

**MANAGER’S CONFERENCE MINUTES
Portsmouth City Council Meeting on
April 25, 2016 – 7:11 p.m.**

Present were all members of Council except Gene Meadows who was excused, David Beck for Solicitor Haas, Manager Allen, Auditor Williams and City Clerk Ratliff

Presentation – Portsmouth City Health Department

Manager Allen stated that the presentation was not on the agenda but the first item, the Health Department would like to have a discussion. Health Commission Chris Smith stated that this was in response to Councilman Kevin W. Johnson’s request to know how the Health Clinic was doing. He introduced Christine Thomas – Nursing Director and Tiffany Wolfe – Nurse Practitioner.

Christine Thomas stated that the City Employee Clinic was started in January 2014. There has been an increase with City Employees as they are utilizing the clinic Monday – Thursday from 8-00 – 4:30 because they can visit during the work hours. She stated that in 2014 there were 357 visits which were strictly City Employees and 2015 that number went up to 380 and so far this year January through March, the number was 138 total visits for City Employees and she estimated that number for 2016 to be 552 based on the first quarter. She said there were approximately 258 City Employees and including family members that number jumps to approximately 700-800 people on the City Insurance. The members they have seen from March of 2015 to April 2016 was 154 unduplicated employees or family members that have utilized the clinic. They started an electronic health record in March of 2015 and began using it with the City Employees in March and were now able to keep better records, track diagnosis and get a better breakdown.

Tiffany Wolfe said that she loved taking care of City Employees and that it was the highlight of her day because her background was in primary care. Working in the Health Department she feels like a “Jack of all Trades” but it was nice to do primary care. They treat numerous illnesses such as diabetes or the basic cold; she gathers background on the patients’ health history which sometimes calls for additional screening and saves a lot of cost for the City. She believed that they’re starting to gain the trust of the City Employees and they get to know her and hopefully these numbers will grow.

Commissioner Smith briefly went over the numbers:

Visit Type	1 st Quarter 2015	1 st Quarter 2015	Total Reduction
Primary Care Visit	235	145	90 (38%)
Primary Care Claims	\$14,950.00	\$12,259.00	\$2,691 (18%)
Specialty Care Visit	992	683	309 (31%)
Specialty Care Claims	\$129,179.00	\$73,075.00	\$56,104 (43%)
E.R. Visits	39	16	23 (59%)
E.R. Room Claims	\$61,045.00	\$20,901.00	\$40,144 (66%)
Outpatient Visits	306	172	134 (44%)
Outpatient Claims	\$261,218.00	\$113,090.00	\$148,128 (57%)
Total Claims	\$466,392.00	\$219,325.00	\$247,067 (53%)

He said if this trend holds, it’s possible that we will save \$1,000,000 in claims from this year to next year. That doesn’t mean the city saves a million dollars but when the City Manager goes to negotiate the contract for next year, the health insurance care about claims and when our claims are in the millions he has a very hard time negotiated a good price. This may not get the City a discount but hopefully the price won’t go up 20% every year. He said they are in the clinic Monday –Thursday 8:00-4:30. Manager Allen said there had been success stories from the clinic as they had one employee that had not been to a doctor and he went to the clinic and the employee now says that it saved his life.

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1. Transfer of Unclaimed Monies

CM-16-28

Manager Allen stated that the City did this in 2014 as part of the beginning to our financial recovery plan and in order to find every dollar that's was available. He referenced Ordinance #41 of 2014 and that the money was moved from 1995 through 2010 and at that time the decision was made to transfer the monies on an annual basis, but in 2015 it was skipped so they are moving years 2011 and 2012.

Councilman Kevin W. Johnson recommended alternative #1 to transfer \$11,109.19 from Unclaimed Monies Fund #803 into the General Fund #101.

There were no questions or comments. VOTE: 5 Ayes – 0 Nays

2. Flood Defense Levy

CM-16-29

Auditor Williams said this proposed legislation was to send a request to the Board of Elections to renew the flood defense levy. Two months ago, Council took action on this to have the County Auditor certify the amount necessary for renewal and replacement which was the preliminary step required to put a levy back on the ballot. Now Council needs to approve legislation to put the flood defense levy back on the ballot for renewal.

