

Council Chambers  
Regular Meeting  
December 22, 2014  
7:30 p.m.

Council met in regular session with the following eight members present: Ames, Bonner, Gray, Neal, Patrick, Showman, Tatman and Trutschel. (Mr. Proehl absent.) There were 2 media representatives and 2 other visitors present, in addition to Mayor Everson and City Auditor Feeney.

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

Mr. Bonner moved and Mrs. Neal seconded that the Minutes of the regular meeting of December 8, 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 Committee:**

Mrs. Patrick reported on Item #9 to authorize a contract between the city and the Ohio Department of Transportation and to accept the ODOT bus and bus facilities grant funds, on tonight's Agenda for its first reading. Mrs. Patrick said that the contract attached to the ordinance is incorrect, in Section 2.2, because it provides for four replacement buses and the city has only authorized matching funds for two replacement buses. She stated that the Administration will need to get this contract amended before Council can vote on this item.

#### **Human Resources Committee:**

Ms. Gray reported on Item #4 to amend Section 121.031(a) of the Codified Ordinances in order to reduce the number of Assistant Fire Chief positions from the two presently authorized to only one authorized, on tonight's Agenda for its first reading. She stated that she will seek to pass this item tonight.

#### **Parks & Recreation Committee:**

Mr. Bonner reported on Item #5 to accept thirty bags of fertilizer valued at \$355.20, donated to the City of Chillicothe by Wal-Mart, on tonight's Agenda for its first reading. He stated that he will seek to pass this item tonight.

#### **Safety Services Committee:**

Mr. Bonner reported, in the absence of Mr. Proehl, on behalf of the Safety Services Committee. He indicated that Item #1 is not needed. Mr. Bonner moved and Mrs. Patrick seconded that Item #1 be stricken from tonight's Agenda. All members present voted "yea" and Pres. Rinehart declared the motion adopted. Mr. Bonner reported on Item #6 to amend Chapter 1501.10 of the Codified Ordinances requiring maintenance of records by those performing fire equipment tests, inspections, etc., on tonight's Agenda for its first reading.

#### **Finance Committee:**

Mr. Trutschel reported on Item #2 to amend Section 118.01 of the Codified Ordinances, providing for the creation of the position of Deputy Treasurer within the Treasurer's Office, on

tonight's Agenda for its third reading. Mr. Trutschel reported on Item #3 to appropriate funds for the purpose of making final payroll and pension payments for the remainder of 2014, on tonight's Agenda for its first reading. Mr. Trutschel moved and Mrs. Ames seconded that the three day receipt rule be suspended, and that there be added to tonight's Agenda an ordinance to make appropriation for current expenses and other expenditures of the City of Chillicothe, State of Ohio, during the fiscal year beginning January 1, 2015, and ending December 31, 2015, and declaring an emergency. All members present voted "yea" and Pres. Rinehart declared the rule suspended, designating this particular item as Item #10 on tonight's Agenda for its first reading.

**Community Affairs Committee:**

Mr. Showman reported on Item #7 to extend the Municipal Court Victim Witness Assistance Program and to accept grant monies received through the Victims of Crime Act and the State Victims Assistance Act, on tonight's Agenda for its first reading. Mr. Showman reported on Item #8 to provide for an agreement between the city and the Ross County Commissioners for the city to remain eligible for state reimbursement of costs incurred in appointing counsel for indigent defendants in criminal cases, on tonight's Agenda for its first reading. He said that he will seek to pass both of these items tonight.

**REPORTS OF OFFICIALS**

**Report of Mayor Everson:**

Mayor Everson indicated that Safety Service Director Mike Green will be serving as the temporary acting director of the Chillicothe Transit System for the next couple of weeks. He said that RLS and the Ohio Department of Transportation are helping the city to come up with a qualified new director of CTS on a permanent basis. He said that the CTS is also in need of a permanent fleet director. He said that currently the city has budgeted over \$100,000.00 for a director of the CTS, in 2015. Mayor Everson announced that the FOP has approved the proposed collective bargaining agreement by a vote of 26-2, taken on this past Friday. He said that it is possible that the proposed contract will be available to the members of Council by next Monday, when there will be a special meeting to approve the 2015 budget. He said that he recently met with representatives and officials from the local chapter of the NAACP. He said that he participated in a ride along with the local director. He said that this was a good event, and that there were lots of activities that evening. Mayor Everson said that the Chillicothe Police Department has received a \$15,000.00 federal grant to get body cameras for the officers. He said that they are hoping to have these in use by the 15<sup>th</sup> of February. He also indicated that the city has applied for a Brownfield Assessment Grant from the EPA. Mayor Everson said that he met with a representative from the OVRDC to discuss the 2015 grants that may be available in the future, such as the CHIP grants and also funding for sidewalks and other improvements such as were made in the Washington Avenue area. He said that they also discussed other possible grants for both the Chillicothe Police Department and the Chillicothe Fire Department. During 2015, Mayor Everson said that he is looking forward to having further discussions about the possibility of a parking garage downtown, the renovation of the former Armory located in Yoctangee Park, perhaps as a youth center; and other downtown projects and renovations. He said that he will be distributing a memo to cover these matters. Mayor Everson said that he urges passage of Item #4 tonight, and Item #9 when it comes up for a final vote. Mayor Everson concluded his report by wishing a Merry Christmas to everyone.

