

MINUTES – REGULAR SESSION**PORTSMOUTH CITY COUNCIL MEETING**

Monday May 13, 2013

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday May 13, 2013 at 6:00 p.m., in the Council Chambers of the Municipal Building.

President of Council Steve Sturgill called the meeting to order. A moment of silent prayer was observed followed by The Pledge of Allegiance to the Flag.

Roll Call showed the following members to be present:

Kevin Johnson	1 st Ward
Rich Saddler	2 nd Ward
Nicholas Basham	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Steve Sturgill	6 th Ward

Also present were Mayor David A. Malone, Solicitor John Haas, and City Auditor M. Trent Williams.

Council dispensed with the reading of the Journal for the regular session of April 22, 2013, on a motion by Councilman Johnson.

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA**LEGISLATION**

The clerk gave a **first reading**, to an Ordinance authorizing the expenditure of \$2,000 from General Fund Miscellaneous Executive/Administrative Line Item No. 101.119.5298 to Northend Super Reunion Committee of Portsmouth. **CONSENT AGENDA**

Councilman Johnson moved to suspend the 3 reading rule as part of the Consent Agenda.

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

Councilman Johnson motioned that this Ordinance be passed.

Councilman Kalb stated that this has been before Council in the past and we've recommended to the people in charge of this reunion to apply for the Hotel/Motel Tax share as other organization do through the Cultural Affairs committee.

Councilman Johnson stated that under the guidelines of the Cultural Affairs committee, you must have a 501-C3. This reunion occurs every 4 years and probably wouldn't qualify for a 501-C3.

Mayor Malone stated that it is a super reunion that draws thousands of people back to the community that has moved away. They spend an entire weekend and in years past, this event was held in conjunction with the Bannon Park classic basketball tournament which drew even more people. He asked his assistant Jeanette Langford how long it had been in existence and she stated around 20 years in the black community and is held the same time every 4 years.

Councilman Saddler commented that he's lived in Portsmouth all of his life and has never heard of this event or seen a significant amount of people that would be attending this event.

Councilman Kalb asked how they raised money for this event other than the donation from the city.

Mayor Malone replied that fund raisers are held, donations are received from businesses and individuals and registration fees help to defray the expenses.

Councilman Meadows cautioned that the City is in a fiscal watch and questioned whether authorizing this event would be prudent at this time.

Councilman Johnson reminded Council that this item was discussed at the prior meeting during the Mayor's Conference Agenda and would be put as a line item from the Executive budget. He added that this is an opportunity for a large group to come back to Portsmouth that has moved away. This event is very important to this community; his only concern was the availability of monies.

**Ord #22-13
Northend
Super
Reunion**

Councilman Sturgill asked the Auditor if this organization could apply for a 501-C3.

Auditor Williams stated that they could not because it's basically a party. A 501-C3 has some purposes that need met, such as: Educational, religious, charitable and many other criteria that have to be met and they don't fall within those requirements or they would need to raise money for educational purposes or something similar. He also stated that this will be the 3rd contribution to this event.

Councilman Basham asked if this really needed to be an Ordinance since it's an Executive line item.

Councilman Johnson replied that when monies are drawn from the General Fund it is required to be an Ordinance.

Council Sturgill wanted to know how to handle other groups that approached about wanting money for their reunions.

Mayor Malone stated that it would be on a case by case basis.

Auditor Williams added that is why there needs to be an Ordinance; otherwise you'd have the Mayor choosing who would receive monies.

There were no further questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, the Ordinance passed.**

The clerk gave a **first reading**, an ordinance to authorize the appropriation of funds in the amount of \$5,214 to Health Department General fund expense line items for a part time Code Enforcement Officer.

CONSENT AGENDA

**Ord #23-13
 Code
 Enforcement
 Officer**

Councilman Johnson moved to suspend the 3 reading rule as part of the Consent Agenda.

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

Councilman Kalb asks if there was a discussion for the 3 reading rule.

Solicitor Haas responded that if there were concerns, they should have been brought up in the Mayor's Conference Agenda when it was discussed to be a consent agenda item.

Councilman Johnson motioned that this Ordinance be passed.

The clerk gave a **first reading**, an ordinance authorizing the Mayor to enter into a contract with Howerton Engineering and Surveying in the amount of \$22,000 and AMEC Environment and Infrastructure in the amount of \$61,750 to be paid from Flood Defense Fund No. 265 for additional engineering services to complete the certification of the Flood Defense System. **CONSENT AGENDA**

**Ord #24-13
 contract with
 Howerton
 and AMEC
 for flood
 defense**

Councilman Johnson moved to suspend the 3 reading rule as part of the Consent Agenda.

