

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
 Monday August 23, 2021
 6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday August 23, 2021 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Mayor 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
Lyvette Mosley	4 th Ward
Edwin Martell	5 th Ward
Dennis Packard	6 th Ward

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

Council dispensed with the reading of the Journal for the Regular Session of August 9, 2021 on a motion by Vice President Dunne. **The motion carried viva voce: VOTE: 6 ayes – 0 nays.**

Vice President Dunne motioned to add to the agenda as item 7(J) an Ordinance authorizing the City Manager to enter into an agreement between the City of Portsmouth and The Village of New Boston for the treatment of sewage as per the attached Exhibit A.

Item to the Agenda

The motion carried viva voce: VOTE: 6 ayes –0 nays.

Vice President Dunne motioned to add to the agenda as item 7(k) a Resolution authorizing the City Manager to prioritize clean energy generation in the selection of an electricity supplier for the aggregation program in accordance with section 4928.20, Ohio Revised Code.

Item to the Agenda

The motion carried viva voce: VOTE: 6 ayes –0 nays.

PROCLAMATION

Whereas, the City of Portsmouth recognizes Hope Myers for her passion in economic equality. Hope is 15 years old and a Sophomore at Wheelersburg High School and is interested in attending Boston College or Georgetown University. Ms. Myers would like to graduate from college and come back to Portsmouth to represent Ohio’s 6th Congressional District; and

Proclamation for Hope Myers

Whereas, over the past several months Ms. Myers has shadowed Councilwoman Lyvette Mosley by attending the ADAMHS Board meetings, the County Commissioner meetings and has met with City Manager Sam Sutherland; and

Whereas, Ms. Myers is currently in the Wheelersburg Marching Band, holds a 3.7 grade point average, attends the United Nations Model UN Program in which she learns about diplomacy, international relations and the United Nations. She also participates in the “Girls Who Code” which is an organization that values diversity, equity and inclusion and she mentors’ other girls on how to code.

Whereas, Ms. Myers is also thankful for her family who have supported her no matter what and is beyond grateful for them.

NOW, THEREFORE, I, Kevin E. Johnson, Mayor of the City of Portsmouth and on the behalf of City Council and the citizens of Portsmouth, commend Hope Myers on her ambitious goals and leadership in our community.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

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

LEGISLATION

The clerk gave a **third reading**, to an Ordinance enacting a new chapter entitled “Vacant Building Enforcement Program” of the Codified Ordinances of the City of Portsmouth.

**Ord. #55 2021
 Vacant
 Building
 Enforcement
 Program**

Vice President Dunne moved that this legislation be passed.

There were no further questions or comments. **The role was called. VOTE: 5 ayes – 1 nay (K.E. Johnson), the Ordinance was passed.**

The clerk gave a **second reading**, to an Ordinance to amend the Salary Ordinance as amended by Ordinance No. 37 of 2021 to add the positions of Lead Code Enforcement Officer/Part-Time Parks and Recreation Director and Code Enforcement Officer with annual salaries of \$56,000.00 and \$41,600.00 respectively. The Lead Code Enforcement Officer assists with some Parks and Recreation duties which is reflected in the annual salary listed and repeal Ordinance No. 37 of 2021.

Vice President Dunne moved that this constitutes a second reading.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nay, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth to enter into a new lease with E-Flow Services, LLC for property located at 546 Second Street as detailed in the attached Lease Agreement (Exhibit A).

Vice President Dunne moved that this constitutes a second reading.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nay, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth to enter into a lease agreement extending the terms between Shawnee State University and the City of Portsmouth regarding the use of Branch Rickey Park for an additional two-year term through June 30, 2023 as detailed in the attached Lease Agreement (Exhibit A).

Vice President Dunne moved that this constitutes a second reading.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nay, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the appropriation of \$2,403,000.00 from General Fund No. 101 and also accepting \$1,682,187.50 received from the Cooperative Boating Facility Grant.

Vice President Dunne moved that this constitutes a second reading.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nay, a second reading was declared.**

The clerk gave a **first reading**, to an Ordinance authorizing the appropriation of \$12, 500.00 from CIP Fund No. 301 to CIP Health - Health Line-Item No. 301.440.5529 for replacement of an air conditioning unit that has failed. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

Vice President Dunne moved that the three-reading rule be waived.

