

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

Ms. Henderson made a motion to excuse Ms. Payne from the October 24<sup>th</sup> meeting, Mr. Tony Phillips seconded. All members in attendance voted “yea” and Pres. Gieringer declared Ms. Payne excused.

President Gieringer led the Pledge of Allegiance to the Flag.

Ms. Henderson made a motion to waive the three-day receipt rule concerning the minutes from the last meeting due to an updated version, Ms. Preston seconded. All members in attendance voted “yea” and Pres. Gieringer declared the motion passed. All members in attendance voted “yea” to accept the minutes from the previous meeting and Pres. Gieringer declared the minutes accepted. Pres. Gieringer mistakenly forgot to ask for a motion to accept the minutes, Ms. Henderson made the motion, Ms. Preston seconded. All members in attendance voted “yea” to accept the minutes.

### **COMMITTEE REPORTS:**

**Community Affairs:** Mr. Greg Phillips stated that this committee has no items on the agenda, but he wanted to let the public know that the repairs of the wall at the entrance of Brewer Heights are close to being finished.

**Development:** Ms. Nickerson stated that this committee has no items on the agenda and nothing to report.

**Finance:** Mr. Anthony Phillips stated that this committee has two items on the agenda. One is the third reading of an ordinance appropriating \$4,000.00 for the use toward a credit card machine and monthly service charges for the remainder of 2022. The next item is the first reading of an ordinance accepting, appropriating, and transferring funds to extend and complete the 2022 paving program and declaring an emergency. Mr. Phillips shares that at the appropriate time, he will ask council to waive the three-read rule.

**Human Resources:** In the absence of Ms. Payne there was no report given.

**Parks and Recreation:** Ms. Henderson stated that this committee has 3 items on the agenda. First is a second reading of a resolution concerning a street closure for the MADE rally, the next is a second reading of a resolution concerning a street closure for the Jaycee’s Halloween parade, the third is a second reading of a resolution concerning a street closure for a Polar Plunge event. At the appropriate time, Ms. Henderson will ask to waive the three-read rule on all of the items. Ms. Henderson shared that a committee meeting was held earlier in the evening about the Rudolph Run 5k and the annual Light the Park event.

**Engineering/City Services&Transit:** Mr. Fairrow stated that the Engineering committee has nothing on the agenda but will call a committee meeting next week. City Services/Transit had a committee meeting earlier in the evening concerning additional funds from Job & Family Services to help pay for some rising fuel costs in that department.

**Safety Service:** Ms. Preston stated that this committee has three items on the agenda. One item was inadvertently left off (Criminal Trespass). The next item is an ordinance concerning livestock within city limits which will not be read this evening but will be going on the November 14<sup>th</sup> agenda as a third reading. The final item is an ordinance accepting an appropriating \$11,449.84 for damages to Municipal Court equipment and declaring an emergency. There was committee meeting earlier in the evening concerning Assignment #22-126 regarding a part time Bailiff position pay rate/number of hours.

**Utilities:** Mr. Proehl stated that this committee has no items on the agenda, but he would like to call for a committee meeting for November 14<sup>th</sup> at 6:30pm.

## REPORTS OF OFFICIALS:

**Mayor Luke Feeney:** In the absence of Mayor Feeney, Mr. Jeff Carman reported that leaf pick up is in its second week and that the 2022 paving project is moving forward and the striping is down.

**Auditor Kristal Spetnagel:** Ms. Spetnagel commented on item 8 which concerns funds for the 2022 paving program, this ordinance is accepting money from Columbia Gas for their portion of the repairs. There was an additional amount of money from OPWC that will be accepted through this legislation. There was also money left over from a prior PO that went back to the general fund and is being reappropriated toward the paving project. There have been two evenings of budget reviews and the next one will be on November 2<sup>nd</sup> at 6pm. She also shared that Trick or Treat is Monday October 31<sup>st</sup> from 6-7:30pm.

**Law Director Anna Villarreal:** There was no report given.

**President Joe Gieringer:** There was no report given.

## AUDIENCE PARTICIPATION :

President Gieringer briefed the audience on Council Rule 22 which limits each speaker to a 5-minute presentation with a 15-minute limit per any single subject.

Jason Link, 17 Mead Drive, Mr. Link shares that he is a little tired of talking about the livestock legislation. He thinks it is important to keep talking about it due to concerns surrounding the legislation that are not being addressed. Mr. Link wonders if the legislation is being used to address a problem that doesn't exist. He shares that the law "in part unfairly impacts only .17% of property owners in Chillicothe". Mr. Link shares information from a legal proceeding about a similar proposed legislation in another area that was deemed "irrational and arbitrary". Mr. Link shares that he has made requests and they have not been granted. At the previous weeks Safety Service meeting he shares that Ms. Preston had already decided what amendment was to be made to the legislation. He shares that there was no openness to any suggestions brought at the meeting. He shares his concern of the penalty that someone could face. "As the legislation currently reads a person could be fined up to \$250.00 and up to 30 days in jail. That seems a little harsh to me considering the penalty in Ohio for 100 grams of marijuana in your possession is \$150.00 fine and no possibility of jail time."

