



WHITEHALL CITY COUNCIL
AGENDA FOR CITY COUNCIL MEETING

Tuesday, September 2, 2025

CALL TO ORDER: 7:00 by President Pro Tem Larry Morrison

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES:

August 5, 2025 Agenda & Regular Meeting Minutes
August 12, 2025 Committee Meeting Minutes
August 26, 2025 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 Pro Tem Larry Morrison

THE FOLLOWING OFFICIALS' REPORTS HAVE BEEN FILED IN THE COUNCIL OFFICE SINCE THE LAST MEETING:

- THE AUDITOR 'S FINANCIAL REPORTS FOR JULY 2025.

COMMUNICATIONS, PETITIONS AND CLAIMS:

THE FOLLOWING COMMUNICATIONS, PETITIONS, OR CLAIMS HAVE BEEN FILED IN THE COUNCIL OFFICE SINCE THE LAST MEETING:

- WHITEHALL PLANNING COMMISSION SPECIAL MEETING AGENDA FOR THURSDAY, AUGUST 28, 2025
- WHITEHALL PLANNING COMMISSION MEETING MINUTES FOR MONDAY, JULY 7, 2025

PUBLIC HEARING:

ORDINANCE NO. 073-2025

AMENDING SECTION 1136, TITLED FLOOD DAMAGE REDUCTION, OF THE PLANNING AND ZONING CODE OF THE CITY OF WHITEHALL.

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. 073-2025

AMENDING SECTION 1136, TITLED FLOOD DAMAGE REDUCTION, OF THE PLANNING AND ZONING CODE OF THE CITY OF WHITEHALL.

SECOND READING:

ORDINANCE NO. 079-2025

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.

FIRST READING:

ORDINANCE NO. 086-2025

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE PUBLIC ENTITIES POOL OF OHIO (PEP) AND DECLARING AN EMERGENCY.

ORDINANCE NO. 087-2025

AUTHORIZING EXEMPTIONS OF 161.09(A) VACATION AND SICK LEAVE CREDIT CARRYOVER 161.09(8) FOR THE PURPOSE OF EMPLOYING TWO HIGHLY QUALIFIED EMPLOYEES TO THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

ORDINANCE NO. 088-2025

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.

ORDINANCE NO. 089-2025

ALLOWING THE MAYOR TO ENTER INTO A CONTRACT WITH OHM ADVISORS FOR THE PURPOSE OF DEVELOPING A COMMUNITY COMPREHENSIVE PLAN AND PARKS AND RECREATION PLAN AND DECLARING AN EMERGENCY.

ORDINANCE NO. 090-2025

RESOLVING A TOBACCO RETAIL LICENSE APPEAL AND DECLARING AN EMERGENCY.

RESOLUTION NO 036-2025

RESOLVING TO APPROVE “THEN AND NOW” CERTIFICATES.

RESOLUTION NO. 037-2025

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

RESOLUTION NO. 038-2025

ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION, AUTHORIZING NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

POLL PUBLIC:

COMMUNITY DATE BOARD:

POLL COUNCIL:

ADJOURN

WHITEHALL COUNCIL COMMITTEES

MINUTES –AUGUST 12, 2025

President Potter called the August 12, 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
City Attorney Brad Nicodemus	Larry Morrison
Service Director Casey Rowlands	Amy Smith
Economic Development Director Jackie Russell	Jo Anna Heck
	Lori Elmore
	Devin Brown
	Amy Harcar

ADMINISTRATION/COUNCIL OF THE WHOLE MATTERS:

COMMITTEE OF THE WHOLE

ORDINANCE NO. 079-2025 DRAFT # 1

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.

The city received two bids this year, one from Local Waste and the other from Rumpke. Local Waste was significantly less, so they were awarded the contract for next year. This will be a five-year contract with Local Waste. The price increase is about \$3.40 a month. The new service will begin in January 2026.

Director Rowland answered questions from the Council at this time.

(Comm. Of the Whole -3rd reading - Adopt 09-16-2025- Elmore/Harcar)

RESOLUTION NO. 035-2025 DRAFT # 2

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY.

Director Rowland passed out graphics to the Council prior to the meeting. The city gets better scoring if they do the 75/25 split, 75% of the funding is a grant that does not have to be repaid and the 25% is a loan, paid over 30 years at 0% interest. The overall budget for this project is around 4.2 million dollars with 3.1 million from the grant and 1.1 million for the loan. The payment for the loan is approximately \$37,000.00 per year for the life of the loan. There is an emergency clause because the application is due August 29 of this year. She laid out the timeline for this project. She answered questions from the Council as to why they decided to extend the road and

forgo the roundabout. The rendering does not show the four-way stop at Country Club and Fairway Blvd. and more than likely that project will be completed before this one. This legislation is only asking for the Mayor to apply and submit the grant application.

Director Russell spoke on the extension and the realignment of Etna Road. There will be a Town Hall Meeting on Wednesday, August 13, 2025 AT 5:30 p.m.

Director Rowlands and Director Russell addressed questions from the Council at this time.

(Comm. Of the Whole -1st reading- Susp & Adopt 08-19-2025-Brown/Harcar)

ADMINISTRATION AND FINANCIAL MANAGEMENT

Councilor Elmore opened the Administration and Financial Management meeting at 7:53 p.m. and addressed the legislation in her committee, as follows:

ORDINANCE NO.080 -2025 DRAFT # 3

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF NINETY-FIVE THOUSAND AND 00/100 DOLLARS (\$95,000.00) 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 NINETY-FIVE THOUSAND AND 00/100 DOLLARS (\$95,000.00) TO THE ACCRUED BENEFIT RESERVE EXPENSE ACCOUNT 505.000.51000.

This legislation is based on confirmed retirements or separations indicated by Human Resources.

(Adm. &Fin. Mgmt.-1st reading- Susp & Adopt 08-19-2025- Elmore/Morrison)

ORDINANCE NO. 081-2025 DRAFT # 4

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF TWENTY-THREE THOUSAND AND NO/DOLLARS (\$23,000.00) FROM THE LIFECYCLE REPLACEMENT FUND 315 TO THE TECHNOLOGY FUND 314.

Fund 314 and 315 are both IT funds. There are funds available in 315 and have used the money from 314 already.

(Adm. &Fin. Mgmt.-1st reading- Susp & Adopt 08-19-2025- Elmore/Smith)

ORDINANCE NO. 082-2025 DRAFT # 5

AUTHORIZING AND MAKING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF FOUR HUNDRED FIFTY THOUSAND DOLLARS AND 00/100 (\$450,000.00) FROM UNAPPROPRIATED MONIES IN THE SELF-FUNDED INSURANCE TRUST FUND (511) TO THE SELF-FUNDED INSURANCE TRUST FUND EXPENSE ACCOUNT (511.000.50000).

The medical claims have exceeded the funds that were budgets for medical expenses. This is a supplemental appropriation so that the medical bills can be paid.

(Adm. &Fin. Mgmt.-1st reading- Susp & Adopt 08-19-2025- Elmore/Brown)

After concluding all business, Councilor Elmore adjourned the meeting at 7:58 p.m.

COMMUNITY AND ELDER ADVOCACY

Councilor Harcar opened the Community and Elder Advocacy meeting at 7:59 p.m. and addressed the legislation in her committee, as follows:

THIRD READING:

ORDINANCE NO 061-2025 (*Comm. & Elder Adv.-3rd reading-ADOPT 08-19-2025 –Harcar/Dixon*)

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.

This Ordinance will go up for a vote next week. There were some minor adjustments made to the definition pages.

After concluding all business, Councilor Heck adjourned the meeting at 8:03 p.m.

COMMUNITY STANDARDS AND ENFORCEMENT

Councilor Smith opened the Community Standards and Enforcement meeting at 8:03 p.m. and addressed the legislation in her committee, as follows:

SECOND READING:

ORDINANCE NO. 073-2025 (*Comm. Stand, & Enf. – 3rd reading – ADOPT- 09-02-2025-Smith/Dixon*)

AMENDING SECTION 1136, TITLED FLOOD DAMAGE REDUCTION, OF THE PLANNING AND ZONING CODE OF THE CITY OF WHITEHALL.

PUBLIC HEARING AT PLANNING COMMISSION SCHEDULED FOR August 28, 2025
PUBLIC HEARING SEPTEMBER 2, 2025

After concluding all business, Councilor Smith adjourned the meeting at 8:08 p.m.

ECONOMIC DEVELOPMENT

Councilor Dixon opened the Economic Development meeting at 8:08 p.m. and announced there were no drafts or pending legislation on the agenda.

There was no discussion in Economic Development.

After concluding all business, Councilor Dixon adjourned the meeting at 8:09 pm.

INFRASTRUCTURE, MAINTENANCE AND SERVICE

Councilor Brown opened the Infrastructure, Maintenance, and Service meeting at 8:09 p.m. and announced there were no drafts or pending legislation on the agenda.

He expressed gratitude to Director Rowlands for her ongoing updates. He lives on a road currently under construction and is pleased to see the progress being made.

Director Rowlands addressed concerns about the upcoming school year and mentioned that she has spoken to the contractor regarding these issues.

Councilor Morrison expressed his appreciation for the new left-turn lane at Fairway Boulevard, which allows northbound traffic on Hamilton Road to turn into Norton Crossing.

Councilor Dixon noted that Hamilton Road is looking great.

After concluding all business, Councilor Brown adjourned the meeting at 8:12 p.m.

PUBLIC SAFETY

Councilor Morrison opened the Public Safety meeting at 8:12 p.m. and announced there were no drafts or pending legislation on the agenda.

Councilor Elmore inquired of the progress at Country Club and Fairway Blvd and was told by Director Rowlands that they are still working on this project.

After concluding all business, Councilor Morrison adjourned the meeting at 8:12 p.m.

PARKS AND RECREATION

Councilor Heck opened the Parks and Recreation meeting at 8:12 p.m. and announced there were no drafts or pending legislation on the agenda.

There was no discussion in Parks and Recreation.

After concluding all business, Councilor Heck adjourned the meeting at 8:12 p.m.

President Potter stated that he would be away for the next several meetings. He will return for the September 9, 2025 meeting.

The meeting adjourned at 8:13 p.m.

Submitted by:

Julie A. Ogg, Clerk of Council

APPROVED: September 2, 2025

Larry Morrison, Council President Pro Tem

WHITEHALL COUNCIL COMMITTEES

MINUTES –AUGUST 26, 2025

President Pro Tem Morrison called the August 26, 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 Pro Tem Larry Morrison	Gerald Dixon
Mayor Michael T. Bivens	Amy Smith
Service Director Casey Rowlands	Jo Anna Heck
Economic Development Director Jackie Russell	Lori Elmore
P & R Director Shannon Brady	Devin Brown
	Amy Harcar

ADMINISTRATION/COUNCIL OF THE WHOLE MATTERS:

COMMITTEE OF THE WHOLE

ORDINANCE NO. 086-2025 DRAFT # 1

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE PUBLIC ENTITIES POOL OF OHIO (PEP) AND DECLARING AN EMERGENCY.

Every year, the city must renew its insurance liability coverage, including general liability insurance for vehicles, property, and law enforcement. The renewal period is the month of October. This will give the Mayor the ability to enter into the contract and keep the city covered with PEP.

