

WHITEHALL CITY COUNCIL
AGENDA MEETING MINUTES

August 7, 2018

President Graham called the August 7, 2018 agenda meeting to order at 6:30 p.m. All members were present with the exception of JoAnna Heck

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

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. Bailey so moved and Mr. Rodriguez seconded the motion. A roll call was taken and all members voted in the affirmative and the meeting adjourned to executive session at 6:40 p.m.

The executive session and meeting adjourned at 7:00 p.m.

Respectfully submitted,

Mary Freimark, Clerk of Council

APPROVED: _____, 2018.

President Graham

WHITEHALL CITY COUNCIL MEETING

MINUTES – AUGUST 7, 2018

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

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

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 members responded in the affirmative and Ms. Heck was excused.

President Graham explained that the meeting will be abbreviated this evening so there will be no Standing Committee Reports, Official Reports and Poll Council.

APPROVAL OF MINUTES

Ms. Conison moved to approve the Minutes of the July 24, 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

Jim Rockwell, 856 Bernhard. He stated he is not getting into the issues of the special permit at 700 Bernhard; his issue is that they were not properly notified. He said he did not see anything explaining a public notice until he saw a street sign last week. Normally when Whitehall conducts city business it is in the Whitehall news or somewhere else. He feels that this was kept a secret and the city needs to let the people know.

COMMUNICATIONS, PETITIONS AND CLAIMS:

1. Minutes from the July 12, 2018 and August 2, 2018 meeting of the Planning Commission.
2. Notice from the Ohio Division of Liquor Control of a hearing regarding transfer of ownership application of the C1, C2, D6 liquor permit of AMER ALRAWAHNEH 578 S. Yearling Rd. to MCQUEEN 2 LLC DBA BEER 7 TOBACCO 578 S. Yearling Rd.

PUBLIC HEARING:

ORDINANCE NO. 060-2018

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 1123.03(c)(1) TO ALLOW GRACE EDUCATIONAL & TUTORING CENTER TO OPERATE A SCHOOL AND TUTORING CENTER ON THE PROPERTY LOCATED AT 700 BERNHARD ROAD PARCEL #090-000348), OWNED BY EBENEZER ETHIOPIAN EVANGELICAL CHURCH-LCMS.

President Graham explained that the public hearing from July 24, 2018 on Ordinance No. 060-2018 has resumed.

He asked if there was anyone here to speak in support for Ordinance No. 060-2018, they can come forward and state their name and address for the record.

Mr. Yemane Tesfazion, 498 S. Hamilton Rd. Apt. 51. He explained that he would like to start a tutoring center in the basement of the church at 700 Bernhard Rd. He answered all the questions the Planning Commission had and they gave them a favorable recommendation with conditions. He said that Grace Educational and Tutoring Center is not a formal school or a day care center. It will be open Monday through Saturday during the school year and will have limited hours on school breaks. The center will have two sessions of tutoring per day and 15 students per session, not to exceed 30 students per day. It will be open to students from grades 1 through 12.

Mr. Tesfazion stated he has an honors degree in physics and has worked extensively in the U.S. and South Africa in various teaching positions. His partner and fellow tutor, also has a Masters in physics and has worked in the U.S. and South Africa in various teaching positions. Both currently offer tutoring services at Prince of Peace Lutheran Church.

President Graham explained that they will not be having classes during government holidays and/or religious holidays, but will during the summer and winter breaks.

Mr. Bailey asked if it was 15 per session.

Mr. Tesfazion answered yes.

President Graham reiterated that it is not a school or a daycare.

Mr. Kantor asked if they were Whitehall children and if they have contacted anyone in the Whitehall school system.

Mr. Tesfazion said it will be Whitehall students and he introduced his partner Melake Fessehazion and said that he has been in contact with the schools.

Mr. Bailey asked how they acquire clients.

Mr. Tesfazion said it will be word of mouth through current students and students that have graduated.

Mr. Bailey asked if they have a fee schedule.

Mr. Tesfazion said not at this time.

