

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday, April 26, 2010
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, April 26, 2010 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 members to be present:

Kevin Johnson	1 st Ward
David Malone	2 nd Ward
Nicholas Basham	3 rd 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.

Councilman Albrecht's absence was excused, on a motion by Councilman Johnson.

Council dispensed with the reading of the Journal for the Regular Meeting of March 8, 2010, on a motion by Vice President Haas.

There was no public hearing and no one present who wished to address Council with regard to any item on the agenda.

The Clerk gave a **third 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.

Vice President Haas made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 The ordinance was passed. ORD. #18-10.**

The Clerk gave a **third 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.

Vice President Haas made a motion to adopt the resolution.

There were no questions or comments. The roll was called. **VOTE: ayes 5 - nays 0 The resolution was adopted. RES. #05 -10**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Scott Schmidt, owner/operator of Buffalo Wild Wings said the traffic light issue has been brought to his attention and he wanted to, with all due respect to all the committees and to the Council and acknowledging that he did not know all the laws and regulations, apply some common sense to some of the issues with the traffic lights, and noted one in particular to be the one at 15th and Chillicothe Streets. Noting all the businesses located on the site west of Chillicothe Street at the viaduct, Mr. Schmidt stated it to be his understanding that is one of the traffic lights that was recommended for removal. He said he is trying to figure out the role of common sense versus what is law. Mr. Schmidt further stated it to be his understanding that it is "all or nothing" with regard to ODOT's recommendations. He said he did not know when ODOT ran some of these tests and questioned if they were done at a time of day when there is little traffic. He said he knows everyone has selfish motives with a lot of the traffic light issues and acknowledged that to be allowable, noting the people with businesses at this location are concerned as are the citizens who come in and out of that area. He said to remove this particular light would create a really bad bottle neck because this is a very busy intersection. He acknowledged this matter to not be on this evening's agenda but wanted to speak on behalf of several of the business owners in that area.

Josh Howard, a local attorney representing Bruce Parsley, noted that like Mr. Schmidt, Mr. Parsley is in the restaurant business, operating the local McDonalds at Mabert Road and Gallia Street. Mr. Howard said it has come to their attention that, based on a final report dated 2007, item #9 that the removal of the access from McDonalds and the access point from the adjacent BP Gas Station. He said he would like to express their sincere opposition to that recommendation. Mr. Howard said they are not sure if this is something on a long-

term agenda of Council but sincerely hoped that it was not. He agreed with Mr. Schmidt, saying he may not know the law the law regarding this matter, but felt the common sense approach would definitely win the favor of Council not adopting #9 on the list of recommendations.

Kim McCann, an attorney with a firm in Ashland, advised that she was present this evening representing Clark's Pump N Shop and John W. Clark Oil Company Inc. and has concerns about the traffic lights for similar reasons of the two gentlemen who previously spoke. She said her client owns the BP Station located at the corner of 11th and Gay Streets and is very concerned about the recommendations from ODOT. She acknowledged that they have not yet had an opportunity to fully review the full report. Ms. McCann said their concern is about the removal of access of the station at 11th and Gay Streets and are even more concerned about the "frontage road" that would be constructed in New Boston, where her clients own another gas station. She said this frontage road would virtually eliminate that gas station. Ms. McCann said the Clark family is asking Council to not do any type of changes that would entail a frontage road in that area.

Miscellaneous business and reports:

City Clerk's Report

1. Received on 4/20/10 from the Auditor the following reports for the period ending 3/31/10:

Combined mtd/ytd expense report
Mtd/ytd Revenue report
Combined mtd/ytd fund report
Mtd bank report
Appropriation transfer from transaction listing.

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

Mayor's Report

1. Acknowledging the fact that there are several individuals present with regard to the traffic lights, the Mayor said she wanted to mention that the CIP is on the conference agenda this evening and contains a request for approximately \$10,600.00 for synchronization of the traffic lights. She said this what she is recommending to ODOT as her offices approach to this issue. She claimed ODOT to have accepted her administrations recommendation. She advised these documents to be on the City's website for review by anyone who wished to do so. She noted this information to have been provided to Council and the Traffic Committee. She said her office also indicated, in that report, that they would undertake the short-term recommendations of the study, which included some things that she felt could have been done several years ago when the report was first submitted. The Mayor stated that to be the approach her administration is taking, she reiterated previous remarks that have been made with regard to the claim that Portsmouth has to meet the same "volume warrant" as larger cities, such as Columbus, Cincinnati, New York or Houston. She felt this to not be reasonable and she further stated that ODOT leaves this to a local jurisdiction.
2. The Mayor reported that an update was received today from Ameresco regarding their meeting. She acknowledged Council to have received this information via e-mail and that she will make this information available, noting that she has not yet read them herself. She said she would read them and make sure there is "proper discussion about that at the right time".
3. She noted that in Council's conference packet, for information, is an update of the neighborhood stabilization program, which she reported will be kicked off next week. She continued by describing the program and advising the first structure to be razed will be a burned structure on Argonne Road.

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

The President had nothing to report.

Miscellaneous business and reports from City Council:

1st Ward Councilman Johnson appointed Vicki Hatcher to the Traffic Committee and thanked Mrs. Arlene Dever for her services.

Advised that he would be out of town in two weeks and requested he be excused. He reported that he along with about 18-10 people will be visiting our sister city of Zittau, Germany.

2nd Ward President Malone had noting to report from his ward.

3rd Ward Councilman Basham had nothing to report.

5th Ward Councilman Haas stated that as part of his report he wanted to request of the Solicitor that legislation be prepared regarding the traffic lights that were the subject of the prior legislation , which asked the Traffic Committee to review those particular lights. He asked that the legislation adopt the recommendation by the Traffic Committee with respect to the lights at issue. Mr. Haas said he feel this will calm a lot of the concerns that was expressed here this evening. With respect to some of the other recommendations, he said he reiterated the fact that he is only requesting legislation for those lights that Council referred to the Traffic Committee.

6th Ward Councilman Noel stated most of his concerns were the lights and issues on which the Mayor had spoken. He said it sounds like “there is going to be some action on this stuff” and he would be glad.

The Auditor acknowledged that the monthly reports from his office were filed with the City Clerk.

The Solicitor had nothing to report.

The meeting adjourned at 6:24 p.m., on a motion by Vice President Haas.

City Clerk

President of Council