

WHITEHALL CITY COUNCIL MEETING
MINUTES – MAY 17, 2016

Council President Jim Graham called the regular meeting of Whitehall City Council to order at 7:00 p.m. on Tuesday, May 17, 2016.

At President Graham's request, everyone rose for a moment of silence. The Pledge of Allegiance was then recited by those assembled.

On roll call by the clerk, the following members of council were present:

Lee Stahley
Larry Morrison
Bob Bailey
Chris Rodriguez
Van Gregg
Karen Conison

EXECUSE ABSENT MEMBER

Mr. Bailey moved to excuse the absent member and Mr. Rodriguez seconded the motion. On a roll call vote, the six present members voted in the affirmative and Mr. Kantor was excused.

APPROVAL OF MINUTES

Mrs. Conison moved to approve the Minutes of the April 19, 2016, and May 3, 2016, agenda and regular meetings. Mr. Gregg seconded the motion. There was no discussion. On a roll call vote, the six present members responded in the affirmative and the Minutes were approved as submitted.

POLL PUBLIC

Willie Pickens, Senior Pastor of Vineyard Ministries introduced himself and informed council that they are currently looking for a new location in Whitehall. He explained when the church first came to Whitehall they had some problems with zoning and occupancy permits and it was very costly for the church. Moving forward he would like to work with the city on making sure everything is done properly. Pastor Pickens asked the city for any help they can give on finding a new location for their Ministry. He stated that economic development is all good, but let's not forget about the spiritual development. He said if anyone has any questions, please call him.

Troy Cunningham resides and owns property on Rosemore Ave. He said he is here to oppose the group home that is proposed for his street. He is worried about safety and property values going down. He said it appeared to him that the rezoning was a done deal and the street was being marked before all the neighbors were informed. He wanted to remind council that a few years ago an individual from a group home in Westerville killed a jogger. He stated that no one has told them what type of disabilities these residents will have. He is concerned that the rest of the community or the street doesn't seem to know what is going on and he feels everyone should be included that lives on Rosemore Avenue.

STANDING COMMITTEE REPORTS

Administration and Financial Management – Chairperson Bailey reported that they met last week and their minutes are on file. They discussed Ord. #052, #053, Res. #034, and #036. They will meet again next week, sometime after 6:30 p.m.

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Community Engagement – Chairperson Conison reported that they met last week and their minutes are on file. She explained that they are getting ready for summer events and they have changed the name of the Community Picnic to Family Fun Fest. It will be held July 2 in hopes of getting more people and there are many great things planned. The committee will meet next week, sometime after 6:30 p.m.

Community Standards and Enforcement – Chairperson Rodriguez reported that they met last week and their minutes are on file. They discussed Ord. #045 which is up for public hearing this evening. They too will meet next week, sometime after 6:30 p.m.

Economic Development – Chairperson Morrison reported that they met last week and their minutes are on file. They discussed Ord. #050. They will meet sometime after 6:30 p.m. next week.

Infrastructure, Maintenance and Services – Chairperson Gregg said that they met last week and their minutes are on file. They discussed Ord. #048 and #054. They will meet next week, sometime after 6:30 p.m.

Public Safety – Chairperson Stahley said that they met last week and their minutes are on file. They discussed Ord. #041, #042 and Res. #033. The Safety Committee will meet next week, sometime after 6:30 p.m.

Parks and Recreation – President Graham spoke on behalf of Chairperson Kantor who was unable to attend this evening. They discussed Ord. #048. He said that they met and their minutes are on file. They too will meet next week, sometime after 6:30 p.m.

OFFICIALS' REPORTS

Mayor Kim Maggard – She has been watching state wide legislation and a close watch on Senate Bill 235. This bill would allow developers to put a freeze on any increased value on their land for up to 10 years without doing one thing to it. She, as well as many others, is opposed to this. Another house bill introduced today would raise license plates fees. They have not been raised since 1986. That fee helps fund the neighborhood roads in Whitehall. She is also concerned about a new bill that has come out that will freeze energy mandates for the next three years and another accompanying bill that will freeze them indefinitely. The issue is, by not responding to the problem now it can impact Ohio and our neighboring states. But not only that, it is going to put Ohio behind the eight ball regarding climate change and creating jobs. She asked for approval from council on Ordinance #045, #048, #050 and Res. #033.

