

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: August 19, 2019

Council called to order in regular session at 7:00 p.m. with President of Council John Heckerman presiding. Opening ceremony: Pledge of Allegiance to the Flag, led by President of Council Heckerman. Roll call of members: Brenda Mackey, here; John Heckerman, here; Connie Mehring, here; Jamin Roe, absent; Jason Benedict, here; Matthew Shanahan, here. Also present were Village Administrator/Utilities Superintendent/Meter Reader Chad Johnson, Zoning Inspector Brian Owens, Village Solicitor Paul Skaff, and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Minutes from the August 5 meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. Fiscal Officer Harnishfeger informed members that Utilities Superintendent Johnson had five extra hours of work that should be added to his payroll for August, adding \$100.00 to his normal pay. Also there was an invoice for \$810.00 from Jim Palmer Excavating for repairing the meter pit at 18615 Wall Street. Mr. Harnishfeger asked if the village should pay that invoice, since he thought Hefflinger, the owner of the property, had accepted the responsibility for the damaged meter pit and intended to pay for the repair. Mr. Johnson reported that he gave Palmer's number to Deb Hefflinger and she was waiting to get an estimate. Mr. Johnson said he would find out if Palmer will switch the invoice to Hefflinger and if Hefflinger will pay it directly, and he will let Fiscal Officer Harnishfeger know what they intend to do. If they want the Village to pay the bill from Palmer, we can then bill Hefflinger for the amount paid. Councilman Shanahan made a motion that these bills be allowed and orders drawn for same, with the understanding that the Palmer bill is only to be paid if Palmer won't rebill it to Hefflinger. Councilwoman Mackey seconded this motion. All were in favor; motion carried.

Fiscal Officer Harnishfeger reminded everyone that each year we close the office and have no council meeting on Labor Day, which falls on September 2 this year. A news brief will be placed in the Sentinel-Tribune.

Council President Heckerman gave a third reading, by title only, to Ordinance #901-19, 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. This ordinance is for tax year 2020, an amount of \$5,000.00, to be paid for by Special Assessment upon the lots and lands. Councilman Benedict made a motion to adopt Ordinance #901-19. Councilwoman Mehring seconded this motion. All were in favor; motion carried.

Council President Heckerman gave a first reading, by title only, to Resolution #903-19, a RESOLUTION TO APPROVE PUBLIC DEFENDER SERVICES. This resolution authorizes the mayor to enter into an agreement for Public Defender services on behalf of the Village, which guarantees indigent persons charged with certain criminal offenses the right to legal counsel through the Wood County indigent defense program.

Council President Heckerman read a resignation letter from Mayor Todd Buehrer, which stated, "Due to accepting a new job at BGSU, I have to resign my position as Mayor at the end of August. I am able to continue my position as village representative on the Northwest 190 Ambulance board and wish to do so." Councilwoman Mehring made a motion to accept Mayor Buehrer's resignation. Councilman Benedict seconded this motion. All were in favor; motion carried. A question was asked about any need to vote on Mr. Buehrer remaining on the ambulance board. It was determined that no vote was needed, since he was appointed last year for a three-year period, 2019 through 2021. Solicitor Skaff informed members that, as of the effective date of Todd Buehrer's resignation, August 31, 2019, President of Council John Heckerman will become the mayor for the remainder of Todd's unexpired term, until a new mayor is elected for the next term which begins January 1, 2020. When Mr. Heckerman becomes the

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mayor, then the council will have 30 days in which to select by vote someone to fill Mr. Heckerman's vacant council seat through the end of his term, which ends December 31, 2019. If the council does not fill the seat within 30 days, the mayor shall appoint a person to fill the seat. If no one runs and is elected to fill the council seat for the coming term, in January, 2020, the council may select whomever they wish to fill the seat, which means they can select the person who finished out the last term if they wish. Mr. Heckerman pointed out that another council seat will open if a current council member runs for mayor and wins. Solicitor Skaff responded that, if another council seat becomes vacant due to a member becoming mayor, then the council will vote to select someone to fill the vacant seat; if the council fails to fill the seat within 30 days, the mayor shall appoint someone to fill the seat. Mr. Heckerman asked if two married people could serve as council members at the same time. Solicitor Skaff answered that he did not know without checking into it, but a council member cannot be married to an employee of the village. An elected official is not considered an employee. Mr. Heckerman suggested members should be on the lookout for a good person to fill the vacant council seat, since we need to fill the seat in September. Solicitor Skaff commented that members could hold a special meeting just for that purpose, if need be. Mr. Heckerman said he thought it would be nice if we could post a vacant council seat notice somewhere, like at the Post Office, online, or in the paper. Councilman Shanahan suggested putting a banner on the main webpage, like for the festival. Councilman Benedict asked how it would work on passing resolutions with an empty council seat. Solicitor Skaff answered that you would need five people to do an emergency legislation, but otherwise just do three readings and pass it with a majority. If there are only 5 seats filled, emergency legislation can be declared with 4 votes. If all seats are filled, but members are not present, you still need 5 votes to declare emergency legislation.

