

MANAGER’S CONFERENCE MINUTES
Portsmouth City Council Meeting on
March 13, 2023 – 7:06 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 and City Clerk Diana Ratliff, Solicitor Haas and Auditor M. Trent William.

1. **Appropriation of Impound Auctions Funds** **CM-23-22**

Manager Sutherland stated there were funds that needed to get dispersed back to the County Prosecutor so that it could be divvied out.

Vice President Gordon motioned to accept alternative #1.

There were no further questions or comments: **VOTE: 6 ayes – 0 nay, legislation was moved forward.**

2. **2023 Capital Improvement Program Budget** **CM-23-23**

Manager Sutherland stated that Council had copies and if there was something they wanted to see changed or have questions about, please contact him. He said that he and the Auditor discussed the request for tennis courts/pickleball courts at Mound Park and in Sciotoville as they both need work. He said that two years ago Council appropriated money in the CIP budget for lighting at Mound Park, but that was never done so there is still \$30,000 that could be used. He would like to amend \$30,000 for Mound Park and \$30,000 for Sciotoville to be used on the tennis and pickleball courts. Manager Sutherland said that they had over 160 players that would be willing to help with the improvements. Councilwoman Mosley asked about the retaining wall and Mr. Sutherland said that he’s asked contractors for pricing and has yet to receive one.

Vice President Gordon motioned to accept alternative #1.

There were no further questions or comments: **VOTE: 6 ayes – 0 nay, legislation was moved forward.**

3. **Railroad Safety** **CM-23-24**

Manager Sutherland asked Council to adopt a safety resolution for railroad traffic. This recommendation came Solicitor Haas as he had received it from the Ohio Municipal League website. This would show Portsmouth's support in keeping railroads safe. He said we not only have rails running along the highway, but across the bridge in Sciotoville and if a derailment would happen on that bridge, they would have to act quickly. They're certain that they would get word quickly, but it is right on top of our intake system and if that were to ever happen, they're equipped to shut the intake valves to make sure nothing gets into the water until after it's been evaluated.

Vice President Gordon motioned to accept alternative #1

There were no further questions or comments: **VOTE: 6 ayes – 0 nay, legislation was moved forward.**

4. **Hotel Motel Tax Disbursement** **CM-23-25**

Vice President Gordon abstained from the conversation and vote.

Councilwoman Mosley motioned to accept alternative #1

There were no further questions or comments: **VOTE: 5 ayes – 0 nay – 1 abstain (Gordon), legislation was moved forward.**

5. **Norfolk & Southern Easements** **CM-23-26**

Norfolk & Southern Railway were requesting two easements to improve the crossing equipment at 10th & Lincoln and potentially at 10th & Hutchins.

Vice President Gordon motioned to accept alternative #1

There were no further questions or comments: **VOTE: 6 ayes – 0 nay, legislation was moved forward.**

6. **Future Opioid Settlement** **CM-23-27**

Solicitor Haas said that this was part of the ongoing opioid litigation that the attorney's had worked on and the attached were National settlements from CVS - \$5,022,083,578 paid over 10-years, Walgreens - \$5,522,528,766 paid over 15-years, Walmart - \$3,011,241,061 paid over 3-years with contingency plan, Teva - \$4,246,567,367.76 paid over 6-years, and Allergan - \$2,372,972,184.12 paid over 7-years. This will be added to the amount that comes to Ohio and Council needed to adopt an Ordinance prior to April 10th agreeing to participate in this litigation and it will need to be passed at the next meeting. This is a lot of money to be divided up which is a good thing.

Councilman Cole asked about the amounts because the last amount was only around \$10,000 which truthfully doesn't mean anything. Portsmouth had gotten the worst end of

