

Whitehouse

March 14, 2024

WHITEHOUSE COUNCIL AGENDA

March 19, 2024

6:30 P.M.

The Whitehouse Village Council is encouraging citizens to consider accessing public meetings remotely. You may do so by phone at 1-567-318-0438. You will then be prompted to press the following Meeting ID 960287013#. You may also access the meeting online by going to the Village website at www.whitehouseoh.gov and clicking on the link from the home page, please make sure you mute your microphone.

Notice is hereby given that the Whitehouse Village Council will meet on Tuesday, March 19, 2024, at 6:30 PM. The meeting will be held in Council Chambers, Village Hall, 6925 Providence St., Whitehouse, Ohio

Welcome and thank you for attending the Whitehouse Village Council meeting. The purpose of the Village Council meeting is to conduct the official business of the Village of Whitehouse and to hear citizen's comments pertaining to items that appear on the agenda and comments for future consideration. We welcome and encourage your participation. If you wish to make a comment, please wait to be recognized then state your name and address for the record. Please make your comments as concise as possible to allow time for others who wish to make comments. The Mayor presides over the Council meeting and has the authority to take the actions necessary to maintain order and proper decorum among those present. Thank you for your cooperation.

- I. Call to Order
- II. Roll Call
- III. Prayer: Steve Bond, Community of Christ Church
- IV. Pledge of Allegiance
- V. Adoption of Minutes of the March 5, 2024 Council Meeting
- VI. Adoption of Bills Dated March 14, 2024, the Addendum bills dated March 19, 2024 and the January and February 2024 Financial Statements
- VII. Introduction of Persons to Appear Before Council
 - A. Rebecca Conklin Kleiboemer from FCAPC to address Council
 - B. Request for the Operation Stronger Together 5K for June 30, 2024
- VIII. Committee Reports
 - A. Report on the February 22, 2024 Tree Commission Meeting
 - B. Report on the March 7, 2024 Charter Revision Commission Meeting
 - C. Report on the March 12, 2024 Committee of the Whole Meeting
- IX. Report of the Mayor

6925 Providence Street . PO Box 2476 . Whitehouse, Ohio 43571

Phone 419-877-5383 . Fax 419-877-5635

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- X. Report of the Clerk of Council
- XI. Report of the Village Administrator
 - A. Update on Swanton Street Bids (project previously approved by Council-see attached bid summary)
- XII. Report of the Village Solicitor
- XIII. Report from Department Heads
- XIV. Citizen Comments on Agenda Items
- XV. Ordinances
 - A. **Ordinance 2-2024:** Amend Chapter 186 of the Codified Ordinances of the Village of Whitehouse (2nd Reading)
- XVI. Resolutions
- XVII. Council Comments
 - A. Reservation of Right to Enter into Executive Session On A Matter of Personnel
- XVIII. Citizen Comments
- XIX. Adjournment

CALL TO ORDER – ROLL CALL – PRAYER – PLEDGE OF ALLEGIANCE

Meeting called to order at 6:30 PM by Mayor Rich Bingham.

Council Members Present: Louann Artiaga, Dave Riggengbach, Carrie Tuohy, Steve Connelly and Larry Yunker

Council Members Absent: Steve Fine – excused by Mayor Bingham

Staff Present: Village Administrator Jordan Daugherty, Deputy Administrator Joshua Hartbarger, Solicitor Kevin Heban, Director of Public Services Steve Pilcher, Police Chief Allen Baer, Council Clerk Nicole Hartbarger

Guests Present: Rob Casaletta, Tim Tuohy, Sheri Luedtke, Justin McCall

Council Prayer was given by Pastor Justin McCall of Zion United Methodist Church

Councilman Riggengbach commented on a small correction needed to the February 20th, 2024 Council Meeting Minutes under Citizen Comments.

Motion by Councilman Riggengbach, seconded by Councilwoman Tuohy to approve the minutes of the February 20th, 2024 council meeting, with suggested correction. 5 ayes

Motion by Councilwoman Artiaga, seconded by Councilman Connelly to approve the bills totaling \$66,602.82 dated February 29th, 2024 and the Addendum bills totaling \$98,525.83 dated March 5th, 2024. 5 ayes

PERSONS TO APPEAR BEFORE COUNCIL

Mayor Bingham asked if there were any persons to appear before council.

A. Request For Kids Fitness Camp June 10th-13th, 2024

No one present in chambers to speak on event. Safety Services have reviewed and good with the request. This is an annual event for around 40-50 kids ages 5-12, held in Whitehouse Park in the pavilion. Confirmed that this does not overlap with Cherry Fest.

Motion by Riggengbach, seconded by Yunker to approve the request for the Kids Fitness Camp to be held in the Village Park from June 10th-13th, 2024. 5 ayes

COMMITTEE REPORTS

Mayor Bingham asked if there were any committee reports to share.

Report on the Fallen Timbers Union Cemetery District Meeting

Councilwoman Artiaga shared that the FTUCD met on February 19th, 2024 at 5:30pm.

She reported that there was some revenue and expenses for the period, but there is an ending cash balance of \$177,590.82 currently.

Artiaga shared that there was a long discussion regarding the purchase of equipment for the district. They are looking at a mini excavator along with a dump truck; they do need to purchase both, with the cost being able to be spread over two years. They also discussed the budget for 2025 along with looking into making the current 1099 contractor employees for the district full employees. They did also discuss a milage for the FTUCD but that has been tabled at this time for future discussions.

Artiaga shared that within the Sexton report, Rory Hartbarger commented that he would like to add a few projects for this spring including fixing some fencing that is rusting, adding a privacy fence near the maintenance building in both Whitehouse and Waterville cemeteries to help with trailer storage, along with some tree removals. Lastly, Artiaga shared that the group discussed one parcel that is currently not titled to the district. She shared that it would cost up to \$10,000 in legal fees to obtain this parcel – the group decided to leave as is, no action to be taken.

Report on the February 22nd, 2024 Charter Revision Commission Meeting
Councilman Yunker shared that the committee met starting at 3:04pm.

Yunker shared that they started by electing officers. Rob Casaletta was voted Chair, Larry Yunker Vice Chair, and Phil Whaley secretary.

Yunker stated that the goal of the commission is to work on simplifying the charter. It was suggested to reference the Dublin, OH charter as a good model. He shared that there were several discussions including organizational structure changes and how reporting may now be more advantageous.

It was discussed that nothing in charter talks about websites and electronic communication as the Charter is dated. The group also discussed that some things that can be better addressed through ordinances instead of fixed statements within the Charter; looking for things to be more clearly stated. There was also the topic of removing requirements for election primaries, considering what the impact was of the recent primary in November 2023. Solicitor Heban shared that he will provide updated draft of charter revisions. The next Charter Revision Commission meeting will be March 7th, 2024 at 3pm.

Mayor Bingham asked Solicitor Heban if anything stood out during the meeting or anything that he'd like to comment on. Solicitor Heban gave an explanation on the Charter stating that the Charter is the 'outside of house or structure' where ordinances are what is

inside the house. He said the idea is for the Charter to give solid structure but give ability for council to change or update through ordinances as times change. This way, it gives council flexibility. He brought up the example that a Fire Department is required to be had in the Charter; a few years ago with possible fire district discussions if Whitehouse went that route, we would have been out of Charter because we would be part of district – not having a fire department specifically for Whitehouse. In this example, Heban shared that the Fire Department can be removed and made an ordinance, so it gives flexibility for any changes. Heban also confirmed what Councilman Yunker shared, there was talk to eliminate the primary requirements, or to move submission date up much further for board of election requirements. Heban shared that Charters typically are 10-12 pages in length; Whitehouse Charter is currently 27 pages. He shared that it is the specificity of the charter that is a concern as a law director, not a lot of ability to easily make changes.

Councilman Riggensbach thanked the charter commission members for sending progress as they've been going through. He asked when does the group need council feedback. Solicitor Heban commented that the Charter needs to be submitted no later than 90 days prior to date of election to the Board of Elections. Riggensbach also commented that there are a lot of changes to review, and asked who is in charge of the layman terms communication to the public. Heban says this can be a council responsibility.

Rob Casaletta shared with Council that he will give updates/discussions/changes to Clerk Hartbarger to pass out to all of council. He said that the Organizational Chart review will be included and help with understanding who is in charge of what things within the village. Casaletta said the detail also has a summary of proposed changes and things that are currently being talked about for changes. These things will continue to be discussed during the charter meetings on Thursdays. Casaletta also shared that he learned when talking about elimination of primary, that the Board of Election doesn't care how many are actually being put on the ballot to run for positions. He finished up by sharing that when this does go to the public after Council approval for the ballot, the old charter needs to be put on ballot highlighting the changes that are being requested for the updated charter – this is the required process.

Councilwoman Tuohy asked where is Council on the employee flow chart. Administrator Daugherty shared that this provided organizational chart is the exact one that council approved, and confirmed that this is the operations organizational chart, where council is not involved in day-to-day business that this represents. Tuohy commented that last year there was a failure, and we do not want to have that now. Daugherty confirmed that check and balance is in place within the charter that we follow – there is no higher power over another with council or Mayor. Solicitor Heban shared that the only change in any power that Council and Mayor have was that police and fire were moved as reporting to Administration instead of to Council/Mayor for a more streamlined decision affect.

Councilwoman Artiaga commented that Council does have the power to override/veto any decisions as they always have. Councilman Yunker shared that modification to section 5.01 in the current charter is that Administrator is directly responsible to mayor and Council – new verbiage states that Administrator is directly responsible to Mayor. Rob Casaletta commented that thoughts on police and fire reporting will be discussed in more detail at the upcoming Thursday meeting. He shared that they did not think Administrator should have two bosses – Council can still veto but this will help with flow of directives.

REPORT OF THE MAYOR

Mayor Bingham began his report by sharing that he was contacted by a representative from TMACOG inviting Whitehouse to add a representative to their board. This board will vote on allocation of ODOT funding, as well as other issues and will meet quarterly with an extra meeting every other year. The TMACOG representative shared that the Board of Trustees will be appointed this coming week. Mayor Bingham shared that he is nominating Councilman Steve Fine for this appointment. Councilman Riggensbach verified that Fine was accepting of the position and Mayor Bingham confirmed that he was.

Motion by Councilwoman Artiaga, second by Councilman Riggensbach to appoint Councilman Fine to the TMACOG Policy Board as the Whitehouse representative. 5 ayes

Mayor Bingham shared that he was contacted by Rebecca Conklin Kleiboemer who has asked to speak at the March 19th council meeting regarding the Family and Child Abuse Prevention Center.

Mayor Bingham and Council President Artiaga attended the Waterville council meeting on February 26th. They shared that it was a good meeting and asked the Waterville team ways in which we can work together – challenge ourselves to save our taxpayers money.

The next meeting at school regarding the third-grade program with Deputy Administrator is April 28th. May 2nd is now the date for the “stations day” at Village Hall where they will be looking for some help. May 7th will be Council/Mayor for the day event during the Council meeting. In May there will also be the student led Council meeting in front of student body, with voting/discussing some issues including a plaque placement, etc. Mayor Bingham shared that they will need some assistance with people on stage with those who will be acting as Council.

Mayor Bingham shared that an Easter Egg hunt meeting was held; the hunt will be March 16th. He asked if anyone who is coming to please come around 10am to help with set up assistance. The Easter Bunny will be there at 10:30 and they are up to 4,000 eggs. The planning group is expecting a good turnout, hoping for good weather. Mayor Bingham shared there was an offer for bounce houses, etc; declined for this year but looking to plan bigger for next year.

Mayor Bingham told the group that trailer banners for Cherry Fest parade are being ordered. He asks that Council members please share requested shirt size with Deputy Administrator Hartbarger so the shirts can be ordered.

Planning assistance for June roll off is being discussed and worked on – they will find out who needs help. He shared there will be strict guidelines, very limited for elderly or disabled.

Mayor Bingham brought up the survey questions topic. He feels that a door hanger, such as the AW school district used, would be great for anyone not home while doing canvassing. The idea is to leave something whether actual contact is made or not.

Mayor Bingham shared that he and Councilman Riggenbach along with some admin staff met with the Whitehouse Valley residents just prior to this meeting. Councilman Riggenbach reports that it was a good meeting, educational for all and there was a good turnout. Riggenbach shared that the Mayor did a good job laying out different solutions: Village of Whitehouse solution or doing it 'ourselves' as Whitehouse Valley. Riggenbach and Mayor Bingham were trying to educate pros and cons of village cleaning up the issue rather than internally trying to formalize an HOA. The group in attendance seemed open to internal formalizing with HOA and handling it. The group is looking for some basic cost info from Village on what the cost assessment would be. Riggenbach asked a few in attendance to be responsible for reviewing cost provided by Village – the Village solution includes tax assessment that will be more expensive than internal HOA solutions. Riggenbach stated that money needs to go out one way or the other, one option feels more voluntary where one is not. Overall, it was a reasonably good meeting.

Mayor Bingham did a quick review of the situation for all Council members - this all started last summer after some complaints on the retention pond and odor it was producing. He stated there is supposed to be an HOA but there just isn't. He commented that it is a \$40k cost estimate every time for cleaning of the retention pond for Village to handle because of legal fees, etc. Bingham stated Mayor and Council will continue to support the Whitehouse Valley group and help as needed. Solicitor Heban shared that he will be preparing a draft letter with costs, etc to send to the residents of Whitehouse Valley. Councilman Riggenbach is asking that letter from internal people looking to form an HOA and letter from village be sent concurrently/same time so there is no confusion – the messaging should be that there are two options.

