

MANAGER’S CONFERENCE MINUTES
Portsmouth City Council Meeting on
November 9, 2020 – 8:44 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
Thomas K. Lowe	6 th Ward (Absent)

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

Manager Sutherland asked for two other items to be placed on the agenda as CM-20-79 Year-End Fund Advances for the PCHD and CM-20-80 AEP request for PMHA property on Thomas Avenue.

1. **Moratorium for New Institutional Care Facilities**

CM-20-73

Manager Sutherland stated that he was going to have to investigate how to get the Solicitor the right information for this legislation. He said that he would like Council’s guidance on how to proceed. VP Dunne stated that information was sent from the Zoning in West Chester, Ohio which was the first thing that was submitted. Solicitor Haas stated that he would do the best he could with the information that he had been given and to let him know if it’s not what Council wanted. He said that normally a Council Letter spells out exactly what was being requested and that was what he liked to have so that he knew what Council was thinking. His impression was that this was going to be a permanent type of thing and now he noticed that it was a moratorium, he would like to know the length of time being requested for the moratorium. VP Dunne relayed what had been discussed, which was a moratorium until the Zoning updates were completed for the City. Councilwoman Gordon heard complaints about the change in use of residential neighborhoods with the number of people that would be living in what was zoned as “single family housing” to house many more people and asked if there was a way to include wording so that it would be clear. VP Dunne understood the Institutional Care Facilities was more of a medical treatment and Solicitor Haas added that it wasn’t medical treatment it was drug rehab which involved the after-care housing that Council would like to stop. VP Dunne explained that about 1 ½ years ago there was a proposed treatment facility which wasn’t residential housing and that was what spurred the Master Plan to get started so that Zoning updates could be implemented. At the time the correspondence between the City and the Organization, they wanted to convert a previous neighborhood doctor office into some kind of treatment facility which was what prompted the Master Plan and they want Zoning updates to specify things such as treatment facilities that could be put into certain spaces within the city. Solicitor Haas asked if another treatment facility such as another hospital wanted to locate in the city, would we say no to them? VP Dunne replied that until the Zoning updates were complete, we could not differentiate. Solicitor Haas stated that the Council Letter was one paragraph which was not enough. Councilwoman Gordon asked if the city could add to the moratorium by not allowing group homes or recovery homes in residential neighborhoods. Solicitor Haas stated that currently this was permitted under zoning, but when you add group homes, there were all kinds of different group homes such as foster care, people with disabilities etc. and these were found all over town and would create an issue on how it should be classified, but would do more research. Ms. Gordon would like to see the city pump the brakes a little bit until the zoning could be assessed. Councilwoman Mosley stated that the City needed to find out which were for-profit homes and which were not for-profit homes which had already been set up and nobody knew how the homes were being used. Solicitor Haas stated that those types of homes would be grandfathered. He added that the city had done a moratorium on the pill mills years ago and he believed that this would be somewhat similar until the zoning was straightened out, but he wasn’t certain about the housing issue.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays**

2. **DORA Application Resubmittal** **CM-20-74**

Manager Sutherland stated that due to the glitch in the advertising which had since been taken care of, Council would need to pass an ordinance to accept the application which could not be done 30 days prior, but no longer than 60 days after the application was submitted. He said it could be passed at the next meeting or the first meeting in December but the sooner the better.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays**

3. **Lenco Medcat Critical Incident Vehicle Purchase -** **CM-20-75**

Manager Sutherland stated that Lieutenant Sommers and Officer Shepherd were available to answer any question that Council had, he also had provided Council with optional payment plans because of the high cost. Officer Shepherd and Lieutenant Sommers answered questions that Council had about the vehicle.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays**

4. **Acceptance of Master Plan –** **CM-20-76**

Manager Sutherland stated that the Master Plan had been finalized and it was requested that Council adopt a formal resolution to accept the details of the plan. He had emailed each member of Council the master plan and will email a master plan to Councilwoman Mosley.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays**

5. **ODOT Multiuse Path Agreement** **CM-20-77**

Manager Sutherland stated that the city had been working on this since 2017 and this should be the last step of the final agreement and legislation needed to be drafted. This would need to be passed at the next meeting. It needs to reach the State by November 26th. Councilman Dunne asked how long before construction starts once this was passed and Manager Sutherland stated that they were shooting for the Spring of 2021. Mayor Johnson asked about the amount, Manager Sutherland stated the breakdown in cost is in the next council letter.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays**

6. **ODOT Multiuse Path Agreement** **CM-20-78**

Manager Sutherland stated that a grant had already been received from the Clean Ohio Trail Fund and in that fund, there was currently \$132,000 remaining and the Scioto Foundation was contributing \$12,000 toward the project and the total cost for the city was \$34,000. He said that they won't know the true number until the project was bid out.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays**

7. **Year-End Fund Advances for PCHD**

CM-20-79

Manager Sutherland stated that last year the city provided similar legislation but it was in excess of \$1,000,000 and this year it had gone down and they hoped to eventually do away with it totally. The amount this year is \$550,000 which was still better than last year. This money would be reimbursed back to the city as the PCHD grants were received.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays**

8. **AEP request for PMHA property on Thomas Avenue**

CM-20-80

Manager Sutherland stated that this would be an easement for the PMHA property on Thomas Avenue and AEP needs to install an electric line to get power to the facility. He asked that this be passed at the next meeting.

Vice President Dunne motioned to adopt alternative #1.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays**

Discussion

Storefront Registrations – Councilman Martell stated that it had been brought to their attention that we were still talking with Akron Ohio about the curated storefronts to decide what other options were available as far as the storefronts and the business owners opting into the Art Program or paying a tax for a vacant building. He recommended using the Martings Building as a stepping off point and how art could be displayed. He confirmed with Councilwoman Gordon about using the Museum for their monthly art meetings and she replied that she would get final clearance on that and would let him know.

Zoom Options

VP Dunne asked about the Zoom meeting that would allow Councilman Lowe to join in on the meetings. Mr. Perry stated that it was possible but would incur some costs and they would need two tables for the equipment because there was substantially more work involved, but it was possible. VP Dunne asked Mr. Perry to email what the additional cost would entail. Mr. Perry stated that some of the equipment would also need to stay in the building because it would be too much to bring to each meeting and he would also need to borrow some equipment from the University which would cutdown on cost. Solicitor Haas stated that Council could allow someone to attend via zoom, but if you open it to one person, it must be opened to the public as well. Mayor Johnson stated that could be open to hundreds if not thousands of people. Solicitor Haas advised that the Municipal Attorneys Association had an email that questions could be sent in and one of the questions he asked was “how were people handling this” and the answers were all over the place. He said from a practical stand point he wasn’t sure it was a good idea. VP Dunne said he would like to get this worked out in case one of Council would have to be quarantined, they would have the capability to attend via Zoom. Solicitor Haas stated that was the reason the State allowed a change to the rules was due to COVID, and his understanding was that the reason Council wants to Zoom for one of the members had nothing to do with COVID. He cautioned that Council could be opening themselves up to a complaint regarding the Open Meetings Act.

The meeting adjourned at 9:43 p.m. on a motion by Vice President Dunne.

Submitted by: *Diana Ratliff* – City Clerk