

**MANAGER’S CONFERENCE MINUTES**  
**Portsmouth City Council Meeting on**  
**March 11, 2024 – 6:48 p.m.**

Members present:

Sean Dunne	1 <sup>st</sup> Ward
Charlotte Gordon	2 <sup>nd</sup> Ward
Andy Cole	3 <sup>rd</sup> Ward (Absent)
Lyvette Mosley	4 <sup>th</sup> Ward
Joey Sandlin	5 <sup>th</sup> Ward
Dennis Packard	6 <sup>th</sup> Ward

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

1. **Trailer Parking on City Streets** **CM-24-15**

Manager Sutherland said that the city had received numerous complaints from all over the city and Solicitor Haas found legislation from a city in California that could be adjusted and made to serve the purpose needed.

Mayor Gordon felt that it was needed because she’s had a lot of complaints over the years about trailers on the streets. Councilman Dunne asked if people needed to apply for permits through the City Manager’s office to get an overnight parking pass? Manager Sutherland said that once the Solicitor adjusted it, the permits would be issued through the Police Department like the other permits within the city. Councilman Sandlin had noticed that R.V.’s are pulled next to the house and being hooked up to make a residence. Solicitor Haas said that they could be parked in the driveway and hooked up, but it cannot be used as a residence and if someone is doing that, it needed to be reported. Councilwoman Mosley said that she knew of a situation where a house had caught on fire and the insurance company gave the resident a R.V. which was put in her back yard until they had renovated the house. Solicitor Haas said that there will be digressions that would be allowed.

Vice President Mosley motioned to accept alternative #1.

There were no further questions or comments: **VOTE: 5 ayes – 0 nay, the legislation was moved forward.**

2. **Cultural Affairs Funds** **CM-24-16**

Manager Sutherland said that this was the Hotel/Motel disbursements. Solicitor Haas asked if this was more than the city had normally collected? Clerk Ratliff said this is one of the highest, but last years was almost \$30,000. Mayor Gordon asked if this was because we were including Air BnB’s, Clerk Ratliff replied that this was for some of the others that had started paying into the tax. Councilman Dunne asked for the amount of money that had been

collected on the Air BnB's as he would be interested in the amount that we're collecting and Clerk Ratliff advised that would be an Auditor question.

Vice President Mosley motioned to accept alternative #1.

There were no further questions or comments: **VOTE: 5 ayes – 0 nay, the legislation was moved forward.**

3. **ODNR Tree Grant**

CM-24-17

Manager Sutherland said this was a \$300,000 grant that Community Development Director Shearer applied for and the city was awarded. The intent was to use the majority of the funding for the Riverfront if the Appalachian Regional grant comes through. There is a lot of trees and landscaping that will need to be done with that project. Mayor Gordon asked if it covered landscaping too and Mr. Sutherland said that this was just for trees. Solicitor Haas asked if it needed to go through the three-reading rule, Clerk Ratliff advised that it could be passed because we're just accepting the grant funds.

Vice President Mosley motioned to accept alternative #1.

There were no further questions or comments: **VOTE: 5 ayes – 0 nays, the legislation was moved forward.**

**Discussion**

1. **Code Enforcement for Out-of-Town Property Owners** – Councilman Dunne said that Cleveland recently passed legislation because of the same issues that Portsmouth has had in Code Enforcement (C.E.) and dealing with Out-of-Town property owners, even getting in contact with them when code violations arise and it had been difficult to enforce the codes. The Cleveland Mayor had a multiple point with a local agent in charge and proponent of the legislation. They've put forth for example: If a property owner lives in Florida and has a property on 2<sup>nd</sup> Street and Code Enforcement had to get in touch with them, they've created a program where they had to nominate a local agent that would be responsible for communicating with code enforcement. The logic behind the program would give our Code Enforcement Staff someone they could speak with, just like the program in Cleveland. This would be a way for C.E. to have someone to be held responsible for the property. He had mentioned it to the C.E. staff and they seemed interested in the program. C.E. felt it would be helpful to have a zoom meeting with those responsible for passing it in Cleveland. He said it would be one more tool that could be used in addressing problem properties.

Councilman Packard had done some research and found that in Troy, New York their City Council had tried to do the same thing, but the ordinance they passed back fired because they didn't take into account owner occupancy, and part of that would be where the owners live in one part but rent out the other part and then later on, family members come to live and in one case a Grandmother was letting a Grandchild live in the apartment and they both lived there, but they fell under this rule and they were fined because they hadn't registered.

Clerk Ratliff asked to do a vote because there was a difference between the City Manager and herself at the last meeting on what to move forward, and we discussed it and thought this would be the best move going forward.

Councilman Dunne asked if everyone had read the item from Cleveland and if not, they could not vote on something they hadn't read and asked that it be put back on as a discussion item. He asked Manager Sutherland if he had forwarded it to the Solicitor and Mr. Sutherland replied that he hadn't, Mr. Dunne said that he would forward what he sent to Sam. Solicitor Haas advised that it would be helpful to send the email to all of Council to be read prior to the meeting. Mr. Dunne said that he was instructed to forward things to the City Manager and that's what he did. Clerk Ratliff asked Council to send an email to her and she would make sure all of Council received a copy. Mr. Dunne asked Manager Sutherland to forward the email that he sent him to everyone and then it could be put on as a discussion item for the next meeting.

Vice President Mosley motioned to leave as a discussion item.

