

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**

Monday, June 28, 2010

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, June 28, 2010 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Vice President, John Haas 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 <sup>st</sup> Ward
Nicholas Basham	3 <sup>rd</sup> Ward
Jerrold Albrecht	4 <sup>th</sup> Ward
John Haas	5 <sup>th</sup> Ward
Richard Noel	6 <sup>th</sup> Ward

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

The absence of President Malone was excused, on a motion by Councilman Albrecht.

**Public Hearing  
2011 Tax Budget**

The Vice President declared the public hearing open at 6:15 p.m. There was no one present who wished to address Council with regard to the Tax Budget

The Vice President declared the public hearing closed at 6:16 p.m.

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

**LEGISLATION**

The Clerk gave a **third reading** to an ordinance to submit to the electors of the City of Portsmouth, Ohio, at the General Election to be held on the 2<sup>nd</sup> day of November 2010, a proposed renewal tax levy for the Flood Defense System of the City of Portsmouth, Ohio, after declaring the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors to be insufficient.

Councilman Albrecht made a motion to table the ordinance.

The roll was called. **VOTE: ayes 5 – nays 0 The ordinance was tabled**

The Clerk gave a **second reading** to an ordinance authorizing the Mayor to enter into a contract with Howerton Engineering to assist the City with certification of its floods protection system in accordance with FEMA criteria.

Councilman Albrecht moved this constitute a second reading.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 A second reading was declared.**

The Clerk gave a **second reading** to a resolution providing for the annual tax budget for municipal purposes for the year 2011.

Councilman Albrecht moved this constitute a second reading.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 A second reading was declared.**

The Clerk gave a **first reading** to an ordinance authorizing the appropriation of a check in the amount of \$4,487.90, received from HCC Insurance, Midwest Claims to repair damage to Fire Department vehicle No. 183 a Dodge Durango, into Fire Department Maintenance of Licensed Vehicles Line Item No. 101.223.5264 in order to pay repair costs.

Councilman Albrecht moved to suspend the rule requiring an ordinance be read on three separate dates.

The roll was called. **VOTE: ayes 5 – 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 5 – nays 0 The ordinance was passed. ORD. #30-10**

The Clerk gave a **first reading** to an ordinance to submit to the electors of the City of Portsmouth, Ohio, at the General Election to be held on the 2<sup>nd</sup> day of November 2010 a proposed amendment to Section 3 of the Charter of the City of Portsmouth, Ohio.

Councilman Albrecht moved this constitute a first reading.

Councilman Johnson, acknowledging this to be legislation that he is proposing, said the most comments he has heard is objections to the five-year residency requirement for those interested in running for a political position in the City. Mr. Johnson noted that other cities' residency requirements are anywhere from 6 months to 1 year. He cited the Village of New Boston as having a one year requirement, however, he claimed most cities, throughout Ohio, is zero, saying the only requirement is being a registered voter. Mr. Johnson compared Portsmouth, to Columbus, Cincinnati and Toledo. He acknowledged having provided Council with lists of other cities in California and Texas, saying he could not find any other city with a five-year residency requirement and is recommending this amendment to the charter. He claimed an average of the cities he checked resulted in a recommendation of a six-month residency requirement. Vice President Haas said he would feel more comfortable with a little longer residency requirement. Mr. Johnson acknowledged that he has no problem with extending the time to one year and would accept a "friendly amendment" to the proposed legislation.

Councilman Johnson moved to amend the ordinance by changing the residency requirement from the proposed six-months to one year.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 The ordinance was amended.**

There being no further questions on the motion for a first reading, the roll was called. **VOTE: ayes 5 nays 0 A first reading was declared.**

The Clerk gave a **first reading** to an ordinance to amend the Salary Ordinance as amended by Ordinance No.17 of 2010, to maintain requirements of EPA to be effective upon passage and to repeal Ordinance No. 17 of 2010

Prior to a motion being made the Solicitor, for purposes of clarification, noted the only change to the Salary Ordinance is on page seven where a couple of grades are being changed because the EPA criteria requires an employee with supervisory authority has to be on site when Mr. Nichols is off duty or on vacation. In response to Councilman Albrecht inquiring as to whether or not this ordinance needs to be passed tonight, the Solicitor, noting Mr. Nichols to have been under a lot of pressure from the EPA, recommended the ordinance be passed tonight. Mr. Nichols approached the microphone and advised Council that he had received a letter in March from the EPA that contained about nine items that they wanted addressed. Mr. Nichols said he is sending out a letter this week that addresses those issues. Mr. Nichols advised the first item on that list was the ORC situation. He expressed his hope that Council would pass the ordinance this evening.. In response to Councilman Albrecht asking if the information just provided by Mr. Nichols also applied to the next item on Council's agenda, Mr. Nichols advised that the next ordinance has nothing to do with compliance but involves the extra supervisory positions that were desperately needed. He further advised that the next ordinance does not have to be passed this evening.

