

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: March 19, 2018

Council called to order in regular session at 7:02 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; Matthew Shanahan, here. Also present were Village Administrator/Utilities Superintendent/Zoning Inspector/Meter Reader Chad Johnson, and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: Alayna and Anna Greenhagen, for school credit. Minutes from the March 5 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. Councilwoman Mehring seconded this motion. All were in favor; motion carried. A copy of the February RITA report was given to the Finance Committee to review.

Mayor Buehrer read an email from Village Solicitor Paul Skaff, explaining that the Regional Income Tax Agency (RITA) has recommended making two additional changes to the village's income tax code, as a result of the most recent court decision upholding the legality of those parts of H.B. 49 that were challenged by several municipalities throughout the state. Mr. Skaff emailed an ordinance containing the proposed changes for member's consideration. Mr. Skaff's email also informed members that he spoke with legal counsel for RITA about consolidating all of the changes made to the village's income tax ordinances over the past two and a half years into a single, easier-to-comprehend ordinance. RITA's chief lawyer agreed that to do so makes sense and will not jeopardize the acts already adopted. Mr. Skaff said he has begun working on that project and anticipates completion by May. Mayor Buehrer briefly described the ordinance received from Solicitor Skaff and then did a first reading, by title only, of Ordinance #886-18, TO AMEND CERTAIN SECTIONS OF THE VILLAGE INCOME TAX CODE, AND DECLARING AN EMERGENCY. Councilwoman Mackey made a motion to suspend the rules and declare an emergency for Ordinance #886-18. Councilman Roe seconded this motion. All voted in favor; motion carried. Councilwoman Mehring made a motion to adopt Ordinance #886-18. Councilman Benedict seconded this motion. All voted in favor; motion carried.

Fiscal Officer Harnishfeger reported that he received a notice from the Department of Commerce, Division of Liquor Control, stating that all permits to sell alcoholic beverages in our political subdivision will expire on June 1, 2018. In order to maintain permit privileges, every permit holder must file a renewal application. Ohio Revised Code provides the legislative authority with the right to object to the renewal of a permit and to request a hearing. Council members voiced no objections to the renewal of the current liquor permits in Tontogany.

Fiscal Officer Harnishfeger reported that Karen Graf signed an agreement to continue cleaning the hall throughout 2018 for the same price of \$37.50 for 1.5 hours per month, if members have no objections. Members voiced no objections.

ZONING: Zoning Inspector Johnson reported that he met with Karan Graf and her daughter Jennifer, with regard to an empty lot owned by Steve Powell at Broad Street and Wall Street, on which they want to build a house facing Broad Street. It will work okay that way; they just need to get a zoning permit. Mr. Johnson reported that he found out that the old McCullough's house was purchased by Tracy Graf and she is fixing it up.

UTILITIES: Fiscal Officer Harnishfeger gave members an update on the water leak situation at the former downtown carryout, reported at the previous meeting. Mr. Harnishfeger said he received a call on March 8, 2018 from Ivan Woodbury, stating that he had been billed by Gearhart Plumbing for work they did to get his water pressure up by stopping a leak inside the carryout. Mr. Woodbury said he thought the village should pay the bill rather than him. Mr. Harnishfeger told Mr. Woodbury to have Gearhart

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call him and explain what they did, to see if the village should pay the bill or not. Neil Gearhart called the village office the same day and also came to the office to explain what had happened. When inspecting Mr. Woodbury's low water pressure in his upstairs apartment, they discovered an audible leak through the wall in the carryout. They verified that the curb box does turn the water off to both the carryout and the upstairs Woodbury apartment next door. Gearhart then managed to get in touch with the new owner of the carryout, Randy Cunningham, who authorized Gearhart to break into the building, turn off the frozen, leaking, water meter, and reestablish security to the building by installing a new lock. Neil Gearhart delivered the key to the new lock to Fiscal Officer Harnishfeger. Mr. Harnishfeger then used the information supplied to him by Gearhart to call Randy Cunningham, inform him of what transpired, and ask what he wanted us to do with the key to the new lock. Mr. Cunningham, who was in Florida at the time, instructed Mr. Harnishfeger to mail the key to his Ohio address so he could get it when he returned, which Mr. Harnishfeger did. Mr. Harnishfeger said he also informed Mr. Cunningham that all meters have been pulled from the property, so he will need to contact the village to install meters and set up utility accounts when he is ready to use the building. Mr. Harnishfeger also commented that he and Mr. Gearhart agreed that the bill, if any, for the work done by Gearhart should not go to Ivan Woodbury, since the cause for Mr. Woodbury's low water pressure was the leak in the carryout, and the village had thought the curb box had been turned off by former Utilities Superintendent Brandon Johnson, but wasn't. Mayor Buehrer commented that, luckily, the leaking water went down a drain in the floor. Mr. Harnishfeger told members that Gearhart has not, to date, sent the village a bill for their work on the carryout water leak. However, he thinks they did the town a big favor by going in there and stopping the leak, because all of the leakage was being added to the town's wholesale monthly water bill. The latest wholesale water bill was about \$6,000.00 more than normal, and the month before that it was about \$5,000.00 more than normal, by comparing to billing back through 2016. The high bills are probably partly due to the water line leak discovered on Tontogany Road and partly due to the leak in the carryout.

