

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday September 9, 2019

6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday September 9, 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 st Ward
Charlotte Gordon	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jerrold Albrecht	4 th Ward (Absent)
Gene Meadows	5 th Ward
Thomas K. Lowe	6 th Ward

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

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

Council dispensed with the reading of the Journal for the Regular Session of August 26, 2019 on a motion by Councilman Meadows. The motion carried viva voce: **VOTE: 5 ayes –0 nays.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Chief Robert Ware – 728 2nd Street Portsmouth, OH – He spoke regarding the appropriation for Dispatch training. He said that the funds were in the first draft of the budget but inadvertently left out of the final draft, he requested that Council pass this as an emergency so that the training could be completed this year.

LEGISLATION

The clerk gave a **third 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.

Councilwoman Gordon moved that the Ordinance be passed.

Councilwoman Gordon asked if the Heavy Equipment operator included a snowplow driver, Manager Sutherland replied that different divisions were set up for where they work, this doesn't necessarily mean that this would be a snowplow driver, however they could, but this would be more operating heavy equipment that's in the Traffic Division and added that it was classified into one category.

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 vacation of the alley located at 616 and 618 9th 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 Meadows 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 approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing the need for Bridge Inspection Program Services, including, but not limited to routine inspections, element level inspections, critical-findings reports, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans and underwater dive inspection reports if needed for the years 2020, 2021 and 2022. Pursuant to Council Rule 5, this legislation

**Ord. #54-2019
Re-establish
positions for
Heavy
Equipment
Operator and
Utility Person
to the
Cemetery
Division**

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.

Councilman Meadows motioned to suspend the three reading as requested.

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

Councilman Meadows moved that the Ordinance be passed.

Councilman Lowe asked what bridges were included, Manager Sutherland said only the ones that were inside city limits. Acting Mayor Johnson asked if this was a continuation and Manager Sutherland stated that it was a renewable program that the city had been involved with since 2014 which doesn't cost the city any money other than some of the corrective actions. Councilman Dunne stated that he had been in touch with ODOT over the summer and he had asked if concrete could be placed underneath the Grant Bridge particularly now because we have the dog park and if it would happen to start raining, it would be a space for people to take cover and could also be a social space that would get some Shawnee State students just over the boundary of campus. He added that it would also allow Food Truck Services or Coffee Places to cater to the people at the dog park and the Shawnee State students. ODOT had told him that they would be happy to do it, however the food trucks could not be parked under the bridge because of the potential fire hazard. He also mentioned putting an outdoor production screen for movies or video games, different things could be done with that space. He said that there were construction workers that were currently working at Shawnee State University and they've set up temporary space under there because it was at least 10 degrees cooler under there and he believed it to be a great social space. He got the idea from the Skate Park in Newport, Ky where skaters made their own Skate Park and City Council followed along and gave approval.

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 amending Section 941.20–Weeds, Grass, Vines, Brush and Shrubbery; Maintenance of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilman Meadows moved that this constitute a first reading.

Councilman Lowe asked if this was amended the way that it was requested, Manager Sutherland said he believed it was. Councilwoman Gordon asked what the methods of enforcement would be, Manager Sutherland said that it would go through the court system and would stream line the process. He said basically it took out the process of sending a letter, waiting 10 days all the while the grass continues to grow out of hand. He said people need to know that they have to cut their grass and clean their yards up; this was one of the biggest complaints he receives day in and day out. He added that the city needed to get away from telling people to cut their grass, and hoped this would help by going out and talking with people and hopefully they'll adhere and get it taken care of, but if not, they will get a citation. Mr. Lowe asked about the gravel washing out onto the roads and Manager Sutherland stated he was still looking into it. Councilman Dunne said that he had to deal with one person in his ward that was a repeat offender and stated that in other cities the fines were doubled if they were repeat offenders; he asked if the city had considered doubling the fines especially if they were a repeat offender. Mr. Gedeon responded that all this ordinance affords them to do was to issue a citation on the spot. Mr. Lowe asked how much the ticket would be to the people if they don't cut their grass, Solicitor Haas didn't know the exact amount but court cost was around \$124.00 plus the amount of the fine. Acting Mayor Johnson asked what would differentiate if they got a fine or we charge them and cut the grass, Solicitor Haas stated that it would be both if they did not cut their grass. Mr. Dunne said that he liked that we were streamlining it but he would like to re-visit the issue to determine if the city needed to increase the financial penalty because if they're a nuisance to the city, we should be a nuisance to them.

