

WHITEHALL CITY COUNCIL MEETING  
MINUTES – AUGUST 2, 2016

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Council President Jim Graham called the regular meeting of Whitehall City Council to order at 7:00 p.m. on Tuesday, August 2, 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:

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

APPROVAL OF MINUTES

Ms. Conison moved to approve the Minutes of the July 19, 2016 agenda and regular meetings. Mr. Kantor seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the Minutes were approved as submitted.

POLL PUBLIC

There were no comments.

STANDING COMMITTEE REPORTS

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

Community Engagement – Chairperson Conison reported that they met last week and their minutes are on file. The committee will meet next week, sometime after 6:30 p.m.

Community Standards and Enforcement – Chairperson Rodriguez said that they met last week and their minutes are on file. 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 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 will meet next week, sometime after 6:30 p.m.

Public Safety – Chairperson Stahley said they met last week and their minutes are on file. The Safety Committee will meet next week, sometime after 6:30 p.m. He also would like to congratulate new fire fighter, Connor Harmons that was sworn in earlier today and thanked all the officers and employees serving National Night Out.

Parks and Recreation – Chairperson Kantor said that they met last week and their minutes are on file. They too will meet next week, sometime after 6:30 p.m. He announced the Park and Rec. commission will have two meetings this month, August 4 and August 25. He stated that Music in the Park has finished and it was great this year.

OFFICIALS' REPORTS

Mayor Kim Maggard – thanked everyone for coming out this evening for National Night Out and those who attended the Food Truck Festival. She asked for favorable consideration of Ordinance Nos. #068-2016, #079-2016, #082-2016.

City Attorney Michael Bivens – reported there were 223 active cases for the month of July in mayors court, 25% were Whitehall residents. When he looked at criminal cases only, 8% to 9% of the defendants are Whitehall residents. This just proves once again that Whitehall is a safe place to live and a safe place to raise your family. He stated that he is working with the Whitehall City Schools to host a Domestic Violence Workshop this Thursday at the High School. City Councilman Lee Stahley will be the moderator. There will be many speakers, including Judge Laurel Beatty and the city's Domestic Violence Victims' Advocate Cynthia Newsome. He thanked Whitehall city schools and acknowledged school board member, Joy Bivens who was present. He encouraged everyone to come with questions. He welcomed his daughter back from college and praised his son for being one of the quarterbacks for Whitehall High School.

Director of Service and Development Zach Woodruff – was not present.

City Auditor Dan Miller – Had no official report. He asked for favorable consideration of Ordinance Nos. 068-2016, 069-2016, 070-2016, 081-2016 and Resolution Nos. 045-2016, 046-2016 and 047-2016.

Safety Director Chuck Underwood – Had no official report. He stated that the support that has been shown to our police department has been very encouraging. They have received numerous written notes and comments.

Treasurer Steve Quincel – Had no official report.

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

- A. TREASURER'S FUND RECONCILIATION REPORT FOR MARCH 2016;
- B. TREASURER'S INVESTMENT REPORT FOR MARCH 2016;
- C. TREASURER'S ACTIVITY BY FUND REPORT FOR MARCH 2016;
- D. DIVISION OF POLICE PREMIUM PAY REPORT FOR JUNE 2016;
- E. MAYOR'S REPORT TO COUNCIL FOR JUNE 2016;

COMMUNICATIONS, PETITIONS AND CLAIMS:

- 1. AGENDA FOR THE AUGUST 4, 2016, MEETING OF THE WHITEHALL PARKS AND RECREATION COMMISSION.
- 2. MINUTES OF THE JUNE 23, 2016, MEETING OF THE WHITEHALL PARKS AND RECREATION COMMISSION.

PUBLIC HEARING

ORDINANCE NO. 064-2016

AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1122 OF THE 1970 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, ALLOWING A SPECIAL PERMIT UNDER 1123.08(c)(29) TO ALLOW A CHILD'S JOURNEY, LLC TO OPERATE A DAY CARE ON THE PROPERTY LOCATED AT 846 S. YEARLING RD., OWNED BY DEERE ENTERPRISES LLC.

President Graham opened the public hearing on Ordinance No. 064-2016 at 7:10 p.m.

