

MINUTES – REGULAR SESSION**PORTSMOUTH CITY COUNCIL MEETING**

Monday January 14, 2019

6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday January 14, 2019 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Councilwoman Aeh stated that in accordance with the City Charter, the chair was absent and no Vice President was in place, and one of the Councilmembers needed to be nominated to chair the meeting. She nominated Councilman Meadows, there were no other nominations. **The role was called. VOTE: 3 ayes – 1 nays (G. Meadows) the nomination passed by majority.**

Councilman Meadows called the meeting to order. A moment of silent prayer was observed followed by The Pledge of Allegiance to the Flag.

Roll Call showed the following members to be present:

Sean Dunne	1 st Ward (Absent)
Jo Ann Aeh	2 nd Ward
Kevin E. Johnson	3 rd Ward (Absent)
Jerrold Albrecht	4 th Ward
Gene Meadows	5 th Ward
Thomas K. Lowe	6 th Ward

Also present was City Manager Sam Sutherland, Solicitor John Haas, Auditor M. Trent Williams and City Clerk Diana Ratliff.

Councilmen Dunne and Johnson's absence was excused on a motioned by Councilwoman Aeh. The motion carried viva voce: **VOTE: ayes 4 – nays 0.**

Council dispensed with the reading of the Journal for the Regular Session of December 17, 2018 on a motion by Councilwoman Aeh. The motion carried viva voce: **VOTE: ayes 4 – nays 0.**

There was no Public Hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Todd Vulgamore – Logan Street Portsmouth, OH – He is a member of the Shawnee Boat Club and he had copies of the financial statement for the club. He said that he thought that three years ago the financial statements were reviewed by Council when the previous contract was renewed. He asked that if there were any questions by Council, there were plenty of representatives of all three clubs present to answer any questions. He said there was a concern by a Councilman that there could be improvements on the riverfront, his reply to that concern was that if the club was not there, he feared that the drug use would be worse because they ran people out of there on a nightly basis. He said that the boat clubs take pride in upkeep and appearance; he felt they were an asset to the community because the boaters that dock, use the city's restaurants and hotels through the summer months. He added that as far as using the area where Shawnee Boat Club is located for something different, their club was at the lowest elevation which was about 5 feet lower along the riverfront in that area and get flooded out at least 5 feet before the campgrounds. He addressed the financial statement and stated that there were years when they made \$15.00 and other years when they made \$5,000. The years that \$5,000 was made meant that no docks had been built and the cost of materials alone for docks were around \$900-\$1,000 each. There are years they try to save up to build new docks which they usually build 6-8 docks at a time. They are a non-profit organization, and have nothing to hide and the thought that they make a lot of money was certainly false. He concluded that the club does appreciate the lease from the city and again he felt that were an asset to the area.

Councilman Lowe explained that during this segment, Council was not permitted to ask questions, they were there to listen.

LEGISLATION

The clerk gave a **second reading**, to an Ordinance authorizing payment of \$250.00 for 2019 to the employees of AFSCME Local 1039 and Local 1039C for a certain stipend when the city implemented health insurance plans that included certain deductibles in order that these employees receive the same benefits as other city employees enrolled in the city's health insurance plan.

Councilwoman Aeh motioned that this constitute a second reading.

Councilman Lowe asked Manager Sutherland if this was for every employee and he replied that every employee would get the benefit.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth to renew the lease of Shawnee Boating Club, Inc. to allow for three (3) years beginning upon the date of execution of the Lease Agreement (Exhibit A) and ending January 1, 2022, and shall be renewable every three (3) years at a cost of \$100.00 per annum.

Councilwoman Aeh motioned that this constitute a second reading.

Councilman Lowe stated he would vote for this this time but would like to see the financial statement and requested that they leave that with the City Clerk. He said that he did not have any problems with the club itself and wasn't trying to put anyone out. He had a lot of interest from other people and complaints about people not getting a fair shot to do the same thing and was only trying to make it fair by looking out for the best interest of the city because that was what they were elected to do and they swore an oath to that and he was only trying to uphold that oath. He said it wasn't anything personal against anyone with that club but he wanted what was right for everybody and if they could come to some type of agreement that would be all the better. He believed that they do good things down there and he would never speak against it and commended the club on the good job that they do and he appreciated them being in town. He said he was in favor of developing the riverfront and make it bigger and better and wants more people coming in and bringing more revenue to this town.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth to renew the lease of the Anchor Pad Boat Club to allow for three (3) years beginning upon the date of execution of the Lease Agreement (Exhibit A) and ending January 1, 2022, and shall be renewable every three (3) years at a cost of \$100.00 per annum.