City Attorney Michael Bivens – He thanked the public for coming out. He informed us that there were three bench trials last Tuesday in Mayors Court. The trials were performed by the interns to help them learn. He said one intern did the whole trial by herself. Additionally, there was a very large docket today as well as another bench trial in Franklin County Municipal Court yesterday. The City Attorney's office is very busy letting the city know there will be trials here in Whitehall. He would like to invite everyone to attend the first ever mock trial on Thursday at 6:00 p.m. Judge Kimberly Cocroft from Common Pleas court will be presiding. The students will be doing cross examinations, opening statements as well as closing arguments. It is going to be a murder trial with the self-defense of battered women. This should be an interesting trial and will not take too long because the students are nervous and they will talk very fast. Everyone is welcome to come and can even serve on the jury.

City Auditor Dan Miller – No official report, but requested consideration of Ord. # 041, #042, #052, #053 and Res. #034 and #036.

Director of Public Safety Chuck Underwood – No official report this afternoon. Mr. Underwood explained the banner that was hanging on the wall tonight was created by the 2nd grade class from Kae Ave School and was presented to Officer Mark Showater this morning. It reads, "For all that you have done and all that you will do I know that I am safe because of you". Then the kids all hugged him. It shows that the students respect him and appreciate what he does.

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Treasurer Steve Quincel – No official report tonight.

Council President Jim Graham said the following Officials' Reports have been filed in the Council Office since the last meeting:

- A. DIVISION OF POLICE PREMIUM PAY REPORT FOR MARCH 2016;
- B. AUDITOR'S EXPENSE REPORT FOR APRIL 2016;
- C. AUDITOR'S BANK REPORT FOR APRIL 2016;
- D. AUDITOR'S STATEMENT OF CASH POSITION FOR APRIL 2016;
- E. AUDITOR'S REVENUE REPORT FOR APRIL 2016;
- F. DIVISION OF FIRE OVERTIME REPORT FOR APRIL 2016;
- G. MAYOR'S REPORT TO COUNCIL FOR APRIL 2016.

COMMUNICATIONS, PETITIONS AND CLAIMS:

- 1. Written Favorable Recommendation the Whitehall Planning Commission on Ordinance No. 045-2016, with the following conditions:
 - 1) Site plan to be altered to reflect parking to south and rear of building;
 - 2) Fence installed on the north property line; and
 - 3) Final landscaping plans before May 17 meeting.
- 2. Minutes of the May 5 Planning Commission meeting.

PUBLIC HEARING

ORDINANCE NO. 45-2016

AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1122 OF THE 1970 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, CHANGING THE ZONING ON PROPERTY LOCATED ON ROSEMORE AVE., PARCEL NUMBER 090-001619, FROM RESIDENTIAL DISTRICT (R-3) TO EXCEPTIONAL USE DISTRICT (EU), PROPERTY OWNED BY CYNTHIA STEWART.

President Graham opened the public hearing on Ordinance No. 045-2016 and invited the applicant to come forward and present the case.

Alan Price spoke requesting the approval of rezoning for development of a six bedroom home, licensed with the State of Ohio. He explained that this is not a half-way house it is a group home for adults with disabilities that require full time care.

Mr. Price introduced Shamar Hudgens, who currently runs a facility. She stated that these homes have a staff 24 hours, seven days a week and a nurse on premises 16 hrs. a day. The residents need help with daily living and are not able to be their own guardian. The Franklin County Board of Developmental Disabilities calls them when they need placement for an individual. Their process is to determine the individuals IQ and evaluate how severe the disabilities are. After that determination, they can place them in a home that is good for their needs. She explained most of the people are there for their lifetime unless their guardian wants them moved. The state is in the process of downsizing the larger facilities and creating residential homes.

President Graham asked if the residents are there 24 hours a day. Ms. Hudgens explained that some residents are retired, some have jobs and some go home for the weekends. There are residents that do not go anywhere; therefore the staff has activities for them during the day. Most of the individuals are elderly.

Mr. Stahley asked if any of these residents are a safety risk to the neighboring homes. They replied, no.

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Mr. Bailey asked if these residents are able to come and go as they please. Ms. Hudgens answered that staff would be with them at all times.

Mr. Morrison clarified that the planning commission minutes stated that they could come and go as they please and that is why there is confusion.

. Mrs. Conison asked how many staff members are with them. Mrs. Hudgens said two on 1st and 2nd shifts and one at night; this does depend on how many residents are there.

