

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: February 19, 2018

Council called to order in regular session at 7:13 p.m. with Mayor Todd Buehrer presiding. Roll call of members: Brenda Mackey, absent; John Heckerman, here; Connie Mehring, here; Jamin Roe, absent at roll call, but arrived at 7:36 p.m.; Jason Benedict, here; Matthew Shanahan, here. Also present were Village Solicitor Paul Skaff, Village Administrator/Zoning Inspector/Meter Reader Chad Johnson, and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Minutes from the February 5 meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. Councilwoman Mehring made a motion that these bills be allowed and orders drawn for same. Councilman Benedict seconded this motion. All were in favor; motion carried. A copy of the January RITA report was given to the Finance Committee to review.

Mayor Buehrer reported receiving a letter from Charter Communications/Spectrum, informing the village that, on or after March 6, 2018, Spectrum will begin removing the remaining analog channels on their lineup and delivering only digital signals to each television outlet in the home. This will require that customers have digital equipment to view their television programming, which 90% of customers already have. For customers who do not have the digital equipment necessary for receiving digital signals, Spectrum is providing free equipment for a specified period of time. Spectrum will be communicating with customers in the coming weeks about this change. Customers can also find out more on the Spectrum website. Councilman Shanahan asked why the cable company informed the village about this change, rather than just its customers. Mayor Buehrer responded that it is because we give the company permission to operate in the village. And informing us about changes also gives us the ability to answer questions or inform citizens about the changes being made.

After Councilman Roe had arrived at the meeting, Mayor Buehrer asked Solicitor Skaff to speak to members about an emergency ordinance, #885-18, which he had drawn up for the village to amend the village income tax code. Mr. Skaff explained that the Ohio General Assembly passed legislation last year that, among other things, allowed the state to collect municipal income taxes on behalf of the taxing municipality. The bill requires all municipalities to pass an ordinance before January 31, 2018, to adopt the state's changes, forcing the municipalities to accept the change or lose the right to impose an income tax. Several municipalities filed suit to prevent the bill from taking effect, and they won a temporary injunction until February 24, 2018. It was hoped that the court would rule early this month on the merits of the case, giving the municipalities guidance on how to proceed, but the court has not yet ruled. However, the February 24 deadline is still in effect. Mr. Skaff informed members that we have three options. One option would be to pass an ordinance adopting the changes required by the state's bill before the February 24 deadline, which would leave the village in compliance and still having the right to impose an income tax if the court rules in favor of the state; if the court rules in favor of the municipalities, the village could later repeal the legislation, which the state may or may not contest. A second option would be to do nothing and wait for the court's ruling, with the risk that the village might lose its right to impose an income tax, at least temporarily, if the court rules in favor of the state. A third option would be to wait to see how the court rules and pass an ordinance after the February 24 deadline, technically late, and risk losing the right to impose taxes, at least temporarily. Mr. Skaff advised that, in his opinion, the least risky choice is to pass an ordinance before the February 24 deadline, with the intention to repeal it if the court decides in favor of the municipalities. After a brief discussion, Mayor Buehrer did a first reading, by title only, of Ordinance #885-18, TO AMEND THE VILLAGE INCOME TAX CODE TO ADOPT SECTIONS 718.80 THROUGH 718.95 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY. Councilman Heckerman made a motion to suspend the rules and declare an emergency for Ordinance #885-18. Councilman Roe seconded this motion. All five members present voted in favor; none opposed; motion carried. Councilwoman Mehring made a motion to adopt

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Ordinance #885-18. Councilman Benedict seconded this motion. All five members present voted in favor; none opposed, motion carried. Solicitor Skaff asked Fiscal Officer Harnishfeger to send him a copy of the completed and signed ordinance by email. Mr. Skaff also advised calling a special meeting for Monday, February 26, 2018 at 6 p.m., advertised in the Sentinel-Tribune, in case the court should rule in favor of the municipalities and the village would want to repeal Ordinance #885-18. Mayor Buehrer and members agreed to call the special meeting and have Mr. Harnishfeger advertise it. If it becomes unnecessary, due to a court ruling in favor of the state, Mr. Harnishfeger will post a notice on the hall front door, stating that the special meeting has been cancelled. Mr. Skaff said he would inform the village as soon as he finds out the ruling, so we will know whether to cancel the special meeting or not.

ZONING: Nothing to report.

UTILITIES: Mayor Buehrer reported that we had a water line leak on Tontogany Road near the Legion, which was repaired.

