

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday July 13, 2020

6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday July 13, 2020 at 6:04 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 22, 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 7(k), An Ordinance authorizing a need for a face covering (mask) requirement in the City of Portsmouth due to the ongoing health crisis and public health emergency. It is also being requested that the three-reading rule be waived. Mayor Johnson differed to the City Solicitor as this was an item unfamiliar to him because it had not gone through the City Manager's Conference, and asked if it could be added to the agenda? Solicitor Haas stated that the procedure for the Manager's Conference Agenda was procedural so that Council doesn't have things pop up straight onto Council's agenda. He added that when former Solicitor Mike Jones was in office, he had urged Council to follow the procedures of items being on the City Manager's agenda first and if voted to move forward that was when it could go on Council's Agenda. He advised that Council has had this item for a few days and had time to review it, and normally he doesn't like making exceptions, but given the emergency type nature of the circumstances, he doesn't have a problem with adding it to Council's agenda. Mayor Johnson voiced his concern and objection to adding this item because what was the purpose of having a Conference Agenda if Council willy-nilly adds as they choose. Solicitor Haas stated that the purpose of a Conference Agenda was to permit discussion regarding the preparation of an ordinance in which allows him the opportunity to have time to prepare a written word to put onto Council's agenda, but in this particular case, there was a written ordinance that had been prepared prior to Council's meeting and had been circulated to City Council and the City Manager. He said that if an item was put on Council's agenda and the rules were waived, it would take a majority of Council to vote it down, however if it was put on the City Manager's Conference Agenda and after discussion there's a majority that votes not to move forward with it, it would stop there and never makes it to Council's agenda. Mayor Johnson stated that the citizens that voted for Council would not have a chance to voice their opinions and asked how Council was being transparent by adding something to our agenda and waiving the three-reading rule and then passing the ordinance; how as a Council were we giving our citizens an opportunity to speak? Solicitor Haas stated that's why Council was elected, because Council could choose not to pass it tonight and put it on the City Manager's Agenda for the next meeting if that was what the majority of Council wanted to do. There was nothing prohibiting Council from adding and passing this tonight.

**Item to the
Agenda**

Vice President Dunne stated that when Council started with a discussion item on the City Manager's agenda, usually all avenues were discussed prior to voting to send it to Council. The first part would give the Solicitor time to review various aspects of the proposed legislation through a legal lens and by the time the item received a first reading, Council would know that it was legally coherent. Council would still have a chance to discuss the item and there would be room for more critical discussions. The second part would be the hesitance in waiving the three-reading rule but Council has done that at different times whether it was a grant deadline or an appropriation of a grant but often it had to do with timing. At the same time, Council should use that option with hesitation for the reasons that Mayor Johnson had brought up, so that if citizens wanted to voice their opinions whether in support or in opposition and going through the readings would allow people to give statements over a number of weeks. He said that it was an important rule, however, with the current context, the timing was of the essence and it was a situation in that the city is currently one month from school starting and there had been a sharp increase in cases and the Coronavirus doesn't wait for procedures. He said that it wasn't ideal to have a piece of legislation sent to the Solicitor's office at the last minute but sometimes there were certain circumstances in which it was necessary. Mayor Johnson stated that he wasn't debating whether to wear a mask or not, but the procedure. **The motion carried viva voce: VOTE: 4 ayes –1 nay (K.E. Johnson).**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Due to the Governor’s mandate of only 10 persons in a meeting, the meeting was not open to the public - Questions were sent in ahead of time via email and read by Clerk Ratliff

Dr. Jeff Bauer President of Shawnee State University – 940 Second Street Portsmouth, OH

Thank you for allowing me an audience today.

I want to let Council know of our plans at Shawnee State University for a safe return to campus this fall. When making the decision to return to campus for the fall semester, it is important our students and families trust that we take health and safety seriously. We are doing everything we can to establish a responsible environment on campus and appreciate the Council’s efforts to similarly take appropriate measures throughout the city.

The health and safety of our campus community – and our larger Portsmouth area community – are priorities for us. We anticipate the physical return of more than 3,000 students and 800 faculty and staff members beginning August 24.

We intend to do our part in helping to reduce the spread of coronavirus throughout this pandemic and want to model behaviors that our health partners agree will create and maintain a safer environment for all in our part of the world.

