

MINUTES – REGULAR SESSION**PORTSMOUTH CITY COUNCIL MEETING**

Monday April 23, 2012

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, April 23, 2012 at 6:00 p.m., in the Council Chambers of the Municipal Building.

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
John Haas	5 th Ward
Steve Sturgill	6 th Ward

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

Councilman Kalb's absences were excused, on motion by Councilman Johnson.

On a motion by Councilman Johnson, Council dispensed with the reading of the Journal for the regular session of April 9, 2012.

Councilman Johnson made a motion to add an item to the agenda regarding F.O.P. contract.

The motion carried viva voce. **VOTE: ayes 5 – nays 0 The agenda item was added as Item “7h”**

Addition of
agenda item
“7h”

LEGISLATION

The Clerk gave a **second reading** to an ordinance authorizing amending Chapter 505 of the Codified Ordinances of the City of Portsmouth, Ohio – Animals and Fowl, Section 505.14 Vicious Dogs.

Councilman Johnson moved this constitutes a second reading.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 A second reading was declared.**

The Clerk gave a **first reading** approving the 2012 Enterprise Funds Capital Budget designating and appropriating \$206,000 in the Waterworks Capital Fund No. 606, designating and appropriating \$82,298 in the Waste Water Capital Fund No. 622, designating and appropriating \$25,000 in the Waste Water Sciotoville Capital Fund No. 623, and designating and appropriating \$270,000 in the Sanitation Capital Fund No. 631, for listed items only

Councilman Johnson moved that this constitutes a first reading. However he wanted to state that as a matter of timeliness that at the next reading he will move to waive the three readings rule.

Councilman Basham moved that there be amendments made to the proposed ordinance. The first proposed amendment, item B of the 301 CIP fund under Section G, Community Development: remove the Vetter payment of \$29,500 until such time there is a legal rendering of what is required of the City, what is to be paid and what the City's recourse is.

Councilman Basham addressed the City Solicitor Mike Jones stating that it was advised that there would be a rendering on this.

City Solicitor Jones stated that there has not been a final decision from the State Department of Development as of the time of this meeting. Mr. Jones stated that his understanding from briefly speaking with the Mayor and the Auditor, this is more of anticipation, if the City does have to pay money back.

Mayor Malone stated that the \$29,500 is amount that was incurred from two years ago, but as of two or three weeks ago the City received a letter that the amount may be up to 42 to 43 thousand dollars, which may include interest. The Mayor apologized for not bringing the letter to share with Council.

Council President Haas agreed that it should be taken out until the actual amount has been rendered. Mr. Haas also stated that he would like for this to come back to the Council so that everyone is aware of the outcome.

Councilman Johnson wanted to clarify that the proposed amendment was just for G1 and not G2, which was the study that was conducted.

Councilman Basham clarified that the study had to be done to determine if the payment was needed.

Councilman Sturgill wanted to know what the study said.

The Mayor advised that the study identified the punch list that was not performed and that was the purpose of the study to find if that \$29,000 should be paid before the DOD rendered a decision that we needed to pay that amount.

Councilman Johnson agreed with Councilman Haas that he would want documentation regarding this line item but would also like to see the study that was completed and we are paying for as a part of this matter.

City Auditor, Trent Williams requested clarification regarding the \$2500.

Councilman Johnson advised that the study has already been done and that Council wants to see a copy of it.

Councilman Sturgill inquired when the study was done.

Mr. Jones advised that this should not be classified as a study but an inspection.

Mayor Malone addressed Mr. Sturgill's question, advising the inspection was done five or six months ago maybe longer.

Councilman Sturgill addressed Councilman Johnson requesting clarification that he has not see this report or read it.

Councilman Johnson advised that he has not read or seen the report.

Councilman Sturgill stated he would like to read it also.

Mayor Malone advised Council that he would get a copy to them.

There were no further questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 The proposed ordinance was amended.**

Councilman Basham second amendment was under Community Development, Section four, to renamed the "Historic preservation" as "implementation of the 2009 Streetscapes and Master Plan". Mr. Basham stated that while speaking with Community Development it was brought to his attention that before some of the current Council was elected there was the study that is laid out in Phases. This is a how to take care of the downtown area, including Streetscapes, what to do with the historical areas, how to label them and it broken down in phases. Mr. Basham stated he would like to see the money go towards the plan that the City paid for. This plan has been setting on the shelf since 2009, and if we are going to put money towards historic preservation why not put it towards something we have already paid for and can implement in set phases instead of hit and miss.

Councilman Johnson asked if they are the same.

Councilman Basham asked for clarification.

Councilman Johnson stated that the way the money (\$50,000) is utilized now is used not for the Streetscapes and Master Plan. He stated he has seen that study and as Mr. Basham pointed out it has been sitting. He thinks that it has become a separate issue, and the way that things have been operating with the 25/25 out of the 50 and how it is utilized may not fit the study and will put a great dent in what has been already established for the last four years. By making a change to what is working would decimate what is already proven to be successful. Mr. Johnson suggested that the study be reviewed in the same manner that the CIP budget was reviewed. Mr. Johnson stated at this date changing this will throw a major kink into the current projects and the plans that they (Main Street Portsmouth) have been working on with the help of Council for the last four year.

Mr. Basham stated that he understood that but after reviewing what Mr. Williams has given Council, and requested a decision regarding Capital Improvement Project funds, referring to the paper work from him regarding tearing down houses with CIP funds and how to use CIP funds, the paperwork excludes

capital related outflows to individuals or private organizations, Main Street is not a department of the City therefore it would be a private organization. Mr. Basham questioned if it is legal for Council to do this.

Mr. Williams stated that the letter was not intended for Main Street or any organization, but to answer the question about houses that we do not own.

Mr. Basham expressed his understanding but it is the same rendering from the state auditor.

Mr. Williams stated that that particular rendering is not from the state auditor but from one of the other organizations that he named.