Councilman Kevin W. Johnson stated that this is standard and is done every 5 years and he recommended alternative #1 to approve the request.

There were no questions or comments. VOTE: 5 Ayes – 0 Nays

3. ODOT Agreement Westbound US 52 (FY 2018)

CM-16-30

Manager Allen said that this was preliminary legislation through ODOT as they plan to resurface Westbound US 52 through Portsmouth and the project was scheduled for FY 2018 which begins July 1, 2017 through June 1, 2018. This was not the final legislation nor did it have cost estimates, it just requests to move forward. He made everyone aware that the first section contained a match of \$300,000 in which the City utilized the Ohio Public Works Commission Grants. Two grants were issued and signed over to the State as the City's match for all the curbs, handicap ramps, sidewalks and the base repairs. We were unable to do that this time and the City would be responsible for the entire match because we will be making an application to replace a 30 inch waterline that keeps blowing on Sunrise, Offnere and Kinney's Lane. He said that it was beneficial for the City to move forward and fund it out of the Capital Improvement Fund as opposed to saying we don't have the money. This was preliminary and at some point we could negotiate with ODOT about the City's lack of funds and see what they come up with. We will all notice a huge improvement after it's paved.

Councilman Kevin W. Johnson motioned to accept Alternative #1 to authorize the City Manager to execute preliminary legislation for ODOT to resurface US 52 Westbound.

Councilwoman Aeh mentioned that this was to go three readings, however on the last page it referenced that it would be declared an emergency. Manager Allen said that every agreement from ODOT comes as emergency because statutory cities and even cities with charters typically have a 30 day waiting period and ODOT has waved the 30 day waiting period. He believed that the Solicitor's office retypes the agreements and it can be changed to reflect a non-emergency.

There were no further questions or comments. VOTE: 5 Ayes – 0 Nays

4. Deletion of Chapter 909 Poles and Wires

CM-16-31

Councilman Kevin W. Johnson stated that the City Manager would be talking about code cleanups from CM-16-31 through CM-16-37 and including two deletions and 5 code cleanups. He requested to make one motion to cover all of the matters.

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Councilwoman Aeh stated that she would like to request to waive the readings on all of the code cleanups and Manager Allen said that there's no hurry on them and Councilman Kevin W. Johnson said he couldn't justify voting to waive the three reading rule.

Manager Allen said that he started the code cleanups last year and in 2016 there will be quite a bit more because soon he would introduce the water and sewer cleanups and there's a lot of changes to be made in those sections. In the sewer section it talked about the 60% surcharge on the utility bill if you have an outside privy and the City does not have outside privy's (outhouses).

Manager Allen said there was a whole chapter that was probably from the 1930 and 1940's and prior to 1950, it references where the Electric Company installed wires and the length of the wires from the Police and Fire Alarm systems. Years ago people used to go to a Pole Box and pull the lever in an emergency. He spoke with AEP and they said the City does not regulate them and does not determine where the poles are located and everything they do is according to the National Electric Safety Code which they adopted.

Councilman Kevin W. Johnson motioned to accept Alternative #1 on CM-16-31-through CM-16-37.

There were no questions or comments. VOTE: 5 Ayes – 0 Nays

5. **Deletion of Chapter 911 OSHA** **CM-16-32**

Manager Allen stated the City was not under OSHA that the State legislature passed HB 308 which was the Ohio Public Employees Risk Reduction Program (PERRP) which adopted the OSHA regulations. Everything is managed through the Ohio Bureau of Worker's Compensation and the City has to complete the PERRP reports on an annual basis and any accidents or problems reported to the City, is not through OSHA it's through BWC. The whole chapter is now obsolete and would need to be removed.

Councilman Kevin W. Johnson motioned to accept Alternative #1 on CM-16-31-through CM-16-37.

There were no questions or comments. VOTE: 5 Ayes – 0 Nays

6. **Code Cleanup Chapter 933.01** **CM-16-33**

The former water works office which was under the water superintendent has been changed to a Director and the Department is now the Utility Account Services. This section will reflect those changes.

Councilman Kevin W. Johnson motioned to accept Alternative #1 on CM-16-31-through CM-16-37.