Over the past several weeks, our faculty and leaders have been working together with the City Health Department to develop plans for a Safe Return to Campus. These plans include requiring all students, faculty, staff and visitors to wear face masks at all times inside our buildings, with few exceptions.

We have developed guidelines for daily monitoring of personal health and behaviors such as hand washing and use of hand sanitizer.

We have modified our classrooms and labs to ensure proper physical distance and personal space.

Our employees and our students are being asked to sign personal pledges that acknowledge their commitment to “Go the Distance” for the health and safety of our friends, neighbors, and all who are part of our community.

I’m here today to share our collective pledge to our community to do everything in our power to protect each other during these unprecedented times — while continuing to provide the full range of educational services that our community relies on Shawnee State to provide.

Belinda Leslie BSBA, PHR, Administrator for Portsmouth City Health Department

Since the Council meeting is closed, she asked to pass along her concern about the enforcement of the ordinance? While we fully agree with the mandatory wearing of masks, there are only three people to enforce and they do not have the manpower to enforce. It would be physically impossible for them and suggested that it be enforced by the Police. She stated that they were happy to help, but can’t do it alone. She thanked Council for their time and said that she was available to answer any questions.

Nathan Bowen - 5387 at. Rt. 73 Otway, Ohio

Please take the time to read and think with an open mind no matter your beliefs.

#1 Scioto county has only been slightly affected by CV19 compared to other places.

#2 The news and all other information sources have been "wishy washy" from the start.

#3. It is a virus in the same family as the FLU. Everyone will catch it eventually.

#4 With allot of people below the poverty line for income, affordability of quality masks becomes a concern.

#5 Bandana's just really don't stop a virus. If hepatitis and HIV are covered under non-disclosure from the ADA then Corona could fall in there as well and I see lots of lawsuits coming.

#6 I would postpone for another week, as CDC reports say the death toll has fallen for the 10th straight week and conditions are just shy of falling below pandemic levels.

#7. Have you discussed this with the sheriff and city police? Are they going to deal with the flood of calls on so-and-so not wearing a mask??

#8 Is local law enforcement on board with you?

#9. Have you read the state constitution or city charter, does it allow you to make mandates of free citizens? Do you have legislative authority?

#10 Can you legally prove a harm or imminent public threat without the mask requirements?

#11. Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties.

#12. If you flip the story around it doesn't sound like a good idea. So, no pandemic, but a rash of riots and burglary Portsmouth mandates NO MASKS and wearing one is a misdemeanor. But then people with auto immune disease or cancer or other problems say, "IT'S MY RIGHT TO WEAR ONE"! It's a free country, "my body, my choice"! So now flip it back and give the same argument it's my Right not to wear one.

#13. Wouldn't fine's or arrests aggravate an already tense society and pit neighbor against neighbor for mask tattling?

Thank you for your time and consideration on these matters.

Karen @ mikequeen@live.com

No to masks! Masks have not been proven affective to fighting Covid-19. The best we can do is sanitize our hands and keep 6 feet of distance from anyone not in our family. We have never done the mandatory masks for anything in the past such as MERS, SARS, H1N1, Flu, Pneumonia and all of a sudden because the media puts the scare into people you want to try to mandate masks. Why weren't we worried about people's lives with these other viruses? Could it be that it is political?

Zach Schweinsberg – 1204 Goosecreek Road Wheelersburg, OH

Hello members of the Portsmouth City Council,

I am writing to comment on the pending vote about mandatory mask wearing in the City of Portsmouth. Though I am not a resident of Portsmouth (I reside in Wheelersburg), I am opposed to this measure. I will briefly outline my reasons for this and ask that you take them into consideration.

1.) The councilmen for the Village of New Boston met on 7/7/2020 to consider this same matter. As reported by the Portsmouth Daily Times, Scioto County is currently only at level 2, whereas other counties which are required by the State to wear masks in public places are at level 3. For the purpose of being consistent with the practices of neighboring areas and in order to avoid the implementation of unnecessary regulations on those wishing to spend time in the City of Portsmouth, now is not the time for this additional regulation.

2.) Per CDC guidelines, the use of cloth facial coverings is most effective when people are within six-feet or less of each other. The Director's Order issued by the Ohio Department of Public Health on May 29th requires that all business and operations shall comply with social distancing requirements, which includes maintaining social distancing of at least six-feet for both employees and members of the public. The situation where the facial coverings would be most effective are already prohibited.

