

Council Chambers
Regular Meeting
March 24, 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 7 media representatives and 30 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.

Mrs. Neal moved and Ms. Gray seconded that the Minutes of the regular meeting of March 10, 2014, be accepted and approved, as submitted by the Clerk. All members present voted “yea” and Pres. Rinehart declared the motion adopted.

COMMITTEE REPORTS

Utilities/Transit/ Nuisance Committee:

Mrs. Patrick reported on Item #11 to appropriate \$9,700.00 to pay an outstanding invoice from Valor Contracting for work they performed on the Transit Fuel Farm Project in June of 2013, on tonight’s Agenda for its first reading. She said that she will seek to pass this item tonight.

Mrs. Patrick reported, on behalf of the Special Meth Lab Committee, on Item #2 to create Chapter 1312 of the Codified Ordinances of the City of Chillicothe, Ohio, titled “Clandestine Drug Labs”, on tonight’s Agenda for its third reading. Mrs. Patrick moved and Ms. Gray seconded that Item #2 be amended by substituting the new version distributed with the Friday legislative packets for the original version. All members present voted “yea” and Pres. Rinehart declared the motion adopted, ruling that Item #2 will remain at its third reading status because the amendment does not constitute a substantial change. Mrs. Patrick proceeded to discuss the four goals that the committee attempted to achieve with this legislation, discussing the changes that have now been made. She said that the committee has worked on this legislation for almost one year now, and she urged that Item #2 be passed tonight.

Safety Services Committee:

Mr. Proehl reported on Item #6 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 second reading.

Human Resources Committee:

Ms. Gray reported on Item #3 to add Section 123.073 titled “Transportation Coordinator” to the Codified Ordinances, on tonight’s Agenda for its third reading. Ms. Gray reported on Item #4 to amend Section 3 of Ord. No. 80-12, on tonight’s Agenda for its third reading. Ms. Gray moved and Mrs. Ames seconded that Item #5 be amended by substituting the new version distributed with the Friday legislative packets for the original version. All members present voted “yea” and Pres. Rinehart declared the motion adopted, ruling that Item #5 will remain at its third reading status tonight because the amendment does not constitute a substantial change. Ms. Gray reported on Item #5 to add Section 131.02(c) and to amend Section 131.02(b) of the Codified Ordinances relating to the Civil Service Secretary, on tonight’s Agenda for its third reading.

Development Committee:

Mrs. Ames reported on Item #1 to approve the action of the Planning Commission to rezone the property located at 171 E. Fifth Street from Older Neighborhood Single-Family Residential to Residential Office, on tonight's Agenda for its third reading. Mrs. Ames noted that this matter is scheduled for a Public Hearing before Chillicothe City Council on April 14, 2014, at 7:30 p.m., immediately prior to the regular meeting that night. She also noted that Council cannot vote on this proposed ordinance until after that Public Hearing has taken place. Mrs. Ames moved and Ms. Gray seconded that Item #1 not be read tonight. All members present voted "yea" and Pres. Rinehart declared the motion adopted, directing the Clerk to not read Item #1 tonight. Mrs. Ames reported on Item #8 to appropriate \$988.00 from the FY2013 Community Housing Improvement Program Grant Funds, on tonight's Agenda for its first reading. She said that she will seek to pass this item tonight.

Finance Committee:

Mr. Trutschel reported on Item #7 to appropriate \$300.00 to cover costs incurred by the Council Clerk in performing his duties during 2014, on tonight's Agenda for its first reading. Mr. Trutschel reported on Item #10 to appropriate \$300,000.00 to pay for two garbage trucks for the City of Chillicothe, on tonight's Agenda for its first reading. He said that he will seek to pass these two items tonight.

Parks & Recreation Committee:

Mr. Bonner reported on Item #9 to accept and appropriate checks totaling \$14,315.78 from P.E.R.S. of Ohio for repairs of water damage that occurred at the Parks & Recreation Office, 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 Item #2, stating that he fully supports passage of the Clandestine Drug Labs ordinance for the safety of the citizens of Chillicothe. He said that the city is not against landlords, but that it is against drug abuse.

Report of Auditor Feeney:

City Auditor Feeney commented on Item #3, Item #4, and Item #5, stating that the changes made by these three ordinances are consistent with the 2014 budget discussions. He urged passage of each of these three items tonight. Mr. Feeney also commented on Item #7 and Item #10, stating that these were also discussed during the 2014 budget meetings. He said that the money to purchase the two garbage trucks authorized by Item #10 is money that the city has already borrowed and now has available for the purchase. He urged passage of both these items. Mr. Feeney also urged passage of Item #11, so that this bill for services already rendered can be paid. Mr. Feeney concluded his report by announcing that the City Auditor's Office will once again offer extended office hours during the upcoming tax season.

