

WHITEHALL CITY COUNCIL
AGENDA MEETING MINUTES

President Potter called the August 16, 2022 agenda meeting to order at 6:30 p.m. All members were present.

President Potter reviewed the agenda and confirmed who would handle the various required motions this evening.

The meeting adjourned at 6:35 p.m.

Respectfully submitted,

Julie A. Ogg, Clerk of Council

APPROVED: _____, 2022.

Thomas M. Potter, Council President

WHITEHALL CITY COUNCIL MEETING

MINUTES – August 16, 2022

President Potter called the regular meeting of Whitehall City Council to order at 7:00 p.m. on Tuesday, August 16, 2022.

At President Potter's request, everyone rose for a moment of silence. Those assembled then recited the Pledge of Allegiance.

On roll call by the clerk, the following members of council were present:

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

APPROVAL OF MINUTES:

Ms. Conison moved to approve the August 2, 2022, agenda and regular meeting minutes. Mr. Kantor seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and the minutes were approved as submitted.

SPECIAL PRESENTATION:

Ohio Municipal Clerks Association President Mollie Prasher said she was here to recognize and honor Clerk Julie Ogg for achieving her certification as a Certified Municipal Clerk. Julie not only serves the City of Whitehall, she also serves the Ohio Municipal Clerks Association as a Board member and Membership Chair. It is with great pleasure she stands before Council and the Administration to present Clerk Julie Ogg with her Certified Municipal Clerks designation.

SPECIAL PRESENTATION:

Chief of Fire Preston Moore presented the Distinguished Service Cross award to Ron Casto and Shawn Stauffer. Assistant Chief K. J. Watts gave details of each award that was given which gave everyone a glimpse into the type of personnel they have protecting the citizens, twenty-four hours a day, three hundred sixty five days a year.

SPECIAL PRESENTATION:

Ryan Andrews, EMH&T gave an overview of the grant application for the OPWC State Capital Improvements and/or Local Transportation Improvement Programs in reference to Resolution 026-2022. The grant would be used for improvements to East Broad Street from Robinwood Avenue to Pinewood Drive. This is the second phase of improvements to East Broad Street. Last year the City applied for East Broad Street, phase one. That project was received well by OPWC and was funded so they are currently in

the process of working through the details of the engineering plan. Phase one will start at the western edge of the city and extends to Robinwood Avenue. They are not adding lanes to the road but they are replacing the pavement and improving the drainage. The OPWC State Capital Improvements and/or Local Transportation Improvement programs are funded through the gas tax that everyone pays when they go to the pump. The program will cost between three point eight million and four million dollars. He explained the schedule for the project.

Ryan Andrews answered questions from Councilmembers at this time.

POLL PUBLIC:

No comments at this time.

STANDING COMMITTEE REPORTS:

Administration and Financial Management – Chairperson Bailey reported that the committee met last Tuesday and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Community and Elder Advocacy – Chairperson Dixon reported that they met last Tuesday and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Community Standards and Enforcement – Chairperson Smith reported that they met last Tuesday and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Economic Development – Chairperson Kantor reported that they met last Tuesday and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Infrastructure, Maintenance and Services – Chairperson Conison reported that they met last Tuesday and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Public Safety – Chairperson Elmore reported that they met last Tuesday and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Parks and Recreation – Chairperson Heck reported that they met last Tuesday and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

OFFICIALS' REPORTS

Mayor Kim Maggard – thanked Julie Ogg for her continued education in achieving her Certified Municipal Clerks certificate. She thanked Shawn Stauffer and Ron Casto for their service to the citizens of Whitehall and other citizens, wherever they are. She thanked Ryan for doing the presentation. She asked for favorable consideration on third reading of ordinances 041-2022, 042-2022, 043-2022 and 044-2022.

City Administrator Zach Woodruff – was not present.

