

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING Monday, November 22, 2010 6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, November 22, 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 st Ward
David Malone	2 nd Ward
Nicholas Basham	3 rd Ward
Jerrold Albrecht	4 th Ward
John Haas	5 th Ward
Richard Noel	6 th Ward

Also present were Mayor M. Jane Murray; City Solicitor, Mike L. Jones and City Auditor, M. Trent Williams.

Council dispensed with the reading of the Journal for the Special Session of October 28, 2010, on a motion by Councilman Albrecht.

Councilman Haas, distributed copies of an ordinance and made a motion to add to the agenda legislation authorizing the appropriation of funds from the Housing Revolving Loan Fund to Habitat for Humanity.

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

Councilman Johnson made a motion to add to the agenda legislation amending Chapter 1315 to include FEMA’s revised Flood Insurance Study and Flood Insurance Rate Maps, which will be effective April 18, 2011.

The motion carried. **VOTE: ayes 6 – nays 0 The legislation was added to the agenda as Item “7b”.**

STATEMENTS FROM CITIZENS ON ITEMS LISTED ON THE AGENDA

Laura Walker – 2502 Ritchie Street, co-president of Habitat for Humanity advised Council of Habitat’s mission and encouraged Council to pass the legislation to assist them with the construction cost of a single family dwelling on Franklin Avenue.

LEGISLATION

The Clerk gave a **first reading** to an ordinance authorizing the appropriation of \$20,000 from Housing Revolving Loan Fund to Habitat for Humanity to assist with the construction cost of a single family dwelling located at 1320 Franklin Avenue, Portsmouth, Ohio.

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

The roll was called. **VOTE: ayes 6 – nays 0 The rule was suspended.**

Councilman Albrecht made a motion to pass the ordinance.

Councilman Johnson, noting the address in the ordinance to be incorrect, made a motion to amend the ordinance by changing the address from 1320 Franklin Avenue to 1310 Franklin Avenue.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The ordinance was amended.**

There being no questions or comments on Councilman Albrecht’s earlier motion for passage the roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. #71-10**

The Clerk gave a **first reading** to an ordinance amending chapter 1315 – Flood Damage Prevention, Section 1315.03(b) – Basis for Establishing the Areas of Special Flood Hazard of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Albrecht moved this constitute a first reading.

The Solicitor said he believed everyone should have a copy of a letter dated November 15th to the Mayor from the Ohio Department of Natural Resources, indicating the need for this particular piece of legislation. He advised Council that there is no immediate requirement, noting the deadline for being compliant with floodplain management regulations is April 18, 2011.

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

STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

William Cole – 1133-28th Street, representing Bikers for Charity, advised Council that they have applied for a permit for street collections, which they have been doing for the past 20 plus years. Mr. Cole noted that the permit states that the collectors are not to enter the roadway and expressed his hope that this would not be strictly enforced, noting this restriction has not been on past permits. He thanked the officials of the City for the opportunity to do charity work, noting these works to be helpful to the community and expressed his appreciation for being given the ability to do this work.

Melanie (no last name given), the owner of the Shirt Shop in Wheelersburg, expressed her appreciation and thanked the City for its business, however she said she was having some problems getting some of her invoices paid. She acknowledged the Auditor's office to have been very helpful, however a check had gone to a competitor who had cashed the check. She advised that it will now be necessary for the City to seek reimbursement from that vendor and then she can be paid. She questioned a new policy that requires five to six signatures in order to get an invoice paid, which was contrary to only a couple of signatures as it has been in the past.

Lee Scott – 936-9th Street claimed to have been “wrongfully done” when his lawsuit against the City was dismissed and felt justice was not done. He felt he had been tremendously harmed and that many of those who tried to get at him “are still running amuck”. Mr. Scott claimed to have done “his years in the military” saying he fought for this country and would do it again. Mr. Scott advised Council that he has instructed his attorney to file a notice of intent to appeal the Judge's decision. Mr. Scott continued by reiterating his opinion with regard to the City's purchase of the Marting's Building in 2004, calling it a “dilapidated overpriced” building. He also claimed the City to have rehabbed and put an elevator in the museum then sold it to “them” for \$1.00. He also claimed “they” get grant monies and were “donated” \$100,000.00 from the City's revolving loan fund “to help them build a new home”. Mr. Scott said, “They get a quarter of a million dollars of our tax dollars brought in by Rob Portman to help them build a new home but yet they are our grant department and basically they have the right to apply for grants on behalf of our City under an ordinance given them”. He continued, saying “They've got a brand new home down there and we're still residing in a shack up here”. Mr. Scott, referring to a scheduled upcoming recall election, claimed that if it goes “the wrong way those people will just start another one” he asked where it will end or if it ever will. He wonder if it does end would there be anything left worth fighting for “when the people down the street will end up having it all”. He continued, saying “They are all multimillionaires pretty much – they all signed secrecy agreements and never tell anybody what they are doing”. He also claimed “Thirty one of them paid that guy down there \$2,000.00 a year to be on this board”. He compared that to Council receiving \$50.00 a month. He also claimed to have been attacked while sitting in his car on a parking lot and also claimed the City to refuse to prosecute. He further claimed that his heating/air conditioning unit to have been stolen from his yard and claimed the City refused to prosecute when he found the thief. He questioned if this was because he is Lee Scott. Mr. Scott claimed he has to get out of town to “buy” his attorneys “to purchase his justice”.

