

MANAGER’S CONFERENCE MINUTES
Portsmouth City Council Meeting on
July 26, 2021 – 7:54 p.m.

Members present:

Sean Dunne	1 st Ward
Charlotte Gordon	2 nd Ward (Absent)
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 Solicitor John Haas and Auditor M. Trent Williams.

Manager Sutherland requested to add two items to the conference agenda as 21-67 ODNR grant, 21-68 Change order for the Skate Park. Solicitor Haas asked that a resolution be added also for pending litigation, Mr. Manager said that will be 21-69.

1. **SALARY ORDINANCE MODIFICATION CODE ENFORCEMENT** **CM-21-63**

Manager Sutherland said that we’re adding a Code Enforcement officer and removing a position out of the Police Department, so to make the salary ordinance match, there needed to be modifications to it.

Vice President Dunne asked that a part time or assistant be added in the future for Parks and Recreation because trying to get certain projects done in the city and only having one person will be vital. Mr. Gedeon said that Justin worked for the County Jail and would like to start a work release program to focus on special projects, such as alley cleanups. He said the Service Department was spread thin and there could be a delay in getting things picked up. He felt that he would be a great asset.

Vice President Dunne motioned to accept alternative #1.

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

2. **LEASE 546 SECOND STREET (PATTIES & PINTS)** **CM-21-64**

Manager Sutherland stated that Councilman Dunne had asked to revisit the lease at 546 Second Street also known as Patties & Pints Restaurant. He said currently their lease is for \$500.00 annually and this would make it more in line with some of the others and would keep businesses booming downtown. Councilman Martell said that COVID put a stress on the downtown businesses and any little bit we could do would help their growth and we’re very fortunate that a lot of the business’s downtown were still with us.

Vice President Dunne motioned to accept alternative #1.

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

3. **BRANCH RICKEY FIELD AGREEMENT WITH SSU** **CM-21-65**

Manager Sutherland said that the lease was up again and he would like to modify it to where it would be renewable unless one of the parties wanted out. It saves Council the burden of having to revisit this every two-years.

Councilman Martell stated that he was approached by an individual that run travel leagues and they facilitate at different parks and put together tournaments for travel ball. He said the idea of utilizing the Little League area (which was under construction) but more importantly using Branch Rickey Field when it wasn’t in use by SSU. Mr. Sutherland said that it was his understanding that it was permissible now as long as SSU doesn’t have a game and we’re in hopes that when the floodwall project was completed that everything would be put

back correctly and maybe put some money into it to enhance it. He said that the WIFI needed improved and he would look at that as well as the stadium.

Vice President Dunne motioned to accept alternative #1.

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

4. **McKINLEY POOL APPROPRIATION**

CM-21-66

Manager Sutherland said that it needed some major improvement as it had been neglected for a lot of years. Councilwoman Gordon took the initiative to have discussions with a pool renovator to get an idea of where the city needed to be and the \$720,000 was the figure to have things fixed and put back together. The entire amount would come from our fund as there were no grants involved. She had told him that she would like to pursue some grants. This would be to move it forward but doesn't mean we need to go that route and to be honest there's another big decision after this one that needed to be talked about.

Mayor Johnson said that \$720,000 was a lot of money and he believed that it had to be bid out. Manager Sutherland said that it could be done as a design build which was a little different procurement process but it could be done. He said that he wasn't sure about the piping issues or the concrete and wasn't aware of any design plan of the pool. He said that the city could possibly partner with the community or pursue some grant funding options. Auditor Williams asked what the city would be getting for that amount of money? Manager Sutherland said that the deep end would be done away with and it would all be one level and the diving board would be removed. There would be a membrane installed so there won't be a water loss, the entire mechanical room would be redone and a new perimeter of 3-4 feet of concrete, but this cost doesn't take care of all of the concrete. Also, the kiddie pool would be redone with its own filtration system. Auditor Williams asked what the difference in a new pool and this renovation. Mr. Sutherland said just to do the pool portion of this would have been \$1,100,000 and to do a whole new facility with bath houses and modern facility would be \$3,000,000.

Councilman Martell said that it was very important for Council to realize that this amount of money and the number of repairs that were needed was a testament of how much we neglected to keep this facility available to our community and yes it was \$720,000 to fix it but it didn't happen overnight. He added that it would not be here at this amount of money if the city would have done what they should have done a long time ago and to make sure the pool was kept up.