Councilwoman Mehring asked about what we intend to do about utility rate increases. Administrator Johnson reported that he spoke with Bowling Green Utilities Director Brian O'Connell about rate changes. Mr. O'Connell informed him that they are currently doing a rate study. He could only give a rough estimate of a 5- or 6-percent rate increase coming this year, but he could give no guarantees. Mayor Buehrer commented that we don't want to raise our rates until we find out from Bowling Green what their rate increase will be, so we don't end up having to do a second rate increase later. Mr. Johnson also reported that he sent an email to Feller, Finch, but has not heard back from them yet. Mayor Buehrer told Mr. Johnson that he would probably have to call Dave Kuhn directly.

Administrator Johnson reported that Utilities Superintendent Brandon Johnson has decided to resign his position as of the end of February 2018, to pursue his private business. Administrator Johnson offered to take over the utilities superintendent position, since he is a certified water operator and he is very familiar with our system and meters. Utilities Clerk Harnishfeger asked if Mr. Johnson would like to start doing the weekend water tests again, which Brandon had requested to be done by Mr. Harnishfeger due to a special situation. Mr. Johnson answered that he could do those weekend tests, since he doesn't have the same problem that caused Brandon to ask for relief on the weekends. Councilwoman Mehring made a motion to have Chad Johnson take over the utilities superintendent position, which includes water and electric utilities, including weekend water tests, beginning March 1, 2018. Councilman Heckerman seconded this motion. All were in favor; motion carried. Mayor Buehrer stated that Chad Johnson will take over the utilities superintendent position as of March 1, and if any changes are desired, it can be decided when all members are present at a future meeting.

Utilities Billing Clerk Harnishfeger reported that he looked for Ohio Revised Code (ORC) about requirements for snow to be removed from sidewalks within a certain period of time, in order to put a short message on the utility bills, as requested by the mayor and members at the last meeting. Mr. Harnishfeger said he found no such Ohio law, only ORC that allows municipalities to require, by ordinance, that owners and occupants keep their sidewalks free from snow. Mr. Harnishfeger said that he therefore simply put a request on the bills: "MAKE YOUR SIDEWALKS SAFE: PLEASE CLEAR AWAY SNOW."

STREETS and ALLEYS: Councilman Shanahan reported that there is a lot of junk, old appliances and such, some on a trailer and some on the ground, piled up by Hefflinger's building on Broad Street, which has become an eyesore. Councilman Heckerman said he sent Mr. Hefflinger a note and he did not receive a reply. Administrator/Zoning Inspector Johnson commented that the property is zoned industrial, which allows the owner to put just about anything on the property. Mayor Buehrer suggested that, even though it is zoned as industrial and we can't do much, we could still send them a letter asking them to

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clean up the eyesore. People are dumping things there that Mr. Hefflinger probably doesn't know about. Councilman Heckerman said he will give Mr. Hefflinger a call about this matter.

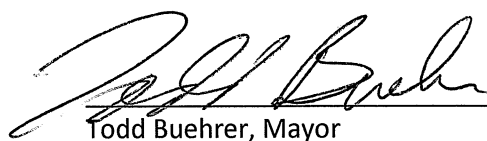
SIDEWALKS and TREES: Mayor Buehrer reported that he contacted Eric Palmer, but the weather has not been good for him to come and fix the problem area at the school drive yet. He will when the weather is good for it.

Councilwoman Mehring asked if anything was ever decided about when sidewalks will be laid in Harley Woods. Mayor Buehrer responded that nothing has been decided yet. There is still a question as to the timing of when they are required to lay sidewalks there, based on the interpretation of the original agreement. Mr. Sheperd holds to the interpretation that 80% of his lots must be "developed," not just sold, before sidewalks must be laid. Mayor Buehrer said that we need to find the deed restriction or agreement and look it over to see what it actually says. Mr. Johnson advised that there should be records at the court. Solicitor Skaff agreed that the court would have a record if there was a deed restriction, but not if it was just a private agreement between the village and Mr. Sheperd. Mayor Buehrer told Administrator Johnson that we need to find the documents and have Solicitor Skaff look into this matter again for us. Administrator Johnson said he would call former Administrator Craig Spoeres about this.

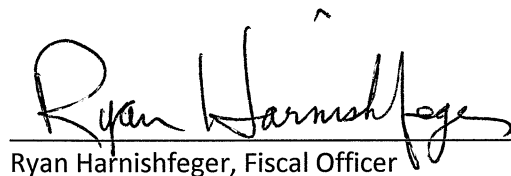
DRAINS and SEWERS: Nothing to report.

CITY HALL and PARKS: Nothing to report.

With nothing further to discuss, Mayor Buehrer declared the meeting adjourned at 8:09 p.m.



Todd Buehrer, Mayor



Ryan Harnishfeger, Fiscal Officer