

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

Monday March 12, 2012

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, March 12, 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

Mayor David A. Malone was also present.

On a motion by Councilman Johnson, Council dispensed with the reading of the Journal for the regular session of February 27, 2012.

STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA

Richard Noel – 265 Dunlap Rd. – Mr. Noel wanted to speak on items a and b and suggested that neither be passed as emergency measures to allow time for public review.

LEGISLATION

The Clerk gave a **first reading** of an Ordinance to amend the Salary Ordinance as amended by Ordinance No. 18 of 2011, to reflect a wage increase to the position of P.U. Asst. Dir. (Office Mgr.) and a wage decrease to the position of Executive Secretary – Civil Service to be effective January 1, 2012 and to repeal Ordinance No. 18 of 2011.

**ORD #11-12
Salary
Ordinance**

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 moved to amend the ordinance, to reflect on page 9, Emergency Flood Defense Worker (Temporary), the minimum wage increase from \$7.30 to \$7.70.

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

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 #11-12.**

The Clerk gave a **reading** resolution to adopt the Source Water Protection Plan for the City of Portsmouth, as outlined in the attached Exhibit A.

**RES #06-12
Source Water
Protection
Plan**

Councilman Johnson moved to adopt the resolution.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The Ordinance was passed. RES #06-12.**

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NO ON THE AGENDA

James Crocker 516 Third Street – Mr. Crocker thank the Council in advance for allowing him the opportunity to address them with regards to the Vicious Dog Ordinance. Mr. Crocker read from a book that is “dog chewed” from a page that is “dog eared”, the quote is former Senator George Graham Vest,

delivered in 1870, while acting as a lawyer, in a suit against a man who had killed the dog of his client. When the jury listened to Vest's compassionate speech, his client received damages of \$150.00.

“The one absolutely unselfish friend that a man can have in this selfish world, the one that never deserts him and the one that never proves ungrateful or treacherous is his dog. A man's dog stands by him in prosperity and in poverty, in health and in sickness. He will sleep on the cold ground, where the wintry winds blow and the snow drives fiercely, if only he may be near his master's side. He will kiss the hand that has no food to offer, he will lick the wounds and sores that come in encounters with the roughness of the world. He guards the sleep of his pauper master as if he were a prince. When all other friends desert, he remains. When riches take wings and reputation falls to pieces, he is as constant in his love as the sun in its journey through the heavens. If fortune drives the master forth an outcast in the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him to guard against danger, to fight against his enemies, and when the last scene of all comes, and death takes the master in its embrace and his body is laid away in the cold ground, no matter if all other friends pursue their way, there by his graveside will the noble dog be found, his head between his paws, his eyes sad but open in alert watchfulness, faithful and true even to death.”

Jennifer Foster – Main Street Portsmouth -342 Second Street – Mr. Forster delivered the quarterly update for Main Street Portsmouth.

January

Main Street Portsmouth received accreditation from Heritage Ohio after the Annual Review on January 31. Mayor David Malone and Councilman Kevin Johnson met with Heritage Ohio Representative Frank Quinn for lunch during the review. Mr. Quinn was very excited to have Council participation.

To be accredited, each main street community must score 7 of 10 points in 10 areas that document the success, record keeping, and performance of the individual main street, executive director, and board members.

February

February 4

Main Street Portsmouth hosted the Ellen Vetter Chocolate Walk. Almost 300 tickets were sold for the event. Some stores saw almost 300 patrons that day. The participating businesses were surveyed and each reported an increase in patrons. Businesses felt that communication about ticket sales could be improved and we are working to streamline that process for the future.

February 7

Executive Director Jennifer Foster attended a CWMA Seminar on Invasive Weeds. Materials received are available at the Main Street Portsmouth office.

March

March 7 & 8

Executive Director Jennifer Foster attended the Fundraising Basics training and Main Street Manager Networking in Wilmington, Ohio.

Day 1 topics included major gift fundraising, developing donors, fundraising responsibilities of non-profit boards, motivating board members, relationship building, and record keeping.

Day 2 topics included CDBG update, Heritage Ohio Annual Conference in Toledo, annual review process, and manager's Q&A. She also learned a lot about accountability for the non-profit boards and hopes to implement some of those things soon.

Upcoming

March 23

Executive Director Jennifer Foster will be attending a proposal writing seminar in Cleveland, Ohio offered by the Foundation Center.

April 27

Heritage Golf Tournament – Elks Country Club

March 21

Main Street 101 in Hillsboro, Ohio – encouraged Council members to attend and extended the Main Street pricing.

