

**MINUTES – REGULAR SESSION**

PORTSMOUTH CITY COUNCIL MEETING  
Monday March 26, 2018  
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday March 26, 2018 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting Mayor Kevin E. 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 (Absent)
Thomas K. Lowe	6 <sup>th</sup> Ward

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

Councilman Meadow's absence was excused on a motion by Councilwoman Aeh. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Council dispensed with the reading of the Journal for the Regular Session of March 26, 2018 on a motion by Councilwoman Aeh. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

There was no public hearing scheduled.

Proclamation for Autism Awareness month read by Acting Mayor Johnson.

**WHEREAS**, autism, the fastest growing developmental disability in the United States, affecting more than three million people, is an urgent public health crisis that demands a national response; and,

**WHEREAS**, in recognition of the growing needs of the worldwide autistic community and to raise awareness about autism spectrum disorders and the need to provide services to individuals and families who are affected, the United Nations has sanctioned April 2<sup>nd</sup> as World Autism Awareness Day. Autism Speaks, an organization dedicated to funding research on autism and advocating for the needs of individuals with autism and their families, promotes the awareness of autism worldwide; and,

**WHEREAS**, in light of the growing impact of autism spectrum disorders and the need for greater awareness, Autism Speaks holds their "Light It Up Blue!" campaign on World Autism Awareness Day, designed to increase awareness about autism by asking participating organizations to turn their lights blue; and,

**WHEREAS**, The City of Portsmouth of Scioto County is honored to take part in the annual observance of Autism Awareness Month and World Autism Awareness Day in the hope that it will lead to a better understanding of the disorder; and,

**NOW, THEREFORE, I, Kevin E. Johnson, Acting Mayor of the City of Portsmouth, do hereby proclaim:**  
**April 2, 2018 as World Autism Awareness Day &**  
**April 2018 as Autism Awareness Month**

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

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

**LEGISLATION**

The clerk gave a **third reading**, to an Ordinance authorizing the distribution of \$25,553.29 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 motioned to suspend the three reading rule due to the fact that these organizations need the money to establish their budget.

**The role was called. VOTE: 5 ayes – 0 nays, the rule was suspended.**

Councilwoman Aeh motioned that the Ordinance be passed.

**Ord. 22-2018  
Hotel Motel  
Tax  
distribution of  
funds**

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance authorizing the acceptance of grant funds from the Ohio Department of Public Safety, Office of Criminal Justice Services under the Justice Assistance Grant (JAG) to provide confidential funds to the Task Force, establishing a dedicated account for the grant and authorizing appropriations of grant and matching funds. 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 amend the Ordinance per the Auditor’s request by adding to Section I “within Fund 217” following \$20,000 and “within Fund 225” following \$6,666.66 and removing “within Fund 217” following total appropriation.

**The role was called. VOTE: 5 ayes – 0 nays, the rule was amended.**

Councilwoman Aeh motioned to suspend the three reading rule.

**The role was called. VOTE: 5 ayes – 0 nays, the rule was suspended.**

Councilwoman Aeh motioned that the Ordinance be passed.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance authorizing the acceptance of grant funds from the Ohio Department of Public Safety, Office of Criminal Justice Services under the Justice Assistance Grant (JAG) to purchase in-car camera equipment for the Police Department, establishing a dedicated account for the grant and authorizing appropriations of grant and matching funds. 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 rule.

**The role was called. VOTE: 5 ayes – 0 nays, the rule was suspended.**

Councilwoman Aeh motioned that the Ordinance be passed.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance authorizing the repeal of the first sentence of the second paragraph of Section V of Ordinance No. 73 passed by City Council on December 18, 2017. 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 rule.

**The role was called. VOTE: 5 ayes – 0 nays, the rule was suspended.**

Councilwoman Aeh motioned that the Ordinance be passed.

Acting Mayor Johnson requested that in the future the request for suspending the three reading rule be limited as all of the items passed at this meeting had the readings waived.

