

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday July 27, 2020

6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday July 27, 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 and City Clerk Diana Ratliff, Auditor M. Trent Williams (absent).

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 July 13, 2020 on a motion by Vice President Dunne. **The motion carried viva voce: VOTE: 5 ayes –0 nays.**

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

Sharon Bender – 1666 Highland Avenue Portsmouth, OH – “As a citizen and business owner in the area to be affected by this ordinance I want to express my opposition. We do not need people walking around our area drinking alcohol and the problems that go with it. My feelings are that this is an area for families to come to and not all people are comfortable with this. This will not benefit retail businesses. We will have bottles and cups littering our area and I do not want people drinking, possibly to excess, in my own business. The activities that are planned for our area are family activities and do not require alcohol to be successful. I want our restaurants and bars to thrive but leaving their area is not necessary to their success and potentially can be a detriment to other businesses.”

LEGISLATION

The clerk gave a **third 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 Ordinance be passed.

Vice President Dunne stated that previously he had mentioned about requiring the display of a permit to be used in the language for this ordinance, however, it might be better used in the ordinance to obtain a permit. He would like to have that put forward onto the City Manager’s agenda. Councilwoman Gordon ask who would enforce it and how would it be determined that someone had paid a contractor’s registration? Manager Sutherland stated that they would register in the Engineering Department to get a permit and it could be checked through that department.

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

The clerk gave a **second 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 second reading.

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

**Ord. #36 2020
New Chapter
Contractor
Registration**

The clerk gave a **first reading**, to an Ordinance authorizing the vacation of the alley located between 5544 and 5534 Wilson Avenue as requested by Matthew Reeder and Kimberly Reeder, and more fully described in the attached legal description, with the City of Portsmouth reserving all easements to this property.

Vice President Dunne moved that this constitute a first reading.

There were no 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 establishment of Designated Outdoor Refreshment Area (DORA).

Vice President Dunne moved that this constitute a first reading.

Vice President Dunne asked about the time frame and believed that it reads just for Special Events. He would like to see a Thursday, Friday and Saturday time schedule with a limited test run. He said that Middletown's hours were from noon until midnight, but would like to start with noon until 10:00 p.m. Mayor Johnson asked if it would require Council's approval to change hours and days and Vice President Dunne replied "yes" that was his understanding of it. Manager Sutherland explained that the application had to be approved by the State and it also had to be advertised in the newspaper and probably on the website too. Mr. Dunne stated that Middletown did a restricted opening when they first launched and then it was moved to seven-days a week and with a restricted opening everything could be tested such as, compliance and issues with additional trash or anything along those lines and would give us a sample of what it would look like. Councilwoman Gordon stated that she had received a lot of phone calls about this legislation and there were some that were opposed to the entire idea. She explained that the residents that live downtown say that laws weren't currently being enforced; the driving, the noise, the people spewing out, jumping over the curbs and this would be one more thing that needed to be enforced. There was a lack of cooperation or positive response from Police Dispatch, and would like to have feedback on that angle of this legislation. She believed that it could be good to help the businesses stay open, bring more business to the downtown and possibly drive more young people to our downtown; but on the other hand for the people living down there, trash was an issue, noise was an issue, people urinating in the public was an issue and there was a lot of negative feedback that she's received. Vice President Dunne stated that he had gotten feedback as well, his was positive feedback, however if there were some businesses that did not want to participate, they just wouldn't put the sticker in their window that way people that were drinking would not be allowed to enter with a drink. He said that the city would be very cautious about implementing this with the restricted days and times and if it turned out to be very destructive, then the restricted start would allow the city to check it month by month. Mayor Johnson said that he would like to hear from some of the constituents because he's only had three communications on the matter, two were opposed and one was fine with it but didn't like the idea of it going down Chillicothe Street, but was fine with it on Second Street. He said that he believed that Council was elected to carry out what our constituents want and we need to listen. Mr. Dunne stated that he received one call from a restaurant owner whose business wasn't included in the launch and he was very much interested in having his business be included and supported the idea and believed that it would bring people to Portsmouth.

There were no further questions or comments. **The role was called. VOTE: 4 ayes – 1 nays (C. Gordon), a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance amending Section 1311.05 - Occupying a Condemned Structure of the Codified Ordinances for the City of Portsmouth. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

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

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

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 **first reading**, to an Ordinance authorizing the appropriation of \$2,959.19 from FEMA Grant Fund No. 261 to be applied towards the purchase of a drone for the City.

