

Council Chambers
Regular Meeting
February 28th, 2022
7:00 p.m.

Council met in regular session with seven of the nine members present: G. Phillips, Nickerson, Fairrow, Henderson, Preston, A. Phillips, and Proehl. In addition to Mayor Feeney, City Auditor Spetnagel and MR. Jason Miller from Law Director Villarreal's office, the audience included many members of the public and media representation.

President Gieringer introduced Mrs. Kennedy Moss as the interim clerk for the meeting and called for a motion to accept her into this position for the evening. Mrs. Henderson made the motion, and it was seconded by Mr. Phillips. All present members voted "yea" and President Gieringer declared the motion as passed.

President Gieringer asked for a motion to excuse Ms. Gillum and Ms. Payne. Ms. Nickerson moved, and Mrs. Henderson seconded that Ms. Gillum and Ms. Payne be excused from the February 28th, 2022, meeting. All members present voted "yea" and President Gieringer declared the motion as passed.

President Gieringer led the Pledge of Allegiance to the Flag.

President Gieringer asked if anyone had any additions or corrections to the February 14th regular meeting minutes. Ms. Nickerson brought to the attention of council that she did not think there was a vote taken for Mrs. Lambert to serve as interim clerk at the February 14th meeting. She does not think the minutes are admissible. President Gieringer stated that after the meeting he was informed that there wasn't a vote taken and it was corrected after the fact. Ms. Nickerson stated that she did not think the current minutes could even be voted on or considered relative. President Gieringer looked to Mr. Miller from Law Director Villarreal's office for some input. Mr. Miller recommended tabling the passage of the minutes so that he could have some time to explore it. Mrs. Henderson moved that the minutes from the February 14th regular meeting be tabled to special meeting of President Gieringer's choice or the next regular meeting. Mr. Fairrow seconded. All present members voted "yea" and the President Gieringer declared the motion as passed.

COMMITTEE REPORTS

Community Affairs Committee:

Mr. Greg Phillips stated the committee did have one item on legislation, a second read on the resolution granting a portion of Second Street to the Buck Fifty Inc from April 21, 2022, to April 23rd, 2022, for its annual Buck Fifty Relay Race. He stated that it had already gone through a first read and since there is no emergency language on that, he asked to waive the three-read rule at the appropriate time.

Human Resource Committee:

Mr. Fairrow, in place of Ms. Payne, stated that the Human Resources has a first reading for an ordinance establishing rates of pay and other economic benefits for classified, non-classified and management level employees of the city of Chillicothe, OH and declaring it an emergency. There are some other contracts that need to be finalized first so the committee will let this move on to a second read.

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Development Committee:

Ms. Nickerson stated that the committee had nothing on the agenda tonight and nothing to report at this time.

Finance Committee:

Mr. Anthony Phillips stated the finance committee had quite a few items on the agenda. Items 4 through 11. All of which are declaring an emergency, several of which will be waived of the three-read rule at the appropriate time. The first being an ordinance appropriating \$95,000.00 to cover supply chain surcharged on capital items that were included in the 2021 and 2022 budgets and declaring an emergency. The most important of which at this time are the garbage trucks we are waiting on. Secondly, an ordinance supporting the Chillicothe Fire Department's intent to enter into a lease for necessary equipment and want to get that to them as soon as possible. That is grant money. Next, a first read, not waiving the three-read rule, appropriating a CHIP mortgage. Item number 7 is a first read on insurance funds in the amount of \$24,143.00 received as security as the result of a structure fire at 818 Saint Margaret Road. The next is a first read rule accepting and appropriating \$3,381.00 in forfeiture of seized contraband. The next one is first read rule, number 9, ordinance appropriating \$28,350.00 to an individual who has already done the work and we want to get that person paid. The three-read rule will be waived at the appropriate time. Number 10, an ordinance authorizing the auction of miscellaneous items, including city owned vehicles and equipment which are not needed for public use or are obsolete or unfit for the use for which they were acquired, in accordance with Ohio Revised Code Section 721.15 and declaring an emergency. Finally, number 11, three-read rule will be waived, and Mr. Phillips deferred to the auditor for greater explanation.

Parks and Recreation Committee:

Mrs. Henderson stated that the committee currently does not have anything on the agenda tonight, however they have had a few committee meetings. Earlier in the evening they met on potential street closures from a half marathon hosted by 50 West through a portion of downtown. That will be coming up on the agenda later on. On the tourism side, something pretty exciting, this Saturday Statehood Day will be celebrated. Saturday March 5th this will be celebrated at the Ross County Heritage Center and the Lucy Webb Hayes House and the David Nickins Center. Mrs. Henderson shared it on her Facebook earlier today. She mentioned you can park at the downtime Library and all three of these locations are accessible and walkable from that parking lot. She also encouraged people to definitely go check out the library as well. Another upcoming event is the Leprechaun Chase 5K in the park on Saturday March 12th. Details can be found on Facebook.

Safety Services Committee:

Ms. Preston stated there was nothing on the agenda tonight, but she was supposed to have a second reading of the ordinance amending section 351.13 of the Codified Ordinance for the 48-hour parking and was wondering if that could be added. She then realized that it was listed but it should be a second reading instead of a first reading.

Engineering Committee:

Mr. Fairrow stated that there also needed to be a correction to item number 3, it should be a second reading.

President Gieringer asked for a motion to amend items 2&3 to second readings correcting the agenda. Motion by Mr. Fairrow, seconded by Mr. Greg Phillips. All members present voted "yea". President Gieringer declared that the motion passed.

Mr. Fairrow continued with reading the ordinance. An ordinance allowing a covered entry at 14-16 East Second Street to encroach onto the sidewalk and City right-of-way and relocating a streetlight and sign at the property owner's expense. As stated at the last meeting this has been through the engineering department and approved by the design review board, it will go on to a third read.

City Services/ Transit Committee:

In the absence of Ms. Gillum there was nothing to report.

Utilities Committee:

Mr. Proehl stated that the committee had nothing to report.

REPORTS FROM OFFICIALS

Report of Mayor Luke Feeney:

Mayor Feeney commented first on the agenda items, specifically item number 4. Unfortunately, this is a necessary and somewhat urgent appropriation through the budget process. He mentioned that last year they budgeted for and tried to mark up on some major capital item purchases, probably most importantly for all is garbage truck but also a dump truck and other items. They have received word back from vendors that the prices are coming in over what originally quoted. He stated that unfortunately "we believe that we are pinned in a corner on this one. We are therefore asking for that appropriation to go forward so we can buy the items that were budgeted for. Even ordering now, there is going to be significant delays in delivery. He asked for the council support on passage of that legislation. Mayor Feeney referred to the mention of waiving the three-read rule made by Councilman Phillips on item 5. Mayor Feeney also commented on item 11 stating that he and Councilwoman Preston had a conversation, concerning nuisance officer and rates of pay. Mayor Feeney stated that "The two ordinances are somewhat related in that we are trying to extract the rate of pay from the Codified ordinances to non-bargaining ordinances for the simple reason codified ordinances are somewhat permanent and not frequently updated whereas the non-bargaining ordinances are updated every three years, which would be appropriate to update rates of pay. He said that it would make sense and he would touch base with Councilwoman Payne, to modify by amendment and add in a rate of pay for that nuisance officer. Moving on to other topics, Mayor Feeney thanked the public and those in attendance currently and two weeks ago for the participation and interest in the appointments to the health district board. He said he thought that engagement was some of the most passionate and well-reasoned that he has seen in his time. Mayor Feeney reflected on his referring the appointments to council, every appointment he has is somewhere either in an ordinance or a contract, this one in a contract around 40 years old between the city and townships and he has gotten in somewhat of a rhythm and wanted to recognize that he is just a guest at these meetings. Whereas his job is to appoint the people and

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Council's job is to approve or deny those appointments. He is open to whatever method or routine to whatever method Council wants to take. He stated that he will submit names this week to President Gieringer and then encouraged council to take whatever path they would like to consider the appointments. He encouraged an open dialog about how the appointments are considered. Whether it is an appointment to a committee or appointment to a board, Mayor Feeney said that his door is always open for questions.

Expanding on that, concerning committee meetings, he shared that "we try to in our committee assignments provide as much information as we can so that by the time it comes to council it is easily digestible, but I recognize that all the information is not always there. Or that context is important, and so, I think that a lot of really good work can come out of committee meetings, and we are also on the administration side...more than happy to have conversations with individual council people to answer questions so that the committee meetings themselves can be very fruitful." What Mayor Feeney would ask of council is for them to just reach out to the administration and ask for their attendance. He shared that technologically, the public would gain a lot by televising the committee meetings. He shared that he wants to figure out ways to help the public become aware and engaged to the work that is being done. He said he would commit to expanding the information he provides and making sure his door is open and phone is on for those conversations. "We are eager to help this body keep the good business of the city going."

Mayor Feeney goes on to share some updates from the city. The police and fire department chiefs are hosting an active attack integrated response training next week. The chiefs are bringing the community together for training on how we integrate and respond to active attack. The mayor thanked both the chiefs for their leadership on that matter. Continuing on the education theme, he shares that the city has a lead wastewater treatment operator named Jarod Rowe who is highly educated in his field of wastewater treatment but also interested in training up city employees and offering training to help with recruitment. Right now, Jarod is offering, in conjunction with the Operator Training Committee of Ohio, a wastewater treatment Class 1 license training. There are 13-14 people going through the training right now. About half are city employees and half are from the public. These are licensed positions that have been a struggle recruiting over the years. This program is like workforce development. Mayor Feeney gives kudos to Jarod and that department for progressive thinking. Mayor Feeney shares that as of last Friday, the city has a new Utilities Director. Brad Long started with the city in 1986 as summer help, he worked his way up. He has worked at the Wastewater Treatment plant and the water plant and worked his way up. He was most recently the Director at the wastewater treatment plant. Mr. Long interviewed for and was successful at achieving this job as Utilities Director. Mayor Feeney gives kudos to Brad for all the hard work he has done. Mr. Long has a Wastewater Class 3 license and a Water Class 3 license. Mayor Feeney shared that today Director Powell on behalf of the land bank submitted, a grant application for the demolition and removal of 28 abandoned properties within the city. The city has had a hard time resolving abandoned and blighted properties. Thanks to the Law Director's office the city is working on a way to streamline that process. Mayor Feeney thanks the Law Director's office and Mr. Miller for helping the city think through that process and Director Powell for all her hard work in getting the application in. The last thing Mayor Feeney reports on is the Master Planning Program, which is going very well. The second meeting was held in person last week. The Safety Services Director handed out cards to those in attendance that bore the phrase "Let's Chat Chillicothe". Mayor Feeney shared that there are 4 opportunities to chat: An in-person event on March 22nd, a virtual meeting on March

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24th and 31st, An online survey will be active March 22nd through April 11th and there is also a voicemail set up. The concept is that community engagement is wanted to move Chillicothe forward. This plan was a long time in the making (70+ years). Mayor Feeney stated that "we really want feedback from the community to help guide where we go in the future.". Mayor Feeney thanks the people who are already engaged in this process and hopes to have even more.

Report of Auditor Spetnagel:

Auditor Spetnagel reported having several items on the agenda. The first, item 4, an ordinance appropriating funds to cover supply chain surcharges. There are quotes coming in higher than what were originally quoted during the budget process. Two of those items are for garbage trucks. She stated that it is important to get that legislation passed so the purchase process can be continued. Also included are charges police cruisers that now have additional cost and a dump truck. Auditor Spetnagel requested to waive the three-read rule on that legislation. The next item, number 5, something that has been discussed since the budget process began in early August and September, for the purchase of equipment for the Fire Department. The equipment has already been approved. The equipment is being leased. \$40,000.00 was put down and then a grant was received in the amount of around \$93,000 to help cover that cost. Auditor Spetnagel requested the three-read rule be waived for this item. Another item on the agenda is number 7, appropriating money for insurance funds. When there is a fire within the city a portion of those insurance funds are received and held by the city until they meet certain requirements. Once those requirements have been met the insurance money can be released to the citizen. This is also an emergency so that the citizen can be paid. Item number 10 is an ordinance that is passed every year, it is authorizing the city to put various items on the auction website. Item number 11 is the pay ordinance. Auditor Spetnagel stated that she wanted to emphasize that she is always willing to take questions and have people come in and meet to go over any questions they may have.

Report of President Gieringer:

President Gieringer stated there was nothing to report at this time.

Report of Law Director Villarreal:

Mr. Miller had an opportunity to look into the appointment of the clerk which was mentioned earlier in the meeting. He stated that there are two bits of legislation regarding that. The Ohio Revised Code 731.04 mandates the appointment by council of the clerk, technically that is supposed to be done within ten days of its necessity. Then a local ordinance 111.08 which also dictates the appointment of a clerk. He stated that the one solution that council can take on this is a second motion to retro activate the appointment that is made tonight by vote if council sees fit to do that. If someone made a motion to

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retro activate the appointment to last meeting, then the minutes would legitimize themselves. He shared that If council opts not to retro activate the appointment date, then another option would need to be found to legitimize those minutes or render that meeting null and void. The quickest and easiest solution would be the retroactivity of the appointment made earlier.

Ms. Nickerson spoke up and asked about how to determine which clerk would be the acting clerk (Mrs. Lambert or Mrs. Moss). President Gieringer answered that a permanent clerk had not been named but Mrs. Lambert took the minutes from the earlier meeting. Mr. Miller stated that the corrective measure on that would be a motion to retro activate a limited scope of appointment for the period of time covering the last meeting up to the date of this meeting. The current meeting is covered with the vote that was taken earlier.

