

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: May 20, 2022

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 at roll call, but arrived at 7:02 p.m.; Mark Smith, here; Robert Bergfeld, here; Damon Lee, here; Lincoln Fox, here. Also present was Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: Jerry Miller, regarding a requested lot split. Minutes from the May 2nd 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 Bergfeld seconded this motion. All were in favor; motion carried.

Mayor Shanahan reported that the Planning Commission met on Monday, May 16, 2022, regarding Jerry Miller's request to split a lot on his annexed property at the corner of Tontogany Creek Road and Scott Road. There are four lots, but the county gave the same parcel number to the two outermost "bookend" lots. Mr. Miller explained that in 2017 a piece of his property was annexed into the village, with the intention of having four lots. Originally there was one large parcel. After splitting off and selling two middle lots, which were given unique parcel numbers, it left the outside lots still with the original parcel number. The county informed him that the village would have to approve of the split of that non-contiguous lot, since the property had been annexed into the village and the county still views it as one parcel. Mr. Miller said that he is, therefore, requesting that the village approve the parcel split, and on an emergency basis, due to the timeframe. Councilman Fox asked if the residents who purchase these lots would have to pay Tontogany tax. The mayor answered that they would, since the lots have been annexed into the village. Mr. Fox also asked if the lots are zoned for single-family residences. The mayor answered that they are. The mayor went on to report that Mr. Miller presented this request to the Planning Commission on Monday at their 6:00 p.m. meeting. Having understood that this is technically a parcel split, but, in reality, it is just allowing a separate parcel number to be given to half of this oversized non-contiguous lot, the Planning Commission very quickly made a decision to recommend that Tontogany Village Council approve this requested split, which will make two lots that both meet the size requirements of the village. Mr. Fox recommended sidewalks for these lots, since they are right next to the school. Fiscal Officer Harnishfeger commented that the village passed an ordinance (#880-17) that requires people who construct a new home in the village to also construct sidewalks. Councilwoman Mackey commented that that would be at the property owner's expense. The mayor agreed.

Mayor Shanahan did a first reading, by title only, of Resolution #949-22, a RESOLUTION APPROVING THE SPLIT OF CERTAIN PARCELS OF REAL PROPERTY LOCATED IN THE VILLAGE OF TONTOGANY, AND DECLARING AN EMERGENCY. Councilman Smith made a motion to suspend the rules and declare an emergency for Resolution #949-22. Councilwoman Mackey seconded this motion. All were in favor; motion carried. Councilwoman Mehring made a motion to adopt Resolution #949-22. Councilman Bergfeld seconded this motion. All were in favor; motion carried. Mr. Miller thanked the mayor and members. Fiscal Officer Harnishfeger offered to make a certified copy of Resolution #949-22 for Mr. Miller after the meeting, if he wanted to wait for it, or to mail him a copy if he preferred that. Mr. Miller asked if he could just stop in on Monday morning and pick it up. Mr. Harnishfeger responded that that would be fine. With nothing more to discuss, Mr. Miller left the meeting.

Mayor Shanahan reported receiving a letter to Council from Rick and Amy Downs on Main Street, across from the hall. Some young neighbor children were playing in their yard between the house and the railroad tracks, when two rottweiler dogs bolted from the house next door and attacked one of the boys and bit him. The Downses asked if the village has an ordinance for vicious dogs or an ordinance for fencing for pets. The mayor commented that he didn't think we had an ordinance for either. Councilman Fox said he thought it might be covered in Ohio Revised Code. The mayor went on to report that the

TONTOGANY VILLAGE COUNCIL

Downs' letter said that they called out the sheriff's deputies and the warden and provided statements for both of them. The owner of the dogs had stated that the dogs barreled past her in the door and that they had been treated for prevention of rabies last year, so that shouldn't be a worry; she also told the bitten boy not to let this traumatize him. The mayor said he didn't think there is any follow-up we need to do with the deputies or the warden. Members and the mayor discussed various considerations for a possible future ordinance to cover pet problems, including the number of dogs allowed, leash rules, muzzles, rules for pets with previous attack incidents, and farm animals in the village. The mayor concluded that we will note that this has been brought to our attention and documented. We will let the family continue to follow up with the authorities. Councilwoman Mackey asked if they took the bitten child to the doctor, and she remarked that the owner of the dogs should be responsible. The mayor answered that he got the understanding that all of the proper emergency people were called. Councilman Lee asked if Council was responsible for enforcing leash requirements. The mayor answered that we should be able to pass a leash requirement ordinance for anyone within the village. Members discussed this and agreed that a leash should be required for any dog outdoors that is not fenced in. The mayor said he would ask Solicitor Skaff some questions about all of this and find out what he thinks. Perhaps another municipality that he serves has code in place that he could recommend for Tontogany.

