

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday, October 12, 2009
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, October 12, 2009 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting Chair, Jerrold Albrecht, 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:

Mike Mearan	1 st Ward
Bob Mollette	3 rd Ward
Jerrold Albrecht	4 th Ward
John Haas	5 th Ward
Richard Noel	6 th Ward

Also present were Mayor James D. Kalb and City Solicitor, Michael L. Jones.

Councilman Malone's absence was excused, on a motion by Councilman Mearan.

Council dispensed with the reading of the Journal for the regular session of September 28, 2009, on a motion by Councilman Noel.

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

LEGISLATION

The Clerk gave a **third reading** to an ordinance authorizing the City Health Department Land Reutilization Committee and/or its designees to sell any and all properties and accept property donations acquired by the Land Reutilization Program.

Councilman Mearan 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. #64-09**

The Clerk gave a **third reading** to an ordinance authorizing the sale of properties at 1220 Allard Street for \$2,000.00 and 1909 Valley Street for \$500.00 to the applicants that were voted upon by the Land Reutilization Committee Members in the July 22 majority vote, and further authorizing a terms and agreement clause to be placed on each deed. This will require the purchaser to have a probationary period of three (3) years that will require the purchaser to remain in compliance with all State and City mandated laws or regulations. Any non-compliance would result in the deed reverting back to the City's possession to prevent said properties from continuing to remain in nonproductive status.

Councilman Noel 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. #65-09**

The Clerk gave a **third reading** to an ordinance authorizing the Mayor to advertise for sale certain real estate owned by the City of Portsmouth located in the Sixth Ward commonly referred to as Parcel ID 34-2898, which contains approximately 90 acres locate near U.S. 52 and is further described in the attached County Tax Map. The Mayor is further authorized to establish guidelines and restrictions as to the use and/or development of this property.

Councilman Noel 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. #66-09**

The Clerk gave a **second reading** to an ordinance authorizing the Mayor to purchase for \$1.00 real estate commonly referred to as Parcel ID 29-1188.000 said real estate is located next to the Municipal Building located at 728-2nd Street, Portsmouth, Ohio and contains approximately 0.487 acres of vacant land and is further described in the attached County Tax Map.

Councilman Noel 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. #67-09**

STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Carolyn Elliott – 5615-5th Street claimed the Service Director had not come to see her about the parking problem she had relayed to Council at their last meeting. Mrs. Elliott claimed signs to have been erected stating there was to be no parking from the sign to the corner. She stated that due to vehicles that were parked in front of her house her neighbor was unable to get through the street to his home. Mrs. Elliott said that in all the years she has lived in this house there has been no parking on her side of the street.

Wayne Nichols – 2018 -8th Street commended the Fire Department for their quick response to a fire in his neighborhood.

He complained about the City's Health Department serving him inside the Court Room in front of prospective jurors and felt this was illegal. He felt this action would have been grounds for him to appeal had he been found guilty, saying "you better put a leash on them people".

Mr. Nichols felt that the Marting's Foundation should return the \$2,000,000.00 the City paid for the Marting's Building, which could then be used to purchase the former juvenile detention center so it can be used as a police station. He felt this would be "a wonderful thing as long as we don't buy parking lots necessarily owned by City crony's".

With regard to the Mayor's response to an e-mail that appeared in The Daily Times, Mr. Nichols said, "Not only is he now a city disgrace and a state disgrace, I guess it's got caught on the BBC on the Internet and now he's a world disgrace."

Sharon Bender – 1666 Highland reported weeds to be growing out of the gutters on the Mausoleum in Greenlawn Cemetery. She claimed some of the weeds to be four-foot tall and felt they could cause damage to the Mausoleum roof if they are not removed.

Miscellaneous business and reports:

The City Clerk had nothing to report and in his absence, there was no report from the Acting President of Council.

Mayor's Report

1. The Mayor reported the Kiwanis' playground construction, in Tracy Park, was finished today and children will soon be able to enjoy it.

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

Miscellaneous business from City Council:

1st Ward

Councilman Mearan congratulated the Kiwanis for the playground.

He reported having received a call from a constituent regarding a plaque that was supposed to have been displayed at McKinley Pool. He noted the Mayor to be checking into this matter.

He suggested Mrs. Elliott speak with Capt. Ware, who was present this evening, about her parking problem.

3rd Ward

Councilman Mollette reported having attended a weed and seed grant initiative meeting this week. He explained that the steering committee's plans are to apply for a grant, which he felt to basically be secondary to working together as a community to solve our problems. Mr. Mollette understood this initiative program to be sponsored by the U.S. Department of Justice. He continued by reiterating previous remarks he has made with regard to "working together across all different functions and facilities to solve our problems". He said, "the money is set up so that it's not a necessary solutions – it's just a cause to get people together and hope they stay together".

He acknowledged receipt of the Mayor's September 28th narrative on projected year end revenues and requested an update from the Auditor. He said he is also interested in discussing the revenue projections and proposed administrative actions as soon as Council sees fit. He also expressed interest in the 2010 operating budget, noting it to be due next month.

Mr. Mollette reiterated his desire to legislate response time to the City's 911 emergency service for ambulances. He felt this to just be a matter of establishing some expectations of the ambulance service providers. Mr. Mollette said when he finds out that we're not able to hold anybody accountable for improving response time, then he is interested in improving our ordinances so "there are some expectations out there". He acknowledged that Kings Daughters Transport, while not wanting to be a part of the legislation, are interested in trying to bring forward different ideas and suggested looking at the Zanesville, Ohio ordinances. Mr. Mollette said he will do that and will forward those to Council. Mr. Mollette made suggestions as to an established response time with penalties for failure to comply and to establish a mutual aid agreement between ambulance providers. He also made suggestions with regard to liability insurance for property damage. He also expressed what he thinks needs to occur with regard to those people who have a provider preference. He suggested anyone with any suggestions should contact their Council representative or the Mayor and to request these improvements.

Mr. Mollette's five-minute time limit having expired, he said he only has a couple more items, saying he would be fast for WPAY.

He said he has requested the Mayor's assistance on Hutchins Avenue at 1227 saying he felt a follow-up is needed, but did not identify the problem.

Mr. Mollette thanked the Health Department for taking care of some dog nuisances on Offnere Street and that he will be looking at some vines and weed problems on Layton Drive.

He thanked everyone for attending tonight's meeting and for those listening on the radio.

4th Ward

Councilman Albrecht reported having turned over all his ward concerns to the appropriate department.

Mr. Albrecht stated that he too attended the weed & seed meeting and felt it to have been a very good meeting with a lot of things getting done. He noted a representative from Huntington, W. Va. To have been present and further noted that city to have accomplished a lot with the help of businesses and citizens of Huntington. He said he felt this would be "a good deal" for our city.

5th Ward

Councilman Haas had nothing to report from his ward.

6th Ward

Councilman Noel, again noting he has visited Mrs. Elliott, concurred with her concerns. He suggested to the Mayor that the yellow curb be painted over and the "no parking" sign be returned to the side of the street where it had previously been located. In response to the Mayor inquiring as to whether or not he has brought this matter to the attention of the Traffic Committee, Mr. Noel said he had but he did not believe it to have been placed on their agenda. Mr. Noel said he requested a member of the committee to look at it but Mrs. Elliott was not home when he visited.

The Solicitor reminded everyone of the Domestic Violence Vigil is this Thursday at 7:00 p.m. at the County Courthouse and invited everyone to attend.

The meeting adjourned at 7:25 p.m., on a motion by Councilman Mearan.

City Clerk

Acting Chairperson