

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday May 11, 2020

6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday May 11, 2020 at 6:00 p.m., at Shawnee State University Center. Council held the meeting at Shawnee State University in order to comply with the Governor’s order to social distance at least 6 feet apart.

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
Charlotte Gordon	2 nd Ward
Kevin E. Johnson	3 rd Ward
Andrew McManus	4 th Ward
Edwin Martell	5 th Ward
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.

Council dispensed with the reading of the Journal for the Regular Session of March 9, 2020 on a motion by Vice President Dunne. **The motion carried viva voce: VOTE: 6 ayes –0 nays.**

Council did not have meetings on March 23, 2020, April 13, 2020 or April 27, 2020 because of the Coronavirus-19 pandemic and the Governor’s stay-home orders.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Questions were sent in ahead of time via email or telephone and read by Clerk Ratliff

Kay Barlow – Waller Street Portsmouth – She advised that the North End Reunion had been cancelled for this year, but they would like to try again next year.

Sharon Bender – High Street Portsmouth – She requested that the Resolution and Memorandum of Understanding be adopted. She stated that this would provide their group the use of an unused building and would allow the group to have a place to store historical items from the city. They would like to have a place to showcase memorabilia highlighting the history of our area for visitors and students. They would also have an address in which they could apply for grants and other funding and storage for their items.

John McHenry – Portsmouth – He stated that he had always felt that the City of Portsmouth and Scioto County are inextricably joined as when one prospers, so does the other. He felt the museum celebrated the entirety of Scioto County, its city, villages, townships and all the rural areas in between, and needed to be smackdab in the middle of Portsmouth. He stated that after much exploration by the Scioto County Heritage Museum, LLC’s Board of Trustees, they felt there was no better site for an initial establishment of the museum than the Marting’s Annex at 733 5th Street Portsmouth. He commented that bringing this landmark building back to life would bring another boost to “The Comeback City”.

LEGISLATION

The clerk gave a **third reading**, to an Ordinance authorizing the acceptance of grant funds from the Ohio Department of Public Safety, Office of Criminal Justice Services under the Justice Assistance Grant (JAG) program for Drug Task Force use, establishing a dedicated account for the grant and authorizing the appropriation of such funding as received.

Vice President Dunne motioned that the Ordinance be passed.

There were no further questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance authorizing the acceptance of grant funds from the Ohio Department of Public Safety, Office of Criminal Justice Services under the Justice Assistance Grant (JAG) program for Police Department equipment purchases, establishing a dedicated account for the grant and authorizing appropriation of such funding as received.

Vice President Dunne motioned that the Ordinance be passed.

**Ord. #08-2020
Police Grant for
Drug Task
Force**

**Ord. #09-2020
Police Grant
for Equipment**

There were no further questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance to submit to the electors of the City of Portsmouth, Ohio, at the General Election to be held on the 3rd day of November, 2020 a proposed renewal tax levy for the Flood Defense System of the City of Portsmouth, Ohio, after declaring the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors to be insufficient.

Ord. #10-2020
Flood Defense
Levy

Vice President Dunne motioned that the Ordinance be passed.

There were no further questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third reading**, to an Ordinance authorizing the appropriation of \$12,000.00 from Capital Improvement Fund No. 301 to be paid from Land Improvement Cemetery/ Grounds Line Item No. 301.333.5502 for building improvements to the Police Department Firing Range.

Ord. #11-2020
Police Dept.
Firing Range

Vice President Dunne motioned that the Ordinance be passed.

Mayor Johnson confirmed with the City Manager that this authorization was for their building.

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 authorizing the acceptance of an insurance check in the amount of \$37,297.00 received from HCC U.S. Specialty Insurance Company into CIP Fund No. 301.000.4931 and the appropriation of same into Police Department CIP Vehicle Line Item No. 301.221.5532 for payment of a 2020 Ford Explorer Police Cruiser that was totaled out and to be used towards the purchase of a new vehicle.

