

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**

Monday August 26, 2019

6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday August 26, 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 (Absent)
Charlotte Gordon	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, 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 August 12, 2019 on a motion by Councilman Albrecht. The motion carried viva voce: **VOTE: 5 ayes –0 nays.**

Councilmen Dunne's absence was excused on a motion by Councilman Albrecht. The motion carried viva voce: **VOTE: 5 ayes –0 nays.**

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

**James Crocker – 516 3<sup>rd</sup> Street Portsmouth, Ohio** – He spoke regarding amending Section 941.20 and urged Council to pass this ordinance so that it may give teeth to that ordinance and violators cannot violate that city ordinance. He said on August 12<sup>th</sup> with total disregard, trees were cut down in a public alley and they were dumped onto his property. On August 13<sup>th</sup> he phoned the Police Department and also spoke with the City Manager who was very helpful, he had photographs in which he passed around to Councilmembers.

**LEGISLATION**

The clerk gave a **third reading**, to an Ordinance amending Section 941.20(a) –Weeds, Grass, Vines, Brush and Shrubbery; Maintenance of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Albrecht moved that the Ordinance be passed.

Councilman Lowe stated that Manager Sutherland had forwarded a copy of the ordinance pertaining to the gravel washing out into the street, however he read the ordinance and doesn't believe that it clarified the gravel situation and recommended that it be reworded to make it more concrete. Acting Mayor Johnson reiterated that this was the last reading for this ordinance and if it was passed tonight it would pass the way it was worded. Mr. Lowe said that originally Council had discussed grass clipping getting into the street and he knew of a couple of areas in his ward that there was a problem with sand and gravel washing off the gravel road and people have complained because it is a danger, he thought that gravel would be included in this ordinance but since have found out that it was a separate ordinance.

There were no 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 reestablishing the positions of a Heavy Equipment Operator to the Traffic Division and an additional Utility Person to the Cemetery Division of the Public Service Department and appropriating funds in the amount of \$65,000 to the respective payroll and benefits line items to do so.

Councilman Albrecht 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.**

**Ord. #53-2019  
Amended  
Section 941.20  
Weeds, Grass,  
Vines, Brush  
& Shrubbery**

The clerk gave a **first reading**, to an Ordinance authorizing the vacation of the alley located at 616 and 618 9<sup>th</sup> Street as requested by Harris Floor covering, and more fully described in the attached legal description, with the City of Portsmouth reserving all easements to this property.

Councilman Albrecht moved that this constitute a first reading.

Councilman Meadows asked Solicitor Haas if the legal description had been received and he replied that it was included.

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

The clerk gave a **first reading**, to a Resolution accepting the amounts and rates as determined by the Budget Commission of Scioto County, Ohio, authorizing the necessary tax levies, and certifying the same to the Auditor of said County.

**Res. #11-2019  
Accepting  
Amounts and  
Rates from  
Budget  
Commission of  
Scioto County**

Councilman Albrecht moved that the Resolution be adopted.

Councilman Lowe asked if the rates were listed, Auditor Williams stated that it was attached to the ordinance and the rates were the same as last year and the amounts were about the same. Mr. Williams said that he attended the budget meeting last Friday and the changes that were made from the Budget Commission were his projections which tends to be a bit conservative and a little bit less. He added that the property taxes were increased \$160,000 which was just above the budget that was turned in, for a total projection of what the city will collect next year of \$1,762,000, our local government funding was increased by \$28,024, and the flood defense levy increased by \$1,000.

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

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

There was no one present that wished to address Council pertaining to items not on the agenda.

**MISCELLANEOUS BUSINESS AND REPORTS:**

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

1. She received from the Ohio History Connection a congratulations on the recent listing of the Eugene McKinley Memorial Pool to the National Register of Historic Places.
2. She received from the Ohio Division of Liquor Control a request for a stock ownership change for Smoked Ribs Inc. located at 1026 Gallia Street Portsmouth, Ohio. There were no objections.
3. She prepared a Proclamation for National Recovery Month.