Mayor Bingham finishes with a request that at the next council meeting he would like to reserve the right for an executive session for a personnel discussion to be put on the agenda.

REPORT OF THE CLERK OF COUNCIL

Mayor Bingham asked for any items to report from Clerk Nicole Hartbarger. There were none.

REPORT OF THE VILLAGE ADMINISTRATOR

Mayor Bingham asked for any items to report from Administrator Jordan Daugherty.

A. Summary and Request for Authorization for Legislation Amending Chapter 186 of the Codified Ordinances (requested, as an emergency)-Income Tax Ordinance Update

Administrator Daugherty shared that several years ago, the state required uniformity of state income tax. He stated that Whitehouse protested, council sent a letter, wanted sovereignty over own income taxes, but we did not win. All state municipalities are now under the state uniform tax code. The state is currently working through to make sure all municipalities have these codes up to date. He comments that nothing substantive is changing with this updated; the Whitehouse home rule has a 12 day clause – contractor has to stay working 12 consecutive days before tracking income tax – that 12 day clause now goes away and contractor has to track all days no matter the length. Administrator Daugherty shared that we were given this late fourth quarter last year; originally being put on as an emergency in order to get processed quickly. This will be retroactive to January 1. He shared there are a few typos, etc. that will be cleaned up, so now proposing this as a first reading for tonight to fix those.

Motion by Connelly, seconded by Artiaga to request authorization for Legislation Amending Chapter 186 of the Codified Ordinances, first reading. 5 ayes

Administrator Daugherty shared that there will be several agenda items for next Tuesday's Committee of the Whole meeting. We will be reviewing the proposal from Kleinfelder who will be in attendance to share history and what we've got going on now. Also, Council will review working through government electric aggregation program; this is a ballot issue for residents to decide on – the program, even if passed, residents do not have to stay on it if not wanted, but almost always there is a cheaper electric option with this. He shared the agenda will also include the ongoing discussion on revenue issues along with the ongoing discussion of the survey question.

B. Operations Report Summary

Deputy Administrator Hartbarger shared that the Solar Eclipse viewing party planning is moving along. This will be on April 8th from 12:30-4:30pm in the Village Hall back yard area.

Hartbarger also shared that the Village Hall office hours will be changing as of April 1st, 2024 to being open Monday thru Friday.

REPORT OF THE VILLAGE SOLICITOR

Mayor Bingham asked Solicitor Kevin Heban for any items to be reported. There were none.

CITIZEN COMMENTS ON AGENDA ITEMS

Mayor Bingham asked for Citizen Comments pertaining to Agenda items. There were none.

ORDINANCES

Mayor Bingham asked Solicitor Kevin Heban for any ordinances to be reviewed or voted on. There reading for Ordinance 2-2024 as discussed previously in the meeting.

Motion by Artiaga, seconded by Connelly to approve **Ordinance 2-2024: Amend Chapter 186 of the Codified Ordinances of the Village of Whitehouse**, first reading. 5 Ayes

RESOLUTIONS

Mayor Bingham asked Heban for any resolutions to be reviewed or voted on. There were none.

OTHER ITEMS DISCUSSED

Department Heads

Public Works Director Pilcher updated Council that the public works department was given a letter of resignation from an employee last Monday and they now have an open position posted, taking applications for the next few weeks. He said they will evaluate after mid-March the applications they have received and decide if they need to keep the application time open longer. Pilcher shared that there is a pre-construction meeting on March 19th for the bridge and trail project along State Route 64 – there will be some work in the spring and then a lull in the project until the bridge is completed with construction as it is currently being fabricated off site.

Police Chief Baer shared that he provided the statistical report of the police department and asks council to come to him with any questions. He shared that they are excited for the next Citizens Police Academy to start tomorrow evening with over 21 participants. He appreciates staff and Mayor being willing to participate as needed during the classes.

Fire Chief Francis shared that he has provided the statistical report from the fire department and can answer questions as needed.

Council Comments

Councilwoman Tuohy shared that she is excited about the momentum of these meetings and thanks everyone for doing a good job.

Councilman Connelly shared that he and Councilman Fine spent some time over the weekend working out the logistics for the survey, going over options and discussing the best way to move forward.

Councilwoman Artiaga asked if Public Works Director Pilcher can you take a look at the exercise equipment by little quarry, she was approached about the area maybe needing more mulch. She also shared that she had someone approach about disc golf course in Sandra Park and potential damage to trees. This person felt one year was not long enough for new trees to take root and would be damaging; they are asking to push start date for disc golf back. Sheri Luedtke, a resident in the audience, heard from Stephanie with the state tree

commission that if they had known disc golf was going to happen tree grant probably would not have been given – she thinks Whitehouse could lose a lot of integrity if trees are not truly taken care of first. It was confirmed that fences will be put around trees. Luedtke shared that this year is the 75th year for Arbor Day, and Whitehouse was chosen as an award recipient; there will be dignitaries, plaque, etc. Artiaga asks do we need to put this topic on a future agenda in order to discuss opening day and if it needs to be pushed back. Mayor Bingham commented that the trees are in and planted, can we do disc golf and replant trees to better location – do not want to upset state due to grant. Pilcher commented that the trees are all around the course and park, hard to say what the projectile path of frisbees would be – other than protecting the trees, as Stephanie recommended, not much else we can do. Councilman Connelly suggested that having Stephanie come in was meant to engage and understand what should be done with the combination of the disc course and trees, and from that we have decided to wait a year. Mayor Bingham questions if there is additional mutual resolution that is needed. Councilman Yunker asks to confirm how much the grant was; Pilcher says \$6,500. Discussion to continue.

CITIZEN COMMENTS

Mayor Bingham asked if there were any Citizen comments to be heard. There were none.

ADJOURNMENT

Motion by Councilman Riggensbach, seconded by Councilwoman Tuohy to adjourn the meeting at 7:43pm. 5 ayes

Duly Appointed Clerk of Council

Mayor

COUNCIL BILLS

3/14/2024

VENDOR	DEPARTMENT	AMOUNT	TOTAL	DESCRIPTION
A.W. Heating & Cooling	Maintenance	\$1,100.00	\$1,100.00	Preventative Maintenance
Airsystem Concepts	Streets	\$1,496.64	\$1,496.64	Parts
Amazon	Fire	\$115.72	\$115.72	Supplies
Biometric Information Management	Police	\$800.00	\$800.00	Annual Software
Charter Communications	Police	\$145.43		Internet
Charter Communications	Fire	\$139.56		Internet
Charter Communications	Parks	\$74.99		Internet
Charter Communications	Maintenance	\$212.70		Internet
Charter Communications	Life Squad	\$139.56		Internet
Charter Communications	Water	\$106.36		Internet
Charter Communications	Sewer	\$106.34	\$924.94	Internet
Department of Public Utilities	Water	\$50.00	\$50.00	Water Testing
Fisher Auto Parts	Fire	\$47.80		Parts
Fisher Auto Parts	Streets	\$35.21	\$83.01	Parts
Galls	Police	\$72.42	\$72.42	Uniforms
Independence Health	Water	\$99.00		Testing
Independence Health	Police	\$154.00	\$253.00	Testing
Jacob Barnes	Community	\$1,650.00	\$1,650.00	Zoning Inspector
Jean Philippe & Bouriachi Sombrun	Water	\$71.76	\$71.76	Utility Refund
Kissflow	Administration	\$165.00	\$165.00	Purchase Order Software
Kleinfelder	Capital Project	\$3,053.75	\$3,053.75	Swanton Street
MASI	Water	\$92.05	\$92.05	Water Sample Analysis
Menards	Parks	\$578.75		Supplies
Menards	Capital Project	\$17.98		Supplies
Menards	Water	\$24.98		Supplies
Menards	Sewer	\$24.98	\$646.69	Supplies
Minuteman Press	Administration	\$778.73	\$778.73	Envelopes
Novo Solutions	Maintenance	\$9,094.80	\$9,094.80	Annual Fee
ODP Business Solutions	Administration	\$38.50	\$38.50	Office Supplies
Ohio Compost	Streets	\$64.00		Concrete
Ohio Compost	Sanitation	\$2,187.50	\$2,251.50	Contract Payment
Ohio Gas	Sewer	\$30.89	\$30.89	Natural Gas Charges

VENDOR	DEPARTMENT	AMOUNT	TOTAL	DESCRIPTION
Pediatric Emergency Standards	Fire	\$3,855.01	\$3,855.01	Software
Risk Strategies	Administration	\$305.44	\$305.44	Annual ACA Filing
Smart Bill	Water	\$602.16		Utility Bill Mailing
Smart Bill	Sewer	\$602.17	\$1,204.33	Utility Bill Mailing
T & J Excavating	Streets	\$192.00	\$192.00	Mulch
Technichem INC.	Sewer	\$828.00	\$828.00	Chemicals
Toledo Auto Care	Fire	\$260.04	\$260.04	Vehicle Repair
Toledo Edison	Streets	\$81.47		Electric Charges
Toledo Edison	Street Lights	\$823.77	\$905.24	Electric Charges
Traffic Stop Uniform Supply	Police	\$40.00		Uniforms
Traffic Stop Uniform Supply	Life Squad	\$140.85	\$180.85	Uniforms
Triotech Corporation	Administration	\$1,036.75	\$1,036.75	Office 365 & AntiVirus
		\$31,537.06	\$31,537.06	

All events need a minimum of sixty (60) days for approval from the time of application to the event day.

Whitehouse

Request for Special Event

Village of Whitehouse

PO Box 2476, Whitehouse, OH 43571

Phone: (419) 877-5383 / Fax: (419) 877-5635

Email: VOWevents@whitehouseoh.gov

Name of Event: Operation Stronger Together 5K

Coordinator/Contact Person: Jason Grauen

Address: 23799 E Second St, Grand Rapids, OH 43522

Phone: (419) 464-8030 Email: jgraue@tf20.org

FAX: _____

Event Date (s): June 30, 2024 Event Hours: 9:00 - 10:00

Estimated Number of Attendance: 200

Brief Description of Event:

5K run ; Veteran resource fair

☐ Yes ☒ No (Is this event for a non-profit organization?)

Will the Event Use Signage/Attraction Devices	☒ Yes	☐ No
Amplified Voice/Music	☒ Yes	☐ No
Food/Beverage Sales	☐ Yes	☒ No
Alcoholic Beverage Sales	☐ Yes	☒ No
Tent Rental	☐ Yes	☒ No
Food Trucks	☐ Yes	☒ No
Inflatable (i.e., bounce house)	☐ Yes	☒ No
Product Sales	☒ Yes	☐ No
Temporary Fencing	☐ Yes	☒ No
Traffic Barricades	☐ Yes	☒ No
Traffic Signage (No Parking)	☐ Yes	☒ No
Security	☐ Yes	☒ No
Traffic Control and Direction	☒ Yes	☐ No
F2 Permit & Approval	☐ Yes	☒ No
Other (Explain)		

Identify any Village services, public facilities, or equipment you are requesting in conjunction with this event. (IE: enclosed shelter house, police assistance, streets closed).

electricity in Pavilion

PLEASE supply a map highlighting the property, temporary structures (identifying use and activity), pedestrian ways and/or streets that will be impacted by this event.

All events need a minimum of sixty (60) days for approval from the time of application to the event day.

Payment for services

The Event Coordinator/Contact Person/Sponsoring Entity shall make payment for services payable to *The Village of Whitehouse*. Payment must be received by the Village of Whitehouse no later than ten (10) business days after the event. All numbers below are estimated based on the information provided by the coordinator. Billing will be in actual hours with a minimum of 2 hours billing per event.

Estimated Employee Hourly Rates:

Department	Hourly Rates	# Employees*	Total
Administration	\$50.00		
Fire	\$50.00		
Police	\$50.00	2	\$200.00
Public Service	\$50.00		

* Department heads determine the number of employees needed for an event.

** There will be a two (2) hour minimum fee for all employees involved in the event.

Estimated Equipment Rates:

Current FEMA Fee Schedule

Inspection and Building Fees:

Type	Rate	# Tents or Food Trucks	Total
Building Permit Fee for Tent If over 700 sq feet	\$50.00/Tent		
Tent Under 700 sq feet with no sides	No Fee		
Tent over 400 sq feet with minimum of one (1) side	\$50.00/Tent		
Initial Food Truck Inspection	\$25.00/Food Truck		
Food Truck Re-Inspections	\$75.00/Food Truck		
Shelter House / Pavilion Rental (No charge for resident)	\$100.00 / Non-Resident	N/A	
Key / Security Deposit	\$100.00 (Refundable if returned and no damage or cleaning to property)	N/A	

ESTIMATED EVENT TOTAL: Personnel 2 Other _____ Total \$200.00

All events need a minimum of sixty (60) days for approval from the time of application to the event day.

READ THE FOLLOWING BEFORE SIGNING

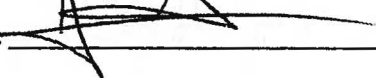
The submittal of this event form does not ensure approval of the event.

The Village cannot accommodate every event and some events may require reimbursement for services rendered. You must attach to this application either an insurance policy or a certificate of insurance that includes The Village of Whitehouse as additionally insured. The insurance requirements depend on the risk level of the event.

The applicant agrees to defend, indemnify, and hold harmless The Village of Whitehouse from any claim, demand, suit, loss, cost of expense, or any damage which may be asserted, claim or recovered against or from The Village of Whitehouse by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomever and which damage, injury, or death, arises out of this activity.

