

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday November 23, 2020
 6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday November 23, 2020 at 6:07 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 (Absent)
Charlotte Gordon	2 nd Ward
Kevin E. Johnson	3 rd Ward
Lyvette Mosley	4 th Ward
Edwin Martell	5 th Ward
Vacant	6 th Ward

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

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

Council dispensed with the reading of the Journal for the Regular Session of November 9, 2020 on a motion by Councilwoman Gordon. **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 – Mr. Yohe directed his questions to Mayor Johnson and council members Martell and Gordon regarding the third reading of item 7 b - The Dispatchers agreement.

“What have you seen change, if anything since your comments at the first reading of this proposal? Mayor Johnson, we did note your comments after your sit-in with dispatchers at work. What do you three council members have to say to the public now, as you vote, about your concerns over dispatcher professionalism?”

LEGISLATION

The clerk gave a **third 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.

Councilwoman Gordon 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. #65- 2020
 Amend
 Appropriations
 to balance and
 close the books
 for 2020**

The clerk gave a **third 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.

Councilwoman Gordon moved that the Ordinance be passed.

Mayor Johnson stated that initially he was not in favor of the contract but after sitting in with Dispatch, he had a new appreciation for Dispatch after watching their work in progress and the multitasking that was done. Councilman Martell stated that he too had issues with Dispatch but after hearing from Mayor Johnson regarding his visit and speaking with two Officers, he realized that they have a tough job and commended what they do and believed that Chief Brewer would make things right in that Department.

**Ord. #66- 2020
 Ratified
 Contract for
 Dispatchers**

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 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.

Councilwoman Gordon moved that this constitutes 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 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.

Councilwoman Gordon moved that this constitutes 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 for a Code Enforcement Spreadsheet.

Councilwoman Gordon motioned to suspend the three-reading rule.

The role was called. VOTE: 2 ayes – 2 nays (K.E. Johnson, E. Martell), the rule was not suspended.

Councilwoman Gordon moved that this constitutes 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 amending Section 351.19(a)2 Limitation of Parking in Residential Districts of the Codified Ordinances of the City of Portsmouth, Ohio.

Councilwoman Gordon moved that this constitutes 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 **first reading**, to an Ordinance authorizing the acceptance of the attached revised application for the DORA (Designated Outdoor Refreshment Area), submitted by Sam Sutherland, City Manager, dated October 26, 2020.

Councilwoman Gordon motioned to suspend the three-reading rule.

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

Councilwoman Gordon 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 **first reading**, to an Ordinance authorizing the appropriation of \$265,000.00 from General Fund No. 101 with an account to be established by the City Auditor for the purchase of a Lenco-Medcat.

Councilwoman Gordon moved that this constitutes a first reading.

Mayor Johnson met with the Officer that spoke at the last meeting along with Chief Brewer last week and one of the questions that he had asked was “how do we take care of it?” and he was presented with a plan this evening that would provide the maintenance as a partnership between the Police and Fire Department and he had no doubts that the vehicle would be taken care of. He was sent a link of the vehicle and said that so many times the vehicle was referred to as an assault vehicle, but he like to think of it as a prevention vehicle. The appearance of the vehicle could do so much in a bad situation but if it saved one life, how could we ever put a price on a life. He asked Auditor Williams if he could certify that the money was available to pay for this

Ord. #67- 2020
DORA
Designated
Outdoor
Refreshment
Area

equipment and he confirmed that the funds were available. He asked that Council consider waiving the three-reading rule at the next meeting because this equipment could take six to eight months to receive it.

Councilwoman Gordon asked 1. How often would the vehicle be used. 2. Could a per hour usage could be ascertained similar to the report that the Fire Department currently provided for the Ambulance calls, where they can charge per run. 3. She asked if the County would be helping to fund this vehicle. 4. When we use this vehicle to help out another city, could we charge a per hour usage to help cover the staffing and material costs.

