



WHITEHALL CITY COUNCIL
AGENDA & VOTING MEETING
TUESDAY, OCTOBER 21, 2025

CALL TO ORDER: 7:00 by President Thomas M. Potter

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES:

September 9, 2025 Agenda & Committee Meeting Minutes
September 16, 2025 Agenda & Regular Meeting Minutes
September 23, 2025 Agenda & Committee Meeting Minutes
October 14, 2025 Agenda & Committee Meeting Minutes

STANDING COMMITTEE REPORTS:

Administration and Financial Management – Chairperson Elmore
Community and Elder Advocacy – Chairperson Harcar
Community Standards and Enforcement – Chairperson Smith
Economic Development – Chairperson Dixon
Infrastructure, Maintenance, and Services – Chairperson Brown
Public Safety – Chairperson Morrison
Parks and Recreation – Chairperson Heck

OFFICIALS' REPORTS:

Mayor Michael T. Bivens
City Attorney Bradley S. Nicodemus
City Auditor Steve Quincel

Director of Public Service Casey Rowlands

Director of Public Safety Van Gregg

Treasurer Shaquille Alexander

Director of Economic Development Jackie Russell

President Thomas M. Potter

COMMUNICATIONS, PETITIONS AND CLAIMS:

POLL PUBLIC:

VERIFICATION OF COPIES:

Roll call on whether each member of the Council was given a copy of each item of legislation listed on the agenda prior to the meeting and including any add-on legislation.

THIRD READING:

THERE IS NO LEGISLATION FOR THIRD READING.

SECOND READING:

THERE IS NO LEGISLATION FOR SECOND READING.

FIRST READING:

ORDINANCE NO. 111-2025

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND 101 TO THE INSURANCE AND BONDS EXPENSE ACCOUNT 101.950.56500 IN THE AMOUNT OF FIFTY THOUSAND AND NO/DOLLARS (\$50,000.00).

ORDINANCE NO. 112 -2025

AN ORDINANCE AMENDING USE REGULATIONS AND TABLES 1103.02, TABLE 1103.03, AND TABLE 1108.01 OF PART 11 – THE PLANNING AND ZONING CODE.

ORDINANCE NO. 113 -2025

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE PROPERTY FROM COLUMBUS HOUSING PARTNERSHIP INC. LOCATED AT 0 ETNA ROAD, WHITEHALL, OHIO AND DECLARING AN EMERGENCY.

ORDINANCE NO. 114-2025

AUTHORIZING AN APPROPRIATION IN THE AMOUNT OF THREE HUNDRED SEVENTY-FIVE THOUSAND AND NO/DOLLARS (\$375,000.00) FROM UNAPPROPRIATED MONIES IN THE WIMPITE FUND 279 TO THE ETNA RD TIF EXPENSE ACCOUNT 279.000.50008 AND DECLARING AN EMERGENCY.

ORDINANCE NO. 115-2025

AUTHORIZING AND APPROVING A TRANSFER OF FIVE HUNDRED SEVENTEEN THOUSAND AND 00/00 DOLLARS (\$517,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND 101 TO THE STREET MAINTENANCE AND REPAIR FUND (201) AND MAKING A

SUPPLEMENTAL APPROPRIATION OF FIVE HUNDRED SEVENTEEN THOUSAND AND 00/00 DOLLARS (\$517,000.00) FROM THE STREET MAINTENANCE AND REPAIR FUND (201) TO THE BUILDING AND LOT MAINTENANCE EXPENSE ACCOUNT 201.000.54500.

POLL PUBLIC:

COMMUNITY DATE BOARD:

POLL COUNCIL:

ADJOURN

WHITEHALL COUNCIL COMMITTEES

MINUTES –SEPTEMBER 9, 2025

President Potter called the September 9, 2025, Council Committees' meeting to order at 6:30 p.m. He thanked Councilor Morrison for covering for him the last three weeks.

The following members of the council and the administration were present:

<u>Members of the Administration</u> President Thomas M. Potter Mayor Michael T. Bivens City Attorney Bradley S. Nicodemus Service Director Casey Rowlands Economic Development Director Jackie Russell	<u>Council Members</u> Gerald Dixon Larry Morrison Amy Smith Jo Anna Heck Lori Elmore Amy Harcar
--	--

ADMINISTRATION/COUNCIL OF THE WHOLE MATTERS:

COMMITTEE OF THE WHOLE

THIRD READING:

ORDINANCE NO. 079-2025 (*Comm. Of the Whole -3rd reading- ADOPT 09-16-2025-Elmore/Harcar*)

AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT FOR THE COLLECTION, TRANSPORTATION AND DELIVERY FOR DISPOSAL OR PROCESSING OF RESIDENTIAL SOLID WASTE, RECYCLABLE MATERIALS AND YARD WASTE GENERATED WITHIN THE CITY OF WHITEHALL, FRANKLIN COUNTY, OHIO BETWEEN THE CITY OF WHITEHALL AND LOCAL WASTE SERVICES, LTD.

SECOND READING:

ORDINANCE NO. 088-2025 (*Comm. Of the Whole -1st Reading –SUSP & ADOPT 09-16-2025 –Harcar/Elmore*)

AUTHORIZING AND APPROVING AN AMENDMENT TO THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL 161 TABLE OF AUTHORIZED PERSONNEL FOR THE FISCAL YEAR 2025 AND DECLARING AN EMERGENCY.

Councilor Dixon noted that during last week's meeting, he discussed postponing this legislation for a time. After a discussion with Ms. Heck, the decision was made to hold a vote next week instead of on October 7 due to the fifth Tuesday. He emphasized that it is important to address this issue now rather than later. He believes that those presenting legislation need to advocate effectively for it to gain support. He feels that passing this ordinance now will help initiate budget discussions, making it harder to address later. Furthermore, he pointed out that the positions mentioned in this legislation are redundant, a sentiment shared by citizens. He referenced an email he received last week (no copy provided for the file).

Councilor Elmore stated that it is within the Mayor's purview to assess the needs of the city and take appropriate action. She mentioned that a specific resident does not interact with the city daily. The Mayor spends many hours each day and is capable of determining the city's needs. She urged the Council to focus on their wards that have been neglected and to allow the Mayor to have a vision for the city. She stressed that this is merely a

classification, which does not require immediate funding, and that the situation does not need to be overly complicated. She sees no reason for the legislation not to proceed.

Councilor Harcar agreed with Councilor Elmore. She recalled that eight years ago, Mr. Dixon had promoted community-building activities, such as baseball games between wards. However, she emphasized that in difficult times, there is little opportunity for socializing or community events. Families struggling to put food on the table or facing cuts to Medicaid may experience severe life consequences. She believes it is essential to have someone in this role to help citizen's access resources. She referenced parts of the job description and highlighted that while Mr. Dixon may meet with some members of the community, he may not reach all constituents in his ward. She pointed out that many residents might not be aware of the available resources, and therefore, she views this legislation as beneficial for the city. She reaffirmed her belief in the Mayor's strong vision for its future.

Councilor Morrison asked the Mayor who is currently staffing the mobile unit and how often it goes out into the neighborhoods.

The Mayor responded that when he presented the mobile unit to the Council, he indicated that it would not be a funded position. The team has done its best to maximize its use given the demand in the community; however, it has not been utilized as frequently as he would like. This situation has led him to conclude that establishing a designated position is necessary to address the city's needs and better serve the residents of Whitehall.

Councilor Morrison stated he believed they requested a salary level for these employees. He asked the Mayor if he could provide this.

