

MANAGER’S CONFERENCE MINUTES
Portsmouth City Council Meeting on
December 12, 2016 – 7:00 p.m.

All members of Council were present, Manager Allen, Solicitor Haas, and City Clerk Ratliff.
Auditor Williams was not in attendance.

1. Dog Warden Agreement CM-16-183

Solicitor Haas said that they want to enter into an agreement with the County to clear up any perceived issues with respect to jurisdiction of the Scioto County Dog Warden and the fact that it was their obligation to house dogs that were running loose in the City without tags or other vicious dogs. This would be at no cost to the city.

Councilman Kevin W. Johnson recommended alternative #1 as requested.

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

2. Authorization to Bid 2017 CM-16-184

Manager Allen said this was an ordinance passed every year which provided authorization to bid for normal operating supplies. It was not the items listed in the Capital Improvement Fund. Mayor Kalb ask if we had salt and Manager Allen replied “yes” and it was bid separately and would’ve been covered under last year’s legislation.

Councilman Kevin W. Johnson recommended alternative #1 as requested.

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

3. SOPA Agreement 2017-2019 CM-16-185

Manager Allen stated that in 2014, they entered into a three year agreement with the Port Authority and before 2014, there had been a verbal commitment from the City for \$25,000 per year as a participant in the Port Authority and he wasn’t certain as to how the figure was arrived at since he wasn’t here and there was no documentation and no written agreement at the time. In 2014 there were financial problems and the City had no way of honoring that commitment in the General Fund but there was money in the Capital Improvement Fund so the city purchased a vehicle which we own but they utilize and then in 2015 and 2016 we had sufficient money to pay our \$25,000 commitment. The contract was expiring and they had talked about a price

per capita. He said we do not want to compare ourselves to the county because it would cost more. He thought it would be best to follow what New Boston's per capita which came out to \$45,000. He said the Port Authority does a lot for the City of Portsmouth and he presented documentation of some of the things. He said that it was listed in the budget under 101.118 Economic Development and he recommended that the city enter into another three year contract. The City had an opt-out provision that stated at any time the City decided not to participate and if SOPA was not funded by the county and couldn't operate, the city would be out as well.

Councilman Kevin W. Johnson recommended alternative #1 as requested.

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

4. Charter Amendment Chapter 164 Hours of Labor CM-16-186

Manager Allen said this would amend hours of labor. He said they have a meeting with the Police Department to discuss the possibility of going to twelve (12) hour shifts. There are advantages for the city for opportunity to put more officers on the street and in the event that there were people calling off, there would be more people per shift so that others won't have to be called in to work overtime. The Charter reflects "except in the case of extraordinary emergencies" there would be eight (8) hour shifts that constitute a day's work. They had discussions on whether or not coming to a labor agreement would overrule the charter and he felt that wasn't something he wanted to do, he'd rather go to the voters to get it removed. The eight (8) hour work language seemed to be from the original 1928 Charter. In 1972 it was amended to add the language for the Fire Department to have three (3) 24 hour shifts. He spoke to the Fire Department about deleting the entire section of this and they did not want to do that and he wasn't looking to start fighting with the Fire Department. His re-commendation was to remove the eight (8) hour language for the opportunity to do twelve (12) hour shifts. Mayor Kalb asked if this was for any department because if the language was removed, any employee could theoretically work twelve hour shifts. Manager Allen said that was where it became advantageous if you run a continuous operation such as the Police Department, Water Plant or Wastewater Treatment Plant, they were the ones that get called out to work. He doesn't have the desire to change to shifts in the Water and Wastewater because some cities have shift work in their Water and Wastewater Plants which would encompass a weekend and nobody wanted to work those weekends. His only intent would be for the Police Department. Mayor Kalb stated that this would ultimately be at the Manager's discretion and a department just couldn't decide because of the language. Solicitor Haas stated that the labor agreements probably would come into play and Manager Allen said that every labor agreement was specific. The deadline to put it on the ballot is February 1, 2017. Councilman Kevin E. Johnson asked about the twelve hour shifts and if it was an extremely long time per shift. Manager Allen said if it

passed, there were provisions that state that they couldn't work extra duties after they've been working twelve (12) hours. It would be 4 days one week and 3 days the following week and there would be built in overtime just like the Fire Department but they were willing to waive the overtime because you worked 36 hours one week and 48 hours the next. They have talked about doing a one year trial and there would be a memorandum of understanding

Councilman Kevin W. Johnson recommended alternative #1 as requested.

