

MINUTES – REGULAR SESSION**PORTSMOUTH CITY COUNCIL MEETING**

Monday January 27, 2020

6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday January 27, 2020 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Vice President Dunne 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 (Absent)
Andrew McManus	4 th Ward
Edwin Martell	5 th Ward
Thomas K. Lowe	6 th Ward

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

Mayor Johnson'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 January 13, 2020 on a motion by Councilman Lowe. 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.

LEGISLATION

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 2020 in accordance with Ohio Revised Code section 735.05.

Councilman Lowe 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 **second 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.

Councilman Lowe moved that this constitute a second reading.

Vice President Dunne gave a brief review of the legislation:

Statements that have been given regarding the legislation

- Grant that would hire 6 new firefighters which would assist with Emergency Medical Response.
- Grant that was provided by FEMA and would provide 75% of funding for the first two years (salary and benefits) and 35% for the third year. After the third year, the program would pay for itself.
- The cost would be \$540,000 for the 6 position each year which included benefits and salary.
- As pointed out previously, the increase in calls/runs by fire would increase the revenue and build better services. He added that one way a program like this would seek to support itself was with the increased revenue and decrease in overtime.

Interpretations

- Those that support the grant would state that this was a great opportunity with financial support from a grant and would allow for the transition to take place without as much

**Ord. #03 – 2020
Advertise for
bids and enter
into contracts**

financial risk to the city. The opportunity that the grant provides would give that extra bit of assurance to the city if there were concerns.

Opposition

- There were concerns about the timing not being ideal due to the fiscal watch the city is in.
- The grant is a program that the city would be locked into for three-years.

He added that everyone needed to be aware of where we are at as a city. Council had reviewed different financial projections for the city that included the City Auditor’s financial projections which had also been reviewed by the State Auditor. It had been discussed that there be an outside source review the general numbers, however, the State Auditor came down and reviewed the City Auditor’s projections and he found them to be reasonable; after that there were no questions about the projections. Councilman Lowe asked Manager Sutherland how many firefighters had been added in the past four years and he stated he didn’t believe we had added any. Mr. Lowe asked Auditor Williams if this was feasible, Auditor Williams replied that he could not answer if it was feasible or not that would be the City Manager’s responsibility; he had given the amount that was available but how it is used and allocated would be determined by the City Manager. Auditor Williams also stated that he did forward updated numbers for revenue to the Manager but was sure that the Manager hadn’t had time to review. Manager Sutherland stated that the forecast was a draft in progress and now that the Auditor had updated numbers which will need to be entered to determine the city’s outcome, he hoped to have a solid answer to Council by the next meeting.

Vice President Dunne stated that there were arguments for and against that were valid and “when you vote one way, you are not saying the Chief was terrible or bad and if you vote the other way, it’s not saying that Trent’s terrible or bad”, there were just different interpretations. He said that it was an extremely important decision in which both sides would agree. Auditor Williams was speaking but his microphone was turned off. Manager Sutherland stated that the State would weigh in on this topic and whether they would let the city out of fiscal watch. He said there’s a lot of work that had to be done in the Enterprise Fund because they were all slim and he would probably have to make some unpopular decisions about raising rates and making sure that we run the city like a business instead of making it a political decision. There’s a new water treatment plant that the city needed to figure out how to pay for, there are streets caving in everywhere and sewers being in deplorable condition and these things are the hard reality that had to be looked at.

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 revising 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.

Councilman Lowe moved that the readings be waived.

The role was called. **VOTE: 4 ayes – 1 nays (C. Gordon), the rules were suspended.**

Councilman Lowe moved that the Ordinance be passed.

Councilwoman asked if it was truly an emergency, Clerk Ratliff explained that it needed passed so the Police Department could start enforcing the new laws. Councilman Lowe said he was disappointed because they’re amending the ordinances and he would have liked to have known what was being amended. He understood that it wasn’t the Clerk’s office and she said “yes” it was her office, however, we do not do the “Traffic Codes or General Offenses” that comes from the Ohio Revised Code. Auditor Williams stated that the Ordinance pertains to certain provisions of the Ohio Revised Code which there shouldn’t be any objection to that and secondly it stated that various ordinances have been passed by Council in 2019, which Council had already seen.

