

## TONTOGANY VILLAGE COUNCIL

### MEETING MINUTES FROM: February 15, 2021

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, absent; Jamin Roe, absent at roll call, but arrived at 7:03 p.m.; Mark Smith, here; Robert Bergfeld, here; Damon Lee, here. Also present were Village Administrator/Utilities Superintendent/Meter Reader Chad Johnson, Zoning Inspector Brian Owens, and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitor present: Deputy Jody Swoap from the Wood County Sheriff's Office (arrived about 7:50 p.m.). Minutes from the February 1 meeting were approved as submitted.

**FINANCE and CLAIMS:** A spreadsheet of the current invoices was reviewed and approved by members. Councilwoman Mackey made a motion that these bills be allowed and orders drawn for same. Councilman Lee seconded this motion. All were in favor; motion carried.

Mayor Shanahan did a first reading, by title only, of Resolution 929-21, A RESOLUTION ACCEPTING 3.9360 ACRES OF LAND TO BE ANNEXED INTO THE VILLAGE OF TONTOGANY, AND DECLARING AN EMERGENCY. The mayor explained that this resolution is a requirement that fell through the cracks, needed for the official acceptance of the annexation of the Fox Estate land beyond North Street. Councilman Smith made a motion to suspend the rules and declare an emergency for Resolution #929-21. Councilman Roe seconded this motion. All were in favor; motion carried. Councilman Roe made a motion to adopt Resolution #929-21. Councilman Bergfeld seconded this motion. All were in favor; motion carried.

Mayor Shanahan did a first reading, by title only, of Ordinance #930-21, an ORDINANCE ADOPTING RIGHT OF WAY AND SIDEWALK REGULATIONS. The mayor explained that he had contacted Solicitor Skaff about the question that had come up about whether or not a resident is allowed to remove a sidewalk. The answer was no, according to Ohio Revised Code, but Solicitor Skaff also drafted this ordinance to spell that out for the Village.

Mayor Shanahan did a first reading, by title only, of Ordinance #931-21, AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2021 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF TONTOGANY, OHIO, AND DECLARING AN EMERGENCY. The mayor explained that we do this every year for the new Ohio Basic Code books. Councilman Smith made a motion to suspend the rules and declare an emergency for Ordinance #931-21. Councilwoman Mackey seconded this motion. All were in favor; motion carried. Councilman Roe made a motion to adopt Ordinance #931-21. Councilman Lee seconded this motion. All were in favor; motion carried.

**ZONING:** Zoning Inspector Owens reported that he did a zoning permit for a garage at 17316 Harley Woods Drive.

**UTILITIES:** Utilities Superintendent Johnson reported that he was able to read all of the electric meters and the demand meters, but many of the water meters were covered with snow and had to be estimated this time. He did the special quarterly water samples and delivered them to Jones & Henry Laboratories today. He is still waiting on a quote for an electric cost of service study.

Mayor Shanahan reported that he followed up with Schwind to see if they can do our street lights, and they can. Mr. Schwind will get a quote for us on prices. The mayor will also meet with Mr. Schwind at 1:00 p.m. on Wednesday to discuss putting up and taking down the tree lights every year, as well as anything else for the Village. Councilman Roe suggested that the mayor ask him about replacing electric poles also. Mr. Johnson asked if we have a contract with Bowling Green for their services or if it is just a verbal agreement. Fiscal Officer Harnishfeger answered that he did not know of any written contract;

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we have just called them when we needed something, and they worked in pole inspections and changes with their own schedule. Councilwoman Mackey asked if a contract with Schwind to repair street lights would affect Bowling Green's willingness to do other needed electric jobs for us. Members discussed it and reasoned that they shouldn't respond negatively because we need to find someone else to do work that they can never find time to do. Also, repairing street lights was not usually done in the past by Bowling Green, but by L-B Electric out of Grand Rapids, Ohio. The mayor and members agreed that it would be good to discuss these matters with both Bowling Green Electric and Schwind Electric. Ms. Mackey asked if Schwind ever submitted a bill for putting up our tree lights. The mayor answered that he never did, and he never got an answer when he asked him about what cost there might be for putting up and taking down the tree lights each year. Hopefully, they will be able to discuss this when they meet on Wednesday. Councilman Smith suggested that, if Schwind cannot change out bad electric poles, maybe he knows someone who can.

