

Council Chambers
Regular Meeting
October 11, 2021
7:00 p.m.

Council met in regular session with all nine members present: Phillips, Payne, Nickerson, Tatman, Lewis, Gillum, Fairrow, Corcoran and Proehl. Also, in attendance were a few visitors in the audience, in addition to Mayor Feeney, Auditor Spetnagel and Assistant Law Director Miller.

President Arnold led the Pledge of Allegiance to the Flag.

Ms. Nickerson moved and Mr. Phillips seconded that the minutes of the regular meeting of September 27, 2021 be accepted and approved, as submitted by the Clerk. All members present voted "yea", and President Arnold declared the motion adopted.

COMMITTEE REPORTS

Community Affairs Committee:

Mr. Phillips stated that the Community Affairs Committee had Item #2 on the agenda, which is an Ordinance appropriating \$7,500.00, for the Ross County Reentry Coalition. He said that this would go onto a second reading. He also stated that they held a committee meeting on assignment #21-085, which is a review for community funding requests. He said they got a lot of good input from Ms. Spetnagel, committee members, and other members as well, and they are making some traction on that and will continue to do so. He added that hopefully they will have some things to help them with the 2022 budget when it comes to requests to the City for funding and how to be more equitable and a better watch dog of those funds. He also said he wanted to give a shout out to the Tree Commission. As a resident of Brewer Heights, it was nice to see them over Friday planting a lot of trees, and he said he thinks it is going to be really awesome to see those trees mature, and that the Tree Commission did a great job.

Human Resources Committee:

Ms. Payne stated that the Human Resources Committee did not have an item on the agenda and that there was no new information to report on.

Development Committee:

Ms. Nickerson stated that the Development Committee had nothing on the agenda and nothing new to report.

Finance / Technology Committee:

Mr. Proehl stated that the Finance / Technology Committee had three items on the agenda, Item #1, which is a first reading of an Ordinance allowing the City Auditor to transfer appropriated dollars between salaries and fringes, within the same fund if needed on an emergency basis for the remainder of the year 2021 an declaring an emergency. He said at the appropriate time he will ask to waive the three-read rule so that this could be put into place to handle those salaries and fringes. Item #3, which is an Ordinance appropriating funds for various end-of-year expenses and declaring an emergency. He said he will also be asking that Council waive the three-read rule at the appropriate time so that these funds can be appropriated in a timely fashion. Item #5, which is a first reading of an Ordinance appropriating \$4,000.00 in insurance funds received as security as the result of a structure fire at 249 Park Street, Chillicothe, Ohio, and declaring an emergency. He said again he will ask that Council waive the three-read rule at the appropriate time so that these funds can be put to use.

Parks & Recreation Committee:

Ms. Corcoran stated that the Parks & Recreation Committee had nothing on the agenda.

Safety Service Committee:

Ms. Gillum stated that the Safety Service Committee had four items on the agenda, Item #4, which is the first reading of an Ordinance accepting and appropriating \$3,807.36 from the High Intensity

Drug Trafficking Areas funds as reimbursement for Police overtime. She said at the appropriate time she will be requesting that Council waive the three-read rule. Item #6, which is a first reading of an Ordinance accepting and appropriating grant funds in the amount of \$750.00 for the Fire Department's Senior Home Inspection Program. She said at the appropriate time she will be requesting that Council waive the three-read rule on that as well. Item #7, which is the first reading of an Ordinance appropriating \$4,886.00 for the purchase of replacement chairs for the Chillicothe Police Department. She said that they are going to let that go onto a second reading. Item #8, which is a first reading of an Ordinance appropriating funds in the amount of \$41,000.00 for repairs at Fire Station 4 including rood replacement, door and window replacement, and additional repairs and declaring an emergency. She said she will be requesting that Council waive the three-read rule on that. She said those funds became available to appropriate due to Council taking the new fire station off the agenda.

