

## WHITEHALL COUNCIL COMMITTEES

MINUTES – January 23, 2024

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Council President Potter called the January 23, 2024 Council Committees' meeting to order at 6:30 p.m.

The following members of council and the administration were present:

Members of the Administration

Council President Thomas Potter  
Mayor Michael T. Bivens  
Director of Public Service Casey Thomas  
City Attorney Bradley S. Nicodemus  
City Auditor Steve Quincel  
Econ. Dev. Manager Kelsey Miller

Council Members

Gerald Dixon  
Amy Smith  
Jo Anna Heck  
Larry Morrison  
Lori J. Elmore  
Amy Harcar

ADMINISTRATION/COUNCIL OF THE WHOLE MATTERS:

SPECIAL PRESENTATION:

Mr. Kim Littleton, Senior Planner and Project Manager for OHM Advisors gave a special presentation regarding the need for the City of Whitehall's updated zoning code.

He answered questions from City Council members at this time.

DISCUSSION:

President Potter went over the proposed changes to the Rules of Procedure for City Council. They will vote on each recommendation brought forward on Tuesday, February 6, 2024. He would like them voted on one by one and not lumped together. Ms. Ogg sent out a list of the items to all Councilmembers.

There was discussion on the date and time to hold the interviews for the vacant Ward IV seat on Council. Interviews will be held Tuesday, February 30, 2024 starting at 5:00 pm and lasting 30 minutes for each individual.

COMMITTEE OF THE WHOLE

**THIRD READING:**

RESOLUTION NO. 001-2024 (*Committee of the Whole-3<sup>rd</sup> Reading- Adopt 02/06/2024-Heck/Smith*)

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

ADMINISTRATION AND FINANCIAL MANAGEMENT

Councilperson Elmore opened at 7:46 p.m. and said there are no drafts or pending legislation on the agenda.

There was no discussion in Administration and Financial Management.

Having nothing further, Councilperson Elmore closed at 7:46 p.m.

COMMUNITY AND ELDER ADVOCACY

Chairperson Harcar opened at 7:46 p.m. and said there are no drafts or pending legislation on the agenda.

Community Lending Day for those interested in buying a home is Saturday, January 27 from 2:00 until 4:00 pm at the YMCA. The library is having a potluck and mobile food give-away on Saturday from 1:00 until 3:00 pm. There are softball, baseball, t-ball and soccer sign-ups going on now. She received information on the Whitehall City Schools Literacy Initiative that begins January 22 and runs through March 1.

Having nothing further, Chairperson Harcar closed at 7:47 p.m.

COMMUNITY STANDARDS AND ENFORCEMENT

Chairperson Smith opened at 7:47 p.m. and addressed the legislation in her committee, as follows:

**THIRD READING:**

ORDINANCE NO. 001-2024 (Comm. Stand & Enf. – 3rd reading – ADOPT 03/05/2024-Smith/Heck)

**Tabled until 03/05/2024**

**Public Hearing 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.

**SECOND READING:**

ORDINANCE NO. 005-2024 (Comm. Stand & Enf. – 3rd reading – ADOPT 02/20/2024-Smith/ )

**(Tabled on January 16, 2024 for further discussion on January 23, 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.

There was an application that went to the Planning Commission and was turned down so now it in the appeal process. Legally they are inside the grey zone.

City Attorney Nicodemus explained they are with the appeal period and one has not been filed yet. They have forty days to file a 2506 appeal so there is time up there or they can file a plat. Mr. Littleton was talking about comprehensive plans and he made a statement about people knowing what is going on with their zoning. What he fears would happen if the zoning changes would be they are inviting a lawsuit because parcels of land were purchased with a zoning regulation, a plan submitted and then they change the zoning on that property.

There was a lot of talk about spot zoning and he knows there was a definition given last week. Ohio law has its own definition and it refers to the singling out of lots or a small area for discriminatory or different treatment from that accorded to surrounding land in which is similar in character. That is to be read in relation to the comprehensive plan that was adopted by the city and of course there is case law on this.

There was much discussion on the code changes, the Comprehensive Plan and the possibility of a lawsuit with the monetary costs. Councilperson Smith to Councilperson Dixon, if the intent is to derail the process that is already moving, if he is looking at it from a place of how does the rest of the area be maintained and she thinks it is two paths. There is a train in motion, nothing could happen or sounds like grave consequences can happen, but if his intent is to derail that, that is a tough road to go down.

Councilperson Dixon had a conversation about all of this a couple of weeks ago, they talked about the legislation and he spoke of various options, an overlay is an option. He thinks that is what Councilperson Smith is referring to.

There was continued discussion on the intent of Councilperson Dixons legislation and that three of the parcels have outside counsel. City Attorney Nicodemus will provide a written statement to Council as to the definition of spot zoning and especially the definition of the small area.

Councilperson Dixon read a statement he wrote at this time. Councilpersons Harcar and Elmore responded to his statement. There was discussion as to whether the legislation could or could not be sent to the Planning Commission after the first reading. The legislation has been tabled and until it is taken from the table, it cannot be sent to the Planning Commission per Roberts Rules of Order. It will take a motion next week in Council by a Councilmember to take it off the table for further consideration, then upon it getting four affirmative votes; it will be off the table and may be referred to the Planning Commission. At the next Council meeting, if it is taken off the table that will be the conclusion of the first reading but it can be tabled indefinitely.

Having nothing further, Chairperson Smith closed at 8:47 p.m.

### ECONOMIC DEVELOPMENT

Chairperson Dixon opened at 8:47 p.m. and said there are no drafts or pending legislation on the agenda.

There was no discussion in Economic Development.

Having nothing further, Chairperson Dixon closed at 8:47 p.m.

### INFRASTRUCTURE, MAINTENANCE AND SERVICE

Chairperson Morrison opened at 8:48 p.m. and addressed the legislation in his committee, as follows:

#### **SECOND READING:**

**RESOLUTION NO. 002-2024** (*Inf., Maint & Srvs – 3rd reading – ADOPT 02/20/2024-Morrison/Elmore*)

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

Having nothing further, Chairperson Morrison closed at 8:48 p.m.

### PUBLIC SAFETY

Chairperson Morrison opened at 8:48 p.m. and said there are no drafts or pending legislation on the agenda.

There was no discussion in Public Safety.

Having nothing further, Chairperson Morrison closed at 8:49 p.m.

### PARKS AND RECREATION

Chairperson Heck opened at 8:49 p.m. and said there are no drafts or pending legislation on the agenda.

Baseball and T-ball sign-ups for age's five to twelve are going on now and they will conclude on March 31, 2024. Soccer sign-ups for first grade through sixth grade are happening until March 31, 2024. Chris Bolich and Michelle Reed had their swearing in at the last Parks and Recreation Commission meeting.

Having nothing further, Chairperson Heck closed at 8:49 p.m.

The meeting adjourned at 8:50 p.m.

Submitted by:

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Julie A. Ogg, Clerk of Council

APPROVED: February 6, 2024

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Thomas M. Potter, Council President