

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday, June 14, 2010

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, Junw 14, 2010 at 6:00 p.m., in the Council Chambers of the Municipal Building.

President, David Malone called the eeting 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 the 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 meeting of May 24, 2010, on a motion by Councilman Albrecht.

On motions by Councilman Albrecht, Council added to the agenda a resolution disestablishing the City’s Finance Committee; Cable Television Commission and Library Board, as requested by the Solicitor; added an ordinance authorizing the submission to ODOD, OHCP an application for FY 2010 Ohio Small Cities CDBG Formula Allocation, as requested by the Mayor; a resolution endorsing the CAO proposal to provide additional dental care to those residents who do not have access to regular dental care as requested by the Solicitor; and a resolution providing for the annual tax budget, as requested by the Auditor. **The various legislative items were added to the agenda as Items “7h”, “7i”, “7j” and “7k” respectively.**

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

LEGISLATION

The Clerk gave a **second 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 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.

The Mayor announced a public hearing has been scheduled for 6:00 pm tomorrow in room 153 at SSU’s Kricker Hall.

There being no questions or further comments the roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. #24-10**

The Clerk gave a **second 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 \$755,000 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 \$17,900 in the Cemetery Trust Capital Outlay Fund No. 851 for listed items only.

Vice President Haas made a motion to amend the ordinance by reducing the amount for Street Maintenance Capital Outlay Fund #233 and Flood Defense Capital Outlay Fund #265 to zero; under Sanitation Fund Capital Outlay Fund #631 striking #3 - a load packer truck and under Cemetery Fund Capital Outlay Fund #851 striking #1 – a 4 wheel truck; #6 – the alarm system upgrade; #7 – the John Deere mowers; and #8 – night vision camera replacements. He also requested the ordinance be passed as an emergency.

The Mayor asked Mr. Haas if he was suggesting that these be replaced with the language she provided Council tonight, to which he replied “no” and at the Mayor’s request repeated his proposed amendment. In

response to the Mayor asking Mr. Haas to explain his rationale, he stated the amendment is designed, in effect, to spend money on those things that is absolutely necessary. He said he went through the budget and cut out those things that he felt could be addressed at a later date. He expressed his concern that by spending all the CIP funds that are available this year there would be no money for next year. He noted that some of these items can be brought back to Council as an emergency and can be reviewed on a case by case basis. Mr. Haas felt a need to preserve as much money as possible to cover, if needed, the City's expected deficit. He further expressed his concern that if an income increase does not pass, not only will we not have enough money left next year to meet the budget, we will not have a fund to use to help offset any shortfall. Mr. Haas stated it to be his view that spending money just to be spending money at this point in time was not a wise thing to do. Councilman Johnson expressed his appreciation for the effort and obvious time that has gone into this amendment but was concerned about the "long lag" between meetings and felt it would have been most helpful if the rest of the members of Council had been advised of Mr. Haas' concerns and thoughts so this proposal could have been given additional consideration and to consider the consequence of certain suggested changes. He noted that the Mayor and her department heads have planned on these appropriations and was awaiting approval of the ordinance. He described the suggested amendment as "a surprise". In response to the President asking the Clerk if, in the past, the CIP had been passed in increments, the Clerk advised that it had been and that one year CIP appropriations were being made as late as October. The President acknowledged an understanding of Mr. Haas' proposed amendment and expressed his "somewhat" inclination to go with that thought. Councilman Johnson said he would feel much more comfortable if he could hear from the department heads. The Mayor strongly objected to the amendment, also calling it "a surprise" and "a crippling of government" stating that government doesn't exist just to "operate itself", saying "the government exists, in part, to provide needed services to the public. She claimed the departments would be "crippled" without the listed items. She asked Mr. Haas if he were not suggesting that the City not comply with the FEMA requirements for certification of the levee. Mr. Haas noted the FEMA issue to be a separate ordinance and restated the fact that he struck those things that are not an emergency need. The Mayor interrupted Mr. Haas to inform him that he had "no measure of what an emergency need might be" because, she said, "that's not your job". She continued, saying, "You are a member of Council, you're not a member of the administration. That is not your job". In response, Mr. Haas asked the Mayor if he needed to remind her that Council writes the checks". The Mayor interrupted him, saying, "Do I need to remind you the difference rolls between Council and the administrative". When Mr. Haas responded in the negative the Mayor voiced her opinion that she obviously did need to do so, saying that what he is trying to do "will actually cripple the city – we will not be able to function within our department". She agreed with Councilman Johnson about the importance of hearing from the departments. Vice President Haas stated that his intention is not that these requests would not be looked at again this year, noting the purpose is to get a CIP passed that can be lived with now. He acknowledged there to be certain things that are of an emergency nature and needs to be done now and cannot wait for them to be debated and negotiated through more readings. He again stated that if there are specific things that the department heads bring back because of a certain need, i.e. something is broken and needs to be fixed, he said he would be more than happy to entertain ordinances to address those needs; however he did not feel he was willing to sit here and pass a "wish list". The Mayor objected, claiming it was not a "wish list" and further claimed that since she has taken office there has been an effort to somehow micromanage this government. She advised Mr. Haas that it was not his job. She stated that she and her departments "deal with this stuff" on a daily basis. She also noted that they deal with the public and further claimed the items that are being proposed for deletion from the ordinance are critical. The Mayor noted the list has been "narrowed down" and further claimed there to be items listed her that Council had no authority to transfer into the operating budget to use for personal expenditures. In response to the President asking if they have done that, the Mayor stated that the inclination or at least the indication might be that is the purpose. She stated these funds to be restricted and that they can no be used for operating costs. The President advised the Mayor that they all understand that but inquired of the Auditor if the FEMA requirements have to come out of this particular CIP or if it could wait to be done at another time. The Mayor interrupted saying, "no, sir, we may not, its' down for a first reading". As the President attempted to hear an answer to his question from the Auditor, the Mayor again interrupted him, saying, "He doesn't – I have the answer to that". She acknowledged that he had asked the question of the Auditor but insisted she had the answer. The President turned his attention to the Auditor and asked him if he had an answer. The Auditor advised the Flood Defense Fund would be the fund from which payment for certification of the proposed project would be made. He further advised that this could be done now or could be done at the point when the legislation authorizing the contract for those services is passed. In response to the President asking the Auditor if he would recommend passage now, Mr. Williams, assuming that Council intends to pass, in the next couple of meetings, an ordinance to enter into the contract for the certification of the flood defense system, advised Council that they can either appropriate the funds now or.....the conversation was interrupted by the Mayor, when it was being noted that the ordinance being discussed is on this evening's agenda for a first reading, who advised, "we also have in here, Mr. President, is repairs and maintenance". The Auditor, after advising the Mayor that he would like the same courtesy that she demands, continued by advising Council that he did not see that the ordinance dealing with the engineering for that project has anything to do with.. the Auditor was again interrupted by Councilman Noel who called for a point of order. The Auditor advised the President that if he did not get the courtesy of at least trying to respond to his question and without being interrupted by Council or the Mayor then he did not see any point in his being here. The President apologized to the Auditor who then continued, saying the ordinance for the engineering certification does not contain any language for an appropriation. He said he did not know if Council is going to give the ordinance a first reading, therefore he cannot provide them with a recommendation regarding when it is better for it to be passed, however he felt that the ordinance would likely be passed as an appropriation. Vice President Haas asked the Auditor if he would agree that it would be appropriate to amend the proposed ordinance to include language that would provide for the appropriation. The Auditor concurred that it would be appropriate. The Mayor again noted there to also be other items in the

