

**Village of Whitehouse
Village Council Meeting As A
Committee of the Whole
Village Hall, Whitehouse, OH
6:30pm May 14th, 2024**

CALL TO ORDER – ROLL CALL

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

Council Members Present: Dave Riggenbach, 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, Clerk Nicole Hartbarger, Mayor Rich Bingham, Public Works Director Steve Pilcher, Solicitor Kevin Heban

Guests Present: Dennis DeWerd

Motion by Councilman Dave Riggenbach, seconded by Councilman Steve Fine to approve the minutes of the April 16th, 2024, Committee of the Whole meeting. 6 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.

GENERAL

Continued Review of Charter Commission Proposed Changes to Whitehouse Charter
Councilwoman Artiaga started the discussion reminding all that at the previous Committee of the Whole meeting the group went page by page to review the changes that were proposed by the Commission. The group narrowed the remaining discussion down to a few issues.

Councilman Yunker reminds all that there was discussion about sending charter back to the Review Committee in order to handle some issues that came up from previous discussion. He comments that the Review Committee has not yet met since the last Committee of the Whole to review. Councilman Connelly comments that he would like to have the Committee review the issues/changes that were brought during last discussion prior to more discussion with the Committee of the Whole (COW); wait until it is fully updated again before more review. Councilman Fine commented that the COW is asking the Charter Review Committee to look at specific issues but there were others that COW needed to have more discussion on. He asks can we make progress on these other issues including primary voting and election process.

Solicitor Heban reminds all that what was presented first, right out of Commission review, are the Commission recommendations. He says with sending it back to Charter Commission, he's not sure how/why they would change their minds on the already suggested items. Councilwoman Artiaga states that the ask back to the Charter Commission was to make sure

things were cohesive through the document. Fine confirmed that per Rob Casaletta there were some possible nuances that could be cleared up.

Artiaga asks does it make sense to send back to Charter Review Committee without saying what specifically needs to be changed and updated; probably need to send with suggestions on how it should be. She comments if we are going to disagree with something, we have to tell them what we think it should actually be. It is suggested to go through the few items that COW needed to make updated suggestions back to the Charter Review Commission.

- Primary Elections:
 - Fine comments that it is very unlikely that it happens often to need a primary, but suggests we definitely do need to update the date of information due to Lucas County Board of Elections (BOE).
 - Riegenbach comments that he would be in favor of keeping the primary vote requirements; do not want to allow someone to be voted in with 125 votes if 10 people end up running. But agrees we do need to align dates for BOE.
 - Fine comments with a primary, that gives citizens a chance to vote on all candidates who run, before the candidate field is cut down; all citizens get a voice on each candidate.
 - Riegenbach comments that cost should be a part of the decision-making process, but believes cost is justified if we have to go through a similar process to the recent November 2023 election. Estimated cost of a primary is \$17-20k. He comments that the expectation is that it is not going to be a consistent cost year over year, just as needed.
 - Artiaga asks if we move deadlines up to coincide with other nearby locations, what does that move the primary to. Solicitor Heban states he would have to follow up with the BOE. Mayor Bingham thinks elections in September and petitions due in May/June time frame.
 - Yunker comments that he would hate to have us spend money on Primary's but does understand the concerns that have been brought up. He states someone could try to game the system and flood the ballot with names to garner own votes, keeping the primary helps avoid that. He says he can support keeping for that reason. Connelly agrees with others and the reasons for keeping the Primary.
 - Solicitor Heban asks for confirmation on when petitions should be due to BOE. He says we don't know exact dates for sure but says we do need 45 days prior to election day – BOE would want as early as possible. Bingham comments that at least 60 days is safe, prior to the primary. September time frame would be May/June petition requirement. Heban agrees he feels 60 days would be safest. Riegenbach shares example of November 6, 60 days prior to that is Primary, then 45 days before that to mail out ballots. Artiaga asks Karen Gerhardinger about Waterville; she says their filing date is in February.
 - Fine suggests to ask BOE latest date for Primary and then back into due dates along with asking neighboring communities what date their primary is to align if possible.
- Mayor incapacitated, President of Council as acting Mayor:
 - Artiaga suggests she still not sure if reading/understanding correctly.

