

Video Conference  
Regular Meeting  
August 24, 2020  
7:00 p.m.

Council met via video conference in regular session with all nine members present: Phillips, Payne, Nickerson, Tatman, Lewis, Gillum, Shoemaker, Corcoran and Proehl. Also, in attendance were Mayor Feeney, City Law Director Villarreal, City Auditor Spetnagel and Information Technology Specialist Paul Gillum. This meeting was video conferenced due to the COVID-19 pandemic and followed the guidelines of the Ohio Attorney General, Dave Yost, allowing the public to listen to the meeting safely.

Ms. Lewis moved and Ms. Nickerson seconded that the minutes of the regular meeting of August 10, 2020, as well as the special Council meeting of August 17, 2020, be accepted and approved, as submitted by the Clerk. All members present voted “yea”, and President Arnold declared the motion adopted.

## **COMMITTEE REPORTS**

### **Safety Service Committee:**

Ms. Gillum stated that the Safety Service Committee did not have any items on the agenda. She did, however, mention that there was new legislation in the works.

### **Development Committee**

Ms. Nickerson stated that the Development Committee did not have any items on the agenda; therefore, there was nothing to report.

### **Finance / Technology Committee**

Mr. Proehl reported the Finance Committee had two items on the agenda, the first being Item #3, which is the third reading for appropriating funds in the amount of \$46,062.00 for necessary technology upgrades at the City Administration Building and declaring an emergency. He added that a lot of this has to do with upgrades to the servers. He also mentioned Item # 7, which is appropriating funds in the amount of \$2,275.00 for Law Director’s office telephone and internet service for the remainder of 2020 and declaring an emergency. Mr. Proehl stated that at the appropriate time he will request to waive the three-read rule, seeking to pass these items tonight as well so that these bills can be paid.

### **Engineering Committee**

Mr. Shoemaker stated that the Engineering Committee did not have any items on the agenda, but that he did submit four requests for legislation to the Law Director’s office earlier in the week. He stated that a couple of them will take a little longer as the legislation is a little more complicated but that Council will most likely see the following soon: Assignment #20-071, which is an appropriation of \$90,000 in accordance with Ordinance No. 70-02 to reimburse Sunrush Enterprise, LLC for infrastructure improvements on Western Avenue; Assignment #20-078, which is the alley dedication of Hinton Way alley; Assignment #19-045, which is for the conversion of Second Street to 2-way traffic; and Assignment #20-076, which is the parking meter legislation that has multiple parts. He said that he can’t guarantee that the last two will be on the next meeting’s agenda, but that they will be forthcoming very soon.

### **Utilities Committee**

Mr. Tatman reported that the Utilities Committee had three items on the agenda. Item #1, which has to do with the changes on the charges for the water taps, user capacity fees, and other special services and is up for the third reading. Item #2, which is appropriating \$25,000 for the purchase of Utilities Department water meters and is also up for the third reading. Item #4, which is up for the second regarding adopting the revised Utility Department Rules & Regulations and repealing the current Rules & Regulations. Mr. Tatman stated that he would like to have this read tonight but on the condition that Section III, Article 1 – Account Responsibility, be pulled from the legislation so that it will not be in the third reading. He said that Council will have a meeting so that we can get everybody to understand about this part of the legislation. He reiterated that the

section regarding “account responsibility” will not be included in the third reading and that a meeting will take place as soon as they are able to have a public meeting to discuss.

Mr. Proehl asked for clarification if the section that Mr. Tatman was removing deals with putting the responsibility on the land owners / property owners.

Mr. Tatman replied “yes” and further stated that would be the focus of the meeting they will have, which will have to be a public meeting so that everyone gets the opportunity to voice their opinions and concerns. He added that there is no sense in not passing the rest of the legislation since Pat Patrick and Dave Fishel had worked very hard on it. He said he trusts Pat and knows that she had worked on it for a long time. He said that there seems to be a problem with this one item, so he would like to take it out, but he would like to get the rest of this legislation passed.

### **City Services / Transit Committee**

Ms. Lewis reported that the City Services Committee had one item on the agenda, Item #5, which is the second reading for adding Section 917.20, Duty to Collect and Dispose of Items After Eviction, to the Codified Ordinances of the City of Chillicothe, Ohio. She also stated that there will be more legislation to come from this committee.

