

**ORDINANCE NO. 001-2024**

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.

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WHEREAS, Council has received an application from Buy & Buy Auto Sale, LLC for a Special Permit to operate a vehicle and large equipment repair business in the Main Street Corridor District; and

WHEREAS, Said request for a Special Permit was referred to the Planning Commission (Case No. 876), which reported UNFAVORABLE on said request; and

WHEREAS, Council has held a Public Hearing after due notice according to law; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: That the Zoning Map attached to Chapter 1104.01 of the 2023 Codified Ordinances for the City of Whitehall, Ohio and as subsequently amended, be and the same is hereby amended by allowing a special permit under 1104.03(H) for the following described premises, to wit:

(SEE PRELIMINARY SITE PLAN ATTACHED OF THE PROPERTY)

SECTION 2: That said Special Permit is granted on the following conditions pursuant to Section 1125.04(H)(1) and Section 1125.04(H)(2) of Codified Ordinances.

1. A special use permit shall automatically expire if the permitted use has not been established or utilized within one year of the date on which the special use permit was issued unless the City Council grants an extension.
2. A special use permit shall automatically expire if for any reason the permitted use ceases operation for more than 12 consecutive months.

SECTION 3: That the Director of Public Service is hereby authorized and directed to proceed with the prescribed Ordinance directing the City Engineer to change the Official Zoning Map of the City of Whitehall.

SECTION 4: That this ordinance shall take effect and be in force from the earliest period allowed by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

Requested by: Applicant

Approved as to form by: Bradley S. Nicodemus, Assistant City Attorney BSN 12/28/2023

**ORDINANCE NO. 005-2024**

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.

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WHEREAS, Section 1103.02(c) (Building Placement) includes certain special provisions that are applicable to certain lots along Fairway Blvd., but does not include certain special provisions that were previously applicable to the Residential Estate District along Fairway Blvd. under a prior version of the Whitehall zoning code; and

WHEREAS, City Council has determined that it is desirable and in the best interests of the City to amend Section 1103.02(c) (Building Placement) to restore and enhance certain provisions regarding such Residential Estate District in order to protect and preserve the special and unique character of the Fairway Blvd. neighborhood; and

WHEREAS, this Ordinance was referred to the Planning Commission (Case No. \_\_\_\_\_), which reported \_\_\_\_\_ on said request; and

WHEREAS, Council has held a Public Hearing after due notice according to law; NOW, THEREFORE,

BE IT ORDAINED BY COUNCIL OF THE CITY OF WHITEHALL, OHIO:

**SECTION 1:** The Council of the City of Whitehall hereby approves the amendment of Section 1103.02(c) of its Codified Ordinances by adding the following provisions at the end of Section 1103.02(c) reestablishing the Residential Estate District:

**Residential Estate District**

The Residential Estate District shall include all lots on the east side of Fairway Blvd. beginning with 750 Fairway Blvd. and continuing south to and including 1000 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 (including, without limitation, any and all future lots resulting from lot splits thereof). The following special provisions, restrictions and limitations shall apply to the Residential Estate District:

(a) Purpose. The Residential Estate District is established to accommodate single-family residential dwellings at a density that will be similar to that which already exists in the area so defined. The objective in this district is to discourage large concentrations of intensive development where it is desirable to maintain the suburban character of the area. No additional public roads, areas or uses shall be permitted.

(b) Permitted Uses:

(1) Single-family residential dwellings.

(2) Accessory uses, provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.

(c) Special Permit Uses: The special permit uses are: Public utility rights of way.

(d) Area and Height Regulations: The area and height regulations are:

(1) Minimum lot area: 43,560 square feet.

(2) Minimum frontage: 200 feet.

(3) Minimum net floor area for living quarters: 3,000 square feet (foundation area, 1600 square feet minimum).

(4) Maximum building height: 40 feet.

(5) Minimum setback: 150 feet.

**SECTION 2:** That the Director of Public Service is hereby authorized and directed to proceed with the prescribed Ordinance directing the City Engineer to change the Official Zoning Map of the City of Whitehall.

