

WHITEHALL COUNCIL COMMITTEES

MINUTES – April 11, 2023

Council President Potter called the April 11, 2023 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
City Auditor Steve Quincel

Council Members

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

COMMITTEE OF THE WHOLE

ADMINISTRATION AND FINANCIAL MANAGEMENT

Councilperson Bailey opened at 6:30 p.m. and addressed the legislation in his committee, as follows:

RESOLUTION NO. 013-2023 DRAFT # 1

RESOLVING TO APPROVE “THEN AND NOW” CERTIFICATES AND DECLARING AN EMERGENCY.

(Adm. & Fin. Mgmt. – 1st reading-ADOPT 04/18/2023-Bailey/Conison)

SECOND READING:

ORDINANCE NO. 017-2023 *(Admin/Fin. Mgmt. – 2nd reading – ADOPT 04/18/2023-Bailey/Conison)*

AUTHORIZING AND APPROVING AN APPROPRIATION IN THE AMOUNT OF SIXTY-FIVE THOUSAND AND NO/DOLLARS (\$65,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND 101 TO THE CREDIT MONITORING SERVICES EXPENSE ACCOUNT 101-900-51860 AND DECLARING AN EMERGENCY.

Having nothing further, Councilperson Bailey closed at 6:31 p.m.

COMMUNITY STANDARDS AND ENFORCEMENT

Chairperson Smith opened at 6:31 p.m. and addressed the legislation in her committee, as follows:

ORDINANCE NO. 020-2023 DRAFT # 2

AMENDING SECTIONS 505.01 ANIMALS OR FOWL RUNNING AT LARGE PROHIBITED.

Councilperson Dixon had a citizen contact him with a concern that the Whitehall code did not align with the Ohio Revised Code in their language. He felt the concern had merit. He amended the legislation to include three sentences. He wanted to talk about it.

President Potter has looked at the legislation and in reading the existing Chapter 505; he feels the 505.21 includes and incorporates all the items for amendment. The language is almost identical.

City Attorney Bivens has had the opportunity to review the emails and has spoken with Councilmembers as it relates to the emails and gave his opinion as it relates to the citizens emails versus what they have in the existing code. While the citizen is very adamant and passionate about her position, she is wrong legally on this basis. When comparing these code sections, Whitehall City Code has two separate sections. A section that deals with at large and a section that deals with confinement. Section 505.01 deals with animals at large and is in line with ORC 951.02. The ORC section deals with horses and goats. Whitehall code makes it more generic and just say animals. ORC Section 955.22 deals with confinement, which was the basis for all the emails. Whitehall Code 505.21 deals with confinement. Because they have both of these, the way he looks at it legally, obviously they have Home Rule, where they are allowed to have City Ordinances, the last thing he has to consider is if their laws are in conflict with general law. Both of the Whitehall City Code ordinances accomplish the same exact thing that the Ohio Revised Code accomplishes which makes their code sections constitutional. The administration can feel safe from at least his opinion that they are not currently operating under an unconstitutional code.

Councilperson Bailey does not see where the language will change or solve anything for the citizen.

Councilperson Dixon stated fencing is not listed as something used to contain a dog or to keep a dog in control. This is at the heart of the concern of the citizen as she is finding it difficult to find resolution for her problem. Due to that, he saw 505.01 Animal or Fowl Running At Large, which is what it has to do with, and all it does is add adequate fence.

President Potter felt it is covered under 505.21c, Enclosures.

City Administrator Woodruff echoed what City Attorney Bivens has said. The language being proposed is redundant. Animals at large envisions them having left your property. This language at worst should be added to confinement because this is dealing with dogs that have left the property.

City Administrator Woodruff said the issue with the neighbor has been ongoing since 2017. He gave a run-down of the code enforcement timeline from 2017 until 2022. Since 2018 he is not aware of the neighbors dogs leaving the property and gotten onto Ms. Thompsons property. The existing code provided the necessary tools for code enforcement to deal with animals when they have left a property. He feels that the issue is not getting along with the neighbor and not liking the breed of dog that live there.

Chairperson Dixon disagreed with City Administrator Woodruff that 505.21c, Enclosures deals with it. One talks of enclosing a dog, the other talks about controlling a dog.

