

WHITEHALL COUNCIL COMMITTEES

MINUTES – January 25, 2022

Council President Potter called the January 25, 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 Administrator Zach Woodruff
City Attorney Michael Bivens
Auditor Steve Quincel
Deputy Direct for Public Affairs Megan Meyer

Council Members

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

Rules and Procedures for Council for the Term 2022-2023

There was discussion on the continuation of meeting four times a month. Chairperson Elmore gave data for 2019, 2020 and 2021 on the average amount of time spent in Committee meetings, Agenda and Council meetings. Her recommendation was that the Agenda meeting would start at 6:30 pm, Council meeting would follow at 6:45 pm and these would be held the first and third Tuesdays of the month with the Committee meeting being held on the second Tuesday and there would be no Committee meeting on the fourth Tuesday. Special meetings can be called anytime. This will allow conversation with Administration regarding issues that are submitted and to vet those back and forth. She asked the Administration what issues would arise with not having a Committee meeting twice a month.

Mayor Maggard said there have been times she has had to bring something to Council during that fourth week for consideration and passage on the first reading. She has concerns about, would she just email all of them. How could that not be considered a public meeting. Once it gets to asking her back and forth questions, that to her would be considered a public meeting. It is not a public meeting if she sends all of Council the same information and then they can get together and ask questions back and forth. In an email format, does that constitute a public meeting?

City Attorney Bivens said yes it does. If they respond to you by email, collectively, then that is a meeting.

City Administrator Woodruff told Ms. Elmore he certainly could appreciate where she is coming from with a desire to be more efficient and effective with the business before Council but he would have the same concerns as the Mayor with regards to the amount of time between committee meetings, to be able to have dialogue and conversation about certain pieces of legislation. Potentially, you are talking about a month between committees and he does not know how that would work in increasing the efficiency of time. He thinks it would require and cause other processes to be created to ensure that they are working with Council to keep them informed on any of the matters that come before Council.

Chairperson Bailey said it would reduce the number of time Committee could review something that would go three readings by reducing the number of times it would be seen before the third reading.

City Attorney Bivens said just so you get policy behind the two meeting and the Council meetings, in the Council rules, the committees actually have the power to choose another day of the week to meet. He knows that it has been historically that committees meet every other Tuesdays but they can pick what works for their schedule.

Councilperson Elmore said she appreciates all the input and it certainly makes sense but she will continue to with the challenge to use the time the best they can and ask questions regarding legislation in committee so that they understand pieces and parts of it as not to waste time. That to her is important.

Councilperson Dixon commended Ms. Elmore for seeing something that she feels needs changed. He was sitting in the audience when this was discussed last time and he was in agreement with Bob and Wes's discussion. He came four times a month when he was not elected.

Councilperson Kantor said he knows the public and they have actually discussed this before a couple of times but the public likes seeing them. They like to know what they are doing and they let them know. A couple of weeks ago they were on one subject for forty minutes. He is in agreement with Bob and the administration that it is imperative that they have committee meetings twice a month. He appreciates Loris work.

Councilperson Elmore said the information that she is presenting is for them to continue to look at how they can make changes to improve their processes and how much time they are spending on certain things. As she has had her committee, she has been all in the community, which is why Community and Elder Advocacy has had people present and she has talked outside of Council. This was not to shirk her responsibilities of committee or Council. She was elected to improve and continue to do her best on Council and for her she is a data and facts person. She wants to focus on where they can gain more time or utilize time in the most expeditious way and give the city what it needs as far as its Council members.

President Potter said he skipped over number one. The Rules of Procedure will reflect the years 2022-2023. The next one is housekeeping. Article II, (B) (f) Remove Director of Public Service, Director of Development and replace with City Administrator.

There was discussion on Article II G- Members of Council may be excused if the President of Council or the Clerk of Council is notified six (6) hours prior to the meeting of the expected absence. Under emergency circumstances, this requirement may be waived.

Chairperson Dixon Dixon asked if there are any rules to hold someone accountable for the amount of time, outside of illness, for Council.

