

Council Chambers
Regular Meeting
April 27, 2015
7:30 p.m.

Council met in regular session with all nine members present: Ames, Corcoran, Fleurima, Gray, Neal, Patrick, Proehl, Tatman and Trutschel. There were 2 media representatives and 14 other visitors present, in addition to Mayor Everson and City Auditor Feeney.

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

Mrs. Neal moved and Mr. Fleurima seconded that the Minutes of the regular meeting of April 13, 2015, and the Minutes of the Legislative Review Session of April 20, 2015; be accepted and approved, as submitted by the Clerk. All members present voted “yea” and Pres. Eallonardo declared the motion adopted.

COMMITTEE REPORTS

Utilities/Transit Committee:

Mrs. Patrick reported on Item #3 to appropriate \$18,500.00 for Sewer Department postage for 2015, on tonight’s Agenda for its second reading. Mrs. Patrick reported on Item #4 to appropriate \$27,133.84 to reimburse the Utilities Department for services provided to the Transit Department, on tonight’s Agenda for its second reading. Mrs. Patrick announced that there will be a meeting of the Utilities Committee on the 29th of April at 4:00 p.m., here in Council Chambers, to discuss all pending committee assignments. She also inquired of Mayor Everson if he had any update on the four Transit Department items covered in her April 16th email. Mayor Everson responded, stating that he investigated the condition of those four items, and that none of them were in like new condition, but that instead they were not in good condition.

Human Resources Committee:

Ms. Gray reported on Item #1 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 third reading. She said that this is the old version of this ordinance, and that it is being replaced by Item #8 on tonight’s Agenda. Ms. Gray moved and Mrs. Ames seconded that Item #1 be stricken from the Agenda. All members present voted “yea” and Pres. Eallonardo declared the motion adopted. Ms. Gray then reported on Item #8 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 reminded everyone that this matter was discussed during last week’s review session, and that, at that time, the general consensus was to separate out the provisions dealing with the city’s department heads. Ms. Gray reported on Item #9 to establish rates of pay and other economic benefits for all appointed department head positions within the city, effective throughout 2015, on tonight’s Agenda for its first reading. She said that she will seek to pass both of these ordinances tonight.

Finance Committee:

Mr. Trutschel reported on Item #2 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, on tonight’s Agenda for its third reading. Mr. Trutschel also requested that a legislative review session be scheduled for next Monday evening, the 4th of May, at 6:30 p.m., here in Council Chambers, for the purpose of having the first budget meeting for 2016. Pres. Eallonardo affirmed that time will be set aside for that discussion at the review session next Monday.

Parks & Recreation Committee:

Mrs. Corcoran reported on Item #6 to appropriate \$118,850.00 for the operation of the Donald M. Smith Memorial Pool for the 2015 season, on tonight's Agenda for its first reading. Mrs. Corcoran reported on Item #7 to establish the salary schedule for part-time seasonal employees of the Recreation-Swimming Pool Department of the City of Chillicothe, on tonight's Agenda for its first reading. She said that the City Pool is scheduled to open on the 1st of June, and that in order to begin the hiring process of the needed employees, she will seek to pass both of these items tonight.

Development Committee:

Mrs. Ames reported on Item #5 to approve the current replacement pages to the Chillicothe Codified Ordinances, on tonight's Agenda for its second reading. She said that she will seek to pass this item tonight, at the request of City Law Director Rutherford, so that these updated Codified Ordinances sections can be included in the ordinance books.

Safety Services Committee:

Mr. Proehl said that the Safety Services Committee has nothing on tonight's Agenda. However, he indicated that the ordinance accepting \$1,204.85 reimbursement for hazardous material containment, listed under committed legislation on the Agenda, is no longer needed. Mr. Proehl moved and Ms. Gray seconded that this committed legislation be stricken from the Agenda and no longer listed. All members present voted "yea" and Pres. Eallonardo declared the motion adopted.

