

## MINUTES – REGULAR SESSION

### PORTSMOUTH CITY COUNCIL MEETING

Monday, May 11, 2009

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday, May 11, 2009 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting President, David Malone called the meeting to order. The Pledge of Allegiance to the Flag followed an invocation by Elder Mark Williams, Associate Minister of the Kingdom Builder's Church.

Roll Call showed the following members to be present:

Mike Mearan	1 <sup>st</sup> Ward
David Malone	2 <sup>nd</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 Mayor James D. Kalb and City Solicitor, Michael L. Jones.

Councilman Mollette's absence was excused, on a motion by Councilman Albrecht.

Council dispensed with the reading of the Journal for the regular session of April 27, 2009, on a motion by Councilman Albrecht.

### STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA

Tim Hartlage – 1555 Jackson Avenue spoke to the proposed issue of targeting an area of the City as "slum and blight" for purposes of qualifying for Downtown Revitalization Funding through the Ohio Department of Development. He felt this to be a good thing and relayed the fact that his neighborhood had been targeted by the Health Department for code enforcement. He reported everything to have looked great after the campaign, however he noted those areas that were required to remove weeds are back in the same condition as they were before the neighborhood sweep. Mr. Hartlage suggested better code enforcement throughout the whole year.

Wayne Nichols – 2018-8<sup>th</sup> Street also spoke to the issue of "slum and blight", saying "blight is what happened in the Irish potato famine, a natural occurrence on plants. I don't think we have any blight – it may look like that to some people". He expressed his hope that no historic buildings are "molested in this, involved in this for something they can save". Mr. Nichols continued, claiming that the DAR Building had been "torn now without any hesitance or occurrence for history". Referring to the Elks City Club he claimed someone "raped the inside of it" and also claimed there to have been City workers involved in that. He acknowledged that "over all" this designation "may be good" but expressed his hope for a "sense of history".

### LEGISLATION

The Clerk gave a **third reading** to an ordinance authorizing the addition of a full time position, Code Enforcement Officer II, and a seasonal (6 month) position to aid in the success of the Land Reutilization Program as well as hold responsibilities in other areas.

Councilman Albrecht made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 The ordinance was passed. ORD. #28-09**

The Clerk gave a **first reading** to an ordinance authorizing the Mayor to enter into a contract with GovDeals for one year with renewable options for the purpose of auctioning city equipment.

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

The roll was called. **VOTE: ayes 4 (Malone; Albrecht; Haas; Mearan) – nays 1 (Noel) The rule was suspended.**

Councilman Albrecht made a motion to pass the ordinance.

The Mayor expressed his appreciation to Council for suspending the rule, saying this method is not going to cost anything unless a piece of equipment sells. He said we have a lot of old equipment that we need to dispose of as soon as possible.

Councilman Noel stated this to answer his questions with regard to the urgency as to why the rule needed to be suspended.

There being no further comments the roll was called. **VOTE: ayes 5 – nays 0 The ordinance was passed. ORD. #29-09**

The Clerk gave a **first reading** to an ordinance authorizing the Mayor to offer for sale certain City real estate located south of 12<sup>th</sup> Street to 11<sup>th</sup> Street commonly known as the turnaround ramp, Portsmouth, Scioto County, Ohio, as described in the attached legal description and further authorizing the Mayor to enter into a contract for the sale of such property and establish a minimum bid for the sale of such property.

Councilman Albrecht moved this constitute a first reading.

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** to an ordinance to designate the target area of the Main Street District which includes Market Street east to Chillicothe Street and Front Street north to Third Street as an area of slum and blight.

Prior to a motion being made, the Acting President noted the presence of the Community Development Director, Jennifer Hanlon and asked that she clarify the purpose of this ordinance. Before Ms. Hanlon addressed Council, the Solicitor pointed out a typo in the first line of paragraph three. He noted that the word “at” following “the first” should read “area”. The typo was duly noted.