In addition, by signing the form below, the event coordinator is agreeing that they, or a representative, need to present this event to Whitehouse Village Council during a regularly scheduled council meeting. If the event coordinator or representative is not present, they waive the right for the event fees to be waived if it was previously requested.

If you are submitting this form online, print your name in the signature block. Before you or your representative present your event, this form will need an official signature.

Signature:  Date: 2/14/2024

Attachments if needed:

___ Ohio Revised Code Section 4303.202 F-2 Permit Legislation. [CLICK HERE](#)

___ Ohio Department of Commerce/Division of Liquor Control: *How to Apply for a Liquor Permit.* [CLICK HERE](#)

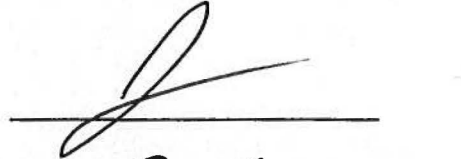
___ Tent, Bounce House, and/or Food Truck Application. [CLICK HERE](#)

All events need a minimum of sixty (60) days for approval from the time of application to the event day.

INTERNAL USE ONLY

Event Approval Signatures

Deputy Administrator / COO



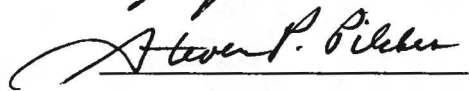
Police Chief



Fire Chief

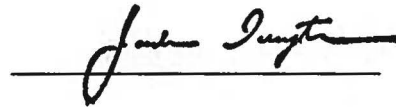


Public Service Director



Approved for Council Presentation

Village Administrator



Date to appear before Council

MARCH 10, 2024

Council Outcome

Whitehouse Tree Commission

February 22, 2024

Attendees: Sheri Luedtke, Pres., Amy Schultz Vice Pres., Diane DeYonker, Chis Manzey, Elliot Tramer, Steve Connelly Council Rep., Brian Petrell Staff Rep., Guest Chuck Kethel, Michelle Tippie

I: Call to Order

The meeting was called to order at 19:27.

II: Motions to accept the following minutes were passed unanimously:

November 16, 2023: Motion by Amy Schultz, seconded by Diane DeYonker
January 25, 2024, as corrected: Motion by Chris Manzey, seconded by Elliot Tramer
(correction: last paragraph page 2 change update to updated)

III: Old Business

A: Disc Golf at Sandra Park

Elliot Tramer has drafted a memo for presentation to Council revoking the Tree Commission's approval for a Disc Golf Course at Sandra Park due to ODNR's unease with its location. The grant work was submitted, and approved, prior to the suggestion of the Course locating in the same area. Stephanie Miller, with ODNR, stated the grant would not have been approved if they had known a Disc Golf Course would be incorporated into the area. It is a concern to the Tree Commission that this will jeopardize the goodwill of the ODNR which Whitehouse has enjoyed and deter them from considering future grant applications submitted by the Village.

Chuck Kethel, Representative for the Disc Golf group, and designer of the course, has assured the Commission that the design was created to avoid the newly planted trees, using them to guide the players through the course not using them as obstacles for course play. The course is geared for amateur play, taking into consideration the fragile state of the young trees.

Brian Petrell suggests the Commission and the Golfers work together to demonstrate that conservation planting and community recreation can co-exist successfully. As a show of good faith, the Golfers must provide the protective 6' fencing for all 50 trees, approximately 700 feet.

After discussion it was decided to ask Stephanie Miller to our Commission meeting in March to get a clearer opinion from her and assure her that the Commission did not intend to cause offense. Sheri Luedtke will reach out to her to see if she is available to attend in person or schedule a Zoom meeting if not.

Steve Connelly stated he would advise Council of our concerns and let them know the path we are taking regarding this issue.

B: Tree Inventory

Brian Petrell reported that the Village outsourced the removal of a large Sugar Maple in the Village Park that was deemed hazardous and a 2nd Maple tree at Logan and Eastview. The Multi-Use Path berms have been cut/mowed and the trees have been pruned to shape them up along Cemetery and the Park, and Waterville St. and 295.

The trees in the Westwyck area have been trimmed and Oak Brook will be next to have the trees "lifted" to prevent damage from trucks and buses.

An ADA compliant boardwalk was installed across the swale at Sandra Park. There were no rails installed, just a kick board. Additional work has been done on the walking trail.

Tree Commission cont.:

Brian suggested planting the Arbor Day trees in the Village Park this year to replace the trees removed and limit the distance the school children have to walk to attend as available spots along the Multi-Use trail are moving further from the center of town.

C: Forms and Documents: None

D: Facebook Ideas: Springtime planting guide.

IV: New Business

A: Arbor Day Planting:

The Village of Whitehouse Arbor Day Celebration normally occurs the 1st week of May following the Elementary School annual testing. Sheri Luedtke will contact the teachers to determine the best day of that week to schedule the event. Brian Petrell suggested contacting Lucas Soil and Water to purchase the 200 saplings for the celebration. Diane DeYonker has contacts within Soil and Water so she will make inquiries.

Sheri would like to include the Tree Planting guide and the word puzzle designed by Chris Manzey in the bags for the saplings.

If the trees are to be planted in Village Park they will need to be large trees. Chris Manzey suggested Hickory. Brian Petrell will scout locations in the park and further discussion can take place in March.

B: Project Ideas for Growth Award:

Michelle Tippie has left a message for Craig Bauer of Ohio Compost asking if they would host a Composting seminar for the community. Commission members suggested a mid-July date on site at Ohio Compost. The event could be advertised at the Farmer's Market, on the digital signs, in the Mirror, on Facebook, and in The Neighbors magazine.

C: Review Tree Ordinance:

Members were asked to do their annual review of the Village Tree Ordinance and bring any comments or concerns to the March meeting.

Brian Petrell questioned planting "refused" Street Trees that have been prepaid for in the new Subdivisions in other empty locations in the Village. The Village Solicitor will need to review the language of the contract to determine if the funds can be used outside of the designated subdivision. The Commission also needs to clarify if a Street Tree can be "refused", as the location is part of the Master Plan to establish the Urban Forest inside the Village. If the refusal is due to an obstacle (overhead lines, hydrant) the Commission can review the location and assign another variety of tree.

V: Other Business:

Lori Bauer from Whitehouse may attend next month's meeting as a potential new member of the Commission. Chuck Kethel would like recommendations from the Commission on native conifers that he would like to plant on the South side of Sandra Park before the ditch that would act as a barrier to yards along the Disc Golf Course. He also wishes to add key codes to each tee to identify the trees along the course.

A motion to adjourn was made by Amy Schultz at 20:24 and seconded by Diane DeYonker. Motion passed unanimously.

Respectfully submitted by,

Michelle K. Tippie

CHARTER OF THE VILLAGE OF WHITEHOUSE, OHIO

EDITOR'S NOTE: The Whitehouse Charter was approved by the voters on November 3, 1992. Dates appearing in parentheses following section headings indicate those sections were subsequently amended, added or repealed on the date given.

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CHARTER
VILLAGE OF WHITEHOUSE, OHIO

PREAMBLE

We, the citizens of Whitehouse, in the County of Lucas and the State of Ohio, in order to secure the benefits of municipal home rule and to exercise all powers of local self-government under the Constitution and laws of the State of Ohio, do hereby adopt this Charter for the government of the Municipality of Whitehouse.

FORM OF GOVERNMENT

The structure of this government shall be organized and balanced by the formation of three distinct branches. The Mayor shall serve as the executive branch, the Council shall be the legislative branch serving the citizens of this Municipality through the development of ordinances or resolutions designed to operate the Municipality in a prudent and fiscally sound manner, and the Administrative Branch, headed by a professional Administrator, shall put into action those ordinances and resolutions.

ARTICLE I
MUNICIPAL CORPORATION

SECTION 1.01 NAME AND BOUNDARIES

The municipal corporation now existing in the County of Lucas, State of Ohio, and known as the Village of Whitehouse, Ohio, hereinafter in the Charter called the "Municipality", shall continue to be a legal government body and corporate under the name of Whitehouse. It shall continue to operate with the same boundaries as now exist, but with power and authority to change the boundaries and annex other territory contiguous thereto in the manner authorized by the laws of the State of Ohio. No territory shall be detached therefrom, nor shall the Municipality be annexed to any other Municipality or legal government body, nor shall the corporate existence of the Municipality be terminated, without the consent of its Council and of the electors of the Municipality voting on such proposal at an election held and conducted in the manner provided by law.

SECTION 1.02 MUNICIPAL POWERS

The Municipality shall have all powers of local self-government now and hereafter granted to municipalities by the Constitution of the State of Ohio. All such powers shall be exercised in the manner prescribed in this Charter or, if not prescribed herein, in such lawful manner as the Council shall determine by ordinance or resolution. Enumeration of or reference to particular powers in this Charter shall not be construed to be exclusive.

**SECTION 1.03 MUNICIPAL POWERS SPECIFICALLY AS TO
PURCHASING AND CONTRACTING.**

The Municipality shall have the power to determine the method, manner, consideration and procedure for the purchase and/or disposal of property and terms and conditions of purchase and sale on behalf of the Municipality. The Municipality shall have the power to provide for and to determine by ordinance or resolution of Council, the matter of whether contracts shall be awarded pursuant to separate prime contracts, single prime contracts, unit price contracts, or some other method of contracting shall be utilized. All such contracting matters shall be determined by Council and set forth in a general ordinance or resolution or by a specific action with respect to particular projects as same shall be undertaken and specified by ordinance or resolution. (Added 11-2-04.)

2005 Replacement

ARTICLE II GENERAL PROVISIONS

SECTION 2.01 CONFLICT OF INTEREST

No member of Council or any officer or employee or any other elected or appointed official of this Municipality shall have any financial interest, direct or indirect, in any contract with or sale to the Municipality of any materials, supplies or services, or any lands. Any such person violating the provisions hereof shall forfeit his office or position and any such contract shall be voidable at the option of Council.

(Amended 11-8-94)

SECTION 2.02 PROHIBITIONS

No person shall be elected, appointed to, removed from, or in any way favored or discriminated against with respect to any municipal position or appointive municipal administrative office because of race, sex, national origin, handicap, age, political or religious opinions or affiliations.

No person who seeks appointment or promotion with respect to any municipal position or appointive municipal administrative office shall directly or indirectly give, render or pay any money, service, or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

SECTION 2.03 ADOPTION OR AMENDMENTS

If a majority of the qualified electors of the Municipality voting in any election upon a proposed Charter amendment vote in favor of the amendment, it shall become effective at the time fixed in the amendment, or thirty (30) days after its adoption by the voters.

SECTION 2.04 INTERPRETATION

Masculine pronouns used in the Charter shall be construed to include the feminine and neuter pronouns, and the singular number shall be construed to include the plural number whenever the context shall require.

SECTION 2.05 EFFECT OF PARTIAL INVALIDITY

A determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part thereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

SECTION 2.06 APPOINTED AND ELECTED OFFICES

No member of Council or any officer, employee or any other elected or appointed official of the Municipality of Whitehouse shall hold any other elected or appointed office except as provided for herein.

2005 Replacement

ARTICLE III THE COUNCIL

SECTION 3.01 NUMBER, SELECTION, TERM

The legislative power of the Municipality shall be vested in a Council which shall be a continuing body consisting of six (6) members at large

All presently elected Council members shall remain in office until the termination of their respective terms of office.

~~Four (4) Council members shall be elected under this Charter at the regular municipal election to be held in the year 1993. Said Council members shall be elected as follows: One of which shall be designed a transitional Council member who shall be elected for a two (2) year term of office commencing on January 1, 1994. Three (3) Council members shall be elected under this Charter in the year 1993 and at subsequent regular municipal elections to succeed those whose terms will expire at the end of the year in which such election is held as hereinafter provided.~~

Thereafter, the term of office of each member of Council shall begin on the first day of January next following such person's election. Council members shall serve for terms of four years each or until their respective successors are chosen and qualified.

Any vacancy on Council whether by resignation or disqualification, including any vacancy prior to January 1, 1994, shall be filled under the provisions of Section 3.07 of this Charter.

SECTION 3.02 QUALIFICATIONS

Council members shall have been an elector of this Municipality for at least two years prior to the date of their election or appointment and shall continue to be an elector throughout the term of office. No council member shall hold any other elective office; or any office or employment with the Municipality; unless specifically exempted herein. Council members shall not directly or indirectly solicit, contract for, receive or be interested in any profit or emolument from or on account of any contract, job, work or service with or for the Municipality.

Council shall be the sole and final judge of the election and qualifications of its members. Any member of Council who shall cease to possess or who violates any of the qualifications herein enumerated shall forfeit the office. Failure of any member of Council to maintain said qualifications shall render voidable, at the option of Council, ~~or ineffective~~ any action of Council in which such member has participated.

SECTION 3.03 COMPENSATION

The salary of the members of Council shall be fixed and determined by the Council, but the salary of the members of Council shall not be increased or decreased during the term of office which any such person is serving. If the established salary of the members of Council is to be changed in respect to succeeding terms of office, such change must be made by the Council prior to the first day of July next preceding a regular municipal election.

SECTION 3.04 ORGANIZATION

After December 31 and on or before the 8th day of January next following each regular municipal election, the members of Council shall meet at the Council Chambers for the purpose of organization. At such meeting the Council shall elect one of its members President of Council to serve ~~one year or~~ until a successor shall have been elected. In the event the President of Council ceases to be a member thereof, the Council shall elect another member to serve as President.

Committee, commission and board appointments shall be made by the following February 1st.