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 an Ordinance authorizing the transfer and appropriation of \$140,000.00 from General Fund No. 101 to Municipal Grant Court Fund No. 201 to enable Portsmouth Municipal Court Probation Department to maintain the current level of operation.

Councilman Meadows moved that this constitute a first reading.

Auditor Williams stated for the record that in the second "Whereas" of the ordinance, it is quoted correctly from the court memo, however, the factual information was that in 2018 where the memo shows only

\$70,000 was approved for 2018; the actual amount approved and transferred in 2018 was \$140,000. In 2017, \$70,000 was approved and transferred because half of the year was already over; the Courts are now requesting another \$140,000 for 2019. Councilman Lowe asked if the Courts could put this into the actual budget and not have to request it separately. Mr. Williams said the actual ordinance does not need to be changed but he wanted it on the record that they had received the full amount they requested for 2017 and 2018.

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 an Ordinance authorizing the appropriation of a total of \$9,500.00 from General Fund No. 101 to allow \$9,000.00 be paid from Dispatch Training Line Item No. 101.222.5222 and \$500.00 to be paid from Dispatch Membership Line Item No. 101.222.5227 to pay for Dispatch Training and Memberships so necessary expenses can be covered.

**Ord. #56-2019
Appropriation
for Dispatch
Training**

Councilman Meadows stated that pursuant to Council Rule 5, this legislation was 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.

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

Councilman Meadows moved 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 an additional appropriation of \$12,679.00 to New WTP Line Item No. 606.771.5515 to cover costs of the Brownfield Restoration Group Third Contract Modification. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

**Ord. #57-2019
Additional
appropriation
for the New
Water
Filtration
Plant to
Brownfield
Restoration
Group**

Councilman Meadows motioned to suspend the three reading as requested.

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

Councilman Meadows moved that the Ordinance be passed.

Councilwoman Gordon asked Solicitor Haas if he was sure that the back taxes had stopped accruing new charges and Solicitor Haas replied “yes”.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Kevin W. Johnson – 307 Chillicothe Street, Apt. 306 Portsmouth, OH – He said that in 1995 Council established a Charter review committee and submitted their recommendation on June of 1996. He said at the time Council was not sure whether to introduce all the measures at one time to the voters or do them one at a time and as a consequence of not being able to decide, they did nothing. In 2013, the City Clerk helped him find copies of the committee’s report and over the following 3 years he introduced the eleven items from the report. He said nine out of the eleven items were approved by Council and submitted and approved by the voters. He said one of the last items that was passed by the voters was for Council to establish a Charter Review Committee at a minimum of each decade beginning in 2017 and after 10 years, Council would appoint another committee to review the Charter and bring it up to date because multiple things can change over 10 year period. The Council from 2016 appointed a committee that started meeting in 2017 and that committee was comprised of 6 members, one from each ward. The committee was to meet and review the Charter and at the conclusion of the review process, the committee was to hold a public hearing on the proposed changes, and provide Council with the recommendations, neither of those two things occurred. The last meeting of this committee was on September 6, 2017, two years ago and Council still has not received those recommendations. He stated that he requested a copy of the minutes from those meetings and he prepared for this Council an exact transcript of what they recommended. He said that he didn’t want a Council 20 years from now to discover these recommendations only to realize they were not submitted to Council. He presented the proposed changes to the City Clerk to distribute to Council and stated that the city ordinance calls for a public review. He hoped that this Council would review the proposed changes which doesn’t mean that Council had to approve every one of the recommendations, but at least let the public know of the recommendations. He said in lieu of not receiving an official report from the committee, he hoped that this Council would accept his report.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She prepared a Proclamation for the retirement of Public Service Director Bill Beaumont and also attended his retirement party.
2. She received the Oath of Office on August 27, 2019 for the following firefighters: Martin Kuntzman, Christopher Niziol, Jr., Cameron Kirby.
3. She received via email on September 5, 2019 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending August 31, 2019: Expense, Revenue and Fund.
4. She advised that there will be an "Active Shooter" response training on Monday September 16th at 11:00 a.m. at the Portsmouth City Health Department. If you would like to participate please let Andy Gedeon know so that it can be set up or you can just observe how to handle different situations.
5. She prepared the Proclamation for The Scioto Christian Ministry's 50th Anniversary which will be held at The Welcome Center on Thursday September 19, 2019 at 6:30 p.m.
6. She prepared the Proclamation for Prostate Cancer Awareness for the month of September.

