

Council Chambers
Legislative Review Session
October 13, 2014
6:30 p.m.

Council met in Legislative Review Session as a quasi committee of the whole, chaired by Pres. Rinehart, with the following eight members present: Ames, Gray, Neal, Patrick, Proehl, Showman, Tatman and Trutschel. (Mr. Bonner absent.) There were 2 media representatives and 7 other visitors, in addition to Mayor Everson.

Pres. Rinehart called upon Mrs. Ames to lead tonight's discussion on the sole topic on the Agenda, the Guernsey Crossing development on N. Bridge Street.

Mrs. Ames said that the purpose of tonight's discussion is to receive a presentation from the developers of Guernsey Crossing, consisting of 11.3 acres on the east side of N. Bridge Street, just north of J.C. Penny's. She called upon Mr. Fred Straub and Mr. Charles Thompson to make their presentation.

Mr. Thompson said that their company's name is Anchor Associates, out of Cincinnati. He said that he primarily works with retailers in order to find them locations. He said that one of their clients is a pet supply store out of Columbus, and that their clients include Best Buy and others. He said that they have posted information about themselves on their web site. He said that now, their company is also doing the developments for some of their clients, and that they now build shopping centers. However, he said that they do not speculate, but that instead, they are driven by their clients. He said that they now have clients who want to locate in Chillicothe. He proceeded to display posters depicting the proposed development, and stated that their anchor retailer is Dick's Sporting Goods. He said that the total location is not 100% leased yet, but they already have enough commitments to go ahead with the project. He said that the space will consist of over 100,000 square feet. He indicated that the development will share the traffic signal in front of Sam's Club, and that Panera Bread will be on an out parcel. He said that this development will bring at least 5 new retailers to Chillicothe. Mr. Thompson said that timing is becoming very critical for this development, and that they need some assistance from the City of Chillicothe, and that they need it quickly. He said that this is why they are here tonight to make their presentation before Chillicothe City Council.

Mr. Thompson said that they need to get their stores open by September and October of next year, in advance of the holiday shopping season. He said that their budget is very tight, mostly due to infrastructure costs. The total project is about \$20,000,000.00 he said, and that as a result, the total real estate taxes for the property will increase from the present amount of about \$1,000.00 to approximately \$360,000.00 each year. In addition, he said that the project will bring about increased employment with payroll taxes, as well as higher sales tax receipts by the county. He said that his company is very big on landscaping, and that they try to give the public a much better experience. He said that they want their customers to find the development both pleasant and entertaining, with trees and benches located on the property. He said that the development will connect to Seney Road by a connector road, and that they intend to both improve and widen Seney Road itself.

Mrs. Neal asked about the utility box located at the corner of Seney Road and Bridge Street. Specifically, she wanted to know who will pay the costs to remove this if it must be moved to another location, and she also asked what help they are seeking from the City of Chillicothe.

Mr. Thompson responded, stating that they are seeking a TIF agreement, granting a rebate of approximately 50% on the annual real estate taxes.

Mrs. Neal responded, stating that the City of Chillicothe does not receive much out of real estate taxes. Mr. Thompson said that the proposed TIF agreement will only reduce the increased amount of the real estate taxes. He said that they are presently looking at approximately \$2,000,000.00 of infrastructure costs. He said that such infrastructure costs are the only certain items that TIF funds can be used for reimbursement.

Mayor Everson interjected that he believes that this will be a “win/win” for everybody. He said that even with the TIF agreement, both the Chillicothe School District and Ross County will receive substantially increased amounts of real estate taxes, in addition to the boost in sales taxes that the county will get.

Mrs. Ames then proceeded to read aloud from an article describing what a TIF agreement consists of.

Mr. Tatman asked about the property to the south of the new development, and whether there will be a connecting road to the existing shopping center. Mr. Thompson responded, stating that there will be a tract of about 3 acres between the two developments. He said that Ms. Vaughan, who is here tonight, has yet to decide what will be done with that property. Mr. Tatman asked about any connection. Mr. Thompson responded, stating that this will depend upon whether there is any cooperation from the Gundburg owners of the shopping center to the south.

Mr. Trutschel said that the city is glad to have this company come to Chillicothe to build this development.

Mr. Proehl inquired about the input of the Chillicothe School District, as well as the county. Mayor Everson responded, stating that he has just sent a letter to the Chillicothe School District to notify them of the proposal for the TIF agreement. However, he said that he has already spoken to Superintendent John Saxton, and that Mr. Saxton is okay with the proposal.