ZONING: Council President Heckerman asked Zoning Inspector Owens if he talked with anyone that we discussed at the last meeting. Mr. Owens said he did not, because there didn't seem to be enough of an issue. He asked if we have a zoning code that covers trash. Mr. Heckerman said he had tried to find such a code, but couldn't. However, the owner of the Main Street property picked up some of the stuff there. They still need a notice that tells them they can't set trash out there like they were doing. Mr. Owens said he needs something specific in the zoning code before he can tell someone they are in violation.

Council President Heckerman reported that the property owner at 18052 Broad Street, which is zoned as residential, has a number of commercial vehicles and other vehicles parked there. It looks junky and it looks like he is running a business at the property. There are also two trucks in the back with no plates on them. Administrator Johnson commented that the owner is not running a business there, but he is not supposed to be parking commercial vehicles there in a residential zone. After some discussion, members decided to have Zoning Inspector Owens talk with the owner and let him know that he can't park commercial vehicles there, he needs plates on the two unlicensed trucks, and the village council would like to see the property look less junky. If necessary, the village can update the zoning code later to be more specific about these issues.

UTILITIES: Utilities Superintendent Johnson reported that Deb Hefflinger got back with him and told him it was their intention for Glen Hefflinger to just pay the repair bill for the meter pit directly to Palmer. Mr. Johnson said that when he hears back from Deb again that Glen is in agreement, he will call Palmer and ask them to bill the \$810.00 directly to Mr. Hefflinger. Fiscal Officer Harnishfeger said he would not pay the bill unless he hears from Mr. Johnson that Mr. Hefflinger won't pay it directly.

Mr. Johnson reported that he received a call from the resident at 18277 Tontogany Creek Road, informing him that they had high water usage of 23,500 gallons on their August utility bill. He stopped in at their house to check for a water leak and discovered a leaky toilet. He told the resident she needed to get it fixed. He said she would probably be calling the office because she told him she would like to make a payment arrangement on the high bill. Mr. Harnishfeger said he had not heard from her yet, but

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he had written letters to four customers who had high water usage on their August bill. Two of them had contacted him back to explain why their water usage was high.

Utilities Superintendent Johnson asked when the village had raised the water rates last year. Fiscal Officer Harnishfeger answered that the rates were raised, effective July 1, 2018, meaning customers didn't see the first increase until their August 2018 bill. Mr. Johnson commented that it has been over a year since we raised the water rates, and he asked when we were going to do the next rate increase. He said the EPA will be coming in and they are going to want to know why things like the backflow prevention on the master meter pits has not been done. Councilman Benedict asked how much Bowling Green raised our rates this year. Mr. Harnishfeger said he did not know. Councilman Shanahan reminded members that the Utilities Committee was going to study the matter and make recommendations to the council on what kind of increase was needed. Mr. Heckerman commented that, in order to make a decision on how much increase was needed, some numbers would have to be determined and considered. Councilwoman Mackey said she thought Councilman Roe had made a good point that we not only need to raise the water rates, but the line maintenance fee as well. Utilities Clerk Harnishfeger remarked that raising the line maintenance fee would be a help, but would not raise our water revenues by much. A couple dollars a month increase on line maintenance would only bring \$600 or so extra income per month. After some more discussion, Mr. Johnson suggested that we immediately raise the rates at least ten percent, and then work on coming to a better understanding of where the rates really need to be by next fall. Councilman Shanahan said he didn't think we gave the customers enough communication the last time we raised the rates ten percent, with just a flyer posted. He thought we should send them a letter. Councilwoman Mehring made a motion to raise the water rates fifteen percent now and then study the situation more carefully in the coming months. Solicitor Skaff advised that there needs to be an ordinance to raise the rates, rather than just a motion, so he will prepare an ordinance with blanks to fill in. The percentage of increase can be chosen and the first of three readings can be started at the next meeting. Members agreed to this plan and decided to reschedule the regular meeting of September 2 (Labor Day) to September 9 at 7:00 p.m. The second regular meeting of September will still be held on September 16. Councilwoman Mehring withdrew her motion to raise the rates fifteen percent. Councilman Benedict asked the fiscal officer to start adding to the invoice list what the village is invoiced each month from Bowling Green for wholesale utilities. Mr. Harnishfeger said he would be glad to do so; he had asked several times in the past if they would like those amounts added to the invoice list, but members had told him they didn't want them.