Mr. Basham stated Ohio Auditor David Yost is what is on the letter.

Mr. Williams stated that there are other references on the page.

President Haas suggested that this be held until the next meeting.

Mr. Basham agreed, stating that if we are going to use stuff like this, lets apply it to everything and not spot checking.

Mr. Basham continued with his amendments, under section J, Public Service. He wanted to remove the traffic light, \$150,000 at Bertha and Scioto Trail. His reasoning is that the same light was \$90,000 last year and now it is up to \$150,000 and he knows that Shawnee State is going to be doing a study regarding keeping Third Street open. He can only assume that will help determine if it will be closed. If it is closed, he suggests that one of the traffic lights from Third Street could be used at this intersection.

Mr. Johnson stated that this is mixing apples and oranges, as the light is not the cost but the trip pads that would be required on both Bertha and 21st Street. He indicated with his hands that Bertha and 21st are off set and would require lights and trip pads at two locations, as well as crosswalks and pedestrian signs in both locations. Mr. Johnson stated that this is where the cost is and not in the light itself.

Mr. Basham stated that the majority of that is already down there.

Mr. Johnson stated not the trip pads.

Mr. Basham stated not the trip pads but the cross walks. He stated that if this bothered him there was another route to go. He stated that there has not even been a study done on this, Mr. Beaumont has not done his clicker study and we have not heard that there is a need for this. He stated that Mr. Johnson has told Council that there is a need.

Mr. Johnson stated that it is not just him that is expressing the need for this traffic light. The Traffic Committee had a packed room of people from this neighborhood who are upset about this situation. Once the Aragonne Street light coming out of Kinney's Lane was taken out, they have no access, there is no egress and there is no entrance at all for that entire community. In fact for over a mile from Kenny's Lane up to 29th Street there is not even a crosswalk. This is the busiest road in all of Portsmouth. You look at US 52, there is a huge divider that breaks up both sides but you have all the traffic on a very narrow corridor along Scioto Trail. The picture that was shown in the Portsmouth Daily Times showed two children trying to cross, they were waiting for traffic. People do not walk a mile out of their way to get across the street to get to the store. Those kids were going to the grocery store. There is also a Molt Shot across the street that a lot of kids go to. It is a dangerous place. In fact the Post Office route takes them across that very place. Mr. Johnson stated he has talked to these Post Office Carriers, stating they are scared to death but this is their route. There is no legal crosswalk. He stated again that in the picture, there were two "do not cross" pedestrian signs they are all along over that one mile of road. He stated it is dangerous, he lives there right on 24th, just two houses up the block. If he wants to walk to the restaurants that are across the street he has to go out of his way if he wants to walk. Why would he want to drive a mile when he likes to walk? However he has to walk down to Coles Boulevard to cross the road. This does not include traffic. There is a 35 MPH speed limit there, do you think that traffic goes 35? No they do not. Mr. Johnson stated he is not blaming the police department as they have their hands full and traffic is not their number one priority. But it is a danger to anyone pulling out or pedestrians wanting to cross in that area. This is simply taking that \$150,000 to set aside and see what the study says. This was promised to the community when Jim Kalb was Mayor, when the sale of the pipe yard was approved to KDMC. KDMC let them know then that Aragonne would be cut off, which cut off all access to the stop light. At the time Jim Kalb and the Planning Commission promised them a stop light once KDMC took out the light at Kinney's Lane.

Mr. Basham stated he has heard this story repeatedly and addressed the Mayor asking why the amount went from \$90,000 to \$150,000.

Mr. Johnson stated that the \$90,000 was for the George Street. That there were two different locations looked at.

Mr. Basham stated that last year Bertha was looked at and the amount put in the CIP, which was taken out of \$90,000. Mr. Basham stated that now that amount for the same street is at \$150,000.

Mayor Malone stated he did remember seeing that but Bertha, as Councilman Johnson stated, will require additional signals and will have additional costs due to that. He stated that the additional cost is due to George only needing one set of lights and Bertha will require two set of lights.

Mr. Basham clarified that if this had been approved last year, the amount that would have been approved would have been insufficient to complete the job.

Mr. Basham called the motion and stated to let the Council decide.

Mr. Malone added that there is no cost associated in this number for the testing/survey of the area, as it will be completed by the City. This cost is simply for the labor and material to construct and put the lights up. He believes the study is needed to see if it is warranted.

Mr. Basham stated that we are putting the cart before the horse.

Mr. Malone agreed and hopes that Council will leave it in there, and if the study shows it is warranted the money will already be there rather than having to come and ask Council for the money. He believes that if the study shows the light is needed that the money will already be there and we can automatically move forward.

President Haas stated that he would take the same position as he did on the last. He would like to have this come back, if the study shows that it is warranted and see what the \$150,000 is for. If we approve this and it is setting there, we will never see it again. He asked the Mayor if this would come back to Council.

Mr. Malone stated that he is sure that it will.

Mr. Haas asked if it would be back with the appropriation.

Mr. Malone stated yes it would.

Councilman Sturgill commented that some of this goes back to the three hours that was spent two weeks ago going over the CIP. The only conversation that he remembers was a conversation about a \$5,000 copier. One of the things that he made a commitment to three months ago was not to micromanager city government. What he would like to be able to get to is the point is where every time something like this comes to Council, we can be confident that these numbers are true and the facts are already laid out on the table. There was so much confusion at the last meeting, no we are going to try to attempt to take more things out of this. He does not think that this is the way it is supposed to work. The department heads, along with the Mayor and the Auditor, are supposed to give us the best, most accurate, facts and figures they can give for Council to vote on. Unless we want to spend hours going though these budget trying to figure out exactly what they are. He personally does not have time to do that. Mr. Sturgill stated that over the last two and half, three hours of proceedings Council is trying to figure this out. He knows that it takes a long time to do this. Then again he feels that when the department heads bring information to Council, he assumes that they are bringing their best efforts.

