

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday, April 27, 2009
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday, April 27, 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 a moment of silent prayer

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 Mayor James D. Kalb; City Solicitor, Michael L. Jones and City Auditor, M. Trent Williams.

Council dispensed with the reading of the Journal for the regular session of April 13, 2009, on a motion by Councilman Albrecht.

STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA

Teresa Mollette – 1705 Franklin Blvd. objected to ratification of the bargaining unit contract with AFSCME, which approves raises over the next three years. She also objected to the CIP as presented and reiterated previous remarks with regard to other cities having to cut back and her opinion that the City of Portsmouth should look at other options. She claimed the City to not have a “clear plan” on the budget.

Sharon Bender – 1666 Highland Avenue objected to budgeting for two \$25,000 vehicles – one for Community Development and one for Income Tax. She said she did not understand the need and called it, at that cost, an unnecessary expense. She felt sure the employees are reimbursed for using their own vehicles. Mrs. Bender further objected to the “very small” amount that was being allocated for street paving, saying there was never going to be any money if it was going to be spent on vehicles and raises.

Wayne Nichols – 2018-8th Street claimed there to be no mention in the budget has to how much the proposed new code enforcement officer was going to be paid. He agreed with Mrs. Bender’s remarks and suggested used highway patrol cars be purchased from the state to be used as City vehicles.

LEGISLATION

The Clerk gave a **second reading** to an ordinance authorizing the addition of a full time position, Code Enforcement Officer II, and a seasonal (6 month) position to aid in the success of the Land Reutilization Program as well as hold responsibilities in other areas.

Councilman Albrecht moved this constitute a second reading.

Councilman Mollette inquired as to whether or not this would have an effect on the current operating budget, to whom this person would report and under whose authority would this person work. The Mayor said he would be willing to agree, upon Council moving to delete “reporting directly to the Mayor” for the person to report to the Health Department. He said he has spoken with the members of the Health Department and he did not believe it would be a problem with regard to the end result of what the City is trying to accomplish. The Mayor said he could argue the fact with copies of sections of the charter and codified ordinances but did not feel that would be necessary. He said this position, being under either branch of the government, will allow the City to accomplish what it has set out to do. With regard to financing the positions, the Mayor pointed out the fact that for close to three months there has been a position in the Engineering Department, of code enforcement office, that was not filled for the past nine months but was funded for a year. He also noted there to be full-time enforcement officer, in the Police Department, that was funded for a full year but those funds will not be expended, if this position is approved. He said he believed there to be several other positions that were funded but not filled for a full year. The Mayor said all this, combined with an anticipated carryover of \$152,000.00 should adequately fund the requested positions.

Councilman Mollette made a motion to amend the ordinance by deleting, from the fifth paragraph, the reference that required reporting directly to the Mayor.

In response to Councilman Mearan, the Mayor confirmed that he would have no problem with the amendment.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 The ordinance was amended.**

There being no further questions or comments on Councilman Albrecht's motion for a second reading the roll was called. **VOTE: ayes 6 – nays 0 A second reading was declared.**

The Clerk gave a **second reading** to an ordinance approving the 2009 Income Tax Capital Budget and appropriating funds for same from the Capital Improvement Fund No. 301, for items listed only.

Prior to a motion being made the Mayor advised that there is a need to begin with a lot of the planned projects and reported departments are running seriously short on supplies. Citing an example, the Mayor stated that this ordinance needs to be passed as soon as possible.

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

The roll was called. **VOTE: ayes 4 (Albrecht; Haas; Mearan; Malone) – nays 2 (Noel; Mollette) The rule was suspended.**

Councilman Albrecht made a motion to pass the ordinance.

