

**MANAGER’S CONFERENCE MINUTES**  
**Portsmouth City Council Meeting on**  
**January 9, 2017 at 6:30 p.m.**

All members of Council were present, Manager Allen, Solicitor Haas, Auditor Williams and City Clerk Ratliff

1. **Amendment #1 Brownfield Restoration VAP Phase II** **CM-17-01**

Manager Allen stated that this was an amendment to the contract that approved last year to Brownfield Restoration Group, LLC. That contract was for \$98,579.50 to do an environmental testing in a Phase II Environmental Voluntary Action Plan on a piece of property the City was looking to acquire at the cost of the back taxes. In evaluating the property that the city already owned, they questioned how recent the last Phase II was and in reviewing the records it should that it had two Phase II’s done on it. The first was in 2008 and the other in September of 2011 but they were not performed in accordance with the VAP rules and cannot be used to determine if the sites meets the VAP’s standards, so the contract needed to be amended to \$14,831.00 and we will add this piece of land to be tested by the VAP’s standards to be sure that were protected by any litigation in the future.

Councilman Lowe confirmed that we do not currently own the property and the \$113,410.50 was for a study of the property. Mr. Allen stated that it had to be done in this manner so that when the property was acquired the City would be protected from any future litigation. Mayor Kalb asked about the prior study done in 2008. Manager Allen said according to their report there was a Phase II done November 18, 2008 and another Phase II on September 14, 2011. Mayor Kalb said these were no good because they were missing information and added that the studies were only good for a certain period of time and Manager Allen agreed.

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

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

2. **Indigent Defense Agreement 2017** **CM-17-02**

Solicitor Haas said that this was something that was done every year and was a reimbursement for fees that were paid to attorneys that handled court appointed work in Municipal Court. He said the County Auditor calculated what the city owed and every year it was paid.

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

Councilman Meadows stated that on a rare occasion he had to take one of these cases in Municipal Court as the Supreme Court required certain qualifications on certain cases and right now there were only two attorneys in the County qualified to do aggravated murder cases and he’s one of the two qualified attorneys. He stated that he would abstain from voting to avoid any appearance of improprieties. He added for full disclosure to Council that he had done two of those cases for the court in 2016.

There were no questions or comments: **VOTE: 5 Ayes – 0 Nays – 1 Abstain (G. Meadows)**

3. **Requested Changes to City Manager Contract** **CM-17-03**

Councilman Kevin W. Johnson said that he had no problem with what the Manager had requested although he would make one change and remove “in fiscal year 2017”. He said the City Manager had done a good job for the city (inaudible) and that if the employees were getting raises, he had no problem with the Manager getting one too. He added that the ICMA leadership was very important and Council had already agreed to reimburse him for other ICMA activities.

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

Councilman Meadows said he didn't foresee having a problem with the proposal and liked the fact that this would give him some incentive to give employees raises, however he thought it was premature giving it until the evaluations have been done for 2016 so if he votes no, that's the reason. He said the evaluations should be done first and then changes to the contract. Solicitor Haas said that this would place it on the agenda and there would be three readings. Mayor Kalb confirmed that the raise wouldn't go into effect until the employees got their raises. Mayor Kalb ask about Council raises being based on Chief of Police raises and they don't go into effect in the current term. Solicitor Haas stated that if Council voted for a raise that affected their pay, it would not go into effect until someone else took that position. He would have to research it further to decide if a Councilperson resigned, and if the person appointed would get the raise. He wasn't sure if it was tied to the person or the seat. Councilman Meadows said that it was tied to the term. If raises were approved, and Council was re-elected then the raise would go into effect during that next term.

There were no questions or comments: **VOTE: 5 Ayes – 1 Nays (G. Meadows)**

4. **Letter of Support for rehab on the Park Apartments**

**CM-17-04**

Councilman Kevin W. Johnson said that Rod Siddons was the Chief Development Officer for Frontier Community Services and they own Park Apartments which was the old Sears Building on the Northwest side of 3<sup>rd</sup> and Chillicothe Street. Park Apartments are senior community living apartments which was only people aged 55 or older can live there. When they built it, they ended up spending more money than they had anticipated because of architectural changes, in addition to which the 12 foot ceilings through off all of the calculations regarding electricity in the summer and winter. They have a number of issues going on and they've been trying to go after grants and a new loan to cover two small and one current mortgage which was down to about \$3,000,000. They need support in this endeavor to go after funding. They would like to add new windows to be more energy efficient, new roof and tuck pointing because the roof was leaking, new carpeting and electronic door openers for people that were in wheelchairs. All they need from Council would be a strong Resolution in support of them going after more funding.

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

There were no questions or comments: **VOTE: 6 Ayes – 0 Nays**

The meeting adjourned at 6:45 p.m. on a motion by Councilman Kevin W. Johnson

Submitted by: *Diana Ratliff* – City Clerk