

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday September 13, 2021
6:00 p.m.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday September 13, 2021 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Councilwoman Gordon 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:

Table with 2 columns: Name and Ward. Sean Dunne (1st Ward, Absent), Charlotte Gordon (2nd Ward), Kevin E. Johnson (3rd Ward, Absent), Lyvette Mosley (4th Ward), Edwin Martell (5th Ward), Dennis Packard (6th Ward).

Also, present was, City Manager Sam Sutherland, City Clerk Diana Ratliff, Solicitor John Haas and Auditor M. Trent Williams arrived at 6:20 p.m.

Council dispensed with the reading of the Journal for the Regular Session of August 23, 2021 on a motion by Councilman Martell. The motion carried viva voce: VOTE: 4 ayes – 0 nays.

Councilwoman Gordon read the proclamations for the Daughters of the American Revolution and Port City Spartans.

PROCLAMATION

Whereas, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

Whereas, this celebration of the Constitution was started by the Daughters of the American Revolution. In 1955, Daughters of the American Revolution petitioned Congress to set aside September 17-23 annually to be dedicated for the observance of Constitution Week. The resolution was later adopted by the U.S. Congress and signed into public law on August 2, 1956, by President Dwight D. Eisenhower; and

Proclamation for Daughters of American Revolution

Whereas, September 17, 2023, marks the two hundred and thirty-fourth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention. It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion.

Now, Therefore, I – Charlotte Gordon, 2nd Ward Councilwoman of the City of Portsmouth, do hereby proclaim September 17th through September 23rd, as: CONSTITUTION WEEK and urge all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

PROCLAMATION

Whereas, athletes from all walks of life come together to form this winning semi-pro football team. Their mission is to give all players from all backgrounds a chance to play the game they enjoy; and

Whereas, the Ports City Spartans have given numerous recovering addicts an outlet for them to be in a positive atmosphere while providing them a place to exercise and build bonds with other athletes; and

Proclamation for Port City Spartans Football Team

Whereas, the Port City Spartans was founded by Jojo Parker in 2013 and they play their home games at Spartan Municipal Stadium. The Port City Spartans achieved a perfect regular season record, won their division and achieve their first playoff victory in the team’s history. They finished the season 11-1, played in the conference finals and several players had notable accomplishments. Josh Marcum won team offensive player of the year, Natrell Cunningham won team defensive player of the year, Duke Edwards won team most valuable player, and Tre Craycraft won team special teams’ player of the year.

Now, Therefore, I - Charlotte Gordon, 2nd Ward Councilwoman of the City of Portsmouth, do hereby commend and congratulate the Port City Spartans on an outstanding year and urge all citizens to extend congratulations to the team and their coaches.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

Andy Cole – 2840 North Hill Road Portsmouth – He lives in the 3rd Ward and spoke about the zoning change for the Timlin Hill property becoming a Boarding House. He said the definition of a Boarding House

means that it's not a public inn in which sleeping rooms for more than four persons for lodging with meals are provided for compensation. He wasn't sure what was happening with this specific address. He wanted to bring it to Council since this address had been singled out, and encouraged Council to use very specific verbiage so that they know what could go in now and in the future because often times the original purpose of a dwelling when zoning was changed could turn into something that wasn't imagined. He said the city had lost a lot of their big properties and what their seeing happen was a lot of the residential areas were now being flooded with business opportunities. He felt that the language was pretty loose in verbiage for this specific property that we are looking to rezone from Residence A to Boarding House and with those verbiages there were no restrictions, no guidance, no specific protection for neighbors of this current Resident A property.

LEGISLATION

The clerk gave a **third 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.

**Ord. #58 2021
Salaries for
Code
Enforcement**

Councilman Martell moved that this legislation be passed.

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

The clerk gave a **third 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).

**Ord. #59 2021
Lease
agreement
with E-Flow
Services at 546
2nd Street**

Councilman Martell moved that this legislation be passed.