City Services Committee:

Mrs. Neal said that the City Services Committee has nothing on tonight's Agenda, but that she wants to again talk about the matter of the equipment that was taken out to Houser's business. She said that the city has now received an invoice in the amount of \$2,782.70 for various claimed services by Houser's, including the transport of the equipment out there, the power washing of equipment, and claimed mechanical repairs at the rate of over \$46.00 per hour. She said that she acknowledges that some serious mistakes were made by the city in regards to this matter, and that the Administration is now seeking ways to correct the situation, including requests for guidance from City Law Director Rutherford. However, Mrs. Neal stated that she is respectfully suggesting that we now request a written opinion from the Office of the Ohio Attorney General. She said that she personally thinks that Mr. Houser is perhaps due some money, but she questioned the amount of this invoice and whether there is any binding contract to support it. She specifically asked Mayor Everson to make this request of the Ohio Attorney General this week. Mayor Everson responded, stating that he does have a request pending with City Law Director Rutherford, asking her for her help in resolving the situation. He stated that he thinks that it is best to not go over her head. Mrs. Neal replied that she does not "think that's acceptable". She stated that Mrs. Rutherford provided the city with her opinion on the 30th of March. At this point, Mrs. Neal and Mayor Everson argued the matter back and forth. Ms. Gray and Mrs. Ames indicated that it was their understanding that the Ohio Attorney General's Office will not provide legal opinions to municipalities. An argument then ensued among Ms. Gray, Mrs. Neal, and Mrs. Ames over whether the Ohio Attorney General provides legal opinions to municipalities, or just to townships and other similar entities, with Mrs. Neal stating that the Ohio Attorney General's website indicates it will give legal opinions to municipalities. Mayor Everson indicated that once he has heard from City Law Director Rutherford on the matter, he will then perhaps follow up with the Ohio Attorney General if he deems this to be necessary.

Engineering Committee:

Mr. Tatman stated that the Engineering Committee held two meetings on Committee Assignment #T15-05, pertaining to the updating of city sign ordinances. He stated that the committee determined that the current ordinances are in fact adequate, and that the issue is enforcement. He

said that the biggest issue of concern was found to be the temporary types of signage on the city's right-of-way, and that this includes the bench signs that he said are in clear violation of current city ordinances. He indicated to Mayor Everson that he has received two requests from the Mayor, one dated October 3, 2013, and another dated July 17, 2013, requesting that the Engineering Committee address these concerns. Mr. Tatman said that the city's Safety Service Director had the bench signs removed, but that afterwards the Mayor permitted them to be returned and once again placed back on the city's right-of-way. He said that the Engineering Committee is therefore requesting any copies of the agreement or agreements that the Mayor has made with the vendor on these bench signs, as well as copies of all insurance documents that the vendor has placed on file with the city. In addition, he stated that the Engineering Committee is also requesting a listing of the locations and the number of benches so that the committee can be assured that the City Auditor's Office will be able to verify the amount of taxes or fees due for the past year.

REPORTS OF OFFICIALS

Report of Mayor Everson:

Mayor Everson said that he thanks the United Way for organizing the event that took place last Thursday entitled "Day of Caring". Mayor Everson also requested that Council revisit the matter of funding of the Design Review Board for 2015, stating that this board was only budgeted \$500.00 and that this has been used up due to court reporter expenses. He said that another public hearing is scheduled in the near future and that this needs to be addressed as soon as possible. Mayor Everson commented on the Camp Sherman Readiness Center's dedication ceremony earlier this morning on its new field unit building. He discussed the cooperation between this National Guard facility and the city, as well as other local law enforcement agencies, with respect to readiness for terrorism response and other similar situations. Turning to tonight's Council Agenda, Mayor Everson urged the members of Council to pass Items #2, #6, #7, #8, and #9.

Report of Auditor Feeney:

City Auditor Feeney stated that he also urges passage of Item #2. He said that the expenditure is spread out over three years, and that the payment for the first year is already in the 2015 budget. Mr. Feeney commented on Item #6, stating that the pool budget is now in the Recreation Department, making expenditures such as this more stable, as well as the future receipt of revenues. He said that the \$118,850.00 in this ordinance is not coming out of the general fund. He said that he urges passage of this item tonight, as well as Item #7, so that the pool can open on time, as planned on the 1st of June.

