

PORT CLINTON CITY COUNCIL MINUTES

REGULAR MEETING

The regular meeting of the Port Clinton City Council held in the Linda Hartlaub City Hall Chambers. Lisa Sarty, President of Council, presided and the meeting opened at 6:00 p.m.

The roll was called and the following Council members were present: Beth Gillman, Jerry Tarolli, Pat Hovis, Cathy King, Richard Morgan, Kelly Gangle and Margaret Phillips.

Ms. Phillips moved to approve regular meeting minutes for November 28, 2023; seconded by Mrs. King. All agreed.

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

GUEST PRESENTATION

None

PUBLIC COMMENT

Melanie Gard, 226 Adams Street, Port Clinton

Ms. Gard was seeking additional information on short term rentals.

1. When was short term rentals allowed in the City of Port Clinton?
 - a. Ms. Shenker advised there has been an ordinance since the 1970's.
2. Does Zoning allow income driven properties allowed in residential areas.
 - a. Ms. Shenker advised there are currently businesses located in residential areas.
 - i. Ms. Shenker advised she spoke to Mr. Bickley (Zoning Inspector) and he advised that short term rentals are not regulated by the Zoning Department. Transient Occupancy Tax (short term rentals) are regulated by Codified Ordinance, Chapter 171.
3. Repeat nuisance property – at what point does that property no longer allowed to be a short term rental?
 - a. Mr. Below advised that the current ordinance on the Agenda this evening states, that once a property has meet the threshold of three nuisance complaints (which can be of various reasons) they will be suspended. They would have fifteen days to resolve the issue. If not they can appeal to the Board of Review.
 - b. How would an operator fix partying every weekend? How do they demonstrate how they are going to resolve that?
 - i. Ms. Shenker advised that in the regulations that the operator has to have an advisory posted; and the guest are to follow the advisory. Examples: Two people per bedroom and two additional guests, parking to not exceed the number of guest allowed to stay at the property.
 - ii. The regulations are to have more accountability by the operators. The operators have to have a local contact that can be contacted and available to come to the property to assist with any issue. If the nuisance cannot be resolved, the local contact has authority to evict the tenant(s); at present the local Police Department does not have that authority.
 - iii. Once Ordinance 24-23 is adopted the enforcement rules will be addressed.

- iv. Mr. Below advised a suspension can result by having trash throughout the yard, garbage containers not properly taken off the boulevard in a timely fashion, etc. The operator has fifteen days to resolve the issues to consider having the suspension removed.

PRESIDENT OF COUNCIL

There is no new legislations this evening.

The December 26, 2023, Council meeting has been moved to December 19, 2023, at 6:00 pm.

The swearing in of all the newly elected officials will be on December 19, 2023, at 5:30 pm in the Linda Hartlaub Council Chambers; the public is welcome.

A plaque was made in honor of Linda Hartlaub (a past Council President) in 2020. A ceremony was to be conducted at the unveiling with the Ms. Hartlaub's family in attendance. Due to the pandemic the ceremony did not take place. It has recently been placed on the south wall, near the guest seating area.

MAYOR'S REPORT

Congratulations to the Ottawa County Salvation Army. Last Friday they held the Hope for the Holidays Toy Drive with 13 ABC. This was their first year participating and our community donated over 900 items. This does not include all the boxes placed throughout the County.

Thursday, December 14, 2023, the City employees will be ringing the Salvation Army Bell at the Friendship Station on Perry Street.

The Salvation Army has challenged Mayor Babcock of Oak Harbor and Mayor Snider to a ring off. This will take place at Kroger's on Friday, December 22, 2023, from 4:00 – 6:00 pm.

Friday, December 22, 2023, Journey's End walk / singing (a remake of Mary and Joseph's travels to Bethlehem) will start at Trinity Methodist Church at 6:00 pm.

Santa will be at his house on Adams Street on Wednesday, December 13th and 20th from 5:00 – 6:00 pm and also on Sunday, December 17th from 12:00 – 1:00 pm.