Ms. Hanlon explained that this ordinance needs to be passed this evening so the pre-application can be submitted for one of the downtown grants. She also reiterated her remarks at the last conference/work session, with regard to the use of the term “slum and blight”. She again explained this term as meaning that a certain percentage of the targeted area has deteriorated infrastructure and pointed out that could mean curbs, sidewalks, streets, alleys and also buildings. She expressed her hope that this will be the first of a series of grants for which the City would like to apply for this area. She hopefully noted that some of the projects will be repaving some of the streets, redoing some sidewalks and perhaps doing a better sidewalk area right beside the site of the murals, which, she said would leave more of a buffer for traffic. She said they will also look at actually trying to improve some of the buildings. She explained her department is working closely with Main Streets on improving buildings, which is one piece of this plan, noting that a certain percentage of the property owners have to “be on board” with this plan. She acknowledged that the deadline for this is in October but the deadline for the pre-application is May 22<sup>nd</sup>.

Mr. Malone thanked Ms. Hanlon, saying he wanted to make sure that the two individuals who addressed this item understand what it is.

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

The roll was called. **VOTE: ayes 5 – 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 5 – nays 0 The ordinance was passed. ORD. #30-09**

The Clerk gave a **first reading** to a resolution approving the City of Portsmouth’s Downtown Revitalization Plan.

Councilman Albrecht made a motion to adopt the resolution.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 The resolution was adopted. RES. #05-09**

The Clerk gave a **first reading** to a Resolution to recognize the Portsmouth Eagles Aerie 4385 for the generous donations they have made to the City’s safety forces and extending to them the City’s appreciation and thanks.

Councilman Albrecht made a motion to adopt the resolution.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 The resolution was adopted. RES. #06-09**

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 to transfer a C1 and a C2 permit

From: Delmer E. & Agnes B. Hicks  
DBA South Shore Gas & Oil #33  
2750 Gallia Street Front only

To: Delmer E. & Agnes B. Hicks  
DBA South Shore Gas & Oil #3  
1902 – 8<sup>th</sup> Street

and a request for a new C1 and C2 permit for:

Michael W. Giannetti  
305 Campbell Av

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

Mayor's Report

1. The Mayor distributed a schedule showing the plan for McKinley Pool that showed it would be opened on time, as planned.

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 acknowledged Council's receipt of the recommendations from the City's Information System Committee and noted that upon acceptance of his report, the committee's recommendations will also be accepted.
2. Advised Council that the second meeting for May will be held on Tuesday, May 26<sup>th</sup> since May 25<sup>th</sup> is a holiday.
3. Appointed Steve Myers to a vacancy on the Zoning Board of Appeals and noted acceptance of his report would be an acceptance of the appointment.

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:

1<sup>st</sup> Ward

Councilman Mearan recognized Mr. Preston Smith who was in attendance.

He thanked the Mayor and the Service Director, Chris Murphy for their efforts to open McKinley pool on time.

He congratulated the Mayor and Ms. Murray for being nominated to be on the ballot in November for the Mayor's position. He wished them both luck and acknowledged the fact that they both ran a clean campaign.

Thanked everyone involved in the TOSORV for their hard work and congratulated them on the success of the bike tour.

He extended his concern over the serious injury that was suffered by Councilman Mollette's father.

2<sup>nd</sup> Ward

The Acting President had nothing to report from his ward.

4<sup>th</sup> Ward

Councilman Albrecht reported all his ward concerns to have been passed on to the appropriate department head.

He also expressed his concern for Councilman Mollette's father and wished him a quick recovery.

5<sup>th</sup> Ward

Councilman Haas had nothing to report from his ward.

6<sup>th</sup> Ward

Councilman Noel wished Mr. Mollette's father a quick recovery.

Mr. Noel said he had checked with Mr. Dempsey in regard to his appointment to the Traffic Committee and Mr. Dempsey has expressed his desire to remain on the committee. Mr. Noel said he has no problem with him keeping the appointment and therefore will not name a replacement.

The Solicitor, in regard to a law suit that was filed several years ago by the Mollettes, announced that on May 6<sup>th</sup> the Ohio Supreme Court declined to hear the case. He acknowledged the case to be over and felt the City needs to move forward and put the litigation behind us.

The meeting adjourned at 6:28 p.m., on a motion by Councilman Albrecht.

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City Clerk

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Acting President of Council