ZONING: Mayor Shanahan reported that he will have Zoning Inspector Owens send a letter to the property owner with tall grass on Wall Street. Councilman Fox asked if we have an ordinance on tall grass. The mayor responded that we do and we had to address this property owner about the same problem last year. Mr. Fox asked about what happens if they don't mow it. The mayor and Councilman Smith explained that the village has the property mowed and the cost is charged to the owner, if they do not respond to the zoning violation letter by mowing the tall grass. Mr. Fox asked how often notifications get sent out. The mayor commented that he wondered if there should be further consequences for repeat offenders. Fiscal Officer Harnishfeger commented that the tall grass ordinance says that grass should not get over six inches tall and, if the village has to have it mowed, the cost is \$200 per hour. Mr. Fox commented that, when one property has unsightly overgrown grass, it lowers the property value for everyone in the village.

UTILITIES: Councilwoman Mehring reported that there are two more street lights that need fixed, but she will have to check again as to their location. Mayor Shanahan asked her to let Utilities Superintendent Johnson know when she finds out the location.

Mayor Shanahan asked Utilities Clerk Harnishfeger how we are doing on delinquent utilities customers. Mr. Harnishfeger answered that most customers are responding to our disconnection notices and making payments on their accounts. Of the entire last batch of notices to 16 customers, only 2 had not responded or made payments. He said he had asked Mr. Johnson to go ahead with the disconnection of those 2 customers, unless he can get a last-minute payment from them. Mr. Harnishfeger told the mayor and members that the customer with the very large delinquent balance over \$10,000 had paid \$2,000 and asked for the payment agreement form with \$1,000 extra payment per month written into it. He said he has not received that signed agreement back yet. Another customer with a previous delinquent balance over \$5,000 had made a payment of \$1,000 and asked for an agreement to pay \$100 to \$250 extra per month to pay off the delinquent balance. Mr. Harnishfeger concluded that it has added a lot of extra work, but it has so far been a successful action for diminishing the amount of past due utility payments on customers' accounts.

Councilman Smith asked about the response to the letter sent to a previous property owner who sold the property while there were still unpaid utilities left on the account. Mr. Harnishfeger replied that he did not receive the payment that was requested for the delinquent utilities left on the account, nor any response at all from the previous property owner. Mayor Shanahan said that he did not get any response about the matter from the previous owner either. Legally, the delinquent utilities left on the

TONTOGANY VILLAGE COUNCIL

account become the responsibility of the new property owner, if the previous owner did not pay them. The mayor added that, based on legal counsel from Solicitor Skaff, we have a responsibility to the other customers to bill and collect the delinquent utilities from the new owner of the property, although we tried first to see if the former owner would pay it. The mayor and members decided to direct Utilities Clerk Harnishfeger to bill the new property owner for the past due utilities left on the account, with payment as a condition of continued utilities services to their property, and explaining to them that they may wish to try to settle up with the former owner, since these charges were not disclosed to them as part of the sale agreement, or they might want to ask their property title company if they had paid for insurance to cover situations such as this.

Councilwoman Mackey asked what we are doing about getting a new meter reader. The mayor responded that Mr. Harnishfeger had sent everyone an email, informing them of another person who had expressed interest in the job, and asking if he should request a résumé from that person. Members expressed interested in receiving a résumé from anyone interested in the job, and especially this person who has some water experience. Mr. Harnishfeger commented that the gentleman has a water operator's license and has knowledge about meters, which would make him an ideal candidate for the meter reader job. He had actually asked if the utilities superintendent job was open, because he was interested in taking that position, if it was open. Mayor Shanahan said that he would just make a direct call to the interested party to talk to him about the meter reader position.

STREETS and ALLEYS: Nothing to report.

SIDEWALKS and TREES: Nothing to report.

DRAINS and SEWERS: Nothing to report.

CITY HALL and PARKS: Councilman Smith reminded everyone that we had talked about getting a lift and painting the flagpole and doing various jobs. He said he will be off work next Friday, May 27th, so he would be available for a village work day and would be glad to go get the lift. Councilman Bergfeld said he would be off on that day too. Mayor Shanahan said he should be able to get the paint we need by that day. Councilwoman Mehring asked if the lights would be removed from the tree too. The mayor answered that we will do everything while we have the lift. The mayor asked if we have an account with Bee Gee Rental. Mr. Harnishfeger answered that he didn't think we do. The mayor asked Mr. Smith to ask Bee Gee Rental to create an account for us, so they can just bill us for equipment rentals. Mr. Harnishfeger added that he could provide a tax-exempt certificate to them.

Mayor Shanahan reported that Solicitor Skaff responded about the text the mayor had sent to members regarding \$60,000 in relief money to be awarded to Tontogany. Based on Mr. Skaff's research, it sounds like it would be an additional amount of money added to the previously awarded amount of ARPA money we were to receive, bringing the new total to \$60,000. The House bill has made it to the Ohio Senate. Once passed by the Ohio Senate, when we get our second payment of the original ARPA money, we would get the extra money at that time as well. The mayor said that we should, at the next meeting, ask Chad Johnson to try to get a timeline down to solidify a quote for the proposed backflow prevention project on our master meter pits. Councilwoman Mehring commented that she will not be here for the next meeting or maybe for the next two meetings.

