

**MANAGER’S CONFERENCE MINUTES**  
**Portsmouth City Council Meeting on**  
**November 23, 2020 – 7:19 p.m.**

Members present:

Sean Dunne	1 <sup>st</sup> Ward (Absent)
Charlotte Gordon	2 <sup>nd</sup> Ward
Kevin E. Johnson	3 <sup>rd</sup> Ward
Lyvette Mosley	4 <sup>th</sup> Ward
Edwin Martell	5 <sup>th</sup> Ward
Vacant	6 <sup>th</sup> Ward

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

1. **2021 Operating Budget and Forecast**

**CM-20-81**

Manager Sutherland reminded Council that the City had been working with the State Auditors office and were inching closer to being removed from the Fiscal Watch status. He said that most of Council returned the flash drive because there was an error with one of the salaries being left off and that will be fixed very soon. The forecast was taken out to 2030 and was a solid document and had given Council a good picture of what would happen in the future. He highlighted the Sanitation Department because the revenue in that department was down and Council may need to increase the sanitation rate. He forecasted some increases through 2030. He said another plus was that the hospitalization did not increase, everything stayed the same. The workers compensation rates were down. Councilwoman Gordon thanked him for all of his work. Mr. Sutherland stated that he had Crystal Weghorst and the State Auditor’s office working with him, as well as the input from Auditor Williams. Councilwoman Mosley asked where the funds were generated from in the Sanitation Department, Mr. Sutherland stated that was the fee that all citizens pay on the monthly garbage bill plus there was income generated from dumpster rentals and external sources bringing debris to the transfer station which was charged by weight. Mrs. Gordon asked if the agreement with the city schools was hurting this department and Mr. Sutherland advised that he didn’t believe that to be the problem. Mr. Sutherland said that the city wasn’t getting the revenue that it once did, but it could have something to do with needing a new scale at the transfer station, which would be discussed in the next item. He said they’ve had to turn people away because they couldn’t get an accurate weight on the load. He stated that if any of Council wanted to come and speak to him, he would be available.

Councilwoman Gordon motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 4 Ayes – 0 Nays**

2. **Transfer Station Scale Replacement**

**CM-20-82**

Manager Sutherland stated that the scales at the transfer station had been condemned, they were worn out and had reached their useful life and they needed to be replaced badly. Councilwoman Gordon asked if they were kept in stock or would they have to be ordered, Mr. Sutherland replied that it would have to be ordered because they were specially built and would take about 6 to 8 weeks to build. He asked that Council waive the readings so that the unit could be ordered. Mr. Sutherland stated that the inspector had inspected the scales and condemned them. Mayor Johnson asked if there was an annual calibration and Mr. Sutherland replied “yes”.

Councilwoman Gordon motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 4 Ayes – 0 Nays**

3. **Zoning Plan Update Appropriation**

**CM 20-83**

Manager Sutherland stated that this was for a new Zoning Plan which he felt everyone was in agreement with because they hadn't been done in 74 years. Councilman Martell asked why this hadn't been done sooner because 75 years was a long time. Mayor Johnson explained that it could be that we're seeing things now that we hadn't seen before and now the Zoning needed addressed. He said he thought a lot of the Zoning had been set up during World War II when there were men and women coming back from over seas and the Zoning had been set up to accommodate three or four men to a house, Solicitor Haas stated that there was strange stuff in the current Zoning plan. Mr. Johnson stated that maybe the previous Council hadn't seen a need to upgrade them until now where we're seeing more and more clinics as well as many other contributing factors. Mr. Sutherland stated that the last time this was updated, industry was booming and now a lot of the housing had been gotten rid of due to the school developments and now housing was all out of kilter and maybe looking back the city shouldn't have waited so long but now it's time. Councilman Martell stated that other cities made a point after so many years to update their zoning rules. Mr. Sutherland stated that maybe they could get some feedback from the firm doing the new zoning plan on how often the plans should be updated. Councilwoman Gordon asked what the selection process was and Mr. Sutherland stated that they would advertise and it would be similar to how they did the Master Plan. Mrs. Gordon asked how long would it take and would it be completed by the end of the One-Year Moratorium? Mr. Sutherland replied it could possibly take a month to month and a half to choose and it may not be an easy fix. Mrs. Gordon stated that it was multi-layered and she asked the Solicitor if the time could be extended and Mr. Haas replied that the reason he chose one-year was because the farther you extend the time, the more likely that it would be challenged and he hoped that they would get enough done within that year and that if it would extend beyond that there wouldn't be much more time needed.

