Minutes for the September 13, 2018 Regular Council Meeting

Held at 7:00 pm at the Town Hall on Division Street

1. Mayor Cooper calls council to order and roll call is taken. Present are G.Ritchie, P.Seeholzer, R. Ehrbar, M.Feyedelem, and E.Longbrake. Wolfe is absent.

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

3. Motion to excuse Wolfe made by Seeholzer, second by Ehrbar; all in favor; motion carried.

4.0 Discussion and/or amendments to the 08-09-18 council minutes. Motion to accept the Minutes as presented, made by Seeholzer, second by Longbrake; all in favor; motion carried.

5. Discussion of Pay Ordinance No. 1181 : Motion to accept the Pay Ordinance as written, made by Ritchie, second by Ehrbar; RC: G.Ritchie- yes, P.Seeholzer -yes , J.Wolfe- (absent), R. Ehrbar- yes, M.Feyedelem- yes, E.Longbrake- yes; motion passed.

7. Committee Reports

7.A. Police- Chief Craig reports that since the last report to Council: 33 reports have been filed; 445 phone calls have been made/received; 1 arrest for possession of marijuana, possession of controlled substance and tampering with evidence; 22 traffic tickets have been written for open container (15), OVI, Littering, Speed (3), possession of marijuana, parking violations; 25 warnings were given for stop sign, speed, and reckless driving; accidents (3); boat patrol activity (3), distressed kayaker, plane in distress, and boat in distress; vehicle lockouts (21); assists with other agencies (25), with KIEMS, KIFD, and ESCO. Mayor Craig continues by thanking those who attended the Cops and Bobbers events and the 3rd Annual Pig Roast. Mayor Cooper thanks Chief Craig and his staff for an excellent summer, a job well done.

7.B. Safety Committee- M.Feyedelem reports that there has been two meetings, 8-13 and 9-10 since the last report. Some of the areas of discussion were: antenna for EMS; radio to be installed in the second squad; update on tour buses or lack of; a plan in place for mutual aid; bushes on the corner of Division and Bookerman have been taken care of; bicycles; the stair chair will need to be replaced in the future and the estimate is $3,500; replace a sergeant on the police force due to a resignation; replace Crown Vic police car due to needed repairs; house numbers are still not being displayed; and a multi-purpose airway and CPR trainer needs to be purchased. **Motion to authorize $2,700 to purchase the trainer,** made by Feyedelem, second by Ehrbar; all in favor; motion passed. **Motion to authorize $3,500 to replace the stair chair with a newer model,** made by Feyedelem, second by Ritchie; all in favor; motion passed.

7.C. EMS- S. Devine reports that since the last report to Council there have been 23 runs; and 15 clinical patients. The State of Ohio has a new requirement for EMS providers. The mandate is that an Advanced Airway Trainer is required to ensure competency for all EMS providers on a quarterly schedule. The HAL S315.400 Adult Multipurpose Airway and CPR Trainer is a recommended apparatus. The current stair chair is 15 years old. EMS would like to replace the outdated stair chair in the backup squad with the current stair chair and replace it with a newer model. The stair chair is used on 15% to 20% of the calls. It allows someone to be moved down a narrow stairway with minimal risk of injury to the EMS personnel. The new EMT class is moving forward at a brisk rate. Sunday will be water rescue training in the Quarry Condo pool. Flu season is approaching. Help protect others by getting your flu vaccine. Mayor Cooper thanks Devine and the EMS staff for a wonderful and safe summer where they provided their services to Islanders and guests.

7.D. Fire Dept.- Chief Skeans reports that there were two fire runs in August. Chief Skeans attended a safety meeting where there were discussions about radios and communications involving Police, Fire, and EMS. EMS currently uses the Police channel and the discussion was about adding a different channel for EMS. Chief Skeans would like to have an additional Safety Meeting on the subject to discuss other options. Firecatt has completed hose testing. Every year a few more pieces of hose fail. The Fire Dept. has some very old hose in service. The Fire Chief would like to discuss the hose condition with the Safety Committee. There is still no word on the grant applications. Assistant Fire Chief Chuck Ehrbar has begun the annual fire hydrant testing. The 2018/2019 burning season will open on September 14th. You can pick up you applications at the village office. Mayor Cooper congratulates the Fire dept. on a great job this summer. Mayor Cooper adds “Great job.”

