

Minutes for the May 10, 2012 Regular Council Meeting  
7:00 pm at the Town Hall on Division Street

1. Mayor Paine calls council to order. Present are Seeholzer, Feyedelem, Finger, Kaminski, Marchky and Ritchie.
2. All rise and recite the Pledge of Allegiance to the Flag
3. Discussion and/or amendments to the April 14, 2012 council minutes. Motion to approve the minutes, made by Seeholzer, second by Finger; all in favor; none opposed; motion passed.
4. Discussion and/or amendments to the April 27, 2012 council minutes. Motion to approve the minutes, made by Kaminski, second by Seeholzer; all in favor; none opposed; motion passed.
5. Discussion of Pay Ordinance No. 1116 : Motion to approve, made by Seeholzer, second by Finger; Roll call: Seeholzer -yes, Feyedelem- yes, Finger- yes, Kaminski- yes, Marchky- yes, Ritchie- yes; motion carried.

7. Committee Reports

- 7.A. Police- Chief Ehrbar reports that since the last council meeting: 6 reports have been filed; 205 phone calls have been received; 4 warnings were given for stop sign and speeding infractions; 2 vehicle lockouts were attended; and there were 5 assists with other agencies. Chief Ehrbar asks council to waive the probation period of one year for the new full time officer Craig since he has had continuous employment with the village since 2008. **Motion to waive the one year probation period for Officer Craig**, made by Kaminski, second by Seeholzer; all in favor; motion carried. Marchky says that he sees a lot of golf carts with out of date license plates and he would like to see the Police Dept. enforce the license plate laws. Kaminski asks about seat belts on golf carts since a golf cart rider is unprotected and he further asks that the Police Dept. be conscious of that and enforce the seat belt laws for the public good. Mayor Paine says that he would like to see a big sticker on every rental golf cart that says seat belts must be worn. He says that in the past his business had rented golf carts and he had such a sticker on them. Someone fell off a golf cart and was hurt and wanted to sue him. He sent a photo of the golf cart showing the sticker and then the case was dropped.
- 7.B. Safety Committee- M. Feyedelem has nothing to report.
- 7.C. EMS- S. Devine reports that since the last meeting there were 2 runs resulting in 2 transports, and 4 clinic patients were seen. May 12<sup>th</sup> is the Spaghetti dinner fund raiser. May 19<sup>th</sup> is the Annual Safety Forces Day. Lifeflight will be landing at noon on the Casino dock. Following the demonstration of the Safety Forces, EMS, Fire, and Police personnel will board the Jet Express to familiarize themselves with the boat to be ready for any emergency situations that might arise. The week of May 20<sup>th</sup> to 26<sup>th</sup> is EMS Week. The theme this year is "More than a Job, it's a Calling". The volunteers on Kelleys Island are very dedicated to the well-being and safety of everyone on Kelleys Island. Mayor Paine compliments the volunteers on their continued work for all of us.
- 7.D. Fire Dept.-Paul Hiller reports for Chief Hostal: The Fire Department had one call in April—a house fire on Division Street. On May 19<sup>th</sup> the Erie County Fire Chiefs will have their monthly meeting breakfast on Kelleys Island, the same day as Safety Services Day. The Fire Dept. invites everyone to the Casino Dock to see the Fire Trucks, Ambulances, Coast Guard, Life Flight Helicopter, Police vehicles, and to meet the island's Safety Personnel. On April 28<sup>th</sup> the Fire Dept. volunteers attended an eight hour class on smoke behavior and what should be done upon first arrival at a fire scene. The instructors came from Ehope. The last day for open burning is May 24th, 2012. The Fire Dept. is still finding problems with people burning unapproved materials. The burning of materials containing rubbish, garbage, rubber, grease, asphalt, liquid petroleum products, building materials, shingles or any other products other than agricultural waste constitutes an EPA violation.
