

WHITEHALL CITY COUNCIL

AGENDA MEETING MINUTES

President Potter ordered the April 16, 2024 agenda meeting at 6:30 p.m. All members were present.

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

The meeting adjourned at 6:47 p.m.

Submitted by,

Julie A. Ogg, Clerk of Council

APPROVED: May 7, 2024

Thomas M. Potter, Council President

WHITEHALL CITY COUNCIL MEETING

MINUTES – April 16, 2024

President Potter called the regular meeting of Whitehall City Council to order at 7:00 p.m. on Tuesday, April 16, 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 the council were present:

Amy Smith
Amy Harcar
Gerald Dixon
Devin Brown
Lori Elmore
Larry Morrison
Jo Anna Heck

APPROVAL OF MINUTES:

Ms. Heck moved to approve the April 9, 2024 Agenda and Regular Meeting Minutes and the April 9, 2024, Agenda and Committee Meeting Minutes. Mr. Brown seconded the motion. There was no discussion. All members responded in the affirmative on a roll call vote, and the minutes were approved as submitted.

SPECIAL PRESENTATION:

Blyn Wingo, Deliana Stewart, and Yavian C. Webster are members of The Center for Healthy Families' Black Girls and Women's Collective, and they were here on behalf of The Center and Franklin County Children Services Malaika and Youth Advisory Board program. They gave an overview and Call to Action for National Child Abuse Prevention Month.

Mayor Michael T. Bivens read a Proclamation for National Child Abuse Prevention and Awareness Month.

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 Brown 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 Heck 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 –thanked the City Council as well as the City of Whitehall for its grand attendance to the State of the City. It was a fantastic event. There was one person to whom he wanted to apologize, throughout all of the excitement; but he did not acknowledge Khalid from the Mad Greek on East Broad Street who catered the event. He received so many compliments on his cooking and what was provided for the event. He was speaking with Assistant Fire Chief KJ Watts who said the Fire Department was so inspired they are reaching into the schools and they are going to be creating a formal cadet program with the high school.

City Attorney Bradley S. Nicodemus – last week City Council approved the ordinance and the City of Whitehall joined the litigation against the State of Ohio regarding the Tobacco Retail Licenses. In addition to Whitehall and Columbus, Bexley, Cincinnati, Cleveland, Dublin, Gahanna, Grandview, Heath, Hilliard, Oxford, Reynoldsburg, Upper Arlington, and Worthington have also joined. The law is set to take effect on April 23 with Judge Serrott overseeing the case and he has scheduled a preliminary injunction hearing on Friday, April 19 at 3:00 pm. He will attend court on Friday afternoon to support the Attorneys who are leading the charge on this for them.

City Auditor Steve Quincel – was not present

Director of Public Service Casey Thomas – echoed the Mayor's appreciation for all that came out and supported the State of the City. If you were not able to attend in person, you can catch it on the city's YouTube channel. The bright pink building at 365 Yearling Road will not stay pink forever. It is scheduled to be completed sometime around the second week of September. The pre-construction meeting for the waterline repair/replacement street project is tomorrow. That project will kick off in the next couple of weeks. She asked for favorable consideration on Ordinance 031-2024 and Resolution 011-2024. There has not been anything scheduled for the tour of the new Police Department expansion. She will let everyone know once it is scheduled.

Public Safety Director Van Gregg – was not present.

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 Auditor's Bank Report for March 2024, the Auditor's Statement of Cash Position Report for March 2024, and the Auditor's Revenue Report for March 2024.

COMMUNICATIONS, PETITIONS AND CLAIMS:

1. The April 8, 2024 Board of Zoning & Building Appeals Agenda.
2. The March 11, 2024 Board of Zoning & Building Appeals minutes.
3. The March 18, 2024 Board of Zoning & Building Appeals Special Meeting minutes.

POLL PUBLIC:

No comments at this time.

VERIFICATION OF COPIES:

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

THIRD READING:

There was no legislation for the third reading.

SECOND READING:

ORDINANCE NO. 018-2024 *was read by title only by President Potter*

AMENDING SECTION 903.31 TITLED “PARKING PROHIBITED ON FRONT LANDSCAPED AREAS “OF THE STREETS AND PUBLIC SERVICES CODE OF THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

Ms. Smith introduced and moved to suspend the rules on Ordinance No. 018-2024 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, Smith, Yes; Harcar, Yes; Dixon, Yes; Brown, Yes; Elmore, Yes; Morrison, Yes; Heck, Yes; and the rules on Ordinance No. 018-2024 were suspended.

