

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday June 8, 2020

6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday June 8, 2020 at 6:03 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 May 26, 2020 on a motion by Vice President Dunne. **The motion carried viva voce: VOTE: 5 ayes –0 nays.**

Vice President Dunne requested to add to the agenda as item (h) an amended Salary Ordinance. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Marc Nolan – Nolan Construction – He is the owner of Nolan Electrical Company and his company had made a bid on the property at 9th and Washington Streets (the old Adelpia Property). His plans for the property are to turn the back section of the building into an electrical shop and the front section into commercial retail space. He has drawings that he will provide to each Councilmember.

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.

Vice President Dunne moved that this constitute a first reading.

Mayor Johnson asked Vice President Dunne if he was satisfied with the legislation after reviewing it because at the last meeting Council had not been given enough time to review the legislation. Vice President Dunne stated that "yes" he was satisfied that members of the public had had time to read it also.

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 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 first reading.

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 amending Chapter 171- Fair Housing Practices of the Codified Ordinances of the City of Portsmouth, Ohio.

Vice President Dunne moved that this constitute a first reading.

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 amending Section 541.08 – Ethnic Intimidation of the Codified Ordinances of the City of Portsmouth, Ohio.

Vice President Dunne moved that this constitute a first reading.

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 approval of the consent legislation submitted by the Ohio Department of Transportation (ODOT) determining the need for a guardrail project to update Type A end treatments along NHS routes within the corporation limits of Portsmouth.

Vice President Dunne moved that this constitute a first reading, Mayor Johnson stated that he believed the waiving of the readings was to be requested. Vice President Dunne withdrew his first motion and motioned to suspend the three reading as requested.

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

The clerk gave a **first reading**, an Ordinance authorizing the acceptance of the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance funding, under the Edward Byrne Memorial Justice Assistance Grant (EBMJAG), establish a dedicated account for this grant and to authorize appropriation of such funding as received. The funding assistance is specifically for the police department to improve public safety and the reduction of crime.

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

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

The clerk gave a **first reading**, an Ordinance authorizing the employees in the positions of Police Chief, Fire Chief and their assistants be afforded the same rates for longevity as bargaining unit members within the respective departments.

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

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

Manager Sutherland asked that the legislation be amended to strike through “and their assistants” because after reviewing the budget, it was noticed that it would be a cut in pay to the assistants.

Vice President Dunne moved that the legislation be amended as requested in the Preamble and Section I.

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

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

Ord. #22-2020
ODOT
guardrail
project

Ord. #23-2020
Police Dept.
Edward
Byrne
Memorial
Justice
Assistance
Grant

Item
Amended

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

Vice President Dunne motioned to that the ordinance be passed.

Ord. #24-2020
Police & Fire
Chief
longevity pay

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**, 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 first reading.

There were no further questions or comments. **The role was called. VOTE: 5 ayes – 0 nays, a first reading was declared.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Sharon Bender – 1666 Highland Avenue Portsmouth – She commented on the recent inmate death at the Scioto County Jail and stated that there were a lot of questions that need to be answered. She thought that everyone in the City of Portsmouth should be concerned that a man had died due to irregularities judging from the pictures that she saw and which were reported that he “tripped and fell and died”. She said that we all should be concerned because we have family and you never know when one of your family members might end up there. She would like the powers that be to address the situation as soon as possible.

Carrie Duncan – 2211 Cleveland Avenue Portsmouth – She stated that she was a concerned citizen of the City of Portsmouth. She explained that she has two beautiful and intelligent daughters that will have to face the discrimination because of their race, they will have to fight to overcome this prejudice, not only as an individual but also with institutions including the United States Government. She wants them to have equal opportunities and given compassion that was so easily given to their peers. She said that one day when her children leave Portsmouth to go to college, start their careers, travel or start a family, she wants them to be afforded equal opportunities to succeed and not be afraid to be safe. She added that without reform, she did not believe that would exist. She has the following questions: 1. What legislation, if any, would you like to see reforming systemic racism in regard to our State and Federal Government. 2. Do you believe we need reform to end systemic racism, if so, how do you plan to use your position with regards to this. With those questions, she asked Council to consider ending racial profiling so that no individual be stopped based on their race. She stated there needed to be a National database that tracked Police misconduct to help ensure that officers would not be allowed to remain in those positions if they violate a citizen’s right. It would also ensure that terminated Officers would not be allowed to move from one department to the next. There needs to be bail reform to prevent anyone from being held without charges, to consider individuals income when setting bail amounts to ensure that bail hearings are accessible to everyone. Choke holds, knee holds and other restraints that could cause deadly force need to be banned. These were just some of the reforms that we need in legislation. She asked Council what they were willing to do as individuals? Are you willing to speak to State and Federal Legislators? Are you willing to become more active in the entire community? Are you willing to encourage unarmed Police Officers to become involved, especially with our youth? Are you willing to show up and support peaceful protest between Police and Citizens? Are you willing to use your position to create unity within our community?