- Heban suggests he wasn't exactly sure what Council was trying to accomplish, if Council member becomes acting mayor give them chance to go back to their council spot prior to having to run for mayor only. Tuohy comments that it says you have a certain time to be mayor, and then have the choice to take your council seat back or run mayor – do not have to give up entirely your council seat; allows for the forfeit of acting mayor.
- Riggerbach confirms so we can set that time frame. Heban confirms, yes. Yunker comments he is not seeing a time frame specified, it is open with no time limit and is still given the option.
- Riggerbach suggests an example; if Artiaga takes over as acting mayor in July. If Artiaga doesn't want to stay mayor, do we have a special election in 2025 to elect mayor. Heban comments that no, that position would be open at next general election, so every 2 years, 2026 in this case. Riggerbach asks are we required to have a mayor and not 6 council people. It is comments that we do need a mayor, contracts to sign, etc.; can appoint vacant council position.
- Artiaga asks do we want to attach a time table. All in agreement to keep open with no time frame.
- Volunteers (Fire) as Council members:
 - Yunker confirms to all that this is not just for council positions, but any elected or appointed position including tree commission, planning, etc.
 - Fine commented that it was interesting to find out last time this was discussed that volunteers are paid. He shares he greatly values them but has an issue with those who are paid to be on council directing budgets. He thinks it would make sense to allow on appointed commission positions.
 - Tuohy comments that the Ohio ethics guidelines says it is just for financial positions.
 - Yunker comments you can take away volunteer pay, if they are on council you can take away the volunteer pay for that person. Fine comments that we wouldn't want public works employee to be on council for example; paid employees. Artiaga comments we've used term volunteer for fire department, however, are we using two terms for same position volunteer and employee in this case. Heban confirms that, yes we do, they are essentially the same, they are "volunteers" but getting paid like any other employee. It is asked would we allow any other employee to be 'not paid' to take on any other position such as council. Heban says no we wouldn't want to violate federal law.
 - Tuohy shares she doesn't think we can remove this because they get paid as volunteers, worry about the ethics. She agrees that do not think it should stop them from being on a commission for appointed position, doing things for community without getting paid.
 - Heban comments the idea is to protect the public, they want residents to make decisions who are not part of village employment of any sort, even on the commissions and boards. He says if employed by Village you cannot be appointed to BZA or planning commission, etc. so that includes volunteer fire fighter as they do get paid.
 - Tuohy comments the Ohio ethics guidance says if you receive financial gain from the village, you can't have dual purpose; she says this charter is

preparing us to not be a village. Yunker comments, no this isn't. The next charter revision, when we become a city, will be revisions to include current issues, this not looking forward to city status.

- Riggensbach asks if you replace the word volunteer with the word employee would we be having this conversation. Both Artiaga and Tuohy agree that no we wouldn't. Riggensbach says he totally agrees with the perspective of paid positions not being on Council, do not see the way around it. Yunker comments this isn't a matter of opening the door, it is a matter of closing it.
 - Connelly asks what are we liable to, what would trigger this to be a disaster situation. Tuohy comments this could open us up to lawsuit; if someone is upset on fire dept about something – could be bias issues, do not want employees making decisions for residents. Connelly says to him that answers the question, volunteer is employee in that sense, can't hold another office.
 - Riggensbach comments that we do not want to discourage volunteerism but this is a bigger decision. Both Riggensbach and Tuohy comment it is a really tough situation.
 - Artiaga confirms the consensus is to remove this section from the charter and not allow volunteer (paid) fire fighters to hold council positions.
- Administrator reporting to Mayor or Council:
 - Fine comments that the Administrator will always report to Mayor, but we are clarifying if he should also report to council.
 - Riggensbach asks for confirmation; in the last year, council, mayor and administrator agreed to new contract for Administrator, under current article 5 of who the Administrator is scheduled to report to which is Mayor and Council. He asks out of that agreement was this already in the works for changing of charter language here. The answer is no. He asks does this affect that contract that is agreed to already. Riggensbach comments there is a change in responsibility, what does that mean for the charter and the contract. Heban comments that the contract would have to be amended as it was prepared based on the current charter. He says if Council chooses to change this, to Mayor only, yes it would change the contract.
 - Connelly comments he is looking for consistency one way or the other. Including updating contract for current responsibilities not just reporting structure.
 - Riggensbach asks if we go path of Mayor only, does that mean every time there is a new Mayor this new Mayor is allowed to change performance expectations and requirements of admin. Heban comments no, that should be set forth by contract that was previously created with the Administrator. He says Mayor can have new priorities and can adapt to those, and the same thing is true with Council.
 - Fine comments he feels it is hard to have two bosses especially on day to day activities. He asks about checks and balances. Can admin report to Mayor for one clear boss but Council still has significant input to address concerns. Connelly says this is plausible; he thinks it would be in Council's best interest to have an executive session to figure out what it would look like since it is a matter of personnel. Heban asks if talking about Administrator position specifically. He says yes we can do an executive session for that.