3.) Even with the use of cloth facial coverings, researchers have still detected the existence of viruses (including COVID-19, the rhinovirus, and influenza) in aerosol particles (see the Journal of Nature Medicine, citation included here: <https://www.nature.com/articles/s41591-020-0843-2>)

While there are other studies available which suggest the opposite, these studies are often accompanied by disclaimers that warn of the findings being of low certainties. The research community has not yet reached a consensus on the effectiveness of masks at stopping the spread of COVID-19.

4.) The use of cloth facial coverings has potential side-affects, according to the Journal of British Medicine (<https://www.bmj.com/content/369/bmj.m1435/rr-40>). In short, those side effects include:

- (A) A false sense of security, which could lead decrease compliance with social distancing guidelines.
- (B) The improper handling and disposal of potentially infected facial coverings (i.e. the masks must be changed frequently, must not be touched while they are being worn).
- (C) The use of facial coverings can decrease the quality and volume of speech, resulting in people subconsciously getting closer to each other in order to hear better.
- (D) Wearing a facial covering causes air to go into the eyes, which results in people touching their eyes more, potentially increasing the rate of infection.
- (E) Facial coverings increase the amount of CO2 inhales, which increases the depth and frequency of breathing. For those that unknowingly have COVID-19, this may increase the risk of them becoming symptomatic when they otherwise would not have.

This concludes my list of reasons for opposing the mandatory wearing of facial coverings in the City of Portsmouth. Thank you for your time and consideration.

Mark Chepp - 825 Gallia St. Portsmouth, OH 45662

I would like to add my voice in support of the resolution, coming before Portsmouth City Council tonight, mandating the wearing of face masks as a defense against the spread of the Covid-19 virus. We should all heed the example now being set by our President, our Governor, and virtually every public health official, emphasizing that the simple act of wearing a face mask, while in public indoor spaces is, at this juncture, our best hope in curbing the exponential spread of the disease. Scioto County has been fortunate in that the worst of the epidemic has yet to reach us. At the same time, the fact that our number of reported cases has risen nearly 300% percent since late June should give us pause. We must all accept our role as responsible citizens in protecting, not only ourselves, but also those around us.

Bard Suverkrop - 2732 Hillview CT Portsmouth, OH

The number of new cases is rising rapidly. We have gone from 15 cases on June 1 to 71 cases today with the number doubling in the last 10 days. The question is, when will the city require masks – at least indoors – throughout our city? As a senior, I already limit my exposure by not going to any 2nd street stores as the employees and owners do not wear masks let alone the customers. Kroger's, Walmart, and Lowes were better but there is still the issue of the customers not wearing masks.

With schools set to open soon I do believe we need to prepare our adult and youth population beforehand if the openings are to be successful. We are now seeing the cases from Memorial Day and graduation celebrations, but I think we can expect more due to the gatherings on July 4th. Things are not looking good and now is the time to take action – for all our sakes. Clerk Ratliff stated that he also provided a COVID time-period scale

Sharon Halcomb – 3000 Camelot Drive Portsmouth, OH

I am in favor of wearing a mask in the City of Portsmouth.

Missy Myers - missymedic32@yahoo.com

As I'm sitting back watching other countries that have Covid under control, I'm watching my nation and state destroy its people. Please protect those that work in our community by making a mask mandate. Even in restaurants people need to use mask when they are walking in/out and any time they are not eating or drinking.

Amy Barnhart – Teacher Portsmouth STEM Academy

In 42 days, I am supposed to be a teacher in front of a classroom of middle-schoolers. Normally, this is an exciting time. But not during a global pandemic. I haven't seen my students or taught in my classroom since Friday, March 13th. At that time, we went on lockdown and had to try to teach from a computer screen. I hoped that those three months plus some-time this summer would be all that it would take to put the virus down.

But that didn't work. And it didn't work because many people thought it would be a good idea to open things up while the virus was still being spread around. Common sense dictates that since COVID-19 isn't gone, we should take precautions to avoid spreading the virus around.

Physicians and scientists have determined that the best thing we can do as a society to stop the spread of this virus is to wear masks and stay about 6 feet apart from people. But that only works if people actually do it. But many don't believe that this global pandemic is serious enough to wear a mask and socially distance.

