

MANAGER'S CONFERENCE MINUTES
Portsmouth City Council Meeting on
August 28, 2017 7:55 p.m.

Mayor Kalb said there had been a request to move item #7 (Transfer from #101 to #204 Probation) on the agenda up to #1 on the agenda and also #11 & #12 (Rezoning and Vacating Alley) to be moved to follow immediately after.

1. (#7 on the Agenda) Transfer from #101 to #204 Probation

CM-17-63

Manager Allen stated that the State Legislature had reduced funding to the Ohio Department of Rehabilitation and Corrections and the Probation Department received funding from them along with the Portsmouth Municipal Court. The State's fiscal year was July 1st to June 20th and the reduction of funding was \$140,000 per year, he believed the second half of the year there would be a loss of \$140,000. In order to maintain the current level of operation, the Probation Department must replace the loss revenue from other sources and the only other source would be from the General Fund. He said that the available resources should also be amended to reflect the loss of funding. He mentioned that the legislation could go 3 readings, however, he believed the Probation Department needed to know sooner rather than later. Mr. Allen stated that the Police Department, his office and the Municipal Court had been working very close together earlier this year as they had gone out searching for people who were wanted by the Probation Department for probation violations. He added that a lot of times the people who were non-compliant and violating their probation were the same people who were out sometimes committing crimes and causing problems. With the funding cuts, they've had to scale back their efforts in dealing with the crime problem in our community.

Judge Steve Mowery spoke on behalf of the courts and thanked the employees that were in attendance. He said that he and Judge Kegley were advocates for the courts, employees and the community. He said the Probation Department was partially grant funded and the reason the employees came to the meeting was to let Council see that there's a name and face behind the loss of the \$140,000 in grant money. He said he believed that we're all fighting the same battles and we may not like the company at times but we all share the same mission which was to keep our community good or at least giving a noble effort. He said in an effort to try to ease or lessen the impact of the cuts, they've raised the court cost. He stated in the memorandum they have not filled the probation position that handled the community service and the proposal was that if they could replace the grant money they have two part time employees willing to become full time employees which was the goal of the court. They want them to use the additional hours in the afternoons to take over the community service work and get out more into the community to fill that spot. He understood the money constraints and issues and they were trying everything they could to replace the funding cuts, however the court cost increase won't be realized right away as it took time for the monies to come in and people to pay. He said in order to retain the current employees and keep doing the job they're doing, they hope that Council shared their desire to champion this cause. Judge Mowery said he had mentioned to Councilman Lowe "Mr. Strehl" had been in his courtroom. He and his Bailiff had gone to his house before it was torn down and witnessed the problem. Mr. Strehl was placed in jail and the house was razed, but since that time, Mr. Strehl had come through the courts again, so they had him evaluated for competency and sanity which he was found to be sane; since that time he had come through on other charges equaling a total of 260 remaining days with probation terms. The term was suspended with the understanding that he would go to Charleston, WVA for treatment; he was taken there but left shortly afterwards and made his way back and now there was a warrant for his arrest. The man had problems and wasn't helping the appearance of that street.

Councilman Kevin W. Johnson asked for the Judge to give a background on how the \$140,000 was determined, if it was across the State and was it by the legislature, Judge Mowery answered yes to both questions. Mr. Johnson said the Kasich administration made a big deal about their tax cuts and the results were unfortunate because those tax cuts didn't result in any additional jobs. The citizens of Portsmouth have already stepped up twice by increasing our income tax because of the pressures the State had put upon the city and now even more pressure was being put on our General Fund. He wasn't sure how he was going to handle the issue, either by making a statement of opposing it immediately so the State Representative could see that they weren't doing their job and they were forcing all these