Mrs. Ames discussed the fact that this will make the City of Chillicothe more competitive with other cities in the future when it comes to new developments. Both Mrs. Patrick and Ms. Gray requested that they be provided with detailed projections, cost figures, and prior project costs by Anchor Associates.

Ms. Gray discussed at length the need that she feels that she has to “sell” the idea of this development to her constituents in the 3rd Ward. She indicated that this is the reason that she is requesting the specific dollar amounts both as to the completion of this new development, as well as with respect to Anchor Associates’ previous development of the strip mall on the west side of N. Bridge Street, where the mattress store and Aspen Dental are located.

No formal action was taken by Council on any matter discussed, and no roll call votes were taken during the legislative review session.

The legislative review session adjourned, by consensus, at 7:26 p.m.

Clerk of Council

President of Council

Council Chambers
Regular Meeting
October 13, 2014
7:30 p.m.

Council met in regular session with all nine members present: Ames, Bonner, Gray, Neal, Patrick, Proehl, Showman, Tatman and Trutschel. There were 2 media representatives and 6 other visitors present, in addition to Mayor Everson, City Law Director Rutherford and City Auditor Feeney.

Pres. Rinehart led in the Pledge of Allegiance to the Flag.

Mr. Bonner moved and Mr. Trutschel seconded that the Minutes of the regular meeting of September 22, 2014, be accepted and approved, as submitted by the Clerk. All members present voted "yea" and Pres. Rinehart declared the motion adopted.

COMMITTEE REPORTS

Engineering Committee:

Mr. Taylor reported on Item #3 to appropriate \$5,000.00 to pay State of Ohio Building Permit Assessment Fees for the remainder of the 2014 calendar year, on tonight's Agenda for its second reading.

Utilities/Transit Committee:

Mrs. Patrick reported on Item #2 to repeal current Chapters 911 and 912 of the Chillicothe Codified Ordinances and to replace them with amended Chapter 911 to update sewer regulations, on tonight's Agenda for its third reading. Mrs. Patrick reported on Item #10 to authorize the transfer of funds within the Utilities Department to cover the cost of water line replacement on Mill Street, on tonight's Agenda for its first reading. She said that she will seek to pass this item tonight. Mrs. Patrick reported on Item #8 to appropriate \$472,000.00 for projected expenses through the remainder of 2014 within the Transit Department, on tonight's Agenda for its first reading. She said that she will also seek to pass this item tonight.

Finance Committee:

Mr. Trutschel reported on Item #1 to adjust appropriations to reflect the 2014 Maximus Consulting Group Cost Allocation Plan and to divide the cost of the plan among 3 funds, on tonight's Agenda for its third reading. Mr. Trutschel reported on Item #9 to appropriate \$25,000.00 for repairs to Water Street in preparation for the Ohio Public Works Resurfacing Project scheduled for autumn 2014, on tonight's Agenda for its first reading. Mr. Trutschel said that he now understands that this project will not be done until the spring of 2015 due to the unavailability of a contractor to perform the work before the asphalt plants close for winter. Mr. Trutschel reported on Item #11 to accept \$8,400.00 received from the Autumn Woods & The Reserves at Stoneridge Condominium Associations and to appropriate \$12,600.00 to install street lights at the entrances to their condominiums off of Stoneridge Drive, on tonight's Agenda for its first reading. Mr. Trutschel reported on Item #16 to allow the City Auditor to transfer appropriated dollars between salaries and fringes within funds only if needed on an emergency basis during 2014, on tonight's Agenda for its first reading. Mr. Trutschel moved and Mr. Proehl seconded that Council waive the three day receipt rule with respect to Item #16, since it was not delivered to the members of Council with the Friday legislative packets. All members present voted "yea" and Pres. Rinehart declared the rule suspended.

Safety Services Committee:

Mr. Proehl reported on Item #12 to accept and appropriate \$8,441.00 in AFG grant funds for the purchase of smoke detectors, carbon monoxide detectors and other safety items by the Chillicothe Fire Department for at-risk citizens, on tonight's Agenda for its first reading. Mr. Proehl reported on Item #13 to appropriate \$14,889.00 to cover Fire Department vehicle repair, fuel, and insurance costs for the remainder of calendar year 2014, on tonight's Agenda for its first reading. He said that Chief Creed has indicated that he may be able to reduce this amount. Mr. Proehl reported on Item #14 to appropriate \$10,444.00 to pay the Ross County Sheriff's Office their share of 2013 Edward Byrne Justice Assistance Grant funds, on tonight's Agenda for its first reading. Mr. Proehl reported on Item #15 to authorize the City of Chillicothe to accept and appropriate a grant in the amount of \$750.00 from the Chillicothe Elks for the Chillicothe Fire Department to provide residential lock boxes for residents with mobility issues, on tonight's Agenda for its first reading. Mr. Proehl indicated that he will seek to pass Item #12, Item #14, and Item #15 tonight.