Solicitor Haas said that the problem with that theory was that we've been on fiscal watch and having money was great, but we're going to end up back there again if we don't watch what we're doing. Mr. Haas asked if an ordinance needed to be in place to go after grant money and Manager Sutherland replied "yes". Mr. Sutherland reminded them that currently the pool was running fine and was in a lot better shape than it had been in a lot of years. Tracy Shearer said that even if we committed to this for next year, the grant time frame wouldn't allow for it because with some grants it would be 6 months before you could start after you sign the contract. Mr. Martell asked if we were to go ahead with the renovation and as construction was done and grants became available, would that help. Ms. Shearer said that we would not be eligible to start before you get a grant agreement and certain procedure must be followed.

Vice President Dunne stated that he was in support of this but he believed that Council had been very tactical to support spending with grants and would like that to continue. He asked if it would be possibly helpful to get a brief description of a grant that could assist a project like this with the respective timelines which should give us an idea of what was possible. He said this was a great community space and was very important and was listed on the National Registrar of Historic places for its connection to the civil rights movement. He wondered if that could provide additional funding with not just the placement on the National Registrar but for the reasons behind it. He added that the difference in doing this next summer or the summer after it with a year's difference in the project, would mean a substantial difference in the overall cost to the city with the possibility of grants and would be something to consider.

Solicitor Haas asked Auditor Williams if the city had the money to do this and he replied "yes" but he didn't know how it fit into the fiscal watch plan or the 5-year forecast. Mr. Haas recalled that in the past there was a Councilmember that donated a large amount of money to pay the admission for kids throughout the

summer. This had been an issue for many years and the campground had supported the pool for a long time. Mr. Williams said that the pool was definitely not a moneymaker.

Vice President Dunne motioned to accept alternative #1.

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

5. **ODNR COOPERATIVE BOATING FACILITY GRANT (COURT STREET LANDING)** **CM-21-67**

Manager Sutherland said the city had applied to ODNR for a grant to renovate the Court Street landing and the city had proposed a 30% match for the project which entailed investing \$2,400,000 into the riverfront and our match was \$720,000. Solicitor Haas said it was easier when we didn't have any money to say "no" but when you have money in the bank, was when the job got harder, because now Council had to make the right decision. Manager Sutherland said that if Council decided to move forward with this legislation, the project would start immediately and there would be no waiting for a grant cycle. It would start with the design phase and the reason he asked for the full \$2,400,000 to be appropriated, was that the city had to front the money and then would be reimbursed as the project progresses. Mayor Johnson asked if this would affect us negatively? Auditor Williams said that each of these would reduce the general fund balance by \$700,000 each and the city would be looking at \$1,500,000 that would be taken off of the \$10,000,000 that we currently have in the general fund, but the good thing about this project, was that it was 70% funded.

Vice President Dunne said that part of the reason why we did well with the grant was a great application and because the city was willing to support a project like this with a certain percentage which communicated to the State that this was important to us. He said if you look at previous meetings with State Representatives, we've presented our plan for riverfront development and to begin these first stages was quite important and it was an opportunity to stretch our money. Auditor Williams advised that the city certainly didn't have \$3,000,000 of our own and to be able to have 70% of the project paid for us was not easy to snub. Manager Sutherland said that the State budgeted \$3,000,000 for all of these types of projects, and the State gave our city \$1,700,000 of it. Mr. Dunne stated that this would give more attention to our riverfront and was great for our community and would also bring people into our city and become more of a regional draw. Mr. Sutherland said it was important to remember that it was also listed in the Master Plan for the city.

Vice President Dunne motioned to accept alternative #1.

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

6. **CHANGE ORDER FOR SKATE PARK** **CM-21-68**

Manager Sutherland said that because of COVID and the increases in materials and prevailing wages, the contractor had asked for a change order for the Skate Park. There was an increase in steel and some of the other materials used to form with and the prevailing wage did increase. Vice President Dunne advised that they were working on establishing an ACORN account for the Skate Park for future spending and trying to raise \$10,000 to pay dividends for different types of maintenance and trying to plan for a long-term investment. He said the latest fundraiser would involve tickets to "Machine Gun Kelly" in Cleveland, Ohio this December and was really grateful that some 1st Ward residents were trying to help the Skate Park. He said that the Skate Park was a \$340,000 project and the majority had been funded from outside money and grants.

Vice President Dunne motioned to accept alternative #1.

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

7. **RESOLUTION FOR PENDING LITIGATION** **CM-21-69**

Manager Sutherland said this was requested by Solicitor Haas. Solicitor Haas said that it would be a resolution to enter into an agreement with OneOhio as a result of the pending litigation.

Vice President Dunne motioned to accept alternative #1.

