

WHITEHALL CITY COUNCIL COMMITTEE MEETINGS

AGENDA

TUESDAY, FEBRUARY 22, 2022

6:30 P.M. – ADMINISTRATION/COUNCIL OF THE WHOLE MATTERS:

THERE ARE FIVE PIECES OF DRAFT LEGISLATION ON THE AGENDA.

COMMITTEE OF THE WHOLE LEGISLATION/ISSUES:

DRAFT # 1

RESOLUTION NO. 010-2022 (*Comm. Of the Whole – 1st reading – ADOPT 03/01/2022- /*)

RESOLUTION CONFIRMING AN APPOINTMENT TO THE CENTRAL OHIO TRANSIT AUTHORITY BOARD OF TRUSTEES (COTA) BY THE MAYOR OF THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall Ordinance No. 98-07 approved and adopted the amended agreement between the City of Whitehall and the Central Ohio Transit Authority (COTA) regarding the authority, territorial boundaries and organization of the COTA Board of Trustees; and;

WHEREAS, It is now the City of Whitehall's responsibility by this agreement to fill the term of an expiring COTA Board of Trustee member; and

WHEREAS, Kim Maggard, Mayor of the City of Whitehall appoints City Councilmember Lori Elmore to serve a three-year term as a member of the COTA Board of Trustees, NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: That Kim Maggard, Mayor of the City of Whitehall appoints City Councilmember Lori Elmore to serve a three-year term as a member on the COTA Board of Trustees.

SECTION 2: That the Council of the City of Whitehall, Ohio confirms this appointment.

SECTION 3: That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for the further reason that this appointee can begin attending Board orientation and Board education sessions; WHEREFORE, This Resolution shall go into full force and effect immediately upon its passage and approval by the Mayor.

Requested and Prepared by: Kim Maggard, Mayor

Approved as to form: Michael T. Bivens, City Attorney MTB 2/21/2022

STANDING COMMITTEES

ADMINISTRATION AND FINANCIAL MANAGEMENT - Chairperson Bailey

Members: Conison, Heck & Smith

DRAFT # 2

ORDINANCE NO. 006-2022 (Adm & Fin. Mgmt. – 1st reading – ADOPT 03/01/2022- Bailey/)

AMENDING 161.30 TITLED SURETY BONDS AND DECLARING AN EMERGENCY.

WHEREAS, recent changes in personnel require obtaining new Surety Bonds, and

WHEREAS, the bond amounts established by Ordinance 104-93 no longer provide sufficient surety, and

WHEREAS, the officers and employees of the City established by Ordinance 104-93 no longer reflect the positions requiring surety bonding, and

WHEREAS, it is necessary to amend the codified ordinances to reflect these changes; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: That the Council of the City of Whitehall, Ohio amends 161.30 SURETY BONDS in the following manner:

161.30 SURETY BONDS

(a) Each of the following officers and employees of the City shall furnish bonds with sufficient surety as determined by the Auditor:

<u>Office</u>		
Treasurer	\$100,000	<u>\$"sufficient surety"</u>
Auditor/Income Tax Commissioner	\$100,000	<u>\$"sufficient surety"</u>
Deputy Auditor	\$100,000	<u>\$"sufficient surety"</u>
Deputy Tax Commissioner	\$100,000	<u>\$"sufficient surety"</u>

(b) The Mayor is hereby authorized to obtain blanket bonds of a sufficient amount for each employee or elected official of the City except the Treasurer, Auditor/income Tax Commissioner, Deputy Auditor and Deputy Tax Commissioner pursuant to the provisions of Ohio R.C. 3.06.

(c) The cost of such bonds shall be paid for by the City from the funds previously appropriated for such purposes and as provided for by Ohio R.C. 3929.17, and the Auditor and Treasurer are hereby authorized to pay the premiums on such bonds.

SECTION 2: That this Ordinance shall go into full force and effect at the earliest time allowed by law.

