

MANAGER’S CONFERENCE MINUTES
Portsmouth City Council Meeting on
June 27, 2016 – 7:20 p.m.

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

Agenda

1. Recovery Gateway/AOD Appropriations (Health)

CM-16-63

Manager Allen introduced Health Commissioner Chris Smith and he spoke on starting an in-house Counseling program in the City Health Department as they currently have to refer cases out to other agencies. They could actually bill for the services and become an Alcohol and Other Drug facility (AOD) and it would do a couple of things. 1) Instead of contracting out the services they would be able to bill for them and bring in more revenue and actually address the drug problem and assuming the City doesn't want to give any money to help out, this would be a way to help self-fund the drug prevention activities. 2) This would give the Department (AOD) status and like now all prevention money goes into the treatment facilities, the treatment facilities were fine for treating a person but they don't really have the experience in prevention. He said since the Health Department was not an AOD facility that they could not access those prevention funds and this would allow them to access those funds. He said that what he would like Council to know, was that by implementing this program they would be bringing in about \$40,000 in revenue and expending \$20,000-\$30,000 in revenue which would have to be approved by Council out of appropriations. Councilman Kevin W. Johnson asked if it was a one-time appropriation and Mr. Smith stated that next year it would be added into the regular budget. He said there were three areas that it would cover: 1) Neutral patients 2) Getting people off the needle-exchange program 3) Working with the hospitals who were having a lot of problems with the drug addicts going in and out of the hospitals. He said that one other very important part was that all the money was being dumped in the treatment facilities, and there were so many different programs – Suboxone, Methadone, In-House residential, Intensive Out-patient care, Vivitrol program but they aren't very well evaluated and if there were evaluated, it was by the people offering the service. So if he offered In-House residential or Suboxone obviously he would make his statistics sound really good. He wasn't saying that those statistics were wrong but that they don't have an outside way to evaluate the treatment options which was one of the most important parts of the program. Mayor Kalb stated that he had been involved in the discussion during the Health Board meetings and he believed that this was a great opportunity for the Health Department and they've always covered all the services that cost the city money and never received anything back for it and that all the government money was being dumped into the treatment facilities. Councilman Meadows said that there were many treatment programs and he's in the court system every day and stated that it was a revolving door. He said it was his belief that the majority of the people in the treatment program were only there because the Judge said to either go to treatment or to prison, and they choose treatment. However, in 6 months or less he's defending them again because they had no desire to get and stay clean or stay out of prison and that's not acceptable. He had the following questions:

1. What makes the Health Departments program so different from the others; although their statistics say that they're a success, in reality when he's standing in the court room, it's not working! What's going to make the Health Department's program different? Mr. Smith replied that it was going to get much worse because of the Good Samaritan act which was another kind of problem to deal with. He said if people overdose and go into the hospital, they will get an assessment but won't be prosecuted. Mr. Meadows said that there were limitations and ways that the County Prosecutor was prosecuting them now. Mr. Smith said that this was a new law and they were not sure how it would all pan out. Nationwide treatment facilities have For-Profit and Non-Profit, but they were a treatment