There were no questions or comments. VOTE: 5 Ayes – 0 Nays

7. **Code Cleanup Chapter 933.02** **CM-16-34**

Same as above with reference to the Utility Account Services.

Councilman Kevin W. Johnson motioned to accept Alternative #1 on CM-16-31-through CM-16-37.

There were no questions or comments. VOTE: 5 Ayes – 0 Nays

8. **Code Cleanup Chapter 933.05** **CM-16-35**

Same as above with reference to the Utility Account Services.

Councilman Kevin W. Johnson motioned to accept Alternative #1 on CM-16-31-through CM-16-37.

There were no questions or comments. VOTE: 5 Ayes – 0 Nays

9. Code Cleanup Chapter 941.02

CM-16-36

Manager Allen stated that this particular Ordinance speaks of the Health Commissioner and the Mayor and Mayor needs to be changed to City Manager.

Councilman Kevin W. Johnson motioned to accept Alternative #1 on CM-16-31-through CM-16-37.

There were no further questions or comments. VOTE: 5 Ayes – 0 Nays

10. Code Cleanup Chapter 941.06

CM-16-37

Manager Allen stated this section was about Rules, Regulations and Power needs to be changed from Mayor to City Manager.

Councilman Kevin W. Johnson motioned to accept Alternative #1 on CM-16-31-through CM-16-37.

There were no further questions or comments. VOTE: 5 Ayes – 0 Nays

Appointments

1. Mayor Kalb stated that he intends to reappoint Dr. Wayne Wheeler to the Civil Service Board and Appoint Terry Easter to the Traffic Committee and his address is 1816 Charles Street. He will have more information at the next meeting when he makes the actual appointment.
2. Manager Allen stated that there was a request for the Revolving Loan Fund Committee to meet and the Community Development Director was trying to contact everyone to see if they were still interested in being on the committee because it has not been an active committee. Manager Allen will let Mayor Kalb know of the status.

Discussion

3. Councilman Kevin W. Johnson congratulated Renee Matiz on the certificates that were received. She helped and worked with employees to prevent workplace accidents and all those that participate in getting these certificates should be congratulated.
4. Mayor Kalb ask to discuss the Trash and Refuse email that he sent to Council and the City Manager. He said it would be “Trash for Cash” the City would hire people to collect the large trash in the alleys and streets such as couches, recliners, TV’s. They would document where the trash was collected and it would be billed to the abatement on the Sanitation Bill. Councilman Kevin W. Johnson said that he thought it was a great first effort but it needed more discussion and believed that it was a good approach. He said the trash was a disgrace to the city. Mayor Kalb said there were rules in place but they’re not working and he read his proposal.

#1. Trash, abandoned furniture and appliances, discarded construction material and any other discarded items and material that is left on any street or alley adjoining private property.

#2. Any of the trash items in #1 that are on private property including porches, driveways and yards.

#3. Litter. Residential trash receptacles. Trash receptacles at drive-thru restaurants.

#4. Weeds.

#5. Shopping carts.

#1. (Trash and abandoned items in the right-of-way)

In Portsmouth it has always been standard operating procedure to discard unwanted items at or near the place where the garbage can is picked up. Our trash compactor trucks cannot pick up large items and that results with alleys and streets full of old couches, mattresses, etc., until such time that a complaint is made. With our limited finances and manpower those items lay for extended periods of time. When and if these items are picked up, it's at a cost to the city with little or no restitution from violators. We need to prevent this scenario and respond immediately if it does occur. To accomplish this you need possibly 2 or 3 people for enforcement and if the bugs were worked out of this we could have clean streets and alleys by the end of the summer.

Every inhabited property does or should get a monthly bill for a combination of water, sewage and sanitation. To start the program a notice would be mailed with water bills for a couple of months to notify recipients of a possible new charge titled "Special Sanitation Assessment". This assessment will be charged to the name on the water bill for violators of a new trash ordinance. If the water is in the name of a tenant, they will receive the bill. If the water is in the name of the property owner, they will receive the bill and quickly put a stop to tenants leaving debris on the property.