### **Community Affairs Committee**

Mr. Phillips stated that the Community Affairs Committee did not have any items on the agenda; therefore, there was nothing to report.

### **Human Resources Committee**

Ms. Payne reported that the Human Resources Committee had one item on the agenda, Item #6, which is authorizing the Mayor to grant personal leave (PTO) to new or rehired non-bargaining employees who have extended experience or knowledge. This will go on to the second reading.

### **Parks / Recreation / Tourism Committee**

Ms. Corcoran stated that the Parks & Recreation Committee did not have any items on the agenda; therefore, there was nothing to report.

## **REPORTS OF OFFICIALS**

### **Report of Mayor Feeney:**

Mayor Feeney said that he would like to report briefly on Councilman Tatman’s suggestion to essentially bifurcate the legislation related to the Water Department. He stated that he supports that concept and that he thinks that there are ideas that could go forward and be passed by Council that are not controversial. He stated that he thinks that both Council and the public would benefit from the opportunity to discuss and be informed on this topic and present again the legislation if they so choose with both the public’s input and Council’s input. He said that he thinks it is a good idea and that he has already spoken with the Utilities Director, Dave Fishel, who is in support of this and also has made himself available for those committee meetings and public discussions. He said that he thinks it is a good compromise on this topic and that he supports it.

Mayor Feeney stated that a couple of items of note for the public, one is that he would like to thank Chuck Halm for his dedicated service to the Chillicothe – Ross County Health District. Mr. Halm has served for 21 years, and this past month he has resigned. He said that that level of dedication to this community and the health of our community may be no more important that it has been in the last several months. He saw the district through the passage of a new levy and has really worked well with the District Advisory Council and the other Board members. He said thank you to Chuck for his service to this community and stated that it has really been impactful and he is a really important person to this community.

Mayor Feeney stated that he would like to present to Council a new person to step up to the Health District Board. He said she is a family care physician at Hopewell Health Centers, Dr Sanju Mahato. Mayor Feeney said that she has a specific interest in public health and that will actually make three doctors representing the City’s appointments to the Health District Board. The other doctors are Dr. Jennifer Allen and Dr. David McKell. He said that he would respectfully ask for Council’s support in that appointment and vote tonight to do that so we can get back to our full staff on that Health

District Board.

Mayor Feeney stated that there is another appointment and this would be to the Downtown Development Commission. A person who, due to various unfortunate circumstances earlier in the year, did not make it on an agenda for appointment to vote, Bethany Snowden. Ms. Snowden is a business owner, realtor, and also has downtown business interests. He stated that he is recommending her appointment to an unexpired term on the Downtown Development Commission and thinks she would be a great addition. He added that she has actually attended DDC meetings even before being appointed and expressed interest most recently related to the park.

Mayor Feeney also wanted to update Council on a few things the City Auditor will probably touch on. He said that the City is going to be starting on budget processes with department heads much earlier than normal. He said the scrutiny this year will be intense and proposals will be difficult. Something that they proposed a couple of years ago was the consideration of a temporary budget, which is permitted under the Ohio Revised Code and is something that he thinks we should revisit again this year. He also restated the October 15<sup>th</sup> deadline to commit our CARES Act money and said that they will have proposals in front of Council in the upcoming weeks on how we want to commit that money.

**Report of Auditor Spetnagel:**

City Auditor Spetnagel stated that they are beginning the budget process and getting everything gathered up so they can start with the department heads. She said that they want to get the processes started early so that way they can spend a little more time going through all of the needs and possibly doing a temporary budget. She stated that they will be coming to Council soon with some more information on that. Auditor Spetnagel stated that they are working on the COVID expenses and that they will be coming to Council soon with a plan for that as well.

**Report of Law Director Villarreal:**

City Law Director Villarreal stated that her office did not have anything additionally, as far as new, as most things are currently pending. She said that she did have some questions that she is apparently going to have to discuss with Mayor Feeney with regard to bifurcation and even if it is legally possible.

