

## MINUTES – REGULAR SESSION

### PORTSMOUTH CITY COUNCIL MEETING

Monday, June 22, 2009

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, June 8, 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 Elder Portia Williams, Associate Minister of The Kingdom Builders Evangelistic Ministries.

Roll Call showed the following members to be present:

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

Also present were Mayor 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 June 8, 2009, on a motion by Councilman Albrecht.

Councilman Albrecht, made a motion to add to the agenda legislation in response to a memo from the Public Utilities Director of Water requesting authorization to enter into an agreement with OEPA and OWDA for stimulus money in the amount of a \$50,000.00 grant and \$50,000.00 in an interest free loan and noting this ordinance needs to be passed as an emergency in order to meet the deadlines for making an August loan.

The motion carried viva voce. **VOTE: ayes 6 – nays 0 The legislation was added to the agenda as Item “7I”.**

### PUBLIC HEARING 2010 Tax Budget

The Acting President opened the public hearing at 6:03 p.m.

Teresa Mollette – 1705 Franklin Blvd. claimed “other cities” to have a “comprehensive plan” wherein they designate how the funds will be used. She claimed our city to have a plan to spend money. Doubting whether or not the City officials understood the word “comprehensive” she felt that perhaps she should have brought, with her, a dictionary to explain the word to them. She suggested that “maybe” in January there will be someone in our city government with the ability to do a “comprehensive plan”. She felt we will never entice anyone into the community until we “clean up our act” and “come together as a city”. She further stated that we need to do what is best for this town, not for a select few.

There being no one else wishing to speak on the subject of the public hearing, the acting President of Council declared the hearing closed at 6:08 p.m.

### STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA

Wayne Nichols – 2018-8<sup>th</sup> Street, with regard to the bonding issue for street improvements, questioned whether or not there is a need to bond \$800,000.00, if there is money in the CIP fund. He did not know why \$800,000.00 is needed when, in the past, the City has only spent \$200,000.00 to \$300,000.00 per year on street paving. He claimed it to “all of a sudden jump up to \$800,000.00”. He reminded Council that the voter’s initiative is still before the Supreme Court and he felt that appeal prohibits the issuance of bonds above \$100,000.00. He said, “I think you are going to have to unwind, if they rule in Mr. Essman’s committee’s favor”. Which, he said, “I highly expect will happen”.

With regard to the Income Tax Budget, Mr. Nichols thought the item should have “listed the numbers” on the agenda, saying he did not know how to speak on it “without having numbers”.

Austin Leedom – 1521-5<sup>th</sup> Street claimed the proposed bond issue would be the third increase in real estate taxes is less than 2 years. He also claimed “people are unhappy”, saying they can’t afford the increase. He claimed four members of Council will vote “yes” on this item, claiming that two of the four don’t pay any taxes because they don’t own any real estate. Mr. Leedom also claimed two of the members, if they vote “yes” will “face recall”, saying that is what he “hears on the streets”.

Harald Daub – 1221-22<sup>nd</sup> Street called the issuance of bonds for street paving to be “an increase in property taxes”. Noting that Council is saying it is not a new tax but a continuation of a present tax, he claimed this to be “misleading the public”. Mr. Daub felt that the paving of streets has been “abused” in the past citing the paving of Vermont Street, a short street with three houses on it, to have been paved because it runs behind the Mayor’s house where he has a garage. He felt this money should have been used for another street. Mr. Daub expressed his hope that Council would “set this ordinance aside”. Pointing out the fact that there is a Mayoral and Council election in November, Mr. Daub said for this debt to be put on for next year is wrong. He felt the paving of the streets to not be “urgent”, saying “this is nothing new”. He suggested that if another tragedy were to occur, like the collapse of the back of this building, it would be necessary to issue more bonds, which would mean more taxes for the people. He claimed the City to have run for 100 years without taxing. He also claimed there to be “three to four property increases” and felt this could not go on, saying, we’ve got three to four pages of property being foreclosed on in our newspaper”. He again stated, “to keep putting property taxes on people, that’s wrong”. He felt there should be another method and claimed “other cities” to be laying off employees and that “people are tired of council putting on taxes”.

Teresa Mollette – 1705 Franklin Blvd. repeated her remarks regarding a “comprehensive plan” claiming the City has “no plan for spending \$800,000.00”. She said the costs presented were “only figures pulled out of the air and thrown on paper”. She claimed the school administration to have “sat down with the community” to discuss their plan for a new school. She further claimed there to be many people in the community willing to set down and discuss a plan with the City. She asked Council to not table this ordinance saying she wanted them to “go through” with it and she could not wait for the November election, calling it “political suicide” and it would let people in the community know who is with them and who is against them. Mrs. Mollette claimed she was “not a political activist person trying to do in the community”. She said, “I am hoping that something I say sinks in so that we have a prosperous community”.

With regard to the vehicle being transferred from the Health Department to Community Development, Mrs. Mollette said she wanted to know what happened and claimed a vehicle to have been purchased by the Health Department without the approval of City Council and now the City is paying for something after the money was spent. She claimed this to be against the law. She claimed the City to be “backing up something that should not have been bought in the first place without Council’s approval”. She continued saying, “I thought we had a manager in this community, in this City”. She continued by stating, “that is what the Mayor’s job is – is to manage the department and it is the Auditor’s department to insure that anything doesn’t slip through the cracks”. She said she believed something to have slipped through the cracks and wanted to know how many other times this has happened. Mrs. Mollette continued railing at Council saying “we do not spend money without it being appropriated; we do not spend money prior to getting the approval that is tax payer money”.

## LEGISLATION

The Clerk gave a **second reading** to an ordinance authorizing a fund transfer of \$20,234.62 from the Mandatory fine Account No. 223 and \$1,576.48 from the Dare Account No. 213 to Law Enforcement Trust Fund No. 225.

Councilman Albrecht moved this constitute a second reading.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 A second reading was declared.**

The Clerk gave a **second reading** to an ordinance providing for the issuance of \$800,000.00 Street Bond Anticipation Notes, Series 2009, by the City of Portsmouth, Ohio, in anticipation of the issuance of bonds.

Councilman Albrecht moved this constitute a second reading.