There were no questions or comments: **VOTE: 5 ayes – 0 Nay**

Discussion

1. **Former Adelpia Property and Spacing for the Health Department** – Manager Sutherland said that Mayor Johnson had asked him to bring it for discussion and Chris Smith would be speaking on these topics. Mayor Johnson said that he had asked Mr. Sutherland to put it as a discussion item because the Adelpia as well as the Martings Building have set vacant for quite a while. He reminded Council of a couple of the offers they had received about a year ago and at that time the city chose not to sale. He said since that time, it had been vacant with nothing being done to it and he would like Council discuss some options. He said during the Strategic meeting in February they heard from many departments the issue of “lack of space”. Options – 1. Consider using that building as a city building for space. 2. Do we want to look at selling the property and getting out of the property holding business. He said that Council needed to do something besides letting the buildings sit and continue to blight or maybe there’s some creative idea that he hadn’t thought of and maybe a contractor would be interested in doing something with the building and do a partnership with the city.

Councilman Martell agreed with Mayor Johnson and this was exactly what they’re talking about with the vacancy problem that they’re having in our city. He said that it was quite the eyesore when driving down Washington Street. He’s had ideas about some things that we might be able to do and selling the property was on the agenda not too long ago with two interested buyers, but it didn’t pan out. He asked Chris Smith to speak about the issue. Mr. Smith came forward and asked to speak about both topics together because they both have something to do with each other and Council agreed.

Mr. Smith said that the Health Department was out of space and they’ve utilized every extra space, even closet space to use as an office. He had also looked at the 4th floor which was a storage area but there was no way he could convert it. He said that he had about 30 employees and they need to hire an additional 10 employees which was about a 33% increase but there was nowhere to put the extra employees. The clinic needed to be doubled in size, as he needed to add an additional Nurse Practitioner, another Registered Nurse and another Receptionist, but there was no way to do it with the present space. He said that their budget since 2019 was at \$3,600,000 and in 2020 it increased to \$4,600,000 and he reminded Council that the Health Department only costs the city approximately \$500,000 each year. He said that the federal and state governments reduced the emergency response coordinator job and the epidemiologist. He would like to combine those two jobs because with COVID it had shown that they need to get the emergency response coordinator back. He said there were other positions that needed to be put back in place also. He added that the Department of Justice grant that they’re working with the jails on the opiate addition and needed to hire someone for that position. He was not asking for anything tonight, just wanted to throw some ideas at Council to get the discussion going and for him to find out if there’s something else going on in the city, because he didn’t want to be working in parallel. He said that Crystal was supposed to come to the meeting tonight and he’s not sure what happened but the water works department was desperate for space and the 3rd floor had been very inconvenient for the public as it doesn’t have a drive-thru. Income Tax needed more storage and he’s sure that at some point they would like to be relocated with the Auditor’s office. He’s hoping to be able to get together with a cost analysis and go over some of the options because there were three big funding sources headed our way. 1. The COVID funds have been passed but not distributed as yet but he thought the city’s share would be two or three million dollars. 2. He said the Federal Government done all of those projects and were desperate for shovel-ready projects and he thought the infrastructure money would be the same way and when they do finally distribute the money, they will be looking for shovel-ready projects and if the city was prepared, we could possibly get those funds before another city that wasn’t prepared. 3. He said there was an opiate settlement that would soon be settled but he felt there would be money coming our way.

He said with those funds coming at us, it would be good to have some idea of what we want to do about our spacing issues. He felt there were four options and he would need at least one of the four options to happen. 1. A new city building. 2. A new health department building either on the Adelpia lot or possibly another location. He said the most likely option was to renovate the Adelpia Building and use it for the Water Works Department, which would include: Income Tax, Water Works and Air Division. He said that probably wouldn’t be a long-term solution as far as taking care of our issue at the city building, but that would be a temporary fix that would buy us another 10-years. If none of those items happen, he would have

to look about renting additional space for the Health Department in some other location, but he felt that was throwing money down the drain every year and he was hoping not to do that option. He would like Council's blessing to work with the City Manager, Community Development and if anyone on Council would be interested to work on a path forward.

