

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING
Monday January 9, 2017
6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday January 9, 2017 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Mayor Jim Kalb called the meeting to order. A moment of silent prayer was observed followed by The Pledge of Allegiance to the Flag.

Roll Call showed the following members to be present:

Kevin W. Johnson	1 st Ward
Jo Ann Aeh	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jim Kalb	4 th Ward
Gene Meadows	5 th Ward
Thomas K. Lowe	6 th Ward

Also present was City Manager Derek K. Allen, Solicitor John Haas, Auditor M. Trent Williams and City Clerk Diana Ratliff.

Council dispensed with the reading of the Journal for the regular session of December 27, 2016 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 6 – nays 0.**

There was no public hearing.

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS ON THE AGENDA

There was no one present that wished to address Council on items on the agenda.

LEGISLATION

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager to adopt an Agreement with the Scioto County Commissioners to require the County Dog Warden to perform statutorily mandated duties on behalf of the City of Portsmouth at no cost to the City.

Councilman Kevin E. Johnson motioned that this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager of the City of Portsmouth, Ohio to advertise for bids and to enter into contracts with the lowest and/or best bidder for required supplies, materials and services for 2017 in accordance with Ohio Revised Code section 735.05.

Councilman Kevin E. Johnson motioned that this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the City Manager to enter into an agreement between the City of Portsmouth and the Southern Ohio Port Authority (SOPA) for 2017, 2018 and 2019.

Councilman Kevin E. Johnson motioned that this constitute a second reading.

Councilman Kevin E. Johnson asked the City Manager what type of agreement this was and Manager Allen replied that the agreement pays SOPA for their services and outlined what they would be doing for the City. It also had a provision in it that the City could get out of the contract every year if needed. Councilman Kevin E. Johnson ask why it was for three years and the reply was for budgeting purposes.

There were no further questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance to submit to the electors of the City of Portsmouth, Ohio, at the Primary Election to be held on the 2nd day of May, 2017 proposed amendment of Section 164 Hours of Labor of the Charter of the City of Portsmouth, Ohio.

Councilman Kevin E. Johnson motioned that this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the establishment of Building Reserve Fund No. 103

Councilman Kevin E. Johnson motioned that this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, a second reading was declared.**

The clerk gave a **second reading**, to an Ordinance authorizing the transfer of \$50,000 from General Fund No. 101 to the newly created Building Reserve Fund No. 103.

Councilman Kevin E. Johnson motioned that this constitute a second reading.

There were no questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, a second reading was declared.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Hugh Boggs and Felicia Boggs – 3224 Simpson Street – Portsmouth, OH – Mr. Boggs passed around a diagram bringing attention to an unsafe intersection for Councils consideration. Mrs. Boggs said that 52 West was a one-way Street and when on Plum Street you must look to the right for oncoming traffic and there was somewhat of an obstruction with the cars that were parked on the street and you have to pull out into the road to be able to see. She’s employed at Mahajan Therapeutics and they have many case workers that have to be on the road all of the time and Plum Street was the most often street used. The alley adjacent to Plum has become dangerous with people coming out of the alley and going straight onto Plum Street while people on Plum Street were focused looking right for oncoming traffic, there have been close encounters. She proposed a solution in making the alley a right turn only which would help avoid potential accidents. Mr. Boggs also proposed extending the yellow zone on Gallia to give more visibility. Councilman Lowe spoke up and said that was his ward and he would try to help.

MISCELLANEOUS BUSINESS AND REPORTS:

City Clerk’s Report – City Clerk Ratliff reported the following:

1. She received on December 28, 2016 the Certificate of Result of Election for the renewal of the existing tax of 1 mill and the Charter Amendment for a Charter Review Committee.
2. She received an Oath of Office for Joel Robinson Special Deputy Clerk
3. She received via email on January 4, 2017 from the Auditor’s office, the following summary statements of the Combined MTD/YTD reports for the period ending December 31, 2016: Expense, Revenue and Fund.
4. She received on January 9, 2017, the 2016 Annual report from the Solicitor’s office.
5. The following City Clerk’s annual report was compiled for the year 2016 pursuant to Section 7 of the City Charter:

Regular Meetings	24
Manager’s Conference Sessions	21
Special Meetings	0
Organizational Meeting	1
Executive Sessions	2
Public Hearings	2
Citizens Addressing Council at the Public Hearing	7
Ordinances Passed	178
Resolutions Adopted	19
Additions to the Agenda	8
Readings Waived	80
Tabled Ordinances	0
Tabled Resolutions	1
Defeated Ordinances	2
Appointments by Council	30
Oaths of Office	25

Oath of Office
 Joel Robinson
 Special Deputy
 Clerk

Clerk’s
 Annual
 Report

Proclamations	16
<u>Ohio Department of Liquor Control</u>	
Notice of Permit Transfers	9
Request for New Permits	3
Notice of Stock Transfers	2
<u>Citizens Addressing Council</u>	
Items on the Agenda	9
Items not on the Agenda	20

The City Clerk's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: 6 ayes – 0 nays.**

City Manager's Report – City Manager Allen reported the following:

1. The Manager's written report can be found on the City's website.
2. He said that the Service Director reported that two city garbage trucks were broke down and the mechanics were working over to install the main hydraulic cylinder on one of them and they would be running the Monday and Tuesday Hilltop route on Tuesday and hopefully would get the other truck running by Tuesday afternoon.
3. He brought to Councils attention the Health Department report regarding the needle exchange program.
4. He said that he done a report on the State of the City and ask that it be entered into the record.

**STATE OF THE CITY
JANUARY 2017**

2016 was a year where the City of Portsmouth continued to move forward and considerable improvement was realized. Three years ago the most critical crisis facing the city was the financial condition, financial outlook and the status of Fiscal Watch designated by the Auditor of State. Today, the city is transitioning to meet the demands of the next phase of recovery, addressing the city's aging and crumbling infrastructure.

Financial

By the end of 2016 the financial condition had greatly improved. From December 2013 to December 2016, management had obtained \$8.839 million in savings, cost reductions and cost avoidance. In 2016 the City of Portsmouth entered the year with all funds in the black except for the sewer fund. The same is expected for the year ending 2017. The deficit in the sewer fund is the only factor holding the city back from being released from Fiscal Watch by the State Auditor.

The General Fund ended 2016 with a balance of \$1.56 million, partially due to the increase in the income tax from 2% to 2.5% and partially by holding expenditures constant through savings. The last time the City of Portsmouth ended a fiscal year with more money in the General Fund than 2016 was 2000. The General Fund was one of the funds that had caused the Fiscal Watch designation.

In the 2016 audit covering fiscal year 2015, the audit citations and findings were again reduced as the city's audit issues were resolved.

City Council passed Resolution 2016-07 setting goals for minimum fund balances and recommended reserves for the city's major funds to keep the focus on sound financial management and to head off financial crisis before it arrives.

Management

Today, both the Fire Department and the Police Department are fully staffed per the requirements of the Charter. Without layoffs, non-safety personnel has been reduced by twenty-two (22) full-time employees. City services are still being provided with twenty-two (22) fewer employees than in 2013. These are not unneeded employees, but employees the city could not afford at its funding levels in 2013. In 2017 some of these positions will be cautiously refilled as funding allows.

In 2016, for the first time in decades, non-safety department employees were hired utilizing civil service testing. The City of Portsmouth hires police and fire employees via the Civil Service Commission but the city had not utilized civil service testing for service department employees as well as those in the utility departments.

In 2013 the insurance fund ended with a negative balance of (\$581,118), because the fund had been under-funded for many years. The practice of underfunding the insurance ended with the 2014 budget and at the end of 2016 the insurance fund had a balance of \$1.643 million. This fund balance will allow for the city to consider being self-insured at some time in the future. The Insurance Fund was one of the funds that had caused the Fiscal Watch designation.

For 2017, just as it has been the past two years, the City of Portsmouth's primary medical insurance premium of \$3.9 million is less than it was three (3) years ago when in the fall of 2013 it cost \$4.6 million. The city's loss ratio decreased as did the number of employees and dependents on the insurance plan from 614 members in 2013 to 566 in 2016.

The City of Portsmouth was penalty rated with the Bureau of Workers' Compensation in 2013. To move out of a penalty rating takes four (4) years of no loss time claims. For the four (4) year period of 2010 to 2013 there were 9,054 lost work days due to work related injury. In 2016, just as 2014 and 2015, there were zero (0) lost work days due to workplace injury. If this trend continues, then in 2018 the city can anticipate a release from being penalty rated and lower workers' compensation premiums.

