

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday, July 26, 2010

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, July 26, 2010 at 6:00 p.m., in the Council Chambers of the Municipal Building.

President of Council, 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.

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

Council dispensed with the reading of the Journal for the regular session of June 14 and June 28, 2010, on a motion by Councilman Noel.

STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA

Bill Beaumont, the City Service Director, requested Council to amend Item “7c” by changing the word “sidewalks” to “cross walks” and requested the ordinance be passed this evening.

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 2nd day of November 2010 a proposed amendment to Section 3 of the Charter of the City of Portsmouth, Ohio.

Prior to a motion being made Councilman Johnson stated that since proposing this ordinance he has continued to search the web to try to find any city that had such an extensive residency requirement. Mr. Johnson reported not having found anything - “not one”. He claimed this to continue to be “onerous, prohibitive and punitive”.

Councilman Noel made a motion to pass the ordinance.

Vice President Haas, in response to Mr. Johnson’s remarks, said he has spoken to quite a few people about this issue and “by in large” the number of people with whom he has spoken have indicated that they are in favor of keeping the residency requirement as it is. He stated the reason for that is that in five years a person has an investment in the community and are aware of the issues that confront this community. Mr. Haas said the concerns that have been addressed to him is that (*not discernible due to other noises at the table*) a newcomer to the City may not be interested in staying here or would not have any knowledge of the history of this area. Mr. Haas said these observations sort of goes along with his initial reaction to the proposal and he just wanted to express his concern about changing the charter on this one issue.

Councilman Johnson advised Mr. Haas that this proposal does not apply to the Mayor, Solicitor or Auditor, saying their requirements are not five years. He again stated that he did not know of any other position in the county or state with a five-year residency requirement and continued to defend his proposal to reduce the residency requirement to one year and to disagree with the logic that five-years allows time for someone to get to know the area they would be representing and to become familiar with the operation of the government.

There being no further questions or comments the roll was called. **VOTE: ayes 3 (Johnson; Malone; Noel) – nays 2 (Basham; Haas) The ordinance was defeated due to a lack of four affirmative votes.**

The Clerk gave a **third 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 Noel 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. # 36-10**

The Clerk gave a **second reading** to an ordinance authorizing the appropriation of \$4,708.00 from CIP Fund No. 302 into Engineering Miscellaneous Projects Line Item No. 301.112.5529 for repairs to Chillicothe Street sidewalks.

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

The roll was called. **VOTE: ayes 4 – nays 0 – abstain 1 (Haas) The rule was suspended.**

Councilman Johnson made a motion to amend the ordinance in accordance with Mr. Beaumont's request.

There were no questions or comments. The roll was called. **VOTE: ayes 4 (Noel; Johnson; Malone; Basham) – nays 0 – abstain 1 (Haas) The ordinance was amended.**

Councilman Johnson made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 4 (Noel; Johnson; Malone; Basham) nays 0 – abstain 1 (Haas) The amended ordinance was passed. ORD #37-10**

The Clerk gave a **second reading** to an ordinance authorizing the appropriation of CDBG monies Fund NO. 243 Grant No. A-F-09-167-1 in the amount of \$10,424.00 to Personal Services Costs and \$7,767.00 to Others for a total of \$18,100.00.

Councilman Johnson 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 funds in the amount of \$120,000.00 for Munn's Run Sewer Improvement from Wastewater Fund #621.

Councilman Johnson 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 Johnson made a motion to pass the ordinance.

Councilman Basham inquired as to whether or not this if for the Eden Park area and if so will these people have the same option of suing the City should their sewers back up into their basement since we are adding sewage to the existing plant. The Mayor deferred to the Solicitor who advised it to be his understanding that this would alleviate that possibility and will actually assist the system as opposed to creating problems for it. Councilman Noel stated that at the present time the citizens of the 6th ward are being affected by this and felt it to be fortunate for the City that the County will be paying for most of the expense. Mr. Noel also felt this would be helpful because that community has potential for expansion. In response to Vice President Haas noting the cost to be \$120,000.00 now with an annual payment of \$17,500.00 for twenty years the Mayor confirmed those facts and advised that the revenues from the additional residents will more than pay for correcting the existing problems in the 6th ward.

There being no further questions or comments the roll was called. **VOTE: ayes 5 – nays 0 The ordinance was passed. ORD. #38-10**

The Clerk gave a **first reading** to an ordinance authorizing the appropriation of \$17,020.00 from General Fund into Community Development Fund No 243 to fund the established position of Director Of Community Development.

