

MANAGER’S CONFERENCE MINUTES
Portsmouth City Council Meeting on
January 08, 2024 – 6:57 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 Clerk Diana Ratliff, City Manager Sam Sutherland, and Solicitor John Haas. Auditor M. Trent Williams was absent.

1. Partner with Scioto County Highway Work CM-24-01

Manager Sutherland advised that they had started working with the County last year and it had worked out very well and the city would like to continue the practice.

Vice President Mosley motioned to accept alternative #1.

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

2. Partner with ODOT Cooperative Purchasing CM-24-02

Manager Sutherland advised that this was like the County, but they were working with ODOT and it had worked out very well and the city would like to continue working together.

Vice President Mosley motioned to accept alternative #1.

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

3. Sciotoville Multi-Use Path CM-24-03

Manager Sutherland said they would be working with ODOT on the Transportation Alternative Program for the Sciotoville Multi-Use Path in which they would try to convert the old abandon railroad track into a multi-use path. The cost estimate attached was \$536,552.68 and a minimal cost to the city of 5% match.

Vice President Mosley motioned to accept alternative #1.

Councilman Packard reached out to Engineer Prosch to thank him for moving this forward and Community Development Director Tracy Shearer would be submitting the application soon. It was very nice to see this happening in the center of Sciotoville.

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

Discussion

1. **Microplastics and Yard Signs** (Rick Jansen)

Mr. Jansen gave an overview of microplastics which were a major source of plastic pollution and the health impacts it had on society.

2. **Blighted Housing** (Dunne) – He advised that there were approximately 10 properties that they were going to ask this one agency to review to see if it was appropriate. He had only received suggestions from Councilman Packard and members of the public. He invited members of Council to email him blighted properties or problem properties that could be defined as a public nuisance in their wards.

3. **Charter Language** (Dunne) – He said that he worked last year with a student at SSU (Seth) who reviewed the city charter and he had identified several examples in the charter where there was needless gender language. He generally doesn't like to ask people to vote on something twice, if they've already voted. He would like to see this put back on the ballot for the General Election in November 2024 because it is a Presidential election year.

4. **Legislative Summary** (Dunne) – He said he took a page from the City Clerk on the different things that she reported on which was very helpful. He suggesting that Shawnee State University create a template through which different activities through Council be recorded and it could be done every six-months. It would describe legislative activities and could also include ideas for additional legislative activities. He organized it by date and it would either be: 1. First time an idea was presented as a discussion item or when it first moved onto the conference agenda or if it went right to a Resolution that would be the date used. 2. It would be by Councilmember and not just for Portsmouth, but for cities throughout our region and possibly do it by subject which would be very helpful. and would also be a way for cities to share ideas. Representative democracy was Council representing the ideas of their ward. He said that Councilman Packard put Rails to Trails up for review on July 24, 2023 and the grant application was now being submitted. He added that the Health Insurance for Council in a ballot referendum was put forth May 22, 2023, it passed Council, but failed at the election. There were other examples for each Councilmembers. He said this would allow an overall legislative activity and after a review of six-months, they could share with the public the things that each Councilmember was involved in with regard to legislation.

Councilman Sandlin said that he doesn't agree with the summation that all we do is legislation. He directly ran on the platform for the city to focus on the city's business, clean water, infrastructure and basically the boring things that doesn't grab headlines, but were still very important. He said his motivation to run for City Council was a whole bunch of legislative things that he didn't believe was the business of City Council. His

purpose was to come onto City Council and try to help Council to focus on matters that was in Council's purview, but there's a lot of other work besides what is done on the legislative side. He doesn't always feel that it's a good idea to make new legislation/laws and that the city should be looking at what's currently on the books and to encourage citizens to follow what was already law. He said that wouldn't necessarily go down as a piece of legislation, but it would still be very important work.

Mayor Gordon said that Council consisted of six people who work together and there's no "I" in "teamwork" and she felt that the strength of Council was that there were very different view points and for any issue brought forward, they each have efforts in tweaking it which was why this Council had gotten as far as they had with issues like: New Water Treatment Plant, New City Building, Selling of Properties etc. She felt that they all need to work as a team because it was one of their strengths and to bring forth their differing ideas, agree/disagree, change/modify ideas. She said to start singling out whose done what and who hasn't done what or who laid claim to different ideas because certainly there were items that were worked on collaboratively which was this Council's strength. She added that "you can only build something larger than yourself, if you work with other people." She said it was a bad idea to start pitting people against each other, or start singling people out and felt that working together as a group moves the city forward.

