

## WHITEHALL COUNCIL COMMITTEES

MINUTES – February 11, 2020

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Council President Potter called the February 11, 2020 Council Committees' meeting to order at 6:30 p.m.

The following members of council and the administration were present:

Members of the Administration

Mayor Kim Maggard  
City Attorney Michael Bivens  
Auditor Dan Miller  
Treasurer Steve Quincel  
Director Zach Woodruff

Council Members

Chris Rodriguez  
Wes Kantor  
Larry Morrison  
Karen Conison  
Lori Elmore  
Bob Bailey

### COMMITTEE OF THE WHOLE

President Potter said there are no drafts or pending legislation on the agenda for Committee of the Whole.

Chairperson Elmore said I have provided everyone with a packet that contains the Rules of Procedure, the Charter Section 5 on Attendance, Section 6 on Meetings and examples from Bexley City Council meeting minutes and agenda. This is to address the rules of council and how often we meet as a council. When I came on council, my first year was to figure out how everything ran and to learn. My second year was to learn more and to see how we could do things a little better, those were the thoughts going through my head. These are the things I came up with. When I looked at other Councils, I discovered that some only meet two times a month. Their City Council meetings follow their Committee meetings or vice versa. In having conversations from a couple of people in Bexley and Reynoldsburg, they can almost get all of their business done in two hours or less. That is generally how their meetings go. Nothing would change with special meetings. The benefits of having just two meetings a month would be that the residents would have a better understanding of the flow of Council and Committees. It would give us the opportunity to further discuss issues with any legislation and also address community issues that arise, if needed. Our Charter says under Section six of meetings that Council shall meet a minimum of two times a month, so two times a month gives us, in my opinion the leeway to tweak how we meet, the number of times we meet a month and I think it would give us more sufficive stuff to deal with at one time and address those issues. In my opinion, it would give us a better flow. This information is just to open a discussion up. These are just ideas I have regarding how to better run Council and Committees so we can meet two times a month instead of four times a month. I did have conversations with many of you and I also had a conversation with Julie since she is the person who does a lot of the leg work behind what we do as Council with getting the agenda together and all of that. It is up to you to give me some ideas, discussion and let's get it out there.

Chairperson Morrison asked how we would handle legislation as far as if Committee is going to be just prior to the Council meeting and there is last minute legislation that needs to be read first reading, will that take place on the same day or would that go to the next Committee meeting? Because you would really not have time for discussion at that time.

Chairperson Elmore stated that in the rules of procedure it outlines when legislation is delivered to the clerk. At any time, council may require additional time to study it. Any person with legislation may request an addition to the agenda. So that is within our council rules already. I am not looking to deviate from that. I am looking to see if we can handle more things in a couple of days.

Chairperson Bailey said to Larry's point, sometimes when we review things in draft it might be a situation or something of a nature where we need a week before it goes to a first reading. I was talking to

the secretary about it and one of the things she mentioned was that the Committee meeting could be after the Council meeting.

President Potter said he agreed with that because you do not know if you will be able to get the business done in thirty minutes.

Chairperson Bailey said we don't want a cut off on that task or Committee meeting.

Chairperson Elmore said if we moved forward it would be for us to decide the best way for us to handle that type of (talking over each other).

Chairperson Bailey said he believes what Chairperson Elmore is proposing is defiantly worth looking at. It is going to be the logistics of it and some of it we have just tickled with here and I think you going to Julie and asking her opinion is good because there are a lot of things mechanically she has to do to be ready for us. She needs to have that time afforded to her.

President Potter said again, in talking to Julie, if we had the Committee afterwards then that legislation would then be the first Council meeting after that so you would still have that two-week window. I do not know that we would have a net slowdown of the process or moving legislation through on first blush.

Chairperson Bailey referred to Councilperson Elmore's data she had pulled together over the past year. There will be times when due to the nature of whatever is in either meeting, Council or Committee, it could run on for several hours.

Councilperson Elmore said she had Julie pull last year's January through December to determine how many minutes or hours we met to address issues in Agenda, Council and Committee meetings. It was about two and one half hours some days and some months were less than that. I know when we got to the budget it was longer. If there were things such as economic development stuff, we were talking about it lasted a little bit longer. So there are times when it will last longer but that was just a matter of two or three months. On average the meetings should last two maybe two and one half hours. I mean that is just an average. It will depend on what is on the plate that night.

Chairperson Bailey said to her point, he does not believe that is a deal killer. We can deal with it as long as we do not have the Committee meeting first.

Chairperson Elmore stated that if there was any finance involved and it needed to come through, that will not be an issue. We should let then and now and all that (voice trailing off).

Auditor Miller said sometimes I get stuff the day before I need it and I just never know when that stuff is going to come in. As long as I can present it to you before the council meeting.

It was agreed upon that there would still be an Agenda meeting prior to the Council meeting. If it was Committee/Agenda/Council, there would be no way the secretary could get it built up and get it to us.

Mayor Maggard asked if Dan brought them legislation tonight that needed passed next week, then it would be two weeks before it was read? Chairperson Bailey answered yes. Mayor Maggard said that could be a big issue regarding financial issues. It was agreed upon that a special meeting would be needed in between.

Chairperson Conison said it would be difficult because she works in Delaware and comes directly from work to the meeting. If the meetings last three hours she will defiantly be late getting something to eat.

Chairperson Bailey said that is definitely a concern and something we can think about. It is worth entertaining and the good news is it is going to be an issue of rules of procedure not any type of Charter change. We can always switch back but we have to give sufficient notice and make any decisions and adjustments before the spring guide goes out is a good idea.

President Potter suggested everyone take the time to look at the things Chairperson Elmore provided, digest it a bit and talk about it in two weeks. Thank you Lori

### ADMINISTRATION AND FINANCIAL MANAGEMENT

Chairperson Bailey opened at 6:43 p.m. addressed the add-on legislation in his committee, as follows:

RESOLUTION NO. 004-2020 – Draft # 1

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

Auditor Miller said these are the then and now’s for the past two weeks.

Chairperson Kantor asked what we use the U.S. Marshalls for?

Auditor Miller answered that they were used on this case and that the city does not use them.

*(Admin/Fin. Mgmt. – 1st reading – ADOPT 02/18/2020– Bailey/Rodriguez)*

Having no further business, Chairperson Bailey closed at 6:45 p.m.

### COMMUNITY STANDARDS AND ENFORCEMENT

Chairperson Rodriguez opened at 6:45 p.m. and addressed the legislation in his committee, as follows:

#### THIRD READING:

ORDINANCE NO. 002-2020 (Comm. Stand & Enf. – 3rd reading – ADOPT 02-18-2020–Rodriguez/Kantor)

AMENDING SECTION 903.32 PARKING OF MOTOR VEHICLES ON LAWNS PROHIBITED TO INCLUDE REAR YARDS.

Chairperson Rodriguez said we have before us four items with the first one being Ordinance 002-2020, which is parking in the backyards. What I would like to do is have some concise discussion on this. Don’t want to get at (?) at some of this like we do sometimes. Let’s just keep it brief. I know Bob would like to go over a few things. Sometimes we just get off track and it is ridiculous. You have the floor Bob.

