

Minutes of the Regular Council Meeting
September 13, 2012 at
7:00 pm at the Town Hall on Division Street

AGENDA

1. Mayor Paine calls council to order and roll call is taken. Present are P. Seeholzer, M. Feyedelem, D. Kaminski, L. Marchky, and G. Ritchie. Absent is G. Finger but he arrives later during the meeting.

1.5 Motion to excuse Finger because of work, made by Seeholzer, second by Marchky; all in favor; motion carried.

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

2.25 David Kriska, from the Cleveland Museum of Natural History is present to speak about another piece of property that the Museum would like to acquire. The Cleveland Museum of Natural History owns several parcels on Kelleys Island. They have been approached by the family that owns the property adjacent to the Scheele Preserve. Clean Ohio has money right now that the Museum wants to apply for to purchase the property. One of the requirements with the Clean Ohio Fund is to have the local government be in support of the property purchase. Mr. Kriska is requesting a resolution of support for the purchase of the "Bufflehead Bay" property. The Clean Ohio Fund is part of the Ohio Public Works Commission (OPWC) District V, and Bufflehead Bay is owned by the Rockwood family. The property is said to be landlocked. November 1st is the application date for the OPWC.

Ritchie asks how the property sale would work. Kriska says that the owners of the property donate 25% of the property's worth, and the Clean Ohio Conservation Fund would donate 75% of the purchase price. The Museum of Natural History will ultimately be the owner of the property. **Motion to direct the solicitor to prepare the legislation to support the purchase of the Bufflehead Bay property for the October Council Meeting**, made by Marchky, second by Seeholzer; Roll call: Seeholzer- yes, Feyedelem- yes, Finger (absent), Kaminski- yes), Marchky- yes, Ritchie- yes; motion carried.

2.5 Motion to accept an addendum to today's agenda, made by Seeholzer, second by Feyedelem; all in favor; motion carried.

3. Discussion and/or amendments to the August 9, 2012 council minutes. Motion to accept made by Seeholzer, second by Ritchie; all in favor; motion carried.

3.5 Discussion and/or amendments to the September 6, 2012 council minutes as amended. M. Feyedelem pointed out that in several areas the clerk had mistakenly used the former Mayor's name when it should have been Mayor Paine; Motion to accept the amended minutes, by Seeholzer, second by Ritchie; all in favor; motion carried.

5. Discussion of Pay Ordinance No. 1119 : Motion to pass made by Seeholzer, second by Feyedelem; Roll call: Seeholzer- yes, Feyedelem- yes, Finger (absent), Kaminski- yes), Marchky- yes, Ritchie- yes; motion carried.

7. Committee Reports

7.A. Police- Chief Ehrbar reports that 28 reports were filed since the August meeting; 250 phone calls were answered; 10 arrests were made including assault, disorderly conduct, and possession of marijuana; 12 traffic tickets were issued, including for disorderly conduct, stop sign, no driver's license, fictitious plates, parking tickets, and riding outside M/V; 15 warnings were issued, including for stop sign, speed, open containers, parking violations, and loud music from business; 2 accidents were attended, hit skip and traffic accident; 15 boat patrols were done for inspections; 10 vehicle lock-outs were also done. New house check forms will be ready soon.

7.B. Safety Committee- M. Feyedelem has no report at this time.

7.C. EMS- S. Devine reports that there have been 14 runs with 7 transports and 12 clinical patients. Volunteers will start a refresher training next month. The department would like to use the Town Hall when it is available.

7.D. Fire Dept.-Chief Hostal reports one call in August, a false alarm at the Venture Resort. Fire trucks are scheduled for their annual pump qualification.

7.E. Finance- P. Seeholzer reports that the Finance Committee met and asked for some legislation to be prepared regarding a hotel tax, and rental property. They discussed a dock tax but have to meet with the Solicitor to have legislation prepared.

7.F. Lands & Buildings- P. Seeholzer reports that there has been no activity because they have no money to spend.

7.G. Airport- G. Ritchie has nothing to report and refers to Airport Manager Quinn. Quinn says that there are several items for the mayor to sign. The FAA said that our grant application is in process and they expect that the Village may be notified in about a week. Quinn did get a verbal indication that Kelleys Island would be approved for the grant. The current project is about \$130,000 and that would make the Village share about \$13,000 of the Boker Land Grant money. The Village is also in the process of closing out the Boker Land Grant, that is converting it to cash. The contractor can increase his price depending on certain criteria. Quinn is asked and responds that the worth of the Boker Land Grant will be still over \$100,000. Ritchie thinks that it is premature to pass the legislation because according to the ALP plan, the cost of this phase was originally budgeted at \$35,000. Ritchie thinks that the Airport Committee should meet and discuss and understand it before voting. Lambros says that the only legislation that has to be passed tonight is the legislation to accept the grant money. The grant legislation is on the agenda under #11.4. The rest of the airport legislation can wait.

