

Video Conference  
Regular Meeting  
July 13, 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 and City Auditor Spetnagel. 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.

President Arnold noted that Clerk Flechtner failed to comply with Council Rule No. 8, by a couple of hours, requiring that copies of any new Ordinance or Resolution to be voted upon at any meeting of City Council be delivered to each Member of City Council at least three days before such meeting. President Arnold requested a motion to suspend Council Rule No. 8 for all legislation items on the agenda. Ms. Payne moved and Mr. Shoemaker seconded that Council suspend Council Rule No. 8. All nine members present voted “yea” and President Arnold declared the motion adopted.

Mr. Phillips moved and Mr. Proehl seconded that the minutes of the regular meeting of June 22, 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 reported that the Safety Service Committee had four items on the agenda: Item #1 which is the second reading of the under-speed vehicles. Item #3 which is appropriating \$1,000.00 donated by the ODNR for the City’s Fishing Derby and is hosted by the Fire Department. Ms. Gillum stated that at the appropriate time she will request to waive the three-read rule, seeking to pass this item tonight. Also, Items #10 and #11 which are amending Ordinances #01-19 and #76-19 correcting the address for Centennial Boulevard and declaring both of those an emergency. Ms. Gillum stated that at the appropriate time she will request to waive the three-read rule, seeking to pass these items tonight.

### **Engineering Committee**

Mr. Shoemaker reported that the Engineering Committee had Item #4 on the agenda which is accepting and appropriating funds received from the Atomic Credit Union in the amount of \$25,000.00 for street improvements at the intersection of Limestone Boulevard and Western Avenue and declaring an emergency. Mr. Shoemaker stated that at the appropriate time he will request to waive the three-read rule, seeking to pass this item tonight. Also, Item #6 which is approving the action of the Planning Commission of the City of Chillicothe with regard to a lot split and zoning boundary adjustments for property located on Stoneridge Drive and Western Avenue, Chillicothe, Ohio. Mr. Shoemaker added that on August 10<sup>th</sup> there will be a public hearing with regard to the zoning amendment related to this legislation.

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

Ms. Lewis reported that the City Services Committee had Item #2 on the agenda regarding appropriating \$10,000.00 for HVAC repairs at the City Administration Building and declaring an emergency. Ms. Lewis stated that at the appropriate time she will request to waive the three-read rule, seeking to pass this item tonight.

### **Development Committee**

Ms. Nickerson reported that the Development Committee had two items that are amending Ordinances #01-19 and #76-19 pertaining to correcting the address for property involved in a Real Estate Option Agreement with Adena Health System from 50 to 40-50 Centennial Boulevard. Ms. Nickerson stated that at the appropriate time she will request to waive the three-read rule, seeking to pass these items tonight.

## **Finance / Technology Committee**

Mr. Proehl reported the Finance Committee had three items on the agenda, all of which are at first reading. Item #5 which is an Ordinance approving the creation of a separate, special revenue fund to account for and separately track the activity of Coronavirus Relief Funds (CRF) and declaring an emergency. Mr. Proehl stated that so we can have this in place as needed that at the appropriate time he will request to waive the three-read rule, seeking to pass this item tonight. Also going along with that, Item #9 which is a Resolution supporting the City's participation in the Coronavirus Aid, Relief, and Economic Security (CARES) Act, requesting the City's share of funds, and affirming funds from the Coronavirus Relief Distribution Fund will be expended only to cover costs of the City of Chillicothe, Ohio, consistent with the requirements of the CARES Act, as described in 42 U.S.C. 801 (formerly 42 U.S.C. 601) and declaring an emergency. Mr. Proehl stated that so we can receive these monies and put them to work when they are available, at the appropriate time he will request to waive the three-read rule, seeking to pass this item tonight. Finally, Item #8 which is a Resolution adopting the Tax Budget for the City of Chillicothe, Ohio, for the calendar year beginning January 1, 2021, submitting the same to the County Auditor, and declaring an emergency. Mr. Proehl stated that once again at the appropriate time he will request to waive the three-read rule, seeking to pass this item tonight.

