

WHITEHALL CITY COUNCIL

AGENDA MEETING MINUTES

President Potter called the January 4, 2022 agenda meeting to order at 6:30 p.m. All members were present with the exception of Ms. Elmore.

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

City Administrator Zach Woodruff said he knows that he has spoken with members of Council regarding this piece of legislation. Last week, he and the Mayor had a call with Joe Mazzola, Franklin County Health Commissioner regarding the city's mask mandate and the rising cases of the covid-19 omicron variant. As everyone is aware, the Mayor extended the mask mandate through the end of January. Part of the conversation with Franklin County Public Health was how we work to inform, educate the local businesses as to what their responsibilities are and how do they continue to ensure that our residents, businesses and customers in Whitehall are safe. What this legislation will do is authorize an additional agreement with Franklin County Public Health. As everyone is aware, the city currently already contracts with Franklin County Public Health. This will provide additional resources that the County Commissioners have given to the Franklin County Board of Health for the suburban communities, including signage, masks and site visits to businesses where they have received complaints of non-compliance. They respectfully requested passage on first reading by emergency so they can enter into this agreement this week and begin to get those resources in the hands of area businesses.

The meeting adjourned at 6:38 p.m.

Respectfully submitted,

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Julie A. Ogg, Clerk of Council

APPROVED: \_\_\_\_\_, 2022.

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Thomas M. Potter, Council President

## WHITEHALL CITY COUNCIL MEETING

### MINUTES – January 4, 2022

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President Potter called the regular meeting of Whitehall City Council to order at 7:00 p.m. on Tuesday, January 4, 2022.

At President Potter's request, everyone rose for a moment of silence. Those assembled then recited the Pledge of Allegiance.

On roll call by the clerk, the following members of council were present:

Bob Bailey  
Gerald Dixon  
Karen Conison  
Wes Kantor  
Jo Anna Heck  
Amy Smith

Mr. Bailey moved to excuse the absent member and Mr. Kantor seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and Chairperson Elmore was excused.

#### APPROVAL OF MINUTES:

Ms. Conison moved to approve the December 21, 2021, agenda and regular meeting minutes. Mr. Kantor seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the minutes were approved as submitted.

#### POLL PUBLIC:

No comments at this time.

#### STANDING COMMITTEE REPORTS:

There were no Standing Committee Reports.

#### OFFICIALS' REPORTS

Mayor Kim Maggard – she wished everyone a Happy New Year. She welcomed the new City Council members, Amy Smith Ward 3 and Gerald Dixon Ward 1. She knows they both will do excellent and she appreciates the hard work she knows they will do. She asked for Councils consideration on Ordinances 127-2021, 128-2021, 129-2021 130-2021 that will be heard in the public hearing, also Ordinance 001-2022 for passage on emergency measure.

City Administrator Zach Woodruff – he wished everyone a Happy New Year. He asked for favorable consideration on Ordinance 001-2022.

City Attorney Michael Bivens – he thanked everyone for coming out tonight. The official report from the City Attorney’s Office, to report in the month of December, the City Attorney’s Office handled two hundred forty two cases in Mayors Court and Municipal Court. Out of those two hundred forty two cases, Whitehall residents of a criminal nature committed thirty-nine of those cases. That is about sixteen percent. Year to date, the City Attorney’s Office they were able to effectively prosecute about three thousand five hundred thirty nine cases for the year 2021. Out of the three thousand five hundred thirty nine cases, Whitehall residents of a criminal nature committed five hundred thirty four of those cases, which is about fifteen percent. If anyone saw the news recently, Police Chief Crispen was speaking predominately as it relates to the felony statistics in the City of Whitehall and he made the statement that non-Whitehall residents commit seventy-five percent of the felony cases committed in the City of Whitehall. This tends to track the reports given to Council every month and tracks the same with respect to the municipal cases that his office handles. What he has done and endeavored to do, at least at the beginning of the year, he sent out an email to individuals who were identified as community leaders, public servants, social service agencies. The emails titled was Help. He is asking these individuals to come to the table to create a steering committee that they can envision and try to become solution based oriented, so they can strategically identify what they can do to stop the seventy five to eighty five percent that is coming into the City of Whitehall. Is it a program? What is it? All he knows from his experience being an attorney and prosecuting all these cases is not to put anything down with respect to government services and more police on the street. If you put one hundred police on the street, that is not going to stop the domestic violence cases. Those things occur inside of the home. Those are matters of morality, righteousness and things that happen in the day-to-day lives of the people that live in the city. His thought is to bring together community partners like that, that he is opening it up at this point and this is why he is making this statement tonight to all of them, the citizens who are there and are watching, if someone is interested in about being solution based and solution oriented, contact his office, the number is on the city’s website. It is 614-237-9802 and just say that you are interested about envisioning solutions to the problems. He really believes his office is especially situated to deal with these issues. The police see one aspect. His office sees them once they have been charged, once they come in to court, once they have been convicted. What can they do from a wraparound perspective that can stop these individuals from not only doing anything else but also the individuals in their homes? Can they be solution oriented so they can start closing the doors to these types of things with the hopeful effort to create a blueprint or model sometime in the mid-summer, that they can be proud of and put forward that the City of Whitehall is actually going to do something to stop these types of crimes from happening in the city.

