

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: October 21, 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, here; Connie Mehring, here; Mark Smith, here; Robert Bergfeld, here; Lincoln Fox, here; Paul Neal, here. Also present were Village Solicitor Paul Skaff and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: Joe Pemberton and Matt Ziegler from Suburban Natural Gas Company. Minutes from the October 7th meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. Councilman Smith commented that it should be the last month for the porta johns at the parks. Councilwoman Mackey agreed and said that we usually have them removed after Trick or Treat. Mayor Shanahan told members that we received a request to keep the one at Centennial park a little longer, for use by the woman fixing the house across the street, because she still does not have a bathroom. Members agreed that we could just have the porta john picked up from Mehring Park and leave the one at Centennial until the lady gets her bathroom. 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.

Mayor Shanahan did a third 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. Councilman Bergfeld made a motion to adopt Resolution #980-24. Councilman Smith seconded this motion. The roll being called upon its adoption, the vote resulted as follows: Mackey-Aye; Mehring-Aye; Smith-Aye; Bergfeld-Aye; Fox-Aye; Neal-Aye. Motion carried.

Mayor Shanahan reported that Councilman Smith had attended the bid opening for the Kellogg Road Backflow Preventer project. Feller, Finch & Associates Engineers David Kuhn and Josh Auman opened the one bid that was received, then took it to further inspect it. The mayor read from a letter received from Feller, Finch: "We have reviewed and checked the received bids, and the low bid is in the amount of \$59,780.00 for the bid from Unilliance, Inc. The base bid is \$4,780.00 over the engineer's estimate of \$55,000.00 for the project, but within 20% of the estimate. Also, total bid cost of the project is less than the \$75,000.00 requirement for bidding of project in Ohio. We checked the references of the low bidder and their subcontractors and found them to be acceptable. Based on these facts, we recommend that the Village award the \$59,780.00 bid, which is to be substantially complete by December 6, 2024 and totally complete on December 20, 2024, to Unilliance, Inc. as the best and lowest bid. We also recommend holding a pre-construction meeting with the City officials and the contractor at a near future date to be determined upon the awarding of this contract." Councilman Neal made a motion to award the \$59,780.00 low bid and the contract to Unilliance, Inc. Councilwoman Mackey seconded this motion. All were in favor; motion carried. Fiscal Officer Harnishfeger told the mayor and members that he would inform Feller, Finch that the bid and contract has been awarded to Unilliance, Inc. and ask them about the next steps of getting the contract signed by all parties and setting up a pre-construction meeting with Village officials and the contractor. The mayor asked if we could do that an hour before the next council meeting. Mr. Harnishfeger cautioned that we should not wait that long, because the project needs to get going as quickly as possible. Solicitor Skaff voiced his agreement that the short deadline for getting the project done makes it advisable to meet with the contractor as soon as possible. He suggested that Council appoint a member to represent the Village at that meeting. Councilwoman Mehring recommended appointing Councilman Smith to represent the Village. Mr. Smith responded that he would accept, unless someone else desires to do it. Everyone was agreeable to Mr. Smith representing the Village, with no objections voiced.

Mayor Shanahan reported that village officials received an invitation to the Wood County Economic Development Holiday Reception which will take place on Thursday, December 5th, from 4:00 p.m. to

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6:30 p.m., at the Hilton Garden Inn, 6165 Levis Commons Blvd., in Perrysburg, Ohio. Hot and cold hors d'oeuvres will be served and a cash bar will be available.

Mayor Shanahan welcomed Joe Pemberton and Matt Ziegler from Suburban Natural Gas Company and invited them to give their presentation to Council. Mr. Pemberton thanked members for the opportunity to speak to Council about natural gas safety awareness. He passed out to everyone a 2024 Public Awareness and Damage Prevention Bulletin for Public Officials. He reported that a 3-year leak survey will come up again this year. Should any issues be identified, residents will be notified and Suburban will be in partnership with them to get any issues remedied. He said they were here mainly to emphasize their public awareness message. If any indication of a possible gas leak is noticed, people should get a safe distance away from the area and then call the natural gas company and/or 911. He said the leading cause of gas leaks is people not calling the Ohio Utilities Protection Service (O.U.P.S.) at 811 at least 48 hours before digging, so utility companies can be notified to mark the location of underground facilities before excavation takes place. He asked that if village officials should happen to see anyone intending to do small or large excavation, to advise them that Ohio law requires them to call O.U.P.S. at least 48 hours before digging. Mr. Pemberton told members that there are 437 Suburban Gas customers in Tontogany; therefore, he will be emailing Fiscal Officer Harnishfeger that Tontogany will be receiving a Community Development Fund grant of \$874 (\$2 per customer). Mayor Shanahan informed recently appointed Councilman Neal that we usually use the Suburban grant money for mosquito spraying. With nothing more to discuss, Mayor Shanahan thanked Mr. Pemberton and Mr. Ziegler and wished them a wonderful holiday season, and they left the meeting.