Yesterday, Brian Shifflet put on a cello and piano concert at The Art Garage (TAG); called Oy to the World! It was very entertaining and learned a lot about the dozen holiday pieces he played.

Tomorrow, December 13, 2023, is TAG's Open House from 6:00 – 8:00 pm. Learn about the classes, events, and artist. Visit at GPAAC.org for more information. Also, they have started a new program called "Brown Bag at Tag"; take your lunch and enjoy your surroundings.

Davis Bessie will be conducting their required outage starting February 25, 2024, for twenty-five days. There will be hundreds if not thousands of contractors, engineers, and workforce in our community.

This past weekend Camp Perry held their Winter Air Gun Championships. There were 169 participants from all over the United States.

Forward Looking Infrastructure Project (FLIP): Bond Council was asked by the USDA for some paperwork. USDA reviewed it, requested additional information from the Bond Council. All paperwork has been sent to USDA for final approval for Plan A. Plan B, will be reviewed once USDA has provided their final approval on Plan A. The City is on target to get shovels in the ground very soon. We will be going out for bid in early first quarter of 2024.

AUDITOR'S REPORT

Council received an email in reference to Moody's Investment Services announcement the City of Port Clinton being upgraded to A3 from Baa1. This credit upgrade is significant for the City's borrowing costs in the future. This upgrade comes from stabilized financial health, sound management practices, and revenue generation.

The Urban and Community Forestry Grant the City of Port Clinton was awarded \$959,000; this will be managed by American Forest. The anticipated grant will be executed in early 2024.

US Transportation Charging and Fueling Infrastructure Grant is for a variety of EV charging units that will be placed around our community; the grant accumulated total is around \$600,000. We anticipate a notice funding announcement by the end of this year.

Mr. Below, introduced Paul Christman, Economic Development Coordinator for the City of Port Clinton. Mr. Christman will be working on our current incentives and developing a pipeline of new programs and offerings. He also will be working on community development items, strategies around housing, grants and communications

TREASURER'S REPORT

- Bed Tax as of December 11, 2023: \$324,927.37
- Watercraft Tax as of December 11, 2023: \$20,730.50

LAW DIRECTOR REPORT Nothing to present

SAFETY SERVICE REPORT There may be an ordinance at the next Council meeting for the contract with Republic Services. The current contract expires on March 31, 2023. The City has to advise Republic Services within 90 days of the contract expiration day if we want to continue the contract for another year.

This week is the last week for leaf pickup for the year.

The City had received several complaints regarding the grass, weeds, and animals at the old Standard Products property on the third block of Maple Street. That has been resolved by a contractor.

POLICE CHIEF Not present

FIRE CHIEF Not present

COMMITTEE REPORTS

Finance Committee

Ms. Hovis

A committee meeting took place prior to this evening's Council meeting. Topic of discussion was Ordinance 28-23, and Ordinance 29.23.

Environment and Public Works Committee

Mr. Tarolli

The minutes from the last committee meeting on November 28, 2023, will be provided to Clerk of Council.

Safety Services Committee

Ms. Phillips

There is nothing to discuss as a committee at this time.

Economic and Community Development Committee

Mrs. Gillman

Nothing to present

Mr. Below advised that Ordinance 29-23 will have an amendment for the third reading on December 19, 2023. There will be some changes to different funding sources listed. This typically happens at the end of every year; spending is driven by revenue and the needs of the City. It is estimated that there will be four to five changes totaling \$50,000 of the \$16,000,000 budget.

CORRESPONDENCE

None

THIRD READING OF ORDINANCES AND RESOLUTIONS

Ordinance 24-23

AN ORDINANCE MODIFYING PART 7 OF THE PORT CLINTON CODIFIED ORDINANCES BY ORDAINING CHAPTER 735, "SHORT-TERM RENTALS" IN ORDER TO ESTABLISH A REGISTRATION PROGRAM AND GUIDELINES FOR THE OPERATION OF SHORT-TERM RENTALS AND DECLARING AN EMERGENCY

Ms. Phillips moved to amend Ordinance 24-23, with the following revisions, seconded by Mr. Tarolli.

