

**MANAGER’S CONFERENCE MINUTES**  
**Portsmouth City Council Meeting on**  
**March 9, 2020 – 6:50 p.m.**

Members 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
Edwin Martell	5 <sup>th</sup> Ward
Thomas K. Lowe	6 <sup>th</sup> Ward

Also present was City Manager Sam Sutherland, Solicitor John Haas and City Clerk Diana Ratliff. Auditor M. Trent Williams was not present.

1. **North End Reunion Appropriation** **CM-20-14**

Manager Sutherland stated that they had received a request for a donation to the North End Reunion to help fund their celebration that they’re scheduled to have this year.

Councilman McManus ask why the North End Reunion group had not applied for the Hotel/Motel award. Clerk Ratliff explained that it was up to each organization to apply and she wasn’t sure if they were a 501c3 or not, Councilwoman Gordon stated that she didn’t believe they were a 501c3.

Mayor Johnson asked why the event had changed from a 4-year event to a 3-year event? **Kay Barlowe – 2017 Waller Street Portsmouth, OH** replied that it had been every four years but in 2017 they voted to make it every three years. She said that the last event had over 400 and they’ve already started receiving reservations in our local hotels. She hopes that the number goes over 600 this year. Councilwoman Gordon asked for the date of the event and Ms. Barlowe replied that it would be July 3<sup>rd</sup> through July 5<sup>th</sup>. They are not a 501c3 but they run most all their money through the 14<sup>th</sup> Street Community Center. Mayor Johnson inquired about the increase in money request from \$2,500 to \$4,000 and Ms. Barlowe stated that their event isn’t every year but every three years and they do bring in people to the hotels and restaurants.

Councilman Lowe motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

2. **PACE Financing Resolution – MOVED TO COUNCIL’S AGENDA** **CM-20-15**

3. **PACE Financing Appropriation** **CM 20-16**

Manager Sutherland stated that this was the \$4,500 in legal fees and he wanted to have the money appropriated to keep moving forward.

Councilman Lowe motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

4. **Street Art Project** **CM 20-17**

Manager Sutherland asked Vice President Dunne to cover this item. VP Dunne stated that this was the result of Mr. Williams and others moving forward with a street art project. The location that was proposed and agreed upon was a portion of the old flood wall located behind the restrooms on the river side of the levee. He said other cities were dedicating spaces for street art and Mr. Williams had formed a committee to help govern it and will erect a sign establishing rules and he felt it would be a great addition to

Portsmouth. Councilman Martell asked if other areas could be added and VP Dunne stated that some businesses had already expressed interest in bringing Mr. Williams and others to put art onto their buildings. Mr. Williams said there would be 7 members on the committee with established rules such as: no hate speech, no curse words and the committee would govern the art to make sure there were no unwanted words and if there were, they would paint over it. He said it would be family friendly. Councilwoman Gordon asked if there would be any kind of prep to the wall to prevent peeling, Mr. Williams stated that there would be some kind of primer used and he uses a paint pole to reach the higher areas. Councilman Lowe asked if this needed to be modified because a lot of different things were being discussed. VP Dunne stated that this would be at least step one and then if there were additional locations or issues with liabilities that could be put into the next legislation. Solicitor Haas stated that if the businesses were in the Boneyfiddle area they would need to go before the Design & Review Board to be approved.

