

# WHITEHALL COUNCIL COMMITTEES

MINUTES – September 14, 2021

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Council President Pro-Tem Bailey called the September 14, 2021 Council Committees' meeting to order at 7:06 p.m.

The following members of council and the administration were present:

Members of the Administration

Council President Pro-Tem Bob Bailey  
Mayor Kim Maggard  
City Auditor Dan Miller  
City Attorney Michael Bivens  
Service & Dev. Director Zach Woodruff

Council Members

Chris Rodriguez  
Larry Morrison  
Jo Anna Heck  
Karen Conison  
Lori Elmore

## COMMITTEE OF THE WHOLE

ORDINANCE NO. 080-2021 DRAFT # 1

AMENDING SECTION 509.01 OF THE CODIFIED ORDINANCES TITLED “MAYOR MAY PROCLAIM REGULATIONS” AND DECLARING AN EMERGENCY.

President Pro-Tem Bailey said there a little bit of language change and updating a few things, which he appreciates. It piggybacks Draft # 2. He is okay if they discuss the two together.

City Attorney Bivens said the language is obviously an update as it relates to the global pandemic, granting the Mayor the ability to make a proclamation as it relates to, in general a global pandemic. Section (k) also establishes some other conditions, which may be necessary to maintain peace, order and to protect persons from any declared emergency. Other than those two things, the statute reads essentially the same as it did before. Secondly, with the corresponding Ordinance 081-2021 giving the Mayor a little bit more latitude on how long she can declare. Other cities have it in excess of six months. He believes the City of Columbus has a six-month period. The city's is only seventy-two hours. They are just asking for a reasonable extension of time to include and giving the Mayor the power to extend it for at least fourteen days.

President Pro-Tem Bailey asked if it could be extended beyond that.

City Attorney Bivens said yes, it could be extended beyond that but at least the initial would be fourteen days.

President Pro-Tem Bailey said his only question would be why strike out the word natural. It seems like it should stay there.

City Attorney Bivens said natural can be singular to wind, rain, hail; disaster broadens it to anything beyond that.

Chairperson Morrison asked if the changes he just listed were the only changes to the legislation. This pertains to a Mayor being able to do a proclamation and in this case, it is going to cover facemasks in private businesses.

City Attorney Bivens said yes it could. Under section (b) its broad power to restrict or prohibit movement within, above or beneath the area or areas, which in his judgement are imperiled by the public danger or emergency. So, masks obviously are a bigger restriction.

Chairperson Morrison asked currently, that is not something that can be done with the exception of a seventy-two hour period.

Mayor Maggard said at the beginning for a seventy-two hour period (not understandable).

Chairperson Morrison said currently the masks could be covered under the current legislation, correct. It states a natural disaster not anything to do with the pandemic.

City Attorney Bivens said that is the point. Natural disaster, what they are trying to do is update the legislation to the extent that a global pandemic arguably is not the same as a natural disaster. Most people and he thinks the common thought of what most people would think is a tornado, hail, flooding and those types of things. Certainly, the global pandemic has been a natural disaster but it is not the same but made it very specific, a once in a hundred year thing but now it is added to this legislation.

Chairperson Morrison stated he has an issue with government at any level telling a private business what they can or cannot allow as far as their employees having shots or not having shots, masks or showing shot id's. He just thinks that is an overstep of government power. Personally, he would rather see Ordinances 080-2021 and Ordinance 081-2021 tabled indefinitely. He does not agree with the overreach of government power in private businesses of this nature.

President Pro-Tem Bailey said just an observation that we are all wearing masks now.

Chairperson Morrison said yes we are and this is a government building. That is an entirely different situation than coming into his backyard and telling him that he has to wear a mask or coming into his house and telling me how many people I can have at a personal party or anything of that nature. It is just an overstep of power from government of any level, not just city, federal or whatever.