Mr. Kantor asked how many tutors there will be.

Mr. Tesfazion said it will depend on how many students. It will be based on the assessment they do on the students.

Ms. Elmore thanked the applicants for their services and what they want to provide for the community. She said there is not a lot of community support for people that want to educate children especially in math, science and chemistry. Our children will be competing with other states and countries for the top jobs. She commended them for this type of work because it adds to the community and helps prepare kids for the challenges they will face in the future.

President Graham reminded council that a public hearing is only for questions and answers. If they have personal statements they can make them during poll council.

Mr. Bailey asked if the students will only be picked up by an adult or parent, especially when it is dark out.

Mr. Fessehazion said it will be drop off and pick up only from an authorized parent.

Ms. Elmore asked what courses they will be tutoring.

Mr. Fessehazion said mathematics, science, physics, reading and writing.

Mr. Bailey asked said the legislation is requesting a school and tutoring center. He would like the word school removed from the legislation.

Mr. Tesfazion said they are not a formal school or daycare.

President Graham asked if there was anyone there in opposition for Ordinance No. 060-2018, they can come forward and state their name and address for the record.

Sandy Carver, 733 Ross Rd. She stated that the conditions that were added on the legislation are wrong; it should say 15 children per session. The updated information that was given to them by the applicants stated 15 children per session, not to exceed 30 children a day.

She thanked council for hearing her concerns. She attended both Planning Commission meetings and many of her questions were answered. Her concern as well as many of her neighbors is more traffic and more activity. The center is open approximately 252 days a year, which means for 252 days there could be up to 30 cars and 30 children coming and going. She looked at the applicant's website and the other tutoring locations are only open two to three times a week. They live in an area with a lot of traffic and a lot of foot traffic with children walking to and from school and this would just add to it.

They want to be good neighbors and they know this is a good program for the kids. She is asking council to reconsider the special permit because of the amount of days they will be operating their business and the consequences it will have on the neighborhood. She is willing to reconsider her opinion if they limit their services to two to three days a week and a summer enrichment program.

Bill Harriman, 703 Ross Rd. He is asking what the need is in Whitehall because they already have two locations in larger areas. He said tutoring is great, but this is a business for them and they will be making money. The church will be turned in to a business and they will not be able to keep 30 kids in a basement. They will be coming up with a law that states you can't keep 30 kids in a basement without letting them out for breaks. The applicants do not live in the neighborhood, but they want to change the neighborhood. He is completely against it. If they want to run a business there is plenty of businesses out there to run without disrupting a neighborhood.

Dera Delong, 681 Bernhard Rd. She said she thinks that the residents and the applicants can work together to make sure children are safe and that they follow academic regulations.

Her concerns are; does the property meet ADA requirements, are the tutors trained in CPR, are they trained with special needs children, will there be background checks on the tutors, will the business have liability insurance, is there a more structured program written somewhere, is the company providing the necessary equipment for tutoring and what is the business plan. She also had many tax questions in regards to churches.

She is concerned that there has never been a church representative at any of the meetings regarding this special permit. She thanked the applicants for answering the questions and asked council if they would consider tabling the vote until more information has been answered.

Mary Mouzan, 689 Bernhard Rd. She said her problem with the special permit is the amount of days they will be open for tutoring. There will be people coming and going all the time. They already have three schools, three churches and a needs home in their area, all within a block. The applicants said at a previous meeting that they attended the church is allowing them to use their space free of charge. She stated just because it is free to them doesn't mean they need to disturb the neighborhood. Other churches have AA meetings and girls scouts for only a couple hours a night and no one is making money. She knows they are going to get grant money from the state and she hopes that won't be taking money from the schools. She doesn't think it is a good fit at that location.

After confirming there were no additional proponents and no opponents, President Graham closed the public hearing at 7:48 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. 060-2018 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, ALLOWING A SPECIAL PERMIT UNDER 1123.03(c)(1) TO ALLOW GRACE EDUCATIONAL & TUTORING CENTER TO OPERATE A SCHOOL AND TUTORING CENTER ON THE PROPERTY LOCATED AT 700 BERNHARD ROAD PARCEL #090-000348), OWNED BY EBENEZER ETHIOPIAN EVANGELICAL CHURCH-LCMS.”

