

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday June 22, 2020
 6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday June 22, 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 (Absent)

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

Councilman Lowe’s absence was excused on a motion by Vice President Dunne. The motion carried viva voce: **VOTE: 5 ayes – 0 nays.**

Council dispensed with the reading of the Journal for the Regular Session of June 8, 2020 on a motion by Vice President Dunne. **The motion carried viva voce: VOTE: 5 ayes –0 nays.**

Public Hearing – Tax Budget 2021

Mayor Johnson declared the hearing open at 6:03 p.m. There was no one present who wished to address Council on the Public Hearing. Mayor Johnson closed the hearing at 6:04 p.m. since there were no comments.

Public Hearing for Tax Budget 2021

Vice President Dunne requested to add to the agenda as item 7 (J), a Resolution to comply with the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020. **The motion carried viva voce: VOTE: 5 ayes –0 nays.**

Item to the Agenda

Vice President Dunne requested to add to the agenda as item 7 (K), an Ordinance authorizing the City Manager to accept a grant from the Ohio Public Works Commission in the amount of \$764,380, to enter into contract with Turn-Key Tunneling, Inc. for the 12th Street Pump Station Outfall Repair. **The motion carried viva voce: VOTE: 5 ayes –0 nays.**

Item to the Agenda

Vice President Dunne requested to add to the agenda as item 7 (L), an Ordinance authorizing the acceptance of grant funds in the amount of \$160,000.00 from the Ohio Development Services Agency- Abandoned Gas Station Cleanup Program. **The motion carried viva voce: VOTE: 5 ayes –0 nays.**

Item to the Agenda

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Steve Harris - Harris Floor Covering – 1614 White Gravel Road Minford, OH – He questioned why a project was being awarded without consulting them because they were the high bid on the project and they do have intentions. They were told that someone would get with them but nothing was asked for in the proposal except the proposal itself, no intentions, no drawings. He said that they do have drawings which were done before the bid. He has cellphone records where they called Sam Sutherland four times to try and set up a meeting, he understood with the COVID issues that times have been all messed up, but wanted to know who to set the meeting up with to let them know their intentions and that they do have a vested interest. Mayor Johnson advised Mr. Harris that this wasn’t a question and answer forum. Mr. Harris stated that he was told that someone would be in contact with him but that hasn’t happened. He would like to avoid confrontations but there was some pertinent information privy to this situation that he does not want to speak about publicly and doesn’t want to lay out his plans for the property. Mayor Johnson suggested that the City Manager, First Ward Councilman, himself and Mr. Harris have a sit-down meeting to discuss this issue. Mr. Harris said that would be fine but if not, he would be filing a restraining order until there was a conclusion. Manager Sutherland stated that he would set up a meeting.

LEGISLATION

The clerk gave a **second 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.

Vice President Dunne moved that this constitute a second reading.

Vice President Dunne stated that he had emailed Solicitor Haas and Clerk Ratliff prior to the meeting about three small revisions. The first amendment would be in Section 000.07 Severability “The City Council of the City hereby declares” to insert “City of Portsmouth instead of “City”. The second amendment would be in the Preamble and Section I to insert the word “sex” after gender and before gender identity. The third amendment would be 000.99 Penalty. He would first like the offender to appear in front of the “Fair Housing Board” in lieu of it being a misdemeanor of the third degree. Solicitor Haas stated that the Fair Housing Board would have to be redone because it was narrow in focus, the language would need to be changed. Councilwoman Gordon asked what happens currently, Solicitor Haas stated that cases go to court or they file a lawsuit. Solicitor Haas stated that it could be done and that Council repealed the panel that would have heard this type of complaint because it hadn’t been used in thirty-years. Vice President Dunne stated that they could work on the wording for the penalty phase and have it prior to the next meeting.

Vice President Dunne motioned that the Ordinance be amended to include the word “sex” after gender and before gender identity in the Preamble and Section I.

Item amended

The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was amended.