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

The roll was called. **VOTE: ayes 3 (Noel; Johnson; Malone) – nays 2 (Haas; Basham) The motion failed due to a lack of four affirmative votes. A first reading was declared.**

STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Teresa Mollette – 369 Meadow Lane, Wheelersburg, Ohio, referring to a reported estimated deficit of 1.3 million dollars in the City's General Fund, claimed a former member of Council had warned against what he believed to be a spending problem. Mrs. Mollette reiterated previous remarks she has made before Council

with regards to any tax increases and the “average income” of citizens of Portsmouth. She claimed revenues to not have been flat and that government officials and bargaining unit workers have benefited from revenue growth for many years. She further claimed employees of the City to be getting “lucrative benefits and perks”. She claimed her remarks to not be specific criticism of any specific department, or the work performed by any department and was not an emotional issue but one of tax payer dollars. She claimed the Scioto County Commissioners to have made serious efforts to rein in spending, which she claimed the City has not done. She continued to berate the City government and described Council as being inept. She continued by reiterating previous remarks she has made in the past with regard to any consideration being given to the renovation of the Marting’s Building. (*Note: Mrs. Mollette, having used up her 5 minutes, was allotted an additional minute to conclude her remarks*).

Harald Daub – 1221-22nd Street berated Council for defeating the ordinance proposed by Councilman Johnson to place before the electors a charter change. The President reminded Mr. Daub that the item he is addressing was on the agenda and this was a time to speak on items not on the agenda. Mr. Daub objected but directed his remarks to his belief that the charter needs to be changed and accusing Council of being against “change”. Mr. Daub claimed our existing charter to be from the 1800s.

Austin Leedom – 1521-5th Street, claimed Council to lack democracy and that they did not represent the people. He continued by reiterating previous remarks and criticisms he has voiced with regard to the Marting’s Building.

Miscellaneous business and reports:

City Clerk’s Report

1. Received from the Auditor, on 7/13/10, the following reports for the period ending 6/30/10:

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

2. Oath of Office

Luanne Valentine as a member of the Civil Service Commission

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

Mayor’s Report

1. The Mayor reported that she had been notified, late last week; from Senator Voinovich’s office that he has included \$500,000.00 in a bill being “marked up” that will go towards the City’s combined overflow problem. She stated, “Specifically we will be addressing the basement protection program”. She expressed her appreciation for the Senator’s assistance.
2. The Mayor reported “good news” from the Ohio Department of Transportation with regard to the widening of Rt. 52 between the Filtration Plant and SR 139. Noting this to have been an on-going project with the City having to provide a match, as of January 2011 in an estimated amount of \$730,000.00, the Mayor said “the Governor and ODOT have left over stimulus money and they are paying our entire match”. She described this as a “huge windfall”.
3. She advised that she has requested her directors to encourage employees to keep hydrated during these very hot days.

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

The President had nothing to report.

Miscellaneous business from City Council:

6th Ward

Councilman Noel expressed his appreciation for the State providing the City with the matching funds for the Rt. 52 widening. Mr. Noel claimed the widening was suppose to have occurred two years ago but no funds were available, He said the choice was either the paving of Harding Avenue or the widening of Rt. 52 and it was decided to pave Harding. Mr. Noel acknowledged Rt. 52 was in “bad shape” and expressed his pleasure that it will be “fixed”.

5th Ward

Vice President Haas expressed pleasure at hearing the City will be receiving funds from the Federal Government to address the CSO problems, noting that he has had several phone calls with regard to this issue. Mr. Haas inquired as to what the plan is or is going to be and when the City might expect to receive some of the funding, if we are going to get it and if we do get it when are things going to be put in place. He also inquired as to what happens if we don't get the funds.

Mr. Haas reported another issue that came to him from residents with regard to a rumor that the Mayor intends to erect stop signs and install speed bumps on both Grandview Avenue and on Dorman Drive. Mr. Haas requested clarification with regard to whether or not that is going to occur and if it is going to go through the Traffic Committee.

Mr. Haas also reported another issue that was brought to his attention was that the Police Department was awarded a grant in an amount of \$66,000.00 to purchase a necessary computer server and \$22,000.00 in matching funds would come from the Law Enforcement Grant Trust, which means there would be no cost to the City. Mr. Haas advised that he would like to know why the Mayor refuses to sign off on that grant.

He also questioned why the Mayor refused to sign the payroll for the Police and Fire Departments

3rd Ward

Councilman Basham reported having a few friends in town the past Thursday that had never before been to Portsmouth. He said while he was giving them a tour of the Floodwall Murals, Linda Switzer invited them all into her cabin and he wanted to thank her for a nice little tour of her cabin and the honor of signing her guest book.

