

Council Chambers
Regular Meeting
February 10, 2014
7:30 p.m.

Council met in regular session with the following seven members present: Ames, Bonner, Gray, Neal, Proehl, Showman and Tatman. (Mrs. Patrick and Mr. Trutschel absent.) There were 2 media representatives and 10 other visitors present in addition to Mayor Everson and City Auditor Feeney.

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

Mr. Proehl moved and Ms. Gray seconded that the Minutes of the regular meeting of January 27, 2014, be accepted and approved, as submitted by the Clerk. All members present voted “yea” and Pres. Rinehart declared the motion adopted.

COMMITTEE REPORTS

Human Resources Committee:

Ms. Gray indicated that the Human Resources Committee has nothing on tonight’s Agenda. However, she stated that the committee has meet on 3 occasions during the past several weeks, and that Committee Assignment #14-019 is being reported out of committee with no further action to be taken by Council inasmuch as this has been rescinded by Mayor Everson. She said that 3 other committee assignments, #14-020; #14-021; and #14- 033 have been approved for legislation and all 3 have been submitted to the City Law Director’s office for preparation of that legislation. She said that she expects to see those 3 items on the Agenda for the next regular meeting of Council.

Safety Services/Technology Committee:

Mr. Proehl said that the Safety Services Committee met on the 6th of February, and that they discussed Committee Assignment #14-06 and Committee Assignment #14-08. He said that both of these have been approved for legislation, and that they have been submitted to the City Law Director’s Law Office for that purpose. He said that Committee Assignment #14-09 is still under consideration, but that Committee Assignments #14-28; #14-29; #14-30; and #14-31 have all been submitted to the City Law Director’s Office for preparation of legislation. Mr. Proehl concluded his report by indicating that Committee Assignment #13-138 has been going back and forth between the Safety Service Committee and the City Law Director’s office, where it is now under study for preparation of legislation.

Development Committee:

Mrs. Ames reported on Item #2 to create Chapter 1168 of the Codified Ordinances establishing the Chillicothe Downtown Development Commission, on tonight’s Agenda for its second reading. She once again described what happened during the Development Committee meeting on January 7, 2014, when this legislation was discussed. Mrs. Ames reported on Item #5 to approve the action of the Planning Commission to rezone the property at 171 E. Fifth Street from Older Neighborhood Single-Family Residential (R-3) to Residential Office (R-O), on tonight’s Agenda for its first reading. She said that the Development Committee met on January 23, 2014, to discuss this legislation, and she indicated that a public hearing will need to be scheduled to take place before the final reading of this item. Mrs. Ames reported on Item #6 to

accept and support the Citizen Participation Plan for the Community Development Block Grant and Home Investment Partnerships Programs, on tonight's Agenda for its first reading.

Finance Committee:

Mrs. Ames reported on behalf of the Finance Committee in the absence of Mr. Trutschel on Item #4 to appropriate \$25,000.00 into the Floodwall-Capital Lands and Building Line Item for necessary maintenance on the floodwall and pump stations, on tonight's Agenda for its first reading. Mrs. Ames reported on Item #8 to provide for the issuance of not to exceed \$2,441,000.00 of notes to pay the costs of improvements to the city's water system, on tonight's Agenda for its first reading. Mrs. Ames reported on Item #9 to provide for the issuance of not to exceed \$300,000.00 of notes to pay the cost of acquiring two garbage trucks, on tonight's Agenda for its first reading. Mrs. Ames reported on Item #10 to consolidate two bond anticipation note issues of the City of Chillicothe, Ohio, on tonight's Agenda for its first reading.

Special Meth Lab Committee:

Mrs. Ames reported on Item #7 to create Chapter 1312 of the Codified Ordinances of the City of Chillicothe, Ohio, titled "Clandestine Drug Labs", on tonight's Agenda for its first reading. She said that she is requesting that time be set aside at a review session next Monday, February 17, 2014, at 6:30 p.m., in Council Chambers, for the purpose of discussing this legislation and the attached Exhibit A, setting forth the criteria for the declaration and re-occupancy of clandestine drug laboratories.

