

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday May 13, 2019

6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday May 13, 2019 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Solicitor John Haas opened the nominations for Chairperson over the meeting due to the absence of Acting Mayor Johnson. Councilwoman Aeh nominated Councilman Gene Meadows, there were no other nominations. The motion carried viva voce: **VOTE: 3 ayes – 1 nay (G. Meadows)**

Councilman Gene 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
Jo Ann Aeh	2 nd Ward
Kevin E. Johnson	3 rd Ward (Absent)
Jerrold Albrecht	4 th Ward (Absent)
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.

Acting Mayor Johnson and Councilman Albrecht's absence was excused on a motion by Councilwoman Aeh. The motion carried viva voce: **VOTE: 4 ayes – 0 nays.**

Council dispensed with the reading of the Journal for the Regular Session of April 22, 2019 on a motion by Councilwoman Aeh. The motion carried viva voce: **VOTE: 4 ayes – 0 nays.**

There was no Public Hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Jerry Skiver – 3320 Indian Drive Portsmouth, OH - He spoke in regard to the multi-use path and asked if the businesses had any input. He said that just because you get grant money doesn't mean that you have to take the grant money because it may not serve the purpose you want or it may have strings attached that may not be wanted down the road.

Maddy Burnside – 204 South Ziegler Lane Stout, OH – She said that she does not live in the City of Portsmouth but she and her husband own several properties in Portsmouth and the Boneyfiddle area. They were in full support of Front Street becoming a One-Way Street and becoming a Bike Path. They see this as forward progress and anywhere you travel that's what you see. She said that she understood that not everyone was going to be for this decision and there will be obstacles and legitimate concerns. She spoke to Chief Ware last week and two of the big concerns were the Vastine business and the Boat Club which Chief Ware felt sure the details could be worked out. She said they had their pep rally last week and it would have been nice to have been able to announce the new multi-use path. She hoped that Council voted "yes" and moved forward with progress.

Eric Putnam – 2303 Waller Street Portsmouth, OH – He is a long-time employee of Shawnee State University and was brought to the University initially to be the Cross-Country Coach, but now he's working in admissions to recruit students to come to the University. He uses this town as a selling point, but one of the main reasons he would be for the bike path was that he is a father of two children ages 9 and 13 and it had been a challenge to find a spot to bicycle around town. He realized that there were some issues to work out with this grant and anything that the University could do to help keep the momentum moving forward, they support it, because they do not want to be a roadblock.

Linda Switzer – 319 Front Street Portsmouth, OH – She has lived there for 23 years and had never seen anyone have any problems with the street. She said that if Front Street was made one-way it would push all of the traffic over onto 4th Street where all of the Elementary students are and she believed that would be a huge mistake. She had spoken with the Business owners on Front Street and they do not want it. She would like to know who will be making the final decision, will it be Council or the City Manager? She said that this started out 4-5 years ago on a lie, the city was told that the residents of Front Street wanted the bike path which was not true because they didn't know about it. She brought up another issue with the streets being closed and she believed the streets should be left open.

Barb Bradbury – Otway, OH – She and her husband own an organic farm in the country and they participate in the Main Street Portsmouth Farmer's Market during the summer months. She was a 29-year employee at Shawnee State University and every day she came to work she came in from the west side and traveled 2nd Street.

She did not use Front Street as it was not a thoroughfare and the only time she used Front Street was if she wanted to look at the murals. Being a grant writer was not an easy task, and she is for the transition to a one-way street not because of a traditional one-way, she's for the move to take advantage of grants that have been earned and fought for because grants were competitive. She has written grants before and knew how hard it was and understood that just because you have a grant doesn't mean that you should not always take it. She added that this grant was more than money, this grant provided a change in this area that would allow families, grandparents, people in wheelchairs and mothers with strollers on the multi-use path so that they could be a reasonable distance to view the murals. She was involved in a workshop last week and meet a consultant from Berea College and he mentioned that he had been on Front Street to look at the murals and how beautiful they were, however he almost veered into a car in front of him because he was distracted looking at the murals. She said the murals were designed to look at going down the street and there was a positive movement in Portsmouth with so many good things happening. She and her husband own a house on Vinton Avenue in which they allow friends to live in and those people were active in the community and want places to be with family, congregate with friends and take advantage of some of the new businesses that have opened. She said those were the reasons to take advantage of the grant funds and make the multi-use path a reality. She said someone mentioned middle-ground and that there were pluses and minuses, but believed that with the few businesses on Front Street, their needs could be met.

