

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday, April 12, 2010
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, March 22, 2009 at 6:00 p.m., in the Council Chambers of the Municipal Building.

President, 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 member to be present:

Kevin Johnson	1 st Ward
David Malone	2 nd Ward
Nicholas Basham	3 rd Ward
Jerrold Albrecht	4 th Ward
John Haas	5 th Ward
Richard Noel	6 th Ward

Also present were Mayor Jane Murray; City Solicitor, Michael L. Jones and City Auditor M. Trent Williams.

Council dispensed with the reading of the Journal for the regular session of 2/22/10 and the special session of 3/1/10, on a motion by Councilman Albrecht

STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA

Harald Daub – 1221-22nd Street opposed donating the fire truck, asking why it was not put out for bid.

LEGISLATION

The Clerk gave a **second reading** to an ordinance authorizing the amendment of Chapter 929 of the Codified Ordinances of the City of Portsmouth, Ohio, entitled Water Regulations, Section 929.15 – Water Department User Fees, increasing tap installation fees to cover the cost incurred by the City and repealing Ordinance No. 92 of 1991

Councilman Albrecht 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** to a resolution authorizing the Portsmouth Fire Department to donate a surplus 1979 Ford Pumper Truck known as Engine 14, VIN D800VFA6613. The Rubyville Volunteer Fire Department agrees to accept this pumper truck “As Is” with no warranties, either expressed or implied.

Councilman Albrecht 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** to an ordinance authorizing the distribution of \$13,163.59, which is the 33 1/3% of the Hotel/Motel Tax assigned to Cultural Affairs, to various organizations as recommended by the Cultural Affairs Panel.

Councilman Albrecht 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 Albrecht made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. # 15-10**

STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Jerry Conkle – 2719 Sherman Road questioned why Council meetings are not held at the Welcome Center where it is more comfortable.

Robert Gambell – 3139 Michigan Avenue commented on the vacant houses being stripped of contents, especially copper, windows of vehicles being smashed in order for someone to steal its contents and the prevalence of prostitution. He claimed that instead of fixing the problem everyone stands around trying to find someone they can point their finger at as the person to blame for all these problems that exist because of something that happened thirty years ago. Mr. Gambell felt that no one wins the blame game and it has to stop and he felt there to be no need for more studies. He noted the number of officers assigned to the drug unit and how there are not enough resources available to fight the drug problems. He felt property taxes to be “under siege”, noting property values to be going down. He also felt that most of the people who are employed by the City are living outside of the City limits, saying we need to take back neighborhoods and bring homeowners back to those neighborhoods. Mr. Gambell further felt landlords need to be held accountable and distributed a list of strategies that he felt should be undertaken and requested Council to give them consideration. He felt that every City employee, from every department, has to be empowered to ask what they can do to reduce costs and increase revenues. He encouraged everyone in the room to stop fighting with each other and start fighting for our common problems. Mr. Gambell felt that everyone in this room needs to know that this harmful dialogue has to stop and that Council’s leadership is needed at this critical time.

Jeff Dempsey - 5689-5th Street said he wanted to take this opportunity to thank the Mayor, Councilman Noel and Bill Beaumont for looking at a problem that has existed in the 6th ward for three years. He invited members of Council to visit Rose Street Park (Dr. Hartlage Park) in Sciotoville, calling the park a “disgrace”. He claimed the community to have been “stonewalled” for three years by the former administration and former Service Director.

Peggy Burton, City Health Commissioner, stated it to have been very disturbing for her to hear, through the press, comments regarding her absence at the budget meetings. Ms. Burton informed Council that she had been attending a three-day training session in Cincinnati, which had been scheduled a month ago. She further advised that she attends all meetings possible and would never intentionally miss a meeting when she needed to be present. Ms. Burton thanked Council for being given an opportunity to speak with them regarding her department’s budget.

Harald Daub – 1221-22nd Street reiterated previous remarks he has made with regard to the percentage of rental property there is in our city and noted that most people would not live in these houses. He further stated that “some people will rent to anyone” and noted some of these properties to be subsidized housing. Mr. Daub claimed there to be “numerous people living in these houses”. He felt landlords should be stopped from renting to numerous tenants and claimed a lot of these tenants to probably be drug dealers and he felt it to be the responsibility of the legislative authority to do something about it.

