

CALL TO ORDER:

7:00 p.m., Council Chamber at City Hall by President Thomas Potter

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL:

Amy Harcar
Mike Adkins
Brian McCann
Gerald Dixon
Devin Brown
Lori Elmore
Larry Morrison

APPROVAL OF MINUTES:

January 6, 2026 Agenda & Regular Meeting Minutes
January 13, 2026 Agenda & Committee Meeting Minutes

STANDING COMMITTEE REPORTS:

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

OFFICIALS' REPORTS:

Mayor Michael T. Bivens
City Attorney Bradley S. Nicodemus
City Auditor Shaquille Alexander

Director of Public Service Casey Rowlands

Director of Public Safety Van Gregg

Treasurer -Vacant

Economic Development Director 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:

ORDINANCE NO. 133-2025

AN ORDINANCE AMENDING TITLE THREE LEGISLATIVE CODE PROHIBITING INTERFERENCE WITH COUNCIL COMMUNICATIONS AND DECLARING AN EMERGENCY.

SECOND READING:

THERE IS NO LEGISLATION FOR SECOND READING.

FIRST READING:

ORDINANCE NO. 002-2026

AUTHORIZING AND APPROVING THE MAYOR TO SIGN A CONTRACT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., REPRESENTING FULL-TIME POLICE DISPATCHERS FOR THE CONTRACT TERM JANUARY 1, 2026, TO DECEMBER 31, 2028, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 003-2026

AUTHORIZING AND APPROVING THE MAYOR TO SIGN A CONTRACT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., REPRESENTING PART-TIME POLICE DISPATCHERS FOR THE CONTRACT TERM JANUARY 1, 2026, TO DECEMBER 31, 2028, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 004-2026

AMENDING SECTION 1116.03 AND ENACTING SECTION 1116.04 TO STANDARDIZE THE DEVELOPMENT OF ACCESSORY DWELLING UNITS (ADUs) IN THE CITY OF WHITEHALL.

ORDINANCE NO. 005-2026

AUTHORIZING AND MAKING AN APPROPRIATION IN THE AMOUNT OF FIFTY SIX THOUSAND DOLLARS AND 00/100 (\$56,000.00) FROM UNAPPROPRIATED MONIES IN THE COBRA EXTENDED BENEFITS (501) TO THE COBRA EXPENSE ACCOUNT (501.000.50000).

ORDINANCE NO. 006-2026

AUTHORIZING AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF

TWENTY THOUSAND DOLLARS AND 00/100 (\$20,000.00) FROM UNAPPROPRIATED MONIES IN THE PLUMBING PERMITS FUND (851) TO THE PLUMBING PERMITS EXPENSE ACCOUNT (851.000.50000).

ORDINANCE NO. 007-2026

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF THREE THOUSAND AND 00/100 DOLLARS (\$3,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE ACCRUED BENEFIT RESERVE FUND (505); AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF THREE THOUSAND AND 00/100 DOLLARS (\$3,000.00) TO THE ACCRUED BENEFIT RESERVE EXPENSE ACCOUNT 505.000.51000 AND DECLARING AN EMERGENCY.

RESOLUTION NO. 002-2026

RESOLVING TO REMOVE GERALD DIXON FROM COUNCIL AND THE DECLARATION OF AN EMERGENCY.

POLL PUBLIC:

COMMUNITY DATE BOARD:

POLL COUNCIL: HARCAR; ADKINS; McCANN; DIXON; BROWN; ELMORE;
MORRISON

ADJOURN

Whitehall City Council Meeting

January 6, 2026 Meeting minutes

President Potter ordered the Tuesday, January 6, 2026, agenda meeting at 6:30 p.m. All members were present.

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

Councilor Dixon noted on the agenda under Poll Council, the names listed are not in the same order as the seating on the dais. The Clerk replied that there was a seating change right before the meeting, and the agenda does not reflect that change.

City Attorney Nicodemus stated that this is more of a Point of Order type thing. As has been discussed in the past, the Council sets its own rules, and those rules can be changed as needed. The agenda does not comply with the current Council rules. A motion to suspend the rules to use the agenda for this evening. After this, the Council rules will need to be updated.

The meeting adjourned at 6:40 p.m.

Submitted by,

Julie A. Ogg, Clerk of Council

APPROVED: January 20, 2026

Thomas M. Potter, Council President

Whitehall City Council Meeting

January 6, 2026 Meeting minutes

CALL TO ORDER

The Whitehall City Council meeting was called to order on Tuesday, January 6, 2026, at 7:00 PM by President Thomas Potter.

MOMENT OF SILENCE

A moment of silence was observed.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present: Councilors Larry Morrison, Amy Harcar, Brian McCann, Mike Adkins, Gerald Dixon, Devin Brown, Lori Elmore, President Thomas Potter

MOTION TO SUSPEND THE RULES

Councilor Dixon made a motion to suspend the rules to accept the agenda as submitted. Councilor McCann seconded. Motion approved unanimously.

APPROVAL OF MINUTES

Motion by Councilor Harcar, seconded by Councilor Elmore, to approve the December 16, 2025, Agenda & Special Meeting Minutes and December 16, 2025 Agenda & Regular Meeting Minutes. Motion approved unanimously.

