

**MINUTES - REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**

Monday, September 27, 2010

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, September 27, 2010 at 6:00 p.m., in the Council Chambers of the Municipal Building.

President of Council, David Malone called the meeting to order. The Pledge of Allegiance to the Flag followed a moment of silent prayer.

Roll Call showed the following members to be present:

Kevin Johnson	1 <sup>st</sup> Ward
David Malone	2 <sup>nd</sup> Ward
Nicholas Basham	3 <sup>rd</sup> Ward
Jerrold Albrecht	4 <sup>th</sup> Ward
John Haas	5 <sup>th</sup> Ward
Richard Noel	6 <sup>th</sup> Ward

Also present were Mayor Jane Murray and City Solicitor, Michael L. Jones. City Auditor, M. Trent Williams arrived at 6:10.

On a motion by Councilman Albrecht, Council dispensed with the reading of the Journal for the regular session of August 23, 2010 and special sessions of August 26, 2010

Items “7j” and “70” were removed from the agenda upon the President advising Council that the information for these two items is incomplete.

**STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA**

Bill Beaumont, the City’s Public Service Director requested Council to pass items “7h” and “7i” this evening.

**LEGISLATION**

The Clerk gave a **third reading** to an ordinance authorizing the appropriation of \$4,000 from the CIP Fund No. 301 for state mandated underwater bridge inspection.

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. #51-10**

The Clerk gave a **third reading** to an ordinance to create an advisory committee for the renewal of the 2011 City Health Insurance.

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. #52-10**

The Clerk gave a **second reading** to an ordinance authorizing the appropriation of \$93,000 from Flood Defense Fund No. 265 for much needed repairs to the City’s flood defense system and where necessary, to authorize the Mayor to advertise for bids and thereafter enter into contracts with the lowest and/or best bidder for various purchases and projects for aforesaid repairs to the City’s flood defense system.

Councilman Albrecht moved this constitute a second reading.

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

The Clerk gave a **second reading** to an ordinance authorizing the appropriation of \$3,600 from CIP Fund No. 301 to Engineering Miscellaneous Projects Fund No. 301.112.5529 to be paid to Howerton Engineering & Surveying, Inc. for surveying fees and where necessary, authorizing the Mayor to advertise for bids and thereafter enter into contracts with the lowest and/or best bidder for the aforesaid surveying fees.

Councilman Albrecht moved this constitute a second reading.

There were no questions or comments. The roll was called. **VOTE: ayes 5 (Albrecht; Noel; Johnson; Malone; Basham) – nays 1 (Haas) A second reading was declared.**

The Clerk gave a **second reading** to an ordinance authorizing the appropriation of \$40,000 from General Fund No. 101 to Fire Department Payroll/Union Line Item No. 101.223.5115 to cover potential overtime expenses for the remainder of 2010.

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. #53-10**

The Clerk gave a **second reading** to an Ord. authorizing the appropriation of \$8,600 from CIP Fund No. 301 into Engineering Building Inspections Line Item No. 101.663.5297 as reimbursement for funds used for an emergency tear-down of 817 Spring Lane in the spring of 2010, and where necessary, giving emergency authorization to the Mayor to advertise for bids and thereafter enter into contracts with the lowest and/or best bidder for the aforesaid tear-down.

Councilman Albrecht moved this constitute a second reading.

There were no questions or comments. The roll was called. **VOTE: ayes 5 (Johnson; Malone; Albrecht; Haas; Noel) – nays 1 (Basham) A second reading was declared.**

The Clerk gave a **second reading** to an ordinance authorizing the appropriation of \$7,400 from CIP Fund No. 301 into Engineering Miscellaneous Projects Line Item No. 301.112.5229 for emergency tear-down of two properties, and where necessary, giving authorization to the Mayor to advertise for bids and thereafter enter into contracts with the lowest and/or best bidder for the aforesaid tear-downs.

Councilman Albrecht moved this constitute a second reading.

Vice President Haas questioned the emergency language in the ordinance. The Solicitor again explained the reason for this being and going to be in all ordinance of this type. He again noted the issues with the State auditors and preferred using an abundance of caution in order to be sure the City complies with the fiscal audit. Vice President Haas said that was why he was asking because he knows some of these houses have already been razed.

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

The Clerk gave a **first reading** to an ordinance authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing replacing the existing pavement within the corporation limits on US 52.

