

MINUTES – REGULAR SESSION

PORTSMOUTH CITY COUNCIL MEETING

Monday June 26, 2017

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on Monday June 26, 2017 at 6:00 p.m., in the Council Chambers of the Municipal Building.

Mayor James D. 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 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 June 12, 2017, on a motion by Councilman Kevin E. Johnson. The motion carried viva voce: **VOTE: ayes 6 – nays 0.**

Proclamation

Whereas, the Frontier League has recognized **Steve Sturgill** as a special contributor and will be inducting him into the 2017 Frontier League Hall of Fame; and

Whereas, Mr. Sturgill was one of the founders of the Frontier League which was established for professional baseball teams from smaller cities in our region in 1993. Mr. Sturgill was also one of the owners and the General Manager of the local Portsmouth Explorers Baseball team as well as the League President. The league grew very fast and after 25 years is now comprised of 12 teams with collegiate standouts from across the country; and

Whereas, the City of Portsmouth is always happy to recognize its native citizens who have contributed and served our local community.

Now, Therefore I, James D. Kalb, Mayor of the City of Portsmouth, commend **Steve Sturgill** for his great accomplishments.

Public Hearing – Tax Budget 2018

Mayor Kalb declared the hearing open at 6:07 p.m. There was no one present who wished to address Council on the Public Hearing. Mayor Kalb closed the hearing at 6:07 p.m. since there were no comments.

**Public
Hearing for
Tax Budget
2018**

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 **third reading**, to an Ordinance authorizing the acceptance of \$8,550.00 into General Fund Revenue Account 101.4922 and the appropriation of the same into Fire Department Training Line Item No. 101.223.5222 received from a 2016 Fire Department Training Grant Award.

Councilman Kevin E. Johnson motioned that the Ordinance be passed.

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

**Ord. #33-17
Fire
Department
Training
Grant**

The clerk gave a **second reading**, to an Ordinance approving and ratifying the recently negotiated collective bargaining agreement between the City of Portsmouth and AFSCME 1039, for the period beginning January 1, 2017 through December 31, 2019. Pursuant to Council Rule 5, this legislation is requested to be passed as an emergency in accordance with Section 10 of the Charter for the City of Portsmouth in order to facilitate administration, daily operation and avoid practical and legal entanglements.

Councilman Kevin W. Johnson motioned that the rule be suspended that required an ordinance to be read on three separate occasions due to the emergency nature of the ordinance.

**Ord. #34-17
Ratifying
AFSCME
1039
collective
bargaining
agreement**

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

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

Councilman Kevin E. Johnson said that he seldom voted to waive the readings. He understood that Council only had 30 days to either ratify the contract or vote it down and if they did neither it would go into effect anyway. He was in favor of the contract but against waiving the three reading rules in most cases. Councilman Kevin W. Johnson asked Solicitor Haas for a point of clarification regarding the 30 day time frame and where the requirement came from and Solcitor Haas replied that it was the Ohio Revised Code.

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

The clerk gave a **first reading**, to an ordinance authorizing the vacation of an alley between the southernmost parcel of four (4) parcels on Kendall Avenue for the expansion of Speedway located at 2401 Gallia Street more fully described in the attached legal description Exhibit A, with the City of Portsmouth reserving all easements to this property; the vacation being effective once all properties are acquired by Speedway and a Certificate or Affidavit from the title company, Esquire Interstate title, LLC.

Kevin E. Johnson motioned that this constitute a first reading.

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

The clerk gave a **first reading**, to an ordinance to amend the Zoning Map of the City of Portsmouth, Ohio, by rezoning parcels 33-0809.000, 33-2204.00, 33-1912.000 and 33-1208.000 from its current zoning of Residence “C” District to Business “B” District.

Kevin E. Johnson motioned that this constitute a first reading.

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

The clerk gave a **first reading**, to an ordinance authorizing creating the Gallia Street downtown redevelopment district within the municipality; declaring the improvements to real property within the downtown redevelopment district to be a public purpose; exempting seventy percent of the value of such improvements from real property taxation for a period of ten years; requiring the owners of parcels for which improvements are declared to be a public purpose to make annual service payments in lieu of taxes during the period of exemption; establishing a municipal downtown redevelopment district fund for the deposit of such service payments; and approving related matters.

