

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday, January 26, 2009

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday, January 26, 2009 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting President, David Malone called the meeting to order. The Pledge of Allegiance to the Flag followed an invocation by Rev. Michaels of SOMC Hospice.

Roll Call showed the following members to be present:

Mike Mearan	1 st Ward
David Malone	2 nd Ward
Bob Mollette	3 rd Ward
Jerrold Albrecht	4 th Ward
John Haas	5 th Ward
Richard Noel	6 th Ward

Also present were Mayor, James D. Kalb; City Solicitor, Michael L. Jones and City Auditor, M. Trent Williams.

Council dispensed with the reading of the Journal for the regular session of January 12, 2009, on a motion by Councilman Albrecht.

STATEMENTS FROM CITIZENS ON ITEMS ON THE AGENDA

Sharon Bender – 1666 Highland Avenue expressed her feeling that the charter amendment to increase the income tax would have a better chance of passing if they knew what services would be provided with the percent allocated to the General Fund. She suggested an extra service of some kind or an extra day of street cleaning, which would allow the public to identify something for which their money is being spent.

LEGISLATION

The Clerk gave a **third reading** to an ordinance authorizing the vacation of Sinton Street between 3rd and 4th Streets requested by Neal Hatcher as described in the attached legal description, with the City of Portsmouth reserving all easements and retaining utility rights under Sinton Street.

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. #05-09**

The Clerk gave a **third reading** to an ordinance authorizing and directing the Auditor of the City of Portsmouth, Ohio, to distribute all City Income Taxes for the year 2009, collected in accordance with Ordinances No. 100 of 1970; No. 110 of 1976 and No. 84 of 1987 into the General Fund and Capital Improvements Fund as hereinafter set forth.

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. #06-09**

The Clerk gave a **third reading** to an ordinance authorizing the vacation of Argonne Road from Spring Lane south to Kinneys Lane as requested by Kings Daughters Medical Center with the City of Portsmouth reserving all easements and retaining utility rights under Argonne Road. This ordinance is contingent on Kings Daughters Medical Center purchasing the property known as the Pipeyard Property, specifically Parcel Nos. 29-1261, 29-0310, 29-1202 and 29-1201.

Councilman Albrecht made a motion to pass the ordinance.

In response to Councilman Mollette again inquiring as to problems that might arise from this vacation, the Mayor again advised that if any problems arise they will be addressed.

There being no further questions or comments the roll was called. **VOTE: ayes 6 – nays 0 The ordinance was passed. ORD. #07-09**

The Clerk gave a **second reading** to an ordinance authorizing the Mayor to enter into an agreement with Environmental Engineering Service for engineering services.

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

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

Councilman Albrecht made a motion to pass the ordinance.

Councilman Mollette, noting to have seen somewhere that the engineering fees would be \$179,000.00, he asked from where this money would come. The Auditor stated that he and the Director of Waste Water had discussed this matter again this afternoon and determined that a second reading for this ordinance would be fine until it could be finalized as to from where the money would come. The Acting President noted the motion on the floor to be for passage. Councilman Mollette asked if the previous work done by this contractor completed satisfactorily and whether or not this request is to extend the previous project. The Director of Waste Water, Rick Duncan reported the previous project to be about 90% complete and that this request is a separate project. He said he attended a meeting last Thursday where an update was provided with regard to the stimulus package. Mr. Duncan reported the highest priority for these funds is for transportation, with the second and third projects to be waste water and drinking water, in that order. He also reported the money is to be used for those projects that are ready to go. Mr. Duncan explained that to be the reason why the City is trying to get this project started as soon as possible. He said he and the Auditor discussed the project this morning and there seems to be some issues with the sewer funds that the Auditor is still “wrapping up”. Mr. Duncan said he would like to see the ordinance passed. Councilman Mollette reviewed the purpose of the ordinance and Mr. Duncan explained there to be about 6 to 7 million dollars worth of projects and the idea is that if for some reason the economic stimulus money wasn’t passed or not all of it passed, then the project could be bid out in parts, which would allow the city to pick whatever projects it could afford at the time. He again explained that the idea is to have the plans approved by the EPA and ready to go out for bid as soon as the funds are made available.

In line with what was stated by the Auditor, the Solicitor suggested it might be appropriate to table the legislation until the next meeting. He said he did not want there to be any controversial issues, noting there to be a substantial amount of funds involved.

