

WHITEHALL CITY COUNCIL

AGENDA MEETING MINUTES

President Pro Tem Morrison called the January 16, 2024 agenda meeting to order at 6:30 p.m. All members were present with the exception of President Potter and Councilperson Heck.

President Pro Tem Morrison reviewed the agenda and confirmed who would handle the various required motions this evening.

Mayor Bivens gave a point of reference as to the historical context to Councilperson Amy Harcar on Ordinance 005-2024. He stated it was up to Council if they wanted to read this legislation tonight by title only, but as the Mayor, he requested if this is going to happen, that it be tabled tonight so that it can be considered in a committee meeting. Historical context, the City of Whitehall back in 2020, drafted legislation, he believes it to be 049-2020, which declared racism a public health crisis and in that legislation, they adopted the Franklin County blueprint. In that blueprint, it was specific to talk about zoning and regulations that have disparate impact on suspect classes. That began the process, from the former administration; this administration is not bound by the former administration whatsoever, but at least in the former administration saw, and took a hard look at the zoning code and hired OHM, spent nearly one hundred twenty five thousand dollars updating the zoning code. They went through a long and exhausting process looking at the zoning code and in areas that could have disparate impact on either marginalized communities or even middle class communities. He is not giving legal advice but speaking this as he remembered it back in the day. One of the things discussed with this Council was that residential estate districts have a tendency to exclude and be exclusionary to certain groups and to certain marginalized groups. When they went through the code, one of the things he recalls is the city was trying to put itself in a position to get grant funding from federal sources and show that they were taking concrete steps to eliminate things that would otherwise exclude people but would be a lot more inclusive. One of those things was matters as it relates to density. Where they are today, it is his understanding at least one of the parcels, there is a person that has filed with the Planning Commission, yes, the Planning Commission denied their plat, which was within their right, but that resident is still within the appellant time from filing a claim. In addition, that resident could refile another plat. That to him, as a non-lawyer speaking, tends to be at least a pending case in controversy that at least this Council is aware of from a resident with property rights that is before this city is asking that their property be zoned pursuant to the regulations that are currently in existence. Lastly, at least for this piece of legislation, since there is a comprehensive master plan that is currently in place, and now there is consideration in going against the comprehensive master plan for just those parcels, they are kind of teetering into the grey area of spot zoning. That is a legal matter that would have to go through the courts etc. but certainly if there is anything looking near that because there is a comprehensive plan already in place, and it is against the master plan at least one of the indicia of filing something as it relates to spot zoning. He would like for OHM to come in and speak to some of the new Councilmembers, there is a Ward IV councilmember that Council are currently looking at interviewing and appointing and he sees that Ward I Councilperson Gerald Dixon is the person that drafted the legislation. He has the curiosity, having campaigned for the past year, how this would affect Ward I residents since that is his Ward. Certainly Ward I has voiced their concerns to Council on a number of occasions. This is a Ward IV matter, not that he is not allowed to file and draft legislation, and these are things that he is curious about.

City Attorney Nicodemus said this is a spot zoning issue and he has talked with Mr. Dixon and expressed his concerns about how this is a spot zoning issue and how it opens the city to liability. The draft that has been submitted has not really addressed and of that. There are some legal considerations if this was to proceed.

Councilperson Dixon asked if this legislation is tabled until next week, would it affect it from going to the Planning Commission on February 1.

City Attorney Nicodemus said that would affect that date. It would push it back.

Councilperson Dixon relayed the timeline for his legislation. He stated he did not ask it to be introduced tonight; he merely asked that it be approved to form.

City Attorney Nicodemus asked what the harm would be in tabling the legislation since it was not his intent on introducing it tonight so that not only the considerations that the Mayor brought up but also the legal considerations. Then they can have those discussions and not be up against a hard deadline.

Councilperson Harcar said as a new Councilmember she would like a little more time on this because this is very new to her, the issues that have been brought up; she really wants to look into this more. She is only fifteen days into Council and she does not want to make any uninformed decisions she will regret later.

Councilperson Elmore said as Council they do operate by ambush. There was Committee meeting last week and knowing that this was presented and on the table, surely Mr. Dixon had an idea he was going to present this. She thinks they could have gotten a heads-up and have had some discussion in regards to this legislation. She read the description for spot zoning. All Councilmembers voted in favor of the zoning back in March of 2023. She spoke to legislation 049-2020.

There was additional discussion but because some Councilmembers were speaking over each other, the words were not clear.

