

MANAGER’S CONFERENCE MINUTES
Portsmouth City Council Meeting on
August 26, 2019 – 6:36 p.m.

Members present:

Sean Dunne	1 st Ward (Absent)
Charlotte Gordon	2 nd Ward
Kevin E. Johnson	3 rd Ward
Jerrold Albrecht	4 th Ward
Gene Meadows	5 th Ward
Thomas K. Lowe	6 th Ward

Also present was City Manager Sam Sutherland, Solicitor John Haas, Auditor M. Trent Williams and City Clerk Diana Ratliff.

1. **ODOT Bridge Inspection Agreement** **CM-19-58**

Manager Sutherland stated that this was a renewal of the ODOT Bridge Inspection program. They have asked that legislation be passed as an emergency. There was no cost to the city and they would take care of inspecting all of our bridges.

Councilman Albrecht moved to adopt alternative #1.

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

2. **Section 941.20 of Codified Ordinances Weeds, Grass etc.** **CM-19-59**

Manager Sutherland stated that additional changes were being requested which will eliminate the 10-day letter system that was not working and the city needs to be able to expedite the process a little bit faster. He also said that there was an issue with private property that the Solicitor would like to see removed. He stated that Andy Gedeon was present if Council had any questions for him.

Councilman Lowe asked if Mr. Winters got a new certification, Mr. Sutherland stated that Mr. Winters recently obtained the 3rd of the 4th certification and was very close to getting the next one. Solicitor Haas asked for the words “adjacent property” to be stricken from this request which was in the first paragraph of Section 941.20 (a) because he does not want to get into policing trees that grow over into a neighbor’s yard because that would be between the property owners. Mr. Lowe asked about the trees that were in the right-of-way that were growing into someone else’s property, Mr. Haas stated that would be up to the property owner, if it was in the right-of-way it would need to go through the Shade Tree Commission permit system. Mr. Lowe stated that Mrs. Price just passed away and her son had called him about a tree issue and he believed it was a legal issue, but he would like to be able to give them some kind of closure, whether it is the property owner or the city. Solicitor Haas stated that if a tree was growing out over a stop sign or blocking a traffic light, that needed to be taken care of by the property owner.

Clerk Ratliff stated that there was actually another letter (d) which needed to be listed because it references subsection (b) which was removed and reworded. Solicitor Haas stated that he would take a look at the whole section and make the adjustments.

Acting Mayor Johnson asked Mr. Gedeon about his thoughts on striking the “adjacent trees” from the wording. Mr. Gedeon stated that he agreed with Mr. Haas, as he had explained to him the legal issue.

Councilman Meadows moved to adopt alternative #2 to modify the request as discussed by Solicitor Haas.

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

3. **Municipal Court Appropriation**

CM-19-60

Manager Sutherland said that he had attached a memorandum from the Judges. Acting Mayor Johnson asked if we had just done this last year? Mr. Sutherland replied “yes” for 2018. Mr. Johnson said that they agreed last year to revisit this issue. Councilman Meadows stated that Council doesn’t really have a choice because if we say no, they will just put an order in for us to do it. Mr. Sutherland stated that he understood it to be a year to year decision. Auditor Williams requested to insert a correction to the Judges letter dated August 9, 2019. He said going back to 2017 they requested \$140,000 in the second half of the calendar year and as far as appropriations were concerned they were on a calendar year, the city could only appropriate \$70,000 because that was all that they needed for that year because half of the year was over and they had received grant funds through June 30, 2017, so \$70,000 was appropriated to their grant fund that year. The courts did come back to Council last year and requested \$140,000 and it was appropriated to them, however their letter stated that only \$70,000 was given to them which was incorrect, they asked for and received \$140,000 last year. Now this year they’re asking for another \$140,000 but his issue with that was that it is August and they’re just now requesting the money and if they needed this money for calendar year 2019, they should have asked for it in the 2019 budget. Mr. Williams went on to say if Council was to say “no” they’ve already spent it and we’re obligated to at least 6 months’ worth of funding at this point in the year. They should be making that request like everyone else prior to the budget. Mr. Meadows asked if they were making it off their grant year from July 1st to June 30th and asked if this was a reimbursement for money they’ve already spent out of other accounts. Mr. Williams stated that this request was for calendar year 2019, he doesn’t know what they’re thinking, but if they want money from us, they need to request it before the budget is completed for 2020. Mr. Meadows also said that it was his understanding that if they get that grant funding replaced, they wouldn’t be needing the money. Mr. Williams said the obligation that Council made in 2017 was for 1½ years of funding and then it would be revisited which is what Council was doing now.

