

Council Chambers
Regular Meeting
August 24, 2015
7:30 p.m.

Council met in regular session, chaired by Pres. Pro Tem Trutschel, with the all nine members present: Ames, Corcoran, Fleurima, Gray, Neal, Patrick, Proehl, Tatman and Trutschel. There were two media representatives and seventeen other visitors present, in addition to Acting Mayor Eallonardo, City Law Director Rutherford and City Auditor Feeney.

Pres. Pro Tem Trutschel led in the Pledge of Allegiance to the Flag.

Mr. Proehl moved and Mr. Fleurima seconded that the minutes for the regular meeting of August 10, 2015, be accepted and approved, as submitted by the Clerk. All members present voted “yea”, and Pres. Pro Tem Trutschel declared the motion adopted.

COMMITTEE REPORTS

Utilities/Transit Committee:

Mrs. Patrick reported on Item #1 to appropriate \$20,000.00 for the extension of an eight inch water main to the east side of North Bridge Street at Hopetown Road, on tonight’s agenda for its third reading. She stated that City Utilities Director Richard Johnson, P.E., has now affirmed to her that he has received the letters and other documents from the landowners concerning their commitment to annex their properties into the city once they are contiguous. For that reason, she indicated that this ordinance should be passed tonight. Mrs. Patrick reported on Item #4 to appropriate \$43,770.00 for coating the clarifier weirs and interior at the Wastewater Treatment Plant, on tonight’s agenda for its third reading. Mrs. Patrick reported on Item #5 to appropriate \$50,000.00 to rehab water wells #20 and #22, on tonight’s agenda for its third reading. Mrs. Patrick concluded her report with an update on the emergency repairs to the sanitary sewer line made necessary as a result of the collapse that occurred on East Water Street. She expressed her thanks to the employees on the Utility Department crew for all their work on this project.

Safety Services/Technology Committee:

Mr. Proehl reported on Item #2 to appropriate funds for the implementation of an off-site data backup solution for the City Income Tax Department, on tonight’s agenda for its third reading. He said that the committee met just before tonight’s Council meeting to discuss this item, and that he urges passage of this ordinance tonight.

Parks and Recreation Committee:

Mrs. Corcoran reported on Item #6 to accept a donation of materials from Lowe’s for use during the “Day of Caring” event in Yoctangee Park, on tonight’s agenda for its second reading. Mrs. Corcoran reported on Item #7 to appropriate and transfer \$15,000.00 to pay the balance due for the 2015 Fourth of July fireworks display, on tonight’s agenda for its first reading.

Engineering Committee:

Mr. Tatman reported on Item #3 to establish new traffic lane patterns and to implement angle parking on South Paint Street between Main Street and Fifth Street, on tonight’s agenda for its third reading. Mr. Tatman reported on Item #8 to provide for the placement of a “No Parking This Side of Street” sign on the north side and west end of Akron Street within the City of Chillicothe, Ohio, on tonight’s agenda for its first reading. He said that the residents themselves have requested this due to the narrowness of the street. Mr. Tatman indicated that if there are cars parked on both sides of the street at this location, it is impossible for two vehicles to pass each other, and that large emergency vehicles can hardly get through.

Development Committee:

Mrs. Ames said that the Development Committee currently has nothing on tonight's agenda, but that she has distributed tonight copies of a proposed ordinance, with attached lease agreement, to have the Community Improvement Corporation act on behalf of the City in order to lease 60 parking spaces to the residents of the newly reconstructed Carlisle Building. Mrs. Ames moved and Mrs. Neal seconded that the three day receipt rule be suspended and that there be placed on tonight's agenda an ordinance authorizing the Ross County Community Improvement Corporation (CIC) to initiate and manage a lease agreement for sixty (60) parking spaces with the Chesler Group, LLC on behalf of the City of Chillicothe, and declaring an emergency. All members present voted "yea" and Pres. Pro Tem Trutschel declared the rule suspended, designating this particular item as Item #9 on tonight's agenda. Mrs. Ames stated that the committee had three meetings on this to discuss having the CIC manage the property through a lease agreement, on behalf of the city. She expressed her thanks to Attorney Matt Schmidt of the CIC for drafting the lease agreement, and also to City Law Director Rutherford and Teresa Woods for getting the ordinance itself ready to be presented tonight. She indicated that Mr. Chesler has indicated that they are ahead of schedule, and that he is hoping to have the lease in place by the 1st of September. As a result, she stated that there will be a special meeting later this week to attempt to pass the ordinance.