Ms. Smith moved to adopt Ordinance No. 018-2024 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, Smith, Yes; Harcar, Yes; Dixon, No; Brown, Yes; Elmore, Yes; Morrison, Yes; Heck, Yes; and Ordinance No. 018-2024 was adopted.

ORDINANCE NO. 019-2024 *was read by title only by President Potter:*

Referred to Planning Commission for May 2, 2024 Meeting

Public Hearing May 21, 2024

AMENDING SECTION 1109.04-TITLED “COMMUNITY GARDENS AND URBAN AGRICULTURE“OF THE PLANNING AND ZONING CODE OF THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

Ms. Smith moved to amend Ordinance 019-2024 as noted in the body of the ordinance. Ms. Heck seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative, and Ordinance No. 019-2024 was amended.

ORDINANCE NO. 020-2024 *was read by title only by President Potter:*

Referred to Planning Commission for May 2, 2024 Meeting

Public Hearing May 21, 2024

AMENDING CHAPTER 1113 TITLED “LANDSCAPING” CODE OF THE CITY OF WHITEHALL, CODIFIED ORDINANCES BY IMPLEMENTING A LANDSCAPE MAINTENANCE REQUIREMENT AND DECLARING AN EMERGENCY.

Ms. Smith moved to amend Ordinance 020-2024 as noted in the body of the ordinance. Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative, and Ordinance No. 020-2024 was amended.

ORDINANCE NO. 022-2024 *was read by title only by President Potter:*

Referred to Planning Commission for May 2, 2024 Meeting

Public Hearing May 21, 2024

AMENDING CHAPTER 1115 TITLED “OUTDOOR LIGHTING” CODE OF THE CITY OF WHITEHALL, CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

Ms. Smith moved to amend Ordinance 022-2024 as noted in the body of the ordinance. Mr. Dixon seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative, and Ordinance No. 022-2024 was amended.

ORDINANCE NO. 023-2024 *was read by title only by President Potter*
Referred to Planning Commission for May 2, 2024 Meeting
Public Hearing May 21, 2024

AMENDING CHAPTER 1111-TITLED “PARKING, LOADING AND DRIVE THRU” “OF THE PLANNING AND ZONING CODE OF THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

Ms. Smith moved to amend Ordinance 023-2024 as noted in the body of the ordinance. Mr. Dixon seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative, and Ordinance No. 023-2024 was amended.

Ms. Smith requested that there be a discussion on Ordinance 020-2024 now so they do not find themselves needing a special meeting and dragging this on by making changes for the Planning Commission.

President Potter said there was discussion on having the Committee meeting on April 23 with a Special Meeting afterward.

Ms. Smith thinks that there should be some discussion because of the comments Mr. Dixon made and when she conferred with the City Attorney, based on the language she shared with him, he recommended that there not be any amendments at this time. She feels the need to discuss it now.

President Potter asked Ms. Smith to lead the discussion and she asked the City Attorney about the comments he received on removing specific language and some suggestions on how it can be potentially amended. He thinks it will not allow for the leeway that is needed or are cause for concern. She asked him to explain.

City Attorney Nicodemus went over the concerns he had for removing orderly from the definition of neat and orderly manner. These are subjective words but they are common in this type of ordinance. One municipality uses the term “well maintained” and another uses “maintained in a healthy, live state”. The other one had to do with a “sound and confident manner according to accepted good construction and planting procedures”. He was not sure of the word or phrase that was going to come out of that. It was “and confident” per Mr. Dixon. City Attorney Nicodemus explained the phrase “in a workman-like manner”. If it does not sound like a pinpoint definition, it is because it is not. It is community-based based, there is a little bit of subjectivity to it, and it is evaluated on a case-by-case basis. The language changes, to him, are fine as there are the checks and balances as well. A person receives a notice of violation; if they disagree, they have a right to appeal that notice of violation. If they are not successful in that, they still have a cure period before they get their citation. They receive a citation and then come to the Mayor’s Court. In the Mayor’s Court, Mr. Nicodemus can dismiss the case if he is not in agreement with the citation. If he agrees that it is not orderly landscaped, then a trial can be requested. If they disagree with the Magistrate’s finding or do not want the Magistrate to hear it; the case can then be transferred to Franklin County Municipal Court, the Environmental Division and Judge Mingo can hear it. These types of things are a little subjective on purpose because it is based on our community and if they pigeonhole themselves into this is how it is defined, they end up with the problem they just passed earlier with this truck (he holds up the picture of the truck). The reason this was a problem and the Council had to fix this; in their definition, if this truck in the picture for the other ordinance was parked on the sidewalk, they would have a violation, parked in the yard, a violation, but the definition in the code so narrowly defines yard that it excluded the devil strip once they put a curb on the road. That is the trouble; they will run into if they keep delineating specifics.

