

## MINUTES – REGULAR SESSION

### PORTSMOUTH CITY COUNCIL MEETING

Monday, December 13, 2010

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, December 15, 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
Jerrold Albrecht	4 <sup>th</sup> Ward
John Haas	5 <sup>th</sup> Ward
Richard Noel	6 <sup>th</sup> Ward

Also present were City Solicitor, Mike L. Jones and City Auditor, M. Trent Williams.

Council dispensed with the reading of the Journal for the regular sessions of November 8<sup>th</sup> and 22<sup>nd</sup> of 2010 and the special session of November 15, 2010, on a motion by Councilman Albrecht.

Councilman Albrecht made a motion to add to the agenda an ordinance authorizing the President of Council to formally change health insurance providers to United Healthcare for 2011.

There were no questions or comments. The motion carried viva voce. **VOTE: ayes 6 – nays 0 The legislation was added to the agenda as Item “7f”.**

Councilman Albrecht made a motion to add to the agenda a resolution declaring certain properties a public nuisance and spot slum and blight.

There were no questions or comments. The motion carried viva voce. **VOTE: ayes 6 – nays 0 The legislation was added to the agenda as Item “7g”.**

### STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA

Preston Smith – 1115-15<sup>th</sup> Street inquired as to Item “7f”, which was added to the agenda. He said without knowing the address of these properties no one would know whether or not they needed to address the issue. In response the Solicitor explained that this ordinance is needed in order to apply for a grant, which has a deadline of December 21, 2010. He said the funds, if granted, will assist in the demolition of certain properties that are identified in the resolution.

Matt Allard, President of Student Government at SSU, spoke in support of the University’s request for the temporary vacation of a portion of Third Street. Mr. Allard provided three reasons for the necessity of closing a portion of this street. 1) Safety – to protect students from the danger of being hit by a car; 2) Campus growth – the closing of the street will allow the University to grow with the addition of new buildings and will allow more activities for the community; 3) An investment for the City – the school brings in 90 plus million dollars, which will increase as the University grows. Mr. Allard also noted the advantage of local high school graduates being able to remain in the area after graduation by attending the University.

### LEGISLATION

The Clerk gave a **second 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 second reading.

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

The clerk gave a **first reading** to an ordinance authorizing the acceptance and appropriation of two charitable contributions in the amounts of \$1,071.48 each from the Portsmouth Eagles into the Police Department and Fire Department contingency line item accounts.

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.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 the ordinance was passed. ORD. #72-10**

The Clerk gave a **first reading** to an ordinance approving the request of Shawnee State University for a six (6) month trial and temporary closure of Third Street from Gay Street east to Waller Street in the City of Portsmouth. All costs associated with the temporary closure of Third Street, including but not limited to, barricades and other safety measures shall be at the sole expense of Shawnee State University. It is further understood that the City reserves the right to amend and/or repeal this ordinance during this six (6) month trial and temporary closure of Third Street should circumstances so warrant. This issue regarding the trial and temporary closure of Third Street shall be brought back before Council at its first meeting in May of 2011 for further review and discussion.

Councilman Albrecht moved this constitute a first reading.

Councilman Johnson asked the Solicitor what parameters have been established to determine the success or failure of the test. The Solicitor felt those would be up to the Council and that is why the test has been set for a review in May of 2011. Mr. Jones stated it to be his understanding that Shawnee State will conduct a traffic study to see what effect the closing will have on other nearby streets, especially Fourth Street. He said the test could determine if a permanent vacation of the street will be something that works or does not work. Mr. Johnson said he was trying to get a feel for parameters, saying he did not want Council to not know on what guidelines the university's study was actually based when they review it in May of 2011. In response to him asking if Shawnee State is going to be responsible for providing the City with the data and would the Police Department and/or other departments provide the City with information based on their observation, the Solicitor advised that May will mark five-months of the study and will therefore, give Council an opportunity to review it and hopefully, by then, whatever type of studies are done, Council will be provided with more information. He also noted the ordinance contains a provision that will allow for revisions or to repeal the ordinance should circumstances make that necessary.