flood defends outlay fund and proceeded to identify them and again claiming this to not be a “wish list”. She further claimed that requests in this budget have been taken to “bare minimum” and continued by identifying some of the equipment that is in need of repair. She reiterated remarks she had previously made with regard to the synchronization of the traffic lights as well as reiterating her remarks regarding the use of CIP funds for operating expenses. She also claimed the Council to have adopted an operating budget with a 1.2 million dollar deficit and asked Council if she needed to remind them of that fact. She also accused them of not taking into account an expected \$600,000.00 deficit in the insurance fund. She continued saying, “Already, Council in its infinite wisdom has passed nearly a \$1.8 million dollar operating, deficit operating budget for 2010”. She claimed that by all her years in government that was unlawful. Councilman Johnson expressed his concern about the process, noting the employees to have “stepped up to the plate and graciously returned 3% that they should have gotten this year”. He claimed these employees, through their department heads, made certain requests to the Mayor of things that they need. Mr. Johnson said he did not think this method of business – the last minute introduction of amendments – does not lend itself to knowing what impact those amendments will be on the neighborhoods or people who are participating or certain things that are happening because of this CIP budget passing. Councilman Noel suggested Mr. Haas “at least get out and travel some of the streets we have to travel outside his ward”. Mr. Noel reiterated remarks he had made at a previous meeting with regard to the improper paving and lack of lane markings on Milldale Road last year. To Mr. Haas he suggested that perhaps they did not have potholes in his ward but said they exist in the rest of the city. He felt this was “nit picking” the Mayor by taking away money with which she needs to work and is not letting her do her job, which he claimed has been happening since the election. Mr. Noel said, “If we intend to remain a city, right now I think the state will come in and probably take over operating it – one and two tenths operating deficit, which is illegal”. He continued, saying “If we want to do that, we better give the Mayor some money to go ahead and try to get some of this work done that has to be done, especially in an emergency”. Councilman Noel said he was against taking away any of the funds, saying, “She has already gone through this and I am sure she knows what she can do”. He acknowledged Mr. Haas to be correct about Council being the ones who appropriate the money but felt if there were no City to operate, Council will not be here to appropriate. Councilman Albrecht, with regard to the deficit, noted that the budget submitted by the Mayor showed about a three million dollar deficit. The Mayor took exception, claiming that she presented a plan that balanced the budget and showed a small surplus. Councilman Albrecht disagreed noting that to not be what her proposal projected. The Mayor acknowledged that she started with a \$3,000,000.00 deficit in all funds combined and claimed that to be what she inherited and further claimed that by the plan that she put together and was rejected by Council, saying they chose a different alternative. She insisted that her proposal would have balanced the budget. She further claimed that Council, on its own, continued and had hearings and decided to adopt an operating budget with a negative balance of 1.2 million. In response to Councilman Albrecht asking the Mayor if she were saying that Council added more to the budget, the Mayor replied, “No, sir, I’m saying you did not cut enough on the expenditure side so you’re proposing that the City expend 1.2 million dollars at least more than we are going to take in in revenue”. The President acknowledged the Mayor having decreased the amount she originally requested for a mower for use on the levee and further acknowledged that the demonstration of that mower was impressive. Vice President Haas stated it to be his understanding that there were two mowers being used and both are still functional. He further stated it to also be his understanding that at least one of the operators has been on leave due to an injury. Mr. Haas stated it to also be his understanding that some of the floodwall is cut by seasonal workers, which were not budgeted for this year. He said his understanding is that the mowers the City already has are capable of cutting the grass for the remainder of this year. He said he does not have a problem, in the income tax increase is passed to come back and look at purchasing a new mower but at this point in time it is his opinion, and the reason for his proposal, is that there is a need to save all that we can where we can. The Mayor responded to the President saying, “Might I remind you and remind the gentleman from the 5th Ward that these monies cannot be used for operating, these monies cannot be used for operating, they are to be used for capital”. She went on claiming that one of the employees had to retire due to disability from using our present mowers. The Mayor also claimed the other employee, who also used these has had significant problems. She explained the advantages of having the proposed mower with an enclosed cab and called upon Randy Nickels of the Waste Water Treatment Plant to further explain the need for this particular mower. Mr. Nickels, with regard to the need for two people to cut the grass on the levee, explained that there is only one person doing the mowing at this time. He explained a retirement and the bid into that position by another employee as well as the posting of a now vacant position, which, when filled, will provide the division of flood defense with two employees capable of mowing the levee. With regard to the present mowers, Mr. Nickels explained the problem to be decks that are too big and therefore the weight of the deck pulls the tractor off the levee, causing damage to the levee. He informed Council that the department is trading in one mower, saying that he is at the mercy of the men and in not “hands on”. He further stated it to be his understanding that the one tractor is not worth fixing and will be traded in. With regard to the proposed request for a mower with a cab, Mr. Nichols said it was unfortunate that one of the gentlemen who cuts the grass has a terrible allergies and the proposed mower will help with that situation. He informed Council that they will purchase a mower with a smaller deck, which will allow safely mowing at a more rapid speed. Mr. Nickels acknowledged there to be a lot of “grass growth” due to the amount of rain we have been receiving, which has added to the problems. He also acknowledged there is a seasonal working this summer. Mr. Basham said he hated to reinvent the wheel here in Portsmouth when it has been done in many other cities up and down the river. He said he called Ironton and spoke with a gentleman who is in charge of the floodwall maintenance and asked him a few questions back when this \$80,000.00 mower was being discussed. Mr. Basham said the Ironton employee informed him that they mow 5 miles of earthen wall and that he himself has been doing the mowing since the 1970’s and has no physical ailments from doing so. He advised Council that Ironton just purchased a new tractor for mowing their floodwall, noting the bid they received, which included an air-conditioned cab and all the extras was \$26,000.00. Mr. Basham said he really was not in the mood to spend more than is necessary, questioning that if he were able to find this information

with just a phone call why anyone else could not have done the same thing. He said he did not understand why this was being argued when a simple phone call would have provided this information. In response the Mayor stated, to the President, that it was not her job to make phone calls to other cities, saying “my job is to ask my directors to provide information”. She advised Council that Mr. Nickels was fully capable of asking and receiving bids, saying these are some quotes they received for budgeting purposes and stating that she hopes the cost does come in at less and noting the City will be “trading some in”, she asked Mr. Nickels if it were possible that the cost will come in “significantly less”. (*Mr. Nickels’ responded from the audience and was not audible for transcription*). The Mayor, in response, said, “We can appropriate so much and spend less, that’s the optimum, we have to, we’ll get quotes but then once we go then maybe we’ll get quotes maybe we’ll be able to get a better deal, maybe there is something else we hadn’t looked at”. She again noted this money to be “capital money” and stating that it will stay there and that it is not going to be spent for operating; emphasizing that it can’t be because it is “capital”. Vice President Haas proposed his motion to amend stay as it is and then if the Mayor’s office gets proposals and wants to stick with the \$55,000.00 tractor she can bring that back as a separate ordinance or, if a cheaper one is available, the amount needed can be appropriated at that time. He said he was not inclined to write a \$55,000.00 check when there is a possibility exists to purchase a mower perfectly capable of doing the job for \$26,000.00. Mr. Haas felt that to approve a more costly mower would not allow for any incentive to look for a \$26,000.00 tractor. The Mayor responded by saying she resented the implication that somehow she didn’t know how to do this, saying, “the fact of the matter is I just told you, the fact of the matter is I don’t drive a city car for a reason, I think the public, everybody else drives their car to work, I can drive my car to work”. Again referring to these “capital items”, she said, “we make the best purchases we can make, we save money when we can, that is my job to tell my department heads and my department heads have heard me do that”. She continued saying, “This is how I run this government, I resent a member of Council indicating that he can do better, it’s not his job, it is my job and that is the reason I was elected to this job”. Councilman Johnson noted this to be a budget item, which, he said we don’t go out for bid until the item has been budgeted, noting that if the amount budgeted is more than the actual cost of the item, the difference remains in the budget. Mr. Johnson said he knows these department heads, saying “they will go after the best bid possible”. Councilman Basham disagreed with Mr. Johnson, stating that a bid can be gotten at any time whether or not funds are available. In response, Mr. Johnson said, “If you have plenty of time to know what all your specs are, pre budget, which, generally you are working on a budget, you’re not going out, this is just one of many things that you are not going to waste your department head’s time on a transient issue and your contractors are going to assume you have the authority to receive bids and that bid has been good. That’s not the way it works”. Mr. Johnson stated that once you “send out bids” you are under a legal obligation to respond to those bids”. Vice President Haas advised Mr. Johnson that he did not understand the process of which he speaks because he knew the Mayor had submitted a request for \$80,000.00 for a mower and had it in town for everybody to see prior to the funds being budgeted. Mr. Haas said he guessed he did not know how this system is supposed to work. He continued, saying it seems to him like anyone could always make phone calls to find out the cost of a particular item, noting that is when you go to Council to request the amount of money that will be needed. Mr. Haas said that is what makes sense to him but acknowledged that he is relatively new at this. The Mayor recalled that when the “Capital Budget” was first discussed, at that time the figure was for \$80,000.00 but has since been revised to \$55,000.00 because there were mowers brought in by the departments for review. She specifically noted that this was not done by the Mayor but by the departments. She said upon viewing the mowers a decision was made to not consider the one for \$80,000.00. She claimed it to be a “timing issue”, noting they were trying to put together a budget and “looking at things”. The Mayor advised that subsequently they looked at a mower for \$55,000.00. She further advised that since looking at the \$55,000.00 mower they are now looking at some that are in the upper twenties. She again noted these to be “Capital Items” saying, “We need a budget, we will go forward and buy the best and most cost efficient way of doing it”. She further stated, “If for some reason, some item that we have in here we find that we don’t have a need for those monies will lapse and go back in but right now my department people are telling me these are issues, these are items that we need to do our jobs, these are items that we need to do our job correctly”. She continued by explaining the need for various items listed for the cemetery. She advised Council of the people who are upset about the desecrations that have taken place at the cemetery. The Mayor said she found out from Mr. Beaumont that the security cameras in the cemetery are not night vision cameras, noting that to be when most vandalism occurs. She noted that it was determined that a new camera would not be needed for the maintenance building at the cemetery but were needed on the monuments. She described this as the “kinds of cost saving measures” Mr. Beaumont exercised when he deleted an \$180,000.00 load packer truck from the budget because the Auditor advised them that there were not sufficient funds in sanitation, saying “even though we collect funds for sanitation, we had to take that one out”. The Mayor advised this to be an “administrative function”, saying “Council comes to meetings twice a month, Council gets information, Council adopts policy, adopts ordinances and resolutions and budgets, Council’s job is not to look at each line item and say we should be spending ‘x’ when we are proposing to spend ‘y’, that’s not Council’s function”.

There being no further questions, comments or discussion the roll was called on the motion to amend.
VOTE: ayes 3 (Basham; Albrecht; Haas) – nays 3 (Noel; Johnson; Malone) The motion failed due to a lack of four affirmative votes.

The President noted there to be a couple of things Vice President Haas wanted to delete (*the remainder of his remarks were inaudible and could not be transcribed*) The Mayor noted the changes that were discussed with the department heads and Council at the last meeting, said she has submitted a suggestion to the Solicitor that we summarize on each page what those changes were. She apologized for an error on the second page and asked that a corrected 2nd page, which she distributed, be substituted for the original page. The Mayor explained that the suggestions she has provided to Council be considered as a request for the

ordinance to be amended accordingly and proceeded to read the changes that were suggested, by Council after talking to department heads, on the first reading of the ordinance.