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 Solicitor advised that he has had an opportunity to speak with Mr. Beaumont and a representative from ODOT and this project requires a substantial amount of money, which the City has been awarded from the State with no money having to be spent by the City. Councilman Noel expressed his pleasure at this project being done, noting its necessity.

There being no further comments the roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. #54-10**

The Clerk gave a **first reading** to an ordinance authorizing the Mayor to advertise for bids for the operation of the City of Portsmouth solid Waste Transfer Station and to enter into a contract with the lowest and/or best bidder.

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. #55-10**

The Clerk gave a **first reading** to an ordinance authorizing the acceptance of OCJS Cruiser Grant reimbursement in the amount of \$110,471.25 into the Law Enforcement Trust account and \$828.75 into the JAG account.

Councilman Albrecht moved this constitute a first reading.

Councilman Johnson said he would prefer that the rule be suspended and this ordinance passed so these funds can be accepted immediately(*the remainder of his remarks were not discernible*).

Councilman Albrecht had no objections and withdrew his motion.

Vice President Haas 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.**

Vice President Haas made a motion to pass the ordinance.

There were no questions or comments. The roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. Ord. #56**

The Clerk gave a **first reading** to an Ord. authorizing the Mayor to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s).

Councilman Johnson 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 Johnson made a motion to pass the ordinance.

The roll was called. **VOTE: ayes 6 – nays 0 ORD. #57-10**

The Clerk gave a **first reading** to an ordinance authorizing the Mayor to prepare and submit an application to participate in the Safety Intervention Grant Program through the Ohio Bureau of Workers' Compensation.

Councilman Johnson 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 Johnson 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. # 58**

The clerk gave a **first reading** to an ordinance authorizing the appropriation of \$17,020 from the General Fund into Community Development Fund No. 243 to fund the position of Director of Community Development.

Councilman Noel made a motion to suspend the rule requiring and ordinance be read on three separate dates.

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

Councilman Noel made a motion to pass the ordinance.

Councilman Albrecht, referring to a note Council received from the Auditor prior to Council's last meeting, noted that, according to the Auditor, there could be no transfer between general fund #101 and CDBG fund #243. The Mayor, to the Auditor, said she did not know to what he was referring. Mr. Williams, for purposes of clarification, wanted to know exactly what the request is – whether it is to transfer general fund money into the CDBG Fund, which, he said "We don't do"; is the request to pay the salary from the general fund or from administration fees in the CDBG Fund. In response, the Mayor stated that she was proposing that the funds just be allocated as it was previously allocated. She asked if the salary has been from both – the general fund and administrative money in the CDBG. The Auditor, with regard to his memo, noted that if additional funds are being requested, there is no extra money in the general fund operations to support any

