

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

Monday July 09, 2018

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday July 09, 2018 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting Mayor Kevin E. Johnson called the meeting to order. The Pledge of Allegiance to the Flag was followed by a moment of silent prayer.

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
Jerrold Albrecht	4 th Ward
Gene Meadows	5 th Ward
Thomas K. Lowe	6 th Ward

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

Council dispensed with the reading of the Journal for the Regular Session of June 25, 2018 on a motion by Councilwoman Aeh. The motion carried viva voce: **VOTE: ayes 6 – nays 0.**

There was no Public Hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

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

LEGISLATION

The clerk gave a **third reading**, to an Ordinance authorizing the appropriation of \$13,497.00 from General Fund No. 101 to Central Computer System Line Item No. 101.119.5235 for payment to the Scioto County Engineer's Office for the development of 2-foot contours to be delivered by the geospatial mapping firm Wolpert and uploaded to the County's GIS system.

**Ord. #35-2018
Appropriation
to Scioto
County
Engineers GIS
system
upgrade**

Councilwoman Aeh motioned that this Ordinance be passed.

There were no 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 transfer and appropriation of \$5,000.00 from General Fund No. 101 to Contingent/Donation Line Item No. 101.119.5298 to fund potential Serve Day projects.

**Ord. #36-2018
Appropriation
for Serve Day**

Councilwoman Aeh motioned that this Ordinance be passed.

There were no 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 acceptance of funds in the amount of \$232,000.00 into Fund No. 606 and the appropriation of the funds into Waterlines Line Item No. 606.771.5530 for payment to Strand Engineering Associates. 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 that the three reading rule be suspended based on the fact that it was originally asked to be passed as an emergency. This item had been discussed at a previous conference meeting as well as the last Council meeting.

The role was called. VOTE: 6 ayes – 0 nays, the rule was suspended.

**Ord. #37-2018
Appropriation
to accept funds
and
appropriate
into water lines
and payment to
Strand
Engineering**

Councilwoman Aeh motioned that the Ordinance be passed.

There were no 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 amending Section 351.23 Front Yard Parking of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilwoman Aeh motioned that this constitute a second reading. Councilman Albrecht requested that the readings be waived as there had been no one that had spoken against it and he had complaints about parking in the front yard. Councilwoman Aeh withdrew her motion and Councilman Albrecht motioned to suspend the rules.

The role was called. VOTE: 5 ayes – 1 nays (S. Dunne), the rule was suspended.

Councilwoman Aeh motioned that the Ordinance be passed.

Councilman Meadows said he would stick by his previous statement, in that the Police Officers have the common sense to use the discretion they need to enforce the ordinance.

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 amending Section 169.02 (b) of the Codified Ordinances of the City of Portsmouth, Ohio – Vacations.

Councilwoman Aeh motioned that the three reading rule be suspended. She added that this ordinance had no impact on the public and only dealt with a previous agreement that Council had already agreed upon.

The role was called. VOTE: 5 ayes – 1 nays (K.E. Johnson), the rule was suspended.

Councilwoman Aeh motioned that the Ordinance be passed.

There were no 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 amending Section 169.06 – Legal Holidays Enumerated of the Codified Ordinances of the City of Portsmouth, Ohio to afford non-bargaining unit employees their birthday as a holiday.

Councilwoman Aeh motioned that the three reading rule be suspended. She added that this ordinance dealt with a previous agreement that the City made with Non Bargaining Employees.

The role was called. VOTE: 5 ayes – 1 nays (K.E. Johnson), the rule was suspended.

Councilwoman Aeh motioned that the Ordinance be passed.

Auditor Williams asked about the wording in the bolded paragraph “and the employees’ birthday” and he understood what the ordinance was supposed to do which was to give non-union employees their birthday as a holiday which would match the AFSCME 1039 employee contract. However the only thing marked through was “and the employees’ birthday” but the four floating holidays were not in the AFSCME Union contract so it should be marked through and a period after Ohio Council 8. Mr. Williams asked Council to give this another reading so that the Solicitor could review it. Councilman Meadows stated that the item could be “Tabled” with a date specified since the readings were already waived. Councilman Dunne suggested waiting until Solicitor Haas had time to review it. Councilman Meadows moved to “Table” the item until the next Council meeting on July 23rd.

There were no further questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, the Ordinance was tabled until July 23rd.**

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of an additional \$50,000.00 from General Fund No. 101 to Engineering/Construction Miscellaneous Services Account Number 101.112.5299 to meet the current and future expenses for 2018.

Councilwoman Aeh motioned that this constitute a first reading.