Mr. Stahley asked how often a squad is there. She explained maybe twice a month, sometimes just to transport a resident to an appointment.

Mr. Morrison asked how much medical assistance is given in the home. She answered that there is a nurse there on 1st and 2nd shift.

Mr. Bailey was looking at the plans and said it looks like what the City has requested as far as parking would make it difficult on the staff. Mr. Price said they could handle it.

Mr. Bailey asked Joe Ryan, Economic Dev. Specialist, if this was a four bed unit, would the property still need to be rezoned. Mr. Ryan said he believes it would.

President Graham asked if there was anyone else to speak.

City of Whitehall Economic Dev. Specialist, Joe Ryan explained that this rezoning is a unique case due to this location being in a transitional zoning area. To the west is GCD, south are apartments and north are single family homes. He said from high intensity use to low intensity single family, this would blend in. He added, if this zoning was two or three lots up or a large office building, the city would not recommend it. The reason for this exceptional use is because this was zoned back in the 70's before they had institutions like this. He stated it is also bringing 2 jobs to Whitehall. The city is requesting an 8" vinyl fence in the back yard, shutters on windows and parking on the side yard to give it a single family look.

Mr. Graham asked who is responsible for the existing privacy fence on the east side of the property. Mr. Ryan said that he believes that belongs to Langport Housing Assoc., and that Director Woodruff is working with them on some issues. President Graham added that behind the fence is a pond and his concern is a resident of the facility would be able to get back there.

Mr. Ryan distributed an example of a previous exceptional use rezoning that was done in 2004 on Beechwood Ave. He explained that this was another unique case.

Mr. Stahley asked if the property values went down from the previous rezoning. Mr. Ryan said he has no idea, but it would be interesting to research that issue.

Mr. Ryan thanked the neighbors who gave their input and said that type of input is how a city determines what is good for the community.

Mrs. Conison asked if the whole street was notified or is it just the adjacent properties. Mr. Ryan explained that for the Planning Commission Meeting it is just adjacent properties, but for the Public Hearing it is published in the newspaper, and on the city's web-site. A sign is also placed on the property.

Mayor Maggard explained that there have never been any police issues on any of the homes for the mentally disadvantaged in the city and that their properties are well maintained. They are very good neighbors.

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There being no further proponents and no opponents wishing to speak, President Graham closed the public hearing at 7:40 p.m.

VERIFICATION OF COPIES

President Graham requested a roll call on whether each member of council received a copy of each item of legislation listed on the agenda prior to the meeting, including any add-on legislation. The six present members all responded in the affirmative.

THIRD READING

ORDINANCE NO. 041-2016 was read by title only by President Graham:

“APPROVING A CHANGE OF PURPOSE FOR ACCOUNT (101-970-51500) FROM COMMUNICATIONS OPERATORS SALARIES TO COMMUNICATION OPERATORS CONTRACT SERVICES.”

Mr. Stahley introduced and moved to adopt Ordinance No. 041-2016. Mrs. Conison seconded the motion. There was no discussion. On a roll call vote, the six present members voted in the affirmative and ORDINANCE NO. 041-2016 was adopted.

ORDINANCE NO. 042-2016 was read by title only by President Graham:

“RECLASSIFYING AN ADVANCE TO A TRANSFER.”

Mr. Stahley introduced and moved to adopt Ordinance No. 042-2016. Mrs. Conison seconded the motion. There was no discussion. On a roll call vote, the six present members voted in the affirmative and ORDINANCE NO. 042-2016 was adopted.

ORDINANCE NO. 045-2016 was read by title only by President Graham:

“AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1122 OF THE 1970 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, CHANGING THE ZONING ON PROPERTY LOCATED ON ROSEMORE AVE., PARCEL NUMBER 090-001619, FROM RESIDENTIAL DISTRICT (R-3) TO EXCEPTIONAL USE DISTRICT (EU), PROPERTY OWNED BY CYNTHIA STEWART.”

Mr. Rodriguez introduced and moved to adopt Ordinance No. 045-2016. Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, the six present members voted in the affirmative and ORDINANCE NO. 045-2016 was adopted.

ORDINANCE NO. 048-2016 was read by title only by President Graham:

“AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$1,300,000 FOR THE PURPOSE OF DESIGNING, CONSTRUCTING AND IMPROVING VARIOUS PARKS AND RECREATIONAL FACILITIES, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO; AND APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.”

