

WHITEHALL CITY COUNCIL

AGENDA MEETING MINUTES

President Potter called the February 6, 2024 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.

Director of Public Service Casey Thomas explained the need for Ordinance 007-2024. They have extended an offer to a Community Affairs Specialist and the salary money will be coming from three positions that are no longer with the city that were budgeted for 2024.

The meeting adjourned at 6:37 p.m.

Submitted by,

Julie A. Ogg, Clerk of Council

APPROVED: February 20, 2024

Thomas M. Potter, Council President

WHITEHALL CITY COUNCIL MEETING

MINUTES – February 6, 2024

President Potter called the regular meeting of Whitehall City Council to order at 7:00 p.m. on Tuesday, February 6, 2024.

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
Larry Morrison
Jo Anna Heck
Amy Smith
Amy Harcar

President Potter said Council planned to make the appointment to the Ward IV seat this evening. They will not be doing so due to the fact they had unintentionally missed the window in which to act, which was thirty days from the vacancy. As Council President, he takes responsibility for this oversight. With the appointment now out of their hands, this responsibility by Charter transfers to the Mayor.

APPROVAL OF MINUTES:

Ms. Elmore moved to approve the January 11, 2024 Agenda and Special Meeting Minutes for the Parks & Recreation Committee, the January 16, 2024 Agenda and Regular Meeting Minutes, the January 23, 2024 Agenda and Committee Meeting Minutes and the January 30, 2024 Agenda and Council of the Whole Meeting Minutes. There was no discussion. On a roll call vote, all members responded in the affirmative and the minutes were approved as submitted.

SPECIAL PRESENTATION:

Mayor Bivens, along with Whitehall Yearling High School Senior Dayionna Gray, Junior Kamreen Giles, Junior La'zaria Mahone, and Senior Okokon Ita, read a Proclamation proclaiming February 2024 as Black History Month in Whitehall and urged every public official, educator, and all the people of the City of Whitehall to observe this month and create relevant programs, activities, memories, and celebrations in order to honor the contributions and legacy of the Black and African American community in every field from art, to science, politics and religion. He acknowledged Commissioner Erica Crawley, Superintendent Sheree Wells, School Board Member Lorena Lacey and Representative Latyna Humphrey whom attended tonight. He acknowledged that February is also American Heart Month. Heart disease is the number one preventable diseases in the United States and can be taken care of easily with a healthy lifestyle and at least one hundred and fifty minutes of activity.

President Potter thanked Mayor Bivens and the student for coming tonight. Speaking in public is not always easy or fun but they nailed it.

POLL PUBLIC:

No comments at this time.

STANDING COMMITTEE REPORTS:

Administration and Financial Management – Chairperson Elmore reported that the committee met two weeks ago 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 two weeks ago 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 two weeks ago 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 two weeks ago 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 two weeks ago 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 two weeks ago 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 the committee met two weeks ago 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 tonight. Officially, from the Mayor, he has decided, pursuant to the Charter, based upon the individuals that Council interviewed pursuant to their charge to interview those representatives in Ward IV, he has decided to appoint Devin Brown as the new Ward IV representative for Council. He will be sworn in on Sunday, February 11, 2024 here at City Hall at 2:00 pm. All members of the community are invited. Wednesday, February 14 they are going to be celebrating Valentine's Day. What they are doing this year in collaboration with WCCA, they are inviting any individual to share their love story. The goal is to highlight the longest married couples in the City of Whitehall. So far, there are many seasoned marriages in the City of Whitehall. He highlighted Mike and Sherry Brown's love story.

City Attorney Bradley S. Nicodemus – the office is still looking for a Domestic Violence Advocate. They have had some great interviews and they are awaiting background checks to come back. The office staff has been stepping in to cover this position so they will be very happy when someone is hired for the position. There was a noticeable uptick especially of traffic tickets in the month of January. Looking at the numbers it appears to be two to one of traffic violators and misdemeanor crimes happening in the city are from people outside of the city as opposed to in the city. New cases issued were four hundred ninety four in the month of January. He gave a shout out to Clerk of Court Lorena Lacey and the downtown prosecutors because in January there is Mayor's Court on Tuesday mornings; Municipal Court is five days a week, there were eight hundred thirty eight cases on the Mayors Court docket for the month of January. That is an average of about two hundred cases per week. Downtown there were five hundred seventy nine cases, which is an average of one hundred forty four cases per week.

