

WHITEHALL COUNCIL COMMITTEES

MINUTES – February 25, 2020

Council President Potter called the February 25, 2020 Council Committees' meeting to order at 6:30 p.m.

The following members of council and the administration were present:

Members of the Administration

Mayor Kim Maggard
Auditor Dan Miller
Treasurer Steve Quincel
Director Zach Woodruff
E. D. Manager Jenna Goehring
C. E. Officer Steve Brown

Council Members

Chris Rodriguez
Wes Kantor
Larry Morrison
Jo Anna Heck
Karen Conison
Lori Elmore
Bob Bailey

COMMITTEE OF THE WHOLE

President Potter asked that the Economic Development Committee be moved to the end of the agenda as there will be an executive session during this portion of the meeting. Chairperson Morrison agreed.

President Potter stated Chairperson Elmore had brought up the idea of moving Council meetings to twice a month. I want to open that up for further discussion if everyone had a chance to give that some thought and what your initial feedback might be on that. I guess the one thing I would start with would be recognizing that if we were to move to that, I envision we would start with our normal agenda meeting then go in to our council meeting. Those times would not change. Then we would go in to our committee meetings afterwards. That said, I think everyone needs to be aware that we could have some very long evenings. Now, I don't know if that will be the exception or the rule but it would be all the business that we normally do in two weeks lumped in to one week. So, I just want everybody to be aware and have the commitment that we would be willing to put the time in, to give everything its due course and maybe not ask questions or do our due diligence in asking questions and digging into the legislation. Again, you have been here longer than I have so you know the length and duration the committee meetings can go. Sometimes they are shorter than others but if you have some complex issues or executive sessions, things of that nature, we need to be very respectful of that and give everything the time that it needs. I just wanted to put that out there so if we do move forward that is what we must be committed to as a group.

Chairperson Elmore said for the most part our committee meetings don't last very long. If there is a subject that is going to be longer in length, we should know that in advance because we get the information in advance so I think it will help all of us do our due diligence as to whatever questions are needed in posing those questions to the appropriate people or departments so when we do come in we can have fruitful discussions and get whatever issues there are on the table out and resolved as quickly as possible.

Chairperson Kantor said thank you Chairperson Elmore for looking at this and I know you put some hard work into it and I thank you for the information. I personally like the way we have it set up now. The time, it doesn't matter, I am figuring you are trying to eliminate the second and the fourth Tuesday of each month so we would still have the first and the third with the public out there. I like it just the way we have it set up right now.

Chairperson Elmore asked what would be his reasoning?

Chairperson Kantor answered it has just been that way.

Chairperson Elmore asked so you wouldn't even be open to looking at it or trying something different? How long has it been like that? I don't, for as long as there has been council? How many years has that been?

Chairperson Rodriguez answered since 1947.

Chairperson Kantor said that is my personal opinion.

Chairperson Rodriguez said giving it more thought I tend to agree with Wes on this one. We have been doing this, it is kind of like if it isn't broken don't fix it but at the same time, I will tell you when we first spoke about it initially I thought, you know what, that is not a bad idea so I am willing to go with whatever as far as the Council wishes with the understanding we can always pull it back if it doesn't work. I mean shorter, then again sometimes it is not long and other times, like the things we are into right now is where it can be extended and could turn into a five or six-hour day.

Chairperson Heck asked so we would be meeting after?

Chairperson Rodriguez replied correct. We would have agenda, then council, then committee.

President Potter said we would have a break in-between then we would go into committee.

Chairperson Heck asked how long would the break be?

President Potter said between ten and fifteen minutes.

Chairperson Heck said I was just wondering because sometimes I see both the pros and cons because there are defiantly some pros and I think it would make us focus more on the time we are there but I also know that if someone wants to meet in the public that does come to the meeting, I would hate to rush them because I feel like that is the time people want to talk to us afterwards. It is not like you couldn't get their number and talk to them later.

Chairperson Morrison said the negative on my point would be and it doesn't affect me but people with children at home and stuff like that, especially during the school year, if they are staying late that could be an issue for anyone with children or people that are working and don't have time to stop and eat before and things of that nature.

Chairperson Elmore said when we go through an agenda, even when we go through the agenda when we are here at 6:30 and that is every Tuesday, prior to going into the full blown meeting, sometimes the agenda is less than ten minutes and we have an additional twenty minutes to just, you know we sit back here or we will go and do some things up front. So, in looking at and even having Julie do all year last year, the time is really not going to deviate or be as long as you might think it is. I am just saying it is something I believe that we should be able to try. Doing things the same way all the time, with no deviation, no change, how do you even know what will happen? How do you even know if it will work or if it wouldn't work? You wouldn't. If you are stuck and entrenched in your position in the way things always were then we will continue to operate the way, we have operated. To me, a lot of time is wasted, a lot of time is wasted and I think that is something that we should be considering as well. Being good stewards of our time. Being good stewards of making sure we have done our due diligence in looking at the legislation, asking questions, contacting the appropriate departments to ask questions and not waiting until we get here and I know some people may not be able to do that.

Chairperson Heck asked does that mean we would get our agenda earlier? You get what I am saying because right now we don't always get our agenda for committee until close to, so that is why I was wondering if that would change with that two-week time. Would we still get an agenda like we would so if it was like a week before? You know what I am saying.

Chairperson Elmore said I think we would still get an agenda but I think it goes to, it is already outlined in the procedures how things are supposed to fall, what needs to happen at certain times and again if it is anything of a financial nature, of course it is going to end up on the agenda because we can't hold back financial matters. I wouldn't think that. I am just open to just seeing what else would work.

President Potter said I think the way that would work would be the, because now we get the Council meeting agenda on Friday, correct? Then we get the Committee agenda on Tuesday so you would need to leave that window open for the Administration to get legislation to the Clerk by no later than close of business on Monday so it can make the agenda for Tuesday. We cannot ask the Administration to back up what they are going to need for Committee a week because they just don't know.