Councilman Albrecht moved to suspend the rule requiring an ordinance be read on three separate dates.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – 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 5 – nays 0 The ordinance was passed. ORD. #31-10**

The Clerk gave a **first reading** to an ordinance to amend Ordinance No. 16 of 2010 that made appropriation for the current expenses and other expenditures of the City of Portsmouth, Ohio, beginning January 1, 2010 and ending December 31, 2010, as provided for in Section 49 of the Charter of the City of Portsmouth, Ohio in order to maintain requirements of EPA.

Councilman Albrecht moved this constitute a first reading.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 A first reading was declared.**

The Clerk gave a **first reading** to an ordinance to revise the Codified Ordinances by adopting replacement pages thereto and declaring an emergency.

Councilman Albrecht moved to suspend the rule requiring an ordinance be read on three separate dates.

The roll was called. **VOTE: ayes 5 – 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 5 – nays 0 The ordinance was passed. ORD. #32-10**

The Clerk gave a **first reading** to a resolution requesting the Scioto County Auditor, David L. Green, certify to the City of Portsmouth the property tax valuation of the City of Portsmouth along with the estimated property tax revenue that would be generated by the renewal or replacement of its one (1) mill Flood Defense System Levy.

Councilman Albrecht made a motion to adopt the resolution.

The Auditor relayed to Council the County Auditor's advice that this resolution needs to be adopted this evening and given to him in return for a letter from him certifying the property tax revenue and the evaluations he provided. The Auditor noted this would have to be done before passage of the ordinance that was tabled by Council earlier in this meeting. The Auditor also requested that the date for the tabled ordinance to be lifted from the table be determined this evening.

There being no further comments the roll was called. **VOTE: ayes 5 – nays 0 The resolution was adopted. RES. # 10-10**

Councilman Johnson made a motion to change Council's rules by adding a rule commanding Council to have three standing committees – Housing Infrastructure & Economic Development, Cultural Affairs, Neighborhood & Recreation and Internal Operations. This rule would also command the committees be "comprised of two members of Council, appointed by the President with concurrence of Council", "comprised of at least one and a maximum of three members of the public with knowledge or qualifications appropriate to the committee". The rule also commanded the committees meet at least monthly and report to Council. Mr. Johnson advised Council of the function of each committee.

Vice President Haas, acknowledging that the appointment of three members of Council is by the President with Council approval, inquired as to how the members of the public are to be appointed. Mr. Johnson, noting that he did not go into detail because he felt "the committees should be able to seek out and appoint those people and bring them to the President for appointment". Mr. Johnson said that if they are going to be appointed they would have to go through the same process. Mr. Haas noted asked if the amendment could be made a little more clear by stating that the committee's nominees would be referred to the President of Council for appointment with approval of Council. Mr. Johnson said he did not have any problem with that and agreed to the adjustment. In response to Mr. Haas noting that he did not have a copy of the proposed change to the rules. Upon the Solicitor requesting clarification, Mr. Johnson agreed to insert "approved by Council" between the words "committee" and the word "and" in the last sentence of the amendment.

There being no further comments the roll was called. **VOTE: ayes 5 – nays 0 The rules were amended accordingly.**

Councilman Albrecht made a motion to bring from the table, for inclusion on the July 12<sup>th</sup> agenda, the ordinance requesting the renewal of the flood defense levy.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 The ordinance was removed from the table and will be included on the July 12<sup>th</sup> legislative agenda.**

