

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday, March 8, 2010

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, March 8, 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 st Ward
David Malone	2 nd Ward
Nicholas Basham	3 rd Ward
Jerrold Albrecht	4 th Ward
John Haas	5 th Ward
Richard Noel	6 th Ward

Also present were Mayor Jane Murray and City Solicitor, Michael L. Jones.

Council dispensed with the reading of the Journal for the regular session of February 11, 2010, on a motion by Councilman Albrecht.

Councilman Basham made a motion to add to the agenda a resolution supporting the Ohio Valley Regional Development Commission's support of the Portsmouth Gaseous Diffusions Plant's decontamination efforts and that the planned use of the land be brought to industrial/nuclear standards and maintain key industrial infrastructures thus creating thousands of family wage career building jobs in the OVRDC region.

The motion carried. The resolution was added to the agenda as Item "7c".

STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA

Mark Johnson, representing the Tri-State Building and Construction Trades Council, said he is a native of Scioto County and stated that Portsmouth was "quite special" to him. Mr. Johnson advised Council that the Tri-State Building Trades represents about 25,000 construction workers in the tri-state area. He further advised that their council has jurisdiction in thirty-three counties in three states with ten of those counties being in Ohio. He acknowledged the fact that the country is in a "big recession" and, as a result, construction has taken a "big hit". Mr. Johnson further acknowledged that there are some very good local labor unions in this town and thanked Council for considering the legislation regarding the Community Workforce Agreements. He noted that under "normal times" out-of-town contractors are hired from time to time and sometime even bring their own workforce with them. He said the main thing about the Workforce Agreement is that it does not discriminate against any contractors regardless of whether or not they are unionized. He also noted there to be no discrimination against the contractor's employees. Mr. Johnson stated his understanding of this ordinance is that it just gives the City the right to enter into negotiating for one of these agreements, which he noted to be similar to what was done by the Scioto County Commissioners. He felt the main thing to be that what is normal is for 75% to 80% of the workers, doing the job, come from this local area, noting the local area could be whatever Council decided it is to be. He acknowledged this would be something that will be negotiated when everyone sits down to talk. Mr. Johnson encouraged members of Council to consider supporting this legislation, citing several instances where local people have lost their jobs. He said he understood that the City did not have a lot of money or any future projects of any size scheduled but asked that when and if they do, they would like for their people to do the work.

Stan Craft (no address given) said he has lived all his life in the City of Portsmouth and was proud that Council was giving consideration to this legislation and expressed his appreciation of this action.

Mike Malone – 1731 Robinson Avenue said he had consulted with several of his colleagues at the Carpenters' Local, who all agree that the legislation is good. He noted there to be a lot of carpenters out of work in this community and felt they would benefit from this agreement. On behalf of the Carpenters' Local, Mr. Malone asked for the support of all members of Council.

Wayne Nichols – 1829 High Street said he was in favor of "union jobs as long as our government buildings or if its government money that's in private buildings, that's fine as long as you don't strap the individual home owners out there with union labor". Mr. Nichols felt that if the home owner can afford the union labor that would be fine, noting that he could not afford this kind of labor.

Austin Keyser – 1129-28th Street, representing the electrician's local (IBEW) here in Portsmouth, said his local has a lot of unemployed workers and apprentices and acknowledged this legislation means a lot to the people of this community. Mr. Keyser said this will make sure we keep local jobs for local people. He again thanked everyone and recognized Councilman Haas for introducing the legislation.

The Clerk gave a **third reading** to an ordinance authorizing the Mayor of the City of Portsmouth, Ohio to enter into an agreement with Strategic Funding Group, Inc. of Lexington, KY for the purposes of providing strategic grants counsel services, funding research services and grant proposed development and writing services. Aid contract shall not exceed the sum of \$25,000.

