

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday, March 9, 2009
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday, March 9, 2009 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting President, David Malone called the meeting to order. The Pledge of Allegiance to the Flag followed an invocation by Rev. O. Franklin Johnson, retired minister of the First Lutheran Church.

Roll Call showed the following members to be present:

Mike Mearan	1 st Ward
David Malone	2 nd Ward
Bob Mollette	3 rd Ward
Jerrold Albrecht	4 th Ward
John Haas	5 th Ward
Richard Noel	6 th Ward

Also present were City Solicitor, Michael L. Jones and City Auditor, M. Trent Williams.

Council dispensed with the reading of the Journal for the special session of February 11, 2009 and the regular session of February 23, 2009, on a motion by Councilman Albrecht.

STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA

Prior to any statements being made the Acting President reminded those sitting at the front tables to maintain proper decorum by remaining in their seats, respecting the citizens who are speaking in the chambers on legislative items. He asked everyone to listen to the person who is speaking and to refrain from sidebar conversation. He further stated that if there is any issue with which anyone may disagree it should not be indicated with either body language or other gestures. He also advised all members that Council's rules will be adhered to strictly, stating that if anyone has been asked to eliminate their comments/reporting they should please do so by relinquishing the floor and moving forward.

Wayne Nichols – 2018-8th Street, claiming the Solicitor's Report to be an item on the agenda, wanted to speak about the remarks made by the Solicitor at the last Council meeting. Mr. Nichols was reminded that the items to which he could speak were legislative items.

LEGISLATION

The Clerk gave a **third reading** to an ordinance amending Section 169.20 of the Codified Ordinances of the City of Portsmouth, Ohio – Life Insurance.

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. #16-09**

The Clerk gave a **third reading** to a Resolution approving and ordering for certain eligible non-bargaining employees of the City of Portsmouth, Ohio, in the following departments: Legal, Legislative, Finance, Executive, Engineering, Public Utilities, Public Service, Police, Community Development, Fire, Health and Municipal Court, that an additional one percent (1%) of the total of the statutorily required employee contribution of the Ohio Public Employees Retirement System shall be "picked-up" (assumed and paid to the Ohio Public Employees Retirement System on behalf of its eligible member employees) by the City of Portsmouth, Ohio.

Councilman Albrecht made a motion to adopt the resolution.

There were no questions or comments. The roll was called. **VOTE: ayes 4 (Malone; Albrecht; Haas; Mearan) – nays 2 (Mollette; Noel) The resolution was adopted. RES. #03-09**

The Clerk gave a **first reading** to an ordinance authorizing the appropriation of funds from Fund No. 606 to rebuild two filters at the Filtration Plant, which are inoperable, at a cost not to exceed \$75,000 and consider the same an emergency measure.

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.

Councilman Mollette asked the Director of Public Utilities – Water, Sam Sutherland to explain the need for this appropriation. Mr. Sutherland, as outlined in the ordinance, explained how the filter media is protected by balls that have become disrupted thus causing the filter to become inoperable. As explained in the council letter and noted in the ordinance, Mr. Sutherland acknowledged three estimates from three contractors has been obtained and the price of \$75,000 has been considered the City’s best choice. He noted this to be a very labor intensive project that will take about a week to complete. He explained how the replacement process will occur.

Councilman Mollette explained how this being an emergency measure allows the Public Utilities to move forward with this project by obtaining estimates. He noted we are doing better by bringing the matter to Council prior to entering into a contract as has been done in the past when an emergency occurred. The Auditor acknowledged having the quotes prior to bringing the matter to Council is a “better step”.

In response to Councilman Mollette asking if the \$75,000 would be coming from Fund #606, as stated in the ordinance, the Auditor confirmed that to be correct.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. #17-09.**

STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Curtis Shanks – 1209-4th Street expressed his curiosity with regard to an article in the newspaper reporting on the definition of “elector” and “voter”. He said he was wondering if the numbers had been reversed, whether or not “those two letters would have been brought up by anybody or is it just the fact that we are going to continue to have an open check book here to spend spend spend”. Not stating to what list he was referring, Mr. Shanks asked “did the two lawyers just file a suit on this or a claim on this?” He also believed all the people who signed “the list” were “people who were employed in the City of Portsmouth”.