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

Councilman Johnson motioned that this Ordinance be passed.

Councilman Kalb asked if the rule to suspend the 3 readings had not passed, would it then be a first reading and Solicitor Haas replied in the affirmative.

Councilman Sturgill asks the Mayor how we proceed if this Ordinance is passed, how long will the process take and when is the certification date.

Mayor Malone replied that the City would hire AMEC to do the final engineering work, certify the levee and the whole process will take around 4 months. The certification date has already passed.

Councilman Kalb said that in looking at the \$83,750 proposal, it calls for a joint report from New Boston and Portsmouth.

Solicitor Haas advised that there was a newspaper article released about New Boston needing their certification and wondered where Portsmouth was in the process as the two cities must be certified as one. The process is as follows: 1. If the Ordinance passes, AMEC will begin doing the instrumentation to determine what type of design to use in the relief wells and that process takes around 3 months. 2. Once that is accomplished, the City will then send out for bids for the construction phase. 3 If all these steps take place in a timely fashion, the whole process will take around 4-6 months. 4. We will submit to FEMA along with New Boston for certification. He added that the reason for the delay is that there are two different consultants AMEC and Howerton and the fact that the levee has to be certified as a whole which encompasses New Boston and Portsmouth and FEMA needs one report and certification from both of these consultants, so it's a matter of

these consultants working together. The original report from the Army Corp of Engineers suggested that we reexamine the findings of the original consultant. AMEC did another study and found it was a lot less compared to the \$33,000,000, but it has all taken some time. AMEC and Howerton have gotten together at the end of last year and charted the course, but it would behoove the City to show that we're moving forward.

Waster Water Director Rick Duncan addressed Council and apologized for the delay and reiterated that he had met with both AMEC and Howerton at the end of the year and this was the agreement that was to be brought before Council. He stated that he's had a lot on his plate to deal with and apologized for not being timelier. There are 3 different options that would provide the quickest and most cost effective and he has confidence with these recommendations. His recommendation would be option #3 which shows \$22,000 to Howerton for their coordination with the final report and \$10,700 to AMEC for their coordination and design work for the 100 foot section of levee that needs to be corrected.

Councilman Sturgill asks what happens if Council rejects the Howerton study and questioned why we even need Howerton at this point.

Mr. Duncan replied that the 2011 Howerton report originally identified about 7,000 feet of levee that was subject to under seepage that was going to cost approximately \$1,000,000-\$3,000,000 to correct the problem. After speaking with the Army Corp of Engineers office, their reply was that no other levee on the Ohio River in their district has this same problem as it was designed to handle the under seepage issue and there have been no modification to the levee since its construction and they were surprised that Portsmouth was looking at this as a problem with under seepage. They gave us a list and on that list was AMEC who was handling New Boston's certification, he then received a proposal from them along with two other firms and decided to go with AMEC, he then brought it before Council and their proposal was to look at the 7,000 feet of levee that Howerton was not comfortable certifying. They did soil samples to get the analysis of the soil and returned with a report that indicated only 100 feet of the levee directly behind the wastewater treatment plant would need small relief wells and not the full 7,000 feet listed in the Howerton report. Council approved the report however Howerton was reluctant to accept the AMEC recommendation, so the agreement was that Howerton would certify sections of the levee but not the other section. AMEC said they would certify the section that Howerton was not comfortable certifying.

Councilman Sturgill said that he doesn't understand the whole story, why it's taken so long or all the players involved and he feels at this point that Council is stuck between a rock and a hard place. "Do we proceed under this scenario or do we go a different direction and end up spending more money. The buck stops at this table, AMEC is going to certify but if something was to ever happen, I'm assuming that AMEC would be the responsible party." He questioned whether there would be a legal issue.

Solicitor Haas stated that the reason for two consultants is the size of the project, Howerton is willing to sign off on the majority of the levee and AMEC is willing to sign off on the 100 foot in question and consolidates both the reports.

Councilman Johnson stated that the methodology used by both these company's were different. One company actually watched the water table during some of the highest water that Ohio has seen in a long time and this gave them a good indication what part of the levee would lend itself to under seepage. The second company did soil testing in which they drilled down and took soil samples and came to the conclusion there was only one section that lends itself to under seepage. He questioned what legal recourse we have should the City get hit with another 100 year flood and one of the other sections fail.

