Minutes for the April 8, 2017 Regular Council Meeting

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

1. President of Council Finger calls council to order and roll call is taken. Present are Ehrbar, M.Feyedelem, G.Finger, D. Kaminski, P.Seeholzer, and J.Wolfe.

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

3.Scott Thom, Erie County Health Dept. Report: Erie County has contracts with 5 counties. Erie County has done 426 commercial permits and 139 residential permits. The Health Dept. offers continuing education for contractors. The Health Dept. is expanding the number of counties for their programs. If a house was built before 1940 it may need lead paint and radon tests.

4.0 Discussion and/or amendments to the 3-11-17 council minutes. Motion to accept the Minutes as presented, made by Seeholzer, second by Wolfe; all in favor; motion carried.

4.1 After further examination Council is requested to amend the February 11, 2017 Minutes: Clerk Brown did not record the motion to transfer all 113 vacation hours into 2017 for Dodson and 16.1 on the agenda should have read: **Motion to transfer 113 vacation hours into 2017 for Dodson,** made by Seeholzer, second by Ehrbar; all in favor; motion carried.

**Motion to amend the February 11, 2017 minutes** **to read as Brown has indicated**, made by Seeholzer, second by Kaminski; all in favor; motion carried.

5. Discussion of Pay Ordinance No. 1166 : Motion to accept the Pay Ordinance as written, made by Ehrbar, second by Feyedelem; RC: R. Ehrbar- yes, M.Feyedelem-yes, G.Finger- yes, D. Kaminski- yes, P.Seeholzer- yes, J.Wolfe- yes; motion carried.

7. Committee Reports

7.A. Police- Chief Craig says that 4 reports have been filed; no arrests have been made since last Council meeting; 150 phone calls have been answered/made; there were 576 house checks and 104 business checks, 10 doors were open. There were 3 assists with KI EMS and KI FIRE. More seasonal officers have to be hired because several have been hired by other departments. Chief Craig will attend the Chiefs of Ohio in service training in Columbus. The 2nd Annual Cops and Bobbers event is scheduled for April 30th.

7.B. Safety Committee- M. Feyedelem reports that the Safety Committee met on March 16 and discussed the APV permits. The Fire Dept. discussed an illegal burn and storage of the debris. Some houses do not have their address numbers posted. There will be a fire class in the spring. The Fire Dept. Report will have more detail about the fire. Additional people are needed to staff the EMS ad Fire Departments.

7.C. EMS- S. Devine

7.D. Fire Dept.-Chief Hostal reports that the Fire Dept. had one call in March which was an illegal burn. Several people have been interviewed who are interested in joining the Fire Dept. There will be pre-testing and then 40 hours of training. After that they will need to pass a State test. It takes about 10 to 12 weeks to complete everything and be able to join the Fire Dept. Chief Hostal wants to send Robert Skeans to a 16 hour class for emergency vehicle drivers training. It is a “train the trainer class” which will provide our department with an educated instructor who can teach others. The class is two full days and the cost is $375. He will need 2 nights’ accommodations and round trip ferry fees. **Motion to authorize the expenses for Skeans to attend the training,** made by Seeholzer, second by Wolfe; all in favor; motion carried.

7.E. Finance- R.Ehrbar has nothing to report.

7.F. Lands & Buildings- G. Finger has nothing to report.

7.G. Airport- P.Seeholzer has nothing to report.

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

7.I. Design Review Board- J.Wolfe has no report.

7.J. Board of Zoning Appeals- G. Finger reports no hearings.

7.K. Transfer Station- D. Kaminski reports that the new compactor is installed and working.

7.L Village Administrator- Stevenson reports that work is being done at the Golias house property. Trees have been removed and landscaping is being done. Hydrants are being replaced. The roof is up on the carbon slurry room at the Water Dept.