Councilman Noel made a motion to amend the ordinance in accordance with the Mayor's request.

The Auditor, noting he has the "numbers" from the last meeting and inquired as to whether or not the ordinance was not amended then. The Solicitor advised that while suggestions had been made with regard to amending the ordinance at the last meeting, there was no motion to do so.

There being no further remarks the roll was called. **VOTE: ayes 3 (Noel; Johnson; Malone) – nays 3 (Albrecht; Haas; Basham) The motion to amend failed.**

Vice President Haas, noting the objections by members of Council to his previous proposed amendment, adjusted his previous amendment to provide for a mower at a cost of \$30,000.00. The Mayor, acknowledging she understands what Mr. Haas wants to do, asked what would happen should the best piece of equipment be \$32,000.00. She suggested an amount of \$45,000.00 to allow flexibility when looking for a mower and claiming the figure suggested by Mr. Haas to be arbitrary. Mr. Haas felt his number to not be any more arbitrary than the \$55,000.00 amount submitted by the Mayor. He referred to the information provided to Council with regard to the cost of the mower purchased by Ironton for \$26,000.00 and noted the Mayor to have, herself, mentioned having had a conversation involving numbers around \$28,000.00 for a mower. Mr. Haas felt that he has provided some leeway with his suggestion of \$30,000.00. Councilman Basham reiterated earlier information regarding the mowers purchased by Ironton, noting that they has purchased two tractors that cost \$26,000.00 apiece, noting that Ironton only paid \$23,000.00 for each mower because they did not get air-conditioning. He noted the \$26,000.00 model to have "all the bells and whistles". Mr. Basham advised this quote to have been provided over the past four months. He described the mowers as "low gravity" and was told that they work fine for Ironton. Mr. Basham did not feel there would be that much difference between the floodwall protecting Ironton and the one located along our riverfront. He said he did not understand the point of spending more money, especially since this quote was obtained in the last four months).

For clarification, Vice President Haas noted that he is resubmitting his original amendment with a revision that provides \$30,000.00 as a cost amount for a mower for flood defense. To further clarify, for the Mayor, Mr. Haas restated his amendment as it relates to Street Maintenance and the Sanitation Fund. At the request of the Mayor, Mr. Nickels reported "on-going" breakdowns and reported a recent pump failure. He also reported that when he attempted to order needed equipment he was advised that the City had an outstanding balance from the first of the year. Therefore, he is looking to get that paid so these additional pumps can be ordered. He said EPA would like for the City to have a pump on the shelf, in case of an emergency, but Mr. Nickels felt we are not at that point. Mr. Haas asked Mr. Nickels if there were anything that would stop him from coming back to Council when a need arises, keeping in mind that that what the CIP's objective, for this year, is to put out the fires and to provide for immediate needs and is not something proposing to cut funding for the rest of the year. Mr. Haas explained the reason for making his proposal was that repairs and miscellaneous equipment was listed as \$100,000.00, saying he would personally prefer that when something is needed the request, with an explanation, is brought to Council. Mr. Nickels recognized Mr. Haas' concerns and expressed his appreciation but was concerned about the turn around, saying he would like to have the ability to act in a faster manner when problems arise. He said it would be difficult to explain a delay for noncompliance because it was necessary to work within the time frame of the Council meetings. Mr. Nickels noted this is the reason there are usually two pumps in a pit – one is there as a backup but sometimes both pumps will fail. He expressed his hope that in that situation there would be funds available so the situation can be immediately addressed. In response to Councilman Basham inquiry as to whether or not these pumps are a part of the flood defense system, Mr. Nickels replied in the negative. The Mayor stated Mr. Nickels answer was due to the fact that he was new to flood defense but she could attest to the fact that there was a flood defense pump failure within the first three months of this year, which had to be dealt with at that time. She said she did not know how the City paid for this equipment and suggested that might be why there is an outstanding bill. She advised that if there is no money budgeted for these problems and an incident occurs the City does not have the luxury. Mr. Nickels stated that his supervisor of flood defense has relayed real concerns about the gates. Councilman Basham stated his fear to be that if a lot of money is spent from the flood defense funds and then the FEMA study dictates that a lot more money be spent to correct any problems and the money is not there, how do we fix the problem? The Mayor claimed that what we have is an on-going kind of every year estimate of what happens accompanied by a cost figure. She further claimed the figure in this budget is based on the City's history. She expressed her hope that once the study is completed a lot of repairs will not be necessary. However, she stated, "if we do, that is one reason we save money by the proposal of Howerton and using the subs that they use. We'll get the work done, hopefully we'll save money, we'll be able to use those monies. If not, we'll have to look at other options". The Solicitor felt we were dealing with extremes but understood the need to have some dollars available for repairs, which he would like to see – whatever that amount might be. He acknowledged the City is on the State and Federal entities radar. He said he did not want to see the City in a position where they have to explain (*the Solicitor's response was barely audible and could not be transcribed*). He said he was not advocating for either side of this issue but felt some sort of funds should be made available for emergencies. He also agreed with Vice President Haas, noting that the City does have some major expenses, which need to be brought back to Council, however if there is a problem that can be fixed for \$5,000, there should be a way of doing that without having to come back to Council. Vice President Haas, acknowledging he did not know when the flood gates were last used successfully and was concerned about expending budget money into working on the floodwall gates at this time when we know we are facing a budget crisis, not only this year but next year as well. He stated his

concern to be that money would get spent on things that are not, what he would define as, emergencies, when there may be a greater need for those funds next year. Mr. Haas feared that allocating too much money in some of these funds would result in the monies being spent. Councilman Albrecht agreed with the Solicitor with regard to providing some funds, however, he also expressed fear that there might be an emergency that required a large expenditure with no way of obtaining the money without going to the voters. He noted this would mean either a special election that could cost us \$40,000.00 or would have to wait until the primary or general election.

There being no further questions or comments the roll was called on the motion to amend. **VOTE: ayes 4 (Haas; Malone; Basham; Albrecht) – nays 2 (Noel; Johnson) The ordinance was amended.**

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

The roll was called. **VOTE: ayes 4 (Malone; Basham; Albrecht; Haas) – nays 2 (Noel; Johnson) 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 4 (Malone; Basham; Albrecht; Haas) – nays 2 (Johnson; Noel) The ordinance was passed. ORD. #25-10**

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 Basham made a motion to amend the ordinance by reducing some department's requests but adding items to other departments.

Mr. Basham acknowledged that when things break they have to be repaired but noted that "thanks to Mr. Essman and a group of concerned citizens" we have to have money set aside from the CIP so we can afford to fix something when it breaks. Mr. Basham, again stated that he did not see any reason why a request could not be brought back to Council when the need arises. He continued by going over each item line by line that he wished to amend. Upon Mr. Basham submitting his amendment to Section "g", he was interrupted by the Mayor who said she wanted to point out to the public what Mr. Basham had just done. The President advised the Mayor that she would have to allow Mr. Basham to finish. Mr. Basham noted that the item he had just struck from the ordinance could be brought back to Council if it is an emergency. The Mayor continued her protest by noting that to be \$50,000.00 for historic preservation, just so everyone would know. Councilman Basham continued with his amendment which included an addition of Adobe Software upgrades for the GIS mapping system; a CMI server replacement; an OAR Net T1 annual payment; anti virus software for the city's computer and a new central copier. He also added items for the Police and Fire Departments who were not included in the submission of the CIP budget. The end result of the amendment would reduce the grand total to \$1,384,731.00 from the original request of 2.2 million dollars. Mr. Basham noted that with the 1.3 million available in the CIP this year plus the 1.2 million from last year it gives the City 2.5 million dollars. He further noted that if 1.3 million with this current ordinance, that would leave, in the 301 Fund, a 1.1 million dollar surplus to be used, as recommended by Mr. Essman, to replace or repair those things that break.

Councilman Johnson said he was "flabbergasted" with these "last minute" changes, without consulting anyone, noting the presence of representatives of Main Streets and the cuts that have been proposed that would affect their projects and commented on the proposed elimination of the shade trees, noting this to be a part of the City being named Tree City USA. He continued by asking the Director of the Service Department, Mr. Beaumont, if he had made a request for the additional items Mr. Basham proposed under the section for the Engineering Department. From his position in the audience, Mr. Beaumont's response was not audible on the tape. There followed some discussion with regard to who made these requests and the Mayor stating that those requests did not come from the administration. She described this action by Council as "ridiculous" and that she had no knowledge of any of this. The Mayor described the action of a member of Council to "interpose all of this" as being "absolutely asinine". In response, Councilman Basham asked the Mayor if she was aware of from where the Internet payment comes; noting that if the City does not pay for the T1 line, there will be no Internet for City government. The discussion continued with regard to who made the request and the Mayor insisting that the request should have come through her office from the department head. Vice President Haas stated that he would like for it to be known that he has had at least two department heads tell him that they were told that the Mayor advised them to submit whatever they want but they were not getting anything. He also said he did not believe it to be out of line for the department heads to approach him in this instance. The Mayor disagreed and said if those two department directors were before her she would chastise them, saying that is their job to bring it to her. She noted that following the last meeting there were some items added to the budget for both the Police and Fire Departments and questioned the number of cars needed by the Police Department. The President noted it to have been five. The Mayor insisted that the Chief of Police gave her his expressed needs. Councilman Basham explained that the \$30,000.00 request is for a lease payment on the existing vehicles, noting the lease has to be paid somehow. Mr. Basham said the only thing he is requesting for the Police Department is two Ford Explorers, noting they had also requested three more Crown Victorias, which he did not include in his amendment. He again reminded everyone that these requests can be resubmitted. Acknowledging that items not budgeted can be resubmitted, Mr. Basham reminded everyone that if the entire funds available for the CIP are expended and something breaks we cannot

