

Council Chambers  
Regular Meeting  
March 10, 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 14 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 Mrs. Neal seconded that the Minutes of the regular meeting of February 24, 2014, and the Minutes of the Special Meeting of February 26, 2014, be accepted and approved, as submitted by the Clerk. All members present voted “yea” and Pres. Rinehart declared the motion adopted.

Mrs. Ames moved and Mrs. Patrick seconded that Council go into an Executive Session to discuss the status of pending litigation with City Law Director Rutherford. All members present voted “yea” and Pres. Rinehart declared the motion adopted. Council then removed to the adjacent conference room for the Executive Session. Upon returning to Council Chambers, Mrs. Ames moved and Ms. Gray seconded that Council go out of the Executive Session and resume the regular meeting. All members present voted “yea” and Pres. Rinehart declared the motion adopted.

## COMMITTEE REPORTS

### **Human Resources Committee:**

Ms. Gray commented on the status of several committee assignments. She indicated that both Assignments #14-19 and #14-20 have been withdrawn by Mayor Everson. She said that Assignment #14-21 and Assignment #14-33 are on tonight’s Agenda. Ms. Gray moved and Mrs. Ames seconded that Item #5 be amended by replacing the original version with the new version delivered with Friday’s legislative packet. All members present voted “yea” and Pres. Rinehart declared the motion adopted, ruling that this does not constitute a substantial change and that Item #5 will therefore remain at its second reading status tonight. Ms. Gray reported on Item #5 to add Section 123.073 titled “Transportation Coordinator” to the Codified Ordinances, on tonight’s Agenda for its second reading. Ms. Gray also indicated that Council Committee Assignment #14-44 will be discussed at the time of the next meeting of the Human Resources Committee.

### **Utilities/Transit/Nuisance Committee:**

Ms. Patrick moved and Ms. Gray seconded that Item #4 not be read tonight. All members present voted “yea” and Pres. Rinehart declared the motion adopted. Mrs. Patrick also indicated that Council Committee Assignment #14-41 has been turned over to City Law Director Rutherford, and that legislation will be brought forward at the next regular meeting.

### **Safety Services/Technology Committee:**

Mr. Proehl reported on Item #8 to declare certain civilian vehicles obsolete or not needed and to authorize the Safety Service Director to sell/trade in said vehicles to a car dealer in an even

exchange for a vehicle to be used by the Chillicothe Police Department, on tonight's Agenda for its first reading. He said that he will seek to pass this item tonight. Mr. Proehl reported on Item #9 to amend the city's program to charge a user fee for emergency medical services provided by the Chillicothe Fire Department, on tonight's Agenda for its first reading.

**Development Committee:**

Mrs. Ames reported on Item #1 to create Chapter 1168 of the Codified Ordinances establishing the Chillicothe Downtown Development Commission, on tonight's Agenda for its third reading. Mrs. Ames moved and Ms. Gray seconded that Item #1 be amended by replacing the original version with the substitute version distributed with Friday's legislative packet. All members present voted "yea" and Pres. Rinehart declared the motion adopted, ruling that this does not represent a substantial change and that Item #1 will therefore remain at its third reading status tonight. Mrs. Ames then discussed the changes to the legislation. Mrs. Ames reported on Item #2 to approve the action of the Planning Commission to rezone the property located at 171 E. Fifth Street from Older Neighborhood Single-Family Residential (R-3) to Residential Office (R-O), on tonight's Agenda for its third reading. Mrs. Ames noted that this is scheduled for a Public Hearing at 7:30 p.m. on Monday, April 14, 2014, immediately prior to the regular meeting of Council that night. Mrs. Ames moved and Mr. Bonner seconded that Item #2 not be read tonight. All members present voted "yea" and Pres. Rinehart declared the motion adopted. Mrs. Ames reported on Item #3 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 third reading.