President Potter said no, there is not. When he is contacted by a member for an excused absence, he trusts they are doing it for all the right reasons. As far as the number of times you can be absent, people do have extenuating circumstances and we had an example of that just this past year. There is nothing in writing and again he thinks that people who come to Council in a dedicated position and all the times he has been on Council he has never seen anyone abusing that intentionally. When it has been exercised, it has been with good reason.

President Potter said Article VIII,(B)(1)(i)(2) to remove Director of Public Service and replace with City Administrator. Again, this is housekeeping. Remove Article VIII,(B)(1)(i)(6) completely. Article VIII,(B)(2), strike the language "11:00 am on Thursday" and replace it with "end of business on Monday." This one is in regards to getting legislation in. In all honesty, this one came from Julie, so she is the one who takes the brunt of all of this and the fact of the matter is the way the mechanics work for her, if she gets the agenda done and emailed to Council on Friday, then through acts beyond her control, legislation will actually come in between then and the Council meeting, which often times Administration has no control over, it is a time crunch then, therefore Julie has to go back to edit and resend. Julie has been kind enough to say if you have legislation to her by the end of business on Monday then it can be included in the agenda. This will eliminate the redundancy and having to redo the paperwork. He commended and thanked Julie for taking the initiative on that and a proactive stance.

Chairperson Kantor said they have gone Thursday and then Friday but as you sit here and you see what they are doing and what the Administration is doing, it is hard to say to them that you cannot have anything in here past three o'clock or four o'clock on a Thursday because Thursday, Friday and Monday the Administration are really busy.

City Administrator Woodruff said as the single most violator of that Council rule, he wanted to thank Julie for always showing flexibility with that Council rule and it not being a hard and fast law.

President Potter said in all fairness, that is what is going on now and we are changing the rules of council to reflect that.

Chairperson Heck asked when would the agenda be sent.

Clerk Ogg said it would be the same timeframe as it is now. Updates to the Agenda/Council meetings will be sent on Tuesday along with add-on legislation.

There was discussion on Article VIII (c) CONDUCT OF COUNCIL BUSINESS.

Chairperson Dixon said he had a question. It says a committee may appoint, as many citizen advisory members as the majority deem necessary.

Chairperson Bailey said at times there might be an issue that arises that the committee would review and request members of the community whether it be a professional or a volunteer group to get their input. They are not a voting member of this board but a resource.

President Potter said they could have a speaking role in committee meetings where the general public does not have a speaking opportunity. They would bring some level of expertise or first-hand knowledge to the table on an as needed basis.

President Potter said Article VIII CONDUCT OF COUNCIL BUSINESS - D. SPECIAL COMMITTEES. Section 6(b) Ord Executive Session should be added. Meetings are confidential and shall not be shared outside of Executive session. Violation would result in rules governed by Provisions of Section 7 of the Charter of the City of Whitehall. Language in Article VII. REMOVAL, EXPULSION OR VACANCIES ON COUNCIL.

Chairperson Elmore said this was straight from the Charter. She wanted the executive sessions to be added to Council rules and the confidentiality that goes along with it when they have executive sessions and for it to be known that when we walk out of executive session it is not to be used for general conversation.

President Potter said he thought that was a very strong recommendation and asked Ms. Ogg to add that to the Rules of Council. Article VIII, (E) third paragraph, remove 12:00 p.m. and replace with "End of business on Monday" which has been discussed before.

President Potter said Article XI - DEBATE - D. To expound the vague and ambiguous language by adding, "are obviously dilatory and not in the best interest of Council. e.g., slow actions causing a delay, tactics that force postponement by asking a million questions and demanding extensive research to simply slow a project."

Chairperson Elmore said she specifically wanted to expound on dilatory to share by example what was meant by that. They have a lot of economic development and projects going on, she would think as they ask questions, have their hearings and all that, not to continue to draw an issue out so that they are not able to move it along on the agenda. You are given the information but you want additional information so it slows the process.

Chairperson Dixon said if it is obviously dilatory but he thinks sometimes the debate can be robust and there is a lot to consider. He thinks the committee meetings are certainly designed to flush things out for the best interest of the city. He feels that is sometimes the case and to decide that someone is being obviously dilatory; he does not know how that could be decided.

