

WHITEHALL CITY COUNCIL
AGENDA MEETING MINUTES

AUGUST 1, 2017

President Pro Tempore Bailey called the August 1, 2017, agenda meeting to order at 6:30 p.m. All members were present.

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

Auditor Miller said that Treasurer of State, Josh Mandel wants to send one of his representatives to the next council meeting to kick off our open check book.

Director Woodruff explained that Resolution 042-2017 is authorizing the mayor to enter in to an agreement with Alliance Data. The agreement states that Alliance Data will sign a long term lease that involves staying at their current location and maintaining at least 900 employees. It also specifies that the City of Whitehall will give them \$280,000 a year to help with improvements to the building, recruitment and training for their employees and to offset their property taxes. He stated the \$280,000 is about 1/3 of the income tax the city collects from them yearly, so the city will recoup the money quickly.

Having no further business, the meeting adjourned at 6:38 p.m.

Respectfully submitted,

Mary Freimark, Clerk of Council

APPROVED: _____, 2017.

Jim Graham, Council President

WHITEHALL CITY COUNCIL MEETING

MINUTES – AUGUST 1, 2017

Council President Pro Tempore Bailey called the regular meeting of Whitehall City Council to order at 7:00 p.m. on Tuesday, August 1, 2017.

At President Pro Tempore Bailey'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:

Larry Morrison
Bob Bailey
Chris Rodriguez
Van Gregg
Karen Conison
Wes Kantor
Lee Stahley

APPROVAL OF MINUTES

Ms. Conison moved to approve the Minutes of the July 18, 2017 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.

SPECIAL PRESENTATION

Fire Chief Preston Moore and Asst. Chief Chris Menapace came to the podium and asked Officer Jacobs to join them. Chief Moore said the purpose of tonight's presentation is to recognize Officer Jacobs with the Fire Chiefs Commendation Medal from the Whitehall Division of Fire. Chief Moore acknowledged Officer Jacobs superior performance of his duties on the night of December 15, 2016. He explained on two separate incidents when the lives of Whitehall citizens were in danger, Officer Jacobs contributed significantly to a successful outcome of saving three patients by assisting fire personnel. Officer Jacob's focused on basic life support measures so Whitehall EMS could concentrate on more advanced lifesaving techniques and deliver vital medication. Through his ability, critical thinking, personal initiative and dedication to his duty Officer Jacobs upheld the highest traditions of a public safety employee. Chief Moore presented Officer Jacobs with the medal. He was recognized by the audience with a standing ovation.

Mr. Bailey said this is another example of why we are so proud of our safety forces and that he feels they are second to none. He added that Officer Jacobs is very professional and he thanked him for his service.

POLL PUBLIC

There were no comments at this time.

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 Engagement – 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.

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 Gregg reported that they met last Tuesday and their minutes are on file. They will meet next week, sometime after 6:30 p.m.

Public Safety – Chairperson Stahley said 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

Mr. Bailey thanked the Mayor and her staff for an excellent Food Truck Festival.

Mayor Kim Maggard – she reported that they had over 17,000 people for the Whitehall Food Truck Festival. She said it safe, fun and the city got all of their money back and more. She said they have already started to plan next year's event.

City Attorney Michael Bivens – he said he would like to echo how wonderful the Food Truck Festival was. He congratulated Director Woodruff and Kaitlin King on a great job. He stated that the Whitehall Rams have started their two a day practices so if you see some young men walking down the street, stop them and say we are rooting for you. He added he his son is a Junior this year and he hopes he is a starter.

City Auditor Dan Miller – had no official report. He asked for favorable consideration on Ordinance No. 065-2017 and Resolution No. 041-2017.

