

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: November 18, 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, absent; Mark Smith, here; Robert Bergfeld, absent; Lincoln Fox, here; Paul Neal, here. Also present were Utilities Superintendent/Meter Reader/Zoning Inspector Chad Johnson and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Minutes from the November 4th 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 Neal seconded this motion. All were in favor; motion carried.

Having put off examination of the budget until the end of the meeting, Mayor Shanahan asked Fiscal Officer Harnishfeger to lead the discussion about the 2025 appropriations budget. The mayor also told members that if they wanted to discuss changes to the compensation for employees or elected officials it would need to be done in an executive session at the end of the meeting. Mr. Harnishfeger gave everyone a copy of his proposed appropriation budget, with budgeting comments beside each line item, which he had also previously emailed to each member to give them a chance to review it ahead of the final discussion. He told members that most of the line items in the budget were standard expenses from year to year, but he asked them to let him know if anyone thought any of the amounts proposed needed to be adjusted. He pointed out that he had highlighted a few budget items in various funds that he wanted Council's decision on, whether to strike them from the budget or to change the amount budgeted.

The first highlighted item was for 150th celebration expenses. The proposed budget was \$5,000. Mr. Harnishfeger asked if members thought that would be enough. Mayor Shanahan described a number of planned 150th activities that he was aware of, none of which would cost much, if any, money. Councilwoman Mackey suggested that we might want to get some special banners for the 150th. Members decided that \$5,000 should be plenty to cover 150th expenses, so it should be left as is.

Councilman Neal commented that he noticed there were no line items in the budget for downtown revitalization. The mayor explained that it has not entered our budgeting yet, because the idea hasn't really taken off yet. He added that the revitalization effort so far has been mainly the action of Gail Christofferson, who gathered survey information, but nothing further has been done on it yet. Also, the improvements to buildings downtown will be the owners' responsibility, not the Village's. However, the Village could spend some money on downtown beautification, such as flower boxes or other items to make the area look nicer. Mr. Neal said that he put some of his revitalization ideas on hold for now, so as not to interfere with the efforts of the Revitalization Committee. Councilman Smith commented that it is more of a concept at this point than an actual committee.

The next highlighted item was \$7,500 in the general fund for small quick repairs such as emergency sidewalk repairs. Mr. Harnishfeger asked if members wanted to delete that from the general fund budget or keep it. Members decided to keep it in the budget.

The next highlighted item was money budgeted for website maintenance. The proposed budget amount was \$600 from the general fund, \$600 from the water fund, and \$600 from the electric fund—a combined total of \$1,800. Mr. Harnishfeger said he thought those amounts should probably be increased in each fund, if we want to do some of the website enhancements that Councilman Neal has requested. Mr. Neal then handed everyone a sheet that contained website budget suggestions with quoted costs from Winged Design. He explained that the first section on the sheet had to do with updating existing website content for a cost of \$1,186, which was 10 percent over what we spent in the last year, due to a possible rate increase. The second section on the sheet was various improvement ideas. For \$97 we could add safety tips based on the annual Suburban Gas safety presentation. Mr. Neal

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told members that he wanted to change the Community page on the website significantly, for a cost of about \$765. He said the goal is to start offering free advertising and free information for all of the businesses in Tontogany. This would allow them to start promoting their businesses—whether Doc’s, the filling station/Corner Carryout, the glass art shop, American Legion, or whatever—they could all have a new page on the website. This would significantly increase the size of the Community page. It would also include a map that would show the location of the businesses. He said the purpose and theme that he has been trying to focus on is what we can do to keep the businesses that we have and get more businesses into the downtown area. This would be one step in that direction. He said the next improvement he wanted to make was to reactivate Mailchimp on our website to give us the capability to collect responses from website users, at a cost of \$20 per month, plus a small cost to install it. He said there will be about \$200 of expense to update and maintain the website with these improvements, bringing the total budget amount that he is asking for to \$2,448 for the website. Mr. Harnishfeger calculated that \$2,500 split three ways in the general, water, and electric funds would be about \$833 per fund. Members decided to just make the appropriation \$850 in each of those funds for website expenses, totaling \$2,550. Mr. Harnishfeger thanked Councilman Neal for his work on this. The mayor and members agreed and thanked him as well.

