

Is MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday, May 24, 2010

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, May 24, 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; City Solicitor, Michael L. Jones and City Auditor, M. Trent Williams.

Council dispensed with the reading of the Journal for the regular meetings of April 26 and May 10, 2010, on a motion by Councilman Albrecht.

On a motion by Councilman Albrecht an ordinance was added to the agenda to submit to the electors, at the General Election to be held on the 2nd day of November, 2010, a proposed renewal tax levy for the Flood Defense System of the City, (**Item #”7g”**) and an ordinance authorizing entering into a contract for roof repairs to the Municipal Building. (**Item #”7h”**).

There was no public hearing and no one present who wished to address Council with regard to any item on the agenda.

LEGISLATION

The Clerk gave a **first reading** to an ordinance authorizing the acceptance and appropriation of check no. 48140 in the amount of \$500.00 from Laborers Local No. 83 into the General Fund Executive Miscellaneous Line item No. 101.103.5299 in order to pay pending costs for the city’s “Clean-up, Fix-up, Beautify” campaign .

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. #21-10**

The Clerk gave a **first reading** to an ordinance authorizing the appropriation of Neighborhood Stabilization Program (NSP) grant monies to Fund No.243 in the amount of \$129,400.00 as received.

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. # 22-10**

The Clerk gave a **first reading** to an ordinance authorizing the Mayor of the City of Portsmouth to submit an application to the State of Ohio Department of Development (ODOD) for the 2010 Ohio Small Cities Community Development Block Grant (CDBG Formula Grant).

Councilman Albrecht moved this constitute a first reading.

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

The Clerk gave a **first reading** to an ordinance approving the 2010 Capital Outlay Budget, designating and appropriating \$36,000 in the Street Maintenance Capital Outlay Fund No.233, designating and appropriating \$780,000 in the Flood Defense Capital Outlay Fund No. 265 and designating and appropriating \$329,000 in the Sanitation Capital Outlay Fund No. 631 and designating and appropriating \$88,900 in the Cemetery Trust Capital Outlay Fund No. 851 for listed items only.

Councilman Albrecht moved this constitute a first reading.

The Mayor noting that she had submitted, on Friday, a list of “last minute changes” to the CIP, as recommended by Mr. Peck, advised Council that the amount of \$88,000.00 for a new mower and tractor under “Flood Defense” Fund #265 should be reduced to \$55,000.00.

For clarification, the President asked the Mayor if the changes she provided, in a list, to Council included items for the Police and Fire Departments. The Mayor confirmed that they did and noted those to be from Fund #301.

Councilman Johnson made a motion to amend the ordinance as suggested by the Mayor and noted this would also amend the total for this fund from \$780,000 to \$755,000.

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

Councilman Johnson acknowledged knowing that on a number of these items departments have been waiting for some time to receive these items, noting the tipper cans and due to the rainy season the immediate need for the mower. He further noted that the cemetery needs to continue to make plans for Memorial Day and moved to suspend the rule that an ordinance be read on three separate reading. It was noted, by the clerk, that there was already a motion on the floor for a first reading. The Auditor, expressing his belief that Council was given a capital improvement amounts memo on February 3rd, which was revised in a memo in April, reminded everyone that the Sanitation Fund #631 amount of available resources of \$100,000.00 is already pledged for the debt payment for the existing trucks we now have and was correctly listed as “payment #3 of 5. He further advised there to not be \$180,000.00 available this year for a new load packer, as requested. He stated that the \$24,000 for roll out garbage carts/cans and the \$25,000 for additional 4 and 6 yard dumpsters for rental are amounts with which he can live. The Auditor, reminding everyone of a previous discussion regarding the flood defense outlay fund, advised that he believed there to have been some charge-offs to the operating budget from flood defense that will need to be appropriated, if that has not already been done. He further cautioned Council to keep in mind that \$755,000.00 will take the fund down to a balance of about a quarter of a million dollars, noting that some time ago, Council emphasized that they wanted to keep that fund at no less than \$500,000.00 in case of any unforeseen expenditures that might occur. Mr. Williams stated that he understands and is fully aware that the FEMA expense for the floodwall and flood defense system is necessary, noting there has been discussion about finding financing for that project in order not to deplete our fund balance. He also reminded everyone that this financing cannot be done now without the vote of the citizens. Mr. Williams pointed out another awareness issue to be the Cemetery Trust Fund that was set up as that over the years and the interest received has been low over the past several years and the amounts being requested from that fund for this year’s CIP projects will just about deplete the fund. Mr. Williams explained that when a “large chunk” is removed from the fund the amount invested will be reduced. He advised Mr. Johnson that while he understands what he is saying, he did not believe that approving these expenditures tonight will have any affect whatsoever on Memorial Day, which he noted is this week-end.