Chairperson Elmore said in section #2, and this is the section that is generally use in our ordinances. Our position is to protect the safety and wellbeing of our community. In her opinion, that is what their obligation is to do. It says that this ordinance is hereby declared an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare of the community, and for further reason to update the Codified Ordinances; WHEREFORE, the Ordinance shall go into full force and the rest of the sentence. We had no idea we would be faced with a pandemic. Natural earthquake, those things happen, fire, just like was stated before. There are things that happen that are disasters, like 9/11, a plane going into a building, now that is disasters. Those are things she believes they need to, not government overreach, but they are elected into their positions and they should have a holistic view as to what needs to happen to benefit the community. Wearing a mask benefits a community. She does not only want to protect herself but the community as well, so that they can eradicate covid 19 like polio. If you research the history behind why polio was eradicated you will find it is because everyone was vaccinated with no questions asked. Now, all of a sudden we are in a situation back and forth on people's health. She thinks they have a responsibility to govern not only their own health but to do what is in the purview to help others as it relates to what it is we do as a community.

Chairperson Morrison said it acts like a penalty. The situation with people getting shots is a personal decision. According to the science and that is part of the problem with this issue today is sometimes (not understandable) and sometimes it does not. The shot is supposed to protect you from the virus totally or from severe illness. Whether or not you choose to protect yourself is a personal right in this country. This is not a communist country. The government cannot force you to do things of that nature. The same point from overreach is, I am running a business and you are telling me I have to get rid of employees or fire employees. You are costing me business by restricting access to my business. I am an individual, if someone is allowing people in without masks and I disagree with that I do not have to shop there. That is an individual's choice. If that business owner wishes to put up a sign that says mask required, that is that individual's choice. He does not see where that is the governments job to mandate masks or not mandate masks in private sectors. Bob mentioned wearing masks here. We are wearing masks here. This is not a private sector. This is a government office and is totally different.

Mayor Maggard said to Mr. Morrison that she would like to state that as a government we already have those business relationships with businesses telling them what needs to be done in regards to permits, safety issues, they have to have in their businesses, sign regulations, plumbing and electricity, we already have those things and have been doing those for a long time. She just wanted to remind them of that.

Chairperson Morrison agreed with Mayor Maggard about the need for regulations that businesses need to go by. He totally disagrees with this one.

Mayor Maggard and Chairperson Morrison agreed to disagree.

President Pro Tem Bailey said this draft was asked for introduction on the first reading. Is there anyone who wants to introduce it next week?

Chairperson Morrison said he wanted to see it tabled himself.

Chairperson Elmore asked President Pro Tem Bailey was he was asking for introduction or are they tabling it.

President Pro Tem Bailey said he has not had an answer on it. He is going to turn the page, put it in the pile and next week our President can probably deal with it when he reads it the first time. He is not so sure it should go for a first reading but they cannot officially decide to table something without a vote.

The subject will be up for further discussion at the next meeting.

*(Comm. Of the Whole – 1st reading – ADOPT 09/21/2021–(Elmore/ ? )*

**ORDINANCE NO. 081-2021 DRAFT # 2**

**AMENDING SECTION 509.03 OF THE CODIFIED ORDINANCES TITLED “PROCLAMATION TERMINATION” AND DECLARING AN EMERGENCY.**

President Pro Tem Bailey said as was discussed earlier, in section 1 seventy-two hours was stricken out and fourteen days was added. He asked for any additional comments. He assumed that no one is comfortable with saying right now, yes; I will introduce that next week.

Chairperson Elmore said she would introduce it.

President Pro Tem Bailey said if she was going to introduce draft # 2, she would need to introduce draft # 1 as well.

Chairperson Elmore agreed.

*(Comm. Of the Whole – 1st reading – ADOPT 09/21/2021–(Elmore/ ? )*

**SECOND READING:**

**ORDINANCE NO. 076-2021** *(Comm. Of the Whole – 2nd reading – ADOPT 09/21/2021–(Morrison/Heck)*

**AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE PUBLIC ENTITIES POOL OF OHIO (PEP) AND DECLARING AN EMERGENCY.**

**ORDINANCE NO. 078-2021** *(Comm. Of the Whole – 2nd reading – ADOPT 09/21/2021–(Heck/Conison)*

**AUTHORIZING AND APPROVING THE AMENDMENT OF 161.13 SPECIAL LEAVE WITH PAY AND APPROVING SECTION 161.13(d) “PAID PARENTAL LEAVE” AND DECLARING AN EMERGENCY.**

Chairperson Heck said she was not going to be there next week so they would need someone else to introduce.

