

WHITEHALL CITY COUNCIL  
AGENDA MEETING MINUTES

August 20, 2019

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President Pro Tem Bailey called the August 20, 2019 agenda meeting to order at 6:30 p.m. All members were present with the exception of President Graham and Chairperson Kantor.

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

The meeting adjourned at 6:35 p.m.

Respectfully submitted,

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Julie A. Ogg, Clerk of Council

APPROVED: \_\_\_\_\_, 2019.

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Jim Graham, Council President

## WHITEHALL CITY COUNCIL MEETING

MINUTES – August 20, 2019

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President Pro Tem Bailey called the regular meeting of Whitehall City Council to order at 7:00 p.m. on Tuesday, August 20, 2019.

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:

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

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

### APPROVAL OF MINUTES

Ms. Conison moved to approve the Minutes of the August 6, 2019, agenda and regular meeting. Ms. Heck 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 Bailey 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 have no pending legislation and they will meet 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 have a Public Hearing on the agenda tonight. 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 have no drafts or pending legislation on the agenda tonight. 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 Bailey 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 – she asked for favorable consideration on Ordinance 092-2019 and Resolution 036-2019. She reminded everyone the sales trailer for the YMCA is now open and hours of operation are on the Community Park YMCA Facebook page. She invited everyone to consider joining.

City Attorney Michael Bivens – he thanked the audience for their attendance. He said the official report from the City Attorney's office is that during the month of July 2019, Whitehall Mayors Court prosecuted 264 cases with 30 of those cases committed by Whitehall residents. That is about 11%.

He advised Council under Communications, Petitions and Claims, action item # 2, is a liquor license permit with 50% controlling ownership from Sunoco and would like Council to remember that his office in collaboration with the Columbus City Attorney's Office was successful in getting the liquor license at that location terminated. He does have a call into the lead attorney on the case and he is currently looking into this matter. As soon as he gets some information, he will report to council.

City Auditor Dan Miller – he had no official report. He asked for favorable consideration on Ordinances 095-2019 thru 100-2019 and Resolution 039-2019.

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

Public Safety Director Van Gregg – was not present

Treasurer Steve Quincel – gave an update on the lackluster performance of the city's investments portfolio. This is a precursor to a recession. The President's Economic Adviser says the people should try to stay optimistic. He said you have been aware of this condition since January and he finds it very hard to stay optimistic and he said to brace yourselves.

President Pro Tem Bailey – advised that the following Officials' Reports have been filed in the Council Office since the last meeting: The Mayor's Report to Council for July 2019, the Auditors Expense Report for July 2019, the Auditors Bank Report for July 2019, the Auditors Statement of Cash Position Report for July 2019 and the Auditors Revenue Report for July 2019.

COMMUNICATIONS, PETITIONS AND CLAIMS:

1. Notice from the Ohio Division of Liquor Control for a new D1 liquor permit for PIER 11 BOILING SEAFOOD LLC, D.B.A. PIER 11 BOILING SEAFOOD, 3920 EAST BROAD STREET & PATIO, WHITEHALL, OHIO 43213.
2. Notice from the Ohio Division of Liquor Control for a transfer of 50% ownership of the C1 C2 liquor permit for HAMILTON & MAIN SUNOCO INC., D.B.A. HAMILTON & MAIN SUNOCO, 4600 EAST MAIN STREET, WHITEHALL, OHIO 43213 to the 4600 EAST MAIN STREET INC., 4600 EAST MAIN STREET, WHITEHALL, OH 43213.
3. Agenda for the August 1, 2019 Planning Commission Meeting.
4. Agenda for the August 14, 2019 Park & Recreation Commission Meeting.
5. Minutes for the July 10, 2019 Park & Recreation Commission Meeting.

PUBLIC HEARING:

ORDINANCE NO. 085-2019 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, CHANGING THE ZONING ON A PORTION OF PROPERTY LOCATED ON 402 N. HAMILTON RD., PARCEL NUMBERS 090-003998, 090-003999, FROM EXCEPTIONAL USE DISTRICT (EU) TO GENERAL COMMERCE DISTRICT (GCD) PROPERTY OWNED BY CITY OF WHITEHALL.

President Pro Tem Bailey opened the public hearing on Ordinance No. 085-2019 at 7:09 p.m.

After confirming there were no proponents and no opponents, President Pro Tem Bailey closed the public hearing at 7:11 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. 085-2019 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, CHANGING THE ZONING ON A PORTION OF PROPERTY LOCATED ON 402 N. HAMILTON RD., PARCEL NUMBERS 090-003998, 090-003999, FROM EXCEPTIONAL

USE DISTRICT (EU) TO GENERAL COMMERCE DISTRICT (GCD) PROPERTY OWNED BY CITY OF WHITEHALL.

Mr. Rodriguez introduced and moved to adopt Ordinance No. 085-2019 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 085-2019 was adopted.

