

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: June 1, 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, absent; Connie Mehring, here; Jamin Roe, here; Mark Smith, here; Robert Bergfeld, here. Also present were Village Administrator/Utilities Superintendent/Meter Reader Chad Johnson, Zoning Inspector Brian Owens, and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: Damon Lee; Natalie Lambert; Keith and Cheryl Peper; Deputy Martha Villegas from the Wood County Sheriff's Office. Minutes from the May 18 meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. Fiscal Officer Harnishfeger pointed out that the semi-annual OWDA loan payment for \$24,754.34 was included on the invoice list. 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 May Bank Reconciliation, Fund Status, Revenue Status, and Appropriation Status Reports were given to the mayor and the Finance Committee to review.

Mayor Shanahan invited Natalie Lambert to speak to members. Ms. Lambert explained problems she is having at her home at 18655 Crom Street, including a badly buckled sidewalk, one or two bad trees, and drainage issues that need to be addressed. The mayor and members discussed the issues and possible solutions. When questioned about the drainage issue, Ms. Lambert affirmed that she was asking permission to run tile to the catch basin, through the right-of-way, including in front of her neighbor's house, at their own expense, not at the village's expense. Mayor Shanahan asked whose responsibility it would be to repair the drainage if it should get damaged in the future, since it would be in the right-of-way. He said he wanted there to be an understanding of how that would be handled. Administrator Johnson said he thought that was a question for Solicitor Skaff, but he would assume the village would be responsible. Mr. Johnson recommended requiring a certain type of materials to be used. Mr. Johnson and others also suggested a better solution would be to run drainage to the rear of their own property, if possible. Mayor Shanahan asked Mr. Johnson to consult with Craig Spoores and try to get mapping information on drainage in the village. Councilman Roe suggested contacting Abe Rowe to look at the bad trees and see what needs to be done about them. Mayor Shanahan gave Councilman Smith Abe Rowe's number to call. After a little more discussion, Mayor Shanahan told Ms. Lambert that we have some things to look at regarding the tile and we will follow up with her or Matt Lambert, once we find out what can be done and we get all the right information. Ms. Lambert asked about the bad sidewalks, what would be done and who would have to pay for it. Councilman Roe responded that he had intended to bring up sidewalks later in the meeting, but we could talk about it now. He said he had been asked what we were going to do about sidewalks by a couple of people. We had discussed in the past the possibility of the village sharing expenses with residents for laying sidewalks—splitting the price when they only have one sidewalk and paying completely for one sidewalk when they have two. Mayor Shanahan asked Fiscal Officer Harnishfeger if money for sidewalks is in the same fund as the money for paving streets. Mr. Harnishfeger answered that the street fund is for streets and sidewalks and there is some money currently appropriated for sidewalks in that fund. There is also money appropriated in the general fund for the school sidewalk project. Councilman Roe asked if we could use the money originally intended for school sidewalks for other sidewalks instead. Mr. Harnishfeger answered that we could do so. Mayor Shanahan asked the Sidewalk Committee to get together, check out the sidewalks, and come up with a priority list of sidewalks to lay or repair. Councilman Roe advised that, if we could decide on how we want to proceed on sidewalks and how the cost is to be paid, we could notify residents and offer to help them get their sidewalks laid. Councilman Bergfeld suggested that we get with a contractor and see how much it costs per foot and then go from there. Mayor Shanahan asked the Sidewalk Committee to get together, research the matter, and come

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up with a plan. The mayor then told Ms. Lambert that we will get back with her, once Council decides what to do with her sidewalk. With nothing further to discuss, Ms. Lambert left the meeting.

Copies of the May Incident Report were given to members to review. Mayor Shanahan asked members to speak to Deputy Villegas about any issues or concerns they may have. There was nothing except a reminder to continue to watch for speeders. With nothing more to discuss, Mayor Shanahan thanked the deputy and she left the meeting.

