Minutes for the November 10, 2018 Regular Council Meeting

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

1. Mayor Ehrbar calls council to order and roll call is taken. Present are J.Wolfe, E.Longbrake, G.Ritchie, and P.Seeholzer. Absent are M. Feyedelem and S. Smith.

Motion to excuse M.Feyedelem, made by Wolfe, second by Seeholzer; all in favor; motion passed.

(Smith enters later as noted)

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

Clerk Brown says that she would like to make a recommendation to Council. Brown put the September contested minutes on the agenda just to not lose track of them. Brown waited for Council members to come into the office to listen to the Treasurer’s section where the contested exchanges are. No one came in to listen to the CD. Brown re-listened to the audio herself and proposes to Council that she do a transcript- that is verbatim minutes- for that section and re-present the minutes at the December Council meeting. Brown adds that if any Council member has a problem with a section of the 10-13 minutes, Brown suggests the same remedy. That is why the September Minutes are on the agenda but are not in your packet of materials. **Motion to have Brown prepare a verbatim transcript of the Treasurer’s report in the September Council minutes,** made by Seeholzer, second by Wolfe; all in favor; motion passed.

4.0 Discussion and/or amendments to the 09-13-18 council minutes.

4.1 Discussion and/or amendments to the 10-13-18 council minutes. Motion to accept the Minutes as presented made by Seeholzer, second by Ritchie; all in favor; motion passed.

(Mr. Smith enters the Council Chamber and takes his seat at the table)

4.2 Discussion and/or amendments to the 10-22-18 council minutes. Motion to accept the Minutes as presented made by Wolfe, second by Seeholzer; all in favor; motion passed.

5. Discussion of Pay Ordinance No. 1183 : Motion to accept the Pay Ordinance as written, made by Seeholzer, second by Ritchie; RC: J.Wolfe- yes, M.Feyedelem (absent), E.Longbrake- yes, G.Ritchie- yes, P.Seeholzer- yes, S.Smith- yes; motion passed.

7. Committee Reports

7.A. Police- Chief Craig reports that since the last meeting of Council 10 reports were filed; 8 traffic or M/M tickets were issued, for speed, driving under suspension, stop sign, no headlights, parking ticket, 4 open containers, 1 urinating in public; 10 warnings were given, for speed and open container; 3 vehicle lockouts were attended, for locked keys in cars; and there were 6 assists with other agencies, KI EMS. House checks will be starting soon and elderly checks. Please turn in forms for these services as soon as possible. The 13.1 Marathon and 5K runs held last Sunday had over 100 entries. Council member Smith mentions that Chief Craig is within his budget.

7.B. Safety Committee- Longbrake reports no meetings.

7.C. EMS- S. Devine reports that since the last report there have been 6 runs and 8 clinical patients. Volunteer EMT’s are scheduled to do their Mandatory Competencies starting today. They are taking a Continuing Education class later this month which will be provided by Mercy St.Vincent Life Flight personnel at the Kelleys Island facility. Smith continues that he wants to see all funds on a monthly report list.

7.D. Fire Dept.- Chief Skeans reports that since the last report to Council there has been 1 fire run in October. The Fire Department has re-applied for both grants and it will probably be in February or March that the department receives a response. The department is exploring some alternative options for supplying water to some of the remote areas of the island where the Water Department does not have hydrants. Tomorrow the Fire Dept. will decorate Memorial Park and get ready for Santa to visit children. All are welcome to help. The Fire Dept. thanks Dave Marco and Lisa Klonaris for their donations of Christmas decorations. The Fire Dept. welcomes new member Kevin Foley. He was voted on to the department at the November 6th Fire meeting. He is a welcome and knowledgeable addition to our department. Council Member Ritchie asks what grant applications were re-submitted and Chief Skeans replies that one is for a new ambulance and the other is for fire hose.

7.E. Finance- G.Ritchie has no report at this time.

7.F. Lands & Buildings- P.Seeholzer has no report.

7.G. Airport- J.Wolfe reports he met with Aaron Aljets in preparation of a Nov. 27th scheduled meeting with the FAA. In discussion are the Airport Layout Plan, the list for the next couple years, lighting improvements and a heliport for the Lifeflight helicopter. Wolfe expects to be able to give an update at the December Council meeting.

7.H. Planning Commission- J.Wolfe reports that the Commission reviewed one application and it was approved to go to Council for a submerged land lease, whose legislation is on the agenda today.

7.I. Design Review Board- J.Wolfe reports that 2 applications were received and both were approved.

7.J. Board of Zoning Appeals- E.Longbrake reports nothing to date but a meeting is scheduled for next Saturday.

7.K. Transfer Station- Kim Valentine has no report. Mayor Ehrbar appoints Smith to the Transfer Station Committee to assume the role that Ehrbar held previously.