There were no questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was passed.**

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

**Steve Wallace – 2549 Richardson Road** – He stated that over the past few years there had been disintegration of driveways on 24<sup>th</sup> Street where it intersects with Waller Street. After substantial rain the driveway/gravel continuously runs down 24<sup>th</sup> Street into Richardson Road. He said that he’s experienced it twice where if you brake where the run-off was, your car will slide forward regardless of how much pressure that was

Ord. 23-2018  
 JAG funds for  
 Drug Task  
 Force

Ord. 24-2018  
 JAG funds for  
 in-car cameras

Ord. 24-2018  
 Repealing a  
 sentence in  
 Section V of  
 Ordinance 73  
 of 2017

applied to the brakes. He believed this to be a dangerous situation as he almost hit a car on 24<sup>th</sup> Street due to this situation. He gave the addresses of the two driveways that were problem areas: 1121 24<sup>th</sup> Street and 2415 Waller Street. He thought maybe a citation would be appropriate, but it needed to be addressed.

**Nathan Prosch -1164 Kent Street** – He attended the public meeting regarding the one-way conversion for the Multi-Use path but did not speak and thought it best to speak at a Council meeting. He believed that the city should approve the grant to construct a multi-use path as he believed that it would increase the amount of foot traffic along Front Street and the Downtown area and with increased foot traffic comes less crime, less environmental pollution with cars and buses while increasing the overall health of our community and increasing the number of customers for the small businesses. Increasing the number of customers would attract retailers for small business owners to the area which in turn would produce more foot traffic. He also said more importantly it was keeping the pedestrians and traveling public safe. By converting Front Street to a one-way street and coordinating limit access to the multi-use path, this would provide a safe corridor for both pedestrians and motorist. It was brought up by several citizens that converting Front Street to a one-way street would inhibit the viewing of the floodwall murals, he would like to stress that the viewing of the floodwall murals was not the only city attraction and with the addition of the multi-use path the number of activities on Front Street would dramatically increase in a safe and controlled manner. He said that it was our responsibility to drive this City forward while keeping the citizens safe. He added that as a resident of Portsmouth, Ohio and as a Professional Transportation Engineer, it was his opinion that the proposed grant project would offer both to the community.

**Becky Lovins – Executive Director of the Portsmouth Area Art Council and Community Theatre**  
 She said that they currently lease space at 614 3<sup>rd</sup> Street. She thanked City Council for their participation in their “Anything for a Song” challenge as most everyone had donated to the challenge except one or two that were waiting to sing a song (laughter). She added that they have some big changes coming up in the near future. They are the parent organization for Portsmouth Little Children’s Theatre and for the past 50 years they had acted as an arts incubator in supporting arts organizations for programs in the community. She explained the programs they were involved in and that this year they would visit 12 schools in this region and would see over 10,000 students just in the outreach programs. They do the ACE awards bi-annually in which they recognize different members of the arts community for their contributions. They are planning the 4<sup>th</sup> Annual Shakespeare in the Park this summer at Shawnee State University and hopefully the 3<sup>rd</sup> Annual LEGO week where they bring in a giant LEGO display and have a week of activities surrounding children and families. The children’s theatre started in 2010 and this season they will have 3 full musicals at the Vern Riffe Center for the Arts: James and the Giant Peach (this fall), Willy Wonka (just closed), and the Addams Family (this summer). They will have approximately 250 students participating in one of three main stage shows this year. They were also planning two different theatre camps with at least 4 performances, and again this season they expect record breaking numbers and a participation audience for the pre-musical theatre programs. They anticipate having over 20,000 audience members this year, the cast of Willy Wonka which just closed last week had cast members from 17 different school districts, 2 states and 6 different counties who participate in the programming. The total operating budget was \$142,000 per year; they have the Scioto Foundation Endowment Fund that had about \$28,000 and they currently have 3 paid part time staff members, 1 Executive Director, 1 Artistic Director and a Development Coordinator. Creative Economy was a word everyone needed to be aware of which described the Economic impact the arts has on a community. For 22 weeks out of the year PAAC brought 50-80 cars to Boneyfiddle twice a night so the parents drop the students off at 5:30 p.m. and pick them up at 8:00 p.m. The parents visit Portsmouth twice a night, 4 nights a week; those families drop the children off, they grab coffee, they get groceries, they run errands and they stay in town 4 nights a week and they bring a lot of traffic. She added that two-thirds of the operating budget was spent in Scioto County, salaries, costumes, set construction, property rental. They bring approximately \$23,000+ in grants from outside sources. She said that for the first time ever in 8 years, they had to turn students away because they did not have the physical space to accommodate them, they had 150 registered for auditions for Willy Wonka and had to cap the cast at 100 because of space. The next step for the group would be to look for a new home, formally and informally as they need to let it be known that the arts council was looking for rehearsal space. They currently have 3,500 square feet but their lease will terminate at the end of June and on July 1<sup>st</sup> they have to have a new place. They need at least 5,000 square feet as they could fill 20,000 – 40,000 square feet because they build sets, they have costumes and so much of the productions could come under one roof. They were not looking to buy a building but would like a long term lease.