(Comm. Of the Whole -1st Reading –SUSP & ADOPT 09-02-2025 –Smith/Heck)

ORDINANCE NO. 087-2025 DRAFT # 2

AUTHORIZING EXEMPTIONS OF 161.09(A) VACATION AND SICK LEAVE CREDIT CARRYOVER 161.09(8) FOR THE PURPOSE OF EMPLOYING TWO HIGHLY QUALIFIED EMPLOYEES TO THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

A national search was conducted, resulting in the hiring of two Deputy Chiefs for the Police Department. Both individuals bring extensive experience to the city. This is a request that their accumulated sick leave and vacation credits be transferred along with them as valued employees. Councilor Morrison has met with both Deputy Chiefs, and they are pleased to join the city.

(Comm. Of the Whole -1st Reading –SUSP & ADOPT 09-02-2025 – Heck/Harcar)

ORDINANCE NO. 088-2025 DRAFT # 3

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.

There was a discussion in regards to the name changes for a few titles and an extensive discussion on the creation of the Office on Neighborhoods. The Mayor had given a presentation on this creation during his 2025 budget presentation. Whitehall presently has at minimum fourteen unique neighborhoods in the city. This department will be dedicated to providing city and government services to the unique neighborhoods.

There was a discussion on why this legislation is written with an emergency clause and asking to be adopted on first reading. The Mayor is not concerned if it is voted on the first or third reading.

(Comm. Of the Whole -1st Reading –SUSP & ADOPT 09-02-2025 – Harcar/Elmore)

ORDINANCE NO. 089-2025 DRAFT # 4

ALLOWING THE MAYOR TO ENTER INTO A CONTRACT WITH OHM ADVISORS FOR THE PURPOSE OF DEVELOPING A COMMUNITY COMPREHENSIVE PLAN AND PARKS AND RECREATION PLAN AND DECLARING AN EMERGENCY.

In 2018, OHM was commissioned to develop the city’s Economic Blueprint. This marked the first time the city had created a Strategic Blueprint for Economic Development. Typically, these blueprints are updated every three to five years. This process will enable the Mayor to establish contracts for both a Park Blueprint and an Economic Blueprint for the city.

(Comm. Of the Whole -1st Reading –SUSP & ADOPT 09-02-2025 –Harcar/Heck)

SECOND 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.

ADMINISTRATION AND FINANCIAL MANAGEMENT

Councilor Elmore opened the Administration and Financial Management meeting at 7:29 p.m. and addressed the legislation in her committee, as follows:

RESOLUTION NO 036-2025 DRAFT # 5

RESOLVING TO APPROVE “THEN AND NOW” CERTIFICATES.

(Adm. & Fin. Mgmt. – 1st reading – SUSP & ADOPT 09-02-2025-Elmore/Smith)

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

COMMUNITY AND ELDER ADVOCACY

Councilor Harcar opened the Community and Elder Advocacy meeting at 7:31 p.m. and announced there were no drafts or pending legislation on the agenda.

There was no discussion in Community and Elder Advocacy.

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

COMMUNITY STANDARDS AND ENFORCEMENT

Councilor Smith opened the Community Standards and Enforcement meeting at 7:31 p.m. and addressed the legislation in her committee, as follows:

THIRD READING:

ORDINANCE NO. 073-2025 (*Comm. Stand, & Enf. – 3rd reading – ADOPT- 09-02-2025-Smith/Dixon*)

AMENDING SECTION 1136, TITLED FLOOD DAMAGE REDUCTION, OF THE PLANNING AND ZONING CODE OF THE CITY OF WHITEHALL.

PUBLIC HEARING AT PLANNING COMMISSION SCHEDULED FOR August 28, 2025

PUBLIC HEARING SEPTEMBER 2, 2025

There was discussion on where a resident can look for information about whether their property is in a flood zone or not. If they are in the flood plan, they are required to purchase flood insurance. This will allow a resident to get federally funded flood insurance and not be required to purchase private insurance outside of their property.

After concluding all business, Councilor Smith adjourned the meeting at 7:33 p.m.

ECONOMIC DEVELOPMENT

Councilor Dixon opened the Economic Development meeting at 7:50 p.m. and announced there were no drafts or pending legislation on the agenda.

PRESENTATION:

Economic Development Director Jackie Russell

Understanding Local Taxes & The Economic Development Process in the State of Ohio.

The presentation covered property tax and how millage works. Whitehall's income tax is the largest funding source. Income tax revenues are used to fund the general fund, which helps provide municipal services, capital improvements, parks, and other services. Income tax revenues are also used to fund different accounts through end of the month transfers. Whitehall has an income tax of 2.5 percent. Ms. Russell broke down income tax into three categories; Whitehall residents working in Whitehall, Whitehall residents working in Columbus, and Whitehall residents working in Pickerington. Jobs Ohio is Ohio's one-of-a-kind private non-profit economic development corporation that provides grants and loans, revitalization, startup support, development-ready sites, job-ready sites, and workforce upskilling. One Columbus is an economic development organization for the eleven county Columbus region, providing services such as economic research and analysis, workforce recruitment strategies, real estate, incentives, labor market data, and cost comparison. She described what the city's part is in all of this:

having the right people in the forward-facing relationship building roles on staff, having a supportive Council, having a strategic plan, having an aggressive way to secure the deals, and having pre-negotiated school compensation agreements.

Ms. Russell answered questions from Council at this time. A copy of her slide show is included in the meeting file.

Councilor Brown stated that he would be missing some meetings moving forward. He has been accepted into a nationally recognized real estate development program, which is focused on the process of real estate development from start to finish. This is at no cost to the city.

After concluding all business, Councilor Dixon adjourned the meeting at 8:25 pm.

INFRASTRUCTURE, MAINTENANCE AND SERVICE

Councilor Brown opened the Infrastructure, Maintenance, and Service meeting at 8:25 p.m. and announced there were no drafts or pending legislation on the agenda.

He thanked Director Rowlands and her team as there has been some progress on his street and some other streets as it relates to the infrastructure project.

After concluding all business, Councilor Brown adjourned the meeting at 8:26 p.m.

PUBLIC SAFETY

Councilor Morrison opened the Public Safety meeting at 8:26 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 8:26 p.m.

PARKS AND RECREATION

Councilor Heck opened the Parks and Recreation meeting at 8:27 p.m. and addressed the legislation in her committee, as follows:

RESOLUTION NO. 037-2025 DRAFT # 6

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

Director Brady said they receive a grant at the end of 2023. They have executed that money and they are a candidate to receive that funding again. There are three people going through the ODNR Tree Commission Academy. They are applying for additional funds to plant trees.

(Park & Rec -1st reading- Adopt 09-02-2025-Heck/Elmore)

After concluding all business, Councilor Heck adjourned the meeting at 8:29 p.m.

The meeting adjourned at 8:29 p.m.

Submitted by:

Julie A. Ogg, Clerk of Council

APPROVED: September 2, 2025

Larry Morrison, Council President Pro Tem

WHITEHALL CITY COUNCIL
AGENDA MEETING MINUTES

President Potter ordered the August 5, 2025, 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.

The minutes from the City Council meeting held on July 15, 2025, will not be addressed during tonight's proceedings, as further clarifications are required to ensure their accuracy and completeness.

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

The meeting adjourned at 6:39 p.m.

Submitted by,

Julie A. Ogg, Clerk of Council

APPROVED: September 2, 2025

Larry Morrison, Council President Pro Tem

WHITEHALL CITY COUNCIL MEETING

MINUTES AUGUST 5, 2025

President Potter called the regular meeting of the Whitehall City Council to order at 7:00 p.m. on Tuesday, August 5, 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:

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

APPROVAL OF MINUTES:

No minutes were approved at this meeting.

STANDING COMMITTEE REPORTS:

Administration and Financial Management – Councilor Elmore reported that the committee met on July 22, 2025, 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 on July 22, 2025, and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Community Standards and Enforcement – Councilor Smith reported that the committee met on July 22, 2025, 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 on July 22, 2025, and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

Infrastructure, Maintenance, and Services – Councilor Brown reported that the committee met on July 22, 2025, 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 on July 22, 2025, 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 on July 22, 2025, and their minutes are on file. They will meet again next week, sometime after 6:30 p.m.

OFFICIALS' REPORTS

Mayor Michael T. Bivens recently had a productive series of meetings with members of Congress during their visit to Washington, D.C., where they advocated for the Defense Community Infrastructure Project (DCIP). They requested a

CITY COUNCIL MEETING – August 5, 2025

grant from Congress to address the city's significant infrastructure issues related to the Defense Logistics Agency (DLA). The city submitted an impressive application to replace approximately six thousand feet of sewer and drainage systems, as they are currently facing sinkhole and flooding problems. The experience was very positive, and the mayor expressed his gratitude to numerous senators, congressmen, and congresswomen for their support. Following the meetings, they visited DLA Headquarters to discuss a program called Intergovernmental Support Agreements (ISA). Because of the strong relationship with DLA, the city may qualify for certain municipal services through joint agreements. Mayor Bivens also publicly thanked everyone who participated in the recent food truck festival. He announced that there would be further discussions about relocating the festival to John Bishop Park. Additionally, he encouraged residents to mark their calendars for August 25, from 5:30 to 7:00 PM, for a meeting he will host in collaboration with Heart of Ohio, CareSource, Buckeye, and Molina. This meeting will cover significant changes to Medicaid following the new federal budget, which has affected approximately 46% of Whitehall residents who receive multiple healthcare benefits. The meeting will be held at Heart of Ohio, located at 5000 E Main Street in Whitehall.

City Attorney Bradley S. Nicodemus is uncertain about how the budget cuts will impact the Diversion Program, as the team is currently reviewing the numbers and funding details. He came across an article stating that the City of Columbus lost a significant grant from the Violence Against Women Act. Discussions are beginning regarding the potential changes to funding for criminal justice, crime-related social services, victim support, and diversion program grants. While he does not have many specifics at the moment, it is crucial to start considering the possible changes that may arise.

City Auditor Steve Quincel had no official report. He requested favorable consideration for Ordinances 074-2025 through 078-2025.

Director of Public Service Casey Rowlands gave an update on the Home Reinvestment Program. They have helped seventeen homeowners with almost \$62,000.00 in exterior home renovations. She requested favorable consideration of Ordinance 058-2025.

Director of Public Safety Van Gregg was not present.

