

MANAGER’S CONFERENCE MINUTES
Portsmouth City Council Meeting on
July 23, 2018 – 6:50 p.m.

1. Appropriation of Funds for New Water Treatment Plant

CM-18-37

He said this was an appropriation increase to deal with some of the issues of acquiring property for the new water treatment plant. The folks that were doing the environmental work have proposed to work on doing an urban setting declaration application for the 3.58 acres which was directly behind the current plant. The parcels include the 2.18 acres that we currently own plus the other 1.4 acres that we’re trying to obtain. He said that in doing this it would give us a variance for not using the ground water that was there which we were never going to use anyway. The new water treatment plant when constructed would be sitting on top of what is currently there and they will not be getting down into contaminated soils. This application must be done on the 2.18 acres that we currently own and we’re unsure what will happen with the other 1.4 acres whether we keep it or dispose of it. The additional appropriation of \$25,916.00 was to complete the environmental work. He said there were Engineering fees relating to this project which had increased and the total amount needed for both would be \$65,000.

Acting Manager Johnson asked what the timeframe was on the new plant and Mr. Sutherland answered that his understanding was 2020. Mr. Johnson asked if this request was something that needed to be done immediately, Mr. Sutherland replied that in order to keep the process moving forward the \$25,916 needed to be done. Solicitor Haas stated that titles could not be transferred from the New Boston Coke Plant to the City until this work was completed which was what Mr. Sutherland was asking for. The Bankruptcy Attorney continues to hold the property for the City but it cannot be transferred until the EPA work is completed. This step will ensure that if anything ever comes up down the road as far as a lawsuit, the city would not be held responsible for anything that is currently existing. In order to start the process on the new treatment facility the city needs to own the property. Mr. Johnson asked if there was any chance, if the city obtains the land, that the EPA would hold us responsible for that cleanup of the property. Solicitor Haas responded “no”, it was his understanding that as long as you don’t dig down into the soil everything would be alright and it would be encapsulated either with gravel or blacktop like New Boston did with the WalMart property. Councilman Lowe asked if the city had ever gotten anything back from Brownfield Restoration Group and Solicitor Haas stated that this had been going on since before 2008 and it had been a nightmare situation because the city had reports that had expired because the other entity (that was arguing about the property) kept dragging their feet and we never could get a resolution to the problem. The city finally got an entry on and part of the property had already been transferred and the other entity could take their property and do whatever with it, if they want to get sued, but what we’re doing is trying to protect the city in the future.

Councilwoman Aeh motioned to accept Alternative #1

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

2. Re-establishment of a Mechanic (I) Position

CM-18-38

He said this would reestablish the position of Mechanic I in the Public Service Department – Garage Division. The Mechanic position was removed from the budget in 2018 and management felt that the ability to maintain and repair the City fleet had been compromised and had resulted in an inordinate amount of overtime. He felt it in the best interest of the city to reestablish the position.

Councilwoman Aeh motioned to accept Alternative #1

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

3. Creation of Victims Advocate Position

CM-18-39

Acting Manager Sutherland asked Solicitor Haas to elaborate on the issue. Solicitor Haas stated that the voters in Ohio voted to adopt Marcy’s Law and the City had been slow in adopting the position because it was an unfunded mandate from the voters. He said it required that a victim of a crime, be it assault, domestic violence etc. be notified of every hearing, and every court proceeding in the case and have the

right to be present at the proceeding. The city has never done that before and he stated that they've had victims come to cases that involved a trial; this job would involve a lot of paperwork for someone to send out letters on every case that came through, follow-up with the victim, and be the contact person when they show up for court. He said what he envisioned was hiring one person now to spend basically the afternoons making sure they catch all of the victim's names and addresses in order to send letters out and then in the mornings running back and forth between court rooms to make sure the courts were aware the victims were present and make sure that they can verify they had been notified. Starting this week, the Judge cannot sentence, so it was decided that they have to start contacting the victims. The Judges had to put off sentencing even if the offender was ready for a plea, the city can't take it until the victim had been notified. The situation has created too much work for his current staff of two people. In the morning his office was busy filing complaints and doing all the stuff they need to do for court and they do not have time for this extra work. His current staff comes in very early in the morning to get things ready for court and for that reason they don't work late in the afternoon because they get their hours done by 2:30 - 3:00. He added that after speaking with Judge Mowery there were a few logistical items to work out such as making sure a copy of the letter made it to the criminal court file; this will be new to everyone.

Councilwoman Aeh asked who had been doing the work since the first of the year when it went into effect. Solicitor Haas stated that no one and Mrs. Aeh asked if we had been violating the law since then and Solicitor Haas said that the court does send letters. Mrs. Aeh said that when this was on the ballot she didn't vote for it because it was redundant and it was not mandated. She felt there were other departments that need more workers and the current employees are having to work overtime because of this shortage. She said she wasn't in favor of adding a full time employee and that she was aware that the courts rotate each week on taking one day off. Solicitor Haas stated that they were doing the same number of cases that they've always done. There was more discussion and it was decided that it would be acceptable to try a temporary position.

Councilman Lowe motioned to accept Alternative #2 to reflect a part-time position with no benefits for a trial period of 3 months from hire date.

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

The meeting adjourned at 7:25 p.m. on a motion by Councilman Meadows.

Submitted by: *Diana Ratliff* – City Clerk