Akja Williams and Tinita Smith, 846 S. Yearling Rd. are proposing to open a child care center at 846 S. Yearling Rd. They described their experience and credentials in the child care field and the affiliation they have with Whitehall. Their childcare facility will be for children 6 weeks old to school age. There will be no more than 30 children in the building being monitored by 4-5 employees. Hours of operation for this facility will be Monday through Friday, 6am to 6pm. Ms. Williams explained that there will be an outdoor play area of 3,000 sq. ft. and they will be building a white vinyl fence. The center will have four classrooms, separated by ages of children. She explained they recently decided not to have care for school age children. Mr. Bailey asked if they completed the eight items that planning commission requested. Mr. Ryan said that the property manager can speak to those questions later. Mr. Stahley asked what the curriculum will be. Ms. Smith said they will choose a curriculum based on state standards. Mr. Kantor asked if they will be preparing the meals. Ms. Smith said they will serve breakfast and lunch by a caterer and will have snacks on site. Ms. Conison asked if all five staff members will be there at all times. They said the two of them will be there daily and they will stagger the five staff members to cover the hours. Mr. Morrison asked how many teachers will be outside to supervise the children. She answered she will stagger the ages of the children when they are outside so everyone meets the required supervisory ratio. Mr. Morrison asked where the outside space is and how big. She answered after they remove the shrubs, they will have 3000 sq. ft. It will be located on the north side of the property at the rear side of building. Council asked when they would like to open. She answered as soon as possible, but their target date is the end of September. Mr. Stahley asked if there was an application process for the children. She answered that there is an application that needs filled out along with medical records. Mr. Kantor asked if these teachers will be licensed. She stated that some teachers will have associates degrees and the assistant teachers will have CDA credentials. She explained that because they are licensed with Ohio Jobs and Family services, they are to follow their training in addition to education.

Next, Michael Publicover, Property Manager for the owner, introduced himself and said that these ladies have done a wonderful job preparing their business. He stated that he is aware of the planning commission conditions and will be able to complete them. He explained that he knows what is required because he has done a lot of work for charter schools around Columbus. Mr. Publicover said that one of the issues from Planning Commission was where trash would be placed. He explained that they were cleared for toters instead of dumpsters. President Graham asked where the toters will be picked up by Local Waste. Mr. Ryan explained that he met with the supervisor from Local Waste and they informed him that they will park on Yearling and physically pick up the toters to dump them. Mr. Morrison asked if there will be a 6" fence at the alley side instead of 4" fence. Mr. Publicover stated that they will do whatever council requires. President Graham asked if the only part that will be fenced is the play area. Mr. Ryan said yes. Mr. Stahley stated his concerns about the distance between the toters and where Local Waste is picking them up along with the traffic it may cause when the trucks stop on Yearling Rd. Mr. Ryan said he was assured by local waste that this is not a problem. President Graham stated that some residents on Yearling already have trash pick-up service that does not require the trash to be on the curb. Mr.

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Ryan said that they will monitor the situation and if they need to change the trash pick-up they will.

Next, Joe Ryan, Economic Development Specialist, 360 S. Yearling Rd. reiterated to council that the screen for the toters and the 6” fence need to be added with the planning commission conditions. He also said if the toters become a problem they are willing to get a dumpster. He concluded by saying how cooperative the applicant and the property manager has been with the city.

There being no further proponents and no opponents, President Graham closed the public hearing at 7:31 pm

PUBLIC HEARING

ORDINANCE NO. 074-2016

AMENDING SECTIONS 1123.00, 1123.01, 1123.02, 1123.03, 1123.04 TO ADD A LOT MAXIMUM FOR IMPERVIOUS PARKING AREA.

President Graham announced that Ordinance No. 074-2016 has been pulled by its preparer.

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. All members responded in the affirmative.

THIRD READING

ORDINANCE NO. 064-2016 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, ALLOWING A SPECIAL PERMIT UNDER 1123.08(c)(29) TO ALLOW A CHILD’S JOURNEY, LLC TO OPERATE A DAY CARE ON THE PROPERTY LOCATED AT 846 S. YEARLING RD., OWNED BY DEERE ENTERPRISES LLC.”

Mr. Rodriguez introduced and moved to amend Ordinance No. 064-2016 to require screening for the toters as well as a 6” fence along the alley. Mr. Gregg seconded the motion. On a roll call vote, all members voted in the affirmative and Ordinance No. 064-2016 was amended.