**Report of President Arnold:**

President Arnold said that he had one thing to say with this legislation moving forward and that he was actually going to ask Law Director Villarreal for some information on this and where Council should go. He stated that there appears to be some changes to this legislation as it is being read, and if it is going to be read tonight, they should make it clear that it is being read with that section in or without that section in. If that section is going to be taken out, that becomes a pretty good sizable part that becomes a pretty important part of that legislation. He asked for some advice as to whether or not Council needs to make corrections before they read it before it moves on, or should they stop at any point before they go any further.

City Law Director Villarreal answered that that is what she was talking about that she wanted to discuss with Mayor Feeney. She said from her position, if you have a first reading on something and then a second reading, what you are reading should be the same throughout. She said you can't modify something or take something out and decide you are going to change it during the second reading and the third reading. She said that is the whole purpose of having three separate readings. She added that from her perspective if it is going to be morphed dramatically like that you are going to have to start from scratch and start with the first reading. She said she does not know how else you are going to justify having three readings on three documents that are not the same.

President Arnold asked Mayor Feeney if he wanted to weigh in on the question. Mayor Feeney said that he didn't have Council rules in front of him, but he thinks that Council rules address modification of language. He said he thinks there is some language around whether or not the change is substantive, and he believes it is the Council President's discretion, probably with the advice and counsel of the Law Director, as to whether or not that language is substantive. He said that he does not know if the elimination of language qualifies for that or if it would be more of a matter of adding language. He said he would error on the side that if you add language to something, that inherently changes the nature of the legislation. If you reduce the scope of it, you are not adding something that has not been read before at the last minute; you are just taking stuff out to more match the desire of Council. He stated that if the question is whether or not to read

again tonight, he said he can not answer where that stands. He apologized for his paraphrasing of the Council rules, but he thinks that is a close approximation of what they are.

President Arnold stated that here is what Rule 10, Section (d) says: "Amended legislation retains the same status, in terms of readings, it had prior to amendment, unless, in the opinion of the President, the proposed legislation has been substantially changed by the amendment (in which case, it will go back to first reading status)."

President Arnold said that it does not need to be replaced by new legislation. He added that he sees the point that the legislation stays the same, and it is just taking something out. He said that before Council reads it tonight, he feels that they do need to make a motion to point out that a section is coming out. He said since it is not an addition or making corrections or changes, he will say that it is not substantially enough to stop it and go back to the first reading; but he does think that a motion needs to be made.

Mr. Tatman moved and Mr. Proehl seconded to remove Section III, Billing for Service, Article 1, Account Responsibility, that deals with the person or persons that are responsible for the water bill. All members present voted "yea", and President Arnold declared the motion adopted.

President Arnold stated that Mayor Feeney has put forth a couple of appointments. Dr. Sanju Mahato appointed to replace Chuck Halm in the Health District Board, and Bethany Snowden appointed to the Downtown Development Commission.

President Arnold inquired if there was a motion to accept these two people for appointments to these Boards. Ms. Payne moved and Mr. Phillips seconded the motion. All members present voted "yea", and President Arnold declared the motion adopted.

President Arnold also mentioned that Council has not had any discussions on the facilities since earlier in the year. He said they were holding meetings on the third Monday of the month, and they had just completed a tour of the facilities. He said that he thinks that they ought to get back into discussing them. He said he knows money is going to be an issue moving forward, but that he would still like for Council to come up with some long-range plans as to where they can move forward with the facilities. He said the next third Monday will be September 21<sup>st</sup>, and he will call for a facilities meeting on that night at 6:30 p.m. He said he thinks it will be very beneficial.

## **PUBLIC PARTICIPATION**

President Arnold provided information during the public participation portion of the Council meeting to enable the public to communicate with City Council if desired. He added that contact information for any other time is on the website for each Council person if anyone needs to contact them. He also invited anyone who would like to be added to his mailing list to contact him directly.

Mr. Shoemaker stated that he received a message from a citizen and asked if he may ask the question on their behalf. President Arnold replied that he may. The person's question was regarding the deposits on the Utilities Rules & Regulations, and they wanted to know if that would be part of the additional discussion on the rules.

Mr. Tatman answered that it is not. He said that what they are going to be discussing is who will be liable for the water bills.

A call was received by a citizen (no name or address provided) who said he wanted to ask about the elimination of deposits. He said that with the removal of the part of legislation that put the responsibility of the bill into the property owner's name, he wanted to know if that also removes the elimination of deposits.

Dave Tatman answered that no it does not.

