

Council Chambers
Regular Meeting
March 23, 2015
7:30 p.m.

Council met in regular session with the following eight members present: Corcoran, Fleurima, Gray, Neal, Patrick, Proehl, Tatman and Trutschel. (Mrs. Ames absent.) There were 2 media representatives and 14 other visitors present, in addition to Mayor Everson, City Law Director Rutherford, and City Auditor Feeney.

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

Ms. Gray moved and Mr. Fleurima seconded that the Minutes of the regular meeting of March 9, 2015, be accepted and approved, as submitted by the Clerk. All members present voted "yea" and Pres. Eallonardo declared the motion adopted.

At 7:32 p.m., Ms. Gray moved and Mrs. Patrick seconded that Council go into an Executive Session to consider the preparation for, conducting of, or reviewing of negotiations or bargaining sessions with employees concerning their compensation or other terms and conditions of their employment. All members present voted "yea" and Pres. Eallonardo declared the motion adopted. Council then removed to the large conference room down the hallway for the Executive Session.

At 8:10 p.m., Council returned to Council Chambers and Ms. Gray moved and Mr. Trutschel seconded that Council go out of the Executive Session and resume the regular meeting. All members present voted "yea" and Pres. Eallonardo declared the motion adopted.

REPORTS OF COMMITTEES

Parks & Recreation Committee:

Mr. Trutschel reported, on behalf of the Parks & Recreation Committee, on Item #1 to authorize the City Auditor to move the Municipal Swimming Pool Department from the general fund to the recreation fund, on tonight's Agenda for its third reading. He said that the committee held a meeting the other night and that everyone agreed that this is the correct thing to do at this time. He urged a favorable vote on passage of this item tonight. Mr. Trutschel reported on Item #8 to grant the use of the City Park and surrounding streets for preparation and operation of the Annual Feast of the Flowering Moon from May 20, 2015 to May 25, 2015, on tonight's Agenda for its second reading.

Human Resources Committee:

Ms. Gray reported on Item #10 to establish rates of pay and other economic benefits for non-classified employees and the classified but management level employees of the city, on tonight's Agenda for its first reading. She said that there are still some questions concerning this item that need to be answered, so it will only be read tonight. She also reported that the Human Resources Committee has looked at Council Assignment #15-34, concerning part-time employees' pay, and that this is still in committee.

Safety Services Committee:

Mr. Proehl indicated that the Safety Services Committee took three items from the Finance Committee that he will report on tonight. He reported on Item #2 to appropriate \$20,000.00 from the Law Enforcement Trust Fund to be used by the Chillicothe Police Department, on tonight's Agenda for its second reading. He said that he will seek to pass this item tonight. Mr. Proehl reported on Item #3 to accept and appropriate \$16,259.00 from the U.S. DOJ Edward Byrne

Memorial JAG Program for body cameras for the Chillicothe Police Department, on tonight's Agenda for its second reading. He said that this matter was discussed during a meeting of the Finance Committee, and that the Chillicothe Police Department has done a lot of research on body cameras. He said that they chose to go with the purchase of the body cameras from Data 911. He indicated that this company charges less in storage fees, and that the total costs are just over \$17,619.00, which includes the license fees. He said that 17 cameras are being purchased in order to allow for rotation on the shifts, and to allow for recharging and to provide other flexibility. Mr. Proehl reported on Item #4 to accept and appropriate \$6,550.00 received as reimbursement from Sprint for Chillicothe Police Department radio upgrades. He indicated that he will seek to pass this item tonight.

Finance Committee:

Mr. Trutschel, on behalf of the Finance Committee, reported on Item #5 to appropriate \$1,100.00 to cover fuel expenses for the city electrician for calendar year 2015, on tonight's Agenda for its second reading. Mr. Trutschel reported on Item #6 to appropriate \$1,800.00 to cover training and travel expenses for the new city electrician, on tonight's Agenda for its second reading. Mr. Trutschel reported on Item #7 to amend Ord. No. 115-14 relating to appropriations for current expenses and other expenditures of the city during fiscal year 2015, on tonight's Agenda for its second reading. Mr. Trutschel reported on Item #9 to authorize the city to participate in the ODOT Cooperative Purchasing Program, on tonight's Agenda for its first reading. He said that he will seek to pass this item tonight.