Chairperson Heck said I know; I was just wondering. I feel if she was talking about being prepared I would think that it would be, I mean, I don't know how much that would really change if we are still getting Committee (did not finish).

President Potter said you would still have the same lead time that you have the agenda in hand prior to that meeting.

Chairperson Kantor said I am curious, where do we waste so much time? Are you talking about from the time we come in here and sit down at 6:30 public night and we go through our agenda for ten minutes then sit here for like twenty minutes, is that where you are saying we are wasting all the time?

Chairperson Elmore asked is it a waste of time for you?

Chairperson Kantor stated I don't consider it a waste of time.

Chairperson Rodriguez said we can't change that because the 7 o'clock is set for the public. We can't change that because it is not like we are done at 6:40 so let's start the next meeting. We can't do that. So that is still going to be a gap.

Chairperson Heck said I think it means like driving up here sometimes we have Committee meetings that literally if there are just a few pieces of legislation that have lasted like twenty minutes so like, would that be better to have it the following Tuesday and just being able to have it altogether. I get what you are saying with the stewards of the time.

Chairperson Rodriguez said there are good ideas there, it's just, again I am willing to (did not finish).

Chairperson Kantor said I thank you for putting the work in and I know what you are thinking of to change something just to be changing it. I don't know if I want to do that.

Chairperson Elmore said I am not changing anything just to be changing it. If it has been like it has been all these years, why not introduce something, another way of doing it to see if it works. If it doesn't then it can revert back or we can tweak whatever needs to be tweaked or we can go back.

President Potter said Lori is just trying to maximize and be as efficient as possible.

Chairperson Kantor said I understand that.

Chairperson Morrison said I think on a temporary basis you are looking at, if you are going to do this on a trial basis it is going to have to be for a year. You can't go forward then back the forward again. You are going to confuse the public quite a bit. It would have to be for at least a year.

Chairperson Rodriguez said well not only that but sometime in the summer it is a lot slower too than other times of the year. It just seems to be anyways.

Chairperson Conison said I don't want to interject anything only because I feel like I am being selfish with because of how far I do drive but I was elected to work certain days and for certain hours and it works with my schedule. Again, I see both points of view but I would certainly not favor (someone coughing).

Councilperson Morrison said I do not see that as being selfish. I mean, everybody here has different lives and has different commitments. It is not a matter of selfishness; it is a matter of what your life is (someone coughing).

Chairperson Kantor said when we were elected, we were elected to come in here four nights out of the month, first and the third to sit out there in front of the public and the second and the fourth to sit back here and discuss our legislation that we have to go before the public.

Chairperson Elmore said the Charter says a minimum of two times. The Rules of Procedure says right now it is four times but the Charter talks about two which means you can have two or four, or up to four. You can have more than that if you want but the Charter is specific. It says two.

President Potter asked Chairperson Bailey if he had an opinion.

Chairperson Bailey asked have you thought about possibly swinging the clock a little bit like agenda at 6:15 and council at 6:30?

Chairperson Elmore said I just threw it out there. You guys can make any suggestions. I don't have an issue with but Karen then would have.

Chairperson Bailey said there would be nights that are long and for those of us that are still working full-time, that's a long day from having to be at work at 7 in the morning. It is a long day.

Chairperson Heck said you said other cities, do you know what other cities did you say do this? I take it everybody does it the other way.

Chairperson Morrison said we are about the only city that does it weekly.

Chairperson Bailey asked would I like doing it every other week? Absolutely but I agree with these guys that it has become comfortable doing it weekly. So it is a tough decision, however I would support a change, if it works. But like Larry said, you just can't bounce back and forth, so how do we determine whether this will work and let it stick because it has to be announced, published, people being accustomed to whatever the change is and that has to be the norm but it could be a long night at times. You have been lucky that in your time served there has not been meetings where they lasted two to three hours in committee. We have had those and if we stack up like that and get into where there are a lot of issues to discuss, it is going to be a long night.

Chairperson Elmore asked how many times has that happened? Very often?

Chairperson Bailey said I can remember times when we are sitting here, you never know. It is one of those unpredictable things. I am not going to name specific times because I do not want to put labels on events but there are times when there are presentations and public hearings and issues that are of interest to everybody and they tend to run on. I am not negative on your idea; I am just saying how do we guard against these four hour meetings all of a sudden from start to finish.

Chairperson Elmore asked so how do you even know that is what is going to happen if you haven't tried it?

Chairperson Bailey said I don't. Can't predict it.

Chairperson Elmore said that is the point. That right therein lies the point. You don't know what is going to happen if you haven't tried anything different.

Chairperson Kantor asked so do you think something is broken that you want to fix?

Chairperson Elmore asked why would something have to be broken for me to propose a different idea? It doesn't have to be broken to me. I am just thinking if there are other ways, I am creative, I like to think outside the box or how can we do more things a little more efficient in one end and have some time and leeway on another perspective. I just like to look at all things because I have been in here, what this is my third year.

Chairperson Bailey asked so can we do agenda at 6:15 and start Council at 6:30?

Chairperson Elmore said that would be up to (did not finish).

Chairperson Kantor asked so how are you going to get everybody here at that time?

Chairperson Bailey said that would erase that twenty minutes of lag time that is wasted that somebody spoke of and it gets the council meeting started a half hour early, which could in fact, on average end at 7:30 and then we are in committee at 7:30 or so or 7:45 and out by 8:30 or 9:00. These are just thoughts.

Chairperson Rodriguez said in all fairness that would be very difficult for Karen.

Chairperson Conison said I don't want it to be all about me. It is because of my work.

Chairperson Kantor said up until three or four weeks ago it would have been very difficult for Jo Anna too. Again, we were elected to do four times a month and our citizens are accustomed to us doing four times a month. You can say what you want to say and again I thank you for doing this. It is just my personal opinion and if you want to get upset with me for having a personal opinion well that's okay too.

Chairperson Elmore said Wes, I am not upset with you. There was no indication that I am upset with you. At the end of the day, if I think that there is something that could be done differently, I am going to propose it. Just like you have a right to propose whatever it is you want to propose. Just because I bring something up does not mean that I am opposed to anything. It is just another way of looking at doing work.