Mr. Gregg introduced and moved to adopt Ordinance No. 048-2016. Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, the six present members voted in the affirmative and ORDINANCE NO. 048-2016 was adopted.

ORDINANCE NO. 050-2016 was read by title only by President Graham:

“TO AUTHORIZE THE PROVISION OF CERTAIN TAX EXEMPTIONS WITHIN THE EAST BROAD STREET DISTRICT COMMUNITY REINVESTMENT AREA FOR THE PURPOSE OF ENCOURAGING ECONOMIC DEVELOPMENT WITHIN THE AREA; AUTHORIZING THE EXECUTION OF THE RELATED COMMUNITY REINVESTMENT AREA AGREEMENT; AND AUTHORIZING EXECUTION OF A MUNICIPAL INCOME TAX REIMBURSEMENT AGREEMENT.”

Mr. Morrison introduced and moved to adopt Ordinance No. 050-2016. Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, the six present members voted in the affirmative and ORDINANCE NO. 050-2016 was adopted.

SECOND READING

There was no legislation for second reading.

FIRST READING

ORDINANCE NO. 052-2016 was read by title only by President Graham:

“APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF THREE HUNDRED SEVNTY-ONE THOUSAND NINE HUNDRED EIGHTY AND 00/100 DOLLARS (\$371,980.00) FROM THE NORTH HAMILTON ROAD OPWC ISSUE 2 FUND (308) TO THE NORTH HAMILTON ROAD OPWC ISSUE 2 EXPENSE ACCOUNT (308-000-51000) AND DECLARING AN EMERGENCY.”

Mr. Bailey introduced Ordinance No. 052-2016 and moved to suspend the rules, Mr. Gregg seconded the motion. There was no discussion. On a roll call vote, the six present members responded in the affirmative and the rules were suspended.

Mr. Bailey then moved to adopt Ordinance No. 052-2016 and Mr. Gregg seconded the motion. There was no discussion. On a roll call vote, the six present members voted in the affirmative and ORDINANCE NO. 052-2016 was adopted.

ORDINANCE NO. 053-2016 was read by title only by President Graham:

“APPROVING AND MAKING A FUND TRANSFER IN THE AMOUNT OF FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE FRANKLIN COUNTY INFRASTRUCTURE BANK FUND (317). MAKING AND APPROVING A SUPPLEMENTAL APPROPRIATION OF FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00) FROM THE FRANKLIN COUNTY INFRASTRUCTURE BANK FUND (317) TO THE FRANKLIN COUNTY INFRASTRUCTURE BANK ACCOUNT (317-000-50000) AND DECLARING AN EMERGENCY.”

Mr. Bailey introduced Ordinance No. 053-2016 and moved to suspend the rules, Mrs. Conison seconded the motion. There was no discussion. On a roll call vote, the six present members responded in the affirmative and the rules were suspended.

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Mr. Bailey then moved to adopt Ordinance No. 053-2016 and Mrs. Conison seconded the motion. There was no discussion. On a roll call vote, the six present members voted in the affirmative and ORDINANCE NO. 053-2016 was adopted.

ORDINANCE NO. 054-2016 was read by title only by President Graham:

“AUTHORIZING A REVISION TO SECTION 161.37(d) SERVICE DEPARTMENT AND STREET EMPLOYEES TABLE OF AUTHORIZED PERSONNEL AND DECLARING AN EMERGENCY.”

Mr. Gregg introduced Ordinance No. 054-2016 and moved to suspend the rules, Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, the six present members responded in the affirmative and the rules were suspended.

Mr. Gregg then moved to adopt Ordinance No. 054-2016 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, the six present members voted in the affirmative and ORDINANCE NO. 054-2016 was adopted.

RESOLUTION NO. 032-2016 was read by title only by President Graham:

“ADOPTING THE TAX BUDGET FOR THE CITY OF WHITEHALL, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017 AND SUBMITTING SAME TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY.”

RESOLUTION NO. 033-2016 was read by title only by President Graham:

“AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT THE FEDERAL FY 2016 COPS COMMUNITY POLICING DEVELOPMENT GRANT AND DECLARING AN EMERGENCY.”

Mr. Stahley introduced Resolution No. 033-2016 and moved to suspend the rules, Mrs. Conison seconded the motion. There was no discussion. On a roll call vote, the six present members responded in the affirmative and the rules were suspended.

