

WHITEHALL City Council

MINUTES – July 8, 2025

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

President Potter called the July 8, 2025 Council Committees meeting to order at 6:30 pm.

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

Members of the Administration

President Thomas M. Potter
Mayor Michael T. Bivens
City Attorney Brad Nicodemus
City Auditor Steve Quincel
Service Director Casey Rowlands
Economic Development Director Jackie Russell

Council Members

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

THERE ARE **THREE PIECES OF DRAFT LEGISLATION ON THE AGENDA.**

**COMMITTEE OF THE WHOLE
LEGISLATION/ISSUES:**

ORDINANCE NO. 042-2025 (Comm. Of the Whole-Postponed until no later than 07-15-2025-Dixon/Smith)

AN ORDINANCE ENACTED BY THE ELECTORS OF THE CITY OF WHITEHALL PURSUANT TO AN INITIATIVE PETITION TO AMEND THE ZONING CODE TO ESTABLISH FAIRWAY BOULEVARD OVERLAY DISTRICT, TO LIMIT FUTURE USES, SUBDIVISION AND INFRASTRUCTURE WITHIN SAID DISTRICT, TO AMEND THE ZONING MAP, TO PROTECT LARGE TREES, TO IMPOSE A MORATORIUM ON DEVELOPMENT PENDING THE OUTCOME OF THE INITIATIVE PETITION, AND TO PROVIDE FOR A PRIVATE RIGHT OF ACTION.

President Potter announced that everyone should have received a copy of the amended Initiative Petition that Ms. Stein provided to the Council Clerk during last week's meeting.

Director Russell provided a brief update on the project, mentioning that the Planning Commission approved the preliminary plat for Plan C, which is a rental project. At that time, she had no further feedback regarding the ordinance.

City Attorney Nicodemus clarified some confusion surrounding the plat, explaining that it would eventually become part of the design agreement, if one is established. The plat only outlines how the plots are subdivided and the required setbacks; it does not dictate what will actually be built.

Mayor Bivens stated that everyone is aware of the Plan B option, along with the associated pieces of legislation concerning the economic incentives that the Council has approved. Regarding Plan B and the design agreement mentioned by the City Attorney, these items are not part of the discussion surrounding Option C. Additionally, there have been preliminary discussions indicating that the developer may decide to withdraw Plan B and forgo any economic incentives related to it. If that occurs, the Council will receive formal written notification of this withdrawal. In that case, the Mayor plans to present legislation to repeal the related ordinances to the Council, as they would no longer pertain to any economic incentives the developer intends to pursue with this project, especially now that Plan C has been approved.

City Attorney Nicodemus outlined the next steps regarding the Initiative Petition process.

SECOND READING:

RESOLUTION NO. 023-2025 (Comm. Of the Whole-2nd Reading- 07-15-2025 -SUSP & ADOPT - /
(PUBLIC HEARING 07-15-2025)
ADOPTING THE TAX BUDGET FOR THE CITY OF WHITEHALL, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2026 AND SUBMITTING SAME TO THE COUNTY AUDITOR.

Councilor Elmore will present, and Councilor Heck will second.

DISCUSSION:

Councilor Dixon addressed the streaming issue a couple of weeks ago. He wanted to address it again tonight. Facebook videos and comments, the citizens have grown accustomed to the process, and it has become part of the community participation. While the reasons for the change are valid, he feels that taking that away from the citizens is not right. His opinion is that over the years, there has been a spirit of keeping people's thoughts and comments at bay. He addressed the absence of videos on the city's Facebook page, stating that they have disappeared.

President Potter announced Facebook's new policy of only keeping videos for 30 days.

Councilor Dixon emphasized that these are public records, particularly the comments.

He also noted that committee meetings are not available on YouTube; only the voting meetings are shown. He asked the Mayor if there was a way to restore that community tradition.

Mayor Bivens responded to Councilor Dixon, the council, and the public by stating that all public records requests are managed in compliance with public records laws and regulations. The IT department has established a system to archive all public records. They utilize Archive Social and invest in this system to ensure proper management.

STANDING COMMITTEES

ADMINISTRATION AND FINANCIAL MANAGEMENT - CHAIRPERSON ELMORE

Members: Morrison, Smith and Brown

Councilor Elmore opened Administration and Financial Management at 7:17 pm and addressed the legislation in her committee:

DRAFT # 1

ORDINANCE NO. 060-2025 (*Adm. & Fin. Mgmt. – 1st reading – SUSP & ADOPT 07-15-2025-Elmore/*)

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF FIVE HUNDRED THOUSAND AND NO/DOLLARS (\$500,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND 101 TO THE BUDGET STABILIZATION FUND 110.

WHEREAS, the City established the Budget Stabilization Fund with Ordinance 092-2023 for the purpose of fully or partially supporting a General Fund deficit; and

WHEREAS, the amount of available General Fund dollars was sufficient in second quarter 2025 to provide for this transfer; and

WHEREAS, it is the intent of the City Administration to continue to review the City's revenue at the conclusion of each calendar quarter hereafter and, based on the outcome of that review, present to the Council a recommendation to transfer additional monies to the Budget Stabilization Fund (110); up to and not exceeding five percent (5%) of that quarter's revenue; 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 of five hundred thousand and no/dollars (\$500,000.00) from the General Fund 101 to the Budget Stabilization Fund 110.