7.L Village Administrator- K.Valentine reports on the Water Dept. projects: that tank one has been sand blasted and painted. The media is available for all three tanks. Upon inspection a problem with a pipe was found and some parts were needed to be able to continue with the project. The parts should come soon and tank one will probably be finished next week. The plan is then to start on tank numbers 2 and 3. It is unlikely that tank three will be done before the ferry quits running. The panel is in and expected to be hooked up between the tank one and tank two work. A lot of trees have been cleared from village properties and roads this past month. Winterizing has been finished for all the village buildings including the Golias house.

7.M. Streets & Sidewalks- E.Longbrake reports no meetings this month. Longbrake has been in contact with Laura Ortiz from the Corps of Engineers. Ortiz sent an application to submit for information on a project completed on the island in 1979. This would be starting point to get the S/E Shoreline re-enforced and to discuss a possible break wall project to protect the south shore of the island. Tom Beck, Kim Valentine and Longbrake will work on this application in the near future. Carrie Whittaker from Erie County advised of a MPO combined TAC/Policy Meeting on November 15th in the Erie County Facility at 2900 Columbus Ave. Longbrake hopes to have a KI representative at that meeting in reference to the Division Street Project.

Mayor Ehrbar asks Mr. Longbrake what is the MPO and TAC. Longbrake responds that they stand for 2 funding sources and the meeting is to discuss which applicants will get funded.

7.N. Park Board- no report

7.O. Mayor’s Financial Report- Mayor Ehrbar reports that in October the court collected $2,030.31; the State was paid $161.50; Erie County Municipal Court was paid $4.50 and there are currently 15 cases/tickets pending for 2018. Smith comments that Mayor’s Court is the one line item that is over budget and should be discussed in a Finance Committee Meeting. Mayor Ehrbar says that he is aware of the situation.

7.P Legal- D. Lambros has no report.

7.Q Treasurer- C.Brown reports that members of Council have the usual fund and treasurer’s reports with their agendas. As a precaution against future problems in reference to requesting purchase orders, the person responsible for the purchase order should request it or should be named on it. This is already functioning in the Water Dept. because they have a separate form that the Village Administrator signs authorizing the purchase. On the pre-printed purchase order form there is a place in the lower right corner for the requestor’s name. The requestor is responsible for communications with the vendor. It is November. It is generally difficult to get special council meetings together in December. If any department or Council person is thinking about any large purchases before the end of the year please let me know asap so that everything required can be done smoothly and in a timely manner. Any changes to the 2018 appropriations must be done before December 31st by Council action and possibly by Erie County action also. Smith asks when that information is needed and Brown responds that at least four days before the December Council meeting so that any legislation needed or other documents can be prepared. Smith clarifies that his question was about purchase orders. Brown replies that purchase orders can be requested anytime. If appropriations are not available then the purchase order cannot be signed and that is why Brown is mentioning appropriations. Brown continues that generally purchase orders requested in the last few weeks of December are for items that will be delivered in January or February. That is proper and the purchase orders can be issued as long as appropriations are available. Ritchie asks if Brown will be asking for temporary appropriations at the December Council meeting and Brown replies in the affirmative, for the months of January, February and March. Brown continues that since no work has been done on permanent appropriations she expects to request temporary appropriations. Ritchie says that he wants to work with Brown on the temporary appropriations.

7.R. Telecommunications Oversight and Development Committee- J.Wolfe reports that the hole was dug for the Pierce-Broadband tower and the tower base is installed. Now the contractor has to wait 30 days for the cement to cure. The contractor expects to start the tower before 12-31 this year. The money has been paid to the Village for the first three years rent. An update on the Frontier D-Slam project on Pauline: fiber has been hung, the pole has been set and they are waiting for the arrival of equipment to hook it up. Phase one should be complete by the end of the year. Frontier has requested that Kelleys Island be a beta testing site for a new fixed base wireless program that they are developing. Frontier is getting special dispensation from the FCC to run on a certain part of the spectrum. It is an experimental program. Frontier asked for 20 addresses within certain parameters and Wolfe gave them the addresses. Each site will have a Frontier truck parked there with an antenna on it. Wolfe will provide a list of the selected addresses for anyone interested in seeing it.

7.T. Shoreline Protection Committee- Longbrake says that his report was included in the Streets and Sidewalks Committee Report.

9. First Readings -

10. Second Readings-

11. Third Readings & Emergencies-

11.1 **RESOLUTION NO. 2018-R- 7 : A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

Brown says that this a formal action that is like a handshake with the Erie County Auditor. It is the authorization to have the Auditor collect tax money. Ritchie asks about the second page where there are two amounts listed. Brown responds that one number was the Village’s expectation and the other number is what the Budget Commission is allowing for revenue if all the taxes are collected. The first column is from the tax budget and the second column is from the Erie County Auditor.

