

Council Chambers
Regular Meeting
December 28, 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 two media representatives and twenty-one 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. Ames moved and Ms. Gray seconded that the minutes for the regular meeting of December 14, 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 #2 to approve the action of the Chillicothe Planning Commission in approving the final plat for Slate Creek Cove Subdivision Block "C" Land Development, and to accept the public rights-of-way and easements granted within said subdivision, on tonight's agenda for its first reading. She said that the Planning Commission gave its approval on the 2nd of December, and that the developer is anxious to have the plat recorded as soon as possible so that work can begin. She indicated that she will therefore seek to pass this item tonight. Mrs. Patrick reported on Item #3 to amend Chapters 1105, 1173 and 1141 of the Codified Ordinances pertaining to the definition of "Homeless Shelter", and providing for the zoning thereof, on tonight's agenda for its first reading. Mrs. Patrick reported on Item #4 to authorize the Mayor to execute any and all documents in connection with the granting of a right-of-way and easement for an electrical/lighting upgrade at Mary-Lou Patton Park, on tonight's agenda for its first reading. She said that this upgrade will serve the American Legion ball diamond, and that she will seek to pass this item tonight. Mrs. Patrick concluded her report by noting that the assignment pertaining to the establishment of a storm water utility needs to be carried over into the next term of Council.

Finance Committee:

Mr. Trutschel reported on Item #1 to make appropriations for current expenses and other expenditures of the City of Chillicothe, Ohio, during the fiscal year beginning January 1, 2016, and ending December 31, 2016, on tonight's agenda for its second reading. Mr. Trutschel moved and Mrs. Ames seconded that Item #1 be amended by replacing the current version with the new version, copies of which were distributed tonight. All members present voted "yea" and Pres. Eallonardo declared the motion adopted, ruling that this does not constitute a substantive change and that Item #1 will remain at its second reading status tonight. Mr. Trutschel indicated that Council's Finance Committee met earlier tonight, and that as he indicated then, it is necessary to pass this ordinance tonight so that the city can go ahead with the issuance of payroll checks to the city's employees that are due to be paid on New Year's Day. He said that he will therefore seek to suspend the three reading rule at the appropriate time later tonight.

Mrs. Patrick moved and Ms. Gray seconded that Council go into an executive session pursuant to Council Rule 24(a)(3) to confer with the Director of Law or her duly authorized Special Counsel concerning disputes involving the public body that are the subject of pending court action. All members present voted "yea" and Pres. Eallonardo declared the motion adopted. Pres. Eallonardo announced that the newly elected members of Council and the newly elected President of Council are welcome to sit in on the executive session. Council then removed to the large conference room down the hallway for the executive session, beginning at 7:38 p.m.

At 8:10 p.m., Council returned to Council Chambers, whereupon Mrs. Patrick moved and Mrs. Neal seconded that Council go out of the executive session and resume the regular meeting. All members present voted "yea" and Pres. Eallonardo declared the motion adopted.

REPORTS OF OFFICIALS

Report of Mayor Everson:

Mayor Everson publicly issued a Proclamation declaring today, December 28, 2015, "Tammy Eallonardo, Nancy Ames, and Tom Trutschel Day" in recognition of their faithful service to the City of Chillicothe, Ohio, reading aloud from the proclamation. He stated that he also appreciates the dedicated service of all of the rest of City Council and other elected city officials during his term as Mayor of Chillicothe, wishing everyone the best of luck in the future.

Report of Auditor Feeney:

City Auditor Feeney commented on Item #1, reviewing the history of all the 2016 budget meetings that have taken place prior to this point in the process of putting together this annual appropriations ordinance. He affirmed that, as stated by Mr. Trutschel, this needs to be passed tonight in order to meet the first payroll of the new year. Mr. Feeney stated that he has enjoyed serving as the city's auditor, and that he looks forward to serving as Mayor.

AUDIENCE PARTICIPATION

Brad Cosenza of 644 Allen Ave. said that he is here tonight to express his thanks to the members of Council, and particularly to Councilman Tom Trutschel. Mr. Cosenza said that it was his privilege to work closely with Mr. Trutschel during the 15 years that Mr. Trutschel served as the chairman of the Parks and Recreation Committee, while he, Mr. Cosenza, was the city's Parks and Recreation Director. He recalled the tremendous support that Councilman Trutschel had given over the years to the issues involving the Parks and Recreation Department, and how much the parks have expanded and the recreational activities have increased during that time. Mr. Cosenza concluded by again thanking everyone for their service to the community.

NEW BUSINESS

Mrs. Ames expressed her thanks to everyone for what she described as a great experience of serving on Chillicothe City Council during the past eight years. She said that although she will miss it, she is proud to have David Clay take her place. She called Mr. Clay to come forward, and she ceremoniously transferred to him her thick book of the Chillicothe Codified Ordinances. She congratulated him on his election to represent the Second Ward.

