

## TONTOGANY VILLAGE COUNCIL

### MEETING MINUTES FROM: June 7, 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, here; Jamin Roe, absent; Mark Smith, absent; Robert Bergfeld, here; Damon Lee, here. Also present were Village Administrator/Utilities Superintendent/Meter Reader Chad Johnson, Zoning Inspector Brian Owens, Fiscal Officer/Utilities Clerk Ryan Harnishfeger, and Village Solicitor's Associate Attorney Nicholas Wainwright. Minutes from the May 17 meeting were approved as submitted.

**FINANCE and CLAIMS:** A spreadsheet of the current invoices was reviewed and approved by members. Mayor Shanahan pointed out that there was an adjusted-down bill from Jim Palmer Excavating for the meter pit installation in Harley Woods. Councilwoman Mehring made a motion that these bills be allowed and orders drawn for same. Councilman Bergfeld 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.

Copies of the May Incident Report were given to everyone to review. There was no deputy in attendance from the Wood County Sheriff's Office to discuss incidents on the report.

Mayor Shanahan did a second reading, by title only, of Resolution #932-21, a RESOLUTION APPROVING THE COMBINATION OF CERTAIN PARCELS OF REAL PROPERTY LOCATED IN THE VILLAGE OF TONTOGANY. The mayor commented that this is combining the Fox Estate property from several parcels into one parcel. Councilwoman Mackey asked who made the request to combine the parcels. The mayor answered that the property owner made the request through their agent, Diane Huffman.

Mayor Shanahan reported that he had emailed to members copies of an ordinance permitting sidewalk cafés and outdoor dining, which he received from Solicitor Skaff. The mayor said he thought maybe Mr. Skaff was a little confused on what he had requested this ordinance to be for. The Village had been discussing creating an ordinance to allow outdoor dining everywhere downtown. Last year Solicitor Skaff created an ordinance for Doc's, allowing them to have outdoor dining temporarily for 180 days, with the understanding that Doc's would then fill out paperwork to apply for a variance to allow outdoor dining permanently, with a \$200 fee. Since the Village intends to eventually pass legislation to allow outdoor dining anywhere downtown, it didn't seem fair to make Doc's pay \$200 to apply for a variance, so the mayor had asked Mr. Skaff if it was possible to amend our previous ordinance, allowing Doc's to continue outdoor dining beyond the initial 180 days, until a permanent ordinance can be passed to open up outdoor dining throughout the downtown area. However, the ordinance that Mr. Skaff drew up is not an extension of the 180 days for Doc's, but it is to allow outdoor dining for any licensed food establishment downtown. The mayor said he is not sure we have discussed the matter enough yet to go ahead with passing that ordinance. The mayor asked Attorney Wainwright if we could extend the previous 180-day ordinance for Doc's. Mr. Wainwright answered that it would need to be renewed, rather than extended, because it is lapsed already, and fees could be waived. The mayor asked Mr. Wainwright to relay our desire back to Mr. Skaff; meanwhile Council will have a chance to have a thorough discussion of the proposed complete downtown outdoor dining ordinance for adoption sometime in the future.

Fiscal Officer Harnishfeger reported that on June 3<sup>rd</sup> he filed for renewal of the Village's registration with the federal System for Award Management (SAM), due to become inactive after July 27, 2021. He received confirmation on June 4<sup>th</sup> that the renewal information was validated and accepted. SAM registration must be renewed annually to be able to receive federal awards, such as ARPA recovery funds.

Fiscal Officer Harnishfeger reported that he contacted the bank today regarding our CDARS investment of \$180,000 that is due to mature on June 17<sup>th</sup>. Upon maturity, the interest earned is placed

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in our bank account and then we have the option to roll the investment over into a new CDARS, if we wish. There is a small window of only a few days each year to get it rolled over into a new plan with current rates. The exact rates for our investment will not be available until June 10, but the bank supplied current rates which are not likely to change by June 10<sup>th</sup>, of which everyone was given a copy. On June 10<sup>th</sup>, the bank will email the exact current rates. Mr. Harnishfeger read a message he received from Todd Ritzler, the Village's investment account manager: "The interest rate market is still very compressed. Personally, I don't foresee much movement over the next week, especially on the shorter end of the curve. One never knows I guess, but it seems the Fed is really pushing the short end hard to keep rates low. The longer end has been moving a little, but you need to get in the 24+ month range to see any material pickup." The current rates are: 4 weeks – 0.01%; 13 weeks – 0.01%; 26 weeks – 0.01%; 52 weeks – 0.03%; 2 years – 0.12%; 3 years – 0.25%. After a brief discussion, members decided to have Fiscal Officer Harnishfeger roll the \$180,000 over into a new CDARS plan for a term of 3 years at 0.25%, if the updated rates are still essentially the same on June 10<sup>th</sup>. Mr. Harnishfeger said he would let members know before doing so, if there were any significant changes to the rates.

