

WHITEHALL COUNCIL COMMITTEES

MINUTES – January 11, 2022

Council President Potter called the January 11, 2022 Council Committees' meeting to order at 6:30 p.m.

The following members of council and the administration were present:

Members of the Administration

Council President Thomas Potter
Mayor Kim Maggard
City Attorney Michael Bivens
Auditor Steve Quincel
Econ. Dev. Manager Kelsey Miller

Council Members

Gerald Dixon
Wes Kantor
Amy Smith
Bob Bailey
Karen Conison

President Potter said there were some items that needed address before Council moved on to Administration/Council of the Whole Matters.

President Potter went over Committee appointments for the term of 2022-2023. While doing some research and City Attorney Bivens giving him direction and some legal advice to make sure he handles this correctly, it was his opinion and interpretation, as President, it is his responsibility to assign council members to various committees, which he has done. Then once those committees are set, it is the responsibility of the committee to choose a chair for the committee. (President Potter gave each member a copy of committee appointments at this time) He has put an asterisk by the person he recommends for the chair, but he has no voice as to whom the chair will be.

There was discussion as to Mr. Potter's choice for Pro-Tempore. Mr. Bivens said that they would need a nomination, then a vote on Pro-Tempore. There will be a vote at the January 18, 2022 meeting.

There was discussion on committee chairs. Each committee chose a committee Chair at this time.

President Potter advised Council that Ms. Ogg has provided each member a folder with the applications for the vacant position of City Treasurer. It is his suggestion they hold interviews on January 25 or they could hold a special meeting as well. They will need to give proper notifications to the candidates so they can come forward.

There was discussion on the amount of time given for each interview. Council agreed that the interviews would be at thirty minutes intervals.

Councilperson Bailey recommended that they do a special meeting on another day as opposed to doing them before a council meeting. There was discussion about holding interviews on Monday, January 24 starting at 6:30 pm. Members agreed upon the date and time.

There was discussion on the procedure of law concerning executive session and how to Council was going to proceed with their nomination.

City Attorney Bivens said he made several recommendations to President Potter of the procedure upon which they could do the appointment of the treasurer. The treasurer is different from the appointment of a member of their body. They will be putting someone in a position that technically is an administrative position. As they are considering this person for that role, at least in some of the things they will be looking at in the resumes, you will be looking at someone who will potentially go on the ballot for election to this position for some future term. When he was having the discussion with the President of Council, during the executive session when you are interviewing these candidates, certainly you have the prerogative to interview. Even individual councilmembers can have discussions with these candidates individually, outside of the executive session. Councilmembers can schedule right now individually, but

when you go into executive session to interview these candidates, there cannot be a vote, there cannot be a straw poll, they can certainly express their opinions who they think was the strongest candidate, but when they are in that executive session they should not have an indication by straw poll or otherwise, of who that person is going to be that will be appointed to the position. When he was having this discussion with President of Council, potentially they might want to go, but you do not have to do this, you might want to do a public hearing, present the candidates to the public for openness and transparency. Let the public see whom the candidates are. Let the candidates make a short statement to the public of why they are the best person to be appointed to the position. Then sometime after that, a member of Council can make a motion to appoint that member. If it is seconded, then it will be voted upon. That is how it works and how it is voted upon. Everything as it relates to this person should be done in that fashion.

There was further discussion on the process of nominating and voting for a candidate.

City Attorney Bivens said if they advertise and put out a notice of a special meeting, that becomes a public meeting that you have the authority and the right by Council to make a vote. Theoretically, they can go into executive session, interview the candidates and if they decided to come out of that executive session and a member of Council decided to make a motion to appoint and it is properly seconded by another member of Council, then as President of Council, he must call the vote. In theory, they could have a Treasurer appointed at the special meeting, if that is what Council decides to do it.

It was the consensus of Council that a Special Meeting will be called for January 24, 2022 and a nomination will be made. Council will vote on the nominee.