**Vina Colley – P.O. Box 136 Portsmouth, Ohio** – She thanked Councilman Dunne for reporting back to Council about the Picketon site and she was hoping that all of Council was not impressed with the big lot of money to clean up the plant to persuade us to build the waste cell. She said they do want jobs and they want it cleaned up.

**Jeremy Burnside – 1118 Hutchins Street Portsmouth, Ohio** – He is the owner of Burnside Law, and he thanked the city for working with his office on closing down the street for the chili cook-off fund raiser on November 12, 2017 which benefited the local Red Cross and also the Boneyfiddle Project. He spoke about a previous client that had been riding his bicycle on Front Street a few years ago and was hit by a car and almost lost his life. In his deposition his client stated that he didn’t really have any other place to ride his bike so he would bring his bike to Front Street and ride because he felt that it was the safest area. He explained that had a multi-use path existed last year, his client wouldn’t have almost died. He has two little girls and he brings his family down to the Boneyfiddle area to go to the Happy Pot, to get ice cream and soon they will be going there to get candy and hopefully they will be going there to ride their bicycles something they wouldn’t have done before for fears of what happened to his client. He said that he had lived in Portsmouth for 9 years and this was the first time he actually felt good about where the city was progressively headed. He believed with this progress, more and more people will want to invest time and money in the area as it will help give any business owner with fresh ideas more reason to put time and money into the city.

**Linda Switzer – 319 Front Street Portsmouth, Ohio** – She stated that she was all for the bike path but other than hearing about the man hit while riding a bike, she's not heard of any other problems with the street being two-way. She said that semi-trucks need two ways in order to load and unload to businesses along the route and would like Council to consider the financial impact on these businesses. Front Street had operated just fine for 25 years but if cars needed to be slowed down, she recommended stop signs at Court Street and Jefferson Street. She doesn't like the idea of a 6 inch cement barrier for various reasons. She requested to see the grant application that was turned into ODOT because the ODOT TAP is not a grant, it's a pay as you go, so we pay and they may give us the money, it's not a grant.

**Joni Fearing – P.O. Box 1917 Portsmouth, Ohio** – She felt strongly about Front Street and she questioned why anyone would have applied for a grant making the street one-way, and she envisioned a path on the river side. She also spoke about Piketon being strong armed regarding the cleanup.

**Sharon Bender – 1666 Highland Avenue Portsmouth, Ohio** – She doesn't have a problem with the bike path but doesn't understand why it had to be a two way bike path and had to have so many feet for walking and why couldn't it be just a bike path, the street could still stay two-way and the walking path could be the sidewalk. The community had donated thousands upon thousands of dollars to put the Murals there and they may not come in big tour buses but they come in church buses, school buses or people that were driving through that had heard about it and they do drive down one way and back the other way because most people won't walk. She also thanked groups for cleaning up around the city.

