

Council Chambers
Regular Meeting
May 26, 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 9 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.

Mrs. Neal moved and Ms. Gray seconded that the Minutes of the regular meeting of May 11, 2015, be accepted and approved, as submitted by the Clerk. All members present voted “yea” and Pres. Eallonardo declared the motion adopted.

COMMITTEE REPORTS

Finance Committee:

Mr. Trutschel indicated that during the last regular meeting of May 11, 2015, Council passed Ord. No. 55-15, dealing with an appropriation of \$30,000.00 for the fees associated with electronic alcohol monitoring devices for use by the Chillicothe Municipal Court. However, he said that the language in the ordinance needs to be corrected, and that the account number to which the funds are being appropriated also needs to be corrected. In order to do this, he indicated that Council needs to first reconsider passage of that ordinance, then amend the ordinance, and then once again pass the ordinance with the amendments. Mr. Trutschel moved and Mrs. Ames seconded that Ord. No. 55-15 be reconsidered. All members present voted “yea” and Pres. Eallonardo declared the motion adopted. Mr. Trutschel moved and Mr. Fluerima seconded that Ord. No. 55-15 be amended, in the title thereof, by deleting the words “the purchase of” and instead adding the words “fees associated with”; and in the second paragraph beginning with “whereas” by deleting the words “purchase of” and instead adding the words “fees associated with”; and in Section 1 thereof in the initial paragraph by deleting the words “the purchase of” and instead adding the words “fees associated with”; and also in Section 1 by changing the account number to “023-762-7685”; and, finally, in Section 3 thereof by deleting the words “the purchase of” and, instead, adding the words “fees associated with”. All members present voted “yea” and Pres. Eallonardo declared the motion adopted. Mr. Trutschel moved and Mrs. Ames seconded that **Ord. No. 55-15**, as so amended, be re-passed, now titled **“An Ordinance Appropriating \$30,000.00 for Fees Associated with Electronic Alcohol Monitoring Devices for Use by the Chillicothe Municipal Court, and declaring an emergency.”** All members present voted “yea” and Pres. Eallonardo declared Ord. No. 55-15, as so amended, adopted. Mr. Trutschel reported on Item #3 to appropriate \$25,000.00 to pay Poling Law Firm for expenses associated with ongoing Bureau of Worker’s Compensation litigation, on tonight’s Agenda for its first reading. He said that he will seek to pass this item tonight.

Development Committee:

Mrs. Ames reported on Item #5 to authorize the filing of an application with the State of Ohio to participate in the Small Cities Community Development Block Grant Allocation Program for FY 2015, accepting the grant if funded, and agreeing to comply with the program requirements, authorizing Ohio Regional Development Corporation to administer the program, and declaring an emergency, on tonight’s Agenda for its first reading. She said that this is an annual application to this particular CDBG program, and that since the application is not due until the 20th of June, she will let it stand as first reading status only at tonight’s meeting.

Utilities/Transit Committee:

Mrs. Patrick reported on Item 1 to appropriate \$150,000.00 for the purchase of new fire hydrants to replace obsolete and aging fire hydrants, on tonight’s Agenda for its second reading. Mrs. Patrick reported on Item #4 to appropriate \$25,000.00 to hire Liquid Engineering to perform

interior tank inspections of the city's five water distribution tanks, on tonight's Agenda for its first reading. Mrs. Patrick reported on Item #6 to approve a change order to the existing contract with Pandey Environmental and to appropriate \$4,850.00 for preparation of a Sampling and Analysis Plan, on tonight's Agenda for its first reading. She said that she will seek to pass each of these items tonight.

