

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: December 2, 2019

Council called to order in regular session at 7:00 p.m. with Mayor John Heckerman presiding. Opening ceremony: Pledge of Allegiance to the Flag, led by Mayor Heckerman. Roll call of members: Brenda Mackey, absent; Connie Mehring, here; Jamin Roe, here; 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. Visitors present: Glen Hefflinger for zoning questions; Elise Mancini, Ryan Smith, Samuel Lee, and Jade D. for Otsego Government Class; Nicholas P. Wainwright for Paul Skaff; Aaron Lee; and a deputy from the Wood County Sheriff's Office. Minutes from the November 18 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. Copies of the November Bank Reconciliation, Fund Status, Revenue Status, and Appropriation Status reports were given to the mayor and the Finance Committee to review. A copy of the Staples Credit Card Reconciliation report was submitted to Councilman Shanahan to review.

Mayor Heckerman invited Glen Hefflinger to speak to members. Mr. Hefflinger said he came seeking to change his building into apartments upstairs and downstairs. He thought he should be grandfathered because he bought the building before zoning changes were made. The zoning changes disallowed putting apartments in a commercial building downstairs, but when he bought the building, he bought it with the understanding that he could put apartments upstairs and downstairs. He has had the building for sale for a long time. It is just sitting there doing nothing and it needs to bring in some revenue. He has been approached by people with various suggestions of what to do with the building, such as a restaurant, but nobody wants to buy the building and pay for what they have suggested. Mr. Hefflinger said he also came to talk about whatever problems the village may have with his lot where trailers are parked, since he received a call about that. Mayor Heckerman suggested that we deal with the apartments request first, and he asked Zoning Inspector Owens for his thoughts. Mr. Owens pointed out that it is zoned for Commercial. Mr. Hefflinger argued that it has no realistic future for commercial development downtown, like many other small towns. Buildings just sit there unused and they decay over time. Administrator Johnson pointed out that the zoning code under Central Business District allows a lot of uses, including residences above the ground level. So, the only way around that would be a variance. Councilman Roe said he could see Mr. Hefflinger's point that the likelihood of successful businesses moving into the buildings downtown is very small, so this is something Council needs to think about; however, apartments might not be the only solution. Mr. Hefflinger answered that he doesn't think another solution will be found, but the town needs to find a way to preserve the structure of the buildings, which will require some investment. Councilman Roe reminded members that the snowball effect was a concern we had with Jerry Asmus' request for a zoning change, because others tend to want to do the same thing after it is allowed once. Zoning Inspector Owens pointed out that we are trying to see what we can do to clean up some businesses to make the town more attractive, such as removal of the junk and the trailers on Mr. Hefflinger's property. Mr. Hefflinger responded that he will get rid of the trailers if the town will give him his apartment deal. Mr. Hefflinger asked what is illegal about the trailers sitting there. They are not abandoned; they have merchandise in them. If the village forces the issue, he can put plates on all of the trailers and there would be nothing the village could do about them. It is on Industrial property, which you can do just about anything with. Mr. Owens responded that we are just trying to have a conversation in an effort to improve the looks of the village. Councilman Shanahan pointed out that the trailers do not have current registration, the Camaro sitting there has the windows broken out, and an RV was put there a week ago without plates. Mr. Hefflinger