Mayor Shanahan invited Keith Peper to speak to members. Mr. Peper told members they bought a lot near the Tontogany Cemetery, which is in Washington Township, but not within the village. They would like to annex into the village to allow less paperwork to obtain a zoning permit, since the village's setback requirements are much smaller than the township's. Otherwise, they will need to get a variance from the township for setbacks, due to larger setback requirements in the township. Administrator Johnson, who is also the township zoning inspector, said he researched the annexation possibilities and he doesn't think it will work, unless Mr. Peper can get all of his neighbors on Tontogany Creek Road to agree to be annexed in with him as a group of adjacent lots. Mr. Johnson suggested that Mr. Peper go and talk personally with each of his neighbors about this. If he can't convince them to join him, he will need to go the township route and get a variance. Councilman Roe suggested that Mr. Peper could point out the benefits of annexing into the village to his neighbors, including that their utilities would be cheaper. Mr. Roe also asked what would happen if everyone but one wants to annex in. Mr. Johnson replied that it has to be adjacent. With nothing further to discuss on the matter, Keith and Cheryl Peper left the meeting.

Mayor Shanahan asked Damon Lee if he had any questions. Mr. Lee answered that he was wondering what area we need to fill with a new council member. Councilman Roe commented that Mr. Lee would start on whatever committees Jason Benedict had been on. Councilman Smith read the names of the various committees and the ones Jason was on. Mayor Shanahan explained to Mr. Lee that we try to put each council member on 2 or 3 committees, with emphasis on what they are especially interested in. The council seat would be an appointment for the next two years, and then Mr. Lee would need to file and run again if he wanted to seek reelection to the seat. Mr. Lee commented that he has three children, so anything to do with parks would be a good fit for him. Also, he would be interested in the area of utilities. Mayor Shanahan asked Mr. Lee if he was interested in filling the vacant council seat. Mr. Lee responded that he was. Councilman Smith made a motion to appoint Damon Lee to fill the vacant council seat left by Jason Benedict. Councilwoman Mehring seconded this motion. Roll call vote: Mehring: yea; Roe: yea; Smith: yea; Bergfeld: yea. Motion carried. Mayor Shanahan then administered the Oath of Office to newly appointed council member Damon Lee. Everyone welcomed Mr. Lee as a new councilman. The mayor informed him that the fiscal officer will be sending him some forms to fill out to get set up for payroll. Mr. Lee said he was interested in looking at what committees were available. Councilman Smith told him we would get him a copy of the list. Mr. Lee also welcomed any advice members might have for him. Mayor Shanahan commented that we now have three new council members and three veteran council members, who have been involved with the village for many years, so there will be plenty of help for him to get his questions answered.

Mayor Shanahan reminded members that he had sent them a copy of an emergency ordinance to allow Doc's to create an outdoor dining area for 180 days. He asked if anyone had any questions or problems with the ordinance before we go ahead and pass it. Members did not voice any questions or problems with the ordinance. Mayor Shanahan did a first reading, by title only, of Ordinance #914-20, AN ORDINANCE PERMITTING SIDEWALK CAFÉ / OUTDOOR DINING ESTABLISHMENTS, AND DECLARING AN EMERGENCY. Councilman Roe made a motion to suspend the rules and declare an emergency for Ordinance #914-20. Councilman Smith seconded this motion. All were in favor; motion carried. Councilman Roe made a motion to adopt Ordinance #914-20. Councilwoman Mehring seconded this motion. All were in favor; motion carried. Mayor Shanahan said he spoke with Larry and told him this was on the table for tonight, and that, if it passes, it will be his responsibility to file an application for

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permanent outdoor dining as a variance to the zoning code, which will require the planning commission to meet to discuss it in an open public setting. It will be up to Village Council to accept or override the planning commission's recommendation on the matter. Councilman Roe commented that it is a good thing to have this little 180-day trial period to see how the outdoor dining works out. Mayor Shanahan said he will get with Larry, let him know that the ordinance passed, and let him know that he needs to get with Zoning Inspector Owens to fill out an application for a variance. The mayor said he would then get with the planning commission to start that part of the process. Councilman Roe asked if, even though the outdoor dining is temporarily allowed for now, they have to follow all of Ohio's rules and regulations. The mayor answered that they do, including putting up a fence and not blocking the door. They intend to make it a non-smoking seating area; people would have to leave the gated area and walk away to smoke. Administrator Johnson asked if they can block the whole sidewalk. The mayor answered that they cannot. Fiscal officer Harnishfeger pointed out that the ordinance requires a certain amount of pedestrian sidewalk access free from obstructions.