City Services / Transit Committee:

Ms. Lewis stated that the City Services Committee had no items on the agenda. She said that the Special Committee that President Arnold had assigned met last week to discuss assignment #21-089 regarding the exploration of a Public Arts Committee. She said she did some research and passed it out to the group and a good discussion and feedback was had. She said they will have a meeting in the future to discuss everything that they looked over.

Utilities Committee:

Mr. Tatman stated that the Utilities Committee did not have anything on the agenda tonight.

Engineering Committee:

Mr. Tatman stated that the Engineering Committee had nothing on the agenda tonight as well.

REPORTS OF OFFICIALS

Report of Mayor Feeney:

Mayor Feeney stated that he is actually without comment on any of the items on the agenda but that he would go into a couple City updates. He said you might be seeing progress on demolition of the tin shed in the park. He said it actually opened up the park nicely, and from the parking lot at diamond one you can see Mount Logan now. He said it just shows the difference a big ugly metal building makes when it comes down. He said the next building coming down will be the old service building on Riverside Street.

Mayor Feeney said he is happy to announce the receipt of a COPS Grant in the amount of \$200,000. He said for the past year the City has had a collaboration with the Health District and a grant that has been funding a social worker in the Police Department; somebody embedded to sort of take off some of the work of the Police Officers in terms of connecting people to resources and that sort of thing. He said she has become a community resource even beyond the Police Department. He said the City will be able to fund her position with this grant for two more years, and in addition they will be able to do about \$60,000 over those two years in de-escalation training. He said it is a de-escalation grant that will pay for the personnel as well as a really significant amount of training for the department.

Mayor Feeney stated that he had a really good meeting with Mr. Miller from the Law Director's office last week. He said from a lot of Council members we have been hearing your frustration on dilapidated buildings, particularly abandoned homes in neighborhoods. He said it is an area where he has been frustrated with for many years, and ultimately, he thinks that our Code might need some reworking. He said we appear to have made some progress on an approach, and he just wanted to thank the Law Director's office and Mr. Miller for that meeting. He said they have a committee assignment request drafted for the funding of demolition of buildings that do not respond to requests for improvements or demolitions, and that will be coming to Council soon and they look to make progress on that matter. He said just all around it seems like things are continuing to head in the right direction.

Report of Auditor Spetnagel:

Auditor Spetnagel stated that she did not have anything to report tonight.

Report of Assistant Law Director Miller:

Assistant Law Director Miller stated that he would like to add on to what the Mayor was talking about on the demolition of properties initiative. He said that is so important for many different reasons. He said he can remember back living in the Fourth Ward running for Council and hearing over and over again from property owners what can we do. He said he is sure Mr. Tatman hears about that all the time, too. He said this is more than a beautification issue, and he said he thinks sometimes communities are a little gun shy with the idea of demolishing properties, because it is such a huge step. He said it is not as much of a beautification issue as it is a safety issue. He said you have structures in this City that are open from the first floor to the second floor that are right next to playgrounds, and we know that they are problematic. We know that we have legislation in place to deal with them, and yet it is such a huge step we get a little bit gun shy of enforcing it. He said he truly thinks that we need to, as a community, reprogram our thoughts on that and think about it in terms of a safety issue. He said in this community we have warned property owners of unsafe properties for months, and he said he would just add that if any of those properties we know of are nuisances in an unsafe way and end up injuring a child, then we stand to be liable for that as well. He said for that reason he really thinks that the community needs to reprogram the way they feel about that. We are never afraid to replace windows or replace a roof, and what we are basically doing is correcting and abating safety issues on just a slightly bigger scale. He said quite frankly some of these property owners that aren't a part of this community might be thankful for that initiative. He said we have laws in place and they spoke with the Mayor and everybody involved in it last week about how to just follow the law to make it happen, and she said he encourages Council to do that. He said we have laws in place in this city for a reason, they are solid laws, and if we follow them, we are okay in following them.

Assistant Law Director Miller also stated that Councilperson Gillum and he have been talking a little bit about the livestock within the city limits issue that has been kind of on the table and discussed for quite some time. He said the two of them have worked a little bit together in trying to make that a thing. He said he has actually had some experience in another community with drafting some legislation like that, and he said he knows that she is actively looking at that and trying to figure out what we need to add, subtract, or modify from things he has seen work.