Terry Williams 47 ½ E Main Street, Mr. Williams brings a question about criminal trespass. He asks if the item could be added to the agenda so it can be read. \*\*\*\*Ms. Preston answers that there will be a motion to add the item. Mr. Williams shares the importance of the tabling of the item to him. He shares his concern with the livestock legislation item as well. He discussed lot size and the concerns surrounding that in different areas of the city. Mr. Williams shares his frustration with meeting notices.

John Thacker, 990 Columbus Street Apartment 307, Mr. Thacker wears a chicken hat and shares his thoughts in support of the opposition of the livestock legislation.

## PETITIONS & CORRESPONDENCE:

There were no petitions or correspondence received by the Clerk.

## OLD BUSINESS:

Mr. Jamie Brown asked if Council has on file a list or tracking of reports from all the outstanding committee assignments. Earlier the previous week, Mr. Thacker brought to Mr. Brown's attention Assignment #22-102 which is the establishment of a special exploratory committee for ballot recommendation reducing the number of City Council members. Mr. Brown shares that it seems he will

likely inherit that assignment and would like to know if there is a space that he can refer to and catch up on information.

\*\*\*Clerk Moss responded that there is an excel spreadsheet with all Assignments (name, number, date passed, description and committee) that can be forwarded via email.

\*\*\*Pres. Gieringer shared that that assignment belongs to the HR committee and Ms. Payne has not held a meeting on that assignment yet.

Ms. Henderson made a motion to rescind previous votes approving absences on June 16<sup>th</sup>, 2022 & July 11<sup>th</sup>, 2022. Ms. Preston seconded. Members voting “yea” were G. Phillips, Nickerson, Fairrow, Henderson, Preston, A. Phillips, and Proehl. Mr. Brown abstained from voting.

Ms. Henderson made a motion to approve the June 16<sup>th</sup>, 2022 absences of Payne, Nickerson & Park – voting on each separately.

Roll call on the motion to excuse Ms. Payne from the June 16<sup>th</sup>, 2022, meeting: members voting “yea” were G. Phillips, Nickerson, Fairrow, Henderson, Preston, A. Phillips, Proehl. Mr. Brown abstained from voting. President Gieringer declared the motion passed.

Roll call on the motion to excuse Ms. Nickerson from the June 16<sup>th</sup>, 2022, meeting: members voting “yea” were G. Phillips, Fairrow, Henderson, Preston, A. Phillips, Proehl. Mr. Brown and Ms. Nickerson abstained from voting. President Gieringer declared the motion passed.

Roll call on the motion to excuse Ms. Park from the June 16<sup>th</sup>, 2022, meeting: members voting “yea” were G. Phillips, Nickerson, Fairrow, Henderson, Preston, A. Phillips, Proehl. Mr. Brown abstained from voting. President Gieringer declared the motion passed.

Ms. Henderson made a motion to excuse the July 11<sup>th</sup>, 2022, absences of Greg Phillips, Payne and Preston- voting on each separately. Mr. Proehl seconded.

Roll call on the motion to excuse Mr. Greg Philips from the July 11<sup>th</sup>, 2022, meeting: members voting “yea” were: Nickerson, Henderson, Fairrow, Preston, A. Phillips, and Proehl. Mr. Brown and Mr. Greg Phillips abstained from voting. Pres. Gieringer declared the motion passed.

Roll call on the motion to excuse Ms. Payne from the July 11<sup>th</sup> 2022 meeting: members voting “yea” were: Nickerson, Henderson, Fairrow, Preston, A. Phillips, and Proehl. Mr. Brown abstained from voting. Pres. Gieringer declared the motion passed.

Roll call on the motion to excuse Ms. Preston from the July 11<sup>th</sup>, 2022 meeting: members voting “yea” were : A. Phillips, Proehl, Henderson, Fairrow, Nickerson, and G. Phillips. Mr. Brown and Ms. Preston abstained from voting. Pres. Gieringer declared the motion passed.

Mr. Brown addressed Council stating: “Mr. President, I share a lot of the concerns I heard amending Section 505.14 of the Codified Ordinances of Chillicothe as it pertains to livestock being kept or harbored in the corporation limits of the City of Chillicothe Ohio. Mainly, my ward, the 6<sup>th</sup> ward and the ability for my neighbors and I to enjoy the same access to livestock as the rest of the city. So, to reference section b(1)(c) ‘buildings for livestock storage or management should not be located in the front or side yard of any home and shall not be located closer than 20 feet from the property line & shall be constructed in alignment with zoning and building codes. While there is a larger question of gov’t overreach on private property, there is also concerns for myself of the efficacy of that 4H exemption which Section b(1) (c) would negate. An overwhelming number of children in the 4<sup>th</sup> and 6<sup>th</sup> wards would be haggled out of the opportunities that their peers throughout the rest of the city enjoy. For those reasons, I motion that the Council indefinitely suspend any movement on this ordinance.”