- 7.E. Finance- P. Seeholzer reports that the Finance Committee is looking into new revenue sources. They are open to any suggestions and ask the public and other council members for ideas. Mayor Paine says that so far they have legislation from other municipalities to review for a hotel bed tax and fees for docks.
- 7.F. Lands & Buildings- G. Finger reports that the contractor is scheduled for Monday to do the sidewalks along the road and to the new public restroom building which will make the building ADA accessible.
- 7.G. Airport- G. Ritchie has no report. Airport Manager Quinn is in attendance and gives a report to Council: Quinn has some answers from Jim Novak to questions that came up at the last Airport Meeting. The village owns 6 acres of property that was purchased from Holzhauser, that at the time was needed for the ALP, to be able to open the north-south runway. Now the FAA changed what they will fund and changed the funding to only one runway, the east-west. The land that was purchased to the south of the north-south runway is no longer needed. At the Airport Committee Meeting, there was a question about selling the property and using the proceeds for the local match. The process to sell it would be:
  1. ask the FAA to sign off on a land release document
  2. prove the land is no longer needed, which the current ALP shows
  3. sell the property for a fair market price
  4. the money derived from the sale of the property has to be used solely for the improvement of the airport and it may be used for the matching funds. Airport Manager Quinn estimates that if the village can sell the property for about what it paid for it, around \$200,000, that would be the match for a \$2,000,000 project. Quinn adds that he thinks it would be good to consider this.Another question from the Airport Committee Meeting was if the village needed to do something to accelerate the purchase of the 1.1 acres of Schreiber property at the end of the east-west runway. Airport Manager Quinn says that there are a number of steps, the first being to have the mayor sign a pre-application. Quinn has the form in hand and adds that Jim Novak asked that it be signed asap. Mayor Paine indicates that he will sign it today. Quinn continues that the FAA will give the whole dollar amount to the village for the land purchase. August 10<sup>th</sup> is the deadline for the grant application. He will send an email of the schedule for the grant. Another item from the meeting discussion about closing out the Boker property match, that is converting the value left in the property to cash that would be used as the local match to the FAA grant dollars. To move forward, 2 items need to be decided: 1. The village needs to give the FAA guidance on the final runway length and 2. The village needs to meet with ODNR about the amount of property that will be needed from them to accommodate the new runway. Originally the runway length was planned to be 3,300 feet as that length would accommodate light jets and other current planes. The FAA thinks decades ahead and would like the 3,300 feet. However, Airport Manager Quinn thinks that ODNR is not prepared to give enough land to make a 3,300 foot runway. Quinn thanks that a 2,600 foot runway would accommodate most of the planes that want to land on Kelleys and also be within the amount of land that ODNR would consider contributing. Quinn says that he now needs guidance from council. He adds that if council does not want to go for the 2,600 foot runway, then they should just leave the runway length at 2,200 feet. Even at the 2,200 foot length, the village still has to ask ODNR for property. It makes sense to go to ODNR with a specific request. Putting a "U" shaped road around the extension to the runway might actually work for ODNR also because it

