

MINUTES – REGULAR SESSION**PORTSMOUTH CITY COUNCIL MEETING**

Monday November 9, 2020

6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday November 9, 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
Vacant	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 and Auditor M. Trent Williams. Solicitor John Haas arrived late.

Councilman Lowe’s absence was excused on a motion by Vice President Dunne. The motion carried viva voce: **VOTE: 4 ayes – 0 nays.**

Council dispensed with the reading of the Journal for the Regular Session of October 26, 2020 on a motion by Vice President Dunne. **The motion carried viva voce: VOTE: 4 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 – Statements and Remarks were emailed ahead of time and read by Clerk Ratliff**

Randy Yohe – WNXT Reporter – “1. Could Mayor Johnson elaborate on how the selection process is proceeding for the 4th Ward Council member replacement? Who are the contenders and a bit about them, how does the selection process work from here, what is the timetable, how long of a term will that position hold? 2. Could council in general and Gordon, Johnson and Martell in particular follow up on their previous voiced concerns regarding item 9d on the agenda? Has the Police Chief taken any action regarding dispatcher community concern and courtesy? What has been any new public reaction? 3. Would council in general and Councilman Dunne specifically elaborate on the process and city benefits of his proposed partnership with SSU regarding what I believe is item 9f, the comprehensive housing analysis? How could the analysis results relate to re-zoning, overall and specifically?”

Mayor Johnson read a Proclamation for Salvation Army months.

PROCLAMATION

Whereas, The Salvation Army has been serving the people of Portsmouth since April of 1894 both physically and spiritually; and

Whereas, The Salvation Army is present wherever need is greatest, especially during the COVID-19 crisis, where vulnerable citizens are more at risk of becoming homeless, hungry, addicted, or spiritually tired; and

Whereas, The Salvation Army aims to “Rescue Christmas” for the thousand’s people they serve every year and continue to provide life-changing aid to those who need it most. It is fitting and proper on Salvation Army Months and on every day to recognize the tremendous impact of philanthropy, volunteerism, and community service in the City of Portsmouth; and

Whereas, Salvation Army Months is an opportunity to encourage citizens to serve others with their resources and time during the difficult period we are all experiencing.

Now Therefore, I, Kevin E. Johnson, Mayor of the City of Portsmouth, Ohio do hereby proclaim November and December, 2020 as: Salvation Army Months in the City of Portsmouth and encourage all citizens to join together to give back to the community in any way that is personally meaningful.

LEGISLATION

The clerk gave a **third 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 the Ordinance be passed.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **third 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 the Ordinance be passed.

Mayor Johnson acknowledged and thanked Main Street Portsmouth for all that they do in the City with their non-stop efforts. He thanked Sue, Joseph and all of those that work behind the scenes for all of the work that they do.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Auditor to amend appropriations to reflect actual revenues and expenditures in order to balance and close the City’s books for the fiscal year 2020.

Vice President Dunne moved that this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance approving and ratifying the recently negotiated collective bargaining agreement between the City of Portsmouth and Fraternal Order of Police/Ohio Labor Council Dispatchers Unit for the period beginning January 1, 2020 through December 31, 2022.

Vice President Dunne moved that this constitute a second reading.