REPORTS OF OFFICIALS

Report of Mayor Everson:

Mayor Everson commented on the EMS billing for the Chillicothe Fire Department, stating that this has been done in the past by MBI. He said that this company has been purchased by another company, but that there will be a seamless transition with respect to the city's accounts. Mayor Everson announced that the Chillicothe Civil Service Commission conducted testing for positions in the Chillicothe Police Department this past Saturday. Mayor Everson announced the results, stating that there will be a ceremony on the 1st of April. He stated that last week he went to a board meeting for Jobs Ohio, and he provided a report on this. Also, last Friday, he said that he met with the Japanese Counsel General about several Japanese companies who have invested in Ohio. He said that fortunately, they are paying close attention to the local area. Mayor Everson announced that the International Firefighters contract was ratified by the union's membership last week, with only four "no" votes. He said that in his opinion, the city's negotiator, Bryan Butcher, did a very good job for the city.

Report of Auditor Feeney:

City Auditor Feeney commented on Item #1, stating that this is a positive and a practical move and that he urges passage of this item tonight. Mr. Feeney commented on Item #7, stating that about \$20,000.00 was budgeted for roof repairs on the City Administration Building. However, he said that unanticipated repairs take precedence, and that the purpose of this amendment is just to change the line items for monies already budgeted.

Report of Law Director Rutherford:

City Law Director Rutherford stated that she has been working to establish a diversion program for underage alcohol (consumption) offenders, working with the judges of the Chillicothe Municipal Court. Also, she stated that members of the Law Director's staff served as representatives on the Ohio Mock Trial Program. She stated, on a personal note, that she had worked as an assistant law director for four years in this former courtroom before Judge Thomas Bunch. She noted his recent passing, describing him as the "most perfect judge".

AUDIENCE PARTICIPATION

Ryan Wade, President of Local 300 of the International Firefighters, said that he is here tonight to remind everyone that there will be a fish fry this coming Friday at the Phoenix Fire Station, located on E. Second Street, sponsored by the "Citizens for a Safe Chillicothe" group. He distributed copies of brochures from this group, promoting the Safety Levy that will appear on the May primary ballot.

William Barnhart of 373 McKeller Street said that he was here for Council's last regular meeting, and that he sees that Council is continuing to have its meetings here in this otherwise empty building, wasting the taxpayers' money. He said that Council should either sell this building or completely close it down. Mr. Barnhart also commented on the article that appeared in the *Chillicothe Gazette* concerning the potholes throughout the city. He said that one thing that the *Gazette* does not tell people is that none of these potholes will get fixed until after the election, and the results come in from the proposed income tax levy for street repairs. Mr. Barnhart then stated that the City Engineer makes over \$85,000.00 per year, but that he apparently does not realize that traffic lights are malfunctioning throughout the city. He then proceeded to describe a number of intersections where he claims that the traffic lights are not working properly.

Terry Williams of 371 Plyley's Lane raised a question about City Parks & Recreation Director Dave Tener's authority to sell or otherwise dispose of assets belonging to the city. Mayor Everson responded, stating that an inventory has been conducted of assets that are obsolete or not functioning. He said that, unfortunately, Mr. Tener pulled the trigger on getting these assets transferred too quickly, and that as a result, some of the assets were physically moved out to Hauser & Son. Mayor Everson said that no title has been transferred and that he has directed Mr. Hauser to do nothing with these assets until this gets cleared up. Mr. Williams continued his comments, stating that he has concerns, as a minister. He noted that Council tries to have members from the local ministerial association to come to give the invocation prior to the commencement of Council's meetings. However, in the absence of one of those ministers appearing tonight, he noted that Pres. Eallonardo gave tonight's invocation. Mr. Williams said that his problem is that he feels that Mrs. Eallonardo should have stepped down from the bench and come out here beyond the bar to give that invocation in a position behind the bar, among the people in the audience. He said that he understands Council's desire to be separated from the people during the meeting, but he expressed his belief that the invocation should be given from where the public is seated.

