

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**  
Monday, January 25, 2010  
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, January 25, 2010 at 6:00 p.m., in the Council Chambers of the Municipal Building.

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:

Kevin Johnson	1 <sup>st</sup> Ward
David Malone	2 <sup>nd</sup> Ward
Nicholas Basham	3 <sup>rd</sup> Ward
Jerrold Albrecht	4 <sup>th</sup> Ward
John Haas	5 <sup>th</sup> Ward
Richard Noel	6 <sup>th</sup> Ward

Also present were Mayor, Jane Murray; City Solicitor, Michael L. Jones and City Auditor, M. Trent Williams.

Council dispensed with the reading of the Journal for the Organizational Meeting of January 4, 2010, on a motion by Councilman Albrecht.

Councilman Albrecht, in response to notices Council received in their packet, moved to add to the agenda an ordinance to amend the Salary Ordinance to create new positions and to reflect wage increase for the position of Assistant Director of Water.

The motion carried viva voce. The proposed ordinance was added to the agenda as Item “7e”.

Councilman Albrecht moved to add to the agenda an ordinance approving the renewal of the Housing Revolving Loan fund Administration Agreement between the State of Ohio, Department of Development and the City of Portsmouth.

The motion carried viva voce. The proposed ordinance was added to the agenda as Item “7f”

Councilman Albrecht made a motion to add to the agenda a resolution approving the resolution passed on November 18, 2009 by the Board of Trustees of the Portsmouth Public Library.

The motion carried viva voce. The proposed resolution was added to the agenda as item “7g”.

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

Richard Duncan – 109 Judy Lane, Lucasville, Ohio said he would like to address Council with regard to the proposed salary ordinance. Mr. Duncan noted that the Mayor had a press conference on her first day in office where she announced that she had fired, Sam Sutherland, Chris Murphy and himself for, in her words, “gross negligence and mismanagement”. He noted that she also announced that she was going to have Mr. Sutherland investigated for improperly firing Roy Payton and that she had told, TV Station, WSAZ, that the statute of limitations had not expired and she also stated that she was consulting about the union contract with Mr. Payton, who was convicted last year on felony charges involving City property. Mr. Duncan reported the Mayor to have stated that her “probe” showed Mr. Payton to be the victim. He reminded everyone that when he stood at the podium two weeks ago, he advised the Mayor and Council about Mr. Sutherland’s excellent reputation in the State of Ohio and of his extensive experience in his field. He reiterated his opinion that the termination of Mr. Sutherland by the Mayor, based on the recommendation of a convicted felon and in spite of the strong support, for Mr. Sutherland, by the current water plant operators, is a travesty. Mr. Duncan restated his feeling that Mr. Sutherland’s termination should be reversed immediately for the safety of the City’s drinking water and for the sake of common decency. He then expressed his pleasure at learning that the Mayor had “backtracked” on that decision. He said the City is extremely fortunate that Mr. Sutherland agreed to return, saying, “you cannot find a better person in the State of Ohio to run our filtration plant”. Mr. Duncan noted that unfortunately the Mayor has returned Mr. Sutherland with the title of Assistant Director, instead of Director, saying that she apparently wants to use Mr. Sutherland as a pawn to try to justify Mr. Peck’s appointment “as a so called “Commissioner of Engineering and Public Service” and his proposed salary”. Mr. Duncan felt Mr. Sutherland should have his original title and salary restored. He said Mr. Sutherland should not have to work under the direction of an unqualified engineer who, according to the Ohio EPA, is not even qualified to be a Class I operator. With regard to Roy Payton, who Mr. Duncan described as the Mayor’s “union advisor” he reported to have been investigated and arrested by the Scioto County Sheriff’s Office and indicted for burglary, theft in office, tampering with evidence, receiving stolen City property, forgery, theft by deception, communications fraud, conspiracy, engaging in a pattern of corrupt activity, deception to obtain dangerous drugs and for the falsification of prescriptions. Mr. Duncan stated that Mr. Payton pled guilty and is

