

**Village of Whitehouse
Village Council Meeting As A
Committee of the Whole
Village Hall, Whitehouse, OH
6:30pm April 9th, 2024**

CALL TO ORDER – ROLL CALL

Meeting called to order at 6:30pm by President of Council Louann Artiaga.

Council Members Present: Dave Riegenbach (joined meeting at 6:38pm), Carrie Tuohy, Steve Fine, Steve Connelly, Larry Yunker and President of Council Louann Artiaga

Council Members Absent: None

Staff Present: Administrator Jordan Daugherty, Deputy Administrator Joshua Hartbarger, Director of Public Services Steve Pilcher, Clerk Nicole Hartbarger, Kevin Heban, Solicitor

Guests Present: Rob Casaletta, Karen Gerhardinger, Dennis DeWeerd, Gary Turski, Jill Gundy

Motion by Councilman Steve Connelly, seconded by Councilman Steve Fine to approve the minutes of the March 12th, 2024 and March 19th, 2024 Committee of the Whole meetings. 5 ayes

CITIZEN COMMENTS ON COMMITTEE OF THE WHOLE AGENDA ITEMS

Council President Louann Artiaga asked if there were any citizen comments to be made regarding the agenda items. There were none.

FINANCE

Review of Health Insurance Proposals with Recommending Action

Administrator Daugherty began by introducing Ben Otley, who he has been working with for 18 years on the Village insurance renewals. Daugherty stated that Otley has helped Whitehouse on the consulting side with benefits/personnel insurances for many years - he has institutional knowledge of Whitehouse and the industry itself. Administrator Daugherty shared that administration has been expecting double digit increases over the last five years or so, but with one exception, it has been significantly below that every year. He says that this speaks to Otley and his team on their ability to renegotiate.

Otley shared that he is with Risk Strategies First Insurance Group out of Bowling Green, OH and has been working with the Village since the late 90's. He shared that the majority of that time the Village has been insured by Paramount. Otley states that recently Medical Mutual has entered into an agreement to purchase Paramount Health Care – currently neither side can speak to any changes until confirmed or after May 1st - but they have stated they will honor the rates that have already been negotiated at this time. Otley shared that review meetings started back in January with Administrator Daugherty, Deputy Administrator Hartbarger, and Jill Gundy. He said the focus is to review the eligibility list, make sure all is

in order, and they have to complete a process called 'form fire' for small groups (under 100). Bids go out to numerous players in the market that would make sense for Village of Whitehouse coverage – carriers return rates back and then they enter the review process. Otley shared that as a practice, his office does not share competitive rates of bids that came back with others/competitors. He did state that Paramount was initially requesting an increase of almost 17%, Otley's team reviewed marketplace competitive data before going back to the provider and then Paramount came back with offer of 7% increase renewal. Otley shared that dental and vision moved to Paramount Dental – both are under rate guarantee so no increase there. Paramount Dental is not being sold to Medical Mutual. Life insurance is currently with Mutual of Omaha and under contract until 2025.

There were no questions from Council members. Administrator Daugherty reminded Council members that it is a May 1st renewal, so this process is always short notice needing quick recommendations.

Motion by Councilwoman Tuohy, seconded by Councilman Yunker to recommend to Council approval of the proposed Paramount benefits/insurance coverage. 6 ayes

GENERAL

Review of Charter Commission Proposed Changes to Whitehouse Charter

Rob Casaletta, member of the Charter Review Commission started out the conversation stating that the commission members have been doing a very deep dive on the current charter and Solicitor Heban has been a great help. They have spent over 5 hours so far together going through together making suggested changes, on top of time spent at home getting familiar with the charter initially. He said that some items are quite old and antiquated; the goal is to streamline the charter – he feels the suggested changes have made it better and more concise.

Councilman Yunker shared that when document was gone through, it started at about 26 pages long. He shared that the commission members discussed what they expect Council to do; the concern was if this is an all or nothing proposal - and he confirms that, no it is not. Members of Council can approve and disapprove changes as they see fit. Yunker commented that the next question is how to best present to the voters – do all at once or put through as individual changes; he says that this must be decided going forward.

Councilwoman Artiaga suggests going through the updated charter document page by page and get questions answered as the group needs to. The following comments and questions were brought up during the discussion:

- Page 5: No changes were made to the original charter – no questions.
- Page 6: No changes were made to the original charter per Councilman Yunker. Councilman Fine asked for clarification on what 'officer' is in this context. Solicitor Heban said it means a representative of the Village, but it depends on specific context of question or situation. Fine also mentioned in section 2.02 the word 'handicap' is used and asked can this be changed to the word 'disability'. All council members agree.

