

**MANAGER’S CONFERENCE MINUTES**  
**Portsmouth City Council Meeting on**  
**April 26, 2021 – 7:10 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
Lyvette Mosley	4 <sup>th</sup> Ward
Edwin Martell	5 <sup>th</sup> Ward
Dennis Packard	6 <sup>th</sup> Ward

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

1. **PCFO** **CM-21-33**

Manager Sutherland stated that a draft ordinance was emailed to Solicitor Haas for review. Vice President Dunne explained that this followed up with making Portsmouth a more sustainable city and he had volunteered to be a contact person. He said that one thing they want to work toward was an assessment of the city to see ways in which we could be more sustainable. He advised that it may take a while for us to get the assessment but felt it was a step in the right direction.

Vice President Dunne motioned to accept alternative #1.

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

2. **PURCHASE OF LENCO MEDCAT** **CM-21-34**

Manager Sutherland reminded Council that this item had been presented previously and that Council advised they would like to have grant money for this item. He said that he and Auditor Williams did some digging into the finances of the city and found approximately \$81,000 in left over grant money and the Auditor’s office would like to be able to close out and get off the books and that would solve some of Council’s concerns.

Vice President Dunne asked about the sentence “These funds consist of grant dollars that are no longer active and were obtained by the Police Department” and if that was part of the \$1,680.86? Manager Sutherland explained that the \$80,000 were balances that had already been placed in the budget and already appropriated by Council. Those amounts were grant dollars that had been laying there forever and were carried over from year to year. Mr. Dunne asked if there were any new grant funds and Mr. Sutherland said “no” this was old grant money that needed cleared off the books. Mr. Dunne stated that he would not be supporting this for a number of reasons. As he stated in his ward report, there was a crisis in Code Enforcement and they’ve tried for years to make certain changes and have hit opposition in those changes. He said it was deeply troubling to him that there was a concerted effort to try to get this item done and it begged the question of why wasn’t there the same urgency for Code Enforcement. The application of revenue from the Impound Lot of \$45,000 per year could be used toward replacing different parts of the fleet of the Police Department which wasn’t a small amount of money and he felt that the money could go towards the fleet. He said that previously his objection was “why aren’t we going after grant money to try and pay for the item?” which they still were not doing in this proposal. He said instead, money was found that had to be spent and if we’re thinking about this proposal and about a way of improving the general safety of the city which was obviously a goal everyone would want, why weren’t we spending that money on roads because statistically we’re all more likely to die in a car accident then in some type of mass shooting event. Roads, street signs etc. need immediate improvement and he doesn’t understand why the money would be directed for this purchase when they know there’s other things that carry far more risks to our lives and he doesn’t see this as a priority over road safety. He said that the city wasn’t moving quick enough or not much at all with code enforcement and it was a crisis that needed addressed immediately.

Mayor Johnson said that he does support the purchase but was apprehensive that all of the sudden we've found \$80,000 in grant money. He asked Manager Sutherland the price of the Medcat and he replied \$265,000; currently \$79,000 had already been appropriated from the grant money and to make up the difference in the \$79,000 and the \$80,680.86 Council would need to appropriate \$1,680.86 to make those two totals add up to the \$80,680.86 and the \$45,000 per year coming from the Impound Lot fees; he added that the cost may have gone down to \$255,000. Auditor Williams stated that if appropriated, it would be used by the Police Department for whatever they desire or if not used, it would be carried over again. Councilwoman Mosley stated that sometimes when you receive a grant and don't use all of the money, they want you to return it and asked if this could possibly be the case? Auditor Williams said that they have not asked for the money to be returned and they've had it for a couple of years.

Solicitor Haas asked Auditor Williams if it was Police grant money, then that money would have to be spent by the Police, and couldn't be used on roads, is that correct? Auditor Williams replied that was correct.

Vice President Dunne stated that there were 6 marked vehicles for \$304,000 which he did approve of and therefore that money could be used toward the Medcat and would allow for an allocation of more money for roads in the CIP budget.

Councilman Packard asked if the vehicle was a 4-year lease to purchase and Mr. Sutherland replied "yes" it would belong to the city after 4-years.

Councilman Martell said that it was explained that every year the city buys 6 new vehicles at \$304,000 and asked why that grant money couldn't be used by the Police Department to purchase one of those new vehicles and asked if there was a reason why we get 6 new vehicles every year. Manager Sutherland said the reason for that, is they wear them out every year.