Any glance around Portsmouth and you'll notice that mask wearing is the exception, not the rule. Portsmouth has been lucky that it hasn't been hit hard by COVID-19. Yet. So many people are going around without masks that I'm afraid Portsmouth is going to go the way of Cincinnati and Columbus: with hundreds of cases and deaths.

Recently, the Portsmouth Racetrack has been operating what I call "super spreader" events. Supposedly they got permission to allow 2,500 spectators if they set up for social distancing. However, since mask wearing is only a suggestion, there didn't seem to be much mask wearing going on there. These events pose a risk for spreading COVID-19 to thousands of people because some mask wearing isn't enough.

Obviously, people in Portsmouth need a wakeup call to the seriousness of this pandemic. City Council needs to mandate mask wearing in Portsmouth.

I ask that the Portsmouth City Council be proactive in the fight to stop the spread of COVID-19. They need to mandate the wearing of masks now—instead of waiting until the numbers are too high and we start seeing deaths that could have been avoided.

Remember: school goes into session next month. We need to be positive role models for our children who will need to wear masks when they return to school. And like it or not, we ALL need to start wearing masks now.

Vice President Dunne made a motion to recess into Executive Session for the purpose of discussing property transfer and would also like the City Solicitor and the City Manager to be present.

Executive
Session

The role was called and the motion carried: **VOTE: 5 ayes– 0 nays, Council recessed into Executive Session at 6:38 p.m.**

Vice President Dunne motioned to reconvene from Executive Session. The roll was called and the motion carried. **VOTE: ayes 5 – nays 0, Council reconvened with all still in attendance at 7:10 p.m.**

LEGISLATION

The clerk gave a **third 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.

Ord. #29 -2020
Establishing
New Chapter
Discrimination
Prohibited

Vice President Dunne moved that this Ordinance be passed.

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

The clerk gave a **third 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.

Ord. #30 -2020
Procedures for
lowest and
best bid for
construction

Vice President Dunne moved that this Ordinance be passed.

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

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

Ord. #31 -2020
Fair Housing
Practices

Vice President Dunne moved that this Ordinance be passed.

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

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

Ord. #32 – 2020
Amending
541.08 Ethnic
Intimidation

Vice President Dunne moved that this Ordinance be passed.

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

The clerk gave a **second 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 second reading.

Vice President Dunne stated that other cities require construction sites to post their permits and he would like that wording included in the legislation. This would allow people to know what’s going on and that the requirements by the city were being followed. Mr. Dunne stated that he would email the proposed language that he would like to use.

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 authorizing the City Manager to sell the former Adelpia 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 motioned to suspend the three-reading rule.

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

Ordinance was defeated

Vice President Dunne motioned that the Ordinance be passed.

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

The clerk gave a **first reading**, to an Ordinance amending Section 753.21 – Parking Trailers and Campers Outside Licensed Campgrounds of the Codified Ordinances of the city of Portsmouth, Ohio. 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 requested that the word “boats” be included in this ordinance. Solicitor Haas was asked if he was alright with adding “boats” to this ordinance and his reply was “sure”. Clerk Ratliff asked where in the ordinance did Council want it added. Mayor Johnson replied anywhere that it said “Trailers and Campers” add the word “boats”. Solicitor Haas asked if Council was limiting this to living quarters, Councilwoman Gordon stated that one of the problems was that people were parking these boats in the grass and then not cutting the grass around it. Solicitor Haas replied that the city has a high grass ordinance already in place that would take care of that. Vice President Dunne stated that there was an issue with parking boats in front yards and parking boats in a secondary dwelling that wasn’t their primary dwelling and they leave them there throughout the year, there was no size limit or living quarters on the ones he had seen. Solicitor Haas recommended drafting a separate ordinance dedicated to “boats” and putting different limitations on it so that there’s not a boat storage facility within the city. He stated that there needed to be further discussion with the Police Chief. Vice President Dunne withdrew his request.

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

Ord. #33 -2020
Amended
753.21 Trailers
and Campers

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**, to an Ordinance authorizing the appropriation of \$4,200.00 for the service of Live-Streaming City Council meetings to be paid from City Council Miscellaneous Fund No. 101.101.5299. 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.

