

A G E N D A

PORTSMOUTH CITY COUNCIL MEETING

Monday, February 27, 2012

6:00 p.m.

1. Call to order by the President
2. Invocation - Pledge of Allegiance to the Flag
3. Roll Call
4. Reading and disposing of the Journal – Regular Session
February 13, 2012
5. Public Hearing – none scheduled
6. Statements or remarks of citizens present in Council Chambers on items on the Agenda.
NOTE: All citizens who wish to express themselves in Council Meetings shall do so with dignity, shall avoid personal references and shall **adhere to the question on hand.**
7. **LEGISLATION – THIRD READING**
 - a. 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.
Ref. CL-DM12-01
 - b. 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.
Ref. CL-DM12-02
 - c. 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.
Ref. CL-DM12-03
 - d. Ord. 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.

SECOND READING

- e. 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.

Addition DM 2-13-2012

FIRST READING

- f. A resolution adopting a Hazard Mitigation Plan Update for Scioto County, Ohio.
- g. A Resolution in support of Amend 2012.
- 8. Statements or remarks of citizens present in Council Chambers on items **NOT** on the Agenda. **NOTE:** All citizens who wish to express themselves in Council Meetings **shall do so with dignity and shall avoid personal references.**
- 9. **Miscellaneous business and reports**
 - a. City Clerk's Report
 - b. Mayor's Report
 - c. President's Report
 - d. Miscellaneous business from City Council:

Kevin Johnson	1 st Ward	Jim Kalb	4 th Ward
Rich Saddler	2 nd Ward	John Haas	5 th Ward
Nicholas Basham	3 rd Ward	Steve Sturgill	6 th Ward
- 10. Adjournment

RESOLUTION

Year - 2012 Number _____

A Resolution in support of Amend 2012.

Whereas, Amend 2012 is a campaign created for people who care about our democracy and want to be part of a solution.

Whereas, corporations are not mentioned in the Constitution and the people have never granted constitutional rights to corporations, nor have the people decreed that corporations have authority that exceeds the authority of "We the People;" and,

Whereas, United States Supreme Court Justice Hugo Black in a 1938 dissenting opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and, Whereas, the United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posed by "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas"; and,

Whereas, the United States Supreme Court in *Citizens United v. Federal Election Commission* (2010) reversed the decision in *Austin and the portion of McConnell v. Federal Elections Commission that upheld bans on corporate and labor treasury funds for electioneering*, and presents a serious threat to self-government by rolling back previous bans on corporate spending in the electoral process and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and public debate; and,

Whereas, the law obligates corporations to put profits for shareholders ahead of concerns for the greatest good of society while individual shareholders as real people balance their narrow self-interest and broader public interest when making political decisions; and,

Whereas, corporations have used the artificial "rights" bestowed upon them by the courts to overturn democratically enacted laws that municipal, state and federal governments passed to curb corporate abuse, thereby impairing local governments' ability to protect their citizens against corporate harms to the environment, to consumers, to workers, to independent businesses, to local and regional economies; and,

Whereas, the United States Supreme Court held in *Buckley v. Valeo* (1976) that the appearance of corruption justified some limits on contributions to candidates, but it wrongly rejected other fundamental interests that the citizens of [jurisdiction] find compelling such as creating a level playing field and ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard; and,

Whereas, federal courts in *Buckley* and in *SpeechNow.org v. Federal Election Commission* (2010) overturned spending and contribution limits on independent campaigns that helped level the political playing field because they concluded that the threat of corruption was only applicable to direct contributions to candidates; and,

Whereas, the United States Supreme Court in *First National Bank of Boston v Bellotti* (1978) and *Citizens Against Rent Control v. City of Berkeley* (1986) rejected limits on contributions to ballot measure campaigns because they concluded they posed no threat of candidate corruption; and, Whereas, United States Supreme Court Justice Stevens observed in *Nixon v. Shrink Missouri Government PAC* (2000) that “money is property, it is not speech,” and,

WHEREAS, a February 2010 Washington Post-ABC News poll found that 80 percent of Americans oppose the U.S. Supreme Court *Citizens United* ruling; and, Whereas, Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and the republican form of self-government. Now, therefore,

BE IT RESOLVED by City Council of the City of Portsmouth, Ohio:

SECTION I. That the City Council of the City of Portsmouth, Ohio hereby supports Amend 2012.

SECTION II. This Resolution directing administrative action as provided for in Section 12 of the Charter of the City of Portsmouth, Ohio, shall be in force and effect from and after its adoption.

Adopted this _____ day of _____, 2012.

Attest:

City Clerk President of Council

RESOLUTION

Year – 2012 Number _____

A resolution adopting a Hazard Mitigation Plan Update for Scioto County, Ohio.

Whereas, Scioto County is preparing a hazard mitigation plan; and

Whereas, Portsmouth, Ohio recognizes that communities are vulnerable to natural and manmade hazards; and

Whereas, Portsmouth, Ohio believes that a hazard mitigation plan is the best way to plan for and mitigate against potential loss of life and damage to property; and

Whereas, the Disaster Mitigation Act requires communities and jurisdictions to develop, adopt and implement a Hazard Mitigation Plan as a condition of receiving Federal Mitigation Funding. Now, therefore,

BE IT RESOLVED by City Council of the City of Portsmouth, Ohio:

SECTION I. That Portsmouth, Ohio will participate in the Scioto County Hazard Mitigation Plan and hereby formally adopts the same.

SECTION II. This Resolution directing administrative action as provided for in Section 12 of the Charter of the City of Portsmouth, Ohio, shall be force and effect from and after its adoption.

Adopted this _____ day of _____, 2012.

Attest:

City Clerk

President of Council