

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday February 8, 2016

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday February 8, 2016 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, Assistant Prosecutor David Beck for City Solicitor Haas, City Auditor M. Trent Williams and City Clerk Diana Ratliff.

Council dispensed with the reading of the Journal for the regular session of January 11, 2016 on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 6 – nays 0.**

Councilman Kevin W. Johnson motioned to add to the table, the legislation authorizing the City Manager to instruct Distel Construction to perform work estimated to be approximately \$100,000 to be paid from CIP Fund 301 for replacement/relocation of approximately 500 feet of 36 inch pipe and installation of 3 manhole structures on North Hill Road where storm sewer collapsed on February 4, 2016 and waiving the requirement of the bidding process for projects over \$50,000 and declaring this to be an emergency. The motion carried viva voce: **VOTE: ayes 6 – nays 0.**

Item added to
Agenda

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 approving the 2016 Capital Improvement Program budget and appropriating funds for same from Capital Improvements Funds Fund No. 301 for listed items only.

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

Councilman Kevin W. Johnson motioned to amend the Ordinance with the following amendments:

1. Engineering - Resurfacing (To Be Determined) estimated at \$75,000 amend to \$225,000
2. Engineering – ODOT Resurfacing of US 52 was \$300,000 amend to \$50,000
3. Street – North Hill Road Emergency Storm Sewer \$100,000

Manager Allen stated that originally we had passed legislation agreeing to resurface east bound 52 and the City's match was estimated to be \$300,000 in early 2014. As part of the project, we were required to have all the curb ramps made to ADA standards and to repair any defective curbs in the project. Our staff made an application to the Ohio Public Works Commission for \$300,000 worth of curb and handicap ramp work and we were awarded \$249,000 and late last year we negotiated with ODOT to inquire if all that work could be considered towards our match and they have accepted the OPWC money as match and our portion would only be \$25,003. The reason the CIP had \$50,000 listed for this category was that there was a set amount of base repair that was calculated and if exceeded, the City of Portsmouth would be required to pay back base repair. Currently it was believed that there would be a lot of base repair on Walnut Street, however if it comes in less, the money would be applied toward resurfacing.

Councilman Lowe asked the following:

1. Under Fund 301 Code 112 Engineering there was an infrastructure energy savings lease payment. Manager Allen stated that was the Ameresco debt payment that we have through 2018
2. He ask if \$56,000 each was the best price we could get on the Police cruisers. Manager Allen stated that they come bare and they would have to install the light bar, radio and other stuff. He stated that we currently have 35 marked cruisers and his goal is to get 5 each year and to cycle the cruisers

every 7 years. Mayor Kalb asked what kind of cars were being purchased. Chief Ware stated that they were Ford Interceptors which was a replacement for the Crown Victoria.

3. He asked how many Tasers are being replaced and if that was the best price or should we be shopping for a better price. Manager Allen answered that it would be 1 per officer.
4. He asked if the Central Fire Station was a new station and why it needed repaired. Chief Raison stated that the station was built in 1979. The repair was for the concrete on the back parking lot.
5. He wanted to know what miscellaneous fire equipment was being purchased. Chief Raison said there were lots of miscellaneous items, such as: fire hose, cardiac monitors for EMS activities, saws, power tools. He asked if safety gear would fall under this category and Chief Raison replied that it was under a separate line.
6. He asked what SCBA, Chief Raison replied Self Contained Breathing Apparatus.
7. He asked about the vehicle replacement for the Municipal Court at \$22,000 and the Health Department at \$19,000 and questioned the price discrepancy. Manager Allen stated that those departments made the request and he entered them into the budget.

Councilman Kevin E. Johnson asked the City Manager about the upgrades to Branch Rickey Park. Manager Allen stated that he had met with Shawnee State University and they were wanting to make upgrades and Mr. Allen told them he would match what they were spending. He said that Shawnee State would be doing some plumbing, sprinkler system, ground work and fencing. Mr. Lowe asked if we were making any money off of Branch Rickey Park, Manager Allen stated that there was an agreement in place that stated that Shawnee State would use it with the condition that they would maintain the park and they are invested in the park. Mayor Kalb stated that Shawnee State had always been very good about taking care of the park.

