

WHITEHALL CITY COUNCIL
AGENDA MEETING MINUTES

November 6, 2018

President Graham called the November 6, 2018 agenda meeting to order at 6:30 p.m. All members were present with the exception of Mr. Bailey. Ms. Elmore will be arriving late.

President Graham advised that he would like a motion to adjourn to executive session pursuant to Ohio Revised Code Section 121.22 (g)(3) conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;. Mr. Rodriguez so moved and Mr. Kantor seconded the motion. A roll call was taken and all members voted in the affirmative and the meeting adjourned to executive session at 6:31 p.m. The executive session adjourned at 6:45

President Graham reviewed the agenda and confirmed who would handle the various required motions this evening.

President Graham explained that the applicant would not be at the meeting tonight for the Public Hearing since they were at the last meeting. Ordinance No. 090-2018 will be tabled, but they will still have the Public Hearing. He asked everyone to look at the updated plans in regards to Ordinance No. 090-2018.

Director Woodruff explained where the conditions that council had requested are stated on the updated plans.

President Graham explained that all the conditions that council requested are on the site plan. Therefore, the legislation will be amended to add a sentence that reads; In addition, the applicant will adhere to the site plan attached as Exhibit A dated November 1, 2018.

Mr. Rodriguez said that he would amend and then table until November 20, 2018.

The meeting adjourned at 6:56 p.m.

Respectfully submitted,

Mary Freimark, Clerk of Council

APPROVED: _____, 2018.

Jim Graham, Council President

WHITEHALL CITY COUNCIL MEETING
MINUTES – NOVEMBER 6, 2018

President Graham called the regular meeting of Whitehall City Council to order at 7:00 p.m. on Tuesday, November 6, 2018.

At President Graham'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
Chris Rodriguez
Lori Elmore
Karen Conison
Wes Kantor
JoAnna Heck

EXCUSE ABSENT MEMBERS

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

APPROVAL OF MINUTES

Ms. Conison moved to approve the Minutes of the October 16, 2018 agenda and regular meetings. Mr. Kantor 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 – President Graham said that Chairperson Bailey was unable to attend the meeting this evening, but that Committee did 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 – President Graham said that Chairperson Elmore was unable to attend the meeting this evening, but that Committee did met last Tuesday and their minutes are on file. 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 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 pending drafts or legislations. 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 Kantor reported that they met two weeks ago and their minutes are on file. They had the groundbreaking for the YMCA and he is excited about what it will bring to Whitehall. They will meet next week, sometime after 6:30 p.m.

OFFICIALS' REPORTS

Mayor Kim Maggard – she welcomed everyone to the meeting tonight and said it was nice to see some new faces. She said that Whitehall Parks and Recreation department won multiple awards at the State of Ohio Parks and Recreation conference. The Park Ranger Program and the program that involves the police officers patrolling the parks, both won awards. They got a first place award for the Three on Three Basketball Tournament and a second place award for the unique weekend event, which ended with the tournament. She asked everyone to congratulate Director Sorrell and the Parks and Recreation Commission on their accomplishments.

City Attorney Michael Bivens – he thanked everyone for coming this evening. His official report for the month of October: they prosecuted 328 cases in Mayor's Court; only 47 of them were of a criminal nature committed by Whitehall residents. They have four individuals that are participating in the Drug Court Program. They meet every Tuesday at the Police Station and go through the list of things that are required through Drug Court and they are seeing success.

He stated that it is election night and everyone's emotions are high. Anyone that runs for office knows that it is honorable to try to lead and to express your ideas, but one thing he hopes is that as a city, country or state we can come together civilly and agree to disagree. He hopes to come together to champion the greatest ideas of our democracy and not the ideas of pettiness. Lastly, the Whitehall Rams are going to be playing against a difficult team on Friday against Massillon. He believes regardless of the outcome they are going to meet the challenge because they represent our community. "Go Rams"

City Auditor Dan Miller – he had no official report.

Director of Public Service and Development Zach Woodruff – he had no official report.

Treasurer Steve Quincel – he had no official report. He said he would like to recognize the passing of one of Whitehall's previous Civil Servants Mr. Darryl Todd.

President Graham – advised that the following Officials' Reports have been filed in the Council Office since the last meeting: The Division of Fire Overtime Report for September 2018.