President Pro Tem Morrison brought the Council dais back to order. It was determined there needs to be a motion made during the Council meeting to table this legislation and to have a discussion at next weeks Committee meeting.

The meeting adjourned at 6:59 p.m.

Submitted by,

Julie A. Ogg, Clerk of Council

APPROVED: February 6, 2024

Thomas M. Potter, Council President

WHITEHALL CITY COUNCIL MEETING

MINUTES – January 16, 2024

President Pro Tem Morrison called the regular meeting of Whitehall City Council to order at 7:00 p.m. on Tuesday, January 16, 2024.

At President Pro Tem Morrison'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:

Amy Harcar
Gerald Dixon
Larry Morrison
Lori Elmore
Amy Smith

Mr. Dixon moved to excuse the absent members and Ms. Smith seconded the motion. There was no discussion. On a roll call vote, all members responded in the affirmative and President Potter and Chairperson Heck were excused.

APPROVAL OF MINUTES:

Ms. Elmore moved to approve January 2, 2024 agenda and regular meeting minutes and the January 9, 2024 committee agenda and meeting minutes. Ms. Harcar 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.

POLL PUBLIC:

Maureen Havens, 878 Fairway Blvd. is representing her parents. Her mother is attending as well. Listening to the earlier discussion, she stated that no one is for racism. The last meeting and the Planning Commission meeting should dispel any racism because all shapes, sizes and colors were there objecting to the Fairway Cliffs development. She said the Mayor stated that this proposal for Fairway Cliffs would be a problem if they go back to the old zoning. She suggests it is already a problem. The people were not informed or given proper notification of the rezoning. Now you have two homes. The density has increase so much now they are proposing to put forty-six to fifty homes where two homes now stand and yet none of the neighbors received notification. She has asked for the newspaper of circulation, which is required by the Ohio Code, and she has not received that information. She would like to see the City Council, there is one way of doing it is the way Mr. Dixon has proposed, remedy the situation that occurred when the public was not notified of the zoning changes that had an impact on them, their area and their property values. The lack of notification came before the Fairway Cliffs proposal. That is a way to remedy the situation. She thanked Mr. Dixon for the courage to bring the legislation before Council and listening to the public.

James Williams, 826 Fairway Blvd. is representing his parents. One of the things they have come to believe through this process of zoning, the laws informing of the zoning also protect current homeowners and landowners. All they are trying to do is to make sure no one gets an unfair shake at the table. He and others believe they have made their presence known and they think this development is going to affect the value of Fairway Blvd. They believe the zoning ordinances was written so that every everyone is protected. They are asking that this consideration be made and he supports what Mr. Dixon has proposed.

Merle Robinson, 5191 Doral Ave. had a couple of thoughts and concerns that are relative to the discussion that was held at the January 9 committee meeting. Council was discussing changing some of the policies and procedures on how they interacted with the public and how poll public should be handled. He believes poll public is designed to see that there

is open government and ability for public feedback to the Council that is reported in the public record based on the information that is available. He had many ideas on how to handle poll public that he shared with Council. He feels this is a way for the community to provide Council with essential information and the more that is allowed, the more success will be had in the transparency of government.

STANDING COMMITTEE REPORTS:

Administration and Financial Management – Chairperson Elmore 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 Harcar 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 Standards and Enforcement – Chairperson Smith 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.

Economic Development – Chairperson Dixon 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.

Infrastructure, Maintenance and Services – Chairperson Morrison 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.

Public Safety – Chairperson Morrison 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.

Parks and Recreation – Chairperson Elmore 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.

