

**WHITEHALL CITY COUNCIL COMMITTEE MEETINGS**

**AGENDA**

**TUESDAY, OCTOBER 12, 2021**

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**6:30 P.M. – ADMINISTRATION/COUNCIL OF THE WHOLE MATTERS:**

**THERE ARE THREE PIECES OF DRAFT LEGISLATION APPEARING IN THE APPROPRIATE COMMITTEES BELOW.**

**COMMITTEE OF THE WHOLE LEGISLATION/ISSUES:**

**DRAFT # 1**

**ORDINANCE NO. 099-2021 (*Comm. Of the Whole – 2nd reading – ADOPT 11/02/2021– /*)**

**AUTHORIZING ADOPTION OF THE NOVEMBER 2021 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, AND DECLARING AN EMERGENCY.**

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WHEREAS, it is desirable and necessary that the City of Whitehall maintain an organized and published code of ordinances; and

WHEREAS, the codified ordinances for the City of Whitehall should be amended regularly to conform with current state law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by council and should be included in the codified ordinances; and

WHEREAS, the Walter H. Drane Company of Cleveland, Ohio has entered into a contract with the City of Whitehall to prepare and publish such revisions twice a year and the November 2021 replacements are now before council; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

**SECTION 1.** That the ordinances of the City of Whitehall, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the November 2021 replacement pages to the codified ordinances are hereby approved and adopted.

**SECTION 2.** That the President of Council and Clerk of Council shall certify that the permanent and general ordinances of the City, as codified in the current replacement pages are correctly set forth therein.

**SECTION 3.** That the City Auditor is hereby authorized to draw his warrant upon the Treasurer of the City to pay the Walter H. Drane Company for said services and products from previously appropriated monies in the City Council Office Supplies Account (101-100-52000).

**SECTION 4.** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare; and for the further reasons that it is necessary that the City of Whitehall maintain an organized and published code of its ordinances and that it conform with current state law

provisions; WHEREFORE, this Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

Requested and prepared by: Julie A. Ogg, Clerk of Council  
Approved as to form: Michael T. Bivens, City Attorney MTB 10/11/2021

**STANDING COMMITTEES**

**ADMINISTRATION AND FINANCIAL MANAGEMENT - Chairperson Bob Bailey**  
**Members: Rodriguez, Morrison & Conison**

**DRAFT # 2**  
**ORDINANCE NO. 100-2021 (Adm/Fin. Mgmt. – 1st reading – ADOPT 10//19/2021–Bailey/ )**

MAKING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF TWENTY-NINE THOUSAND FIVE HUNDRED NINETY-SIX AND 20/100 DOLLARS (\$29,596.20) FROM THE WIMPITIE FUND (279) TO THE GENERAL FUND (101) AND DECLARING AN EMERGENCY.

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WHEREAS, Ordinance 104-2016 authorized a Tax Increment Financing Agreement with Creative Palette; and

WHEREAS, Ordinance 104-2016 authorized the City to use of the TIF funds to reimburse the costs of the Public Infrastructure Improvements; and

WHEREAS, the City paid \$282,000.00 to purchase and clear the land that was given to Creative Palette; and

WHEREAS, the TIF is now in place and the City would like to transfer the balance until such time as the incentive has been recovered; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

**SECTION 1:** That a fund transfer is hereby approved by the Council of the City of Whitehall in the amount of twenty-nine thousand five hundred ninety-six and 20/100 (\$29,596.20) from the WMPITIE Fund (279) to the General Fund (101).

**SECTION 2:** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for further reason it is prudent and necessary to repay the City for this incentive; WHEREFORE, this ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

Requested and Prepared by: Dan A. Miller, City Auditor  
Approved as to form: Michael T. Bivens, City Attorney MTB 10/11/2021

**DRAFT # 3**

**RESOLUTION NO. 029-2021** (*Admin/Fin. Mgmt. – 1st reading – ADOPT 10/19/2021–Bailey/*)

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

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WHEREAS, O.R.C. 5705.41(D) (1) states that “then and now” certificates of three thousand dollars and no/100 (\$3,000.00) and more must be approved by resolution or ordinance within thirty days of receipt of the “then and now” certificate, and

WHEREAS, the City has processed the following “then and now” certificate over the sum of three thousand dollars and now this certificate requires approval by City Council; and

WHEREAS, the Auditor of the City of Whitehall, Ohio has determined that, at the time of the making and execution of the certificate, a sufficient sum was appropriated by Council for the purpose of the requisition, and is currently deposited in the treasury and allocated to the appropriate account and free from any previous encumbrances; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

**SECTION 1:** That the City Council does hereby approve the following “then and now” certificate:

<u>Requisition</u>	<u>Vendor</u>	<u>Amount</u>	<u>Order Date</u>	<u>Purchase Purpose</u>
#2021- Auditor-00230-A	Huntington Public Capital	\$65,247.96	9/29/2021	Energy Financing
#2021—Service-00313-A	Visu-Sewer Inc.	\$40,933.59	8/26/2021	Sewer Projects

**SECTION 2:** That the City Council of the City of Whitehall, Ohio, lawfully appropriated this expenditure which the expense originated.