- Artiaga comments we already have checks and balances; can the Mayor really do anything drastic without Council having input. Fine comments the Mayor can hire/fire whoever they want i.e. all police officers – would suggest taking that part out; take away that power. He says other legislative bodies have power to request information – suggest to add this where Council as a whole can request and receive information as a body.
- Connelly comments regardless of who the position is reporting to, need to understand what the position should look like and how it operates, what needs to be cleared up that is unclear today. He does not think it is a thumbs down today, but would like to have conversation.
- Artiaga asks does it need to be included in the charter or can it be set as guidelines/benchmarks in there. Heban states what Council can do is put in the charter and that those responsibilities will be established through municipal code, would make it much more flexible for going forward.
- Artiaga asks how full is agenda for next month's COW? Administrator Daugherty says nothing too heavy, but there are a few items. Artiaga asks can we add this topic, administrator reporting/responsibilities to agenda.
- Tuohy feels they are at an impasse of removing; she says Council is being added for past behaviors and being removed for past behaviors and the past "fundamental fail". Connelly suggests having that executive session would be a good way to have an open conversation on details and recommendation on why one way or the other; he says there is a middle point that we can get to for decision.
- Other Charter review comments
 - Connelly states 8.01 director of public service, some language issues 'may be appointed' or 'shall be appointed' legally different terms, need to be made consistent.
 - Artiaga asks for a redo and clean up from start to finish; clean up entirely so we can go through one final time.
 - Daugherty confirms for next COW in June, want same agenda item. Artiaga says yes, for final review
 - Artiaga says thank you to all for time and efforts. Feels meticulous but sitting here with 5 people who the Village should feel very comfortable sitting here making decisions on making this the best charter possible.
 - Fine comments no matter what is decided with Administrator position, would like to still suggest to remove the ability for Mayor to hire/fire at will. He says there are good HR processes in place, Mayor does not need this power. Tuohy agrees and comments we have personnel committee too to help with any issues. Riggenbach agrees and sees a concern with someone coming in and cleaning house. Artiaga says we will continue discussion on that at next COW as well.

Open Discussion on Possible Sidewalk Plan for Weckerly Road

Public Works Director Pilcher shares that he was approached by Administrator Daugherty and Councilman Connelly regarding pedestrian traffic on Weckerly Rd. The ask was can there be sidewalk access from Whitehouse Valley to Finzel Rd. Pilcher did a review of the area, and shares there are a lot of areas that are 'special' as far as elevations and drainage go, along with the area crossing from Whitehouse to Waterville Twp and back. Proposed

recommendation for going forward: first step is proposing plans to be developed. Next would be to review these plans then go into possible project discussion and if it would make sense for the project to be over several years or one large project. Pilcher shares there are possible grants that could be funded toward pedestrian traffic, and having plans developed will help with getting these funding possibilities. Pilcher comments he is looking to get plans developed and then discuss phasing, while looking for funding in the meantime.

Council comments and discussion:

- Artiaga asks if it would be sidewalks or would it be a large path. Pilcher comments it could be a combination of both sidewalk and pedestrian travel path.
- Artiaga asks how much of the area is Waterville Twp. Pilcher shares that Whitehouse Valley to Claystone is Waterville Twp.
- Riggerbach asks does it need to go all the way to Finzel or could it stop at Cemetery Road. Pilcher says they could definitely consider that. Riggerbach comments that he is a big supporter of this project in general; All other council members agree.

Administrator Daugherty comments to align expectations, we need something to be formalized as a recommendation. He shares this gives direction to get an engineering estimate. After the engineering estimate we will be looking at phasing, engineering costs and then actual capital. Daugherty comments as soon as engineer plans are done, we then score much higher on grant opportunities – lots of federal funds out there for safe routes to schools.

