

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday, January 24, 2011
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, January 24, 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, Mike L. Jones and City Auditor, M. Trent Williams.

Council dispensed with the reading of the Journal for the regular session of January 10, 2010, on a motion by Councilman Albrecht and following Councilman Johnson having noted two corrections. The date of the meeting was corrected from “December 27, 2010” to “January 10, 2011”. Mr. Johnson also noted the amount of a family policy, as stated in his ward report was incorrectly reported in the minutes as “\$11,772.73” instead of “1,177.73”. The minutes were corrected accordingly. **NOTE: After review of the tape of the meeting it was found that the minutes correctly reflected the amount of \$11,772.73 as being the amount cited by Mr. Johnson).**

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

LEGISLATION

The Clerk gave a **second reading** to an ordinance authorizing and directing the Auditor of the city of Portsmouth, Ohio to distribute all City Income Taxes for the year 2011 collected in accordance with City Ordinances No. 100 of 1970, No. 110 of 1976 and No. 84 of 1987 into the General Fund and Capital Improvement fund as hereinafter set forth.

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 of the Ohio Department of Public Safety, Office of Criminal Justice Services funding under the Ohio Prescription Drug Grant and establishing a dedicated account for this grant of which the funding assistance is specifically for the investigation of illegal prescription drug cases and to appropriate such funding as received.

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. #03-11**

The Clerk gave a **first reading** to an ordinance authorizing the approval of a fund transfer of \$15,000 from Fund 225 to Fund 217 to operate investigation of illegal prescription drug cases; the appropriation of funding as received; and a fund transfer of \$15,000 from Fund 217 to Fund 225 upon completion of the program.

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. #04-11**

The Clerk gave a **first reading** to an ordinance authorizing the Mayor of the City of Portsmouth to apply for and accept the Assistance to Firefighters Grant Program Fire Prevention and Safety (FP&S) Grants and consider 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. #05-11**

The Clerk gave a **first reading** to an ordinance authorizing the Mayor of the city of Portsmouth to apply for and accept the Rural Access to Emergency Devices Grant.

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. #06-11**

The Clerk gave a **first reading** to an ordinance authorizing the Mayor of the City of Portsmouth to apply for and accept the Certified Local Government Grant.

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** to a resolution repealing Resolution No. 13 of 2010 adopted by City Council on October 25, 2010.

Councilman Albrecht made a motion to adopt the resolution.

Councilman Johnson stated that he has discussed this with the Mayor and noted there to be two resolutions adopted by Council with regard to Council's assumption of traffic duties and he felt that in order to eliminate any questions with regard to the Mayor's authority in this matter he would like to amend this resolution to include the resolution adopted in February of 2010 that overrode the former Mayor's directive to reinstall certain traffic signals. He also stated that the present Mayor would like to conduct public hearings on the issue. He noted this to not be a part of the resolution but that he simply wanted to discuss their conversation and move forward on various aspects of *(not discernible)*.

The Mayor concurred with Mr. Johnson with regard to amending the resolution to also include repeal of the February 2010 resolution. He said that although he did not feel there to be any reason for him to have public hearings he would entertain a public hearing in front of Council, if they so chose. *(The Solicitor interjected an opinion, however he was not audible and therefore his words could not be transcribed.)* The Acting President again noted that Resolution 13 dealt with the Mayor's traffic powers, which were reassumed by the City Council as per ordinance. He also reiterated the fact that Resolution #03, adopted by Council in February of 2010, solely dealt with overriding the former Mayor's decision. He noted this issue to have been discussed about a dozen times and that he did not understand the confusion and reiterated Council's actions and the ensuring action of the Traffic Committee, which agreed with the HNTB study only with regard to the lights in question. Mr. Haas again noted that to be the only question that was submitted by Council to the Traffic Committee – not about adopting or not adopting the entire HNTB study. Mr. Haas continued, pointing out the fact that Council asked the Traffic Committee to review and make a recommendation on specific lights only. He acknowledged the Traffic Committee to have answered that question and over a course of ten-months the former Mayor did not comply and that along with the initialization of other traffic signs prompted Resolution #13 to be adopted by Council. He again noted these to be two separate, distinct issues and for his part, he would not be in favor of amending the legislation to include Resolution #03 of 2010.

There being no further comments the roll was called on the motion to amend. **VOTE: ayes 3 (Noel; Johnson; Saddler) – nays 3 (Haas; Basham; Albrecht) The motion failed due to a lack of four affirmative votes.**

There being no further discussion on the motion for adoption the roll was called. **VOTE: ayes 3 (Basham; Albrecht; Haas) – nays 3 (Noel; Johnson; Saddler) The resolution was defeated due to a lack of four affirmative votes.**

STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Ray Mitchell – 2416 Micklethwaite Road objected to the proposed increase in water rates and expressed his opinion that the high water users such as Hillview Retirement Center and SOMC should pay any increase because “they are making a profit”. He described their profit as being “big” and estimated it at between “five and ten million dollars”. He claimed the increase in rates would pay for employee benefits, raises and overtime. Mr. Mitchell felt the City should “look out for itself” and “could be making a profit”.