- Page 7: Councilman Fine asked in section 3.01 can the date of 1994 be removed. All in agreement to strike this sentence. Fine also shared concern within the ‘qualifications’ section, the second paragraph, if a member becomes ‘unqualified’, moves out of Village during their term for example – Council can go back and void any action made by that person during their active terms. Councilman Yunker commented that Council would have to determine at what point does that person become ‘unqualified’. Rob Casaletta commented that it is worded as an ‘option’, not something that will happen automatically. Councilman Fine suggests he would like to put something in where it is limited to the period only where they became ineligible – he is worried about previous contracts or employment agreements. Solicitor Heban commented that it would have to take the majority of Council voting to go back to a large period of time as Councilman Yunker had mentioned. Councilman Fine shares that he is concerned that future Council could take this and use it as an option to undo a lot of previously done business. Councilman Yunker commented that in the real world/real Council business it does not feel as easy to do as it reads with undoing contracts, etc. and it would put the Village at risk of lawsuit from vendors or employees. Councilwoman Artiaga confirms that all are ok with updates after the discussion. Yes from all.
- Page 8: Councilman Yunker states that the President of Council comments are the only change – all members in agreement.
- Page 9: Councilman Yunker comments that they are striking out the language on how the Village is required to post notices for public meetings. He suggests that it will make things more flexible, and Council can post notices for meetings anywhere Council sees fit, including online. The old language specified posting of physical copies around town – forms of communication have been greatly updated since this last language was developed. Rob Casaletta commented that a lot of clean up was done to catch this up to current times as it is over 30 years old.
- Page 10: No questions from Council. Change is removing where full title had to be read each time for resolutions and ordinances. Councilman Yunker suggests we need to make sure these titles of resolutions and ordinances and descriptions of what they are should be readily available for the public if we are only going to read by title only during the meetings.
- Page 11: No comments or questions from council members.
- Page 12: No comments or questions from council members.
- Page 13: Councilman Fine commented in section 4.05, very minor, there is a typo. Fine also asked for confirmation on the wording on vacancy on council topic. Solicitor Heban shared that the idea is that the person who is acting mayor, their position will continue to be a vacancy/open seat. Councilman Yunker comments that the seat could be filled while the council member is acting mayor but that feels like a penalty to that person who filled the Mayor vacancy temporarily; the updated wording suggest that the Councilperson sits as acting Mayor only until position gets filled then can return to unexpired term on Council. Councilwoman Artiaga comments on the issue of President of Council stepping up as acting mayor, do they still hold President of Council title – she does not think they should as it is too much power; thinks they should have to elect new President of Council at that time. Solicitor Heban suggests letting the Charter Review Commission members redraft this wording and provide back – removing ability, when President of Council moves

to acting Mayor, to be able to vote as Council. Councilwoman Artiaga agrees on rewriting. Administrator Daugherty commented that in thinking about the future, practice of President of Council has been only recently expanded, in last 5 years or so – now there is an opportunity to think of president of council as ‘vice mayor’ and whatever language is included, President of Council is a nominated/voted position and they know what they are possibly getting into. Councilwoman Artiaga confirms that yes, President of Council accepts the responsibilities and consequences of accepting the nomination. Councilman Riggerbach comments that he doesn’t like the consequences, that massive of one, and there is something to be said about a time frame to add to the wording.

