

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

Tuesday May 28, 2019

6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Tuesday May 28, 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, Auditor M. Trent Williams and City Clerk Diana Ratliff. Solicitor Haas was absent.

Council dispensed with the reading of the Journal for the Regular Session of May 13, 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**

**Wendi Waugh – 2894 Circle Drive Portsmouth, OH** – She spoke in regard to the proposal of the multi-use path and changing Front Street to a one-way street which would make it amendable as an activity path. She said that she wasn't a business or homeowner, nor was she invested in the Front Street area. She's a citizen of the community, a cyclist, a runner, a hiker, and she was a positive force for a movement in health and positive momentum in this community. She's an advocate for the safe keeping of our citizens and the perception that the one-way increases traffic hazards, is a fallacy. She's provided several documents to Council related to the safety of the street and how the one-way increases the safety of the street. She stated that when traveling to the meeting, she sat and watched the traffic on Front Street to observe and saw not one single car, but several people walking and several college students running. She said what they currently have was the infusion of walking, running, cyclist and multi-path use on Front Street as much or more than cars. The perception that the one-way increased traffic hazards is a fallacy, the walkers, the hikers, the runners, the bikers were already there and we want them there. She added that this proposal assists to ensure the safety of the mural admirers, visitors, walkers, cyclist, college students and the growth of the University. She asked why people think they know a better way than ODOT and architects who were specifically hired to design and make recommendations for our city. She said that today she had received a message from one of the employees from Shawnee State University students success center and her message was that she had a young student who cannot afford a car and was looking for a bicycle because she needs to travel to get groceries, and go different places around our city. She was also contacted by a kayaking group who had selected to use Portsmouth as a city to start a 300-mile kayaking event that will start at our river and go all the way to Cincinnati. She illustrated to Council that we were already moving in this positive direction and she implored Council to trust the experts and not let this opportunity pass us by.

**Joni Fearing – 1816 Grant Street Portsmouth, OH** – She had a different view of the Front Street one-way issue. She had an issue with people applying for funding when something had been voted down many times and now want to blame the people that oppose the issue if Council voted "no" and the city lost the grant money, she felt that was bordering on blackmail. She said that if Council voted "yes" this would set a precedent because then any group could apply for funding on any project, they felt was a good idea. She said she rode her bike on Front Street and she saw a car going very slowly down Front Street looking at the murals which she thought was good but if it were a one-way street, you would have a line of cars backed up behind someone admiring the murals. She always had thought it would be wonderful to have a bike path on the other side of the floodwall.

**Linda Switzer – 319 Front Street Portsmouth, OH** – She bought the log cabin on Front Street in 1996 and had been there for 23 years and knew what happened on Front Street. Everybody got along fine, the property owners, the business owners, the walkers/runners and bikers. She felt that the city would be losing a lot of money if they made it a one-way street. She said if there was cement going down the middle of that, they would not have been able to have the car show like they had this past weekend. She said the number one tourist attraction in Ohio was the murals and that people were coming to our town, staying in our motels, eating in our restaurants and shopping in our stores which was a lot more money than \$600,000. She wanted to know who put the stipulation in the grant for the street to be one-way? She publicly made a records request for that information and wanted to know if they had a vested interest in it becoming one-way. Chuck Leaverton had some health issues and asked her to relay his opposition of Front Street becoming one-way.

**Barb Bradbury – Property Owner of 1812 Vinton Avenue and Organic Farm in Otway** – She feels that everyone felt passionate about the way they look at the grant and the requirement that Front Street be one-way. She worked at Shawnee State for 29 years and drove in from the westside and used 2<sup>nd</sup> Street because Front Street wasn't as fast as 2<sup>nd</sup> Street and the lights were there for a reason. She said from her experience there didn't seem to be that many people that needed to go east on Front Street. She said that it had been mentioned that just because you get grant money, doesn't necessarily mean you should take the grant money; she didn't believe they were thinking very deeply about that because you don't just get grant money because she wrote grants at Shawnee State for hundreds of thousands of dollars and it was hard work. Wendi mentioned experts, when a grant was submitted, they have technical review panels that work on the grants and criteria in which they were scored. Grants were awarded by competitiveness, they don't come easy, there's a lot of work, a lot of thought, a lot of research and exploring as to what had benefited other communities. It is professional work to write grants and then if received you have to apply them. At the last meeting everybody mentioned that they loved Friends of Portsmouth and the fact that they were doing a great job; this was because they were willing to try something new, they brought Guinness Book of World Records to Portsmouth twice. There's a lot of good happening in Portsmouth and not just Friends of Portsmouth, Wendi mentioned activities, the mountain biking group, the hike to Raven Rock every week which was open to anyone. There were slow bike rides and there were fast bike rides, there's a lot happening and people want to come here because there's a lot of excitement and the multi-use path increases that excitement. She said she doesn't see us losing tourist at all, she felt it would bring people here because there's another positive aspect to offer to our visitors.