City Auditor Steve Quincel – he had no official report. He said this was his second day on the job and he has access to the network.

Public Safety Director Van Gregg – was not present.

Treasurer– vacant.

President Potter – advised that no Officials’ Reports have been filed in the Council Office since the last meeting.

#### COMMUNICATIONS, PETITIONS AND CLAIMS:

No Communications, Petitions and Claims have been filed in the Council Office since the last meeting.

PUBLIC HEARING:

President Potter opened the public hearing on Ordinance No. 127-2021 at 7:09 p.m.

ORDINANCE NO. 127-2021 was read by title only by President Potter:

AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1122 OF THE 1970 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, CHANGING THE ZONING ON PROPERTY LOCATED ON 3540 E. MAIN STREET, AND 739 & 721 MAPLEWOOD AVENUE, PARCEL NUMBERS 090-002122, 090-001890, 090-003640, 090-001900, 090-002485, 090-003638, 090-008240 FROM R-3 RESIDENTIAL DISTRICT AND GENERAL COMMERCE DISTRICT (GCD) TO A-2 APARTMENT DISTRICT, PROPERTY OWNED BY MAMA COMPANY INC. AND DECLARING AN EMERGENCY.

Michael Shannon, Attorney for the Applicant, 8000 Walton Parkway, New Albany, OH said he was here on a matter that has been before Council before. The primary purpose of tonight's meeting was to fulfill a commitment that was made some time ago. He has come back to Council to demonstrate the willingness to work with the neighbors and the city to try to make improvements on Woda's proposed affordable housing project down on Maplewood and Main. As Council is aware, this twenty five million dollar development is proposed to the city. Since last they met, based on meetings with you constituents, a couple of meetings conducted by his client with no attorneys present, which was probably not a good move. Based on a lot of work by the Administration and the adjoining neighbors, they made the following changes to the plan. Primarily, the changes are to the north portion of the site that butts the residential on Maplewood. Most significantly, they reduced the height of the structure from forty-five feet to thirty-four feet on the northern most portion of the drawing. Again, that is a significant step down from the original building and it is to mitigate the effect of the development on the abutting residential. They have greatly enhance the landscape plan and a particular note, on the northern portion of the site, they have added pine trees that will be a minimum of twelve feet tall upon installation with a four inch caliber which is a very significant planning commitment. There will also be a privacy fence on the northern property lines and will extend along the western line as well. It will go up as far as the four properties shown. To the north of the site, the privacy fence will extend that far up. Since they last met, on the western part of the site, the client has agreed to provide thirty-feet of right of way to facilitate the ongoing expansion of the City of Columbus to develop bike paths and pedestrian paths. At their own expense, in addition to donating the thirty-feet of right of way, on the western perimeter, they are going to construct the ten-foot pedestrian path. Since last they met, they have had a traffic study that confirmed that there is a minimal impact on the neighborhood traffic because of this development. Although not recommended by the traffic study, a strong desire of the neighbors was to get all the access off Maplewood so the client agreed to include an access off Main Street. That will be a right in access so traffic coming down Main Street heading in a westerly direction can turn into the site without going on Maplewood to access the site. One of the fundamental things that needs remembered when talking about zoning, is that obviously is safety, health and welfare and when you zone property, you zone the use; you do not zone the user. It would be discriminatory for this Council in any way, shape or form to say that they do not support this because it is affordable housing. Under the eyes of the law, it is the same as market rate housing. He spends a lot of time explaining to the neighbors that it is about sixty percent of the adjusted median income and sometimes it is as high as eighty percent or as low as thirty percent. These people are working. The housing shortage in central Ohio is evident. His daily job as a zoning attorney (?) is (?) market rate housing. This is a proper public purpose zoning of the public health, safety and welfare because they are providing affordable housing they are also removing blight upon the city. Sandusky Builders lot has been vacant for seventeen years. He represented them thirty years ago when they tried to get a cell tower on their site so they could get additional income and that was turned down by a previous Council some twenty-five years ago. When you look at that site and the blight that exists there now and the opportunity for a twenty-five million dollar development, construction jobs it will create and the revenue it will bring the city, they think from a zoning perspective, this meets the requirements of the code. The primary purpose, as you know there have been changes in the code that they

made a commitment to this Council that they would (?) and work with the neighbors and that is why they are here tonight.

Chairperson Bailey said he appreciates all the changes that were agreed upon. He thinks they are in line with some of the thoughts Council had.

Mr. Shannon answered questions from Council at this time.