Auditor Miller said ninety percent of the legislation I write; I write because it is an emergency. You are going to be looking at ninety percent of my legislation and not even really getting the chance to talk about it at all in this process. You are going to walk in here and you will have never seen the legislation until you sit down.

President Potter asked how will that change from the way that is right now?

Mayor Maggard said they are not voting on anything.

Chairperson Bailey said it is weekly. You can bring drafts and propose things in the agenda meeting and also in the Committee meeting.

President Potter said when we have the Committee meeting at the end of Council, that will be for voting in two weeks.

Chairperson Bailey said then there is a two-week lag so if he has something in that two-week lag, I think is what he is referring to. Other than sending an email but we don't have time to sit around the table and talk about it. It is a consideration.

Chairperson Elmore said in that case you would have to have an emergency meeting to take care of that.

Auditor Miller said I have no control over a lot of this stuff (talking over each other) to take care of it.

Chairperson Bailey said and Mr. President, this is in the earnest of flushing all the possibilities out and I don't mean to sound like it is a negative to what is proposed at all.

President Potter said not taken that way.

Chairperson Bailey said I have already made up my mind and there is nothing to be said at the table to change it.

President Potter asked do we want to chew on this some more or do we want to put it to a vote.

Chairperson Elmore said unless there is going to be any change in the next two weeks, vote on it. I mean really.

Chairperson Bailey asked if she has proposed a written document to have in our hands to vote up or down as far as Council rules, as far as the changes?

Chairperson Elmore said she could do that if you would like.

Chairperson Bailey said we need an instrument.

President Potter asked Lori, can you do that for the next meeting and in the meantime if anybody has any suggestions or considerations make them be known. As we are talking about the Rules of Council, is there anything else that, obviously we are still operating off of the ones from the 2018 and 2019 term. In my review of this, several times, there was nothing that really jumped out at me.

Chairperson Bailey said other than making sure that the website reflects on the subject of speaking in public at the council meeting reflects the exact language and correct rules.

President Potter said correct. Julie and I have already talked about that. Short of this, we will get this decided in two weeks and then we can go ahead and get our rules adopted once and for all and get those on.

ORDINANCE NO. 010-2020 – Draft # 1

AUTHORIZING AND APPROVING THE MAYOR TO SIGN A CONTRACT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. REPRESENTING FULL-TIME POLICE DISPATCHERS FOR THE CONTRACT TERM JANUARY 1, 2020 TO DECEMBER 31, 2022 AND DECLARING AN EMERGENCY.

Mayor Maggard passed out an overview of the changes to the contract. This is a contract for the full-time dispatchers. Basically, the highlights are the last contract the full-time dispatches had a half day holiday for Christmas eve and also for New Year's eve. We bargained to get rid of those two and bargained to give them Veterans Day. Also, they will have a bank of hours just like we gave in the last contract to the Police contract, where their personal and holiday leave hour go into one bank and they use them as they want to throughout the year. They don't necessarily use them on that day if it is a holiday, but they use them as they want throughout the whole year. We came to an agreement of wages for the 2020, 2021 and 2022 of 2.5, 2.25 and 2 percent. Also, at the end of 2019 contract they had a shift differential of one dollar an hour between 2:00 p.m. and 6:00 a.m. and we did bump that up to one dollar and five cents and we do have enough money in the 2020 budget to cover these raises. As you can see, due to the Supreme Court ruling that union members are not required to pay Fair Share Fee's so we had to delete some of that language in 3.2. We did some disciplinary changes, some time trading, the way they trade time in shifts, we got that figured out. We also agreed that we would no longer be using the seventh occurrence for excessive absenteeism but would go to a pattern of absenteeism. We added reviewed by the Police Chief for injury leave extension and deleted the special review by board comprised by the appointing authority.

We also changed some language in the drug and alcohol testing when it comes to a second test confirmation of the first test. So, basically we feel like it was a good contract and I would just ask for your consideration of passage and adoption next week and as you know once the contract has been ratified by the union, Council has thirty days to adopt and it was ratified on February 18th.

President Potter asked if this would be retroactive?

Mayor Maggard said yes it is retroactive.

(Comm. Of the Whole – 1st reading – ADOPT 03-03-2020–Bailey/Conison)

ORDINANCE NO. 011-2020 – Draft # 2

AUTHORIZING AND APPROVING THE MAYOR TO SIGN A CONTRACT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. REPRESENTING PART-TIME POLICE DISPATCHERS FOR THE CONTRACT TERM JANUARY 1, 2020 TO DECEMBER 31, 2022 AND DECLARING AN EMERGENCY.

Mayor Maggard said she would like to pull this piece of legislation. We are having some issues with the way the contract reads on the other side. The part-timers have a different attorney than the full-timers and she sent us the wrong contract. We have been trying to fix it and finally I just said I am sending it back and when you can get it fixed send it back to us. I said I am not putting this in front of Council tonight because I am still finding mistakes that we did not agree to as she sent us the wrong contract. Basically. I will tell you that what we agreed to at the table for the part-timers is almost mirroring what we agreed to for the full-timers.

President Potter said he will go ahead and have that legislation pulled.

ADMINISTRATION AND FINANCIAL MANAGEMENT

Chairperson Bailey opened at 6:57 p.m. addressed the legislation in his committee, as follows:

RESOLUTION NO. 005-2020 – Draft # 3

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

Auditor Miller said this is one of those emergencies that has to be done.

(Admin/Fin. Mgmt. – 1st reading – ADOPT 03/03/2020– Bailey/Rodriguez)

Having no further business, Chairperson Bailey closed at 6:57 p.m.

COMMUNITY STANDARDS AND ENFORCEMENT

Chairperson Rodriguez opened at 6:57 p.m. and addressed the legislation in his committee, as follows:

THIRD READING:

ORDINANCE NO. 002-2020 *(Comm. Stand & Enf. – 3rd reading – ADOPT 03-03-2020–Rodriguez/Kantor)*
(Tabled to 03/03/2020 meeting)

AMENDING SECTION 903.32 PARKING OF MOTOR VEHICLES ON LAWNS PROHIBITED TO INCLUDE REAR YARDS.