Harald Daub – 1221-22nd Street claimed there to be people present who wants to speak on the proposed closing of Third Street and expressed his hope that the public gets an opportunity to speak to this issue.

Linda Switzer – 319 Front Street thanked Lee Scott, saying she did not hear anything that was not true. She asked everyone to vote against the recall of the Mayor and thanked her for “doing a good job”. She claimed the Mayor to have to fight everything including the newspapers.

Eileen Perry – 1410-16th Street objected to consideration being given to the closing of Third Street, saying the students are grown adults and should know how to safely cross a street. She noted Fourth Street, where the traffic would be diverted, to be were the elementary school is located where small children attend.

Miscellaneous business and reports:

City Clerk's Report

1. Received on November 9th, from the Auditor's office, the following reports for the period ending 10/31/10:

Combined mtd/ytd expense report
Mtd/ytd revenue report
mtd bank report
Combined mtd/ytd fund report

2. Received from the Department of Commerce, Division of Liquor Control an annual notification to the legislative authority that all permits to sell alcoholic beverages in the City of Portsmouth will expire on 2/1/11. In order to maintain permit privileges, every permit holder must file a renewal application. ORC Section 4303.27 1(B) provides the legislative authority with the right to object to the renewal of a permit and to request a hearing by resolution and submitted by the Solicitor to the Division of Liquor Control no later than January 3, 2011.

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

Mayor's Report

1. Thanked Main Street for decorating for Christmas around the City Building and announced that the Christmas Tree lighting is scheduled on the Esplanade for Thursday, December 2nd at 5:00 p.m. She advised of other activities that will be taking place at that time and announced donations would also be accepted for the Homeless Shelter's food pantry. She also noted Main Street also has activities scheduled for the area around Second and Market Streets.

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 President reappointed Suzette Rhea and Starria Bell to the Cultural Affairs Panel.

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:

6th Ward Councilman Noel stated that he has given all his requests to the Mayor.

5th Ward Councilman Haas reappointed Gina Chabot to the cultural Affairs Panel
Noting that he had read in the newspaper that the taxes for flood defense had dwindled from \$225,000.00 per year down to less than \$119,000.00 per year and further noting the levy having just passed earlier this month, Mr. Haas called this "misinformation". He advised the amount of revenue collected to date to be \$210,825.55, which is more than was collected at this time last year. He also noted the unencumbered balance, in that fund, at the end of October to have been \$807,678.81. Mr. Haas said he just wanted to correct this misinformation that appeared in the paper this week, based on a proposal for collecting funds for flood defense in the future.

4th Ward Councilman Albrecht had no report but wished everyone a "Happy Thanksgiving".

3rd Ward Councilman Basham reminded everyone about how our previous Mayor was criticized for not submitting the 2010 budget in accordance with the City's charter. Noting the budget is suppose to be submitted by the 15th of November, Mr. Basham again asked the Mayor when Council will receive a copy of the 2011 budget saying this is a request for "good government" and asked that it be submitted to him in writing.

2nd Ward The President did not have anything to report from his ward.

1st Ward Councilman Johnson agreed with Mr. Basham with regard to the budget.

Said he was looking forward to everyone having a great Thanksgiving.

Reappointed Linda Switzer to the Cultural Affairs Panel and reiterated his concerns regarding them not adhering to the open meeting laws.

He expressed disappointment to see Custom Carpet and the Lewis Furniture Store going out of business. He asked everyone to consider doing their shopping locally – as much as possible.

Neither the Solicitor nor the Auditor had anything to report.

The meeting adjourned at 6:40 p.m., on a motion by Vice President Haas.