THIRD READING:

ORDINANCE NO. 005-2022 (*Adm & Fin. Mgmt. – 3rd reading – ADOPT 03/01/2022- Bailey/Smith*)
AMENDING 143.15 (d)(1) TITLED EMERGENCY MEDICAL BILLING.

COMMUNITY STANDARDS AND ENFORCEMENT – Chairperson Smith

Members: Kantor, Elmore & Dixon

No drafts or pending legislation.

COMMUNITY AND ELDER ADVOCACY – Chairperson Dixon

Members: Bailey, Heck & Smith

No drafts or pending legislation.

ECONOMIC DEVELOPMENT – Chairperson Kantor

Members: Conison, Elmore & Smith

No drafts or pending legislation.

INFRASTRUCTURE, MAINTENANCE AND SERVICES – Chairperson Conison
Members: Bailey, Kantor & Dixon

DRAFT # 3

RESOLUTION NO. 011-2022 (*Infra., Maint. & Srvs – 3rd reading – ADOPT 04/05/2022- Conison/*)

DESIGNATING A PORTION OF VARIOUS PARCELS ALONG BROAD STREET AND HAMILTON ROAD AS CITY OF WHITEHALL PERMANENT AND TEMPORARY RIGHT-OF-WAY, AS SHOWN AND DESCRIBED IN THE ATTACHED EXHIBIT AND LABELED AS WD'S AND T'S.

WHEREAS, the City of Whitehall, through funding provided by ODOT, is performing an intersection improvement project at the Broad Street and Hamilton Road intersection, and

WHEREAS, a portion of various parcels are required for both temporary and permanent Right-of-Way to complete the project; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: That the Mayor, or her designee, is hereby authorized to execute all necessary documents related to designating and recording portions of various parcels, as noted in Exhibit A, as temporary and permanent Right-of-Way.

SECTION 2: That this Resolution shall into full force and effect at the earliest allowed by law.

PUBLIC SAFETY – Chairperson Elmore
Members: Bailey, Heck & Dixon

DRAFT # 4

ORDINANCE NO. 007-2022 (*Public Safety – 3rd reading – ADOPT 04/05/2022- Elmore/*)

VOIDING AND RESCINDING CHAPTER 707 OF THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL TITLED
“AMUSEMENT DEVICES”.

WHEREAS, from time to time city officials determine if current sections of the codified ordinances requires updated and/or relevant, and

WHEREAS, on recommendation of the City Auditor, the Mayor and Police Department, this section is no longer necessary or relevant due to changes in electronic gaming systems; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: That the Council of the City of Whitehall deems it reasonable and property to rescind Chapter 707 of the Codified Ordinances of the City of Whitehall, Ohio.

~~707.01 DEFINITIONS.~~

~~—For the purpose of this chapter, the following words shall have the meanings ascribed to them as hereafter set forth unless the context clearly requires a different meaning:~~

~~(a) “Acceptable Prizes and Awards” means that no person shall, by himself, by another person, or otherwise, directly or indirectly, give any prize, award, merchandise, gift or anything of value to any player, or to any operator, of any mechanical or electrically operated amusement device, or to any contestant for a high score on the device, provided, however, that tickets or tokens dispensed from a device redeemable for novelty gifts of nominal value shall be permitted.~~

~~(b) “City” means the City of Whitehall.~~

~~(c) “Amusement arcade” means any place of business at which five or more mechanical or electrically operated amusement devices are located for the use or entertainment of persons patronizing the place of business.~~

~~(d) “Exhibitor” means any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device, as defined in subsection (e) hereof, to be installed, used and exhibited in his own place of business irrespective of the ownership of such device.~~