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

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

11.2 **ORDINANCE NO. 2018-O- 29 : AN ORDINANCE ESTABLISHING A TRANSIENT OCCUPANCY TAX IN THE VILLAGE OF KELLEYS ISLAND, OHIO.** (INTRODUCED BY: COUNCILMAN RITCHIE)

Ritchie motions to amend the legislation to read a tax of 2% transient occupancy rate instead of the 3% because Ritchie believes there will be some savings in the General Fund, seconded by Longbrake; RC: Longbrake- yes, Ritchie- yes, Smith- yes, Wolfe- no, Seeholzer- no; motion passed.

Smith wanted to make a motion to lock in a 2019 budget at $50,000 less than actual spend before the vote on the previous motion, but he is cautioned by the Solicitor that once a motion is on the floor, it has to be voted on and then Council returns to the written agenda.

Smith says that he is voting to make sure that there is not a financial problem in two or three years. Smith continues that everyone knows that he thinks the Village should do a better job in managing the budgets. He feels that he has always been clear and now he feels he is forced to vote on the tax and will do so at 2%. Smith continues that this does not preclude the Council from doing a better job on the budget next year. Seeholzer comments that this has just come up now without discussion. Ritchie says that 3% has been on the table and Seeholzer replies that she is just saying that no one mentioned a change to 2% before this meeting.

Motion to pass as amended, made by Ritchie, second by Longbrake; RC: J.Wolfe- no, M.Feyedelem (absent), E.Longbrake- yes, G.Ritchie- yes, P.Seeholzer- no, S.Smith- yes; motion passed.

Smith asks if can make his motion now and the Solicitor responds “no”, that the motion can be made under Items from Council, number 13 on the agenda. Lambros further explains that once a motion to amend is made, it has to be voted through and then there is a return to the agenda sequence per Robert’s Rules of Order.

11.3 **ORDINANCE NO. 2018-O- 30 : AN ORDINANCE TO APPROVE A PURCHASE ORDER IN EXCESS OF THE $3,000 LIMIT FOR A THEN AND NOW CERTIFICATE AND DECLARING AN EMERGENCY.**

(INTRODUCED BY: MAYOR RONALD E. EHRBAR)

Brown explains that the appropriations were available at the time that the purchase was made. The department neglected to request a purchase order. Since the amount spent was in excess of $3,000, it has to go to Council for legislative approval.

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

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

11.4 **RESOLUTION NO. 2018-R- 8 : A RESOLUTION DECLARING THAT CERTAIN LANDS KNOWN AS 211 WEST LAKESHORE DRIVE, KELLEYS ISLAND, OHIO, UNDERLYING LAKE ERIE AND LOCATED WITHIN THE TERRITORIAL LIMITS OF THE VILLAGE OF KELLEYS ISLAND, OHIO, ARE NOT NEEDED FOR DEVELOPMENT OR IMPROVEMENT**

(INTRODUCED BY: MAYOR RONALD E. EHRBAR)

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

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

12. Items from the Mayor

12.1 Mayor Ehrbar makes the following appointments: Deb Haig to the BZA and

on the DRB, to their 12-31-17 expired terms, Mayor Ehrbar appoints K. Lahrs and D. Gilles to terms starting January 1, 2018.

Mayor Ehrbar thanks Tek-Seal for noticing and sealing around the new catch basins on West Lakeshore Drive. Tek-Seal donated their work to the Village for that project.

Council Member Wolfe spoke about the tower construction and Mayor Ehrbar relates that he has been going every day to see the progress. On Thursday they poured the concrete. It took 20 cement trucks to bring 160 yards of concrete for the base. They worked until 7:00 pm pouring the concrete. The concrete pad is 5 ½ feet thick and 50 feet by 50 feet square. They expect to start constructing the tower after Thanksgiving when the concrete should be cured.

Mayor Ehrbar went to the Water Dept. several times to see that project and the tank that has been cleaned looks great. The new control panel can work with all three tanks.

13. Items from Council

13.1 **Smith motions that the 2019 General Fund budget be set at $50,000 less than the 2018 actual spend**, second by Ritchie; all in favor; motion carried.

13.2 Wolfe acknowledges a letter that Council received from Jackie and Gary Finger about the need for tram transportation. They were contacted by Lake Erie Shores and Islands about getting vehicles on Kelleys Island that can handle groups of people. The vehicles that they are researching would need a special license similar to what the Village arranged for the ATV’s. The vehicles are too heavy for normal State licensing on public roads. Wolfe suggests that the Safety Committee and Police look into the matter. He adds that is something Council may or may not want to do. The Solicitor should also be included in the discussion. It is decided that a combined Safety Committee and Streets and Sidewalks Committee meeting be held for the subject.

14. Old Business

15. Public Participation for people interested in addressing council

15.1 Fred Ausflug says that over the last several years Longbrake has said that he would look into funding for transportation for seniors and Ausflug asks for an update. Longbrake says that Sue Dougherty, of SOS, has been talking with KILA to see if they could help support the project. SOS had approved the money. November was a target date for SOS.

16. New Business

18. Motion to adjourn, made by Wolfe, second by Longbrake; all in favor; motion passed.

(adjourned at 10:45 am)