City Treasurer Shaquille Alexander thanked everyone for attending tonight and apologized for the length of his remarks. He emphasized that progress is often uncomfortable. Director Rowlands and her department have diligently addressed the extensive and necessary repairs to the sewer and water lines, which are far more complex and demanding than simply paving roads. Yes, there were disruptions on Main Street and inconveniences on Broad Street, but as we drive down these completed sections today, it is clear that there is no progress without some measure of pain. While we heard complaints during this disruption, let us remember to celebrate the completed sections. Temporary discomfort has led to permanent improvements that will benefit the community for years to come. Affordable housing does not equate to Section 8 housing; it encompasses a range of options and ensures that individuals pay no more than 70% of their income for a safe and decent home. This is the true definition of affordable housing. It is deeply troubling to hear some voices equate affordable housing with crime, drugs, and worse, suggesting that these developments invite undesirable residents and often target minorities and immigrants with such rhetoric. As someone who grew up in a Section 8 household, I can personally attest that affordable housing serves everyone—it is housing for you, for me, and for everyone in our community. These individuals are our colleagues, students, and friends. Any opportunity to support our neighbors should never be viewed as an inconvenient charity; rather, it is simply an act of decency. Recently, I was visited by the National League of Cities and reconnected with an old friend who showcased Whitehall's innovative housing strategies. We toured the Onclave on Main, an exceptional example of people-focused development. This dynamic project, developed in partnership with Woda Cooper and Impact Community Action, represents the kind of vision and inclusivity that the city deserves. The community came together recently at the Food Truck Festival, despite the intense heat and torrential rain that prevented the main event from taking stage, which he had been looking forward to. Nonetheless, the atmosphere remained welcoming and vibrant. He wants to give a shout-out to our Police and Fire Departments for keeping everyone safe and ensuring an incident-free event. The Parks and Services Department played a crucial role in fostering a friendly event focused on community building. Events like this remind us why continued investment in our community's safety and unity is essential. Lastly, there is a troubling sentiment in the air—one that I am familiar with. The narrative about Whitehall does not reflect its true spirit and potential. While Whitehall is not perfect, it certainly is not what some have derogatorily called a “ghetto.” This term has been thrown around frequently in recent years, and it pains me to hear lifelong residents speak so negatively about our

CITY COUNCIL MEETING – August 5, 2025

home, especially when they do not contribute to a solution. Whitehall is filled with great people, promising opportunities, and tremendous potential. We must reject cheap talk and baseless criticism. Change requires action, investment, and pride. As Theodore Roosevelt once reminded us, we must roll up our sleeves and step into the arena. In that spirit, he would like to recognize his partners in fiscal responsibility, Auditor Quincel and Mayor Bivens, who are working diligently to establish the budget stabilization fund, which now stands at one million dollars due to good financial planning and responsible governance. These actions strengthen Whitehall's fiscal health, improve our credit rating, and attract new investors, securing a stronger future for the city. He looks forward to working with both of them to increase that balance. Finally, he provided the financial update for the month of June 2025.

Director of Economic Development Jackie Russell had no official report. She requested favorable consideration on Ordinance 059-2025.

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

COMMUNICATIONS, PETITIONS, AND CLAIMS:

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

PUBLIC HEARING:

President Potter opened the Public Hearing on Ordinance No. 058-2025 at 7:15 pm, and asked if Director Rowlands wanted to speak on Ordinance No. 058-2025.

ORDINANCE NO. 058-2025

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

Director Rowlands spoke on the planning and zoning code updates. She provided slides for her presentation. This update is requesting the residential area fence height increase. She answered questions from the Council and the public at this time. She did not have a staff report but noted they were given a favorable recommendation from the Planning Commission. She answered questions from the Council and at this time.

President Potter asked if any proponents wanted to speak on Ordinance No. 058-2025. There was none.

President Potter asked if any opponents wanted to speak on Ordinance No. 058-2025. There was none.

President Potter asked the Clerk if there had been any correspondence submitted to the Council office on Ordinance No. 058-2025. There was none.

President Potter closed the Public Hearing on Ordinance No. 058-2025 at 7:21 pm.

President Potter opened the Public Hearing on Ordinance No. 059-2025 at 7:21 pm, and asked if Director Russell wanted to speak on Ordinance No. 059-2025.

ORDINANCE NO. 059-2025

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 Russell provided slides for her presentation. The Whitehall Planning Commission gave a unanimous favorable condition on this legislation, with the condition that gave staff final approval of the site plan if there were any minor modifications that are made, to allow some flexibility as they work with the developer to reach the final verdict. She outlined phases 1A and 1B to make sure that they were talking about just this part of the property. She gave a detailed timeline of the process it has taken to get to where they are today with this property at East Broad Street and Hamilton Road. She answered questions from the Council at this time.

Mike Shannon, Attorney for the applicant, the city, as well as the co-applicant, his client, stated that he was there to answer any questions the Council might have at this time.

President Potter asked if any proponents wanted to speak on Ordinance No. 059-2025.

Councilor Dixon stated that this has been a long time coming. He said to the people, who say they have been wanting to see something on that corner, he thinks it is terrific. This is what it is, for all of those reasons; he feels that it is going to produce a positive effect that has not been seen in a while.

Amanda Waller expressed that she has some questions and concerns regarding the changes that have been announced. However, she also understands that citizens have been requesting housing on the Rockwell site for several months. Because of this, she feels uneasy about opposing any decisions made by the Council tonight. While she is not against the Council's decision, she has concerns about it. She shared these concerns with both the Council and the Administration, particularly regarding the need to preserve more green spaces and community areas instead of replacing them with asphalt.

Director Russell addressed some of Ms. Waller's concerns at this time.

Douglas Thomas shared his thoughts on the new design, expressing concerns about having commercial spaces on the lower levels and residential apartments above. In response, Director Russell explained that constructing to commercial code is more expensive than building to residential housing code.

Jacob Dilbeck mentioned that this site is his old neighborhood and expressed pride in the developments taking place in the area. As a lifelong resident, he feels optimistic about the changes but believes there should be more entrances to the park, rather than just one.

John Feters questioned leaving the whole back part of the development originally for mixed use and condos. His concern with this front part of the development is that Broad and Hamilton have such a high visibility in selling the city, what is actually staying green in this area?

Director Russell addressed Mr. Fetter's concerns at this time.

President Potter asked if any opponents wanted to speak on Ordinance No. 059-2025. There was none.

President Potter asked the Clerk if there had been any correspondence submitted to the Council office on Ordinance No. 059-2025. There was none.

Councilor Dixon expressed his concern that a public hearing is usually held on the night that the Council will be voting on the legislation. Sometimes there have been frustrations from the citizenry in regards to them speaking and then the Council does not have the time to absorb what was provided by the public. He would like to see the timeline changed on the public hearing date.

President Potter closed the Public Hearing on Ordinance No. 059-2025 at 8:14 pm.

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. 058-2025 *was read by title only by President Potter:*

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

Councilor Smith introduced and moved to adopt Ordinance No. 058-2025, and Councilor Dixon seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 058-2025 was ADOPTED.

ORDINANCE NO. 059-2025 *was read by title only by President Potter:*

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.

Councilor Dixon introduced and moved to adopt Ordinance No. 059-2025, and Councilor Brown seconded the motion.

Council Brown addressed some of the concerns brought up tonight, such as parking minimums, vacant retail shops in Whitehall, and issues with the transit line. He is not against this development and from what he heard tonight is that those people are not against it either, but just sharing their concerns. He wanted to make a motion to postpone the vote on Ordinance 059-2025.

President Potter stated that there was a motion on the table to adopt and the time to look at extending, should have been made before the motion for adoption

The results of the roll call vote were as follows: Councilor Brown voted No; Councilor Elmore voted Yes; Councilor Morrison voted No; Councilor Heck voted Yes; Councilor Smith voted Yes; Councilor Harcar voted Yes; Councilor Dixon voted Yes; and Ordinance No. 059-2025 was ADOPTED.

SECOND READING:

ORDINANCE NO. 061-2025 *was read by title only by President Potter:*

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.

FIRST READING:

ORDINANCE NO. 073-2025 was read by title only by President Potter:

AMENDING SECTION 1136, TITLED FLOOD DAMAGE REDUCTION, OF THE PLANNING AND ZONING CODE OF THE CITY OF WHITEHALL.

ORDINANCE NO. 074-2025 was read by title only by President Potter:

APPROVING AND MAKING AN APPROPRIATION TRANSFER IN THE AMOUNT OF TWENTY-SIX THOUSAND NINE HUNDRED THIRTY-SIX AND 87/100 DOLLARS (\$26,936.87) FROM THE GRANT ADMINISTRATOR EXPENSE ACCOUNT 101.960.51250 TO THE MISCELLANEOUS EXPENSE ACCOUNT 101.960.55000.

Councilor Elmore introduced and moved to suspend the rules on Ordinance No. 074-2025, 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. 074-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 074-2025, and Councilor Morrison seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 074-2025 was adopted.

ORDINANCE NO. 075-2025 was read by title only by President Potter:

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF EIGHTEEN THOUSAND NINE HUNDRED THIRTY AND 00/100 DOLLARS (\$18,930.00) FROM UNAPPROPRIATED MONIES IN THE EVIDENCE SETASIDE FUND (245) TO THE LAW ENFORCEMENT TRUST FUND (241) AND MAKING A SUPPLEMENTAL APPROPRIATION ON THE AMOUNT OF EIGHTEEN THOUSAND NINE HUNDRED THIRTY AND 00/100 DOLLARS (\$18,930.00) FROM UNAPPROPRIATED FUNDS 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. 075-2025, 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. 075-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 075-2025, and Councilor Morrison seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 075-2025 was adopted.

ORDINANCE NO. 076-2025 was read by title only by President Potter:

AUTHORIZING AND APPROVING AN APPROPRIATION TRANSFER IN THE TOTAL AMOUNT OF EIGHT THOUSAND AND NO/DOLLARS (\$8,000.00) FROM THE PART TIME PROSECUTORS SALARY EXPENSE ACCOUNT (101.500.51200) TO THE PARALEGAL SALARY EXPENSE ACCOUNT 101.500.51600.

Councilor Elmore introduced and moved to suspend the rules on Ordinance No. 076-2025, and Councilor Smith seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and the rules on Ordinance No. 076-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 076-2025, and Councilor Smith seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 076-2025 was adopted.

ORDINANCE NO. 077-2025 was read by title only by President Potter:

MAKING AND APPROVING A SUPPLEMENTAL APPROPRIATION OF NINE THOUSAND THREE HUNDRED DOLLARS AND NO/100 DOLLARS (\$9,300.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE CIVIL SERVICE TESTING EXPENSE ACCOUNT (101.800.53000).

Councilor Elmore introduced and moved to suspend the rules on Ordinance No. 077-2025, and Councilor Brown seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and the rules on Ordinance No. 077-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 077-2025, and Councilor Brown seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 077-2025 was adopted.

ORDINANCE NO. 078-2025 was read by title only by President Potter:

MAKING AND APPROVING A SUPPLEMENTAL APPROPRIATION OF FOURTEEN THOUSAND DOLLARS AND NO/100 DOLLARS (\$14,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE PRE-EMPLOYMENT MISCELLANEOUS EXPENSE ACCOUNT (101.450.52500).

Councilor Elmore introduced and moved to suspend the rules on Ordinance No. 078-2025, and Councilor Smith seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and the rules on Ordinance No. 078-2025 were suspended.

Councilor Elmore moved to adopt Ordinance No. 078-2025, and Councilor Smith seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Ordinance No. 078-2025 was adopted.

RESOLUTION NO. 034-2025 was read by title only by President Potter:

AUTHORIZING THE MAYOR TO PLACE A PROSPECTIVE APPLICANT FOR THE POSITION OF DISPATCHER AT A STEP C IN COMPLIANCE WITH SECTION 17.2 OF THE CURRENT LABOR AGREEMENT BY AND BETWEEN THE CITY OF WHITEHALL AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. AND DECLARING AN EMERGENCY.

Councilor Morrison introduced and moved to suspend the rules on Resolution No. 034-2025, 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 Resolution No. 034-2025 were suspended.