7.H. Planning Commission- G. Finger is not present. Clerk Brown reports that Planning Commission will meet soon to review re-zoning legislation.

7.I. Design Review Board- G. Finger is not present. Clerk Brown does not know of any pending applications.

7.J. Board of Zoning Appeals- G. Finger is not present. Clerk Brown reports that no new applications have been received.

7.K. Transfer Station- D. Kaminski says everything is going OK and asks if the Refuse Board needs to meet again about outstanding bills and Clerk Brown indicates that there have been no new requests. Brown is finalizing accounts before sending the remaining accounts to Mayor's Court.

7.L. Village Administrator- Stevenson has no report.

7.M. Streets & Sidewalks- L. Marchky reports that some road patching has been done and they are still mowing along roads. There is a Streets and Sidewalks Meeting tomorrow morning.

7.N. Park Board- James Erne says that the Park Board has been busy. On August 17th the Park Board met and decided that any monetary requests to the Park Board must be made in writing and directed to the Park Board. Three additional Memorial trees

have been requested for the ball field area. Toby Zettler has requested a tree. The Park Board is out of space after those three trees are placed and they have begun talking to the Cemetery Board about using Memorial trees in the cemetery. The Park Board is also requesting more information about the land adjacent to the Scheele Preserve and if it should be in the purview of the Park District.

7.O. Mayor's Financial Report- Mayor Paine reads page 1 of the report.

7.P Legal- D. Lambros

7.Q Treasurer's Report- C. Brown says that council has the usual fund and treasurer's reports in their packets. Representatives from USBank were invited in to discuss bank loans for projects, on site check scanning to the bank and an alternative of starting ACH payments for Water Dept. payments. We went over our account costs and where we are putting our money. The bank will be getting back to me with answers to my questions. WSOS was contacted for help in making grant applications for the water intake and Huntington Lane water line replacement. OPWC's application date has passed. We can apply by July 1st 2013 for a 2014 start date. Ohio EPA has no grants available, but they do have low interest loans, OWDA has no grants available. If the Village qualifies it can get a 2% loan for up to 30 years. The USDA does not want any more applications that are less than \$1,000,000. The USDA also has a one to one and a half year funding backlog. OPWC also prefers road and bridge applications, they rarely fund things like water lines and water intakes. Since the federal government is no longer allowing earmarks, that has cut out some of the traditional funding resources. The Village obtained such a good deal for Camp Patmos because it had already been classed as a failing system by the EPA. The EPA will not class the water intake as such. If you want to do the intake, we will have to borrow money. Council will be notified if /when a plan emerges. The legislation that we thought was passed at the Special Council Meeting was evidently not passed as there were not enough votes to suspend the rules. It is on the agenda tonight as a second reading. Brown thanks Patty Hart LeClair for her donation of a file cabinet to the office and Brown also thanks Josh Eggleston for his help with grant research.

9. First Readings

9.1 dock legislation: this will be discussed during the next Finance Meeting.

9.2 **ORDINANCE NO. 2012-O- : AN ORDINANCE TO LEVY A TAX ON HOTELS AND MOTELS IN THE VILLAGE OF KELLEYS ISLAND, OHIO.** (INTRODUCED BY: MAYOR KYLE PAINE)

Solicitor Lambros wants to talk to the Finance Committee about the dock legislation before he starts to write it. Lambros also wants council members to understand that the hotel/motel ordinance has many lines not filled in, lines that represent what department or whomever will be responsible for the implementation of the tax, to collect the tax, and for enforcement of the tax. Lambros says that usually a motel/hotel tax has a Tax Dept. that is devoted to collecting the tax because it represents a lot of work. There are 2 tap-in fee ordinances on the agenda. Lasmbros says that he was unsure if the bedroom unit tax was \$250 or \$500. He was contacted today by Councilman Ritchie who said it should be \$500 a room.

9.3 **ORDINANCE NO. 2012-O- : AN ORDINANCE AMENDING SECTION 96.20 AND 96.21(A) ENTITLED "RENTAL OF PUBLIC GROUNDS AND BUILDINGS" OF THE KELLEYS ISLAND, OHIO CODIFIED ORDINANCES.** (INTRODUCED BY: MAYOR KYLE PAINE)

Seeholzer says that this came from the Finance Committee and a maintenance fee has been added of \$150 for all village properties.