President Potter said the last item for discussion would be Rules and Procedures of Council. Each member has been given a current copy of the rules of council. They can do one of two things. Is this something that members want to take a look at and digest, then take a deep dive two weeks from tonight or does anyone feel like they want to do it now.

Chairperson Bailey asked if until a new set of Rules and Procedures are adopted, do not the old Rules and Procedures stand. If so, there is no need to rush.

President Potter requested that each member of Council go over the Rules and Procedures, make notes or changes they would like to see, then they will talk about it two weeks from now.

COMMITTEE OF THE WHOLE

ORDINANCE NO. 002-2022 DRAFT # 1

AUTHORIZING AND APPROVING THE MAYOR TO SIGN A CONTRACT WITH THE FRATERNAL ORDER OF POLICE, CAPITAL CITY LODGE 9 FOR THE CONTRACT TERM JANUARY 1, 2021 TO DECEMBER 31, 2023 AND DECLARING AN EMERGENCY.

President Potter said the Mayor sent this to them last week with all the accompanying documentation.

Mayor Maggard said the contract between the City and the FOP, Capital City Lodge 9. It encompasses raises of three percent across the board for the three years of the contract for the Police Department. They got into some HSA, seniority for lieutenants, pay range percentages and articles of investigation. This was very beneficial to the City. She asked that Ordinance 002-2022 be passed on first reading. They have been in negotiations since the end of 2020 going into 2021.

(Committee of the Whole – 1st reading – ADOPT 01/18/2022–Kantor/Conison)

RESOLUTION NO. 001-2022 DRAFT #2

A RESOLUTION DECLARING IT NECESSARY TO LEVY AN ADDITIONAL 2.83-MILL TAX LEVY FOR THE PURPOSE OF PROVIDING AND MAINTAINING MOTOR VEHICLES, COMMUNICATIONS, OTHER EQUIPMENT, BUILDINGS, AND SITES FOR SUCH BUILDINGS USED DIRECTLY IN THE OPERATION OF A POLICE DEPARTMENT, FOR THE PAYMENT OF SALARIES OF PERMANENT OR PART-TIME POLICE, COMMUNICATIONS, OR ADMINISTRATIVE PERSONNEL TO OPERATE THE SAME, INCLUDING THE PAYMENT OF ANY EMPLOYER CONTRIBUTIONS REQUIRED FOR SUCH PERSONNEL UNDER SECTION 145.48 OR 742.33 OF THE REVISED CODE, FOR THE PROVISION OF AMBULANCE OR EMERGENCY MEDICAL SERVICES OPERATED BY A POLICE DEPARTMENT, OR FOR THE PAYMENT OF OTHER RELATED COSTS; AND REQUESTING THE FRANKLIN COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT ADDITIONAL LEVY, PURSUANT TO SECTIONS 5705.03 AND 5705.19(J) OF THE REVISED CODE, AND DECLARING AN EMERGENCY.

City Administrator Zach Woodruff said he believes all members of Council have been briefed on this. There will be a presentation regarding this piece of legislation next Tuesday so that they can begin to communicate with the residents about what this issue is. They are asking for passage on first reading adoption of this next Tuesday so that it is down to the County Auditor in time to put it on the ballot.

Chairperson Dixon said he had some thoughts he wanted to throw out. In being, that the Mayor would like this adopted on first reading he has not really had much time to (?) some things. He knows that they had a back and forth last year when he came to Council during the water surcharge situation. They were asking that the Council pass the water surcharge so that there would be enough money for the infrastructure. He felt at that time, and his view has never changed, that there could be money, instead of taking it from the citizen's wallet, it could be taken budget (?), or at least in part and making that burden we we put on the citizens less. From what he hears from citizens, it is they keep taking more, they keep needing more. At the time, with all due respect, it was claimed he did not know government finance. He cannot help but to see this as something else that falls within the parameters of what his concerns were. He spoke with Chief Crispen this week and told him that he agreed with what they need, they should get because he agrees with law enforcement. He said in his campaign literature about law enforcement with justice but otherwise he is in complete agreement with that. He wanted to touch on something the Mayor mentioned in her budget. Again, he is just making his case because this is going to be asking the citizens and whoever is for the levy will be making their case for it, but he feels there has to be some effort at trying not to go back to the well as it is. If you go back to the well so often, then the folks who can afford to live here, at some point will not be able to live here anymore because they keep getting strapped, their mortgage rates go up, and everything else because of this and that. Right now, we have the tax increase going and paying off the new schools. There is also the school levy that was passed two years ago and now the water surcharge.

