

Minutes of the Regular Council Meeting  
August 9, 2012 at  
7:00 pm at the Town Hall on Division Street

1. Mayor Paine calls council to order and roll call is taken. Present are Ritchie, Seeholzer, Feyedelem, Finger, Kaminski, and Marchky. None are absent.
2. All rise and recite the Pledge of Allegiance to the Flag.
- 2.25 Mayor Paine says that while he didn't like the outcome of the recent vote, he is proud that many people cast ballots because that is what it is to be an American.
- 2.5 Kelley McClain from Ohio Insurance Services is here to speak to council. Last year he spoke with the Clerk-Treasurer but we got started late and his proposal came too late to consider. Ohio Insurance Services is the exclusive marketer of Ohio Public Entity Consortium. They can provide a discount on the Medical Mutual premium. Currently the village is funding part of the deductible through a third party. Ohio Insurance Services can do that in house at no cost to the village. Their clients include many municipalities in Ohio and our neighbors at Put-In-Bay Village and Danbury Township. Ohio Insurance Services has 18 employees and is a full service company. They will come and provide a meeting with the Village's employees to explain the benefits at least once a year. Solicitor Lambros asks when the election period is and McClain replies that it is 90 days before the end date of the current contract. To evaluate the group and make a proposal, Mc Clain needs the employee applications completed and to him within that 90 day period. Ritchie asks how large the pool is and McClain replies that there are 5,000 members in the pool. The pool includes groups from 2 to 100 members, in about 175 entities. They also offer dental and vision coverage. There is no charge to be in the consortium. The Clerk-Treasurer says that she has spoken with Put-In-Bay and they were happy with the services of Ohio Insurance Service.
3. Discussion and/or amendments to the July 12, 2012 council minutes. Motion to accept the minutes by Kaminski, second by Seeholzer; Roll call: Ritchie- yes, Seeholzer- yes, Feyedelem- yes, Finger- yes, Kaminski- yes, Marchky- yes; motion carried.
- 3.5 Discussion and/or amendments to the July 28, 2012 council minutes. Motion to accept the minutes by Seeholzer, second by Marchky; all in favor; motion carried.
5. Discussion of Pay Ordinance No. 1118: Motion to pass the Pay Ordinance, made by Seeholzer, second by Kaminski; Roll call: Ritchie-yes, Seeholzer- yes, Feyedelem- yes, Finger- yes, Kaminski- yes, Marchky- yes; motion carried.