would allow ODNR to create a closer access to their quarry park.

Finger suggests a committee meeting to set guidelines for the Airport Manager. Mayor Paine says that he thinks 2,600 is better than 3,300 is better as a request to ODNR. Quinn agrees with Mayor Paine. Mayor Paine says he spoke with someone that was interested in the north-south runway. An idea had been floated at an Airport Committee Meeting to sell the Holzhauser property and use the proceeds for matching money for airport improvement. Quinn thinks that there is a possibility that the Western Reserve Land Conservancy might be interested in adding the Holzhauser parcel to the Quinn Preserve. There is also a property owned by Buckingham between the Quinn Preserve and the Village (formerly Holzhauser) property.

7.H. Planning Commission- G. Finger has no report, but thinks there will be a meeting scheduled soon.

7.I. Design Review Board- G. Finger reports that two cases were heard and both were approved.

7.J. Board of Zoning Appeals- G. Finger says that there is nothing scheduled.

7.K. Transfer Station- Clerk-Treasurer Brown reports that payments are still arriving for the availability fee billing and that there are some items that the Refuse Board needs to review. Billings are about 92% resolved.

7.L Village Administrator- Stevenson reports that the village has been keeping up with things as needed. Paint was purchased and will be used soon for striping of roads.

7.M. Streets & Sidewalks- L.Marchky says that the committee had a meeting tonight. They are starting the sidewalk repair program. They discussed needed repairs for Division Street, resurfacing Harbor Lane and Woodford Road, repairs on Monaghan starting at Hamilton Road and moving north. The Village Administrator is getting bids for Melody and Cedar for assessed projects. Mayor Paine said he wants the bids as soon as possible and then another committee meeting to keep the road projects moving along.

7.N. Park Board- James Erne reports that the Park Board met last week. Memorial Park downtown needs some improvements, new trees were discussed. Council member Feyedelem had some ideas on that. They discussed mostly beautification along the edge of the park on the property line next to residential.

Mulch is needed in the playground areas. A base of regular mulch can be used and then the special playground mulch can be added on top of the regular mulch. The Board is waiting for an estimate for the cost.

The net for the combined use court at the pavilion was discussed. The court still needs painting and striping work. Council had approved the project. Mayor Paine suggests setting up a donation fund.

The Quinn Preserve of 16.5 acres is now village property, managed by the Cleveland Museum of Natural History. They will plan and clear a trail. Audubon will help clear the trail also. Some basic signage was discussed with Western Reserve Land Conservancy. The Beatty Preserve consists of 60 acres. Fish and Wildlife was here today to inspect the results of the clean-up effort in the quarry. Lots of people have helped clean it up. More clean up is needed. It will be a preserve, not maybe a park like you might think. The only approved entry will be off Bookerman Road. Mayor Paine thinks vehicle access should only be for safety vehicles. The park should be for hiking and biking, with no motorized vehicles allowed and no swimming. The "cut" area is 99% cleaned up. A dumpster was used for the clean-up and there will be a cost associated with that.

7.O. Mayor's Financial Report- Mayor Paine has no additional report other than filing the Mayor's Court report.

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

7.Q Treasurer's Report- C. Brown reports that members of council have the usual fund and treasurer's reports in their council packets. The insurance agent has been contacted about the new park lands in reference to liability, especially with water in the quarry park area. Our insurance agent is calling the underwriter to be sure about coverage. However, our agent said that the insurance pool does not act like regular insurance and many things are covered that you would pay extra for with a regular insurance policy. The legislation went to the Erie County Board of Elections on time. Margaretta Township also has an issue on the ballot. That should decrease part of the cost. The State of Ohio tax department has been quiet regarding the Resort Tax collection and our request for an estimate of uncollected funds. An issue has come up with OPERS. The village was contacted by a former employee about service that was unreported to OPERS. Brown is gathering information now. If there is a state of unreported earnings, the village will be assessed. Mayor Paine wanted the village to be ready to put a levy on the November ballot in the case that the August ballot is not successful. The August ballot is on Aug. 7<sup>th</sup> and the November ballot information is due August 8<sup>th</sup>. To be ready for the November ballot, council will have to pass the legislation for the Erie County Auditor in June and the ballot language legislation in July. The Clerk-Treasurer will hold the ballot legislation until the results of the August 7<sup>th</sup> ballot issue are known. If the levy passes in August, she will not take the legislation to the Board of Elections. If the levy does not pass she will take the ballot levy to the Board of Elections on August 8<sup>th</sup>.

## 9. First Readings

### 9.1 **ORDINANCE NO. 2012-O- 10 : \_AN ORDINANCE ACKNOWLEDGING THE PROPER SPELLING OF CHAPEL STREET IN THE VILLAGE OF KELLEYS ISLAND, OHIO.** (INTRODUCED BY: MAYOR KYLE PAINE)

Mayor Paine says that originally there was a person named "Chappel" on Kelleys Island, but this ordinance makes the street name "Chapel". People felt that the newcomers and tourists would not know of the possible historical connection and just think we didn't know how to spell "chapel" because now the obvious thing is that there are churches at both ends of the street.

Motion to suspend the three reading rule, made by Seeholzer, second by Finger; Roll call: Seeholzer -yes, Feyedelem- yes, Finger- yes, Kaminski- yes, Marchky- yes, Ritchie- yes; motion carried.