Councilman Haas made a motion to table the ordinance.

The roll was called. **VOTE: ayes 6 – nays 0** **The ordinance was tabled.**

The Clerk gave a **second reading** to an ordinance to submit to the electors of the City of Portsmouth, Ohio, at the Primary Election to be held on the 5th day of May, 2009, a supplemental section to the Charter of the City of Portsmouth, Ohio, to levy annually an income tax in an additional amount of six tenths (6/10) of one percent (1%), not withstanding any provision in Section 47-a of the Charter of the City of Portsmouth, Ohio prohibiting said tax.

Councilman Albrecht moved this constitute a second reading.

Councilman Mollette, noting the concerns expressed by a citizen tonight as well as from people who have contacted him, inquired as to how the 2.7 million is going to be spent. Acknowledging it has been broken out in percentages, he wanted to know what services were going to be provided or improved with the 45% that will be allocated to operating expenses. In response, the Mayor stated that as far as a campaign, he did not believe anything has been prepared but felt that to be something that will be explained after the ordinance is passed. He further stated that to state the amount of dollars that will be spent on the various items that are addressed under operating expenses would be a lot of language to put on a ballot. Mr. Mollette stated his concern to be that Council be knowledgeable of what is being proposed to the public before it goes to the ballot. He felt that once it goes to the ballot it is then open to a lot of speculation as to what could be included or what may be paid from these funds. He noted discussion for the use of an additional increase in income tax included funds for a new municipal building and improving services but he felt Council did not have control over how the increase will be spent until after it is passed. Councilman Noel echoed Mr. Mollette’s concerns and stated that the constituents with whom he has spoken with are saying this is going to be another attempt to build a new City Building. He said he felt that how the money will be spent should be given in more detail. The Auditor reiterated his comments from the last meeting, noting that he provided Council specifics with regard to a breakdown in dollar amounts. He acknowledged that how the Mayor and his administrative staff allocates the amount for municipal operations, is something over which he has no control. He did say the municipal operations portion has, for years, teetered up and down whether or not we would be in a deficit situation or not and further noted it to be fortunate that the City has always been able to make it every year without ever having a deficit. The Auditor pointed out the fact that a large part of the funds that will go to operations will be just to enable the City to have sufficient funds to continue to run its day to day operations. He said he hoped that would include some general improvements such as things that are not now being done because of the cuts that have had to be made in order to make it from one year to another. He gave some examples of where cuts have had to be made and how the additional revenue will allow the City to do the kind of things that we need to do. He acknowledged that to be the reason for the 1.2 million being allocated for that

purpose but pointed out that how that is distributed in order to meet those goals will be the responsibility of the Mayor. Mr. Williams restated the amount he had provided to Council at the last meeting for Capital Improvements. He noted this revenue would allow for those things that have been discussed for several years, which included a "City building fund to be implemented – to put money in place so we can pay the debt on our capital improvements on a new City center and be able to maintain and keep that building functioning for years to come". He acknowledged this to be a better way than increasing property taxes. Mr. Williams reminded everyone of how many citizens have, over the past six months, approached the microphone during these meetings and expressed their preference for an income tax. He also reminded everyone that those sitting at these tables have agreed that an income tax is more fair and here it is before us and it not only provides for a City building it also provides for the on going maintenance of that building for years to come. With regard to recreation, Mr. Williams said what programs would be addressed with the funds that would become available is, again, something that would be addressed by the Mayor but expressed his desire to see some kind of a recreation board or at least a Recreation Director. He acknowledged there to be a lot of "good ways" to utilize the funds that would be available for recreation since we presently do not have a recreation fund. The Auditor reiterated his previous explanation for the use of the revenue allocated to Retirement, Pension and Insurance Reserves. He said he felt the plan to be fairly specific and noted that to define the exact projects for which the funds would be used is something that would not be listed in an ordinance. For the benefit of the people in the audience, the Mayor noted that all those provisions have been spelled out in the ordinance with regard to how the percentages would be allocated. He concurred with the Auditor with regard to being more specific – such as noting what rooms would be improved, what weeds would be abated or police protection. He again advised that all these needs would be addressed with the revenue derived from the 45% of the revenues this increase will generate. In response to John Haas acknowledging the Auditor's comments about having to cut services and asking how many services have been eliminated during the past few years that need to be reinstated through this increase, the Auditor said he did not have a number for that but did know that you can look around and listen to the number of complaints to see that the things that need to be done are not being done. The Mayor noted that the Capital Improvement projects cannot be included in the ordinance or ballot language because at the time they are paid then the ordinance would have to be changed, which would mean another election would have to occur. He also pointed out that Council approves the Capital Improvement projects.

