

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday, August 10, 2009

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, August 10, 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 a moment of silent prayer.

Roll Call showed the following members to be present:

Mike Mearan	1 st Ward
David Malone	2 nd Ward
Bob Mollette	3 rd Ward
Jerrold Albrecht	4 th Ward
Richard Noel	6 th Ward

Also present were Mayor James D. Kalb; City Solicitor, Michael L. Jones and City Auditor, M. Trent Williams.

On a motion by Councilman Mearan, the absence of Councilman Haas was excused.

On a motion by Councilman Albrecht, Council agreed to postpone the reading and disposing of the Journal for the regular session of July 27, 2009 since copies of the minutes could not be provided to Council until this evening. Motion carried viva voce. **VOTE: ayes 6 – nays 0**

In response to a memo from the Mayor, Councilman Albrecht made a motion to add to the agenda a resolution appointing Dan Saez to District 15's Public Works Integrating Committee.

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

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

LEGISLATION

The Clerk gave a **first reading** to a resolution naming Daniel Saez as the city of Portsmouth's Appointee to the District 15 Public Works Integrating Committee.

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. #09-09**

STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGEND

Jerry Conkel – 2719 Sherman Road reported the televised meeting of the last Council meeting did not have adequate sound and asked that it be checked.

Harald Daub – 2121-22nd Street said he inspected the compactor that was approved for purchase at the last meeting and he determined it was only about one-half the size of the compactor it was replacing. He felt this to be a waste of his tax dollars because he determined it would not be adequate for the job. He claimed the ram to not have been worn but acknowledged the pump to be bad. He said he was "shocked" and "appalled" that this did not go out for bid and felt Council should do more investigation before passing ordinances.

Wayne Nichols – 2018 – 8th Street, noting that he has not been present for the past two meeting, expressed his displeasure at what he said was a 3% increase in sewage rates. He reiterated a previous suggestion he had made with regard to installing sewage meters. He acknowledged this would be expensive but felt it would be fairer.

Mr. Nichols thanked people for showing up at these meetings and described the Council meetings in Cincinnati as being a "fiasco" and "hostile". He felt citizens should be grateful for the people who come to these meetings.

Teresa Mollette – 1709 Franklin Blvd. began by saying, "I just wanted Mike to know I thought that was very admirable of him last week or two weeks ago to think that he would represent anybody that had their first or fourteenth amendment rights taken away from em"(sic). She continued, saying, "But I guess, if that was my job and what I elected to get paid for, I guess I would offer that service also". She further stated that she herself does not get paid to try to standup to assure the citizens of Portsmouth are guaranteed that right.

Mrs. Mollette pointed out the time a comment was made about a gentleman coming to the podium to speak while wearing a hat, noting there to be no rule about coming to the podium without wearing a hat. She commented that two weeks later a man wearing a “wife beater” shirt stood at the podium and she felt that to be disgraceful and noted that he was not “called down” and further noted he used his full five-minutes of speaking time. Mrs. Mollette continued, saying, “What is acceptable for one or what someone else may accept may not be acceptable to somebody else to take those rights away is taking away those rights”.(sic) To Councilman Mearan, she said, “And, Mike, if you really meant what you said, you will see that the guidelines for Council is changed. That they change it to where at this point in time it’s not just restricted to items not on the agenda – that they can rebuttal things that happens during the legislative session and you would also see that the conference sessions were open for public forum. That the public is able to speak prior to something coming to the legislative agenda”. She advised Mr. Mearan that if he “truly believed” in the citizen’s right to free speech he would “understand and see that these rights are granted to the citizens of Portsmouth – you would make changes to item eight to see that individuals can speak whether it be on or off the agenda and you would also see that the conference sessions are open for input from the citizens so they have a right to have a say in what their government is doing, which we do not have now”. Mrs. Mollette continued, saying, “We go through a three reading process in the legislative session and it is just bang, bang, bang, one, two, three, you guys are told what to say, you say it, you vote ‘yes’ you have no clue what’s being done. Someone said it’s a good idea. Research being done? Absolutely not”. Mrs. Mollette said, “I only know of one to two people that are doing research on this Council and that is Bob Mollette and Rich Noel. There’s not a single other person that does their research prior to coming to this Council meeting”. Acknowledging members of Council to only make \$50.00 per month, Mrs. Mollette said she understood that but she was here to guarantee the citizens of Portsmouth a right to speak and a right to be able to be involved in their community, adding “and I do it free”. She expressed her hope that even at \$50.00 a month the members of Council would want to see the citizens have this right given to them, but claimed she is not seeing this. She said, “I see Mr. Albright (sic) calling people down for hats”. At this point the Chair advised Mrs. Mollette that she is to use no personal references. Without hesitation, Mrs. Mollette continued to speak, saying “I see other people talking that are taking people’s voices away from them and I have not – these are my Council people look at your laws. Your laws state you have a right to redress your Council, now I can’t stand up here and talk about somebody in the audience, read your laws and know what I am allowed to do and what I am allowed to do with my 1st and 14th amendment rights – know what they are”. She explained her self by saying, “The thing I am saying is know what you are purchasing, know what the laws are and know what the people of Portsmouth want – not what somebody or a select group is telling you to do”. Directing her words to Mr. Malone, she said, “That is what I’m asking you. Do you want to know why you haven’t made it to Mayor and why someone is not going to make it in Mayor position – is because they don’t listen, because they don’t listen to the people. If you really want to get there understand what it takes to be a true representative of the community – know what it takes. There are two that know what it takes – two”.