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received via email on June 1, 2020 from the Auditor’s office, the following summary statements of the Combined MTD/YTD reports for the period ending May 31, 2020: Expense, Revenue and Fund.
2. She said the Health Department advised that Council could not hold the meeting in Council Chambers until the 6 ft distancing has been lifted as there was not enough space to allow for the 6ft distancing.
3. She received a letter from Columbia Gas that they will begin the second phase cleanup of the southern portion of the former manufactured gas plant site. It will involve Second, Jefferson and Madison Streets. The project will begin in June and should be complete by the end of August. (The northern portion of the site was cleaned up by Columbia Gas in 2018)

4. She expressed best wishes to Reporter Ivy Potter from the Portsmouth Daily Times as Friday will be her last day. She got another job as a crisis advocate in Cabell County. She has served Council and the City well and wished her the best in her new job.

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 had no report.

Mayor's Report – Mayor Johnson reported the following:

1. He reviewed the portions on the agenda that allowed citizens to address City Council with items on the agenda and items not on the agenda. He said that Council cannot answer questions during both portions in which citizens address Council. He said when questions are posed to Council, they cannot meet with more than three members of Council because it would violate the Sunshine Law. He stated that Mrs. Duncan took the time to bring up serious issues and he suggested that the City Clerk have these questions typed up and give Council a copy for the Conference Agenda where they would not be in violation of the Sunshine Law.

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 reviewed the May 2020 Auditor's Report. May's General Fund Income Tax Revenue - \$1,052,210 which was \$40,782 less than the previous year, but was down \$8,033 from the previous month. Total collections were \$1,195,699 for a total of \$9,127 less than the same month last year and a total decrease this year of \$46,509. Major Fund Balances – General Fund \$6,357,097, Streets \$495,799, Water \$340,072, Sewer -\$123,907, Sanitation \$302,282 and Insurance \$3,067,501.
2. He recommended based on the meetings he's been to in the past at Shawnee State University, that they provide air-conditioning and good sound capability. He said there needed to be something done for people attending because of the heat and discomfort, as well as being able to hear and broadcast. He requested that something be done prior to the next meeting to ensure the room is ready for the 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 thanked Shawnee State University for providing Council with the space. He said that he was aware there was audio feedback and previous times it had been much better. He said that he would make sure to work on making it better for the next meeting.
2. He said that he and Mayor Johnson met with Dave Lucas Communication and they will speak more about that during the Conference Meeting.
3. He met with the Police Chief and City Manager regarding the Designated Outdoor Refreshment Area and he will also speak more about it in the Conference Meeting.
4. He donated his monthly salary to purchase a banner of Joe Burrow in which he hoped to put on Spartan Stadium. He said that he appreciated Joe Burrow speaking out for this region and more recently speaking out about the inequalities and the injustices faced by the African American community.
5. He said that in the wake of the murder of George Floyd in Minnesota, there were a lot of reactions to causes and responses. He gave an overview of some of the discussion he had with citizens of the First Ward and others in the city. 1. He said the city should have a Juneteenth celebration again because they had had previous ones in our area. He said Juneteenth celebrates the news of the ending of slavery and one of the things he stressed about any slavery in this country was the notion of freedom which wasn't something that the Government just gave to people, it was something that all of us need to work to protect ourselves and others. In that spirit, he hoped that meeting would bring individuals together not only to talk about infringements on freedom and discrimination, but to also look forward and see how various institutions in our city could improve the way in which they operate and the way in which they collaborate with other institutions. He stressed that in the United States he found that issues such as racism far too often was listed as an individual issue, an individual mindset for far too many people whether it's one person's comments or one person's perceptions and was far more rooted in society. His opinion was that it was more of a sociological issue than a psychological issue which meant we would have to look at the very basis of our institutions not just in Portsmouth, not just in Ohio but in the United States. He thought it was encouraging to see so

many individuals across the country speak out under such great pressures and violence about what happened. If we were a very indifferent country after watching the horrific murder of George Floyd and not have taken it to the streets, it would have spoken very negatively about our country. It was upsetting to see protest about Police brutality met with additional Police brutality and it was something that needed to be addressed. He felt that what we were doing in this moment, reminded him of a phrase that he revised from a German Social Theorist Walter Benjamin which talked about dialect instead of standing still. He said there were moments that various alliances and various social positions emerge and everyone could see where each other stand and when we move forward with addressing the issues that lead to the murder of George Floyd and the murder and abuse of others, it's important to take a count on where we all stand and what we are aligned too. He said that an interesting microlevel aspects of the Coronavirus was that when we were given all the new rules on how to interact with each other, there was this period of uncertainty (how do we say hello if we cannot shake hands, how can we hang out with one another if we can't be within 6 ft. of each other), we weren't socialized to be in a world of coronavirus and it was a moment where we all weren't certain how to act and we're still uncertain. When we look at the way in which media institutions, education, political etc. have operated, we have been socialized to behave in a country with systemic racism and to break that, we will have to take a form of institutional focus and what he would hope for was that new forms of interactions and new ways of thinking could happen in ways that were similar from a country before coronavirus and a country after coronavirus. He thinks that if you look at other countries and the way they have handled these types of situations, one point to look at, was the country wide efforts of Germany after World War II to dispel Nazi thinking and he believed that something of that level is required to address systemic racism.

