

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday October 12, 2020
 6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday October 12, 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, City Clerk Diana Ratliff, Solicitor John Haas Auditor M. Trent William.

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 September 28, 2020 on a motion by Vice President Dunne. **The motion carried viva voce: VOTE: 5 ayes –0 nays.**

Vice President Dunne motioned to add as 7(I) a Resolution authorizing the City of Portsmouth to prepare and submit an application to participate in the Ohio Public Works Commission state capital improvement and / or local transportation improvement program(s) and to execute contracts as required. **The motion carried viva voce: VOTE: 5 ayes –0 nays.**

Item Added

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 – Statements and Remarks were emailed ahead of time and read by Clerk Ratliff

Mark Craycraft - Publisher, Scioto County Daily News – “The entire team at Scioto County Daily News would like to show full support for the continued financial relationship with Main Street Portsmouth. They have been a valuable asset to our community and we should continue to support those who are truly making a positive impact on our beloved community. Secondly, we wish the City well as you move forward with plans for the riverfront seating grant application. Our great riverfront is a natural resource of tourism and commerce for the city. Finally, the current and planned conservation of Spartan Stadium is admirable. Our staff is willing to help in this endeavor. Just reach out and let us know how we can support the efforts to preserve a true National Treasure right here in our City. Thank you.”

LEGISLATION

The clerk gave a **third reading**, to an Ordinance enacting a new Chapter entitled Portsmouth Art Commission of the Codified Ordinances of the City of Portsmouth.

Councilman Martell motioned that this Ordinance be passed.

Councilman Martell requested that if this legislation was passed that each wards nomination for a committee member be submitted at the next meeting.

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 authorizing the appropriation of \$160,000.00 from Wastewater Fund No. 621 in order to increase appropriations for certain projects.

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

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

Ord. #54-2020
 Enacting
 Portsmouth
 Art
 Commission

Ord. #55-2020
 Appropriations
 for Wastewater
 certain projects

Vice President Dunne moved that this Ordinance be passed.

Mayor Johnson asked if this was a housekeeping issue and Manager Sutherland replied that it was for emergency repairs.

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 authorizing the City Manager to apply for the Ohio Department of Natural Resources, Land and Water Conservation Fund grant to construct new stage seating at the riverfront.

Vice President Dunne moved that this constitute a second reading.

Councilwoman Gordon asked if this grant was received would the city have to put in a matching fund and if there would be any surprise costs? Manager Sutherland stated that if the city provided a match the city would score higher on the application but there shouldn't be any surprise costs. Mayor Johnson asked what the seating capacity would be, Manager Sutherland replied it should be comparable to what they previously had; however, the new will be handicapped assessable. Mrs. Gordon asked if it would be waterproof and Mr. Sutherland stated that it would be concrete which would be an easy cleanup.

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

The clerk gave a **first reading**, to an Ordinance authorizing the vacation of Sinton Street from Gallia Street to the north border of Green Alley as requested by Darren Mault, the Scioto Ribber, and more fully described in the attached legal description with the City of Portsmouth reserving all easements to this property.

Clerk Ratliff advised that the legal description had not been received. Solicitor Haas stated he had not received it either but had spoken with Mr. Mault who stated that the other half of the street that was being vacated was owned by Scioto County and the County had agreed to sell it to him. Mr. Mault asked if he should obtain one survey or two, one for each side, but nevertheless the city should have it by the third reading. Mayor Johnson stated that he had spoken with Mr. Mault who was anxious to start working on the project because the weather would be changing soon and he wanted construction done by then. Solicitor Haas explained that Mr. Mault should have the legal descriptions split because technically the other half belonged to the County and regardless of the arrangement made with the County that doesn't concern the City, but he didn't want them to have a title issue down the road. Mayor Johnson asked Solicitor Haas if he would have a problem with the readings being waived so that they could get started on construction and Mr. Haas replied that he didn't have a problem with the readings being waived.

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.

Solicitor Haas added that the only thing that would stop a transfer of the deed would be that it would not be approved by the Engineer which he needed before the deed could be recorded. He said it could be passed tonight but it would be subject to the legal description being received and approved by the Engineer.