City Administrator Woodruff said there is not adequate spacing on the site with where the building sits to be able to facilitate the right-in right-out. Mr. Shannon is right. There are other traffic issues on Main Street that looking at it with the engineering firm did not have the space. If you look at the site plan, there is not adequate room between the building and the thirty foot easement for the right of way the city is getting to facilitate two way traffic. As they understood, the concerns of the neighborhood are getting in to the site and when they coupled that with the traffic study that was done for this project, which resulted in no call for additional mitigation. They felt this was an adequate accommodation for the project.

Councilperson Dixon asked Mr. Woodruff if what he was saying was that it is only wide enough for one lane.

Mr. Woodruff said that was correct. It is sixteen feet now, typically for a two-lane private drive, you are going to need twenty two to twenty four feet plus and there is just not the space to be able to accommodate that. One of the reasons is the building really cannot be shifted, in this area right there; there is a City of Columbus storm sewer pipe.

There was discussion as to whether people going eastbound will try to turn left into the drive. There was additional discussion on the design of the tail to discourage drivers from doing it.

Chairperson Heck asked how many units are in the building and what the breakdown was.

Mr. Shannon replied there were one hundred and two units.

Clay Cooper with Woda Copper said there are sixteen one bedroom, sixty-three two bedroom and twenty-three three bedrooms.

President Potter asked if there was a staff report they would like to share tonight.

Mr. Woodruff replied no, there is not a formal staff report with them this evening as his staff member is out ill. At the Planning Commission, she did share it and the city obviously gave a favorable staff report at that time to the Planning Commission.

President Potter asked if there were any opponents to Ordinance 127-2021.

There were no opponents.

President Potter asked if there were any proponents to Ordinance 127-2021.

There were no proponents.

After confirming with Ms. Ogg that there were no additional proponents or opponents on Ordinance 127-2021, President Potter closed the public hearing at 7:26 p.m.

President Potter opened the public hearing on Ordinance No. 128-2021 at 7:27 p.m.

ORDINANCE NO. 128-2021 was read by title only by President Potter:

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 1123.06(c)(7) TO ALLOW AN APARTMENT DWELLING STRUCTURE CONTAINING MORE THAN TWELVE DWELLING UNITS ON THE PROPERTY LOCATED AT ON 3540 E. MAIN STREET, AND 739 & 721 MAPLEWOOD AVENUE, PARCEL NUMBERS 090-002122, 090-001890, 090-003640, 090-001900, 090-002485, 090-003638, 090-008240, PROPERTY OWNED BY MAMA COMPANY INC. AND DECLARING AN EMERGENCY.

Michael Shannon, Attorney for the Applicant, 8000 Walton Parkway, New Albany, OH said that the presentation he was going would be quite similar to the one he just gave. Obviously, when you are looking at zoning, is that obviously safety, health and welfare of the residents. To the extent that this project is (?) affordable housing. It removes a blighted property and it has been that was for over fifteen years. All together, the applicant is providing the public amenity of the pedestrian space and thirty feet of right-of-way, all the commitments that were made since Council considered this application merits favorable support. Not to preach to the choir, when you zone property, you zone the use; you do not zone the user.

President Potter asked if there were any questions from Council or a staff report.

There were no questions.

Mr. Woodruff said same as before. We shared a favorable staff report for this project at the Planning Commission meeting and that report is on file.

President Potter asked if there were any opponents to Ordinance 128-2021.

Carolyn McIntosh, 140 Rita Court, Whitehall, OH said she wanted to make a comment that the people have already spoken and challenged them in the Ohio Supreme Court. It is too much and (?) someone has been here for twenty-five years. There has never been an impact study. The only thing that gets impacted is the bottom line. To her it appears that is their primary motivation. Not to care about the little people. They have already spoken and she would like to see that respected.

President Potter asked if there were any proponents to Ordinance 128-2021.

Brian Savage, Savage Real Estate, said he represents the property owner. He said he has tried to sell this property for twelve years. They have worked multiple times with the city to try to find a qualified useable tenant to take over the property. Going through the different processes, they have been diligent listening to the city and what they wanted. They felt that this contract was going to be the best use for that property and it would help initiate future development. As a real estate broker or as a developer, they know that blighted areas, once they start redevelopment it will start the process for additional development. With this development, they feel that this is going to be the catalyst to move things forward and they hope the city approves it.

After confirming with Ms. Ogg that there were no additional proponents or opponents on Ordinance 128-2021, President Potter closed the public hearing at 7:32 p.m.

President Potter opened the public hearing on Ordinance No. 129-2021 at 7:32 p.m.

ORDINANCE NO. 129 -2021 was read by title only by President Potter:

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)(1) TO ALLOW OLIO DEVELOPMENT GROUP TO OPERATE A RESTAURANT ESTABLISHMENT WITH A DRIVE-THROUGH ON THE PROPERTY LOCATED AT 3661 EAST MAIN STREET PARCEL #090-008372-00, OWNED BY SRI REAL ESTATE PROPERTIES LLC.