9.4 **ORDINANCE NO. 2012-O- 28 : AN ORDINANCE AMENDING SECTION 50.51 (A) ENTITLED TAPPING FEES.** (INTRODUCED BY: COUNCILMAN GREG RITCHIE)

Please note that there are at least two different sets of pricing information from which members of council can choose

Motion to change A.6. from "Board of Public Affairs" to "Village Council" made by Seeholzer, second by Feyedelem; all in favor; motion carried.

Ritchie says that there was a special meeting in May at which the fees were discussed. A charge of \$500 per room was discussed. The idea that the developer of a 30 room hotel would give \$31,000 total fees for the tap would be consistent with the rates of Put-In-Bay. Village Administrator Stevenson acknowledges the meeting but adds that after the meeting in June, he thought the fees were a little extreme. Ritchie continues that in a several million dollar investment in a hotel, a \$30,000 tap fee is not unreasonable. Marchky would like to settle these rates right away because he thinks there may be a hotel application. Marchky also cites the possibility that a new hotel will put a greater strain on the water system. The legislation won't increase the cost to residential consumers.

Ritchie says that the list with his name on it represents the results of the earlier meeting. Council will use that list with the legislation.

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

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

10. Second Readings

10.1 **ORDINANCE NO. 2012-O- 29 : AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO ADVERTISE FOR BIDS FOR THE KELLEYS ISLAND, OHIO WATER INTAKE PROJECT AND DECLARING AN EMERGENCY.** (INTRODUCED BY: MAYOR KYLE PAINE)

11. Third Readings & Emergencies

11.1 **RESOLUTION NO. 2012-R- 12 : 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.** (INTRODUCED BY MAYOR KYLE PAINE)

Motion to adopt the resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the

necessary tax levies and certifying them to the Erie County Auditor, made by Seeholzer, second by Finger; Roll call: Seeholzer-yes, Feyedelem- yes, Finger- yes, Kaminski- yes, Marchky- yes, Ritchie- yes; motion carried.

11.2 ORDINANCE NO. 2012-O- 30 : AN ORDINANCE COMMITTING THE UNISON CONTRACT FUNDS IN THE GENERAL FUND TO PAY ANY DEBT ASSOCIATED WITH THE REPAVE RUNWAY LOAN OBLIGATION IN THE VILLAGE OF KELLEYS ISLAND, OHIO. (INTRODUCED BY: MAYOR KYLE PAINE)

Motion to suspend the three reading rule, made by Seeholzer, second by Kaminski; Roll call: Seeholzer- yes, Feyedelem- yes, Finger- yes, Kaminski- yes, Marchky- yes, Ritchie- no; motion passed.

Motion to pass as an emergency, made by Kaminski, second by Seeholzer; Roll call: Seeholzer- yes, Feyedelem- yes, Finger- yes, Kaminski- yes, Marchky- yes, Ritchie- no; motion passed.

11.3 ORDINANCE NO. 2012-O- ____ : AN ORDINANCE ACCEPTING BIDS FOR THE AIRPORT RUNWAY 9-27 OBSTRUCTION REMOVAL PROJECT – PHASE 1 IN THE VILLAGE OF KELLEYS ISLAND. (INTRODUCED BY: MAYOR KYLE PAINE)

Marchky wants to know why the Village has to pay Hancock-Wood and Frontier. Airport Manager Quinn replies that the airport engineer felt that it was important to remove the obstacles of the high wires, that they needed to be buried, and that was the responsibility of the Village. The electric lines actually carry electricity for other people- the lines are in a utility right-of-way. When utility lines move from overhead to underground, the utility company bills the requestor. Marchky asks why the Village doesn't get rid of the utility easement ? The Mayor and Solicitor respond that the utility company will not pay for new property for a new easement. Lambros says that passage of these ordinances will work to cap the expense. Quinn says that the original estimate for the obstruction removal was \$35,000 and now it has increased to \$150,000. Quinn adds that engineers do estimates in general and then review them. This estimate changed a lot. The estimate is also three years old. Copper has increased in price since the first estimate was done. It may also be that the engineer didn't estimate well, for the stone and start-up costs.

The legislation had a first reading.