The Mayor is not able to provide the salary level at this time, as it is premature, because he is not asking the Council for funding. Once he comes to the Council for funding, there will be a full presentation, because that will be included in the full budget presentation. The departments are working diligently on their proposals, and they are waiting to see if this can even be funded. Last year was the first time the City of Whitehall actually did a full budget presentation with the Directors. That was a lot of work coming to that and bringing it to the Council, so this is in preparation for that.

Mayor Bivens addressed Mr. Dixon's point by saying he absolutely loved the analogy of vacuum cleaner sales and the reason being, when he was eighteen years old, and before he joined the United States Marine Corps, he actually sold vacuums. He did the best he could have done to sell those Kirby vacuums. Mr. Dixon gave him a vision of that when he spoke. Since then, he joined the Marines, received his Economics Degree from Capital University School of Management with honors, graduated from Capital University Law School, started his own firm, and became a trial lawyer for twelve years. He is a professional public speaker. He is way beyond selling vacuum cleaners, which is honorable. He is not trying to sell this or bait this in a way that does not have the data or the support. The pitch that he has given to Council, one that he provided, come to his office and talk with him, he has not spoken directly to Mr. Dixon over the weeks this has been in front of Council. He has not heard from him. He loves this city and the people in it, what they get to do every day, the conditions upon which our citizens are living, with the highest rate of poverty in central Ohio, with 85 percent of the children living in poverty, SNAP benefits are being reduced and our citizens are struggling. The city needs a dedicated department that is focused on resident's engagement, strategic integration of different departments, focused on collaboration, and focused on breaking down silos. Councilor Heck came in to see the data he has been collecting and it is vast. He asked that they hear the words he has given them over the last few weeks. If it is enough, approve the position, and at that point, he will share all of the data to support the numbers that he will bring forward in order to support the budget. That is his duty and obligation as the Mayor.

There was continued discussion, questions, and comments by Councilor Dixon, Harcar, Heck, the Mayor, President Potter, and City Attorney Nicodemus in reference to Ordinance 088-2025.

Councilor Dixon spoke to City Attorney Nicodemus about the emails and blockages. The Mayor stated to Mr. Dixon that he should refer his concerns to the contract with Cap City Lodge 9. He feels that is a large contract that he does not know where it is located. He spoke to the Attorney earlier and he was wondering if either the Mayor or the City Attorney could at least guide him to where he can find it since he cannot get an email.

The Mayor stated he had provided the contract to the Council prior to it being approved. Out of an abundance of caution and integrity, he has to refer Councilor Dixon to the contract to read.

City Attorney Nicodemus said he has become aware that he was blocked from the FOP emails, and that is a concern of his. He was unaware of any arbitration until just a little bit ago. He has concerns with the city blocking an entire organization because it seems to be content-based, who is saying it, and not time, place, or manner restrictions. He stated that there is a lot unknown out there, and he is not happy about it.

The Mayor noted the City Attorney's unhappiness. He hopes that as the legal representative of the city, he would have a conversation with his client, rather than speaking publicly about his feelings as it relates to this. There has been a grievance action at steps 3 and 4 that has already gone through the process pursuant to the contract.

Councilor Morrison expressed his concerns, calling it censorship, and he hopes there is a good reason for censoring the public, if in fact this is true. The section is 3.7 in the FOP contract. It does not specifically cover, from his perspective, but that would require an attorney to decipher which aspects apply. He hopes that Attorney Nicodemus will have time to look into this matter and provide the Council with guidance in the near future.

Councilor Elmore stated that the contract they approved was between the FOP and the City of Whitehall. The FOP is the sole representative of its members. This is the same thing they dealt with prior with Ortega. The Mayor and the Administration deal with the grievances and arbitration. The Council does not. They signed off that the contract was intact and their due diligence was done.

Councilor Morrison agrees with Councilor Elmore's comments. The concern brought up actually has nothing to do with this contract, but has to do with private citizens being blocked from communications.

Councilor Morrison informed the public that water meters are being replaced and that there have been cases of discrepancies in the billed amounts.

City Attorney Nicodemus updated the Council with his findings on this matter.

ADMINISTRATION AND FINANCIAL MANAGEMENT

Councilor Elmore opened the Administration and Financial Management meeting at 7:34 p.m. and addressed the legislation in her committee, as follows:

ORDINANCE NO. 091 -2025 DRAFT # 1

APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF THIRTY-ONE THOUSAND NINE HUNDRED NINETY AND NO/100 DOLLARS (\$31,990.00) FROM UNAPPROPRIATED MONIES IN THE LAW ENFORCEMENT TRUST FUND (241) TO THE LAW ENFORCEMENT TRUST FUND EXPENSE ACCOUNT (241.000.50000).

(Adm. & Fin. Mgmt.-1st reading- SUSP & ADOPT 09-16-2025- Elmore/Morrison)

ORDINANCE NO. 092 -2025 DRAFT # 2

MAKING AND APPROVING A SUPPLEMENTAL APPROPRIATION OF ONE HUNDRED FIFTY THOUSAND DOLLARS AND NO/100 DOLLARS (\$150,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE UTILITIES EXPENSE ACCOUNT (101.950.53800).

Director Rowlands stated this would carry them through the end of the year.

(Adm. & Fin. Mgmt.-1st reading- SUSP & ADOPT 09-16-2025- Elmore/Morrison)

ORDINANCE NO. 093 -2025 DRAFT # 3

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF THIRTY-THREE THOUSAND EIGHTY-TWO AND 05/100 DOLLARS (\$33,082.05) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE DEBT SERVICE FUND (401).

(Adm. & Fin. Mgmt.-1st reading- SUSP & ADOPT 09-16-2025- Elmore/Morrison)

ORDINANCE NO. 094 -2025 DRAFT # 4

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF SIXTY-SEVEN THOUSAND NINE HUNDRED TWENTY-SEVEN AND 63/100 DOLLARS (\$67,927.63) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE DEBT SERVICE FUND (401).

This will cover the payment for the energy updates from 2018.

(Adm. & Fin. Mgmt.-1st reading- SUSP & ADOPT 09-16-2025- Elmore/Heck)

ORDINANCE NO. 095 -2025 DRAFT # 5

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF SIXTY-ONE THOUSAND TWO HUNDRED TWENTY-EIGHT AND 60/100 DOLLARS (\$61,228.60) FROM UNAPPROPRIATED MONIES IN THE ENERGY PROJECT FUND (810) TO THE ENERGY PROJECT FUND EXPENSE ACCOUNT (810.000.50000).

(Adm. & Fin. Mgmt.-1st reading- SUSP & ADOPT 09-16-2025- Elmore/Morrison)

ORDINANCE NO. 096 -2025 DRAFT # 6

APPROVING AND MAKING A FUND TRANSFER IN THE AMOUNT OF FIFTY SEVEN THOUSAND NINE HUNDRED TWENTY AND 89/100 DOLLARS (\$57,920.89) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE DEBT SERVICE FUND (401).

(Adm. & Fin. Mgmt.-1st reading- SUSP & ADOPT 09-16-2025- Elmore/Harcar)

ORDINANCE NO. 097 -2025 DRAFT # 7

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF FOUR THOUSAND FOUR HUNDRED EIGHTY-EIGHT AND 30/100 DOLLARS (\$4,488.30) FROM UNAPPROPRIATED MONIES IN THE POLICE DEPARTMENT TAX LEVY FUND (280) TO THE PD AUDITS AND FEES EXPENSE ACCOUNT (280.000.59600).

(Adm. & Fin. Mgmt.-1st reading- SUSP & ADOPT 09-16-2025- Elmore/Morrison)

ORDINANCE NO. 098 -2025 DRAFT # 8

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF ONE THOUSAND FOUR HUNDRED FOUR AND 01/100 DOLLARS (\$1,404.01) FROM UNAPPROPRIATED MONIES IN THE WMPITIE FUND (279) TO VARIOUS EXPENSE ACCOUNTS IN THE WMPITIE FUND.

