

WHITEHALL CITY COUNCIL
AGENDA MEETING MINUTES

President Pro-Tem Bailey called the June 01, 2021 agenda meeting to order at 6:30 p.m. All members were present with the exception of President Potter and Mr. Kantor.

President Pro-Tem Bailey reviewed the agenda and confirmed who would handle the various required motions this evening.

The meeting adjourned at 6:38 p.m.

Respectfully submitted,

Julie A. Ogg, Clerk of Council

APPROVED: _____, 2021.

Thomas M. Potter, Council President

WHITEHALL CITY COUNCIL MEETING

MINUTES – June 01, 2021

President Pro-Tem Bailey called the regular meeting of Whitehall City Council to order at 7:00 p.m. on Tuesday, June 01, 2021.

At President Pro-Tem Bailey's request, everyone rose for a moment of silence. Those assembled then recited the Pledge of Allegiance.

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

Bob Bailey
Chris Rodriguez
Lori Elmore
Karen Conison
Jo Anna Heck
Larry Morrison

Ms. Elmore moved to excuse the absent members and Ms. Heck seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and President Potter and Mr. Kantor were excused.

APPROVAL OF MINUTES:

Ms. Conison moved to approve the May 18, 2021, agenda and regular meeting. Mr. Morrison 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:

No comments at this time.

STANDING COMMITTEE REPORTS:

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

Community and Elder Advocacy – Chairperson Elmore reported that they met last Tuesday and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

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

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

Infrastructure, Maintenance and Services – Chairperson Heck reported that they met last Tuesday and their minutes are on file. They will meet next week, sometime after 6:30 p.m.

Public Safety – Chairperson Conison reported that they met last Tuesday and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Parks and Recreation – Chairperson Conison reported that they met last Tuesday and their minutes are on file. They will meet next week, sometime after 6:30 p.m.

OFFICIALS' REPORTS

Mayor Kim Maggard – was not present.

City Attorney Michael Bivens – the official report for the month of May is there were two hundred twenty cases prosecuted by the City Attorney's office in the Mayor's Court as well as the Municipal Court. Thirty-two of those were Whitehall residents and that is about fourteen percent. He learned about the Tulsa Race Massacre when he was in the seventh grade. He was fortunate to have had a history teacher that taught all of history. He remembered the years that went beyond that, not ever remembering there ever being a national recognition in the way he has seen this year as it relates to that massacre. He saw President Biden do a speech, him being the first President to have ever visited the site and the location. In one of his lines, he said, "hate does not go away, it only hides." He thought to himself, on this night coming to Council, where Council gets the opportunity to vote on Resolution 010-2021, he asked for favorable consideration from Council as it relates to Resolution 010-2021. It shows courage, it shows empathy, it shows understanding, it shows that this community is a community that will not stand for hate, will not stand for intimidation, will not stand for the things that have disparate impact on marginalized communities and he just asked Council to have the courage to vote favorably for Resolution 010-2021.

City Auditor Dan Miller – he reported they have filed a CAFR to the State of Ohio Auditor last Friday. Two copies of the 2022 Tax Budget on file in the lobby for anyone who would like to view it.

Director of Public Service and Development Zach Woodruff – he had no official report. He provided Council with an updated site plan and some elevations for the project at Maplewood and Main. He realizes it still says Hudson Terrace but he believes the name will be Onclave on Main. He wanted to provide some kudos to the Parks Department for a great event this evening with Market on the Green. There were hundreds of people there, a good variety of different vendors, things for people of all ages and families to do. He know a lot of planning went into that and he wanted to congratulate them on a wonderful event.

MEMO FROM THE ECONOMIC DEVELOPMENT DEPARTMENT

On Friday May 21, The Ohio Department of Commerce, Division of Liquor Control contacted our office regarding the application for the Whitehall Designated Outdoor Refreshment Area (DORA) boundaries. This memo serves as a means to reiterate that the DORA boundaries are as originally outlined in the map provided in the application, presented to Council on March 23, 2021. On page 2 of the application under the Boundaries section, the street addresses of the DORA are listed below:

<u>Street Name</u>	<u>Range</u>	<u>Even/Odd</u>
E. Broad Street	4539-5000	Even & Odd
N. Hamilton Road	38-228	Even
S. Hamilton Road	25-95	Even & Odd
Poth Road	4951-4969	Odd

Public Safety Director Van Gregg – was not present.

Treasurer Steve Quincel – was not present.

President Pro-Tem Bailey – advised that the following Officials’ Reports have been filed in the Council Office since the last meeting: The Treasurer’s Investment Report for April 2021, The Treasurer’s Activity by Fund Report for April 2021 and The Treasurer’s Fund Reconciliation Report for April 2021.