President Pro Tem Bailey said it could be done in the agenda meeting.

ADMINISTRATION AND FINANCIAL MANAGEMENT

Councilperson Bailey opened at 7:20 p.m. and addressed the legislation in his committee, as follows:

ORDINANCE NO. 082-2021 DRAFT # 3

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

*(Adm/Fin. Mgmt. – 3rd reading – ADOPT 10/19/2021–Bailey/Morrison)*

ORDINANCE NO. 083-2021 DRAFT # 4

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

*(Adm/Fin. Mgmt. – 3rd reading – ADOPT 10/19/2021–Bailey/Rodriguez)*

ORDINANCE NO. 084-2021 DRAFT # 5

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

*(Adm/Fin. Mgmt. – 3rd reading – ADOPT 10/19/2021–Bailey/Conison)*

RESOLUTION NO. 025-2021 DRAFT # 6

ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION, AUTHORIZING NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY.

Auditor Miller said he is usually given two weeks to get this legislation passed. He has to have it passed on the first reading to meet the deadline.

Director Woodruff reminded President Pro Tem that this legislation would need to be amended to reflect the council members who attended.

*(Admin/Fin. Mgmt. – 1st reading – ADOPT 09/21/2021–Bailey/Conison)*

RESOLUTION NO. 026-2021 DRAFT # 7

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

*(Admin/Fin. Mgmt. – 1st reading – ADOPT 09/21/2021–Bailey/Rodriguez)*

Having no further business, Councilperson Bailey closed at 7:23 p.m.

### COMMUNITY STANDARDS AND ENFORCEMENT

Chairperson Rodriguez opened at 7:24 p.m. and said there are no drafts or pending legislation on the agenda.

There was no discussion in Community Standards and Enforcement.

Having nothing further, Chairperson Rodriguez closed at 7:24 p.m.

### COMMUNITY AND ELDER ADVOCACY

Chairperson Elmore opened at 7:24 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 7:24 p.m.

### ECONOMIC DEVELOPMENT

Chairperson Morrison opened at 7:25 p.m. and addressed the legislation in his committee, as follows:

#### **SECOND READING:**

RESOLUTION NO. 021-2021 (*Economic. Dev. – 3rd reading – ADOPT 10/05/2021–(Morrison/Rodriguez)*)  
APPROVING THE RECOMMENDATIONS OF THE CITY OF WHITEHALL TAX INCENTIVE  
REVIEW COUNCIL FOR TAX YEAR 2020.

Having nothing further, Chairperson Morrison closed at 7:25 p.m.

### INFRASTRUCTURE, MAINTENANCE AND SERVICE

Chairperson Heck opened at 7:25 p.m. and addressed the legislation in her committee, as follows:

#### **SECOND READING:**

RESOLUTION NO. 023-2021 (*Infra. Maint. & Serv. – 2nd reading – ADOPT 09/21/2021–(Morrison/Elmore)*)  
TO AGREE TO AN ADJUSTMENT TO THE CITY'S BOUNDARIES BY CONSENTING TO  
TRANSFER APPROXIMATELY 3.34+/- ACRES FROM THE CITY OF COLUMBUS TO THE CITY  
OF WHITEHALL.

Having nothing further, Chairperson Heck closed at 7:26 p.m.

### PUBLIC SAFETY

Chairperson Conison opened at 7:26 p.m. and said there are no drafts or pending legislation on the agenda.

There was no discussion in Public Safety.

Having nothing further, Chairperson Conison closed at 7:26 p.m.

PARKS AND RECREATION

Chairperson Conison opened at 7:27 p.m. and said there are no drafts or pending legislation on the agenda.

There was no discussion in Parks and Recreation.

Having nothing further, Chairperson Conison closed at 7:27 p.m.

President Pro Tem Bailey advised that he would like a motion to adjourn to executive session pursuant to Ohio Revised Code Section 121.22 (g)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing.

Mr. Rodriguez so moved and Ms. Conison seconded the motion. A roll call was taken and all members voted in the affirmative and the meeting adjourned to executive session at 7:28 p.m.

Meeting adjourned at 7:47 p.m.

Respectfully submitted,

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Julie A. Ogg, Clerk of Council