Minutes for the December 12, 2015 Regular Council Meeting

Held at 10:00 am at the Town Hall on Division Street

1. Mayor Paine calls council to order and roll call is taken. Present are M.Feyedelem, G.Finger, D. Kaminski, G.Ritchie, P.Seeholzer, and J.Wolfe. None are absent.

2. All rise and recite the Pledge of Allegiance to the Flag

2.5 Magistrate Grubbe addresses Council: Dick Grubbe says that this is his 16th annual report to Council. The Court does not intend to make a profit. It is for the local judiciary to have some local control. A few years ago the State decided to limit the proliferation of courts by population. The State made some exceptions, for Put-In-Bay and Kelleys Island. In 2015 the KI Mayor’s/Magistrate’s Court had 70 cases. A few more fines will still come in. The revenue will be about $20,000 this year with some from Erie County Court system. The Expenses were about $25,000. The court can’t control the number of cases it gets. To give Members of Council some idea of other courts: Put-In-Bay had 130 cases, revenue of $32,000 and expenses of $47,000; Dublin (Ohio) had 3,000 cases, revenue of $281,000, and expenses of $377,000. Money is paid on the spot at court or through a payment plan. If the person does not pay then a warrant for their arrest is made. If that person is incarcerated, then the Village pays Erie County for the jail costs. If the fine remains unpaid, the court can also do license blocks and when the person goes to get their license renewed, they can’t renew it until they pay the fines. Magistrate Grubbe is anticipating no carryover of cases into 2016. Grubbe continues that he attributes the success of the court to the court staff, the Police Chief, the Prosecutor and to Solicitor Lambros who is sometimes consulted for advice. Magistrate Grubbe also sits as a magistrate for other jurisdictions and he complements Kelleys Island as being exceptional in their internal cooperation.

4.0 Discussion and/or amendments to the 11-14-15 council minutes. Motion to accept the Minutes as presented, made by Finger, second by Seeholzer; all in favor; motion carried.

5. Treasurer Brown says that another bill came this morning on email and she asks council to add it to the pay ordinance for today. **Motion to amend the Pay Ordinance and add an invoice from DeZurik for a valve for the Water Dept. in the dollar amount of $2,075.00,** made by Seeholzer, second by Finger; all in favor; motion carried.

Discussion of Pay Ordinance No. 1150 : Motion to accept the Pay Ordinance as amended, made by Seeholzer, second by Kaminski; RC: M.Feyedelem- yes, G.Finger- yes, D.Kaminski- yes, G.Ritchie- yes, P.Seeholzer- yes, J.Wolfe- yes; motion carried.

7. Committee Reports

7.A. Police- Chief Craig reports that since the last council meeting 4 reports have been filed; 1 vehicle lockout was attended; and there were 3 assists with other agencies, ODNR, Wildlife & KI State Park. House checks will begin when the boat stops running. Chief Craig wishes everyone a Merry Christmas and a Happy New Year. Chief Craig thanks Mayor Paine and Council Member Greg Ritchie for their public service.

7.B. Safety Committee- M. Feyedelem says that last month he asked Council to authorize joining of the State Department of Administrative Services procurement system. Upon more investigation it was not found to be beneficial for purchasing what was needed. Therefore the Village did not pay the money to join it.

7.C. EMS- S. Devine reports that EMS had 1 run resulting in 1 transport. The EMT’s are continuing their refresher course, meeting twice a week. A donation f $50 was received in memory of Mary Ellen Huntley.

7.D. Fire Dept.-Chief Hostal reports last year he spoke to Council about overhanging branches on the roads. Maintenance currently has a machine that they are using to clear the public roads. Chief Hostal asks if the machine could be used on private roads. Solicitor Lambros responds that the machine could be used to keep the roads clear for emergency vehicles if the Mayor so directs. The Mayor should be directing that type of activity, not Council, since it is an administrative work related activity. The sides of private roads can be cut by the Village as long as it is done for emergency reasons.

7.E. Finance- P. Seeholzer reports that the Finance Committee had a meeting this week with a senior development RCAP representative, Roberta Acosta. In attendance were Mayor Paine, Mayor-elect Cooper, Council Members Feyedelem and Seeholzer, and Council Member-elect R. Ehrbar. Seeholzer adds that it looks like water rates may go up but she does not know by how much. Acosta had a spread sheet prepared and she will do some modifications to it after our meeting. One idea was to have a monthly billing so that people would be more prepared to pay it, but there was resistance to that idea from the Water Dept. More meetings will be held before any decisions are made.

