

MANAGER’S CONFERENCE MINUTES
Portsmouth City Council Meeting on
September 27, 2021 – 7:38 p.m.

Members present:

Sean Dunne	1 st Ward
Charlotte Gordon	2 nd Ward
Kevin E. Johnson	3 rd Ward
Lyvette Mosley	4 th Ward
Edwin Martell	5 th Ward (absent)
Dennis Packard	6 th Ward

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

Manager Sutherland requested to add **as #7 the “Annual Financial Audits – CM #88”** to the agenda.

1. **YORK PARK PLAYGROUND EQUIPMENT**

CM-21-82

Manager Sutherland said that he had received an email from Joseph Pratt director of Main Street Portsmouth who had a proposal for the city for new playground equipment for York Park. Mr. Pratt has \$25,000 in donations and was asking the city to fund the other \$25,000 for a total cost of \$50,000 which would get around \$80,000 worth of playground equipment. Vice President Dunne stated that he was pretty torn by this because on the plus side: He commended Mr. Pratt for all of the work that he’s put into this project in exploring different funding options and stretching dollars. He felt any type of investment where the city was receiving a deal on equipment, installation etc. now would be the time to get the equipment at a decent rate. His concern would be: As a Council we’ve spoken about an increase in priority funding for the McKinley Pool and he would like to see more steps forward for the renovation of the pool. He said York Park was in the 1st Ward and it was great that we’re seeing a lot of investment there, but there were other parks as well that required attention and it’s great that we’ve seen not just commercial investments but public spaces and was very torn by which way to go. Councilwoman Mosley stated those were her thoughts also regarding McKinley Pool because she doesn’t want the McKinley Pool to be put to bed and never brought back, but there was also Mound Park which was one of the largest green spaces in the city and all the city does was cut the grass, it’s not trimmed or manicured and it needed some attention as well. The pool was used by many people and belonged to the city. Councilwoman Gordon asked if it was a different pool of money? Manager Sutherland stated that it would come from the Capital Improvement Fund. Ms. Gordon stated that the city had been trying to be in the position of a lifestyle city and for a lot of people with children they want to enhance their lifestyle which included really great playgrounds. She said that she hadn’t been to the Mound Park playground in a while but it needed a lot of attention too and on several occasions, they’ve had families visiting at the Museum with small children and they would ask where was the closest playground. It would be lovely to send them down to the river but the playground equipment was really rough and Tracy Park’s equipment had been fairly kept up but Mound Park really needed attention because it had been closed off and Manager Sutherland confirmed that it was closed due to the dangerous old wood structure with a lot of splintering wood. Ms. Gordon suggested forming a strategic plan to enhance all of the playgrounds so that people with young children will have places to take their kids. She said that she doesn’t want to take away any of the pool money, but yet she felt that this would be a nice place for a playground but had mixed feelings.

Andy Gedeon – Code Enforcement Officer and PT Parks & Rec’s Director – He spoke to Council and said that as part of his job, he wanted to make Council aware that he and Councilman Martell had been in discussion about Mound Park and wanting to develop a sensory ADA compliant playground, but unfortunately the cost range was quite high at \$250,000 - \$300,000 minimum and they’ve talked with some local businesses about donations and looked into some grants through some different companies. He wanted Council to consider that in the future they may have to ask Council for some assistance but they were hoping to be 100% privately funded. He said the playground equipment at Mound Park was not safe and shouldn’t be used and the problem with the grants for Mound Park, there would need to be an archeologist on site the entire time everything was being dug or removed which could be expensive. He said he wished they had the money for

all of the playgrounds because Sciotoville was another park that was in desperate need. Ms. Gordon stated that having an ADA compliant playground was a godsend for parents. Mr. Gedeon asked that Council prioritize the spending for all of the playgrounds.

