

MINUTES – REGULAR SESSION**PORTSMOUTH CITY COUNCIL MEETING**

Monday February 27, 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 followed by The Pledge of Allegiance to the Flag.

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 Johnson, Council dispensed with the reading of the Journal for the regular session of February 13, 2012.

Councilman Johnson made a motion to add an item to the agenda regarding Council's endorsement of proposed steel plant near the border of Scioto and Lawrence Counties. .

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

Added agenda
item 7h

Councilman Johnson made a motion to add an item to the agenda regarding memo received from the Mayor requesting changes to the budget, pertaining to contractual moneys for Community Development in the amount of \$6800.00.

President Haas clarified with the Mayor if this was a new item or if this would be an amendment to item 7d already on the agenda.

Mayor Malone advised that this would be an amendment to the budget already on the agenda.

Councilman Johnson withdrew his motion to add the item to the agenda.

There was no public hearing.

LEGISLATION

The Clerk gave a **third 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.

ORD #06-12
Vacation of
Baltimore

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 #06-12.**

The Clerk gave a **third 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.

ORD #07-12
Vacation of
Market Street

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 #07-12.**

The Clerk gave a **third reading** of an 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.

ORD #08-12
Amend ord 12
of 2010
Community
Workforce
Agreement
exemption

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 #08-12.**

The Clerk gave a **third 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.

ORD #09-12
Budget 2012

Councilman Johnson moved to pass the ordinance.

Councilman Johnson wanted to introduce the Mayors request to amend the operating budge increasing by \$6800.00. Mr. Johnson stated that he was not inclined to do such, but would rather see the amount being reduced from the Community Development salary and that amount moved to line item 101.661.5236. Stated it would be a transfer within the department and simply reducing the already approved salary.

President Haas was requested clarification for what Mr. Johnson was requesting.

Mr. Johnson stated the approved salary of the person discharged, we do not need that at this point in time, it will not be used. Therefore he wishes to reduce the salary by the amount and not increase the budget.

Mayor Malone stated that he felt that would be perfectly fine but wanted to amend and clarify it should read \$6400.00 instead of \$6800.00.

Councilman Johnson amended his amendment of the ordinance to reflect the \$6400.00.

Mr. Haas repeated the motion on the table was to amend the budget by moving \$6400.00 to line item 101.611.5239.

There were no further questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The Amendment to the Ordinance was been adopted.**

ORD #09-12
amendment to
Budget 2012

Councilman Johnson questioned the City Auditor Trent Williams, about the first reading of the current budget before Council, stating it was predicated on the previous proposed contract with IAFF, that has been modified, does the changes in the IAFF contract before Council change the budget significantly change the budget that is before the Council for final approval.

City Auditor, Mr. Williams advised that he had asked the same question to the Mayor's Office and was advised that this would not significantly change. He stated he does not know all the numbers or all the changes that have been made, but the Mayor would want to expand on that, he (Mr. Williams) was told it would not significantly change. He stated there may have to be an amendment at some time at the end of the year or towards the end of the year but not material.

Mayor Malone stated that it was correct and the only real significant issue would be the insurance payments that each employee would be paying into.

Mr. Williams clarified this was and operational issue.

Mr. Malone confirmed this statement.

President Haas stated that he got an email from the Auditor last week, showing that the year end numbers, the projected year end numbers were around 1.6 million but were actually 1.3 as of the end of 2011 and requested clarification of that fact.

Mr. Williams confirmed.

Mr. Haas stated that about \$300,000 to the good and that the sewer fund was showing additional revenues above what was originally projected.

Mr. Williams advised due to the increase (sewer), this year's certificate, which they also received a copy, he then request clarification from Council that they did receive the certificate. (They confirmed receipt of the certificate.) The differences in the revenue for this year would be the tax increase and the sewer increase but the actual cash balance difference would only be in the general fund. Mr. Williams asked if he (Mr. Haas) was questioning the general fund or just the increase in the revenues.

Mr. Haas stated that his understanding from the email was that the deficit in the sewer fund was going to be less than it had been projected.

Mr. Williams stated that it was about \$600,000.

Mr. Haas stated about \$275,000 to the good.

Mr. Sturgill stated that there have been several changes since his (Mr. Williams) letter to the State and wanted to know if he has gotten any feedback/follow up from the State regarding the changes that we have made or attempting to make in regards to fixing those problems?