City Services Committee:

Mrs. Neal stated that the City Services Committee has nothing on tonight's Agenda. However, she stated that during the past week she has received many telephone calls from constituents who are concerned about the lack of adequate snow and ice removal on the city's streets. She discussed the situation, stating that it is not acceptable, and that although she is aware of the limits that the city is facing, it seems that nothing is being done. She suggested, as one possible solution, the use of outside contractors. She proceeded to discuss this suggestion, and then stated that she believes that the city's administration needs to develop a protocol for snow emergencies in the future. She said that in her opinion, this should include the requirement that vehicles be moved out of the way of the city's plows, or face towing.

Parks & Recreation Committee:

Mr. Bonner reported on Item #1 to grant use of the City Park and surrounding streets for preparation and operation of the Tour of the Scioto River Valley from May 9, 2014 through May 12, 2014, on tonight's Agenda for its second reading.

On behalf of the City Services Committee, Mr. Bonner also reported on Item #3 to amend certain sections of Chapter 721, to repeal other sections of Chapter 721, and to create other sections of Chapter 721 of the Codified Ordinances pertaining to "Taxicabs", on tonight's Agenda for its second reading. He said that this is a carry-over from last year's City Services Committee.

REPORTS OF OFFICIALS

Report of Mayor Everson:

Mayor Everson reported extensively on the status of snow and ice removal efforts. He said that last Tuesday, the city was hit with 5.5 inches of snow in just three hours time, and that this was simply too fast to plow in a timely manner. After that, he said that there was rain on top of this snow, followed by temperatures below zero. He said that as a result, what was later plowed up

ended up being chunks of ice along with snow, which blocked residents' and businesses' driveways. He said that the city's equipment was damaged, and that we are still short of staff. He said that it is not correct to say that nothing is being done. He said that the crews have been working 28 straight days, and that the *Chillicothe Gazette* reported that this event was unlike any other during the past 20 years. Mayor Everson said that he has been discussing the matter with Safety Service Director Mike Green, to try to come up with areas of improvement, and that one thing that Mr. Green wants to do is to get a tanker truck with a spreader. He said that this could be used in advance of a storm to pre-treat the city's streets. Mayor Everson said that the city ordered additional salt supplies on the 6th of January, but that these orders have not been delivered by Morton Salt. He said that he even went down to their distribution center in Scioto County to check on this. He indicated that in the meantime, the city has borrowed supplies of salt from Ross County Engineer Charlie Ortman. Mayor Everson stated that in the future, he will be declaring snow emergencies and that this will perhaps help in getting streets cleared, but that this is primarily to help clear parking spaces. He said that the next winter storm event is predicted to come this Friday, and that they are doing everything possible to be ready for it. Ms. Gray inquired about the posting of signs concerning snow emergencies, indicating that these were once posted, and asking if they are still up. Mayor Everson responded in the affirmative, but again stated that this would probably just help out with getting parking spaces cleared. Mrs. Neal inquired as to whether anything can be done about the residential streets. She said that they are now covered with ice, and she asked if there are any plans to deal with them in the future. Mayor Everson said "absolutely", indicating that because these are generally narrow streets, they are using dispensers on the back of pickup trucks because they can't get the plows in there. He said that when they do use a plow, snow and ice goes up against the parked cars. Mrs. Neal said that in her opinion, the administration needs to post information on the city's website to let residents know what is going on, and also for them to get their vehicles off the streets. Ms. Gray said that she agrees that the city needs to do a better job letting citizens know what is being done. She said that in her opinion, the city needs to be more proactive. Mayor Everson responded, stating that he is working on the promulgation of plans. He said that he is amazed to find out how few city protocols actually exist. Mayor Everson continued his report, stating that the Utilities Rate Review meeting was held again last week, and that they studied the costs of the two Utility Departments. He proceeded to discuss the recent history of rate adjustments, and said that there will be a 2% rate increase for both the Water Department and the Sewer Department this year. Mayor Everson said that with respect to the restoration of the Carlisle Building, a "signing of the lease" celebration is scheduled to take place at the Paccar Center at 1:00 p.m. on Thursday, February 13, 2014. He said that this will involve both the Adena Health System and the Chesler Group. Mayor Everson commented on the Beatle Mania Magic Event that took place this past Sunday at the Majestic Theatre. He said that it was great to see the Majestic Theatre packed for this event, and that he is pleased to note that the new Director, Paul Pollard, has 43 additional events scheduled there for the remainder of this year. Mayor Everson then discussed the city's finances, stating that we still have a lot to do. He said that the upcoming union negotiations will be critical. He said that the city has made significant savings in operating costs to date, but that the city's personnel costs are the biggest share of total expenditures. Mayor Everson said that the State Auditor has indicated that the city needs a carry-over of approximately one-twelfth of the annual general fund expenditures. Mayor Everson discussed a number of other financial issues and concluded his report by wishing Pres. Rinehart a happy birthday.

