

## TONTOGANY VILLAGE COUNCIL

### MEETING MINUTES FROM: August 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; Mark Smith, here; Robert Bergfeld, here; Damon Lee, not here at roll call, but arrived at 7:09 p.m. 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 3 meeting were approved as submitted.

**FINANCE and CLAIMS:** A spreadsheet of the current invoices was reviewed and approved by members. Councilwoman Mackey informed members that the \$12,250 bill from Eric Palmer was for the drainage work done so far at Centennial Park. Councilman Smith 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 July Bank Reconciliation, Fund Status, Revenue Status, and Appropriation Status Reports were given to the mayor and the Finance Committee to review.

Mayor Shanahan did a third reading, by title only, of Ordinance #917-20, 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 2021, an amount of \$5,000, to be paid for by Special Assessment upon the lots and lands. Councilwoman Mackey made a motion to adopt Ordinance #917-20. Councilman Smith seconded this motion. All were in favor; motion carried.

Fiscal Officer Harnishfeger provided a list of proposed COVID-19-related expenses to members that he had compiled, amounting to a total of \$674.85 so far, to be paid for or reimbursed to the Village out of the CARES Act money distributed to Tontogany through the Wood County Auditor. He asked members to review the list and approve or reject any expenses on the list as they thought appropriate, and then for each council member to sign it. He said that the process for getting and using the CARES Act money was very complicated and demanded various proofs and strict record keeping, so he wanted this extra documentation of approval from Council. He also reminded everyone that the stipulations on using the CARES Act money state that "HB 481 directs the return of unencumbered funds to the county treasurer on October 15, 2020 and the balance of unspent funds to the state treasury on December 28, 2020." He reported that he had contacted the County Auditor's office, the Ohio Office of Budget and Management (OBM), and the Auditor of State's regional office, asking how to interpret "unencumbered" in the directive on the use of CARES Act money. No one could give him a clear definition of "unencumbered," as used in HB 481. He asked if money would be considered encumbered if it was put into a Purchase Order or Blanket Certificate in anticipation of possible expenses through the end of the year. He was told that would not be acceptable in their opinion, unless there was a specific contract or invoice. Therefore, we will need to return any unused portion of the \$4,373.93 CARES Act money to the county treasurer on October 15. After a brief discussion among members, with guidance from Solicitor Skaff, members decided to approve all COVID-19-related expenses on the list from the fiscal officer, with the understanding that if the OBM deems any of the expenses unacceptable, the Village will have to pay the money back.

Mayor Shanahan did a first reading, by title only, of Resolution #919-20, A RESOLUTION AUTHORIZING THE VILLAGE TO PARTICIPATE IN THE WOOD COUNTY PARK DISTRICT PARKS GRANT PROGRAM, AND DECLARING AN EMERGENCY. Councilman Bergfeld made a motion to suspend the rules and declare an emergency for Resolution #919-20. Councilman Lee seconded this motion. All were in favor; motion carried. Councilman Smith made a motion to adopt Resolution #919-20. Councilwoman Mehring seconded this motion. All were in favor; motion carried. Mayor Shanahan reported that we just

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received the \$1,779 grant check from the Park District for the 2020 Park Repair Replacement Project. Councilwoman Mackey said she would need a copy of Resolution #919-20, just adopted, to turn in with our new grant application. The mayor asked the fiscal officer to get a copy to her.

**ZONING:** Zoning Inspector Owens reported that he did a permit for a pool. After the last meeting he sent out six letters to five residents about vehicle and junk violations. Two out of five vehicles have been removed. They had fourteen days from the day they received the letter to comply. Members commented that it looks like the owners are starting to clean up the violations. Councilwoman Mehring reported that she was told that Donald Buehrer just received his notice, not giving him ample time to take care of it. Mayor Shanahan informed members that he and Mr. Owens had a conversation about this and decided that they would follow up by paying a visit to the people who have not yet responded or complied with the letters, rather than just sending a tow truck to tow their vehicle away. We will make an effort to work with them to get the problem resolved. Councilwoman Mackey reported that she was confronted by another resident on Lincoln Street, saying their truck is licensed, insured, and it drives. She answered that the zoning inspector had double-checked it.