Fiscal Officer Harnishfeger reported that, on the 25<sup>th</sup> of June, he sent a certification of delinquent utilities to the County Auditor, as he does every three months. On June 1<sup>st</sup>, he received an email from Collette Dickey at the County Auditor's Office, saying that she can no longer do assessments of delinquent electric utilities to property taxes. When he asked her why, she explained that it was discovered that the Ohio Revised Code (ORC) only allows for assessments for water and sewer to be placed on property taxes, but it does not mention electric. She said that, if our village legal council can show her where ORC allows for electric assessments, she will allow them. So, Mr. Harnishfeger said he emailed Solicitor Skaff about this and Mr. Skaff responded that he would look into it. Mr. Harnishfeger said he also asked Mr. Skaff for some advice on options the Village may want to look at for collecting unpaid electric bills, if we can no longer certify them for assessment. Utilities Superintendent Johnson stated that he can pull the meter and shut off the electric. Mr. Harnishfeger responded that he understood that that is not allowed during winter months. Attorney Wainwright commented that Solicitor Skaff had looked into the matter and concluded that the opinion of the County Auditor is correct. A solution for the Village might entail a couple of options or a combination thereof. One would be filing suit against the delinquent customer. Another option is to limit the amount of electricity that comes into their home to run essential appliances. There would be a need to notify all residents and ask them to notify the Village if anyone has a medical condition that requires continuous electric service. Mr. Wainwright commented that the best route to go is to file suit. Mayor Shanahan asked if this essentially makes our delinquent utilities ordinance void, and Mr. Harnishfeger asked if we need to replace it with a new ordinance. Mr. Wainwright answered that changing the ordinance won't do anything for the electric and the Village doesn't need to create an ordinance in order to sue delinquent electric customers. Mayor Shanahan asked Mr. Harnishfeger how many people are in this situation. Mr. Harnishfeger answered that it varies. There might be one or two, five or six, or ten or more delinquent utility customers in any three-month period. Councilwoman Mackey asked what the procedure would be for filing suit. Would we send a letter, warning that a lawsuit would be coming if the bill was not paid by a certain date? Mr. Wainwright answered that, yes, you would provide them notice of a deadline; then you would use a fairly simple process of filing a lawsuit. You would need to choose the method of recovery, such as through wage garnishment or banking. Ms. Mackey asked if the Village would do the notification letter and lawsuit through the Leatherman & Witzler Law Office. Mr. Wainwright responded that you would, so all ORC legal bases would be covered. Councilwoman Mehring reported that she spoke with Solicitor Skaff today, who told her we could send a letter to a nonpaying customer and, if they don't respond, we can shut off their electric service. Mayor Shanahan commented that he would like to think we are a small enough community that we could just go to the home of a nonpaying customer and have a talk with them to see what the problem is and get it worked out. There was a question as to whether council members are allowed to know who the nonpaying customer is.

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Councilwoman Mehring affirmed that she asked Solicitor Skaff and he told her council members are allowed to know who it is. Mr. Wainwright commented that going and talking to delinquent customers would be a polite way to deal with the problem, but it could get a little tricky at times. The mayor asked if we need to send all customers a letter to notify them of this change. Mr. Wainwright responded that you do not. Councilwoman Mackey said she thought we should have the warning letter drafted right away, so that if any delinquent utilities can't be certified, we can act on them immediately. Mayor Shanahan asked if people would be required to show up in court. Mr. Wainwright answered that they would or they would be found in civil contempt, after which they would be found in criminal contempt. Mr. Johnson asked what other municipalities do in these situations. He said Bowling Green sends a disconnect notice immediately when a customer doesn't pay a bill. Mayor Shanahan concluded that we would like for Solicitor Skaff to write something up for us about these changes to our policy, so we have something to fall back on, as well as a letter to be sent to nonpaying electric customers. Mr. Wainwright reminded members that, if you use a shut-off notice, you will need to send a letter to all customers, asking them if they have a medical condition that requires continuous electric service. Councilman Lee commented that he doesn't think it is necessarily a negative thing for people to get a letter notifying them that they are behind on payment. Utilities Clerk Harnishfeger stated that it could be very difficult to try to jump on anyone who doesn't happen to have the electric portion of their bill completely paid up every month. Certifications are done on accounts 90 days overdue, which gives people a chance to catch up, if they get a little behind. Often, people make partial payments one month and then catch it all up the following month and there is no need to threaten them with certification or a lawsuit. Members discussed the matter a little more and agreed that there needs to be various situations and remedial methods taken into consideration, as well as a fee structure, in an updated policy on how to handle delinquent electric. Mayor Shanahan said he would like for Mr. Johnson and himself to set up a meeting with Solicitor Skaff to discuss all of these questions and then present a recommendation to Council at the next meeting.