Councilor Morrison moved to adopt Resolution No. 034-2025, and Councilor Dixon seconded the motion. There was no discussion. All members voted in the affirmative on a roll call vote, and Resolution No. 034-2025 was adopted.

POLL PUBLIC:

Jacob Dilbeck of Whitehall said thank you for changing his old neighborhood and making it a better place. He knows it was crime riddled and a drug-infested area but now it will be a great place. He spoke on his experiences growing up in Whitehall.

Amanda Waller of Whitehall stated when the Council was working with Heartland, she had done an analyst of all the impervious surfaces in central Ohio and the city's was around 48 %, which was the highest in central Ohio. Anything that can be done to increase green space is a great place to start.

COMMUNITY DATE BOARD:

City schools are starting back next week. Some upcoming events are the Dog Days of Summer at the Dog Park, Roller Hockey programming, Sports Jam at John Bishop Park, and on September 6, Whitehall will be helping to host the Ethiopian New Year at Whitehall Community Park.

POLL COUNCIL:

Councilor Brown expressed his gratitude to both the viewers at home and those in attendance at the meeting. He was glad to hear that the lobbying efforts for Whitehall were a positive experience. He shared all the positive things he has heard from the community about the Food Truck Festival. He is looking forward to the Heart of Ohio event. He told Ms. Waller that he and Director Russell have been discussing the vacant lot legislation, and he is sure they will consider that as they move forward from here. He said earlier that it sounded like folks were not against the project and that it was a great thing. It is okay to be against a project. The difference was that people were not looking for a reason to say no, unlike the other project. He is optimistic moving forward, and he appreciates the work the city and Ms. Russell are doing. Whitehall is a community that has its issues, like other cities, but he does not like to see only the negative things people put out there in the forefront.

Councilor Elmore expressed her gratitude to both the viewers at home and those present at the meeting. She thanked those who polled for their comments and concerns. She is certain they will be addressed. She thanked Mr. Dilbeck for bringing some positive light during his speaking and the comments in regards to the area he grew up in. Positive feedback makes a big difference. She thanked the Mayor for his report and she feels he does a good job at collaborating and bringing revenues to Whitehall. She thanked Director Rowlands for the feedback on the Home Reinvestment program, as well as Director Russell for pulling all the pieces together with regard to the PUD and other presentations. She thanked Treasurer Alexander for his comments and his report.

Councilor Morrison expressed his gratitude to both the viewers at home, those present at the meeting, those who made comments, and those who sat patiently and listened. He voted no on the project because he wanted a little more flexibility and information for the Council. He wished everyone a good week.

Councilor Heck expressed her gratitude to both the viewers at home and those present at the meeting, as well as to everyone who spoke. She thanked all the staff for their hard work during the Food Truck Festival. She commended the Mayor for getting out in front of the issues here in Whitehall with a meeting on August 25, 2025. She thanked Ms. Rowlands and Ms. Russell for their presentations.

Councilor Smith expressed her gratitude to both the viewers at home and those present at the meeting. She is excited that they are at the forefront of these changes to Medicaid. She was not able to get to the Food Truck Festival, but she is glad to hear it was a great time. She was happy to hear how many homes and people the city was able to help with the Home reinvestment program. She thanked Ms. Russell for answering all of her questions.

Councilor Harcar expressed her gratitude to the Mayor for advocating for the city and the families that are here. City Attorney Nicodemus' statements resonated with her as well in regards to funding cuts. She agreed with Treasurer Alexanders comments and she appreciates everything he had to say. She expressed her gratitude to both the viewers at home and those in attendance at the meeting.

Councilor Dixon expressed his gratitude to both the viewers at home and those in attendance at the meeting. He thanked the Mayor for acting as the envoy for Whitehall during his trip to DC. He did attend the Food Truck Festival, and what he saw there was a lovely time, people enjoying themselves, kids playing, and the venue was great because there were trees. He would like to see smaller servings available instead of all full sized portions. This way you can taste and experience more foods. He shared some things from the meeting he and Director Russell had but wanted to address some of the things at a later date. He could not agree more with Treasurer Alexander when he stated cheap talk and baseless criticism. He feels that something has changed in the society in regards to affordable housing. He is talking of big picture items. He thanked the Mayor for speaking on the medicaid issue. He thanked those that commented tonight. He read a statement that he had prepared about the Council meeting of three weeks ago. (there is no copy in the file)

President Potter thanked everyone for their comments. He agrees with what has been said about the administration and the efforts they have made. It is much appreciated.

Having nothing further to add, President Potter adjourned the meeting at 8:58 p.m.

Submitted by,

Julie A. Ogg, Clerk of Council

APPROVED: September 2, 2025

Larry Morrison, Council President Pro Tem

ORDINANCE NO. 073-2025

AMENDING SECTION 1136, TITLED FLOOD DAMAGE REDUCTION, OF THE PLANNING AND ZONING CODE OF THE CITY OF WHITEHALL.

WHEREAS, ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens and;

WHEREAS, The City of Whitehall codified ordinances need to be amended to reflect the FEMA updated National Flood Damage Reduction Regulations, NOW, THEREFORE

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

SECTION 1: Section 1136, FLOOD DAMAGE REDUCTION, is hereby amended to replace the existing chapter as follows:

1136.01: GENERAL PROVISIONS

A. Statutory Authorization

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the Council of the City of Whitehall, State of Ohio, does ordain as follows:

B. Findings of Fact

The City of Whitehall has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, flood proofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

C. Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
7. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
8. Minimize the impact of development on adjacent properties within and near flood prone areas;
9. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
10. Minimize the impact of development on the natural, beneficial values of the floodplain;
11. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
12. Meet community participation requirements of the National Flood Insurance Program.

D. Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

ORDINANCE NO. 073-2025

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

E. Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Whitehall as identified in Section 1136.01(F), including any additional areas of special flood hazard annexed by the City of Whitehall.

F. Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and/or maps are adopted:

1. Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for Franklin County, Ohio and Incorporated Areas, both effective June 16, 2011.
2. Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
3. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio, which has been approved by the City of Whitehall as required by Section 1136.04(C) Subdivisions and Other New Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Whitehall City Hall, 360 S. Yearling Road, Whitehall, Ohio 43213.

G. Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

H. Interpretation

In the interpretation and application of these regulations, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

I. Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Whitehall, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

ORDINANCE NO. 073-2025

J. Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 1136.02: DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

A. Accessory Structure

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

B. Appeal

A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

C. Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one hundred (100) year flood.

D. Base (100-Year) Flood Elevation (BFE)

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from 1 to 3 feet).

E. Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

F. Development

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

G. Enclosure Below the Lowest Floor

See "Lowest Floor."

H. Executive Order 11988 (Floodplain Management)

Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

I. Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

J. Fill

A deposit of earth material placed by artificial means.

K. Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

ORDINANCE NO. 073-2025

- L. Flood Hazard Boundary Map (FHBM)
Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- M. Flood Insurance Rate Map (FIRM)
An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- N. Flood Insurance Risk Zones
Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
 - 1. Zone A:
Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.
 - a. Zones A1-30 and Zone AE:
Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.
 - b. Zone AO:
Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
 - c. Zone AH:
Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
 - d. Zone A99:
Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
 - 2. Zone B and Zone X (shaded):
Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
 - 3. Zone C and Zone X (unshaded):
Areas determined to be outside the 500-year floodplain.
- O. Flood Insurance Study (FIS)
The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- P. Floodproofing
Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- Q. Flood Protection Elevation
The Flood Protection Elevation, or FPE, is the base flood elevation plus [.5] feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.
- R. Floodway
A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering

ORDINANCE NO. 073-2025

analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

S. Freeboard

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

T. Historic structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
4. Individually listed on the inventory of historic places maintained by City of Whitehall's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

U. Hydrologic and hydraulic engineering analysis

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

V. Letter of Map Change (LOMC)

A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

1. Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

2. Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

3. Conditional Letter of Map Revision (CLOMR)

A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

W. Lowest floor

The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles,

ORDINANCE NO. 073-2025

building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

X. Manufactured home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 4781 of the Ohio Revised Code.

Y. Manufactured home park

As specified in the Ohio Adm. Code 4781-12-01(K), a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

Z. Mean sea level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

AA. National Flood Insurance Program (NFIP)

The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

BB. New construction

Structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by the City of Whitehall and includes any subsequent improvements to such structures.

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM [July 18, 1985] and includes any subsequent improvements to such structures.

CC. Person

Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Rev. Code §111.15(A)(2) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

DD. Recreational vehicle

A vehicle which is:

ORDINANCE NO. 073-2025

1. Built on a single chassis
2. 400 square feet or less when measured at the largest horizontal projection
3. Designed to be self-propelled or permanently towable by a light duty truck
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

EE. Registered Professional Architect

A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.

FF. Registered Professional Engineer

A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

GG. Registered Professional Surveyor

A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

HH. Special Flood Hazard Area

Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1 30, or A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

II. Start of construction

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

JJ. Structure

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

KK. Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to the 'before damaged' condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

LL. Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

ORDINANCE NO. 073-2025

2. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

MM. Variance

A grant of relief from the standards of these regulations.

NN. Violation

The failure of a structure or other development to be fully compliant with these regulations.

SECTION 1136.03: ADMINISTRATION

A. Designation of the Floodplain Administrator

The Director of Public Service is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

B. Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

1. Evaluate applications for permits to develop in special flood hazard areas.
2. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
3. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
4. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
5. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, floodproofing certificates, variances, and records of enforcement actions taken for violations of these regulations.
6. Enforce the provisions of these regulations.
7. Provide information, testimony, or other evidence as needed during variance hearings.
8. Coordinate map maintenance activities and FEMA follow-up.
9. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

C. Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction, alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

D. Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

ORDINANCE NO. 073-2025

1. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
2. Elevation of the existing, natural ground where structures are proposed.
3. Elevation of the lowest floor, including basement, of all proposed structures.
4. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
5. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - a. Floodproofing certification for non-residential floodproofed structure as required in Section 4.5.
 - b. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1136.04 (E) are designed to automatically equalize hydrostatic flood forces.
 - c. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1136.04 (I)(3).
 - d. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1136.04 (I)(2).
 - e. A hydrologic and hydraulic engineering analysis showing the impact of any development on flood heights in an identified floodway as required by Section 1136.04 (I)(1).
 - f. Generation of base flood elevation(s) for subdivision and other new developments as required by Section 1136.04 (C).
6. All applications for a floodplain development permit shall be accompanied by a fee of fifty dollars (\$50).

E. Review and Approval of a Floodplain Development Permit Application

1. Review

- a. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1136.03(D) has been received by the Floodplain Administrator.
- b. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

2. Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

F. Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

ORDINANCE NO. 073-2025

G. Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

1. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered professional surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
2. For all development activities subject to the standards of Section 1136.03(K)(1), a Letter of Map Revision.
3. For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed Floodproofing Certificate for Non-Residential Structures completed by a registered professional engineer or architect together with associated documentation.

H. Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1136.05 of these regulations.

I. Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$2500.