**UTILITIES:** Utilities Superintendent Johnson reported, concerning the Peper property on Tontogany Creek Road near the cemetery, that, once the survey for the house was done and Northwestern Water & Sewer District marked it, the problem about the position of the water line went away. Now we are waiting for Mr. Peper to pay the utility tap and then Palmer will come to put in the tap on site. The District's service will remain as is.

Mr. Johnson reported on the Andy Moser/Dale Moser meter pit problem, that Palmer came out to look at it and said the meter pit is probably okay. One of the big issues Mr. Palmer noticed was it is a two-inch meter, feeding two residential structures, so quite a bit of the water is not even spinning the meter and they are getting free water. Other places like Bowling Green have a flat \$75 fee just to have a two-inch meter. Mr. Johnson said he will talk with Andy. Palmer suggested we take one of our new one-inch meters, swap it for the two-inch meter, and replumb it. Then he has an idea to excavate and run drainage to the ditch and put stone in the bottom of the pit to take care of the problem of standing water covering the meter. Palmer will give Mr. Johnson a price estimate on this project. Councilwoman Mackey asked if we are still considering using just one meter there for two residences. Mr. Johnson responded that we are, because if we put in two meters then we are responsible for the line all the way back. So, when it springs a leak under the railroad, we would end up eating the cost. We are better off keeping it the way it is. And we will be getting paid for the actual amount of water running through the meter, rather than a lot of it not being recorded. Utilities Clerk Harnishfeger asked if it will all still be billed to one customer, Dale Moser, and if the bill will likely be higher than it was before. Mr. Johnson replied that it will. Mayor Shanahan commented that they need to be made aware of this. Mr. Johnson said he will be talking to Andy again.

Mr. Johnson reported that he has started putting in new water meters that he received. In the next two or three months he will be flushing hydrants, exercising valves, and installing new meters, which will keep him busy.

**STREETS and ALLEYS:** Mayor Shanahan reported that he noticed they did the berm on Crom Street. Councilman Smith added that the project should be considered done now.

**SIDEWALKS and TREES:** Councilman Smith reported that Abe Rowe gave him a date of September 8 for coming to work on village trees. Mr. Smith said he would try to let the neighbors know to expect Abe to be coming to cut trees down. Councilwoman Mackey asked if Abe will be trimming the growth back at North Street and Tontogany Road. Mr. Smith answered that he had not talked to Abe about that, because we had talked about having Josh Heckerman do it. Ms. Mackey commented that Abe has the

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equipment and will be in town anyway. Mr. Smith said he would text him about doing that corner as well.

Mayor Shanahan reported that President of Council Smith, Administrator Johnson, and he and Solicitor Skaff met with Dan Sheperd prior to this council meeting, to discuss sidewalks in Harley Woods. Dan shared his opinion that the residents there do not want to have sidewalks. The mayor and officials shared with Mr. Sheperd the Village's plan to send letters to each resident in Harley Woods, inviting them to come and give us their input on the topic. Mr. Sheperd was okay with that. Once we have feedback from the residents, Council will need to make a decision whether to hold them accountable to put sidewalks in or to just leave it as it is. The mayor also stated that no money was pre-taken from the residents for sidewalks. Councilman Smith reported that he heard from third party sources that some of the residents intend to fight it legally if the Village tries to force them to put in sidewalks. Also, there is a discussion about the modification of an easement on one of the lots that Mr. Sheperd is asking for. This would involve the Planning Commission. Councilwoman Mehring commented that she thought the agreement said they had to put in sidewalks. Solicitor Skaff explained that, the way the agreement was worded, they don't have to install sidewalks until 75% is developed and they only have 73% developed so far, even though all lots have been sold. He added that, if they put in one more home, they will meet the 75% specification. Mr. Johnson pointed out that they planted trees right in the right of way where the sidewalks would go. Mayor Shanahan said we can now put together a letter to send to the residents to ask for their feedback. Councilwoman Mehring asked if we are going to force other residents in town to put in sidewalks, if we don't do so in Harley Woods. The mayor responded that Solicitor Skaff said this does not set a precedent, even if we develop somewhere else. The Sidewalk Committee will evaluate and see which sidewalks need repaired and then come up with a plan on whether we will do it, put it on taxes, go half and half, or whatever course we will take to get it done. So, having bad sidewalks fixed is our first priority, not laying sidewalks where there are none currently. Councilwoman Mackey asked if we had not passed an ordinance that any new development had to put in sidewalks. Fiscal Officer Harnishfeger and Solicitor Skaff affirmed that we did pass an ordinance saying so. Councilman Lee asked what would be the benefit to Tontogany of putting sidewalks in Harley Woods. Councilman Smith commented that it would be a matter of safety, keeping pedestrian and vehicle traffic apart. Mayor Shanahan concluded that, if we have done our homework, whatever decision is made in the end we can feel good about, whether everyone is happy or not. Councilman Smith suggested providing copies of the agreement to the residents of Harley Woods, so they can see what was agreed upon for themselves.