Mayor Johnson stated that he wasn't opposed to this and there had been previous discussion about the pool seeking out grants. He said this was \$80,000 of equipment and the city's cost would only be \$25,000, he asked what the equipment looked like and Manager Sutherland stated that he could email pictures. Mayor Johnson asked also how this would affect the city as far as Fiscal Watch, Mr. Sutherland said that it was a different pot of money. Vice President Dunne added that the city was doing different things with the riverfront development, the multi-use path on Front Street and having this as an active space would be an extra plus. He asked Manager Sutherland if this equipment could be put in Mound Park and he replied that the private donors were expecting it to go to York Park. Ms. Gordon said for all the reason Councilman Dunne mentioned, she thought it was a good place to have a really great playground. Ms. Gordon suggested moving it along and that it was worth more discussion.

Councilwoman Gordon motioned to accept alternative #1.

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

2. **MUNICIPAL PARKING LOTS** **CM-21-83**

Manager Sutherland said he had been doing a lot of research and had the assistance of the City Clerk on what had happened throughout the years. He said after some discussions with the Police Department, the problem was that 2-hour parking needed to be established in the Municipal Parking Lots. The need to come up with a way to issue permits for folks that have a residence or residency close to the parking lots, but it was time to get the parking lots back to the businesses. Mayor Johnson said that there needed to be a well thought out plan. Councilwoman Gordon asked if he was thinking 2-hour for the entire lot and Mr. Sutherland said that from what he's been seeing, the lot by Coffee at the Lofts was always full for the majority of the day and there were restaurants and bank buildings in the proximity. He said that it needs to be returned to limited parking and away from parking your vehicle and leaving it for weeks. Ms. Gordon asked if it would apply to all of the lots? Mr. Sutherland said that he would look into it and Solicitor Haas added that the other complaint was that people that work for businesses downtown were parking on the street in front of the businesses and taking up parking, so if you force them out of the parking lots, they may start parking on the street in front of the business. Ms. Gordon said that originally, she thought it was going to be around the perimeter as the businesses around there were complaining that their client base doesn't have parking and maybe the employees of these businesses could fill in the center part of the lot. Vice President Dunne said that in the language it should be stipulated as a pilot program and that there would probably be adjustments as time goes by to let people know that the city was trying to figure it out. He said that there were some places that have a \$25.00 parking permit that allows them to go beyond the 2-hour limit, but with it being a pilot program, we could re-visit it until we get it right. Manager Sutherland said that 240 parking meters cost approximately \$164,000 to purchase, these have credit card access.

Vice President Dunne motioned to accept alternative #1.

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

3. **ADOPTION OF HOUSING STUDY** **CM-21-84**

Manager Sutherland said that this would be to accept the housing study. Clerk Ratliff reminded that if you haven't watched the zoom meeting that was recorded, there is a deadline of Monday October 4th.

Vice President Dunne motioned to accept alternative #1.

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

4. **CO-NAMING 16TH STREET TO "MELVIN MADISON WAY"** **CM-21-85**

Manager Sutherland said this was in regard to the earlier statement from Mr. Wilson about co-naming a portion of 16th Street between Finley and Waller Streets to "Melvin Madison Way".

Mayor Johnson thanked Mr. Wilson for coming and speaking to Council, he had read the information with great interest.

Vice President Dunne motioned to accept alternative #1.

