

MINUTES –SPECIAL SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday, August 26, 2010

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in a second special session on, Thursday, August 26, 2010 in the Council Chambers of the Municipal Building, immediately following a previously scheduled special meeting.,

President, David Malone called the meeting to order followed by the Pledge of Allegiance to the Flag.

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 was City Solicitor, Michael L. Jones.

Clerk's Report

1. In accordance with Section 4 of the city's charter, the President of Council requested a special meeting be called immediately following the previously scheduled special meeting to consider legislation to amend Ordinance #48 passed at Council's last meeting of August 23rd, to authorize entering into a contract.
2. Notices of the meeting were delivered to all members of Council and placed in the mail boxes of the Mayor, the Solicitor and the Auditor.
3. Returned receipts were received from all members of Council.

The Clerk's report was accepted, on a motion by Vice President Haas.

There were no statements from citizens with regard to the subject of the special meeting.

LEGISLATION

The Clerk gave a **first reading** to an ordinance to amend Ordinance No. 48 of 2010 authorizing the appropriation of \$24,707.69 into CIP Building Renovations Fund No. 301.115.5513 to pay for various safety and health/sanitary issues with Spartan Stadium and to authorize the Mayor to enter into contracts with the lowest and/or best bidder for various purchases and projects for repairs to Spartan Stadium, and repealing Ordinance No. 48 of 2010.

Prior to a motion being made, the Solicitor explained the reason for having to bring this ordinance back for an amendment was to add necessary language authorizing entering into a contract. He noted this to have been requested by the Auditor in order to avoid a possible audit with regards to this authorization and that this language will be included in every single piece of legislation authorizing entering into a contract.

Councilman Noel, said, "This is the first, he allowed other contracts that we didn't even hear about, the Marting's Building and things like that". Mr. Noel noted all this money to have already been appropriated. It was noted that the minimum amount for a contract that has to be bid is \$25,000.00 and this contract is for a \$24,707.69. Mr. Noel felt this project to be an emergency because it is a health and safety hazard. He said he did not know the details but it is his understanding that she had received two bids for the work and asked Mr. Johnson if he knew the details. Mr. Johnson acknowledged that he did and advised Council that the reason this came up was because of the roof on the Marting's building that was discovered during an audit. He noted that the legislation authorizes the Mayor to enter into contracts and where necessary advertise for bids. He felt the "and where necessary" refers to anything over \$25,000.00. Mr. Johnson said the Mayor has already gotten two bids and in order to go ahead with what needs to be done, she can do so under this legislation.

Vice President Haas stated it to be his understanding, from what was stated at the Monday meeting, that there was only one bid received for this work, which was from Vetter. Mr. Johnson said a request was made to two contractors but only one responded. In response to Mr. Haas, Mr. Johnson confirmed there to be only one bid in an amount that was just under the amount that would have required bids. Mr. Haas expressed concern about the amount of the expenditure considering the City's financial status and noted these to be the same issues he raised at last Monday night's meeting.

Vice President Haas made a motion to amend the ordinance by reducing the amount from \$24,000.00 to \$10,000.00.

Mr. Haas reminded everyone that when Mr. Beaumont was at the podium on Monday night he indicated that \$10,000 was the amount needed to fix the restrooms and the concession area and he would consider those to be emergency type items. He noted this to be Mr. Beaumont indication of what really needed to be done. Mr. Haas stated that, to date, nobody on Council of whom he is aware has actually seen a written bid and what will actually be fixed. He claimed this to be a general, broad statement and nobody has presented a contract, proposal or anything to Council but they are being asked to pass something as an emergency that they did not see until Monday, with no backup documentation. He said he would take Mr. Beaumont at his word and that is why he would suggest Council look favorably on the proposed amendment.