an admitted felon and is lucky he is not in prison. He questioned why the Mayor would “try her best” to put Mr. Payton in charge of the City’s water system. He asked, “What part of convicted felon does Ms. Murray not understand?”. The President reminded Mr. Duncan respectfully asked Mr. Duncan to not make further personal references. He asked when did Mr. Sutherland and the City of Portsmouth going to receive an apology for this ridicules termination and for these outrages actions that continue to subject the City to EPA fines. Mr. Duncan noted that all the elected officials present at this meeting have been provided with a pitcher of water but only the Mayor has chosen to drink bottled water and he felt this to be a “slap in the face” for the City’s water personnel and an insult to the citizens of Portsmouth. He felt City Council should establish a rule that elected officials present in Council Chambers are not to drink bottle water when City water is available. Mr. Duncan wondered how the City could expect its citizens to have confidence in their City’s water supply when the Mayor does not have the courtesy to drink it at a City Council meeting.

## LEGISLATION

The Clerk gave a **second reading** to an ordinance authorizing a requirement that all contractors working within the City register with the Engineering Department and that during times of a natural disaster the City will request the assistance of the Attorney General’s Office, Contractor Registration Program.

Councilman Albrecht moved this constitute a second reading.

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

The Clerk gave a **second reading** to an ordinance amending chapter 1131 of the Codified Ordinances of the City of Portsmouth, Ohio – Administration, Enforcement and Penalty by repealing Section 1131.07 (d) (1) and (2) – Amendments – Action by Council.

Councilman Albrecht moved this constitute a second reading.

Councilman Haas, as the proponent of the proposed legislation, made a motion to amend the ordinance per the suggestion distributed to members of Council. He noted the proposed amendment would include the following under Section (b) – Public Hearing: “During such two weeks the text or copy of the text of such ordinance for the amendment, supplement or change, together with maps or plans or copies thereof, or referred to in such ordinance, and the maps, plans and reports submitted by the City Planning commission, shall be on file for public inspection in the office of the City Clerk, or a copy of the text of such ordinance and the report of the City Planning Commission may be on file in the office of the City Clerk for public inspection, and such maps or plans may be on file for public inspection in the office of the City Engineer.” Mr. Haas explained that what he basically did was take the current requirements and placed them on City Council for the plans to be made available to the public into the time limits and constraints placed on the Planning Commission. He noted the time to be slightly shorter, saying it to be a two week notice instead of thirty days. He acknowledged suggestions that were made at the last meeting regarding the public having an opportunity to look at the plans and he feels this amendment will remedy that situation. Mr. Haas suggested either amending the proposed ordinance or having it brought back as a clean copy that would include this amendment. Councilman Noel preferred Council be provided with a clean copy that would include the amendment. Councilman Haas, noted this to be a second reading and expressed his hope that by the third reading everyone would be aware of exactly how the ordinance will read. He said he had no problems with starting over, if everyone is not satisfied by the time it receives its third reading. Councilman Johnson asked Mr. Haas if he would walk him through this amendment, saying that it appears, depending on how Council and the Planning Commission feel about it, that there would still be an option to have an additional thirty days for another hearing. Mr. Haas noted the materials will be available to the public for fourteen days and explaining that what is being eliminated is the requirement that City Council repeat the same thing that has already been done by the Planning Commission. Mr. Johnson interpreted the language in the ordinance to have been done as an accommodation to the public because the Planning Commission meets at 1:00 p.m. He stated it to be his understanding that there is not a budget for advertising by Council because the process is seldom used. He said he was trying to figure out what was the impetus saying it was obviously not a financial issue since it has been used so rarely and for the same reason did not feel it to be a time issue. He said he has yet to find any records, over the past couple of years, where Council has held a public hearing with regard to rezoning. In response, Councilman Haas advised that what he is proposing is what has been done for years regardless of what the City code says plus, with Mr. Johnson’s added suggestion regarding the requirement for documents to be made available to the public he felt it should satisfy everyone and they should have an opportunity to see the plans, make comments, submit any petitions they would like to submit and Council will be acting on the recommendation of the Planning Commission and noted this will just cause this process to be done just as it as been done for many years. Councilman Johnson, referring to Section 1107.01, read the procedure identified in this section with regard to submission of plans. Mr. Johnson stated this to be what he was looking for in the recommendation from the Planning Commission. He expressed his hope that Councilman Haas’ amendment will include that so as to meet the requirements of this section. Councilman Haas said his interpretation is that these things would be required. In response to Councilman Johnson, Councilman Haas added to his motion to amend a reference to Section 1107.01 regarding maps and plans. The President expressed his hope that by the next meeting we will have a clean ordinance containing the amendment so Council can review it as amended.