REPORTS OF OFFICIALS**Report of Auditor Feeney:**

City Auditor Feeney commented on Item #2, stating that this off-site data backup solution will provide an affordable fix, and also provide a nice trial run. He said that this service will cost about \$100.00 per month, and provide two terabytes of storage.

Report of Law Director Rutherford:

City Law Director Rutherford said that in recent years, there has not been much training for the members of city council. She said that her office receives lots of questions and that her office is always willing to assist. She suggested that a formal training session be set up to take place after the first of the year, especially for any new members of council, saying that this would also be helpful for the department heads. She said that in particular, it is important for all council members and department heads to understand the need for accurate information concerning account numbers and funds when requesting legislation. Mrs. Rutherford indicated that there has been an increase in the number of requests for legal opinions, legislation, and court cases as well. She asked that everyone continue to be patient with her office in light of this, especially at this time of the year when people are taking vacations. She then called upon Chris Mangold, who she said wishes to speak to Council about the subject of Joint Economic Development Districts.

Mr. Chris Mangold, of the Economic Development Alliance of Southern Ohio, referred to a memo he passed out entitled "JEDD 101", as he invited the members of Council to attend an introductory "JEDD 101" session on Tuesday, September 15, 2015, at 7:00 p.m., at the PACCAR Medical Education Center on the campus of Adena Regional Medical Center. He explained that Attorney Schmenk of the law firm Bricker & Eckler will discuss how we can encourage and shape job creation for decades to come by establishing a Joint Economic Development District here in Ross County. He then provided information about Attorney Schmenk's background and experience.

AUDIENCE PARTICIPATION

Bruce Arnold of 25 Yaples Orchard spoke to Council about downtown parking, referring to a seven page passout that he had written, copies of which he distributed to them. He said that in his opinion the city's plan is flawed. He claimed that he is not opposed to the newly reconstructed Carlisle Building, stating that he wishes it every success as it reopens, and acknowledging that this is contributing to the revitalization of downtown Chillicothe. However, he stated that in his opinion, the city is not looking far enough long range, and that the city has the cart before the horse. Mr. Arnold said that he wrote his synopsis four years ago, at the request of Mike Green. He stated that the city could have handled the parking needs of the Carlisle Building by setting up a permit system, whereby free permits would be issued to these 60 people in order to fulfill the city's commitment to provide parking. On the subject of angle parking, he said that he thinks that this should be "reverse" angle parking, where the person desiring to park pulls ahead of the spot

and then backs in. He said that many bigger cities are going with this because it is safer to pull out.

Tom White, Chairman of the Downtown Development Commission, also spoke to Council on the matter of parking, saying that he agrees that we all need to do a better job of planning. He said that he also agrees that the newly reconstructed Carlisle Building is good for the entire downtown area, and that Adena Health System is itself asking what else is the city doing to promote downtown development. Mr. White said that this is when the city decided to form the Downtown Development Commission. He discussed the many problems facing the downtown property owners and businesses, saying that the Commission is trying to address all of these, including parking, and to come up with workable solutions. He said that they meet the second Wednesday of each month, and that they now have a separate committee on parking. He indicated that they have already submitted several requests to the city, and that they are in the process of putting together a downtown master plan.