Karen Dunham – 315 Market Street addressed Council with regard to the Virginia Graeme Baker (VGB) Act, which is federal legislation that went into effect on December 19, 2008. Mrs. Dunham inquired as to whether or not the City has knowledge of this law that requires that all public swimming pools, spas and special use pools have anti-entrapment and anti-evisceration mechanisms be in place by the effective date. She said she has been reading information regarding the proposed federal stimulus package and felt there to be funds available for this requirement to be met.

Wayne Nichols – 2018-8th Street, with regard to comments made by the City Solicitor at the last meeting about the special election, said he regretted that he was not allowed to put in his two cents on the initiative because he would have asked for passage by a simple majority of the voters. Mr. Nichols claimed the U.S. Supreme Court has ruled, “in the late 70s or early 80s, whatever, that voters and electors are the same and exact words”. He asked, “Are we grasping at straws here trying to beat what the voters want because you lost by nine votes and it cost you \$30,000.00, you’re grasping at straws?”. He called the law suit a “sham”, saying, “I don’t know who Patricia Smith and Michael Evans are but I think it’s a sham”. He called it a “sore loser type of attitude”. Mr. Nichols continued saying, “The City should just pick up and realize that they have poor planning to start with and this would never occurred”. He also accused the City of “trying to tax us to death with fire trucks or whatever”. He continued, saying, “Blame it on yourselves in my opinion on that, okay”.

In regard to the absence of the Mayor, Mr. Nichols said, “I don’t know where the Mayor is but it seems to me he could show up for City Council meetings unless there’s a death in the immediate family”. He also said, “I think there ought to be a motion made for a passage of a bill that if he don’t show up for City, he has for two weeks between he can take a vacation, two weeks between City Council meetings. He can plan his vacation that ways”. Mr. Nichols continued, “If he don’t show up for a City Council meeting, I think he ought be fined \$5,000.00 the first time, the second time \$10,000.00 the third time, I think you should ask for his removal”.

Tim Hartlage - 1555 Jackson Avenue, with regard to the special election and the remarks made at the last Council meeting by the Solicitor, said he was not sure where the Solicitor was going with his remarks but felt he needed to look back at most elections that occurred in the City. Mr. Hartlage said he knows the term “elector” means the people who are registered to vote and the term “voter” means the people who actually vote. He said he felt, we as a City are lucky to have a 40% turnout for any election. Mr. Hartlage felt that if a majority of the electors was needed the Solicitor should look back at his own election when only 33% of the electors voted in the General Election of 2007. He asked if the elected officials were going to fight every election when the vote doesn’t go the way they want, saying “It only costs the citizens more money for another election”. Mr. Hartlage noted there to have been two elections with regard to the Marting’s Building and further noted that both times the issue was defeated. Mr. Hartlage said he was very upset after the last meeting to think that he had taken time to cast his vote only to hear that his vote may not be valid. He felt the citizens of Portsmouth needed to take more pride in their community and get out and vote and let their voice be heard. He described himself as being a positive person who tries to keep a positive attitude toward his city. Mr. Hartlage said he has been attending Council meetings for a year and is “very shocked at the way things are handled”. With regard to the Marting’s Building, Mr. Hartlage claimed to have heard members of council and the media “bash” those who speak before Council in opposition of the renovation of this building and refer to

them as being negative. Mr. Hartlage defended those people, saying they all want a new City building they just don't want the Marting's Building to be the site. Mr. Hartlage said he favored a new building, however he felt there to be more pressing issues that needed attention. Saying the elected officials were put in office to work together, Mr. Hartlage claimed to have only seen division in the year that he has been attending Council meetings and he would like to see the City move forward and make some progress.

James K. Wilson – 1394-16th Street said he had “two minor items” on which he would like to speak. (1) Feeling that the majority should determine the vote, he said he did not care if ten million people could vote, “if only three show up, that's the way it is – live with it”. (2) Mr. Wilson, referring to the recent fire, claimed that by the time water was available the house was gone. He continued saying the City's infrastructure needs fixed and that the City did not need “a nice fancy house for you guys to sit in”. He continued, saying, “I could put you in a field up there in Tracy Park and I'd be happy as long as we get the City back to where it belongs”.