Councilman Fox reminded everyone that Fiscal Officer Harnishfeger had sent copies of his preliminary proposed appropriations budget for 2025 to members. He asked if we should talk about it now. Mr. Harnishfeger answered that we can discuss proposed additions or changes to the budget at any of the meetings from now through November, but we need to have a final decision by the second meeting in November, so the appropriations ordinance can be ready for adoption by the first meeting in December. Mr. Harnishfeger encouraged members to use the Budget Suggestions form he had given them to jot down proposed projects and expenditures with estimated costs, then bring them to the meetings to discuss and have Council make final decisions on what to include or exclude. Mayor Shanahan reminded members that the budget meeting typically takes a little longer than normal meetings. The mayor also mentioned that we might want to think about whether we want to budget some extra money for the 150th. Councilman Smith asked if members saw any bigger projects coming up that we need to pay for. Councilman Bergfeld mentioned street sweeping. Mr. Fox added that we have been talking about doing Broad Street for a long time. Mr. Bergfeld asked if we had money for the water line yet. The mayor said he thought Mr. Johnson had given us an update on that, but he would have to go back and look to see what the final word was. The mayor mentioned that North and Crom Streets are the most driven on, due to the school, so they may need some work. Mr. Fox reminded members that we had talked about doing a couple of sidewalks. Members discussed what sidewalk work we might want to do and if any of it was totally at Village expense. Mr. Smith estimated that we may be talking about 240 feet of sidewalk at a cost of approximately \$10,000. Councilman Neal asked how long a sidewalk should last. Mr. Smith answered that it depends, but some of our sidewalks have been here for decades. Mr. Fox estimated that they should last at least 20 years. Councilwoman Mackey asked about Broad Street, if we were talking about repaving it. Mr. Bergfeld answered that we are and we are also talking about new sidewalks on Broad Street. Mr. Neal commented that it seems that there are different styles of sidewalks. Mr. Smith reminded members that the last time we paved Crom Street, at the beginning of 2020, it cost \$20,000 for a straight mill and fill. He estimated that paving Broad Street, including curbs and cost increases, will probably cost in the neighborhood of \$80,000. Mr. Bergfeld suggested that maybe we could find a grant. Fiscal Officer Harnishfeger reminded members that the funds report and the appropriations budget information he gave them recently shows that there is enough money in the street fund to repave Broad Street without a grant to help out. There is a lot more

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money in the street fund than what has been budgeted for spending. If we can get a grant, that would be great, but if not, the street fund can handle the cost. The mayor asked members to look the budget over again, put together a wish list or suggestions, and bring them to the upcoming meetings, with a target of coming up with a final budget at the second meeting in November. Mr. Harnishfeger added that the budget suggestions should include estimated costs.

ZONING: Councilwoman Mackey reported that a couple of people complained to her about constant dog barking from Tony Hafner's house. A dog is out almost all of the time, barking for hours on end, which is unpleasant for the nearby neighbors. Mayor Shanahan commented that he has heard it, but it is not as bad as it used to be, although he does not know what it is like during daytime working hours. He said he has seen Tony's friend and his girlfriend out walking the dog on a regular basis. He said someone else had brought up the issue to him and asked if we had some type of ordinance against it, and we do not have such an ordinance. Councilman Fox commented that in certain hours it is allowed and you can't do anything about it, unless you pass an ordinance. He suggested that the neighbors could have a conversation with the dog owner about the problem. Councilman Neal asked if we have a noise ordinance, at least considering the grain elevator. The mayor and members answered that we do not. Councilman Smith commented that the elevator has no choice; they need to dry the grain and the process makes some noise. The mayor added that we have never gotten any concerns about the grain elevator from residents.