Councilman Mollette expressed his appreciation to all the department heads for their comments, saying "I think it helps to empower and inform the citizens to have more than just figures" saying they need facts to go along with the figures "to justify and it builds confidence". With regard to all the helpful information he received from the department heads, Mr. Mollette said he did respond to the Mayor on some of them, saying he was asking "to better understand some of the issues so that I can better inform people". He said he has asked for copies of each department head's five-year plan that was reported to have been submitted to the Mayor. Mr. Mollette said that would keep him informed and will allow him to inform citizens with regard to "what the goals are". With regard to Branch Rickey Park and Spartan Stadium, Mr. Mollette said he knows "there are no investments scheduled for this year other than we are doing planning to come up with a list of items to better determine where we need to go and put prices to that" and reiterated previous remarks with regard to "gaining the public's support". With regard to the purchase of new vehicles, Mr. Mollette noted a request for one in the water collections division and reported that he has asked the Mayor if an evaluation has been made with regard to there being an advantage to maintaining a motor pool. Mr. Mollette, with regard to paving, reported on Ironton, Ohio's use of micro slurry, which was reported to have extended their paving to three times their normal program. Mr. Mollette claimed this process to be less expensive and that it was reported to extend the life of the resurfacing to seven years. With regard to five new vehicles being proposed for the Police Department, Mr. Mollette, noting he has asked these questions before, reported the Police Department to have an assigned vehicle program. Noting a lot of studies having been done with regard to this program, Mr. Mollette stated that once an initial cost to the vehicles has been established it is the best, lowest maintenance "platform to have for vehicles". However, he noted all the studies did stipulate that the particular agency required the officers to live within the city's limits in order to drive the vehicle to their resident. Mr. Mollette strongly agreed that the crime prevention this program offers is of benefit in those neighborhoods where the police department has jurisdiction. He said he has requested a copy of the City's assigned vehicle program as well as any additional rationale that can be provided to justify why these vehicles need to be driven to a residence outside of the city limits. Mr. Mollette reiterated remarks he has made previously with regard to a five-year estimate on equipment that is going to be replaced, saying this would make it easier for Council. He expressed support for a levy specifically for recreation being placed on the ballot for the citizens to approve. In response to Mr. Mollette asking what the additional funds are that are needed in #606, #622 and #621, the Auditor advised that to be money that was budgeted and explained that by "additional", it means that is on top of what would be spent before the energy saving plan was implemented. The Auditor reminded Mr. Mollette that the energy saving plan called for some of the costs of the program to be paid from the savings while some was paid by the City's capital contributions and noted this to be the entire payment. Mr. Williams noted this does not take into consideration the revenues that are already generated to "offset", thus if the number was \$900,000.00 a third of that would be offset by enhanced revenues from that program.

The Mayor, in response to questions regarding vehicles, said the cars that are being considered are fuel efficient hybrid types. He reported those that are already being used in the City seem to be doing really well, therefore he is looking to expand that fleet and providing cars for certain offices. With regard to "carpooling", the Mayor said that is "kind of" done now and pointed out instances where a particular vehicle might be used by individuals in different departments. In response to the suggestion of using slurry seal, the Mayor stated that to be something that will be checked into, saying he has not been made aware of this method but noted to have run into problems in the past by paving street before they have been milled. The Mayor said this has been done so often in the past that we are now running into a condition where there are no longer any curbs on a lot of our streets. He described this process as being a very thin layer of seal and is possible that it could be used on those streets that do have adequate curb heights. With regard to the Police Department and driving vehicles out of town, the Mayor explained this as a cheaper way of providing vehicles and advised the officers do pay for gas to which, the Auditor said they actually purchase a tank of gas each month.

Councilman Noel, with regard to "Item 20" of Mr. Murphy's report, noted the intent to remove Rose Street Park from the City's recreational facilities inventory and expressed his ire at not being aware of this. He

stated that he was elected as the 6th ward's Councilperson and, other than rumors; he was not advised of this intent. He said, "If there is some kind of plans, I think I should be in on it" and objected to the disposal of the park and blamed the City for the poor condition of the park. In response the Mayor informed Mr. Noel that it was the residents of his ward who came to him with a proposal for them to keep and maintain the park for its original intent. Mr. Noel stated it to be his feeling that he has been intentionally left out of the loop and said it was not right. He said he knew the constituents of whom the Mayor was speaking and that he was not making any accusations at the moment but if there are any future meetings about this he felt he should be involved. The Mayor said he would pass on that request.