City Attorney Michael Bivens – said he gets the opportunity and privilege to work with Julie in his capacity as City Attorney and Council knows they have a good one. He knows the department that Chief

Moore runs over there is just phenomenal. As it relates to Ron Casto and Shawn Stauffer's awards, he knows Chief Moore was not recognize but they all know that leadership has a lot to do with it. Having been a recipient of those fire fighters, they have always made him, his family feel protected and safe, and for he knows the level of service those officers provide. He wanted to thank them publically. Lastly, Ryan is going to get the standing ovation at some future point. He has a productive meeting with Chief Crispen as it relates to Municipal Court and their Mayors Court. As Council knows, at the last Council meeting he rather intimated that at some future point he might have to come to Council with respect to a budget concern. He wants Council to know his office will prosecute any case brought before them. From his vantage point, it was a matter of staffing where those cases are filed. After speaking with the Mayor and Chief Crispen, he thinks they have found a happy medium. So that everyone understands, he wanted to be as direct as possible; the Chiefs decision to file cases in Municipal Court instead of Mayors Court was purely on a public safety concern and what he felt was in the best interest to protect the citizens of Whitehall. They still have a viable plan to do the exact same thing but do it in a different way that has not been done historically in the City of Whitehall. In the upcoming weeks to months, Council should see the numbers go back to the way they were in Mayors Court and they should come to some equilibrium so that you will see a continuation of service while no degradation of public safety. He explained where they were heading if they did not fix this problem.

City Auditor Steve Quincel – he echoed the congratulations to Julie Ogg. She has definitely gone above and beyond for him several times and he truly appreciate that. He made everyone aware that Treasurer Alexander was in a traffic accident last week. Hopefully, he will be back with us soon. Beyond that, he would appreciate favorable consideration on Ordinances 051-2022 and 052-2022.

Public Safety Director Van Gregg – he had no official report but wanted to congratulate Julie and the two fire fighters who show examples of what our other fire fighters do. Chief Moore and KJ have done a wonderful job.

Treasurer Shaquille Alexander– was not present.

President Potter – advised that the following reports have been filed in the Council office since the last meeting: the Mayor's Report to Council for July 2022, the Auditor's Expense Reports for April through July 2022, the Auditor's Bank Reports for April through July 2022, the Auditor's Statement of Cash Position Reports for April through July 2022 and the Auditor's Revenue Reports for April through July 2022.

COMMUNICATIONS, PETITIONS AND CLAIMS:

1. Agenda for the August 4, 2022 Whitehall Planning Commission meeting.
2. Minutes for the August 4, 2022 Whitehall Planning Commission meeting.
3. Agenda for the August 8, 2022 BZBA meeting.
4. Minutes for the July 11, 2022 BZBA meeting.

PUBLIC HEARING:

President Potter opened the public hearing on Ordinance No. 042-2022 at 7:41 p.m.

ORDINANCE NO. 042-2022

AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1122 OF THE 1970 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, AMENDING THE PLANNED UNIT DEVELOPMENT (PUD) APPROVED ON NOVEMBER 2, 2021 FOR THE PROPERTY LOCATED ON EAST BROAD ST, HAMILTON RD, AND POTH RD, PARCEL NUMBERS LISTED IN APPEDNIX A, PROPERTY OWNED BY CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

President Potter asked if there were any proponents to Ordinance 042-2022.

Michael T. Shannon, Attorney, 8000 Walton Parkway, Suite 260, New Albany, Ohio is here on behalf of his client. This plan is remarkably similar to the Planned Unit Development previously approved. The single difference is the adjustment to the site plan where they are removing one building and adding another floor which will add approximately seven units. The PUD code is so specific and granular in specifying the number of units (not understandable). This plan received unanimous approval with the Planning and Zoning Commission and he now respectfully requests Councils approval this evening.

President Potter asked if there were any opponents to Ordinance 042-2022.

There were no opponents.

After confirming with Ms. Ogg that there were no additional proponents or opponents on Ordinance 042-2022, President Potter closed the public hearing at 7:43 p.m.