MOTION TO ACCEPT COMMITTEE APPOINTMENTS

Motion by Councilor Dixon, seconded by Councilor Councilor, to accept the committee appointments for the 2026-2027 term. Motion approved unanimously.

MOTION TO ELECT PRESIDENT PRO TEMPORE

Motion by Councilor Dixon, seconded by Councilor McCann, to elect Councilor Larry Morrison as President Pro Tempore. Motion approved unanimously.

STANDING COMMITTEE REPORTS

1. Administration and Financial Management – Chairperson Elmore

Councilor Elmore reported that the committee met in December and was looking forward to a good year.

2. Community and Elder Advocacy – Chairperson Harcar

Councilor Harcar reported that the committee met on December 16th and would meet again the following week after 6:30 PM.

3. Community Standards and Enforcement – Chairperson McCann

Councilor McCann, serving in this role for the first time, stated he was looking forward to heading the committee and would be speaking with committee members to schedule a meeting for the following Tuesday at 6:30 PM.

4. Economic Development – Chairperson Dixon

Councilor Dixon reported that Economic Development met in 2025 and would meet in chambers the following week. He noted that minutes are on file.

5. Infrastructure, Maintenance, and Services – Chairperson Brown

Councilor Brown reported that Infrastructure Maintenance and Services met the previous month and planned to meet again on the following Tuesday at 6:30 PM.

6. Public Safety – Chairperson Morrison

Councilor Morrison reported that Public Safety met in December and would meet again the following Tuesday after 6:30 PM.

7. Parks and Recreation – Chairperson Adkins

Councilor Adkins, serving in this role for the first time, stated he had nothing to report at this time but would meet the following Tuesday.

OFFICIALS' REPORTS

Mayor Michael T. Bivens

Mayor Bivens began by congratulating new council members Adkins and McCann. He reflected on a photo from January 6, 2016, which was his first council meeting as City Attorney, highlighting the absence of several individuals who had served the city, particularly Colonel Chuck Underwood, who had served for 28 years.

The Mayor expressed concern about the current divisiveness in the city, contrasting it with the more unified Whitehall he knew when he moved to the city 23 years ago. Mayor Bivens acknowledged the recent recall petition efforts against himself, Councilor Harcar, and Councilor Elmore, and publicly asked that the petition circulators remove Harcar and Elmore from the petition and focus solely on him.

Mayor Bivens then presented accomplishments from 2025, including:

- 35 new businesses opening in Whitehall
- Approval of nearly 1,000 permits
- Opening of Enclave on Main with 102 dwelling units
- The addition of 1,000 new residents to the city

- Groundbreaking on Ares Lofts, which will bring nearly 300 more units
- Launch of a mobile app for city services
- Implementation of paperless time sheets
- Establishment of a \$1.5 million budget stabilization fund
- Creation of the Office on Neighborhoods
- Support for nearly 200 families through direct assistance
- 200+ residents receiving emergency food services
- 100+ residents receiving hygiene kits
- Connection of nearly 8,000 people to employment opportunities
- Nearly 3,000 people have received critical healthcare screenings
- Progress on the Whitehall Rise development blueprint

The Mayor emphasized his commitment to the city and his faith-based approach to leadership.

City Auditor Shaquille Alexander

City Auditor Alexander presented visual aids displaying the city's financial trends from 2021-2025. He highlighted:

- 2021: Revenue slightly greater than expenses with a \$7.7 million carryover
- 2022: Revenue dipped to about \$35 million, expenses just under \$37 million, with a \$5.7 million carryover
- 2023: Revenue dipped due to payroll tax issues at DSCC (which represents about 45% of income tax revenue), creating a small carryover
- 2024: Approximately \$40 million in revenue, just over \$36 million in expenses, with a \$5.7 million carryover
- 2025: Approximately \$40.7 million in revenue, \$39.4 million in expenses, and a \$6.9 million carryover (the largest since 2021)

He noted that the budget stabilization fund now totals \$1.52 million. He also reported that the city's credit rating has improved from a single A to an estimated double A rating, which will help with more favorable financing terms for the city. Alexander plans to implement additional financial models to further improve the city's financial position.

He addressed a personal concern regarding being referred to as a "DEI hire," emphasizing his qualifications as a CPA who passed all four exams with an average score of 91, his work at the fourth largest accounting firm in the world, and his choice to return to Whitehall to serve the community where he grew up.

City Attorney Bradley S. Nicodemus

City Attorney Nicodemus welcomed the new council members and offered his assistance anytime they have questions. He provided a 2025 recap, noting that after implementing a new case management software (Matrix Prosecutor) in Q1, the City Attorney's office handled over 2,100 cases in municipal court from Q2 through the end of the year. Over 420 of those cases were eligible for temporary protection orders, which include crimes of violence or crimes affecting family members.

He also highlighted the successful diversion program in the mayor's court, which has helped reduce recidivism and assisted individuals with obtaining driver's licenses and employment. He mentioned they are looking at ways to continue funding these programs despite potential reductions in federal and state funding.

Director of Public Service Casey Rowlands

Director Rowlands welcomed the new council members and provided a written recap of completed, ongoing, and proposed infrastructure projects for 2025, 2026, and 2027. She emphasized that infrastructure projects often involve unknowns once roads are cut open, leading to potential delays from funding issues, utility complications, and other factors.