Councilwoman Aeh motioned that this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth to renew the lease of Sciotoville Boat Club, Inc. to allow for three (3) years beginning upon the date of execution of the Lease Agreement (Exhibit A) and ending January 1, 2022, and shall be renewable every three (3) years at a cost of \$100.00 per annum.

Councilwoman Aeh motioned that this constitute a second reading.

Councilman Lowe asked Solicitor Haas if the lease had been changed from the original lease, Mr. Haas replied that only the dates.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing amending certain sections of the Codified Ordinances of the City of Portsmouth Ohio to substitute the words City Manager for the word Mayor.

Councilwoman Aeh motioned that this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance to appoint Sam Sutherland to the position of City Manager of the City of Portsmouth, Ohio.

Councilwoman Aeh motioned that this constitute a second reading.

Councilman Meadows stated that he thought Council had already voted to appoint Mr. Sutherland to the position and asked Solicitor Haas if this was just to ratify his contract. Solicitor Haas stated that it was the same thing, but he questioned whether Mr. Sutherland was officially the City Manager without a contract in place but

the ordinance should handle all of it. He added that he had circulated the contract with his comments and was waiting to hear back from Council. Mr. Meadows said there would an Executive Session to discuss the contract.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 0 nays, a second reading was declared.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Marvin Johnson – Robinson Avenue Portsmouth, OH – He had a water bill from a former tenant who had paid a \$200 deposit but then apparently never paid the bill. He understood the code to state that anyone that doesn't pay their bill for two consecutive months, the water service would be shut off. He said that didn't happen and the water department was billing him and threatening to give his account to the County Auditor for collection. The City used the \$200 deposit but now were billing him for something they should've taken care of. He had supplied the City with the former tenant's name and place of business, and was requesting that the bill be retracted and they should collect the money from the person who actually had the debt. He said in the future the water department needed to shut off the water if a person doesn't pay their bill after two billings. He would like someone to comment on this issue, Councilman Meadows advised that this wasn't a time to ask questions, they were there to listen. Mr. Johnson requested to talk to someone after the meeting.

MISCELLANEOUS BUSINESS AND REPORTS:

City Clerk's Report – City Clerk Ratliff reported the following:

1. She received via email on January 4, 2019 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending December 31, 2018:
Expense, Revenue and Fund.
2. She received on January 4, 2019, the 2018 Annual report from the Solicitor's office.
3. She presented the 2018 Annual Clerk's report.

Regular Sessions	24
Manager's Conference Sessions	18
Special Meetings	7
Organizational Meeting	1
Executive Sessions	23
Public Hearings	1
Citizens Addressing Council at the Public Hearing	
Ordinances Passed	64
Resolutions Adopted	18
Additions to the Agenda	16
Readings Waived	35
Tabled Ordinances	4
Tabled Resolutions	
Defeated Ordinances	
Defeated Resolutions	
Appointments by Council	23
Oaths of Office	23
Proclamations	13
Ohio Department of Liquor Control	
Notice of Permit Transfers	5
Request for New Permits	1
Notice of Stock Transfers	
Citizens Addressing Council	
Items on the Agenda	31
Items not on the Agenda	79

The City Clerk's report was received, filed and made part of the record, on a motion by Councilwoman Aeh's. The motion carried viva voce: **VOTE: 4 ayes – 0 nays.**

City Manager's Report – Manager Sutherland reported the following:

1. He advised that the remaining section of the waterline project was in service and all that was left was to finish the pumping station which he estimated to be complete by mid-February and as soon as good weather comes the street will be paved.

The City Manager's report was received, filed and made part of the record, on a motion by Councilwoman Aeh's. The motion carried viva voce: **VOTE: 4 ayes – 0 nays.**

Acting Mayor's Report – No Mayor's report due to absence.