Vice President Dunne moved that the amended legislation constitute a second reading.

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 **second 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 moved that this constitute a second reading.

Clerk Ratliff asked if this needed amended also in Section K. and Vice President Dunne motioned that the Ordinance be amended to include the word “sex” after gender and before gender identity in Section K.

Item amended

The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was amended.

Vice President Dunne moved that this amended legislation constitute a second reading.

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 **second 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 Ordinance be amended to include the word “sex” after gender and before gender identity in all sections pertaining to the description.

The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was amended.

Item amended

Vice President Dunne moved that this amended legislation constitute a second reading.

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 **second reading**, to an Ordinance amending Section 541.08 – Ethnic Intimidation of the Codified Ordinances of the City of Portsmouth, Ohio.

Vice President Dunne motioned that the Ordinance be amended to include the word “sex” after gender and before gender identity.

Item amended

The role was called. VOTE: 5 ayes – 0 nays, the Ordinance was amended.

Vice President Dunne moved that this amended legislation constitute a second reading.

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 **second reading**, to an Ordinance to amend the Salary Ordinance as amended by Ordinance No. 87 of 2019 to reflect a 2.75% wage increase for FOP Lodge No. 33 and a 2.50% for AFSCME Local 1039 received as of January 1, 2020, a 2.75% wage increase retroactive to January 1, 2020 for non-union employees, longevity increases to non-union employees as authorized per Ordinance No. 66 of 2017, the addition of the position of Parks and Recreation Director as authorized by Ordinance No. 71 of 2019 and a wage increase for the position of Police Chief as authorized per the 2020 Budget Ordinance No. 7 of 2020 and repeal Ordinance No. 87 of 2019.

Vice President Dunne moved that this constitute a second reading.

Mayor Johnson asked what the range in pay was for the Fire Chief. Manager Sutherland replied that this would move the Fire Chief up to that amount and in doing that the employee would be picking up the 10% pension pickup and essentially the cost to the city would be a wash. The salary before was \$63,000 and the city was contributing 10% of the pension.

Vice President Dunne motioned to amend the legislation in the preamble “a wage increase for the Fire Chief’s salary and pension to match the Police Chief and also to amend page 8 pay scale under Fire Chief to \$36,390 - \$69, 925.

The role was called. VOTE: 5 ayes – 0 nays, the legislation was amended.

Item amended

Vice President Dunne asked Manager Sutherland if he wanted the balance of the readings waived and Mr. Sutherland replied “if possible” and the reason was that the non-union employees have absorbed the insurance increase that went into effect in January and they’ve been paying extra on the insurance without an increase in their pay.

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

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

Ord. #25 -2020
Salary
Ordinance

Vice President Dunne motioned that the Ordinance be passed.

Auditor Williams stated that in order for the change in the pension to take affect for the Fire Chief, it will require a Resolution at the next meeting. It would be an IRS related Resolution that the pension board required with all changes in pension.

There were no further 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 authorizing the City Manager to grant an easement and right of way to AEP Ohio Transmission Company, Inc., an Ohio corporation, a unit of American Electric Power, as described and depicted by Exhibit “A” and Easement No. 1A attached hereto.

Vice President Dunne motioned to suspend the three-reading rule per the City Manager’s request.

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

Ord. #26 -2020
AEP easement
to Route 52

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, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance Enacting a new Chapter entitled “Contractor Registration”, of the Codified Ordinances of the City of Portsmouth, Ohio.

Vice President Dunne moved that this constitute a first reading.

Vice President Dunne asked about the “Registered Permit Sign” which described the work that was taking place in a site as he didn’t believe that it was included and asked if it could be included. Solicitor Haas stated that it wasn’t included in the wording because contractors were not required to display permits any longer due to people breaking into buildings that have displayed the permits because they knew there were valuable tools and materials. The contractor does have to have the permit with them, just not displayed. Mr. Dunne stated that he understood the concern but that he had seen these displayed elsewhere and the city needed to emphasize more regulation and code enforcement. He added that this would be one way to do that and also reduce people’s concerns if their neighbor or a building near them was having construction done, people would be aware that the contractors have received permission from the city.