Teresa Mollette – 1705 Franklin Blvd. with regard to her challenge to the ballot language, said she was glad that Council and the Solicitor did not choose to go forward with this themselves but felt the two citizens who did file a protest did so with encouragement from members of Council and the Solicitor. Citing Section 166 of the City's Charter, Mrs. Mollette claimed that on February 3rd a majority of the vote was for the charter change and that was certified by the Board of Elections. She claimed “we go by the letter of the law not by what we want to make it”. Mrs. Mollette claimed that if the Judge ruled in favor of the plaintiffs, we would have a situation where she could actually go out and run the City because all she would have to do is to put at the top of the petition “one affirmative vote passes this charter amendment”. She continued saying, “Then I have a charter amendment that says I want to remove every individual on Council, Solicitor's Office, Mayor's Office, and Auditor's Office”. She then claimed that if one individual goes to the poll and votes “yes” those officials would be gone. Continuing she said, “You can't make law and you can't enforce law prior to its enacted”.(sic) Mrs. Mollette claimed, “If a Judge rules according to the evidence of this case, anybody in this United States could make law with one vote – one vote”. She said she appreciated anyone voting regardless of the number and further stated, “We took our democracy to heart – we voted. What the vote says is we are to be heard and we are to be understood – not to have someone come up and make a law that one vote says ‘I can pass that law’. She claimed that tomorrow she could “go out in front and get a petition signed to change the charter by 10% of the electors of Portsmouth but at the top of that ballot issue I just said it takes one affirmative vote to pass that ordinance”. She continued saying “If any Judge, and I'm saying ‘any Judge’, would rule that way on this case anybody could own this city”. She asked if we wanted anyone to be able “to come in here to run and own this City”. Saying she would hope not, she added, “I would hope (*not discernible*) people would have enough courage to get out and vote and show that they believe in the United States, the Constitution of American and if they believe their right to vote (sic)”. She said she was glad these two individuals have taken it upon themselves to say, “Hey this is a democracy, I am going to file in the court to get an understanding of this”. She claimed to have no problem with this but did have a problem when the City was going to request an opinion of the court. She claimed this to be the right of the individual, saying, “But I cannot see a Judge ever telling me, I can get a petition signed by 10% of the people and I can own you. I can own this town by 10% of the electors of this City”. She continued by claiming that by working on the infrastructure people, buildings, families and industries “will come”. However she claimed that “if we continue to throw away what this great community has, it will never come, never”. Mrs. Mollette suggested looking at the law we have, saying they are there to protect the people of this community and to keep them safe. She claimed that we do not work in harmony because “we try to interrupt the law, we try to make them what they're not”. She suggested going to a law dictionary at any law library where “it will tell you the letter of the law”. She acknowledged that she has not been to law school, however she said “I can tell you that”.

Jerry Conkel – 2719 Shawnee Road inquired as to the status of the public access TV station. He suggested that the City has been putting this matter off for three years.

Eileen Perry – 1410-16th Street reiterated previous remarks she has made with regard to the vote on the Marting's Building and suggested care be taken of the present building. With regard to ladders that are stored on the landing going to the building's roof, Ms. Perry called this a “fire hazard” and that this was “breaking the law”. She objected to the City filing for funds from the federal stimulus package for renovation of the Marting's Building and accused the City of forcing the building on the public and that they are telling the public that their vote doesn't count. With regard to the special election, she said, “we voted there and it was defeated but there again it is going to try to be pushed on us”. She continued, saying “And there again they said something about the majority of the voters, well like someone said, what if some of you all shouldn't be sitting in office or all of you, if you go looking to count how many votes you all got, the majority of the City the voters in this City the electors”.(sic)

Bill Raison – Portsmouth Fire Chief said he was asked by the Mayor to speak before Council with regard to statements that were made by citizens at the previous Council meeting regarding the Fire Department and its equipment. Chief Raison felt it to be unfortunate that some people come to these meetings and make statements that are “uninformed” about the Fire Department's operations, equipment and how they operate. He said he welcomes any questions and felt it to be okay to ask questions, however he felt it to be “sad to say the least” for anyone to come to these meetings and make statements that have no basis in fact. He acknowledged the City does have two 100 foot ladder trucks – one primary truck (first response truck) and one reserve truck and described this as “prudent planning” and acknowledged his predecessors to have been correct in their planning and the City is also correct in replacing these trucks. With regard to the comment that the City did not need a 100 foot ladder truck, Chief Raison called that an “uninformed statement”. With regard to the comment that was made about the number of buildings on which a 100 foot ladder would be needed, the Chief