Councilman Mollette again expressed his appreciation for the input he received, saying "I do believe it builds confidence more information you get out there". He expressed his disappointment that this is the "fifth CIP budget and we still haven't moved to have enough five-year plan with our capital investments and its not the first time and I have offered to assist in anyway possible to encourage it and I know the resources are at the Mayor's hands and maybe he has that information and that's why I've asked for copies of it so that the public can be a part of the process".

There being no further questions or discussion the roll was called on the motion for passage. **VOTE: ayes 4 (Albrecht; Haas; Mearan; Malone) – nays 2 (Noel; Mollette) The ordinance was passed. ORD. #20-09**

The Clerk gave a **second reading** to an ordinance approving the 2009 Capital Outlay Budget, designating and appropriating \$50,650.00 in the Street Maintenance Capital Outlay Fund No. 233, designating and appropriating \$205,000.00 in the Flood Defense Capital Outlay Fund No. 265 and designating and appropriating \$100,000.00 in the Sanitation Capital Outlay Fund No. 631 and designating and appropriating \$10,300.00 in the Cemetery Trust Capital Outlay Fund No. 851 for listed items only.

Prior to a motion being made the Mayor, again, advised Council that this along with the next ordinance are about the CIP Budgets and is facing the same needs as is the General Fund Departments

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

The roll was called. **VOTE: ayes 4 (Haas; Mearan; Malone; Albrecht) – nays 2 (Noel; Mollette) The rule was suspended.**

Councilman Albrecht made a motion to pass the ordinance.

Councilman Mollette thanked various department heads and the Mayor for the information they provided. With regard to the amount of money that was reported as remaining in the Flood Defense being about \$1,000,000.00, he asked the Auditor if he could confirm that. Mr. Williams, said he was not previously asked that question therefore he is not prepared to provide an answer this evening. However, off the top of his head, he said he believed it would be three quarters of a million but could not quessimate it at a full \$1,000,000.00 at this time.

Councilman Noel expressed his appreciation for the answers from the various supervisors, saying he did not agree with all of them but at least it was informing and he knows on what he is voting – he thought.

There being no further questions or comments the roll was called. **VOTE: ayes 5 (Mearan; Malone; Mollette; Albrecht; Haas) – nays 1 (Noel) The ordinance was passed. ORD. #21-09**

The Clerk gave a **second reading** to an ordinance approving the 2009 enterprise Funds Capital Budget, designating and appropriating \$920,000.00 in the Waterworks C.I.P. Fund No. 606, designating and appropriating \$100,000.00 in the Waste Water Fund No. 621, and designating and appropriating \$70,000.00 in the Waste Water Capital Outlay Fund No. 622 for listed items only.

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

The roll was called. **VOTE: ayes 4 (Mearan; Malone; Albrecht; Haas) – nays 2 (Mollette; Noel) 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 5 (Malone; Mollette; Albrecht; Haas; Mearan) – nays 1 (Noel) The ordinance was passed. ORD. # 22-09**

The Clerk gave a **second reading** to an ordinance ratifying the agreement entered into by the City of Portsmouth, Ohio, with the American Federation of State, County and Municipal Employees (AFSCME), Ohio Council 8, AFL-CIO, Local 1039 for the period of May 1, 2009 through April 30, 2012.