(Adm. & Fin. Mgmt.-1st reading- SUSP & ADOPT 09-16-2025- Elmore/Dixon)

ORDINANCE NO. 099 -2025 DRAFT # 9

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF FIFTEEN THOUSAND ONE HUNDRED FORTY AND 80/100 DOLLARS (\$15,140.80) FROM UNAPPROPRIATED MONIES IN THE WMPITIE FUND (279) TO THE TIF FEES EXPENSE ACCOUNT (279.000.59600).

(Adm. & Fin. Mgmt.-1st reading- SUSP & ADOPT 09-16-2025- Elmore/Heck)

After concluding all business, Councilor Elmore adjourned the meeting at 7:45 p.m.

COMMUNITY AND ELDER ADVOCACY

Councilor Harcar opened the Community and Elder Advocacy meeting at 7:45 p.m. and announced there were no drafts or pending legislation on the agenda.

September is recognized across the country as Suicide Prevention Awareness Month. It is a time when communities come together to raise awareness and offer support. Suicide remains a leading cause of death in the United States, touching families and communities across all ages and backgrounds. Suicide Prevention and Crisis Centers' number is 988.

After concluding all business, Councilor Harcar adjourned the meeting at 7:47 p.m.

COMMUNITY STANDARDS AND ENFORCEMENT

Councilor Smith opened the Community Standards and Enforcement meeting at 7:47 p.m. and announced there were no drafts or pending legislation on the agenda

There was no discussion in Community Standards and Enforcement.

After concluding all business, Councilor Smith adjourned the meeting at 7:47 p.m.

ECONOMIC DEVELOPMENT

Councilor Dixon opened the Economic Development meeting at 7:47 p.m. and announced there were no drafts or pending legislation on the agenda.

Director Russell advised that the next committee meeting, she would introduce legislation for the TIRC. This is a yearly requirement by the state.

After concluding all business, Councilor Dixon adjourned the meeting at 7:48 pm.

INFRASTRUCTURE, MAINTENANCE AND SERVICE

Councilor Morrison opened the Infrastructure, Maintenance, and Service meeting at 7:48 p.m. and announced there were no drafts or pending legislation on the agenda.

Applause to the Street Department for the roadwork.

Councilor Elmore had a conversation with Director Rowlands to get an update on the stop signs at Country Club and Fairway Blvd. The city can move forward with the all way stop. Legislation will be forthcoming.

After concluding all business, Councilor Morrison adjourned the meeting at 7:52 p.m.

PUBLIC SAFETY

Councilor Morrison opened the Public Safety meeting at 7:52 p.m. and announced there were no drafts or pending legislation on the agenda.

There was no discussion on Public Safety.

After concluding all business, Councilor Morrison adjourned the meeting at 7:53 p.m.

PARKS AND RECREATION

Councilor Heck opened the Parks and Recreation meeting at 7:53 p.m. and announced there were no drafts or pending legislation on the agenda.

There was no discussion on Parks and Recreation.

After concluding all business, Councilor Heck adjourned the meeting at 7:53 p.m.

The meeting adjourned at 7:53 p.m.

Submitted by:

Julie A. Ogg, Clerk of Council

APPROVED: October 21, 2025

Thomas M. Potter, Council President

WHITEHALL CITY COUNCIL

AGENDA MEETING MINUTES

President Potter ordered the September 16, 2025, agenda meeting at 6:30 p.m. All members were present with the exception of Councilor Smith and Councilor Brown.

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

There was a discussion regarding a letter that the Council received from FOP President Brian Steel. Councilor Dixon will make a motion to table Ordinance 088-2025.

Auditor Quincel explained the legislation from his office at this time.

The meeting adjourned at 6:54 p.m.

Submitted by,

Julie A. Ogg, Clerk of Council

APPROVED: October 21, 2025

Thomas M. Potter, Council President

WHITEHALL CITY COUNCIL MEETING

MINUTES SEPTEMBER 16, 2025

President Potter called the regular meeting of the Whitehall City Council to order at 7:00 p.m. on Tuesday, September 16, 2025.

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:

Jo Anna Heck
Amy Harcar
Gerald Dixon
Lori Elmore
Larry Morrison

Councilor Elmore moved to excuse the absent members, and Councilor Dixon seconded the motion. There was no discussion. All members responded in the affirmative on a roll call vote, and Councilor Smith and Councilor Brown were excused.

APPROVAL OF MINUTES:

No minutes submitted for approval.

STANDING COMMITTEE REPORTS:

Administration and Financial Management – Councilor Elmore reported that the committee met last week, and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Community and Elder Advocacy – Councilor Harcar reported that the committee met last week, and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Community Standards and Enforcement – Councilor Dixon reported that the committee met last week, and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Economic Development – Councilor Dixon reported that the committee met last week, and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Infrastructure, Maintenance, and Services – Councilor Morrison reported that the committee met last week, and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Public Safety – Councilor Morrison reported that the committee met last week, and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Parks and Recreation – Councilor Heck reported that the committee met last week, and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

OFFICIALS' REPORTS

Mayor Michael T. Bivens expressed his gratitude to Tool Design and the Franklin County Department of Public Health for their involvement in evaluating the city's bikeability. He also congratulated those who filled out applications to join the Mayor's Youth Advisory Council. He noted that there had been discussions regarding the agenda, specifically about a union position and a non-union position related to the legislation. The Mayor emphasized the importance of clarifying this matter directly, as Councilor Morrison had suggested that the newly created position was traditionally held by a union job, which is not accurate. The currently existing union position is titled "Community Operations Sergeant." This role has specific duties and is still operational within the union. It incorporates management of various special operations, including bike patrol, canine teams, the Honor Guard, and civilian volunteers. In contrast, the position approved for the force is a part-time, non-union role that is distinct and does not relate to any current or pre-existing union position. The Mayor read an email he sent to the Council on the afternoon of September 12, 2025, into the record to clarify these points.

City Attorney Bradley S. Nicodemus gave a quick shout-out to the Board of Elections. On Friday, everyone got a copy of the Whitehall ballot. It had the Initiative and the Referendum, those who are running for Council. Everyone is aware of the volunteers that are needed to run an election; he encouraged those who can volunteer for the polling locations.

City Auditor Steve Quincel addressed an allegation made last week on the city's Facebook page. The allegation claimed that the ongoing work at City Hall was a result of creative accounting and that funds from the Police Department levy were being used for this purpose. He took this as a personal affront and responded by reading a statement into the record. He requested favorable consideration for Ordinances 091-2025 through 100-2025.

Director of Public Service Casey Rowlands had no official report. She echoed the Mayor's sentiment to Franklin County Public Health and Tool Design. She asked for favorable consideration of Ordinances 079-2025 and 092-2025.

Director of Public Safety Van Gregg was not present.

City Treasurer Shaquille Alexander was not present.

Director of Economic Development Jackie Russell was not present.

President Potter stated the following officials' reports have been filed in the Council office since the last meeting: the Auditor's Financial Reports for August 2025.

COMMUNICATIONS, PETITIONS, AND CLAIMS:

No Communications, Petitions, or Claims have been filed in the Council office since the last meeting.

POLL PUBLIC:

No comments.

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:

ORDINANCE NO. 079-2025 was read by title only by President Potter:

AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT FOR THE COLLECTION, TRANSPORTATION AND DELIVERY FOR DISPOSAL OR PROCESSING OF RESIDENTIAL SOLID WASTE, RECYCLABLE MATERIALS AND YARD WASTE GENERATED WITHIN THE CITY OF WHITEHALL, FRANKLIN COUNTY, OHIO BETWEEN THE CITY OF WHITEHALL AND LOCAL WASTE SERVICES, LTD.