## **Utilities Committee**

Mr. Tatman reported that the Utilities Committee had one item on the agenda, Item #7, which is approving a contract with a company to prepare the Asset Management Plan to make sure that we are compliant with the EPA and will cost \$50,000.00. Mr. Tatman said that this will go three readings. Mr. Tatman also stated that his committee is working on legislation that is not on tonight's agenda regarding water meters. Finally, Mr. Tatman mentioned that he would like to uncommit a couple of items that had been committed in October 2019. Mr. Tatman stated that he wanted to make sure that if there are any questions that Council understand and correct any issues in these two items. Mr. Tatman moved and Ms. Nickerson seconded that Council uncommit the two items that have been committed. All nine members present voted "yea" and President Arnold declared the motion adopted.

## **Community Affairs Committee**

Mr. Phillips reported that the Community Affairs Committee did not have any items on the agenda but that many of the downtown businesses have been weighing in on the ice skating rink. Mr. Phillips added that the Mighty Children's Museum is speaking with their Board on ways to be creative and still continue to achieve their desired outcome, with possibly other locations or the same location.

## **Human Resources Committee**

Ms. Payne reported that the Human Resources Committee did not have anything on the agenda but that they are working on a request to amend Ordinance #29-20 to adjust the wages of seasonal staff working a second year and adding a seasonal employee for the Engineering office. Ms. Payne added that the funds have already been built into the budget and that this item will be on the next meeting's agenda.

## **REPORTS OF OFFICIALS**

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

Mayor Feeney said that he would like to report on tonight's legislation, particularly the items of interest that have potential motions pending for waiver of the three-read rule. Item #2 will have a motion that is for HVAC repairs, which has gone down more than once this year, and he said that he would support waiver of that rule tonight. Item #4 relates back to all of the work that was done and community conversation related to the Atomic Credit Union. This was their commitment to supporting changes to that intersection, and he added that he will support that rule. Also, Item #5 which is directly related to Item #9, he stated that we want to make sure we have the fund and documentation in order to be reimbursed, if at all possible, for any expenses related to the pandemic situation. Mayor Feeney stated that he also supports Item #8 on the Tax Budget and the waiver of the three-read rule on that tonight. He thanked Auditor Spetnagel for her work on the Tax Budget, stating that it is always a challenge to get it done so early in the year. This year was compounded with trying to predict where we will be in six months, let alone a month or two weeks, is an added challenge.

Mayor Feeney mentioned that the Ohio EPA has lifted their restriction on water shut-offs. In March the City put an order into effect locally to cease water shut-offs not long after the Ohio EPA put the same order on. The Ohio EPA has lifted their order; locally we have not, even though it is permissible via state law to begin shut-offs. He stated the City has started to work with local agencies about the possibility of some assistance there and is really trying to get a grasp of the total picture in terms of how far people are behind. He said that between the last Council meeting and this one the Governor put into effect essentially a protocol that ranks county health situations by color coding by using yellow, orange, red and purple. He indicated that under that system, once a county gets to the color red the Governor mandates masks. He stated that we are currently at the lowest category, but as with all counties in Ohio we have seen our numbers go up. He said he has received quite a bit of communication on the topic on both sides, but he thought it would be a topic he would like to raise tonight and pose to Council something that we might want to discuss as a group. Several cities in Ohio have mandated mask wearing. He said that from a health perspective he believes it is absolutely the right thing that everybody wears a mask in public and that mandating something like that is really a next step and realizes that there are a lot of considerations. He said he is not suggesting a committee assignment at this point but that he thinks that this is something that Council might want to have a good group discussion about. He ended with he just wanted to pose that to Council and maybe asking for some guidance on how Council would like to proceed. He thinks it is important that the public realize the health aspects, the practical aspects, as well as the inconvenience aspects. His role, and Council's role, is taking care of this community and doing that together.

Mr. Phillips added that it was nice to sit in on a small, informative discussion with people sharing their thoughts on the issue kind of apolitically, and it was refreshing to have that dialog. He said that he has received lots of communication via email or messages with people very passionate on both ends of the spectrum. He said he would be interested to get a feel for the correspondence that other Council members are receiving.

President Arnold stated that this could be discussed further when New Business is presented this evening.

#### **Report of Auditor Spetnagel:**

City Auditor Spetnagel stated that The Auditor's office had three items on the agenda. One of them is a Resolution adopting the Tax Budget. She stated she had a public hearing prior to this meeting and asked for Council's support on that, because it is due on July 15<sup>th</sup>. Item #9 is a Resolution supporting the City's participation in a Coronavirus Aid Relief and Economic Security Act. She stated in order for the City to participate in that they need to have the support of Council. Auditor Spetnagel then stated that they also had to create a special revenue fund to account for all of the expenses, which is found in Item #5. She said that those two items go hand-in-hand and that she asked for Council's support for those as well.