Chuck Leaverton – 113 Madison Street Portsmouth, OH – He opposed Front Street becoming a one-way street because he lives in the affected area. He spoke at the public hearing and voiced his opposition. They have all kinds of events on Front Street with no incidents. He reiterated that the schools bring children down to the murals and they go East to West and then turn around and look at them from West to East. He said that motorcyclist come from all over to take a picture of the oldest motorcycle club mural in the United States and they take it back home so they could show it off in their clubhouses. Front Street does not need to be one-way.

Bill Kirby – 302 Sherwood Lucasville, OH – He's a cyclist and he supports the grant and the path. He doesn't want to see the grant money be turned away. He suggested the city do a trial run and make it one-way temporarily. He believed that maybe the street could remain two-way and still support a path but maybe mark it with paint. He said that he knew everyone respects the murals and he's a member of Connex and possibly they could raise some money to put in bike racks.

- Councilwoman Aeh made a motion to recess into Executive Session to discuss three issues:
1. Pending litigation with the City Solicitor, City Manager and City Auditor.
 2. Possible sale of public property to be discussed with the City Manager and City Auditor
 3. Discussion of the wage reopener fact finding results with the City Manager.

Executive
Session

The role was called and the motion carried: **VOTE: 4 ayes– 0 nays, Council recessed into Executive Session at 6:31 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 at 7:06 p.m.**

LEGISLATION

The clerk gave a **third reading**, to an Ordinance amending Section 1319.03 - Sanitation of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilwoman Aeh moved that the Ordinance be passed.

There were no questions or comments. **The role was called. VOTE: 4 ayes– 0 nays, the Ordinance was passed.**

Ord.#25-2019
Amending
Section
1319.03
Sanitation

The clerk gave a **third reading**, to an Ordinance to authorize extending the terms of a lease agreement between Shawnee State University and the City of Portsmouth regarding the use of Branch Rickey Park for an additional two-year term through June 30, 2021.

Councilwoman Aeh moved that the Ordinance be passed.

Councilman Dunne stated that he had been speaking with the development foundation at Shawnee State and getting estimates for added security at Branch Rickey Park. Councilman Lowe mentioned that he believed that there should be more officers patrolling the area to get the bad element out because cameras were only going to do so much and he believed they would need to be physically removed from the area, which was the only way it would stay cleaned out. Mr. Dunne said that when he originally spoke with them, the long-term problem was people going over the fence and taking up residence and the short-term was the drugs.

Ord. #26-2019
Lease
agreement
with SSU for
use of Branch
Rickey Park

There were no further questions or comments. **The role was called. VOTE: 4 ayes– 0 nays, the Ordinance was passed.**

The clerk gave a **second reading**, to an Ordinance authorizing the acceptance of grant funds in the amount of \$43,098.00 from the Ohio Department of Natural Resources, Natureworks Grant program for Spock Memorial Dog Park, establishing a dedicated account for the grant and authorizing appropriation of such funding as received.

Councilwoman Aeh moved this constitute a second reading.

There were no further 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 acceptance of grant funds from the Scioto Foundation Grant program in the amount of \$7,665.00 for Spock Memorial Dog Park, establishing a dedicated account for the grant and authorizing appropriation of such funding as received.

Councilwoman Aeh moved 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 acceptance of grant funds from the Ohio Department of Natural Resources, Clean Ohio Trails Fund program in the amount of \$187,738.00 for the Multi Use Path along Front Street, establishing a dedicated account for the grant and authorizing appropriation of such funding as received.

Councilwoman Aeh moved this constitute a second reading.

Councilman Dunne stated that when the City received the grant award for the Dog Park, a call was received by someone complaining about needing additional homeless housing instead of a dog park. He explained that grants were awarded for specific reasons, obviously the Department of Natural Resources doesn't fund things like homeless shelters. He doesn't want to take away from the point the person was trying to make with needing more homeless shelters, but that particular grant was for a dog park. He said that this was similar with ODNR and ODOT on this issue and people were asking if the money could be used for something else, but that's not how it works. He said that there may be grant money for other purposes but the funds applied for have to be used specifically as applied. He said that grants don't just fall from the sky, the Head of Community and Economic Development researched and worked on the grant and the public hearing was only part of the decision-making process and that was the reason for two grants, each for certain provisions. He said these grants were extremely competitive and our city is fortunate to receive them. He is in full support of moving forward.