City Auditor Steve Quincel – was not present.

Director of Public Service Casey Thomas – she wants you to submit yours or someone else's love stories to WCCA13@gmail.com. She requested approval of Ordinance 007-2024 so they can fund a new Community Affair Specialist, which they are in dire need of.

Public Safety Director Van Gregg – was not present.

Treasurer Shaquille Alexander – he thanked all the guests for coming this evening. He did not have an official report but asked for favorable consideration on Ordinance’s 007-2024 and 008-2024.

President Potter – advised that the following reports have been filed in the Council office since the last meeting: the Treasurers Investment Report for December 2023, the Treasurers Activity by Fund Report for December 2023 and the Treasurers Fund Reconciliation Report for December 2023.

COMMUNICATIONS, PETITIONS AND CLAIMS:

1. Notice from the Ohio Division of Liquor Control for a new D3A license for ASHEBER BELAYNEH, DBA MINI ETHIOPIAN COFFEE HOUSE AND CARRYOUT, 195 & 201 SOUTH HAMILTON ROAD, WHITEHALL, OH 43213.
2. Notice from the Ohio Division of Liquor Control for the TRANSFER of a C1, C2 and D6 license from AMER ALRAWAHNEH, 578 SOUTH YEARLING ROAD, WHITEHALL, OH 43213 TO A & A SUNOCO PETROLEUM INC, 4600 EAST MAIN STREET, WHITEHALL, OH 43213.
3. Agenda for the February 1, 2024 Planning Commission Meeting.
4. Minutes for the January 4, 2024 Planning Commission Meeting.

City Attorney Nicodemus answered questions from Council on item number 2 at this time.

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.

President Potter said he would accept any motions for amendments to the Rules of Procedure for the 2024 – 2025 Term at this time.

Councilperson Dixon made a motion to adopt Article XIII to add a section that reads, “Anyone who wishes to speak is required to sign in and include their name and city they reside in. Street addresses and E-Mail are optional.” Councilperson Heck seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and this will be added to the Rules of Council.

Councilperson Heck made a motion to adopt Article XIII to add a section that reads, “Any person(s) wishing to address Council who do not speak English and require interpretation services are asked to notify the Clerk of Council the Friday before the meeting and every effort will be put forth to provide translations services.” Councilperson Smith seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and this will be added to the Rules of Council.

Councilperson Dixon made a motion to adopt Article XIII to add a section that reads, “Move first Poll Public to after Communications, Petitions, and Claims.” Councilperson Elmore seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and this will be added to the Rules of Council.

Councilperson Elmore made a motion to adopt Article II, Section B, Item C and amend the section to read, “When any regular meeting of the Council falls due on an Election Day, the Council will meet the following day. Should a Council meeting fall due on a legal holiday, Council may meet in a regular session on a date to be set at the Council Meeting preceding the Holiday.” Councilperson Dixon seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and this will be amended in the Rules of Council.

Councilperson Dixon made a motion to adopt Article III to add a section that reads, “Those individuals who have interest in being considered for President Pro-Tem, will inform the Clerk of Council by December 15th prior to the new Council term commencing in January.” Councilperson Smith seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and this will be added to the Rules of Council.

THIRD READING:

ORDINANCE NO. 001-2024 was read by title only by President Potter:

Tabled until Public Hearing on 03-05-2024

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.

RESOLUTION NO. 001-2024 was read by title only by President Potter:

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

Ms. Heck introduced and moved to adopt Resolution No. 001-2024 and Ms. Smith seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Resolution No. 001-2024 was adopted.

SECOND READING:

RESOLUTION NO. 002-2024 was read by title only by President Potter:

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

FIRST READING:

ORDINANCE NO. 005-2024 was read by title only by President Potter:

TABLED ON JANUARY 16, 2024

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.

City Attorney Nicodemus did not send Council an email. He began to explain what the definition for spot zoning and the difference between a large parcel and a small parcel were. He answered questions from Council at this time in reference to spot zoning and small and large parcels. He advised Council not to go forward with this piece of legislation. He will give Council his recommendation in writing.

