

## TONTOGANY VILLAGE COUNCIL

### MEETING MINUTES FROM: April 19, 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, absent; Connie Mehring, here; Jamin Roe, absent; Mark Smith, here; Robert Bergfeld, here; Damon Lee, 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. Minutes from the April 5 meeting were approved as submitted.

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

Mayor Shanahan reported that he sent a text message to members about the stimulus money to be provided to the village through the American Rescue Plan Act of 2021 (ARPA). He forwarded an email from the Ohio Office of Budget and Management (OBM) to Fiscal Officer Harnishfeger about immediate steps local governments need to do to receive direct payment under ARPA's State and Local Fiscal Recovery Fund. Mr. Harnishfeger commented that we are good to go: we have the required valid DUNS number and active SAM registration. The mayor told members that both he and Mr. Harnishfeger will be attending an online webinar on April 29, put on by OBM, to provide updates and more information for local governments about the ARPA funds. The mayor also asked Solicitor Skaff to share with the village any information he may receive about dealing with ARPA funding. Councilman Lee asked if this money will be added to the budget we already have for 2021. Mayor Shanahan answered that this will be stimulus money generally for rebuilding and restructuring, rather than strictly for COVID expenses. At this point it looks like we may be able to use it for some infrastructure, such as our water lines or sidewalks. The payments to local governments will be split in two—50% within 60 days of the enactment of the law (which was on March 11) and the remaining 50% not earlier than 12 months after the first payment. Once we get more information about the uses allowed for the money, we can start deciding what we want to spend it on. For instance, Weston is slated to received over \$300,000, which they are planning on using for some water lines and infrastructure. Fiscal Officer Harnishfeger commented that, technically, this stimulus money will become part of the current year's budget. It will become appropriated, either automatically, or by whatever method the state requires, and it will be tracked in our UAN accounting system as a new fund. Mayor Shanahan added that, rather than having to return the unused portion, as was the case with the Coronavirus Relief Fund, we want to be sure to spend the whole amount we receive this time. He also said that he would try to keep members updated as we go, so everyone has the most current information to share with anyone who may ask them about this.

**ZONING:** Zoning Inspector Owens reported that he did two zoning permits—one for extending a porch at 18650 Washington Street, and one for new construction in Harley Woods, because they were a year past their first permit and they made some changes.

Mayor Shanahan reminded members that Councilwoman Mackey, at a previous meeting, had questioned how the matter of outdoor dining will be handled, since our ordinance for temporarily allowing it had expired, after which the owner of Doc's would need to apply for a variance to make outdoor dining permanently allowable for their establishment. The mayor asked members to think about the possibility of just changing the zoning to allow outdoor dining anywhere downtown, as a part of revitalizing our downtown, considering that we may in the future have people who would like to open other businesses downtown and have outdoor seating. Or we could stick with the original plan to have Doc's apply for it individually. Members discussed it and agreed that it might be helpful in drawing new businesses in, if we were to change the zoning to allow outdoor seating everywhere downtown.

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Councilman Smith asked if the owner of Doc's has expressed interest in doing outdoor dining again this year. Mayor Shanahan answered that he has expressed interest in doing so. Mr. Smith said he is fine with making the change to allow outdoor dining throughout the downtown area, perhaps with a limitation on the number of tables, if we think that is needful. The mayor asked Solicitor Skaff if we would need to bring in the planning commission on this. Mr. Skaff answered that the planning commission would need to hold a public hearing on the matter, after which they would make a recommendation to Council. Council would then hold a public hearing, having notified by certified mail all the adjacent property owners about the date, time, and place of the hearing. After that hearing, Council can either adopt the planning commission's recommendation, modify their recommendation, or deny their recommendation. Mayor Shanahan asked members if we want to take this to the planning commission and let the process get started. Members agreed that we should take it to the planning commission. Solicitor Skaff said he can prepare an ordinance for the planning commission to consider, and then they can make a recommendation to Council. Councilman Smith informed members that Mr. Skaff told him he is in the middle of completely rewriting our zoning code. Mr. Smith suggested that, if Doc's wants to apply for another temporary allowance for outdoor dining this year, while the process of updating the zoning continues, he would be fine with that; one more year wouldn't hurt. Mr. Skaff could add the downtown dining into the zoning code and then we could have the planning commission meet about the whole code and do the whole zoning update at one time. Members voiced no opposition to this idea.