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

The clerk gave a **third 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).

**Ord. #60 2021
Lease
agreement
with SSU for
Branch Rickey
Park**

Councilman Martell moved that this legislation be passed.

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

The clerk gave a **third 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.

**Ord. #61 2021
Accepting
Cooperative
Boating
Facility Grant**

Councilman Martell moved that this legislation be passed.

Councilman Martell asked when the project would begin and would there be drawings and plans. Manager Sutherland stated that once it passed, they could start advertising for qualifications for an Engineer and Architect Firm and that there would be plans.

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

The clerk gave a **second 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.

Councilman Martell moved that this constitutes a second reading.

Councilwoman Mosley asked the City Manager to elaborate on what this legislation entails. Manager Sutherland said that this was a revision that would require citizens to get a permit prior to having sidewalk work done and establishing better fees. This was a result of City Engineer Prosch trying to clean up some of the past practices.

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

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

Councilman Martell moved that this constitutes a second reading.

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

The clerk gave a **first reading** an Ordinance authorizing to repeal Ordinance No. 42 passed June 28, 2021, and to accept \$2,111,571.85 into and establishing the American Rescue and Recovery Act Fund No. 291 and appropriate the amount of \$300,000.00 of that funding for the design of the Munns Run Pumping Station and the remainder of the funding, \$1,811,571.85, be appropriated towards the New Water Treatment Plant, Franklin Furnace Pumping Station and Munns Run Sewer Pump Station construction projects. 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.

Councilman Martell moved that the three-reading rule be waived.

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

Councilman Martell moved that the ordinance be passed.

**Ord. #62-2021
American
Rescue and
Recovery Act**

Councilman Packard asked Manager Sutherland if the city was in accordance with the Ohio EPA in avoiding fines and fees by facilitating this as an emergency. Mr. Sutherland said “yes” with the Munns Run Pumping Station which was tied to the USEPA’s consent agreement that the city was under and the sooner it’s taken care of, that would clear us from the USEPA for the most part and the rest of the projects needed to be moved forward quickly. Councilman Martell asked for a timeline, Manager Sutherland said that Munns Run would move at a fast pace because the city was involved with New Boston on that project but he felt that it would be within a year or so for completion. Franklin Furnace Pumping Station should move quickly and the Water Plant was scheduled to be completed and up and running by the end of 2025 with a projection start date of the fall of 2022.

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

The clerk gave a **first reading**, to an Ordinance to amend the Zoning Map of the City of Portsmouth, Ohio, by rezoning 2311 Timlin Hill Road from its current zoning of Residence “A” District to “Boarding House”.

Councilman Martell moved that this constitutes a first reading.

Councilman Martell asked Solicitor Haas about Mr. Cole’s earlier comments and if it was something that could be looked into. Solicitor Haas stated that this was a Zoning Variance which was tied to the specific owner for a specific purpose and they were not permitted to use it for any other purpose or they lose their ability to do anything. It is a Variance so that if they decide to sell or transfer the property, the Variance goes away and it wasn’t a permanent Zoning change, it was more of a temporary Zoning change with a specific project and owner.

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

The clerk gave a **first reading**, to a Resolution accepting the amounts and rates as determined by the Budget Commission of Scioto County, Ohio, authorizing the necessary tax levies, and certifying the same to the Auditor of said County.

Councilman Martell moved that this legislation be adopted.