Mayor Shanahan reported that someone had voiced a concern that Council is picking on the property owner on Main Street, when there are also other properties in town that are in disarray. The mayor said he had responded that people are living in the other properties mentioned, but the house on Main Street has been abandoned, has been getting in worse shape, has been brought up multiple times in council meetings, which caused it to become the focus of our conversation. Councilman Fox asked if there are other people who we could also look at. The mayor answered that there are other potential zoning violations that we should also be looking at around the village. He also suggested that members invite anyone who complains to them about a nuisance to come to a council meeting and get it on record, so we have historical evidence to back us up in dealing with nuisance issues. Councilman Neal commented that he thought it would be beneficial for Council to have a list of people with nuisance complaints, showing the status, follow-ups needed, and so on. The mayor replied that that is where Zoning Inspector Johnson comes in, who has the records of violation notices served. Mr. Neal said he has been assuming that nuisance complaints were resolved if they were mentioned at one meeting and not mentioned again at the next meeting, which has probably been an incorrect assumption on his part. Councilman Smith emphasized that zoning is Chad Johnson's job. Mr. Neal responded that he thinks Mr. Johnson is doing a great job, but it would be nice for council members to see the big picture of how things are going with the nuisance issues, repeat offenders, and so on. Mayor Shanahan said he would ask Mr. Johnson to prepare that information and be ready to give updates to Council.

UTILITIES: Mayor Shanahan reported that he informed Utilities Superintendent Johnson about the street light that is out on Main Street. He said he asked Mr. Johnson to inquire whether the light is under warranty, since it has been less than a year since it was installed.

STREETS and ALLEYS: Councilwoman Mehring reported a hole that needs to be filled in the alley behind Kinder's home, close to Crom Street. Councilwoman Mackey agreed that it is a good-sized hole and needs to be filled. Mayor Shanahan said he would send Isaac a note to take a look at it.

Councilman Bergfeld asked if we got an estimate of the cost of a speed sign. Mayor Shanahan responded that he received a quote from the company for four solar-panel automatic speed signs for \$8,000 or \$9,000. The mayor said he would send members the quote and we will see if it is something we may want to add to our 2025 budget.

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SIDEWALKS and TREES: Councilman Neal told members that his suggestions for 2025 appropriations included doing a 50-50 sidewalk program for residents again like we did a couple of years ago, since it was pretty successful. Councilman Smith commented that it was very popular the first year and less popular the second year. Councilwoman Mackey said she has had a couple people ask about the 50-50 program. Mr. Neal added that he and his wife had mapped out the sidewalks while bike riding through town, noting where residential sidewalks looked in need of repair. Mr. Smith reminded members that we had first established which residents were interested in participating in the 50-50 program, then we calculated footage and got a bid and let the residents know the cost. The mayor added that a contract was sent out to each participating resident. Ms. Mackey added that a down payment was required, with the remaining amount due upon completion of the sidewalks.

Mayor Shanahan asked if anyone had looked at the three crabapple trees for which Josh Heckerman had given us a pruning quote of \$900 (\$300 per tree). Councilman Bergfeld said he didn't see that much trimming needed per tree and the quote was very pricey. Councilman Smith said he thought we could trim a little bit back on our own before brush pickup which is scheduled for October 28th. The mayor concluded that we will not approve Josh's quote and we will take care of it ourselves. Members agreed with the mayor.

Councilman Smith reported that we received an email today from Mark Lay, the landlord of the apartments on Crom Street, about power lines going through trees. Mr. Smith said that the trees appear to be on the owner's property, so he will be responsible for calling in a tree company to do trimming. The lines in question are shielded, so any tree company can trim around them. Fiscal Officer Harnishfeger said he would be happy to return an email answer to Mr. Lay about this, since the original email came to the office. The mayor and members agreed with him doing so, and Mr. Smith offered to supply a couple of phone numbers for reliable tree companies if Mr. Lay needs any contacts.

DRAINS and SEWERS: Nothing to report.

CITY HALL and PARKS: Councilwoman Mackey reported that the park grant application was submitted a week ago. There was a change to the playground equipment requested in the grant, because Playground World does not deal with the company that had the piece of equipment that Ms. Mackey had originally shown members. She showed members a picture of the similar alternate piece of equipment that uses spring action and accommodates three children. Councilman Fox asked if it is just one piece of equipment for Mehring Park and if that is all we submitted for the grant. Ms. Mackey answered that it is, and the total cost of the equipment, delivery, and installation is \$7,400.

Councilwoman Mackey reported that she would like to put in a good word for Josh Heckerman's son, Jake. She said that he has done a tremendous job, at least at Centennial Park and what she has seen of his work at Mehring Park, and she went and told him the same one day when she saw him working. She commented to members that it is a lot of responsibility for a sixteen-year-old and he has taken it well. Mayor Shanahan suggested inviting him to a December meeting and putting together a plate of goodies for him as a way to say thank you. Members agreed that that would be a nice gesture.

