

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**

Tuesday May 26, 2020

6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Tuesday May 26, 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 <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, Auditor M. Trent Williams and City Clerk Diana Ratliff.

Council dispensed with the reading of the Journal for the Regular Session of May 11, 2020 on a motion by Vice President Dunne. **The motion carried viva voce: VOTE: 6 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 **first reading**, to an Ordinance enacting a new Chapter entitled "Discrimination Prohibited", of the Codified Ordinances of the City of Portsmouth establishing a procedure to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on age, race, color, creed, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic.

**Tabled**

Vice President Dunne motioned that the legislation be tabled with a date of June 8, 2020 to be read. This legislation was received at a late date and the June 8th date would allow Council and the public to review the proposed legislation.

Councilman Lowe stated that he agreed with Councilman Dunne as he also had not had time review the legislation.

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

The clerk gave a **first reading**, to an Ordinance amending Section 125.03 (K) – Procedures to Determine the Lowest and Best Bid for Construction of Public Improvements of the Codified Ordinances of the City of Portsmouth, Ohio.

Vice President Dunne motioned that this constitute a first reading. Solicitor Haas stated that items (a-d) all dealt with the anti-discrimination. Vice President Dunne withdrew his motion for a first reading and requested that items b, c and d be tabled with a date of June 8, 2020 to be read.

**Tabled**

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

The clerk gave a **first reading**, to an Ordinance amending Chapter 171- Fair Housing Practices of the Codified Ordinances of the City of Portsmouth, Ohio.

Vice President Dunne motioned that the legislation be tabled with a date of June 8, 2020 to be read.

**Tabled**

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

The clerk gave a **first reading**, to an Ordinance amending Section 541.08 – Ethnic Intimidation of the Codified Ordinances of the City of Portsmouth, Ohio.

Tabled

Vice President Dunne motioned that the legislation be tabled with a date of June 8, 2020 to be read.

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

The clerk gave a **first reading**, to an Ordinance approving the 2020 Capital Improvement Program budget and appropriating funds for same from Capital Improvements Fund No. 301 for listed items only. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter of the City of Portsmouth in order to facilitate administration, daily operations, and to avoid practical and legal entanglements.

Vice President Dunne motioned to suspend the three reading as requested.

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

Ord. #16-2020  
2020 CIP  
Budget

Vice President Dunne motioned that the Ordinance be passed.

Solicitor Haas asked why the Income Tax Cost Allocation for Personal was listed. Auditor Williams stated that the previous City Manager put in place due to the collection of line that covers that fund and all the improvements that come from the Income Tax office and he felt it appropriate to cover 15% of their salaries to be put into the fund that they collect and it had been that way since 2014. Mayor Johnson asked Manager Sutherland if the readings were waived due to time restraints and he replied that the city was almost half way through the year and a lot of the work in the Service Department needed to be done.

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 approving the 2020 Enterprise/Special Revenue Funds Capital Improvement Program budget and appropriating funds for same from Waterworks CIP Fund No. 606, Waste Water CIP Fund No. 622, Waste Water CIP Fund No. 623, and Flood Defense Fund No. 265 for listed items only. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter of the City of Portsmouth in order to facilitate administration, daily operations, and to avoid practical and legal entanglements.

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.

Manager Sutherland stated that he needed to amend the legislation by adding \$14,000 to line item 606.771.5533 Water Works Machinery and Equipment for a line total of \$119,000 and a total for 606 of \$844,000 and overall total of \$1,136,000. He apologized for the late notice but he was just advised that the jack hammer was worn out and would cost \$10,000 to rebuild or \$14,000 for new and they opted for the new.

Amended  
Ordinance

Vice President Dunne motioned to amend the Ordinance with the recommendations from Manager Sutherland of \$14,000 to fund #606.

**The role was called. VOTE: 6 ayes– 0 nays, the legislation was amended.**

Ord. #17-2020  
Enterprise  
CIP Budget  
for 2020

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 Auditor of the City of Portsmouth, Ohio to modify the current contract with Balestra, Harr & Scherer, CPAs, Inc., an independent public accountant (IPA), (now known as BHM CPA Group) to perform the annual financial and compliance audits of the City of Portsmouth and the Portsmouth City Health Department (PCHD) for the audit periods of January 1, 2019 through December 31, 2020, in an amount not to exceed \$36,000 per year plus the modified amount of up to \$6,210 for additional work due to the audit of the PCHD as a separate entity to be paid from Audits and Examinations accounts appropriated within each year's annual operating budgets. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter of the City of Portsmouth in order to facilitate administration, daily operations and avoid practical and legal entanglements.

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**, an Ordinance authorizing the Auditor of the City of Portsmouth, Ohio to enter into a four (4) year contract with Schonhardt & Associates for technical accounting and management oversight assistance in preparation of the City's Comprehensive Annual Finance Reports. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter of the City of Portsmouth in order to facilitate administration, daily operations and avoid practical and legal entanglements.

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 approving the Petition and Supplemental Plan for Special Energy Improvement Projects Under Ohio Revised Code Chapter 1710.