Chairperson Bailey asked what is a lot.

Chairperson Dixon said well it is when people cannot afford to live here.

Chairperson Bailey asked how much is a lot. Is it in the thousands or are we talking a hundred a year. What are we talking about?

Chairperson Dixon said to the point where people cannot afford to live here.

Chairperson Bailey said it is a matter of principle or philosophy to be taxing people is where Mr. Dixon is coming from. How much?

Chairperson Dixon said his point is, first you have to budget and spend money, where he feels it needs to go as opposed to where you want it to go. Now, this in the Mayors budget, which he never spoke to her about, but he did go through the whole thing and he made notes. One of the things that struck him was

that annual tax revenue has increase dramatically with receipts totaling approximately at twenty five million more annually in 2021 than in 2011. He also understands that it will be cut in with tax refunds and such as, she mentions in the budget. Then, there is a graph that shows how much they were taking in before the tax revenue and how much is taken in now. In her proposal, she talked about how they came up with the need for the surcharge for water and sewer and if they did not get that it was going to compromise other operational capital needs, fire, ems, police, street projects etc. But, (a) she never mentioned parks and rec, which he thinks that a lot of money is spent on, which is fine. They all love parks and rec. The things is, if you gather amount A to do what you need to do and you have to spend it over one through ten on various things, in his estimation, the larger, the more important things that need to have money spent on it, the police as opposed to parks and rec and he feels that. He got some figures from the Auditors office last year that showed they had received forty five point five million in the half percent tax increase since 2011 with only like five million of that spent on water and sewer, which meant that a lot was spent on other things. He cannot say it is all Parks and Rec. His point is, they want to come to the well again to help pay for Police when there may very well be plenty or at least some amount of money that is already in the well that they have to help pay for this and lessen that burden on the people.

Chairperson Bailey asked would the public back that.

Chairperson Dixon said that has to be decided.

Chairperson Bailey said (many talking at once) let the public vote on this once they hear all the things.

Chairperson Dixon said but, but first and what should have at least been thought of beforehand, again his feeling is, they are just going to the well to get more money but the fact is, what money is available here to be cut from these things, to help at least, not fully perhaps, pay for this which is saying your needing, instead of or at least in part, the burden is not quite as large. He is not saying pay for the whole thing by cutting things from the budget.

City Administrator Woodruff said he thinks it is entertaining to him that Mr. Dixon believes that conversation has not already occurred. Secondly, he wanted to make sure that it does not go without saying they have increased Police spending by two point one million dollars so please do not seem to sit here and indicate that they have chosen anything over safety. One of the things he hopes Mr. Dixon learns is that governing for a town of twenty thousand people cannot be done through a (?). depending on which one hundred people you gather in front of them from the community, they are going to have different things that they pick are the most important but he describes it as a want but they may describe it as a need. He talked with someone today who talked about quality of life and things for their children so they are going to say that parks and parks programing are needs. They are going to tell you that is the most important thing. His guess is poll the parents with children in the district and they will tell you quality parks are a thing of need to make a community viable. They have also increased the number of police officers from forty eight to fifty four, so again please do not sit here and give a statement as if they have not done their part.

Chairperson Dixon said he did not make that statement.