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

5. **ADDITIONAL STAFFING FOR FIRE DEPARTMENT**

CM-21-86

Manager Sutherland turned this portion over to Chief Raison. Chief Raison thanked Council for letting him bring this situation to Council's attention. He said that they were really in a bad way, the call volume had increased exponentially and one of the biggest concerns was the stress of the members in the department. The inability to clear a call and then immediately go on another call, they sometimes don't have time to go to the restroom or get a bite to eat. It had become a serious problem and another problem was the call overlap which impacts the liability of our response system. He said before EMS it virtually never happened but once they started running EMS it would be around 20% and right now it was around 40% overlap and sometimes those overlaps were 3-4 calls at a time where everything was tied up. They currently are forcing employees to work mandated overtime if we can't get staff to volunteer to work so that the equipment could be kept in service. He wasn't sure how much longer they could do that, because it was putting a serious strain on employees. He said it wasn't safe for the employees or the public. Mayor Johnson asked for a timeframe and Chief Raison said the sooner the better and they currently have an existing list from civil service to hire from but no one from the list had any training. They were in the process of hiring to replace a gentleman that quit earlier in August and one of his comments was "I'm tired of running to death" and this gentleman was leaving the fire service entirely. In the process of replacing him, the only person on the list that had any training qualifications was a firefighter from New Boston and they've extended an offer to him and he believed that he will make the move. Everyone else on that list had no training and if he hired someone with no training, it would be approximately nine-months after they've been hired that they would be useful and right now there's not another academy class until February. He had asked Civil Service to give another test and that will be done at the end of October and hopefully would be able to recruit candidates who were already trained and qualified. Chief Raison stated that he had watched the General Fund increase steadily over the last five-years and that's a good thing because no one wants to go backwards when it was a struggle to balance the budget every year. He said that the city ended 2020 with almost \$10,000,000 in the General Fund, there was over \$1,000,000 in Cares Act money that was given to the city to help offset the cost of dealing with the COVID crisis and in his opinion, there's funding there.

Auditor Williams agreed that revenues were up now and they had had a previous conversation about the EMS charges and the fact that they were not increasing. First of all, why haven't they increased to the levels that were talked about 3-years ago because he was hoping they would be at least 500,000 by now but that's not happening. Chief Raison said that he wasn't sure that they predicted they would be at \$500,000. Auditor Williams said that they were led to believe that it would be \$300,00 or \$400,000 but that hasn't happened in the past year and a half. Chief Raison said that because of COVID their call volume dropped significantly and once the country started opening back up and people started returning to their normal lives, the call volumes increased. Chief Raison said that comparing the summer of 2021 to the summer 2019 which 2019 was a record year and the gross revenue was \$349,000 roughly, but the city doesn't get all of that money because 7¼ % went to the billing company. Auditor Williams stated that the city did reach \$300,000 for 2018 and 2019 but it dropped in 2020 because of COVID and he didn't believe they would hit \$300,000 this year. He said that if the city was truly in the EMS business, shouldn't the profits reflect that at some point. Chief Raison said that they are in the Emergency Response Business and the reason it's a function of government, it wasn't a "for-profit" business and they're never going to pay for the Fire Department or EMS services with just the billing received. Auditor Williams said he didn't expect it to pay for the entire program, but had hoped by now that the city would be receiving closer to \$400,000. Chief Raison stated that in August they transported over 201 citizens and at an average that should be around \$40,000 in revenue and in September they were at 187 transports and by the end of September he looked for that number to be over 200 and the city would start to see it increase and didn't feel that it was unreasonable that by the end of the year they would be well over \$350,000 minus 7¼ % billing fees.

Solicitor Haas asked where the Fire Department was at on the crossover of overtime expense vs. the expense of hiring someone, because if there's employees forced to do overtime, he took it to mean that there's a lot of

overtime happening. Chief Raison said that they spent \$47,000 in overtime in August and two months of that would pay for an additional firefighter. Mayor Johnson stated that the overtime would not be eliminated and Chief Raison agreed with him, but it would be a portion. Auditor Williams asked what the overtime amount would be over the course of a year? Chief Raison said he would guess around \$300,000 and they usually budget around \$250,000. Mr. Williams asked how much would be eliminated with the addition of a firefighter and if the overtime could be eliminated, the city could afford to hire a firefighter. Chief Raison said that he wasn't saying that he could eliminate the overtime to accomplish this, but said that they have 36 uniformed firefighters on the crews which was 12 people each shift; if they maintained 11 minimum per day that enabled them to run 1 medic fully staffed, 3 engine companies (1 at central, 1 hilltop, 1 Sciotoville) and that lets them run the ladder company cross staffing one of the ambulances, but if Medic 2 is out and another EMS call comes in, the crew that's assigned to the ladder company took Medic 3 in response to that emergency, then the ladder company is out of service. Sciotoville is a cross staffed company as well, there's an engine and a medic and they took whichever emergency came first. He said minimum staffing is at 11 and half the year, they have at least 2 people on vacation and when that happened that leaves them with 10 people per shift. He said that's the reason the overtime would not be eliminated, but he felt a good percentage would be eliminated. Auditor Williams said that in order to accomplish paying for three additional employees would be: 1. Eliminate significant overtime, not all of it. 2. Extra revenue with more call volume. 3. General Fund contribution. He said it wasn't guaranteed, but it could work if those three things happen.