Report of Pres. Eallonardo:

Pres. Eallonardo reminded the members of Council that Memorial Day falls on a scheduled regular meeting of Council. She inquired if anybody is interested in making a motion to reschedule that meeting from the 25th of May to the next day, Tuesday, May 26, 2015, at the same time. Mrs. Neal moved and Ms. Gray seconded that the regular meeting scheduled for the 25th of May be rescheduled to Tuesday, May 26, 2015, at 7:30 p.m., here in Council Chambers. All members present voted "yea" and Pres. Eallonardo declared the motion adopted.

AUDIENCE PARTICIPATION

Jennifer Allen, of 370 Braewood, expressed her thanks to City Council for providing for the timely opening of the City Pool this year. She stated that she became involved in efforts to keep the City Pool open several years ago. She said that tonight she is here because of her concern about the city's streets and alleys. She said that she is so concerned that she is willing to help pay for them herself. However, she said that from 2003, the city has not used any of its revenues from the gasoline tax or from license fee registrations for the city's streets. Instead, those monies have apparently gone toward salaries and benefits, and she asked if this is a permanent decision and, if so, why that decision was made. She stated that she looked up the Ohio Revised Code in

order to see what these funds could be spent for. She said that it is clear that all of these funds are now going toward salaries and benefits, and she specifically asked if there is any guarantee that the new income taxes, if approved by the voters, will not also be diverted toward salaries and benefits. She commented on the fact that the city has received, according to her own estimates, about \$10,500,000.00 since 2004 from the gasoline taxes and the license registration fees. She also stated that according to her best estimates, about \$256,000.00 has been received, just this year, and that this is going to continue to go on. City Auditor Feeney responded, stating that City Council has addressed this matter with respect to any new funding generated by passage of the street levy. He stated that the Ohio Revised Code is pretty broad in what it permits with respect to the gasoline tax and vehicle registration fees. However, he said that Council has put language in the ballot ordinances for the street levy that is much stricter. He said that it is the clear intent of Council that the new tax revenues are to go toward actual street construction and repairs. Mr. Feeney said that he thinks that this language of the levy ordinance is very specific, and he compared it to the Parks Levy monies, which must go toward playground equipment, and other things of that nature. Mrs. Allen stated that she does not think that the state intends to not have any of this gasoline tax monies or vehicle license registration monies go toward street repairs and maintenance, but that is what the city is doing.

John Stevens of 522 Seminole Road said that he has a big problem with City Council diverting over \$118,000.00 from what would have formerly been in the general fund toward the city pool. He said that this money has now been pulled from the parks funding. He talked about how bad the condition of the city parks is currently, and the need for funding. He stated that he attended a Parks Board meeting where they were wanting to get equipment to keep up the parks. Instead, he said that Council is engaging in a “dodge”, and that Council is “stealing” from the parks.

Terry Williams of 371 Plyley’s Lane said that today he received from City Law Director Rutherford’s office a copy of the invoice from Houser’s in the amount of \$2,782.70. He said that so far, there are no storage charges on it. He said that he is upset with this whole situation because the city did not follow proper procedure and that it is both unfair for this business to submit these charges, and that there is no valid contract nor any prior promise by the city to pay these charges. Mr. Williams said that on the 14th of April, Mayor Everson stated that Houser is the one who wanted to take the equipment out there. Mr. Williams said that no city employees were involved in this, and he noted that Mr. Houser is charging or attempting to charge over \$45.00 per hour for some of the services. Mr. Williams stated that City Law Director Rutherford indicated in her opinion letter of the 30th of March that because the items were worth over \$1,000.00, this should all have gone to a public auction. Mr. Williams said that he does not believe that Mr. Houser is a “thief”. However, he said that we need to figure out how to get this city owned property back. He then talked about how, he contended, the city had avoided payment of union wages to the city’s union employees. He stated that, in his opinion, the city’s Administration is now at its lowest point. He persisted in his position that the city should be paying union wages for union labor by city union employees to do city work, such as the services claimed by Mr. Houser, and he concluded by urging the city to please not pay anything to Mr. Houser.

