

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**  
Monday, February 28, 2011  
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, February 28, 2011 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting President of Council, 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
Rich Saddler	2 <sup>nd</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 David A. Malone; City Solicitor, Mike L. Jones and City Auditor, M. Trent Williams.

Council dispensed with the reading of the Journal for the regular session of February 14, 2011, on a motion by Councilman Albrecht.

Councilman Basham, after distributing, to Council, a copy of a resolution to support Current Collective Bargaining and Prevailing Wage Laws, moved to add the resolution to the agenda.

The motion carried viva voce. The resolution was added to the Agenda as Item “7k”.

**STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA**

Ray Mitchell – 2416 Mickelthwaite Road, referring to the ordinance regarding filter rehabilitation at the Filtration Plant, objected to any money being spent on filters or on providing a pump station for the residents of Wheelersburg, who he claimed purchase their water from Scioto Water and are making a profit because Scioto Water purchases this same water from the City at a much cheaper rate than it is costing the City to purchase filters. He claimed Scioto Water to have made a profit last year of between five and ten million dollars. He further questioned how many times the City was going to purchase filters. He also complained about the condition of the streets and felt it was a waste of taxpayer’s money to spend any more dollars improving the City’s filtration system. Mr. Mitchell claimed that a new water system was just installed and every time there is a change in Mayors the water filtration system is upgraded.

Wayne Nichols – 2014-8<sup>th</sup> Street concurred with remarks made by Mr. Mitchell, claiming the City was selling water to Scioto Water for \$1.67 per 1,000 gallon and expressing his feeling that the amount charged should be doubled. He said, “I don’t know what kind of funny deal that has been made in the past because someone is a friend of somebody or somebody was on the board or whatever in there”. He continued, saying “you can’t afford to have any buddy deals now”. Mr. Nichols felt the only way the City has of getting out of a deficit is to increase the rate charged to Scioto Water.

Mike Malone – 1731 Robinson Avenue stated that “three bus loads” of members of several unions traveled to Columbus to show their opposition to SB5. Mr. Malone urged all members of locals and citizens to oppose this bill by writing a letter to their representatives in the State.

Preston Smith – 1115-15<sup>th</sup> Street felt there to not be enough information available, with regard to the addition to the agenda, to allow any citizen to speak to that legislation. Mr. Preston was provided with a copy of the resolution and Mr. Haas promised he would be allowed an opportunity to speak again after he has had time to read it.

**LEGISLATION**

The Clerk gave a **third reading** to an ordinance authorizing the Mayor of the City of Portsmouth to apply for and accept the Certified Local Government Grant.

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. # 10-11

The Clerk gave a **first reading** to an ordinance authorizing the acceptance and the appropriation of check no. N610734647 in the amount of \$6,339.99 received from Geico Casualty and check no. 7264 in the

amount of \$1,301.67 from HCC U.S. Specialty Insurance Company into Police Department Vehicle Maintenance Line item No. 101.221.5264 in order to pay repair costs for damaged police department vehicles.

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. #11-11

The Clerk gave a **first reading** to an ordinance authorizing the appropriation of funds in the amount of \$20,000.00 from Fund # 606 to purchase property located on Stewart Hollow Road for the purpose of constructing a pumping station that serves a major portion of Wheelersburg.

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. #12-11

The Clerk gave a **first** reading to an ordinance authorizing the acceptance of grant funds from the Ohio Department of Public Safety, Office of Criminal Justice Services funding, under the Justice Assistance Grant (JAG) and establishing a dedicated account for this grant that is specifically for the purchase of police cruisers.

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. #13-11

The Clerk gave a **first reading** to an ordinance authorizing the acceptance of grant funds from the Ohio Department of Public Safety, Office of Criminal Justice Services funding, under the Justice Assistance Grant (JAG) and establishing a dedicated account for this grant which specifically for Police Dispatch Console Replacement.

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. #14-11

The Clerk gave a **first reading** to an ordinance to authorize the transfer of \$78,453.00 from Fund 225 Law Enforcement Trust to Fund 217 Cruisers OCJS, appropriate the same and, upon completion of the grant, allow for the reimbursement amount of \$58,837.00 to be transferred back to Fund 225 from Fund 217.