- Page 14: Several council members bring up concerns with section 5.01.
 - Rob Casaletta commented that the prior Council approved the employee/staff flow chart and he feels the Administrator shouldn’t have to report to 7 individual people. Councilwoman Artiaga commented that Council is a body as one, not six individual members. Solicitor Heban commented that is a reasonable argument, but it does still open up for two separate directives to the Administrator, one from Council one from Mayor.
 - Councilwoman Tuohy commented that Whitehouse had a ‘fundamental fail’ of our system recently because the Mayor didn’t get along with the Administrator and if Council wasn’t here to help with that last year what would have happened. Solicitor Heban commented that he does not know an answer to that comment, this is a politics discussion. Tuohy commented that there is a reason why council is here. Heban shared that Council’s job is to legislate – he has seen in practice where Council infringes on job of Administration as opposed to what Council has responsibility for – there is possible risk to both sides.
 - Councilman Connelly commented that in his experience this dynamic, Administrator reporting to both Mayor and Council, was affective and not a negative – where the body of Council was able to guide actions – he does not see harm in leaving language as it was. Administrator Daugherty commented that in past Council members as individuals have intervened in administrative matters, even prior to himself holding this position – as Heban mentioned, it happens on both sides.
 - Councilwoman Artiaga asks to confirm there was somewhere in the charter with checks and balances where Council can take action to address issues, and that would cover Council if this language was updated as suggested. Administrator Daugherty confirms that checks and balances exist and have to do with Council’s role as it relates to the Mayor.
 - Administrator Daugherty comments that he is sensitive to his name being used in this, and has zero personal issues with Mayor, previous Mayor, Councils, etc. – this is something that has affected previous Administrators as well – having bureaucratic lines is best, sometimes they get blurred and it gets hard.
 - Councilwoman Artiaga comments that they have to be specific that they are making these changes for the position itself, not individual people.
 - Councilman Connelly asks for confirmation to understand the comment ‘position is responsible to the Mayor’ and then under section 5.05 it says

Mayor and Council – he is not clear what we gain by removing ‘and Council’ from the Administrator reporting. Rob Casaletta comments that the Administrator position is administrative, and Council is legislative, trying to separate that as it says ‘directly’ responsible.

- Solicitor Heban suggests that the Commission give Council back an updated version, we can leave it in for now and give back. He comments that ultimately the decision is do we put the whole charter update to vote or just certain sections – he did confirm that it does allow summary to be given to voters versus the whole 20 page document.
- Councilman Fine asks is there a way to balance this, maybe Administrator not directly responsible to Council but there is enough checks and balances in place for Council to influence as needed.
- Councilwoman Artiaga commented that if we leave in, there is some conflict with other sections. Councilman Riggenbach stated that it should be either all in or all out throughout all sections. Administrator Daugherty confirms his agreement – Administration brought the fact that there is some conflict within the charter some years ago.
- Councilwoman Artiaga asks what is the deadline to pass this for getting on the ballot. Solicitor Heban confirms that it has to be to the Board of Elections by August 1st. Artiaga asks Administrator Daugherty to put this topic on the May Committee of the Whole meeting as well.
- Page 15: There were a few comments on some conflicting information between the sections on this page and others – will be reviewed.
- Page 16: The only change was wording around the Tax Administrator; all Council members in agreement.
- Page 17: Councilman Riggenbach comments that this looks the same for next several sections. Solicitor Heban confirms yes the same changes were made to the next several pages, he asks Council to remember that the charter is controlled by electorate, Council only changes ordinances and resolutions – the goal is updating these sections to make more general, which allows Council to update themselves including creating job descriptions under ordinances. It gives a lot more flexibility in these director and chief positions. All Council members in agreement.
- Page 18: Police Department, same as previous page. All Council members in agreement.
- Page 19: Fire Department, same as previous pages. All Council members in agreement.
 - Councilman Yunker comments that striking section 10.04 would preclude any volunteer fire fighter from holding any elected position as a Council member, commission member, etc. He goes on to explain financial effects on the Village of having more paid full time and part time employees versus the use of volunteers – feels it is important to focus keep on continuing to utilize volunteers – he states it will help keep payroll down. Yunker shares history with Council members of Whitehouse individuals who were able to serve as both volunteer fire fighters and elected officials.
 - Rob Casaletta agrees he was against taking this section out – confirming with Solicitor Heban that there is a state rule where someone who takes money, even as a volunteer, is considered a village employee.

