

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**  
 Monday January 13, 2020  
 6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday January 13, 2020 at 6:00 p.m., in the Council Chambers of the Municipal Building.

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
Charlotte Gordon	2 <sup>nd</sup> Ward
Kevin E. Johnson	3 <sup>rd</sup> Ward
Andrew McManus	4 <sup>th</sup> Ward
Vacant	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 December 16, 2019 and the Organizational Meeting of January 6, 2020 on a motion by Councilman Dunne. The motion carried viva voce: **VOTE: 5 ayes –0 nays.**

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

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

Vice President Dunne made a motion to recess into Executive Session for the purpose of interviewing candidates for the 5<sup>th</sup> Ward.

The roll was called and the motion carried: **VOTE: 5 ayes– 0 nays, Council recessed into Executive Session at 6:05 p.m.**

**Executive Session**

Vice President Dunne motioned to reconvene from Executive Session. The roll was called and the motion carried. **VOTE: ayes 5 – nays 0, Council reconvened with all still in attendance at 7:15 p.m.**

Mayor Johnson opened nominations for the 5<sup>th</sup> Ward Councilperson.

Councilman Lowe nominated George Davis, IV for 5<sup>th</sup> Ward Councilman.

Vice President Dunne nominated Edwin Martell for 5<sup>th</sup> Ward Councilman.

Mayor Johnson closed the nominations.

The roll was called for George Davis IV: **VOTE: 2 Ayes (T. Lowe, K.E. Johnson) – 3 Nays (S. Dunne, C. Gordon, A. McManus)**

The roll was called for Edwin Martell: **VOTE: 3 Ayes (S. Dunne, C. Gordon, A. McManus) – 2 Nays (K. Johnson, T. Lowe)**

**Appointment of 5<sup>th</sup> Ward Councilman Edwin Martell**

Clerk Ratliff stated that Edwin Martell would be the new 5<sup>th</sup> Ward Councilman.

Solicitor Haas administered the Oath of Office to Edwin Martell as the new 5<sup>th</sup> Ward Councilman.

**LEGISLATION**

The clerk gave a **third reading**, to an Ordinance authorizing the City Manager to offer for sale certain surplus City real estate located at 807 Washington Street, Portsmouth, Scioto County, Ohio, being Parcel Nos. 29-0377.000, 29-0387.000 and 29-0388.000, and further, authorizing the City Manager to enter into a contract for the sale of such surplus property and establish \$150,000.00 as a minimum bid for the sale of such surplus property.

Vice President Dunne moved that this Ordinance be passed.

**Ord. #01–2020 Offer for sale 807 Washington Street**

Councilman Lowe asked Manager Sutherland what would happen if the city did not receive the \$150,000 minimum bid, Manager Sutherland replied that it would not be sold. Mayor Johnson asked how the property

would be advertised for sale, he replied that it would be advertised in the newspaper as it was written in the ordinance as 3-parcels.

There were no further 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 to make appropriations necessary for the current expenses of the City of Portsmouth, Ohio for the months of January and February 2020 as provided for in Section 50 of the Charter of the City of Portsmouth, Ohio.

Vice President Dunne moved that the readings be waived due to time restraints.

The role was called. **VOTE: 6 ayes – 0 nays, the rules were suspended.**

Mayor Johnson explained for those present that Council had the ability to waive the three-reading rule in cases where the legislation needed passed immediately.

Vice President Dunne moved that the Ordinance be passed.

Auditor Williams explained the reason for the time restraint was that there must be a temporary appropriation ordinance in place by the first payroll which would be January 19, 2020 and there wouldn't be another regular Council meeting without calling a Special meeting.

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 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 2020 in accordance with Ohio Revised Code section 735.05.

Vice President Dunne moved that this constitute a second reading.

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

The clerk gave a **first reading**, authorizing repealing Ordinance No. 63 of 2019 to decline the acceptance of the SAFER Grant to hire six new firefighters as it is not economically feasible to do so.

Vice President Dunne moved that this constitute a first reading.

Councilman Martell stated that he had not had time to review all of the aspects of this ordinance. Mayor Johnson asked Solicitor Haas if Councilman Martell could abstain from the vote. Solicitor Haas stated that the item could be tabled; Councilman Lowe suggested tabling the item so that the new councilman could familiarize himself with the details. Mayor Johnson stated that it really didn't matter if he voted aye or nay, it was just a first reading and he would have plenty of time to review the details.

