

## TONTOGANY VILLAGE COUNCIL

### MEETING MINUTES FROM: August 7, 2017

Council called to order in regular session at 7:00 p.m. with Mayor Todd Buehrer presiding. Roll call of members: Brenda Mackey, here; John Heckerman, here; Connie Mehring, here; Jamin Roe, here; Jason Benedict, here; James Head, here. Also present was Village Administrator/Zoning Inspector/Meter Reader Chad Johnson, Village Solicitor Paul Skaff, and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: Wood County Sheriff's Deputy Britni Aring. Minutes from the July 17 meeting were approved as submitted.

**FINANCE and CLAIMS:** A spreadsheet of the current invoices was reviewed and approved by members. Councilman Roe made a motion that these bills be allowed and orders drawn for same. Councilman Benedict seconded this motion. All were in favor, except that Councilman Heckerman abstained from voting on approval of Josh Heckerman's \$930.00 invoice for mowing services; motion carried. Copies of the July Bank Reconciliation, Fund Status, Appropriation Status, and Revenue Status reports were given to Mayor Buehrer and the Finance Committee to review.

Copies of the July incident report were provided for members to review. Mayor Buehrer invited members to speak to Deputy Aring about any questions or concerns they may have. There were no questions, so Mayor Buehrer thanked the deputy and she left the meeting.

Mayor Buehrer reported that we had Solicitor Skaff update the wording of Resolution #878-17 to include emergency wording, so it could be adopted at this meeting and go into immediate effect. He asked Solicitor Skaff about an email comment that Mr. Skaff had made, referring to the fact that two readings of Resolution #878-17 had been done at the July 17 meeting, which stated, "I do not believe the second reading at the same council meeting is valid. Each of the three readings should be at separate meetings." Mayor Buehrer commented that he remembers two readings having been done on legislation at a single meeting several times in the past, even before he became mayor, and that we had been told that as many as two readings could be done at one meeting and then the third reading at the next meeting. Mr. Skaff responded that the three readings required by Ohio Revised Code (ORC) are meant to be on three different days, to provide plenty of opportunity for the public to hear the readings (although this rule can be dispensed with by vote of three-fourths of the legislative authority, declaring an emergency). Mayor Buehrer asked Solicitor Skaff if he knew of anywhere in the ORC that it says you can't do two readings at one meeting. Mr. Skaff did not know of a place with that specific wording.

Mayor Buehrer read Resolution #878-17, by title only, A RESOLUTION ACCEPTING 5.718 ACRES OF LAND TO BE ANNEXED INTO THE VILLAGE OF TONTOGANY, AND DECLARING AN EMERGENCY. This is the land at Tontogany Creek Road and Scott Road about which Wolverine Agricultural Investments LLC filed a petition with the Wood County Board of Commissioners for annexation into Tontogany, which petition was granted by the County Commissioners on May 2, 2017 with their Resolution #17-00469. Councilman Heckerman made a motion to suspend the rules and declare an emergency for Resolution #878-17. Councilman Roe seconded this motion. All were in favor; motion carried. Councilwoman Mackey made a motion to adopt Resolution #878-17. Councilwoman Mehring seconded this motion. All were in favor; motion carried.

Fiscal Officer Harnishfeger reported that he already received a call about tap fees from someone who bought property in the annexing land, and he had advised them to wait until it is officially annexed into the village to get the lower in-town tap fees. Zoning Inspector Johnson added that he was contacted by the same person about a building permit. Mr. Harnishfeger asked Solicitor Skaff if passage of Resolution #878-17 officially completes the annexation of this land into Tontogany, even though the paperwork still needs to be recorded at the Wood County Recorder's Office and copies also need to be provided to the Wood County Auditor and the Ohio Secretary of State. Solicitor Skaff affirmed that, with the adoption of Resolution #878-17, the land is now technically annexed into the Village of Tontogany. Therefore, tap fees and building permit fees for properties there can now be charged at in-town rates.

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Mayor Buehrer read Ordinance #879-17, AN ORDINANCE TO PROVIDE FOR THE COST AND EXPENSE OF PROVIDING FOR THE REMOVAL AND SPECIAL TREATMENT OF SHADE TREES FOR THE PURPOSE OF CONTROLLING BLIGHT AND DISEASE OF SAME; AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS AND WITHIN THE PUBLIC RIGHT OF WAY OF THE VILLAGE; AND DECLARING AN EMERGENCY. This ordinance provides that the cost for tree maintenance for the tax year 2018 shall be paid for by Special Assessment upon the lots and lands within the Village. After a brief discussion, members decided to make the total assessment amount \$5,000.00 for 2018, the same amount as for 2017, to have plenty of money for a lot of trimming work and replacement of bad trees needed. Councilman Benedict made a motion to suspend the rules and declare an emergency for Ordinance #879-17. Councilwoman Mackey seconded this motion. All were in favor; motion carried. Councilman Roe made a motion to adopt Ordinance #879-17. Councilwoman Mehring seconded this motion. All were in favor; motion carried.

