

## TONTOGANY VILLAGE COUNCIL

### MEETING MINUTES FROM: February 17, 2020

Council called to order in regular session at 7:00 p.m. with Mayor Matthew Shanahan presiding. Opening ceremony: Pledge of Allegiance to the Flag, led by Mayor Shanahan. Roll call of members: Brenda Mackey, here; Connie Mehring, here; Jamin Roe, absent; Jason Benedict, here; Mark Smith, here. Also present were Zoning Inspector Brian Owens and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Minutes from the February 3 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. Mayor Shanahan reported that Fiscal Officer Harnishfeger had informed him that the Village received the \$23,400.00 settlement check from CSX for street damages caused by the 2016 train derailment and cleanup. Mr. Harnishfeger added that he deposited the check in the bank, added the money into the street fund, and wrote a letter to the County Auditor, requesting that our Amended Official Certificate of Estimated Resources would be increased by \$23,400.00, so the money could be appropriated later this year for street repairs.

Mayor Shanahan did a first reading, by title only, of Ordinance #910-20, AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2020 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF TONTOGANY, OHIO, AND DECLARING AN EMERGENCY. Councilwoman Mackey made a motion to suspend the rules and declare an emergency for Ordinance #910-20. Councilwoman Mehring seconded this motion. All were in favor; motion carried. Councilwoman Mackey made a motion to adopt Ordinance #910-20. Councilman Benedict seconded this motion. All were in favor; motion carried.

**ZONING:** Zoning Inspector Owens reported that he contacted the lady from Edward Jones who was wanting to go house to house in Tontogany. He had her pay a \$15 fee for soliciting in 2020 and had Fiscal Officer Harnishfeger send her a receipt. She is opening a place in Grand Rapids. Councilwoman Mackey commented that she came to her home and only had a couple more people in town to contact at that time. Mr. Owens said that she had told him she would hit it pretty hard for about a month and then later come back again later to talk to people who wanted her to talk to them.

Mr. Owens reported that we received an email from a man who wanted to move into the village, but he has goats and chickens and wanted to know if village laws allow livestock. Mr. Owens didn't find an ordinance about that, so he contacted Village Solicitor Paul Skaff about the matter. He also told the man that we are zoned residential, so that would take care of the goats question. However, the chicken question is something we need to have the zoning commission look into and come up with a new zoning ordinance. Solicitor Skaff gave him a copy of Weston's chicken ordinance, which Mr. Owens handed to Councilwoman Mackey, who read the ordinance aloud. The ordinance was worded to allow chickens to be kept in residentially zoned areas R-1 and R-2 when owners exercise good judgment and abide by specific rules, including obtaining a \$15 zoning permit, renewable each year; a maximum of six chickens, with no roosters; contained in a coop, 10 feet from the property line and 15 feet from any dwelling; the coop must be kept in a clean and safe manner and have approximately 3 square feet per bird; no slaughtering of chickens in the sight of people; chickens are not permitted to run at large; and offensive odors must be prevented, complying with existing ordinances regarding noxious odors. Mr. Owens commented that he thought it was a pretty good and straightforward ordinance that we might want to use as a guide. He also suggested setting the fee at \$20 per year instead of \$15. And he commented that Weston has a clause in their zoning for 4-H animals, but he wasn't sure if we would want to do that or not. There was some discussion on how to impose penalties for violations, for which the mayor suggested we get guidance from Solicitor Skaff. Mayor Shanahan asked who is on our current planning commission. Councilwoman Mackey answered that our past planning commission was made up of Tim

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Smith, Ron Mackey, and Keith Miller. Even though some of them were unwilling to continue being on the planning commission, they all did agree to help us out with the matter of Gerald Asmus' request for re-zoning his properties on Wall Street, as a special thing. After more discussion, Mayor Shanahan said that he would contact Tim Smith, Ron Mackey, and Keith Miller to see if they would be willing to help us out on this matter as well. He then asked who is responsible for putting together a planning commission. Members said they thought it was our responsibility. Councilman Benedict pointed out that it has to be made up of residents of the village. Mayor Shanahan concluded that his action item will be to try to form an updated planning commission. Mr. Owens commented that we may need a planning commission formed anyway, to also handle other issues such as Glen Hefflinger's request.

Mayor Shanahan reported that he spoke with Jeremy at CSX and told him that their railroad access roads in the village are in bad shape, and that we would like for them to start filling in the potholes in the spring. Jeremy said he would look into it, although he pointed out that residents shouldn't be using CSX's access roads. Councilman Smith advised that we should try to keep the communications open with CSX, to which everyone agreed.

Mayor Shanahan reported that he had texted members when the rail lines were down. He had found out that there was a broken line in the rail and it would be about three hours before it was repaired. He decided to text information to council members in such situations, so they could answer questions if any residents might ask them what is going on.