Chairperson Bailey said he just wanted to go over some stuff he has been looking at and make sure that everyone has had a chance to review those things. The first item is actually in our code and it is 351.13 which is limitation of parking in a residential district. There are several section. It addresses campers, camping vehicles, trailers, motor homes in section (2). I was specifically interested in the last couple of lines, once everybody gets there, in residential districts where a lot will not allow storage behind the building line, a variance of this requirement may be issued by the Building Department if the abutting property owners have no objections. To me the key in there is the abutting property owners if they have no objection. In section (3) is junk vehicles. You can review that. Section (4) is inoperable automobiles and if you read that it makes perfect sense but basically it is not more than one and it shall be allowed per one dwelling unit, unless such parking or storage shall be enclosed by a structure, fence or otherwise protected so that the automobile cannot be entered upon or seen from an adjacent lot or street. This provision shall apply to all inoperable antique, collector’s item or historical motor vehicles. But those last few, collector’s, antique and historical are also addressed in other ordinances that we currently have. I just want to make everyone aware of 351.13. The second one is 304.01 which is nuisance declaration. It is hereby declared to be a nuisance for any person to harbor and keep outside of a building or buildings, a vehicle or vehicles, as hereinafter defined, in a condition which encourages and creates hazards and is aesthetically displeasing to the sense of a majority of the community’s residents as determined by contemporary standards and uniform enforcement action of the elected and appointed officials. So there are your definitions of a nuisance. Under 304.02, definitions, (c) they define vehicle, (d) they define motor vehicle, (g) they define the word junk which also means discarded articles of all kinds. I am

skipping over a lot of stuff to just get to the fact of some of this stuff. In (h) they define junk motor vehicle. Then we go down to 304.03, abandonment, doesn't really apply to what we are talking about but it kind of does in the fact on the second line when they are talking about an abandoned vehicle parked anywhere in the City. But they are also saying on any property within the City without obtaining the consent of the owner, and I was thinking in terms of a rental property and it also refers to 304.05, section (a).

Chairperson Kantor said that is 72 hours on section a, with permission and 48 hours without permission on the right of way.

Chairperson Bailey said he did not want to go into minutia but just the high points of all this and there is a reason. 304.04 is storage of junk vehicles prohibited, section (a), which as Wes was alluding to, partly is in excess of one week. Under (b), nothing herein shall prohibit the storage of antiques, collector's item or historical motor vehicles, however, it does specify and define how those items should be stored. Under 304.05, which is the removal of notice, longer than seven days after receipt of notice on any of these code violations, the Director of Public Safety, or any member of his department designated by him, can be an acting agent, and has authority. So now we are talking about the Public Safety Director also has authority in this situation. Then on the back of that page is Notice to Owner: Redemption, and most of that is concerning abandoned vehicles in the City, however, in that case it is talking about the Chief of Police. So then we have 1335.03, definitions, for the purpose of this chapter the following definitions shall apply. Under (a), public nuisance and what that means is any garbage, shed, barn, house, building or structure. There is a reason why I am bringing up this, because it does not appear to apply, but it kind of does. Under section (1), it is any of that defined nuisance that inhibits public welfare and well-being of the community. Under section (3), a public nuisance and its surrounding grounds, so for example, under (a), the garage, shed, barn, house or building is a nuisance, at that point code enforcement would have the right to enforce public nuisance in the form of the surrounding grounds. So they are kind of (?) together. Whether it is high grass or junk, whatever is deemed to be junk. Then under (b), owner and purchaser or even somebody buying something under land contract, everybody involved with that property can be held liable as far as in the process of notification. Under 1335.02, says whenever the Director of Public Service suspects the existence of a public nuisance, he can have it inspected by the Building Inspector. What caught my eye on there is the use of the word "suspects", doesn't have to have proof, there is no sighting that has taken place. For whatever reason he suspects there may be a public nuisance, by code it appears he has the authority to investigate that and should the Director determine there are reasonable grounds to believe that a public nuisance exists, he shall exhaust all reasonable means of abatement through normal enforcement procedures. Now if that doesn't work he is to notify the Board of Nuisance Abatement. Of course, we do not have that board, however it was repealed and changed and Building and Zoning, BZBA is the committee that would look at that. So, at that point this process that they have pretty much described all the way through the next section and I won't go in to that. That gets back to some of the things that Wes was sharing, timelines and all that. The other good thing is now you have a committee of electors, kind of like the Dangerous and Vicious Dog Board, would determine and make the ruling on this, so it is not legislators ruling on constituent's issues with code in their backyards. Under 1335.06, Abatement of Public Nuisance by Board talks about what I kind of rehashed really quick. I was looking for a date on here but I can't find it but I want to say it was in the 1970's. We have had laws on the books forever to deal with this so it is not like trying to resolve a situation with what has been termed junkyards in backyards. There are ways to handle it without creating any new legislation, however, which is also in Section 950. So it is like three different places. If we simply change some of the language in 950, we also have to go back and change a lot of this and some of this other code to conform with it. My first blush thoughts, after I got through all of this, and really this kind of took off after hearing the resident at 89 Collingwood Avenue speaking last week and then like I said, that night I wanted to look into that and follow up and understand what took place. It is kind of like my testing ground, seeing something that needs to be fixed and how are we going to fix it and come to resolve. I ended doing what we did a couple of years ago. I walked back through all this legislation and I came to the conclusion that the answers are already there. It is really an issue of enforcement. I understood that currently it is difficult to enforce, however, based on the procedure that is laid out in this paperwork, it is a function of a process. Simple notification by certified mail or publishing the issue in the newspaper, contacting the neighbors, which is part of the process, getting their opinions and I think my mind is where it is at because what I see is there

is a need for a solution on this issue. However, it is going to impact some folks that would comply with code. It will be an expense to them. My initial thought was and I think I shared it two weeks ago with you Mayor that we provide some type of assistance funding wise through the My Home Reinvestment Program. But I really think we need to drop back and maybe reconsider ways that we can adequately enforce what currently exists. It looks to me to be concise.

Chairperson Conison told Chairperson Bailey she had all the same things, however mine are highlighted because I am a big highlighting person. I felt the same way.

Chairperson Bailey said the point is to not have a big discussion tonight about this but to show you where I am at. We need to address this issue but it needs to be fair for my neighbor who has a camper that only sits, which isn't really illegal but it only sits where it does on the off season because their space at the campground they have to get out of for a few months out of the year. They take care of their stuff.

Chairperson Kantor said Chairperson Bailey made a good statement two weeks ago about how we are going to have to go after one group and unfortunately we are going to have to go after another group. It is not fair we have to do that.

Chairperson Bailey said I think we apply this process to get it moving and see how it functions on the really bad blights and eyesores that are out there. If I lived beside of it that would be terrible.

Director Woodruff asked if Chairperson Bailey could just point to where in this legislation where it gives us the ability to do that because as I understand it, as you just described it, you are asking the Code Enforcement Department to make objective determinations on what is a nuisance and specifically when you talk about definitions in 1335, that is talking about a structure, that wouldn't deal with cars at all.

Chairperson Bailey replied that he said they were kind of linked together. In most of these cases there is a shed or garage that is falling over where there are nineteen cars thrown in a backyard.

Director Woodruff said he does not think the reason the people are parking the vehicles as they are is because the shed isn't working. I don't think that is accurate.

Chairperson Bailey said that is not what he said. I said the shed is defined as a nuisance as well. So, if you see a shed that is falling down in somebody's backyard and the neighbor calls the City and says hey my neighbors shed is getting ready to fall over, there is probable cause there and by the way the language says "suspects". So that pretty much lets that department go about its business and notify the property owner by mail.

Director Woodruff asked how that deals with vehicles?

Chairperson Bailey said there is tons of language in all that I brushed over. (talking over each other) 1335 is support. It is not the crust of this discussion and I said that. I said they are kind of related. I mean high grass and not taking care of your backyards was also mentioned.