Mr. Dixon moved to remove from the table Ordinance 005-2024 and Mr. Morrison seconded the motion.

There was discussion by Council on the continued discussion and movement of this legislation, the zoning and legal ramifications of passing this legislation and the specific listing of parcels.

City Attorney Nicodemus stated that after a complete first reading of Ordinance 005-2024, it would then go to the Planning Commission. The Planning Commission will make a recommendation on what is sent to them. If Council is thinking about changing it, Council is going to change what comes back from the Planning Commission; the Planning

Commission is not going to have the opportunity to review fully what Council puts forth, if it is to be removed from the table today. This way the Planning Commission will get the final product when it goes to the Planning Commission.

Mr. Dixon withdrew his motion to remove Ordinance 005-2024 from the table. Ordinance 005-2024 remained tabled.

ORDINANCE NO. 007-2024 was read by title only by President Potter:

MAKING AN APPROPRIATION OF SIXTY FIVE THOUSAND AND 00/00 DOLLARS (\$65,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE COMMUNITY AFFAIRS SPECIALIST EXPENSE ACCOUNT (101.200.51700) AND DECLARING AN EMERGENCY.

Ms. Elmore introduced and moved to suspend the rules on Ordinance No. 007-2024 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and the rules on Ordinance No. 007-2024 were suspended.

Ms. Elmore moved to adopt Ordinance No. 007-2024 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 007-2024 was adopted.

ORDINANCE NO. 008-2024 was read by title only by President Potter:

AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT A BULLETPROOF VEST PARTNERSHIP (BVP) GRANT AND ADVANCING TWELVE THOUSAND SIX HUNDRED FIFTY AND 00/100 DOLLARS (\$12,650.00) FROM THE LAW ENFORCEMENT TRUST FUND (241) TO THE BULLETPROOF VESTS GRANT FUND (252); AND MAKING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF TWELVE THOUSAND SIX HUNDRED FIFTY AND 00/100 DOLLARS (\$12,650.00) FROM THE LAW ENFORCEMENT TRUST FUND (241) TO THE BULLETPROOF VESTS GRANT FUND (252); AND MAKING AN APPROPRIATION OF TWENTY-FIVE THOUSAND THREE HUNDRED AND 00/100 DOLLARS (\$25,300.00) FROM THE BULLETPROOF VESTS GRANT FUND TO THE 2024 BULLETPROOF VEST EXPENSE ACCOUNT (252.000.55000) AND DECLARING AN EMERGENCY.

Ms. Elmore introduced and moved to suspend the rules on Ordinance No. 008-2024 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and the rules on Ordinance No. 008-2024 were suspended.

Ms. Elmore moved to adopt Ordinance No. 008-2024 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative and Ordinance No. 008-2024 was adopted.

POLL PUBLIC:

Jim Graham, 644 Greenwood Rd. said he is not sure where Fairway Cliffs stands right now; he knows that it went through the Planning Commission and the plat was approved. He does not know if it will come before Council again. It does not, and then there is no point in saying what he was going to say. Do not make it spot zoning. Change the zoning back on all of Fairway Blvd. and this will eliminate the spot zoning and he does not think Council will make anyone on Fairway Blvd. mad.

COMMUNITY DATE BOARD:

T-ball and soccer sign-ups are happening now through March 31, 2024. Enrollment can be done on Facebook or the website.

POLL COUNCIL:

Chairperson Dixon thanked those in attendance and those watching from home. He congratulated the four students from Whitehall City Schools and thanked Mayor Bivens for inviting them to participate in that. Happy Black History Month. As he has said before and many will agree, Black History is American History. He is a gay man and he has Gay Pride Month but there are many people in this country, gay men and woman, who have contributed to this country, so it is all a part of the American experience. Everyone has made this country a place that is; of course, they fight the wrongs, which has always been his stance. God Bless. He congratulated the Browns on fifty-nine years of marriage. Last week they were tasked with interviewing and making an appointment to the Ward IV seat. The Charter said they had thirty days in which to do so and they missed the mark. He personally would like to take a moment to apologize to the folks in Ward IV, to all the citizens in the city and in particular, those that they interviewed for not catching that and completing what they were charged to do. He takes complete fault with that himself, he wanted to sincerely apologize to everyone, and he will try very hard in the future to not allow that to happen again.