Councilman Mearan thanked the Mayor for providing Council with a list showing how the \$1,000,000.00 is to be “broken up” and what streets will be involved. Mr. Mearan stated that it appeared, contrary to previous comments, the figures are backed up by dimensions and cubic yards, which appear to be true or close to true figures. He asked if these streets are the ones that are the most traveled and have the most need. Mr. Mearan said he understands that the first ward encompasses about 10% of the total and he also understands that there is probably not that much travel in the first ward. He asked what percent of the total City streets, will be paved. He also inquired as to the “surface length” of all the streets within the City’s limits and what percent of the total this is. The Mayor said he did not know the answer off the top of his head but would get him that information. Councilman Mearan said before a vote is taken on this legislation he would like to have some idea or recommendation from either the Mayor’s office or from the Service Director what percent of the streets the list represents. He said he would also like to know the plan for the following years, noting the City to have a history of spending \$200,000.00 a year and he wanted to know if \$1,000,000.00 is spent now would that mean there would not be an expenditure of \$200,000.00 next year or if there will be an expenditure next year, how much would it be. Mr. Mearan noted the point to be well taken with regard to having a plan over the next several years for the streets. He acknowledged a suggestion having been made that instead of spending \$200,000.00 each year to spend \$400,000.00 every year, but also acknowledged that he did not know if this would be better but felt there needs to be some sort of plan for upcoming years. The Service Director advised there to be approximately one hundred and ten linear miles of road surface within the City,

excluding any alleys. He also advised there to be 5,280 feet in the mile and with a calculator the math can be accomplished. Mr. Murphy acknowledged the amount of streets to be repaved is a small percentage of the existing surfaces. The Mayor felt this to be an unfair view if it is being seen as 10%, noting that maybe 50% of 100% of the surfaces are not in need of attention at this time. He said this cannot be compared to the 100% of street surfaces and felt the question should be whether this money will pave most of the streets that are in need of being paved. The Mayor reported the streets on the list provided to Council are the worst streets and most traveled streets in the City and that these are the best estimates on how the money can best be spent and take care of any future problems. The Mayor pointed out that the City has gotten so far behind in the paving by only spending \$200,000.00 per year that this \$1,000,000.00 will pretty much help us “catch up” by putting the City’s paving program up to where it needs to be. He expressed his hope that the City will continue to spend \$200,000.00 per year on paving in order to not only do those streets that need paved but to be able to maintain the streets so they won’t have to be paved as often. He noted that most of the money, every year, is spent on paving only because of the condition they are in, which does not leave much money for maintenance. In response to Councilman Mearan asking if it is then his recommendation that in the future we continue spending the \$200,000.00, the Mayor replied in the affirmative. The Mayor further stated that this is not going to fix the problem and they stay fixed forever. He pointed out that the City is going to have to continue to maintain the streets and pave them as the need arises. Referring to the list of streets, the Mayor noted that we are far from getting to where we should be. In response to Councilman Mearan asking if this project would then not be considered maintenance but would rather be considered improvements and inquired as to the life span of this project the Mayor said it would depend a lot on the streets themselves – how much they are traveled, the kind of truck weight to which they would be subjected and the kind of winters that we might experience. He again stated that with some money being available for maintenance the surface will last a lot longer than they are at the present time. He noted that usually a paved, medium traveled road without any improvements would probably last seven to ten years without any bad weather events. He further noted that salt destroys a street as well as does cracks that allow water to get in them and freeze, which, he said is how the holes and chipping occur. The Mayor felt that if more money could be spent on maintenance, those cracks could be sealed and the holes could be patched to where the life of the road can be extended. In response to Councilman Mearan inquiring as to what percent of the \$200,000.00, spent in the past on street, went to maintenance as opposed to paving, the Mayor stated it to have been very little because we have so many roads that do need to be paved. He reminded everyone that one Councilman described the condition of some of the roads to makes them “pretty dangerous”. The Mayor stated the goal of spending this much money at one time is to provide money for maintenance, which we have not before had. He noted that we could spend \$200,000.00 easy just on maintenance but we can’t do maintenance on a street that needs a complete paving job, which means you let that street go knowing it isn’t going to get any better but maintenance is not going to fix it.

Councilman Noel asked if the City had “an engineer on board”. The Mayor advised that the City contracts with an engineering firm. In response to Mr. Noel asking if this firm did a study of the streets, the Mayor advised that the study on the streets was done by a person who has done it for the past twenty years along with the Service Director. He noted these to be the people who are most familiar with the streets. Mr. Noel felt a million dollars to be “a lot of money to spend on the streets” and he felt that if the City wants to take on a million dollar resurfacing and street upgrading program a (*not discernible*) engineering firm to make a study of what needs to be done and what the cost will be for the job to be done properly, saying, “the City of Portsmouth, the tax payers deserve the right to know and if it (*not discernible*) present it to the voters properly and then they would vote for it”. Mr. Noel said he is not convinced that this is needed, saying, “we’ve appropriated the \$200,000.00 for this year and I know there’s some roads that are in dire needs”. He commended Mr. Beaumont for the work he done with regard to Harding Avenue in Sciotoville, describing it as “a wonderful job” and that he is of the opinion, based on his conversations with Mr. Beaumont and people from ODOT in Chillicothe, that it was handled mainly by a professional. Mr. Noel acknowledged the fact that Mr. Beaumont was not an engineer but he felt “he had that ability”. Mr. Noel said that unless he could be shown something different he just did not feel the City should “just turn a million dollars over to the group that is in power right now and with no plans or at least the way I read the ordinance, it leaves it wide open”. Mr. Noel claimed the ordinance to be vague and evasive. Mr. Noel made a motion to table the ordinance and began to reiterate his reasons for not being for the ordinance. Upon the Mayor calling for a point of order noting that following a motion to table all debate ceases, the Acting President concurred and declared the discussion to have ended and for the roll to be called. **VOTE: ayes 2 (Mollette; Noel) – nays 4 (Malone; Albrecht; Haas; Mearan) The motion to table failed.**