Councilman Lowe motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

5. **Scioto County Heritage Museum**

**CM 20-18**

Manager Sutherland said that Council requested to enter into a Memorandum of Understanding with the Scioto County Heritage Museum, LLC. Councilman Lowe asked if the museum would still go into the Marting's Building Annex. Mr. McHenry who is the President of the Scioto County Heritage Museum stated that they had been working on this since May of 2019. This project would celebrate the rich history of Scioto County and they are a 501c3 non-profit LLC, they have a Board of Directors, a constitution, and by-laws. They would like Council's permission to get rolling with this museum. Solicitor Haas stated that this would be the first step because they were not ready to lease yet, but would like to fundraise and then at some point, when they're ready to lease, terms could be discussed. Mr. McHenry said that they needed an address so that they could put together a business plan. VP Dunne asked what would happen if someone else wanted to come in and make use of the building. Solicitor Haas stated that there would be more of an issue if there were a lease agreement but with the MOU it doesn't cause issues with respect to a sale. Mr. McHenry stated that there was a termination provision in the agreement which could be enacted by either party. Mayor Johnson asked if the building met with the current fire codes and in line with ADA (Americans with Disabilities Act) standards, Chief Raison replied that he didn't know what condition the annex was in, but the ADA compliance would need to come from a building official, but if that were the standard, there would be a whole lot of buildings in the town that wouldn't be occupied. Mr. McHenry stated that if they do not change anything structurally, they were compliant with the ADA. After much discussion they decided to move forward.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

6. **Hotel/Motel Tax Fund Disbursement**

**CM 20-19**

Manager Sutherland stated that this was for the disbursements to various non-profit organization in the amount of \$26,320.42 and there was a copy of how the funds will be distributed.

Councilman Lowe motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays – 1 Abstain (C. Gordon)**

7. **2020 MARCS Radio Grant for Fire Department**

**CM 20-20**

Manager Sutherland stated this was a grant for the Fire Department in the amount of \$30,000.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

## Discussion

1. **Hunting within City Limits** – Mayor Johnson had requested that Council have a discussion regarding this matter as someone had come forward to propose bow hunting within the city limits to hunt coyotes, in fact, he had just seen a video of a coyote in the city. The gentleman wasn't present to speak about it and Mayor Johnson asked that the topic be put on hold.
2. **Update Discrimination Language** – Vice President Dunne had requested that some of the ordinances and maybe the charter be updated with discrimination language. VP Dunne stated that there were three different general areas: Accommodation, Housing and Employment and he had only received information about one area, but would like to have it reviewed and whatever was found could be updated. There was a group that was interested in working with the city called Quality Ohio and he would like them to review it because we don't know where to look. He asked Manager Sutherland to meet with the people at Quality Ohio. Solicitor Haas asked if it would apply to private citizens or private businesses antidiscrimination language, with respect to employment; would it be criminal or civil if they deny someone a job. VP Dunne stated that there was legislation in the City of Westerville which had a Council/Committee similar to our city and that our city already had something in place for discrimination and a committee that addresses complaints about discrimination, Solicitor Haas stated that what our city had in place was for housing only. Solicitor Haas stated that he wasn't sure what was being proposed. VP Dunne asked if he wanted to meet with Quality Ohio and Solicitor Haas said "yes" and Manager Sutherland said in his opinion when it comes to employment there was a private sector and a public sector and each had different rules and different rules apply to different folks. Solicitor Haas stated that the city doesn't have any housing and as far as accommodations, the city doesn't turn people away or make them use the back door or drink from a separate water fountain and he doesn't have a problem with it if it's just the city, but where there might be trouble is if we try to apply some of this to the general public. There was a famous case of the "wedding cake" and the Supreme Court answered to that case. He added that this might be an issue, that as a city, we would be opening ourselves up to a potential lawsuit. VP Dunne asked about the two other areas and what we currently have, Councilwoman Gordon asked if someone could be evicted if it were found out that they were gay or transgender with no repercussions to the landlord. Solicitor Haas stated that if in the terms of their lease it says "you can't be gay and live here". Ms. Gordon stated that she had lived in another city in Ohio that it could actually happen, you could lose your job and housing if you were gay and because it was not protected under the city ordinance. Solicitor Haas said he would have to do some legal research because after that Supreme Court case came up, he just wasn't sure; he cited another case where the Catholic Hospitals were not giving benefits for women's reproductive health. He continued by saying that there had been some changes in the law and he didn't know how it would affect the city if we're trying to legislate civil or criminal type felonies for discrimination. He said there were Federal laws that protect certain classes, but this would involve some legal research. VP Dunne stated that we could meet with the people that have helped develop the legislation, Solicitor Haas stated that they really need to meet with both sides, the people that have developed the legislation and the people that would file a lawsuit because at least then we would know where we're headed. VP Dunne added that there were close to 30 other cities that had passed similar updates and it would be great if we could learn from the language in other legislations. Solicitor Haas stated that he could reach out to the Ohio Municipal League and Municipal Attorneys Association and asked them their thoughts. Solicitor Haas stated that he would be on vacation for 7-10 days between now and the next meeting. VP Dunne asked if a phone call could be arranged and Mr. Haas said that it needed to be this week before he left on vacation. VP Dunne asked that in the meantime, if Solicitor Haas could gather the information on the other two areas that he had asked about at the beginning of February, Solicitor Haas said there's nothing in the ordinances about the other two areas and the issue was mostly covered by State or Federal laws as far as protected classes and civil rights legislation under the 14<sup>th</sup> amendment.
3. **Council Packet Delivery/Timing** – Mayor Johnson said that he had spoken with a few Council members and explained that they receive their packets on the Friday before Monday's Council meeting and Councilwoman Gordon stated she hadn't been receiving hers until Saturday. He asked if there were any way they could get the packets earlier such as the Wednesday before Council. He said receiving them late on Friday or Saturday made it tough to look over them prior to the meetings. Ms. Gordon asked Clerk Ratliff if there was a difference in what comes in the packet to what she emailed,