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.

In response to Councilman Johnson's inquiry regarding the \$20,000 difference between the reimbursement amount and the amount of funds being transferred, the Auditor confirmed this difference to be the matching amount that is being paid by the City. The Auditor also noted that following some discussion with Laura Davis, of the Police Department, contrary to what he had stated at the previous meeting with regard

to keeping the funds separated, the preferred handling of these funds, in this case, is to keep them together thus making it easier to track the expenditures associated with the grant. In response to Mr. Johnson claiming that the way the ordinance reads, the City is out \$20,000.00, the Auditor agreed but noted that to be the City's share of a \$78,000.00 project. Mr. Johnson then felt it should require a separate appropriation. The Auditor pointed out that the authorization to expend the funds was provided for in legislation that Council had previously passed this evening (Ord. #13-11). The Auditor explained how the two ordinances worked in conjunction with one another.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. #15-11**

The Clerk gave a **first reading** to an ordinance authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing, within the City of Portsmouth, to resurface) .58 miles of US23, 0.45 miles of US 23R, 0.38 miles of SR140 and 1.67 miles of SR335.

Councilman Albrecht moved this constitute a first reading.

In response to Councilman Johnson inquiring as to what portion of US23 was the ordinance referring, the Mayor and Councilman Saddler advised it would be that section north of Tracy Park, noting 23R refers to Gay Street and noting the resurfacing would extend to Kinney's Lane.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 A first reading was declared.**

The Clerk gave a **first reading** to an ordinance authorizing the Mayor to enter into a contract with Howerton Engineering, Inc. for the design and engineering of the Filter Rehabilitation Project at the Filtration Plant in an amount not to exceed \$182,500.00 to be appropriated and paid from Fund No. 606, and where necessary to authorize the Mayor to advertise for bids and thereafter enter into contracts with the lowest and/or best bidder for various purchases and projects for aforesaid project, declaring the same to be an emergency.

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.

In response to Councilman Johnson requesting clarification of when the last time filters were replaced, the Director of Filtration advised that to have been in 1968. Mr. Johnson noted that when the plant was being brought up to a state of the art facility the one thing that was not addressed was the replacement of the filters. In response to questions from the Auditor Mr. Sutherland stated that other than preventive maintenance nothing has been done in the past several years with regard to the filters. He further advised that during his career here this type of attention has not been given to the filters. Mr. Sutherland concurred with the Auditor when Mr. Williams noted the water department to be an enterprise, which is self supporting and requires that in order for the City to provide clean drinking water to our citizens, these types of expenditures and investments must be made to our water system from time to time. When noted by the Auditor that he and Mr. Sutherland have discussed and gone over the financing of this project and he was asked by Mr. Williams if there were any financial problems perceived with going forward with the project, Mr. Sutherland stated it would cost the City more in the long-run if the filters are not replaced. He confirmed that our water facility has never had any serious issues with not being in compliance with EPA requirements and is highly rated in the State. He further confirmed that this project will continue to keep us in compliance. Councilman Johnson noted that the City has to borrow these funds at a 2% interest rate over a 20-year period. He further stated that the interest on municipal bonds is at a rate of 3.2 to 3.5%. Mr. Sutherland, acknowledging that he has done a "quick" amortization schedule, stated that it shows a \$97,000.00 a year savings. Mr. Williams stated that the rates quoted were theoretical and, even though a rate of 3.2 to 3.5% interests is quoted in the newspaper, municipalities would have a hard time getting that rate. Mr. Sutherland advised that the filter replacement does not have to be done this year. In response to the Auditor inquiring as to whether or not this has anything to do with any other project that has taken place with regard to the operations of the filtration plant, Mr. Sutherland said it did not and it was noted that this project is a totally separate from any other water projects.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. #16-11**

The Clerk gave a **first reading** to a Resolution authorizing the Mayor to apply for, accept and enter into a Water Supply Revolving Loan Agreement on behalf of the City of Portsmouth for Planning, Design and/or Construction of Water Facilities for Filter Rehabilitation and dedicating a repayment source for the loan to be paid from Fund No. 606.