- pg. 6, Section 735.04(g) removed all conditions of this Chapter; replaced with **all applicable codified ordinances**.
- pg. 13, Section 735.12(b) removed Auditor replaced with **Treasurer** with respect to the amount of the **transient occupancy** tax
- pg. 14, added **Section 735.14, Section 2. If the provisions of this Ordinance conflict with any previously passed Ordinance of any portion of any Ordinance, said previously enacted Ordinance or portion thereof is repealed or amended to the extent of the conflict.**
- pg. 14, replaced Section 2 with **Section 3**
- pg.14, replaced Section 3 with **Section 4**

Mrs. King inquired if will the City amend other ordinances (example: sign ordinance) that coincide with this ordinance?

Ms. Shenker advised that the sign ordinance will be amended along with other zoning items in early 2024. She also advised that Mr. Bickley (Zoning Inspector) will be taking the definition of “Dwelling” in the zoning ordinance to Planning Commission to consider removing “Overnight rental and occupancy of a dwelling shall be prohibited”. The Zoning Department does not regulate short term rentals.

Results of a voice roll call are as follows: Mrs. Gillman, yes; Ms. Phillips, yes; Ms. Hovis, yes; Mr. Tarolli, yes; Mr. Morgan, yes; Mrs. Gangle, yes; and Mrs. King, yes. Motion carried 7-0: per Mrs. Sarty

Ms. Phillips moved to retain the emergency clause of Ordinance 24-23; seconded by Mr. Tarolli.

Mr. Morgan inquired if he wasn’t using his upstairs bedrooms and decided to rent them out; would the two individuals to each bedroom still apply?

Ms. Shenker advised if you are renting one bedroom you can only have two individuals in that room. If you have additional accommodations upstairs in a landing with a sleeper sofa, two additional individuals could stay at your home.

Mr. Morgan inquired about pg. 3 - “Return Exemption for Long Term Rentals” – does that mean if I go to Long Term Rental, I can no longer be a short term rental?

Ms. Shenker advised no. If the owner is no longer using their property as a short term rental, they need to advise the City (Treasurer’s office) and return the short term rental certificate. The property owner then needs to contact the Income Tax Department to register as a long term rental and provided additional information. There are several registered operators that use their property as Long Term Rentals in the off season and then back to Short Term Rentals.

Mayor Snider advised that both the home owner and a long term tenant are required to register with the Income Tax Department.

Mr. Morgan inquired about pg. 11 – items that are considered nuisances. There is a complaint is noise level; does the police need to be called or can the neighbor just keep notes?

Ms. Shenker advised once Ordinance 24-23 has been adopted several individuals (Safety Service Director, Police Chief, Auditor, etc.) will meet to create those parameters. The best way for a complaint to be documented is to call the Police Department (call for service).

Ms. Shenker advised that a noise issue isn't the only violation that will be considered for enforcement. Other issues can be tall grass / weeds, an overabundance of trash (these fall under the exterior property code), trash containers are not removed from the boulevard, and junk items (washer/dryer, sofa) are left on the boulevard. The owner would receive a letter from the Administration.

Mr. Morgan provided an example of noise issue at 2:00 am; do I need to call the Police Department or just document.

Mr. Colston stated yes.

Mr. Below advised if the Police Department is not available due to other emergency within the City. The complainant should document in writing and or via video and contact City Hall the next morning. Calling the Police Department, Fire Department and or EMS is not required.

Mr. Morgan inquired about pg. 13 – "Board of Review" Has this board been set up?

Ms. Shenker that Board will be addressed after Ordinance 24-23 has been adopted, prior to March 1, 2024.

Mr. Morgan inquired if a property has received three complaints on separate dates; how are they going to show the Administration they have fixed it.

Mr. Colston stated that if it is 2:00 am you need to call the Police Department. The City has had many calls that there are bars with the music too loud. When the Police arrive the music isn't that loud. The Police will determine if it is too loud. We have to determine if there is a neighbor issue and truly not a noise complaint.

Mrs. Gangle commented on a complaint that a community had and the Police wouldn't do anything.