SECTION 3.05 QUORUM

Four (4) of the members of Council shall constitute a quorum for the transaction of any business at any meeting of the Council, but a number less than the quorum may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance, resolution or by the rules of the Council. At any meeting at which a quorum is present, any action may be taken by an affirmative vote of a majority of the members of the Council present, unless a larger number be required by the provisions of this Charter or the laws of the State of Ohio not in conflict therewith.

SECTION 3.06 RULES AND JOURNAL OF COUNCIL

Except as otherwise provided by the Constitution of the State of Ohio or this Charter, the Council shall adopt its own rules, regulations or by-laws and shall keep a journal of all its proceedings. The journal shall be open for public inspection at all reasonable times. The voting upon any ordinance, resolution, or motion shall be by roll call, and the vote of each member of Council shall be entered upon the journal.

SECTION 3.07 VACANCIES AND RESIGNATIONS

Whenever the office of a member of Council shall become vacant, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the vacancy shall not be so filled within thirty (30) days, the Mayor shall fill it by appointment. A member of Council elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term or until a successor shall be elected and shall qualify for the unexpired term as hereinafter provided. A successor for the unexpired term of member of Council shall be elected at the next general election, providing such election shall occur more than two years prior to the expiration of the term and the vacancy shall have occurred prior to the first of August immediately preceding such election. Any resignation shall be effective when tendered. (Amended 11-4-08)

SECTION 3.08 MEETINGS

The Council shall meet at such times as may be prescribed by its rules, regulations, ordinances and by-laws. ~~but shall hold regular meetings at least twice in each calendar month.~~ Council shall hold such special meetings as may be found necessary, which may be called by the Clerk upon written request of the mayor or upon the written request of three (3) members of Council. Any such vote or request for the calling of a special meeting shall state the subject or subjects to be considered, and no other subject or subjects shall be considered except on the approval of five (5) or more members of Council in attendance at such special meeting. Twenty-

four (24) hours notice in writing of such special meeting, if called by the Mayor or by three (3) members of Council, shall be given to each member of Council and to the Mayor by personal service or by delivery thereof at their usual places of residence. Members of Council may waive such notice by their attendance at such special meeting.

2008 Replacement

3.09

If an emergency is declared by either federal, state or local officials, that would preclude normal meetings to occur, the Village Administrator, in consultation with the Mayor, Village Council and the Solicitor, can convene meetings to conduct Village business by whatever appropriate means deemed necessary until the state of emergency has been lifted. (Added 11-04-08)

Public notice of all meetings of Council, including all meetings of the Committee of the Whole, shall be posted pursuant to rules adopted by Council and pursuant to the Ohio Revised Code.

All meetings of Council, including all meetings of the Committee of the Whole, shall be open to the public. The Council may hold an executive session if a majority of a quorum so determined to hold such a session for the sole purposes as set forth in the Ohio Revised Code as now existing or as amended in the future.

~~All meetings of Council, including all meetings of the Committee of the Whole, shall be held in the Council Chambers of the Municipality and shall be open to the public. Public notice of all meetings shall be posted at the Municipal Office and four (4) other designated public places in the Municipality a minimum of twenty four (24) hours prior to the meeting. No ordinance, resolution or motion shall be approved except at such public meeting. The Council may hold an executive session if a majority of a quorum so determines by a roll call vote, to hold such a session at a regular or special meeting for the sole purpose of the consideration of the following matters: personnel matters, purchase or sale of real estate, pending or imminent litigation or court action, collective bargaining issues, matters required to be kept confidential by federal or State law or rules, and specialized details of security arrangements where disclosure might reveal information that could be used for the violation of the law. Any such vote or request for the calling of a special meeting shall state the subject or subjects to be considered, and no other subject or subjects shall be considered.~~

SECTION 3.09 POWERS

Except as otherwise provided by the Constitution of the State of Ohio or by this Charter, and among other powers, the Council shall have and possess:

A. All of the legislative powers of the Municipality now or hereafter granted by the Constitution and the laws of the State of Ohio legislative bodies or municipalities, and such other powers granted by this Charter and all powers now or thereafter granted by the laws of the State of Ohio to Boards of Control, Municipal Tax Commissions, or any other municipal commission, board or body now or hereafter created by law, except as otherwise provided by the Constitution of the State of Ohio or this Charter. All existing boards, commissions and similar bodies, heretofore created, authorized or existing shall be abolished as of January 1, 1993.

B. The power to create, combine or abolish offices, departments, divisions, boards or commissions of the Municipality and the power to fix the qualifications, duties, bonds and compensation of all officers and members thereof;

C. The power to approve and confirm or to disapprove and reject the appointment and removal by the Mayor of any appointive officer or head of a department or division of the Municipality;

D. The power to fix the number of employees in the various departments of the Municipality and to determine the qualifications, duties, bonds and compensation of such employees;

E. The power to determine the method of and procedure for making, awarding, advertising, modifying and enforcing contracts with the Municipality unless authorized by the Council and no contract shall be binding upon the Municipality unless it has been so authorized or approved and the necessary money has been lawfully appropriated therefore;

F. The power to consider the method, manner, consideration, and procedure for the purchase of property on behalf of the Municipality and the sale or disposal thereof;

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- G. The power to expel or remove:
1. Any member of Council for gross misconduct, misfeasance, malfeasance or nonfeasance in office, or for disqualification from holding office, or for conviction, while in office, of a crime involving moral turpitude, or for violation of the oath of office, violation of the provisions of this Charter or for persistent failure to abide by the rules of Council, or for absence, without justifiable excuse, for three (3) consecutive regular meetings of Council;
 2. The Mayor and all other elected officials for gross misconduct, malfeasance, misfeasance, or nonfeasance or for conviction of a crime involving moral turpitude, for violation of provisions of this Charter, or for violation of the oath of office.
 3. The Municipal Administrator for gross misconduct, malfeasance, misfeasance, or nonfeasance or for conviction of a crime involving moral turpitude or at will as otherwise herein provided.
- No such expulsion or removal shall take place except on the concurrence of five (5) members of Council, and only after first having given to such person a written statement of the reason for such expulsion or removal at least ten (10) days in advance of any hearing thereon and an opportunity to be publicly heard in person or by counsel in such person's own defense.
- H. The power to make other general regulations as the Council may deem necessary in the public interest.

SECTION 3.10 PROVISIONS AS TO LEGISLATIVE ACTION

All legislative action by the Council shall be by ordinance or resolution introduced in written or printed form. An affirmative vote of at least a majority of the members of Council shall be required for the passage of every ordinance or resolution.

Every ordinance or resolution shall be read three (3) consecutive times to Council. ~~The first reading to be in full and second and third readings by number and title only. An ordinance or resolution shall be fully and distinctly read each time, if requested, by any member of Council.~~ No ordinance or resolution shall contain more than one general subject which shall be clearly expressed in its title. Any ordinance or resolution revising or amending previous legislation shall set forth the entire section or sections thereof so revised or amended, as revised or amended, and the original section or sections so revised or amended shall be deemed repealed.

The Council may adopt standard codes prepared by public or private agencies on such matters as fire prevention, building construction, electric wiring, plumbing, heating, ventilating, air conditioning, and similar subjects by reference to the date and source of such codes without reproducing the same at length in the adopting ordinance. In the case of such adoption, publication of the code at length shall not be required but there shall be, at the time of adoption thereof and at the times thereafter, on file for public inspection, at least one copy of such code. The Clerk of Council shall make additional copies thereof available for sale to interested persons at such prices as may be established by Council.

Revisions, codification, or rearrangements of ordinances may be published in book form if so specified therein. If so revised, codified and rearranged under appropriate titles, chapters and sections, such revisions codification or rearrangements may be made in one ordinance comprising one or more subjects. The publication in book form as aforesaid with certification of the passage and adoption thereof by the Clerk of Council shall constitute sufficient publication of the ordinance or ordinances contained therein. The book so published and certified shall be received in evidence in any court, for the purpose of providing the ordinance or ordinances therein contained in the same manner and for the same purpose as the original book, ordinances, minutes, or journal would be received. If a revision codification or rearrangement or ordinances contains new matter not previously published, a notice of the reenactment thereof, setting forth the titles of the ordinances and the title of the chapters and sections containing such new matter, shall be published in the manner provided in Section (3.11) of this Article, which notice shall constitute a sufficient publication of such new matter. The Clerk of Council shall maintain a master copy which shall clearly indicate any changes or revisions of the Municipal Code made after the publication of aforementioned book.

SECTION 3.11 PUBLICATION OF ORDINANCES, RESOLUTIONS AND NOTICES

Except as provided in (3.10) of this Article, every ordinance or resolution of a general or public nature including, but not limited to those granting, reviewing, or extending a franchise, creating a right, involving the expenditures of money, levying of a tax, or concerning the purchase, lease, sale or transfer of public property, shall be published by posting a copy thereof in a conspicuous place in the Whitehouse Village Hall for a period of not less than fifteen (15) days. Except as to emergency ordinances and resolutions, publication shall be completed prior to the taking effect thereof.

Council ~~may shall~~, by ordinance, designate ~~four (4)~~ additional public places in the Municipality for posting copies of ordinances or resolutions and may make provisions in any ordinance or resolution for the publication of such ordinance or resolution in one English language newspaper of general circulation in the Municipality. ~~In the case of newspaper publication, ordinances and resolutions shall be published not less than two (2) nor more than four (4) consecutive weeks, and all other matters once except as provided by Ohio Revised Code.~~

Publication of any notice, statement, order, report, or proclamation required to be published by this Charter, by the applicable laws of the State of Ohio, or by legislation enacted by the Council shall be published by posting as provided in this section except as otherwise herein specifically set forth.

Notice to bidders for the construction of public improvements, and notices of the sale of notes or bonds of the Municipality, shall be published in at least one English language newspaper printed in the State of Ohio and of general circulation in the Municipality.

Proof of any publication provided for in this section shall be made by the Clerk of Council as provided by ordinance, or, if not so provided, as provided by the laws of the State of Ohio.

SECTION 3.12 EMERGENCY ORDINANCES AND EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS

Each ordinance providing for the appropriation of money for the current expenses of the Municipality, or for an annual tax levy or street improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be especially assessed for the cost thereof, and any emergency ordinance or measure for the immediate preservation of the public peace, health or safety shall take effect immediately upon its passage. No other ordinance or resolution shall go into effect until thirty (30) days after its final passage by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of at least five (5) members of the Council for its enactment. No action of the Council in authorizing any change in the boundaries of the Municipality, or the surrender or the joint exercise of any of its powers, or in the granting, renewing or extending any franchise, or in contracting for the supply to the Municipality or to its inhabitants of the product or service of any public utility, whether Municipality owned or not, shall be considered or taken as an emergency measure.

ARTICLE IV MAYOR

SECTION 4.01 ELECTION AND TERMS

The Mayor shall be elected at the regular Municipal election held in the year 1995 and every fourth year thereafter for a term of four years. ~~The term shall commence and the Mayor shall assume office on the first day of January 1996.~~

SECTION 4.02 QUALIFICATIONS

The Mayor shall have been an elector and resident of the Municipality for at least two years prior to the date of his election or appointment and shall continue to be an elector throughout the term of office. The Mayor shall not hold any other elective public office; or any office or employment with the Municipality except as provided herein. The Mayor shall not directly or indirectly solicit, contract for, receive or be interested in any profit or emolument from or on account of any contract, job, work, or service with or for the Municipality.

SECTION 4.03 COMPENSATION

The salary of the Mayor shall be fixed and determined by the Council, but the salary of the Mayor shall not be increased or decreased during the term of office which such person is serving. If the established salary of the Mayor is to be changed in respect to a succeeding term of office, such change must be made by Council prior to the first day of July of the last year of the term being served by the Mayor. Unless or until such salary is so changed, it shall remain as last fixed.

SECTION 4.04 ABSENCE

When the Mayor is absent or inaccessible for any reason to perform his duties, the President of Council shall become the acting Mayor and during such time have the same powers, and perform the same duties as the Mayor. Such person shall also continue as a member of Council with all the power and duties of such member, including but not limited to the right to vote. In no instance shall the acting Mayor have a second vote on the same issue.

SECTION 4.05 VACANCY AND RESIGNATION

In the event the office of Mayor shall become vacant for any reason, the President of Council shall thereupon become the Mayor and serve for the unexpired term or until the beginning of the term of the successor duly elected as hereinafter provided. Such person shall also continue as a member of Council with all the power and duties of such member, including but not limited to the right to vote. In no instance shall the acting Mayor have a second vote on the same issue. Until a successor is elected or appointed to fill the Mayor's position, there shall be a vacancy on Council. ~~also continue as a member of Council with all the power and duties of such member, including but not limited to the right to vote. In no instance shall the acting Mayor have a second vote on the same issue.~~ Council shall have the power to declare a vacancy of the Mayor's position. Any resignation shall be effective when tendered.

SECTION 4.06 ABSENCE OF PRESIDENT OF COUNCIL

In the event the President of Council shall be absent or inaccessible for any reason and unable to perform such duties as acting Mayor, and an emergency or urgent necessity so requires, the Council, may designate one of their number as acting Mayor. Such appointment shall be for the purposes and duration only of such emergency or urgent necessity, or until the return of either the Mayor or President of Council.