7.E. Finance- G.Ritchie says that the Finance Committee has not met since the last Council meeting. However, Ritchie has addressed a few issues: Ritchie had conversations with the Erie County Auditor and the Finance Directors of Sandusky and Huron regarding the Hotel lodging tax. The first reading of the Kelleys Island Transient Occupancy Tax will be at tonight’s meeting. The tax is 3% of the gross rental income and becomes effective January 1, 2019. The tax affects all properties that collect lodging income from guests that stay less than 30 days. The Erie County Hotel lodging tax of 4% will become effective January 1, 2019 also. The combined lodging taxes would be 7%. The Village is discussing with Erie County the possibility of having them collect the Kelleys Island portion. The estimated annual income is $45,000 and would go into the General Fund. Medical Mutual health insurance rates are scheduled to increase 5% in January 2019. Village employees are completing new medical questionaire to help determine if there are other options for medical insurance.

7.F. Lands & Buildings- P.Seeholzer reports that no meetings were held and there is no new report.

7.G. Airport- R.Ehrbar reports for Joe Wolfe that the scheduled meeting with the FAA on the island was cancelled. Drainage problems at the airport continue and need to be addressed. Mayor Cooper adds that members of Council have a copy of the Commercial Operating Certificate for 2019. The Ohio Department of Transportation did a review of the airport and their report has been copied for the Council agenda. The attached pages indicate the issues that we have there. From the centerline of the runway 125 feet north and south, there are some trees, some bushes, a patio, a propane tank, a telephone pole, an extra air sock pole that is not required which the Village will remove. Kelleys Island has non-conforming lights on the runway. The lights need to be 10 feet off the north and south side of the runway and they are different distances, 23 to 25 feet. These are some situations that the Airport Committee will need to review. The drainage process has to begin again and Erie County is doing that.

7.H. Planning Commission- Mayor Cooper reports that the Planning Commission had one meeting in regards to Rose Herndon wanting to rent two rooms in their new home. There was a lot of disagreement amongst neighbors and the Planning Commission denied the Herndon request to rent the two rooms.

7.I. Design Review Board- Seeholzer reports that applications to re-paint the post office building a rust brown color and window replacements for the Russell Maust house were both approved.

7.J. Board of Zoning Appeals- E.Longbrake reports no activity.

7.K. Transfer Station- R.Ehrbar has no report.

7.L Village Administrator- K.Valentine reports that the Water Dept. needs a written harmful algal bloom general plan. The Department has had 2 samples above the limits on their test reports and triggered the need for the plan. The Water Dept. has an engineer approved plan; they used the same engineer that did the Carroll Township plan. The plan is being done now as it has to be ready by December 15th. The plan will be funded from the 2018 budget. Three fire hydrants will be replaced. The department needs turbidity meters. Painting of the tanks will start Monday. Mayor Cooper adds that co-ordination of the Tank project will be done between Valentine and Evans.

7.M. Streets & Sidewalks- E.Longbrake reports that a meeting was held in August. Topics were a Division Street re-surfacing project and drainage along Division Street. Village Engineer Tom Beck presented his research. One discussion was creating a loop of State Route 575. ODOT officials indicated that would be a time consuming project within the State. In 2010 Division Street was identified by the State as a major collector which opened the door for federal and state funding in the amounts of up to 80% federal, with a minimum of 10% State and local. It appears that the width and base of Division St. are adequate but will be checked. The Erie County Metropolitan Planning Organization’s deadline for applications this year is September 28th to get the project into their system for funding no later than 2023. Tom Beck was asked to get the necessary estimates and the application. One of the suggestions for a traffic count was to use the State Park user numbers. ODOT would also do a traffic count. Also letters from homeowners with frontage along Division Street might be used to support the need to alleviate drainage problems. Tar and chipping of Woodford Road and Bookerman Road were completed today. During the meeting with Steve Arndt shoreline protection was discussed briefly and he suggested that the Village work with Erie County and the US Corps of Engineers. Longbrake took a video after the last storm to show the debris on the road that had to be removed. Subsequent to writing this report more information was received. C. Whitaker emailed that traffic counts were done over Labor Day week-end by ODOT on Division Street, but have not yet been analyzed. Also during the meeting with Rep. Arndt, traffic signage on the mainland was discussed as it pertains to giving drivers directions to get to Kelleys Island. There is only one mention of Kelleys Island and multiple mentions of Put-In-Bay. Photos of the signs on SR 2, ST 269, SR 163 and SR 53 were presented at the meeting. Longbrake would like the Village to become active in the discussions as he feels that it would be a benefit to the Village to have better signage on the mainland regarding Kelleys Island. Longbrake will present the ideas to the Jet Express representatives also as a substantial part of their business is related to tourism. Brown adds that Rep. Arndt was very clear that any changes to the signage, if it comes about, would only happen once. Arndt said that a request to change the signage would have to come from both the Chamber and the Council. The request would need the unified support of both to move forward at the State level. Mayor Cooper asks who would interface with Council from the Chamber and it is suggested that Ed Terry assume that role.