Councilman Neal pointed out that his budget proposal sheet included sidewalk construction, using the 50-50 program where possible. He commented that his research on the topic had made him aware of various neighborhoods within the village with differing sentiments about sidewalks. He said he found approximately 35 yards of sidewalks to replace at four locations, but he didn’t know what the cost would be. Councilman Smith commented that it costs about \$44 per linear foot for sidewalks. He also reminded members that for the 50-50 program we had made it totally voluntary for anyone to get onboard to have their bad sidewalks replaced. Mr. Neal stated that he thought it would be nice to have curbs if we don’t have sidewalks, from a safety perspective and for drainage. He also told members he thinks we need a sidewalk between the end of the sidewalk in front of the village hall and the railroad tracks, for safety reasons. There is a sidewalk on the other side of the tracks, but it needs to be finished on the village hall side. The crossing would be enhanced a little bit because the railroad would have to contribute by putting filler in between the tracks to create a pedestrian crossway. Mr. Smith commented that we could put sidewalk in there without anyone’s permission, because it is our property. Mr. Neal responded that the sidewalk would be our responsibility up to the tracks and then the State of Ohio would take care of the rest of it under their requirements for what the railroad has to do for an official pedestrian crossing. Councilman Fox asked if the proposed amount of money for sidewalk and street work would cover everything we want to do. Fiscal Officer Harnishfeger explained that there was \$40,000 proposed in the street maintenance fund and a backup of \$40,000 in the general fund for sidewalks or streets. He pointed out that there was \$192,000 available in the street maintenance fund, which could cover any sidewalk and street work we were proposing, so he asked if members might want to remove the \$40,000 of backup money from the general fund appropriations and free that money up for other purposes. Members agreed that we should free up that money from the general fund for other purposes. Mr. Smith said he would estimate that we probably wouldn’t spend any more than \$35,000 on sidewalks in 2025. He then asked if there were any major street projects we want to look at for 2025. He commented that just a mill and fill like we did on Crom Street would be at least \$30,000. Councilwoman Mackey remarked that Broad Street seems to be the one that needs it most. Mr. Smith suggested, to avoid water line issues under parts of Broad Street, that we just do a mill and fill on Broad Street between North Street and Washington Street. Members were agreeable with this idea and decided to have Mr. Harnishfeger increase the appropriation line item for street paving and sidewalk projects in the street maintenance fund to \$75,000. Mayor Shanahan asked how Wall and Lincoln Streets looked. Mr. Smith answered that Wall and Lincoln Streets were sealed last year and should be left alone for a while longer to get our money’s worth for the cost of sealing them. Everyone also thought the paved alleys were fine for now.

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Councilman Neal reported that he had a chance to get all of the data for the use of our website for the last year. He said the data indicated that the website is not being used that much. There were only 24 days where we had more than 10 people accessing the website. So, he said that the question in his mind right now is: what do we want to use the website for? It is serving a few people really well right now, but it does not appear to be being used by the community in general. He said he thought we need to find out what would interest people in accessing the website more. The calendar, for instance, seems to be one of the main attractions on the website. He said he thought the addition of the businesses' information on the Community page will help draw people in too.

Mr. Harnishfeger pointed out that the next highlighted item on the proposed budget was \$25,000 in the water fund for engineering services. He told members that it was there for the Tontogany Road master meter pit backflow improvements project, which may or may not happen in 2025. He asked if members wanted to drop it from the budget for 2025 or leave it in. Utilities Superintendent Johnson commented that the project will happen, but we just don't yet know when, as we are waiting for information from Northwestern Water & Sewer District about their participation in the project. Members decided to keep the \$25,000 appropriation, in case we do need to start that project in 2025.

Mr. Harnishfeger asked if there was anything else in the proposed budget that members wanted to change. Councilman Fox noted that we had wanted to increase the number of sprayings at the parks for weeds in the mulch and elsewhere, for which we may need to increase our appropriations. Members decided to have Mr. Harnishfeger increase the general fund line item for mowing, lawn treatment, etc. from the proposed \$18,000 to \$20,000.