The Mayor, in response to Council Noel’s concerns, said he did not know what more he wanted, noting that a list of streets, compiled by professional people, has been provided to Council. He reiterated his statement that the people who put the list together are those that are most knowledgeable of the City’s streets and with input from the street crews that work on these roads everyday and those who drive on the roads everyday. With regard to Mr. Noel’s remark that the ordinance was “evasive”, the Mayor said he did not know what he was talking about, noting he was provided with a list of roads and with the numbers that he requested as well as the way the cost was figured, should anyone want to do the math themselves. The Mayor said he did not know how he can be any clearer. He expressed his belief that Mr. Noel was pretty clear, several meetings ago, when he remarked on what he felt was the deplorable condition of Dunlop and that he did not care how the money was obtained as long as it got paved. The Mayor questioned why that now matters and why Mr. Noel now feels that \$200,000.00 is enough to spend on paving. The Mayor advised Mr. Noel that he did not know exactly from where he is coming and felt that he was talking from “both ends of the stick”. Mr. Noel said he is talking exactly on what he said and repeated his opinion that the ordinance is “evasive”. Mr. Noel felt the ordinance “should spell out exactly how much is being spent on what”. Mr. Noel cited his 8 ½ years experience of sitting in meeting with ODOT, saying, “their engineers went through all this and gave each

other whatever they needed and you put everything went into a job (sic), that job had to be done exactly like they planned it and they had a man, inspector there to see it was done". Mr. Noel again stated there to be nothing in the ordinance "that spells out all of this money and how it's suppose to be spent and where", claiming it to be left "wide open". Mr. Noel, said "I happen to be involved in a half a million dollar deal back in the 80's when (*not discernible*) come in here and it cost this City dearly because they didn't have it done properly". He claimed people were hired who were not qualified, saying he can provide everyone with whatever information they need with regard to this matter. He claimed HUD to have come to the City and stopped all the programs until it was corrected. Mr. Noel expressed his concern that this is what will happen with this project. He said "we have" no problems with spending \$200,000.00 but was concerned about a million dollar expenditure. Mr. Noel stated "I think \$200.00 (sic) is a lot of difference in that and \$1,000,000.00 and I'm not against with going ahead with the \$200.00 (sic) spending, if I don't get any bridge done at least I think you're fair in what you could but just to put a \$1,000,000.00 burden on the tax payers at this time, after everybody here, including yourself getting 90% pay raises – it's just not right". Mr. Noel concurred with the citizens who called support of this program to be "political suicide". He stated that if that is the way it is going to be, it would be okay with him bur felt those up for election would be cutting off their nose to spite their face. In response the Mayor said he does not make a decision based on an upcoming election but rather based on what he feels is best for the City. In response to his asking Mr. Noel if he had received a copy of the streets being considered for paving, Mr. Noel acknowledged that he had received everything. The Mayor said he did not know how he could make the plan any clearer. He noted the project to have not yet been bid and noted that when it is the bids will be for the list of streets that was provided to Council and when the bid is let, those are the streets that will be paved. The Mayor reiterated his confusion about Mr. Noel describing the ordinance as being "evasive". He noted that with this program five times as much paving can be done.

The Auditor, to clarify Councilman Noel's concern, stated that in the City's annual CIP ordinance there is a two word line and a dollar amount that never, to his knowledge, specifies the first street or any number of streets. He pointed out that the CIP ordinance simply says, "Street Paving" and for this year, it says "\$200,000.00". The Auditor noted that the remainder, as always, is left to the discretion of the Administration, specifically, the Mayor, Service Department and Engineering. Mr. Williams said to sit here and argue about the number of streets and which streets will be paved is not the focus of this ordinance and pointed out that this ordinance has nothing to do with the details of a street paving program, which, he again pointed out, is solely under the administration of the Mayor. The Auditor explained that this ordinance is the authorization is to get the funds for that project and felt there should not even be a discussion, as far as the ordinance is concerned, about which streets will be paved. He said, "You either pass the ordinance to borrow the money and then go from the Mayor's list or you don't".

Councilman Haas, acknowledging he has a copy of the list and the projected cost, which was provided to him in his package, asked if the list had been made public either by the names of the streets to be paved or the amount. The Mayor stated that they had been provided to Council but no press release was done. He expressed uncertainty as to whether or not Councilman Mollette posted it on his website. The Mayor noted the list and cost to be public information when it was presented to Council. He further noted there to be nothing to hide and anyone who wants a list is free to stop by his office for one or to get the list from one of the members of Council. The Mayor again reiterated the fact that the program was put together by professionals and noted there has never been a problem. He questioned why there seemed to be a problem now. Councilman Haas stated the reason for his asking this question was due to some of the earlier comments from someone saying they could make up a list if they wanted to and could put numbers beside it along with other allegations that were made during the public's time to speak. He said he felt it would be helpful if the list was made available to anyone who wants to take the time to get a copy so they can see exactly for themselves exact proposal. Mr. Haas felt this would eliminate the "wide eyed speculation" that Council seems to get. Mr. Haas felt publicizing the list would be helpful.

Councilman Mearan said he felt the Mayor has an obligation to make recommendations to Council and acknowledged it to be clear that the City has a problem with its streets. He noted the Mayor to have put forth a lot of effort to bring this proposal to Council, which included a way to finance it. Mr. Mearan asked that between now and when it is up for a final reading he will have to do a lot of soul searching and talking to people in his ward to see if his constituents are in favor of this because they are going to be taxed without having a voice at the ballot box. Mr. Mearan noted that while in Chillicothe today, he saw a newspaper article that reported that City is putting its municipal court into the former AEP building. He said the article also stated that the City is buying the old Carlyle Building and is proposing a 1% Income Tax which would generate \$600,000.00 a year. He said the way the tax would run is that as soon as the building is paid for the tax will be removed. Mr. Mearan acknowledged himself to have been a proponent of the income tax increase that failed and surmised that could have been because the 6/10<sup>th</sup> was "a lot of money". He agreed that this is an issue that needs to be addressed and felt one alternative would be a 1% income tax on the ballot in November. He felt that this tax for two years would generate 1.2 million dollars and with the \$200,000.00 from the budget there would be a total of 1.8 million dollars which would be about the same as the Mayor's proposal. Mr. Mearan said this would provide money from people outside of the City that uses our streets. Mr. Mearan noted this to just be an alternative and again commended the Mayor for his proposal. He agreed something needs to be done and if his constituents agree then he is going to vote for it, however, if there is a hesitancy then he felt serious consideration should be given to the income tax increase. He also suggested there maybe consideration could be given to another 1% for recreation. With regard to the figures presented by the Mayor, Councilman Mearan again expressed his appreciation and said he did not believe these to be figures that were pulled from a hat and he felt it to be a good proposal.

