

WHITEHALL CITY COUNCIL COMMITTEE MEETINGS

AGENDA

TUESDAY, SEPTEMBER 27, 2022

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

THERE ARE **SIX** PIECES OF DRAFT LEGISLATION ON THE AGENDA.

COMMITTEE OF THE WHOLE LEGISLATION/ISSUES:

DRAFT # 1

RESOLUTION NO. 033-2022 (*Comm. Of the Whole – 1st reading – ADOPT 10/04/2022- /)*

AUTHORIZING THE MAYOR AND THE COUNCIL OF THE CITY OF WHITEHALL TO ADOPT BY RESOLUTION THE USE OF AN EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY COVERAGE IN LIEU OF BONDS TO COVER LOSS BY FRAUDULENT OR DISHONEST ACTIONS OF EMPLOYEES AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall, in Franklin County is a member of the Public Entities Pool (PEP), a political subdivision risk pool established pursuant to Ohio Revised Code hereinafter “ORC,” 2744.081; and

WHEREAS, House Bill 291 was signed into law on December 20, 2018 and became effective March 19, 2019; authorizes the use of an, “employee dishonesty and faithful performance of duty policy,” instead of individual surety bonds for elected officials, employees, and appointees who re otherwise required by law to acquire a bond before entering upon the discharge of duties; and

WHEREAS, in accordance with ORC 3.061, the “political subdivisions”, (meaning counties, townships, “municipal corporations,” including villages and cities) must adopt a policy by resolution to allow the use of an “employee dishonest and faithful performance of duty” coverage document, rather than a surety bond, to cover loss by fraudulent or dishonest actions of employees and failure of employees to faithfully perform duties; the following shall apply to the policy:

1. An officers, employee, or appointee shall be considered qualified to hold the office or employment, without acquiring a bond, on the date the oath of office is taken, certified, and filed as required by law.
2. An officer, employee, or appointees shall have the employee dishonesty and faithful performance of duty policy in effect before the individual’s term of office or employment and the officer, employee or appointee shall not commence the discharge of duties until coverage is documented.
3. All officers, employees, or appointees who would otherwise be required to file a bond before commencing the discharge of duties shall be covered by and are subject to the employee dishonesty and faithful performance of duty policy instead of a surety bond requirement.
4. The coverage amount for an officer, employee, or appointee under an employee dishonest and faithful performance of duty policy shall be equal to or greater than the maximum amount of the bond otherwise required by law.

5. Elected officials, prior to taking the oath of office and holding office, shall obtain approval of the intent to use the PEP coverage agreement and affirm that the public entities coverage complies with ORC 3.061. Said approval shall be obtained by the Clerk of Council and/or City Administrator, City of Whitehall in Franklin County, Ohio.

WHEREAS, the City of Whitehall, in Franklin County Ohio approves the employee dishonest and faithful performance of duty policy through the PEP coverages document and complies with ORC 3.061.

NOW, THEREFORE, BE IT RESOLVED that on this date Tuesday, October 4, 2022, the City of Whitehall, in Franklin County, hereby authorizes the City of Whitehall to purchase and use the “employee dishonesty and faithful performance of duty policy” through PEP instead of individual surety bonds for officers, employees, and appointees who are otherwise required by law to acquire a bond before entering upon the discharge of duties,

STANDING COMMITTEES

ADMINISTRATION AND FINANCIAL MANAGEMENT - Chairperson Bailey

Members: Conison, Heck & Smith

DRAFT # 2

ORDINANCE NO. 062-2022 (*Adm & Fin Mgmt – 1st reading – ADOPT 10/04/2022-* /)

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF THIRTEEN THOUSAND AND NO/DOLLARS **(\$13,000.00)** FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND 101 TO THE PRE EMPLOYMENT MISC. EXPENSE ACCOUNT 101.450.52500 AND DECLARING AN EMERGENCY.

WHEREAS, due to the amount of new employee hires, pre-employment expense account that encompasses background and testing for potential employees now requires a supplemental appropriation; NOW, THEREFORE,

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

SECTION 1: The Council of the City of Whitehall authorizes and approves a supplemental appropriation in the amount of thirteen thousand and no/dollars (\$13,000.00) from unappropriated monies in the General Fund 101 to the Pre-Employment Misc. expense account 101.450.52500.