ZONING: Mayor Shanahan reported that Council had received a letter from Steve Powell, asking Council to give immediate attention to the deteriorating old Moser's Village Store building downtown. The mayor asked for Zoning Inspector Johnson's thoughts on the matter. Mr. Johnson replied that his initial thoughts were that it could probably be considered a risk to public health and safety, warranting an inspection by the Wood County Building Inspection department. Councilman Smith asked if we had anything in our zoning code to deal with it. Mr. Johnson answered that he knew of nothing to deal with a building falling apart. The mayor asked if he knew of anything in Ohio Revised Code (ORC) to deal with it. Mr. Johnson replied that he did not. The mayor commented that we would need to consult Solicitor Skaff for an ORC section for us to read through. He also said he expected that Solicitor Skaff would ask us to get pictures, from which he could advise the Village whether or not the building could be declared a nuisance. Mr. Johnson reminded members that the Village had in the past achieved the removal of a garage and another small building through the Health Department. The mayor commented that we contacted the Health Department about the house on Main Street, but didn't get any help from them. Councilman Neal asked for clarification about what Wood County might do for us regarding Moser's Store. Mr. Johnson replied that he was supposing, since Moser's Store is commercial property and Wood County is over this town, that they might have authority to deal with the situation for us. He also asked Mayor Shanahan if he ever talked with the mayor of Weston about how they got a downtown business building taken down. The mayor replied that he had asked, but he received no responses from anyone. Mr. Neal asked if the current owner of Moser's Store has received anything from the Village in terms of our concern about the condition of the building. The mayor answered that he has not, since we didn't have anything in our ordinances to address the matter. Therefore, we are thinking of looking into ORC, and Mr. Johnson is suggesting seeking Wood County Building Inspection's help. Councilman Fox commented that with water damage, the biggest issue is probably mold. The mayor asked Zoning Inspector Johnson to contact Solicitor Skaff for advice on how to proceed. Councilman Smith commented that he had a chance to go through the building and didn't find a great deal of damage on the inside. He said we mainly need to get the falling bricks at the back of the building secured and a couple of slices in the rubber on the flat roof repaired to make it watertight. He added that, if we want to pursue it, we have to have an ordinance to present to the owner, requiring the building to be

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watertight and no bricks falling off. If we have no ordinance, then we would need for Solicitor Skaff to help us find ORC to address the problem. Mr. Neal asked if Wood County Building Inspection has the authority to go into the building and inspect it, even if the owner refuses an inspection. The mayor replied that he did not know what rights the County would have in that situation, and he thought it may be that they couldn't force the issue if there had not been any injuries or accidents. Mr. Smith said his suggestion would be to start with the Wood County Building Inspector; if they can't help us resolve the issue, then utilize legal guidance from Solicitor Skaff. Mr. Fox reminded members that Solicitor Skaff had given us step-by-step guidance on handling the nuisance house on Main Street, written in previous minutes, which could be applied to the Moser's Store building as well. Mr. Smith commented that we currently have nothing in our zoning code to declare a violation, so we need to look into ORC. The mayor added that he wondered if there is a difference in how to handle commercial, as opposed to residential, property. Mr. Neal asked about a comment made previously by the mayor about a village passing an ordinance that increased property taxes on a commercial building left vacant. The mayor responded that he thought it was a small community near Cleveland that has an ordinance stating that the owner of an empty downtown building must actively try to rent or sell the building, and the owner receives a monthly fine if nothing happens. Members voiced their agreement that this was a good idea, since abandoned buildings diminish possible tax and other revenues produced through occupancy. Mr. Neal commented that his research has shown that there are many boilerplate nuisance ordinances out there regarding buildings and it is a common type of ordinance. So, it would be a step in the right direction for us to pass nuisance zoning code that would give us authority to deal with Tontogany's nuisance issues. Mr. Johnson asked if Solicitor Skaff represents other towns too. The mayor answered that he serves seven towns. He also told members that Grand Rapids' Fiscal Officer, Kristel Beyer, sent him the name, email, and phone number of someone in the Wood County Health Department, Environmental Health Division, that Grand Rapids has used to help them with a home being taken down. Mr. Smith asked if they were taking houses down with Health Department money. The mayor answered that Kristel did not explain the details about that. Mr. Neal asked if Solicitor Skaff was not working on updating the zoning code on nuisances and other items. The mayor answered that Solicitor Skaff had worked on the zoning code and sent us something to review, which was shared with appropriate individuals, but then COVID-19 hit and the project was temporarily shelved and hasn't been picked up since. He added that it will probably be a three- or four-hour session when we get back to it and do our due diligence to go through the updated code and approve final wording. Mr. Neal commented that it seems we are tying Zoning Inspector Johnson's hands by not having these ordinances in place. The mayor agreed that Mr. Johnson is limited by a lack of Village code, but we do adopt Ohio Basic Code to use as a backup if we don't have a Village ordinance on a particular topic. He said that another problem that we have run into is how to enforce ordinances we may wish to pass. Mr. Neal commented that we know by the response to the revitalization survey that there are a lot of people in this town that desire to see it look better. The mayor stated that looking back into the updating of the ordinances probably won't happen until the first of the year. Mr. Neal asked what we have decided to do. Mayor Shanahan responded that he has notes to ask Solicitor Skaff questions based on this discussion, including if there is an ordinance we can use for unoccupied buildings and if there is a difference in how to treat commercial and residential; Mr. Johnson is going to check with the Wood County Building Inspector and the Health Department. The mayor said he would also look into the information he has about the community that has an ordinance to fine owners who leave downtown buildings continuously empty. Mr. Neal proposed that we ask Solicitor Skaff to focus specifically on ordinances needed to deal with nuisances we have been discussing for so long.

