

WHITEHALL CITY COUNCIL
AGENDA MEETING MINUTES

MARCH 20, 2018

Jim Graham, Council President, called the March 20, 2018 agenda meeting to order at 6:30 p.m. All members were present.

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

The meeting adjourned at 6:45 p.m.

Respectfully submitted,

Mary Freimark, Clerk of Council

APPROVED: _____, 2018.

Jim Graham, Council President

WHITEHALL CITY COUNCIL MEETING
MINUTES – MARCH 20, 2018

Council President Graham called the regular meeting of Whitehall City Council to order at 7:00 p.m. on Tuesday, March 20, 2018.

At President Graham's request, everyone rose for a moment of silence. The Pledge of Allegiance was then recited by those assembled.

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

Robert Bailey
Chris Rodriguez
Lori Elmore
Wes Kantor
Karen Conison
JoAnna Heck
Larry Morrison

APPROVAL OF MINUTES

Ms. Conison moved to approve the Minutes of the March 6, 2018 agenda and regular meetings. Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all present members responded in the affirmative and the Minutes were approved as submitted.

ADOPTION OF COUNCIL RULES OF PROCEDURE 2017-2018

Ms. Heck moved to adopt the Council Rules of Procedure for the 2018-2019 Term. Ms. Elmore seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and the rules were adopted

POLL PUBLIC

Gerald Dixon, 3877 Doney St. He explained that he sent a letter to council regarding his concerns on amending in the city code, section 745, Vendors and Solicitors. He is upset that no one has discussed his letter with him and he is requesting that they reply during poll council this evening.

Chris Miller, 295 Laurel Lane, Pataskala, Ohio. He is here to state his opposition against the legislation for an attempted takeover of the Woodcliff Condominiums. He is a recent owner of a condominium and has done a lot of work to his property. It has come to his attention that there is ongoing litigation that he and many of the other recent purchasers were not aware of. When the title work searches were done, the only issue that came up was an \$18,000 lien against the common property, which is an IRS lien. At the hearing on Tuesday, the city's attorney said that the newer owners should have known about the issues but they did not know. The issues that the city is using to try to take over the property are not correct. If sewer and water hookups and the curb cuts are not up to code today, then these properties should be grandfathered in. He is speaking as a citizen that has owned properties for many years, not a lawyer or code enforcement person. He stated that the city is trying to take the properties only so they can develop them the way Whitehall wants it

developed. He doesn't appreciate his property being taken from him forcibly at a much lower price than it is worth.

Boltob LLC, 140 Woodcliff Dr. He said he owns multiple Woodcliff Condominiums and that he was given no warning about the issues before purchasing them. He knows the city may have the right to take over the properties, but he thinks they should acquire the property at fair share. He thinks it is unfair and is asking the city to look in to it more objectively. He knows that some of the condominiums are out of code and he is requesting to give them time to correct the problems and to look at them on a case to case basis. He is asking the city to be fair and to not make them suffer for the mistakes that others had made.

John Freeman, 1178 Fountain Lane, Apt B. He purchased two duplexes in Woodcliff; he has restored them and has tenants in both units. He felt it was a good opportunity to have a solid income stream. Unfortunately, many things were not divulged before closing by the prior owner, but he understands that is a separate issue and should be addressed with his lawyer. He was interested in Woodcliff because it represents a kind of unit that is disappearing. It also represents the kind of community that he wants to live in with middle and lower income people that are trying to make ends meet. The community is going to be displaced and he doesn't know where the families are going to go. He speaks highly of Whitehall and believes the future of Whitehall is very bright. However, he doesn't understand where the city wants to end up and thinks they are making a big mistake.

STANDING COMMITTEE REPORTS

Administration and Financial Management – Chairperson Bailey 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 and Elder Advocacy – Chairperson Elmore reported that they met last Tuesday. They had no items on the agenda 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. They had no items on the agenda 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. They had no items on the agenda their minutes are on file. They will meet next week, sometime after 6:30 p.m.

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

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

OFFICIALS' REPORTS

Mayor Kim Maggard – she had no official report.

City Attorney Michael Bivens – he reported they had an opioid court meeting today. He hopes to launch that project in the next 60 to 90 days. Because this project is funded with money from the federal government, they anticipate Senator Portland coming to the next meeting and checking on the progress. On May 17, the Legal Rams will be doing a mock trial at city hall. He has invited everyone to come out and be a part of the jury.

City Auditor Dan Miller – he asked for favorable consideration on Ordinance No. 027-2018 and Resolution No. 016-2018.

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

Treasurer Steve Quincel – he had no official report.