Ms. Shenker advised on that specific incident the owner was in Michigan and could not be reached; preventing a resolution to the incident to occur. That is why we are requiring a local contact to be available to come onsite and work through the issue. Since that incident the property has been sold, and is a short term rental with the new owners.

Mr. Below advised that there may be an occasion that the Administration contacts the operator after the first or second incident, not waiting until three incidents to occur.

Mrs. King spoke about the concern of an operator changing LLC's to re-register.

Ms. Shenker stated that when there is a change in LLC, there generally has been a sale of the property. Simply checking the County Auditor's website can confirm a new owner or not.

Results of a voice roll call are as follows: Mrs. Gillman, yes; Ms. Phillips, yes; Ms. Hovis, yes; Mr. Tarolli, yes; Mr. Morgan, yes; Mrs. Gangle, yes; and Mrs. King, yes. Motion carried 7-0: per Mrs. Sarty

Ms. Phillips moved to adopt Ordinance 24-23; seconded by Mr. Tarolli.

Results of a voice roll call are as follows: Mrs. Gillman, yes; Ms. Phillips, yes; Ms. Hovis, yes; Mr. Tarolli, yes; Mr. Morgan, yes; Mrs. Gangle, yes; and Mrs. King, yes. Motion carried 7-0: per Mrs. Sarty

Ordinance 26-23

AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES FOR FINANCIAL ASSISTANCE FOR THE OPERATION OF THE PORT CLINTON HARBOR PATROL AND APPROPRIATING FUNDS.

Mr. Tarolli moved to adopt Ordinance 26-23, seconded by Mrs. King.

Results of a voice roll call are as follows: Mrs. Gillman, yes; Ms. Phillips, yes; Ms. Hovis, yes; Mr. Tarolli, yes; Mr. Morgan, yes; Mrs. Gangle, yes; and Mrs. King, yes. Motion carried 7-0: per Mrs. Sarty

Resolution 23-13

A RESOLUTION OF SUPPORT FOR THE PORTAGE RIVER ARTS/RECREATION CORRIOR AND THE INCLUSION OF CERTAIN PROJECTS IN THE STATE CAPITAL BUDGET

Mr. Tarolli moved to adopt Resolution 23-13, seconded by Mrs. King.

Results of a voice roll call are as follows: Mrs. Gillman, yes; Ms. Phillips, yes; Ms. Hovis, yes; Mr. Tarolli, yes; Mr. Morgan, yes; Mrs. Gangle, yes; and Mrs. King, yes. Motion carried 7-0: per Mrs. Sarty

SECOND READING OF ORDINANCES AND RESOLUTIONS

Ordinance 28-23

AN ORDINANCE APPROPRIATING CERTAIN FUNDS FOR THE OPERATION OF THE CITY OF PORT CLINTON, OHIO.

No action taken – Ordinance 28-23 will be moved to third reading on December 19, 2023, at the regular scheduled Council meeting

Ordinance 29-23

AN ORDINANCE AMENDING ORDINANCE NO. 3-23 AS AMENDED OF THE CITY OF PORT CLINTON

No action taken – Ordinance 29-23 will be moved to third reading on December 19, 2023, at the regular scheduled Council meeting

FIRST READING OF ORDINANCES AND RESOLUTIONS

None

BUSINESS FROM THE FLOOR

Mr. Morgan – The beach looks wonderful.

Ms. Gangle – Nothing to present

Ms. Phillips – Advised she has advised City residents that we are working on the infrastructure project (roads).

Ms. Hovis – Nothing to present

Mr. Tarolli – Thanked the Auditors office, Administration, Income Tax Department and Council for all the work on the Infrastructure Project. It has been a long time coming.

Mrs. King – Nothing to present

Mrs. Gillman – Nothing to present

ANNOUNCEMENTS None

ADJOURNMENT

With no further business to discuss Ms. Phillips moved to adjourn; seconded by Mr. Tarolli. With all those in favor, the meeting was adjourned at 7:04 p.m.

Sandra Ostheimer
Clerk of Council

Lisa Sarty
President of Council