Solicitor Haas advised that there would be no legal recourse, because it would be considered an act of God if it's a 100 year flood.

Councilman Basham explained that when this all started, Mr. Duncan had been wrongfully terminated. The contract was bid out and former Mayor Jane Murray accepted who she thought was qualified and when it came to Council for FEMA certification, Council did not have an option to choose an Engineer that was qualified and experienced. Two communities share one flood wall and the certification of the entire flood wall in both cities must be submitted together. AMEC is willing to certify the one section that Howerton is not willing to certify and between these two companies the entire flood wall will be covered and if one fails to pass, the whole flood wall doesn't pass no matter whose to blame.

Councilman Kalb pointed out that had we gone with the original proposal and constructed 7 relief wells at \$1,000,000 that would have been a continuing cost just to maintain those wells and he appreciates the fact that a second opinion was obtained.

Councilman Saddler ask Mr. Duncan that if this Ordinance is approved what is the actual timeline and complete cost to the end of the project.

Mr. Duncan replied that it will be 4-6 months for construction and certification. There will probably need to be 2 wells for a total cost of \$152,000 on top of these current cost presented on the agenda. Of the 100 foot section; one well will be on one side of the channel and the other well will be on the other side of the channel. The money is coming from the tax levy.

Councilman Johnson asks Auditor Williams how much was in the account and would it be enough to cover the latest contract and the other \$152,000.

Auditor Williams replied that there was around \$432,000 right now and asks Mr. Duncan about the \$142,000 that was encumbered and carried over from 2011.

Mr. Duncan replied that it was encumbered to Howerton for the things that remain to be done.

Auditor Williams stated that he will meet with Mr. Duncan and review what remains outstanding.

There were no further questions or comments. The role was called. **VOTE: 6 ayes – 0 nays, the Ordinance passed.**

The clerk gave a **first reading**, to an ordinance amending Sections 169.02(a) and 169.02(b) of the Codified Ordinances of the City of Portsmouth, Ohio – Employees Generally – Vacations. **CONSENT AGENDA**

**Ord #25-13
 Non-Union
 Employee
 Vacations**

Councilman Johnson moved to suspend the 3 reading rule as part of the Consent Agenda.

The role was called. **VOTE: 4 ayes – 2 nays (G. Meadows, S. Sturgill) the rule was suspended.**

Councilman Johnson motioned that this Ordinance be passed.

Councilman Johnson stated that he was pleased that both the Solicitor and Mayor addressed the issues that Council was concerned about and amended the Ordinance. This Ordinance only affects the Department Heads and their immediate Administrative Assistants and the City Clerk; this is a very small population and only fair to bring them up to the standards of vacation that we provide to the 99% of the other employees.

Auditor Williams questioned the effective date.

Mayor Malone stated that this affects 14 people total and it would be effective for 2013.

Councilman Sturgill stated that this was no way to solve the problem and realizes that there were some people removed from the Ordinance, as they had received bonuses. He added that he would like Council to re-visit giving a wage increase to these 14 people, however the fireman are asking for overtime money and it's only May. He continued by saying that this is trying to be played off as a way of protecting a balanced budget but he doesn't believe that it is a balanced budget or ever was a balanced budget.

Mayor Malone countered with the fact that Council passed a balanced budget.

Councilman Sturgill replied that a budget was passed simply because not all of the costs were included. The vote on the non-union employee vacation issue has been presented 3 or 4 times and he wasn't sure how the vote would go this time but Council needs to figure out what it's going to cost to bring these employees in line with what we think their positions are worth and decide if Council should take another shot at balancing the budget and if we're unsuccessful, then the City should hope that the revenues increase soon because this balanced budget is not going to survive the next time Police or Fire come back for more overtime monies.

Mayor Malone replied to Mr. Sturgill that when he speaks about bringing these 14 employees wages in line, they are not the only employees whose wages need to be brought in line. He added that if we're going to do this holistically there would be a total of 35 employees and that's not including the employees from the Health Department that are also paid from the General Fund that are not getting raises.

Health Commissioner Chris Smith inserted with the fact that these are two different issues wages and vacations being discussed. The fact is you still have 14 people receiving one week less vacation time than everyone else in the city regardless of the argument of salary.

Councilman Sturgill added that those 21 other employees received increases the past 2 years and the other 14 employees haven't received anything.

Mayor Malone agreed that there were bonuses given.

Councilman Sturgill stated that it's still an increase and now the only way to address it is to provide an extra week of vacation to our Administrative staff.

