

WHITEHALL CITY COUNCIL
AGENDA MEETING MINUTES

May 15, 2018

Jim Graham, Council President, called the May 15, 2018 agenda meeting to order at 6:30 p.m. All members were present with the exception of Ms. Elmore.

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

Director Woodruff explained the add-on legislation, Ordinance No. 044-2018.

They discussed the new sound/video system.

The meeting adjourned at 6:47 p.m.

Respectfully submitted,

Mary Freimark, Clerk of Council

APPROVED: _____, 2018.

Jim Graham, Council President

WHITEHALL CITY COUNCIL MEETING

MINUTES – MAY 15, 2018

Council President Graham called the regular meeting of Whitehall City Council to order at 7:00 p.m. on Tuesday, May 15, 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:

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

EXCUSE ABSENT MEMBERS

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

APPROVAL OF MINUTES

Ms. Conison moved to approve the Minutes of the May 1, 2018 agenda and regular meetings. Mr. Kantor 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.

POLL PUBLIC

Gerald Dixon, 3877 Doney St. He explained the definition of bullying and that it is a citizen's first amendment right and their civic duty to point out mistakes with city officials. He stated he appreciates citizens filling a public duty, but they are still political appointees performing official duties. Therefore, they can be challenged on their decisions.

STANDING COMMITTEE REPORTS

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

Community and Elder Advocacy – President Graham reported that Chairperson Elmore was not able to make it tonight but they 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. They have up for consideration Ordinance No. 037-2018 and Resolution No. 015-2018

Infrastructure, Maintenance and Services – Chairperson Heck reported that they met last Tuesday and their minutes are on file. They discussed the new video and sound system to record council meetings. 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 last Tuesday and their minutes are on file. They discussed all the changes in the park, which includes the new playground equipment and the new entrance to John Bishop Park. They will meet next week, sometime after 6:30 p.m.

OFFICIALS' REPORTS

Mayor Kim Maggard – she thanked everyone for coming this evening. She asked for favorable consideration on Ordinance No. 045-2018. She asked everyone to look at the new plants and trees on Etna Rd. She will have legislation next week regarding the My Home Program. They have been having interviews with architects for the YMCA and they should be making a decision soon. They will be reviewing applications for CMR interviews.

City Attorney Michael Bivens – he thanked everyone for coming this evening. This Thursday, May 17 at 6:00 p.m. the Legal Rams will do their Mock Court Program at City Hall. The Mock Trial has become a part of the High School's curriculum and it is their final exam. The case for the Mock Trial is interesting to the kids because they have been seeing all the new construction in Whitehall. The question is if a Construction Manager can be held liable for murder as it relates to injuries or death to any persons that are on that property during the construction process. He invited everyone to come out to be a part of the jury. He thanked the mayor for coming to his wife's last school board meeting.

City Auditor Dan Miller – he had no official report. He asked for favorable consideration on Ordinance Nos. 041-2018 and 042-2018.

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

Director of Public Safety Van Gregg – was not present.

Treasurer Steve Quincel – was not present.

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 April 2018; The Auditor's Bank Report for April 2018; The Auditor's Statement of Cash Position Report for April 2018; The Auditor's Revenue Report for April 2018; The Division of Fire Overtime Report for April 2018; and The Mayors Report to Council for April 2018.

COMMUNICATIONS, PETITIONS AND CLAIMS:

1. Notice from the Ohio Division of Liquor Control of a new application for a D1 liquor permit of MINI ETHIOPIAN COFFEE HOUSE and CARRYOUT, 201 S. Hamilton Rd.
2. Notice from the Ohio Division of Liquor Control of a new application for a D5 liquor permit of FLAVOR 91 BURGER BISTRO, 5186 E. Main St.
3. Minutes from the April 11, 2018 meeting of the Parks and Recreation Commission.
4. Agenda for the May 9, 2018 meeting of the Parks and Recreation Commission.

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. 036-2018 was read by title only by President Graham:

“DECLARING THE IMPROVEMENT TO CERTAIN PARCELS IN THE CITY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF HAMILTON ROAD AND BROAD STREET TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION PURSUANT TO OHIO REVISED CODE SECTION 5709.40(B); PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS AND SPECIFYING THE PURPOSES FOR WHICH THOSE SERVICE PAYMENTS MAY BE EXPENDED; AUTHORIZING SCHOOL COMPENSATION PAYMENTS; AND APPROVING A TAX INCREMENT FINANCING AGREEMENT AND A REVENUE SHARING AGREEMENT.”