Human Resources Committee:

Ms. Gray indicated that during the last regular meeting of Council on May 11, 2015, Council passed Ord. No. 49-15, establishing rates of pay and other economic benefits for all appointed department head positions within the City of Chillicothe, effective January 1, 2015, through December 31, 2015. She said that after passage of this ordinance, it was discovered that the ordinance had continued to eliminate the pension pickup for all department heads during the year 2015. She said that this was not intended, since the department heads are receiving no increase in salary, and such elimination would result in a reduction of their pay. She said that Ord. No. 49-15 therefore also needs to be reconsidered under Council Rule 9, and then amended, and then re-passed as amended. Ms. Gray moved and Mr. Trutschel seconded that Council reconsider Ord. No. 49-15. All members present voted "yea" and Pres. Eallonardo declared the motion adopted. Ms. Gray moved and Mr. Fluerima seconded that Ord. No. 49-15 be amended, in Section 3 thereof, under paragraph (c) thereof, by changing that paragraph to read "Pension Pick-up. Public Employees Retirement System (PERS) pickup shall be adopted per Article #10 Section 10.4 of the AFSCME 1562 contract. Effective January 1, 2015, through December 31, 2015, this amount will remain at the current amount of five (5%) percent."; and in Section 4 thereof by changing it to read "The provisions of this Ordinance shall become effective, unless otherwise stated herein, as of the next full pay cycle after the passage of this Ordinance and signed by the Mayor." All members present voted "yea" and Pres. Eallonardo declared the motion adopted. Ms. Gray moved and Mrs. Corcoran seconded that **Ord. No. 49-15**, as so amended, be re-passed, titled "**An ordinance establishing rates of pay and other economic benefits for all appointed department head positions within the City of Chillicothe, Ohio, effective January 1, 2015 through December 31, 2015, and declaring an emergency.**". All members present voted "yea" and Pres. Eallonardo declared Ord. No. 49-15, as so amended, adopted. Ms. Gray said that the Human Resources Committee had met on the 22nd of May at which time they not only discussed Ord. No. 49-15, but also three Council Committee Assignments. With respect to Assignment #15-12, pertaining to seasonal employees for the Parks & Recreation Department, she stated that a request for legislation has been submitted to the City Law Director's Office. She said that with respect to Assignment #15-64, pertaining to the hiring of eight seasonal employees in the Service Department, the committee is seeking further clarification from Safety-Service Director Mike Green. Finally, with respect to Assignment #15-66, pertaining to the hiring of six summer employees in the Utilities Department, she said that the committee has submitted a legislation request to the City Law Director.

Engineering Committee:

Mr. Tatman reported on Item #2 to add Section 351.18, Prohibition Against Parking on Front or Side Yard to the Chillicothe Codified Ordinances, and amending Section 351.99, Penalty, on tonight's Agenda for its second reading. Mr. Tatman requested that time be set aside to discuss this proposed ordinance at a legislative review session to be scheduled for next Monday, June 1, 2015, here in Council Chambers at 6:30 p.m., with this request being made by himself, Mr. Proehl and Mrs. Patrick. Pres. Eallonardo indicated that such time will be set aside.

Safety Services Committee:

Mr. Proehl announced that there will be a meeting of the Safety Services Committee immediately following the legislative review session on Monday, June 1, 2015, here in Council Chambers.

Community Affairs Committee:

Mr. Fluerima announced that there will be a meeting of the Community Affairs Committee immediately following the meeting of the Safety Services Committee on Monday, June 1, 2015, here in Council Chambers.

City Services Committee:

Mrs. Neal said that she wished to report on the status of Council Assignment #15-70. She said that the City Services Committee met on the 22nd of May for the purpose of requesting that there

be a public auction authorized with respect to the items of property belonging to the City that were transferred out to Houser & Sons. She said that the committee has submitted a legislation request to the City Law Director's Office on this. She said that once the legislation is prepared, Mayor Everson will then call a special meeting to consider the legislation.

REPORTS OF OFFICIALS

Report of Mayor Everson:

Mayor Everson announced that there will be an open house at the Donald M. Smith Memorial Pool this coming Saturday, May 30, 2015, from 1:00 p.m. until 3:00 p.m. He also announced that the Chillicothe Fire Department will be conducting an exercise from the 16th of June to the 18th of June at the Camp Sherman Readiness Center on Narrows Road, beginning at 8:00 a.m. each day. He said that he will be participating tomorrow in a Mayors' teleconference during which time they will be seeking more funding for local governments from the State of Ohio through the local government fund. Mayor Everson stated that with respect to the street lights on Paint Street that are out, there seems to be an electrical short, probably underground. He said that the City Engineer has been attempting to track this down, but that after this week if the City Electrician cannot fix the problem, the city will outsource this to a private contractor. Mayor Everson noted that the window to apply for the COPS grant will be open soon and that the city will seek funding for the hiring of officers and also to participate in the Heroin Task Force. He announced that there will be a special meeting here in Council Chambers next Monday, June 1, 2015, beginning at 6:00 p.m., to consider legislation authorizing a public auction on the items of equipment that are currently stored at Houser & Sons, and owned by the city.