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

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

1. He stated that new street lights had been installed on Scioto Trail from the north corporation limit to the car wash and it had made a big difference. He said the old light fixtures were still on the overpass and you can tell it has brightened up the area quite a bit.
2. He advised that the repair on Harding Avenue began this morning.
3. He advised that the light pole Councilwoman Gordon had brought to his attention, was on AEP's radar and would soon make repairs.
4. He congratulated everyone who was involved in the River Days festivities this year. The Boat Races were a big success and he was very proud of all of the events over that weekend.

Councilman Lowe advised that on Harding Avenue he received a text complaining that there was a big hole with no barriers and they were afraid someone would run into it. Manager Sutherland said that he would make sure it was barricaded off.

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

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

1. He chaired the Health Department meeting on August 28, 2019.
2. He participated in the River Days parade and he tipped his hat to everyone that was involved in River Days, it was a great turnout. He congratulated all the ladies that participated in the Miss River Days pageant.
3. He gave a special recognition to Tim Angel who had chaired River Days for so many years and he understood that this was his last year. He said that a lot of tireless hours goes into events like this and a lot of hard work by some great people.
4. He was humbled and honored to read a Proclamation at the National Recovery ceremony in Tracy Park this past Saturday.
5. He congratulated Mr. Beaumont on his retirement from the Service Department as he was unable to attend his retirement party.

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

Solicitor Haas' Report – Solicitor Haas reported the following:

1. He advised on the comments regarding the trees and shrubs and the penalties attached were as follows:
 - a. First Offense was minor misdemeanor
 - b. Second Offense and there on, was a 4th degree misdemeanor and each continuous day of violation is a separate offense. There was room for plenty of discretion by the Judge. Councilman Lowe asked if any of it was a jailable offense, Councilman Meadows stated that 4th degree offenses were punishable up to 30 days in jail and a \$250 fine. Solicitor Haas advised that it would not be a jailable offense, but there was a chance they could be put on probation.

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

Auditor Williams Report – Mr. Williams had no report.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Dunne reported the following:

1. He missed River Days but was able to hear and read about what a success it was and that there was a good collection of music. He said what set this year apart was the return of the Boat Races. He said people seemed very excited this year and they also had Duck Derby.
2. He said they had been working on getting new materials for McKinley Pool from a successful grant application and they were hoping to get to that soon.
3. He said they had been recently informed that McKinley Pool was now going to be on the National Registry for Historic places. He said for years it had been ignored and no investment was put into it and he felt that putting in the new facilities was very important for the overall running of the facility. He hoped to have it done in the off season so it would be up and going for next summer.
4. He thanked Manager Sutherland for the lights on Scioto Trail as they had been mentioned to him.
5. He thanked Councilman Lowe for ordering two of the Portsmouth Skatepark T-Shirts. He was speaking with the T-Shirt producer and the shirts were being shipped all over the country.
6. He went to Penn Station and by the time he got to the end to pay for his sandwich, the owner came around and gave him a free cookie all because of a Michigan Trash can on the Ohio river. He appreciated Sam Sutherland and the city workers for helping to find a spot on the river for it. He said that Rush Welding as well as KC lettering were incredible to work with, Josh and Tim helped him paint it. He felt it was a great feature of our city. He said that he really doesn't want to be screaming at people and threatening them with fines, but we should make it fun to throw away litter. He would like to see more fun places like that.
7. Shawnee State University recently started back up and enrollment had increased. He felt the administration had done a great job in bringing both new and transfer students into the University.
8. He attended the Burning Man Festival in the Blackrock Desert outside of Reno, NV. The festival has been ongoing for several years. He said it was a great experience and he met a City Manager and his wife from a well-known city in Colorado and he hoped Sam Sutherland would attend next year. They had a great chat about different innovative local government ideas and both he and his wife were fascinating to talk to and he was able to speak with individuals that he thought could help with future events at Spartan Stadium specifically things like organization of RV's and other things like camping supplies etc.
9. His theme at the Burning Man Festival was a Passport Office. Their camp gave out about 1,500 passports and around 70,000 people attended. He said the passport encourages people to go to all different parts of this particular festival. He would like to create a Portsmouth Passport where it would encourage students to explore the city, where they would get passports stamped similar to what they had at Burning Man. There was a variety of things that students could do here in Portsmouth and one of the lessons he learned from one person that came back to their camp, she was very introverted and very shy and passport opened her up to new experiences and gave her the courage to see things for herself. They were spotted by Nobel Prize winning Economist Paul Romer which was noted in the New York Times that he had passed by their intersection.

2nd Ward – Councilwoman Charlotte Gordon reported the following:

1. She congratulated Sean on being mentioned in the New York Times.
2. She thanked Manager Sutherland for the attention to the light pole, which was now marked and labeled and the neighbor who complained about it is grateful.
3. She said the new banners that Main Street Portsmouth had hung and that lined Chillicothe Street were amazing. She added that she knew Andrew Feight had spent a lot of time making sure the right person was in the right block. The placement of the historic images was spot on, there was a lot of attention to detail.
4. She attended the Shawnee Family Festival, and thanked Chief Ware for the time that he spent in the dunking booth. She felt it was very successful.
5. She said the Museum was preparing for its next exhibition opening this weekend and everyone is invited and it is open to the public. There will be artist from Louisiana and a lot of people will be present from out of town.

3rd Ward – Councilman Kevin E. Johnson reported the following:

1. He received a letter from the Board of Elections that on September 24, 2019 there would be a mock election so that people could learn to use the new voting machines.
2. He said that the 3rd Ward had had some weed and garbage issues that had been taken care of by the City Manager and Mr. Gedeon as these departments work together to cleanup these issues. He said there was an issue on Vinton which he knew several entities were working on and he thought it was about to get fixed.
3. He thanked the folks that were present at Council and the meeting for attending and acknowledged former Councilman Kevin W. Johnson.

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

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Lowe reported the following:

1. He thanked Kevin E. Johnson for getting him the River Days tickets.
2. He thanked the River Days committee and The Friends of Portsmouth for the entertainment. He attended and thought it was a big success and didn't recall ever seeing that many people on the river.
3. He thanked Councilman Albrecht and Bill Shope for riding with him in the parade. He believed that there were 182 units in the River Days parade this year.
4. He thanked Manager Sutherland for all that he does.
5. He thanked Clyde Stiltner who helped keep Sciotoville clean and wished him a Happy Birthday.
6. He thanked Tiffany James Harper and Jeff Delaney for helping him and others in taking care of the Rose Street park and keeping the Little League field cut and looking good.
7. He congratulated Sciotoville East Tartans on their big win 34-0.
8. He thanked Miss Ali Escamilla the queen from Sciotoville on the job that she did representing Sciotoville.
9. He complimented Councilman Dunne on the "M" trash can, he liked it. He also thought that Councilman Dunne was turning out to be a real buckeye.

The meeting adjourned at approximately 6:50 p.m. on a motion by Councilman Meadows.

City Clerk

Acting Mayor