Director of Public Service and Development Zach Woodruff –had no official report. He asked for favorable consideration on Resolution No. 042-2017. He echoed the Mayor and Attorney Bivens on how wonderful the Food Truck Festival was. He thanked Ms. King and said everyone is giving him way too much credit. The actual running of the event was Ms. King. She was onsite until 3:00 a.m. on Saturday getting it set up and 3:00 a.m. on Sunday cleaning everything up. He stated we couldn't have been more fortunate to have her on staff with all the marketing and social media she did prior to the event. He asked everyone to join him on giving Ms. King a round of applause. He said Etna Rd. project may be delayed a couple of weeks due to utility relocation. He said he received some calls about flooding in that area after the heavy rain because they were still working on the storm sewer replacement. They are now finished with the replacement. He hopes that August is not as wet as July has been.

Treasurer Steve Quincel – had no official report. He asked for favorable consideration on Ordinance No. 068-2017, which awards the banking services for the city to Heartland Bank and for Ordinance No. 069-2017, which permits the city to use other banks for other banking services.

President Pro Tempore Bailey - advised that the following Officials' Reports have been filed in the Council Office since the last meeting: Mayors Report to Council for June 2017; Treasurer's Investment Report for June 2017; Treasurer's Activity Report for June 2017; and Treasurer's Fund Reconciliation Report for June 2017.

COMMUNICATIONS, PETITIONS AND CLAIMS

1. Minutes from the June 22, 2017 meeting of the Parks and Recreation Commission.
2. Agenda for the July 27, 2017 meeting of the Parks and Recreation Commission.
3. Minutes for the July 6, 2017 meeting of the Planning Commission.
4. Agenda for the August 3, 2017 meeting of the Planning Commission.

PUBLIC HEARING

ORDINANCE NO.059-2017

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)(22) TO ALLOW JAY GLASER, DBA JAYS METAL CRAFTING TO OPERATE A WELDING REPAIR AND CREATIVE METAL/IRON WORK BUSINESS, ON PROPERTY LOCATED AT 4025 EAST MAIN STREET UNIT C (PARCEL NUMBER 090-001972-00), OWNED BY JOYCE SHEETS.

President Pro Tempore Bailey opened the public hearing on Ordinance No. 059-2017 at 7:12 p.m. and invited the applicant to come forward and present his case.

Jason Glaser and his father Jay Glaser, 4025 E. Main Street, next to the Children's Service Building. He said they are a custom metal shop that specialized in creative metal and iron. They also offer welding and repair to the central Ohio area. He explained the operations of their business. The hours are Monday through Friday, 9:00 a.m. to 5:00 p.m. and they have three employees including themselves.

Mr. Kantor asked what his home address is. Mr. Jason Glaser said 915 Vista Dr. Gahanna, Ohio.

Mr. Kantor said he read on the minutes from the Planning Commission Meeting that there will be no materials stored outside. He said he drove by there today and he saw some things being stored outside along with three junk cars.

Mr. Jay Glaser said that sometimes they will use the outside to store things when they are in transition from one project to another. He said they are working on getting things cleaned up outside along with the three cars.

Mr. Bailey said his concerns are that he was notified on 12-20-16 on different violations that needed cleaned up. He was notified a 2nd time on 3-4-17 with a summons to appear in court. What was the status in court?

Mr. Jason Glaser said he paid a \$150.00 for a special permit. Mr. Jay Glaser said he had procrastinated on handling a few things which included some living issues. At that time he was using it for storage.

Mr. Bailey said it looks like to him that there have been no changes at the location even after the 3-4-17 court date.

Mr. Jay Glaser said today it just happened to be when they were moving a project out to bring another one in. He said they have minimal space to work

Mr. Kantor said that on the July 6 Planning Commission Meeting they told you there should be nothing outside and today is August 1 and there is still many things outside.

The Glaser's said that what is currently outside are projects that are finished and paid for and waiting for delivery.

Mr. Kantor said he has been there before and there always seems to be junk cars, gas cans and tall weeds on the side of the property.

Mr. Jay Glaser said he did not know the weeds on the side of the building were his responsibility and now that he knows he will take care of them.