SECTION 4.07 ELECTION OF SUCCESSOR IN THE EVENT OF VACANCY

In the event the office of Mayor shall become vacant, a successor for the unexpired term shall be elected mayor at the next regular election, providing such election shall occur more than two years prior to the expiration of the term and the vacancy shall have occurred prior to the first of August immediately preceding such election, (Amended 11-04-08)

SECTION 4.08 EXECUTIVE POWERS

A. The Mayor shall be the chief executive officer of the Municipality. Such person shall supervise the administration of the affairs of the Municipality and shall exercise control over all divisions thereof. Such person shall be the chief conservator of the peace within the Municipality and shall cause all laws and ordinances to be enforced therein.

B. The Mayor and the Municipal Administrator shall be responsible for the submission of the annual estimate of receipts and expenditures and of appropriation measures and for furnishing to the Council full information of the financial conditions and needs of the Municipality. Such person shall be responsible for the faithful observance and performance of the conditions imposed in favor of the Municipality or its inhabitants by any franchise or contract to which the Municipality is a party.

C. Except as otherwise provided by this Charter or the Whitehouse Municipal Code, the Mayor shall have the power to appoint, promote, transfer, suspend, reduce or remove any officer or employee of the Municipality except those required by this Charter to be elected or appointed; provided, however that such appointment, promotion, reduction or removal of officers provided

for by this Charter and the heads of departments of divisions established pursuant thereto shall not take effect without the concurrence of a majority of the members of Council.

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D. The Mayor, with the concurrence of a majority of the members of Council, may remove a board, commission or members thereof for inefficiency, incapacity, incompiancy, neglect of duty, malfeasance, misfeasance or nonfeasance in office, but only after first having given to such member a written statement of the reasons for such removal at least ten (10) days in advance of any hearing thereon and an opportunity to be publicly heard in person or by counsel in such persons own defense. Such statement and the findings of the Mayor upon such hearing shall be filed with the Clerk of Council and any removal order based thereon shall be final.

E. The Mayor shall be recognized as the official and ceremonial head of the Municipality by the Governor for military purposes and by the courts for the purpose of serving civil processes.

SECTION 4.09 LEGISLATIVE POWERS

The Mayor shall preside at all meetings of the Council. The Mayor shall have no veto power, and shall have no vote therein except in the event of a tie of members of Council upon any ordinance or resolution or other proceedings, in which case the Mayor shall have the power to vote upon such measure, and his vote shall have the same legal effect as a vote of a member of Council. The Mayor, in addition to presiding at Council meetings may take part in the discussion upon all matters under consideration by the Council and may introduce and propose ordinances and resolutions and, if the adoption of the same shall be moved by a member of Council, they shall be considered and acted upon the same as if introduced and proposed by a member of Council.

SECTION 4.10 JUDICIAL POWERS

The Mayor shall have all the judicial powers granted generally by the Constitution and laws of Ohio to municipalities.

ARTICLE V ADMINISTRATOR

SECTION 5.01 POSITION CREATED

The position of Municipal Administrator is hereby created. Such person shall be the Chief Administrative Officer of the Municipality, and shall have the duties, powers, and responsibilities herein set forth, and shall be appointed by the Mayor, confirmed by Council, and be directly responsible to the Mayor ~~and the Council.~~

SECTION 5.02 QUALIFICATIONS

The Municipal Administrator shall be chosen solely on the basis of executive and administrative qualifications with reference to such persons actual experience in, or knowledge of, accepted practice in respect to the duties of such office as provided herein.

~~At the time of appointment such person need not be a resident of the Municipality or State, but after the appointment to the office such person shall become a resident of the Municipality within one (1) year.~~

SECTION 5.03 ABSENCE OR VACANCY

During the absence or disability or vacancy of the Municipal Administrator, the Mayor shall designate a properly qualified person with the confirmation of a majority of the Council to be the acting Municipal Administrator. No acting or temporary Administrator shall serve more than one hundred and twenty (120) days without Council approval.

In the event the Mayor does not appoint a Municipal Administrator within sixty days, a majority of the Council shall have the power to do so.

SECTION 5.04 REMOVAL OF ADMINISTRATOR

In addition to Section 3.09 G.3, the Administrator can be removed without cause upon motion of Council or by written recommendation of the Mayor and upon concurrence of five (5) members of Council for the Administrator's removal.

SECTION 5.05 POWERS AND DUTIES

The powers and duties of the Municipal Administrator, under the direction of the Mayor and Council, shall include but not be limited to:

- A. To see that all laws and ordinances are enforced.
- B. To appoint, suspend or remove all subordinate officers and employees of the Municipality except any appointed officer or head of a department or division of the Municipality.
- C. To supervise all municipal departments created by Council and this Charter. ~~with the exception of the Police Department, and the Fire Department.~~
- D. To make engineering and other assistance available to all boards and commissions created by this Charter or by Council within the limits of appropriations and available funds.
- E. To see that all terms and conditions imposed in favor of the Municipality or its inhabitants in any public utility, franchise or other contracts are faithfully kept and performed.
- F. To attend all Council meetings, with the right to take part in discussion but not to vote.
- G. To recommend to Council any matter requiring their legislative actions.
- H. To annually recommend to Council repeal of obsolete legislative actions.
- I. To keep Council fully advised on a monthly basis as to the financial conditions and needs of the Municipality.
- J. To submit annual budget to Council, and be responsible for its execution as covered by appropriation ordinances of Council.
- K. To submit to Council, as of the end of each fiscal year, a complete report on the finances and administrative activities of the Municipality for the preceding year.
- L. To act as purchasing agent for all municipal departments.
- M. To issue all licenses and permits pursuant to ordinances or resolutions except as may be established by this charter.
- N. To perform such other duties as are provided in this Charter or as assigned by the Mayor and/or Council as a Whole.
- O. Execute contracts, agreements, or other documents on behalf of the Municipality after first obtaining authority from Mayor and Council.

ARTICLE VI CLERK OF COUNCIL

SECTION 6.01 APPOINTMENT

Council shall appoint a Clerk of Council who shall serve at the pleasure of Council, and shall perform such other duties as this Charter or Council may require.

SECTION 6.02 DUTIES

The Clerk of Council shall attend all meetings of Council, and keep a journal of all meetings, ordinances and resolutions. The journal shall include the record of all voting upon any ordinance, resolution or motion which shall be by roll call, and the vote of each Council person including Mayor and President of Council, shall be listed therein.

In addition the Clerk of Council shall authenticate by signature and keep in book form, by number and alphabetically of title, all ordinances and resolutions which shall be opened for public inspection at all reasonable times.

SECTION 6.03 ABSENCE

During the absence or disability of the Clerk of Council, Council shall appoint an interim Clerk of Council who shall perform all of the duties of the office.

ARTICLE VII DEPARTMENTS OF FINANCE AND TAXATION

SECTION 7.01 DIRECTOR OF FINANCE

The Director of Finance shall perform those functions performed by the Auditor and Treasurer of a Municipality under the general laws of Ohio. He shall be appointed by the elected Mayor, subject to confirmation by four (4) of the members of Council for an indefinite term and may be removed by the Mayor with the approval of four (4) of the members of Council.

SECTION 7.02 DUTIES

Under the direction of the Administrator, the Director of Finance shall be the Chief Fiscal Officer of the Municipality and shall perform the powers, duties and functions now or hereafter given to Municipal Auditors and Treasurers under the general laws of Ohio to the extent those laws are not in conflict with this charter. The Director of Finance, in addition to the powers, duties and functions prescribed by this Charter shall have other powers, duties and functions as required by ordinances or resolutions or as directed by the Administrator. The Director of Finance shall keep the financial records of the Municipality, establish the accounting system, financial records and reports used by the offices, departments, divisions, bureaus, boards and commissions of the Municipality. The Director of Finance shall prepare and submit appropriation measures, estimates, budgets, capital programs and other financial matters; provide full and complete information concerning the finances or accounting systems or records of any office, department, division, bureau, board or commission of the Municipality as requested by the Administrator.

~~**SECTION 7.03 COMMISSIONER OF TAXATION**~~

~~The Commissioner of Taxation shall be appointed by the Mayor, subject to confirmation by four (4) of the members of Council for an indefinite term and may be removed by the Mayor with the approval of four (4) of the members of Council.~~

SECTION 7.04 DUTIES

~~Under the direction of the Village Administrator it shall be the duty of the Tax Commissioner to issue, collect, receive all tax monies imposed by the income tax ordinance in the manner prescribed therein.~~

**ARTICLE VIII
DIRECTOR OF PUBLIC SERVICE****SECTION 8.01 DIRECTOR OF PUBLIC SERVICE**

~~The Director of Public Service may be appointed by the Mayor subject to confirmation by four (4) members of Council and subject to the terms and conditions set forth therein as adopted in the Whitehouse Municipal Code. , shall be appointed by the Mayor, subject to confirmation by four (4) of the members of Council for an indefinite term and may be removed by the Mayor with the approval of four (4) members of Council.~~

SECTION 8.02 DUTIES

~~Under the direction of the Administrator, the Director of Public Service shall have charge of and exercise supervision of the Municipality over:~~

- ~~A. All public works and improvements and the construction, maintenance and repair thereof;~~
- ~~B. The construction, improvement, repair and maintenance of streets, sidewalks, public ways, bridges and flood control measures;~~
- ~~C. The construction, improvement, repair and maintenance of water mains, pumps, pipes, purification and filtration plants, and the water supply and distribution system;~~
- ~~D. The construction, improvement, repair and maintenance of sewers, drains, ditches, culverts, and sewage systems;~~
- ~~E. Unless otherwise provided for, the care, repair and maintenance of all public buildings, parks, playgrounds and other public places belonging to the Municipality or in its custody or under its control and the construction of buildings or improvements thereon;~~
- ~~F. The cleaning, resurfacing and lighting of streets and public places;~~
- ~~G. All machinery, equipment and materials of the Municipality pertaining to the functions of the Department of Public Service.~~

~~Under the supervision of the Administrator the Director of Public Service shall manage and control the collection, treatment and disposal of sewage, the water supply and distribution system, and all public utilities owned or operated by the Municipality, and shall enforce all the obligations of privately owned or operated public utilities enforceable by the Municipality.~~

~~The Director of Public Service shall perform such other duties consistent with this office as may be required by this Charter.~~

ARTICLE IX POLICE DEPARTMENT

SECTION 9.01 POLICE CHIEF

The Chief of Police ~~may be appointed by the Mayor subject to confirmation by four (4) members of Council and subject to the terms and conditions set forth therein as adopted in the Whitehouse Municipal Code.~~ shall be appointed by the Mayor, subject to confirmation by five (5)

of the members of Council for an indefinite term.

- A. The appointed Chief of Police need not be a resident of the Village at the time of his appointment, but shall become a resident thereof within one (1) year after his appointment by the Mayor and confirmation by the Council. The Police Chief shall continue in office until removed by the Mayor and a concurrence of five (5) members of Council. The Police Chief may be removed or suspended as provided by the Ohio Revised Code; or otherwise disciplined by the Mayor. Such removal, suspension or discipline shall be with a concurrence of five (5) members of Council.
- B. No person shall receive an appointment as Police Chief under this charter unless, not more than 60 days prior to receiving an appointment, he has passed a physical examination given by a licensed physician, showing that he meets the physical requirement necessary to perform the duties of Chief of Police as established by the Council. The appointing authority shall, prior to making any appointment, file with the Police and Fireman's disability and pension fund a copy of the report or findings of this licensed physician. The professional fee for the physical examination shall be paid for by the Municipality.

SECTION 9.02 POWERS AND DUTIES

~~The powers, duties and functions of the Police Chief and the members and the organization of the Department of Police shall be as provided in this charter, by the ordinances and resolutions of the Municipality, administrative rule and directives of the Mayor, Council and Chief of Police and general laws of Ohio, to the extent the general laws are not inconsistent with the charter, the ordinances and resolutions of the Municipality and the administrative rules and directives of Mayor, Council, and Chief of Police. The Police Chief shall be under the general supervision and direction of the Administrator Mayor and Council.~~

ARTICLE X FIRE DEPARTMENT

SECTION 10.01 FIRE CHIEF

The Fire Chief ~~may be appointed by the Mayor subject to confirmation by four (4) members of Council and subject to the terms and conditions set forth therein as adopted in the Whitehouse Municipal Code.~~ shall be appointed by the Mayor, subject to confirmation by five (5) members of the Council for an indefinite term.

- A. The appointed Fire Chief need not be a resident of the village at the time of his appointment, but shall become a resident thereof within one (1) year after his appointment by the Mayor and confirmation of the Council. The Fire Chief shall continue in office until removed by the Mayor and a concurrence of five (5) members of Council. The Fire Chief may be removed or suspended as provided by the Ohio Revised Code, or otherwise disciplined by the Mayor. Such removal,

| ~~suspension or discipline shall be with a concurrence of five (5) members of Council.~~

- B. ~~No person shall receive an appointment as Fire Chief under this charter unless, not more than 60 days prior to receiving an appointment, he has passed a physical examination given by a licensed physician, showing that he meets the physical requirements necessary to perform the duties of Fire Chief as established by the Council. The professional fee for the physical examination shall be paid for by the Municipality.~~
(Amended 11-8-94)

SECTION 10.02 POWERS AND DUTIES

~~The powers, duties and function of the Fire Chief and the members and the organization of the Department of Fire shall be as provided in this Charter, by the ordinances and resolutions of the Municipality, administrative rule and directives of the Mayor, Council and Fire Chief and general laws of Ohio, to the extent the general laws are not inconsistent with the Charter; the ordinances and resolution of the Municipality and the administrative rules and the directives of Mayor, Council, and Fire Chief. The Fire Chief shall be under the general supervision and direction of the Mayor and Council.~~ (Amended 11-8-94)

SECTION 10.03 MUTUAL AID AGREEMENTS

~~In addition to, or in lieu of, providing fire protection by its own forces, the Council may authorize and direct the execution of contracts with other units of government or private fire protection agencies to provide additional, emergency or full fire protection services or emergency medical services within the Municipality. The Council may also authorize and direct the execution of contracts whereby the Fire Department of the Municipality may provide fire protection service or emergency medical services to areas outside the Municipality.~~
(Amended 11-8-94)

SECTION 10.04 RIGHT TO SERVE

~~Nothing herein shall preclude any Volunteer Fireman, excepting the Fire Chief, from holding any other elective or appointed office with the Village of Whitehouse, Lucas County, Ohio.~~ (Amended 11-8-94)

ARTICLE XI SOLICITOR

SECTION 11.01 SOLICITOR

The Solicitor shall be appointed by the Mayor, subject to confirmation by a majority of the members of Council.