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 an Ordinance authorizing the City Manager to sell the former Adelphia Building Property with stipulations in the contract so this property does not sit idle and progress be made to improve the area.

Vice President Dunne moved that this constitute a first reading.

Mayor Johnson asked the Solicitor if the legislation should be “tabled” due to concerns, Solicitor Haas replied that Council could give it a first reading or table it whichever they prefer.

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 providing for the annual tax budget for municipal purposes for the year 2021.

Vice President Dunne motioned that the Resolution be adopted.

Res. #09 -2020
2021 Annual
Tax Budget

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 comply with the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020.

Vice President Dunne motioned that the Resolution be adopted.

Res. #10 -2020
CARES Act

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 an Ordinance authorizing the City Manager to accept a grant from the Ohio Public Works Commission in the amount of \$764,380, to enter into contract with Turn-Key Tunneling, Inc. for the 12th Street Pump Station Outfall Repair, and appropriating \$861,400 from Flood Defense Levy Fund #265 for same. Pursuant to Council Rule 5, this legislation is 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 as requested.

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

Ord. #27 -2020
12th Street
Pump Station
Repair

Vice President Dunne motioned that the Ordinance be passed.

Mayor Johnson asked if this was one of the items that Strand spoke about at the last meeting? Manager Sutherland replied “no” this was the actual repairs that need to be done on 12th Street.

There were no further 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 authorizing the acceptance of grant funds in the amount of \$160,000.00 from the Ohio Development Services Agency-Abandoned Gas Station Cleanup Program and the appropriation of such funding to CIP Gas Station Cleanup Fund No. 301.661.5505. 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 as requested.

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

Vice President Dunne motioned that the Ordinance be passed.

Ord. #28 -2020
Abandoned
Gas Station
Cleanup

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Carrie Duncan – 2211 Cleveland Avenue Portsmouth – She stated that she had some questions regarding the McKinley Pool property:

1. She would like to look at the McKinley Pool property and wanted to know who she should contact for set up?
2. What maintenance repairs had the City done regarding this property over the past three years?
3. What maintenance is done yearly by the City with regard to this property?
4. What responsibility does the City take for the Pool during the summer?
5. What renovation grants were being worked on for this property by the City?
6. What was the possibility of having grants for lifeguard certifications for this facility?

Mayor Johnson requested that she forward her questions to the City Clerk.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received the questions that Council had requested from Mrs. Duncan who addressed Council at the June 8th meeting and have emailed those questions to Council.
2. She received on June 19th the background information on the 12th Street Pump Station repair from Wastewater Director Rick Duncan and forwarded it to City Council.

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: 5 ayes– 0 nays.**

City Manager’s Report – Manager Sutherland reported the following:

1. He advised that last Tuesday June 16th he, Andy Gedeon, Solicitor Haas and a few others met with Judge Kegley and Judge Mowery regarding Code Enforcement. He stated that citations will begin to be issued to folks that were not cleaning up their yard or taking care of the grass. The Judges were both in agreement that they will hear these in court if it gets to that point and they were both on board to start getting this town cleaned up.

Mayor’s Report – Mayor Johnson reported the following:

1. He reappointed Attorney John Stephenson to the Civil Service Commission.
2. He had asked Mrs. Duncan at the last meeting to email her questions to the City Clerk and requested that they be emailed to all of Council so that they could be addressed in each report. He asked that each Councilmember address at least two of the questions at each meeting.

Reappointment
of John
Stephenson to
Civil Service
Commission

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: 5 ayes– 0 nays.**

Solicitor Haas Report – Solicitor Haas had no report.