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

There being no discussion on the 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 to amend the Zoning Map of the City of Portsmouth, Ohio, by rezoning all of Parcel Numbers 33-2640.000 and 33-2921.000 generally known as the former McKinley School, Ohio from its current zoning of Residence “A” District to Residence “B” District. This property is more particularly described in the attached Exhibit A.

Prior to a motion being made the Solicitor respectfully recommended this ordinance be tabled for a second reading due to the fact that the Planning Commission has just submitted a report to City Council and probably all the members have not had a chance to review the information. He noted this information to also contain maps and drawings, which is also available to the public. He also noted a public hearing has already been scheduled on this particular ordinance for February 22nd, which will afford the public ample opportunity to speak to the issue. Mr. Jones said he wanted to make sure, from his standpoint, that there is no hidden agenda here to try to rush this through or to try to hide information from the public. He said he wants everyone to know what is happening, saying he felt that to be the intent of the people who are requesting the rezoning. He said he felt by tabling this it will give everyone ample opportunity to express their opinion.

Councilman Noel made a motion to table the ordinance.

The roll was called. **VOTE: ayes 6 – nays 0 The ordinance was tabled until the February 8<sup>th</sup> meeting.**

Councilman Johnson said he wanted to bring up two issues before the ordinance was tabled noting that Mr. Donges, of Tanner and Stone Architects, advised that the building has not been designed so what is being presented to Council is simply a template but not what is actually being proposed. The President advised Mr. Johnson that there can be no further discussion on the item since it is now on the table.

The Clerk gave a **first reading** to an ordinance authorizing Community Workforce Agreements.

Councilman Albrecht moved this constitute a first reading.

Councilman Johnson noted the final “whereas” to indicate that the labor agreements have been successfully utilized on a large number of major public improvement projects and further noted the two examples that had been provided to Council. However he did not believe the one example, showing new construction in the amount of \$50,000.00 and reconstruction improvement in the amount of \$25,000.00 would constitute a major improvement. Mr. Johnson felt that given the 26 requirements listed in the proposed ordinance.....he stopped, saying that in looking this over he is realizing how much administrative staff it would take to provide the information required before reaching first base. He reported having gone on line to research this agreement and noted the projects have been truly major ones. Mr. Johnson noted the Federal guidelines list a minimum for a project to be \$25,000,000.00. Mr. Johnson stated that he has a very major problem with this, saying it tends to eliminate small contractors as well as minorities and women. Acknowledging that members of Council do not have the expertise when it comes to determining the impact this might have on a community and restricting the number of eligible contractors for this type of thing, he said as much as he supports the concept he recognized the fact that this is truly for major projects and in looking at the contractors in our area he had determined that perhaps only two of them would have the staff to fill out the paperwork. He said he did not know how to proceed from here because there is so much that needs to be reviewed.

The Solicitor pointed out that these requirements are to be taken as a whole for the determination of whether or not a project labor agreement is necessary. He noted this gives the Mayor discretion to determine whether or not it’s appropriate in each and every case. Mr. Jones also felt that this encourages the use of local labor in the City of Portsmouth. He noted that to be the intent of this legislation and in his dealings with this particular case he thinks it is a good thing since the City is trying to promote to individuals who work and live in Portsmouth that they are going to be given the opportunity to work for the City of Portsmouth. Mr. Jones stated that he has actually had specific conversations with the Mayor in Canton, Ohio, which, he said, has a much larger metropolitan area than the City of Portsmouth and they have adopted a very similar community workforce agreement. Mr. Jones noted Canton’s thresholds are, in fact, even lower than what is being proposed in this legislation. He reported the response being received by Canton has been extremely positive with regard to the work force and the community at large. He said he understands the concerns that Mr. Johnson has expressed, however one particular piece of information that each person has to provide when bidding on a contract does not necessarily exclude someone. He said this is just a fact that needs to be taken into consideration , noting that just because you may not have that particular qualification doesn’t mean you would not be able to bid, again noting it to just be a fact that can be viewed. Mr. Johnson expressed his appreciation for the explanation, saying he understood that but said if you Google or visit Yahoo and enter “community workforce agreements” you will find that Portland, Oregon and Sacramento, California had to go through a long public process that included meetings with businesses and union leaders as well as the Chamber of Commerce in order to get consensus and “buy-in”. He claimed this to be a major change to how we have been doing business and felt we should hear from the Chamber of Commerce and building trades and what kind of an impact this will have on small contractors. He acknowledged that what is good for Sacramento and Canton may not be good for our City.