Vice President Dunne moved that this constitute a first reading.

Ord #37 2020
Amending
1311.05
Occupying
condemned
structure

There were no 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 enacting a new Chapter entitled the City of Portsmouth Human Rights Commission of the Codified Ordinances of the City of Portsmouth.

Vice President Dunne moved that this constitute a first reading.

Vice President Dunne suggested utilizing the members of the Fair Housing Board and allow them to continue to serve so that there wasn't a constant turnover. He added that with all of the different committees in the city, he doesn't want it to be a struggle to constantly fill this committee. He said that he would like to remove the penalty section from the initial ordinance on discrimination and that it be governed by this ordinance. He said there was one small revision/update to the education section, he was advised that it should be in accordance with the State and Federal Laws, and would forward the wording for the next meeting.

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 A Resolution naming Sam Sutherland, City Manager and Tracy Shearer, Community Development Director, the City of Portsmouth appointees to the Energy Special Improvement District (ESID) Board.

Vice President Dunne moved that this Resolution be adopted.

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

Res #12 2020
Appointing
Sam
Sutherland and
Tracy Shearer
to Energy
Special
Improvement
District Board

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT 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

Joey Sandlin - 2830 Ridgeway Rd, Portsmouth, Oh - He is located in the 5th Ward and there had been a couple of troubling things that have come to his attention here in Portsmouth of late and would like to ask the City Council respectfully to answer, and for each member to go on record with their opinion.

1. Do you support the City Health Departments refusal to allow a church to peaceably assemble and practice their religion in our Public Park? Yes or No?
2. Currently the Council allows for public input prior to going through the agenda at meetings. At times no answers are given. In the interest of transparency and public input would you support a change in rules supporting the asking of questions and allowing public statements at the end of each Council agenda? This way the citizens of Portsmouth can have more immediate resolutions and answers to pressing matters. He respectfully asked each Council Member for their response to these questions so the citizens of Portsmouth will have their response on record. Thank you in advance for answering my questions.

Lane Ball Digital Reporter - WOWK-13 News – Huntington, Wva – lball@wowktv.com - His questions pertain to the City Manager's legislation "Opposing Racism High School Athletic Events"

1. If the resolution were to pass, what, if any, immediate policy changes would be made?
2. In regards to racist comments and forcing teams to forfeit, would a racist comment need to come from a member of the team/coaching staff, or could racist comments from the stands merit forfeiture?
3. How have racist complaints been dealt with in the past?
4. Why do you feel this measure is necessary now? If not, why do you feel it's not?
5. How will this resolution, if passed, ease the minds of black or mixed-race families in the city?
6. Was this request made by students/faculty or someone from the community?
7. Has there been any backlash from community members who feel this resolution isn't necessary?

Joseph Pratt – Director Main Street Portsmouth – He praised City Service Director Jack Tackett and his crew. "Mr. Tackett has been an invaluable partner in the work that Main Street does, acting as a readily available arm of their progress, willing to help or offer advice whenever possible. "We have gotten a lot done this summer thanks to Mr. Tackett and his crew. Additionally, as a citizen, I am absolutely smitten with his performance and work. I frequently take the riverfront to and from work and I have enjoyed seeing how well the space has been maintained this year, and even grown. He has painted a lot of new surfaces, including the previously horrid restrooms, and even poured a new basketball court. I am so proud of Jack and the work his team has accomplished, as well as the commitment they've shown in bettering Portsmouth since he has started his position. He is a valuable asset to our organization and the city as a whole and I want to make sure he is recognized for the work he and, especially Aaron Smith, are both able to accomplish. As always, I am here for any of you, should you need anything."

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received the following Oaths of Office:
Penny Gilliland – Deputy Clerk
Corey Fischer – Special Deputy Clerk
Timothy Stewart – Special Deputy Clerk
2. She received the resignation of Sean Dunne from the Shade Tree Commission due to scheduling conflicts with his teaching schedule. The City will need to replace him on the Commission.