Fiscal Officer Harnishfeger pointed out that everyone had copies of spreadsheets showing what the Village owes the school for surplus power put back on our grid in 2020 and the first two months of 2021, for which we have never given them compensation to date. The total amount for both the Campus account and the Elementary account is \$54,535.01. He said that Mayor Shanahan had told him a couple of weeks ago that Otsego Superintendent Adam Koch was wanting to get this matter cleared up before the end of their accounting fiscal year which ends June 30<sup>th</sup>. Mr. Harnishfeger reminded members that we had discussed the 2020 amounts due to the school at the March 15, 2021 meeting and it was decided to give Solicitor Skaff the breakdown of monthly billing and let him advise the Village on how to compensate the school. Mr. Harnishfeger said he sent Mr. Skaff the 2020 spreadsheet, but never received any comment or advice back about it. Mr. Harnishfeger said he doesn't really think we need any legal advice on how to compensate the school, since it was part of the agreement that we give them net billing or full credit on a monthly basis, but it was missed due to lack of information on surplus power put onto our grid. Now that we have calculated the amounts, we simply need to do a negative adjustment on their accounts to compensate them for the surplus power for which they never received a value, and a letter needs to be sent to them explaining the adjustment on their accounts. Beginning with April 2021 billing for March usage and beyond, net billing has been figured and billed on these accounts. Mr. Harnishfeger asked for members' approval now to go ahead and make this adjustment for the overdue compensation from 2020 and the first two months of 2021. Members agreed that Mr. Harnishfeger should make the adjustments and notify the school of them, with no one voicing opposition.

**ZONING:** Nothing to report.

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**UTILITIES:** Councilwoman Mehring said she would like to make a motion to raise the electric rates by ten percent, because we need money in the electric fund and we are getting further and further behind. Mayor Shanahan answered that we had decided we would wait for a cost-of-service study before raising the electric rates. Ms. Mehring observed that the cost study seems to be on hold indefinitely. Utilities Superintendent Johnson commented that he thinks we should be raising our rates, at a minimum, what Bowling Green is raising our rates. The mayor said he thinks raising the rates mid-year is hard on people with fixed incomes. We should work out a plan by the end of the year to be put in place in the new year.

**STREETS and ALLEYS:** Nothing to report.

**SIDEWALKS and TREES:** Mayor Shanahan reported that he gave Councilman Smith information on a couple of trees that Beth Hayes wanted looked at. The mayor said he went and looked at them and told Ms. Hayes that we would have the company that works on our trees look at them and determine if they need to be taken down or trimmed. There are some branches hanging on her front porch, so the mayor told her we would get those trimmed up for her.

**DRAINS and SEWERS:** Mayor Shanahan told Utilities Superintendent Johnson that he would like to get an estimate for what Palmer would charge for resurfacing the street after installing a new water line on Broad Street, as part of the same project, since their practice is to bill separately for water line work and repaving work. Mr. Johnson answered that, if we know we can include that with the cost of the project, he can get with Palmer to let him know how we want to break it down and find out the separate and total costs. The mayor said he just wants to be sure we have enough ARPA money to cover both the water line replacement and the repair of the street where that was done, so we don't use all of the money for the water line and have nothing left for the resurfacing afterwards. The mayor asked if there was a timeline yet on when we should get the first payment of ARPA funding. Mr. Harnishfeger answered that it is unknown at this time. Our disbursement will come from the state and they are still working on when and how they will release it. It should be pretty soon.

**CITY HALL and PARKS:** Councilwoman Mackey asked about the drinking fountain at Centennial Park. Utilities Superintendent Johnson answered that Kellermeier is coming back again tomorrow to work on it. Fiscal Officer Harnishfeger remarked that Kellermeier has already charged us over \$900 to fix the fountain and he hopes they aren't going to send us another bill. There was a question as to whether we intended to fix the side spigot or just close it off. Mr. Johnson said the final decision was to buy the part and fix it. Mr. Harnishfeger agreed that it was to be fixed, but Mr. Johnson was to see if he could pick up the part and fix it himself to save on repair costs. Mr. Johnson said he was not able to do that, so Kellermeier did the repair, but it didn't seem to hold. Now they need to adjust it or something to make it work right. Mayor Shanahan asked Mr. Johnson to let Kellermeier know that Council is questioning the amount they are charging for what appears to be no fix. Mr. Johnson replied that they are not going to charge for this visit.

