

## TONTOGANY VILLAGE COUNCIL

### MEETING MINUTES FROM: October 7, 2024

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; Mark Smith, here; Robert Bergfeld, here; Lincoln Fox, here; Paul Neal, here. Also present was Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: Devin Silva, for government class; Gail Christofferson, to report on revitalization survey; Deputy M. Myers, from the Wood County Sheriff's Office. Minutes from the September 16<sup>th</sup> meeting were approved as submitted.

**FINANCE and CLAIMS:** A spreadsheet of the current invoices was reviewed and approved by members. Councilman Fox 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 September 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 second reading, by title only, of Resolution #980-24, a RESOLUTION TO APPROVE THE WOOD COUNTY FINAL PLAN FOR IMPLEMENTING AND OPERATING COUNTYWIDE 9-1-1 SYSTEM.

Mayor Shanahan did a first reading, by title only, of Resolution #981-24, A RESOLUTION AUTHORIZING THE VILLAGE TO PARTICIPATE IN THE 2025 WOOD COUNTY PARK DISTRICT PARKS GRANT PROGRAM, AND DECLARING AN EMERGENCY. Councilman Smith made a motion to suspend the rules and declare an emergency for Resolution #981-24. Councilman Fox seconded this motion. All were in favor; motion carried. Councilman Bergfeld made a motion to adopt Resolution #981-24. Councilwoman Mehring seconded this motion. All were in favor; motion carried.

Copies of the September Incident Report were provided to all for review. Mayor Shanahan asked if members had any questions or concerns for Deputy Myers. Members had no questions. The mayor reported that he had noticed a lot more visibility of the deputies coming through town after he had advised the deputy at the last meeting that Otsego Homecoming weekend was coming up. The mayor told Deputy Myers that he appreciated that extra presence. With nothing more to discuss, the mayor thanked the deputy and he left the meeting.

Mayor Shanahan invited Gail Christofferson to give an update to Council on her activities. Ms. Christofferson said she was here mainly to give an update on the revitalization survey. She reported that the survey is done and she would give the folder of information about it to the mayor, who could make copies for whoever wants them. She said members were probably aware that people have shown an interest in things like pizza and ice cream. However, what might surprise members is the list of people who have shown an interest in being on the revitalization committee. She said she thought that it would be really important for us to take advantage of having a list of people that care about the town enough to want to be on that committee. She also showed members a list of people who said they would make financial donations for the revitalization effort. Having compiled all of the survey information, Ms. Christofferson said that she is now done; she will be glad to be on the committee, but until a council member is heading up the revitalization committee, she is out. She said she works full time and has things going on in various parts of the country and she cannot do more than be a committee member from this point forward. She is also on the 150<sup>th</sup> committee. She said that it is up to the village officials now to take the contacts and other information about revitalization she has gathered and do something positive with it.

Ms. Christofferson reported that she had an update on the corner carryout building downtown. She said someone had shown an interest in the building, enough to look at it, go through it, and ask the owner for an inspection. However, the owner said he wouldn't let them do an inspection, even though it was a reasonable request for someone interested in buying the building. Research showed that the

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owner of the corner carryout owns a bunch of other buildings in little towns like Tontogany, which provides a write-off for him, but he shows no concern for the towns where those buildings are located. Ms. Christofferson said she does not know what Tontogany might want to do about it, but the building is falling apart and leaking and, if it is not saved soon, it won't be a viable building much longer. She commented that, with the revitalization information, hopefully we can approach people about renting or selling other downtown buildings, so we are not a dead, boarded-up town.