Chairperson Elmore said that the Administration has done a good job in providing Council all the information when they present projects or legislation on issues they need to find more about along with

speakers. She just wants to make sure they do not get into a situation where there are tactics used to delay issues or projects because someone does not want them to move forward.

There was additional discussion on the meaning on dilatory, and debate along with rules that are in place and if there is not a rule then refer to Robert's Rules of Order.

President Potter said the last item submitted was ARTICLE XIII -PUBLIC PARTICIPATION; (c) No speaker shall address a subject more than once during a council meeting. (d) The speaker shall refrain from making defamatory, slanderous, or obscene comments or statements. Council members are encouraged to reframe from engaging with members of the public. For answers to specific questions, the members of the City Council and Administration are available after each meeting.

Chairperson Dixon said that this was a hot button issue for him since he was on the other side of the dais for many years. For years when he would get up to do poll public, he did poll public because he thinks as he had discussions with some here in government, there is a notion among some of the public that there is, at least to some degree, there is something secretive about, not just this council body but the administration or whoever in city government. He was told that if he could not get everything he needed to say in three minutes they would give him the second three minutes to finish or expound on what he needed to say. He feels he was very respectful of the processes that were there. He feels that three minutes is not enough time to get out what you want to say on a topic.

President Potter said he has sat up there for enough Council meetings that they have had some hot button issues. These chambers have been filled, which is great. It is the way it should be. Rather than not wanting to hear from people, they want to hear from everybody. Out of courtesy, time wise, they have had some very late meetings and people do have work they need to get to work the next day and things of that nature. He feels it is more like making sure they can hear from everybody and not keep the here until two o'clock in the morning. It is not in a manner to try and shutdown conversation and like Jerry said, he has timed himself out, very eloquent when you do it and make his point when he does. He asked Mr. Dixon what it was he was actually seeking on this.

Chairperson Dixon said (c) No speaker shall address a subject more than once during a council meeting. He knows things are not black and white and things can be very complex on particular topics when putting legislation through. There are big things happening here. This is not as stale, boring and governmental as people think it is. He thinks it is full of interesting stuff and drama. All kinds of stuff is going on.

There was further discussion on public participation, conversations and the word "secretive."

President Potter asked Ms. Ogg to make the following changes to the Rules and Procedures for Council to be voted upon on Tuesday, February 1, 2022:

- Update Rules of Procedures Term to 2022-2023.
- Article II, (B) (f) Remove Director of Public Service and Director of Development and replace with City Administrator.
- Article VIII, (B)(1)(i)(2) remove Director of Public Service and replace with City Administrator.
- Article VIII, (B)(1)(i)(6) remove.
- Article VIII, (B)(2) remove "11:00 a.m. on Thursday" and replace with "End of business on Monday."
- Article VIII CONDUCT OF COUNCIL BUSINESS - D. EXECUTIVE SESSION - Meetings are confidential and shall not be shared outside of Executive session. Violation would result in rules governed by Provisions of Section 7 of the Charter of the City of Whitehall.
- Article VIII, (E) third paragraph, remove 12:00 p.m. and replace with "End of business on Monday."

COMMITTEE OF THE WHOLE

There was no discussion in Committee of the Whole.

ADMINISTRATION AND FINANCIAL MANAGEMENT

Councilperson Bailey opened at 7:24 p.m. and addressed the legislation in his committee, as follows:

ORDINANCE NO. 005-2022 DRAFT # 1

AMENDING 143.15 (d)(1) TITLED EMERGENCY MEDICAL BILLING.

Mayor Maggard said she had a meeting with Chief Moore to discuss this. There is a need for a new firetruck. There are two now. One has been in an accident twice. It has many miles on it and we need a new one to replace it. However, the costs of firetrucks have risen considerably since the last one was purchased. Now they are running about nine hundred thousand dollars. The company they are going with has many orders so they will not be able to get it right away. With this legislation, the fund can be built up so that it can be ordered now and pay part of it now and the rest in 2023. This money comes from medical billing.