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responded that the Camaro is not his, but he could go get plates for everything. Mr. Shanahan responded that we are looking at it from a safety perspective; it is possible for kids to climb in and out of trailers that are open. Mayor Heckerman suggested that the village could discuss the matter, see what we could do for Mr. Hefflinger and what he could do for the village and then get back with him on the matter. The mayor said he would not like to see the downtown crumble. Mr. Hefflinger said he didn't know the answer but the future does not look good for commercial investments in the downtown buildings. He pointed out that the lodge building on the other side has upstairs and downstairs apartments beside it. He could see no reason why the village would be against apartments upstairs and downstairs downtown. You would just need to get someone who cares enough to keep them in good shape. Administrator Johnson pointed out that the original zoning code was written in 1991, but those apartments were put in before the zoning code was written. The land where the trailers are sitting is zoned Industrial, which allows what it is currently being used for, including commercial vehicles. Zoning Inspector Owens told Mr. Hefflinger that if the trailers are not being used any longer, the village would like for them to be removed. Mr. Hefflinger replied that they are full of stuff, and one of his thoughts, if he removes the trailers, would possibly be to put in some containers and turn it into a storage facility. Mayor Heckerman asked who owns that property. Mr. Hefflinger answered that he leases it from the railroad. The reason for acquiring that property was to be able to park equipment there without being in violation of zoning. If the village has a problem with anything, he asked for a call, rather than writing him a legal letter. Mr. Hefflinger asked how soon the village could make a decision about his first-floor apartment request. Mayor Heckerman said it would have to be next year, since we only have one more meeting this year. Solicitor Skaff said that it would require rezoning, which would require a public hearing by the Village Planning Commission after a notice of three weeks, and then a public hearing by the Village Council. Mr. Hefflinger asked Councilwoman Mehring what she thought about it. She responded that she didn't think it would be good to put an apartment down there, since we already have traffic and parking problems. Councilman Roe pointed out that the first step would be that Mr. Hefflinger would have to submit an application. Solicitor Skaff added that Mr. Hefflinger would have to ask the Village Planning Commission to rezone his property. There has to be a published notice of a public hearing, certified mail notices to adjacent property owners, a public hearing by the Planning Commission, where they make a recommendation to Council, then notices of a public Council hearing, and a final decision by Council at that hearing. Administrator Johnson stated that he could see multiple problems that may become issues when trying to separate buildings in the Central Business District, due to lot line stipulations there. There will need to be a lot of research; there are a number of things in the zoning ordinance that will apply to this situation. Mr. Hefflinger can submit an application while we look into the details. Mayor Heckerman suggested that Mr. Hefflinger start working on his upstairs apartment first, and consider what would be needed to do a downstairs apartment as well. The mayor asked if there was an application form for Mr. Hefflinger to fill out. Fiscal Officer Harnishfeger answered that we don't have such a form; when Jerry Asmus applied for a zoning change, he submitted an application that he had drawn up. Solicitor Skaff commented that there doesn't have to be a particular form; it just needs to be a written request, identifying the property and the parcel number. Mayor Heckerman told Mr. Hefflinger he needs to submit his application and then the village will proceed to take it through the required steps.

Copies of the November incident report were provided to members to review, but it turned out that the incident report was for another municipality and was accidentally emailed to Tontogany from the Sheriff's Office. Mayor Heckerman invited members to ask the visiting deputy about any concerns they may have. There were no questions for the deputy. The deputy made a comment that, in her experience, apartments downtown can cause some problems if they aren't carefully watched and controlled. With nothing more to discuss, Mayor Heckerman thanked the deputy and she left the meeting.

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Fiscal Officer Harnishfeger provided everyone with a copy of a proposed appropriations budget for 2020. He went over the budget and explained the amounts he had recommended for various expenditures in each fund. He said he didn't put any amount down yet for a park grant because he didn't know if we would be awarded one or not. He included \$25,000 from the general fund for park drainage. Whatever we don't need to use of appropriations is not lost, but it helps to have it officially appropriated to use if needed. Mr. Harnishfeger reminded members that our appropriations have to stay within the amounts listed for each fund on the Official Certificate of Estimated Resources approved by the county, which is determined by our fund balances and estimated revenues which we submit two times each year. To stay within the allowed amounts for water and electric appropriations, Mr. Harnishfeger said he had to trim back some of the amounts he would have liked to appropriate. It is questionable what we will actually need for wholesale electric purchases, and what electric revenues will come in, due to the school's switching partly to solar power. We estimated too low for 2019 and had to do a supplemental appropriation in electric because the switch to solar power did not happen earlier in 2019, as we had expected. We will need to look at raising the electric rates, because the electric fund is starting to get into trouble like the water fund did. The water fund is seriously lacking in funding. Council approved a raise in water rates and fees that just became effective on November 6, 2019, so we won't see increased water revenues from that until December's utility payments and beyond. Mr. Harnishfeger said he had to cut back appropriations for wholesale water and for other water-related needs to where there may not be enough to pay for all water expenses in 2020. Utilities Superintendent Johnson informed members that the Ohio EPA is forcing us to come up with an asset management plan by June of 2020, which Feller, Finch told him will cost about \$10,000 to produce. Mr. Harnishfeger responded that we could move \$10,000 from the wholesale water purchasing line to another line to cover the cost of the asset management plan. Later, if enough new revenues come into the water fund, we can request an Amended Official Certificate from the county that will allow us to do a supplemental appropriation for water expenses. Councilman Roe asked if money could be moved wherever we want while putting together the budget, such as moving the \$30,000 intended for paving Broad Street to the water fund. Mr. Harnishfeger answered that we can move money within a fund, but not from fund to fund without special action taken, and sometimes court approval. Councilman Roe asked if money could be moved from the general fund to the water fund. Mr. Harnishfeger said he did not know the exact rules, but, generally, a fund is supposed to be self-sustaining, although he had heard that it was possible to move money from the general fund to another fund, either as a transfer or as a loan to be paid back. Mayor Heckerman posed the question: If a bill comes and we have to pay it, if not from this fund, then where will we pay it from? Mr. Harnishfeger said he did not know. He said that the general fund is very healthy right now. He asked members if they had any other special things they would like to do out of the general fund. Nothing specific was mentioned. Councilman Roe asked how difficult it would be to move some money from the general fund to the water fund. Solicitor Skaff answered that his understanding, although he could be wrong, was that you could move money from the general fund to other funds, but you could not move money from the other funds to each other or to the general fund. Mr. Roe asked Mr. Harnishfeger if he had someone he could ask for clarification on moving money from the general fund. Mr. Harnishfeger answered that he has an assistant state auditor's contact information and he will contact them on this question. Solicitor Skaff also gave him the phone number of Lisa Heft, the fiscal officer for Haskins and McClure, and suggested he call her also, since she has been a fiscal officer for many years and might have some experience on this topic. Mr. Harnishfeger commented that, even if we find we can move some general fund money to the water fund, we need to work to make the water fund self-sustaining in the future and not dependent on the general fund. Members agreed. The mayor and members also discussed whether or not we would want to move some money permanently or do it as a loan to be repaid to the lending fund. Mr. Johnson commented that our water fund problems started when they put in the high-cost twelve-inch line to support the school system. He said he didn't think they really contributed to that, but the town picked up the cost and is

