

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday January 23, 2012

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, January 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
Jim Kalb	4 th 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 (arriving late).

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

Vice President Saddler made a motion to add an item to the agenda regarding the 2012 Appropriation Ordinance.

The motion carried viva voce. **VOTE: ayes 6 – nays 0** The agenda item was added as Item “7g”

Added agenda item 7g

There was no public hearing.

STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA

Bridget Osborn – 1647 Second Street – Mrs. Osborn wanted to comment on the resolution before council regarding the area in the 2nd Ward being declared slum and blight. She commented about an address on Second Street that has traffic at all hours, garbage being disposed of, outburst of violence and alleged illegal activities. Mrs. Osborn stated that she has reported this to the police and has contacted the Mayor’s office but nothing has been done. She stated that she understands that we want to make the City a better place to live but it needs to start with protecting who want to do something to make the City a better place.

LEGISLATION

The Clerk gave a **third reading** of an ordinance authorizing the Mayor of the City of Portsmouth, Ohio to advertise for bids and to enter into contracts with the lowest and/or best bidder for required supplies, materials and services for 2012 in accordance with Ohio Revised Code 735.05.

ORD 04 – supplies, material and services 2012

Councilman Kalbe made a motion to suspend the rule requiring an ordinance be read on three separate dates.

President Haas advised that this is the third reading.

Councilman Kalb apologized and made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 –The ordinance was passed. ORD. #04-12**

The Clerk gave a **second reading** to an ordinance approving and ratifying the recently negotiated collective bargaining agreement between the City of Portsmouth and the International Association of Firefighters, Local 512, for the period beginning January 1, 2012 through December 31, 2014.

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

The roll was called. **VOTE: ayes 5 – nays 1 (Councilman Johnson) The rule was suspended.** Councilman Kalb moved to pass the ordinance.

Councilman Basham stated that speaking for himself, that he has had a hard time, and spend the weekend speaking with a lot of people, from former Council Members, local barber, family, coworkers and he wished the Fire Fighters had gone for a one year contract due to the current budget issues with the City. He stated he personally has a hard time with raises when we (the City) is still paying off the deficit.

There were no further questions or comments. The roll was called. **VOTE: ayes 2 (Councilman Kalb, Haas) – nays 4 (Councilman Basham, Sturgill, Johnson, Saddler) The Ordinance was DEFEATED.**

Ordinance
Defeated

The Clerk gave a **first reading** to an ordinance authorizing the vacation of a portion of Baltimore Street which leads from U.S. 52 at Gallia Street to the CSX Railroad property as requested by Livingston and Company, Inc. and more fully described in the attached legal description, with the City of Portsmouth reserving all easements to this property.

Councilman Johnson moved this constitute a first reading.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 A first reading was declared.**

The Clerk gave a **first reading** to an ordinance authorizing the vacation of Market Street from the south line of Second Street to the north line of Front Street as requested by Southern Ohio Medical Center and more fully described in the attached legal descriptions, with the City Portsmouth reserving all easements to this property.

Councilman Johnson moved this constitute a first reading.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 A first reading was declared.**

The Clerk gave a **first reading** of a ordinance amending Ordinance Number 12 of 2010 authorizing Community Workforce Agreements. Specifically, Section (b)(5) of said 2010 Ordinance by adding the language, **“Upon receipt of the written report, the Clerk shall place the item on the next Council meeting agenda. Council by a majority vote must adopt the written report by resolution prior to any or part thereof becoming exempt from the requirements of the project labor agreement.”** All other provisions of the 2010 Ordinance shall remain the same.

Councilman Johnson moved this constitute a first reading.

Mayor Malone expressed his concern regarding the timely passing of this ordinance with regards to certain grant deadlines will be passed prior to the ordinance passage and we (the City) will not be able to meet those deadlines. Mr. Malone stated that when Sam (Sutherland – Filtration) and other department heads make a recommendation to do a project, such as the filtration plan, he makes recommendations based on timeliness and the specifications of the projects. Mr. Malone also stated that he did not think that it would be beneficial to place the decision in the hands of multiple individuals, due to the differences in opinion and the time span for two or three readings to move on a project.

There were no further questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 A first reading was declared.**

The Clerk gave a **reading** of a resolution declaring certain properties in Ward 2 a public nuisance and spot slum and blight

Councilman Johnson moved to adopt the Resolution.

There were no further questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The resolution was adopted. RES #02-12**

RES 02
2nd Ward spot
slum and
blight

The Clerk gave a **first reading** of an ordinance to make appropriation for the current expenses and other expenditures of the City of Portsmouth, Ohio beginning January 1, 2012 and ending December 31, 2012, as provided for in Section 49 of the Charter of the City of Portsmouth, Ohio.

Councilman Johnson had an information question regarding the inclusion of the current negotiated contract in the budget being presented.

The Mayor affirmed that the figures did include the negotiated contract changes.

President Haas stated that this (ordinance) would have to be amended prior to passage.

Councilman Johnson moved this constitute a first reading.

City Auditor Trent Williams wanted to remind Council that any savings that has been figured into the plans or documents for this year (2012) are based on negotiations and other places in the budget, such

as Civil Service, that are budgeted for reductions. The longer that this (passage of ordinance) takes, he knows it will not pass tonight, the fewer savings the City would have.