Development Committee:

Mrs. Ames reported on Item #4 to designate a revitalization district within the City of Chillicothe, Ohio, pursuant to Ohio Revised Code Section 4301.81, on tonight's Agenda for its second reading. She said that the Clerk has scheduled this for a Public Hearing on November 10, 2014, at 7:30 p.m., just prior to the regular meeting that night. Mrs. Ames moved and Mr. Bonner seconded that Item #4 not be read tonight. All members present voted "yea" and Pres. Rinehart declared the motion adopted, directing the Clerk to not read Item #4. Mrs. Ames reported on Item #5 to amend Sections 1151.02 and 1151.03 of the Codified Ordinances to allow "residential" as a permitted use on other than the street level in the Historic District, on tonight's Agenda for its second reading. She said that the Clerk has also scheduled this matter for a Public Hearing on November 10, 2014, at 7:30 p.m. Mrs. Ames moved and Mr. Bonner seconded that Item #5 not be read tonight. All members present voted "yea" and Pres. Rinehart declared the motion adopted, directing the Clerk to not read Item #5. Mrs. Ames reported on Item #6 to approve the action of the Chillicothe Planning Commission in rezoning the property located at 280-282 N. High Street from residential office to general commercial, on tonight's Agenda for its second reading. She reminded everyone that this is scheduled for a Public Hearing at 7:30 p.m. on October 27, 2014, just prior to the regular meeting that night. Mrs. Ames reported on Item #7 to authorize the submission of an application/proposal with the Ohio Department of Transportation for grants from funds from the Ohio Public Transportation Grant Program, on tonight's Agenda for its first reading. Mrs. Ames said that she will seek to pass this item tonight because of an impending deadline for submitting the application/proposal to ODOT.

REPORTS OF OFFICIALS**Report of Mayor Everson:**

Mayor Everson said that he had a meeting today with Chillicothe City School District Superintendent John Saxton and others to discuss the AAA audit of the drop-off of school students. He said that most of the recommendations pertained to Mt. Logan School. He said that the recommendations include putting up more signs, moving the drop-off area to the back of the building with just buses loading and unloading students on E. Main Street in front of the school, and greater speed enforcement. He said that a letter will be sent out to all of the students and their parents. Mayor Everson commented on Item #8, stating that this is for the RossGo Program, and not the DD Program. He said it took time in order to get the figures worked out with more accurate projections, and that this is why it took so long to bring this ordinance before Council. He said that there will be no net loss to the city due to the receipt of offsetting revenues. He indicated that there has been a lag time of getting the revenue receipts to the city, and that this has been causing delays in the payment of expenses. He urged Council to pass this item tonight.

Report of Auditor Feeney:

City Auditor Feeney commented on Item #1, stating that this has been discussed previously. He said that it matches up the appropriations to the Maximus Cost Allocation Plan, and that he urges passage of this item tonight. Mr. Feeney commented on Item #8, stating that he echoes the comments of Mrs. Patrick and Mayor Everson. He said that the receipt of revenues and the payment of expenses has been a timing issue, and that he thinks that everyone involved can get better at this with appropriate effort. He said that currently the vendors are not getting paid in a timely fashion. He noted that normally the City Auditor's Office cuts off payments in early December of bills owed to vendors, but that this will not be done with reference to these vendors as compared to other vendors. He urged Council to pass this ordinance tonight. Mr. Feeney commented on Item #9, stating that in his opinion this should not be passed by Council this year since no contractor is available to get the work done, as mentioned by Mr. Trutschel. Instead, he stated that Council should consider this as part of next year's budget discussions, rather than making this appropriation this year. Mr. Feeney commented on Item #13, stating that money continues to be very tight, and that he therefore agrees to let Fire Chief Creed look into this further to see if he cannot further reduce this amount. He suggested letting it go the full three readings in order to determine if these expenses are absolutely necessary this year. Mr. Feeney advised that he will be requesting an ordinance to be brought in during Council's next regular

meeting to appropriate a significant amount of funds to cover salaries and fringes through the end of the current year. He stated that the City of Chillicothe will be receiving a rebate from the Ohio Bureau of Workers Compensation, and that although this will help, the city will still be far from having the carryover balance that was wanted.

Report of Law Director Rutherford:

City Law Director Rutherford stated that her office hosted a DUI prosecution seminar at the Ross Country Service Center. She said that this was well attended by judges and prosecutors from the surrounding area. She stated that she is still getting a number of questions about responses to public records requests. She urged anybody receiving such requests to contact her. She indicated that she is still looking at the idea of setting up a local seminar on this.

