

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

Monday April 23, 2018

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday April 23, 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 April 9, 2018 on a motion by Councilwoman Aeh. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

There was no public hearing scheduled.

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

**Billy Spencer – 411 Southwest Street Piketon, Ohio** – He is the Mayor of the Village of Piketon and he noticed that the Resolution opposing the waste cell in Piketon was on the agenda. He hoped that it passed and hoped that the City of Portsmouth would contact Senator Portman, Senator Brown and Congressman Wenstrup because their support was needed and these politicians need to step up. It's easy for them to ignore the subject because it's a controversial subject.

**Vina Colley – P.O. Box 136 Portsmouth, Ohio** – She spoke on behalf of Portsmouth-Piketon Residents for Environmental Safety and Security (PRESS). She said that she saw a story in the newspaper where the Plant came in at the Welcome Center and the media interviewed only the Plant. She read a letter that she wrote to the Editor and she hoped that the Daily Times would print it: "The communities need both sides of the story. Now, let's here the real story about what has happened to all the surrounding communities and sick workers. Let's see what the reuse group has to say about putting more people at risk with plutonium contamination. Oh, and by the way reuse group will you be funded by DOE?? Don't our area communities already have one of the highest cancer rates in the United States? This doesn't happen by chance. We are here waiting for the other side of the horror story. Waste Dump – No Jobs! Don't demo the buildings or we will have problems like Hanford where they've demoed and the workers have carried it home on their clothes and cars from the dust. We don't want plutonium and other hazards all over the community. We've been sacrificed enough. We are for jobs and for cleanup but not a dump. We testified in 1995, 1996 and November 2014 about the fractured bedrock. Also, there is evidence of offsite contamination. Why would we accept a dump and potentially sacrifice our next generation too? It seems a dump will offer few short term jobs, but potentially long term health effects. Finally, what about the earthquake fault line we are on? These are concerns that need to be addressed in a public forum and not a check box and pretend to inform the public at a community open house by the U.S. Department of Energy." She also mentioned the tornado that hit in Wheelersburg in 1968 at a speed of 240 mph and the devastation if another were to hit at that site as it would be spread far and wide.

**Dennis Foreman – 115 5<sup>th</sup> Street Piketon, Ohio** – He said that the City of Portsmouth had given him hope and we're working together. There were people present tonight that have been showing films from St. Louis where they were having problems. He mentioned the recommendation of 18-1 which was a robotics lab, he wanted to make it more than words on paper, and wants it to happen. The D.O.E. will not build a robotic lab locally unless we push them to do that. We should not be accepting nuclear dumps, by-passes which won't help us out and he wanted to see real prosperity. He wanted our Senators and Congressmen to do the right thing, the other Congressmen in their prospective areas speak up when they want something and he will continue to fight for his community.

**Joni Fearing – P.O. Box 1917 Portsmouth, Ohio** – She reiterated what had been said and she believed that this was just a start. She had been to the Atomic Resource Coalition and they showed the "Atomic Homefront" film at the Holiday Inn which was an HBO film and she highly recommended it for all those who were concerned about what's going on in Piketon. If you see the film, you'll know the importance of not having a waste cell dump in

Piketon. The St. Louis, Missouri folks were fighting this issue and their dump was actually on fire under ground and the fire was moving toward where the radioactive materials were located. She said the dump itself had to be monitored because it produced methane which was a very toxic and climate changing substance. She said that there was talk of putting another Nuclear Plant there and questioned why we would be cleaning up a 50 year nuclear legacy site and put up another nuclear plant.

**Sidney Emkey – 24 Lilly Court St. Louis, MO** – She spoke on behalf of Atomic Resource Coalition and the residents of St. Louis County. They have the atomic waste in their backyard from Mallinckrodt Chemical Works which the atomic waste came from the Manhattan Project. The waste was buried at the Westlake landfill and they feel the ramification from the waste every day. She said that when driving you smell an aroma/stench every time you pass the landfill. People of all ages were getting cancer from the waste that was buried at that site. When they approach the people that buried the waste they were told that there was no radioactive material strong enough to hurt them, but people were dying on an annual basis and are sick. “Your area does not want this in your backyard, it may keep jobs for you right now but in 20 years you will be creating jobs for cancer doctors.”

### **LEGISLATION**

The clerk gave a **first reading**, to an Ordinance authorizing renewing the terms of the 99-year lease agreement between Scioto County Counseling Center Inc. and the City of Portsmouth regarding the use of 411 Court Street, Portsmouth, OH.