Councilman Noel made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 3 (Johnson; Malone; Noel) – nays 3 (Basham; Albrecht; Haas) The motion failed due to a lack of four affirmative votes.**

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

Vice President Haas made a motion to amend the ordinance by changing the amounts in Section I (a) “Definitions” (1) A and B, from ”\$25,000.00” to “\$100,000.00”.

Mr. Haas explained his proposed change came about due to what he felt were some legitimate questions raised by Councilman Johnson regarding the thresholds being too low. Mr. Haas felt this amendment would “bump it up” so that smaller projects contractors won’t be required to fulfill all the obligations in the legislation. Councilman Johnson thanked Mr. Haas for introducing the amendment, acknowledging the level to not go as far as he wants but felt it to be a great compromise. He expressed his appreciation for the Solicitor and the Mayor conferring on this matter and helping to resolve any issues to everyone’s advantage.

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

Vice President Haas 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. #12-10**

The Clerk gave a **first reading** to a resolution supporting the Ohio Valley Regional Development Commission (OVRDC) support of 1)the Decommissioning and Decontamination (D&D) of the Portsmouth Gaseous Diffusion Plant at Piketon; 2) that the GDP site be improved for industrial and nuclear end use; 3)of an Energy Park initiative on site; and 4) that the Decommissioning and Decontamination of the GDP site continue and the end use of the land be brought to industrial/nuclear standards and maintain key industrial infrastructures thus creating thousands of family wage career building jobs in the OVRDC region.

Vice President Haas made a motion to adopt the resolution.

Councilman Johnson made a motion to amend the resolution by including the Mayor’s support of the OVRDC’s support of the Portsmouth Gaseous Diffusion Plant’s plans for the GDP’s site.

Councilman Basham expressed his personal opinion that the Mayor had a chance to vote for this and he felt this to be Council’s chance to pass this resolution.

Councilman Johnson said he has had a chance to talk with the Mayor about her vote and he understands mostly what was going on in her mind when she voted. He noted that following the meeting she e-mailed Council and apologized for her vote and asked to work with Council. Mr. Johnson stated that under the circumstances he wants to, especially with such an important public document, make sure that the public understands that the administration and Council support this. Councilman Noel agreed with Mr. Johnson and voiced his support of the resolution with the amendment but not without it.

There being no further questions or comments the roll was called. **VOTE: ayes 5 (Albrecht; Haas; Noel; Johnson; Malone) – nays 1 (Basham) The motion carried. The resolution was amended.**

There being no further comments on the motion for adoption of the resolution the roll was called. **VOTE: ayes 6 – nays 0 The resolution was adopted.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Jeffery Sea, with Southern Ohio Neighbors Group, which he described as being a “public interest group based in Pike County” that covers the whole area and who work especially on issues related to the Piketon Federal Site. He said he came here tonight because he read in the Portsmouth Daily Times that Council might be considering passing a resolution.....The President interrupted Mr. Sea at this point to advise him that he was speaking on an item that was on the agenda and has been passed by Council. In response to Mr. Sea stating that he did not see the legislation on the printed agenda, the President advised him that it had been added tonight. When Mr. Sea supposed that he could not then speak on the item, the President advised him that to be the normal process and that this part of the meeting is reserved for remarks on items not on the agenda. When Mr. Sea asked if he could make a point, the President deferred to Council. Councilman Johnson said he felt that part of this is Council’s part because word was not made public that the resolution was to be considered and the fact that there is a crowd in the lobby that could not hear when it was introduced to be