Kevin W. Johnson motioned that this legislation be tabled until September 11, 2017.

**Ordinance
 Tabled**

The role was called. VOTE: 6 ayes – 0 nays, the legislation was Tabled.

The clerk gave a **first reading**, to an ordinance creating the Chillicothe Street downtown redevelopment district within the municipality; declaring the improvements to real property within the downtown redevelopment district to be a public purpose; exempting seventy percent of the value of such improvements from real property taxation for a period of ten years; requiring the owners of parcels for which improvements are declared to be a public purpose to make annual service payments in lieu of taxes during the period of exemption; establishing a municipal downtown redevelopment district fund for the deposit of such service payments; and approving related matters.

**Ordinance
 Tabled**

Kevin W. Johnson motioned that this legislation be tabled until September 11, 2017.

The role was called. VOTE: 6 ayes – 0 nays, the legislation was Tabled.

The clerk gave a **first reading**, to an ordinance authorizing creating the West Boneyfiddle downtown redevelopment district within the municipality; declaring the improvements to real property within the downtown redevelopment district to be a public purpose; exempting seventy percent of the value of such improvements from real property taxation for a period of ten years; requiring the owners of parcels for which improvements are declared to be a public purpose to make annual service payments in lieu of taxes during the period of exemption; establishing a municipal downtown redevelopment district fund for the deposit of such

**Ordinance
 Tabled**

service payments; and approving related matters.

Kevin W. Johnson motioned that this legislation be tabled until September 11, 2017.

The role was called. **VOTE: 6 ayes – 0 nays, the legislation was Tabled.**

The clerk gave a **first reading**, to an ordinance authorizing creating the East Boneyfiddle Downtown Redevelopment District within the municipality; declaring the improvements to real property within the downtown redevelopment district to be a public purpose; exempting seventy percent of the value of such improvements from real property taxation for a period of ten years; requiring the owners of parcels for which improvements are declared to be a public purpose to make annual service payments in lieu of taxes during the period of exemption; establishing a municipal downtown redevelopment district fund for the deposit of such service payments; and approving related matters.

**Ordinance
Tabled**

Kevin W. Johnson motioned that this legislation be tabled until September 11, 2017.

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

The clerk gave a **first reading**, to a Resolution providing for the annual tax budget for municipal purposes for the year 2018.

Councilman Kevin E. Johnson motioned that the Resolution be adopted.

**Res. #12-17
Tax Budget
2018**

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

STATEMENTS OR REMARKS FROM CITIZENS ON ITEMS NOT ON THE AGENDA

Jacob Harris – 1215 Distel Lane – Portsmouth, OH – He addressed the comments made by the City Manager on the City Manager’s public facebook page concerning the homeless population in Portsmouth. He read quotes from the facebook post of June 22nd as follows: “Today the Police and I took a trip to meet our neighboring community of Tent City located behind Bob & Floyds Tire, this is what happens when people believe they’re being compassionate in giving Panhandlers money”; he read another comment by the City Manager on the same post, “If you believe that you’re being compassionate and helping by giving money, you are not, it is perpetuating the slum living in which they are living”. He said that he had several issues with the Manager’s facebook post and in particular concern was the language used in the remarks. The City Manager has shown that he does not view the homeless citizens of Portsmouth as part of the city but instead as part of “the neighboring community of tent city”. Rather than refer to and think of the homeless people as people in need deserving as much respect and dignity as those fortunate enough to not have to worry about meeting the basic needs of food and shelter, the City Manager instead had chosen to refer to them only as “Panhandlers” and made it clear that he believed that people who find themselves without homes were choosing to live that way. The Manager also made clear that he did not approve of the more privileged people in Portsmouth giving to the less fortunate because “it is perpetuating the slum living in which they are living”. He went on to say that the post contained an album of photos, one of the photos was captioned “Trash Selfie” which showed the City Manager smiling widely in front of what was claimed to be a pile of trash left by the homeless citizens of Portsmouth who use that area as some semblance of shelter. He said that there was another photo in his collection, one that demonstrated a complete lack of self-awareness of the City Manager’s own privileges, it was of a sink that had been rigged up in the same area with a quote “Thank goodness there’s somewhere to brush your teeth”. He said that the comments made by the City Manager in the post seemed to be an attempt to paint a picture of the homeless in our community as lazy people who would rather make messes and ask for money than try to “live a normal life”. The picture of the sink was a powerful one in his opinion because it showed the people who were forced to live in those conditions long for some semblance of a normal life and rather than acknowledge this, the City Manager chose to mock and demean those who were trying to be normal. He said that when he first saw the post, he was disgusted and immediately shared screen-shots of the post and wrote “The Portsmouth Ohio City Manager posted this earlier and deleted not long after; we cannot accept this privileged and pompous attitude from someone in the leadership position in a city so overrun with poverty. Poverty is the rule not the exception and he has made his position clear that he believed they were lazy and the people of Portsmouth should not help the homeless and less fortunate”. He said that he wasn’t the only one that felt this way about the City Manager’s remarks as his post had been shared 220 by members of the Portsmouth community. The City Manager, rather than address the criticisms from the community that had expressed dissatisfaction, had instead made the choice to block him from making any further comments on the public facebook page and had been actively deleting critical comments concerning his remarks about the homeless. He said that attempting to silence critics was not an attractive leadership quality. The City Manager needs to face his criticism and admit fault in his understanding of the homeless in Portsmouth, and actively and continually educate himself on the conditions that lead to poverty in Portsmouth, rather than taking selfies to inflate his sense of superiority over the less fortunate. He needs to begin to take positive steps forward in solving the real problem of perpetual poverty. Potential steps to solving the crisis of homelessness include: 1. Changing the current shelter policy. 2. Working to open another shelter. 3. Creating resources that