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 amending Section 175.07 (c) of the Codified Ordinances of the City of Portsmouth, Ohio – Licensing; Insurance.

Councilman Lowe moved that this constitute a first reading.

Councilwoman Gordon stated that the license fee was being increased to \$50.00, with the language provided to Council, one of the issues was that there had been people trimming trees without a license or permit which seemed like a whole separate issue than enforcement. She said that upping it by \$25.00 was not unreasonable, however, it seemed that one of the issues were that people were doing without an existing license and increasing it by \$25.00 would not help with enforcement and it was two different issues. She asked if anyone had ever been caught and fined for trimming trees without a permit. Clerk Ratliff stated that there was a new Service Department Director and they have changed procedures, and were now sending letters to tree trimmers to all local and surrounding areas. She added that the contractors would need to pay the fee or pay the \$500 fine; there was a process in place that had to be followed when someone is caught, in which the Police have to be notified and a report filed.

Councilman Lowe asked if there was a license also for them to be able to work in the city. Clerk Ratliff stated that each Tree Contractor had to be licensed and insured which is monitored by the Service Department. Vice President Dunne asked when the last time the fee had been increase, Clerk Ratliff replied 1998. Councilman Martell stated that Councilwoman Gordon brought up a very good point regarding the code enforcement aspect.

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 requesting the Scioto County Auditor, David L. Green, certify to the City of Portsmouth the total current property tax valuation of the City of Portsmouth along with the estimated property tax revenue that would be generated by the renewal or replacement of its one (1) mill Flood Defense System Levy.

**Res. #01–2020
1 mill Flood
Defense System
Levy**

Councilman Lowe moved that the Resolution be adopted.

Vice President Dunne remarked about the flood defense system levy and property tax revenue, and that he had been doing a review of the property tax collection and asked if it was all the County's responsibility to collect property taxes and there were a lot that had not been collected. He asked if there was anything the city could do because when a breakdown is done of where the money goes, just over 50% was going to schools and the schools were getting clobbered because they're not collecting the taxes. Auditor Williams stated the County Prosecutor would be responsible for pursuing delinquent tax payers. Councilman Lowe asked if the program that Council approved last year was ever implemented. Andy Gedeon said that it was not fully in place.

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

The clerk gave a first reading, to a Resolution requesting the advance payment of all taxes now standing to the account of the City of Portsmouth, Ohio, from the Treasurer of Scioto County, Ohio, and any and all other monies due the City of Portsmouth, Ohio, included in the certificate of estimated resources as issued and approved by County Budget Commission, and to be credited to the respective funds by the warrants received from the Auditor of Scioto County, Ohio.

**Res. #02–2020
Advance
payment of
taxes from
Scioto County
Treasurer**

Councilman Lowe moved that the Resolution be adopted.

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

The clerk gave a first reading, to a Resolution to authorize extending the terms of agreement between the Board of Scioto County Commissioners and the City of Portsmouth regarding providing representation to indigents charged in the Portsmouth Municipal Court.

**Res. #03–2020
Indigent
representation
agreement with
Scioto County**

Councilman Lowe moved that the Resolution be adopted.

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 – Clerk Ratliff reported the following:

1. She received on January 24, 2020 from the Scioto County Board of Elections, the estimated amount of \$1,753.82 that will be withheld for the November 5, 2019 election.
2. She received the Oath of Office for Edwin Martell as 5th Ward Councilman.
3. On January 22, 2020, she attended the “Portsmouth Today” event hosted by the Chamber of Commerce and Main Street Portsmouth. It was well attended and lots of events going on in Portsmouth.

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

City Manager’s Report – Manager Sutherland had no report.

Mayor’s Report – Clerk Ratliff reported on behalf of Mayor Johnson the following:

1. She stated that Mayor Johnson would like to re-appoint Ron McCain to the Cultural Affairs Committee.

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

Solicitor Haas Report – Solicitor Haas had no report.

Auditor Williams Report – Mr. Williams had no report.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Dunne reported the following:

1. He was still working on the application for All American City award which Portsmouth had previously won in 1980. He had also been working with Shawnee State student Rachel Liddle and thanked everyone that provided them with additional information. He added that they were open to more information as well if anyone had additional information on developments in our city. He said that it had been very rewarding to work on.
2. He said that he learned more about the PACE District which will be discussed more fully in the Manager’s Conference Agenda.