Councilman Noel, to explain what he was talking about when he described the ordinance as being evasive and vague, read the third paragraph of the ordinance. He said he felt that paragraph covers about everything and noted his concern for his ward is damage that could cost as much if not more than the paving. He claimed the damage to have been a result of the flood, which caused water to run out from beneath the pavement. He claimed the damage to just about have one traffic lane blocked. The Auditor again reminded Council that this is a boiler plate debt issuance ordinance that is not intended to specify what the administration intends to do with the proceeds of its borrowing. He repeated the fact that this is a boiler plate ordinance that is prepared in cooperation with his office, the Solicitor's office and the City's bond counsel. Mr. Williams explained that the ordinance is very specific in that it meets all the regulations that are required by the IRS to make it tax free financing. He noted the purpose of this ordinance should be "do you issue the bonds or notes not indirect(sic)". He acknowledged that the Mayor can certainly be addressed with those questions, however, he did not have to ask Council what streets he could pave last year nor did Council approve the streets that were paved. He said he understands that it is a greater amount of money but pointed out the fact that is not the purpose of this ordinance.

Councilman Mollette said he also appreciated the work and effort that went into compiling the list but felt it to be a list that, if the funds were already available, in the CIP and the City were ready to spend it then he would leave it up to the Mayor, the Service Director and Engineering as to what streets need it the most based on past standards that were used. Saying he did not have an issue with the list of streets but he did, however, have an issue with Council being asked to approve going to the taxpayers for additional money. He felt that the \$800,000.00 may not be enough and that when going to the taxpayers it should be with a plan that will fix the problem or is it just going to provide a "shot in the arm" to be able to get by this year. He continued, saying, "My question is, is more of an overall outlook, overall paving infrastructure not just the \$800,000.00 this just states that you are going to spend \$800,000.00 and that we are going to obligate the taxpayers in 2011 in order to be able to make that happen". Mr. Mollette felt that it can be found that most citizens believe that and they want to get their streets paved. He acknowledged that some streets are in "deplorable" condition and again asked if this was solving the problem. Mr. Mollette stated that in order to address the issue he did send the Mayor a letter with questions published in his position and his concerns about having an overall plan to address the problem not to just spend a million dollars. Mr. Mollette described his list of questions to be "similar to the miles of streets and the rate of condition along with the age". He also wanted to know how many miles of alleys saying he hears more complaints from people "who have alleys in their back yard". He claimed the City to state that it has no resources so the alleys don't get paved. Mr. Mollette said he would like to know how much paving alleys would cost. He said, "We also have "exposed concrete surfaces" and identified one of the main ones to be around the high school. He suggested an evaluation be made of the concrete streets, and inquired as to the additional cost of maintaining those streets. He also mentioned the municipal parking lots and felt a plan that requires going to the voters/taxpayers should be done with a "full plan" of what it is going to take. He said he has not heard any options with regard to scheduled crack sealing or the micro slurry process that was used or proposed in Ironton. Mr. Mollette said, "When you come up with a plan you should be able to come up with a list of streets that include everything that needs to be addressed. He also felt the cost of maintenance should be listed. He continued by enumerating the various funds that are being proposed for the 2010 CIP budget for a total amount of \$540,000.00, which he described as being "a pretty big chunk" of the City's CIP. He inquired as to how the CIP will be affected by this, saying there is always a cause and affect. Mr. Mollette again advised the Mayor that he had the "cart before the horse". He said, "If you have capital improvements already in house you can make a list. You'll have my approval just like you have in the past except in previous years I've always said 'are we doing what we need to do in order to maintain our infrastructure' what kind of plan can we have to address not only streets but also streets that are not as traveled, alleys because I have constituents that live on a street that say their pavement is 14 to 15 years old." He said he did not mind making an informed decision to spend money but again felt you have to have the facts. Mr. Mollette continued saying he heard people here tonight who admit that the streets need to be fixed but felt the issue to be "do we have a plan in order to do that". He acknowledged the Auditor's explanation that this ordinance just "sets it up that we issue debt for \$800,000.00". He said he did not doubt that the amount of money requested would be spent in paving but again questioned if this was "going to solve it".

The Auditor, having been reminded by Councilman Mollette's remarks, noted that last year, around tax budget time, we had another issue that was going to be contained inside the tax budget that involved borrowing a very similar amount of money. He further noted that, at that time, his comment and request to Council was that all this type of discussion can be avoided, if Council would simply come to a consensus on a policy as to how they would like to conduct business with regard to its debt issuance. Mr. Williams pointed out that since 1936, the City has, almost every year, issued somewhere between .7 and 7 mills of property taxes, as authorized by the City Charter. He noted this to not be an issue that would go back to the voters because it has already been decided on in the City's Charter. Mr. Williams further noted it would be Council's discretion as to how they are going to use that authority each year. Mr. Williams said he thinks is it unfair to beat the Mayor up on the head for using a resource of funds that are available to him. Mr. Williams felt the Mayor had to assume that since this resource has been used since 1936 that he is to continue to use this stream of revenue. He said he believes, especially after the conversation he has heard tonight and at the last meeting, that if you don't want the Mayor to use the provision that is in the Charter tell him so and he can budget accordingly. Acknowledging that he may be "sticking his nose in where it doesn't belong", the Auditor again pointed out the fact that the money is there authorized by the Charter and at Council's discretion. He recalled his request of last year that Council issue a policy as to how the Mayor is to come up with the tax budget and what is to be included in it. He noted that since that day, almost a year ago, not the first word has been uttered until this issue came before them. He again suggested Council should come to a consensus or suggest a policy

or actually approve a policy as to what type of borrowing, how much money Council will allow and what they expect the administration to include in its budget. The Auditor noted these types of projects would not be included unless it was known that they were to be included.

After being advised by the Acting President that this would be the last comment because this issue 'has been gone over and over' and there is a motion on the floor, Councilman Mollette said, "Anytime you're going after additional funds, and this is additional funds, and its Council's approval, they can approve it or not approve it and the issues been brought up in previous years whether its been fire equipment and how to pay for it, the need has big questions as far a what the equipment is but its how you pay for it". Mr. Mollette continued, saying "the issue is to say that this is a question of how we treat the taxpayers". He acknowledged the language of the Charter, but he said he would expect my representative to be critical of what they pass on to the property owners and "if it is one that has a plan to solve it or are we spending this money because it is there?" Mr. Mollette felt this needs "a critical aspect of having a plan attached to it rather than just spend money".