Councilman Albrecht made a motion to adopt the resolution.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The resolution was adopted. RES. #03-11**

The Clerk gave a **first reading** to a Resolution for endorsement of the Ohio General Assembly to renew the Ohio Historic Preservation Tax Credit.

Councilman Albrecht made a motion to adopt the resolution.

Councilman Johnson said he is aware of how this tax has been “a great boon” for Main Street. He noted those things that are covered by this tax credit, which he said are critical to maintaining historical homes.

There being no further comments the roll was called. **VOTE: ayes 6 – nays 0 The resolution was adopted. RES. #04-11**

The Clerk gave a **first reading** to a resolution to support Current Collective Bargaining and Prevailing Wage Laws.

The Acting President, as promised, offered Mr. Preston an opportunity to speak to this issue; however Mr. Preston said he has read the resolution and is fine with what is being stated.

Councilman Albrecht made a motion to adopt the resolution.

The Solicitor stated that Mr. Haas had sent him this resolution on Friday by e-mail, however he did not open it until the a.m. Mr. Jones acknowledged that he has been adamant in the past about not adding items to the agenda without having the opportunity of having the public provided with the legislation for their comment. Mr. Jones said he is respecting Mr. Haas’ request to add this item to the agenda, noting this to be more of a timing issue and a hot topic, not only around the State of Ohio but also around the nation in other states. Mr. Jones stated it to be his understanding that other municipalities have passed similar legislation. He said he wanted Council to read the legislation to see if this is something they want to support and wanted Council to be aware of why this is before them.

Councilman Johnson thanked the Solicitor for addressing this issue, saying he was concerned and would have preferred Council to have had time to discuss this in a conference session. Mr. Johnson stated that he has already written to Senator Niehaus and Representative Johnson expressing his position with regard to SB5. Mr. Johnson acknowledged that this resolution really only addresses portions of SB5 and expressed his concern about how the resolution was written. He felt the resolution to have been written as an “all or nothing proposition” and, facing political facts, he said “that aint happening”. Mr. Johnson felt this resolution did not reflect “good faith negotiations”, which he claimed unions have been stressing all along. Mr. Johnson said he did not doubt there will be things that are changed but is very upset about how the laws are currently written. However, he noted, this, according to Senator Niehaus, is changing from what is considered to be a very anti union bill. Mr. Johnson admitted that he did not know how “far that change will be”. He said he would have much preferred Council to have had an opportunity to study this resolution, not to necessarily weaken it but “to recognize there is a new reality existing politically and economically in the State of Ohio” and in other states. Mr. Johnson stated that as much as he opposes SB5 and as much as he has expressed that opinion with our representatives at the State level, he cannot vote for this resolution, as it stands. Councilman Noel said he imagines he has had more experience regarding collective bargaining than anybody present this evening and continued by reiterating his experiences. Mr. Noel stated that in his opinion, “the collective bargaining bill was the best thing to happen to the working people in the State of Ohio”. He continued, saying, “it is not only good for the union workers but good for the State in general”. Mr. Noel concurred with Mr. Johnson, saying “I’ll have to vote ‘no’ on this until I see it”, noting the resolution to consist of two pages. He said he went to Columbus last Tuesday but he still does not understand SB5 but, from what he is gathering, it is more or less it is on collective bargaining units. Mr. Noel said he would like this resolution brought back after Council has time to study it. The Acting President said he sent a proposed draft to the Solicitor late Friday night because it looked as if this bill was going to be voted on this week and we would not be in a position to negotiate with the Ohio Senate and he felt it to be very important that City Council’s thoughts, given the unions negotiated in good faith last year due to the budget shortfall, be expressed. Mr. Haas noted that the City almost balanced their budget last year and he had all the confidence in the world until SB5 was introduced, that is what would happen this year. He expressed his concern, at this point, because there are those who want to, basically, do away with collective bargaining the unions feel they are going to get hit hard and he felt it would be a much bigger hit than the concessions the City is requesting. Mr. Haas said he was 100% opposed to SB5, saying he felt a sledge hammer is being used on an issue that could be handled a lot differently and still allow workers to collectively bargain for wages. He stated that the way he reads SB5 he does not think the Governor or the legislature has confidence that they are capable of sitting down with the unions and negotiating and for that reason he whole heartedly support this resolution and asked that it be adopted. Councilman Saddler, as a member of AFSCME, said that from what he has read in the two pages of this resolution it is pretty much to the point. He noted that the resolution is simply saying that Portsmouth and the Government of Portsmouth does believe in collectively bargaining and is willing to stand behind its unionized workers. Mr. Saddler acknowledged the resolution to be two pages but felt the message to be “black and white” and he advised that he will support the resolution. Councilman Johnson stated that if the resolution related strictly to SB5, he would vote for it but felt there to be a part of the resolution that does not relate to SB5 or collective bargaining. He identified that part of the resolution as being the references to prevailing wages. Mr. Johnson said that is controlled by the Ohio School Facilities Commission and, in his mind, those are two different issues and should be addressed separately. He reminded everyone that when the Community Workforce Agreement was before Council there were a couple of members who had a problem with it but it was resolved through

