

WHITEHALL COUNCIL COMMITTEES

MINUTES – May 10, 2022

Council President Potter called the May 10, 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
City Auditor Steve Quinzel

Council Members

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

COMMITTEE OF THE WHOLE

ORDINANCE NO. 020-2022 DRAFT # 1

AUTHORIZING AND APPROVING THE AMENDMENT TO THE TABLE OF AUTHORIZED PERSONNEL 161.37(a) OF THE CODIFIED ORDINANCES TITLED OFFICE OF MAYOR; AND AUTHORIZING AND APPROVING THE AMENDMENT OF 161.38 SALARY SCHEDULE TITLED SALARY SCHEDULE.

Mayor Maggard explained that last year the HR department asked department heads to look at all of their job descriptions for their personnel and decide if that job description mirror what that employee does. The Technology Director looked at his staff and found there was one employee that was doing more than what the job description entailed. The new job description is added to the legislation and amending the two positions under IT Technician to one, then add one for the IT Support Specialist. There will be no change in salary.

(Comm. Of the Whole – 3rd reading – ADOPT 06/21/2022-Kantor/Elmore)

RESOLUTION NO. 015-2022 DRAFT # 2

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND AND NO/DOLLARS (\$250,000.00) FROM THE COLUMBUS BLUE JACKETS FOUNDATION FOR THE CONSTRUCTION OF A COMMUNITY STREET HOCKEY RINK AND DECLARING AN EMERGENCY.

Mayor Maggard requested that Council pass this piece of legislation on first reading with the emergency measure. She has found that a check from the foundation will be cut on Thursday and there is a meeting scheduled for tomorrow with the design engineers.

Councilperson Dixon asked several questions regarding the hockey rink.

Mayor Maggard said would have more information for Council after the meeting tomorrow.

(Comm. Of the Whole – 1st reading – ADOPT 05/17/2022- Heck/Kantor)

THIRD READING:

ORDINANCE NO. 013-2022 (*Comm. Of the Whole – 3rd reading – ADOPT 05/17/2022-Elmore/Kantor*)
AMENDING 161.11(a) AND (b) TITLED “LEGAL HOLIDAYS” OF THE CODIFIED ORDINANCES
OF THE CITY OF WHITEHALL, OHIO.

SECOND READING:

RESOLUTION NO. 014-2022 (*Comm. Of the Whole – 2nd reading – ADOPT 05/17/2022- Elmore/Conison*)
AUTHORIZING THE MAYOR TO PLACE A PROSPECTIVE APPLICANT FOR THE POSITION OF
DISPATCHER AT A STEP D IN COMPLIANCE WITH SECTION 17.2 OF THE CURRENT LABOR
AGREEMENT BY AND BETWEEN THE CITY OF WHITEHALL AND THE FRATERNAL ORDER
OF POLICE, OHIO LABOR COUNCIL INC. AND DECLARING AN EMERGENCY.

ADMINISTRATION AND FINANCIAL MANAGEMENT

Councilperson Conison opened at 6:37 p.m. and addressed the legislation in her committee, as follows:

ORDINANCE NO. 021-2022 DRAFT # 3

AUTHORIZING AND APPROVING AN APPROPRIATION IN THE AMOUNT OF SIXTY-FOUR
THOUSAND AND NO/100 DOLLARS (\$64,000.00) FROM UNAPPROPRIATED MONIES IN THE
GENERAL FUND (101) TO THE STREET MAINTENANCE & REPAIR FUND (201); MAKING A
SUPPLEMENTAL APPROPRIATION OF SIXTY-FOUR THOUSAND AND NO/100 DOLLARS
(\$64,000.00) FROM THE STREET MAINTENANCE & REPAIR FUND (201) TO THE BUILDING &
LOT MAINTENANCE EXPENSE ACCOUNT (201.000.54500) AND DECLARING AN
EMERGENCY.

City Auditor Quincel said this was to be part of the package with paving the lot at city hall, which was
completed in 2021. Because of the weather, Strawser Paving could not complete the work in 2021 so the
monies were unencumbered. This is an encumbrance so the lot at the service garage can be completed.

Chairperson Dixon asked for clarification on the first and second of an item and if you needed to be on
that committee to do so.

President Potter replied that typically it would be someone in that committee.

(Adm. & Fin. Mgmt. – 1st reading – ADOPT 05/17/2022- Bailey/Conison)

Having nothing further, Councilperson Conison closed at 6:39 p.m.

COMMUNITY STANDARDS AND ENFORCEMENT

Chairperson Smith opened at 6:39 p.m. and said there are no drafts or pending legislation on the agenda.

There was no discuss in Community Standards and Enforcement.

Having nothing further, Chairperson Smith closed at 6:40 p.m.

COMMUNITY AND ELDER ADVOCACY

Chairperson Dixon opened at 6:40 p.m. and said there are no drafts or pending legislation on the agenda.