SECTION 2: That this Ordinance 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 this expense account requires additional funding to continue to pay invoices and bills associated with backgrounds and testing for potential new hires; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

DRAFT # 3

ORDINANCE NO. 063-2022 (*Adm & Fin Mgmt – 1st reading – ADOPT 10/04/2022-* /)

MAKING A FUND TRANSFER IN THE AMOUNT OF SIXTY-FIVE THOUSAND EIGHT HUNDRED FORTY-FIVE AND 09/100 DOLLARS **(\$65,845.09)** FROM THE BOND RETIREMENT ACCOUNT (101-950-57500) TO THE DEBT SERVICE FUND (401) AND DECLARING AN EMERGENCY.

WHEREAS, the City had made renovations to City Hall, the Police and Fire Department buildings, and the Service Department garage which included the Capital Lease for energy upgrades; and

WHEREAS, the Auditor of State requires bond retirement payments and other long term debt be paid from the Debt Service Fund; NOW, THEREFORE,

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

SECTION 1: That there be and is hereby transferred the sum of sixty-five thousand eight hundred forty-five and 09/100 dollars (\$65,845.09) from the Bond Retirement Account (101-950-57500) to the Debt Service Fund (401).

SECTION 2: That the City Auditor is hereby authorized to draw his warrant upon the Treasurer of the City for these funds for the purpose of debt retirement.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for further reason that these monies need to be available to pay the City debt; WHEREFORE, this ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

DRAFT # 4

ORDINANCE NO. 064-2022 (*Adm & Fin Mgmt – 1st reading – ADOPT 10/04/2022-* /)

MAKING A FUND TRANSFER IN THE AMOUNT OF THIRTY-THREE THOUSAND EIGHTY-TWO AND 06/100 DOLLARS (\$33,082.06) FROM THE BOND RETIREMENT ACCOUNT (101-950-57500) TO THE DEBT SERVICE FUND (401) AND DECLARING AN EMERGENCY.

WHEREAS, in 2015 the City was awarded a loan by the Franklin County Commissioners for making street improvements along North Hamilton Road; and

WHEREAS, the Auditor of State requires bond retirement payments and other long term debt be paid from the Debt Service Fund; NOW, THEREFORE,

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

SECTION 1: That there be and is hereby transferred the sum of thirty-three thousand eighty two and 06/100 dollars (\$33,082.06) from the Bond Retirement Account (101-950-57500) to the Debt Service Fund (401).

SECTION 2: That the City Auditor is hereby authorized to draw his warrant upon the Treasurer of the City for these funds for the purpose of debt retirement.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for further reason that these monies need to be available to pay the City debt; WHEREFORE, this ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

DRAFT # 5

ORDINANCE NO. 065-2022 (*Adm & Fin Mgmt – 1st reading – ADOPT 10/04/2022-* /)

AUTHORIZING AND APPROVING AMENDMENTS TO 161.30 TITLED “SURETY BONDS” AND DECLARING AN EMERGENCY.

WHEREAS, House Bill 291 was signed into law on December 20, 2018 and became effective March 19, 2019 and provides a choice to public governmental entities to protect the city against fraudulent or dishonest actions of employees through surety bonds or through liability insurance purchased by the city; and

WHEREAS, as now there is a choice, it is proper to update 161.30 titled “Surety Bonds” to include the choice of using purchased liability insurance to cover fraudulent or dishonest actions of employees; NOW, THEREFORE,

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

SECTION 1: That the Council of the City of Whitehall authorizes the use of property liability insurance or surety bonds to cover fraudulent or dishonest actions of employees.

161.30 SURETY BONDS.

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

<u>Office</u>	<u>Bond</u>
Treasurer	\$ “sufficient surety”
Auditor/Income Tax Commissioner	\$ “sufficient surety”
Deputy Auditor	\$ “sufficient surety”
Deputy Tax Commissioner	\$ “sufficient surety”

(b) The Mayor is hereby authorized to obtain blanket bonds or through liability insurance 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 or ORC 2744.081.

(c) The cost of such bonds or liability insurance as described above 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 or through liability insurance.

SECTION 2: That this Ordinance 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 the City of Whitehall will be entering a new contract with the insurance provider and would like these changes to be made to the policy; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

COMMUNITY STANDARDS AND ENFORCEMENT – Chairperson Smith

Members: Kantor, Elmore & Dixon

THIRD READING:

ORDINANCE NO. 054-2022 (*Comm. Stand & Enf.– 3rd reading – ADOPT 10/04/2022-Smith/Dixon*)

PUBLIC HEARING 10/04/2022

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 1123.12(c)(5) TO ALLOW MAGIC REAL ESTATE HOLDINGS, LLC TO OPERATE A PAINTLESS DENT REMOVAL FACILITY ON THE PROPERTY LOCATED AT 4629, 4645 AND 4651 POTH ROAD and 181A, 181B, 181C, 181D, 181J, 181N and 181P NORTH HAMILTON ROAD PROPERTY OWNED BY HGI-MIDWEST LLC.

