

**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 Riggensch, 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 Riggensch commented on a small correction needed to the February 20<sup>th</sup>, 2024 Council Meeting Minutes under Citizen Comments.

Motion by Councilman Riggensch, seconded by Councilwoman Tuohy to approve the minutes of the February 20<sup>th</sup>, 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 29<sup>th</sup>, 2024 and the Addendum bills totaling \$98,525.83 dated March 5<sup>th</sup>, 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 10<sup>th</sup>-13<sup>th</sup>, 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 Riggensch, seconded by Yunker to approve the request for the Kids Fitness Camp to be held in the Village Park from June 10<sup>th</sup>-13<sup>th</sup>, 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 19<sup>th</sup>, 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 22<sup>nd</sup>, 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 7<sup>th</sup>, 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 19<sup>th</sup> council meeting regarding the Family and Child Abuse Prevention Center.

Mayor Bingham and Council President Artiaga attended the Waterville council meeting on February 26<sup>th</sup>. 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 28<sup>th</sup>. May 2<sup>nd</sup> is now the date for the “stations day” at Village Hall where they will be looking for some help. May 7<sup>th</sup> 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 16<sup>th</sup>. 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 Riggensbach along with some admin staff met with the Whitehouse Valley residents just prior to this meeting. Councilman Riggensbach reports that it was a good meeting, educational for all and there was a good turnout. Riggensbach shared that the Mayor did a good job laying out different solutions: Village of Whitehouse solution or doing it ‘ourselves’ as Whitehouse Valley. Riggensbach 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. Riggensbach 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. Riggensbach 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 Riggensbach 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 8<sup>th</sup> 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 1<sup>st</sup>, 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 19<sup>th</sup> 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 Riggerbach, seconded by Councilwoman Tuohy to adjourn the meeting at 7:43pm. 5 ayes

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Duly Appointed Clerk of Council

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Mayor