bond for anything that is over \$100,000.00, without a special election at a cost of about \$30,000.00. Councilman Johnson objected to the removal of beautification and historic preservation. With regard to items added under the Engineering Department, Mr. Johnson said he could only assume that Mr. Basham talked to the head of that department. Mr. Basham stated that he went to various employees and talked to several of them, he was interrupted by both the Mayor and Councilman Johnson. Mr. Johnson stated that it was not Council's job to go to the employees, while the Mayor accused Mr. Basham of violating the charter. The President advised that only one person talk at a time. Mr. Basham noted the charter prohibits Council from telling employees what to do and are not prohibited from inquiring. The Mayor suggested that Mr. Basham read the charter again and insisted that he continually violates it. Mr. Basham assured her that he has read the charter. The Mayor continued by reiterating previous opinions she has made about the City being "broke". She felt it to be Council's position to "determine what monies are to be spent on what". She continued by stating her objections against Mr. Basham's proposed amendment. When Mr. Basham attempted to respond the Mayor objected to being interrupted and reminded the President that she had the floor. The President called for order and the Mayor continued defending her proposed budget. She claimed this amendment would cripple the departments and that Mr. Basham could not summarily decide what was right just because he doesn't like her or her administration. She asked him why he didn't run for Mayor, saying, "that's what I did". She stated that she has to sort through the department's needs with not enough money, saying "I can tell you that there are many departments that have suffered when others never have to suffer". In response, Councilman Basham point out that his amendment is replacing two 1997 Ford Explorers, in the Police Department and suggested that perhaps the ones being replaced could be used by the Health Department instead of the proposed crew cab pickup truck. The Mayor interrupted Mr. Basham to state to the President that the Explorers "won't carry the crew cab" when Mr. Basham attempted to continue, the Mayor again interrupted him saying it would not hold the capacity and advising him that he "did not know everything". When the President insisted that the Mayor allow Mr. Basham to continue, she said, "we are wasting time".

The Director of the Health Department, Peggy Burton, came to the microphone and expressed her appreciation for Council's efforts. With regard to the crew cab pickup truck, she advised Council that the Health Department had to give the van they had been using to the Municipal Court. She noted this project to be a cooperative effort, during this summer, which is being done through a grant that was received by the Municipal Court utilizing probationers supervised and transported from work site to work site by the Health Department. She said they have no vehicle whatsoever and are far behind in being able to do anything at this point because of the lack of a truck or equipment. Mrs. Burton reported on the accomplishments of this program, which began in June of last year, and justification for the purchase of the pickup truck with a dump bed and crew cab. In response to Councilman Basham, Mrs. Burton advised that a crew cab will hold about six workers. Vice President Haas described Mrs. Burton's report as "quite impressive". Mrs., Burton said it was a great program and probably the best program that the City has had with regard to its ability to do cleanup work. The Solicitor acknowledged the program to be an exceptional one as far as providing community service as to show positive results. He noted it to be unfortunate that they are now limited in what they can do. Mr. Jones requested a bit of compromise. He further noted a lot of long hard work having occurred to get to this point and he felt it good for Portsmouth to have Main Street Portsmouth but there is a limit to how much money you can collect through fund raisers such as selling flowers.

In response Councilman Basham said he would be happy to change his amendment to leave in the funding for the crew cab pickup with dump bed. With regard to historic preservation, he stated his reservations to be that he has never been told for what purpose the \$50,000.00 was going to be used and assured everyone that he had nothing against Main Streets. He again noted there to be some things of an immediate need and that is why he proposed this amendment. He reiterated the ability to reconsider other requests as needed saying it is easy to approve spending when there is money left over but it is all spent it is going to come to Council regardless of the project and it will be up to Council to come up with the funds, however he questioned how they were to come up with money when it is needed if all the CIP funds are spent. Mr. Basham assured the Mayor that he did not want to be Mayor of this or any other city. The Mayor reiterated her claim that this city is broken and felt her proposed expenditures would "give hope to our citizens" saying, "these are not issues that are out there just to put a purpose of spending money", which she felt has been the implication. She continued by justifying her proposals and called the proposed amendment for resurfacing the streets as "ludicrous". Vice President Haas stated that he has no problem with fixing streets or to do some of the other things the Mayor proposed, however, he felt it does not do any good to have nice streets while the City is under a fiscal watch. He said his goal is to keep the City afloat and felt that to be Council's job. He felt that an income tax increase would provide funds that will balance the budget and provide money for capital improvements. He said he did not have a problem with spending \$500,000.00 to \$600,000.00 on paving but when we look at spending that money now when next year we would have a zero balance in the CIP and an operating budget deficit, he does have a problem with spending the money now. He reiterated the fact that he is not opposed to reconsidering some of these items when we know where we are going to be next year but until then he thought it would be foolish to spend money that we are not going to have. Councilman Noel asked Mr. Haas how many people did he think would vote for an income tax increase when he is "killing all the infrastructure". Mr. Noel thought the funds should be spent on the street and claimed something was suppose to have been done with Rose Street Park several years ago. He also felt that in the last five to six years the park has deliberately been turned into a dump, saying, "the City administration brought it on themselves". Mr. Noel did not believe the people of this City would vote for an income tax increase without first having the streets repaved and curbs painted.

Vice President Haas respectfully requested that any member of Council suggest what types of items should be included for the expenditure of any type of income tax increase. He felt any idea should be floated

and , no matter what they might be, noting it to be important for the public to know how the additional income will be used. However he was against spending money and then not having it when it is needed with the hope that because we did something the citizens will vote for an income tax increase. Mr. Haas said he personally did not see the logic in that. Councilman Basham found it to be “very upsetting” , noting that before being elected, when he came to Council meetings he heard, even his opponent along with many of the people in the audience, rail on Council for not having a comprehensive plan or any kind of long-term plan. He acknowledged it would be nice to pave the streets and improve all the parks to make everything as good as possible and spend all we can. He acknowledged Council could do that back when they could bond over \$100,000.00 for the purchase of needed items, however, he noted, Council can no longer do that. Therefore, Mr. Basham felt the only option he could come up with is to hold some funds back for the problems that Council is not even aware of as yet. Councilman Johnson expressed his feelings of being “ambushed tonight” and also felt the public to have been ambushed. Noting it has almost been three weeks since Council’s last meeting, Mr. Johnson felt there to have been plenty of time to have been informed of these changes, further noting that he has not even seen any documentation with regard to the need of a replacement server. He felt “the process has been violated” and described the proposed amendment as “a last minute introduction” of which, not all members of Council was aware. He also claimed to have been watching the public and their responses as Mr. Basham introduced his amendments. Mr. Johnson apologized to Zoe Richards, describing her reaction to the amendment as “incredulous” and describing himself as being “furious” at the amendment saying it was not the budget process, saying days and hours had been spent going over the CIP and interacting. He noted this to have been done at the last meeting with department heads. He acknowledged Mr. Basham’s proposal to have “at least” been presented in writing and thanked him for that. Mr. Johnson again described this as “an ambush” and not the “way a government should be run”. He did agree that the public expects Council to look closely at the budget but he still disagreed with it being introduced at the last minute, noting what he felt was affecting others and the City’s ability to follow through in fixing the roads. He said he did not buy into it and did not buy into the process, saying “I am so disappointed with this government”.

Councilman Albrecht called for the question. The roll was called. **VOTE: ayes 4 (Malone; Basham; Albrecht; Haas) – nays 2 (Noel; Johnson) The motion carried. The discussion ceased.**

The roll was called on the motion to amend. **VOTE: ayes 2 (Basham; Haas) – nays 4 (Albrecht; Noel; Johnson; Malone) The motion to amend failed.**

Prior to any other motion being made the President advised that as President he did not want to get into a debate but expressed appreciation to the two Councilmen doing their due diligence and presenting ideas to Council. However, he noted there to be a couple of items with Mr. Basham’s amendment, as there was with the amendment presented by Councilman Haas, that he wants to review with respect to both Mr. Haas and Mr. Basham. Mr. Malone expressed his opposition to cutting the funding for community development, which he felt to be so important. To Mr. Basham, he said he believed this to be a part of the funding matching funds needed to qualify for the State Tier Grant. In response Zoe Richards advised that the City has to first be approved to apply for this grant and further advised that all that the City has done is to apply for the preliminary application. She also noted Main Street to have done 95% of that work. She said she believed that she had impressed on Council the importance of the \$50,000.00 for historic preservation and what it does for our community. She thanked those who attend their fund raisers but noted it was not going to cut it with regard to the funds that are needed. She stated that she has been the only director of Main Street Portsmouth in three years and has never ever asked for a raise. She stated that she now makes less than \$13,000 per year. She advised that the \$50,000.00 is not going to be used to pay her salary but it will go to help write the turnkey grant, which will be \$400,000.00 that will be reinvested into the building and properties in this district. Mrs. Richards continued by explaining how this grant would help to revitalize and strengthen the existing businesses and bring new businesses to our district. She advised that the City does not even provide the water that is used to water the various plants seen at Market Square and on the Esplanade in the downtown, noting that a grant from the Scioto Area Foundation provided the funds to purchase a watering system. Mrs. Richards explained that all Main Streets needs from the City of Portsmouth is support in getting that watering system and felt that the proposed funds for beautification should make that happen. She said that, while they can purchase flowers to make the entrances of the City more attractive, they cannot afford the volunteers they would have to pay to do the watering. She also advised that these funds are used to replace missing trees. She said the matching funds for this grant will not be included until the 2011 CIP budget. Councilman Haas felt, for himself, that looking at a CIP with \$50,000.00 for historic preservation with no explanation is what causes a problem. In response to Vice President Haas thinking some money had already been allocated for matching funds, Mrs. Richards advised that to not have happened, she noted \$40,000 was suppose to have been in the CIP and stated it to be her understanding that Council approved those funds for Mandy Hart to help write the tier 2 grant and the funds would be allocated in the CIP budget. In response to Councilman Haas inquiring as to the status of these funds, the Auditor stated that \$4,000 was allocated to CHIP as well as an additional \$5,000, all of which has been expended. Mrs. Richard’s pointed out that was to Mandy, to which the Auditor concurred, noting that an additional \$2,000 from the operating budget was also expended to that project. Mr. Williams stated that to his knowledge, tier 2 has not been allocated to anybody. To Mr. Haas’ inquiry about whether or not this was something for which separate legislation was requested in order to pay for the Tier 2, Mrs. Richards replied in the affirmative, noting it would come from the 2011 CIP budget. She stated it to be her belief that when the City applies for these funds they have to show that the City has at least \$40,000 to pay for the engineering. Mr. Haas noted that the \$40,000 and the \$50,000 will have to just sit until the applications are ready to be sent for tier 2. Mrs. Richard noted that would be for 2011, and again expressed a desire to see the support of the City. She noted the \$50,000 for historic preservation has been in the CIP budget for at least three years and Main Streets has yet to receive a dime of the \$50,000 even though it continues to be promised. She explained

