

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**  
 Monday March 25, 2019  
 6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday March 25, 2019 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting Mayor Johnson 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 <sup>st</sup> Ward
Jo Ann Aeh	2 <sup>nd</sup> Ward
Kevin E. Johnson	3 <sup>rd</sup> Ward
Jerrold Albrecht	4 <sup>th</sup> Ward
Gene Meadows	5 <sup>th</sup> Ward
Thomas K. Lowe	6 <sup>th</sup> Ward

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

Council dispensed with the reading of the Journal for the Regular Session of March 11, 2019 on a motion by Councilwoman Aeh. The motion carried viva voce: **VOTE: 6 ayes –0 nays.**

There was no Public Hearing.

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

There was no one present that wished to address Council pertaining to items on the agenda.

**LEGISLATION**

The clerk gave a **third reading**, to an Ordinance authorizing the City Manager to adjust rules, regulations and fees within the Engineering Department pursuant to the Ohio Board of Building Standards.

**Ord.#17-2019  
 Increase  
 Engineering  
 Fees**

Councilwoman Aeh moved that the Ordinance be passed.

There were no questions or comments. **The role was called. VOTE: 6 ayes– 0 nays, the Ordinance was passed.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager to enter into an agreement between the City of Portsmouth and Friends of Portsmouth for a Street Arch Lighting Project as per the attached Exhibit A.

Councilwoman Aeh moved that this constitute a second reading.

Councilman Dunne stated that he went on a walk-through of the placement of the arches and the group will soon be finalizing the specific locations of the arches. Some of the things that they were taking into consideration were: gas lines, water meters, trees and negative effects to local businesses and the group had been consulting with the businesses before the details were finalized. He said there was a situation where one of the businesses had a basement that came out to the street and that would be avoided. Councilman Lowe asked how many arches will be installed and the reply was “10”. Acting Mayor Johnson asked if the placement would be at each intersection and Councilman Dunne said that there were more on this end; he added that it starts on Washington and goes west to Madison. Councilman Meadows asked the height, Mr. Dunne said that Second Street is a state road and AEP and ODOT both inspected and gave their approval of the height being 18’ft-8”in. Mr. Johnson asked Manager Sutherland if the city was giving them lifetime lighting and the reply was “yes”. Mr. Lowe asked if there was a cost estimate on how much it would cost the city, Mr. Dunne stated that the group was paying to have the arches fabricated by a local company and the building trades would help with the installation. Councilman Albrecht asked if they were individual post or would they be connected to the current light posts. Mr. Dunne responded that they would be individual posts.

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

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$38,950.00 from General Fund No. 101 to Munn’s Run Wall Repair-Drainage Projects Line Item No. 101.116.5509 for repair to the stream wall north of Sterling Avenue parallel to the east alley. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

Councilwoman Aeh motioned to suspend the three reading as requested.

**The role was called. VOTE: 6 ayes– 0 nays, the rule was suspended.**

Councilwoman Aeh motioned that the Ordinance be passed.

Councilman Lowe stated that this project needed to be done and the city had an obligation to keep people safe. Acting Mayor Johnson said that this had been going on for some time.

There were no questions or comments. **The role was called. VOTE: 6 ayes– 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance Authorizing the distribution of \$25,468.00 which is the 33 1/3% of the Hotel/Motel Tax assigned to Cultural Affairs, to various organizations as recommended by the Cultural Affairs Panel.

Councilwoman Aeh stated that in order to allow these organizations to work with their budget and do the things they need to do, she motioned to suspend the three reading as requested.

**The role was called. VOTE: 4 ayes– 2 nays (K.E. Johnson and G. Meadows, the rule was suspended.**

Councilwoman Aeh motioned that the Ordinance be passed.

Councilman Meadows stated that he wasn’t opposed to the legislation and that we did this all of the time, but he felt that Council had been waiving the three reading rule way too many times. He added that several years ago he voted “no” on all of them, but it seemed that Council had gotten them under control but the three reading rule was in place for a reason because it gave the public an opportunity to comment on these things and promoted transparency. Acting Mayor Johnson agreed with Councilman Meadows and another reason was the amount of \$25,468.00 and he wanted to see how it was being distributed. He thought it would be nice to hear from folks that were receiving the monies. Councilwoman Aeh stated that when they apply for the money, the applicant must submit a budget, financial statements, and how the money was spent. She said if the three reading rule was in effect, it would put these organizations behind schedule and by waiving the readings, it helped them. She said the money was set aside specifically for this purpose and could not be used for anything else and she never remembered a citizen ever objecting to any of the distributed amounts. There were rules in place that the committee had to follow and they only met once or twice a year and were very strict with the timeframe for the organizations to get their applications submitted and the organizations had to account to that committee for how they spent their money the previous year and how they want to spend their money in the current year. Councilman Lowe stated that at one time he had served on this committee and there were never any problems and the money was distributed in a fair and equal manner. The organizations request a certain amount and then the committee determined the amount to give each organization based on their application.