Mayor Shanahan asked Solicitor Skaff if he had anything specific he would like to address Council about. Mr. Skaff answered that he did not.

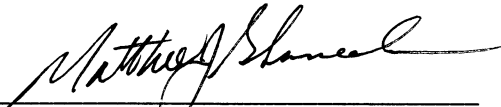
Councilman Fox said that he would like Solicitor Skaff's input regarding the dilapidated house on Main Street and what he would recommend for us to do, since our discussion at the last meeting left a lot up in the air. Mayor Shanahan told Mr. Skaff that he shared his feedback with Council at the last meeting, but we would welcome anything more he might have to say on the topic. The mayor asked Mr. Skaff if he has dealt with similar situations in other municipalities and, if so, what approach has proven to work well. Mr. Skaff answered that if the zoning inspector thinks he can work with the owner and get things done, great. If nothing gets done, then the zoning inspector's job is to prepare a report for

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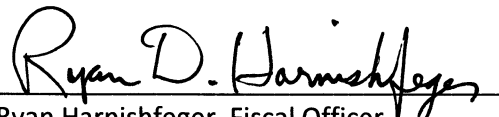
Council with a list of violations. Then Council can declare it a nuisance. Once Council has declared it a nuisance, the zoning inspector notifies the village solicitor, who then files a claim in Bowling Green Municipal Court, summoning them into court to eventually have a trial on whether the judge believes it is a nuisance property or not. What usually happens is the person never shows up to court and they get a default judgment. The judgment may be that the owner has to clean it up in 30 days, and, if not, the city can come in and clean it up for them and assess the cost to the taxes. Councilman Neal asked who assesses the taxes. Mr. Skaff answered that the fiscal officer does that; any type of court order that has any cost associated with abating a nuisance can be placed on the taxes. Mr. Skaff explained that you would be suing to get a court order to order the owner to abate the nuisance. If the owner fails to do so, the order says that the village can come in and do it, ultimately at the owners cost, since whatever it would cost the village to repair it would be assessed to the owner's property tax. Mr. Neal asked if we could file a lien on the house to protect our investment. Mr. Skaff answered that that is what it is: the cost is assessed as a lien against the property, which is second or third or whatever behind any other liens. Mr. Neal asked if we can know how many liens are against the property before we decide to take this course of action. The answer was yes and members added that the property is paid off and doesn't have liens against it. Councilman Smith asked if demolishing a house would be included in the court scenario Mr. Skaff had outlined. Mr. Skaff answered that it would and that they had done that in Weston. He added that it is expensive though. Mr. Smith commented that we would need to plan on \$100,000 next year if we want to take the house out. The mayor reminded members that he had sent pictures of the exterior of the house to Solicitor Skaff, who gave his opinion that it could be declared a nuisance. Mr. Skaff added that he was most concerned about the obvious signs of rodent infestation. If Council declares it a nuisance, then a certified letter should be sent to the property owner's tax mailing address, advising them that it has been declared a nuisance and they have X number of days to abate the nuisance, and, if they fail to do so, a suit will be filed with the court. Mr. Neal commented that he agreed with Councilman Fox that it would be nice to have this entire process laid out on a piece of paper before we go to have a meeting with the property owner, so the owner will know up front exactly what will happen as a result of whatever action she decides to take. Solicitor Skaff replied that he respectfully disagreed; he said that the only thing the owner needs to know is that, if they don't comply, a lawsuit will be filed against them. Councilman Smith agreed and said we will try to talk with her first and do it the nice way, but if that doesn't get results, we will have Zoning Inspector Johnson write a report for Council, from which we will decide if we want to officially declare it a nuisance, then go through the process with the zoning inspector and the solicitor and the court. He added that we need to decide what needs to be done to rectify the situation. Mr. Skaff stated that that is the zoning inspector's job; he needs to meet with the owner and tell her that we need to have A, B, C, and D done by a certain date. It needs to be in writing, so we can present it in court showing that we told them what they needed to do. Fiscal Officer Harnishfeger asked if the planned personal meeting with the property owner before an official declaration of nuisance had happened yet. Mayor Shanahan answered that it had not, but it is still planned to be done.

Councilman Neal gave everyone a copy of his suggestions for the 2025 appropriations budget. Mayor Shanahan thanked him for it and said we would discuss it in the upcoming meeting.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:05 p.m.



Matthew Shanahan, Mayor



Ryan Harnishfeger, Fiscal Officer