

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday, August 24, 2009
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, August 24, 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
John Haas	5 th Ward
Richard Noel	6 th Ward

Also present were Mayor James D. Kalb and City Solicitor, Michael L. Jones.

Council dispensed with the reading of the Journal for the regular sessions of July 27, 2009 and August 10, 2009, on a motion by Councilman Albrecht.

There was no public hearing and do to the fact there were no items on the agenda, Council moved into the legislative portion of the agenda.

LEGISLATION

Councilman Albrecht, referring to a memo Council received from the Solicitor, made a motion to bring from the table an ordinance vacating an east-west alley located between 607 and 611 Market Street.

The Solicitor reminded Council that this ordinance was placed on the table at the 6/22/09 meeting until the requester for the vacation could provide the City with a survey. He noted the memo he provided to Council to have attached a copy of the tabled ordinance as well as the survey.

There being no further comments the roll was called on the motion to remove the ordinance from the table. **VOTE: ayes 6 – nays 0 The ordinance was removed from the table and added to the agenda as item “7a”.**

The Clerk gave a **second reading** to an ordinance authorizing the vacation of an alley running east-west in the 600 block of Market Street located between 607 and 611 Market Street as requested by Karen Frazier and more fully described in the attached legal description, with the City of Portsmouth reserving all easements to this property.

Councilman Albrecht moved this constitute a second reading.

The Mayor reminded Council that the vacation of this alley would not have any affect on any businesses in that area.

There being no further comments, the roll was called. **VOTE: ayes 6 – nays 0 A second reading was declared.**

STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Eileen Perry – 1410-16th Street reported a problem at 1052-18th Street where she said some action needs to be taken. She claimed people to be living in campers at this address. She also claimed there to be drugs and dogs that are running loose and leaving feces in the neighbor’s yard. She claimed the neighbor to have children and could not let them play in their yard due to the feces. Ms. Perry also claimed that a knife was found in the yard and requested the Health Department to investigate.

Peggy Burton, Health Commissioner, in response to Ms. Perry’s remarks, stated that the Health Department visited the property but there was no one at the residence. She said the owner lives in Columbus and her sister is supposed to be occupying the property. She advised Ms. Perry that she would like to talk with her after this meeting in order to obtain additional information with regard to this matter.

Ms. Burton announced that tomorrow will be the last day for Sandy Guerard, who is retiring after 20 years with the Health Department and invited everyone to stop by tomorrow between 1:00 and 3:00 to wish her well.

Wayne Nichols – 2018-8th Street, with regard to his statement at a previous meeting where he claimed there to be a 3% rate increase for disposal of sewage, said this will happen in February 2010.

Mr. Nichols read from a story in the Columbus Dispatch regarding the number of calls they receive regarding loud noises. He wondered how many complaints the City of Portsmouth receives about this same thing and said he would like to see the City enforce its noise ordinance.

He reiterated previous remarks he made with regard to allowing resident to have one yard sale a month and claimed the no sales on Sunday to be a violation of the separation of church and state.

Teresa Mollette – 1705 Franklin Blvd. with regard to the item Council brought from the table, claimed that the City's Charter states that the public must be allowed to speak on any item that is added to the agenda and it must be added prior to citizens getting to speak. She called this a violation of the City's charter and claimed that the item can now be overturned since the public did not have an opportunity to speak.

Referring to the county government being placed on fiscal emergency, she claimed that to be what is going to happen to the City. With regard to inheritance taxes being included in the City's budget as a revenue item, Mrs. Mollette claimed the County Auditor to have advised her that this is something that no community should guesstimate in their budgets. She claimed the City will be \$50,000.00 short on their anticipated revenues from this tax.

Noting Councilman Mearan's remarks, at the last meeting, regarding allowing citizens to speak at conference sessions, Mrs. Mollette expressed her disappointment that this item was not on the conference agenda for this evening.

Also noting a request for legislation regarding land reutilization being on the conference agenda, she said she wanted to make sure in an ordinance that the City is covered by the law and that it goes out for bid and not sold or given to someone at a "low ball price". She said she was not sure taking this out of the hands of the Council would be a good thing but acknowledged that she did not have all the information.