~~(e) “Mechanical” or “electrically operated amusement device” means a machine, device or instrument, including electronic video games, and including coin operated pool or billiard tables and other “skill pool” devices, which, upon the insertion of a coin, token, slug or electronic money card, operates, or may be operated for use as a game, contest of skill or amusement of any description, and which contains no automatic pay-off device for the return of money, coins or merchandise, except that dispensing of tickets or tokens redeemable for novelty gifts of nominal value shall be permitted, and in which no way violates Chapter [513](#) as the same is now enacted or as such chapter may hereafter be amended. This definition is not intended to and does not include merchandise vending machines, electronic jukeboxes and manually operated pool tables and jukeboxes, coin operated mechanical or electrical musical instruments or devices, mechanical baseball, mechanical football, virtual golf, or similar devices which are primarily used for training or practice purposes.~~

~~(f) “Owner” means any person having title to any mechanical amusement device, or amusement arcade as hereinabove defined.~~

~~(Ord. 43-2011. Passed 7-19-11.)~~

~~**707.02 LICENSE REQUIRED.**~~

~~—(a) No owner or exhibitor shall install or permit the use of any mechanical or electrically operated amusement device without first obtaining an amusement device license from the City Auditor.~~

~~—(b) No owner or exhibitor shall operate an amusement arcade without first obtaining an amusement arcade license from the City Auditor.~~

~~—(c) Whoever violates this section shall be deemed guilty of a misdemeanor of the fourth degree. (Ord. 43-82. Passed 5-18-82.)~~

~~**707.03 EXEMPTIONS.**~~

~~—No license fee shall be charged for mechanical or electrically operated amusement devices exhibited or amusement arcades operated solely for the benefit of a charitable, benevolent, religious or eleemosynary institution. The requirement of a Special Permit as set forth in Section [1123.11](#)(c)(15) shall not be waived. (Ord. 43-82. Passed 5-18-82.)~~

~~**707.04 APPLICATIONS.**~~

~~—Every owner or exhibitor desiring to obtain an amusement device license or licenses shall file an application with the City Auditor upon a form to be prescribed by him, prior to the receiving of any such license or licenses, stating the number of mechanical or electrically operated amusement devices intended to be exhibited at such location and such other information as required by this chapter. (Ord. 43-82. Passed 5-18-82.)~~

~~**707.05 NONTRANSFERABLE.**~~

~~—The license for a mechanical or electrically operated amusement device shall not be transferable to any other owner or exhibitor. (Ord. 43-82. Passed 5-18-82.)~~

~~**707.06 LICENSE FOR ONE DEVICE OR FOR GROUP OF DEVICES.**~~

~~—(a) The City Auditor may issue, on the same license blank, the amusement device licenses for all, or any portion of the mechanical or electrically operated amusement devices which are exhibited at one location by the same owner or exhibitor.~~

~~—(b) Each owner or exhibitor shall file with his application for an amusement device license or licenses a list of the devices at that location, showing the name and address of each exhibitor, the name and address of each owner, the total number of devices to be exhibited at such address, the nature of the business to be conducted at such locations, and the make, name, model and other identifying information relative to each device to be exhibited. The license fee for a group of licenses shall be the product of the number of devices licensed, times the fee for one license. (Ord. 43-82. Passed 5-18-82.)~~

~~**707.07 LICENSE PER ARCADE.**~~

~~—(a) Each amusement arcade shall be licensed an amusement arcade and the license therefor shall be required in addition to, and independent of, the amusement device licenses required herein for individual mechanical or electrically operated amusement devices.~~

~~—(b) Whoever violates this section shall be guilty of a misdemeanor of the second degree. (Ord. 43-82. Passed 5-18-82.)~~

~~**707.08 FEES.**~~

~~(a) Beginning January 1, 2011, the fees for licenses shall be paid at the time of the application thereof and shall be as follows:~~

