

## MINUTES – REGULAR SESSION

### PORTSMOUTH CITY COUNCIL MEETING Monday, October 11, 2010 6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, September 27, 2010 at 6:00 p.m., in the Council Chambers of the Municipal Building.

President of Council, 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:

Kevin Johnson	1 <sup>st</sup> Ward
David Malone	2 <sup>nd</sup> Ward
Nicholas Basham	3 <sup>rd</sup> Ward
John Haas	5 <sup>th</sup> Ward
Richard Noel	6 <sup>th</sup> Ward

Also present were Mayor Jane Murray and City Solicitor, Michael L. Jones. City Auditor, M. Trent Williams arrived at 6:10.

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

On a motion by Councilman Noel, Council dispensed with the reading of the Journal for the regular session of September 13, 2010.

#### STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA

Teresa Mollette - 1705 - Franklin Blvd. (369 Meadows Lane, Wheelerburg) spoke in support of Item "7c & d", reimbursing the Engineering Building Inspections line item for an emergency tear down at 817 Spring St. and an appropriation into Engineering Miscellaneous Projects for two other properties that were razed. She also supported the moratorium on pill mills but disagreed with the selection of October 27 as Trick or Treat and felt the date should be moved to the 28<sup>th</sup>, to correspond with the date set by the county.

#### LEGISLATION

The Clerk gave a **third reading** to an ordinance authorizing the appropriation of \$93,000 from Flood Defense Fund No. 265 for much needed repairs to the City's flood defense system and where necessary, to authorize the Mayor to advertise for bids and thereafter enter into contracts with the lowest and/or best bidder for various purchases and projects for aforesaid repairs to the City's flood defense system.

Councilman Noel made a motion to pass the ordinance.

Upon the President reminding him that the ordinance still needs to be amended to reflect correct amount of the appropriation to be \$156,850.00, Councilman Noel withdrew his motion for passage and made a motion to amend.

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

Councilman Noel made a motion to pass the amended ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 The ordinance was passed. ORD. #60-10**

The Clerk gave a **third reading** to an ordinance authorizing the appropriation of \$3,600 from CIP Fund No. 301 to Engineering Miscellaneous Projects Fund No. 301.112.5529 to be paid to Howerton Engineering & Surveying, Inc. for surveying fees and where necessary, authorizing the Mayor to advertise for bids and thereafter enter into contracts with the lowest and/or best bidder for the aforesaid surveying fees.

Councilman Noel made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 4 (Basham; Noel; Johnson; Malone) – nays 1 (Haas) The ordinance was passed. ORD. #61-10**

The Clerk gave a **third reading** to an Ord. authorizing the appropriation of \$8,600 from CIP Fund No. 301 into Engineering Building Inspections Line Item No. 101.663.5297 as reimbursement for funds used for an emergency tear-down of 817 Spring Lane in the spring of 2010, and where necessary, giving emergency authorization to the Mayor to advertise for bids and thereafter enter into contracts with the lowest and/or best bidder for the aforesaid tear-down.

Councilman Noel 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. #62-10**

The Clerk gave a **third reading** to an ordinance authorizing the appropriation of \$7,400 from CIP Fund No. 301 into Engineering Miscellaneous Projects Line Item No. 301.112.5229 for emergency tear-down of two properties, and where necessary, giving authorization to the Mayor to advertise for bids and thereafter enter into contracts with the lowest and/or best bidder for the aforesaid tear-downs.

Councilman Noel made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 4 (Noel; Johnson; Malone; Haas) – nays 1 The ordinance was passed. ORD. #63-10**

The Clerk gave a **first reading** to an ordinance authorizing the acceptance of check no. 4808 in the amount of \$4,856.84 received from U.S. Specialty Insurance and check no. 4823 I the amount of \$1,327.94 from U.S. Specialty Insurance into Police Department Vehicle Maintenance Line Item No. 101.221.5264 in order to pay repair costs for a police department vehicles.

Vice President Haas moved that this constitute a first reading.

In response to Councilman Johnson noting this to just be an ordinance to accept an insurance claim check, Vice President Haas withdrew his motion for a first reading and made a motion 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.**

Vice President Haas 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. #64-10**

The Clerk gave a **first reading** to an ordinance instituting a one hundred eight (180) day moratorium on the issuance of any permit, license and/or authority to establish any “pain clinic”, “pain management clinic” or “pain management center” within the City of Portsmouth, Ohio, to allow time for the City, its staff, agencies and departments to review regulatory options and further to formulate and adopt regulations, rules and ordinances for said “clinics”, providing for severability and providing for an effective date.