said this comment showed a lack of understanding of how the department and this ladder operates. The Chief pointed out that just because a ladder reaches 100 feet does not mean that the truck pulls up along side a building and runs the ladder straight up the side of the building. He said that is where you get that maximum reach of the ladder but the fact is the Fire Department has to be concerned about a variety of things. He identified some of these as being concerned about overhead obstacles such as power lines, vehicles and other buildings. He also pointed out their concern over the “collapse zone” of the building that is one fire, noting that on more than one occasion firefighters have been injured and killed because an aerial truck was sitting too close to the burning building and when it collapsed it landed on the truck. He further noted there to be over 19 buildings in downtown Portsmouth that are more than five stories, which would make those buildings 60 – 70 feet tall. He further noted that the number of miles on such a truck is not an issue, however, he pointed out, the age of the equipment is an issue. The Chief noted the life span of this type of equipment and pointed out the fact that once the lifespan has been reached it is not prudent, and by all the established standards – The National Fire Association, the International Association of Fire Chiefs, the International Association of Fire Fighters – are all in agreement that once the equipment reaches its life span it is no longer suitable for first response use. He acknowledged that the 1985 truck is now being used as the reserve truck and he felt the actions taken provides the best service that can be provided to this community. With regard to how often a 100 foot ladder truck is needed, the Chief advised the question should be “can we be without it when we do need it – are we willing to be without it when we do need it” noting that to not be an option. Acknowledging the City does have mutual aid agreements with other entities, he asked if anyone thinks someone whose house is on fire in the City would be happy about waiting for a ladder truck to respond from Porter Township, the closest fire department with an aerial truck. In response to remarks that were made about looking on the internet for a used ladder truck, Chief Raison asked if any of those people even knew what they were looking at and expressed his opinion that the answer to that question would be “no”. He also pointed out that any truck that is for sale is due to the fact that the owner is having trouble with the equipment and noted different configurations are needed by the various fire departments. He also acknowledged the fact that the former truck the City owned had its engine blow up shortly after it was sold and noted this to be the chance that is taken when purchasing used equipment.

With regard to citizens having to help with the hose at a fire on Summit Street and some citizens describing this as “disgraceful”, the Chief explained this as being a fact of life in Portsmouth. He noted that we do with six to eight firefighters on a simple structure fire while a city the size of Columbus or Cincinnati would have 20 or more firemen on the scene. He said he would love to have larger staff and be able to tell citizens that they can stand back because he has plenty of people on the scene. Chief Raison said he felt his men did an excellent job at this fire, noting that when they arrived there was already a second house on fire, which was quickly extinguished. He acknowledged there were water issues and further acknowledged that the City’s water system is not perfect and pointed out the fact that we do not have 24 inch mains running down every street in the City. He pointed out that some hydrants provide more flow than others and are color coded to reflect water flow. He said the former chief did not use the color coding because he said he knew that if he did some people would complain. Chief Raison said the color coding is beneficial to the Fire Department, noting that some hydrants are on 6 inch mains, some on 4 inch mains and some on 12 inch mains. He also advised that each hydrant has a number that provides the Fire Department with information about that hydrant. He noted the largest mains to be on the main thoroughfare and those hydrants receive the best water flow. The Chief said he did not feel it to be “disgraceful” that people are willing to step up and help out when they see a need and he did not think the City of Portsmouth could afford to really staff the trucks in the manner in which they should be staffed, noting taxes to be high enough as it is. With regard to the issue of taxes, Chief Raison said he felt there to be a lot of insinuations made about the Fire Department and their willingness to spend taxpayer dollars without any consideration being given to the citizens and how it impacts them. The Chief stated this to not be true and reminded everyone that he also pays taxes and he objects when anyone remarks that it is not his money being spent and acknowledged that it is everybody’s money including everyone in this room. He said it also is not true that the City did not try to find a truck for less money. Chief Raison, in conclusion, said he wanted to speak before Council and address those issue, saying he hears people who are always pointing out the bad – always trying to point out problems and he felt that if they obtained a little more information before making some of their statements maybe they would not make some of the remarks that they do. Chief Raison said he would be happy to ask any questions any one might have. (Note: Chief Raison, having exceeded his five minute time limit was allowed to continue his remarks).