**ORDINANCE NO. 005-2024**

SECTION 3: That this Ordinance shall go into full force and effect at the earliest date permitted by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

**ORDINANCE NO. 009 -2024**

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF FIFTY-EIGHT THOUSAND NINE HUNDRED SIX AND 50/100 DOLLARS (\$58,906.50) FROM UNAPPROPRIATED MONIES IN THE EVIDENCE SETASIDE FUND (245) TO THE LAW ENFORCEMENT TRUST FUND (241) AND MAKING A SUPPLEMENTAL APPROPRIATION OF FIFTY-EIGHT THOUSAND NINE HUNDRED SIX AND 50/100 Dollars (\$58,906.50) FROM UNAPPROPRIATED FUNDS IN THE LAW ENFORCEMENT TRUST FUND (241) TO THE LAW ENFORCEMENT TRUST FUND EXPENSE ACCOUNT (241.000.50000) AND DECLARING AN EMERGENCY.

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WHEREAS, the Whitehall Division of Police seized monies as a result of a Narcotics investigation and recorded the said monies in the Evidence Setaside Fund (245) and;

WHEREAS, the Franklin County Common Pleas Court has released the monies, by court order, to the Whitehall Division of Police and disperse the monies as outlined in Whitehall City Ordinance 52-87; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

**SECTION 1:** That this Council approves a fund transfer in the amount fifty-eight thousand nine hundred six and 50/100 dollars (\$58,906.50) from unappropriated monies in the Evidence Setaside Fund (245) to the Law Enforcement Trust Fund (241) and a supplemental appropriation of fifty-eight thousand nine hundred six and 50/100 dollars (\$58,906.50) from unappropriated funds in the Law Enforcement Trust Fund (241) to the Law Enforcement Trust Fund Expense Account (241.000.50000).

**SECTION 2:** That the City Auditor is hereby authorized to draw his warrant upon the Treasurer of the City for these funds for the stated purpose.

**SECTION 3:** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for further reason that these monies need to be available to the Whitehall Division of Police to continue to protect and serve the City of Whitehall; WHEREFORE, this ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

**ORDINANCE NO. 010-2024**

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF TWELVE THOUSAND AND NO/100 DOLLARS (\$12,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE BUILDING LOT MAINTENANCE EXPENSE ACCOUNT (101.950.53300) AND DECLARING AN EMERGENCY.

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WHEREAS, the City of Whitehall's Municipal Building has been updated and restructured to accommodate new and expanding staff and;

WHEREAS, new furniture and equipment will be needed to accommodate the needs of the departments of the Mayor, Service, Building, Development, Treasurer and Auditor; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: The Council authorizes and approves a supplemental appropriation in the amount of twelve thousand and no/dollars (\$12,000.00) from unappropriated monies in the General Fund (101) to the Building Lot Maintenance Expense Account (101.950.53300).

SECTION 2: That the City Auditor is hereby authorized to draw his warrant upon the Treasurer of the City for these funds for the purpose stated in this ordinance.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare; and for further reason that it is necessary to have the monies available to pay the City debts; WHEREFORE, this Ordinance shall go into full force and effect immediately upon its passage by the Council of the City of Whitehall and approval by the Mayor.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

Requested by: Michael T. Bivens, Mayor  
Prepared by: Casey Thomas, Director of Public Service  
Approved as to financial form: Steven Quincel, City Auditor  
Approved as to form: Bradley S. Nicodemus BSN 2/12/24

**ORDINANCE NO. 011-2024**

MAKING A SUPPLEMENTAL APPROPRIATION OF TWENTY ONE THOUSAND AND 00/00 DOLLARS (\$21,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE PROGRAMS AND EVENTS EXPENSE ACCOUNT (101.700.58100) AND DECLARING IT AN EMERGENCY.

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WHEREAS, Discover Financial Services has provided sponsorship funds in the amount of \$21,000.00 to Whitehall Parks and Recreation to enhance community outreach and engagement; and

WHEREAS, those sponsorship dollars are intended to support programs and events in 2024; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: The Council of the City of Whitehall, Ohio approves and makes a supplemental appropriation in the amount of twenty one thousand and 00/00 dollars (\$21,000.00) from unappropriated monies in the General Fund (101) to the Programs and Events Expense Account (101.700.58100).