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

5. Creation of Building Reserve Fund #103 CM-16-187

Manager Allen said the purpose of this was to create a fund so that the \$50,000 we received for selling the Babcock Building could be placed in a fund for reserves so that it wasn't part of the general operating budget but would be there for the future. He added that if we're successful in selling the Adelphia property then his recommendation would be to deposit that money into this fund and would be off limits to everyone.

Councilman Kevin W. Johnson recommended alternative #1 as requested.

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

6. Transfer of \$50,000 into Building Reserve Fund CM-16-188

Manager Allen said that if the Building Reserve Fund was passed, the next one would be taking \$50,000 out of the general fund that we received for the Babcock Building and placing it in Fund #103

Councilman Kevin W. Johnson recommended alternative #1 as requested.

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

7. Transfer of Funds 2016 CM-16-189

Manager Allen said that this dealt with taking care of the grant monies. Usually the Health Department borrowed money from the general fund and then reimbursed by grant monies and as a result, last year there were no funds beside the sewer that were

negative. Solicitor Haas asked Director Chris Smith if he could get him the numbers prior to the meeting so the numbers would be correct. Manager Allen said that too much money was going into one account for debt payments and the debt was gone and not enough money going into the operating fund but he wanted to wait until the Ameresco debt comes off in May of 2018 and then redistribute.

Councilman Kevin W. Johnson recommended alternative #1 as requested.

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

8. Utilizing VW Mitigation Funds

Added to CM Agenda 12-12-2016

Councilman Kevin W. Johnson said he presented an outline of the Ohio Municipal League's request to get feedback of support for utilizing VW Mitigation Funds that Volks Wagon had agreed to State by State. He said if ours was \$59,000,000, we could imagine what California's was. He was asking for Council to approve a resolution in support of utilizing the VW Mitigation Funds. Mayor Kalb asked how it would be split between the State, County and City. Mr. Johnson said that it would be based on population and current fleet. He said all this was doing was applying our support.

Councilman Kevin E. Johnson recommended alternative #1 as requested.

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

Evaluations – Mayor Kalb asked Solicitor Haas about the evaluation process and if Council was in-line with what was written as far as guidelines. Solicitor Haas said the contract stated that the Mayor would meet with the City Manager and come up with an agreement with respect to form, procedure etc. and he wasn't sure if the meeting ever took place. His suggestion would have been to have a sit down and written agreement that both parties sign off on. Councilman Meadows said that this had been done at one of the Council meetings and that there was only one change. Solicitor Haas said that last year Council turned their evaluations in to the Clerk and there was a summary and a general report was issued. The evaluations that were completed were provided to the City Manager and it went from there. Mayor Kalb said to make it proper, we need something signed and Solicitor Haas stated that since minutes were being taken that should be sufficient. He said next year it needed to be done differently and possibly an arrangement where the Mayor sat down with the City Manager and discuss the evaluation process to make sure everyone was on the same page. Mayor Kalb said he believed that Council was all on the same page but just not in the official written capacity. Councilman Kevin W. Johnson stated that he and the Clerk discussed the issue and decided to meet in January and February to write up the notes of what we're currently doing and make the recommendation of a

timeframe so that there's no question as to when the evaluations need to be passed out and returned. Solicitor Haas stated that if anyone had any objections, now would be the time to air them. Manager Allen said that as long as we're all clear that there would be six evaluations and a summary but he would be given all six and the summary so that if there's a problem with one of the Councilman, he would have the opportunity to discuss the problem.