ORDINANCE NO. 003-2020 (*Comm. Stand & Enf. – 3rd reading – ADOPT 03-03-2020–Rodriguez/Morrison*)*(Tabled to 03/03/2020 meeting)*

AMENDING SECTION 1126.13, LIMITATION OF PARKING IN RESIDENTIAL DISTRICTS TO ADD A LOT MAXIMUM FOR IMPERVIOUS PARKING AREA.

Chairperson Rodriguez said we have before us again Ordinance 002-2020 and 003-2020, parking of the motor vehicles and impervious parking. I have not heard from anyone as far as anything specific, reasons or issues with the exception of what the Administration did as far as one parking. We got some things here from Bob. We obviously have to pull these things together into some kind of a revised legislation. Does anyone have anything specific they want to discuss with this or in regards to this, like what is in Bobs information here?

Mayor Maggard said I do have some concerns regarding what Bob had given out. I know he spent a lot of time on it. There's definitely under the resident card permit parking, that basically the designated agent of the City gets to decide who gets one of these permits. There is nothing to guide us with this. I feel like this could be discriminatory and I do not want to be in a position like that or put my employees in that position for that to happen and be charged. Also, I feel like some of this stuff is already regulated by the Ohio Revised Code regarding insurance for cars and I don't think we need to be redundant on some of these things. This is just what I am looking at and I can see what you are getting to Bob. Maybe somebody else can tell me how you guys feel about it and I know that we have the Service Director here as well that can also speak to some of the items in here.

President Potter said I guess the one comment I would share with everybody is that the proposed ordinance that the Service Department put forward based on last week's meeting we had two or three people come forward who had that single vehicle, regardless of what it was and I know there are other cases in the past and I think this is really a collaborative and fair solution and it is pretty much job done for those people and it is respecting where they are coming from and what they want to be able to do with their back yard and might be able to keep the one vehicle whether it is a restoration vehicle, camper or a boat. I think this is a pretty strong compromise on that front. I think that makes a lot of sense.

Chairperson Heck said I feel that most of the people that reached out with concerns were concerned about their one vehicle so I agree with you on that aspect and I also agree with the Mayor when it comes to resident permit parking. I don't necessarily think it is a bad idea but I think there has to be very specific guidelines. Cause you are right, you don't ever want to get in that case where it is like, oh they got that and I didn't, and then they are comparing so the only way that would be possible if it is like there is a checklist and they have to meet these checklists and we would have to come up with that checklist and what is that checklist going to look like. Is it going to be similar to what we are already putting on or so?

Chairperson Kantor said I feel the majority of the problems our code is running against is things they cannot see. We have legislation on the books for things that they can see that I think should be taken care of before we go after something that we don't know what we are doing to add more expense to our residents by getting a contractor or concrete. Not everybody can do that. I expressed my reasons last week and I am still going to stand by them. The majority of our problems are things that we can see. Again, I know that we have problems we cannot see and I am not in favor of saying okay you can have one vehicle parked here, I am just not in favor of that. The Mayor asked us two weeks ago, one, two, three, four, five and nobody said anything nor did I so I am not in favor of that one either. I don't want to sit here and scream and holler like and we really haven't done that. We have had good discussion on this and it looks like we need more discussion on it.

President Potter said I would offer up, you are saying drive by and you can see it, so my heart goes out to the people who live right next to these properties because say that that property was for sale next to one of these properties that has multiple vehicles back there and you are walking through and you say who wants to buy this house, well I can tell you one hand that is not going to go up. Why would somebody want to a.) buy in to that but most importantly the house is not for sale but the owner is living there and they are having to put up with that blight. How is that being fair to them?

Chairperson Kantor asked isn't that a code violation if they can see it then their neighbor can call our Code Enforcement Officer so they can come onto their property?

President Potter answered no.

Chairperson Kantor said we have legislation that defines junk and things in there.

President Potter said no.

Chairperson Kantor said yes we do Mr. President.

Mayor Maggard asked what about for the nine or ten rv's that are on that one property? I mean, think about it. Nine or ten rv's.

Chairperson Kantor said I know of somebody that you can see quite a bit and this person has over twenty vehicles, six of which you can see.

Mayor Maggard asked are they operable? Do you know that?

Chairperson Kantor said we don't know that.

Mayor Maggard said see that' (did not finish).

Chairperson Kantor said I understand that.

Chairperson Rodriguez asked so how is that fair to the neighbor? I mean if you lived next to that.

Chairperson Kantor said see I, we should come up with something to define that.

Chairperson Elmore said Wes, and I am not making light of this (did not finish).

Chairperson Kantor said you pointed out to me about four weeks ago that maybe you don't know what it is like and I said maybe you should come to my back yard.

Chairperson Elmore asked what are you talking about? When did I say that? What are you talking about?

Chairperson Kantor said you referenced that. I think it was you who referenced that. I could be wrong. Because I have seen it and I have lived by it and I have lived in front of it.

Chairperson Elmore said okay then let's do this. Let's do this. Let's let me finish talking first before you interrupt me, because what I am going to talk about is, first of all, I have looked in a lot of the codes prior to the issue or the information being submitted. When I was going to meet with one of the residents, I had information already because I researched it because that is just something that I do to make sure that I know I am talking about what the code says and what is happening in other cities. Because we are community partners regardless of what other people might think and some of their code is a lot more severe than what they are asking or what we are asking for. Not only that but it is even more severe than some of the stuff you put in yours Bob. I think it addresses a lot of the issues and all of that but some of it we may be getting down into the weeds so that we don't have enough code enforcement people to do a lot of the growl work that may be needed to see who is having all these different inoperable vehicles on their properties or whatever. The other amendment that we received is the one that was submitted regarding the one vehicle, motorcycles and trailers and that sort of thing. The point that I am making is this. There are people who brought in proposals and even changes or amendments to what was already done, if these are not sufficient what would be an amendment if you were to make one? What amendment would you want made or are you just dead set against any of it?