May 8, 9, 10

Heritage Ohio Annual Conference in Toledo, Ohio

Main Street Portsmouth Executive Director Jennifer Foster. She encouraged Council members to attend and extended the Main Street pricing of buy one get one free..

May 19

Dog's Day Out – Tracy Park – partnering with Southern Ohio All Breads Dog Club to bring lots of exciting things downtown.

Kick off of the Farmers Market.

June 13 & 14

Building Better Businesses Training and Manager Networking offered by Heritage Ohio

June 14 & 15

Building Doctor – Portsmouth, Ohio

Main Street Portsmouth is proud to be working with the Ohio Historical Society to bring the Building Doctor back to Portsmouth, Judy Kitchen, as this is an anniversary everyone is excited.

MISCELLANEOUS BUSINESS AND RPORTS:

City Clerk's Report

1. Entry from the Municipal Court accepting the resignation of Margaret Apel Miller as Full time Magistrate and appointment as Part Time Magistrate for the Portsmouth Municipal Court.
2. Oath of Office
Margaret Apel Miller – Part Time Magistrate Municipal Court – 3-7-12

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

Mayor's Report –

1. Mayor Malone updated Council on the American Steam Boat Invitation, stating that they are working with Kim Bauer and she has been in contact with four or five individual and working on this invitation. Mr. Malone stated that per Kim Bauer a Council invitation is not needed at this particular time. The Mayor will continue to follow up with her and if there is anything needed she will let him know and he will keep Council updated.

Mr. Malone stated that the prospect for the American Steam Boat to come to Portsmouth is looking good. The company has been invited to Ashland and Barboursville and both places have been declined in preference to Portsmouth.
2. Mr. Malone addressed the confusion of the Building Committee with lead to the resignation of two members, one due to this issue. Mr. Malone stated that there are currently three positions that need to be filled and he has been working on getting these positions filled prior to the next meeting on March 21. He stated that the mission of this committee has not changed.
3. Mr. Malone advised Council that the Civil Service Executive Secretary Mr. Huddleston has delivered a verbal resignation. Mr. Malone stated that they were in process of testing for the Chief (of Police) and Captains position. Stating that the Captions position will be filled and then abolished per the attorney and union recommendations.

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

Presidents Report

1. President Haas commented on the Building Committee, stating he was surprised at some of the things that were printed about the committee. There has been a misconception on what the Building Committee has been set up to do. It seems that it has been lost in the weeds. The Building Committee was set up to make recommendations to Council for idea/proposal to put on the ballet, to let the public decided. This is not the decision of the Council, the Mayor or the puppets or whatever language was used. This does not really make a lot of since to him because it is going to be up to the public to decide no matter what the committee decided.

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

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

6st 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 wanted to publically thank Mr. Richard Noel, former 6th Ward Councilman for his continued support on Rose Street Park Project.

Mr. Sturgill addressed the building committee. He has learned in the two months that he has been on the Council that the more you say the more phone calls you receive. Continuing with that idea he figures he will receive more phone calls tomorrow as he is going to continue to voice his opinion. He stated that he received several calls this week regarding the Building Committee, most notably the Marting's Building. He wanted to go on record one more time and finish his report with a public appeal to the Marting's foundation:

"I respectfully request that a Marting's Foundation representative contact the Mayor as soon as possible to discuss the final plans to end this 10 year soap opera with the Marting's property. City of Portsmouth owns the building, and two times the voters have decided that they don't want to spend any more money on this property. As far as I'm concerned the voters have spoken, however, I want to get my two cent in on the plan. The city needs to contact a realtor, and if the realtor cannot sell the property in a six-month period, I would recommend the Martin's Foundation agree to use the remaining funds from the purchase to level and develop that property after that six months is over. That development may include a parking lot or design a nice green space in the middle of downtown that one day may be suitable for downtown economic development. If there are funds that remain after this is completed, I would hope the (Martin's) Foundation would assist the city with future economic development in the downtown area"

Mr. Sturgill stated that this controversy is not going to go away, however the building has got to come down to move forward. Every time there is a Building Committee the subject is going to come up and controversy is going to ensue. Mr. Sturgill is not saying that he knows what is the right or the wrong thing to do however he is convinced that too much time, money and energy from the community has been wasted on this property. The city has many real problems to solve and suggest that we move on.

