

Council Chambers
Regular Meeting
February 9, 2015
7:30 p.m.

Council met in regular session with all eight members present: Ames, Gray, Neal, Patrick, Proehl, Showman, Tatman and Trutschel. There were 2 media representatives and 24 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.

Mr. Trutschel moved and Mr. Proehl seconded that the Minutes of the regular meeting of January 26, 2015, and the Minutes of the Special Meeting of February 3, 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 reported on Item #2 to provide for the adoption of post-issuance compliance policies and procedures for tax exempt obligations, on tonight’s Agenda for its third reading. Mr. Trutschel reported on Item #7 to appropriate and transfer the sum of \$650.00 to cover the balance of the cost of a new truck bed for use within street construction, on tonight’s Agenda for its first reading. Mr. Trutschel reported on Item #8 to authorize the issuance of not to exceed \$2,580,000.00 water system improvement refunding bonds to pay for certain water system improvements, on tonight’s Agenda for its first reading. Mr. Trutschel reported on Item #9 to authorize the issuance of not to exceed \$320,000.00 refuse vehicle acquisition bonds to pay the cost of acquiring two garbage trucks, on tonight’s Agenda for its first reading. Mr. Trutschel reported on Item #10 to consolidate two bond issues of the city, on tonight’s Agenda for its first reading. Mr. Trutschel moved and Mrs. Patrick seconded that Council Rule 5(a) be suspended with respect to the requirement that any subject matter brought before City Council must first be referred to the proper committee, with respect to Item #8, Item #9, and Item #10. All members present voted “yea” and Pres. Ellonardo declared the motion adopted, declaring that Council Rule 5(a) has been waived with respect to these three items, thereby permitting them to remain on tonight’s Agenda for first reading. Mr. Trutschel indicated that he will seek to pass each of these three items tonight. He explained that the city’s bond counsel drafted this legislation to be passed by Council tonight, sending it directly to City Law Director Rutherford’s office late last week.

Human Resources Committee:

Ms. Gray said that the Human Resources Committee met last Thursday, February 5, 2015, to discuss three different Council Committee Assignments. She stated that Assignment #14-168, requesting updating of Ord. No. 80-12, apparently needs to have the legislation separated, but that it will then go to the Law Director’s office for drafting. She commented on Assignment #T15-04, pertaining to part-time AFSCME pay increases. She said that this has been sent to the Law Director’s office for drafting of legislation. Ms. Gray also commented on Assignment #T15-06, requesting funding for the remainder of 2015 for the EEO Administrator, stating that this has also been sent to the Law Director’s office for the drafting of legislation.

Safety Services Committee:

Mr. Proehl reported on Item #5 to accept and appropriate \$1,000.00 in grant funds received from the David Meade Massie Trust for the Chillicothe Fire Department to purchase materials for use in schools, on tonight's Agenda for its first reading. Mr. Proehl reported on Item #6 to authorize and direct the Safety Service Director to advertise for bids and enter into contracts for annual supplies and maintenance and repair of the equipment required by the City of Chillicothe for the fiscal year 2015, on tonight's Agenda for its first reading. He said that he will seek to pass each of these two items tonight.

Utilities/Transit Committee:

Mrs. Patrick also reported on Item #8 to authorize the issuance of not to exceed \$2,580,000.00 water system improvement refunding bonds to pay for certain water system improvements, on tonight's Agenda for its first reading. Mrs. Patrick provided the status of various Utilities Department projects over the next five years, and stated that they determined that a five year payback period was appropriate for this particular debt. She said that she will seek to pass this item tonight.

Engineering Committee:

Mr. Tatman reported on Item #1 to authorize the installation of a street light at the intersection of Johnson Road and Keller Road, on tonight's Agenda for its third reading. Mr. Tatman reported on Item #3 to consent to proposal #97103 submitted by the Ohio Department of Transportation to perform bridge inspections within the city limits, on tonight's Agenda for its third reading.

