

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: April 21, 2025

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 at roll call, but arrived at 7:03 p.m.; Lincoln Fox, here; Paul Neal, here. Also present were Utilities Superintendent/Meter Reader/Zoning Inspector Chad Johnson, Village Solicitor Paul Skaff, and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: a deputy from the Wood County Sheriff's Office. Minutes from the April 7th 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. Councilman Neal seconded this motion. All were in favor; motion carried.

Mayor Shanahan acknowledged the presence of the deputy and asked members if they had any questions or concerns for her. Councilwoman Mackey asked the deputy to note that traffic has gotten quite fast in the spring after parents drop kids off at school. She said she saw more fast traffic going away from the school than going toward the school. The deputy asked where this is occurring. Ms. Mackey answered that it is happening in town and she sees a lot of it on North Street. Councilman Fox added that it is mainly coming from the Haskins area. The deputy responded that they will be sure to have someone around to watch for speeders. With nothing more to discuss, the mayor thanked the deputy and she left the meeting.

Fiscal Officer Harnishfeger reported that a \$200 donation was received today from Downey PHCE, LLC, for Tontogany's 150th Celebration, for the 5K and the pancake breakfast. He also reported that Dan Sheperd gave him documentation describing the pop cooler and the small freezer unit for the ballpark, along with a breakdown of funds raised for their purchase. Mr. Harnishfeger asked Mayor Shanahan if the township trustees had said how they want us to pay the Village's intended donation of \$372.50 for these items, and what kind of documentation they might provide for our auditing records. The mayor answered that the check should be made out to the Washington Township Trustees. He also said he had told Krystal that we would need a receipt or invoice for our records, and he suggested that Mr. Harnishfeger touch base with her about that.

ZONING: Zoning Inspector Johnson reported that he had followed up with a text to the gentleman who had shown interest in buying the only remaining lot left on Tontogany Creek Road, but who had been given a hard time about building there by the neighbor. Mr. Johnson said that the gentleman responded that he was still interested in the lot, but he could not live next to a neighbor like that, who would do nothing but cause him problems. Mayor Shanahan responded that we had sent an email to Solicitor Skaff about the situation, who had told us that it is not a Village concern, but it is something to be settled between the potential buyer and the landowner.

Zoning Inspector Johnson reported that he did a fence permit for Lisa Brandon on North Street. He also reported that the owner put a current plate on the BMW that had been an issue.

Mr. Johnson commented that he had some concerns about trying to use Ohio Revised Code (ORC) for zoning, since his zoning experience in the past, with townships as well as with villages, has always been just with the use of municipal zoning ordinances. He said he understood that Solicitor Skaff would refer to ORC because he is a solicitor. Mr. Skaff responded that when he has to file a nuisance complaint, he cites the ORC. Mr. Johnson asked if Council would like for him to turn things over to Solicitor Skaff when he finds a zoning problem. Mayor Shanahan asked if Mr. Johnson had a particular issue he was talking about. Mr. Johnson gave examples, such as a nuisance or trash. Mr. Skaff responded to Mr. Johnson that the procedure he should follow would be to notify the person of the issue with a photo, hand delivered or posted on their door, mail the same notice and photo to them by certified

