

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 14, 2023; seconded by Ms. Hovis. 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

None

PRESIDENT OF COUNCIL

There are three new ordinances under first reading this evening:

- Ordinance 28-23: Can go the full three readings. This ordinance will be assigned to Finance Committee.
- Ordinance 29-23: Can go the full three readings. This ordinance will be assigned to Finance Committee.
- Ordinance 30-23: Administration request Council to consider adopting at the first reading.

Ordinance 25-23: Administration requests that Council consider adopting at the second reading. This ordinance will not be assigned to a committee.

MAYOR'S REPORT

Luke Johnson, Street Foreman has advised that spot check leaf pick up will continue through the week of December 11, 2023

Santa and Mrs. Claus are coming to town. They will be at Ala Carte After Hours from 3:00 – 5:00 pm on December 2, 2023. From there they will be in the annual Lighted Christmas parade going from Second Street to Adams Street Park for the City's Tree Lighting Ceremony. Santa will be at his house on the following dates: Sunday, December 3rd, 10th and 17th from 12:00 – 1:00pm. In addition to Wednesday,

December 6th, 13th, and 30th from 5:00 – 6:00 pm. Dogs and cats are welcome, absolutely no snakes and spiders!!!

City of Port Clinton & Park District of Ottawa County are conducting a Recreational Amenities Survey and Plan. Please share this with all your friends and family to participate. You don't have to be a resident of Port Clinton to participate. On November 30, 2023, there will be a public open house on this topic for discussion with the community and see how they would like to proceed with our parks. The meeting will take place at The Art Garage, 317 W. Perry Street, Port Clinton, starting at 7:00 pm.

Friday, December 8, 2023, the Salvation Army at 1835 E. Perry Street will be hosting the Salvation Army Toy Drive from 6:00 am – 6:30 pm. You can bring an unwrapped new toy for kids. 13 ABC will be broadcasting there from 7:00 am – 1:00 pm.

Thursday, December 14, 2023, the City of Port Clinton will be ringing the bell for Salvation Army at Friendship gas station on the corner of Perry Street and Buckeye Blvd. If you would like to participate, please contact Sandye Ostheimer at 419-734-5522, extension 239.

There has been several squad calls recently for difficulty breathing. Mayor Snider reached out to Nick Marsico of Magruder Hospital to discuss COVID, Flu and RSV. Mr. Marsico advised the Flu is here early. Recommends highly to get your Flu, RSV (for seniors) and COVID.

Mr. Tarolli inquired why the gazebo has cones on the steps of the Adams Street Gazebo. Administration will look into it and advise.

Mr. Morgan inquired when leaves pickup will stop. Mr. Colston advised the week of December 11th will be the last week of leaf pick-up. If it snows, leaf pick-up will end earlier.

AUDITOR'S REPORT

Not present

TREASURER'S REPORT

Mrs. Ostheimer provided the following in Mr. Brenner's absence:

- Bed Tax as of November 17, 2023: \$319,763.14
- Watercraft Tax as of November 17, 2023: \$25,678.07

LAW DIRECTOR REPORT Nothing to present

SAFETY SERVICE Nothing to present

POLICE CHIEF Not present

FIRE CHIEF Not present

COMMITTEE REPORTS

Finance Committee

Ms. Hovis

Next Finance Committee meeting will be December 12, 2023, at 5:30 pm.
Topic of discussion: Ordinance 28-23 and 29-23.

Environment and Public Works Committee

Mr. Tarolli

Had a committee meeting prior to this evening's Council meeting. The committee voted 3-0 to recommend Council to adopt Resolution 23-13 at its third reading.

Safety Services Committee

Ms. Phillips

There will not be a December committee meeting.

Economic and Community Development Committee

Mrs. Gillman

A committee meeting will be held after this evening's Council meeting.

CORRESPONDENCE

Architectural Review Board meeting minutes, October 12, 2023

Community Reinvestment Act Tax Application Letter, November 20, 2023, provided by Todd Bickley, Housing Officer

Ms. Phillips moved to approve the correspondence as presented; seconded by Mr. Tarolli. All agreed

THIRD READING OF ORDINANCES AND RESOLUTIONS

None

SECOND 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 Mrs. King.