There was discussion amongst Councilmembers about 304 Nuisance Declaration.  
(talking over each other)

Director Woodruff said if I could, when Code Enforcement has come here and we have talked about it, I have talked about it as junk, we absolutely are able to enforce it. I do not believe, and this is how we administer this section of the code, no one is more of an expert on code than Walt and Steve and in consultation with the City Attorney's Office, if somebody just has, like that picture I showed you with the seven or eight campers, there is no way that could be considered junk.

Chairperson Bailey said by code that is too many vehicles. It is too many campers. It says one per dwelling in the language. Enforce that.  
(talking over each other)

Director Woodruff asks so your opinion is we can handle all this through existing code?

Chairperson Kantor said there are some communities that use the Building Inspector and I know we do not have a Zoning Inspector. (Director Woodruff said yes we do).

Chairperson Bailey said I am simply saying before we start making everybody pour concrete and lay blacktop lets go after the issues that were used to document how bad it is. Let's see if we can get those areas taken care of based on what is currently in code.

Mayor Maggard asked how long do you want to try this? Do you want to try a year, two years because going through the court system is slow? I am just telling you it is slow. Also, for Walt and Steve to determine if a vehicle may be inoperable, lots of times they have to see if it has a current plate.

President Potter said he thinks that is ambiguous Mayor, because to that point, if it has tires and they are blown up and it has a license on it, how do you tell if it is inoperable or if it is junk?

Chairperson Bailey said no motor or no transmission.

Mayor Maggard said now listen, if it has a cover on it, well they are not allowed to go on property and look underneath the cover or if it is in the backyard that cannot be seen, they are not allowed to go into the backyard to check it. There not. That is trespassing.

Chairperson Bailey said the language in some of these sections also states if it is not visible, it is not an issue.

Mayor Maggard said it is if it is to the neighbors and they complain. Now, (talking over each other) that does not allow Walt to go into their backyard.

Chairperson Bailey said it allows the police to do it at a certain point in the process, yes it does. The police are allowed to go and look under that tarp and verify registration, tags, motor, leaking fluid. That is in the Ohio Revised Code.

Chairperson Kantor said but not limited to the following: a broken window or windshield, missing wheels or tires, motor or transmission. This goes back to 304 (talking over each other).

Mayor Maggard asked so you want Police Officers to be doing this?

Chairperson Bailey said no, I did not say that. I said there were several entities that can. That is one of the functions of the process if it goes to that point. Initially it is the Director of Safety.

Mayor Maggard said the Director of Safety is not going to do that.

Chairperson Bailey said I am simply stating what code says. This is not my opinion. This is what code says.

President Potter said he thinks the other inherent problem for concern I have is you can still have six cars on the grass, in the backyard, licensed and everything else, I view that as a nuisance.

Chairperson Bailey said there are stipulations on numbers, there are timelines and there is a limitation on time.

Mayor Maggard asked if it said the number of cars in the legislation? How many? Where is that?

Chairperson Bailey answered yes. I do not remember. Antiques are one and this is not in a garage.

Mayor Maggard said she does not think it says anything about the number of cars. It just says the number of RV's. I don't think it says the number of cars, boats, trucks.

Chairperson Bailey said yes, it does. One commercial vehicle, double axel. It specifies that too. It is in the language in the code.

Director Woodruff asked if he was looking at 351.13? Is that what you are talking on?

Chairperson Bailey said right now I am not looking at anything. I am just talking.

Chairperson Elmore said it says not more than one inoperable automobile shall be allowed per dwelling unit.

Chairperson Bailey said again, that is inoperable.

Director Woodruff said it is very difficult for us, and again, I think the point was a person who has six or nine cars that are operable just in the backyard, on the grass and it is also difficult for us to fully determine whether they are operable or not.

Chairperson Kantor said so, if a car is over three years in age or older, which is 304.02 (b) I think that is pretty easy to (talking over each other).

Director Woodruff said 304.02 (talking over each other) I am sorry. Section 9 (b) ok.

Chairperson Bailey said to your point Zach (talking over each other).

Director Woodruff said hold on Bob. I don't mean to interrupt you but I am just trying to see where Wes is.

Chairperson Kantor said 304.09. (Talking over each other but several stating they do not see 304.09. He has different codes.)

Chairperson Bailey said that is what I have been trying to tell you. I did not print off (talking over each other) My point is I printed off to illustrate just the fact that it is doable. This is not all the legislation and yes it is in there.

Director Woodruff said I understand that. What I will tell you is our code enforcement officers have a thorough understanding of what is in 304 and they tell a different story. They disagree with your analysis.

Chairperson Bailey said okay, let me ask you this if we are going to go off the facts and code.

Director Woodruff said I am not going off the facts and code.

Chairperson Bailey asked how a slab of concrete change how you view stuff? If that same stuff is on a piece of concrete, how does that change anything? (talking over each other).

Mayor Maggard said well, what it is (talking over each other).

Chairperson Bailey said I am sorry to be direct but (talking over each other).

Chairperson Kantor said we are adding a cost some of our residents just can't do.

Director Woodruff said listen, I will tell you (talking over each other).

Chairperson Bailey asked how are you going to get to the point where you tell the resident you need to have that stuff parked on concrete? How are you going to do that? If you can't do it now how are you going to do it then? I don't get that.

Director Woodruff said it is the same way we do it in the front and side yards now. We do that now.

Chairperson Bailey said that's from the street. You can't go in the backyards. You have already told me that. How are you going to know if there are four cars back there and not parked on concrete?

Director Woodruff said I believe I went through that last week where I told you exactly how we were going to know.

Mayor Maggard said residents are complaining.

Chairperson Bailey said ok, deploy some of those tactics and use current code.

Director Woodruff said I do not believe current code allows us Bob to speak to anyone who has vehicles parked in their backyard, that if they have six or five or pick a random number.

Chairperson Bailey asked why can't you do that by certified mail? Hey, it has been brought to our attention or we suspect and you notify them by certified mail and they have to sign or acknowledge that they know that, that we think the exists, now that is up to you to prove to us that it doesn't cause now you are allowed to go back there and check.

Director Woodruff said because that is not how they enforce the code Bob because our (talking over each other).

Mayor Maggard said let him answer.

Chairperson Bailey said he is saying the same thing over and over. The answer is I can't do it; is I can't do it.

Director Woodruff said no, the answer is, I believe that there are ways, do I think we will get everyone that is, no I do not certainly suspect that everyone who has a vehicle parked in the backyard, that is behind a fence or is behind their house that we can see I certainly don't expect that we will be going walking up and down every street looking for people. That is not the intent. Right. As I talked about last week, the intent here is just like any other code violation. When we become aware of it by either being able to see it or from a neighbor or property, adjacent property owner complaint, the we investigate it. But, I will tell you in all other sections of the code, if we can't see it, meaning from an adjacent property or from the street, we don't send certified mail saying we suspect that there might be a code violation. That's just not how we do it. That's not the procedure. That's not how we operate. So, if somebody were to call us and say hey, this is a violation of code, we would follow just like I talked about last week, we would follow the same procedure.

Chairperson Bailey said that is exactly what I am talking about. In order to have that stuff removed, it is in our language you have to do it by certified mail. You have to make contact, if that is not successful you have to put an ad in the paper and run it for two cycles.

Director Woodruff said well we do that. So, after we become aware of a violation we do send certified mail but after we have witnessed the violation, not before.

Chairperson Kantor asked how do you know if nobody calls you that there are six (talking over each other)? Ok.

Director Woodruff said we don't. You don't know what you don't know. I guess, if that was the question, I mean.