Amanda Pollitt – 1714-5th Street reported a house at 1710-5th Street has been abandoned for several years, is in a deteriorated condition and is a harbinger for pigeons and other creatures. Mrs. Pollitt said she and her family have resided at 1714-5th Street since March of this year and have reported this property to the Health Department. She acknowledged the Health Department to have sent someone to take pictures, however nothing has been done. She said her four children range from 11 years old to 1 year old. She said her husband has tried to cut the weeds from around the abandoned house. Mrs. Pollitt reported her house to have been broken into and expressed her hope that something be done with regard to the deteriorated condition of this house. Through tears, she expressed her belief that the guy who invaded their home did so while she and her children were at home and she believed he observed her home from this abandoned house. She said her research on the County’s website shows that the owner of the house lives in Florida and no longer has any ties to the house. She asked that the property be investigated and something be done to correct the situation.

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 C2 permit:

From: Romar Stores LLC
DBA Speedee Mart #2
802-11th Street

To: 612 Offnere Street LLC
DBA 6th St. Carryout
612 Offnere St.

2. Oaths of Office

David W. Stuart for position of Special Deputy Clerk in the
Municipal Court

Timothy Mosley and Eric Green for positions of Lieutenant in the Fire Dept.

Jared Canter for position of Temporary Lieutenant in the Fire Dept.

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 Auditor's update regarding the end of the year projected revenues, the Mayor reported having met and discussed this matter with his department heads. He advised Council that necessary cuts will be made to finish the year in the black.
2. The Mayor said he was unaware of any problems with the broadcasting of the Council meetings, but he would look into the matter.
3. In response to the citizen who claimed the City had increased sewer rates by 3%, the Mayor reported this to be incorrect.
4. He advised Mrs. Pollitt of the Health Commissioner's presence this evening and assured her that her problems with the abandoned house would be addressed by Mrs. Burton.

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

The Acting President had nothing to report.

Miscellaneous business from City Council:

6th Ward Councilman Noel claimed the water problems in his ward to be the result of inadequate drainage, saying people were allowed to install drains that were too small. He reported having to call the Mayor when he thought a creek was blocked by garbage cans, causing the water to flow toward houses, however, a closer look revealed that the water was coming from someone else's property. Mr. Noel acknowledged a City crew to have responded immediately but could not do anything at that moment because it would entail digging up that person's yard. He described it as being "scary". He again noted there to be other places in the City, other than Grandview Avenue, with water problems.

Mr. Noel reported all his other complaints to have been turned in to the appropriate department or he has resolved them himself.

4th Ward Councilman Albrecht, in response to Mrs. Mollette's accusations that only two members of Council did their job, stated that the department heads know that he contacts them with concerns and his constituents know that when they call him they will get something done. He said if Mrs. Mollette would like to follow him sometime, he would be glad to have her.

3rd Ward Councilman Mollette reported having advised the Mayor of a problem on Sherman Road and expressed his hope that the Mayor will take some action to correct the problem.

Referring to an article in the Portsmouth Daily Times, sent to him by some citizens, that reported the Mayor of New Boston to have asked it's citizens to cease blowing grass clippings into the street because they "clog" the sewers and the new street sweeper. Mr. Mollette recommended our Mayor make the same comment to the citizens of Portsmouth. He also passed around photographs of the problem.

