

Minutes for the April 14, 2012 Regular Council Meeting
10:00 am at the Town Hall on Division Street

1. Mayor Paine calls council to order and roll call is taken. Present are L. Marchky, G. Ritchie, P. Seeholzer, and M. Feyedelem. Absent are D. Kaminski and G. Finger. (Finger arrives late.)

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

2.5 Motion to accept the addendum, made by Seeholzer, second by Feyedelem; all in favor; motion carried.

3. Discussion and/or amendments to the March 10, 2012 council minutes. Motion to accept the minutes as written, made by Seeholzer, second by Ritchie; all in favor; motion carried.

5. Discussion of Pay Ordinance No. 1115. Motion to approve pay ordinance no. 1115, made by Ritchie, second by Seeholzer; RC: Marchky- yes, Ritchie- yes, Seeholzer- yes, Feyedelem- yes, Finger (absent), Kaminski (absent); motion passed.

7. Committee Reports

7.A. Police- Chief Ehrbar reports that since the last meeting 9 reports have been filed; 179 phone calls have been received; 3 arrests were made for breaking and enter/criminal trespassing; 1 minor misdemeanor ticket was issued for use of unauthorized plates; 6 warnings were given for stop signs and speeding; 225 home/business checks were done; and there were 2 assists with other agencies. The Police Department has received an ODNR grant for about \$17,000 for marine patrol. Three officers are attending a marine patrol class. Chief Ehrbar has done interviews and is hiring two new police officers and he may hire two more. One of the new police officers also has fire and EMS training.

7.B. Safety Committee- M. Feyedelem has no report today.

7.C. EMS- C. Herndon reports that there have been 1 squad run, 1 transport, and 3 clinic patients in March.

7.D. Fire Dept.-Chief Hostal reports that on April 2nd the department had its required fire hose testing. Out of 8,600 feet, only two fifty foot sections of hose failed. The department now has over 1 ½ miles of hose at its disposal. The Fire Dept. received \$2,000 from Erie County Emergency Management Agency to help defray the cost of updating the radio system to narrowband. Fire training and continued education will start this month and continue into the fall. When and wherever you see fire trucks, please use caution in the area. Anyone interested in joining the Kelleys Island Volunteer Fire Dept. can contact any firefighter or Chief Hostal. Burning permits are required for any open burning and applications can be picked up at the Village Office. The burn officer Mr. Marchky will inspect the burn site and then you must pick up the finished permit and have it on your person while you are burning your pile.

7.E. Finance- P. Seeholzer reports that the Finance Committee met last night and reviewed the levy requests with the solicitor. Dollar amounts were reviewed from .5 mill to 1.25 mills. A final decision will be made at the April 27th Special Council Meeting. It was discussed that legislation for new revenue should be passed this year to be effective by next year.

7.F. Lands & Buildings- P. Seeholzer says that a meeting will be held soon to talk about sidewalks to get to the restrooms. She asks when the new restrooms will be open or were they open already ? Village Administrator Stevenson says that the restrooms have not been open yet. Mayor Paine responds that they will not be open until the faucets are changed. Seeholzer then asks when the cement will come for the sidewalks and Mayor Paine replies that they are waiting for a better ferry schedule with more frequent trips.

7.G. Airport- G. Ritchie reports that there was an airport committee meeting about two weeks ago and over the next 10 years, the project to improve the airport with FAA help will total about \$9,000,000 and right now the village does not have sufficient financial resources to make that commitment. The focus will be on acquiring the home on the north side of the east end of the runway and to use the Boker land grant for the required 10% match.