Mayor Maggard said it is kind of like when somebody has a house that is really bad on the inside, for example, a hoarder house or they don't have water or something like that. We can't see into that house unless there is a complaint by fire or by police that go in there for some reason. Unless we know then and it has been witnessed, we cannot do anything.

Chairperson Bailey said that is defined under the nuisance thing as well.

Director Woodruff said again, I do not believe our current code would address someone who has multiple vehicles that are, that we believe are operable, in their rear yard, parked on the grass or in the dirt. I don't believe we have the ability to do that.

Mayor Maggard said basically, I mean what this does, what the legislation that has been presented is instead of somebody having fifteen cars in their backyard, this may whittle these cars down to five cars on a pad or asphalt or on concrete. Basically what it does is it requires the owner to say Ok, I really want to keep some cars but do I need all of them. It somehow reduces that down to where it is not as much of a blight to the neighbors, basically that's what this is. You don't want anybody to have cars parked all through their backyard and as you know we have seen some of the shots that in some places there are. We cannot tell people how many cars they can own. We can't do that but however we can try to make it more sensible and maybe they can store those other vehicles off site. I know car collectors. I have friends who are car collectors but they do not store them in their backyard. They are responsible collectors and they house them somewhere else in garages.

Director Woodruff said this is the first, obviously you have had an opportunity to look at this. This is the first I have had a chance and again, I am looking at 304.01 Nuisance Declaration and I look at the definition of motor vehicles which is wrecked or in worn out condition or is not fit for operation as a motor vehicle, I think it is a very difficult and Walt and Steve cite and send notices to people we do have and we have cited them under the junk vehicles. We have done that. So, they are following this section on what is abandonment on a vehicle. Again I will tell you on abandonment of a vehicle is typically when we come across a vehicle that is on a street.

Chairperson Bailey said that is the definition. (talking over each other). There not looking at the owner of the property that owns the vehicle that just leaves it there as abandoned. That is not abandoned.

Director Woodruff said correct. We follow section 304. We use it all the time. That is not an issue. Same with 351.13, we use this section of the code. Again, I think 1335, you and I disagree on its relevance towards the issue we are talking about but, I think again what I will go over is, the problem as I have described it to Council is, that Code Enforcement has described to Council, are in fact not regulated in these sections. I don't believe that is the case.

Chairperson Bailey said so these properties that were illustrated to us, all of those vehicles are operable.

President Potter said he does not think you can prove that they are not.

Director Woodruff said what I am telling you is that is exactly right. On most of those I don't (talking over each other).

Chairperson Bailey said if you suspect that there is an issue, there is a process outlined, even in what I didn't give you all the paperwork of all the codes so you can't use just what I handed out as complete but it describes a process to go about dealing with that.

Director Woodruff said and again, I will tell you that our Code Enforcement Officers, when we believe it is junk or inoperable follow that, this is a different animal.

Chairperson Kantor so we have removal of notice and you write them a letter they have seven days after the receipt of the written notice (talking over each other). That is the Director of Public safety.

Chairperson Bailey said that puts it in law enforcement and why aren't we doing that? It is in there twice.

Director Woodruff said what I am saying is that the Code Enforcement Officers are absolutely utilizing every tool available in code that is sanctioned and signed off on by the City Attorney's office so we are not doing anything that is aboveboard. You have heard from them and I am telling you, we do not have the tools in current legislation to deal with the problems we have described to you. That is the reality, I believe of the situation.

Chairperson Kantor said this is vague and it goes after certain people, penalizes other people.

Mayor Maggard said certain people.

Chairperson Kantor said I am the one who had the certain people you know for a fact that has nine, ten vehicles, that you want them to do, to put down concrete when you have Mr. and Mrs. Whoever who has a trailer in the back, they have to do the same and not only that but it says motorcycles or any other motor vehicles. We all got an email, and I know it is going to sound funny but you know that is even a riding lawnmower that you are talking about.

Director Woodruff said I appreciate the fact that you are using the lawnmower, we certainly could amend it to (talking over each other).

Chairperson Kantor said we can also pull the legislation too.

Director Woodruff said I am saying if you are going to use the lawnmower it could be oh my gosh we are going to worry about people's lawnmowers we could amend it to include lawnmowers. What I could tell you is, the person who has the one trailer, that sounds like a case for BZBA.

Mayor Maggard said that is exactly what I was going to say.

Chairperson Bailey asked in what context?

Mayor Maggard said they come and ask for a variance.

Chairperson Bailey said what are they asking for? I want to hear the process.

Chairperson Kantor said what if they don't want to ask to get? (talking over each other).

Chairperson Bailey said they have to, they have been approached and cited.

Chairperson Kantor said I know that. That's what I am saying. They don't have the funds.

Chairperson Bailey said I have a twenty-foot trailer in my backyard that my neighbors are not happy with. What is going to happen?

Director Woodruff said he thinks they go to BZBA and again, my understanding and my experience with BZBA is reasonable requests from our residents are granted. That has been my experience with BZBA.

Chairperson Bailey asked what is that homeowners request of BZBA? What are you saying to me?

Mayor Maggard said we would like to have a variance in order that I can keep my trailer out there on the.

Director Woodruff said I have a trailer or I have a whatever.

Chairperson Kantor said can I keep it on the grass?

Director Woodruff said yes, I think, if that is what ultimately the BZBA, and I think it is hard for us to sit here and say how BZBA would vote, but that is the purpose of a variance.

Chairperson Kantor said a citizen shouldn't have to do that. (talking over each other).

Mayor Maggard said we had somebody come and they were getting their driveway redone. They found out their driveway was all the way over to the property line. Basically, BZBA had to say yes or no to getting the driveway redone. They voted in favor of the citizen to get the driveway redone.

There was discussion on the definition of a variance (talking over each other).

Chairperson Kantor said a person should not have to come in and do all this stuff if they want to park something in their backyards.

Chairperson Bailey said the first thing you described was not something they are just going to go in and ask for. It is a reaction out of being cited because their trailer is in their backyard. The second situation you illustrated is I want to pour a new driveway, that is my decision then I find out I have to go get a variance because of certain issues. Those are two different things in my mind. One is reactionary and one is I want to do this.

Director Woodruff said there are all kinds of codes that how, again everyone has choices in this matter. I mean if, I guess my question would be then why do we have any regulations in backyards whatsoever? I mean why do we have barking dog regulations in the backyard? Why are roosters not allowed in the backyard?

Chairperson Bailey asked why do we have any of this stuff? It's no good. You can't enforce it.

Director Woodruff said because its standards. What do you mean? I can enforce it for inoperable vehicles of which if someone has seven cars in their backyard that appear to be operable then no we have no recourse.

Chairperson Elmore said which is why the legislation was presented to change or give enforcement to what is not in there. This is where I am with this. You said there is legislation, 1975, 1963, how long are we going to kick the can down the street? To remediate and issue, that apparently has been a long standing issue for quite some time. I mean, at what point do you stop and say we have to do something or do we just allow neighbors to just have to live beside garbage, really, beside wild animals, things that are environmental hazards. Really, come on people, at the end of the day yes we have people saying no sometimes or you know we have to do what we have to do. It is difficult. We don't hold easy positions. We have to make some decisions that are difficult decisions and at the end of the day if my neighbor has fifteen cars that are not working and it is causing a nuisance to me I am calling Code Enforcement. Code Enforcement is then going to them which I have seen Walt around doing as much as possible but he is only one person. I think there are two people doing that job. What do you want Whitehall to look like? Yes, back in the day, I don't know what that is but I have heard back in the day we have allowed cars to sit there and ok we are trying to improve the city. At what point do we stop and say we need to improve the city or are we just going to continue to do nostalgia like let's drive buggies and stuff?