Chairperson Kantor said correct. I am dead set against any of it. You are looking straight at me and asking me and I have been saying for weeks, I am against it, yes I am.

Chairperson Elmore said okay, then what makes us think that even if we table this for further discussion that anything is going to change? You are not going to present an amendment. You are not going to present any other information and so at that point really what we are looking at are the documents we have been presented with, the legislation, the comments and all the emails, IM's and discussions that we have had with residents. That is what we are looking at, so at the end of the day, taking all that information into consideration, I think, this is Lori speaking, that the amendment that was made regarding the one would be sufficient.

Chairperson Rodriguez asked so you are saying none of this extra stuff? None of these that Bob has?

Chairperson Elmore said I think Bob addresses some of the stuff that is already in the amendment but he goes in to detail about how (did not finish).

Chairperson Bailey said I don't go into detail, that's my research. That is not legislation form. It is just thoughts and ideas. There are a couple of things in there that could be important but you are looking at the body and not some of the actual target points. One being that is the permit process and it does work. It is proven all over the country where they do it. What it is, is meeting the community half way and working with them and doing something equitable. The other thing is semi-impervious foundations or surfaces so that it can become a do it yourself project if it is just a small pad for a car or something without the expense of having a contractor come in and do concrete. Those are just example of things that happen around the country and I merely submitted them, not for argument but for suggestion and consideration. I am not married to any of that. It is to get you guys to reach a conclusion.

Chairperson Heck asked then would the semi-pervious still go with the second part of the legislation where it could only be like so much percentage?

Chairperson Bailey replied yes. That won't change. The other ordinance will not change.

Mayor Maggard said I am confused so you are going to have to help me. What are you considering to be semi-impervious? What type of material?

Chairperson Bailey said that would be for you folks and the Service Department to determine if it is viable. There are a number of media out there that can be used and what is accepted and not accepted. I don't know that it is our choice.

Chairperson Rodriguez said Director Woodruff.

Director Woodruff said so obviously I have spoken with a number of you over the last couple of weeks and I think the two issues that we keep coming back to are 1.) is the issue of the one, again when I have spoken to a number of you or I have spoken to residents it usually is centered around I have one and I think we have addressed that. I think the other issue is the notation of the difference between a pervious surface and an improved surface. So again what I would additionally offer is, by looking at your piece, instead of calling it a semi-pervious as approved maybe that we talk about an improved surface as approved by the Department of Public Service and what we would do then is administratively create a policy that again would be able to be applicable across the board, be transparent and uniformly applied to say that we will consider approved surfaces, ones that meet manufacturers specifications or that meet industry standards. As an example, the gentleman who talked about having those road pavers and he talked about how his wife dug them out, that is clearly an improved surface that would meet specifications. Right? But someone who goes out to Lowes and buys eight twelve by twelve concrete pavers and throws them down on top of grass, well that doesn't meet any industry standard or any manufacturer's specification. So in that respect where your goal is to meet people half way, I think we could do that administratively where then again if somebody says I really want to put down the six twelve by twelve, but then again they still have the ability to go to BZBA. I talked to Chris about we would additionally be willing to go the extra mile and say any application for this specific section of

the code, we would waive the application fee for residents for the remainder of this year. So that as we work with homeowners and with property owners as we would potentially kind of phase this in and give people an appropriate amount of time to come in to compliance or make alternative arrangements that if they wanted to go to BZBA because they don't feel like they got the answer they were looking for from us or from the legislation then we would waive the fee so the only thing residents would be out would be their time to come to a BZBA meeting and they would not be out the eighty dollars that we normally charge that covers the cost of placing the ad. So again, as I have talked with all of you at this point, I think those are the only, when Chris said what are the specific concerns outside of Wes, those are the specific concerns that I heard from you all on how we can, and Bob in your words, meet people half way.

Chairperson Bailey said thank you Director. I think you just illustrated that I was successful in achieving my goal because there is acceptance to alternative thinking and yes my whole thought was that you folks and BZBA would come up with the specs for what an improved surface or whatever you call it. That is just the language I found and it is only on there to provoke this discussion and I appreciate your comments.

Director Woodruff said that improved surface is not necessarily something that is readily defined in code and so I think by including it in there then the Service Department can create an administrative policy that would warrant how we consistently then enforce that definition. I think that would work from that standpoint. What I would say is that is a way we can get from where I think we need to be to where I think we can go. Gravel would not be it, again unless the resident was coming in and showing us where they were going to excavate and potentially actually have it tamped down. I think again, the difference between having a driveway that is already gravel and having somebody throw down gravel off to the side. I don't think we would certainly allow that. But if somebody was coming to us and saying, here is the area I want to do and I am going to excavate down six inches and I am actually going to have it compacted then maybe that is something we can consider after we research what are industry standards and what are manufacturer's specifications. I think that is the flexibility that today, I think one of the things you don't want to put in this particular code is a list of all the things we are going to approve. I think you want to say let's use common sense and then when someone, it is just like arguing BZBA and a number of you have been on our BZBA, is that when residents come and my experience with eighteen years with the city, when a resident comes to BZBA they approve all reasonable requests. That has been the experiences, that reasonable requests are approved.

President Potter said that BZBA found reasons to help folks do things not to not help them.

Chairperson Bailey said so back to my point, building on what you have just illustrated, I would prefer that in the language of the legislation that that speak be in there, so folks commonly know that an improved surface other than straight concrete is acceptable however, you have to go through the process of having it approved by BZBA.