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- facilities and their job was to treat an individual and if that individual comes back for treatment 5, 6, 7 times then you get paid 5, 6, 7 times. Mr. Meadows said that he felt they were encouraged to come back for treatment. Mr. Smith said the difference with their program was that they were not profit driven and they're not a non-profit and if they make money they would try to evaluate the problem and come up with actual solutions. The Health Department is a government agency and they are on the outside and have no reason to evaluate somebody better than somebody else and if residential treatment or Suboxone was working that would be quantified but some people do better with different situations. He said the Vivitrol program was very hard to evaluate and they were running a cohort study with limited personnel and don't have time to properly evaluate the Vivitrol program. The ultimate goal would be to get into the schools and teach prevention before they even get started. The profits made off of the Counseling and Treatment would be used for Public Health Prevention activities and evaluating what's currently out there.
2. Mr. Meadows stated that he was told by a person in this town that worked for people trying to get people on Vivitrol that they contacted the Health Department and were told that they had to use the Counseling Center for an evaluation. Mr. Smith said that they don't even use the Counseling Center for Counseling they use Mahajan Therapy. Mr. Meadows stated that he was strongly opposed to anyone using the Suboxone as part of their treatment program. He confirmed that Vivitrol was non-narcotic and Suboxone was a narcotic and wanted assurance that the City would not at any time be prescribing Suboxone to help people get off drugs. Mr. Smith said that they would not be prescribing Suboxone to help people get off of drugs and added a caveat, that if it panned out there would be a new Suboxone implant and there would be no way to pass it around but that's a long time down the road. Mr. Meadows was uncomfortable hearing that the City would be prescribing a narcotic in the future. Mr. Smith promised that it was in the future and most likely would not happen but if it did, he would bring it back before Council, but they were not doing Suboxone, Methadone, strips or pills; they do Vivitrol and will Counsel for Vivitrol.
 3. Mr. Meadows said that some of these programs were bringing people into the city not only from across the State but from across the Country and they were put through treatment and then don't leave and come back out on the streets and relapse and then there were new people breaking into our homes to support their habit. Mr. Smith had a couple of points; 2) Bringing in people from everywhere could not be backed up with data yet so the program would be able to quantify that for Council and be able to tell where the addicts were coming from. Mr. Smith said that Health Departments were not allowed to discriminate geographically, so if someone walked through their doors from Kentucky, they cannot say that they will not help them. They would be pulling their clientele from the present Vivitrol program which was not advertised outside of the County and doesn't have a large capacity. In the needle exchange program they only advertise in Scioto County but unfortunately they were getting some flow-over from Pike County and they would be receiving referrals from the hospitals.
 4. Mr. Meadows ask how much time were they anticipating before they could start providing Council with statistics. Mr. Smith said that they had a 2 month window where they could not bill because they would not have their AOD status and there has to be a certain amount of client for at least 2 month before the application would be complete for AOD. He added that for those 2 months they would not be adding a lot of clients but just getting their feet wet. The Ohio Department of Health was very excited about starting this program. He estimated within about 6 months they should know the success of the program and it would then be brought back to Council in the budget for next year. This would be for a 6 month program this year and next year it would be included in the budget.
 5. Mr. Meadows said that the City provides the Health Department with \$640,000 each year and Mr. Smith was quick to add that they bring in \$200,000 in revenue so the City is provided approximately \$400,000 and he's not asking for any more money and Mr. Meadows said "aren't you asking for \$40,000" and Mr. Smith replied "no" the Board of

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- Health informed him that he needed to find a solution to the drug problem, the only problem with that is that he's trying to find a solution to the drug problem with no money because the City can't give him money and the State and Federal money was all tied up in treatment and not prevention. This was his solution and would pay for itself, because right now they were contracting out to other facilities.
6. Mr. Meadows ask when someone calls for a Vivitrol shot, what was the turn-around time. Mr. Smith said that they've had success with a dose pack of naltrexone (which is non-narcotic) but normally they have to be drug free for at least 10 days. The dose pack would help taper them to get to that 10 day point to get their shot. He added that so many people were lost within that 10 day period because they get sick and go back to the drugs.
 7. Mr. Meadows asked if the addict had been in jail for 10 days and then released, would they be allowed to come right over to be evaluated and get their shot. Mr. Smith said that if the program was successful, he would like to give them the shot in the jail and if they go back to whoever their doing drugs with, those drugs won't have any effect on them. He said it would be even better if the Courts mandated that they keep Vivitrol in their system because they won't be able to get high as long as their getting that shot.
 8. Mr. Meadows asked what method would be used to detect Vivitrol in their system. Mr. Smith said that before they get the Vivitrol shot, they would go through a drug screening, but the problem was that if they get the shot and they still had opiates in their system, they would go through instant withdrawal and be sick with vomiting because it causes immediate withdrawal. If they take drugs while on the Vivitrol they will not get high and the Health Department would be able to detect other drugs when doing a drug screen which would be done on a random basis and monitored for any kind of substances.