- Councilwoman Artiaga shared that her issue with this is that times have changed, does not agree that someone who is a paid fire fighter, volunteer or otherwise, should be allowed to sit on council – she feels it can certainly skew voting when it comes to fire department topics.
- Councilman Connelly agrees with Yunker, does not think this section should be removed.
- Solicitor Heban commented that we do have to be careful with the word ‘volunteer’ as the person still does get paid.
- Councilman Yunker thinks that having someone as a volunteer fire fighter could bring a new perspective to the Council as a day to day involved person from the Fire Department. Solicitor Heban comments that this informative responsibility should be from the Fire Chief – there is the possibility of negative influence. Deputy Administrator Hartbarger commented that it can lead to challenges where that person sitting on Council can influence the rest of Council if they are in disagreement with the Fire Chief on something.
- Councilwoman Artiaga comments to let Charter Review Commission review this topic again.
- Councilwoman Tuohy comments that Ohio Ethics Board states that if you are on Council you are not allowed to serve in a volunteer fire fighter capacity.
- Page 20: Same as previous department heads updates, all of Council in agreement.
- Page 21: Councilwoman Artiaga commented the need for an update for Fire Dependency Board comments. Councilman Riegenbach brings up Planning Commission 12.08 section, asks if he should be allowed be on the Planning Commission based on the wording here. Administrator Daugherty comments that Riegenbach is not a voting member of the Commission but a special advisor on Planning Commission, but will double check with the Solicitor for confirmation.
- Page 22: No questions from Council members.
- Page 23: Councilman Fine comments that the last sentence should be updated.
- Page 24: Councilwoman Artiaga comments that the updates here in section 13.03 eliminates the need for a voting primary; can have unlimited number of people running for positions. Solicitor Heban comments that the Village can keep primary if decided to do so but would need to move the application date to earlier in the year.
- Page 25: Councilman Fine comments that there are a few typos.
- Page 26: Councilman Fine comments that there are a few typos.
- Page 27: Councilman Fine comments that there are a few typos.

Councilwoman Artiaga suggests a five-minute break before continuing meeting, quick recess.

Councilwoman Artiaga shares a thank you to all for comments and thoughtful input on the charter review topics – she states the differences of opinions are absolutely needed in a process like this.

FINANCE

Review of Recommendation to Purchase a Backhoe/Tractor through State Purchasing
Public Works Director Steve Pilcher shared that in past years the Village has had some funds made available, and they are required to spend these funds by the end of this year. He

comments that the memo provided covers what the Village can purchase now that would be a future expense and alleviate that expense in the future. The idea that came up with is a backhoe – there is a co-op purchasing program, this is a cheaper option and what Pilcher recommends.

The following comments and questions were brought up during Council discussion of the topic:

- Councilwoman Artiaga asks how much is in the fund. Administrator Daugherty comments that funds have been available for about three years, the Village has spent \$600-700k already within safety services toward things that would have been general fund expenses. He comments that we have held off on the backhoe for a few years now; there is about \$200k left currently, he says it is time to purchase this and use these funds.
- Councilman Riegenbach asks we would have approximately \$60k left over. Administrator Daugherty confirms, yes, looking to spend on priority stuff or on general fund expenses to get it spent.
- Councilman Yunker asks what happens to the existing backhoe. Pilcher states that it will stay in service for a while until no longer useful; trade in value is not worth sending in, will look at possibly selling outright in the future. Yunker comments that the cemetery district had mentioned needing a backhoe.
- Councilman Fine asks why CAT better than Case option. Pilcher comments they are comparable but the CAT was the better decision at this time.

Motion by Councilman Riegenbach, seconded by Councilwoman Tuohy to recommend purchase of CAT backhoe/tractor to Council. 6 ayes

Review of Proposal to Evaluate Condition of Whitehouse Valley Detention Pond (For the Purpose of Determining Engineering Costs)

Public Services Director Steve Pilcher shares that he was contacted by Solicitor Heban to figure out what would be required to bring the pond up to code and in better condition. Pilcher commented it does require an engineering estimate; they have to start with an evaluation of the pond itself so the Village can, if necessary, go out to bid. Pilcher shares that the provided memo is broken down into tasks – receiving this review/estimate would cost \$9-13k; council would have to agree to put the funds out there or go down the path of a tax assessment on the household's in the subdivision.

The following comments and questions were brought up during Council discussion of the topic:

- Councilman Riegenbach asks for confirmation that the \$9-13k is just to evaluate the pond. Pilcher confirms yes, to evaluate current condition, evaluate against newer standards, etc.; we must get answers to know where to start. Councilwoman Artiaga asks what if Council does nothing. Pilcher confirms it would leave it to homeowners to work out with their HOA and move forward.
- Councilman Riegenbach asks are these just beginning costs. Pilcher says yes, this is just the beginning in order to write up a bid for processing. Councilwoman Tuohy comments this is \$140 per household just to get evaluated. Councilman Fine comments that even if Village didn't do this, the HOA would still be responsible for

a number of these activities to maintain. Pilcher confirms yes, they would want to have the evaluation in order to know what the issue actually is and be able to maintain it going forward.

