

MANAGER’S CONFERENCE MINUTES
Portsmouth City Council Meeting on
November 25, 2019 – 6:43 p.m.

Members present:

Sean Dunne	1 st Ward
Charlotte Gordon	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jerrold Albrecht	4 th Ward
Gene Meadows	5 th Ward
Thomas K. Lowe	6 th Ward

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

1. **Sale of Former Adelpia Building Site** **CM-19-80**

Manager Sutherland advised that the city had received a lot of interest in the old Adelpia property on Washington Street. The city had wanted to try to get some grant money to get the waterworks department over there and possibly the pipe yard facility, but they had run into hurdles trying to get grant money to make that happen. He said the interest they’ve received led him to believe that it might be prudent to present an alternative to Council to advertise the property for sale which could possibly lead to nice housing in that area. Councilman Meadows asked if there would be a minimum bid and asked if it had been appraised, Manager Sutherland believed that it had been appraised for around \$150,000 and that there should be a minimum bid. Mr. Meadows asked Solicitor Haas if it should be a percentage of that and Solicitor Haas replied that he saw no problems as long as it is over the minimum bid and suggested looking back at what was done with the Babcock property. Manager Sutherland stated the city had spent approximately \$50,000 on the teardown of the former building. Councilwoman Gordon asked if it passed EPA standards and the reply was that it had already been abated. Solicitor Haas stated that the property had been given to the city and Auditor Williams advised that it was given to the city as a payment for back taxes of \$18,000. Ms. Gordon asked if there was more than one person interested and Mr. Sutherland replied “yes” both local and away. Ms. Gordon also asked if the city would have any say on if it’s affordable housing because she knew the group from Cincinnati had an interest in having affordable housing that people working in restaurants and as baristas could afford to live in the city and be able to perhaps walk to work. She added that probably once we sell the property, the city would have no say so in the property.

Councilman Lowe motioned to adopt alternative #1.

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

2. **Purchase of Property near Spartan Stadium** **CM-19-81**

Manager Sutherland advised of the possible purchase of 6.6 acres between the Municipal Stadium and the Service Department which was currently owned by the Portsmouth City School Board. The City would pay \$25,000 and provide 7 years of sanitation pickup to the school facilities. Acting Mayor Johnson commended Manager Sutherland as he believed it to be a good negotiation and the beauty of this was the city doesn’t currently provide sanitation service to the schools and it was also his understanding that as long as the city provided good service the schools would be a new customer after the seven years. He also stated that the city would own the piece of property that was currently in between two pieces of property already owned by the city. Councilman Dunne stated that they were trying to get the stadium renovated through state grants and the stadium was part of the overall space of the complex.

Councilman Albrecht moved to adopt alternative #1.

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

3. Appropriation Increases

CM-19-82

Manager Sutherland advised that he had some discussions with the City Auditor and found that there were some short falls on appropriations. He had a list for Council and that #4 would be a worse case scenario and after speaking with Community Development Director Shearer, they may not have to pay anything on this but he wanted to play it safe just in case. He said he believed the funding to be in place and would possibly be distributed directly to the contractor's and the city may not have to do anything. Councilman Albrecht asked what the improvements were, Manager Sutherland replied that a study had been done about directing traffic from the Grant Bridge to flow to Chillicothe Street or wind around to Gay Street. Discussions took place with ODOT about doing "S" turns and ODOT said that "S" turns were good but a round-about would be the route to go because the city could possibly get funding for it. The city was working with Shawnee State University and talking with some of the business folks downtown and discovered that the round-about was not a good idea unless there would be another place to use it. He said that property was very tight in there and perhaps they needed to go back to looking at the "S" turn option. Ultimately, we know what needs to happen in that little stretch and maybe someday it will, but these ideas were from a traffic study that was done and of the \$17,000, Shawnee State University was supposed to split the cost with the city. Acting Mayor Johnson asked what the outcome was and Manager Sutherland said that it was still ongoing. Councilwoman Gordon asked what was meant when he said "we ultimately know what has to happen" Mr. Sutherland said the ultimate solution would be to reopen 3rd Street again, if it could happen, but it seemed to be a big part of the problem. Solicitor Haas mentioned buying the church and Manager Sutherland said that had been talked about and they were working with SSU diligently with different scenarios. Councilman Meadows said to remind SSU that they didn't do what they said they were going to do when they shut down 3rd Street for the University and they got it by deception. Mr. Sutherland said that he had discussions with them about it and the relationship between the city and the University was much better now and they were working on coming up with a solution.

Councilman Meadows asked about #2 and asked if it was the FINAL report, Manager Sutherland said "yes" that it was the final report. He explained that when they proposed the pilot study, they had to do a report to the Ohio EPA and what would take place and this report entailed what had been done and these were the steps that had to be done for the \$20,000,000 - \$50,000,000 project compared to what would happen eventually. Councilman Lowe asked if this was the final amount for this study and Manager Sutherland replied "yes". He also asked if the city would be required to have any more studies and Mr. Sutherland replied that he wasn't sure but believed that there would be some stuff when we get into the design phase because there might be a change in the treatment scheme. He said because of what happened in Flint, MI, there may be a corrosion control study to make sure the new treatment would not affect the plumbing in the facility. Acting Mayor Johnson said this study was for the smaller scale model and there was none like this in Ohio and Mr. Sutherland stated that the closest one was Ashland, Ky.

