

## WHITEHALL COUNCIL COMMITTEES

MINUTES – May 23, 2023

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Council President Potter called the May 23, 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 Attorney Michael Bivens  
City Auditor Steve Quinzel

Council Members

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

### COMMITTEE OF THE WHOLE

Council discussed a violation of the executive session, unethical behavior and a violation of trust. The discussion centered on the posting of confidential documents handed out in executive session on social media.

The City Attorney's office has not begun any formal investigation on the alleged violation. City Attorney Bivens advised Mr. Dixon, because he is the one being accused, that because of the implications as it relates to executive session and to the Ohio Revised Code, not just having ethical implications but also criminal implications, that he does have constitutional rights, that he exercise those rights and refrain from any discussion as it relates to this, anything he says and it is being recorded, it can be used against him in any future proceedings.

City Attorney Bivens updated all Council members of the rules of executive session and confidentiality. His office will not make a formal opinion as it relates to ethical or criminal violations. He provided a copy of the Attorney General advisory opinion 2020-02, which was written by Dave Yosts office as it relates to the confidentiality of executive session. As it relates to ORC 102.03B, it prohibited any present or former public official or employee from disclosing or using without appropriate authorization, any information acquired by the public official or employee in the course of the public officials or employees official duties that is confidential because of statutory provisions or that has been clearly designated to the public official or employee as confidential, when that confidential designation is warranted because of the status of the proceedings.

At this time, Councilperson Bailey and Councilperson Elmore spoke as it relates to Councilperson Dixon's violation of the executive session and his violation of trust.

President Potter gave each member of Council a copy of the recommendations from the Charter Review Committee. There was no discussion on the recommendations.

### ORDINANCE NO. 037-2023 DRAFT # 1

AUTHORIZING ADOPTION OF THE MAY 2023 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, AND DECLARING AN EMERGENCY.

*(Comm. Of the Whole. – 1st reading - ADOPT 06/06/2023-Kantor/Dixon)*

### ADMINISTRATION AND FINANCIAL MANAGEMENT

Councilperson Bailey opened at 6:50 p.m. and addressed the legislation in his committee, as follows:

ORDINANCE NO. 038-2023 DRAFT # 2

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF THREE THOUSAND TWO HUNDRED NINE DOLLARS AND 76/100 (\$3,209.76) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE 101.950.53600 FIRE HYDRANTS EXPENSE ACCOUNT AND DECLARING AN EMERGENCY.

*(Adm. & Fin. Mgmt. – 1st reading-ADOPT 06/06/2023-Bailey/Smith)*

ORDINANCE NO. 039-2023 DRAFT # 3

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF THIRTY FIVE THOUSAND NINE HUNDRED FORTY FOUR DOLLARS AND 01/100 (\$35,944.01) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE STREET MAINTENANCE & REPAIR FUND (201); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF THIRTY FIVE THOUSAND NINE HUNDRED FORTY FOUR AND 01/100 (\$35,944.01) FROM THE (201) STREET MAINTENANCE & REPAIR FUND TO THE SIGNALS/SIGNS EXPENSE ACCOUNT (201.000.53500) AND DECLARING AN EMERGENCY.

There is a typo in the first whereas. Ms. Ogg will have it corrected.

*(Adm. & Fin. Mgmt. – 1st reading-ADOPT 06/06/2023-Bailey/Heck)*

Having nothing further, Councilperson Bailey closed at 6:53 p.m.

COMMUNITY AND ELDER ADVOCACY

Chairperson Dixon opened at 6:53 p.m. and said there are no drafts or pending legislation on the agenda.

Chairperson Bailey pointed out that his thinking is on the incident and does not involve any other thoughts or (?). He does appreciate the information that was shared so his comments do not reflect on Mr. Dixons performance or involvement in social media and the comments he makes there, simply over the executive session and leaking the information out of that meeting. His comments were reflecting on nothing outside of that.

Having nothing further, Chairperson Dixon closed at 6:54 p.m.

COMMUNITY STANDARDS AND ENFORCEMENT

Chairperson Smith opened at 6:54 p.m. and said there are no drafts or pending legislation on the agenda.

There was no discussion in Community Standards and Enforcement.

Having nothing further, Chairperson Smith closed at 6:54 p.m.

ECONOMIC DEVELOPMENT

Chairperson Kantor opened at 6:54 p.m. and said there are no drafts or pending legislation on the agenda.

There is much construction happening around the city. Broad and Hamilton is looking good as well as Dunkin Donuts.

Having nothing further, Chairperson Kantor closed at 6:55 p.m.

INFRASTRUCTURE, MAINTENANCE AND SERVICE

Chairperson Conison opened at 6:55 p.m. and said there are no drafts or pending legislation on the agenda.

There is construction happening on Main and Hamilton and especially Yearling Road.

Having nothing further, Chairperson Conison closed at 6:55 p.m.

PUBLIC SAFETY

Chairperson Elmore opened at 6:55 p.m. and said there are no drafts or pending legislation on the agenda.

Whitehall Fire department has held Safety Town and two hundred forty students graduated. There was a situation last week, where a five year old called the station saying that an elderly person who was there with him was ill. His name is Alwildi Alanazi. Whitehall Annual Youth Police Academy is June 5 through June 16 at WYHS from 11:00 am until 1:00 pm, Monday – Friday. Open to students in grades 9 through 12. The police participated in a twenty-two mile charity ride benefiting WYHS and the Daniel Gardner scholarship.

Chairperson Dixon was sitting on his porch and observed twenty or more vehicle run the stop sign at Doney and Robinwood. He called the police station and a car was dispatched to the area. He thanked the police force for doing the work they do.

Having nothing further, Chairperson Elmore closed at 7:01 p.m.

PARKS AND RECREATION

Chairperson Heck opened at 7:01 p.m. and said there are no drafts or pending legislation on the agenda.

On Wednesday, at Kelly Green cardio drumming is happening at 6:30 p.m. Summer camp starts June 5 and spots are still available. May 26 is the Park Party Kick-off at John Bishop Park. Applications are being taken for the Whitehall Ambassador program.

President Potter said next week is the fifth Tuesday and there is not a Council meeting scheduled.

Having nothing further, Chairperson Heck closed at 7:02 p.m.

The meeting adjourned at 7:03 p.m.

Submitted by:

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Julie A. Ogg, Clerk of Council