The role was called. VOTE: 6 ayes – 0 nays, the ordinance was amended.

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 **first reading**, to an Ordinance authorizing the City Manager to instruct Distel Construction to perform work estimated to be approximately \$100,000 to be paid from CIP Fund 301 for replacement/relocation of approximately 500 feet of 36 inch pipe and installation of 3 manhole structures on North Hill Road where a storm sewer collapsed on February 4, 2016 and waiving the requirement of the bidding process for projects over \$50,000 and declaring this to be an emergency.

Councilman Kevin E. Johnson motioned to waive the three reading rule due to emergency nature.

The role was called. VOTE: 6 ayes – 0 nays, the readings were suspended.

Councilman Kevin W. Johnson moved that the Ordinance be passed.

Councilwoman Aeh asked if there would be some kind of written agreement with Distel or would it be a verbal agreement. Manager Allen stated that currently it was a verbal agreement. Mrs. Aeh stated her concerns of the equipment damaging properties and ask if the city would be liable without an agreement and was it determined that we were responsible for the sinkhole. Manager Allen stated that the repair work would be done in the street and the responsibility was a gray area. He explained that the pipe in question does not show up on any set of plans and apparently there was a creek that ran through there and they buried the creek in a steel 36 inch galvanized steel pipe. The sinkhole was on private property and there was no easement, but this pipe collapsed once before in the 1990's and the city hired Boone Coleman Construction to repair it. So we've fixed this once before and with that we acknowledged that we took ownership of it. When we accepted the subdivision, we accepted the infrastructure and sadly it was never recorded that this pipe went between these houses and on private property. If we don't fix it, who will? There's no developer to go back on because this was 1965 and he felt that we had an obligation to the public to protect homes and remove the storm water from that neighborhood. He referred to the map which he had given Council regarding this matter which showed the route of the pipe in which it goes behind homes and between bunches of trees and he added there were some sinkholes behind the houses. The City did try to run the sewer camera up the pipe and it couldn't get through because of blockages, his fear was that if this doesn't get repaired, the sinkhole may get bigger and those people may lose their homes. The decision was made to go straight down North Hill Road, down to a sub-street called Overbrook Drive. The City had used Distel in the past on emergency pipe repair because when we were digging the backhoe couldn't go deep enough, so it would take a trackhoe to do the work. We measured off 500 feet and called to see if we could get pipe and we were able to get 100 feet of pipe and the rest had been ordered. There would be 3 manhole structures and approximately \$30,000 worth of sand and stone to backfill. He's not handling this any different than what he handled the collapsed pipe in the cemetery. Mayor Kalb asked if the city had insurance, Manager Allen stated that if it damaged the house, it would be covered under insurance. North Hill Road would need to be paved afterwards. Councilman Meadows asked if the house numbers were correct on Old Post Road, Manager Allen said he got the house numbers off of google maps so they may not be correct. Councilman Kevin E. Johnson asked if there was a potential for more damage to other homes if the old pipe isn't filled in. Manager Allen said the night of the sinkhole that people were saying that there was another collapse further up on another street off of Sandstone, he wasn't sure of the name of the street. Councilman Meadows ask what areas notification

Ord. #06-16
 North Hill
 Road sinkhole
 emergency
 repair

was sent to and Manager Allen replied that would have been everyone on North Hill and Overbrook and he would try to keep everyone informed. The notification was also put on facebook and in the Daily Times. Councilman Meadows stated that he had received complaints that there was only one way in and one way out and now that's down to one lane. Manager Allen stated that remarkably the FedEx truck that was swallowed up in the sinkhole was removed and the driver got in the truck and drove it off.