COMMUNICATIONS, PETITIONS AND CLAIMS:

1. Notice from the Ohio Division of Liquor Control for a new D1 liquor permit for 4263 EAST MAIN STREET LLC., WHITEHALL, OHIO 43213.
2. Notice from the Ohio Division of Liquor Control for a new D2 liquor permit for AHEBER BELAYNEH DBA MINI ETHIOPIAN COFFEE HOUSE AND CARRYOUT 201 S. HAMILTON RD., WHITEHALL, OHIO 43213.
3. Notice from the Ohio Division of Liquor Control for a new D1 liquor permit for TRANQUIL LADY INC., 4263 E. MAIN ST., WHITEHALL, OHIO 43213.
4. Minutes from the October 4, 2018 meeting of the Planning Commission.
5. Agenda for the October 10, 2018 meeting of the Parks and Recreation.
6. Minutes from the September 12, 2018 meeting of the Parks and Recreation.

PUBLIC HEARING:

ORDINANCE NO. 090-2018

AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1122 OF THE 1970 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, AMENDING THE PLANNED APARTMENT DISTRICT (PAD) DEVELOPMENT PLAN ON PROPERTY LOCATED AT 540 SOUTH HAMILTON RD, PARCEL NUMBER (090-001623), PROPERTY OWNED BY HAMILTON CROSSING HOMES, LLC.

President Graham opened the public hearing on Ordinance No. 090-2018 at 7:12 p.m.

Mr. Ryan explained that they took councils suggestions on improvements in regards to landscaping and fencing and they have added them on to the current site plans. He asked if there were any questions.

President Graham asked if there was anyone here in opposition for Ordinance No. 090-2018, if they can come forward, state their name, and address for the record. There were no comments.

Mark Scheiber, 921 Fairway Blvd. He said he is a Landscape Architect and he is asking to look at the fenced off drainage pond on Hamilton and Etna while they are reviewing plans for this project. It is a pond designed as a detention basin for water and he would like to know what they intend to do with the additional storm water that will be caused by the new project. He asked if they would redesign that corner so it is beneficial to not only them, but also to the local residents and the entrance to the parkway system. It would be nice if that corner could be a continuation of the park or at least look like it by designing a water system as a bio retention basin and walking gardens.

After confirming there were no additional proponents and no opponents, President Graham closed the public hearing at 7:16 p.m.

President Graham stated for the record that Ms. Elmore entered the meeting at 7:05 p.m.

VERIFICATION OF COPIES

President Graham 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. 090-2018 was read by title only by President Graham:

AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1122 OF THE 1970 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, AMENDING THE PLANNED APARTMENT DISTRICT (PAD) DEVELOPMENT PLAN ON PROPERTY LOCATED AT 540 SOUTH HAMILTON RD, PARCEL NUMBER (090-001623), PROPERTY OWNED BY HAMILTON CROSSING HOMES, LLC.

Mr. Rodriguez introduced Ordinance No. 090-2018 and moved to amend to read, In addition, the applicant will adhere to the site plan attached as Exhibit A dated November 1, 2018, and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 090-2018 was amended.

Mr. Rodriguez moved to table Ordinance No. 090-2018 to the November 20, 2018 meeting. Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 090-2018 was tabled.

SECOND READING:

THERE IS NO LEGISLATION FOR SECOND READING.

FIRST READING:

ORDINANCE NO. 101-2018 was read by title only by President Graham:

AUTHORIZING ADOPTION OF THE NOVEMBER 2018 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, AND DECLARING AN EMERGENCY.

Mr. Kantor introduced and moved to suspend the rules on Ordinance No. 101-2018 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 101-2018 was suspended.

Mr. Kantor then moved to adopt Ordinance No. 101-2018 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 101-2018 was adopted.

ORDINANCE NO. 102-2018 was read by title only by President Graham:

AUTHORIZING THE CREATION OF THE NORTH YEARLING ROAD IMPROVEMENT ACCOUNT (309.000.54000) AND APPROPRIATING THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00) FROM UNAPPROPRIATED MONIES IN THE OPWC ISSUE 2 FUND (309) AND DECLARING AN EMERGENCY

Mr. Rodriguez introduced and moved to suspend the rules on Ordinance No. 102-2018 and Ms. Heck seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 102-2018 was suspended.

Mr. Rodriguez then moved to adopt Ordinance No. 102-2018 and Ms. Heck seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 102-2018 was adopted.

ORDINANCE NO. 103-2018 was read by title only by President Graham:

APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00) FROM UNAPPROPRIATED MONIES IN THE HEALTH INSURANCE TRUST FUND (511) TO THE HEALTH INSURANCE TRUST FUND EXPENSE ACCOUNT (511.000.50000) AND DECLARING AN EMERGENCY.

Mr. Kantor introduced and moved to suspend the rules on Ordinance No. 103-2018 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 103-2018 was suspended.

Mr. Kantor then moved to adopt Ordinance No. 103-2018 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 103-2018 was adopted.