Mayor Shanahan reported that Councilmen Bergfeld and Smith and he were talking about the tree lights. Schwind Electric is not responding to any of our communication, so they thought it might be cheaper for the Village to just rent a bucket truck and take down the lights ourselves.

Mayor Shanahan reported that he has received a complaint about a large accumulation of about 50 stray or feral cats in a house in town, and they are becoming a nuisance in the neighborhood. The question was asked what the Village could do about it. The mayor suggested that maybe the Health Department could be called. Administrator Johnson commented that he checked the Wood County Health Department on animals and it referred him to the Wood County Dog Shelter, which states that the Dog Shelter workers "do not have the authority to address complaints concerning cats. Please contact your local police department or the Wood County Humane Society to see if they can assist."

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Councilwoman Mackey commented that another member of the community has mentioned that they have a similar problem with feral cats in a house next to them. Mayor Shanahan asked Mr. Johnson to follow up with the Sheriff's Office and the Wood County Humane Society to see what their opinion is on what the Village can do.


Mayor Shanahan asked about the property at 18535 Wall Street with tall grass that needs mowed. Councilwoman Mackey added that there are several properties in town that need attention. She also reminded members that we do have a noxious weed ordinance. Administrator Johnson recalled taping notices on doors to warn people to mow their yard, or the Village will get someone to mow it. Fiscal Officer Harnishfeger agreed that we do have a tall weed and grass ordinance and we have posted notices in the past. However, he also found out that sometimes a simple call or letter also got the people to mow the property, to avoid the Village having it done for \$150 or more an hour. If needed, the ordinance lays out a procedure for giving notices and letters, followed by certification to the County Auditor for special assessment on property taxes. Mayor Shanahan asked Mr. Harnishfeger to send a letter to the owner of the Wall Street property with overgrown grass, to see if that will be enough to get them to take care of it, before proceeding with more measures.

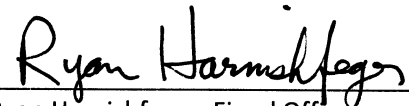
Councilwoman Mackey reported that there are large thistles, in seed, growing all around the front and side of the Post Office. She asked Attorney Wainwright what our recourse is, since this is the U.S. Postal Service. Mr. Wainwright asked if we had tried talking with their manager as a start. Mayor Shanahan answered that, yes, he has talked to her about a couple of things. He was given the number of the Bowling Green Postmaster, whom he talked with about striping parking spaces on the Post Office lot and about the grass being out of control. Their previous mowing contractor quit and now the maintenance man from Bowling Green is coming and cutting the Tontogany Post Office lawn with a push mower. He was told we would be very lucky to get any action on painting parking lines. The mayor said he will have to follow up with the Bowling Green Postmaster about the problems, including the thistles, and see what she says. Ms. Mackey said that it was suggested to her by a concerned resident that we contact Congressman Bob Latta for assistance, since he is also working to try to get our postal distribution back in Toledo. The mayor commented that Congressman Latta might suggest that we talk first with Ohio State Senator Theresa Gavarone, who, it just happens, will be in town next Monday.

Mayor Shanahan reported that on Monday, June 14<sup>th</sup>, which is Flag Day, we will do the hometown hero banners dedication at 6:00 p.m., outside at the hall. State Senator Theresa Gavarone will be here. All six veterans will get a senatorial citation. Dr. Theodore Bowlus will be here on behalf of the Wood County Commissioners. The Boy Scouts will start us off by presenting the colors and leading us in the Pledge of Allegiance. The mayor said he has two or three Otsego graduates from this year, who have already taken their first oath into the military, who he has asked to present the banners, so a younger generation will be handing the banners to our older generation. Bill Gase offered to deliver the veterans all on fire trucks, if we would like. After a brief discussion, the mayor and members decided to pass on that offer. The mayor said that an invitation was sent to Ohio State Representative Haraz Ghanbari, and he is waiting to hear back from him. A press release was sent out to the Sentinel as well as some of the news stations. The mayor said he asked Wood County Commissioner Bowlus to confirm his thinking that Tontogany would be the first municipality in Wood County to have hometown hero banners. The mayor said he would like to see as many Village officials as possible there for the ceremony. He estimated it would last about 45 minutes. The mayor told Councilwoman Mehring that the only person who does not know about this is David Albert; he asked Ms. Mehring to get in touch with him, which she agreed to do. The mayor said that we will need more banner brackets. At the place we purchased the banners, it was \$140 for one set; so we can probably figure out something less expensive. He suggested that Councilmen Bergfeld and Smith and he brainstorm how to get all the brackets we need. Councilwoman Mehring asked if there will be a reception after the banner ceremony. Mayor Shanahan said there would not.

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With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:12 p.m.

  
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Matthew Shanahan, Mayor

  
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Ryan Harnishfeger, Fiscal Officer