Minutes for the November 22, 2017 Special Council Meeting

Held at 10:00 am at the Municipal Building

1. Mayor Cooper calls council to order and roll call is taken. .Present are D. Kaminski, J.Wolfe, R. Ehrbar, and G.Finger.

Absent are M.Feyedelem and P.Seeholzer.

2. All rise for the Pledge of Allegiance to the Flag.

**Motion to excuse M.Feyedelem and P.Seeholzer, both for medical reasons**, made by Ehrbar, second by Kaminski; all in favor; motion carried.

Because there were questions about the procedure at the Special Council Meeting, Brown explains to the public that the Ohio Revised Code allows the public to hear what Council does but does not guarantee audience participation. The Kelleys Island Council has a tradition to allow public participation during Regular Council Meetings. At a Special Council meeting, the only items that can be discussed are those that are posted as the agenda in the required meeting notice. Public participation is not normally part of the agenda of a Special Council meeting. If Council decides that a member of the public has something to contribute relevant to the discussion, then Council could call on that person, but it is up to Council. Since the only items that are allowed to be discussed are on the agenda, allowing open public comment can not guarantee adherence to the agenda rule.

Brown continues that this agenda reflects motions that were already passed at the November 11, 2017 Regular Council Meeting, which afterwards Mayor Cooper questioned the validity of the passage of the motions citing Rules of Council. Council then decided to clarify the issues by having this Special Council Meeting.

Mayor Cooper asks who the three Members of Council were who called the meeting. Council Members Finger, Wolfe and Ehrbar raise their hands. Mayor Cooper says that he did not participate and is not in agreement with what is on the agenda.

Mayor Cooper is not in favor of amending Council Rules. Cooper says that Council has been working with the rules and he thinks there has only been a problem since the 11-11-17 Council Meeting. Cooper thinks there should always be written supporting documentation. Cooper continues that information was available regarding the proposed $550,000 expenditure since early in 2017 but that it was not presented.

Stevenson says that the motion at the 11-11-17 Council meeting was not for $550,000 but was for CT to do a bid package to go to the OWDA as part of an application for funds.

Ehrbar says that Council has made motions to start projects in the past and that Council has the final word. Ehrbar continues that because the Mayor does not agree with Council’s action, the Mayor is bringing up procedural rules. About the Golias House issue of mitigating the mold problem in the basement, Ehrbar says that Mayor Cooper has been involved in all the discussions about the Golias House. The way Council has operated in the past, is when Council has had briefings on a topic during previous Council Meetings or during the current Council meeting, and Council feels that it has had enough information, then a motion is made at the meeting.

Mayor Cooper and Village Administrator Stevenson begin a discussion wherein Mayor Cooper says that the Village already has a bid regarding the maintenance projects for the Water Dept. and Stevenson replies that the information is from a vendor and that cannot be used as a bid package. The OWDA requires a licensed engineer, a disinterested party, to do a bid package.

3. discussion and decision: change to council rules: Mayor Cooper thinks that Council is deteriorating the standard and he opposes changes to the Rules of Council. **Motion to change the Rules of Council to add the sentence in red on page 5 of the document in the agenda envelope,** made by Finger, second by Ehrbar; RC: Kaminski- yes, Wolfe- yes, Ehrbar- yes, Finger- yes; motion passes.

Brown reads the result, with the addition of the new sentence: “Committees shall provide copies of whatever supporting material is available that is germane to the discussion of items on the agenda. In absence of supporting material, a briefing paper shall be prepared to afford Council with the opportunity to ask questions prior to the meeting. Council may waive, by simple majority, during a Council meeting, the requirements for supporting material or a briefing paper.”

4. discussion and decision: mold remediation in the Golias House: Mayor Cooper says that the Golias House has mold in the basement and the cost is $12,000 to remediate it. The mold has to be removed in order to have Devine move into the house from the rental unit she now occupies. The Village has not decided how to use the Golias House. Mayor Cooper says he thinks it should be knocked down and new building constructed that meets the Village’s needs.

Finger says that the Lands and Buildings Committee met and discussed the mold problem and planned to remediate the mold problem in all the buildings. The building that was the most critical was done first, the Dwelle House. No one can even work in the Golias House until the mold is removed. Village Administer Stevenson adds that Mayor Cooper attended the Lands and Buildings Meeting and he agreed at that time that maintenance would work in the house over the winter to clean it and make it ready for occupancy in the spring.

Finger continues that the Committee was watching the budget , especially the General Fund and that Mayor Cooper was in agreement with using EMS Fund money for the expenses as it was going to be occupied by EMS.

Solicitor Lambros says that he sent everyone an email that the vote was taken and was valid at the November 11, 2017 Council Meeting and the only issue that he saw was what fund would be used for the expenses.

Ehrbar says that he was also at the Lands and Buildings Committee Meeting and the decision was to use the EMS Fund. Mayor Cooper wants to put the mold remediation on hold until more Committee Meetings are held on the topic. Mayor Cooper says that he spoke with Council Member Feyedelem and Feyedelem is no longer is favor of doing the mold remediation or using the EMS Fund and asks Members of Council if they are prepared to go against Feyedelem’s wishes. Mayor Cooper continues to lobby against the mold remediation because he says Council did not decide on what to do with the house. Mayor Cooper contends that it would cost $200,000 to make the house suitable for Village needs. Council already voted to move ahead with the mold remediation at the November 11, 2017 Meeting and the motion carried. Stevenson adds that he spoke with Feyedelem after the November 11, 2017 Meeting and Feyedelem was OK with the passage of the motion to go ahead with the remediation.

