

MANAGER’S CONFERENCE MINUTES
Portsmouth City Council Meeting on
January 24, 2022 – 6:58 p.m.

Members present:

Sean Dunne	1 st Ward
Charlotte Gordon	2 nd Ward
Andy Cole	3 rd Ward
Lyvette Mosley	4 th Ward
Joey Sandlin	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.

1. **UPDATE TO CHAPTER 521.07 FENCES** **CM-22-03**

Manager Sutherland stated that Code Enforcement had been looking at it and had some problems with the fence section and this would update the chapter to avoid confusion. Councilman Packard said that 521.08 (e) stated that you could not obstruct the natural water course and questioned if it should be added to this chapter or was it alright by itself. Solicitor Haas advised that there were a couple of things in the ordinance that also need to be referred to other sections in the codified ordinances, especially the one about swimming pools, which was also in the building code section because anyone building a pool would look in that section first and possibly wouldn’t look in the 521.07 section. He said that at the next meeting he would work on getting references to the other sections. Mr. Packard said that some residents live in flood zones and will erect a fence, but when the water rises it collects a bunch of trash. Councilman Sandlin asked if it would be retroactive to people who have erected improper fencing. Code Enforcement Officer Andy Gedeon stated that there were different height requirements for the front and back of the properties, he said there’s also a different requirement if you have a corner property, in that the fence could not obstruct the view from the street. He said there was another part of the fence ordinance that could be found under “accessory structures” which was very confusing and this ordinance would clean that up. They’ve been having an issue with a property in which people were using wooden pallets as part of their fencing which was a nuisance and created an eyesore. Solicitor Haas advised that it could not be retroactive.

Vice President Gordon motioned to accept alternative #1.

There were no further questions or comments: **VOTE: 6 ayes – 0 Nay**

2. **SAFE ROUTES TO SCHOOL GRANT** **CM-22-04**

Manager Sutherland said this would be to apply for a grant through ODOT to improve the walkways around the schools in Sciotoville, the city did something similar for the Portsmouth City Schools a couple of years back. Councilman Packard said he was in favor of the idea.

Vice President Gordon motioned to accept alternative #1.

There were no further questions or comments: **VOTE: 6 ayes – 0 Nay**

3. **PADDLING ENHANCEMENT GRANT** **CM-22-05**

Manager Sutherland stated that this would allow Community Development to apply for a Paddling grant. He advised that they were looking to put in a launch and egress area at Alexandria Point to tie in with what the County was proposing which would make a nice waterway to travel. Vice President Gordon asked if some of the brush could be cleared and Manager Sutherland replied “yes”. Councilman Cole said that for anyone that has ever kayaked and that it was something that was coming to our area, which was great for our businesses, a launch pad would be very helpful and would increase the amount of people using this area.

Vice President Gordon motioned to accept alternative #1.

There were no further questions or comments: **VOTE: 6 ayes – 0 Nay**

DISCUSSION

1. **City Charter Election language and Ohio Revised Code** – Manager Sutherland stated that the City Clerk had obtained some information from the Board of Elections. Clerk Ratliff stated that the Board of Elections were in favor of the city election rules following the ORC and being compatible. They really didn't want to come to the meetings. Solicitor Haas said that before the next meeting, he would meet with the Board of Elections and asked that the legislation be moved up to the City Manager agenda as an item. He hoped to have a proposal soon for everyone to review and that this would go on the general election ballot in November. He said that the city could go by the state law for the city elections for everything but the "recall" section and that would have to remain. Councilman Cole brought up a concern on the recall section, which would give "anybody of any kind, the ability to recall anyone for any reason and demand that that happen in a timely manner, which often does not coincide with an election cycle which would typically cost us \$30,000, and that is a mandated thing that we would have to do if anybody right now has an inkling to want to do that to anyone sitting up here for any reason." Solicitor Haas stated that he wasn't sure that the charter allowed it for any reason, there had to be a reason stated in the petition that's circulated, they would have to identify the reason for the recall and it had to have some meat to the bones. Councilman Sandlin stated that when he brought this forward to Manager Sutherland, he had spoken with the ladies at the Board of Elections and they spoke about the differences in the election when there was conflict between the ORC and the City Charter. In a general election, from what he understood, there was no language in the ORC for recall and his original intent was not to change that, but his intent was for the general election when you get a petition to get your name on the ballot, the City Charter only allows 15 days and the ORC allows 90 days. He said the ORC had changed with society, but when those two agreed, the culture was much different and there was someone always at home. He added that having just gone through the election process it could be quite the challenge to get all of your signatures in 15 days. He asked that anywhere that crossed the ORC in the general election, he would like to see the Charter removed and the ORC stand. His understanding of the legal verbiage was that if there was nothing in the Charter to the contrary then the ORC law applies. His general intent after speaking with the Board of Election and Manager Sutherland was to work on the general election sections. Mr. Cole said that it was definitely two different things and if the recall was to be looked at, he suggested having a conversation with the Board of Elections on the possible burden to our city.

The meeting adjourned at 7:14 p.m. on a motion by Vice President Gordon.

Submitted by: *Diana Ratliff* – City Clerk

For the full audio version of the Manager's Meeting, please go to www.portsmouthohio.org under City Manager 2022 "Audio".