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

Requested by: Steven Quincel, City Auditor and Shaquille Alexander, City Treasurer

Prepared by: Steven Quincel, City Auditor

Approved as to form: Bradley S. Nicodemus, City Attorney BSN 7/7/2025

Auditor Quincel explained that the city established the Budget Stabilization Fund in 2023 to fully or partially support any deficits in the General Fund. In the second quarter of 2025, there were sufficient General Fund dollars available to allow for this transfer. The City Administration intends to continue reviewing the city's revenue at the end of each calendar quarter. Based on the results of these reviews, they will present recommendations to the Council for transferring additional funds to the Budget Stabilization Fund, up to a maximum of five percent of that quarter's revenue. Auditor Quincel answered questions at this time.

Councilor Elmore will motion and Councilor Morrison will second.

DRAFT # 2

ORDINANCE 062-2025 (Adm. & Fin. Mgmt. 1st Reading - SUSP & ADOPT 07-15-2025 - Elmore/)

MAKING AND APPROVING A SUPPLEMENTAL APPROPRIATION OF FORTY THOUSAND AND 00/100 DOLLARS (\$40,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE REC MAINTENANCE SALARY AND EXPENSE ACCOUNT (101.700.51100).

WHEREAS, the Whitehall Parks and Recreation Department has experienced unprecedented growth since 2017, adding new parks, amenities, and more than 30 new programs and events annually; and

WHEREAS, the Parks and Recreation Department has not added any new full-time maintenance positions during this same period nor re-organized the staffing structure to meet these new needs and demands; and

WHEREAS, the Parks and Recreation Department has determined it is in the best interest of the City to fund the positions of an additional Parks Laborer and a Parks Superintendent to meet current work load, future growth, and succession planning; NOW, THEREFORE,

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

SECTION 1: The Council of the City of Whitehall, Ohio approves and makes a supplemental appropriation in the amount of forty thousand and 00/00 dollars (\$40,000.00) from unappropriated monies in the General Fund (101) to the Rec Maintenance Salary expense account (101.700.51100).

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

SECTION 3: That this ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

Requested by: Shannon Brady, Parks and Recreation Director

Prepared by: Steven Quincel, City Auditor

Approved as to form: Bradley S. Nicodemus, City Attorney bsn/jo 07/08/2025

Councilor Elmore explained that the Park and Recreation Department has experienced unprecedented growth since 2017, adding new parks, amenities, and more than thirty new programs and events annually. They have not added any new full-time maintenance positions during this same time, nor reorganized the staffing structure to meet these new needs and demands.

Parks Director Brady addressed the Council at this time, explaining the need for this legislation.

Councilor Elmore will motion, and Councilor Heck will second.

After concluding all business, Councilor Elmore adjourned the meeting at 7:28 pm.

COMMUNITY AND ELDER ADVOCACY– CHAIRPERSON HARCAR

Members: Heck, Dixon, Brown

Councilor Harcar opened Community and Elder Advocacy at 7:28 pm and addressed the legislation in her committee:

DRAFT # 3

ORDINANCE NO. 061-2025 (Comm. & Elder Adv.-3rd Reading - ADOPT 08-19-2025 - Harcar/)

AN ORDINANCE ADOPTING CHAPTER 512 OF THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL ESTABLISHING UNLAWFUL DISCRIMINATORY PRACTICES IN THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall wishes to affirm the City's policies prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, familial status, disability, pregnancy, sexual orientation, gender identify, or gender expression; and

WHEREAS, Council desires to adopt local prohibitions on discrimination, and to supplement existing federal and state prohibitions to prohibit discrimination on the basis of race, color, religion, sex, national origin, age, familial status, disability, pregnancy, sexual orientation, gender identity, or gender expression; NOW, THEREFORE,

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

SECTION 1: Chapter 512, attached hereto as Exhibit A and incorporated herein, be adopted into Part Five of the Whitehall Codified Ordinances.

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

Requested by: Amy Harcar, Councilman

Prepared by: Brad Nicodemus

Approved as to form: Brad Nicodemus, City Attorney bsn 07/07/2025

Councilor Harcar read the legislation in full. Everyone was given a copy of what the anti-discrimination policy will prohibit, most notably, after the conversation a couple of weeks ago with Equality Ohio and the conversion therapy ban in this ordinance.

City Attorney Nicodemus said this is a new Chapter as there is no existing 512. In looking to do the conversion therapy ban, he discovered that the city does not have an unlawful discriminatory practices chapter. Many other municipalities do. He defined ways that complaints can be handled. He answered questions from council members at this time.

Councilor Harcar will motion, and Councilor Dixon will second.

After concluding all business, Councilor Harcar adjourned the meeting at 7:39 pm.