Austin Leedom – 1521-5th Street acknowledged the Fire Chief to have answered a lot of questions and acknowledged a lot of people do talk without knowledge. He called the Chief’s remarks as being “good information” and acknowledged it to have provided a better understanding of the issue. Mr. Leedom stated it to be his understanding that about 800 feet of hose was necessary to reach a “water main with sufficient capacity” and asked if this would be something in which the Council would be interested. He questioned whether or not any home should be located that far from “sufficient water”. He felt Council should “consider more infrastructure”. He commended the Fire Department for their efforts but felt the citizens “deserve more water quicker”.

Miscellaneous business and reports:

City Clerk’s Report

1, Oath of Office

Karla M. Taulbee as Special Deputy Clerk of the Portsmouth Municipal Court.

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

There was no report in the Mayor's absence and the Acting President had nothing to report.

Miscellaneous business from City Council:

1st Ward

Councilman Mearan thanked the Fire Chief for taking the time to answer those questions. He also said he felt the money paid for the new aerial truck was money that was well spent.

He thanked Mrs. Dunham for her information and advised her of his hope that the pool will be open in May this year.

He reported enjoying the park on the riverfront with his family from Cleveland this past weekend.

He agreed that the City's infrastructure needs to be replaced and advised one of the things that can be done, as citizens, is think about whether or not we want to step up to the plate and vote for the income tax proposed for the primary ballot in May. He said he felt it to be unfair to ask people on fixed incomes to continuously have to reach in their pocket and felt the income tax increase would be a win – win situation for everybody. He encouraged all members of Council to work between now and the election to come up with some projects that can be included for the citizens.

With regard to televising the Council meetings, Mr. Mearan stated it to be his understanding that Channel 24 is now in operation and he did not know of any reason why the meetings are not being recorded.

With regard to the "electors" and the voting, he stated it to be the City's constitutional right to have a balance of power in our system and he would not find fault with anyone seeking the court's assistance, if they feel there has been a wrong. He noted this to be why we have courts. He acknowledged that whatever the court decides the City will abide by it. Noting the criticism of some individuals, Mr. Mearan stated that Mr. Jones is here to do a job and he did what he felt was a correct interpretation of the law and if he is wrong the court will let us know.

2nd Ward

Acting President Malone said he had nothing to report from his ward but noted all his concerns have been directed to the appropriate department.

3rd Ward

Councilman Mollette reminded Council of another letter that he provided to them on February 23rd that suggested all citizens' concerns be placed on a list and presented at each Council meeting where they can be discussed and department heads can bring Council up to date with regard to the status of each concern.

Mr. Mollette also noted a previous letter he wrote to Council regarding storm water problems on Old Post and Seneca. He said he appreciated the response from Mr. Beaumont, which, he said addressed some of the issues. However, he felt the City is lacking in enforcing their storm water regulations. Mr. Mollette claimed a public meeting is being requested from the City in order for residents to express their concerns and learn what is being done. Mr. Mollette claimed this gets back to having a "strategic plan". He read from a letter sent by the Director of Waste Water, Richard Duncan regarding dry basements and how this problem was being addressed by Cincinnati and Columbus. Mr. Mollette said this letter was received about six months and claimed to have not yet received any additional information. He said he also has not heard any additional information with regard to Strand and Associates being hired to develop a plan, Mr. Mollette claimed to have not heard anything additional about what is happening. He acknowledged developing dry basement plans will cost additional money but felt that to be why Council is here. Mr. Mollette feels it to be Council's responsibility to look at what cost will be associated with the plan and Council's responsibility to see what is needed to improve the program. He acknowledged Mr. Duncan to be producing the necessary paperwork but felt it is not being received by Council "on a platform" that allows the citizens to be updated regularly. He said, "We will assume the worst that nothing is happening". He described this to be similar to the Fire Department and expressed his appreciation to Chief Raison. Mr. Mollette felt the legislative meetings of Council are a good communication device for department heads to provide information updates to the public and Council. He said this allowed department heads to let everyone know what problems they are experiencing and where they need assistance from the public with regard to funds or legislation. He felt these were items that could be handled during legislative sessions. With regard

to the purchase of equipment, Mr. Mollette felt a lot of the frustration is not necessarily the equipment but the assessment that was placed on property owners and reiterated previous remarks he has made with regard to this issue and the CIP. Mr. Mollette time having expired he continued reiterating his remarks and expressing his feelings with regard to the matter.

He continued by thanking everyone who came to the meeting this evening and participating in the meeting.

