Avenue just off Kinney’s Lane. He reminded the Mayor that the water break occurred last fall and since then he has received different responses from the Service Director as to why this has not been fixed. Mr. Basham said he was first told that there was no hot patch, then there was no cold patch, then the asphalt plants were not up and running. He felt that pretty soon the City is going to miss its “window for paving”. Mr. Basham said he has been told that this is on the paving plan, noting that if the street were deteriorating on its own, he would understand because we don’t have any money, however this is the result of a water break and asked that it be looked at being fixed before the end of the year. .

4th Ward

Councilman Albrecht thanked the River Days Committee, who he felt “did their usual fine job” and expressed, on behalf of the City, appreciation for their efforts.

He reported having attended the 911 ceremony, saying the presentation had to make every citizen very proud to be an American.

5th Ward

The Acting President, with regard to yesterday’s ceremony in Tracy Park, said he saw Mr. Smith there doing the inspections for the Health Department and expressed his appreciation for Mr. Smith doing that on a Sunday.

6th Ward

Councilman Noel had nothing to report from his ward.

The Auditor echoed some of the comments regarding River Days and apologized for the hot weather and for the rain that shortened the event by one day. He felt everything went very well and expressed his appreciation for the City’s sponsorship and support of the event. He acknowledged everyone to have had a great time and expressed his appreciation to a “great committee” and everyone who lent a hand to make the event successful. He advised Council that the committee will receive credit with the fireworks company and promised that next year, the 50th anniversary of River Days” will be especially nice.

Mr. Williams commended Councilman Saddler for all his hard work with regard to the welcoming sign at the end of Offnere Street. He noted this, as well as the effort to clean up Tracy Park, as examples of how we all need to “pitch in” and work together.

He also reported on a “great ceremony” on Saturday, at the Clark Athletic Center, commemorating the 10th anniversary of the 911 attack.

The meeting adjourned at 8:35 p.m., on a motion by Councilman Johnson.

City Clerk

Acting President of Council