7.M. Streets & Sidewalks- J. Wolfe met with the Village Administrator yesterday and they discussed appropriations for the streets. The Village will be doing a crack and seal program, some asphalt patching, and drainage along Division. The Village did not get the OPWC grant for Chapel St. A no interest loan may be offered. Brown asks that Council give Wolfe the authority to decide on behalf of the Village about the no interest loan in case the option is presented before the next Council meeting. **Motion to authorize Wolfe to make the decision about accepting the OPWC no interest loan offer for the Chapel St. project,** made by Ehrbar, second by Seeholzer; all in favor; motion carried. Wolfe adds that the committee discussed repair to Monaghan Road up to the gate to Long Point.

7.N. Park Board- James Erne reports that a large dead spruce tree was removed from the downtown park.

7.O. Mayor’s Financial Report is approved for filing.

7.P Legal- D. Lambros

7.Q Treasurer’s Report- C. Brown reports that members of Council have the usual fund and treasurer’s reports in their Council envelopes. The Transfer Station returns are coming in steadily and at least half, up to two thirds have been received. Brown asks Council for authorization to change the application forms for BZA, DRB, and PC to add:

1. the applicant must be present at the meeting

2. all materials from the applicant in support of their application must be in the clerk’s hands 10 business days prior to the scheduled meeting date, which includes the completed application and payment. Any subsequent changes to the materials will begin the 10 day period over.

**Motion to authorize the changes to the application forms,** made by Finger, second by Ehrbar; all in favor; motion passed.

Brown will be in Columbus for the required State Auditor training and Brown will not be able to attend the May Council Meeting. Brown reports that problems have arisen in renting the Town Hall and other Village properties. Several wedding parties have rented the Town Hall in June and they want to serve alcohol. The codified does not allow alcohol to be consumed on public property unless an F or F2 permit is obtained from the Board of Liquor Control. An individual cannot get the permit—it is only for a non-profit organization. It may be that previous events have illegally consumed alcohol in public areas. Does council want to re=visit the codified in relation to the consumption of alcohol on public property ? Brown asks Solicitor Lambros to explain the options more fully. Solicitor Lambros explains that the Ohio liquor laws allow the consumption of alcohol on public property if the event is a private party and is not open to the general public and if the liquor is not sold. The Village could include that option in the Village’s laws. There is no discussion. **Motion to send the matter to the Lands and Buildings Committee for a recommendation,** made by Seeholzer, second by Finger; all in favor; motion carried.

7.R. Cemetery Report- Brown reports that the Cemetery Board had the opportunity to meet with an expert in cemetery restoration which includes the restoration of memorial stones, especially 19th c. and earlier. While looking at the fallen, broken, weather worn, and falling memorials in the old sections, we came upon a major drainage problem on the south edge of the newest section. The drainage on the south side must be resolved immediately. After speaking with the cemetery expert we realize that not only is the water swamping burials in that area, but it may also be contributing to the excessive amount of movement of memorial stones throughout the cemetery. A contractor has been contacted to look at the problem. The Board members discussed the need for additional land to enlarge the cemetery. The cemetery is surrounded by State property. We are also interested in getting a company with ground penetrating radar to go over the cemetery so that we will know where there are unmarked graves. The Board is waiting for an estimate from the restoration company. Unfortunately the KI Cemetery has reached the time when if restoration work is not done on the older memorials, they will be permanently lost. Mowing damage to memorials was also discussed and the need for trimming trees and other invasive bushes in the cemetery.

9. First Readings - none

10. Second Readings- none

11. Third Readings & Emergencies-

11.1 **ORDINANCE NO. 2017-O- 3 : AN ORDINANCE AUTHORIZING THE CLERK-TREASURER TO MAKE CERTAIN APPROPRIATIONS INTO CERTAIN FUNDS AND DECLARING AN EMERGENCY.**

(introduced by: Mayor Arden Cooper)

Motion to suspend the three reading rule, made by Seeholzer, second by Kaminski; RC: R. Ehrbar- yes, M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, P.Seeholzer- yes, Wolfe- yes; motion carried.