Councilman Noel noted that an ordinance had just been passed for \$2,000 with regard to demolition of condemned structures and said Council was told that once this was started it would be self sufficient and felt the question of funds for demolitions has already been addressed. The Auditor advised Mr. Noel that he was talking about a process that is going to take years to make a significant impact. He further advised that the \$2,000 that was appropriated and transferred was for seed money to start the program and still remains in that fund. Mr. Williams said that the first thing that needs to happen is for the Health Department to run advertisements specifying a list of houses that will be prioritized. He explained that these were properties that will have to go through two Sheriff sales without anyone purchasing those properties. He said this is not overnight magic where we just go in take the property, clean it up and we are done. The Auditor again explained that the \$2,000 was "seed money" for a project that is going to take a long time but is a very worth while project with a long-term benefit. Mr. Williams also explained that the intent of this program is not that all the yards in the City will be cleaned up by the Health and Service Departments this summer. He again explained that the program is to be a long-term benefit for the City to get properties back on the tax base. Mr. Noel said he understands that and stated that the Health Department, during a meeting, said they could maintain the program in a manner that will not cost the City anymore money. Mr. Williams explained that the program applies to houses that have been abandoned and have been sitting for years. He further explained that these properties have to go through legal processes, which includes two sheriff sales. Mr. Williams acknowledged that this does not apply to the majority of the homes. He explained that the majority of the homes belong to someone who has just not maintained the property and are not yet even near that part of the process but have thirty inch weeds in the yard. He said he did not believe the City is able to take care of all those properties.

At the request of the Acting President, the roll was called. **VOTE: ayes 4 (Mearan; Malone; Albrecht; Haas) – nays 2 (Noel; Mollette) A second reading was declared.**

The Clerk gave a **first reading** to an ordinance to amend the Salary Ordinance as amended by Ordinance No. 72 of 2008, to reflect wage increases to the AFSCME 1039 C as a result of a new contract, to reflect wage increases for non-union employees and to make changes to reflect the minimum wage amount as outlined in the constitutional amendment passed by voters in November 2006 to be effective January 1, 2009 and to repeal Ordinance No. 72 of 2008.

Councilman Albrecht moved this constitute a first reading.

In response to the Acting President asking how many salary ordinances still need to be presented until the next contract needs to be negotiated, the Mayor stated that the salary ordinance needs to be amended every time there is a change in wages. He also advised that there are still two contracts that expire in May of this year. Mr. Malone expressed his concern that if the financial situation doesn't change Council may want to look at the Salary Ordinance and consider going in a different direction as far as the salary ordinance is concerned. The Mayor reiterated the fact that if there is a change in a salary then the salary ordinance has to be amended. The Acting President noted there to be a difference in a salary ordinance and a contract. In response to Mr. Malone asking about the next "cycle" of negotiations, the Mayor advised that the contract negotiations will begin again in three years.

Councilman Mollette explained the purpose of the ordinance as being to reflect increases to employees as determined through the bargaining process. The Mayor noted that it also includes an increase in minimum wage. Councilman Noel said he was confused and referred to the Auditor stating that another contract would be due in May. The Auditor confirmed that contracts with AFSCME 1039 and 1039A expire on April 30, 2009.

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

The Clerk gave a **first reading** to an ordinance amending Section 169.10 of the Codified Ordinances of the City of Portsmouth, Ohio – Health Insurance Premiums.

Councilman Albrecht moved this constitute a first reading.

The Mayor advised there were a couple of changes that need to be made to the wording. He said if there were no questions or concerns about this ordinance he would like to see it passed as soon as possible so advantage can be taken this year regarding the savings on the health insurance due to the incentive. He said he knows of quite a few employees who will forego the insurance if this ordinance is passed. He noted this could save \$200,000.00 to \$250,000.00 on this year's budget.

With regard to the word changes in the ordinance, the Auditor suggested inserting "special revenue funds," under "Health Insurance Premiums" - between the words "from" and "Enterprise" in the first sentence of the fifth paragraph. He also suggested inserting "calendar year" between "preceding" and "year" in the fourth sentence of that same paragraph. He said the "special revenue funds" insertion is because there are employees within the probation department who would also be eligible but aren't specifically listed.