Ord. #34 -2020
Authorizing
Live-Stream
Video Services

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

Vice President Dunne motioned that the Ordinance be passed.

Mayor Johnson stated that Mr. Lucas would have been present had it not been for the COVID19 lockdown. He said the biggest complaint that he had was people telling him that they love the fact that they can view our meetings but they can’t hear Council. This was Mr. Lucas’s expertise and he would be handling the sound and the live-feed to facebook. Councilwoman Gordon asked about the limitations for the amount of people allowed to be present in a room, he would make eleven. Mayor Johnson stated that he would reach out to the Health Department for guidance and will report back to Council.

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 authorizing the appropriation of \$6,500.00 for the appraisal of Spartan Municipal Stadium to be paid from CIP City Council Land Improvements Fund No. 301.101.5502.

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 a Resolution authorizing the removal of 10% pension pickup paid to the Ohio Police & Fire Pension Fund (“OP&F”) by the City of Portsmouth, Ohio for the Fire Chief and Police Chief as a result of a modified salary structure with the removal of this pickup to be effective August 1, 2020.

**Res. #11 -2020
Authorizing
removal of
pension
pickup for
Police & Fire
Chief’s
Pension Fund**

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 a need for a face covering (mask) requirement in the City of Portsmouth due to the ongoing health crisis and public health emergency and to reduce and prevent the spread of Covid-19; to allow for enforcement and assessment of a city penalty by Portsmouth Public Health for a violation of said mandate. No funding is required for this legislation. 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 asked Solicitor Haas about the penalty being a warning for the first offense and then the second offense was a fine of \$500. Solicitor Haas stated that was for a business that wasn’t in compliance, he advised that the City of Athens was doing one that was \$1,000 fine for businesses.

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

The role was called. VOTE: 4 ayes– 1 nay (K.E. Johnson), the rule was suspended.

Vice President Dunne stated that Shawnee State University President called him today and was in support of the mask ordinance and advised that Shawnee State University was trying to keep the numbers from a steep incline and addressed the efforts that Shawnee State was taking to make a safe campus. Solicitor Haas added that it was in the newspaper that the Scioto County Clerk of Courts office and the County Recorder’s office was mandating that masks be worn when entering their offices. He said that his private practice law office building which was the Bank Building had signs that people entering must wear masks. Councilwoman Gordon stated that with school starting soon and the cases climbing; for the sake of the students and teachers she really believed that this should be implemented. Shawnee State University is a large part of our community and this could be looked at as both a health issue and an economic issue. Mayor Johnson advised that he was interviewed concerning this issue and he said in the interview that he would like to hear from constituents in the city and to be honest, it was about half and half. He’s heard from both business owners and residents; some were in favor of the mask and some were not in favor of the masks. He said that he had been accused of not being in favor of the mandatory masks, and for the record he had several masks and wasn’t opposed to wearing a mask. He stated that he was opposed to the way that it was being handled and understood that Council felt that it was an emergency, but there were procedures for handling these types of issues, by introducing it on the City Manager’s Conference Agenda or calling for a special meeting which if that be the case the reading could’ve been waived and it could’ve passed and the public would have known about it, but to introduce legislation the night of a Council meeting that those that elect us and pay taxes in our city won’t have the right to be heard by City Council and he felt that Council wasn’t giving good representation.

**Ord. #35 -2020
Authorizing
mandatory
masks in the
City of
Portsmouth**

Vice President Dunne motioned that the Ordinance be passed.

There were no further questions or comments. **The role was called. VOTE: 4 ayes – 1 nay (K.E. Johnson), the Ordinance was passed.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

There was no one present that wished to address Council pertaining to items not on the agenda.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received the following Oaths of Office: Debra Brewer – Police Chief, Michael Hamilton – Police Captain, Nathan Williams – Police Lieutenant, Timothy Stewart – Police Sergeant, Kyle Porter – Police Officer.
2. She attended with Mayor Johnson the retirement party for Kim Carver of the Emergency Management Agency. She wished her well.