Mr. Williams stated that the only comments that he has received was that the report looked very good. That came from David Thompson, who was very complimentary of the work that went into it and how it looked and how it was written. However despite his statements, he is not the one that makes the decisions. His superiors are the one who decide.

Mr. Sturgill wanted to know about what kind of follow up he (Mr. Williams) has had with the office (State Auditor).

Mr. Williams advised at this point none. The State Auditor's office will accept the report or send us information that needs to be modified in some way to meet their expectations.

Mr. Sturgill asked it that would be sent before the end of the year.

Mr. Williams stated he would have assumed he would have had some feed back by now, as that was January 20, that it was submitted and this is the end of February. Mr. Williams state he would have thought that in a little over a month we would have heard something. He has called to find out to find out if there is any determination being made and so far nothing.

Mr. Sturgill asked if someone should send a letter to ask an opinion regarding our plan. We are waiting on something here and we need to know.

Mr. Williams stated that we have done, with a few changes, minor changes to the budget, keeping it exactly, keeping up our end of the bargain. David Thompson who is pretty high up there,

Mr. Sturgill stated that he knew David.

Mr. Williams continued that he is the guy that is over the Scioto County situation and he knows that we are waiting. If you (Mr. Sturgill) want a letter written he guesses one of us could do that easily enough, but he thinks they (State) understands that we would like to know as soon as possible.

Mr. Sturgill stated he would like to see some written correspondence with them (State) and questioned telephone conversations.

Mr. Williams confirmed that they stay in touch all the time.

Mr. Sturgill stated that a written conversation is a whole lot better.

Mr. Williams agreed, the fact that the committee that the Mayor has in place, the Finance Committee, they are on the list, invitation list, they have come to the last meeting, the time before January 20th that was every other week, then became weekly there towards the end and now has moved out to about monthly. So either he or Chris, the other guy that works over at the county would be at that meeting.

There were no further questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The Ordinance was passed. ORD #09-12.**

The Clerk gave a **second 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.

**ORD #10-12
IAFF contract**

Councilman Johnson moved to suspend the rule requiring an ordinance be read on three separate dates, given the fiscal impact of this ordinance.

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 #10-12.**

The Clerk gave a **reading** of a resolution adopting a Hazard Mitigation Plan Update for Scioto County, Ohio.

**RES #03-12
Hazard
Mitigation
Plan**

Councilman Johnson moved to resolution be adopted

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The Resolution was adopted. RES #03-12.**

The Clerk gave a **reading** of a resolution in support of Amend 2012.

**RES #04-12
Amend 2012**

Councilman Johnson moved to resolution be adopted

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The Resolution was adopted. RES #04-12.**

The Clerk gave a **reading** of Resolution endorsing the Scioto County and Lawrence County Commissioners, Southern Ohio Port Authority, and the Lawrence Economic Development Corporation support of the proposed steel plant near the border of Scioto and Lawrence Counties by New Steel International that would bring a key industrial infrastructure to the region thus potentially creating thousands of family wage career building jobs.

**RES 05-12
Endorsing
New Steel
International**

Councilman Johnson moved to resolution be adopted

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The Resolution was adopted. RES #05-12.**

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NO ON THE AGENDA

Harold Daub – 1221 22nd Street – Mr. Daub stated that he had a couple questions, records requests, from the Mayor. Mr. Daub advised the Mayor had told the paper that the State Auditor ordered him to raise the sewage rate and he would like a copy of that order, and he would be happy to pick that up from the Mayor's office. The second request he would like is the identity of the secret purchaser of the Marting's building. He stated that he feels that this should public record. He stated that it was just mentioned that the City is 1.6 Million in deficit and now we are talking about giving a building away for one dollar, and building a building or leasing a building. He would like to know where the finances are coming from for this. Mr. Daub also stated that he believed that there is a state law, federal law, maybe a city ordinance that requires the City to advertise anything that they sell. He cited the sale of another building and he said he is not an attorney but to inquire with Mr. Jones or he will do so himself. He also stated that if the City is going to sell the Marting's building for one dollar he would like to bid two dollars.