Mr. Trutschel expressed his appreciation to his wife, who was seated in the audience, for her support during his 22 years on Council as the representative of the First Ward. He said that it does one's heart good to serve the people. He thanked Mayor Jack Everson for all that he has accomplished during his term as Mayor, not the least of which has been his support for the reconstruction of the Carlisle Building. He also thanked Nancy Ames and Tammy Eallonardo for their service, adding that Pres. Eallonardo had added finesse to that position. Mr. Trutschel then thanked Clerk of Council John Fosson, especially for his help when he, Mr. Trutschel, was called upon to serve as President Pro Tem. Mr. Trutschel called Josh Cartee to come forward, as the newly elected Councilman at Large, and he ceremoniously handed over to Mr. Cartee his thick book of the Chillicothe Codified Ordinances.

Mrs. Corcoran said that as chairperson of the Parks and Recreation Committee, she has acted as Council's liaison to the Parks and Recreation Board. She said that the members of the Board have asked her to extend on their behalf their appreciation to Chillicothe City Council, and especially to Councilman Tom Trutschel, for making possible all of the progress that has occurred during the past twenty some years. After providing a brief summary of the many achievements that have taken place, including the development of the Park Annex and most recently the Donald Coppel Soccer Complex, she ceremoniously presented to Mr. Trutschel a plaque from the Chillicothe Parks and Recreation Board.

Pres. Eallonardo expressed her thanks to all of the members of Council and to the Clerk of Council for their assistance to her during her tenure as Council President.

READING AND PASSAGE OF LEGISLATION

Ord. No. 131-15 to make appropriation for the current expenses and other expenditures of the City of Chillicothe, State of Ohio, during the fiscal year beginning January 1, 2016 and ending December 31, 2016, and declaring an emergency was read for the second 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 Ordinance No. 131-15 adopted.

Ord. No. 132-15 approving the action of the Planning Commission of the City of Chillicothe in approving the final plat for the Slate Creek Cove Subdivision Block “C” Land Development, accepting the public rights-of-way and easements granted within said subdivision, and declaring an emergency was read for the first time by title only. Mrs. Patrick moved and Mr. Fleurima 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 Ordinance No. 132-15 adopted.

An ordinance amending Chapters 1105, 1173 and 1141 of the Codified Ordinances of the City of Chillicothe, Ohio was read for the first time by title only.

Ord. No. 133-15 authorizing the Mayor of the City of Chillicothe, Ohio, to execute any and all documents in connection with granting a right-of-way and easement for an electrical/lighting upgrade at Mary-Lou Patton Park, and declaring an emergency was read for the first time by title only. Mrs. Patrick 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 Ordinance No. 133-15 adopted.

Mr. Trutschel moved and Mrs. Ames seconded that the regular meeting be adjourned. All members present voted “yea” and Pres. Eallonardo declared the motion adopted. Adjourned at 8:34 p.m.

Clerk of Council

President of Council

Pres. Arnold called to order the Organizational Meeting of the new term of Chillicothe City Council with the following eight members present: Cartee, Clay, Corcoran, Fleurima, Gray, Patrick, Proehl and Tatman. (Mrs. Neal absent.) There were 1 media representative and 2 other visitors present, in addition to Mayor Feeney and City Law Director Rutherford.

Pres. Arnold said that the first order of business is to appoint a clerk of council. Mrs. Patrick moved and Mr. Tatman seconded that John Fosson be appointed clerk of council. All members present voted "yea" and Pres. Arnold declared the motion adopted.

Pres. Arnold said that the next order of business is to elect a President Pro Tem. Mr. Fleurima moved and Mr. Proehl seconded that Council elect Mr. Tatman as President Pro Tem. All members present voted "yea" and Pres. Arnold declared the motion adopted.

Mrs. Corcoran moved and Mr. Clay seconded that Council excuse Mrs. Neal. All members present voted "yea" and Pres. Arnold declared the motion adopted.

Pres. Arnold stated that this concluded the official business of the organizational meeting, and that the remainder of tonight's meeting will be just an informal discussion of Council procedure. He said that he expects that he and Council will follow through with legislation as quickly as possible. He indicated that his personal preference is to get texts, as he does not check his emails every day and this is the best way to get information to him. He suggested that Council give consideration to changing its regular meeting time to 7:00 p.m., and that he will appoint a special committee of Council to look into this since it would require a change of Council's Rules and perhaps even an ordinance. He also made a suggestion that all committee meetings be conducted here in Council Chambers on the Mondays and Tuesdays that fall on the weeks when there is no regular meeting scheduled, with such committee meetings also beginning at 7:00 p.m. He explained why he feels that this would work out better, and stated that he thinks that this will speed everything up.

Pres. Arnold then passed out to each member of Council a notebook that he prepared with information, stating that if any of the information is incorrect or otherwise needs changed to let him know. He then called upon Mayor Feeney to address Council.