The Mayor also expressed some concerns and stated that she discussed them a little with Mr. Johnson and Mr. Jones. She said that specifically they have talked about local contractors and businesses, noting that contractors now have to be licensed with the City so we know they are reputable and can be relied on by the public. The Mayor said her office received numerous contacts today from businesses that were concerned about this legislation. She reiterated that she was going to replace the roof on the City Building with CIP funds and, noting that it has to go out for bid at prevailing wage, she said there is only one contractor in Scioto County who could bid on the project. The Mayor said she has spoken with the director of the Tri State Building and Trades Association out of Ashland, stating that they handle all the project labor agreements in the Tri State area, including Ohio. She said they are more than willing to sit down with the City to review the concepts with regard to where we might have issues. She said the Association will work with the City, businesses and other contractors who called their office and voiced concern about this legislation. She felt this could be made to work for everyone and felt there is time to do that.

Councilman Basham felt this legislation can be tweaked to make it work for Portsmouth. He said he felt anything that is going to reinvest our local tax money back into our economy is definitely something this area needs.

Councilman Johnson made a motion to table the ordinance until a time certain and would like for the Mayor to take the lead in inviting the gentleman from the Tri State Building and Trades Association to meet and at the same time getting local expertise to advise Council on how we can tweak the legislation so it works for Portsmouth. The time certain was stated to be the second meeting in February.

The roll was called. **VOTE: ayes 5 (Haas; Noel; Johnson; Malone Basham) – nays 1 (Albrecht)**  
**The motion carried. The ordinance was tabled until February 22, 2010.**

The Clerk gave a **first reading** to an ordinance to amend the Salary Ordinance as amended by Ordinance No. 63 of 2009, to create positions of Commissioner of Engineering and Public Services and Assistant Director of Wastewater and to reflect a wage increase for the position of Assistant Director of Water to be effective upon passage and to repeal Ordinance No. 63 of 2009.

The Solicitor recommended Council to consider going into an executive session to discuss appointments and compensation for public employees as authorized by Section 121.22 of the Ohio Revised Code.

Councilman Haas, on recommendation of the Solicitor, made a motion to recess into an executive session.

The roll was called. **VOTE: ayes 6 – nays 0** **The meeting recessed into an executive session at 6:44 p.m.**

The meeting reconvened at 8:03 p.m. Roll Call showed all those previously in attendance to be present.

At the request of the President, the City Clerk reread the ordinance to amend the Salary Ordinance.

Councilman Johnson made a motion to amend the ordinance to remove the creation of the position “Commissioner of Engineering and Public Services” in all the places where it appears. Mr. Johnson noted this amendment is being made until such time as the Mayor comes back with information concerning that position.

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

Prior to any other motion being made, the Auditor suggested, with regard to housekeeping connected with this ordinance, that on page 9, something that has been overlooked for sometime, is the rate of pay for the position of “emergency worker” under “Miscellaneous” on page nine. Mr. Williams noted the amount needed to reflect the actual minimum wage of \$7:30 per. hour.

Councilman Johnson moved to further amend the ordinance as suggested by the Auditor.