The role was called. VOTE: 6 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: 6 ayes – 0 nay, the Ordinance was passed.**

The clerk gave a **first reading**, to an Ordinance Amending Chapter 901 – Streets and Sidewalks Generally of the Codified Ordinances of the City of Portsmouth, Ohio by adding Section 901.21 – Permit Required.

Vice President Dunne moved that this constitutes a first reading.

Ord. #56-2021
Air
Conditioner
for Health
Dept

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nay, a first reading was declared.**

The clerk gave a **first reading**, to an Ordinance Amending Section 903.01 – Permit Required of the Codified Ordinances of the City of Portsmouth, Ohio.

Vice President Dunne moved that this constitutes a first reading.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nay, a first reading was declared.**

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

Vice President Dunne moved that this legislation be adopted.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nay, the Resolution was adopted.**

The clerk gave a **first reading**, to an Ordinance authorizing the City Manager to enter into an agreement between the City of Portsmouth and The Village of New Boston for the treatment of sewage as per the attached Exhibit A. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

Vice President Dunne moved that the three-reading rule be waived.

The role was called. VOTE: 6 ayes– 0 nays, the rule was suspended.

Vice President Dunne moved that the ordinance be passed.

Mayor Johnson asked Manager Sutherland to explain what was taking place. Manager Sutherland stated that there had been an agreement in place since 1991 for the City of Portsmouth to receive New Boston's sewage and treating it and it was time to renew that agreement. There was discussion back and forth about some of the things that needed changed in the agreement and the city had agreed, but the biggest change was that the city would be rebating 7% of the intake of revenue that comes from New Boston and would be giving it back to them in order for them to be able to maintain their sewers, as it was their responsibility to maintain them and as far as rates, they pay the same as the City of Portsmouth's residents. Solicitor Haas asked if New Boston paid a little bit more on their bill to do some EPA requirements. Kris Ruggles with Strand & Associates spoke to Council and explained that the Village of New Boston residents had been paying exactly the same as the City of Portsmouth's residents but since then New Boston had regulatory mandates in which they had to address on their own and they levied an additional sewer fee for the New Boston residents to pay for those improvements. He explained that Scioto County had sewage that flowed to the city and then County and City coming together that flowed through the Village and New Boston maintained and operated their system dealing with the County and City's flow and the city received income for it but the Village did not. He said that agreement had expired and by the end of the month there would be a funding nomination due to the Ohio EPA and by executing the new agreement, the new details would make the village eligible for grants that the city was not eligible for and by organizing in the new agreement that the Village of New Boston now owned all of the infrastructure within the village, but the city maintains, and the village could get grants that would help the city and could potentially provide millions of dollars back to the community. Councilman Martell asked if there would be legislation for the grant money and Mr. Ruggles replied that the City of Portsmouth had passed an ordinance to move forward with the Munns Run Pump Station project outlining that the city would pay for the engineering and the village would submit for nominations; that's where it stands currently as well as other grant funding. The new agreement will renew every ten-years 3 times and as long as there were no changes or other issues, this would be in place for at least 30 years. Mayor Johnson asked what the 7% would be used for that we're refunding. Mr. Ruggles said that the Village of New Boston operates and maintains its own sewer system and receives no revenue from the city for doing so and they had levied their own fee to pay for the debt service on projects that had to be done and this would allow the city to rebate that money back to the village to allow them to maintain their sewers.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nay, the Ordinance was passed.**

Res. #16-2021
OPWC
application

Ord. #57-2021
New Boston
Sewer
Agreement

The clerk gave a **first reading**, to a Resolution authorizing the City Manager to prioritize clean energy generation in the selection of an electricity supplier for the aggregation program in accordance with section 4928.20, Ohio Revised Code.

Res. #17-2021
Clean Energy
generation of
electricity

Vice President Dunne moved that this legislation be adopted.

Mayor Johnson said that he hadn't gotten a chance to review the document but he knew that Council had passed part of this on the ballot and asked if Council should be voting on this. Solicitor Haas stated that it was just a resolution and would be fine.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nay, the Resolution was adopted.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

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

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received from the Ohio Division of Liquor Control a request for a transfer of license from The Upper Deck Tavern Inc & Patio at 2651 Blanchard Avenue Moraine, Ohio 45439 to Blade Tavern LLC at 601 Second Street Portsmouth, Oh. There were no objections.
2. She retrieved the new population numbers from the U.S. Census Bureau and Portsmouth now has 18,252 which is down 1,974 from the previous Census number of 20,226.