1. Makes various practical improvements for property owners and city hall while still promoting public health & safety.
2. Directs registration fees to be deposited in the City's General Fund.
3. Establishes and clarifies that a registration year begins March 1 and concludes February 28, moving the expiration date from December 31 to February 28.
4. Allows renewal period for the following year beginning November 1 through February 28 – a four full months as opposed to an unrealistic rush come late December.
5. Establishes the Auditor as the executive officer managing the registration and certification program.
6. Amends sections pertaining to declaration of nuisances, suspensions, revocations, clarifying that alleged violations are to be considered, and penalties issued, with the concurrence of Safety-Service Director.

No action taken – Ordinance 24-23 will be moved to third reading on December 12, 2023, at the regular scheduled Council meeting

Ordinance 25-23

AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) TO OBTAIN NEW BUOYS THROUGH THE ODNR NAVIGATIONAL AIDS GRANT

Mrs. Gillman moved to waive the three required readings for Ordinance 25-23; 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

Mrs. Gillman moved to adopt Ordinance 25-23; 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.

No action taken – Ordinance 26-23 will be moved to third reading on December 12, 2023, at the regular scheduled Council meeting

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

No action taken – Resolution 23-13 will be moved to third reading on December 12, 2023, at the regular scheduled Council meeting

FIRST 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 second reading on December 12, 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 second reading on December 12, 2023, at the regular scheduled Council meeting

Ordinance 30-23

AN ORDINANCE ESTABLISHING THE SALARIES OF CERTAIN SUPERVISORY POSITIONS CLASSIFIED AS EXEMPT EMPLOYEES OF THE CITY OF PORT CLINTON, OHIO, AND REPLACING ANY PREVIOUS ORDINANCES REFERENCING SALARIES FOR CERTAIN EXEMPT EMPLOYEES AND DECLARING AN EMERGENCY.

Ms. Hovis moved to waive the three required readings for Ordinance 30-23; seconded by Ms. Phillips.

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. Hovis moved to retain the emergency clause for Ordinance 30-23; seconded by Ms. Phillips.

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

Mrs. Gillman moved to adopt Ordinance 30-23; 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

BUSINESS FROM THE FLOOR

Mrs. Sarty - The December 26, 2023, Council meeting will be moved to December 19, 2023, 6:00 pm. Prior to the December 19, 2023, Council meeting the newly elected officials will be sworn in at Port Clinton City Hall, Linda Hartlaub Council Chambers. Please advise Mrs. Ostheimer who you will have with you at the swearing in.

Mr. Morgan – Are the rocks that are exposed at the City Beach going to be removed in the near future.

Mr. Colston advised that we had equipment brought in today. The rocks are frozen and could not be moved. After further investigation, rocks that we had removed this past spring / summer; new rocks have filled in from the lake. Many years ago, things were dumped in that area. “We are dog chasing our tail on this issue”. There is no way to control Mother Nature.

Mr. Colston - Advised that Lucas Johnson checked the Adams Street gazebo and does not know why there are cones on the steps. He has removed them.

Ms. Gangle – Spoke about research she had done on short term rentals in our current and proposed ordinances. The short term rental (proposed ordinance 24-23) refers to the transient occupancy tax ordinance. The transit occupancy tax ordinance refers to “Hotel” as 5 or more rooms. Then she went to the Zoning ordinance to determine what hotel would be defined as. The zoning ordinance defines hotels, motels, and bed & breakfast; but not short term rental. How does short term rental fit into our current zoning ordinance and zoning areas? As you read the zoning ordinance today all short term rentals in residential areas goes against how the ordinance is written.

Ms. Shenker believes short term rentals have never been defined in any existing ordinance. There are current ordinances that are outdated and need to be updated.

Ms. Shenker advised when something is not defined in our ordinances or codified ordinances the City refers to the Ohio Revised Code, due to the City of Port Clinton being a Statutory Municipality. The prior Law Director took the definition of “one or more rooms” and placed it in the Transient Occupancy Tax ordinance. She does not understand why we would wait to revise the Zoning Ordinance. Ordinances are not meant to be cross referenced.

Ms. Gangle stated that the zoning ordinance as of today states short term rentals are not defined or allowed in residential areas. We need to update our ordinance to reflect short term rentals for clarity.

Ms. Shenker recommends speaking to Mr. Bickley about any zoning questions.

Mrs. Gillman stated we need clarification and definition where they are allowed. Mrs. Gillman recommends that Mr. Bickley come to a meeting to provide clarity.

Ms. Shenker advised that Ordinance 24-23 does not dictate where a short term rental is located. In a past committee meeting Ms. Phillips proposed that additional conversation may be needed in a year or so; to determine if additional regulations need to be implemented.

Mrs. Gangle further stated she has no issue with proposed Ordinance 24-23. When doing her research she discovered in the zoning ordinance that short term rental is not defined. That is states overnight rental is not allowed in residential areas.