2nd Ward – Councilwoman Charlotte Gordon reported the following:

1. She thanked Councilman Dunne and said that his words were inspiring.
2. She re-appointed Yolanda Cave to the Traffic Committee and Curtis Shanks to the Land Reutilization Committee.
3. She attended the protest; it was peaceful and she was pleased to see everyone and pleased with the Police and Chief Brewer's response.
4. She forwarded a complaint about weeds on Kinney's Avenue to the City Manager and within 48 hours it was mowed.
5. She said about 90% of the complaints were about code enforcement or lack thereof, she submitted to the City Manager and the City Clerk a list of approximately 25 properties, mostly residential and half a dozen commercial properties that she had gathered in less than an hour of driving through her ward. She stated that when she was elected, she promised that code enforcement would happen. She sees the lack of code enforcement with overgrown lawns, boarded up houses, windows with plywood on them and the blight that the neighbors have to live next to as a form of oppression and bigotry which kept us as a whole from moving forward. She said that a lack in code enforcement for our citizens needed to end.

**Yolanda
Cave
reappointed
to Traffic
Committee**

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

1. He stated that on his Mayor's report he failed to mention that he had asked John Stephenson to continue to serve on the Civil Service Commission. He will make it official at the next meeting.
2. He had a couple of nuisance issues; a tree fell in Mound Park on Sunday afternoon and he asked Manager Sutherland if they had started on it and the reply was that they would start on it Tuesday morning. He had a couple of garbage complaints and he agreed with Councilwoman Gordon that the city needs code enforcement and if there were issues, they need to be handled.

4th Ward – Councilman McManus reported the following:

1. He appointed Tom Pitts to the Land Reutilization Committee and he thanked Jim Kalb for his service over the past years.
2. He said they were working on some Zoning issues and thanked Manager Sutherland for his help.
3. He thanked Councilwoman Gordon for bringing up the issue of code enforcement and believed they were going to talk about it more in the Manager's Conference.
4. He said that he didn't want to wait two weeks to respond to questions and wanted to speak about the events that have taken place. He said he didn't have the answers but he will listen and be there for the citizens. He will be there in any way that he can and hoped to be part of the many solutions.

**Tom Pitts
appointed to
Land
Reutilization
Committee**

5th Ward – Councilman Martell reported the following:

1. He asked for a moment of silence for George Floyd, Kevin Bailey, Ahmaud Arbery, Breonna Taylor and all other victims of injustice.
2. He had a gentleman ask about possibly having a military parade because the Memorial Day parade was cancelled due to the coronavirus. He asked Manager Sutherland to put it on his agenda for the next meeting to discuss and maybe have it after everything gets lifted.

3. He had a lady call about stripes on the streets because the paint for lane markings had faded. She made a compelling point about visitors coming to the city and not knowing where you can or can't make a right turn. He said that her daughter had recently started driving and she would like to teach her the correct way to abide by the lane markings.
4. He spoke about recent events happening around our country which have brought light to issues that we have and he has had a very difficult time with digesting the recent events. He has had a rollercoaster of emotions ranging from crying with sadness because he could feel their pain, to extreme anger, because he still can't believe these events continue.

“Why do I feel this way, you might be asking yourself? Let me help you to better understand by using myself as an example. I am not here to debate but I'm here to educate on the things that are going on that few know about and they're unwilling to discuss. For example, the time that I grew out my beard, I was super excited about it and it was looking really good, but then someone called me terrorist, so I shaved my beard; tan-beard-terrorist. What about the time that I was speaking to a family member in the line at the gas station and I was speaking Spanish to my Father and I was told that I am in America, and in America we speak English. How about being called a wetback and told that I needed to go back over the wall. All while screaming out the window of their vehicle and all while I was volunteering my time to clean up the trash in our city. How about referring to my daughter's hair as nappy or black people hair instead of just beautiful curly hair. What about that time I asked an employee for assistance, and she looked at me and ignored me, walked away from me and moments later watched her help someone else who was not of my color and calling him honey and showing him exactly what he needed to know. How about when someone is speaking in a certain way until they find out that I am a City Councilman, all their body language changes and the response I receive is “Really”! The list goes on and on, things like this happen, they happen way more than you think and society has programmed us to endure it, bottle it up and shove it down deep. We are told that we can't “Act a Fool.”, we are told that we are being too sensitive, and for some, you have no empathy because very few have ever experienced it. I am telling you these things because I am not looking for your sympathy or pity. I am telling you these things because I want you to give me the same attention you give others. I am telling you these things because I want you to give me the same understanding that you give others. I am telling you these things because I want to be treated as an equal, I want you to see ME for who I am. I will no longer allow you to silence me and you will get to know me because I will be everywhere, more than I already am.”