problems down to a very small tax base, but he decided that wasn't the approach to take because this was needed. He added that we need to somehow communicate to the people that represent us at the State level that they're killing the smaller cities. Judge Mowery said that they did lobby each of them but there was no response. Mr. Johnson ask if this was a one-time thing or would this be part of the budget in the future. Judge Mowery said they would continue to apply for additional grants but it would be in this year and next year's budget. Auditor Williams ask if it was \$140,000 per year beginning this year with only five month remaining. Manager Allen said that we would have to amend our estimated resources and that \$140,000 covered from July 1, 2017 until June 30, 2018 and then another \$140,000, Auditor Williams said we're not on that same schedule and questioned if \$140,000 would be the appropriation for the remaining 5 months and Manager Allen said it would be \$70,000 for the remainder of the year and \$140,000 next year and then \$70,000 in 2019. Judge Kegley said the work the Probation Department had been doing in conjunction with the Police Department involved overtime and this would be money that would be available to absorb that overtime. Chief Raison said that while they were doing the sweeps the overdoses dropped significantly and now that it hadn't been done in a while, the overdoses had increased. Chief Ware said that it had been beneficial and he couldn't argue with the support that they had received from the probation department. Councilman Kevin E. Johnson asked the Judges if the \$140,000 would be indefinitely and Manager Allen replied the State was on a two year budget, Judge Kegley also replied that they didn't know what the State would do in two years but the Court had been pretty good about going out and finding monies and Mr. Malone had been very good about writing successful grants which would continue. Auditor Williams used local Government Funding as an example, and said that once it was cut, it was gone with only a possibility that they could put it back in. Councilman Kevin W. Johnson asked Auditor Williams to certify that the funds were there in the General Fund and his reply was sure.

Councilman Kevin W. Johnson motioned to accept Alternative #2 to modify it to reflect \$70,000 for 2017, \$140,000 for 2018 will be put into the budget and as an Emergency measure.

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

2. (#11 on the Agenda) Rezoning of Parcel #33-2598.000 from Res. C to B2
CM-17-67

Manager Allen said that CM-67 & CM-68 were basically the same items but it was two aspects of the issue and had also been presented and approved by the City Planning Commission. The owner of Little Caesar's had purchased a parcel right next to the restaurant (#33-2598) which was zoned Residence C and was requesting to change it to Business B which was consistent to the property next to it. This would not be "spot zoning" because they own all the pieces there. Solicitor Haas said that Mr. Goodwin was present if anyone had questions. Mayor Kalb asked about traffic flow, Mr. Goodwin stated that it would greatly improve the traffic flow. He said the Portsmouth Police had actually complained about the current traffic flow and this proposal should increase their stacking of cars especially if the alley were to be vacated. He owns the other property on the other side of the alley in between Armstrong and Linden, plus the city wouldn't have to worry about paving the alley as he tries to take care of it. He said there would be three ways in and out of the lot which would have signage directing traffic. He said that he would be able to get right up next to the alley with the drive-thru lane but he was on a deadline because the paving companies close up shop by mid-October, he also would like to put an order station where the house was but he wanted to get everything in order first. Councilman Kevin W. Johnson ask if he needed to expedite the request and he replied "yes". Mayor Kalb asked the Solicitor if there would be any issue in writing this as an emergency and Solicitor Haas replied that he had a legitimate concern and it's economic development, but the problem was that if it wasn't passed before the plants close, it would be next year before he would be able to make any changes. Councilwoman Aeh said that when you're vacating an alley and re-zoning, it was usually done with three readings, but she said that we could possibly do it with two readings.

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

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

3. (#12 on the Agenda) Vacating Alley north of Gallia/Linden-Armstrong Pl. **CM-17-68**

See above comments

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

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

4. Disposal of Surplus Equipment **CM-17-57**

Manager Allen said they would like to dispose of garbage truck #26, it was a 2000 model with 124,000 miles on it and in 2016 there was a new motor and transmission in it. It had some value and he would like it to be auctioned off.

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

Councilman Lowe asked how much the truck was worth, Manager Allen said that he didn't have a figure on it but hoped to get at least \$5,000. Solicitor Haas said that it was an auction, so it would be worth whatever the highest bidder wanted to bid. Mayor Kalb ask if it could be done with reserve bids and Manager Allen said that he had never done that, Mayor Kalb said that \$5,000 was a bargain but if you only had one person there interested and there was no one else bidding, the highest bid could be \$1.00. Manager Allen said he could put it on gov.bids with a reserve amount.

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

5. Supplemental Appropriation #623 Fund **CM-17-58**

He said the next few items deal with the deficit in the Wastewater fund. He looked at the reasons why it went up and found that there were some expenses that should've been charged to other funds. He said the #623 Fund was the Rigrish Fund which were monies that come from the Rigrish Addition and those monies were only supposed to be spent on capital items in the Sciotoville plant or their sewer systems. There were numerous projects that were paid for out of the #621 fund that were eligible for the #623 fund. Councilman Kevin W. Johnson said this was just moving money and that it was an accounting issue and Manager Allen said that the expenses should have been charged to #623.

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

Auditor Williams asked if these were expenses from previous years or just this year and the reason he ask was in case we need to do a fund transfer in addition to the appropriation. Manager Allen said that would be in CM-17-59 for 2017.