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 # 6

ORDINANCE NO. 066-2022 (*Inf., Maint. & Srvs. – 1st reading – ADOPT 10/04/2022-Conison/*)

AUTHORIZING THE EXECUTION AND DELIVERY OF A COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY AND MAMA COMPANY, INC., WODA COOPER DEVELOPMENT, INC. OR A DESIGNEE AND DECLARING AN EMERGENCY.

WHEREAS, this Council, by its Ordinance No. 19-98 (as subsequently amended by Ordinance No. 040-2011 and Ordinance No. 041-2022, the “CRA Ordinance”) created the Main Street Re/Development District Community Reinvestment Area (the “CRA”); and

WHEREAS, this City desires to encourage the redevelopment of real property and the creation of housing and employment opportunities within the CRA; and

WHEREAS, this Council anticipates amending the CRA Ordinance to permit abatements for multi-family residential projects; and

WHEREAS, Mama Company, Inc. and Woda Cooper Development, Inc. (including their respective successors, assigns or designees, the “Company”) desires to invest approximately \$16.8 million to construct 102 residential apartments on an approximately 4 acre site on parcel #090-001900-00, located at 3540 East Main Street (the “Project”); and

WHEREAS, the Company has submitted an application requesting a 15-year, 100% real-property tax exemption for the Project (the “CRA Application”); and

WHEREAS, in order to facilitate the completion of the Project and the creation of the related housing and employment opportunities, this Council desires to grant to the Company a 15-year, 100% real-property tax exemption for the Project (the “CRA Exemption”); and

WHEREAS, notice of the proposed execution of the CRA Application has been delivered to the Board of Education of the Whitehall City School District and the Eastland Joint Vocational School District in accordance with Ohio Revised Code Section 5709.83; NOW; THEREFORE:

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

SECTION 1: The City grants the CRA Exemption for the Project pursuant to Ohio Revised Code Section 3735.67 which exemption shall be in the amount of 100% for a period of 15 years commencing in the first year for which the Project improvements would first be taxable were those improvements not exempted from taxation. The City may revoke the CRA Exemption if the owner of the Project does not comply with the declaration of covenants recorded by the owner in favor of the City. This Counsel hereby authorizes payment of \$20,000 of annual payments in lieu of taxes made by the owner of the Project and received by the City pursuant to the declaration of covenants to the Whitehall City School District. Pursuant to and for purposes of Ohio Revised Code Section 3735.66, this Council finds and determines that the Project is composed of multiple residential units and shall be classified as residential. This Council further declares that the real property tax exemption granted by this ordinance is senior to the tax increment financing real property tax exemption granted pursuant to Ordinance 102-05 or any other real property tax exemption granted pursuant to Ohio Revised Code Section 5709.40.

SECTION 2: This Council further hereby authorizes the Mayor, the City Administrator and the City Attorney, and other appropriate officers of the City, to sign those instruments and make those arrangements as are necessary carry out the purposes of this ordinance.

SECTION 3: This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and any of its committees and that all deliberations of this Council or any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Ohio Revised Code Section 121.22.

SECTION 4: That this Ordinance 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 the project is supported by and is in line with the goals of the Whitehall Works Comprehensive Development Blueprint adopted by City Council on July 16, 2019, that the Woda Cooper Companies will make additional improvements to the public infrastructure, such as new sidewalks and curbs as part of this redevelopment, that the creation of affordable and workforce housing units address the housing crisis that currently exists in Whitehall, that the Woda Cooper Companies will construct a new shared use path along the western portion of the property that will connect to the City of Columbus' proposed Eastmoor Green Line park and that once constructed, the Woda Cooper Companies will transfer the path and the land necessary for maintenance and access (approximately 30 feet in width) to the City to be designated City right-of-way and used for public purposes and enjoyment, that additional investments in public infrastructure as proposed in the 2022 Capital Improvement Projects (CIP) Budget are contingent on this redevelopment occurring; WHEREFORE, this Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

Requested and Prepared by:: Zach Woodruff, City Administrator
Approved as to form: Michael T. Bivens, City Attorney MTB 9/27/2022

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

THIRD READING:

ORDINANCE NO. 055-2022 (*Public Safety – 3rd reading – AMEND & ADOPT 10/04/2022-Elmore/Dixon*)

AUTHORIZING AND APPROVING AN AMENDMENT TO THE AUTHORIZED TABLE OF PERSONNEL
161.37(E)(2) TITLED “POLICE DIVISION”.

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

No drafts or pending legislation.