President Graham – advised that the following Officials’ Reports have been filed in the Council Office since the last meeting: The Auditor’s Expense Report for February 2018; The Auditor’s Bank Report for February 2018; The Auditor’s Statement of Cash Position Report for February 2018; The Auditor’s Revenue Report for February 2018; and The Division of Fire Overtime Report for February 2018.

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 present members responded in the affirmative.

THIRD READING:

ORDINANCE NO. 021-2018 was read by title only by President Graham:

“AUTHORIZING THE ADDITION OF AN ADDITIONAL FEE FOR ELECTRICAL SERVICE REINSTALLATION.”

Mr. Rodriguez then moved to adopt Ordinance No. 021-2018 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and ORDINANCE NO. 021-2018 was adopted.

ORDINANCE NO. 022-2018 was read by title only by President Graham:

“AUTHORIZING MODIFICATIONS TO CHAPTER 1301.”

Mr. Rodriguez then moved to adopt Ordinance No. 022-2018 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and ORDINANCE NO. 022-2018 was adopted.

SECOND READING:

ORDINANCE NO. 024-2018 was read by title only by President Graham:

“AMENDING 745 TITLED VENDORS AND SOLICITORS.”

ORDINANCE NO. 025-2018 was read by title only by President Graham:

Refer to Planning Commission 3/8/18 & Public Hearing on 4/3/18

“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 EAST BROAD ST, PARCEL NUMBERS 090-000096, 090-005610, 090-000898, 090-000581, 090-005894, 090-000614 FROM APARTMENT DISTRICT (A-2), LIMITED COMMERCE DISTRICT (LCD), AND GENERAL COMMERCE DISTRICT (GCD) TO PLANNED UNIT DEVELOPMENT (PUD), PROPERTY OWNED BY CITY OF WHITEHALL.”

RESOLUTION NO. 015-2018 was read by title only by President Graham:

“RESOLUTION TO ADOPT A COMPREHENSIVE DEVELOPMENT PLAN THAT DESCRIBES THE PUBLIC NEED FOR THE PROPERTY KNOWN AS THE WOODCLIFF CONDOMINIUMS AND AFFIRMING THE PUBLIC NEED FOR THE PROPERTY AS NUISANCE ABATEMENT; AND AUTHORIZING THE MAYOR, ON BEHALF OF CITY COUNCIL, TO MAKE AN OFFER TO PURCHASE 317 PARCELS FROM THE WOODCLIFF CONDOMINIUM UNIT OWNERS ASSOCIATION.”

FIRST READING:

ORDINANCE NO. 026-2018 was read by title only by President Graham:

“MAKING A SUPPLEMENTAL APPROPRIATION OF FORTY FOUR THOUSAND, SIX HUNDRED ONE AND 90/100 DOLLARS (\$44,601.90) FROM THE TAX INCREMENT FINANCING FUND (279) TO VARIOUS EXPENSE ACCOUNTS IN THE 279 FUND AND AUTHORIZING THE DISTRIBUTION OF THE PORTION OF THE TOTAL SERVICE PAYMENTS ATTRIBUTABLE TO EACH TIF TO THE AFFECTED VOCATIONAL SCHOOL DISTRICT FROM THE TAX INCREMENT FINANCING FUND (279) IN THE AMOUNT EQUAL TO 100% OF THE PROPERTY TAX PAYMENT THE VOCATIONAL SCHOOL DISTRICT WOULD HAVE RECEIVED OF FORTY FOUR THOUSAND, SIX HUNDRED ONE AND 90/100 DOLLARS (\$44,601.90) AND DECLARING AN EMERGENCY.”

ORDINANCE NO. 027-2018 was read by title only by President Graham:

“APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF NINE THOUSAND TWO HUNDRED NINETY-EIGHT AND 89/100 DOLLARS 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 NINE THOUSAND TWO HUNDRED NINETY-EIGHT AND 89/100 DOLLARS (\$9,298.89) TO THE TIF FEES ACCOUNT (279.000.59600) AND DECLARING AN EMERGENCY.”

Mr. Bailey introduced and moved to suspend the rules on Ordinance No. 027-2018 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all present members responded in the affirmative and the rules were suspended.

Mr. Bailey then moved to adopt Ordinance No. 027-2018 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and ORDINANCE NO. 026-2018 was adopted.

ORDINANCE NO. 028-2018 was read by title only by President Graham:

Refer to Planning Commission 4/5/18 & Public Hearing on 4/17/18

“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)(36) TO ALLOW LIGHTHOUSE BEHAVIORAL HEALTH TO OPERATE A MEDICAL FACILITY THAT INCLUDES IN-PATIENT CARE SERVICES, ON PROPERTY LOCATED AT 4000 EAST MAIN STREET (PARCEL NUMBER 090-005290-00), OWNED BY OHIO NURSES ASSOCIATION.”