Jara Barreto, 1062 Ridge Street, Columbus, OH said she is the design and development manager for OLIO Development Group and she is there to speak on behalf of Raising Cane's. They are requesting a special use permit so that they can operate a drive-thru on the east side of the building. There are canopies above this particular drive-thru. It has lights but it also have heaters and fans. They do not have anything around that parcel that would impact residential areas and they will keep the same hours as businesses in the area. They feel the drive-thru is an appropriate use and is consistent with the surrounding uses.

Councilperson Kantor asked about the hours of operation and how many employees will they have.

Ms. Barreto replied, the hours of operation are 9:00 am until 9:00 pm. with sixteen employees. Although Raising Cane's does include a drive-thru, the careful thought-out architecture and aesthetically pleasing front patio will make it a perfect addition to East Main Street.

Councilperson Dixon said that Raising Cane's reputation preceded them. People are excited about having a Raising Cane's nearby and not having to go out to Reynoldsburg. That is a great thing. At this time, Mr. Dixon passed something out to all Council members and the Mayor. He said he notices as business come into Whitehall and he is all for that, there tends to be an increase in litter certainly. Before Burger King was there, he never had Burger King trash in his yard but now he does and the same thing with Target bags. He knows that many citizens speak out about this and have concerns. It has been shown that nearly fifty percent of the litter that exists out there is fast food litter. Given that, it concerns him and with a drive-thru. There is one overarching thing that concerns him and that is the environment. There are two prongs to that, one is litter and one is air quality. Cars sit in long lines with their exhaust filling up the air. There is a lot of things to concern oneself with Whitehall and its successes. One of them is the quality of life, air quality etc. and so there is that and as he said before his concern about the litter. What proactive measures are in place that Cane's has in biodegradable takeout wares, bags, cups, utensils, etc.

Ms. Barreto replied that she has not been in any conversations regarding the actual, not production, but their actual team members and how they handle things inside the restaurant, like napkins. Her involvement with Raising Cane's is more in the actual architectural portion of it and how it will sit in the actual community. One thing she can tell them about the actual restaurant is they will have areas inside and outside for trash. Besides telling people there is a trash can for the litter, there is really not much more she can provide but the architectural portion of the building.

Councilperson Dixon asked if there was anyone with Ms. Barreto that does represent Raising Cane's and would be available to answer these questions?

Ms. Barreto said she could definitely talk with someone from Raising Canes and get back to Mr. Dixon about the impact on the environment and their packaging solutions, which is not something that was actually in their conversations.

Councilperson Dixon said it was a multi-national corporation and he would hope they would have a responsibility and be proactive about the community.

Ms. Barreto said she is sure they have it but she is not part of that conversation.

Councilperson Dixon said so you personally are not sure.

Ms. Barreto replied no.

Councilperson Dixon said he was not sure about his next question. He thinks it is important. It is one thing to perhaps educate the public in whatever means we have available, littering, signage, etc. but that also goes to the company itself and what they do to be proactive about non-littering campaigns. What anti-littering signage or verbiage on bags or cups you currently have or intend to have.

Ms. Barreto said she could not answer the question. Like she mentioned before, she sticks to the actual design of the building not the production. She said she would try to find out that information because she thinks it is important care for the environment. What can be done is labeling of all trashcans, make sure they are at all exits and at specific areas inside our restaurants, so that when we go there it is obvious where the trash needs to go. That is design wise how she can help this.

Councilperson Dixon said he had one last thing and he asks these questions because he thought he might be able to get answers for them. What is Cane's commitment to the environment both globally and local?

Ms. Barreto said one of the things she can say is that every single piece of equipment they do have in the kitchen is the best they can possibly have in a fry kitchen. It is equally responsible. They try to source everything that they can because the environment not only needs the actual future of the air but how you make a community also part of your restaurant. She thinks that is where she can speak of. She knows that all their equipment and the units that they use are energy saving, less pollution in the water and not having dirty oil in our restaurants.

President Potter asked if there were any opponents to Ordinance 129-2021.

There were no opponents.

President Potter asked if there were any proponents to Ordinance 129-2021.

There were no proponents.

After confirming with Ms. Ogg that there were no additional proponents or opponents on Ordinance 129-2021, President Potter closed the public hearing at 7:45 p.m.

President Potter opened the public hearing on Ordinance No. 130-2021 at 7:46 p.m.

ORDINANCE NO. 130-2021 was read by title only by President Potter:

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)(1) TO ALLOW MS CONSULTANTS, INC. TO OPERATE A RESTAURANT ESTABLISHMENT WITH A DRIVE-THROUGH ON THE PROPERTY LOCATED AT 3646 E. BROAD STREET PARCEL #090-000193-00, OWNED BY GILLIGAN COMPANY, LLC.

Brian Montgomery, MS Consultants, 2221 Schrock Road, Columbus, OH and Bob Gearheart, Gilligan and Company, 3163 Fisher Place, Upper Arlington, OH were here tonight to request a special permit to operate a Dunkin Donut restaurant with a drive-through at 3646 E. Broad Street. It is approximately two thousand three hundred square foot building with two order points in the back. The exterior of the building will be brick with glass windows. There is a single access point on East Broad Street with a counter clockwise traffic pattern around the building. There are twenty parking spaces, which complies with the zoning code. There is pedestrian access from the sidewalk on East Broad Street that will

encourage pedestrians to come inside the building. The owner has also agreed to install a City of Whitehall sign on the property to mark entry into the city.