Mr. Johnson said that currently there was a group that came in once a year to request a donation from the city for a basketball tournament and they gave a full presentation to Council and it would be nice to put faces with the dollars. Mrs. Aeh said that applications were submitted and if Council wanted to see the applications, they could request them from the City Clerk and Mr. Johnson said that would be nice. Auditor Williams said the process allows for the public to attend the committee meetings and Council could give it three readings and review it and he didn’t disagree with the transparency issue but there were also expediency issues and some things just don’t need three readings, but there was a process in place in order to make those things transparent and unless Council intended to reanalyze it then they don’t need the committee. City Clerk Ratliff stated that the meetings were public and they do have applicants show up for the meetings to give a background on their organization and how the money would be spent. Mrs. Aeh asked Mr. Johnson if he was asking for the organizations to come before Council and request the money and he responded “yes” that it would be nice to hear directly from them. Mrs. Aeh explained that had never been requested of the groups in the past because Council doesn’t get to change the amounts that were distributed. Mr. Johnson said this was just his opinion and Auditor Williams said there was already a process in place with the Cultural Affairs Panel. Clerk Ratliff added that it was Council’s privilege to attend any committee meeting that was in place. Mrs. Aeh said that if Council was going to hear from these

Ord.#18-2019  
Repair of  
Munn Run  
Wall

Ord.#19-2019  
Hotel Motel  
Distribution

organizations and tell them whether they get funding or not, then the city doesn't need that committee. Mr. Johnson said that he understood the points being made and the process.

Councilman Meadows called the question.

**The role was called. VOTE: 6 ayes– 0 nays, the question was upheld.**

There were no further questions or comments. **The role was called. VOTE: 6 ayes– 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance to amend the Salary Ordinance as amended by Ordinance No. 2 of 2018 to reflect two percent (2%) wage increases for AFSCME 1039C and AFSCME 1039 to be effective January 1, 2019, and to repeal Ordinance No. 2 of 2018.

Councilwoman Aeh moved this constitute a first reading.

Manager Sutherland stated that the city was under a 30-day timeframe and it must be passed within that 30 days or it passes by default. Councilman Meadows stated that he thought it was just the contract that had to be ratified and this was just a salary ordinance. Auditor Williams stated that he believed the amounts for 1039C were incorrect, he doesn't have them in front of him right now, but if Council waits to pass the ordinance he will double check and get it clarified prior to the next meeting.

There were no questions or comments. **The role was called. VOTE: 6 ayes– 0 nays, a first reading was declared.**

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

**Sharon Bender - 1666 Highland Avenue Portsmouth, Ohio** – She thanked the city and the city workers for removing the dead trees and cleaning the area between 11<sup>th</sup> and 12<sup>th</sup> Street between Findlay and Offnere Streets.

#### **MISCELLANEOUS BUSINESS AND REPORTS:**

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

1. She received via email on February 13, 2019 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending January 31, 2019: Expense, Revenue and Fund.
2. She received via email on March 5, 2019 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending February 28, 2019: Expense, Revenue and Fund.
3. She prepared and attended the reading of a Proclamation for the Red Cross.
4. She received on March 8, 2019 the franchise fee from Charter Communications in the amount of \$40,324.64 for the last quarter of 2018 and deposited in the Auditor's office the same day.
5. She prepared and administered the Oath of Office to City Manager Sam Sutherland.
6. She advised that the Shade Tree Commission will be hosting the Tree City Celebration again this year in Tracy Park on April 13, 2019 from noon until 3:00.
7. She advised that Main Street Portsmouth will be having a cleanup on day on Saturday April 27, 2019. She advised that they were needing some volunteers to help with this day.
8. She advised that Judge Mowery and the Municipal Court will be having a cleanup day on Saturday June 8, 2019.

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: 6 ayes– 0 nays.**

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

1. He commended all of the city departments that have been contributing to the cleanup effort and also The Probation Departments had been taking care of some things.

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: 6 ayes– 0 nays.**

**Acting Mayor's Report** – Acting Mayor Johnson reported the following:

1. He said that he participated in the St. Patrick's Day Parade on March 16<sup>th</sup>.
2. He read a Proclamation recognizing the local Red Cross on March 6<sup>th</sup> and thanked them for all they do around our community.