Auditor Williams addressed Vice President Dunne in that he (Dunne) had sent an email recently requesting some information and he had several pages of information that will be available sometime tomorrow. Mr. Dunne asked if it would be sent to all of Council, Auditor Williams replied that he was going to reply directly to him (Dunne) but if he would like, he would email it to all of Council. Mr. Dunne asked Council if they wanted to do a general summary discussion or should there be a meeting with the City Manager and the Fire Chief. Mayor Johnson replied that he would be in favor of Mr. Martell reviewing the information himself and then meet with Manager Sutherland to go over the numbers and information.

Chief Raison asked to speak and Mayor Johnson allowed it as it pertains to the urgency of the ordinance. Chief Raison explained that if Council decided to accept the grant, he wasn't sure he would have enough time to go through the hiring process by the deadline of the first of March. Physicals, background checks, drug testing all have to be done prior to hiring. Councilman Martell stated that he was alright with voting since he would have time to review the documents. Councilman Lowe stated he didn't feel like this was being fair to Councilman Martell. Councilwoman Gordon stated if they voted on it tonight the final vote would be on February 10, 2020 and if not, the final vote would occur on February 24<sup>th</sup>. Mayor Johnson said that the worst-case scenario would be that Council table it in the future.

Ord. #02-2020  
2-month  
Budget

Council McManus called the Question. The role was called. **VOTE: 6 ayes – 0 nays, the question was upheld.** There was discussion on whether or not the question needed a vote, it was decided that point of order/question was to be voted upon.

There were no further questions or comments. **The role was called. VOTE: 6 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 pertaining to items not on the agenda.

**MISCELLANEOUS BUSINESS AND REPORTS:**

**PURSUANT TO SECTION 7 OF THE CITY CHARTER  
CITY CLERK’S 2019 ANNUAL REPORT**

Regular Sessions	24
Manager’s Conference Sessions	24
Special Meetings	1
Organizational Meeting	0
Executive Sessions	20
Public Hearings	1
Citizens Addressing Council at the Public Hearing	0
Recess	2
Ordinances Passed	87
Resolutions Adopted	15
Additions to the Agenda	15
Readings Waived	36
Ordinances Amended on the Floor	6
Tabled Ordinances	4
Tabled Resolutions	0
Defeated Ordinances	0
Defeated Resolutions	0
Appointments by Council	18
Oaths of Office	27
Proclamations	18
Ohio Department of Liquor Control	
Notice of Permit Transfers	6
Request for New Permits	0
Notice of Stock Transfers	1
Citizens Addressing Council	
Items on the Agenda	57
Items not on the Agenda	28

**City Clerk’s Report** - City Clerk Ratliff report the following:

1. She received on January 3, 2020 a resolution from the Scioto County Commissioners regarding Indigent Representation.
2. She received from Auditor Williams notification that the Official Faithful Performance/Surety Bonds for all elected and/or appointed officials of the City of Portsmouth have been secured.
3. She received the Oath’s of Office on the following:  
M. Trent Williams as City Auditor - John R. Haas as City Solicitor  
Diana Ratliff as City Clerk - Kevin E. Johnson as Mayor  
Sean Dunne as Vice President - Charlotte Gordon as 2<sup>nd</sup> Ward Councilwoman  
Andrew McManus as 4<sup>th</sup> Ward Councilman - Thomas Lowe as 6<sup>th</sup> Ward Councilman
4. She received on January 9, 2020, the 2019 Annual report from the Solicitor’s office.

**Oath of Office**  
**M. Trent Williams,**  
**John R. Haas,**  
**Diana Ratliff,**  
**Kevin E. Johnson,**  
**Sean Dunne,**  
**Charlotte Gordon,**  
**Andrew McManus,**  
**Thomas Lowe**

**City Clerk’s Report-continued**

5. She received via email on January 10, 2020 from the Auditor’s office, the following summary statements of the Combined MTD/YTD reports for the period ending December 31, 2020:  
Expense, Revenue and Fund.

The City Clerk’s report was received, filed and made part of the record, on a motion by Vice President Dunne. The motion carried viva voce: **VOTE: 6 ayes– 0 nays.**

**City Manager’s Report** – Manager Sutherland reported the following:

1. He thanked the City Service workers and the First Responders for working on Saturday as the city was dealing with damages caused by high winds.