Manager Sutherland said that currently the forecast was showing \$11,000,000 in the General Fund and the city was way better off than we were 10-years ago. However, the city was currently deficit spending and the State had informed him that it had to be tweaked or they will not let us off fiscal watch. He added that when you forecast raises, add the city's contribution to the hospitalization, add the items that naturally increase over the years, and they're currently looking at forecasting 2% raises for all employees through 2030 to make sure the employees were taken care of, but as of right now the city started hitting the borderline at 2027. He planned to sit down with all of the Department Heads to go over the budget and the forecast so that everyone could see the direction the city was moving in.

Councilwoman Gordon asked where the city stood with the 44 that the charter stipulates, Chief Raison said the same place we've been for the 30-years of his career with 38 uniformed firefighters; there's never been 44 firefighters since the charter amendment was created. Ms. Gordon said that she questioned whether that line should even be in the charter and what do you attribute the increase in calls? Is it one area, one type of call, is it across the board or one industry? Chief Raison felt that there were two factors: 1. Steadily increased demand for EMS services across the country, which was a trend in the industry that everyone was seeing. 2. They used to pass off calls when they were tied up to a private ambulance company and the private ambulance company was now unable to take the calls because they had their own issues. He said one of the things that had been said from the time that they started the move to Fire based public EMS system was that the city could not rely on private for-profit companies that have no obligation to the City of Portsmouth to provide emergency services and now they're witnessing that exact thing. These companies have their own staffing issues and was a problem that was carried out into the county also, because he had spoken with other squad chiefs who had relied on private ambulance companies to fill in the gaps and they're not able to do that as well. Ms. Gordon asked what types of calls was he seeing an increase in? Chief Raison said he hadn't looked at the type of calls specifically, but they've definitely seen an increase in COVID responses and the drug/over doses were probably less than 10%. He said that some of the people were using the squad as a taxi service because they don't have a car or they think if they go in by ambulance, they'll be seen right away, kind of like a fast pass at the emergency room. He said his EMS staff tried to discourage that and explain to them that they don't need an emergency response, but if people insist, they have to take them. She suggested doing something such as: public awareness or something to reduce that load.

Councilman Packard said that by adding three firefighters, would that bring the total to 41? Chief Raison said the charter reads that the city shall have, 1 Fire Chief and not less than 43 other firefighters, officers or personnel. There currently have 38 uniformed firefighters which included the two that were on leave, so if they added the three additional firefighters/EMS that would bring the total to 42, which was still less than the charter required. Councilwoman Gordon said that it would depend on who counts the Dispatchers, Chief Raison said that was how the city had always skirted around the issue. He said that he doesn't hire them, he doesn't fire them and he doesn't supervise them and he hated the discussion because 911 was an essential part of the emergency response system. Every time the subject comes up, no one wants to count dispatch and he said they count, they matter, because they couldn't do their job without them. Manager Sutherland said that their calls equaled about 10% for the Fire/EMS call volume and there's some of the functions that they do that

would be neither Police or Fire related. He said if they went way back before the 911 system, they had a dispatcher per shift that would answer calls, so the answer to that would be 3, one per shift. Solicitor Haas said that this had been an issue for years and if the Union wanted to fight it, he wasn't sure what defense he could use.

Manager Sutherland said no offense to the Firefighters, but when he started with the city, the AFSCME union had 120 members and they currently have 90 members and it had all been because of budget cuts. He understood the plight, but he wants the city to get out of fiscal watch and hoped that was what everyone else wanted too. He suggested hiring folks that could just do the EMS side to help trim the cost. Chief Raison said that he had met with Councilman Martell and Chief Raison asked him how that would work, would we hire them and pay them less, was that how it would be better and if so, we would be hiring people and paying them less, but they're doing 80% of the work which would leave a bad taste in people's mouths. The Chief said he thought long term that it wasn't a good solution and with cross training people, they provide other emergency services. He would invite Council to come to the station to see what they have to fully understand what your Fire Department had and its capabilities and meet some of the firefighters.