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mail. Give them 10 days, 14 days, or a reasonable amount of time to fix it. If they don't fix it within the specified time, give them a second notice, advising that it will be presented to Council if they don't fix it. If Council declares it to be a nuisance, it should then be referred to the solicitor, who will file a complaint against the property owner. Mr. Johnson asked if this was for all zoning issues like trash. Mr. Skaff answered that he was talking only about nuisance issues, which could include trash piled up in the yard. Mr. Skaff, in response to an email received today, gave the mayor and members a copy of the Exterior Property Code used in the Village of Holland since 2018. He suggested that they could look it over, pick out things that would work for Tontogany, and then consider adopting a property maintenance code for the Village. The mayor explained that this stems from a chat with Mr. Johnson today about whether he had heard back from Wood County about the downtown corner carryout. Mr. Johnson had said that he had more connections and then the conversation just went dry. Therefore, the mayor said he picked up the conversation with the Wood County Zoning Director, who told him that Tontogany should probably look into having a property management ordinance. The mayor said that he had shared that suggestion with Solicitor Skaff and asked if he had written property management code for any of his other villages, that we might be able to consider. The mayor added that the County Zoning Director also told him that the county refers to the International Code Council (ICC) for property management issues. The mayor said he asked if adopting an ordinance to follow the ICC property maintenance would be something we might do, similarly to how we adopt an ordinance to follow Ohio Basic Code. However, the County Zoning Director cautioned to be very careful about adopting a blanket ordinance to follow the ICC, because the ICC goes into many specific details that the Village may not wish to deal with. The mayor concluded that it would probably be better for us to think about adopting an ordinance similar to the Exterior Property Code sample from the Village of Holland. The mayor went on to report that he was told that Wood County did not send a letter to the property owner of the corner carryout, but that the gentleman he talked with said they would put in a request for that today. However, he said that we should know that the letter will only be asking the owner for proof that the building has structural integrity. The owner will have 30 days to submit proof of structural integrity. If he does not respond in 30 days, they will send a second letter with another 30-day deadline to show proof of structural integrity. If the owner provides something from an engineering firm that states that the building is structurally sound, then Wood County will get out of the matter. After that, the Village would then follow the process that Solicitor Skaff is laying out for declaring it a nuisance.

Councilman Neal asked if we should continue to pass an ordinance each year adopting Ohio Basic Code (OBC) in place of an ordinance prepared by the solicitor. Solicitor Skaff answered that the Village should continue to adopt the Ohio Basic Code, which is way more comprehensive than specific property code he may write for the Village. Mr. Neal asked if a municipal property code written for the Village would replace the various codes in OBC pertaining to a number of zoning issues that we deal with regularly. Solicitor Skaff answered that it would not replace the OBC, but it would supplement it.

Zoning Inspector Johnson stated that his concern was that Council now wants to go from an old zoning code that is in need of updating, to an 800-page book of codes plus a property management code. He asked who is going to do all of the work to follow all of this code. The mayor answered that we are going to have to do it. Mr. Johnson exclaimed that it would increase the work by eight times. He added that, in his opinion, the village administrator should be doing a lot of this. Mr. Neal commented that he thought the only thing we have begun using the OBC for in the last couple of months was the situation with the corner carryout, because Council has spent an enormous amount of time trying to answer the yes or no question of whether it is violating an ordinance. The OBC says we can deal with the problem and it gives the conditions under which you do that. He said that the rest of what Mr. Johnson was talking about was the procedures for processing OBC ordinance violations, of which one would be a nuisance situation. Mayor Shanahan commented that, ever since he has been an official for the town, we have adopted the OBC as an option, but have chosen not to utilize it. But now, Councilman Neal has brought our attention to the OBC that it is a safety net that we should be using. Mr. Neal added that he