Mr. Dixon said he is not talking about the person who has trash built up in the backyard. He is talking about interpretation. Government deciding artistic aesthetics because landscaping is artistic. That is his interpretation of what he likes in his yard.

There was continued discussion on the legislation and the City Attorney answered questions.

President Potter said he is feeling like they are circling around and around. They need to move on with the agenda. If there is a consensus, they could call a special meeting on the fifth Tuesday of this month. He said he feels the consensus is that they are done discussing this and it needs to go to a vote.

Ms. Heck asked that if something is shared with the Chair of a Committee, it be shared with everyone so that they all have the same information to make an informed decision.

FIRST READING:

ORDINANCE NO. 028-2024 *(was read by title only by President Potter*

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF SEVEN THOUSAND THIRTY ONE AND 56/100 DOLLARS (\$7,031.56) FROM UNAPPROPRIATED MONIES IN THE POLICE DEPARTMENT TAX LEVY FUND (280) TO THE PD AUDITS AND FEES EXPENSE ACCOUNT (280.000.59600) AND DECLARING AN EMERGENCY.

Ms. Elmore introduced and moved to suspend the rules on Ordinance No. 028-2024 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. 028-2024 were suspended.

Ms. Elmore moved to adopt Ordinance No. 028-2024 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative, and Ordinance No. 028-2024 was adopted.

ORDINANCE NO. 029-2024 *was read by title only by President Potter*

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF THIRTY EIGHT THOUSAND SEVEN HUNDRED TWENTY NINE AND 44/100 DOLLARS (\$38,729.44) FROM UNAPPROPRIATED MONIES IN THE WMPITIE FUND (279) TO THE TIF FEES EXPENSE ACCOUNT (279.000.59600) AND DECLARING AN EMERGENCY.

Ms. Elmore introduced and moved to suspend the rules on Ordinance No. 029-2024 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. 029-2024 were suspended.

Ms. Elmore moved to adopt Ordinance No. 029-2024 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative, and Ordinance No. 029-2024 was adopted.

ORDINANCE NO. 030-2024 *was read by title only by President Potter*

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF FOUR THOUSAND NINE HUNDRED NINETY NINE AND 75/100 DOLLARS (\$4,999.75) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE ELECTION EXPENSE ACCOUNT (101.950.59000) AND DECLARING AN EMERGENCY.

Ms. Elmore introduced and moved to suspend the rules on Ordinance No. 030-2024 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. 030-2024 were suspended.

Ms. Elmore moved to adopt Ordinance No. 030-2024 and Mr. Morrison seconded the motion. There was no discussion. On a roll call vote, all members voted in the affirmative, and Ordinance No. 030-2024 was adopted.

ORDINANCE NO. 031-2024 was read by title only by President Potter

Referred to Planning Commission for May 2, 2024 Meeting

Public Hearing May 21, 2024

MAKING UPDATES TO PART 11 – PLANNING AND ZONING CODE, TITLE 1 THROUGH TITLE 15, OF THE WHITEHALL CODIFIED CODE, TO REPLACE ALL INSTANCES OF “CITY ADMINISTRATOR” TO “DIRECTOR OF PUBLIC SERVICE” AS OUTLINED IN EXHIBIT A.

RESOLUTION NO. 010-2024 was read by title only by President Potter

A RESOLUTION DECLARING APRIL 14 - 20, 2024 AS NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK AND DECLARING AN EMERGENCY.

Mr. Morrison introduced and moved to suspend the rules on Resolution No. 010-2024 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 Resolution No. 010-2024 were suspended.

Mr. Morrison moved to adopt Resolution No. 009-2024 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 Resolution No. 010-2024 was adopted.

RESOLUTION NO. 011-2024 was read by title only by President Potter

A RESOLUTION AUTHORIZING THE ADOPTION OF THE OFFICIAL FLAG FOR THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

Director of Public Service Casey Thomas said to create an official city flag; it needs to go to the Secretary of State and the Department of Development. Legislation is needed and before they can send it to those places there needs to be adopted legislation to make it official. It was unintentionally overlooked when the new branding was put in place.

POLL PUBLIC:

No comments at this time.

COMMUNITY DATE BOARD:

Rocket Building with the Chief is Thursday, May 2, 6:00 – 8:00 pm at the YMCA. Ages 5-15 and the cost is five dollars.