7.N. Park Board- James Erne has no report. Mayor Cooper says that he received letters of resignation from Pat Cooney and Tom Beck. **Mayor Cooper appoints Lisa Klonaris to the Beck position and asks for Council consent. Motion to confirm the Mayor’s appointment of Lisa Klonaris to the Park Board,** made by Ehrbar, second by Seeholzer; all in favor; motion passed. Cooper adds that there is a third vacancy but that is a school board appointment. Mayor Cooper thanks Jim Erne for his work and leadership on the Park Board.

7.O. Mayor’s Financial Report- Mayor Cooper reads the Mayor’s Court report: In August the court collected $4,651.28. Erie County Municipal Court was paid $10.50. The Court has paid a total of $19,983.49 to the General Fund in 2018 compared to $17,662.04 in 2017. There are currently 20 cases/tickets pending for 2018.

7.P Legal- D. Lambros says that the Village has received a plat that establishes the ingress and egress easements on Lincoln Road which will be recorded. The property owners always had a right to ingress and egress but the issue was brought to the court for their future title purposes and transfers that something was recorded. Lambros continues that he has a small copy and when he gets the signed larger copy he will give it to the Clerk-Treasurer.

7.Q Treasurer-

Speakers- Brown: bro; Longbrake:lon; Seeholzer: see; Ehrbar: ehr; Cooper: coo; Ritchie: rit; Unknown:unk

Verbatim follows:

bro: Members of Council have the usual fund and treasurer’s reports in their agenda envelopes. The Auditor of State has awarded the contract for the Village of Kelleys Island audit spanning January 1st, 2017 through December 31st, 2022, that would be 3 audits because we get an audit every 2 years, to BHM CPA Group Inc in Pikestown, Ohio. I don’t know where Pikestown is, anyway. The Village was grouped with five other villages. Our cost will be $30,000 which would be less than we have been paying to the State of Ohio. Eric Longbrake has requested increased appropriations in the Road levy Fund of $30,000. Mayor Cooper spoke with Mr. Longbrake after I did, and then the Mayor and myself decided to make it a $35,000 increase. That legislation is on the agenda today. Yesterday I had an email from UTS asking who was the local project manager was for that project, so is that actually Kim Valentine?

unk: I believe that’s right.

bro: I am taking my fall vacation soon. I am going to be on vacation a week but I’s going to take about 10 days with getting on and off the island again. And that is coming up next week. The Erie County Auditor sent me a reply to the question would he accept appointment as the Tax Administrator if Council passes the 3% transient occupancy tax. And he said he would. There will obviously in the future need to be an agreement made between us and Erie County and some kind of payment stipulated in that. Lastly, I was more than surprised when I went home after work to see the tar and chip on the road, because I had a conversation with a Council Member and I said that without a purchase order and without appropriations it couldn’t be done and there were not sufficient appropriations. That ordinance is on tonight and I don’t know if Council is going to pass it, because it’s up to Council.

see: I think there is lack of communication again with this.

bro: Well there is not lack of communication with me. I specifically told this person that the earliest it could occur was Friday morning if Council passed the legislation. I consider it to be a flagrant disregard

ehr: Claudia…

see: I do too

bro: for the budgetary process established by the State of Ohio and it puts me personally as treasurer in a very difficult position. I cannot lie on that Purchase Order.