Mr. Johnson wanted to remind the Council that the CIP budget is different from the General Budget that is under watch with the State. It is very limited and we have to make cut backs. The CIP is different, it is not a deficit and it is very hard to put a CIP into deficit. The point is we have the money, we made a promise to a community to do something and this is the opportunity to make good on that promise. Mr. Johnson stated that it may be for a small portion of the community however no matter how small, one person or 100 or 1,000, everyone is important. If a situation that caused any of our citizens to be in danger, we made a promise to correct that and we must do so.

Mr. Haas wanted to clarify with the City Auditor, stating if this dollar amount is approved as part of the CIP, if the study reveals that a light is needed and approved by Council to move forward, would that contract for the light and work come back to Council for approval.

Mr. Williams stated that no, every project that is approved in the CIP would be approving all the work.

Mr. Malone stated that Mr. Haas had asked the same question earlier and he stated that from his position as Mayor he would bring it back to Council.

Mr. Haas was asking the Auditor if it was required.

Mr. Williams stated that the Mayor is welcome to bring it back but it is not required.

Councilman Sturgill stated that due to the nature of this, and being on a Federal Route and studies, he will abstain on the vote.

Mr. Basham called for the question.

Mr. Sturgill clarified that the question is to remove the \$150,000.

There were no further questions or comments. The roll was called. **VOTE: ayes 2 (Basham, Haas) – nays 2 (Sturgill, Johnson) abstain – 1 (Saddler) The proposed amendment failed.**

Mr. Basham has a question for the Mayor or the Acting Police Chief regarding the CIP budget. Mr. Basham wanted to know what the surveillance equipment was.

Acting Police Chief Robert Ware advised Council that the surveillance equipment and the wires and transmitters are for the undercover officers.

Mr. Johnson called the motion for the first reading.

Mr. Saddler wanted to address a question to the Mayor and the Auditor stating that during the last meeting and the line by line reviews that there was an attempt to set aside \$3000,000 for emergency purposes. Was this the correct amount?

The Auditor indicated to correct that to \$500,000

Mr. Saddler continued seeking clarification that any money that was reduced would go into the paving section of the CIP.

Mayor Malone stated no, that whatever is reduced will go back into the CIP fund.

Mr. Saddler stated that it will add to the \$500,000.

Mr. Johnson clarified that Council would have to reauthorize if there was more spent on paving, from the \$500,000 plus what we reduce into the general fund.

There were further no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 A First reading was declared.**

Mr. Saddler moved that item 7g, Portsmouth High School Resolution, be moved to item “7b-a” to allow for them the opportunity to leave if needed.

Mayor Malone addressed the President asking about the other CIP ordinances.

Mr. Saddler clarified that we were just moving the Resolution up.

The Resolution was moved to his point on the agenda via voice vote.

The Clerk gave a **reading** of A Resolution to congratulate the 2011-2012 Portsmouth High School Boys Basketball Team for their outstanding season. The Portsmouth Trojans compiled a record of 24-3 and finished the season as the 2012 Division III State Runner-Up. Head Coach Gene Collins was named the Division III Coach of the Year, and Senior Dion McKinley was voted the Division III Player of the Year in the State of Ohio. In the rich tradition of Portsmouth High School basketball, this was the first team in school history that reached the State Final Four in back to back years. This team also was the first team in school history to have two 1,000 point scorers on the same team. Both Senior Dion McKinley and Senior Wayne Evans reached this milestone. The Portsmouth Trojans Boys basketball teams have now appeared in eight State Championship games which ranks third in the State of Ohio all-time.

**RES 01-12
Portsmouth
High School
Basketball
Team
recognition**

Councilman Johnson moved the resolution be adopted.

Councilman Johnson stated that he was very proud of the Portsmouth High School and the boys basketball team.

Councilman Saddler congratulated Coach Collins on an exceptional year and as a PHS graduate himself he is very proud of the basketball team. He also congratulated all the staff and players.

Solicitor Jones commented that he is a proud 1987 graduate of Portsmouth High School and he was at every home game, stating it was a thrill to watch the team this year and very proud to be a Portsmouth Trojan.

Mayor Malone stated that he wanted to show his support also.

Councilman Haas stated that he has known Gene (Coach Collins) since he could remember. They grew up playing sports together, graduated from high school together and he is very proud to be a friend and a fellow class mate. He was very touched and proud of the way the players carried themselves. He understands that a lot of that has to do with you (Coach Collins) and the rest of the coaching staff. He stated that they really did Portsmouth Proud and that he appreciated that.

There were no further questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 The Resolution was adopted . RES. #7-12.**

Councilman Haas invited Coach Collins up to present signed copies of the resolution. Mr. Haas stated that he did not see any other members of the team or coaching staff present. Mr. Haas stated that there were copies for all the players, coaching staff, superintendant, cheerleaders and principal.

The Clerk gave a **first reading** of an ordinance approving the 2012 Enterprise Funds Capital Budget designating and appropriating \$206,000 in the Waterworks Capital Fund No. 606, designating and appropriating \$82,298 in the Waste Water Capital Fund No. 622, designating and appropriating \$25,000 in the Waste Water Sciotoville Capital Fund No. 623, and designating and appropriating \$270,000 in the Sanitation Capital Fund No. 631, for listed items only.

Councilman Johnson moved that this constitutes a first reading.

Councilman Basham questioned the Sanitation Capital Fund 631, the Sciotoville truck that was discussed at the last meeting. Mr. Basham stated that the Waste Water Director commented about the wheel coming off and employees being afraid to drive the truck. The Auditor also commented at the time about cutting back and negative funds. Mr. Basham asked the Auditor if fund 631 was a negative fund.

City Auditor W. Trent Williams advised Council that it will not support \$270,000 that would be appropriated here if passed. He knows that there is a request for a rate increase for sanitation that is coming up after this but the only thing that is included that would be supported by the balance and amount of revenue right now, would be item number two, the existing truck payment. He recommended at the last meeting, short of borrowing money or new revenue, that this would not be supported.