Regarding the 150<sup>th</sup> celebration, Ms. Christofferson told members that she is willing to do a piece of art, a mosaic of the 150<sup>th</sup> logo. She said she and Councilwoman Mehring had discussed it and thought the spot on the village hall where a wreath has been hanging for years would be a good spot for the mosaic art logo. She said that if Council considers that spot to be a viable place to put the piece, she would need a measurement of the spot. The hanging of the mosaic logo would be professionally done, with no damage to the building. Councilman Neal, as a new member, asked the location of the damaged building downtown. Ms. Christofferson answered that it is not the bank or her glass shop, but the old carryout building on the southwest corner downtown. Mr. Neal asked if a copy of all questions asked in the survey is in the folder of information. Ms. Christofferson answered that not all questions are there, but just the main questions. She added that we tried to get an idea of what people were interested in seeing downtown, so we could use that information to approach businesses that might want to open something in Tontogany, knowing they would have a potential market. Regarding the 150<sup>th</sup> celebration, Mayor Shanahan reported that Bernie Scott has entered a float for Tontogany in the Bowling Green Holiday Parade. We don't know yet what the float will look like, except it will promote the 150<sup>th</sup>. The mayor said he told Bernie he would walk and hand out candy. With nothing further to discuss, Ms. Christofferson left the meeting.

Fiscal Officer Harnishfeger reported that the annual Ohio Auditor of State's Fiscal Officer Training is scheduled for Thursday, October 10<sup>th</sup> in Perrysburg, Ohio. Mr. Harnishfeger said it is an all-day event, so he will be away from the office that day.

Fiscal Officer Harnishfeger reported that there are currently two hall rentals scheduled for November. One is on Saturday, November 2<sup>nd</sup>. The other is on Saturday, November 9<sup>th</sup>.

Fiscal Officer Harnishfeger pointed out that everyone had a copy of a quote from Josh Heckerman for deep pruning of the three crabapple trees at Mehring Park at a cost of \$300 per tree—a total of \$900. Mr. Harnishfeger reported that Josh had told him that the trees are getting out of control and would look much nicer if pruned. The ideal time for pruning would be around Thanksgiving when there has been a frost. The price quote includes pruning, clean-up, and disposal of the brush. Mayor Shanahan asked members if they had any thoughts about the proposal. Councilman Bergfeld commented that he thought it seems expensive. Other members voiced agreement with Mr. Bergfeld. Councilman Smith said that Josh's advice on the timing is good, but he had not had a chance to personally look at the trees to see how much pruning is needed. The mayor suggested that we table the matter until the next meeting, giving us a chance to take a closer look at the trees. Members agreed. Councilman Fox asked if we would entertain estimates from any other tree maintenance companies. The mayor answered that we would be happy to entertain other quotes, if offered.

**ZONING:** Councilman Bergfeld asked if we had found out anything about the zoning permit for the new addition on the house near the edge of Harley Woods. Councilman Smith responded that we had talked to former Zoning Inspector Brian Owens about it and he had verified that he had done a village zoning permit for it.

Mayor Shanahan reported that he had emailed Solicitor Skaff about the abandoned Deluca house on Main Street, after we had discussed it at the last meeting. He said he had asked Mr. Skaff about exterior pictures, if we couldn't get any pictures or video of conditions inside the house. Mr. Skaff asked for pictures of the exterior, so the mayor said he went and took about a dozen pictures all around the house, including pictures of the top, the middle, and the foundation. Having seen the pictures, Mr. Skaff