**Tim Wolfe – 347 3<sup>rd</sup> Street Portsmouth, Ohio** – He thanked everyone that helped to clean up the river, they collected 7 dump truck loads of drift wood that could be turned into firewood for the boaters this summer. He said that there were some great points brought up in favor and against the bike path. He 100% agreed with the stops signs at Court Street and Jefferson Street because people use Front Street as a by-pass to Second Street to avoid the traffic lights. He said that he didn't believe that anyone in the room disagreed that Portsmouth needed a bike path but the lay-out of a plan needed to be better. He was excited about the progress and felt like the boaters and Valley Wholesale would be impacted the most and they should have the biggest voice. He was a boater and he used the Offnere Street ramp and felt that it would need to be changed somewhat, but hoped that a plan could be laid out that made sense. He said that it was a grant and there was no pay as you go as was stated earlier, the money would belong to the city. He will also be organizing another cleanup.

**Mayor Billy Spencer – 225 Overlook Drive Piketon, Ohio** – He said that they were here a few months ago and were requesting Portsmouth's support regarding the cleanup of the Piketon plant. He said they have the support of surrounding cities and villages and would like Portsmouth's support.

**Robert Black – 2229 Micklewaithe Portsmouth, Ohio** – He was the President of the Boneyfiddle Project which was a non-profit organization that was started 3-4 years ago to further the Boneyfiddle District, the historic commerce, arts, and entertainment in the area. Each season they raise their own money and spend their own money. He took a drive along Front Street and while driving he was passed by a car going very fast and he felt there needed to be some structure and he liked the amount being given to the city. He said if the grant was tied to the proposed plan, that would complicate things but if not maybe another solution could be utilized. He also said that they have 12 banners going up on 2<sup>nd</sup> Street from bridge to bridge highlighting Final Friday and Boneyfiddle.

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

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

1. She prepared a Proclamation for Autism Awareness for the Month of April.
2. She received a telephone call from the Ohio Secretary of State's office on March 15<sup>th</sup>. They informed me that Portsmouth was recently named to Site Selection Magazine's list of 2017 Top Micropolitans, which is based on the number of major business investments recently made in the city. Bryn Stepp from the Ohio Secretary of State's office will be in Portsmouth on April 9<sup>th</sup> to give the city a commendation during the City Council meeting.

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: 5 ayes – 0 nays.**

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

1. His written report can be found on the city's website [www.portsmouthoh.org](http://www.portsmouthoh.org).
2. He was very happy to witness such a wonderful turnout at the river and at Mound Park for cleanup day. There was also some work done around the Martings Building and the 5<sup>th</sup> Street area as well as Gallia Street west coming back into the city from New Boston. He hoped to continue this work.
3. He addressed Mr. Wallace's concerns and stated that he will look into that issue.

Acting Mayor Johnson spoke about the comment sheets that people could fill out regarding Front Street and the Multi-Use path. Acting Manager Sutherland stated that those were being collected by the Community Development Department or they could be sent to the City Manager's office. All the information would be reviewed and an informed decision would be made. Clerk Ratliff

said that the comment sheets that had been received by the city have been scanned and they have been forwarded via email to City Council.

The Acting 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: 5 ayes – 0 nays.**

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

1. He thanked all that was involved in the cleanup around the river and Mound Park areas and thanked them for being involved. He thanked Bill Beaumont and Sam Sutherland regarding some issues that he had regarding some materials that needed disposed and also thanked County Commissioner Bryan Davis for assisting in the cleanup.
2. He advised Council that he had a couple of committee appointments that needed filled. He intends to re-appoint Carol Caudill to the Traffic Committee and would be appointing Zack Sims to the Land Reutilization Committee. He will make that part of his formal report at the next meeting.
3. He would like to call a special session after the next meeting for the purpose of entering into discussion of the criteria for hiring a City Manager. He asked Solicitor Haas if this could take place after the meeting was adjourned and if folks wanted to stay they could but if not they could leave. Solicitor Haas stated that there was no legislation at the next meeting, so the discussion could take place during the meeting.
4. He thanked Council for being patient with him and also thanked the City Clerk for her help.