Jim Novak, from RS&H, the village's airport engineering firm, has a power point presentation about the 89D runway that he characterizes as "airport 101". First he shows the FAR Part 77 surfaces: horizontal, approach, transitional and primary surfaces. The village has to keep the surfaces clear of trees, towers, and other items that may extend into the object free zone. The primary surface is the same as the runway safety area. If something is up in the air, breakaway couplings need to be used. The area must be kept clear of obstructions or fixed by function. The Airport Layout Plan (ALP) was approved by the FAA conditionally. Runway 27 – the approach over the water—has some obstructions on the edge. Right now the village and consultants are going through the exercise to discover what violates the surfaces. Runway 89D, the approach from the west, from the State park, has items located in the surfaces. Aircraft Parking is now in the safety zone and therefore out of compliance. These are initial conditions. The runway to the west has a displaced threshold, which decreases the length of the runway to 2000 feet.

(Gary Finger arrives and takes his seat at the council table 10:30 am)

The FAA gave Kelleys Island Airport conditional approval based on the village removing obstructions. The parking area for vehicles and planes needs to be moved more to the near side, north of the terminal. That is estimated to happen about 20 years from now. Some items on the list are programmed to be done soon: along Monaghan Road the markings and lights are not correct. The lights need to be at the threshold and they should be green. Right now the lights are next to the road. Next to the road there should be red lights. In March of 2012, the village received an airspace approval letter with comments. This is the "roadmap to compliance." Runway 18/36 is closed and becomes a taxiway. The FAA wants an environmental assessment. Monaghan Road needs to be relocated around the clear space to the west of the runway. Houses at the east end are an obstruction whether the runway is moved or not. The FAA wants the runway shifted 30 feet to the north. The FAA also wants the runway 3,300 feet long. Now the runway is 2,000 feet long. Actually the runway is 200 feet shorter because of the displaced threshold. It is estimated that a 2,600 foot runway is needed for a twin engine aircraft. Twin engine planes can land now, but 2,600 feet is preferred. The last stipulation of a 3,300 foot runway was for small jets and now they are not as popular as was thought they would be about 4 years ago. Last year the FAA had interim rules to not allow any new "through the fence" operations, but to allow existing ones to continue. When re-authorization came up, grant assurance 5 was looked at. Mr. Novak thinks that ultimately the FAA will allow some through the fence agreements, but that the agreements will have a cost to the user. The local match for FAA projects has changed from the 5% to 10%. Starting October 1st will be a new federal fiscal year (2013). Kelleys Island still has some worth in the Boker land bank parcel which is eligible as a local match. Including 2013, the FAA has \$834,391 available for Kelleys Island to spend in projects. The Boker Land grant will be exhausted at about \$850,000 in projects. The village has to file a Disadvantaged Business Enterprise (DBE) plan. Novak suggests that the village start looking at changes to the zoning code that will give zoning protection for the surfaces. Zoning Inspector Minshall asks Mr. Novak if the State of Ohio controls that area through the Dept. of Aviation. Novak replies that they can't say that you are in the approach area for a runway. The local government is the only one that can stop building in the RSA area. Hiller comments on the statement that the