Mayor Johnson stated that he had made it quite evident at the past several meetings of his displeasure with the unsatisfactory service from our Dispatch, however, he had the opportunity to sit in with one of the Dispatchers for a couple of hours and encouraged all of Council, if they got the chance to sit in with our Dispatch. He said what he didn’t understand was how busy their evenings could be, because when a person calls 9-1-1 there were three 9-1-1 lines ringing in, two public and one private Police line, there’s an emergency Fire line, Police radio, Fire/Ambulance radio and also get called on by the New Boston Police Department radio as well as the Shawnee State Police radio. They also handle all the radio and computer communications with on-duty police officers. They’re also responsible for calling in the coroner if there’s a death and many more things that the public doesn’t realize. He said that he believed it to be their responsibility as Dispatchers to treat all of the calls with professionalism and treat the public with professionalism but the public needs to treat them with respect also and be mindful of their time and realize that there not just sitting there in an office but there was a lot of things happening. Vice President Dunne was reminded of one of his favorite film reviews the great English movie critic Mark Kermode and his review of the movie Sex and the City II which Mr. Kermode absolutely hated and ranted for a couple of minutes talking about it, it was great entertainment in a lot of ways. There’s a moment in it where Mr. Kermode was so exhausted by the story line of Sex and the City II, the massive economic disparity and he thought there would be a moment when there would be a connection in the film between the very rich having some empathy for the poor but it was completely lost. He has had two calls within the past two weeks from two residents in the First Ward who were unhappy with Dispatch and he explained to them that the Police Chief was trying to work with Dispatch to improve the service but he went back to the moment in the review of Sex and the City II and thought that no one wanted to be treated rudely whether they’re the person placing the call or receiving the call. It was nice to be civil to each other but he had detected from the past meetings a lot of anger that people had from rude phone conversations. He said that they had seen this year an entire National social movement that was trying to call attention to people not being treated rudely on a phone call, but people being shot and killed by Police. He went back to Mark Kermode’s review and asked if you could see the connection that it was unpleasant being spoken to rudely on the phone, but we certainly understood having a relative, neighbor or friend being shot and killed and how you would feel if that were to happen and the connection wasn’t being made unfortunately.

Ord. #61- 2020
Rezoning 1871
Bonser to
Agricultural

Ord. #62- 2020
3-year
agreement with
Main Street
Portsmouth

He implored people to reflect on what it would feel like to be targeted or that you were more prone to being shot and killed. He supported the efforts of City Manager Sutherland and Police Chief Brewer who were trying to improve this service, but for those watching who have lost a family member, neighbor or friend to see what their response would be and was in support of more constructive dialogue and conversations that they've seen on the national stage.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 0 nay, a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth, Ohio to advertise for bids and to enter into contracts with the lowest and/or best bidder for required supplies, materials and services for 2021 in accordance with Ohio Revised Code section 735.05.

Vice President Dunne moved that this constitute a first reading.

There were no questions or comments. **The role was called. VOTE: 4 ayes –0 nays, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$10,000 from Capital Improvement Fund No. 301 for a comprehensive housing market analysis conducted by the Greater Ohio Policy Center.

Vice President Dunne moved that this constitute a first reading.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 0 nays, a first reading was declared.**

Vice President Dunne asked if he could remove this legislation from the agenda, Clerk Ratliff explained that it could've been removed prior beginning legislation, but now it would need to be tabled. This item was concerning the Code Enforcement Spreadsheet, but legislation could not be written due to lack of information. Vice President Dunne requested that it be tabled until November 23, 2020. **The role was called. VOTE: 4 ayes – 0 nays, the item was tabled.**

Tabled

The clerk gave a **first reading**, to an Ordinance authorizing the transfer and appropriation of funds for Community Development Block Grant Fund #243 and ARC Grant Fund #244 as an emergency pursuant to Council Rule 5 and in accordance with Section 10 of the Charter of the City of Portsmouth in order to facilitate administration and operations and to avoid practical and/or legal entanglements.

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

The role was called. VOTE: 4 ayes– 0 nays, the rule was suspended.

Vice President Dunne moved that the Ordinance be passed.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

**Ord. #63- 2020
Transfer of
fund for
Community
Development
Block Grant
Fund #243 and
ARC Grant
#244**

Vice President Dunne motioned that this item be tabled until November 23, 2020. This item was concerning the Moratorium for New Institutional Care Facilities, legislation could not be written due to lack of information. **The role was called. VOTE: 4 ayes – 0 nays, the item was tabled.**

Tabled

The clerk gave a **first reading**, to an Ordinance amending Section 351.19(a)2 Limitation of Parking in Residential Districts of the Codified Ordinances of the City of Portsmouth, Ohio.

Vice President Dunne moved that this constitute a first reading.

Vice President Dunne commented that this had been what was requested when the camper legislation was on the floor. Councilwoman Gordon asked if they would run into the same problems that they ran into with the trailers? Code Enforcement felt that they could not enforce multi trailers because of the wording. Solicitor Haas stated the wording said that they could have one. Ms. Gordon asked if the boats were already on the lots, could this ordinance force them to move, Solicitor Haas asked if she meant they would be Grandfathered in and she said "yes". He replied that if they ever move them off and then move them back on, the time would start and

it would be subject to the Ordinance or they would be stuck leaving it there forever. Solicitor Haas stated that he went through all of the codified ordinances to see where it would fit the best and this was the best place to put it.