Assistant Law Director Miller said the last thing he wanted to say is he really wants to encourage the City residents to pay attention to the Community Arts initiative that Councilperson Lewis has put out there. He said this is a huge deal that in his opinion is really being created with some vision that we don't see a lot in city legislators. He said he wants to encourage people in the community who are able to support that financially or otherwise to really consider doing that. He said she has talked about this as being a possibility of including educational issues, educational programming with kids possibly as a part of that initiative. He said that is something that is falling away from typical legislation in cities like ours, and he said he wants to applaud Councilperson Lewis for taking that initiative. He said the Fifth Ward is extremely lucky to have her and the City is extremely lucky to have her. He said to pay attention to that and get involved in that even if you are not asked, to make it your goal to be involved in that. He said those are three things that he thinks are good progress for this city, and with those three things he hopes that you are looking forward like this Council always seems to be doing, and our residents get behind this Council for doing so.

Report of President Arnold:

President Arnold said that unfortunately he did not have anything to say, indicating that Mr. Miller is hard to follow. He said we do have Halloween coming up, and at the last meeting the Mayor had given some dates and times (Thursday, October 28th from 6:00 pm – 7:30 pm, with a back up date of Saturday, October 30th from 2:00 pm – 3:30 pm if necessary). He said we will have another meeting prior to that.

AUDIENCE PARTICIPATION

Kenneth Starr of 266½ E. Main Street in Jackson, Ohio. He said is actually not a resident of Chillicothe but he has been tracking an incident that has taken place in Chillicothe. He said he has passed around some information for Council to view prior to him speaking. He said he would like to start by reading a quote from the late MLK, Jr. "May I stress the need for courageous, intelligent and dedicated leadership. Leaders of sound integrity, leaders not in love with publicity but in love with justice, leaders not in love with money but in love with humanity. Leaders who can subject their particular egos to the greatness of the cause." He said the cause he is here to promote today is accountability. He said on September 3rd, Officer Arbogast of the Chillicothe Police Department

was involved in a car accident on East 2nd Street. He said Arbogast reportedly was traveling 60 mph with no lights and no sirens on, in direct violation of Chillicothe Policy 108. He said Arbogast went slightly airborne when he crossed the railroad tracks, which caused him to lose control of his cruiser and strike a parked vehicle. He said Arbogast then over corrected and struck a second car. In total Arbogast totaled three vehicles and damaged a fourth. He said after he finished the videos of that night, he continued on to read the incident report that was drafted by Sergeant Shanks four hours later. He said that incident report left out a bunch of incriminating statements that the officer had made, such as “I came across the tracks a little hot”, and “I was scootin’ “ He said there were also several other key components that were required to be in that incident report pursuant to policy 29. He said he proceeded to finish reviewing those items that were supplied to him, and he realized that he had not received a memo that should have been drafted by the investigating Sergeant Shanks and sent to the Chief of Police within 24 hours of the incident. He said he then went back to the Chillicothe Police Department and asked for that memo. He said he asked Captain Short why he was not supplied with that memo in the first place, but he refused to comment. He said Captain Short did send him that memo later that day. He said the memo was the most egregious document he had seen. Contained in the memo Sergeant Shanks finds that the crash should be deemed carelessness pursuant to Policy 51. He said that email was sent to Captain Dubay and it was at this time that Captain Dubay requested Sergeant Shanks inquire about Arbogast ‘s speed that night. In the memo Sergeant Shanks recounts what Arbogast had told him, approximately 60 mph. Unfortunately, Arbogast’s reported speed never made it into the incident report nor any supplemental report. He said the series of events that he had just laid out are exacerbated when you understand the full context of this incident. He said the crash happened September 3rd at approximately 1:00 am, a narrative was drafted about four hours later. The memo was sent on September 6th. He said Arbogast received a written reprimand for violating City Code 479.4 Unsafe Operation of a Police Vehicle on September 10th. He said he came in and made his public records request on September 17th, and then five days later after he came in and made his request, Arbogast received his citation for violating City Code 331.34A Failure to Control. He said the write up was on the 10th and then it took 12 days from the conclusion of that investigation for the officer to be cited for his failure to control, five days after he came in to request this information. He said he believes that what took place was the senior officers of the Chillicothe Police Department did their best to sweep this under the rug and to not cite the officer for his violation of the two City Codes. He said it just strikes him as inherently unfair. He said he had an officer tell him just last week that he is a good guy, and he should just let it go. He said he knows that there are thousands of good people that make mistakes every year crashing cars and killing people, and those people will get punished more severely than that officer did, and Sergeant Shanks was never punished for his willful intent to do a bad report, so that when the newspapers and public asked around about this, they wouldn’t understand the full context of what happened that night. He said he stands before this Council and in front of this Mayor and he asks does Chillicothe have courageous, intelligent, and dedicated leaders, leaders of sound integrity who are willing to codify new law or use their executive position to make sure justice can be done for these victims. He asked can somebody codify a law or use your executive power to make sure that when cops mess up that they are fully investigated just like anybody else in America would be and that its not tried to be swept under the rug for no reason. He said he appreciated Council for letting him have his monologue and thank you for letting him come there today.