The roll was called. **VOTE: ayes 6 – nays 0** **The ordinance was further amended.**

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

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

Councilman Johnson made a motion to pass the amended ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 5 (Haas; Noel; Johnson; Malone; Basham) – nays 1 (Albrecht)** **The ordinance was passed. ORD. #05-10**

The Clerk gave a **first reading** to a resolution to approve the resolution passed on November 18<sup>th</sup>, 2009 by the Board of Trustees of the Portsmouth Public Library petitioning the State Library Board of Ohio to change its status from a municipal library to a county district library to be named The Portsmouth Public Library.

Councilman Albrecht made a motion to adopt the resolution.

Councilman Johnson asked the Solicitor if this ordinance had any financial effect on the City or in any other way. The Solicitor responded in the negative and advised that this will allow them to change their own board procedures. In response to Mr. Johnson stating that he understands that they cannot do so until this resolution has been adopted. The Solicitor confirmed that to be correct and this just basically adopts the Library Board. Mr. Johnson, noted this to have been requested last November and questioned why the City was just now getting around to doing it. He also inquired as to whether or not the suspension of the rules were in order, noting this to be a procedural change that they need to move forward expeditiously he made a motion to suspend the rule. The Solicitor advised Mr. Johnson that this is a resolution and Councilman Albrecht has already made a motion to adopt. Mr. Johnson stood corrected.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 The resolution was adopted. RES. #02-10**

The Clerk gave a **first reading** to an ordinance to approve the renewal of the Housing Revolving Loan Fund Administration Agreement between the State of Ohio, Department of Development and the City of Portsmouth effective beginning January 1, 2010 and terminating December 31, 2012.

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. #06-10**

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

Harald Daub – 1221-22<sup>nd</sup> Street reiterated previous remarks he has made with regard to holding Council meetings in a larger room, saying this is not fair to the fifteen plus people who have to stand in the hall. He claimed Council is only allowing “6% of the total population of Portsmouth” (sic) to attend these meetings by following the fire code. He called this a shame. He claimed the President of Council to have the authority to move the meetings and questioned why it was not being done. He also complained about the heat in the room, saying it is “unpleasant” and claimed Council to be making it “unpleasant for the citizens for the last six years”. Mr. Daub continued saying it was wrong and again accusing Council of discouraging people from taking part in their government.

Mr. Daub expressed his objections to the former Mayor expending \$50,000.00 for a roof on the Marting’s Annex building. “without approval” but are not willing to pay a couple thousand dollars for the new Mayor to “clean up” her office. He also claimed, “in a time, when the City is in a deficit, and no one should know better than an Auditor, he sneaks his office in a new vehicle for the Auditor’s Office”. Mr. Daub claimed this vehicle to be an SUV and questioned why it was needed by the Auditor’s Office. He said he wished the Council would take the time to line up the City’s vehicles and look at what we have for this small city. He claimed each department to have vehicles and felt it to be time for the City to “tighten their belt”. He also claimed the City’s cell phone bill to run between \$1,000 and \$1,500 dollars a month and felt it was the duty of the legislative department to investigate this cost. He further claimed that “big corporations” don’t have telephone bills that high.

Mike Malone – 1731 Robinson Avenue noted that last week the Chief of Police entertained some guests in the City but the meeting could not be held at the City Building because there was no decent place in the building where they could be hosted. Mr. Malone stated that he thought the Police Department was suppose to have been moved to the former Juvenile Detention Center and questioned what happened to this idea. He claimed City Council had said they were going to do something with it and felt that to be their “function”. Mr. Malone stated that the part of this building where the police department is located seems to be “falling in”. He also questioned what ever happened to the Marting’s Building. He felt City Council to have taken on several projects but never carried through on any of them and he was questioning what happened. Mr. Malone inquired about these properties because he said they are sitting idle and could be used.

Mr. Malone also inquired as to Council addressing the overflow crowd at these meetings.

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

The City Clerk had no report.