Officer Nicholas Shepherd responded to the questions: He said the problem they run into was ownership and usage of the vehicle especially when there was a shared title. He said currently the Sheriff's Department doesn't play well with others and they have a different administration that changes every four-years which would be a big liability and risk for the city. The difference with the Fire Department was that they worked together every day and they were an interjurisdictional operation which was how the partnership was formed, but we would run into big issues if you go outside the City of Portsmouth. As far as charging people, they have a mutual aid agreement with other law enforcement agencies and interact by borrowing and loaning out equipment, manpower etc. if there was a critical incident. He said one of the problems that you run into when creating a price tag, was when our city would happen to need something, we wouldn't want them charging us. The mutual aid agreement was in place for a reason which was to help first responders on the front line to help save lives, help respond to any nature disaster, critical incident or whatever the case may be so that they could all work together to protect life and property. He said outside of critical incidents or emergency operations, they were working on completing an agreement with other agencies that they've done operations for, such as an agreement to reimburse the City of Portsmouth for manpower and equipment used when called out for non-emergency situations such as a pre-planned event that they may need the City of Portsmouth's assistance. They've had meetings with Sheriff's and multiple department heads to work out those details on getting the mutual understanding agreements that when they were called out for a pre-planned operation that they would work on reimbursing the City of Portsmouth for the equipment use and time. They weren't looking to make money but basically reimbursing the city for the minimal cost.

Councilwoman Mosley ask about when the City of Portsmouth requests mutual aid, do other cities send personnel along with their vehicle? Officer Shepherd confirmed that "yes" the last time the City requested assistance was from Chillicothe and they sent two personnel along with the vehicle and if the City of Portsmouth's assistance was requested, we would send personnel as well. The vehicle would not be loaned out blindly to another agency, we would send one or two people to ensure that the vehicle was operated correctly, safely and that the vehicle was returned undamaged and that all property in the vehicle was inventoried and accounted for. Councilwoman Gordon ask how many times that the City of Portsmouth had borrowed Chillicothe's vehicle, Officer Shepherd replied that they had used Chillicothe's twice in the past four-months. He said he couldn't pinpoint how often the vehicle would be used, but in the past six months, there had been multiple shootings, stabbings and barricaded subjects, not to mention the drug search warrants which were all incidents that this vehicle would be utilized. The purpose of this vehicle wasn't to be used just for a tactical sense, but would also be used for natural disasters, floods, harsh weather, wind conditions etc. and this vehicle has the capabilities to maneuver through high waters to provide aide. Mrs. Gordon asked about the cost compared to other emergency vehicles, he replied that he couldn't speak for other departments equipment, but he believed an engine would cost around \$500,000. He said if a vehicle was needed to block gunfire, an engine would be used and if struck, the city would be out half-million dollars, whereas if this vehicle was purchase and used in the same scenario, it would be fine and fully operational. He said this vehicle would be fully operational with the proper maintenance for at least twenty plus years and the longevity of it compared to other emergency vehicles was significant. He said that this vehicle would be brand new and would come with a warranty and he would research the numbers on maintenance. Mrs. Gordon asked what the staffing level would be for the vehicle and Officer Shepherd replied that 15 fully equipped rescue personnel could be seated comfortably, but if it was a critical incident or rescue in which people had to be evacuated or moving people out of a hostile zone, twenty to twenty-five people could fit into the vehicle. Several different scenarios were given as instances that the vehicle could be used and that this was the first time that the SWAT team had come to Council with a monetary request. Currently the equipment they use was either donated or funded through Officers or an outside source.

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 \$178,075.00 from Capital Improvement Fund No. 301 to be paid from ODOT Transportation-Multipath Line Item No. 301.661.5507 for payment to the Ohio Department of Transportation for the City of Portsmouth's Riverfront Multi-Use Path.

Councilwoman Gordon motioned to suspend the three-reading rule.

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

Councilwoman Gordon 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 **first reading**, to an Ordinance authorizing the appropriation and transfer of funds for fiscal year 2020 from General Fund No. 101 to various Health Department funds to avoid those funds ending the year in a deficit balance 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, daily operations and to avoid practical or legal entanglements.

Councilwoman Gordon motioned to suspend the three-reading rule.