**UTILITIES:** Mayor Shanahan reported that he met with Zoning Inspector Owens and Administrator Johnson last week to go over the census map that they sent us. He wanted Mr. Johnson to verify that the boundary lines shown were accurate before responding to the Census Bureau. At the same time, the mayor said he spoke with Mr. Johnson about the topic of meter heads being damaged, as requested by Councilwoman Mehring. He said he asked Mr. Johnson to come up with the cost for parts and labor to repair and replace meter heads, and to develop a letter for Council to review. The mayor said that he realizes the cost can be different for different situations, depending on things like how much damage has been done and what it takes to repair it. We want a standard letter to send to home owners, telling them what we are charging them for damaging a meter. Utilities Clerk Harnishfeger commented that, if he will be adding a charge to the utility bill for meter damage, he wants something in writing that gives him the authority to do so. Councilwoman Mackey suggested also including this policy information on the Tontogany website.

**STREETS and ALLEYS:** Councilman Smith provided a list of all of the street lights he had observed in town with problems. He asked members to look at it and see if there needed to be any additions. He said he would then send the list to Utilities Superintendent Johnson to call Bowling Green Electric to request repairs. He asked if all of the lights on the list belonged to the village. Mayor Shanahan answered that we can let Mr. Johnson determine that. He also commented that it might be a good idea to ask Bowling Green Electric what kind of cost might be involved in changing street lights to LED—just to get the information for consideration. Councilman Smith added that there are some other municipalities switching to LED that would be good case studies. We could ask them how it is working for them.

**SIDEWALKS and TREES:** Nothing to report.

**DRAINS and SEWERS:** Councilman Benedict reported that he had not checked the drain near Thelma Wires yet at the corner of Broad and Washington Street. He may stop there tonight. The drain is between the sidewalk and the street and may be cracked. Mayor Shanahan mentioned that Barb Heiman was complaining about water standing near her home. He went to the corner of Crom and Broad Street. From Crom down to North Street, the water on one side of the street just sits there. There is one drain between North and Crom Street, on North Street by the fire hydrant. The next two drains

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are on the other side of Crom Street, but the road between North and Crom Street goes uphill. The water just sits there. If we start trying to fix that kind of thing, it will get expensive quickly. The mayor said he did not know if there might be a quick fix, but it floods into Randy Becker's yard right now. Members discussed possible solutions briefly. Councilwoman Mackey asked if it might be time to have the drains cleaned again in town. Mayor Shanahan asked who usually cleans them. Members discussed possible options. Zoning Inspector Owens mentioned someone in Grand Rapids who does it. Mayor Shanahan said he would ask around and see what information he could find.


**CITY HALL and PARKS:** Members thanked Councilwoman Mehring for unplugging the Christmas tree again. It seems that it was unplugged once and then somehow plugged back in again. Members had a question about how the switch at the pole works.

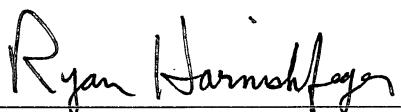
Mayor Shanahan asked Councilman Benedict if Eric Palmer might want to take a look at the park with the standing water from rain and melting snow. Mr. Benedict answered that he would call Palmer in the morning. He also asked what, specifically, we are looking for: Drainage? A catch basin around the horseshoe pits to catch standing water? And where are we taking it to? Mayor Shanahan suggested asking Palmer those questions when he is there and can see where there is standing water. Mr. Benedict warned that it will not be an instant fix; it takes about two years for a drain tile to do what it is intended to do.

Mayor Shanahan reminded members that he still wants to get the office cleaned up and decluttered. There are a lot of droppings behind the heating unit. Fiscal Officer Harnishfeger explained that it is bat droppings that come down the chimney duct. We had Tinman come and try to install screening to keep the bats out of the chimney top, but they are still getting in somehow. Mayor Shanahan asked Mr. Harnishfeger to start organizing materials that need to go into storage or to be discarded when he has spare time. Then we can come in and move things. The mayor said he unscrewed the hinges to one of the locked cabinets for which there is no key and he found utility receipt stubs going back to the early 1990s. Mr. Johnson will be moving and getting rid of some things. Zoning Inspector Owens would like to set up an area he can use so that people aren't coming to his house. Mayor Shanahan said he is going to start doing some office hours during the week, one or two hours per week, so people can come and talk to him if they wish. Once we have things separated, we can seek advice from Solicitor Skaff if we have questions on what needs to be kept and what can be shredded. Councilwoman Mackey mentioned a place she knows of that does shredding.

Zoning Inspector Owens reminded members of the vehicle parked downtown, discussed in previous meetings. It is a commercial vehicle and really shouldn't be parked there. Mayor Shanahan reported that he ran into and talked to the owner of 18052 Broad Street at Doc's. He has started moving things from the property as we asked him to. He has allowed his workers to take the vans home with them. The boats are still there and he knows he has more to do, but he is working on it. Mayor Shanahan let him know that we are willing to work with him.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 7:59 p.m.

  
Matthew Shanahan, Mayor

  
Ryan Harnishfeger, Fiscal Officer