Councilman Basham addressed the Mayor stating that his is not comfortable voting for any deficit budgets, especially in CIP. He asked the Mayor if there would be more information by the time this makes it to a second reading.

Mayor Malone stated that yes (Rick is not present), even though they will not be getting a truck from that fund, they will be getting a truck from another department. Mayor Malone stated that regarding the Sanitation Transfer station, he did speak to Trent and there is a pending ordinance that will address the Station. The Mayor stated that the transfer station is almost to the point of an emergency. (Councilman Basham agreed). He stated that he included it in this CIP budget as opposed to having to wait another year. With the rate increase, if approved, it will cover the costs.

Mr. Basham corrected fund 623, is the Sciotoville truck. He addressed the Mayor, questioning the need for the truck if there was going to be interdepartmental switching being done.

Mayor Malone stated that there are going to be repairs done opposed to purchasing a new truck. He continued stating that one new one is being ask for because of the issue with the truck that the wheels fall off and that this is an emergency situation.

Mr. Williams stated he does not know what the vehicle is used for, but now instead of seeing a vehicle he is seeing \$10,000 worth of repairs. Mr. Williams stated that he would hate to see us spend \$10,000 on repairs, why not spend \$15,000 and buy a new one.

Mr. Basham requested clarification from Mr. Williams on if trucks can be put in here or not.

Mr. Williams stated that he does not like seeing a \$25,000 vehicle taken out and \$10,000 in repairs put in but not knowing what the vehicle is used for, you can purchase a small truck for \$15 or \$16,000. This would probably be betting in the long run, and then replacing a transmission and motor. He stated that this cannot be compared to at 25 or 30 thousand dollar vehicle, but if you are going to approve the replacement of a motor and transmission for \$10,000, he would rather see them by a smaller \$15,000 small pick-up.

Mayor Malone stated he did not know the particular use of this vehicle.

Councilman Saddler stated that as he recalled this vehicle was used to drive back and forth from Portsmouth to Sciotoville.

Mr. Malone stated he did not think this was the same vehicle.

Mr. Williams wanted to address the question regarding the transfer station. He stated that as it is the end of April, rethinking, he stated that one or the other, a loan or new revenue, would be needed to funding of this project. He stated that at some point in the year we may have to both. He does not think that the rate increase would generate enough to cover the \$170,000 by the end of the year.

Mayor Malone stated that this is one of the reasons it was added to the CIP, there is money there, of course, and this is a way to have this taken care of immediately as opposed to borrowing or even trying to wait on the revenue to be raised by rate increases. The request could be paid for and taken care of immediately.

Councilman Johnson stated that we have various CIP funds, some of those Enterprise funds have their own CIP, and that is exactly what we are talking about, with fund 631. He questioned using the master CIP of which as we discussed there is a balance of \$500,000, are we not allowed to use that to supplement fund 631 CIP, in order to not borrow money.

Mr. Williams stated that it is not recommended that you do it that way, if you are just going to buy it from the Capital Improvement fund itself. He stated possibly we could advance the money from the CIP fund sanitation and then pay that money back to the CIP fund.

Mr. Johnson stated that that is better than borrowing.

Mr. Williams stated that it is a little better.

Mr. Jonson stated that the bottom line is that that we need the transfer station.

Mr. Williams stated that we had a budget for 621 for the year, which included beginning revenue, all revenue coming in for the year, all expenses, leaving a minimum balance, now we are adding \$170,000 to that. He can't just come up with \$170,000 as it will take either an increase in revenue or a loan at this point. He stated that either is not the correct word, the increase may have generated the \$170,000 if it was passed on the first, at this point in the year it won't do that.

Councilman Johnson stated that we need to press forward with the transfer station and he understands that it has become an emergency, he understands the fiscal restraints that exist and the CIP fiscal restraints under fund 631 Sanitation fund. He suggests that we allow the Auditor to lend from the general CIP fund to the fund 631 CIP the funds for that item only.

Mr. Williams stated it should not be a problem but it will take a separate piece of legislation to authorize an advance from that fund. He stated that generally it cannot be done from most funds, only from CIP.

Mr. Jonson stated that he understood, and anticipating that legislation will not get to us for another two weeks, he recommended that the \$170,000 be eliminated from this legislation in total, and await the proposed legislation. Stating that this amount will be borrowed from the \$500,000 plus to be paid back from the increase and separate legislation will be provided to approve the \$170,000 to be paid back to the general CIP. In the mean time he wants to remove the \$10,000 transmission repair and ask the Mayor to come back with replacement cost. Mr. Jonson continued that we have removed \$170,000 which should allow for the replacement cost.

Mr. Basham advised that these are different funds, 623 and 631.

Mr. Williams stated that there is sufficient balance in fund 623 to replace that \$10,000 with a new vehicle cost.

Mr. Johnsons stated that he wanted to remove the \$10,000 and he agrees with the Auditor that he would rather invest in a used or inexpensive vehicle, rather than \$10,000 in a vehicle that has already had problems, to him that is a waste of money.

President Haas requested clarification on the balance of 622 with respects to the vehicle repair.

Mr. Williams stated that yes there is a balance. The reason for his suggestion to eliminate all the vehicles was because some of the funds have the money and some do not for replacements. By eliminating them all, trying to get through another year, and build up the funds that are in deficit and the other ones can hopefully wait until next year. However, specifically referring to fund 621, to add a vehicle does not have the money to cover a vehicle, 622 does the have the money to cover a vehicle. If they had all been eliminated that would have been one issue, but since one has been put back in the other has been put in as a repair.

Mr. Haas clarified that 622 can absorb a new vehicle.

Mr. Williams stated again, the funds are available to purchase a new vehicle rather than putting the funds into repairing the old truck.

Mr. Mayor clarified if 623 could afford the truck as well.

Mr. Williams stated that 623 fund is fine.