Councilman Packard felt that everything that had been done, was done together and he appreciated it. Councilman Dunne said that he had it organized three-ways to remind people that: 1. **Chronologically** – what were the dates that legislation was developed. 2. **Identifying who brought the idea forward** – he said that he didn't go into the votes for each one and he felt that Council owed it to the people that they represent to let them know what they're doing and it wasn't a competition between Council members, but potentially a discussion between a Representative for those that they're representing and not just for Portsmouth, but for other cities. 3. **Sharing between cities by topic** – Portsmouth was the first city to put forward a "Standard of Care" legislation for Addiction Treatment Facilities. They had been contacted by other cities and asked about the topic. He asked Council to think about how helpful it would be if every six-months different cities in our Region shared legislation that they had accomplished. He said that we would share with other cities and hopefully they would share with us. He added that this was a way of being transparent of who Council represents and learning what other cities were doing. He will email it to everyone and if he missed anything, let him know.

5. **Submitting for review by the Ohio Supreme Court of the need for two courts**
(Packard)

Councilman Packard would like to dispel any rumors or hearsay because he never felt that this was about eliminating a Judgeship. He felt that it was a diligence piece that Council would like to know if it's practical and prudent to consolidate two courts. He said that was based on the demand of the courts over the past three-years and the financial burden to the public for packing the current City Building up and moving it to the new City Building. He said that Council wasn't the expert and that Council how received the procedure review and obviously with a state as large as ours, we have a court system that looked after courts. Things change, population changes and the experts were in the Ohio

Supreme Court and they were the ones that look at that and could tell us if it was practical and prudent. He said that he had googled some of it and surprisingly there's very little to be found. He found that when small municipalities like Portsmouth change, the courts must be changed too, which was typically done through attrition. He added that when we look at the cost overruns and additional cost that was accounted for if there were two courts or if those two courts could share one court room, would that be practical and prudent. He looked over the paperwork that Judge Mowery sent to Council and if we were building a court, it explained how to do it. He would like the City Manager to request a review from the Ohio Supreme Court.

Councilman Sandlin said that Solicitor Haas was a legal advisor and felt that Council should trust Judges Kegley and Mowery because they were the experts in the field. He wasn't against the review if it doesn't delay us from pursuing the new building. He said that Council had spoken about financial waste and things that cost the city unnecessary money and the biggest waste was the new city building sitting empty day after day while Council worked through these processes. He said that the cost to finish that building would grow exponentially and the greatest expense and waste for a project was delay. He said that if every time the City Manager came to Council to ask for something and Council had to do a study or fought him on everything he asks for, this city would come to a grinding halt. He felt that Council should do one of two things: declare him inept to do his job by not trusting him or trust him and let him do his job. He said that we all should be working together and listening carefully to the Judges when they tell us what they need, within reason.

Councilman Cole agreed that we often get tied up in the details and it does slow things down which was sometimes a death sentence for good things and understood the concept. He didn't feel like you could say in an advisory type of way to this Council that the building cost more because of a slowdown and felt like that was a wrong statement because building costs have decreased. He wasn't saying that was typical, but the reality of what he's researched was that lumber and all building materials have decreased because there was a large rise in costs during the pandemic. He said for the ask, he was on both sides of the topic, he agreed with the statement that Council needed to rely on the people the city hires to do these jobs. He would not want to go to the Police or Fire Chiefs and micromanage their departments because we do have to trust in the people that were put in these positions. He felt that Councilman Packard's thought process was also an interesting concept and we do trust the Judges. He said that when he met with the Judges, they asked him if he had complaints that they weren't doing their job, were they disappointing the public and all those answers were that he had never heard anyone complain about it. The point of the questions, was that the Judges were doing their jobs. However, from the business perspective was that even with the trust that we have in the Judges, having an oversight wasn't always a bad thing. He felt that going to the Ohio Supreme Court was a large concern moving forward because of the length of time that it may take for them to do a review, which may end up being what the Judges have already said. He said if the ask was fast and took this item off the table, he'd be supportive of it and having an expert come in to review felt like a good idea, but he would want a timeline.

Mayor Gordon felt that there were three prongs on the floor that Council was concerned with: 1. Do we need to have two Judges in a city our size. 2. The impact of the overtime charges. 3. Concern with the build out of the new building and how that decision would impact the city. She felt that if we go to the Ohio Supreme Court and were told everything had to stay the same and everything was valid or yes, we're going to make changes or would they wait until one of the Judges retired and then not fill the seat. That was her thought process: what do we want to change, what part of those three things do we want to change and what bothers us the most and what would the outcome be and lead us to.

