

**MANAGER’S CONFERENCE MINUTES**  
**Portsmouth City Council Meeting on**  
**February 13, 2017 at 7:00 p.m.**

All members of Council were present, Manager Allen and City Clerk Ratliff.  
Solicitor Haas and Auditor Williams was absent

1. **Acceptance of JAG Grant for In-car cameras** **CM-17-08**

Manager Allen said that we would be purchasing 5 in-car cameras and matching it with monies out of Fund #225 and that it would not be a General Fund expense. It would be from special funds related to the Police Department.

Mayor Kalb ask how they came up with the figure for the additional amount for the Police Department and Manager Allen said he wasn’t sure and that maybe it was capped at a certain dollar amount, but it may be a percentage. Mayor Kalb asked if we had in-car cameras currently and Manager Allen said “yes” we do but we do not have body cameras

Councilman Kevin W. Johnson motioned to accept Alternative #1

There were no further questions or comments: **VOTE: 6 Ayes – 0 Nays**

2. **Acceptance of Jag Grant for Drug Task Force** **CM-17-09**

Manager Allen said this was the acceptance of a JAG grant for the drug task force.

Councilman Kevin W. Johnson motioned to accept Alternative #1

Councilman Meadows requested an explanation of what the second paragraph meant when it stated “to provide confidential funds to the Task Force”. Manager Allen said that some of it may be money to buy drugs and Mr. Meadows remarked that maybe it was money to pay the confidential informants and Manager Allen said that could be it too, but he wasn’t privy to that information since it was supposed to be vague given that it involved the Drug Task Force. Mayor Kalb said he looked at the figures and it was approximately 1/3 of a percent. He also asked if we still had the program where property was seized if there was a drug bust and Councilman Meadows answered that it was still in effect, but Manager Allen stated that there had been talk about overturning that so that cars and other properties couldn’t be confiscated. Mr. Meadows said that other statues were being worked on to protect the innocent third parties which he felt it was being approached incorrectly, because there were provisions that protected the third party but required a lawyer be hired to pursue a lawsuit if you’re the innocent third party. Councilman Kevin W. Johnson said it was an unfortunate situation as he has read stories from across the country on some of the outrages things that certain agencies have done and can’t imagine being in a position of having to obtain an attorney to protect their rights. He added that this was not happening locally.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

3. **Donation of a Marked Police Cruiser to SCCTC** **CM-17-10**

Manager Allen said they would donate a marked police cruiser to the Scioto County Career Technical Center for use in their Criminal Justice program. He said that the City had hired graduates of this program for the Police Department. The vehicle had a rusted out floor board and their intent was to have the auto body class at the school make those repairs and then the car would be available to use in their training program for police students. It wouldn’t be anticipated that we would receive a lot of money for the car at auction and would be a good act of kindness to the local school system.

Councilman Kevin W. Johnson motioned to accept Alternative #1

Mayor Kalb asked why it would need to be a marked vehicle and Manager Allen said the markings would be removed and “equipped” would have been better wording.

There were no further questions or comments: **VOTE: 6 Ayes – 0 Nays**

Councilman Kevin W. Johnson requested that one motioned be made on CM-17-11 through CM-17-18 after discussion was complete.

4. **Code Cleanup Chapter 735.04 Garage Sales** **CM-17-11**

Manager Allen said Police Chief Ware notified him of conflicting language and when he reviewed it, he found that a sentence was added during Conference Agenda that wasn't in the original and he failed to go back to see if it caused any problems. It conflicts with other language in 735.07, we added that there would be a three day limit and two per calendar year limit.

Councilman Kevin W. Johnson motioned to accept Alternative #1

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

5. **Code Cleanup Chapter 1501.01 (a) Fire Code** **CM-17-12**

He had asked Chief Raison to go through the fires codes and he would like Solicitor Haas to review before it goes to three readings. According to Chief Raison these were the changes required or necessary because we do not follow the 1992 edition of the Ohio Fire Code. It stated that we should comply with the standards of the NFPA which we do not follow because they require four people on a fire engine and we run two because we cannot afford four, therefore our code shouldn't say that we follow NFPA standards.

Councilman Kevin W. Johnson motioned to accept Alternative #1

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

6. **Code Cleanup Chapter 1511.01 Open Burning** **CM-17-13**

Manager Allen said that this appeared to be a reprinting of the Ohio Administrative Code. We would refer to the Ohio Administrative Code in place of reprinting it because it was redundant. Mayor Kalb said that Councilman Lowe had a question about Agricultural waste and he didn't have an answer but that it would probably be best to ask when Solicitor Haas was here. Manager Allen said nothing was being changed, it would just refer to the Ohio Administrative Code instead of reprinting the OAC and the same goes for the following CM-17-13 through CM-17-17.