City Administrator Woodruff said Mr. Dixon is absolutely giving that impression. The impression that he has walked away with, his guess is that people who are watching this without the benefit of the presentation next week are going to feel the same way. What he would ask, he would welcome a discussion, a debate, but without the benefit of having the presentation next week, that would be a better time for him to have this conversation to voice these concerns.

Chairperson Dixon said he has one week before they are wanting adoption and this is the meeting to discuss it, so he has no time.

City Administrator Woodruff said to Mr. Dixon, when you say you need time, we are asking you to put a mechanism in place so that voters can decided. He would think there would not be a whole lot of discussion on that, number one. Number two, he is going back to the assertion that they are not dipping

into their own pockets, they are not cutting their own budget, again, to increase the Division of Police by a number that has never been seen before, with a budget that has never been seen before. Again, it is a slight of hand trick to say, you got forty five million and only five for this and you do not know how much was given to parks, which is giving the impression that somehow that other fort million went to parks. That does not include increases in infrastructure. What was said was, I got a number from the Auditor of forty five million and only five million went to parks and so you do not know if the rest of it went to parks. That is what was said and somehow gives the impression that all the people up there are mismanaging the budget. That is the impression given when things like that are said. Words have power and meaning and Mr. Dixon knows that.

Chairperson Bailey apologized for interrupting Mr. Dixon. He thinks proper rules would be that an individual will speak for five minutes and then every other member would have a chance to speak on the same issue and there would not be debating back and forth between them. In other words, Mr. Dixon would make his case then listen to all of us and then have an opportunity to speak again.

President Potter said it was not in their rules of council.

Chairperson Bailey said but it is in Roberts Rules of Order.

Chairperson Kantor said correct.

Chairperson Dixon said he has been watching these meetings of Council for thirteen years and he has seen much back and forth and to think that when he gets on Council it suddenly changes and maybe they should not have movement of debate is concerning.

Councilperson Bailey said now he is outside of topic.

President Potter said they need to keep focused on the topic at hand.

City Administrator Woodruff said, again, we are going to have a presentation on this next week. There is an opportunity for the City to add six additional Police Officers through a grant and be able to do the things they need to do to be able to increase, since 2012, the number of sworn Police Officers from forty to (?) and that is what this legislation set in the (?) so voters can.

President Potter said correct. At the end of the day, they are a legislative body and the administration is an administrative body. They come to Council with whatever their recommendations are and it is for this body to either vote up or down and to further clarify, this is going to the electors, so when you say what the public wants, they will all get their chance at the ballot box. That is very transparent and if they choose that is something they want for the betterment of the community it will be voted so and if not it will be voted down. He thinks Council needs to focus on voting this legislation up or down and after the presentation has been made to everyone on Council. There will be time to ask questions of Chief Crispin, Mayor Maggard and Mr. Woodruff at that time.

Chairperson Dixon said he understood everything that President Potter said and everything that Mr. Woodruff said and that is not his point. He thought that when a piece of legislation came before the legislature, that they had the ability to discuss that legislation. Now, he could have taken three weeks to call the Mayor and talk with her in those three weeks but given the time constraint, he felt that this was it.

President Potter said Mr. Dixon you are certainly still open to have those conversations with the Mayor. We still have a week to talk to the Mayor, as she will avail herself, as will Mr. Woodruff and Chief Crispin.

Chairperson Dixon asked (?) about the conversations.

President Potter said there is conversation that is specific to the questions. Those are fine vs in his opinion, when you are making statements that, what about this or what about that or this was said back

then, that is a little off course in his thought process. He thinks at this point, for all members of Council, to engage in those conversations and then vote what you feel is best next week, whether it be yes, no or abstain.

Chairperson Dixon said he understands the nature of this resolution, He understands what is being asked. He told Chief Crispen that he is one hundred percent behind him. He understands that it is voting for something that will allow the people to decide but right now, it is in the hands of Council who will pass this resolution and he feels that is the most appropriate time for Council to discuss it. He meant zero disrespect towards the Mayor about this. Rather, he wanted to have a conversation. It may be a difference of opinion and it is her policy but he is certainly allowed to have an opinion and he felt he was expressing that.