Chairperson Kantor said we are not saying that. You are saying let's improve the city and you are wanting to improve something that you can't even see.

Chairperson Elmore said the legislation you pulled goes back to 70. If I am outside in the backyard and my neighbor has fifteen cars, I am looking out there and I would talk to my neighbor and say hey what are you doing with those cars and all that. Really that is kind of unsightly, what are you going to do with those? Give them an opportunity and I am sure neighbors have given people opportunity. They just don't call Code Enforcement and say look my neighbor has fifteen cars and let's just do something about it now. Neighbors just don't work like that, not good neighbors. They don't. We talk to each other. I know I talk to my neighbors and my neighbors talk to me. Hey, how long is your car going to sit here? Oh it is

getting fixed. We have a conversation. Isn't that what community and neighboring is all about or do you just sit and say you know what I can't take this anymore. I am moving. Now I am going to move but the person who wants to buy this house is looking next door and saying I am not buying this house. I am not paying that amount of money for this house because of what is next door on the left side of me and on the right side of me is ok. We are putting ourselves in a situation that is gridlock. What are you going to do? It is like either we are going to do something legislative wise. If the legislation doesn't already give us enforcement powers or do we just say forget it, we are not doing anything and just kick that can down the street another twenty years.

Chairperson Rodriguez said so it is not, we have issues, I guess, what is being proposed, is it right? Do we need to tweak it a little bit?

Mayor Maggard said let me ask Council something. What I am hearing from Council is a family member, a neighbor, your best friend has one camper in the backyard. Or they have one car in the backyard and that is all. Would you be okay with one? I am just asking. Instead of saying you have to have this or you have to have that. What we are trying to do is limit backyard parking lots so it's not a, we have a piece of property here that probably has about fifteen RV's.

Chairperson Kantor asked so there is nothing you can do Court wise?

Chairperson Bailey said yes there is. There is language in our code that says you are limited. I don't understand why it can't be enforced and if this is a big issue, why the police, who are named in here several times in our code, as the agents to enforce it. Why aren't they in here upset with not being able to enforce it.

Mayor Maggard said because they don't see into the backyards usually and they are usually going after drug dealers and theft and speeders and gun violence and investigations.

Chairperson Bailey said I am just telling you what our code says.

Mayor Maggard said I know what our code says. Maybe we need to take a look at that code and rewrite that code to make it more relevant to what we have today. So, you are concerned that you have a neighbor who has a trailer in their backyard or an RV and if it is just one, would you be ok with that? I am just asking.

Chairperson Kantor replied no.

Mayor Maggard asked, so you would be ok with five? Ten? Fifteen? Twenty?

Chairperson Kantor said no. We know who has a problem. Why can't we just go (talking over each other).

Director Woodruff said when you were talking about the trailers, do you know what particular section that was?

Chairperson Bailey replied he would have to go look at it all again.

Director Woodruff said Wes, you have your whole paperwork.

Chairperson Kantor said there are many sections.

Chairperson Bailey said there were two sections. It talks about commercial vehicles, the number of cars, even talks about dealerships and people selling cars, how many dealer tags you are allowed.

Director Woodruff said listen, we struggle with that all the time. Trust me.

Chairperson Kantor said so apparently you know who they are.

Director Woodruff said no, I am saying generally people running businesses and dealerships are something we struggle with.

Chairperson Bailey said yes if they lie to you, you don't know unless you physically see them.

Mayor Maggard said that is it exactly.

Chairperson Kantor said if you can't see it, I understand, you can't see it.

Chairperson Morrison said I want to ask Zach a question. Do you know of infractions that have been called in to the Mayors Court multiple time over the last several years that still have the same infractions?

Director Woodruff asked for this particular section or in general?

Chairperson Morrison said in general for vehicles and campers and stuff like that, nuisances in their backyards. I can answer that. I know we have people who have been in multiple times over multiple years.

Director Woodruff said again, yes there are people who are in Mayors Court for the same violation more than once.

Chairperson Morrison said how do we eliminate that under the current code? Obviously, it can't be eliminated under the current legislation.

Director Woodruff said again, I don't believe (talking over each other)

Chairperson Bailey said yes it can. It depends on the situation. It can be impounded immediately after finding in a court. The process for impounding is also in the code.

Chairperson Kantor said seventy-two hours on your property and forty-eight hours on the street.

Chairperson Bailey said it gives the Police Chief the authority to do his job.

Chairperson Morrison asked if that was something we are going to need to have the Mayor have the Chief dedicate law enforcement to because there are a lot of violations?

Chairperson Bailey said I do not know. I did not write the code. They did so back in 1976 so you have to figure out what their motive was.

Chairperson Morrison said I understand that. I am just trying to see where the manpower is coming from.

Mayor Maggard said what I am hearing is that is what you want to see happen.

Chairperson Bailey said what I want to see happen is these issues that we use for illustration purposes to be corrected and not the, what percentage of people that will be impacted and have to pour a pad of concrete to put an item on when they take care of their yards. I respect the fact you, because we talked about it, BZBA as an avenue for getting variances, but that is no guarantee. That's kind of arbitrary.

President Potter said but even to the nearest point, if we were to say, ok a RV or a boat, put that into the, a car, whatever it is, and the Mayor asked Wes if one was ok and no, was two ok.

Chairperson Kantor said I guess it is the terminology Mr. President that I do not like.

Chairperson Bailey said I wish I had printed off (talking over each other).

Chairperson Kantor said we have it on abandonment, we have it on storage of vehicles (talking over each other).

President Potter asked but at what point does it become offensive?

Mayor Maggard said if it is in the backyard it is not being abandoned.

Director Woodruff asked if we have it on abandonment, could you please describe what that means because I don't understand that?

Chairperson Bailey said in the case, abandoned is when (talking over each other).

Chairperson Kantor said in 304.03, no person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway with the City without first obtaining the consent of the owner of the property or the person in charge of the property.

Mayor Maggard said right. That is not what we are talking about. (talking over each other)

President Potter said if they have a title then they own it. It is parked there.

Director Woodruff said that is not abandonment Wes. That is not abandonment.

Chairperson Kantor said then that section of the code should be stricken. (talking over each other)

Chairperson Bailey said no that deals with something else. We still need that.

Director Woodruff said you can't use that section of the code Wes. You can't use that section of the code to regulate

Chairperson Kantor said you can't use that or you can't use what is it, 1126 or 1136?

Director Woodruff said I can't use abandonment to talk to someone about a trailer that they have parked in the grass in the backyard or someone who has six vehicles properly tagged, properly licensed and the tires are inflated and the car does not appear to have the engine taken out. That is not abandonment.

President Potter said that is not abandoned, that is owned.

Director Woodruff said correct. That is not abandoned. Abandonment is, you left it.

President Potter said or someone has left it on your property.

Chairperson Kantor said or you have permission from the property owner to leave it there.

Director Woodruff said no. That is not this situation. Not once have we gone to enforce one of these and has someone says I have no idea whose car that is. Please take it away. That is not abandonment. You are not going to use that. I also do not think the junk cars is the avenue to enforce this either because we use junk cars to enforce junk cars. We don't use junked cars on licensed and operable vehicles and trailers or RV's unless obviously they are junk RV's, cars and trailers. You know what I mean. Walt uses that section of the code. That is not this. You can't use junk vehicles in these particular situations. Again I.

Chairperson Kantor said let's just take it to a vote then.

Director Woodruff said no, I just.