Mayor Malone stated that he agrees that the wage issue needs to be addressed, the fact being we don't have the money to do the wages but in the meantime we could give a week vacation to the individuals under the Mayor, Solicitor and Legislative authority which doesn't cost the city a dime.

Councilman Johnson reminded Council that Chief Ware made the point that one of the issues of being promoted is that you lose on vacation time. This is not only a problem in the Police Department but all of our Department Heads who come from the ranks and are promoted as a Department Head only to lose all their benefits. He believes that there's no justification for not giving this benefit and forcing a Department Head to lose their vacation, we may not be able to keep up with the wages but at least we can provide them with this benefit and then once we're out of the deficit we can address the wage issue.

Councilman Sturgill stated that we're not forcing them to lose vacation, it's their choice.

Councilman Basham stated that the fact is that these are salaried employees and morale in the shape that it's in, giving the week vacation is about all we can do to try to get them up with all of the Unions. He reminded Council that 4 years ago the Union had wages locked in and the budget was in a deficit and they agreed to waive the 3% increase to avoid layoffs but the Administration did not agree with that and the Union got their 3% and there were no layoffs. We lost 3% we could've gained and 4 years that our non-union employees have received nothing. They didn't receive the raises the Union got because Council held the line due to the deficit budget, we've excluded the branches of government that give themselves raises and bonuses that Council has no control over and this is the only group left that could be helped, we can't give them raises but we can give this week of vacation.

Councilman Meadows said he understood all of the theories behind the Ordinance but if there's an issue with our employees not receiving vacations and salaries increases let's not rush into it by just putting a Band-Aid on the situation, let's start fixing the overall problem. The budgetary process needs to be dealt with and it can't wait until October or November it needs to be fixed now, actually should've started in January for the following year so we're already behind fixing the problem, as these employees need to be treated properly and it needs to be done in the right way. He asks if this vacation could be given temporarily until the end of the year and then once Council has had a chance to review the budget, Council could reconsider the vacation issue.

Councilman Basham stated that with this being an Ordinance compared to a Union contract, if Council can come up with a comprehensive plan, then Council can repeal an Ordinance at any time.

Councilman Kalb stated that he doesn't consider this a Band-Aid as these employees have been overlooked for a couple of contracts and he looks at it as "Giving a person dying of thirst a drink of water until we can get the rest of the water together". It's not much and he knows the employees will appreciate knowing Council is behind them.

Councilman Sturgill stated he was behind them regardless.

There were no further questions or comments. The role was called. **VOTE: 4 ayes – 2 nays (G. Meadows, S. Sturgill), the Ordinance passed.**

STATEMENT OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Jan Bailey – 2924 Willow Way – She stated that she was speaking about the group home at 3008 Willow Way and the issue is not with who is in the home but that it is a commercial type property in a deed restricted single private residential neighborhood and Scioto Residential Services (SRS) is violating the restriction. She requested that Council reexamine the zoning laws, if you let a commercial business in a residential neighborhood, what is the point of having the deed restrictions. SRS has been around for 40 years and call themselves a family; however being a business this will lower the value of their homes. After discussing this with her neighbors, if this Ordinance passes, they will return to Council and request that their taxes be lowered, because as of right now their neighborhood is among the highest property tax in town. She spoke with the representative of SRS and it is only one woman and she doesn't even live in Portsmouth and if it can happen in our neighborhood it can happen in other high tax paying neighborhoods.

Lois Fairchild – 3002 Willow Way – She stated that she's a long time resident and very concerned that City Council is not being proactive. Without effective zoning laws, it's difficult for people to invest in Portsmouth and our neighborhoods. We provide a solid tax base to run our city with, promoting growth by allowing non-profit organizations into our family neighborhood will drag down property values and as property values decline the tax revenues will also fall. With less money coming into the city, she's afraid that an additional downward spiral will begin. With poor zoning and lack of enforcement, people will be driven away and for many people their homes are major assets. We would ask Council to work as elected representatives of the people and to insure Portsmouth remains viable and create an opportunity for growth by examining, improving and enforcing our zoning laws. We want to encourage people to come, locate and invest in our neighborhoods as we want to be a community of choice.

Melissa Hutchins – 3113 Willow Way – SRS is a corporate entity as indicated on their deed and they report to the Department of Developmental Disabilities and will apply for a facilities license "they are a business". She understands their family culture and what they're trying to provide to their residents, but most businesses try to create a family atmosphere as businesses wants their employees to believe in what they're doing and she prides them in that, however that's not the issue. The issue is that they are violating deed restrictions and she's not sure about the zoning laws. We are asking for Councils support to allow our neighborhood to stay as a residential neighborhood.