ZONING: Zoning Inspector Owens reported that he processed three zoning permits: a fence for Jamey Holland at 18514 Tontogany Creek Road; a new shed for Arla Mae Crawford at 18635 North Street; and a deck and a replacement shed for Dale Korn at 18620 North Street. Councilman Roe inquired whether a permit would be needed for tearing down an existing shed and putting up one of the same size or bigger. Mr. Owens replied that you would need a permit in either case.

UTILITIES: Utilities Superintendent Johnson reported that Feller, Finch turned in the Asset Management plan last Friday. The deadline was today. As with past plans turned in to the EPA, they may find some partial violations or suggest some things they want added or taken out over the next few months as they review it. At least it was submitted on time. Mr. Johnson reported that he spoke to Bowling Green Electric Superintendent John Stewart. He will check into the poles on the North Street property we spoke of at the previous meeting. Mr. Johnson reported that he read the meters. Mayor Shanahan asked if the new meters came in yet. Mr. Johnson answered that they did not, but the mayor's meter worked this time. He said that sometimes, if you try three or four times, a problem meter will work and give a reading. He also said he is working with a small hand-held reader because the wand was sent in for repairs a couple of months ago and hasn't come back yet. It should come with the new meters. Mayor Shanahan asked Mr. Johnson to text him the next time he goes to read meters, so he can walk with him, ask questions, and learn a little more about it.

STREETS and ALLEYS: Councilman Smith reported that Councilman Roe had gone and marked Crom Street for us. The official bid date for the Crom Street Paving Project is June 15, but we did receive a bid from Morlock today. Geddis had also previously emailed us, indicating their interest in the project, and Mr. Smith said he talked with him by phone and in person; he also came out and took a look at the job. It was suggested that, if you mill the street down and then add a layer of pavement over that, you will get better results. Councilman Roe commented that, when he walked the street, he was surprised that there were so many spots that had been DuraPatched by the township. He asked Fiscal Officer Harnishfeger if he could email the prospective bidders that we previously emailed our letter to, and ask them to submit a second bid, including milling an inch and a half first and then putting an inch and a half of pavement over that. Mr. Smith said he would send Mr. Harnishfeger another letter to send to the prospective bidders for this.

Mayor Shanahan reported that he was stopped by Dan Sheperd about the crack in the road all through Harley Woods; Chad Hartman has also expressed some concern about the same thing. They have asked if we would be willing to patch it this year. Dan also told him that 100 percent of the lots have now been sold. On the topic of sidewalks in Harley Woods, the mayor said that Fiscal Officer Harnishfeger had looked at the agreement and showed him where to find it. The agreement says that

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when 75 percent of the lots have sold, sidewalks have to go in. So we need to pull out the agreement and sit down with Dan to talk with him about fulfilling it. A couple of people thought that when they were paying for their lot in Harley Woods, part of the payment was a prepayment for sidewalks. Councilman Roe asked what would happen if they say nobody in Harley Woods wants sidewalks. Do they still have to put them in? Mayor Shanahan answered that that would be a question for Solicitor Skaff to answer. Administrator Johnson stated that they agreed to follow Wood County's subdivision rules, which requires sidewalks to be put in. Mayor Shanahan said he would look over the agreement and get a copy of it to Solicitor Skaff to review, so he can advise us on how to speak with Dan about it. As for the patching of the road in Harley Woods, the mayor asked if we should have the township do it for us. Councilman Roe commented that he is not sure the township has a crack sealer, but what is needed is more like what we had Morlock do for us on Tontogany Creek Road, where they walked with an air compressor to blow the cracks out and then used crack sealer on the cracks. The mayor asked if we should seek an estimate from Morlock for the job. Councilman Roe answered that we can get a quote, but we may have to tell Dan that it will have to wait until next year, since we are already committed to other projects this year. The mayor agreed, as long as we give him some feedback that we are planning for it. Mayor Shanahan asked Councilman Roe to contact Morlock and ask them to look at Harley Woods Drive and give us an idea of what we would be looking at to fix the cracks.

SIDEWALKS and TREES: Councilman Smith reported that he has a tree between the sidewalk and the street in his yard at 18545 Wall Street that looks rotted. When he calls Abe Rowe to look at the trees on Crom Street, he will ask him to also look at the one at his place. There are two trees there, a maple and some other kind. He is worried about the rotted tree falling over in a strong wind. There were no objections voiced about him having Abe Rowe look at it and make recommendations on whether to take it down or not.

DRAINS and SEWERS: Nothing to report.