She stressed that Whitehall's infrastructure is over 60 years old and requires critical upgrades, despite the inconvenience of road closures. She noted that her department handles pothole filling as an ongoing daily process across the city's 144 lane miles. The infrastructure project schedule is available on the city website and was distributed to council members.

Councilor Elmore asked about the possibility of projects shifting between years and about pothole filling for roads scheduled for future projects. Director Rowlands confirmed that projects could shift between years if weather, funding, and timelines allow, and assured that pothole filling is a continuous 365-day operation regardless of future repaving plans.

COMMUNICATIONS, PETITIONS, AND CLAIMS

- Notice from the Ohio Division of Liquor Control for a NEW C2 and D6 license for FAMILY DOLLAR STORES OF OHIO, LLC, 5224 EAST MAIN STREET, WHITEHALL, OH 43213

POLL PUBLIC

Micole Spicer addressed the council, congratulating new members Adkins and McCann. She expressed support for Mayor Bivens, Councilor Elmore, and Councilor Harcar, stating she "has their backs" and noting the city has "one of the best mayors in the United States of America."

VERIFICATION OF COPIES

All council members confirmed they received copies of each item of legislation listed on the agenda prior to the meeting.

THIRD READING

No legislation for Third Reading.

SECOND READING

ORDINANCE NO. 133-2025 (TITLE ONLY)

AN ORDINANCE AMENDING TITLE THREE LEGISLATIVE CODE PROHIBITING INTERFERENCE WITH COUNCIL COMMUNICATIONS AND DECLARING AN EMERGENCY.

Councilor Dixon asked the City Attorney if the concerns previously expressed by the Mayor had been addressed in the revised draft. City Attorney Nicodemus confirmed he had made some changes to address the Mayor's concerns about the overbreadth of prior language, but anticipated further review and discussion at the next committee meeting given the presence of two new council members.

FIRST READING

ORDINANCE NO. 001-2026

Motion by Councilor Brown, seconded by Councilor Morrison, to introduce Ordinance 001-2026 and suspend all rules. Motion approved unanimously.

Motion by Councilor Brown, seconded by Councilor Morrison, to adopt Ordinance 001-2026 authorizing the Mayor to execute a contract with Franklin County Public Health to provide health services and plumbing inspections for the City of Whitehall and its residents and declaring an emergency. Motion approved unanimously.

RESOLUTION NO. 001-2026

Motion by Councilor Elmore, seconded by Councilor Morrison, to introduce Resolution 001-2026 and suspend all rules. Motion approved unanimously.

Councilor Morrison asked who would be appointed to oversee the cybersecurity program, and Mayor Bivens responded that it would likely be the IT Director.

Motion by Councilor Elmore, seconded by Councilor Morrison, to adopt Resolution 001-2026 adopting the City of Whitehall cybersecurity program and authorizing the Mayor to designate a person responsible for said program. Motion approved unanimously.

COMMUNITY DATE BOARD

Mayor Bivens announced that the Martin Luther King Scholarship Breakfast would be held at the YMCA on January 19th. He noted that there were scholarship applicants who had applied to receive up to \$1,000 toward their college education.

POLL COUNCIL

Councilor Morrison

Councilor Morrison thanked those attending in person and watching at home. He wished everyone a Happy New Year and looked forward to working with both new and current council members.

Councilor Harcar

Councilor Harcar welcomed Councilors Adkins and McCann. She addressed the recall petition effort, stating that recalls should be grounded in objective violations of law or duty, not personal discomfort or subjective judgments about tone and demeanor. She expressed concern about inconsistent application of accountability standards and reiterated her commitment to serving all residents regardless of race, religion, place of birth, sexual orientation, or gender identity.

Councilor McCann

Councilor McCann thanked Julie (Clerk) for her patience and helpfulness. He expressed his desire to get to know all council members and find common ground to unite the city and stop the division. He pledged to reach out to community members and fulfill the responsibilities entrusted to him by voters.

Councilor Adkins

Councilor Adkins thanked everyone for their support, particularly noting his longtime residency in the community and his appreciation for the support reciprocated after years of his own community involvement, including coaching youth sports.

Councilor Dixon

Councilor Dixon congratulated and welcomed Councilor's Adkins and McCann. He commended Auditor Alexander, noting that he had supported Alexander's appointment as treasurer based solely on his qualifications and character, not for any DEI considerations. He called for adherence to Robert's Rules of Order and the council's rules of procedure, expressing concern about "heinous things" said at the previous council meeting. He disclosed that had he stayed at the December 16th meeting, he would have voted against the budget and the Department of Neighborhoods. Dixon concluded with prepared remarks about approaching issues with "sense, reason, and logic" and thanked community members who had presumed his innocence during recent events.

Councilor Brown

Councilor Brown emphasized the importance of professionalism and welcomed the new council members. He expressed hope for good faith conversations regardless of whether they resulted in agreement or disagreement. He provided a recap of his 2025 activities, including work on the Bus Rapid Transit initiative, attending national and regional economic development meetings, speaking at the high school, connecting schools with industry partners, completing a nationally recognized development program, and hosting a sustainable development community conversation. He thanked Director Rowlands for her department's quick response to issues such as potholes.

Councilor Brown made the following statement: "I want to be clear that I fully respect due process and understand that the criminal justice system will continue to run its course. At the same time, I believe it is important to use my voice to stand with victims and potential victims, both in our community and beyond. When it comes to positions of public trust and leadership, I do not believe it is appropriate for Mr. Dixon to continue serving on this council. I feel a responsibility to say that openly, and I will continue to do so."

Councilor Elmore

Councilor Elmore welcomed the new council members and offered her assistance. She noted that while the council doesn't operate under the strictest form of Robert's Rules of Order, council rules apply to everyone and called for respect despite disagreements. With over 40 years in public service, including 12 years at the director level, she expressed hope that 2026 would bring cohesiveness and unification, emphasizing that great work remains to be done in Whitehall without "the drama of social media."

President Potter welcomed the new council members and encouraged them to reach out to current members as resources during their transition.

The meeting was adjourned at 8:01 PM.

Submitted by:

Julie A. Ogg, Clerk of Council

APPROVED: January 20, 2026

Thomas M. Potter, Council President

WHITEHALL CITY COUNCIL COMMITTEE MEETINGS

AGENDA

TUESDAY, JANUARY 13, 2026

6:30 P.M. – ADMINISTRATION/COUNCIL OF THE WHOLE MATTERS:

THERE ARE THREE PIECES OF DRAFT LEGISLATION ON THE AGENDA.

COMMITTEE OF THE WHOLE LEGISLATION/ISSUES:

DRAFT # 1

ORDINANCE NO. 002-2026 (*Comm. Of the Whole –1st Reading- SUSP &ADOPT 01-20-2026 –Morrison/*)

AUTHORIZING AND APPROVING THE MAYOR TO SIGN A CONTRACT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., REPRESENTING FULL-TIME POLICE DISPATCHERS FOR THE CONTRACT TERM JANUARY 1, 2026, TO DECEMBER 31, 2028, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor of the City of Whitehall and the Fraternal Order of Police Ohio Labor Council, Inc. have been in negotiations for a new contract, and

WHEREAS, the Fraternal Order of Police Ohio Labor Council, Inc. ratified this draft agreement approved by the Fulltime Dispatchers on December 24, 2025, and now it requires approval by the Council of the City of Whitehall to authorize the Mayor to sign this contract beginning January 1, 2026, and ending on December 31, 2028; NOW, THEREFORE,

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

SECTION 1: The Council of the City of Whitehall determines it is in the best interest of the City to authorize and approve the Mayor to sign a contract between the City of Whitehall and the Fraternal Order of Police, Ohio Labor Council, Inc., for full-time dispatchers for the time period of January 1, 2026, to December 31, 2028.

SECTION 2: 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 both parties have bargained in good faith and the Council of the City of Whitehall has thirty (30) days to approve and authorize the Mayor to enter into a contract after ratification by the Fraternal Order of Police, Ohio Labor Council, Inc. for fulltime dispatchers; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

Requested: Michael T Bivens, Mayor

Prepared by: Tracy Wentz, Director of HR

Approved as to form: Brad Nicodemus, City Attorney bsn 1/13/2026

DRAFT # 2

ORDINANCE NO. 003-2026 (*Comm. Of the Whole –1st Reading- **SUSP &ADOPT 01-20-2026** –Morrison/*)

AUTHORIZING AND APPROVING THE MAYOR TO SIGN A CONTRACT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., REPRESENTING PART-TIME POLICE DISPATCHERS FOR THE CONTRACT TERM JANUARY 1, 2026, TO DECEMBER 31, 2028, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor of the City of Whitehall and the Fraternal Order of Police Ohio Labor Council, Inc. have been in negotiations for a new contract, and

WHEREAS, the Fraternal Order of Police Ohio Labor Council, Inc. ratified this draft agreement approved by the Part-time Dispatchers on December 24, 2025, and now it requires approval by the Council of the City of Whitehall to authorize the Mayor to sign this contract beginning January 1, 2026, and ending on December 31, 2028; NOW, THEREFORE,

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

SECTION 1: The Council of the City of Whitehall determines it is in the best interest of the City to authorize and approve the Mayor to sign a contract between the City of Whitehall and the Fraternal Order of Police, Ohio Labor Council, Inc., for part-time dispatchers for the time period of January 1, 2026, to December 31, 2028.

SECTION 2: 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 both parties have bargained in good faith and the Council of the City of Whitehall has thirty (30) days to approve and authorize the Mayor to enter into a contract after ratification by the Fraternal Order of Police, Ohio Labor Council, Inc for part-time dispatchers; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

Requested: Michael T Bivens, Mayor

Prepared by: Tracy Wentz, Director of HR

Approved as to form: Brad Nicodemus, City Attorney bsn 1/13/2026

THIRD READING:

ORDINANCE NO. 133-2025 (*Comm. Of the Whole –3rd Reading- **ADOPT 01-20-2026** –Dixon/Morrison*)

AN ORDINANCE AMENDING TITLE THREE LEGISLATIVE CODE PROHIBITING INTERFERENCE WITH COUNCIL COMMUNICATIONS AND DECLARING AN EMERGENCY.

STANDING COMMITTEES

ADMINISTRATION AND FINANCIAL MANAGEMENT - **Chairperson Elmore**

Members: Morrison, McCann, Brown

No drafts or pending legislation.

COMMUNITY AND ELDER ADVOCACY – Chairperson Harcar

Members: Adkins, Dixon, Brown

No drafts or pending legislation.

COMMUNITY STANDARDS AND ENFORCEMENT – Chairperson McCann

Members: Dixon, Elmore, Harcar

DRAFT # 3

ORDINANCE NO. 004-2026 (Comm. Stand & Enf. –3rd Reading- ADOPT 02-17-2026 –McCann/)
Refer to the Planning Commission Meeting on 02-05-2026
Public Hearing at City Council on 02-17-2026

AMENDING SECTION 1116.03 AND ENACTING SECTION 1116.04 TO STANDARDIZE THE DEVELOPMENT OF ACCESSORY DWELLING UNITS (ADUs) IN THE CITY OF WHITEHALL.

WHEREAS, the City of Whitehall seeks to provide clear standards for the development and regulation of accessory dwelling units (ADU); AND

WHEREAS, the City of Whitehall allows by-right development of accessory dwelling units (ADU), the zoning standards of accessory dwelling units (ADU) shall be updated to protect the quality of life and ensure responsible development within Whitehall's neighborhoods; NOW, THEREFORE,

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

SECTION 1: Section 1116.03 of the Codified Ordinances shall hereby be amended to read as the following.
1116.03 ACCESSORY STRUCTURES.

(a) Exempt from Zoning Permit. Accessory structures that have a footprint area of less than 100 square feet and that are not located in a front yard are exempt from requiring a zoning permit. This provision shall not be construed to exempt signage from requiring a zoning permit.

(b) Location and Design. Accessory structures shall meet the following standards:

(1) Accessory structures shall not be located in a front yard.

(2) Accessory structures shall not exceed the height or footprint area of the primary structure on the same property.

(3) Accessory structures shall observe the same setback requirements that apply to primary structures on the subject property unless explicitly exempted in Section 1110.01 - Permitted Exceptions to Dimensional Standards.

(c) Signage. Signage on accessory structures is subject to the applicable provisions of Article 1112 - Signs.

(d) Parking. Parking that is associated with accessory structures is subject to the applicable provisions of Article 1111 - Parking, Loading, and Drive-Throughs.

~~(e) Specific to Accessory Dwelling Units. An accessory dwelling unit may only be constructed on a lot with a legally existing principal residential use, and it shall comply with the following:~~

~~(1) An ADU shall not be located any closer to any public right-of-way than the main building.~~

~~(2) An ADU shall satisfy the side and rear setbacks for the applicable zoning district.~~

- ~~(3) An ADU shall not exceed fifty percent (50%) of the size of the primary dwelling unit.~~
- ~~(4) An ADU shall not exceed the lesser of (a) the height of the primary dwelling unit or (b) the maximum permitted height of the district standards.~~
- ~~(5) An ADU shall have exterior finish materials that are compatible with the primary dwelling unit.~~
- ~~(6) An ADU shall be allowed one (1) entrance, which is to be located on the primary façade facing the street.~~

SECTION 2: Section 1116.04 of the Codified Ordinances of the City of Whitehall shall hereby be enacted to read as the following.

1116.04 ACCESSORY DWELLING UNITS.

(a) An accessory dwelling unit (ADU) is defined in Section 1128.01 of the Codified Ordinances of Whitehall, OH.

(b) An ADU shall not be considered duplex units as an ADU must be of a lesser area to the primary structure.

(c) All other provisions of this Zoning Code are applicable to ADUs including

- (1) Section 1116: Accessories
- (2) Section 1111: Parking
- (3) Section 903.09: Driveway construction
- (4) Section 903.05: Sidewalks construction; new commercial businesses and residences
- (5) Section 909: Water Mains
- (6) Section 911: Sewer
- (7) Section 913: Sanitary
- (8) Section 933: Garbage and Rubbish
- (9) Section 1502.01: Deletions, Modifications and Amendments (Fire Prevention)
- (10) Section 919.01: Addresses
- (11) Section 1115: Lighting
- (12) Section 1117: Manufactured Homes
- (13) Section 1114: Fence Codes
- (14) Section 1120.04(a): Expansion and Substitution

(d) Specific to Accessory Dwelling Units. An accessory dwelling unit may only be constructed on a lot with a legally existing principal residential use, and it shall comply with the following:

- (1) An ADU shall be a structure with a permanent foundation that is properly connected to public utilities.
- (2) An ADU shall not be located any closer to any public right-of-way than the main building.
- (3) An ADU shall satisfy the side and rear setbacks for the applicable zoning district.
- (4) An ADU shall not exceed 1,000 square-feet of living space or sixty-five percent (65%) of the size of the primary dwelling unit, whichever is lesser.
- (5) An ADU shall be larger than 350 square-feet.
- (6) No lot or parcel shall contain more than two (2) ADUs.
- (7) An ADU shall not exceed the lesser of (a) the height of the primary dwelling unit or (b) the maximum permitted height of the district standards.
- (8) An ADU shall have exterior finish materials that are compatible with the primary dwelling unit.

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

Requested by: Jackie Russell, Director of Economic Development

Prepared by: Curtis Nutter, Intern

Approved as to form: Bradley S. Nicodemus, City Attorney bsn 1/13/2026

ECONOMIC DEVELOPMENT – Chairperson Dixon

Members: McCann, Morrison, Brown

No drafts or pending legislation.

INFRASTRUCTURE, MAINTENANCE AND SERVICES – Chairperson Brown

Members: Morrison, Dixon, Adkins

No drafts or pending legislation.

PUBLIC SAFETY – Chairperson Morrison

Members: Elmore, Adkins, Harcar

No drafts or pending legislation

PARKS AND RECREATION – Chairperson Adkins

Members: Elmore, Harcar, McCann

No drafts or pending legislation

ORDINANCE NO. 133-2025

Amended 01/20/2026

AN ORDINANCE AMENDING TITLE THREE LEGISLATIVE CODE PROHIBITING INTERFERENCE WITH COUNCIL COMMUNICATIONS AND DECLARING AN EMERGENCY.

WHEREAS, Council is vested with all legislative powers of the City; and

WHEREAS, to perform its duties, Council must maintain communications with persons and entities both within and external to the City; and

WHEREAS, the City has recently prohibited Council from sending and receiving emails from outside entities; NOW, THEREFORE,

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

SECTION 1: Whitehall Codified Ordinances are hereby amended, as follows:

* * *

121.04 PROHIBITING INTERFERENCE WITH COUNCIL COMMUNICATIONS

(a) The City shall not impede, inhibit, or prohibit any communication between Council and any other person or entity, whether internal or external to the City.

(b) Nothing in this section prohibits reasonable e-mail security measures regarding malware, spam, phishing, and other unsolicited emails that may be harmful to the City's e-mail system.

(c) Nothing in this section shall permit the use of the City's e-mail system for illegal means.

(d) As used in this section:

(1) City shall mean the City of Whitehall and shall include employees, elected officials, or agents thereof.

(2) Council shall mean Council as a body politic and shall include councilmembers, the President of Council, and the Clerk of Council.

(3) Communication shall mean written communication, whether delivered via in-person, US Mail, commercial carrier, electronically (e-mail), facsimile, online, or telephonic, or any other means of transmitting thoughts, ideas, or concerns, between persons or entities.

SECTION 2: That this Ordinance is hereby declared an emergency measure, immediately necessary for the preservation of the public health, peace, safety, and welfare of the City of Whitehall, and for the further reason that communications to and from Council shall not be prohibited.

WHEREFORE, this Ordinance shall take full force and effect immediately upon passage and approval by the Mayor.

PASSED this ____ day of _____, 2026.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____ 2026.

Mayor

Requested and prepared by: Councilman Dixon

Approved as to form: Bradley S. Nicodemus, City Attorney bsn 12/05/2025

ORDINANCE NO. 002-2026

AUTHORIZING AND APPROVING THE MAYOR TO SIGN A CONTRACT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. REPRESENTING FULL-TIME POLICE DISPATCHERS FOR THE CONTRACT TERM JANUARY 1, 2026 TO DECEMBER 31, 2028 AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor of the City of Whitehall and the Fraternal Order of Police Ohio Labor Council, Inc. have been in negotiations for a new contract, and

WHEREAS, the Fraternal Order of Police Ohio Labor Council, Inc. ratified this draft agreement approved by the Fulltime Dispatchers on December 24, 2025, and now it requires approval by the Council of the City of Whitehall to authorize the Mayor to sign this contract beginning January 1, 2026, and ending on December 31, 2028; NOW, THEREFORE,

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

SECTION 1: The Council of the City of Whitehall determines it is in the best interest of the City to authorize and approve the Mayor to sign a contract between the City of Whitehall and the Fraternal Order of Police, Ohio Labor Council, Inc., for full-time dispatchers for the time period of January 1, 2026, to December 31, 2028.

SECTION 2: 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 both parties have bargained in good faith and the Council of the City of Whitehall has thirty (30) days to approve and authorize the Mayor to enter into a contract after ratification by the Fraternal Order of Police, Ohio Labor Council, Inc. for fulltime dispatchers; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2026.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2026.

Mayor

Requested: Michael T Bivens, Mayor
Prepared by: Tracy Wentz, Director of HR
Approved as to form: Brad Nicodemus, City Attorney bsn 1/13/2026

ORDINANCE NO. 003-2026

AUTHORIZING AND APPROVING THE MAYOR TO SIGN A CONTRACT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. REPRESENTING PART-TIME POLICE DISPATCHERS FOR THE CONTRACT TERM JANUARY 1, 2026 TO DECEMBER 31, 2028 AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor of the City of Whitehall and the Fraternal Order of Police Ohio Labor Council, Inc. have been in negotiations for a new contract, and

WHEREAS, the Fraternal Order of Police Ohio Labor Council, Inc. ratified this draft agreement approved by the Part-time Dispatchers on December 24, 2025, and now it requires approval by the Council of the City of Whitehall to authorize the Mayor to sign this contract beginning January 1, 2026, and ending on December 31, 2028; NOW, THEREFORE,

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

SECTION 1: The Council of the City of Whitehall determines it is in the best interest of the City to authorize and approve the Mayor to sign a contract between the City of Whitehall and the Fraternal Order of Police, Ohio Labor Council, Inc., for part-time dispatchers for the time period of January 1, 2026, to December 31, 2028.