Vice President Dunne moved that the Resolution be adopted.

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

The clerk gave a **first reading**, to a Resolution approving the Necessity of Acquiring, Constructing, and Improving Certain Public Improvements in the City of Portsmouth, Ohio in Cooperation with the Scioto County Energy Special Improvement District.

Vice President Dunne moved that the Resolution be adopted.

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

The clerk gave a **first reading**, an Ordinance authorizing Determining to Proceed with the Acquisition, Construction, and Improvement of Certain Public Improvements in the City of Portsmouth, Ohio in Cooperation with the Scioto County Energy Special Improvement District.

Vice President Dunne moved that this constitute a first reading. Solicitor Haas asked that the next two pieces of legislation be passed to coordinate with the two resolutions that were adopted as the County was waiting on the City to get the legislation in place. Vice President Dunne withdrew his first reading motion and moved to suspend the three-reading rule.

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

Ord. #18-2020  
Modified current  
contract with  
Balestra, Harr &  
Scherer IPA's

Ord. #19-2020  
Four-Year  
accounting  
contract with  
Schonhardt &  
Associates

Res. #07-2020  
Petition and  
Supplemental  
Plan for Special  
Energy  
Improvement  
Projects

Res. #08-2020  
Cooperation  
with Scioto  
County Special  
Energy  
Improvement  
District

Ord. #20-2020  
Process for  
Scioto County  
Energy Special  
Improvement  
District

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 Levying Special Assessments for the Purpose of Acquiring, Constructing, and Improving Certain Public Improvements in the City of Portsmouth in Cooperation with the Scioto County Energy Special Improvement District.

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.**

Ord. #21-2020  
Levying Special  
Assessments for  
Certain Public  
Improvements  
with Scioto  
County Energy  
Special  
Improvement  
District

#### **STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA**

##### **Questions were sent in ahead of time via email and read by Clerk Ratliff**

**Mark Craycraft – from email** – He asked the following questions: 1. What plans or proposals have been drafted to update the City Ordinance to allow for virtual meetings in the event of an emergency, or matter of efficiency? 2. Why has Interim Police Chief Brewer not been officially sworn as Chief? She has clearly shown the ability and wherewithal to lead the Portsmouth City Police department. 3. What (if any) consideration has Council given to the written proposal submitted by Mr. Rich Scarberry concerning archery permits within the City Limits. There are 4,000 acres of undeveloped land within the City. Should we not consider how to utilize those acres to compliment the ODNR project in the County to help attract tourist dollars to the City?

#### **MISCELLANEOUS BUSINESS AND REPORTS:**

**City Clerk’s Report** – Clerk Ratliff reported the following:

1. She received the Oaths of Office for Carl Compton and James Charles as Special Detectives.
2. She received messages and calls regarding the Dog Park and when it will reopen. She checked with the City Manager who said possibly next week with limitations.
3. She suggested that Council begin meeting back in Council Chambers for the next meeting. She and Manager Sutherland talked about this a little today and it was suggested that a plexa-glass divider could be made for the tables which would serve as a barrier between people. Chris Tomlin had done this for the various offices at the city building. She stated that the Governor’s orders could still be followed regarding the maximum of 10 for a gathering, but that possibly might change in the next two weeks.

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 said that there have been some reservations about opening McKinley Pool as he was waiting on guidelines from the state. He advised that according to other cities, it would be tough to meet the regulations with the few personnel that the city had working at the pool.

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 thanked the Health Department and said that he had more dealings with the City Health Department than he did the County Health Department. He had the opportunity to speak with Belinda Leslie at the City Health Department and they have been working tirelessly during the COVID 19 pandemic and the job had been very stressful.

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 said the Civil Service had meet last week and they were advised that Police Department list had been exhausted and there would be a need for a new Civil Service test in the coming months for Dispatch and if anyone was interested, they need to keep an eye out for the notification on

the city's website. The logistics would need to be worked out due to COVID 19 and the state's maximum gathering of 10.

2. He advised that the city had worked out a deal with the city schools to pick up their garbage and transfer some money to them for the transfer of property down by the stadium and the closing of that deal would be this week. He said that portion of it needed to be completed because the Army Corp of Engineers would need some of the property to work on the levee. He thanked Angie Conn for doing the legal research on the property titles searching for easements where the sewer ran through and some other easements. He believed there to be four or five easements dating back to the 1930's and 1940's. He said that he wasn't a surveyor or an engineer and could read the legal description, but didn't know what it meant. He reached out to County Engineer LeBrun who agreed to look at it for the city and place the easements on a map based on the legal description. He thanked Mr. LeBrun for working on this for the city because there was a rush to get it done for the Army Corp of Engineers. He added that work had been delayed due to the stay at home order from the Governor and the limited hours at the courthouse.

The City 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 reported the following:

1. He had advised Council about the April Income Tax Revenue in the General Fund and that it was down about \$457,000, but in the last couple of days of the month, \$200,000 was received which meant April ended around \$250,000 down from April 2019. He gave a May update even though it hadn't been closed out yet but as of today the fund was down \$200,000 compared to May of 2019 and hopefully that trend will follow and funds will come in before the close of May. He advised that the city was down \$273,000 for the year but if that picked up as it did last month, then that should bring us back up to around \$70,000 down for the year which was pretty even compared to last May.