#### **Report of Law Director Villarreal:**

City Law Director Villarreal stated that she did not have anything to report on this week but that they did receive a lot of legislation requests since the last meeting; she believed 10. She said that they are just continuing to do what they do.

#### **Report of President Arnold:**

President Arnold stated that he really didn't have anything to report tonight but that he would talk a little bit later about the masks when everybody discusses it.

### **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. There were no participants.

### **PETITIONS AND CORRESPONDENCE**

The Clerk reported on receipt of a notice from the Ohio Division of Liquor Control of the issuance of a permit to Staley Family Enterprises LLC dba The Postmark of 105 South Paint Street.

## NEW BUSINESS

President Arnold stated that Council would have a discussion on wearing masks. He indicated that he would hate to see us have to go to being mandated; however, if we could all do it on our own accord that hopefully we can get to the point where we wouldn't have to get to the situation being mandated. He stated that he feels that it is better by choice than by mandate. He added that he really feels that masks, and all of the information that you see, help immensely. He said that he is a firm believer that the only way to get this thing to stop circulating is to do everything we can to get it to stop circulating.

Mr. Tatman stated that his thoughts on it is that we need to lead by example. He indicated that he was hesitant in wearing it all of the time, but he decided that people look at you and think "he must know something." Leading by example is something we need to consider.

Ms. Lewis stated that in a perfect world everyone is wearing a mask, but unfortunately that is just not the case and we are seeing the numbers rise. She indicated that ideally it would be nice not to get to the level 3; so possibly if we reach level 2 we consider it then. She said that schools are mandating it and many businesses downtown that are requiring them. She has heard from both sides that are equally passionate, with probably more positives than negatives. She agreed with Mr. Tatman that it would be good to lead by example, and stated that it would be better to mandate before it is too late. She added that it would be better to not be in the red and making people wear masks and that she would support that Ordinance.

Ms. Nickerson stated that she agreed with everything that Ms. Lewis said. She posed the question if mandating masks would even work, with a minimal fee. She stated that she has seen a lot of people not wearing masks, and whenever she is out and wearing hers, people kind of look at her like she is crazy. She stated that she knows it is a passionate topic and that people have kind of dug in on both sides, but she is all for mandating it because she does not want to reach a level 3 either.

Ms. Gillum stated that she thinks it may be a good thing, like Ms. Lewis said, to set a certain level threshold that we start talking about that. She said that we all want the community to be safe and do what is in the best interest for them and their neighbors. To keep us out of red, maybe we say when we hit level 2 that we start thinking about the mandate.

Ms. Payne stated that she thinks that to help the community protect each other, instead of waiting until we are red, we need to possibly do something before then. She said we talked about the schools, which she is involved in, and they are going to open in Chillicothe on August 10<sup>th</sup> and masks are going to be mandated in grades 3-12. K-2 will have plexiglass dividers on their tables, but masks are still recommended for them. She stated that she thinks that if we are asking the children in our community to wear masks that we can really ask our community to wear masks also so that we are not reaching that red level.

Ms. Corcoran stated that at the minimum they should be required to wear masks into public buildings and public places. She said that she also thinks that the issue she has is that the populations that are suffering from the mortality rate are seniors, and typically most that are suffering have underlying conditions. She said it is our sensitive populations that we are ignoring, and there are people who are caretakers that have to be out in the community doing things for the seniors like getting their medications and getting their groceries, and she thinks it is sad that people don't think about that. She recommended that everybody get on the Ross County Department of Health website and read all of the information and see where these cases are coming from. She said we need to educate ourselves and get on the website and see where these cases are happening, which are in events, family events and casual settings. She said this is attacking our seniors and people living in poverty in bigger numbers. She stated that as leaders Council needs to say these are vulnerable people and everybody is worth protecting. A lot of these people are the working poor and they have to go to work and they have to get on public transit; they may not have some of the opportunities that we have to work from home or to work from their computer. She said that this is saying that this is important and this is a health issue and nothing else but a health issue. She ended with she thinks Mr. Tatman is right that leading by example is the best we can do.