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

Councilwoman Gordon 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 **first reading**, to an Ordinance authorizing the City Manager to grant an easement and right of way to Ohio Power Company an Ohio corporation and a unit of American Electric Power, as described and depicted by Exhibit “A” and Easement & Right of Way attached hereto.

Councilwoman Gordon motioned to suspend the three-reading rule.

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

Councilwoman Gordon 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 **first reading**, to a Resolution to accept the Master Plan for the City of Portsmouth as submitted to City Council October 23, 2020.

Councilwoman Gordon moved that the Resolution be adopted.

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

The clerk gave a **first reading**, to a Resolution authorizing approval of the final resolution submitted by the Ohio Department of Transportation (ODOT) in the matter of the project consisting of the construction of a multi-use path whose segments consist of new 10-foot wide asphalt path or resurfaced, widened, or shared existing streets along the Ohio River between the Scioto Street/2nd Street intersection and the Front Street/Offnere Street intersection, including asphalt paving, curb, sidewalk, curb ramps, stairs, signs, and pavement markings, lying within the City of Portsmouth.

Solicitor Haas explained to Council that this Resolution contained funds and carried the weight of an Ordinance because it was appropriating funds and should be handled as such. Mayor Johnson asked Manager Sutherland if this was something that had to be approved this evening and Mr. Sutherland replied “yes” it had to be received by ODOT by Thursday.

Councilwoman Gordon motioned to suspend the three-reading rule.

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

Councilwoman Gordon moved that the Resolution be adopted.

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

Ord. #68- 2020
Appropriation
for Multi-Use
Path

Ord. #69 – 2020
Appropriation
to transfer
funds to
various Health
Dept. funds

Ord. #70 – 2020
Easement to
AEP for
PMHA new
development on
Thomas
Avenue

Res. #23 – 2020
Accepting
Master Plan for
City of
Portsmouth

Res. #24 – 2020
Approval of
ODOT Multi-
Use Path

The clerk gave a **first reading**, to a Resolution by the Portsmouth City Council imposing a moratorium of one-year on new HEALTHCARE, MEDICAL, REHABILITATION, COUNSELING OR MENTAL HEALTH FACILITIES within the City of Portsmouth, Ohio.

Councilwoman Gordon moved that the Resolution be adopted.

Councilwoman Gordon said that she had received several questions and asked about the length of time and if it would be until the housing study was complete. Councilman Martell replied “yes” this would be until the Zoning was completed. He added that once it had been completed, the new rules would establish where a new facility could be constructed instead of having a treatment center in a residential area. Mrs. Gordon asked if it included the expansion of a current facility? Solicitor Haas stated that as long as they own the property, but they couldn’t purchase new property.

There were no questions or comments. **The role was called. VOTE: 4 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.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She extended her deepest sympathies to the family of Councilman Thomas Lowe who passed away the day after the last meeting. She said that during his time on Council, Mr. Lowe did a great job representing the 6th Ward and he really cared about his community. He will be greatly missed.
2. She submitted the advertisement for the 6th Ward position to the Daily Times to be ran on November 28th and December 5th with the deadline to be received by December 9th. Interviews were set for December 14th.
3. She received the certified results of the General Election concerning the Tax renewal the city had on the ballot. The renewal passed 4,129 in favor and 1,195 not in favor. Total number of people that voted for it was 6,124. Councilwoman Gordon asked if that was the total number of voters, Clerk Ratliff replied that was the total number of people that voted on that issue.

The City Clerk’s report was received, filed and made part of the record, on a motion by Councilwoman Gordon. The motion carried viva voce: **VOTE: 4 ayes– 0 nays.**

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

1. He informed Council that there would be a new City Engineer coming on board Monday November 30th. His name is Nathan Prosch and he believed that he would help the city advance in a lot of ways and they were proud to have him.
2. He said that Council received a memo that was issued to all interested parties that were decorating on city-owned property. He had asked them to remove the decorations by January 30th and gave a little leeway in that if it was a wintery scene that could remain throughout the winter season, but if it was Christmas related it needed to be removed by January 30th. He said he was very happy that these organizations do this for the city because it made our city look so nice, but we want to make sure that the trees remain in good shape.