additional expense and if the request is for additional CDBG funds, the administrative funds, that are available cannot support both the amounts already appropriated for a Grants Technician and an additional appropriation for a director. The Auditor said what he needs to hear is that this is entirely coming from administrative funds from the CDBG fund and it would not come from the general fund unless Council wants to appropriate general fund money that is already over appropriated. The Mayor suggested that this is something that perhaps the Solicitor can address, noting that he and she were attempting to make sure that this was correct. She felt the issue “keeps getting into a vice of some sort”. She said they were trying to make this effective as of August 1<sup>st</sup> through the end of the year and to reallocate the funds that were for the Grants Technician, which were from June 8<sup>th</sup> through the end of the year. The Auditor said he just had questions and shared them with Council on the first or second reading of the original ordinance. He said he never had the opportunity to speak to it for whatever reason but he is only trying to clarify what this ordinance will be doing. The Solicitor stated it to be his understanding that the position in the Community Development Department would now be that of Director in lieu of a Grants Technician for the remainder of this year. The Auditor said he understands that there will not be both positions filled in that department but still needs to know from where the \$17,020 will come. He noted the ordinance to be requesting a transfer by asking for an appropriation from the general fund into the CDBG. Mr. Williams, having earlier advised that funds cannot be comingled, said that could not be done. In response to the Mayor asking the Auditor for his suggestion, Mr. Williams said he is just asking if this money is going to be paid from a grant and, if so, “is this the administrative part of which grant”? The Mayor said she wished she had been provided with the memo then maybe she and the Auditor could have worked with out with the Solicitor. The Auditor advised that he had actually prepared this notice in preparation of the second or third reading of the ordinance. He said he had the explanation with him at which ever meeting that was but it didn’t get to the point of discussing it because the ordinance did not pass. The Mayor pointed out that the last time the ordinance was read, the Auditor was not present. The Auditor advised that he has not missed a legislative meeting. The Mayor noted that the last time there was a vote on this ordinance it was a third reading. The Auditor pointed out the fact that it failed therefore he did not have an opportunity to bring up this point. In response to Councilman Johnson asking if the funds for the Grants Technician were available, the Auditor said, “I am simply asking a question, I can’t tell you if they are available because I need someone to tell me what grant this will be paid from”. The Mayor again suggested that it be paid from the same fund from which it was originally allocated for the Grants Technician. The Mayor expressed her consternation with the fact that Council had just passed an ordinance appropriating \$40,000 for overtime in the Fire Department, which she claimed is money that doesn’t exist. In response to the Auditor asking if that is what is being requested in this case, the Mayor did not answer. Councilman Basham expressed his confusion, saying the same amount is being requested, noting that he had brought up the issue of benefits at the last meeting. He asked if the requested amount now includes salary and benefits. The Mayor noted that none of the salaries in the salary ordinance include benefits. Mr. Basham pointed out that the Mayor had previously advised Council that this action would produce a savings and now it is learned that it is not a savings. He said he would like to refresh everyone’s memory and read from the February 22, 2010 minutes, where the Mayor, using her authority, named herself as the Director of Community Development and stated that she did not believe she needed to hire a director for that department. Mr. Basham further quoted the Mayor as having stated that what the City needed was “various competent, professional, skilled people to provide a function along with a Grants Technician”. Mr. Basham noted that in February the Mayor is telling Council that the City needs a grants technician and not a Community Development Director and now the Mayor is telling Council that the City needs a Community Development Director and a grants technician. He wanted to know to which one of these requests should he listen but received no response from the Mayor. Vice President Haas called for a point of order noting that while Mr. Basham was speaking “others were talking”, he said he felt this to be rude. The President asked that everyone please respect the speakers and be attentive to what they are saying. The Mayor stated, “Community Development is listed as a Fund 243 and asked if it were being suggested that there are not sufficient funds in #243. The Auditor said it was not a suggestion it was a question, saying “You don’t pay through Fund 243” and explained that this fund is made up of several grants. He asked the Mayor if she were requesting for General Fund funding or Community Development funding and if that is the case he is wanting her to identify from which grant’s administrative funds does she want to pay for the director’s position. The Mayor said she did not have the budget with her to be able to say from which account these monies have been taken. She felt the same account can be used for the director instead of the grants technician. The Mayor suggested that Mrs. Steele might be able to advise from which grants administrative costs can be taken. With approval of the Council, Mrs. Steele stepped to the microphone stated that in order to pay this salary there is \$10,000.00 in the General Fund for the Community Development Department. She further advised that in line 243 there is more than \$7,000.00 and together the two amounts total what is needed to pay the director’s salary from August 1<sup>st</sup> through the end of the year. The Auditor asked if the Mayor’s request is to utilize the existing salary in the General Fund budgeted for Community Development and those administrative funds from the grants that are currently available in the CDBG Fund. The Solicitor, noting that he is not advocating one way or another but wants to make sure Council does pass this ordinance, it is in the appropriate format. In response to the Solicitor asking the Auditor how he would need for the ordinance to read, the Auditor suggested deleting the \$17,020 amount and replace it with an amount of \$10,000; to replace “into” with the words “and \$7,020 from the” immediately preceding the words “Community Development Department. He said he does not have the budget in front of him either and was not sure it would say exactly what is needed. He explained how the computer program works with regard to appropriations. The Mayor asked if the Solicitor could make notes with regard to the suggested amendment so the proper language can be inserted in the ordinance and apologized for not knowing how to phrase the request. The Auditor, upon being given the breakdown by the Mayor, advised that would be sufficient, if that is what is shown in the budget.

Councilman Johnson made a motion to amend the ordinance in accordance with the Auditor’s suggestion and to make the action retro to August 1<sup>st</sup>.