Clerk Ratliff stated that the only different would be if there was a piece of mail that came such as sometimes mail comes to Council from SSU, Scioto Foundation, a personal piece of mail or your W-2's those get put into the packets, but for the most part, what was received via email is what was sent out in the packet. Ms. Gordon said that she received the email on Thursday and it was really great having an extra day to go through it all. She said that sometimes she has questions she needs to ask Sam and hated to have him bombarded with questions on Monday's before the meeting. Councilman Lowe stated that he has had his Council packet emailed to him for a long time and to him that's the only way to go. #1 we're not sending an officer out to hand deliver packets which took an officer off the street and he was content on receiving the information via email, however, it would be nice to get it a little bit earlier. Mayor Johnson stated that he liked the paper packet and the police were by his home all the time so it's not that big of a deal for them to stop it off at his home. He added that he just didn't know because he doesn't do the Clerk's job, the Solicitor's job or Sam's job, what does that put on each of them. Solicitor Haas said that he usually had council letters from the conference agenda that he uses to create legislation and it could be done within a couple of days after the meeting. Clerk Ratliff stated that only worked if all the information was in the City Manager's Council Letters that the Solicitor uses to create legislation, however, sometimes there's not enough information and research needed to be done prior to legislation being completed; sometimes it's a line item number or specifics that need to be included in the wording, but there were times that we could have most of the legislation done. Manager Sutherland cautioned that there were times that Department Heads brought items to him to put on his agenda after the time that Council was requesting. Mr. Sutherland said that once Council had discussed items on the conference agenda, they moved to Council's agenda, but they had already been discussed and Council knew what was coming and that shouldn't change a whole lot from meeting to meeting.

Clerk Ratliff asked for the record when does Council want the packets, Mayor Johnson asked for the packets to be delivered on Wednesday. Clerk Ratliff added for the record, if Manager Sutherland had add-ons, they would not be delivered in addition to what had already been delivered, but Manager Sutherland could amend his agenda and they would be on the table for Council to discuss at their next meeting. Mayor Johnson asked if they could just be put on the following Conference meeting, Clerk Ratliff stated that would put legislation two weeks behind, Manager Sutherland stated that it would depend on what was being requested, but it wouldn't hurt to try it.

Manager Sutherland stated that Solicitor Haas may have some items to be discussed in Executive Session, but he definitely had an item he needed to speak to Council about in Executive Session.

The meeting adjourned at 8:15 p.m. on a motion by Vice President Dunne.

Submitted by: *Diana Ratliff* – City Clerk