Ms. Shenker recommended that Mrs. Gangle take the information to the Planning Commission for review. If the Planning Commission agrees they will write a letter of recommendation to Council. Once Council receives the recommendation the law director will need to create amended legislation, a public hearing will need to be scheduled; in addition to three readings before Council.

Ms. Phillips – Friends of Ms. Phillips were in town recently and were very impressed on how the town looks and the lights.

Ms. Hovis – Nothing to present

Mr. Tarolli – Inquired on the status of the Infrastructure project.

Mayor Snider advised that the USDA asked our Bond Council for further documentation. That is still in process.

Mrs. King – Ordinance 24-23 – very concerned about the definition of bedroom / sleeping area. Shouldn't a bedroom meet zoning rules; must have window?

Ms. Shenker advised the original ordinance specifically defined a bedroom; that definition has been removed. That definition stated the bedroom had to be a minimum of 70 square feet, have a window, and a closet. That definition came from the Ohio Realtors Association. It was specifically put in the ordinance to define what a bedroom is. Mr. Below removed it, and I believe the Safety Service Committee endorsed it this evening.

With the removal of the definition of a bedroom it is a free for all to make any room a sleeping room. You could have too many people in a small home. By having a clear definition it controls how many people can safely be in a home. Example: A three bedroom home – each bedroom can have two people and up to two additional people in the living room. The maximum people staying at the home would be eight people. Without the definition the number is unlimited. Some people had concerns, for some of the homes are using basements as a bedroom. Which can put people in danger if there was a fire and the door to get out of the basement is hot to the touch; you need a window that you can safely get out. To be a bedroom you need a way in and in way out for safety. Ms. Shenker stated she was not a part of the amendment change, she could not say why it was taken out.

Mrs. King inquired if it could be placed back into the ordinance.

Mayor Snider stated he had several private conversations with Mr. Below, and he feels it was truly an error when the definition of a bedroom was removed. He suggested to Council to make a motion to have the definition of a bedroom placed back in the ordinance; whether it is today or next week.

Mrs. King moved to amend section 735.01 (c) of Ordinance 23-24 to include the previous definition of a bedroom; seconded by Mr. Tarolli.

Mr. Morgan stated that Mr. Below removed it for a reason. He feels before we change it we should have a conversation with him.

Mayor Snider stated he believes it was an oversight. It is your decision of Council to decide what you want to do.

Ms. Shenker stated it was Mr. Below who removed and agreed that we should wait until Mr. Below is available to talk to.

Mrs. King feels they should proceed with the amendment. If Mr. Below has a valid reason he removed it; it can be amended at the third reading.

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

Mrs. King inquired how Responsible Local Person benefits the City.

Mayor Snider advised that the local person can do is evict the tenants if necessary.

Ms. Shenker advised a large majority of the short term rental owners live out of the City or state of Ohio. The Police Department can only file charges, not evict the tenants.

Mrs. King inquired if the responsible local person is provided to the Police Department?

Ms. Shenker advised the home owner is required to list the responsible person on the back of the front door. The responsible person has be within in one hour away.

Mrs. King inquired about section 735.01 (k) "Nuisance".

Ms. Shenker advised that was amended by Mr. Below, you will need to consult him.

Mrs. King inquired is it possible to add a cap for the new short term rentals in residential areas. She stated that certain parts of town are meant for tourism (condos along Lakeshore Drive). Doesn't feel that the residential neighborhoods are suitable. She has received some concerns from community members as well.

Ms. Shenker advised that the City of Port Clinton is a Statutory Municipality not a Charter. Other communities for example Huron, Sandusky, and Toledo that have set caps are Charter Municipalities.. Being a statutory municipality the City of Port Clinton has to follow the Ohio Revised Code (ORC). The ORC does not state either way if we can or can't cap short term rentals. When you have a Charter you are writing your own rule book. She cautioned with this request, for the City could be sued. Council needs to decide if you want a cap on new short term rentals. Ms. Shenker strongly cautions on this subject, for the City could be attacked and or sued.

Mrs. Gillman – Agreed with Mrs. King in the suggestion of placing a cap on new short term rentals.

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ANNOUNCEMENTS None

ADJOURNMENT

With no further business to discuss Ms. Phillips moved to adjourn; seconded by Mrs. King. With all those in favor, the meeting was adjourned at 7:13 p.m.

Sandra Ostheimer
Clerk of Council

Lisa Sarty
President of Council