Vice President Dunne moved that this constitute a second reading, but after some discussion and the recommendation of the City Manager, Mr. Dunne withdrew his motion and motioned to suspend the three reading as requested.

Ord. #12-2020
Police Dept.
Insurance Check
from a total
cruiser

The role was called. VOTE: 6 ayes– 0 nays, the rule was suspended.

Vice President Dunne motioned that the Ordinance be passed.

There were no further questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, the Ordinance was passed.**

Councilman Lowe motioned that the next item be removed from the agenda as the event has been cancelled for this year. Reference: A request from the North End Reunion for a donation.

There were no further questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, the item was removed from the agenda.**

The clerk gave a **first reading**, an Ordinance authorizing the appropriation of \$4,500.00 from General Fund No. 101 Council Discretionary Line Item No. 101.119.5299 to pay the City's portion of the setup fee regarding the establishment of a Pace Financing Zone within the city limits of Portsmouth. 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.

Vice President Dunne motioned to suspend the three-reading rule.

Ord. #13-2020
PACE Finance
Zone

The role was called. VOTE: 6 ayes– 0 nays, the rule was suspended.

Vice President Dunne motioned that the Ordinance be passed.

There were no further questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, an Ordinance authorizing the distribution of \$26,320.42 which is the 33 1/3% of the Hotel/Motel Tax assigned to Cultural Affairs, to various organizations as recommended by the Cultural Affairs Panel.

Clerk Ratliff requested that the reading be suspended because these organizations have been waiting on the funds to do different projects and if we had had normal meetings, it would have already been passed.

Councilwoman Gordon recused herself from the discussion and vote as she is involved with one of the organizations that receive funds from this distribution.

Vice President Dunne motioned to suspend the three-reading rule.

The role was called. VOTE: 5 ayes – 0 nays – 1 abstain, the rule was suspended.

Ord. #14-2020
Hotel Motel Tax
Distribution

Vice President Dunne motioned that the Ordinance be passed.

There were no further questions or comments. **The role was called. VOTE: 5 ayes – 0 nays – 1 abstain, the Ordinance was passed.**

The clerk gave a **first reading**, an Ordinance authorizing the acceptance of \$30,000.00 into General Fund Revenue Account 101.4690 and the appropriation of the same into Fire Department Communication Equipment Maintenance Line Item No. 101.223.5267 received from a 2020 MARCS Grant Award from the Ohio Department of Commerce Division of State Fire Marshal.

Councilman Lowe asked Manager Sutherland if there was a time limit on this item and Mr. Sutherland recommended that the readings be waived.

Ord. #15-2020
Fire Dept. Grant
for MARCS
equipment

Vice President Dunne motioned to suspend the three-reading rule.

The role was called. VOTE: 6 ayes– 0 nays, the rule was suspended.

Vice President Dunne motioned that the Ordinance be passed.

There were no further questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **first reading**, to a Resolution to enter into a Memorandum of Understanding (MOU) between the City of Portsmouth, Ohio and the Scioto County Heritage Museum, LLC as outlined in the attached Exhibit A.

Vice President Dunne moved that the Resolution be adopted.