COMMUNITY STANDARDS AND ENFORCEMENT – CHAIRPERSON SMITH

Members: Dixon, Elmore & Harcar

Councilor Dixon opened Community Standards and Enforcement at 7:39 pm and

addressed the legislation in his committee:

ORDINANCE NO. 058-2025 (Comm. Stand, & Enf. – 3rd reading – ADOPT- 08-05-2025-Smith/Dixon)

(PUBLIC HEARING AT PLANNING COMMISSION SCHEDULED FOR July 29, 2025)

MAKING UPDATES TO PART 11 – PLANNING AND ZONING CODE, ARTICLE 1114.04.

This legislation will change the height of the fencing that can be used in side yards.

After concluding all business, Councilor Dixon adjourned the meeting at 7:41 pm.

ECONOMIC DEVELOPMENT – CHAIRPERSON DIXON

Members: Smith, Morrison, Brown

Councilor Dixon opened Economic Development at 7:41 pm and addressed the legislation in his committee:

ORDINANCE NO. 059-2025 (*Econ. Dev. – 3rd reading – ADOPT- 08-05-2025-Dixon/Brown*)

(PUBLIC HEARING AT PLANNING COMMISSION SCHEDULED FOR July 29, 2025)

AN ORDINANCE AMENDING ORDINANCE 042-2022 TO AMEND THE PHASE 1A AND PHASE 1B FINAL DEVELOPMENT PLAN IN THE APPROVED PLANNED UNIT DEVELOPMENT (PUD) FOR THE PROPERTY LOCATED ON EAST BROAD ST, HAMILTON RD, AND POTH RD, PARCEL NUMBERS LISTED IN APPENDIX A, PROPERTY OWNED BY THE CITY OF WHITEHALL.

Director Ruseel explained that, following last week's meeting and her presentation to the developer, the feedback the Council provided at that time is being taken into consideration. The feedback about the corner itself, and working on coming to a resolution or opportunity that better suits the results that the Council is looking for. She continues to work with them and will provide updates.

There was discussion about an impact study.

After concluding all business, Councilor Dixon adjourned the meeting at 7:50 pm.

INFRASTRUCTURE, MAINTENANCE AND SERVICES - CHAIRPERSON BROWN

Members: Morrison, Dixon and Heck

Councilor Brown opened Infrastructure, Maintenance, and Services at 7:50 pm and announced there were no drafts or pending legislation on the agenda.

NO DRAFTS OR PENDING LEGISLATION.

Director Rowlands will hold another session of "Updates with Casey" at the end of this week. If anyone has questions, they are encouraged to call or email Casey or simply drop by her office.

After concluding all business, Councilor Brown adjourned the meeting at 7:52 pm.

PUBLIC SAFETY – CHAIRPERSON MORRISON

Members: Elmore, Heck, Harcar

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

NO DRAFTS OR PENDING LEGISLATION

Councilor Dixon revisited the topic of body camera footage and the city's policy on charging for it.

Mayor Bivens explained that the City of Whitehall follows Ohio law with respect to body camera footage and the collection of that data. This is the official answer.

There was further discussion on the charging of citizens who pay taxes that are used to hire the police. The discussion from the last meeting was brought up again, as they did not know why someone was requesting the footage. There was discussion that a victim of a crime would not have to pay for those services and the amount of man-hours it could take to download the video, then redact it.

Councilor Elmore started a discussion on the stop signs being placed at Country Club Road and Fairway Boulevard. She brought this up a couple of years ago and would like to see it brought to fruition. Director Rowlands will look into this and get back to her.

Councilor Dixon requested that the topic of any law enforcement or groups coming into Whitehall wearing masks to do police business or ICE business be discussed. He spoke with City Attorney Nicodemus to share some things with them, and he wanted to bring it to the Council's attention.

Attorney Nicodemus highlighted that this issue is occurring nationwide, and the City of Whitehall has home rule authority. The 10th District just affirmed this home rule today. If the City Council wishes to pass a measure, they have the right to do so, but the applicability of such a measure could raise concerns, particularly regarding federal law and federal agents, such as immigration officers, who may not comply with local regulations. If the Council decides to pursue this, it will require coordination with the police department. There are instances, particularly during SWAT raids, where officers wear masks for safety reasons. While the Council is within its rights to consider such

measures, the enforcement of these rules remains uncertain. According to existing Ohio law, if an officer enters masked and commits a misdemeanor without proper grounds for arrest, they could potentially be charged. However, they would likely benefit from qualified immunity, which complicates enforcement.

There was continued discussion on this subject.

After concluding all business, Councilor Morrison adjourned the meeting at 8:18 pm.

PARKS AND RECREATION – CHAIRPERSON HECK

Members: Elmore, Harcar, Smith

Councilor Heck opened Parks and Recreation at 8:18 pm and announced there were no drafts or pending legislation on the agenda.

NO DRAFTS OR PENDING LEGISLATION

Councilor Heck thanked everyone involved with the Fourth of July event. TNT starts on Thursday, and Music in the Park is on Sunday. A Park Party is at Lamby Lane Park next Wednesday.

After concluding all business, Councilor Heck adjourned the meeting at 8:20 pm.

ADJOURN

With no further business before this Council, President Potter adjourned the meeting at 8:20 pm.

[MIN_SIGNATURES]