UTILITIES: Utilities Superintendent Johnson reported that he submitted the lead and copper inventory to the Ohio EPA on time, but there are a few things he has to redo. He asked Utilities Clerk Harnishfeger, if possible, to provide him with the official addresses for Steve Powell's and Al Ferrall's businesses

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downtown, because the County Auditor's website lists their addresses as 0 Main Street, which was not acceptable to the EPA. Mr. Johnson said that he also has to submit water system metrics annually to the EPA, which is financial and other statistical information about the Village's water system that Fiscal Officer Harnishfeger compiles for him. Within a week after submitting the metrics, his EPA representative sent him an email and told him they needed precise amounts of water used from communities that do not report production numbers like those that have water plants. She suggested that each water meter pit should be opened and read daily, summer and winter, to get the precise usage amounts, whereas we have always submitted estimates in the past. Mr. Johnson said he told the rep that that would be a problem for various reasons and that we couldn't get exact usage amounts anyway, due to Northwestern Water & Sewer District customers using water from our water line that we do not meter.

Mayor Shanahan asked Mr. Johnson if he had heard anything about the streetlight. Mr. Johnson answered that he sent him a text, but hasn't received a response yet.

Councilman Smith asked if Mr. Johnson had heard anything from Unilliance about our backflow improvements project. Mr. Johnson replied that he had not.

STREETS and ALLEYS: Mayor Shanahan reported that he followed up with Isaac about the pothole by the alley, who responded that he could permanently Durapatch it if we would like. The mayor said he told him to go ahead and Durapatch it. Mr. Johnson mentioned a problem of brush being dumped in a utility alley. Councilman Smith commented that there are a lot of towns that do a deal with a place like Renewed Outdoors where the municipality pays for their residents to be able to dump there at no cost to the residents. He said that might be something we would want to look into in the future as another way to provide a service to our residents, which would allow them to get rid of their brush more than just two times a year.

Mayor Shanahan reported that he has not heard an update about the white lines we want painted on the edges of Tontogany Creek Road.

SIDEWALKS and TREES: Mayor Shanahan reported that Dale Korn, at 18620 North Street, asked him to have our tree person look at the large village tree in his front yard, which has what looks similar to sawdust at the base of it. There is also a branch that broke and is lodged in the tree, which could come down and hurt someone. The mayor added that Mr. Korn said he has a small maple tree that he could replant there, if we wanted him to do so. Councilman Smith said he would text Abe Rowe to take a look at it. Councilwoman Mackey asked if we could have Abe look at the tree that broke in front of her house while he is there to look at Dale Korn's tree. Mr. Smith answered that we would have him do so.