Res. #06–2020
MOU for
Scioto County
Heritage
Museum, LLC

Councilman Lowe thought he had read something about no permits, Councilwoman Gordon had the email and it read that they would not need a permit and that there was asbestos on the floor but it was covered. They won't need building permits as long as it's not used for food service or residence or other uses. The cleanup and painting would not need a building permit; the restrooms will be cleaned up and don't need to be ADA compliant. The museum would be limited to 49 people until they have a second egress. Councilman Lowe asked Manager Sutherland if all requirements had been met and Mr. Sutherland's replied that Mr. Toole of Toole & Associates had looked at it and approved it. Vice President Dunne stated that there was an understanding as well, that if the city had to use the building, they would have to evacuate the premises. Ms. Gordon stated that this was not a lease. Mayor Johnson asked if there were reports from Mr. Toole, Manager Sutherland said he didn't think they were included. Mr. Johnson said he supported the idea but also didn't want to see them in over their heads. He would like to see the legislation tabled until a face-to-face meeting could be held and felt there was still a lot of questions to be answered. Clerk Ratliff read an email that Rick Duncan had sent prior to the meeting and had forwarded the same to Council, but since it was so late in the day, she didn't believe they had had a chance to read it. Mr. Dunne stated that he believed from their point of view, if they were located in the building with the city's blessing, it would be easier to do fundraisers. Clerk Ratliff added that they could not apply for any grants until they had a permanent address. Mayor Johnson stated that this group had put on a show at the old Portsmouth gymnasium and it was a very good show. Councilman Lowe felt that Council should move forward, it would be a good thing for the community.

There were no further questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, the Resolution was adopted.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

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Questions were sent in ahead of time via email or telephone and read by Clerk Ratliff

Clark Carson – from Facebook page – He asked why the scaffolding at the church on 5th & Washington had been set up 12 weeks ago and there hadn't been any work done on it. It is blocking half the north bound lane on Washington Street and it made turning right off of 5th Street dangerous. Manager Sutherland stated that the architects were still in the design phase and the scaffolding was there for the protection of anyone that would happen to be walking or driving by, in case more debris fell from the building.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received via email on April 6, 2020 and May 4, 2020 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending March 31, 2020 and April 30, 2020: Expense, Revenue and Fund.
2. She fulfilled a 397-page public records request for Scioto County Daily news.
3. She stated that the Portsmouth Tree Commission had requested that the lights be removed from the Trees on Second Street and Market Street as the trees had been set up on a two-year cycle for pruning but it could not be done until the lights were removed. Friends of Portsmouth has graciously agreed to remove the lights so that the pruning can begin at the end of the week.

Councilman Lowe asked if the Scioto County Daily news received everything they requested, and Clerk Ratliff replied that she sent them everything she could find. She advised that she had spoken with Solicitor Haas and he advised that if wasn't reasonable to send it via email, they could possibly agree to bringing a flash drive in and the information could be copied onto it, which was what they agreed upon. Councilwoman Gordon thanked Clerk Ratliff for all the hard work, Clerk Ratliff stated that it took close to 7 hours to compile the information.

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 all of the frontline workers, city employees and all that have been involved. The City had zero positive Covid-19 results and the County had 12 positive results. He made Council aware that the City may be looking at some financially tough roads ahead and may have to look at some serious cuts. He said that the State was looking at a 20% cut in revenues; he hopes and prays we don't have to make cuts but he wanted City Council and City Employees that this may happen.

Mayor's Report – Mayor Johnson reported the following:

1. He does not have a formal report but would like to say a few words. He said these have been different and difficult times and during the past few months, our World, Country, State, County and City has faced one of our greatest challenges that's ever been faced in his life time and perhaps everyone else's life time. He said that we had witnessed once again, a time of human despair when our fellow men and women came together to fight this horrible COVID-19 pandemic and thanked those brave men, women and first responders who didn't miss a beat. He thanked the caregivers that were taking care of the sick and injured, those upholding the laws, and those willing to fight fires and rescue others, we owe them our gratitude.

He thanked the men and women of our Health Departments who strived daily to advise and serve us. He also thanked those that took work home and transformed their homes into a work center, like City Clerk Ratliff because of you, our city did not stop.

He thanked the teachers for transitioning their homes into real classes and for teaching our children right from their homes. He thanked the volunteers who checked on the elderly and shut-ins.

He added that our City may be conducting business a little different right now but our City is and will continue to conduct business. He's very proud of our leaders and he is very proud to say that he lives in Portsmouth, Ohio. He encouraged those who were watching tonight to please be safe and God bless.

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 had no report.