(Adm & Fin. Mgmt. – 3rd reading – ADOPT 03/01/2022- Bailey/Smith)

Having no further business, Councilperson Bailey closed at 7:32 p.m.

COMMUNITY STANDARDS AND ENFORCEMENT

Chairperson Smith opened at 7:33 p.m. and said there are no drafts or pending legislation on the agenda.

City Administrator Woodruff wanted to make Council aware that in February he will begin working with OHM Advisors. If they recall, last year last year was phase one/part one of updating their code and they will begin working on the second part this year and should have something to Council in the four to seven months. He will keep Council abreast on how they are working towards that. He just wanted to make Council aware.

Having nothing further, Chairperson Smith closed at 7:34 p.m.

COMMUNITY AND ELDER ADVOCACY

Chairperson Dixon opened at 7:34 p.m. and said there are no drafts or pending legislation on the agenda.

Chairperson Dixon has a meeting with Director Sorrell and Shannon Warner on Thursday at the Senior Center to discuss a few things. He will keep Council abreast on how the meeting went.

Having no further business, Chairperson Dixon closed at 7:35 p.m.

ECONOMIC DEVELOPMENT

Chairperson Kantor opened at 7:35 p.m. and said there are no drafts or pending legislation on the agenda.

City Administrator Woodruff said they continue to work on several projects but he has nothing to report today.

Having nothing further, Chairperson Kantor closed at 7:35 p.m.

INFRASTRUCTURE, MAINTENANCE AND SERVICE

Chairperson Conison opened at 7:35 p.m. and addressed the legislation in her committee, as follows:

RESOLUTION NO. 008-2022 DRAFT #2

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT(S) WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR IMPROVEMENTS AT THE MAIN STREET AND HAMILTON ROAD INTERSECTION AND DECLARING AN EMERGENCY.

City Administrator Woodruff said anytime they partner with the Ohio Department of Transportation for funding, they require agreements with the Local Public Agency. Members of Council may remember a number of years ago the Governor identified one hundred intersections in the state and increased the amount of safety funding. Both Broad Street/Hamilton Road and East Main Street/Hamilton Road were both identified. Everyone is aware of what we have been working towards at Broad/Hamilton. Main/Hamilton has gone a little bit under the radar but they have been working with ODOT for the last three years on engineering and design. Construction will begin late this year or early next year. He is still waiting on a final date. This project is being funded entirely by the state through their safety funds. The city has no local funds in this project. This is about a three and one half million-dollar project. He wanted to let them know that it became official today that the Ohio Public Works Integration Committee officially voted for this year's round of Public Works Commission funding and the city did get awarded the project for East Broad Street. In July, the engineering will start on that project and construction will occur beginning of next year. This is a complete reconstruction of Broad Street, new base, new curb and gutter, fixing the storm drop inlets along the curb lane. This is a three million dollar project and is a 75/25 match grant. The twenty five percent will be converted to a twenty-five year interest free loan. Street lights will be replaced and start a shared use path from the western corporation limit, tying into the Eastmoor Green Line. This phase of the project will go to Robinwood. This is the first phase.

(Infra, Maint. & Serv. – 2nd reading – ADOPT 02/15/2022–Conison/Kantor)

Chairperson Kantor and Mr. Woodruff thanked the Whitehall Warriors for a suburb job clearing the streets of Whitehall. There was discussion on the amount of salt the city has.

Having nothing further, Chairperson Conison closed at 7:42 p.m.

PUBLIC SAFETY

Chairperson Elmore opened at 7:43 p.m. and said there are no drafts or pending legislation on the agenda.

Chairperson Elmore said she met with Chief Crispen last Friday and she is looking forward to working with him. She has a meeting scheduled with Chief Moore the first week of February.

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

PARKS AND RECREATION

Chairperson Heck opened at 7:43 p.m. and said there are no drafts or pending legislation on the agenda.

There was no discussion in Parks and Recreation.

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

Meeting adjourned at 7:44 p.m.

Respectfully submitted,

Julie A. Ogg, Clerk of Council