Report of Auditor Feeney:

City Auditor Feeney commented on Item #3, stating that there are two Bureau of Worker's Compensation cases pending before the Ross County Court of Common Pleas right now. He said that the State Auditor has approved the creation of a new fund by the City of Chillicothe for the city's fuel facility. He said that yesterday he attended the Memorial Day service at Grandview Cemetery. He indicated that this is known to be one of the best Memorial Day ceremonies in the entire country.

Report of Law Director Rutherford:

City Law Director Rutherford also commented on Item #3. She stated that most of the BWC appeals concern employees from the Chillicothe Police Department. She reminded the members of Council that much of the work done by the Law Director's Office is in the criminal division of the Chillicothe Municipal Court, and that this requires a very close working relationship with the members of the Chillicothe Police Department. As a result, she stated that it would be a conflict of interest for her to also be involved in these BWC appeals. She stated that these have traditionally been handled by outside counsel hired for that purpose by the city.

Ms. Gray announced that the Human Resources Committee will have a meeting on Thursday, May 28, 2015, beginning at 4:00 p.m., in the first floor conference room of the City Administration Building.

AUDIENCE PARTICIPATION

Jessica Miller of 276 Baldor Road spoke to Council about Alzheimer's disease and care of dementia patients. She provided statistics, including the fact that over 5 million individuals are currently afflicted. She spoke of the symptoms, and stated that she works directly with primary care physicians. She urged anyone who has a concern about a family member to try to get early testing, and she discussed the individuals who are available to provide services, including the local Senior Citizens Center. She stated that an individual can reach the point where it becomes unsafe for that person to remain at home alone. She talked about the process of then checking out the available care facilities and what to do. She said that she works at Westmoreland Place, and that she is willing to help anybody who needs help. She concluded by announcing an event that will take place on June 5, 2015, at Westmoreland Place, from 10:00 a.m. until 2:00 p.m., including tours of their facility and help for those who need it.

OLD BUSINESS

Mrs. Ames expressed her thanks to all of the veterans' groups who participated in the various ceremonies on Memorial Day and during the weekend.

Mr. Trutschel said that the Finance Committee had received a Council Committee Assignment pertaining to the acquisition of road salt. He said that he is reporting this out of committee at this time with no action necessary by Council.

PETITIONS AND CORRESPONDENCE

The Clerk indicated that he had no new petitions or correspondence to report on, but that he wished to remind the members of Council and city officials of the scheduling of a seminar on Sunshine Laws training scheduled for Thursday, June 4, 2015, at Bennett Hall at the Ohio University-Chillicothe campus. He indicated that registration information is available on the Ohio Attorney General's website, and that there is no charge for the seminar.

NEW BUSINESS

Mrs. Ames reported that this coming Thursday, May 28, 2015, at 5:00 p.m., at the Donald Coppel Soccer Complex on Western Avenue, one can find out about the plans for the complex and the 2015 "Make a Difference Day" project for the complex. She said that the public is invited to come out to see the complex, and to find out how it will benefit a particular business and this community, as well as to see how one can become involved in what is going on. Mrs. Ames said that also this week, the Ross County Community Action Commission began its free summer lunch program for all kids age 18 and younger. She said that there are 16 sites throughout the city and county where children can go to get a free lunch, and that she has flyers with her for distribution tonight. She indicated that some of the sites within the city include Tiffin Elementary, Yoctangee Park, Lincoln Park, Poland Park, Sherman Park, Mt. Logan School and Carver Community Center. Mrs. Ames said that she has given to the audience and to Council members tonight copies of newspapers from the upcoming Chautauqua, which is coming to Chillicothe June 16th through June 20th. She said that the Chillicothe schedule of events is on page 5 of this newspaper, and that the events include free workshops for children and adults during the day and evening performances. Mrs. Ames said that Melody Young, from the Ross Chillicothe Convention & Visitors Bureau, is still looking for volunteers if anybody is able to help, and that this will be a huge event for Chillicothe and for area businesses. She concluded by stating that this is the first time in fifteen years that this event is being held here in Chillicothe.