NEW BUSINESS

Mrs. Corcoran announced that on Thursday, from 9:00 a.m. until 12:30 p.m., there will be a program at OU-C by the Ohio Department of Corrections and Rehabilitation on re-entry, entitled "Impact of Relationships on Re-Entry". She described this event, discussing community outreach activities, and stating that there will also be information on initiatives at Ross Correctional Institute, as well as Chillicothe Correctional Institute. She said that they are anticipating lots of people from around the State of Ohio to attend.

Mrs. Patrick noted that the Administration and the Service Department have announced the large item drop-off dates of the 26th of April and the 2nd of May. She indicated that information is available on the city's website or from the Service Department.

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

COUNCIL ASSIGNMENTS AND CALENDER

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

- #15-42-Community Affairs-Request to appropriate \$400.00 to cover the purchase of four signs recognizing Tokey Hill for his accomplishments in the sport of karate;
- #15-43-Utilities-Request to appropriate \$14,000.00 to repair the leaking hypochlorite bulk

tank at the Water Treatment Plant;

#15-44-Safety Services-Request to accept a Junior Civic League Grant awarded to the Chillicothe Fire Department for \$1,000.00 to purchase smoke detectors for city residents' homes.

#15-45-Parks & Recreation-Request to appropriate funds for the operation of the City Pool for the 2015 season;

#15-46-Parks & Recreation-Request to appropriate funds for the Tree Commission for use in 2015; and

#15-47-Engineering-Request to consider creation of an ordinance that would give local contractors preference in city bid projects.

READING AND PASSAGE OF LEGISLATION

Ord. No. 20-15 authorizing the City Auditor to move the Municipal Swimming Pool Department from the general fund to the recreation fund and directing that all amounts currently appropriated in said department be transferred to the new recreation fund-municipal swimming pool department was read for the third time by title only. On final passage, all members present voted "yea" and Pres. Eallonardo declared Ord. No. 20-15 adopted.

Ord. No. 21-15 appropriating \$20,000.00 from the Law Enforcement Trust Fund to be used by the Chillicothe Police Department, and declaring an emergency was read for the second 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 "yea" and Pres. Eallonardo declared the rule suspended. All members present then voted "yea" on the item itself, and Pres. Eallonardo declared Ord. No. 21-15 adopted.

An Ordinance accepting and appropriating \$16,259.00 in funds received from the U. S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) Program for the purchase of body cameras for the Chillicothe Police Department, and declaring an emergency was read for the second time by title only.

Ord. No. 22-15 accepting and appropriating \$6,550.00 received as reimbursement from Sprint for Chillicothe Police Department (CPD) radio upgrades, and declaring an emergency was read for the second 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. Eallonardo declared the rule suspended. All members present then voted "yea" on the item itself, and Pres. Eallonardo declared Ord. No. 22-15 adopted.

An Ordinance appropriating \$1,100.00 to cover fuel expenses for the city electrician for calendar year 2015, and declaring an emergency was read for the second time by title only.

Ord. No. 23-15 appropriating \$1,800.00 to cover training and travel expenses for the new city electrician, and declaring an emergency was read for the second 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. Eallonardo declared the rule suspended. All members present then voted "yea" on the item itself, and Pres. Eallonardo declared Ord. No. 23-15 adopted.

An Ordinance amending Ord. No. 115-14 relating to appropriations for current expenses and other expenditures of the city during fiscal year 2015, and declaring an emergency was read for the second time by title only.

A Resolution granting use of the City Park and surrounding streets from Wednesday, May 20, 2015 at 5:30 p.m. through Monday, May 25, 2015 at 12:00 p.m. for preparation and operation of the Annual Feast of the Flowering Moon and providing for coordination of its events with the City Parks & Recreation Department, and declaring an emergency was read for the second time by title only.