**Sharon Bender - 1666 Highland Avenue Portsmouth, OH** – She believed that it was a mistake to make Front Street one-way, everybody says “but there's all this money, it's over \$800,000”. She said it was a lot of money spent on stuff that wasn't necessary and felt it was a waste of money. She said that wasn't free money, it's our money because the government was sending back to the community. She was concerned about the passengers of vehicles looking at the Murals being able to see and wondered if they would have to go to Alexandria Park, change places and come back around so that the other people could see. She felt that the people that live and own businesses on Front Street should be taken more seriously than people who don't live in that area. There's going to be a lot more traffic on 2<sup>nd</sup> Street as the people go down and have to come back if they want to go back down with other people on the mural side.

**William Kirby – 302 Sherwood Road Lucasville, OH** – He has been a resident inside Scioto County all of his life and always thought of Portsmouth as his hometown and was proud to be here. He's heard the arguments and think that they're weak; there's tons of one-way streets in Ashland, KY and didn't believe it to be that big of an inconvenience. He's heard complaints about businesses and truckers, he's been working loading docks since he was 16 years old and he said that it doesn't matter to the truckers if they're backing in left or if they're backing in right. He is for making Front Street one-way and for the grant and the grant doesn't just cover this little section of road, it will be going on down past the college and connect to Offhere Street, so there's more to this path than just this area. He doesn't believe that making Front Street one-way will be that big of a hinderance for the people along that street. Portsmouth is in a really positive mode and a lot of good things are happening and he would like to see it continue. He believed it would help bring people to this area, especially businesses because it will give their employees something to do and someplace to go.

**Curt Shanks – 1209 4<sup>th</sup> Street Portsmouth, OH** – He's in favor of progress but doesn't believe just because you get a grant that you should have to change stuff around. He said if you go to the east end of town, you will see more bike riders in that area than you see down here by the murals. He said as far as safety, there's been nobody killed or ran over yet and that was the same story the college gave when they wanted 3<sup>rd</sup> Street closed, the safety of the students. He had more motorcycles on a daily basis drive by his house than bicycles on Front Street. He said the people that go to the Life Center walk around the cemetery, and he wondered how many of them would be riding down here to walk Front Street. He said the murals were good for the people not from the area but once you've seen them, you don't see people from Portsmouth down there looking at the murals unless they have company. He added that when you can get grant money that was good, but when writing a grant, they should have sat down with other people to figure out how to get some grant money for what's important in this town. He didn't feel the taxpayers in this town got a fair shake on anything in this town except paying their taxes.

**Jeremy Burnside – Law Office on Hutchins Street Portsmouth, OH** – He purchased two buildings in the Boneyfiddle area and working on the third and possibly a fourth. He thought that this issue was already voted on as he remembered coming to Council and thanking them for approving it. He's disappointed to hear the people in opposition to the progress. He wanted to make two points: 1. Safety first – Someone mentioned that there hadn't been any bike accidents down there but he represented a gentleman that almost died on Front Street while riding his bike because his doctor told him he needed to lose weight and while riding on Front Street he was clipped by a vehicle and almost died on the scene. 2. Progress – It will be much easier to bring people down to 2<sup>nd</sup> Street if there are signs of stepping in the right direction. He said that he understood that people have concerns, but this was an issue that would help the city for a longtime. He and his wife were buying in the Boneyfiddle area and others were motivated and were putting a lot of money into that area and they were all certainly for this change. Safety, progress and he asked Council to keep moving this forward, there's a lot of momentum and a lot of progression.