Councilman Lowe had a problem with the 99 year lease because it was not known if the City owned the property. Solicitor Haas stated the City had owned the land that the building sat on since the beginning of the City and it was leased to whomever owned the building on top of it. Mr. Lowe asked the amount the property leased for because there was no information provided to Council for consideration. Solicitor Haas stated that he did not have the lease put together yet. Councilwoman Aeh stated that she knew that the City had property that was leased on the west side of Market Street which the Northwest territory had municipalities to set aside land for schools, that was done at that time which was why the city owned that property and leased them for 99 years. When she was City Clerk she cataloged leases and she never saw a lease for any property on Court Street. She added that before she would even consider a lease of 5 years, she wanted to see a copy of the lease agreement that we’re being requested to renew.

Councilwoman Aeh moved that the Ordinance be tabled until further information was received and even at that point, she wasn’t in agreement of a 99 year lease. Mayor Johnson asked Solicitor Haas if there was a time crunch on this issue and Mr. Haas stated that he wasn’t sure what initiated this, if the Counseling Center was trying to finance or re-finance the property and it came up in a title search, but he wasn’t sure what prompted the request. Mrs. Aeh explained that a motion to table was not debatable.

**Tabled**

**The role was called. VOTE: 4 ayes – 1 nays (K.E. Johnson), the Ordinance was tabled.**

The clerk gave a **first reading**, a Resolution authorizing the Acting City Manager to submit to the Ohio Department of Natural Resources (ODNR) an application for a FY 2018 Nature Works Grant and upon receipt of the grant enter into an agreement to carry out provisions of the grant.

Councilwoman Aeh motioned that the Resolution be adopted.

**Res #07-2018  
ODNR Nature  
Works Grant**

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

The clerk gave a **first reading**, a Resolution opposing the construction of an onsite waste disposal facility at the U.S Department of Energy’s (DOE) Portsmouth Gaseous Diffusion Plant in Piketon, Ohio.

Councilwoman Aeh motioned that the Resolution be adopted.

**Res #08-2018  
Opposing  
construction  
of waste  
disposal  
facility in  
Piketon,  
Ohio**

Mayor Johnson thanked all of the people that had come forward and spoke on this issue.

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

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

**Vina Colley P.O. Box 136 Portsmouth, Ohio** – Stated that she was still concerned about the dump on Charles Street as she believed that waste was taken from the Piketon and Paducah sites and placed it at that site.

**Joni Fearing – P.O. Box 1917 Portsmouth, Ohio** – She spoke about Portsmouth Connex regarding the Front Street going one-way. She’s opposed overall to the idea of making Front Street one-way. She spoke about project ROMP in Mound Park. She lived by Mound Park and walked around it a lot; she thinks there’s a need for

a path but thought it could made clearer because there were activities that go on in the park that haven't been considered in the plans.

**Billy Spencer – 411 Southwest Street Piketon, Ohio** – He thanked Council for adopting the resolution opposing the waste cell dump at the Piketon plant, it was much appreciated.

**MISCELLANEOUS BUSINESS AND REPORTS:**

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

1. She received an Oath of Office for Police Officer Eric Morgan.
2. She received a request for a Liquor License transfer from the Ohio Department of Liquor Control. The request is transferring from Johnnys Mercantile & Delicatessen, LLC at 612 Chillicothe Street Portsmouth, Ohio to Jalapenos Fresh Mex, LLC at 416 Chillicothe Street Portsmouth, Ohio. There were no objections.
3. The City of Portsmouth and Shawnee State University hosted the Tree City USA awards ceremony on April 12th and there were people from all over the Southeast Ohio region that were in attendance. She believed everyone had a good time and enjoyed hearing the history of Portsmouth as our City was celebrating its 25th year as a Tree City and we received an award for hosting the event this year.
4. The Portsmouth Shade Tree Commission along with the Scioto Soil and Water Conversation District hosted Tree City Celebration in Tracy Park. It was well attended and I believe everyone had a great time.
5. She prepared a Proclamation for Arbor & Earth Day and for the Goodwill Industries Week which will be May 11<sup>th</sup>.
6. She received the State of Ohio Auditor's report pertaining to P.E.R.S. and had distributed it to Council.

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 explained that at the last meeting, Council brought up the issue of Panhandling in which he had given some thought. He said there were a couple of choices: 1. Zero tolerance, 2. Permitting organizations to do it, 3. Leave it status quo. He requested input from Solicitor Haas, Chief Ware and City Council on how to approach the issue and asked that everyone get in touch with him with some other ideas to get the situation remedied.