COMMUNICATIONS, PETITIONS AND CLAIMS:

1. Notice from the Ohio Division of Liquor Control for a Safekeeping TREX transfer of the C2, C2X liquor permit for WOODS MARKET LLC, 15 COMMERCE STREET, LOCKBOURNE, OHIO 43137 to the WHITEHALL MARKET LLC., DBA WALTERS IGA, 573 S. YEARLING ROAD, WHITEHALL, OH 43213.
2. Minutes for the May 6, 2021 Planning Commission Meeting.
3. Agenda for the June 3, 2021 Planning Commission Meeting.

PUBLIC HEARING:

President Pro-Tem Bailey opened the public hearing on Ordinance No. 039-2021 at 7:11 p.m.

ORDINANCE NO.039-2021

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)(1) TO ALLOW A DRIVE THROUGH WINDOW AND/OR DRIVE THROUGH FACILITY ON THE PROPERTY LOCATED AT 3596-3648 EAST MAIN STREET, PARCEL 090-000548, PROPERTY OWNED BY WHITEHALL RETAIL VENTURES LTD.

John S. Odom, Architect for the project, 99 Meadowbrook Country Club Estates, Ballwin, MO 63011. He gave a presentation and answered questions from council regarding Captain D’s.

After confirming with Ms. Ogg that there were no additional proponents and no opponents, President Pro-Tem Bailey closed the public hearing at 7:15 p.m.

President Pro-Tem Bailey opened the public hearing on Ordinance No. 040-2021 at 7:16 p.m.

ORDINANCE NO.040-2021

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)(1) TO ALLOW A DRIVE THROUGH WINDOW AND/OR DRIVE THROUGH FACILITY ON THE PROPERTY LOCATED AT 890 SOUTH HAMILTION ROAD, PARCEL 090-000052, PROPERTY OWNED BY GREAT EASTERN OWNER LTD.

Matt Dickens, with Kramer Engineers on behalf of Kemba Financial Credit Union, 394 Oak Street, Columbus, Ohio 43215. He gave a presentation and answered questions from council regarding the fabrication and install of the new ITM kiosk for Kemba Financial Credit Union services.

After confirming with Ms. Ogg that there were no additional proponents and no opponents, President Pro-Tem Bailey closed the public hearing at 7:23 p.m.

VERIFICATION OF COPIES:

President Pro-Tem Bailey 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. On a roll call vote, all members responded in the affirmative.

THIRD READING:

ORDINANCE NO.039-2021 was read by title only by President Pro-Tem Bailey:

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 A DRIVE THROUGH WINDOW AND/OR DRIVE THROUGH FACILITY ON THE PROPERTY LOCATED AT 3596-3648 EAST MAIN STREET, PARCEL 090-000548, PROPERTY OWNED BY WHITEHALL RETAIL VENTURES LTD.

Mr. Morrison introduced and moved to adopt Ordinance No. 039-2021 and Ms. Elmore seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 039-2021 was adopted.

ORDINANCE NO.040-2021 was read by title only by President Pro-Tem Bailey:

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 A DRIVE THROUGH WINDOW AND/OR DRIVE THROUGH FACILITY ON THE PROPERTY LOCATED AT 890 SOUTH HAMILTION ROAD, PARCEL 090-000052, PROPERTY OWNED BY GREAT EASTERN OWNER LTD.

Mr. Morrison introduced and moved to adopt Ordinance No. 040-2021 and Ms. Elmore seconded the motion. There was no discussion. On a roll call vote, Bailey, abstain; Rodriguez, yes; Elmore, yes; Conison, yes; Heck, yes; Morrison, yes and Ordinance No. 040-2021 was adopted.

RESOLUTION NO. 010-2021 was read by title only by President Pro-Tem Bailey:

APPROVING A RESOLUTION OF AND BY THE CITY OF WHITEHALL CONDEMNING INTIMIDATION AND VIOLENCE, REAFFIRMING EQUALITY UNDER THE LAW, AND COMMITTING TO REVIVING CIVILITY BETWEEN ALL PEOPLE.

Ms. Elmore introduced and moved to adopt Resolution No. 010-2021 and Ms. Heck seconded the motion. There was no discussion. On a roll call vote, Bailey, yes; Rodriguez, yes; Elmore, yes; Conison, yes; Heck, yes; Morrison, abstain and Resolution No. 010-2021 was adopted.