There were no further questions or comments. **The role was called. VOTE: 6 ayes – 0 nays, the Ordinance was passed.**

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

There was no one present that wished to address Council not on items on the agenda.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She received an Oath of Office for Joseph Pratt – Shade Tree Commission.
2. She received from the Ohio Division of Liquor Control a request for a transfer of D1 and D2 permit for Johnny's Mercantile & Delicatessen, LLC – 612 Chillicothe Street, Portsmouth, Ohio from Sonora Mexican Grill, Inc. 1701 Grandview Avenue Portsmouth, Ohio 45662
3. She prepared the Proclamation for the Portsmouth Warriors Football Team.
4. She received on February 1, 2016 the franchise fee from Time Warner Cable in the amount of \$53,727.60 and deposited in the Auditor's office the same day.
5. She received via email on February 8, 2016 from the Auditor's office, the following summary statements of the Combined MTD/YTD reports for the period ending January 31, 2016: Expense, Revenue and Fund.
6. She received on February 8, 2016 from the Board of Elections a Proclamation notifying that the Primary Election will be held on Tuesday March 15, 2016.

Oath of Office
 Joseph Pratt
 Shade Tree
 Commission

 Liquor Control
 transfer from
 Sonora's to
 Johnny's
 Mercantile Deli

 Proclamation
 Portsmouth
 Warriors

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: ayes 6 – nays 0.**

City Manager's Report – Written report only.

1. His written report can be found on the City's website.
2. He reviewed the EPA notifications with City Council.
3. He went over the update on the GIS project. The Scioto County Engineer's office and SOPA would like to give a presentation regarding the GIS project.
4. He met with ODOT to discuss future projects. They informed him that they intend to pave westbound US 52 in the summer of 2017 and intend to repave US 23 and State Route 73 in 2018. The bad news was that the match would be estimated at \$285,000 in 2017 and we will be applying for OPWC again so that we're not spending \$300,000 to match and he had asked them to push back they paving for US 73 and US 23 until 2019 to give us some breathing room. The hope was that by 2019 when 2nd Street was to be done that a streetscape could be incorporated into the plan. The paperwork showed Chillicothe Street but it would not be Chillicothe Street it would be Washington Street and Gay Street.
5. Advertisements for Cashier and Clerk Typist II were placed in the Daily Times and on Facebook and there would be a Civil Service Test for those positions.
6. He reviewed the City's Insurance Services Office (ISO) rating which was currently at 4. Chief Raison put together the report and Manager Allen stated that he wanted to do everything we could to reach every achievable point. If there's some type of training or minor things we could be doing to gain additional points, he would like to see that done. He stated that we would not be hiring 7 additional dispatchers, building a new fire station or buying another ladder truck, but the things that we could do he wanted to make certain we were striving to do. The other thing that was important, he wanted to know how close we were to a "3" and how close we were to a "5" and right now we're at a 61.06 score which told him that we're closer to slipping back to a "5" than we were to moving up to a "3".
7. He reviewed the Utility Bill sewer rate increase. He said that this had been talked about for 1½ years and was originally planned to go into effect a year ago when we went to monthly billing but there were issues with the transition to monthly billing that had to be corrected. We finished the year with a balance of -\$965,000 and \$200,000 of that was the new debt that we incurred that we began payments in December. He said the new rates would go out with the March bill and be effective in April and it would be collected in May. New Boston would only see an increase per 1,000 and not on their base charge because they had already received

- one. They pay several dollars on top of the \$7.00 base charge, which we collect for them and receive a percentage for making the collection.
8. The rapid mix project was substantially complete, however, there was one area of concrete that still needed to be poured.
 9. The Police Impound brought in \$79,000 and a net of \$25,000 for half a year and that amount was based on the fact we took out all of the start-up cost because those won't occur again.
 10. The Street Department had been cleaning up Richardson Road where the woods had encroached.
 11. We used 200 tons of salt on the last snow storm and there was 300 tons still available.
 12. They were in the process of removing 25 dead trees from the cemetery.
 13. On the Utility bills, there was a bar code added at the bottom, which they can run through a machine and it would automatically update the information into the system which would help speed up the process.
 14. He commended the Fire Department for the job they did on the Market Street Fire. In meetings with Main Street Portsmouth they stated that there was a two block area on Market Street that the City could not afford to lose as it was the historical core of our downtown. They did an excellent job of keeping the fire from spreading and also they were able to protect some of the hair salon equipment.