Report of Law Director Rutherford:

City Law Director Rutherford also urged passage of Item #2, stating that she has herself had training with the State Fire Marshall concerning the cleanup and remediation of meth labs. She discussed the toxic ingredients involved and the fact that this presents a health hazard to the community. She said that this is a matter of health and safety.

Report of Pres. Rinehart:

Pres. Rinehart also urged passage of Item #2, and he thanked the members of the committee, Mrs. Patrick, Ms. Gray, Mrs. Ames, and Mr. Proehl for their service in putting together this legislation. Pres. Rinehart proceeded to discuss the drug issues that the city faces, stating that Chillicothe Police Chief Roger Moore has indicated that approximately 90% of local crime is drug related. Pres. Rinehart discussed in detail the historic legislation that this particular Council has passed recently, mentioning the two resolutions concerning the restoration of the Carlisle Building; the creation of the Chillicothe Downtown Development Commission; the purchase of the two garbage trucks that are on tonight's Agenda; and the many problems presented by the severe budget deficit. He said that this year, he has already issued 55 Council Committee Assignments during the first quarter. He expressed his thanks to all of the members of Council and to the Law Director's Office for their work on the legislation brought before Council.

AUDIENCE PARTICIPATION

Joe Sharp of 559 N. High Street appeared before Council once again to comment on the Clandestine Drug Labs legislation. He said that he is also against drugs, but he claimed that this particular law will do nothing other than to make landlords in Chillicothe pay for what their tenants have done. He spoke about the contamination of residential premises by cigarette smokers, and also spoke about contamination of premises that previously were laundromats.

William Barnhart of 373 McKeller said that the property located at 374 McKeller has paint chips coming off from it and that these are going everywhere. He said that he reported this to Councilwoman Pat Patrick, and that she contacted the city's building inspector, who said that he could not do anything about it and that the property is owned by a bank. Mr. Barnhart said that he then contacted the Ohio EPA, who referred him to the local health department. Mr. Barnhart said that a letter was sent to a Mr. Martin, who once owned the property, but that this did nothing. He listed a number of other houses on McKeller that he claims have paint chips. He said that apparently the local health department cannot afford a testing device for lead paint, so he said that he bought his own because they told him that there is no proof that the paint chips have lead in them. He said that these paint chips are curled up like paint chips that have lead, and that he tested these paint chips himself, and that they tested positive for lead. Therefore, he said that there are ten houses on McKeller that are contaminated by lead paint, and that these are all over the neighborhood where children play. He requested that Mayor Everson do something about this.

Tammy Warth of 299 S. Hickory Street spoke to Council, requesting that City Council clear up the questions that exist concerning the Chillicothe City Tree Commission and its authority. She said that the city is planning to put trees along S. Hickory Street in front of residences, but that the city has not asked the homeowners if they want these trees. She said that the Tree Commission has marked places where they plan to plant these trees. She said that she has had sewer problems, and that trees also hoove up the sidewalks. She indicated that the Tree Commission is wanting to put in tall trees, according to their press release and information in the Chillicothe Gazette. She stated that she objects to this and talked about damages caused by roots from tall trees. Mrs. Warth said that she realizes that this is an easement controlled by the city, but she said that the homeowners are the ones who are responsible for any damages. She said that she is here tonight to request City Council to reconsider this project, and especially whether this should be mandatory without the homeowners' consent. Mayor Everson responded, stating "I will reel in the Tree Commission on this". He also said that he "did not realize that they had not contacted the homeowners". Mr. Trutschel also added that the Chillicothe Tree Commission meets in the building across the street, in the first floor conference room on the 3rd Tuesday of each month. He said that this is a public meeting and that anybody is welcome to attend and to express their concerns.

Rhonda Lurtz of 94 King Street said that she agrees with Council's passage of the meth labs legislation. She said that every day she picks up needles and other drug paraphernalia around her home. She said that some landlords in this city simply do not do a good job in screening their tenants. She said that as a homeowner, she is all in favor of the new law. She claimed that there

are a lot of absentee landlords who simply do not care what happens in their properties. She concluded by asking what happens if there is a meth lab located in a unit at Metropolitan Housing. She also asked what the city will do about absentee landlords who don't respond to the request for payment of cleanup costs.