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 stated that on April 10<sup>th</sup> he met with Larry Mullins on a request regarding a scenic heritage sign location and forwarded the request to City Manager Sutherland who was currently working on it.
2. He stated that on April 11<sup>th</sup> he responded to a residential complaint on Baird Avenue regarding a sewer cover. City Manager Sutherland responded to the issue and it was promptly handled.
3. He provided the opening welcome and remarks on April 12<sup>th</sup> at the Tree City USA event at Shawnee State University. He thanked the Tree Commission for hosting the event, he thanked Shawnee State for their facilities, Sodexo and the Scioto Ribber for breakfast and lunch, Larry Mullins of ASC transportation who provided tours of our murals, and to Clerk Ratliff for all of her hard work.
4. He provided the opening welcome and remarks at Portsmouth Little League.
5. He attended the annual Kiwanis Pancake Day at the Friends Center.
6. He met with City Manager Sam Sutherland, Service Director Beaumont, Cemetery Supervisor Sandy Rawlins, and Bob & Debra Gambill of Friends of Greenlawn regarding future plans of the Chapel and they were doing a wonderful job.
7. He toured the Martings Building with Councilwoman Aeh, Councilman Dunne, Commissioner Davis, Scioto County Economic Director Horton and several other business and community leaders. The Martings Building is a strong structure and it was waiting to be occupied.
8. He confirmed committee appointments: Chad Garinger to Zoning Board of Appeals, Dave Stone to the Design & Review Board. Reappointments: George Davis to Design & Review Board. He said for the next meeting he intended to reappoint Paul Yost to the Design & Review Board.

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 had no report.

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

1. He said that Council had been notified by the Clerk regarding the Auditor of the State of Ohio's report which was completed last week. The audit determined that our records were accurate and complete. He added that too many times we only hear of the mistakes but he commended the

Finance Department employees for their dedicated efforts and hard work for the City of Portsmouth.

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: 5 ayes – 0 nays.**

**MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

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

1. He donated his March Council salary to the Portsmouth Homeless Shelter located in the first ward. Maureen Cadogan managed the shelter, she was a great person who had done a lot of great things for people in our community.
2. He met with Joe Pratt of Main Street and discussed the AARP grants.
3. He organized a tour of the Martings Building on April 14<sup>th</sup>, it was great to receive more information about the building from Councilman Thomas Lowe. It was also great to be joined by Councilwoman Aeh and Mayor Johnson. He said the Martings Building is a place that needs to be used and the purpose of the tour was to get more and more people talking about it and develop ideas.
4. He stated that the two grants from the Scioto Foundation were successful and would be used on improvements to McKinley Pool and Spartan Municipal Stadium, both historically important to our area. The Scioto Foundation had done a lot of great stuff for our area. He thanked Tracy Shearer who helped with the efforts by working on the weekend; Elsie Shabazz who was a great advocate for the pool; Thomas Bailey who also helped with the pool; Tom Kayser who worked on the stadium.
5. He attended the Tree City Celebration and read the Arbor Day Proclamation, it was a great event.
6. He thanked Sam Sutherland for addressing an issue with a dumpster at York Park.
7. He met with Bill Beaumont, Tracy Shearer, Thomas Bailey and David Stone to discuss the plans for McKinley Pool and we're hoping a wide range of differences and improvements could be made this summer.
8. He thanked the Shawnee State University students from Thomas Buntings National Government class for attending. He understood that they had the option of making three phone calls or attending an entire City Council meeting.
9. He mentioned plans for an Escape Room in Portsmouth.

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

1. She received an email from Thomas Bailey and there will be a cleanup in Bannon Park on Saturday April 28<sup>th</sup> for anyone interested in helping. She asked for people to contact her and she would put them in touch with Mr. Bailey.

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

1. He thanked the Portsmouth Police, Fire and Health Departments for their joint efforts in putting a drug flop house out of business that was in his neighborhood. The area residents and neighbors were persistent with their calls to the Police. The officials continued to respond and continued to make arrests and now the house was condemned as it should be and he encouraged all of the residents that if you suspect or see this kind of activity in your neighborhoods to contact the Police Department. He understood that there was an officer that received a minor injury and well wishes were expressed.
2. He had the opportunity to attend the Tree Commission Arbor Day event at Tracy Park. The weather was perfect, the music, the entertainment, the food, the event was very nice. He expressed a special thank you to the Tree Commission, the vendors, the volunteers and Councilman Dunne who read the Proclamation and Clerk Ratliff on making a great event.
3. He thanked the media, Pike County citizens, students and the people from St. Louis for attending.

**4<sup>th</sup> Ward** – Councilman Albrecht had no report.

**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 wanted Councilman Dunne that he had been donating his salary to the Sciotoville community since he took the chair.
2. He thanked Juan Shipley for taking care of a problem they had in Sciotoville,
3. He thanked Andy Gedeon for condemning a house a Harding Avenue.
4. He reiterated what others had said about the Martings Building being a sound building based on his past construction background.
5. He thanked Sam Sutherland for his attention to detail regarding the Sciotoville Little League.

The meeting adjourned at approximately 6:47 p.m. on a motion by Councilwoman Aeh.