Motion by Councilman Connelly, seconded by Councilman Riggerbach to recommend to council to go forward with obtaining engineering plans for pedestrian traffic project on the 5-year capital plan. 6 ayes

FINANCE

Open Discussion on Use of Community Support Funds

Artiaga starts the discussion commenting that there have been talks in the past on setting limits on requests for donations that come in. It is confirmed there is \$7,500 set aside to use for this community support funds budget. It is confirmed that actual money used so far out of this budget is \$500, but there has also been non-monetary as well for ‘in-kind’ i.e. fee waiving. Fine asks does this count against the \$7,500; Daugherty confirms it does not within the financial statements. Daugherty says even though ‘in kind’ usage is not on financial statements, it is still a cost impact. Yunker comments if we are waiving fees we should know about it, as it is still costing the village; he feels this is good to keep tracking as we are.

Artiaga asks how we want this to look moving forward. Yunker comments we can learn from this when it comes to budgeting time to look at the recurring waived fees and make them a separate line item in the budget i.e. costs going into Cherry Fest that are not reimbursed, big items over \$1k or so. Artiaga are we looking at these in kind donations as part of our community support budget; if so we are already at the full budget. Daugherty comments that in kind vs direct cost has come up in the past and have been asked to start tracking these. Request in the past has been to make sure we are calculating all of this on over 25 events. Riggerbach asks when we charge these fees is it typically for police or fire, and does that revenue go back to their budgets. Daugherty confirms that no, we can’t mechanically do that; general fund is an umbrella, comes in as revenue, and gets spread back out over all funds. He shares that funds/revenues can be earmarked but not put directly back into a budget. Fine asks do we want a separate line item for in kind. Priorities/guidelines do

we want to set that. Artiaga comments we can resurrect that topic for future discussions at COW.

Requested Continued Discussion on Whitehouse Valley Detention Pond

Riggenbach shares that the previously discussed letters went out. From his perspective as Whitehouse Valley neighborhood member, it was very well accepted and surprisingly well received – in the 85% range of houses who paid directly or covered another houses requested fees. He comments that all funds needed to cover the current issue were met with a slight surplus. He looks forward to seeing how we can use this success to build a more sustainable impact going forward.

Dennis DeWerd from Whitehouse Valley asked did council receive copy of letter that was sent; he can share with all. He shared this letter was informative and more detailed than the previous year, broke out exact wattage of motors/pumps that are being used – broken down by day for several months. He confirmed there was a very good response, 18 of the 95 people did not see fit to give the \$33 for this year. He did comment that others in the subdivision contributed more than requested which helped cover the full requested amount. DeWerd shared that they paid out bills, and did end up giving money back to those who far exceeded in giving more than they needed to. He commented he would like to sit and talk with Solicitor Heban and Administrative staff if back next year, what are the legalities/codes/laws that we have to go by with this process of assessing tax. He's hoping to keep it as is, since it worked this year, but there is 'no teeth' behind this document/letter that went out.

Council comments and discussion:

- Tuohy commented that now have started the process, but need to establish HOA for the pond. DeWerd commented that people will give money, but a lot might not want the HOA still. Tuohy suggesting to still start LLC, get things established with checking account, attorney to write up HOA plan – go with verbiage where you just want the pond taken care of.
- Connelly comments that there is no implicit action that the Village will take, if not paid, the Village can discuss taking care of it with tax assessment, but it is not an automatic action.
- DeWerd comments that just starting an HOW is much more complicated than that. Plat 1 deed restrictions written a certain way in 2004, Plat 2 developer supposed to file deed restrictions with county and that never happened – he asks who is responsible for follow up on that. Plat 3 deed restrictions filed but slightly different than Plat 1. Plat 4 deed restrictions slightly different than Plat 1 and Plat 3 as filed. Developing and getting all under one HOA deed restriction will cost around \$8k just to start up, and Plat 2 would have to agree to a deed restriction in general. DeWerd comments the responsibility for filing deed restrictions is with the developer not builder. He shares that the deed restriction/Plat 1 survey does say that Village will assess those homeowners in that subdivision because they are not maintaining the pond – does Village have option to maintain it; Or obligation to assess taxes in order to maintain; Who makes determination. Administrator Daugherty comments that they are not prepared to answer that. DeWerd comments it is not developer written, and it did go through Village and Lucas County approval. Pilcher comments that plat maps are presented at time of completion of utilities – and it does get approved through planning commission; the tax assessment language is there to protect the

Village; it is saying you are allowed to bill, and the Village is not to be found financially responsible for the negligence.