SECOND READING:

ORDINANCE NO. 043-2021 was read by title only by President Pro-Tem Bailey:

MAKING A FUND TRANSFER IN THE AMOUNT OF FORTY-SIX THOUSAND TWO HUNDRED FORTY-ONE AND 64/100 DOLLARS (\$46,241.64) ~~TWENTY-FIVE THOUSAND EIGHT HUNDRED EIGHTY AND 36/100 DOLLARS~~ (\$25,880.36) FROM THE BOND RETIREMENT ACCOUNT (101-950-57500) TO THE DEBT SERVICE FUND (401) AND DECLARING AN EMERGENCY.

Mr. Rodriguez introduced and moved to amend Ordinance No. 043-2021 as read and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 043-2021 was amended.

ORDINANCE NO.046-2021 was read by title only by President Pro-Tem Bailey:

REFER TO PLANNING COMMISSION ON JUNE 3, 2021 and PUBLIC HEARING JUNE 15, 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 3540 E. MAIN STREET, AND 739 & 721 MAPLEWOOD AVENUE, PARCEL NUMBERS 090-002122, 090-001890, 090-003640, 090-001900, 090-002485, 090-003638, 090-008240 FROM R-3 RESIDENTIAL DISTRICT AND GENERAL COMMERCE DISTRICT (GCD) TO A-2 APARTMENT DISTRICT, PROPERTY OWNED BY MAMA COMPANY INC.

ORDINANCE NO.048-2021 was read by title only by President Pro-Tem Bailey:

REFER TO PLANNING COMMISSION ON JUNE 3, 2021 and PUBLIC HEARING JUNE 15, 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 1123.06(c)(7) TO ALLOW AN APARTMENT DWELLING STRUCTURE CONTAINING MORE THAN TWELVE DWELLING UNITS ON THE PROPERTY LOCATED AT ON 3540 E. MAIN STREET, AND 739 & 721 MAPLEWOOD AVENUE, PARCEL NUMBERS 090-002122, 090-001890, 090-003640, 090-001900, 090-002485, 090-003638, 090-008240, PROPERTY OWNED BY MAMA COMPANY INC.

FIRST READING:

ORDINANCE NO. 049-2021 was read by title only by President Pro-Tem Bailey:

AUTHORIZING AN EXEMPTION OF 161.09(A) VACATION AND SICK LEAVE CREDIT CARRYOVER FOR THE PURPOSE OF EMPLOYING A HIGHLY QUALIFIED EMPLOYEE TO THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

Mr. Rodriguez introduced and moved to suspend the rules on Ordinance No. 049-2021 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 049-2021 was suspended.

Mr. Rodriguez moved to adopt Ordinance No. 049-2021 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 049-2021 was adopted.

ORDINANCE NO. 050-2021 was read by title only by President Pro-Tem Bailey:

APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF EIGHTY-SEVEN THOUSAND AND 00/100 DOLLARS (\$87,000.00) FROM UNAPPROPRIATED MONIES IN THE MUNICIPAL FIBER PROJECT FUND (320) TO THE MUNICIPAL FIBER PROJECT EXPENSE ACCOUNT (320.000.50000) AND DECLARING AN EMERGENCY.

Mr. Rodriguez introduced and moved to suspend the rules on Ordinance No. 050-2021 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 050-2021 was suspended.

Mr. Rodriguez moved to adopt Ordinance No. 050-2021 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 050-2021 was adopted.

ORDINANCE NO. 051-2021 was read by title only by President Pro-Tem Bailey:

MAKING A FUND TRANSFER IN THE AMOUNT OF SIXTY-FIVE THOUSAND TWO HUNDRED FORTY-SEVEN AND 96/100 DOLLARS (\$65,247.96) FROM THE BOND RETIREMENT ACCOUNT (101-950-57500) TO THE DEBT SERVICE FUND (401) AND DECLARING AN EMERGENCY.

Mr. Rodriguez introduced and moved to suspend the rules on Ordinance No. 051-2021 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 051-2021 was suspended.

Mr. Rodriguez moved to adopt Ordinance No. 051-2021 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 051-2021 was adopted.

ORDINANCE NO. 052-2021 was read by title only by President Pro-Tem Bailey:

APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF THIRTY-EIGHT THOUSAND EIGHT HUNDRED NINETY-SIX AND 62/100 DOLLARS (\$38,896.62) FROM UNAPPROPRIATED MONIES IN THE LAW ENFORCEMENT TRUST FUND (241) TO THE LAW ENFORCEMENT TRUST ACCOUNT (241-000-50000) AND DECLARING AN EMERGENCY.

Ms. Conison introduced and moved to suspend the rules on Ordinance No. 052-2021 and Ms. Heck seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 052-2021 was suspended.