Ord. #40-2018
Amended
Section 351.23
removing 24
hour
notification on
front yard
parking

Ord. #38-2018
Amended
Section
169.02(b)
vacations for
Municipal
Employees

Item Tabled

Acting Mayor Johnson asked if this was for the project on Sunrise and the reply was “no”, this was for Engineering from the General Fund. The appropriation for the Sunrise project was \$232,000 that was passed earlier.

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

Solicitor Haas requested that the item that was “tabled” earlier be removed from the “table” as he had an answer for Council.

Councilwoman Aeh motioned to bring from the “table” the legislation amending Section 169.06 – Legal Holidays Enumerated of the Codified Ordinances of the City of Portsmouth, Ohio to afford non-bargaining unit employees their birthday as a holiday.

Solicitor Haas stated that the way the ordinance was written would be that the employees would observe the holidays as stated in the contracts listed and the employees’ birthday was listed in the contract, however there were no four floating holidays in the contract. Auditor Williams stated that was exactly why the wording “except the four floating holidays” should also be stricken from the ordinance, Solicitor Haas stated that he agreed with the Auditor and that Council should move to amend the legislation.

Councilwoman Aeh motioned to amend the ordinance to strike “except the four floating holidays, and the employees’ birthday” with a period after Council 8.

The role was called. VOTE: 6 ayes – 0 nays, the ordinance was amended.

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.**

**Ord. #39-2018
Item removed
from the Table
Amending
Section 169.06
Legal Holidays
“birthdays” for
non-union
employees**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Nick Jenkins – 514 Bloom Street Sciotoville, Ohio – He spoke on behalf of Nexus Broadcast Solutions and presented the disaster and emergency broadcasting system. He said that no one wanted to talk or think about a disaster or emergency situations arising but they do happen and in some cases, businesses were not very prepared for it and it’s one of those things where they’re seeing trends where some States and even the Federal Government were looking in that path of setting up systems in place where they could get information out to the public in a very quick manner. Currently there were systems like the Amber Alert or Severe Weather Alert that had already been installed on our smartphones. He used the example of the water issues that Portsmouth recently experienced, they use a combination of SMS texting with a communications HUB which was actually a web based app that allowed the user to communicate by using short text to get the information out very quickly. There would be a tiny bit of information transmitted which would then link them to the system and once they’re inside the system they would be able to view the issue at hand. He gave several examples of how to use the system. He also said that it was a web-based system and wouldn’t take up any personal space on the smartphones.

Debbie Gambill – Friends of Greenlawn Cemetery – She gave a report on behalf of the Friends of Greenlawn Cemetery Foundation. She reported on the event in the past 13 months and was happy with Council’s support. To date they have spent \$40,000 to replace Greenlawn Cemetery Chapel, the slate roof was replaced and in addition the stone was tuck pointed, seal and stored. The entry and pieces of stone slabs were also stabilized and supported; new gutters and copper flashing were installed and they are currently working on the doors and windows. The City of Portsmouth installed new electric to the chapel and removed the bank of outlets that was on the outside which caused some problems after hours. They’ve worked with AEP to install and replace lighting on the exterior of the cemetery and worked with the city to add additional lighting around Soldiers Circle to try to get rid of the after hour problems. They applied for and obtained a \$10,000 grant from the Scioto Foundation to assist in digitizing the records and have discovered that the city had purchased a Pontem Software that would merge with Web Cemeteries. She said that after meeting with Manager Sutherland, he appointed Scott Leeth to work on that project to get those records digitized. They have made their events open to the public and they produced “The Story of Us” lamplight tour in October of 2017 and it sold out in 9 days. They will be doing two performances this year but they have to hold the ticket sales to 300 per night to make the performance a good experience. This production will be different characters and a different era. They performed a Christmas event that was free to the public as well as the Easter Sunrise event. Prior to Memorial Day this year volunteers worked every evening during the week and all day on the Saturday before Memorial Day. On Memorial Day they did a live re-enactment and portrayed Amanda Purcell who was the founder of Memorial (Decoration) Day. They are continuing to look for projects within the cemetery but were having some issues with the staff understanding that they were volunteers that want to help and Mr. Sutherland was working to correct that issue.

Jerry Skiver – 3320 Indian Drive Portsmouth, Ohio – He had some concerns expressed about the appearance of the cemetery and wondering if consideration had ever been given to an analysis as to the amount of manpower it took to take care of a cemetery.