**Chief Robert Ware – Police Chief for the City of Portsmouth** – He said that when the by-pass was being built everyone said that would be the end of Portsmouth, but what he was seeing was people coming together to make sure that wasn't the end of Portsmouth. He said at one time Portsmouth was 88<sup>th</sup> in the State of Ohio for health, but building a healthy community is what it will take to attract the small business and economic development. He heard some of the concerns about the Front Street project, but if you look at it as a whole, it connects other

parts to this bike path all the way up to Mound Park. He said part of that was to build the quality of life so that people want to live in town because we've lost a lot of tax base to people going outside of Portsmouth because it had nothing to offer, but Portsmouth has something to offer now and if we need to give them a reason to get off of the by-pass. He said the flow of traffic/natural progression and the audio tour of the murals were from the east. He said there was a parking lane, east and west bound traffic lanes and the bicyclist that are currently riding on that street, he said that's 4 lanes of traffic and motorists trying to pass within those 4 lanes, but if you're paying attention to the murals, you're not watching traffic. ODOT designed it to be one-way for safety reasons and if you have one-way traffic, you have 3 activities plus passing in 4 specified sections of roadway and by eliminating east bound traffic, the west bound traffic can stop and observe the murals or listen to the audio tour and there's room to pass around the cars without impeding the multi-use path.

### LEGISLATION

The clerk gave a **third 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 motioned that the Ordinance be passed.

Councilman Dunne stated that the concrete work had begun and looked great.

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

The clerk gave a **third 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 motioned that the Ordinance be passed.

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

The clerk gave a **third reading**, to an Ordinance 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 stated that she knew a motion had to be made before we ask anything and she knew the ordinance was about opening an account. She went on a tour of the murals last year to see how it worked, she counted 25 cars that were going west on Front Street that had gone around the bus, and only counted 3 cars coming east on Front Street during the tour which lasted a good while. She asked Chief Ware if there would be room for cars to pass around a tour bus or someone viewing the murals. Chief Ware stated that when he drives Front Street it was usually west bound and he has had enough room to go around those viewing the murals. He said there might be a couple of spots where the floodwall juts out and it may be difficult to get around. Mrs. Aeh added that the tour bus did not go to Madison to turn around, but came back on 2<sup>nd</sup> Street. She also said that she sat on the north side of the bus and she was able to see the murals fine.

Acting Mayor Johnson asked hypothetically if you pass a vehicle, would you be driving onto the multi-use path? Chief Ware gave an example for Council to consider, "if you think about four sections of that roadway, one would be parking on the north side, second would be the one-way traffic with room to pass and then the third and fourth would be the multi-use path." Currently we're trying to squeeze 5 lanes of traffic into 4 lanes. He said we have to have a reason for people to get off of the by-pass and come downtown, we don't have a big industry to attract property owners and customers. Mr. Johnson reiterated what the Chief had said, in that there will be a driving path, a passing path, a parking area, and then the multi-use path. Citizen Linda Switzer spoke up and ask if there would be a cement barrier. Councilman Meadows called for point or order; we're discussing a motion that hadn't been made yet.

Councilwoman Aeh motioned for the purpose of discussion that the Ordinance be passed.

Councilman Dunne gave his view on the grant, part of it will be an impact study for other grant projects for example the Skatepark project, there's an impact study from the environment to the levee etc. Mr. Dunne said that the groups that issue these grants would not provide a grant that would negatively affect the city, which is

Ord.#29-2019  
ODNR Grant  
for Spock  
Memorial  
Dog Park

Ord. #30-2019  
Scioto  
Foundation  
Grant for  
Spock  
Memorial  
Dog Park

Ord. #31-2019  
ODNR Grant  
for Multi-Use  
Path on Front  
Street

part of the consideration when awarding a grant. He stressed that as far as the amount being over \$800,000, it was more than that, the city was in competition with a number of cities throughout the State of Ohio and a variety of very competitive competitions for grants and for Community Development Director Tracy Shearer to win these grants was incredible; she was the only person that did this when other cities have small armies that applied for these types of grants. He added that when he dealt with questions about the Skate Park, he was willing to do anything that the Department of Natural Resources asked of him so that we could get future grants. He said that as far as taxpayers, this was money that the State contributes and someone was going to get it because smaller cities like our usually lose out to the bigger cities. We are in a position to accept \$800,000 which is not chump change and when you combine this with the Skate Park, our city now has over \$1,000,000 in physical activities in a county that has low health statistics. He said there were statements made about whether a problem existed and he reiterated that there was most certainly a problem; if you listen to the fact that our community was ranked 88<sup>th</sup> for health in a State that only had 88 counties, this should be an emergency for those of us that are concerned about younger people. The city is paying someone in Community/Economic Development who just put down \$800,000 in grant money which was an incredible achievement. There was no vested interest, she doesn't get a percentage of the grant, she's just doing her job. He understood that his neighbors were against it and he appreciated their point of view but he wanted to make those clarifications.