The City of Portsmouth has a history of litigation against the city. The outstanding claims against the City of Portsmouth were resolved in 2016 and currently there is no pending litigation.

The Codified Ordinances for the City of Portsmouth were overhauled in 2016 through passage of one-hundred and fifty-eight (158) ordinances, a majority of which were passed in calendar year 2016.

Fire Department

For the Portsmouth Fire Department 2016 was the first full year of responding as first responders to certain medical emergencies. This service began in December 2015 and for 2016 the Portsmouth Fire Department made 832 EMS runs. In 2016 a feasibility analysis was conducted regarding the financial viability of providing full service EMS to the community through the Fire Department. This option is currently under review. Fire runs increased twenty-two percent (22%) in 2016 increasing from 1,056 in 2015 to 1,293 in 2016.

The 2013 Pierce 1500 GPM Pumper fire engine purchased on a five year lease purchase program in 2012 was paid off in 2016. The purchase price \$418,713.

Fourteen (14) employees went through Advanced EMT training and eight (8) employees went through Tactical EMS training. The Portsmouth Fire Department received certification through the Ohio Division of EMS as a Continuing Education Site. Seven (7) employees received Certified Fire Instructor designation. In 2016 the Portsmouth Fire Department conducted the first ever Firefighter Level II certification in-house and trained our two (2) new employees, saving the City of Portsmouth money.

The Fire Department installed one-hundred and fifty (150) quick coupling storz fittings on hydrants in 2016. This was year three (3) of a five (5) year program to equip all of the fire hydrants in Portsmouth with these fittings.

Police Department

The Portsmouth Police Department had another busy year and as a department responded to 21,179 calls for service. The department received AAA's Community Traffic Safety Platinum Award in 2016.

The Portsmouth Police Department demonstrated its commitment to the community last year by holding new outreach events such as Shop with Cops, Trunk or Treat and participating in Project MORE with the city schools. The department also participated in active shooter training drill with Portsmouth City Schools, SOMC and the Portsmouth Fire Department at both an elementary school and at SOMC's new urgent care facility.

The year 2016 was the first full year of operating the city run impound facility. The facility began operation in June of 2015 and generated a net revenue of \$63,500 in 2015. With a full year of operation the facility generated a net revenue of \$91,100. The facility would have generated over \$100,000 net revenue if not for some additional improvements that were made in the year.

2016 marked the third year of purchasing police cruisers on a scheduled rotating basis so the city does not find itself in a crisis situation with old cruisers with high mileage.

Public Service Department

Cemetery

Staff conducted fifty-four (54) burials in 2016. Twenty-five (25) dead trees were removed from the cemetery in 2016.

For many years the operation of the cemetery was subsidized from the Cemetery Trust Fund. The Cemetery Trust Fund was designated for capital improvements to the Cemetery. The fund had dwindled to a low of \$89,421, very close to the original endowment of \$71,339.32, and very low compared to its highest amount of \$212,303.37 in 2000. In 2016 the fund was restored by putting the money back in the fund with a \$120,607 transfer. No expenses were charged to the Cemetery Trust Fund in 2016 except the \$284 flower purchased required by the trust. At the end of 2016 there was \$209,538 in the fund.

Sanitation

The Sanitation Fund is strong financially. At the end of 2013 the Sanitation Fund had a negative balance of (\$39,751). At the end of 2016 the Sanitation Fund had a balance of \$506,829. The Sanitation Fund was one of the funds that had caused the Fiscal Watch designation by the Auditor of State.

Prior to 2016 the City of Portsmouth transfer station was a non-permitted facility with the Ohio Environmental Protection Agency (EPA). The Ohio EPA instructed the city that facility had to be a permitted facility. In 2016 a permit was issued and the facility was brought into compliance with the Ohio EPA.

City crews collected 8,395 tons of refuse and the transfer station sent 14,981 tons of garbage to the landfill.

Garbage trucks that were purchased in total in 2007 began the replacement rotation in 2016. The first new compactor truck purchased in nine years was purchased in 2016 for \$172,942. The trucks purchased in 2007 were through lease purchase financing, the truck purchased in 2016 was paid for without financing.