The “retroactive to” date having been clarified, the roll was called. **VOTE: ayes 5 (Malone; Basham; Albrecht; Noel; Johnson) – nays 1 (Haas) The ordinance was amended.**

Councilman Basham said he would like to again ask the Mayor why in February she advised Council that the City did not need a Community Development Director but that a Grants Technician was needed and why now the City suddenly needs a Community Development Director and not a Grants Technician. The Mayor stated it to have been her intention to utilize outside grants writing to further the government’s ability to go after many more types of grants, “including foundation”. The Mayor claimed Council refused to accept a contract with the company she wanted to use, so she used a local person on some things. She said as she was continuing to review documents and become aware of problems that needed to be addressed, she made a personnel change. The Mayor said Mrs. Steele has a requisite background, “not only to correct and complete documentation the, we were in a position that the State had indicated it might, in fact, freeze all of the city’s grants. Documents had not been submitted timely for a number of years and Ms. Steele had been working on that weekly, keeping contact with the State and therefore they have continued our grants”. She continued, saying, “We have issues with respect to audit and those issues will come forward. At this point having someone who has the background and knowledge that Ms. Steele has, I think we’re very fortunate.” The Mayor continued by advising Council of Ms. Steele’s four-year service with the City stating that she has done “a stellar job there”. She said the Health Department hates to lose Ms. Steele but felt she would be an asset to the City. Councilman Basham did not feel that the Mayor had answered his question and stated that he did not understand, because the State actually hired that former employee to be in charge of the City of Portsmouth, in reference to ODOT projects. Mr. Basham felt that “obviously” the State was not upset with that employee and noting the real question to be that the Mayor was very adamant about funding a grant’s technician position instead of that of a director and read the Mayor’s remarks verbatim from that meeting’s minutes. Mr. Basham, referring to what he had just read, asked the Mayor if her present request meant the City will be less successful in obtaining grants. The Mayor responded by saying that both Council and the public “probably also heard”, at the beginning of her statement where she stated that she was hiring an outside grants writing firm that had a combination of 150 years experience but Council refused to have her do that by contract. Councilman Basham expressed his doubt that the Mayor was going to answer any questions. The President felt the Mayor had answered the question reiterated the Mayor’s response. Councilman said he understands but his concern is that on one hand the Mayor is stating that Council has a \$4,000,000.00 deficit and on the other hand she is asking for more money and he found it to be very confusing as to what Council is suppose to do.

There was no more discussion. The roll was called. **VOTE: ayes 4 (Albrecht; Noel; Johnson; Malone) – nays 2 (Basham; Haas) The ordinance was passed. ORD. #59-10**

#### **REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA**

Zoe Richards, Director of Main Street Portsmouth, thanked Council for their support saying that over the past few months Main Street Portsmouth has been able to promote economic development in Portsmouth through Historic Preservation. Mrs. Richards said Main Street Portsmouth has also been able to empower property owners and business owners in many areas. With regard to the \$50,000.00 allotted to Main Street for historic preservation, she said the organization has been able to obtain numerous training sessions. She described this as being “very important” to Main Street to be able to “go out and find information and bring it back to help our city”. Mrs. Richards advised Council that she has also applied for and received a “retail grant” through the U.S. Department of Agriculture. She said five downtown businesses will receive one-on-one strategy counseling with Boulevard Strategies, a service out of Columbus. She again thanked Council for their support. Mrs. Richards informed Council that she also attended a “Learning From Other Communities” in Vermillion last week, saying she had a wonderful time networking with the other thirty-seven Main Street directors. She called this “an opportunity for us to learn on how things work for them, what doesn’t work and what we can bring back to our city”. Mrs. Richards announced that Main Street will also be attending an “Entrepreneurial Development Training” in Nelsonville on November 3<sup>rd</sup> and encouraged all of Council to attend or any of them that can, saying she believed this to be a wonderful way to bring something back to Portsmouth. She announced that Main Street currently had the artifacts in our downtown, which she described as a type of business incubator and stated it to have been a success for the past couple of months. She also stated that Main Streets has been working closely with the Community Development Department “in growing programs” that have been in process there. She stated that with their membership with Heritage of Ohio, a member of the National Trust, there are other grants for which Main Streets has been able to apply. Mrs. Richards stated that one of the other large projects for which they have taken on, in partnership with the Paul Johnson Memorial Fund, is the beautification efforts of the (*not discernible*) historic district. She further stated that one of the things they like to do is Welcome People to our district and she felt with the new planters in front of the City Building it is a reminder that “yes, we do live here ---- there’s somebody here”. She said there were also new urns along the floodwall and encouraged Council to drive by to see them. Mrs. Richards reported having ordered ten with plans to order five more before the end of the year. Mrs. Richards also reported that Main Street has become “quite involved with committees through the City” to support them with the Design and Review Board and Shade Tree “enforcement”. She said they were also working with the River Days Committee, noting there to be a lot of projects that Main Streets is personally able to do with the support of City Council that they may not have been able to do. She noted one of the largest projects that Main Street is “taking on” is working with historic property owners and the Design and Review Board to “give many grants” with \$25,000 of funds. She explained this to be similar to the projects they did and completed in 2008. She described this as a “building improvement” project”, which she said is a matching grant and will provide at