Councilwoman Gordon motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 4 Ayes – 0 Nays**

4. **Outlook Street Vacation**

**CM-20-84**

Manager Sutherland stated that the applicant for the vacation of the street owned everything around the street and the owner was wanting to make it a private driveway. All the caveats such as utilities, the city would still have access. The City Planning Commission voted unanimously to move the vacation forward to Council. Solicitor Haas stated that this was pretty easy because the applicant owned all the property on both sides and the street had never been improved and the owner had been maintaining the street for years. Councilwoman asked what the process was to vacate an alley and Solicitor Haas explained that an application would be submitted to the City Planning Commission to vacate a street/alley and then advertisements were mailed out to anyone that was around that area to let them know what was being proposed and if there were any objections they would voice those at the Planning Commission meeting. He said in this particular case, there was no one to object. He said if the Planning Commission voted to move it forward to City Council, it would be up to City Council on whether to vacate or not. Also, a legal description was always needed for a new deed and once the property was deeded over, the property would go on their property taxes. Councilwoman Mosley stated that she had received calls requesting properties to be torn down so that they could acquire the lot next to them and if the city kept tearing down homes, soon there would be people with big lots and others with nowhere to live.

Councilwoman Gordon motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 4 Ayes – 0 Nays**

**Discussion**

**Storefront Registrations** – Councilwoman Gordon said that once she received additional information, she would type up a report and share it with Council.

**Grant Process for Community Agency Funding** – Manager Sutherland stated that this was funding that was used to provide funds to Main Street Portsmouth, Friends of Portsmouth, Buckeye Elite Basketball and any other entity that would be looking to the city for assistance to possibly go through a grant process. Councilwoman Gordon stated that as a city we give a lot of money to different organizations throughout the

whole year and in looking back over the budget, she had a hard time understanding how much money it was and she felt it wasn't a transparent process. She said that people come in front of Council and say "I've got this project going on and could I get \$5,000" or "I've got this project going on, could I get \$20,000" and the city wasn't a bottomless pit of an ATM and she felt that if there were a process much like the Hotel Motel Tax Award process where groups could apply for funding and probably the same paperwork could be used. People would apply for it and there was a rating system and the money could be allotted. She said that there were some grants that had rolling deadlines and people would make the city aware of what they would be doing by applying for the money. She said there could be one deadline per year and people would have to know what they would be doing in the next calendar year before applying for it or possibly have two or three deadlines throughout the year. She said there needed to be a codified process in giving away the amount of money that we're giving away. Councilman Martell said he liked the idea and the grant processes would force the community agencies to specify what the money was being used for and what kind of impact it have within the city, because when they asked for money from the State, it was through a grant process. Mrs. Gordon said that there needed to be some sort of application process and some kind of report afterwards to prove how the money was spent. She added that we need to do something to decide on how the money should be allotted, and possibly a report showing how the money was used and how it helped our city. She said that this information would be helpful when the city was writing grants because the statistics could be used. Mayor Johnson stated that he like the transparency idea but he felt that a lot of it was preplanned now because a lot of what was done such as Main Street Portsmouth, the Elite Basketball, Friends of Portsmouth which were typically figured into the budget. Manager Sutherland stated that when dealing with the State, we needed to let them know what the city would be spending but for forecasting purposes that was what they built in which they knew would be coming. Councilman Martell asked if an example would be given of how the process would work or would it be something thrown onto the Manager's Agenda. Solicitor Haas explained that it should not go to the agenda without a Council letter and it would need to go onto Manager Sutherland Agenda with something attached to it so that legislation could be drafted. Mrs. Gordon stated that she felt that the application process should work something like the Hotel/Motel award with a committee that rated them. Auditor Williams gave an example that when he was working with River Days, they would ask certain organizations for money and one of those was Southern Ohio Medical Center and typically it didn't take anymore than just asking them but over the years that process had become quite lengthy. He explained that now you had to go to their website and apply through their grant system. Mr. Sutherland reiterated the fact that the city had to keep the State informed on every step they make.