- ~~(1) Mechanical or electrically operated amusement devices, not including coin operated pool or billiard tables and pinball machines: fifty dollars (\$50.00) for 1 to four machines.~~
- ~~(2) Coin operated or pool or billiard tables and pinball machine fees for 1 to 4 machines: fifty dollars (\$50.00).~~
- ~~(3) Annual exhibition fee for 1 to 4 machines (excluding coin operated pool or billiard tables and pinball machines) is one hundred dollars (\$100.00). Annual exhibition fee for each machine over 4 in number is one hundred dollars (\$100.00).~~
- ~~(4) There is no annual exhibition fee for coin operated pool or billiard tables and pinball machines.~~

~~(b) A fee of two hundred fifty dollars (\$250.00) shall be charged for any period of 365 days or less, falling within any one calendar year, for an amusement arcade license.~~

~~(c) The license fees and exhibition fees paid for amusement devices licensed under subsection (a)(1) hereof shall be prorated as follows:~~

~~(1) If such application is filed and the device placed on exhibit prior to April 1, of any year, the license shall be fifty dollars (\$50.00) for 1 to 4 machines and two hundred fifty dollars (\$250.00) for 5 or more machines. The annual exhibition fee for 1 to 4 machines is one hundred dollars (\$100.00). Annual exhibition fee for each machine over 4 in number is one hundred dollars (\$100.00).~~

~~A. If such application is filed for coin-operated pool and billiard tables and pinball machines, and the device is placed on exhibit prior to April 1, of any year, the license fee shall be fifty dollars (\$50.00).~~

~~(2) If such application is filed and the device placed on exhibit after April 1 and prior to July 1 of any year, the license fee shall be forty dollars for 1 to 4 machines and two hundred fifty dollars (\$250.00) for 5 or more machines. The annual exhibition fee for 1 to 4 machines is seventy-five dollars (\$75.00). Annual exhibition fee for each machine over 4 in number is seventy-five dollars (\$75.00).~~

~~A. If such application is filed for coin-operated pool and billiard tables and pinball machines, and the device is placed on exhibit after April 1 and prior to July 1 of any year, the license fee shall be forty dollars (\$40.00).~~

~~(3) If such application is filed and the device placed on exhibit after July 1 and prior to October 1, of any year, the fee shall be thirty dollars (\$30.00) for 1 to 4 machines and two hundred fifty dollars (\$250.00) for 5 or more machines. The annual exhibition fee for 1 to 4 machines is \$50.00. Annual exhibition fee for each machine over 4 in number is fifty dollars (\$50.00).~~

~~A. If such application is filed for coin-operated pool and billiard tables and pinball machines, and the device is placed on exhibit after July 1 and prior to October 1 of any year, the license fee shall be twenty-five dollars (\$25.00).~~

~~(4) If the application is filed and the device placed on exhibit after October 1, of any year, the fee shall be twenty-five dollars (\$25.00) for 1 to 4 machines and two hundred fifty dollars (\$250.00) for 5 or more machines. The annual exhibition fee for 1 to 4 machines is twenty-five dollars (\$25.00). Annual exhibition fee for each machine over 4 in number is twenty-five dollars (\$25.00).~~

~~—A. If such application is filed for coin-operated pool and billiard tables and pinball machines, and the device is placed on exhibit after October 1 of any year, the license fee shall be fifteen dollars (\$15.00).~~

~~(Ord. 4302011. Passed 7-19-11.)~~

~~—707.09 AFFIDAVIT REQUIRED; FALSE AFFIDAVIT.~~

~~—The exhibitor shall be required to furnish the City Auditor the name of the owner of each mechanical or electrically operated amusement device. In the event the exhibitor is also the owner of such device, he shall file an affidavit with the City Auditor setting forth that he is the actual bona fide owner of such mechanical or electrically operated amusement device and that, as such owner, he receives all the benefits from the operation thereof and that no other person has any actual or beneficial interest therein, either directly or indirectly.~~

~~—Any person who shall swear falsely in any affidavit required to be made under the terms of this chapter, shall, upon conviction thereof, be subject to the penalties provided therefor by State law. (Ord. 43-82. Passed 5-18-82.)~~