Councilman Packard said that it was a dollar and cents thing. They're going to ask the Judges to weigh in, which was probably one of the first steps and the ideal situation would be that they recommend sharing a court room which would cut our expenses, since they're only working every other week anyway, he doesn't see how that would change anything. He said when the new facility is built, there will be facilities just the way the court says you have to have them. Councilman Cole said that the Judges told him, that while they may not be having live action in each of the court rooms, one court room needed to be available while the other was in session for civil cases.

Councilman Dunne commented on the feedback received and Judge Mowery asked if they had heard complaints about performance aspects of the courts. He regularly received questions over the entire organization of two courts, there seemed to be tension between other city workers and courts which had been reported. Members of the public had asked and he felt the easiest thing to do was to have a review of the courts and that way Council won't be guilty of an action and if the city needed two courts, we keep the two courts. He said that way when Council is asked, they could respond that there was a review by the Ohio Supreme Court and they found that two courts were needed because process was important and due diligence was important.

Mayor Gordon asked that it be moved up to the agenda for the next meeting and Solicitor Haas requested a vote to determine who wanted this moved up. Councilman Sandlin asked Solicitor Haas to weigh in and Solicitor Haas said that it was countywide jurisdiction and not just the city and the biggest complaint was that the cases take too long. Councilman Packard stated that Council wasn't asking one Judge to step down, but to share a court room. Solicitor Haas felt that the Ohio Supreme Court would laugh at us.

Councilman Sandlin said that people have told him because of the rough history that Portsmouth had with getting a new city hall, and people have said they didn't think it would ever happen and that Council will get bogged down and won't have the fortitude to push the project through. He said that the Judges feel like they've been very disrespected because they're not our employees, but they're elected officials. He felt that if the Judges have told Council that they need both court rooms, then he doesn't feel Council needed to ask anyone else.

Solicitor Haas said to answer the question that Councilman Packard asked about the court rooms, they have criminal cases in the court rooms every day and if you want to try to have a jury trial on a civil case, he wasn't sure how it could be done with one court room. When you have two Judges, you must have two court rooms. VP Mosley said that when this was started, a little birdy said that the Judges were only in the building once every

other week and her take was that just one court room was needed, but have two different Judges chambers because they're not here every day. Mr. Haas said that the information she received was incorrect. Ms. Mosley said that she's ready to move on with the building and she asked Manager Sutherland for an update. Mr. Sutherland said that the contract documents for the roof have been signed, the fiber wiring was done for the internet connections and as soon as the weather breaks, the roofing company will be there to do the roof. He had asked Auditor Williams to look into the financing so that he could get Council the numbers on what it would be to finish it out as proposed. He felt confident that with the capital improvement budget, it could be squeezed in to make it work. Ms. Mosley said that it was said that we might not spend all the money that had been allocated and Mr. Sutherland said that it would depend on the changes and different floors were going to have different aspects. He felt that the worse case scenario was the number he had given to Council.

Mayor Gordon asked if Mr. Sutherland had got in touch with Ben at WAI and he said he had been in contact with him. She asked Council if they would like to have another update from WAI where they look at all the plans and talk about the financing and then move forward. Councilman Cole said that he loved that idea, because he felt that they could look at things so much that it slowed the progress down, but we're also being fiscally responsible. He wanted this new building because there was a great need for it. Councilman Dunne asked for a vote because they had veered off topic. Councilman Packard said that the whole idea to him was the dollars and cents and he regretted that any Judge felt offended because of the accountability issues, all of Council should look at it. He trusts solicitor Haas when he said that the city could not get by with one court room, then we're wasting our time.

Mayor Gordon wanted to know the cost difference from building one court room compared to building two court rooms and could one of those court rooms be built out to where it could be utilized as a Council Chamber as well as other meetings etc. She felt that this topic was interpreted by a lot of people as questioning if the city needed two Judges, but in reality; it was just the court rooms. Mr. Packard said he felt it was Council's obligation to save money where it could be saved, especially in the face of the overruns that weren't expected. Councilman Dunne said that Manager Sutherland was in the building every day and he asked what his take was on having two courts. Manager Sutherland said that he knew that the Judges were here every other week, but then there were civil cases that go on too. Councilman Dunne asked to delay the vote until the next meeting after the additional information is received.

The meeting adjourned at 8:22 p.m. on a motion by Vice President Mosley.

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 2024 "Audio".