Councilor Elmore introduced and moved to adopt Ordinance No. 079-2025, and Councilor Harcar seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 079-2025 was ADOPTED.

SECOND READING:

ORDINANCE NO. 088-2025 was read by title only by President Potter:

AUTHORIZING AND APPROVING AN AMENDMENT TO THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL 161 TABLE OF AUTHORIZED PERSONNEL FOR THE FISCAL YEAR 2025 AND DECLARING AN EMERGENCY.

Councilor Harcar introduced and moved to suspend the rules on Ordinance 088-2025, and Councilor Elmore seconded the motion. There was no discussion. The results of the roll call vote were as follows: Councilor Heck voted Yes; Councilor Harcar voted Yes; Councilor Dixon voted Yes; Councilor Elmore voted Yes; Councilor Morrison voted Yes; and the rules on Ordinance 088-2025 were suspended.

Councilor Harcar moved to adopt Ordinance 088-2025 and Councilor Elmore seconded the motion.

Councilor Morrison referenced the title of the Community Affairs Specialist being changed to the Community and Marketing Specialist, as he did not think they had received any details on the particular duties. He stated that for many years the residents of this community received their Opportunity Guide, with this year being the first year, to his knowledge was not mailed to the residents. That would hinder the residents from knowing what all resources are available to them.

Mayor Bivens stated the position he first brought to Council several weeks ago, the title has changed but the job function has not. It is important for him to at least mention, as it relates to the guide, when he became Mayor at the beginning of 2024, what Council did not know: there were boxes of Opportunity Guides that needed to be discarded that did not make it out and that was the previous iteration. The mailing of the guides, there were hundreds that came back undelivered, which one of his obligations as the Mayor, is to manage the city's finances responsibly and not create any government waste.

The results of the roll call vote were as follows: Councilor Heck voted Yes; Councilor Harcar voted Yes; Councilor Dixon voted No; Councilor Elmore voted Yes; Councilor Morrison voted No; and Ordinance 088-2025 was defeated.

FIRST READING:

ORDINANCE NO. 091 -2025 was read by title only by President Potter:

APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF THIRTY-ONE THOUSAND NINE HUNDRED NINETY AND NO/100 DOLLARS (\$31,990.00) FROM UNAPPROPRIATED MONIES IN THE LAW ENFORCEMENT TRUST FUND (241) TO THE LAW ENFORCEMENT TRUST FUND EXPENSE ACCOUNT (241.000.50000).

Councilor Elmore introduced and moved to suspend the rules on Ordinance No. 091-2025, and Councilor Morrison seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and the rules on Ordinance No. 091-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 091-2025, and Councilor Morrison seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 091-2025 was adopted.

ORDINANCE NO. 092 -2025 was read by title only by President Potter:

MAKING AND APPROVING A SUPPLEMENTAL APPROPRIATION OF ONE HUNDRED FIFTY THOUSAND DOLLARS AND NO/100 DOLLARS (\$150,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE UTILITIES EXPENSE ACCOUNT (101.950.53800).

Councilor Elmore introduced and moved to suspend the rules on Ordinance No. 092-2025, and Councilor Morrison seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and the rules on Ordinance No. 092-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 092-2025, and Councilor Morrison seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 092-2025 was adopted.

ORDINANCE NO. 093 -2025 was read by title only by President Potter:

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF THIRTY-THREE THOUSAND EIGHTY-TWO AND 05/100 DOLLARS (\$33,082.05) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE DEBT SERVICE FUND (401).

Councilor Elmore introduced and moved to suspend the rules on Ordinance No. 093-2025, and Councilor Morrison seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and the rules on Ordinance No. 093-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 093-2025, and Councilor Morrison seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 093-2025 was adopted.

ORDINANCE NO. 094 -2025 was read by title only by President Potter:

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF SIXTY-SEVEN THOUSAND NINE HUNDRED TWENTY-SEVEN AND 63/100 DOLLARS (\$67,927.63) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE DEBT SERVICE FUND (401).

Councilor Elmore introduced and moved to suspend the rules on Ordinance No. 094-2025, and Councilor Heck seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and the rules on Ordinance No. 094-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 094-2025, and Councilor Heck seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 094-2025 was adopted.

ORDINANCE NO. 095 -2025 was read by title only by President Potter:

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF SIXTY-ONE THOUSAND TWO HUNDRED TWENTY-EIGHT AND 60/100 DOLLARS (\$61,228.60) FROM UNAPPROPRIATED MONIES IN THE ENERGY PROJECT FUND (810) TO THE ENERGY PROJECT FUND EXPENSE ACCOUNT (810.000.50000).

Councilor Elmore introduced and moved to suspend the rules on Ordinance No. 095-2025, and Councilor Morrison seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and the rules on Ordinance No. 095-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 095-2025, and Councilor Morrison seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 095-2025 was adopted.

ORDINANCE NO. 096 -2025 was read by title only by President Potter:

APPROVING AND MAKING A FUND TRANSFER IN THE AMOUNT OF FIFTY SEVEN THOUSAND NINE HUNDRED TWENTY AND 89/100 DOLLARS (\$57,920.89) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE DEBT SERVICE FUND (401).

Councilor Elmore introduced and moved to suspend the rules on Ordinance No. 096-2025, and Councilor Harcar seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and the rules on Ordinance No. 096-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 096-2025, and Councilor Harcar seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 096-2025 was adopted.

ORDINANCE NO. 097 -2025 was read by title only by President Potter:

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF FOUR THOUSAND FOUR HUNDRED EIGHTY-EIGHT AND 30/100 DOLLARS (\$4,488.30) FROM UNAPPROPRIATED MONIES IN THE POLICE DEPARTMENT TAX LEVY FUND (280) TO THE PD AUDITS AND FEES EXPENSE ACCOUNT (280.000.59600).

Councilor Elmore introduced and moved to suspend the rules on Ordinance No. 097-2025, and Councilor Morrison seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and the rules on Ordinance No. 097-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 097-2025, and Councilor Morrison seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 097-2025 was adopted.

ORDINANCE NO. 098 -2025 was read by title only by President Potter:

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF ONE THOUSAND FOUR HUNDRED FOUR AND 01/100 DOLLARS (\$1,404.01) FROM UNAPPROPRIATED MONIES IN THE WMPITIE FUND (279) TO VARIOUS EXPENSE ACCOUNTS IN THE WMPITIE FUND.

Councilor Elmore introduced and moved to suspend the rules on Ordinance No. 098-2025, and Councilor Dixon seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and the rules on Ordinance No. 098-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 098-2025, and Councilor Dixon seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 098-2025 was adopted.

ORDINANCE NO. 099 -2025 was read by title only by President Potter:

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF FIFTEEN THOUSAND ONE HUNDRED FORTY AND 80/100 DOLLARS (\$15,140.80) FROM UNAPPROPRIATED MONIES IN THE WMPITIE FUND (279) TO THE TIF FEES EXPENSE ACCOUNT (279.000.59600).

Councilor Elmore introduced and moved to suspend the rules on Ordinance No. 099-2025, and Councilor Heck seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and the rules on Ordinance No. 099-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 099-2025, and Councilor Heck seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 099-2025 was adopted.

ORDINANCE NO. 100 -2025 was read by title only by President Potter:

APPROVING AND MAKING A SUPPLEMENTAL APPROPRIATION OF ONE HUNDRED THOUSAND EIGHT HUNDRED THIRTY-TWO AND 17/100 DOLLARS (\$100,832.17) FROM UNAPPROPRIATED MONIES IN THE LAW ENFORCEMENT TRUST FUND (241) TO THE VARIOUS LAW ENFORCEMENT TRUST FUND EXPENSE ACCOUNTS AS SHOWN BELOW.

