

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday December 17, 2018
 6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday December 17, 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 (<i>Absent</i>)
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 Meadow’s absence was excused on a motion by Councilwoman Aeh. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

Council dispensed with the reading of the Journal for the Regular Session of December 10, 2018 on a motion by Councilwoman Aeh. The motion carried viva voce: **VOTE: ayes 5 – nays 0.**

There was no Public Hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Carl Compton – 2615 Ritchie Street Portsmouth, Ohio – He addressed Council regarding the lease for the boat club and stated he was the Commodore of the Shawnee Boat Club. He spoke with regard to the article that appeared in the paper and said that a Councilman stated that they were putting money in their pockets which was not the case; no one at their boat club had ever had a check handed to them for anything or royalties paid. He said the \$100 fee was fine and may seem slightly low but in consideration of what the boat club brings to the community with being the only fuel stop between the Greenup dam and Ripley, Ohio and if the city moved them out of their current spot, there would be no fuel between Portsmouth and Ripley. They bring in a lot of boaters from out of town and the club members have been more than helpful getting them into town to eat and stay at the local restaurants and motels. They provide services such as bathroom and shower facilities, and if someone comes in on a rinky boat or needs towed, the members help them out and they’ve also helped on recovery efforts. He said that he took the article as a personal slam to their club, as there was no evidence supporting anything in the article that was written. He asked for an apology for putting the defamation in the paper as there was no truth to it whatsoever and it had upset a lot of members. He doesn’t know where the Councilman got his evidence but he knew it was non-existent. He’s been with the club for almost 30 years and never had he seen anyone take a dime. He knew the lease was above board because Mr. Haas wouldn’t allow anything illegal. He mentioned the comment about “the good ole boys system”, he didn’t know of anyone that he was a “good ole boy” with, the lease would’ve had to come to him at some point and he doesn’t remember any backroom deals with anyone. He’s never ask Sam, John or Kevin, all whom he graduated with for any favors to help out the boat club. The boat club was self-supportive, they don’t get paid, the money was the money that they put into it, and they don’t take money out of it. He would like an apology because not only did he defame the boat club itself but it was being put back onto him because he is the Commodore of the Boat Club and that made him look like he was taking money or doing something under board and that wasn’t the case.

LEGISLATION

The clerk gave a **third reading**, to an Ordinance authorizing the acceptance of FEMA reimbursement funds into FEMA Grant Fund No. 261 and appropriate the same in order that funds may be distributed to the relevant departments funds from which expenditures were made.

Councilwoman Aeh motioned that this Ordinance be passed.

There were no 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 City Manager of the City of Portsmouth, Ohio to advertise for bids and to enter into contracts with the lowest and/or best bidder for required supplies, materials and services for 2019 in accordance with Ohio Revised Code section 735.05.

**Ord. #58 – 2018
 FEMA
 reimbursement
 and
 appropriation
 of funds**

**Ord. #59 – 2018
 Bids and
 Contracts for
 2019**

Councilwoman Aeh motioned that this Ordinance be passed.

There were no 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 appropriations from the unencumbered balance of General Fund No. 101 to the General Fund Operating Transfers Account No. 101.119.5901 and transfer to Municipal Court Grant Fund No. 201 in the amount of \$140,000 to enable Portsmouth Municipal Court Probation Department to maintain the current level of operation.

Councilwoman Aeh asked Manager Sutherland if he had followed up with the Courts to see if the positions were added as full-time because they knew that they had not provided security for Council meetings. Manager Sutherland stated that he found a letter that was from the Judges to the former City Manager that discussed the courts providing some pricing for security for the meetings and it was \$6,500 per year, but that was all he could find. Mrs. Aeh stated that this was through the courts and whether Council voted to pass the legislation or not, the courts could mandate it and the taxpayers would have to pay it regardless.

**Ord. #60 – 2018
Transfer of
additional
funds to
Municipal
Court for
Probation Dept.**

Councilwoman Aeh motioned that this Ordinance be passed.

Acting Mayor Johnson asked Mr. Sutherland to continue to check on this as he was curious about the security matter. He had done some checking himself and it was told to Council that there would be security for Council but he didn't know if it was deemed not feasible financially, but would like to know the answer.