Councilman Johnson moved this constitute a first reading.

Councilman Johnson expressed his delight at the legislation as a first step. Referencing that part of the ordinance that refers to departments reviewing regulatory options he said he felt someone needed to be in charge and inquired as to whether or not there would be public meetings for public input on those things Council might want to consider “up to the 180 days”. Noting this to not be in the ordinance he inquired, of the Solicitor, if it needed to be. Mr. Jones reiterated the fact that he is open to suggestions and that the ordinance can be modified. He noted that we are creating something that has never been created before and that he would have no objections to establishing something, saying he hated to use the word “another committee”. The Solicitor did not object to possible further discussion or a public hearing. Mr. Johnson, acknowledging the recent establishment of various committees, said he felt this to be most appropriate to have a committee of Council because, under the law, those meetings become public. He continued by suggesting the Health Commissioner, Peggy Burton chair the committee and pull together the appropriate department heads and any outside people she should ascertain as being important. He felt that in this way the meetings would be public and public input would be received and would also allow the public to hear the input of the committee members. Mr. Johnson felt this would not only allow discussion on what has caused this problem but would include ideas on how to improve/restructure and take advantage of pending state legislation by pulling some restrictions from them. The Solicitor said he did not want to impose something on (*not discernible*) until he has a chance to talk (*not discernible*) and come up with some language to establish severability. In response, Mr. Johnson asked if Council can accept this as a first reading and then expect it to come back with some modifications and move forward. There was no audible response. Mr. Johnson extended his “thanks” to the Solicitor and Mrs. Burton. Vice President Haas, referring to the language regarding licensing and permits, asked where someone who wants to start a pain clinic in Portsmouth would obtain such permits and also inquired as to whether or not they presently have to obtain a permit. The Solicitor advised this to be a start and he sees this as a way to begin to establish requirements, noting that at the present time no permits are required. He acknowledged the City’s authority to be through the Engineering and Health Departments.

There being no further discussion the roll was called. **VOTE: ayes 5 – nays 0 A first reading was declared.**

The Clerk gave a **first reading** to a resolution designating a date and time for the 2010 Halloween “Trick or Treat” night for the City of Portsmouth, for Wednesday, October 27, 2010, from 5:30 p.m. until 7:00 p.m. for children up to and including the age of fourteen (14) years of age.

The President advised Council that the school system have moved their parent/teacher conferences to Tuesday, October 26<sup>th</sup>, the City can change the date of “Trick or Treat” to correspond with the date set by the county.

Councilman Johnson made a motion to amend the resolution to reflect the date for “Trick or Treat” as Thursday, October 28<sup>th</sup>.

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

Vice President Hass 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. #12-10**

#### **STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGENDA**

Erica Book – 383 Zeigler Lane, Stout, Ohio provided Council with a handout from the Buckeye Outboard Association, an organization formed to promote powerboat racing in Ohio. Mrs. Book, representing the BOA, requested support from the City in their efforts to bring national boat races back to Portsmouth. She advised Council that the BOA works closely with the US Coast Guard and state and local officials to ensure a safe, successful and enjoyable event for everyone involved. Mrs. Book further advised that the organization is in compliance with safety issues and insurance regulations. She stated that the organization was not requesting any monetary assistance from the City. Acknowledging the off-duty police officers charge \$40.00 per hour for providing security, she said the newly formed organization cannot afford that fee and asked that some consideration be given to a reduced amount. She also requested parking be made available for the tractor trailer that would be transporting the racers’ boats to the riverfront. Mrs. Book said she would not want to see these drivers get a ticket because they parked in a restricted area and noted the parking would have to be near the boat ramp. She felt this event would bring revenue to the City, noting that the race boat drivers would be coming from all over the country to compete. She described it as a “family event” and requested Council to adopt a resolution supporting their efforts.

Teresa Mollette - 1705 Franklin Blvd. (369 Meadow’s Lane, Wheelersburg, Ohio) suggested the agendas and minutes be brought up to date on the City’s website. She also suggested that information on the conference agenda be on the website, claiming that would reduce requests for public records. She also felt the television broadcast should include the conference sessions.