Streets

The Street C.M. & R. Fund is strong financially. At the end of 2013 the Street C.M. & R. Fund had a balance of \$47,865, compared to the end of 2016 when the Street C.M. & R. Fund had a balance of \$306,628. The Street C.M. & R. Fund was a fund that the Auditor of State had been concerned about.

Streets in every ward were resurfaced in 2016 in addition to eastbound US 52 resurfaced through Portsmouth by the Ohio Department of Transportation (ODOT). ODOT also conducted deck maintenance on the Grant Bridge in 2016.

The City of Portsmouth was able to solicit ODOT to conduct rock maintenance on the rock cliff along US 52 in Sciotoville and to make safety wall improvements. The \$328,771 project was completed at no cost to the city.

Traffic

The first thermoplastic pavement markings contract in many years was issued in 2016. Gay Street, Offnere Street and Gallia Street in Sciotoville received thermoplastic pavement markings in 2016.

Flood Defense

The flood defense system constructed as a result of the devastating flood of 1937 is in great shape and is constantly being improved. The flood defense system was certified by FEMA in 2016; it was the culmination of several years of work. As a result of the certification process three drainage pipes running underneath the levy were discovered to be in poor condition. One pipe was repaired in 2015, the pipe at the 17th Street outfall was repaired in 2016, and a third is scheduled for repair in 2017.

Deficient items that were noted in the city's annual levee inspection conducted by the Army Corps of Engineers continued to be addressed in 2016. The City of Portsmouth had received comments from the Army Corps regarding the trees that were allowed to grow into the levee. In 2016 the trees that were identified were removed. These trees were on the south side of the levee along the campground and the Shawnee Boat Club.

The Flood Defense employees through their hard work received the "Outstanding Improvements in Maintenance" award in July 2016 from the Army Corps of Engineers for addressing the concerns that they had identified in their annual reports.

In November 2016, the citizens renewed the flood defense levee for another five (5) years providing much needed finances to continue to maintain the city's flood defense system.

Water Department

The water treatment plant received two critical repairs in 2016, the rapid mix project which helps remove sediment from the water was completed in 2016 and a trough repair project was performed in 2016 on the outside tanks located on the east side of the facility to keep the water plant operational.

Realizing that Portsmouth's water plant is beyond its designed life, preliminary steps were taken to prepare for the quickly approaching time when the water plant will need to be replaced. Environmental testing on property behind the current water plant was started in 2016, land needed for construction of new water plant. A "needs assessment" was also started in 2016 which is necessary to apply for grants and loans at a future date. The purpose of the document is to demonstrate that the critical needs actually exists.

Design was started in 2016 on the replacement of the thirty-inch (30") water main that supplies water to the sunrise reservoir. This waterline runs up Offnere Street, down Kinneys Lane and then up Sunrise.

Prior to the resurfacing of US 52, specifically Walnut Street, two thousand one hundred feet (2,100') of old water main was replaced so the city would not experience water main breaks under the newly resurfaced street. More importantly, city crews removed over seventy (70) lead service lines to the adjacent homes. The City of Portsmouth also partnered with the Scioto County Engineers Office to replace approximately four thousand five hundred feet (4,500') of water main on Washington Boulevard in West Portsmouth.

Wastewater Department

Wastewater

The sewer fund is the one fund which is not financially sound. The Wastewater Fund ended 2016 with a deficit of \$1.4 million. The sewer rates were increased in 2016 and will have to be raised again in 2017.

The deficit has not been caused by the operation of the Wastewater Department. There have been no additional employees added nor have the employees received increases in their wages. The main contributing causes have been an expensive emergency sewer collapse, activities required by the Administrative Order of Consent (AOC), and the start of repayment of the loan for the 23rd and Grandview project, a project required by the Administrative Order of Consent (AOC).

The City of Portsmouth repaired and put into operation for the first time the ultraviolet light (UV) disinfection unit and began to cut back on the use of chlorine gas to disinfect the treated sewage at the wastewater plant. The UV system was constructed in 2010 and was damaged by flooding before it was ever put into operation.

The Munns Run sewer line was lined in 2016 at a cost of \$191,347 to reduce ground water infiltration that is overwhelming the Munns Run lift station and caused sewer overflows. This project was paid for utilizing grant funding and was a requirement of the Administrative Order of Consent (AOC) agreed to in 2013.