Keith Richter of 343 E. Water Street said that a couple of days ago somebody brought to him a crack pipe made out of an automobile antennae. He then launched into a lengthy discussion about his personal investments that have gone bad during the downturn of the economy, stating that he is thinking of getting into rental properties instead. He then proceeded to describe what he would do and how much money he would make, stating that he has just described "how to become a rich landlord". He said that he is making these observations as a commentary, for whatever it's worth.

Nicole Lurtz of S. Hickory Street also talked to Council about the problem of trees being planted in front of their houses. She said that she cannot afford sewer problems, and that the house she is living in had such problems in the past.

Aaron Chaney of 728 Lake Drive also spoke to Council about the clandestine drug labs legislation. He said that part of the problem is that the contaminants left over are microscopic. He said that if one does not have the education and training to do so, the property cannot be cleaned up correctly. He concluded by stating that he agrees with passage of the legislation.

Katherine Leedy of 263 S. Hickory Street said that she also agrees with the comments that have been made against the planting of trees by the Tree Commission in front of their properties without their consent. She said that she had a previous problem that cost her about \$1,000.00. She said that this was a very costly problem that occurred about 5 years ago, and that the tree itself causing the problems was removed. Now, she said that the Tree Commission has marked the same place where the previous tree existed for the planting of another tree. She said that she cannot afford future problems that might be caused by a new tree.

Bea Madden of 272 S. Hickory St. said that she also just spent over \$2,000.00 for repairs due to a water leak problem, and that her yard is still a mess. She said that she tries to keep her own yard nice, and that she also takes care of a neighbor's yard. She said that in the past, she wanted a tree removed from the front of her house, but the Tree Commissioners refused, claiming it was still alive. Later, she said that the Tree Commissioners told her that the tree could come down, but at "my expense". She said that now they are wanting to plant more trees, and that she objects to this.

Chris McCoy of 1092 N. Bridge Street said that he is here tonight on behalf of the landlords. He asserted that punishment should be imposed upon those persons who actually commit the crimes. He then asked if the proposed legislation is an appropriate way to address the drug problem. He then spoke about liberty, and property rights, and concluded by saying that freedom demands sacrifice.

Jeanie Gustin of 446 Caroline Drive said that both she and her husband are elderly, and that they decided to invest in rental properties for retirement income. She said that she is against drugs, and that she and her husband carefully screen their tenants. However, she said that she has a problem with being asked as a landlord to pay these costs as outlined in the clandestine drug labs ordinance. She said that it does seem like the drug problems are in every neighborhood of our community, but she said that it is unfair to put these costs on the landlords.

Charles Clavens of Clay Street said that the problem is that our laws in this country are just too convenient. He said that in other countries, if somebody uses drugs they are killed, and if somebody sells drugs or makes drugs they are killed. He said that the city needs to fix the law so that drug crimes are not so convenient to commit.

OLD BUSINESS

Mrs. Ames thanked everyone for coming tonight. She responded to the tree issue, stating that she understands the concerns that have been expressed, and that she is glad to hear that Mayor

Everson will look into this. With respect to the proposed drug legislation, she said that the committee has dealt with this matter for almost one year. She said that they brought in experts, including representatives from Ohio Attorney General Mike Dewine's office. She then discussed its purpose, concluding that it is intended to protect people. She discussed at length how this will actually work to protect both landlords and tenants where a property has been contaminated by a meth lab. She concluded by urging the members of Council to pass this legislation tonight.

Mr. Bonner commented on the problems with the Chillicothe Transit System, stating that he has concerns. He proceeded to discuss these problems, and then stated that he is hoping that we are finally about to get it right with the legislation on tonight's Agenda. With respect to the meth lab legislation, he said that Council is being pro-active, and that this is what the citizens of Chillicothe want from the members of Council. He concluded by stating that he also supports passage of Item #2 tonight.

Mr. Proehl also spoke about the meth lab legislation, discussing his experience as a member of the committee. He also discussed meth as a dangerous drug, stating that he has a strong conviction that Council must do something about it. He expressed his concerns for the future safety of the city, and said that the costs of doing business in the private sector should not be put upon the taxpayers, but instead should be put back on the private sector. Mr. Proehl said that this legislation provides protection to property owners and to the community, and he concluded by saying that this is a start to reclaiming our city.

PETITIONS AND CORRESPONDENCE

The Clerk reported on receipt of a Notice from the Ohio EPA regarding National Pollutant Discharge Elimination System permits or modifications being granted to Ohio Basic Minerals, LLC, of 100 Whiskey Run Road, Richmondale, Ohio, with respect to a tributary of Whiskey Run.