Mr. Stahley then moved to adopt Resolution No. 033-2016 and Mrs. Conison seconded the motion. There was no discussion. On a roll call vote, the six present members voted in the affirmative and RESOLUTION NO. 033-2016 was adopted.

RESOLUTION NO. 034-2016 was read by title only by President Graham:

“RESOLVING TO APPROVE ‘THEN AND NOW’ CERTIFICATES AND DECLARING AN EMERGENCY.”

Mr. Bailey introduced Resolution No. 034-2016 and moved to suspend the rules, Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, the six present members responded in the affirmative and the rules were suspended.

Mr. Bailey then moved to adopt Resolution No. 034-2016 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, the six present members voted in the affirmative and RESOLUTION NO. 034-2016 was adopted.

RESOLUTION NO. 035-2016 was read by title only by President Graham:

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“LEVYING SPECIAL ASSESSMENTS FOR PROPERTY MAINTENANCE AT SEVERAL LOCATIONS IN THE CITY OF WHITEHALL OHIO (ADDRESSES AND PARCEL NUMBERS AS PROVIDED WITHIN THE TEXT OF THIS RESOLUTION), CERTIFYING SUCH COSTS TO THE FRANKLIN COUNTY AUDITOR TO BE ASSESSED AGAINST SUCH PROPERTY AND DECLARING AN EMERGENCY.”

Mr. Gregg introduced Resolution No. 035-2016 and moved to suspend the rules, Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, the six present members responded in the affirmative and the rules were suspended.

Mr. Gregg then moved to adopt Resolution No. 035-2016 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, the six present members voted in the affirmative and RESOLUTION NO. 035-2016 was adopted.

RESOLUTION NO. 036-2016 was read by title only by President Graham:

“RESOLVING TO APPROVE ‘THEN AND NOW’ CERTIFICATES AND DECLARING AND EMERGENCY.”

Mr. Bailey introduced Resolution No. 036-2016 and moved to suspend the rules, Mrs. Conison seconded the motion. There was no discussion. On a roll call vote, the six present members responded in the affirmative and the rules were suspended.

Mr. Bailey then moved to adopt Resolution No. 036-2016 and Mrs. Conison seconded the motion. There was no discussion. On a roll call vote, the six present members voted in the affirmative and RESOLUTION NO. 036-2016 was adopted.

POLL PUBLIC

There were no comments.

COMMUNITY DATE BOARD

Ms. Martinez thanked everyone for coming out to the Whitehall clean-up day. She stated that there were 175 people and she will be posting pictures soon. She also wanted to let everyone know that this Thursday is a job fair at the High School from 1:30 – 4:00 for High School students and their families and a mock trial at 6:00 pm in City Hall. The city has received a great response in the schools. Also, tomorrow Officers Brian Smith and Tom Brown are being honored at 3:00 p.m. at the Police Department. Lastly, Ms. Martinez is excited to introduce and educate the community on Ted X on June 22; she will keep us informed. Next council meeting she will have flyers regarding the 4th of July.

Mrs. Conison informed us that tomorrow night at the WCPAAA meeting, State Representative Heather Bishoff will speak at 6:30 pm.

POLL COUNCIL

Mr. Stahley thanked everyone for coming and thanked Mayor Maggard for keeping them updated on state and city issues. He concluded by sharing a quote from Walt Disney that he felt represents the City of Whitehall. The quote reads “Around here however, we don’t look

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backwards very long, we keep moving forward opening up new doors and doing new things because we are curious and after all curiosity keeps leading us down new paths.”

Mr. Morrison thanked everyone for coming and complimented Mr. Stahley on his quote.

Mr. Bailey thanked everyone for coming and thanked Mr. Pickens for introducing himself. He also congratulated Mary Freimark on her appointment to the position of Clerk of Council.

Mr. Rodriguez congratulated Director Woodruff on the birth of his daughter. He also thanked Director Underwood and the Mayor for the updates on the Police.

Mr. Gregg thanked everyone for coming and expressed his appreciation to the planning commission for the work that they had done on the issues tonight.

Mrs. Conison thanked everyone for coming.

President Graham thanked everyone for coming.

Having nothing further, Mr. Rodriguez moved to adjourn and Mr. Bailey seconded the motion. On a roll call vote, the six present members responded in the affirmative and the meeting adjourned at 8:02 p.m.

Respectfully submitted,

Mary Freimark, Clerk of Council

APPROVED: _____, 2016.

Jim Graham, Council President