#### **Miscellaneous business and reports:**

##### City Clerk’s Report

1. Received from the Auditor the following reports for the period ending 9/13/40:
  - 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 minutes, on a motion by Vice President Haas.

##### Mayor’s Report

1. With regard to the City’s website, the Mayor advised that she is working to get a local purveyor of websites to assist the City so all of the departments can be adequately trained to input information on the site. She explained that the site is controlled by a proprietary firm in Kansas and the City only has one person who is partially trained to utilize the site, therefore an attempt is being made to make the site more user-friendly. She also advised that her office is trying to go digital with some of the records, noting that in the future the Mayor’s conference agendas will come to Council via a PDF file. She said in that way, if Council so chooses, they can print off copies. She claimed there to be a “lot of records” that have not been digitized and, while acknowledging it to be a massive undertaking, it is something that needs to happen.
2. She extended her thanks to Mrs. Book for her presence this evening and felt this to be the perfect kind of activity to refer to the newly appointed committee that will be looking at festivals and events. She reported Main Street and the Chamber of Commerce as wanting to work on more of this type of activity.

3. The Mayor felt that with the time change on the date for “Trick or Treat” will be helpful to everyone.

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

#### President of Council

1. The President announced the following appointments:

Internal Operations - Council Vice-President, John Haas. Servicing with Councilman Kevin Johnson; Mrs. Barbara Hogan; Mr. Alan Barlow and Mr. Roger Sessor, Jr.

Housing, Infrastructure and Economic Development – Councilman Rich Noel. Serving with Councilman Kevin Johnson and Mr. Steve Sturgill. He noted this committee needs two additional citizens that are to be appointed by Council.

Cultural Affairs, Neighborhood & Recreation - Councilmen Nicholas Basham and Jerrold Albrecht. Serving with Mr. Carl Daehler and Ms. Phyllis Noah. The President noted this committee to need a citizen appointed by Council.

The President expressed his hope that the members of Council did receive his e-mail providing them with the opportunity to recruit others for their respective committees. He asked that any such suggestions be forwarded to him.

Noting the Zoning Board of Appeals to have a vacancy due to the recent death of Clemmy Womack, appointed Mr. Gary Hariston, 2625 Shawnee Road to fill that vacancy.

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

#### Miscellaneous business from City Council

1<sup>st</sup> Ward Councilman Johnson reported having forward items of concern to Mr. Beaumont, noting most of them to be issues involving streets.

Mr. Johnson expressed his thanks to Mrs. Book for being here.

2<sup>nd</sup> Ward The President had nothing to report from his ward.

3<sup>rd</sup> Ward Councilman Basham reported having received some phone call complaints with regard to the street markings at Gallia and Offnere, saying lane markings are faded and it is hard to tell exactly where the turn lane is . He asked the Mayor if she could check to see if there is paint available to mark the lanes.

He also reported that a resident at 2000 has been trying for some time to get a handicap sign erected in front of his home. He said both the resident and himself have called the Mayor’s office a number of times and that he was told that he would receive an e-mail telling him what is happening, however he has yet to receive any e-mail and he would like to have an answer.

Mr. Basham noting that while Council is hearing readings to ordinance and passing legislation he can hear rumblings about Portsmouth being a charter city and how we need to change that. He said he felt one of the great benefits of being a charter city is that we have been able to pass legislation to stop pain clinics, which, he said, shows that “we as a city can govern ourselves and do good things for our community”. Mr. Basham described this as a “real advantage” of having a charter city.

5<sup>th</sup> Ward Vice President Haas thanked Mrs. Book for coming in this evening and acknowledged having spoken with her a couple of weeks ago. He advised Mrs. Book that he would like to follow up with her for just a few minutes following this meeting with some specific questions. He remembered the time when the races were held in Portsmouth and how he would love to see that happen again.

6<sup>th</sup> Ward Councilman Noel also supported bringing the boat races back to Portsmouth, calling it a “wonderful idea” and noting the request brought back old memories. He said he still has the boat he had when he entered the first races that were held at Portsmouth in 1960 or 61 and he won first prize for his boat, which he

described as a 1956 Pontiac Star Chief Catalina with wings that he felt caught the attention of the judges.

Neither the Solicitor nor the Auditor had anything to report.

The meeting adjourned at 6:43 pm., on a motion by Vice President Haas.

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City Clerk

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President of Council