STREETS and ALLEYS: Councilman Shanahan reported that he spoke with Jeremy in risk management at CSX, who informed him that CSX is on the hook for \$23,400 for our street repair. He was made to understand that we never turned in the documentation for what the repair was. Mr. Shanahan asked Fiscal Officer Harnishfeger to see if he could find any documentation pertaining to this matter, either invoicing or a payment made by the village for the repair. Mr. Harnishfeger said he would look, but he did not remember being involved with the situation at all. Mayor Buehrer was dealing directly with CSX on the matter and said he had turned in a quote from Morlock for the repair needed. CSX was to pay Morlock for the repair when done. Nothing was to be paid directly to the village. Mr. Shanahan said that about a week after the first quote was turned in, Mayor Buehrer called CSX back and told them there was extra street repair needed that was not included on the original quote. CSX sent another crew out to look at it. The CSX crew did not believe that the add-ons were their responsibility. Mr. Shanahan said he told Jeremy we would try to get them information on the original quote from Morlock first, and then look into the extra add-ons later. Jeremy said they would be willing to send out a crew for another look at the add-ons. Mr. Heckerman said he would also contact Morlock to see if he can get a copy of the original quote from them. Mr. Shanahan said we could also follow up with Mayor Buehrer to see if he had any related email communications or anything else to document what went on.

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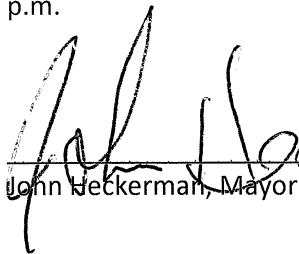
SIDEWALKS and TREES: Council President Heckerman reported that he looked at two other parks and their young trees are dying off just like ours are. It seems to be a widespread disease problem. Mr. Heckerman asked if anyone had heard from Abe Rowe. No one had yet.

DRAINS and SEWERS: Councilman Shanahan asked if we had any more information on drainage for Centennial Park. Councilwoman Mackey commented that Councilman Roe was working on it. Fiscal Officer Harnishfeger said he had not received any information or a quote from Kyle Sherman Excavating, nor anything from Councilman Roe.

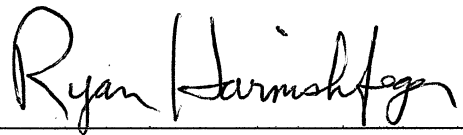
CITY HALL and PARKS: Councilman Shanahan reported that four of the disc golf baskets have been put in. They will continue working on getting the other five installed. Mr. Shanahan said he would email the amount he has spent on disc golf materials to Fiscal Officer Harnishfeger, and he asked Mr. Harnishfeger to provide to him the amount of grant money remaining to be spent, so he can be sure to spend every penny on the disc golf course. Mr. Harnishfeger said he would do so, and reminded Mr. Shanahan to turn in receipts for all materials purchased. Mr. Shanahan reported that the Park Committee will be getting together this week to review grant requests for next year, so they can get them submitted. Council President Heckerman asked if the park drainage was going to be one of the grant requests for next year. Mr. Shanahan responded that we had decided to do the drainage this fall and not include it as a grant request, since we already had \$20,000 appropriated for that project. Councilwoman Mackey added that we figured if we waited for a grant, we might have to go through another wet spring without drainage; fall seems like the best time to do it.

Councilman Benedict asked if the Eagle Scout post-replacement project was done yet. Councilman Shanahan responded that he had spoken with Mr. Weaver and they are waiting on a new auger. Mr. Benedict asked what will happen to the old posts, whether the scouts will get rid of them or if we need to do that. Mr. Heckerman said the landfill will take them, or maybe we could have a "friendship fire" at the park to get rid of them. Mr. Shanahan suggested that we could ask Jim Head to haul them away for us, but we should first ask Mr. Weaver if they plan to haul them away as part of the scout project.

With nothing further to discuss, Council President Heckerman declared the meeting adjourned at 8:23 p.m.



John Heckerman, Mayor



Ryan Harnishfeger, Fiscal Officer