Councilman Roe brought up, in connection with the newly annexed land, the fact that the village does not have any code that determines minimum and maximum lot sizes. Also there is no village code that requires new lots to have sidewalks. Harley Woods came under the subdivision rules, so they have sidewalk requirements, but the new lots in the annexed land on Tontogany Creek Road are not under the subdivision rules, so they do not have sidewalk requirements. Mayor Buehrer agreed that this is true. Councilman Roe asked if anyone had any thoughts about this. Mayor Buehrer asked Solicitor Skaff if there is anything in the ORC that requires people in the village to put a sidewalk in front of their home. Mr. Skaff answered that there is not, but the Village Planning Commission can recommend changing the zoning code to include such a requirement. Councilman Roe stated that he thinks sidewalks are a necessity, especially with the school being in town. Mayor Buehrer asked Solicitor Skaff what would happen to houses that do not have sidewalks now, if we change the zoning code to require sidewalks; would they be grandfathered in? Solicitor Skaff answered that the village could simply require that everyone have sidewalks, both for existing houses and for all new houses, and all of the costs can be assessed on property taxes or the village can elect to pay some of the cost. Members discussed various problems and possible solutions to requiring sidewalks for everyone or requiring sidewalks only for new housing development. Members favored the idea of just making it a requirement for new housing development to install sidewalks. Solicitor Skaff advised that the street committee should meet to discuss this matter and prepare a report for Council. He advised that they go through the town and determine where it is practical or not practical to lay a sidewalk. Whatever is decided, it should be turned over to the Village Planning Commission to make a recommendation to Council, and then Council would hold a public meeting to make a final decision. The problems with getting the Harley Woods subdivision to lay sidewalks was also discussed. Mayor Buehrer and Councilman Roe informed Solicitor Skaff of the history of this problems and a disagreement between Dan Sheperd and the mayor and council members on the interpretation of the agreement of when Harley Woods was supposed to lay sidewalks. Solicitor Skaff asked for a copy of the agreement to be given him to look at. Administrator Johnson said he had a copy that he would provide to Mr. Skaff. Councilman Roe reiterated his thoughts on this matter, that he is of the opinion that sidewalks should be provided for the safety of the school children, even if just required on new housing development, and there should be a minimum and maximum lot size established for the village as well. He pointed out that now is a good time to be dealing with this, before Mr. Miller may decide to develop the rest of his 80 acres of land.

Fiscal Officer Harnishfeger reminded the mayor and members that Solicitor Skaff had instructed that Council will have to confirm the mayor's appointments to the Planning Commission, and appoint a council member to the Planning Commission at this meeting on August 7, 2017. Once confirmed, the notice of the Planning Commission's hearing to make zoning recommendations must be published one time 30 days in advance of their meeting. Mayor Buehrer asked Solicitor Skaff if the Planning Commission members need to be sworn in. Mr. Skaff said they could all be sworn in at the first meeting. Mayor Buehrer asked members to decide whether to keep Connie Mehring as the council member on

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the Planning Commission, or to choose someone else. Councilwoman Mackey made a motion to keep Connie Mehring on the Planning Commission. Councilman Heckerman seconded this motion. All were in favor; motion carried. Councilman Roe made a motion to accept all three of Mayor Buehrer's appointees to the Planning Commission: Timothy Smith, Ronald Mackey, and Keith Miller. Councilman Benedict seconded this motion. All were in favor; motion carried.

**ZONING:** Zoning Inspector Johnson reported that he spoke with Beth Hayes, who said she had talked with Councilman Benedict and understood that the village wanted her dirt and was going to haul it away. She gave her permission for the village to take it. Councilwoman Mackey said she was also told that Beth Hayes was told the village would take care of the dirt. Ms. Mackey also stated that some of the dirt is needed at Ryan Euler's house to fill in a hole left there from the removal of a tree.

Zoning Inspector Johnson reported that he went and talked with Aaron Asmus and his wife about the commercial equipment parked at 18555 Crom Street, which they didn't realize they were not allowed to park there. They mentioned others in town that did similarly. They said they had plans to fix up the property and make it look really nice, improving the neighborhood. Mayor Buehrer read a letter received from Mr. and Mrs. Asmus, stating that he would be glad to attend a council meeting in September to discuss this matter in more detail. The primary use of the building is for an overflow of personal storage, but he does occasionally store a small amount of sprinkler inventory there for his business. The building has been in decline for several years prior to their purchase of it. They plan, after the fall shut-down of his sprinkler business, to improve the building and lot for a much-needed curb appeal that will benefit all surrounding property owners, including new siding, overhead doors, service doors, windows and landscaping. Mayor Buehrer pointed out that the trailer sat behind his house for a long time before he moved it to this location, and nothing was said before. Councilman Roe commented that the neighbors are happy and not complaining. Mayor Buehrer also pointed out that he doesn't have foot traffic to a store there, so he is not running a business at the property.

Zoning Inspector Johnson reported that he gave the resident at 18515 Lincoln Street 14 days to remove the junk from the property there. Mr. Johnson also reported that, after meeting with Solicitor Skaff to discuss zoning concerns, it was decided that there is no issue of discrimination, since there are already a number of two-family dwellings in town.

**UTILITIES:** Mayor Buehrer reported that we experienced a few power outages, affecting only part of the town for about a half hour.

**STREETS and ALLEYS:** Administrator Johnson reported that Bowling Green will be doing street sweeping on Wednesday, August 9<sup>th</sup>. Fiscal Officer Harnishfeger reported that he received information from Brook at Display Sales about an August sale on street banners, and pricing for creating custom banners, if members are interested. After a brief discussion, it was noted that some custom banners were found in the hall attic that say, "Welcome to Tontogany," so we do not need any new ones at this time. Mayor Buehrer commented that he and Councilman Heckerman will try to get the winter banners taken down. Councilman Heckerman noted that some lights still need fixed that were spoken of at the last meeting, when he wasn't present. Councilwoman Mackey responded that there is one on Crom Street that stays on all the time. Mayor Buehrer said we still have an issue with the light at Tontogany Road and North Street. There is also one on Broad Street and one in front of Doc's that doesn't work. Councilman Heckerman said he would try to get the lights fixed before the festival. Councilwoman Mackey asked about a company with vehicles parked on Broad Street, if they will be asked to move their vehicles before the festival. Mayor Buehrer responded that we will let them know they have to get them out of there.

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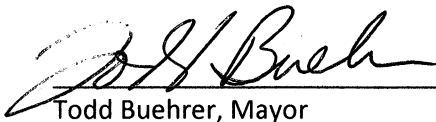
**SIDEWALKS and TREES:** Mayor Buehrer reported that he contacted Abe Rowe, who wasn't sure when he would be able to come and start trimming trees.

**DRAINS and SEWERS:** Nothing to report.

**CITY HALL and PARKS:** Councilman Head reported that the park grant requests have been submitted. Councilman Roe reported that he will be meeting with the lady and her three boys tomorrow about working on the horseshoe pits at Centennial Park. Mr. Roe asked Mayor Buehrer if he could bring the loader down to the park and level off the horseshoe pits. Mayor Buehrer said he would try. They intend to tear out the old pits tomorrow, build new ones, and install the new ones on Wednesday. Councilwoman Mackey reported that Councilman Benedict fixed the outlet at the park after the last council meeting, and Ron Mackey fixed the lower spigot on the drinking fountain.

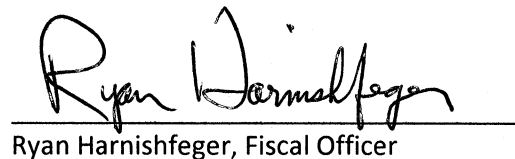
Fiscal Officer Harnishfeger reported that it is time to empty the coin box for the park lights again; it has been about a year since it was emptied. He told Councilwoman Mackey that he has the keys, tool, and instructions in the office, if Ron would like to pick them up at his convenience, or Mr. Harnishfeger said he would be glad to empty the box himself, if they wish. Mr. Harnishfeger also reported that the hot water problem in the hall kitchen was solved. He spoke with former Administrator Craig Spoore, who was here when the hot water units were installed. He and Mr. Spoore got in touch with the manufacturer of our tankless water heater and spoke with a technician, who guided them in discovering that the problem was low water flow through the kitchen sink faucet. The system turns on backup hot water if the flow is strong enough, which it is in all other faucets except the main faucet at the kitchen sink. The sprayer at the kitchen sink has enough flow to turn it on, but not the faucet, due to a special flow-control aerator that slows the waterflow down too much. The aerator or the whole faucet will need to be replaced.

With nothing further to discuss, Mayor Buehrer declared the meeting adjourned at 8:17 p.m.



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Todd Buehrer, Mayor



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Ryan Harnishfeger, Fiscal Officer