There were no questions or comments. **The role was called. VOTE: 4 ayes –0 nays, a first reading was declared**

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager to enter into a lease agreement with Trillium Project, a 501c3 registered entity, to make and maintain artwork/enhancements on the concrete floodway as part of the City’s ongoing efforts at Urban Renewal and Revitalization plans in cooperation with the Portsmouth City Street Art Commission.

Vice President Dunne moved that this constitute a first reading.

Councilman Martell motioned to suspend the three-reading rule because they had been waiting for this for so long.

Vice President Dunne withdrew his motion for a first reading.

The role was called. VOTE: 4 ayes– 0 nays, the rule was suspended.

Councilman Martell moved that the Ordinance be passed.

There were no questions or comments. **The role was called. VOTE: 4 ayes – 0 nays, the Ordinance was passed.**

**Ord. #64- 2020
Lease
agreement for
the Portsmouth
City Street Art
Commission**

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 interview applicants for the 4th Ward Council position.

The role was called and the motion carried: **VOTE: 4 ayes– 0 nays, Council recessed into Executive Session at 6:29 p.m.**

**Executive
Session**

Vice President Dunne motioned to reconvene from Executive Session. The roll was called and the motion carried. **VOTE: ayes 4 – nays 0, Council reconvened with all still in attendance at 8:18 p.m.** with the exception of Auditor Williams

Mayor Johnson opened nominations for the 4th Ward Councilperson.

Councilwoman Gordon nominated Lyvette Mosley for 4th Ward Councilperson.

Mayor Johnson nominated Jim Kalb for 4th Ward Councilman.

Mayor Johnson closed the nominations.

The roll was called for Lyvette Mosley: **VOTE: 3 Ayes (C. Gordon, E. Martell, S. Dunne) – 1 Nay (K. Johnson)**

**Appointment
of 4th Ward
Councilwoman
Mosley**

There was no need for a roll call for the second nomination.

Clerk Ratliff stated that with a vote of 3 ayes and 1 nay, Lyvette Mosley would be the new 4th Ward Councilmember.

Solicitor Haas administered the Oath of Office to Ms. Mosley as the new 4th Ward Councilwoman.

Mayor Johnson expressed his gratitude to all that applied for the 4th Ward position and showed an interest in serving their community and he asked that they stay involved and “even though tonight you weren’t selected for this position, he encouraged them to stay involved.” Vice President Dunne stated that one of the things he was conflicted by was that there were so many great applicants and he would like to see more people running for these types of positions. He said that after hearing from different applicants, who had really good ideas individually; they would compile all of those different ideas and put Councilwoman Mosley to work on those ideas in the 4th Ward and also some of the ideas that were presented were useful for other wards as well. He hoped that they stay involved and wh would like to work with them on a variety of different projects. Councilman Martell agreed with both the Mayor and Vice President that there were great applicants

and ideas and he asked them not to let tonight stop you from working towards those goals that were mentioned during the interview process. He asked that they continue to be involved and said the decision was difficult.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She prepared a Proclamation for the Salvation Army.
2. She received a total of 6 resumes for the 4th Ward Council position. Lyvette Mosley, Jamie Colley, Jerry Huffstetler, Jim Kalb, Phillip Dixon, Philip Cox. However, Mr. Dixon rescinded his name for consideration.
3. She received via email on November 3, 2020 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending October 31, 2020: Expense, Revenue and Fund.
4. Belinda Leslie of our City Health Department wanted me to extend an appreciation of thanks to City Manager Sutherland and Chief Debra Brewer during the COVID pandemic as they were great to work with and have been very helpful on many occasions.
5. She spoke with Darren Mault from the Scioto Ribber about the Legal Description for Sinton Street and he explained that Howerton Engineering was doing the Legal Description and Plat and should have it to us by Thursday.