7. Committee Reports

- 7.A. Police- Chief Ehrbar reports that for the July-August (MTD) 70 reports were filed; 315 phone calls were answered; 10 arrests were made for criminal damaging, OVI, leaving the scene of an accident, and public indecency, one taser deployment was occasioned during the time period; 30 traffic stops were done, for OVI, disorderly conduct, open container, stop sign, allowing underage driver, parking violations, and child restraints; 10 warnings were given, for stop sign, speed, open containers, parking violations; 1 accident was attended because a driver left the scene of the accident; 10 boat patrols, for inspections, vehicle in water, rescue of kayakers; 15 lockouts; and 1 assist with the Coast Guard. With the last "Booze Cruise" coming to the island, the atmosphere has changed for the better and complaints have gone down to the bare minimum.
- 7.B. Safety Committee- M. Feyedelem has no report.
- 7.C. EMS- S. Devine reports that there were 23 runs with 14 transports, 15 clinical patients were seen, and there was one fire standby.
- 7.D. Fire Dept.-Chief Hostal reports that there was one fire call in July- a brush fire on East Lakeshore Drive. Business fire inspections have been completed for the year. The Fire Dept. thanks all the businesses for their cooperation. With the extreme dry conditions we are having, please make sure to keep all camp fires in a fire ring only and have a water source nearby. If you see big fires, call the police or the Fire Dept. Don't forget that the Firemen's steak fry is Saturday at VFW Post 9908.
- 7.E. Finance- P. Seeholzer reports that the Clerk-Treasurer took the levy to the Board of Elections. A Finance Meeting is scheduled tentatively for Wednesday.
- 7.F. Lands & Buildings- G. Finger has no report.
- 7.G. Airport- G. Ritchie has nothing to report. Robert Quinn, Airport Manager reports that the obstruction removal project phase 1 had 2 bidders, Herbst Excavating and Simonson Construction. Herbst was the low bidder. Neither could comply with the disadvantaged business section but both showed a good faith effort to comply. Mayor Paine needs to sign the actual grant application package between today and the next meeting. The FAA will award the grant and the job should be done this fall. If the FAA awards the grant in the next few weeks, the bid legislation can be done at the September Council Meeting. The Airport Manager met with the Solicitor about the language for collection of the airport fees. Mayor Paine asks if the village is current with ODNR. Quinn responds that ODNR requested that the engineer revise the drawing for a 2600 foot runway showing the loop road around the runway so that they could see exactly what it would look like. Quinn recommends taking advantage of the addendum to the bid, which is taking down the Byrne house. Ritchie asks if the village will be paying 10% towards the project. Quinn answers that the local match for the FAA grant is 10% and that will come out of the Boker land grant money. Ritchie asks how the bids for this project compare with the overall master plan on file with the FAA. Quinn does not know, but says that the bids were within 4% of the engineer's estimate.
- 7.H. Planning Commission- G. Finger reports that there has been one hearing.
- 7.I. Design Review Board- G. Finger reports that no meetings are scheduled.
- 7.J. Board of Zoning Appeals- G. Finger reports that nothing is scheduled.
- 7.K. Transfer Station- D. Kaminski reports that everything is clear and clean at the Transfer Station.
- 7.L. Village Administrator- Stevenson has no report.
- 7.M. Streets & Sidewalks- L. Marchky has no report.
- 7.N. Park Board- James Erne reports that there has been no additional activity since the events in July.
- 7.O. Mayor's Financial Report- Mayor Paine reads that in July the Court reports \$5,533.00 was collected in fines and costs, with a check to the village for \$4,261.44, split between Computer Fund for \$230, Library Fund for \$66, Court Improvement Fund for \$220, and General Fund for \$3921.44. The State was paid \$1,035 this month: \$205 for Victims of Crime, \$77 for Drug Law Enforcement, \$511 for the Indigent Defense Support Fund, and \$25 bond surcharge. A total of \$11,631.18 has been collected in fines and costs in 2012.
- 7.P. Legal- D. Lambros explains that on the agenda tonight is a Resolution of Necessity for the Sweetbriar Road Improvement

Project. For the time frame, the project may be done this fall or next spring. Letters will have to be sent and that possibly a board may have to be appointed. The second item is a memo that the solicitor wrote for clarification on the disposition of property. The memo is in council's packets. To summarize, if the value of the item is less than \$1,000 the head of a department can dispose of the item, over \$1,000 there has to be an ordinance to dispose of the property.

7.Q Treasurer's Report- C. Brown reports that council members have the usual fund and treasurer's reports in their packets. The reports have been done for the renewal of the insurance policy for the village. The reports to the Ohio Water Development Authority are almost complete. An ordinance for the re-zoning of property on Division Street has been requested from the solicitor. Solicitor Lambros says that he needs the metes and bounds of the property before he can write the ordinance. Brown continues that the parcel list for the Sweetbriar Subdivision paving program was completed. Brown adds that she and her assistant Sue Marchky participated in the Fire Department training for how to use a fire extinguisher to put out a small fire. Brown has included a memo to members of council about designation of money. As of September 29, 2011 when the Auditor of State issued Bulletin 2011-004, councils have an additional designation they can do to signify their intention for the use of certain monies. I would like council to consider doing a designation for the UNISON money that is now part of the General Fund, but which should be set aside within the General Fund, in case it is needed in the future to pay the Repave Runway debt to the USDA. There are two designations that could be applicable: that of "committed fund balance" or "assigned fund balance." Herewith I have included copies of some of the pages of the 2011-004 State Auditor's Bulletin that address the two designations. The new fund designations refer to constraints that council can put on the use of resources. To "commit" a fund balance, the local governing body passes legislation to secure the funds for a specific purpose. For instance, the money received from UNISON can be committed to pay debt associated with the Repave Runway Loan obligation. Since council makes the commitment by passing legislation, the money cannot be freed from that commitment until council passes additional legislation to do so. Money in a fund can be "assigned" to address the intent for the use of certain monies. This can be done by a motion by council or by a body such as a Finance Committee. Through discussions at Finance Committee Meetings, Brown considers that the Finance Committee has already stated its intentions to "assign" the money received from the UNISON contract to pay debt associated with the Repave Runway loan obligation, if that should become necessary. However, since the UNISON money keeps coming up in conversation, Brown now feels that maybe the Finance Committee, and then council would like to review the matter and act in a more formal manner, through legislation, to "commit" the money.