Report of Auditor Feeney:

City Auditor Feeney commented on Item #4, stating that the sum of \$25,000.00 for the city's floodwall was overlooked when the 2014 budget was prepared. He said that this ordinance will not impact the general fund. Mr. Feeney commented on Item #8, stating that this is the maturation of the city's last outstanding short-term note. He said that we are just paying the interest on this note this year, but that we should have a major water bond issue paid off at the end of 2014, and that in the future this will permit the city to pay down on this note that is being rolled over. Mr. Feeney commented on Item #9 and Item #10, stating that these two items relate to the purchase of two new garbage trucks. He said that it makes more sense to go ahead and get both trucks this year, and that the money that was appropriated this year for just one truck will be carried forward for next year. He indicated that Item #10 just combines these two short terms notes. Mr. Feeney then gave the year end report for the Auditor's Office, passing out copies to everyone. He discussed revenues, stating that we ended up close to the projections that were made, being about \$17,000.00 over what was projected. He said that the numbers for the revenues show a positive trend, with income taxes up over the preceding year. He said that

we are continuing to see a good increase in taxes being paid by local businesses, while withholding has held steady. He said that last week, he had a ratings telephone call with Moody's. Mr. Feeney said that the city received a couple of strong windfalls last year, including estate tax payments of about \$380,000.00, and a Workers' Comp rebate, with the total of the two amounting to about \$500,000.00. He cautioned that these will not be there in the future, since there is no longer an Ohio estate tax and the Workers' Comp rebate was a one time thing. He said that both the EMS receipts and the Municipal Court's fees and costs fell off last year, and that we will need to continue to keep our eyes on this. He said that in his opinion Council needs to soon pass an ordinance to authorize the hard billing of non-residents for EMS charges. He also discussed other areas of revenues, such as building permits. Mr. Feeney then turned his attention to the city's expenses, stating that once again these came in under what had been budgeted, with almost \$500,000.00 under-appropriated. Overall, he said that we have seen the city's department heads really clamp down on their departmental expenses. Mr. Feeney said that he commends Mayor Everson and all of his department heads for doing a good job on this. He stated that as Mayor Everson has already indicated, the state of Ohio is recommending that there be a carryover of about one-twelfth of the annual general fund expenditures, amounting to approximately \$1,400,000.00. Mr. Feeney said that at the end of 2013, the city had a carry-over of \$900,000.00 instead. He said, however, that the year of 2013 was a good year, and that the city is headed in the right direction.

Report of Pres. Rinehart:

Pres. Rinehart thanked the members of Council for doing a good job in keeping up with their committee assignments, stating that he especially commends the members of the Special Meth Lab Committee.

AUDIENCE PARTICIPATION

Jake McNeely of 7 Bellecrest Lane once again appeared before Council to complain about the city's trash pickup. He said that there has been a failure to pick up the trash in his neighborhood for the past seven days, and he stated that this is unacceptable. He said that this has been going on for about a year now, and that he promised Council that he would continue to come back as long as this goes on. He also complained about the snow removal operations. He said that he believes that the city definitely needs to bring in outside contractors, saying that this was done many times by the city in past years. He said that he personally observed a city truck go by in his neighborhood with its plow up, doing nothing. He said that he is amazed at how little is being done. He also made the suggestion that while the city is in the process of purchasing two new garbage trucks, the city should also get snow plows to be fitted on the front of those garbage trucks. He said that if it were up to him, he would fire Safety Service Director Mike Green. He complained about the recent increase in the garbage fee, and said that this entire garbage issue will be on the November ballot this year in order to repeal that garbage fee increase or otherwise restrict the use of its funds.