Mayor Maggard said she would like to say that she has worked very hard with the Whitehall Police Department in attracting quality people, quality chiefs, assistant chiefs and officers. They have changed protocol. They have had to do things that cost more money in order to lower the crime rate. No one can say that the crime rate has not been lowered in the last four to five because it has been lowered. However, with Whitehall being totally surrounded by the City of Columbus and the challenges that go along with that, the City of Whitehall has to do more. Mr. Woodruff said that there is an opportunity to increase police officers. However, if there is nowhere to house them, it is not going to help them through anything. This will be talked about more next week. She knows Mr. Dixon talked about the amount of money that is spent on parks. She would like to say this year's budget and all the budgets; the parks department has always been funded less than any other department. As a matter of fact, our parks were laughable. Ten years ago. Not so much now. We see people in the parks, doing things, finally we actually have programming and to say that we should not have those things and we need to have them cut is ridiculous. We can have more and we can compete with other cities. In order to have less crime in Whitehall, there need to be amenities that attract people to come here who are not interested in committing crimes. She also know that the way the City of Whitehall is laid out and the way the retail establishments are made up, it unfortunately attracts crime. They have done a really good job in the last five years reducing crime but they can do better and that is what this is about. All this does, is it puts something in front of the voters to say, do I want to look at this more in-depth and perhaps be interested in voting yes or voting no. It is to give the residents a choice. Whatever happens they will make accommodations one-way or the other. All she can say is that they need to be prepared for the future of this community. They have done a good job so far but they cannot live like the budget was twenty years ago because that is not the way the world is now and they need to make sure they can have the amenities here in Whitehall that the people deserve. That is all she will say.

Chairperson Dixon said it is clear he did not communicate himself properly. Perhaps he needs to find a way in which to put it together in order to do so. Thank you.

(Committee of the Whole – 1st reading – ADOPT 01/18/2022–Bailey/Kantor)

ADMINISTRATION AND FINANCIAL MANAGEMENT

Councilperson Bailey opened at 7:36 p.m. and addressed the legislation in his committee, as follows:

RESOLUTION NO. 002-2022 DRAFT # 3

RECOGNIZING CASEY THOMAS AS THE 2021 ADMINISTRATIVE/SUPPORT EMPLOYEE OF THE YEAR AND AWARDING HER A ONE-TIME PAYMENT OF THREE HUNDRED FIFTY AND NO/100 DOLLARS (\$350.00) AS ADDITIONAL COMPENSATION AND DECLARING AN EMERGENCY.

Chairperson Bailey said he is excited about this one. Everyone knows Casey and he happens to think she is a super employee.

(Adm & Fin. Mgmt. – 1st reading – ADOPT 01/18/2022- Bailey/Conison)

Mayor Maggard said she knows she sent Council information regarding the CWA contract and due to an error, she did not get that to the Clerk of Council to be put on the agenda. She will be sending it to Julie by tomorrow morning and she hopes Council will have favorable consideration of the legislation. It was a very good contract. They agreed on raises of two point five, two point and three percent over the life of the contract. There were some minor changes.

Having no further business, Councilperson Bailey closed at 7:38 p.m.

COMMUNITY STANDARDS AND ENFORCEMENT

Chairperson Smith opened at 7:41 p.m. and addressed the legislation in her committee, as follows:

THIRD READING:

ORDINANCE NO. 127-2021 (*Comm. Stand. & Enf. – Tabled – ADOPT 01/18/2022–Bailey/Kantor*)

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.

ORDINANCE NO. 128-2021 (*Comm. Stand. & Enf. – Tabled – ADOPT 01/18/2022–Bailey/Dixon*)

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.

Having nothing further, Chairperson Smith closed at 7:41 p.m.