John Stevens of 522 Seminole Road said that he is not opposed to designating spaces for the residents of the Carlisle Building, but that he is opposed to only charging what amounts to fifteen cents a day for each space. He said that this is ridiculous, and that this is what it comes to if you do the math, with the city only getting \$3,600.00 a year for the 60 spaces. On top of this, he said, the city must provide lighting, snow removal, and take care of all the maintenance.

OLD BUSINESS

Mrs. Ames responded to Mr. Stevens, saying that the city never intended to seek fair market value for these parking spaces. She said that the city decided to provide nearby accessible parking spaces as an incentive to the reconstruction of the Carlisle Building, which has no available space for parking. She said that this was needed to help the developer get financing for the project, whereby the Adena Health System is anticipating up to sixty resident physicians in the new apartments. She said that this is why City Council passed a resolution two years ago committing to providing the parking spaces, so that the resolution could be given to the bank that required documentation. Mrs. Ames said that the city is already doing all of the lighting and maintenance, so this is not a new or additional expense. She said that given the fact that this building had been burned out and sat empty for over ten years, and that the developer agreed to invest \$8,000,000.00 to rebuild it, the provision of the parking, needed to make it happen, amounts to a very small investment by the city toward revitalization of the downtown. Mr. Stevens persisted in expressing his belief that the city was not getting a good deal, to which Mrs. Ames responded by saying that an eyesore generating no income had been transformed into a beautiful asset that would now provide jobs and tax revenues.

NEW BUSINESS

Mrs. Corcoran said that she wishes to address some concerns that people have been bringing to Council's attention about the condition of the floodwall. She said that we have now replaced the steps up to the top of the floodwall from the area of the Pump House Art Gallery. She said that a work order has been submitted to take care of the fencing on North High Street. Mrs. Corcoran also said that the mowing is being done now, and that mowers, including a new mower, are now available. She concluded by saying that we are fully aware of people's concerns, and that we are working very hard to make all necessary improvements.

COUNCIL COMMITTEE ASSIGNMENTS

Pres. Pro Tem Trutschel announced the following additional council committee assignments for inclusion in the Journal of Council:

15-102-Development-request for legislation allowing the extension and completion of the North Plaza Blvd improvement project that began in 2009;

15-103-City Services-request to consider the purchase of 2 dump trucks with snowblade attachments for snow removal on residential side streets and hills, and leaf collection;

15-104-City Services-request to evaluate possible solutions to controlling or eliminating the pigeon population in downtown Chillicothe;

15-105-Human Resources-request to discuss the extension of seasonal employees for the Service Department and the Parks and Recreation Department;

15-105-Human Resources-request to appropriate \$20,000.00 from the unappropriated general fund to various line numbers within Civil Service Department to carry out its duties of testing;

15-107-Safety Services-request for legislation appropriating \$58,864.56 for the City's share of facility maintenance and upkeep of the Law Enforcement Complex;

15-108-Utilities/Transit-request to allocate \$2,000.00 in the Floodwall Account from Lands and Buildings line item into the Equipment line item as needed to purchase runtime meters for the pumps at the Yoctangee Pump Station;

15-109-Utilities/Transit-request for legislation to create a Stormwater Utility per information attached, provided by Utilities Director Richard Johnson, P.E.;

15-110-Utilities/Transit-request to allocate \$15,000.00 from the Floodwall Buildings and Grounds account to the Floodwall Equipment account as needed to facilitate repairs to the water pump in the Yoctangee Park Pump Station;

15-111-Safety Services/Technology-request for legislation to appropriate \$13,500.00 to cover the cost of vehicle repairs for the Police Department for the remainder of the year; and

15-112-Utilities/Transit-request for legislation to give a permanent easement to Columbia Gas in order to allow them to put in a gas line extension.

READING AND PASSAGE OF LEGISLATION

Ord. No. 80-15 appropriating \$20,000.00 for the extension of an eight-inch water main to the east side of North Bridge Street at Hopetown Road, and declaring an emergency was read for the third time by title only. On final passage, all members present voted "yea" and Pres. Pro Tem Trutschel declared Ordinance No. 80-15 adopted.