The Mayor, with regard to the flood defense, stated this to be the very reason that fund was established. She noted there to be over a million dollars in the fund to date, saying, “That’s what the item that you have on the agenda tonight to authorize, to go on the ballot, renewal of that – it’s a five-year renewal process, for 1 mil of property tax to go into the flood defense fund”. The Mayor stated that the City has been mandated by the Corps of Engineers and FEMA “to do this massive engineering design work and certification of our levee system”. She noted this to be an item for discussion during the conference session. The Mayor stated that because of the work Mr. Peck has been doing in obtaining the requests for qualifications from various engineering firms, he has been able to team up the two best proposals and reduce the cost of the project, saying “We will be able to move forward on this at a time when, also tomorrow, and he will be giving more detail on this in conference where several state and federal authorities are coming to assist Portsmouth and New Boston to look at possible funding sources”. The Mayor felt that if additional money is available for funding this project, the ordinance can be amended to “shift it back or leave it there as part of the fund balance” She advised Council that repairs and miscellaneous equipment are needed and noted there to be repairs that will be required as a result of the certification process. She acknowledged personal costs to be charged off to these funds but she believed the fund to be “totally sufficient to handle this level”. With regard to the sanitation fund she acknowledged the Auditor as bringing to her attention the truck lease payment, saying this was something of which she had not been aware. She said she discussed this, late today, with Mr. Beaumont who believes item #3 of the requests can be deleted at this point. She advised Council that she will be coming to them with a program where more routes will be added and this truck will be very important to that process. She noted that until we get to that point, the truck can be deleted from this ordinance so the dumpsters needed for rental can be purchased. She said there are more requests than dumpsters and advised Council that the rental fees have been increased. The Mayor also felt the “roll out carts” were a necessity because we are out of the larger carts. With regard to the cemetery trust fund, the Mayor did not disagree except she felt that no matter what the balance in the fund might be there is no interest being paid right now anyway and felt the requested items would not deplete the fund, saying “that’s exactly what the cemetery trust fund is there for. It’s to be utilized for projects and equipment necessary to maintain the cemetery in the form