Auditor Williams Report – Mr. Williams reported the following:

1. He said that this was the strangest report and hoped that it continued that way because he had no idea the affect this will have on our numbers for the next several months and possibly longer. He said that all he can give currently was what they had experienced. He said that the city was on the front end as far as the impact that it will have on the city’s income tax, general fund and enterprise fund and all of our other collections. He said that as he had given Council in the past two reports, the collections were not as bad as he had originally thought, but were a lot worse than what we expected for this year. He asked Council to keep in mind that they have not balanced out and should take about two weeks, but it should be pretty close. Totals are as follows:
 - Total income tax collection for April was \$1,129,815 which was down \$268,291 from last April, but the good news was that the first three months of the year, the numbers were up a couple hundred thousand dollars.
 - The accumulated total compared to last year was down -\$32,749.
 - The total collections which include the capital improvement fund was \$1,283,717 which was down -\$305,122 for April and -\$37,381 for the year.

All of the current major operating balances are above what they were in April of last year.

- General Fund is \$44,853 above last year.
- Streets is \$179,521 above last year.
- Water is \$544,817 above last year.
- Sewage is \$412,422 above last year.
- Sanitation is \$28,998 above last year
- Insurance is \$861,086 above last year.

It is his hope that those numbers don’t change much throughout the year, but at this point he could not predict what will happen. He ended with a quote from Governor DeWine “No one can predict future revenues or know exactly where our economy is going”. He added that he will try to keep Council up to date.

The Auditor’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.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Dunne reported the following:

1. He thanked the University President Jeff Bauer, Jennifer Shackart and others at Shawnee State that allowed Council to use the ballroom for their meeting.
2. He thanked Auditor Williams and City Manager Sutherland for their work on providing information and clarity about the previous Fire Department grant. He felt that was the most important vote of the year and by providing that clarity, it allowed Council time to vote on very important issues with the City’s finances. He reiterated what Auditor Williams had said about the finances being unpredictable and he could only imagine what state we would be in had they voted for the grant. He was grateful for the information and that Council decided against that grant for right now because the finances were uncertain.
3. He attended the Designated Outdoor Refreshment Area Zoom meeting and will speak more on it during the conference meeting. He said it was very helpful and provided Zoning insight.
4. He attended a Zoom meeting hosted by the Tony Hawke Foundation and stated that Portsmouth was very fortunate to have collected all of the money for the Skate Park prior to the Covid-19 outbreak, because all of the other participants in that meeting were in a state of uncertainty because they weren’t fully funded and weren’t sure where they would get their money. He thanked Community Development Director Tracy Shearer for finishing up the funding. He advised that the trees have been cut down to make room for the Skate Park.
5. He attended a meeting of the Blues, Brews and Barbeque via Zoom, they were trying to think of ways that they could plan to move this event forward in a contingent manner for this event at the end of August. If they’re to move forward, it would be with a very easy to set and easy to take down approach because safety would be their prime concern.
6. He received messages regarding Spock Memorial Dog Park and people wanting it opened back up.
7. He left a message with the Cincinnati Bengals offering the use of Spartan Stadium for Joe Burrow.
8. The All-Americian City finals in Denver, CO have been postponed until the end of August.
9. He thanked Joseph Pratt and Main Street Portsmouth for putting together the Dr. Suess readings.
10. He said that last month he donated his salary to the “Feed our Frontlines” campaign with SOMC. They established this fund so that they could provide gift certificates for our local restaurants for our Frontlines. He thanked Mary Arnzen, Justin Clarke and the community development foundation

at SOMC. They raised over \$8,500 and that money went towards local restaurants which had been hit pretty hard and it was used to support our frontline workers.