Chairperson Kantor said yes, that is how it works Mr. Director. We will take it to a vote.

Director Woodruff said I didn't know that is how it works. That's interesting. Alright.

Chairperson Kantor said we have been discussing this now for, this is the third time. (talking over each other)

President Potter said so, (talking over each other).

Director Woodruff said he is happy to talk about whatever section of the code you want to talk about, that you think we have the authority to use in these situations. I am happy to have that conversation with any member. My point to you Wes was the sections you were referencing do not. So, Bob if you have a different section of the code, I am happy to look at that, happy to have a discussion with you.

Chairperson Bailey said part of it is under commercial vehicle and things like that, I don't remember what section it was.

Director Woodruff said I would be interested to understand that with you and talk to our City Attorney's office and talk to our Code Enforcement officers to make sure we have the same interpretation on how to enforce it as you do. Happy to have those conversations because I will tell you right now, if that is the case then I happily don't need the legislation if there is another means by which we can enforce it. Our department has a different vantage point. Happy to have the conversation about.

Mayor Maggard said that would sure be a lot easier.

Director Woodruff said I certainly wouldn't have gotten beat up as much over the last seven weeks.

Chairperson Bailey said still not to beat a dead horse, it says under nuisance stuff, definitions 1335.01, you run down here and they go right into the process for correcting it.

Mayor Maggard asked isn't that for sheds and buildings?

Chairperson Bailey said yes it is but the two of them are coupled.

Director Woodruff said could you show me where they are coupled because that is what I asked you originally was. This section of the code talks about public nuisance means a garage, shed, barn, house, building or structure if by reason of its condition in which it is permitted to be or remain, it shall or may endanger the health, life, limb or property of any other person. Right, so the process by which you would deal with that public nuisance as defined in this section, deals specifically with structures. That is why I asked earlier if I was missing something.

Chairperson Bailey said well it doesn't, I mean.

Director Woodruff said well you can't say the process is.

Chairperson Bailey said what I am saying is.

City Attorney Bivens said nuisance abatement goes way beyond the definition section. Council is well aware, having a lot of expertise in nuisance abatement litigation, it goes way beyond just the definition section. It is an action of the Court and it is a very long and drawn out process beyond our code. It is also regulated by the O.R.C.

Director Woodruff asked if he could ask a question of Attorney Bivens. Do you think that there is a section of the, I am not going to ask you necessarily to memorize the code but do you have any different of opinion that our current code doesn't allow us to regulate how people park operable vehicles in their rear yards?

City Attorney Bivens said not in our current code, no but it would not fall traditionally under nuisance abatement action because that has a different function that has to do with public safety, health, welfare, blight, I won't go into all of it. Council is well aware of the process of what it takes to remove a blight especially when you start talking about nuisance abatement. Cars in the back, I do not have a crystal ball on how the Court would handle that but I doubt we would be able to get an order of nuisance abatement as it relates to cars and backyards.

Director Woodruff said especially if they were operable and not necessarily as we define junk or inoperable vehicles. (talking over each other)

Chairperson Bailey said to save myself because I feel like I am going down without a life preserver. My reflection on what you just illustrated Mike wasn't so much for cars, it was surrounding area, as a blight observed by a neighbor that thinks all that crap over there is harmful to my safety, health and well-being. I will read this part to you. I don't mean this disrespectfully either. By reasons that the conditions of the public nuisance, and its surrounding grounds, not just the shed, not just the garage, not just the house, not really even talking about cars at this point, are not reasonably or adequately maintained thereby causing deterioration and creating a blighting influence or condition on nearby properties and thereby depreciating the value, use and enjoyment of such properties to such an extent that it is harmful to the public health, welfare, morals, safety and economic stability. What I am saying is by the illustrations shown to us, we are not necessarily talking about operable cars. We are talking about junk sitting around a yard, which a car without tires, wheels, seats and have mice. It is a blight. See my point. It is a blight and can be addressed by this next section.

Director Woodruff said we do. The situation you just described where they don't have wheels or tires, we do that. Do you know what we do that under? We do it under junk cars.

Chairperson Bailey said so you use this procedure for finding public nuisance? You use 1335?

Director Woodruff said I only use 1335 for structures by the (a).

Chairperson Bailey said but you can use it for surrounding grounds. That was my link.

Director Woodruff said but it has to be attached to the blighted structure.

Chairperson Bailey said no, I think it needs to be on the ground and be junk and high weeds

Director Woodruff said now listen, and putting on my Jr Deputy Assistant City Attorney hat, the words "and their" is really important. It doesn't say period and then say "the adjoining grounds", it has an "and", which means it is associated, attached to the first part. So again, purpose in whether it is state legislation or local legislation, the purpose is always the most important part, everything else goes back to the purpose.

Chairperson Bailey said some of the pictures we saw had falling down sheds and there would be cars beside it, is that attached to the ground. Near the.

Director Woodruff said the falling down sheds, we can address. (talking over each other)

Chairperson Kantor asked if some of the junk cars were from years ago are not there right now. Is that accurate?

Director Woodruff asked if Chairperson Kantor was talking about the aerials?

Chairperson Kantor replied yes.

Director Woodruff asked did you listen to what I said last week?



Chairperson Kantor replied yes.

Director Woodruff said what I said last week was I am using it to illustrate the point. I actually said, if you look at these, we understand they are years old. The purpose for using the aerials was while we can see the car from the neighbor's house maybe from the aerial we can see that it is on a pad and then we don't have to worry about it. That is what the purpose of the aerials were. Please don't be confused as to why we were using the aerials. So that is the reason for the aerials. We understand that they are years old and our intent is not to use them as some other beginning of an investigation. Just like tall grass, we have to observe it. The way we interpret code, the way we enforce code is just like tall grass. If I can see it from the street or from a neighbor's house who has called me, that's how we begin an investigation. Wouldn't it be nice if instead of having to go on that person's property, we could look at an aerial and say it does have a pad or then go to the Building Department and see if they had pulled a permit and that way we could either end or continue the investigation.

Chairperson Kantor said I would have to go aerial and infringe upon my neighbor property, let me tell you. I mean, I can't support this the way it is. I mean.

(talking over each other)

Chairperson Bailey said I am on the other extreme. I can't not support it because I agree with it. What I want to make sure is we are flushing this out to its fullest, almost beating a dead horse.

President Potter said so just kind of let me put a pin in this for everybody. My feeling is if we. I think the case has been made by the Administration and by Code Enforcement that they are doing everything they can by the laws that are on the book, as they are written to the best of their ability. Should Council take no action on this, which is certainly their preview, then are we not only going to have what we have now, which has increased over the years, we are inviting more of it to come our way. And it probably will, because when you lower the level of acceptability then more will follow. That is human nature and that is the reality of it. So, I invite everybody to vote what they feel they need to do but just recognize this is not going to get better.

Director Woodruff said by the way Mr. President, if I could, if the concern is the aerials.

Chairperson Kantor said no.

Director Woodruff said you just said it was. (talking over each other)

Chairperson Kantor said if you can't see it.

Director Woodruff said I am saying we can see it.

Chairperson Kantor said I am not going to tell somebody what they can do in their backyard. I know it is not against the law.

(talking over each other)

Chairperson Bailey said so my confusion on that, if I could, the language of the law says if it is viewable it is enforceable. Period.