PETITIONS AND CORRESPONDENCE

The Clerk reported on the receipt of a letter from Rod Siddons, Chief Development Officer for Frontier Community Services/Cross Creek Meadows Housing Partners II, LLC, notifying the city of a proposed development with 40 units to be located off Cross Creek Drive, in Union Township, Ross County, Ohio, and of the city's right to submit comments regarding the proposed project.

NEW BUSINESS

Mrs. Ames moved and Ms. Gray seconded that Council excuse the absences of Mrs. Patrick and Mr. Trutschel. All members present voted "yea" and Pres. Rinehart declared the motion adopted.

COUNCIL ASSIGNMENTS AND CALENDAR

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

- #14-34-Finance-Request for legislation to finance and purchase two garbage trucks in 2014;
- #14-35-Finance-Request for legislation to reissue \$2,441,000.00 in bond anticipation notes for ARMC Water Project;
- #14-36-Development-Request for legislation to modify Ord. No. 20-11 regarding Chapter 139 "Community Reinvestment Area" Section 139.25 "Percentage of Tax Exemption Fees" as a one time exemption for the Carlisle and Howson Buildings; and
- #14-37-Development-Request for legislation to accept a check in the amount of \$16,235.66 from Mr. Fred Krider who is paying the balance of a depreciated lien from a CHIP grant against a property located at 442 Belleview.

READING OF LEGISLATION

A Resolution granting use of the City Park and surrounding streets from Friday, May 9, 2014, at 12:00 p.m. through Monday, May 12, 2014 at 12:00 p.m. for preparation and operation of the Tour of the Scioto River Valley (TOSRV) and providing for coordination of its events with the Parks & Recreation Department was read for the second time by title only.

An Ordinance creating Chapter 1168 of the Codified Ordinances of the City of Chillicothe, Ohio establishing the Chillicothe Downtown Development Commission (CDDC) for the City of Chillicothe, Ohio, and to charge the CDDC with recommending to the Council of the City of Chillicothe a program for development for the Historic Design Review District and such zoning code updates and other updates to the ordinances of the City of Chillicothe as the CDDC may find appropriate to provide for the orderly development and enhancement of the Historic Design Review District (hereinafter the "Downtown District".) was read for the second time by title only.

An Ordinance amending Sections 721.01, 721.03, 721.07, 721.10, 721.11, 721.13, 721.14 and 721.99, and repealing Sections 721.08, 721.09, and 721.12, and creating Sections 721.16 and 721.17 in the Codified Ordinances of the City of Chillicothe titled "Taxicabs" was read for the second time by title only.

An Ordinance appropriating \$25,000.00 into the Floodwall-Capital Lands and Buildings line item to cover the expense of necessary maintenance on the floodwall, and pump stations, and declaring an emergency was read for the first time by title only.

An Ordinance approving the action of the Planning Commission of the City of Chillicothe in rezoning property located at 171 E. Fifth Street, Chillicothe, Ohio from Older Neighborhood Single-Family Residential (R-3) to Residential Office (R-O), and declaring an emergency was read for the first time by title only.

A Resolution accepting and supporting the Citizen Participation Plan for the Community Development Block Grant and Home Investment Partnerships Programs was read for the first time by title only.

An Ordinance creating Chapter 1312 of the Codified Ordinances of the City of Chillicothe, titled "Clandestine Drug Labs" was read for the first time by title only.

An Ordinance providing for the issuance of not to exceed \$2,441,000.00 of notes by the City of Chillicothe, Ohio, in anticipation of the issuance of bonds for the purpose of paying the cost of improvements to the city's water system, including water mains, booster station, pumps, line upgrades, and elevated water storage tank for the Adena Project, together with all necessary appurtenances, and declaring an emergency was read for the first time by title only.