OFFICIALS' REPORTS

Mayor Michael T. Bivens – he thanked everyone for coming. He share a stance in a poem he loves that says, “If you can bear to hear the truth you have spoken twisted.” He spoke the following very clearly, the truth that he spoke tonight was not accusing anyone from Fairway, not Councilmember Dixon, in proffering the legislation tonight as being racist. He does not consider any of them to be racist, does he believe there are racist systems and racist structures that exist and are present and are operational in government and the society today, absolutely. In fact, those racist systems are the reasons why none of the restrictive covenants on Fairway are legal right now, because they were outlawed. What he did in this Council tonight was he gave Councilperson Amy Harcar a historical prospective for why we came to the zoning changes that they came to today. Residential zoning, while not racist on its face, there is data to support that it has disport impact on suspect classes. That is it, it was in the blueprint, and he merely gave a historical context for why the previous administration chose to move this city in the direction of its new zoning classification. Hear him very clearly, he has not accused nor will he say that this legislation was proffered based upon a racist ideology. He will not let anyone characterize it that way because that was not what he said, that was not his intent and that is not his heart; he was merely giving a historical context. He thanked Councilpersons Harcar, Elmore, Heck and Smith for attending the Martin Luther King Jr Scholarship Breakfast. It was the fifth annual scholarship breakfast; they had ten applicants from Whitehall City Schools submit essays for a scholarship. The average GPA for the ten students was a 4.0 and they are all college bound. The kids in this city are amazing. Next point, as you come into City you will see some changes. One of the changes that he has made is to move the Mayors photographs from city hall. He has donated them to the Historical Society. He wants to create a Whitehall First Founders Day. Since February is on the horizon, he would love to honor the longest married couples in the City of Whitehall for Valentine’s Day. Check your emails and notices because he would like to know who are the longest married couples in the City of Whitehall because on Valentine’s Day they are going to get flowers and their recognition and he could possibly do some wedding on that day as well. They will celebrate Black History Month in February. Channel 4 put out a list of warming centers in Franklin County and throughout central Ohio.

City Attorney Bradley S. Nicodemus – at the end of 2023, the Domestic Violence Advocate had moved into a new role as the Clerk for Mayor’s Court. Since then the office staff has been stepping in to cover this position. Interviews have begun and the caliber of people who want to come and work in the Whitehall City Attorney’s office as the Victims Advocate will make the decision of who to hire a very difficult decision.

City Auditor Steve Quincel – was not present

Director of Public Service Casey Thomas – President Pro Tem Morrison did not call on her.

Public Safety Director Van Gregg – was not present.

Treasurer Shaquille Alexander – was not present

President Pro Tem Morrison – advised that the following reports have been filed in the Council office since the last meeting: the Auditor’s Expense Report for December 2023, the Auditor’s Bank Report for December 2023, the Auditor’s Statement of Cash Position Report for December 2023 and the Auditor’s Revenue Report for December 2023.

COMMUNICATIONS, PETITIONS AND CLAIMS:

There were no Communications, Petitions and Claims.

VERIFICATION OF COPIES:

President Pro Tem Morrison 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.

Ms. Elmore made a motion to accept the appointments of Chris Bolich and Michelle Reed to the Park and Recreation Commission for the 2024-2026 term. Ms. Harcar seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and the appointments were accepted.

THIRD READING:

No legislation for third reading.

SECOND READING:

ORDINANCE NO. 001-2024 was read by title only by President Pro Tem Morrison:
(PUBLIC HEARING MOVED TO MARCH 5, 2024)

AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1104.01 OF THE 2023 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, ALLOWING A SPECIAL PERMIT UNDER SECTION 1104.03(H) TO PERMIT BUY & BUY AUTO SALE, LLC COMPANY TO OPERATE A VEHICLE AND LARGE EQUIPMENT REPAIR BUSINESS IN THE MAIN STREET DISTRICT.

Ms. Smith made a motion to table Ordinance No. 001-2024 until March 5, 2024 City Council meeting. Mr. Dixon seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance 001-2024 was tabled.

RESOLUTION NO. 001-2024 was read by title only by President Pro Tem Morrison:

AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT ASSISTANCE FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES VIA OHIO’S URBAN FORESTRY GRANT PROGRAM.

FIRST READING:

ORDINANCE NO. 002-2024 was read by title only by President Pro Tem Morrison:

APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF EIGHT THOUSAND TWO HUNDRED EIGHTEEN AND 20/100 DOLLARS (\$8,218.20) FROM UNAPPROPRIATED MONIES IN POLICE DEPARTMENT GRANT FUND (212) TO THE 212.000.50050 PD GRANT FUND CADET INTERNSHIP PROGRAM EXPENSE ACCOUNT AND DECLARING AN EMERGENCY.

Ms. Elmore introduced and moved to suspend the rules on Ordinance No. 002-2024 and Ms. Harcar seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and the rules on Ordinance No. 002-2024 were suspended.

Ms. Elmore moved to adopt Ordinance No. 002-2024 and Ms. Harcar seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 002-2024 was adopted.

ORDINANCE NO. 003-2024 was read by title only by President Pro Tem Morrison:

AUTHORIZING EXEMPTIONS OF 161.09(A) VACATION AND SICK LEAVE CREDIT CARRYOVER 161.09(8) FOR THE PURPOSE OF EMPLOYING A HIGHLY QUALIFIED EMPLOYEE TO THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

Ms. Elmore introduced and moved to suspend the rules on Ordinance No. 003-2024 and Mr. Dixon seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and the rules on Ordinance No. 003-2024 were suspended.