Mr. Johnson suggested that we need to keep an eye on the service alleys to make sure overgrowth does not impede emergency vehicles from being able to get through them. He mentioned that one alley has pine trees growing out into the right-of-way. He offered to contact Bowling Green Electric Superintendent John Stewart to have it looked at. Councilman Smith commented that, if we could get a chipper back there, he has a saw that he could use to trim the trees back.

DRAINS and SEWERS: Nothing to report.

CITY HALL and PARKS: Councilwoman Mackey asked if we wanted to leave the porta johns in place at the parks or have them picked up. Mayor Shanahan answered that he had not seen the lady who wanted the one to stay at Centennial Park. Ms. Mackey said she would walk over there and talk to her. She also asked if we should take down the pickleball net for the winter and put it in storage. The mayor answered that we should do so and there is a case for it in the shed. He also mentioned that he brought a larger cardboard tube from work to store the banners in, to keep them safe from mice. He said we would get the holiday wreaths back on the poles when we put up the Christmas tree downtown.

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Councilman Neal reported that he had been working with Zoning Inspector Johnson on the topic of nuisance reporting. They had two phone conversations and finished everything last Wednesday. Mr. Neal said he gave Mr. Johnson a sample law and, based on his internet research on nuisance reports, he also designed a form for the Village, titled, *Notice and Order to Abate Nuisance*. He told members he realized that the form is unofficial and we should run it by Solicitor Skaff for his approval if we want to use it.

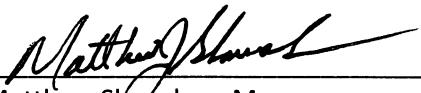
Mayor Shanahan reminded everyone that the Tree Lighting is December 1st. Activities at the art studio will start at 5:00 p.m. The choir will start at 5:40 p.m. Sponsor thank yous and opening prayers will start at 6:00 p.m. Santa will be at the fire station and there will be cookies and hot chocolate there as well. Gail will have ornament-making for children at her art studio. Muddy Water Brewery will have some beer sampling in Gail's store again. Doc's will be open and they typically do half-off on appetizers; they can only sell beer because it is a Sunday. The fire pits will be in the street again. There will be S'mores. We will be selling the 150th fundraiser cookbooks and ornaments. This Saturday is the Bowling Green Holiday Parade, for which Bernie Scott has put together a float. The mayor said that he and his younger son and a couple of his son's buddies will walk in the parade and throw out candy. It will be on Channel 11; we will be number 33 in the parade lineup. The mayor said he thought Bernie signed us up with the same 150th float for Grand Rapids' Parade of Lights in mid-December, and he would probably be walking in that parade as well. The mayor told members that Friday night is Grand Rapids' Tree Lighting and he was thinking of attending that to show them support.

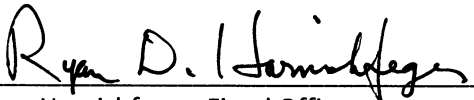
Mayor Shanahan reported that Weston's mayor had texted the mayor group and said their leaf collection machine had died and they wanted to borrow one. Mayor Shanahan said he told them it would be a trustee question if they wanted to borrow ours. The new mayor in Haskins suggested that they do a quarterly mayor breakfast and share thoughts and ideas. Mayor Shanahan said he suggested as a first meeting place the new Horns and Halos restaurant opened recently on Main Street in Weston.

Mayor Shanahan asked if there were any other comments on the budget or any salary-related items that members would like to discuss. Members indicated that they would like to discuss salaries. The mayor then asked for a motion to go into executive session. Councilman Smith made a motion to enter executive session for the purpose of considering compensation for employees and elected officials. Councilman Fox seconded this motion. The roll being called for this motion, the vote resulted as follows: Mackey-Aye; Smith-Aye; Fox-Aye; Neal-Aye. Motion carried. Only Mayor Shanahan was invited by Council to attend the executive session, which began at 8:46 p.m.

After the executive session was concluded, Fiscal Officer Harnishfeger was invited back and the regular meeting was reconvened for a few minutes. Mayor Shanahan instructed Mr. Harnishfeger to get information from Councilman Fox regarding compensation adjustments to be put into ordinance form for final decision and adoption at the upcoming meeting on December 2nd.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 9:15 p.m.


Matthew Shanahan, Mayor


Ryan Harnishfeger, Fiscal Officer