President Potter asked if the city had a staff report it would like to share.

Mr. Woodruff said the staff report is on file Mr. President.

President Potter asked if there were any questions from Council.

Chairperson Dixon said he had a couple of questions. He was trying to look at the plans and see what was going on. He is curious as to what the entrance and exit situation is. Is it one exit and one entrance, is it two, or if there is one large one on Broad or how does that work out.

Mr. Montgomery said there is one large entrance on Broad Street, that was done in order to facilitate not having traffic coming in and out of one entrance on Broad Street and the other to allow for circulation of the delivery trucks onto the property.

Chairperson Dixon said his does not seem as clear as the one up there. His concern is about the busyness at this location. He is sure that there are many people out there, including himself that love Dunkin. This is right across from Kroger's with an entrance and exit there. It is right near the intersection of Maplewood and Broad. There is a lot of stuff going on right there, you have an entrance close to yours, as well as Lowes, and Walgreen's right there. Is there anything you might know or Mr. Woodruff as far as traffic studies? You know people are going to want to go east out of Dunkin and the traffic is going to be piled up at the traffic light at Maplewood. That really concerns him because Bob Summerall's Tires/AAA was not that busy so it was not such a big deal with the traffic. He thinks Dunkin's will be much busier than that. His concern is about the added traffic onto Broad at many different times of the day.

Mr. Montgomery said their hours of operation are 5:30 am until 8:00 pm. They have seventy five to eighty percent of their business in by 10:00 am. That is just the nature of how the business works. Most people are coming in getting coffee and donuts and they are in and out very quickly. There is a small window where you could have that, but the fact that we have the three windows that allows cars to get in and out quickly. They do not feel that will be an issue as far as that time and early morning before the other businesses are even open.

Chairperson Dixon asked if there were entrances and exits at the back of the property where they can turn onto Town & Country or Lowes.

Mr. Montgomery replied there is.

Chairperson Bailey asked if there was an average response time to filling an order.

Mr. Montgomery said they can get three cars a minute and they can one hundred eighty cars an hour.

Chairperson Bailey wanted to know how many cars would that be in a minute, three minutes or in ten minutes. Is there any way to demonstrate how often a car will be leaving as they pick up their order and exiting the property?

Mr. Montgomery said based on the flow and doing roughly three cars per minute, he does not know if he can give him the exacts.

Chairperson Bailey said so it somewhat controlled. There will not be ten cars in line leaving all at once.

Mr. Montgomery said you are correct and right.

Chairperson Dixon said to that, he might add, while there might not be ten cars leaving at the same moment, if traffic is really bad on Broad Street they may stack up trying to get out. It is just a concern.

Mr. Montgomery said that is why the other exit points are there.

Chairperson Kantor asked if he could show the back of the lot plan. They can come in between Lowes and the open field. On the east side, there is also access. (Many people talking at once) You actually have five entrances if you count the exit at McDonalds.

Chairperson Bailey said the volume of cars exiting onto Broad Street could be reduced by fifty percent because of those exits.

President Potter said he suspects that during busy time's people find it hard to get onto Broad Street especially going east (Many people talking at once).

Chairperson Bailey told President Potter that the other thought he had, and Mr. Woodruff could correct him, was he believes that property to be one of the biggest ones on Broad Street upgraded or whatever is being proposed.

Mr. Woodruff said yes, this site is in the first phase of the OPWC Broad Street Reconstruction.

Chairperson Bailey said this may be where he is mistaken, but is it not also in phase 1, 2 and 3 is an improvement or adjustment to the traffic light function all the way through that corridor on Broad Street.

Mr. Woodruff replied that it is not necessarily part of the OPWC but he will say they are finalizing the fiber installation project and traffic signalization project that will coordinate the lights all along Broad Street with the ultimate goal that there would be signalization coordination all the way from downtown and out to 270. He believes this is the project Mr. Bailey is getting to.

Chairperson Bailey said to Mr. Dixons point, it is a valid concern and one they raise at almost every time and how that traffic will affect existing traffic. He was satisfied when he saw this layout and he went over there and watched it. His biggest concern is the bus stop.

Mr. Woodruff said if he could Mr. President, just to piggyback on that, it is one of the reasons they worked with the applicant to ensure there were additional access, ingress and egress points off of the site that could get to a traffic signal. One of the larger issues they have on all of their commercial corridors and this was part of the conversation they had with their corridor rezoning is just the sheer number of curb cuts that exist in Whitehall. Currently, mistake him if he is wrong, he is having trouble visualizing it in his head, the entire front of Bob Summerall Tires is cub cut. Right. It is taking almost the entirety of the width of the current property and reducing the amount of curb cut. If you look at other jurisdictions that were built up later than Whitehall's Broad, Hamilton and Main were developed, what you will see in those jurisdictions are access roads behind the property that ultimately come out to a traffic signal so that they can control access onto the major road. Unfortunately, we do not have that the way the properties were developed in Whitehall. In talking with the applicant, they wanted to ensure that there was the ability for people either going from the light to the site or from the site to the light to be able to get on and off the property. That is one of the reasons that the site is ultimately developed this way was to reduce the direct impact onto Broad but then again, he would reiterate the entirety of the site currently is a curb cut.