VERIFICATION OF COPIES:

President Potter requested a roll call on whether each member of council received a copy of each item of legislation listed on the agenda prior to the meeting, including any add-on legislation. On a roll call vote, all members responded in the affirmative.

THIRD READING:

ORDINANCE NO. 041-2022 was read by title only by President Potter:

AMENDING ORDINANCE NO. 040-2011 TO UPDATE THE TAX EXEMPTIONS AVAILABLE WITHIN THE MAIN STREET RE/DEVELOPMENT DISTRICT COMMUNITY REINVESTMENT AREA.

Ms. Smith introduced and moved to adopt Ordinance No. 041-2022 and Ms. Conison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 041-2022 was adopted.

ORDINANCE NO. 042-2022 was read by title only by President Potter:

AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1122 OF THE 1970 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, AMENDING THE PLANNED UNIT DEVELOPMENT (PUD) APPROVED ON NOVEMBER 2, 2021 FOR THE PROPERTY LOCATED ON EAST BROAD ST, HAMILTON RD, AND POTH RD, PARCEL NUMBERS LISTED IN APPEDNIX A, PROPERTY OWNED BY CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

Ms. Smith introduced and moved to adopt Ordinance No. 042-2022 and Ms. Elmore seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 042-2022 was adopted.

ORDINANCE NO. 043-2022 *was read by title only by President Potter:*

APPROVING COMMUNITY REINVESTMENT AREA REAL PROPERTY TAX EXEMPTION APPLICATIONS FOR YEARLING RICKENBACKER DEVELOPMENT GROUP LLC, WHITEHALL COMMUNITY IMPROVEMENT CORPORATION, YEARLING GREEN 1, LLC, OR THEIR RESPECTIVE DESIGNEES AND DECLARING AN EMERGENCY.

Mr. Kantor introduced and moved to adopt Ordinance No. 043-2022 and Ms. Conison seconded the motion.

Chairperson Dixon said the name of the company in this ordinance that has applied for tax exemption and is looking for Councils approval, shares the name of a donor to the city led initiative brought forth earlier this year. Out of curiosity, earlier he sent an email to city officials to get answers asking whether the companies he has inquired about were the same. He asked Auditor Quincel if the name on the ordinance and the Safer Whitehall Initiative finance report are the same companies.

Auditor Quincel said without having the documents in front of him he could not say for sure but he believes they are.

He asked Mayor Maggard the same question.

Auditor Quincel stated the Mayor had nothing to do with the campaign, as he was the treasurer of the campaign. In addition, if he is eluding to something shady or illegal (City Attorney Bivens stopped Auditor Quincel at this time).

City Attorney Bivens said point of order as it relates to this. Mr. President, if he may. If he may take privilege just in this situation because he does not know where this conversation is going. However, as the City attorney he has to warn Councilmember Dixon as it relates to any accusation that he intends to make direct or indirect. Not only could they have civil implications to him individually but they could also have civil implications to the city collectively. So to the extent that he has direct evidence that relates to anything of a criminal nature or anything of an ethical matter that would be filed with any commission, his follow-up question to Mr. Dixon would be, Sir, have you filed a formal complaint with the Franklin County Prosecutors Office or the Ohio Ethics Commission. His answer should be either yes or no.

Chairperson Dixon said he was asking a question.

City Attorney Bivens asked Mr. Dixon again if he has filed any formal complaints with the Franklin County Prosecutors Office or the Ohio Ethics Commission.

Chairperson Dixon replied he had not.

City Attorney Bivens said that at this phase, any inquiry; he is warning Mr. Dixon as the City Attorney who represents him as a City Councilmember, as well as collectively this City Council, that any questions that are casting any aspersion, direct or indirect allegation of a criminal nature, cease-and-desist at this moment so they may have a discussion at some other time, for his protection as well as the city's.

Chairperson Dixon asked if he could make a motion to postpone this legislation until a time when they can have this conversation.

City Attorney Bivens said there is already a motion as it relates to (many people talking).

Councilmember Kantor said to President Potter that he had a motion on the table and he is waiting for a vote.