Mr. Haas clarified that fund 622 and 623 are both ok for the purchase of new vehicles and we are left with fund 631 and removing the transfer station and we are obligated for the lease.

Mr. Johnson requested that the two items be separated.

Mr. Haas addressed Mr. Basham regarding an earlier motion.

Mr. Basham clarified he was just asking questions, but he will pose the question that was posed to him a while ago: As this is only the first reading can we wait to the next meeting, second reading, until we have whatever is needed to move those funds around, then we can tidy everything up?

Mr. Malone stated that we can eliminate them now until next week.

Mr. Johnson stated we can eliminate them now with the instructions to the Mayor to come back with two things: legislation allowing us to borrow from the master CIP, to Capital Fund 631, \$170,000 for the transfer station and second to come back with cost of replacing truck #96. He wants to make two separate motions: the first to eliminate the \$170,000 from fund 631 and have the Mayor to come to the next meeting with Legislation requesting Council transfer from the master CIP to the CIP fund 631 the amount of \$170,000 for the transfer station replacement.

Mr. Haas stated that the first part of the motion is fine with him; however the second part about coming back with legislation would be more appropriate for the Mayor's Conference Agenda to talk about.

Mr. Malone stated that if we want to do that in conjunction with CIP budget he would hope that it would be passed. Stating if the others are going to be passed at the next meeting by waiving readings, with this situation it could have the same consideration.

Mr. Jones stated he understands that we are dealing with CIP funds; however we are dealing with constraints from the State Auditor's office that has basically told us that we need to make necessary cuts and adjustments with our budget. We also had some CIP funds that were in deficit. He would go back to what Mr. Williams said and his recommendations, which he agrees with, if we are going to eliminate vehicles then we need to eliminate vehicles. As he discussed in the last meeting, there will be significant cost that the City may be facing in Waste Water, with the Ohio and Federal EPA. They will be mandating that we do certain things, that are going to cost a substantial amount of money and if we can save \$32,000, \$25,000 and \$10,000 that is a substantial saving of almost \$70,000 that can potentially be used to make some significant, mandatory requirements in our infrastructure in those departments. He hesitates that if we approve these vehicles, not that they are not needed or justified, then we will possibly be coming back in August possibly September saying now the EPA is saying we need to spend \$300,000 and we don't have the money to do it. He thinks that just because we have money in the 622 fund that can pay for this vehicle, we may need that money to potentially use later. If we can save every penny now, just because there is a surplus now does not mean there will be one later.

Mr. Johnson stated that he has considered the very same thing. However he has to depend on the department heads to advise Council as to what must be replaced. When he reads lines like, "truck #90 is beyond repair" and going to be auctioned and is going to be replaced, or truck #96 needs to be replaced due to loss of transmission and motor and is unsafe. So what if we could get better equipment somewhere down the line that the EPA might like, if our people can safely do their jobs based on the equipment we are providing them. He does not care if this is a truck or a typewriter; if it is unsafe it is unsafe. We have a decision to make. The Mayor telling us that there are employees that refuse to get into some of these trucks and if that is backed up by the department heads we have a problem. He appreciates what was said, but this problem is here and now in front of our employees today.

Mr. Malone stated that at the conclusion of the CIP budget, the Council's charge to him was to take away everything that is not emergency related. This is why he went to each department head with regards to the vehicles and that is why you saw all the vehicles taken out of the police department. These two vehicles are emergency issues, thus the reason they were allowed to stay on the budget. In speaking with the department heads the wish of Council was stressed and this is how the changes were accomplished. This is the best, lowest budget that would be able to come up with, outside of eliminating everything.

Mr. Johnson wanted to make one more point, agreeing with Mr. Sturgill that we are not here to micromanage our department heads. If they are coming to us stating that this is a necessity for us to do our jobs, he has to accept that from them until proven otherwise. Thus far during his term, he has not had one department head mislead him. We have gotten good advice from our department heads, if they are saying that these two items are needed and they have the budget, he has to go along with them.

Mr. Haas address Mr. Johnson stating that he agrees that the department heads are doing an outstanding job. He does not feel that Mr. Jones was insinuating anything about the department heads that he is looking long range and months down the road looking for where the funding will come from for projects that we are reasonably sure will come up. This is a dilemma. It is a tough call. He understands both sides of the equation.

Mr. Williams stated that you (Mr. Haas) pretty much took the words out of his mouth. He wants to support Mike in what he is saying as that is what he said last week. Sometimes the department heads and elected officials look at these funds in different ways. With he and Mike setting in with the auditor and the Mayor, he has this side saying we need and the other saying no you don't. It is tough, not easy. He thought about this before the last meeting, if we go through and pick and choose, this fund is doing ok we will give them this, this fund is not doing ok, so they don't get this. Or do we just cut them all because we also have

needs down the road that are not fully realized yet. The quickest way to reduce this budget is to cut all vehicles, there is \$100,000.

Councilman Basham called for the question.

Mr. Haas clarified that the issue is eliminating item one from the Sanitation Capital fund 631, with recommendation to the Mayor that legislation be produced at the next meeting to lend general CIP money to help pay for the transfer station replacement.

There were further no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 The proposed ordinance was amended**

Mr. Johnson stated the second amendment is under Waste Water Capital fund 622 under B 2 to eliminate the \$10,000 until the Mayor comes back with a replacement cost at the next meeting.

There were further no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 The proposed ordinance was amended**

Councilman Johnson moved this constitutes a first reading on the ordinance as amended.

There were further no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 A First reading was declared.**

The Clerk gave a **first reading** on an ordinance approving the 2012 Special Revenue Capital Budget designating and appropriating \$33,300 in the Flood Defense Fund No. 265, designating and appropriating \$15,000 in the Council Trust for Recreation Fund No. 801 and designating and appropriating \$21,696 in the Cemetery Trust Capital Outlay Fund No. 851 for listed items only.