Solicitor Haas' Report – Solicitor Haas reported the following:

1. He submitted his annual report to the City Clerk. He noted that the office staff had not changed, Kathy Hodkinson was his legal secretary and also the Executive Secretary for Civil Service. Norb Cassidy remained as the Investigator and David Beck and Chris Gerard were attorneys that do the prosecutions in the Municipal Court. He compared the number of cases that were handled in the past few years and the numbers were close to the same which was almost 10,000 cases that come through the court every year. The city is involved in the Opioid litigation, but otherwise there was no litigation pending against the city, however one civil case in Kentucky in which outside Counsel was hired to handle the out of state case. It was regarding a couple of trucks where an arrangement was made without approval. He continues to monitor the case.
2. He said that a Civil Service meeting had taken place and it was determined that a new test be given for a Utility Driver because the list had expired. There was an issue by the Dispatchers that was resolved in the meeting.
3. The Chief of Police requested another test for Police recruits.

The Solicitor's report was received, filed and made part of the record, on a motion by Councilwoman Aeh's. The motion carried viva voce: **VOTE: 4 ayes – 0 nays.**

Auditor Williams Report – Mr. Williams reported the following:

1. He received a call from Fire Chief Bill Raison last week notifying him that the city had approved the lease purchase of a rescue pumper truck at a special meeting in late November of 2017, and the Chief had received an invoice in late December that the first payment in the amount of \$133,000 was due mid-January 2019. He was also informed that the former City Manager had not included the payment in the 2018 budget for the early 2019 payment. There was not yet a new CIP Budget available for that payment. The payment is due on January 16th, and should have been included in the 2018 CIP budget and paid in December 2018 so that it would be paid by its first due date. He added that a permanent CIP or Operation Budget was not in place but there was a temporary appropriations ordinance that was approved which provided for required operational expenses of the City such as lease payments that have already been authorized. He notified Council that he would be making the lease payment January 15th as to not allow the city to default on this debt. He advised that the current City Manager would need to include two lease payments in this years' CIP budget so that the 2020 payment due next January could be processed in December of 2019 to meet next years' January due date. He advised that with acceptance of his report, City Council acknowledges the confirmation and approval of this information and payment.

The Auditor's report was received, filed and made part of the record, on a motion by Councilwoman Aeh's. The motion carried viva voce: **VOTE: 4 ayes – 0 nays.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Sean Dunne had no report due to absence.

2nd Ward – Councilwoman Aeh reported the following:

1. She advised that her concerns had been previously given to the City Manager and handled.

3rd Ward – Councilman Kevin E. Johnson had no report due to absence.

4th Ward – Councilman Albrecht reported the following:

1. He re-appointed Terry Easter to the Traffic Committee.
2. He appointed Jim Kalb to the Land Reutilization Committee as Zack Sims had resigned.

5th Ward – Councilman Meadows reported the following:

1. He said there was a 2nd leaf pickup in parts of the 3rd & 5th Wards specifically North Hill Road, Willow Way, Noddin Way and generally in that area. He said that one of his constituents on Noddin Way was told that it would be the 15th of December and the leaves were still there as well as a bunch on North Hill Road.

2. He said that beginning January 28th and the two meetings in February, he will be tied up in a 5 week Jury trial in Lawrence County and asked to be excused from those 3 meetings.

6th Ward – Councilman Lowe reported the following:

1. He commended Mr. Sutherland on the cleanup job on an alley in Sciotoville. He had had numerous calls thanking him for the city cleanup of the alley and he appreciated it.

Councilwoman Aeh made a motion to recess into Executive Session with the City Manager and the Solicitor to discuss proposed changes to the City Manager’s contract. The second issue would be with the City Manager to discuss personnel issues as it related to the upcoming budget.

**Executive
Session**

The role was called and the motion carried: **VOTE: 4 ayes – 0 nays, Council recessed into Executive Session at 6:28 p.m.**

Councilwoman Aeh moved that Council reconvene from Executive Session.

The roll was called and the motion carried. **VOTE: ayes 4 – nays 0, Council reconvened with all still in attendance with the exception of Auditor Williams at 7:22 p.m.**

The meeting adjourned at approximately 7:22 p.m. on a motion by Councilwoman Aeh.

City Clerk

Acting Mayor