Mike Spencer – 3020 Willow Way – He’s lived on Willow Way for 20 years and before that he lived on 25th Street across from the Receiving Hospital. He had small children at the time and was forced to move because of not only the people seeking treatment at that facility but also because of the people that would visit the facility, items from his home would turn up missing, so they decided to move to Willow Way for the simple fact we knew that Council would never allow a business in a residential neighborhood. There are also safety issues with this being a dead end street and nowhere for emergency vehicles to turn around. We feel like this is being forced down our throats and we’re just standing up for ourselves to hopefully put an end to it.

Jerry Skiver – 3320 Indian Drive – He has listened to what has been said and recalls a time last year when there was a fire on North Hill Road and no traffic could get through as there’s only one access. He’s spoken with Mr. Haas and Mr. Sturgill about the zoning issues and understands that as it stands right now zoning laws do permit these types of operation; however he’s concerned that we’re following the letter of the law but not following the spirit of the law. He believes that the Zoning Board needs to meet, address and update the things that have been mentioned in order to protect our neighborhoods.

MISCELLANEOUS BUSINESS AND REPORTS:

1. **City Clerk’s Report –**

Oaths of Office: Steve Myers - Zoning Board of Appeals

2. Received from the Auditor via e-mail, on May 13, 2013 the following reports for the period ending March 31, 2013.

Combined MTD/YTD expense report
 Combined MTD/YTD revenue report
 YTD fund report

Mayor’s Report – He thanked all the individuals from Willow Way for voicing their concerns. We have looked into the zoning issues surrounding Willow Way and the process that has taken place thus far has been followed to a tee. We’re still looking into this to make sure things are done properly and we’ll continue to monitor the steps being taken. SRS has a legal team and the deed restriction is a point outside of legislation and has to be addressed legally, but to date, they are following the right process. He also reviewed with Council the possibility of money savings through the Health Assessment program and is encouraging all employees to participate in order to lower the insurance rates. He added that the City is only 16 employees away from meeting the numbered goal. He also gave a Proclamation to John Thacker for his work on behalf of the Community Action Organization.

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

President’s Report – Several items on his report are as follows:

1. Appointed Lisa Gibson to the Shade Tree Committee.
2. Reminded everyone of the Community Clean Up Day on June 1, 2013.
3. Change in the next two City Council meetings to Thursday May 23, 2013 that replaces the May 27th meeting which is Memorial Day and Thursday June 6, 2013 to replace the June 10th meeting which is the week of office renovations in the City Clerk’s office.
4. On Thursday and Friday, a representative from Novak Consulting Group will be meeting with the Department Heads and the City Manager Search committee and he encouraged the staff to participate with the process.
5. He stated that he was perplexed as a member of City Council with being excluded from ODOT’s meetings concerning the Portsmouth By-Pass and wonders if Portsmouth is even relevant in this process. He added that he has been asked questions regarding the by-pass and is unable to answer the questions, but would think that ODOT would want to have a conversation with the City.
6. He concluded with reviewing the new committee structure. He stated that it’s something that needs to be conformed to in conjunction with the new form of Government that will be taking place at the first of the year. Not more than 2 members of Council will serve on one of these committees. The format of the Committee Structure being proposed:
 - a. Budget and Finance Committee – Chairperson – Steve Sturgill
 - b. Public Works Committee – Chairperson – Jim Kalb
 - c. Legal, Legislative and Safety Committee – Chairperson – Gene Meadows
 - d. Economic, Development Committee – Chairperson – Kevin W. Johnson
 - e. Parks, Service, Building & Recreation Committee – Chairperson – Rich Saddler
 - f. Personnel, Performance & Audit Review Committee – Chairperson – To Be Announced

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

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – He asked the Mayor to have the Engineering Department provide Council with a report of the City's experience with the situation regarding Willow Way. He believes that it would be enlightening to the community and to Council. With regards to the Economic & Community Development Committee that he will be chairing, these will be held the first Wednesday of every month at 6:00 beginning in July, and he has begun notifying possible committee members. He also presented Renee` Basham a certificate of appreciation for graciously allowing, supporting and putting up with the Honorable Nicholas Basham's years of service for and with the City Council and citizens of the City of Portsmouth.