William Barnhart of 373 McKeller noted that City Council is still having its meetings here in this building. He asked if any member of Council can tell him why this is cost efficient. Mr. Proehl responded, asking Mr. Barnhart where else he is suggesting that the city hold City Council meetings. An argument ensued between Mr. Barnhart and Mr. Proehl, with Mr. Barnhart suggesting the Chillicothe Transit System Conference room and Mr. Proehl indicating that it is not large enough to accommodate the public at a Council meeting, and no other venues being discussed. Mr. Barnhart then commented on the matter of the former Smith Middle School demolition, stating that in his opinion neither the city government nor the Design Review Board have any business getting involved in that matter. He concluded by stating that the city should also be looking into the use of private contractors to perform residential garbage pickup.

Maxine Wright of N. Church Street said that she is here tonight just to state that she is in favor of the passage of both the Safety Levy and the Street Levy on May 5, 2015.

OLD BUISNESS

Mr. Trutschel commented on the gasoline tax revenues, stating that Ross County actually receives most of this funding.

Mrs. Patrick reminded everyone that this Saturday there will be another large item drop off. She also commended the National Arts Society for the paintings that were part of the "Day of Caring".

Mrs. Ames said that she also wishes to thank the large number of groups who participated in the "Day of Caring". She also stated that she very much supports the passage of Item #2 on tonight's Agenda so that the Auditor's office can acquire this much needed software.

READING AND PASSAGE OF LEGISLATION

Ord. No. 30-15 authorizing the City Auditor to enter into a three year purchase agreement and professional services contract with Software Solutions, Incorporated, for the purchase of new software at a cost of \$123,573.00, 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. 30-15 adopted.

An ordinance appropriating \$18,500.00 for Sewer Department postage for the remainder of 2015, and declaring an emergency was read for the second time by title only.

An ordinance appropriating \$27,133.84 to reimburse the Utilities Department for services provided to the Transit Department, and declaring an emergency was read for the second time by title only.

Ord. No. 43-15 to approve current replacement pages to the Chillicothe Codified Ordinances, and declaring an emergency was read for the second 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. Eallonardo declared the rule suspended. All members present then voted "yea" on the item itself, and Pres. Eallonardo declared Ord. No. 43-15 adopted.

Ord. No. 44-15 appropriating \$118,850.00 for the operation of the Donald M. Smith Memorial Pool for the 2015 season, and declaring an emergency was read for the first time by title only. Mrs. Corcoran 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. 44-15 adopted.

Ord. No. 45-15 establishing the salary schedule for part-time seasonal employees of the Recreation-Swimming Pool Department of the City of Chillicothe, and declaring an emergency was read for the first time by title only. Mrs. Corcoran 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. 45-15 adopted.

Ord. No. 46-15 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 Mrs. Ames 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. 46-15 adopted.

An Ordinance establishing rates of pay and other economic benefits for all appointment department head positions within the City of Chillicothe, Ohio, effective January 1, 2015 through December 31, 2015, and declaring an emergency was read for the first time by title only. Ms. Gray moved and Mr. Fleurima seconded that the three reading rule be suspended, placing this item on final passage. Upon the call of the roll, the following members of Council voted "yea": Ames, Corcoran, Fleurima, Gray and Trutschel. The following members of Council voted "nay": Neal, Patrick, Proehl and Tatman. Pres. Eallonardo declared the motion to have failed.

Mr. Fleurima announced that there will be a short meeting of the Community Affairs Committee immediately following the Utilities Committee meeting on Wednesday, at approximately 4:30 p.m., in Council Chambers.

Mr. Fleurima moved and Mrs. Neal seconded that the regular meeting of Council be adjourned. All members present voted “yea” and Pres. Eallonardo declared the motion adopted. Adjourned at 8:27 p.m.

Clerk of Council

President of Council

Council Chambers
Legislative Review Session
May 4, 2015
6:30 p.m.

Council met in Legislative Review Session as a quasi committee of the whole, with the following eight members present: Ames, Corcoran, Fleurima, Gray, Neal, Patrick, Proehl and Trutschel. (Mr. Tatman absent.) There were 1 media representative and 7 other visitors present, in addition to Mayor Everson and City Auditor Feeney.