~~—707.10 GAMBLING DEVICES.~~

~~—The City Auditor shall not issue an amusement device license to any owner or exhibitor for any mechanical or electrically operated amusement device without first having received a certificate from the Chief of Police that such mechanical or electrically operated amusement device is not in any manner violate of Chapter [513](#) or as such chapter may hereafter be amended.~~

~~(Ord. 43-82. Passed 5-18-82.)~~

~~—707.11 LICENSE INFORMATION.~~

~~—Upon submission of application for license and payment of the fees required by Section [707.08](#), the City Auditor shall obtain certification of legal devices from the Chief of Police and if the devices are certified, the City Auditor shall issue a license which shall contain the name and address of the licensee, the number of mechanical or electrically operated amusement devices exhibited, the address at which it is desired to exhibit such devices, the nature of the business~~

conducted at such location, the make, name, model and other identifying information with reference to the particular devices desired to be exhibited and the serial number of the license.

~~(Ord. 57-10. Passed 10-5-10.)~~

~~**—707.12 LICENSE EXPIRATION.**~~

~~—All amusement device licenses and amusement arcade licenses shall expire on December 31 of each year. All amusement arcade licenses issued for a 182 day period, though, shall expire at the close of business on the one hundred and eighty-second day after issuance.~~

~~(Ord. 43-82. Passed 5-18-82.)~~

~~**—707.13 DECAL TO BE DISPLAYED ON EACH MACHINE.**~~

~~—(a) Upon inspection by the Chief of Police, or any police officer designated by him, that a mechanical or electrically operated amusement device is not a gambling device, pursuant to Section [707.10](#), the police officer so inspecting shall attach a decal signifying that fact. The decal shall be attached adjacent to or in front of the coin slot of such device, so that it is readily visible.~~

~~—(b) Any owner or exhibitor who permits the use of any such device prior to the attachment of this decal shall be deemed guilty of a misdemeanor of the fourth degree.~~

~~(Ord. 43-82. Passed 5-18-82.)~~

~~**—707.14 UNLICENSED DEVICES.**~~

~~—(a) It shall be unlawful for any owner or exhibitor to keep, maintain, permit or allow any unlicensed mechanical or electrically operated amusement device to be in or upon any public place, or place of business under the control, supervision or direction of such owner or exhibitor.~~

~~—(b) Whoever violates this section shall be deemed guilty of a misdemeanor of the fourth degree. (Ord. 43-82. Passed 5-18-82.)~~

~~**—707.15 OPERATION BY MINORS.**~~

~~—(a) No owner or operator shall permit any mechanical or electrically operated amusement device to be played by any minor under the age of thirteen years unless such minor is accompanied by a parent, guardian or other adult relative.~~

~~—(b) Whoever violates this section shall be deemed guilty of a misdemeanor of the fourth degree. (Ord. 43-82. Passed 5-18-82.)~~

~~**—707.16 PROHIBITED DEVICES.**~~

~~—Any mechanical or electrically operated amusement device which is used in a manner violative of Chapter [513](#) shall be seized, destroyed or demolished pursuant to Section [513.07](#). (Ord. 43-82. Passed 5-18-82.)~~

~~**—707.17 RECORDS TO BE KEPT.**~~

~~—The City Auditor shall keep and maintain on file in his/her office a full and complete list of all amusement device licenses and amusement arcade licenses which are issued pursuant to provisions of this chapter, together with a cross index showing the location of each such licensed mechanical or electrically operated amusement device and amusement arcade.~~

~~(Ord. 43-82. Passed 5-18-82.)~~

~~**—707.18 TRANSFER OF LICENSE AND REGISTRATION.**~~

~~—(a) The amusement device license required by this chapter shall not be transferable to any other owner or exhibitor, but may be transferred to another mechanical or electrically operated amusement device of the same classification.~~