At this point Brown speaks to say that after the November 11, 2017 Council Meeting, she was approached for a Purchase Order to do the mold remediation of the Golias House. Council had voted to do the mold remediation. Because she was told that the recommendation to use the EMS Fund came from the Lands and Buildings Committee, she personally spoke with the two Council Members assigned to the EMS Fund, Ehrbar and Feyedelem. Ehrbar and Feyedelem okayed the expense after asking about the fiscal health of the EMS Fund. Brown continues that once a Purchase Order has been granted and signed by her it amounts to a kind of contract. It is open and active and the vender can go ahead with the job. It cannot be retracted because someone has changed their mind. The vendor would have to be consulted and agree to the modification. Brown asks Solicitor Lambros to comment on the validity of Purchase Orders.

Lambros says that the Purchase order is active but if Schaefer does not do the work then the Purchase Order will not get spent. Brown agrees and says that she thought the Purchase Order had already been given to the vender.

Ehrbar prefers to go ahead with the recommendation of the Lands and Buildings Committee and with Council’s previous action in favor of doing the mold remediation.

**Motion to do the mold remediation and use monies in the EMS Fund for payment of the expenses,** made by Finger, second by Ehrbar;

Ehrbar asks Solicitor Lambros if Council action over rules any decisions made at Committee Meetings, and Lambros replies “yes.”

The vote is called:

Kaminski- yes, Wolfe- yes, Ehrbar- yes, Finger- yes; motion is passed.

5. discussion and decision: CT to prepare cost estimates and bid package for Water Treatment Plant projects: The cost for CT to prepare the documents is $16,500.

Village Administer Stevenson asks Mayor Cooper why he changed his mind in support of the expenditure and the need for the maintenance.

Mayor Cooper says that he has not seen any numbers for the project. Village Administer Stevenson indicates that Mayor Cooper has seen and discussed the cost of the Water Dept. maintenance.

Ehrbar says that Mayor Cooper called a meeting, not a committee meeting, but a meeting at which the Mayor, Greg Ritchie, Stevenson and Ehrbar were in attendance at which the need for the maintenance was discussed.

Village Administrator Stevenson says that the only motion before Council on the eleventh was for CT to do the engineer’s bid package, not the whole project, and that he knows the total cost of $500,000 would have to go before Council and be voted on. Stevenson adds that the work on the water tower was paid in cash, without a loan or grant, and that is why the Village did not have to go through the same process.

Council Member Ehrbar says that Greg Ritchie proposed a 16% increase for water bills. Mayor Cooper was at the meeting and Mayor Cooper asked Ritchie to do the figures.

Council Member Wolfe asks Village Administrator Stevenson if the Village is non-compliant. Council member Ehrbar asks if the Village is past the average time for the work to be done. Village Administrator Stevenson replies that some of the work is 7 years past the recommended maintenance for the tanks.

Mayor Cooper asks why it is 7 years overdue for maintenance on the tanks and now everything needs to be done all at once.

Village Administrator Stevenson had a discussion with CT last week and what is written as Phase 3 on the paperwork that Council has is not going to cost the Village anything. What was noted as Phase 3 will now be included in the contract to the vendor. Mayor Cooper says that he wants everything in writing not only verbal. Finger says that Mayor Cooper wants everything in writing from everyone else but his information about Feyedelem was only verbal, not in writing and that is a double standard.

**Motion to not exceed $16,500 for CT to do the bid package for the Water Plant maintenance and that the previously noted Phase 3 will be at no extra cost to the Village,** made by Ehrbar, second by Finger; RC: Kaminski- yes, Wolfe- yea, Ehrbar- yea, Finger- yes; motion carried.

6. discussion and decision: turn out gear for fire dept. volunteer- one set needed immediately & other Fire Dept. issues:

**Motion to authorize the expenditure of up to $4,000 for the purchase one set of turnout gear and boots immediately,** made by Ehrbar, second by Wolfe; RC: Kaminski- yes, Wolfe- yes, Ehrbar- yes, Finger- yeas; motion passed.

Ehrbar says that another issue has come up: What to do when a Village employee is also a volunteer for Fire or EMS. Since the Village does not have an abundance of volunteers, we need them all and it does not seem right for an employee to lose wages because he responds to an emergency call. Administrative Leave with pay would be an option when an employee answers an emergency call. A policy should be created to address the situation at a Safety Committee Meeting. Mayor Cooper said that he discussed this with the Solicitor and Solicitor Lambros suggested using paid Administrative Leave. Brown adds that right now we have an employee who was needed in the Fire Department during regular work hours and that needs to be addressed.

**Motion to give Skeans paid Administrative Leave for the two days that he was needed in the Fire Dept,** made by Ehrbar, second by Finger; RC: Kaminski- yes, Wolfe- yes, Ehrbar- yes, Finger- yes; motion passed.

It is the intention that the Safety Committee discuss a policy to address this situation and make a recommendation to Council. Mayor Cooper suggests that between today and the time that a policy is developed, that such instances of employees responding to emergency calls be treated as paid Administrative Leave. **Motion to treat employees responding to emergency calls as paid Administrative Leave from today forward until a policy has been adopted by Council,** made by Finger, second by Kaminski, all in favor; motion passed.

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

(adjourned at 10:55 am)