COMMUNITY AND ELDER ADVOCACY

Chairperson Dixon opened at 7:42 p.m. and said there are no drafts or pending legislation on the agenda.

There was no discussion in Community and Elder Advocacy.

Having no further business, Chairperson Dixon closed at 7:42 p.m.

City Administrator Zach Woodruff requested that the Economic Development Committee be moved to the end of the meeting, as he will be requesting an Executive Session.

INFRASTRUCTURE, MAINTENANCE AND SERVICE

Chairperson Conison opened at 7:43 p.m. and addressed the legislation in her committee, as follows:

RESOLUTION NO. 003-2022 DRAFT #4

RECOGNIZING CHUCK THACKER AS THE 2021 LABOR /SERVICE EMPLOYEE OF THE YEAR AND AWARDING HIM A ONE-TIME PAYMENT OF THREE HUNDRED FIFTY AND NO/100 DOLLARS (\$350.00) AS ADDITIONAL COMPENSATION AND DECLARING AN EMERGENCY.

Chairperson Kantor said with all due respect for Mr. Thacker, he works at the Parks and Recreation Department. He has been there many years and he does a fantastic job.

(Infra, Maint. & Serv. – 1st reading – ADOPT 01/18/2022–Conison/Kantor)

Having nothing further, Chairperson Conison closed at 7:43 p.m.

PUBLIC SAFETY

Chairperson Bailey opened at 7:44 p.m. and addressed the legislation in his committee, as follows:

RESOLUTION NO. 004-2022 DRAFT # 5

RECOGNIZING BEN LEONARD AS THE 2021 FIREFIGHTER/PARAMEDIC EMPLOYEE OF THE YEAR AND AWARDING HIM A ONE-TIME PAYMENT OF THREE HUNDRED FIFTY AND NO/100 DOLLARS (\$350.00) AS ADDITIONAL COMPENSATION AND DECLARING AN EMERGENCY.

(Public Safety – 1st reading – ADOPT 01/18/2022–Elmore/Bailey)

RESOLUTION NO. 005-2022 DRAFT # 6

RECOGNIZING TANNER WILLIAMS AS THE 2021 POLICE OFFICER EMPLOYEE OF THE YEAR AND AWARDING HIM A ONE-TIME PAYMENT OF THREE HUNDRED FIFTY AND NO/100 DOLLARS (\$350.00) AS ADDITIONAL COMPENSATION AND DECLARING AN EMERGENCY.

(Public Safety – 1st reading – ADOPT 01/18/2022–Elmore/Dixon)

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

PARKS AND RECREATION

Chairperson Kantor opened at 7:46 p.m. and said there are no drafts or pending legislation on the agenda.

Chairperson Kantor said the people who were nominated for Employee of the Year all do a phenomenal job. He thanked all of them. He did speak with Director Sorrell and they are very busy but there is a little sickness going around so the Parks & Recreation Commission meeting tomorrow will be virtual. She is very busy getting ready for this year's programming. He gave everyone a copy of the football financials.

Having nothing further, Chairperson Kantor closed at 7:48 p.m.

ECONOMIC DEVELOPMENT

Chairperson Kantor opened at 7:48 p.m. and said there are no drafts or pending legislation on the agenda.

City Administrator Woodruff said he had no official report this evening but he would ask for an executive session and he did give President Potter the code section for which he would ask.

President Potter advised that he would like a motion to adjourn to executive session pursuant to Ohio Revised Code Section 121.22 (g)(8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance.

Mr. Bailey so moved and Mr. Kantor seconded the motion. A roll call was taken and all members present voted in the affirmative and the meeting adjourned to executive session at 7:50 p.m.

The meeting reconvened at 8:18 p.m.

Having nothing further, Chairperson Kantor closed at 8:18 p.m.

Meeting adjourned at 8:18 p.m.

Respectfully submitted,

Julie A. Ogg, Clerk of Council