FAA doesn't like 2 runways as he prefers the two runways. Mr Novak responds that the FAA won't pay for 2 primary runways. Hiller thinks that a pilot is risking his life to land on the east-west runway during certain cross wind conditions. Hiller continues that he thinks it is nonsense that the FAA has closed one runway. Clerk-Treasurer Brown asks for a copy of the presentation and Novak says that he will send it to her. Hiller asks why the FAA wants to move the east-west runway thirty feet to the north. Hiller thinks that if the runway stays in its present location and the village purchases land to the south, it would be less expensive than purchasing the land to the north. Theresa Trumpower says that Put-In-Bay and North Bass both have gravel airports and just one runway strip. She asks if the FAA is telling those airports that they have to do things ? Novak does not know. Mayor Paine asks for a show of hands in the audience, whether people want the runway moved and the length extended or just keep the runway in the same location, not lengthening it, and divert Monaghan Road around the western tip of the runway. The current runway is too short for some twin engine planes. Novak says that the decision has to be made whether to lengthen the runway to service twin engine planes, because the FAA is only going to put money into this project one time in our lifetimes. Mayor Paine continues that the Boker land grant fund is projected to run out in 2013 and the only way he can see today for getting more local match money for the project would be to pass levies. Mayor Paine continues with his question, does Kelleys Island want to spend a lot of money in the future to do the whole plan, or does it want to spend the minimum amount of dollars do some things the FAA wants to make the airport safer- what it would take to keep the FAA happy. Airport Committee Chair Ritchie adds that the village cannot afford the plan with its current resources. The question comes up- will the FAA prevent Griffing from flying in ? Mayor Paine does not believe that an increase in the number of twin engine planes coming in to the airport would make it worthwhile economically. Paine continues that he would like to know other people's opinions. Cindy Herndon speaks to say that the village just resurfaced the runway. Mayor Paine replies that the runway can't be moved for five more years because of the agreement that the village made with the USDA for the grant/loan combination money. Brown clarifies the point to add that the agreement was that for the life of the debt, the village will not change or rip up the runway. The debt covenant was for ten years. At the time of the village agreement, Brown says that she specifically asked the USDA representatives about the circumstance if the FAA wanted to change the runway and she was told that would not change the commitment, even if it was another federal agency. The village is about 4 years into the 10 year commitment. P. Hart LeClair suggests that the village leave the runway where it is and purchase properties on both sides to make the necessary width. Mayor Paine indicates that another meeting is needed for the airport to look at all viewpoints before making some decisions. Mayor Paine adds that the airport is critical for winter residents.

- 7.H. Planning Commission- G. Finger reports that they met last night and will meet again Wednesday to review a Conditional Use for a residence. Last night the Commission reviewed the proposed zoning changes. The major revision of the zoning code is on hold right now. He adds that it sounds like the airport needs additional zoning also.
- 7.I. Design Review Board- G. Finger reports that they met for 2 items. The temporary historical sign for St.Michael's Church was found to be exempt.
- 7.J. Board of Zoning Appeals- G. Finger reports that the Board met and approved variances of setbacks for construction of a garage. Now the owners will go to Planning Commission to request a garage on a parcel without a primary residence.
- 7.K. Transfer Station- Clerk-Treasurer Brown says that the bills went out on time and collection is proceeding for the annual availability fees.
- 7.L. Village Administrator- Stevenson reports that signs have to be changed since the State of Ohio accepted the federal guidelines for signage this January. All the street signs have to be changed to a capital letter and then smaller letters. He has a list of signs that are needed. Stevenson also brings forth some street names that need attention. East Lakeshore appears as Water Street on some maps. Brown explains that she researched the topic and found that the council had changed the name by motion in council and that was not deemed acceptable to the county. Lambros adds that it is also unacceptable to the Ohio Revised Code. **Motion to prepare legislation to change the name from Water Street to East and West Lakeshore Drive**, made by Seeholzer, 2nd by Finger; all in favor; motion carried. There have also been two spellings of "Chappel" and "Chapel." There is discussion about the origin of the name and at least 3 different spellings are given. The Village Administrator asks what council wants to do and Seeholzer comments that if there was an historical reason for the name it doesn't have meaning to the present inhabitants, but having a church at each end of the street does, and she favors using "Chapel". **Motion to prepare legislation to change the name to Chapel**, made by Seeholzer, second by Finger; Ritchie, Seeholzer, Feyedelem, and Finger are all yeas; Marchky votes nay, citing that he believes that the street was named after Mehitable Chappell; motion passed. Stevenson continues his report by asking for a raise for Tom McNeal. McNeal is currently at \$14.97 an hour and he asks council to allow the raise to \$15.49 an hour. Ritchie asks for a reason for the raise and Stevenson replies that he thinks it should match the wage of Krzynowek. Krzynowek goes back and forth between the two departments and he thinks the men should at least be paid the same. **Motion to raise the pay of Tom McNeal to \$15.49 an hour**, made by Seeholzer, second by Marchky; all in favor; motion carried. Stevenson would like a Streets and Sidewalks Meeting soon to discuss some items. Stevenson continues that the Loss Control Specialist visited the village recently and one of the items he noted was that the playground area needed more special playground mulch. Stevenson adds that the village can use less expensive base material at the bottom and then the required playground mulch at the top. The chair of the Park Board, Erne, is present and he says that he will take the much request to his Board.
- 7.M. Streets & Sidewalks- L.Marchky has a list of items for a Streets and Sidewalks meeting. Finger asks if there is anything new on the sidewalk program. Marchky replies that he has been checking sidewalks.
- 7.N. Park Board- James Erne reports that the Quinn Preserve is moving along and should close soon, followed by the Huntley-Beatty Preserve. A cleanup is needed in the Huntley-Beatty quarry. Russ Maust has been working on the cleanup, but an official cleanup day may have to be scheduled depending on what is left. There has been communication with Brown for the transfer of money for the purchase of the property.
- 7.O. Mayor's Financial Report- Mayor Paine says that council has a copy of the report and it can be filed.
- 7.P. Legal- D. Lambros says that council has some zoning ordinances on the agenda as first readings. Planning Commission reviewed them yesterday and sent them on to council. What we are trying to do is strengthen the zoning code with respect to administration and enforcement. These are on first reading and there will be a public hearing on them sometime in May so that people will have plenty of time to look at them.
- 7.Q. Treasurer's Report- C. Brown reports that members of council have the usual Fund and Treasurer's reports in their council packets. Brown called the Ohio Department of Taxation and spoke with Mr. Dussenberry, who works with the Resort Area Tax. He confirmed once again that the only list of names that is public information is the list of names that my office sends to him. He cannot say who pays or how much they pay. I asked for a list of accounts that he might consider delinquent. He could not give us that. I asked for an estimate of delinquent dollars. He said that he would try to do that for us. However, that list does not exist and as you may or may not know, public records must already be a record, government is not compelled to make a new record just because someone asks for it. In the last month, with revenues coming in to the General Fund further analysis and talks with the Water Dept., and also with County and State officials, I have revisions to the financial talking papers that were given to council last month in support of the appropriations ordinance. It now looks like the General Fund will be OK this year and so will the Water Fund. 2013 will be the year that has the most concern for the General Fund and that is why 2012 is the year to focus on