Sharon Bender – 1666 Highland Avenue questioned why the meetings were no longer being televised or broadcast on the radio. She felt this needs to be done for those people who do not or cannot personally attend the meetings. She also advised Council that they speak so low they can’t be heard and asked that they “speak up”.

Wayne Nichols, who gave his address at 2014-8th Street, also questioned why the meeting was not being televised, saying “it must be televised”.

With regard to the Traffic Committee, Mr. Nichols claimed to have been present at their meeting when the ODOT report was read and he called it the most “imbecilic” report he has ever read and cited some of the recommendations. Mr. Nichols suggested turning the signal light back on at Clay Street, saying “there has been a number, numerous number of accidents”. He also felt the construction of the by-pass would alleviate our truck traffic problems, “if the new Governor did not try to kill it like he did the railroad”.

Miscellaneous business and reports:

City Clerk’s Report

1. Oath of Office
James R. Saddler 11 for office of Second Ward Councilman

**CITY CLERK’S ANNUAL REPORT
For year 2010
Pursuant to Section 7 of the City Charter**

Regular Meetings	24
Conference Sessions	15
Special Meetings	6
Organizational Meeting	<u>1</u>
Total Meetings	46
 Executive Sessions	 4
 Public Hearings	 2
 Ordinances Passed	 79
Resolution Adopted	15
 Tabled Ordinances	 2
Defeated Ordinances	5
 Additions to the Agenda	 29
 Appointments by Council	 4
 Oaths of Office	 11
 <u>Ohio Dept. of Liquor Control</u>	
Notice of permit transfer	1
Requests for a new permit	1
Notice of stock transfer	2
 <u>Citizens Addressing Council</u>	
Items on the agenda	44
Items not on the agenda	101

**The 145 remarks made at Council Meetings
represents 78 residents, employees or officials of the
City and 6 non- residents.**

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

Mayor's Report

1. In response to the remarks concerning the meetings not being televised, the Mayor reported the City is in the process of either contracting out or hiring an IT person to replace Mr. Penn who used to set up the camera and take care of providing the tape to the television station.
2. With regard to the water rate increase, the Mayor advised that the 2009 rates are being increased 18% across the board, which is an increase of \$3.00 to \$4.00 per month or less than \$12.00 per quarter. He also advised there would be a 3% sewer increase. The Mayor stated that the revenue received from this increase would all be used for infrastructure improvements and general operation of the enterprise fund. He further stated that these increases are not to provide increases to any particular individuals.
3. The Mayor reported there having been an increase in incidents involving pit bulls and advised this to be a matter that is being addressed by the Health Department in an aggressive and proper manner.
4. With regard to the mold issues in this building, the Mayor reported the contract with the mold abatement company was terminated last Friday due to the fact that procedures weren't followed which resulted in the potential for greater health risk for employees. He acknowledged all Council members to have received a copy of the letter that was submitted to his office by the Health Commissioner, with regard to this matter.
5. The Mayor shared with Council a suggestion he received from a citizens with regard to addressing the budget deficit. He stated that some of the local residents called in to offer suggestions for raising money. He said he does not take lightly any calls that come into his office and advised Council that a suggestion was made that a community deficit reduction campaign be launched. He said he promised the individual who made the suggestion that he would present it at this meeting. The Mayor speculated that it might be something with which the Community Development Director might be able to work. He said he would share any ideas with anyone who might like to give this suggestion "a shot". He stated that along with the fund raising an idea was presented that a thermometer board be erected on the Esplanade to track the progress of the fund raising and to personally recognize those individuals who contribute \$5,000 or more.
6. The Mayor reported an idea that came out of the AFSCME Union meeting that he recently attended. He noted the idea to be that each employee pay \$1.00 per day, from their pay check, to the City. He acknowledged it would bring a little bit of money and would definitely be used toward the elimination of the City's deficit.

The Mayor'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 of the Cultural Affairs Panel on Friday evening at the Public Library, however, due to a lack of a quorum the meeting had to be rescheduled to tomorrow evening at 5:00 p.m. He advised this would be an organizational meeting and noted applications for the 1/3 share of the Hotel/Motel Tax will be due in February.
2. The Acting President requested the resolution that was defeated this evening be returned to the February 14th agenda for a first reading.

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:

6th Ward

Councilman Noel reported having received several calls regarding the water rate increase. He said he received a letter with all the details listed, which he turned

over to the Mayor but has not yet received a response on everything. He acknowledged other reports of concerns to have been addressed.

5th Ward The Acting President had nothing to report from his ward.

4th Ward Councilman Albrecht had nothing to report from his ward.

3rd Ward Councilman Basham reported having received several calls regarding the water rate increase as well as several suggestions regarding using the revenue from the increase for waterline replacement.

Mr. Basham reported receiving calls of concern from residents on Sheridan Road who are having problems getting up and down the street due to snow accumulation.

With regard to a recent large water main break on Sunrise Avenue, Mr. Basham said he stopped by to talk with the employees who he found standing in a hole, about the size of a Volkswagen, standing in water that was spraying everywhere in 20 degree weather. He felt we sometimes forget what these employees endure just to make sure the citizens have water service. He thanked the men who were working on the water main break.

Neither the Solicitor nor the Auditor had anything to report.

The meeting adjourned at 6:36 p.m., on a motion by Councilman Johnson.

City Clerk

Acting President of Council