11.4 ORDINANCE NO 2012-O- 31 : AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT FAA GRANT 3-39-0098-0912 IN THE AMOUNT OF \$317,726.00 AND DECLARING AN EMERGENCY. (INTRODUCED BY Mayor Kyle Paine)

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

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

11.5 ORDINANCE NO 2012-O- : AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH FRONTIER TO RELOCATE THEIR UTILITY SERVICE IN CONNECTION WITH THE RUNWAY 9-27 OBSTRUCTION REMOVAL, PHASE I PROJECT IN AN AMOUNT NOT TO EXCEED \$10,000 AND DECLARING AN EMERGENCY. (INTRODUCED BY MAYOR KYLE PAINE)

The legislation had a first reading.

11.6 ORDINANCE NO 2012-O- : AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH HANCOCK-WOOD ELECTRIC TO RELOCATE THEIR UTILITY SERVICE IN CONNECTION WITH THE RUNWAY 9-27 ONSTRUCTION REMOVAL PHASE 1 PROJECT IN AN AMOUNT NOT TO EXCEED \$30,000 AND DECLARING AN EMERGENCY. (INTRODUCED BY MAYOR PAINE)

The legislation had a first reading.

11.7 ORDINANCE NO 2012-O- : AN ORDINANCE AWARDDING THE 9-27 OBSTRUCTION REMOVAL PHASE 1 PROJECT CONTRACT TO THE LOWEST BIDDER, HERBST EXCAVATING IN THE VILLAGE OF KELLEYS ISLAND, OHIO AND DECLARING AN EMERGENCY. (INTRODUCED BY MAYOR PAINE)

This legislation had a first reading.

11.8 RESOLUTION NO. 2012-R- 13 : A RESOLUTION DECLARING THAT CERTAIN SUBMERGED LANDS WITH UPLAND PROPERTY KNOWN AS 128 RUNWAY 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 AND DECLARING AN EMERGGENCY. (INTRODUCED BY MAYOR KYLE PAINE)

This legislation was passed in December, 2011, but Rob Quinn explains that ODNR had two problems with it as it was passed. The first ordinance did not designate that the address was the address of the upland property and they also did not like it that Mayor Quinn had signed the legislation.

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

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

12. Items from the Mayor- nothing

13. Items from Council

13.1 Seeholzer says that the packets are ready for council 2 days ahead of the council meeting. She thinks there should be a cutoff date and then things go to the next meeting. Clerk Brown mentions that there is a cutoff and then late items go to an addendum. Lambros thinks that the deadlines should be in Council Rules. This agenda kept getting expanded as items came in the last day before the meeting. Quinn says that he is sorry, that it was partly his fault requesting the resolution be done. The suggestions are no changes to the addendum one day ahead of the meeting, and that the solicitor receives all requests for legislation 5 days before the meeting date.

14. Old Business

14.1 report on Sweetbriar Assessment letters- Clerk- objections have been filed: Solicitor Lambros says that the Mayor, with council's consent, will have to appoint three people for the Assessment Equalization Board. A Board member will be a property owner on Kelleys Island, will not be affiliated with the government in any way, and will not own property in the project area.

14.2 policy on driving rules- suggested by PEP loss control visit: Clerk Brown asks members of council to review and change the driving rules so that they can be adopted. Marchky thinks that another rule should be added- that personal vehicles should not be used on company time. Clerk Brown says that will severely impair receiving and getting mail as both she and her assistant go to the post office every day for the village in their own vehicles, since there is no company car available daily to them.

15. Public Participation

15.1 Tom McNeal, 403 Division St., reads from his letter. He has concerns about the daily use of antique license plates on vehicles which is against Ohio law, the use of atv/apv plates instead of regular plates on vehicles driven year-round, and the use of the "taxi stand" downtown as a permanent parking spot for the taxi, even while the driver is eating lunch in a restaurant. McNeal closes by asking members of council and the mayor to stand by the laws that are in effect and he further asks the mayor to direct that the laws be enforced accordingly.

16. New Business

16.1 obsolete list- Motion by Finger, second by Feyedelem to accept the items on the list as obsolete and that the items can be disposed of; all in favor; motion carried.

16.2 correspondence:

A. Matula & Habbyshaw letter

B. Island Singers letter: Shirley Crabill represents the Island Singers and she is suggesting that the village place a light at the north door to the Town Hall. Crabill says that the north door and parking lot is dark and the elevator is dark. One of the members of the Island Singers fell on the bottom step. Crabill suggests a solar light or a timed light. Tom McNeal says that the area is already lit by lights that operate from dusk to dawn. McNeal will check to be sure that the light is still functioning.

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

(adjourned at 8:45 pm)