Auditor Williams Report – Mr. Williams reported the following:

1. He gave a draft report at the last meeting for the end of May and stated that nothing had really changed except that the City had picked up \$2,000 in income tax revenue which brought the City to only being \$6,000 down from last year.
2. He thanked Sean and Shawnee State for the wonderful air conditioning, it was much more comfortable than the last meeting.

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: 5 ayes– 0 nays.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Dunne reported the following:

1. He spoke to an Architectural Firm that is based in Spain who focused on Stadiums. They discussed Spartan Municipal Stadium and how it could be renovated. They very generously offered to mentor an intern to develop a concept drawing for the Stadium and he would begin the search for an architectural student that would be interested in the internship as it would be a great opportunity and an incredible savings to our City.
2. He participated in the Juneteenth at Bannon Park and the 14th Street Community Center. He thanked Charlotte Gordon, Edwin Martell, Andy Gedeon and Sam Sutherland who were all in attendance. He said that there were different speakers from our City, Community, University, and School System and it was a great first step towards doing more diverse community events; it was great to get dialogue and different lines of communication and food as well.
3. He stated that the Scioto Foundation, Portsmouth Metropolitan Housing Authority and others were interested in conducting a housing study and would like this to be put on as a discussion item for the next City Manager’s Conference Agenda. He said that having an official housing study would be beneficial for our city because it allowed for certain tax incentives for housing developments to take place within the city. By conducting the study, it would not only inform us about the conditions of housing in the City, but would also work as a way of bringing in investments and improvements to current housing stock.
4. He was pleased to hear the updates of code enforcement from the City Manager.

2nd Ward – Councilwoman Charlotte Gordon reported the following:

1. She thanked Manager Sutherland, Andy Gedeon and Solicitor Haas for meeting the Judges on code enforcement.
2. She thanked Andy Gedeon for working with Solicitor Haas on the camper legislation that was listed on the City Manager’s agenda.
3. She said that the Juneteenth festivities were fabulous. She said that Sean, Edwin, Sam, Andy were in attendance and it was wonderful. It was a very nice come together feeling of unity and she hoped that it was the first of many events. She said that Edwin and Maxine of the 14th Street Community Center talked about the availability of city employment and they decided to put together some test prep classes so that when it comes time for a civil service test, people could be prepared.
4. She thanked Main Street Portsmouth for the Farmer’s Market, it was doing well and it was a fun morning to see everyone out and about purchasing from our farmers.

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

1. He thanked Shawnee State for the facilities and allowing Council to have their meetings there and appreciated the air conditioning.
2. He had several people asked when the meetings would resume in Council Chambers but wasn’t really sure of when that would happen.
3. He addressed two of the questions asked by Mrs. Duncan at the last meeting.
 - a) **Do you believe we need reform to end systemic racism?** He said that he could talk about budgets and city business and about what he does on Council, but sometimes topics like this, take us out of our comfort zone. He said when he first heard the term systemic racism and the word reform which usually refers to changing something (social, political, economic) or making changes in order to improve a situation. However when there’s talk about systemic racism (also known as institutional racism) the term is defined as: a form of racism which is embedded as a normal practice within a society or organization, it could lead to such issues as discrimination, criminal justice, employment, housing, health care, political power, education and other issues. “If this does exist in our community, then “yes” the answer is we do need to make changes”, because there is nothing about right about racism.
 - b) **If so, how do you plan to use your position with regards to this?** He said that on tonight’s agenda, Council voted for a second reading on four pieces of legislation which dealt with discrimination, fair housing and ethic intimidation. It starts with Council passing legislation such as this, it starts with us working together as a community, it starts with people sitting down and speaking with one another and talking. When people talk, things happen, and when people listen great things happen, and he wants to be a part of that. He advised that he was very easy to reach, and all the Councilmembers have phone numbers listed on the city’s website. He said that if there’s an issue, he and all city departments want to know about it. He said that it wasn’t the most comfortable subject to talk about, but it does need to be discussed.