Councilman Albrecht reiterated the amount that was supposed to be held out for Council meeting as being \$6,500 and Mr. Sutherland confirmed that was the amount in the letter. Mr. Albrecht commented that if the Courts weren't providing that service shouldn't that amount be removed from the \$140,000. Mr. Sutherland stated that was a possibility. Solicitor Haas said that during the course of the past year and he assumed that it would continue, the Probation Department had been very active in going out twice a month to do round-ups for drug activity. It was a lot of work and they do a good job.

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 to make appropriations necessary for the current expenses of the City of Portsmouth, Ohio for the months of January and February 2019 as provided for in Section 50 of the Charter of the City of Portsmouth, Ohio.

Councilwoman Aeh motioned to suspend the three reading rule as Auditor Williams had requested.

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

**Ord. #61 – 2018
Current
Expenses for
January and
February 2019**

Councilwoman Aeh motioned that 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 acceptance of \$447,000 from the Ohio Development Services Agency for the Abandoned Gas Station Cleanup Program and authorizing appropriation of same into Capital Improvement Fund #301 for same.

Councilwoman Aeh motioned to suspend the three reading rule as Manager Sutherland had requested.

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

**Ord. #62 – 2018
Abandoned Gas
Station
Cleanup
acceptance and
appropriation
to CIP**

Councilwoman Aeh motioned that this Ordinance be passed.

Acting Mayor Johnson advised that the readings were being waived due to timing.

There were no 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 to revise the Codified Ordinances by adopting replacement pages thereto. 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 readings as requested in the preamble.

The role was called. VOTE: 4 ayes – 1 nays (K.E. Johnson), the rule was suspended.

Councilwoman Aeh motioned that this Ordinance be passed.

Acting Mayor Johnson advised that he was not a big proponent of waiving the readings, he does not mind when it's a timing matter but he didn't that was the case.

There were no 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 payment of \$250.00 for 2019 to the employees of AFSCME Local 1039 and Local 1039C for a certain stipend when the city implemented health insurance plans that included certain deductibles in order that these employees receive the same benefits as other city employees enrolled in the city's health insurance plan.

Councilwoman Aeh motioned that this constitute a first reading.

There were no 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 \$61,750.00 from CIP Fund No. 301 and the acceptance and appropriation of \$17,250.00 from US Specialty Insurance, the city's insurance company, to Engineering Lighting/Traffic Signal Fund No. 301.112.5518 to complete the traffic signal renovation at Gallia and Gay Streets that was damaged by an automobile accident. 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 readings as requested in the preamble.

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

Councilwoman Aeh motioned that this Ordinance be passed.

Councilman Albrecht stated that the legislation reads that the city was accepting money from the city's insurance company. He wanted to know why the city's insurance was paying if it was a wreck and why wasn't the responsible party paying for the damages? Solicitor Haas advised that the city's insurance company pays for the damages and then they go after the other person's insurance to collect.

There were no 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 City Manager of the City of Portsmouth to renew the lease of Shawnee Boating Club, Inc. to allow for three (3) years beginning upon the date of execution of the Lease Agreement (Exhibit A) and ending January 1, 2022, and shall be renewable every three (3) years at a cost of \$100.00 per annum.

Councilwoman Aeh motioned that this constitute a first reading.

Councilman Albrecht asked if the lease would carryover since the lease ended on January 1, 2019. Solicitor Haas advised that it would go from month to month until a new lease was signed. He said there were years when there was no lease in place.

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

Ord. #63 – 2018
Updated
codified
ordinances

Ord. #64 – 2018
Appropriation
and acceptance
of insurance
check for
renovation of
traffic signal at
Gallia & Gay
Streets

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth to renew the lease of the Anchor Pad Boat Club to allow for three (3) years beginning upon the date of execution of the Lease Agreement (Exhibit A) and ending January 1, 2022, and shall be renewable every three (3) years at a cost of \$100.00 per annum.

Councilwoman Aeh motioned that this constitute a first reading.

There were no 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 City Manager of the City of Portsmouth to renew the lease of Sciotoville Boat Club, Inc. to allow for three (3) years beginning upon the date of execution of the Lease Agreement (Exhibit A) and ending January 1, 2022, and shall be renewable every three (3) years at a cost of \$100.00 per annum.

Councilwoman Aeh motioned that this constitute a first reading.

There were no 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 amending certain sections of the Codified Ordinances of the City of Portsmouth Ohio to substitute the words City Manager for the word Mayor.

Councilwoman Aeh motioned that this constitute a first reading.

Acting Mayor Johnson asked if it would be throughout the codifieds and Councilwoman Aeh replied only in the sections where it had not already been changed.