Tree at Jobs and Family Services – Mayor Kalb asked if we were going to follow through and if there would be any kind of repercussion. Solicitor Haas said he was still mulling it over on how to approach. Mayor Kalb said we don't want to send a message of "just go do it and you'll be forgiven". Solicitor Haas said that there was a fine line to walk and he would try to do that. Mayor Kalb said we've held people accountable for violation of the sidewalks on 2nd Street. Solicitor Haas said that we've had people replace trees on Chillicothe Street that they've taken out. Councilman Kevin E. Johnson said that there had been a lot of public perception of hard feelings between the County and City and at some point we need to put all of this aside and work together and send a message of what happened was wrong but there would be other courses of action that we could take and at some point we need to work together. Solicitor Haas said that he had emailed Mr. Kuhn and that was one of the suggestions and his interpretation of some of the events that have happened over the past six (6) months was that it had become for whatever reason some kind of adversarial thing between the City and the County and he wasn't sure why and he felt that we needed to have a meeting to discuss if there was something that the city was doing that was bothering the County but it needed to be discussed. Manager Allen said that over all the City had a good working relationship with the County but there was a situation with the Chip Grant and that all was played out in the press and that wasn't his desire and that's why this time he was trying not to play it out in the press. He said he was trying not to deal with it like the Chip Grant issue. He said part of the issue on the Dog Warden was "why can't you get along" and the other part was that he had to stand up for the city and citizens. The County was supposed to cover the City and they weren't doing it, but yet when you got a dog license the fees went to the Dog Warden and he believed that it had been resolved. He said that he's not even involved in the Tree Commission and he shouldn't have gotten the phone call and he thought he did the right thing by passing it onto the Tree Commission that night. Mayor Kalb asked Council if they were alright with the Solicitor handling this in a diplomatic manner and letting the County know that it was wrong and whatever restitution needed to be made. Councilman Kevin W. Johnson said that he got feedback on facebook similar to what Mr. Meadows had said "why are we bothering with stuff like this" and he said if we want to think on those terms then we should think of getting rid of the tree commission. Mr. Johnson added that he was concerned that we have a large group of people that volunteer to serve on the commission and they meet monthly and they work very hard on everything from Arbor Day festivities, to educating the public and either we use them or not. Solicitor Haas said that was one of the major concerns because we have a lot of great people that volunteer their

time and in his opinion they've been disrespected. He added that it was hard enough to get people to volunteer to help the city and then to have this kind of thing happen was not good. He said another thing was for the future, because he had concerns of the next time something like this happens and another tree gets cut down. Mayor Kalb said it definitely was a precedence setting issue that would have an effect in the future. Solicitor Haas said that he was open to any advice. Councilman Kevin E. Johnson said there were good people on both sides of this issue, from the people that requested the tree to be cut down and followed through and the people that didn't want the trees cut down and he would be willing as a Tree Commission member to sit down with the County.

Budget – Mayor Kalb said he had a few questions on the budget and asked if anyone else had any questions. Councilwoman Aeh said that she did not want to fund an Engineer and was against naming another department “Economic Development” because that could be put into the community development department. When the Community Development department was established, it was never to have been funded by the General Fund and now the City picked up the last \$5,000 of the \$40,000 salary for that department which was supposed to come from grants. She said that now we're told there were no grants. If the City had these other things coming in called “Economic Development” put it with the Community Development. She had a hard time with this when you have someone we're paying \$40,000 who was capable and had already been working with Jason Kester. She doesn't understand the need for another department as it could be combined and called Community/Economic Development. Councilman Kevin W. Johnson said he thought it was just a line item and Manager Allen said it was a department for financial tracking purposes but it had no employees in it and the only purpose was to better track the financial expenditures that we spend on economic development functions. Mayor Kalb asked who would track the expenditures and Manager Allen said it was the financial contributions to SOPA and contracts with DRD and that he would be handling all of the paperwork. Mrs. Aeh asked what the Community Development Department does because we've picked up the full salary and now we don't have grants. Manager Allen said he didn't say there weren't any grants. Mrs. Aeh said that it certainly wasn't paying the cost for that department. Mrs. Aeh said she would like to see a breakdown of the duties and what kind of hours it took because if we don't have as many grants, then there's not as much work. Mrs. Aeh said the Director of Community Development was competent and capable and she doesn't know why these two departments cannot be combined. Mayor Kalb said that Mrs. Aeh could make her amendment at the next meeting. Manager Allen clarified that Ms. Shearer filed for grants and part of her salary was paid out of the CHIP funds for the administrative fees and we did not get the CHIP grant this year, so that portion of her salary could not be budgeted as administrative. He said that we would be applying again in 2017 for the CHIP grant on our own and if we get that, some of her cost could be charged off. She is not the Economic Development Director that title belongs to Jason Kester. He explained that in the General Fund there were seven numbers, the first three numbers #101 are for

the General Fund, and the middle three numbers are departments, that doesn't mean that there were employees in that department. He added that when he arrived, the city had no way of tracking financial activities and couldn't tell what it cost to do business, so the budget was rearranged and restructured so that he could tell what it cost to do things. He gave the example that you couldn't tell what it cost to conduct dispatching, so he created the Dispatch Department #222 and no one complained. For the past three years dispatch was moved into a different department so that he could financially track how much it cost to dispatch, but that doesn't mean there's a department head because they still report to the Police Chief and were on his Table of Organization. The whole purpose for making a #118 Department was not to put employees in there or staff it but rather to track how much the City of Portsmouth spends on Economic Development activities. If Council wanted to, it could be put back into #119 Miscellaneous but if you want to know how much we've spent on Economic Development, he wouldn't be able to tell and he'd have to manually go back and pull out all of the activities.