**Report of Auditor Feeney:**

City Auditor Feeney said that he was going to comment on Item #1, but that since it has now been stricken, that is moot. He said that he urges Council to pass Item #3 so that the final payroll and pension payments can be made this year. Mr. Feeney commented on Item #10, stating that this is not in its final form and that the format is off, but that he wanted to get this before Council tonight so that it could receive its first reading. He said that the numbers shown in this draft reflect accurate funding for the various departments. He noted that there will be one retirement in the Chillicothe Police Department early in 2015, and he said that changes are likely to be made within the coming week, especially in the numbers shown on the capital items attachment. He

noted that in the Parks & Recreation Department, the sum of \$352,000.00 in capital spending has been requested.

**Report of Pres. Rinehart:**

Pres. Rinehart expressed his thanks to the members of Council, City Law Director Rutherford, and Teresa Wood of the Law Director's Office, for getting all of the most recent Council Committee Assignments completed so that these items could appear on tonight's Agenda. He also expressed his wish for a Merry Christmas and a Happy New Year to everyone.

**OLD BUSINESS**

Mr. Bonner said that about three or four of the new pods have been completed in the City Park's playground. He said that the Parks & Recreation capital needs include security cameras, and he noted that this has been budgeted. He stated that in his opinion, these security cameras should be put up as soon as possible along with warning signs in order to try to prevent the new playground equipment from being vandalized. Mr. Bonner also commented on the proposal of the Litter family to donate land to the city for park use. He said that he is presently attempting to schedule a meeting of the Parks & Recreation Committee to discuss this. Mrs. Ames suggested that the committee meeting be scheduled for next Monday evening, after the budget meeting. Mr. Bonner indicated that he would be okay with this.

**NEW BUSINESS**

Mrs. Ames said that she distributed copies of a letter to the editor of the Columbus Dispatch from the City Manager of Delaware, who mentioned that city's gap in municipal funding as a result of the significant state cuts that have been made in recent years. She said that he specifically mentions that Delaware has had to cut funding from its Police Department and also reduce the funding of street repairs.

Mr. Bonner moved and Mr. Trutschel seconded that Council excuse the absence of Mr. Proehl. All members present voted "yea" and Pres. Rinehart declared the motion adopted.

Mrs. Neal noted that a teacher from Chillicothe High School has volunteered to assist the City of Chillicothe with its future grant writing. Mrs. Neal also said that she would like to have a group look into the matter of grant writing. She requested Pres. Rinehart to issue a Council Committee Assignment on this.

**COUNCIL ASSIGNMENTS AND CALENDAR**

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

- #14-164-Community Affairs-Request for legislation authorizing the city to enter into agreement with Ross County Commissioners for indigent defense;
- #14-165-Community Affairs-Request for ordinance to accept funding for 2014-2015 VOCA and SVAA grants;
- #14-166-Utilities/Transit-Request for legislation authorizing the city to enter into a contract with ODOT and accept \$184,212.00 from ODOT's bus and bus facilities program;
- #14-167-Parks & Recreation-Request for legislation to accept a land donation into Yoctangee Park from the Litter family;
- #14-168-Human Resources-Request to update Ord. No. 80-12;
- #14-169-Development-Request for legislation needed to complete the process of recording the deeds of property during the vacation of Spring Drive per Ord. No. 102-87;
- #14-170-Finance-Request for legislation to appropriate funds for the final payroll and pensions for FY 2014; and
- #14-171-Finance-Request for ordinance to establish the city's budget for FY 2015.

## READING AND PASSAGE OF LEGISLATION

**Ord. No. 108-14** amending Section 118.01 of the Codified Ordinances of the City of Chillicothe, providing for the creation of the position of Deputy Treasurer within the Treasurer's Office was read for the third time by title only. On final passage, all members present voted "yea" and Pres. Rinehart declared Ord. No. 108-14 adopted.