Mr. Rodriguez then and moved to adopt Ordinance No. 064-2016 (amended 8-2-16) Mr. Kantor seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 064-2016 (amended 8-2-16) was adopted.

ORDINANCE NO. 068-2016 was read by title only by President Graham:

“APPROVING AND MAKING A FUND TRANSFER OF EIGHTY-FIVE THOUSAND FIVE HUNDRED SIXTY-SEVEN AND 00/100 DOLLARS (\$85,567.00) FROM THE MAIN ST. STREETSCAPE ACCOUNT (307-000-

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51000) TO THE DEBT SERVICE FUND (401) AND DECLARING AN EMERGENCY.”

Mr. Bailey introduced and moved to adopt Ordinance No. 068-2016, Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 068-2016 was adopted.

ORDINANCE NO. 069-2016 was read by title only by President Graham:

“AUTHORIZING THE CITY AUDITOR, UPON REQUEST AND APPROVAL BY THE RELEVANT DEPARTMENT HEAD, TO MAKE TRANSFERS UP TO FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) BETWEEN APPROPRIATION LINE ITEMS WITHIN THE SAME DEPARTMENT AND/OR FUND.”

Mr. Bailey introduced and moved to adopt Ordinance No. 069-2016, Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 069-2016 was adopted.

ORDINANCE NO. 073-2016 was pulled by its preparer.

ORDINANCE NO. 074-2016 was pulled by its preparer.

SECOND READING:

There was no legislation for second reading.

FIRST READING

ORDINANCE NO. 077-2016 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, ALLOWING A SPECIAL PERMIT UNDER 1123.10(c)(34) TO ALLOW EMPIRE SQUARE LLC TO OPERATE AN ADULT DAYCARE FACILITY ON THE PROPERTY LOCATED AT 4371 E. BROAD STREET, PROPERTY OWNED BY BOARD LIBRARY TRUSTEES.”

President Graham referred Ordinance No. 077-2016 to the Whitehall Planning Commission and set a public hearing before Council for September 6, 2016.

ORDINANCE NO. 078-2016 was read by title only by President Graham:

“MAKING AND APPROVING A SUPPLEMENTAL APPROPRIATION OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE

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LEGAL DEFENSE ACCOUNT (101-900-51000) AND DECLARING AN EMERGENCY.”

Mr. Bailey introduced and moved to suspend the rules on Ordinance No. 078-2016 and Mr. Stahley seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the rules were suspended.

Mr. Bailey then moved to adopt Ordinance No. 078-2016 and Mr. Stahley seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 078-2016 was adopted.

ORDINANCE NO. 079-2016 was read by title only by President Graham:

“AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION OF TWO HUNDRED THOUSAND AND NO/DOLLARS (\$200,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE TRANSFER EXPENSE ACCOUNT 101.950.59999; AUTHORIZING AND APPROVING A TRANSFER IN THE AMOUNT OF TWO HUNDRED THOUSAND AND NO/DOLLARS(\$200,000.00) FROM THE TRANSFER EXPENSE ACCOUNT 101-950-59999 TO THE (311) CAPITAL IMPROVEMENTS FUND; AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF TWO HUNDRED THOUSAND AND NO/DOLLARS (\$200,000.00) FROM THE 311 CAPITAL IMPROVEMENTS FUND TO THE CAPITAL IMPROVEMENTS EXPENSE ACCOUNT 311-000-54000 AND DECLARING AN EMERGENCY.”

Mr. Bailey introduced and moved to suspend the rules on Ordinance No. 079-2016 and Mr. Gregg seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the rules were suspended.

Mr. Bailey then moved to adopt Ordinance No. 079-2016 and Mr. Gregg seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 079-2016 was adopted.

ORDINANCE NO. 080-2016 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, ALLOWING A SPECIAL PERMIT UNDER 1123.12(c)(5) TO ALLOW DENT MAGIC USA LLC TO OPERATE A PAINLESS DENT REMOVAL FACILITY ON THE PROPERTY LOCATED AT 171C AND 171D N. HAMILTON RD., PROPERTY OWNED BY HGI-MIDWEST LLC.”

President Graham referred Ordinance No. 080-2016 to the Whitehall Planning Commission and set a public hearing before Council for September 6, 2016.