Motion to pass as an emergency, made by Kaminski, second by Wolfe; RC: R. Ehrbar- yes, M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, P.Seeholzer- yes, Wolfe- yes; motion carried.

11.2 **ORDINANCE NO. 2017-O- 4 : AN ORDINANCE AMENDING SECTION 70.72 ENTITLED “PROHIBITED OPERATIONS” OF THE KELLEYS ISLAND CODIFIED ORDINANCES.** (introduced by: Mayor Arden Cooper)

Solicitor Lambros says that the passage of this legislation will allow the APV vehicles to get license plates and be driven on the roads.

Motion to suspend the three reading rule, made by Seeholzer, second by Feyedelem; RC: R. Ehrbar- yes, M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, P.Seeholzer- yes, Wolfe- yes; motion carried.

Motion to pass as an emergency, made by Ehrbar, second by Seeholzer; RC: R. Ehrbar- yes, M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, P.Seeholzer- yes, Wolfe- yes; motion carried.

11.3 **ORDINANCE NO. 2017-O- 5 : AN ORDINANCE PURSUANT TO SECTION 5705.03 OF THE OHIO REVISED CODE REQUESTING THE ERIE COUNTY AUDITOR TO CERTIFY TO THE COUNCIL OF THE VILLAGE OF KELLEYS ISLAND, OHIO, THE TOTAL CURRENT TAX VALUATION OF THE VILLAGE OF KELLEYS ISLAND, OHIO AND THE AMOUNT OF MILLAGE REQUIRED TO GENERATE FIFTY THOUSAND DOLLARS ($50,000.00) FOR AN ADDITIONAL TAX LEVY TO PROVIDE FOR AND MAINTAIN MOTOR VEHICLES, COMMUNICATIONS AND OTHER EQUIPMENT USED DIRECTLY IN THE OPERATION OF A POLICE DEPARTMENT, OR THE PAYMENT OF SALARIES OF PERMANENT POLICE PERSONNEL, INCLUDING THE PAYMENT OF THE POLICE OFFICER EMPLOYERS' CONTRIBUTION REQUIRED UNDER SECTION 742.33 OF THE REVISED CODE, OR THE PAYMENT OF THE COSTS INCURRED BY TOWNSHIPS AS A RESULT OF CONTRACTS MADE WITH OTHER POLITICAL SUBDIVISIONS IN ORDER TO OBTAIN POLICE PROTECTION, OR THE PROVISION OF AMBULANCE OR EMERGENCY MEDICAL SERVICES OPERATED BY A POLICE DEPARTMENT AS AUTHORIZED BY SECTION 5705.l9(J) OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY.** (introduced by: Mayor Arden Cooper)

Solicitor Lambros explains that the next two ordinances are step one in putting a levy on the ballot. Step one is to request the number of mills from the Erie County Auditor that are required to generate the money needed. There are a given number of options for levy language in the Ohio Revised Code and you must find the levy language that fits what you want. The section that includes the language for motor vehicles for a Police Dept. also includes more language that references other areas. The Solicitor has prepared one ordinance that references the full citation and one ordinance that is a shortened version of the citation. The shortened version cites only motor vehicles. The Solicitor prefers the shorter version because the complete version is confusing. The Clerk Treasurer will take both versions to the Erie County Auditor and find out if the shorter version is sufficient. The Police Chief will put his reasons in the paper and talk with the community about the need for a new police car.

Motion to suspend the three reading rule, made by Ehrbar, second by Seeholzer; made by Ehrbar, second by Seeholzer; RC: R. Ehrbar- yes, M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, P.Seeholzer- yes, Wolfe- yes; motion carried.

Motion to pass as an emergency, made by Ehrbar, second by Seeholzer; RC: R. Ehrbar- yes, M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, P.Seeholzer- yes, Wolfe- yes; motion carried.