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responded right away, saying, “It is my opinion that the condition of the house is sufficient to establish as a nuisance property—sanitary conditions, animals, rodents, weeds, and other waste. It is my opinion that if Council agrees the property is a nuisance property, that it declare the property as such formally by affirmative vote. Then the zoning inspector can issue a notice to abate by certified mail to the owner at the tax mailing address found on the County Auditor’s site, return receipt requested, and by posting the notice on the door and taking a date of the photo of the posted notice. And, if the notice is ignored, I can file a complaint with the municipal court.” The mayor told members that they can declare the property a nuisance and follow Solicitor Skaff’s instructions whenever they would like to, but he reminded members that there had been a suggestion that we call the owner, sit down with her, and have a discussion to see what the response is and try to motivate action from the owner, before we make a move to force the issue with legal action. The mayor said he would be happy to reach out to her this week and sit down with her, along with Zoning Inspector Johnson and at least one council member. Councilman Bergfeld agreed that discussion first would be the best way to handle it. Councilman Smith added that Solicitor Skaff had also said that discussion first would be good. The mayor agreed and commented that we have to make our intentions clear, that we have consulted with our attorney and, if nothing is done to correct the problem, we intend to declare the property a nuisance and move forward with legal action. Councilman Smith advised that we need to decide exactly what it is that we are expecting from her, so we can clearly answer her questions of what it is that we want her to do. The mayor added that we also need to decide what time frame to give her for completing the desired action. He suggested maybe six or twelve months, considering that winter is on our doorstep. Councilman Fox commented that he would give her less time than that, maybe sixty or ninety days, considering how long the problem has gone on without any action over the years. Councilman Neal reiterated that we need to matter-of-factly tell the owner what we want and what will happen if she doesn’t comply. Mr. Bergfeld added that we don’t want to blindside her with all of this; even though the problem has been around for a number of years, we have only discussed it a few times in meetings and she has not been directly talked to about it by village officials yet. The mayor and members commented that she is probably somewhat aware of the problem, but may not fully understand how bad of a nuisance it is considered by neighbors and village officials. Because no official communication has been made about the issue, there has been no urgency on the part of the owner to resolve it. Members discussed how much time to give her, some suggesting a short timeframe, some a longer timeframe. Mr. Smith noted that the amount of time given to resolve the issue should depend on the remedy we are asking for. If it is only to clean the bushes and trash up and seal up the house, then maybe sixty days would be sufficient. But if we want a complete gutting job to make the home habitable again, that would require a year. We have to be reasonable. So, we have to figure out what the scope of our expectation is in order to determine how long to give her. Mr. Bergfeld suggested that we should ask the owner her intentions—which direction she would want to go to resolve the problem; she may even just want to sell the property. Mr. Neal asked what, specifically, we think has to be done to the house before it is acceptable. Members answered that it needs to at least be sealed up, not necessarily made livable again. Mr. Neal said that the bottom line to him would be that it has to be livable again, and he asked who makes that decision. Mr. Bergfeld replied that cleaned up and sealed up would be a step in the right direction, to keep animals out of it. The mayor added that we would work through Zoning Inspector Johnson and Solicitor Skaff to define what is an acceptable sealing of the house; anything we would end up putting in writing for the owner would come from Solicitor Skaff. Mr. Neal commented that we need for the village’s legal council to write up the exact criteria of what we are demanding of the owner, so it will be legally binding in court, and so there is no vagueness and difference of opinion among the parties as to what actions must be performed to meet the criteria. Mr. Fox commented that there should be someone from the county who can go through the building and inspect it and deem it livable or not livable. The mayor responded that we have reached out in the past to the Health Department and they weren’t very much help at all. Mr. Neal recommended that we find an authorized inspector to inspect the house and

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declare it livable or not, since Council does not have authority to do that, and to avoid various legal complications that could arise. The mayor commented that there is a question of who pays for that. Mr. Bergfeld added that we would need to get the owner's permission to have an inspection done, and we would need to decide if we would just eat the cost of doing that. Members commented that the cost might be \$400 or \$500. Mr. Smith noted that a home inspector will not declare the house livable or unlivable, but will instead state the condition of the house and what it needs. Mr. Fox commented that we could use the inspector's findings to itemize the problems with the house, such as leaky plumbing, unsafe electric causing a fire hazard, and so on. Mr. Neal pointed out that what we are dealing with is nothing new; similar situations have been dealt with successfully by other firms and villages; our legal counsel will probably be able to find a successful path used by one or more other entities to deal with an issue of this nature. The mayor responded that he could reach out to some other mayors who have gone through this process and get some feedback from them. Mr. Bergfeld commented that we can learn from this situation and then apply what we learn to other problems such as the corner carryout downtown. Mr. Smith advised that we seek Solicitor Skaff's thoughts on how to proceed beyond us agreeing with his opinion that the place is a nuisance; what steps he would advise to rectify the problem and what timeline. The mayor agreed. Mr. Neal commented that we need to know what choices the owner will have and what their cost will be to meet the expectations, including the lowest cost option. Mr. Smith commented that the best option for that house is to sell it. The mayor suggested that a fairly inexpensive option would be for the owner to donate the house to Habitat for Humanity and let them come in and do the work and rebuild it. Members agreed that that would be a good option.