~~—(b) Upon the transfer of ownership of a licensed mechanical or electrically operated amusement device or upon the removal of such device out of the corporate limits of the City, the license of such device shall expire and the original owner in case of a sale or owner in case of a transfer outside of the corporate limits shall remove the decal as affixed pursuant to Section [707.13](#). Should the original owner in case of a transfer make application for the licensing of another mechanical or electrically operated amusement device of the same classification during the remainder of the current year, he may file an application for transfer of such license accompanied by a transfer fee of twenty-five dollars (\$25.00), and the original license. The City Auditor shall thereupon transfer the license to the new device, provided the applicant has in all other respects qualified for the issuance of such license as set forth in this chapter.~~

SECTION 2: That this Ordinance shall go into full force and effect at the earliest date permitted by law.

Requested by: Kim Maggard, Mayor and Steven Quincel City Auditor
Prepared by: Kim Maggard, Mayor
Approved as to form: Michael T. Bivens, City Attorney MTB 2/21/2022

DRAFT # 5

ORDINANCE NO. 008-2022 (Public Safety – 3rd reading – ADOPT 04/05/2022 - Elmore/)

AUTHORIZING AND APPROVING THE AMENDMENT OF THE CODIFIED ORDINANCES TITLED” FRINGE BENEFIT ENTITLEMENT”, 161.24(B).

WHEREAS, due to technology and City of Whitehall service garage computerized vehicle gas system program, there is no longer a need for specific safety personnel to keep a paper daily odometer log; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: The Council of the City of Whitehall, Ohio appreciates technological advances and supports efficiency in all departments

161.24 FRINGE BENEFIT ENTITLEMENT.

(a) No form of compensation or employment benefit, regardless of type, kind or nature, shall be extended to any employee or office holder without prior legislative authorization as set forth within this chapter, a collectively bargained contract or the prevailing salary ordinance.

(b) No City owned vehicle may be used by any office holder or employee for personal commuting transportation to and from employment and the employee’s residence, without express legislative authorization. The current Chiefs in the Division of Fire and Police and Assistant/Deputy Chiefs shall be assigned a City-owned and equipped vehicle for their use for official City business for the purpose of improved efficiency and effectiveness of the respective Departments. By the nature of their respective positions, these employees are required to be on all at all times. Due to the criteria of disaster incident command, and the critical need to provide emergency response to situations occurring in the City, such assigned vehicles shall be used for personal commuting between the residence and workplace. All personal use of said vehicles, other than commuting between the residence and the workplace is prohibited. ~~A daily log of odometer readings for this authorized use shall be maintained on forms approved by the city Auditor and acceptable for purposes~~

~~of State audit and submitted on a monthly basis to the Director of Public Safety for review and approval. After approval, copies of such reports shall be forwarded to the City Auditor. Canine unit handlers shall be assigned city-owned and equipped vehicles as part of their responsibilities including transportation of canines to and from the handler's residence to assigned work areas, veterinarian appointments, training and integration of canines into the handler's family unit. A monthly odometer log shall be maintained by the handler and submitted on a monthly basis to the Director of Public Safety for review and approval. After approval, copies of such reports shall be forwarded to the City Auditor.~~

(c) If doubt exists as to an employee's entitlement to a benefit, that doubt shall be resolved as to the employee not being so entitled to the claimed benefit.

(d) Any official or employee of this City who receives a benefit to which that person is not expressly entitled by legislative authority shall be liable to the City for repayment of the full value thereof. Repayment may be accomplished by payroll deduction, and if that is not possible or the employee disputes the liability, the matter shall be referred to the City Attorney for appropriate action as may be deemed necessary

SECTION 2: That this Ordinance shall go into full force and effect at the earliest date permitted by law.

Requested and Prepared by: Kim Maggard, Mayor

Approved as to form: Michael T. Bivens, City Attorney MTB 2/21/2022

PARKS AND RECREATION – **Chairperson Heck**
Members: Kantor, Conison & Elmore

No drafts or pending legislation.