Manager Sutherland reviewed #3 and advised that there had been sewer collapses on Gay Street and Coles Boulevard; this would help the city get shovel ready so that we could apply for grant money and have a better shot at getting grant funds to fix them. He advised that because of the collapses the city received grant money in conjunction with New Boston to take care of the North Moreland area and he believed that the city was getting about \$500,000 of work out of this. Councilwoman Gordon asked if this would separate the storm sewer and the sewer system? Manager Sutherland said this would only cover the different areas mentioned where there were sinkholes. He added that this ordinance would need to be passed by the end of the year.

Councilman Albrecht motioned to adopt alternative #2 modify the request to waive the readings so that it can be closed out by the end of the year.

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

4. **BWC Advanced Payment**

CM-19-83

Manager Sutherland said that Auditor asked to have another item added to the agenda. Auditor Williams stated that the city had received a notice from the Bureau of Workers Compensation that the payment date had been moved up for a discount this year because normally the city paid the Workers Comp premium in April and other changes were that we now pay in advance instead of in arrears. He requested authorization of legislation to pay before the end of the year the Workers Comp premium to earn the 2% savings. Councilman Meadows asked how much the payment was and Auditor Williams said it was approximately \$200,000. He said that he would prefer that it be passed at the next meeting.

Councilman Dunne motioned to adopt alternative #1.

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

Discussion

Halloween Trick or Treat Future Dates

Councilman Dunne stated that it was a two-fold problem. #1. – The city now has a new “Heads Up” app and the city could advise the public that if there were storms coming through the city, the public could be advised immediately on the “Heads Up” app. He said there was nothing wrong with the people at the County Commissioners but he didn’t know why we needed that extra layer of bureaucracy. He said the city made important decisions about millions of dollars and he believed that we could handle “Trick or Treating”. Councilman Meadows advised that it was originally done to help families and to avoid having trick or treating 3 nights a week. Clerk Ratliff stated that Council doesn’t have to follow the County, the ordinance states “unless otherwise indicated by City Council”. Councilwoman Gordon stated that this year it was changed because the County changed it and the city didn’t have a choice. Clerk Ratliff stated that the city could’ve remained on the date set and Manager Sutherland stated that there had been an anticipation of really bad weather. Mr. Dunne said he would be more inclined to keep the date even if it’s raining, winding and cold to let them trick or treat. He added that people complain that kids today were “snowflakes” and that they were overly protected and then older people turnaround and say “it’s raining, you can’t go trick or treating” which was a conflicting message. Acting Mayor Johnson said that he didn’t know how many on Council actually walk around with their kids during trick or treat, but he does, and it was no fun if it’s pouring the rain or if it’s so cold that they have to put on heavy jackets which cover their costumes. Solicitor Haas said that it wasn’t any fun for the folks that sit out on their porches handing candy out and another reason was that the city would get bomb-barded with lots of kids from the county when the nights were different. Auditor Williams stated that in the past, every year there was a Resolution that was adopted by Council setting the date, but it usually always followed what the County set. Councilman Albrecht said there was time to discuss it and Councilman Lowe requested to move on. Acting Mayor Johnson explained that Councilman Dunne would need to request that Manager Sutherland put this on the Conference agenda and then Council would vote.

Rental Licensing Permits

Manager Sutherland said that Councilman Dunne wanted to speak on this matter but he added that in his mind, if something could be done to make this happen it needed to be done. Folks running around with slums all over this town was 90% of what he had to deal with on a day to day basis in his office. He said that it wasn’t right for the people that own rental properties who were not keeping the properties up. Solicitor Haas stated that he had fixed the ordinance but the city would have to hire someone to run it out of the Engineers office because it’s not a part time position. He explained that the city was sued and the ordinance was changed from “mandatory” to “voluntary” which was the way it was in most cities and most of the cities that have voluntary, have 98% compliance. Councilwoman Gordon stated that during the election she walked up and down every street in her ward and knocked on almost every door and she was appalled at some of the conditions people were living in. She had heard that the County just implemented a \$30.00 permit fee for rentals, Solicitor Haas had not heard of it. She asked if it was factual could the city impose another fee for the city or should the city get some of the money from the county. Councilman Dunne requested a review of what happen to make it unconstitutional and for the city to determine how many rental properties there were in the city, how much the revenue would be from the different permits

sold, which in turn would fund the position for the person to run it. He also asked Director Chris Smith to speak about how the program used to work. Mr. Smith said it was modeled off a couple other cities and he wasn't sure what happened to theirs, they might have gotten lucky. The Health Department had no interest in getting back into the rental licensing program, but Engineering needs staff and it could be run out of there. Mr. Smith said as long as it was voluntary, there were no constitutional issues. He said the problem was that some people didn't want them going into the rentals, and they had been very specific in that they were not shutting people down but the whole idea was education. There were various reasons such as carbon monoxide, no shut off valves on water heaters and when you rent some place out to someone, it should meet minimum standards and be safe. Councilman Lowe suggested a rewards program for landlords. Councilman Dunne reiterated that Manager Sutherland had to constantly put out these fires on all these problem properties and had no time to look beyond the end of the week because he's always dealing with these problems. Council had repeated discussions about forcing people to cut their lawns and they won't voluntarily agree. He suggested to review what other city's do and figure out the cost to hire a new person and how much to charge for a new permit. Councilwoman Gordon asked if a landlord won't voluntarily allow the inspection, could the tenant? Solicitor Haas said that "yes" the tenant could as long as it was not mandatory. Mr. Dunne asked for this to be moved forward to the Conference Agenda. Solicitor Haas stated again that the ordinance the city currently had was correct and there was no need for a change, it just needs to be enforced. Mr. Dunne asked for the numbers on what it would cost to hire someone for enforcement.

The meeting adjourned at 7:34 p.m. on a motion by Councilman Meadows.

Submitted by: *Diana Ratliff* – City Clerk