Mr. Bailey said the minutes from the Planning Commission meeting say that they were told that all materials are stored inside along one wall in the building. He said that is why we are asking these questions because that is not what we are seeing.

Mr. Jason Glaser said all the building materials are sticks of metal that are 40 ft. long and they are stacked inside along the wall. He said they only have so much working space so as they build the furniture they take it outside so they have more space to work.

Mr. Morrison said it sounds like the square footage for the business is not big enough.

Mr. Jason Glaser said they are looking for other properties in their location with the owner to expand the garage.

Mr. Kantor asked if they leave the project outside once it is done.

Mr. Jayson Glaser said it comes in and out depending what it is. He said right now they are working on two 30 ft. benches so one goes outside while they are working on the other one. He stated they don't usually work on projects this big.

Mr. Morrison stated they still haven't solved the issues for this business to open and operate under city codes.

Mr. Kantor said he was inside the building today and there is living and bathing quarters along with a kitchen. There doesn't leave any room for what is outside to be inside.

Mr. Jay Glaser said there was a coffee space in there when he moved in.

Mr. Kantor asked when they moved in to this building.

Mr. Jay Glaser said he opened over a year ago for storage only because he was living between Florida and Ohio. Mr. Jason Glaser said that Jays Metal Crafting was just formed three months ago.

Mr. Kantor asked when he moved in did he get an Occupancy Permit.

Mr. Jay Glaser said he did not know he needed one.

Mr. Kantor said you have a nice neighbor next to you with the Franklin County Children's Service who takes care of their property and your property looks terrible.

Mr. Jay Glaser said he will do whatever they want him to do.

Mr. Kantor asked if they can get rid of the well pump and the abandoned cars.

Mr. Jay Glaser said that the well pump is art work and the abandoned cars are getting moved. He said they eventually want to have a place where people can come and look at their art work.

Mr. Morrison asked how long the cars have been there.

Mr. Jay Glaser said the Dodge has been there a few months and the Rabbit has been there over a year.

Mr. Morrison asked why the Rabbit has not been moved.

The Glaser's said they have not been able to find the owner.

Mr. Bailey said your hours are 9:00 a.m. to 5:00 p.m., does that mean you stop work at 5:00 p.m.

Mr. Jay Glaser said he works all hours of the day and night.

Mr. Bailey asked if they do any spray painting.

The Glaser's said they do mostly brush and roller paint, but they do some spray painting. All of the painting they do inside.

Mr. Morrison asked what type of ventilation they have for spray painting indoors.

Mr. Jason Glaser said they have a ventilation fan inside and one in the ceiling. They are going to install one in the back corner to send all the air out.

Mr. Morrison asked if that has been approved.

Mr. Jason Glaser said that has not, but they are preparing for a Fire Inspection.

Mr. Bailey asked if they are storing the gas cans outside.

The Glaser's said that the gas cans are not filled with gas.

Director Woodruff, 360 Yearling Road, Whitehall, Ohio. Director Woodruff said after reviewing all the information and listening to testimony today he is encouraging council to not vote for this special permit. He said there have been a number of points brought up that he finds extremely troubling. The applicant said he is in the midst of doing jobs at this location and this applicant has been told repeatedly that he is not allowed to occupy the building until a special permit has been granted. This has been a consistent pattern from this applicant. In 2006 he was summons in to mayor's court for this exact issue. Director Woodruff said they have constantly said they do not store anything outside on a regular basis. He displayed pictures from earlier in the month and from yesterday that shows multiple things being stored outside. He asked Mr. Brown and Mr. Roberge from the Planning Commission to be here tonight. He asked them earlier if they would have seen these pictures at the Planning Commission meeting would this of changed their vote, they said yes. He stated the purpose of a special permit is to make sure the use does not have a detrimental effect on the neighborhood. He said the Code Enforcement Officer went to the location today and observed the business being open along with many other violations. He also reported that he believes there are living quarters at the location. Director Woodruff said they have numerous conversations in the past with the applicant explaining that they cannot live at that location. At one point they even had dogs living there. He said the applicant has no regard for the rules and the Service Department has had ongoing problems with him. There are concerns of how things are being stored because the Building and Fire Departments have not been inside to inspect the building. Director Woodruff ended by saying he does not believe this would be a good fit for the neighborhood and he would encourage council to deny this special permit.