The Solicitor shall serve the Mayor, the Council, and administrative departments and offices, boards and commissions of the Municipality as legal counsel in connection with municipal affairs and, subject to the direction of the Mayor and Council, shall represent the Municipality in proceedings in court or before any administrative board. He shall perform all other duties now or hereafter imposed upon municipal Solicitors under the laws of the State of Ohio unless otherwise provided by ordinance of the Council and he shall perform such other duties consistent with his office as the Mayor or Council may request. No person shall act as Solicitor unless duly admitted to practice law in the State of Ohio.

ARTICLE XII COMMISSIONS AND BOARDS

SECTION 12.01 GENERAL PROVISIONS

The Municipality shall have a Records Commission, Fire Dependency Board, Planning Commission, Board of Zoning Appeals and a Charter Review Commission. Council may establish by ordinance such other commissions or boards as it may deem necessary for the proper administration or trusteeship of any public function, property or fund for any proper Municipal purpose.

SECTION 12.02 COMPOSITION

Except as provided by this Charter or the laws of the State of Ohio, all commissions and boards shall be composed of qualified electors of the Municipality who shall hold no other municipal office. The members shall be appointed by the Mayor, subject to the approval of the majority of the members of Council, and shall serve without compensation. Board and Commission members shall have been residents of the Municipality for at least two years at the time of their appointment. The terms of the members shall be as designated for the transition to the Charter and thereafter as specified for each of the commissions and boards in this Charter.

SECTION 12.03 MEETINGS

~~The Mayor shall establish the date, time and place for the first meeting each year, at which meeting the commissions and boards shall organize under a Chairman and Secretary elected from among its members for a term of one year. Meetings shall be called by the Chairman at least once a year or as otherwise required by the provisions of the Charter and at such times as its members may determine. There shall be a fixed place of meeting, all meetings shall be open to the public, the meeting time and place shall be posted in accordance with the provisions of the Charter, and a record shall be kept showing the vote of each member on each question. The presence of the majority of members shall be necessary to constitute a quorum.~~

SECTION 12.04 RULES OF PROCEDURE

~~The procedures of Commission or Board shall be in accordance with the Charter and together with rules of procedure, not inconsistent with the Charter shall be adopted by the board.~~

SECTION 12.05 VACANCY

A vacancy occurring during the term of any member of a Commission or Board shall be filled for the unexpired term in the same manner authorized for an original appointment. Upon recommendation by the Chairman and Board, the Mayor with approval of Council may declare a vacancy for absenteeism.

SECTION 12.06 RECORDS COMMISSION

- A. ~~COMPOSITION AND TERM. Council shall establish a Records Commission composed of five (5) members. The Mayor or his appointed representative shall serve as chairman. The remaining members shall be the Chief of Police, Director of Finance, the Solicitor and an elector of the Municipality. The term of office of the appointed member of the board shall be four (4) years from the date of appointment, and until his successor is appointed and qualified.~~

B. ~~DUTIES. The Records Commission shall assume such of the rights and duties as shall be established by ordinance enacted by the Council, and as provided by the laws of the State of Ohio.~~

SECTION 12.07 FIRE DEPENDENCY BOARD

A. ~~COMPOSITION AND TERM. Pursuant to Ohio Revised Code 146.01 the Volunteer Firefighters Dependency Fund Board shall consist of five (5) members. Two of the members shall be elected by the Council from its own members; two members shall be elected by the fire department from its own members and the fifth member shall be an elector of the Municipality appointed by the Mayor.~~

~~The term of office shall be two (2) years from the date of appointment, and until their successors are appointed and qualified.~~

B. ~~DUTIES. The Fire Dependency Board shall assume such rights and duties as shall be established by ordinance enacted by the Council, and as provided by the laws of the State of Ohio.~~

SECTION 12.08 THE MUNICIPAL PLANNING COMMISSION

A. ~~COMPOSITION AND TERM. The Municipal Planning Commission shall consist of the Mayor and four (4) electors of the Municipality not holding any other Municipal office. The terms shall be for six (6) years, except that of the four (4) first appointed, one (1) shall be appointed for a term of two (2) years, one (1) shall be appointed for a term of three (3) years, one (1) shall be appointed for a term of five (5) years, one (1) for a term of six (6) years.~~

~~The commission shall organize under a Chairman and Secretary elected from among the four (4) appointed members for a term of one (1) year.~~

B. **POWERS AND DUTIES.** The Municipal Planning Commission shall have the powers and duties conferred upon it by this Charter and by ordinances of the Council enacted pursuant thereto and in addition shall have such powers not inconsistent with this Charter or ordinances as may now or hereafter be granted by the laws of the State of Ohio. It shall adopt and recommend to the Council a comprehensive general plan for the physical development of the Municipality or the redevelopment of any area or district therein, which shall include the location of public ways, property, bridges, public grounds, utilities, buildings, parks, playgrounds and recreation areas, and plans or proposals for the reservation and acquisition of lands therefor.

As deemed necessary or desirable or upon request of Council, the Planning Commission shall prepare and recommend to the Council legislation respecting zoning and creating areas, zones and districts of permitted and excluded uses, and such rules, regulations, restrictions and limitations governing:

1. The plan, design, height, floor area, number of stories, and size of buildings and structures;
2. The area and size of lots, percentage of land occupancy, size of yards, courts and open spaces.

3. Location, uses and occupancy of public and private buildings, structures and land for trade, industry, off-street parking, residence, park, playground, agriculture; and
4. All other uses or purposes, both public and private, pertaining to the foregoing as will promote the general welfare to the Municipality and its inhabitants. It shall have jurisdiction over and the power to adopt rules and regulations governing the platting and subdivisions of lands and the improvement thereof, including the construction of streets, sewers, and utilities therein.

C. **PLANNING, ZONING AND SUBDIVISIONS REGULATIONS.** In furtherance and not in limitation of any power or powers granted to it by this Charter, the Council shall have the power and authority to:

1. Adopt, amend and enforce all or any portion of a comprehensive general plan for the orderly development of the Municipality and plans for the development of any area or district therein;
2. Create, change or revise areas, zones and districts permitted and excluded *uses* of such numbers or classifications as it may deem appropriate;
3. Enact and enforce such rules, regulations, limitations and restrictions pertaining to the matters mentioned in this paragraph C as will promote and preserve the general welfare of the Municipality and its inhabitants;
4. Legislate upon any matter concerning which the Planning Commission has jurisdiction or powers of recommendation or regulation provided that any such matter shall be first submitted to the Planning Commission for recommendation and report. No legislation shall be adopted contrary to such recommendation except by the affirmative vote of four (4) members of the Council.

D. **NOTICES AND HEARINGS.** In the enactment of zoning legislation or of regulations respecting the platting or subdivision of lands, the Council shall provide by ordinance for such public hearing and notices and for the form and manner of publication or delivery of notices as it deems necessary and in the public interest and as may be in conformity with this Charter and the statutes of the State of Ohio in regard thereto.

SECTION 12.09 BOARD OF ZONING APPEALS

A. **COMPOSITION AND TERM.** There shall be appointed a Board of Zoning Appeals consisting of five (5) electors of the Municipality not holding other municipal office. The members of the board shall be appointed by the Mayor, subject to the confirmation by the majority of the members of Council, for a term of four (4) years from the date of appointment or until their successors are appointed and qualified. ~~except that of the first five (5) appointed, one (1) shall serve for a term of one (1) year, one (1) for a term of two (2) years, one (1) a term of three (3) years, and two (2) a term of four (4) years.~~

B. **POWERS AND DUTIES.** The Board of Zoning Appeals shall have the following duties and powers:

1. To hear and decide appeals made for the exceptions to and variations in the application of ordinances governing zoning in the Municipality in conformity with the purpose and intent thereof and to hear and decide all appeals made for exceptions to and variations in the application of ordinances, or orders of regulations of the administrative officials or agencies,
2. To establish rules and regulations for its own procedures not inconsistent with this section,
3. To do and perform such other duties and functions as may be imposed upon it by this Charter or ordinances and resolutions of the Council including the power:
 - a. To formulate and submit to the Council, changes in and amendments to the building and zoning code which the board determines as desirable for the proper regulation of buildings and structures and the equipment thereof which pertains to the Municipality.

C. **PROCEDURE FOR APPEAL.** An applicant aggrieved by the denial to act favorably on any application submitted to the Board may appeal to Council in accordance with procedures established by the Board. An affirmative vote of five (5) members of Council is required to overturn a final decision from the Board of Zoning Appeals.

SECTION 12.10 CHARTER REVISION COMMISSION

A. **COMPOSITION AND TERM.** There shall be created a Charter Revision Commission which shall consist of five (5) members to be appointed as follows: one (1) shall be appointed from the membership of the Council by a majority vote of the members of Council for a one (1) year term; and four (4) shall be qualified electors of the Municipality holding no other office, appointment or employment with the Municipality, to be appointed by the Mayor subject to confirmation of a majority of the members of Council for a term of four (4) years from the date of appointment or until their successors are appointed and qualified, ~~except that of the first four (4) appointed, one (1) shall serve for a term of one (1) year, one (1) for term of two (2) years, one (1) a term of three years, and one (1) a term of four (4) years.~~

B. **POWERS AND DUTIES.** The Charter Revision Commission shall continuously review the provisions of this Charter and the operations of the Municipality and shall report its recommendations, if any, for changes or revisions in this Charter to the Council no later than the first day of June of each year, commencing in the year 1994. The Clerk of Council shall publish the recommendations, if any, of the Commission in full at least once in a newspaper of general circulation in the Municipality. The Council may submit any amendments to the Charter recommended by the Commission, in the form recommended by the Commission or in a revised form, to the voters in the manner provided by the Constitution and laws of Ohio. The Council shall appropriate funds to the Commission as determined to be necessary by the Commission to carry out its powers, duties and functions, including amounts required to pay any consultants or special legal counsel selected by the commission.

The electors of the Municipality shall have the right to propose by initiative petition, amendments to this Charter at any time.

ARTICLE XIII NOMINATION AND ELECTIONS

SECTION 13.01 MUNICIPAL ELECTIONS

All elections provided for by this Charter, whether for the choice of officials or for the submission of questions to the voters, shall be conducted by the election authorities prescribed by the laws of the State of Ohio, which laws shall ~~apply~~ ~~apply~~ to all such elections except as provision is otherwise made by this Charter. A regular municipal election for the choice of all elective offices of the Municipality shall be held on the first Tuesday after the first Monday in November, or as otherwise established by the Lucas County Board of Elections, in the odd-numbered years. The nominating petitions and ballots to be used in all municipal elections shall bear no party marks or designations.

SECTION 13.02 NOMINATING PROCEDURE

Nominations for elective offices of the Municipality shall be made only by petition filed with the election authorities not later than the first day of ~~August~~~~September~~ immediately prior to a regular municipal election and signed by ~~ereetors~~ ~~electors~~ of the Municipality not less in number than two percent (2%) of the number of electors voting at the last general municipal election with a minimum of twenty-five (25) signatures. The nomination of each candidate shall be made by a separate petition accompanied by the written acceptance of nomination by the candidate.

SECTION 13.03 PRIMARY ELECTIONS

~~In the event valid nominating petitions are filed in accordance with Nominating Procedure Section of this Article by candidates for any elective office of the Municipality for a full term in excess of three (3) times the number to be elected at any regular municipal election, a non-partisan primary election for the nomination of candidates for such offices to be voted for at said regular municipal election shall be held on the first Tuesday after the first Monday in October immediately preceding such regular municipal election, or as otherwise provided for by the Lucas County Board of Elections. At such primary election, the names of all candidates for office who have filed nominating petitions in accordance with the provisions of Nominating Procedure Section of this Article shall be placed upon the ballot.~~

~~Council may, by resolution, order a special election to be held at any time, the purpose and date of which shall be set forth in the resolution.~~

SECTION 13.04 CANDIDATES AT REGULAR MUNICIPAL ELECTION

~~If a primary election is not required by this Article, t~~The candidates for elective offices of the Municipality to be voted for at the regular municipal election in 1993 and at regular municipal elections thereafter shall be the candidates filing valid nominating petitions in compliance with the Nominating Procedure Section hereof.

~~If such primary election is so required, the candidates for any elective office of the Municipality for a full term to be voted for at the regular municipal election shall be those, equal in number to twice the number to be elected to such office at the regular municipal election, receiving the largest number of votes at such primary election.~~

SECTION 13.05 WHO SHALL BE DECLARED ELECTED

The candidates for any elective office, equal in number to the places to be filled, who shall receive the largest number of votes at such regular municipal election shall be declared elected.