With regard to a request on the conference agenda to consider the sale of 90 acres of ground in the 6th ward, Mrs. Mollette objected to the request authorizing the Mayor to negotiate and sign the sale agreement. She expressed her concern that this would result in the same deal as the Marting's building and felt this issue should come back to Council. She said she would like that part of the request be removed from the council letter.

Speaking on the conference agenda item requesting authorization to purchase the property next to the existing City Building, from the State of Ohio, for \$40,000.00, Mrs. Mollette noted this property to have been offered to the city in 2007, by the State, for \$1.00 and felt the City should purchase it for the \$1.00. Mrs. Mollette's five-minute time-limit having expired, she returned to her seat.

Preston Smith – 1115-15th Street inquired as to whether or not the City will be responsible for Portsmouth High School's new football field. He also wanted to know the status of the old field and whether or not there were any plans for renovation or razing of that facility. Mr. Smith claimed he did not know to whom he needed to ask these questions.

Chris Murphy, Director of Public Service, in response to remarks made at the last meeting from a citizen who claimed he had checked out the new equipment at the transfer station and had determined it would not hold up and was a waste of taxpayer money, said the statements made by the citizen are not true and he wanted to set the record straight tonight with the true facts. Mr. Murphy acknowledged that the new equipment is not as large as the equipment that is being replaced but noted it to be the same type as the one being used by Brook Park, with a population of over 21,000, and is managed by Cuyahoga County's solid waste district. He stated the equipment processes over 200,000 tons of waste in a year in comparison to our City's 25,000 tons of waste that is processed in a year. With regard to the citizen's comments regarding the purchase of this equipment not being put out for bid, Mr. Murphy, saying he thought this had been made perfectly clear, and again stated the facts with regard to the increased expenses that would occur by not taking immediate appropriate action of installing replacement equipment. In response to the citizen saying he hated to see taxpayers' money wasted, Mr. Murphy assured the public and City Council that no taxpayer money is being wasted and disagreed with the citizen who said he would rather see \$40,000 spent to fix the old equipment than to have a new one at half the size. Mr. Murphy stated that dollar for dollar the City did the right thing and he would stand behind that decision. With regard to the citizen expressing his opinion that from now on Council should make it a rule that every piece of equipment should be bid with specifications "better than or as good as but not less than", Mr. Murphy noted the decision was to buy a new machine. He again advised that the machine that the City had was a McClain prototype and there were only three such machines produced with the one owned by the City being the last in operation, saying to get parts for it has been nearly impossible. Mr. Murphy further noted that McClain's are no longer in business nor have they been in business for several years. He reported the old machine to be an 11 cubic yard compactor and the City has now purchased a 7 cubic yard compactor, which is the standard size for most municipalities and transfer stations throughout the United States. Mr. Murphy said to have waited for an 11 cubic yard compactor to be delivered it would have taken four months at a cost of \$150,000.00 as opposed to a wait of ten days at a cost of \$45,000.00. He also noted the freight cost would have been \$700.00 instead of \$500.00 – cost of installation would have been \$19,000.00, not the \$17,000.00 that was paid – an overtime expense, due to the four-month

down time, of \$7,200.00 instead of \$1,800.00 and instead of \$1,550.00 for fuel the amount would have been \$6,200.00. He acknowledged that during the ten-day wait for the 7 cubic yard compactor to be delivered the City lost host fee's in the amount of \$1,200.00. However, the delay for the delivery of an 11 cubic yard compactor would have cost the City \$18,900.00 in lost fees. Mr. Murphy pointed out the total cost to the City of purchasing the 7 cubic yard compactor to be \$67,050.00 compared to the purchase of an 11 cubic yard compactor for a total cost of \$202,000.00, if the City had purchased an 11 cubic yard compactor. Mr. Murphy's time limit having expired, Council agreed to allow Mr. Murphy additional time to clarify this issue. He continued by noting the citizen to have claimed that it was necessary to weld plates to the new compactor to make it bigger, when in fact the only welding that occurred was to fabricate the hopper that catches the debris coming off the back of the truck in order to assist in funneling the debris into the compactor. He noted the old hopper was used so that a new one would not have to be purchased at a cost to the taxpayer. He pointed out that when you combine old equipment with new there will be some fabrication cost. He acknowledged the machine did have to be welded to the underneath plates for purposes of stabilization and that nothing had to be done to the equipment itself, which was delivered in tact. He acknowledged there to be some timing issue that had to be resolved as well as some hydraulic pressure issues that had to be worked out during the first few days of operation but now everything is fine. Mr. Murphy said he personally timed a 25 cubic yard City sanitation truck dumping its load, which was in and out in seven minutes. He said the machine does its job and the City, not only did not get short changed, he would not have allowed that to happen.