meetings with Mr. Coleman and Mr. Keyser, which he said he felt was good for both the City and the unions. He noted the Community Workforce Agreement passed unanimously and he hated it when something like this is not passed unanimously since all the members of Council are opposed to SB5. He reiterated his remarks about the resolution not restricting itself to SB5 and its reference to something totally outside the legislature. Mr. Johnson expressed his feeling that if Mr. Haas had wanted to garner the support of Council then all the members should have received a copy of the resolution, therefore questions could have been asked and Council would be voting only on SB5. Councilman Noel inquired as to whether or not there was any way the resolution could be amended tonight, saying he agreed with Mr. Johnson. He acknowledged that he has not had time to read the entire resolution but if it does not oppose SB5, he would vote against it. Mr. Noel stated it to be his understanding that the Governor has already made up his mind and he is going to “do away with the unions as much as he can, if we don’t do something about it”. He said he hated to vote “yes” on anything he did not understand and he does not understand everything that is in this resolution. In response the Solicitor advised that it can be amended if Council so desires and suggested amending Section IV to add, following “State of Ohio” the words “and hereby specifically opposes SB5”.

Councilman Noel made a motion to amend the resolution per the Solicitor’s suggestion.

Councilman Johnson felt that this amendment would require deleting any reference to prevailing wage and the reference to the Ohio School Facilities Commission and noted which areas of the resolution contained these references. In response Councilman Saddler suggested that perhaps it would be good to read each section aloud. He acknowledged that he has read it three or four times and the resolution contains nothing but total support from City Council in regards to collective bargaining and minimum wage. Councilman Basham said he was disappointed and a bit ashamed, saying, “Gentlemen you have had fifty minutes in this room to look over this resolution and I don’t understand we’re sitting here saying we haven’t read it yet”. Mr. Basham described the resolution as being “fairly simple” and acknowledging that it does not address every issue of SB5. Not knowing whether or not Mr. Johnson was aware or not that the City of Portsmouth is not in charge of teachers, Mr. Basham pointed out the fact that a large section of SB5 refers directly to teachers. He felt this resolution speaks to the heart of SB5. Mr. Basham felt that to make City Council in support of all of SB5, as Mr. Johnson stated and noting that he himself is against SB5, stated that the way this is written Council could be either for or against SB5. He felt that speaking about the Ohio School Facilities Commission does not really apply to the municipality of Portsmouth. With regard to prevailing wage, Mr. Basham stated that SB5 is going to be the removal of the middle class and again expressed his shame that something as important as this to the citizens of Portsmouth, many of whom are members of the middle class that Council has to “bicker” on this resolution. Acting President Haas, in response to Councilman Saddler, read the resolution in its entirety. Following the reading, Mr. Haas noted that each section deals specifically with some of the issues that are currently before the Ohio Legislature as well as something the City of Portsmouth adopted last year with respect to the community workforce agreements. Mr. Haas said he was of the opinion that all comments had been addressed and noting there to be a motion on the floor for an amendment, requested a vote be taken.

