

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday June 24, 2019
 6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday June 24, 2019 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Solicitor Haas 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
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’s absence was excused on a motion by Councilwoman Aeh. The motion carried viva voce: **VOTE: 5 ayes – 0 nays.**

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: 5 ayes – 0 nay (G. Meadows)**

Council dispensed with the reading of the Journal for the Regular Session of June 10, 2019 on a motion by Councilwoman Aeh. The motion carried viva voce: **VOTE: 5 ayes –0 nays.**

There was no Public Hearing.

Councilwoman Aeh motioned to add to the agenda as item 7(i) an Ordinance authorizing the acceptance of grant funds in the amount of \$22,018.50 from the Ohio Attorney General, Ohio Law Enforcement Body Armor Program, establishing a dedicated account for the grant and authorizing appropriation of such funding as received. **The motion carried viva voce: VOTE: 5 ayes –0 nays.**

Items to the Agenda

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Joseph Pratt -1662 Grant Street Portsmouth, OH – He addressed Council regarding the additional funds requested by Main Street Portsmouth and stated that typically they don’t make additional requests outside of the annual contract but this was a little different because they had adopted Tracy Park for the Christmas season. The additional funds requested will be used to decorate Tracy Park at Christmas. The decorations will be put up, taken down and stored by Main Street Portsmouth.

LEGISLATION

The clerk gave a **third 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 17th Street.

Councilwoman Aeh moved that the Ordinance be passed.

Councilman Lowe asked where the entrance would be and Manager Sutherland stated that it would be developed off of an alley that was parallel with High Street.

**Ord. #43-2019
 Lease
 agreement with
 New Cingular
 Wireless PCS
 for cell tower**

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

The clerk gave a **third reading**, to an Ordinance authorizing the 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 motioned that the Ordinance be amended in the first paragraph and Section I *to remove* “Community Agencies Line Item No. 101.119.5291” *and to add* “**Spartan Municipal Stadium Renovations construction/various purposes #301.661.5510**” for expenditures associated with the Blues, Brews and BBQ Festival *and to also add* “**and future events and renovations pertaining to Spartan Stadium.**”

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

Councilman Dunne moved that the Ordinance be passed.

Councilman Lowe asked why Council didn't get paperwork on the changes. Councilman Dunne stated that this was ongoing discussion from the last meeting and that this would allow for future events and the previous language restricted it to only this event.

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

The clerk gave a **second reading**, to an Ordinance authorizing the appropriation of \$8,000.00 from CIP Fund No. 301 to be paid from Land Improvement Cemetery/Grounds Line Item No. 301.333.5502 for security cameras and monitoring system for Branch Rickey Park.

Councilwoman Aeh moved this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 5 ayes– 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the appropriation of \$10,000.00 from General Fund No. 101 to be paid from Community Agencies Line Item No. 101.119.5291 for the City's contribution for the Boat Races to be held during the River Days Celebration.

Councilwoman Aeh moved that this constitute a second reading.

There were no further questions or comments. **The role was called. VOTE: 5 ayes– 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the appropriation of \$10,000.00 from General Fund No. 101 to be paid from Grounds Recreation Line Item No. 101.335.5263 to be used for Christmas Lights for Tracy Park.

Councilwoman Aeh moved that this constitute a second reading.

There were no further questions or comments. **The role was called. VOTE: 5 ayes– 0 nays, a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of funds in the amount of \$5,100.00 from General Fund No. 101 to Fire Department Communications Equipment Maintenance Line Item No. 101.223.5267 for repair expenses to the Net Clock GPS/GNSS Time Server. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

Councilwoman Aeh motioned to suspend the three-reading rule.

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

Councilwoman Aeh motioned that the Ordinance be passed.

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

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$7,000.00 from Capital Improvement Fund No. 301 to be paid from Land Improvement Cemetery/Grounds Line Item No. 301.333.5502 for fence repairs at Branch Rickey Park.

Councilwoman Aeh moved that this constitute a first reading.

There were no further questions or comments. **The role was called. VOTE: 5 ayes– 0 nays, a first reading was declared.**

Ord. #44-2019
Blues, Brews
and BBQ
Festival
appropriation

Ord. #45-2019
Appropriation
for Fire Dept.
Equipment

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$19,000.00 from General Fund No. 101 to be paid from Police Department Machinery and Equipment Line Item No. 101.221.5533 in order to replace a finger print scanner. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

Councilwoman Aeh motioned to suspend the three-reading rule.

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

Councilwoman Aeh motioned that the Ordinance be passed.

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

The clerk gave a **first reading**, to an Ordinance authorizing the acceptance of grant funds in the amount of \$22,018.50 from the Ohio Attorney General, Ohio Law Enforcement Body Armor Program, establishing a dedicated account for the grant and authorizing appropriation of such funding as received. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

Councilwoman Aeh motioned to suspend the three-reading rule.