Ms. Elmore moved to adopt Ordinance No. 003-2024 and Mr. Dixon seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 003-2024 was adopted.

ORDINANCE NO. 004-2024 was read by title only by President Pro Tem Morrison:

AUTHORIZING EXEMPTIONS OF 161.09(A) VACATION AND SICK LEAVE CREDIT CARRYOVER 161.09(8) FOR THE PURPOSE OF EMPLOYING A HIGHLY QUALIFIED EMPLOYEE TO THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

Ms. Elmore introduced and moved to suspend the rules on Ordinance No. 004-2024 and Mr. Dixon seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and the rules on Ordinance No. 004-2024 were suspended.

Ms. Elmore moved to adopt Ordinance No. 004-2024 and Mr. Dixon seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 004-2024 was adopted.

ORDINANCE NO. 005-2024 was read by title only by President Pro Tem Morrison:

AMENDING SECTION 1103.02(C) (BUILDING PLACEMENT), AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1104.01 OF THE 2023 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, AND CHANGING THE ZONING ON PROPERTY LOCATED ON FAIRWAY BLVD., PARCEL NUMBERS 090-001774, 090-001812, 090-001819, 090-001775, 090-001776, 090-001010, 090-001777, 090-001735, 090-001778, 090-006752, 090-001780, 090-001781 and 090-001782, FROM STUR TO RESIDENTIAL ESTATE DISTRICT.

Ms. Elmore made a motion to table Ordinance No. 005-2024 until the January 23, 2024 City Council Committee meeting for further discussion. Ms. Harcar seconded the motion. There was no discussion. On a roll call vote, Harcar; yes, Dixon; no, Elmore; yes, Morrison; yes, Smith; yes and Ordinance 005-2024 was tabled until the January 23, 2024 City Council Committee meeting for further discussion.

ORDINANCE NO. 006-2024 was read by title only by President Pro Tem Morrison:

AUTHORIZING AND APPROVING THE AMENDMENT OF 161.37(a) AND DECLARING AN EMERGENCY.

Ms. Smith introduced and moved to suspend the rules on Ordinance No. 006-2024 and Ms. Elmore seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and the rules on Ordinance No. 006-2024 were suspended.

Ms. Smith moved to adopt Ordinance No. 006-2024 and Ms. Elmore seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 006-2024 was adopted.

RESOLUTION NO. 002-2024 was read by title only by President Pro Tem Morrison:

A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE SOLID WASTE AUTHORITY OF CENTRAL OHIO AND DECLARING AN EMERGENCY.

POLL PUBLIC:

Merle Robinson, 5191 Doral Ave. had a different subject but it also related to the January 9, 2024 meeting. He spoke on the issue of recording committee meetings and providing information by the internet to the rest of the community. There was some disagreement over the definition of community involvement, particularly involving electronic access to city activities. Some felt that a physical presence indicated commitment should be a requirement to participate. Others expressed concerns over internet trolls and disruptive persons that might try to do something electronically. He feels we need to be honest on the limitations of our current system of inclusion because physical attendance minimizes the expression of people who are poor or time pressed including those with medical, child or elder care issues. Have this available electronically online has a real value in terms of seeing that more citizens get to see what is going on and can provide feedback through either an electronic poll public or by physically coming to a meeting.

Maureen Havens, 878 Fairway Blvd. on behalf of her parents Don and Nancy Kelley; she said to the Mayor that she did not mean to imply that he was saying it was racism. She jumped to the past meetings, the diversity and the groups because it was one of the finer moments for her through the whole process with a sense of diversity through the whole process. She congratulated him on his historic election as Mayor of Whitehall. She grew up in Whitehall in the early 60's and 70's and she knows it is historical. She hopes his leadership will be just as historical and that he will lead Whitehall through its growing pains and all that is ahead.

Joy Bivens, 4985 Doral Ave. commended the Councilmembers who attended the MLK Jr Scholarship Breakfast. Many already know that the Mayor funded the first breakfast with his own funds. She wanted to go on record as those that would like to give in the community for scholarships for the kids in the community to have opportunities whether it be college, trade or other so that they can have access to sustainable lives. We can post where people can give to the scholarship fund or if they would like to donate to a kid that is post high school. The community should be proud. The average GPA was 4.2, that is to be commendable in this community. When people invest in the children, they have a better future.