Richard Noel – 265 Dunlap Rd. – Mr. Noel stated he just wanted to see if he could find something out about the Rose Street Park. He was advised that the Mayor was trying to contact him. He also stated that the CDBG director worked awful hard on this and so did he. He stated that this is a good thing and doesn't want to see it go by the way side. He knows that there is \$30,000 and he has papers to show where it has been received for this purpose. There has already been \$10,000, he thinks. He wants to see that money used. He asked the Mayor if he has been advised of anything and the Mayor stated no. Mr. Noel stated that he has tried all day to get in touch with the persons in Sciotoville that are supposed to be working on that. They had promised that they would have it ready for the little league and it apparently hasn't been started. He stated that if the Mayor would like to speak with him after the meeting that would be fine.

MISCELLANEOUS BUSINESS AND RPORTS:

City Clerk's Report

1. Received from the Auditor, on 2-22-2012 the following reports for the period ending 12-31-2011.

Combined MTD/YTD expense report
MTD/YTD revenue report
Combined MTD/YTD fund report
MTD bank report
Appropriation transfer from transaction listing

2. Received from the Auditor, on 2-23-2012 the following reports for the period ending 12-31-2011.

YTD expense report
YTD revenue report
YTD fund report
MTD bank report
2011 Official Certificate

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 re-appointed Dr. Tim Angel to the Board of Health.
2. Mayor Malone mentioned the article in the Portsmouth Daily Times, Potential Marting's buyer, he stated that there was a misunderstanding and that he was misstated, in stating that the organizations, this non-profit organization was offered the building for one dollar. He stated that this is not the case and that this is not the statement that he made to the press. The statement was, and it is available on documents, that this non-profit organization, in their proposal, presented to us included that particular item and that they would like to take possession of the building for the dollar. He again stated at no time did the City offer that building for one dollar to any individual or organization.
3. Mayor Malone stated that as far as paperwork or information regarding the organization, he does not have this non-profit organization information. He thinks that everyone is assuming that he has this information, and he thinks the individual that presented the idea to him, expressed and desired that this non-profit organization remain anonymous, until the later date, if the Building Committee chooses to accept that particular option. He again restates he does not have any idea who this non-profit organization is.
4. Mayor Malone also wanted to correct a misstatement by Mr. Daub regarding the State Auditor. Mr. Malone advised that the State Auditor did not mandate us to raise the water rates, however the State Auditor did mandate for us to eliminate the deficit that is in the water fund. This was a means, way, to eliminate that particular deficit. According to the mandate from the State Auditor, there were four fund that were in deficit and we had to address each those deficit funds and this how we chose to address the water/sewer fund deficit.

As far as records request that Mr. Daub has requested there are no documents showing a mandate by the state to increase the water rates.

5. To Mr. Noel he did inquire about contacting with him and also with Bill Shoppe about the Rose Street Park, because we want to make sure that we keep that processing going and get that park up to where the young people in our community can use it. He advised that he would be engaging in a dialogue with him (Mr. Noel) to make sure that contact is made with everybody to make sure that that process is kept going.
6. Mayor Malone addressed Councilman Basham and all of Council, stating that Mr. Basham had requested that a Council Letter be done to invite the Great American Steam Boat Company, he advised that that process is ongoing.

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 advised that Councilman Saddler had spoken to Tim Hartlage about serving on the Shade Tree Committee and the Council is happy to name him to this Commission and thank him for his service in advance.
2. Mr. Haas stated that he will be re-appointing Earl Braun to the Traffic Committee. Mr. Haas stated that Mr. Braun had made good comments regarding the Committee, Interim Chief Ware, the direction the committee was going and egger to be reappointed.
3. President formally requested that Mr. Jones (City Solicitor) prepare the City Salary Ordinance, to have it prepared and put on the agenda and moved through the process.
4. Mr. Haas stated that there was a committee put together to study the building issues and one of the things that he thinks that was to be addresses was to put together a recommendation as to what the City should do with the buildings. Mr. Haas is getting the since that the committee is operating in a vacuum of information, they have not been provided enough information to even start to make an intelligent decision as to what the best opportunity there is for the City. He would like to see for the next meeting, he believes on March 21, that the unnamed non-profit organization send a representative, if they want to remain anonymous that is fine but the Committee needs to see something in writing, what a proposal would be and what it would look like. He would also suggest that if there are interested persons in this building now. that have or anyone have an interest in remaining in this building or moving out of this building, to come and explain that to the Committee. If that means taking them around the area to show them the outside of the building, the crack up the side, or the crack in the Clerk's office, that needs to be done too. He also thinks that Mr. Johnson prepared, or provided or asked that there be information provide with respects to that the last committee

