

**MINUTES – REGULAR SESSION**

**PORTSMOUTH CITY COUNCIL MEETING**  
 Monday December 14, 2020  
 6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday December 14, 2020 at 6:04 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 <sup>st</sup> Ward
Charlotte Gordon	2 <sup>nd</sup> Ward
Kevin E. Johnson	3 <sup>rd</sup> Ward
Lyvette Mosley	4 <sup>th</sup> Ward (Absent)
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.

Councilwoman Mosley’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 November 23, 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**

There was no one present that wished to address Council pertaining to items on the agenda.

**LEGISLATION**

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

**Ord. #71- 2020  
 Advertise for  
 bids and enter  
 into contracts**

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 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 the Ordinance be passed.

**Ord. #72- 2020  
 Comprehensive  
 Housing Market  
 Analysis**

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 for a Code Enforcement Spreadsheet

Vice President Dunne moved that the Ordinance be tabled until December 28, 2020.

**Ordinance was  
 Tabled**

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

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

**Ord. #73- 2020  
 Amended  
 Section 351.19  
 a2 regarding  
 Boats**

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 \$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 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.

Vice President Dunne stated that he had reviewed the previous information that was given and found it highly problematic in a variety of ways. 1) The information provided was basically that there were no grants and that a city the size of 20,000 should foot the entire bill and there was no presentation that showed what other cities had done to obtain grants. 2) This was presented for the taxpayers of Portsmouth to foot the bill because we couldn't coordinate a purchasing or managing plan with the County; Council was told that the County doesn't play well with others which made government problems the taxpayers' problems and was unacceptable. A machine/equipment that could be used two and half times per month in the City of Portsmouth certainly had opportunities to be used at other points in the month and for the taxpayers of Portsmouth to have to pay \$265,000 with the dismissal of the notion that it wouldn't be shared with other entities would be unfair to the taxpayers of Portsmouth. 3) The example used that if a fire engine were damaged because of bullet holes that it would lose its value, it wouldn't go from \$500,000 to \$-0-. He's seen in the journal of the nature for human behavior, researchers from the University of Michigan and another article published by researchers from LSU and Emory College disputed data that was used in 2017 to suggest that the federal provision of different forms of military equipment to Police Departments was making it safer for Police Officers and they found no evidence of this in their research. As he stated in the first meeting, that some type of provision of safety to Police Officers in our Police Department as well as Police Officers in the County was not a bad thing, but as presented, the City had been asked to pay \$265,000 alone in a city where there was a youth swimming pool that didn't have doors for restrooms stalls; a city where a variety of public entities were at risk of falling down such as Spartan Stadium. He added that we could be more proactive to help the Police by a larger provision of Mental Health Services or invest in different types of city services to invite more businesses to Portsmouth and that would be a more proactive use of the money. He wouldn't rule out the purchase of this equipment, but in reviewing things that Council had accomplished as well as the Fire and Police Departments, there was an aggressive pursuit of other funding. He believed that the vast majority of the citizens would like to provide a safe work experience for the Police Department, but would have to balance that with funding of other services. He stated that there were avenues for other types of funding that should have been more clearly demonstrated to Council before a vote. He gave various examples such as getting a Skate Park for \$340,000, the city had worked really hard to get the vast majority of that money from outside of our area, which meant delays in development and now it had been two years, but at the end of the day, it was worth it. He said that to develop the Dog Park, the vast majority of that money came from outside of our area and what he would like to see develop on Council was to fund various projects/equipment with a very creative innovative way of sharing expenses, whether it was getting grants or sitting down with County entities to come to some kind of agreement. We have lawyers that could create contracts, and there's different ways in which these shared services could be agreed upon.