Director Woodruff said just to back up, if I understand what I was just saying is that, and I do not have a copy of the legislation with me, and so what I would say is, it says that shall be parked or remain on any non-impervious, non-parking or non-driveway portion, what I would include is or non-improved surface as approved by the Service Department. I don't think you want to necessarily prescribe the manner in which, because here is what I will tell you, Walt is actually out of the office this week and Steve is here, they will talk to residents about the process when these issues come up and so, rather than prescribing what the exact process is in a piece of legislation, because what I would hate to do is, were working with a resident and we might miss a step inadvertently because the resident is talking about something else and now we have violated the code. What I would just say is, that is how I would suggest modifying it to say, just what this amendment does, allowing for the one and then again including the language in there or an approved surface or an approved surface as approved by the Service Department.

Chairperson Bailey asked on that thought, would you suggest on our current code, where it does make indications like that we should go through and change it?

Director Woodruff answered I do not.

Chairperson Bailey said it does. You called it traffic codes so it is in the 1300's and the 300's. It refers to a board which became known as BZBA and that is the only reason that thought came up to maybe include it in, what is your code?

Director Woodruff said the Parking of Motor Vehicles on Lawns is 903.32.

Chairperson Bailey said yes, that is what I was thinking since it does appear in other code of ours concerning parking and things like that, that maybe we should go in and change that also. I am very happy because this is reaching some middle ground. What I was going to say earlier before we got derailed is some of that impervious accepted methods, like think of golf courses where there are areas of high traffic they put in these grids that are concrete blocks laid side by side on a solid foundation and they may have opening of maybe four inches which is soil and there is turf planted in it. These things look like turf areas.

Chairpersons Rodriguez said I asked Zach about that and the only problem with that is it is hard to visually see, you can see an improved surface, you can see pavers and with these grids you can't.

Chairperson Bailey said but you guys can develop what is acceptable and explain the process to anybody who comes in with an issue and work with them, which you guys do already. All kidding aside, our Code Enforcement guys are very good.

Director Woodruff said I appreciate that Bob, again I might have mentioned in this setting before, ninety-five percent of people we go and talk to about code violations come into compliance. It is only five percent that we ever have to do Mayors Court and I think that is a testament to the good work that Steve and Walt do in educating people, working with people and giving extensions and so I think that is just in how we do business. So if a resident came to us with that plan you just described on the golf course, we would certainly take a look at it and go look at it and (?) and maybe that works. I think that is how we could ensure so that again we are not just getting somebody who says they are going to go buy four bags of gravel and throw it down or I am going to go buy twelve pavers and put them down and again it ensures that we are getting to a standard but still ensuring that it could be a do it yourself project.

Director Woodruff asked Chairperson Morrison if he had a question.

Chairperson Morrison asked on your change here where you have a non-impervious surface, you are not talking about parking vehicles on grass or gravel, right, or just for the one vehicle?

Chairperson Morrison answered yes.

Chairperson Morrison said to me that goes back, we had lengthy conversation on reasoning for doing the hard surface which was to keep the fuels and the leakage out. You are defeating the purpose by allowing one to park on the grass. It defeats the whole purpose of this legislation.

Director Woodruff said I would not say that it defeats the whole purpose.

Chairperson Bailey said I think of this as a baby step in to the direction (talking over each other).

Director Woodruff said he thinks it is a compromise.

Chairperson Morrison said to specify this for utility trailers or something of that nature that does not have an engine or a battery to be parked in that nature, that makes sense to me but not something that is going to leak oil.

Director Woodruff said that was my attempt at a compromise because what I was hearing from your colleagues and you or even people who contacted us was I have the one RV, I have the one trailer, I have the one camper, I have the one whatever, it was becoming frequent what I heard was please don't do this or don't do this because I have a trailer, I have a car, I have a boat, whatever it was and I only have one so I am not the guy who has seven or eight campers or fourteen cars. I am not that and so the compromise that I suggested to

this body was, okay the compromise is, here is the one people can have because that's who I heard from, is I have a what name thing.

Chairperson Morrison said I understand that but if you get rid of the one person who has thirty in the back yard and then thirty individuals have one in the back yard what have you accomplished?

Chairperson Rodriguez said because you are not seeing a blight, a blight of twelve or fifteen or eighteen cars. You are allowing somebody who is just wanting to keep their camper or what have you in the back, that is fine but it is still giving you teeth to be able to take care of the blight. There is one thing I have noticed is that the folks who have come here and they say, you know this is a problem. You talk to them and you explain to them and they say oh okay. I have had a couple of people and you go out there and you say you are fine. You are perfectly fine. Everything that you have here, it may be six or seven or eight things but it is on improved surfaces. You are fine. Oh okay thanks.

Chairperson Morrison said say we pass either one of these pieces of legislation, the original or the (talking over each other) what is the process of enforcement?

Director Woodruff said I think what our Code Enforcement Officers would do is begin, well first off it is a non-emergency so it doesn't go into effect for twenty days after its passage anyways, so what our Code Enforcement Officers would do is go out and in places where these folks would potentially be in violation of this new code, give them notice that this was recently passed and we talked about when I made the presentation a number of weeks ago, we talked about having the ability to give them until September and again that is a starting point, right, so I think that is a starting point to say hey this new code went into effect, let's just say that you guys vote on it next week, it passed in March and it went into effect by the end of March to give the six months and then that is where our folks are able to work with people to say okay, they clearly monitor that during the time and then be able to work with people if they need extensions or if there are folks who need to find other alternatives. We are certainly going to give at least six months for people to or work through the process of BZBA or come to us with their improved surface idea and how they are going to accomplish that. I think that is the goal. I think September, as we with staff was a good deadline because that way if folks needed more time there are still warm months if you were going to get a contractor, there is still time to get a contractor, we felt like if we made it January 1, anybody we went to talk with was going to tell us it is too cold to do anything and I am going to need until April so I think that is what our starting point was. It was a six month, hey we can work with you, what is the plan and be able to work with them during that period of time.

Chairperson Morrison said okay so if I have six RV's and three boats and I tell you to stick it. I am not moving them. How do you enforce that?

Director Woodruff said the same way we would enforce any other code which is send you a notice of violation and if still not remedied after that we would bring you to Mayors Court.

Chairperson Morrison asked what if they are insured and tagged how do you remove them from that property if they are in violation?