it's in". She described the 301 Fund to be in "really bad shape", saying "we really can't shift this over to that fund". She noted the personnel to already be a part of the cost. The Mayor stated that after this requested expenditure there would still be an excess of \$40,000.00 to \$50,000.00 and turned to the Auditor for confirmation. The Auditor advised the Mayor that the balance at the end of 2009 was about \$180,000, therefore if \$90,000 were to be expended from that it would take half of that balance. The Auditor continued by pointing out the fact that this different from the flood defense fund, which is replenished by about \$205,000.00 per year. He noted that the cemetery trust has no string of revenues whatsoever, further noting that this trust's only significant ongoing source of revenue has been endowments that people have left over the years. The Mayor agreed and suggested encouraging people to make donations to this. The Mayor continued by noting that the security cameras that were installed a couple of years ago are not night vision cameras, thus those are needed. The Mayor felt the request for funds from the cemetery trust were legitimate and at her request Mr. Beaumont said he believed the alarm system upgrade could be decreased to \$5,000, night vision cameras could be reduced down to \$10,000 since these cameras will pan. Mr. Beaumont also felt they could get by with one John Deere mower. Mr. Beaumont complimented the cemetery workers for their effort in preparation for Memorial Day, acknowledging that "everything will be in good shape by Monday". The Auditor advised that his objections were not made to be adversary, but he disagrees with spending this money and just to let Council know that, especially in fund #851 that money is not replenished. However, the Mayor did agree with Mr. Beaumont about the efforts of the cemetery crew. With regard to the truck, Mr. Beaumont said he has been told that "it is in pretty bad shape". The Mayor suggested that if the Clerk were running new totals the changes could be considered. The Auditor suggested keeping the first five items and the 9th item in the cemetery trust as they are and to change the next item from \$10,000 to \$5,000; change the \$16,000 item to \$8,000 and the \$15,000 amount to \$10,000, making the total \$70,900.00. The Mayor asked if this were amended then to fund 851 to \$70,900.00 but was interrupted by the President who questioned the total, saying he was coming up with an amount of \$65,900.00. After conferring with the Auditor, the President acknowledged the amount of \$70,900.00 to be correct. The Mayor went back to the first fund listed in the ordinance saying that fund would remain the same for a total of \$36,000.00; Flood defense, would as amended be a total of \$755,000.00; sanitation would be ... was interrupted by the Auditor who provided the amount of \$149,000 with the deletion of the \$180,000 amount. The Mayor continued by reiterating the total of the cemetery trust as being \$70,900.00.

In response to the President requesting questions or comments, the Clerk reminded everyone that no motion has been made and that only discussion and suggestions have occurred and further noting there to be a motion on the floor for a first reading.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 A first reading was declared.**

The Clerk gave a **first reading** to an ordinance approving the 2010 Income Tax Capital Budget and appropriating funds for same from the Capital Improvement Fund No.301 and Fund 801, for items listed only.

Councilman Albrecht moved this constitute a first reading.

The Mayor advised Council that some of the items she listed on the memo for amendment would be under public safety, saying the amount for the Police would be \$471,310.00 for vehicles, equipment and noting Council has a list of other items. She further noted an amount for the Fire Department would be \$32,000 for additional safety gear equipment. In response to Councilman Haas' inquiry regarding a call for the question, the Clerk noted it to be very confusing because there are no motions on the floor with regard to amendments but changes are being made and it is becoming difficult to follow. The President noted that he was going to make that point as well. It was noted that the only motion on the floor is one for a first reading and that there are no motions for amending the legislation.

The Mayor advised there to be one more change. She stated that in looking at the revenues it appears there are not enough revenues in the waste water fund to provide the equipment and engineering that is needed as a match for several projects. She said she proposed putting them in fund 301, which was an amount of \$442,000 for sanitary sewers waste water. In response to being asked if this were the revised ordinance, the Mayor stated it to be the draft budget on which the ordinance should have been based. She said when she reviewed the ordinance today, she told the Solicitor that it appeared that page 4 of the ordinance sanitary sewers waste water had been omitted from the draft ordinance that his department had prepared. She further advised that she had added additional funds for police and fire. The Mayor stated that what had been certified as available in the CIP in fund 301 for this year was anticipated at 2.5 million dollars and if this is added to the \$442,000.00 to the draft ordinance language along with adding the police and fire amounts, the total requests will be \$2,594,000.00. The Mayor said what she is proposing is that the ordinance be amended, noting that she needs to find \$95,000.00 somewhere so that it is not taken from the 301 fund.

Councilman Johnson felt another section needs to be added and identified it as "N" Sanitary Sewers/Waste Water for a total of \$442,000.00. He broke the total out as \$50,000 for engineering; computers \$2,000; equipment and pump repairs \$250,000; and (not discernible) parks, saying this is a big part of that funding \$140,000.00.