Utilities Clerk Harnishfeger reported that we have some problems with the net metering for the school solar power generating system. The mayor had received an email from Superintendent Adam Koch, passing along electric power information which he had received on a monthly basis from Bowling Green Meter Specialist Dave Baus, showing the power provided to the school by the Village and the surplus power put back on the grid by the solar array. Mr. Harnishfeger said that a rough figuring of the numbers provided by Mr. Baus may translate to the Village owing the school about \$50,000 credit for surplus power generated by the solar array in 2020. This, of course, would put a huge dent in our estimated electric revenues for 2021, since the credit would have to be used up before any more positive revenue would be generated by the school accounts. Mr. Harnishfeger said he had supposed that the new bi-directional meters at the school were giving him a net metered amount, so he billed like normal, based on the readings he was getting. But it turns out that there are other readings on the meters that we were not told to use in figuring the power being put back onto the grid by the solar array. Therefore, Mr. Harnishfeger said he sent an email to Dave Baus, asking him a number of questions about how to proceed correctly with net metering. Mr. Baus asked him to call him at 9:00 a.m. on Tuesday, 2/16/21, to discuss this matter. Meter Reader Johnson commented that he has been getting readings for what we deliver to the school, and demand readings, but Dave Baus has been getting the readings for what is going back onto the grid. He can email those numbers to us. Mr. Harnishfeger remarked that it seems strange to him that we should have to get part of our readings from Bowling Green. After a little more discussion, Mayor Shanahan suggested that Mr. Harnishfeger see what he can find out from Dave Baus, and then, if we find it necessary, we can ask Adam Koch and the solar company to come for further discussion.

**STREETS and ALLEYS:** Councilwoman Mackey reported that she received four or five complaints about the condition of our streets in the last week. The main complaint was about the downtown area. She called Township Trustee Steve Powell and asked if they could get some more snow removal done on the village streets before the predicted big snow hits, which will make matters worse. She also asked if they had help for Scott Alexander, who is responsible for the whole township. Councilman Roe said he had also noticed that many of the parking spots downtown, as well as on Broad Street, were left covered with six inches of snow for a long while after the snowfall was done and the main streets were cleared. Ms. Mackey said she told Mr. Powell that the Village is willing to pay for extra street clearing, and, if the township can't do it all, we could contract with someone else to do part of it to free up their time. Mr. Powell later called Ron Mackey to relay to Brenda that the trustees are working on the problem; they went to get a needed part for the snow plow. Administrator Johnson added that he had also received a complaint about snow at the corners. Councilman Smith commented that we need to keep areas that belong to the Village clear and safe, so nobody has an accident due to slipping. Ms. Mackey also pointed out that there is a "no parking 3 a.m. to 6 a.m." sign on Main Street. She said she had hoped to ask a sheriff's deputy about enforcing the posted no parking. Mr. Johnson said that he has a township

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meeting to go to Wednesday and he will ask them about what their routine is and where we are on their priority of snow clearing jobs. Councilman Roe asked if we intend to start enforcing sidewalk clearing, especially in front of the downtown buildings. Members commented that the downtown has been left go. Mr. Roe observed that the person who purchased the old carryout downtown just lets it sit and does nothing with it. Mayor Shanahan responded that there was a young guy interested in buying it about a month ago, to put in a pizza and chicken shop, for delivery only. He met with the owner, got a tour of the building, and found that the whole upstairs is waterlogged and the roof is a mess. The owner is asking \$35,000 for the building, but it would probably cost another \$100,000 to get the building fixed up, plus the cost of starting a business. The prospective buyer then inquired about Woodbury's place next door, but Mr. Woodbury never returned his call. He also inquired about Current's place, but it is not for sale. The mayor said he will have to try again this spring to get the downtown owners together to discuss the future of their buildings. The mayor also told members that he had someone from Wood County Building Inspection come in the fall to look at the old carryout building downtown. He just looked at the exterior bricks and didn't do a walk-through. He said it needed some work but wasn't real bad. The mayor commented that, if he got a full tour of the building, he might have a different take on its overall condition. The mayor asked if Council has the right to require the downtown building owners to have their buildings inspected annually and submit a report to us. Members suggested that we might need to ask Solicitor Skaff about that, so the mayor said he would do so. Administrator Johnson also suggested that we could call the Health Department, if a building looks like a safety issue.

Mayor Shanahan reported that Toledo Flags, the company that gave us a quote for installing new flags downtown, sold their business to another company. However, they will still honor the original quote that was given to us. Therefore, the mayor asked them to put us on their early spring schedule to install flags.

Sheriff's Deputy Jody Swoap arrived at 8:50 p.m. Mayor Shanahan asked the deputy if he had anything for Council. He answered that he did not, but just stopped in to see if we had anything for him. The mayor answered that we were hoping to talk to a deputy about enforcement of the "no parking 3 a.m. to 6 a.m." area downtown on Main and Broad Streets. Deputy Swoap asked if we wished to have vehicles in violation towed away. The mayor and members asked to have a warning tag placed on them at first. The deputy said he would do so tonight, and then, if they don't comply and the Village later wants them removed, they will send someone back to do that process. Mayor Shanahan also noted to the deputy that every semi-trailer in the lot on Broad Street is unregistered, with tags going back to, like, 1992 and 1995. He had asked a deputy before to run a report, but our attorney said he never received the report number. We need to get something in writing, that we have had them checked by the Sheriff's Department, for our attorney to be able to use in dealing with the matter. He asked Deputy Swoap to put it on his agenda, after the snow storm passes, to get that for us. We have a right to have them checked out, because they are abandoned and in violation of Village code, as well as the CSX lease agreement, even though on private property. Deputy Swoap said he would take down the plate numbers and see if there was a report generated on them; if not, there will be a new report made. Zoning Inspector Owens suggested that the deputy also look at the Camaro sitting there, with busted out windows, which could be a stolen vehicle, since nobody seems to be willing to claim it as theirs. The deputy said he would check it. With nothing more to discuss, the mayor thanked him and Deputy Swoap left the meeting. Administrator Johnson said he looked at the zoning map and the Hefflinger lot with the trailers on it is zoned Industrial. Mr. Owens answered that we have no official document to show when it was, or that it was, zoned Industrial. Solicitor Skaff is asking for that paperwork.

**SIDEWALKS and TREES:** Councilman Roe passed out copies of a sidewalk letter with a color-coded map on the back, which he had prepared, incorporating suggestions and decisions made at the previous meeting. Councilman Smith told everyone that this is the proposed sidewalk letter that the Sidewalk Committee put together to send out. Jamin did a great job on the map. The letter answers many

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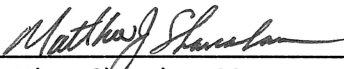
questions people may have. If they have other questions, the letter directs them to call or email committee members. Fiscal Officer Harnishfeger told members that he did some research and found that he could do a little more precise label printing than he had thought he could do with our utility software. He can print addresses on any one street or several streets. He can print all in-town addresses or all out-of-town addresses. Councilwoman Mackey asked if anyone had any questions about the letter or changes they think are needed. Councilman Lee asked how the 100 percent versus 50/50 payments were determined. Councilman Roe explained that when people have two sidewalks beside their property, on corner lots, the Village will pay 100 percent on one side (shown by red lines on the map), and this is usually the longer section of sidewalk, but 50/50 with the property owner on the other side (shown by green lines on the map). This way some people do not have to put down two stretches of sidewalk while others only have to put down one. Nobody is getting totally free sidewalks; if the Village is paying 100 percent for one side, they are paying 50/50 with the Village for the other side. Mr. Roe asked Fiscal Officer Harnishfeger how we would handle it, if a resident says they don't have the money up front and wants the cost to be put on their taxes. Mr. Harnishfeger responded that he wasn't sure, and he had also been wondering just how the collection of payments from property owners was going to be taken care of. Members discussed various possible options, including required down payments of half, and the remainder when the job is finished. Mr. Harnishfeger advised that we consult with Solicitor Skaff to come up with the best payment procedure for this project, since it is new territory for us. Ms. Mackey suggested that we may need to just start with people who do have the money to do their sidewalk, with a focus on the walks that are most in need of replacement. Mr. Smith added that we can tell people we will be doing this over several years, giving them an option to wait a little bit, if needed, to put together the money. He also suggested having a signed agreement and possibly an up-front payment, to protect the Village. Councilman Bergfeld asked if we intend to do the worst sidewalks first. Mr. Roe answered that we do, and we want to also consider neighbors and use common sense in putting together groups of walks to do. Mr. Lee asked about renters. Members answered that it is only the land owners who will be paying for sidewalks. Administrator Johnson asked if developers of land will be required to follow subdivision rules for sidewalks. Members answered that they will. Mr. Roe asked Mayor Shanahan if he had spoken with our website maintenance lady about a way for residents to subscribe to receive emails from the Village. The mayor answered that he hadn't yet, but he will reach out to her tonight or tomorrow. Mr. Roe said he thought it would be a good idea to put a little insert with the sidewalk letter, inviting people to sign up for email. Members voiced no changes or corrections to be made to the proposed sidewalk letter. Mr. Harnishfeger asked to receive the final version in electronic form, so he could take it on a flash drive to Staples for printing. And he asked members to let him know the final decision on what to include in the mailing and who it is to be mailed to. Mayor Shanahan thanked the committee members for their work on this project.

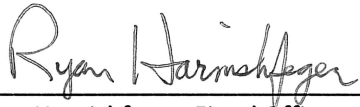
**DRAINS and SEWERS:** Nothing to report.

**CITY HALL and PARKS:** Mayor Shanahan reported that he was contacted by Heather Lorenz, who runs a soccer clinic for the younger kids at Otsego. They have had an overwhelming number of kids involved in the soccer clinic. They are asking permission to use Centennial Park about Sunday, May 23<sup>rd</sup>, to have a game using our goals, because our goals are smaller and work better for the smaller kids. They also want permission to line the field with chalk, which goes away with rain. Members had no problem with it. Councilman Roe suggested making sure Josh Heckerman has it mowed for their use. The mayor said he would have Heather reach out to Councilwoman Mackey with the exact date to schedule. Ms. Mackey said she would be sure to have the nets up. The mayor said he would advise her not to have people parking on the grass.

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With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:14 p.m.

  
Matthew Shanahan, Mayor

  
Ryan Harnishfeger, Fiscal Officer