Councilor Elmore introduced and moved to suspend the rules on Ordinance No. 100-2025, and Councilor Morrison seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and the rules on Ordinance No. 100-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 100-2025, and Councilor Morrison seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 100-2025 was adopted.

POLL PUBLIC:

No comments at this time.

COMMUNITY DATE BOARD:

There is Coffee and Chat with the Mayor tomorrow, the 17th. Unlimited trash collection day is October 1. Walk with a Doc is also tomorrow. Check the Park and Recreation Facebook page for more important activities happening in and around the city.

POLL COUNCIL:

Councilor Heck expressed her gratitude to both the viewers at home and those present at the meeting. Congratulations to the Auditors' office for the three stars from the state. She cannot wait to hear more about the bikeability of Whitehall.

Councilor Harcar expressed her gratitude to Shellie for stepping in and helping her with the emails she sent. She thanked those in attendance tonight. She expressed her frustration at seeing the legislation voted down. They talk about being champions for the community and meeting with people, and then to see, basically, put your money where your mouth is, and put some people out here that can do some things and actually help the community. She likes the Opportunity Guide. If she is going to find it, she is going to look for it on the computer. It is frustrating to hear that things are not getting used and are going to waste. To wait until the very last minute to ask for the opinions of our City Attorney on other legislation and still vote against it, when they are told those things can move forward. She knows that sometimes it is fun to go on social media and talk about being the champion for the community, and doing these things, but it is frustrating when they need help and they are going to need more help, and they are not going to do what they can. Just to have a position created and not even funded at this point, and to vote against that, she does not understand it. Softball games and bringing communities together are all good, but if families are in crisis, they may not be looking for their opportunity guide. They may need someone who is going out into the community to share resources. Not everybody reads, not even in English, in our community, and so having that guide is not the same as having someone go out into the community. She is sure they have all had a brochure handed to them with helpful information that was tossed into the recycling bin, but a conversation with someone from that agency would really stick with you. At the end of the day, she is much more interested in helping people.

Councilor Dixon expressed his gratitude to both the viewers at home and those in attendance at the meeting. He really had nothing else, but after Councilor Harcar's comments, he would like to say this. Despite his thoughts, as far as what they were sent via snail mail from the President of the FOP, he heard the City Attorney's opinion on that matter, and he listened to him. Unfortunately, again, he only had it to give based on looking it over briefly through the snail mail. His vote of no is not based on that consideration. His vote of no was based on conversation at this dais, talks and commentary out there amongst the citizens and he, etc. It was stated well how people felt about it. He did not really hear any commentary outside of this dais from people who were for it. For that reason, he voted no.

Councilor Elmore expressed her gratitude to both the viewers at home and those present at the meeting, and to congratulate the Auditor's office once again for the great work they do. Thanks to Franklin County Public Health and Tool Design for the access to bikeability. She expressed her comments regarding Ordinance 088-2025. The Mayor offers every one of them the opportunity to go in and speak with him at any time. When things are done by the surprise element, which some may think it is all well and fine, however, the opportunity to do more for this city is being held hostage. Hostage by someone who does not even live in this city, does not operate in this city, but just causes and wreaks havoc in this city from what she has seen thus far. Commentary by the citizenry, that is a group of people that is within a silo that some people are not even allowed to participate in or be a part of, that is a silo of people that only a few can have some conversation. With

CITY COUNCIL MEETING – September 16, 2025

that comment, it does not meet the standard of all the people or the majority of the people that live in Whitehall that would benefit from this position, what it does, and for someone who, the FOP or anyone outside to delve into business that is within Whitehall, shame on us for having itchy ears and wanting to see what else they have to say. They do not run this city. We are the ones who are supposed to see the difference. She finished with a quote a friend sent her, "The day we understand that the right wing and the left wing are a part of the same bird, only then can the eagle fly and America be great."

Councilor Morrison thanked everyone for their patience while sitting through this meeting, and those watching from home. He normally does not comment on when he casts a vote one way or the other, but the letter from the FOP just came today, and that had no bearing on his vote. The research he did and the absence of additional information are what bore his vote. Surprises were mentioned here in some comments earlier. In fact, if they had had more information and why it would have been important to have a one-on-one meeting in the Mayor's office to answer questions; he felt those questions should be answered publicly. Occasionally, he has met with the Mayor and the previous one as well. He believes these conversations should be in public and not in private. The document the Mayor provided on the part-time Community Police Coordinator is shown as classified, part-time, and overtime eligible, and this document was created in November 2024. Council would have had plenty of time to cover this in a proper discussion had it been brought forward earlier. As people care to operate, they want to wait until the last minute to bring stuff forward and apply pressure that it has to be done now, or the window will be lost. He does not buy into that, and it is unacceptable for this document to be almost a year old.

President Potter commended the Auditor's department on the three stars. He believes the auditor acts in total transparency and in making his books available to all. He thanked Councilor Morrison for covering for him in his absence for several meetings. He thanked Ms. Widdis for a fabulous job, and this Council would be happy to have her back should the need arise again.

Having nothing further to add, President Potter adjourned the meeting at 7:48 p.m.

Submitted by,

Julie A. Ogg, Clerk of Council

APPROVED: October 21, 2025

Thomas M. Potter, Council President

WHITEHALL COUNCIL COMMITTEES

MINUTES –SEPTEMBER 23, 2025

President Potter called the September 23, 2025, Council Committees' meeting to order at 6:30 p.m.

The following members of the council and the administration were present:

<u>Members of the Administration</u>	<u>Council Members</u>
President Thomas M. Potter	Gerald Dixon
Mayor Michael T. Bivens	Larry Morrison
City Attorney Bradley S. Nicodemus	Jo Anna Heck
Auditor Steve Quincel	Lori Elmore
Service Director Casey Rowlands	Amy Harcar
Economic Development Director Jackie Russell	

ADMINISTRATION/COUNCIL OF THE WHOLE MATTERS:

Councilor Dixon asked City Attorney Nicodemus to address the following issues: the blocking of emails to the Council from the FOP and his concerns about a post on the city's Facebook page that seemed to be promoting a particular candidate.

City Attorney Nicodemus addressed a recent Facebook post, noting that an elected official had created a post indicating they were a candidate, which the city then shared. By the time he received notification of the issue, the social media team had already removed the post from Facebook. He believes this incident does not constitute a major violation; however, the city must maintain impartiality and cannot endorse or give the appearance of endorsing one candidate over another.

In a related matter, he received a complaint regarding a candidate using the city's logo in campaign literature. This also creates the impression of municipal endorsement, which is prohibited. This situation falls into a gray area. While there are clear opinions from election commissions about the use of corporate logos—considered a form of donation—there are no specific rules regarding municipal logos. While he cannot definitively say using the logo is prohibited, he also cannot affirm that it is permitted. He has requested that anyone using the city logo in campaign materials cease doing so, as it appears inappropriate.

Additionally, he addressed concerns about political yard signs. These signs are permitted, and anyone caught stealing or defacing them may be committing a crime.

Councilor Dixon expressed his understanding of the city logo, stating that the people funded it. He emphasized that the logo belongs to the community, as the city is not a separate entity that owns things but rather represents the people. Therefore, he believes it is inaccurate to say that the logo is out of their reach.

There was continued discussion on the use of the city logo at this time.

City Attorney Nicodemus addressed the issue of the Council being blocked from emails sent by the FOP. There can be legitimate reasons for blocking emails from a city perspective, including malware and phishing. He cited a case out of the Southern District of Ohio Federal Court on a motion for Summary Judgement. A Supreme Court ruling reads that the government has no power to restrict expression because of its message, its ideas, subject matter, or its content. As a result, the Constitution demands that content-based restrictions on speech be presumed invalid and that the government bear the burden of showing their constitutionality. In this case, they also said the plaintiff demonstrated that the telecommunications harassment statute was unconstitutional as it was applied to In

this case. There they are discussing content-based issues and are blocking all emails. He referenced a case from Pennsylvania that was content-neutral. He asked the Mayor to send him the documentation related to the grievance, but to date, he has not received anything. He inquired if the Mayor has any case law to support the ban from the Fraternal Order of Police (FOP); he would be willing to review it and see if it changes his perspective. However, based on the information he currently has, he believes the ban violates the First Amendment. At this time, there is no lawsuit. His recommendation is that the Mayor should lift the ban.

Mayor Bivens expressed that he finds it enjoyable to attend Council meetings without prior notice of the topics being discussed. He appreciates having the opportunity to analyze the issues at hand, alongside relevant case law and questions from attendees. He strives to address any doubts or concerns regarding the Fraternal Order of Police (FOP) to the best of his ability. He trusts the City Attorney, whom he describes as a man of integrity with a solid understanding of the law. Mayor Bivens noted that the facts presented by the City Attorney concerning case law are not applicable to this situation. He also requested that the City Attorney research case law related to union organizations, their First Amendment rights, and their ability to negotiate contracts in line with those rights. In the FOP's negotiated contract, particularly in Section 3.7, it is clearly stated that the FOP is permitted to use inter-departmental email to communicate with its members. This provision specifically does not allow for sending inter-departmental emails to anyone other than its members. In Section 5.6, related to the arbitration, the FOP has also negotiated that for purposes of arbitration, that they could also send emails to the Mayor. Based upon the negotiated contract with the FOP, the FOP is not banned from sending emails pursuant to the contract. The FOP has negotiated to send emails to its members. There have been offers to the FOP, if they want to renegotiate the contract, and include its ability to send emails to everyone other than non-members, then he is open to negotiating the contract.

After further discussion, the Mayor asked that this discussion be handled in an attorney-client privileged communication, not withstanding, there are several lawyers that are involved, not only the city's attorney, Attorney Nicodemus, and opposing counsel for the FOP Lodge 9.

There was further discussion at this time regarding the inability to send and receive emails from the FOP.

Councilor Dixon asked for a discussion in regards to the Special Meeting that is scheduled for tomorrow evening. The piece of legislation, Ordinance 088-2025, is being brought back with a different ordinance number and is on the agenda for a vote tomorrow. It was defeated last week and is now being re-introduced. Last week, there were two people that were absent, and that was no doubt part of its defeat. He asked for the City Attorney's opinion.

The City Attorney stated there is nothing that prohibits defeated legislation from being brought back before Council for a vote. It gets a new number because the prior ordinance was defeated.

COMMITTEE OF THE WHOLE

ADMINISTRATION AND FINANCIAL MANAGEMENT

Councilor Elmore opened the Administration and Financial Management meeting at 7:23 p.m. and addressed the legislation in the committee, as follows:

RESOLUTION NO. 039-2025 DRAFT # 1
RESOLVING TO APPROVE "THEN AND NOW" CERTIFICATES.

(Adm. & Fin. Mgmt.-1st reading- SUSP & ADOPT 10-07-2025- Elmore/Morrison)

After concluding all business, Councilor Elmore adjourned the meeting at 7:24 p.m.

COMMUNITY AND ELDER ADVOCACY

Councilor Harcar opened the Community and Elder Advocacy meeting at 7:24 p.m. and announced there were no drafts or pending legislation on the agenda.

There was no discussion on Community and Elder Advocacy.

After concluding all business, Councilor Harcar adjourned the meeting at 7:24 p.m.

COMMUNITY STANDARDS AND ENFORCEMENT

Councilor Dixon opened the Community Standards and Enforcement meeting at 7:47 p.m. and addressed the legislation in the committee, as follows:

ORDINANCE NO. 101-2025 DRAFT # 2

AMENDING PART THREE, APPENDIX – TRAFFIC SCHEDULE II, OF THE TRAFFIC CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO, ENTITLED “STOP INTERSECTIONS” BY ADDING A STOP SIGN AT MULTIPLE LOCATIONS AND CREATING ALL-WAYS STOP INTERSECTIONS.

Director Rowland explained the reason for bringing this legislation forward. This intersection will get stop signs as well as illuminated stop bars. She is asking that this legislation be voted on at first reading and it should include an emergency clause.

(Comm. Stand. & Enf.-1st reading- ADOPT- 10-07-2025- Smith/Elmore)

After concluding all business, Councilor Dixon adjourned the meeting at 7:27 p.m.

ECONOMIC DEVELOPMENT

Councilor Dixon opened the Economic Development meeting at 7:27 p.m. and addressed the legislation in the committee, as follows:

RESOLUTION NO. 040 -2025 DRAFT # 3

APPROVING THE RECOMMENDATIONS OF THE CITY OF WHITEHALL TAX INCENTIVE REVIEW COUNCIL FOR TAX YEAR 2024.

Director Russell explained that every year as part of the Ohio Revised Code for offering tax incentives, a city must have a Tax Increment Review Council meeting to go through all the abatements that are offered and compare them to the benchmarks of success. This entity will continue or discontinue the abatements. All of the city’s abatements met all benchmarks so the TIRC recommended that they approve and continue all abatements. In order to do so, this legislation needs to be adopted.

(Econ. Dev.1st reading- SUSP & ADOPT- 10-07-2025- Dixon/Morrison)

After concluding all business, Councilor Dixon adjourned the meeting at 7:30 pm.

INFRASTRUCTURE, MAINTENANCE AND SERVICE

Councilor Morrison opened the Infrastructure, Maintenance, and Service meeting at 7:30 p.m. and announced there were no drafts or pending legislation on the agenda.

There was no discussion on Infrastructure, Maintenance and Service.

After concluding all business, Councilor Morrison adjourned the meeting at 7:30 p.m.

PUBLIC SAFETY

Councilor Morrison opened the Public Safety meeting at 7:31 p.m. and announced there were no drafts or pending legislation on the agenda.

There was no discussion on Public Safety.

After concluding all business, Councilor Morrison adjourned the meeting at 7:31 p.m.

PARKS AND RECREATION

Councilor Heck opened the Parks and Recreation meeting at 7:31 p.m. and announced there were no drafts or pending legislation on the agenda.

There was no discussion on Parks and Recreation.

After concluding all business, Councilor Heck adjourned the meeting at 7:31 p.m.

The meeting adjourned at 7:31 p.m.

Submitted by:

Julie A. Ogg, Clerk of Council

APPROVED: October 21, 2025

Thomas M. Potter, Council President

WHITEHALL COUNCIL COMMITTEES

MINUTES –OCTOBER 14, 2025

President Potter called the October 14, 2025, Council Committees' meeting to order at 6:30 p.m.

The following members of the council and the administration were present:

<u>Members of the Administration</u> President Thomas M. Potter Mayor Michael T. Bivens City Attorney Bradley S. Nicodemus Auditor Steve Quincel Economic Development Director Jackie Russell	<u>Council Members</u> Gerald Dixon Larry Morrison Amy Smith Jo Anna Heck
--	---

ADMINISTRATION/COUNCIL OF THE WHOLE MATTERS:

A discussion took place between Councilor Morrison and Mayor Bivens regarding the status of the follow-up on the school Tax Increment Financing (TIF) initiatives and the issue of blocked email communications to the Council and the Fraternal Order of Police (FOP).

Mayor Bivens conveyed that there are currently no updates or follow-up actions on either of these matters.

COMMITTEE OF THE WHOLE

ADMINISTRATION AND FINANCIAL MANAGEMENT

Councilor Morrison opened the Administration and Financial Management meeting at 6:33 p.m. and addressed the legislation in his committee, as follows:

ORDINANCE NO. 111-2025 DRAFT # 1

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND 101 TO THE INSURANCE AND BONDS EXPENSE ACCOUNT 101.950.56500 IN THE AMOUNT OF FIFTY THOUSAND AND NO/DOLLARS (\$50,000.00).

The cost of cyber liability insurance has risen, and the City of Whitehall needs to allocate additional funds. Claims against the Public Entities Pool of Ohio Insurance have surpassed the budgeted amount for this year. The anticipated funds should not exceed the necessary coverage for the cyber liability insurance costs.

(Adm. &Fin. Mgmt.-1st reading- SUSP & ADOPT- 10-21-2025- Elmore/Morrison)

After concluding all business, Councilor Morrison adjourned the meeting at 6:36 p.m.

COMMUNITY AND ELDER ADVOCACY

Councilor Heck opened the Community and Elder Advocacy meeting at 6:36 p.m. and announced there were no drafts or pending legislation on the agenda.

Councilor Heck read a statement from Councilor Harcar, who wanted to congratulate the city on the success of the Purple Run. She expressed her excitement about the high attendance at the event and her gratitude for the city's ongoing support of survivors.

After concluding all business, Councilor Harcar adjourned the meeting at 6:37 p.m.

COMMUNITY STANDARDS AND ENFORCEMENT

Councilor Smith opened the Community Standards and Enforcement meeting at 6:37 p.m. and addressed the legislation in her committee, as follows:

ORDINANCE NO. 112 -2025 DRAFT # 2

AN ORDINANCE AMENDING USE REGULATIONS AND TABLES 1103.02, TABLE 1103.03, AND TABLE 1108.01 OF PART 11 – THE PLANNING AND ZONING CODE.

(Referred to the Whitehall Planning Commission for the November 6, 2025, meeting)

In 2023, the City of Whitehall made updates to the Planning and Zoning sections of the Whitehall Codified Code. Since those changes, minor adjustments have become necessary to promote the creation of residential units and provide residents with greater flexibility. This update will focus on the STUR, MUR, and ADU regulations.

Director Russell answered questions from members of Council at this time.

(Comm. Stand & Enf.-3rd reading- ADOPT- 11-18-2025- Smith/Dixon)

Councilor Smith distributed a packet of materials to each member of the Council for discussion. About three weeks ago, a resident contacted her regarding a violation they received for what the city classifies as a commercial vehicle in their driveway. The resident expressed that this regulation is overly burdensome and inquired whether there might be interest in revising section 1111.13 of the code.

Code Enforcement Officer Sural met with Councilor Smith to discuss the issue, and she compiled the packet to provide clarity on the matter. The packet includes definitions of the types of vehicles that are prohibited, as well as pictures of vehicles that are allowed, for reference while driving in the community. Additionally, Mr. Sural provided codes from neighboring cities for comparison.

Councilor Smith welcomed any clarification questions from the Council members. However, she requested that any other questions be reserved until the Committee meeting scheduled for October 28, 2025.

City Attorney Nicodemus discussed the issue regarding a specific individual whom he believed had been summoned to court; however, that was not the case. Instead, the individual received a Notice of Violation. This Notice of Violation provides the recipient with the opportunity to appeal to the Board of Zoning and Building Appeals (BZBA). Often, the appeal notice goes unnoticed.

Councilor Dixon read in to the record a prepared statement as a reminder of things, because in the past he knows that Councilor Elmore has let them know exactly what their duties are as legislators.
(No copy was provided for the file)

After concluding all business, Councilor Smith adjourned the meeting at 7:00 p.m.

ECONOMIC DEVELOPMENT

Councilor Dixon opened the Economic Development meeting at 7:00 p.m. and addressed the legislation in his committee, as follows:

ORDINANCE NO. 113 -2025 DRAFT # 3

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE PROPERTY FROM COLUMBUS HOUSING PARTNERSHIP INC. LOCATED AT 0 ETNA ROAD, WHITEHALL, OHIO AND DECLARING AN EMERGENCY.

Director Russell stated the city has been working with the owners (Homeport) of this piece of property. The property is currently not on the market. She is asking that the emergency clause stay so that after three readings they could enter into that agreement and avoid having to go to the market and compete with others for the property. This property acquisition will position the City to attract and support the development of new commercial uses, as well as community-serving uses to strengthen the local tax base, provide opportunities for economic growth, and support the continued revitalization of the City. The asking price is three hundred seventy five thousand dollars. She is awaiting the appraisal.

Director Russell answered questions from Council members at this time.

(Econ. Dev. - 3rd reading- ADOPT- 11-18-2025- Dixon/Smith)

ORDINANCE NO. 114-2025 DRAFT # 4

AUTHORIZING AN APPROPRIATION IN THE AMOUNT OF THREE HUNDRED SEVENTY-FIVE THOUSAND AND NO/DOLLARS (\$375,000.00) FROM UNAPPROPRIATED MONIES IN THE WIMPITE FUND 279 TO THE ETNA RD TIF EXPENSE ACCOUNT 279.000.50008 AND DECLARING AN EMERGENCY.

Auditor Quincel mentioned that the 2025 budget does not include any expenses from the Etna Road TIF expense account. To acquire the property, they will need to allocate funds from this account so that a check can be issued. The money to acquire this property is not coming from the general fund.

Director Russell stated that on the Franklin County website the current value of this property is six hundred twenty thousand dollars.

(Econ. Dev. - 3rd reading- ADOPT- 11-18-2025- Dixon/Smith)

After concluding all business, Councilor Dixon adjourned the meeting at 7:18 pm.

INFRASTRUCTURE, MAINTENANCE AND SERVICE

Councilor Morrison opened the Infrastructure, Maintenance, and Service meeting at 7:19 p.m. and announced there were no drafts or pending legislation on the agenda.

There was no discussion on Infrastructure, Maintenance and Services.

After concluding all business, Councilor Morrison adjourned the meeting at 7:19 p.m.

PUBLIC SAFETY

Councilor Morrison opened the Public Safety meeting at 7:19 p.m. and announced there were no drafts or pending legislation on the agenda.

Auditor Quincel recounted an experience from last evening. While driving, he noticed what he initially thought was a pile of clothes on the ground. Upon closer inspection, he discovered it was actually a person in need of medical assistance. Mr. Quincel promptly called 9-1-1, and help arrived within just a few minutes.

After concluding all business, Councilor Morrison adjourned the meeting at 7:21 p.m.

PARKS AND RECREATION

Councilor Heck opened the Parks and Recreation meeting at 7:21 p.m. and announced there were no drafts or pending legislation on the agenda.

There was no discussion on Parks and Recreation.

After concluding all business, Councilor Heck adjourned the meeting at 7:21 p.m.

The meeting adjourned at 7:21 p.m.

Submitted by:

Julie A. Ogg, Clerk of Council

APPROVED: October 21, 2025

Thomas M. Potter, Council President

ORDINANCE NO. 111-2025

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND 101 TO THE INSURANCE AND BONDS EXPENSE ACCOUNT 101.950.56500 IN THE AMOUNT OF FIFTY THOUSAND AND NO/DOLLARS (\$50,000.00).