Councilman Johnson noted the \$10,000.00 being referred to, is something that has already been appropriated and is a second project. He said "the \$24,000.00 indicated here is to finish that". He claimed the \$10,000.00, "totally separate project" to be something that is being worked on now. He continued, saying, "This is the final part of the total repairs". Mr. Johnson said he does not even know if he has seen the Howerton contract, noting that Council does not review contracts but rather depend upon the expertise of the department heads. Mr. Johnson felt that unless Council wants to micromanage that's what department heads are hired to do. He felt Mr. Beaumont has been very clear that the entire stadium can be "brought up to snuff" for use by the public for this specified amount. The President said he spoke with the Auditor today about this amount and he felt the request was reasonable. Mr. Haas said he would agree with Mr. Johnson that normally Council does not micromanage and look at every contract, however, when someone in the Mayor's office or a department head comes before Council and asks for a supplement amount of money to do additional work, he felt that each time Council has been provided with information in support of the request. He noted that generally, unless it is truly an emergency, the request is not thrown on their desks on the night of a meeting. He again reiterated the fact that Mr. Beaumont had said \$10,000 was all that was needed to get the job done. As an example, Councilman Johnson said he did not question Chief Raison when he said he was \$40,000 short on overtime and did request a detailed print out on overtime usage because he trusted his judgment based on what he has previously done. He felt the Fire Department had made its case and it was no different from this request and felt Mr. Beaumont to be "tight" with his budget.

Councilman Basham noted that the budget submitted by the Mayor as well as the one passed by Council depended on a court approved transfer of a large amount of CIP funds to the General Fund to balance the budget at the end of the year. Mr. Basham said that was why you made an amendment a while back to set aside some funds for things that "popped up". He felt that Mr. Johnson has been able to provide a lot of answers for the Mayor while the rest of Council has been left in the dark when these things are presented. He noted that the majority of Council has no knowledge of these situations, no information and no background but are expected to vote "yes" to spend \$24,000. He said the "emergency" part bothers him, feeling sure that someone knew football was going to be played in that stadium before now, noting that this is done every year and the Mayor has been in office since January and Council is getting \$24,000 requests two to three weeks before the first game. He felt this is either due to bad management or an attempt to sneak something through, which caused him some concern. Mr. Johnson stated that the department head's work load increased tremendously when Mr. Peck was released and that there are very few staff qualified to do that work and acknowledged that some things fall through the cracks, as has happened with those things on which Mr. Peck was working. He said he understands these things happen but he has taken the time to at least ask the Mayor for more information and she will advise him that it is something that she cannot deal with at that particular time. He acknowledged a lot of things to be going on that must be resolved. In response to Mr. Basham's remarks, Councilman Noel said this did not get this way in the few months this Mayor has been in office. He claimed the phone in the Mayor's office to ring constantly with complaints. He said he understands the strain under which the department heads are working and he gives them "a little slack" and felt Council needs to give consideration to this fact, saying he is going to bend over backwards to listen to the department heads but acknowledged that they would not necessarily always be in agreement. In response to Mr. Basham's remarks, Councilman Noel said the stadium did not get like it is in the few months that the Mayor has been in office and felt the blame should be placed back to the time when things should have been done. He claimed the phone in the Mayor's office is constantly ringing with complaints. He said he has people in his ward, due to "washout" that Mr. Beaumont has not been able to address. He describes the situation as something that "could get real hazardous". He felt Mr. Beaumont to have a lot on his tray and has told him that he even has some City workers "helping with some of this stuff in the stadium", noting that perhaps they should "be out there on roads". He felt blaming the Mayor for everything that has happened for the past four or five years at the stadium was not fair.

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

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

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

Councilman Johnson made a motion to pass the ordinance.

Councilman Basham took issue with the City contracting with Mr. Vetter for \$23,707.00 when he is already filing a lawsuit against the City. He noted there to be certified plumbers who work for the City, on payroll who could do the majority of the plumbing that needs to be done. He further noted the City to have “water crews” who can, not only fix the water valves, do the concrete work if necessary, on payroll. He referred to a previous complaint by Mr. Daub about the Ameresco project being given to an outside company instead of using City employees. Mr. Basham, again noting we have people on payroll who can do this work, said he would love to ask the Mayor but he either can’t get an answer, doesn’t get a reply or she is not here so he can direct his questions to her.

Vice President Haas, noting that he does not have any information with respect for what this money is to be used nor does he know who the other bidder is or even if they were qualified, said he feels that maybe the City should consider the people who recently put a lot of work and effort into Branch Rickey Park at no cost to the City. He felt they should also have had an opportunity to submit a bid. He acknowledged that perhaps they were given that opportunity but he does not know because that information was not provided to Council.

There being no further questions or comments the roll was called. **VOTE: ayes 4 (Albrecht; Noel; Johnson; Malone) – nays 2 (Basham; Haas) The ordinance passed. ORD. #50-10**

The meeting adjourned, on a motion by Councilman Johnson.

City Clerk

President of Council