**Hotel Site at 2<sup>nd</sup> and Washington** – Manager Sutherland said that he knew for sure that the Commercial Building Inspector Bill Toole had been in touch with Mr. Newsome, but he hadn't heard if they actually met up. He knew that he and Council had received many complaints and he knew that COVID was a big play but other cities were building hotels and development and ours was sitting here in shambles and Mr. Newsome needed to give the city some answers. Councilwoman Gordon asked if his insurance was up to date if someone were to go in there and get hurt would it fall back on the city. Solicitor Haas stated that it would not fall on the city. Mr. Sutherland believed that it was at the point where the building permits had expired and if he restarted construction, he would have to reapply for permits. Mrs. Gordon stated that at this point the whole structure looked as if it had lost its integrity, she doesn't know anything about construction but in looking at it, it appeared to be warped. Mr. Sutherland replied that that was the answers Mr. Toole was trying to get from Mr. Newsome. Mayor Johnson asked if Manager Sutherland had heard from the owner and Mr. Sutherland replied "no". Mayor Johnson stated that during the summer it would have been nice to have the grass cut and he understood that construction sites never looked really presentable but things could be spruced up by cutting the grass around the fence. Mrs. Gordon stated that this was an area of town that others were sinking a lot of money into to try and beautify that part of the city and that there was a new business right next door and a school down the street that was attracting a lot of foot traffic but there were no sidewalks and she received complaints weekly about this construction.

**Confederate Flags** – Councilwoman Gordon stated that she had received some vocal complaints about people who were located at the City campgrounds who were flying confederate flags and she and the people that brought it to her found this to be very offensive. She felt that it was city-owned land/property and the city should be able to have some sort of control if anyone was displaying anything offensive. She said that we're trying to attract tourist, new citizens and students and when people visit our area that was what they seen. She asked if language could be written into the agreement that specifically stated "no confederate flags" or "offensive language". Solicitor Haas said that "offensive" was in the eye of the beholder and he felt that they would run into 1<sup>st</sup> Amendment issues, but he would look at it but he didn't

think there was anything they could do, but possibly ban all flags and he wouldn't know what you would pick was "offensive" to whom. Councilman Martell stated that there was a city ordinance that dealt with flags, obscenities and gestures which pertained to obscenities such as language and gestures. Solicitor Haas gave several examples of Trump supporters that had flags that had offensive language on them which were all over town and hanging in storefronts on Gallia Street. He said that the topic came up on the Ohio Municipal Attorneys Association website and it appeared that there was nothing that could be done about it. Mrs. Gordon stated that she felt that you could fly whatever you wanted in your own front yard or your own storefront but this was city-owned property. Mr. Haas stated that he would look into it. Councilman Martell advised that it was section 1308.08 was the city ordinance section.

**Portsmouth Edition Monopoly** – Manager Sutherland asked that this be put on hold until Councilman Dunne returns.

**Renewable Energy** - Manager Sutherland asked that this be put on hold until Councilman Dunne returns.

Mayor Johnson reminded Council of the City Manager evaluations which needed to be returned by December 14<sup>th</sup>. Solicitor Haas reminded Council not to write anything in the evaluation that you wouldn't want on the front page of the newspaper. Councilwoman Gordon asked what the process was after the evaluations were submitted. Clerk Ratliff stated that all of Council would see them and after everything was tabulated, a copy would be given to Manager Sutherland for him to respond to the comments and then the last meeting of December, Council would have a sit down with Manager Sutherland to go over the evaluation. Councilwoman Mosley asked if there was anyone else outside of Council that would see the evaluation? Clerk Ratliff stated that after Council and the Manager had both seen them and the evaluation was completed, they become public record.

The meeting adjourned at 8:10 p.m. on a motion by Councilwoman Gordon.

Submitted by: *Diana Ratliff* – City Clerk