Councilman Johnson continued by proposing amending "Ka" Police - by including an amount of \$1,310.00 and "Kb" Fire Department to 32,000.00 and making the grand total \$2,590,437.00, with the condition that the Mayor finds a minimum of at least \$19,457.00 to bring to this total to be in compliance with the certificate of estimated revenue. Councilman Basham inquired as to whether or not an amendment is to be made, noting there to be a motion for a first reading and a requested amendment that will increase the amount

needed to an amount that is more than the funds that are available and then come back to the next meeting to amend it again. He asked if this could just not be amended the right way at the next meeting, noting this would give the Mayor time to find the \$95,000.00 she needs. The Mayor said that would be fine as long as the ordinance gets a first reading and the process is continued. The Mayor asked if we have higher than anticipated revenues in the sanitary sewer lines could we, refund the 301 account from this fund by a fund transfer. The Auditor advised expense adjustments can be done but not fund transfers. He advised that if later it is determined that there are additional revenues in Sewers and that money had been expended from somewhere else, that was originally approved, and expense adjustment can be made, noting it would take an additional appropriation. The Mayor explained that was what she really wants to do, saying she would rather keep the expenses, related to that function, in that line.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 A first reading was declared.**

The Clerk gave a **first reading** to an ordinance approving the 2010 Enterprise Funds Capital Budget, designating and appropriating \$250,000 in the Waterworks CIP Fund No. 606, designating and appropriating \$0 in the Waste Water Fund No. 621, designating and appropriating \$0 in the Waste Water Capital Outlay Fund No. 622, and designating and appropriating \$250,000 in the Waste Water Capital Outlay Fund No. 623 for listed items only.

Councilman Albrecht moved this constitute a first reading.

The Mayor stated that the one thing she and the Auditor are going to have to do is to review the Waste Water Capital Outlay Fund 623. She said they will have to work with Mr. Peck and the engineering firm that is working on this project. The Mayor stated that a lot of this has to do with matching money for grants and no interest loans. She stated that, in some cases, Mr. Peck has informed her that we may not be required to actually spend the money during this fiscal year, thus it can be brought back to Council for an adjustment. She advised that this ordinance may also have to be amended by the second reading.

There being no further comments or any questions the roll was called. **VOTE: ayes 6 – nays 0 A second reading was declared.**

The Clerk gave a **first reading** to an ordinance to submit to the electors of the City of Portsmouth, Ohio, at the General Election to be held on the 2nd day of November 2010, a proposed renewal tax levy for the Flood Defense System of the City of Portsmouth, Ohio, after declaring the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors to be insufficient.

Councilman Albrecht moved this constitute a first reading.

Councilman Haas, noting this to be a renewal, asked if perhaps this should wait until the results of the engineering study is known. He was concerned that if the City is required to make certain improvements to the floodwall it might mean that more money would be needed than what would be received from a renewal of the existing tax. The Solicitor noted this to just be for the renewal that the Auditor requested at the last meeting. The Auditor advised the politically it is better to request a renewal rather than a replacement levy. He felt that since this levy is vital to our flood defense system, he felt it might be a gamble to increase the tax. He recalled the present tax to have been successful at the ballot box. He noted this levy generated approximately \$205,000.00 per year, noting that, until now, has always been sufficient and provided us with a good fund balance in case of unexpected costs, which he noted occasionally occurs. He advised Council of a process that needs to be done with regard to notifying the County Auditor of the intent to request a renewal and for a response from that Auditor with regard to the funds that will be generated. In response to Mr. Haas asking when it will be that the City will know what has to be done with the floodwall, saying he felt it important for Council to know what the City will be looking at in the future before considering only requesting a renewal of the flood levy. In response the Auditor felt Mr. Haas was asking how much it is going to cost the City for the certification of the flood defense system and concurred with Mr. Haas that we would probably not have that answer this year. Mr. Peck reiterated this thought. With regard to depleting the fund, Mr. Peck stated that tomorrow at 1:00 o'clock there is a meeting scheduled in New Boston with about 20 to 30 people, one of which will be representing the Appalachian Region Commission; as well as from Representative Schmidt's office; representatives from the Corps of Engineers and FEMA; Ohio Public Works all of who will be present to speak specifically about funding for this particular project. He expressed his hope that the City should have an answer, or at least a better answer as to how that is going to "play out" by the time the ordinance receives its second reading. He advised Council that there is an understanding about how quickly this needs to be done and this is why an attempt is being made to get everybody in one room at the same time. He invited members of Council to attend. Richard Howerton of Howerton Engineering stated the process to basically be a certification process and that they have a four to five month schedule to do phase I (the study phase). With regard as to when the information will be available he advised Council that it would probably be in about five months. He noted that it could be fine the way it is but then again it might not be, noting that theoretically there could be issue arise of which they are not presently aware. Mr. Peck stated that he personally knows that the Corps of Engineers did an inspection a few months ago and indicated a few items were noted but advised they were not "big items", relating to Council these "minor" issues. Councilman Johnson inquired as to how long the millage has been at 1 mill. The Auditor stated it to have been decades and never to his knowledge has an increase been requested.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 A first reading was declared.**