Ord. No. 81-15 appropriating funds for the implementation of an off-site data backup solution for the City Income Tax Department, and declaring an emergency was read for the third time by title only. On final passage, all members present voted "yea" and Pres. Pro Tem Trutschel declared Ordinance No. 81-15 adopted.

Ord. No. 82-15 establishing new traffic lane patterns and implementing angle parking on South Paint Street between Main Street and Fifth Street was read for the third time by title only. On final passage, all members present voted "yea" and Pres. Pro Tem Trutschel declared Ordinance No. 82-15 adopted.

Ord. No. 83-15 appropriating \$43,770.00 for coating the clarifier weirs and interior at the Wastewater Treatment Plant, and declaring an emergency was read for the third time by title only. On final passage, all members present voted "yea" and Pres. Pro Tem Trutschel declared Ordinance No. 83-15 adopted.

Ord. No. 84-15 appropriating the sum of \$50,000.00 to rehab water wells #20 and #22, and declaring an emergency was read for the third time by title only. On final passage, all members present voted "yea" and Pres. Pro Tem Trutschel declared Ordinance No. 84-15 adopted.

An ordinance accepting a donation of material from Lowe's for use during the "Day of Caring" event in Yoctangee Park, and declaring an emergency, was read for the second time by title only.

An ordinance appropriating and transferring the sum of \$15,000.00 to pay the balance due for the 2015 Fourth of July fireworks display, and declaring an emergency was read for the first time by title only.

An ordinance providing for the placement of a "No Parking This Side of Street" sign on the north side and west end of Akron Street within the City of Chillicothe, Ohio, and declaring an emergency was read for the first time by title only.

An ordinance authorizing the Ross County Community Improvement Corporation (CIC) to initiate and manage a lease agreement for sixty (60) parking spaces with the Chesler Group, LLC on behalf of the City of Chillicothe, and declaring an emergency was read for the first time by title only.

Mr. Fleurima moved and Mrs. Neal seconded that the regular meeting be adjourned. All members present voted “yea” and Pres. Pro Tem Trutschel declared the motion adopted. Adjourned at 8:15 p.m.

Clerk of Council

President of Council

Council Chambers
Special Meeting
August 27, 2015
5:30 p.m.

Council met in special session at the call of Acting Mayor Eallonardo, pursuant to written notice dated August 25, 2015, for the purpose of considering Item #9 from the regular meeting of August 24, 2015, with the following seven members present: Ames, Corcoran, Gray, Neal, Patrick, Tatman and Trutschel. (Mr. Fleurima and Mr. Proehl absent.) There were 2 media representatives and 7 other visitors present. Pres. Pro Tem Trutschel chaired the meeting due to Pres. Eallonardo serving as Acting Mayor, in the absence of Mayor Everson,

Pres. Pro Tem Trutschel called upon Mrs. Ames to provide a report on the sole item on tonight’s special meeting agenda. Mrs. Ames briefly discussed the history of the proposed ordinance, including mention of the resolution passed by Council two years ago making a commitment to provide parking for the Carlisle Building. She said that she will seek to suspend the three reading rule tonight so that the item can be passed in order to have the lease in place by the first of September.

Ms. Gray said that she wished to make a statement for the record, prior to any vote: “I understand fully the implications and ramifications of a ‘no’ vote during this evening’s proceedings. I acknowledge the work put into the legislation that is being offered for vote but I do NOT agree with what has been proposed as I believe not all alternatives have been given full consideration. I must say that ethically and morally I am VERY uncomfortable in supporting a potentially illegal action previously taken by a fellow elected official 2 years ago and the subsequent ‘last minute business-as-usual’ process given to the issue. This has been the unfortunate hallmark of this administration and two ‘wrongs’ still don’t make a ‘right’. Make no mistake though about my vote this evening. It is done solely in support of downtown development, the businesses that it will encourage and the future that it represents. Finally, I must say to those of you who obviously do not understand the governmental process, you need to educate yourselves before you push forward your special interests. Thank you.”