that the \$50,000 will be used as the matching portion of this grant and will help support of the initiative of Main Streets Portsmouth, by replacing trees, paying for mulch etc. In response to Vice President Haas asking who she was now working with in Community Development now, Mrs. Richards said she just got back from vacation and returned to work today. She advised that she is working closely with the Mayor in her office. She said she worked with Shannon when she was in that office. Mrs. Richards advised Council that if the grant and the preliminary application are received and they are allowed to move forward to apply for the entire application that will be due in October, it is written in the grant that the City will hire that out. She said it has always been written that someone else, other than the City's Community Development Department would be "hired out". With regard to Mr. Basham's proposed amendments, the President said he looked at the funds that were expended last year for street resurfacing and found that amount to be \$181,000.00. He said he assumed that we would at least spend that much this year. He also expressed concern about removing funds for shade trees, noting that expenditure contributes to the City being designated as a "tree city" each year.

Councilman Basham made a motion to amend his amendment by leaving everything as is but changing the street resurfacing to \$200,000.00, returning the crew cab at \$37,432.00, leave the shade tree at \$6,000.00 and returning \$40,000.00 to Community Development.

Councilman Johnson suggested that everything that was added to Engineering, with the exception of Item 9, be removed. When Mr. Haas expressed his confusion and asked if this was an amendment to Mr. Basham's earlier amendment, Mr. Basham stated that he is proposing that amendment and that he is going with what the Mayor said earlier that it is better to have it and not spend it than to not have them. Councilman Johnson said that sounded great noting that if any of these additional items were needed "they" could come back like the others are being asked to do. He felt the only expenditure needed, of those added items, was the lease agreement for the T1 line. He felt the remaining items should be documented and justified. The President acknowledged that each member of Council had received, when first presented with the CIP, the additions for the Police Department, Fire Department and these items that were added to the Engineering Department were included in the packet with the CIP budget. Noting that he has not gone to any body, the President said he has heard that the people in this building need these particular items. He said he assumed these are a legitimate request from the CIP budget. The Mayor stated it to not be the employee's responsibility that they should come to their directors who are to come to her, and then the recommendations come forward. She said it is up to the administration to determine how the day to day operations will occur. The President advised the Mayor that he understands what she is saying but his point is that members of Council know these items were in their packets and are simply conveying needs. The Mayor said these requests were not given to her. Councilman Johnson noted the garage came before Council to discuss some of their needs and felt there to be two different standards and noted that he has not had the same conversations as other members. He did, however, recall that particular department head saying that was needed but now it is gone. Mr. Johnson again expressed concern about the way the amendments were introduced to Council and questioned who was benefiting from these additions saying, "someone has a big mouth" noting the request for server replacements and software. He said he was going to assume the figure shown is the actual cost and assumed that Councilman Basham had called San Jose to see if that was the lowest cost we could get on a CMI server replacement. Mr. Basham confirmed that it is the best cost replacement. Vice President Haas, with regard to from where this request came, felt this to be an issue in his mind but noted his concern to be about Council spending night after night going through the operating budget, deleting items, reducing cost by \$20.00 and \$50.00 and now money is being added back, noting that to be easy to do. He reiterated his concern that in January 2011 the City will be faced with another budget deficit, saying if we don't have enough money in the CIP to make the AMERESCO payment, as we did this year, to help cover a shortfall in the operating budget, is his concern. He pointed out that if Council adopts everything that has been proposed in the original submission, there is not going to be any money left over and the City will end up in fiscal emergency. Mr. Haas said he did not know if it was Council's job to administer but he would like to think it is Council's job "to keep this City out of the ditch". He felt the ditch to be were we are headed if Council passes this ordinance as originally proposed. Councilman Johnson felt an argument has been made that the department heads can come back to Council at any time and, noting if that is true, then that is true of this entire document, saying, "If we want to play that game then we really don't need this because we are not giving our department heads the tools to (*not discernible*). Councilman Noel agreed with Mr. Johnson, saying Council may as well not pass anything and let the departments come before them as their needs arise. With regard to remarks by Mr. Johnson, Councilman Basham said he would like to verify and tell the public that he put this amendment together and printed it off in the Engineering Department around 3:30 this afternoon, noting that he could not provide it to Council any earlier. He assured everyone that there were no secrets or nothing hidden about this motion. Councilman Johnson interrupted Mr. Basham to say that he had also worked on some things that are actually in the Mayor's conference agenda. He said he does not do that he follows the process. He said he realizes the CIP is important but noted Council's last meeting was three weeks ago and he did not care if it were 3:30 today, he had to take the time to include in the Mayor's conference agenda those things he wants to see different, claiming it eliminated any surprises. He claimed this to not be the first time they have been hit by legislation that "did not go through what minimal process we do have". The President noted that as Mr. Haas and Mr. Basham have presented their ideas or recommendations, the rest of Council has the opportunity of rejecting them just as they did on the first motion for amendment. The President felt that every one of them has the privilege to offer ideas and to share their thoughts, saying he did not see any problem with that process. Councilman Haas noted that when he sat down at the table this evening, there were four items added to the agenda that were completely new. He noted that those items did not go through the "normal process" and he did not know when they became an issue. Mr. Johnson stated that Council had been advised of those on Friday, saying he received all this information then and was aware of the plan and that he had discussed one of

the issues with the Solicitor, claiming advance notice was given. Mr. Haas said he did not consider Friday before a meeting, especially since they had three weeks and claimed Mr. Johnson to be splitting hairs.

Bill Beaumont, the Service Director, came to the microphone to make what he described as a “short comment”. He reviewed his appearance before Council three weeks ago during a discussion about the CIP, which he claimed lasted about half an hour to forty five minutes. Noting the cuts to his department, Mr. Beaumont stated that during the past three weeks he has not been approached by any member of Council, saying, “now tonight you are slapping this on us” and advising Council that it is not appreciated. He said he would like to see that list with those numbers on it so in the morning he can sit down with the division heads to show them what they are not going to get, noting that “after a half hour of grilling” his department’s requests were reduced. He advised Mr. Basham that he did not know to which mechanic he talked but he would appreciate it if that mechanic would come to him, if he had a problem – not to Mr. Basham. He said Mr. Basham could discuss an issue with the employee but he wanted it to come to him and he wants Mr. Basham to also talk to him. Mr. Beaumont continued by saying he had an open door policy and how the employees appreciated that and reiterated his request that comments from the employees of his department be brought to him. He said he would not punish the employee because they have a right to their opinion and a right to speak. Councilman Noel felt the mail problem to be that apparently a couple of the members of Council don’t think the rest of the member of Council have enough sense to be a Councilperson and feel they can do it better than all the rest of the Council and the Mayor as well as all the department heads. Mr. Noel said, “They’ve got no business going and talking with” he stopped at that point and relayed his experience as a union committeeman and how negotiations were handled. He said, “What we have here is we have two Councilmen working on both sides of the fence – it don’t work that way”. Vice President Haas reminded Mr. Noel that over the past several years he voted “no” on about every expenditure or appropriation that came down the pike. He further reminded Mr. Noel that nobody insulted him or his intelligence or attempted to indicate that he did not have the best interest of the City in mind. Mr. Haas said, “If Mr. Noel were talking about me, which I am quite sure he was, I’m offended”.

The President, noting there to be a motion on the floor, asked Mr. Basham to repeat it. Mr. Basham restated his earlier request for amendments and included those changes to his amendment to which he had agreed.

