

**PORT CLINTON CITY COUNCIL MINUTES
REGULAR MEETING**

Due to the coronavirus pandemic, the October 13, 2020, regular meeting of the Port Clinton City Council was held at Port Clinton High School, Performing Arts Center rather than in the Linda Hartlaub City Hall Chambers. Lisa Sarty, President of Council, presided and the meeting opened at 7:30 p.m.

Mr. Below moved to waive opening formalities and proceeded to roll call; seconded by Mrs. Hickman: all agreed.

The roll was called and the following council members were present: Pat Hovis, Beth Gillman, Margaret Phillips, Roseann Hickman, Brian Hild, and Gabe Below. Jerry Tarolli was excused.

Ms. Phillips moved to adopt minutes for September 27, 2020; seconded by Mrs. Hickman: all agreed.

The chair noted certification had been received regarding the compliance with the rules and notification of this meeting.

GUEST PRESENTATION None

PUBLIC COMMENT None

PRESIDENT OF COUNCIL Mrs. Sarty advised Council that the computer before them has been provided to them by the City in case Council needs to conduct the meetings by Zoom. Please sign the paperwork accepting the computers and providing the paperwork to the Clerk of Council. Mrs. Sarty is optimistic in continuing to have Council meetings in person. She and the Administration are discussing future venues.

Resolution 20-9 the Administration asked that Resolution 20-9 be passed on the second reading.

MAYOR’S REPORT

Mrs. Sarty read the following on the Mayor’s behalf.

I attended a Kiwanis meeting and sat at a table with a fellow Kiwanian who later tested positive for COVID-19 and was contagious at the time of the meeting. The Ottawa County Department of Health recommended that five others and I quarantine until October 20, 2020.

Why was the Poggemeyer Presentation scheduled for today delayed until November 10? The high lake levels, the issues that have arisen along Lakeshore Drive and the availability of grant funding for this estimated \$4 million repair project are the primary reasons for the delay. The City as applied for \$1.5M in grant funds for ODOT; combine that with funds potentially available from the US Department of Agriculture, the City’s commitment could range from \$1.5M to \$4M. The awarding of ODOT funds in late October will provide the needed clarity for a proper course of action.

City Wide Clean-Up is slated for this Saturday, October 17 from 8:00 a.m. to 3:00 p.m., along the south side of City Hall. Enter the parking lot from Buckeye Blvd. at the Police Station entrance. Proof of residency in the City is required. Additionally, please remember that although City crews will be in attendance to load items into the dumpsters, they will not be available to remove items from vehicles.

Also on the 17th, Ida Rupp Library is holding a Shredding Party. Anyone interested in having documents shredded must call for an appointment – 419-732-3212.

Brush pick-up: This is the final week for brush pickup for the season. Leaf pickup will begin once a substantial amount of leaves fall from the trees.

Paving work will soon begin around the Derby Pond thanks to the Port Clinton Lighthouse Conservancy. Please note that although the walkway will surround the pond with an offshoot heading towards the Harrison Trail Marker, the pavement will terminate at the wetlands property line in order to comply with environmental standards for that property. Crushed stone will serve as path materials in the wetlands area.

The twin statues titled “The Lighthouse Keepers” on display near the lighthouse will soon have a permanent home thanks to \$55,000 + raised in two months by the Port Clinton Lighthouse Conservancy. The man and dog will permanently placed in their current location pending final rendering of a base.

The community is invited to a Ribbon Cutting Ceremony on Thursday, October 22 at 5:15 p.m. at MOM to mark the end of streetscape revitalizations in downtown Port Clinton. This will not only be celebration of the work completed by a kickoff to many great thing to come for our downtown area. Former Mayors, Council Members and other elected officials have been invited to attend this short ceremony. The event will take place rain or shine.

Working with Mrs. Sarty and Mr. Colston I have been speaking with a variety of venues around town large enough to hold Council meetings indoors while maintaining the required social distancing perimeters not available in Council Chambers. More to follow shortly.

Finally, Happy Birthday to my Dad, James “Snip” Snider. He turns 75 this Friday, October 16. Everyone is encouraged to honk and wave at him when you see him walking around town.

AUDITOR’S REPORT	Not present
TREASURER’S REPORT	Mrs. Sarty announced Dock tax \$27,456.75. / Bed tax \$135,663.89
LAW DIRECTOR REPORT	Not present
SAFETY SERVICE	Nothing to report
POLICE CHIEF REPORT	Not present
COMMITTEE REPORTS	Mr. Below:

Finance Committee: There will be an upcoming committee meeting to discuss suggested allocations of additional C.A.R.E.S funds.

Economic & Community Development Committee: The committee met earlier this evening. Items discussed where two Ordinances on the current agenda and food trucks operating within the City.

Reminder the Community Flag Design competition is taking submission until Monday, October 26, 2020.

Mrs. Hickman:

Environment & Public Works Committee: Nothing to present

Ms. Phillips:

Safety Services Committee: Nothing to present

Mrs. Gillman:

Arts & Culture Committee: Nothing to present

CORRESPONDANCE	Month End Reports, September 2020 / Cole Hatfield, Auditor
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Ms. Phillips moved to approve correspondence, seconded by Mr. Below; all agreed

THIRD READINGS

Ordinance 23-20

AN ORDINANCE AMENDING SECTIONS 1323.03, 1323.04, AND 1323.041 OF CHAPTER 1323 OF THE CODIFIED ORDINANCES OF THE CITY OF PORT CLINTON

Discussion: Mr. Below: Reforming the ARB - the proposal to amend the ARB ordinance was considered at the August 25 Economic & Community Development Committee and was agreed to. This ordinance would add two board members, Safety Service Director and Zoning Inspector, and designates the Zoning Inspector as the board chair. Those amendments are included.