Chairperson Kantor wanted to know about west turns from the site, as that would be five lanes along with people coming out of Kroger's and the light at Maplewood. If there is someone coming out of Dunkin going left/east and you have someone coming out of Kroger's going west, that is a problem.

Mr. Woodruff said again, when staff evaluated it, they felt like the ability to get to other traffic signals mitigated that and because the applicant currently on the site has the entire length of the property as a curb cut, they felt like this was a better solution to go to one curb cut rather than two curb cuts. They have to remember that this is being redeveloped in an already established area.

Chairperson Dixon asked if there was any way to at least have a no left turn sign there and a little median island at the entrance/exit (any people talking at once).

Mr. Woodruff said again, as they worked with the applicant to go to one curb cut as opposed to multiple curb cuts, the width of this particular access point is because of the delivery trucks they have, so if you put the little pork chop in the middle to reduce the amount of people turning left, then their delivery trucks would have a hard time getting on and off the site.

Chairperson Bailey said with the eastern exit, you could conceivably go out that exit and go down to the next light from that property.

Mr. Woodruff said the other thing he would say as having grown up with friends who used to own a donut shop down on Robinwood, the majority of the traffic, the reason if he were to guess that this applicant selected the north side of the road is they wanted downtown morning traffic, that will inevitably be right in/right out. When Burger King was buying Jolly Pirate, they tried to get Jolly Pirate to go somewhere else in Whitehall but at the time, we could not find a location that was on the north side of Broad that they would locate to. The vast majority of their sales are in the morning as people head downtown. It ends up being right in/right out in practical nature.

Chairperson Dixon said behind the current business that exists, there is tangle/grouping of trees that exist, as someone who belongs to the Arbor Day Foundation; he always concerns himself with trees. Are they going to be completely uprooted? Is something else going to be planted there? Are any of the going to be saved?

Mr. Montgomery said on the plan that is up on the screen, the majority of the trees will stay except for the ones that are in the entranceway, but the majority will be staying.

Chairperson Dixon asked what Dunkin's positions are on the environment as far as littering, not just positions but do they have recyclables, biodegradables, things like that.

Mr. Montgomery said Dunkin is franchised. Most are franchised and they do have a one tree planted program that they do. What he can say about the trash and everything is that they have monthly meetings with the operations team and as part of that monthly meeting, there are numbers that they go through and one is guest satisfaction service (GSS). When they go through that, because what their guests are telling the really matters and part of one of the criteria is within that GSS is cleanliness of the store. He cannot speak locally for Dunkin, but he can tell you that they take a lot of pride in training their employees to do the best they can. They are buying this for a reason and they want to make sure their guests are not coming into a building with trash on the ground.

Chairperson Dixon said he appreciates any proactive measurers in that department because anything that anyone can do is important.

President Potter asked if there were any opponents to Ordinance 130-2021.

Lisa Cotterman, 653 Maplewood Avenue, Whitehall, Oh said she works in Lewis Center. She goes to the Burger King that is right next door to a Dunkin Donut on 23. Every day she sees the traffic that backs up at Dunkin Donuts waiting in line and she cannot even get through the traffic to get around the back to where she wants to be. She is concerned that this is not big enough for the amount of parked traffic waiting in a line in a cue. She asked that she be shown how people are going to get out to go to a light.

Mr. Woodruff said Ms. Cotterman that exit there would get you to the drive that is currently behind the old Bob Summerall Tires.

Ms. Cotterman said so she is at the inside ordering window and where is she picking up her coffee.

Mr. Woodruff said on the right side.

Ms. Cotterman asked how does she get out of the back. (many speaking at one time) So she just goes around the circle? (many speaking at one time) So she will be in the traffic with people coming in and exiting as well? (many speaking at one time)

Mr. Woodruff said yes, that is correct.

Ms. Cotterman said all the traffic is one way and asked Mr. Woodruff if he does not see a problem with this?

Mr. Woodruff replied no.

President Potter said because everyone will be going one way. You will circle around the building and you just go around.

There was additional discussion about the direction of the traffic flow around the building and they called it a roundabout and you may have to yield to incoming traffic.

Mr. Woodruff said he appreciates the concern. As they have evaluated it, given their codes requirement on the amount of stacking that is required of a drive through and this exceeds that stacking by a significant factor so while he understands Ms. Cotterman's concern they do not share the same concern.