Councilman Johnson moved this constitutes a first reading on the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 A First reading was declared.**

The Clerk gave a **first reading** on an ordinance to amend the Zoning Map of the City of Portsmouth, Ohio, by rezoning all of Parcel Number 32-1406.000 generally known as 3162 Gallia Street from its current zoning of Residence "B" District to Business "B" District. This property is more particularly described in the attached description attached hereto as Exhibit A

Councilman Johnson moved this constitutes a first reading on the ordinance as amended.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 A First reading was declared.**

The Clerk gave a **first reading** of an ordinance to enacting a new Chapter entitled "Rental Dwelling Code", of the codified ordinances of the City of Portsmouth; establishing rental dwelling standards

Mr. Johnson stated that the Health Commission provided the Council with four options with regards to this. He stated that the Health Commissioner supported the first options and he did as well.

Councilman Johnson moved this constitutes a first reading on the ordinance as amended.

Mr. Basham stated that he was in attendance on Thursday night at Shawnee State University, where a group of students and professor gave a presentation of a project that the students put together. They went through research and came up with a list of problem areas for the City. It was very interesting how one problem tied into another problem, everything from beautification of the City to the housing stock of the City, to drugs, to crime, thus a domino effect. The exciting part was after the students pointed out the negatives they went back through and pointed all the options the City has to correct some of the problems. He would like to point out, that despite the fact that we weren't working together, (the City and this Class) one of the options they recommended with the housing stock, was basically like the program that we are enacting here. It was really nice to see not only do they show the problems but also cost effect measures to fix the problems. It was really nice, a few of the students are here, he was glad to see that we could help with this rental dwelling code.

Mr. Haas also commented that he was present at the presentation put on at Shawnee State. He was extremely impressed with the presentation. This has been an ongoing project that a few of the professors at Shawnee State has under taken since 2007. They did a survey, 700 people on various issues facing the City. It was the biggest study at the time that had ever been taken place. The survey took approximately 20 minutes to complete. The students have spent a lot of time on this project. They spent a lot of time identifying the issues that face the City, but also data to back it up. One of the missions was to propose solutions to the issue. One of the other parameters for the solutions was it had to cost either nothing or very little. This project was eye opening and interesting to see students, which do not have preconceived ideas or

notions, about how things used to be done or how they have always been done. They came at it with a clean slate, looked around and looked at projects that have been accomplished all across the country that have worked. The students came up with quite a list of solutions in several different areas to improve the City of Portsmouth. Mr. Haas stated that he would hope that over the next few months that we would have the opportunity to look at some of those ideas and enact them. He stated it was a very good presentation and would love to have them come in and give parts of the presentations to Council. It was very positive and everyone one when a way with a lot.

Mr. Sturgill stated that he does not think that anyone continues to ask the question about the shape of our housing stock, particularly our renting stock in the City of Portsmouth. His big concern is that we go through the legislation, he hopes that we will have people come forward to speak on this item, on the course of the next three readings, to see what kind of conversation this creates in the community. His biggest concern is enforcement and fairness of this. He knows that the Health Department has spent a lot of time on this and he appreciates that, it is probably something that needs to be done. But how are we going to enforce, to make people do the rehab to their properties that we recommend. We have had some headlines over the month about properties and how difficult it is for the City to enforce ordinances that we already have on the books. His second concern is the fairness issue of this. He would have preferred, and there was conversation about, the four options that were presented. He would lean more towards option two. Everyone who rents property in the City of Portsmouth has to be involved in this activity, no exclusions whatsoever. He thinks that there will people come forward of the course of the next several weeks. He has received calls, but does not see any of them present. Mr. Sturgill does not mind giving this a first reading and will probably vote for the passage of the first reading but will firmly reserve the right that on that third reading to change his vote.

Mr. Johnson stated that he could not disagree, but went starting a new program we will find things that come up that will need to be tweaked a little. One thing that we exempted that is not exempted by state law is the University. The University has responded to us, you all have received a copy of the letter and how they inspect their properties. Mr. Johnson stated he is comfortable with that. If, however, down the line if we become uncomfortable with that what they are doing or lack in what they are doing, this can be amended. He stated they are doing great with their RAs and the program that they have now, he does not see a necessity that the City include them. There is a very large stock and growing, we have the opportunity to watch this as we implement our own program and get feedback from the Health Department as to what tweaks we need to make. In other communities, the best example he has is in Athens, the Council instituted the very same thing that we are looking at. It has changed over the years as things needed to be tweaked, not only did the stock they were working with change but price changed, because they found out it cost X instead of Y. There are a lot of things that we are going to be depending upon Chris Smith and his staff providing us with information on how this is implemented and what else to address, whether is includes the university. He stated that just because the State does not do it, that we as a Charter City have to follow their lead. Another question is. Is the pricing consistent and fair. Mr. Johnson stated we have plenty of time to amend based on the success of the program.

Mr. Jones responded to Mr. Sturgill's comments. There were four potential ordinances submitted by Mr. Smith. Mr. Jones stated that he made the decision to use what the department head felt what was in the best interest of the City and he will take full responsibility for following that. If Council wants to make amendments to this or change it or ultimately not approve it, Council has that discretion. Mr. Jones stated that from his perspective, enforcement is always going to be an issue with all of our ordinances. You have man power issues to dedicate to enforcement. He thinks this is a good start that we need to build on as a starting point. He does not want to speak for the Fire Chief and asked if he was presents (he was), but he was going to, stating that we have had a significant amount of fires in the City of Portsmouth as everyone is aware. What this may do, if this saves one life, then in his opinion it is worth it. It may be as simple as going into a home and saying, you don't have a smoke detector and potentially preventing someone from getting killed. It is worth it. There are a lot of homes out there that don't have smoke detectors. This is not only a detriment to the people living n the home but the fire fighters who respond. This is a simple solution that this could help prevent this problem. This is a good start.