Mr. Bailey said that they respect the process and he was a little confused that the Planning Commission voted unanimously with a favorable recommendation. He thanked Director Woodruff for clearing up some of the confusion.

Mr. Jason Glaser said that he recently took the business over and he was not aware of these problems. He reiterated that they are trying to close his father's business and open a new one. He said it is challenging to operate a business that constructs big material and not be able to store anything outside for a short period of time. He said he understands the pictures and each day they work on clearing it up.

Director Woodruff said that he believes they are in the wrong size of building for their business. They need to have a larger indoor work area so there is no need to use parking lot space.

Mr. Kantor asked why the Facebook page says he is open all the time.

Mr. Jason Glaser said he set up his Facebook that way so people can call anytime.

Mr. Jay Glaser said he feels bad that he is dumping all this on his son and he is asking for a couple of months to clean up his mess. He doesn't want to be the force that brings his sons enterprise down.

After confirming there were no additional proponents and no opponents, Pro Tempore President Bailey closed the public hearing at 7:39 p.m.

VERIFICATION OF COPIES

President Pro Tempore 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. All members responded in the affirmative.

THIRD READING

ORDINANCE NO.059-2017 was read by title only by Pro Tempore President Bailey:

“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)(22) TO ALLOW JAY GLASER, DBA JAYS METAL CRAFTING TO OPERATE A WELDING REPAIR AND CREATIVE METAL/IRON WORK BUSINESS, ON PROPERTY LOCATED AT 4025 EAST MAIN STREET UNIT C (PARCEL NUMBER 090-001972-00), OWNED BY JOYCE SHEETS.”

Mr. Rodriguez then moved to adopt Ordinance No. 059-2017 and Mr. Kantor seconded the motion. On a roll call vote and resulted, as follows: Morrison, no; Bailey, no; Rodriguez, no; Gregg, no; Conison, no; Kantor, no; Stahley, no; and ORDINANCE NO. 059-2017 was not adopted.

SECOND READING:

THERE IS NO LEGISLATION FOR SECOND READING.

FIRST READING:

ORDINANCE NO. 065-2017 was read by title only by President Graham:

“APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF SIXTY THOUSAND AND NO/DOLLARS (\$60,000.00) FROM THE ACCRUED BENEFIT RESERVE FUND 505 TO THE ACCRUED BENEFIT RESERVE EXPENSE ACCOUNT 505.000.51000 AND DECLARING AN EMERGENCY.”

ORDINANCE NO. 066-2017 was read by title only by President Graham:

“AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION OF SEVENTY FIVE THOUSAND AND NO/DOLLARS (\$75,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND 101 TO THE WATER BREAK REPAIR EXPENSE ACCOUNT 101.950.59800 AND DECLARING AN EMERGENCY.”

Mr. Morrison introduced and moved to suspend the rules on Ordinance No. 066-2017 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the rules were suspended.

Mr. Morrison then moved to adopt Ordinance No. 066-2017 and Mr. Rodriguez seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 066-2017 was adopted.

ORDINANCE NO. 067-2017 was read by title only by President Graham:

Planning Commission on 8/3/17 and Public Hearing on 9/5/17

“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)(21) TO ALLOW COLUMBUS SUPPLY TO OPERATE A WAREHOUSE AND STORAGE FACILITY ON THE PROPERTY LOCATED AT 4409 E. MAIN ST., PROPERTY OWNED BY JJR ENTERPRISES LLC.”