It has been 'ruled' that the city cannot deny water service to a new tenant because of a past due bill from the owner. This shouldn't come into play as any new assessment would be current and not based on previous bills. Water can be shut off for nonpayment of a bill regardless of whose name the bill is in. An enforcement date is set and well-advertised. No further notification is necessary before abatements and assessments are made.

The enforcement team would be privately contracted with the city, with a number of contractors to be determined. The enforcement contractors would be responsible for actually seeking out violators and answering complaints. They would be responsible for all documentations of violations and abatements with pictures and a log. They would be responsible for cost assessment for abatements under guidelines set by the city. They would be paid twice monthly on a per-incident and size of abatement basis. Basically the team would be out seeking trash to turn into cash, just like we have 'junkers' now in our alleys carrying discarded metal to junkyards. You don't see a whole lot of metal items that sit around for the taking for very long. If we had some enforcement contractors looking for discarded items, it wouldn't take very long for all discarded furniture and debris to be off of our streets and out of our alleys and at the transfer station.

The contractors would turn in documentation, pictures and all other pertinent information to the water billing department on a weekly or two week schedule for proper recording and billing. The water department would certify the amount due to the contractor based on a percentage of the abatement charges with the remaining percentage going to the water bill and department for administrative cost. Charges for the size and type of abatement would have to be determined and legally specified. To be included in the proposed price below, the contractor would be responsible for cleaning up all loose trash, garbage bags and other small materials on the property and document with before and after with pictures. Property would be litter free after abatement from the designated right of way adjacent to the property.

Items the size of a television, table, single stuffed chair, etc. would be \$25. Obviously, a metal kitchen chair wouldn't be assessed the same amount as a large recliner, but perhaps four kitchen chairs would equal the same volume as a recliner. \$50 would be charged for items the size of a couch, box spring, mattress, refrigerator, etc. Amounts would have to be determined for items such as construction materials, tires, etc. The price of all abated debris, materials, items, etc. would have to be determined and clearly and legally defined.

The following is a scenario based on what I have proposed so far. A license and bonded contractor does five abatements at five different properties.

- #1. Mattress and box springs - \$50
- #2. TV, stuffed chair and a couch - \$100
- #3. Sink and commode - \$50
- #4. Refrigerator - \$50
- #5. Dishwasher, five trash bags and litter - \$50

Total \$300 assessed for five abatements. A deal is worked out with contractors and city transfer station for a reduced price per truckload, perhaps \$20.

\$300 in documented abatements is recorded at the water billing department.

The City would receive 20% for admin fees - \$60

Amount due contractor - \$240

Minus 2 trips to transfer station \$40.

That's \$200 to a contractor for an easy two hours work.

Contractor could possibly reduce one transfer station charge of \$20 by taking items to junkyard and receive compensation for scrap.

Multiply this scenario by three for a total of six hours per day and a Contractor could make up to \$600-\$700 daily. Multiply that amount by five days and a contractor could receive from \$3000-\$3500 for a week's work. (These are high figures and will become less as trash and debris is abated). The city could receive up to \$600 in transfer fees, \$900 in administrative fees and \$80 a week income tax (or however it is decided that the assessment will be divided up). Total to the city for 52 weeks approximately \$82,000. No new employees are hired and it should not be a union problem as we are contracting for a new service.

The entire program would operate best under the health department environmental office. Everything would have to be worked out and most of it would have to be done through water bills because the person responsible for the property would be receiving the water bill. If you had people out looking for this stuff, it wouldn't be out in the alleys long and when people do get charged, they may be mad and maybe some complaints such as "someone else put that there" but that's the property owners responsibility and after that it would become a civil matter.

#2. (Abatements on private property)

This would basically work the same way but if you go on private property and not on the right-of-way, there would need to be some type of licensed enforcement officer to give them notice and a period of time. The contractors would take the stuff off of the porch or wherever and documentation would be sent in and it would be on the next bill. Same way with porches, yards and driveways.

#3. (Weeds)

The front and rear right-of-ways of a property must be weed free as set forth in an ordinance describing exactly what growth and height constitutes a violation. Lawns must be maintained to that and again notification given and the contractor would go and cut it and charge it to their sanitation.

#4. (Litter and trash receptacles)

We have people leaving out trash that only have one can and lots of bags of garbage beside it, he would like to see the crews on the trucks document the places that have extra trash every week and those people should be forced to have another can and pay the cost.