getting more money into the General Fund for the future. It needs new revenue streams that will result in substantial new income. The caveat to all these financials is that whatever financial projections Brown does, no matter how short term, are subject to drastic and quick change, especially for the General Fund, depending on county and state decisions. Sometimes the local government does not have much warning and things have changed a lot over the past several years, not to the benefit of local governments. Brown draws council's attention to the Bureau of Workers Compensation invoice on the Pay Ordinance and adds that now we can feel the effect of our last workers compensation claim. With our new rating, the cost has jumped from about \$9,000 to \$18,000. That will continue for the next few years until the process is complete for getting that off our history. Then we can try to get back into a group rating plan which cuts the expense by about 50%.

9. First Readings

9.1 **ORDINANCE NO. 2012-O- : AN ORDINANCE ENACTING A NEW SECTION 152.060 OF THE KELLEYS ISLAND CODE OF ORDINANCES ENTITLED "ADMINISTRATION AND ENFORCEMENT" IN THE VILLAGE OF KELLEYS ISLAND, OHIO.** (INTRODUCED BY: MAYOR KYLE PAINE)

9.2 **ORDINANCE NO. 2012-O- : AN ORDINANCE AMENDING SECTION 152.067 OF CHAPTER 152 ENTITLED "ENFORCEMENT" IN THE VILLAGE OF KELLEYS ISLAND, OHIO.** (INTRODUCED BY: MAYOR KYLE PAINE)

9.3 **ORDINANCE NO. 2012-O- : AN ORDINANCE REPEALING SECTION 152.068 OF CHAPTER 152 OF THE KELLEYS ISLAND CODIFIED ORDINANCES ENTITLED "VIOLATIONS AND CORRECTION PERIODS".** (INTRODUCED BY: MAYOR KYLE PAINE)