Bob Gambill – 3130 Michigan Avenue (Friends of Greenlawn Cemetery) – He stated that grass in the cemetery could not be cut when you talk for 3-4 hours out of the day. He said 1st – you have to get on the mower to cut grass 2nd – you have to know how to cut grass and how to use a weed eater and unfortunately it wasn't being done effectively. Manager Sutherland was addressing the issues at the cemetery and they were going to see how it goes for a couple of weeks. He added that he went to the Union cemetery in Columbus Ohio which was a 68 acre private cemetery, it was beautiful inside, everything was well manicured, the shrubs and bushes were well attended, and there were areas that were mulched. That was all accomplished with 4 outsourced workers over a 4 day period, he said the cost was very effective in what they were paying for the service and they were saving quite a bit of money and they get the job done. He doesn't want to see anyone not be employed but there were things more effective and could be better managed. He knew the employees at Greenlawn had been told to stop using 'roundup' because if you google it, you will see all of the lawsuits and class action suits regarding the use of it, employee health standards etc. He said the problem was that one or two people at the cemetery continue to tell all of the people that come through the cemetery the reason the grass looks so bad was because they weren't allowed to use "roundup". He said that wasn't true, just because you can't use roundup doesn't mean you can't operate a mower and weed eater. He added that some of the brass monuments for veterans had been clipped by mowers that were too low to the ground. He said that all they hear is "we've always done it this way, this was how Shorty did it or this was how Johnnie did it and this is how I'm going to do it". Mr. Gambill stated that his ancestors used to take their clothes down to the creek and pound them on a rock but he thought it would be ok to use a washing machine nowadays.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received a receipt of deposit from the Auditor office on June 26, 2018 for the franchise fee from Charter Communications in the amount of \$31,104.85 for the second quarter of 2018.
2. She advised Council of the Main Street Portsmouth Farm to Table Dinner on August 2, 2018 at 6:00 p.m. until 8:30 at SOMC Friends Center. Tickets are \$30.00 in advance and \$35.00 at the door. Menu – Pot Roast, Green Beans, Red Potatoes, Salad, and Pies
3. She received via email on July 9, 2018 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending June 30, 2018: Expense, Revenue and Fund.

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.**

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

1. His written report can be found on the city's website www.portsmouthoh.org.
2. He said that after it was brought to his attention on how bad the cemetery looked, he met with the cemetery employees and had a discussion on what needed to be done to take care of the cemetery, he will monitor the situation over the next several weeks. He also stated that there were 5 seasonal employees hired and they will be helping out at the cemetery. The weed killer issue was brought up again and they were told not to use it around the stones; they inquired about using it around the outer fence and brick pavers and they were told they could use it there but that he didn't want to see a two foot path around the fence line. He added that they may have to re-evaluate personnel and the techniques to see if they could get it fixed.
3. He reviewed the recent water break issues and said that from June 23rd until today, they had had 14 major water breaks which had caused disruption in service as well as discolored water in the area. The break also affected Southern Ohio Medical Center and to keep SOMC operating a system of transporting water was implemented on June 24th and continued until the 4th of July. The operation was led by the Portsmouth Fire Department with the assistance of numerous local volunteer Departments with a span of approximately 12 days and 700,000 gallons of water was transported and pumped into SOMC to keep them operating.
4. He thanked the Portsmouth Fire Department as well as the volunteer departments and the water works personnel who were very diligent and dedicated professionals. He extended his thanks to Scioto County EMA, Portsmouth City Health Department and Portsmouth Police Department for the assistance they continue to provide until we can get through this project.

The Acting City Manager's report was received, filed and made part of the record, on a motion by Councilwoman Aeh's. The motion carried viva voce: **VOTE: 6 ayes – 0 nays.**

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

1. He said that on June 29th he received a call from Kevin Hoggat of Senator Rob Portman's office and they offered any assistance that we may need with the water situation.
2. He said on July 2nd he was accompanied by City Manager Sutherland and Police Chief Ware, and they visited several businesses on Offnere Street to communicate with them regarding the closing of Offnere Street for the water line project.

3. He met with Carl Hairston regarding the McKinley Pool progress and the pool opened today July 9th.
4. On July 3rd he met with Solicitor Haas, Wastewater Director Rick Duncan, City Manager Sutherland, and the County Commissioners in an effort to resolve the past due wastewater fund. He believed that the meeting was productive and it appeared that all the parties were working together to resolve the matter.
5. On July 4th he read a Proclamation at Tracy Park proclaiming July 4th as Portsmouth Wind Symphony Day. He gave a special thanks to all of the musicians that performed that day.
6. He stated that he wasn't going to speak a lot on the Greenlawn cemetery issue as he believed it had been covered, but he had gone there on the 4th of July and it looked terrible.
7. He appointed First Ward Councilman Sean Dunne to the Portsmouth Shade Tree Commission.