Following a restating of the motion to amend, as suggested by the Solicitor, Councilman Johnson felt the resolution should further be amended by deleting Section 5. It being noted that the motion to amend by Councilman Noel is on the floor, the roll was called on that motion. **VOTE: ayes 6 – nays 0 The ordinance was amended in Section 4 to add, following “State of Ohio” the words “and hereby specifically opposes SB5”.**

Councilman Johnson made a motion to amend the resolution by eliminating Section 5 and on page 1 eliminate the reference to the prevailing wage law as well as the second paragraph on page 2. Mr. Johnson felt the one thing in the resolution that is exactly correct is (*not discernible*) prevailing wage on federal projects, however he felt than anything to do with decisions made by the Ohio School Facilities Commission does not have anything to do with SB5. Mr. Johnson said, “That’s what I’m trying to clean up in this resolution”. He continued saying “I’m trying to get it back to SB5” and stated that he wholeheartedly opposes SB5.

Councilman Saddler noted that this resolution was really not about SB5 but is something that says that the City of Portsmouth recognizes collective bargaining and minimum wage laws. He further noted the resolution had nothing to do with SB5 but acknowledged he agrees with Councilman Noel’s amendment. He further acknowledged had Mr. Noel not made a motion to amend the resolution to include SB5 it would not have been about anything other than agreeing with and supporting collective bargaining and minimum wage laws. He further noted that, with the amendment, it now does state opposition to SB5 but did not do so in its original presentation even though it did address certain topics of SB5 and he did not believe anything needs to be removed from the resolution.

Upon expressing his regret that Council cannot come to consensus on this resolution, Councilman Johnson withdrew his motion to further amend, noting that SB5 is the issue before the State legislature.

There being no further questions on the motion to adopt the resolution the roll was called. **VOTE: ayes 5 (Noel; Saddler; Basham; Albrecht; Haas) – nays 1 (Johnson) The resolution was adopted as amended. RES. #05-11**

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

Ray Mitchell – 2416 Micklethwaite Road said he was on the Traffic Committee and felt the light at Findlay St. and SR 52 should be reactivated. He said he brought this up at a Traffic Committee meeting and

the Mayor suggested he address it to Council. Mr. Mitchell suggested a “no turn on red” sign at Findlay and felt that if a traffic light can be erected for the college students then one should be erected for high school students.

John McHenry, a local attorney, with regard to an ordinance passed by Council in November enacting a moratorium on pain clinics reminded Council that he had promised to come back in six months with an ordinance to regulate these clinics. Mr. McHenry acknowledged having provided Council with this ordinance, as promised, and inquired as to its status and expressed his hope to push this along to get some regulations in place.

Wayne Nichols – 2014-8<sup>th</sup> Street agreed with Mr. Mitchell and also felt the traffic light should be reactivated at SR52 and Clay Street as well as at Hutchens and Lincoln.

Yolanda Cave – 1228-13<sup>th</sup> Street objected to Life Ambulance’s request to erect a Hanger and an above ground gas tank at their location between SR 52 east and SR52 west. Ms. Cave said she had objected to Life Ambulance’s past plans to place a landing pad in this area and was told by representatives of Life Ambulance that this landing would only be used about four times a year. She said representatives of Life Ambulance said the pad would be used as an alternate site when the fog is too dense for helicopters to land at the hospital. Ms. Cave said the site is also being used for picnics and free rides for children and she does not want an airport in her front yard and expressed her hope that Council will protect the citizens of the North End.

Lee Scott – 936-9<sup>th</sup> Street, with regard to traffic lights at Findlay Street, said he just lives a couple of blocks from that intersection and he did not feel that reactivating the lights will make a difference because there are as many accidents at 9<sup>th</sup> & Findlay where there is a working traffic signal.