**Board of
Health – Angel
re-appointed**

**Shade Tree –
Harlage
appointed**

**Traffic
Committee –
Braun re-
appointed**

did, if there are other options out there that people think is relevant to a decision he would invite them to come to the meeting. He stated that in order for this committee to make good, stating that this is a good committee, a good cross section from the community, intelligent people that if given the information can come to a rational conclusion as to what the best options are for the City and the Buildings. Mr. Haas is concerned that after the last meeting that is not happening. He would ask, pointing out the Mr. Saddler is on the Committee, that is there is something that Council is needed to provide, the Engineering office, the Mayor's Office to provide or others that are in the community that have expressed an interest need to provide information, that it needs to be gotten out there so the next meeting will be more fruitful.

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 Councilman Basham for the Amend 2012 idea, expressing his concern that it may require an ordinance.

He also wanted to thank the Council President for the Resolution regarding New Steel International, stating that this could be incredibly beneficial and that there is a lot of work associate with this. He understands that there are some outstanding issues but feels they are resolvable.

Councilman Johnson address the Mayor stating that he is receiving complaints from citizens regarding 23 Street, that there is a huge hold in the 2100 block, he corrected that to 1100 block. He stated that he has taken a picture and will be emailing that to him.

The Mayor clarified the location.

Mr. Johnson addressed the President of Council stating that he appreciates his statement and wanted to make everyone aware that he was part of a small group that met concerning the third party to initiate the investigation in the first place (regarding the non-profit organization interested in the Marting's building) He will be meeting with the group later this week and it was his understanding that they wanted to meet with the City Building Committee and would provide financial information. The potential buyer has been very adamant that if there is not a possibility for the purchase of the building or the Committee does not think it is a good idea, they want to remain anonymous, until such time the Committee's decision has been made, if in their favor the non-profit will then make their decision.

2nd Ward Councilman Saddler wanted to touch base on the Building Committee and to clarify that he is not the Chair Person for this committee, He just serves on the committee. He was hoping that Mr. Barlow would have attended the meeting to give an update as he was asked to do by the committee.

Mr. Saddler also wanted to address the discussions that he is the "mouth piece" for presenting the Marting's building, expressing that this is untrue. He requested the Mayor to permit him to serve on this committee. Mr. Saddler wanted it to be known that he is not a "mouth piece" for anybody except Rich Saddler. There have been a lot of rumors flying around saying that he has been a mouth piece for an organization.

Mr. Saddler wanted to state on the Building Committee, in the absence of Mr. Barlow at the Council Meeting, the last meeting was basically nothing but turmoil. There was an agenda and it was not really followed, he stated he is not criticizing anyone who wanted to speak as they have that right and was glad to hear what they had to say. The motions that he made at that meeting, there were three proposals: 1. Proposition for the Marting's building, which is why he was rumored to be the mouth piece, he stated he personally knows nothing about this. 2. To renovate this building (Current Municipal/City Building) 3. To build a new building, these were the only things that he proposed during the meeting and the Mayor confirmed this statement.

Mr. Saddler addressed the Mayor regarding the contractor that is fixing the gas lines. Mr. Saddler requested that the Mayor or whomever is responsible to could check with the company about cleaning up their mess. He has noticed when they go from one location to another, they have had to dig in yards, dig in the pavement and they just back fill with gravel. He understands that due to the weather that they are not able to obtain hot mix asphalt however cold mix is

available through suppliers, to fill in those areas, and if there is yard damage too, fix it with dirt or whatever.

Mr. Saddler wanted to thank the judges for having the litter picked up, stating the clean up on the river bank and other locations (unnamed). If anyone wants to form a group and go out and pickup litter on their own or whatever, he encourages them to do so.

3rd Ward

Councilman Basham state he was at the Building Committee meeting and this non-profit, this is silly folks, we are not being transparent as far as whom this is. We don't know who this is. He really thinks that the steps that have been taken over the past years to be transparent and let people know what is going on, this is not our fault at this point, but to acknowledge that there is someone there when we have not seen anything in writing, he thinks it makes us look bad. He hates to see that happen, if they come to the next meeting, great, we have numbers, great, but until then I think it makes the government look bad.