He expressed his appreciation to everyone attending the meeting, saying he appreciated them taking time out of their busy day to be here and be informed, which he said, "is the best way to help your local government". He also felt this was holding the government accountable and forces the issue of making our City a better place.

2nd Ward The Acting President had nothing to report from his ward.

1st Ward Councilman Mearan stated that while he was "channel surfing" yesterday he happened upon a show on Channel 25, featuring Ralph Applegate conducting a tour of PHS's new athletic complex. Stating that he was originally against the project and was in favor giving Spartan Stadium to the school for \$1.00 and letting them develop that facility. Mr. Mearan described them to have done "a wonderful job" on construction of the new facility and felt it to be something of which to be proud.

He also reported his attempt to look at the Council meeting but found there to be no sound. He said he called the City Clerk and was advised that Mr. Penn has used a different sound mixer this evening and is hopeful the problem will be resolved.

Mr. Mearan said he does not remember ever putting anyone down for having a hat at the podium and noted one of the members of the audience to be wearing a hat. He said he respects that person's right, noting that in his religion hats are worn during prayer, therefore he would be the last one to object to anyone wearing a hat. He noted that as a child you are taught to remove all hats when entering a building as a sign of respect. He noted that some people have a bald spot and might wear a ball hat for that reason. He said whatever the reason it did not cause him a problem and he was fine with it.

Referring to Abe Lincoln having commented that a lawyer's time and advice is his stock in trade, Mr. Mearan said that is how he makes his living. He told Mrs. Mollette that he would make her a deal, if she wanted to go to work at her place of employment and work for free then he will defend people for free but until she does so he does not have any problem charging for his time and advice and he will continue to do that. With respect to Mrs. Mollette's other point he said he respects them and felt that some of them had merit and he would be willing to sit down to work out some type of orderly question and answer period during the conference session to allow some citizen input. He said he felt that to be something worth investigating. He said he did not feel it to be a bad idea, if at the end someone has questions and wants to input. He complimented her on that suggestion and said he would appreciate any input as to how this might be done and if so, he would be in favor of considering it.

The Solicitor had nothing to report.

The Auditor said he wanted to touch briefly on the information he provided the Council and the Mayor with regard to this years budget and projected revenues. Mr. Williams reported on those funds that he felt are in jeopardy of not meeting their projected revenues as well as the amount of shortfall that might occur in each one. The total shortfall in revenues, if the trend remains as it has been through the end of June, is expected to be around 1.1 million dollars less than projected. He noted they typically do not all go at once in a bad direction. He concurred that the Mayor has been meeting with department heads and union leaders and will report on these at future meetings as those cuts materialize, resulting in savings that will offset some of these revenues should they not materialize. With regard to the enterprise funds he reported liking to have received, by June 30th, at least 50%, preferably 55%, of the projected revenue so it is not necessary to count on receiving quite as much revenue in the later months of the year. He provided percentage of revenues received for water, wastewater and sanitation, none of which is at 50%. Mr. Williams described the only bright spot to this situation as being the fact that four out of the last ten years the City has had a cash balance on June 30th that is lower than this years balance, noting in some cases it was much lower. He made the point that even with those figures the City still made it by the end of each of those years. The Auditor felt a part of that was due to the fact that this year an attempt has been made to make sure that everything the City owes has been paid to date, thus, hopefully, eliminating any surprises at the end of the year. He felt this is going to come down to cuts in the departments, noting some have already been made this year. He also felt letting some positions go unfilled will be helpful, which he felt is something that is going to have to happen for the remainder of this year. Mr. Williams said he would provide Council with a report of significant revenues at each of the next several meetings. He encouraged members to contact him or the Mayor's office, if they have any questions.

With regard to contacting his office, the Auditor said he has always made it a habit to, each time a member of Council is elected or appointed, make sure that member knows where the Auditor's office is located, its function and that they are available to them for any information they might need. Mr. Williams noted it to not be just a few of the members of Council that do their jobs, saying he has had contacts with every person sitting at this table as well as Mr. Haas, who is not sitting at this table. He reported that on a fairly frequent basis all the members of Council have done their homework with regard to making inquiries whenever there were concerns. The Auditor said he was a little bit offended, as someone on Council's behalf, that someone would say that you're not doing your job and perhaps that person does need to follow Councilman Albrecht around, saying he knows how much interaction he has had with Mr. Albrecht and did not feel he could ever say that he is not doing his job or at least trying.

The meeting adjourned at 7:37 p.m., on a motion by Councilman Albrecht.

City Clerk

Acting President