All fast food drive-through restaurants should be required to have a waste receptacle accessible from a vehicle somewhere in the drive-through lane before the pick-up window (example: Burger King – Receptacle always full of trash that doesn't end up on streets.) All vendors should be notified of the requirement, the deadline for compliance and the fine for failing to comply.

#5. (Shopping carts)

Stray shopping carts could be picked up by city employees in trucks and taken to the City garage area until a designated day of each month and then the retailer could come pick up their shopping carts at a cost of \$35 and if they don't come on that designated day then the carts become the property of the city for scrap.

The Manager said that it does drive him crazy to see the trash, dirtiness, disrepair but he had to remind himself every day that the City doesn't have the financial resources to fix everything right now; we don't have the money. The reason behind the mattresses and couches not being picked up was because of bedbugs and hypodermic needles, so when someone calls they send a backhoe with a claw to pick it up and put it in the dump truck so that no one handles it. The City has had to deal with employees that have gotten bedbugs and took them home and in our facilities because the employees handle these items and then came back into the building. If you site the property owners of the inhabited properties and a lot of these were uninhabited properties and probably already owned by the city, it would be a cost that the City would eat. The Manager reiterated that he

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wasn't against what Mayor Kalb was saying but there's an opening for abuse because we would be hiring bounty hunters and if you're paying someone \$100 a couch, they would be going to surrounding areas picking up these items and dropping them onto someone's property and come back the next day and snap a picture and document it. Regarding Special Assessments, the City is required to due process and has to notify someone of a violation such as high weeds. The property owner must be notified by certified mail and they must be given a number of days to rectify the situation or they would be assessed and there's more to that process and he doesn't have the people to do all of that paperwork. The utility bills are no longer printed here, they are sent to Tennessee and they're mailed out from there. We own the transfer station and we have to pay to dispose of the garbage and the shopping carts, the vendors don't want them. The weed enforcement, if the property is assessed and put on their taxes and their delinquent, we probably own half of them and the other half would go to the land bank and currently we don't have anyone to mow because we never replaced those employees. If you want the trash in the alley's cleaned up, the City would need to hire 3 people and they will run a dump truck and back hoe and he's not sure what day Sciotoville get their trash picked up (Mr. O'Neill from the audience replied that it was Monday), he said whatever day you get your trash picked up they would run the dump truck and backhoe to clean up the same route. The City is currently paying \$30 per ton to dispose of it and it will be raised to \$35 very soon.

There's \$500,000 in that account right now and it was -\$40,000 when he was hired. Every year a new garbage truck will be bought which is \$200,000 and those will gradually replace the ones purchased in 2007. The EPA fee will be \$90,000-\$100,000 which has not been figured in and he had ask last year to raise the rates to offset that and it wasn't done and we need to maintain a balance of approximately 2 months of expenses which is about \$400,000. So in all of that the City needs \$700,000 per year and if we're going to hire three people to go pick stuff up. Mayor Kalb said that he believed that would just encourage people to throw their stuff out in the alleys. Manager Allen said that if someone dropped a couch behind Mayor Kalb's house, it would be his responsibility to get rid of it. Councilman Lowe said that he goes around his ward and if he sees someone that doesn't cut their grass and their property is all trashed up, he approaches the owners and tries to talk to them reasonably about how important it was to keep the neighborhood clean and he feels he's a liaison officer between them and the City and he would tell them to clean up their property and if not he would write a report on it and then someone could come and write them a ticket and it's been working pretty well so far and said that he was very hands on. The Manager said that if we write the ticket then it must be followed through, which is a lot of money and it would suck the City dry. Mayor Kalb said if you had a crew that did this on a regular basis, then that would free up our health department and probation officers to go out. Manager Allen said that you have to pay that crew and you're assuming that all these properties that there's a revenue stream to pay them. Councilman Kevin W. Johnson said that the conversation could go on and on and he recommended that Mayor Kalb, Solicitor Haas and the Manager sit down to have a conversation.

The meeting adjourned at 8:00 p.m. on a motion by Councilman Kevin W. Johnson.

Submitted by: *Diana Ratliff* – City Clerk