The City Manager’s report was received, filed and made part of the record, on a motion by Vice President Dunne. The motion carried viva voce: **VOTE: 6 ayes– 0 nays.**

**Mayor’s Report** – Mayor Johnson reported the following:

1. He had the opportunity to go with the City Manager on January 3<sup>rd</sup> to look at 7-8 issues in the 3<sup>rd</sup> Ward and surrounding areas. He commended the Manager and all of the city workers that helped because half of those were already done (pot holes, trees ready to fall, nuisance garbage).
2. He thanked the First Responders and all of those that went out to help with the wind damage. “My heart goes out to the folks that have the building and the church downtown and the different businesses that suffered damage”, he understood that there was a cleanup process in place and wished them all the best.
3. He and Councilman Dunne were interviewed on Community Corner this morning on WNXT AM 12.60 and they were able to cover a whole lot of topics. He stated that he would let Vice President Dunne talk about that in his report.

The Mayor’s report was received, filed and made part of the record, on a motion by Vice President Dunne. The motion carried viva voce: **VOTE: 6 ayes– 0 nays.**

**Solicitor Haas Report** – Solicitor Haas reported the following:

1. He submitted his annual report to Council and asked if anyone had questions. Mayor Johnson asked about the first line of the Portsmouth Police Department and he questioned only one felony for the year. The Portsmouth Police Department and the Scioto County Prosecutor’s office have decided to not run felonies through the Municipal Court any longer for arraignments; preliminary hearings were filed directly through the County Prosecutor’s office where they are sent to the Grand Jury, unless there was violence involved and they need to get someone off the street immediately. They have a computer set up where they can transmit all of the documents and evidence straight to the County which has been done for a couple of years. There were other agencies that will file felonies through the Municipal Court such as the Sheriff’s Department, Ohio Highway Patrol and New Boston. Councilman Lowe asked about the OVI’s for the Portsmouth Police Department. Solicitor Haas explained that there was a local ordinance which would include the first line of the report and, the one felony on the top line was under a city ordinance and anything which included putting someone in jail would typically be cited under state law which was the second line because the state then would pay the county for the jail time. He said that traffic violations would be cited under the city code so that the city would get the fine money. Councilwoman Gordon asked if the state got to keep the money when a State Patrol pulls someone over and the reply was “yes”. Mr. Lowe reiterated what Solicitor Haas said in that if Portsmouth wrote the ticket, the money goes to the state, Solicitor Haas replied that’s if it was cited under the state code, but on the other hand, the city wasn’t footing the bill for the jail which was why they do it, so that the city wasn’t stuck with a bunch of jail cost because sometimes the fine doesn’t cover the jail cost. Mr. Lowe commented that the city wrote 614 traffic violations and Solicitor Haas replied “yes” under the city code which included violations such as: stop signs, red lights, failure to control etc. and with the exception of the OVI’s a lot of the traffic cases that were cited, people pay the fine and they don’t have to go to court. On his report it listed 7,551 traffic cases but that doesn’t mean that 7,551 came to court.

Councilman Lowe asked about the “new lawsuits” filed against the city and wanted to know who was suing the city and what for? Solicitor Haas stated that the city hadn’t had any suits for at least a year, but they did receive one last month and he spoke with the insurance defense counsel last week. He said they received a case over a public records request, but the case was filed directly to the Court of Appeals, they skipped trial court and the case was sent onto the insurance carrier. He then received an entry from the court sua sponte, where an order was put on asking the person that filed the suit to file a memorandum indicating he was not someone else who had been determined to be a vexatious litigator and can’t file lawsuits. He wasn’t sure where they had obtained it, but for some reason he believed that they thought this was the same person that had been filing and been barred from filing. He said that the person that sent the public records request sent it via email and the Police Department had tried to respond to that same email address, however, the email bounced back and they had no other way to contact the person.