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

**Res. #18-2021
Amounts &
Rates from
Budget
Commission of
Scioto County**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Bryan Hicks – President of the Portsmouth Firefighters Local 9 Union and he was there to ask for some help from City Council. The city was dealing with unprecedented medical calls and they were trying to manage the increase, but it had become increasingly evident that they need more help. The number of calls from last month was a record for the fire department's history and they're on pace for the same amount for the current month. He said that it could be backed up by the number patients in the hospital and Urgent Care facilities, this was something entirely new to their department. They've consistently had an increasing number of calls since the EMS inception. Their members have been trying to keep up with the call volume and workload, but it had become harder to maintain this pace of work. At this time, they have two members off work with injuries and lost another member to another job entirely due to some staffing issues that were occurring. For a staffing level designed for a nine-man minimum, an eleven-man minimum without increase appears to be unsustainable. He added that with the increasing calls over the years that they had been experiencing along with responding to fire calls, public safety efforts, giving vaccinations at the Health Department, working ballgames, water tower repair and everything they've done in the city, they need help. He could site more examples of how their department had been stretched very thin and have been lucky when they respond to multiple calls on different incidents at the same time. He said that every day someone was being ask to take overtime or being held over to keep the current staffing level so that they could run three ambulances at a time. This was not only causing a lot of stress on members who have no home life but was causing a potential safety issue when they have to work 2, 3 or 4 days in a row on a 24-hour shift. The members of Local 9 were asking for Council to consider follow-up proposals for the department and buying a power cot and load system would help to prevent workplace injuries along with the extra men added to their members, they hope to try to maintain their level of quality and pace of service to our city and citizens. The EMS service was generating revenue that should help offset a lot of the cost as well as the Cares Act money and American Rescue money that was being sent to the city because of the pandemic. They were asking for help for the services that were being requested from so many different areas and needs of the city were becoming more difficult to maintain because of their department being stretched thinner and thinner each day. A lot of good members want to help our city in any way they can but they need Council's help.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received via email on September 2, 2021 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending August 31, 2021: Expense, Revenue and Fund reports.
2. She attended the Main Street Portsmouth Farm to Table Dinner on Thursday September 9th and it was very well attended and COVID precautions were taken. She stated that she was very honored to receive the Ellen Vetter Memorial Service Award from Main Street Portsmouth.
3. She received today an Oath of Office for Steven Timberlake as a Special Detective with the Portsmouth Police Department.

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

City Manager's Report – Manager Sutherland had no report.

Mavor's Report – Mayor Johnson had no report due to absence.

Solicitor Haas Report – Solicitor Haas had no report.

Auditor Williams Report – Mr. Williams had no report.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

2nd Ward – Councilwoman Gordon reported the following:

1. She said that the last meeting was three weeks ago because of the way the calendar fell and a lot had happened. She congratulated Friends of Portsmouth for an amazing River Days because they had to turn it around on a dime and change locations, they were very flexible and it was a great event. She congratulated each of the River Days contestants that she had gotten to speak to most of them and heard them speak as well and each one of these young women were loaded with potential and she felt that we'd be seeing amazing things from them in the future.
2. The Children's Museum hosted events at the River Days Festival which was a great addition to the city and they had been very active even before the doors opened.
3. She thanked the city workers because she knew a festival like this was a lot of work on the them.
4. She thanked Main Street Portsmouth for the new benches and trash cans on the Esplanade. The Esplanade looked really beautiful and the flowers still looked good all over town. She was not able to attend but congratulated Main Street on their Farm to Table dinner.

5. She said that Councilwoman Mosley would be filling Council in on all of the Senior Olympic events that were held over the weekend. She congratulated the entire committee because that was a really big undertaking and was a very important event to bring to the city. She congratulated Councilwoman Mosley on her three medals that she won.
6. She said that the Chamber of Commerce hosted the Business After Hours event on the river which always signified the end of the summer and was a really fun event. The evening was beautiful and there was a nice little breeze.
7. The Rotary had their fish fry.
8. The Southern Ohio Museum opened two new exhibitions this past weekend and she sent out a special thank you to their celebrity bar tender Trent Williams who served up a lot of drinks for an out-of-town crowd.
9. She said that the Police held their event in Tracy Park this past Saturday which was a good public relations event.
10. She concluded by saying that the hospital ICU was filled which meant that non-covid emergencies were doomed. She encouraged everyone to be part of the solution and vaccinate, get masks and wear them, social distance; we are a close community, we know each other, we know our neighbors, we know the children in the schools and we need to work together.