were also accessible to those that may not have an ID, social security etc. Instead of shaming the poor, he suggested working together to better the lives and offer resources, so that there's a better chance of escaping the cycle of poverty in the future.

Mark Jenkins – 834 Eunice Avenue – Sciotoville, OH – He said the statements made by the City Manager were unbecoming of someone representing the City of Portsmouth. He felt that his comments were insulting and unbecoming of somebody that would represent us. He stated that it was very important to not put our poor and destitute down and Manager Allen didn't offer any solutions to our homeless problem yet he had absolutely zero problem taking a selfie for facebook, making fun of their trash and squalor. He said he didn't understand why everybody thought that it was okay for this man to represent our town and do that to our own people which was sad. He said we deserve better than this and he wanted the City Manager gone.

Linda Carver – Dever Street – She said first of all she agreed with the previous two people. She had a problem with the Police Department as they towed her car which she had sitting on a neighbor's empty lot across from where she lived, she didn't know that the lot was within the city's district. She said she had to move it from in front of her house because they wouldn't allow it to sit there because you can't have junk on the streets. She said the car ran but was damaged from a deer that she had hit. She said that she'd lived there 13 years and this was the first time she's had problems, other than one time she had a car towed for sitting on the street. She was aggravated because they stalled so that the bill would go up because of storage fees. She said that she had spoken with Mr. Lowe and he told her to email the Manager, and he stalled for 2 days and referred it to Chief Ware and by that time it was the weekend so it sat for two more days. She said Chief Ware was supposed to email her but she didn't receive his email and when she contacted Mr. Lowe again he forwarded Chief Ware's email to her which was Tuesday evening and another two days. Mr. Lowe had told her to ask for an appeal in which she sent an email to Chief Ware and also called his Clerk but the Chief wasn't in and she had to leave a message. She said that she didn't know what these people were being paid but they're not answering their phones to the people that pay them which is the taxpayers. The Police have been rude to her which she doesn't deserve because she's a law abiding citizen. She doesn't like being picked on by the Police or anybody and if you pick on her, she's going to pick back. She said since they've delayed releasing her car, the bill would be way over \$200 which she could not pay and she had the email showing that she tried to resolve it. She said that the Officer didn't come to tell her they were towing it, because she had already paid someone to tow it, but there was no common courtesy. She said she thought that her car should be released to her without any charges and that they should bring it back to her as well.