Mayor Kalb asked the following:

1. Engineering, design and construction had increased over the past 5 years from \$30,000 to \$115,000. Manager Allen said there was a \$34,000 Engineering fee to have the Zoning Code re-written which would be contracted out.
2. #112 – In 2011 it was \$29,000 and now it's up to \$115,000 and Manager Allen said that was because of how the City Auditor allocated the costs in the past. He said in the 2014, 2015 and 2016 wages, the allocations changed which happened when Crystal Weghorst was in that position but when she left, we put the \$53,000 back into the General Fund. The Miscellaneous contractual was at \$15,000 and last year it was budgeted at \$1,000. He said in 2011 he showed wages as \$900 because he allocated (charged-off) to other departments.
3. In the Economic Development Department you requested \$110,000. Manager Allen said that \$15,000 was for Professional Services (inventory of downtown buildings, usage, if the city owns them and back taxes), the Land Bank was looking at residential properties but not looking at commercial properties and if we're going to do something downtown, we have to figure out which ones were basically abandoned and which ones have back taxes. He said some were occupied but owe back taxes. There's \$45,000 for the SOPA contract; \$25,000 for Main Street Portsmouth and \$25,000 for the grants which all total \$110,000. He said \$50,000 of the total amount had been in the CIP budget and the SOPA contribution was in 101.119 and now they've been moved so that they can be tracked. Mayor Kalb said this was a breakdown and these had been listed all over the place in past budgets.
4. Engineering Building Inspection #663 – Manager Allen said that was the Code Enforcement Officer and Rental Licensing Inspector. Solicitor Haas asked Council to be clear that they want to proceed with that position. Councilman Kevin E. Johnson said as long as we're safe to do it under your legal opinion and Solicitor Haas said that we would be okay but that it probably wouldn't be started

until mid-way through the year because we have to hire someone to do the inspections and send out the letters, but he wanted to make sure before he spent a lot of time working on it. He will assume that if it's in the budget and Council passed the budget, then it was okay with Council.

5. Legal Department – He ask about travel training and travel registration as both had doubled this year and Councilman Kevin W. Johnson said that his overall budget went down. Solicitor Haas said that the only travel that he does would be for the Ohio Municipal Attorney Association meetings twice a year and he had also sent his Assistant Prosecutor's to these seminars too. He said that prior Solicitor's may not have been involved in that organization but he found it helpful. Mayor Kalb asked about computer supplies which was the first time since 2011 was \$2,880. Solicitor Haas said that was for his secretary's computer and he too had a computer go out and he was not sure where it was paid out of as they've tried to be prudent and try to make sure that equipment doesn't break. Mayor Kalb asked why that wasn't in the CIP fund and Manager Allen responded that CIP was for items \$5,000 or more.
6. Engineering Department 101.112.5229 went from \$1,000 last year to \$15,000 this year Miscellaneous contractual. Mrs. Aeh commented but was inaudible (didn't have her microphone close enough) Manager Allen responded that Mr. Winters was in #663 (building inspections) and there was a secretary. He said #112 was for a City Engineer and we don't have on, we budget wages and operating supplies but there was no one there. Miscellaneous contractual #5299 he wasn't sure what the answer to that one was but would find out, he said it could be a typo that was supposed to be \$1,500 or it could be that prior years had always been \$8,000 and \$7,000. It doesn't matter because there's no one there to spend the money. Someone was speaking but apparently the microphone was turn off because they could not be heard.
7. Building Maintenance #101.115.5261 – This had never been more than \$2,000-\$3,000 and its \$10,000. Manager Allen said the building was falling apart and needed repaired and that in the past all of the money was spent from CIP to make repairs on the building and now he's trying to make the CIP fund for Capital Improvement only and not for operating. He's upping the maintenance instead of lowballing because he wanted to make sure there was money in there for building maintenance and miscellaneous. He added that we've had electrical problems, fire inspections, new front doors etc.
8. Miscellaneous General Fund (Miscellaneous Executive Administration) why was that not listed in the Manager's portion of the budget. Manager Allen said that General Fund related items that have been in there in the past and we don't break out personnel cost. If Personnel cost involved Water, Wastewater or Sanitation they were charged to those Enterprise Funds, but if it was Police or Fire, it was not split between those two but was put in the General Fund 101.119. He said if in the future we had the staff, it would be nice to be able to financially track in detail Management fees and how much each department (Fire or Police) cost the City, but we're not there yet. If it's a General Fund item, it was put in 101.119.