Councilman Albrecht made a motion to amend the ordinance as suggested.

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

In response to Councilman Mollette's request for an explanation of the proposal, the Auditor said the option is already there for \$1,200 and is being increased from that \$1,200 to \$3,000. He said after checking with several other places it was learned that \$1,200 was not near what any other entity was offering for the same type of participation. Mr. Williams reported that only about a handful of employees are presently participating in this option because it is not felt that the \$1,200 is enough of an incentive to not take the insurance. He said it is felt that an option of \$3,000 would increase the participation thus the City would be paying \$3,000 to the employee instead of paying \$12,000 to \$13,000 on behalf of the employee. Mr. Williams said the City can save \$10,000 for each employee to whom it pays \$3,000. He noted that if 20 employees participate the City could save \$200,000.00 for that year. The Mayor stated that there would be guide lines, which included that by giving up insurance through the city the employee would still have to have credible insurance either through a spouse's employment or some other source. In response to the Acting President asking if it would not be the employee's choice as to whether or not they wanted insurance coverage, the Mayor said it would but it would also be the City's choice as to whether or not we want our employees covered. The Auditor noted that currently we do not have a policy in place that requires proof of other insurance but felt it would be a good idea to establish such a policy so that the City can be insured that its employees do have health insurance and are not just gambling with their health in order to take a better benefit. In response to the Acting President inquiring as to how long it would take to put such a policy in place, the Auditor advised it could be done just as soon as the ordinance is passed. He said policy changes have already been discussed. He noted that this issue should not be dragged on throughout the year because for every month that the City is paying health insurance it is not making the savings that it otherwise would have done.

In response to Councilman Noel asking who all was included in the incentive, the Auditor advised that everyone was with the exception of members of Council and the two judges. He explained the reason for that as being because the state specifies for what the judges are eligible and the charter specifies what Council's compensation will be. Mr. Noel asked about employees who have other insurance that covers everything and this is not their primary insurance. The Mayor acknowledged that those employees are eligible for the \$3,000 incentive. The Auditor concurred and noted that the employee would have to opt out of the City's insurance program. In response to Mr. Noel, the Auditor reiterated the fact that a handful of employees are now exercising the option to receive \$1,200.00 and a number willing to participate for a higher incentive. Mr. Noel said he recalled that it had been stated that some elected officials "would collect from their insurance from other sources and get this cash". He said he had no proof of this but it is what he had heard. When the Auditor asked for clarification with regard to "cash", Mr. Noel said "those insurance, from where they were like working or their wife's insurance or some other sources and then they would get paid from both places". Inquiring into his meaning further, the Auditor explained that an employee has to make a choice between being a part of the City's insurance program or opting to not be and receive \$3,000 cash and advised that the incentive program has been in place since 1998. In response to Mr. Noel asking if we have had employees whose medical bills have been paid by two different providers and cashed in on ours, the Auditor again stated that the employee either has our insurance or you get the bonus and again explained that you do not get the bonus if at any time during the calendar year if premiums to the insurance has been paid by the City on your behalf. Mr. Noel said he was not talking about the bonus but was talking about the bills. The Mayor noted that if someone is taking cash from secondary insurance that is suppose to pay a claim. It would be illegal. Mr.

Noel said that was what he was asking. He said he has been told that is happening. The Mayor pointed out that someone may be covered by two different providers – one of which is the primary provider and the other the secondary provider. He explained that the secondary provider often pays what the primary provider does not pay. The Auditor again restated that the City will either pay the premium or the bonus but not both.

Councilman Haas asked if the payout were the same regardless of whether the employee had a family plan or a single plan. The Auditor stated that it is currently \$1,200.00 regardless of the plan and with the passage of this ordinance the amount would be \$3,000.00 across the board. Councilman Mollette asked if the Mayor, the Auditor and the Solicitor could opt out of taking the insurance. The Auditor restated his earlier explanation that this would apply to everyone with the exception of members of Council and the judges. Mr. Mollette inquired as to the guidelines that would be established by the Mayor and was advised that to opt out the employee must have other credible insurance coverage. As another example, he said there may be a case where an employee was hired four months into the year and what to opt out of the insurance and he felt they should be given an option to receive a portion of the incentive amount. The Auditor pointed out the fact that currently, if you did not opt out at the beginning of the year, you did not get to do so at any other time during the year. The Auditor noted that the Mayor will allow a one time extension from January 1st to February 15th to opt out of the plan – noting that in order for the City to see these savings in the budget this year it will be necessary to extend the time line for those who have currently been receiving insurance but now, due to an increased incentive, would like to opt out of the insurance. Other examples were provided by the Mayor and the Auditor as to how opting out of the insurance will be addressed at times other than the beginning of each fiscal year.