The Solicitor's report was received, filed and made part of the record, on a motion by Vice President Dunne. **The motion carried viva voce: VOTE: 6 ayes– 0 nays.**

**Auditor Williams Report** – Mr. Williams had no report.

**MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

**1<sup>st</sup> Ward** – Councilman Dunne reported the following:

1. He reiterated what Mayor Johnson had reported that he and the Mayor had been interviewed this morning on Community Corner. They were able to discuss recent events in the city, such as the New York Times article, issues from bad weather and wind damaged buildings and the All-American City application. They were joined by Rachel Riddle a student at Shawnee State University who was helping to write the application. The All-American City award was an award that the City of Portsmouth won in 1980 and they feel that currently Portsmouth had a very strong argument for winning this year. This was also explained to Nikki Blankenship of the Scioto County Daily news. He said the application shows that there was an increase of civic engagement with a high level of community participation and arguing that the city was not a utopia, which was not what the award was trying to show, but instead was showing how the city addresses certain issues and achieved certain accomplishments through civic engagement.
2. He spoke about The New York Times article and thanked Jeremy Burnside who first sent out emails to journalists that had written about Portsmouth in national publications. He added that from there he began a series of discussions and email exchanges with a New York Times journalist. The journalist arrived in early December and he thanked everyone that met with her and he thought it provided a very positive representation of our city in a national publication.
3. He hoped to develop some kind of program around caring for our historic buildings. He thanked the first responders and Fire Department for getting there so quickly and members of the community that have helped deal with the issues of critical damage with certain buildings.

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

1. She welcomed Councilman Martell and stated that she looked forward to working with him in the future.
2. She thanked Manager Sutherland and all of the first responders that cleaned up the mess. She concurred with Councilman Dunne in that the city needed to look at some type of overall historic building conversation.
3. She had the opportunity on January 10<sup>th</sup> to go to the 14<sup>th</sup> Street Community Center and be interviewed by Drew Carter who was the new President of the 14<sup>th</sup> Street Community Center. They were doing an online fund raiser. She recommended that anyone who wasn't familiar with all of the work of the 14<sup>th</sup> Community Center, to go get acquainted with the work they do, they were amazing, they feed a lot of children, they have senior groups, they have youth group, after-school kids, they have a second building in which they have office rentals available. It was a community asset that needed to be funded by the entire city.

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

1. He congratulated and welcomed Councilman Martell and said that he looked forward to working with him. He's excited about the future and all that he could bring to Council.
2. He believed that it was time to sit down with specialist on the preservation of the historic buildings in the city. He said that if the city couldn't afford an Engineer in the budget at this time, maybe there were services out there that the city could contract with and he thought the city should be proactive of the view of the beautiful downtown buildings to ensure that this doesn't happen to other buildings.

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

1. He congratulated Councilman Martell and looked forward to working with him.
2. He thanked the first responders and the Fire Department. He said when the storm hit, he was at his office and the first responders were there almost immediately.
3. He thanked Manager Sutherland for his help as he had a few constituents come to him with different issues. He said that in the 1700 block of Charles Street there was an issue with Community Common newspapers being thrown all over. He talked with Manager Sutherland who then contacted the Community Common to make certain that wasn't an on-going issue.
4. He also had a home essentially being turned into a business in which Manager Sutherland and Mike Winters were investigating zoning rules for that area.
5. He said there was a home on 7<sup>th</sup> Street where there were cars and a camper parked in the yard, which was an ordinance violation.
6. He thanked Councilwoman Gordon and Solicitor Haas for answering questions and he looked forward to working with Council.

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

1. He thanked Manager Sutherland and all of the first responders for all of the hard work that they do and to getting to those buildings quickly.
2. He thanked City Council for the appointment and looked forward to working with Council and he cannot wait to see what the future holds for the city.

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

1. He concurred with Councilman Dunne regarding the buildings around town and would support anything that would help fix some of the problems. He believed that if there were some type of inspections the city could be proactive instead of being reactive.
2. He said that he had noticed that most of the time there were not representatives from the Fire or Police Departments and he would like to see them in the crowd at every meeting. He said when he first started on Council, they were always present.
3. He thanked the first responders regarding the downtown buildings.
4. He wanted to know what street McKibben's corner is on? News Reporter Sam McKibben replied 6<sup>th</sup> and Chillicothe Streets.

Mayor Johnson asked Manager Sutherland if it would be alright to move the discussion regarding the Water Treatment Plant to the beginning of the Manager's Conference. The presenters have some traveling to do after their presentation and this would help them get on the road quicker. Manager Sutherland said that wouldn't be a problem at all.

The meeting adjourned at approximately 8:02 p.m. on a motion by Councilman Dunne.

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City Clerk

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Mayor