7.F. Lands & Buildings- G. Finger has no report.

7.G. Airport- G. Ritchie has no report on the airport. Ritchie reports on the Water Audit Committee: Dee Zimmerman, Pat Seeholzer, and Greg Ritchie spent time going over billings to be sure that whatever corrections are made for 2015 will be final. The corrections will appear on the bill for 4th quarter 2015. About 90% of the water customers may see corrections on their bills. Most customers were under billed about $18. Seeholzer asks if an arrangement can be made with the Water Dept. if the sum for the correction is large. Wolfe says that this was brought up at the last Council Meeting and he thought that Council was going to review the results of the Water Audit Committee and that furthermore there was a consensus by Council to allow payment over time. Solicitor Lambros says that the Village Administrator would take up that issue of the grace period because it pertains to the Water Dept. billing process. Kaminski asks if the additional payments will be noted on each bill. Ritchie adds that a letter will go out to those customers that have been affected about the billing.

7.H. Planning Commission- G. Finger as no report.

7.I. Design Review Board- G. Finger has no report.

7.J. Board of Zoning Appeals- G. Finger has nothing to report.

7.K. Transfer Station- D. Kaminski has no report.

7.L Village Administrator- Wolfe gives the report for Stevenson who could not attend this meeting: At the last meeting we received a letter from a company is interested in putting a tower on Kelleys for communications as part of a chain of towers for communications. They looked at the Transfer Station property as a site for it. Recently a letter was sent back to the village wherein they stated that they were not ready to pursue the project now. They want to secure the ends of the project line first. If this comes to fruition, it could mean $38,000 to $40,000 a year revenue. The other two ends are in Cleveland and Chicago, but we are still in the prime pathway. Zoning Inspector Minshall comments that he spoke with the Village Administrator to say that the FAA and the Ohio Dept. of Aviation need to be consulted about the tower height.

7.M. Streets & Sidewalks- J. Wolfe reports that the Village has received preliminary plans for the OPWC road project on West Lakeshore Drive. Wolfe spoke with Richland Engineering yesterday and the plans will be revised. Some additional repair work prior to paving will be added, especially at Division St. Right now the estimate is $60,000 under the initial project budget and if the additional paving costs about $20,000 the project will still be about $40,000 under the budget. That includes the 10% additional as an allowance for the unforeseen.

7.N. Park Board- James Erne reports that required Reports for both preserves have been submitted to Western Reserve Conservancy. The Lakeside Daisy planting is doing well. Erne thanks the service workers for opening the road into the preserve areas. Finger asks if the Park Board has received any information about the KI Winery property. Erne replies “no”.

7.O. Mayor’s Financial Report- Mayor Paine has no report.

7.P Legal- D. Lambros reports that the Village has 2 pieces of on-going litigation: Dwelle Lane continues. The Sixth District heard that case in October. Briefs were re-filed and to date there has been no decision by the court. Lincoln Road has pending litigation currently in the discovery phase. The Village did not institute the lawsuit. Lambros has given written information to Members of Council relating to “sovereign immunity”. During the last Council Meeting some statements were made during the public portion of the meeting related to “sovereign immunity” in error and Lambros wants council to understand where/when it is applicable and when not before they make any decisions based on that protection.

7.Q Treasurer’s Report- C. Brown reports that Council Members have the usual fund and Treasurer’s reports in their packets. Due to a staff shortage, the Village Office will be closed December 21 to 28 and also on 12-19. That information is being posted. Brown was contacted by the Deputy Director of Public Affairs, Office of Ohio Treasurer Josh Mandel, about participating in Ohio Checkbook. The service is free to the village and consists of putting the monthly expenses on line for about a five year period. The view that Brown saw when she looked at the site was of bar graphs. Deputy Director Risko said that no conversion of data was necessary and his staff does the updating. Unless Council has an objection, Brown intends to research participation in the project. The City of Port Clinton has a posting for 2014 but none for 2015 and when Brown asked why, she was told that each entity decides how often they want to update the site. Brown asks for Council’s authorization to spend the usual $800 for the Annual Report Workshop in Columbus and up to $700 for expenses during the workshop. **Motion to authorize up to $1,500 for the Clerk Treasurer’s attendance at an Annual Report Workshop,** made by Seeholzer, second by Finger; all in favor; motion carried. Today we have the temporary appropriation ordinance on the agenda to cover the usual and customary expenses from January 1, 2016 until the March Meeting when Council passes the 2016 appropriation ordinance. Brown asks for authorization to make any loan payments and to pay bills which come due between today and the date of the 2016 appropriation ordinance. **Motion to authorize the payment of loans and all bills which come due between today and the date of the 2016 appropriation ordinance,** made by Finger, second by Seeholzer; all in favor; motion carried.

