

Council Chambers
Regular Meeting
December 8, 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 1 media representative 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.

Ms. Gray moved and Mrs. Ames seconded that the proposed Minutes for the regular meeting of November 24, 2014, be corrected, on page 844, under the heading "Committee Reports", and under the sub-heading "Human Resources Committee", by deleting the word "not" in the third sentence up from the bottom of the paragraph. All members present voted "yea" and Pres. Rinehart declared the motion adopted. Mr. Bonner moved and Mrs. Neal seconded that the Minutes of the regular meeting of November 24, 2014, be accepted, as corrected, and as otherwise submitted by the Clerk. All members present voted "yea" and Pres. Rinehart declared the motion adopted.

COMMITTEE REPORTS

Human Resources Committee:

Ms. Gray moved and Mrs. Ames seconded that Item #3 be stricken from tonight's Agenda. All members present voted "yea" and Pres. Rinehart declared the motion adopted. Ms. Gray moved and Mr. Proehl seconded that Item #4 be stricken from tonight's Agenda. All members present voted "yea" and Pres. Rinehart declared the motion adopted.

Safety Services Committee:

Mr. Proehl moved and Mrs. Neal seconded that Item #1 not be read tonight. All members present voted "yea" and Pres. Rinehart declared the Motion adopted. Mr. Proehl moved and Mr. Trutschel seconded that the three day receipt rule be suspended, and that there be added to tonight's Agenda an ordinance amending city Ordinance No. 50-14 accepting and appropriating \$31,050.00 in grant funds awarded to the Chillicothe Fire Department and reallocating \$3,450.00 for the city's match, and declaring an emergency. All members present voted "yea" and Pres. Rinehart declared the rule suspended, designating this particular item as Item #6 on tonight's Agenda for its first reading. Mr. Proehl indicated that he will seek to pass this item tonight.

Parks & Recreation Committee:

Mr. Bonner reported on Item #2 to authorize the transfer of Parks & Recreation Capital funds for costs related to the replacement of a damaged desk and computer, on tonight's Agenda for its third reading. Mr. Bonner announced that there will be a meeting of a Parks & Recreation Committee on Friday, December 12, 2014, at 4:00 p.m., in the first floor conference room of the Administration Building. He said that the purpose of this meeting is to discuss Committee Assignment #14-163 requesting legislation to transfer funds to cover the city's share of costs in connection with the development of the Coppel Soccer Complex. Mr. Bonner also indicated that the Parks & Recreation Committee has requested a legal opinion from City Law Director Rutherford on the subject of making specific areas of the city's parks "no smoking" areas.

Finance Committee:

Mr. Trutschel reported on Item #5 to amend Section 118.01 of the Codified Ordinances, providing for the creation of the position of Deputy Treasurer within the Treasurer's Office.

REPORTS OF OFFICIALS

Report of Mayor Everson:

Mayor Everson stated that he met last Friday with representatives from the State Auditor's Office concerning the scheduling of a performance audit for the City of Chillicothe. He said that once this is completed and a report is available, it will be provided to the members of Council. Mayor Everson announced that the City of Chillicothe is being offered a parcel of real property from the Litter family, located on the east side of North Mulberry Street, at the edge of Yoctangee Park. He said, however, that the city's acceptance of this land is subject to three conditions. He said that first of all, the name of the road into the City Park at this location must be changed to "Litter Way". Secondly, he said that the Litter family will retain advertising rights on the structure at the edge of the property for ten years, and then subject to an additional five years, for a fee to be determined. Lastly, he said that if there is any development on the property, a designee of the family is to be named to the committee that must approve the development. Mayor Everson commented on existing Ordinance No. 80-12, stating that he is requesting that this be updated by an appropriate Council Committee, especially with respect to the positions in the Transit Department. He said that this is necessary to continue to attract qualified candidates for those positions and in order to keep them. Mayor Everson said that he is also still meeting with his staff concerning the use of vehicles and equipment, and the rating of their condition. He said that they are looking forward to possibly having an auction or just turning some of the obsolete equipment in for scrap. He said that this applies to every city department with vehicles or equipment in their inventory.

Report of Auditor Feeney:

City Auditor Feeney stated that Item #6 is a housekeeping item. He explained the need to reallocate the funds on the purchase of the thermal imaging cameras. Mr. Feeney said that he anticipates that all of the 2015 budget discussions will be resolved within the next ten days. He said that this past Thursday, there was good participation by his office staff in the "Rudolph Run", which is part of the city's wellness program.

Report of Law Director Rutherford:

City Law Director Rutherford said that she and her staff are still working on the proposed junk car ordinance, and that in addition, they are drafting the second hand dealers ordinance. She said that she has some very good news to report tonight because the Ohio Civil Rights Commission has issued its letter of determination with respect to the claims and allegations made against the City of Chillicothe by Michael McCoy and Joseph Sharp, local landlords. She said that the matter that contested the validity of the city's meth lab ordinance is now closed. She provided copies of the decision to the members of Council.

Report of Pres. Rinehart:

Pres. Rinehart thanked Mr. Trutschel for covering the last regular meeting of Council in his absence. He also expressed his thanks to Ms. Gray for expediting the legislation concerning the appropriation of funds for the wellness program, and he thanked City Law Director Rutherford and her staff for their assistance as well.