Mayor Shanahan reported that he has not received much information about plans for the Memorial Day parade. He said they will probably kick off at 10:00 a.m. again like they normally do, using the same parade route. The ceremony at the cemetery is a great way to honor our fallen veterans. Councilwoman Mehring added that they have a nice potluck at the Legion afterwards. The mayor asked if there were any thoughts about the next banners that we want to have made, honoring hometown heroes. He said we do not have to do six more this year, but members could bring suggested names to the next meeting

TONTOGANY VILLAGE COUNCIL

for consideration. The mayor said he had contemplated proposing making a dozen banner brackets as an Eagle Scout project. One way or another, we will have to get some brackets that we can screw into telephone poles as we add more banners. Councilman Smith commented that the Eagle Scouts need projects that boys can do, and to see how well they can organize and manage things. The mayor said the Scouts may not be allowed to use power tools. He said we can brainstorm on the village workday what to do about brackets.

Councilwoman Mackey asked if we know whether the Boy Scouts are doing any kind of patrolling of the recycling bins. She said we have had a lot of recycle materials blow out of the bins and into the surrounding yard. We pay the Scouts \$50 per month and she thought it was our agreement with them that they would patrol the bins. Mayor Shanahan replied that he had spoken to the Scoutmaster last year when this same problem was brought up. He had asked for a day and a rotation schedule, but he couldn't get that because they try to fit it in with their own schedules. But they assign people and rotate the families that do it. The mayor said that he just doesn't know when. Ms. Mackey said that it seems to be a weekly problem with the bins overflowing, so we may need to be more specific with the Scouts as to what we want from them. Councilman Fox said he thinks there are too many people and not enough bins for all of their recycling. The mayor responded that he had emailed our contact at the county today because he had received a complaint from someone who thought the bins had not been emptied for two weeks. It turned out that they had been emptied, but within about 24 hours they were full again. The mayor said he inspected the bins and found furniture boxes not broken down and material with a Bowling Green address as well as another out-of-town address. Mr. Harnishfeger commented that people from all over the county are allowed to use the bins. The mayor said he emailed about the problem of them filling up too fast and said we need one or two more bins and to have them emptied twice a week; he is waiting to hear back. Councilman Smith reminded members that we had asked about this issue before and the response was that their schedule was full and they don't have any more bins. Mr. Fox asked if we can buy a bin. The mayor answered that we would then be responsible for hiring a company to come and empty it at our expense; right now, it is done for free through a grant program with the county. Mr. Harnishfeger commented that adding more bins would take away more parking space used by hall renters. Mr. Smith reminded members that we had previously talked about putting two bins at Centennial Park. After a little more discussion, the mayor said he would start sending weekly pictures of the problem, with times taken, to show how quickly they are filling up. Mr. Fox suggested the possibility of having a bin for the village for aluminum, which we would recycle, which would hopefully pay for itself. The mayor said we would continue to try to voice our concerns to the county, with photos added. Ultimately, the worst-case scenario would be that we decide to eliminate the recycling bins from the village, if it becomes more of a hinderance and a hassle to the village and the neighbors, picking up recycling materials regularly escaping from the bins. We can't zip-tie or lock the bins to contain the contents; the drivers will not get out of the truck to open or unlock the bins. Councilman Bergfeld asked if Weston has this problem. The mayor answered that he could ask them.

Councilwoman Mackey reported that she spoke with Kathy Kolanko at GameTime and told her of the issue we had with the delivery of our playground swings without forewarning, giving us no time to prearrange unloading and storage of the shipment. Ms. Kolanko was appalled and said the freight company is required to give a 24- to 48-hour notice before arrival; she will contact the freight company about it. Ms. Mackey said she asked Ms. Kolanko for a minimum of a week's notice before the installation, so we can get the space prepped. Ms. Kolanko said she would do so, but she cautioned not to expect the installation to take place until later in the summer. Mr. Smith said he would like to know the time and to have a list of what preparations need to be made. Ms. Mackey answered that she has that list.

Mayor Shanahan asked Councilwoman Mackey if she went to the meeting about park grants and if there was anything she had to report from that. Ms. Mackey said she went and there was nothing new. The grant applications are due in October. She also said there was a place on the application to check if

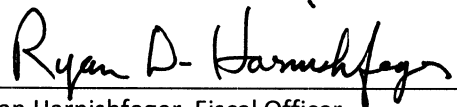
TONTOGANY VILLAGE COUNCIL

you are willing to receive partial payment, because sometimes they may have several thousand dollars left at the end of the process that they could award to an entity as a partial payment for a project; our application will have that checked. On the topic of park grant requests, the mayor and members discussed the possible costs and things that would be necessary to excavate out and replace the volleyball court with a pickleball court. The mayor said that his research revealed that it could cost \$25,000 easily to install a pickleball court. However, there may be ways to bring some of the costs down. Councilman Smith explained that there is a problem with the volleyball court, which has about six feet of sand under it that would have to be excavated and replaced with dirt and stone as a base for a pickleball court.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:03 p.m.



Matthew Shanahan, Mayor



Ryan Harnishfeger, Fiscal Officer