Ord. No. 24-15 authorizing the city to participate in the ODOT Cooperative Purchasing Program, and declaring an emergency was read for the first time by title only. Mr. Trutschel 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. Eallonardo declared the rule suspended. All members present then voted "yea" on the item itself, and Pres. Eallonardo declared Ord. No. 24-15 adopted.

An Ordinance establishing rates of pay and other economic benefits for non-classified employees and the classified but management level employees of the City of Chillicothe, Ohio, and declaring an emergency was read for the first time by title only.

Ms. Gray moved and Mr. Fleurima seconded that the regular meeting be adjourned. All members present voted “yea” and Pres. Eallonardo declared the motion adopted. Adjourned at 8:45 p.m.

Clerk of Council

President of Council

Council Chambers
Special Meeting
April 1, 2015
6:30 p.m.

Council met in Special Session at the call of Mayor Everson pursuant to written notice dated and delivered March 30, 2015, for the purpose of considering five items of legislation described in the Notice, with all nine members present: Ames, Corcoran, Fleurima, Gray, Neal, Patrick, Proehl, Tatman and Trutschel. There were 2 media representatives and 4 other visitors present, in addition to Mayor Everson and City Auditor Feeney.

Pres. Eallonardo inquired if any member of Council wished to report on any of the legislation appearing on tonight’s Special Meeting Notice.

Mr. Trutschel reported on Item #1 to amend Ord. No. 115-14 relating to appropriations for current expenses and other expenditures of the city during fiscal year 2015. He said that this ordinance states nothing about paying any bills, but that apparently there are some bills that need to be paid and that this is why it is on the Special Meeting Notice for consideration tonight. Mr. Trutschel reported on Item #3 to authorize the City Auditor to enter into a three year purchase agreement and professional services contract with Software Solutions Inc. for the purchase of new software at a cost of \$123,573.00. Mr. Trutschel inquired of City Auditor Feeney as to whether this is urgent and therefore needs to be passed tonight. Mr. Feeney responded, stating that he is okay with just having a first reading of this ordinance tonight. Mr. Trutschel moved and Mrs. Ames seconded that the three day receipt rule be suspended, so that this item can be officially considered tonight for first reading status. All members present voted “yea” and Pres. Eallonardo declared the rule suspended.

Mrs. Neal reported on Item #4 to authorize the City Auditor to create a new internal services fuel fund, on tonight’s Agenda for its first reading. Mrs. Neal reported on Item #5 to advance \$28,550.00 from the unappropriated general fund to the newly created internal services fuel fund for the purpose of the initial purchase of fuel, on tonight’s Agenda for its first reading. She stated that she will seek to pass both of these items tonight. Mrs. Neal moved and Mrs. Patrick seconded that the three day receipt rule be suspended, with respect to Item #4 so that it can officially be considered for its first reading tonight. All members present voted “yea” and Pres. Eallonardo declared the rule suspended. Mrs. Neal moved and Mrs. Patrick seconded that the three day receipt rule be suspended with respect to Item #5, so that it can also be officially considered for its first reading tonight. All members present voted “yea” and Pres. Eallonardo declared the rule suspended. City Auditor Feeney commented on both Item #4 and Item #5, stating that these are needed in order to allow all of the city’s departments to purchase fuel at a discounted rate through this fund. He said that the same will apply to the private entities that the city has been selling fuel to, such as Goodwill Industries. Mr. Feeney indicated that the general fund will be repaid the \$28,550.00 once sufficient sales have been made. Mr. Trutschel inquired as to why the City of Chillicothe has become engaged in what is otherwise a private sector business of selling fuel to outside entities. He stated that he has a problem with this, and asked if we are not taking business away from private distributors and retailers. Mr. Feeney responded, stating that he supposes that this is correct. However, he said that this is a benefit that the city is providing to vendors who deal

with the city. Mr. Trutschel stated that he has a problem with selling to outside vendors, such as Goodwill Industries, even if they are not for profit businesses. He said that the City of Chillicothe is competing with private businesses. Mr. Trutschel stated that he does not sell to Goodwill Industries at his own business, so that he does not feel that there is a conflict of interest in speaking out against this practice. Mr. Feeney said that he agrees that perhaps this should be looked into.