Councilwoman Gordon stated that Vice President Dunne raised some good points. She asked how Ambulances, Fire Trucks and other Emergency Vehicles were paid for by the city? Manager Sutherland stated that the city pays for it and Auditor Williams said that a note was taken out for the last Ladder Truck for at least a year if not longer and the city has borrowed money on occasion for vehicles, those tend to be \$500,000 or more but if they're less than that, the city usually used the Capital Improvement Fund. The Police cars which had bought 5 cars at a time, were either paid for out of the Capital Improvement Fund or lease to purchase program through the vendor. Vice President Dunne stated that other cities have sought complimentary funding for equipment such as the one was presented to our city and there was shared funding.

Councilman Martell said that it was a lot of money and he understood that it would potentially help save a life, but at the same time with that kind of money it could be better used to facilitate other items that we need in our city. He said that with that amount of money, it could possibly help with the COVID situation because our hospitals were almost at full capacity and he thought this money would help provide them with some sort of back up. He could see at some point the city needing a vehicle like this but right now with everything going on he could not see us spending this money. Mrs. Gordon asked if this money could be used for these other instances that the Councilmen were using as examples? Manager Sutherland said that if it was done as it was written it would come from the General Fund. Councilman Martell asked if it could help with the status of the 44 members, because he believed that to be an issue but the consensus was that it wasn't an issue in the Police Department.

Mr. Dunne asked if anyone else on Council had done any research regarding grant funding to help with the cost. Mayor Johnson stated that he had a meeting with several of those that spoke and had asked about the grants. He was told that they had a person that deals specifically with grant writing who had told them there currently were no grants. Mr. Dunne stated that there should have been a report providing the status of different grant agencies that had funded this in other cities and didn't think that it was asking too much to provide Council with a written report on what monies were or were not available through certain funding agencies which would show an act of due diligence and provide Council the different options that had been explored. Mayor Johnson said that he's never had people shooting at him and doesn't really care how the vehicle was classified whether it's military or police and he wanted a vehicle that would repel bullets and keep people safe. He really appreciated this type of equipment because they've seen what has happened around this country and around the world and if this vehicle was called upon to be used one time to save one life, then \$265,000 doesn't mean anything. He doesn't know how they put a price tag on this and the financing would be over seven years. He added that at the last meeting he asked Auditor Williams if the city could afford the vehicle and his response was "yes, we can" and Mr. Williams reiterated that sentiment again and stated that they had received COVID grant and aid money through the federal aid that our city had received and had disbursed it throughout the community. Mayor Johnson stated that this was the first time the Police had come to Council for something. Mr. Dunne stated that he wasn't opposed to the requested piece of equipment, but would like to see other funding options explored. Mrs. Gordon asked Auditor Williams what the interest rate would be for seven-year period being requested, Mr. Williams said interest rates were at an all-time low; the city could take advantage of a five year note or a lease to buy possibly through the vendor, if not, there would be opportunity through local banks and the rate would be 2% or less for small terms like five to seven years. She said her calculations dividing by seven-years would be just under \$38,000 per year which would make it more affordable. Mr. Williams explained that over the past several years, very large purchases have been for the Fire Department but we've never made that kind of an outlay for the Police Department, they generally have all been fire vehicles. Councilman Martell stated that if we're willing to spend money on a vehicle like this, then we should be more than willing to invest more into fixing our city.