### Mayor's Report

1. The Mayor reported the Auditor to have reported to her that he should have all the tabulations completed this week with regard to where the City stands financially at the end of 2009. She said as soon as she has that information documents will be made available for review.
2. With regard to the 2010 proposed budget, the Mayor noted that on page 2 of that document the previous administration had a "planned" 2.25 million dollar operating deficit in the General Fund. The Mayor acknowledged there to be a lot of serious issues to be discussed. She said she would be bringing forth documents to explain where we are in each fund.
3. The Mayor stated that she plans on bringing to Council at "a conference report" but felt Council might want to entertain a committee meeting so she can actually present ideas and have discussion with the public about all the various properties that the City owns. She said a determination needs to be made about which of those properties need to be advertised for sale. She said she has had a conversation with the judges about the police locating in a different building, which she said seemed like a very reasonable solution to a lot of problems, however, she said, "the Judges have made it very clear that they do not want to be separated from the police department. She felt a different scenario needs to be planned, noting there is more involved than one department and how it functions. She reported to Council that citizens have approached her to say they are interested in purchasing strips of City property that is located adjacent to their properties. She said she would leave this up to Council but again suggested there be a "committee situation" so there can be "real" discussion with the public.

Councilman Albrecht made a motion to receive, file and make the Mayor's report a part of the record.

Prior to a vote the Mayor interrupted to advise that she had forgotten an item. She claimed there to have been numerous accidents in the area of 11<sup>th</sup> and 12<sup>th</sup> Streets and is expecting a report on those tomorrow, which, she said, she would share with Council. She said this increase in accidents and problems for residents and businesses has caused her to reinstall the traffic lights that were previously removed. She listed the locations where the lights will be reinstalled and explained the sequence that will be put in place prior to the signals actually being activated. She said the police department has been "fully notified" and she felt everyone else has also been notified.

In response to the President asking if ODOT had been notified and approved of this action, the Mayor replied, "Yes, ODOT knew that we were going to put some back in function". She continued, saying, "As a matter of fact New Boston is also trying to put some back in function but I will say that we are looking at acquiring a new synchronization system that is worked digitally so that the main thing is that we have flow at a moderate speed because we have problems even as Mr. Johnson and I have discussed on US 23 where all the lights have been taken down. The residents trying to get out of their parking lots there, trying to back on to US 23 on Scioto Trail, pulling out from side streets those who live there, we have some serious issues of safety and convenience for the neighbors but in this area in particular, we are going to look at a digital system that will allow us to more precisely control synchronization, keep the flow going steadily but at a calm level then everyone can access the road so, yes, we're working towards that – we'll bring that forward in the Capital Plan, the Capital Improvements Budget". With regard to the lights, Councilman Haas asked if this was taken to the Traffic Committee. The Mayor stated that it had not and that this was a recommendation that she made to the department based on the comments and complaints, even from the Police Department, who, she said indicated a particular problem at Findlay and Clay Streets. With regard to the Traffic Committee, the Mayor said, "Actually that committee, I think there are issues, because that committee doesn't have the advice of traffic engineers and people who have actually done these kinds of studies, so I want to avail them of that". She noted this to be something that she and the President of the University have discussed, which is to bring in a consulting traffic engineer to help our "traffic calming problems" that we have in the City. The President said he felt it would not be wise of the City to not allow the committees to function. Noting that some members may not have an engineering background the President pointed out the fact that there are individuals who serve on that committee that can get the information that is needed. He said he knew that his appointee, a former police officer, is aware of all the issues that could be addressed. He did not feel that we should ask people to serve on these committees and then overlook them. In response the Mayor said she agreed with him but felt the issue becomes one "of having proper support for that committee" and this is something that she, Mr. Peck and Mr. Beaumont have been discussing. The Mayor stated that at a presentation she made at one of the committee's meetings, at one point the committee did not know the difference between a state maintained route and a local street. She noted there to be differences, saying, "Local government has total control of its local streets", therefore she felt they do need more technical support and advise and said, "we want to provide that so they can function better in the future". The President asked if we could provide that information before we actually make decisions and then say "okay, this is what we done and this is why we done it" without giving them the opportunity to agree. The Mayor responded by stating that some "very capricious decisions" have been made by this committee and provided an example of a decision that was made with regard to people who have had difficulty in their neighborhoods, particularly on Grandview Avenue, who claim the traffic is so fast and the street is being used as a "cut through" between U.S. 52 and 23. She claimed this to be known as

certain. She further claimed that people “cannot even back out of their driveways” and called it “a major safety problem for people so they are denied stop signs yet a four-way stop is put on a street where it has barely any traffic”. She said, “the decisions need to be more systematic” and that is why she feels the need to provide more technical assistance to these committees and stated that is what she intends to do.