Vice President Dunne asked about the original low projections that were given when the Fire Department grant was being considered and where we currently stand due to the COVID 19 pandemic. Auditor Williams recalled that at that time "some" had thought his projections to be low, but those were his original projections, however he had revised the projections with an increase of around \$1,000,000 primarily because of the repayments from the Health Department of \$600,000; it appeared that the city was on track with those projections except for the lost revenue from the pandemic. Mr. Dunne stated that with the City on fiscal watch, what would have happened if the city had fallen short of those projections and spent in line with the higher projections? Auditor Williams stated that the City Manager would be faced with some cuts. Mr. Dunne said that he was thankful for the Auditor's projections. Mr. Williams advised that he gives projections twice a year, the initial projection before the end of the year and then again in February with revised projections. He made clear that his projections were not changed because someone thought his projections were low, but revised because the numbers at year-end were substantial enough that the projection could be revised. Solicitor Haas asked about the filing deadline of April 15<sup>th</sup> being changed to July 15<sup>th</sup> and if he was expecting increases in July based on the tax year ending in July? Mr. Williams said that he was hoping for that, but wasn't expecting it. Mr. Haas said if we're \$70,000 down, that could easily be made up in July. Mr. Williams said that very well could be the reason, but they just don't know at this point, but at the end of July the city should have a better picture for the year.

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**

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

1. He thanked Shawnee State University specifically Jeff Bauer and Jennifer Shackart who helped put together the room for the Council meeting. It was very neighborly of SSU at times like these with very comfortable surroundings.
2. He thanked Manager Sutherland for a series of responses with various ward issues.
3. He advised that Shawnee State University would be offering a minor for Grant Writing in the coming academic year and he knew a lot of different organizations in the city and different individuals would be very interested in that program.
4. He spoke with a representative about the Cultural Facility Grant which Council had discussed at the last Manager's Conference meeting. He found out that it would not interfere with the requests being made for riverfront development in the Capital Improvement section of the state bill. Funding could be requested to help renovate Spartan Stadium which wouldn't interfere with all of the hard work that had been done in trying to plan riverfront development. He advised that the funds for the Cultural Facility grant may possibly not exist at all or be decreased. He was told that the grant was

every two years and 2022 would be the year that Portsmouth should apply for the grant and that it was a great idea to use the grant for the renovation of Spartan Stadium. He said that they had talked about getting an appraisal from a company in Columbus which would give an idea of the value of the stadium which in turn would help with the application process.

5. He advised that he did hear back from businesses with liquor licenses about the outdoor drinking area and was able to speak with different groups about the opportunity. He will discuss that in more detail in the Manager's Conference.

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

1. She thanked Shawnee State University for the use of the room.
2. She thanked Clerk Ratliff for getting the packets out early, it was nice to get those early.
3. She thanked Manager Sutherland for handling some issues over on 4<sup>th</sup> Street.
4. She thanked Community Development Director Tracy Shearer for securing the SAFER grant for the City Schools which will make it a lot safer for the kids.

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

1. He received a message about the high grass at Mound Park and he understood that it rained all of last week which made it impossible to cut grass.
2. He acknowledged Community Development Director Tracy Shearer for her work on the SAFER grant.
3. He thanked Clerk Ratliff on getting the packets out early.

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

1. He thanked Shawnee State University for the use of the room. He thanked Community Development Director Tracy Shearer for securing the SAFER grant and Clerk Ratliff for getting the packets out early, it was nice to have a few extra days to look things over, which was a big help.
2. He thanked Manager Sutherland for handling issues in his ward and felt that it had been non-stop with the complaints in his area. He's getting a better understanding of the process. He thanked the Health Department and the City Workers too.
3. He said that the Grandview Avenue widening project had been completed and it looks good.

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

1. He thanked Manager Sutherland and the City Workers for their swift response to some situations that happened in his ward, especially the mudslide in Wayne Hills/Kendall Heights.

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

1. He said that whoever was taking care of the grass along the highway in Sciotoville was blowing the grass out onto the highway and if he's not mistaken, there's a state law against it; he doesn't want to see a motorcyclist get hurt from this act. He would like one of our guys to give a warning of the danger.
2. He had received another animal complaint in the 5300 block of Wilson Avenue. (The rooster is back). He wasn't sure what it would take to get those people to comply.
3. He thanked Manager Sutherland and the City Workers for unplugging the sewer on Wilson Avenue.
4. He thanked Miss East - Grace Smith, he was able to spend some time with her, she's smart, beautiful and intelligent.
5. He congratulated all of the 2020 East High graduates.
6. He's been working in his garden which was his main project this year and regardless of the "order" or not, he was following the stay at home order and not taking any chances; he wished other people would do the same and felt we were opening up too soon.

The meeting adjourned at approximately 6:57 p.m. on a motion by Vice President Dunne.

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City Clerk

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Mayor