

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday September 10, 2018
 6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday September 10, 2018 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Acting Mayor Kevin E. 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
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 August 27, 2018 and Special Session August 31, 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

Stephanie Phillips – 1716 Highland Avenue Portsmouth, OH – She spoke on behalf of the Portsmouth Skate Park project and requested Council’s support for the Skate Park.

LEGISLATION

The clerk gave a **third reading**, to an Ordinance authorizing the appropriation of an additional \$65,000.00 to New WTP Fund No. 606.771.5515 needed to pay certain costs associated with the new Water Treatment Plant Preliminary Design and Property Acquisition.

**Ord. 43-2018
 Additional
 Appropriations
 for design and
 property
 acquisition of
 the new water
 treatment plant**

Councilwoman Aeh motioned that the Ordinance be passed.

Councilman Lowe asked if the amount requested would be enough money. Acting Manager Sutherland replied that it would be enough for this part of the project.

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 appropriation of \$36,000.00 from General Fund No. 101 to Public Service Department- Garage Division Fund No. 101.117 line items for wages and benefits for a Mechanic I position which was not funded in the 2018 budget.

**Ord. 44-2018
 Appropriation
 for Mechanic I
 position**

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 authorizing an additional appropriation from unappropriated monies in General Fund No. 101 in the amount of \$64,000.00 to Emergency Demolitions Line Item No. 101.112.5231 needed for additional teardowns in year 2018.

Councilwoman Aeh motioned that this constitute a second reading.

There were no 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 appropriation of a total of \$175,693 from unappropriated monies in CIP Fund No. 301 for the Mound Park, Lighting, Security and Pathway Projects.

Councilwoman Aeh motioned that this constitute a second reading.

Councilman Dunne asked if there would be anyone representing the Mound Park group to give a presentation to Council about the project and how the funds will be spent from the money that was raised and grant money. Acting Mayor Johnson stated that Director Tracy Shearer was present during a previous Manager's Conference meeting and answered some of the questions that Council had, Mr. Dunne said that was probably the meeting he was unable to attend but that he would follow up with her. Acting Manager Sutherland stated that he could ask her to attend the next meeting.

There were no 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 amending Section 549.08 – Discharging Firearms and Other Weapons of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilwoman Aeh motioned that this constitute a first reading.

Councilman Lowe asked Solicitor Haas if this legislation would in any way change the ordinance other than the college being able to have the archery class. Solicitor Haas said that the specific instance was the college but he thought that someone else could ask to be able to do it, but the Chief of Police would have to sign off on it. Councilman Meadows asked if Shawnee State needed this to be passed immediately and Solicitor Haas said that he had not heard from them but he didn't believe it would be a problem to go three readings.

There were no 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 \$53,323 of the City's Business Revolving Loan Fund in order to expend these funds for CDBG activities as required by the Ohio Developmental Services Agency.

Councilwoman Aeh motioned that this constitute a first reading.

There were no questions or comments. **The role was called. VOTE: 6 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.

Councilwoman Aeh motioned that the Resolution be adopted.

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

The clerk gave a **first reading**, to a Resolution authorizing the Acting City Manager on behalf of the City of Portsmouth to prepare and submit an application to participate in the Ohio Public Works Commission state capital improvement and / or local transportation improvement program(s) and to execute contracts as required.

Councilwoman Aeh motioned that the Resolution be adopted.

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

The clerk gave a **first reading**, to a Resolution to convert Weghorst Park on Madison Street into a Skate Park under the supervision of the Portsmouth Skate Park Project and in consultation with the Spohn Ranch Company in California.

Councilman Dunne motioned that the Resolution be adopted.

**Res. 13-2018
Amounts and
Rates
determined by
Scioto County
Budget
Commission**

**Res. 14-2018
Appropriation
from the
Business
Revolving Loan
Fund for
CDBG
activities**

**Res. 15-2018
Support of the
Skate Park at
Weghorst Park**

Acting Mayor Johnson asked Solicitor Haas if the City was safe in supporting the Skate Park and if the city was donating the property. Mr. Haas replied “yes” and that the current playground equipment in the park would be a donation but Council would have the final determination on the park once all the plans were complete. Councilman Albrecht asked if the city would be held liable if someone got hurt at the Skate Park, Mr. Haas replied that the city may get sued but we shouldn’t be held liable. Auditor Williams stated that he didn’t believe the intent was to give property away because the city wasn’t allowed to give property away to anyone, it would need to be bid out, or go through SOPA or Land Bank. Councilman Dunne said the intent was to apply for a Tony Hawk grant in January and there were certain stipulations in applying for it and one of the things was that it couldn’t be a private club where you had to pay to get admitted. They also demand that a certain type of skate-park be constructed. Councilwoman Aeh asked if it would be similar to how the city leases out the boat dock property. Mr. Haas said yes that it could be done very similarly, but Council would ultimately have to approve everything. He said that the city could be sued if the park was let fall into disrepair and the city had been notified of a hole or dangerous condition, something would need to be worked out with the organization. Mr. Dunne stated that Ohio had a “ride at your own risk” policy.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