Parks & Recreation Committee:

Mr. Trutschel reported on Item #4 to accept and appropriate an insurance claim payment of \$19,655.24 for damage to the roof at the Donald M. Smith Memorial Pool building, on tonight's Agenda for its first reading. He said that he will seek to pass this item tonight. He also expressed his thanks to Bill Bonner for all of his service as Chairman of the Parks & Recreation Committee prior to his recent resignation from Council.

City Services Committee:

Mrs. Neal also reported on Item #9 to authorize the issuance of not to exceed \$320,000.00 refuse vehicle acquisition bonds to pay the cost of acquiring two garbage trucks, on tonight's Agenda for its first reading.

REPORTS OF OFFICIALS

Report of Mayor Everson:

Mayor Everson welcomed Tammy Eallonardo as the newly appointed President of Chillicothe City Council, who will serve out the remainder of the term of former President Rinehart. He expressed his thanks to Mr. Rinehart for his service as President of Council. Mayor Everson said that today the United Way representatives asked him for his help in putting together a "Day of Caring" to be held in April of this year. He noted that earlier today he sent an email out to everyone on this, and said that he would appreciate replies to that email. Mayor Everson announced that there will be a meeting on Thursday of this week with the representatives of the Litter family on their proposed donation of land to the city for use as part of Yoctangee Park. He said that it is his understanding that the city representatives and the family members are close to an agreement on some proposed modifications. He requested Mrs. Ames to contact him about this prior to the Thursday meeting, or to perhaps come with him to that meeting. Mayor Everson stated that on December 31, 2014, he sent out an email concerning the Robert Davis property that is now located within the city limits, but has been requested to be de-annexed from the city. He

said that he has heard no objections to this, and that he would like to see an early resolution to this. He said that he will be submitting a request for Council action on this.

Report of Auditor Feeney:

City Auditor Feeney commented on Item #2, urging passage of this ordinance tonight. He stated that it relates to any debt that is authorized by the city, and that its purpose is to comply with tax laws. Mr. Feeney commented on Item #8, stating that we have discussed this matter quite a bit over the past two years. He said that the city's water plant has now been paid off, and that this ordinance is to set up the payment that is due on the Adena Water Project debt. He said that he feels that the five year payoff is an aggressive payment plan, and that this is being done with a bond, instead of a note that would have to be rolled over. He said that additional money has been included to cover the purchase of the two new garbage trucks, with the third ordinance being a consolidation of the two notes. As a result, he said that the city is making a commitment to also pay off both garbage trucks within the next five years. He said that the process is a bit complicated, so he is asking that the two bond ordinances be passed tonight along with Item #10. Mrs. Neal inquired if Council needs to pass Item #8, Item #9, and Item #10 on the suspension of the three reading rule tonight. Mr. Feeney responded in the affirmative. He concluded his report by also thanking Mr. Bonner for his service on City Council and for all of his help and friendship toward Mr. Feeney over the past couple of years.

Report of Law Director Rutherford:

City Law Director Rutherford said that during the past couple of weeks, her office has spent a lot of its time working on putting together the levy legislation that was certified to the Ross County Board of Elections this past Wednesday. She said that they are now attempting to get caught up, and that they have been very busy gathering information necessary to draft all of the new ordinances that have been requested. She said that some of these can be expected to appear on the Agenda for the next regular meeting of Council.

AUDIENCE PARTICIPATION

Bill Bonner of 393 Pohlman Road expressed his thanks for the comments made about him tonight. He also welcomed Tammy Eallonardo to the position of President of Council, and said "thanks so much to all of you members of Council". He said that "you made my job easier". Mr. Bonner said that he always knew that every member of Council was working in the best interests of the city, although there was disagreement at times as to how to achieve this. He said that he has always had the utmost respect for the approximately 35 different members of Council that he has worked with over the years that he was privileged to serve, first as a representative of the 5th Ward, and then as Councilman at Large. He concluded his remarks by thanking everyone who has served as a volunteer on the various city boards such as the Parks & Recreation Board, City Commissions, and other committees, and finally he expressed his thanks to the voters of Chillicothe for giving him the privilege to serve. He said that he has always felt that he has received much more from the city than he has been able to provide to the city. He said "Godspeed!"