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: 6 ayes– 0 nays.**

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

1. He introduced Justin Voiers as the new Code Enforcement Officer.

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: 6 ayes– 0 nays.**

Mayor's Report – Mayor Johnson had no report.

Solicitor Haas Report – Solicitor Haas reported the following:

1. He thanked Council for passing the OneOhio agreement for the opioid litigation. He said that the last he saw was almost a unanimous decision throughout the entire state which put us in a very good footing with respect to getting these three defendants resolved and then moving on to the rest of the defendants. He said the big money would be in our region which was Scioto, Pike, Ross, Pickaway, Fayette, Highland and Adams Counties and the city would need to appoint someone to represent on the Foundation Board. Hopefully this would bring some money into Portsmouth. Mayor Johnson asked the amount and Solicitor Haas thought that it would be \$315,000 but it may be more. Mr. Johnson asked if this would be spread over 17 years at approximately \$20,000 per year? Solicitor Haas said that he would go back over his notes but the money should go towards programs for the community to help offset the damage done by the opioid crisis and programs to avoid future damages.

The City 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: 6 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 the new Code Enforcement Officer last week and he welcomed him and it's nice to have more people hired to address code enforcement in the city.
2. He congratulated the Port City Spartans who have made it all the way to the championship game on Saturday which would be in Florida. They had a great undefeated season.
3. He had been working on the Portsmouth Passport which thanks to KC Printing, these were distributed to Shawnee State University students during the welcome weekend and will continue to be handed out. He said this was one way of moving the city away from the slumlord economy and circulating capital in different ways and he looked forward to Councilman Martell's initiative in developing the vacant building fee which would be one way to develop the city's economy and try

to encourage new restaurants, cafes and other activities in the downtown. He felt it would add to the student experience here in Portsmouth and supports local businesses.

4. He was still working on the Property Tax Program which would provide incentives for individuals to shop local and a percentage of the sales would be applied toward property tax.
5. He believed that tomorrow the concrete would be laid under the Grant Bridge and he looked forward to the addition of a social space in our city.
6. He said that the drop in population would make the city eligible for different USDA grants which includes grants for a variety of public projects anywhere from city streets to city buildings etc. and felt that the city should explore.
7. He said that Manager Sutherland had been working with a local construction company as well as Spohn Ranch to keep the Skate Park construction moving forward.
8. He said following up on the legislation passed this evening, the city may start seeing the first P.A.C.E project in our city. Portsmouth continues to move in a direction that embraces energy efficiency and green sources of energy. He said that this would look good on a future All-American City application in a couple of years. He advised that all of the work was being done to improve energy efficiency and to obtain green sources of energy. He said some of the things we've been doing to assist small businesses in the downtown ranging from the vacant building fee to some of these other programs and the legislation that Council had passed in the past 12-months to improve inclusivity in our city.

2nd Ward – Councilwoman Gordon reported the following:

1. She thanked Code Enforcement Officer Andy Gedeon for all of the work done on a property on 5th Street. She said that when she first came onto Council, Code Enforcement was identified as a large issue and the lot on 5th Street had the neighborhood up in arms. After a lot of discussion with the Solicitor, Manager and Code Enforcement, ordinances were changed and laws reviewed. The property was now totally cleaned up and everything had been hauled away and the neighbors were rejoicing.
2. She had been working with Manager Sutherland, The Counseling Center and Shawnee State University on the issues with the 4th Street East Parking Lot and the congestion. The businesses were complaining because they have daytime customers, but don't have any parking, however, she felt that they were close to solving the problem.