lon: I spoke with this gentleman and I told him that was the facts and he said that he was willing to do the job and then later on be paid for it.

see: that doesn’t make any difference

bro: that doesn’t make any difference.

ehr: the money was not appropriated

see: that doesn’t make any difference because the money was not appropriated

ehr: I called Claudia this morning when I got my Council packet and asked her about this and I was the Councilman that asked her, how do we – I know that they’re paving this morning, and I says, we haven’t appropriated any money for it.

bro: and I said, they can’t

ehr: and that’s exactly what she said

see: it was never brought up at a meeting, and I didn’t know anything about it

ehr: then I contacted Mrs. Seeholzer and she’s on the Streets and Sidewalks Committee and she didn’t know anything about it.

lon: And originally we had the money in there and then because…

ehr: back when we did the budget

lon: no, no

ehr: now listen, back in March we had a meeting and we were talking about money and so we were budgeting appropriations and at that time we said wedge the streets this year and tar and chip, yes,…

lon: it was discussed later on in committee meetings that we were going to try to do it before the end of the season…

ehr: I don’t know of it. I believe I was at every one

see: I wasn’t at any

lon: ok

bro: well, irregardless,

lon: I had it in this report that we were going to try to do it…

ehr: the fact that there are Committee members and Council Members that didn’t know anything about it. And that’s wrong.

lon: originally when I talked to Claudia we had the money

bro: you did not have the money.

lon: yes I did

Bro: You came into me this week…

lon: I am talking about originally, and then it was over what we had

ehr: you call them appropriations

see: you have to work with the treasurer

ehr: you have to work with Council

see: you have to work with Council and Committee members

ehr: and with your committee member

rit: I agree that communications can be better but I also want to say that the Road Construction Fund does have sufficient funds, I know Pat, just let me finish, that the Road Construction Fund does have sufficient monies in order to increase the appropriations. We have been trying, in the beginning of the year, and at the meeting that Ron referred to in March, we did indicate that we were going to try to keep the Road Construction Fund end this year with a balance of $250,000. That was our original goal because I was concerned that we have money in that fund to do the Division Street project.

see: but we have to go along with what the rules and regulations are regardless of how much money is in there and to notify committee members exactly what’s going on.

rit: I didn’t …

see: that’s my feeling

rit: I agree with you. But I am just trying to make sure that everyone understands that we do have sufficient funds to do it.

see: Well now we do with the appropriations ya…

ehr: if it passes

see: if it passes

bro: I never take for granted that Council is going to do a certain action. And, well, I am going to have to call the State about it. Because I can’t lie, I am not willing to lie on the purchase order to say that the money was there…

see: you shouldn’t have to

bro: I am not going to

ehr: and you can add me in with it

bro: it doesn’t matter, I have that responsibility

coo: Ok

bro: So I will find out how they want me to handle it

coo: ok, got it

unk: some more…

bro: ya, just get a purchase order and when I tell you there aren’t appropriations, don’t go off on your own…

ehr: and just to add to that, I am not going to harm the people that are doing the work just because of inadequacies here.

coo: ok

see: no, that wouldn’t be fair to them for our lack, for our lack of judgement

bro: well it is going to have to get sorted out with…

ehr: absolutely

bro: I am going to have to call the State and find out how to do it because without the purchase order I can’t legally sign the check.

coo: ok

bro: so the payment is going to be held up, you can tell them that.

coo: ok, any more discussion on that? (pause) ok

(end of verbatim)

7.R. Telecommunications Oversight and Development Committee- E.Longbrake reads a report submitted by J.Wolfe: Wolfe met with Cory Allen on the Island to get an update on the DSLAM installation and upgrade. An easement has been negotiated with the property owners on Pauline for Phase I. Construction/installation is scheduled to be done before the end of this year. Phase II for Monaghan Road and Phase III for Melody Lane is scheduled to begin in spring 2019. The business upgrade for 40-100 meg service is available now. Wolfe has asked Ed Terry to coordinate with business owners and Frontier to gauge the interest level. Mayor Cooper adds that the tower at the Transfer Station construction is scheduled to begin next month. A Zoning Permit has been issued to Pierce-Broadband. The tower is scheduled to be completed by 12-31. In October the $180,000 from Pierce-Broadband should be paid into the General Fund.