WHEREAS, the costs of cyber liability insurance has increased and additional monies are required for the City of Whitehall; and

WHEREAS, claims against our Public Entities Pool of Ohio insurance have exceeded the amount budgeted for the year; NOW, THEREFORE,

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

SECTION 1: That the Council of the City of authorizes a supplemental transfer in the amount of fifty thousand and no/dollars (\$50,000.00) from unappropriated monies in the General Fund 101 to the Insurance and Bonds expense account 101.950.56500 to cover increased insurance premiums.

SECTION 2: That this Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2025.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2025.

Mayor

ORDINANCE NO. 112-2025

AN ORDINANCE AMENDING USE REGULATIONS AND TABLES 1103.02, TABLE 1103.03, AND TABLE 1108.01 OF PART 11 – THE PLANNING AND ZONING CODE.

WHEREAS, the City of Whitehall updated the Planning and Zoning sections of the Whitehall Codified Code in 2023; and

WHEREAS, since that time minor updates to the Planning and Zoning Code have become warranted to encourage residential unit creation and offer flexibility for residents to do so; NOW THEREFORE;

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

SECTION 1: Table 1103.02 STUR PERMITTED LAND USES & PERMIT REQUIREMENTS shall read as follows:

TABLE 1103.02 PERMITTED LAND USES & PERMIT REQUIREMENTS		
	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
LAND USE TYPE	STUR	
Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)		
RESIDENTIAL		
Accessory Dwelling Units	 	1116.03 E

SECTION 2: Table 1103.03 MUR PERMITTED LAND USES & PERMIT REQUIREMENTS shall read as follows:

TABLE 1103.03 PERMITTED LAND USES & PERMIT REQUIREMENTS		
	PERMIT REQUIRED BY DISTRICT	SPECIFIC USE REGULATIONS
LAND USE TYPE	MUR	
Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)		
RESIDENTIAL		
Accessory Dwelling Units	 	1116.03 E

ORDINANCE NO. 112-2025

SECTION 3: Table 1108.01 COMPREHENSIVE USE TABLE shall read as follows:

TABLE 1108.01 PRINCIPLE USES BY ZONING DISTRICT											USE DEFINITION & STANDARDS
	STUR	MUR	BRD	MAIN	SH	YEAR	CCD	MILO	INDD	FP	
Accessory Uses (Any use permitted within the district shall be permitted as an accessory use so long as it is subordinate to the primary use in total GFA devoted to the accessory use)											
RESIDENTIAL											
Accessory Dwelling Units	 	 	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1116.03 E

SECTION 4: This Ordinance shall be in full force and effect from and after the earliest time provided for by law.

PASSED this ____ day of _____, 2025

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2025

Mayor

ORDINANCE NO. 113-2025

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE PROPERTY FROM COLUMBUS HOUSING PARTNERSHIP INC. LOCATED AT 0 ETNA ROAD, WHITEHALL, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall (the "City") has been negotiating with property owner Columbus Housing Partnership Inc. (the "Property Owner") for the purchase of his property located at 0 Etna Road, Whitehall, Ohio (the "Property"); and

WHEREAS, the City entered into a Purchase Sale Agreement with the Property Owner for the purchase of the Property; and

WHEREAS, the City and the Property Owner participated in good faith discussions and have come to mutually agreeable terms for the acquisition of the Property for the sum of \$375,000.00; and

WHEREAS, this property acquisition will position the City to attract and support the development of new commercial uses, as well as community-serving uses to strengthen the local tax base, provide opportunities for economic growth, and support the continued revitalization of the City; and

WHEREAS, the City desires to execute necessary conveyance documents to complete the transaction between the City and the Property Owner. NOW, THEREFORE,

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

SECTION 1. The Mayor is hereby authorized to execute all necessary conveyance documents to acquire the Property for \$375,000, said Property with a physical address of 0 Etna Road, Whitehall, Franklin County, Ohio 43213, and identified as Franklin County Parcel No. 090-001820-00.

SECTION 2. Council further hereby authorizes and directs the Mayor, Economic Development Director, City Attorney, the Director of Finance, the Clerk of Council, or other appropriate officers of the City to take any other actions as may be appropriate to implement this Ordinance without further legislation being required.

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 legal agreements have been reached and now agreements must be signed; WHEREFORE, this Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2025

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2025

Mayor

Requested and Prepared by: Jackie Russell, Director of Economic Development 10/13/2025
Approved as to form: Bradley S. Nicodemus, City Attorney bsn 10/14/2025

ORDINANCE NO. 114-2025

AUTHORIZING AN APPROPRIATION IN THE AMOUNT OF THREE HUNDRED SEVENTY-FIVE THOUSAND AND NO/DOLLARS (\$375,000.00) FROM UNAPPROPRIATED MONIES IN THE WIMPITE FUND 279 TO THE ETNA RD TIF EXPENSE ACCOUNT 279.000.50008 AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 113-2025 authorized the Mayor to execute necessary conveyance documents to acquire property at 0 Etna Road, Franklin County parcels No. 090-001820-00, in the sum of \$375,000.00; NOW, THEREFORE,

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

SECTION 1: The Whitehall City Council authorizes an appropriation to the Etna Rd. TIF Expense Account 279.000.50008 in the sum of \$375,000.00 from unappropriated monies in the WIMPITE Fund 279.

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.

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 legal agreements have been reached and now payment is required; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2025.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2025.

Mayor

Requested by: Steve Quincel, City Auditor

Prepared by: Jackie Russell, Economic Development Director

Approved as to form: Bradley S. Nicodemus, City Attorney *bsn* 10/14/2025

ORDINANCE NO. 115 -2025

AUTHORIZING AND APPROVING A TRANSFER OF FIVE HUNDRED SEVENTEEN THOUSAND AND 00/00 DOLLARS (\$517,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND 101 TO THE STREET MAINTENANCE AND REPAIR FUND (201) AND MAKING A SUPPLEMENTAL APPROPRIATION OF FIVE HUNDRED SEVENTEEN THOUSAND AND 00/00 DOLLARS (\$517,000.00) FROM THE STREET MAINTENANCE AND REPAIR FUND (201) TO THE BUILDING AND LOT MAINTENANCE EXPENSE ACCOUNT 201.000.54500.

WHEREAS, the City receives permissive tax monies from both the State of Ohio and Franklin County; and

WHEREAS, these State monies are received and posted to Permissive Tax/Registration revenue account (201.000.46000); and

WHEREAS, permissive tax monies at the County level are held in a trust for the City and may only be used for approved projects; and

WHEREAS, in 2024 the City applied for and was approved for a \$517,000.00 distribution of monies by the Franklin County Engineer and these monies were inadvertently recorded into the Permissive Tax/Registration revenue account; and

WHEREAS, a separate Special Revenue Fund should have been created for these monies; and

WHEREAS, these monies were not spent in 2024 and thus became a part of the year-end carryover within Fund 201 which artificially inflated the Fund 201 balance; and

WHEREAS, the City has one invoice in the amount of \$325,371.56 to pay from these funds; and

WHEREAS, the Franklin County Engineer's Office has demanded repayment of the balance of \$191,628.44; NOW, THEREFORE,

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

SECTION 1: That the Council of the City of authorizing and approving a transfer of five hundred seventeen thousand and 00/00 dollars (\$517,000.00) from unappropriated monies in the General Fund 101 to the Street Maintenance and Repair Fund (201) and making a supplemental appropriation of five hundred seventeen thousand and 00/00 dollars (\$517,000.00) from the Street Maintenance and Repair Fund (201) to the Building and Lot Maintenance expense account 201.000.54500.

SECTION 2: That this Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2025.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2025.

Mayor

Requested and Prepared by: Steven Quincel, City Auditor
Approved as to form: Bradley S. Nicodemus, City Attorney bsn 10/21/2025