2nd Ward – He thanked Mr. Basham for his years of service on the Portsmouth City Council and stated that is has been nice getting to know and work with him and that he was going to be missed on Council. He stated to the residents of Willow Way that he whole heartedly agrees with the concerns and that it's happening all over the city with the zoned and residential areas. He looks forward to Councilman Meadows working on this and offered his assistance to Mr. Meadows in any way that he can help. He asks the Mayor about the potholes at the intersection of 11th & Gay Streets, he had mentioned the issue a while back but the weather was a hindrance at the time. He added that he knows that Mr. Beaumont of the Service Department has tried to fill these with patch but maybe the service department needs a milling machine or a bobcat with a grinder head on the front because the only way to fix the problem is to grind the pavement out and treat it with some hot mix.

3rd Ward - He asked to speak with Health Commissioner Chris Smith after the meeting as he has an issue in the 2300 block of Sunrise Avenue that would fall under the Health Department.

He stated that in the past year he and his wife have made a major life decision. They both work in Lawrence County at Rock Hill Local Schools and have decided to move into that school district to be closer to their full time jobs and he stated that he will be resigning from his position as 3rd Ward Councilman as of the end of tonight's meeting.

He thanked the residents of the 3rd Ward for electing him to office. He added that in the past four years, he believes the citizens have witnessed a more transparent Council and he feels that City Council is slowly earning some trust from the public. We have tried to communicate and show the public that we (as Council) want to do things the right and "correct" way and he hopes this trend will continue with the current City Council. He offered to lend his experience to Kevin E. Johnson as he runs unopposed as the new 3rd Ward Councilman in November.

Some of his most proud moments of being on the Council have been when he was able to help his constituents. He was pleased to pass the Pill Mill regulations and the Rental Licensing program, but thinks the bright spot of his time on Council was the charter change to the City Manager form of government and he believes that it is the turning point for a better Portsmouth! I hope to read the newspaper in a few years that the change in government style was the turning point when Portsmouth started to reinvent itself. He takes away from his experience in government, the fact that this Council is able to disagree and still work together. He has been fundamentally against other members of Council on various issues, but in the end we all still talk to each other and come together to do what we feel is best for this city and wishes state and federal legislatures would follow their lead.

His family settled in this city, from his 3rd Great Grandfather "Martin Funk" who had one of the original farms on Henry Massie's layout of the city, to another member of the "Martin Funk" family who was on Council when they secured the money for the Carnegie Library to his Great Great Grandfather T.J. Basham who owned the land that the Basham Water Reservoir was built upon. He loves this city and wishes everyone the best moving forward.

4th Ward - He addressed the residents of Willow Way and stated that beside the legal facts, these Agencies are usually supported by our taxes, so we're footing the bill for putting one of these Group Homes in a high end neighborhood and questioned the fact that maybe they have too much money if they can buy the City's high dollar properties. He also presented his idea for a committee structure.

5th Ward – He thanked the residents of the 5th Ward for coming forward with their issues. He has reviewed the statues of the Ordinance for the City of Portsmouth and believes that the last revision of the Zoning Ordinance was in 1946 and much has changed since then and most of the homes were not built when this Ordinance was put in place. The issues that were common in 1946 aren't now and Council needs to start working on the Zoning Ordinances and bringing them into the 21st Century. He agrees with Ms. Fairchild in that this is one way to keep our city growing and the last thing we want to do is lose our residential neighborhoods.

6th Ward – He stated that there was a major cave in on Woodland Heights, right in front of the Police Chief's home that needs immediate attention as it is very dangerous. He hopes the Department Heads would get on top of this because half of the street is gone and believes it to be a structural problem. The City has tried to maintain some of the streets but hasn't maintained them properly and he's not even sure a fire truck could get up there.

City Solicitor – He was going to discuss the flood wall issue but covered that earlier. He Reviewed the City's Zoning Ordinances and offered his assistance to Mr. Meadows. He added to what the Mayor had reviewed regarding the Health assessment by stating that he would encourage any city employee that hasn't taken an assessment to do so as it doesn't take very long and is a good thing for your health and well being and it will help the city and you will also receive a \$75.00 gift certificate just for participating in the assessment. He expressed his appreciation of Mr. Basham and that while he and Mr. Basham were on Council they encountered many interesting times; he appreciates his professionalism and his friendship over the years and he will be missed as a citizen of Portsmouth.

City Auditor – He appreciates Mr. Basham's service to the citizens of Portsmouth and his time on City Council. He considers him a friend and appreciates everything he's done for the entire City.

The meeting adjourned at approximately 7:45 p.m. on a motion by Councilman Johnson.

City Clerk

President of Council