3. She received via email on July 2, 2020 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending June 30, 2020: Expense, Revenue and Fund.
4. She participated in a Zoom meeting along with Manager Sutherland hosted by the Chamber of Commerce. State Representative Brian Baldrige, Secretary of State Frank LeRose and Senator Terry Johnson were all on hand to speak about items that they've been working on at the State level and they answered questions from the public. Very good meeting overall.
5. She reminded Council of the Financial Disclosure for all elected officials is due on July 15th.
6. She was saddened to learn of the passing of WNXT's Mistie Cook Spicer, she was a wonderful person and great reporter. She was contacted by Sam McGibbon today from WNXT and he said the Memorial time hasn't been finalized but it will be on July 28th at Daehler's Funeral Home.

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 expressed his thanks to all of those who participated in Serve Day this past Saturday and the graffiti under the bridge was taken care of, he was however, saddened that it was immediately tagged which was disturbing. He said that some folks went back over and touched it up, so hopefully people will get the message that we were trying to make this city better.

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: 5 ayes– 0 nays.**

Mayor's Report – Mayor Johnson reported the following:

1. He was honored to attend the swearing in ceremony of Chief Brewer and several other officers on June 29th. He congratulated our new chief, those that were promoted and the new officer. He thanked them for their service and said that the Johnson family respects and supports the men and women in blue.
2. He attended and read a Proclamation of Appreciation for the retirement party of EMA Director Kim Carver. He thanked her for her many, many years of service to our community. He also congratulated and sent well wishes to the new EMA Director Larry Dale Mullins, his service was very much appreciated.
3. He expressed his condolences to the family of Mistie Cook Spicer, he had the opportunity to work with Mistie in radio. He said about a week or so prior to that, Roger Gray had passed away, he was a long-time sports director for WNXT. Two very fine people of radio and expressed his heartfelt condolences to their families.
4. He thanked those that participated in Serve Day this year, it has made a difference in our community and he appreciated their service.
5. He advised those that were watching the meeting via facebook live-stream, that he had ask Councilmembers to continue to respond to the questions posed by Mrs. Duncan at a previous meeting. Those questions for tonight's meeting were: 1. What legislation if any would you like to see in reforming systemic racism in regards to our local, state and federal government?
2. Are you willing to speak to state and federal legislators?

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 said the month of June was another close one and in the last week it appeared that the city would end with as much as \$300,000 less than the previous year, but like April the money we take in for the Ohio Business Gateway came in the last couple days of the month and bailed us out again. He said he would send a full report for the month of June but the revenue would not change as far as the general fund and income tax. We've collected \$977,109 which was down \$110,987 from last year and that made the general fund down \$149,944 so approximately \$150,000 down from last year and with everything that has happened, he felt that was pretty good. The total collections were \$1,110,363 and was down \$126,125 compared to last year and the total were down \$170,060 which includes the general fund and capital improvement fund. The tentative numbers for the end of June for the Funds are: General Fund \$6,362,668, Streets \$424,670, Water \$363,378, Sewer -\$167,899, Sanitation \$212,847 and Insurance \$3,138,582.

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 a third firm regarding the renovation of Spartan Stadium, there was one more firm based out of Cincinnati that he'd like to speak with to develop a concept drawing and to get an estimate of the cost to renovate the stadium.
2. He attended the 4th of July fireworks hosted by Friends of Portsmouth which was a big success
3. He reached out to the Ohio High School Athletic Association to talk about an issue with racism in high school sports, specifically the students at Portsmouth High School who have been subjected to racial taunts by other schools in our area. He felt this was an opportunity to address the problem at a State-wide level.
4. He thanked Manager Sutherland for handling issues in the 1st Ward.
5. He addressed Mrs. Duncan's questions regarding radical reforms to end systemic racism, this would include rethinking the idea of race and how it influences our social institutions, social interactions and experiences as social beings. He will use his position at Shawnee State University to channel racism in different ways by offering a course entitled Race and Social Control. He would lead a conference presentation about racism and publish research and peer reviews on racism. He is currently working on proposal to address racism in High School sports and is proposing legislation to decriminalized marijuana. He is willing to speak with State and Federal legislators, but felt it more important to create change at a local level.