Police Officer Nicholas Shepherd came forward to answer some of Council's questions. Councilman Martell asked how many cities of our size have a medcat vehicle. Officer Shepherd stated that he didn't know the number but it had been included in the original packet submitted to the Manager and had listed all of the cities in the State of Ohio that had this vehicle, but the closest one to Portsmouth was Chillicothe. Councilwoman Gordon asked if there were ever a time that we needed it and it wasn't available, and Officer Shepherd replied on multiple occasions. Vice President Dunne ask Officer Shepherd if he had any personal objections to working with the county entity to work out an agreement to use the vehicle. Officer Shepherd replied "yes" because it would be for the City of Portsmouth and the citizens come first, and he's not aware of any mutual agreements for the purchase of trash trucks, ladder engines, etc. the city never entered into any kind of agreement and this seemed to be the only vehicle in which that avenue was being looked at. He added that other service equipment in the city, whether it be city services or the water plant, the fire department, EMS had never had a mutual requirement. Mr. Dunne said that the objection would be that this vehicle shouldn't be singled out and should be just for the City of Portsmouth. Mr. Shepherd said "no that's not what I said" as far as ownership wise and being able to take care of it because when you're sharing that equipment with someone and you have a critical incident that happens in the City and at the same time something happens in the County (which had happened) where you have multiple incidents, who would decide who would use the equipment, would it go to the County or the citizens of Portsmouth and if it went to the County, how do you tell the citizens of Portsmouth, "hey look you're paying for this, but you don't get it now because the County has it" or if the County decides they want to take it on a training day or drive it to wherever. We obviously want this piece of equipment to be utilized by anyone who would need it, but the City would help facilitate that request the same way we do with mutual aid agreements. When requested we help out our neighboring cities but the equipment is run by the City so that they know that it was being used properly and everything is all accounted for and if anything was broken, it could be maintained and repaired. There were additional lengthy discussions.

Ordinance was defeated

There were no questions or comments. **The role was called. VOTE: 3 ayes –1 nays (S. Dunne), the Ordinance was defeated.**

The clerk gave a **first reading**, to an Ordinance to make appropriation for the current expenses and other expenditures of the City of Portsmouth, Ohio beginning January 1, 2021 and ending December 31, 2021, as provided for in Section 49 of the Charter of the City of Portsmouth, Ohio.

Councilwoman Gordon moved that this constitutes 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 \$60,000.00 from Sanitation Fund No. 631 to be paid from Machinery/Equipment Line-Item No. 631.779.5533 for the purchase of weigh scales. 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.

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 a total of \$100,000 from General Fund No. 101 to allow \$75,000.00 to be paid into CIP Fund No. 301 to cover the costs of the zoning ordinance update.

Councilwoman Gordon moved that this constitutes a first reading.

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

#### **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**

**John Anson – Ohio Division Commander of The Sons of Confederate Veterans** – “I am writing this in hope that this legislation to ban the Confederate Flag at the camp grounds is stopped. I understand that this flag is sometimes considered offensive; however, it is only through ignorance of the flags meaning. The War of Northern Aggression was not fought over slavery! Slavery was not an issue in 1860 when South Carolina and the other twelve states also left the Union. It was going to be used as a war time measure. In 1863 a full two years after hostilities began and thus the narrative that the hostilities were over slavery. The war was over the Murrell Tariff, a tariff that all goods sent from the South to North were to be taxed at 49%. The South said that would pay 10% as usual but refused to pay the 49%. Lincoln’s response was to send troops to extract the monies by force thus beginning what the North calls the Civil War. Lincoln’s actions caused 600,000 men to be killed. Lincoln himself said he had no intentions of doing anything about slavery he only needed the South’s tax money. Some of my dates may be incorrect but the Soldiers and Sailors Act of 1909 gave Southern soldiers American Fighting men status and the rights and honors as such. The battle flag was a unit flag and there are many different variations of battle flags; however, the one most widely used is the 3x5 X flag with 13 stars inside the X. Each star represents a different state, the center star represents the state of Kentucky our border state. Today the flag has flown all over the world, when the Berlin Wall came down the Battle Flag was there, it stood for victory over tyranny. In conclusion I someone will and I encourage you to fact check me, hopefully you will have a different opinion of the Battle flag. There will always be people who are offended by something. What else will be banned? Flags from other groups or perhaps the Christian Flag. There are a lot of things I disagree with on TV, just change the channel. If individuals were complaining about any other flag, City Council would say it wasn’t an issue – that people have rights to choose their symbols or flags. If you don’t like a particular flag look the other way, do your own research on what a particular flag means. Is the American Flag next to be banned? City Council has many other things it should be concerned with, the drug epidemic, unemployment. I urge you to not give into these complaints and strip others of their rights to the battle flag.”