Report of Pres. Rinehart:

Pres. Rinehart again thanked City Law Director Rutherford for her quick turnaround for legislation requests. He also expressed his condolences to the City of Wellston and its residents on the loss of another brave service man who recently died in action in Afghanistan, serving in the United States Navy.

Mr. Feeney said that he neglected to mention that he is urging passage of Item #16 tonight.

OLD BUSINESS

Mrs. Patrick stated that she is urging passage of Item #3 tonight based upon a conversation that she had with City Engineer Tom Day.

Mrs. Ames expressed her thanks to the Chillicothe Fire Department for putting on its special operations presentation that she participated in, stating that this was an amazing experience.

Mr. Trutschel announced that there will be another Town Hall type meeting on Thursday evening at 6:30 p.m., sponsored by the 1st Ward and the 5th Ward, at Allen Elementary School to discuss the November income tax levy ballot issue. He said that he knows that there are many citizens from the 1st Ward who are very interested in getting streets repaired.

PETITIONS AND CORRESPONDENCE

The Clerk reported on receipt of a letter from the Ohio EPA, along with a copy of a public notice regarding National Pollutant Discharge Elimination System Permits or Modifications.

NEW BUSINESS

Mrs. Ames reminded everyone that there will be an open house put on by the Chillicothe Fire Department at Station No. 1 on Saturday, October 25, 2014, from 1:00 p.m. until 4:00 p.m.

Mr. Bonner announced that there will be a meeting of the Parks & Recreation Committee on Friday, October 17, 2014, at 4:00 p.m., in the first floor conference room of the Administration Building to discuss Assignment #138 to acquire a new desk and computer.

Mrs. Patrick requested that Mr. Trutschel set up a schedule for the budget meetings for 2015. Mayor Everson responded, stating that he is in the process of getting these scheduled.

Mr. Tatman commented on Item #11, asking where the \$4,200.00 from the City of Chillicothe is coming from. Mr. Feeney responded, stating that this will come out of the general fund. Mr. Tatman said that given the tight status of this year's budget, he thinks that this should go over into next year. Mr. Trutschel responded, stating that these folks have been showing up for meetings,

and that the street lights were supposed to have gone in several years ago. He said that the city made a commitment to pay one-third, and that the condominium associations are prepared to pay their share. Mr. Tatman said that he feels that the developer of the subdivisions should have paid the cost for the installation and that the city should have required this. A lengthy discussion then ensued among Ms. Gray, Mr. Tatman and Mr. Trutschel concerning the “tight money” status of the city’s finances and payment of the city’s one-third of the cost. Mr. Trutschel concluded by stating that he can table this, if that is the desire of the members of Council. City Auditor Feeney stated that the city has not yet received any money from the condominium associations. Mrs. Neal expressed her opinion to the effect that this should be kicked over to 2015. Mrs. Patrick agreed, stating that two other requested street lights have been put on hold. Mr. Trutschel moved and Mrs. Ames seconded that Item #11 be tabled. All members present voted “yea” and Pres. Rinehart declared Item #11 to have been tabled.

Mr. Tatman said that with respect to passing Item #3 tonight, he apparently needs to make sure that City Engineer Tom Day and the Engineering Department have his telephone number, as chairman of the Engineering Committee.

COUNCIL ASSIGNMENTS AND CALENDAR

Pres. Rinehart announced the following additional Council Committee Assignments for inclusion in the Journal of Council:

- #14-132-Safety Services-Request for legislation to accept and appropriate an AFG Fire Prevention Grant for \$8,441.00 to purchase smoke detectors;
- #14-133-Safety Services-Request for legislation to appropriate additional funds to the CFD for future vehicle repair;
- #14-134-Safety Services-Request for legislation to modify Ord. No. 1501.01 fire equipment sale or use; certification of installers;
- #14-135-Development-Request to authorize the Mayor to file an application to ODOT for grants for funds from the Ohio Public Transportation Grant;
- #14-136-Utilities-Request for legislation to appropriate/transfer \$10,000.00 from Capital Water Maintenance and Repair to Capital Water Line to replace a water line on Mill Street;
- #14-137-Development-Request for resolution authorizing application for Ohio Public Works Commission Issue I Grant funds in the amount of \$220,000.00 for FY 2015; and
- #14-138-Parks & Recreation-Request for legislation transferring \$777.00 from Parks & Recreation Capital Property Maintenance to Parks & Recreation Capital Furniture and to transfer \$1,270.00 from Parks & Recreation Capital Property Maintenance to Parks & Recreation Capital Computers.