Vice President Dunne stated that he appreciated Chief Raison's presentation of information which was clear because in the past they've had handwritten notes from other departments which looked like they were done in about 30 minutes and he appreciated him taking the time to give a clear report. He would like to follow up on Councilwoman Gordon's changes in calls and some of the calls the Fire Department had to go out on, such as drug overdoses. He didn't feel those calls were any less important than another emergency and some people have a more cynical level, but there were people walking around in recovery that were quite grateful that the city didn't discard them and not just our city but elsewhere. He believed that there had been a rise in social problems related to the lock down and restrictions due to coronavirus, this would include increases in overdoses, increases in suicide etc. He said that there were added pressures not only on this Fire Department but in other services too. He asked if there was a new private service coming to the city, Chief Raison said that he had spoken to someone that worked for a private ambulance company and was told that they were coming to Portsmouth, but that company had been in Portsmouth before and left, but today he heard that they exercised an option for a different community. Manager Sutherland said that he had heard from a private company that had said they had entered into a contract with SOMC. Firefighter Scott Osborne stated that the contract had been voided and that their contracts were mainly focused on contracts with the hospitals and nursing home, and that if they weren't on call with the hospital, they may be available for a 911 call. VP Dunne said some would like to see more market determined services that would include Fire and Police and there were some that are leery of privatization because of the increase in cost of transportation and decrease in safety in quality of services. He said that many would advocate to keep this a city service and look at privatizing other city services. He would also like to know what issues that private companies were experiencing. Mr. Dunne added that with the new census number and the population decreasing to 18,252 there were some that would question why we need additional staffing. Chief Raison replied that the census number doesn't give a good indication of the calls that they respond to, also there are a fair amount of people that work in the City of Portsmouth that aren't calculated in the census but depend on the city's services.

Vice President Dunne stated that he believed the balance of risk was part of it and prioritization of spending for various city positions. For example, the city was looking to hire a Parks & Rec supervisor two years ago and Mr. Gedeon started working on code enforcement which was such a big job that even code enforcement was too much for him. He said Councilwoman Gordon had spoken about the requirement of getting a full-time grant writer to assist with all departments and those were just some of the different departments that Council had been talking about and one of the things that kept the city from moving forward was fiscal watch which had been tough. He addressed a question to Manager Sutherland on how the city should move forward to get us out of fiscal watch and if adding these positions with overtime reduction and with increased revenue from EMS calls, where it left the city financially? He replied that the information Chief Raison had provided to Council, he had also provided to the State Auditor who had questions in which Chief Raison had responded, but his overall response was: that if revenues could be increased and overtime could be cut, that the plan could possibly work. He relies on the State Auditor to evaluate the issue for the city to make sure that they were square with it, but ultimately the State Auditor working with the city had to be good with the numbers before he took it to his bosses and then his bosses would make the final decision on whether or not the city would be removed from fiscal watch. Manager Sutherland said that the goal was to be out of fiscal watch by the end of the year. The Auditor assigned to the city would like to get all of the department heads in a room as well as several members of Council to go over the numbers and walk everyone through the forecast. The date hasn't been set yet and depended on his schedule. Mr. Dunne suggested a trial period in which the fire department

could show that the revenues went up and the overtime was down and if not, then it would revert back to the previous way. Chief Raison stated that Council had to look at the financial numbers, but he had to look at the call volume and the stress and strain on the department. The city's financial numbers were what Council looked at to make a decision and his workload was what he looked at to make a decision and the risk to the community. He felt that the forecast was extremely conservative because the forecast for 2020 in the general fund showed it would end at approximately \$6,000,000 and it actually ended at \$9,500,000. Mr. Dunne stated that part of that was a rebate from Worker's Comp and some was from COVID. Councilwoman Gordon said that was a one-time deposit and not reoccurring revenue. Auditor Williams asked when the last time that Chief Raison asked for a piece of equipment and was turned down? He said it was because of that conservatism that the city was able to handle the unexpected items that come up during the year. Mr. Dunne asked Manager Sutherland to get the figures and opinion together from the State Auditor based on a trial period or pilot program for the next meeting. Mr. Sutherland said that he could get that for Council.