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 chaired the monthly Portsmouth City Board of Health Meeting. If any of Council would like the minutes from that meeting, let him know and he will forward them.
2. He had reminded Council via email about addressing questions 5 & 6 of the citizens questions that they've been discussing and addressing at Council meetings.
3. He would like to see Council address, possibly during the City Manager's Conference meetings the format of the Council Agenda, currently we afford two opportunities for citizens to speak (or due to covid, email comments). Item 6 where citizens were allowed to speak on items on the agenda and item 8 which allowed items not on the agenda. He said at neither point due they answer questions or address the questions or come up with ideas and he felt that that was fine for the sake of respecting time and sometimes questions need some research and he felt that it was being done the right way. However, he would like a way to address the concerns especially when the citizens take time to come to a Council meeting or send in their email comments; he believed we owe it to them to address their concerns and maybe Council needed some kind of format for doing that, he was open to ideas.

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 reported the following:

1. He said that he wanted to correct some misinformation that had been spread about the City Parks being closed. The Parks are not closed, he said that because of the Covid Pandemic, groups/organizations were not being permitted to have group meetings in the city parks. Otherwise, the parks are open.

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.**

Auditor Williams Report – Mr. Williams had no report due to absence.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Dunne reported the following:

1. He addressed questions 5 & 6 that had been previously submitted. He said he liked to think that he was very active in the community, but if there was something specific, he'd be happy to address it. As far as Police Officers being more involved in the community, he believed that Councilman Martell had put in a lot of time to help that happen. He had not, but he thought it was a good idea and didn't oppose it.
2. He thanked Manager Sutherland for addressing First Ward Code Enforcement issues. He added that during the week he emailed Council a sample of the Code Enforcement reports from other cities and he thought the previous meeting they had seen a great first step by the Police Chief and the City Manager to provide more information about code enforcement. Those reports don't have to be visually fancy but a monthly spreadsheet would be very helpful in allowing Council to understand areas of the city where there were code enforcement problems, what types of violations that were taking place as well as the method and resolution to the problems. He will try to get a sample spreadsheet to Council before the next meeting.
3. He was in touch with the Lindy Infante Foundation who provide "Sports in a Bag" to families who cannot afford sports equipment, he knew that was an issue with families trying to get their children involved in sports and he's hopeful that they will be in Portsmouth providing sports equipment to local kids.
4. He applauded Jeremy Burnside's efforts to get the Toronto Blue Jays to Portsmouth, ultimately, they chose Buffalo.

5. He gave an update on the All-American City contest and said they were currently completing a two-minute pre-recorded video presentation, pulling together representatives to be a part of our group presentation. He felt they had a very strong application and was very hopeful for the results. The final presentations will be August 17th.

2nd Ward – Councilwoman Charlotte Gordon reported the following:

1. She thanked Manager Sutherland for addressing the complaints about the cruise-in and sending out more reinforcements to the problem area. She knew Sam and Kevin had also received complaints.
2. She thanked Vice President Dunne for all of his work on the All-American City application, which was exciting and will be a really good prospect.
3. She met with an informal neighborhood group of Second-Ward constituents. She listened to a lot of their concerns about businesses and the residences and to ideas about the city moving forward.
4. She had spoken to Manager Sutherland and Andy Gedeon of the Health Department regarding complaints she's received about the one lot on 5th and all of the campers on it.
5. She received an inordinate amount of complaints about the sidewalks being closed around the new hotel construction. She said that the city was trying to make Boneyfiddle more pedestrian friendly and people like to walk down there. She said the sidewalk was torn up and the fencing was all the way out into the street on three sides; you have to walk out into lanes of traffic, on Second Street, Washington Street and Third Street. She said there had not been any activity lately and would like to know how long the city will have to wait or at least while we're waiting if the city could open up the sidewalks.

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

1. He addressed questions 5 & 6 from Mrs. Duncan's previous request. "Are you willing to become more active in the entire community?" He stated that unless someone knew a Councilmember personally, they would not know how active they are in the community. He shared some of his personal life as a father, grandfather, husband, career, serving in the capacity as Mayor, Councilman, various boards in the city, church and faith events etc. he liked to believe that he was staying active in our entire community. He said that it was very important to be involved in the community and he'd liked to see more folks involved in the community. He said a lot of times you see 90% of the work being done by 10% of the people and encouraged the citizens to get involved in the community.
2. "Are you willing to encourage unarmed Police Officers to become involved especially with our youth?" He wasn't sure why the first part says "unarmed police officials" he personally had no issue with Police Officials always being armed and had the utmost trust and respect for our Police Officials. He replied "yes" to the question, however, he doesn't feel that the men and women serving as Police Officials need his encouragement; he felt that the city had men and women of integrity that were excellent role models for our children and in many cases you'll find our police officials mentoring, coaching, volunteering, chaperoning our children. The Police Officials are truly the heroes and role models for our children and he was very grateful for our men and women serving as Police Officials.

