

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: November 6, 2023

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; Mark Smith, here; Robert Bergfeld, absent; Damon Lee, absent at roll call, but arrived at 7:01 p.m.; Lincoln Fox, here. Also present were Utilities Superintendent/Meter Reader Chad Johnson, Zoning Inspector Brian Owens, and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: Deputy J. Zimmerman from the Wood County Sheriff's Office. Minutes from the October 16th meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. 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 October 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 first reading, by title only, of Ordinance #965-23, an ORDINANCE AMENDING CERTAIN SECTIONS OF THE VILLAGE OF TONTOGANY INCOME TAX ORDINANCE, AND INCORPORATING CHANGES INTO THE VILLAGE INCOME TAX ORDINANCE. Fiscal Officer Harnishfeger commented that the reason for this ordinance is that Ohio House Bill 33 was signed into law by Governor DeWine on July 3, 2023. The Bill requires municipalities to adopt by ordinance or resolution some municipal income tax provisions in it before the end of 2023. Mr. Harnishfeger also noted that the Regional Income Tax Agency (RITA) helped us out with this by provided wording for Solicitor Skaff to use in the ordinance to meet the requirements of House Bill 33.

Fiscal Officer Harnishfeger reported that on October 18th Councilwoman Mackey turned in \$28 worth of quarters collected from the park lights vending box, which he then deposited in the bank.

Fiscal Officer Harnishfeger gave an update on hall rentals for November and December. He reported that the hall has been reserved for Saturday, November 11, Sunday, November 12, Saturday, November 18, and Thursday, November 23 (Thanksgiving Day). A request has been made for Saturday, November 25, but no payment has been received for that yet. The hall has been reserved for Saturday, December 2, Sunday, December 3, Saturday, December 9, and Sunday, December 24. A request has been made for Saturday, December 16, but no payment has been received for that yet. Councilwoman Mackey asked if December 2 is the day for the annual Tree Lighting and if we would need to have use of the hall for that event. Mayor Shanahan responded that the Tree Lighting will be on December 3, but nothing is planned that will require use of the hall for that event.

Mayor Shanahan asked Fiscal Officer Harnishfeger if we had someone come and look at the non-working kitchen light in the hall. Mr. Harnishfeger answered that he called Lake Erie Electric and left a message that a light that they repaired for us earlier this year quit working again and we wanted to have it fixed under warranty, if applicable, and we would also like to get a quote for upgrading to LED, but he did not receive a call back from them. The mayor asked Mr. Harnishfeger to call them again and give them a second chance; if they don't respond, we will try to find someone else. He added that, with all of the upcoming rentals, we want to make sure the light is working. The mayor and members briefly discussed possible alternatives to Lake Erie Electric. Councilman Fox suggested that we might have the best results by calling Derek Kramp, who has his BG Handyman business right in Tontogany. He also commented that Derek has done some work for him around his home. Councilman Smith agreed that Derek might be able to fix the hall light for us. The mayor also noted that Derek has been spending a lot of time working on the house right across the street from the hall, so he is close by.

Copies of the October incident report were given to members to review. Mayor Shanahan invited members to speak to Deputy Zimmerman about any concerns they may have. There were no questions or concerns voiced, so the mayor thanked the deputy and he left the meeting.

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ZONING: Mayor Shanahan reported that he had not followed up with Zoning Inspector Owens about the truck or trucks with no plates discussed at the last meeting. He asked Mr. Owens if he had anything to report and Mr. Owens replied that he did not.