Chief Raison passed around a graph of the billing and revenues for the past 12 months for EMS and he asked Council to remember that there was a 90-day lag between when they transport someone to when they receive the revenue. Auditor Williams said that the very first numbers for September billing were \$141,000 and in looking back at the collections over the past several months, he does not see anything close to \$141,000 in collections in any month. Chief Raison said that some of these were private insurance companies, some were Medicare, some were Medicaid, some were indigent and some were self-pay. He said that 45% of the calls were Medicare and Medicaid and they don't care what you charge, they only pay X-amount of dollars and no more. For example, on BLS calls, in which they basically just pick someone up, check their vitals and take them to the hospital, EMS bills \$950 and Medicaid only pays \$85.00 period. Manager Sutherland asked Councilman Dunn to email him the specific questions that he wanted him to ask the State Auditor that way he will get the answers that Council wanted.

Vice President Dunne motioned to accept alternative #3 to take no action, but he would like it to stay on the agenda for the next meeting.

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

6. **CHARGING STATION APPROPRIATION** **CM-21-87**

Manager Sutherland said that they contacted AEP and they allotted the city \$20,000 at a \$30,000 cost. The entire \$30,000 would have to be appropriated and the \$20,000 would be reimbursed. It would be installed behind the city building by the old floodwall. He said the contractor said that would be the best place and within walking distance of the downtown and the university. Mayor Johnson asked what the cost was to charge a vehicle and Manager Sutherland said he thought it was around \$1.00 per hour and the city was responsible for the electric and it would charge two cars at one time. Councilwoman Gordon stated this would put us on the charging map.

Vice President Dunne motioned to accept alternative #1.

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

7. **ANNUAL FINANCIAL AUDITS** **CM-21-88**

Auditor Williams advised that the State Auditor's office had informed the city that they would not do our next audit and had approved the extension of the existing auditor at the current cost which was 36,000 per year and the city had been paying that for the past 5-years with no increase.

Vice President Dunne motioned to accept alternative #1

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

He remembered after the vote that there would be a modification just like two-years ago where they include the Health Department. The Health Department was considered a separate entity and had to have their own audit and asked Council to enter into that contract also.

Vice President Dunne motioned to withdraw alternative #1 and motioned to alternative #2 to modify the request to the above request.

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

Discussion

1. **Lease of Alley 926 4th Street** – Manager Sutherland said that this had been a topic on the discussion list for the past several meetings and there was representation present to speak on behalf of the establishment. Diane Colley – 926 4th Street Portsmouth – She said they would like to lease the alley due to COVID-19 which had been detrimental on her business. During the mandated shutdown the food side of the restaurant was what kept her establishment going and would like to keep that part of the business going and if she could lease the alley this would give her outside dining because some of the people don't like to come inside because of COVID. The food side of her business had increased approximately 70% since COVID and she presented Council with a handout drawing of their plans for the outside seating area. She said the building was approximately 156 feet in length and about 15 ft 10 in. wide and they were requesting 10 feet of the alley which would leave a 6 ft. walkway for access to the building beside them. She said they would install a removable privacy fence and would open up the side of the building with a door for access to the seating area which would consist of 6 tables with chairs. She had invited Councilwoman Gordon to check out the establishment as she was concerned about the noise, but they would be shut down the outside seating around 11:00 p.m. once the kitchen closed for the evening and there were no plans for speakers or bands on the outside and the focus would be mostly on the dining area. She has owned the establishment for 20 years but has worked there for 27 years and she lived above in an apartment.