9. Impound miscellaneous \$15,000 in #101.221.5304 – was listed in the Police Department budget. Manager Allen said this was listed in the budget description sheet under **Titles** – Steve’s Lock & Key, AEP, Time Warner and Advertising for auctions. Mayor Kalb said on the revenues for the Impound, he thought he was looking at a whole revenue sheet or a whole budget sheet for the Impound. Manager Allen said the monthly status showed the expenses and revenues and the Impound this year had netted \$83,000. The Impound lot was in the monthly report and through November it had netted \$80,303 for 2016 and there was also money for 2015. We included in the 2015 budget all the startup cost that it took to get the site ready and the City still netted money. He said there was towing and if they were abandoned we had to obtain a title; get Steve’s Lock & Key; AEP for power at the lot as well as Time Warner for security cameras and we also had to advertise for the auctions and pay the auctioneer.
10. Fire Department Management Consultant Fees – Someone was speaking, couldn’t hear. Mayor Kalb said there was a line item for \$10,000, there was line item for building maintenance for \$12,000 which was 3 times what it was last year. (Inaudible)
11. Fire Department – Equipment maintenance was \$4,000 which was 4 times what it was in previous years – Chief Raison explained that they have portable radios which were 5-6 years old and cost about \$89.00 per radio and they would need to replace those. He said some other things but was not at the microphone and couldn’t be heard. Manager Allen said that all of this was itemized in the budget and Mayor Kalb said he couldn’t follow it.
12. Capital Outlay was \$7,000, Manager Allen said some of the items were face pieces, voice amps, adapters, hoses, monitor nozzles etc. Chief Raison said that it was a lot of little items and Mayor Kalb said that’s what the \$21,000 was for Safety Equipment. Manager Allen said that safety equipment was personal protective equipment which was turn-out gear and the capital out-lay was for miscellaneous small equipment. He said this had previously been in CIP but should’ve been in the general fund.
13. Public Service – Cemetery Grounds – He said there was a telephone bill this year and there hadn’t been one in the past and there were no other utility bills on 101.333. Manager Allen said that had been paid out of the Cemetery Trust Fund #851 which was not being done any longer.
14. Service Contracts Cemetery - \$1,000 he thought this was new. Manager Allen said again that it was being paid out of the Cemetery Trust and we no longer use that fund to pay the bills, these were 100% in the General Fund except for \$420.00 which was used to spend on flowers as a part of the Trust.
15. Engineering Building Inspections – Police Pension – Manager Allen said it was the pension for a police officer to be the code enforcement officer. Mayor Kalb repeated that we were using a Police Officer as a Code Enforcement Officer and the Manager agreed.
16. Engineering Building Inspections - Miscellaneous contractual - #101.663. Manager Allen said that Mr. Winters just took and passed test for his plumbing

license but wasn't sure about training. He said we pay \$110 an hour for a commercial building inspector and \$34,000 for an Engineer to rewrite the zoning code to clear up some of the issues that we're having.

17. Engineering Building Inspections – Vehicle repair and Fuel was not in there previously. Manager Allen said the fuel issue had not been resolved about where they were allocating the cost of the fuel. Every department that used fuel should be charged that fuel back to their department and it doesn't always happen.

Mayor Kalb asked if anyone else had any questions, there was no reply.

18. Water Distribution #604 – Fuel had always been \$47.00, \$51.00, \$62.00 and now it's down to \$25.00 this year. Manager Allen said he did not know where this was being charged.
19. Unemployment for #604 – He said that there were people who had left and filed for unemployment and if they've worked somewhere else and qualify, the city cannot appeal it and had to pay it. There had been some charges in Water because we had a water person leave, moved to Toledo, got a job, got laid off and we got billed.
20. Wastewater Treatment Plant – Chemicals were down half to \$40,000 from \$70,000-\$80,000. Solicitor Haas said it was because the chlorine was down (couldn't hear, his mic was off).
21. Wastewater – Capital outlay – Manager Allen said \$53,000 for repairs to the inflow chamber.
22. Campground Caretaker telephone – Manager Allen said he wasn't sure.

The meeting adjourned at 8:25 p.m. on a motion by Councilman Kevin W. Johnson.

Submitted by: *Diana Ratliff* – City Clerk