Chairperson Elmore thanked those from home and those that actually came out to this Council meeting. She gave a special thank you to Mayor Bivens for the foresight to include students, as they are the future. Black history is history. She lives it daily. For the students to come up with a proclamation, stated in all the different ways they stated it she thought that was awesome and amazing. Congratulation to the students for the collaboration and making sure that was a partnership. When she thinks about what to say for Black History Month she always thinks about who invented what, enough has been said about that; in the Proclamation they listed from the beginning to where they are today. She agrees that Black History is American History. She would like to celebrate love. She believes that Jim and Marie are close to that sixty something marriage. That is truly a blessing for a union to be together for that long. That is true love and that is the way to celebrate great love. Congratulations to Mike, Sherry, and all the other couples that have endured a very long relationship. It speaks to the patience, the love, the faith; everything that first Corinthians 13 talks about. That is the love chapter. She recognized Heath and Heart Month; she has family members that suffer from heart issues so to everyone who has friends and family please recognize this month and do your due diligence to help them get in shape, meet with their doctor, keep their appointments and just stay diligent in their health. She said liberty and justice for all.

Chairperson Morrison thanked those in attendance and those watching from home. He told Mayor Bivens great job on the Proclamation and the presentation. He said he met with the Mayor last week and there are some interesting things coming up. He thanked him for his time. He wanted to follow-up on the Council appointment, he feels horrible that they missed that. How the whole group missed it, he does not know. There is no excuse for him; he was on Council previously for eight years, he has read the Charter a good dozen times; he has not read it lately but he feels guilty and apologizes to everyone in the community and those that applied, for failing to do his job.

Chairperson Heck thanked those in attendance and those watching from home. She told Mayor Bivens great job for bringing in the students to do the presentation and read the proclamation. She apologized to the applicants of Ward IV as well. She thanked Mike and Sherry for sharing their love story with them and everyone else also; they appreciate it and it is nice to have something happy.

Chairperson Smith thanked those in attendance and those watching from home. She is looking forward to hearing the love stories as she feels like a blip on the radar at six years and she can only hope to achieve some of some of these love stories. She thanked the students for coming in and for thinking outside the box with the high school students. She works with high school students now and to get them to see the bigger picture and to get them involved in the community is something she strives to do. She aired her sincere apologies for lapsing on the Charter date. For her, it was a big lesson to learn not just assume. We all go through life and think everything proven and then something happens and it reminded them to not make assumptions. She was happy to see that an appointment was made from the group they interviewed.

Chairperson Harcar said she had prepared some remarks on Black History Month but there is no way she can compete with Mayor Bivens of course. The room there as you looked around tonight was full of black history in the making. It is very wonderful to see the youth that were up there and she sees them sitting on the dais one day or being voted in as President one day. Dr. Wells should be as proud as well, their parents and their people that pushed and encouraged them; she just wanted to congratulate everyone. Like everyone else has said on missing the appointment date for the nomination, it is unfortunate but she is excited to welcome Devin Brown to Ward IV and to have him on the dais with them.

Mayor Bivens said to Council, while they all have expressed your deepest regrets and grumble, he is an optimist so he believes the Charter was set for this purpose and with the failsafe to give the Mayor the opportunity to appoint in the off chance that Council either lapsed intentionally or unintentionally. Please do not take any of this to mean that somehow they

failed the City of Whitehall in this regard. He wants nothing more than to work with each one of them so that the continuing progress of this city can be nothing but prosperous for every citizen in this community. That is why he did not appoint from outside of the applicants that they intervened; so that their time would not be wasted and so that the people that the people who decided they wanted to step into the seat would get the proper due. He hopes that after Mr. Brown is sworn-in and is seated that they welcome him warmly. He is going to be a great member and a fantastic edition to this Council and he sees going forward nothing but progress, hope and inspiration for the residents of their city.

President Potter thought it was wonderful the way the proclamation was executed, bringing the young people forward as he made a comment to them. They did a wonderful job of speaking; that is not an easy thing to do, but to build a sense of community and having them involved in the reading made them part of that process. He thanked everyone for watching.

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 8:07 p.m.

Submitted by,

Julie A. Ogg, Clerk of Council

APPROVED: February 20, 2024

Thomas M. Potter, Council President