There were no further 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 acceptance of grant funds from the Ohio Department of Transportation, Transportation Alternative Program in the amount of \$622,725.00 for the Multi Use Path along Front Street, establishing a dedicated account for the grant and authorizing appropriation of such funding as received.

Councilwoman Aeh moved this constitute a second reading.

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

The clerk gave a **first 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) program for Police Department equipment purchases, establishing a dedicated account for the grant, authorizing appropriation of such funding as received and repealing Ordinance No. 11-2019.

Councilwoman Aeh motioned to suspend the three reading as requested so that the Police Department could start expending these funds and this doesn't affect the public negatively.

The role was called. **VOTE: 4 ayes– 0 nays, the rule was suspended.**

Councilwoman Aeh moved that the Ordinance be passed.

Councilman Meadows stated that this was one of the rare exceptions that he agreed to waive the readings due to the public safety issue and the officers need these cameras. He had seen these cameras more times than not save the officers from accusations and on occasions they've helped the defense side, but more often than not they help support the officers.

There were no further questions or comments. **The role was called. VOTE: 4 ayes– 0 nays, the Ordinance passed.**

The clerk gave a **first reading**, to an Ordinance authorizing the vacation of the alley located between 609 2nd and 614 3rd Streets as requested by Francesca Hartop on behalf of Portsmouth STEM Academy and more fully described in the attached legal description, with the City of Portsmouth reserving all easements to this property.

Councilwoman Aeh moved this constitute a first reading.

Councilman Meadows asked if the attachments had been received and Solicitor Haas responded that they had not been received yet, he added that Ms. Hartop wasn't aware originally that she had to have a legal description but had been made aware at the City Planning meeting. Mr. Haas asked Council to continue with the readings in hopes that she will deliver them prior to the last reading and if not, the matter could be tabled until the documents were received. Councilman Dunne stated that Ms. Hartop had originally contacted him about it and he was unaware of the procedure, other than submitting it to the City Planning Commission. Solicitor Haas explained that the first thing a person had to do was go to the Engineering Office to file an application to be on the City Planning Commission agenda. In his discussions with the Engineering Office, he advised them that if we're doing a vacation or any kind of transfer, a legal description of the property was needed. He said that may or may not have been relayed to Ms. Hartop as he knew that there had been turnover in the Engineers Office and he wasn't sure the new employee was told what was needed. Mr. Meadows suggested that the Engineers Office use a checklist when there's a vacation of an alley and he asked if this should have even gone before the Planning Commission without the legal description, Solicitor Haas stated that there was nothing the Planning Commission would need to look at with the legal description, he needed it to record the deed. Chief Ware stated that he had discussed this with Ms. Hartop, Councilman Dunne and the City Manager regarding safety concerns around the school. He added that there's been an increase in traffic since the economic vitality was happening in that area. He recommended not delaying it and to allow the process to finish within the six-week period, if we were to delay that process then that might impact her ability to make the necessary changes to ensure better traffic flow and safety; he also stated that there would be an infrastructure project that will be occurring soon on 2nd Street. Mr. Meadows asked Solicitor Haas to develop a checklist for the Engineering Department so that when someone comes in and ask for something similar, that department will be able to refer to a checklist.

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

The clerk gave a **first reading**, to an Ordinance authorizing the vacation of the alley located at 634, 636 and 638 Third Street at the rear of lot as requested by Ed Newsome, CENCO I, LLC, and more fully described in the attached legal description, with the City of Portsmouth reserving all easements to this property.

Councilwoman Aeh moved this constitute a first reading.

Councilman Lowe asked if this was where the new hotel was going in and Manager Sutherland replied "yes". Solicitor Haas stated that all documents for this property had been received.

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

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager to enter into an agreement with Connex for the construction of the Mound Park Activity Path.

Councilwoman Aeh moved this constitute a first reading.

Councilman Lowe asked what the city was entering into with Connex and Manager Sutherland stated that Connex would be funded part of the project.

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

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$20,000 from General Fund No. 101 to Recreation-Grounds Maintenance Line Item No. 101.335.5262 for repairs to the Tracy Park Electrical Panels. 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.

**Ord.#28-2019
Electrical
replacement
in Tracy
Park**

Councilwoman Aeh motioned to suspend the three reading as requested.

The role was called. **VOTE: 4 ayes– 0 nays, the rule was suspended.**

Councilwoman Aeh moved that the Ordinance be passed.

Councilman Lowe asked if the electric box would be moved and Manager Sutherland replied that the electrical system would be replaced and relocated. Councilman Meadows stated that again he saw this as a safety issue and deemed it necessary to waive the three-reading rule.

There were no further questions or comments. **The role was called. VOTE: 4 ayes– 0 nays, the Ordinance was passed.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Jerry Skiver – 3320 Indian Drive Portsmouth, OH – He spoke of the zoning issues around the city. He said the zoning had not been addressed since 1946 and moving forward it might be a positive thing to bring it up to speed. He said it impacts residential values because if you have places that enter into residential areas that aren't very attractive, it could impact the property values. He said it would behoove Council to be looking at the issue. He added that when you drive into town, nobody ever gets second chance on a first impression and he asked Council to consider looking at incentives for property owners to upgrade their properties.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She advised that the next City Council meeting falls on Memorial Day so the next meeting will be the day after on Tuesday May 28th.
2. She reminded Council to complete the Sunshine Laws Training so that she can turn them into the State Auditors.
3. She reminded everyone of Portsmouth Day at the Reds is May 19, 2019, tickets can be purchased at the Welcome Center.
4. She received a nice email from Will Burke commending our city workers for fixing the guard rail on 11th Street under the railroad, he said it looked much better. He also noticed the cleanup of trash on Thomas Avenue, and hoped it stayed clean for a while, and lastly, he commented how good the cemetery fence looked along Kinney's lane where stump was removed.
5. She prepared and administered the Oath of Office to Curtis Shanks for the Land Reutilization Committee.
6. She received a thank you note from Marcia Harris for Time out for Me regarding the Hotel Motel funds her organization received.
7. She attended the Project More luncheon hosted by Portsmouth Elementary School.
8. She prepared a Proclamation for Goodwill Industries Week and attended the open house with Acting Mayor Johnson.
9. She attended the Tree City USA awards ceremony in Belpre, Ohio and accepted the Tree City USA award for the City of Portsmouth and because Professor Logan Minter was preparing for Shawnee State University's graduation, she accepted the Tree Campus Award for the University. Our University has a beautiful campus, Professor Minter and his students were working on a GIS system for their campus trees and he would like to try to do that for the city also by incorporating it into his curriculum.

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 reminded everyone about the citywide cleanup on Saturday June 8th from 8:00 a.m. – 1:00 p.m. He said that Judge Mowery and his staff had worked really hard. He said there will be dumpsters located behind the Municipal Building 728 2nd Street Portsmouth and East High School Football Field in Sciotoville.

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 – Acting Mayor Johnson had no report due to absence.

Solicitor Haas' Report – Solicitor Haas had no report.

Auditor Williams Report – Mr. Williams reported the following:

1. He sent his regular reports which were filed in the City Clerk's office and his monthly report was forwarded to City Council.

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

6th Ward – Councilman Lowe reported the following:

1. He received a call from a resident about high grass in her neighbors' yard and that she had not seen the neighbor in a while. He went to check out the property and then went to the local Fire Department to have an officer do a wellness check. It ended up that the neighbor had been in the Nursing Home for a couple of months.
2. He said that the Sciotoville Fire Department had some problems with their building which is the oldest station in the city. He said it needed updated because the roof leaks and ceiling tiles that were discolored and the employees had to move the beds every time it rains so that water wouldn't drip on them. He said that they also need an ice machine, he wasn't sure but thought they may be buying ice. Councilman Meadows asked why Chief Raison wasn't reporting this situation. Mr. Lowe said he wasn't sure, but they came to him with the problem and it doesn't matter if their the Fire Department or whoever it is in the 6th Ward, he was going to do whatever he could to help them.
3. He said that if the lights were replaced in Branch Rickey Park, he would like the old lights to go to Rose Street Park. He said they would work on them to get them working, but they need lighting.
4. He received a request from some North Moreland residents that they would like more police patrols, he added that actually they requested that an officer be stationed there, but he told them that would probably be impossible, but he would ask if police patrol could be stepped up.
5. He asked if the Munn's Run project had been started, Manager Sutherland said that they were waiting for the weather to cooperate because they can't do it with the rain.
6. He asked how far the city would be going into the hill when they start on the retaining wall on Gallia Street in Sciotoville. Manager Sutherland stated that the city would be staying within the right-of-way, but what he had gathered from the contractors, that it would be four courses high and stagger back. Mr. Lowe stated that the house behind the retaining wall already has structural problems and he thought maybe the city "should check it out because we don't somebody coming back on us saying the work we did caused the damage, when there was something already wrong with the property".
7. He received a request for a stop sign at Auburn and Division Streets, he thought it should go through the traffic committee.
8. He thanked Councilwoman Aeh for attending the Tartan Treasure with him on Saturday night.