2nd Ward – Councilwoman Charlotte Gordon reported the following:

1. She attended the Land Reutilization meeting which was held at the Health Department, she said it was very informative and part of her learning curve to figure out who was doing what. She found it to be very interesting to learn about the process regarding how derelict properties got filtered through and back into the hands of people who will then pay taxes on the property.
2. She attended the Portsmouth Today meeting put on by Main Street and the Chamber and was very well attended and she agreed with Diana that there were a lot of great things going on in the city.
3. She attended the Business After Hours at the Holiday Inn and co-sponsored by the Roy Rogers Museum that was in the process of putting together a new museum.
4. She attended a Wes Banco meeting and explained that they had very low interest rates and were competitive for people redoing historic buildings. She added that there were a lot of the Boneyfiddle owners in attendance and believed it was actually a very good project for “For Profit” and “Non-Profit” businesses and mixed used buildings.
5. She met with David Kilroy who was the Director of the Kricker Innovation Hub. The Museum and the Kricker Innovation Hub are collaborating on a free seminar for artist that live within an 85-mile range of Portsmouth. It will be held in conjunction with the “Cream of the Crop” exhibit where the goal was 100 artists. This will be their first collaboration and the seminar will cover running an arts business, business structure including taxes, business planning and marketing.

3rd Ward – Councilman Kevin E. Johnson had no report due to absence.

4th Ward – Councilman McManus reported the following:

1. He thanked Manager Sutherland as he had a few constituents approach him regarding different issues with trash. There was also a home that looked like it needed condemned.
2. He and Manager Sutherland met with a Teacher at Portsmouth High School that has a multi-disabled class that have to cross from the library to the school and would be interested in having a light installed for the students.
3. He had another constituent contact him about recycling.

4. He is putting together a rental information packet which will be put at the Welcome Center for not only students, but anyone that will be renting a home. He added that there were different laws they can look into such as landlord laws.
5. On January 24th he and Councilman Martell attended a library event in which they met Ohio's First Lady Fran DeWine. He said the program is set up so that once a parent signs their child up from birth to age 5, their children would receive a book once a month. This is a free program.

5th Ward – Councilman Martell reported the following:

1. He thanked Manager Sutherland and the city workers for quickly fixing a water break.
2. He wished Mayor Johnson a speedy recovery.
3. He congratulated all of the recipients of the Martin Luther King scholarships. He believed what the group was doing for the community in providing academic scholarships to students was awesome.
4. He appointed Monique Harmon to the Cultural Affairs Committee and believed her to be an asset.
5. He thanked Chris Smith for the tour of the Health Department. He said all of the employees were very helpful and brought him up to speed on all of the programs.
6. He said there were concerns from residents at Kendall Heights aka Wayne Hills. He spoke with Manager Sutherland regarding the issue.
7. He met with Peggy Rice from PMHA, they will be working together to help find resolutions to a lot of the concerns at PMHA. He thanked her for meeting with him.
8. He said during the meeting with PMHA, he was excited to learn about a project called "The Hisle Park Apartments" which is named after Major League Baseball Player Larry Hisle, they were hoping to break ground sometime in the Spring. He thanked Councilman Lowe, Mayor Johnson and Vice President Dunne for helping to pass the legislation to allow this project.
9. He thanked Chris and Stephanie Neff for all the hard work that they do with cleaning up Mabert Road, Thomas Avenue and around the Kendall Heights area.
10. He attended the Business After Hours at Oscars and thanked Phillip Jones of the Roy Rogers Museum for the invite. He thought it was fantastic, the food was great and great conversations.
11. He thanked Councilman McManus for inviting him to attend the event at the library and the pleasure of meeting Ohio's First Lady Fran DeWine.

6th Ward – Councilman Lowe reported the following:

1. He was compiling a list of possible safety issues in his ward where the city might be liable.
2. He asked Manager Sutherland if he had received his email regarding Poplar Heights.
3. He congratulated Grace Smith who was chosen to represent East High School in the upcoming River Days Pageant.

The meeting adjourned at approximately 6:48 p.m. on a motion by Councilman Lowe.

City Clerk

Acting Mayor