Councilman Kevin W. Johnson motioned to accept Alternative #1

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

7. **Code Cleanup Deleting Chapter 1511.02** **CM-17-14**

See #6 comments.

Councilman Kevin W. Johnson motioned to accept Alternative #1

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

8. **Code Cleanup Deleting Chapter 1511.03** **CM-17-15**

See #6 comments.

Councilman Kevin W. Johnson motioned to accept Alternative #1

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

9. **Code Cleanup Deleting Chapter 1511.04** **CM-17-16**

See #6 comments.

Councilman Kevin W. Johnson motioned to accept Alternative #1

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

10. **Code Cleanup Deleting Chapter 1511.05** **CM-17-17**

See #6 comments.

Councilman Kevin W. Johnson motioned to accept Alternative #1

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

11. **Code Cleanup Chapter 1511.03 Fees** **CM-17-18**

Manager Allen said the fees were changed in this section. The last time they were changed was 1991 and the major ones were: **1.** We don't charge for In-Service training or copies of fire reports. **2.** We would like to charge for fireworks in the amount of \$250.00.

Councilman Kevin W. Johnson motioned to accept Alternative #1

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

12. **Poggemeyer Amendment for Multi-Use Path** **CM-17-19**

Manager Allen said this was an amendment to the multi-use path. He said in 2014 (may have been listed as Connex/Bike Path) this was listed in the General Fund and then carried over into 2015 with an additional \$25,000. There was \$50,000 in the account and entered into an agreement in February of 2016 at a cost of \$33,300 to design a multi-use path which consists of: Alexandria Point to Front Street, underneath the Grant Bridge through Shawnee State University but not on their property, it would be on the flood defense property, behind the SSU Soccer Field and over to Offnere Street over the levee. We had made application last year to ODOT because there was \$41,000,000 worth of construction projects and they only funded \$11,000,000 in which we were not selected. He said there was some additional things that needed to be completed and a change order for \$20,000 put it over \$50,000 and since Council didn't appropriate more than \$50,000 because we didn't carry over anything past the \$33,300 of the \$50,000. He wanted to make sure Council was aware to approve and appropriate the \$20,761.90. He said they were applying this year to ODNR and ODOT for funding of the path.

Councilman Kevin W. Johnson motioned to accept Alternative #1

Mayor Kalb ask if Connex was involved and Manager Allen said that they had nothing to do with this but that they were promoting bicycling and had money that they wanted to spend on projects. At a later time, it may be recommended that Connex donate to another bicycle project, but this was 95% grant. Mayor Kalb said that Connex had come and wanted a bike path and wanted to change signs. Manager Allen said Connex learned early on that they did not have the authority to mark our streets or post signs, so the City has taken the lead on the project.

There were no questions or comments: **VOTE: 5 Ayes – 1 Nays (T. Lowe)**

Manager Allen said that this had come up on several occasions and he would like to move forward or decide what we want to do about the encroachment. He has reviewed the city records and cannot find anything from 2007-2008 which would have been for the baseball diamond and the track which was built around 2012. He pulled the layout from the G.I.S. system and the encroachments appears to be beyond the fences. He said there was an actual structure behind the bleachers on the baseball field and the indoor batting cage and part of left field was in the city's right-of-way. He said the fence seemed at the track encroaches and he believed some of the track may be on the city's right-of-way. He would have to hire a surveyor to confirm exactly where the property's right-of-way began. He said Solicitor Haas was a representative of both the City and the Schools and had written a letter that he was conflicted out and upon getting a surveyor we would have to hire an attorney to help us figure out what we want to do with this on terms of an agreement. He added that this was not included in the budget and had no estimates on the cost to survey Findlay Street and Ninth Street or the cost of an attorney. Mayor Kalb ask Council if it would be alright to do questions and answers before a motion was made and Council agreed. Councilwoman Aeh said that when Mr. Wolfe encroached on 2<sup>nd</sup> and Court Street, it did not require any citizen to complain or a surveyor, and the Manager did exactly what he should have done which was to contact the owner. He gave him options, Mr. Wolfe came to Council and Council passed an Ordinance which authorized the City to enter into a lease agreement which was the option he had chosen. She said it doesn't take a surveyor to go up there to look and see these encroachment because they were obvious and she would not agree to take taxpayers money to pay for a surveyor. She recommended doing the same thing to the Schools that we did to Mr. Wolfe. She added that there was an egregious encroachment on the north side of Ninth Street where the softball field was located. She showed the plat where streets and alleys were vacated in 2007 in Ordinance #54 and it was amended in Ordinance #83 of 2007 to allow them to divide it into two Phases. Everything south of Eight Street was Phase I and everything north of Eight Street was Phase II and it didn't change what was being vacated.