ARTICLE XIV INITIATIVE, REFERENDUM AND RECALL

SECTION 14.01 INITIATIVE

The electors of this Municipality shall have the power to propose any ordinance or resolution, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution shall be submitted to the Council by a petition signed by electors of this Municipality not less in number than ten percent (10%) of the electors voting at the last regular municipal election which shall in no case be less than thirty-five (35) signatures. Such petition shall designate not less than three (3) of the signers thereof as a committee authorized to take action as provided in this section.

Upon initial submission to Council, the Clerk of the Council shall within ten (10) days ascertain the sufficiency of such petition as to the count of signatures, that appropriate date is posted, and the designated committee of three (3) signers is so noted. Within the same ten (10) days the petition shall be delivered to the Lucas County Board of Elections to determine the final sufficiency of such petition and at the next meeting of Council, the Clerk of Council shall report, if found sufficient. Council shall take final action, either enacting, amending, or rejecting the proposed legislation within forty (40) days after initial submission to the Council.

If the Council fails to pass such proposed ordinance or resolution, or passes it in some form different from that set forth in the petition, the petitioners, through the Committee named in such petition, may, not later than the next regular meeting of the Council, request in writing that the legislation as set forth in this petition be submitted to a vote of the electors. Not later than the next regular meeting thereof following receipt of such request, the Council shall provide for submitting the petitioned ordinance or resolution to the electors at the next general election or regular municipal election occurring more than sixty (60) days after the filing or such request. If such petition is signed by at least twenty percent (20%) of such electors, or such number of electors so requested by petition, the Council shall provide for submitting such legislation to a vote of the electors at an election to be held at a date fixed by the Council but not later than eight (8) months after the initial submission of such petition.

SECTION 14.02 REFERENDUM

Within thirty (30) days after the final passage by Council of any ordinance or resolution which is subject to a referendum under the laws of the State of Ohio, a petition signed by electors of the Municipality not less in number than twenty percent (20%) of the total electors voting at the last regular municipal election may be submitted with the Council requesting that the ordinance or resolution be repealed or submitted to a vote of the electors. Upon initial submission to the Council, the Clerk of Council shall within ten (10) days ascertain the sufficiency of such petition as to the count of signatures and the appropriate date is posted. Within the same ten (10) days the petition shall be delivered to the Lucas County Board of Elections to determine the final sufficiency of such petition. At the next meeting of Council, if found sufficient, the Council shall within forty (40) days after the initial submission of such petition, reconsider such ordinance or resolution.

At such time as a referendum petition is initially submitted with the Clerk of Council, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when any of the following occurs:

- A. There is a final determination of insufficiency of the petition
- B. The petitioner's committee withdraws the petition
- C. Council repeals the ordinance
- D. Thirty days have elapsed after a vote by the electors on the ordinance

If, upon such reconsideration such ordinance or resolution is not repealed, the Council shall provide for submitting the same to a vote of the electors at the next general election or regular municipal election occurring more than sixty (60) days after the initial submission of such petition; provided that if a referendum petition is submitted at such time that the submission of the legislation referred to therein to a vote of the electors at a general election or regular election would not occur within a period of six (6) months after the initial submission of such petition the Council shall provide for submitting such legislation to a vote of the electors at an election to be held at a date fixed by the Council but not later than eight (8) months after the initial submission of such petition.

SECTION 14.03 RECALL

The electors shall have the power to remove from office by a recall election any elected official of the Municipality. If such person shall have served six (6) months of his term, a petition demanding his removal may be submitted to the Clerk of Council, who shall note thereon the name and address of the person submitting the petition and the date of such submission, and deliver to such person a receipt thereof, and attach a copy thereof to said petition. A petition may be circulated in separate parts, but the separate parts shall be bound together and submitted as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement of not more than two hundred (200) words on the grounds for the removal. Such petition shall be signed by at least that number of electors which equals twenty percent (20%) of the total number of electors voting at the last general election.

Within ten (10) days after the day on which such petition shall have been submitted, the Clerk of Council shall determine, using the same methods as outlined in the section on Referendum, whether or not the petition meets the requirements thereof. If the Clerk of Council shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who submitted the petition and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after such delivery in which to make the petition sufficient and return same to the Clerk of Council for certification of sufficiency.

If the Clerk of Council shall find the petition sufficient, he shall promptly so certify to Council, shall deliver a copy of such petition and certification to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than ninety (90) after the date of such delivery. At such recall election this question shall *be* placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision being made on the ballot for voting 'yes' or 'no' on such question. If a majority of votes cast shall be voted negatively ('no'), as certified to by the Lucas County Board of Elections, such officer shall be considered as removed, his office shall be declared vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

SECTION 14.04 GENERAL PROVISIONS

The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the other requirements of the laws of the State of Ohio regulating initiative and referendum petitions shall apply to initiative, referendum and recall in the Municipality, except as otherwise provided in this Chapter.

ARTICLE XV TRANSITIONAL PROVISIONS

SECTION 15.01 OFFICERS ADD EMPLOYEES

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are municipal officers or employees at the time of its adoption.

Except as otherwise provided in this Charter, all persons holding non-elective office or employment with the Municipality on December 31, ~~2024~~¹⁹⁹², shall continue in such office or in such employment, as the case may be, until succeeded or removed in accordance with the provisions of this Charter.

SECTION 15.02 PENDING MATTERS

All rights, claims, actions, orders, taxations, liabilities, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on, or dealt with by the municipal department, office, or agency appropriate under this Charter.

SECTION 15.03 STATE AND MUNICIPAL LAWS

All municipal ordinances, resolutions, orders, administrative regulations and councilmatic rules which are in force when this Charter becomes fully effective shall continue in full force and effect except to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto in which case those are repealed. To the extent that the Constitution and Laws of the State of Ohio permit, all laws relating to or affecting this Municipality or its agencies, officers, or employees which are in force when this Charter becomes effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

SECTION 15.04 EFFECTIVE DATE OF CHARTER

For the purpose of nominating and electing officers and members of Council of the Municipality and fixing the compensation of those to be elected in ~~2025~~¹⁹⁹³, this Charter shall be in effect from and after the date of its approval by the electors of the Municipality. For all other purposes, the Charter shall be in effect on and after January 1, ~~2025~~¹⁹⁹³.



Project: Swanton Street Improvements
Village of Whitehouse, Ohio

Bid Date & Time: Thursday, March 14, 2024, at 11:00 am (Local Time)

Engineer's Estimate: \$248,000.00

Contractor	Bid	Bid Bond (Y/N)	Addendum 1 (Y/N)
B & J Concrete and Construction 5840 Secor Road Toledo, Ohio 43623	\$226,774.25	Yes	Yes
Bowers Asphalt 6157 Walbridge Road Walbridge, Ohio 43465	No Bid		
Ebony Construction 3510 Centennial Road Sylvania, Ohio 43560	No Bid		
G6 Infrastructure, LLC 6712 Mill Ridge Road Maumee, Ohio 43537	\$238,483.00	Yes	Yes
Geddis Paving & Excavating 1019 Wamba Avenue Toledo, Ohio 43607	\$251,225.00	Yes	Yes
Gerken Paving, Inc. 9072 CR 424 Napoleon, Ohio 43545	No Bid		
Henry W Bergman 218 East ninth Street Genoa, Ohio 43430	\$251,373.00	Yes	Yes

Apparent Low Bidder: B & J Concrete and Construction \$226,774.25

AMENDED ORDINANCE NO. 2 - 2024

**AN ORDINANCE TO AMEND CHAPTER 186 OF THE
CODIFIED ORDINANCES OF THE VILLAGE OF
WHITEHOUSE**

WHEREAS, this Ordinance is recommended by the Village of Whitehouse Administration; and

WHEREAS, the Ohio General Assembly recently enacted certain legislation to the Ohio Revised Code which dealt with municipal income taxation; and

WHEREAS, the Regional Income Tax Authority, in conjunction with the Village's legal counsel and the Village's Finance Director, have reviewed the current Village of Whitehouse Income Tax, Chapter 186 of the Whitehouse Municipal Code, and has suggested certain changes to the Whitehouse Income Tax Code in order to conform to the new State of Ohio requirements; and

WHEREAS, the suggested changes by the Regional Income Tax Authority have been reviewed by the Village's Finance Director and Law Director; and

WHEREAS, Council finds it is in the best interests of the Village and its residents to adopt a new Chapter of the Whitehouse Municipal Code dealing with income taxes for tax years commencing on January 1, 2024, and thereafter.

NOW, THEREFORE, Be It Ordained By The Council Of The Village Of Whitehouse, Lucas County, Ohio, That:

Section 1. The Council for the Village of Whitehouse hereby amends the Codified Ordinances of the Village of Whitehouse, Chapter 186, Income Tax, as follows:

Section 186.03(11)(o), Definitions, shall read as follows:

(o) For tax years 2024 and after, the income of individuals under 18 years of age.

Section 186.062, Net Profit; Income Subject to Net Profit Tax; Alternative Apportionment shall now read as follows:

This section applies to any taxpayer engaged in a business or profession in Whitehouse, unless the taxpayer is an individual who resides in Whitehouse or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745 of the ORC.

(A) Except as otherwise provided in divisions (F)(2) and (G) of this section, net profit from a business or profession conducted both within and without the boundaries of Whitehouse shall be considered as having a taxable situs in Whitehouse for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in Whitehouse during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in Whitehouse to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 4(C);

(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in Whitehouse to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(B)(1) If the apportionment factors described in division (F)(1) of this section do not fairly represent the extent of a taxpayer's business activity in Whitehouse, the taxpayer may request, or the Tax Administrator of Whitehouse may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

- (a) Separate accounting;
- (b) The exclusion of one or more of the factors;
- (c) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;
- (d) A modification of one or more of the factors.

(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Section 12(A).

(3) The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (F)(2) of this section, but only by issuing an assessment to the taxpayer within the period prescribed by Section 12 (A).

(4) Nothing in division (F)(2) of this section nullifies or otherwise affects any alternative

apportionment arrangement approved by the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

(C) As used in division (F)(1) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(a) The employer;

(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(c) A vendor, customer, client, or patient of a person described in (F)(3) of this section, or a related member of such a vendor, customer, client, or patient.

(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(3) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (F)(3) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

(D) For the purposes of division (F)(1) of this section, and except as provided in division (G) of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

(1) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in Whitehouse if, regardless of where title passes, the property meets any of the following criteria:

(a) The property is shipped to or delivered within Whitehouse from a stock of goods located within Whitehouse.

(b) The property is delivered within Whitehouse from a location outside Whitehouse, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within Whitehouse and the sales result from such solicitation or promotion.

(c) The property is shipped from a place within Whitehouse to purchasers outside Whitehouse, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(2) Gross receipts from the sale of services shall be situated to Whitehouse to the extent that such services are performed in Whitehouse.

(3) To the extent included in income, gross receipts from the sale of real property located in Whitehouse shall be situated to Whitehouse.

(4) To the extent included in income, gross receipts from rents and royalties from real property located in Whitehouse shall be situated to Whitehouse.

(5) Gross receipts from rents and royalties from tangible personal property shall be situated to Whitehouse based upon the extent to which the tangible personal property is used in Whitehouse.

(E) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual, or by a disregarded entity owned by the individual, shall be subject to Whitehouse's tax only if the property generating the net profit is located in Whitehouse or if the individual taxpayer that receives the net profit is a resident of Whitehouse. Whitehouse shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this division to the municipal corporation in which the property is located.

(F)(1) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to Whitehouse, if applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in Whitehouse to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(2) An individual who is a resident of Whitehouse shall report the individual's net profit from all real estate activity on the individual's annual tax return for Whitehouse. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under Whitehouse's income tax ordinance. When calculating the ratios described in division (F)(1) of this section for the purposes of that division or division (F)(2) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

(3) Left intentionally blank.

(4) Intentionally left blank.

(G)(1) As used in this division:

(a) "Qualifying remote employee or owner" means an individual who is an employee of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:

(i) The taxpayer has assigned the individual to a qualifying reporting location.

(ii) The individual is permitted or required to perform services for the taxpayer at a qualifying remote work location.

(b) "Qualifying remote work location" means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the taxpayer, other than a reporting location of the taxpayer or any other location owned or controlled by a customer or client of the taxpayer. "Qualifying remote work location" may include the residence of an employee or owner and may be located outside of a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one qualifying remote work location during a taxable year.

(c) "Reporting location" means either of the following:

(i) A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the taxpayer;

(ii) Any location in this state owned or controlled by a customer or client of the taxpayer, provided that the taxpayer is required to withhold taxes under Section 4 of this Chapter, on qualifying wages paid to an employee for the performance of personal services at that location.

(d) "Qualifying reporting location" means one of the following:

(i) The reporting location in this state at which an employee or owner performs services for the taxpayer on a regular or periodic basis during the taxable year;

(ii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) of this section, the reporting location in this state at which the employee's or owner's supervisor regularly or periodically reports during the taxable year;

(iii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) or (ii) of this section, the location that the taxpayer otherwise assigns as the employee's or owner's qualifying reporting location, provided the assignment is made in good faith and is recorded and maintained in the taxpayer's business records. A taxpayer may change the qualifying reporting location designated for an employee or owner under this division at any time.

(2) For tax years ending on or after December 31, 2023, a taxpayer may elect to apply the provisions of this division to the apportionment of its net profit from a business or profession. For taxpayers that make this election, the provisions of division (F) of this section apply to such apportionment except as otherwise provided in this division.