An Ordinance providing for the issuance of not to exceed \$300,000.00 of notes by the City of Chillicothe, Ohio, in anticipation of the issuance of bonds for the purpose of paying the cost of acquiring two garbage trucks, together with all necessary appurtenances, and declaring an emergency was read for the first time by title only.

An Ordinance consolidating two bond anticipation note issues of the City of Chillicothe, Ohio, and declaring an emergency was read for the first time by title only.

Mr. Bonner moved and Mrs. Neal seconded that the regular meeting be adjourned. All members present voted "yea" and Pres. Rinehart declared the motion adopted. Adjourned at 8:35 p.m.

Clerk of Council

President of Council

Council Chambers
Legislative Review Session
February 17, 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 seven members present: Ames, Bonner, Neal, Patrick, Proehl, Showman and Tatman. (Ms. Gray and Mr. Trutschel absent.) There were 2 media representatives and 1 other visitor present.

Pres. Rinehart called upon Mrs. Patrick to lead tonight's discussion on the sole topic on the Agenda, the ordinance to create Chapter 1312 of the Codified Ordinances titled "Clandestine Drug Labs".

Mrs. Patrick provided an overview of the ordinance itself and of the history of the special committee's meetings and goals. She described the information gathering process, stating that they reviewed existing legislation from other areas. She said that they found ordinances from Cuyahoga Falls to be the most consistent with their goals, and she stated that they used this as their primary model.

Mrs. Patrick described how the ordinance is designed to work, including a discussion of the role of law enforcement in the first instance. She said that once the chief building official is notified he is then required to follow up with seven different actions, starting with a series of notifications. Then she said that there must be a follow up by the property owner of specific actions, with the owner being responsible for the costs of the cleanup.

Pres. Rinehart inquired as to who it is that certifies the property as having been cleaned up. Mrs. Patrick said that in this area, there is only one outfit out of Bainbridge, Ohio, who can do this.

Mr. Tatman asked if the city will be getting a storage area for use to put in the contaminates. Mrs. Patrick responded, stating that the Chillicothe Fire Department is capable of neutralizing the contaminated material, and that then it can go into the trash stream.

Mrs. Neal asked about recent drug labs in this area. Mrs. Ames said that there have been cleanups, and that although the property owner can go ahead and do this, the property owner is required to follow very demanding specs and criteria. She said that the property owner can not just wash the area down.

Pres. Rinehart said that he was impressed with how quickly the Ohio Attorney General's Office became involved by offering to help out.

Mrs. Patrick said that about 90% of the properties located in her ward are rental properties. She said that these clandestine drug labs have become a very real problem, and that hopefully this legislation will keep safe not only potential tenants but also new owners of properties. She said that this is something that actually should have been addressed at the state level, but it has fallen upon local authorities to enact legislation.

Mr. Proehl said that this will offer a lot of protection to the owners and landlords. He said that it provides a certification that property that was subject to cleanup requirements is now safe for occupancy.

Mrs. Patrick said that City Law Director Rutherford recommended that the offenses be keyed to penalties for existing misdemeanor offenses, instead of perhaps setting so much money as a per diem penalty.

Mr. Proehl said that the penalties should only affect those who are intentionally negligent.

Pres. Rinehart asked about the cost of the average cleanup. Mrs. Patrick responded, stating that the cost of boarding up the property and then taking care of it can run about \$2,800.00, but she hastened to add that this cost varies. Mrs. Ames agreed, stating that the cost of a particular cleanup can actually exceed the value of the property. She gave as an example a trailer that was contaminated in Zane Village.

Mr. Proehl said that the science continues to evolve for the creation of these drugs. He said that Council may have to revisit this area in the future, indicating that the state of Ohio has been having problems with the regulation of bath salts for the same reason.

Mrs. Patrick said that she will check with City Law Director Rutherford about the possible need to make changes in the legislation. She said that this whole process has been an education.

No formal action was taken during the legislative review session, and no roll call votes were taken.

The legislative review session adjourned, by consensus at 7:13 p.m.

Clerk of Council

President of Council