**Engineering Committee:**

Mr. Tatman said that the Engineering Committee met on the 25<sup>th</sup> of February and that they discussed Council Committee Assignment #14-26, requesting a study to present a plan for the future maintenance of the city streets and alleys. He said that the problem with this Council Committee Assignment is that there are no funds available to carry out any such plan, and that as a result this is being reported out of committee with no further action to be taken at this time. He noted that the City Engineering Department already has a plan, but that it is lacking in necessary funding. Mr. Tatman said that the committee also discussed the assignment requesting that Second Street be returned to two way traffic between Mulberry Street and Walnut Street. He said that this is also being reported out of committee at this time. Mr. Tatman said that the committee also discussed the assignment concerning the signage on the city's right-of-way, and he said that this is being forwarded to the City Law Director's Office for legislation. Mr. Tatman commented on Council Committee Assignment #14-39, requesting a study of the city's involvement with respect to the five way intersection at North Plaza Blvd. and Nancy Wilson Way. He said that this remains in committee. Mr. Tatman commented on Council Committee Assignment #14-40, stating that this is being reported out of committee with no further action to be taken.

Ms. Gray moved and Mrs. Ames seconded that Item #6 be amended by replacing the original version with the substitute version distributed with the legislative packets on Friday. All members present voted "yea" and Pres. Rinehart declared the motion adopted, ruling that this does not constitute a substantial change and that Item #6 will remain at its second reading status tonight. Ms. Gray indicated that Item #6 is to amend Section 3 of Ord. No. 80-12.

**REPORTS OF OFFICIALS**

**Report of Mayor Everson:**

Mayor Everson urged Council to pass Item #1 tonight, stating that all of the outstanding questions have been answered. He commented on the auction scheduled for the 18<sup>th</sup> of March of real estate in Ross County that is part of the Hopewell Culture Earthworks. He said that he has requested that letters of support be issued in order to secure a grant from Clean Ohio on this. Mayor Everson commented on the Chillicothe Police Department's "Operation Standout" Program, saying that the intent is to focus on a particular neighborhood as announced by Chief Moore. He said that this has actually been going on since November of 2013, and that it is

consistent with the Drug Task Force efforts. He said that it is part of the new drug interdiction efforts that are being tried. Mayor Everson announced that leaf pickup will re-commence from the fall. He said that this was suspended due to the fact that it was so wet and then we had so many winter storms, noting that it is difficult to pick up the leaves once they become wet. He said that according to Channel 6 news, we have had only 4 instances of no significant rain or snow since the end of October.

**Report of Auditor Feeney:**

City Auditor Feeney said that he attended a conference last week for local government. He said that next year, he encourages the members of Council and other elected officials to attend this conference. He said that he does have a CD on this if anybody is interested. He discussed one item, that being budget stabilization funds. He said that this can help with respect to personnel items that come up, such as retirement or vacation or sick leave. He said that Chillicothe can set up this type of fund to stabilize the budget. Mr. Feeney announced that with respect to the two bond anticipation notes that Council recently passed, the city obtained an interest rate of only 1.05%. Mr. Feeney concluded his report by discussing the pre-audit meeting that he attended today, stating that the city's department heads will be getting visits from the auditors.

**Report of Law Director Rutherford:**

City Law Director Rutherford said that she has been contacted by the Ohio Department of Public Safety, and that they are interested in having her office to provide additional training for OVI prosecutions.

**AUDIENCE PARTICIPATION**

Joe Sharp of 559 N. High Street once again appeared before Council to thank them for their service to the community as members of City Council. He said, however, that he also urges the members of Council to remember that they must serve the less fortunate among us as well. He stated that he is glad that the city has postponed the third reading of the "Clandestine Drug Labs" ordinance, in order to look into legal issues. However, he said that in addition to the legal concerns, he urges the members of Council to follow moral principles. He stated that in his opinion the law should charge the actual offender first. For example, he said that by comparing the proposed Chillicothe legislation to the ordinance from Cuyahoga Falls, he noted that under the latter, only the clean-up costs are put on the owner of the property. The proposed Chillicothe legislation, he stated, goes further to make the owner liable for all documented costs, including costs incurred by the Chillicothe Police Department and the Chillicothe Fire Department. He said that these are stated as costs that "shall be" put on the landlord. In addition, he said that Chillicothe's proposal imposes the building inspector's costs of posting notices and boarding up the property, whereas under the Cuyahoga Falls ordinance, these costs "may" be imposed. He said that as a result of this requirement under the Chillicothe proposal, the landlords, such as himself, "will have no choice" but to ask their prospective tenants about their drug records or history of drug problems, such as while they were in the military. He said that the city is effectively pushing discrimination upon the landlords for them to exercise against their tenants, and that this is not fair.