the stick based on what had happened from this situation. He believed that Portsmouth deserved more than \$10,000 in remediation for what happened to our town. Does Portsmouth have the ability to step outside of everybody else and have its own moment in the sun to say “this is what you did to us and \$10,000 isn’t enough?” Solicitor Haas said that theoretically “yes”, but he would not advise it because we would end up with nothing. He does not have the staff to handle this size of litigation because there were so many lawyers, experts, paralegals, and he couldn’t imagine the thousands of people that were working on our side across the country. Every city that had been involved felt like they were getting shorted and nobody’s happy with what they’re getting and he guaranteed that Walmart and CVS aren’t happy to have to pay this out. Mr. Haas advised that the city had received in total around \$65,000 out of the settlements so far, but we haven’t received the part that goes to the regional boards which would also be divvied up and a big chunk of the settlement money that had already been received is currently sitting in the OneOhio Foundation. He is one of the three Board members from Scioto County for our region, it is County Commissioner Scottie Powell, a County Trustee and himself that sit on that board. OneOhio was in the process of putting together grant applications so that the applications could go out to folks in our region who will then complete the grant applications and then turn them into our region and our region decides who gets funded with their share of the money. He said that the tie to the application was that it had to deal with education of the opioid crisis. He gave an example of the house arrest program which was funded by the county in order to prevent flooding the jails with non-violent offenders, but it cost money to monitor it and to buy the equipment. The grants should be distributed sometime in October of 2023 and there would only be a short window for obtaining an application and turning it back in.

Solicitor Haas stated that he raised the issue at the last board meeting about “data” because it had been a topic that had been discussed. He asked how they were going to make decisions on the grants with the limited data that we had and that we had a lot of treatment facilities in our city/county and a lot of people coming in from out of town. He said that the whole room lit up as they were all very much in support of Portsmouth doing what we’re doing with our treatment. He was told that when they send someone to Portsmouth for treatment, they seem to get good results and they thought that the services being offered in Portsmouth were invaluable. VP Gordon said as long as it’s “not in my backyard.” Mr. Haas stated that Pickaway County asked what other city/counties were spending the money on because they were just sitting on the funds that were given to them because they don’t know what to do with it. Pickaway County sent their money (\$15,000) to their ADAMHS Board to be used for whatever they needed it for. The City of Portsmouth hadn’t done anything with their money either. Councilman Sandlin said that he would like to see some educational items for the children of the addicted and non-addicted kids because there were so many kids in foster care that were suffering from this epidemic and were not being funded or taken care of properly. He would like to see some support go to the children who were truly the victims of this situation. He would like to see this epidemic stopped early enough while they’re children. Mr. Haas advised for Mr. Sandlin to reach out to someone he knows that might be in that line of work or that’s interested in doing something like that, and tell them to put together a non-profit and apply for the grant. He felt that there was a void of ideas of how to spend the money. Councilman Cole asked if Solicitor Haas felt that the School System would qualify for the grant and Mr. Haas replied that they may, but it would depend on the program that they’ve put in place. Mr. Cole felt that every treatment center in

Portsmouth would probably apply for the money. He added that these children were following their parents who were in the local treatment centers and our school system had been inundated with kids and the system was a mess right now, but these were the types of places that could really benefit.

Vice President Gordon motioned to accept alternative #1

There were no further questions or comments: **VOTE: 6 ayes – 0 nay, legislation was moved forward.**

7. **Public Health Workforce WF23 Health Department grant** **CM-23-28**

Manager Sutherland said this workforce development grant was for the Health Department and would be \$360,000.00 over 50 months.

Vice President Gordon asked if we should waive this at the next meeting and asked if there was matching money, Mr. Sutherland said he'd find out. She moved for alternative #1

There were no further questions or comments: **VOTE: 6 ayes – 0 nay, legislation was moved forward.**

Discussion

1. **Sidewalk Replacement Program** – He advised that City Engineer Nathan Prosch had reached out to the City of Troy and received data from them that said they sent letters to 52 residents, 18 went ahead and done the sidewalk work themselves which was about 30%. He said the rest was assessed against the property tax and asked if they were tracking, how much money was getting recovered through the property tax. Councilman Packard said that if this goes forward and those that choose to let the city do it and get the bulk rate to spread out the payments, would there be a fee for their permits? Solicitor Haas stated that whoever was awarded the contract would purchase one permit for the bulk. Councilman Cole felt that the city has had property tax delinquency's that have happened over the decades and he wasn't in favor of putting numbers on a property that the city won't ever recover. Solicitor Haas stated that the County Auditor assesses the taxes and the Treasurer sues people when they don't pay. He said that the County would foreclose and for the past ten years, they've taken an aggressive approach. He advised that he received 8-10 foreclosures from the County for city property each month. Manager Sutherland said that more research was needed before moving on, as there was also an issue of seed money to get things started.
2. **Moratorium Resolution** – He said that the request for a needs-based assessment of what the capacity is in the City of Portsmouth/Scioto County and do we have enough beds, which no one seemed to know the answer. 1). He questioned whether there was data on the best practice for recovery, because if other places were saying that by sending people out of their city and to our city for treatment was a successful strategy, then the people from Scioto County should have the same option of going away based on a higher rate of successful recovery. 2). He said that the State of Ohio should establish the best practice for treatment. People can say that they appreciate recovery going on outside of their county of origin, but do they have data to substantiate the statement. 3). What is the State of Ohio's strategy for

addressing not just the Opioid Epidemic but substance abuse in general which included things such as: were there certain per capita numbers of addiction treatment facilities and beds available within each county and if not, why not? Is the answer to identify one certain region of the State of Ohio that would do the majority of the treatment for the state and if that was the case, why? 4). Have they defined aspects of recovery, exactly what is “recovery” defined as, because we aware that in recovery there could be several attempts, but are they going to move towards defining “recovery”. There have been problems with people trying to get data around the county of origin of people that go into treatment facilities. Our local First Responders do not have the time to establish these items, because they don’t have access to the information. We need answers from the State of Ohio and in DeWine’s State of the State address last year, mental health and Appalachian Ohio were two of the three biggest issues and this would continue that focus to let us know: 1). What the best practice when it comes to addiction treatment. 2). What is the State’s strategy - Portsmouth provided a lot of clarity when legislation was passed last year and other cities were looking toward what our city has done.

Vice President Gordon stated that she spent two-three hours trying to find any available data and what she found was that any research that was published was at least a decade old. There’s so much money being thrown at this problem and this was not information that was being mind. The NIH should have been all over this, but she couldn’t find anything. She also had a Sociologist from the Cleveland Clinic assisting and guiding her through the searches and she too was floored that the information wasn’t there. She wasn’t sure what West Virginia had done, but she and Councilman Packard had spoken with the former Mayor and she had put together the drug legislation which ended up being adopted by the State of West Virginia and she wasn’t sure if they had any data that they based their legislation on. Councilman Packard advised that when West Virginia started moving this as legislation, they required that all addiction treatment facilities to be certified or in the process of being certified or they would get no reimbursement from the State. Brian Baldrige sponsored the 623 bill and it was mostly about recovery housing and those being accredited/certified.

Mayor Dunne advised that when OHMAS was in town and they spoke with the ADAMHS Board he thought they would move forward with a needs-based assessment for our area this year, which was one of the reasons he had for implementing a moratorium. He said that this had always been a very serious issue, but with the appearance of fentanyl the stakes were much higher and there’s not enough pressure put on the State to produce this information to collect and analyze it. His hope was to call the much-needed attention to it and hopefully other municipalities would join us. Councilman Sandlin’s concern was that Portsmouth and Scioto County had more than their fair share of treatment facilities and felt that if the State was looked at per county how many per capita residential treatment facilities or drug treatment rehabs there were, because Scioto County would be on the higher end of it, if not the highest. He said without the data, there’s no accountability, if there were accountability, the state would start to pull funding and he doesn’t want to see our local municipality decimated financially as well as the needs of all the people that need the treatment facilities.

Councilman Cole said that there had been lots of good points and VP Gordon was correct about not being able to find data. He said what you will find when you search for data and no matter what you’re searching for when it comes to the data that could be used against a

treatment center or anything negative about a treatment center, it would be buried deep. When searching it instantly takes you to the top 25 – 30 pages of google searches of “this is where you get treatment, come to us”, which were sponsored advertisements. The amount of money that’s being pump into treating this epidemic was being used to suppress and push down any kind of possible threat to the business of treatment centers. He said asking for the situation to change without our State Representative supporting it, would not happen. It would take DeWine and Baldrige to understand that when they took the power away from the middleman (ADAMHS) that could disseminate the funds that our federal government paid to these treatment facilities for the services they provided, it made it too easy for the government to keep throwing money with very little oversight and he felt that was a mistake because we need real data. Councilwoman Mosley agreed with Councilman Cole and when she was with the ADAMHS Board, their director was constantly asking for data. VP Gordon told Solicitor Haas that she would like the statistic of what happens to the larger percentage of people who aren’t successful in these treatment facilities and what was the expectation. She said that those that have spoke to Council in the past said that at best, the success rate was at 40%, so what happened to the other 60%? Mayor Dunne suggested to amend the moratorium to include that copies get sent to OHMAS and DeWine.

3. **Advertising Benches** – Mayor Dunne asked what information this company gave the city, such as contracts and locations? Manager Sutherland stated that they had reached out to them and explained that everything had to be put back off of city property and to his knowledge that had been done and once they’re off of city property, there’s nothing the city could do about the issue. VP Gordon said that she thought that they had to be repaired because the photographs that Councilman Packard sent were unsettling and Councilman Packard replied that the six that were in the 6th Ward were still there and as dilapidated as they were two years ago, only they’re worse. Councilwoman Mosley asked if the city ever got a copy of the contract and Solicitor Haas replied there was no contract. VP Gordon asked if they were paying a fee to advertize and Mr. Haas replied that technically there should have been a contract if they were put on city property and if it is on private property, the city could not tell them to move them. Martins Ferry had a permit program and it involved establishing and providing proof that the property owners were aware of the circumstances of the bench placement and there was a permit fee. He said the main purpose of a permit program so that at least there was a registration to know where they’re located. Mr. Packard said that those six in the 6th Ward were on city property because the city cuts the grass in that area. Mayor Dunne asked what would stop us from having a permit program for roadside advertising? Solicitor Haas stated that the city could do a permit process for signs, benches etc. on private property. Mr. Dunne said that it would be nice to have a program like the Adopt-A-Park Program, where organizations or groups would adopt a space to look after a certain area for opportunities to plant flowers and make the area look nice. He suggested maybe limiting the number of roadside advertisings for each Ward until the program was up and running. Mr. Haas asked Manager Sutherland if the benches by Coles Boulevard were removed by the city because those were on city property? Councilman Cole asked if he was speaking about the corner of Coles Boulevard and Route #23 because those were still there. Mr. Cole said that he felt we should give Mr. Bales a chance to do what the city is requesting him to do and Mr. Haas advised that they’ve had the conversation with them. Manager Sutherland advised that Mr. Bales had pointed out that there were a couple around town that do not belong to him and he believed the ones on Rt. #23 and Coles Boulevard belong to someone else. Mr. Dunne expressed the need for a permanent permit

program for these benches so that the city knew where they're located and who they belong to. Councilman Sandlin agreed with Mayor Dunne regarding the permit process, the business owner, the sign maker and the city needed to be informed and this could be achieved by a permit system. The city would then know where the signs were, how many signs there were, what the condition of the sign was and who they belong to because that was just good business. He said some of the private business owners that have these benches on their property believe that they have no choice because some of the business owners believe that the benches were under a city contract. He said a permit system would alleviate the miscommunication and give the business owners and everyone involved the knowledge and notification of the permit. Councilman Cole said that in the contract it would be best to have language that pertains to the conditions of the benches for the permit to be active and he believed that would take care of some of the problems.

VP Gordon said that she thought the new zoning code had a section about signs and Councilman Packard replied that every time a person received a permit, they were given a list of rules. Councilwoman Mosley said that she had gone to Speedway and asked if they had given permission to have the benches on their property and she was told that the benches just showed up one day and there was still one on Kendall Avenue by Speedway and the one on Linden Avenue was removed.

Mayor Dunne said that the permit process in Martins Ferry had everything in it including "it is determined that after due investigation the bench has become a public nuisance or is being used and occupied as a loafing place, then the mayor, after written notice to the permittee, shall have the power to suspend and revoke the permit issued under the provisions of this chapter." The penalty was that if anyone violated any provision of the permit, then they would be fined a certain amount of money for each day a bench remains. Solicitor Haas said that he would look to see what other cities have a permit process. Mayor Dunne asked that this be kept on as a discussion.

The meeting adjourned at 8:14 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 2023 "Audio".