The roll was called on the motion to amend. **VOTE: ayes 3 (Haas; Malone; Basham) – nays 3 (Albrecht; Noel; Johnson) The motion to amend failed.**

Vice President Haas, acknowledging Councilmen Noel and Johnson’s objections, asked Mr. Albrecht what objections he might have with regard to the proposed amendment, noting that perhaps some sort of agreement can be reached. Councilman Albrecht said he would like to see the funds restored for historic preservation, street resurfacing to \$250,000 and the strobe lights, Air compressor and heavy duty start-all with winch system put back into the requests for the garage. In response to the Solicitor’s concern about all these changes being made properly, Councilman Albrecht restated his recommendations. Councilman Johnson said he would vote for these adjustments to Councilman Basham’s amendments if, under Engineering, items number 7, 8, 10 and 11 were removed. Councilman Noel said he could add Rose Street Park but felt there were probably other things more important than that are needed. He said he felt that until there was time to study the whole thing, he was not going to go on what two members of Council are proposing, saying he did not think those were the best things for his ward and therefore he was still against the original proposed amendment. In response Councilman Albrecht did not agree with Councilman Johnson’s suggestion to eliminate #11 under Engineering, noting that the central copier is always breaking down and further noting it to be the only copier that will do multiple tasks. Councilman Basham concurred saying he had trouble with the copier this afternoon. The Mayor suggested that a copier be put in the budget for the City Clerk saying the one in the Engineering Department to be sufficient for other operational use. The Clerk advised that, if placed in her office, the cost would be the same since the copying she does requires a copier with the features on the proposed purchase. She further advised that there is no room in her office for a copier. The Mayor still insisted it be put in the Clerk’s budget. She further advised Council that the present copier is used by all departments for high volume copying, that it is ten years old, the contract has expired and all service calls will cost a minimum of \$200.00 and parts for the copier are no longer available. The Mayor, interrupted the Clerk and continued to insist that as far as her departments were concerned the present copier was sufficient, saying if the Council has other needs then the copier should be in Council’s budget. The President, acknowledging that he respects her as a Mayor, asked her to please don’t cut anyone off when they are talking. The Clerk continued, noting that the operating budget, a two-sided 88 page document with at least 10 copies that had to be run numerous times, was ran on the present copier, which constantly jammed. She further advised that it jams when she is trying to run the agendas and sometimes it won’t duplex and has to be serviced. She noted that just recently it would not collate. At that time, when it was serviced, we were advised that the contract was due to expire and parts for that copier are no longer available. The Mayor again interrupted and was advised by the Clerk that she was not finished. When she continued she advised Council that the present copier would probably not last through this year because of all the problems. The Mayor said that if the issues are those of the Clerk then Council should put that copier in their budget. She felt that the Engineering Department can suffice with the present copier and that they are going to be looking at another copier. Councilman Albrecht questioned what difference as to what department the copier is charged that it could still be located in the Engineering Department. The Clerk advised that the copier, although located in the Engineering Department, is not the Engineering Department’s copier. She noted it to be the central copier and actually should not be listed in the budget under the Engineering Department but should have been listed under a miscellaneous section as was AMERESCO. In response to Councilman Johnson suggesting the copier be moved to legislative the Clerk said it could not go in her office because there is no room. Mr. Johnson said he

thought the Clerk was wanting to replace her copier, to which the Clerk advised the Councilman that she does not have a copier and that the only copier she uses is the central copier, which has always been used by the Mayor's office for copying budgets, agendas, council letters as well as being used by other departments. The Clerk reiterated the fact that the present copier is in constant need of repair. Councilman Johnson withdrew his objection to the request and acknowledged an understanding of the problem. However, he expressed his desire to eliminate the other items he had previously mentioned.

There being no further discussion, Councilman accepted the suggestions and his motion for amendment reflected those suggestions.

The Auditor, as an observation, asked if the air conditioners were not running because of the sound system and noting that if that is true then he would suggest putting a new sound system back in the budget. The Clerk advised him that even with a new sound system there would be no guarantee that the air conditioners would not have to be turned off. She noted that with eleven microphones the roar that is created from the air conditioner overrides any conversation and all that the recorder picks up is the roar.

Vice President Haas stated it to be his understanding that the City's server is very old and is on 24/7. He acknowledged that this can be brought back as an emergency but was concerned about being able to transfer information from a server that has crashed and the possibility of the City losing a lot of data. He felt it would be much easier to transfer all the data now while it is still operating and noted that to be his only concern with striking this item from the budget. The Auditor acknowledged discussion has taken place over the past three years about the need to replace the server. He said he did not make the request for a new one and did not know the status of the present one but does know it has been a topic of discussion for a number of years. Mr. Johnson felt that same argument could be used with regard to other requests that were not as costly. Vice President Haas noted the reasoning on replacing the server is that it will be a lot cheaper and time efficient to replace the server while it is still operating. He further noted that if a mower fails replacing it is not as costly to the operations of the City or as time consuming to replace. Councilman Johnson expressed his understanding of that issue, however he said that all the time that has been spent talking about this budget, tonight is the first time he heard about the server. He said he would have no problem at the next meeting, approving this purchase if Council is presented with documentation.

Discussion being concluded the roll was called on Councilman Albrecht's amendment to Councilman Basham's amendment. **VOTE: ayes 5 (Haas; Johnson; Malone; Basham; Albrecht) – nays 1 (Noel) The motion carried, The ordinance was amended accordingly.**

Vice president Haas moved to suspend the rule requiring an ordinance be read on three separate dates.

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

Vice President Haas made a motion to pass the amended ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 5 (Johnson; Malone; Basham; Albrecht; Haas) – nays 1 (Noel) The ordinance was passed. ORD. #26**

The Clerk gave a **second 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.

Vice President Haas moved to amend the ordinance by increasing the waterline upgrades under Pipeyard-Distribution from \$88,700 to \$103,600. He also suggested listing those items that make up the total request for Water Collections. He continued by identifying those items and their amounts, which totaled \$15,000 instead of the \$30,000 previously shown.

In response to the Mayor interrupting and inquiring as to Mr. Haas' rationale for this change to the Pipeyard-Distribution, Councilman Basham acknowledged an e-mail, from Mr. Sutherland, to the City Clerk and copied to the Mayor that requested these adjustments. Mr. Haas acknowledged his receipt of a copy of the e-mail and advised that when Mr. Sutherland actually broke down the cost of the items needed by Water Collection, the total was only \$15,100, therefore he used the remaining amount of \$14,900 to increase his waterline upgrade amount. Mr. Haas noted that these changes would not affect the grand total and continued with his motion to amend the ordinance by reducing, under Waste Water Capital Outlay, the amount for the Sciotoville improvements from \$250,000 to \$100,000, thus eliminating the engineering study. In response to the Mayor requesting his rationale, Mr. Haas expressed his frustration at having to repeat himself, to which the Mayor responded in kind, questioning his ability to determine if any item needs to be increased or decreased. The confrontation brought about the rapping of the gavel by the President. The Mayor advised the President that she had had about enough – a sentiment that was echoed by Mr. Haas toward the Mayor.

Councilman Noel made a motion to adjourn. The roll was called. **VOTE: ayes 1 (Noel) – nays 5 (Basham; Albrecht; Haas; Johnson; Malone) The motion to adjourn failed.**

Upon the Vice President requesting permission from the President to respond to the Mayor's question, the President advised him to proceed with tact and taste, however the Mayor interrupted the President, saying she thought the word should be "respect". The President advised Mr. Haas that he could continue. Mr. Haas again explained the reason for the amendment is to reduce the expenditure in Sciotoville because an expenditure of \$250,000 is not an emergency. He stated his understanding to be that about \$100,000 of equipment needs to be repaired or replaced and that is what is necessary right now. He acknowledged that \$250,000.00 would be nice if we had the money but reiterated the fact that we are trying to be aware of next year's needs. He described it as a \$100,000 immediate need not a \$250,000 wish. The Solicitor saying he did not want things to get off track here, noted that one of the items requested under Water Collections was an office chair and questioned \$500.00 for a chair, calling it a "tough sell". In response, Vice President Haas agreed and struck the request for a chair from his amendment. In response to Councilman Johnson inquiring about the engineering study being eliminated from the Sciotoville waste water treatment plant, Mr. Haas advised that to not be something that needs to be done right now and stated it to be his understanding that it will be presented to Council at the time it is needed. The Mayor inquired as to where Mr. Haas is getting his information. Mr. Haas replied, "Concerned citizens and City employees". In response, the Mayor said, "in case the gentleman from the 5th Ward hasn't noticed" there is a problem with sewers in this City and felt "real planning" and "real work" are needed. She continued, saying, "In case the gentleman from the 5th ward doesn't really understand, because he is on a hill now, those of us downhill get it all the time". She claimed the only reason no one is getting water now is because of the directive from the EPA to lower the gates and acknowledged the results of this action is "we send raw sewage to the rivers, repeatedly". She claimed businesses and residents have been flooded in Sciotoville and felt the City owed them a "fiduciary responsibility". She claimed that neither she nor any member of Council has the capacity to understand when engineering studies are required, what they are going to be doing. She claimed to have had no questions from any of her department heads about this particular engineering work. The Mayor felt it to be "reasonable to assume" that the engineering study was in her budget for a reason. She continued by reiterating her remarks about problems and the need for a plan. The Mayor stated, "With a modest amount of respect, I'm not sure the Councilmember from the 5th ward has the capacity to understand this". She also felt Mr. Haas did not understand that CIP money could not be spent for operating. She continued to defend her position regarding CIP funds and explaining to everyone the source of the CIP funds. The Auditor pointed out that in reality Fund #623 only has \$100,000.00 in it and further noting this fund only generates about \$40,000 a year. He reminded everyone that this fund was only created a few years ago, before the generation of revenues from the Rigrish Addition. He said this will not come near to collecting the \$250,000.00 budgeted for an engineering study until about 2014 or 2015. The Auditor noted that the need for the study and the argument about flooding are irrelevant because there is not going to be \$250,000.00 saying, "there is \$100,000.00". The Mayor thanked the Auditor and asked for permission to respond. Having been given permission to do so, the Mayor duly noted the Auditor's statement and advised him it would have been appreciated if that information had been given to his new staff members "who are not use to all of that". The Auditor advised the Mayor that she should have given the information to her staff after he gave her a memo about this on February 3rd and advised her again on April 21st. He said he did not know if it were his job to advise her employees, saying "My job is to advise you, which I did so and Council with this memo", which he produced. A the Mayor noted that she stood corrected, the Auditor advised her that he was not doing this to argue with her but that he gives her information and he felt no need for her to insult him or his operation. The Mayor claimed the issue to be that "being the new kids on the block and learning, this issue become one of where do we put that study, where do we put this". She claimed it was her "folks who told her that we need this, then we need it, we need it to be in the right fund". Councilman Johnson thanked the Auditor for the information and recommended the Mayor to come back to Council for the engineering study and let it be known for what the money will be used, its benefit and from what fund the money will come, since this fund is evidently limited. He acknowledged it to make sense to reduce the amount to \$100,000.00.