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trying to pay for it through the cost of water to the consumers. Councilman Shanahan asked Mr. Harnishfeger if he would check into how money might be able to be moved from the general fund to the water fund. Mr. Harnishfeger said he would do so. Mr. Harnishfeger also asked members if they might want to raise the zoning inspector's wages, since they have been asking him to do a lot of zoning activities lately. If there are any wage increases, this would be the time to do it, so they could be figured into the 2020 budget. Solicitor Skaff advised that wage increases should be done with an ordinance. Mr. Harnishfeger answered that the auditors always required us to list the wages in the minutes of the last meeting of the year, but they never mentioned that we needed an ordinance to change them. However, we want to do it the right way, so we would need an emergency ordinance at the next meeting, in order to get it into the 2020 budget. Councilman Roe commented that the zoning probably won't change much normally, so he asked members if they might want to pay Mr. Owens an hourly amount for extra work, like we do for Chad. After more discussion, Councilman Benedict made a motion to raise the zoning inspector's salary by \$25 per month (from \$100 to \$125 per month) and the fiscal officer's salary by \$200 per month (from \$1,550 to \$1,750 per month). Councilwoman Mehring seconded this motion. All were in favor; motion carried. It was decided that Solicitor Skaff will prepare an emergency wage ordinance for the next meeting.

ZONING: Nothing extra to report.

UTILITIES: Utilities Superintendent Johnson reported that he and Councilman Shanahan attended a Washington Township meeting and nobody remembered the fire department ever flushing the fire hydrants. Councilman Shanahan added that they didn't seem to have an interest in doing that job in the future. Mr. Johnson also reported that yesterday he exercised eleven valves in town. A lot of them were easy. The four-inch ones were hard to turn, but they do operate. We fulfilled the EPA requirement to exercise critical valves, do transmission mains, and 20 percent of the valves within the village.

STREETS and ALLEYS: Councilwoman Mehring reported some street lights out. Fiscal Officer Harnishfeger reported that he received a call from Bob Swartz on Tontogany Creek Road, saying that a street light has been out for nine months and he would like to have it fixed before bad weather sets in. Administrator Johnson said he will talk to Bowling Green Electric to see if they will do our street light repairs.

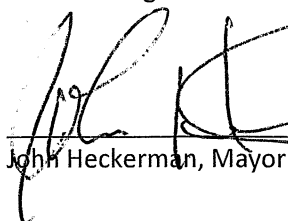
Councilman Roe asked if we are still having leaves picked up. Councilman Shanahan answered that Scott said they would be in Williamsburg Tuesday and Wednesday this week and he will try to swing through Tontogany, but he wasn't sure what day. It will be the last pickup this year.

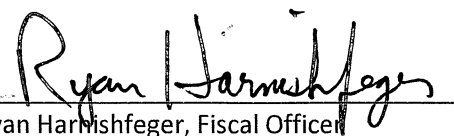
SIDEWALKS and TREES: Nothing to report.

DRAINS and SEWERS: Nothing to report.

CITY HALL and PARKS: Mayor Heckerman asked if everything has been taken care of for the tree lighting ceremony. Councilman Shanahan answered that everything has been taken care of. Members just need to bring cookies.

With nothing further to discuss, Mayor Heckerman declared the meeting adjourned at 8:44 p.m.


John Heckerman, Mayor


Ryan Harnishfeger, Fiscal Officer