AUDIENCE PARTICIPATION

Nancy McNeeley of 301 Plyley's Lane said that she attended the December 4, 2014, meeting of the Chillicothe Civil Service Commission. She said that it had on its Agenda the approval of a new administrative assistant position in the Chillicothe Fire Department. Ms. McNeeley said that she sought additional information on this, and that she was surprised to see that the top step of pay for the secretary in the Chillicothe Fire Department showed a difference of \$3.11 per hour as compared to this new position. Ms. McNeeley cited some language from the AFSCME Agreement pertaining to the wage for a person who is transferred to a new position from a former position. She contended that the particular individual being moved into the new position, Ms. Karen Hoffman, will get the \$3.11 difference if she is put into the top step of this new position, and she contended that this is in violation of the terms of the AFSCME Agreement. She continued, stating that this will amount to a

pay increase of over \$6,000.00 per year for this individual. She questioned why the Chillicothe Fire Department's Fire Chief would support this, given the fact that the Fire Department is facing layoffs and two fire stations have been closed. She said that this woman, who is president of the union, has negotiated for herself a substantial pay increase. Ms. McNeeley said that she has spoken to several members of City Council, and that they have told her that they were not aware of this. She said that this change was not noted anywhere in the memos concerning the changes resulting from the negotiations, and that Mayor Everson did not inform Council of this.

PETITIONS AND CORRESPONDENCE

The Clerk reported on receipt of a letter from the Ohio Department of Commerce, Division of Liquor Control, pertaining to the annual expiration of all liquor permits in Chillicothe on February 1, 2015, and the process for the renewal of those permits, including the right of Council to make an objection to the renewal of a particular liquor permit. The Clerk also reported on the receipt of two notices from the Ohio Division of Liquor Control, one pertaining to the transfer of a permit from C. Walters Enterprises, LLC, dba Valero South Paint Express & Drive Up Window, of 520 S. Paint Street, to Chillicothe Riverside LLC, dba Riverside Valero of 228 N. Bridge Street; and the second Notice pertaining to the transfer of permits from WHR Enterprises, Inc., dba Dairy Dream Carry Out of 486 S. Paint Street new building to C. Walters Enterprises LLC, dba Valero South Paint Express & Drive Up Window of 520 S. Paint Street.

NEW BUSINESS

Mr. Trutschel said that this past week the First Ward was "decorated" with scattered trash and full trash receptacles. He said that apparently some of the members of Council were notified that there was a delay in garbage pickup. However, he said that he was not notified and that he drove around the First Ward and observed for himself that the trash was everywhere long after it should have been picked up. He said that he received many irate telephone calls. He reminded everyone that the people living in the Hesswood Subdivision voted mostly in favor of passage of the recent proposed income tax levy. He said that their streets are in terrible condition, and that now they are also getting poor trash service.

Mr. Trutschel also complained about the fact that the city's salt supply has been located at the former Armory in the City Park. He said that in his opinion, in the future the city should put this at the location of the coal tipple if that is going to be transferred to the city. Mayor Everson responded, stating that this year the salt was put where the city was able to put it, giving consideration to applicable regulations pertaining to the city's water wells.

Mr. Trutschel announced that there will be a meeting of the Finance Committee on Friday, December 12, 2014, at approximately 4:30 p.m., in the first floor conference room of the Administration Building. He said that this will be just after the conclusion of the Parks & Recreation Committee's meeting. He said that the Finance Committee will discuss the committee assignment pertaining to adopting a motor vehicle license fee for vehicles within the city, and also committee assignment #14-161, suggesting that the swimming pool be put within the budget of the Parks & Recreation Department.

Ms. Gray inquired of Mayor Everson if something had happened recently that effected trash pickup. She said that on Thursday, it was also delayed significantly in the Third Ward. Mayor Everson responded, stating that the trash pickup schedule was effected by the Thanksgiving holiday, and that this caused delays throughout the following week until the crews were able to get back on their regular schedule.

COUNCIL ASSIGNMENTS AND CALENDAR

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

#14-160-Finance-Request to transfer funds in the Parks Department from Capital Equipment

to Equipment Maintenance and Repair to allow for processing of outstanding invoices;
#14-161-Finance-Request to investigate moving the swimming pool department from general fund to either the Parks or the Recreation fund;
#14-162-Utilities/Transit-request for Council to explore options for the restructuring of the ARMC Water Tower Loan Replacement and consider future capital improvement plans based on available financing; and
#14-163-Parks & Recreation-request for legislation to transfer and appropriate Parks/Rec Capital Funds to cover the city's 2014 50% share of the infrastructure development for the Coppel Athletic Complex.

READING AND PASSAGE OF LEGISLATION

Ord. No. 106-14 authorizing the transfer of Parks & Recreation Capital Funds for costs related to the replacement of a damaged Parks & Recreation desk and computer, 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. 106-14 adopted.

An Ordinance amending Section 118.01 of the Codified Ordinances of the City of Chillicothe, providing for the creation of a position of Deputy Treasurer within the Treasurer's Office was read for the second time by title only.

Ord. No. 107-14 amending City Ordinance No. 50-14 accepting and appropriating \$31,050.00 in grant funds awarded to the Chillicothe Fire Department, and reallocating \$3,450.00 for the city's match, and declaring an emergency was read for the first time by title only. Mr. Proehl 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. 107-14 adopted.

Ms. Gray moved and Mr. Trutschel seconded that the meeting be adjourned. All members present voted "yea" and Pres. Rinehart declared the meeting adjourned at 8:03 p.m.

Clerk of Council

President of Council