At the request of the Acting President, the roll was called on Councilman Albrecht's motion for a second reading. **VOTE: ayes 4 (Albrecht; Haas; Mearan; Malone) – nays 2 (Mollette; Noel) A second reading was declared.**

The Clerk gave a **second reading** to a resolution providing for the annual tax budget for municipal purposes for the year 2010.

Councilman Albrecht moved this constitute a second reading.

There were no questions or comments. The roll was called. **VOTE: ayes 4 (Albrecht; Haas; Mearan; Malone) – nays 2 (Noel; Mollette) A second reading was declared.**

The Clerk gave a **first reading** to an ordinance authorizing the appropriation of \$10,000.00 from Capital Improvement Fund No. 301 into Grounds Maintenance Machinery and Equipment Capital Improvement Line Item No. 301.333.5533 to go towards the purchase of a pick up truck that was totaled in a vehicle accident.

Councilman Albrecht moved this constitute a first reading.

Councilman Mollette, for the record, again asked the Mayor if he has considered a used vehicle. The Mayor, as he stated at the June 8<sup>th</sup> conference session, said that he had.

Councilman Haas noting this was a discussion at the June 8<sup>th</sup> meeting, asked the Mayor if he were purchasing this vehicle and the Mayor responded in the affirmative and again explained that the purchase is a state bid item. Councilman Mollette said, "I was just simply stating as a policy that it is through the state process as far as a new vehicle but one that, I think other people, other citizens out there they always ask the questions of do we buy used vehicles, is it possible to buy a used vehicle". Mr. Mollette continued, reiterating questions he posed at the conference session. The Mayor asked if the administration opted to go with a used truck, if Council would like to pick out the color, the model of the truck and the year. In response to Councilman Albrecht inquiring as to whether or not these vehicles were warranted the same as one that would be purchased by an individual; the Mayor replied that they were. Mr. Albrecht noted that with this purchase we were also receiving maintenance, which we would not receive with the purchase of a used vehicle. The Mayor reiterated the fact that this will be a new vehicle, which actually comes from a dealership with whom the state contracts and, because of their sales volume, they can sell new vehicles at a lower price. The Mayor again noted the fact that cities do get good buys through the state bids. He said he did not know if you could go out and find a decent used truck for the same amount of money or with any kind of a warranty. In response to the Mayor asking the Service Director about the importance of this truck, Mr. Murphy acknowledged that the truck is needed at this time because other trucks are presently down. The Mayor asked Council to consider suspending the rule at the next meeting, if they have no further questions, so the City can move forward with this needed purchase.

There being no further questions or comments the roll was called. **VOTE: ayes 5 (Haas; Noel; Mearan; Malone; Albrecht) – nays 1 (Mollette) A first reading was declared.**

The Clerk gave a **first reading** to an ordinance authorizing the acceptance of a check from Progressive Specialty Insurance Company in the amount of \$2,604.14 for the salvage of a City 1990 pickup into General Fund No. 101.4931 and the appropriation of the same into Grounds Maintenance New Equipment Line Item No. 101.333.5533.

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. #38-09**

The Clerk gave a **first reading** to an ordinance authorizing the vacation of an alley running east-west in the 600 block of Market Street located between 607 and 611 Market Street as requested by Karen Frazier and more fully described in the attached legal description with the City of Portsmouth reserving all easements to this property.

Prior to any motion being made the Solicitor requested Council to consider tabling this ordinance at this time. He advised them that the ordinance calls for a legal description and apologized for it not being attached. He said it was his responsibility and felt it only fair that Council have that description before passing the ordinance.

Following some discussion between Councilman Mearan and the Mayor regarding the location and use of this alley, the Solicitor advised Mr. Mearan that the County Recorder and Engineering Departments require the description be attached.

Following the suggestion of the Solicitor, Councilman Albrecht made a motion to table the ordinance. The roll was called. **VOTE: ayes 6 – nays 0 The ordinance was tabled.**

The Clerk gave a **first reading** to an ordinance authorizing the approval, adoption and enactment of the 2009 replacement pages to the City's Codified Ordinances.

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. #39-09**

The Clerk gave a **first reading** to an ordinance authorizing the acceptance of a check from Sentry Claims Service in the amount of \$1,709,20 for damages to two traffic signs and the handrail to Martha Burton Grant Bridge Park into General Fund No. 101.4931 and the appropriation of same into Grounds Maintenance Insurance Proceeds Line Item No. 101.333.5262.

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. #40-09**

The Clerk gave a **first reading** to an ordinance authorizing the acceptance and appropriation of two charitable contributions in the amounts of \$1,750.00 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.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. #41-09**

The Clerk gave a **first reading** to an ordinance authorizing the intent to apply for grant funds from the U.S. Department of Justice, Bureau of Justice, under the Edward Byrne Memorial Justice Assistance Grant Program and the acceptance of grant funds as received, into Revenue Account No. 215.000.4320 and authorizing the appropriation of same, as received, into Police Payroll Line Item and Police Equipment Line Item, as required by terms and conditions of the grant, for the duration period of the grant.

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. #42-09**

The Clerk gave a **first reading** to an ordinance authorizing reallocation of \$25,000 that was appropriated in the 2009 CIP Budget by reducing Community Development Vehicle Line Item No. 301.661.5232 from \$25,000 to \$17,000 and increasing Community Development Equipment Line Item No. 301.661.5533 from \$0 to \$8,000.

Prior to a motion being made, the Mayor acknowledged this issue to have been discussed in depth at the conference/work session but advised that, if necessary, the Health Commissioner is present to again explain the reason for this ordinance. The Mayor informed Council that there is a payment due on this vehicle and noted there to be some occurrences in the Community Development Department that requires some necessary purchases. The Mayor requested Council to consider suspending the rules on this ordinance.

Councilman Albrecht moved this constitute a first reading.

Councilman Haas felt the rules should be suspended on this ordinance.