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.**

City Solicitor – Solicitor Haas reported the following:

1. He said there was a meeting for Civil Service and they are down a member on that committee and next month's meeting will be an important meeting where there will be an appeal filed and they will have to have a hearing. There were also some proposed rule changes and the two active members of the commission would like to have the third one appointed. He said he believed there had been an uptick in the quality of employees since implementing Civil Service testing.
2. He said that at the last Rotary meeting, Attorney Jeremy Burnside spoke about Plant Portsmouth which was a project he had put together and it will be held on August 18th. This will be an opportunity for citizens to volunteer to cleanup Chillicothe Street and the Boneyfiddle area. He said what they want to do is: clean out all the grass and weeds from the bricks and then seal the bricks, they also want to clean the curbs and sidewalks then paint the curbs and light poles. He said Mr. Burnside had indicated that he had a couple of local football teams, a volleyball team, and a marching band that were going to be volunteering and they were shooting for at least 2,000 volunteers. He would like Mr. Burnside to come to the next Council meeting to speak on the subject. They also want to set a Guinness World record of plants being potted at the same time all the way up and down Chillicothe Street. He added that Chillicothe Street will be closed off for the day, if people were in the area and need to go to one of the stores, they would provide transportation to the store. He said that in the future this would be a good project to set aside money to help provide sealer and paint.

The Solicitor'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.**

Auditor Williams – Auditor Williams reported the following:

1. He has been a member of the Portsmouth Wind Symphony for a long time and they've been planning for the past year their Silver Jubilee and added that the Wind Symphony began 25 years ago. He thanked Papa John's pizza for providing pizza at the park, Barry Nagle and the Service Department Employees for getting the grass cut and making the park look nice. He thanked Acting Mayor Johnson for reading the Proclamation and for his kind words for the Wind Symphony.

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: 6 ayes – 0 nays.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Sean Dunne reported the following:

1. He said that the Festival Planning Event at Patties and Pints was a great meeting. Over fifty people attended and several great ideas were discussed. He will compile the information submitted and have it ready for a follow up meeting. He was impressed with not only the different ideas discussed, but also the enthusiasm people have for developing their ideas.
2. He spoke with a Montgomery County Land Bank representative when he had called to learn more about their Twigs to Trees Program, and thought it would be a great program to consider for Portsmouth with nut bearing trees. He was told they would put information together and send it to him.
3. He thanked Scott Leeth for his help on the AARP Grant to buy two solar powered phone charging stations. They spent an afternoon working on the application, but unfortunately, the city did not receive it as AARP stated they had received over 1,600 applications for the grant. Fortunately, they now have a template to work off of for future applications, and he'd like to apply elsewhere as he thought the phone charging stations would be a great addition to Portsmouth.
4. He had forgotten to mention in a previous report that he reached out to Tesla to see if they'd be interested in putting one of their super charging stations here in Portsmouth, but had not heard anything back from them yet.
5. He traveled to Roanoke, Virginia for an afternoon and thought our City could learn a lot from that city. He was very interested in the development of their downtown housing. He picked up the contact details of their Economic Development Officer and hoped to follow up with her about the development of Roanoke.

6. He thanked Solicitor Haas for meeting with him about code enforcement issues.
7. He said that Thursday the 12th at 11:00 a.m. there will be a ribbon cutting ceremony at the new Dollar Tree on Chillicothe Street that he would be attending.
8. He stated that Plant Day would be a wonderful way of getting the community together as part of the event.
9. He added that it was great that McKinley Pool opened today. He briefly stopped by, and it was obvious that it was a great place for our community, however he wanted to improve the opening for next year. He thanked those that were able to ensure that it opened today.

2nd Ward – Councilwoman Aeh reported the following:

1. She re-appointed Curtis Shanks to the Land Reutilization Committee.

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

4th Ward – Councilman Albrecht reported the following:

1. He was honored to have lunch and meet with Mayor Thomas Zenker of our Sister City Zittau Germany.
2. He had several complaints about the traffic at 11th & Chillicothe Street, he realized they were paving there but narrowing it down to one turn lane wasn't an ideal situation.
3. He thanked everyone who worked countless hours on the water breaks around the city, he really appreciated their work.
4. He reappointed Zack Sims to the Land Reutilization Committee.

5th Ward – Councilman Meadows reported the following:

1. He said the 5th Ward was good but he was driving and came upon a bush that had grown out into the street at 7th Street and Market and requested that it be trimmed back.

6th Ward – Councilman Lowe reported the following:

1. He reappointed Bill Shope to the Land Reutilization.
2. He thanked Andy Gedeon for all his work on getting the old Gas Station on Harding Avenue torn down.
3. He said there was high grass at 5503 or 5303 3rd Street Sciotoville, he wasn't sure of the address, but the grass/weeds were at least 4ft. high.
4. He said several people had requested information about the burned out house right above the C & O trestle in Sciotoville.
5. He received complaints of potholes in 5300-5400 block of Wilson Avenue. He said that was his street and he was trying to wait as long as he could hoping they would get filled but the neighborhood was down on him, he just didn't want any special treatment as that was the street he lived on.

The meeting adjourned at approximately 7:06 p.m. on a motion by Councilman Meadows.

City Clerk

Acting Mayor