William Barnhart of 373 McKeller spoke about the tax levies that will appear on the May primary ballot. He noted that it has been mentioned that a woman employed at the Chillicothe Fire Department is getting a raise of \$9,400.00 this year. He also noted that this particular building that we are in tonight is only in use for City Council meetings. He said that these are just two examples of money being wasted, and he said that Council has its job cut out in trying to convince voters to pass these two tax levies. He concluded by wondering how much more money Council will waste if the tax levies are passed.

Terry Williams of 371 Plyley's Lane thanked Mrs. Eallonardo for taking on the job of President of Council. He then stated that his group, Stand Up Chillicothe, is now very frustrated. He said that although they are excited that the EEO Administrator is back to work, the ball is now in City Council's court with respect to funding this position for the remainder of the year. He said that this ought to be a priority. He said that he understands that it may not be an emergency, but he urged Council to pass the legislation as soon as possible after it gets drafted by the City Law Director. Mr. Williams then proceeded to talk about the number of items on tonight's legislation

agenda that are proposed to be passed on suspension of the rules, as Council has done so many times with respect to other legislation in the past. He said that many people in his group are now doubting the resolve of this Council to fund the EEO. He stated that three members of this Council have given their commitment to his group to suspend the three reading rule and to pass the legislation as soon as it comes before Council, and he urged the other members of Council to make similar commitments.

Jean Kearney of 34 Braewood expressed her thanks to Mayor Everson for reconsidering his position on the matter, and for bringing back the EEO Administrator. However, she said that she was very disappointed that when this matter was originally brought up last year, nobody on City Council spoke up to ask whether there might be an alternative to doing away with the position. She said that she served on City Council over thirty years ago, and that she was one of those who fought hard for the establishment of this position. She said that recently, she has checked the city's list of employees, and that she sees a problem. She said that the EEO Administrator is so important. She suggested that others check the list of employees in the Auditor's office, the Police Department, and other departments. She said that Chillicothe's children need to be able to "see somebody who looks like them" doing these jobs. Mrs. Kearney said that she continues to be disappointed that nobody on City Council has been speaking out in support of the EEO Administrator. She said that "silence isn't always golden". She stated that "we need your voices". She indicated that if the members of Council do try to get around the funding of the EEO Administrator, this will send a message out to the community.

Tamra Lowe, of 602 Garden Drive, expressed her congratulations to President Eallonardo also. She stated that she initially planned to talk about the importance of the EEO Administrator here tonight. However, she said that she decided that she does not wish to insult the members of Council. She said that if you do understand it and if you still vote to not fund it, then shame on you. She proceeded to again go over the events that have transpired during the past several weeks and to discuss the failure of Council to fund EEO. She stated that she had a strong belief that her EEO appeal would have brought about the same result as now, with her being reinstated. She said that in the process of dropping her appeal, she made an agreement that she believed was being made in good faith by both sides. She said that this included the representation to her that EEO would be fully funded for the remainder of 2015. However, she said that since then she has learned that some members of this Council have been playing what she called a shell game. She then discussed her feelings of being "in limbo" as to the funding of EEO, stating that she does not know at this point whether she is part-time or full-time. She said that at least one member of City Council has taken to social media to talk about the prospect of either going ahead with the funding of EEO, or hiring another police officer. She asked if she is going to be blamed if somebody suffers because a squad does not arrive in time, or because a police officer is not available to respond to a call? She said that this is not fair for her to be put in such a position when all she is asking is that she keep her job and that EEO be funded.

PETITIONS AND CORRESPONDENCE

The Clerk reported upon the receipt of a letter dated February 4, 2015, from Jessica Gardner, of Abel Acres, Walbuck Development Company, giving notice to the city that they have proposed a development of 32 units of new construction of affordable housing for the elderly in Chillicothe, located at 960 Toledo Street/Columbus Street. The clerk indicated that the notice states that the city has a right to submit comments and/or objections within thirty days within the date of the notice.

