

MANAGER’S CONFERENCE MINUTES
Portsmouth City Council Meeting on
August 10, 2020 – 7:43 p.m.

Members 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, City Clerk Diana Ratliff and Auditor M. Trent Williams.

1. **Decriminalization of Marijuana** **CM-20-46**

Vice President Dunne stated that this was similar to what other cities and municipalities in Ohio were doing. He said that this would help stop the early criminalization/acquiring a criminal record at a young age for a lot of people in Ohio. He added that based upon other studies one of the ways in which we could address the opioid epidemic was to improve reduction options and studies have shown that the legalization of marijuana had reduced opioid overdoses in many states. He said that this only decriminalizes and will not be legal and this would help avoid fines and possible jail sentences up to 200 grams.

Vice President Dunne motioned to adopt alternative #1.

Councilwoman Gordon stated that Portsmouth was at a turning point and poised to really change our city and the people that we attract to our city and certainly this was a more progressive way by decriminalizing marijuana but she thought long-term it would be a very positive thing for the youth of the community. Mayor Johnson stated that he was torn because he believed that there had been a lot of young lives that had probably been altered because of charges of a small possession of marijuana and probably hurt them as far as careers but sometimes bad things happen to good people. There was discussion on how many pounds 200 grams of marijuana would be, VP Dunne stated that the majority of cities that he had researched had that amount listed. Mayor Johnson felt the amount suggested a “dealing” amount and not “using” amount and felt that it seemed like quite a bit. Solicitor Haas looked it up and 200 gram equals .441 of a pound which was less than ½ a pound. Mayor Johnson would like to hear from some that have more knowledge on this matter such as Counselors or those that work with people that have had problems with marijuana and hear their thoughts. Councilman Martell explained that he had sat in Juvenile Drug Court as a mentor and one of the biggest issues was marijuana which was the catalyst. He said that you’re trying to mentor kids into not using but it’s been pretty hard when other states are legalizing it. He has had discussions in court about not charging, possibly less charges, or not having some of the kids in the program for marijuana possession. He went on to explain that if this would pass, people need to remember that it is still illegal in Ohio and you could get drug tested at your job for smoking marijuana.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays**

2. **Taser Purchase** **CM-20-47**

Manager Sutherland stated that he had appropriated \$10,000 in the CIP budget for new tasers but in researching new tasers Chief Brewer discovered that the current tasers were being phased out and there was no warranty. Mayor Johnson asked what the total price was and Mr. Sutherland stated that he believed it was a five-year plan but the first year it doesn’t cost anything and the next four-years would be \$28,000 per year and that would replace all of them. Mayor Johnson stated that he would like to see the dollar numbers, Mr. Sutherland advised Mr. Johnson to reach out to Chief Brewer to get more details on what was discussed with the vendor. Councilwoman Gordon asked how often the tasers were used and Mr. Sutherland said that he wouldn’t want to comment on that except to say that he knew they had used them

but he doesn't believe that they're used every day but it was a good piece of equipment to have; he added that he would get her that information.

Vice President Dunne motioned to adopt alternative #1.

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

3. **Ratification of Local 1039-C Contract** **CM-20-48**

Auditor Williams negotiated the contract and stated this was the contract with his office known as a division of AFSCME 1039-C and much earlier in the year they had come to an agreement, but due to circumstances the language wasn't finalized until this past week. He said that Council should've received a copy of the changes in the contract, he's asking that Council review those changes and ratify the contract.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays**

4. **Amendment of Salary Ordinance** **CM-20-49**

Manager Sutherland stated that this amendment was to take care of the IAFF Local #9 fact finding report and also to take care of AFSCME Local 1039-C. Mayor Johnson asked if this goes with what they were just discussing and Mr. Sutherland replied that they had to amend the salary ordinance in order for the changes to be made.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays**

5. **Accepting Amounts and Rates from the Tax Budget** **CM-20-50**

Auditor Williams stated that this was the annual acceptance of the work that was done by the Scioto County Budget Commission based on the tax budget that Council approved back in late June/early July. He said those rates were for property taxes and the only thing that the Auditor and Budget Commission reviewed were the amount of property tax money that would be received into the general fund and other funds. He said they were straight forward and set every year and the rates stay the same and the amounts change based on the evaluation and the only other thing that was an option on that tax budget reviewable by the Budget Commission was the amount of debt we're assessing on property taxes and that had been the same for several years. It was .7 mil property taxation for the Police and Fire accrued liability. He said that he's always attended the Budget Commission meeting every year since he's been the Auditor but they met privately this morning and this was the first year that they haven't had an open Budget Commission meeting. He received an email that stated that no one would be attending from the different townships, cities and villages and that they would send the results of the rates to the city following the meeting and he would imagine that he would get those sometime early this week. Her advised that Council would need to adopt the Resolution and it must be taken back to the County by October 1st.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays**