Mr. Trutschel moved and Mrs. Ames seconded that Item #9 be tabled. All members present voted “yea” and Pres. Rinehart declared the motion adopted.

READING AND PASSAGE OF LEGISLATION

Ord. No. 83-14 adjusting appropriations to reflect the 2014 Maximus Consulting Group Cost Allocation Plan, dividing the cost of the plan among three funds, and declaring an emergency was read for the third time by title only. On final passage, all members present voted “yea” and Pres. Rinehart declared Ord. No. 83-14 adopted.

Ord. No. 84-14 repealing current Chapters 911 and 912 of the Codified Ordinances of the City of Chillicothe, Ohio, and replacing them with amended Chapter 911 was read for the third time by title only. On final passage, all members present voted “yea” and Pres. Rinehart declared Ord. No. 84-14 adopted.

Ord. No. 85-14 appropriating \$5,000.00 to pay State of Ohio Building Permit Assessment Fees for the remainder of the 2014 calendar year, and declaring an emergency was read for the second time by title only. Mr. Tatman moved and Mrs. Patrick seconded that the three reading rule be

suspended, placing this item on final passage. All members present voted “yea” and Pres. Rinehart declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Rinehart declared Ord. No. 85-14 adopted.

An Ordinance approving the action of the Planning Commission of the City of Chillicothe in rezoning property located at 280-282 N. High Street, Chillicothe, Ohio from residential office (RO) to general commercial (GC) was read for the second time by title only.

Res. No. 15-14 authorizing the Mayor of the City of Chillicothe to submit an application/proposal with the Ohio Department of Transportation for grants through the U.S. DOT Federal Transit Administration (FTA) as authorized under federal transit laws, for funds from the Ohio Public Transportation Grant Program, accepting such grant and executing a contract with the Ohio Department of Transportation upon grant proposal acceptance, and declaring an emergency was read for the first time by title only. Mrs. Ames moved and Mr. Trutschel seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Rinehart declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Rinehart declared Res. No. 15-14 adopted.

Ord. No. 86-14 appropriating \$472,000.00 for projected expenses through the remainder of 2014 within the Transit Department; and declaring an emergency was read for the first time by title only. Mrs. Patrick moved and Mr. Bonner seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Rinehart declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Rinehart declared Ord. No. 86-14 adopted.

Ord. No. 87-14 authorizing the transfer of funds within the Utilities Department to cover the cost of water line replacement on Mill Street, and declaring an emergency was read for the first time by title only. Mrs. Patrick moved and Mr. Proehl seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Rinehart declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Rinehart declared Ord. No. 87-14 adopted.

Ord. No. 88-14 accepting and appropriating \$8,441.00 in AFG grant funds awarded to the Chillicothe Fire Department for the purchase of smoke detectors, carbon monoxide detectors and other assorted safety items for at-risk citizens, and declaring an emergency was read for the first time by title only. Mr. Proehl moved and Mrs. Neal seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Rinehart declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Rinehart declared Ord. No. 88-14 adopted.

An Ordinance appropriating \$14,889.00 to cover Fire Department vehicle repair, fuel, and insurance costs for the remainder of calendar year 2014, and declaring an emergency was read for the first time by title only.

Ord. No. 89-14 appropriating \$10,444.00 to pay the Ross County Sheriff’s Office their share of 2013 Edward Byrne Justice Assistance Grant Funds; and declaring an emergency was read for the first time by title only. Mr. Proehl moved and Mrs. Neal seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Rinehart declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Rinehart declared Ord. No. 89-14 adopted.

Ord. No. 90-14 authorizing the City of Chillicothe to accept and appropriate a grant in the amount of \$750.00 from the Chillicothe Elks, and declaring an emergency was read for the first time by title only. Mr. Proehl moved and Mrs. Neal seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Rinehart declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Rinehart declared Ord. No. 90-14 adopted.

Ord. No. 91-14 allowing the City Auditor to transfer appropriated dollars between salaries and fringes within funds only if needed on an emergency basis for the remainder of the year 2014, and declaring an emergency was read for the first time by title only. Mr. Trutschel moved and Ms. Gray seconded that the three reading rule be suspended, placing this item on final passage. All

members present voted “yea” and Pres. Rinehart declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Rinehart declared Ord. No. 91-14 adopted.

Ms. Gray moved and Mr. Bonner seconded that the regular meeting be adjourned. All members present voted “yea” and Pres. Rinehart declared the motion adopted. Adjourned at 8:28 p.m.

Clerk of Council

President of Council