COUNCIL ASSIGNMENTS AND CALENDAR

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

- #T15-02-Finance-Street and alley paving levy;
- #T15-03-Finance-Safety Levy;
- #T15-04-Human Resources-Adopt the part-time pay increase as negotiated with the AFSCME Union;
- #T15-05-Engineering-Update the city sign ordinances;

#T15-06-Human Resources-Appropriate funding for the EEO Administrator position for the remainder of calendar year 2015;

#T15-07-Finance-Appropriate additional funds in the amount of \$650.00 to cover the cost of a new truck bed;

#T15-08-Utilities-Look into requiring the Advertiser and any other unsolicited newspaper to require a firm phone number so that residents will have the opportunity to request non-delivery;

#T15-09-Community Affairs-Request a look into farm animal regulations within city limits and the possible ban of farm animals on city property;

#T15-10-Parks & Recreation-Request for resolution granting use of the City Park and surrounding streets for the annual Feast of the Flowering Moon; and

#T15-11-Engineering-Request to add language to the current parking ordinance that would allow the police to ticket vehicles that have been parked in the front or side yards where there is no driveway or curb cut.

READING AND PASSAGE OF LEGISLATION

Ord. No. 7-15 authorizing the installation of a street light at the intersection of Johnson Road and Keller Road was read for the third time by title only. On final passage, all members present voted “yea” and Pres. Eallonardo declared Ord. No. 7-15 adopted.

Ord. No. 8-15 Providing for the adoption of post-issuance compliance policies and procedures for tax exempt obligations was read for the third time by title only. On final passage, all members present voted “yea” and Pres. Eallonardo declared Ord. No. 8-15 adopted.

Ord. No. 9-15 consenting to proposal #97103 submitted by the Ohio Department of Transportation to perform bridge inspections within the city limits, and declaring an emergency was read for the third time by title only. On final passage, all members present voted “yea” and Pres. Eallonardo declared Ord. No. 9-15 adopted.

Ord. No. 10-15 accepting and appropriating an insurance claim payment in the amount of \$19,655.24 received for damage to the roof at the Donald M. Smith Memorial Pool building, and declaring an emergency was read for the first time by title only. Mr. Trutschel 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. 10-15 adopted.

Ord. No. 11-15 accepting and appropriating \$1,000.00 in grant funds received from the David Meade Massie Trust; and declaring an emergency was read for the first time by title only. Mr. Proehl 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. 11-15 adopted.

Ord. No. 12-15 authorizing and directing the Safety Service Director to advertise for bids and enter into contracts for annual supplies and maintenance and repair of the equipment required by the City of Chillicothe, Ohio for fiscal year 2015, and declaring an emergency was read for the first time by title only. Mr. Proehl 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. 12-15 adopted.

Ord. No. 13-15 appropriating and transferring the sum of \$650.00 to cover the cost of a new truck bed for use within Street Construction and declaring an emergency was read for the first time by title only. Mr. Trutschel moved and Mr. Proehl 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. 13-15 adopted.

Ord. No. 14-15 Authorizing the issuance of not to exceed \$2,580,000.00 water system improvement refunding bonds for the purpose of paying outstanding notes issued in anticipation of the issuance of bonds of said city for the purpose of paying for certain water system

improvements, 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 Ord. No. 14-15 adopted.

Ord. No. 15-15 authorizing the issuance of not to exceed \$320,000.00 refuse vehicle acquisition bonds for the purpose of paying certain notes issued for the purpose of paying the cost of acquiring two garbage trucks, together with all necessary appurtenances thereto, and declaring an emergency was read for the first time by title only. Mrs. Neal moved and Mrs. Patrick seconded that the three reading rule be suspended, placing this item on final passage. All members present voted “yea” and Pres. Eallonardo declared the rule suspended. All members present then voted “yea” on the item itself, and Pres. Eallonardo declared Ordinance No. 15-15 adopted.

Ord. No. 16-15 consolidating two bond issues of the City of Chillicothe, Ohio, and declaring an emergency was read for the first 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 Ordinance No. 16-15 adopted.

Ms. Gray moved and Mrs. Neal seconded that the regular meeting be adjourned. All members present voted “yea” and Pres. Eallonardo declared the motion adopted. Adjourned at 820 p.m.

Clerk of Council

President of Council