Mr. Proehl reported on Item #2 to accept and appropriate \$16,259.00 in funds received from the U. S. Department of Justice Edward Byrne Memorial Justice Assistance Grant Program for the purchase of body cameras for the Chillicothe Police Department, on tonight's Agenda for its third reading. He urged passage of this item tonight.

Ms. Gray raised a point of order, inquiring if Item #1 has been assigned to a committee and whether it will be reported on tonight. Mr. Trutschel responded, stating that it is in the Finance Committee, and that he did report on it tonight.

Ord. No. 25-15 amending Ord. No. 115-14 relating to appropriations for current expenses and other expenditures of the city during fiscal year 2015, and declaring an emergency was read for the third time by title only. On final passage, all members present voted "yea" and Pres. Eallonardo declared Ord. No. 25-15 adopted.

Ord. No. 26-15 accepting and appropriating \$16,259.00 in funds received from the U. S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) Program for the purchase of body cameras for the Chillicothe Police Department, and declaring an emergency was read for the third time by title only. On final passage, all members present voted "yea" and Pres. Eallonardo declared Ord. No. 26-15 adopted.

An Ordinance authorizing the City Auditor to enter into a three year purchase agreement and professional services contract with Software Solutions Inc. for the purchase of new software at a cost of \$123,573.00, and declaring an emergency was read for the first time by title only.

Ord. No. 27-15 authorizing the City Auditor to create a new Internal Services Fuel Fund, and declaring an emergency was read for the first time by title only. Mrs. Neal 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. Eallonardo declared the rule suspended. All members present then voted "yea" on the item itself, and Pres. Eallonardo declared Ord. No. 27-15 adopted.

Ord. No. 28-15 advancing \$28,550.00 from the unappropriated general fund to the newly created Internal Services Fuel Fund for the purpose of the initial purchase of fuel, and declaring an emergency was read for the first time by title only. Mrs. Neal 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. Eallonardo declared the rule suspended. All members present then voted "yea" on the item itself, and Pres. Eallonardo declared Ord. No. 28-15 adopted.

Mayor Everson said that he has just been made aware of some issues concerning Smith Middle School and that these have just come up. He said that he only wishes to make Council aware of them at this time. He said that he has received two requests for the city to intervene in the matter concerning the demolition of the Smith Middle School building. Specifically, he said that it is being requested that the city schedule an immediate special meeting of the Design and Review Board, and that action be taken pursuant to Section 1167.10 of the Codified Ordinances. Mayor Everson stated that it is being claimed that Council could then impose a moratorium on the demolition itself. Mayor Everson discussed his understanding of the procedures that are involved, stating that he has already received the order of demolition, for approval by the city. With respect to the requests that are being made, he stated that this property is clearly not within the downtown district. As a result, he said that he believes that there is no jurisdiction under the Design Review Board. Also, he stated that just last year three members of Chillicothe City Council, and city officials, reviewed the procedures and rules and regulations and zoning laws pertaining to the Design Review Board. He said that he does not see where the city has any right to declare a moratorium under Section 1167.10 of the Codified Ordinances. Therefore, he stated that he intends to respond to the requests in the negative.

Mrs. Neal stated that she has herself had a tremendous number of people contact her about the decision of the Chillicothe City School Board to go ahead with demolition of Smith Middle School. She said that this is perhaps because she is known to generally favor preservation of historic

structures. She stated that she is very disappointed with the decision made by the Chillicothe School Board in this matter.

Mr. Trutschel moved and Mr. Fleurima seconded that the Special Meeting of Council be adjourned. All members present voted "yea" and Pres. Eallonardo declared the motion adopted. Adjourned at 6:55 p.m.

Clerk of Council

President of Council