SECTION 2: 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 both parties have bargained in good faith and the Council of the City of Whitehall has thirty (30) days to approve and authorize the Mayor to enter into a contract after ratification by the Fraternal Order of Police, Ohio Labor Council, Inc for part-time dispatchers; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2026.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2026.

Mayor

Requested: Michael T Bivens, Mayor
Prepared by: Tracy Wentz, Director of HR
Approved as to form: Brad Nicodemus, City Attorney bsn 1/13/2026

ORDINANCE NO. 004-2026

AMENDING SECTION 1116.03 AND ENACTING SECTION 1116.04 TO STANDARDIZE THE DEVELOPMENT OF ACCESSORY DWELLING UNITS (ADUs) IN THE CITY OF WHITEHALL.

WHEREAS, the City of Whitehall seeks to provide clear standards for the development and regulation of accessory dwelling units (ADU); AND

WHEREAS, the City of Whitehall allows by-right development of accessory dwelling units (ADU), the zoning standards of accessory dwelling units (ADU) shall be updated to protect the quality of life and ensure responsible development within Whitehall's neighborhoods; NOW, THEREFORE,

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

SECTION 1: Section 1116.03 of the Codified Ordinances shall hereby be amended to read as the following.

1116.03 ACCESSORY STRUCTURES.

(a) Exempt from Zoning Permit. Accessory structures that have a footprint area of less than 100 square feet and that are not located in a front yard are exempt from requiring a zoning permit. This provision shall not be construed to exempt signage from requiring a zoning permit.

(b) Location and Design. Accessory structures shall meet the following standards:

- (1) Accessory structures shall not be located in a front yard.
- (2) Accessory structures shall not exceed the height or footprint area of the primary structure on the same property.
- (3) Accessory structures shall observe the same setback requirements that apply to primary structures on the subject property unless explicitly exempted in Section 1110.01 - Permitted Exceptions to Dimensional Standards.

(c) Signage. Signage on accessory structures is subject to the applicable provisions of Article 1112 - Signs.

(d) Parking. Parking that is associated with accessory structures is subject to the applicable provisions of Article 1111 - Parking, Loading, and Drive-Throughs.

~~(e) Specific to Accessory Dwelling Units. An accessory dwelling unit may only be constructed on a lot with a legally existing principal residential use, and it shall comply with the following:~~

- ~~(1) An ADU shall not be located any closer to any public right-of-way than the main building.~~
- ~~(2) An ADU shall satisfy the side and rear setbacks for the applicable zoning district.~~
- ~~(3) An ADU shall not exceed fifty percent (50%) of the size of the primary dwelling unit.~~
- ~~(4) An ADU shall not exceed the lesser of (a) the height of the primary dwelling unit or (b) the maximum permitted height of the district standards.~~
- ~~(5) An ADU shall have exterior finish materials that are compatible with the primary dwelling unit.~~
- ~~(6) An ADU shall be allowed one (1) entrance, which is to be located on the primary façade facing the street.~~

SECTION 2: Section 1116.04 of the Codified Ordinances of the City of Whitehall shall hereby be enacted to read as the following.

1116.04 ACCESSORY DWELLING UNITS.

(a) An accessory dwelling unit (ADU) is defined in Section 1128.01 of the Codified Ordinances of Whitehall, OH.

(b) An ADU shall not be considered duplex units as an ADU must be of a lesser area to the primary structure.

(c) All other provisions of this Zoning Code are applicable to ADUs including

- (1) Section 1116: Accessories
- (2) Section 1111: Parking
- (3) Section 903.09: Driveway construction
- (4) Section 903.05: Sidewalks construction; new commercial businesses and residences
- (5) Section 909: Water Mains
- (6) Section 911: Sewer
- (7) Section 913: Sanitary
- (8) Section 933: Garbage and Rubbish
- (9) Section 1502.01: Deletions, Modifications and Amendments (Fire Prevention)

Commented [BN1]: word choice - lesser area

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(10) Section 919.01: Addresses

(11) Section 1115: Lighting

(12) Section 1117: Manufactured Homes

(13) Section 1114: Fence Codes

(14) Section 1120.04(a): Expansion and Substitution

(d) Specific to Accessory Dwelling Units. An accessory dwelling unit may only be constructed on a lot with a legally existing principal residential use, and it shall comply with the following:

(1) An ADU shall be a structure with a permanent foundation that is properly connected to public utilities.

(2) An ADU shall not be located any closer to any public right-of-way than the main building.

(3) An ADU shall satisfy the side and rear setbacks for the applicable zoning district.

(4) An ADU shall not exceed 1,000 square-feet of living space or sixty-five percent (65%) of the size of the primary dwelling unit, whichever is lesser.

(5) An ADU shall be larger than 350 square-feet.

(6) No lot or parcel shall contain more than two (2) ADUs.

(7) An ADU shall not exceed the lesser of (a) the height of the primary dwelling unit or (b) the maximum permitted height of the district standards.

(8) An ADU shall have exterior finish materials that are compatible with the primary dwelling unit.

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

PASSED this ____ day of _____, 2026.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2026. _____
Mayor

Commented [BN2]: All other provisions of this Zoning Code are applicable to ADUs.