#### **MISCELLANEOUS BUSINESS AND REPORTS:**

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

1. She extended her deepest sympathies to the family of Commissioner Mike Crabtree.
2. She received via email on December 7, 2020 from the Auditor’s office, the following summary statements of the Combined MTD/YTD reports for the period ending November 30, 2020: Expense, Revenue and Fund.
3. She received five resumes for the 6<sup>th</sup> Ward, however one applicant requested to be removed, now there are a total of four resumes. James Jordan, Kenneth (Rich) Scarberry, Dennis Packard and Susan Reed.
4. She would like to extend her condolences to Councilwoman Mosley for the loss of her stepson.

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: 4 ayes– 0 nays.**

**Ord. #74 – 2020  
Appropriation for  
weigh scales for  
the Transfer  
Station**

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

1. He extended his condolences to Councilwoman Mosley for the loss of her stepson and to Commissioner Crabtree’s family. This is a very sad time in our County and our City.
2. He had received a lot of inquiry’s electric scooter companies who were wanting to bring their business to town and he wasn’t going to commit to anything and would like them to come to Council to present a proposal. He had seen these in the bigger cities but he didn’t want to commit to this without Council knowing about it.
3. The DORA was approved and he was in the process of getting letter out to the four vendors that would be participating in the program and then will get signage installed. He said that he knew with COVID in play, this wasn’t the best time to be doing this but hopefully once COVID was under control we will have the DORA completed and we will be able to do somethings with it.

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: 4 ayes– 0 nays.**

**Mayor’s Report** – Mayor Johnson reported the following:

1. He extended his condolences to Councilwoman Mosley for the loss of her stepson and also Commissioner Crabtree’s family. “Dianna and family, you have our heartfelt condolences and prayers”. It’s been a sad few weeks in our community.

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: 4 ayes– 0 nays.**

**Solicitor Haas Report** – Solicitor Haas had no report.

**Auditor Williams Report** – Mr. Williams reported the following:

1. He reviewed the November report and stated the it was the highest month of Income Tax collections in the City of Portsmouth at a total of \$1,443,945 in the General Fund portion which was \$36,718 higher than last November and compared to last year for an accumulative amount of \$134,773. The Capital Improvement Fund collections were \$196,941 and that was \$41,738 above last year and for the entire year \$152,753 over last year. The six major operating fund balances at the end of November puts the General Fund at \$9,139,248, Streets \$550,406, Water \$941,573, Sewer \$181,176, Sanitation \$268,402 and Insurance \$3,896,288.
2. He stated that the revenues regarding the General Fund balance was also a record for the city as the single highest month ended balance and the only time we’ve ever ended the month at over \$9,000,000 in the General Fund. He said some of this was due to the Coronavirus relief funds that the city received to help offset some of the expenses of our Police, Fire and Health Departments. He said that wouldn’t be an ongoing thing after this month or year but it was a good thing for this month.
3. He was approached Friday by Marcia Harris who was the head of a non-profit Time Out For Me which was a 501c3 organization. He said typically 501c3 handle their own finances and apply for their own grants but this particular grant being from the State Department Youth Services required that the application be submitted by and awarded to a city or a government as a subgrantee, so she asked me and he approached the City Manager and they also checked with the Solicitor to make certain they could proceed with the application and the answer was “yes”. However, in order to receive this grant money as the city on behalf of her non-profit that would have to be accepted and approved by City Council when she or close to the time she’s notified of the award. He looked over her application today and she had applied for \$25,000 per year for three years if she’s given the award for the 2<sup>nd</sup> and 3<sup>rd</sup> year. This will be proposed to Council in the near future. This was for an at-risk Youth program that Ms. Harris will direct and the monitoring will be done by the Department of Youth Services and she will be the contact. The city’s part will be to receive the money and then once their notified by the Department of Youth Services that she’s turned in expenses that qualify for reimbursement, they will send the money to the city and then the city would send it onto her organization.

