

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 Riggenbach, Carrie Tuohy, Steve Fine, Steve Connelly and Larry Yunker

Council Members Absent: N/A

Staff Present: Municipal Administrator Jordan Daugherty, Deputy Administrator Joshua Hartbarger, Solicitor Kevin Heban, Director of Public Services Steve Pilcher, Police Chief Allan Baer, Fire Chief Jason Francis, Council Clerk Nicole Hartbarger

Guests Present: James Cairl, Joe Carter, Ryan Carter, Barry Beaxu, Jonathan Hoag, Karen Gerhardinger, David Prueter, Tim Tuohy, Bruce Robertson, Bob Desmond

Council Prayer was given by Municipal Administrator Jordan Daugherty

Motion by Councilman Connelly, seconded by Councilwoman Tuohy to approve the corrected minutes of the August 20th, 2024. 6 ayes

Motion by Councilwoman Artiaga, seconded by Councilman Riggenbach to approve the bills totaling \$19,078.28 dated August 29th, 2024 and the Addendum bills totaling \$72,493.63 dated September 3rd, 2024 and the July 2024 Financial Statements. 6 ayes

PERSONS TO APPEAR BEFORE COUNCIL

Mayor Bingham asked if there were any persons to appear before council. Two people are on the agenda.

A. Request for Christmas 5K on December 7th, 2024

Jon from Cyclewerks appeared before Council to request the annual Christmas 5K to be held in town. He shares this is the 3rd year for the Christmas 5k and all seems to be in order and approved by Administration, Fire and Police.

Motion by Councilwoman Artiaga, seconded by Councilwoman Tuohy to approve the request for the annual Christmas 5K on December 7th, 2024. 6 ayes

B. Request for AW Homecoming Parade on September 20th, 2024

Deputy Administrator Hartbarger shares that this event has been done for years. The Principal at the High School has filled out and requested proper paperwork and this is handled by staff on duty with no additional expenses expected.

Motion by Councilman Connelly, seconded by Councilman Yunker to approve the request for the AW Homecoming Parade on September 20th, 2024. 6 ayes

COMMITTEE REPORTS

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

Report on the August 20th, 2024 Finance Committee Meeting

Councilman Connelly shared that the meeting began at 8:23pm. The minutes from the previous meeting were approved. He shares that the group went over formatting expected in CEI report, trend data, what to review and when. Connelly comments the action from this meeting was to receive and review electronic reports and then provide feedback to Administrator Daugherty for hopefully a near final version of format to review going forward.

Report on the August 19th, 2024 Fallen Timber Union Cemetery District Meeting

Councilwoman Artiaga shared that the group reviewed expenses and revenue from the previous month. Some expense for taking down trees, a whole day's worth of trees, not just a few. Purchased a tamper machine from city of Waterville to help compress soil; purchased for \$1 instead of it going on Govdeals. She said they are working on some signs, looking to add QR codes on signs. Artiaga commented they have a family looking to sell back some lots originally purchased for \$15 each, it was decided FTUCD will give the family \$100 each on the sell back. Committee member Anderson is looking into and filling out some grants for the district. Rory Hartbarger is looking to hire an independent contractor for help when employee is not available.

REPORT OF THE MAYOR

Discussion of a DORA

Mayor Bingham starts the discussion on the Designated Outdoor Refreshment Area. He shares this was previously discussed by Councils over previous years. He said this thought did not work in prior years because of businesses with liquor sales being spread far apart. Joe from Adventure Distilling is here to talk about ideas. Joe shares that DORA is an open refreshment area, approved by the State, with certain requirements that the area must meet for it to be state approved. Perrysburg, Maumee, and Sylvania have them. He shares this allows patrons to go into alcohol establishments and then transport that up and down the street within the boundaries. He comments it does help increase foot traffic – signs do notify the boundaries. Joe contacted a few local area police to see if there are any increase of criminal activity, etc. Sylvania was May 2019 implementation, spoke with officer, no DORA specific violations during the time it has been opened – coverage done but on staff police and does not require extra overtime; the Sylvania officer also commented that have noticed positive increase in foot traffic for businesses. Perrysburg opened in May 2023 and their records department confirmed no DORA violations, no adverse reactions to the community and no pushback. Maumee opened in May 2021, also found no DORA violations and community has received very well along with the police department. Joe shares that there have been reports published from a state level regarding data of increase in police activity, etc. and across the state there have been no trending increase of issues or incidents. Sanitation has been a concern – typically there is a DORA cup that is to be purchased, and this purchase has helped in funding additional waste receptacles – no increase in sanitation pickups or issues. No safety issues or safety violations in state wide report. Those surveyed have reported an 80% increase in foot traffic. Joe has commented that it is now a good time to talk about this DORA as there is now a 4th liquor license in the area.