J. State and Federal Development

1. Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.
2. Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:
 - a. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.
 - b. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
 - c. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
 - d. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.
Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

K. Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Whitehall flood maps, studies and other data identified in Section 1136.01(F) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

1. Requirement to Submit New Technical Data

ORDINANCE NO. 073-2025

- a. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - iv. Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 1136.04 (C).
- b. It is the responsibility of the applicant to have technical data, required in accordance with Section 1136.03(K)(1) prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- c. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - i. Proposed floodway encroachments that increase the base flood elevation; and
 - ii. Proposed development which increases the base flood elevation by more than one foot in riverine areas where FEMA has provided base flood elevations but no floodway.
- d. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1136.03 (K)(1)(a).

2. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Whitehall, and may be submitted at any time.

3. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Whitehall have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Whitehall's Flood Insurance Rate Map accurately represent the City of Whitehall boundaries, include within such notification a copy of a map of the City of Whitehall suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Whitehall has assumed or relinquished floodplain management regulatory authority.

L. Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

1. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
2. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger

ORDINANCE NO. 073-2025

floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

3. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.0, Appeals and Variances.
4. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

M. Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data

1. Zone A:
 - a. Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall be reasonably utilized as best available data.
 - b. When all appeals have been resolved and a notice of final flood elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.
2. Zones AE, A1-30, AH, and AO:
 - a. BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,
 - i. Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.
 - ii. Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.
 - iii. If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 1136.04(I) since the data in the draft or preliminary FIS represents the best data available.
3. Zones B, C, and X:
 - a. Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

N. Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

1. Determine whether damaged structures are located in special flood hazard areas;
2. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
3. Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair

ORDINANCE NO. 073-2025

of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

SECTION 1136.04: USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1136.01(F), or 1136.03(K)(1)

A. Use Regulations

1. Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Whitehall are allowed provided they meet the provisions of these regulations.

2. Prohibited Uses

- a. Storage or processing of materials that are hazardous, flammable, or explosive in the identified special flood hazard area.
- b. Storage of material or equipment that, in time of flooding, could become buoyant and pose an obstruction to flow in identified floodway area.

B. Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
2. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

C. Subdivisions and Other New Developments

1. All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
2. All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
4. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
5. The applicant shall meet the requirement to submit technical data to FEMA in Section 1136.03(J)(1) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1136.04(C)(4)

ORDINANCE NO. 073-2025

D. Residential Structures

The requirements of Section 1136.04(D) apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1136.03(L).

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring 1136.04(D)(1) and construction materials resistant to flood damage 1136.04(D)(2) are satisfied.
2. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
3. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest natural adjacent grade.
5. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - a. Be used only for the parking of vehicles, building access, or storage; and
 - b. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - c. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.
 - e. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1136.04(D).

E. Nonresidential Structures

The requirements of Section 1136.04(E) apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1136.03(L).

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1136.04(D)(1)-(3) and (5)-(7).
2. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

ORDINANCE NO. 073-2025

- a. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - c. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1136.04(E)(2)(a) and (b).
3. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

F. Accessory Structures

Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. Such structures must meet the following standards:

1. They shall not be used for human habitation;
2. They shall be constructed of flood-resistant materials;
3. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
4. They shall be firmly anchored to prevent flotation;
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
6. They shall meet the opening requirements of Section 1136.04(D)(5)(c);

G. Recreational Vehicles

Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet at least one of the following standards:

1. They shall not be located on sites in special flood hazard areas for more than 180 days, or
2. They must be fully licensed and ready for highway use, or
3. They must be placed on the site pursuant to a floodplain development permit issued under Sections 1136.03(C) and 1136.03(D), and meet all standards of Section 1136.04(D).

H. Gas or Liquid Storage Tanks

Within zone A, A1-A30, AE, AO, or AH, new or substantially improved above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

I. Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

1. Development in Floodways
 - a. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - b. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - i. Meet the requirements to submit technical data in Section 1136.03(K)(1);
 - ii. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - iii. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;

ORDINANCE NO. 073-2025

- iv. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
- v. Concurrence of the Mayor of the City of Whitehall and the Chief Executive Officer of any other communities impacted by the proposed actions.

2. Development in Riverine Areas with Base Flood Elevations but No Floodways

- a. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
- b. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - i. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - ii. Section 1136.04(I)(1)(b)(i)-(v).

3. Alterations of a Watercourse

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

- a. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
- b. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
- c. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Whitehall specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
- d. The applicant shall meet the requirements to submit technical data in Section 1136.03(J)(1)(a)(i)-(iv) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

SECTION 1136.05: APPEALS AND VARIANCES

A. Appeals Board Established

- 1. The Board of Zoning and Building Appeals as established by the City Charter shall hear and decide appeals and requests for variances from the requirements of this chapter
- 2. Records of the Appeals Board shall be kept and filed in 360 South Yearling Road, (Service Department) Whitehall Ohio, 43213.

ORDINANCE NO. 073-2025

B. Powers and Duties

1. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
2. Authorize variances in accordance with Section 1136.05(D) of these regulations.

C. Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within [20] days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

D. Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

1. Application for a Variance

- a. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- b. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
- c. All applications for a variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the City of Whitehall.

2. Notice for Public Hearing

The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

3. Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- a. The danger that materials may be swept onto other lands to the injury of others.
- b. The danger to life and property due to flooding or erosion damage.
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- d. The importance of the services provided by the proposed facility to the community.

ORDINANCE NO. 073-2025

- e. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
 - f. The necessity to the facility of a waterfront location, where applicable.
 - g. The compatibility of the proposed use with existing and anticipated development.
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
4. Variances shall only be issued upon:
- a. A showing of good and sufficient cause.
 - b. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
 - c. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
 - d. A determination that the structure or other development is protected by methods to minimize flood damages.
 - e. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

5. Other Conditions for Variances
- a. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - b. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1136.05(D)(3)(a)-(k) have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.
 - c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

E. Procedure at Hearings

- 1. All testimony shall be given under oath.
- 2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- 3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- 4. The administrator may present evidence or testimony in opposition to the appeal or variance.
- 5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- 6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- 7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- 8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

F. Appeal to the Court

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Franklin County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506.

ORDINANCE NO. 073-2025

SECTION 1136.06: ENFORCEMENT

A. Compliance Required

1. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1136.03(I).
2. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1136.06(C).
3. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1136.06(C).

B. Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, they shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

1. Be put in writing on an appropriate form;
2. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
3. Specify a reasonable time for performance;
4. Advise the owner, operator, or occupant of the right to appeal;
5. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

C. Violations and Penalties

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a fourth degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Whitehall. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Whitehall from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Whitehall shall prosecute any violation of these regulations in accordance with the penalties stated herein.

SECTION 2: That this Ordinance shall go into full force and effect at the earliest period allowed by law.

PASSED this ____ day of _____, 2025.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2025.

Mayor

ORDINANCE NO. 073-2025

Requested and Prepared by: Casey Rowlands, Director of Public Service
Approved as to form: Bradley S. Nicodemus, City Attorney bsn 7/22/2025

ORDINANCE NO. 073-2025

AMENDING SECTION 1136, TITLED FLOOD DAMAGE REDUCTION, OF THE PLANNING AND ZONING CODE OF THE CITY OF WHITEHALL.

WHEREAS, ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens and;

WHEREAS, The City of Whitehall codified ordinances need to be amended to reflect the FEMA updated National Flood Damage Reduction Regulations, NOW, THEREFORE

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

SECTION 1: Section 1136, FLOOD DAMAGE REDUCTION, is hereby amended to replace the existing chapter as follows:

1136.01: GENERAL PROVISIONS

A. Statutory Authorization

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the Council of the City of Whitehall, State of Ohio, does ordain as follows:

B. Findings of Fact

The City of Whitehall has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, flood proofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

C. Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
7. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
8. Minimize the impact of development on adjacent properties within and near flood prone areas;
9. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
10. Minimize the impact of development on the natural, beneficial values of the floodplain;
11. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
12. Meet community participation requirements of the National Flood Insurance Program.

D. Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

ORDINANCE NO. 073-2025

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

E. Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Whitehall as identified in Section 1136.01(F), including any additional areas of special flood hazard annexed by the City of Whitehall.

F. Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and/or maps are adopted:

1. Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for Franklin County, Ohio and Incorporated Areas, both effective June 16, 2011.
2. Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
3. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio, which has been approved by the City of Whitehall as required by Section 1136.04(C) Subdivisions and Other New Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Whitehall City Hall, 360 S. Yearling Road, Whitehall, Ohio 43213.

G. Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

H. Interpretation

In the interpretation and application of these regulations, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

I. Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Whitehall, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

ORDINANCE NO. 073-2025

J. Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 1136.02: DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

A. Accessory Structure

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

B. Appeal

A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

C. Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one hundred (100) year flood.

D. Base (100-Year) Flood Elevation (BFE)

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from 1 to 3 feet).

E. Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

F. Development

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

G. Enclosure Below the Lowest Floor

See "Lowest Floor."

H. Executive Order 11988 (Floodplain Management)

Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

I. Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

J. Fill

A deposit of earth material placed by artificial means.

K. Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

ORDINANCE NO. 073-2025

- L. Flood Hazard Boundary Map (FHBM)
Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- M. Flood Insurance Rate Map (FIRM)
An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- N. Flood Insurance Risk Zones
Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
 - 1. Zone A:
Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.
 - a. Zones A1-30 and Zone AE:
Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.
 - b. Zone AO:
Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
 - c. Zone AH:
Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
 - d. Zone A99:
Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
 - 2. Zone B and Zone X (shaded):
Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
 - 3. Zone C and Zone X (unshaded):
Areas determined to be outside the 500-year floodplain.
- O. Flood Insurance Study (FIS)
The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- P. Floodproofing
Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- Q. Flood Protection Elevation
The Flood Protection Elevation, or FPE, is the base flood elevation plus [.5] feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.
- R. Floodway
A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering

ORDINANCE NO. 073-2025

analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

S. Freeboard

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

T. Historic structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
4. Individually listed on the inventory of historic places maintained by City of Whitehall's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

U. Hydrologic and hydraulic engineering analysis

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

V. Letter of Map Change (LOMC)

A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

1. Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

2. Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

3. Conditional Letter of Map Revision (CLOMR)

A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

W. Lowest floor

The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles,

ORDINANCE NO. 073-2025

building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

X. Manufactured home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 4781 of the Ohio Revised Code.

Y. Manufactured home park

As specified in the Ohio Adm. Code 4781-12-01(K), a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

Z. Mean sea level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

AA. National Flood Insurance Program (NFIP)

The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

BB. New construction

Structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by the City of Whitehall and includes any subsequent improvements to such structures.

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM [July 18, 1985] and includes any subsequent improvements to such structures.

CC. Person

Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Rev. Code §111.15(A)(2) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

DD. Recreational vehicle

A vehicle which is:

ORDINANCE NO. 073-2025

1. Built on a single chassis
2. 400 square feet or less when measured at the largest horizontal projection
3. Designed to be self-propelled or permanently towable by a light duty truck
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

EE. Registered Professional Architect

A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.

FF. Registered Professional Engineer

A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

GG. Registered Professional Surveyor

A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

HH. Special Flood Hazard Area

Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1 30, or A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

II. Start of construction

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

JJ. Structure

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

KK. Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to the 'before damaged' condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

LL. Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

ORDINANCE NO. 073-2025

2. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

MM. Variance

A grant of relief from the standards of these regulations.

NN. Violation

The failure of a structure or other development to be fully compliant with these regulations.