11.4 **ORDINANCE NO. 2017-O- 6 : AN ORDINANCE PURSUANT TO SECTION 5705.03 OF THE OHIO REVISED CODE REQUESTING THE ERIE COUNTY AUDITOR TO CERTIFY TO THE COUNCIL OF THE VILLAGE OF KELLEYS ISLAND, OHIO, THE TOTAL CURRENT TAX VALUATION OF THE VILLAGE OF KELLEYS ISLAND, OHIO AND THE AMOUNT OF MILLAGE REQUIRED TO GENERATE FIFTY THOUSAND DOLLARS ($50,000.00) FOR AN ADDITIONAL TAX LEVY TO PROVIDE FOR AND MAINTAIN MOTOR VEHICLES, COMMUNICATIONS AND OTHER EQUIPMENT USED DIRECTLY IN THE OPERATION OF A POLICE DEPARTMENT, AS AUTHORIZED BY SECTION 5705.l9(J) OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY.** (introduced by: Mayor Arden Cooper)

Motion to suspend the three reading rule, made by Seeholzer, second by Wolfe; RC: R. Ehrbar- yes, M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, P.Seeholzer- yes, Wolfe- yes; motion carried.

Motion to pass as an emergency, made by Ehrbar, second by Wolfe; RC: R. Ehrbar- yes, M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, P.Seeholzer- yes, Wolfe- yes; motion carried.

12. Items from Mayor pro tem Finger

12.1 Finger announces that Mr. Don Huntley passed away last night.

13. Items from Council- none

14. Old Business-none

14.1 TREX permits (2):

Solicitor Lambros says that there are two issues with a TREX transfer license. A municipal corporation has to acknowledge that it is or is not an economic development project. A municipality can decide that it is an economic development project and still request a hearing. Member of Council can object to the issuing of a license. The second is that a municipality can object to the issuance of a liquor permit. Mark Ahner is present and one of the TREX transfers is his. Mark Ahner says that he will work with Council. Leslie Korenko asks what is the definition of an economic development project ? Solicitor Lambros responds that there is no exact definition. Jim Erne asks if liquor can be in the zone? Solicitor Lambros responds that the area is zoned for a restaurant and that Erie County has a very broad definition for a restaurant. They have to be able to serve food on the location. The business must serve food, it cannot be only a bar. Fred Ausflug says that the plan is under review and that no structure was shown for cooking. Mark Ahner says that he has decided to have a grill outside. Ausflug then asks the Solicitor if the plan has to be reviewed again if there are changes. Solicitor Lambros replies that the revision to the plans will have to be reviewed again for the placement of the facility. The Design Review Board would have to sign off and they will need specific plans for their review. The restaurant will need an occupancy permit. The Design Review Board needs to review the placement of grills.

**Motion to acknowledge and endorse the Ahner request for a TREX transfer as an economic development project,** made by Finger, second by Kaminski; RC: R. Ehrbar- no, M.Feyedelem- no, G.Finger- yes, D. Kaminski- yes, P.Seeholzer- yes, Wolfe- yes; motion carried.

The second TREX transfer is requested on behalf of Seaway Marina for a beer and wine take out license. Jim Erne asks to speak and he addresses the fact that Seaway Marina had this permit in the past and then they did not renew it. Erne continues that the Village is not at fault. Erne does not see why the Village should allow the TREX transfer a second time.

**Motion to acknowledge and endorse the Seaway Marina request for a TREX transfer as an economic development project,** made by Seeholzer, second by Kaminski; RC: R. Ehrbar- yes, M.Feyedelem- yes, G.Finger- yes, D. Kaminski- yes, P.Seeholzer- yes, Wolfe- yes; motion carried.

# 15. Public Participation for people interested in addressing council.

15.1 Janine Burke Bonezzi, 27 W. Lakeshore Dr., Thanks the Ahner family for their years on Kelleys Island.

16. New Business-none is brought forward.

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