Acknowledging "some great comments" from citizens tonight with regard to the City's budget and budgeting; Mr. Basham said he would like to shed a little light on the situation. Comparing the budget that was passed with the revised budget that was submitted by the Mayor, Mr. Basham said he literally took the bottom line and noted the bottom line balance of the Mayor's budget was a negative \$738,000.00. He noted that budget showed a move of \$900,000.00 from the CIP and pointed out that if Council had approved what the Mayor had submitted, there would have been zero dollars in the CIP. He stated that without the '09 carry over we would have had a \$738, 000.00 deficit. He further noted that the budget passed by Council, not including the carry over the carry over or furloughs was only a \$651.000.00 negative. Acknowledging that amount is also a deficit, he pointed out the fact that it is a smaller deficit. Mr. Basham noted that if the 2009 carry over is added the Mayor's deficit is \$1.2 million and Council's deficit is \$1.1 million. He acknowledged both numbers to be "bad" but pointed out "the inept, incompetent Council" saved more money.

The Mayor interrupted Mr. Basham's report to state that what he said was inaccurate and began criticizing his remarks. The President gavelled the Mayor, and advised her that this was not the time for her to speak. She continued to speak and it was necessary for the President to gavel her again.

2nd Ward

The President had nothing to report from his ward.

1st Ward

Councilman Johnson reported that he has been walking around his ward taking pictures and the one thing from which he is getting feedback is about owners who do not take care of their properties. He noted the excessive amount of weeds, describing them as an "eyesore". He said he does not know what the City is going to do with the "predominance of renters", noting the Health Department taking care of abandoned properties. He called it to be "embarrassing to enter the City and see house after house and business after business with weeds. He claimed this to be the first thing that is noticed by visitors to our city.

Mr. Johnson expressed his most concern to be that Council did not take the opportunity to quickly fund the Community Development Director position. He reiterated remarks made by the Mayor with regard to pursuing large grant funds from various sources. He continued by supporting the person to whom the Mayor wants to give that position, describing her as a "proven person" who was coming from the Health Department.

With regard to the defeated legislation, Mr. Johnson said if he had listened to the people who talked to him he would have included term limits and a two-year limitation. He called this a failed test and next year he is going to be working on

getting things together to the ballot to the people. He concluded by expressing his extreme disappointment.

The Solicitor advised Council that he will not be present at their next meeting as he will be fulfilling his Naval obligation.

The Auditor advised Council that he has not yet finished with the entire mid-year analysis but will try to have that available soon. However, he informed Council of some significant numbers, noting the income tax to be down about \$100,000.00 from this time last year but acknowledged that less was budgeted this year and therefore the figure is on track with regard to the amount budgeted. He further noted the general fund to be down about \$79,000.00 from last year. He also noted property taxes to be down and advised that the County is going to advance \$800,000.00 of taxes to the City prior to finishing their settling the second half of taxes. Mr. Williams advised this would be about \$150,000.00 more than collected last year for property taxes. He admitted this does not give a good indication of how we will finish the year, however he did not believe 1.2 or 1.1 million short at the end of six months, when the bulk of our expenses have been paid, means that the City is going to end the year with a short fall double that amount. Mr. Williams advised that there were yearly obligations that were fully covered in the first half of the year in the amount of \$200,000.00, which will not be an expense in the second half of the year. He promised Council a more detailed report at a later time.

Mr. Williams, referring to remarks about deficits, who's budget is right or better, whether or not additional taxes are needed and how are we going to balance. He noted this conversation took place early in 2009 when a half million dollars in revenue was expected from the sale of property and whether or not it was going to be an available revenue in the following year. Mr. Williams acknowledged it was agreed, at that time, that balancing the budget with a one-time revenue was not a good thing. He further pointed out the use of a one-time revenue to help get through this year by transferring the balance of the CIP funds from the previous year. Mr. Williams asked, regardless of who the Mayor is or who is going to be responsible for the budget and noting that in 2011 the City is not going to have the sale of property and there will be nothing left in the CIP to transfer, what is the Mayor's plan. He pointed out the fact that the Mayor has announced that she is against an income tax increase, asked, hypothetically, from where is the City going to come up with the money for 2011 expenses. He also inquired as to where cuts would be made, saying he wanted to bring this up now, mid-year 2010, because there needs to be conversation about it now. Mr. Williams felt 2010 is noting like 2011 is going to be if anyone thinks things are bad now.

The meeting adjourned at approximately 6:45 p.m., on a motion by Councilman Noel.

City Clerk

President of Council