There were no 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 to appoint Sam Sutherland to the position of City Manager of the City of Portsmouth, Ohio.

Councilwoman Aeh stated that she felt this legislation had more to do with his contract, but moved that this constitute a first reading. Acting Mayor Johnson stated that each Councilmember had received a copy of the contract to review and Solicitor Haas had made some suggestions, but he had problems sending it via email, Solicitor Haas said that he would work on it and try to get it to everyone.

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

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

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She congratulated Sam McKibbin for having one of the studios at the radio station named in his honor. She stated that we don't say it enough but they appreciated all the media that was always present for every meeting.
2. She wished everyone a Merry Christmas

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 reported the following:

1. He received a phone call from Councilman Lowe about a sewer issue on Endicott Avenue. He met with one of the resident's along with the sewer crew and they were going to start working on the lines to figure out what was going on.
2. He reported that the water main from Kinneys Lane to 24th Street was in service and operating. They were currently filling the reservoir and on January 3rd the company is supposed to be back in town to finish the 3rd phase and get the booster station built. He hoped to have it all completed within the next month.

The 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: 5 ayes – 0 nays.**

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

1. He thanked everyone involved in the 80th annual Jaycees Christmas Parade and the Winterfest and breaking the Guinness World Record for the most carolers. He added that the community really came together and applauded everyone that was involved.
2. He thanked the media as well, he said they sacrifice family time when they are down here covering the meetings and no matter what you believe, Council meetings aren't always that exciting, but the media is down here covering it and passing it onto the community. He said they have always been very fair and thanked them again.
3. He wished everyone a very Merry Christmas from all of the Johnson family.

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: 5 ayes – 0 nays.**

Solicitor Haas' Report – Solicitor Haas reported the following:

1. He asked Acting Mayor Johnson if he had forwarded the PDF version of the contract to everyone and Mr. Johnson said that he hadn't but that he had tried to copy the comments but was unable. Mr. Haas said that he would work on it.
2. He wished everyone a Merry Christmas.

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: 5 ayes – 0 nays.**

Auditor Williams Report – Mr. Williams had no report.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Sean Dunne reported the following:

1. He attended Winterfest and it was great to see so many people out. He said there was a little pressure at the end to get enough people to participate and applauded the efforts. He said there were some issues raised about street closures for the event and that was something that needed reviewed.
2. He advised that he and Councilman Lowe were working on getting more music gigs at the stadium as well as some Blues and Barbeque concerts for renovations of Spartan Municipal Stadium.

2nd Ward – Councilwoman Aeh reported the following:

1. She congratulated Sam McGibbon on facebook but congratulated him again for the record.
2. She sent condolences to the family of Roberta Nickell's; her son Randy works for our Waste Water Department. She had known Roberta for 41 years.
3. She took part in the caravan for the opening of the Portsmouth By-Pass and thanked Councilman Lowe for letting her ride along.
4. She wished everyone a Merry Christmas.

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

1. He participated in the opening of the By-Pass as well, along with Clerk Ratliff. He didn't know if everyone had a chance to drive it but it is quite the scenic trip.
2. He reminded everyone of the change of date for the Board of Health Meeting, it will be Wednesday December 19th at 6:00 p.m.

4th Ward – Councilman Albrecht reported the following:

1. He congratulated Sam McGibbon.
2. He and his wife attended the luncheon for the Nursing Home Veterans, the meal was good as well as the company.
3. He wished everyone a Merry Christmas and a Happy New Year.

5th Ward – Councilman Meadows had no report due to absence.

6th Ward – Councilman Lowe reported the following:

1. He congratulated Sam McGibbon.
2. He thanked Mr. Sutherland for taking care of the issue in Sciotoville.
3. He thanked Miss Jo Ann for riding along with him on the by-pass opening. They had a blast and she can ride in his car any time.
4. He drove along the highway from start to finish going both ways and it was something else. He said that there had already been a wreck in the Highland Bend area.
5. He wished everyone a Merry Christmas and a Happy New Year.

Councilwoman Aeh made a motion to recess into Executive Session to discuss some contracts with the City Manager.

The roll was called and the motion carried: **VOTE: 5 ayes – 0 nays, Council recessed into Executive Session at 6:36 p.m.**

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 7:25 p.m.**

The meeting adjourned at approximately 7:26 p.m. on a motion by Councilman Lowe.

City Clerk

Acting Mayor