put on the agenda. The President expressed his appreciation for Mr. Johnson’s remarks but noted that the resolution has already been adopted and there is no point in debating it further. Councilman concurred with the President, however, Mr. Sea said he wanted to make a point to clear up the confusion that was in the newspaper and he felt it might be of interest to the public as well as to Council. He said his intent is not to speak for or against the resolution. The President allowed Mr. Sea to make his one point. Mr. Sea advised there to be a site specific advisory board at Piketon that deals with site issues and noted there to be residents from Scioto County who serve on that board. He further advised that this same issue came up at their meeting on Thursday night. Mr. Seas accused the newspaper of creating confusion about nuclear standards that was mentioned in the resolution. He claimed that to be a “hold over confusion from 2006” when, he said, there was a plan to store radio active waste – high level nuclear waste – at the Piketon site. Mr. Sea stated that at that time there was discussion with the Department of Energy and his group was involved in those discussions about not cleaning up the site to industrial standards to allow that nuclear waste to come in and that it would only be cleaned up to nuclear standards,. Mr. Sea said that is where that distinction originated. He reported that plan to have been defeated and that there is no current consideration of that plan and because of that no one is talking anymore about cleaning up the site to nuclear standards, saying “it doesn’t even make any sense”. He noted that Ohio EPA is enforcing a requirement that they clean up the site to general industrial standards. Mr. Sea said, “I think the reporters for the papers got that wrong and that generated other debate”, which he said he just wanted to make that clear.

Eileen Perry – 1410-16th Street noted there to have been a letter to the editor in the newspaper within the last couple of weeks and that she has had conversations with people who have commented. She continued by saying to Council that they represent the public who elected them and asked that everyone work together and to stop fighting with the Mayor. Ms. Perry claimed the Mayor to have “worked hard for these things”. She claimed there to be four members of Council who seem like they don’t want to work with her for some reason. Ms. Perry also felt the traffic lights needed to be reactivated and intimated that a bad accident that occurred on Rt. 52 near Giovanni’s, just before Christmas, was the result of the traffic lights having been removed.

Wayne Nichols – 1829 High Street also supported the traffic lights being reactivated and claimed three accidents at Clay and 11th Street to have been the result of the lights having been removed. As he has done previously, he also claimed a fatality on Findlay Street to also be the result of the lights having been removed and further claimed that someone was not keeping correct statistics.

Miscellaneous business and reports:

City Clerk’s Report

1. Received on March 5, 2010 a copy of the final Amended Official Certificate of Estimated Resources for the fiscal year beginning 1/1/09 and the most recent Amended Official Certificate of Estimated Resources for the fiscal year beginning 1/1/10, as revised by the Office of the Budget Commission of Scioto County.

**CITY CLERK’S ANNUAL REPORT
For year 2009
Pursuant to Section 7 of the City Charter**

Regular Meetings	24
Conference Sessions	20
Special Meetings	<u>1</u>
Total Meetings	45
 Executive Sessions	 0
 Public Hearings	 1
 Ordinances Passed	 74
Resolution Adopted	14
 Additions to the Agenda	 7
 Appointments by Council	 6
 Oaths of Office	 19
 <u>Ohio Dept. of Liquor Control</u>	
Notice of permit transfer	3
Requests for a new permit	2
Notice of stock transfer	1

Citizens Addressing Council

Items on the agenda	71
Items not on the agenda	118

The 189 remarks made at Council Meetings represents 44 residents or employees of the City and 1 non- resident.