Director Woodruff said we don't physically remove them, we just bring them to court and we let the court system handle it from there. Again, it is no different than a resident today who parks in the front yard. Steve, correct me if I am wrong but we don't go out with a tow truck right? (Steve Brown answers Director Woodruff's question with right) It is the same, we let the court system at that point handle it and again, I go back to as we just look at the raw data ninety-five percent of the people that are aware of what the code is remedy the situation on their own.

Chairperson Conison asked can we go back, like way back, how this was introduced, I am just confused as to why it was introduced. What I am gathering is residents called in and made a complaint, pictures were taken and code enforcement wasn't able to do anything?

Director Woodruff said this has been an issue that has been a problem for a number of years. This is not something that just crept up in the last three months. As I mentioned when I did the first presentation, we talked to Council, in fact, Council actually, Jim Graham was President then, brought this topic up (did not finish).

Chairperson Conison said a couple of years ago. Since then we have had more people come forth?

Director Woodruff said correct. I think that well first off yes and secondly our Code Enforcement Officers would tell you based on their first-hand experience, since you all discussed it last time the problem has gotten worse. Steve am I right? (Steve answered yes)

Chairperson Conison asked and Code Enforcement when they get these complaints they cannot do anything?

Director Woodruff said today, so again the gentleman who has seven RV's, all licensed, all tagged, all tires inflated, there is not existing code to stop that. If a vehicle appears to be operable, meaning the tires are inflated and we cannot not see that it is licensed and tagged, so it is under a tarp, we do not have evidence that it is an inoperable vehicle. It may appear to us to look junky but that doesn't meet the definition of junk.

Chairperson Bailey asked if a vehicle in in a back yard for over seventy-two hours it falls under traffic code, why can't it be enforced? That is an issue out there in the public.

Director Woodruff said sure, have the Division of Police do that.

Chairperson Bailey said that is what they do. They enforce the law.

Code Enforcement Officer Steve Brown said I believe the seventy-two hour is if the homeowner complains to the Police Department that there is a vehicle on my property.

Mayor Maggard said that does not apply to the person who owns the car.

Code Enforcement Officer Steve Brown said they are not complaining on themselves. They are not asking the Police to mark this car for seventy-two hours and to tow it away.

Chairperson Rodriguez asked if a third party can't say there has been a car parked over there for three weeks?

Mayor Maggard said we are talking about in their own back yard. If a homeowner has a car parked in their own back yard for seventy-two hours, how come the Police can't come and take it. Because it is their own car.

Chairperson Bailey asked what if it is rental property? That was another thing that was said to me.

Mayor Maggard said the code says you have to have permission from the owner to park it there. If the renter of the rental property has permission from the owner to park it there.

Director Woodruff said again I will go back to our Code Enforcement Department in conjunction with the City Attorney's Office does not believe there is current code on the books to deal with the problem as we have presented it.

Chairperson Bailey said that a lot of it fell under nuisance. Mr. Bivens illustrated that well in our last meeting but thanks for addressing a lot of these issues because this is what people are saying and I don't have the answer to them so I have to pose them to you guys. That is the second time I have posed that and there is a reason.

Chairperson Kantor asked what about the people who are fenced in and you know they are there but you can't do anything about it then? I mean a lot of the neighbors say well I have this fenced in I don't care but you got six, ten pieces of vehicle back there behind (did not finish).

Director Woodruff asked can I see it from the right of way?

Chairperson Kantor answered no.

Director Woodruff asked is a neighbor going to let me on the property to see it?

Chairperson Kantor answered well that would be yes. Then you can enforce?

Director Woodruff said right but there is nothing currently on the books to enforce. There is no law on the books today that says you, Wes Kantor can't park your car on the grass in the back yard.

President Potter said so you would go look at it and say okay. Thanks for having me in.

Director Woodruff said in fact we have had residents call us and we say oh I am sorry, there is nothing we can do for you.

Chairperson Conison asked so for years we have been telling residents we are very, very sorry but there is nothing we can do?

Director Woodruff said yes, we go out and we look and see if there is actually trash (did not finish).

Councilmember Conison said I personally as a Council member would have gone out to these homes and talked to these citizens. I would have liked to have been given that opportunity to go talk with them. I would still like the opportunity to talk to some of the citizens where there are code violations.

Mayor Maggard asked do you know code?

Director Woodruff asked is your request when we get a code violation to then forward it on to you?

Councilperson Conison said well if nothing is being done. They are just taking these calls.

Director Woodruff said this is why we are bringing the legislation; this is in fact the process how I would imagine it should work. Residents call us, we look at the code, we determine there is no provision in the code today that can and we have said you need to call your Councilperson, not on every case but we have said sometimes you need to call your Councilperson. Right Larry? The other process is now the Administration is saying, hey this is a problem and we are proposing a piece of legislation to amend the code to give us the tool so when residents do call or when we do become aware of these situations we have the ability to take action. That is what has happened over the past number of years. I will also tell you, do we get a lot of calls, yeah but at some point the calls stop happening because if I live next to it and I have called once and you have said there is nothing you can do, I don't keep calling. You have already said there is nothing I can do.

Chairperson Morrison said I get multiple calls from the same people.

Director Woodruff said again, that is where we have said contact your Councilperson because I can't change the code. Right? You all are empowered to change the code. When you say how did it come about, it is because Walt and Steve and me to a much lesser extent, work on issues like this, every single day that we are at work. They can tell you from their first-hand experience that this problem is getting worse and we don't have the tools in the current code to address it. (talking over each other) I would love if people left to their own devices, this wouldn't be an issue but that is not the case. Again, that is why as I have heard the concerns from Council I have tried to think about how can I help that concern. So again, when I have talked to a number of you it's well I have talked to residents and they have the one thing so we proposed the one thing. When I have heard other Councilmembers or people coming to Council that say well I don't have, it's not concrete, it's not blacktop but I have this great surface, ok well maybe that, looking at Bob and hearing people come, like Nick who came and talked last week, maybe that is a way we can get to a compromise so that again as a consensus, Council could go we have identified the problem, we have come up with a solution that maybe doesn't get everybody happy because I don't believe there is a solution for that, but maybe we

have narrowed it down to where the people who are going to be most impacted or the ones we are trying to impact who have six, seven, eight, twelve, ten cars. The people who have the one car or the one RV have a way to maneuver inside of code that's fair and equitable.