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had noticed that we approved the OBC for the last three years, but he hadn't seen any evidence that we were using it. The mayor commented that, for many years, going way back in history, we have not been very good at enforcing certain parts of our zoning code. Certain violations have been neglected to be dealt with for a long time. This has made it harder for us now that we have decided we want to begin enforcing code more. Mr. Neal commented that the OBC should be a help to Zoning Inspector Johnson, since it is indexed, whereas our zoning ordinance is not indexed, making it hard to find code on specific topics. Councilman Smith commented that we still have a zoning code, covering things like fences, pools, sheds, and many other things; we just haven't updated it. The mayor added that the OBC book comes in handy for all of the items that are not in our own municipal zoning code, making it possible to enforce OBC as well as our ordinance. Mr. Johnson remarked that there is so much material covered in the OBC that it makes it hard to know whose job it is to enforce the code, whether the zoning inspector, the police, the solicitor, or whoever. He added that he has been doing zoning for 25 years and has never seen any of this stuff in any of the zoning code. The mayor answered that we can ask Solicitor Skaff for guidance on certain issues and how to interpret and enforce the pertinent code. He added that the solicitor can help us be sure to do it the right way and to protect the zoning inspector in the process of enforcing code. Mr. Johnson asked how he was supposed to write letters and notices to people and so on, since he doesn't even have a computer. The mayor answered that the Village would provide him with the equipment he needs to do the job. He also said that we could seek Solicitor Skaff's assistance on the wording of letters and documents for various zoning issues. Mr. Neal said he thought Solicitor Skaff could also advise Mr. Johnson on the process of filing or enforcing complaints, in such a way that if we end up in court we will win. Councilman Bergfeld commented that he thinks the hardest thing is that we don't have an administrator to be the middle man. He asked if we need to try again to find an administrator. The mayor answered that he believes the job is still posted online, but we could run the ad again. Mr. Bergfeld asked if we could post it somewhere else besides the newspaper, like social media. The mayor answered that we could. Mr. Johnson asked if there was a rule about not having someone in that position for a certain amount of time. Solicitor Skaff answered that you are supposed to have a Board of Public Affairs or an administrator, but if you can't get one, you can't. Members discussed the need to get someone with knowledge and experience to fill the administrator position, and the problem with OPERS retirees losing medical benefits if they take the position. Mayor Shanahan asked Solicitor Skaff if Wood County has a land bank. Mr. Skaff answered that Wood County does not have a land bank, although there has been some discussion about creating one. The mayor commented that land banks have money to help with some demolitions. Mr. Neal commented that we have decided that we can use the OBC, and he pointed out that we have made an effort to make it easier for Mr. Johnson by reducing it to a selection of nine issues that we typically run into. The mayor commented that the corner carryout and the dilapidated house on Main Street have presented bigger questions than we have been accustomed to dealing with, instead of simpler problems like abandoned vehicles or tall grass. Councilman Smith cautioned that we don't want to get to the point where it costs us \$100,000 to take a building down, then we put it on their taxes, and then it turns into a sheriff's sale. Mr. Skaff remarked that that was a very good point. He explained that it can be a very expensive process to enforce a nuisance complaint, even for towns with many times more money than Tontogany, so you want to be sure you have thought out well what effect it may have on your budget in the end. Mr. Smith agreed that that is what terrifies him. He said, for example, if we take down the house on Main Street, the lot would be worth \$20,000, but with an added \$60,000 worth of back taxes on it nobody would ever buy it. Mr. Skaff added that the Village would have had to pay the \$60,000 up front, never to be recovered. He reiterated that it can be an expensive process and if you don't have the money to do it or to dedicate to it, it is just not going to get done. Mr. Neal asked how far we can go in the nuisance process before we start exposing the Village to high expenses. Mr. Smith answered, "Until someone calls our bluff." Mr. Neal commented that we need to be prepared for the consequences if we go to court. Mr. Skaff responded that one of the consequences is you win. If you win and the court says you may go

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in and abate the nuisance, now you are stuck: do you obey the court order and go in and spend \$20,000 to abate the nuisance, or do you ignore the court order and figure it was a waste of time? Mr. Smith said he thought all of the building nuisances we have been talking about are very winnable in court. But the problem is that when the court says to go ahead and tear it down, then we would have to come up with as much as \$300,000 to spend to tear the buildings down, without ever getting the money back. Mr. Neal commented that you could just not put it in the suit that you want the building torn down. Mr. Smith and others asked what other remedy would be sought, if not to tear it down. Mr. Skaff commented that the court can award you a victory, agreeing that the Village has proven that the property is a nuisance, and signing an order that the nuisance has to be abated. If the owner ignores the court order, then the Village has to step in and tear it down, spending, say, \$80,000 doing so. Then they assess the property, which isn't worth \$80,000 for a vacant lot. Mr. Neal answered that that is the step we don't want to do. Councilman Bergfeld added that we don't want to be stuck with a big bill and then we are left with an open field where nothing gets done. Members discussed various possible scenarios, all leading to likely undesirable costs and losses for the Village. Mr. Smith summed up by saying that without a land bank the Village will be the one left holding the bag for all of the expenses, so we need to really be sure we want to do it, that it is going to be worth it, and that our neighbors want us to spend their money doing it. Mayor Shanahan reminded members that in the past we had considered, since we are a small community, that we could just sit down with property owners and have a conversation and explain the process to them and try to work out a solution. He asked if members wanted to go that route, although he acknowledged that the carryout owner is not very responsive. Councilman Smith and Councilwoman Mackey responded that they would support that approach. Mr. Neal commented on the fact that the owner of the carryout has demonstrated his reluctance to sell. Councilman Fox asked if we have to tear the building down if it is declared a nuisance. Solicitor Skaff answered that you have to abate the nuisance, whether by tearing it down or by repairing it. Mr. Smith added that we don't know what an engineer may decide is needed to abate a structural deficiency; he may say that it needs to be torn down, meaning the Village now has engineering costs plus the cost of tearing it down. Councilwoman Mehring added that you could also damage a neighboring building in the process and be liable for fixing that. The mayor commented that he had asked Solicitor Skaff to attend the meeting tonight to help us in making decisions based on good counsel. Mr. Skaff added that one other point he would like to make is that you have to consider the public's perception, if you address only little nuisances that you can afford, but ignore the big ones. A resident may ask why you made a big deal about his small violation, while ignoring an obviously worse problem in the community.