5nd Ward President Haas wanted to mention that the EPA, US EPA, Ohio EPA, Environmental Engineering, Strand and Associates, Richard Howerton, and Rick Duncan met with respect to the Combined Sewer issue and Sanitary Sewer issue in Portsmouth. Mr. Haas was able to set in for about an hour, hour and a half on Wednesday, he was not able to attend the subsequent meetings. He was impressed, and wished that Rick Duncan was present at the Council meeting, was the overall/overarching theme of the meeting was that Rick has done great putting a plan together, they (EPA) felt like he was ahead of the game and are excited about the prospects. There was a lot of time spent discussing the things that need to be accomplished and how the state has different funds and potentially federal moneys that may be available to help finance some of these studies that need to be preformed and work that needs to be done. Overall the sentiment of the officials, were all very impressed and gave a good report regarding where we currently are, and stressed that they are not here to punish the City of Portsmouth but to help and work with us. They were very impressed that members of Council attended various meetings, along with the Auditor and Solicitor. He believes that Councilman Sturgill was able to attend one of the meetings. They were impressed by the number that showed interest. It was a good meeting.

4rd Ward Councilman Kalb did not have anything to report.

3th Ward Councilman Basham wanted to extend an invitation, he is the Chairman for the District 17 Band and Choirs Competition, the Ohio Music Education Association, has district level completion for High School Bands and Choirs. Mr. Basham will be bringing over 1,000 students to the Vern Rife Center from 9:00 am to 8:00 pm. It is free and open to the public for anyone who would like to attend, this Saturday, (March 17, 2012). Bands and Choirs will be competing for a chance to go on to the state finals.

2th Ward

Councilman Saddler wanted to address a few issues with the Mayor. First that on Chillicothe Street the cross walks are starting to waller (wallow) out again, and is sure that Kevin (Councilman Johnson) has noticed this also. He would suggest that when they are repaired that there is a template made to resemble brick. Stating that it would look the same but wear a lot better than the current brick, especially with the Grant Bridge being open and local truck deliveries.

Continuing to address the Mayor, Mr. Saddler stated that he has received multiple complaints over the last several months, since the enactment of the City Vehicles usage, he is receiving pictures from citizens of City employees using City Vehicles dropping their kids off at school. He suggests that the Mayor re-address this issue with the City employees and clarify exactly who have vehicles, which are for emergency purposes and such. Mr. Saddler stated he did not want to get in the middle of the issue but offered to send the emails, including photos to the Mayor.

The Mayor accepted the offer.

Mr. Saddler stated that regarding the Building Committee, he wanted to thank Councilman Sturgill for his comments. He agrees with him with the exception that he does not feel that the building needs to be destroyed or razed but thinks the gridlines that were put out by Mr. Sturgill were good. He also stated that one of the issues he would like to see addressed is all the property that the City of Portsmouth owns. He suggested that the properties be appraised and start auctioning them off at the appraised value, go up from there and sell to the highest bidder, this will help offset whatever option the citizen choose.

1th Ward

Councilman Johnson wanted to address the comments regarding the EPA and confirm that he was also in attendance, he agreed with Mr. Haas' statement that they are pleased with our progress and working towards our goal. However he picked up a subtle message that we (City) need to do more, making plans and such. Mr. Jonson feels that there are decisions that will be coming up as far as capital expenditures and perhaps beefing up his (Mr. Duncan) staff to accommodate.

Mr. Johnson commented about the Main Street Portsmouth report and commended them for meeting the 7 out of 10 ranking as this is not an easy thing to accomplish. He stated that if you have the time to go online and look at their calendar for the year, he is amazed at the number of projects, benefits, events that are planned, ongoing and annually in downtown Portsmouth.

Mr. Johnson addressed Mr. Saddler stating that he would be at the next meeting (City Building). He stated that the non-profit was one of many options that the committee had to look at it. Many that he had spoken to thought this was a good idea, but it is now no longer an options. He is following up with some financial people to follow through on the concept, so that we can see in dollars and cents what it can turn out to be. He knows that this is a mental exercise and that he does not know if it will work or not but is anxious to see the result. Addressing Mr. Sturgill's proposal, he has heard this before and there is desperate need for parking downtown. Citing several businesses along Chillicothe, they state the one thing that hurts the most is lack of parking. Many of the people working at downtown businesses are parking on the street all day and the police have other issues, clarifying that the statement is not made to degrade the police department. Once the parking was taken from Kroger's it cut the downtown parking in half. In conclusion Mr. Johnson stated that the Building Committee has a lot to look at.

The meeting adjourned at approximately 6:35 p.m., on a motion by Councilman Johnson.

City Clerk

President of Council