SECTION 2: The Auditor is hereby authorized to draw his warrant upon the Treasurer of the City for these funds for the purpose stated in this Ordinance.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for the further reason that is necessary to have the monies available to pay current program expenses; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

Requested and prepared by: Shannon Brady, Parks and Recreation Director  
Approved as to financial form: Steve Quincel, City Auditor 02/19/2024  
Approved as to form: Bradley S. Nicodemus, City Attorney 02/19/2024

## **ORDINANCE NO. 012-2024**

AN ORDINANCE AMENDING THE WATER SURCHARGES IN SECTION 913.30, SANITARY REGULATIONS, AS CONTAINED IN TITLE ONE, STREETS AND UTILITIES, OF PART NINE, STREETS AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO, AND DECLARING AN EMERGENCY.

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**WHEREAS**, the City of Whitehall, Ohio (the "City") currently owns and maintains the infrastructure that comprises the water system (the "Water System") and sanitary sewer system (the "Sanitary Sewer System" and together with the Water System, the "Systems"); and

**WHEREAS**, the residents of the City receive water distribution and sanitary sewer collection service from the City of Columbus ("Columbus") through the City-owned infrastructure comprising the Systems; and

**WHEREAS**, pursuant to the agreement between the City and Columbus governing water distribution to its residents, the City is required to implement capital improvements to its Systems in order to maintain the Systems in good working order and free of interruption to service; and

**WHEREAS**, the City needs to implement certain capital improvements to the Systems, which contain infrastructure that is at least 50 years old, including, but not limited to, replacement of lines within the sanitary sewer system, water main replacements and water line replacements; and

**WHEREAS**, this Council previously enacted certain sewer and water surcharges to pay for such capital improvements in Ordinance No. 061-2021, passed by this Council on August 17, 2021; and revised by Ordinance No. 081-2022, passed by this Council on December 20, 2022; and

**WHEREAS**, the amount of the current water surcharges is insufficient to pay for the increased costs of such capital improvements to the Water System and the City is seeking an increase by change in definition of the meters to be included in the water surcharge to pay for such increased costs; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:**

**SECTION 1.** That Section 913.30 Sewer and Water Surcharges, as contained in Chapter 913, Sanitary Regulations, as contained in Title One, Streets and Utilities, of Part Nine, Streets and Public Services Code, is hereby amended and enacted as follows:

**"913.30 SEWER AND WATER SURCHARGES.**

(a)(i) A surcharge shall be added to the sewer rate, to be applied to all users of sanitary sewer service within the City, including any future extension of the City. The surcharge shall be based upon the meter size for each user and shall be calculated as follows:

Surcharge = Meter Ratio x Rate per Equivalent Residential Unit,

with the values for Meter Ratio and Rate per Equivalent Residential Unit for each Meter Size set forth in the following chart:

**ORDINANCE NO. 012-2024**

<u>Meter Size</u>	<u>Meter Ratio</u>	<u>Rate per Equivalent Residential Unit</u>	<u>Monthly Rate</u>
5/8"	1.0	\$2.37	\$2.37
3/4"	1.5	2.37	3.56
1"	2.5	2.37	5.93
1 1/2"	5.8	2.37	13.75
2"	10.0	2.37	23.70
3"	23.0	2.37	54.51
4"	40.0	2.37	94.80
6"	91.0	2.37	215.67
8"	162.1	2.37	384.18
10"	253.2	2.37	600.08
12"	364.0	2.37	862.68

By way of example, the monthly rate for a 5/8" meter is calculated as  $1.0 \times \$2.37 = \$2.37$ . Columbus Utilities will bill these surcharges by dividing the rate by 30 (days) and multiplying that by the number of service days between meter readings.