Councilwoman Gordon said that there were different ways to look at every subject and certainly the financial aspect of this was important. She said there was also the intrinsic value in having a vehicle like this and she brought up the mass shootings that have taken place in the United States this year, which was staggering and overwhelming. She said these shootings were happening pretty much anywhere, they happen in spas, in grocery stores and also in schools. She explained that she had previously had a conversation with a parent whose child was at the Margory Stoneman Douglas School during the mass shooting that happen there and the conversation had left an impact on her. She said in the moments that there was a crisis/shooting and your child was in a school and you don't know if your child had been shot, but you knew that there had been children shot; she knew that this vehicle could be used to assist. She said that in the Las Vegas mass shootings, these types of vehicles were used to move people. She said that she hoped she never needed something like this, but seen the importance of having it.

Vice President Dunne said again that it had been years that they had been trying to improve Code Enforcement and the one change were hand written notes that were received and some of the categories were like: 1:00-3:00 wrote letters about grass, and that was the urgency that management showed in Code Enforcement after years of Council trying to do something about it. Council essentially had to do managements work for them at the end of last year when they passed an agreement with Shawnee State University to organize and visualize data in Code Enforcement. He had told members of the 1<sup>st</sup> Ward and other Council people to get ready because what this data would show was how horrible Code Enforcement had been in this City. He attended a meeting in March with Code Enforcement and the Code Enforcement Officer wasn't even aware that they should have been compiling these spreadsheets that were going to be sent to Shawnee State University. He said there were multiple levels of failure with individual, cultural and structural. He said that from December until April there was motivation to try and get this done and Council kept hitting road block after road block with Code Enforcement. He said to fellow Councilmembers that support this legislation, that this was work that was supervised by the Police Department which only further added to the point that Code Enforcement must be put into a department outside of the Police Department. He said if the argument was that it was very important and one of the opinions were that the Police were doing more important work than Code Enforcement, and in that sense Code Enforcement should be moved into one department where everyone knew what the other was doing because currently there was all types of confusion. He would ask for this to be delayed because the only thing that had changed was that money had been found and not received from additional grants.

Councilwoman Gordon asked if this vehicle were purchased, would it preclude the City from fixing any streets or lining any streets and Mr. Sutherland replied “no” that it was two separate pots of money.

Solicitor Haas said that with the topic of Code Enforcement, he reminded Council that the Charter was very clear that Councilmembers were not to interfere with the Administrative duties of the Administration of the City and that Council was legislative only. He had heard a lot of talk about different things and felt the line was very close to being crossed if not already crossed. He cautioned members of Council when you’re dealing with, especially Code Enforcement, Council needed to understand that they’re not to interfere with Manager Sutherland’s administration of the city.

Auditor Williams mentioned to Solicitor Haas that if this item was moved on, that there was a typo in the last paragraph under the fund numbers, it says 231 and it should be 213. Councilman Packard stated that with the pandemic there was a shortage of Officers, however, this vehicle could only be used by SWAT in which there wasn’t a shortage.

Councilwoman Gordon motioned to adopt alternative #1.

Councilman Martell asked if the city could take some of that money from the CIP fund to buy this vehicle. Instead of Council approving the CIP and 6 vehicles, why not take that money and buy the Medcat? Mr. Sutherland stated that ultimately that would be Council’s decision.