7.T. Shoreline Protection Committee- Longbrake reports that a meeting was held in August. Discussion was held about construction of a protective break wall for the south downtown area. The project is a private venture by Bob and Jen Parry, owners of Portside Marina. Greg Weykamp, Edgewater Resources, will submit project possibilities to the Parrys. During earlier discussions, Longbrake, Wolfe, and Mayor Cooper met with the group and discussed some protection for the whole downtown area using Federal, State, and local funds. Income from dockage and commerce would qualify for funding with the Erie County Port Authority and Carrie Whitaker of Erie County Planning Commission volunteered to assist with financial resources once a plan was established. In September Longbrake attended the meeting with State Representative Arndt at the Town Hall and discussed the proposed break wall. Arndt said that the State was discussing shoreline damage and he would let the Village know as the legislation progressed. Brown adds that Arndt spoke about making money available to private land owners for alleviation of shoreline damage. Ehrbar adds that before the Village starts on a break wall for the south shore of the Island, the Village should go back to the Planning Commission and review the five and ten year plans. Ehrbar adds that the Village should address internal structures that have been discussed like sewage and water lines. Lambros adds that it would be a Master Plan and the last Master Plan is from 2003. Lambros and Ehrbar stated that it is time to be updated. A break wall could be added to the list but Council should prioritize the list. Mayor Cooper says that the Shoreline Protection Committee was discussed and added to the Council Committee list. Mayor Cooper thinks that the project can be pursued to find out costs.

9. First Readings -

9.1 **ORDINANCE NO. 2018-O-\_\_\_\_: AN ORDINANCE ESTABLISHING A TRANSIENT OCCUPANCY TAX IN THE VILLAGE OF KELLEYS ISLAND, OHIO.** (INTRODUCED BY: COUNCILMAN RITCHIE)

10. Second Readings-

11. Third Readings & Emergencies-

11.1 **ORDINANCE NO. 2018-O- 21 : AN ORDINANCE ESTABLISHING A BASE RATE SALARY RANGE FOR PAID FULL-TIME AND PART-TIME PERMANENT EMPLOYEES, ESTABLISHING COST OF LIVING INCREASES, REPEALING ORDINANCE NO: 2018-0-3**  (INTRODUCED BY: COUNCILMAN GREG RITCHIE)

Motion to pass, made by Ritchie, second by Feyedelem; RC: G.Ritchie- yes, P.Seeholzer -yes , J.Wolfe- (absent), R. Ehrbar- yes, M.Feyedelem- yes, E.Longbrake- yes; motion passed.

11.2 **ORDINANCE NO. 2018-O- 22 : AN ORDINANCE AMENDING SECTION 38.17 (F) ENTITLED**

**“PROCEDURE”.**  (INTRODUCED BY: COUNCILPERSON SEEHOLZER )

Motion to suspend the three reading rule, made by Ehrbar, second by Seeholzer; RC: G.Ritchie- yes, P.Seeholzer -yes , J.Wolfe- (absent), R. Ehrbar- yes, M.Feyedelem- yes, E.Longbrake- yes; motion passed.

Motion to pass, made by Ritchie, second by Seeholzer; RC: G.Ritchie- yes, P.Seeholzer -yes , J.Wolfe- (absent), R. Ehrbar- yes, M.Feyedelem- yes, E.Longbrake- yes; motion passed.

11.3 **RESOLUTION NO. 2018-R- 5 : A RESOLUTION HIRING A PART-TIME SEASONAL POLICE OFFICER IN**

**THE VILLAGE OF KELLEYS ISLAND AND DECLARING AN EMERGENCY. (**INTRODUCED BY: ARDEN COOPER)

Motion to suspend the three reading rule, made by Seeholzer, second by Ehrbar; RC: G.Ritchie- yes, P.Seeholzer -yes , J.Wolfe- (absent), R. Ehrbar- yes, M.Feyedelem- yes, E.Longbrake- yes; motion passed.

Motion to pass, made by Seeholzer, second by Ritchie; RC: G.Ritchie- yes, P.Seeholzer -yes , J.Wolfe- (absent), R. Ehrbar- yes, M.Feyedelem- yes, E.Longbrake- yes; motion passed.