#### **STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGENDA**

Frank Thompson – 2810 Brant Avenue said he was here this evening as the founder of "Face Book Group to fix the Scioto County problem of drug abuse. Mr. Thompson said the group has plans and have carried out three to four activities since the group formed this past February and begged everyone to attend their activities. He felt drug abuse in Portsmouth to be the number one concern of city government. Mr. Thompson announced a planned event for this Friday on the Esplanade. Along with a band, Mr. Thompson said there was to have been a display in the window of the Marting's Building; however he did not now know where the display will be. Mr. Thompson wanted to know why it is so hard to get in touch with the members of City Council, saying he cannot find phone numbers on the City's web site and he could not find e-mail addresses therefore he does not know how to get in touch with them. He felt someone needs to be responsible for the Marting's Building, calling it a disgrace. He further questioned the function of the Mayor's office and wanted to know why the Mayor's staff is not responsible for making decisions. He claimed these concerns are coming from efforts to get his display, regarding drug abuse, in the Marting's window. Mr. Thompson's time having expired the Vice President, with consensus of Council allowed him an additional two minutes. Mr.

Thompson said that if there is a schedule for displays in the window of the Marting's building, he would like to see it. He continued saying he would like to register his disgust at the recent handling of the display and would like to know "if all City employees are drug tested" and expressed his opinion that if they are not they should be.

Teresa Mollette 359 Meadow Lane, Wheelersburg, Ohio, stating that she still pays property taxes, spoke with regard to a meeting held by the Municipal Judges prior to Council's legislative session. Mrs. Mollette objected to the public not being able to comment at the meeting, which was a discussion regarding the need to relocate City offices. She reiterated objections she has previously made with regard to use of the Marting's Building for City offices. She further claimed the State to have inspected the building and claimed it to not be habitable for citizens. She further reiterated her opinion with regard to the condition of the present municipal building and compared it to her own home, which she said was built in 1915 and advised every one of all the renovations she has made to it, saying they cost her a lot less than building new. Mrs. Mollette announced that she was making a public request for a copy of the minutes of the meeting held by the Judges and claiming that since Council was invited to the meeting and more than three of them were present, the Sunshine Law requires that they have minutes. She also requested a copy of the video of the Judge's meeting as well as any paperwork that was the result of that meeting.

#### **Miscellaneous business and reports:**

##### City Clerk's Report

1. Received on 6/15/10, from the Auditor, the following report for the period ending 5/31/10;

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 minutes, on a motion by Councilman Albrecht.

##### Mayor's Report

1. Noted a couple of items that she has on the conference agenda for information.
  - a. The 2010 application for the CDBG Grant funding and public hearing for \$38,000. She noted the funds would be used primarily for park improvements in Sciotoville and for neighborhood housing redevelopment.
  - b. Advised Council of the preparation of a pre-application for ARC funds that will hopefully add to the downtown revitalization funding of historic development for Main Street in the whole downtown area.
  - c. Expressed appreciation for the Civic Forum and their annual fireworks planned for the 4<sup>th</sup> of July. She expressed her hope that during this "tourism season" and 4<sup>th</sup> of July weekend, we'll get out and enjoy our own community.

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

##### Miscellaneous business from City Council

###### 1st Ward

Councilman Johnson expressed appreciation to Mr. Thompson for his comments.

Announced that all next month he will be working to get out letters with regard to the City's Bi-Centennial and expressed hope that the first meeting will be the formal naming of committees. He further hoped that in September, during River days, a public meeting can be held to gather ideas from everybody about how to celebrate the City's 200<sup>th</sup> anniversary in five years.

###### 3<sup>rd</sup> Ward

Councilman Basham thanked the Civic Forum for all their hard work and encouraged everyone to come out to see the fireworks.

###### 4<sup>th</sup> Ward

Councilman Albrecht commended the Portsmouth Police Department for their successful sting operation on Campbell Avenue a few weeks ago with regard to prostitution. He extended the appreciation of the residents of that neighborhood.

He extended "thanks" to the work release program for the "great job" they did on Spring Street.

###### 5<sup>th</sup> Ward

Vice President Haas had nothing to report from his ward.

6<sup>th</sup> Ward

Councilman Noel said he looked at the new roof on the municipal building today and described it as “a real good job”. He noted the final inspection has not yet been done.

Mr. Noel reported the condition of the Valley Street area to be disgraceful with regard to the condition of some of the houses. He said he learned today that demolition of three of the houses will hopefully begin next week.

The Auditor acknowledged reports from his office have been filed with the City Clerk

The Solicitor had nothing to report.

The meeting adjourned at 6:59 p.m., on a motion by Councilman Albrecht.

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City Clerk

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Vice President of Council