4th Ward

Councilman Albrecht reported having received a complaint from a citizen concerning three old mattresses that were dumped on a vacant lot. He said he reported the complaint to the Health Department and Service Department and wanted to thank them for cleaning up the problem.

5th Ward

Councilman Haas reported having received a complaint one and a half to two months ago from a citizen regarding some storm water on Old Post. Mr. Haas said the problem emanated from one individual. He said since receiving that complaint, which was copied to a lot of people, no one else has contacted him with regard to this issue. He said he forwarded the e-mail to Mr. Beaumont who was kind enough to go through this step by step and address each of the issues that was raised by the original e-mail. Mr. Haas said he felt Mr. Beaumont did a good job explaining the matter and thanked him for doing so. He stated it to be his understanding that Mr. Beaumont has made his explanation available to members of Council, after making sure, since the complaint was directed to Mr. Haas, that it was okay to share this information. Mr. Haas agreed that the information should be shared with Council as well as anyone else.

Mr. Haas thanked Chief Raison for coming tonight and speaking again on the fire truck. Mr. Haas pointed out the fact that the things the Fire Chief said this evening were the very same things that he said in meetings before the vote by Council to purchase the truck. He noted these to be the same things Chief Raison said to him personally when he took the time to meet with the Chief on this issue. Mr. Haas said he visited three different fire departments and was shown the new truck as well as the old trucks and was advised of the problems prior to Council taking a vote. He agreed that Chief Raison would be amenable to speaking with anyone and felt all the other department heads would do the same. He suggested that instead of coming to Council and complaining, citizens should talk with the department heads, noting that Council is a legislative body. Mr. Haas said he feels a lot of the negative comments and negative attitudes could be allayed and people would not have to sit through this every two weeks.

6th Ward

Councilman Noel said he had a “normal number of complaints about the infrastructure and so forth”. He said he is working on several different issues and expressed his hope that they can “get fixed” in this coming year.

The Solicitor had nothing to report.

The Auditor said he looked very closely at the language that was reflected in the charter amendment and read an item in the Portsmouth Times that explained in detail every line of the proposed ordinances. Mr. Williams pointed out that the specific requested language was the language that was proposed by the people who were passing the petitions and asked to leave the language specifically as it was. Mr. Williams noted that in three of the four sentences of the amendment it required the authority of the electors of the City of Portsmouth. He said the definition of elector is very clear and noted that in doing the math it is apparent how many votes would be required for passage of the amendment. Mr. Williams noted it having been brought up that past issues didn't have that requirement and further noted that the City officials did not protest anything about the Marting's issue not being passed or any other previous election because there was no reason to do so. He pointed out the ballot language on past issues, when presented, were left to the language that required a simple majority for passage – “A majority vote is necessary for passage”. He pointed out that this has always been the language for the passage of charter amendments. However, he noted, for whatever reason, contained different language, which was very different from “a simple majority”. Mr. Williams stated, “You can't just say if three people show up and two say ‘yes’ and one says ‘no’ then the two win. He asked how many people does it take on City Council to pass an ordinance. That number was acknowledged as being – four and the Auditor pointed out that if only three members show up on any given night nothing is going to be passed. He noted there to be different rules for different circumstances and pointed out the fact that this circumstance clearly required a majority of the electors, differing from all previous City Charter amendments that were requested either by the City or by petition. He reiterated the fact that it was even specified that the petition contain that language.

With regard to televising the Council meetings, the Auditor, in the Mayor's absence, advised the equipment to be in place and tests have been run. He acknowledged that Channel 24 is broadcasting and they just need the meetings to be “dropped onto a disc” and it will be placed on the air as soon as the City can make it available.

He thanked Chief Raison for clearing up some questions and agreed with Councilman Haas that the Chief did not say anything tonight that has not been said before but his willingness to come tonight and present those facts again was appreciated. Mr. Williams commended the Chief and his department for keeping all the citizens of Portsmouth safe and noted that some people don't realize that these things require funds and reiterated previous remarks concerning the use of debt retirement for seventy years. He said he did not understand why someone would want to reduce a regular source of revenue for this City. He noted that lowering taxes is "a fine thing", if it is something that can be afforded, however it is hard to maintain services while removing some of your regular, significant revenues.

The meeting adjourned at 7:08 p.m., on a motion by Councilman Albrecht.

City Clerk

Acting Council President