

## MINUTES – REGULAR SESSION

### PORTSMOUTH CITY COUNCIL MEETING

Monday, March 14, 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
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.

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

Council dispensed with the reading of the Journal for the regular session of February 28, 2011, on a motion by Councilman Albrecht.

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 **second 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 second reading.

There were no questions or comments. The roll was called. **VOTE: ayes 4 (Johnson; Albrecht; Haas; Noel) – nays 0 – abstain 1 (Saddler) A second reading was declared.**

The Clerk gave a **first reading** to an ordinance to make appropriation for the current expenses and other expenditures of the City of Portsmouth, Ohio, beginning January 1, 2011 and ending December 31, 2011, as provided for in Section 49 of the Charter of the City of Portsmouth, Ohio.

The roll was called. **VOTE: ayes 5 – nays 0 The rule was suspended.**

Councilman Albrecht made a motion to pass the ordinance.

In response to Councilman Johnson asking for an explanation of the difference between the previously submitted draft of the budget and this version, the Mayor said this ordinance reflects the changes that have been made in an effort to reduce the anticipated deficit. Councilman Johnson congratulated the department heads for working with the Mayor and Mr. Haas to pull this budget together. The Mayor advised that cuts of 15 ½ % were pretty much made across the board, noting this to not be as drastic as requested, saying he did not feel that the City could jeopardize the safety of our citizens by devastating our police or fire departments, therefore they were not asked to cut their budget by the suggested 20%. The Solicitor stated it to be his understanding that, even with these cuts, there will still be a 1.14 million dollar deficit, not including the deficit carry-over from last year. He reminded everyone that the State Auditors suggested we not pass any more deficit budgets and if we did so we should be aware of the consequences. Councilman Johnson suggested Council revisit this budget in June, following the primary election, noting there may be opportunities one way or another to make adjustments accordingly. Acting President Haas, noting the upcoming vote on a tax increase, said he was handed a check list with respect to the last tax increase in 1987. He noted how many times citizens have stated that the City isn't as big as it use to be, therefore we should be reducing the number of employees who work for the City. Mr. Haas, reading from a twenty-five year old list and acknowledging that he did not know what the population was then or how it has changed in the past twenty-five years, cited information from the list. He pointed out that in 1987 there were 43 service department employees and when he counted the number of employees in that department, using the budget, there are now approximately 26 employees in the service department. He acknowledged the fire department numbers to be down and pointed out that the engineer's department had 9 employees in 1987 and today only have 2 employees. He further acknowledged there to have been a lot of reduction in employees over the years due to attrition and stated that for those who keep saying City government isn't cutting back, is just not accurate. He pointed out other things

that have been cut and felt the general public realizes that the number of City employees have really been cut to the bone. Mr. Haas acknowledged the Fire Department to have “stepped up to the plate” last Thursday regarding the issues the City faces with regard to this budget and volunteered to pay \$200.00 a month toward health insurance and gave up their uniform allowance. He said he felt this to be a “substantial thing to do”, noting that under their contract they were not required to do anything. Mr. Haas saw this as a good sign that the firefighters are willing and able have stepped up to the table and helped the City with this serious deficit problem. Councilman Saddler expressed his disappointment at what Council was given this evening. He acknowledged a 20% cut “is tough” but he had gone through each of the line items and felt there to be some more cuts made there, however he acknowledged it would not take care of the deficit but could possibly result in an additional savings of from \$50,000 to \$100,000 and he felt that is what should have been done.

There being no further questions or comments the roll was called. **VOTE: ayes 5 – nays 0 The ordinance was passed. ORD. #17-11**

The Clerk gave a **first reading** to an ordinance to amend the Salary Ordinance as amended by Ordinance No. 31 of 2010, to reflect wage increases to union employees and to add the positions of IT Tech/Office Manager – Engineering and Administrative Assistant Mayor – PT, to delete the positions of Backup Operator in Responsible Charge to Director Wastewater (Class III License) and PT Plans Examiner/Engineer and change Dispatcher II classification name to Lead Dispatcher to be effective January 1, 2011 and to repeal Ordinance No. 31 of 2010.