Mr. Brown made a motion to indefinitely suspend any movement on the livestock ordinance. Ms. Nickerson seconded. Members voting “yea” were: Nickerson, Brown, and Proehl. Members voting “nay” were: G. Phillips, Fairrow, Henderson, Preston, and A. Phillips. Pres. Gieringer declared the motion fails.

Ms. Preston made a motion to suspend the reading of agenda item 2(a third reading of an Ordinance amending Section 505.14 of the Codified Ordinances of the City of Chillicothe as it pertains to livestock being kept or harbored within the corporation limits of the City of Chillicothe, Ohio.) and pass it through as a third reading to the November 14<sup>th</sup> agenda. Mr. Proehl seconded. All members in attendance voted “yea” and Pres. Gieringer declared the motion passed.

Ms. Preston made a motion to add Criminal Trespass legislation to the current meeting’s agenda as item #9 as a second read. Ms. Henderson seconded. All members in attendance voted “yea” and Pres. Gieringer declared the motion passed.

Ms. Preston made a motion to waive the three-day receipt rule on the added agenda item. Ms. Nickerson seconded. All members in attendance voted “yea” and Pres. Gieringer declared the motion passed.

### **NEW BUSINESS:**

Mr. Proehl stated that item number 7 belongs to the Utilities Department and action needs to be taken at this meeting. He will ask to waive the three-read rule at the appropriate time.

### **READING AND PASSAGE OF LEGISLATION:**

Third reading of an Ordinance appropriating \$4,000.00 for the use toward the purchase of a credit card machine and monthly credit card machine service charges for the remainder of 2022. All members in attendance voted “yea” and Pres. Gieringer declared Ord. #76-22 adopted.

Second reading of a Resolution expressing cooperation and granting use of a certain portion of Paint Street for the M.A.D.E. Drug Free Rally and declaring an emergency. Ms. Henderson made a motion to waive the three-read rule, Mr. Proehl seconded. All members in attendance voted “yea” and Pres. Gieringer declared the motion passed. All members in attendance voted “yea” concerning the legislation and Pres. Gieringer declared Res. #28-22 adopted.

Second reading of a Resolution granting use of Yoctangee Park and certain city streets for the annual Jaycee’s Halloween Parade on Saturday October 29th, 2022, and declaring an emergency. Ms. Henderson made a motion to waive the three-read rule, Mr. Greg Phillips seconded. All members in attendance voted “yea” and Pres. Gieringer declared the motion passed. All members in attendance voted “yea” concerning the legislation and Pres. Gieringer declared Res.#29-22 adopted.

Second reading of a Resolution expressing cooperation and granting use of a certain portion of Paint Street to the “Greenies” nonprofit organization for its Polar Plunge community event and declaring an emergency. Ms. Henderson made a motion to waive the three-read rule, Mr. Proehl seconded. All members in attendance voted “yea” and Pres. Gieringer declared the motion passed. All members in attendance voted “yea” concerning the legislation and Pres. Gieringer declared Res. #30-22 adopted.

\*\*\*\*\*Ms. Preston made a motion to remove agenda item 6 which is an Ordinance accepting and appropriating \$11, 449.84 received from Public Entity Risk Service of Ohio for weather-related damage to the Municipal Court equipment and declaring an emergency. Removal is due to a communication error. Mr. Brown seconded. All members in attendance voted “yea” and Pres. Gieringer declared the motion passed. \*\*\*\*\*

First reading of an Ordinance transferring \$150, 000.00 for the sewer repair project at Watt Street and Water Street and declaring an emergency. Mr. Proehl made a motion to waive the three-read rule, Mr. Brown seconded. All members in attendance voted “yea” and Pres. Gieringer declared the motion passed. All members in attendance voted “yea” concerning the legislation and Pres. Gieringer declared Ord. #77-22 adopted.

First reading of an Ordinance accepting, appropriating and transferring funds to extend and complete the 2022 paving program and declaring an emergency. Mr. Anthony Phillips made a motion to waive the three-read rule, Ms. Nickerson seconded. All members in attendance voted “yea” and Pres. Gieringer

declared the motion passed. All members in attendance voted "yea" concerning the legislation and Pres. Gieringer declared Ord. #78-22.

Second reading of an Ordinance amending Section 541.05 Criminal Trespass of the Codified Ordinances of the City of Chillicothe, OH. Ms. Preston made a motion to lay the legislation on the table. Ms. Henderson seconded. All members in attendance voted "yea" and Pres. Gieringer declared the item as tabled.

Ms. Henderson made a motion to adjourn the meeting, Ms. Nickerson seconded. All members in attendance voted "yea" and Pres. Gieringer declared the meeting adjourned.

The meeting was adjourned at 7:50pm.