**Liquor License  
Proclamation**

The City Clerk's report was received, filed and made part of the record, on a motion by Councilman Albrecht. 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 reported the following:

1. He encouraged everyone to go to the River Days festivities, and added that the Boat Races had returned to our area and very good entertainment. A lot that will be happening right in our city, he again encouraged all to invite people and enjoy the River Days.

The Acting Mayor's report was received, filed and made part of the record, on a motion by Councilman Albrecht. The motion carried viva voce: **VOTE: 5 ayes– 0 nays.**

**Solicitor Haas' Report** – Solicitor Haas had no report.

**Auditor Williams Report** – Mr. Williams stated that his report was emailed on August 20<sup>th</sup> to City Council and he had no further report.

**MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

**1<sup>st</sup> Ward** – Councilman Dunne had no report due to absence.

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

1. She stated that it was good to have Councilman Meadows back.
2. She attended the Chamber event at York Park and stated that it was excellent.
3. She attended the Final Friday in Boneyfiddle hosted by Robert and Julia Black, it was an incredible event.
4. She advised that the museum had their fundraiser Saturday night.
5. She announced that she was an official write-in candidate for the fall ballot.

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

1. He had several property issues and clean ups that had been reported to the City Manager who had those addressed.

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

1. He thanked Manager Sutherland for cleaning up the lot at 10<sup>th</sup> and Hutchins.
2. He stated that he had something happen to him on Friday night that he does not understand and would like an explanation from the Chief of Police. He stated that someone had parked their vehicle behind his house on the concrete pad and blocked his garage. He called the Police Department and they told him that he would have to call a tow truck to tow it away and he wasn't sure at whose expense it would have been. He was told by Dispatch that the Police Department could not come onto private property. He said he was 80 years old and if there had been a confrontation, he would not have been able to defend himself. He advised the police that they had permission to come onto his property for that situation but was told by Dispatch that they still could not come onto his property. He gave the example that if his house was broken into, could they come onto his property? He had a lot of questions that he would like to have answered because it does not make sense to him.

Solicitor Haas stated that he thought that maybe it was misstated by the Police Department that they can't come onto private property, but they do not issue citations or tow vehicles off private property. He said "yes" they will come in to investigate break-ins, but if someone parks in your yard the Police Department would not tow it off, it would be up to the property owner to have it towed. Councilman Lowe asked what if it was in the right of way? Mr. Haas stated that if it was in the right of way the Police would have the authority. Councilman Albrecht asked if he was supposed to take a gun to defend himself, Mr. Haas replied "no" but he could call a tow truck for the car to be towed away. Mr. Haas gave several examples of what the Police would be allowed to do on private property.

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

1. He asked Manager Sutherland if he had received an email regarding the ditch line on Thomas Avenue and Mr. Sutherland replied "not that I know of". Mr. Meadows said that he received another email from a citizen in that area that had requested that the ditch line be cleaned out.
2. He stated that on a personal note, his mother had passed away and she was an avid Marshall University fan. She loved her football and basketball tickets and one of the things his family had asked for in lieu of flowers, was for people to give a donation to the Big Green Scholarship Fund. He said that on behalf on his brothers Perry and Richard and his sister Joann, he thanked the City and Council for their contribution to the Big Green Scholarship Fund in his mother's name and thanked those present tonight for the support and assistance that they had given him.

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

1. He had one complaint regarding mosquitos in three different areas, Oakland Boulevard, Gallia and Bahner around where Little Scioto was located, and in the Allard Park area. He advised that Allard Park will soon be having games and a lot of people attending the games and the younger peewee squads' practice behind the Dairy Bar.
2. He thanked Manager Sutherland and the Service Department for repairing the culvert on Lynn Street.
3. He mentioned that it was good to see the progress being made to the Habitat House on Bonser Run that was being built for a Veteran.
4. He attended the East High meet the team on Saturday, there was a good turnout and was a success.
5. He congratulated all the kids moving forward to the next level of sports. He's confident that his sponsorship was helping to build a future for the kids.
6. He mentioned River Days and was glad to have the boat races back as well as the entertainment.
7. He welcomed Councilman Meadows back.
8. He acknowledged that yesterday was his Dad's birthday, he would've been 90 years old and he was missed.

The meeting adjourned at approximately 6:35 p.m. on a motion by Councilman Albrecht.