Administrator Johnson reported that he did not know where Dave Kuhn was, who he was expecting to be at this meeting to talk to members about the EPA's required asset management plan and backflow prevention for our master meters. He had called him about three weeks ago and then made a follow-up call. Dave told him someone would be at this meeting, but nobody is here. Mr. Johnson said he will try to make sure they come to the next meeting.

Utilities Superintendent Johnson reported that he pulled the water meter from the Hafner's laundry unit at 18722 Crom Street, because they rerouted the water to separate washing machines in the two rental units at the same address.

STREETS and ALLEYS: Mayor Buehrer reported that Jim Head and he will try to fix some potholes in the village over the next few days. They have been having some trouble with the patching machine.

Councilman Heckerman reported a problem with construction crews parking on the street with no traffic cones. Mayor Buehrer responded that they do the same thing in Bowling Green. The problem, which we have dealt with before, is that there are no 'No Parking' signs. We would have to install 'No Parking' signs all over town to stop this practice.

Councilman Shanahan reported a problem, brought up by Bryan Mancini on North Street, about a neighbor's huge semi tractor that issues a lot of smoke when started, and a question of whether it should be in a residential area. It appears that the owner is not driving on North Street, but comes in by way of Tontogany Creek Road and parks it. Zoning Inspector Johnson commented that it should probably not be in a residential area if it is a commercial semi. He said he would have to look at Tontogany's zoning code on the matter. Mr. Shanahan asked where he could find the village's zoning code. Mr. Johnson replied that it is on the village's website.

A report was made to members of a complaint received about many vehicles parked on the property at 18555 Lincoln Street, some of which may not be properly plated.

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Zoning Inspector Johnson reported that he spoke with the person on Broad Street, mentioned at the previous meeting, who will be putting in a new driveway. He told them that the grade of the driveway would have to match up with the sidewalk there. They assured him that the old sidewalk will be even with the new driveway.

SIDEWALKS and TREES: Councilman Roe reported that he called Eric Palmer to see if we are on his radar about the project at the school drive. He informed Mr. Roe that he will be going on vacation, but our project is in the plans for about 3 to 4 weeks out, probably sometime in April. Feller, Finch did not want to send their survey crew out until that project is done. Mayor Buehrer commented that we should have Feller, Finch come in and set the elevation, so Palmer knows where to cut it down to. Mr. Roe replied that he called Dave Kuhn and told him it would be about a month until Palmer could do that project, so he might as well have his crew come in and get the surveying done, which they now intend to do, rather than wait for Palmer. Mr. Roe also pointed out that, if the right of way turns out to be too close to the road, we may need to talk to the school about allowing us to put the sidewalk at least partly on their property. Establishing the location of the right of way will be a first priority. Dave is to let us know when he can get the surveyors scheduled to come.


Councilman Roe asked if a date for doing spring brush removal has been established yet. Mayor Buehrer answered that it has not been decided yet, but it is usually done in May, just before Memorial Day.

DRAINS and SEWERS: Nothing to report.

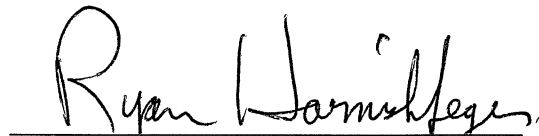
CITY HALL and PARKS: Councilman Roe reported that we received a quote from Envirocare for tree maintenance in 2018. Mr. Roe said he didn't know if it is worth it anymore. He suggested cancelling the fall treatment this year, or decide on it at a later date, and have him meet with the Envirocare person when they come to do the early summer visit, to talk with them and see what the problem is and if it is really worth spending our money on treatment. Councilwoman Mackey asked if it was only for the trees in the park. Mr. Roe replied that it is for any new trees that we planted in town. Mr. Roe said he will contact Envirocare to make arrangements with them about the summer visit.

Councilwoman Mackey reported that the fence on the north side of Centennial Park by the parking lot, made of posts and cable, is pulled down near the portable restroom. Many of the posts are rotted. We need to think about repairing it or pulling it out and replacing it. Mayor Buehrer suggested putting in a different kind of fence there. We need something to keep cars from driving onto the park lawn, but it needs to be able to be opened up to get in and out for necessary purposes. Councilman Roe suggested a split rail fence as a possible solution. Councilman Heckerman suggested simply replacing the existing fence with another new one like it. Members were open to both ideas. Councilman Shanahan suggested that it might be a possible project for the boy scouts. Councilwoman Mackey advised that, with warm weather coming, it is time to take down the old basketball pole and get the new one installed.

With nothing further to discuss, Mayor Buehrer declared the meeting adjourned at 7:57 p.m.



Todd Buehrer, Mayor



Ryan Harnishfeger, Fiscal Officer