Mr. Haas stated that on a grander scale, 48.7% of properties in this town are rentals. If you bring those up, it ties hand to hand with property value. Our average property value is about half of what it is for the rest of the state of Ohio. If we can bring our housing stock up, every property is cared for as it should be, instead of being permitted to run down until it is ready to fall over he would think that would increase not just that property but all the other properties values. This has a huge economic benefit.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 A First reading was declared.**

The Clerk gave a **first reading** of an ordinance approving and ratifying the recently negotiated collective bargaining agreement between the City of Portsmouth and F.O.P. Lodge 33, for the period beginning January 1, 2012 through December 31, 2014.

Councilman Johnson prefaced with the understanding that the Mayor would like to see this legislation passed. However he moved that this constitute a first reading.

Councilman Basham questioned the Mayor about article 27 – Emergency Call Time and Court Time- increased minimum number of hours when an off duty officer will be paid when he is required to attend court hearing from two hours minimum to three hours. Overall what is the impact to the general fund with this increase?

Mayor Malone advised that this is not a significant increase according to calculations.

Mr. Johnson asked if the hearing is scheduled during the officer's regular shift, it is not considered over time, only if the time is outside their schedule.

Mr. Jones stated that several years ago his office changed the number of court hearings that the officers would be required to attend. He stated that they are trying to implement savings where they can, but there are occasions that officers have to be a court without exception. The FOP has been really receptive of these changes.

Mr. Johnson, addressing Mr. Jones, requested his opinion of the cost of this overtime.

Mr. Jones expressed that he felt it would be very minimal.

Mr. Johnson continued stating for the public, with certain exceptions to Article 27 that was brought up that this almost falls along the lines with the fire department contract. Still he will request the waiving of the three reading rule at the next meeting but not at this meeting so the public has the chance to review this.

Mr. Basham wanted to make the public comment that this contract does not have any raises in it.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 A First reading was declared.**

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NO ON THE AGENDA

Marvin Johnson – 21-A Robinson Ave – Mr. Johnson stated that this does not have anything to do with the daily running of the City. This is something that does not cost anything. For example: Trash pickup - sometimes they pick it up on a given day sometimes they don't. Another thing, the general inventory of the trash cans, basically everyone has one can that is based on your water bill. However, he has a neighbor that is a single family home and they have three dumpsters setting in front of their door. On a side, they don't take very good care of their property either. The street sweeper, sometimes he comes around Tuesday night every other week, sometimes he does not. Mr. Johnson says he has called down there and received the statement that, well he just kind of does what he wants. These are things that don't cost any money, they actually do, and these things should be honed and simplified. He personally even sweeps the sidewalk and curb by his house because even when the street is clear, he doesn't show up.

Dave McDaniel – Second Street – Mr. McDaniel stated he is with CCG, Citizens Committee Organization. He stated he is here on behalf of a lot of concerned citizens in this town. They see a lot of thing happening. He comes to these meeting, week after week, and sees a lot of things going wrong. He has looked to the Constitution, the Charter, and he has looked into a lot of things. He is going to have a recall. Mr. McDaniel stated that our city management is not going to make it. In their next meeting, as he did not have anything prepared to give to Council this evening, they will have the paperwork. He wanted Council to know in advance that there will be recalls on some of the committee members in this meeting, on this Council, in this town, our Charter is going to be on the ballot. Its going to be a recall too.

Laura Huffman – 40 Union Ave, McDermott – Shawnee State Student- Mrs. Huffman is one of the students that participated in the presentation. She wanted to explain what the group did. The survey that was conducted in 2007, in pinpointed areas of concerns as seen by the citizens. Several issues were reviewed: drugs, crime, poverty, recreations, education, city beautification and economic development. The group had hope that the city beautification group would be present at this meeting to discuss some of dwelling issues, but the members were not able to attend. From the survey, the group focused on research establishing problems in Portsmouth, the statistics of what is happening in the different areas showing that there is a problem, and using models from other cities, areas with problems similar problems, and how they were addressing this issues and what models could be used in the Portsmouth area. The group offered solutions to this issue and problems. The group can up with three different solutions to the problems that were identified by the survey. The group focused on resolutions that were cost effective and economically feasible for Portsmouth to implement and still have a great impact. Mrs. Huffman offered to present the information to the Council and community at large on his project and offered up any information that they have obtained.

MISCELLANEOUS BUSINESS AND RPORTS:

City Clerk's Report

1. Oath of Office

Kirk Donges	Board of Design and Review	3/19/2012
Scott Moore	Board of Design and Review	3/19/2012
Darren Mault	Board of Design and Review	3/19/2012
Terry Ockerman	Board of Design and Review	3/19/2012
Maria Hoover	Municipal Court Magistrate	3/23/2012
Samuel Berger	Firefighter	4/17/2012
Robert Webb	Portsmouth Municipal Court - Special Deputy Clerk	4/16/2012

2. Liquor Control Request

Transfer: From: Ribs of Portsmouth DBA Damons Restaurant
To : Restaurant DBA Oscars

New: CS Ross Company DBA Big Lots 42

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

Mayor's Report –

1. Mayor Malone he did not want to spend a lot of time on the presentations conducted by Shawnees State as so much has been said already. However he did state that the presentations were very helpful and identifying things that we can participate in and make our city a better city.
2. Mr. Malone wanted to publically acknowledge a young man, 15 years old, he is called Andy, Andy Basler, Anthony Lee Basler II, for the work that he has done. Mr. Malone stated that many of us have driven up 52 and seen the Portsmouth sign over the 8th Street viaduct; Andy was personally instrumental in taking care of that. He is part of Boy Scout Troop number 12, but he took that on a personal project. The area looks very good. Mr. Malone wanted to make sure he knows his efforts are appreciated by city government and himself.
3. Mr. Malone stated that upon coming back for the Council meeting he found a letter of resignation from Ms. Luanne Valentine and an email from Mr. Michael Gamp, both members of the Civil Service Commission. Mr. Malone state that he was in the process of advertising for the Executive Secretary position and once the applications are in, they will be forwarded to Mr. Dick Grimm. This was just mentioned to Council President this evening and he will be charged with appointing two other members to this commission. He stated that we are trying to get this moved forward so the Police Departments Captain's test done and ultimately move into doing a Chiefs' test and hire a permanent Chief as well. He stated he would keep Council updated on this Commission.