**UTILITIES:** Utilities Superintendent Johnson reported that he received a call from Councilwoman Mackey about a hole the size of a baseball in the street at the corner by 18293 Broad Street. Checking it out, he found that it was about six inches deep and spread out under the asphalt. He put cones around it and called Brett Palmer to look at it and give us an estimate for repair. Thelma Wires, who lives there, had called about that particular catch basin before. Palmer said the catch basin needs replaced as well as some of the curb. The storm water pipe that goes to the middle of Broad Street and runs down Broad Street is collapsing and sucking gravel and sand into it. They will need to dig the whole thing up. Mr. Johnson said he sent the estimate to everyone and wants to know what they think before he gives Palmer the okay to do the job. The mayor and members agreed that it is something that must be done and can't be left go. Mayor Shanahan asked Mr. Johnson to let him know when Palmer intends to do the job, so he can put a message out on social media for people to avoid that intersection while it is being repaired.

Mr. Johnson reported that he spoke with Jerry Asmus about the storm sewer that goes down Broad Street and goes across the annexed Fox Estate property. Then he also spoke with Simon Gundy from Northwestern Water and Sewer District today. Mr. Gundy said they deal with that kind of thing quite a bit, where the owner signed an easement and never recorded it or there never was an easement. A lot of times in such situations there is a law that makes the easement automatic. Solicitor Skaff added that it is called a prescriptive easement after a period of 21 years. Mr. Skaff asked Mr. Johnson to fill him in on the details and he will look into it for the village.

**STREETS and ALLEYS:** Councilwoman Mehring asked if any of the street lights have been fixed yet. Utilities Superintendent Johnson answered that he just spoke with John Stewart, and Bowling Green Electric will be doing our street lights on Friday. Ms. Mehring reported that the street light is out at Dan Ballard's place at 18540 Lincoln Street. Mr. Johnson said he would take a look at it, and there is also another one on Tontogany Creek Road.

Mayor Shanahan reported that he followed up with School Superintendent Adam Koch and found out that the street painting machine belongs to the school. We do still have access to use it. The mayor said he also called Jim Fouts, who is still willing to do the street painting for us. He originally said he would not charge us, but the mayor said he told him he wanted him to do the right thing and to let us

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know if there is a fee. Mr. Fouts responded that we will get the work done and then talk about the fee after that. The mayor said he thinks Jim will do it pretty cheaply. We were planning to do it before Memorial Day so it looks nice for the parade through the village. Zoning Inspector Owens asked if we were planning to seal the parking lot before painting stripes on it. The mayor responded that we have not talked about sealing the parking lot. Mr. Owens advised that it might be something to think about. Mr. Smith commented that Morlock would be happy to do that sealing job for us. Mayor Shanahan said that the stipulation with Mr. Fouts is that, due to his new job, our striping would have to be done on a weekend, most likely on a Sunday, which works well for us. We just need to have Mr. Johnson call Bowling Green to get a street sweeper here on Saturday before the day for painting. The mayor said he would let Mr. Johnson know, once he finds out the exact date for the painting job. The mayor said he would get plenty of traffic cones from Bernie Scott to block off the places where painting is being done. The paint that will take the longest to dry is the black paint over existing white paint. We will also need to let the residents know in the apartments, who ordinarily park in the area that is being painted.

**SIDEWALKS and TREES:** Councilman Smith reported that we received another call from someone interested in the sidewalk program. He called them back, but they did not answer. Terrill Sheeks, who owns the house at 18535 Wall Street, is interested in the sidewalk program. Mayor Shanahan commented that Councilman Roe said he had the list updated. Mr. Smith said that as soon as he finds out for sure about the people that showed an interest, he will update Mr. Roe.