Councilwoman Gordon said that other alleys that have been vacated don't have residents butted up against them and she gave several examples. She asked Chief Raison about access for fire emergencies, Mr. Raison said that he drove by the alley and there could be an issue because the windows on the residences because by code there had to be a means of escape with access to them for ground ladders, but if they're talking about a privacy fence that would possibly restrict an immediate escape from those windows or their access to them. He would need to look at the code to be sure, but typically they don't operate from the alleyways as far as apparatus because it doesn't give them good and safe distances and as long as they could satisfy the means of escape, he didn't have a problem with it.

Councilwoman Gordon stated that she had received a lot of calls from the neighbors. She said that because 3rd Street was no longer accessible, the alley was the access to the houses that were behind the establishment. Ms. Colley disagreed with that point because there was an alley running east/west and at the end of that alley was a large parking lot. Ms. Gordon advised that to access that east/west alley, people had to travel north/south alongside the building. Ms. Colley said that one building down was the SSU parking lot that they could go through. Ms. Gordon said that technically you were not supposed to cut through a privately owned parking lot to get to a house. Ms. Gordon also stated that noise was a really big issue for everyone around that area and she asked how they intended to close the outside access at 11:00 because there were people spilling out all night long until 2:30 a.m. and sometimes even afterwards and they're loud. Ms. Colley stated that those weren't her patrons and a lot of them were students who had parties right out behind her establishment and there might be 50 cars in the lot, but those were not her customers. Ms. Gordon stated that she had seen them coming out of the bar, getting into their cars and turning up the volume of their radios. Ms. Colley said that "yes" sometimes that does happen and when it does, she calls the SSU Police and Portsmouth Police and she had explained to them that they cannot have their music on or sit outside after the bar had closed, but they weren't her customers once they went out the door. She said that sometimes they were people that she had turned away because they weren't old enough to be in the bar or they've come at 2:00 a.m. and she won't allow entrance so they sit outside and turn their music on but there were some that were out back which were the students. Ms. Gordon stated that she had seen the Police there twice within the past two weeks, Ms. Colley explained that they were there Saturday because she had called them and had asked them to sit in the parking lot to run off people that were just sitting in their cars.

Councilwoman Gordon said this was unusual circumstance because usually when someone wants to take over an alley, it had to go before the City Planning Commission, but because this had been worked this way, Council had to do all of the vetting and part of what planning and zoning does was to notify

and speak with the neighbors first. She hadn't had to leave her house because all of the neighbors were calling her and she hadn't had one positive comment about this alley being taken over and because this was in her ward, no other Councilmember was getting calls. Mayor Johnson said that he had received calls at 2:00 a.m. Ms. Colley said that she has had approximately 50 people call wanting to come to the meeting because of the Councilwoman's comments from the last meeting when Ms. Gordon had said that she looked on the facebook page and found that they cater to bikers. She added that she doesn't know a bar in this town that doesn't cater to bikers and she was probably the only bar in town that doesn't have bike night. Ms. Gordon asked Ms. Colley to provide how much revenue was for food versus how much was for alcohol? Ms. Colley agreed to do that. Ms. Gordon stated that Ms. Colley planned for this to be a restaurant, however, she just referred to it as a bar and she felt that she was selling herself as a restaurant and needed COVID help but in fact, on the side of the building were the words 'Pub' and they were known as a bar and the noise had been a constant issue as well as the trash and broken bottles. A lot of the students renting around the bar were underage. To have the alley open until midnight would be hard on the students who were kept up all night long and had to get up in the morning to go to class and the landlords were concerned about keeping the houses rented because of this reason. Ms. Colley stated that she had sat out on her deck and listened to those students that the Councilwoman was concerned about until sometimes 4:00 a.m. Ms. Gordon said that one of the houses were now going to be turned into a house for parents to rent when they come to town and it won't be all student housing at this point. She said that because this alley had residences butting up to the alley, it was a whole different ballgame. The owner of the house next door had a lot of concerns about safety and what would happen to their building because of fire egress and because of noise coming from the party patio.