RESOLUTION NO. 036-2019 *was read by title only by President Pro Tem Bailey:*

AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A PURCHASE AND SALE AGREEMENT AND OTHER APPROPRIATE DOCUMENTS ON BEHALF OF THE CITY TO SELL APPROXIMATELY ONE ACRE OF PROPERTY IN THE WHITEHALL COMMUNITY PARK TO THE WHITEHALL COMMUNITY IMPROVEMENT CORPORATION.

Ms. Conison introduced and moved to adopt Resolution No. 036-2019 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Resolution No. 036-2019 was adopted.

#### SECOND READING:

ORDINANCE NO. 088-2019 *was read by title only by President Pro Tem Bailey:*

PERMITTING AN ADDITIONAL EXCEPTION FROM THE MINIMUM DRIVEWAY SETBACK IN RESIDENTIAL DISTRICTS WHERE AN EXISTING DRIVEWAY PREVIOUSLY ENCROACHED ON THE REQUIRED SETBACK AND WHERE THE PROPERTY OWNER IS MERELY REPLACING THE EXISTING DRIVEWAY.

#### FIRST READING:

ORDINANCE NO. 092-2019 *was read by title only by President Pro Tem Bailey:*

AUTHORIZING THE CREATION OF THE RECREATION CENTER FUND (321); MAKING A FUND TRANSFER OF FOUR MILLION ONE HUNDRED THOUSAND AND NO/100 DOLLARS (4,100,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND TO THE RECREATION CENTER FUND (321); APPROPRIATING FOUR MILLION ONE HUNDRED THOUSAND 00/100 DOLLARS (\$4,100,000.00) FROM UNAPPROPRIATED MONIES IN THE RECREATION CENTER FUND (321) TO THE RECREATION CENTER EXPENSE ACCOUNT (321.000.50000) AND DECLARING AN EMERGENCY.

Mr. Rodriguez introduced and moved to suspend the rules on Ordinance No. 092-2019 and Ms. Elmore seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 092-2019 was suspended.

Mr. Rodriguez then moved to adopt Ordinance No. 092-2019 and Ms. Elmore seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 092-2019 was adopted.

ORDINANCE NO. 093-2019 *was read by title only by President Pro Tem Bailey:*

MAKING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF TWO HUNDRED TWO THOUSAND EIGHTY-FOUR AND 03/100 DOLLARS (\$202,084.03) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE DEBT SERVICE FUND (401); MAKING A SUPPLEMENTAL APPROPRIATION OF TWO HUNDRED TWO THOUSAND EIGHTY-FOUR AND 03/100 DOLLARS (\$202,084.03) FROM THE DEBT SERVICE FUND TO THE DEBT SERVICE EXPENSE ACCOUNT (401.000.50000) AND DECLARING AN EMERGENCY.

ORDINANCE NO. 094-2019 was read by title only by President Pro Tem Bailey:

APPROVING AND MAKING A FUND TRANSFER IN THE AMOUNT OF THREE HUNDRED TWENTY-ONE THOUSAND SEVEN HUNDRED THIRTY-FIVE AND 56/100 DOLLARS (\$321,735.56) FROM UNAPPROPRIATED MONIES IN THE WMPITIE FUND (279) TO THE DEBT SERVICE FUND (401) AND ATTRIBUTING IT TO VARIOUS ACCOUNTS IN THE WMPITIE FUND (279); MAKING A SUPPLEMENTAL APPROPRIATION OF THREE HUNDRED TWENTY-ONE THOUSAND SEVEN HUNDRED THIRTY-FIVE AND 56/100 DOLLARS (\$321,735.56) FROM THE DEBT SERVICE FUND (401) TO THE DEBT SERVICE EXPENSE ACCOUNT (401.000.50000) AND DECLARING AN EMERGENCY.

ORDINANCE NO. 095-2019 was read by title only by President Pro Tem Bailey:

APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$75,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND 101 TO THE INCOME TAX REFUNDS EXPENSE ACCOUNT (101.350.57000) ) AND DECLARING AN EMERGENCY.

Mr. Rodriguez introduced and moved to suspend the rules on Ordinance No. 095-2019 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 095-2019 was suspended.

Mr. Rodriguez then moved to adopt Ordinance No. 095-2019 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 095-2019 was adopted.

ORDINANCE NO. 096-2019 was read by title only by President Pro Tem Bailey:

APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00) FROM UNAPPROPRIATED MONIES IN THE LAW ENFORCEMENT TRUST FUND (241) TO THE LAW ENFORCEMENT TRUST SETASIDE ACCOUNT (241-000-51000) AND DECLARING AN EMERGENCY.

Mr. Rodriguez introduced and moved to suspend the rules on Ordinance No. 096-2019 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 096-2019 was suspended.