Vice President Dunne asked Mr. Smith what he thought would be the ideal path? Mr. Smith stated that he would love to see a new city building, but doesn't know the funding issues until we go through them and there's always someone trying to propose the Martings Building and he didn't feel the Adelphia Building was big enough, but would love to see a long-term solution of getting out of this current building. He thought the best solution would be to renovate the Adelphia Building for the Water Works Department and to get a cost analysis on what that would entail. Mr. Dunne said that the City Clerk had mentioned previously about using the Public Hearings a little bit more and one option would be for Council to come up with several options for the Adelphia site and invite the public in to see what they think that we should do with that property and have a collaborative discussion about it. He said additional funding for things like health services would be tied to issues around public health and the opportunity to provide the Health Department with space in something like the Adelphia or Martings Building. He added that even if that meant the Health Department locate on the 2nd floor of the Martings Building and pop-up businesses on the 1st floor, it would be the first step which was often the hardest to take and agreed with Mayor Johnson and Councilman Martell that something needed to be done with the Adelphia property. Councilman Packard asked Manager Sutherland what the cost would be to move Water Works, Income Tax and Air Division to the Adelphia site and Mr. Sutherland replied they had spoken about Water Works and Income Tax but not Air Division and the cost was right at \$1,000,000 and would include a Drive-Thru. This would also mean moving the pipe yard out of the nightmare that they've been in since 2004 because they basically got moved into a condemned building, but the plan was to move the pipe yard out of there and put them with the Water Works because their work was intertwined. Mayor Johnson said that Mr. Smith had the blessing of Council to move forward with getting additional information on spacing.

Mr. Smith said that he also wanted to speak about animal control and a lot of this would be internally, but when the city went through the financial clip about 8-10 years ago, they had to scale the animal control down tremendously and had done away with the cat program and now they're in a little better shape and he wasn't asking for money "yet". He said that they usually try to have carry-over from the subsidy and if they could limp through the rest of this year, they would ask for a little bit more next year. He said the first thing they would do would be to work on the dog tags, the city doesn't see any of that money, but if our citizens weren't buying their dog tags then the county pound doesn't have money and then can't take the city dogs. They've tried to issue more tickets and also, they started contracting with an advertising company to see if they could help with the advertising or direct mailing to try to increase the dog tags. There was probably about \$120,000 per year sitting on the table just because dog tags weren't enforced. He met with Darrell Keller from the Scioto County Dog Pound which was very productive and he's hoping that the Board of Health would accept this proposal, he said that for years they've had a lot of trouble with after hours, vacations and no one to cover emergencies. He said that when animal control was called out on the weekend or after hours, she received comp time which meant that she would be gone during the week which exacerbates the problem, but it's not really enough to hire another person. The Scioto County Dog Warden was looking at entering into a contract with the Health Department for \$15,000 they would provide all of the after hours, emergencies, weekends, sickness and vacations. Mr. Smith felt that was an excellent cost and they would be able to absorb it this year, but would probably enter into their budget next year. He said that the Scioto County Dog Pound had not taken any of the city dogs in the past six weeks and even over the past few years they've taken very few dogs; the city could not pick up all of the strays and they've been dealing with the emergencies only. The Scioto County Pound needed to be expanded and currently they were looking at renovation costs and since they take the city dogs, we may want to look in assisting them with the renovation cost.

He said that the temporary holding at the Service Department that they've been using was in good shape, but when he returned from deployment it had been reduced to one kennel which was now in really bad shape. He said they keep getting broken in to, they're not temperature controlled and they've received complaints from the public. His idea would be to purchase the pre-fab buildings and install a heat pump and put the kennels in there and use that as a temporary holding for the animals until they can be moved to the pound.

He said that the last thing was the Cat Program that he knew Council wanted re-instituted, but the biggest problem was that no vet would take them. He stated that they had negotiated a MOU with a local vet and

who would take the cats, but it was expensive. The city would do trapping but we can't trap every cat that's running around the city; we could address some of the bigger problems. The cost per cat was around \$100.00 to essentially board them and find someone to take them and if they're unadoptable they would be euthanized which was expensive. Councilman Packard asked what was entailed in a veterinarian taking the cat? Mr. Smith said that in the MOU they were going to try to purchase some cages for the veterinarian and by ordinance the city had to keep the cat for at least three days and we would have to pay to have it boarded and then if it's a feral cat that's unadoptable, a lot of times they would put them down. If it's a cat that could be adopted out, then they'll attempt to have it adopted, but if not, there would be the euthanasian fee. The agreement with the veterinarian would be for boarding or euthanasia. He said if the person came after their cat, they would have to pay the fee. The MOU just set those rules and prices. Mr. Packard stated that we were trying to get a group Statewide to help design a catch and release modeling program and they would be volunteers from Ohio State University. Mr. Smith explained that the evidence didn't pan out on catch and release, but he would research it again to see if there was anything new, but doesn't think it would solve the cat problem. He said it sounds great and was wonderful on paper, but in reality, the evidence hadn't panned out that it solved the problem. He said that there were cats destroying flower beds, yards, gardens and even some people that were harboring a bunch of cats that were causing a bunch of trouble, those were the ones that needed to be handled.

The meeting adjourned at 9:10 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".