Big Summer Kickoff is May 24, 5:00 – 8:00 pm at John Bishop Park.

The first Market on the Green will be June 11, 4:00 – 7:00 pm at the Kelley Green. They are currently looking for vendors.

Parks and Recreation Commission Meetings are held on the third Wednesday of the month at 6:00 pm. The public is invited to attend.

There is high school testing happening at this time and the kids have staggered starts. Be aware they are walking.

POLL COUNCIL:

Chairperson Smith thanked those in attendance and those watching from home. She thanked the Center for Healthy Families for their presentation on National Child Abuse Prevention and Awareness Month. She enjoyed the first one hundred days State of the City and the Mayor said many things that resonated with her. She is excited to see the programs such as the Fireman Cadet Program. Sounds like it is bringing back and old tradition.

Chairperson Harcar thanked the Center for Healthy Families and Healing for their presentation on National Child Abuse Prevention and Awareness Month. Representative Latyna Humphrey came this evening and was able to get in the

picture with the Council. She thanked the Mayor for his proclamation. The State of the City impressed her and the food did as well. She appreciated the diversity of the community that attended. She was able to talk with some of the Ethiopian community and introduced them to members of the Council.

Chairperson Dixon thanked those in attendance and those watching from home. He thanked the girls at the beginning for speaking on Child Abuse Prevention Month and the Mayor for his Proclamation. He said how terrific it is that the Cadet Program may indeed start, as it is a good thing for the community. Grilling outside and inviting kids to come up is one-on-one human interaction with the community. He is most displeased at the moment and the problem he has is trying to do things right for the community; his heart goes out to everyone in this community who has been side-swiped, wrecked into, had their mirror torn off by distracted, reckless drivers. He is simply trying to help them on that issue itself. He is disappointed in this government's feelings as they have every right to insist that other people do as they want in terms of aesthetic fashion.

Chairperson Brown said it is his understanding that they have finalized forty-seven thousand dollars to finish out a grant from the Ohio Department of Natural Resources for park revitalization and that will help in the Rockwell district. He is excited to see that project move forward. He thanked those in attendance and those watching from home. He thanked the young ladies in the Center for Healthy Families for their presentation. It was powerful and it is an important cause that needs more awareness. He congratulated the Mayor and all others for a fantastic event and for all the work that went into making it a success.

Chairperson Elmore thanked everyone for watching online, those attending the meeting tonight, and those who presented tonight. It is always good to see young people present. It allows them to exercise their communication skills and it helps them to stand up in front of Council and others. She recognized Representative Humphrey for being there tonight. She thanked the Mayor for the Proclamation recognizing April as National Child Abuse Prevention and Awareness Month. She commended Mayor Bivens for the first one hundred days at the State of the City. She thought it was thorough, well developed, thought out, and visionary. His call to action has already moved some to action. She believes as a community member and a community at large; they deserve to live in a growing, thriving, well-maintained, and healthy community; as well as a community that is safe. With that, there needs to be enforcement and codes. It is a part of their responsibility as elected leaders to make sure that the city runs decent and in order and remove those parameters from around that give them teeth to do and to keep and maintain that effort. A dis-service would be done to this community if they wanted to live in disarray.

Chairperson Morrison thanked everyone for watching online and those attending the meeting tonight. The presentation was very nice. He did not get to attend the State of the City but his wife and grandson did and said it was very well done. He looks forward to seeing it on video.

Chairperson Heck thanked those in attendance and those watching from home. She enjoyed the presentation tonight. She did want to touch on what Mr. Dixon said. She cannot speak for others on Council but they agree but she will speak for herself. She thinks that the people who are parking on the street, she does not think that parking on the curb is a solution to fixing the speeding, distracted drivers, and drunk drivers who are hitting cars. She looks forward to working on the Alliance that the Mayor brought up before with the police, other citizens and community members to work towards a better solution to the safety problem.

President Potter recognized and thanked the young ladies who came out from the Center for Healthy Families. To Ms. Elmore's point, he thinks it is great when young people engage in a process. He knows it can be an embarrassing situation when young folks come forward but the ladies did a very admirable job. He hopes they continue their terrific work. The Mayor's proclamation was very well spot on and he appreciates it. He was out of town last week for the State of the City. He very much wanted to attend and the video was posted late today and he is looking forward to seeing that as well. He thanked everyone and Ms. Humphrey as well for coming out tonight.

Having nothing further, President Potter adjourned the meeting at 8:05 p.m.

Submitted by,

Julie A. Ogg, Clerk of Council

APPROVED: May 7, 2024

Thomas M. Potter, Council President