Director Woodruff said again, I will tell you, our intent and how we are going to enforce it is not going to use two to three-year-old photos from either Google earth or the Franklin County Auditor, which is a public record to begin an investigation. If you are saying your concern with that is we should not be using it, I can tell you we won't be using them. I was just trying to make it so it was easier for our guys to ascertain whether or not there was a pad or a driveway that we couldn't see. Maybe we missed something but we won't use them. That is an easy problem solved. We have no problem then with observing it from a neighbor's house or from the street, no building permits were pulled, we will just issue the notice of

violation. Problem solved on that. No problem. Because again, the goal is not to drive up and down Whitehall at five hundred thousand feet from the satellite and see what is going on in people's backyards. That is not the case. All of you have called Code Enforcement, well not all of you, the vast majority of you have called Code Enforcement on some property that you do not own in Whitehall. Most of you have done that. Looking for Code Enforcement to solve problems on other people's properties that you saw. Should the answer be I am sorry, can't do that? You don't own that property so we are not going to enforce that. Or was reported to you by. Literally, let's just be honest here. On a weekly, if not daily basis, we receive phone calls from this body. Let's just stop pretending like you guys don't call Code Enforcement on issues going on, on other people's property. That happens on a weekly if not daily basis.

Chairperson Bailey asked what is your point?

Director Woodruff said my point is the argument of well I don't want to tell residents what to do is interesting to me because we get phone calls saying we should go investigate that.

Chairperson Kantor said so when neighbors, friends and constituents call us, you just want us to blow them off?

Director Woodruff said no. I am saying be consistent.

Mayor Maggard said we get phone calls too. That's the point. We get people who call about these cars in their backyard. They call us. So, what I am hearing is you don't want us to do anything about it.

(talking over each other)

Chairperson Bailey said so help me understand. At that point, from what you just said there, whenever the Director of Public Service suspects, that's the word that is in the law. (talking over each other)

Mayor Maggard said only if it is an unlicensed and inoperable car.

Chairperson Bailey said but that is where that nuisance is coupled with, these situations can kind of be together. As far as options of enforcement.

Director Woodruff said there are no options of enforcement when someone calls us about a (talking over each other) I am not aware of anything in the code that prevents anyone from owning five cars and their wife owning five cars. Not aware of anything in our code and again I would be happy to look if you can give me some examples.

Chairperson Bailey said you are going to hear from me tomorrow. If it is Ohio Revised Code, you can use it.

Mayor Maggard said you mean in the Ohio Revised Code there is something about the number of cars you can own?

Chairperson Bailey said per dwelling, I think. That you can park. Yeah, per dwelling.

Mayor Maggard said I sure would like to see that.

Chairperson Rodriguez asked can we wrap this up?

Chairperson Bailey said thank you because this has become an issue over the last week with people calling, being upset and asking if they are going to have to pour concrete. Those are the ones that will do it. They want to abide by the law.

Mayor Maggard said she has gotten call also but she has gotten more calls regarding people who support this legislation than not. Only because I have a feeling it is the same people calling Council that don't

want it but I am getting phone calls from a variety of people who do support it. They are saying thank you.

President Potter said thank you for finally doing something.

Chairperson Bailey said this has been a resounding theme. That is why it is obvious we have to do something and I think because we have had this discussion to this depth that we will finally be able to move forward.

ORDINANCE NO. 003-2020 (*Comm. Stand & Enf. – 3rd reading – ADOPT 02-18-2020–Rodriguez/Morrison*)  
AMENDING SECTION 1126.13, LIMITATION OF PARKING IN RESIDENTIAL DISTRICTS TO ADD A LOT MAXIMUM FOR IMPERVIOUS PARKING AREA.

All Council members agreed that Ordinance 003-2020 was part and partial to Ordinance 002-2020 and there was no reason to discuss it further.

Chairperson Morrison said I get comments about people saying you are prohibiting us from parking in our backyard and that is not what that does. It gives you guidelines for how to park in your backyard. It does not eliminate backyard parking.

ORDINANCE NO. 004-2020 (*Comm. Stand & Enf. – 3rd reading – ADOPT 02-18-2020–Rodriguez/Elmore*)  
AMENDING SECTION 1123.10 (C) TITLED GENERAL COMMERCE DISTRICT SPECIAL PERMIT USES IN THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL TO ADD BREWERY AND DISTILLERY FACILITIES.

There was no discussion on Ordinance 004-2020.

ORDINANCE NO. 005-2020 (*Comm. Stand & Enf. – 3rd reading – ADOPT 02-18-2020–Rodriguez/Kantor*)  
AMENDING 1125.17 (d) STORAGE OF GARBAGE AT NONRESIDENTIAL STRUCTURES OF THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL.

There was no discussion on Ordinance 005-2020.

Having nothing further, Chairperson Rodriguez closed at 7:51 p.m.

### COMMUNITY AND ELDER ADVOCACY

Chairperson Elmore opened at 7:51 p.m. and said there are no drafts or pending legislation on the agenda.

There was no discussion in Community and Elder Advocacy.

Having no further business, Chairperson Elmore closed at 7:51 p.m.

### ECONOMIC DEVELOPMENT

Chairperson Morrison opened at 7:51 p.m. and addressed the legislation in his committee, as follows:

### SECOND READING:

ORDINANCE NO. 006-2020 (*Econ. Dev.– 3rd reading – ADOPT 03-03-2020 –Morrison/Heck*)  
*Public Hearing on 03/03/2020*  
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)(37) TO ALLOW BUZZSAW BREWING COMPANY TO OPERATE A BREWERY FACILITY ON THE PROPERTY LOCATED AT 951 A &

B ROBINWOOD AVENUE, PARCEL 090-000311-00, PROPERTY OWNED BY CHARTER PROPERTIES.

Chairperson Kantor asked if Ordinance 006-2020 went to the Planning Commission last week and what were the findings.

Director Woodruff replied everything was good and it was given a favorable consideration. He has no concerns as those buildings on Robinwood avenue are set up very similar to the Flex warehouse over on Hamilton Road where Two Tones started. It is very close to Charisma Life Ministries. He went on to say that he and the Mayor respectfully requests an executive session at the next committee meeting to discuss and talk about economic development and brief council on some projects.

Having nothing further, Chairperson Morrison closed at 7:53 p.m.

### INFRASTRUCTURE, MAINTENANCE AND SERVICE

Chairperson Bailey opened at 7:53 p.m. and said there are no drafts or pending legislation on the agenda.

Chairperson Bailey wanted to talk this moment to apologize to Director Woodruff. In his haste and confusion, what I am thinking of on the number of vehicles I might have been reflecting on something I read on collectors or antique vehicles outside of a structure or how many was limited.

Director Woodruff said he was happy to have a discussion about if there are pieces of code which you think we could be using to enforce this already.

Chairperson Bailey told Director Woodruff thank you.

Director Woodruff said ODOT began on Monday the project, Complete General is the contractor of installing the interconnect fiber that will connect our traffic signals. They started at Broad and Maplewood and that will lay 144 strands of fiber down Broad, Hamilton and Main. That will ultimately connect to the fiber that is being installed right now by Team Fishel. That is part of the million-dollar state capitol bill 2014 money. That is being installed right now so by the end of the year there should be a massive amount of dark fiber running throughout Whitehall that we will be able to use not only for municipal uses and business attraction. We are real excited about that. We will open bids on Friday at 1:00 p.m. for the street program. We have also added as alternative bids a portion of the parking lot at Whitehall Community Park as well as the first phase for the dog park. Another component is we are hoping to increase our net savings by bidding them all together rather than as individual projects. Specifically, it will benefit Shannon being able to bid that parking lot with ours and that first phase of the dog park. I think they will see some nice savings. Again, we will open those bids on Friday and award the contract within a month and hopefully have the contractor going in April. We are really excited about all of this.