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

Councilwoman Aeh motioned that the Ordinance be passed.

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

**Ord. #46-2019
Police Dept.
Fingerprint
Scanner**

**Ord. #47-2019
Acceptance of
Grant Funds
for Police
Dept.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Steve Wallace – 2549 Richardson Road Portsmouth, OH – He said that the road by his home was starting to slide out into the street. (not audible) He said there was a wall that was collapsing and he had spoken to the engineer’s office and explained that the street was also buckling.

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 from Infelt Concepts Inc. dba Pizza Pub Restaurant located at 2901-07 Scioto Trail & Patio Portsmouth, Ohio to BCCR, LLC dba Pizza Pub at the same location. There were no objections.

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.**

City Manager’s Report – Manager Sutherland had no report.

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 had no report.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Sean Dunne reported the following:

1. He attended a meeting for the Portsmouth Skate Park project to talk about the latest grant that they had been working on with Tracy Shearer. Hopefully this will be the next big grant we get for the skate park.
2. He attended a meeting organized by the Carpenter’s Union in Grayson, Ky that addressed issues around tax fraud and how Municipalities were missing out on revenue from certain types of payments to sub-contractors and other large projects. The meeting was very informative and he thanked Trampus Puckett for inviting him to attend.

3. He had good reports on the “heads up” app and he thanked Chief Ware and City Manager Sutherland for making this available.
4. He said there were a lot of people commenting on the soon to be open dog park and he thanked everyone including City Council, the City Manager, Tracy Shearer and members of the community for collaborating and working together on that project. He said the previous City Manager had reduced the Parks and Recreation budget to \$-0- for two years in a row and it was great to see that we were now creating a new park with the majority of the funding coming from outside of our city.
5. He attended a meeting regarding applying for a grant through the Scioto Foundation.
6. He thanked Sam McKibbon for giving him a heads up about an American Flag on 6th and Chillicothe Streets that was falling due to the storms that had moved through the area.
7. He asked AEP about replacing the transformer at the Stadium and they were trying to figure out the cost and if that would align with a grant that would help cover the costs.
8. He was gathering information from ODOT about the space under the bridge and if it was a space that would be allowed for food trucks and other vendors which would link to the Dog Park, Multi-Use Path and the campus.
9. He read a proclamation for All-Saints Church as they celebrated their 200th anniversary. He said it was a great building and they had a great group of people there and he was happy to be a part of it.
10. He said last summer when Manager Sutherland went on vacation, the water under the streets erupted and this year when he went on vacation, the water from the skies erupted and it was a pattern that we should take notice of (laughter).

4th Ward – Councilman Albrecht reported the following:

1. He was contacted by Director Rick Duncan about a hillside slippage on Linden Avenue. He said he went and looked at it and it appeared to be caused by all of the rain and he contacted the City Manager about the problem.

6th Ward – Councilman Lowe reported the following:

1. He acknowledged that he had received a call from Sam McKibbon and returned the call but it was after hours. He contacted the City Manager and Mr. Dunne and hoped that it was taken care of satisfactorily.
2. He had a complaint about high weeds on Edendale and at the end of the road the street light wasn't working.
3. He inquired about the culvert on Lynn Street and if there had been anything done about it. Manager Sutherland said that they were pouring concrete around it to stabilize it.
4. He asked about Munn's Run and Manager Sutherland stated that the weather had been holding them off.

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

5th Ward – Councilman Meadows had no report.

2nd Ward – Councilwoman Aeh reported the following:

1. She stated that in 2015 before she came onto City Council she had discussed with PERS about the fact that she was not an employee because she was being told that she had to take the city's insurance and she thought it had all been resolved because she was an elected official and was not considered an employee and therefore did not have to take the insurance. They have apparently changed their mind and in order for her to keep her seat and serve on City Council she had to take the insurance that was offered by the city to Council at 100% premium payment which was approximately \$800 per month. She was now being told that she could not have the insurance through PERS and sit on Council as long as that was being offered. She said that if it cannot be resolved by the end of the month, she would resign.

Councilwoman Aeh moved to adjourn, but before the vote was taken Councilman Lowe asked Solicitor Haas if there was anything that could be done. Solicitor Haas said this was the first he had heard about it. Mr. Lowe said that there was a wrong being committed and he didn't agree with their (PERS) decision. He said to keep Mrs. Aeh in her chair, he would donate a portion of his salary and Mrs. Aeh responded that she appreciated the gesture but she could not afford the insurance. She also said “with all due respect, the motion to adjourn was not debatable”. Auditor Williams said that he had some information he had prepared to give to the Solicitor to help with this situation.

The meeting adjourned at approximately 6:35 p.m. on a motion by Councilwoman Aeh.

City Clerk

Acting Mayor