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

4th Ward – Councilwoman Mosley reported the following:

1. She thanked Diana for sharing a bit of her vacation with Council with the glass that she sent out to Council.
2. She walked in the Labor Day parade and there were so many people out and she wasn't expecting that many people, but it was more than the previous parade and was good to see everybody.
3. She attended the Main Street Farm to Table dinner and the food was fantastic, well organized and well put together.
4. She said there was a place on Gallia in front of the Sav-a-lot that had been trashy and she had gotten with the City Manager about it and Director Tackett had sent workers out but she ended up rounding up some volunteers to get to the root of the situation. They cleared 20 buckets of dirt, 3 bags of grass and is now cleaned up. She thanked the volunteers and the community that came out to work.
5. She was asked to work the concession stand at the Portsmouth Football game with the Shawnee State Basketball players which was a lot of fun and was her first time working a concession stand.
6. She had been working with Code Enforcement on condemning a house and was thankful that they handled it.
7. She said the Southern Ohio Senior Games was an amazing event with over 330 participants. They were from Pennsylvania, Florida and from all over and the oldest athlete was 96 years old and a 94-year-old gentleman. One was from Cleveland and the other was from Cincinnati and they ran the 100-meter dash with high speed. She said that they've been having this for 6-years and they've been using USA Track & Field Officials and they were telling her that they had been coming to Portsmouth and they could see a change happening for the betterment.
8. She received a gold medal for running the 50-yard dash at the games and she had lots of competition. She said that they were so honored because they hosted the Ohio Senior Olympics in Portsmouth because people that had attended called Columbus and said there was something going on in Portsmouth, they're operating with the spirit of excellence and everything was nice. She said this was a qualifying year to go to the 2023 Nationals, but people had to come to Portsmouth for the State level competition in order to advance to the Nationals. She said people came in and stayed on Friday and Saturday, they were also eating in local restaurants. She added that they told her there were bed & breakfast in Portsmouth that she knew nothing about and they were looking forward to hosting again next year.

5th Ward – Councilman Martell reported the following:

1. He said River Days was awesome and thanked Trent Williams for getting him organized for the parade and it was a great parade except for the tan line he had on his forehead from wearing his hat. There were so many people out and about and doing stuff.
2. He said the Southern Ohio Autism project had their event at Tracy Park but unfortunately, he wasn't able to attend but it was a great event and they had spoken to him about having their event next year down by the floodwall.
3. He attended the Ohio Senior Games on Saturday and Sunday and gave props to Councilwoman Mosley for all of the hard work she put into the event and all of the volunteers that she had helping. It was an awesome sight to see so many people who were trying to stay active in their later years.
4. The Shawnee Musical Theatre will be performing on Thursday at 7:00 p.m. at Port City Pub and they were trying to raise some money to go see musicals in New York City.

5. He attended and volunteered for the group “Whatever It Takes” to bring awareness to overdose and suicide awareness. They had a walk through the city and ended with a fantastic donut eating contest with the Police Department and he was still feeling some of those donuts because somehow his name got picked out of the hat. He commended the Portsmouth Police Department for handing out the free food and cooking the hotdogs and having the donut eating contest. He said it was great to see the community involved with the Police Department and vice versa and felt that was the biggest impact that he’s been a part of.
6. He had been in contact with a few individuals and Andy Gedeon to talk about how the playground and parks could be updated by using some grant funds and possibly having programs that include all kids with more sensory items for them to play with and things of that nature.

6th Ward – Councilman Packard had no report.

Councilman Martell 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: 4 ayes– 0 nays**, Council recessed into Executive Session at 6:48 p.m.

**Executive
Session**

Councilman Martell motioned to reconvene from Executive Session. Council reconvened with all still in attendance except Auditor Williams at 7:14 p.m.

The meeting adjourned at approximately 7:15 p.m. on a motion by Councilman Martell.

City Clerk

Mayor