

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday February 13, 2012

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, February 13, 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.

President Haas welcomed Boy Scout Troop 32 of Lucasville, Ohio. The Boy Scouts lead the meeting in the Pledge of Allegiance. President Haas and Mayor Malone presented Certificates of Participation to the members of Troop 31: James Bean, Ty Bender, Matthew Chatfield, Jacob Lute, Eric Manninen and Scoutmaster Chick Lawson. After the presentations, Council posed for pictures with the Troop.

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

On a motion by Councilman Basham, Council dispensed with the reading of the Journal for the regular session of January 23, 2012.

Vice President Saddler made a motion to add an item to the agenda regarding the IAFF contract.

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

Added agenda item 7f

There was no public hearing.

STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA

Austin Leedom – 1521 Fifth Street – Mr. Leedom stated that the printed agenda is very good but when there are items added to the agenda the public does not understand what it is about. Stating many times we (gallery) have difficulty hearing. Mr. Leedom stated that they see things moving but can’t hear, as many have difficulty hearing. On items that are added in, he would appreciate it if they (Council) would let them (gallery) know what they are.

LEGISLATION

The Clerk gave a **second 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 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 **second reading** 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 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 **second 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 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 **second 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 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** of an ordinance authorizing the acceptance into General Fund No. 101.000.4931 and the appropriation of the checks received from HCC U.S. Specialty Insurance Company in the amounts of \$2,071.60, \$7,747.60, \$210.24 and \$400.21 in Police Department Vehicle Maintenance Line Item No. 101.221.5264 in order to pay repair costs for damaged police department vehicles.

**ORD #5-12
Insurance
Money for
Police Dept.**

Councilman Johnson 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 Johnson moved to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The Ordinance was passed. ORD #05-12.**

Councilman Saddler made a motion to recess into an executive session to discuss contract negotiation prior to voting on the ordinance.

Roll was called. There **VOTE: ayes 6 – nays 0 The motion carried. Council recessed into Executive Session at approximately 6:15 p.m.**

**Executive
Session**

President Haas advised that this session would be held in Solicitor Jones office and they would be accompanied by the Mayor.

Council reconvened at 6:54 p.m. The roll call showed all those previously in attendance were still present.

President Haas stated that during the executive session the proposed contract for the IAFF was discussed and that it is set for a first reading.

The Clerk gave a **first reading** of 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 Johnson moved this constitute a first reading.

Councilman Johnson requested discussion.

President opened to Council questions or comments to the proposed ordinance.

Councilman Johnson requested for the advantage of those present and not present that the Mayor go over the issues.

Mayor Malone advised that the main issue with this contract as it relates to City funds and budget issues there are no raises, no pension pick-ups and the employee will be asked for \$200.00 in their insurance fund. Basically all other articles are the same as the current contract.

Councilman Johnson clarified that this is a three year contract, there are no raises and the Fire department, under the family plan will be paying \$200.00 a month instead of \$50.00. Restating that everything else remains the same with the exception of a major pick-up on the health insurance.

Mayor Malone stated that is correct.

Councilman Sturgill stated there are no raises for the first two year, with the opportunity to come back on the third year.

President Haas confirmed that there are no raises for the first two year.

City Auditor, Mr. Williams expressed his concern that on the memo from the Mayor dated February 10, 2012, he did not see anything about health insurance. As this was the largest portion of the last plan he is concerned as to the effect on the Facial Caution plan. He would like to see the insurance reflected on the summary and does not understand why it was not added.

Mayor Malone stated that the summary was what was renegotiated after the Council chose not to ratify the first contract that was negotiated.

Mr. Williams stated that this summary is what is being asked for now.

Mayor Malone affirmed that these changes, the insurance changes are still on the table as relates, from the first time Council was presented with the contract.

President Haas clarified that the comparison that Mr. Williams is looking at, is not with the old contract, but with the proposed contract, the one that was rejected by Council two weeks or a month ago.

Mr. Williams clarified that it was not on this summary because it did not change.

President Haas affirmed because it did not change from what was originally proposed.

Councilman Kalb wanted to make note for everybody that this is an issue of time that this taking. He requested the Council to look at the possibility that at the next meeting suspending the readings.