9.4 **ORDINANCE NO. 2012-O- : AN ORDINANCE AMENDING SECTION 152.999(A) & (B) OF CHAPTER 152 ENTITLED "PENALTIES" IN THE VILLAGE OF KELLEYS ISLAND, OHIO.** (INTRODUCED BY: MAYOR KYLE PAINE)

10. Second Readings

11. Third Readings & Emergencies

11.1 **ORDINANCE NO. 2012-O- 8 : AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A 2012 MARINE PATROL ASSISTANCE GRANT AND ENTER INTO AN AGREEMENT WITH THE DIVISION OF WATERCRAFT AND DECLARING AN EMERGENCY.** (INTRODUCED BY: MAYOR KYLE PAINE)

Motion to suspend the three reading rule, made by Finger, second by Seeholzer; RC: Marchky- yes, Ritchie- yes, Seeholzer- yes, Feyedelem- yes, Finger- yes, Kaminski (absent); motion passed.

Motion to pass as an emergency, made by Seeholzer, second by Finger; RC: Marchky- yes, Ritchie- yes, Seeholzer- yes, Feyedelem- yes, Finger- yes, Kaminski (absent); motion passed.

11.2 **RESOLUTION NO. 2012-R- : A RESOLUTION IMPOSING A MORATORIUM ON THE INSTALLATION OF 2.0 INCH OR GREATER WATER METERS IN THE VILLAGE OF KELLEYS ISLAND, OHIO AND DECLARING AN EMERGENCY.** INTRODUCED BY: COUNCILMAN RITCHIE

Marchky says that he feels that 2" is too high and he thinks that it should be lowered to 1 ½ inches. **Motion to change the 2" line to 1 ½" line in the moratorium legislation,** made by Marchky, second by Ritchie; all in favor; motion carried.

RESOLUTION NO. 2012-R- 2 : A RESOLUTION IMPOSING A MORATORIUM ON THE INSTALLATION OF 1.5 INCH OR GREATER WATER METERS IN THE VILLAGE OF KELLEYS ISLAND, OHIO AND DECLARING AN EMERGENCY. INTRODUCED BY: COUNCILMAN RITCHIE

Motion to suspend the three reading rule, made by Finger, second by Seeholzer; RC: Marchky- yes, Ritchie- yes, Seeholzer- yes, Feyedelem- yes, Finger- yes, Kaminski (absent); motion passed.

Motion to pass as an emergency, as amended, made by Finger, second by Feyedelem; RC: Marchky- yes, Ritchie- yes, Seeholzer- yes, Feyedelem- yes, Finger- yes, Kaminski (absent); motion passed.

11.3 **ORDINANCE NO. 2012-O- 9 : AN ORDINANCE RESTRICTING VEHICLE HEIGHTS ON MONAGHAN ROAD, KELLEYS ISLAND, OHIO TO TEN (10) FEET AND DECLARING AN EMERGENCY.** (INTRODUCED BY: MAYOR KYLE PAINE)

Motion to suspend the three reading rule, made by Finger, second by Feyedelem; RC: Marchky- yes, Ritchie- yes, Seeholzer- yes, Feyedelem- yes, Finger- yes, Kaminski (absent); motion passed.

Motion to pass as an emergency, made by Finger, second by Seeholzer, RC: Marchky- yes, Ritchie- yes, Seeholzer- yes, Feyedelem- yes, Finger- yes, Kaminski (absent); motion passed.

11.4 **RESOLUTION NO. 2012-R- 3 : A RESOLUTION HIRING A PART-TIME SEASONAL POLICE OFFICER IN THE VILLAGE OF KELLEYS ISLAND AND DECLARING AN EMERGENCY.** (INTRODUCED BY MAYOR PAINE)

This resolution hires Phillip Couch.