(b) A surcharge be added to the water rate, to be applied to all users of water service within the City, including Fire Protection Meters and also including any future extension of the City. The surcharge shall be based upon the meter size for each user and shall be calculated as follows:

$$\text{Surcharge} = \text{Meter Ratio} \times \text{Rate per Equivalent Residential Unit},$$

with the values for Meter Ratio and Rate per Equivalent Residential Unit for each Meter Size set forth in the following chart:

<u>Meter Size</u>	<u>Meter Ratio</u>	<u>Rate per Equivalent Residential Unit: January 1, 2024 and thereafter</u>	<u>Monthly Rate: January 1, 2024 and thereafter</u>
5/8"	1.0	\$8.15	\$8.15
3/4"	1.5	8.15	12.23
1"	2.5	8.15	20.38
1 1/2"	5.0	8.15	40.75
2"	8.0	8.15	65.20
3"	15.0	8.15	122.25
4"	25.0	8.15	203.75
6"	50.0	8.15	407.50
8"	80.0	8.15	652.00
10"	115.0	8.15	937.25
12"	215.0	8.15	1,752.25

By way of further example, the monthly rate for a 5/8" meter for the period beginning on March 1, 2024 and thereafter is calculated as  $1.0 \times \$8.15 = \$8.15$ . Columbus Utilities will bill these surcharges by dividing the rate by 30 (days) and multiplying that by the number of service days between meter readings.



**ORDINANCE NO. 012-2024**

(c) All revenue derived from said sanitary sewer surcharge shall be credited to the Sewer Utility Fund, which was established by Ordinance 063-2021. Said surcharges deposited into such Fund shall be used for the payment of the costs operation, maintenance, construction, reconstruction, replacement and enlargement of the sanitary sewer system within this City and the principal and interest on any debt incurred for the construction, reconstruction, replacement and enlargement of such system within this City. All revenue derived from said water surcharge shall be credited to the Water Utility Fund, which was established by Ordinance 062-2021. Said surcharges deposited into such Fund shall be used for the payment of the costs operation, maintenance, construction, reconstruction, replacement, and enlargement of the water distribution system within this City and the principal and interest on any debt incurred for the construction, reconstruction, replacement, and enlargement of such system within this City."

**SECTION 2.** That Section 913.30 Sewer and Water Surcharges, as contained in Chapter 913, Sanitary Regulations, as contained in Title One, Streets and Utilities, of Part Nine, Streets and Public Services Code, as existed prior to the enactment of this Ordinance is repealed.

**SECTION 3.** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare, and for the further reasons: that the City's current water contract with the City of Columbus now requires the City to develop and implement a water line replacement program, the City has identified additional immediate improvements necessary in the sanitary sewer system, a dedicated revenue stream for improvements to the City's water and sewer infrastructure is necessary because the expense exceeds current capital improvement plan (CIP) funding and a dedicated revenue stream is a required for the City to seek, apply for and receive favorable financing for improvements; WHEREFORE, this Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

**RESOLUTION NO. 002-2024**

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

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WHEREAS, the City of Whitehall (the "City") is located within the jurisdiction of the Solid Waste Authority of Central Ohio (SWACO); and

WHEREAS, the SWACO Board of Trustees prepared and adopted a final draft of the Solid Waste Management Plan in accordance with Ohio Revised Code Sections 3734.53, 3734.54, 3734.55 and 3734.56 on December 12, 2023; and

WHEREAS, SWACO has provided a copy of the Draft Final Solid Waste Management Plan for ratification to each of the legislative authorities of the District; and

WHEREAS, the City of Whitehall must decide whether is approves of said Solid Waste Management Plan within ninety days of receipt of the Final Draft Plan; and NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Whitehall, Franklin County, State of Ohio, \_\_ of the elected members concurring that:

**SECTION 1:** The City approves the SWACO Solid Waste Management Plan.

**SECTION 2:** The Clerk is hereby directed to send SWACO a copy of this resolution to the attention of Andrew Booker, SWACO, 4239 London Groveport Rd., Grove City, OH 43123 or by email Andrew.booker@swaco.org.

**SECTION 3:** That is found and determined that all formal actions of the Council of the City of Whitehall, Franklin County, State of Ohio concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor