

Council met in regular session with all eight members present: G. Phillips, Nickerson, Fairrow, Henderson, Preston, A. Phillips, and Proehl. In addition to Mayor Feeney, City Auditor Spetnagel and Law Director Villarreal, the audience included many members of the public and media representation.

President Gieringer led the Pledge of Allegiance to the Flag.

President Gieringer asked if anyone had any additions or corrections to the April 11th, 2022, regular meeting minutes. Ms. Payne moved to accept the minutes as they are. Mr. Fairrow seconded. All present members voted "yea" and President Gieringer declared the minutes as accepted.

COMMITTEE REPORTS

Community Affairs:

Mr. Greg Phillips stated that there was a committee meeting last week concerning the waiver of yard sale permits. A lively discussion was had, and the committee has decided to attempt to do the "most complicated scenario" and see how that works out for this year. The Community Affairs committee had one item on the agenda: Number 15, An ordinance establishing a non-profit funding committee and procedures for handling funding requests from community non-profit organizations.

Development Committee:

Ms. Nickerson stated that there was a committee meeting about the Tiffin development. The committee decided that it would fit nicely in planning process that is going on in the city. The committee had two items on the agenda: Number 5, An ordinance consenting to an Ohio Enterprise and Zone Tax Abatement Agreement between the City of Chillicothe and J. C. Properties of Chillicothe, LLC DBA Chillicothe Steel and Number 9 an ordinance accepting the partnership agreement by in between the city of Chillicothe and Ross County for the PY 2022 Community Housing Impact and Preservation Program and declaring an emergency.

Finance Committee:

Mr. Anthony Phillips stated that the committee had a number of items on the agenda. Number 1, a third reading appropriating \$10,242.60 received from the recycling of scrap water meters for the use toward replacing other aged meters in the City's water distribution program. Number 4, an ordinance appropriating \$11,000.00 to purchase a Computer Voice Stress Analysis III System for the Chillicothe Police Department. Number 8, a first reading of an Ordinance appropriating \$2,600.00 for use toward the purchase of a Beacon Meter Reading Program for the Utilities Department. The last agenda item is concerning the appropriation of grant funds in the amount of \$93, 000+. This funding has been received

and the purchase order needs to be paid. Mr. Phillips stated that he would ask to waive the three-read rule at the appropriate time. Concerning committee meetings, Mr. Phillips shared that 4 meetings were had within the last two weeks. The first meeting was for the approval and moving forward of legislation for A WENS system. The second meeting was concerning fund appropriation for window and door replacement at Fire Station 4. The next meeting 22-039 is a fund appropriation for a diesel steam cleaner for the Utilities Department. The final committee meeting was a special committee meeting concerning 22-033 this was for the on-going discussion to approve Mayor Feeney's appointment to the health board for Dr. John Gabis. It was a 2-hour meeting and very cordial. At the end of the meeting the committee members felt they had enough information to vote on whether or not to move John Gabis out of committee toward legislation. Dustin Proehl's vote was 'yes', Julie Preston and Anthony Phillip's votes were "no", so the issue failed.

Parks and Recreation Committee:

Ms. Henderson shared that this committee has multiple items on the agenda. A third read for the 50 West Half Marathon, a first read for the Art in the Streets event (declared an emergency and the three-read rule will be asked to be waived, and a first read for the Keys to Success event. Ms. Henderson shared some announcements. One being that Chillicothe is going to be highlighted on NBC for their series "Live Happy, Live Well". A committee meeting was had during the committee meeting before the regular meeting. The first topic was Sand in the Streets, the sand volleyball tournament, and a new event called Pottery Throwdown, hosted by Mighty Children's Museum and Nellie Dog Pottery and Paints. Proceeds from that are hoping to go toward the community splash pad. There were three items brought to the committees' attention by the Lost Tribe Motorcycle Club. A wedding, a firework viewing party and Butterfly in the Sky event. Also, Carver Community Center has requested two street closures. One for Lupus Awareness and one for the South End Community Day.

Safety Services Committee:

Ms. Preston shared that the committee has one item on the agenda which is first reading amending Section 505.14 of the Codified Ordinances of Chillicothe as it pertains livestock in corporation limits. Ms. Preston wanted to remind everyone of Yellow Day on May 6th a community day expressing kindness.

Engineering Committee:

Mr. Fairrow stated that the committee has nothing new on the agenda and nothing to report.

City Services/Transit Committee:

Mr. Fairrow shared that the City Services Committee had two items on the agenda. One is a first read of an ordinance authorizing the City to participate in the Ohio Department of

Transportation cooperative and purchasing program. Mr. Fairrow stated that he would ask to waive the three-read rule at the appropriate time on this piece of legislation. The second item is an ordinance authorizing the Safety Service Director to authorize for bids and enter into contracts. Mr. Fairrow said that he would ask at the appropriate time to waive the three-read rule on this item as well.

Utilities Committee:

Mr. Proehl stated that the Utilities had no items on the agenda and nothing to report.

Mr. Proehl stated that concerning the special committee that was previously mentioned by Mr. Anthony Phillips, he would like to read a minority report. Ms. Henderson made a motion to reject the reading of the report and Ms. Preston seconded. Before roll call could be taken Mr. Proehl explained that he was only explaining what a minority report is and not reading the actual report.

Mr. Proehl shared: "My Fellow council membe the special committee tasked with determining the fitness of Dr. Gabis for the employment to the Ross County health board I at this time I'm going to file a minority report. A minority report is allowed in council rules and permits council members who held a minority opinion at the conclusion of a committee meeting to ask the full council to consider an action counter or moderated from the majority of the committee. The minority report process preserves the rights of the majority of council to be heard regardless of the opinion of the minority of council and that may hold majority of a single committee. In the case of the committee's decision not to recommend Doctor Gabis for the health board I respectfully ask that the whole council be permitted to cast a vote. I'm not asking you at this time to support Doctor Gabis but rather the process itself. In a moment I will make a motion and should it be seconded...."

President Gleringer interjected: Mr.Proehl, Roberts rules state that's required for the majority of the vote to receive it... so if you're making statements about your opinions on it that's different than reading...

Mr. Proehl: "no I'm just explaining what they what a minority report is"

President Gieringer: "We've gone past that. You're registering an opinion on what your minority report is versus what a minority report is by definition. So..."

President Gieringer asked to move forward with the roll call on not to receive the minority report.

Councilpersons: G. Phillips, A. Phillips, Payne, Fairrow, Henderson, Preston all voted "yea" to block the reading of the report.

Councilpersons: Nickerson and Proehl voted "nay"

At the conclusion of voting, Ms. Nickerson requested to change her vote to "yea".

President Gieringer declared the motion as passed.

Human Resources Committee:

Ms. Payne stated that the committee does not have any agenda items and nothing new to report, but she thought they may need to come back and vote on the non-bargaining ordinance at the appropriate time.

REPORTS FROM OFFICIALS

Report of Mayor Luke Feeney:

Mayor Feeney began his report by reading Council Rule 6 and he was concerned as to what previously took place concerning the minority report. President Gieringer responded that the council referred to Robert's Rules. Mayor Feeney looked to Law Director Villarreal for an answer, and she asked for time to research the matter further.

At this time, Mr. Proehl was asked to finish reading the commentary on the minority report and then a vote would be taken to replace the committee report with the minority report.

Mr. Proehl: "In a moment I will make a motion, and should it be seconded and approved by the majority of Council, the matter would then be put before Council for consideration at the next regular meeting to allow the Law Director to prepare appropriate resolution if necessary. A Yes vote preserves a majority's right to be heard and to judge Dr. Gabis's candidacy for themselves. Should the council fail to second the motion or should the motion fail then it is considered the end of the action recommended. So, a "no" vote would then put an end to Dr. John Gabis's candidacy for the Health Board. At this time, I would respectfully make a motion that the full Council be allowed to vote on whether or not the appointment recommendations should be placed before the council for a resolution. To replace the committee report with the minority report."

Ms. Nickerson seconded.

Councilpersons: G. Phillips, A. Phillips, Payne, Fairrow, Henderson, Preston all voted "nay" to the replacement of the report.

Councilpersons: Proehl and Nickerson voted "yes" to the replacement of the report.

President Gieringer declared that motion failed.

Mayor Feeney: "thank you President Gieringer I'll start with offering my disappointment Council's action tonight and by thanking Dr Gabis for his continued commitment to this community and enduring this process and the meeting a Monday ago. With that, I will report on tonight's agenda just a couple items I wanted to make sure I emphasized that passage tonight. We have an item on salt I would encourage waiver of the three-read rule on that item tonight so we can participate in ODOT's cooperative salt purchasing process. There are several several others but the salt one in terms of the administrative procedure is the one that we really need tonight so thank you."

Mayor Feeney also shared a couple items of good news. Whitehall Police Chief Mike Crispin came to Chillicothe to give a 4-hour training. Mayor Feeney wants to thank Petland for offering their corporate headquarters and facility to facilitate that training and all of the city leadership for participating. He shared a reminder for the State of the City, this coming Friday. The event will be livestreamed on Facebook.

A 1.6 million dollar COPS application was submitted today that would fund several hiring and supportive positions in that department.

Finally, Mayor Feeney commented on recent conversations about farm traffic in and around the city. There is a new farm facility is that was formerly Running Fox golf course. Heavy traffic has ramped up on some roads, including Pawnee, in the Manor. Upon review of City Ordinances and State law, the city has been unable to come to a solution that remedies the situation easily for the residents, so Mayor Feeney is sending a request to Council for solutions. Finally, Mayor Feeney congratulated all Buck Fifty participants.

Report of Auditor Spetnagel:

Auditor Spetnagel shared that she had nothing new to report other than the budget meeting that was held before the regular council meeting and that she provided copies of the financial statements to members of Council.

Report of Law Director Villarreal:

Law Director Villarreal stated that she did not have a formal report, but she did want to state in her disappointment, not in what happened with the vote but miscommunication and misinformation that she thinks has been distributed. Law Director Villarreal brought up a letter that was a letter submitted to Council and she shared that she thinks Council and Dr. Gabis got caught in the crossfire. She thinks that the public should be informed.

Report of President Gieringer:

President Gieringer thanked Dr. Gabis for his willingness to participate in this process and as well as his years of service to this community. He shared that he looks forward to the next nominations.

AUDIENCE PARTICIPATION:

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

Michael Cade, 380 Meadow Lane, Mr. Cade thanked Council and Mayor Feeney. He shared that he has learned many things in his attendance of the meetings. The issue he brought up that there are many objects that block intersections in town and the visibility is blocked. The second issue he asked about was the street paving system, he asked if there needed to be voted this year on a continuation. He asked if it would be ok if a resident could have information on a paving plan. He shared that residents do not get much notice and he would like to know what streets will be paved and when. Mr. Cade thanked Council for the work being done on the farm situation. The last point Mr. Cade made was in response to Law Director Villarreal and the transparency for residents of the city.

Ms. Nickerson interjected and shared that committee meetings were had and it was aired on Facebook and she feels that Council has been very transparent in the process.

John Thacker, 990 Columbus Street, Apartment 307, He would like to think of everyone as neighbors so he doesn't want to think that there are nefarious things going on in the background and he stated that he can't help but wonder if Dr. Gabis was ill-served in this process. He shared that he doesn't know him personally, but he knows and respects people who do know him and gave testimony before council about his qualifications.

OLD BUSINESS:

MR. Anthony Phillips shared that, concerning Dr. Gabis, there could have been more transparency as to the "why", but frankly it took a couple months just to absorb the shock of the onslaught of the negative comments". He said that it has never been about the person, nothing bad was said about Dr. Gabis. Mr.

Phillips asked for clarification from the mayor on a statement made two months ago, about being "open and transparent and get a list together and work together on this". Mr. Phillips wanted clarification on that statement and an idea of what is going to happen moving forward.

Mayor Feeney: "I don't recall making that statement but if I made it, it would be in the minutes. As you stated my role is to nominate, Council's role is to approve. I nominated, the committee process started. We have had a pattern in practice over the last several years where nominations went forward and votes went forward. That pattern and practice stopped this year and that's fine. Council can and should put agenda items on so that the public can be aware. The letter that the Law Director is referencing came out after the first "no" vote, so the Chairman of the Health District board, acting of his own volition, suggested that he would like to see someone else on. He does not speak for the Health Board, nor does he speak for me. The working together comes in the committee, that's the point.... I will admit that I don't know the secret sauce for who you will be approving. I talked with Councilwoman Payne about the concept of creating a process by which nominees would be considered... 'litmus test' was brought up. You're going to have to articulate your litmus test if every appointee is going to go to a special committee.... I don't think that I have the ability to appoint somebody. It might make sense for the nominee to go to the Human Resources committee to be evaluated.... If we are going to take meetings like this and pick apart people because of our differences with them, we are going to have a lot of meetings and there is going to be a lot of mystery. So what I would suggest is that Council create a process so that everybody is treated the same and we can do a public process to evaluate people on their quality as a candidate. I think that would allow us to all work together. I probably did say "let's work together". I don't remember saying I'll come up with a list. I might have, but in this situation the list a presented was Dr. Gabris and I continue to believe he is very qualified for that position. I still think that Dr.'s are qualified to be on the Health Board. I hope that helps."

Mr. Anthony Phillips: "It does and there are some good suggestions in your dialogue there that I would like to follow up with and take on as suggestions. I am not trying to be contentious, I am just asking for clarification, which you gave me. That was kind of a big deal when you said "hey, I understand you don't like the way this has transpired, lets put a list together and work together"

Mayor Feeney: "here is my question, why wait 3 months to bring that up"

*** Mayor Feeney's mic was not on and the streaming audience couldn't hear him.

Mayor Feeney: I will read my report out loud at the next meeting. My apologies to the community, my microphone was not on....if the list, was something that you wanted to see, this is the first time you have asked me about it. My door is open, you have my cell phone number, just call. It's easy. Now, I still stand behind the Dr. Gabris Appointment. I thought it was fair that you gave him a committee meeting and here we are"

Law Director Villarreal shared a suggestion to reach some type of normalcy, she thinks that a question should have been asked concerning how much weight to give the letter they received. She stated it would have helped Council tremendously to know how much weight to give the letter. Law Director Villarreal stated that "please keep an open mind moving forward of each appointment, regardless of who it is."

PETITIONS AND CORRESPONDANCE:

Council Clerk received one item of correspondence this week in relationship to a liquor license.

NEW BUSINESS:

Mr. Proehl shared that this weekend Zane Trace HS will be having their senior class play "Little Shop of Horrors. Mr. Proehl invited everyone to go see it since he is playing a part.

COUNCIL ASSIGNMENTS AND CALENDAR:

- Assignment #22-046(Finance): HVAC system quote for Station 1.
- Assignment #22-045(Parks and Recreation): Street closure for Butterfly in the Sky event.
- Assignment #22-044(Parks and Recreation): Street closure for Pottery Throwdown.
- Re-Assignment #22-028: Approval for bids.
- Assignment #22-043(Parks and Recreation): Street closure for Sand in the Streets.
- Assignment #22-041(Parks and Recreation): Street closure for Keys to Success event.
- Assignment #22-040(Community Affairs): Yard sale
- Assignment #22-039(Finance): Fund appropriation for Diesel Steam Cleaner.

READING AND PASSAGE OF LEGISLATION:

Third reading of an Ordinance accepting and appropriating \$10, 242.60 received from the recycling of scrap water meters for the use toward replacing other aged meters in the City's water distribution system. All members present voted "yes" and President Gieringer declared the legislation as passed.

Council Chambers
Regular Meeting
April 25th, 2022
7:00pm

Third reading of a Resolution expressing cooperation and granting use of a portion of Paint Street to the 50 West Brewing Company for the 50 West Half Marathon Sunday June 5th, 2022. All members present voted "yea" and President Gieringer declared the legislation as passed.

Second reading of an Ordinance accepting and appropriating \$2,500.00 received from the Ohio Forestry Association. President Gieringer declared that this legislation would move to the next agenda.

Second reading of an ordinance appropriating \$11,000.00 to purchase a Computer Voice Stress Analysis III System for the Chillicothe Police Department. President Gieringer declared that this legislation would move to the next agenda.

Second reading of an Ordinance consenting to an Ohio Enterprise Zone and Tax Abatement Agreement between the City of Chillicothe OH and J. C. Properties of Chillicothe, LLC DBA Chillicothe Steel. President Gieringer declared that this legislation would move to the next agenda.

First reading of an Ordinance amending Section 505.14 of the Codified Ordinances of the City of Chillicothe as it pertains to prohibiting certain animals to be kept or harbored within the corporation limits of the City of Chillicothe, Ohio. President Gieringer declared that this legislation would move to the next agenda.

First reading of an Ordinance authorizing the City to participate in the Ohio Department of Transportation cooperative purchasing program for road salt and declaring an emergency. Mr. Farrow requested, in order to meet the deadline, he moved to waive the three-read rule, seconded by Mr. Proehl. All members present voted "yea" to waive the three-read rule. All members present voted "yea" and President Gieringer declared the legislation as passed.

First reading of an Ordinance appropriating \$2,600.00 for the use toward the purchase of a Beacon Meter Reading Program for the Utilities Department. President Gieringer declared this legislation would move to the next meeting.

First reading of an Ordinance accepting the partnership agreement by and between the City of Chillicothe and Ross County for the PY 2022 Community Housing Impact and Preservation Program (CHIP) and declaring an emergency. Ms. Nickerson moved to waive the three-read rule in order to meet the deadline. Ms. Payne seconded. All members in attendance voted "yea" to waive the three-read rule

and President Gieringer declared the motion as passed. All members present voted "yea" and President Gieringer declared the legislation as passed.

First reading of an Ordinance accepting and appropriating grant funds in the amount of \$93,347.96 for use by the Chillicothe Fire Department toward the purchase of self-contained breathing apparatus (SCBA) equipment and declaring an emergency. Mr. Anthony Phillips made a motion to waive the three-read rule. Seconded by Mr. Proehl. All members present voted "yea" and President Gieringer declared the motion as passed. All members present voted "yea" and President Gieringer declared the legislation as passed.

First reading of a Resolution expressing cooperation and granting use of a certain portion of East Second Street to the Downtown Chillicothe Organization for the Pump House Center for the Arts "Art in the Streets" event on April 29th, 2022 and declaring an emergency. Ms. Henderson made a motion to waive the three-read rule. Ms. Payne seconded. All members present voted "yea" and President Gieringer declared the motion as passed. All members present voted "yea" and President Gieringer declared the legislation as passed.

First reading of an Ordinance 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 the fiscal year 2022 and declaring an emergency. Mr. Fairrow made a motion to waive the three-read rule. Seconded by Mr. Greg Phillips. All members present voted "yea" and President Gieringer declared the motion as passed. All members present voted "yea" and President Gieringer declared the legislation as passed.


First reading of a Resolution expressing cooperation and granting use of a certain portion of Paint Street to the Chillicothe City Schools "Keys to Success" event on May 12th, 2022, and declaring an emergency. Ms. Henderson made a motion to waive the three-read rule. Seconded by Mr. Fairrow. Mr. Greg Phillips abstained from the vote due to serving as the Chillicothe City Schools "Keys to Success" liaison. All remaining members present voted "yea" and President Gieringer declared the motion as passed. Concerning legislation, Mr. Greg Phillips abstained from the vote, all remaining members voted "yea" and President Gieringer declared the legislation as passed.

First reading of an Ordinance appropriating funds to pay for the demolition of a home located at 182 Western Avenue. President Gieringer declared that this legislation would move to the next agenda.

Council Chambers
Regular Meeting
April 25th, 2022
7:00pm

First reading of an Ordinance establishing a non-profit funding committee and procedures for handling funding requests from community non-profit organizations. President Gieringer declared that this legislation would move to the next agenda.

President Gieringer asked if there was a motion to adjourn the meeting. A motion was made by Mr. Fairrow, seconded by Mr. Greg Phillips. All members present voted "yes" on the motion to adjourn. The meeting was adjourned at 7:12pm.

X 

President of Council

X 

Kimberly Ward
Clerk of Council