Councilman Albrecht moved to adopt alternative #1.

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

4. **Dispatch Training Appropriation**

CM-19-61

Manager Sutherland said that the Police Department submitted this request to the city for the final draft of the budget an allowance of \$9,500 to bring the Dispatchers up to the training standard required and it was inadvertently left out of the budget.

Councilman Meadows moved to adopt alternative #1.

Acting Mayor Johnson asked about the standards, Mr. Sutherland asked Chief Ware to address the issue. He said that the State of Ohio recently passed legislation as it related to public safety answering points and the qualifications and abilities to provide medical assistance in dispatching. This training was to bring them up to this standard which was required by law, but to also improve the quality of service. He said that somehow this didn’t make the final draft of the budget and it wasn’t realized until they went to pay a bill and there wasn’t anything in that line. Councilwoman Gordon asked if this was offsite training, Chief Ware stated that it was done through online and can be done during work hours and the progress can be saved as you proceed, but ultimately, they have to complete the course. Mr. Johnson asked if this training would provide better dispatchers; Chief Ware said it does two things, it allows them to meet the state mandated requirements and qualification to where the additional training makes them better trained.

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

5. **Brownfield Restoration Group Appropriation**

CM-19-62

Manager Sutherland said this was for the contract with Brownfield Restoration Group on the property acquisition behind the water treatment plant for the new water treatment plant. An additional \$12,679.00 is needed and he attached a copy of the contract modification request.

Acting Mayor Johnson addressed Manager Sutherland stating that it seemed like the city had sunk so much money in that piece of ground and was concerned; he trusts Manager Sutherland’s judgement and would

approve if this was the route that he thought we needed to go, it just seems like we've sunk a lot of money into it. Manager Sutherland said this money was being used to clear the property so that the city could take acquisition of it. Solicitor Haas stated that this was something that needed done because the property was necessary for the water treatment plant. Mr. Johnson reiterated that the plant would not be built on this property, Mr. Sutherland stated that the plant will be built on the existing site but they need the extra space for a lay down area when they do build the new facility. He said after the new filtration plant is built, the city could sell it or hang on to it. Councilman Lowe asked how much it would cost to buy it once this has all been cleared, Mr. Sutherland stated that he understood it to be just the back taxes and Solicitor Haas stated he thought it was around \$70,000. He said that because there was a court case pending, there's an entry and subject to court approval and all that the city was waiting on, was the certification. He speaks with the Bankruptcy trustee every couple of months to give him an update on where we're at. Councilman Meadows said doing this was still cheaper than buying a whole new piece of property somewhere else. Mr. Sutherland said absolutely because the intake was already in place and would be a matter of fitting this thing in with the new treatment plant and be able to phase in different sections. Mr. Lowe said he was all for moving forward and the quicker we get this, the quicker we get a new water plant. Councilwoman Gordan asked if the back taxes were still accruing, Solicitor Haas said he thought they had stopped since the litigation was filed. Mr. Lowe said that this would put a lot of people to work in our area because he assumes that we will be using local contractors. He asked Manager Sutherland how long will it take to build, Manager Sutherland said at least a couple of years.

Councilman Albrecht moved to adopt alternative #1.

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

Councilman Lowe stated we need a total revamp of the audio equipment. Councilman Meadows asked Clerk Ratliff if we had someone to work on the system, she replied that over the years several people had looked at it but that's as far as it went, they won't come to the meetings when we actually have the issues with the system. Acting Mayor Johnson said he wasn't sure that the whole system needed replaced, it may just have some bugs in it that need worked out. Clerk Ratliff said the board was about 10 years old, Mr. Johnson said that when he was in the radio business, they made equipment last for 40-50 years. He also said that he had a few contacts from his sound days, and asked Council if they would object to having someone come and look at it, he would also assist. Mr. Lowe said he didn't mind but he felt that it needed updated.

The meeting adjourned at 7:00 p.m. on a motion by Councilwoman Gordon.

Submitted by: *Diana Ratliff* – City Clerk