Sharon Bender – 1656 Highland Avenue Portsmouth, OH – She defended the City Manager as she knew him to be a caring and compassionate person. She doesn't believe that his intent was to make fun of the homeless problem or the people; there was a problem down there and it is a public health hazard. There exist a problem down there but the city can't solve that problem. A lot of those people have drug problems, mental problems which is virtually unsolvable and not a whole lot that you could do with some of these people. She understood there was a problem but doesn't feel that he meant anything bad about that post and people will interpret it however they want but she knows that he has a lot of compassion. She added that he makes trips to Honduras every year to help people that were in a lot worse shape than the people here and she felt like he should be defended. He wasn't making fun of people and you can't expect the city to solve all of the problems.

Vina Colley P.O. Box 136 Portsmouth, OH – She spoke at the last meeting regarding the Dayton Walther and Brownfield sites and possibly having it cleaned up for the community to put something there. She had spoken with the City Manager and he was working on it. She attended a meeting in Piketon and asked them about the pipe coming from the facility filled with contamination that goes out into the Scioto River. She said the radiation and all the chemicals drain out to that pipe and then goes into the Scioto River. She said the Piketon County officials weren't too worried about it because it was south of their community. She was wondering if the Portsmouth City Council was interested in what's going on with that and also if they were interested in the underground cell that they were putting on site and dumping all the waste. There were bedrock infractions and under the site there were three water systems she was concerned about and that the waste needed to be above ground and monitored not in a waste cell. She had another issue with the air pollution and all of the things they had taken off site, if City Council could do something like have the Department of Energy pay money as restitution to this community for what they have done to us, because the community is rapid in cancer and heart disease. She's been fighting with that plant since 1986 and thought this community should be compensated. One of the plant workers wanted her to go with him to show him where the pipe was as she had been there several times with the EPA. They do have radioactive material leaking into the Scioto River because the fish they caught had radioactivity. This isn't only affected the fish but it's affecting the community.

She had another matter also, she had some people come to her that didn't have a place to stay because the Salvation Army wouldn't put them up on one of the coldest nights of the year. She said that luckily the guy was arrested on a warrant and got to stay out of the cold. She has heard from some of these homeless people that they only allow you in the shelter for 30 days. She said that she saw a lady living at the old telephone company doorway, everything was neat and she was laying on a baby mattress. Some of the people that are homeless will not be able to get a job in this community and there's a lot more than what those pictures told and she was sure that Manager Allen was looking into it and there's more to understand than what people know, she knows they have a lot of trash but doesn't know of a solution.

Don White 2916 Maple Benner Road – He has heard good things about the City Manager from his Grandmother and he appreciated everyone's work in the city and believed the Manager brought attention to a big

problem. He was born and raised in Southern California and grew up seeing homeless people which was a huge problem in California since President Reagan shut down the Mental Institutions. The homeless community had hard times, mental problems and about 1% of them choose not to work and continue to live in those conditions, but he believed at least 75% or more don't live there by choice. He appreciated the Manager bringing it to everyone's attention even though there was negative publicity and would appreciate it if he continued facing the homeless issue. He said it was tough to get a job around here, but was always fortunate to have a job and working his way up while going to school, but trying to get a job could take a couple of months. He said if it wasn't for his Grandparents helping him, he could be in trouble or he could choose to get a credit card and build up debt but he had been fortunate. He thanked the City Manager for bringing it forward but ask that he have better empathy for these people.

Sue Burke – 3110 Brookwood Drive – Portsmouth, OH – She said the first beggar in Portsmouth started out at the corner of OSCO at 11th & Chillicothe Streets over 10 years ago and she had been cleaning up their messes ever since. She stated that it was extremely frustrating, as they have signs that say “Will work for food”, when people drop off food, they walk around the corner and leave the food on the sidewalk and she cleans it up. A lot of people were caught off guard and will hand them a handful of change and if they drop change on the ground they won't bend over and pick it up. Almost on a daily basis while she's downtown doing volunteer work she gets panhandled and directs them to the Salvation Army, they turn and walk in the opposite direction; they say they're hungry but they really aren't looking for a meal, but looking for money. She wasn't sure what they use the money on but she's been cleaning up after these people for a long time and believed it to be a blight on the community. She and her husband John give a lot of money to the Salvation Army and know they use it wisely; a lot of these people choose not to use their services. She has been working with Manager Allen since he started the job and she didn't take his comments in a bad way, she took them as his frustration because she felt the same frustration. She admired and respects him and it would be a grave loss to our community if you let him go. She agreed with Ms. Bender that she didn't know what the solution was and she doesn't believe that it was the city's problem, it was a social problem. She doesn't know how anyone would get a grasp on it and a lot of these people were not from this area. She gave her support to Manager Allen and believed that he had done a great job since he's been here and it would be a grave disservice to our community if you terminate him over the post.