Councilman Neal reminded members that we had discussed the camper and the Camaro several times. They are on public streets. We now know that the camper doesn't have valid plates and there is an abandoned vehicle situation. He pointed out that the Ohio Basic Code says that if you are parked on a public street for more than 72 hours, it is classified as an abandoned vehicle, and it gives the municipality the authority to have the vehicle impounded. Mr. Neal commented that it also looked to him like the code was saying that the municipality could authorize a vehicle to be parked on a public street for more than 72 hours. Mr. Neal said he thought we should put it in the minutes if we wish for those vehicles to stay there. Mayor Shanahan commented that he had communicated with Mr. Johnson that he would like for the two of them to walk through the village and pinpoint some of those issues. The mayor added that there are also some other vehicle issues in town besides the camper and the Camaro, some of which Mr. Johnson has already addressed. Mr. Neal commented that abandonment of a vehicle has nothing to do with whether it has a valid license plate; it is if it is sitting on a public street for more than 72 hours. The mayor agreed that you can have a valid registration and still have the vehicle deemed as abandoned.

UTILITIES: Utilities Superintendent Johnson reported that he thinks this is the year again for the EPA's sanitary survey of the public water system. This means he will have to manually exercise every valve in

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the village and on Tontogany Road and Kellogg Road, which will take a lot of time; it takes 36 turns to open and 36 turns to close a valve. He will also have to flush hydrants. Councilman Smith asked Mr. Johnson if we need to hire a temporary assistant to help him. Mr. Johnson answered that he can do the work himself, but he was just letting Council know it will take some time. Mr. Smith told Mr. Johnson to keep track of his hours and his mileage so the Village can compensate him. Mr. Johnson commented that he should probably be painting the hydrants pretty soon. Mayor Shanahan responded that hydrant painting is on the list of things for the Otsego students to do on May 2nd.

Mr. Johnson asked if he understood correctly that the proposed new lighting for the school football field has been put off to the future. Mayor Shanahan answered that it doesn't sound like it is anywhere even close to being a project. He said that Otsego Treasurer Steve Carroll had replied to us that it is not a project that the school is going to take on, because, for that large of a cost they would put it to the voters. The mayor said he suspected that if the voters weren't willing to pass the recent levy, they most likely wouldn't vote for upgrading lights for the football and soccer fields. The mayor said he also talked to the athletic boosters and they didn't foresee any action on this in 2025 or 2026.

STREETS and ALLEYS: Councilwoman Mackey reported that she has been in contact with Mary about Otsego Serves Day on May 2nd, and they went over a list of things the students can do for Tontogany. She said she told Mary that we would have a point person at the hall. Councilman Smith agreed that he would be that point person. Mary had said that the students would get here at about 9 – 9:15 a.m. It will be mostly juniors all day, and possibly some sophomores will come in the afternoon, probably 12 or 13 students total. They will either have their lunch packed or the cafeteria will pack them a lunch. They have been instructed to bring their own water bottles, so the hall needs to be left open for them to use the restrooms and fill their water bottles. If the weather is not nice, they can eat their lunch in the hall; otherwise, they can eat outside at the park, if they wish. Ms. Mackey said she told Mary it would be good if the students bring gloves. She also apologized that she hadn't contacted Josh Heckerman soon enough before he came in and mulched, so mulching had to be stricken from the list of student services. Ms. Mackey gave her list of student projects to Mr. Smith. Mayor Shanahan said he still needed to go through and check the caps on the fire hydrants for what colors they use to signify the size of the line. Then he will put an order in to Sherwin-Williams. Ms. Mackey said she told Mary we would have all the paint and brushes, brooms, and shovels. She also suggested that the students could put brush that they pick up from the sidewalks and right-of-way into piles ready for village brush pickup later in the month of May. Mr. Smith remarked that, if there is extra time, he may have them go up and down the utility alleys too, picking up trash. Ms. Mackey agreed that that would be a good idea. She also pointed out that the last item on the list was cleaning off playground equipment, especially like graffiti, but she said she had told Mary that that job is pretty low on the totem pole. Mr. Smith asked Fiscal Officer Harnishfeger to let him know if there is anything he would like to get rid of from the office. Mr. Harnishfeger replied that there is some old equipment in the office and upstairs. He said he wouldn't advise removing any paperwork right now. The mayor added that any old broken or unusable stuff in the garage could go too.