Councilman Lowe asked if there were any stipulations on the path, for instance a couple of years down the road if the one-way isn't working, is there any stipulations allowing the city to change it back? Councilwoman Aeh replied that the city could apply to the State and request it, she gave the example of grant funds that were used to build a waterfall on the esplanade and it did not work out so the city had to jump through hoops, but because of the issues with it not working out, the city was given permission from the State to remove the waterfall. Councilman Dunne stated that it was the architectural firm that actually put together the design. Councilman Meadows stated that the waiving of the three-reading rule had been talked about and he wasn't in favor of that motion because he wanted to hear from the people. He's glad to have been able to listen to different views as it gave him a lot to think about and honestly he could go either way with his vote, but he's a representative of the 5<sup>th</sup> Ward and will listen to what his constituents have told him, but the bulk of them were leaning one way. He asked for respect once he placed his vote because he was doing what the majority of his ward had requested.

Councilman Albrecht stated that he was almost 80 years old and had seen a lot of stuff in this city and it had been going downhill for some time and if the city doesn't do something to turn it around and try something different then the city would be doomed. He is for anything new.

Auditor Williams asked if the multi-use path itself was two-way and the reply was "yes", one lane in the path will go west and one lane will go east. Citizen Wendi Waugh spoke up and said that it would be a multi-use by-directional path, for non-motorized vehicle traffic. The line of sight is completely straight so if someone had to pass, they would be easily able to see. Acting Mayor Johnson said about a year or two ago he attended a meeting at the Welcome Center and when he asked questions, he was told "well this will have to be tweaked and this still needs to be worked out" he felt there were still a lot of unanswered questions. He understood from earlier comments that the path extends all the way down to Shawnee State but didn't know what it does around the motorcycle club. He said another concern he had was the fact there was a business that had been down there for 40-50 years and the gentleman told him that he would have an issue getting his trucks in and out and his problem hadn't been addressed, and as much as he supports the path, he wished that it could be tabled so that these questions could be resolved. City Manager Sutherland stated that he had reached out to Mr. Vastine last week to set up a meeting and Mr. Vastine never returned his call. Mr. Johnson said that there were some issues with him returning calls because he doesn't carry a cellphone. Manager Sutherland stated first and foremost, Mr. Vastine needed to voice his concerns to the city because all we've heard is that he couldn't get his trucks in and out. Manager Sutherland drove down Front Street to look at his building and as the gentleman said earlier, any truck driver could put a truck back in those docks whether he's facing east or west. Councilwoman Aeh stated that Mr. Vastine had been contacted several times and did not respond to the calls. Citizen Wendi Waugh asked to speak again regarding Mr. Vastine as he had spoken with her and she requested to have a meeting with herself, Mr. Vastine and Councilman Dunne and Mr. Vastine declined to meet. Mr. Vastine told her that he didn't want to meet or talk about it, he just didn't want Front Street turned into a one-way street. Mr. Johnson asked Ms. Waugh if the path extended down to the motorcycle club and she replied "no" and stops at Madison Street. Citizen Linda Switzer asked to speak and she said that when the semi-trucks deliver to the feed store and they're on Madison Street, they cannot turn right onto Front Street, they have to turn left because they cannot get through the opening. Chief Ware stated that the deliveries should be made on 2<sup>nd</sup> Street, Ms. Switzer said that it was so dangerous on 2<sup>nd</sup> Street. Councilman Meadows called the question.

**The role was called for the question. VOTE: 5 ayes– 1 nays (K.E. Johnson), the Question was upheld, conversation ended.**

There were no further questions or comments. **The role was called. VOTE: 6 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 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 motioned that the Ordinance be passed.

There were no further 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 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. Clerk Ratliff stated that the legal description still had not been received.

Councilman Meadows motioned that this be tabled until the legal description was received.

There were no further questions or comments. **The role was called. VOTE: 4 ayes– 2 nays (S. Dunne, K.E. Johnson), the Ordinance was tabled.**

The clerk gave a **second 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. Clerk Ratliff stated that we do have the legal description for this property.

Councilwoman Aeh moved this constitute a second reading.

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

The clerk gave a **second 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 second reading.