11. He will also be donating his May salary to marketing for the Skate Park

2nd Ward – Councilwoman Charlotte Gordon reported the following:

1. She thanked SSU, Jeff Bauer and Jennifer Shackart for the use of the building and she said it was good to be back with everyone.
2. She thanked Manager Sutherland, Auditor Williams, Clerk Ratliff and everyone who has kept the city rolling.
3. She also gave a shout out to the Chamber of Commerce; Lisa Carver has done a great job with staying on top of the information for grants.
4. She stated that she hated to name individuals because there are so many people to thank, but Maxine Malone of the 14th Street Community Center, Mark Hunter and everyone else who helped feed the community.
5. She attended the MKSK Zoom meeting which was informative.
6. She has spoken with Mayor Johnson and Manager Sutherland and proposed that Council get together to have a strategic plan in place and set goals of where we could be, where we might be, where we want to be in a year, three years, five years etc. She said there will be a \$5 million dollar Water Plant problem looming over our heads, there will be a MKSK plan which will need to be financed which will be hard with our revenues being down, there will be sewer issues, street paving issues, and going forward Council needs to make the best decisions for all of these items with the information at hand. She suggested a strategic plan meeting with goals of where we liked to see ourselves which will help with making decisions. She added that it would be open to the public or it could be publicized and people could send their questions and ideas.

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

1. He expressed his gratitude to Dr. Bauer, his staff at SSU and VP Dunne who helped orchestrate the meeting at SSU.
2. He wanted to say thank you to employees that we don't always think about. He said that throughout the whole stay home order from the Governor the following happened: 1) His garbage was picked up. 2) His water continued to flow in his home. 3) He noticed the grass was cut around the city. 4) He saw where garbage had been picked up where it had been illegally dumped. 5) He said when there were issues, he contacted Manager Sutherland who contacted city workers and the issues were taken care of. 6) He said there were city workers who had to operate from their home. He said there were city workers that didn't miss a beat and continued to proudly work for our city and they did a tremendous job. He added that the city remained opened and its thanks to those who were out there working for our city that kept our city going. He addressed the Facebook live followers and said that on behalf of all of Council "thank you city workers for your service to the city".

4th Ward – Councilman McManus reported the following:

1. He couldn't have said it any better than the Mayor. He reiterated what Mayor Johnson said and remarked how beautiful was and thanked SSU. He thanked the City Workers, and the City Manager because the city never shut down, he said his phone rang constantly. He had a couple of issues in his ward and Manager Sutherland took care of them and was still working on some issues. He thanked Sam for his time and Diana for her time. He said that he didn't expect to be sitting here in masks when he ran for office because no one wanted to be in this situation. He said it was scary, and sad, but had two ways of thinking about it: 1. He thought about his former Employer Tim Wolfe who owns Patties & Pints and all of the employees that were laid off. 2. He thought about his Grandfather and his Mother who had been sick and was tested for COVID-19 which was scary. He added that what he'd learned in the past 6-weeks or so was that both sides were right; it was a matter of finding the fine line to walk, to make sure when we can see to run and keep everyone safe. He thanked everyone for trying to keep some normalcy throughout these trying times and reminded everyone to be safe, wear a mask and wash your hands.

5th Ward – Councilman Martell reported the following:

1. He thanked Manager Sutherland, Clerk Ratliff and all the health care workers and everyone on the front line.

6th Ward – Councilman Lowe reported the following:

1. He thanked Manager Sutherland, the city employees, and all of the first responders He applauded the job that they've been doing during this pandemic. He said most of all a big thank you to our City Clerk Diana Ratliff because without her, we're lost and he thanked Shawnee State University and VP Dunne for the use of the facility.
2. He thanked everyone who complied with the stay at home order.
3. He thanked Larry and Krystal Russell for his masks with the East Tartan logo on it.
4. He congratulated all of the high school graduates that were not getting to have a normal graduation or prom. He feels bad for all of the seniors and the kids that are missing out on their

sports and unfortunately the Sciotoville Little League has been cancelled for the summer. He encouraged them to try again next year.

5. He has been following the stay at home order for how every long it had been in effect. He had been planting a garden that will feed many people.
6. He encouraged everyone to stay safe and continue to do what they're doing and we will come out of this okay.

The meeting adjourned at approximately 7:08 p.m. on a motion by Vice President Dunne.

City Clerk

Mayor