Mayor Kalb said that he didn't believe that it was our responsibility to hire a surveyor and if they contradict what we've requested and since they've said they had permission it should be up to them to produce the documentation or hire a surveyor. Mrs. Aeh said that it would've had to go through the planning commission and then to Council. She said the schools owned where the softball field was located but there was no ordinance vacating sidewalks along Findlay Street or the south side of Ninth Street. These encroachments were a nuisance because you have to stroll your baby out into the street and motorized wheelchairs cannot get around the fire hydrant. She said that everyone should be treated equally and that fifty-seven percent of our property taxes go to the schools, and twenty percent goes to the city and she wasn't in favor of spending any of the twenty percent to get a surveyor and attorney. Manager Allen said the difference between Mr. Wolfe and the schools was that Mr. Wolfe built something in the public right-of-way on his watch and it didn't require a survey because the downtown has a zero setback and the front of the building was the right-of-way and it was very obvious from the façade of that building, that it was built into the public right-of-way. Mr. Wolfe was given the choice to tear it off or pled his case to Council to see if they would negotiate something or pay rent. The only other issue that has come up was the Kennel Lodge and their bank was requiring information for funding. The plat had showed that the building was built in the public right-of-way in 1850 and he wouldn't have messed with it but the Kennel Lodges funding was held up and we were doing them a favor. In the meantime, they came up with documentation that the bank was satisfied with and no longer required Council to be involved.

Manager Allen stated that he had not gone around to the historical district and said this or that happened 20-30 years ago, but if he ties the same logic to the schools as Mr. Wolfe then they would have to tear everything down and move it out of the right-of-way. He would imagine that the baseball complex couldn't have been built on that site without being on the public right-of-way. Now that this has been brought to his attention and if they were going to pursue it, they would need to move everything out of the public right-of-way or Mrs. Aeh said pay a lease comparable to what Mr. Wolfe was paying. Mr. Allen

said that if we're the moving party, we have to prove that they were in the public right-of-way. Mrs. Aeh said that she believed that it should be discussed with the schools to see if they would be willing to pay a lease. Mr. Allen said "if they pay a lease, how does that help the person in a wheelchair". Mrs. Aeh said they would still have to move the encumbrances because they created them.

Councilman Kevin W. Johnson requested that Manager Allen asked the School Board for their records of approval before we proceed any farther on the topic. Mr. Allen said he met with the School Superintendent and Solicitor Haas called the School Board with no results. Mayor Kalb said that we had a responsibility as a city to preserve and protect the property of the city which was the taxpayers and if we're just giving it away, that doesn't fair well for the city. Councilman Kevin E. Johnson asked Councilmembers if they remembered the Fisher Apartments or the old Majestic Carpet Building or the houses that used to sit there that were run down, and some were drug houses. He said now we have ball fields where we see our kids and our Grandkids playing ball and we see families gathering which he would much rather see than what we had there before. He said he understood that there was a pole and a fire hydrant in the middle of the sidewalk and it was an inconvenience, and life is an inconvenience sometimes and gave some examples. He said that maybe we should talk to Mr. Dutey to see if they would be willing to move a pole or make the sidewalks more accommodating. Mrs. Aeh said that we must treat everyone equal and Councilman Kevin W. Johnson responded that we're trying to go back in history and correct something they may or may not have been approved many years ago and he would vote against going after any lease payments. Councilman Kevin W. Johnson said that from our standpoint that was history, but what he would like to see done was the obstacles removed from the sidewalk and if Council starts trying to go after everyone to correct a lot of issues in this city, we're going to have a long run and he didn't believe it fair to anyone after that length of time. Mayor Kalb said that he doesn't think we should go out and look for things like that, but when they come to our attention, we have no choice but to address them. Councilman Meadows said these were separate issues and nothing alike, the Restaurant and the Kennel Lodge are For-Profit businesses and the schools are Non-Profit taxing district and he believed there was a huge difference. He said the School Board and the City were supposed to be on the same side. Councilman Kevin E. Johnson said it should be future issues not issues from the past. Mrs. Aeh said she didn't think the taxpayers should have to pay for moving those encumbrances which need to be moved. Councilman Meadows said regardless whether it's the school or the city, the taxpayers would be paying for it no matter which entity does it. Mrs. Aeh said that they should use their part of the tax dollars to move the encumbrances. Councilman Kevin W. Johnson asked Mr. Meadows if the School Board could survive an ADA lawsuit regarding these issues. Mr. Meadows said it would be the City that got sued because the School Board wasn't violating any laws but the city was because it's on city property. Mr. Allen stated that he didn't live here during the time in question and ask those that did if these structures got built and no one noticed and why it wasn't question during that time frame. Mayor Kalb said he knew they were building a baseball field but he didn't know their plans. Mrs. Aeh said she was employed with the city at the time and when she went by the softball field she told the Engineering Department that they were building out on the sidewalk and her assumption was that they got permission to do it.