There were no further 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 \$35,000 from General Fund No. 101 to Engineering/Traffic Contractual account No. 101.331.5238 for the repair of the retaining wall located in the 6300 block of Gallia Street, Sciotoville. 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 moved that this Ordinance be passed.

Councilman Lowe stated that this was an emergency repair because part of the old wall was hanging out into traffic and it was a danger to passing motorists. Councilwoman Aeh said that she passes there every day and according to the Charter, we were only responsible to the curb, she wasn't sure who put the wall in but she doesn't believe that the City put it there and her concern was the steps and if the steps start moving, would the city be responsible to replace those too? She said the City would be replacing someone's personal steps to their home and this would become an issue later on. Mr. Lowe stated that he believed that it was all part of the pricing. Councilman Albrecht asked if the City put the wall in originally and Manager Sutherland said "not that he was aware of", he added that the wall was in our jurisdiction.

Ord. #32-2019  
ODOT Grant  
for Multi-Use  
Path on Front  
Street

Ordinance  
Tabled

Ord. #33-2019  
Repair and  
Replacement  
of retaining  
wall in the  
6300 block of  
Gallia Street  
Sciotoville

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 authorizing the City Manager to advertise for bids once per week for five consecutive weeks for the lease of Wayne Avenue wholly located in the City of Portsmouth. 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 moved at the request of Police Chief Ware, that this Ordinance be amended in the preamble and Section I, by adding the following after Wayne Avenue “and a portion of Kendall Avenue consisting of the 1700-1900 blocks”

**Ordinance amended**

Councilman Lowe asked what we were advertising, Councilman Meadows stated that the street was being leased by PMHA.

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

Councilwoman Aeh stated that she realized that the Solicitor listed this to pass as an emergency, but it cannot be passed as an emergency since the city had to advertise it out to bid according to the State law. She motioned that this constitute a first reading.

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

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager to enter into a lease agreement with New Cingular Wireless PCS, LLC for a cell tower to be located at 2323 17<sup>th</sup> Street.

Councilwoman Aeh moved this constitute a first reading.

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

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$25,000.00 from General Fund No. 101 to Community Agencies Line Item No. 101.119.5291 for expenditures associated with the Blues, Brews and BBQ Festival.

Councilman Dunne asked the Auditor if this was officially for the stadium, Auditor Williams wasn't sure either and said this was the line that would give the money to whomever, which was Mr. Williams question, who would we be giving the money to? Councilman Dunne said the idea behind the account was that this event was the first of many that will help raise money for the renovation of the stadium and they need start up money for booking entertainment groups. Mr. Williams asked if we were getting in the business of booking entertainment. Mr. Dunne said that we want an account for when monies/donations were received. Councilman Lowe stated he thought this was a loan from the city and the stadium would pay the city back and Mr. Dunne replied that ultimately, he hoped to have more than \$25,000. Mr. Williams said to answer Mr. Dunne's question, yes, there was a stadium account, but he doesn't have the number on hand. He explained that he would like to work it out to where there would be different expenditure accounts such as “Skate Park”, “Stadium”, “Dog Park” that the city would actually make expenditures from. He understood, the city would be fronting money in order for someone, whether it be a 501-C3 or some type of organization he doesn't know who would be interacting with those activities. We had a 501-C3 that's in the books (not audible). Mr. Williams said as far as spending money on the stadium, we will have that account, but spending money on contracting bands and things like that, the city was not in that line of business. Councilman Lowe said he disagreed with that and that the city should be in the business, because to see any decent show you have to go to Cincinnati or Columbus and he spent over \$3,000 last year just going to see entertainment at Riverbend, and he stressed that this city needed something here so people don't have to go out of town. He's tired of driving to Cincinnati to see a show and would like to see one here, the city needed to have a big name here because once that happens, the events would take off because people were coming to see the big act. He said there was so many avenues to this; concessions that we could handle ourselves if we wanted to because if you go to Riverbend it's \$5.00 for a bottle of water, \$10.00 for a beer, he doesn't drink beer but these cities were making a killing on these items. Mr. Williams said that he didn't disagree with what Mr. Lowe was saying, however that's not what the city does. Mr. Lowe said that other cities were doing it. Mr. Dunne explained that this was why he had emailed Mr. Williams and wasn't sure why Mr. Williams didn't reply, but they have vendors that were sitting there with

checks that need to be put in an account. Mr. Williams said “we have an account”, Mr. Dunne expressed to Mr. Williams that he needed to reply to his email to let him know where we stood because he had to tell people that Mr. Williams wasn’t replying. Mr. Williams said that the donation account was given to Mr. Dunne and Mr. Dunne said that he received an email saying that it was set up 3 weeks ago, but he doesn’t know what happen. Mr. Williams said he gave the account number to Mr. Dunne for the Skate Park and the number for donations was from the Capital Improvement Fund #301-000-4645 which had a detailed report that showed each of those donations. Mr. Dunne said he would double check but that there seemed to be some miscommunications.