President Potter said and I think again, what was proposed, this really does funnel it down significantly from where this legislation originated.

Director Woodruff said and I am happy to put together an updated draft, an amended draft and have that out to you all by the end of the day tomorrow. That way you all will have plenty of time to look it over, if you have additional questions you can certainly reach back out to me but you will have it by the end of the day tomorrow that deals with the issue of the improved surface as approved by, keeps the one vehicle limit in there and tie it all together in one piece of legislation and you will have it by the end of the day tomorrow.

Chairperson Rodriguez said that sounds great Zach. Thank you. Any further discussion?

Chairperson Morrison said I personally appreciate all the information, which Bob put out. He put a lot of work into it and generated a lot of thought. I do appreciate that but I think the more you add to it the harder it is going to be to enforce. The simpler you can make it, the better off we are going to be. I am satisfied with either one of these.

Chairperson Bailey said thank you Larry.

Mayor Maggard said Bob, thank you.

Having nothing further, Chairperson Rodriguez closed at 7:38 p.m.

COMMUNITY AND ELDER ADVOCACY

Chairperson Elmore opened at 7:38 p.m. and said there are no drafts or pending legislation on the agenda.

Chairperson Elmore said she attended the Whitehall Bexley Rotary meeting on Friday. There was a guest speaker named Ron Smith and he did a presentation on Neighborhood Bridges. Neighborhood Bridges creates a gateway for kindness to utilize technology and social media to meet the needs of and advocate for children and families in need and then engages the community to fulfill those needs. The Mayor has asked Megan Myer to attend a lunch and learn. I met with Megan last Friday. I asked if on March 3rd he could come and do a presentation so Council could see exactly what that is. There are currently nine other cities that are involved in Neighborhood Bridges, Dublin, Gahanna, Grove City, Hilliard, New Albany, Sycamore Community, Upper Arlington, Westerville and Worthington. They are looking at other cities to be involved in it. It basically connects services very quickly because a lot of times the services work side by side and it meets the needs very quickly and merges them together. I thought it was a phenomenal opportunity for us to be a part of and to see more of what it was about. So March 3rd he is going to do a presentation for about ten to fifteen minutes.

Mayor Maggard said it fills a great need in the community. We have sent out invitations to community stakeholders like pastors and people like that, on March the 3rd at 4:00 p.m. we are going to be having a meeting to talk about the census and how we can make sure that we can get as many people counted as possible from Whitehall. It is very important that we try to get everybody counted because this is how our state reps know if our state is growing in population and we may get more representatives. Also we can get more federal dollars and because Whitehall is a low income city we can use those federal dollars. We are working towards that goal and I just wanted to keep you updated.

The Mayor answered questions on committees for this area, immigrants and non-English speaking residents and how people can get involved.

Having no further business, Chairperson Elmore closed at 7:44 p.m.

INFRASTRUCTURE, MAINTENANCE AND SERVICE

Chairperson Heck opened at 7:44 p.m. and said there are no drafts or pending legislation on the agenda.

Chairperson Kantor asked Mayor Maggard if she has seen the graffiti and drawings on the underpass coming in to Whitehall? He said they got the lamp post too.

Mayor Maggard said with the weather, they are going to have to wait to clean it up.

Having nothing further, Chairperson Heck closed at 7:45 p.m.

PUBLIC SAFETY

Chairperson Conison opened at 7:45 p.m. and said there are no drafts or pending legislation on the agenda.

Chairperson Conison said the City of Whitehall had great news today concerning Whitehall Police Officer Parr. Officer Parr was flagged down by a mother whose baby was choking. Officer Parr called for help and he was able to clear the baby's airway. It will be on the news tonight.

Having nothing further, Chairperson Conison closed at 7:45 p.m.

PARKS AND RECREATION

Chairperson Kantor opened at 7:45 p.m. and said there are no drafts or pending legislation on the agenda.

Chairperson Kantor said they are running into some problems at the ball diamonds. They can't get the diamonds surfaced right now. They did have one guy go to full-time this year. They discussed doing it last year but held off until this year. They are doing summer help interviews now, I think they have done thirty-three or so interviews.

He handed out the 2019 Parks and Recreation Report to all Council members.

Having nothing further, Chairperson Kantor closed at 7:47 p.m.

At this time, all members of Council and the Administration moved to the Council Room for the executive session

ECONOMIC DEVELOPMENT

Chairperson Morrison opened at 7:51 p.m. and addressed the legislation in his committee, as follows:

THIRD READING:

ORDINANCE NO. 006-2020 (*Econ. Dev. – 3rd reading – ADOPT 03-03-2020 –Morrison/Heck*)
Public Hearing on 03/03/2020

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)(37) TO ALLOW BUZZSAW BREWING COMPANY TO OPERATE A BREWERY FACILITY ON THE PROPERTY LOCATED AT 951 A &

B ROBINWOOD AVENUE, PARCEL 090-000311-00, PROPERTY OWNED BY ROBINWOOD CENTER LTD.

There was no discussion on Ordinance 006-2020.

President Potter advised that he would like a motion to adjourn to executive session pursuant to Ohio Revised Code Section 121.22 (g)(2) to consider the purchase of property for public purposes, or for sale of property at competitive bidding, if premature disclosure of information would give unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use division (G)(2) of this section as a subterfuge for providing covert information to prospective buyers or sellers. Mr. Kantor 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 7:53 p.m. The meeting reconvened at 8:34 p.m.

Having nothing further, Chairperson Morrison closed at 8:34 p.m.

Meeting adjourned at 8:34 p.m.

Respectfully submitted,

Julie A. Ogg, Clerk of Council