There were no further questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 A first reading was declared.**

Councilman Basham called a point of order or clarification, that counters part of the operating budget, how will that be passed or does this ordinance take care of everything.

President Haas advised this ordinance takes care of everything.

Auditor Williams advised that President Haas is correct and also advised that a Salary Ordinance will be required. He stated that it will be difficult to put together until the budget is finalized and that it could be that there will be a second reading the Salary Ordinance and first reading on the budget at the same time. Suggesting that may be better to do.

Miscellaneous business and reports:

City Clerk’s Report – No report at this time.

Mayor’s Report –

1. Mayor Malone wanted to announce the appointment of Mr. George L. Davis III to the City Health Board. Mr. Davis was appointed due to his wealth of knowledge and legal presence to the board, he is tied to the community and makes an attractive member to the board.
2. Mr. Malone also wanted to thank Dr. Raymond Carson for his 42 years of service on the City Health Board, wishing him good luck and appreciation for his time of service.

The President’s report was received, filed and made a part of the record, on a motion by Vice President Saddler.

Presidents Report

1. President Haas wanted to extend his appreciation to the Mayor and City Auditor for the work that they have put in on a budget that as of Saturday, will meet the State Auditor’s requirement of \$700,000 payment on the deficit. He thanked them for their efforts to arrive at that goal.
2. President Haas re-appointed Ralph Bussey to the Traffic Committee and appointed Rebecca Steele as Executive Secretary of Portsmouth Fair Housing Board:

**Appointment
Traffic
Committee –
Fair Housing**

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

Miscellaneous business from City Council

1st Ward Councilman Johnson wanted to extend his thanks to the Mayor and Auditor. Mr. Johnson has taken the time to read through the document and appreciated the amount of work that went into the budget.

Mr. Johnson wanted to express his condolences for the loss of two great individuals this past week, Ray Gibson and Ellen Sue Vetter, they will be deeply missed. They were both responsible for beautification of the City, Alexandria Park, any of our parks as well and the success of Main Street Portsmouth.

2nd Ward Vice President Saddler also wanted to thank the Mayor and Auditor, but also wanted to thank all the department heads for their efforts with the budge.

Mr. Saddler stated that he appreciates the resolution being declared on the second ward for the demolition of some structures. There are quite a few in the 2nd ward that need to be addressed and looks forward to seeing that being taken care of.

Mr. Saddler wanted to commend a former Portsmouth resident, Donnie Morgan, Warden at Lucasville prison. Mr. Morgan has been chosen Best Warden in the state of Ohio. He wanted to send out his congratulations, commenting that he has always done a fine job at SOCF and has been very beneficial to a lot of charities in Portsmouth.

3rd Ward Councilman Basham wanted to express his excitement after the Budget Work Session on Saturday. There’s a lot of naysayers and doubters about the bumbling Portsmouth

Council, the city government that can't get it together and I really hope that (Daily Times reporter) Mr. Lewis will put something in the paper when the appropriate time comes. With all of us sitting here together we were able to come up, mainly through the mayor and the auditor, paying off half of the deficit. For all those out there, unlike the federal government, we (the City) understand that the number has to be paid down, you just can't keep a deficit. Mr. Basham stated he was excited to see that the deficit was cut in half, and he understands that a few numbers may change with negotiations but overall it was nice to see.

4th Ward Councilman Kalb wanted to thank the Mayor, Auditor and department heads and City Council regarding the budget.

Mr. Kalb presented Council, Mayor, and Auditor with information on the proposed project at the Uranium Enrichment Plant. There is a proposed disposal site, he continued, that there is a lot of information in the packets that he hopes Council will review the information and the DOE and the company involved will take into account public sentiment and especially that of elected officials.

5th Ward Councilman Haas did not have a 5th Ward report.

6th Ward Councilman Sturgill stated that he has passed on the few concerns that he has received from citizens.

Mr. Sturgill also wanted to commend the Mayor's Office, the Auditor and department heads that have moved forward in trying to achieve the budget issues. He thinks they are making great stride and certainly hopes that tonight does not put a dent in the efforts with regards to the contracts. He wanted to ensure that everyone understands there is a lot of work that has to go in on these budgets, that everyone has put forth a good faith effort. That by getting this under control that we (the City) will be able to do other things for the community. So again put aside all of the issues that we have had, the dysfunctional city government as perceived by many people and in some cases many people feel it is a reality. It will not be a reality, we (Council) are going to make this work. We still have a lot of work to do, we need to get back on the ball with the budget. Let's get this done, he knows that we (Council) can do it There are a lot of people rooting for us, to make this work.

City Auditor Mr. Williams stated as far as the report (Fiscal Caution Plan) is concerned, he thanked Council for their comments. Stating it did take a lot of hard work by the departments and Council giving their time. He hopes that going through the process that there has been a lot learned about the budget and the process. He thinks that it has been a good experience for all. However, we cannot get our hopes up, putting the plan together was hard, now there we will need to go back into the budget and put back in those lost savings and make up for those in the 11 months that we have left.

City Solicitor Mr. Jones wanted to thank the Auditor and his staff for the direct deposit for the City of Portsmouth. Mr. Jones stated that his office was part of the test group and it worked great without flaws.

The meeting adjourned at 6:30 p.m., on a motion by Councilman Johnson.

City Clerk

President of Council