

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday, December 27, 2010
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, December 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 st Ward
Vacant	2 nd Ward
Jerrold Albrecht	4 th Ward
John Haas	5 th Ward
Richard Noel	6 th Ward

Also present were Mayor David A. Malone; City Solicitor, Mike L. Jones and City Auditor, M. Trent Williams.

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

Council dispensed with the reading of the Journal for the regular session of December 13, 2011, on a motion by Councilman Albrecht.

In response to a memo from the Solicitor, Councilman Albrecht made a motion to add to the agenda legislation authorizing the Mayor to advertise for bids and to enter into contracts for required supplies, materials and services for 2011.

The motion carried viva voce. **VOTE: ayes 4 – nays 0 The legislation was added to the agenda as Item “7f”.**

In response to a memo from the Auditor, Councilman Albrecht made a motion to add to the agenda legislation to make appropriations necessary for the current City expenses for the months of January and February 2011.

The motion carried viva voce. **VOTE: ayes 4 – nays 0 The legislations was added to the agenda as Item “7g”.**

There was no public hearing and no one present wished to address Council with regard to any of the items on the agenda.

LEGISLATION

The Clerk gave a **third 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 made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 4 – nays 0 The ordinance was passed. ORD. # 74-10**

The Clerk gave a **first reading** to an ordinance amending the limit on each Blanket Purchase Order issued by the City Auditor to be \$100,000 or the actual amount approved by City Council within each approved contract, whichever is greater and repealing Ordinance #72 of 2009.

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

The roll was called. **VOTE: ayes 4 – 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 4 – nays 0 The ordinance was passed. ORD. #75-10**

The Clerk gave a **first reading** to an ordinance establishing two new funds to be designated Fire Department Donations Fund #210 and Police Department Fund #214 to reflect and separate the amounts of donations received exclusively for use by the fire and Police departments.

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

The roll was called. **VOTE: ayes 4 – nays 0 The rule was suspended.**

Councilman Johnson made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 4 – nays 0 The ordinance was passed. ORD. #76-10**

The Clerk gave a **first reading** to an ordinance authorizing the city Auditor to amend appropriations and make two fund transfers in order to reflect actual revenue and expenditures in order to balance and close the City's books for the fiscal year 2010.

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

The roll was called. **VOTE: ayes 4 – 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 4 – nays 0 The ordinance was passed. ORD. #77-10**

The Clerk gave a **first reading** to an ordinance authorizing the acceptance and appropriation of two charitable contributions in the amounts of \$210.00 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 4 – nays 0 The rule was suspended.**

Councilman Albrecht made a motion to pass the ordinance.

The Auditor noted that the body of the ordinance indicates an amount different from the \$210.00 and suggested the ordinance be amended to reflect the correct amount throughout the ordinance.

Councilman Albrecht withdrew his motion for passage and made a motion to amend the ordinance accordingly.

There were no questions or comments. The roll was called. **VOTE: ayes 4 – nays 0 The ordinance was amended.**

Councilman Albrecht made a motion for passage.

There were no questions or comments. The roll was called. **VOTE: ayes 4 – nays 0 The amended ordinance was passed. ORD. #78-10**

The Clerk gave a **first reading** to an ordinance authorizing the Mayor of the City of Portsmouth, Ohio to advertise for bids and to enter into contracts for required supplies, materials and services for 2011 in accordance with Ohio Revised Code section 735.05 and declaring the same an emergency.

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

The roll was called. **VOTE: ayes 4 – 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 4 – nays 0 The ordinance was passed. ORD. #79-10**

The Clerk gave a **first reading** to an ordinance to make appropriations necessary for the current expenses of the City of Portsmouth, Ohio for the months of January 2011 and February 2011 as provided for in Section 50 of the Charter of the City of Portsmouth, Ohio.

Councilman Albrecht moved this constitute a first reading.

In response to Councilman Johnson, the Auditor explained how the charter allows for a 12 month or a two month budget followed by a 10 month budget. He also noted that the budget cannot be passed prior to the first of the year. He also went on to explain the necessity of passing this ordinance at this time, which will make it possible for the City to continue doing business while giving the new Mayor additional time to present Council with his budget for 2011.

There being no further comments the roll was called. **VOTE: ayes 4 – nays 0 A first reading was declared.**

There was no one present who wished to address Council with regard to any item not on the agenda.

Miscellaneous business and reports:

City Clerk's Report

1. OATH OF OFFICE
David Malone for position of Mayor of the City of Portsmouth, Ohio

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

Mayor's Report

1. The Mayor thanked Council for giving a first reading to the two month appropriation and advised them that he is working on the budget and hopes to present it to them soon.

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

President's Report

1. Acting President, John Haas read a press release advising citizens that Council will be accepting applications with resumes for those residents of the second ward who who meet the criteria and are interested in filling the vacancy on Council created by Mr. Malone assuming the position of Mayor.

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:

1st Ward Councilman Johnson welcomed Mr. Malone as the new Mayor and Mr. Haas as the acting President of Council. He encouraged citizens of the second ward to apply to fill the vacancy.

Mr. Johnson said he looked forward to seeing everyone next year.

4th Ward Councilman Albrecht appointed Allison Kalb to the Cultural Affairs Panel.

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

6th Ward Councilman Noel thanked Mr. Dempsey for serving on the Traffic Committee and acknowledged his resignation due to illness. Mr. Noel appointed Ray Mitchell of Mickelthwaite Road to serve the remainder of Mr. Dempsey's term.

The Solicitor respectfully requested Council to meet in executive session to discuss pending litigation.

The Auditor welcomed the Mayor and new acting president of Council. He announced his office to be in receipt of Mr. Malone's bond.

The Mayor recognized the presence of Juanita Jewett, who has returned to work in the Mayor's office, and acknowledged her as being a "very big help" in these past four days.

In response to the Solicitor's request, Councilman Johnson made a motion to recess into an executive session to discuss pending litigation. **VOTE: ayes 3 (Albrecht; Haas; Johnson) – nays 1 (Noel) Mr. Noel said he would pass because he questioned the legality of executive sessions. The motion carried. Council recessed into executive session at 6:26 p.m. Mr. Noel attended the executive session.**

Council reconvened at 6:36 p.m. Roll Call showed all those previously in attendance to be present.

The meeting adjourned at 6:37 p.m., on a motion by Councilman Johnson.

City Clerk

Acting President