Pres. Pro Tem Trutschel inquired if any member of the audience wished to be heard on the subject of tonight’s special meeting.

Mr. Tom White of 3001 River Rd. said that a collaborative effort by many in both the private sector and the public sector has made the reconstruction of the Carlisle Building happen. He said that there has been a companion renovation of the mindset in our community. He stated that he does not understand what it is that Ms. Gray is referencing in her statement, that she has described as “a potentially illegal action”. Mr. White stated that he does know that both the Adena Health System and the Chesler Group, LLC undertook a tremendous financial risk on this project.

Ms. Gray responded to Mr. White, stating that she does not mean to be expressing any intent to vote “no” on the ordinance. She said that it is her desire, in making her previous statement, to protect Chillicothe City Council in light of what happened two years ago. She also stated that she knows that both Mr. Proehl and Mr. Fleurima wish to have an opportunity to vote on this ordinance, and that for that reason she would prefer that it only receive its second reading today.

Mrs. Ames asked Ms. Gray to again read her statement. Ms. Gray re-read her statement.

Mr. Trutschel said that the Carlisle Building burned out in 2003, and that there was really nothing noteworthy going on with that building even before that happened. He said that the City's former administration had over eight years after it burned to do something about it, and yet nothing was done. Mr. Trutschel said that Mayor Everson and his administration are the ones who finally got the reconstruction going, and they are to be commended for that. He said that the downtown is finally coming back to life and that he encourages everyone to favorably vote on passage of the ordinance before Council.

Pres. Pro Tem Trutschel directed the Clerk to read the legislation.

An ordinance authorizing the Ross County Community Improvement Corporation (CIC) to initiate and manage a lease agreement for sixty (60) parking spaces with the Chesler Group, LLC on behalf of the City of Chillicothe, and declaring an emergency was read for the second time by title only. Mrs. Ames moved and Mrs. Neal seconded that the three reading rule be suspended, placing this item on final passage. Voting "yea" were the following members of Council: Ames, Corcoran, Neal, Tatman and Trutschel. Voting "nay" were the following members of Council: Gray and Patrick. Pres. Pro Tem Trutschel declared the motion to have failed.

Mrs. Ames announced that there will probably be another special meeting on Monday, August 31, 2015, at 6:30 p.m., here in Council Chambers, in order to have a third and final reading of the proposed ordinance prior to the 1st of September. She indicated that she would request Acting Mayor Eallonardo to call the special meeting and to issue the notice.

Mrs. Neal moved and Mrs. Corcoran seconded that Council excuse the absences of Mr. Fleurima and Mr. Proehl. All members present voted "yea" and Pres. Pro Tem Trutschel declared the motion adopted. Ms. Gray moved and Mrs. Neal seconded that the special meeting be adjourned. All members present voted "yea" and Pres. Pro Tem Trutschel declared the motion adopted. Adjourned at 5:53 p.m.

Clerk of Council

President of Council

Council Chambers
Special Meeting
August 31, 2015
6:30 p.m.

Council met in special session at the call of Acting Mayor Eallonardo pursuant to written notice dated August 28, 2015, for the purpose of again considering Item #9 from the regular meeting of August 24, 2015, with all nine members present: Ames, Corcoran, Fleurima, Gray, Neal, Patrick, Proehl, Tatman and Trutschel. There were 2 media representatives and 12 other visitors present, in addition to Acting Mayor Eallonardo. Pres. Pro Tem Trutschel chaired the meeting.

Pres. Pro Tem Trutschel called upon Mrs. Ames to report on the sole item on the special meeting agenda.

Mrs. Ames directed the attention of the members of Council to the copies of the revised draft of the ordinance and the attached lease agreement marked as Exhibit A. She described the changes made, including the clarification as to whom the parking spaces will be leased by the Ross County Community Improvement Corporation, consistent with the language in the lease agreement.