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 amend the ordinance and advised the final budget revisions make it necessary to revise this ordinance and provided Council with replacement pages for page 1 and page 9. Page 1, in the preamble, eliminated the reference to a wage increase for non-union employees and page 9 adjusted the wages of the non-union employees accordingly.

There being no questions or comments the roll was called. **VOTE: ayes 5 – nays 0 The ordinance was amended by inserting the replacement pages.**

Councilman Albrecht made a motion to pass the ordinance.

Councilman Johnson questioned the position of IT Tech, which he felt was just replacing another title. The Mayor advised that this was not a change in title and was not a replacement for the GIS position, which still exists but is not being funded. In response to Mr. Johnson asking if the GIS position should not be deleted in order to create the IT position, Mrs. Jewett, from the Mayor’s office advised Mr. Johnson that the position is “IT/Office Manager”, she noted that an office manager is needed and it would be good if that person had IT experience since we no longer have someone with that knowledge. She further advised that the GIS, a position that might need to be filled later, is not being funded and noted that the position of “IT/Office Manager” is at a salary that is less than was paid to Mr. Penn who handled the IT duties as well performing his job of GIS Adm/Systems Analyst. The Acting President stated that the fact that this salary ordinance reflects wage increases to the unions causes him some concern. Mr. Haas said he understands wholeheartedly the union’s position given SB5 that is currently in the State House of Representatives. Noting those things that would be taken away from unions with the passage of this bill, Mr. Haas understood unions not wanting to give up wages this year. He acknowledged the unions for giving up their raises last year through a Memorandum of Understanding, noting that concession has been thwarted this year by SB5.

There being no further questions or comments the roll was called. **VOTE: ayes 5 – nays 0 The ordinance, as amended, was passed. ORD. #18-11**

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

Tony Hamilton, President of IAFF Local 512 advised that the firefighters are willing to make some concessions this year. He noted this to have been a tough decision because SB5 is going to be devastating to all union members, both public and private, affecting middle class working people all over the state. Mr. Hamilton acknowledged that with the state wanting to take away from unions it makes it even harder for the unions to be willing to freely give up where ever they can to help the City. He noted that with the recent budget cuts the Fire Department lost a station, which cuts their response time to the citizens of Portsmouth. He acknowledged that to not have been an easy decision to make but noted it to have been one that had to be done. He advised that the firefighters came together and came up with another Memorandum of Understanding, and further advised this to not be contingent upon any of the other unions in the City or any other employees making concessions. Mr. Hamilton stated that another thing that makes these concessions even harder is one of the retired firefighters, Larry Hicks, passed away yesterday. He said that Mr. Hicks was instrumental in securing a lot of the benefits that the firefighters have today. Mr. Hamilton read the Memorandum of Understanding, contingent upon the understanding that there would be no layoffs in the Fire Department. He further stated that it is understood that with the retirement of three of their members, their positions will not be immediately filled. The MOU expressed hope that the City will revisit filling these positions at a later date. The MOU changes the members of IAFF Local 512 contribution for health care to \$200.00 per month for

family plan and \$100.00 per month for a single plan. The MOU further stated that the members are willing to forego their 2011 uniform allowance. He noted this agreement to be effective immediately upon both parties appending their signatures. Mr. Hamilton acknowledged it to “not be a lot” but, with the clothing allowance, amounts to about \$90,000.00 for the remainder of this year. He said this was all the IAFF Local 512 can do this year until SB5 is defeated or additional revenues approved.