Prior to a motion being made the Mayor noted there to have been no questions on the ordinance but acknowledged there to have been some concerns that the City may come up short at the end of the year due to

these raises, however, he said he did not know how it can be justified to even ask the bargaining unit to take a cut when the other contracts have been passed. He acknowledged that anytime a budget is passed and the revenues are not forthcoming or additional expenses occur, adjustments are made to make the ends meet. He said that is exactly what would be done in this case should the anticipated funds not materialize. The Mayor said he did not think this should be held up any longer.

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

The roll was called. **VOTE: ayes 4 (Albrecht; Haas; Mearan; Malone) – nays 2 (Mollette; Noel)**
The rule was suspended.

Councilman Albrecht made a motion to pass the ordinance.

Councilman Mollette expressed his belief that by suspending the rule the public is being sold short “by not allowing them follow-up questions and something that might have perked their interest here tonight or listening on the radio”. Mr. Mollette stated that “according to this particular contract my position on it is that I’m being asked to make a good faith promises these are that we fully intend to meet these contracts. That the 4% this next year, 3% in 2010 and 2% in 2011 that we, in fact, are going to meet those requirements”. Mr. Mollette claimed that to be hard to do is we don’t have a forecast on where our budget is going to be and if we are going to have to make concessions. He said that in the past five years he has asked Council “to consider it and work towards it to require a forecast in order to make these promises that we can actually have a better judgment on whether or not we are going to be able to keep em”. In response the Mayor expressed his belief that when this subject came up earlier, in regard with some of the other contracts, he had provided that information to Council as to the contract term and the forecast for honoring that contract. The Mayor suggested that perhaps it was not done on this particular contract but it would be the same as the other contracts. For purposes of clarification, Councilman Mollette said, “What is confusing is we are going to meet those expenses. There wasn’t any forecasting on sources of revenue, possible revenue and, in fact, I think you’d even followed up and stated that it wasn’t based on income tax increases, which it sends mixed signals when you place something on the ballot saying you are going to need an income tax increase but yet we can go ahead and make agreements without that and state that we don’t need income tax increase”. Mr. Mollette felt it to be impossible to make “good judgment calls without information”. Councilman Noel, saying he understood, noting the contracts to have been negotiated and must be honored, said he did not feel it to be fair to constituents to give raises when there is no money there to pay them and employees have to be “cut off” later. Councilman Haas asked the Mayor if these agreements that were approved by Council were considered when the 2009 budget was put together. The Mayor confirmed that they “absolutely” were and pointed out the fact that discussions were held during the budget process that the revenues are anticipated income and that there are no guarantees. He noted a news article that cited other cities across the United States that have fallen on hard times, which required them to renegotiate wage increases in order to keep their employees working. The Mayor said he hopes it does not come to that but acknowledged it to always be a possibility. He further acknowledged the plan is to make it but noted there are other options if something happens and we don’t. The Mayor again expressed his hope that it will not come to that but said that if it did adjustments will be made.

There being no further questions or comments the roll was called. **VOTE: ayes 4 (Albrecht; Haas; Mearan; Malone) – nays 2 (Noel; Mollette)** **The ordinance was passed. ORD. #23-09**

The Clerk gave a **second reading** to an ordinance to amend the Salary Ordinance as amended by Ordinance No. 13 of 2009, to reflect wage increases to the AFSCME 1039 as a result of a new contract, to eliminate grade X as the position no longer exists and to amend the job title within the Fire Department listed as Secretary to Administrative Assistant to be effective May 1, 2009 and to repeal Ordinance No. 13 of 2009.

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

The roll was called. **VOTE: ayes 4 (Haas; Mearan; Malone; Albrecht) – nay 2 (Noel; Mollette)**
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 5 (Mearan; Malone; Mollette; Albrecht; Haas) – nays 1 (Noel)** **The ordinance was passed. ORD. #24-09**

The Clerk gave a **first reading** to an ordinance authorizing the acceptance of an insurance check in the amount of \$6,346.82 from HHC Insurance Company for damages to the Street Maintenance roof into General Fund No. 101.000.4931 and the appropriation of that amount into Public Service Maintenance of Buildings Line Item No. 101.114.5261 for the needed repairs.