Alisha Carver – 862 Woodridge Road Portsmouth, OH - She said that she didn't typically speak out against things unless she felt strongly about them. She ask Council how many of them ever had to sleep outside, not because you wanted to but because you had to; she said that she may not look like it but she had and it was terrible. It wasn't just being cold, for her it was the feeling of bugs being on her and it was gross. For homeless people, you can't put them under a blanket term and assume they're all the same, there are going to be people that were completely comfortable being where they're at, but a lot of them aren't and they don't want to live that way but want to be better. She wouldn't wish it on her worst enemy. She addressed Manager Allen and said she didn't know him personally and she wasn't judging him but she didn't like the delivery of his message, even if he didn't mean for it to be hurtful, it was hurtful. She doesn't believe that's an actual depiction of what our community is about, she couldn't think of one person that would use the words he did in his post. She doesn't have an answer and it wasn't about who could do what for whom right now, but what the people of Portsmouth were upset about was that someone that was supposed to be speaking for our community, spread a message that was mostly hate and hateful, there was no caring in the message. She stated that we all know that there were some people that don't want to work for what they get, but even if there was one person out of twenty that's worth saving, they deserve that second chance. She said that we're all human.

Mike Adkins – 1750 5th Street Portsmouth, OH – He spoke on behalf of Portsmouth Ambulance service and he wanted to let City Council know that they were looking forward to working very closely with the Fire and Police Department in the future to provide the 911 service for the city. They had been operating in the city for several years and hopefully been doing a good job for the citizens.

Darrell Nickels – 2405 Edgewood Drive Portsmouth, OH – He is the Pastor of LifePoint Church and thanked everyone for their service and he wanted to make Council aware of an event that was coming up. LifePoint along with 18 other churches were going to have a “Serve Day” on July 15th not only in Portsmouth but around Scioto County. What it entailed was that, churches go out into their community and do work to cleanup, help widows and build porches and all kinds of different things. They've been working with the City, New Boston and Sciotoville to get ideas for projects. The event begins Saturday 9:00 a.m. on July 15th, they will be meeting at the stadium and pass out shirts and say a prayer for our community, then disband and go out and do this Serve Day. He invited Council members to come and be a part of the day, they will be recognized for being there if anyone wanted to join, they will receive a shirt. If you want to join in an event or project on serve day you can sign up on: servedayportsmouth.com. If you have projects you can submit them, if you have a church you would like to sign up as a group that can be done there too.

MISCELLANEOUS BUSINESS AND REPORTS:

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

1. She prepared the Proclamation for Steve Sturgill being inducted into the Frontier League Hall of Fame.
2. She received notification that Mr. Gedeon had received a \$250 bid each (\$500 total), from Robert Whisman for the vacant lots located at 2123 and 2127 7th Street, Portsmouth, Ohio. The applicant stated that they will clean-up and maintain the properties and possibly build a home on the properties. Mr. Gedeon recommend that we accept Mr. Whisman's bid.

3. She received the Oath of Office for three member of the Design and Review Board: Sharon Bender, Paul Yost and Chuck Davis. She reported that they had their first meeting with the new members and had elected officers and they had also decided to meet at the City Building in the future instead of the Health Department.