9. First Readings

10. Second Readings

**10.1 ORDINANCE NO. 2012-O- 26: AN ORDINANCE ACKNOWLEDGING THAT A PORTION OF A CERTAIN LANE FROM WEST LAKESHORE NORTHERLY TO THE NORTHERN EXTENSION OF BICKLEY COURT IS NAMED BIANCHI LANE IN THE VILLAGE OF KELLEYS ISLAND, OHIO.**  
(INTRODUCED BY: COUNCILMAN FEYEDELEM)

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

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

**10.2 ORDINANCE NO. 2012-O- 27: AN ORDINANCE REPEALING ORDINANCE NO. 2012-O-13 AND ACKNOWLEDGING THE PROPER SPELLING OF CHAPPEL STREET IN THE VILLAGE OF THE KELLEYS ISLAND, OHIO.** (INTRODUCED BY: MAYOR KYLE PAINE)

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

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

11. Third Readings & Emergencies

**11. 1 RESOLUTION NO. 2012-R- 10: A RESOLUTION HIRING A PART-TIME SEASONAL POLICE OFFICER IN THE VILLAGE OF KELLEYS ISLAND AND DECLARING AN EMERGENCY.** (INTRODUCED BY: MAYOR KYLE PAINE)

To hire Officer Gregory D. Dorko

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

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

**11.2 RESOLUTION NO. 2012-R- 11 : A RESOLUTION DECLARING IT NECESSARY TO IMPROVE IN THE VILLAGE OF KELLEYS ISLAND CERTAIN ROADS IN THE SWEETBRIAR SUBDIVISION KNOWN AS CEDAR LANE, MELODY LANE, ORCHARD LANE, SWEETBRIAR LANE AND TRAILER LANE AND PROVIDING OTHER IMPROVEMENTS INCIDENTAL THERETO AND DECLARING AN EMERGENCY.** (INTRODUCED BY: MAYOR KYLE PAINE)

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

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

12. Items from the Mayor

12.1 Mayor ~~Quinn~~ Paine [correction by Feyedelem] would like to see the levy pass in November. Any questions about the levy or village finances can be directed to himself or the Clerk-Treasurer.

13. Items from Council

13.1 Lance Marchky thanks the Police Dept. and adds that he thinks there have been many improvements this spring and summer.