Councilman Mollette said, "I guess the only time that I would have as far as just the purchase that would be, I guess, considered, outside City Council has approved it, this would then, prior to, I would ask that this be added to the 2009 State Audit as a checks and balances and see what happens". The Mayor felt the Health Commissioner had explained this matter at the conference meeting but asked her to explain it all again. Mrs. Burton reiterated her previous remarks about having entered into a three-year lease agreement for a vehicle for use in administering an Ohio Department of Health Grant that was anticipated to last for three years, as it has in the past. She again explained that the funding ceased and she was stuck with more years on her lease agreement and with no funds to pay for it. Acknowledging that she has learned a lesson and regardless of past grant experiences, she said she will never enter into a lease agreement again for more than a year at a time. She reported the dealership, from which she leased the vehicle, will not terminate the agreement and, therefore, the contract must be honored. She explained the reason the grant funds ceased was because the state needed to create two other positions at the state level. She noted this meant all Health Departments throughout the state also received a cut in their funding for this particular grant. Mrs. Burton further explained that this particular grant required testing and education that required the employees to drive to various cities and counties throughout the state. With regard to the Health Department's purchase of vehicles, Mrs. Burton said the Health Department submits quarterly reports to the state and the approval comes from the Ohio Department of Health not from City Council; therefore there is no reason for this to have come before Council. She acknowledged that when grant funds are received, they are dispersed through the Auditor's office and Council appropriates these funds to the Health Department in order for them to be used as stated in the grant. In response to the Acting President, for purposes of clarification, inquired as to this vehicle being a part of the grant application when it was submitted, Mrs. Burton stated that it was not but noted that the state allows for a certain amount of the grant funds to be expended for travel, supplies, etc. but there is not a specific amount noted for the purchase of a vehicle but the number of cars you will be leasing is included in the application. Councilman Mollette expressed his appreciation for what the Health Department does and acknowledged that the loss of this particular grant was due to the state of the economy. He felt a better way would be to allow for Council to have prior knowledge that it will be necessary to lease a vehicle and that it would be a part of the grant. He wanted to know if there is a better way to avoid these types of things, saying he likes to learn from mistakes. He noted this to be something that Council has to approve now but did not have approval of the original purchase and again felt it should have been included in the grant so Council would be aware of it. The Auditor inquired of Mrs. Burton, if the funds were available in the year in which this vehicle was acquired. Mrs. Burton replied in the affirmative, noting they would not have signed a lease agreement if it had not been. In response to the Auditor asking if she were aware, at the time the lease was signed, that someone representing the Health Department signed the lease agreement, Mrs. Burton said that both she and the Mayor, as President of the Board of Health, signed the agreement. The Auditor inquired as to whether or not Mrs. Burton was aware of any non-appropriation clause in the lease that specifies if, in the event it is decided that the grant is no longer needed, what happens ultimately to the vehicle. Mrs. Burton stated there to be no such clauses in the agreement. In response, the Auditor requested a copy of the lease agreement. She said the lease agreements were written to the City of Portsmouth because the Health Department is funded through City Council for a certain amount of Health Department activity. She confirmed that the Board of Health did approve the lease/purchase agreement and that the vouchers for the payments were submitted monthly to the Auditor's office. Mrs. Burton confirmed there to be other leased vehicle agreements in her department, which she said were similar to this particular agreement. The Auditor requested copies of every vehicle lease agreement that is being paid by the Health Department, noting that this documentation will be needed to avoid this type of situation in the future. Mrs. Burton acknowledged this ordinance to be the best solution she can conceive for everyone involved with the existing situation. In response to Councilman Mollette asking if the Mayor has the authority to sign such a lease and obligate the City without Council's approval, replied, absolutely. The Mayor asked that if this had come to Council and Council had acknowledged the funds to be there for the lease of a vehicle, then this happened, how would Council resolve it? Councilman Mollette stated, "It looks like the way its being taken care of, we're taking care of an obligation that the City made" and stated his concern to be whether or not the citizens were being represented whenever that obligation was made and whether or not the Mayor had the authority to make that obligation to

the taxpayers and should it have come through Council. To the first question, the Mayor answered “yes” noting that he had full authority, as President of the Board of Health” to sign the lease agreement. With regard to this agreement having to come before City Council, the Mayor replied in the negative. The Auditor concurred with the Mayor, however Councilman Mollette, noting that since Council approves the CIP, salaries or establishment of spending whether it is office supplies or whatever, he questioned not having to approve a purchase made with grant funds. Mrs. Burton, in response, noted Council to accept the grant funds but she, as the Health Commissioner entered and, by the authority of the Board of Health, entered into an agreement with the Ohio Department of Health and that is who oversees how these grant funds are spent and that they are being spent in accordance with the Ohio Department of Health’s criteria. She said she did not believe there to be any other avenue in which this could have been resolved, again noting that at the time of the signing of the agreement the grant funds were available and were promised the funds would be available throughout the remainder of that agreement. She reiterated the fact that they are monitored with regard to their grant funds and they provide the state with quarterly reports as are required. She said that in order to change even the smallest thing in the grant, the Health Department is required to submit a request for a budget revision. She assured everyone that the Ohio Department of Health follows, very closely, all the money that our local Health Department spends. The Auditor noting that most ordinances that he has seen that come through City Council provide for filing an application for a grant, accepting the grant funds as received, authorizing the appropriation of those funds as required by terms and conditions of the grant for the duration period of the grant, said he is now wondering if we should rescind the ordinance that was passed this evening and see if there are any similar conditions. The Auditor admitted that he was being factious because it is obvious that the City takes on certain responsibilities when we enter into grants, otherwise, if we don’t, we are not allowed to apply for grants. He noted that Council has to approve that the City will assume certain liabilities. The Auditor described this as “an unfortunate situation” but he commended the Mayor and the Health Department for coming up with a solution that benefits the entire City and makes good on the financial arrangement. Mr. Williams stated that whenever he is involved with a lease for which he is responsible, such as the Ameresco Project, he said there is generally a non-appropriation clause.