4th Ward – Councilman McManus reported the following:

1. He thanked Manager Sutherland for tearing down the condemned homes; people in his ward were excited.
2. He was excited about code enforcement and he looked forward to seeing some changes.

3. He spoke regarding Mrs. Duncan’s questions and said that at the last meeting he had asked for time to read and learn more about the topic. He looked to what State Legislators were saying and learned that Governor DeWine had created an office called “The Office of Law Enforcement Recruitment” and Governor DeWine wanted several things done for the Police Force such as: Psychological checks, Fitness checks and Record checks; he wanted the standard definition of database to include “use of force”, also an independent investigation mandatory on any officer involved death or officer involved shooting. Law Enforcement should not be investigating themselves, even if they do a great job, there’s the appearance impropriety and people may not trust the outcome. Governor DeWine also had a goal for every officer to have body cams.

Councilman McManus added that this didn’t happen overnight. He said we’re not born racist, but generation after generation have mindsets that caused this and there were many things that could be done, but it would take time. He stated that you can’t say to an adult “don’t do this and don’t feel this way” and expect them to immediately do that. City Council has started with four pieces of legislation and the city could look at different things such as psychological checks, fitness checks and record checks. A simple answer would be “yes” there needs to be reform and we can do that through legislation. He said that he will learn from people way above his pay scale and that know way more than him; he will reach out to them to get a good idea or just to help with the battle but it would take time. He’s positive that every Councilmember had the right mindset and heart and they will work on it together for everyone. He said he wanted to raise a family that’s happy with where they live and not afraid.

5th Ward – Councilman Martell reported the following:

1. He advised that on Field Court, there was a sewer line that was installed a few years ago and it has begun to sink, he would like to see that addressed.
2. He thanked United Quest for having him on a panel and he thanked everyone that was there, Sam, Sean and Charlotte. It was very educating, very informative, he had such great conversations even after everything was all done. He doesn’t want it to stop there and would like for there to be some sort of panel discussion with the community once every two or three months.
3. He addressed Mrs. Duncan’s questions. He believed that at the last meeting he answered most of her questions. However, over the past two weeks, even after giving his statement at the last meeting, he felt that a lot of what he said fell on deaf ears. He reiterated what he mentioned at the last meeting. **“Do I believe we need to reform to end systemic racism?”** “yes” absolutely! **If so, how do I plan to use my position with regards to this?”** He replied that we need to start educating ourselves because systemic racism was real and does happen, it had happened, and is happening. **How do we take care of that?** He said events like the Juneteenth celebration and by United Quest who provided a panel discussion and in that discussion were issues that were spoken about that touched on where those areas of systemic racism exist. Systemic racism is everywhere, it’s in our financial institution, education system, housing, and the rat hole was very deep. **Where do we start?** We continue to educate, continue to talk about it because that is how we will get through it. He said what he has done and continued to do, was to meet with Chief Brewer and propose implementing programs within the Police Department that would integrate relationship building between our Community, the Police and our Youth. Polices need to be reviewed and we need to talk about Police reform, not about defunding the Police but re-appropriating funds to make sure that our Police have sufficient amounts of training. He added that having reform and putting it on paper was one thing, but actually training police officers on those policies was another thing. He gave the example of Eric Garner, that city had Police reform, they had banned choke holds, but yet he died from a choke hold. In the case of George Floyd, that city had a policy that read “duty to intervene”. The definition on the duty to intervene rule, requires the bystander officer to step in if a fellow officer uses excessive force and formally requires the officers to break the blue wall of silence and report incidents to supervisors. There were three other officers that had a duty to intervene but that did not happen and he believed the breakdown was from those officers not being trained and knowing their own policies. Possibly develop a Board that reviews incidents or Officer complaints and maybe that’s something we could look into implementing.
4. He would like to see more voter registration and voting polls.

6th Ward – Councilman Lowe had no report due to absence.

The meeting adjourned at approximately 7:17 p.m. on a motion by Vice President Dunne.

City Clerk

Mayor