Mr. Scott said he has been trying to save the City from another law suit with regard to the beer garden at the Royal. He said he filed a lawsuit about three and one-half years ago because an exit to his building, the Columbia Theater, was given away to the beer garden and was boarded shut by the proprietor of the Royal. He said he sent the deed to the Mayor’s office with a letter explaining his situation, noting the exit to be a part of his property. He said the boarding up of the door was suppose to have been because of the fire, however, he claimed new walls to have been installed as well as an elaborate security system that would prevent anyone from harming the property again. Mr. Scott said the City had offered to settle on the lawsuit he filed giving the Royal the right to establish a beer garden but he cannot settle because the beer garden still has his exit enclosed and his door are still barricaded. He requested City Council to have the Fire Chief and the Chief of Police to do their jobs and open up his exit doors. Mr. Scott stated that he will file another lawsuit very shortly. He announced that the Columbia Theater is getting ready to reopen and he felt the boarded up exit inhibits their capacity for the building, claiming to have had 5 exits for the property before it was burned and when it was rebuilt he still has five exit doors including the one that is boarded. Mr. Scott claimed the City had no right to give the Royal permission to put their beer garden in front of his exit door and claimed the lease for the beer garden to be renewable on a yearly basis. He said he had made a request of the City, before filing his lawsuit, that they discontinue the beer garden and to remove the boards from his exit door. Mr. Scott claimed to have taken the boards off his self only to come back the next day and find it boarded up again. He further claimed to have called the police about the top of his car being “caved in”, claiming it to have been done by the owner of the Royal, but the police did nothing about it. Mr. Scott stated, “vigilante justice – it’s coming to this City and its coming fast”. He further stated that he hoped that it does and that people start doing their job and named as an example, “our Solicitor, our Chief of Police and our fire Chief”. He claimed to want things to be right, saying, “I’ve spent tens of thousands of dollars in attorney fees to do these things for this City” and said he will spend tens of thousands more. He announced that the Columbia is going to reopen very soon and that a “complete new top” has been ordered for the building and it will be opening in a couple of months.

Mike Malone = 1731 Robinson Avenue suggested that the traffic lights either be taken down or turned back on, noting that the lights have been off for a significant period of time and there have not been any accidents. He asked that a decision be made.

Preston Smith – 1115-15<sup>th</sup> Street, with regard to the traffic signals, said he thought things were “working pretty good”. He acknowledged the removal of the “no turn on red” signs to have been an improvement and did not feel there to be a lot of traffic on John Street and therefore the traffic is running smoothly without the traffic lights being activated. He suggested taking them down, noting that people are use to them not having to stop at these intersections.

Mr. Smith said he has been hearing how the City is moving in a new direction, however he has not seen any growth or no plans as to where the City is going. He felt, if statements such as that are going to be made, they should be backed up by telling the citizens exactly what the plans are and where the growth is, otherwise the citizens are being given false hope.

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

##### City Clerk’s Report

1. Received, from the Auditor, on February 24, 2011, the following reports for the period ending 12/31/2010:  
Combined mtd/ytd expense report

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

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

#### Mayor's Report

1. With regard to the resolution passed at the last Council meeting returning traffic decisions back over to the Mayor, Mr. Malone advised that he and the Service Director are working on re-bagging some lights until proper signage can be posted. He said at the intersections of SR52 at Clay Street and at Findlay Street the signals will be set to flash for thirty days before being activated. The Mayor stated that he and the Service Director are studying all the recommendations in the study and advised that the "no turn on red" signs have already been removed.
2. In response to concerns expressed about Life Ambulance's helicopter pad, the Mayor said it had been his intention to have that issue come before Council, however more information is needed. He said he hoped to be able to bring this before Council at their next meeting.
- 3/ The Mayor announced that the project for widening US52 between New Boston and Sciotoville was sold on October 21, 2010. He said the project is underway and the work should begin this Spring. He noted the \$650,000.00 cost would come from federal fund and the project will consist of four twelve-foot wide lanes with a four-foot shoulder. He also noted that a meeting has been scheduled with ODOT, District 9, on the 16<sup>th</sup> of March to discuss this project.