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

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NO ON THE AGENDA

Robert Mohl – 1219 Third Street – wanted to apologize to the group and to the community for the blighted state of addressed property 1219 Third Street. Stating that due to hardship he requests the removal condemnation notice on that property. He stated that he seeks the Council advisement about how to go about having it removed. He stated that Mr. Saddler has visited the site as well as others that are currently serving on the Nuisance Board that has made the determination. He feels that since the property is slated for demolition by the University in the long run, it is on the University's master plan for something other than residential use, in the not to distant future. He wished to ask permission to stay there until the house is brought up to code, but to use the house, to make use of its utility for storage until the time the University does decide to demolish it.

MISCELLANEOUS BUSINESS AND RPORTS:

City Clerk's Report

1. Oath of office
Rebecca Steele – Executive Secretary Fair Housing Board - 1-25-2012
Mark Cardosi – Fair Housing Board – 1-26-2012
Helen Adams – Fair Housing Board – 1-26-2012
Eugene Collins – Fair Housing Board – 1-26-2012
Brandon Reinhart – Firefighter – 2-8-2012
2. Received Licensing Fee Distribution statement from the Ohio Division of Liquor Control.

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

Mayor's Report –

1. Mayor Malone wanted thank Troop 32 for participating in the Council Meeting. The Mayor stated that we appreciate young people, anyone who gets involved, especially young people in the community, especially government, city government.
2. Mr. Malone announced to Council, the press and the community that because of the negative balance in the Sewer fund, we have implemented a 10% sewage rate increase that is effective February 1, 2012. The full impact will be seen in April or May of this year. The fund has been in a deficit balance, it was thought that there would be a rate increase last year but it was

not done. We basically needed to do it this year to address the deficit fund again also meeting the requirements the State auditors.

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

Presidents Report

1. President Haas to thank Troop 32 for coming in. He stated that we appreciate them coming down and watching and being involved. Advised troop members to keep up the good work, he knows that this is some of the requirements for a merit badge and hopefully they will have picked up on something tonight. He thanked them again.
2. President Haas addressed Councilman Johnson and clarified that he would agree to sit as the Council representative on the City Tree Commission.

**Appointment:
Johnson /City
Tree**

Councilman Johnson agreed.

President Haas appointed Councilman Johnson to the City Tree Commission. He also advised the other member to provide himself with names of other possible members. Mr. Haas stated it is his understanding that the committee hasn't been active in a while and that we need to resolve that. He set a deadline of March 9, 2012 for the names of other possible members.

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

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward Councilman Johnson wanted to thank Judge Steve Mowery, his office and those working towards the clean up. He has seen evidence of it in the community. He stated that this is a great program and he knows that other Council member will be taking advantage of this during the summer. Again he wanted to extend his thanks to the Municipal Courts and Judge Mowery.

2nd Ward Vice President Saddler wanted to thank Troop 32 for being here tonight. As he was a Webelos and a Boy Scout himself and remembers going to these types of things and commended them.

Mr. Saddler stated that he was surprised by the Mayor's report and he understands that it is up to the Mayor to make the increases however he wanted to express for himself and behalf of his ward that he opposes the increase. He also stated he understood why it had to be done.

3rd Ward Councilman Basham stated as another former Boy Scout he enjoyed seeing them here and thanked them for coming.

Mr. Basham addressed the Mayor with a question. He stated that along with Mr. Saddler he was surprised about the rate increase, however it still puts us (the City) below what the county charges for their sewer.

The Mayor advised that was correct.

Mr. Basham stated he had some interesting reading over the weekend and wanted to share with everyone. Mr. Basham stated that there is a Facebook page "You Know You are from Portsmouth if..." He knows that they are partnering with the paper and he has seen a lot of neat pictures on there. Over the weekend there was some discussion about the Great American Steam Boat Company, that started back up and they are doing river cruises on the Mississippi and Ohio river. Maysville is listed a one of the stops and Portsmouth was not listed. Several residents and site members email the Great American Steam Boat Company and said we have a mile of art right off of the river, we have the oldest brewery in Ohio still working, in walking distance of your landing, we have all this available that Maysville doesn't offer, why don't you come here. The answer they received from the company was that the schedule was already set for 2012 but they will look at it for 2013. Mr. Basham requested that on the next Conference Agenda a resolution with signature from all of Council and the Mayor inviting the Great American Steam Boat Company to come to Portsmouth. He offered the document he prepared to the Mayor, basically a resolution signed by all stating that we want to be put on this stop, Portsmouth is a destination, there are things for you to see here. When we mail this out to them, put a walking map, from Main Street of the local shops, even check with the tourism bureau on anything that is within walking distance of the river.