Councilman Albrecht advised that every phone call he has received about this issue has been opposed to the closing of Third Street. With regard to the safety issues, Mr. Albrecht said his constituents do not see keeping adults safe on Third Street when traffic is being diverted to Fourth Street and Gallia Street where high school and elementary students are walking. For these reasons, Mr. Albrecht said he will be voting "no" on this ordinance.

Councilman Johnson acknowledged having heard from the Social Security office located on Fourth Street who reported having received a call from Shawnee State that did not alleviate their concerns with regard to the closing of Third Street. Mr. Johnson said he not only received a call from the local Social Security office but he also received a call from their regional office expressing extreme concern. He noted their local Fourth Street office to have a very small entrance onto their parking lot thus creating concern for their senior citizens, who are the predominate people they serve. Mr. Johnson said Social Security has a "major concern" with traffic being pushed up Fourth Street. With regard to phone calls, Mr. Johnson also stated that all his calls have been in opposition to the closing of Third Street. He further noted that his calls have not just been from residents of his ward, noting Third Street to be an East/West thoroughfare. He said the people who called him were also concerned about the condition of Fourth Street, saying there is no comparison of Fourth Street to Third Street, noting there to be a "huge difference". Mr. Johnson also expressed his concern about the City not having the funds to ever bring, in the short term, Fourth Street up to the condition of Third Street. Mr. Johnson reported having received a memo from Shawnee State indicating that in 1991 the University had agreed to pay all upgrades to the area with the exception of Third Street. Mr. Johnson stated that from what he has determined so far, the City has a major investment in Third Street, which would be lost with its closing and then the City would have to invest in Fourth Street. He also expressed concern that the number of street above and north to Third Street are limited. He felt that the University had decided early on to grow horizontally as opposed to vertically with regard to student housing and felt that decision may have come back to "haunt us". He acknowledged an understanding of the decision to build only two story housing facilities but noted there are now consequences to pay for that decision. Noting there to be two more readings on this ordinance, Mr. Johnson said he may vote against it tonight but may not continue to do so because he wants to learn more.

There being no further discussion the roll was called. **VOTE: ayes 3 (Haas; Malone; Basham) – nays 3 (Albrecht; Noel; Johnson) The motion for a first reading failed due to a lack of four affirmative votes.**

The Clerk gave a **first reading** to a Resolution accepting the amounts and rates as determined by the Budget Commission of Scioto County, Ohio, authorizing the necessary tax levies and certifying the same to the Auditor of said County.

Councilman Albrecht made a motion to adopt the resolution.

In response to a request by Councilman Johnson, the Auditor explained the amounts and rates and advised them to be the same as last year with the exception of the tax in the bond retirement debt service fund,

which is less this year because the bonds for the fire truck have been paid. However he noted that for bond retirement debt services the amount would remain the same. He continued explaining the various amounts and rates identified on the resolution.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 The resolution was adopted.**

The Clerk gave a **first reading** to an ordinance authorizing the President of City Council to formally change health insurance providers to United Healthcare for 2011 City Health Insurance and considering the same an emergency.

Prior to a motion being made, the Solicitor said he wanted to clarify a question from a member of Council via e-mail. Mr. Jones acknowledged meetings with the City's health insurance representatives have been on-going by himself and the Mayor. Referring to Section 30 of the charter, Mr. Jones stated that when this legislation was drafted he was informed that the Mayor would not be attending this meeting and noted the deadline for this change in health insurance providers is tomorrow. He further noted this legislation was not done to usurp any of the Mayor's powers saying that when the switch is made, with regard to health care, he did not want there to be any unresolved issues. He said he would not be opposed to the ordinance being amended to state "in the absence of the Mayor".

Councilman Johnson agreed with the Solicitor and moved to amend the ordinance accordingly.

