

MANAGER'S CONFERENCE MINUTES
Portsmouth City Council Meeting on
April 12, 2021 – 9:00 p.m.

Members 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, and Auditor M. Trent Williams. Solicitor John Haas was absent.

1. **Community Development Director Salary** **CM-21-28**

Vice President Dunne stated that it had previously been tabled to collect additional information for comparisons with other cities with similar positions and an increased work load. Mayor Johnson asked if there were comparisons. Vice President Dunne stated that he thought that he had emailed that to the City Manager to distribute to other councilmembers, however none could be found. It was decided to take no action until Council had time to review.

Vice President Dunne motioned to accept alternative #3, take no action. It will be brought back on the City Manager's agenda at the next meeting.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

2. **CHIP Grant Partnership** **CM-21-29**

Councilman Martell stated that he would like to see additional information regarding the CHIP program. Manager Sutherland stated that the County had taken the lead on the program and the city partners with them. Mr. Martell requested to see what the program had done.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

3. **AEP Easement for Cell Tower** **CM-21-30**

Manager Sutherland said this would be an AEP easement for service to the new cell tower on 17th Street, there would be no interference with the new construction or Kendall Heights.

Vice President Gordon motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

4. **AEP Easement for Wastewater Plant** **CM-21-31**

Manager Sutherland said this would be for an AEP easement for new electrical service at the Wastewater plant.

Councilman Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

Manager Sutherland said this was for the CIP budget.

Councilman Dunne motioned to adopt alternative #1.

Councilman Martell questioned the (6) marked Police vehicles and asked how many vehicles they order every year? Manager Sutherland said it was six at a time and reminded Council that the Police drive these vehicles home and they each have their own vehicle. Councilwoman Gordon asked where the Little League fields were located. Manager Sutherland advised that they were currently at the stadium and Sciotoville had their own, but when the floodwall project begins, some of those kids would be shifted to the Mound Park ballfields and there would be a few fields left to use at the stadium. Mayor Johnson said that the Manager and City Workers did a wonderful job accommodating our Little League this year.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

Discussion –

Code Enforcement Nuisance Properties – Engineer Nathan Prosch gave a presentation in which he created a flowchart for possible alternatives for abating nuisances. This came from Chapter 1313 of the codified ordinances. The steps are as follows: 1. Complaint is filed. 2. C.E. verifies complaint. 3. Notice of violation letter is sent to the owner. The first letter sent gives them 30 days to abate the issue themselves and the second letter was an official nuisance letter. He said until recently that was as far as the process had gotten but there were three options. **Option A** – Voluntary compliance by the property owner. After the nuisance letter was sent the property owner had 10 days to get a temporary permit (if required), then the next step would be for the owner to come up with plans that had to be reviewed by the Building Official and if not approved, it would go back and forth until the plans were approved. Once the plan was approved, the permit would be issued. If the Property Owner wishes to demolish the structure, they had to obtain an extermination permit and an asbestos evaluation from the Health Department prior to demolition. The next step would be for the repairs to be completed within the deadline on the permit. Repairs are inspected, if not approved the owner would continue to work on the issue until the inspection passed. Once the inspection passed, the violation would be remedied. For repairs not completed, the owner could file for an extension. Councilwoman Mosley asked how many times could they get a permit and how long could it be drawn out? Mr. Prosch said that would be up to the building official, but he assured her that it would not be drawn out long. **Option B** – Property Owners could file for an appeal within 10 days of the notice letter. There was a form that had to be filled out and turned back into the Engineering Office and a hearing would be held with the Nuisance Board which consisted of the City Manager, City Solicitor and Council President. The hearing would be held within 30-days of the appeal, the property owner would receive a 2-day written notice of when the meeting will be. Once the hearing was held, the owner could defend why their issue wasn't a public nuisance. At this meeting the board would declare it as a nuisance or not as a nuisance. If the issue wasn't declared a nuisance the matter would be dismissed, but very rarely does that happen. If it was declared a public nuisance, the board could grant an extension and if so, the terms for the property owner would fall under Option A or if not granted, it would go straight to Option C. **Option C** – The Property Owner took no action; the city would have the authority to abate the violation at the owner's expense. Example: the city tears a house down, the owner would be billed directly, if the owner pays within 60-days the cost would be considered "recovered", if not and the city chooses to recover the cost from ORC 715.261, the first Option, a lien would be filed on the parcel; the second option, civil action would be taken (court) or the third option, the cost would be placed as a charge on the property taxes and if the property owner pays their taxes, the cost would be recovered, but if not, there would be a lien placed on the property. If a lien was filed on the parcel, the city could pursue foreclosure through the County to enforce the lien and if that process goes through then the cost would be recovered or the city would have the option to acquire the property, but typically once the property belongs to the city, it must be maintained by the city which could be costly. It would then be put up for auction at a Sheriff's sale which involved a minimum bid amount, which would include the appraised value of the land, plus the cost of demolition, permits etc., plus any unpaid taxes that were on the property. If no purchase by auction, the city could retain the property and all of the liens, unpaid taxes, penalty charges etc. would be extinguished. If the city chose not to keep the property, it would be forfeited to the State and other political subdivisions, village or township or school district and again all of the liens, unpaid taxes and penalties would be extinguished. He had also compiled a