Mayor asks where the zone should be. Joe comments starting at Adventure Distilling and Whitehouse Inn, then going down to Local Thyme to cover Local Thyme and Crust as well – possibly go east some to cover Generals Ice Cream area and some of the park. There are some limitations based on population size and how big the area can be, that will have to be confirmed. Open hours in a lot of areas tend to be 11am-11pm time frame. Chief Baer has spoken to peers around the area, they have commented the same that Joe is sharing, no increase in incidents or issues – do not anticipate any additional overtime, this idea does have his support. Jon Hoag from Cyclewerks comments that Bowling Green has a DORA, where other store is located, and they have experienced increase foot traffic to that bike shop as they do allow the alcohol to come in. Citizen in the audience asks what businesses would be open later at night to benefit – Mayor comments it would be open earlier in the day too, from 11am on. Tuohy comments there are residents in Maumee who do not like or support the DORA, they live very close to the area – says it is a little hypocritical for Council to say we can allow people to drink and have the DORA but can't approve a marijuana growth facility. Connelly says in general he would support with approved restrictions – does not view as hypocritical, the marijuana situation is different in wanting citizens input on that topic since it is newer and more sensitive of a topic. Mayor comments DORA is revocable if there is a problem. Yunker asks how would this affect the American Legion as they do have a liquor license as well – sounds like they would be outside of that current suggested boundary. Joe comments that he didn't think of the Legion but would definitely be open to

suggesting they are included as well. Mayor asks Joe to contact Legion to get their opinion on the topic. Heban comments that he has heard very positive feedback from other municipality DORA's – set up is rather 'easy' but comments that Administration would help collect the data and Council would then control and make decisions on boundaries, cost of

cups, set up, etc. Administrator Daugherty comments that Administration brought this up around two years ago as a potential opportunity for the downtown – starting to develop an entertainment type area, if it is put together right, think they can be excellent – great to hear the data points that were presented. Tuohy asks do we put it out to the residents to vote on. Heban says he has never seen it done that way – the biggest thought would be do we want to include part of the park in there. Joe comments he tried to reach out to Skip from Local Thyme and Tony from Whitehouse Inn for their input but was not able to chat prior to this meeting. Heban comments the law has now changed recently where minimum limit is two licenses not the four that it was previously. Heban comments that since this sounds like a possibility, the Administration will now put together a proposal to present to Council for approval – biggest decision is the area. Tuohy asks what about the 4-way stop where people have some problems – something to consider. Joe comments public intoxication is still illegal even within the DORA – made to help support responsible drinking. Artiaga supports Local Thyme and Social Park being in the boundary, makes sense with those, but would limit to the alley-way and not within the Veterans Park area. Tuohy wants residents to hear about it, Heban says there does have to be a public meeting. Mayor asks to start moving forward if we can.

Mayor Bingham shares the Police Survey is now live – should have popped up on Access Whitehouse app. Please share and take the survey.

Mayor Bingham comments that the Grand Opening for the Whitehouse Bakery and Coffee Shop is September 6th. Adventure Distilling open house is currently planned for September 21st at 4pm.

Bingham shares that Coffee with Mayor and Council is planned for November 2nd from 8:30-10 at Buzz Diner. Deputy Administrator Hartbarger shares that he will confirm the exact time.

Bingham shares the reminder that September 28th is set for curbside pick-up.

Mayor Bingham shares stats as 772 taken survey as of this morning, 42 disqualified. 65-74 age range is highest percentage of who have taken.

Mayor Bingham comments that he met with County Commissioners regarding Swan Creek ditch – working with state representatives to hopefully get some support on this issue. Reaching out to state senators as well. Looking for a coalition help. He is hearing that they are trying to get something in the state budget. Hoping federal partners will come on board as well. Trying to reduce costs to all.

Bingham shares that he will be holding signs again at AW football game. He asks how many residents have signed up for app – Hartbarger comments a few more since the last meeting. Mayor comments on great conversations at the football game.