Mike Malone – 1731 Robinson Avenue noting Portsmouth to have a rich history for churches, pointed out that the church on the corner of Waller and James Scott Place was built in 1921 and has withstood the many storms, including the 1937 flood. Mr. Malone stated that during the 1937 flood residents of Portsmouth sought refuge at this church that still stands today and is still being utilized as a church. He said residents feel that the memories of the church and its rich history in being threatened today. He said not only do the residents feel the church is being threatened but also feel their homes and the community is at risk. He advised that directly catty-corner from the church is located a Life Ambulance Heliport and while the citizens of the North End do not want to stand in the way of progress or in the job of creation, they do, however, believe that this city is a city of prosperity and want the members of Council to hear their voice. Mr. Malone announced that tomorrow at 1:00 p.m., there will be a Planning Commission Meeting in the conference area of the Engineering Department to discuss plans for the placement of a hangar and an above ground fuel tank at the heliport for life flight, which the residents are questioning whether or not this is a good location for a hangar and an above ground fuel tank and is it of benefit to the City. Mr. Malone said if the answer to these questions is “no” then the citizens urge this Council to vote “no” when it comes before them for consideration. Mr. Malone reiterated the concerns of the residents of the North End of the City and asked if there are any contingency plans for that heliport hangar and the above ground fuel tank.

Preston Smith – 1115-15<sup>th</sup> Street concurred with Mr. Malone with regard to the proposed heliport and above ground fuel tank being located at the Life Ambulance site and claimed Council could stop it if they wanted to. He further claimed this to be no different than a request by Shawnee State to close 3<sup>rd</sup> Street.

Bill Raison, Fire Chief extended his thanks to Local 512 IAFF and the leadership of the union for their sacrifices, which they did not have to make.

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

##### City Clerk’s Report

1. Received on 3/11/11, from the Auditor, the following reports for the period ending 1/31/11:
  - Combined mtd/ytd expense report
  - Mtd/ytd revenue report
  - Mtd fund report
  - Mtd bank report
2. OATH OF OFFICE  
Christopher M. Newman for position of Special Deputy Clerk of the Municipal Court.

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

##### Mayor’s Report

1. The Mayor expressed his appreciation to the department heads for making cuts in their department’s budget. He acknowledged the Solicitor’s remarks and noted his statement to have not gone unnoticed. Saying he totally agreed with the Solicitor, the Mayor felt there had really been no choice. He felt they did what they could and express hope that it would work out. He recognized his office for their time and effort, noting that Juanita, who is suppose to be part time, has been working full time to put this budget together. He also thanked Council for their understanding.

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

##### President’s Report

1. The Acting President expressed his appreciation to IAFF Local 512, saying their concession meant a lot to the City and was a prime example of what has been going on for a couple of years. He acknowledged this to be how the system is suppose to work and again thanked them for the sacrifices they made for the betterment of the City. Noting Councilman Basham’s request for a list of what is being cut, following the last budget work session; Mr. Haas reviewed some of the things various departments have done in order to cut their general fund budgets. He noted a lot of positions, which are becoming vacant due to retirements, are not being filled. He further noted some of these are due to early retirement. Mr. Haas pointed out that in

the Engineering Department a janitor is retiring, whose position will not be filled for the rest of this year as well as not filling the IT position until after July. It was also noted that the Engineering Department zeroed out demolition funds. Mr. Haas reported the Health Department will lay off two code enforcement officers and one sanitarian as well as laying off another code enforcement officer and the animal control officer for 6 months. He acknowledged that Council wanted someone to come in and “shadow” the City Clerk for a period of time in order for that person to absorb as much information as possible before Mrs. Aeh’s retirement, however that’s been cut. Mr. Haas reported that, besides the sacrifices already being made by the Fire Department, they are also not going to fill three positions that are vacant due to retirements, a vacancy in dispatch will not be filled and the hilltop station has been closed. With regard to the Police Department, Mr. Haas reported are not filling the vacant position of one captain plus vacant positions of patrolmen. He noted that two potential layoffs were diverted by redirecting some federal grant funds. He noted the Auditor’s office to have deleted a position of Finance Clerk I and Waste Water has eliminated a part-time non-bargaining position. Mr. Haas stated that the Service Director will be laying off two AFSCME employees with the division of the garage. He also acknowledged there to be other line item amounts that were either reduced or eliminated in other departments. He recognized the efforts of the Auditor and Solicitor for the many hours they spent last week going through the budget and reshaping it. He commended everyone for working hard to present Council with a budget that appears to be a lot better than we had.