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 addressed the issues that were brought up during the statements from the citizens. He said that not too many people in this community know him, but those who know him, knew that he wasn't a mean spirited or hateful person. He believed that it was known that he puts a lot of hours into this community trying to better it and people's lives. He said the last three months they've been going out doing target enforcement on problem areas, the areas were known drug houses and when people were found, they were talked to about getting help. People living in houses with extreme squalor and were condemned, they have been talked with about getting help. He never said that these people don't want to work, in fact, the other day when Andy Gedeon, Solicitor Haas and the two Detectives were out there, he made the comment about these people working harder than the average person by the amount of cobbling together down in the city. He never said anything hateful nor was it meant in a mocking sense and never said they were lazy, but was in poor judgement because it was open to interpretation and the hate ideas came from what other people posted but he realized he shouldn't have posted it. He's been asked on multiple occasions to deal with the panhandling and that lately the homelessness in our community had gotten worse. In the last couple of weeks, there had been multiple reports about a person living on the porch of the Verizon building, Thursday when he went to the radio station to speak, the doors were locked and when he asked why, he was told that someone had been going into businesses and disrupting businesses by asking for money. He doesn't have the solution for the homeless living on the streets and going in and disrupting businesses. He's had complaints about defecation in Tracy Park and he had photos from a business north of Tracy Park where they've gone to the bathroom all over the property. He had been ask within the past two weeks to deal with the Prostitution problem but doesn't have a solution for that either. The Prostitutes on 8th Street, Gallia Street and Murray Street were disrupting what few industries that we have in this community. Last Thursday he received a phone call from city staff that advised he needed to go down to this property because he wouldn't believe the mess. He notified the Police Chief, the Solicitor, members of the Police Department and Andy Gedeon from the Health Department, the Chief of Police was unable to go but two detectives went. They spent an hour to an hour and a half down there because in today's world, nobody should have to live in those conditions in what he called squalor. It was a tent city, they have generators running things like lights and in the trees, they've got a sink there's no water but they have a sink tied to a tree. He said there were rats along the river and if you saw what these people were living in and the amount of trash that is piled up, he couldn't believe there weren't rats crawling all over them. He went down there with compassion and was frustrated. It was a tent city and a slum; when you see shacks built of pallets, make shift tents, everything down there is a slum and no one should have to live like that, and a reminder of slums in India or any Third World country. Butch has a generator running inside his tent and it's only a matter of time before they find him dead from carbon monoxide poisoning. He said three to four weeks ago, the Fire Department had to go down there because three of them overdosed and while he was there they were drinking some form of alcohol. He said he wasn't on a mission to go out there on city property to tear them down and kicked them off the property; there was no one arrested or hassled, they were there concerned about their well-being. They've been pushed over there because no one wants them in the city and he's been told not to mess with it and that there's nothing that can be done because they'll just come back into the city and it's an eyesore and everybody would have to see them. Most people probably haven't gone over that flood levy and seen the condition that these people are living in. The homeless were ask if there was anything the city could do to help, they declined the help and one of them said they get \$50-\$60 per day off of people. In their minds they don't see their living conditions as bad, they've got money to buy whatever it is their buying, alcohol, drugs etc. and it's not just drug abuse, its mental illness. The Police know these individuals and some of them were known to have mental illness and were ask if they were getting help and if they were taking their medicine and what we could do to help and no one wanted or ask to be helped. He said that he had exercised poor judgement because he decided to let people know of the terrible conditions that these people were living in, he said he erred and should have been more preachy and more lecturing but instead he put a light-hearted post so that it wasn't being all condemning on people. He posted it and 10 minutes later he got an email from someone whom he respected that said that he didn't think the facebook post was coming across the way it

was intended, so it was taken down immediately. When people started getting upset he apologized but at that point it took on a life of its own and there was no apologizing for it. He stated that he went out today with Solicitor Haas and he spoke with those that were at tent city (Butch, Chris, Tim and another gentleman) and apologized to them personally because they were the ones he needed to apologize to not the citizens that feel they were offended; he apologized to the people that might have been embarrassed by his pictures and his facebook post and they said they were in no way embarrassed or offended and that there was no problem. They did say that people were coming up to them on the corners wanting to know if the Manager came down there to hassle them and if he had mocked them and they told them “no, they were down there to check on us and our health to see if we were okay”. The intent was to get these people classified as homeless the help they needed. Someone said that he referred to them as “not our citizens” and that was because they technically live outside the city limits but because they were on city own property they went down to check on them. He said that he received a video of underneath the Young Street viaduct and the mess that was down there; they have turned the East side of that into a huge landfill. The trash picture was a concern of his because it was a mess and unhealthy and it attracted rats and varmint’s. He also had concerns that approximately 10 people living down there were going to the bathroom right there or in the woods; when walking around he had to make sure he didn’t step on needles or excrement. He apologized that this had come up and he said that he was sorry he had offended some people and should’ve put more thought into how he phrased things because it was taken as mocking and it wasn’t intended to be, but was intended to be more lighthearted. It was lighthearted about Butch being the “Mayor” because that’s what they were told and that they weren’t allowed in the Mayor’s mansion, it was an odd conversation but not mean spirited. This community needed to think about what could be done because the panhandling deters businesses from wanting to come here. He stood behind the statement that he doesn’t believe it’s helping people to give them money, they need help and they don’t feel the need to seek help if their being given \$50-\$60 per person, per day and we were perpetuating somebody living in terrible conditions which was a health hazard. He said it’s not just that camp, there’s one under the 2nd Street Bridge, under the Young Street viaduct, and a lady living on the porch of the old Verizon building as well as people living in abandoned and condemned houses.