Miscellaneous business and reports:

City Clerk's Report

1. Received from the Auditor on August 11, 2009 the following reports for the period ending 7/31/09:

Combined mtd/ytd expense report
Mtd/ytd revenue report
Combined mtd/ytd fund report
Mtd bank report
Appropriation transfer from transaction listing

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

Neither the Mayor nor the Acting President had anything to report.

Miscellaneous business from City Council:

1st Ward

Councilman Mearan thanked Dr. Angel and the River Days Committee for all the hard work they do every year and encouraged everyone to attend the upcoming activities.

With regard to comments he made at the last meeting, he felt the comment made this evening about his proposing to change the rules of the conference meeting to allow dialogue with the public was incorrect and recalled his statement to have been that he would, if someone proposed an orderly regulation or some type of way of doing that, he would be interested in favor of discussing it and perhaps implementing it provided it were done in an orderly fashion and would be to the betterment of the meeting. He said he did not believe he had stated that he would be preparing something for this meeting and noted the record to speak for itself and that he is still willing to consider the suggestion but had no intentions of preparing and presenting it himself.

In response to the question as to who would be responsible for the new football field, Mr. Mearan again urged those who have questions concerning the City to call him. He advised that the new football field is located on property that is owned by the schools system, which is different from the old stadium. He reported Notre Dame will be playing their football games at the old stadium and the City will continue to take care of that facility.

2nd Ward

Councilman Malone announced that he would be having a ward meeting at the 14th Street Community Center at 6:00 p.m. on Thursday, August 27th.

3rd Ward

Councilman Mollette reiterated his opinion that citizens should be allowed to speak during the conference sessions and noted the issue regarding hunting within the City's limits to be on the agenda he felt it to be a good time to do this.

Mr. Mollette reported that since the last meeting he has given the Mayor a letter regarding the expected shortfall in anticipated revenue for 2009 and read sections of the letter in which, he reiterated statements and actions made by the Auditor in reporting his findings to the Mayor and requested the Mayor to provide Council

with proposed administrative actions required to finish this year in the black and requested a formal discussion of the issue to avoid any problems.

Mr. Mollette reported to have also submitted a letter to the Mayor providing him with some “points of view” about the combined sewer long-term control plan. Reading from the letter, he acknowledged that after reviewing the report he is optimistic that the City will, in time, take actions to address the issue. He continued reading from the letter, which expressed his opinion that actions should have been taken immediately until the long-term plan was drafted. He claimed the installation of back flow devices have been made a condition of acceptance of the long-term protection plan. He continued reading from his letter which expressed his belief that Council needs additional information and discussion “on the 5% per year until we reach the 2% medium household income”. Based on the language in the report, Mr. Mollette felt there to be a need for more information and discussion as to the impact the proposed sewer rates will have on the Village of New Boston.

Although Mr. Mollette’s time had expired he continued by thanking those in attendance this evening and encouraged them to stay for the conference agenda saying there are things on it that will be of interest. He also reported his support to Councilman Malone regarding some issues in the 2nd ward that were reported to Mr. Mollette by a 3rd ward constituent. Mr. Mollette said he was happy to say that the Health Department is working with the two of them to get the weed issue resolved. He stated the other issue to be the engineering side of the problem and expressed his hope that they will work with the 2nd ward Councilman. He advised Mr. Malone that he supports his efforts to resolve those blighted conditions in the 2nd ward.

4th Ward Councilman Albrecht reported complaints from the 4th ward residents were forwarded to the appropriate department head and have been resolved.

5th Ward Councilman Haas had nothing to report from his ward.

6th Ward Councilman Noel had nothing to report from his ward.

The Solicitor had nothing to report.

The meeting adjourned at 6:40 p.m., on a motion by Councilman Albrecht.

City Clerk

Acting Council President