14. Old Business

14.1 correspondence

15. Public Participation for people interested in addressing council.

15.1 Police Officer Craig says that for those who don't know him by his new names "Hi, I'm Shawn Craig, the aggressive and hostile officer of the Kelleys Island Police Department. I'm not here to defend myself because I did nothing wrong. I'm not here to put anyone down either. I'm here to voice my opinion on myself, our officers and our chief of police. I assume that you only get the chance to see the names of new hires and not their personal file. Here's my personnel file of 16 years of law enforcement including teaching at 2 police academies and 5+ years with Kelleys Island. I have over 100+ certificates in training, 2 degrees, and over 20+ recommendations and thank you letters. I also served my country during desert storm in the US Navy. Also to inform you I have no complaints filed against me since I have started here. Secondly reference the bad feedback on our officers. This year they have been great but new because of us being under staffed. Have some in the past made mistakes – yes, including myself, but we are like the rest of us- HUMAN. People sometimes don't realize this and want to pass judgement on others. Thirdly, our Chief of Police, with what he has, which is not much, he gets by. He runs a respectful Police Department. In 16 years of law enforcement of all the Police Chiefs I have worked for- he has been the fairest. Lastly when I took the oath of office and put my hand on the Bible and held up my right hand up, I live by those words. I will or would never put the Chief, myself, the Village of Kelleys Island or its citizens in any type of unethical situation. I was hired to protect and serve the citizens of Kelleys Island. That's what I do . I've solved crimes and I've issued tickets, that's what I'm paid to do. We are not above the law to get tickets or criminally charged because we are certain people or live on the island. For some of you I've been there not only as your police officer but as your friend when your family was in need. Most island residents know who I am and what I'm about and I thank you for letting me know that during this time, when I'm needing to hear it. I would like to thank the chief and mayor and council for their time, I would like to thank each and every one of you for standing by my decisions that I make as your officer.

15.2 Scott Thom of Erie County Health Dept. oversees manufactured housing installations and the plumbing inspection program. This year they have let 182 county permits, 34 commercial, and 148 residences. The inspections are about 50/50. Kelleys Island is 8<sup>th</sup> in commercial permits in the county and 5<sup>th</sup> in residential permits in the county. Kelleys Island usually is in the top third of the county. The Health Dept. also has a Healthy Homes Project which has given 311 lead blood sticks on children and has had 11 lead investigations. 488 Radon test kits have been handed out and they have had 20 additional radon monitoring in buildings and homes. Mr. Thom mentions that the Health Dept. was in the Sandusky Register today over a plumbing contractor on Kelleys Island. On September 1<sup>st</sup>, 2007 the plumbing inspections started. The inspections are hit or miss throughout the county. Radon is the 2<sup>nd</sup> leading cause of lung cancer in the U.S.

15.3 Don Aingworth, 419 W. Lakeshore Drive, thinks this administration and the last administration have done a stellar job in finance. He thinks that council could work better to support the levy. Aingworth also has an idea and thinks that the village should install speed cameras on Lakeshore Dr. The Mayor's Court used to generate more revenue. Mayor Paine says that he considered putting speed cameras but was afraid that there would be a referendum against it and he didn't want to spend the money on the equipment.

15.4 Shirley Selig, 703 Monaghan Road, talks about beach rights. Ms. Selig says that she is here tonight with great concern regarding their neighborhood beach rights. As landowners Selig says that they were never advised of their new neighbor's building intentions that has affected their beach rights. No respect was shown to their fellow landowners or the island beach they all share. On an Erie County map, it shows a 40 foot wide assessment (maybe easement) that they have encroached upon. It is public land that they have built on. They have blocked boats and other vehicles from access to the beach all summer. Trees have been cut down and brush that had once made the beach private. The top of the cliff has been torn up which has caused erosion. Pathways have been cut through the cliff to the beach with piping that will apparently be emptied into the lake. We believe our rights have been violated. The destruction needs to stop now until this matter can be resolved. We are concerned not only for our rights but also the health of the environment and the habitat.

15.5 Greg Thomas, 333 W. Lakeshore Dr., has 3 illegal water lines on his property. The water lines were supposed to be abandoned. Solicitor Lambros comments that Mr. Thomas did not complete the paperwork that he needed to do to enforce the decision after his court case. Thomas says that he was told that he couldn't sell his property with the water lines on it. Thomas says that he has a fence permit and if he hits the water lines when he is putting up his fence it won't be his fault. Thomas says that he may hit all three water lines. Lambros cautions Thomas that there is a proper procedure. Lambros will give a copy of the code to Mr. Thomas.

16. New Business

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

(adjourned at 7:55 pm)