Councilman Basham stated that since he has been back in Portsmouth there has always been, from the public, this problem of lack of transparency. He noted that on one hand we need to use these committees but then when it’s a quick decision that’s being made – we don’t need to use these committees. He said that he thought that in order to have transparency of our government, we need to use these committees, saying if we need to educate them then let’s do so but to have a transparent government, which people have complained about for years, then that is something we need to do and not bypass them. The Mayor said she agreed with Mr. Basham and noted that there were members of Council who repeatedly asked for public meetings following the traffic study that recommended the removal of traffic lights and further noted that to not have occurred. She stated that to her knowledge this did not go through the Traffic Committee when the lights were removed. She said she read the study more than a year ago and that the option of taking the lights out of service was way down on the list of options, which included better synchronization and is the reason why she wants to go to that. Councilman Basham, saying he can only speak from his tenure on Council now and cannot take responsibility for things that occurred before he was in office. He clarified that what he is saying is that from this point forward he would like to see more transparency and that we use the tools we have in place. The Mayor again agreed with Mr. Basham, saying she has spoken about these issues and therefore has been “rather transparent” for about a year and a half.

Councilman Haas, stating it to be his understanding that the Traffic Committee is there to make decisions after they are informed, asked the Mayor if there was anything stopping her from having someone come in and educate them as to why the lights are or are not needed. Mr. Haas also inquired as to the cost of the new traffic lights that will be used with a new digital system and asked if this is something that should be approved by Council. The Mayor advised that the lights are not new but are instead the ones that had previously been removed. In response to Mr. Haas asking if they were digital before being previously removed, the Mayor said they were not. Mr. Peck, from his position behind the Mayor, advised that the lights themselves were digital but there was no synchronization. He explained that at present the lights are basically on timers and noted them to occasionally “get out of whack” just like clocks. Mr. Peck stated that they were waiting for something in the CIP that will allow for getting the lights synchronized so they function as a whole rather than each one of them functioning independently. In response to Councilman Haas asking if the CIP is something Council is going to see before these lights are fully activated, the Mayor stated that she will be bringing the CIP budget to Council in February and reiterated her earlier remarks with regard to the lights and synchronization and said she was even going to be working on issues concerning traffic that does not stay on the truck routes. She reported there to be “significant problems” with the truckers wanting to use the downtown as a shortcut to the bridge to Kentucky. She advised Council that a whole program needs to be put together that primarily involved signage.

Councilman Johnson agreed with the consensus that the recommendation to remove the lights was by the former Mayor and noted that the Traffic Committee to be one of the few committees that he has seen that provides Council with minutes on a regular basis. He said he is able to see what they are doing should he have any questions. He said he disagrees with the concept that stop signs are not a traffic flowing mechanism because he felt that they certainly do slow traffic. He said he was delighted to read in their minutes that they are looking at addressing the speed on Scioto Trail. He noted a notice in the paper regarding the Cultural Affairs Committee and distribution of the hotel/motel tax and further noted that he has not seen their minutes or has he seen any other committee minutes except Traffic Committee. Mr. Johnson then acknowledged that he did receive the Planning Commission’s minutes today. The Clerk advised Mr. Johnson that the Cultural Affairs Committee only meet once a year and that meeting has not yet occurred. Mr. Johnson continued commenting with regard to various committees and their meeting record and acknowledging that he did not know why there is inconsistency.

Councilman Noel advised that he attended the Traffic Committee along with about 15 to 20 other people with regard to the discontinuation of the traffic light on Walnut Street. Mr. Noel reported there to have been a fatality at that intersection and near fatalities “all up and down through there”. He said, since being on Council, he has practically begged to have that light reactivated, saying “I understand it was turned off for spite back in a previous administrations(sic)”. He said he tried his best, with the immediate previous administration, following the Traffic Committee Meeting, and was told that as long as he was Mayor that light would never be reactivated. He said the owner of the Warf was present at the Traffic Committee Meeting and tried to get the signal reactivated. Mr. Noel said he felt it to be a disgrace when there are “people being killed and nearly killed when we can slow traffic down”. He claimed traffic in that area to be going 50 to 70 mph. He further stated that when these committees are completely controlled by the Mayor and the Mayor doesn’t want to do something that (*not discernible*) did anyhow. Mr. Noel said he was thankful to have a Mayor that listens to complaints, saying she visited that neighborhood and talked to people with whom he had previously spoken.