There were no questions or comments: **VOTE: 5 Ayes – 1 Nay (S. Dunne)**

3. **COMMUNITY DEVELOPMENT DIRECTOR SALARY**

**CM-21-35**

Manager Sutherland stated that they had started discussing this in March and was tabled until the April 12<sup>th</sup> meeting with no action was taken, but was brought back with the salary comparison. Vice President Dunne stated that the additional information provided was a track record of various accomplishments from the Community Development Director. Mayor Johnson ask Manager Sutherland about the city being on Fiscal Watch and was the State Auditor’s watching what this looked like on paper and the probability of the city coming off Fiscal Watch. Mr. Sutherland replied that financially the city was in a better position than it ever had been, but the issue was that the State Auditor had reviewed the forecast that the city had given them and then the raises were put into play after the fact and then the forecast becomes a constant moving target. The City needed to lock into a decision of whether to give raises or not so that we could get out of Fiscal Watch but as long as it’s moving, the city would not get out of watch. He said that we could afford it but be advised that we’re moving in a direction in which other Department Heads, in his opinion needed to be looked at. Mayor Johnson asked Manager Sutherland if he recommended voting for this raise? Mr. Sutherland stated that his personal opinion was that he wouldn’t have voted for any of the raises until the city was out of the Fiscal Watch. Once the Union contracts were negotiated and the Non-Union employees also received raises because of the ordinance from 2017, it was in the forecast, but when drastic moves were made, that’s when people start raising their eyebrows. He also asked Council to consider raises for the other Department Heads. Mayor Johnson said that if we give this raise and consider the other Department Heads, then Fiscal Watch was where we would stay for a while. Mr. Sutherland wasn’t sure but said that it needed to stop being a moving target. He wasn’t sure that the other Department Heads would come forward but it wasn’t good for morale which was of no offense to anybody but the salary study clearly shows that we have Department Heads that were way underpaid. Mayor Johnson asked if the city would see any ramifications from the Union and Mr. Sutherland replied on the record “that’s already happened” and again he negotiated all of the contracts and felt everyone was satisfied with the contracts and then a couple of raises got put into play and eyebrows have been raised and whomever negotiates those contracts the next time, will have a tough road to hoe because of what’s happened and factfinder would probably take a look at it and it could be of concern.

Vice President Dunne stated that the salary comparisons had been done and his opinion was that the raises could be handled in an incremental manner particularly because we are on Fiscal Watch as a City.

Vice President Dunne motioned to adopt alternative #1.

There were no further questions or comments: **VOTE: 4 Ayes – 2 Nays (K.E. Johnson & D. Packard)**

4. **McKINLEY POOL DONATION**

**CM-21-36**

Manager Sutherland stated that they had received an anonymous and generous donation of \$20,000 to go to McKinley Pool and need Council to appropriate the money.

Councilman Martell thanked whomever the donated the generous amount of money.

Councilman Dunne motioned to adopt alternative #1.

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

**Discussion** –

**Vacancy Tax** – Councilman Martell asked Solicitor Haas to draft an ordinance, but had a few modifications he would like to have on it, one of which was to take off the word “tax” and replace it with “vacancy fine”. The other change was instead of doing the \$6,000 for Business and \$3,000 for Residential to do \$3,000 Business and \$1,500 for Residential with the same exemptions as was in the sample. He also wanted to change where it said 60 days vacancy for ours to say 90 days. Solicitor Haas said he would put something together. Move onto the CM Agenda

**City Liquor License** – Councilman Martell said that they would need to deem 15 acres of land proportioned and a Resolution stating that this particular 15 acres was our community entertainment district. He requested to meet with Manager Sutherland to go over a mapping area which would hopefully include most of the downtown and Chillicothe Street. Keep as Discussion.

**Martings Building for Pop-Up Businesses** – Councilman Martell said that this would be utilizing vacant buildings such as what they’ve seen with the Heritage Museum. He was hopeful to be able to use the Martings Building for these pop-up businesses. He asked Manager Sutherland if he had received a cost estimate on the price to bring the restrooms up to date. Mr. Sutherland said that a contractor had looked at it and they were waiting on that number. He would also like to meet with Solicitor Haas to go over lease details for multiple businesses. Mr. Sutherland said that CB Hermann stopped in because he had heard that the city was thinking of doing this and said that the insurance may have to change from what we’re currently paying. Mr. Martell stated that the city would be collected rent and hopefully accumulate some sort of funding from it. He had spoken with David Kilroy at the Kricker Innovation Hub and they had programs that were rolling out next month about entrepreneurs and starting up new businesses in which Mr. Kilroy expressed interest in helping the City to facilitate new entrepreneurs starting up businesses and utilizing that space as well. Keep as Discussion.