least \$50,000.00 worth of improvements in the City's historic district. She noted there to be guidelines which, she said she would be happy to share those with Council. Mrs. Richards stated that there were "quite a few members" sitting on the committee to help them to allocate those funds and acknowledged the President of Council to have appointed Councilman Johnson to sit on that committee, as well as "engineering has indicated development director" and an architect from Tanner & Stone will be helping. She further stated there will be a "community member of property owner and a member of the Main Street Program Design Committee. She announced that Main Street will be hosting a networking breakfast in early October in order to educate the property owners on how they can apply for those funds. Her time having expired, upon asking, Mrs. Richards was allowed to finish her remarks. She said all \$25,000 will be allocated by the end of the year, which, she said, means these projects will begin and be completed within a year after that. She, stated that the Fall Main Street kicked off its first annual Farmer's Market on the Esplanade, describing it as a growing success. She also announced that next weekend some of the Second Street merchants got together to present a Korn Karnival in recognition of the past when this event occurred in that neighborhood. She described this as being another way for Main Street to partner with and empower business and property owners to make a better economic development for the downtown area.

Charles Horner, Chief of Police, advised Council that the police department participated Saturday in the first National Drug Take Back Day. He said the event lasted about four hours and his team participated with about four thousand other police departments in the United States. Chief Horner acknowledged the team to have had numerous compliments from citizens as well as "thank yous" for providing them with an opportunity for a place to "turn back" pharmaceutical prescription medications. He advised Council that, as result of a donation from the Southern Ohio Medical Center, the team will be participating November 13<sup>th</sup> in another "take back" day. He said it is the goal of the police department to participate in this event twice a year. The Chief thanked the Scioto County ex action team, the SOLACE women's group who participated with the police department, and the Portsmouth City school system who provided the centralized location to conduct the activities.

#### **Miscellaneous business and reports:**

##### City Clerk's Report

1. On 9/24/10, received from the Auditor the following reports for the month of August 2010;
  - Combined mtd/ytd expense report
  - Mtd/ytd revenue report
  - Mtd bank report
  - Combined mtd/ytd fund report
2. Received from the Ohio Division of Liquor Control a notice of stock transfer for:
  - B O B Dickens Pub LLC
  - DBA Dickens Pub
  - 811 Murray St.

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

##### Mayor's Report

1. The Mayor thanked the Chief of Police and the department for its efforts with regard to the Take Back Program.
2. Thanked Zoe Richards for "an excellent report" and expressed her delight about the farmer's market.
3. She noted that on the conference agenda a request for setting a "Trick or Treat" night for the City.
4. Advised there to be a group of people working on downtown Christmas decoration involving the businesses, primarily focusing on Gallia, Chillicothe and Second Streets. She said they were trying to do more of a holiday kick-off after Thanksgiving. She expressed appreciation to all the volunteers and to Main Street in leading that effort.
5. Announced that at the next Traffic Committee meeting Phase I of her Traffic Calming Plan will be presented. She noted this date to be Tuesday, October 12<sup>th</sup> at 2:30. She reported Mr. Beaumont to be working with Howerton Engineering and the community to look at various areas. She said her office has had a number of complaints. She advised Council that as they get other calls or requests to continue that, it will be taken to the committee and then it will be brought before the full Council.

6. She stated that as part of the flood defense and FEMA levee certification, it has been brought to her attention that the City is going to have to have the mechanical engineer perform soundings on the floodwall and in order to do this, he will actually have to take a “sledge hammer” and hit the floodwall. She said he has discussed the necessity to do this and at the same time trying to be sensitive to the murals. She stated that she and the Solicitor are preparing some notices to Murals Inc. She said she wanted the public to be aware of this activity during the next couple of months. She acknowledged that they do not know what will happen with some of the soundings and therefore there is a need to prepare the Mural Committee to look at restoration or repair work. She said the mechanical engineer feels there could be some damage but felt any repair work might be minor. She said the soundings is a requirement and that there is no way to avoid it.