Manager Allen stated that the City subsidized the Health Department and appropriated \$640,000 out of the General Fund into the 250 fund of which they bring in \$200,000 in essence the City was subsidizing the Health Department \$400,000. None of this money would be coming out of the General Fund or the 250 Fund, it would be out of the 620 Fund which was an Enterprise Fund solely controlled by the Health Department Clinic. He said that he had no authority over the Health Department nor controlled it and there's a gray area about what role City Council had over the Health Department because they report to the Board of Health. His understanding that this would be the Health Department and the Auditor because it was an accounting request to appropriate money to primary care so that they have the authority to spend money, he believed this to be for audit purposes. Solicitor Haas said the way the State was set up, it made certain that politics do not interfere with the healthcare. Mr. Smith said that he could respond that the City was required to fund the Health Department and he could fight with Council and say that they couldn't tell him what to do but the truth was that Council could cut the amount of money that they were given. If the Health Department felt they were being cut out completely or not adequately supplied with enough money, then they would go to court and there would be an argument. Mr. Meadows stated that if it's going to be called the City of Portsmouth Health Department, then Council had an obligation to make sure it understood and to make sure that it was something that they could live with because it had their name on it. He said that he appreciated their patience with him asking questions and he appreciated the answers, he's still skeptical about drug counseling and doesn't like the needle-exchange program. Councilman Kevin E. Johnson thanked him for coming to Council as a courtesy and he appreciated what he was doing as it could be very positive for our community because he doesn't believe that locking people up in jail was working.

Councilman Kevin W. Johnson motioned to accept Alternative #1 as stated.

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

Councilman Kevin W. Johnson requested to have the Manager review the following Council Letters #63-#72 and requested one motion.

Manager Allen gave an overview on the Ordinance code clean-ups and said that by August they should be done with Sections 1, 3, 5 (is mostly ORC), 9, 11 (required zoning codes which would require a consultant), 15 (Fire Chief was working on) which would leave Sections 7 (Business Licenses) & 13 (building codes). He said that we've come a long way and we're almost done.

2. **Chapter 931 Water Wells** **CM-16-64**

Manager Allen said that he needed Council to amend this Section and delete sections 931.01-931.99 but not the whole chapter because the next Council Letter CM-#65 would be new language to be input into the chapter. The whole chapter dealt with allowing water wells within the city limits and wells were not allowed within the city limits and there are no wells that he was aware of as years ago, the EPA stopped municipalities from allowing wells when there was a water system present. All sections in 931 that allow under certain conditions or through permits needed to be removed because the language was outdated.

Councilman Kevin W. Johnson motioned to accept Alternative #1 as stated.

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

3. **Prohibition of Water Wells** **CM-16-65**

Manager Allen said this Council Letter requested language that drilling of a water well is prohibited, but currently there was no language within the section prohibiting wells and it would allow them.

Councilman Kevin W. Johnson recommended alternative #1 as stated above.

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

Councilman Lowe had a question about the water wells and wasn't sure about the prohibition because he had two wells on his property and wasn't getting rid of them. He said he believed that it needed modified that if you own land over a certain acreage that it would be okay to have them. Manager Allen said he wasn't going out looking for them and tell people they have to fill them in, we just don't want them drilling. Councilman Meadows stated that you could not hook to public water supply. Solicitor Haas stated that it would be difficult to legislate wells in the legality after they already been in existence. Manager Allen gave the example that if someone came and said they were tired of paying for city water and decided to hire a well to be drilled, the EPA says that you cannot do that.

4. **Code Cleanup Chapter 313.11 – Right Turn on Red Prohibited** **CM-16-66**

Manager Allen said that there were traffic lights near schools and in 2006 the schools were closed and in 2007 the schools were torn down and the traffic signals were removed but the codified ordinances still include right turns on red in Section (a) at: Coles & Gilbert (no traffic light), 8th & Campbell (there's a light but no school), 4th & Waller (one no turn on red but it needed to come out because it's within SSU's area), Grant & Hutchins. Also the sign at Dorman Drive, Shawnee Road, North Hill Road, Coles Blvd., and 28th Street reads that right turns were prohibited Monday through Friday from 8:00 a.m.-4:00 p.m. on school days and that should be prohibited at all times. In section (b) right turns on red prohibited at all times: Bertha & Scioto Trail on #23 (light was removed),

Councilman Kevin W. Johnson motioned to accept Alternative #1 as stated above.