2nd Ward – Councilwoman Charlotte Gordon reported the following:

1. She thanked Friends of Portsmouth for the wonderful 4th of July fireworks display, she wasn't at the stadium but she could see them from her home about one mile away.
2. She thanked the Serve Day volunteers for their work, the city looked wonderful and clean and also thanked Main Street Portsmouth for all they do to maintain the area around the parks and the flowers around the downtown. It all looks really beautiful.
3. She thanked Manager Sutherland, the Health Department and Andy Gedeon for keeping up with the code enforcements in her ward.
4. She addressed Mrs. Duncan's questions stating that when she came to Portsmouth and began her role as Museum Artistic Director, she noticed the lack in representation of minority artist. She said they have gone out of their way to include many minority artists including African American artist to exhibit in the museum and to do workshops not just in February but throughout the year. She will use her position to ensure code enforcement is utilized throughout the city as she believed that a lack of code enforcement was a form of oppression and bigotry. She added that blight keeps poor people poor and property values from gaining any value when the properties around you are run into the ground. She saw code enforcement as part of raising up the parts of a community, socioeconomic level, the racial disparity that have been kept down. She said something that bothers her when she's walking around certain parts of the city, particularly the river and the people down at the campground were allowed to display a rebel flag. She would like the lease agreement re-written to include language that this not be allowed. She said that there were fewer this year than there had been in the past, but it is city land. She said she would be willing to speak to anyone up the chain of command or on the State level to address these issues.

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

1. He addressed Mrs. Duncan's questions. He said that if systemic racism existed in our local government, he would want to know about it immediately and it would be addressed. He said that this body of Council had heroically passed four pieces of legislation regarding discrimination and he commended everyone on Council. Council dealt with discrimination prohibited, fair housing practices, ethnic intimidation which was a bold move and he believed that Council was dealing with issues like this each and every day. If anyone knows of any of this going on, this Council wanted to know about it. He addressed the next question about being willing to speak to those on a State level and said that they entrust those that were elected to make sure that systemic racism does not happen. He believed that it was up to us to elect officials and communicate with officials on a State and Federal level.

4th Ward – Councilman McManus reported the following:

1. He thanked Manager Sutherland for being helpful in his ward and he was very happy to receive the daily reports from Officer Hedrick. By looking at those reports he can tell his constituents things that have been reported in the ward and what was being done about them.
2. He met with Peggy Rice of PMHA and they were working on 24 homes in the area, throughout the different wards. They are rehabbing them, remodeling them and putting people in them.
3. He congratulated Kim Carver and wished her well in her retirement and congratulated Larry Mullins as the new Director.
4. He spoke about masks. He showed his cloth masks to the live-feed on facebook and said that by him wearing it, he could still get it, but if he had COVID it would help not give it to anyone.

He had a list of statistics and numbers, he wasn't going to read them because it doesn't matter, because he wanted to talk about "empathy" and caring about people and thinking about the big picture, he doesn't know how we got to a stage where putting on a mask to protect someone became political, we have no deaths in our county, but what happens when there is one, ten or hundred, it's not about that, it's about having empathy. If this helps even 5% why not put it on? He has lost someone to COVID, he has two grandparents that live up by Cleveland and they lost John last week and he had to speak to his Stepdad and tell him how sorry he was. He added that by voting on the ordinance tonight, he hoped that no one out there had to have that type of conversation with their loved ones. It's not about taking your rights away, it's about doing our part, it's wearing a mask, none of us like wearing them but this is what needs done.

5th Ward – Councilman Martell reported the following:

1. He thanked Manager Sutherland for the work on Fields Court and for having some of the City workers paint lines on some of the streets.
2. He attended the Friends of Portsmouth fireworks and was part of the Fun Police. He handed out masks, hand sanitizers to people and really enjoyed it, and the fireworks were awesome.
3. He thanked everyone who attended Serve Day and felt this really brought the community together. He said citizens were capable of working on different projects to clean up our city, not just cleaning our city up but doing all different kinds of things. He added that it was great to see so many people come together to do great things in our city.
4. He said as far as Mrs. Duncan's questions go, he felt that sometimes he felt like he was preaching and saying things over and over again, but everyone knew his stance on systemic racism. He was willing to speak to State and Federal legislators and to do whatever it takes to help alleviate some of the systemic racism that is happening in our country

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

Auditor Williams reminded Council and the public of the extended deadline for tax filing of Federal, State and the City of Portsmouth which is Wednesday July 15, 2020. He said anyone who lives or works in the City of Portsmouth is mandated to file an income tax with the city.

The meeting adjourned at approximately 8:00 p.m. on a motion by Vice President Dunne.

City Clerk

Mayor