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: 4 ayes– 0 nays.**

**MISCELLANEOUS BUSINESS FROM CITY COUNCIL**

**1<sup>st</sup> Ward** – Councilman Dunne reported the following:

1. He said that since he wasn’t at the last meeting, he expressed his condolences to Tom Lowe’s family. It was great serving with Tom and great knowing him and he helped him a lot. It was a big loss to not only Sciotoville but to City Council and our City.

2. He missed the last meeting after testing positive for the coronavirus and he tells his personal story to let others know that it was certainly in our area and to continue taking the best precautions as possible. He was very fortunate in the sense that he had a mild case but still it was somewhat of a roulette wheel every time you wake up in the morning, you don't know which way your symptoms can go and he thanked members of City Council who very early on passed a mask mandate and everyone should exercise precaution as many ways as possible.
3. He thanked Manager Sutherland, they met with the firm that they had hired to do the appraisal for Spartan Municipal Stadium and they should receive the appraisal in January and from there they hope to develop a conceptual drawing of a renovated stadium and both the drawing and appraisal could be used to seek out grants to fund the renovations of Spartan Stadium which was most likely to happen from a State or National entity than from a certain sports organization. He said that it was still a long way away and there was no guarantee. He thanked City Council for approving the contract for the appraisal firm which is the first of a few important steps in getting the stadium renovated.

**2<sup>nd</sup> Ward** – Councilwoman Charlotte Gordon reported the following:

1. She thanked our medical community because our numbers have increased and they're working very hard and we have a very good medical community in town.
2. She met with the graphic designer that they hired to come up with logos for the Arts, Culture and Innovation District that she will review with Manager Sutherland.
3. She's had some ongoing emails with Akron about the storefronts.
4. She thanked Manager Sutherland for working with her on the 4<sup>th</sup> Street issues.

**3<sup>rd</sup> Ward** – Councilman Kevin E. Johnson reported the following:

1. He wished everyone a Merry Christmas that watching via live stream and he hoped they had a very safe holiday.

**4<sup>th</sup> Ward** – Councilwoman Mosley had no report due to absence.

**5<sup>th</sup> Ward** – Councilman Martell reported the following:

1. He received information regarding the resolution pertaining to racism in High School sports and Geneva, Ohio has now joined our city's fight. He said that there was an article in the Columbus Dispatch that Ohio State athletes, alumni, officials and coaches have expressed their heartfelt pain from when they were in school and had to deal with the same racism during their high school athletic career and he thought that was great to see that people were talking about this issue. Columbus had reached out to him and they spoke about the resolution and hopefully they can continue their work on improving the lives for our youth when it comes to dealing with this kind of rhetoric.

**6<sup>th</sup> Ward** – Vacant

Vice President Dunne requested to move into Executive Session for Personnel investigative matters and invited Manager Sutherland, Auditor Williams, Solicitor Haas and Clerk Ratliff and to interview applicants for the 6th Ward Council position.

The role was called and the motion carried: **VOTE: 4 ayes– 0 nays**, Council recessed into Executive Session at 7:23 p.m.

Vice President Dunne motioned to reconvene from Executive Session. Council reconvened with all still in attendance at 8:54 p.m. with the exception of Solicitor Haas.

Mayor Johnson opened nominations for the 6th Ward Councilperson.

Councilman Martell nominated Dennis Packard for 6th Ward Councilperson.

Mayor Johnson called for any additional nominations, there were none. Mayor Johnson closed the Nominations at 8:56p.m.

The roll was called for Dennis Packard: **VOTE: 4 Ayes – 0 Nays**

City Clerk Ratliff administered the Oath of Office to the newly appointed 6<sup>th</sup> Ward Councilman Dennis Packard.

The meeting adjourned at approximately 8:59 p.m. on a motion by Councilwoman Gordon.

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City Clerk

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Mayor

**Appointment of  
Dennis Packard  
as 6<sup>th</sup> Ward  
Councilman**