READING AND PASSAGE OF LEGISLATION

Ord. No. 56-15 appropriating \$150,000.00 for the purchase of new fire hydrants to replace obsolete and aging fire hydrants, and declaring an emergency was read for the second 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. Eallonardo declared the rule suspended. All members present then voted "yea" on the item itself, and Pres. Eallonardo declared Ord. No. 56-15 adopted.

An Ordinance adding Section 351.18, Prohibition Against Parking on Front or Side Yard to the Codified Ordinances of the City of Chillicothe, Ohio, and amending Section 351.99, Penalty, was read for the second time by title only.

Ord. No. 57-15 appropriating \$25,000.00 to pay Poling Law Firm for expenses associated with ongoing Bureau of Worker's Compensation (BWC) litigation, and declaring an emergency was read for the first time by title only. Mr. Trutschel 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. 57-15 adopted.

Ord. No. 58-15 appropriating \$25,000.00 to hire Liquid Engineering to perform interior tank inspections of the city's five water distribution tanks, and declaring an emergency was read for the first time by title only. Mrs. Patrick 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. 58-15 adopted.

A Resolution authorizing the Mayor to file an application to the State of Ohio to participate in the Small Cities Community Development Block Grant (CDBG) Allocation Program for FY2015, accepting the grant if funded and agreeing to comply with the program requirements, authorizing

Ohio Regional Development Corporation (ORDC) to administer the program, and declaring an emergency was read for the first time by title only.

Ord. No. 59-15 approving a change order to the existing contract between the City and Pandey Environmental, appropriating \$4,850.00 to pay Pandey Environmental for the preparation of a Sampling & Analysis Plan (SAP) document for groundwater sampling at the landfill on the city's behalf, and declaring an emergency was read for the first time by title only. Mrs. Patrick 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. 59-15 adopted.

Ms. Gray moved and Mr. Fluerima seconded that the regular meeting be adjourned. All members present voted "yea" and Pres. Eallonardo declared the motion adopted. Adjourned at 8:10 p.m.

Clerk of Council

President of Council

Council Chambers
Special Session
June 1, 2015
6:00 P.M.

Council met in special session at 6:00 p.m. at the call of the Mayor to consider an ordinance authorizing a public auction of some city equipment considered surplus. All nine members were present: Ames, Corcoran, Fleurima, Gray, Neal, Patrick, Proehl, Tatman and Trutschel. Also present were the Mayor, Law Director, 17 visitors and 3 media members.

Pres. Eallonardo called the meeting to order and noted that Clerk Fosson could not be present tonight and had asked former Clerk Don Schofield to fill in. Mrs. Patrick moved and Mr. Proehl seconded that Donald Schofield be named Acting Clerk for tonight. All members present voted "yea" and the motion was declared adopted.

The Chair then asked Mrs. Neal to address the item on the Agenda. Mrs. Neal noted that she did not have a copy and was furnished one. She then read the item by title and pointed out that it refers to some 22 pieces of equipment which has previously been discussed and calls for disposal by public auction and it contains the emergency clause. The Chair then asked if other members had any comments or questions. She then asked the Mayor for comment. Mayor Everson said this is the best way to handle the matter and asked for approval.

Terry Williams, 371 Plyley's Lane, inquired about a John Deere tractor which he said did not appear included in the inventory. He further proceeded to inquire as to the equipment listed and if there is any liability on Houser's part and where it is being stored. The Mayor noted that this equipment is normally kept outside when the city has it.