Motion to suspend the three reading rule, made by Finger, second by Seeholzer; RC: Marchky- yes, Ritchie- yes, Seeholzer- yes, Feyedelem- yes, Finger- yes, Kaminski (absent); motion passed.

Motion to pass as an emergency, made by Finger, second by Feyedelem, RC: Marchky- yes, Ritchie- yes, Seeholzer- yes, Feyedelem- yes, Finger- yes, Kaminski (absent); motion passed.

11.5 RESOLUTION NO. 2012-R- 4 : A RESOLUTION HIRING A PART-TIME SEASONAL POLICE OFFICER IN THE VILLAGE OF KELLEYS ISLAND AND DECLARING AN EMERGENCY. (INTRODUCED BY MAYOR PAINE)

This resolution hires Steven Smiley.

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

RC: Marchky- yes, Ritchie- yes, Seeholzer- yes, Feyedelem- yes, Finger- yes, Kaminski (absent); motion passed.

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

RC: Marchky- yes, Ritchie- yes, Seeholzer- yes, Feyedelem- yes, Finger- yes, Kaminski (absent); motion passed.

12. Items from the Mayor

13. Items from Council

14. Old Business

14.1 responses from Erie County Auditor & General Fund information for 2012 & 2013: Lambros says that he needs council to decide on what they want for the levy so that he can get it done. Council decides on preparing legislation for a 1.25 mill levy and a 1 mill levy. Lambros says that council can contact him if it wants more variety in millage.

14.2 FAA paperwork for consideration of Disadvantaged Businesses in bidding: **Motion to accept the plan as written**, made by Finger, second by Seeholzer; all in favor; motion carried.

15. Public Participation for people interested in addressing council.

15.1 Theresa Trumpower, 633 West Lakeshore Drive, says that for the last 4 years she has been having issues with the Sunset Drive homeowners. There is supposed to be a thirty foot wide easement. The homeowners have planted shrubs and put in posts in violation of the Kelleys Island village ordinances and the Erie County Health Dept. Trumpower continues that she has a tape of a wrong phone call wherein the caller was trying to implicate her trailer park in the algae slime that was in the lake last year. Trumpower adds that if anyone has questions they can call her attorney John Kocher of Kocher, Gillum or Duane Galloway. Trumpower continues that some trailers are going to be moved around. She summarizes by saying that it is a 30 foot wide road and now posts and shrubs are in the road. Last year an ambulance had a problem getting in and turning around. Trumpower continues that is a safety issue and she asks the village to do something about it to make the road more passable. Lambros responds that the Zoning Inspector has entered a ruling and there exists no zoning violation by Trumpower at this time. Lambros says that he concurs with the Zoning Inspector. If the other landowners do not want to accept that ruling they can take their cause to the Board of Zoning Appeals.

16. New Business

16.1 A request to close roads for the 5-K and 10-K runs was made by the KI Chamber of Commerce. **Motion to allow the road closures**, made by Seeholzer, second by Finger; all in favor; motion carried.

16.2 A status report from CT Consultants is in the council members' packets. Mayor Quinn continues that he wants CT Consultants to evaluate moving the waterline plan from the east side of the road to the west side of the road. Mayor Paine has been looking into the re-surfacing of Division Street. In order to get in line for grant money, the village should start now. He was told that for a grant the village might have to wait until 2017. The project cost is estimated at \$883,080. Mayor Paine would like to get matching money for the local share, which has increased over time. Mayor Paine heard that the village can use Issue I money for the local share. If that were to happen, the village would bear no expense.

16.3 Smokey the Bear sign- The Fire Department wants to erect a sign to show the danger of fires on village property. **Motion to waive the fee for signs for the Fire Department**, made by Finger, second by Marchky; all in favor; motion carried.

16.5 Motion to enter an executive session to discuss a personnel matter, made by Finger, second by Feyedelem; all in favor; motion carried.

Motion to close the executive session, made by Finger, second by Seeholzer; all in favor; motion carried.

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

(adjourned at 12:25 pm)