Mr. Rodriguez then moved to adopt Ordinance No. 096-2019 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 096-2019 was adopted.

ORDINANCE NO. 097-2019 was read by title only by President Pro Tem Bailey:

APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) FROM UNAPPROPRIATED MONIES IN THE

PLUMBING PERMITS FUND (851) TO THE PLUMBING PERMITS ACCOUNT (851-000-50000) AND DECLARING AN EMERGENCY.

Mr. Rodriguez introduced and moved to suspend the rules on Ordinance No. 097-2019 and Ms. Heck seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 097-2019 was suspended.

Mr. Rodriguez then moved to adopt Ordinance No. 097-2019 and Ms. Heck seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 097-2019 was adopted.

ORDINANCE NO. 098-2019 *was read by title only by President Pro Tem Bailey:*

CREATING THE ETNA ROAD INCENTIVE EXPENSE ACCOUNT (279.000.50008); APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF SEVEN THOUSAND THREE HUNDRED FORTY AND 25/100 DOLLARS (\$7,340.25) FROM THE TAX INCREMENT FINANCING FUND (279) TO VARIOUS EXPENSE ACCOUNTS IN THE 279 FUND AND AUTHORIZING THE DISTRIBUTION OF THE PORTION OF THE FEE PAYMENTS ATTRIBUTED TO EACH TIF IN THE TOTAL AMOUNT OF SEVEN THOUSAND THREE HUNDRED FORTY AND 25/100 DOLLARS (\$7,340.25) TO THE TIF FEES ACCOUNT (279.000.59600) AND DECLARING AN EMERGENCY.

Mr. Rodriguez introduced and moved to suspend the rules on Ordinance No. 098-2019 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 098-2019 was suspended.

Mr. Rodriguez then moved to adopt Ordinance No. 098-2019 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 098-2019 was adopted.

ORDINANCE NO. 099-2019 *was read by title only by President Pro Tem Bailey:*

APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF THREE THOUSAND FIVE HUNDRED FIFTY-FOUR AND 48/100 DOLLARS (\$3,554.48) FROM UNAPPROPRIATED MONIES IN THE WMPITIE FUND (279) TO VARIOUS ACCOUNTS IN THE WMPITIE FUND (279) AND DECLARING AN EMERGENCY.

Mr. Rodriguez introduced and moved to suspend the rules on Ordinance No. 099-2019 and Ms. Elmore seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 099-2019 was suspended.

Mr. Rodriguez then moved to adopt Ordinance No. 099-2019 and Ms. Elmore seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 099-2019 was adopted.

ORDINANCE NO. 100-2019 *was read by title only by President Pro Tem Bailey:*

UNAPPROPRIATING SIX THOUSAND SEVEN HUNDRED SIXTEEN AND 01/100 DOLLARS (\$6,716.01) FROM THE TIF FEES EXPENSE ACCOUNT (279.000.59600) AND DECLARING AN EMERGENCY.

Mr. Rodriguez introduced and moved to suspend the rules on Ordinance No. 100-2019 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 100-2019 was suspended.

Mr. Rodriguez then moved to adopt Ordinance No. 100-2019 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 100-2019 was adopted.

RESOLUTION NO. 039-2019 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. 039-2019 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, Morrison, yes; Bailey, yes; Rodriguez, yes; Elmore, yes; Conison, yes; Heck, abstain; and Resolution No. 039-2019 was adopted.

Mr. Rodriguez then moved to adopt Resolution No. 039-2019 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, Morrison, yes; Bailey, yes; Rodriguez, yes; Elmore, yes; Conison, yes; Heck, abstain; and Resolution No. 039-2019 was adopted.

#### POLL PUBLIC

No comments at this time.

#### COMMUNITY DATE BOARD

Treasurer Quincel said that school starts on August 21, 2019.

Chairperson Elmore said to watch the children.

#### POLL COUNCIL

Mr. Morrison thanked everyone for coming and hopes everyone has a good week.

Mr. Rodriguez thanked everyone who is coming tonight. He shared that he saw the Whitehall Police and Fire Departments in action. There was an incident at his apartment complex where a smoke alarm was going off and there was no response from inside the apartment. It is wonderful to see our safety forces in action and their professionalism is amazing. Kudos to those that put their lives on the line every day.



Ms. Elmore thanked everyone in attendance and those for viewing tonight. She said she is happy to see the progress at Norton Crossing and she is looking forward to the opening of the YMCA and having a tour of the building.

Ms. Conison thanked everyone for coming and viewing tonight.

Ms. Heck thanked everyone for the coming tonight and those watching on Facebook. She wished everyone a great start to the school year.

President Pro Tem Bailey said there was no further business.

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 7:30 p.m.

Respectfully submitted,

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Julie A. Ogg, Clerk of Council

APPROVED: \_\_\_\_\_, 2019.

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Jim Graham, Council President