Additionally, I sought to include a new ARB reporting requirement to Council, similar to what Council directed to the Revolving Loan Fund – but on a semiannual basis. That is included in the ordinance.

Lastly, I sought to shorten the term of board members from 4 years to 2 years, in order to increase the likelihood of finding interested individuals willing to serve, by lower the commitment, while not preventing reappointment at the end of those 2 years. Additionally, if someone becomes disinterested and unproductive, a shorter term would provide for an earlier opportunity to appoint a replacement.

Mr. Below moved to adopt Ordinance 23-20; second by Ms. Hovis.
Results of a voice roll call are as follows: Below, yes; Hovis, yes; Gillman, yes; Phillips, yes; Hickman, yes, and Hild, yes. Mr. Tarolli excused. Motion carried, 6-0: per Mrs. Sarty.

SECOND READINGS

Ordinance 24-20

AN ORDINANCE AMENDING ORDINANCE NO. 01-20 OF THE CITY OF PORT CLINTON AND ADJUSTING ACCOUNTS WITHIN THE CITY OF PORT CLINTON.

No action taken – Ordinance 24-20 will be moved to a third reading on October 27, 2020, at the regular scheduled Council meeting.

Ordinance 25-20

AN ORDINANCE AMENDING SECTION 1147.02 OF CHAPTER 1147 OF THE CODIFIED ORDINANCES OF THE CITY OF PORT CLINTON AND DECLARING AN EMERGENCY.

Mr. Below moved to retain the emergency clause of Ordinance 25-20; second by Mrs. Hickman.
Results of a voice roll call are as follows: Below, yes; Hovis, yes; Gillman, yes; Phillips, yes; Hickman, yes, and Hild, yes. Mr. Tarolli excused. Motion carried, 6-0: per Mrs. Sarty.

Mr. Below waive third required reading of Ordinance 25-20; second by Mrs. Gillman.
Results of a voice roll call are as follows: Below, yes; Hovis, yes; Gillman, yes; Phillips, yes; Hickman, yes, and Hild, yes. Mr. Tarolli excused. Motion carried, 6-0: per Mrs. Sarty.

Mr. Below moved to adopt Ordinance 25-20; second by Mrs. Hickman.

Discussion: Mr. Below - Discussion: Mr. Below: Relaxing regulations on display of political yard signs; last month I proposed to City administration amendments to the codified ordinances addressing political yard signs. I believe we all know the current rules – specifically around the timing of yard signs and number of signs per lot – see low compliance across the city.

It seems to me, more strict enforcement is not the best course of action. Rather, I propose the specific regulations of political signs be pared back, in order to provide clarity for all city stakeholders and to improve compliance, and further to promote free speech. Often a political yard sign is the only exercise of the First Amendment.

I circulated with city administration a draft ordinance providing for substantive “fixes” for current 45-day requirement, and number per lot. The Law Director reviewed that and provided this ordinance to which saw its first reading three weeks ago.

In my opinion, it is not in the City’s interest to have regulations on the books that are too often not followed (low compliance, high inconsistency in enforcement). There is a fine on the books, of up to \$100. There are clearly First Amendment protections at stake as well.

SCOTUS case in 2015, Reed v. Town of Gilbert, AZ, which had vastly different size and timing requirements for religious, political and directional signs.

Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional.

In 2016, a U.S. District Judge issued a preliminary injunction against the City of Perrysburg after the city enforced its zoning code that prohibited any temporary signs more than 60 days before and seven days after an event. The city was successfully sued by a city council candidate who, I believe, had political yard signs displayed before the 60-day time period. The city amended its zoning code in 2017.

Regulation of signage based upon its verbiage face heightened standard of review. Signs cannot be subject to more strict regulations simply because of their content – in this case, a political message in support of a political campaign or topic.

General aesthetics of the neighborhood, say by keeping the number of signs low, does not cut it.

Right now, the City has on the books a different set of rules for political signs than, say, temporary commercial signs, and I fear that could lead us to running afoul of the First Amendment if the rules are enforced.

So, let’s repeal the rules.

Results of a voice roll call are as follows: Below, yes; Hovis, yes; Gillman, abstained; Phillips, yes; Hickman, yes, and Hild, yes. Mr. Tarolli excused. Motion carried, 5-0-1: per Mrs. Sarty.

FIRST READINGS

Resolution 20-9

A RESOLUTION SUPPORTING THE PARK DISTRICT OF OTTAWA COUNTY PROPOSED TAX LEVY.

No action taken – Resolution 20-9 will be moved to a second reading on October 27, 2020, at the regular scheduled Council meeting.

BUSINESS FROM THE FLOOR

Mr. Hild – If you have a working lap top do we need to take these laptops and are they all set up?

Mrs. Ostheimer advised that the computers were purchased for Council to have access to Zoom if needed in future Council meetings. Many individuals and City Administration did not have computers with camera capability. The laptops have Microsoft Office installed and are to be used for City use only. When an individual is no longer on Council, the computer is to be returned to the City.

Ms. Phillips – Ms. Phillips advised she received a letter at her residence inquiring about many items throughout the City. Many of the items that were in question are

in the process of being taken care of. However, the letter was unsigned. In the future, she will only inquire on the status of items in the City when the enquirer has provided their contact information.

Mrs. Hickman – Nothing to present

Ms. Hovis – Nothing to present

Mr. Below – Nothing to present

Mrs. Gillman – Nothing to present

ANNOUNCEMENTS

None

ADJOURNMENT

With no further business to discuss Ms. Phillips moved to adjourn; seconded by Mrs. Hickman. With all those in favor, the meeting was adjourned at 7:54 p.m.

Sandra Ostheimer
Clerk of Council

Lisa Sarty
President of Council