Mr. Williams said that we were getting away from the subject which was what were we using the \$25,000 for and who does it go to? Mr. Dunne said that they looked at some of the overhead, things like the bands, expenses like insurance in general. Mr. Williams gave an example of a band costing \$100,000 and you need \$25,000, he asked who was the person/agency/organization that was dealing with this and saying that the \$25,000 was needed? Mr. Dunne asked if he wanted to know who the people were that were booking the entertainment? Mr. Dunne said that it was advertised as the Spartan renovation project and the reason they went online with that, was that they wanted to start generating revenue to renovate the stadium, he booked the first act, and the majority of the acts with the exception of one get paid on the day of the event but the headline act requested \$3,500 upfront which Friends of Portsmouth would be loaning the money to them and they have to pay it back, but that was just for that amount only.

Mr. Dunne said that about 3 years ago they received a \$25,000 grant in which the Scioto Foundation had to account for and the renovation project spent money from that to make a variety of improvements to the stadium, but that was a Scioto Foundation account which was awarded from State Farm that allowed them to do things like security cameras, sprinkler systems and improve the locks, all that money wasn’t city money it was grant money. They set up a facebook page at the time when everyone was voting on the grant and it allowed them to promote and advertise, and from there they received a grant from the Scioto Foundation and were using that money to get the walls painted. He said that was why he sent the emails because he didn’t know what questions were still lingering and would have been happy to answer them via email as far as non-profit, right now it would be Friends of Portsmouth that they’re using when they get money from vendors, paying money to be in the barbeque contest and people buying tickets. Councilman Meadows asked if items were being paid from Friends of Portsmouth and Mr. Dunne said for the time being Friends of Portsmouth which would help cover the money that they fronted for the event. Mr. Meadows asked if once the event was over, whatever money was made, Friends of Portsmouth would then write a check into the city’s donation account. Mr. Williams told Mr. Dunne he was trying to understand but Mr. Dunne keeps using the word “we” and Mr. Williams wanted to know who that was. Mr. Williams said the city doesn’t typically hire bands and we don’t have a recreation department, but he was trying to understand who the “we” was that Mr. Dunne kept referring to and who the city would be entering into an agreement with.

Mr. Williams said they way he understood it as of now was that the city would be working with, it might be Friends of Portsmouth or some non-profit agency that would be handling those recreation or the event type operations. Mr. Williams asked if this had to be passed tonight or could he and Mr. Dunne get together and work out the details. Mr. Dunne said that was why he emailed and still wasn’t sure what the delay was, he asked Mr. Williams if he was going to email him (Mr. Dunne) questions and let him know, Mr. Williams said that he would email them the next day, but he was trying to understand what we’re doing. Mr. Dunne said that if Mr. Williams could put it in writing that would be great and he would appreciate it. Mr. Lowe said that the city needs this event to succeed as it would only help this town in the future for bigger and better things. He also thought that the city needed to help promote events like this to generate revenue anyway we can and that would help take it off the backs of the taxpayers. Mr. Meadows raised a point of order because there still wasn’t a motion on the floor.

Mr. Williams stated that there was an appropriation line but he wanted to know who he was writing the checks to and if he and Mr. Dunne need to get together to discuss who that person or agency was, so be it. He apologized if he had not communicated that to Mr. Dunne.

Councilwoman Aeh moved that this constitute a first reading and possibly suspend the rule at the next meeting once all the questions had been answered.

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

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation and payment of \$119,197.07 from Sewer System Revenue B Fund No 622 to Vehicles Line Item No. 622.776.5532 for payment to Bill Cole Ford Lincoln for two Ford F-550 dump trucks purchased in March of 2018 for the settlement of BCFL Automotive Company, LLC vs. City of Portsmouth, Ohio Civil Action No. 18-CV-82-HRW. 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: 1 ayes (J. Aeh)– 5 nays, the rule was not suspended.**

Councilwoman Aeh moved that this constitute a first reading.