Councilman Mollette questioned this ordinance “improving benefits for elected officials” and asked if this should be worded so that it takes effect at the beginning of the next term for each elected official and claimed this would be like Council voting themselves an increase. In response the Auditor said, “Yes, but it is not like Council voting themselves its Council voting those who it has jurisdiction over”. He said he would agree with Mr. Mollette if it were currently in place but if not he would not agree with him. Mr. Mollette insisted that the reduced cost for elected officials to have insurance was an increase and asked again if it is something that should be effective with the next term. The Auditor again stated, “If that is currently your policy to increase benefits at the beginning of terms, then I would say ‘yes’. If it is not, then I would say ‘no’”. Mr. Williams noted that compensation, by charter, is set by City Council and noted this gives Council the authority to set compensation daily if they so choose – not every four years. When Mr. Mollette referenced Chillicothe and the fact that they give pay increases every four years, it was pointed out by the Auditor that Chillicothe is a statutory city. Mr. Mollette expressed his feeling that our City Charter does not give us the right to “violate the Ohio Revised Code” which, he said states that you can’t receive a raise during a term. The Mayor noting that he, the Auditor and the Solicitor have all received raises during their terms advised Mr. Mollette that he did not know from where he was coming. The Solicitor pointed out that this issue was addressed last year and acknowledged that he has already provided a legal opinion on the matter of the distinction between a charter city vs. a statutory city. He said it was his opinion at that time and remains today that City Council is authorized to increase compensation pursuant to the City charter. In response to Councilman Mollette asking if this were in reference to Council giving themselves raises, the Solicitor stated that pursuant to the charter Council cannot give itself a raise without it being presented to the electorate. He further noted there to be a distinction between Council vs. other elected officials. Councilman Haas inquired as to whether this was considered a compensation issue when in effect we don’t have the option of opting out and taking the money. He said he believed it to be a benefit for which they are paying and it is not compensation. Mr. Haas further stated it to be his belief that there is a distinction between health insurance benefits and in-term compensation, noting that the health insurance is not mandatory. The Mayor said he believed there was a precedent set years ago, as the result of a law suit, that health insurance is not considered as being monetary. The Solicitor said if members were eligible for the \$3,000 option that could be viewed as compensation but noted the charter to specifically state the amount of Councils’ salary and would have to be changed through an election. Mr. Jones concurred with Mr. Haas about this ordinance addressing a specific benefit, which has been, on several occasions been distinguished from salary. He again stated that the insurance, particularly dealing with deductible, is specifically a benefit and would not, in his opinion, be considered compensation. Mr. Jones further stated that regardless, even if it were considered compensation, it was his opinion that City Council has the authority for those elected officials to do this. Councilman Haas felt that if members of Council were entitled to opt out and take the \$3,000 then he could see where there would be an argument that that would be a form of compensation that Council would be voting for themselves. He said since opting out does not apply to Council he agreed with the Solicitor that there is a definite distinction between benefits and compensation. The Auditor pointing out that previously for every employee, regardless of position, the premium shared by the employee was zero said that Council, a number of years ago, decided to increase the premium for Council, the Mayor, the Auditor and the Solicitor to 20%. He said this was an effort to try to get the employees to follow suit and noted that to have never happened until now but not in the amount of 20% of the premium but rather at \$50.00. He noted this to have been an action by Council that could have been changed at any time by Council and acknowledged the benefits to have fluctuated during that time.

At the request of the Acting President, the roll was called. **VOTE; ayes 6 – nays 0 A first reading was declared.**

STATEMENTS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Wayne Nichols – 2018-8th Street objected to any suggestions at the previous meeting to eliminate this portion of the agenda and felt to do so would be denying citizens their right to “freedom of speech”.

Gave a brief history of the DAV and provided his reasons for why he felt there to be a GI Bill of Rights.