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

Mayor's Report

1. Noting several members of the public to have spoken about the traffic lights, the Mayor advised that she has given the report from two conversations with ODOT to members of Council and that it was also distributed at public meetings that took place last Thursday, at the library. She stated that basically the State has agreed with the plan that was put forward with regard to synchronization of the traffic lights. She said the Traffic Committee will be sharing the full report tomorrow, which will be presented by Mr. Peck. She further stated that ODOT has indicated, in that report, that because she is actually proposing the changes that their study wanted to see, which is the synchronization and that the other measures she has mentioned will in fact mean that the City will be eligible for some funding. She said she would be soliciting for some of the work to do that and further noted that New Boston will be included in that request. She encouraged attendance at tomorrow's meeting and said she would make sure the report is posted on the City's website tomorrow.
2. The Mayor said she also wanted to provide to Council information they have requested with regard to the appropriation that has been made to the United States Senator's Fund, which is being given consideration at the current session of congress for 2011 appropriations.
3. The Mayor said she also has a flood defense report for Council and the media. She reported Mr. Peck to have been meeting with the Corps of Engineers and public meetings are planned for April that will be announced. She said the City's flood defense requirements will be discussed at these meetings as well as a new flood zone mapping that is being required by the federal government and which will affect flood insurance for people in the county. She stated the only area, at the present, that appears will be affected is in the area of Munns Run, which will be receiving "new mapping" under the flood protection and the flood insurance program. She claimed that other areas that will be affected are in the county. She said she will make sure that Council, the public and the media will be made aware of the meeting when it occurs in April.
4. The Mayor stated that she is putting together something that will actually be launched in the next couple of weeks. She described this as being a massive campaign to clean up, fix up and beautify our city. She encouraged everyone to be involved through various organizations and groups and told the labor unions that their help is wanted. She felt it was time to say "enough is enough" and do what we can. She explained how the blocks will be organized with help from those who are home owners in these neighborhoods, how streets would be blocked and, through the Scioto/Lawrence Recycling Program, equipment will be provided. She said the "probation officers" will "loan" probation workers, which will involve going to schools and getting the children excited about cleaning up our city. The Mayor stated that a lot of this will be taken on through donations but there will also be "funding coming from various departments". She said as the project goes forward more information will be available as to how the public can become involved.

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

President's Report

1. The President, with regard to the Mayor's report concerning the traffic lights and the agreement with ODOT, stated that he too attended the meeting at the library, where Mr. Peck shared some ideas on things that have been presented by the Mayor's office, however it did not really address the issue of the ordinance that was passed by Council. He acknowledged that Council had received in their packets the copy of the special traffic committee's meeting. The President stated it to be his understanding that the Traffic Committee is a committee appointed by Council and he felt that when the Council has requested the Traffic Committee or any committee to perform and provide Council with information that process should be allowed to proceed and Council should receive a report. He said he had no qualms about the Mayor's report and the things she wants to do but felt, as a person of principal, that protocol and procedures should be followed. The President said he did not feel the Traffic Committee was allowed to function as Council had requested them to do because of some mandates and administrative orders that were given to the Traffic Committee by the Mayor.

He said he has not talked with the Chief of Police or to Mr. Peck but if the Chief of Police could not function as a member of the Traffic Committee then what is the purpose of having a Traffic Committee. For clarification, the President inquired as to where the City stands with regard to the ordinance they passed and asked the Solicitor to respond during his report this evening. He said if there is something further that Council needs to do to move forward with regard to the traffic lights and the need to have the recommendation of the Traffic Committee that was requested by Council.

2. The President also advised the Mayor that he is publicly requesting the Mayor to resolve an issue that he has attempted to bring to her attention on several occasions. He said he received a call this afternoon from a gentleman and if she can do nothing else, at least give the man a call and inquired as to what harm it would do for the Mayor to sit down with the gentleman and discuss his problem.
3. He reminded the Mayor that he had provided her with a letter of concerns and while some of them have been addressed, others were not addressed. He asked the Mayor to refer to the letter and to please reply with some clarification regarding these matters.
4. The President announced that the Ohio Rehabilitation Services Commission is requesting the honor of the Council and constituent's presence at the Ohio Rehabilitation Services Commission Café Conversations that will be held in Portsmouth. He said the RSC is a state agency charged with partnering with Ohioans with disabilities to achieve quality employment and independence. He said the purpose of these meetings is to acquire meaningful feedback for prioritizing and planning future services for Ohio citizens with disabilities. The President advised the meeting will be held on Wednesday, March 31st from 1:00 until 3:00 p.m. at the Friends Community Center and invited anyone with interest to attend.

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

Miscellaneous business from City Council:

1st Ward

Councilman Johnson reminded everyone of the upcoming Seventh Nation Celtic Club's annual St. Patrick's Day Parade.