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

5. Code Cleanup Chapter 339.02 – Trucks and Truck Routes

CM-16-67

Manager Allen said this pertains to trucks not going through the City, but trucks coming from the outside to make a local delivery which would be intra-city trucks.

Councilman Kevin W. Johnson motioned to accept Alternative #1 as stated above.

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

6. Code Cleanup Chapter 339.02 (c) (5) – Trucks and Truck Routes

CM-16-68

Manager Allen stated that this had to do with the term heavy and what's consider a heavy truck. There was no definition to what a "heavy" truck was and when you look, it says one-ton trucks which would prohibit pick-up trucks. Solicitor Haas said that he obtained the language from the State Highway patrol manual for commercial vehicles. Councilman Kevin W. Johnson said that he had been very disturbed by the amount of truck traffic in the downtown and believed that it was because of their GPS systems routing them through the City, but they were ignoring the signs that were in place. He said that he's concerned for the old buildings because of the vibrations from the trucks and this pertains to the bricks in the sidewalks also, the vibrations have settled the bricks which have made them uneven, which some had been replaced under a previous Mayor. Manager Allen said that there was a section of the code that said no trucks should be allowed on the Grant Bridge and it brought up the question of how to place signs in Kentucky prohibiting trucks on the Grant Bridge. There were signs in Kentucky directing trucks to the Carl Perkins Bridge, but we do not have the authority to put signs up in Kentucky. In Ohio they were supposed to be using signage that said "Truck Route labeled "R14-1" and that sign was not being used. He said that we need to clean up the ordinance so there's no questions when we start enforcing and writing tickets.

Councilman Kevin W. Johnson motioned to accept Alternative #1 as stated above.

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

7. Code Cleanup Chapter 339.02 (d) - Trucks and Truck Routes

CM-16-69

Manager Allen stated that this legislation prohibits trucks on Second Street between and Madison and Second Street/Scioto River Bridge, this prohibits trucks basically from the bridge to the floodwall on Second Street. In doing his research this ordinance was put into place when there was a weight limit on the old bridge and this ordinance should have been taken out of the codified ordinances when that bridge got replaced in 1997.

Councilman Kevin W. Johnson motioned to accept Alternative #1 as stated above.

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

8. Code Cleanup Chapter 351.17 – Parking in Alleys

CM-16-70

Manager Allen said there were 3 alleys mentioned and they were on the West side of Vine between Second and Front Streets and the East side of Spruce and the only vehicles allowed were Official or City vehicles. The other one was Turley Alley between 11th & 12th Streets and between Lincoln & Hutchins Streets, he was told there used to be parking for the insurance company and they now had off-street parking in the front and in the back, so there would be no reason to have parking on any alley.

Councilman Kevin W. Johnson motioned to accept Alternative #1 as stated above.

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

9. Code Cleanup Chapter 351.20 – Two Hour Parking

CM-16-71

Manager Allen said that under a previous Mayor there was a dispute between Council and the Mayor's office about enforcing the two hour parking, so Council passed an ordinance legislating that there would be a part-time employee under the direction of the Chief to enforce parking. Councilman Kevin W. Johnson stated that he was one of the ones that complained that businesses on Chillicothe Street were getting shut out of parking because everyone parked there all day and then the issue came up that since it didn't have stripes there were no parking spots so that it couldn't be enforced.

Councilman Kevin W. Johnson motioned to accept Alternative #1 as stated above.