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 to amend the Zoning Map of the City of Portsmouth, Ohio, by rezoning 1871 Bonser Avenue from its current zoning of Residence "B" District to "Agricultural".

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.**

**Ord. #57-2020
Vacation of
Sinton Street
to Scioto
Ribber and
Darren Mault**

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$5,600.00 from CIP Fund Number 301 to be paid from CIP-PS-STRC Line Item Number 301.114.5512 for the Spartan Stadium Press Box roof replacement. 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 the Ordinance be passed.

Mayor Johnson asked Manager Sutherland to explain why the three-reading rule was being waived. Mr. Sutherland stated that with the weather getting ready to turn, they wanted to get the project complete before it got worse.

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 City Manager to execute an agreement with Main Street Portsmouth for an additional three calendar years being 2021, 2022 and 2023 authorizing an annual contribution of \$55,000.

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 a Resolution establishing an Arts, Cultural and Innovation District with the purpose to formalize an area that will welcome, support, attract, and promote artistic, cultural, and innovative enterprises and entities.

Councilwoman Gordon moved that the Resolution be adopted.

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

The clerk gave a **first reading**, to a Resolution authorizing the City of Portsmouth to prepare and submit an application to participate in the Ohio Public Works Commission state capital improvement and / or local transportation improvement program(s) and to execute contracts as required

Vice President Dunne moved that the Resolution be adopted.

Mayor Johnson asked if there was something in the packet and all in attendance stated that it was in their packet. Manager Sutherland stated that it was tied to the discussion from the last meeting regarding the pumping station. Clerk Ratliff advised that she had put it in each of the packets.

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

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

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

Vice President Dunne requested to move into Executive Session to consider the investigation of charges or complaints against a public employee, licensee, or regulated individual and for collective bargaining matters and he invited Manager Sutherland and Solicitor Haas for the collective bargaining discussion and just Solicitor Haas on the complaint against a public employee.

The role was called and the motion carried: **VOTE: 5 ayes– 0 nays, Council recessed into Executive Session at 6:22 p.m.**

**Ord. #56-2020
Appropriations
for the repair
of Spartan
Stadium’s press
box roof**

**Res. #20-2020
Establishment
of an Arts,
Cultural and
Innovation
District**

**Res. #21-2020
OPWC
application for
pumping
station**

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 7:30 p.m.**

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received via email on October 1, 2020 from the Auditor’s office, the following summary statements of the Combined MTD/YTD reports for the period ending September 30, 2020: Expense, Revenue and Fund.
2. She advised that Trick or Treat will be on October 31, 2020 from 5:00 – 7:00 unless the Health Department notified otherwise.

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. Manager Sutherland stated that he met with the State Auditor and the 2021 budget should be ready by November 15th.

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 had no report.

Solicitor Haas Report – Solicitor Haas had no report.

Auditor Williams Report – Mr. Williams reported the following:

1. Auditor Williams reported that August was probably the highest that the City’s has had in a while. General Fund for September was \$983,697 which was \$296,490 down from last year at the same time, but for the overall year the City was \$157,844 over last year. The total income tax collections were \$1,117,853 and was \$178,984 above last year. The fund balances are as follows: General Fund \$7,187,276, Streets \$488,135 which was \$130,157 over last year, Water \$706,978 which was \$1,022,343 over last year, Sewer -\$113,540 but was \$367,881 over last year, Sanitation \$183,158 but was -\$101,201 down from last year, Insurance \$3,413,857 which was \$1,243,022 over last year.