**UTILITIES:** Mayor Shanahan reported that he double-checked the streetlight across from Brandt Corral on Main Street and found that it is out. He said he would drive around the village and see if there are any others out. He commented that he was disappointed that that light went out so quickly, having so recently been upgraded to LED.

Councilman Bergfeld asked about the status of the backflow prevention project. Fiscal Officer Harnishfeger reported that Feller, Finch & Associates has done the engineering on the project. They put a huge INVITATION TO BIDDERS advertisement in the paper for the Village, with a deadline for submitting bids to be opened at 12:00 noon on Wednesday, October 9, 2024 at the Village Hall. Feller, Finch will be here to open the bids. Then they will take the bids and give them further inspection to make sure everything is bid correctly, after which they will advise the Village. Then Council will approve the winning bid and award it to the contractor. Mr. Harnishfeger said that, once a bid has been selected, there should not be a problem in getting the ARPA money obligated before December 31, 2024 so we do not have to forfeit it. The project can be done in cold weather, so it should be able to be completed this year. Mayor Shanahan commented that he read an article about Toledo's ARPA money, saying it didn't have to be used until 2026. Mr. Harnishfeger replied that the ARPA money must be "obligated" by the end of 2024, but then the deadline for spending the money on the obligation is by the end of 2026. Mr. Bergfeld asked if expenses will be shared with Northwestern Water & Sewer District on the backflow prevention for the other master meter pit on Tontogany Road. The mayor answered that Mr. Johnson will have to give us the update on that.

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

**SIDEWALKS and TREES:** Councilman Smith reported that he heard from Abe Rowe today. He was supposed to take down the tree at Main and Broad Street today, but he had another job that he had to squeeze in. Sometime this week the tree will be gone.

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

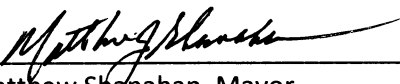
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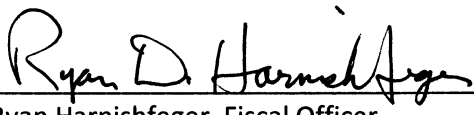
**CITY HALL and PARKS:** Councilwoman Mehring reported that she had five new names of candidates for banners, which she said she thought we should think about right away. Councilman Smith asked her to hang on to those names, so we can consider them for the next set of banners. Mayor Shanahan added that he needed to make sure he still has the list he received from Orville as well. The mayor also remarked that he appreciated everyone who was able to attend the recent banner dedication ceremony on September 30<sup>th</sup>, which went well. Councilman Neal commented that there was quite a large crowd. The mayor said he would like to work on the banners earlier in 2025, ideally to be able to have them out by the Memorial Day parade. Councilwoman Mehring asked if we could get our order in right after the first of the year. The mayor and other members agreed that we could.

Councilman Fox reported that we got an extra recycling bin, which is something we have been requesting for a while. He said they were wanting to know how we wanted to configure the bins and he just told them it could be two by two. Councilman Smith commented that whatever works for the drivers works for us.

Councilman Fox reported that he received a quote from Stevens Disposal, out of Petersburg, Michigan. If we continue to have problems with Rumpke, it is another viable option. They provide a can for \$18, similar to the one we get from Rumpke, plus another \$9 option for recycling. However, the caveat is that the whole village must be included. Mr. Fox commented that he feels like things have been a lot better since the last conversation we had with Rumpke. The mayor agreed. Mr. Fox said that Stevens would be an option if people were interested in curbside recycling, which might also alleviate some of our recycling bin problems. Curbside recycling would be picked up every other week. Mayor Shanahan commented that they would probably remove the dumpsters if we went to curbside recycling. Councilman Neal asked if they offered different sized cans. Mr. Fox answered that they do not. The mayor commented that it is a nice thing that residents currently have the ability to choose who they want to handle their trash. Mr. Fox noted that a problem with pickup might be on how we would bill the residents and what we would do if any residents didn't pay their bill.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:01 p.m.

  
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Matthew Shanahan, Mayor

  
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Ryan Harnishfeger, Fiscal Officer