Mr. Rodriguez then moved to adopt Ordinance No. 060-2018 and Ms. Elmore seconded the motion.

Mr. Rodriguez and Ms. Elmore withdrew their motions.

Ms. Elmore then moved to make a motion to amend Ordinance No. 060-2018 to remove all reference to school or daycare and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, On a roll call vote; Rodriguez, yes; Elmore, yes; Conison, yes; Kantor, yes; Morrison, no; Bailey, yes; and ORDINANCE NO. 060-2018 was amended.

Mr. Rodriguez then moved to adopt as amended Ordinance No. 060-2018 and Ms. Elmore seconded the motion. There was no discussion. On a roll call vote; Rodriguez, yes; Elmore, yes; Conison, yes; Kantor, no; Morrison, no; Bailey, yes; and ORDINANCE NO. 060-2018 was adopted.

ORDINANCE NO. 063-2018 was read by title only by President Graham:

“AUTHORIZING THE REPLACEMENT OF SECTION 1128.04 AND THE REPEAL OF SECTIONS 1128.05 AND 1128.06.”

Mr. Rodriguez then moved to adopt Ordinance No. 063-2018 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 063-2018 was adopted

SECOND READING:

ORDINANCE NO. 066-2018 was read by title only by President Graham:

“AUTHORIZING AND APPROVING THE MAYOR TO SIGN A CONTRACT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (I.A.F.F.) LOCAL 1729 FOR THE CONTRACT TERM JANUARY 1, 2017 TO DECEMBER 31, 2019 AND DECLARING AN EMERGENCY.”

Ms. Conison introduced and moved to suspend the rules on Ordinance No. 066-2018 and Mr. Kantor seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 066-2018 was suspended

Ms. Conison then moved to adopt Ordinance No. 066-2018 and Mr. Kantor seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and ORDINANCE NO. 066-2018 was adopted.

ORDINANCE NO. 067-2018 was read by title only by President Graham:

“AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CORNA KOKOSING CONSTRUCTION COMPANY FOR THE PURPOSE OF PROVIDING CONSTRUCTION MANAGEMENT SERVICES FOR THE WHITEHALL COMMUNITY CENTER PROJECT WITH THE YOUNG MEN’S CHRISTIAN ASSOCIATION OF CENTRAL OHIO (YMCA) FOR THE FACILITY TO BE CONSTRUCTED AT WHITEHALL COMMUNITY PARK AND DECLARING AN EMERGENCY.”

ORDINANCE NO. 068-2018 was read by title only by President Graham:

“AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH YOUNG MEN’S CHRISTIAN ASSOCIATION OF CENTRAL OHIO (YMCA) FOR THE LEASE OF THE TWENTY-FIVE THOUSAND SQUARE FEET (25,000) FACILITY TO BE CONSTRUCTED AT WHITEHALL COMMUNITY PARK AND DECLARING AN EMERGENCY.”

ORDINANCE NO. 069-2018 was read by title only by President Graham:

“AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH M+A ARCHITECTS FOR ARCHITECTURAL AND CONSULTING ENGINEERING SERVICES AND DECLARING AN EMERGENCY.”

ORDINANCE NO. 070-2018 was read by title only by President Graham:

“AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH YOUNG MENS CHRISTIAN ASSOCIATION OF CENTRAL OHIO (YMCA) FOR THE PURPOSE OF PROVIDING AN OWNERS REPRESENTATIVE ON THE WHITEHALL YMCA COMMUNITY CENTER PROJECT LOCATED IN WHITEHALL COMMUNITY PARK AND DECLARING AN EMERGENCY.”

FIRST READING:

ORDINANCE NO. 071-2018 was read by title only by President Graham:

“PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,000,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING REAL PROPERTY TO BE USED FOR MUNICIPAL PURPOSES; AND DECLARING AN EMERGENCY.”