SIDEWALKS and TREES: Nothing to report.

DRAINS and SEWERS: Nothing to report.

CITY HALL and PARKS: Mayor Shanahan reported that Councilman Bergfeld had shared with him that there had been some graffiti of inappropriate language etched into a slide at the park, which Mr. Bergfeld was able to remove. On another occasion, Mr. Bergfeld had witnessed a kid climbing on top of the porta john. The mayor said it made him wonder whether we need to open the discussion about cameras at the park again, getting quotes, where they would be placed, who manages it, cost, and so

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on. The mayor asked members to think about it as a possible topic to be considered at a future meeting. Councilman Fox wondered if a trail camera might be a cost-effective solution. Councilman Bergfeld commented that his concern would be how to get it positioned right.


Councilwoman Mackey reported that the cover has been removed from the electrical box on the light pole for the court. She asked if one of the councilmen could put a new cover on it. She also asked Utilities Superintendent Johnson if he had turned on the water to the fountain yet. Mr. Johnson said he had not yet done so, but would do it in the next couple of days; it takes a special tool.

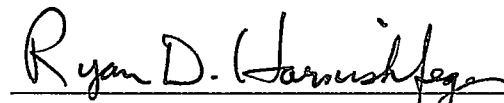
Councilwoman Mehring told the mayor that she was still working on getting information for veteran banners and that Kim Head was helping her. Councilwoman Mackey gave the mayor some information she had received from Alan Current about Donald Current. Ms. Mehring said she is still getting information on two more veterans.

Councilwoman Mackey reported that the Great Ohio Bicycle Adventure (GOBA) will be coming through town on June 15th. She said she thought we should be planning for it. Mayor Shanahan responded that the 150th Committee is interested in helping with that event. Councilman Smith agreed and said the 150th Committee is going to do a bake sale for the GOBA event. The mayor added that he had shared all of the original information from Ms. Mackey about the GOBA event with the 150th Committee. Ms. Mackey suggested that the Committee could put their sign backdrop at the park and maybe a sign saying "Welcome GOBA"—things to help advertise our 150th Celebration. She also said that GOBA would have a lemonade truck coming in, they will have water, and they will be bringing in extra porta johns. The mayor said he will bring the matter up again at the upcoming 150th Committee meeting. Councilman Fox said that we should let the deputy know. Ms. Mackey replied that GOBA is taking care of contacting the Sheriff's Department. The mayor reminded members that we had previously discussed that the GOBA event will be on Father's Day and there will be a chicken dinner at the Legion and extra traffic. Ms. Mackey said that the GOBA riders will be coming into town on Tontogany Creek Road around 9:00 a.m. Concerning the route of departure, the mayor reminded members that we had talked about sending them from the park down Broad Street to Kellogg Road, to bypass the extra traffic at the Legion on Tontogany Road.

Councilman Neal asked what we had decided about the Exterior Property Code sample provided by Solicitor Skaff. The mayor answered that Solicitor Skaff had suggested that we look it over and write down some things that we think would work for a similar code for Tontogany, and then discuss it and decide whether or not we want to adopt a property code for the Village. Mr. Neal asked, for Zoning Inspector Johnson's benefit, what we decided about the abandoned vehicles. The mayor answered that we decided for Mr. Johnson and the mayor to walk through town and have a conversation about that. Mr. Neal asked about the building downtown, if we decided to not go any further with it. The mayor answered that they are sending a letter to the owner asking for proof that the building is structurally sound. After that, regardless of what their answer is, we will continue the discussion, since we still have some concerns about the building. And we want to have a conversation with the owner.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:53 p.m.


Matthew Shanahan, Mayor


Ryan Harnishfeger, Fiscal Officer