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:

1<sup>st</sup> Ward

Councilman Johnson, in reference to the budget, thanked all the employees, especially those of the Fire Department.

Mr. Johnson announced the appointment of and introduced “the very first Shawnee State University student intern to a member of Portsmouth’s City Council”. He stated that “after months of work on all sides, after having initiated this process some months ago with SSU, I have concluded the paperwork to bring on Ms. Katherine R. (Katie Warring) as my intern”. He explained the purpose of this, as any other internship, is to create an academic experience that assists a student intern as they integrate their previous course work into the practical experience as well as to provide an outlet for discussion and reflection as they transition into future professionals in the field. He said Ms. Warring is from Manchester, Ohio and expects to graduate from SSU in May 2012 and is seeking a Bachelor of Arts with minors in (*not discernible*) studies, English studies and linguistics. He announced her GPA and the honors and scholarships she has received. Mr. Johnson advised that Ms. Warring works at McDonald’s in Seaman, Ohio as well as volunteering for various student activities at SSU, Portsmouth Symphony Orchestra and at Holy Trinity Catholic Church. He explained that as an intern, Ms. Warring will be assisting him with various aspects of his responsibilities as a member of Portsmouth City Council. Mr. Johnson said he plans to include her in as many activities as she may be able to participate and provide her with an opportunity to provide him with input and discuss the various issues that become before Council. He noted that Ms. Warring is not him employee nor is she an employee of the City of Portsmouth. He said no taxpayer funds are being or shall be utilized for this internship program. Mr. Johnson said her “very modest internship stipend” is being paid for by his Political Action Committee through his treasurer.

2<sup>nd</sup> Ward

Councilman Saddler, noting there to have been a vacancy on the Traffic Committee since the resignation of Russ Sommers, announced that he is appointing Jim Saddler to fill that unexpired term.

Mr. Saddler thanked the employees for the concessions they have made, noting other things will probably be done throughout the year to reduce costs.

He expressed his sorrow at the passing of a former City fireman, Larry Hicks, who was very close to him. Mr. Saddler said Mr. Hicks was like a second father to him as he was growing up in the fire fighter’s family.

4<sup>th</sup> Ward

Councilman Albrecht reported his having received a complaint about a burned property at the corner of Grant and Grandview.

He expressed his thanks to the City employees and department heads for their diligent work on reducing the budget and felt they would continue to do so throughout the year.

Mr. Albrecht extended his condolences to the family of Larry Hicks.

5<sup>th</sup> Ward

Acting President Haas had nothing to report from his ward.

6<sup>th</sup> Ward

Councilman Noel said he had no report but stated that what happened tonight brought back memories of when he worked for Detroit Steel and the concessions that were made by the employees of the steel mill. He acknowledged, however, that it was unfortunate that the concessions came too late and the steel mill closed.

The Auditor thanked the employees, department heads and especially the Fire Department for their hard work and concessions. He echoed the Solicitor's comments, noting this is not over and expressed his hope for the best. He acknowledged the fact that the City absolutely needs more revenue, saying the expenses have been cut until there is nothing left. Mr. Williams further acknowledged the tax base has eroded over the years and expressed his hope for more revenue, noting these cuts is only a band aid

Mr. Williams invited members of Council to attend a meeting with a representative of the Auditor of State's office tomorrow in the meeting room next to the Mayor's office. He said he has been working with these auditors since the City began facing a deficit. He advised Council that until we are further into this year he did not know how it will end but will check after the end of the year to see where we are with regard to a fiscal watch.

The Solicitor distributed a copy of a letter from the Board of Elections asking for clarification of an issue on the nominating petitions. He indicated this to be something for discussion at an upcoming work session.

The Solicitor announced PHS to play Wheelersburg on Wednesday night and asked everyone to support the Trojans.

The meeting adjourned at 6:50 p.m., on a motion by Councilman Johnson.

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City Clerk

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Acting President