Councilwoman Mackey reported that a black vehicle, that appears to be inoperable and has a flat tire, is sitting on the alley across from where Aaron Asmus has his business. Utilities Superintendent Johnson commented that it is a Durango. Ms. Mackey also reported that she counted eleven vehicles or pieces of equipment sitting on the property of Derek Kramp (BG Handyman) on Broad Street. She asked at what point we should deem it a junkyard. Zoning Inspector Owens mentioned another example of a business run out of a house on residential property; he commented that it should not be allowed, but we have to figure out what we are going to do about it. Ms. Mackey replied that, from her observation, some of the vehicles at BG Handyman must be inoperable. She asked what we could do. Mr. Owens answered that he could send a letter, but it has become a gray area, since we have left it go for so long; we will have to discuss it and see what direction we can go. Ms. Mackey heartily agreed that she would be for sending them a letter. She added that she would be angry if she lived in a home nearby that place and had to look out and see all of the old trailers and other items on that property. She said she thought we had an ordinance against inoperable vehicles. Mr. Owens answered that they can put a plate on such a vehicle and move it a few inches and be legal. Councilman Lee asked what it would take for someone to get a residential property changed to commercial. Mr. Owens, members, and the mayor responded that a person would have to jump through a lot of hoops, submit an application, bring in the zoning board of appeals, and successfully convince Council to accept a recommendation to make a zoning change. Mr. Johnson commented that it would be spot-zoning commercial here and there, which would not be desirable. Mayor Shanahan stated that we need to find out the right way to deal with this situation now, since it has been left go for so long. Ms. Mackey commented that there is no time like the present to act on our previous and continuing desire to clean up the town. Mr. Johnson commented that Mr. Kramp has enough land that he would have room to build a barn in which he could store things now scattered over the property. The mayor suggested that he, Councilman Smith, and Mr. Owens get together to review the zoning code, and then follow up with Solicitor Skaff to come up with an idea to present to Council of how to proceed forward on this matter. Ms. Mackey stated that she thinks there are a lot of people in town who would be very grateful to see some of this stuff taken care of. Councilman Fox asked if we are getting tax revenue from these businesses operating in Tontogany. Councilman Smith answered that we are. Mr. Fox suggested that we need to take that into consideration in our decision of how to enforce zoning, since it can be a very fine line on what works best for the overall interests of the village, considering that tax dollars help pay for village maintenance and improvements.

The topic of the dilapidated house at 18705 Main Street, owned by Margaret Deluca, was brought up with a question as to what the Village is going to do about it. Councilman Smith cautioned that we want to consider how much money we want to pour into the problem. He noted that it would cost several thousand dollars to get it figured out. If we want to demolish it, we have to first get it declared a nuisance. The question was asked if we could make the owner demolish it. Mr. Smith answered that we would have to take them to court and there would be attorney fees and the cost of bringing in an engineer to do an assessment. And, even if we win the case, we may have to pay the cost of demolition, if that is what we decide we want done. Mayor Shanahan remarked that this is another example of a problem that has been festering for a long time, so we want to find out the right way to deal with it. Fiscal Officer Harnishfeger told the mayor and members that a village resident had recently suggested to him that we have our village attorney send the owner of that property a letter, demanding that the owner inform Village Council as to what she intends to do with the dilapidated house, because it is a health hazard and an eyesore about which we have received numerous complaints. Councilman Fox and Councilwoman Mackey stated that they thought a letter from our attorney would be a good way to start

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dealing with the situation. The mayor added that we should first review what violations of zoning code are taking place, so we can provide that information to Solicitor Skaff to use in a letter that he would prepare. Zoning Inspector Owens and others stated that we are not certain of any zoning violations being committed there. The mayor responded that we, therefore, will need to get someone to officially declare it a nuisance, providing the Village with a document that we can use as a reason to step in and deal with the situation.

UTILITIES: Utilities Superintendent Johnson reported that he had asked Bowling Green Electric Superintendent John Stewart to get Tontogany's street lights fixed by Halloween, if at all possible. Mr. Stewart had responded to this request uncharacteristically, saying, "Get a contractor." Mr. Johnson told members that he had learned that his difficulty in getting cooperation from Mr. Stewart may have been due to some health issues he was dealing with. After a little more prodding, Mr. Stewart did finally say that our street lights will be repaired in the next couple of months. Mr. Johnson noted that some of the lights have already been fixed. He also commented that Bowling Green is always very quick to respond to power outages in the village, but street lights seem to take a lower priority. Councilwoman Mackey agreed that we have never had to complain about a delay in them coming right away to fix a power outage. Councilman Smith commented that it would not be cheap to get another contractor to do our street lights.

Mr. Johnson reported that we had done a lot of work for Al Ferrell to get his water hooked up again downtown. Then Mr. Ferrell called him today and said he needs to get the water turned off. Mr. Johnson asked Utilities Clerk Harnishfeger if we had even started billing him for water yet. Mr. Harnishfeger said he would have to look to be sure, but he didn't think we had begun billing Mr. Ferrell for water yet. Mr. Johnson said he would find out what Mr. Ferrell is doing.

Mayor Shanahan asked what Hefflinger's son is doing in the bottom part of his corner building downtown; he said he had noticed all the lights on there. Mr. Johnson replied that he has no idea.

Utilities Clerk Harnishfeger reported that we received a check for \$4,712.50 on October 31, to pay off the remainder of delinquent utilities left on the account when the renters moved out of 18540 Main Street. Mr. Harnishfeger told members that, when a lien research company had requested lien information on the property, Solicitor Skaff had advised him to let them know about the \$4,712.50 that was left on the account, to see what they would do. This advice paid off, as they obviously decided to pay the delinquent utilities. Councilwoman Mackey asked who paid it. Mr. Harnishfeger responded that the check was from Timios, Inc.; it appeared to be a check from a trust fund used to pay off bad debt. Mayor Shanahan added that Derek Kramp, who purchased the house, told him that he was notified about the utility lien on the property, but he was told that it was being taken care of and he would not have to pay it.