Ray Mitchell – 2460 Micklethwaite Road objected to an option to receive \$3,000 for opting out on insurance and called it double dipping. Mr. Mitchell was reminded that the item to which he was referring was an item on the agenda and not for discussion at this time.

Carlton Cave – 1521 Robinson Avenue, noting that he had appeared before Council last year to complain about his fear that the garbage trucks might cause damage to the rear of his property, said nothing has been done about his complaint.

Mr. Cave said he was glad to see street striping at 16th and Waller Streets, which provides some “division” at that “big passageway”. He said this intersection was a place of confusion due to the lack of directional arrows. He said he would like the traffic department or whoever is responsible for trying to make that a better and safer corner to observe the traffic and the directions from whence it comes. He said the intersection is really confusing and he felt it needs to be addressed.

Teresa Mollette – 1705 Franklin Blvd. said she wanted to address the potential misuse of funds and she thought there was a federal law that says there has to be money within a retirement system or a severance pay therefore that means funds have been misused or used somewhere else and she would like to know where it is. She then claimed it to be a mandate that money has to be set aside each year within the budget to make sure those compensations are met and added “its not”.

Mrs. Mollette suggested that several lawyers should look up the meaning of “compensation” under the ORC. She claimed they would be surprised.

She reminded everyone of the upcoming election on February 3rd and encouraged everyone to vote “yes”.

Miscellaneous business and reports:

The City Clerk had nothing to report.

Mayor's Report

1. Reported there to have been a branch of the Cincinnati Reds' organization in town last Friday and they announced that they will be doing a baseball camp in Wheelersburg this coming year. They also presented the City, in conjunction with the Little League, with a \$15,000 check for renovation of the Little League fields. He said that is something that can be worked on every year due to the interest in the history of Branch Rickey Park and the stadium.
2. Wished Councilman Mearan a “happy birthday”, which is coming up soon.

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

The Acting President had nothing to report.

Miscellaneous business from City Council:

1st Ward

Councilman Mearan expressed appreciation for Mrs. Bender's comments and felt it important to point out to the voters all the things that will be provided with the additional revenue from an income tax increase. He agreed that the City has to be very specific before the vote happens and expressed his hope that everyone can work together to provide this information.

He reported on the reopening of the Huddle House in his ward. He welcomed the new owners who have come here from out of town and encouraged everyone to support them.

He expressed his pleasure at the passing of the ordinance for King's Daughters and appreciation for what they have brought to our City.

2nd Ward

The Acting President had nothing to report from his ward.

3rd Ward

Councilman Mollette said he continues to listen to comments being made at the meetings and when he is out working issues with citizens. He felt the biggest thing on which he could reflect is that everyone's opinion of whether or not this City government is working is based on their personal opinion of their contact with the government. Mr. Mollette, in regard to comments by Mr. Cave about having to return to Council with his concern because it was not addressed, and encouraged "follow up" by the administration. He noted there to be no other place for the citizen to go except the ballot box to make changes. He said he would like to see things taken care of in a timelier manner. He reiterated his position with regard to allowing the public to speak at the Council's conference sessions.

He thanked everyone for attending this evening's meeting.

4th Ward

Councilman Albrecht reported all his concerns have been reported to the appropriate department.

5th Ward

Councilman Haas said he was contacted by State Representative Todd Book with regard to bringing the Soap Box Derby back to the Portsmouth Area. He noted that when he was young this derby was held on Kendall Avenue and he felt this to be where they would like to hold the event again. Mr. Haas said he would like to see this happen again and he felt it would bring people into the area.

6th Ward

Councilman Noel said he had noting to report. He said some of his concerns have been addressed and others have not but he will continue to work on those.

The Auditor congratulated the Mayor for bringing back the proposal regarding the health insurance because it reminds him of the old phrase "swallow a camel and choke on the gnat". He said the intent of this program is to save the City an estimated \$200,000.00. He noted that every time salaries are discussed some people want to say it is not political but some people want to bring it back and make it political and he felt that was what happened tonight. He said a "program that was intended for the betterment of the City – to save the City some money – become a political issue, we've seen it here tonight".

Mr. Williams reported the January issue of the AAA reported the City of Portsmouth to have received the AAA Silver Traffic Leadership Award for their successful efforts in 2007. He congratulated the Mayor and the Police Department for their efforts.

The Solicitor had nothing to report.

The meeting adjourned at 7:18 p.m., on a motion by Councilman Albrecht.

City Clerk

Acting Council President