Chairperson Dixon said he sent everyone an email and stated he wanted to discuss emergency measures. He passed out a chart titled, Emergency Measures Comparison Chart as percentage of ordinance legislation to Council and the Administration that were present (copy in file). He explained that during the Ohio Municipal League seminar, a law director who spoke said he felt that too many emergency measures were not a good thing and it took the citizen's rights away to referendum. He explained the chart he passed out earlier.

President Potter spoke in reference to the emergency measure. He stated that he feels the administration does a good job of outlining why they need it on a first or second reading. As a Council, they have a right to vote yay or nay and this holds true for the emergency clause as well. He said as far as the statistics, he does not know what the legislation caseload looks like compared to theirs. He does not feel overall that they have not had a lot of legislation come through this Council that has not been justified.

Councilperson Elmore said she attended the Ohio Municipal League seminar and the presenter, under General Powers, did not specifically speak to referendum, and how it operates under referendum. He stated it was under City vs Village and population. He addressed an article when he was speaking to example of emergency. She took notes regarding this. He said Emergency, not every time shortcuts a resident's opportunity to speak, however, you want to make sure that the position gives all the information is not (?). She said it was not specifically regarding referendum. Data can say whatever you want it to say. All this information without given the facts why the percentages are the way they are, it can state anything you want it to say.

Mayor Maggard asked if these cities have City Managers or were they Mayor strong cities and if their Charters were different on some of the issues.

Chairperson Dixon said he spoke with many people and he did not ask about Charters or Mayors vs City Managers. There were many people against emergency measures. He understands why they are passed for various reasons. He gave two examples.

City Auditor Quincel stated that you could be a city and not be a chartered city. He said that the data did not reflect how often Councils met. When he writes legislation, he takes into account how long it will take to get it passed. He does not always have the courtesy of a sixty-day window to get things passed.

City Attorney Bivens said that Council is the appropriating authority and they understand that in their respective roles. Emergency measures are never to be seen as what is defined as an unforeseen combination of circumstances which is the Merriam-Webster definition. By law, the legal definition of an emergency measure is to meet a public necessity as it relates to public peace, health, safety and welfare. To the extent that this Council sees the necessity and it is specifically defined and it is not illusory, tautological or conclusory, which are the other legal standards and to the extent Council identifies that necessity, and puts it in the legislation then that legislation becomes an actual emergency clause which by law takes effect immediately for the purpose of peace, health, safety and welfare because it is a public necessity. If any of that legislation is not vetted through committee and it is rushed, then that would be a violation of the law.

Mayor Maggard said that when she writes legislation or is asked to write legislation by a department head, the first thing she asks is can these go three readings.

Chairperson Dixon stated he has been left with a lot to consider. There were concerns by himself and residents prior to this being brought up. The man at the OML confirmed this for him so he took his comments to heart. He repeated that the Charter does say the people have a right to a referendum and the only way to circumvent that is by having an emergency measure on a piece of legislation. He gave a couple examples of legislation that was rushed through without the public getting a chance to see it. He

feels it is very important to follow the will of the people. He thanked everyone for his or her consideration.

Having nothing further, Chairperson Dixon closed at 7:05 p.m.

ECONOMIC DEVELOPMENT

Chairperson Kantor opened at 7:06 p.m. and said there are no drafts or pending legislation on the agenda.

Chairperson Kantor said that Raising Canes has broken ground on East Main Street.

Having nothing further, Chairperson Kantor closed at 7:06 p.m.

INFRASTRUCTURE, MAINTENANCE AND SERVICE

Chairperson Conison opened at 7:06 p.m. and addressed the legislation in her committee, as follows:

ORDINANCE NO. 022-2022 DRAFT # 4

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF FORTY-SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$47,500.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE BUILDING AND LOT MAINTENANCE ACCOUNT (101.950.53300).

City Auditor Quincel said the purpose of this piece of legislation (pictures of windows and door were given to all Council members) is to replace broke windows on the east and south side of the building. The door to the Auditor and Tax Commissioners office needs replaced due to inadequate space and has been retrofitted for the buildings security system. This door will be the same as the door going into the Mayor's office and Service Department.

Councilperson Kantor asked if estimates from other companies were obtained for the replacement of the windows.

City Auditor Quincel said he could not speak to that and that Mr. Kantor should check with Mr. Woodruff.

(Infra. Maint & Svcs. – 3rd reading – ADOPT 06/21/2022- Conison/Kantor)

Having nothing further, Chairperson Conison closed at 7:11 p.m.

PUBLIC SAFETY

Chairperson Elmore opened at 7:11 p.m. and said there are no drafts or pending legislation on the agenda.

Chairperson Elmore said National Police Week begins May 15. Sound the Alarm volunteers are needed from 9:00 am to 1:00 pm on May 21. The blood drive will be held on June 2 at the Whitehall Fire Department. A new Lieutenant will be sworn in at the Fire department at 2:00 pm. tomorrow.

Having nothing further, Chairperson Elmore closed at 7:12 p.m.

PARKS AND RECREATION

Chairperson Heck opened at 7:12 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 7:12 p.m.

Meeting adjourned at 7:12 p.m.

Respectfully submitted,

Julie A. Ogg, Clerk of Council