- DeWerdt comments that they are getting people to give now, 85% of them, but is that enough to actually be able to start an HOA where more money than the \$33 would be requested. He shares that some gave with specific instruction of keeping HOA out.
- Fine asks is this language of the Village assessing taxes on all plat maps. It is confirmed that yes it is.

Council President Artiaga asks Mayor Bingham for any comments on tonight's COW topics. Mayor Bingham shares his only comment for tonight is regarding the Charter. He feels we need to get moving on this; we can't take it to citizens until after the 3rd reading, which might not be until September possibly. He comments then election close behind that in November, we need to get this out there asap, especially if it is going to be the big charter update where there are a lot of changes to be made. Bingham suggests maybe major amendments now and smaller details next year; he shares he assumed this would be over before now. He comments to please decide what to do, groups of changes or whole document, but we have to get moving.

Artiaga asks how heavy is Council for next week. Administrator Daugherty comments it is somewhat heavy due to missing last council meeting from weather cancel. She agrees they need to move forward as quickly as possible with all of Council in agreement. Want citizens to understand the changes and what they are voting on – we are running out of time for the full three readings.

Artiaga asks can we call special COW the 4th Tuesday of this month (May) instead of pushing off to June. She suggests making this the whole topic that night and make final decisions. Daugherty comments we have made progress, we just need this next meeting to finalize the pieces in question. First reading June 18, second reading July 2, and third reading July 16 then gives time to file with BOE by August 1 deadline.

CITIZEN COMMENTS

Council President Artiaga asked if there were any general citizen comments to be made. There were none.

OTHER BUSINESS

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

Administrator Daugherty starts with a brief review of the Council meeting cancellation policy. He shares that in his history of 17 years with the Village he does not remember canceling a Council meeting due to weather. He would like to share how it was evaluated and decided. He said regarding Council and the public as a whole, they do not have liberty to make decisions as they at home; have to think about the public in these situations. Consultations with EMA and weather services occurred prior to decisions. He shared there are three categories for non-winter weather: mild, moderate or heavy probability. Low does not trigger any warnings, moderate is a typical watch – this evokes the cancel out of an abundance of caution. He shared that President of Council helps with the call for COW meetings and the Mayor helps with the call for Council meetings. Daugherty says he

understands the public view and those who might be more risk accepting – but from his perspective when the public is there, recommend the cancels out of the abundance of caution. Council members all agree it was a good and understandable decision.

Councilman Yunker shared he has had comments from a couple of residents asking if the Village is going to do anything about mosquitos. Mayor Bingham shared this topic was discussed today, Village cannot do anything but it is a County function and will be done when conditions call for it. He shares there are also private contractors residents can reach out to. It is confirmed that Lucas County tax covers this service.

Councilman Connelly says thank you to Dennis DeWerd for showing up and making voice heard, and advocating on behalf of the Whitehouse Valley neighborhood. He acknowledges to Mayor we need to make final decisions on the charter and comments it has taken this long in order to make the good and right decisions but does respect the push to get it done. He shares there has been a lot of good ideas and feedback to work through.

Councilman Fine seconds Connelly's comments regarding DeWerd and Whitehouse Valley.

Councilwoman Tuohy comments that Council Clerk Hartbarger needs plaque or name tag for outside meetings; shares that people should know who to direct Clerk comments and requests to at those meetings. Tuohy comments that she has been told there is a piece of siding hanging on a white building in town – pictures were sent. She believes it is across from Whitehouse Inn – it is blowing in the wind. Deputy Administrator Hartbarger comments that this is a confirmed zoning issue and is in the works of being reviewed and corrected.

Councilwoman Artiaga reminds all that first concert series is this Thursday night. She shares that Deputy Administrator Hartbarger and staff member Mark Schrieffer and others have done a wonderful job pulling things together. She comments there will be vendors along with four or five food trucks, looking forward to the first one of the year.

ADJOURNMENT

Motion by Councilman Connelly, seconded by Councilwoman Tuohy to adjourn the meeting at 8:17pm. 6 ayes

Respectfully submitted by Nicole Hartbarger, Clerk of Council