**Ord. No. 109-14** appropriating funds for the purpose of making final payroll and pension payments for the remainder of 2014, 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. Rinehart declared the rule suspended. All members present then voted "yea" on the item itself, and Pres. Rinehart declared Ord. No. 109-14 adopted.

**Ord. No. 110-14** amending Section 121.031(a) of the Codified Ordinances of the City of Chillicothe, 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. Rinehart declare the rule suspended. All members present then voted "yea" on the item itself, and Pres. Rinehart declared Ord. No. 110-14 adopted.

**Ord. No. 111-14** accepting thirty (30) bags of fertilizer valued at \$355.20 donated to the City of Chillicothe by Wal-Mart, and declaring an emergency was read for the first time by title only. Mr. Bonner 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. Rinehart declared the rule suspended. All members present then voted "yea" on the item itself, and Pres. Rinehart declared Ord. No. 111-14 adopted.

An Ordinance amending Chapter 1501.10 of the Codified Ordinances of the City of Chillicothe, Ohio, and declaring an emergency was read for the first time by title only.

**Ord. No. 112-14** extending the Chillicothe Municipal Court Victim Witness Assistance Program, accepting grant monies received through the Victims of Crime Act (VOCA) and the State Victims Assistance Act (SVAA), and declaring an emergency was read for the first time by title only. Mr. Showman 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. 112-14 adopted.

**Ord. No. 113-14** providing for an agreement between the City of Chillicothe, Ohio, and the Ross County Commissioners, whereby the City of Chillicothe, Ohio, will continue to be eligible for state reimbursement of costs incurred in appointing counsel for indigent criminal defendants, and declaring an emergency was read for the first time by title only. Mr. Showman 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. 113-14 adopted.

An Ordinance authorizing the Mayor to execute a contract between the city and the Ohio Department of Transportation (ODOT) and accepting ODOT Bus and Bus Facilities Program grant funds if awarded, and declaring an emergency was read for the first time by title only.

An Ordinance to make appropriation for current expenses and other expenditures of the City of Chillicothe, State of Ohio, during the fiscal year beginning January 1, 2015 and ending December 31, 2015, and declaring an emergency was read for the first time by title only.

Mr. Trutschel moved and Mrs. Ames seconded that the regular meeting be adjourned. All members present voted "yea" and Pres. Rinehart declared the motion adopted. Adjourned at 8:09 p.m.

---

Clerk of Council

---

President of Council

Council Chambers  
Special Meeting  
December 29, 2014  
5:00 p.m.

Council met in Special Session at the call of Mayor Everson pursuant to written Notice dated and delivered December 23, 2014, for the purpose of considering two items of legislation described in the Notice, being Item #9 and Item #10 appearing on the December 22, 2014 Council Agenda; with the following eight members present: Ames, Bonner, Gray, Neal, Patrick, Showman, Tatman and Trutschel. There were two media representatives and three other visitors present, in addition to Acting Mayor Rinehart, City Law Director Rutherford, and City Auditor Feeney. Pres. Pro Tem Trutschel presided over the Special Meeting, due to Mayor Everson being outside of the city and Pres. Rinehart serving as Acting Mayor.

Ms. Gray moved and Mr. Bonner seconded that Council go into an Executive Session, pursuant to Council Rule 24(4), for the purpose of preparing for, conducting or reviewing negotiations or bargaining sessions with employees concerning their compensation or other terms and conditions of their employment. All members present voted "yea" and Pres. Pro Tem Trutschel declared the motion adopted. The members of Council, along with a representative from Clemans Nelson, and City Law Director Rutherford and City Auditor Feeney, together with Acting Mayor Rinehart, removed themselves to the large conference room down the hall for the Executive Session at 5:10 p.m.

At 5:25 p.m., all eight members of Council returned to Council Chambers and Ms. Gray moved and Mrs. Patrick seconded that Council terminate the Executive Session and resume the Special Meeting. All members present voted "yea" and Pres. Pro Tem Trutschel declared the motion adopted.