SECTION 1136.03: ADMINISTRATION

A. Designation of the Floodplain Administrator

The Director of Public Service is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

B. Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

1. Evaluate applications for permits to develop in special flood hazard areas.
2. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
3. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
4. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
5. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, floodproofing certificates, variances, and records of enforcement actions taken for violations of these regulations.
6. Enforce the provisions of these regulations.
7. Provide information, testimony, or other evidence as needed during variance hearings.
8. Coordinate map maintenance activities and FEMA follow-up.
9. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

C. Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction, alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

D. Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

ORDINANCE NO. 073-2025

1. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
2. Elevation of the existing, natural ground where structures are proposed.
3. Elevation of the lowest floor, including basement, of all proposed structures.
4. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
5. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - a. Floodproofing certification for non-residential floodproofed structure as required in Section 4.5.
 - b. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1136.04 (E) are designed to automatically equalize hydrostatic flood forces.
 - c. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1136.04 (I)(3).
 - d. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1136.04 (I)(2).
 - e. A hydrologic and hydraulic engineering analysis showing the impact of any development on flood heights in an identified floodway as required by Section 1136.04 (I)(1).
 - f. Generation of base flood elevation(s) for subdivision and other new developments as required by Section 1136.04 (C).
6. All applications for a floodplain development permit shall be accompanied by a fee of fifty dollars (\$50).

E. Review and Approval of a Floodplain Development Permit Application

1. Review

- a. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1136.03(D) has been received by the Floodplain Administrator.
- b. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

2. Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

F. Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

ORDINANCE NO. 073-2025

G. Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

1. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered professional surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
2. For all development activities subject to the standards of Section 1136.03(K)(1), a Letter of Map Revision.
3. For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed Floodproofing Certificate for Non-Residential Structures completed by a registered professional engineer or architect together with associated documentation.

H. Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1136.05 of these regulations.

I. Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$2500.

J. State and Federal Development

1. Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.
2. Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:
 - a. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.
 - b. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
 - c. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
 - d. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

K. Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Whitehall flood maps, studies and other data identified in Section 1136.01(F) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

1. Requirement to Submit New Technical Data

ORDINANCE NO. 073-2025

- a. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - iv. Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 1136.04 (C).
- b. It is the responsibility of the applicant to have technical data, required in accordance with Section 1136.03(K)(1) prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- c. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - i. Proposed floodway encroachments that increase the base flood elevation; and
 - ii. Proposed development which increases the base flood elevation by more than one foot in riverine areas where FEMA has provided base flood elevations but no floodway.
- d. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1136.03 (K)(1)(a).

2. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Whitehall, and may be submitted at any time.

3. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Whitehall have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Whitehall's Flood Insurance Rate Map accurately represent the City of Whitehall boundaries, include within such notification a copy of a map of the City of Whitehall suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Whitehall has assumed or relinquished floodplain management regulatory authority.

L. Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

1. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
2. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger

ORDINANCE NO. 073-2025

floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

3. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.0, Appeals and Variances.
4. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

M. Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data

1. Zone A:
 - a. Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall be reasonably utilized as best available data.
 - b. When all appeals have been resolved and a notice of final flood elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.
2. Zones AE, A1-30, AH, and AO:
 - a. BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,
 - i. Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.
 - ii. Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.
 - iii. If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 1136.04(I) since the data in the draft or preliminary FIS represents the best data available.
3. Zones B, C, and X:
 - a. Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

N. Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

1. Determine whether damaged structures are located in special flood hazard areas;
2. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
3. Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair

ORDINANCE NO. 073-2025

of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

SECTION 1136.04: USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1136.01(F), or 1136.03(K)(1)

A. Use Regulations

1. Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Whitehall are allowed provided they meet the provisions of these regulations.

2. Prohibited Uses

- a. Storage or processing of materials that are hazardous, flammable, or explosive in the identified special flood hazard area.
- b. Storage of material or equipment that, in time of flooding, could become buoyant and pose an obstruction to flow in identified floodway area.

B. Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
2. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

C. Subdivisions and Other New Developments

1. All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
2. All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
4. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
5. The applicant shall meet the requirement to submit technical data to FEMA in Section 1136.03(J)(1) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1136.04(C)(4)

ORDINANCE NO. 073-2025

D. Residential Structures

The requirements of Section 1136.04(D) apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1136.03(L).

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring 1136.04(D)(1) and construction materials resistant to flood damage 1136.04(D)(2) are satisfied.
2. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
3. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest natural adjacent grade.
5. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - a. Be used only for the parking of vehicles, building access, or storage; and
 - b. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - c. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.
 - e. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1136.04(D).

E. Nonresidential Structures

The requirements of Section 1136.04(E) apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1136.03(L).

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1136.04(D)(1)-(3) and (5)-(7).
2. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

ORDINANCE NO. 073-2025

- a. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - c. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1136.04(E)(2)(a) and (b).
3. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

F. Accessory Structures

Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. Such structures must meet the following standards:

1. They shall not be used for human habitation;
2. They shall be constructed of flood-resistant materials;
3. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
4. They shall be firmly anchored to prevent flotation;
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
6. They shall meet the opening requirements of Section 1136.04(D)(5)(c);

G. Recreational Vehicles

Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet at least one of the following standards:

1. They shall not be located on sites in special flood hazard areas for more than 180 days, or
2. They must be fully licensed and ready for highway use, or
3. They must be placed on the site pursuant to a floodplain development permit issued under Sections 1136.03(C) and 1136.03(D), and meet all standards of Section 1136.04(D).

H. Gas or Liquid Storage Tanks

Within zone A, A1-A30, AE, AO, or AH, new or substantially improved above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

I. Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

1. Development in Floodways
 - a. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - b. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - i. Meet the requirements to submit technical data in Section 1136.03(K)(1);
 - ii. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - iii. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;

ORDINANCE NO. 073-2025

- iv. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
- v. Concurrence of the Mayor of the City of Whitehall and the Chief Executive Officer of any other communities impacted by the proposed actions.

2. Development in Riverine Areas with Base Flood Elevations but No Floodways

- a. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
- b. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - i. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - ii. Section 1136.04(I)(1)(b)(i)-(v).

3. Alterations of a Watercourse

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

- a. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
- b. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
- c. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Whitehall specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
- d. The applicant shall meet the requirements to submit technical data in Section 1136.03(J)(1)(a)(i)-(iv) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

SECTION 1136.05: APPEALS AND VARIANCES

A. Appeals Board Established

- 1. The Board of Zoning and Building Appeals as established by the City Charter shall hear and decide appeals and requests for variances from the requirements of this chapter
- 2. Records of the Appeals Board shall be kept and filed in 360 South Yearling Road, (Service Department) Whitehall Ohio, 43213.

ORDINANCE NO. 073-2025

B. Powers and Duties

1. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
2. Authorize variances in accordance with Section 1136.05(D) of these regulations.

C. Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within [20] days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

D. Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

1. Application for a Variance

- a. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- b. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
- c. All applications for a variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the City of Whitehall.

2. Notice for Public Hearing

The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

3. Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- a. The danger that materials may be swept onto other lands to the injury of others.
- b. The danger to life and property due to flooding or erosion damage.
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- d. The importance of the services provided by the proposed facility to the community.

ORDINANCE NO. 073-2025

- e. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
 - f. The necessity to the facility of a waterfront location, where applicable.
 - g. The compatibility of the proposed use with existing and anticipated development.
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
4. Variances shall only be issued upon:
- a. A showing of good and sufficient cause.
 - b. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
 - c. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
 - d. A determination that the structure or other development is protected by methods to minimize flood damages.
 - e. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

5. Other Conditions for Variances
- a. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - b. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1136.05(D)(3)(a)-(k) have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.
 - c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

E. Procedure at Hearings

- 1. All testimony shall be given under oath.
- 2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- 3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- 4. The administrator may present evidence or testimony in opposition to the appeal or variance.
- 5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- 6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- 7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- 8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

F. Appeal to the Court

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Franklin County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506.

ORDINANCE NO. 073-2025

SECTION 1136.06: ENFORCEMENT

A. Compliance Required

1. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1136.03(I).
2. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1136.06(C).
3. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1136.06(C).

B. Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, they shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

1. Be put in writing on an appropriate form;
2. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
3. Specify a reasonable time for performance;
4. Advise the owner, operator, or occupant of the right to appeal;
5. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

C. Violations and Penalties

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a fourth degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Whitehall. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Whitehall from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Whitehall shall prosecute any violation of these regulations in accordance with the penalties stated herein.

SECTION 2: That this Ordinance shall go into full force and effect at the earliest period allowed by law.

PASSED this ____ day of _____, 2025.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2025.

Mayor

ORDINANCE NO. 073-2025

Requested and Prepared by: Casey Rowlands, Director of Public Service
Approved as to form: Bradley S. Nicodemus, City Attorney bsn 7/22/2025

ORDINANCE NO. 079-2025

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.

WHEREAS, pursuant to Sections 715.43 and 3707.43 of the Ohio Revised Code, the City may enter into written contracts with independent contractors to establish collection systems and designate solid waste facilities as may be necessary or appropriate to provide for the safe and sanitary management of solid waste, including recyclable materials and yard waste, generated within the City; and

WHEREAS, it is in the best interests of the City and its residents that the City arrange for the collection, transportation and delivery for disposal or processing of all solid waste, recyclable materials and yard waste generated at residential units, City facilities and during special events located within the City from a single collection contractor on an exclusive basis ("Collection Services"); and

WHEREAS, Section 933.13 of the City of Whitehall Codified Ordinances authorizes the Mayor to prepare specifications and issue a franchise for the collection, transportation and disposal or processing of residential solid waste, recyclable materials and yard waste of residents of the City for a period not to exceed five years; and

WHEREAS, on March 20, 2025 and March 27, 2025, the City, as part of a joint bid process with several communities located within the jurisdiction of the Solid Waste Authority of Central Ohio ("2025 Solid Waste Consortium"), invited, through advertisement in The Daily Reporter, qualified providers of the Collection Services to submit bids to provide such Collection Services; and

WHEREAS, following the May 1, 2025 official opening of the bids by the 2025 Solid Waste Consortium and consideration of bids for Collection Services, the City determined that Local Waste Services, Ltd. is qualified and submitted the lowest and best bid to provide the Collection Services to the City; and

WHEREAS, the City and Local Waste Services, Ltd. have preliminarily agreed upon terms and conditions for the Collection Services in conformance with the bid documents, which allows for: status quo operations; billing; and the collection of an administrative and operational fee for implementing and maintaining solid waste and recycling collection containers to be owned by the City; and

WHEREAS, Council wishes for the City to enter into 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 ("the Agreement") with Local Waste Services, Ltd.; and

WHEREAS, there are administrative and operational costs associated with the solid waste and recycling collection system that will be incurred by the City and should be paid by residents benefiting from collection services; and

WHEREAS, the City may, pursuant to the Ohio Constitution Article 18, Section 3 and Sections 715.37 and 715.43 of the Ohio Revised Code, adopt ordinances requiring its residents who accumulate solid waste to use municipal garbage collection services and pay a reasonable fee; and

WHEREAS, the City has determined a monthly fee of \$0.75 per unit is a reasonable amount to fund the administrative and operational costs of the collection system incurred by the City. NOW, THEREFORE,

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

SECTION 1: That the Mayor is hereby authorized to execute the Agreement between the City and Local Waste Services, Ltd., which shall be in substantially the same form as Attachment A.