Councilman Meadows said that this had been discussed in Executive Session and one of the things that had been discussed that needed to be put in the ordinance was left out, which was the reason that the readings needed to be waived to accommodate the Federal Courts hearing schedule and that was not put into the Ordinance and he wasn't sure why it was left out and the Solicitor was not here to explain so without that explanation he wasn't comfortable sending it on until we have the information as to why it wasn't there. He thought if there was a problem with it, the Solicitor would have told us at the last meeting. Acting Mayor Johnson said he doesn't like the whole thing and it was a mess. Auditor Williams said that he gave that information to the Solicitor and he believed that he did not intentionally leave it out and maybe just forgot, he's not sure that it even made that much difference but he (Mr. Meadows) was the attorney, and nobody liked the situation but other than the language issue brought up he doesn't believe that there's anything that Council doesn't understand about it as much as it had been discussed in Executive Session. It happened and the City Manager took action to the best to his ability to correct it and he doesn't understand what the problem is other than the language, but to say that you don't understand what's going on, he was confused by that. Councilwoman Aeh said that we could give it a first reading now and suspend the rule at the next meeting. Mr. Williams asked if this was time sensitive and Mr. Meadows said he thought the date was June 14, 2019. Mr. Johnson asked Mr. Williams "as Auditor, are you comfortable with it and do you think this was the best possible solution", Mr. Williams said he was fine going to court, the City Manager and Auditor did what they were required to do by stopping the action that was taking place.

There were no further 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**

**Barb Bradbury - 1812 Vinton Avenue/Otway** -She thanked Council for the Cultural Affairs award that Connex had applied for from the Hotel/Motel fund for the past few years and they received money. This year they didn't receive as much, however what they did receive, they were able to create a billboard which was located on State Route 52 as your coming into Portsmouth from New Boston. It consists of the State Law "3 feet, it's the law" it is a very bright green billboard and had to do with cars passing bicycles and reminding drivers that they have to stay 3 feet away from a cyclist because it is the state law. A few years ago, they made 50 small signs to put up along State Route 104 during TOSRV to remind drivers of the state law. Each year they have created and purchased activity maps.

**Linda Switzer – 319 Front Street Portsmouth, OH** – She asked how soon the city would be making Front Street one-way? She asked Manager Sutherland if she could speak to him after the meeting about the timeline. She asked if there would be a number of months given to the public to get used to not coming east on Front Street?

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

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

1. She received from the Ohio Division of Liquor Control a request for a transfer of ownership of the Fishbowl, LLC located at 1901 8<sup>th</sup> Street Portsmouth, Ohio from Mike & Carol Zornes to Jeff Davis. There were no objections.
2. She received via email on May 2, 2019 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending April 30, 2019: Expense, Revenue and Fund.
3. She prepared the Proclamation for Poppy Month in Portsmouth, Ohio. However there had been scheduling conflicts and the proclamation has not been read.
4. She attended Cincinnati Reds Portsmouth Day at Great American Ballpark. The Reds didn't win but she believed everyone had a good time.
5. She participated in the Memorial Day Parade with Acting Mayor Johnson.

**Liquor  
License  
transfer of  
ownership**

**Proclamation  
for Poppy  
Month**

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 reminded everyone about the citywide cleanup on Saturday June 8<sup>th</sup> from 8:00 a.m. – 1:00 p.m. He said that Judge Mowery and his staff had worked really hard putting this together. He said there will be dumpsters located behind the Municipal Building 728 2<sup>nd</sup> Street Portsmouth and East High School Football Field in Sciotoville. They will not be accepting paint or flammable products but will be accepting tires.

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 apologized for missing the last meeting.
2. He attended the Memorial Day parade with Clerk Ratliff. He acknowledged all that turned out to watch the parade and participated in the parade. He thanked the Veterans for their service and commended Judge Mowery on his speech at Greenlawn Cemetery.

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 due to absence.