STREETS and ALLEYS: Mayor Shanahan asked if we know when Morlock will come to do crack sealing of the streets. Councilman Smith answered that he has not heard from them yet.

SIDEWALKS and TREES: Councilman Smith reported that Abe Rowe ground out the stump of the walnut tree on Main Street; hopefully we will get a bill soon. Fiscal Officer Harnishfeger stated that he would prefer to get the bill yet this year, so we can use money already appropriated for tree maintenance. Mr. Smith replied that, if it gets close, he will remind Abe that we need the bill.

DRAINS and SEWERS: Nothing to report.

CITY HALL and PARKS: Councilwoman Mehring reported that the recycling bins had been placed too close together. Mayor Shanahan responded that he had notice the same thing. He also asked if anyone heard what held them up last week on emptying the bins. Councilman Fox answered that he had

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enquired and received no response, but he noticed they were emptied by Monday and he let people know on Facebook. The mayor commented that he thought they were supposed to notify us if they couldn't pick up on schedule.

Councilwoman Mehring reported that the grass is high at Centennial Park and needs to be mowed. The mayor agreed that he had noticed the same thing when he was at the park yesterday. He then asked Fiscal Officer Harnishfeger to reach out to Josh Heckerman and see if he will come and mow the park one more time this year.

Councilwoman Mackey reminded members that every year we have had an issue with the fountain freezing at Centennial Park and then needing to call in Kellermeier to do an expensive repair job on it. She said she thought they told us last time that we need to have the water drained out of the line before freezing weather to prevent this kind of damage each year. Utilities Superintendent Johnson replied that we had Palmer put in a system for us that takes care of that problem. They took the meter pit out and installed a drain. Mayor Shanahan added that this will be the first winter with the new drainage system installed. Mr. Johnson said he was told by Palmer that this would remedy our problem of winter damage to the fountain.

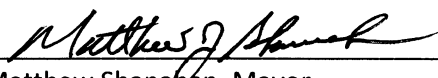
Mayor Shanahan reported that the flags downtown are badly tattered. He will go and switch them out for new ones tomorrow, so we have nice flags for Veterans Day. Then we will work on getting the flags and banners down after Veterans Day.

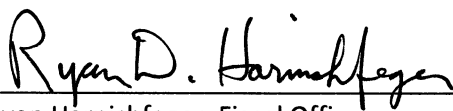
Mayor Shanahan reported that on Sunday he will be attending the Eagle Scout Court of Honor for Nate, the Scout who redid our village sign at Centennial Park.

Mayor Shanahan reported that Sunday, December 3rd will be the Tree Lighting and associated Christmas events. The Otsego band will start at 5:40 p.m. The Otsego choir will sing carols. Councilman Lee is helping us set up a better sound system. Gail Christofferson will be doing mosaic craft for the kids. Santa will be at the fire hall and they will have donuts and hot chocolate as well. Doc's will have discounted appetizers. There will be a non-perishable food collection for Knights Have Your Back at the school. We have talked about having a couple of fire pits downtown, approved by the fire department, to help keep people warm. The committee is going on the 19th of November to pick out the tree. The tree will be put up the Thursday before December 3rd. Lights will be put on it December 2nd. Councilman Lee asked the mayor when he wanted him to arrive, considering that it will take him about 30 to 45 minutes to set up and do a sound check. The mayor responded that he should probably have everything ready by 5:00 p.m. Councilwoman Mackey told the mayor that she will not be here that weekend, so she will not be able to read the presentation for the honored guest, Kirk Shank. She said she would be happy to meet with Kirk and get the information, but someone else will need to present it at the Tree Lighting. The mayor responded that maybe we can ask Bill Gase to read it. Ms. Mackey agreed that Bill would be good because of the fire department.

Mayor Shanahan asked Fiscal Officer Harnishfeger if we will start on the budget at the next meeting. Mr. Harnishfeger answered that he has been working on the budget and he will have a proposed 2024 appropriations budget ready for consideration at the next meeting. He said he will probably email copies of it to members before the next meeting so they can look it over and be thinking about any suggestions they may have for changes or additions. He added that, if we don't think of something that we later want to include in appropriations, we can always do a supplemental appropriations ordinance next year for that.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 7:42 p.m.


Matthew Shanahan, Mayor


Ryan Harnishfeger, Fiscal Officer