With regard to the Traffic Committee, Mr. Johnson expressed his concern about how that turned out but noted it to be for different reasons. He said he would have approached this differently than the Mayor but he understands some of the actions that she took. He said it could have become a critical issue as opposed to an administrative issue had it proceeded along the way it had been planned. He noted that, in any case, ODOT indicated that would not, under any circumstances, come here to testify. Mr. Johnson said that was not an option and the Chief knew that. He said in the meeting in which he participated, ODOT had advised that the City could come to them and acknowledged that the Mayor, along with Mr. Peck, has done that. Mr. Johnson felt there should be plenty of records available to the Traffic Committee of any correspondence that occurred between the then Mayor and anyone else regarding the traffic lights. Mr. Johnson said ODOT indicated that the City was already in violation under the previous Mayor, saying it is not that the current government has put themselves in violation. Mr. Johnson continued saying, based on information from the Mayor, there were options. He expressed his concern about the Traffic Committee adjourning without listening to Mr. Peck and felt the fact that the Chief of Police did not get to pursue his agenda was not a reason for the Traffic Committee to not remain and listen to Mr. Peck and receive the information he had. Mr. Johnson felt this issue might need to be kicked up to the federal level, saying most of this problem to be that we are about one of the last remaining cities of our size to have two state highways going through it and essentially tying up the whole downtown. He also felt the federal government does not distinguish with regard to a city's size. Mr. Johnson suggested to the Mayor that perhaps the City might want to enlist the assistance of our local members of congress to have the National Transportation Department look at the study and amend it if necessary. Noting that several meetings ago Councilman Haas had requested that the Mayor not surprise Council and to use the Mayor's conference agenda for legislation she would like to be considered agreed with Mr. Haas and felt Council should practice the same. Mr. Johnson's five-minute time limit having expired he requested and was allowed additional time. He felt the resolution added to the agenda this evening should have been included in Council's packet instead of bringing it up as a surprise.

Mr. Johnson reported having received a number of citizen complaints regarding deteriorated/burned out housing. He said this has been forwarded to the Mayor and appropriate departments for resolution.

2nd Ward

The President had nothing to report from his ward.

3rd Ward

Councilman Basham, with regard to the resolution being added to the agenda this evening, advised Mr. Johnson that there really had not been much time and he felt like that by putting it on the radio and in the newspaper it really did not make the request for the addition a surprise.

Mr. Basham acknowledged that he had provided the Mayor with a letter a few weeks ago that contained questions he had received from constituents in the third ward. He encouraged the Mayor to respond with some answers since he is still receiving phone calls about the questions and he has no information to give them.

Mr. Basham, noting that we sometimes get involved in our city without thinking about the surrounding county, announced that this Tuesday, at 7:00 p.m. at the Vern Riffe Center for the Arts, the Scioto County Music Festival is happening. He said these are high school kids in band and choir from all over Scioto County coming together to do a performance. He reported this to be the longest running festival in the State of Ohio and it is being hosted here in Portsmouth.

Mr. Basham also recognized the Seventh Nation Celtic Club's upcoming parade this Saturday at 3:00 p.m. Noting a lot of people talk about the negative things in the community, he said this is something positive that has sprouted up in the community and has grown every year.

4th Ward

Councilman Albrecht urged all citizens of Portsmouth to fill out and submit their census papers, noting this means tax dollars and grant money for Portsmouth and he felt everyone should take time to answer them.

5th Ward

Vice President Haas, noting there to have been some discussion about the traffic light issue, said the legislation was proposed and adopted returning that issue to the Traffic Committee for review and a report to Council. He said he personally finds it offensive that the Mayor directed the Police Chief not to provide any information at that meeting, which is a meeting the Chief of Police chairs. He said he also finds it troublesome that citizens who had anything to do with the prior administration were not permitted to speak. Mr. Haas, stated it to be his understanding that committee is Council's committee and the legislation was passed by Council and the request to the Traffic Committee came from Council and he feels as if they have been hampered in the delay for them to hear all sides of the issue. He said he did not know what the harm is in the committee being allowed or permitted to hear all sides of the issue then make a decision and report their recommendation. Mr. Haas, referring to what he read in the paper, said he thinks that several members of the Traffic Committee were a little offended that they were being spoon fed one side of the argument and not permitted to hear anything else.