Motion to pass, made by Seeholzer, second by Finger; Roll call: Seeholzer -yes, Feyedelem- yes, Finger- yes, Kaminski- yes, Marchky- yes, Ritchie- yes; motion carried.

### 9.2 **ORDINANCE NO. 2012-O- 11 : AN ORDINANCE AUTHORIZING THE CHANGE OF NAME OF WATER STREET TO EAST AND WEST LAKESHORE IN THE VILLAGE OF KELLEYS ISLAND, OHIO.** (INTRODUCED BY: MAYOR KYLE PAINE)

Motion to suspend the three reading rule, made by Seeholzer, second by Finger; Roll call: Seeholzer -yes, Feyedelem- yes, Finger- yes, Kaminski- yes, Marchky- yes, Ritchie- yes; motion carried.

Motion to pass, made by Kaminski, second by Seeholzer; Roll call: Seeholzer -yes, Feyedelem- yes, Finger- yes, Kaminski- yes, Marchky- yes, Ritchie- yes; motion carried.

## 10. Second Readings

### 10.1 **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)**

10.2 **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)**

10.3 **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)**

10.4 **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)**

11. Third Readings & Emergencies

12. Items from the Mayor

Mayor Paine says that he wants to keep the meeting short, so he will get down to business right away.

**12.1 Mayor Paine appoints Ernestine (Ernie) Bell to the Planning Commission. Motion to confirm the appointment of Ernie Bell to the Planning Commission, made by Seeholzer, second by Finger; all in favor; motion carried.**

13. Items from Council- no items are brought forth

14. Old Business

14.1 Smokey the Bear sign- location – DRB review of sign & recommendation for placement: Council decides to locate the sign to the left of the driveway into the Municipal Building, on the empty lot.

14.2 PEP recommendations: Some of the recommendations have already been done—

01- sharp edges on the bleachers have been repaired.

03- working on replacement of the playground mulch

04- playground edging has been repaired and holes filled

02- is an item to be done by council- adopt general driving rules and regulations. Clerk Brown points out that this is a repeated recommendation, starting in 2004. Council decides to take this up and asks Brown to get some suggestions from the Public Entity Pool.

15. Public Participation for people interested in addressing council.

15.1 Paul Hiller, McGettigan Lane, addresses council about the airport. Mr. Hiller is a pilot and has lived on Kelleys for 15 years. The airport is a necessity for the island. The current ALP is to spend \$8,000,000. The village match for that will be \$800,000. What the village will get is one runway. Monaghan Road will be detoured in a big “U” shape. The current runway will be ripped up and discarded. Mr. Hiller says that when he moved to Kelleys Island there were two runways. Mr. Hiller thinks that a better plan can be worked out.

15.2 Jim Erne asks if the change of the name from “Chappel” to “Chapel” can be undone. He asks council to be more diligent in looking at history. Lambros says that the ordinance won’t take effect until June 10<sup>th</sup>, so if someone did research and brought forth compelling information, council could change the ordinance.

16. New Business

16.1 moratorium on disposition of property – Marchky: Marchky wants to limit the Village Administrator’s authorization to purchase or swap property to \$500. Lambros asks Marchky if he is talking about selling obsolete equipment or purchasing equipment, because perhaps two motions would be needed. Mayor Paine suggests that the Village Administrator could come to the Mayor with those items. Marchky wants the Village Administrator to come to council for any transaction over \$500. Lambros says that the Ohio Revised Code allows a Village Administrator to dispose of obsolete property with a value of up to \$1,000. Council member Marchky would like to lower that to \$500. Mayor Paine says that this has been discussed and he thought it was resolved by having the Village Administrator go to the Committee chair and/or the Mayor for obsolete property. Marchky says that we have sold and purchased property worth more than \$1,000. Finger feels also that procedurally this has been discussed and was settled. Lambros says that he will prepare legislation for the next meeting. Marchky says that he also wants to meet with the Police Dept. about the services that they received from Sugar Ridge.

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