City Attorney Bivens said it had already been moved and seconded; at this point, it is now in discussion and needs to be called for a vote.

Chairperson Bailey asked President Potter if this is the third reading and if so they have had this in front of them for six weeks.

President Potter said that is correct.

On a roll call vote, Dixon, no; Elmore, yes; Conison, yes; Kantor, yes; Heck, yes; Smith, yes; Bailey, yes. Ordinance No. 043-2022 was adopted.

ORDINANCE NO. 044-2022 was read by title only by President Potter:

APPROVING A COMMUNITY REINVESTMENT AREA REAL PROPERTY TAX EXEMPTION APPLICATION FOR BUCKEYE APARTMENTS LLC OR ITS DESIGNEE AND AUTHORIZING THE EXECUTION OF A MASTER COMMUNITY REINVESTMENT AREA AGREEMENT FOR THE PROVISION OF A REAL PROPERTY TAX ABATEMENTS WITHIN THE EAST BROAD STREET DISTRICT COMMUNITY REINVESTMENT AREA IN ACCORDANCE WITH A DEVELOPMENT AGREEMENT AND FOR THE PURPOSE OF ENCOURAGING THE CREATION OF NEW JOBS WITHIN THE CITY; AND DECLARING AN EMERGENCY.

Mr. Kantor introduced and moved to adopt Ordinance No. 044-2022 and Ms. Elmore seconded the motion. On a roll call vote, Dixon, no; Elmore, yes; Conison, yes; Kantor, yes; Heck, yes; Smith, yes; Bailey, yes. Ordinance No. 044-2022 was adopted.

SECOND READING:

RESOLUTION NO. 025-2022 was read by title only by President Potter:

APPROVING THE RECOMMENDATIONS OF THE CITY OF WHITEHALL TAX INCENTIVE REVIEW COUNCIL FOR TAX YEAR 2021.

FIRST READING:

ORDINANCE NO. 051-2022 was read by title only by President Potter:

AWARDING DEPOSITS OF PUBLIC MONIES AND DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES AND DECLARING AN EMERGENCY.

Mr. Dixon introduced and moved to suspend the rules on Ordinance No. 051-2022 and Ms. Elmore seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 051-2022 was suspended.

Mr. Dixon moved to adopt Ordinance No. 051-2022 and Ms. Elmore seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 051-2022 was adopted.

ORDINANCE NO. 052-2022 *was read by title only by President Potter:*

AWARDING DEPOSITS OF PUBLIC MONIES AND DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORY AND DECLARING AN EMERGENCY.

Ms. Elmore introduced and moved to suspend the rules on Ordinance No. 052-2022 and Ms. Smith seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 052-2022 was suspended.

Ms. Elmore moved to adopt Ordinance No. 052-2022 and Ms. Smith seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 052-2022 was adopted.

RESOLUTION NO. 026-2022 *was read by title only by President Potter:*

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY.

Ms. Conison introduced and moved to suspend the rules on Resolution No. 026-2022 and Mr. Dixon seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Resolution No. 026-2022 was suspended.

Ms. Conison moved to adopt Resolution No. 026-2022 and Mr. Dixon seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Resolution No. 026-2022 was adopted.

POLL PUBLIC:

Mike Shannon, 5166 Etna Road, Whitehall, OH said he wanted to make a comment about the Whitehall Police Department. He saw the video from Turkey Hill and if you have not seen it, you have to watch it. Chad Huntzinger put his life on the line. It is not the type of article that will get much (?) video. He stared down the face of a very tragic situation. He wanted to acknowledge publically Whitehall Police and Fire and they are one of the best in the country.

COMMUNITY DATE BOARD:

Chairperson Dixon reminded everyone that at noon every Tuesday and Thursday, the Whitehall YMCA offers free and nutritious meals to Whitehall residents who are sixty plus years of age. Advance registration is required.