**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 thanked Portsmouth Raceway for their support of Portsmouth Skate Park.
2. He attended a meeting on May 14<sup>th</sup> on Opportunity Zones. Our area west of New Boston was designated as an opportunity zone. There was a group that came from Columbus and he appreciated their presentation.
3. On June 20<sup>th</sup> he spoke at the Rotary Club about the Portsmouth Skate Park and they were very supportive of the project.
4. He went to Portsmouth Day to watch the Cincinnati Reds, he said he was very bad luck for the Reds and he believed they had lost every time he had watched them.
5. He attended the King Callaway concert and thanked The Friends of Portsmouth for inviting them here. He said it was a great show at the Vern Riffe Center for the Arts and he hoped that it would lead to more things for our city as far as becoming a new destination, something in which Councilman Lowe had spoken about.
6. He thanked Andy Gedeon for a variety of issues that had been handled when he contacted him and Manager Sutherland.
7. He congratulated Manager Sutherland and Chief Ware for launching the text alert system that we now have for our city. He urged everyone to download the app, it's easy to navigate.
8. He came across a cultural facility grant recently that he hoped would tie into the renovations at Spartan Stadium and by hosting the Blues, Brews and Barbeque event, it was a very important step because it's not exclusive to sports because there's a variety of community events that could take place there.
9. He said that he will be meeting with a media group on June 5<sup>th</sup> that was looking to launch programs throughout the State of Ohio. The Great Ohio Policy Center who were trying to develop more positive and accurate stories about communities when it seemed like a lot of our outside media outlets always concentrate on the more negative aspects and sensationalism.
10. He said that he got lost a couple of weeks ago and ended up under a bridge in Newport, Ky and came upon their Skate Park. He was thinking about our great underpass by Shawnee State University that was a space that could be utilized in a variety of ways, one of which could possibly be a food truck, coffee and so forth.

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

1. She also attended the meeting regarding Opportunity Zones, she said that it wasn't what she thought it would be, but it was okay.
2. She attempted to attend the WPAY ribbon cutting but thought it was at the old building and has since learned that it was at the PNC Bank building.

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

1. He thanked the City Manager for handling some issues in his neighborhood, whether it's illegal dumping in the alley or weeds.

2. He appreciated Andy Gedeon and the Health Department, and every time he called Andy about something, he got right on it. He told Health Commissioner Smith that he needed about 20 more Andy's. He had a house tore down over on Logan Street that had been an eye-sore and used for a lot of activities and none of them good.

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

1. He apologized for missing the last meeting, he had a sinus infection.
2. He had a complaint about cats. Apparently, the woman had called the animal control officer and found out that they no longer pick up cats because Sierra's Haven doesn't take them anymore and they don't have any place to take them. He said he didn't know about the other wards but this past winter, he had feral cats digging under his house to try to stay warm and it's going to cost a pretty penny to fix. He felt that the situation needed to be tackled because it's not going to get any better on its own. He said one day he saw a lady stop in front of him and opened her door and out of the van jumped about 15-20 cats. He tried to catch up to her to get her license number but was unable.
3. He would like the city to look into the residential zoning ordinance and these group homes that are opening in residential neighborhoods. He didn't feel that it was fair to the residents for them to automatically open up a home and put people in there.
4. He addressed Councilman Dunne about the Blues, Brews and Barbeque event and said that his brother and wife were blues aficionado's and they travel all over the United States to Blues Festivals, in fact they just got back from one. His brother asked him to get tickets to our local Festival because they plan on coming.

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

1. He said the 5<sup>th</sup> Ward was pretty good, but he was in the 1<sup>st</sup> Ward today as he had been invited to a Counseling Center. He was very impressed with their operation, they discussed some of their future plans and they told him that they would be open if anyone else wanted to take a tour. He encouraged Council to take the tour.

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

1. He thanked Miss East Ali Escamilla for allowing him to chauffeur her around in the parades. During these rides, he got a chance to speak with her and found that she's a bright young woman, it was an honor to listen to her point of view on things. He said by the time she got out of the car, he had a lot of respect for her and he believed she would go far and he wished her the very best in her endeavors.
2. He thanked Mr. Sutherland because any time he's got a problem, it gets taken care of and you couldn't ask for any better.
3. He asked the City Manager if he had seen the new Oasis in Sciotoville on the corner of Harrison and Harding and if it was legit. He said they were in there working on the inside and wondered if the City Manager would check to see if they had a permit.
4. He had a complaint about mosquitos on Pershing Avenue and it's still a problem at the Rose Street Park.
5. He reported a pothole at the corner of Wilson and Harding on the westside of the lane.

The meeting adjourned at approximately 8:00 p.m. on a motion by Councilman Meadows.

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City Clerk

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Acting Mayor