The Acting Mayor's report was received, filed and made part of the record, on a motion by Councilwoman Aeh's. The motion carried viva voce: **VOTE: 6 ayes– 0 nays.**

**Solicitor Haas' Report** – Solicitor Haas had no report.

**Auditor Williams Report** – Mr. Williams had no report.

#### **MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

**1<sup>st</sup> Ward** – Councilman Sean Dunne reported the following:

1. He also attended the St. Patrick's Day parade on March 16<sup>th</sup> on the sidelines and thanked Kevin and Diana for being in the parade. He said it was a great parade and a great week of events leading up to the parade.
2. They had an updated photo of the Skate Park group which incorporated everyone including skaters, members of City Council, local businesses and members of the Health Department. It was a great photo to show the collaboration behind it. He thanked Andy Gedeon of the Health Department and Jerrold Albrecht 4<sup>th</sup> Ward Councilman for showing up.
3. He had been working with different people in the community for a "Blues, Brews and BBQ" event on Saturday July 13<sup>th</sup> and the proceeds will go towards some renovations at Spartan Municipal Stadium. They've had a great reaction to the announcement from vendors and people that want to attend. He said that one of the things they want to do was not only raise money for Spartan Municipal Stadium but to showcase the many different things that you could do in Portsmouth, whether it's goods or services that could be bought in town or various members/organizations in our community.
4. He attended the E-Sports competition that took place at Shawnee State University and said it was a very different world than Pac-Man or Super Mario Brothers and the graphics were quite detailed and there was a lot of enthusiasm. He was very happy to see Shawnee State offering that space to people to engage.

**2<sup>nd</sup> Ward** – Councilwoman Aeh said all of her concerns had been taken care of by the City Manager's office.

**3<sup>rd</sup> Ward** – Councilman Kevin E. Johnson reported the following:

1. He thanked Manager Sutherland and Mr. Gedeon from the Health Department for taking care of all of the complaints surrounding garbage issues.
2. He had a complaint about a condemned house where there were vines growing up and pulling electrical wires out of the house next to it.

**4<sup>th</sup> Ward** – Councilman Albrecht reported the following:

1. He attended the Tony Hawk Skateboard Park photo. He said they didn't have refreshments but he provided the entertainment trying to get back down off the levee. (laughter)

**5<sup>th</sup> Ward** – Councilman Meadows reported the following:

1. He asked Manager Sutherland to address the garbage issue on the hill from Dorman to Pleasant Avenue. He hoped that it would be taken care of better under this City Manager because the last time he said something about it, there was a Mountain Dew bottle on the hill that did not move.
2. He said there was a burned out house on Dorman Drive and wondered if anything would be done about it. Manager Sutherland said that he thought they were working on those trying to get them through the process.

**6<sup>th</sup> Ward** – Councilman Lowe reported the following:

1. He thanked Manager Sutherland for fixing the drains on Wilson Avenue and work that was done on Lynn Street. He also thanked him for the work done on the alley between Kiff and Pyle Streets.
2. He said that he had more inquiries on when the globes for lighting would be replaced. Manager Sutherland said they were on order.
3. He asked Manager Sutherland about the Tennis Court nets, Manager Sutherland said they found the net but were still looking for the tool to tighten it.
4. He had a couple of request for Rose Street Park. People were complaining that signs were needed to slow traffic down as there were lots of children playing around that area. He also said that they need a Police Officer to monitor the vehicles that were parking on the wrong side of the road. He wasn't sure what the answer was and they had tried speaking with the man that does it with no luck.
5. He asked about the certification for the concession stand at Rose Street Park and it needed expedited to be ready for opening day.
6. He said that he had complaints about the guard rail on Route #335 and Slocum, Manager Sutherland stated that those would be repaired via the CIP budget. He said there were a couple more; one was going down Route #52 before the Route #140 exit and the other was at the stop sign as you enter eastbound Route #52 from Route #140.
7. He received a call today about work on Kenwood, Manager Sutherland said that Horton's did some repair work to their hill and the City was in the process of installing a drain above that property.

8. He said that he turned the property in at 638 Sycamore and he didn't know how long it took to expedite a letter to the property owners to get it cleaned up, but nothing had been done to it since December 1<sup>st</sup> or 2<sup>nd</sup> and he wondered who was responsible for sending the letter out? He said put him in charge and he would send the letter the same day, but from what he understood the letter doesn't get sent for a couple of weeks to a month. He said that the process needed to be expedited if we're going to get these places cleaned up.
9. He said he was proud to be sponsoring two teams in the Sciotoville Little League this year and sponsoring 2019 River Days contestant Miss East Ali Escamilla.

Councilwoman Aeh made a motion to recess into Executive Session with the City Manager with regard to the bargaining unit contracts. Solicitor Haas asked what the reason was and Mrs. Aeh repeated "Bargaining Unit Contracts".

Executive  
Session

The roll was called and the motion carried: **VOTE: 6 ayes– 0 nays, Council recessed into Executive Session at 6:45 p.m.**

Councilwoman Aeh moved that Council reconvene from Executive Session. The roll was called and the motion carried. **VOTE: ayes 6 – nays 0, Council reconvened with all still in attendance except Solicitor Haas and Auditor Williams at 7:15 p.m.**

The meeting adjourned at approximately 7:16 p.m. on a motion by Councilman Meadows.

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City Clerk

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Acting Mayor