Councilman Albrecht said he would feel better if, perhaps, the Solicitor would take a look at this ordinance to make sure everything Council is doing is correct and inquired as to whether or not the City could just make a payment. The Auditor stated it to be his opinion that there is no issue, noting the Community Development Department needs a car – the Health Department has a car it does not need. He again stated it to not be an issue. The Auditor said he did not know what the alternative to be but noted Council could not pass this and the City could continue to look at the purchase of a \$25,000.00 vehicle that was already approved. He pointed out that the City would then be back to a situation that is not as good for everyone. It was the Auditor’s opinion that we proceed with the plan as presented. Councilman Haas noted this to be a situation where the Health Department had some grant money, purchased a vehicle for one of the employees, lost the grant money and no longer needs the vehicle. In response to asking if this were correct, the Mayor concurred that it was due to the fact that the grant was no longer available. Mr. Haas continued, saying, the Community Development Director needs a vehicle and the Health Department can give them their vehicle with the reallocation of the appropriation of \$25,000.00 to the Community Development Department. In response to Mr. Haas asking the Mayor if this is what this ordinance would do, the Mayor replied that it would. Mr. Haas noted that this would also satisfy the obligation with Glockner’s leasing company. The Acting President pointed out that this would also give the Community Development Department back \$8,000.00. Which the Mayor said is needed by that department due to their recent move at the former Navel Reserve building.

In response to Councilman Albrecht’s request of the Solicitor, Mr. Jones said he would be happy to take a look at the lease and if there is potentially some sort of option to return the vehicle, he felt that would be the City alternative. He further stated that, in terms of this ordinance, he did not see anything improper about the proposals being made. Mr. Jones stated the issue to be “should we go forward and purchase buy off this lease and give it to Community Development or do we look at alternatives of giving the vehicle back”. With regard to the ordinance, the Solicitor said he did not see any problems with the ordinance itself. Councilman Mollette, for clarification, acknowledged he did not support the CIP with regard to the purchase of a vehicle because he did not believe every service needs a brand new vehicle to drive around. He expressed appreciation for “the honesty and coming forward”, saying that would encourage people to “have faith that we are doing things right”. Mr. Mollette deemed this as a learning experience. He stated that all he wanted to do was bring forward how we got into this position and how we avoid doing so in the future. Mrs. Burton, noting that the discussion is about \$17,000.00, said she felt that to be a small price to pay for the services that are provided by the Health Department from a half million dollars of grant money. She said, “If you want services, you have to pay for them” and repeated her earlier remark about \$17,000 being a small price to pay. The acting President felt that the City is not actually paying for the mistake but are....., before he could finish he was interrupted by Mrs. Burton who called this a win,win situation.

Councilman Albrecht, in light of the Solicitor’s answer to his question, withdrew his motion for a first reading and moved to suspend the rule requiring and ordinance be read on three separate dates.

The roll was called. **VOTE: ayes 5 (Haas; Noel; Mearan; Malone; Albrecht) - nays 1 (Mollette)**  
**The rule was suspended.**

Councilman Albrecht made a motion to pass the ordinance.

The Auditor, in response to Councilmen Mollette’s earlier questions, said the economy has brought this situation to hand and how we avoid it in the future is to not accept any more grants. He acknowledged this

to not be “a proper solution” and felt the better solution would be for the City to realize that certain liabilities are incurred when applying for grants in the everyday business of the City.

There being no further questions or comments, the roll was called. **VOTE: ayes 5 (Noel; Mearan; Malone; Albrecht; Haas) – nays 1 (Mollette) The ordinance was passed. ORD. #43-09**

The Clerk gave a **first reading** to an ordinance authorizing Sam Sutherland, Director of Portsmouth Public Utility Department, to apply for, accept, and enter into an Ohio Water Supply Revolving Loan Account with the Ohio Environmental Protection Agency and the Ohio Water Development Authority to construct a high service pump upgrade for Water Treatment Plant Improvements with said funding to be accepted and appropriated as received into Water Works CIP Fund No. 606, and repaid from Water Works Surcharge Fund # 603.

Councilman Albrecht moved this constitute a first reading.

The roll was called. **VOTE: ayes 6 – nays 0 The rule was suspended.**

Councilman Albrecht made a motion to pass the ordinance.

Councilman Mollette read, verbatim, that part of the ordinance relative to stimulus funding and stated he appreciated that.

There being no further comments the roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. #44-09**

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

George Horsley – 1138 Ruhlman Avenue, Executive Director of PMHA, on behalf of PMHA’s board, presented to McKinley Pool a check in the amount of \$1,000.00, representing their support of the cost of admission to the pool.

Prior to the Auditor being excused from the remainder of the meeting, Councilman Mearan also made a presentation of \$1,000.00 to McKinley Pool, saying he would explain later.

Harald Daub – 1221-22<sup>nd</sup> Street, acknowledging Councilman Mearan to “come up with alternatives to taxes”, said he knows it is “tough to come down here – have a couple of attorneys on Council use to making \$100.00 to \$200.00 an hour to come down for \$5.00 an hour”. Mr. Daub continued by questioning why Council did not spend the \$600,000.00 the City received for the sale of the pipe yard, on street paving, noting that with the \$200,000.00 set aside for streets, there would have been a total of \$800,000.00 for streets. He questioned how the \$600,000.00 was expended. Mr. Daub claimed the City Council to own the Marting’s Building and reiterated previously remarks he has made in opposition to this purchase and again questioned why it, along with other City owned property, was not “put up for sale”, saying that money could be used to improve the streets. He related a story with regard to “a little old lady”, who apparently was not aware of the “homestead act”. Mr. Daub criticized City Council for not advertising the criteria for the county’s homestead exemption allowance on the taxes they assess. Referencing the Marting’s Building, Mr. Daub also asserted that “not one effort has been made to sell that building”. He also claimed to know that someone else wanted to purchase the building, prior to it being purchased by the City, but did not want to pay the asking price. Mr. Daub continued by repeating his remarks. Mr. Daub, noting Council to be her “two nights a week” and saying he knows it is “easy to vote for a tax” asked that other options be considered and reiterated his remarks with regard to City-owned properties and his criticisms.

Wayne Nichols – 2018-8<sup>th</sup> Street began by correcting Mr. Daub, saying, Council meets twice a month not twice a week”. Mr. Nichols agreed with most of Mr. Daub’s remarks but disagreed with him including the stadium as a piece of property that should be sold and he believed the City to have applied for a grant to renovate the stadium. With regard to an article in the newspaper concerning the tax rate, Mr. Nichols stated “bond indebtedness” to be what is owed. He noted the City to be “growing” in 1950 but is presently “shrinking” and claimed most businesses to have “vacated”. He further claimed, “ in 1950 the tax per thousand was \$26.00, that doesn’t change”. He also claimed “the property is a lot higher in value than it was in 1950 – thousands and thousands more”. Mr. Nichols stated that the state raised property taxes by 10% without asking the voters. He claimed the state initiated the increase because they felt our taxes were too low and it didn’t matter whether the voters like it or not. Mr. Nichols continued, claiming that in 2008 property taxes were \$68.73 per thousand. Mr. Nichols challenged the Portsmouth Times to put that information in their newspaper. He also claimed the City’s bonded indebtedness to be less “because we are not growing now” but acknowledged “we still owe money”. He expressed his hope that the funds for street paving are found in some other way and not through an increase in property taxes.