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 commented on the tent cities and panhandlers as they’re kind of intertwined but separate problems. He shared the following experience that he had with the above with regard to the panhandlers. He had done a lot of work around property that he owns, he had post holes to dig and some dirt to be removed and on a couple of different occasions, he stopped and ask the panhandler that was holding a sign that said “will work for food or money” and said not in these exact words but that he could make more money standing right there just asking for money. He’s tried twice with two different people to give them some work in exchange his wife would prepare a good meal and he would give them a few dollars to help them out, but both refused. He believed they were a detriment to businesses as it wasn’t good to have them stand on the street corners. He said it was a shame about tent cities and places these homeless people are staying but as he had heard tonight no one had an answer to the problem and if there was an answer he believed that it would already be taken care of. He told of at least one person he knew for a fact had a place in a Nursing Home, the government was taking care of him and he choose for some reason to leave that nice controlled environment and to live in one of these places. He said that we couldn’t group everyone into one category and say that they were all bad, or they are all trying because there were different circumstances for each group and they should be dealt with on an individual basis.

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.**

City Solicitor – Solicitor Haas reported the following:

1. He reiterated what Manager Allen said about the visits to tent city and when they were there the first time, he was taken aback at the conditions. He felt really bad because they were talking to different individual as they walked around, there were around 10 people down there and he thought he recognize someone but wasn’t sure until he asked one of the detectives if that’s who he thought it was and the detective confirmed the person’s identity. This was a friend of his that he had known and went to school with since he was around 10 years old and he was living down there. He said the whole point of going over was to check on them because of the statement from the city workers that had been working on the floodwall project reported what a mess it was and referred it to Manager Allen. It was a mess and one of the things they had discussed

was trying to get a dumpster down there so they could keep it cleaned up. They spoke to them about putting screens over the open fires because if one of those things caught fire, it would be a disaster. He said part of the area down there was clean like a campground but the other part was not. He added that they were down there for approximately one and a half hours to speak to all that were there and the whole point of going down there wasn't to harass them or demean them in anyway. They didn't take it that way they understood that we were there to check on them, no one was run off, arrested or ask to leave. He believed that things got blown out of proportion to what really went on.

2. The items that were tabled tonight were the Downtown Redevelopment District which were 4 sections within the downtown, these were tabled because we had to provide notices to anybody that lived in those districts prior to having public hearings.

The City 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: 4 ayes – 0 nays.**

Auditor Williams – Auditor Williams had no report.

Councilman Meadows moved that Council recess into Executive Session to discuss a Personnel matter.

The roll was called and the motion carried. **VOTE: ayes 6 – nays 0, they recessed into Executive Session at 7:12 p.m.**

Executive
Session

Councilman Kevin E. Johnson moved that Council reconvene from Executive Session.

The roll was called and the motion carried. **VOTE: ayes 6 – nays 0, Council reconvened with all still in attendance at 7:54 p.m. with the exception of Auditor Williams.**

MISCELLANEOUS BUSINESS FROM CITY COUNCIL

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

1. He said the City Manager had taken care of a number of things that he'd passed onto him.
2. He said that the State budge was nearly a billion dollars short for the next two year period predominately because of certain tax breaks that were given under the Kasich administration. Unlike the State of Kansas, our State Legislature was not recognizing the fact that there was even a problem; they are doing across the board cuts and cutting into local government funding at about \$97,000,000 more in local government funding cuts with some of it being diverted for opioid purposes, they were pulling all sorts of strings to balance the budget including 2-3% of BWC funds. The Kansas legislature overrode their Governor to reinstitute the taxes that weren't providing new jobs and our State legislature was refusing to do so which would cost us dearly, because they will be cutting back on education, local government funding, and homelessness across the board. He sent a note to our State Senator but given Gerrymandering none of them have to listen to us.