Mr. Shoemaker stated that he agrees with just about everything everyone has said so far, and that he does not believe in any of these conspiracy theories, which are nonsense. He said this is real and if the public is out there listening, wear your masks while you are out. He said he has an immunocompromised daughter, and he doesn't want her going to stores because of this. He asked that we use a little bit of sense. He said he is not saying we need to mandate it now, but he doesn't want to move into the red either. He said that it is unacceptable and that wouldn't be showing leadership either.

Mr. Phillips stated that as a life-long citizen this City has been through tough times as a community and Chillicothe has always stepped up. He said at the end of the day we rally together and love each other, despite our flaws and bumps and bruises. He said that he believes in strongly encouraging everybody to wear masks as often as possible. He said he jokingly said he started out wearing his mask because his wife said he was going to wear it, but as more data has come in, he just wants to be a good neighbor. He hopes that this community rallies around the fact that it is really about other people. He asked that everyone please wear their masks as often as you can in public, and to please not make this a political football. This is Chillicothe and we are trying to keep this local and really keep us in the yellow.

President Arnold stated that sitting back and watching this and everything that was said tonight that he agrees with everybody. He said he thinks that Council did a great public service announcement. He said that he thinks the agreement with everyone was please wear your masks. He added let's keep it safe for us, let's not escalate what's going on, let's de-escalate it, put it away, get rid of it, and think about the other people that are around you and yourself.

Mr. Proehl stated that Ms. Gillum brought up a good idea of having it possibly kick in at level 2 as having a trigger that would be in place. That way if we get into mandating it, we could say they will be mandated at this point, and he kind of liked that idea. He said that having it in place is not something he is thrilled about, but that he wears his mask, as well as his family, every time they go out. He said that he has had his Mom hard at work making him custom masks so that he could look stylish while he was out. He said it is important and even his kids are telling him how important it is that they wear their masks so they keep their friends safe. He added that he thinks that is the attitude that Mr. Phillips spoke about that we want to keep all of our friends here in Chillicothe safe, and if it comes to him wearing a mask while he is out shopping or doing his business out in the downtown area, it is worth it to know that he is helping other people. He said he hates to see anything have to be mandated, but with the level of danger that is involved, if we can do anything to prevent it from hitting level 3 and risking anybody's life, he thinks having something in place to mandate after a certain level so that people are aware of it and we can publicize it, he thinks that's a good idea.

Mayor Feeney stated that in terms of Council action there is a pretty active committee that has been working on masks and awareness. He said that he can try to connect individual Council members or Council as a whole with that group to help with an organized PSA campaign. He said we may look into radio or whatever opportunities that might be. He said that he does like the concept of telling the community that we are being proactive, and that we are at the lowest tier now and that we are watching metrics. He said that if a committee assignment were in front of Council right now that he is not getting a sense that we are at a certain place where Council would pass it, but that we are looking ahead and if we do meet the criteria that the state has set in advance, maybe at that point he could do a committee assignment immediately to Council and call a special meeting for Council to discuss. He said that some of the concerns he has heard have been included in other ordinances from other cities where they have broken those types of things down. He said that we can convey to the community that with the guidance of the Health District and other professionals we are tracking this closely and have a plan to the best we can right now. He said that if Council members have other ways that they can support, whether it is shop owners or the City itself has approximately 1,000 masks on hand and there is an active campaign right now to get masks in people's hands, we can try to ramp some of those efforts up. He stated that he appreciates the candid discussion and everybody's efforts.

## COUNCIL ASSIGNMENTS AND CALENDAR

Mr. Shoemaker announced that next Monday, July 20<sup>th</sup>, there will be a committee meeting to discuss the conversion of Second Street from a one-way to a two-way street. He stated that he could have another item and will let President Arnold know in advance.

Ms. Gillum announced that also on Monday, July 20<sup>th</sup> there will be a committee meeting to discuss the appropriation of funds for new Police uniforms and equipment.

President Arnold announced that before the City Council meeting on August 10<sup>th</sup> there will be a public hearing dealing with the zoning amendment with the lot lines at Sunrush.