Miscellaneous business and reports:

The City Clerk had nothing to report.

Mayor’s Report

1. Noted previous discussions regarding how the conditions of our neighborhoods have been approached, said the one thing of which she wanted Council to be aware, is that she will be bringing a report back to them “very soon” showing that a code enforcement body has been put together that encompasses all governmental agencies. Ms. Murray stated that at least one citizen, from the east end, is attending these meetings. She reported that Council will be receiving a specific set of recommendations with respect to rental licensing. She acknowledged discussions between Council and the Health Commissioner regarding past efforts on that activity. She noted the Solicitor to have been involved in these discussions and that the Judges are willing to set aside a specific time, in the afternoons, during the month to handle code enforcement problems. She advised that a very concerted effort is going to be made and plans will be brought forward for Council to discuss and see if there are other suggestions that could be implemented. Ms. Murray advised Council that this project is going to be attacked in a very concentrated way, noting it to be a massive problem. She further advised that very soon there will be discussions, in a public forum, about policing, saying the Police Chief has invited “some folks” to a meeting that will begin this week, which will set up a public forum that will allow all the residents of the City to be involved in discussions about how we take back our city from the crime, drugs and the deterioration of the City. She declared that there will be no progress without a plan and we need to take one step at a time. She announced the code enforcement committee will meet next Wednesday at the Health Department.

The Mayor stated that she has submitted a recommendation for an appointment.

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

President's Report

1. Reported having received a recommendation from the Mayor to fill a vacancy on the Civil Service Commission and noted there to be a vacancy on that commission due to a resignation. The President preceded by appointing, per the Mayor's recommendation, Mr. Alan Barlow to fill the vacancy on the Civil Service Commission.
2. Acknowledging having received a recommendation from the Traffic Committee regarding those traffic signals that were reinstalled by the Mayor requested the preparation of legislation accepting the recommendation of the Traffic Committee to, once again, remove the aforementioned traffic signals.

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:

6th Ward

Councilman Noel reappointed Jeff Dempsey to the Traffic Committee, noting that Mrs. Bradley served with the understanding that her service would only be temporary.

Mr. Noel expressed his understanding of remarks that were made by Mr. Gamble and Mr. Dempsey but felt Mrs. Burton to be working diligently to address the property issues. He claimed there to be arsonist in the area and further claimed there to be those who know who these arsonists are but just won't say so. Mr. Noel reported a resident fears debris from damaged house could blow onto her residence, causing damage. Mr. Noel claimed there to be several areas of his ward that needs attention, saying he welcomed the proposed committee and that he will do everything he can to help get some of this done.

5th Ward

Vice President Haas thanked department heads and employees for attending the budget meeting, which he described as being very informative. He felt the public should be pleased with the efforts by those who have made voluntary cuts in their departments and noting that employees have come forward to identify positions that do not need to be filled. He said this has been a very uplifting experience and considering all the work that has gone into this, he said it has buoyed he confidence that most of the people who attend these meetings are really here for the best interest of the City and are willing to do whatever it takes to make sure the City thrives.

Mr. Haas advised Council that prior to adjournment the will propose going into executive session to discuss pending litigation.

4th Ward

Councilman Albrecht noted that two weeks ago there were two articles in the newspaper about Ameresco and the work they did in the City. He said he did not know why Ameresco was not directly contacted about any issues. Mr. Albrecht said he spent all of three minutes calling Ameresco and advised them of what had been stated to the newspaper. Mr. Albrecht said Ameresco called the Mayor and a meeting was set for last Monday, at which time Mr. Jeff Metcalf, of Ameresco, inquired as to what were the problems. Mr. Albrecht reported that Mr. Metcalf made a list of the concerns about savings and advised that the work was guaranteed. He further stated that Mr. Metcalf agreed to look into all the concerns. Mr. Albrecht noted that the Mayor stated that she did not have a copy of the contract so Mr. Metcalf agreed to send her a copy, which he did. Mr. Albrecht said Mr. Metcalf left the meeting thinking all the concerns had been stated, however, while he was in the midst of investigating the list, another article appeared in the paper, which appears to have been turned in on the day following the meeting, Mr. Albrecht expressed his concern about the possibility of a slander suit being filed against the City. He asked that the Mayor apologize in the paper noting that the City does not need another lawsuit filed against it.