ORDINANCE NO. 081-2016 was read by title only by President Graham:

“APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF ONE HUNDRED NINE THOUSAND AND NO/100 DOLLARS (\$109,000.00) FROM PREVIOUSLY UNAPPROPRIATED MONIES IN THE ACCRUED BENEFITS RESERVE FUND (505) TO THE ACCRUED BENEFITS RESERVE EXPENSE ACCOUNT (505-000-51000) AND DECLARING AN EMERGENCY.”

Mr. Bailey introduced and moved to suspend the rules on Ordinance No. 081-2016 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the rules were suspended.

Mr. Bailey then moved to adopt Ordinance No. 081-2016 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 081-2016 was adopted.

ORDINANCE NO. 082-2016 was read by title only by President Graham:

“AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVELY BARGAINED CONTRACT WITH THE COMMUNICATIONS WORKERS OF AMERICA, LOCAL 4320 (CWA) AS BARGAINING REPRESENTATIVE FOR BARGAINING UNIT EMPLOYEES NOTED IN SAID CONTRACT, FOR A PERIOD OF THREE YEARS, FROM JANUARY 1, 2016 THROUGH DECEMBER 31, 2018 AND DECLARING AN EMERGENCY.”

Mr. Stahley introduced and moved to suspend the rules on Ordinance No. 082-2016 and Mr. Kantor seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the rules were suspended.

Mr. Stahley then moved to adopt Ordinance No. 082-2016 and Mr. Kantor seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 082-2016 was adopted.

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

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

Mr. Bailey introduced Resolution No. 045-2016 and moved to suspend the rules, Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the rules were suspended.

Mr. Bailey then moved to adopt Resolution No. 045-2016 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and RESOLUTION NO. 045-2016 was adopted.

RESOLUTION NO. 046-2016 was read by title only by President Graham:

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

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Mr. Bailey introduced Resolution No. 046-2016 and moved to suspend the rules, Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the rules were suspended.

Mr. Bailey then moved to adopt Resolution No. 046-2016 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and RESOLUTION NO. 046-2016 was adopted.

RESOLUTION NO. 047-2016 was read by title only by President Graham:

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

Mr. Bailey introduced Resolution No. 047-2016 and moved to suspend the rules, Mr. Gregg seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the rules were suspended.

Mr. Bailey then moved to adopt Resolution No. 047-2016 and Mr. Gregg seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and RESOLUTION NO. 047-2016 was adopted.

POLL PUBLIC

There were no comments at this time.

COMMUNITY DATE BOARD

Events are listed on the City’s Website.

POLL COUNCIL

Ms. Conison thanked everyone for coming and also thanked everyone for the congratulations on the engagement of her daughter.

Mr. Kantor thanked everyone for coming. He also thanked Joy Bivens, Katie Quincel and John Fetterer for all the work they do on the School Board and the Parks and Rec. Commission. He also thanked council and Mayor Maggard for pulling Ord. #073-2016 and #074-2016. He felt that there was too much controversy regarding these ordinances.

Mr. Stahley thanked everyone for coming out and said he hopes that everyone made it to National Night Out. He also thanked Mr. Bivens for showing how safe it is for Whitehall people. He said how great it is to see two highly motivated women opening a business in Whitehall.

Mr. Morrison thanked everyone for coming and said he hoped everyone enjoyed National Night Out.

Mr. Bailey stated it was good to see everyone. He congratulated Auditor Miller for winning the Award with Distinction from the State. He also clarified that in his mind there was not any controversy regarding the parking ordinances, but that it is a complicated issue and council needed to step back and think about all the scenarios and concerns.

Mr. Rodriguez thanked Attorney Bivens for the statics on Whitehall court cases and acknowledged Joe Ryan for a great job working with the child care applicants.

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Mr. Gregg thanked everyone for coming. He also thanked Mr. Bivens for statistics.

President Graham thanked everyone for coming out and congratulated everyone for all the winning awards. He also thanked Mr. Bivens for the court case statistics. He stated that he always felt that Whitehall was a safe place, but this data now confirms it.

Having nothing further, Mr. Stahley moved to adjourn and Mr. Bailey seconded the motion. On a roll call vote, all members responded in the affirmative and the meeting adjourned at 7:59 p.m.

Respectfully submitted,

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Mary Freimark, Clerk of Council

APPROVED: \_\_\_\_\_, 2016.

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Jim Graham, Council President