Ms. Conison moved to adopt Ordinance No. 052-2021 and Ms. Heck seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 052-2021 was adopted.

ORDINANCE NO. 053-2021 was read by title only by President Pro-Tem Bailey:

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.

Ms. Conison introduced and moved to suspend the rules on Ordinance No. 053-2021 and Ms. Heck seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 053-2021 was suspended.

Ms. Conison moved to adopt Ordinance No. 053-2021 and Ms. Heck seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 053-2021 was adopted.

RESOLUTION NO. 014-2021 *was read by title only by President Pro-Tem Bailey:*

ADOPTING THE TAX BUDGET FOR THE CITY OF WHITEHALL, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022 AND SUBMITTING SAME TO THE COUNTY AUDITOR.

RESOLUTION NO. 015-2021 *was read by title only by President Pro-Tem Bailey:*

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

Mr. Rodriguez introduced and moved to suspend the rules on Resolution No. 015-2021 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Resolution No. 015-2021 was suspended.

Mr. Rodriguez moved to adopt Resolution No. 015-2021 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Resolution No. 015-2021 was adopted

POLL PUBLIC:

No comments at this time.

COMMUNITY DATE BOARD:

Chairperson Elmore said vaccinations are available at the Whitehall Library on Tuesday, June 8, 2021 from 10:00 am to 1:00 pm. The library is located at 4445 E. Broad Street. Friday Fun Day is June 4, 2021. Market on the Green started today. Beginning June 15, 2021, on Tuesdays and Wednesdays from 12:00 to 8:00 pm the mobile health clinic will be available and the services are free. For more details, you can go to the City of Whitehall’s website.

Chairperson Heck said the movie this week is Sand Lot. It will be held on Friday, June 4, 2021 at 8:30 p.m. Music in the Park will be held prior at 6:30 pm. at John F. Lacorte Amphitheatre at John Bishop Park. School is out for the year and beginning June 7, 2021 meals will be available at Beechwood Elementary until July 15, 2021.

President Pro-Tem Bailey said the Food Truck Festival is going to be held on July 31, 2021.

Chairperson Conison said there is an Independence Day parade on July 3 at 10:00 am and the Fireworks Viewing Party will be on July 2, 2021 from 8:00 to 10:00 pm.

POLL COUNCIL:

Mr. Rodriguez said he is glad to see that the Farmers Market started out very well and that the Food Truck Festival is back on schedule. He thanked everyone who is watching this evening. Next week's meeting will be the first meeting open to the public.

Ms. Elmore thanked everyone for viewing and for the opening of public meetings again. She said to Attorney Bivens that he is very fortunate, as she did not hear about the Tulsa Massacre until a month ago. Today marks one hundred years since the race massacre occurred. It is the first time in U.S. history that private planes dropped bombs on U.S. citizens. She knows they talk about Black History month being in February and she has said it before, it is history. She put forth resolution after resolution, past three resolutions condemning racism, violence and intimidation. Fortunately and unfortunately for some, we cannot bury pain and drama. We cannot ignore it. A narrow view of black history negates history. It is difficult to have courageous conversations because we all have to come to terms with the impact, its effects and the harm that it has caused all of us. There is an inner struggle that we all go through and as we discover what is buried will always surface. She prays for unity, the ability to have courageous conversations, no matter how painful, is the only way we can unite as people. She is thankful to be a part of passing Resolution 010-2021. At the end of the day, we are more alike than we are different.

Ms. Conison thanked everyone for watching and she wished everyone a Happy Pride Month.

Ms. Heck thanked everyone for tuning in. She thanked Parks and Recreation for the Market on the Green. It was great to see so many people out at Kelly Green. She hopes to see many people on Friday.

Mr. Morrison thanked everyone for watching and he hope everyone has a good week. He agreed with Mr. Bivens statements and he was fortunate in high school to have a history teacher that was very thorough. He benefitted from his teachings. His reasoning for abstaining on Resolution 010-2021 is not that he disagrees but he felt it brought an overall conclusion about the City of Whitehall that he does not feel applies. He knows there is racism and individual racism everywhere and in every city in this country. He feels that needs handled starting at home with good conversations, neighbor on neighbor. That is where he is at and everyone have a good week.

President Pro-Tem Bailey reminded everyone to keep Wes Kantor and his family in prayer. They are definitely thinking about him at this time.

Having nothing further, Mr. Rodriguez moved to adjourn and Ms. Elmore seconded the motion. On a roll call vote, all members responded in the affirmative and the meeting adjourned at 7:51 p.m.

Respectfully submitted,

Julie A. Ogg, Clerk of Council

APPROVED: _____, 2021.

Thomas M. Potter, Council President