ORDINANCE NO. 029-2018 was read by title only by President Graham:

“AUTHORIZING THE CREATION OF THE FLEXIBLE SPENDING FUND (820), APPROPRIATING ONE HUNDRED THIRTY-SIX THOUSAND AND 00/100 DOLLARS (\$136,000.00) FROM UNAPPROPRIATED MONIES IN THE FLEXIBLE SPENDING FUND (820) TO THE FLEXIBLE SPENDING EXPENSE ACCOUNT (820.000.50000) AND DECLARING AN EMERGENCY.”

RESOLUTION NO. 016-2018 was read by title only by President Graham:

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

Mr. Bailey introduced and moved to suspend the rules on Resolution No. 016-2018 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all present members responded in the affirmative and the rules were suspended.

Mr. Bailey then moved to adopt Resolution No. 016-2018 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and RESOLUTION NO. 016-2018 was adopted.

RESOLUTION NO. 017-2018 was read by title only by President Graham:

“AUTHORIZING THE MAYOR TO JOIN GOODBUY PURCHASING COOPERATIVE AND US COMMUNITIES, WHICH ARE GROUP PURCHASING ORGANIZATIONS; AND DECLARING AN EMERGENCY.”

Mr. Kantor introduced and moved to suspend the rules on Resolution No. 017-2018 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all present members responded in the affirmative and the rules were suspended.

Mr. Kantor then moved to adopt Resolution No. 017-2018 and Mr. Conison seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and RESOLUTION NO. 017-2018 was adopted.

POLL PUBLIC

Gerald Dixon, 3877 Doney St. He stated that when he goes over to Woodcliff Condominiums he sees families enjoying their lives, which is what the previous speakers had said. On social media Woodcliff is referred to as trash, which he fears that means poor, African American people. The legislative body is supposed to be representing the people and not the mayor. When the citizens of Whitehall ask for answers, they should get them and not be left hanging.

Boltob LLC., 140 Woodcliff. She is asking for answers on what the owners of Woodcliff Condominiums should be expecting.

President Graham said that it is in litigation and they have no comment at this time.

Attorney Bivens advised her to check with the Woodcliff Condominium Association and Mark Froelich, who is the receiver for the property.

COMMUNITY DATE BOARD

Ms. Consion said tomorrow, March 21 at 3:30 at the High School they will be stuffing Easter eggs. The Easter Egg Hunt is this Saturday at John Bishop Park at 10:00 a.m. There will be Brunch immediately following the Easter Egg Hunt at the VFW, 4100 E. Main St. Adults are \$5.00 and kids are free.

POLL COUNCIL

Mr. Bailey thanked everyone for coming and sharing their thoughts. He cannot make any comments about the Woodcliff/Midcliff situation due to pending litigation. The State of the City address was very exciting. He is very proud of our mayor's court and all of our safety forces. They take care of the safety and wellbeing of our citizens.

Mr. Rodriguez thanked everyone for coming and thanked everyone for their comments.

Ms. Elmore thanked everyone for coming and for those who spoke. She asked for everyone's thoughts and prayers for the Hadden family who lost their daughter in a tragic car accident. Next meeting, the executive director for Employment for Seniors will be giving a presentation. There will be an Academic Trade Fair at the High School on May 15. They recognize not every graduating senior may go to college and this will help them prepare for future jobs and career readiness.

Ms. Conison thanked everyone for coming. She hopes to see everyone at the High School tomorrow. Woodcliff/Midcliff has been in litigation for 11 years and when something is in litigation we are not permitted to discuss it.

Mr. Kantor thanked everyone for coming. He thanked everyone for their phone calls and cards over the last few weeks. He thanked Attorney Bivens for directing people to the Woodcliff Association and Mr. Froelich.

Ms. Heck thanked everyone for coming and for those who spoke. She reminded everyone that next week is Whitehall City Schools spring break.

Mr. Morrison thanked everyone for coming and their input and concerns. He welcomed Mr. Kantor back and hopes everyone has a good week.

President Graham thanked everyone for coming out this evening and appreciated everyone's participation.

Having nothing further, Mr. Bailey moved to adjourn and Mr. Rodriguez seconded the motion. On a roll call vote, all present members responded in the affirmative and the meeting adjourned at 8:14 p.m.

Respectfully submitted,

Mary Freimark, Clerk of Council

APPROVED: _____, 2018.

Jim Graham, Council President