Lanae Boyer, 791 Ross Rd. thanked the Mayor on his inauguration. She expressed concern as a member of the community and as a general passerby; she is interested in seeing the integrity of the Fairway area maintained. She does not necessarily believe that it needs maintained as it currently is but she wanted to go on record as saying there needs to be some level of protection to that are; it is such a gem and a beautiful area. She had a choice to live here or in Reynoldsburg. She chose Whitehall and she would do it again. One of the beautiful things about Whitehall is the range of humanity that lives here, it is actually cool and she does not want to see that go away. She would like to see some protection on the amount of parcels, the amount of homes and the types of homes that can be built in that area. She would like to see there be a definition for the word reasonable, when it comes to proper notice to citizens for official city business.

Jim Graham, 644 Greenwood Rd. said there has been much talk about communication. There is definitely a lack of communication. Some have the internet and some do not. Some have cell phone and others have a landline. What it boils down to is how people get their communication. He thinks that a good way to do it is to have a public notice somewhere.

He has talked about for twenty years is a lighted sign out in front of City Hall that says, Council Meeting tonight, important discussion regarding a Public Hearing etc. In the end, if you communicate with people in every single way that is possible, such as a sign, which he has talked about for twenty years, they have them in Gahanna and in front of the schools.

COMMUNITY DATE BOARD:

Lending Day is coming up and Senior Day at the YMCA on January 25, 2024.

T-ball, softball, baseball and soccer sign-ups begin March 31, 2024.

POLL COUNCIL:

President Pro Tem Morrison thanked everyone for his or her patience, as this is his first meeting as President Pro Tem. He said it was good to see Ms. Thomas.

Chairperson Harcar thanked Mayor Bivens for the historical context. As a new Council member, it is a lot to consider and she wants to do a good job with this. She knows that racism can exist even when there is not a racist person there because of how systems are set up. She appreciates what he had to say and for sharing that with her. Letting her have a little bit more time on this is helpful. She echoed Ms. Bivens thoughts about the breakfast event. She thanked those in attendance and those watching from home.

Chairperson Dixon thanked those in attendance and those watching from home. Regarding Ordinance 005-2024, he has things to say but he will hold them until the committee meeting next week. He thanked Ms. Havens for sharing her comments, Ms. Kelley for coming in and Mr. Robinson and James Williams for their considerations. He welcomed Ms. Thomas to her new role and to her first meeting. He congratulated Chris Bolich and Michelle Reed on their appointments to the Parks and Recreation Commission. He thanked Larry Morrison for stepping up and being President Pro Tem. He thanked Ms. Bivens for coming in. He did not attend the breakfast and he does not feel the need to speak on the reasons why he did not, he extended his apologies and he wished the students well. When Mr. Graham was on the dais, he was fighting for more communication and he is totally in line with what Mr. Graham said. He thinks all recommendations and suggestions should be taken into account and given consideration.

Chairperson Elmore thanked those in attendance, those that had the courage to come up and speak during poll public and those watching from home. The recommendations tonight have not fallen on deaf ears. She believes that all input will be considered as it always is. She thanked Superintendent Sheree Wells for encouraging the children to submit essays. This is the fifth year and now they are up to ten. The greatest asset are the children and they are the future. There is still opportunity to give to the scholarship fund. Dr. Martin Luther King speech was a fight for freedom with his voice, it was making sure that the voices were heard no matter what the situation and speaking truth to power and correcting those that tarnish your name and speak ill-mannered against you; to come up against those things that are not right, systemic racism, despaired treatment that she has fought for in her career that she has fought for thirty years. Your vote is your voice. She thanked those who came up to speak and those that email. She recognized and welcomed Representative Humphrey's.

Chairperson Smith thanked those in attendance and those watching from home. The MLK Breakfast was great and it shows at Whitehall City Schools if you want it you can find it there. There is opportunity for success and those kids are an example of that. She congratulated Director Thomas and she is glad that the city was able to keep all her knowledge here.

President Pro Tem Morrison thanked all those in attendance that came out into the cold weather and those watching online. He thanked Council, the Administration and especially Ms. Ogg for helping him through the meeting.

Having nothing further, Mr. Dixon moved to adjourn and Ms. Elmore seconded the motion. On a roll call vote, all members responded in the affirmative and the meeting adjourned at 8:00 p.m.

Submitted by,

Julie A. Ogg, Clerk of Council

APPROVED: February 6, 2024

Thomas M. Potter, Council President