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

The President had nothing to report.

Miscellaneous business from City Council:

6<sup>th</sup> Ward Councilman Noel had nothing to report.

5<sup>th</sup> Ward Vice President Haas expressed his concern about possible violation of the MOUs by allowing the position of Director of Community Development to be filled when it was not in the original budget.

Mr. Haas said he was driving around town and took a couple of pictures of the traffic lights that were reinstalled and bagged by this administration. He reported the bags to be coming off of 90% of the lights. Mr. Haas inquired if Phase I of the traffic calming includes the removal of the lights that are bagged.

4<sup>th</sup> Ward Councilman Albrecht had nothing to report.

3<sup>rd</sup> Ward Councilman Basham requested from the Mayor a written reply or e-mail as to whether or not a traffic study was performed on the traffic calming issues or measures that are going to be implemented. He said he recalled the Mayor having said, on numerous occasions, the need for traffic studies so he would like to see that this happens before signs start appearing everywhere.

Mr. Basham noted that he had requested from the Mayor’s office, via phone call per the City’s website, a detailed plan on how the City will be paying for the \$70,000,000.00 sewer and paving project that was announced in Sciotoville. He advised the Mayor that he is now requesting that information during this meeting. He said it sounded like pie in the sky and he wants to make sure Council doesn’t get blindsided especially considering the City’s \$100,000.00 limitation on bonding.

He reported that he is still getting calls from people in his ward and even from Lawrence County with regard to the bagged traffic lights, noting he had mentioned this at the last Council meeting. He acknowledged having received a memo from the Service Director regarding the different “no turn” on red signs that have come up as a part of the HMTV study of 2007. He said he believed some of those lights were suppose to have come down and asked if this was also going to be included in the “no turn on red” signs that appeared.

Mr. Basham asked the Solicitor to prepare legislation to form a committee for the purpose of doing a feasibility study on merging the City and County Health Departments. He advised the Solicitor that he will get with him on this request.

2<sup>nd</sup> Ward The President had nothing to report from his ward.

1<sup>st</sup> Ward Councilman Johnson said he would like to remind Council that in February Mr. Haas submitted legislation, which was approved, that requested the Traffic Committee to review the HMTV Study with regards to the traffic lights. He claimed the Traffic Committee came back with a report, not on the traffic lights but endorsed the entire report. Mr. Johnson said this was not approved and in July a motion, by himself, passed, which sent this issue back to the Traffic Committee as to specifics on which lights should be cut, which should go and for what reason. He said that was issued to the Traffic Committee in July and claimed the Council has yet to receive a report. He felt that if Council is going to get to the point of commanding the Mayor to eliminate traffic lights the lights will have to be programmed and he felt that would cause havoc. He felt a “good report” is needed from the Traffic Committee on which traffic lights are first logical to keep and what ones can be removed.

With regard to Mr. Basham's suggestion regarding merging the City and County Health Departments, Mr. Johnson said when he spoke of this with the County Commissioners, the one thing they asked is that the City touch base with the key people at each of these health departments. Mr. Johnson supported this idea and asked Mr. Basham if he has spoken to anyone. Mr. Basham responded in the negative, saying that is why he is asking that a committee be formed so the appropriate people can be brought together.

Mr. Johnson expressed his appreciation to Council for excusing him from the last Council meeting. He said he was "spending everyday walking five miles along the beach" and he appreciated the time off and he had a good time.

He thanked Zoe Richards for her report, saying he still has not gotten a report on how well the fund raiser for Paul's Memorial Fund did but he does not that in total the memorial fund from last year to this year has raised over \$16,000.00 and he believed it to be one of the largest private funds. He expressed his pleasure at how well Main Street Portsmouth has managed the funds donated to Paul's memorial.

The Auditor had nothing to report.

The Solicitor acknowledged there to be a couple of speakers at the last Council meeting with regard to pain management legislation and advised that in response and with the Mayor's agreement, this issue has been put on the conference agenda as a discussion.

The meeting adjourned at 7:05 on a motion by Councilman Johnson.

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City Clerk

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President of Council