In the absence of Pres. Eallonardo, Clerk Fosson called upon Mr. Trutschel to lead tonight’s discussion on the sole topic on the Agenda, the initial 2016 budget discussions. Mr. Trutschel, in turn, called upon City Auditor Feeney to provide his presentation.

Mr. Feeney referred the members of Council to the three page summary that he passed out, with additional attachments. He said that the good news is that so far the city’s revenues have exceeded the city’s expenses, for everything except street construction, during the first quarter of the year. He said that there is about \$300,000.00 to the good in the fund balance, compared to this time last year, so that we have started the year on a good note. He noted that 56% of the general fund revenues is made up of income tax receipts, and that of this amount, the Glatfelter Company makes up 13% of the total income taxes received.

Mr. Feeney said that to date, the personnel expenses of the city have made up 74% of the total expenses, but he said that this is better off than where we were at this same time last year. Overall, he said that we are off to a good start and that we are on target, both as to revenues and as to expenses.

Mrs. Patrick inquired as to why the refuse fees are down \$5,400.00. Mr. Feeney responded, stating that this could be just because of the day of the week of the ending of the quarter, or it could just be a blip. He said that he is not really concerned about this because this will tend to straighten out as the year goes along.

Mr. Feeney said that we budgeted \$1,000,000.00 on EMS revenues. However, he said that at the first quarter clip, this could come in at about \$1,100,000.00 for the year. Fire Chief Jeffrey Creed said that there was a little more on the plus side of the EMS receipts due to the collections being transferred, and that this could end up being lower in April. However, he said that he is confident that this will also smooth out.

Mrs. Ames asked who it is that bought out our collections. Chief Creed responded that it is Medicounts. He said, again, that he thinks that the revenues will level out.

Mr. Feeney noted that the Municipal Court revenues are off to a good start this year, and he said that building permits are also off to a good start. However, he said that due to the excessive number of building permits issued early last year, we are currently \$10,000.00 less compared to last year. He said that pool donations shown on his summary will be pulled out of the general fund and go into recreation in the future.

Mr. Feeney said that it does seem like the state cuts have now bottomed out, and he said that he feels that he will be able to put together a five year revenue projection. He stated that in his opinion, we need to be looking at the long term in planning, regardless of tomorrow's election results. He said that we are now making monthly payments on police and fire pensions, and that this is one area where the State Auditor had concerns.

Mrs. Ames asked about the income tax receipts and whether the amount shown includes what has been brought in by the outside collection agency. Mr. Feeney responded in the affirmative.

Mrs. Neal inquired about county transfers, to which Mr. Feeney responded that the city is just getting a portion of the real estate taxes. Mrs. Neal asked if the city gets any percentage of the total sales tax, to which Mr. Feeney responded in the negative.

Mayor Everson inquired if Mr. Feeney has any apprehensions about the state's municipal income tax reform legislation. Mr. Feeney responded, stating that his main concern is that one cannot project for the net operating loss look back. He said that we will begin to see the effects of this in 2016. Mr. Feeney also said that this year we are seeing more and more of the JEDDs and JEDVs. He said that these can affect the city due to having to give tax credits to employees who work within these districts.

Officer Chris McGowan of the Chillicothe Police Department was recognized by the chair, and stated that they are having problems with the city's insurance carrier. He said that many issues are just not getting resolved, and that the membership is requesting the city to begin exploratory work to try to resolve this. He stated that the union has begun filing grievances, and that the situation is already very stressful for the 39 officers, as it is, with the staff shortages.

Ms. Gray noted that we often see problems within the first two or three months of a new contract, but she inquired if Officer McGowan is saying that the insurance coverage does not fit what the union contract calls for. Officer McGowan replied that the broker has himself been trying to get conformity to the union contract, but that he has not met with success. He mentioned that on one issue, the broker actually put up the money himself to cover the dispute.

No formal action was taken on any matter discussed during the Legislative Review Session, and no roll call votes were taken.

The Legislative Review Session adjourned, by consensus, at 7:06 p.m.

Clerk of Council

President of Council