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. #25-09**

The Clerk gave a **first reading** to an ordinance authorizing the acceptance and appropriation of two charitable contributions in the amounts of \$853.82 each from the Portsmouth Eagles into the Police Department and Fire Department contingency line item accounts.

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.

The Mayor said he thought it would be a good gesture for the City to send a “thank you” or recognition of some sort to the Eagles for making these contributions. He said The Eagles have requested a summary of how these contributions have been spent. The Mayor noted that both the Police and Fire Departments are in the process of compiling this information and suggested the results be attached to whatever recognition is going to be presented.

There being no further comments the roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. #26-09**

The Clerk gave a **first reading** to an ordinance authorizing the distribution of \$15,158.57, which is the 33 1/3% of the Hotel/Motel Tax assigned to Cultural Affairs, to various organizations as recommended by the Cultural Affairs Panel.

Councilman Albrecht moved this constitute a first reading.

In response the Auditor noted that these amounts are all established by the rules governing Cultural Affairs funds and the allotments are determined by application, which is allocated by the Cultural Affairs Panel. Noting that since this money is just sitting there, cannot be used for anything else and its use has already been determined, the Auditor felt the various organizations could use their funds as soon as possible and respectfully requested the motion for a first reading be rescinded.

Councilman Albrecht withdrew his motion for a first reading and replaced it with a motion 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 extended his appreciation to the Cultural Affairs’ Panel for their time and effort.

There being no further comments the roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed ORD. #27-09**

The Clerk gave a **first reading** to a resolution to approve the City of Portsmouth’s FY 2009 – 2014 Community Housing Improvement Strategy (CHIS).

It being determined that this resolution did not have the weight of an ordinance, Councilman Albrecht made a motion to adopt the resolution.

Councilman Mollette, after summarizing the content of the resolution and its intent, asked what kind of program is Council being asked to adopt and is any input from Council needed. In response the Community Development Director, Jennifer Hanlon explained that the department actually has a housing continuum that’s been meeting for the last year. She explained the Housing Strategy Program and how it will allow the City to get back into a position of applying for grants as was done through the CHIP Program years ago. She also explained the role that would be played by the consultant.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 The resolution was adopted. RES. #04-09**

STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Wayne Nichols – 2018-8th Street complained about fireworks that are being set off in his neighborhood. He felt this to be a “fire and safety hazard”.

He said he has submitted an article to the Portsmouth Daily Times regarding the Mayoral race and continued by reading the article in support of one of the candidates. After a point of order was called by the Mayor, Mr. Nichols took his seat.

Teresa Mollette – 1705 Franklin Blvd. expressed her concern regarding the direction of the City's finances. She expressed her hope that the citizens vote against the proposed income tax and again expressed her belief that what is needed is a reduction of expenditures and felt the City is not looking at what it can do to cut back. She railed at the Council for suspending the rules and claimed that to be against the charter unless it was an "emergent" sic. She also compared the City's budget to that of Columbus, Ohio's budget noting Mayor Coleman to phase out pension pickup while we increased pickup. She further reported that Columbus increased the employees' share of health insurance and admonished our City, saying we only charge each employee \$25.00. She also claimed that the City needed to look at its overtime and manage it better. She expressed her support for a "fleet of vehicles" and claimed she would be for the tax increase if the fat were shaved. She continued by reiterating previous remarks with regard to having a plan.

Austin Leedom – 1521-5th Street spoke against the proposed income tax saying officials were elected to serve the community not special interest and give no consideration to the rest of us. Mr. Leedom claimed there to be people here on Council who have repeatedly voted to increase property taxes and don't own property. He also claimed there to be people who have voted to place an income tax on the ballot who don't pay income taxes. When Mr. Leedom began making remarks specific to certain individuals he was admonished for making personal references but he claimed they were not personal references since he did not use anyone's name. The Acting President pointed out the fact that it is still a personal reference when it is obvious to whom he is referring. Upon continuing with his references, Mr. Leedom was again reminded that he can make a statement but there are to be no personal references.