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

Presidents Report

1. President Haas appointed Jean Carlson, Ann Bonner, Jennifer Foster, Hilda Drake and Sue Burke to The Shade Tree Commission. He thanked the individuals for serving on this Commission. The appointment of these individuals will complete this commission. Other individuals that have been appointed were Councilman Johnson and Mr. Tim Hartlage and Mr. Bill Beaumont.

**Appointment:
Shade Tree
Commission:
Carlson,
Bonner,
Foster, Drake
and Burke**

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

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

- 1st Ward Councilman Johnson discussed that the Community Garden allows persons to grow vegetables and they then provide food banks and others in need with needed fresh vegetables. The Community Garden has grown so big that the current property is no longer big enough. Mr. Johnson wanted to thank Portsmouth resident Phyllis Noah got donating four acres of her property on Bonser Run Road thus allowing the Community Garden to expand. This will make a huge difference for the food banks in our area.
- 2nd Ward Councilman Saddler did not have anything to report on this evening other than the Building Committee Meeting was held the previous Wednesday and they

were waiting for the minutes to be completed to be submitted to Council, Mayor, Committee, news media and anyone else who would like a copy.

3rd Ward

Councilman Basham commented on the Community Garden that Mr. Johnson discussed and he stated that he had mentioned to the Mayor last week that Mr. Robert Gambell from Ward 3, had approached him about property on St. Patricks Court. Mr. Basham stated that some of the houses pictured by the Shawnee State Students were the houses on St. Patricks Court. Mr. Gambell recommended that the homes be taken down and put a community garden in that area and that he already had citizen interested in growing in that area and a volunteer caretaker for the property. Mr. Basham stated that is this is something that the City can move towards that there are people ready to watch and take care of the area.

Mr. Basham addressed the City Auditor requesting written response for a few items of interest. It has been brought to his attention that Cyndee Secrest Park had been allocated \$90,000 from the CIP fund in 2009 and he wanted to know if this amount is being carried over. He stated it appears the work has been completed but the money may still be there. If the money is there, if it can be used for something else or if the work needs to be completed he would like to know.

Secondly he requested information about the letter given to Council by the City Auditor about how the City can use Capital Improvement Funds. If it is between the Auditor and the Solicitor he would like a legal rendering on the \$50,000 for Main Street Portsmouth. Stating that if we are giving tax payer money to private business, to upgrade their business under historical preservation, he does not see why we cannot use CIP money for tear down of private properties.

Mr. Williams stated that per the earlier conversation he has made a note to get with the Solicitor to discuss this matter. He also stated that there is a difference, there is a stake in the downtown, and that we are also committed as city to support Main Street Portsmouth financially or otherwise.

Mr. Basham stated that he feels there is an equal stake in the residential neighborhoods as well.

Mr. Williams agreed that they do, his answer in the memo was not relating to Main Street or downtown, which are two different things. He is not saying that the answer will not come back the same. However, specifically that memo is relating to housing that the City does not own. The rest he could not answer right now.

Mr. Basham stated he just wants to make sure that we are comparing private property with private property, apples with apples.

Mr. Williams stated that he will not cheapen that document by applying that to all property.

Mr. Basham agreed and requested it be researched and something official delivered to Council.

5th Ward

Councilman Haas does not have a report at this time.

Mr. Haas stated that some of the items that were discussed at the Shawnee State presentation were about beautification. There is the Broken Window Theory, basically this theory states that if you have one house on a property and they let the grass grow, sure enough the other properties will do the same. He stated that the properties that we have in city, a map of the area around Mound Park, that included Kinney's Lane to 52 and Grandview over to Offhere, they showed with yellow sticky, every rental property. There were one maybe two streets in that area that did not have a yellow sticky on it. If you have landlords that are not taking care of their properties, you run into the issues with people that let their properties go as well.

Some of the other ideas that they come up with were to have volunteers from different organizations, school classes or boy scouts for example, adopt a park. Some of the baseball fields are cared for by private citizens already. Those are some of the things that help beautify the area.

There was also a whole section on the business incubator idea. Ideas on how to get grants in, they mentioned several grants that the City would be eligible for.

Significant grants that we could apply for dealing with economic development. Some of the statistics that they presented showed that 49.9% unemployment rate for work age citizens ages 16 and above. We have a workforce that is not working. Mr. Haas stated the thinks the area is ripe for some employment and some help either by the City, private organizations, the college and start out some new businesses and trying to re-occupy Chillicothe Street and others.

Mr. Haas stated that the presentation was well worth going to see and that others would find it beneficial also. He stated that most of proposed changes were either no cost or very low cost to the City.

6th Ward

Councilman Sturgill stated his concerns have been passed on to the department heads or the Mayor's office and they continue to be satisfactorily taken care of.

He had the opportunity to meet with the Mayor and volunteers regarding the Rose Street Park. Everyone finally understands where this project is going and plans are in place to have the \$30,000 spent within the allotted 90 day extension period. Mr. Sturgill wanted to stress the need for security in that area to ensure that property does not end up just like it is now. The volunteers in that area will have to make an effort to ensure that that does not happen. Mr. Sturgill guessed that about 20 years ago there was significant improvement to that Park that the City and neighborhood completed together. Compared with what it looks like today, it goes along with all the discussion on rental dwellings. The volunteers have made the area presentable for (youth activities and) games however there is still a lot of work to be completed.

City Solicitor No report at this time

City Auditor No report at this time

The meeting adjourned at approximately 7:46 p.m., on a motion by Councilman Saddler.

City Clerk

President of Council