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: 5 ayes – 0 nays.**

**City Solicitor** – Solicitor Haas reported the following:

1. He commended the former SOPA group regarding the Site Selection award and the work that they have done.
2. He asked that Council email any requests they need and to not use the cellphone, it would be more efficient.

**Auditor Williams** – Auditor Williams reported the following:

1. He distributed the Auditor's Financial report as follows:  
February's General Fund Income Tax Revenue \$893,179 which was -\$211,891 less than the previous year. New tax revenue from 2016 was \$202,984. The total tax revenue collected was \$1,015,614, which was less by -\$241,899. Major Fund Balances – General Fund \$3,613,585, Streets \$353,468, Water \$174,069, Sewer -\$1,175,076, Sanitation \$338,515 and Insurance \$1,786,262.

**MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

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

1. He thanked the 7 Nations Celtic Club for organizing the St. Patrick's Day parade and Portsmouth Area Arts Council for delivering a great Willy Wonka production and he hoped that the organization could stay located in the 1<sup>st</sup> Ward.
2. He thanked the Community Development Department for applying to get Opportunity Zones here in Portsmouth which would help with investment in our area.
3. He thanked Solicitor Haas for working on an alley issue in the Boneyfiddle District.
4. He spoke with Friends of Greenlawn Cemetery about some of their recent work and their plans for the future and possibly assisting them with trying to digitally preserve some of the archives.
5. He traveled to Dublin, Ohio to look at their Dog Park and Skate Park. The company he spoke with "Spohn Ranch" built their Skate Park (\$500,000) and will also build a Skate Park in Newark, Ohio which will cost \$800,000 but he's looking at getting something well below that number for Portsmouth.
6. He met at McKinley Pool and finalized a list of proposed upgrades and has reached out to area businesses to receive donations to improve the bathroom conditions at the pool.
7. He heard from one resident who had some interesting ideas about municipal ownership of our broadband and revising certain electoral procedures in the city.
8. He thanked Acting Manager Sutherland for speaking to him about road conditions, traffic safety and trash receptacles.
9. He had reached out to AARP to learn more about their network of livable communities as there were currently 5 cities in the State of Ohio that were in the network. They basically try to point out how we could make our cities more age friendly, particularly for those age 65 and older. He thought that would be something great for Portsmouth and they also offer a community grant to assist in moving the city along in the right direction.
10. Patrick Murray of Monmouth University Polling Institute will be speaking at 7:00 p.m. in the University Center Ballroom at Shawnee State University on Wednesday. He will speak about political polling, the event is open to the public.

**2<sup>nd</sup> Ward** – Councilwoman Aeh reported the following:

1. She conveyed her condolences to Vina Colley for the loss of her husband.

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

1. He reached out to Acting Manager Sutherland and Andy Gedeon on several residential issues that he had been dealing with in the 3<sup>rd</sup> Ward.
2. He said he and Clerk Ratliff were involved in the St. Patrick's Day parade, he got to pass out candy and shake some hands.
3. He thanked everyone for coming to the Council meeting and that it felt good to be back in the City Building.

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

1. He had some complaints about stray cats in the 4<sup>th</sup> Ward and it was his understanding that they no longer have an Animal Control Officer. Manager Sutherland stated that we do and her name is Wendy Payton.

**5<sup>th</sup> Ward** – Councilman Meadows had no report due to absence.

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

1. He conveyed his condolences to Ms. Vina Colley.
2. He thanked everyone that took a part in the city cleanup, they done an excellent job.
3. He thanked the Acting City Manager for putting up school signs in Sciotoville, it was very much appreciated and felt Manager Sutherland was doing a bang-up job.

The meeting adjourned at approximately 7:20 p.m. on a motion by Councilwoman Aeh.

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City Clerk

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Mayor