The City of Portsmouth remained in compliance with the Administrative Order of Consent (AOC) in 2016 and met all deadlines and completed all activities required by the legal document.

Stormwater

A drainage improvement project near 27th Street and Grandview Avenue was completed in 2016 to address an undersized pipe at the end of a swail which when overloaded flooded into a citizen's backyard and pool.

In 2016, a source of road flooding and continuous maintenance problems, a drainage improvement project on the corporation line between New Boston and Portsmouth directly across from the water filtration plant was completed.

At 3420 Sheridan Road ground water was causing damage to the street and in 2016 a drainage project was constructed to prevent the under pavement of the roadway from being wet.

5. He said that he included a list of the savings for the city over the past three years.
6. He provided comments to the City Council's evaluation of him and provided a self-evaluation.
7. He requested to make some minor modifications to his contract.

The City Manager's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: 6 ayes – 0 nays.**

Mayor's Report – Mayor Kalb reported the following:

1. He notified Council of his plan to appoint Jerrold Albrecht to the Zoning Board of Appeals, he will make it official at the next meeting.

The Mayor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: 6 ayes – 0 nays.**

City Solicitor – Solicitor Haas reported the following:

1. He provided the City Clerk with a copy of the report earlier today and went over some of the highlights as follows:
 - a. His office staff had remained the same.
 - b. His office prepared 178 Ordinances, 19 Resolutions and provided 8 written opinions. All of these things were outside the day-to-day operation of the Solicitor's office.
 - c. His office handled 526 Felony cases and he pointed out that New Boston and Portsmouth hadn't filed any felonies in Municipal Court and the reason behind that was that they were going straight to a Grand Jury.
 - d. They had 1,887 Misdemeanor cases, 7,606 traffic cases and 420 driving under the influence cases.
2. He was legal counsel for the City Schools and the Health Department, he's on the Nuisance Board, Planning Commission and he attends the Civil Service Commission meetings.

The Solicitor's report was received, filed and made part of the record, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: 6 ayes – 0 nays.**

Auditor Williams – Auditor Williams had no report.

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

1st Ward – Councilman Kevin W. Johnson reported the following:

1. He wished everyone a Happy New Year.
2. He had one item and it would come up in the Conference Agenda.

2nd Ward – Councilwoman Aeh reported the following:

1. She said all of the complaints were about the garbage as the garbage had not been collected again and she appreciated the City Manager giving an update from the Service Director. She questioned the overtime the employees were getting. She outlined the past several years of overtime: 2013 the City paid out \$7,803.29, 2014 the City paid \$33,981.61, 2015 the City paid out \$56,287.35 and in 2016 the City paid out \$71,998.09. She questioned what those employees do when the trucks were broken down.

3rd Ward – Councilman Kevin E. Johnson reported the following:

1. He thanked the City Manager for taking care of some garbage issues that had happened in the Third Ward.
2. He said the lights on Scioto Trail were being fixed.
3. He nominated Ron McCain for another term on the Cultural Affairs Panel.
4. He nominated Eddie Edwards for the Charter Review Committee.

4th Ward – Councilman Kalb reported the following:

1. He nominated Richard Schisler for the Charter Review Committee, his phone number was 740-354-4700

5th Ward – Councilman Meadows reported the following:

1. He re-appointed Gina Chabot to the Cultural Affairs Panel
2. He appointed Larry Essman to the Charter Review Committee

6th Ward – Councilman Lowe reported the following:

1. He received a complaint from Doug Hood at 5531 Wilson Avenue. The gas company has torn up his driveway again.
2. He would compile a list of the pot holes around the 6th Ward and submit it to the City Manager.
3. He wished everyone a Happy New Year.
4. He offered his condolences to Councilman Kevin E. Johnson for losing a family member.

Mayor Kalb asked if there were any comments to any of the reports. Councilman Meadows stated that they had voted to accept the City Manager's report which accepted the State of the City letter. His concern was that they had only received it right before the meeting and he would have like to have had time to read over it. Councilman Kevin W. Johnson said that the Manager was simply reporting on what he was responsible for same as the Solicitor, Auditor and City Clerk's report. Mr. Meadows said if they aren't allowed to read it prior to the talking about it or approve it, then why have it and said not to waste time on it next year.

The meeting adjourned at approximately 6:25 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Mayor