- Councilman Connelly commented that when this topic was first discussed, the Village was somewhat hands off, and now seems to be pulled into the process more than expected. Councilman Riggenbach comments he would only ever approve action, even on evaluation, if the Village were going down the path off tax assessment to get reimbursed. He reminded Council that the spirit of this request is based on a handful of volunteers in the neighborhood who are putting together a proposal of what the HOA can do themselves versus what the Village would assess on taxes – the neighborhood would then have to decide on their choice.
- Councilwoman Artiaga comments there is no HOA today, how long would it take to form. Consensus is this could take a while to form the HOA. Councilman Riggenbach comments that the deeds do say all homeowners are responsible for upkeep of pond – but there is no punishment for not doing so with there being no HOA.
- Whitehouse Valley home owner, Dennis DeWeerd commented that developers did not file with the county deed restrictions for Plat 2; Plat 3 was written slightly different than Plat 1, and Plat 4 developer in deed restrictions said that he is going to hand over duties, rights, responsibilities to the HOA – from 2004-2019 the neighborhood did not start an HOA - developer signed over to HOA that really didn't exist. He commented that the pond was maintained by all developers until 2019. He stated that the pond itself, on the tax records with auditor, still has the last developer's name on the pond and land around the pond as the owner – he handed over responsibility to an entity that truly didn't exist.
- Pilcher commented that the Plat maps indicate that all households are responsible for maintaining the pond. Pilcher also provided process for tax assessment that came from Solicitor Heban with the many steps spelled out.
- DeWeerd commented that at some point in time they are looking to present cost to homeowners and options of fixing the pond. He comments is it just water quality, or is it including soil erosions, etc.; this gives homeowners a way to make an informed decision.
- Councilwoman Artiaga asked are we under time restrictions. Pilcher comments that the tax assessment process itself could be quite lengthy, maybe even over a year.
- DeWeerd said the neighborhood volunteers took some time to come up with electrical aspect of costs, electrical to run fountain to aerate – trying to minimize stagnant water – one homeowner has connected these to their own home electrical.
- Councilwoman Artiaga asks Pilcher what his recommendation is. Pilcher says first get information to owners for cost on study, possibly have to spend the funds and hope to get it recouped – but could take at a minimum 12 months to get the tax assessment dollars back. Artiaga asks what is the likelihood of collecting the \$140 per household directly versus it being an assessment. DeWeerd comments it is unlikely; the letter they are sending this week is for amount of money that it would cost for someone to come out and treat it, along with the electrical cost, would be \$33 per house and it feels unlikely to get even this. He is asking for a letter from Village that shows how much cost would be just for assessment, to compare to the \$33 HOA would charge.

- Councilwoman Artiaga comments that she would like to table this topic and see how the response is to the neighborhood letter going out – would like to review again at May Committee of the Whole meeting.

Councilwoman Artiaga commented that she received a phone call from a resident on Julianna Lane, with concern of a possible clog in storm drain. Pilcher said he did talk with this resident and all is resolved.

Councilwoman Artiaga asks Administrator Daugherty how full is Council agenda for next week. Daugherty comments there are several items, mostly action based. Artiaga is requesting a Committee of the Whole meeting be set up for next week after the Council meeting to discuss the survey topic only.

CITIZEN COMMENTS

Council President Artiaga asked if there were any general citizen comments to be made.

Gary Turski – Whitehouse Valley: he commented that the Mayor agreed during last meeting that a letter would be sent out from Village, and is wondering if that is going to happen. Councilman Riegenbach asks Pilcher if we can send memo that was drafted for this meeting to the Whitehouse Valley residents – it was confirmed that it can be provided, Riegenbach will provide as he already has electronic copy. Administrator Daugherty commented that the key is it is \$9-13k for just the evaluation, need to get the mass to understand this number is just the beginning.

OTHER BUSINESS

Council President Artiaga asked for comments on other business from all Committee of the Whole members.

Councilman Connelly gives his thanks for Administrator Daugherty and Deputy Administrator Hartbarger for their decision on cancelling the last council meeting due to the threat of severe weather. He agreed that the safety of Council and staff is always most important.

Councilwoman Tuohy shared her kudos to Deputy Administrator Hartbarger and staff, especially Mark Schriefer, for pulling together the Eclipse Day celebration on the Monday before this meeting. She said it was well put together and enjoyed being there.

Councilman Riegenbach shared his apologies on his late arrival for today's meeting.

ADJOURNMENT

Motion by Councilwoman Tuohy, seconded by Councilman Connelly to adjourn the meeting at 9:30pm. 6 ayes

Respectfully submitted by Nicole Hartbarger, Clerk of Council