**Questions and Answers during Council Meetings** – Mayor Johnson said that he had a gentleman reach out to him a while back wanting to know why Council doesn’t accept questions or answer questions when a person speaks to Council either by email or in person and felt that Council should be addressing that person’s question. He said that when someone spoke to Council on items on the agenda or items not on the agenda, that it was an unwritten policy that Council not do a Q & A or respond to matters that night. Council listens and typically whatever ward that was referred to, that Councilperson would get back with the individual. Mr. Johnson felt that at Council meetings sometimes run 3-4 hours long which was quite lengthy and sometimes there were questions that could be posed to Council that could not answer right away. Councilwoman Mosley stated that she had just mentioned this to Councilwoman Gordon and questioned why Council doesn’t answer questions. To her, it looked like the Clerk reads it and then Council just moved on. She wished she would’ve known earlier because if it was someone in the 4<sup>th</sup> Ward, she could contact that person directly and answer their question.

Solicitor Haas said that the idea was admirable but wasn’t a good methodology for answering questions. He said that he sometimes complained to Council about coming to a meeting and getting a question when it could’ve been sent via email or something beforehand. He said that years ago the meetings weren’t like this, you had people who would come and speak at every meeting and would sometimes say good things but mostly bad and if that would turn around and come back, Council meetings would be a nightmare. You are not a Press Officer; you are a Councilmember and you should have the opportunity to think things through and respond accordingly.

Councilwoman Gordon agreed with Solicitor Haas and stated that Council received their packets early and when she arrived at Council meetings, she's very focused because she's researched what she's had to research and felt she was prepared for what was being covered, but to then get a question out of left field, she would want time to think about the answer to know that she was answering appropriately. Also, Council wouldn't know if that person that posed the question was even listening on FaceBook to receive the answer. She said that Council as a whole was available to the public and were good at answering calls, emails and questions. Constituents know that Council was available and a lot of those questions could be asked at other times rather than at a Council meeting. (No further action being taken)

**Lights at Mound Park Pickle Ball Courts** – Manager Sutherland stated that once he got wind of this, he and Auditor Williams put it in the CIP budget and it should happen quickly. Mayor Johnson said that Councilman Martell had mentioned lights on the basketball courts also, which could be look at later. (In CIP Budget no need to do anything else)

**Bee Keepers in the City Limits** – Councilwoman Gordon said that a constituent approach candidate for Council Andy Cole about bees not being allowed in the City limits. She said that she and Councilman Martell had spoken with Logan Minter from Shawnee State University and he explained that honeybees were not native to Ohio and weren't overly aggressive. She said that Drew Carter had approached her about putting bee hives into the gardens that he's putting together. Honeybees were not the same as yellow jackets which were very aggressive, but honeybees will defend their hives. Mr. Minter informed her that the benefits of pollination from a colony of bees extends much further out then you would expect it, not just in the surrounding yards but they do travel a great distance which helped with the growth of plants.

Health Commissioner Chris Smith stated that about 8-years ago there was a problem with chickens, horses and all sorts of farm animals within the city and Council at that time passed a city ordinance to eliminate all of the farm animals and included bees in that category. He said that at the time, you could get a permit and keep renewing the permit until the animals were gone. He actually had bees on Charles Street and he thought he had the last license, but he doesn't have his hive any longer. Councilman Martell asked if the ordinance could be amended and Solicitor Haas said it could and would put something together for the City Managers conference agenda for the next meeting. Clerk Ratliff asked that it include where the permit could be picked up. Councilwoman Gordon said to include the process of obtaining a permit.

**Impounded Vehicles Police Department Response** – Manager Sutherland said that Chief Brewer was unavailable for this meeting but could be at the next meeting. He had asked for a report on where the vehicles had been towed from and it was a broad picture from all over the city. Solicitor Haas asked if the report broke down why the vehicles were impounded? Manager Sutherland stated that it was varying reasons, from junk vehicles to cars sitting on the street for weeks and months at a time, people parking in handicapped zones which he was told happened a lot at Kendall Heights. He said that the Police Department was enforcing the ordinances that were in play and it wasn't to go out and make revenue, and was just like writing a speeding ticket, it wasn't because we want to make money, it was because they were breaking the law. Solicitor Haas reminded Mr. Sutherland about the moratorium on expired tags due to the pandemic and Mr. Sutherland said he doesn't believe that was the case and that expires on July 1<sup>st</sup>.

The meeting adjourned at 8:30 p.m. on a motion by Vice President Dunne.

Submitted by: *Diana Ratliff* – City Clerk

For the full audio version of the Manager's Meeting, please go to [www.portsmouthoh.org](http://www.portsmouthoh.org) under City Manager 2021 "Audio".