SECTION 2: That this Council further hereby authorizes the Mayor, the Director of Development and Public Service and other appropriate officers of the City to take any other actions as may be necessary and appropriate to execute and carry out the terms of the Agreement, including the implementation of a cart collection system.

SECTION 3: WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED this _____ day of _____, 2025.

President of Council

ATTEST:

Clerk of Council

APPROVED this _____ day of _____, 2025.

Mayor

ORDINANCE NO. 086 -2025

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE PUBLIC ENTITIES POOL OF OHIO (PEP) AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall wishes to enter into a contract with the Public Entities Pool of Ohio (PEP) for annual liability coverage; NOW, THEREFORE,

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

SECTION 1: The Council of the City of Whitehall, Ohio, hereby determines it to be necessary to enter into a contract with Public Entities Pool of Ohio (PEP) for the vehicles, property, general and public official liability and law enforcement coverage for the City of Whitehall, Ohio.

SECTION 2: The Mayor of the City of Whitehall is hereby authorized to enter into a contract with Public Entities Pool of Ohio (PEP) for vehicle, property, general and public official liability and law enforcement coverage for the City of Whitehall, Ohio. The insurance premium for October 3, 2025 to October 3, 2026 term coverage for the City of Whitehall not to exceed three hundred thousand dollars (\$300,000.00).

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 the term of the city's current vehicle, property, general and public official liability and law enforcement coverage for the City of Whitehall ends on October 2, 2025; 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 _____, 2024.

Mayor

Requested by Michael T. Bivens, Mayor
Prepared by: Dionna Hannah, Executive Assistant to Mayor
Approved as to form: Bradley S. Nicodemus, City Attorney BSN 8/13/2025

ORDINANCE NO. 087-2025

AUTHORIZING EXEMPTIONS OF 161.09(A) VACATION AND SICK LEAVE CREDIT CARRYOVER 161.09(8) FOR THE PURPOSE OF EMPLOYING TWO HIGHLY QUALIFIED EMPLOYEES TO THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall has hired two highly qualified individuals as Deputy Chief of Police in the Police Department; and

WHEREAS, the employees have valuable public service experience with twenty-six (26) and thirty (30) years of experience and the City would like to offer a match for service for computing vacation leave; NOW, THEREFORE,

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

SECTION 1: The Council of the City of Whitehall, Ohio authorizes a one-time exemption for 161.09(A) to match years of service with current employer, and to match these years of service as indicated in 161.15(b)(1) of the Codified Ordinances of the City of Whitehall.

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 to permit this employee to carry over his years of service; 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: Tracy Wentz, Director of HR

Approved as to form: Bradley S. Nicodemus, Assistant City Attorney *bsn* 8/22/2025

ORDINANCE NO. 088-2025

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.

WHEREAS, the budget presented by various departments includes updated titles that best represent what employees do in their daily work and also includes new positions for the City of Whitehall. Whereas the CWA contract has been updated and now reflects updated pay grades and police has updated the quantity of Communications Operators; 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 the following changes to the Table of Authorized Personnel for the fiscal year 2025.

161.37 TABLE OF AUTHORIZED PERSONNEL.

The following legends shall apply to all tables delineating authorized strength:

Column	Name	Code
1	Position title	
2	Pay grade or salary pay range	SPR
3	Classified civil service	CCS
	Unclassified civil service	UCS
4	Number authorized	
5	Union bargaining unit	UBU
	Exempt from union	EFU

(a) Office of the Mayor.

1	2	3	4	5
Executive Assistant to the Mayor	SPR	UCS	1	EFU
Clerk of Court	SPR	CCS	1	EFU
Deputy Clerk of Courts	C-20 C-21	CCS	1	UBU
Community Affairs Specialist Communication & Marketing Specialist	SPR	UCS	1	EFU
Director of Information Technology	SPR	UCS	1	EFU
System Administrator	SPR	UCS	1	EFU
IT Network Security Administrator	SPR	UCS	1	EFU
Full-Time Information Technology Technician	SPR	UCS	4 <u>2</u>	EFU
Seasonal Intern	SPR	UCS	1	EFU
Assistant Clerk of Courts	SPR	UCS	1	EFU

ORDINANCE NO. 088-2025

(b) Development Department.

1	2	3	4	5
Director of Development	SPR	UCS	1	EFU
Economic Development Specialist	SPR	UCS	1	EFU
Chief Building Official	SPR	CCS	1	EFU
Assistant Building Inspector (part-time)	SPR	UCS	1	EFU
Administrative Assistant for Building Department	C-20 <u>C-21</u>	CCS	1	UBU

(c) Department of Neighborhoods.

1	2	3	4	5
Director of Neighborhoods	<u>SPR</u>	<u>UCS</u>	<u>1</u>	<u>EFU</u>
Events and Advancement Coordinator	<u>SPR</u>	<u>UCS</u>	<u>1</u>	<u>EFU</u>

(d) Office of the City Attorney.

1	2	3	4	5
Legal Secretary	SPR	UCS	1	EFU
Legal Assistant	SPR	UCS	1	EFU
Coordinator of Victim Services	SPR	UCS	1	EFU
Assistant City Attorney (part-time)	SPR	UCS	1	EFU
and either				
Assistant City Attorney/Prosecutor	SPR	USC	1	EFU
or				
Prosecutor (part-time)	SPR	UCS	2	EFU
Paralegal (full-time)	SPR	UCS	1	EFU

(e) Office of the City Auditor and Tax Commissioner.

1	2	3	4	5
Deputy Tax Commissioner and Tax Investigator	SPR	CCS	1	EFU
Deputy Auditor	SPR	UCS	1	EFU
Administrative Assistant	SPR	UCS	1	EFU
Payroll Administrator	SPR	CCS	1	EFU
Income Tax Specialist	C-22 <u>C-23</u>	CCS	1	UBU
Accounting Specialist	SPR	CCS	1	EFU
Tax Clerk (full-time)	C-21	CCS	1	UBU

ORDINANCE NO. 088-2025**(f) Service Department and Street Employees.**

1	2	3	4	5
Administrative Assistant (full-time)	SPR	UCS	1*	EFU
OR				
Administrative Assistant (part-time)	SPR	UCS	1*	EFU
*If the Administrative Assistant is held as a PT position, the FT position is not authorized				
Director of Public Service	SPR	UCS	1	EFU
Facilities Operations Maintenance Chief	S-25	CCS	1	UBU
Part-time Custodian	SPR	UCS	1	EFU
Street Superintendent Public Service	SPR	CCS	1	EFU
Crew Chiefs	S-25	CCS	2	UBU
Chief Automotive Mechanic	S-25	CCS	1	UBU
Mechanic	S-24	CCS	1	UBU
Service Worker	S-22	UCS	13	UBU
Code Enforcement Officer	SPR	UCS	1	EFU
Animal Control and Code Enforcement Officer	SPR	UCS	1	EFU
Part-time casual employees/ seasonal employees (Labor Maintenance Office Employee)	SPR	UCS	15	EFU

(g) Public Safety Department.

1	2	3	4	5
Director of Public Safety (part-time)	SPR	UCS	1	EFU
Senior Administrative Assistant	SPR	UCS	2	EFU
Crime Analyst	SPR	CCS	1	EFU
Analyst Supervisor	SPR	CCS	1	EFU

(h) Fire Division.

1	2	3	4	5
Chief	FF5	CCS	1	EFU
Assistant Fire Chief	FF4	CCS	1	EFU
Battalion Chief	FF3	CCS	3	UBU
EMS Supervisor	FF3	CCS	1	EFU
Lieutenant	FF2	CCS	6	UBU
Firefighters	FF1	CCS	28	UBU
Administrative Assistant	C-20	CCS	1	UBU

ORDINANCE NO. 088-2025

(i) Police Division.

1	2	3	4	5
Chief	PO5	CCS	1	EFU
Deputy Chiefs	PO4	CCS	3	EFU
Lieutenant	PO3	CCS	3	UBU
Sergeant	PO2	CCS	5	UBU
Patrol	PO1	CCS	48	UBU
Communications Operator (full time)	SPR	CCS	10	UBU
Communications Operator (part time)	SPR	UCS	1	UBU
Records Clerk (full-time)	C-20 <u>C-21</u>	CCS	5	UBU
Records Clerk (part-time)	SPR	CCS	2	EFU
Property Room Clerk	SPR	UCS	1	EFU
Property Room Coordinator	SPR	UCS	1	EFU
Grants Administrator	SPR	UCS	1	EFU
PT Custodian	SPR	UCS	1	EFU
<u>Police Community Coordinator</u>	<u>SPR</u>	<u>UCS</u>	<u>1</u>	<u>EFU</u>

(j) Parks and Recreation.

1	2	3	4	5
Parks and Recreation Director (full time)	SPR	UCS	1	EFU
Crew Chief (full time)	S-25	UCS	1	UBU
<u>Parks Superintendent</u> (full time)	<u>S-27</u>	<u>UCS</u>	<u>1</u>	<u>UBU</u>
Parks Maintenance Worker (full-time)	S-22	UCS	4	UBU
Parks and Recreation Skilled Technician (part-time)	SPR	UCS	2	EFU
Team Member-Parks (part-time)	SPR	UCS	10	EFU
Parks and Recreation Administrative Assistant <u>Administrative & Operations Supervisor</u> (full-time)	C-21	UCS	1	UBU
Parks and Recreation Ranger_(part-time)	SPR	UCS	10	EFU
Parks and Recreation (seasonal)	SPR	UCS	20	EFU
Team Member - Recreation(part-time)	SPR	UCS	8	EFU
Recreation Superintendent (full time)	SPR	UCS	1	EFU
Parks and Recreation Program Supervisor (FT)	SPR	UCS	2	EFU
Adult Resource & Engagement Specialist (FT)	SPR	UCS	1	EFU
Recreation Manager (full-time)	SPR	UCS	2	EFU

ORDINANCE NO. 088-2025

Program Assistant (part-time)	SPR	UCS	2	EFU
-------------------------------	-----	-----	---	-----

(k) Council.

1	2	3	4	5
Clerk of Council (FT)	SPR	UCS	1	EFU
Office Assistant (part-time)	SPR	UCS	2*	EFU
Senior Clerk of Council (PT)	SPR	UCS	1	EFU

* If the Clerk of Council position is held as a full-time position, one Office Assistant is authorized; if the Clerk of Council position is held as a part-time position, two part-time Office Assistant positions are authorized.

(l) Civil Service Commission.

1	2	3	4	5
Civil Service Commission (part-time)	SPR	UCS	3	EFU

(m) Human Resources.

1	2	3	4	5
Human Resources Director	SPR	UCS	1	EFU
Human Resources Generalist	SPR	UCS	1	EFU

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 these title changes reasonably reflect the duties of the position, and additional positions that were budgeted; 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

ORDINANCE NO. 088-2025

Approved as to form: Brad Nicodemus, City Attorney bsn 8/22/2025

ORDINANCE NO. 089-2025

ALLOWING THE MAYOR TO ENTER INTO A CONTRACT WITH OHM ADVISORS FOR THE PURPOSE OF DEVELOPING A COMMUNITY COMPREHENSIVE PLAN AND PARKS AND RECREATION PLAN AND DECLARING AN EMERGENCY.