3rd Ward

Councilman Basham began by thanking the Health Commissioner for her comments, noting that the Mayor was not present for the last meeting and communication is not conveyed well from her office to Council, therefore Council had no idea what the situation was and thanked Mrs. Burton again for speaking this evening. He also thanked Mr. Gambell for his comments.

Mr. Basham said he has been driving around in the 3rd Ward just to look things over and wanted to thank the residents who have begun their Spring cleaning, saying the newly planted flowers and mowed and trimmed lawns really makes the neighborhoods look good. He expressed his belief that this is one of the first steps

in taking pride for what we have. He again thanked the residents who are currently doing that.

2nd Ward

President Malone reported that he has contacted Mr. Beaumont regarding an issue on Green Street and was requesting a report on the progress of this issue.

1st Ward

Councilman Johnson expressed his delight that Dakota's Steak House will be opening in his ward on April 19th.

He also expressed his delight that the "pain clinic sign" no longer welcomes people entering the City from via the bridge on US 52.

With regard to the President's mention of the Traffic Committee, Mr. Johnson expressed caution reminding Council that the ordinance passed by Council asked the committee to look at the traffic lights. He noted the recommendation received from the committee was for Council to except and approve all the recommendations from the ODOT report. Mr. Johnson, claiming to have read the report, stated the traffic lights to be in what is called the medium term/medium cost recommendation and to accept all the recommendations, which he proceeded to list. Mr. Johnson maintained that Council asked the Traffic Committee to look at the lights only and predicted that accepting all those recommendations would be disastrous. Mr. Johnson did not feel there to be a need "to rush" but need to look at the report very closely. He said he attended and has read all the minutes and claimed the majority of the people had specific issues with some of the recommendations and gave an example of what he felt would create a major issue. Mr. Johnson did not feel the Traffic Committee to have done what they were requested to do.

The Auditor had nothing to report.

The Solicitor noted there to have been some discussion regarding the initiative on a charter amendment and the language of that amendment. Mr. Jones said he has had some discussions with the Mayor, the Auditor and the City's bond counsel regarding potential bond validation action, which would allow the Court to give the City an interpretation of exactly what that language means if we can pursue different types of financial possibilities. The Solicitor recommended Council authorize him to initiate that type of action so that, hopefully, the City can get some guidance on what, if anything, additional the City can do with regard to financial options.

Councilman Johnson made a motion for the Solicitor to initiate something with Courts to address what the City's financial options would be.

The motion carried viva voce. **VOTE: ayes 6 – nays 0**

Vice President Haas made a motion to recess into executive session to discuss pending litigation.

The roll was called. **VOTE: ayes 6 – nays 0 Council moved into executive session at approximately 6:45 p.m.**

Council reconvened at approximately 7:06 p.m. Roll call showed all those previously in attendance to be present.

The President advised that the executive session did not convene and requested that Council recess into executive session at this time with members of City Council and the Solicitor.

The roll was called. **VOTE: ayes 5 (Johnson; Malone; Basham; Albrecht; Haas) – nays 1 (Noel) Council, along with the Solicitor, recessed into executive session at approximately 7:10 p.m. At the request of the Mayor, the President restated the purpose of the executive session is to discuss possible pending litigation. The Mayor inquired as to whether or not this was the same matter that was already discussed in executive session. The President responded that nothing was discussed in the executive session since Council was not able to enter into a proper executive session. The Mayor requested the Solicitor to provide statutory authority for the Mayor to enter into executive session, to which Mr. Jones stated that in his position as Solicitor City Council has the discretion to invite participants into the executive session to include the Solicitor, the Auditor and the Mayor and at this time they have chosen at this time to not invite anyone other than himself. The Mayor for the record respectfully disagreed with the opinion of the Solicitor, "especially when item of question includes the City government of which the Mayor is the Executive of the government and especially if there is any item in discussion in executive session that involves the Mayor". The President advised the Mayor's remarks to be "so noted". Council, along with the Solicitor, recessed into executive session. The Mayor announced that neither her staff or herself would be available after the executive session.**

Council reconvened at 7:35 p.m. Roll call showed all those previously in attendance, with the exception of the Mayor, to be present.

The Meeting adjourned at 7:36 p.m., on a motion by Councilman Johnson.

City Clerk

President of Council