The Chair asked if further action is desired. Mrs. Neal moved and Mrs. Corcoran seconded that the rules be suspended and this item be placed on final passage. All members present voted "yea" and the motion was declared adopted. A discussion then took place as to whether all members had received the legislation three days prior. Mrs. Neal said she did not feel that she had and noted she received a full copy tonight. Mr. Trutschel moved and Mr. Fleurima seconded that the Three Day Receipt Rule be suspended and that this item be considered tonight. All members voted "yea" and the motion was declared adopted. Mrs. Neal moved and Mrs. Patrick seconded that the rules be suspended and that this item be placed on final passage. All members present voted "yea" and the motion was declared adopted, and the rules having been suspended, all members present then voted "yea" on **Ordinance No. 60-15 authorizing the public auction of twenty-two pieces of city owned equipment which is not needed for public use or is obsolete or unfit for the use for which it was acquired in accordance with Ohio Revised Code Section 721.15, and declaring an emergency** was read for the first time. Ordinance No. 60-15 was then declared adopted.

Mrs. Ames moved and Mr. Fluerima seconded that the meeting be adjourned. All members present voted “yea” and the motion was declared adopted. Adjourned at 6:10 p.m.

Clerk of Council

President of Council

Council Chambers
Legislative Review Session
June 1, 2015
6:11 p.m.

Pres. Eallonardo convened a review session at 6:11 p.m. with all members, officials, media and visitors as before. She noted that the purpose was to discuss pending legislation dealing with parking in yards and sidewalks. She turned the session over to Mr. Tatman to lead the discussion. Mr. Tatman noted that the proposed ordinance is an addition to already existing legislation by adding language regarding front and side yards and adding a \$30.00 fine. He said he had spoken with Mr. Proehl following many calls on the matter and they both felt that a review session was in order. He checked out some of the sites and found that there are certain areas, especially in the east end, that do not have curbs. There are some which have graveled areas in front or beside the house and he feels these would be alright with this proposal. What we are attempting to stop are people driving over the sidewalk and parking in the yard. He said he feels that High St. is notorious for this.

Mr. Proehl noted that there are people who have curbcuts/driveways who pull over into the yard and he feels this would be permissible. The problems arise, he said, when you drive over the sidewalk (absence of driveway) and this causes damage to the sidewalk. Mrs. Patrick said she has also received calls and in checking she also has found areas where people have graveled areas and no curbs or driveways. Mrs. Ames asked about people who cannot use their driveway and instead are pulling onto the grass. She said they still would have to use graded or graveled parking pads.

Mr. Trutschel called attention to the situation on Plyley’s Lane where people pull vehicles into their yard and put “For Sale” signs on them. He said that one person has been doing this for some years, and that this needs to be addressed or we will have this occurring all over the city. Mr. Fleurima noted that another situation exists on W. Fifth St. Mrs. Patrick said she hopes the problems will be eliminated with enforcement and therefore we need legislation that will stand up in court.

Connie Riley, of Church St., inquired if this item pertains only to residential properties, or does it also include commercial. She noted that people with parties and other large gatherings have problems with parking for their guests.

Roy Truman, a Yoctangee Parkway resident, said that he has problems parking when CHS has a function, but that he is fortunate to be able to enter his property from the alley and park in the rear. He asked if this would be considered a violation. It was said this was not included. Larry DePew, of 34 N. McArthur, said he is opposed to this ordinance and feels that since he pays taxes, he has the right to park in his yard. He said that he has had problems over the years with damage to his vehicles parked on the street. He said that his street is narrow and one-way, and that to prevent damages, he pulls onto the sidewalk, which he was told is a violation. He also noted that buses travel the street instead of using Rose St., which is wider. Also, he said that bicyclists cause problems. He stated that he feels that the city has too many unnecessary laws on the books already, and does not need this one.

Mr. Proehl inquired of Engineer Day if there is a process to get a curb cut permit. Mr. Day said “yes, but it must meet the necessary access requirement”. Mr. Trutschel asked about banning parking on one side of the street, and whether this has been tested publicly. Mr. Day said it has been, and went on to say that “no one is granted a place to park”. He related his own experiences from living near CHS when, it was on Arch St.

Mr. Tatman asked if there were any other comments or questions. There being none the review session was adjourned, by consensus, at 6:33 p.m. No roll calls or votes were taken.

Clerk of Courts

President of Council