Mr. Haas thanked the Mayor for providing a memorandum to Council this evening regarding the flood defense report. Relying on his memory he recalled this issue to have come up at the end of December and dealt with hiring a firm to do a flood wall defense study, which he remembered as being tabled. He said he believed there was going to be some discussion with New Boston and other things were to be accomplished. Referring to the Mayor's memorandum and seeing the name of a consulting firm – Black and Vetch who are making inspections, asked if they are volunteering for this or whether or not legislation was actually passed authorizing this action. He thanked Council for their indulgence if perhaps his memory was incorrect.

Mr. Haas advised the Mayor that he would like to meet with her to discuss rumors that someone is being hired for the wastewater facility and, if that is the case, perhaps she would share that with Council tonight. In response the Mayor said she knew of no one being hired for that position.

6th Ward

Councilman Noel with regard to the traffic light on Walnut Street said he felt obligated to go with the Mayor when she was campaigning to visit with the people of that neighborhood. He reported that every person with whom they spoke thought the traffic light should be reactivated. Mr. Noel acknowledged that the removal of these lights was discussed at a Traffic Committee Meeting, where he was in attendance. Mr. Noel reiterated his concerns with the traffic light not being activated. Mr. Noel said he understands the duties of the Traffic Committee but felt they do not function to his satisfaction, with regard to the traffic lights. Mr. Noel said he talked with the director of ODOT and claimed that the director told him that the Mayor did not have to take those lights down and he would never make her take them down. Mr. Noel declared this situation could be worked out very simply, if this Council will let her implement her plan.

Mr. Noel said his phone has rung off the hook about pot holes and noted that Mr. Beaumont is working on the problem.

The Solicitor, in response to the President's request for clarification on the matter of the Traffic Committee, advised him that the committee is obviously in place to give advice to Council and the Mayor with regard to traffic issues. He acknowledged that Council is the body that appoints the committee. Mr. Jones said he has had some discussion with the Mayor about this matter and expressed his hope that the City can move forward with regard to the issue of who can and who cannot speak at these meetings. He noted the meetings to obviously be a public meetings and he cannot emphasize enough that anyone who wants to have an opportunity to come up and voice their right to speak should have that right. With regard to the actual ordinance, Mr. Jones said his interpretation was that Council decided to override the decision that was made by the Mayor to put back these lights and referred that issue back to the Traffic Committee for a report and recommendation. He expressed his belief that the report and recommendation is what Council is awaiting in order for them to make an informed decision on what, if anything, they are going to do with regard to the traffic lights. He expressed his hope that by the next meeting everyone will have had the opportunity to voice their concern, issue, frustration, etc and a report will be submitted from the Traffic Committee and we can move forward.

The Mayor said she would like to clarify a couple of things. She said that when she gave her direct order to the Chief of Police it was that the official report/presentation was to be given by Mr. Peck, saying it was an engineering matter and noted that she, Mr. Peck and Mr. Beaumont met with ODOT and had the communication that Council received in their packet. She stated that the Chief works under her direction and she asked if he intended to have the former Director of Services, under the previous administration here, and was told that he did. The Mayor said she told him that was not appropriate that this is a new administration and that's when she gave him to order that Mr. Murphy she did not continue but rather acknowledged that Mr. Murphy, as a private citizen, could speak but the official presentation from the government was to come from Mr. Peck. She noted that Council has a copy of that presentation. She acknowledged Mr. Noel to be correct, about Mr. Peck not being able to make his presentation, noting that this was "low on the agenda". She acknowledged "an adjournment was made" and stated that the Chief of Police knows that the Police Chief was in the first phone conversation conference call with ODOT. She also acknowledged that Councilman Johnson was present. She confirmed that the Director of District 9 said they would absolutely not come to Portsmouth for any meeting. She said she was giving direction to the Chief of Police, noting that to be her prerogative as Mayor.