So how do we fix it? There were some questions that he had received from many individuals not only in his ward but from the entire community pertaining to systemic racism and police reform. He had the pleasure of talking with real leaders with real leadership skills and they were trying to figure out how to bring the people in this community together, instead of continuing to divide it. He was opened to continuing the conversations and having many more discussions; they've talked about planning and implementing different ideas because there were so many different things that needed fixed. He gave some ideas that he could do by being on City Council: 1. He had a meeting with Sam Sutherland (City Manager), Drew Carter from the 14th Street Community Center and Interim Chief Brewer. He said that one of the reasons that he had called a meeting, was that he felt relationship building between Police Officers, our youth and community members was very important. He gave an example of one of his experiences when he first moved to Portsmouth from Cleveland, Ohio. He met an Officer and normally when he meets an Officer, he clammed up, got nervous and had anxiety; one day Officer Dixon came to his job because he was having some issues with his vehicle, he said that he felt fearful and nervous and allowed someone else to help the Officer. Fast forward to another time, he was playing basketball at the Life Center and in walked Officer Dixon without his uniform on and they played a pick-up game of 3 on 3, they had fun, shook hands and introduced themselves and they had a good time. Fast forward again and one day he was walking out of the grocery store and Officer Dixon pulled up and rolled down his window and called his name, he turned around and it was an Officer and all of those emotions started flowing right back, nervous, fear, anxious but he had nothing to be fearful about, and he walked over to the vehicle and Office Dixon asked him when they could play basketball again and immediately he felt everything flush out of his system, his emotions were nothing but happiness because Officer Dixon made him feel very comfortable. He felt that relationship building could really help and he had researched a program on how to build relationships between Officers and the Youth, and he felt that it was very important for our children to feel safe and not fear the Police. He said the program was called the “True Blue Program”, he said one city had started it and seen a significant improvement with relationships between the Officers and the Youth. The program mandated that each Officer spend at least one hour of their time to do some sort of community interaction with the youth. The other part of that program was to equip every Officers vehicle with aa instrument in the trunk that they could use such as a football, baseball, basketball, frisbee or a book, which would provide the tools to be able to interact with the youth. He said that bringing them together would really help.

Another program was called the Citizens Patrol Program, which they used to have in the city but it no longer existed. This would be a ride along as he felt it was important for the citizens to interact with the Police Officers. He felt that citizens would have a better understanding of

what our Officers had to go through and the Officers would have a better understanding of the citizen and where they came from because there would be a lot of one on one.

Police Training/Police Reform was another program they had discussed and while doing his research, he found that Police Officers go through Police training at the Police Academy and after that, there's nothing. He said that an Officer could be on the force for 20 years without any type of training. People change within a twenty-year period. In his research he found continue education for Officers called Verbal Judo and every Officer must attend once a year to receive verbal judo training which was basically deescalating training. They have seen a 25% reduction in Officer complaints for just one training, once a year. Chief Brewer invited him to come more often to discuss how to get it implemented, where the money would come from and how to get it done.

He would also like to focus on getting people registered to vote. He spent time with Drew Carter from the 14th Street Community Center and they went door to door registering people to vote, some people had never voted. The other day they had some awesome volunteers who stood out in the pouring rain going door to door at Kendall Heights apartments to register people to vote. It was a start which inspired him to go to the board of elections and ask to be put on the agenda to see what they could do to change the poll stations and ask why was there only one. There were people in the 14th Street Community Center that couldn't make it to the Alexandria House or to the Life Center, and more polling stations were needed to make it easier on folks to get out and vote.

He said that they had an opportunity to set a precedence that shows others what can happen when a community comes together and implements plans that can make a difference, not just now, but for the future of our youth.

He battled with the idea of putting his hand over his heart and saying the pledge of allegiance, but he realized that his pledge wasn't just to the flag, but his pledge was to the city and he will stand and fight for being one Nation under God, Indivisible, with Liberty and Justice for all. A lot of people who have pledged to the flag, seem to have forgotten what it was supposed to stand for, and you should be ashamed of yourselves for pledging and not following through with that promise to up hold Justice for all. May you Rest in Heaven Kevin Bailey.

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

The meeting adjourned at approximately 7:19 p.m. on a motion by Vice President Dunne.

City Clerk

Mayor