Chairperson Bailey asked if there was a lot of hot patching being done right now.

Director Woodruff replied they have a decent amount. He thanked council and the Mayor for that machine. We are really excited to be able to repave Erickson, Elaine and Pierce and be able to completely reconstruct Rickenbacker from Yearling. This will be a complete reconstruct because the base is gone. That road was actually supposed to be on our list last year but when we started doing soil/boring samples what we realized was that the concrete base was more like gravel. It will require a complete reconstruction and that is why it was moved to this year. So, if you include design, engineering, inspections, again we are going to be about 1.5 million dollars in infrastructure improvements. The other thing I am really excited to share with Council we were awarded in December and approved for the Poth Road OPWC project. If you recall, that is widening Poth Road, it is including an eight to ten-foot-wide multi-use trail and decorative lighting like Yearling Road and it is really going to improve that street. We worked really hard with EMH&T to come up with that application, if you recall, that is a seventy-five percent grant for the project and a twenty-five percent loan. So it is a four-million-dollar project. When

we were able to demonstrate and document a number of different benefits to the project we were bumped up to the one hundred percent grant so instead of a twenty-five percent loan we are getting a one hundred percent grant. It is 3.997 million dollars. That will actually go all the way from Woodcliff on Poth, all the way to Yearling Road. Talking to Shannon, now the Central Ohio Greenways Trail we think once we are able to bring it down from the airport we can get it to go up Fifth Avenue, come over Yearling Road, cross the railroad, then at the at grade crossing and then go down Poth Road and then you will be at Poth and Hamilton then you can either go North to go into Community Park or South potentially through the new development once it gets going and then on further South. We will start engineering this summer and we will bid that next year along with our street program so I think next year, our bid package being two million dollars with Shannon's projects I think next year we could be potentially looking at five to almost six-million-dollar project package so I think we can get better pricing due to a larger scale project. We have shown that Shannon was able to save to save a good amount of money last year having her projects bid with ours, I think she save around thirty thousand dollars. That is what I have on infrastructure.

Chairperson Kantor asked Director Woodruff if he had an update on Hamilton and Main.

Director Woodruff said to recap, Hamilton and Main and Broad and Hamilton were both on the Governors Top 100 list for safety funds. We had the open house for Broad and Hamilton a while ago, which was part of the reasons we got the ODOT safety funds to acquire the check cashing business. They are in final design on Broad and Hamilton. We submitted that to ODOT yesterday so we will be having a meeting later this week to go over, how do we layer, that whole project is an eight to nine-million-dollar project. It is significant. So we are having the meeting later this week to figure out how to layer ODOT safety funds, of which we were given more, because of the Governors initiative. We also have MORPC attributable funds of five and one half million dollars committed to the project and so then it is just figuring out how we fund the gap through OPWC or additional safety funds. But we will be able to close that gap. That project right of way is slated for 2021, design is 2020, right of way is 2021, construction 2022 and 2023. So then on Main Street, we are a little further behind. They just had the public meeting last week. They are working on alternatives right now. The good news is I do not believe that project is going to require additional right of way and if you can stay out of requiring additional right of way for ODOT, you are just in a much better world. I think that project can conceivably be designed by the rest of this year and designed in 2021, at the worst 2022 with the focus of Main and Hamilton being safety. The original proposal and the alternatives would prohibit left hand turns out of a significant number of the properties at the intersection. It will be impossible to turn left out of Sunoco on Hamilton moving forward. The city will have to put up zero at Broad and Hamilton and in the ballpark of seven hundred and fifty thousand to one million dollars for Main and Hamilton, which would be OPWC converted to a twenty-year interest free loan which is very doable. Once these two projects are completed, it will not only improve safety but it will improve aesthetics. On Main and Hamilton Wes, instead of having a concrete median, why not have that median be landscaped and put in grass and different things.

Mayor Maggard referred to them as urban islands. Also, the ODOT safety grants, since the Governor signed the increase in gas tax, you know we always had to pay ten percent, well we do not have to do that anymore. The State is also putting in, due to the increase in gas tax, millions more dollars into those safety grants and it is specifically designated for urban environments.

Director Woodruff went on to say that it is funny, when they first began planning Broad and Hamilton, we were like, I can't believe this is going to be for 2022 or 2023 and now I am like that is only two years away. I am really excited about what those two intersections will look like, how they will function, how it will improve traffic flow, decrease accidents and it really will be a nice improvement. We probably will not have another update on Main and Hamilton for another year would be my guess. Before the interconnect is done, those are just on free timer and they are not connected to the Columbus traffic system so I can't adjust them. The goal of the mitigation funding, the reason we got the traffic signals and then the interconnect was so theoretically, a driver could leave downtown and the system would be able to take them all the way to 270. It would all be integrated and it would decrease the entire corridors route congestion.

Having nothing further, Chairperson Bailey closed at 8:05 p.m.

PUBLIC SAFETY

Chairperson Conison opened at 8:05 p.m. and said there are no drafts or pending legislation on the agenda.

ORDINANCE NO. 008-2020 – Draft # 2

APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF EIGHTY THOUSAND AND 00/100 DOLLARS (\$80,000.00) FROM UNAPPROPRIATED MONIES IN THE LAW ENFORCEMENT TRUST FUND (241) TO THE LAW ENFORCEMENT TRUST SETASIDE ACCOUNT (241-000-51000) AND DECLARING AN EMERGENCY.

Auditor Miller said they have gone through their appropriation in one raid so hopefully this will not continue. I put a little extra in there just in case. I am hopeful it is enough for the next couple of raids. As you know, we have to pay out twenty-five percent and we get the rest.

*(Public Safety – 1st reading – ADOPT 02/18/2020– Conison/Kantor)*

ORDINANCE NO. 009-2020 – Draft # 3

ADVANCING SIX THOUSAND ONE HUNDRED EIGHTY-FOUR AND 40/100 DOLLARS (\$6,184.40) FROM UNAPPROPRIATED MONIES IN THE LAW ENFORCEMENT TRUST FUND (241) TO THE BULLETPROOF VESTS GRANT FUND (267); MAKING A FUND TRANSFER OF EIGHT THOUSAND SIXTY-FIVE AND 60/100 DOLLARS (\$8,065.60) FROM UNAPPROPRIATED MONIES IN THE LAW ENFORCEMENT TRUST FUND (241) TO THE BULLETPROOF VESTS GRANT FUND (267) AND DECLARING AN EMERGENCY.

Auditor Miller said that last week we passed legislation so the Mayor could accept the grant. Now this will allow us to fund the grant.

Mayor Maggard said there is another round of grants coming out of Washington for possibly hiring police officers so I asked the Chief of Police to apply for that grant. It has been submitted. It is basically the same type of grant we received when we hired the community resource officers. We applied for funding for three officers and I think it covers seventy-five percent of their salaries for three years.

*(Public Safety – 1st reading – ADOPT 02/18/2020– Conison/Morrison)*

Having nothing further, Chairperson Conison closed at 8:08 p.m.

PARKS AND RECREATION

Chairperson Kantor opened at 8:09 p.m. and said there are no drafts or pending legislation on the agenda.

Chairperson Kantor said he does not have much and he thanked Director Woodruff for going over things. Director Sorrell is hiring summer help and the turnout for Saturdays movie was good. They had some glitches but she said she will make sure she has an extra extension cord.

Having nothing further, Chairperson Kantor closed at 8:09 p.m.

Meeting adjourned at 8:09 p.m.

Respectfully submitted,

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Julie A. Ogg, Clerk of Council