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

6. Transfer of Funds from #623 to #621 to reimburse **CM-17-59**

Councilman Kevin W. Johnson said this was the same as the above except it went back to 2015 and 2016.

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

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

7. Transfer of Funds from #265 to #621 to reimburse

CM-17-60

Manager Allen said that there was monies that come from the village for flood defense but those funds do not cover 100% of the flood defense cost and the city had always supplemented that out of wastewater because a lot of our flood defense waters flow through combined sewers. He asked that the sewer fund be reimbursed from flood defense in the amount of \$89,520.71.

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

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

8. Appropriation to #301 CIP for Sewer Collapse Projects

CM-17-61

Manager Allen said unlike the others this one was not where we accidentally charged the wrong place, this would be a conscience decision and voluntary action by Council to transfer expenses from sewer collapses and sewer repairs out of #621 into the Capital Improvement Fund. Councilwoman Aeh said that she had spoken with Auditor Williams and she'd like him to explain what could happen if the State came back and said that we could not use that tax money to prop up an Enterprise Fund. Auditor Williams explained the difference in the previous legislation where monies were just moved from one Enterprise Fund to another Enterprise Fund, however this one would be a use of funds that was generated from income tax revenue rather than from revenue from the sewer system or flood defense. He said the other issue being whether it would be a qualified expense into the Capital Improvement Fund because it was not new construction or an acquisition of a capital asset, but was repairs which would fall into the Operating Budget in most cases. He also questioned whether this was the most prudent path to resolved the sewer deficit by that amount. Councilman Kevin W. Johnson agreed that more research was needed and ask if he was saying that sewers were not an appropriate CIP expense. Auditor Williams said the definition or use of the CIP fund was: "This fund was used to account for the percentage of net collections of the city's income tax. The funds are designated for purchase or construction of capital assets as determined by City Council." Mr. Williams said that technically all the streets should be paved from the street fund. Mrs. Aeh said that she would hate for the State Auditor to come back on us in a couple of years and tell us we have to put the money back.

Councilman Kevin W. Johnson motioned to accept Alternative #3.

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

9. Transfer of Expense to #301 Fund

CM-17-62

See above comments.

Councilman Kevin W. Johnson motioned to accept Alternative #3.

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

10. Appropriation for Ambulance Purchases

CM-17-64

Manager Allen said that the next step was to purchase two used ambulances for an amount of \$40,000 - \$60,000 for a total of \$90,000 for both. Chief Raison explained the differences in cost between new and used. Councilman Kevin W. Johnson stated that the reading stated "however due to the current demand from funds in #301, you want to use the General Fund, however, back on CM-17-61 you indicated the unencumbered #301 balance was \$1,685,000. Manager Allen stated that if we're not using the wastewater amount out of the #301 then we use the CIP fund.

Councilman Kevin W. Johnson motioned to accept Alternative #2 to make it a CIP and not General Fund.

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

11. EMS Billing Contract

CM-17-65

Manager Allen referred this to Chief Raison who referred it to Scott Osborn. Mr. Osborn spoke with regard to the EMS billing contract and was not audible. (he was not at the microphone)

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

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

12. Accepting Rates and Amounts from Tax Budget

CM-17-66

Councilman Kevin W. Johnson stated that this was standard procedure that was done every year.

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

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

13. Transfer of Property to Southern Ohio Port Authority

CM-17-69

Manager Allen said this was to transfer the property at 807 Washington Street to the Southern Ohio Port Authority in order for them to conduct the demolition and sell the property to an interested developer to build a retail store. They would then transfer the difference between the demolition and cost and the sale price back to the city. He would like to see a provision added that if the Port Authority does not exist then the property would revert back to the city.

Councilman Kevin W. Johnson motioned to accept Alternative #2 to include the provision.

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

14. AFSCME 1039-C Contract

CM-17-70

Manager Allen said that his understanding was that the Union had not ratified the contract yet so no action should be taken. Auditor Williams said that he believed that we could go ahead and bring in legislation as he was sure that tomorrow they would take their vote. He added that the only reason they didn't was that he thought the Solicitor had given an opinion that the contract wouldn't be eligible for an Executive Session if it was a tentative agreement already, then he learned today from the City Manager that wasn't the case.

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

There were no further questions or comments: **VOTE: 5 Ayes – 0 Nays**

The meeting adjourned at 8:50 p.m. on a motion by Councilman Kevin W. Johnson

Submitted by: Diana Ratliff – City Clerk