Mr. Montgomery said just to circle back on that, he does not know what the one on High Street Ms. Cotterman is referencing, he is not sure if it is a single or double window. This one has three windows. You have the pay window, the pick-up window and you actually have a third window if you have a large order you can pull up to that window and it takes away some of the traffic. Secondly, you see there are eight or nine cars before you get to the canopy and they have the double lanes going all the way down the right side so you can fit another eight cars there and he feels like there is plenty of room.

Mr. Woodruff said if he is not mistaken, the city code requires stacking for seven and Mr. Montgomery just described stacking for significantly more than that.

President Potter asked if there were any proponents to Ordinance 130-2021.

There were no proponents.

Chairperson Dixon said he wanted to ask Mr. Woodruff, he knows the folks sitting at home, when there are things up on the screen when you are done with them, could you minimize them and bring the Council meeting back up.

Mr. Woodruff said that is what they do

After confirming with Ms. Ogg that there were no additional proponents or opponents on Ordinance 130-2021, President Potter closed the public hearing at 8:09 p.m.

#### VERIFICATION OF COPIES:

President Potter requested a roll call on whether each member of council received a copy of each item of legislation listed on the agenda prior to the meeting, including any add-on legislation. On a roll call vote, all members responded in the affirmative.

THIRD READING:

ORDINANCE NO. 127-2021 was read by title only by President Potter:

AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1122 OF THE 1970 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, CHANGING THE ZONING ON PROPERTY LOCATED ON 3540 E. MAIN STREET, AND 739 & 721 MAPLEWOOD AVENUE, PARCEL NUMBERS 090-002122, 090-001890, 090-003640, 090-001900, 090-002485, 090-003638, 090-008240 FROM R-3 RESIDENTIAL DISTRICT AND GENERAL COMMERCE DISTRICT (GCD) TO A-2 APARTMENT DISTRICT, PROPERTY OWNED BY MAMA COMPANY INC. AND DECLARING AN EMERGENCY.

Mr. Shannon said to President Potter that he wanted to inform him that they came there this evening to demonstrate to Council that they would fulfill their commitments they made to Council since they last met but they feel at a disadvantage this evening to the extent that they requested emergency passage of the ordinance to the extent they do not have a full complement of council members. He asked the President to exercise his prerogative to have a member of Council to make a motion to table until the next regularly scheduled Council meeting.

Chairperson Bailey said in light of Mr. Shannon's concern, he would like to introduce Ordinance 127-2021 and move to table it until January 18, 2022. Mr. Kantor seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 127-2021 was adopted.

ORDINANCE NO. 128-2021 was read by title only by President Potter:

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 1123.06(c)(7) TO ALLOW AN APARTMENT DWELLING STRUCTURE CONTAINING MORE THAN TWELVE DWELLING UNITS ON THE PROPERTY LOCATED AT ON 3540 E. MAIN STREET, AND 739 & 721 MAPLEWOOD AVENUE, PARCEL NUMBERS 090-002122, 090-001890, 090-003640, 090-001900, 090-002485, 090-003638, 090-008240, PROPERTY OWNED BY MAMA COMPANY INC. AND DECLARING AN EMERGENCY.

Mr. Shannon said Mr. President, he respectfully requests the same.

Chairperson Bailey introduced Ordinance 128-2021 and move to table it until January 18, 2022. Mr. Dixon seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 128-2021 was adopted.

ORDINANCE NO. 129 -2021 was read by title only by President Potter:

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)(1) TO ALLOW OLIO DEVELOPMENT GROUP TO OPERATE A RESTAURANT ESTABLISHMENT WITH A DRIVE-THROUGH ON THE PROPERTY LOCATED AT 3661 EAST MAIN STREET PARCEL #090-008372-00, OWNED BY SRI REAL ESTATE PROPERTIES LLC.

Mr. Kantor introduced and moved to adopt Ordinance No. 129-2021 and Ms. Heck seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 129-2021 was adopted.

ORDINANCE NO. 130-2021 was read by title only by President Potter:

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)(1) TO ALLOW MS CONSULTANTS, INC. TO OPERATE A RESTAURANT ESTABLISHMENT WITH A DRIVE-THROUGH ON THE PROPERTY LOCATED AT 3646 E. BROAD STREET PARCEL #090-000193-00, OWNED BY GILLIGAN COMPANY, LLC.

Mr. Kantor introduced and moved to adopt Ordinance No. 130-2021 and Ms. Heck seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 130-2021 was adopted.

SECOND READING:

There were no pieces of legislation for second Reading.

FIRST READING:

ORDINANCE NO. 001-2022 was read by title only by President Potter:

AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE BOARD OF HEALTH OF THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT (“FRANKLIN COUNTY PUBLIC HEALTH” OR “FCPH”) TO PERFORM MUNICIPAL SERVICES AND DECLARING AN EMERGENCY.

Mr. Kantor introduced and moved to suspend the rules on Ordinance No. 001-2022 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 001-2022 was suspended.

Chairperson Bailey said he does not know if anyone has thought about this, but one day we will not have this problem. It is just not today. That is why it is so important as public officials, even though at times it might not agree with our personal feelings; we have to do what is best for the greater good and to help the public protect itself.