COUNCIL ASSIGNMENTS AND CALENDAR

President Arnold announced that the next Council meeting will be Monday, October 25th at 7:00 p.m. in Council Chambers.

President Arnold announced that there is a new committee assignment since the last meeting, which is on this meeting’s agenda, for inclusion in the Journal of Council:

Finance: Request for legislation to appropriate funds for various unappropriated funds for end-of-year expenses.

READING AND PASSAGE OF LEGISLATION

Ord. No. 68-21 allowing the City Auditor to transfer appropriated dollars between salaries and fringes within the same fund if needed on an emergency basis for the remainder of the year 2021 and declaring an emergency was read for the first time by title only. Mr. Proehl moved and Ms. Lewis 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. 68-21 adopted.

An Ordinance appropriating \$7,500.00 for the Ross County Reentry Coalition and declaring an emergency was read for the first time by title only.

Ord. No. 69-21 appropriating funds for various end-of-year expenses 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. 69-21 adopted.

Ord. No. 70-21 accepting and appropriating High Intensity Drug Trafficking Areas (HIDTA) funds in the amount of \$3,807.36 as reimbursement for Police overtime, accepting and automatically appropriating all HIDTA reimbursements to the Police Overtime Salaries fund, and declaring an emergency was read for the first time by title only. Ms. Gillum moved and Mr. Proehl 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. 70-21 adopted.

Ord. No. 71-21 appropriating \$4,000.00 in insurance funds received as security as the result of a structure fire at 249 Park Street, Chillicothe, Ohio, and declaring an emergency was read for the first time by title only. Mr. Proehl moved and Ms. Lewis 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. 71-21 adopted.

Ord. No. 72-21 accepting and appropriating grant funds in the amount of \$750.00 for the Fire Department’s Senior Home Inspection Program (SHIP) and declaring an emergency was read for the first time by title only. Ms. Gillum moved and Mr. Phillips 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. 72-21 adopted.

An Ordinance appropriating \$4,886.00 for the purchase of replacement chairs for the Chillicothe Police Department and declaring an emergency was read for the first time by title only.

Ord. No. 73-21 appropriating funds in the amount of \$41,000.00 for repairs at Fire Station 4, including roof replacement, door and window replacement, and additional repairs and declaring an emergency was read for the first time by title only. Ms. Gillum moved and Ms. Payne 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. 73-21 adopted.

President Arnold inquired if there was a motion to adjourn.

Ms. Lewis moved and Ms. Payne seconded that the regular meeting be adjourned. All nine members present voted “yea” and President Arnold declared the motion adopted. Adjourned at 7:35 p.m.

Clerk of Council

President of Council