Requested by: Jackie Russell, Director of Economic Development
Prepared by: Curtis Nutter, Intern
Approved as to form: Bradley S. Nicodemus, City Attorney bsn 1/13/2026

ORDINANCE NO. 005-2026

AUTHORIZING AND MAKING AN APPROPRIATION IN THE AMOUNT OF FIFTY SIX THOUSAND DOLLARS AND 00/100 (\$56,000.00) FROM UNAPPROPRIATED MONIES IN THE COBRA EXTENDED BENEFITS (501) TO THE COBRA EXPENSE ACCOUNT (501.000.50000).

WHEREAS, the City has received a COBRA refund from UMR; and

WHEREAS, the City is required to pay UMR fees for the administration of the employee healthcare; and

WHEREAS, it is advised by the Auditor to pay the UMR administration fees from the Cobra Extended Benefits Fund (501), 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 an appropriation in the amount of fifty six thousand and 00/100 from the Cobra Extended Benefits Fund (501) to the Cobra Expense Account (501.000.50000) in the amount of fifty-six thousand and no/100 (\$56,000.00).

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 shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2026.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2026.

Mayor

ORDINANCE NO. 006-2026

AUTHORIZING AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF TWENTY THOUSAND DOLLARS AND 00/100 (\$20,000.00) FROM UNAPPROPRIATED MONIES IN THE PLUMBING PERMITS FUND (851) TO THE PLUMBING PERMITS EXPENSE ACCOUNT (851.000.50000).

WHEREAS, the funds collected by the Building Department for plumbing permits shall continue to be allocated for payment to Franklin County for plumbing inspections; and

WHEREAS, these inspections shall ensure compliance with all applicable plumbing codes and standards,
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 a supplemental appropriation from the Plumbing Permits Fund (511) to the Plumbing Permits Expense Account (851.000.50000) in the amount of twenty thousand and no/100 (\$20,000.00).

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 shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2026.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2026.

Mayor

ORDINANCE NO. 007 -2026

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF THREE THOUSAND AND 00/100 DOLLARS (\$3,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE ACCRUED BENEFIT RESERVE FUND (505); AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF THREE THOUSAND AND 00/100 DOLLARS (\$3,000.00) TO THE ACCRUED BENEFIT RESERVE EXPENSE ACCOUNT 505.000.51000 AND DECLARING AN EMERGENCY.

WHEREAS, the Accrued Benefit Reserve Fund is used for employee payouts for the designated benefits that belong to the employee through their union contract or by codified ordinance upon separation of employment from the City of Whitehall, and

WHEREAS, the fund balance is currently low and requires additional funding; NOW, THEREFORE,

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

SECTION 1: That the Council of the City of Whitehall, approves a fund transfer in the amount three thousand and 00/100 dollars (\$3,000.00) from unappropriated monies in the General Fund (101) to the Accrued Benefit Reserve Fund (505) and approves a supplemental appropriation in the amount of thee thousand and 00/00 dollars (\$3,000.00) to the Accrued Benefit Reserve Fund Expense Account (505.000.51000).

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 monies are to be available for benefit payouts within thirty days of the last day of an employee's employment; WHEREFORE, this ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2026.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2026.

Mayor

RESOLUTION NO. 002-2026

RESOLVING TO REMOVE GERALD DIXON FROM COUNCIL AND THE DECLARATION OF AN EMERGENCY.

WHEREAS, the City of Whitehall, Ohio, is organized under the laws of the State of Ohio and operates pursuant to its Charter, adopted under Ohio Constitution Article XIII Section 7 Home Rule provisions; and

WHEREAS, Whitehall Charter Section 7 permits Council to remove “any member thereof for gross misconduct, malfeasance in office, conviction of a crime involving moral turpitude, judicial declaration of incompetency, willful violation of this Charter, persistent failure to abide by the rules of the Council, or the unexcused absence from all Council meetings held during ninety consecutive days or from one-fourth of the regular meetings held during the calendar year” upon the “concurrence of six members of the Council” after the member subject to removal is notified of the charge against him and provided an opportunity to be heard on the matter; and

WHEREAS, on December 8, 2025, Councilman Gerald Dixon was arrested and charged in Franklin County courts, Case No 2025-CRA-020214, with compelling prostitution of a minor and gross sexual imposition of a person with a mental or physical condition; and

WHEREAS, on January 16, 2026, notice was given that this Resolution to remove Gerald Dixon for gross misconduct would be on the agenda for the regularly scheduled Council meeting on January 20, 2026, at 7:00 PM; and

WHEREAS, on January 20, 2026, Councilman Gerald Dixon was afforded an opportunity to be heard on the matter of his removal; NOW, THEREFORE,

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

SECTION 1: That the Council of the City of Whitehall, by a concurrence of six members, does hereby remove Gerald Dixon as a member of this Council for gross misconduct.

SECTION 2: That the Clerk of Council is hereby directed to make notification of this removal to the Board of Elections and any other notifications required pursuant to law.

SECTION 3: That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety, and welfare, and for reasons in the preamble; WHEREFORE, this Resolution shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this ____ day of _____, 2026.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2026.

Mayor

Requested by: Councilmember Amy Harcar

Prepared by and Approved as to form: Bradley S. Nicodemus, City Attorney BSN/jo 01/16/2026