ORDINANCE NO. 104-2018 was read by title only by President Graham:

APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND 101 TO THE INCOME TAX REFUNDS EXPENSE ACCOUNT (101.350.57000)

RESOLUTION NO. 042-2018 was read by title only by President Graham:

RESOLVING TO APPROVE "THEN AND NOW" CERTIFICATES AND DECLARING AN EMERGENCY.

Mr. Rodriguez introduced and moved to suspend the rules on Resolution No. 042-2018 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and RESOLUTION NO. 042-2018 was suspended.

Mr. Rodriguez then moved to adopt Resolution No. 042-2018 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and RESOLUTION NO. 042-2018 was adopted.

RESOLUTION NO. 043-2018 was read by title only by President Graham:

ADOPTING THE REVISIONS AND AMENDMENTS IN THE 2018 UPDATE TO THE STORMWATER DESIGN MANUAL AND DECLARING AN EMERGENCY.

RESOLUTION NO. 044-2018 was read by title only by President Graham:

AUTHORIZING THE MAYOR TO ENTER INTO A FISCAL AGENT AGREEMENT WITH RESTORE REBUILDING BROKEN LIVES AND DECLARING AN EMERGENCY.

Mr. Rodriguez introduced and moved to suspend the rules on Resolution No. 044-2018 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and RESOLUTION NO. 044-2018 was suspended.

Mr. Rodriguez then moved to adopt Resolution No. 044-2018 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and RESOLUTION NO. 044-2018 was adopted.

POLL PUBLIC

No comments at this time.

COMMUNITY DATE BOARD

Ms. Heck said there is a Veterans Day parade November 10 at 12:00 p.m. at the High School and Get out and Play is November 17 at John Bishop Park, 10:00 a.m. to 11:00 a.m. Breakfast with Santa is November 15 at Etna Road Elementary, 9:00 a.m. to 11:30 a.m.

POLL COUNCIL

Mr. Rodriguez said it is good to see some new faces at the meeting. He said that what Attorney Bivens said earlier could not be more appropriate this evening. It has been an aggressive and nasty campaign and it will be nice to see it end. The people will give their vote on many different issues and offices and he hopes, as Attorney Bivens had said that we can continue to move forward as a community, as a state and as a country.

Ms. Elmore thanked everyone for coming. She said she has had a wonderful opportunity to canvass and talk to residents of Whitehall over the last few weeks. The residents were happy to see them out and she hopes next time it won't take an election to meet some of the residents. She said "Go Rams" She would like to echo the comments that Attorney Bivens made in regards to how we respond and how we treat each other when it is election season. Words can be hurtful and can stay with someone and it doesn't have to be ugly and nasty. We can agree to disagree and that is what makes us individuals. Social media doesn't have to be a place that the worst of people come out and she hopes we can be mature on how to respond to issues that we don't agree with. Move forward with love because at the end of the day we still need to work together as a community.

Ms. Conison thanked everyone for coming and thanked everyone for their concerns when her husband was in a car accident yesterday. He is doing well, thanks to the help of the Fire and Police Departments. They got him to where he needed to be immediately.

Mr. Kantor thanked everyone for coming. He thanked Mr. Werther on the work he had done on the Charter Review Commission earlier this year. He said Mr. Rodriguez and Ms. Elmore summed it up that there is a lot of hate in the world right now. He thanked Attorney Bivens for the statistics on the Mayors Court cases. He stated that Attorney Bivens son played a great football game Friday night and there were a large number of people there cheering loudly. He hopes to see everyone come out Friday night and show support for this great football team..

Ms. Heck thanked everyone for coming and for watching on live Facebook. She agrees with the people that spoke before regarding the election, it's always a tense time. She is traveling to the game this Friday and she hopes to see everyone there.

Mr. Morrison thanked everyone for their positive comments this evening and thanked everyone for coming. He said regarding the election this evening, the results are the results and everyone needs to smile and have fun.

President Graham thanked everyone for coming. He hopes that everyone voted today and if you didn't, shame on you. That is something that this country has and there are people that died to have that right. He appreciates everything that everyone said about the election and said if your candidate or issue didn't go the way you want it to, don't whine and if you won, don't gloat. We don't have to be like the rest of the country, we are Whitehall and we can stand above the rest.

Having nothing further, Mr. Kantor moved to adjourn and Mr. Elmore seconded the motion. On a roll call vote, all members responded in the affirmative and the meeting adjourned at 7:36 p.m.

Respectfully submitted,

Mary Freimark, Clerk of Council

APPROVED: _____, 2018.

Jim Graham, Council President