11.4 **ORDINANCE NO. 2018-O- 23 : AN ORDINANCE AUTHORIZING THE CLERK-TREASURER TO MAKE CERTAIN APPROPRIATIONS INTO CERTAIN FUNDS AND DECLARING AN EMERGENCY.** (INTRODUCED BY: COUNCILMAN ERIC LONGBRAKE)

Motion to suspend the three reading rule,made by Ritchie, second by Longbrake; RC: G.Ritchie- yes, P.Seeholzer -yes , J.Wolfe- (absent), R. Ehrbar- yes, M.Feyedelem- yes, E.Longbrake- yes; motion passed.

Motion to pass, made by Ritchie, second by Longbrake; RC: G.Ritchie- yes, P.Seeholzer -yes , J.Wolfe- (absent), R. Ehrbar- yes, M.Feyedelem- yes, E.Longbrake- yes; motion passed.

11.5 **ORDINANCE NO. 2018-O- 24 : AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO**

**A CONTRACT WITH RICHLAND ENGINEERING LIMITED TO FURNISH ENGINEERING SERVICES TO PREPARE PLANNING STUDY INFORMATION FOR THE DIVISION STREET REHABILITATION AND STORM SEWER IMPROVEMENTS IN THE VILLAGE OF KELLEYS ISLAND ,OHIO**

(INTRODUCED BY: MAYOR ARDEN COOPER)

Motion to suspend the three reading rule, made by Longbrake, second by Feyedelem; RC: G.Ritchie- yes, P.Seeholzer -yes , J.Wolfe- (absent), R. Ehrbar- yes, M.Feyedelem- yes, E.Longbrake- yes; motion passed.

Motion to pass, made by Ritchie, second by Longbrake; RC: G.Ritchie- yes, P.Seeholzer -yes , J.Wolfe- (absent), R. Ehrbar- yes, M.Feyedelem- yes, E.Longbrake- yes; motion passed.

12. Items from the Mayor

12.1 Mayor Cooper had a meeting with the Police Chief during which the Police Chief informed him about gossip on the Island. Mayor Cooper has a concern and wants the public to understand that the Chief of Police works for the Mayor and he has the full backing of the Mayor. If people want to discuss the Police department, they should come to the Mayor. Mayor Cooper reiterates that he approves of the Police Chief’s handling of his department and thanks Police Chief Craig and the Police department for their service.

13. Items from Council

13.1 Seeholzer says that in the past sidewalk repairs were discussed but the project was never followed through. Seeholzer would like a Streets and Sidewalks Committee meeting to discuss sidewalks.

13.2 Lambros asks Ritchie if he had a question about the upgraded internet service on the Island. Ritchie says that he did not know about the 40-100 meg reference and Lambros explains that it is 40-100 megabits per second. Ritchie adds that right now we are not getting over 12 meg from Frontier. Longbrake says that he heard the fiber had been strung in the downtown area for businesses. Mayor Cooper adds that they could have a Telecommunications meeting when Wolfe returns to clarify what is available where.

Mayor Cooper comments that the reports from the Council Committees are excellent.

14. Old Business - none

15. Public Participation for people interested in addressing council.

15.1 Ed Terry, 107 Lakeshore Dr., says that he spoke with the Frontier Account Executive about the new business service. It is available now and has the same speed both for uploading and downloading. It is only available to businesses and the pricing is location based.

16. New Business

16.1 discussion with Rep. Steve Arndt about signage on mainland for Kelleys Island- Brown says that Rep. Arndt suggested that if you have comments about how signs should read that you write on the photos. That would make it easier to discuss when the Chamber and Council get together again.

16.2 support for HB 415 to amend Ohio Revised Code to allocate one-half of State’s surplus revenue to a new Local Government Fund from which money would be distributed to local governments to fund road improvements- if motioned and passed, copy of minutes to be forwarded to Senator Randy Gardner and Senate Transportation Committee. **Motion to support House Bill 415,** made by Ritchie, second by Ehrbar; all in favor; motion carried.

18. Motion to adjourn, made by Seeholzer, second by Ehrbar; all in favor; motion passed.