The City Clerk's report was received, filed and made part of the record, on a motion by Vice President Dunne. The motion carried viva voce: **VOTE: 5 ayes– 0 nays.**

City Manager's Report – Manager Sutherland reported the following:

1. He advised that they were having issues with the weigh scales at the transfer station. They have reached their useful life and were basically condemned. He's planning a proposal to get it replaced but may have to do that on an emergency basis because it was a very critical piece of equipment.
2. He said that they would be submitting the budget to the State in the next day or so and then he would send it to Council.
3. He welcomed Ms. Mosley and extended his services for anything that he could help with and not to hesitate to reach out to him.

The City Manager's report was received, filed and made part of the record, on a motion by Vice President Dunne. The motion carried viva voce: **VOTE: 5 ayes– 0 nays.**

Mayor's Report – Mayor Johnson reported the following:

1. He appointed Councilman Martell to the newly formed Arts Commission.
2. He appointed Robert Stratton to the Civil Service Commission and he thanked Scottie Powell for his service on the Commission.
3. He reappointed Ann Sydnor to the City Planning Commission.
4. He reappointed Ralph Bussey to the Zoning Board of Appeals.
5. He appointed himself to the Shade Tree Commission.
6. He stated that he and Belinda Leslie had had conversation about having the public back in the meetings. Ms. Leslie had advised that they could have people back in the meetings but it would be limited, with masks and they would have to social distance. He will find out before the next meeting to see what the number would be for a room this size and asked for Vice President Dunne's assistance in finding out that number.

**Appointed
Robert Stratton
to Civil Service,
Ann Sydnor to
City Planning,
Ralph Bussey
to Zoning, K.E.
Johnson to
Tree
Commission**

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 welcomed Ms. Mosley and extended his services to her and will send her his contact information.
2. He said that Council was aware that his office had a delay in getting the legislation ready for this meeting because his office as well as one of the court rooms had been quarantined due to COVID. He said one of the staff was diagnosed with COVID and was still out sick. He said that they were able to get most things done but it slowed up legislation for Council.

The Solicitor'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 met with the University about the Social Research Lab and they were working to build the organizational infrastructure and the University was very eager to help the City accomplish this goal of improved data collection, organization and visualization of code enforcement.
2. He thanked Manager Sutherland for responding to issues in the First Ward.
3. He doesn't have any replies to emails that he had sent and said Councilman Martell was taking the lead.
4. He thanked the City of Miami Gardens for sending a gift package for the All-American City award.
5. He said there was a question about a housing study and SSU which was two separate projects. The housing study would allow the city to get a better understanding of the housing stock in our city. He added that property developers could use the information provided by the housing study to acquire different tax incentives to create new housing in our city.

2nd Ward – Councilwoman Charlotte Gordon reported the following:

1. He thanked all of the applicants and concurred with what everyone had said, it was a great group and a lot of ideas and enthusiasm.
2. She congratulated Lyvette and welcomed her aboard.
3. She thanked the workers at the Board of Elections, they worked really hard during our election time and she said when she went to vote the line was long but it went quickly and smoothly.
4. She said that the COVID numbers continue to rise and urged the public to “please wear masks and practice social distancing, we need to get the numbers back under control.”
5. She appointed Mark Chepp to the Arts Commission to represent the 2nd Ward.

**Appointed
Mark Chepp to
Art
Commission**

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

1. He congratulated Mrs. Mosley as the new member of Council and he was looking forward to working with her and he will share his contact information.

4th Ward – Councilwoman Mosley reported the following:

1. She thanked Council for selecting her and she looked forward to working with Council and the City and expanding on some of the things that she was already doing in the City.

5th Ward – Councilman Martell reported the following:

1. He thanked all of the applicants, it was a great group of individuals who all brought something different to the table and it was a tough decision.
2. He congratulated Councilwoman Mosley.
3. He thanked Manager Sutherland and the City Workers. He said AEP had come out to rectify a situation in the 5th Ward.
4. He thanked the City of Miami Gardens for the wonderful hat and congratulations for the All-American City award.

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

The meeting adjourned at approximately 8:40 p.m. on a motion by Vice President Dunne.

City Clerk

Mayor