7.R. Cemetery Report- C.Brown reports that the Cemetery Board of Trustees had several meetings recently. The Board discussed how to accommodate an unusually large monument in the cemetery. The Board had gone to a system for foundations of essentially floating foundation because we have some old foundations that are deep in the ground that have twisted over time and now cannot be straightened. Several companies have looked at them and basically told us to forget trying to dig them out to straighten them. A number of years ago the Board went to a floating foundation to avoid that in the future. The cement for the foundation is cured and has internal structure when needed. With a large/tall monument a floating foundation will not work so we have had a lot of discussion with the monument company, the person who wants to do it, and amongst ourselves. The Board has decided on a depth for that foundation and Brown will contact the monument company with the information from the Board. In reviewing this request, the Board also made a rule about how much of the space across a grave site can be occupied by a foundation and monument so as not to hamper the use of the adjacent grave spaces. The Board discussed how to provide a light on the flag without incurring an on-going electric expense and they decided to try a solar powered light. The VFW will continue to use the equipment that have been using for their events. Carl Feick was contacted about reviewing the placement of pins in the cemetery and about adding some pins. More land needs to be pursued with the State of Ohio to add to the cemetery. All the grave spaces in the older three sections have been sold. They might not look like they are all used, but they have been sold to families and we continue to use those spaces. About half of the New Section has been sold. Down the road, not next year, but down the road there will be no spaces available. The cemetery is surrounded by State property, so to add adjacent property, it must come from the State. In the past the State has been willing to give some property to the cemetery. The Cemetery Board of Trustees asks Council for a motion to direct the Mayor to open negotiations with the State of Ohio to add property to the cemetery. **Motion to direct the Mayor to open negotiations with the State of Ohio to obtain additional property for the KI Cemetery,**  made by Seeholzer, second by Feyedelem; all in favor; motion carried.

9. First Readings

10. Second Readings

11. Third Readings & Emergencies

11.1 **ORDINANCE NO. 2015-O- 22 : AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR THE MONTHS OF JANUARY, FEBRUARY, MARCH, 2016 AND DECLARING AN EMERGENCY.** (INTRODUCED BY MAYOR KYLE PAINE)

Motion to suspend the three reading rule, made by Finger, second by Seeholzer; RC: M.Feyedelem- yes , G.Finger- yes, D. Kaminski -yes, Ritchie- yes, P.Seeholzer –yes, J.Wolfe- yes; motion passed.

Motion to pass as an emergency, made by Seeholzer, second by Finger; RC: M.Feyedelem- yes , G.Finger- yes, D. Kaminski -yes, Ritchie- yes, P.Seeholzer –yes, J.Wolfe- yes; motion passed.

11.2 The following ordinance was prepared before the bid opening occurred. A clerical error was found this morning and that has been corrected. That is the only change to the legislation.

Motion to replace the legislation given in the packet with a corrected copy brought to council, made by Finger, second by Feyedelem, all in favor; motion passed.

Council Member Ricthie asks that this legislation be given a first reading and not be passed as an emergency. Ritchie says that Council has not received documentation about the purchase nor information about what alternatives were examined. A few months ago Chief Hostal wanted a new fire dept. building and when he received push back on that he decided to purchase a fire truck. Ritchie says that the needs of EMS should be evaluated also before the legislation to purchase a fire truck is passed. **Motion for a first reading,** made by Ritchie; no second is forth-coming and the motion dies for lack of a second. Solicitor Lambros clarifies that a suspension of rules is allowed for passage of the legislation, but that it was not drafted as an emergency and therefore it will not take effect for 30 days. When asked, Lambros says that council could draft a repealing ordinance. Seeholzer says that having a first reading would hold up the fire truck when now the Village has the opportunity to get it to the island before the boat finishes.

The bids were opened at 8:00 am this morning and members of the Fire Dept. met immediately after the bid opening to discuss the bids. The ordinance in the packets was written with blank lines so that it could be completed later. Chief Hostal recommends purchase of the Fire Truck being constructed right now with a cost of $236,000. Chief Hostal reports that bids were opened this morning and there are two quotes from the same company. One quote is for $236,000 for a truck that is being built now. If that truck is sold and the company builds another identical, but in 2016, the cost would increase to $248,000, $12,000 more. A second company’s bid was $280,000. If Council passes the bid acceptance today as an emergency, then the Village can buy the truck being constructed now. Otherwise, the same truck will cost more money. Also the fire truck may get to the island before the boats stop.