The President advised the Mayor that Council has heard what she is saying and acknowledged that the Police Chief does answer to the Mayor, however at the same time he is the chair of the Traffic Committee and while he cannot separate his position as Chief of Police but at the same time, speaking for himself, Mr. Malone said, as the chair, the Chief should have been able to present the other side, just as Mr. Peck was presenting the Mayor's point. Mr. Malone acknowledged that the Mayor had made it very clear that she felt this to be an engineering issue but he felt everyone knows it is also a traffic issue and the Portsmouth Police Department is involved with traffic control and such issues within the City and felt that to be a part of the Traffic Committee's scope of responsibility as well. He said it has been said before that if the City is going to have these committees and are asking these people to serve we must allow them to serve to their capacity and to not have their hands tied.

Councilman Johnson expressed understanding of the President's approach but was concerned that any Mayor depends upon the department heads to work with them as the administration with one voice. He expressed his concern that the Chief has just suddenly started to chair the Traffic Committee meetings instead of Captain Thoroughman who has been chairing the meetings. He expressed his fear that this was becoming political especially when a previous administration department head was invited to speak as a "testifier" at the behest of the Chief.

Councilman Haas expressed his concern as being for all the talk about openness and formulating committees, studying the issues and listening to all sides it appears to him that the Mayor must have known what the Police Chief was going to say and she decided to silence him before the meeting. He said that causes him some concern. He noted that as members of Council they sit here every other Monday night listening to people who say bad things about Council or disagree with Council decisions and it is done as a part of the open meeting and it causes him some concern that, on an issue that apparently evokes this much passion from the general public, a person's view, who does not share the Mayor's view, is being stricken. Mr. Haas expressed his personal feeling is that the committee is Council's committee and Council passed the ordinance overriding the Mayor's decision and referred the matter back to the Traffic Committee to study and noted that Council did not tell them what to do or ask them to support Council's decision to take the lights down. He said Council asked them to look at the issue and make an informed decision for Council. Mr. Haas said he strongly feels the Mayor overstepped her bounds by restricting what Council's committee was able to hear. He said he is hopeful that what he heard tonight is that the Mayor is going to allow anyone who wants to speak to do so and that Mr. Peck can make his presentation and let the committee make decide whatever they want to decide..

The Mayor stated this is what she told the Chief and continued by reiterating her earlier statements with regard to who was to make the presentation.

The President recognized the fact that the Solicitor has provided his opinion that the Traffic Committee will function and provide Council with a report as requested. In response the Solicitor felt

everyone is getting into too much detail and said he has some real concern when words like “official presentation” is used. Mr. Jones said, to him, a committee is designed to hear all the information regardless of where it comes. He said he has discussed this with the Mayor and does not want to air our dirty laundry in the public but at the same time he has a concern about an administration’s decision that has the appearance of the Chief being prevented from voicing his position on this issue. He pointed out that the Chief is the person in charge of law enforcement and a great part of that enforcement has to do with traffic. He again expressed his concern. He concurred with Mr. Haas with regard to the committee hearing all the information and noted that the Council requested a recommendation from the Traffic Committee not from the Mayor. Noting the Mayor to have clarified her position, Mr. Jones said he was going to give her the benefit of the doubt and is expecting to hear the Chief speak at the meeting.

It was noted that the Traffic Committee will meet tomorrow at 2:30 p.m.in the Engineer’s office, however the Chief stated that if a large crowd is anticipated it will be moved to a larger room.

The meeting adjourned on a motion by Councilman Johnson.

City Clerk

President of Council