Austin Leedom – 1521-5<sup>th</sup> Street, referring to the audience, expressed his appreciation for everyone “on this side of the rail for their diligence and attention and your fairness”. He also complimented the Acting President of Council, David Malone for “his excellent manner and properly conducting a difficult meeting in a dignified way with respect and fair treatment for all”.

Teresa Mollette – 1705 Franklin Blvd. again referred to a “comprehensive plan” “hope and a prayer” and “using our children resources”(sic) “infrastructure” and claimed these to be all the things that need to be “found out” before we continue the type of spending that we are doing. She claimed the Auditor to have made “a very rude remark” when he said “well we may as well not apply for grants”. Mrs. Mollette said the citizens of Portsmouth are not stupid, saying “you apply for a grant, you spend within your means” noting the yearly amount of the grant is known when the application is submitted. However, she did not fault Mrs. Burton for what she (Mrs. Mollette) referred to as an “oversight”, which she claimed to be something that “happens” and further claimed they do “so often with this Council and the Mayor and the Auditor”. She again criticized suspension of the three reading rule and stated the cause to be from not having a “comprehensive plan”. Mrs. Mollette continued berating Council and the Mayor, saying the Mayor had no understanding of a “comprehensive plan” and accused members of Council of having “starry eyed stares that don’t have clue what’s going on”(sic). It was her opinion that these positions need people with “business sense” and she was not sure that anyone to whom she was speaking had that quality. She called the City’s infrastructure as “poor” and “deteriorating”. Referring to Governor Strickland “tightening purse strings”, she said it was because “he knows he’s got to have an end out there, he knows an election is coming up and if he doesn’t have a plan, he aint going to make it”. Mrs. Mollette suggested Council put it on the ballot in November to repeal the ordinance for the 401 debt retirement fund but said she did not feel anyone on Council had the courage to do so, because “there are people out there who are probably smarter than you”. She claimed she was not saying that members of Council were not intelligent but it was because other people have the experience, saying “experience does give you wisdom”.

Jerry Conkel – 2719 Sherman Road reported speeding on his road and inquired as to whether or not the City is using its recently purchased speed sign.

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

##### City Clerk’s Report

1. Received on this date, from the City Auditor’s Office, the following reports for the period ending. 5/31/09:

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

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

Neither the Mayor nor the Acting President had a report.

##### Miscellaneous business from City Council

###### 1<sup>st</sup> Ward

Councilman Mearan said he did not think the City needs to make any excuses for putting a roof on the annex building, noting that to not have done so the building would have deteriorated and fallen down. He said the City is preserving what is there and hopefully it will remain a marketable item. He noted the City to have had a \$2,000,000.00 opportunity on which we turned our backs. He reiterated the fact that the City would have had ½ million dollars for this building and 1.5 million for the Marting’s Building but chose not to proceed. Mr. Mearan said he accepts that decision and noted that it is not that the City officials are not looking at alternatives for this building but the decision was “no” and he expressed his hope that the City has not given up on doing something about a new City building.

With regard to the donations presented to the Auditor for McKinley Pool, Mr. Mearan said he has the pleasure of sitting on the PMHA Board last week when the Board unanimously approved their \$1,000.00 donation. Mr. Mearan stated that he has been entrusted with certain monies left by Leo Vance, who was preceded in death by his wife Alice. Mr. Mearan reported the Vances to have not had any children but loved children and he felt there would be no better use for a \$1,000.00 from his estate than to donate it to the McKinley Pool. He expressed his appreciation for all the good work being done by the pool and hoped they have a good and prosperous summer. He thanked the City; Mr. Murphy, the Service Director for the work he has done in getting the pool ready; and Mr. Preston.

###### 2<sup>nd</sup> Ward

The Acting President had nothing to report from his ward.

###### 3<sup>rd</sup> Ward

Councilman Mollette expressed his appreciation for everyone in attendance and “for being critical of any questions or making comments”. He said he would rather hear from them than for them to just throw up their hands and not being interested in

anything that is going on in City government. He said he feels everybody needs to take part and be involved.

With regard to a comment made about the Marting's Annex roof, Mr. Mollette reiterated his disagreement with the fact that the roof was replaced "without Council approval" and noted that issue has been turned into the State Auditor's Office.

With regard to the City Center and Income Tax Levy, Mr. Mollette called these ideas that have to be sold to the public by having a plan, involving the public and being descriptive about what you want. He said he did not honestly believe people will not participate but felt they are not going to write "a blank check".

Mr. Mollette, in response to remarks about a City Building, said, "again these are issues that isn't all infrastructure, we need to maintain, we have to have an overall view of our census from that standpoint of what else is are we going to be asking the citizens to participate in". He suggested a plan that shows "all the areas that you're going to be asking for resources then they are going to be more available to be encouraged to be a part of it". It was Mr. Mollette's opinion that "City government has failed in the past and just hasn't worked hard enough to come back to have a good communication with a plan in mind to make things happen". Mr. Mollette expressed his hope that in the future we have a five-year plan.

He expressed his appreciation for the community spirit of the people involved in McKinley Pool. He said, "the community is not dead, it's still there, it just, we need to involve it, include them in the plans and make them a part of the City government".

4<sup>th</sup> Ward Councilman Albrecht reported having passed on the concerns of his ward to the appropriate department and been resolved.

Mr. Albrecht complemented Peggy Burton and the Health Department for the "great job" they are doing with the Property Reutilization Program.

5<sup>th</sup> Ward Councilman Haas encouraged anyone in the 5<sup>th</sup> ward to call him with their thoughts regarding street paving.

6<sup>th</sup> Ward Councilman Noel again reported street lights being out along the north end of the Chillicothe overpass.

The Solicitor had nothing to report.

The meeting adjourned at 8:12 p.m., on a motion by Councilman Albrecht.

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City Clerk

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Acting President of Council