new letter format which included the consequences. The notice of violation would be the first letter to go to the property owner and the notice of public nuisance would be the second letter sent. If there was more than one parcel, each parcel would be assigned a case number and would receive separate letters. Council praised Nathan on his initiatives in creating a system that hopefully will work. Commercial properties would be forwarded onto the Commercial Building Official. Councilwoman Gordon stated that she would like to know how other cities handle this type of issue before it becomes a blight issue.

PCFO Legislation – Vice President Dunne explained that it was Power Clean Future Ohio which aimed to provide Ohio with community support on a pathway to carving omission reduction based upon implementing practical specific to the Ohio Communities of different sizes and capabilities. Due to the multiple environmental economic and social dimensions of the policy, leadership from the City Council was needed to oversee the implementation and integration with other city and community activities as appropriate. To join PCFO as a bronze community, cities introduce a participation resolution that named a contact person to be the PCFO coordinator, this person could be an existing city staff person, an elected official or an appointed community member. Cities are encouraged to empower an existing or new committee to lead and coordinate the implementation of PCFO policies. Many cities find it easier to complete more policies faster with a committee. A committee could be an existing city commission or taskforce, an existing civic group, a city staff team or a new group. A new group could include city elected officials, staff and community members, including representatives from civic and religious groups, business organizations and educational institutions in order to move up in recognition levels, the resolution must be formally adopted.

He recommended a resolution to participate as a bronze community and would be voluntary and the city could opt out if they wanted. He had mentioned at the last meeting that the city could be provided with an audit by this organization to help create a path towards a more environmental sustainability. He would be willing to volunteer as the contact person and would form a committee of people that would be interested in these issues. Councilwoman Gordon requested to see the sample resolution to review it, Vice President Dunne stated he would forward the email to all of Council and requested that it be placed on the City Manager’s Agenda for the next Council meeting.

Vacancy Tax – Councilman Martell asked for Council to wait to discuss the Vacancy Tax and City Liquor License items until Solicitor Haas could be present to answer questions. He planned on meeting with Solicitor Haas to go over the details prior to the next meeting. He would like these two items brought back as discussion items.

City Liquor License – See above

Martings Building for Pop-Up Businesses – Councilman Martell asked if Council had had the chance to review the materials that were forwarded with regard to pop-up businesses. Mr. Martell had discussed the possibility of using the Martings Building as a starting point and hoped that this could be the start of a transformation of our city into having more foot traffic downtown and would add a lot to the Farmer’s Market that was on the Esplanade. He said that each business would be charged a monthly rent and each business would have its own designated area in the Martings Building. Vice President Dunne asked what the options were with the Martings Building, Manager Sutherland stated that it would probably be just the first floor but the restroom was not operational. Councilman Packard asked if the city knew what the issue was with the sewage in the building, Mr. Sutherland replied that he believed it was a sump pump that wasn’t working but he would do a little more checking. Mr. Martell stated that he would continue his talks with the Manager and try to get a cost estimate to bring the 1st floor up to par and he would also speak with Mr. Haas on the legalities of having people in the building.

The meeting adjourned at 9:52 p.m. on a motion by Vice President Dunne.

Submitted by: *Diana Ratliff* – City Clerk

For the full audio version of the Manager’s Meeting, please go to www.portsmouthoh.org under City Manager 2021 “Audio”.