David Malone – 1517 Waller Street Portsmouth, OH – He addressed and posed questions to City Council. He applied for the City Manager’s position and wondered how a person that had done the job for almost 4 years and others who had not done the job, got an interview and he was not even considered. He served as Mayor of the City of Portsmouth for almost 3 ½ years, prior to those years he served on City Council for 7 years and the last 3 years served on Council as President of Council. The tenure experience had given him vast knowledge and understanding the functions of government, his experience and tenure as Mayor had also allowed him to meet the required duties within the position description. He had demonstrated strong management skills, and displayed an excellent commonsense approach to all important matters within the city. He said that even when the city was under tumultuous times and turbulent years following the recalls and budget matters that designated the city under a fiscal watch status with the State Auditor’s office, he was able to bring stability and calm to the storm even when the employee morale was at an all-time low. Prior to him taking office, he was able to offer a ray of hope to the workplace where everyone began to enjoy coming back to work. He added that he knew one of the most important parts of government was to work on and present budgets. The last budget along with a 5 year budget he submitted to City Council was approved but then declined by City Council because he would no longer be around to oversee the budget. His daughter had ask him why he wanted to serve in that capacity for Portsmouth given the history and attitude, he replied to her that he was a servant to the city and had a servants heart and a love for the city and the people that live in the city. He said regardless of the reasons the decision had been made, he offered his congratulations to the three individuals that were chosen for the interviews. He offered his services to the city should any one of those people reach out to him. He shared information that had never been made public that in November of 2009 the city voted and elected a Mayor, and sometime immediately after the election day and before that elected Mayor took office, there were a series of meetings that took place among some city leaders including some governmental officials both current and past and the main topic of their discussion was to find a way to remove or get rid of that elected Mayor and the President of Council and the purpose of that was that they were not a part of the “Good Ole Boys Club”.

Councilwoman Aeh moved to adjourn into Executive Session with the City Manager to discuss personnel issues relating to City Manager applications. Solicitor Haas asked if he could have at least 2 minutes in Executive Session to discuss litigation. Mrs. Aeh added the request to her motion.

The role was called and the motion carried: **VOTE: 6 ayes – 0 nays, Council recessed into Executive Session at 6:29 p.m.**

**Executive
 Session**

Councilwoman Aeh moved that Council reconvene from Executive Session.

The roll was called and the motion carried. **VOTE: ayes 6 – nays 0, Council reconvened with all still in attendance at 7:17 p.m. except Auditor Williams.**

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received via email on September 4, 2018 from the Auditor’s office, the following summary statements of the Combined MTD/YTD reports for the period ending August 31, 2018: Expense, Revenue and Fund.

2. She received Oaths of Office for the Shade Tree Commission members: Sue Burke, Joseph Pratt, Carrie Massie, Sherri Collins, Sean Dunne and Logan Minter.
3. She received an Oath of Office for Andrea Gilley as a Portsmouth Municipal Court Deputy Clerk.
4. She received on September 6, 2018 the franchise fee from Charter Communications in the amount of \$39,818.84 for the second quarter of 2018 and deposited in the Auditor's office.
5. She received from the Ohio Division of Liquor Control a request for a transfer of ownership from David A. McSweeney dba Speede Motor Mart Drive Thru located at 1217 Mabert Road and 2551 Gallia Street Portsmouth, Ohio to Aum Jay Shree Ganesha, LLC dba Dash Thru at the same location. There were no objections.
6. Trick or Treat night within the City of Portsmouth will be Tuesday October 30, 2018 from 5-7 p.m.
7. She offered her condolences to the family of Wayne Allen who was a journalist with the Community Common.

**Oath of Office
 for Shade
 Tree
 Commission
 members: S.
 Burke, J.
 Pratt, C.
 Massie, S.
 Collins, S.
 Dunne and L.
 Minter**

Councilwoman Aeh asked why City Council hadn't passed a resolution setting the date of Trick or Treat as they had done in the past. Clerk Ratliff stated that a previous City Council had changed it so that the City followed the date and time of the County's Trick or Treat. Councilman Meadows said he believed it was in either 2014 or 2015 that it was changed.

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.

Acting Mayor's Report – Mayor Johnson had no report.

City Solicitor – Solicitor Haas had no report.

Auditor Williams – Auditor Williams had no report

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Sean Dunne reported the following:

1. He advised that Ned Hill would be speaking at Shawnee State University on September 19, 2018 and will be talking about the future of Ohio cities. He was a judge on America's Best Community which was a competition that Portsmouth had applied. He thought it would be a great talk for both the public and members of faculty and staff. It will be a free event held in the Sodexo Ballroom at 7:00 p.m. He will also be taking him around Portsmouth to show him some of the things going on in the city.
2. He thanked Acting City Manager Sutherland for helping with everything such as code enforcement and a few other things.
3. He was contacted by a person from Detroit, Michigan that had an audio recording of an interview that he had with the former Portsmouth Spartans in the 1950's at a party at 2:00 a.m. He hoped to be able to digitize them and send them around to the community.
4. He said that another person from Detroit, MI contacted him about bringing a Minor League Baseball team to Portsmouth.
5. He spent 4 nights in the desert in Nevada at the Burning Man festival, and felt we should have more festivals here in Portsmouth and Scioto County.

2nd Ward – Councilwoman Aeh reported the following:

1. She received a complaint that she had already turned into the City Manager's office. The protective turn at the corner of Offnere and 12th Street isn't working.
2. She extended her condolences to the family of Wayne Allen.

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

1. He thanked Acting City Manager Sutherland for response to the complaints that he had reported.
2. He thanked Andy Gedeon who responded to the high weeds and grass reports.
3. He thanked the River Days Committee and all that helped with putting together the festivities. The fireworks were great and there was a good turnout.

4th Ward – Councilman Albrecht reported the following:

1. He thanked the Scioto County Joint Vocational School for the work they're doing at Greenlawn Cemetery.

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Lowe reported the following:

1. He thanked the Skate Park people for attending the Council meeting.
2. He thanked Acting City Manager Sutherland and Mr. Burd for interviewing today.

3. He extended his condolences to Wayne Allen’s family.
4. He thanked the Councilmembers that rode with him in the River Days parade – Gene Meadows, Jerrold Albrecht and Jo Ann Aeh.

The meeting adjourned at approximately 7:25 p.m. on a motion by Councilwoman Aeh.

City Clerk

Acting Mayor