The Clerk gave a **first reading** to an ordinance authorizing the Mayor of the City of Portsmouth, Ohio to enter into a contract for roof repairs, as outlined in the attached Exhibit A, to the Portsmouth Municipal Building with Steven's Construction in an amount not to exceed \$65,000.00 with said funds being expended from CIP Building/Renovations Fund No. 301.115.5513.

Councilman Albrecht moved this constitute a first reading.

Councilman Albrecht said he would like to see some other bids. The Mayor requested Mr. Beaumont to address that request. Mr. Beaumont advised Council that the scope of the work was sent to four different contractors, which he named. He said these were contractors with whom he had worked with in the past and felt anyone of them could do the job. Mr. Beaumont said the only response he received was from Steven's Construction. The Mayor suggested to Mr. Beaumont that he might advise Councilman Albrecht of the history with the last bid he did. Mr. Beaumont stated that out of five contractors he only received one bid, which was from Stevens. In response to Councilman Haas' inquiry as to why no one else would submit a bid, Mr. Beaumont said he had no idea because no one provided him with a reason. In response to Mr. Haas asking if Stevens will give any kind of warranty on the roof, should he get the contract, Mr. Beaumont said they guarantee any water type (*not discernible – someone coughing obliterated the words*) for ten years – 20 years material 10 years on the labor, which he said is backed by the manufacturer – Firestone. The President noted the main issue to be the separation of the roof from the walls, however Mr. Beaumont said he did not understand where the President came up with a separation of the walls. In response to Mr. Malone stating that the wall do not even come up against the building, Mr. Beaumont asked him if he has seen this. Mr. Malone advised that he has not personally seen it. Mr. Beaumont replied, "Well, Mr. Malone, I've been on that roof many times in the past. We did have separation on this front wall out here, which was repaired. Now as far as the separation around here, you have drains in that roof, they drain toward the roof, if they are going to come into a crack, they are going to go down the crack before they get to the drains." Mr. Beaumont advised that to be a concrete roof and suggested the contract not exceed \$65,000.00. He further stated that if Council wants to keep it at that, they may be coming up with amendments because they may be getting some money back. He said the roof has been on there 25 years and anytime you do a tear off you don't know what you will find. He noted that if there is any concrete patching that has to be done it may make the cost over \$65,000.00. In response to Mr. Malone asking Mr. Beaumont if he were saying there is no separation of the walls from the roof, Mr. Beaumont responded there were none of which he was aware. Councilman Basham stated it to be his understanding that down by the Police Department the wall is falling out at the top. In response, Mr. Beaumont said, "That's one place it is falling out – right out here (gesturing toward the southeast corner of the building) saying that's the brick". He said that is why he is saying "not to exceed \$65,000.00". He said Council might want to be aware that if the contractors do find that, (he did not finish his sentence but continued by acknowledging another place was the wall is moving at the front of the building). The President noted that the last time it rained, Council received a letter from Judge Kegley that three individuals went upon the roof and reported a separation of the wall from the roof. Mr. Beaumont asked if Engineering were notified of this fact. Councilman Haas acknowledged that he had gone up on the roof and advised Mr. Beaumont that it is obvious that the roof material has significantly pulled away from the walls. Mr. Beaumont acknowledged that might be true but maintained that until the roof is torn off it will not be known. In response to Mr. Malone inquiring as to how it will be fixed if the wall is pulling away from the roof, Mr. Beaumont said, "then we would try to fix it some way". The Solicitor commented with regard to the Judge's concern but they were inaudible and could not be transcribed. Councilman Noel said he has been talking about this for years. Mr. Beaumont drew attention to the interior walls of the chambers, noting how the walls have been scraped and repainted but the paint is starting to bubble. In response to Councilman Noel, Mr. Beaumont acknowledged the roof to have a concrete deck. Mr. Beaumont advised Stevens Construction is ready to go to work within a week. Mr. Noel said he felt the ordinance should be passed as an emergency. Mr. Noel said he has addressed this issue for thirty years.