Mr. Kantor moved to adopt Ordinance No. 001-2022 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 001-2022 was adopted.

POLL PUBLIC:

Rochelle Willis, 612 Maplewood Avenue, Whitehall, OH said she (?) with litter and she is not putting much faith in the trashcans that are going to be put outside the fast food restaurants popping up now. She just wants to say she met with a nice group of people about a month ago; called Keep Columbus Clean. For one hour, they just spread out and picked up twenty bags of trash. Someone pulled up in the parking lots, opened the trunk and there was all of their equipment. We did not have to touch trash. They had the poles, vests, gloves and bags. It looks like Whitehall could start a little program like that. She was thinking it could be just like over at Livingston and James Road. There is a good need in Whitehall. Just today, she was walking the dogs and she saw trash from Main to Elm, just tons of it in the gutter. She has walked the dog and picked up a full bag just on Maplewood but there is only so much she can do about this.

Just food for thought. Maybe some type of program because she does not think it is going to get any better with the drive-through.

#### COMMUNITY DATE BOARD:

There was nothing for Community Date Board.

#### POLL COUNCIL:

Chairperson Bailey thanked those who attended tonight and are watching online. He wanted to thank everyone for his or her condolences this week. His mother passed away and he is thankful for all the outpouring this week as it has been healing for him and his entire family.

Chairperson Dixon said he was not aware that Mr. Bailey's mother had passed away and he expressed his condolences. He thanked the administration for bringing forth the Dunkin and Raising Canes. He enjoys them both. He thanked everyone on the dais and at city hall who have been so gracious in welcoming him to this position. He thanked all those in attendance and certainly at home, who have been so supportive of him in reaching this particular position. Some of his family are attending tonight and he has not seen them in a while. He thanked to folks from Dunkin and Ms. Barreto from Raising Cane's for coming in and making the presentations, as well as the folks from Woda Cooper and good ole Mike Shannon the former City Attorney. He has not gotten to this place without a lot of work that he has put in over the years. He cannot believe that he is here after four attempts to do so. The work that many have helped with and put in has been immeasurable. He also wanted to thank Ms. Cotterman and Ms. Willis for their comments during the meeting. To his fight, to get to this place and he would be remiss if he did not say something about all the help he has gotten over the years from the citizens. He thanked them immeasurably. Thirteen years ago, a series of events here in our government and among those in charge of it, unwittingly unleashed upon themselves, not an ally of our towns (?), but an adversary. Those events that built upon each other brought out a level of fight, born out of a demand for a more respectful, principled government executed in the people's name. It is their underestimation of a citizen's fight then, coupled with an arrogance of power, which created a situation that came to be a collective migraine of their own making. The persistent, (?) citizen. That creation jolted to life by them then, which you see seated before you today as duly elected representative of the people. It is on the people's shoulder he sits then, to them and them alone who he is proudly indebted.

Chairperson Conison said she wanted to thank everyone for viewing and for watching. She said to Bob that his mom was certainly one of a kind, had a fighting spirit, was fun loving and always had a good thing to say about everybody. She will be greatly missed in this community. She was a member of many community organizations. It is nice to see so many friends she has not seen in person in such a long time. She has a childhood friend there tonight who is wonderful to see. There is someone sitting in the back who was instrumental with helping her son and she is grateful for that. She thanked everyone for saying yes to Raising Cane's and Dunkin Donuts. Her kids said now there is a reason to come to Whitehall.

Chairperson Kantor thanked everyone for coming and said that it was nice to see a crowd out there. He wished everyone a Happy New Year. He thanked and wished the new members of Council good luck. He thanked Ms. Willis for her comments. He is hoping they can get something started like that. He expressed his condolences to Mr. Bailey over the loss of his mother. He welcomed Raising Cane's and Dunkin Donut's.

Chairperson Heck thanked everyone for watching from home and that it was nice to see so many new faces there tonight. She thanked everyone who got up and spoke. She knows that it is not easy. She welcomed the new members and she hoped everyone had a nice, safe holiday.

Chairperson Smith thanked everyone for all the warm wishes. She expressed her condolences to Mr. Bailey. She thanked everyone who came out, whether they spoke or not. It is good to be involved and active in your government. She thanked those watching from home. She looks forward to observing, learning and finding out what her place is here on this Council. She looks forward to serving and she will keep her promise to do her best.

President Potter welcomed the new members along with the City Auditor. He thanked everyone for coming out and for speaking his or her thoughts and feelings on different things they discussed tonight. It is a very important part of government to collectively work together and hear all sides.

Having nothing further, Mr. Bailey moved to adjourn and Mr. Kantor seconded the motion. On a roll call vote, all members responded in the affirmative and the meeting adjourned at 8:31 p.m.

Respectfully submitted,

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Julie A. Ogg, Clerk of Council

APPROVED: \_\_\_\_\_, 2022.

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Thomas M. Potter, Council President