While at the meeting Mr. Basham, made a recommendation to the group and requested the City Clerk to do some research on the 1980's renovation of the current City Building. Mr. Basham stated no matter which way it goes he thinks they should have as much information as possible. Mr. Basham addressed the Clerk requesting that this be researched. However he did not know the exact date, just that it was in the 80;s.

Mr. Sturgill advised 1986.

Mr. Basham commented on the article about the City of Ironton having issues with their Budget, 20% cuts he hates to see anyone doing that, however on the other hand it made him feel good that we are not the only ones. A lot of people are having trouble right now, and as it looks like they are just now diving into it, we are coming out of it, which is a really nice feeling.

Mr. Basham commented about the Daily Times article where Mr. Ware (Interim Police Chief) was talking about the Police Department, it was very positive, it sent a good message to everyone about the good things that are getting ready to happen. And the Daily Times printed on Sunday a local Facebook Page with photos, he has heard all kinds of comments from citizens, good things, good feelings, good memories a lot of positive for the City of Portsmouth. It is nice to hear good things, granted it is stuff that happed in the past but it is still nice to hear.

Mr. Basham also wanted to mention on the Traffic Committee, he thanked Darlene Daub for her time on the committee. He recognized that her term is expiring in April and wanted to appoint Katy Mathuews.

**Traffic
Committee –
Mathuews
appointed**

4th Ward

Councilman Kalb wanted to address Council with the suggestion, noting that a few years back there was an effort to look at the City Charter and make recommendations of changes to the Charter to put on the ballot. He would like Council to consider it again, stating that there are just plan out dated things in the City Charter and be it Council Review or President appointed. He personally would like to see one every Election Day, something that is a change to the City Charter for the people to consider. It was tired years back as a complete overhaul and that didn't work.

5th Ward

Councilman Haas stated other than re-appointing Mr. Braun to the Traffic Committee he did not have a 5th Ward report.

6th Ward

Councilman Sturgill stated that his ward concerns were passed along to the Mayor or the Department Heads. He is getting very positive feedback regarding the issues that he has reported.

Mr. Sturgill stated that he made the mistake of going out of town over the last couple of weeks, and the reports in the paper have been depressing, with the exception of the article in the Daily Times regarding the Police Department. One thing that has come out in the past week has been the Building Committee, however as he is the sixth Councilman to report, most of the comments he would have give have already been stated by the other Councilmen. Mr. Sturgill stated that he was not on the Council when the Building Committee was started and has not yet had the opportunity to attend one of the meetings. He does plan to attend the meeting when time avails.

Mr. Sturgill stated that he hopes that the Building Committee process will work and that the recommendations will be presented prior to June, so that the City

can move forward. He feels that there will be two options, 1. The decision on a new City Building, if it is the Marting's building, it will be dealt with. Mr. Sturgill state that in his opinion, the Marting's building needs to be taken down and the property turned into a parking lot. He continued stating that the animosity that this building has caused over the last eight or nine years is beyond anything that he has seen. The voters have already told us two times that they do not want the building used. Mr. Sturgill is concerned that if the monthly meetings of the Building Committee continue to generate the negative front page news, the Council will be run out of town. He hopes that this issue will be resolved within the next six months.

Mr. Sturgill addressed Councilman Johnson, stating that he assumed that Mr. Jonson was the emissary for the non-profit organization that has expressed interest in the Marting's building, advising that we need to move forward with that group. However, continuing to have this cynicism within the community and the impression that there is some kind of conspiracy with regards to the Marting's building is not acceptable

Mr. Sturgill addressed the Mayor, commenting that he has personally been doing research on the topics from the past year. He requested a meeting with the Mayor to discuss the topic of the Levee. He expressed his concern and need for understanding as to why there were two rounds of consultants and why this was deemed necessary. Mr. Sturgill believes that he has gathered all the paperwork available on the topic. However he wants to ensure that he has a complete understanding of the topic prior to it coming to a vote before Council.

Mr. Sturgill again stated that the Committee recommendations that Councilman Basham was discussing was in 1986. While expressing his concerns about the City's current financial situation, he wonders if maintaining the current building is not the most cost effective at this point in time.

City Solicitor Mr. Jones Wanted to congratulate two teams from local high schools made it on to State finals in Mock trial.

City Auditor Mr. Williams had nothing to report.

The meeting adjourned at approximately 6:53 p.m., on a motion by Councilman Johnson.

City Clerk

President of Council