ORDINANCE NO. 072-2018 was read by title only by President Graham:

“PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$9,000,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION BY THE CITY OF A PORTION OF AN APPROXIMATELY 37-ACRE PARCEL IN THE NORTHEAST CORNER OF HAMILTON ROAD AND EAST BROAD STREET, ALL IN SUPPORT OF ECONOMIC DEVELOPMENT AND JOB CREATION WITHIN THE CITY; AND DECLARING AN EMERGENCY.”

ORDINANCE NO. 073-2018 was read by title only by President Graham:

“PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$725,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF A COURT-APPROVED FINAL SETTLEMENT OF CLAIMS MADE BY THE CITY IN THE CASE OF THE CITY OF WHITEHALL OHIO ET AL VS OLANDER, THOMAS J ET AL, CASE NO. 2007 EVH 060217 IN FRANKLIN COUNTY MUNICIPAL COURT; AND DECLARING AN EMERGENCY.”

RESOLUTION NO. 029-2018 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. 029-2018 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and RESOLUTION 029-2018 was suspended

Mr. Bailey then moved to adopt Resolution No. 029-2018 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and RESOLUTION NO. 029-2018 was adopted.

RESOLUTION NO. 030-2018 was read by title only by President Graham:

“AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HEART OF OHIO FOR THE PURPOSE OF BEHAVIORAL HEALTH AND SUPPORT SERVICES IN THE ADMINISTRATION OF THE DIVERSION ALTERNATIVES PROJECT OPIOID GRANT AND DECLARING AN EMERGENCY.”

RESOLUTION NO. 031-2018 was read by title only by President Graham:

“AUTHORIZING THE MAYOR TO SEEK FINANCIAL ASSISTANCE FROM THE OHIO PUBLIC WORKS COMMISSION FOR THE FUNDING OF THE ETNA ROAD AND SEIGMAN STREET IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY.”

RESOLUTION NO. 032-2018 was read by title only by President Graham:

“RECOGNIZING THE EFFORTS OF MARY FREIMARK IN ACHIEVING CLERK OF COURT CERTIFICATION AND AWARDING HER A ONE-TIME PAYMENT OF TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$250.00) AS ADDITIONAL COMPENSATION AND DECLARING AN EMERGENCY.”

Mr. Rodriguez introduced and moved to suspend the rules on Resolution No. 032-2018 and Mr. Bailey seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and RESOLUTION 032-2018 was suspended

Mr. Rodriguez then moved to adopt Resolution No. 032-2018 and Mr. Bailey seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and RESOLUTION NO. 032-2018 was adopted.

POLL PUBLIC

Gerald Dixon, 3877 Doney St. He congratulated Ms. Freimark. He said he wanted to commiserate with one of the residents who said sometimes legislation can cause traffic issues. He lives on Doney St. between Target, Kroger and Walmart.

He said he has been told that he never says anything positive at council meetings so he would like to tonight. He appreciated President Graham explaining the order of business to Ms. Elmore regarding her making statements during a time that is for questions and answers. He praised Ms. Elmore for always being considerate, gracious and professional to everyone that comes to the council meetings.

COMMUNITY DATE BOARD

Ms. Conison said October 27, is the Employment for Seniors 5K walk/run and directly following is the Halloween walk and Citizens of the Year.

Mr. Quincel said there are only 10 paid registrations for the Employment for Seniors walk/run. He reiterated that it is a walk or run.

Mr. Kantor stated that Whitehall parks are in the new Parks and Recreation Summer Magazine. It is a great article that talks about how Whitehall is moving forward with their parks.

Mayor Maggard said the city's Facebook page will have a link to that article.

Having nothing further, Mr. Bailey moved to adjourn and Ms. Elmore seconded the motion. On a roll call vote, all members responded in the affirmative and the meeting adjourned at 8:03 p.m.

Respectfully submitted,

Mary Freimark, Clerk of Council

APPROVED: _____, 2018.

President Graham