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

#### President's Report

1. Acting President Haas noted that during the last week or so some issues have arisen with respect to SB5 and the effects that will have on our City employees. Noting that it is not clear to everyone exactly what will come out of the legislature and what kind of an impact it will have, which, he felt, has put a lot of stress on the City's employees by putting them in a holding pattern. He also noted that the City is trying to negotiate with the unions to assist with concessions regarding this budget and acknowledged these negotiations, while on-going, do not look promising. Acknowledging the necessity of passing a budget by the 15<sup>th</sup> of March, Mr. Haas said given the circumstances of where we are he did not see how that Council can come to an agreement and pass a budget by the next meeting. Given all this, Mr. Haas suggested Council meet in a work session on Monday, February 7<sup>th</sup> to further discuss the budget. He advised that if the unions are not willing to make concessions, it will be necessary to make those concessions from some other place in the budget. Mr. Haas did not think the State would look kindly on the City passing another deficit budget. Following a brief discuss with regard to the best time to meet, the date was set for Monday, March 7<sup>th</sup> at 6:00 p.m., in the Council Chambers.

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

6<sup>th</sup> Ward Councilman Noel had nothing to report.

5<sup>th</sup> Ward Acting President Haas had nothing to report from his ward.

4<sup>t</sup> Ward Councilman Albrecht had nothing to report from his ward but advised Mr. Smith that he has heard anything with regard to any business coming to Portsmouth but wishes it were true.

3<sup>rd</sup> Ward Councilman Basham reported that he attended a Health Board Meeting last week, which he described as being very informative. Noting some recent comments in the daily newspaper by the Health Commissioner in response to Council's discussion as to what to do with the Health Department regarding cuts, merger, etc, Mr. Basham said he wished that instead of some of the absurd remarks in the article that went in the paper had not been so much against Council but have been more informative by

letting the public know what important programs may be lost if the City cannot balance its budget. He noted that to be one of the main reasons there is an income tax increase on the ballot. Noting that funding of the two largest departments in the City, the Police and the Fire Departments, will help to balance the budget in general, which will help all the departments in the long run. Mr. Basham requested the minutes of the City's Board of Health meetings be sent to Council in order for them to know what is happening in that department. He suggested the minutes be sent via e-mail in order to save paper.

Mr. Basham announced that he will be traveling to Columbus tomorrow for a protest against SB5 as part of the Ohio Education Association. He called SB5 an attack on collective bargaining and he personally feels like it is the beginning of the removal of the middle class. He also felt that his being a member of the teachers union, as well as, at the same time, sitting on a Council that approves the budget for a municipality, he would like to urge the City's unions to help him by making concessions to the budget deficit. Mr. Basham assured everyone that there is no money set aside or being held back and expressed his hope that concessions will prove that collective bargaining still works.

2<sup>nd</sup> Ward Councilman Saddler had nothing to report from his ward.

1<sup>st</sup> Ward Councilman Johnson expressed his appreciation for the Mayor's report on the reactivation of some traffic signals and consideration being given to the removal of the one at 9<sup>th</sup> and Gay Streets.

The Solicitor had nothing to report.

The Auditor, noting having been present at the last budget hearing, agreed there needs to be more revenue but felt the budget has to be addressed as if the tax increase is not going to pass. He said we could not continue year after year struggling by just paying salaries. Mr. Williams reiterated the fact that more revenue is needed and acknowledged cuts have been made and more are going to be made but he felt that if everything but salaries were cut the deficit would still not be touched. He said of 280 employees the City is probably going to have to lay off 140 in the next year or so and acknowledging that a city cannot operate that way. Mr. Williams explained that the City's unemployment is structured in a way that the City pays the unemployment. He said governmental entities do not pay any unemployment premiums so any payments for layoffs would still come out of the City's budget. The Auditor stated that after carefully looking at this budget, he does not know what could be cut or what could be sold to generate revenue. He said something has to happen to generate revenue.

The meeting adjourned at 7:39 p.m., on a motion by Councilman Johnson.

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City Clerk

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Acting President