Councilman Albrecht, in light of what the Judges have said, withdrew his motion for a first reading.

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

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

Councilman Noel made a motion to pass the ordinance.

Councilman Johnson said if he were one of the Judges, he would be delighted with Item 16, the membrane warranty. He asked Mr. Beaumont about item 17 in the contract and suggested it read "lawfully disposed of" with regard to the debris from the roof. Mr. Beaumont advised him that could probably be done.

Councilman Basham voiced his concern, as someone who is new to government, noting that the City is going to spend \$65,000 as a band aid with the chance of, if things are worse, spending more and questioning from where that money will come. He noted an expenditure of \$65,000.00 or more with nothing having been done about the deplorable working conditions in the building. Noting that while it may be dry the holes in the ceiling will still be there along with the other areas that are crumbling. Mr. Basham felt that even with the expenditure it will only mean wet deplorable conditions will only become dry deplorable conditions. Councilman Albrecht, with regard to the roof guarantee, said if the wall is pulling away from the roof, I will guarantee you they will not guarantee it; Mr. Beaumont stated that if it is determined the wall is pulling away from the roof, fixing it will be discussed at that time. Mr. Basham wanted to know from where the money will

come to “fix it” if that becomes necessary. The President felt the City would be looking at more than \$65,000.00, if the roof deck is concrete.

The Solicitor, having confirmed by the Auditor that this money is available, has been appropriated and is from the same pool of money that was used to replace the roof on the annex building, said he did not want to throw oil on the fire but was going to have to respectfully disagree with Councilman Basham. He said he understands the issue and that there are no easy answers, however, at some point the City has to mitigate (*not discernible*). He said he could tell Council, from the Judge’s perspective, they are extremely (*not discernible due to someone coughing*) forcing Council’s decision to probably spend a lot more money than \$65,000.00. He felt this will not fix the problem but did feel it will at least stop additional water from coming into the building. He noted the reality to be that we are not going to be moving into a new or refurbished building and even if it is a band aid, something needs to be done. The Auditor recommended that if this ordinance is going to be passed it needs to be amended to show it as an emergency. Acknowledging that bids were solicited, he felt it to be Council’s responsibility, in order to by-pass the bidding process, to pass something as an emergency.

Councilman Noel made a motion to amend the ordinance to state this is an emergency.

The roll was called. **VOTE: ayes 5 (Noel; Johnson; Malone; Basham; Albrecht) – nays 1 (Haas)**
The ordinance was amended.

In response to Mr. Albrecht asking the Solicitor if he had received a letter from the Judges requesting this be passed as an emergency measure, the Solicitor (*not discernible.*) Mr. Albrecht said he thought if it had been in writing it could have been added to the ordinance. The Solicitor acknowledged that he believed there was a letter but did not believe it particularly state an emergency.

There being no further questions or comments the roll was called on the motion for passage. **VOTE: ayes 4 (Johnson; Malone; Albrecht; Noel) – nays 2 (Basham; Haas)** **The ordinance was passed. ORD. #23-10**

STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Cindy Richards – 3069 Orchard Drive said she moved to the City from Wheelersburg ten years ago into a house with a full basement. She claimed it to not be a full basement because she can’t use it saying it is in deplorable condition when it rains hard. She claimed her drain had stopped up and had to be unclogged by Rotor Rooter. She said she has been told that there is nothing that can be done about it but when she visited the Mayor to relate her story the Mayor set next to her and listened to what she had to say and even hugged her. Ms. Richards felt the Mayor to be “nice” and she felt bad for her because of all the things that are going on.