There were no further questions or comments: **VOTE: 3 ayes – 2 nays (J. Sandlin, C. Gordon), the legislation was not moved forward.**

## 2. **Regulation of Recreational Cannabis Dispensaries**

Manager Sutherland said this was the one that had confusion behind it, because he didn't feel they were moving it forward and Clerk Ratliff advised in the minutes that it was to be moved forward. He asked what exactly was being legislated? Councilman Dunne said the discussion was that with the statewide legislation, there was the ability for municipalities to legislate it at a local level and the discussion at the last meeting was to have a limit of one for 10,000 residents in Portsmouth and move forward sensibly. He doesn't believe that they will have 10 dispensaries in the next year, but they don't know about the years down the road. He advised that in Oklahoma, Michigan, and California they opened the permit process and places got saturated with different dispensaries and citizens were concerned. He wasn't concerned, but some of the people he had spoken with were concerned and having a one per 10,000 people addresses the concern. VP Mosley said that she had researched this topic and, in our area, there was one Medical Cannabis Dispensary in New Boston and they've applied for the recreational license, but have not received it yet. She said that Portsmouth was a small city and to get a license to be a cannabis dispensary was very expensive and she couldn't see Portsmouth getting any more in our area right now. Councilman Dunne said that the license doesn't come out until summer and recently at Shawnee State University, they had a convention of different dispensaries from around the state and multiple people had expressed interest in Portsmouth and that was where people's concern was coming from, in talking with those that currently own dispensaries. If you look at the cost for an application and depending on if you use a consultant or not, the costs widely vary.

Mayor Gordon felt that there needed to be a legal opinion on this matter because it seemed that the city would be favoring one business if this proceeds and would create a monopoly. Solicitor Haas said that on the Ohio Municipal Attorneys Association, the discussions have been moratoriums or banning them altogether and the statute that was passed by public vote was that cities could ban it or restrict the number. He wasn't sure if that was currently an option and there wasn't anyone on the OMAA that had done a limited number, but there had

been moratoriums adopted and Rocky River was one that banned them from their city. The other option was to wait and see what state legislature does. Mayor Gordon asked for any other opinions than what had been given and Councilman Packard said that any potential revenue he would like to see go toward relieving some of the taxes or increasing some of the credits. He said that now that the paving levy passed, maybe they could do away with the tag tax. He asked if they wanted to curtail the future of (for example) Speedy Mart and convenient stores on every corner being able to sell cannabis? Solicitor Haas advised that the state would regulate the dispensaries and there would be a whole set of rules that dispensaries must abide and meet all the security requirements just like there was for current dispensaries for Medical Marijuana.

Vice President Mosley motioned to move it onto the CM agenda.

There were no further questions or comments: **VOTE: 2 ayes – 3 nays (J. Sandlin, C. Gordon, L. Mosley), the legislation was not moved forward.**

### 3. **Downtown Redevelopment Districts**

Councilman Dunne said he sent an email to a variety of people that he had spoken to but hadn't seen any replies. It was the Department of Taxation and the former Economic Development Officer that was providing advice for this topic. There seemed to be miscommunication between Manager Sutherland and not replying to emails and he didn't know if he received clarification from that group? Manager Sutherland said that the city has a CRA and a DRD which were both in play and if the developer wanted to do a project, the DRD was in play. Every one of the projects that had been done since the DRD was put in place, had gone with the CRA option because it was a better tax incentive for the developers. There were additional comments about the information that was needed by the Department of Taxation, but the Dept. of Taxation instructed as well as the former Economic Development Officer that there was a final part to establishing the districts. Mr. Sutherland said that the email stated that a form needed to be filed with the Taxation Department which was a DTE24 he asked Mr. Dunne if that was correct? Mr. Dunne said part of it was that forms needed to be filed with the Treasurer, the Auditor and they also said that the city could file on behalf of different property owners etc. and the Department of Taxation said that it hadn't been established, but that it could be backdated for one year.

Mr. Sutherland said that someone needed to provide what information they need because when all of that legislation was done, the City Clerk sent the paperwork to the folks that it needed to be sent to and everything that he's read including the Housing Study which was done in 2021 said that the city does have the DRD in play and the only paperwork that hadn't been filed was an application from any developer that wanted to go that route which was the DTE24 form. Mr. Dunne said according to the Department of Taxation and Jason Kester, there was additional work that needed to be done and he was going on the advice from the Department of Taxation for the State of Ohio, the Municipal Advising firm that was paid \$20,000 to help establish the DRD and the former Economic Development Officer He stated that he sent the group email out so that everyone knew what was being said, but there wasn't a response. Solicitor Haas said that no one had applied for the program and developers were getting 100% tax abatement from CRA and with the DRD program 70% of the taxes would go to the city instead of going to the county, but you still pay property taxes. The DRD might have been a good plan had we not had the other abatement program which had been in place

for decades and our abatement program was grandfathered in because the State of Ohio had changed their program.

Mayor Gordon said that around the state, the updated abatements all must be cleared by the school boards and they were not granting aggressive abatements and Portsmouth had a better abatement program to attract developers. She advised that since the last meeting, she's had many downtown developers pled with her to not mess with the current program because it is so generous. Mr. Dunne asked for Manager Sutherland to reply to the email and he would follow up with what they say.

Vice President Mosley motioned to move the legislation to the CM's agenda.

There were no further questions or comments: **VOTE: 0 ayes – 5 nays, the legislation was not moved up.**

Vice President Mosley motioned to accept this as a discussion item at the next meeting.

There were no further questions or comments: **VOTE: 1 aye (S. Dunne) – 4 nays, the discussion item will not be brought back as a discussion item until additional information is received.**

The meeting adjourned at 7:25 p.m. on a motion by Vice President Mosley.

Submitted by: Diara Ratliff – City Clerk - For the full audio version of the Manager's Meeting, please go to [www.portsmouthohio.org](http://www.portsmouthohio.org) under City Manager 2024 "Audio".