Mrs. Ames moved and Mrs. Corcoran seconded that Item #1 be amended by substituting this new revised version of the legislation for the original version. All members present voted "yea" and Pres. Pro Tem Trutschel declared the motion adopted, ruling that the amendment does not constitute a substantial change, and that Item #1 will therefore remain at its third reading status tonight.

Mrs. Patrick stated that she wished to make a statement concerning this legislation, as follows: "I was elected to do things in the best interest of the citizens of Chillicothe whether they be short term or long term commitments. By leasing the entire parking lot directly behind this building we

will be tying the hands of the future Mayor and Council. I and several other Council members have seen some rough plans that include building an addition on the back of this building so that there would be enough space for this to become the remodeled administration building. The current administration building is falling apart and will not last another 10 years let alone 20 years. I had asked that the parking lot at the corner of 4th and Paint be included in the lease so that just a portion of the lot behind this building would be needed, but this did not happen. Because of this, I have decided that I cannot support this ordinance with its current wording.”

Mr. Trutschel responded, saying that if it comes to pass in the future that the city needs any of the parking spaces behind this building, the City can always seek to renegotiate the lease and amend the ordinance.

Pres. Pro Tem Trutschel inquired if any member of the audience wished to be heard on the subject of tonight’s special meeting.

Mr. Bruce Arnold of 25 Yaples Orchard reiterated and repeated many of the points that he previously made during the regular meeting of the 24th of August. He once again claimed that he fully supports the Carlisle Building, but, he stated that this proposed parking situation is flawed, in his opinion. He again said that there is no plan, criticizing Council for not asking questions before agreeing to make this many spaces available. He said “Why 60 spaces?” “Where did that number come from?” He then contended once again that Council should have come up with a permit plan instead, which would have allowed four permitted spaces directly in front of the Carlisle Building for convenience in loading or unloading, especially in bad weather. Mr. Arnold said that this deal does not give the City any better perception among the public where there is already a negative perception on downtown parking. He concluded by saying that although the City had two years to come up with a better plan, Council waited until the last minute and just pushed forward too fast in a knee jerk reaction.

Mr. Tom White, Chairman of the Downtown Development Commission, again spoke to Council in support of passage of the ordinance. He reminded Council that the reconstruction of the Carlisle Building is the result of a collaborative effort by so many people who have worked together to achieve something very positive to Chillicothe’s downtown. He said that part of this includes the agreement that was made two years ago, and relied upon by the banks and by the developer. Mr. White said that the passage of this ordinance fulfills that agreement, but that if Council now decides to not pass it, he anticipates that Mr. Chesler will be back here with his attorney. He said that he does agree with the contention that the City needs to come up with a better plan for parking in the downtown area. However, he said that the City and the Downtown Development Commission are presently working on a better plan for the future. For now, however, he stated that Council’s passage of this ordinance is a huge step in the revitalization of the downtown.

Mr. Steven Truman of 152 North Brownell said that he and his wife were not part of the community when the Carlisle Building burned. He said that they are thankful to City Council, the City Administration, and everyone else who has played a part in making the restoration of that building happen.

Pres, Pro Tem Trutschel directed the Clerk to read the legislation.

Ord. No. 85-15 authorizing the Ross County Community Improvement Corporation (CIC) to initiate and manage a lease agreement for sixty (60) parking spaces with any person or entity which owns, manages, leases, occupies or otherwise makes economic use of the Carlisle Building on behalf 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”, except Mrs. Patrick, who voted “nay”, and Pres. Pro Tem Trutschel declared Ordinance No. 85-15 adopted by a vote of 8-1.

Ms. Gray moved and Mr. Fleurima seconded that the special meeting be adjourned. All members present voted “yea” and Pres. Pro Tem Trutschel declared the motion adopted. Adjourned at 6:45 p.m.

Clerk of Council

President of Council