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

**Engineering:** Request for legislation to accept and appropriate \$25,000 received from Atomic Credit Union for street improvements at Western Avenue and Limestone Blvd

**Transit:** Request for legislation for the mayor to accept and appropriate CARES Act Grant with ODOT through US ODOT and replacing a previous grant

**Finance:** Request for legislation for City Council to adopt a Tax Budget for 2021 per ORC 5705.28

**Utilities:** Request for legislation to appropriate \$25,000 for purchasing water meters

**Human Resources:** Request for legislation to amend Ordinance #29-20 to adjust wages of staff working a second year and adding a seasonal employee for the engineering office

**Engineering:** Request for legislation to appropriate \$90,000 from State Highway fund for widening of US RT 50 in accordance with Ordinance #70-02

**Finance:** Request for legislation to appropriate \$75,000 to the Income Tax Refund to increase total to \$375,000

**Safety Service:** Request for legislation to accept and appropriate \$1,000 to Fire received as a grant from Public Entities Pool of Ohio Insurance

**Safety Service:** Request for legislation to accept and appropriate \$750 to fire received as a grant from the Ohio Elks Association for Senior Home Inspection Program

**Development:** Request for legislation to accept and appropriate \$5,762.25 received from Chicago Title Agency as a payoff for a CHIP mortgage that has been satisfied

**Engineering:** Request for legislation for relocating parking meters in the downtown dealing with location, rates, placement, enforcement, days & hours of enforcement, and other matters that could make future changes more flexible – also dealing with parking matters of municipal lots

**Safety Service:** Request for legislation to appropriate \$20,000 to purchase uniforms, body armor and other items to equip newly hired police officers

### READING AND PASSAGE OF LEGISLATION

An Ordinance amending Chapter 301 – Definitions of the Codified Ordinances of the City of Chillicothe and enacting Chapter 343 – Underspeed Vehicles was read for the second time by title only.

Ord. No. 45-20 appropriating \$10,000.00 for HVAC repairs at the City Administration Building and declaring an emergency was read for the first time by title only. Ms. Lewis 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. 45-20 adopted.

Ord. No. 46-20 accepting and appropriating \$1,000.00 in funds donated by the Ohio Department of Natural Resources for the City’s Fishing Derby 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. 46-20 adopted.

Ord. No. 47-20 accepting and appropriating funds received from the Atomic Credit Union in the amount of \$25,000.00 for street improvements at the intersection of Limestone Boulevard and Western Avenue and declaring an emergency was read for the first time by title only. Mr. Shoemaker moved and Ms. Nickerson 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. 47-20 adopted.

Ord. No. 48-20 approving the creation of a separate special revenue fund to account for and separately track the activity of Coronavirus Relief Funds (CRF) and declaring an emergency was read for the first time by title only. Mr. Proehl moved and Mr. Shoemaker 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. 48-20 adopted.

An Ordinance approving the action of the Planning Commission of the City of Chillicothe with regard to a lot split and zoning boundary adjustments for property located on Stoneridge Drive and Western Avenue, Chillicothe, Ohio was read for the first time by title only.

An Ordinance approving a contract between the City and Burgess & Niple for professional services for preparation of an Ohio EPA required Asset Management Plan and assistance with the implementation of said plan and appropriating \$50,000.00 for their services was read for the first time only by title only.

Res. No. 12-20 adopting the Tax Budget for the City of Chillicothe, Ohio, for the calendar year beginning January 1, 2021, submitting the same to the County Auditor, and declaring an emergency was read for the first time by title only. Mr. Proehl 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 Resolution No. 12-20 adopted.

Res. No. 13-20 supporting the City’s participation in the Coronavirus Aid, Relief and Economic Security (CARES) Act, requesting the City’s share of funds and affirming funds from the Coronavirus Relief Distribution Fund will be expended only to cover costs of the City of Chillicothe, Ohio consistent with the requirements of the CARES Act as described in 42 U.S.C. 801 (formerly 42 U.S.C. 601) 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 Resolution No. 13-20 adopted.

Ord. No. 49-20 amending Ordinance 01-19 to reflect the correct property address as 40-50 Centennial Boulevard and declaring an emergency was read for the first time by title only. Ms. Nickerson 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. 49-20 adopted.

Ord. No. 50-20 amending Ordinance 76-19 to reflect the correct property address as 40-50 Centennial Boulevard and declaring an emergency was read for the first time by title only. Ms. Nickerson 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. 50-20 adopted.

President Arnold inquired if there was a motion to adjourn.

Mr. Phillips 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 8:20 p.m.

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Clerk of Council

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President of Council