He commended the Kiwanis for doing "good things" and pointed out their plans for placing a playground in Tracy Park and reiterated previous remarks he has made criticizing the City's lack of playgrounds.

Peggy Burton – Health Commissioner updated everyone with regard to the Swine Flue incident and explained what precautions should be taken to avoid catching the flue.

Eileen Perry 1410-16th Street spoke against the proposed income tax and reiterated remarks regarding "a plan". She referred to the recent "tea party" demonstration and noted that people who live outside of the City and will be affected by the tax increase cannot vote.

Ms. Perry again objected to elected officials and others not making eye contact with her when she stands at the podium to address them and claimed it to be "rude".

Miscellaneous business and reports:

City Clerk's Report

1. Oaths of Office
Alex Prater and James Howard for positions of Firefighter
Vicki Musser for position of Deputy Tax Commissioner

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

Mayor's Report

1. Announced to Council that the City was again awarded an Achievement Award from the Bureau of Workers Compensation for outstanding safety. He noted this to be due to the mandatory safety programs that have been implemented in various departments. The Mayor reported this to also reduce the City's Worker's Compensation rate, which, he noted is one of the City's biggest expenses.
2. Referring to the minutes of the Traffic Committee, the Mayor noted the 6th ward appointment to the committee has only attended one meeting in the past year and asked Councilman Noel to consider discussing this matter with the appointee or consider naming a replacement.
3. With regard to the comment about the national "tea party", the Mayor acknowledged this to have been in protest of additional taxes but felt there to also be some concern about the proper use of taxes.
4. In response to a citizen's remark at the last meeting about speaking before the 128th General Assembly, the Mayor said he was not arguing the point of whether or not this person spoke or not but, holding up a copy of the House of Representatives' rules for General Assembly, the Mayor read rule #10 and #11 regarding recognition of visitors and control of the hall and noted that the rules clearly call for registration

by anyone wishing to be recognized as well as listing any subject on which they wish to speak.

5. In response to someone who spoke tonight with regard to a co-pay of \$25.00 for health insurance, the Mayor pointed out that the \$25.00 co-pay is for a single plan. He reported the co-pay for a family plan to be \$50.00 per month. He noted this to be the first time City employees have participated in any kind of payment for health insurance. With regard to remarks about overtime, the Mayor said this expense has been watched and the cost reduced by making cuts and adjustments as well as watching what is being spent. The Mayor questioned whether or not highly paid government employees, not in city government, received regular wage increases, whether or not their wages have been frozen or perhaps if they were willing to give back so federal and state governments would have more money to spend on local governments and their needs.

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

President's Report

1. Reappointed Matt Schackart and Kirk Donges to the Board of Design and Review.

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:

6th Ward Mr. Noel, with regard to his appointment to the Traffic Committee, reported the member to be having some health problems as well as having to deal with a death in his family. He said he will not kick someone when they are down and will not remove this person. Mr. Noel felt the absences to be justified but will discuss the request with him and make a report at the next meeting.

5th Ward Councilman Haas requested the citizens of Portsmouth check on the facts as they relate to the ballot issue for an increase in income tax. He asked voters to do some research and to not just sit back and listen to the negativity from the same individuals who make negative comments at every meeting. Mr. Haas advised people that if they do some research they will find there is a plan for use of the income tax money, one of which is to take funds for recreation in the community from \$0.00 to \$405,000.

Mr. Haas acknowledged that he too has an appointment to make to the Traffic Committee but since he has not had an opportunity to confirm the appointment with the individual he will not make an announcement at this time.

4th Ward Councilman Albrecht reported having received many complaints from the 4th ward residents with regard to potholes. Mr. Albrecht expressed his hope that by passing the CIP Budget, these pot holes will be fixed.