Mr. Bailey then moved to adopt Ordinance No. 036-2018 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. 036-2018 was adopted.

ORDINANCE NO. 037-2018 was read by title only by President Graham:

“AUTHORIZING THE EXECUTION AND DELIVERY OF A COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY AND CONTINENTAL REAL ESTATE COMPANIES OR ITS DESIGNEE.”

Mr. Morrison then moved to adopt Ordinance No. 037-2018 and Ms. Elmore seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and ORDINANCE NO. 037-2018 was adopted.

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.”

Mr. Morrison then moved to amend Resolution No. 015-2018 and Mr. Bailey seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and RESOLUTION NO. 015-2018 was amended.

Attorney Bivens explained that this Resolution comes before the city after 11 years of litigation. On April 30, 2018 the former receiver and seven interested parties signed an agreement order to settle. In the order signed by Judge Hawkins and pursuant to the Condominium Association bylaws, all owners were given notice about the offer and a meeting was held. The meeting was held on May 14, 2018 at the Whitehall Library and the Condominium Association voted to accept the city's offer of \$8,866,220.80. They voted overwhelming to accept the offer by a margin of 172 in favor and 77 opposed.

Once council has adopted Resolution No. 015-2018, then the offer will be accepted by the appointed receiver on this matter. The agreed order also provides a process that any owner can object to the proposed distribution of proceeds. A distribution hearing has been requested and is set for some time in June. He reiterated that this settlement resolves nearly 11 years of litigation with the City of Whitehall. The city maintains that there are still some nuisance conditions remaining in the Woodcliff Condominiums, including defective drainage and plumbing resulting in unsanitary conditions. The city feels that the offer to purchase and the acceptance of that offer is a fair and final resolution to abate the Woodcliff Condominium property.

Mr. Morrison then moved to adopt Resolution No. 015-2018 and Mr. Bailey seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and RESOLUTION NO. 015-2018 was adopted.

SECOND READING:

ORDINANCE NO. 041-2018 was read by title only by President Graham:

"MAKING A SUPPLEMENTAL APPROPRIATION OF ~~FIFTY ONE THOUSAND AND 00/100 DOLLARS (\$51,000.00)~~ ONE HUNDRED ELEVEN THOUSAND AND 00/100 DOLLARS (\$111,000.00) FROM THE ECONOMIC DEVELOPMENT INCENTIVES/PLANNING FUND (316) TO ECONOMIC DEVELOPMENT INCENTIVES EXPENSE ACCOUNT (316-000-50000) AND DECLARING AN EMERGENCY."

Mr. Bailey introduced and moved to amend the rules on Ordinance No. 041-2018 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and ORDINANCE 041-2018 was amended.

Mr. Bailey introduced and moved to suspend the rules on Ordinance No. 041-2018 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and ORDINANCE 041-2018 was suspended.

Mr. Bailey then moved to adopt Ordinance No. 041-2018 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. 041-2018 was adopted.

FIRST READING:

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

“MAKING AND APPROVING A SUPPLEMENTAL APPROPRIATION OF ONE HUNDRED THIRTY-FOUR THOUSAND EIGHT HUNDRED SEVENTY-SIX AND 72/100 DOLLARS (\$134,876.72) FROM THE WATER SEWER MANDATE IMPROVEMENT FUND (305) TO THE WATER SEWER MANDATE IMPROVEMENT EXPENSE ACCOUNT (305-000-50000) AND DECLARING AN EMERGENCY.”

Mr. Bailey introduced and moved to suspend the rules on Ordinance No. 042-2018 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and ORDINANCE 042-2018 was suspended

Mr. Bailey then moved to adopt Ordinance No. 042-2018 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. 042-2018 was adopted.

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

“AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF ONE MILLION TWO HUNDRED FIFTY THOUSAND AND NO/DOLLARS (\$1,250,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND 101 TO THE PROPERTY ACQUISITION AND MAINTENANCE ACCOUNT 101.950.59850 AND DECLARING AN EMERGENCY.”

Mr. Bailey introduced and moved to suspend the rules on Ordinance No. 043-2018 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and ORDINANCE 043-2018 was suspended.

Mr. Bailey then moved to adopt Ordinance No. 043-2018 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. 043-2018 was adopted.