**SECTION 3:** That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare; and for the further reason that O.R.C. 5705.41(D)(1) requires that “then and now” certificates of three thousand dollars and more be approved by the legislative body by resolution or ordinance within thirty days of receipt of the “then and now” certificate; WHEREFORE, this Resolution shall go into full force and effect immediately upon its passage by the Council of the City of Whitehall and approval by the Mayor.

Requested and Prepared by: Dan Miller, City Auditor  
 Approved as to form: Michael T. Bivens, City Attorney MTB 10/11/2021

**THIRD READING:**

**ORDINANCE NO. 082-2021** (*Adm/Fin. Mgmt. – 3rd reading – ADOPT 10/19/2021–Bailey/Morrison*)

MAKING A FUND TRANSFER IN THE AMOUNT OF TWO HUNDRED EIGHTY-THREE THOUSAND EIGHTY-FOUR AND 00/100 DOLLARS (\$283,084.00) FROM THE BOND RETIREMENT ACCOUNT (101-950-57500) TO THE DEBT SERVICE FUND (401).

**ORDINANCE NO. 083-2021** (*Adm/Fin. Mgmt. – 3rd reading – ADOPT 10/19/2021–Bailey/Rodriguez*)

MAKING A FUND TRANSFER IN THE AMOUNT OF FORTY-SIX THOUSAND TWO HUNDRED FORTY-ONE AND 64/100 DOLLARS (\$46,241.64) FROM THE BOND RETIREMENT ACCOUNT (101-950-57500) TO THE DEBT SERVICE FUND (401) AND DECLARING AN EMERGENCY.

ORDINANCE NO. 084-2021 (Adm/Fin. Mgmt. – 3rd reading – ADOPT 10/19/2021–Bailey/Conison)

APPROVING AND MAKING A FUND TRANSFER IN THE AMOUNT OF ONE HUNDRED FORTY-NINE THOUSAND FOUR HUNDRED TWENTY-SIX AND 25/100 DOLLARS (\$149,426.25) FROM VARIOUS ACCOUNTS IN THE WMPITIE FUND (279) TO THE DEBT SERVICE FUND (401).

**COMMUNITY STANDARDS AND ENFORCEMENT – Chairperson Rodriguez**

**Members: Kantor, Morrison & Elmore**

No drafts or pending legislation.

**COMMUNITY AND ELDER ADVOCACY – Chairperson Lori Elmore**

**Members: Bailey, Rodriguez & Heck**

No drafts or pending legislation.

**ECONOMIC DEVELOPMENT – Chairperson Larry Morrison**

**Members: Conison, Rodriguez & Elmore**

**SECOND READING:**

ORDINANCE NO. 095-2021 (Econ. Dev. – 3rd reading – ADOPT 11/02/2021–(Morrison/Heck)

*Public Hearing 11/02/2021*

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)(29) TO ALLOW EXPRESS WASH CONCEPTS LLC TO OPERATE A CAR WASH ESTABLISHMENT ON THE PROPERTY LOCATED AT 3657 E. MAIN STREET PARCEL #090-008371, OWNED BY 3657 EMAIN LLC.

ORDINANCE NO. 096-2021 (Was Withdrawn by Applicant Prior to Planning Commission Meeting)

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)(1) TO ALLOW MS CONSULTANTS, INC. TO OPERATE A RESTAURANT ESTABLISHMENT WITH A DRIVE-THROUGH ON THE PROPERTY LOCATED AT 3646 E. BROAD STREET PARCEL #090-000193-00, OWNED BY GILLIGAN COMPANY, LLC.

**ORDINANCE NO. 098-2021 (Econ. Dev. – 3rd reading – ADOPT 11/02/2021–(Morrison/Rodriguez)**

**Public Hearing 11/02/2021**

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 EAST BROAD ST, HAMILTON RD, WOODCLIFF DR, MIDCLIFF DR, AND POTH RD, PARCEL NUMBERS LISTED IN APPENDIX A, FROM APARTMENT DISTRICT (A-2), EXCEPTIONAL USE (EU) AND FLOOD PLAIN DISTRICT (FP) TO PLANNED UNIT DEVELOPMENT (PUD), PROPERTY OWNED BY CITY OF WHITEHALL DECLARING AN EMERGENCY.

**INFRASTRUCTURE, MAINTENANCE AND SERVICES – Chairperson Jo Anna Heck**

**Members: Bailey, Morrison & Kantor**

No drafts or pending legislation.

**PUBLIC SAFETY – Chairperson Karen Conison**

**Members: Kantor, Bailey & Heck**

No drafts or pending legislation.

**PARKS AND RECREATION – Chairperson Wes Kantor**

**Members: Conison, Elmore & Heck**

No drafts or pending legislation.