City Administrator Woodruff feels this is an un-necessary piece of legislation. It is already in the code. Mr. Dixon can disagree but the City Attorney says the code that is in place is adequate and not in conflict.

Mayor Maggard said the dogs are not running at large since 2018 so where is the issue.

Chairperson Dixon feels, when a citizen writes emails, whatever the intent or content, it needs read and understood. This citizen lives in his ward and he feels the citizen made a good point. He understands what he meant by "enclosed" and that therefore means he is saying "fence".

Mayor Maggard does not believe this has merit and that the city is fully compliant.

Mayor Maggard and Chairperson Dixon talking over each other.

Councilperson Smith said there seems to be a lot of history and this is not the time or place to go into it. If this language was moved to 505.21, she does not see code enforcement doing anything differently whether it was this resident or another resident. The language change is not necessary because code enforcement would not change anything they are doing now because of these words.

Councilperson Dixon asked if it is Mr. Bivens opinion that any fencing issue, which would be an issue between neighbors is part of 505.21.

City Attorney Bivens said it is his legal opinion that 505.21 is not in conflict with ORC 955.22. It is constitutional and is not unlawful.

Councilperson Dixon withdrew Ordinance 020-2023.

RESOLUTION NO. 014-2023 DRAFT # 3

SUPPORTING THE REINSTATEMENT OF THE HOME REINVESTMENT PROGRAM.

Deputy Director of Public affairs Megan Meyer announced the return of the Home Reinvestment Program. Applications will be accepted May 3 through June 1, 2023. Watch the city's website for more information. She answered questions from Councilmembers at this time.

(Comm. Stand. & Enf. – 2nd reading- ADOPT 05/02/2023-Smith/Kantor)

Chairperson Dixon said when he spoke of unlawful, it was not because he cares that someone thinks he is unlawful, it is rather, it is such an explosive charge, he felt compelled to respond.

Chairperson Smith said she appreciates the clarification and does not feel the need to go deeper into that discussion.

Having nothing further, Chairperson Smith closed at 7:22 p.m.

COMMUNITY AND ELDER ADVOCACY

Chairperson Dixon opened at 7:22 p.m. and said there are no drafts or pending legislation on the agenda.

Chairperson Bailey called Point of Order, as the behavior being exhibited needs to be fenced. He made a statement saying he wanted to share a thought with Mr. Dixon. His feelings are when you delve into those discussions that they had earlier, Mr. Dixon is on a slippery slope immediately with a number of them. This childish behavior needs to stop.

Having nothing further, Chairperson Dixon closed at 7:22 p.m.

ECONOMIC DEVELOPMENT

Chairperson Kantor opened at 7:23 p.m. and said there are no drafts or pending legislation on the agenda.

There was no discussion in Economic Development.

Having nothing further, Chairperson Kantor closed at 7:24 p.m.

INFRASTRUCTURE, MAINTENANCE AND SERVICE

Chairperson Conison opened at 7:24 p.m. and said there are no drafts or pending legislation on the agenda.

There was no discussion in Infrastructure, Maintenance and Services.

Having nothing further, Chairperson Conison closed at 7:24 p.m.

PUBLIC SAFETY

Chairperson Elmore opened at 7:24 p.m. and said there are no drafts or pending legislation on the agenda.

There are still openings for the Whitehall Citizens Police Academy and the Protect Yourself classes. Contact Sgt. Johnathan Earl.

Having nothing further, Chairperson Elmore closed at 7:25 p.m.

PARKS AND RECREATION

Chairperson Kantor opened at 7:25 p.m. and said there are no drafts or pending legislation on the agenda.

The first girls' softball tournament is this weekend. The grand opening of Take Me out to the Park is April 29 at 9:00 a.m. as well as the dedication for the Blue Jackets Hockey Rink.

Having nothing further, Chairperson Kantor closed at 7:27 p.m.

City Administrator Zach Woodruff gave an update on the retreat for the strategic plan and the efficiency study as well. They are looking at June 9 and 10. He will try to get a copy of the previous strategic plan for members of council.

The meeting adjourned at 7:32 p.m.

Submitted by:

Julie A. Ogg, Clerk of Council