Mr. Smith reported that he called Abe Rowe about trees and found that Mr. Rowe can trim branches around utility lines. Mr. Smith said that Mr. Rowe and he are going to meet on Wednesday afternoon to take a look around town and get an idea of what trimming needs are expected. Mr. Smith asked if we are responsible for utility lines all the way to the house, or just the ones on streets and alleys. Utilities Superintendent Johnson replied that we are probably responsible for all of them up to the meters. Mr. Smith commented that we would probably need to talk to homeowners then, since Mr. Rowe would probably be in a lot of people's yards doing trimming. Mr. Johnson commented that one place we need to look at is Scott Coon's at 18630 Tontogany Creek Road. Mr. Coon had called him a week ago about a large oak tree toward the creek, hanging on a line there. Mr. Smith asked everyone to let him know if they see any problem areas that stand out. He said he will be walking around town tomorrow, taking note of spots that need trimming. Mr. Smith said he would take another look at the fund information that Fiscal Officer Harnishfeger recently sent to members to see what we can afford.

Councilman Bergfeld asked about brush pickup plans for this year. Mayor Shanahan asked when we did it last year. Nobody was certain. After some discussion, the mayor said he would ask Scott Alexander about doing a brush pickup on Monday, May 24 and again in the fall on Thursday, October 28. The mayor said he would call Councilwoman Mehring when Scott gives a confirmation of the dates.

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

**CITY HALL and PARKS:** Councilwoman Mehring stated that we need to have the fountain turned on at Centennial Park. Utilities Superintendent Johnson responded that he turned it on and found it had a leak, which he could hear inside the fountain, so he called Kellermeier Plumbing to come and look at it. Mayor Shanahan observed that we have issues with that fountain every year. The mayor and members discussed the possibility of replacing the fountain at the park with the fountain that was downtown, which we have in storage. Mr. Johnson said he would ask Palmer if it would be possible to swap them out and put that one in at the park.

Councilwoman Mehring reported that we need to get a larger board where people enter the park, since the drainage job hasn't seemed to fix the problem there. The mayor commented that it is definitely not as bad as it used to be. He also asked if we might just stone that spot. Members thought that would be a good idea, and that it could be combined with the project of putting the horseshoe pits

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back in. Councilman Smith asked if we heard anything back from the Boy Scouts. Mayor Shanahan responded that he hasn't got a response yet.

Councilwoman Mehring asked about the turning of the sand in the volleyball court. The mayor asked who we had do that in the past. Members thought maybe Bernie Scott had done it. The mayor said we would ask Councilwoman Mackey when she gets back.

Councilman Smith asked if we are getting some people on Mail Chimp. Mayor Shanahan answered that he has 9 now. He said has posted instructions on his social media, guiding people on how to get to it, and he will put another reminder on his social media this week. Even with only 9 contacts so far, the mayor said he will send them an email about the street work about to be done on Broad Street. Mr. Smith suggested that we might want to post something at the post office and Doc's as well. Councilman Lee suggested possibly a mailer about Mail Chimp, if the response remains low.

Councilwoman Mehring reported that she and Councilwoman Mackey planted hostas in the planters on Main Street.


Mayor Shanahan reported that he saw some kids today and had a chat with them about respect for the recycle bins and the porta potties.

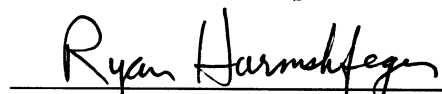
Mayor Shanahan asked Solicitor Skaff if he had anything he wanted to share with members. Mr. Skaff said he would like to follow up on the pavilion dedication. The mayor responded that his understanding from Councilwoman Mackey at the last meeting was that we didn't have all of the information together yet.

Administrator Johnson asked Solicitor Skaff if there is any restriction or liability about golf carts in town. We seem to get more and more of them running up and down the streets. Mr. Skaff responded that about two years ago the state imposed restrictions on their use. They have to be plated and have headlights and seatbelts, like a normal vehicle. They left it up to villages and cities to establish their own restrictions on them. Mr. Johnson also asked Solicitor Skaff if he is redoing the zoning code. Mr. Skaff answered that he has been working on it for about six months. Mr. Johnson asked if he will present it to us and if it will have to go through the planning commission. Mr. Skaff answered that he will show it to Council for consideration and then the planning commission will have to initiate the process.

Mayor Shanahan said that we will get the new flags up when the cold weather breaks. He thanked everyone for their efforts.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 7:40 p.m.

  
Matthew Shanahan, Mayor

  
Ryan Harnishfeger, Fiscal Officer