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 had done research on zoning updates that have taken place in other cities around Ohio and one place in particular that he had been reviewing and would encourage others to look at, was the City of West Chester whose zoning updates took place in 2016. He said that at the last Council meeting they spoken about the conclusion of the Master Plan for the City of Portsmouth and the next step was zoning updates. He believed that the city could learn from West Chester.
2. He had spoken to administrators and faculty at Shawnee State University and he wanted to bring a social research lab to the University which would allow for students and perhaps a paid employee to provide a variety of services to public and private sector entities. It would include such things as: data collection, data organization, data intelitics and data visualization. They’ve reviewed software that other cities use which were costly but it allowed for cities to run more efficiently and with more transparency. He would like to propose at the next meeting some type of agreement/contract between Shawnee State University and the City of Portsmouth which would allow for the development of a spreadsheet to be used for Code Enforcement. Monthly reports could provide data visualization and data intelitics based upon data collection and data organization from the spreadsheets. This had the potential to be very beneficial to both entities. He will submit that to the City Manager for the next meeting.
3. He hosted a couple who live in Florida but he was originally from Texas and she was originally from Mexico and both were die-hard Detroit Lions fans. Back in March this couple booked a flight to come to Portsmouth just to see the stadium that the Portsmouth Spartans played in. He thanked Jack Tackett and Sam Sutherland for loaning him a key to the stadium and he was able to give them a tour of the facility and also showed them views from the levee. He said they stayed two nights in Cincinnati but made the trip to Portsmouth specifically for the tour of the stadium.

4. He congratulated Councilwoman Gordon and Councilman Martell for all of the work they put into both the Ordinance and Resolution that was passed/adopted and he thought this was the most art centered meeting thus far, but that these types of actions were what would help Portsmouth obtain the 2025 All-American City award. He said having members of Council that were doing these types of programs and taking the initiative would help the city win again.

2nd Ward – Councilwoman Charlotte Gordon reported the following:

1. She said that it had been a quiet couple of weeks in the second ward and she thanked Council for passing the Arts Commission and for adopting the Art, Cultural and Innovation District. She added that the formation of those as well as the Portsmouth Unity Arts Project in which she would meet with later in the week made for an exciting time to be in Portsmouth. She stated that art had the power to energize spaces and people’s lives, and brought something to the citizens as well as creating an attraction that would bring other people into our city as visitors, tourists or new residents. She thanked Council again for their support and she looked forward to see what happens.

3rd Ward – Councilman Kevin E. Johnson had no report.

5th Ward – Councilman Martell reported the following:

1. He thanked Council for helping to pass the ordinance for the Public Art Commission which he thought would be something that would create beautiful heart in our city and create energy that would be empowering and uplifting.
2. He thanked Manager Sutherland and the City Workers for taking care of some situations in the 6th Ward; there was a stop sign that needed replaced.
3. He said that the Friends of Portsmouth was hosting a cleanup day and encouraged all of Council to reach out to Bryan Smith with the Friends of Portsmouth if there were areas in their ward that needed attention. They have a host of volunteers which was great.
4. He received (4) four more cities that have come in support against racism in High School Sports. Fairview Park, Fostoria, Franklin and he was in talks with Grandview Heights and he would continue to work on it.
5. He and Councilman Dunne attended a Fairborn Zoom meeting with their Inclusion and Diversity Board; the meeting went well and was informative. Fairborn expressed a lot of interest and would also be reaching out to do a Zoom Meeting with the School Board.
6. He had reached out to small businesses in his ward to inform them of the grant that would help establishments that were affected by COVID-19 and if anyone was wondering what the grant was, it was listed on the city’s website at: www.portsmouthoh.org or they could speak with Tracy Shearer.
7. He reminded everyone about the Scioto Gives Foundation which was a very good cause.

4th Ward – Councilman McManus reported the following:

1. He thanked Manager Sutherland and the City Workers who were always so quick to answer calls or texts.
2. He addressed the public and stated that he remembered when he ran and decided that he was going to come in and clean up the streets and do all of these things for Portsmouth and then found himself in a Council seat slowly losing joy. He said that people were watching now thinking that it had only been (9) nine months and with that he announced his resignation effective October 31, 2020. This would give Council a chance to interview a new applicant and he encouraged whomever filled the seat to do a good job. He thanked all of the voters that put their faith in him and added that just because he wasn’t sitting in the seat doesn’t mean he wouldn’t do his part to make our city look a little better.

**Councilman
McManus
resignation
effective
10-31-2020**

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

The meeting adjourned at approximately 7:45 p.m. on a motion by Vice President Dunne.

City Clerk

Mayor