WHEREAS, the City staff recommends OHM Advisors as the preferred group to contract for this plan; and

WHEREAS, the Community Comprehensive Plan and Parks and Recreation Plan through the consultant's expertise will create realistic recommendations to improve economic development strategies, residential housing strategies, establish focus areas for growth, and evaluating the parks system and programming offered in the City of Whitehall; and

WHEREAS, it is reasonable and prudent that the City contract with a team of consultants with a multi-disciplinary experience in commercial development as well as landscape architecture, economic development, market research and analysis, and zoning codes to perform these studies and create appropriate recommendations in the Community Comprehensive Plan; and

WHEREAS, OHM Advisors, as one of the Columbus area's most successful economic development/planning firms, having sufficient experience in the market and managing public/private partnerships in development, has collaborated with accomplished team members Ice Miller, DDA, and Calfee Zoning to provide technical skill in planning, landscape architecture, economic development, market research and analysis, and zoning codes, has offered to facilitate this project on the City's behalf; and

WHEREAS, such services require specialized skill, knowledge or training and, by the terms of the Whitehall Charter Section 64(b), need not be advertised or competitively bid, so long as such service contract is authorized by two-thirds vote of Council; NOW THEREFORE,

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

SECTION 1: This Council finds that it is reasonable and prudent that the City contract with OHM Advisors for the purpose of facilitating the development of these plans for the City of Whitehall.

SECTION 2: That the Mayor is hereby authorized to enter into a contract with OHM Advisors for the Economic Development Comprehensive Plan, thereby waiving competitive bidding pursuant to Section 64(b) of the Whitehall City Charter, as said contract is a professional services contract.

SECTION 3: The Mayor is authorized to enter into a contract with OHM Advisors to perform the services as stipulated in Attachment A for a total sum not to exceed of one hundred fifty two thousand and five hundred dollars (\$152,000.00) to be paid for by funds previously appropriated to the Economic Development Incentives/Planning #361.000.00000 and the Capital Improvement #311.000.54000.

SECTION 4: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare; WHEREFORE, this Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor for the future reason of having the Plan completed as soon as possible so it can be used as a tool in the 2025 budget.

ORDINANCE NO. 089-2025

PASSED this _____ day of _____, 2025.

ATTEST:

Clerk of Council

President of Council

APPROVED this _____ day of _____, 2025.

Mayor

Requested by: Mayor Michael Bivens
Prepared by: Jackie Russell, Economic Development Director 8/26/2025
Approved as to form: Brad Nicodemus, City Attorney 8/26/2025

ORDINANCE NO. 090-2025

RESOLVING A TOBACCO RETAIL LICENSE APPEAL AND DECLARING AN EMERGENCY.

WHEREAS, the City adopted Ordinance 003-2023, establishing Chapter 741 of the Codified Ordinances and created a tobacco retail license to address the sale of tobacco within the City; and

WHEREAS, Prime Mart, located at 3940 East Main Street, Whitehall OH 43213, submitted an application for a tobacco retail license on November 15, 2023; and

WHEREAS, on December 1, 2023, the Franklin County Health Department issues a denial of the application as the location is within 1,000 feet of a youth-oriented facility and Prime Mart timely appealed; and

WHEREAS, to resolve the pending appeal, Prime Mart has offered to limit its tobacco sales to specific products, limit advertising, and use enhanced age identification devices; and

WHEREAS, the youth-oriented facility within 1,000 feet is a childcare facility for ages 0 -5 years and therefore the dangers associated with tobacco and teenagers are not as prevalent; and

WHEREAS, to resolve this matter with terms proposed by Prime Mart, the City must enact legislation permitting this one-time exception to its tobacco regulations; NOW THEREFORE,

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

SECTION 1: Prime Mart may be issued a tobacco retail license, prohibitions in Whitehall Codified Ordinance 741 notwithstanding, subject to the following conditions: (a) Prime Mart shall not sell any E-Cigarettes; (b) Prime Mart shall not advertise the sale of tobacco outside its store and tobacco advertisements inside the store shall not be viewable from the street; and (c) Prime Mart shall utilize ID scanners for age verification on all tobacco purchases.

SECTION 2: This exception applies only to Prime Mart and may not be transferred to third-party purchasers.

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; WHEREFORE, this Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor for the future reason of resolving litigation.

PASSED this _____ day of _____, 2025.

ATTEST:

Clerk of Council

President of Council

APPROVED this _____ day of _____, 2025.

Mayor

RESOLUTION NO. 036-2025

RESOLVING TO APPROVE "THEN AND NOW" CERTIFICATES.

WHEREAS, O.R.C. 5705.41(D)(1) states that "then and now" certificates of three thousand dollars and no/100 (\$3,000.00) and more must be approved by resolution or ordinance within thirty days of receipt of the "then and now" certificates; and

WHEREAS, the City has processed the attached "then and now" certificates over the sum of three thousand dollars and now these certificates require approval by City Council; and

WHEREAS, the Auditor of the City of Whitehall, Ohio has determined that, at the time of the making and execution of the certificates, a sufficient sum was appropriated by Council for the purpose of the requisition, and is currently deposited in the treasury and allocated to the appropriate account and free from any previous encumbrances; NOW, THEREFORE,

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

SECTION 1: That the City Council does hereby approve the attached "then and now" certificates:

SECTION 2: That the City Council of the City of Whitehall, Ohio, lawfully appropriated the expenditure, which the expense originated.

SECTION 3: That this Resolution shall go into full force and effect immediately upon its passage by the Council of the City of Whitehall and approval by the Mayor.

PASSED this ____ day of _____, 2025.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2025.

Mayor

NUMBER	VENDOR	AMOUNT	ORDER DATE	PURCHASE PURPOSE	PURCHASE ORDER	INVOICE DATE	FUND & ACCOUNT
2025-Mayor-00464-A	05870 BOBBY FERGUSON	\$ 70,000.00	07/10/25	2025 Food Truck Festival entertainment	2025000938	06/25/25	101.200.56150
2025-Auditor-04286-A	00278 Mid-Ohio Regional Planning	\$ 3,283.61	07/21/25	MORPC MEMBERSHIP FEES	2025000988	06/30/25	101.600.53000
2025-HR-00320-A	03759 FISHEL DOWNEY ALBRECHT &	\$ 3,105.00	07/15/25	Labor and General Matters	2025000951	06/06/25	101.900.51010
2025-Auditor-04379-A	00298 Ohio Department Of Job And F	\$ 5,830.00	07/30/25	UNEMPLOYMENT INSURANCE	2025001011	07/10/25	101.900.51011
2025-Service-03938-A	05962 FIRST AMERICAN COMMERCIAL	\$ 11,322.73	07/29/25	Trash Cart Replacements and Software	2025000987	07/07/25	101.950.55000
2025-Service-03936-A	5963 FIRST AMERICAN COMMERCIAL	\$ 18,942.44	07/29/25	Trash Cart Replacements and Software	2025000987	07/07/25	101.950.55010
2025-Mayor-00508-A	04301 VECTOR DISEASE CONTROL	\$ 3,483.70	07/14/25	2024 Mosquito Services Contract	2025000939	06/26/25	101.950.58500
2025-Mayor-00528-A	4302 VECTOR DISEASE CONTROL	\$ 3,822.78	07/21/25	2024 Mosquito Services Contract	2025000939	06/29/25	101.950.58500
2025-Auditor-03983-A	01939 Julian & Grube Inc	\$ 11,960.00	07/10/25	2024 FINANCIAL STATEMENTS	2025000902	06/25/25	101.950.59600
2025-Mayor-00532-A	00278 Mid-Ohio Regional Planning	\$ 10,000.00	07/21/25	2024 MORPC Central Ohio Defense Group	2025000985	10/17/24	101.950.59900
2025-Service-03594-A	00172 Emh&T Consulting Engineers Inc	\$ 48,017.38	07/10/25	Whitehall 2023 Water Main Replacement	2025000936	06/18/25	305.000.50000
2025-Auditor-04079-A	03913 OHIO TREASURER	\$ 61,575.83	07/14/25	OHIO PUBLIC WORKS LOAN REPAYMENT	2025000859	05/15/25	401.000.50000
2025-Auditor-04075-A	03913 OHIO TREASURER	\$ 16,073.02	07/14/25	OHIO PUBLIC WORKS LOAN REPAYMENT	2025000952	05/15/25	401.000.50000
2025-Auditor-04225-A	05980 OHIO WATER DEVELOPMENT	\$ 457,372.37	07/17/25	OWDA LOAN	2025000964	07/01/25	401.000.50000
		\$ 724,788.86					

RESOLUTION NO. 037-2025

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

WHEREAS, the Ohio Department of Natural Resources has reimbursable grants available from USDA Forest Service, from Inflation Reduction Act funding, intended to substantially invest in the long-term growth and development of local urban and community forestry programs; and

WHEREAS, the City of Whitehall desires to develop and execute a plan to protect its existing urban tree canopy and sustainably grow its public tree inventory; and

WHEREAS, the City of Whitehall desires to apply for and accept a reimbursable grant offered through the Ohio Department of Natural Resources in an amount not to exceed one hundred thousand and no/100 dollars (\$100,000); and

WHEREAS, the City of Whitehall is not required to provide any matching funds or in-kind services in order to accept said grant funding; NOW, THEREFORE,

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

SECTION 1: That the Mayor is hereby authorized to apply for and accept an Ohio Urban Forestry Grant(s) in an amount not to exceed one hundred thousand and no/100 dollars (\$100,000).

SECTION 2: That the Mayor as Chief Executive Officer and Shannon Brady as Official Representative and Program Contact be directed and authorized to act in connection with the application.

SECTION 3: That this resolution shall take effect and be in force from the earliest period allowed by law.

PASSED this ____ day of _____, 2025.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2025.

Mayor

RESOLUTION NO. 038 -2025

ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION, AUTHORIZING NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

The Council of the City of Whitehall, Franklin County, Ohio met in regular session on the 2nd day of September 2025, at City Hall with the following members present:

Larry Morrison, President Pro Tempore
Devin Brown
Gerald Dixon
Lori Elmore
Amy Harcar
Jo Anna Heck
Amy Smith

And moved the adoption of the following Resolution:

WHEREAS, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing on January 1, 2026; and

WHEREAS, the Budget Commission of Franklin County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation; NOW, THEREFORE,

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

SECTION 1: That the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby approved.

SECTION 2: That there be and is hereby levied on the tax duplicate of the City of Whitehall, the rate of each tax necessary to be levied within and without the ten mill limitation for tax year 2025 (collection year 2026) as follows:

SCHEDULE A

Summary of Amounts Required from General Property Tax Approved by
Budget Commission and County Auditor's Estimated Tax Rates.

	Amount to be Derived From Levies Outside 10 mill Limitation	Amount Approved by Budget Commission Inside 10 mill Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 mill Limit	Outside 10 mill Limit
General Fund		\$588,173.40	1.5	
Police Operating	\$792,616.26			2.83

SECTION 3: That the Clerk of this Council be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

SECTION 4: That this Resolution shall go into full force and effect immediately upon its passage by Council and approval by the Mayor.

RESOLUTION NO. 038 -2025

PASSED this _____ day of _____, 2025.

ATTEST:

Clerk of Council

President of Council

APPROVED this ____ day of _____, 2025.

Mayor