Councilwoman Henderson moved to retroactively temporarily appoint Mrs. Valaree Lambert as the interim clerk for the time period of February 14th to February 27th, 2022. Seconded by Councilwoman Preston. All members in attendance voted "yea". President Gieringer declared the motion as passed.

Councilwoman Henderson asked to remove her previous motion to table the minutes from the February 14th, 2022, meeting and moved to approve those minutes. Seconded by Greg Phillips. All members in attendance voted "yea". President Gieringer declared the motion as passed.

Audience Participation:

Audience was briefed by President Gieringer on Council Rule 22 which gives each speaker 5 minutes to present, with a total limitation of 15 minutes per any single subject.

Amy Van Voorhees, of 281 Constitution Drive, Chillicothe. Amy was present at the last meeting and would like to commend all of council for listening to the honorable Mayor, Luke Feeney for your efforts to appoint the most qualified, highly qualified people to be on the Health Board. She certainly commends Dr. Gabis and Ceil Corcoran and she hopes that in the future council can agree to agree that they are worthy of this appointment and she doesn't believe that the question was answered at the last meeting. The question is "why two highly qualified candidates were rejected?" She is hopeful that upon another vote that council members will have had the time to investigate their qualifications and see that they are highly qualified.

Michael Cade, of 380 Meadow Lane, Chillicothe. Mr. Cade thanked the Mayor and City Council. His question is about Colburn Farm. First, is the property city or county? The reason he asks is because Mr. Colburn buried a huge metal tank in the ground, and he isn't sure what it is for. Mr. Cade isn't sure of city council is even the place he should make this statement. He has no problem with the farm or the farm equipment, but one thing he has an issue with is that Mr. Colburn is taking material out of the Scioto River and is using 8-ton 20-ton and 40-ton dump trucks, sometimes 40-50 truckloads a day over Meadow Lane, down Sunset, and down Pawnee to South Bridge Street to almost Three Locks Road where he re-sells it as a commercial product. Mr. Cade states that he bought his house on Meadow Lane for his retirement years. Now that this (the actions of Colburn farms) is going on, he is looking for another house. He does not like it when someone dictates to him whether he can stay at his house or whether he has to smell their fumes, or out up with their noise. He lives in a free country and wants to live as free as he can without someone dictating to him what he can or cannot do in his own home. If he

has to leave his home for a day, it means that he (Mr. Colburn) is forcing him (Mr. Cade) to do that. He states that the weight of the dump trucks are also doing damage to the street. Pawnee and Meadow and Sunset. Sunset was paved recently and as he walks the streets in his neighborhood, he sees the damage. What Mr. Cade would like to know for sure if he can get the answer is if Mr. Colburn has the Commercial Product Permit and for how long? If there is no end date for the permit, Mr. Cade states he will aggressively start moving.

Tammy Ellenardo, 45 E. Main Street, Director of Greater Chillicothe and Ross County Development and also in attendance is the Assistant Developer, Tiffany Lemaster. Their goal in attendance of this meeting is to make council aware of Greater Chillicothe and Ross County Development and what they do. They are a public private partnership focused on attracting new business to the area, site development, workforce development and business support. During the committee meeting before council's regular session, an example of what their organization does was given. They brought a local employer in and requested property tax abatement for them. A brochure was handed out to all members of council. It includes information about what the organization is involved in. In the year of 2021, the Greater Chillicothe and Ross Development organization was able to leverage 47.5 million dollars in capital investment for the community that helped either bring in or retain 2,441 jobs. They were also able to bring in \$25,000.00 in grant funds for six different projects: Helped support a new test building for Kenworth Truck, helped Advantage Tent obtain a new heat sealing machine, helped Herr Foods purchase an optic sorter, helped Southern Ohio Shredding get started and purchase some equipment (they filled a void that was left in the community when Forst Capital Enterprises stopped offering shredding services), helped Industrial Reliability and Repair move their national corporate offices to Chillicothe OH, and they were able to help Metropolis Design Studio diversify into a sign shop and purchase additional equipment needed.

Old Business:

There was no Old Business brought up for discussion.

President Gieringer asked if there was any correspondence received by the clerk and there was none.

New Business:

There was no new business brought up for discussion.

Council Assignments and Calendar:

President Gieringer reviews new assignments.
Assignment #22013, assigned to the Finance Committee, appropriation of funds received from OHDC releasing a lien.
Assignment #22014, assigned to Special Committee, request for funding for Ross County Dog Shelter.

Assignment #22016, assigned to Parks and Recreation, street closures and parade route.