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

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 extended his "thanks" to Mr. Duzan, of Portsmouth Insurance, who began this process months ago and has put in a lot of hours on behalf of the City. He noted this action will save the City close to \$200,000.00. The Solicitor explained that, Portsmouth Insurance, basically sent out requests for proposals to various companies and of the three responses that were received United Health Care was substantially the lowest quote, which could not be met by the City's current provider Anthem. Noting the time constraints, Mr. Jones said they did not want any gaps in coverage for employees of the City. He further noted that the changeover will all be done electronically. Mr. Jones advised that Mr. Duzan has agreed to meet with any department head or employee who has any questions. It was further noted that letters will be going out to all health care providers in the community to advise them of this change. Upon request, Mr. Duzan approached the microphone and explained the entire process and the savings that will result from this action. He also assured that nothing will change for the employees.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 The amended ordinance was passed. ORD. #73-10**

The Clerk gave a **first reading** to a Resolution declaring certain properties a public nuisance and spot slum and blight and declaring an emergency.

Councilman Albrecht made a motion to adopt the resolution.

In response to an earlier remark by a citizens, the Solicitor advised that the terminology used in this ordinance is required in order for the City to comply with the specifications of the grant and it was not a reflection on anyone living in that particular area.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 The resolution was adopted.**

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

##### City Clerk's Report

1. Received from the Auditor the following reports for the period ending 11/30/10:
  - Combined mtd/ytd expense report
  - Mtd/ytd revenue report
  - Mtd bank report
  - Combined mtd/ytd fund report
  - Appropriation transfer from transaction listing

2. Received from the Ohio division of Liquor Control a notice of a request to transfer a C2 and C2X permit

From: Delmer Hicks  
2644 Gallia Street

To: Delmer Hicks  
Drive-up Window  
703 – 2<sup>nd</sup> Street

also received a notice of a request to transfer a D1; D2 and D3 permit

From: Delmer Hicks  
703 Second Street & Drive-up Window

To: Yamato Portsmouth Inc.  
DBA Yamato Steakhouse  
2807 Scioto Trail

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

#### President's Report

1. The President reminded the Councilmen from the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> wards that they have not yet made an appointment to the Cultural Affairs Panel.
2. Invited and encouraged everyone to attend the 2<sup>nd</sup> Presbyterian Church's Festival of Nine Lessons and Carols on Monday December 20<sup>th</sup> at 7:30pm.
3. Wished everybody a "Merry Christmas" and a "Happy New Year".

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:

##### 1<sup>st</sup> Ward

Councilman Johnson, noting the snow we had this morning, said the City's employees were out immediately and the roads were cleared. He thanked them, saying they have already been busy this year addressing water main breaks and doing so "immediately".

Mr. Johnson said he has never seen Chillicothe Street look so nice at Christmas and thanked everyone responsible.

He thanked Portsmouth Eagles for their most recent donation, saying it was very much appreciated.

##### 2<sup>nd</sup> Ward

The President had nothing to report from his ward.

##### 3<sup>rd</sup> Ward

Councilman Basham had nothing to report.

##### 4<sup>th</sup> Ward

Councilman Albrecht had nothing to report from his ward but thanked the Eagles for their donation. He also wished everyone "Happy Holidays".

##### 5<sup>th</sup> Ward

Councilman Haas said he was taken aback regarding the vote on the closure of Third Street and he hated it that Council is not supporting the university. Mr. Haas compared this with the loss of the mall years ago. He expressed disappointment and surprise that it was voted down without first knowing the impact it would have on surrounding streets during the temporary closure.

Acknowledging next year's budget to be coming up, Mr. Haas stated one of his issues is overtime. Having just reviewed this year's overtime, he said he wanted to know "why", noting that knowing the reason for overtime being over budget will help in the planning of next year's budget.

Mr. Haas inquired as to the traffic lights that are still bagged, saying he recently spoke with a member of the Traffic Committee who stated what he (Mr. Haas) has said all along, which was to follow the HNTB study subject to the resolution passed by Council on 02/08/10 and recommended the reinstalled traffic lights be removed.

##### 6<sup>th</sup> Ward

Councilman Noel reappointed Theora Bradley to the Cultural Affairs Panel.

The Solicitor had nothing to report.

The Auditor acknowledged his monthly reports having been filed with the City Clerk. Noting the fact that there was no conference agenda presented, he asked Council if they would remain for a few minutes following this meeting to discuss authorizing several pieces of legislation that his office needs to be enacted before the end of the year.

The meeting adjourned at 6:48 p.m., on a motion by Councilman Johnson.

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City Clerk

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President of Council