**ORDINANCE NO. 2015-O- 23 : AN ORDINANCE ACCEPTING A BID FOR A NEW 2000 GALLON PUMPER TANKER FIRE TRUCK FOR USE BY THE VILLAGE OF KELLEYS ISLAND, OHIO.** (INTRODUCED BY MAYOR KYLE PAINE)

Motion to suspend the three reading rule, made by Seeholzer, second by Finger;

RC: M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, .Ritchie- no, P.Seeholzer- yes, J.Wolfe- yes; motion passed.

Motion to pass, as an emergency, made by Seeholzer, second by Finger;

RC: M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, G.Ritchie- no, P.Seeholzer- yes, J.Wolfe- yes; motion passed. It is discussed that there is no emergency language in the legislation, but the Solicitor suggests calling the company and letting them know about the effective date.

Brown says that the banks were not filled in and Seeholzer replies that the Fire Chief told them now and the Clerk can complete the legislation.

11.3 **ORDINANCE NO. 2015-O- 24 : AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF A SOLICITOR FOR THE VILLAGE OF KELLEYS ISLAND, OHIO.** (INTRODUCED BY MAYOR KYLE PAINE)

Motion to suspend the three reading rule, made by Seeholzer, second by Kaminski;

RC: M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, .Ritchie- yes, P.Seeholzer- yes, J.Wolfe- yes; motion passed.

Motion to pass, made by Kaminski, second by Wolfe;

RC: M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, .Ritchie- yes, P.Seeholzer- yes, J.Wolfe- yes; motion passed.

11.4 **ORDINANCE NO. 2015-O- 25 : AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF A PROSECUTOR FOR THE VILLAGE OF KELLEYS ISLAND, OHIO.** (INTRODUCED BY MAYOR KYLE PAINE)

Motion to suspend the three reading rule, made by Seeholzer, second by Finger;

RC: M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, .Ritchie- yes, P.Seeholzer- yes, J.Wolfe- yes; motion passed.

Motion to pass, made by Seeholzer, second by Finger;

RC: M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, .Ritchie- yes, P.Seeholzer- yes, J.Wolfe- yes; motion passed.

11.5 **RESOLUTION NO. 2015-R- 8 : A RESOLUTION HIRING PART-TIME SEASONAL POLICE OFFICERS IN**

**THE VILLAGE OF KELLEYS ISLAND AND DECLARING AN EMERGENCY.** (INTRODUCED BY MAYOR KYLE PAINE)

Motion to suspend the three reading rule, made by Seeholzer, second by Finger;

RC: M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, .Ritchie- yes, P.Seeholzer- yes, J.Wolfe- yes; motion passed.

Motion to pass, made by Seeholzer, second by Finger;

RC: M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, .Ritchie- yes, P.Seeholzer- yes, J.Wolfe- yes; motion passed.

12. Items from the Mayor- nothing

13. Items from Council- nothing

14. Old Business

14.1 Wolfe asks where the Village is in relation to the KI Wine Company property. Mayor Paine says that he remembers that council said they wanted a meeting devoted to discussion of the property before any action. Wolfe says that he thinks that nothing should be done respective to the KI Wine Co. property, especially because of liability concerns, until Council has met and thoroughly understands the implications. **Motion to not do anything involving the topic of the KI Wine Company property until Council has met specifically to discuss it,** made by Wolfe, second by Finger; all in favor; motion passed. A Lands and Buildings Committee Meeting should be the start of the discussion.

15. Public Participation - nothing

16. New Business

16.1 Solicitor Lambros congratulates Kyle Paine and Greg Ritchie on their public service. He continues that he has enjoyed serving with them and wishes them the best in the future.

16.2 (11:00 am) Feyedelem says that the Village Administrator requested an executive session for personnel. The VA asked to be called when Council was ready. **Motion to enter an Executive Session for personnel and to invite Mayor-elect Cooper, Council-elect Ehrbar, Village Administrator Stevenson, and Clerk Treasurer Brown to attend,** made by Feyedelem, second by Ritchie; all in favor; motion carried.

**Motion to close Executive Session,** made by Seeholzer, second by Wolfe; all in favor; motion carried.

17. Motion to adjourn, made by Kaminski, second by Finger; all in favor; motion carried.