Mayor comments that ballott issues need to be sent out to inform citizens. Advised that Council and Mayor cannot tell you how to vote but can give facts as to what the issues are.

Halloween celebration on October 31st, trick or treat downtown – chips, hot dogs and candy will be available to hand out. December 7th is the holiday celebration in town.

Tuohy asks for any further info about the Ardagh building. Mayor Bingham comments there is some updates just cannot yet speak about it until press release.

REPORT OF THE CLERK OF COUNCIL

Mayor Bingham asked for any items to report from Clerk Nicole Hartbarger. Clerk Hartbarger shared that she will be out of town for the upcoming Committee of the Whole Meeting on September 10th – minutes will be taken by Deputy Administrator Hartbarger.

REPORT OF THE MUNICIPAL ADMINISTRATOR

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

Request Authorization for Legislation Authorizing the Award of a Contract Engineering and Consulting Services for the Waterville Street Improvement Project (as an emergency)

Daugherty shares that Council received in packet draft contract, supporting info and draft resolution for engineering requests for Waterville Street updates. This has already gone through approval with grant funding tied to it.

Riggenbach asks does it need to be passed as an emergency; Daugherty says it will provide efficiency to move forward. Tuohy asks is it \$5k per service for the construction, administration, services, etc. so it would be \$25k. Kleinfelder representative here and can comment. He shares that page 203 is construction services, did not include with the engineering to start typically do that when construction gets closer, should be 2025. Tuohy comments this could hit \$75k by the end including all services, etc. – and she confirms Kleinfelder signs off on all so Village of Whitehouse is not liable for any approvals or standards missed.

Tuohy has an issue because it can get well over \$50k – says cannot divide up a project and say contract is \$35k and then have additional charges that add up to over the agreed upon contract. Concerned with there not being other opportunity for bids. Heban confirms that the Council can limit the amount of spend for the project. Public Works Director Pilcher comments the Village has option of doing project pieces with own forces or could hire an outside contractor that is not the design engineer – doesn't have to be the design engineer only. Pilcher says the project with bridge must have separate construction and an engineering company do review – so there are situations where things are done with others not just the designer. Kleinfelder representative confirms Villages do inspect their own projects, can guide things, etc. – construction side of things can be updated and changed.

Tuohy comments issue is getting detail right before Council meeting to vote but would like to have these things at Committee of the Whole to have actual discussions. Heban comments this could be first reading and still emergency – administration can make it work. Council agrees that first reading makes sense. Kleinfelder representative comments he is willing to come back next meeting to answer questions, etc. Pass first reading tonight, discuss at committee, then fully pass following week as an emergency.

Motion by Connelly, seconded by Riggenbach to Request Authorization for Legislation Authorizing the Award of a Contract Engineering and Consulting Services for the Waterville Street Improvement Project, as an emergency, first reading. 6 ayes

Upcoming Planning Commission meeting on Monday, September 9, 2024

Administrator Daugherty shared that the Planning Commission has a request to consider at the upcoming meeting – change of zoning off Waterville Street behind Lone Oak Crossing – big parcel of land. The Commission will not be making decisions that night – public will have 30 days' notice and there will be public hearing for Planning Commission and Council. The September 9th meeting is for Planning Commission to get information and understanding of the ask.

Daugherty shares the updated agenda for next week's Committee of the Whole meeting. Will include discussions on Waterville Street engineering review, Administrator spending

limit, ballot issues education – staff proposal, and State Route 64 beautification plans – has been referred to several times over the years, will present to this current Council. Connelly asks to add discussion around term limits. Fine asks Daugherty do you have a sense on when we can start to review again economic planning – Daugherty says Kleinfelder revised proposal will be topic.

Daugherty comments one more item to share tonight – Council and Mayor did receive email from Rue Du Lac, the letter that was sent to the Village in their meeting packet.