CITY HALL and PARKS: Utilities Superintendent Johnson reported that Councilwoman Mackey asked him to turn on the water fountain at Centennial Park. He sent her an informational piece on drinking fountains, stating that they are dirtier than a bathroom. In a National Sanitary Foundation survey, 2.7 million bacteria cells per square inch were found on a water fountain. Since the coronavirus is mainly spread person to person through respiratory droplets, aka spit, it is best to stay away from an object that calls for mouth to mouth involvement. So, Ms. Mackey said to leave it up to Council on whether or not to turn on the drinking fountain. Members voiced their opinion that we should leave the fountain off for now. Mr. Johnson asked about the fountain downtown at the four corners, if we should turn it off as well. The mayor and members answered that we should shut it off too, to be consistent.

Mayor Shanahan reported for Councilwoman Mackey that she and Ron got the new soccer nets up. She also said that Jim Head will be going away for a couple of weeks. When he returns, he will spray the volleyball court for weeds and then we will get new sand, which was part of the grant. Ms. Mackey was able to order the volleyball net as well. Jim will also be taking care of the benches.

Councilman Bergfeld asked if there was anything more about the disc golf signs. Mayor Shanahan answered that he received a text from Mark Ballard yesterday. He is working with a gentleman named Eric on a price for the signs. They will do a full-course sign and individual tee signs. They won't be doing score cards. The mayor said he was playing in Findlay and sent pictures of their style of disc golf signs, which are really nice, and asked for a quote on that type of sign as well. There was an offer to do the job for free or for a gift card. Mayor Shanahan said he told them that a gift card is not an option, but to submit an invoice, which they could discount down to whatever they want. At least that would give us a paper trail.

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Mayor Shanahan commented that we should figure out where we are with the park drainage project. Councilman Roe responded that Councilman Benedict had been handling it. The mayor said he would follow up with Mr. Benedict about it.

Mayor Shanahan reported that he had an inquiry about hall rental and he gave them the village office number and told them call and ask for Ryan, who would help them with getting set up for renting the hall.

Mayor Shanahan informed members that we need to update the village website. He needs a headshot photo and a brief bio for the new village officials emailed to him, so he can send them to Haley to post on the website. He will also have old mayor and council member information removed and updated.

Mayor Shanahan reported that he spoke with Scott Alexander about the leaf vac. He got address and phone information from the fiscal officer about Karen Traister-Rader, who stores the vac for us, but the phone number was an old landline number no longer valid. Administrator Johnson happened to have Karen's cell number which he offered to give to the mayor. The mayor said he would follow up with Karen this week and see if we can go back to the storage deal we had with her in the past.

Mayor Shanahan reported that Scott is going to patch another pothole that, technically, is not ours, but it is for one of our residents on Crom Street, right where her driveway meets the alley. He asked Scott to just fill it with stone. Mr. Johnson commented that the village has some stone down there for water line breaks; Scott could just take some of that and put it in the pothole.

Mayor Shanahan reported that our census is at 35.8 percent now. The census has been moved back until October. They are still contacting workers to get out and talk to people about the census. The fiscal officer printed up a stack of census notices that Councilwoman Mackey created for council members to give to residents. The mayor said he compared us to other Otsego communities and we are by far lower than all of them.

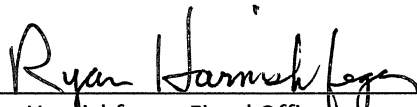
Councilwoman Mehring announced that the Tontogany American Legion will be having a Father's Day Chicken Bar-B-Que on Sunday, June 21, starting at 11:00 a.m. Meals will be available until they run out of chicken, on a first come, first served basis. The dinner will include ½ BBQ chicken, potato, green beans (or possibly coleslaw), and a dinner roll. It will be drive through (curb-side carry-out) only. Mayor Shanahan added that the price will be \$10.00 per dinner.

Administrator Johnson reported that the bricks are falling in on the back corner of the old Moser's carryout downtown. In the past we have called the Health Department about old questionable buildings, and sometimes they have had them torn down. He said the building might start to crumble in winter. It may be a health hazard. Someone should check the structure of the building. Mayor Shanahan said we should contact the owner first and let him know our concerns and that he needs to get it checked out. If he doesn't do something, we will consider what we need to do.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:17 p.m.



Matthew Shanahan, Mayor



Ryan Harrishfeger, Fiscal Officer