There being no further questions or comments the roll was called on Councilman Haas' motion to amend. **VOTE ayes ^ - nays 0 The ordinance was amended.**

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 amended ordinance was passed. ORD. # 27-10

The Clerk gave a **second 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 second reading.

In response to Councilman Johnson inquiring, of the Solicitor, the meaning of the maximum rate authorized by law without a vote of the electors to be insufficient, Mr. Jones, after a couple of attempts to explain the meaning, advised Mr. Johnson that this has been the language used for this ordinance for many

years. Mr. Johnson advised how he reads the language and expressed his wondering what in the State of Ohio law means and what that maximum amount is that we are superseding. Vice President Haas asked the Solicitor if this language has anything to do with the referendum that was passed limiting the City's ability to bond. The Auditor addressed that questions and advised that it did not. He explained this to be boiler plate language and is sure that the answer Mr. Johnson is seeking is zero. Mr. Williams noted that the City does not have the authority to tax without going to the voters and we do not have it from other sources. He said it is not like we have never had that question before and he understands what Mr. Johnson is saying. Mr. Johnson continued to question the language in the ordinance. Mr. Jeff Kleha,, a local attorney, came to the microphone and, with regard to Mr. Johnson's question, advised that the minimum allowed by law was .05 and concurred with the Auditor's explanation with regard to policy. Mr. Johnson stated his reason for asking is because this .05 was probably instituted in the 1930's or 40's when, he assumed, flood control was being instituted in the State of Ohio. Mr. Johnson continued voicing his opinion of how this must have come about and felt the City should ask the State Legislature to revisit this amount, noting a higher rate would not only make it easier for our city but for other cities as well. Councilman Haas reminded everyone about his question on this issue at the last meeting and reiterated his concern about our needs being more than the levy will generate and acknowledged the answer was that a renewal would be easier to get. The Auditor noted, in that regard, that regardless of the new certification, the City needs operating funds for the flood defense. He said if we get in a bind where we need an additional \$2,000,000.00 in additional revenue over and above the \$200,000.00 that is now generated; it would actually be a separate issue. He advised that this levy needs to continue as a 1 mill levy, as a renewal and needs to be viewed separately and independently from whatever decision might be made with regard to the levee certification. With regard to Mr. Johnson's question, the Auditor suggested several possibilities that might require additional funds and further noted that the City's charter limits our millage to a total of 8.55 mills. He noted there to be some very complicated questions that he did not believe could be answered tonight.

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

The Clerk gave a **first reading** to an ordinance authorizing the acceptance and appropriation of two charitable contributions in the amounts of \$1,414.50 each from the Portsmouth Eagles into the Police Department and Fire Department contingency line item accounts.

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

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

Councilman Albrecht made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. #28-10**

The Clerk gave a **first reading** to an ordinance authorizing the Mayor to enter into a contract with Howerton Engineering to assist the City with certification of its floods protection system in accordance with FEMA criteria.

Councilman Albrecht moved this constitute a first reading.

Councilman Basham reported having made a call to Steve Hamilton, Manager of the Village of New Boston, and they had a discussion about various engineering firms. Mr. Basham, noting this was nothing against Howerton Engineering but he does not like a plan that has one engineering firm sub contracting from another engineering firm. Mr. Basham said Mr. Hamilton provided him with copies of some of the firms New Boston is considering. He advised that, in their conversation, the top firm specializes in levee certification. Mr. Basham says he likes the idea of having the same firm that studies the levee in front of New Boston to also do ours for the simple fact that it is the same wall built by the same people. He felt that if the study is going to be done a two groups, not just individual cities, he would like to see Portsmouth and New Boston work together using the same company especially if that company can save us money. He noted the firm has done other certifications for FEMA on other levees. Mr. Basham advised Council that he was sure Mr. Hamilton would be happy to answer any of their questions.

Councilman Johnson, noting the firm to be "all the way from Nashville, Tennessee" said he was sure they would have local representation. In response, Mr. Basham said his interest is in having the same firm do the same wall at a cheaper price. Mr. Johnson claimed that in the days when the wall was built it was not built by the same company and that there were lots of local companies. He felt the thing to do was to encourage local companies especially in light of the agreements the City has with the unions. He said it blows him away and he did not care if it were the same company that originally constructed the levee, noting that was back in the 1930s. In response to Mr. Basham noting that the company about which he is speaking did not originally build the wall, Mr. Johnson said that was beside the point, he disagreed with hiring a firm in Nashville, Tennessee as opposed to using a local firm. He also felt it perfectly understandable that Howerton Engineering would subcontract out the work, noting this is a normal practice of construction companies. Mr. Johnson expressed appreciation for New Boston's position, noting they do not have the funding and have gone through some "tough times", but their Council has to make some tough decisions. He acknowledged that he does not know what kind of dollars New Boston is looking at spending. Mr. Johnson said he did not know where to go

with this, noting that Howerton has already made a presentation and that we are on a time frame. He asked Mr. Basham if he were suggesting that the bids be reopened. Mr. Basham said his suggestion was what he just said and reiterated his feeling about one engineering firm sub contracting with another firm when there is a chance we can expend tax payers' money at less of a cost. Mr. Johnson claimed the schools to have been built that way. Mr. Basham said he thought the school project was bid noting that is how things are built". He further stated that he is not suggesting any of this but felt our information that comes to Council is, many times, convoluted and opaque and this was something that was brought to his attention, he discussed it with Mr. Hamilton and he just wanted to let all of Council know about this option that could save taxpayer money. The President felt Mr. Basham has done what any member should do, noting that if there is a better option for the City and if ideas are presented to them that would put the City in a better position that information should be forward to the rest of Council whether or not it is something that Council can use or not. He also felt this information to be something that the Mayor might be able to use. Councilman noting this to just be the first reading, acknowledged Mr. Basham has given them something about which to think. Mr. Haas noted that, at this point, Mr. Basham has only provided Council with some information to consider and felt Council would be failing their duty as members of Council to not, at least, look at the options. He acknowledged that the option might not work out and is not the best way to go, but at least they have done their due diligence. The Mayor explained to Council the requirements of the Ohio Design Professional Selection Law and advised them that there are three proposals in her office and invited any member of Council who is interest to look at them. She explained that in the end Howerton "and their subs won". She further stated that these projects are done in this way all the time and it is totally normal to have a prime contractor and a sub contractor.

There being no further questions or comments the roll was called on the motion for a first reading. **VOTE: ayes 5 (Albrecht; Haas; Noel; Johnson; Malone) – nays 1 (Basham) A first reading was declared.**

The Clerk gave a **first reading** to a resolution to disestablish the City's Finance Committee, Cable Television Commission and the Library Board.

Councilman Albrecht moved to adopt this resolution.

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

The Clerk gave a **first reading** to an ordinance authorizing the Mayor of the City of Portsmouth, Ohio, to submit the Ohio Department of Development's Office of Housing and Community Partnerships (OHCP) an application for the FY 2010 Ohio Small Cities Community Development Block Grant Formula Allocation and upon receipt of the grant, enter into agreement to carry out provisions of the grant, and consider same to be an emergency.

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

There were no questions or comments. 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. #29-10**

The Clerk gave a **first reading** to a resolution to endorse the CAO proposal to provide additional dental care to those residents who do not have access to regular dental care.

Prior to a motion being made, the President explained that the request for this resolution was in his packet, which he did not get until Friday and therefore he was unable to provide Council with the information sooner.

Councilman Albrecht made a motion to adopt the resolution.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The resolution was adopted. RES. #12-10**

The Clerk gave a **first reading** to a resolution providing for the annual tax budget for municipal purposes for the year 2011.

In response to Councilman Albrecht inquiring as to whether or not this resolution carried the weight of an ordinance, the Solicitor advised that it did. Noting there has to be a public hearing on this resolution, the Solicitor recommended it be given a first reading.

Councilman Albrecht moved this constitute a first reading.

The Auditor advised that due to the fact this is the tax budget, it should be given three readings. He also advised Council that a public hearing should be held at the next meeting. He said the requirement to advertise the public hearing will be done by the Mayor's office.

Upon suggestion of Councilman Johnson, Councilman Albrecht included in his motion that a public hearing be scheduled for the next Council meeting.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 A first reading was declared and a date for the public hearing was set.**

STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Jerry Conkel – 2719 Sherman Road wanted to know why this meeting was not being video taped.

Alan Barlow – 2017 Waller Street updated Council with regard to McKinley Pool. He reported the concrete and painting to have been completed. He also advised grates have been purchased and installed. He also reported that due to the rain, over the weekend, the opening of the Pool has been delayed because of the failure of a sump pump. Mr. Barlow said, if it doesn't rain, he hopes to have the pool filled with water by Wednesday and, if nothing happens, it will be open on Saturday. He reported the 14th Street Community contributed \$1,400 toward the concrete work and he had the pool painted for free.