NEW BUSINESS

Mrs. Ames said that she distributed copies of an update on activities of the Ross County Visitors and Convention Bureau. She proceeded to discuss the scheduled events covered by this pass out, including the 1st Annual City Run sponsored by the Open Door Church that will take place on Saturday, April 12, 2014, beginning at the Dock on Water. She said that all proceeds will go to help pay for the 2014 city fireworks. Mrs. Ames also commented upon the food drive conducted this past Saturday by the Chillicothe Fire Department.

COUNCIL ASSIGNMENTS AND CALENDAR

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

- #14-45-Community Affairs-Request to investigate the possibility of extending the terms of members of Council and the President of Council from 2 to 4 years, in staggered terms;
- #14-46-Development-Request for legislation to carry forward the remaining balance of \$988.00 for funds needed to complete a pending CHIP private rehab project;
- #14-47-Safety Services-Request for legislation allowing \$6,788.59 to be transferred from police fuel line item to the police capital line item;
- #14-48-Parks & Recreation-Request for legislation to appropriate \$10,000.00 from unappropriated Parks & Rec Capital Funds into Parks & Rec Lands & Building Fund for the purchase of trees for the Chillicothe Tree Commission;
- #14-49-Parks & Rec-Request for legislation to accept 2 checks from the Public Entity Risk Services of Ohio in the amount of \$14,315.78;
- #14-50-Finance-Request for legislation to appropriate additional funds into Council's budget to cover costs incurred by the Clerk's office;
- #14-51-Safety Services-Request for legislation to accept a check in the amount of \$1,204.85 from Lester Trucking for a hazardous material containment during a fuel

spill on U.S. 23;

#14-52-Engineering-Request for legislation to install a street light at 26 S. Watt St. to improve public safety;

#14-53-Engineering-Request for legislation to appropriate \$2,620.00 to purchase a laser construction level for the Chillicothe Engineering Department;

#14-54-Community Affairs-Request for legislation to accept the 2014 replacement pages of the Codified Ordinances; and

#14-55-Parks & Recreation-Request for legislation granting use of the City Park and surrounding streets for the Annual Feast of the Flowering Moon.

Pres. Rinehart then spoke in detail about the concept of liberty and about the constitutional process, as it relates to the clandestine drub labs legislation.

READING AND PASSAGE OF LEGISLATION

Ord. No. 19-14 creating Chapter 1312 of the Codified Ordinances of the City of Chillicothe, titled “Clandestine Drub Labs.” was read for the third time by title only. On final passage, all members present voted “yea” and Pres. Rinehart declared Ord. No. 19-14 adopted.

Ord. No. 20-14 adding Section 123.073 titled “Transportation Coordinator” to the Codified Ordinances of the City of Chillicothe, 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. 20-14 adopted.

Ord. No. 21-14 amending Section 3 of Ord. No. 80-12, 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. 21-14 adopted.

Ord. No. 22-14 adding Section 131.02(c) and 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 third time by title only. On final passage, all members present voted “yea” and Pres. Rinehart declared Ord. No. 22-14 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 second time by title only.

Ord. No. 23-14 appropriating \$300.00 to cover costs incurred by the Council Clerk in performing his duties during 2014, and declaring an emergency was read for the first time by title only. Mr. Trutschel 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. 23-14 adopted.

Ord. No. 24-14 appropriating \$988.00 from the FY 2013 Community Housing Improvement Program (CHIP) grant funds, 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 Ord. No. 24-14 adopted.

Ord. No. 25-14 accepting and appropriating checks received from the Public Entity Risk Services of Ohio, Inc. totaling \$14,315.78 for repairs relating to water damage that occurred at the Parks & Recreation office on January 7, 2014, and declaring an emergency was read for the first time by title only. Mr. Bonner moved and Mrs. Ames 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. 25-14 adopted.

Ord. No. 26-14 appropriating \$300,000.00 to pay for two garbage trucks for the City of Chillicothe, 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. 26-14 adopted.

Ord. No. 27-14 appropriating \$9,700.00 to pay an outstanding invoice from Valor Contracting for work they performed on the Transit Fuel Farm Project in June of 2013, and declaring an emergency was read for the first time by title only. Mrs. Patrick 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. 27-14 adopted.

Mr. Bonner moved and Mr. Trutschel seconded that the regular meeting be adjourned. All members present voted “yea” and Pres. Rinehart declared the motion adopted. Adjourned at 8:50 p.m.

Clerk of Council

President of Council