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

10. Trees and Shrubs near Fire Hydrants

CM-16-72

Manager Allen stated that in September of 2014 when the fire hydrants were being repaired and painting red, there were people that had planted trees and shrubs and buried fire hydrants and in 2014 he had asked the Fire Chief to come up with an Ordinance that prohibited people from doing this. He said they just discovered a hydrant where someone had built a stone wall and the hydrant couldn't even be hooked onto. They had told him it was an eyesore and it was better if they landscaped around it. In order for the Chief to give orders to have the trees and shrubs removed from around the hydrant the ordinance needed updated. He said in the report there was a list of hydrants that had weeds but that had been cleared and hydrants that needed repositioned and repaired were all fixed. But there needed to be an ordinance in place stating that the fire hydrants could not be obstructed with trees or shrubs. Mayor Kalb stated that he had noticed that a lot of the fire hydrants were painted with animals on them and can anyone paint the fire hydrant. He said that happened under the previous Mayor where he had agreed that they were allowed to paint one fire hydrant and that turned into painting lots of fire hydrants and then turned into someone selling the paint job on the hydrants for \$200 and he had to tell them that they were not their hydrants to sell. They were going to paint some in camouflage and we put a stop to all of that. He said if you're asking who was supposed to keep the paint bright and shiny, he doesn't know who that was, but knew that it was only supposed to be one or two and turned into more. Councilman Kevin E. Johnson asked if those would be changed and Manager Allen replied that he would not be painting over them until they got bad and the red hydrants would be re-painted this summer.

Councilman Kevin W. Johnson motioned to accept Alternative #1 as stated above.

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

DISCUSSION

11. Flood Defense

Councilman Kevin W. Johnson reintroduced legislation for the flood defense for a period of 5 years and encouraged those that wanted to replace it to get together and help create public meetings in order to determine the efficacy of moving in another direction for supporting a flood defense.

Councilman Kevin E. Johnson motioned to accept Alternative #1 as stated above.

Councilman Meadows stated that he would vote tonight to send this back to Council and thanked Councilman Kevin W. Johnson for speaking to him briefly about this before the meeting and looked forward to being able to discuss this further. He said all the long that we need a flood defense and he's not saying that we don't, but because it wouldn't get to his house doesn't mean we don't need it for the city. He said that there were other alternatives and more fair ways to implement it. He ask the

Auditor if there was a way he could find out and provide to Council the number of people in the City who were delinquent on their property taxes. Auditor Williams said he would attempt to get that information. Councilman Kevin E. Johnson ask if there was plenty of time to get it through before the deadline at the Board of Elections. Councilman Kevin W. Johnson replied that it could go two readings but would have to be passed to meet the deadline. The deadline was August 10th to the Board of Elections, there were three meetings prior to the cut-off but this had already been read three times using the same wording. Manager Allen warned to make sure that everyone was here on that final voting day because there was no coming back if it didn't pass. Councilman Kevin E. Johnson said that he believed that we've given it a fair three readings and he wouldn't be opposed to waiving the readings on the second reading to get it through to be sure there was no mess up and that it does have a chance to be on the ballot.

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

12. Amendment to Lease at 546 2nd Street

Councilman Kevin W. Johnson said that he knew we were upset to find the sidewalk had been encroached upon by construction. He stated that he had not spoken with the owner of that property but would like to hang onto the \$500.00 for the first year but reduce the lease amount to \$1.00 per year. In speaking with other businesses they were concerned about the owners who were investing \$1,200,000 or more and honestly thought they had the sufficient permit to do so and were not informed by the architect; it was an honest mistake. Councilwoman Aeh said that he didn't seem upset with Council's decision and for \$1.00 a year, she'd build on City property. Mayor Kalb said it should've been the responsibility of the architect and this had been the case in the past, that people do whatever and think it would only cost them \$1.00. Manager Allen said that this was not the first time but the third time that the City got no permits flaunted in our face by this same person. The same person put a building on the roof on Thanksgiving weekend without a permit and the building collapsed. Then they turned around and added to this building and we were told that he didn't know he was supposed to get a permit. Councilman Kevin W. Johnson withdrew his request.

The meeting adjourned at 8:16 p.m. on a motion by Councilman Kevin W. Johnson

Submitted by: *Diana Ratliff* – City Clerk