Councilman Albrecht was excused at 9:20 p.m. to have drops put in his eyes.

Bridget Osborn – 1647-7th Street requested Council to exempt her from the law that prohibits keeping chickens in the City. She said she considered the chickens as pets and keeps them in her house where they interact with the dogs, cats and people. She said she recently purchased the house, which she claimed needed to be razed. She claimed the house to now be beautiful and she could use the eggs from the chickens.

Grant Stephen – 2831 Sherman Road thanked his Councilman for the past three months. He stated that over the past five months or so he has been watching the disarray of the government of the City of Portsmouth and he is very willing to do whatever is needed for anyone in the City and it is for that reason that he has sent letters to his Councilman. He noted the many articles in the newspapers heightened his interest in local government. Mr. Stephen, although not a long-time resident of the City, said he has been in the area for a couple of years. With regard to the newspaper articles, he had a problem with some of the statements that were made because a lot of elected officials are speaking very matter of fact about things and issues of which they should not speak. He noted that in recent news articles City government officials have been quoted as stating that the people of Portsmouth have spoken and this is what they want. Mr. Stephen felt the problem with this statement is that the majority of the citizens of this City have not spoken. He stated that the same person who made this statement has also blamed four members of Council for making his/her job more difficult and has to now do the work of many people. He noted that this same person fired many people within the government who would have been able to help with this work. Mr. Stephen noting this person to have stated that a certain contractor needed to be paid for services rendered pointed out the fact that within the word "contractor" is the word "contract" and further noted that anyone who has worked for the City knows that such work needs to approval of Council to enter into a contract before the work begins. He also quoted this individual as saying in the newspaper that his/her way of doing things is to do them on time. Mr. Stephen felt there to be an exception when this person is hiring qualified individuals, explaining things to the public and anything that has to do with the betterment of the City, the City building or the EPA. He noted the roof, while it is being done now, has had a problem since before January but that was not the first thing fixed in this building. Mr. Stephen stated his primary issues to be that he has had the honor of speaking with the four members of Council in question, including his own representative, and have always found them to be willing to discuss any problems he has had. He felt these men have been asked to do a lot of jobs that are really beyond the \$50.00 a month that they get paid and expressed his appreciation for all that they do. Noting that he has sent letters to his Councilman that contained questions that his representative asked during a meeting but the questions were never answered. He said he was unable to come to the meeting and that was why he sent the letters. Mr. Stephen noted that when he actually has time to come to a meeting, like this evening, he finds the bickering and arguing ridiculous. He pointed out the fact that his Councilman has been chastised, accused of being out of line and against the charter and is acting outside the scope of his understanding when he does research. Mr. Stephen said, "As a citizen, I appreciate his due diligence in getting information and I, myself did the same in the letter I sent to him and he read". He said he did not appreciate the fact when someone tells another person at these meetings that something is not within their capabilities. He noted that in any job "time management is key. Getting rid of people, changing jobs and structure and making any major changes too soon is something that anyone should be able to understand". He felt that most of the time spent in these has been to fix problems that have occurred since January 4th, noting that "we are finally taking care of problems" in June we had beforehand.

Miscellaneous business and reports:

City Clerk's Report

1. Received on 5/25/10 from the Auditor, the following reports for the period ending 4/30/10:

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

2. OATH OF OFFICE
Alan Barlow for position of member of the Civil Service Commission
3. Received, from Walter Drane, a notice that the 2010 Replacement Pages have been shipped. Also received from Walter Drane a suggested adopting ordinance and a notice that the internet will be updated later this week.

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

Mayor's Report

1. Thanked Mr. Barlow for the work he has done at the pool.
2. Thanked the Health Department for the tremendous job they have done with responding to weed and nuisance complaints. Announced her office to be putting together a complaint form.
3. Reported a lot of people working in preparation for summer events.
4. Reported an issue with regard to the transfer station, saying the compactor is too small. She noted research is being done with regard to obtaining a new compactor and expressed appreciation for all the work that is being done by the Service Department.
5. Announced the Police Department to be working with the Sheriff's Office solving crime of prostitution in the east end.

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

There was no President's report.

Miscellaneous business from City Council:

There was no report from the second, fourth, fifth and sixth wards.

3rd Ward

Councilman Basham said he has been horrified tonight regarding the chastising he has taken for the simple fact of wanting to save taxpayer money and looking long-term. He described it as being "irritating" when he looks out at the crowd who have been attending these meetings for longer than he has and have echoed and almost screamed at the Council. He noted that now, when Council is trying to do what they asked, suddenly it is not what they want. He called the "turn of events" as being "amazing". He felt that, being elected, it is definitely Council's responsibility to look at everything they can, especially in these times, to save money. Mr. Basham said workers came to him because they feel they are in a hostile working environment and are afraid of being fired. Mr. Basham again stated that he would be more than happy to listen to anyone who comes his way, saying, "I have an open door" to citizens and to the workers. Mr. Basham said, "I do not want to be Mayor, I do not want to be involved in the Mayor's duties but I will always listen".

1st Ward

Councilman Johnson claimed that if we had a committee structure like New Boston has he would not be faced with the claim that he was ambushed. He said he has ideas and he generates e-mails and if he wants to present something, it is on the conference agenda. He said if he has something that need to be dealt with right away, he provides an incident notice. Mr. Johnson claimed that to be the issue, not the issue of someone

coming along with an idea of how to spend money. He said, "It was that we were down to the deadline and I knew we had to pass today, we had to have it done today and all of a sudden we get all these amendments. He acknowledged that some were in writing and some were not. He said he did not think this to be a good way to do business. He felt that a committee structure would allow debate of these items. He felt some of the cuts are going to hurt our department heads and our neighborhoods. He said he does not deny each member of Council having a right to do so and expressed appreciation to Mr. Basham for the work he did. He objected to the "fact that we do not have a process" that allows these things to be dug into deeper.

He expressed appreciation to the Health Department, saying he has gotten "good feedback" on the programs they have been doing to get rid of these "junk houses". He noted the consequence of this is that he is now getting calls from people wanting their neighbor to be put on that list. He said he will be providing the Health Department with a number of addresses for consideration.

The Auditor acknowledged that the financial reports for the month of May 2010 have been submitted to the City Clerk's office.

Mr. Williams reported having attended the Gene Bennett classic this weekend, which he enjoyed and wanted to thank Jeff Brown, in particular for everything that he managed to get done at Branch Rickey Park. He said Mr. Brown managed to get things done at the park that the City has not had to money to do for a long time. He also thanked Gene Bennett for bringing that tournament to Portsmouth. He continued by elaborating on the feat accomplished by Mr. Brown. He suggested "thank you" phone calls be made to Mr. Brown for arranging for all the work to be done. He also extended his thanks to the City's Service Department. He said he sat through 9 games at Branch Rickey and did not believe it to be as hot as this room is this evening. He felt something needs to be done about this situation, noting it to not conducive to a good meeting and he felt it added to the hostility here in the room tonight. Mr. Williams felt it was owed to ourselves and to the citizens who come to these meetings to provide a better place. He noted that we have tried to get out of here for years and to find better accommodations. He felt, that even if it means going back to the Welcome Center, we need to do that.

With regard to comments the Mayor made about the City being broken, Mr. Williams said he does not know what the status is on the \$100,000.00 limit, but acknowledged that to be something that we've already seen twice this year as crippling the City's ability to function properly. He pointed out the fact that there are laws that are set up, through the state, which provides limits, direct and indirect, provided by the ORC. He further pointed out that these laws work everywhere else. Mr. Williams reminded everyone that last year the City looked at doing a \$1,000,000.00 paving project, which he said, if that is such an important issue, could have been done through the money that is generated through our bonding ability. He reminded everyone that examples were provided before the election and acknowledged that they very clearly were not heeded. Mr. Williams requested a status report on the case, saying if the status of the case ultimately provides that the limitation becomes a part of our charter and is permanent, he felt that in addition to anything that is done by Council, as far as increase in an income tax rate, he thought there should be some type of amendment to the charter to try to reverse that issue. The Auditor said the City has lost the ability to do a paving project on Rt. 52 that was very much needed. Noting that we may be able to do that project in the future but do the uncertainty at this time, the opportunity passed us by this year. He noted the Mayor to have also wanted to do some projects involving \$6,000,000.00 in infrastructure improvements this year but is unable to do because of the crippling situation that has been caused by the limitation that should not be there. He further noted that the infrastructure problems, which could have been addressed, will probably just grow now.

The Solicitor concurred with the Auditor's remarks.

He also thanked the Police Department for their efforts regarding ridding the City of drugs and prostitution. He also thanked the Portsmouth Daily Times for their reporting of these efforts. Mr. Jones acknowledged the outstanding work the Police Department has been doing in addressing these issues, noting that this is something that does not always show up on the front page of the newspaper.

With regard to waste water, Mr. Jones acknowledged there to be EPA issues and the potential of having to fund a position of a back up operator. He said he felt this can be done without worrying about (*not discernible*).

The Solicitor announced that Local 1039 has just recently signed off on the agreement to forgo their 3% rate increase for this year. He credited this to all the hard work of the Council people and noted the Mayor to have signed the agreement. He noted this goes along with all the non-union employees, who will not be given any increases either.

For the record, the Solicitor acknowledged that he and the Mayor are going to agree and disagree on some issues but noted they are communicating now and working on some issues that (*not discernible*). The Solicitor said we need to work together and voiced the fact that he was a little disappointed (*not discernible*).

The meeting adjourned at approximately 9:45 p.m., on a motion by Vice President Haas.

City Clerk

President of Council