A taxpayer shall make the election allowed under this division in writing on or with the taxpayer's net profit return or, if applicable, a timely filed amended net profit return or a timely filed appeal of an assessment. The election applies to the taxable year for which that return or appeal is filed and for all subsequent taxable years, until the taxpayer revokes the election.

The taxpayer shall make the initial election with the tax administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this division, the taxpayer is required to file a net profit tax return for that taxable year. A taxpayer shall not be required to notify the tax administrator of a municipal corporation in which a qualifying remote employee's or owner's qualifying remote work location is located, unless the taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee's or owner's activity at the qualifying remote work location.

After the taxpayer makes the initial election, the election applies to every municipal corporation in which the taxpayer conducts business. The taxpayer shall not be required to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in such municipal corporation.

Nothing in this division prohibits a taxpayer from making a new election under this division after properly revoking a prior election.

(3) For the purpose of calculating the ratios described in division (F)(1) of this section, all of the following apply to a taxpayer that has made the election described in division (G)(2):

(a) For the purpose of division (F)(1) of this section, the average original cost of any tangible personal property used by a qualifying remote employee or owner at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(b) For the purpose of division (F)(1) of this section, any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(c) For the purpose of division (F)(1) of this section, and notwithstanding division (F)(4) of this section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(4) Nothing in this division prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (F)(2) of this section. However, a tax administrator shall not require an alternative apportionment method in such a manner that it would require a taxpayer to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in that municipal corporation.

(5) Except as otherwise provided in this division, nothing in this division is intended to affect the withholding of taxes on qualifying wages pursuant to Section 4 of this Chapter.

Section 186.091(G), Annual Return; Filing, shall read as follows:

(G)(1) Except as otherwise provided in this Ordinance, each return required to be filed under this section shall be completed and filed as required by the Tax Administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of Section 5747.08 of the ORC. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to Whitehouse. No remittance is required if the net amount due is ten dollars or less.

(2) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of Village's income tax return. The extended due date of Village's income tax return shall be the 15th day of the tenth month after the last day of the taxable year to which the return relates. For tax years ending on or after January 1, 2023, the extended due date of Whitehouse's income tax return for a taxpayer that is not an individual shall be the 15th day of the eleventh month after the last day of the taxable year to which the return relates. An extension of time to file under this division is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

(a) A copy of the federal extension request shall be included with the filing of Village's income tax return.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the Tax Administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's Whitehouse income tax return. If the request is received by the Tax Administrator on or before the date the Village income tax return is due, the Tax Administrator shall grant the taxpayer's requested extension.

(3) If the tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of Section 5747.08 of the ORC, a taxpayer shall automatically receive an extension for the filing of Village's income tax return. The extended due date of Village's income tax return shall be the same as the extended due date of the state income tax return.

(4) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by Village, the Tax Administrator may require taxpayers to file returns and make payments otherwise than as provided in this division, including taxpayers not otherwise required to file annual returns.

(5) If a taxpayer receives an extension for the filing of a municipal income tax return under division (G)(2), (3), or (4) of this section, the tax administrator shall not make any inquiry or send any notice to the taxpayer with regard to the return on or before the date the taxpayer files the return or on or before the extended due date to file the return, whichever occurs first.

If a tax administrator violates division (G)(5) of this section, the municipal corporation shall reimburse the taxpayer for any reasonable costs incurred to respond to such inquiry or notice, up to \$150.

(G)(5) of this section does not apply to an extension received under division (G)(2) of this section if the tax administrator has actual knowledge that the taxpayer failed to file for a federal extension as required to receive the extension under division (G)(2) of this section or failed to file for an extension under division (G)(2)(b) of this section.

(6) To the extent that any provision in this division (G) of this section conflicts with any provision in divisions (N), (O), (P), or (Q) of this section, the provisions in divisions (N), (O), (P), or (Q) prevail.

186.10(C), Penalties, Interest, Fees and Charges, shall read as follows:

(C) Should any taxpayer, employer, agent of the employer, or other payer for any reason fails, in whole or in part, to make timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the Village any return required to be filed, the following penalties and interest shall apply:

(1) Interest shall be imposed at the rate described in division (A) of this section, per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax.

(2)(a) With respect to unpaid income tax and unpaid estimated income tax, the Village may impose a penalty equal to fifteen percent (15%) of the amount not timely paid.

(b) With respect to any unpaid withholding tax, the Village may impose a penalty equal to fifty percent (50%) of the amount not timely paid.

(3)(a) For tax years ending on or before December 31, 2022, with respect to returns other than estimated income tax returns, the Village may impose a penalty of \$25 for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed \$150 for each failure.

(b) For tax years ending on or after January 1, 2023, with respect to returns other than estimated income tax returns, Whitehouse may impose a penalty not exceeding \$25 for each failure to timely file each return, regardless of the liability shown thereon, except that Whitehouse shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.

All other provisions of Chapter 194 not included herein shall remain in full force and effect.

Section 2. The Council for the Village of Whitehouse specifically does not repeal the prior Income Tax, Chapter 185, or any other provision of Chapter 186 by way of this Ordinance or the prior sections set forth in Chapter 186.

Section 3. All formal actions of Council relating to the adoption of this Ordinance and all deliberations of Council and any of its committees leading to such action were in meetings open to the public in compliance with law.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage and approval.

FINAL VOTE ON THE MEASURE: Yeas: _____ Nays: _____

First Reading: _____

Second Reading: _____

Third Reading: _____

EFFECTIVE DATE OF THIS ORDINANCE: _____, 2024.

Mayor

ATTEST:

Duly Appointed Clerk of Council

Solicitor

VILLAGE OF WHITEHOUSE

March 19, 2024

ADMINISTRATION

- 03-19-24 1. February 29, 2024: Income Tax Collection = \$436,628.52
Compared to last year = \$611,510.77 (28.6% decrease)
JEDD & JEDZ collections = \$438,622.26
- 02-19-19 2. Safety and Health Report: Last lost time injury was January 14, 2019

ADMINISTRATIVE ACTIVITIES

COMMUNITY DEVELOPMENT

SUBDIVISION DEVELOPMENTS

- 02-20-24 1. **Savanna Lake Plat 2** – All utilities completed. Construction of street underway. Construction completed-awaiting Toledo Edison to install electrical utility.

STREETS

- 02-20-24
1. **Pedestrian Bridge** – A TMACOG funded tap project to install a 10' wide path along the north side of SR 64 between Whitehouse Square Blvd. and Finzel Rd. project includes a 14' wide pedestrian bridge over Blue Creek. – Construction year 2023. 80/20 Grant. Engineers Estimate \$652,000. Grant \$521,600. Conducted ODOT Field Review on 4-27-21. Design Engineering Completed. Legislation for ODOT Bridge Inspection. Project out to bid. Bid over Engineers estimate – bids rejected. Will rebid. Out to bid. Bid opening date – 4/20/23. Bid Over Engineer's Estimate. Will need rebid. Out to bid - bid opening date 9/21/23. Bid awarded to Geddis Paving & Excavating in the amount of \$845,000.00. Construction to begin Spring 2024.
 2. **Swanton Street Reconstruction** – Total Reconstruction of Swanton Street, from Maumee to Texas St. This is in the OPWC project pipeline for FY 2024. Plans completed.
 3. **North Texas St. (Lone Oak Ditch to Swan Creek), Bond St., Cemetery Rd (Intersection at SR 64)** – 2025 OPWC Street Resurfacing

PARKS & RECREATION

- 02-20-24
1. **Providence St. Plazas at Wabash Cannonball Trail** – Reconstruction of both East & West plazas to include a pop fountain area. Plans in engineering – under Council review. Postponed until 2025.
 2. **Disc Golf** – Public Works Staff is working with volunteers on construct improvements at Sandra Park to include the disc golf course.

WATER

02-20-24

1. **Elevated Storage** - A new .5MG Water Tower is currently in the design engineering phase. Design engineer is Poggemeyer Design Group. Grant awarded for construction of new .5 MG Elevated Water Storage Tower - \$1,874,138.00. Plans to OEPA for review.

WASTE WATER

02-20-24

1. **Sanitary Sewer Trunk Main** –Working with Jones & Henry Engineering on the installation of a sanitary sewer trunk main to be constructed to replace current force mains and sewage pumping stations which are nearing the end of their useful life and needing replaced. Wrapping up plans to submit to OEPA. Easement acquisitions underway. Awarded to Mark Shaffer's Excavating & Trucking for \$2,486,185.00. Construction Spring 2021-Project started March 2021. Presently on hold-delay in material acquisition. Material acquired-construction has resumed. Cemetery Rd closing July 26th for 35 days. Cemetery Rd. & Wabash Cannonball Trail are open. Currently constructing final connections at Logan and Field Ave. All underground construction completed. Earth work & pavement restoration is underway. Final clean up completed. Awaiting project closeout.
2. **Sanitary Sewer Collection System Evaluation** – Contacted with Jones & Henry to review sanitary sewer inspection data and make recommendation for future maintenance efforts.

STORM SEWER

02-20-24

1. Staff working with Lucas County Engineer to move forward petition process for the maintenance of Swan Creek to include all of the Swan Creek Watershed west of I-475 in Lucas County. Petitions to be filed with Lucas County. Ditch petition hearing to begin Spring 2021. Petition Filed. First reading held 12-2-21. Approved by unanimous vote to continue with determining the need for ditch maintenance and costs. Expected to take 24 months to gather information.
2. **Decant Pad** – A decant pad will be constructed in 2023 utilizing ARPA funds. The decant pad will be constructed at the Public Work Facility and will be utilized as a dewatering area for wet material waste. Estimated \$50,000.00. Pad is 95% completed.

SANITATION

02-07-23

1. Established 2024 bulk drop off dates. The drop off dates will be January 6 & 13, March 22 & 23, June 21 & 22, September 27 & 28, 2024.

MISCELLANEOUS

03-19-24

1. **Building Permits:** 2 new homes as of 03-14-24.

02-20-24

2. **Public Works:**

1. Water Department
 - a. Valve Exercising
2. Sewer Flushing & Manhole Evaluations
3. Storm Water Inspections – Outfalls & Asst. Management
4. Tree Trimming
5. Sandra Park Path Construction

Boards and Commissions

- A. Board of Zoning Appeals
 1. Pending approval of September 6, 2023 meeting minutes
- B. Charter Revision Commission
 1. Pending approval of March 21, 2023 meeting minutes
- C. Fire Dependency Board
 1. Pending approval of January 10, 2024 meeting minutes
- D. Planning Commission
 1. Pending approval of September 18, 2023 meeting minutes
- E. Records Commission
 1. Pending approval of June 6, 2023, meeting minutes
 2. Pending 2023 Reorganization Meeting
 3. Pending Review of Records Set for Destruction in 2023
 4. Pending Review of Records Policies
- F. Tree Commission
 1. Pending approval of February 22, 2024 meeting minutes
 2. Pending Tree Inventory

Council Committee of the Whole

- A. Economic Development
 1. Pending Monitoring of Economic Development Plan (ongoing)
- B. Finance, Audit & Investment
- C. Franchise, Lands & Buildings
- D. Parks & Recreation
- E. Public Services Committee
- F. Personnel & Safety
- G. General
 1. Pending review of Council project list



Zoning Enforcement Report –February 2024

This was possibly one of the warmest February's on record giving many residents the opportunity to be outside more and to take care of various items. The Village overall is in good shape, with less violations than we have had in the past at this time of the year.

As we move into spring, we hope these trends continue. Even some of the owners of properties with long standing issues are reaching out to me wanting to improve their properties. One example of this is the resident at 10803 Waterville Street who is trying to clean that property up. As long as owners are making reasonable progress, this is about the fastest way to achieve compliance. Hopefully the nice weather continues and improvement continues to be made.

Respectfully submitted,

Jacob T. Barnes

Jacob T. Barnes

Zoning Violation Report

February 2024

NAME	ADDRESS	VIOLATION LOCATION	VIOLATION	ACTION
General Pro Hardware	6635 Providence	All	Property Maintenance	Continuing to monitor property. Property is in good overall condition. Will be speaking to owner again in March.
King, R W & R S	6716 South St	Front	Utility trailer stored in front of home	Inspected, was removed and then returned. Received another complaint and spoke with owner Wayne King 419-349-4873, and advised him to remove it. Monitoring this property. It was removed upon the last inspection.
Klawitter, Raymond	11025 Shepler St	Front/rear	Junk & debris	Monitoring property.
Namdar DG Realty	6711 Gilead St	All	Vegetation, debris	Inspected, Notice sent.
Pennell, Gary	10125 Waterville Swanton	All	Property condition	Re-Inspected, no apparent violation observed. Monitoring property.
Providence Partnership LLC	10650 Waterville Street	All	Junk & Debris, trailers	Notice sent. Spoke with owner 419-351-5624 and tenant 419-360-7621. Progress is being made.
White, Gaye	10820 Waterville St	Rear	Piles of debris/items	Re-inspected and spoke with owner 419-601-0187. They have removed some pallets and are working on the rest of the items.
White, Megan	6022 Christopher Dr	Front	Complaint about parking	Re-inspected. Spoke with neighbor and explained that there is not a violation present on the property.
REFERRED TO PROSECUTOR				
Siebert, Mark	11164 Temperance	Side, rear	Junk, Debris, Insecure structure	Re-inspected. No current violation, but monitoring closely.
Wittes, John	10803 Waterville St	Rear	Junk and Debris	Notice sent. Spoke with Mr. Wittes 419-205-6107 and he is continuing to work on it.