Mayor Feeney began by saying that he is excited to be here and to get started. He reported that there was an apparent power surge in downtown Chillicothe over the weekend, but that other than that and a few problems caused by it, today was a good first day. He said that he will be meeting with the department heads to go over matters, but that he is in no hurry to make personnel decisions. He said that he also wants to meet with individual Council members just to get an idea of where they want to go. Basically, Mayor Feeney said that he is excited to get going, but that his excitement is tempered by concerns about what needs to get done with an organization having about 250 employees. For one thing, he said that he notes that the city does not have an IT department, which is somewhat unusual for an entity this large with multiple computer systems. He said that he does view all of the department heads as a team and that he wants to work with Council in getting the city's business done. To that end, he said that he wants to get information distributed as efficiently as possible, including the effort to get information out there to the public as well. He said that he echoes what Pres. Arnold has said about setting the committee meetings of Council in such a fashion as to move legislation quickly, with having as much input from the public, the department heads, and other members of Council as possible. Mayor Feeney said that "customer service" will be the hallmark and at the forefront of all interaction and everything else with the police department. He then briefly discussed the latest revisions to the annual appropriations ordinance, and how he had personally gone through it line by line over the past week to draft some of the changes that he has proposed. He concluded his remarks by suggesting that there be a training session of some sort set up for all members of Council.

Pres. Arnold recognized, and gave the floor to Connie Riley, from the audience, who suggested that the city also provide training sessions to the members of the various boards and commissions of the city, stating that the Board of Zoning Appeals is in particular need of training, in her opinion.

Mrs. Neal arrived and joined the meeting at 6:25 p.m.

Pres. Arnold then called upon City Law Director Rutherford to address Council. Mrs. Rutherford discussed the requests for legislation that her office receives from the various committees of Council, noting that over 130 ordinances and over 15 resolutions were passed by Council last year. She reminded everyone that her office is still one person short, and must also meet strict time frames in the criminal cases handled in the Chillicothe Municipal Court. She went over some of the general rules for legislation requests, such as when emergency language is requested, the need to specify the reason for declaring an emergency. With respect to appropriations, she said that information as to the account numbers and the availability of funds must be provided.

Mayor Feeney interjected that he views the responsibility to provide account information as that of the administration. Ms. Gray said that she agrees, and that several years ago she submitted to the then president of council and to the mayor a proposed document that she had prepared for use by the administration or whoever initiated a request for legislation. She said that this proposed form was designed to elicit both documentation and other supporting information before the legislation request goes to a council committee, thereby avoiding the need for the chairman of the committee to submit requests for that information after getting an assignment. Ms. Gray said that unfortunately she did not get any response to her repeated requests for the use of the proposed form.

City Law Director Rutherford said that Ms. Gray's suggested form makes sense to her, advising that the use of such a form could also avoid her office having to send incomplete legislation requests back to a committee for additional information. She also stated that the preferred turnaround time from the submission of a legislation request to her office, to the time the ordinance or resolution is delivered to council's clerk, is fourteen days. Mrs. Rutherford said that her office is frequently given only a day or two for this, and that this is impossible to get the job done. She then provided a brief discussion of the difference between an ordinance and a resolution, and she also discussed the impact of emergency language in legislation as compared to regular legislation.

A second media representative arrived and joined the meeting at 7:05 p.m.

A lengthy discussion ensued about the requirements of Ohio's "Sunshine Law" and the training sessions that members of Council and other elected officials are required to attend. Mr. Proehl discussed the requirement to prepare minutes of committee meetings and provided examples of record keeping that he had found helpful.

Mayor Feeney asked City Law Director about the issuance of legal opinions by her office. She reviewed this subject, stating that city department heads are among those who can make such requests using a form that her office provides.

Pres. Arnold then proceeded to go through the booklet of information that he had provided. He then stated that the appointment of the chairs of the Council committees and the makeup of each committee will be formally announced at the time of the regular meeting on the 11th of January, but he proceeded to informally announce the appointments to give a heads up.

Mayor Feeney noted that there are a number of items of legislation that recur each year at about the same time, stating that he is planning to make a listing of these so that it is not a last minute situation in getting such matters through Council. He mentioned, as examples, the establishment of payroll for seasonal employees, and the authorization to apply for various grants.

Mrs. Patrick then provided a detailed discussion of the procedures and forms for handling nuisance complaints and nuisance abatement matters.

The clerk reminded everyone of the obligation to file financial disclosure forms with the Ohio Ethics Commission by the April 15th deadline, providing the information for doing this online. He also noted that the minutes of Council are available back to the year 2000, and will be emailed upon request as well as provided currently with the email transmission of legislation packets. The clerk reported that his personal desktop computer used for Council minutes and processing of agendas and legislation is over ten years old. He said that this past weekend he received an error report indicating that it could not reboot, and that upon checking with his IT consultant he learned that the hard drive may have crashed or was perhaps about to crash. The clerk indicated that he was able to get it working eventually, but that he would appreciate Council's consideration of the acquisition of a very basic PC for his use, in the not too distant future.

Mr. Fleurima moved and Mr. Tatman seconded that the organizational meeting be adjourned. All members present voted "yea" and Pres. Arnold declared the motion adopted. Adjourned at 7:27 p.m.

Clerk of Council

President of Council