Ms. Colley stated that the Police had called the bar over the past two weeks over noise complaints and while standing there talking to the Police, she held the phone out to let them listen. Ms. Gordon stated that the noise ordinance had been in place for years and you're not supposed to hear the music further than 50 feet away.

Vice President Dunne asked if it was possible for there to be an onsite meeting with Councilwoman Gordon, Mayor Johnson, owners of the apartment building, neighbors and the people that have called Ms. Gordon as well as the people that have called to support Ms. Colley to review the actual plan. He said that they could actually even invite the University to get their feedback especially if there were problems with students. Ms. Gordon said that she would be willing to meet and requested that the Police and Fire Chief's should be there to address their concerns. Ms. Gordon asked if she could get Ms. Colley's telephone number after the meeting so they could set up a date and time.

2. **Street Art Lease** – Manager Sutherland said that he was waiting on the measurements and additional information.
3. **Property Tax Card/Shop Local Program** – Vice President Dunne said that the company Fin Credit based in New Jersey whose business model had changed somewhat since the coronavirus and he gave an overall of what the company does as far as charging to set the program up and maintain it. He said previously they would charge a monthly fee to local businesses that were part of the program which was about \$10.00 per month and since then they started receiving a percentage of the sales, however now, they've changed the business model and instead of receiving contributions from local participating businesses, it was now a \$10,000 flat fee which would get presented to a city/municipality. They have found that someone would sponsor some or all of the cost and one of the incentives of being a sponsor was that your name would be listed on all of the cards. He said that it comes in a card form but after the program was established, a person could give their phone number and that would allow a percentage of the sale to accrue into that account. The co-owner said that people were enthusiastic about it and people track it every week to watch how much they've collected on their account, but not everyone does that, but some do it to make sure that the money was being credited as a double check. He said the program started in Marlboro, New Jersey and was set up as a proposal to address the high property taxes in New Jersey, but this one had attracted the attention of numerous municipalities and Governor Murphy of New Jersey signed legislation to help promote it statewide. Mr. Dunne had given a copy of that to Governor DeWine when they were visiting with him. Mr. Dunne said that he would love to see Portsmouth be the first city in the State of Ohio to implement the program. He said that the information collected by the County Treasurer and how it would work with the software that the company used and the individual he spoke with was confident they could find something that would work. He said the

incentive for businesses to offer this was to get more foot traffic in their business and support local businesses and customers were incentivized to go into a participating business because they would be getting a reduction on their property tax bill and for those that don't own property or pay property taxes, they would issue a refund check at the end of the year. They've just recently started with the first University to have students enrolled in the system, where students would also be part of the program. This would be a further development of the passport program that they offer where students were incentivized to go into businesses. He said that they need a resolution to be passed by Council to allow the system to be put into place and move forward. He said there would still be plenty of work that would have to be done. 1. Identifying a sponsor for the program which would provide advertising on each card. 2. Having a continued series of discussions with downtown business owners about the program.

He said if we're looking to increase the property taxes for the streets, then this would help to reduce the impact of that on the property taxes. Councilwoman Gordon asked if this was something that people would have to opt into? Mr. Dunne said that they would have to sign up to get the card.

4. **DORA Update** – Vice President Dunne said that one of the things they were interested in doing was reviews of the guidelines for the program which included things such as the hours and days that DORA was offered and the streets that were involved. He said that the current set up had some imperfections in it that we would need to improve even if we didn't expand, but there had been talk of expanding it. There were questions about vendors and participating stores and how much could be expanded. One business had asked about a second autonomous zone split away from the current one and in reading the guidelines for our city, we were allowed to have a DORA zone as long as we have four vendors, but it would be just one zone compared to the larger cities that could have more DORA zones that were not connected. He asked Manager Sutherland if the city would have to put another application into the state to revise it, he replied that he would check on it. Mr. Dunne said for the most part the program had done incredibly well in Portsmouth.

The meeting adjourned at 10:20 p.m. on a motion by Vice President Dunne.

Submitted by: *Diana Ratliff* – City Clerk

For the full audio version of the Manager's Meeting, please go to www.portsmouthoh.org under City Manager 2021 "Audio".