Letter is in front of council, previously sent by Deputy Administrator Hartbarger. Daugherty shares a quick history on the topic. The road was not constructed to Village standards 30-40 years ago, was made private road by the constructors standards/request. Has been reviewed over the years, Council/Administration has said no to maintaining; it is a big burden to bring private streets up to public road standards. Standard has always been must be brought up to public street standard first. This was also an issue in The Preserve – they tried to make private roads and Council/Administration rejected, but Preserve did bring the roads up to public standard. Administration has met with the Rue Du Lac board a few times – have informed them they do need an engineering review assessment. Daugherty comments that Administration did say they would be happy to work with them on how to complete some items up to public standard – general consensus at that time was to keep private – prior to this letter being sent. Daugherty suggesting Mayor, some Council and Administration could meet with them. Mayor comments you don't get any state or federal funding if the road does not meet standards – Daugherty confirms yes it is very hard to get that. Kleinfelder representative comments that updates cannot be funded by federal funds or state funds – Village would have to make it a public road first, finance reconstruction, then if needed fixed down the road can apply. Mayor asks to set up a meeting with the group. Heban comments two ways to handle this: 1) Village does it themselves or 2) more than 50% of property owners petition the Village to make the change, it goes through – there is rule that it is paid for up front by Village, but then assessed through taxes back to the property owners. Mayor asks Heban to be involved in meeting. Fine asks for any idea of costs on engineering assessment – Kleinfelder representative comments for assessment there are a lot of different pieces that would need to be assessed and inspected estimate of upwards of \$30k for all pieces of the required assessment. Yunker asks if there are any subdivisions in town with similar issues – Daugherty comments there are two that have private roads – the senior villas and townhomes but were built up to public road code, very close without curbing.

REPORT OF THE LAW DIRECTOR

Mayor Bingham asks Solicitor Heban for any items to report. Heban asks Council to consider entering into an executive session to discuss pending litigation, ORC 121.22g3, and for purchase/sale of real estate, ORC 121.22g2. Council agrees.

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. He shares Ordinance 13-2024 is ready to be voted on.

- A. **Ordinance 14-2024:** Authorizing the Award of a Contract for Engineering Services for Waterville Street Improvements with Kleinfelder, Inc. (as an emergency)

Motion by Councilman Connelly, seconded by Councilwoman Artiaga to approve **Ordinance 14-2024** to be read by title only, as an emergency, first reading. 6 ayes

RESOLUTIONS

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

OTHER ITEMS DISCUSSED

Department Heads

Public Works Director Steve Pilcher shares that the bridge and trail project is moving along, have completed some grading and seeding. Do not yet have a completion date. Hydrant inspection is complete for the year – final report will go to Fire Chief, moving on to fire hydrant painting. Working on storm clean up. Pilcher shares the new fencing at ball diamonds is complete, looks great and ties together with pickle ball courts. He comments

that leaf pick up around the corner. Tuohy comments there is a bush near Divine Reflections that drivers cannot see over if in smaller vehicle – asking to have it be trimmed if possible. Artiaga comments same issue came up on some flower pots overgrown and blocking some view.

Police Chief Allan Baer asks all to take the police survey, helps guide the direction and performance of the department. The Police Department will be hosting KOGS – keep our girls safe - registration September 9th, event October 9th for women ages 16 and over. Third year in a row for this event. Connelly asks if it will be on the app to sign up, Hartbarger says he will review.

Fire Chief Jason Francis shares that Nick Wismer FF/Paramedic has accepted full time position at Oregon Fire – went there for busier atmosphere. Do have interviews this week and next for that open position. Received word from ISO representative that last ISO rating in 2016 was 3-3-X not many fire departments have that rating most are lower at a 5, did receive same rating this year of 3-3-X. The representative did give some ideas for improvement. ISO rating is important because of insurance coverage and ratings for premiums. Currently 9 spots left for citizens fire academy, did create a form over weekend to help push along to get more interest. Hartbarger says we can add this also to the app.

Council Comments

Connelly asks question of Daugherty - can we reach out to Sister Cheryl at LIAL for October or November meeting to meet up here. Daugherty will handle.

Artiaga asks question to Heban – we are considered home rule – state stopped zoom meetings are we still on this. Heban says we are still following these as they are general laws.

CITIZEN COMMENTS

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

Motion by Riggerbach, seconded by Connelly to enter into executive session at 7:45pm to discuss the purchase/sale of real estate according to ORC 121.22g2. 6 ayes

Motion by Artiaga, seconded by Connelly to reconvene meeting at 8:20pm. 6 ayes

Motion by Tuohy, seconded by Artiaga to enter into executive session at 8:20pm to discuss ongoing litigation according to ORC 121.22g3. 6 ayes

Motion by Artiaga, seconded by Riggerbach to reconvene meeting at 8:59pm. 6 ayes

ADJOURNMENT

Motion by Councilman Connelly, seconded by Councilwoman Tuohy to adjourn the meeting at 8:59pm. 6 ayes

Regular

September 3, 24