4th Ward Councilman Kalb did not have a 4th Ward report. But wanted to thank the Scouts for being here. Stating it's a special night to get cookies.

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

6th Ward Councilman Sturgill wanted to announce the appointment of Mathew Hammer to the Traffic Committee. He is very excited to join and will be an asset to the committee.

**Appointment:
Hammer/
Traffic
Committee**

Mr. Sturgill has received several calls regarding vacant properties. Stating we (Council) must have stirred it with all the discussion of the vacant properties. He has had more calls in the last week with regards to vacant properties in the 6th Ward, than he had 30 years ago in two years. We really need to stay on to of that, people are very concerned, there are pockets all over the city where this is an issue.

He has passed other concerns to department heads and the Mayor and all have responded.

Mr. Sturgill wanted to get his two cents on along with Mr. Saddler and Mr. Basham, he is shocked by the 10% increase that was announced. He stated that the last time we met (City Council) he sat there and discussed in detail that he thought that it would always be necessary to have increases to raise revenue. Mr. Sturgill stated that there were two budget hearing and he though he paid attention however he did not recall hearing anything about an increase. He stated that one of the things he brought up was that he would be disappointed if it did come up. He stated again he is shocked. There should have been some discussion about this or at the least Council should have been aware of the impending 10% increase.

City Auditor Mr. Williams answered to Mr. Sturgill and other comments that it was included in the Fiscal Caution advisory report. That was part of the plan for 612 and he knows that it wasn't discussed that day, Saturday morning here, you were given that report and it was decided not to try and read that report and discuss it, that day. He stated in the Mayors defense.

Mr. Sturgill wanted to ask why it wasn't even discussed. Then shows up in a Council meeting.

Mr. Williams said he could not answer that.

Mr. Sturgill apologized for interrupting his report.

Mr. Williams stated it was ok and hated to point out, that it was there.

Mr. Sturgill questioned by saying, he would have had to found it on his own, right?

Mr. Williams stated he is sure it would have been brought up had we discussed the entire report and we did not discuss any of the report.

Mayor Malone stated it was also in the budget.

Mr. Williams remember distinctly being here for the purpose of discussing it, in his part of it, that is all he can offer in his way explanation, what the Mayor's office or other department heads, he does not know. This was on his report and he did not receive any concerns about the report. Without that and other thing he has brought up tonight, he realizes that this is not debate time but a report. He expressed he is concerned about the Fiscal Caution report as it relates to the budget, if we are not going to have the budget follow what the Fiscal Caution report says we are going to do. There are other things in that fire contract, granted they were lesser amounts, in the tens of thousands rather than the hundreds of thousands, unless all those come together, there is no guarantee that the state is going to pass the Fiscal Caution plan as it is written, let alone if we don't do what we told them we were going to do.

City Solicitor Mr. Jones state he has had a brief discussion with Mr. Duncan from our fire department and one of the issues that was brought to his attention was an ordinance that deals with smoke detectors, that owners of property are required to own and maintain. However the ordinance does not have penalty for this ordinance. The intent was positive however there are not any teeth for the violation of the ordinance. The specific section is 1303.03. After speaking with

Mr. Duncan it is understood that we do not discover that this ordinance is being breach until there is a fire. Mr. Jones asked that Council consider a penalty phase to this ordinance so that when we do come aware that there are not smoke detectors in the home.

Mr. Haas clarified that Mr. Jones was requesting that this be placed on the Mayor's Conference Agenda for the following meeting.

Mr. Jones requested that the Mayor add this item and advised he would deliver the penalty phase to the Mayor.

The meeting adjourned at approximately 7:19 p.m., on a motion by Councilman Johnson.

City Clerk

President of Council