4th Ward – Councilman McManus reported the following:

1. He said at the last meeting he missed questions 3 & 4 so he will address all four questions. Question 3 was about passing legislation, he said we passed the discrimination prohibited ordinance which was a perfect case in point of what Council was working on. Question 4 – Willing to speak to State and Federal legislators? He said "of course" but he didn't know if they would listen to him, but was willing. He said even more important than that, talk to your family and friends, this was a conversation that we could have with anyone. All Legislators have opinions, your family and friends are where you could make a difference explaining the thought process of things like why racism is bad. It's 2020 and we're discussing how racism is bad. He encouraged everyone to talk to family and friends. Question 5 – Are you willing to become more active in the entire community? He added to what the previous Councilmen had said in that he believed that they were active, whether they campaign or apply for a position as others have stated, we all have families, fulltime jobs, this is a fulltime job as well, he liked to think he was active but at the end of the day, you always think you could do more, but he believed he was doing his part. Question 6 – Are you willing to encourage unarmed or armed Police Officers to build relationships with our youth? He said absolutely, in speaking with people about these issues and building relationships go hand in hand which changes the mindset of peoples thinking and building relationships in whatever capacity, he felt was very valuable.
2. He touched on Mr. Sandlin's first question. He said the City Parks were not closed, but there is a pandemic. He's had many people call, some good some bad about the masks but he stands by our Health Department, the City Manager, and City Council because the mask ordinance was put in place to help protect the public. Portsmouth wasn't the only city that did this, Athens and Ironton also implemented mandatory masks. He said it wasn't about "church", it's about the pandemic that we're going through and the more people you have congregated, the more likely you were to get this virus. He reiterated what he said two weeks ago, this was about empathy, thinking about your fellow person. He said that this had personally touched him and he doesn't want anyone to have to have that type of conversation with their families.

5th Ward – Councilman Martell reported the following:

1. He thanked Manager Sutherland for taking care of some of the situations in the 5th Ward.
2. He thanked Belinda Leslie and Andy Gedeon of the City Health Department for letting him donate masks for the public. He said that it was brought to his attention by a constituent that there wasn't a place for people to get free masks and our homeless population and gas stations were also required to where masks. He will continue in his efforts to try to donate masks and will also look at other avenues to help donate masks.
3. He addressed Mrs. Duncan's question 5 – He said those that knew him, know that he was active with the entire community. He's thought about taking one of the lifeguard classes and helping out at the McKinley pool every so often on the weekend. Question 6 – He reiterated that those that knew him, know that he encouraged our Police Officers to be very involved with our youth and not just unarmed, but he felt it was just as important for them to be armed as well. He said the reason behind that, was there was a situation that arose with one of our Police Officers and he told a story about when he was patrolling the streets and drove by a little girl and her brother playing outside and he decided that he would wave and smile at them but the kids got scared and ran away. He felt that was a very factual statement that happened all the time and it was very sad and he felt that the story resonates to our youth and the disconnect between the youth and Police Officers. He encouraged one of his friends to visit the 14th Street Community Center while visiting he played Pickle Ball with the kids at the center and the kids loved it, as well as his friend and he will continue to encourage this with the Police Officers.
4. He did receive good and bad phone calls concerning the enforcement of mandatory masks. He thanked everyone who had reached out to him for doing so in a professional manner and actually having a conversation with him and not with a hateful tone. He encouraged anyone in his ward that if they had any questions or concerns to call him or if they wanted to know why he makes certain decisions during Council meetings.

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

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

The role was called and the motion carried: **VOTE: 5 ayes– 0 nays, Council recessed into Executive Session at 6:56 p.m.**

Executive
Session

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 7:07 p.m.**

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

City Clerk

Mayor