William Barnhart of 373 McKeller said that he has not been back here before City Council since August of 2012. He said that at that time, Council was considering legislation to increase the garbage fee. He said that he only puts out one bag each week, and that he asked Council to encourage recycling. Since then, he said that the city has imposed the higher garbage collection fee, and that this has been in place for over one year now, but that the services provided are just the same and there have not been any new trucks purchased. Also, he said that during the last two snowstorms, he telephoned Mayor Everson, Mrs. Patrick, and others about the fact that the city's own sidewalks, around the Chillicothe Transit System, had not been cleared by the city. He said that he urges Council not to increase the salary of the Chillicothe Transit System Director if this is the type of supervision being provided over there.

Aaron Chaney of 1028 Lake Drive spoke to Council, stating that he wishes to prevail upon Council to take action to change the term limits of the members of Council and the President of Council to four years, as permitted by Chapter 731 and Chapter 733 of the Ohio Revised Code. He discussed the content of this legislation, stating that such an issue can be put to a vote by the citizens of a municipality. He urged Pres. Rinehart to send this matter to an appropriate committee, and that the Mayor and the City Auditor also complete the necessary support work to make this happen.

### NEW BUSINESS

Mr. Bonner said that he thanks Mrs. Ames for her continued work on Item #1. He said that the Chillicothe Downtown Development Commission is a tool that will help the city, and he therefore urges passage of this ordinance tonight.

Mr. Proehl commented on Item #9, to authorize a hard billing of non-residents for EMS services. He said that this was discussed during the 2014 budget meetings, and that he plans to request the suspension of the three reading rule so that this can be passed tonight. He said that he understands that there might not be sufficient support to do this on first reading, but that considering the city's financial situation he feels that he would be remiss if he did not at least make the attempt to get these revenues authorized. Mr. Bonner responded, stating that he thanks Mr. Proehl for speaking on this, however, he said that he does not believe that it is appropriate to pass this item on first reading. He said that he believes that Council needs to allow time for any additional public input.

### COUNCIL ASSIGNMENTS AND CALENDAR

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

- #14-41-Utilities/Transit-request for legislation appropriating \$9,700.00 to the 3013 Fuel Farm Project;
- #14-42-Human Resources-request to appropriate funds to hire an additional police officer to replace another officer who has been on medical leave for the year;
- #14-43-Finance-request for legislation to appropriate \$300,000.00 to purchase two garbage trucks; and
- #14-44-Human Resources-request for legislation to appropriate \$5,000.00 to the Civil Service Commission's budget for police officer and police sergeant testing in 2014.

### READING AND PASSAGE OF LEGISLATION

**Ord. No. 17-14** 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 (hereafter the "Downtown District") was read for the third time by title only. On final passage, all members present voted "yea" and Pres. Rinehart declared Ord. No. 17-14 adopted.

**Res. No. 3-14** accepting and supporting the Citizen Participation Plan for the Community Development Block Grant and Home Investment Partnerships Programs was read for the third time by title only. On final passage, all members present voted "yea" and Pres. Rinehart declared Res. No. 3-14 adopted.

An ordinance adding Section 123.073 titled "Transportation Coordinator" to the Codified Ordinances of the City of Chillicothe, and declaring an emergency, was read for the second time by title only.

An Ordinance amending Section 3 of Ord. No. 80-12 and declaring an emergency was read for the second time by title only.

An Ordinance amending Section 131.02(b) of the Codified Ordinances of the City of Chillicothe, Ohio relating to the Civil Service Secretary, and declaring an emergency was read for the second time by title only.

**Ord. No. 18-14** declaring certain civilian vehicles obsolete or not needed and authorizing the Safety-Service Director to sell/trade in said vehicles to a car dealer in an even exchange for a vehicle to be used by the Chillicothe Police Department, 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. 18-14 adopted.

An Ordinance amending the city's program to charge a user fee for emergency medical services provided by the Chillicothe Fire Department, and declaring an emergency, was read for the first time by title only. Mr. Proehl moved and Mr. Trutschel seconded that the three reading rule be suspended, placing this item on final passage. All members present voted "nay", and Pres. Rinehart declared the motion to have failed.

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 8:25 p.m.

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Clerk of Council

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President of Council