Councilman Kevin E. Johnson motioned to accept Alternative #3 take no action.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

14. **Multi-Way Stop at Grandview and Dorman**

**CM-17-21**

Manager Allen referred to the warrant analysis and the traffic warrants were not met because there's only been one accident in the past four years. He added that we don't have the equipment to do a traffic count but he would ask the County Engineer to see if they would loan out the equipment to do a study and if they don't have it then we will have to hire someone to come do a traffic count. Mrs. Aeh remarked that this issue should go to the traffic committee first before bringing it to Council. She said that it was not recommended 7 or 8 years ago when the issue went to the traffic committee and the Chief of Police. She would rather see it go before the traffic committee and let them make the decision whether to bring it

forward. Mayor Kalb stated that he didn't see two additional stops on Dorman doing anything but backing up traffic. Councilman Meadows said that there was a stop sign coming down Dorman and Circle Drive which made no sense. Mayor Kalb had ask that question before and was told it was to slow traffic down. Mr. Meadows said that it would be better served at Dorman and Grandview and not at Circle Drive. Manager Allen said he would forward it to the Traffic Committee.

Councilman Kevin W. Johnson motioned to accept Alternative #3 take no action.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

15. **Review of Adopt-A-Park Program**

**CM-17-22**

Manager Allen said he was asked to give a report in April about the Adopt-A-Park program. He said that no one was participating in this any longer except for Knight of Columbus which did some work at Mound Park, however they were using Roundup which you're not allowed to do without a spray license and the other groups were not following through with their commitments. He excluded the work that Mayor Kalb does at Mound Park. Councilman Kevin W. Johnson said that Main Street Portsmouth took care of Alexandria Park and we all want Adopt-A-Park to continue but if it's to continue, Council needed to be informed at least once a year. He asked Manager Allen to direct Mr. Beaumont to provide the media with a list of Parks that were available for adoption.

Councilman Kevin W. Johnson motioned to accept Alternative #1

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

16. **Housing Revolving Loan Fund**

Removed from Agenda

**CM-17-23**

17. **Discussion regarding ICMA**

Councilman Kevin W. Johnson stated that he would like to introduce an ordinance to amend section 8 of the City Manager's contract "Professional Organization/Education" to Employer agrees to pay for participation in ICMA Leadership Institute Activities. Mayor Kalb said he didn't have a problem with it but did not know what the cost were and how many programs there were because they might be committing to \$50,000 per year, he knows that was not a real amount but used it as an example.

Manager Allen said he was only planning on doing one per year and one of them was for a weekend which was about \$800.00. Mayor Kalb said that it would help if he provided Council with a list of what he was currently receiving as far as further education. Manager Allen said originally it was \$1,000 for a class in Columbus and he scaled that back because he was going to ICMA's Annual Conference. The idea was to get 40 hours of continuing education and he could go to Ohio State and take four classes which was 32 hours but when he started going to the annual conference he scaled it back and only did two per year as opposed to the four that were in his contract. He said he's already missed the registration for 2017 because it's the Leadership Institute and it had to be turned in by March.

Councilman Kevin W. Johnson motioned to accept Alternative #3 take no action.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

18. **Discussion regarding Emergency Tear Down Fund**

Mayor Kalb said this was requested during Council's meeting and was suggested that the City needed to create a fund for emergency tear downs. Manager Allen said if the house was delinquent they would go

through the emergency land bank and use the \$3,200,000 and if there were houses that were delinquent, then we would tell the Land Bank those were our priorities. There were some drug houses that we've been dealing with that weren't tax delinquent that were condemned and should be torn down. He said that if the situation arises he would bring it before Council on a case by case basis.

Councilman Kevin W. Johnson motioned to accept Alternative #3 take no action.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

**19. Discussion regarding increasing Northend Super Reunion Fund**

Manager Allen said that Auditor Williams informed him that we've always given them \$2,000 and he believed they'd be happy with the extra \$500. We've budgeted \$2,500 in lieu of the \$3,500 that they're asking for. Councilman Meadows said that we should stick to our budget at \$2,500.

Councilman Kevin E. Johnson motioned to accept Alternative #3.

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

The meeting adjourned at 7:50 p.m. on a motion by Councilman Kevin W. Johnson

Submitted by: *Diana Ratliff* – City Clerk