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

4th Ward – Councilwoman Mosley reported the following:

1. She thanked Hope Myers for choosing her to shadow as it was a pleasure to go throughout the community and to hear her future desires. She said there were still a couple of other places they needed to go but Hope would be volunteering at the Southern Ohio Senior Games and would also be attending church with her in Ironton, Ohio.
2. She thanked Andy Gedeon because he had been directing her into the places that she needed to go.
3. She spoke to the owner of Little Caesar's and they have three entrances into their parking lot and on Friday's and Saturday's the cars overlap out onto Gallia Street and traffic was congested. The owner had informed her that he would fix it to where there would only be two entrances. People would no longer be able to pull off of the street, they will need to come off of the alley.
4. She commented about the advertising benches around the city and people who were out and about were sitting on those benches and leaving trash behind. She found out that Speedway was responsible for the one on Linden Avenue by Speedway because it was on their property. They told her they would be cleaning that up when they notice people littering.
5. She advised that the Homeless Shelters have been shut down and weren't taking anymore people because of the uprise of COVID and there were a lot of people out and about. Men weren't allowed in the 17th Street center which was only for females, but the men were at the 8th Street homeless shelter. She had contacted Manager Sutherland and Mr. Gedeon about people camping out at the old laundry mat on Kendall Avenue and had turned that problem over to the Manager. There was a no loitering sign and they were making the area a real eyesore.
6. She said the Southern Ohio Senior Games had at least 150 people who were registered from Columbus that would be coming to Portsmouth on September 10th, 11th and 12th for the State qualifications for Nationals. She said that each year the numbers for locals had increased which was one of our main purposes for the games to get our community seniors more engaged at these events.
7. She thanked Councilman Martell for asking her to attend a meeting at Shawnee State University regarding a mission that wanted to come to Portsmouth. She said it was a large faith-based organization whose home base was in Columbus, Ohio but they had chosen to provide a satellite mission in Portsmouth and were looking for a building with 3,000 square ft. They will be providing free dental and free optical as well as food. She stated that many of the resources they provided,

Portsmouth already had currently with The Salvation Army, The Counseling Center and some of the other agencies but the city does not have free dental or free optical for people who were in need. She advised that it was called Stowe Mission and they had been invited to Portsmouth by Life Point Church.

5th Ward – Councilman Martell reported the following:

1. He was invited to do an interview by the Portsmouth Street Art Project who was doing a mini documentary on how they came about and it was a great experience. He added that it was hard work developing the free art wall and not just from their organization but also on the city's side as well because it took time and they finally got it going and they're doing great things.
2. He was contacted by Mike Bell with the Autism Project of Southern Ohio who was hosting an event this Saturday at Tracy Park and they are in need of volunteers. He asked Hope if she would like to volunteer as they would appreciate it very much.
3. He congratulated E.J. Onu from Shawnee State University's Basketball team for signing with the Dallas Mavericks.
4. He thanked Manager Sutherland and all of the City Workers for taking care of Tracy Park.
5. He thanked Friends of Portsmouth, Life Point Church and all of the volunteers that came out to clean up York Park and the Riverfront. It looked really great and he passed by on Sunday and saw an abundance of families using York Park and was a sight normally unseen. He also received a call on Saturday that there were families using Tracy Park after it was cleaned up.
6. He said that he went to dinner at the Brew Pub and bumped into two students that were using the Portsmouth Passport and received a couple of stamps at the Brew Pub. He felt that it was a cool idea and it was great to see students out and about and enjoying all of the thing we have in our city.

6th Ward – Councilman Packard reported the following:

1. He thanked the Nazarene Church in Sciotoville for the community carnival they put on as a safe send off to the kids going back to school and an end of summer event.
2. He thanked Friends too and all of the volunteers that came out for the cleanup. He watched on 2nd Street the many residents out there scraping grass from the cracks of the curbs, all along 2nd Street. He said people were dripping with sweat but it was nice to have the volunteers that were willing to work hard and their pride shows in their work.
3. He asked Mr. Sutherland that in light of the events that occurred last week if it would be possible to have a report from ODNR or the Chief of Police so that maybe we could look for some interventions for the future.
4. He welcomed Justin Voiers Code Enforcement.
5. He thanked Ms. Myers for her desires to pursue public service and encouraged her to stick around.

Vice President Dunne moved to recess into Executive Session with the City Manager and City Solicitor to discuss the potential purchase of property.

The role was called and the motion carried: **VOTE: 6 ayes– 0 nays**, Council recessed into Executive Session at 6:59 p.m.

**Executive
Session**

Vice President Dunne motioned to reconvene from Executive Session. Council reconvened with all still in attendance except Auditor Williams at 7:19 p.m.

The meeting adjourned at approximately 7:20 p.m. on a motion by Vice President Dunne.

City Clerk

Mayor