Councilman Kevin W. Johnson questioned Mayor Kalb about the OVRDC, he stated that almost 3 years ago Council passed a Resolution to try to get the GPS companies to decertify Chillicothe Street as a part of US 23 mainly because of truckers using it and to finally recognize that US 23 splits to Washington Street and Gay Street. When he was a member of OVRDC, they took it on and John Hemmings who was the Executive Director said there were some options for us to decertify it and have the GPS companies take Chillicothe Street off their maps as US 23. He asked Mayor Kalb if Mr. Hemmings had brought him up to date and Mayor Kalb said he hadn't heard anything. Manager Allen stated that he had spoken with ODOT and they were looking into who had the authority to remove Business 23. Mr. Johnson stated that the State doesn't take responsibility for repaving Chillicothe Street from the damage that the trucks cause. He said that he would send Mr. Hemmings an email and copy the Mayor and Manager on the email.

Mayor Kalb asked about the towing and if it would be cost efficient in the future for the City to have its own wrecker and driver. Manager Allen stated that we would have to call people in at night on overtime and he doesn't believe that it would be cost effective. Chief Ware stated that by the time you bought equipment, insurance, staff and benefits, it would not be cost effective and currently there was no loss to us and that fee would be passed on to the individual. Mayor Kalb stated that we would also be taking on a considerable amount of income from billing the people. Councilman Meadows stated that on the flip side, we would be taking away from some of our local tow company.

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: ayes 6 – nays 0.**

Mayor's Report – Acting Mayor Kalb reported the following:

1. He met a friend from Florida who was a veteran fireman who was visiting Portsmouth during the time of the Market Street fire. He asked Mayor Kalb to relay how impressed he was and how well the fireman and first responders did.

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: ayes 6 – nays 0.**

City Solicitor – No report

Auditor Williams – Auditor Williams reported the following:

1. The income tax collections for the month of January in the General Fund was \$896,297 which was \$29,000 more than last year and the total collection was \$1,053,915 which was above last year by \$33,737. The General Fund had a balance of \$549,466, Streets \$44,679, Water, \$294,251, Sewer -\$809,485, Sanitation \$517,263, Insurance -\$123,529 and that was prior to the budget adjustments.

The Auditor'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: ayes 6 – nays 0.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

1. He was also at the Market Street fire and spent some time with the owner of Vanity Hair Company Nicholas Fite and he was delighted at the Fire Departments response. Serv Pro was there on Sunday cleaning up the salon. Not sure what would happen with the Candy Land property.
2. The Chocolate Walk had a wonderful turn out this year as they increased their ticket sales to 400 and they sold out. There was also a benefit concert for the victims of the fire which was going on at the same time.
3. He reminded the City Manager to set up site visits for Council for the different departments.

2nd Ward – Councilwoman Aeh stated that she attended a ribbon cutting ceremony for a very nice Jewelry Store at the corner of 11th and Offnere Streets.

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

1. He expressed what a great job the Fire Department did on how they handled the Market Street fire and well the community pulled together.
2. He stated that he would pass on his residential issues to the City Manager.

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows had no report.

6th Ward – Councilman Lowe stated that he didn't have a report but he questioned what happened to the Sciotoville exit sign and whose pocket does the sign come out of. Chief Ware stated that it was a hit/skip driver and ODOT would be responsible for the repair.

The meeting adjourned at approximately 7:00 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Mayor