ORDINANCE NO. 068-2017 was read by title only by President Graham:

“AWARDING DEPOSITS OF PUBLIC MONIES AND DESIGNING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES AND DECLARING AN EMERGENCY.”

Mr. Rodriguez introduced and moved to suspend the rules on Ordinance No. 068-2017 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the rules were suspended.

Mr. Rodriguez then moved to adopt Ordinance No. 068-2017 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 068-2017 was adopted.

ORDINANCE NO. 069-2017 was read by title only by President Graham:

“AWARDING DEPOSITS OF PUBLIC MONIES AND DESIGNING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES AND DECLARING AN EMERGENCY.”

Mr. Rodriguez introduced and moved to suspend the rules on Ordinance No. 069-2017 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the rules were suspended.

Mr. Rodriguez clarified what the two ordinances do.

Mr. Rodriguez then moved to adopt Ordinance No. 069-2017 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 069-2017 was adopted.

RESOLUTION NO. 041-2017 was read by title only by President Graham:

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

Mr. Gregg introduced and moved to suspend the rules on Resolution No. 041-2017 and Mr. Kantor seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the rules were suspended.

Mr. Rodriguez then moved to adopt Resolution No. 041-2017 and Mr. Gregg seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and RESOLUTION NO. 041-2017 was adopted.

RESOLUTION NO. 042-2017 was read by title only by President Graham:

“AUTHORIZING THE MAYOR TO ENTER INTO A MUNICIPAL INCOME TAX REIMBURSEMENT AGREEMENT WITH ADS ALLIANCE DATA SYSTEMS, INC. AND DECLARING AN EMERGENCY.”

Mr. Rodriguez introduced and moved to suspend the rules on Resolution No. 042-2017 and Mr. Conison seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the rules were suspended.

Mr. Rodriguez then moved to adopt Resolution No. 042-2017 and Mr. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and RESOLUTION NO. 042-2017 was adopted.

POLL PUBLIC

There were no comments at this time.

COMMUNITY DATE BOARD

Events are listed on the City’s Website.

POLL COUNCIL

Mr. Morrison thanked everyone for coming and said it is a pleasure to see new and old faces. He stated public participation is important to this process. He said everything went very well this last week in the city. He wished everyone a good week.

Mr. Rodriguez said it was good see some new faces and wished Mr. Kantor a Happy Birthday. Mr. Rodriguez said he already made the family aware that there is to be no events on the last Saturday in July next year so he can be at the Food Truck Festival.

Mr. Gregg thanked everyone for coming. He said that the community appreciated the Festival Saturday and what generated more excitement was a lot of people from other communities saw that Whitehall puts on a pretty good show.

Ms. Conison thanked everyone for coming and said to the Glaser’s that she got to see their great work at the Cruz in last year and she hopes they can work everything out.

Mr. Kantor said he was only able to stay at the Food Truck Festival for a little while and hopefully next year he will be there all day. He thanked Auditor Miller for helping him get home.

Mr. Stahley congratulated Officer Jacobs for his outstanding service. He said he had the pleasure to do a ride along with him and he is very profound and awesome at his job. He congratulated Ms. King and said he got a compliment from one of the residents who said they were shocked on how fast the city was able to clean up after the festival. Ms. King said that she had nothing to do with that and we should thank the Service Department. Mr. Stahley said to the Glaser’s it may not be the outcome they wanted, but to try again and follow their dreams.

President Pro Tempore Bailey thanked everyone for coming and told the Glaser's to not give up and to regroup so there is a better outcome. He said there are so many good things happening in Whitehall. He reiterated that we have the best safety forces and in the last couple of years he has seen even more professionalism and achievements. He thanked everyone for coming.

Having nothing further, Mr. Rodriguez moved to adjourn and Mr. Kantor seconded the motion. On a roll call vote, the six present members responded in the affirmative and the meeting adjourned at 8:34 p.m.

Respectfully submitted,

Mary Freimark, Clerk of Council

APPROVED: _____, 2017.

Jim Graham, Council President