6. **Agreement with New Boston** **CM-20-51**

Solicitor Haas stated that he would like to propose a Resolution for an agreement with terms that Strand has proposed.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays**

Discussion

Displaying of Building Permits

Manager Sutherland stated that he and Mike Winters were starting to see issues with a lot of people that are not getting permits and if they do have them, the permits were not displayed. He did some research on the ordinance and there was language in the ordinance that says people need to display the permit, but he believed that the penalty needed to be reviewed. He would like some guidance from Solicitor Haas and input from Council and see where they need to go from here. Solicitor Haas stated that in the past they allowed the contractors not to display the permits because criminals were breaking in and stealing their equipment. Clerk Ratliff had the actual language that she had sent to the City Manager

1305.01 - PERMITS **(a) Permit Required.** No person shall erect, construct, alter, repair, equip, remove or demolish a house, building or structure without first filing with the Building Officer an application in writing and obtaining a permit. (Ord. 1947-70. Passed 7-16-47.) **(b) Fees; Contents of Permit.** No permit shall be issued by the Building Officer until the fees hereinafter prescribed have been paid to him. Each permit shall show the owner's name, the location of the premises, the operations involved and a receipt for the total amount paid. Where the work for which a permit is required by this Building Code is started, or proceeded with, prior to obtaining such permit, the fees hereinafter prescribed shall be doubled, except that where such fees exceed two hundred dollars (\$200.00), that part of the fee in excess of two hundred dollars (\$200.00) shall not be doubled. Such fees shall be the fees for the entire project, and the payment of such double fees shall not relieve any person from fully complying with the requirements of this Building Code in the execution of the work, nor from any other penalty prescribed herein. **(c) Effective Period.** When a permit has been issued, the operation called for by it shall be for a term of one year from its date for new construction and six months for alterations and repairs under ten thousand dollars (\$10,000) provided that the work authorized by such permit is begun within thirty days of the date of the issuance of such permit. At the expiration of one year for new construction and six months for alterations and repairs under ten thousand dollars (\$10,000) from the date of the issuance of the permit, a new permit shall be obtained in the same manner as provided for the original permit, before such work can proceed further. (Ord. 1991-95. Passed 8-13-91.)

(h) Conditions. (1) All work performed under a permit issued by the Building Officer shall conform to the approved application and plans, and approved amendments thereof. (2) The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. (3) No plans, specifications or area of a lot or plot for which a plot diagram has been filed and has been used as a basis for a permit, when once approved by the Building Officer or other authorized agent, shall in any way be changed or altered without the written consent of the Building Officer or his authorized agent. (4) The permit holder or his agent shall keep posted in a conspicuous place on the work, the permit, and shall keep it posted until the completion of the work. The Building Officer may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work until the completion thereof. The Building Officer shall be given at least twelve hours' notice of the starting of work under a permit.

1305.99 PENALTY.

(a) Whoever violates any provision of this Code or fails to comply therewith or with any of the requirements thereof, or erects, constructs, adds to or alters, moves or demolishes, or has erected, constructed, added to or altered, moved or demolished, a building or structure or portion thereof in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder is **guilty of a misdemeanor of the second degree.** This penalty shall apply individually to each owner, architect, engineer, builder, contractor, agent or other person or corporation committing or assisting the commission of such violation, as aforesaid. Each and every day or portion thereof during which any violation is committed or continued, as aforesaid, shall constitute a separate offense.

(b) The imposition of the penalties herein prescribed shall not preclude the City Solicitor from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, addition, alteration, conversion, removal, demolition, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct, business or use in or about any premises within the scope of the Code. (Ord. 1978-44. Passed 4-11-78.)

Outdoor Dining

Manager Sutherland has been contacted by some of the restaurant owners who have been getting feedback from the Governors Office about outdoor dining which was going to have to be a must for these folks to stay in business.

The meeting adjourned at 8:13 p.m. on a motion by Vice President Dunne.

Submitted by: Diana Ratliff – City Clerk