**DRAINS and SEWERS:** Nothing to report.

**CITY HALL and PARKS:** Councilman Smith reported that the disc golf course signs have arrived. They met at the park and discussed how to mount the signs. They decided to call Scott at the township. He had sign posts and equipment to install the posts. They will start work tomorrow on putting them in. Mayor Shanahan added that Scott is not charging us anything for this. Mr. Smith commented that the signs will look good and be durable.

Councilwoman Mackey reported that we turned in the completion of the 2019 park grant, emailed to the Park District by the fiscal officer. The amount of the grant that we got was \$1,779. We spent \$1,819, so we spent all of the park grant and a little of our own money. Last year we submitted a bid of \$3,000 from Zimmerman for lining the basketball court. Ms. Mackey said she asked Councilman Roe to get an updated bid from Zimmerman, in case their estimated cost had changed. Their current estimate went up to \$3,500. Ms. Mackey said she and Mr. Roe were not happy with the bid from Zimmerman, so she did a Google search and found a company in Toledo called Stripe It Up. She contacted them and talked with a gentleman there, informed him what we needed done, and she let him know they would be working on a blank slate and would have to do measurements. He emailed her an estimate of \$750 and said they do that kind of work all the time. Members commented that they had seen them around

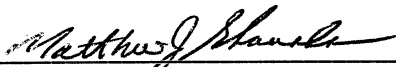
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and they are a reputable business. Ms. Mackey informed members that the only other grant we are thinking of applying for is for mulch for both parks. That estimate is just shy of \$6,000. Ms. Mackey said she does not want to submit a \$750 grant request, so she asked if members would be agreeable to have the Village just pay for the lining of the basketball court with our own money. Members voiced agreement with that idea. Zoning Inspector Owens suggested seeing if they will also do striping of the parking areas at the park, downtown, and at the hall. After a little discussion, Ms. Mackey said she would ask Stripe It Up to add striping our parking areas to their estimate. Mayor Shanahan pointed out that they can't do the Broad Street striping for a couple of weeks, since the problem van's expiration date is August 28. He said he intends to have it towed on the 29<sup>th</sup>. The mayor also reported that he has four temporary "No Parking" signs with the times on them coming to us. The temporary signs will hold us over until the regular ones are made. When we put the signs up, people will know they can't park there between the stated times. And then the sheriff can hold them accountable.

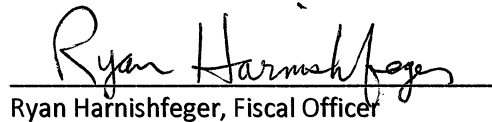
Councilwoman Mackey asked if we intend to get rid of the old wood of the horseshoe pits. Mayor Shanahan answered that we are, and that Councilman Smith offered to take the good ones home, power wash them, seal them, and put them back in place.

Mayor Shanahan reported that they held the Victory Parade on Saturday. He chatted with a number of people at that time and the comments coming back to him were how good the village is looking lately. So, the time and effort council members are putting in is showing and people seem to be happy about it. The mayor thanked members for their efforts.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 7:48 p.m.



Matthew Shanahan, Mayor



Ryan Harnishfeger, Fiscal Officer