All discussion being complete the motion to receive, file and make the Mayor’s report a part of the record carried.

The President had nothing to report.

Miscellaneous business from City Council:

6<sup>th</sup> Ward

Councilman Noel thanked Mr. Beaumont for coming out on a Sunday night to address a situation that is a continuing problem in the Milldale/Dunlop area.. He said he is thankful we have an engineer now that will try to correct the problem. He said it was suppose to have been corrected under the other administration and there was time to do it sine the last flooding. Mr. Noel reported a road to have washed out with thousands of damage being done to it because of neglect.

Bill Beaumont, who was present, extended his thanks to the street crew who responded to the problem.

5<sup>th</sup> Ward

Councilman Haas, noting there to have been some questions at the last meeting regarding traffic issues on Sandstone and Old Post, advised that after some research he learned that the “watch for children” signs are not legal because children were taking that as a message that they could play in the street.

He reported having received a letter from Ohio EPA dated January 19<sup>th</sup> and addressed to the Mayor’s Office, regarding the City’s noncompliance at he water and waste water facilities. He reported the letter to indicate that it was copied to members of City Council and stated that the Mayor’s Office was to call a gentleman at the Ohio EPA, within three days of receipt of the letter, in order to schedule a meeting in the office of the EPA in order to discuss the continuing noncompliance and to determine an acceptable strategy for the City of Portsmouth to return to compliance. Mr. Haas inquired as to whether or not that meeting has been scheduled and if so, asked that the Mayor be kind enough to invite members of City Council, who might chose to do so, to attend that meeting. In response, the Solicitor said he has been in contract with the EPA on almost a daily basis. He said, “we are working diligently to make sure that we (*not discernible*) compliance”. He also stated that he has been in contact with Mr. Peck as well and they are making sure that the City is in compliance with all state regulations with the EPA and we are moving forward in that direction. He assured Council that from his standpoint he is doing everything he can and he will encourage everyone else to do what they can to make sure we get in compliance. Councilman Haas asked if a meeting has been scheduled per the letter, to which the Solicitor stated that he had no specific knowledge of a meeting but assured Mr. Haas that any meeting that needs to be scheduled will be taken care of and further advised that members of Council will be more than welcome to attend, saying he knew of no reason why they could not be present.

4<sup>th</sup> Ward

Councilman Albrecht reported the complaints from the residents of his ward have been passed on to the appropriate department head and have been addressed.

3<sup>rd</sup> Ward

Councilman Basham concurred with Mr. Daub with regard to the seating overflow and felt Mr. Daub to make a great case for the building being inadequate. He expressed his hope that a plan can be put together to get this problem resolved.

Mr. Basham said he really wants to see some leadership in the cost reduction of the possible 2.2 million dollar deficit.

He noted that while riding around in his ward he noticed several potholes had been patched and expressed his appreciation to those who did the work, saying it made driving a little easier.

Mr. Basham asked the Solicitor to make sure Council is informed when a meeting with EPA has been scheduled.

2<sup>nd</sup> Ward

The President had nothing to report from his ward.

1<sup>st</sup> Ward

Councilman Johnson thanked the audience for their patience this evening and thanked Mr. Peck and Mr. Beaumont for discussing an issue with him that exists at 24<sup>th</sup> and Richardson regarding a barricaded road that has been that way for some time and causing a problem.

Mr. Johnson congratulated Portsmouth’s Sister City Committee, members of which are going to go the Zittau, Germany with a side trip to Berlin. He announced that the trip would begin on May 5<sup>th</sup> with, to date, twenty people planning on attending. He encouraged others to sign up to make it more interesting.

Neither the Solicitor nor the Auditor had anything to report.

The meeting adjourned at approximately 9:55 p.m.

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City Clerk

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President of Council