The citizen asked again that once the legislation goes to a third reading and if that passes, does that eliminate the deposits.

Mr. Tatman stated that the deposit is not in this section of this legislation.

## COUNCIL ASSIGNMENTS AND CALENDAR

President stated that there will be a facilities meeting on September 21<sup>st</sup> at 6:30 p.m.

The next Council meeting will be September 14<sup>th</sup> at 7:00 p.m.

President Arnold announced that there are new committee assignments since the last meeting, some of which are on this meeting's agenda, for inclusion in the Journal of Council:

**Finance:** Request for legislation appropriating funds in the amount of \$2,275.00 for Law Director's office telephone and internet service for the remainder of 2020.

**City Services:** Request for legislation to appropriate \$30,000 for Public Lands & Buildings natural gas for the remainder of the year.

**City Services:** Request for legislation to appropriate \$9,000 for HVAC repairs in the City Administration building.

## READING AND PASSAGE OF LEGISLATION

Ord. No 69-20 relating to fees the City of Chillicothe Water Department will charge for water taps, user capacity fees, and other special services and repealing ordinance 74-02 was read for the third time by title only. All nine members present voted "yea" on the item, and President Arnold declared Ordinance No. 69-20 adopted.

Ord. No 70-20 appropriating \$25,000.00 for the purchase of Utilities Department water meters was read for the third time by title only. All nine members present voted "yea" on the item, and President Arnold declared Ordinance No. 70-20 adopted.

Ord. No. 71-20 appropriating funds in the amount of \$46,062.00 for necessary technology upgrades at the City Administration Building and declaring an emergency was read for the third time by title only. All nine members present voted "yea" on the item, and President Arnold declared Ordinance No. 71-20 adopted.

An Ordinance adopting the revised Utility Department Rules & Regulations, repealing the current Rules & Regulations was read for the second time by title only.

An Ordinance adding Section 917.20, Duty to Collect and Dispose of Items After Eviction, to the Codified Ordinances of the City of Chillicothe, Ohio was read for the second time by title only.

An Ordinance authorizing the Mayor to grant personal leave (PTO) to new or rehired non-bargaining employees who have extended experience or knowledge was read for the first time by title only.

Ord. No. 72-20 appropriating funds in the amount of \$2,275.00 for Law Director's office telephone and internet service for the remainder of 2020 and declaring an emergency was read for the first time by title only. Mr. Proehl moved and Ms. Gillum seconded that the three-reading rule be suspended, placing this item on final passage. All nine members present voted "yea" and President Arnold declared the rule suspended. All nine members present then voted "yea" on the item itself, and President Arnold declared Ordinance No. 72-20 adopted.

Mayor Feeney said that for the point of order with deference to the Clerk and Council that he thinks the item related to water billing probably should have had an "as amended" clause in the reading to reflect the amendment tonight so that it is not inadvertently brought forward as originally drafted.

President Arnold said to go back to Item #4 and to re-read it as it is with the amendment added this time.

An Ordinance adopting the revised Utility Department Rules & Regulations, repealing the current Rules & Regulations, amending to remove Section III, Billing for Service, Article 1, Account Responsibility, was read for the second time by title only.

Ms. Nickerson stated that there were a couple sections that pertain to the billing.

Ms. Corcoran stated that they are referring to the section that pertains to account responsibility, and Mr. Tatman confirmed that.

Ms. Nickerson replied, "I don't like this."

Mayor Feeney said that he just wanted to make sure that the process is that Council will be supplied with a new draft of the legislation as amended in advance of the next meeting.

Law Director Villarreal answered yes that she believes that is correct. She said that they need to look at it, but that she is still not okay with all of it, but that she is not voting.

Ms. Nickerson asked that shouldn't the amended request go back to a first reading?

President Arnold replied not unless it is a substantial portion of the legislation, and since they are taking something out and not putting something in, he does not feel that it is a substantial part of the legislation. It is a removal and not an addition. Otherwise, there are no other changes to the rest of the legislation.

President Arnold inquired if there was a motion to adjourn.

Ms. Lewis moved and Ms. Nickerson seconded that the regular meeting be adjourned. All nine members present voted "yea" and President Arnold declared the motion adopted. Adjourned at 7:48 p.m.

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Clerk of Council

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President of Council