The City Manager’s report was received, filed and made part of the record, on a motion by Councilwoman Gordon. The motion carried viva voce: **VOTE: 4 ayes– 0 nays.**

Mayor’s Report – Mayor Johnson reported the following:

1. He said that the Health Department meeting was cancelled because of technical difficulties and was rescheduled for this week.
2. He expressed his heart-felt sympathy and prayers to the family of Councilman Tom Lowe. He will miss him, his wit, his honesty and his directness. He doesn’t believe that he had ever met anyone that was prouder and more supportive of their community than what Councilman Lowe was, we always knew where he was coming from and he was all about Sciotoville and our city. He was very proud of his Tartans and proud to be from Sciotoville and he learned from Councilman Lowe and he will be missed. If his family was watching this evening, his prayers were with each and every one of you and thank you for sharing Tom with us during his term. God Bless your family.
3. He wished everyone a Happy and Safe Thanksgiving.

The Mayor's report was received, filed and made part of the record, on a motion by Councilwoman Gordon. The motion carried viva voce: **VOTE: 4 ayes– 0 nays.**

Solicitor Haas Report – Solicitor Haas reported the following:

1. He passed along his condolences to Tom's family and friends and he concurred with Mayor Johnson's statements and his love for Sciotoville. He was one of the softest hearted Councilmember that he had ever met and he definitely will be missed.

The Solicitor's report was received, filed and made part of the record, on a motion by Councilwoman Gordon. The motion carried viva voce: **VOTE: 4 ayes– 0 nays.**

Auditor Williams Report – Mr. Williams reported the following:

1. He mentioned the victory of the flood defense levy and added the percentage was 67.42% for the levy. This was one that we hope always passes to protect the city's floodwall and property.
2. He said that the city had received a second Workers Compensation rebate this year which was over \$200,000 and the Governor had recommended that a third rebate be sent out to cities and employers.
3. He congratulated Nathan Prosch.
4. He sent his condolences to fellow Tartan Tom Lowe, he was very proud to be a Tartan, proud to be from Sciotoville and will be very much missed. He sent his condolences to his family and the Sciotoville Community and as he would want me to say "Go Blue".

The Auditor's report was received, filed and made part of the record, on a motion by Councilwoman Gordon. The motion carried viva voce: **VOTE: 4 ayes– 0 nays.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Dunne had no report due to absence.

2nd Ward – Councilwoman Charlotte Gordon reported the following:

1. She stated that we would miss Tom's genuine feedback, he was a really good guy and we're really going to miss him.
2. She answered Mr. Yohe's question about the Dispatchers. She said that since the time that she had received those complaints, a new Chief of Police was hired and those complaints have tapered. She said that she trusts that the new Chief would bring out a new level of professionalism. She thanked Chief Brewer for raising that bar and she had not received any more complaints since the initial complaints.
3. She was still chatting with the people in Akron regarding the Storefront windows. She said that once she has compiled enough information and type out a report.

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

4th Ward – Councilwoman Mosley reported the following:

1. She extended her condolences to the Lowe family. She had been looking forward to working with him on City Council and extended her prayers to the family.
2. She thanked Manager Sutherland for helping to complete something that former Councilman McManus had started. One was the Sav-a-Lot Grocery Store parking lot had large holes in it and has since been fixed. They asked her if the city could remove a dumpster/donation box which was put there without the store's permission, but since it was private property the city could not remove it and went back to the store to explain that the city couldn't remove it. The store advised that people were going through it and throwing clothing and shoes all over the parking lot. She told them they had her permission to remove it.

5th Ward – Councilman Martell reported the following:

1. He sent his condolences to Tom Lowe's family, in the short time that he had gotten to know Tom, he was a great dude and he would really miss him.
2. He said that Manager Sutherland asked him to give Chief Brewer a chance to make a difference in the Dispatcher's unit, as the city had hired the first female Chief in the City of Portsmouth and congratulated her. He said that it would take some time to fix things including Dispatch.

6th Ward – Vacant

The meeting adjourned at approximately 7:10 p.m. on a motion by Councilwoman Gordon.

City Clerk

Mayor