5th Ward – Councilman Meadows reported the following:

1. He stated that he wasn't against the Fire Department having a good building to work in or against them having what they need to operate because they need to have a proper building and if there's a leak in the roof, there may be black mold developing and we could possibly end up with sick Fire Fighters or a building we cannot use. His question was "why do they feel the need to go to their City Councilman which they should never be discouraged from coming to any of their City Councilmen, we are their elected representatives and they have a right to talk to us any time." Solicitor Haas said actually they don't, they should be going through the City Manager. Mr. Meadows said that they should go through their Chief and the Chief go to the City Manager and he was wondering what was going on that they don't feel like they could talk to their Chief, there's an issue there somewhere. He asked that the City Manager check it out. Solicitor Haas said this was why you don't have Councilmen speaking to employees about issues because a Councilperson doesn't know what those employees have talked to the Chief about and what the Chief's plans are or the City Manager's plans and things get out of kilter. Mr. Meadows said that's why he just asked the City Manager to look into it.

4th Ward – Councilman Albrecht had no report due to absence.

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

2nd Ward – Councilwoman Aeh reported the following:

1. She attended the Tartan Treasure with Councilman Lowe and it was very nice and "no, we didn't win a thing".
2. She attended the Rally on the Riverfront presented by the Friends of Portsmouth; they're doing a great job. She said that a lot of people were surprised at the things that were happening around Portsmouth, she added that Council knew about them because they're involved with a lot of them.
3. She advised that there will be an Opportunity Zone presentation on Tuesday at 4:30 at the Friends Center. They will be learning about the opportunities that will be coming up.

4. There will be a Business After Hours Thursday at 5:00 p.m. at the Welcome Center. This is a good time for members of Council to meet with the Business people.
5. She also advised that the City was aware of the Zoning issues and the City Manager was already working on a solution.

1st Ward – Councilman Sean Dunne reported the following:

1. He updated everyone on the Skate Park. There was a construction company that was interested in providing in-kind donations which will be key for moving this project forward. He put them in touch with the Spoon Ranch Company that did the design for the Skate Park.
2. He had a conference call with a Soap Box Media. He said it was an interesting group who were trying to provide media services for smaller and larger cities. He said that they stress that the focus be on development in different areas and move away from sensationalized reporting.
3. He attended a meeting for the Blues, Brews and Barbeque event that will be held July 13, 2019 at Spartan Municipal Stadium with the proceeds going to the restoration of Spartan Municipal Stadium. They were continuing to move forward with planning and it will be the event of the summer.
4. He attended a meeting with Manager Sutherland about the maintenance at Spartan Municipal Stadium which was something that needed to be focused on more in the future. He said fortunately individuals had been volunteering time and there was only so much time that people could volunteer.
5. He thanked Andy Gedeon for responding to houses that may have been in violation of certain codes and he sent out letters right away after inspecting the property.
6. He attended the Rally on the River, with Councilwoman Aeh, Councilman Lowe, Manager Sutherland and Acting Mayor Kevin E. Johnson. He said the coverage of it was excellent and they were on two different television news channels, social media and newspapers. He said that recently there had been so much sensationalized focus on negative news and it was nice to see a counter punch by all of the groups in the city doing great things in the city.
7. He said that Shawnee State organized a Business Round Table for discussion between the Business Community, the City and Shawnee State University. He said there were a variety of topics discussed and he learned quite a bit.
8. He attended a meeting at York Park in which they explored options for trying to update equipment.
9. He noticed that earlier today that Piketon School was closed and he pointed out that our City Council voted unanimously against storing nuclear waste at the Piketon Plant. He said unfortunately, the city continues to be proven right in that vote and he hoped that everything works out for that area.
10. He attended the Zoning meeting and in general people were concerned with issues relating to certain Rehabilitation Facilities and he thought there had been a lot of important points made. He felt the city could explore options of updating the zoning codes which had been talked about in a variety of ways. He believed that a larger discussion was needed to talk about the type of facilities we want present in our area.
11. He said the Cincinnati Bengals stink! He had requested a signed football to be auctioned off as a fundraiser and they denied his request.

The meeting adjourned at approximately 7:50 p.m. on a motion by Councilwoman Aeh.

City Clerk

Acting Mayor