3rd Ward Councilman Mollette recognized Jim Saddler of the American Legion Post 23, who sent an "informational thank you" to the City. Mr. Saddler reported that last year the American Legion placed 2,260 American Flags. Mr. Mollette said Mr. Saddler also wished to thank the employees who maintain Greenlawn Cemetery and urged everyone to stop by to see how they work to make sure the cemetery is clean and ready for the Memorial Day ceremony.

He announced his 3rd ward neighborhood meeting, which is going to be held at the public library on Wednesday, April 29th at 5:30. He asked everyone to come and express their ideas, saying, "The topics will be everything not on the agenda".

He encouraged people to participate in their government by being informed and by getting out to vote. With regard to the reference made about negative comments on the income tax, Mr. Mollette said he did not regard these comments as negative but rather as comments by people wanting to know exactly how 2.7 million dollars is going to be spent. Mr. Mollette felt that if there is a need to pass a recreation tax then that should be placed "on the levy separately". He also felt it should contain what projects are being proposed and allow the public to be informed in the decisions they are making and to not just give a blank check for 2.7 million dollars per year.

Mr. Mollette applauded the Administrator of the Village of New Boston for seeking transparency with regard to the stimulus package allocations from the federal government.

He thanked the Health Commissioner for her report on the Swine Flue issue.

Thanked everyone for their comments this evening.

2nd Ward

Acting President Malone had nothing to report from his ward.

1st Ward

Councilman Mike Mearan reported seeing trees being planted by City employees and the Service Director. He described what they were doing for the City as “beautiful”.

Reported the City to have lost a resident today due to the death of Craig Stevens, owner of Stevens Construction and was very active in the community. Mr. Mearan extended condolences to Mr. Steven’s family.

Noting the absence this evening of Preston Smith, Mr. Mearan announced that yesterday Mr. Smith’s grandson became a multi-millionaire when he was picked #2 in the draft – noting he plays tackle for Bailey University. He expressed his happiness for Mr. Smith and his family.

Wished all the candidates good luck and complimented them on the professional way in which they ran their campaigns, saying that is the way it should be.

Thanked the Eagles for their contribution noting they have been very supportive through the years.

Mr. Mearan said he came here in 1972 and was sent, by his employer, to the police department to interview some people on his first case. He said he did not know where the police department was and one of the reasons why he asked to be on this Council was because he practices law in this building almost every day. Mr. Mearan said one of the things he wanted to see was new facilities for the City. He said he felt the citizens of this City could go to other communities and be proud of their buildings. He said he believes the City of Portsmouth deserves a new building, saying “we are not asking for luxury”. He said when someone wants help from the police department he felt they should have a building where they can go. He also felt the courts deserved better. Mr. Mearan noted, “we had an organization that wanted to give us 1.5 million dollars and we did not want that – we didn’t want to raise taxes- all we heard is don’t raise property taxes”. He pointed out the fact that people felt the only way to finance a new facility was through income tax and now that we are doing that, which will provide money for many of the City’s needs... Mr. Mearan stopped to say to the people in the audience, “You can laugh and shake your heads all you want but these are the same people that twenty years from now are going to have these same buildings – now the citizens have a chance, next Tuesday to do something about our community”. Mr. Mearan continued by stating that someone making \$50,000 a year is going to see and increase in his income tax of \$300.00 per year, which is \$0.83 per day. He said, “Now, if you can’t afford \$0.83 per day to have a better community then that is fine, that is what you choose – if you choose to come down here and have nothing, that is fine – I for one am going to be voting ‘yes’ for a better community and I urge all the voters to vote ‘yes’.”