Hazel Shepherd – 2124-8th Street stated that a couple of weeks ago she was not feeling well and the Mayor called to see how she was. She said her daughter was surprised that the Mayor would do that. Mrs. Shepherd described the Mayor as being a very caring person and that all the people should work with her. She complimented the Police Department saying they always behave in a dignified way and are never disrespectful.

Miscellaneous business and reports:

The City Clerk had no report.

Mayor’s Report

1. The Mayor requested her department heads to come forward and report to Council what their departments are doing. Bill Beaumont advised that McKinley Poll will not open by Memorial Day but the camp grounds would be open this week end. Jeff Peck reiterated remarks he had made earlier regarding flood defense, stated that mowing had begun and that the EPA will be here on the week of June 8th regarding LTCP and dry basements. Sam Sutherland reported fire hydrants are being flushed and shall be finished in a couple of weeks. Fire Chief Raison reported on a department vehicle that was damaged in a recent accident and has been declared totaled. He invited Council and the public to attend the Fire Department’s Memorial Day recognition services. Captain Thoroughman announced police recruits will graduate on June 4th, the department’s acquisition of cruisers through a grant and updated Council on the general administration of the department. Randy Nichols of the Waste Water Treatment plant stated that several employees are taking tests to qualify for the class I, class II and class III operators.
2. The Mayor advised that she is trying to reutilize the used police vehicles.

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

President’s Report

1. Wished the newscaster from WNXT a Happy Birthday.

2. Requested clarification regarding the Council Letter regarding a request from the Mayor to contract with Mr. Peck.
3. Advised the Mayor that it would be best if her department heads reports were placed on her conference agenda, noting that most of the reports did not involve the legislative issues. The Mayor, noting that most of the public do not stay for the conference meeting, said she wanted the reports given while the public was present.

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 thanked the labor's local for their donation to the cleanup efforts in the east end.
- He expressed his appreciation on being excused from the last meeting and reported on his visit to the City's sister city of Zittau, Germany and further reported that residents of their City will visit us in 1012.
- 2nd Ward Mr. Malone welcomed Randy Nichols as operator in charge of the Waste Water Treatment Plant.
- 3rd Ward Councilman Basham thanked the Police Department for the traffic data they provided him.
- 4th Ward Councilman Albrecht had nothing to report.
- 5th Ward Councilman Haas thanked the Fire Department and Police Department for approving and submitting their Memorandums of Understanding adopting the 3% pay cut that was made a part of the budget. He also indicated that Council is looking forward to continuing to work with AFSCME.
- 6th Ward Councilman Noel reported that he is still receiving calls about deteriorated houses and chuck holes.
- Reported the blacktop that was put on Milldale Road last year was not property done in front of Snyder's and it is causing a hazard because the sewer was not raised. He also reiterated problems along this area because of motorist using this as a short cut and speedway getting from Sciotoville, to New Boston.

Councilman Haas wished Councilman Johnson a Happy Birthday, noting he had a birthday earlier this week.

The Solicitor thanked specific individuals and apologized if he should leave anyone out. He thanked Mr. Hamilton, the President of the Local IAFF for his hard work regarding the Memorandum of Understanding; Thanked Councilman Haas for all the extra time he gave to this effort. Thanked Wes Elson, the representative of the Police/Fire. Mr. Jones said he was happy to report the Dispatchers have also signed a memorandum of understanding and that both agreements have been signed by the Mayor.

Mr. Jones encouraged everyone to attend the Memorial Day ceremonies at both Tracy Park and Greenlawn Cemetery

The Auditor had no report.

The meeting adjourned at 8:46, on a motion by Councilman Albrecht.

City Clerk

President of Council