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

“AMENDING ORDINANCE NO. 19-75, PASSED JULY 1, 1975-THE TRAFFIC CODE OF THE CITY OF WHITEHALL, BY AMENDING SCHEDULE IV-ONE-WAY STREETS, SECTION (D) OF THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL.”

Ms. Heck introduced and moved to suspend the rules on Ordinance No. 044-2018 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and ORDINANCE 044-2018 was suspended.

Ms. Heck then moved to adopt Ordinance No. 044-2018 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. 044-2018 was adopted.

ORDINANCE NO. 045-2018 was read by title only by President Graham:

“AUTHORIZING THE MAYOR TO OFFER A CANDIDATE FOR EMPLOYMENT EXCEPTIONS TO 161.15(a) FOR THE PURPOSE TO PERMIT THE USE VACATION LEAVE DURING THE FIRST SIX MONTHS OF HIRE, 161.12(b)(1) TO ACCEPT PRIOR PUBLIC SERVICE ELIGIBILITY AND EXPERIENCE IN REGARD TO EARNED VACATION LEAVE COMPUTATION IN THE RANGE OF 9-12 YEARS PER 161.15(b)(1) AND DECLARING AN EMERGENCY.”

Mr. Bailey introduced and moved to suspend the rules on Ordinance No. 045-2018 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all present members voted in the affirmative and ORDINANCE 045-2018 was suspended.

Mr. Bailey then moved to adopt Ordinance No. 045-2018 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. 045-2018 was adopted.

POLL PUBLIC

Gerald Dixon, 3877 Doney St. He asked Councilman Rodriguez what happened to the truck legislation that he had brought to council a couple years ago. He asked council what they are doing about the problems with littering and speeding in the city and are they trying to encourage recycling. He gave his concerns regarding statements at the last City Council meeting by Councilman Bailey. He feels that a political appointee officially tasked with an official duty can be challenged by the public. The Constitution was designed to protect the people from the government, not the government from the people.

President Graham explained that poll public is an opportunity for the public to come up and make a statement. It is not designed as a question and answer period.

COMMUNITY DATE BOARD

Ms. King reminded everyone that the high school's Mock Trial will be this Thursday at 6:00 p.m. at City Hall.

Ms. Conison said the WCCA will have their Cruise-in on June 23 at VFW, with a rain date of June 24. Starting this Saturday and every Saturday through June 16, WCCA will be having sign-ups for the July pageants at John Bishop Park Amphitheatre from 10:00 a.m. to 12:00 p.m. The pageant will be June 30 at Rosemore School and the July 4 parade starts at 10:00 a.m.

Mayor Maggard said there is a Safer Whitehall Town Meeting on Thursday, May 24 at 6:30 at Whitehall Yearling High School. The focus will be on having healthy relationships.

Ms. Heck said there is a Spaghetti Dinner at the high school tomorrow night. It is \$5.00 per person and the proceeds go to a family in need in Whitehall. Signups for a free Whitehall camp are May 23 and 30 at the high school administration building from 5:30 p.m. to 6:30 p.m.

POLL COUNCIL

Mr. Kantor thanked everyone for coming. He thanked Attorney Bivens for explaining Resolution No. 015-2018 regarding Woodcliff Condominiums. He wished Ms. Heck a Happy Birthday.

Ms. Heck thanked everyone for coming. She hopes that the new sound and video system will get people to tune in to the meetings and maybe even come. Next week is the last week for Whitehall schools.

Mr. Morrison thanked everyone for coming and urged everyone to have a good week.

Mr. Bailey thanked everyone for coming. He explained his statements from the last council meeting and gave his opinion on bullying.

Mr. Rodriguez thanked everyone for coming. He said he took his grandkids to the park and was happy to see all the improvements. He wished Ms. Heck and his grandson, Jackson a Happy Birthday.

Ms. Conison thanked everyone for coming. She said to Director Woodruff she was sorry for his loss.

President Graham thanked everyone for coming. He hopes to see everyone at the next meeting.

Having nothing further, Mr. Bailey moved to adjourn and Mr. Rodriguez seconded the motion. On a roll call vote, all members responded in the affirmative and the meeting adjourned at 7:39 p.m.

Respectfully submitted,

Mary Freimark, Clerk of Council

APPROVED: _____, 2018.

Jim Graham, Council President