The Auditor, said he had some comments, some of which, he said, would be repeats and reiterating a little bit of what he has heard here in the past few minutes. Mr. Williams said he had the opportunity to be at the opening day of the senior league field this past week end. He said the subject of recreation arose and, with several people, the subject of taxes emerged. Mr. Williams said the majority of those to whom he spoke were in favor of the City coming up with some way to invest in their children. Mr. Williams estimated there to be about 500 children on the several ball fields that day, hitting everything from T-ball to fast pitch. He said most of those people understood and their main concern is that the City doesn’t spend any money on those fields. Mr. Williams said he wanted to commend the City’s Service Department and the Little League Parents and Booster who came together to make some nice looking ball fields for this year. He noted there are still a lot of things to be desired but the basics were done along with a lot of improvements, which were made by the City and the actual users of the facilities. Mr. Williams acknowledged that some of the Mayoral candidates are all promising recreation but noted they are all going to run into the same problem, asking “how are you going to do that?” Mr. Williams reported the only recreation funds that the City has had available for many many years have been either taken out of the General Fund or out of the Capital Improvement Fund, saying, “I don’t care whether its Mayor Kalb or any of the other candidates that come on board, with absolute zero recreation revenue, they are not going to build recreation centers in Sciotoville, as I’ve heard one mention – they are not going to build recreation centers down here or pools or skate parks or anything without the funds to do it”. Mr. Williams noted the income tax increase to be “a plan”, which he said was the same type of plan that was developed when there were three tax increases between 1965 and 1987, noting this to have been three income

tax increases in a span of 22 years. He noted there to have been twice the population, at that time, than we now have. He further noted that since 1987 the City has had zero tax increases. He said if he were comparing the City income tax increases to some of the things that the federal government does with their "crazy plans" for federal taxes, he would have some problems with the City running it that way, however he said we would not be comparing apples to apples. He reiterated the fact that this would be a 6/10th of 1% and everyone needs to understand that this is the tax that affects us most and 6/10th on 1% is nothing compared to the federal tax issues we have before us. He cited the "plan" that was put into place long ago for the use of income taxes, saying as specific as it got was to say the taxes would be spent on general operations, employee compensation, street lighting and capital improvements. Mr. Williams said I cannot say specifically how the funds for the general operations of this proposal will be spent but he can say that the capital improvement funds, which is around \$900,000.00 per year, would be used for the reason we were told, less than a year ago, was needed for a new building. He said, "This will do it, this will fund a new building and pay for the maintenance for a long time to come", saying "That's a plan". He said he could not say how much money each park would be getting or what new parks and recreational facilities there will be but he would assume that there would be some type of recreational board who would make recommendations to Council for the expenditure of that money. He noted it would take the recreation fund from zero to \$450,000.00. He said there were some excited people that he talked with this weekend who said if the City pledges that kind of support to the recreation facilities they are for it. Mr. Williams pointed out that this plan is not just for "cars and perks" that was stated this evening. With regard to cars, Mr. Williams stated that the car that is being replaced in the Income Tax Department is a 1994 model and he felt it had served its purpose. Mr. Williams explained the final percent of the proposed income tax increase would be for insurance and pension, noting that anytime there is a large payout at retirement for accumulated sick time or vacation time, which is anything more than just a few thousand dollars, it needs to be budgeted out of the department budgets. He pointed out that this then takes funds away from general fund operations. He said this would eliminate these payments, when needed, from being paid out of recreation, streets or from any of the other department operational funds to pay for retirements. Mr. Williams said he feels he can see a better plan here with regard to specific items than he could see in the first three tax increase proposals and he can see some very good things come out of it. Noting that for the past many years the argument has been that there is not enough money and felt there to be no one who could disagree that if the City had a million dollars left over in every fund and everything was being taken care of, there would be no arguments. He said the arguments are because there is not enough money to go around. Mr. Williams said he believed this plan to be specific enough that we should, as a community, step up to the plate and take care of our house.

The Solicitor had nothing to report.

The meeting adjourned at 7:38 p.m., on a motion by Councilman Albrecht.

City Clerk

Acting Council President