Chairperson Heck said the Farmers Market is still going on for a couple more weeks on Tuesday from four to seven p.m. at Kelly Green. This Saturday, the Backyard Birds for Beginners event at the Whitehall YMCA is from ten to eleven a.m. Whitehall City Schools start on Thursday. The Career Centers started on Monday. Watch out for the kids walking.

Chairperson Kantor said on August 24 at 6:30 p.m. is the Terry McDowell Memorial to be held at the Whitehall Police Department.

POLL COUNCIL:

Chairperson Dixon congratulated Ms. Ogg on her award, commended Ron Casto and Shawn Stauffer for the work they do and he feels they are well deserving of the honor they received and that the information Mr. Andrews provided was interesting to him. He sent Treasurer Alexander well wishes. He thanked those viewing from home and those in the Council Chambers.

Chairperson Elmore thanked everyone who takes the opportunity to view the Council meetings online to keep abreast of the happenings in the City of Whitehall. She said to Ms. Ogg, when you cease to continue learning, we do ourselves a dis-service. She is a lifelong learner, is kind and helpful and is service in action. She believes Ms. Ogg is the glue to this Council. Congratulations on a well-deserved honor. She congratulated Ron Casto and Shawn Stauffer for being honored with the Distinguished Service Cross. Often time you look at service, it is a calling and she is thankful they have answered the call and sacrifice daily to help those in and out of Whitehall. She sent get-well wishes to Treasurer Alexander. She congratulated the Whitehall Police Department for their recognition in receiving the Violent Crimes Grant.

Chairperson Conison echoed all the sentiments she has heard tonight. She said she knew when Julie walked into the room the night of her interview that she was the one and she congratulated Ms. Ogg on her award and thanked everyone for watching.

Chairperson Kantor thanked everyone for viewing from home tonight. Friday night is Whitehall's first football game against Granville at home. He wished Mr. and Ms. Bivens a belated anniversary and a belated birthday to Mayor Maggard. He told Ms. Ogg that she was an awesome clerk. If she does not have the answer to my question, she gets right back with me with the answer. He congratulated Shawn and Ron on the honors they received tonight. He is glad Treasurer Alexander is safe. He attended the press conference when the Whitehall Police Department received a Violent Crimes Grant; he thanked the Mayor and the Chief and the Governor for making this happen. He thanked Chad Huntzinger for putting his life on the line when apprehending three juveniles who had stolen a car.

Chairperson Heck said she thinks everything has been said but she needed to say congratulations to Julie for a well-deserved award and the same with Ron and Shawn. She thanked everyone who is watching from home and those who came in tonight.

Chairperson Smith congratulated Julie on her award. It is well deserved and Julie is always kind and quick with her as a new member.

Chairperson Bailey thanked everyone for coming and watching online. He knew from day one when Julie took the job that she was a blessing and she proves it every day. They all thank her. He thanked City Attorney Bivens for his comments; since he has taken that office, he runs it proactively and he

appreciate it. He is out front of those issues and some of them were described here tonight. Again tonight, they have heard about the quality of services here in the community whether it be fire, ems, police or swat or city services. It comes up several times a year. He personally appreciates it especially since getting a drug fast enough that it saved his life. He feels blessed that they have their own fire and police departments with this type of leadership and the service department also.

President Potter told Ms. Ogg that he is proud of her efforts and the work she put into achieving this certificate. She initiated this herself and always wants to educate herself more and that is commendable. She has been a great resource to him for the last two and one half years. She not only deals with Council, she deals with the Administration and the public and other departments and she does it so well. He congratulated Ron Casto and Shawn Stauffer on their awards this evening. They were much deserved. They truly are blessed with the services the city provides. He wished Treasurer Alexander a speedy recovery.

Having nothing further, Mr. Bailey moved to adjourn and Mr. Kantor seconded the motion. On a roll call vote, all members responded in the affirmative and the meeting adjourned at 8:14p.m.

Respectfully submitted,

Julie A. Ogg, Clerk of Council

APPROVED: _____, 2022.

Thomas M. Potter, Council President