2nd Ward – Councilwoman Aeh had no report.

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

1. He said early this evening the Pastor from LifePoint spoke about Serve Day on July 15th. Pastor Nickels asked that City Council be involved as well as City Leaders. He challenged everyone to come down and join in as he will be there and it was a chance to reach out and do some good things here in the city and hoped that everyone would join in the event.
2. He said regarding Manager Allen's facebook comments, he felt that communication about the problem of the homelessness could have been better communicated. He believed the Manager genuinely was concerned about the homeless needs of the community as all of us are and maybe they don't agree with the way that it was communicated, but now that we all are aware of the problems, he challenged the folks that spoke tonight and those that made the facebook/social media posts, to get together to work to stamp out this problem that we have and put together think tanks and do what it takes to work to fix the problem together as opposed to coming out with our anger. He said "Mr. Manager, I don't straddle fences, I support you, I've supported you all the long the whole time, you could've communicated it better but I genuinely think that you do have a heart for this community and I will continue to support you."

4th Ward – Councilman Kalb had no report.

5th Ward – Councilman Meadows reported the following:

1. He said that the City Manager asked earlier what the city could do about the Prostitution, his answer was "arrest them". He said he knew the Police were busy and that they're chasing the drugs and were looking at bigger and better things but this was a problem. He said he knew the Charter said 44 but if we need more Police Officers, "let's talk about it". He knew what the State's audit report said was to slash them, but he didn't believe they were familiar with the Prostitution on 8th Street.

2. He mentioned around a year ago and had agreed that Solicitor Haas was correct when he said ‘that they have a constitutional right to stand out on the street and hold a sign up’, however, you do not have a constitutional right to stand on the street corner and hold up a lie. He gave the following example: “I defended a gentleman in Ironton Municipal court because he had a sign up that said Homeless Veteran please help, a Police Officer pulled up beside of him and said excuse me, do you have your DD214, you know what that is don’t you, he didn’t know what it meant”. He wasn’t a Veteran so he was charged with theft by deception, that’s a crime.” When they impede traffic, that’s a crime. Council passed an Ordinance that they had to have a permit for their shopping cart, if they don’t, that’s a crime. There were crimes to get these people and if we start charging the ones who were committing the crimes, they will leave and find somewhere else where they can panhandle. He’s noticed that a bunch of them have been starting in Ashland, KY, they will go somewhere and the idea is to try to get rid of them here. He knew the Police were overworked and he understood, but this was part of the problem and some of the arguments were that they were at least out there begging for money and not breaking into our homes. He reiterated what Manager Allen said that they were destroying businesses and who wants to set a business up next to somebody that was urinating on their building.
3. He requested that Mayor Kalb prepare and present a written reprimand for the City Manager for the next Council meeting for the inappropriate facebook post.

6th Ward – *Councilman Lowe has asked that his statements be verbatim.* Councilman Lowe reported the following:

He just has a couple things uh, I’ve received another complaint on the habitat for humanity property located in the 700 block of Bonser Avenue. Manager Allen said that had been sent to code enforcement. Thank you for that, uh, more reports on the Munns Run uh, I got-getting complaints of people calling saying the walls cavin in and it’s snake city down there and it would be nice if we could send them people a letter. I know we’ve got plans to maybe fix that, to let them kinda know what’s going on that way I don’t get so many calls about it, I get 10 calls a day about it generally. Then another complaint on Pershing Avenue about the high weeds on the side of the road and uh I talked to a couple people out there and they say it’s attracting snakes and they say Beaver Construction is responsible for keeping those weeds trimmed until the highway gets done, I’m just wondering if they could maybe do something maybe cut some of them weeds down for the people up there.

The meeting adjourned at approximately 8:03 p.m. on a motion by Councilman Kevin W. Johnson.

City Clerk

Mayor