Assignment #22017, assigned to Parks and Recreation, street closures for a marathon.

Assignment #22018, assigned to Human Resources, IAF Local 30 agreement.

Assignment #22019, assigned to Development Committee, tax abatement request.

Reading and Passage of Legislation:

Second reading of a resolution granting the use of a certain portion of 2nd St to the Buck Fifty Inc, from April 21st 2022 to April 23rd 2022, for its annual Buck Fifty race. Mr. Phillips asked to waive the three-read rule for this piece of legislation. Mr. Farrow seconded. All members in attendance voted "yes", with the exception of Mrs. Henderson who abstained. President Gieringer declared the motion passed. All members in attendance voted "yes" concerning the passage of the legislation, with the exception of Mrs. Henderson who abstained due to her participation in the event which the legislation is concerning. President Gieringer declared the legislation as passed.

***Later in the meeting, Mayor Feeney brought to the attention of President Gieringer a point-of-order concerning Councilwoman Henderson's absenteeism. Mr. Miller with the Law Director's office recommended tabling the vote on the legislation until the next meeting.

Second reading of an ordinance amending section 351.13 of the Codified Ordinances of the City of Chillicothe, OH.

Second reading of an ordinance allowing a covered entry at 14-16 E 2nd St to encroach onto the sidewalk and city right of way and relocating a streetlight & at the property owner's expense. President Gieringer declared this legislation will move to the next meeting.

First reading of an ordinance appropriating \$95,000.00 to cover supply chain surcharged on capital items that were included in the 2021 and 2022 budgets and declaring an emergency. Mr. Anthony Phillips requested to waive the three-read rule on this legislation. Mr. Greg Phillips seconded. All members in attendance voted "yes" and President Gieringer declared the rule suspended. All members in attendance voted "yes" on the legislation item.

First reading of an ordinance supporting the Chillicothe Fire Department's intent to enter into a lease agreement with Republic First National to finance the purchase of self-contained breathing apparatus equipment and declaring an emergency. Mr. Anthony Phillips moved to waive the three-read rule on this legislation. Mr. Proehl seconded. All members in attendance voted "yes" to suspend the rule. All members in attendance voted "yes" on the legislation item. President Gieringer declared the legislation passed.

First reading of an ordinance accepting and appropriating \$5001.00 received as a payoff of a CHIP mortgage and declaring an emergency. President Gieringer declared this legislation will move to the next meeting.

First reading of an ordinance appropriating \$24,143.00 in insurance funds received as security as the result of a structure fire at 818 Saint Margaret Road, Chillicothe, Ohio, and declaring an emergency. Mr.

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Greg Phillips made a motion to waive the three-read rule on this piece of legislation. Mr. Proehl seconded. All members in attendance voted "yea" and President Gieringer declared the motion as passed. All members present voted "yea" concerning the legislation and President Gieringer declared the legislation as passed.

First Reading of an ordinance accepting and appropriating \$3,381.00 in forfeiture of Contraband Funds and declaring an emergency. President Gieringer declared that this legislation would move to the next meeting.

First reading of an ordinance appropriating \$28,350.00 for Chillicothe Municipal Court computer I.T. expenses and declaring an emergency. Mr. Anthony Phillips made a motion to waive the three-read rule. Mr. Greg Phillips seconded. All members in attendance voted "yea" to suspend the rule. President Gieringer declared the motion passed. All members in attendance voted "yea" concerning the legislation and President Gieringer declared the legislation as passed.


First reading of an ordinance authorizing the auction of miscellaneous items, including city owned vehicles and equipment which are not needed for public use or are obsolete or unfit for the use for which they were acquired, in accordance with the Ohio Revised Code Section 721.15, and declaring an emergency. President Gieringer declared that this item will move to the next meeting.

First reading of an ordinance establishing rates of pay and other economic benefits for classified, non-classified, and management level employees of the city of Chillicothe, Ohio and declaring an emergency. President Gieringer declared that this item would move to the next meeting.

Mayor Feeney brought up a point of order concerning item number 1. He stated that it's possible that Councilwoman Henderson's abstention negates the waiver of the three-read rule. He states that there is a rule on emergency three-read, but it might be worth checking into. Mr. Miller recommends tabling the suspension of the rule and the vote on the legislation until the next meeting due to all members not being present.

President Gieringer asked if there was a motion to adjourn the meeting, motion was made by Mr. Fairrow, seconded by Mr. Greg Phillips. All members present voted "yea" on the motion to adjourn. The meeting was adjourned at 8pm.


Clerk of Council 3/14/22


President of Council 3/14/22