Mrs. Patrick reported on Item #1 to authorize the Mayor to execute a contract between the city and ODOT and to accept ODOT bus and bus facilities program grant funds, on tonight's Special Meeting Agenda for its second reading. Mrs. Patrick said that the attached contract continues to specify four replacement buses, but that this was supposed to be changed to only two replacement buses. She asked City Law Director Rutherford if Council has the authority to change Section 2.2 of the ODOT contract to delete the reference to the additional two buses. Mrs. Rutherford indicated that in her opinion, this could not be done by City Council without the prior approval of ODOT. Mrs. Rutherford stated that the contract itself was drafted by ODOT and that their representative has already signed the contract on behalf of ODOT. A discussion ensued, with Mrs. Patrick and other members of Council indicating that although the ordinance needed to be passed at tonight's meeting, Council would not approve the acquisition of the two additional buses because of the cost involved. The Clerk of Council suggested that Council amend the ordinance itself to indicate that the authorization granted to the Mayor to execute the contract would be conditioned upon the contract being amended prior to the execution of the contract.

Mrs. Patrick moved and Mrs. Ames seconded that Item #1 be amended, in Section 1 thereof, by changing the period at the end of the paragraph to a comma, and by adding the phrase: "provided that such authorization is conditioned upon the requirement that prior to the execution of the contract ("Exhibit A"), said contract must be amended in Section 2.2 to delete two (2) of the Replacement Vans listed and all costs related thereto." All members present voted "yea" and Pres. Pro Tem Trutschel declared the motion adopted, ruling that this does not represent a substantial change and that Item #1 will therefore remain at its second reading status tonight.

Mr. Trutschel reported on Item #2 to make appropriation for current expenses and other expenditures of the city during the fiscal year beginning January 1, 2015 and ending December

31, 2015, on tonight's Special Meeting Agenda for its second reading. Mr. Trutschel inquired if any member of Council had a question about the proposed budget. Mrs. Patrick responded, stating that she feels that the capital items listed in the Parks & Recreation Department still need to be cut back further, if this is agreeable to Council. She indicated that things such as lighting after hours are not needed in her opinion because the parks are supposed to be closed at dark. A discussion ensued among Mr. Trutschel, City Auditor Feeney and Mrs. Patrick about these items, with Mr. Trutschel indicating that he prefers to leave the capital items exhibit as it is. Mrs. Patrick stated that the listing of "lights for bike path" causes concern, stating that the city could perhaps get grant monies and that these funds might be used for a match. Mr. Bonner indicated that he also prefers to keep the money in the budget. Mr. Trutschel said that for several years now Council has discussed the need to start getting this capital money spent. He reminded everyone that this is set aside under the Parks Levy strictly for capital expenses. He stated that for a time, the Parks Department was without a director, and no money could be spent on capital items. He said that after Dave Tener came on board as the Parks & Recreation Director, he put together a plan for improvements to the parks. Mr. Trutschel said that these monies have been building up in the meantime, and that we need to start getting this money spent. Mrs. Patrick responded, stating that she is just wanting to see some of the money that is included in the attachment postponed, such as getting perhaps just one mower at this time, instead of two mowers.

City Auditor Feeney said that currently there is about \$450,000.00 available. He said that during the year 2015, another \$100,000.00 will be allocated from the Parks Levy to capital items. Mrs. Patrick said that she is looking at the Gator, the fountain lights, the lights for the bike path, and other similar items. She stated that she would rather be more cautious and more conservative. Mr. Bonner responded, stating "I'm not in favor of postponing any of this." There being no further discussion, Pres. Pro Tem Trutschel called upon the Clerk to read the legislation.

**Ord. No. 114-14** authorizing the Mayor to execute a contract between the city and the Ohio Department of Transportation (ODOT) and accepting ODOT Bus and Bus Facilities Program grant funds if awarded, and declaring an emergency was read for the second time by title only. Mrs. Patrick moved and Mr. Bonner seconded that the three reading rule be suspended, placing this item on final passage. All members present voted "yea" and Pres. Pro Tem Trutschel declared the rule suspended. All members present then voted "yea" on the item itself, and Pres. Pro Tem Trutschel declared Ord. No. 114-14 adopted.

**Ord. No. 115-14** to make appropriation for current expenses and other expenditures of the City of Chillicothe, State of Ohio, during the fiscal year beginning January 1, 2015, and ending December 31, 2015, and declaring an emergency was read for the second time by title only. Mr. Trutschel moved and Mr. Bonner seconded that the three reading rule be suspended, placing this item on final passage. All members present voted "yea" and Pres. Pro Tem Trutschel declared the rule suspended. All members present then voted "yea" on the item itself, and Pres. Pro Tem Trutschel declared Ord. No. 115-14 adopted.

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

Mr. Bonner moved and Mrs. Neal seconded that the Special Meeting of Council be adjourned. All members present voted "yea" and Pres. Pro Tem Trutschel declared the motion adopted. Adjourned at 5:50 p.m.

---

Clerk of Council

---

President of Council