

Council Minutes 03-09-2013

Minutes of the Regular Council Meeting

March 9, 2013 at 10:00 am

at the Town Hall on Division Street

1. Mayor Paine calls council to order and roll call is taken. Present are G.Finger, D.Kaminski, L.Marchky, G.Ritchie, P.Seeholzer, and M.Feyedelem. None are absent.

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

4. Discussion and/or amendments to the February 16, 2013 council minutes. Motion to accept the minutes as written, made by Seeholzer, second by Feyedelem; all in favor; motion carried.

5. Discussion of Pay Ordinance No. 1124 : Motion to pass the Pay Ordinance, made by Seeholzer, second by Ritchie; Roll call: Finger- yes, Kaminski- yes, Marchky- yes, Ritchie- yes, Seeholzer- yes, Feyedelem- yes; motion carried.

7. Committee Reports

7.A. Police- Chief Ehrbar reports that during February and March MTD no reports have been filed; there were 89 department phone calls. Interviews will start for seasonal new hires during the first week in April.

7.B. Safety Committee- M. Feyedelem has nothing to report.

7.C. EMS- S. Devine reports that there was 1 run with a transport and 1 clinical patient. Two EMT's attended a conference in Columbus and brought back excellent information to share. The Annual State Grant application has been sent.

7.D. Fire Dept.-Chief Hostal reports that there were no calls in the month of February.

7.E. Finance- P. Seeholzer reports that the Finance Committee went over expenses for 2013 and the proposed appropriation ordinance. The last obstruction has been removed at the airport.

7.F. Lands & Buildings- P. Seeholzer reports that the committee met and reviewed the buildings. The Boker barn needs repairs and maybe it would be better to put up a pole

barn if it is allowed by the FAA. Mayor Paine says that he wants the Boker barn repaired.

7.G. Airport- G. Ritchie says that there have been no Airport Committee meetings, the Mayor, Clerk-Treasurer and he had a phone conversation between our RS&H representative and the FAA representative. The focus of the conversation was to understand the FAA process and what is going on now. Mayor Paine adds that in 2013 there has been no new money so far for the FAA.

7.H. Planning Commission- G. Finger has nothing to report.

7.I. Design Review Board- G. Finger has nothing to report.

7.J. Board of Zoning Appeals- G. Finger has nothing to report.

7.K. Transfer Station- D. Kaminski has nothing to report.

7.L. Village Administrator- S. Stevenson is not present, but Mayor Paine reads a request from him that if anyone needs Tom, Peggy, Tony or Scott to do any task outside or within their daily duties, they should contact the Village Administrator or the Mayor. Lance Marchky adds that the Transfer Station is having problems with the cash register and it needs repair.

7.M. Streets & Sidewalks- L. Marchky reports that the ordinance for the Sweetbriar road project is on the agenda today. The project is tentatively scheduled for April/May. The bid was below the engineer's estimate. Mayor Paine adds that he wants the sidewalk project to start. Marchky responds that they need a committee meeting to discuss it.

7.N. Park Board- James Erne has no report.

7.O. Mayor's Financial Report- Mayor Paine reads sections of the Financial report for the Magistrate's Court. In February the court received a total of \$804.66 in fines and costs which was split \$541.49 for the General Fund and the remainder split between Computer Fund, Library Fund, Court Improvement Fund, and State Victims of Crime, Drug Law Enforcement/Justice Program Services Fund, Indigent Defense Support Fund, Erie County Court for the Indigent Drivers' Alcohol Treatment Fund, and bank expenses.

7.P. Legal- D. Lambros reports that the village has a recent court decision. The village has been involved in a zoning issue lawsuit, which also involved the Planning Commission. Erie County Court affirmed the decision of the village in two important

things: the magistrate recognized the uniqueness of the village and also the validity of the Master Plan to restrict fences in the EPOD, within 125 feet of the water line. An appeal can be filed within thirty days of the decision. Lambros continues that the opinion was well written and he personally thinks that it would prevail even in an appeal. The opinion affirms the Kelleys Island Zoning Code. Council thanks Dave Lambros for his work on behalf of the village.

7.Q Treasurer's Report- C. Brown reports that Members of Council have the usual fund report and Treasurer's Report in their meeting packet. Clerk-Treasurer Brown explains that she had intended for council to get a report last month in her absence, but that didn't happen. Brown has included the February report here: Claudia brown is sorry that she cannot be with you this morning, but she is returning today from the Annual Report workshop in Columbus. It is time for department heads to give 2013 budgetary requests to the head of the Finance Committee, the Mayor, or the Clerk-Treasurer. At the March Council Meeting Council will need to pass permanent appropriations for 2013. Keep in mind that Council can change the appropriations during the year. Please let a member of the Finance Committee or individual named above know of any anticipated projects or changes in your budget from 2012, so that the information can be included in the appropriation process. The Clerk-Treasurer's Office is beginning to offer the service of automatic bill paying by deduction from customers' accounts. It is being offered for payment of the Transfer Station bills this April and the plan is to offer it for payment of water bills by mid-summer. The mechanism is already set up with the bank and will not cost the village additional money. By changing the way the village does business with the bank, the estimated decrease in the bank service charge has dropped even more. Now instead of up to \$600 a month, the village is generally paying between \$150 and \$175. The driving policy has been distributed to employees, vehicles, and included in the personnel manual for all new employees. The village funds that have been in Star Ohio have been moved to Star Plus, at about triple the yield currently. Last week Star Plus was at 0.22% compared to Star Ohio at 0.07%. The money is still fairly liquid, it is available weekly and it is 100% insured by FDIC which was not true for Star Ohio. We are looking at the Erie County form for bed tax as a model for the Kelleys

Island form. We have been gathering the names of island businesses that might qualify to collect and pay the bed tax so that we can send them the information.

Erie County requested, and Brown photographed and sent the photo of the location of the Byrne house. Last year Erie County included that house in an Erie County program to demolish vacant housing. This also provided the village, free of charge, with an obstruction removal that was required for the FAA. The 2012 Annual Report was completed and sent to the State Auditor. Letters and forms have been sent for the dock tax and for the hotel/motel tax. The Transfer Station billing is well along. The web site is up and has 2012 and 2013 minutes on it. After this meeting the Sweetbriar Road Project Assessments will be re-calculated and final arrangements will be completed with the bank for our loan to do the project. On the negative side, our attempt to lower the health care premium costs has failed. The new agent who gave us a much lower cost was unable to write the contract with Anthem. So we are still with Medical Mutual and at about the same rates as before. Also in the Council packet is a copy of the "Never Be Late Again" announcement that the village can do automated payments for Transfer Station bills this year. The plan is to offer the same option to Water Department customers in the near future.

9. First Readings (none)

10. Second Readings (none)

11. Third Readings & Emergencies

**11.1 ORDINANCE NO. 2013-O- 3 : AN ORDINANCE ENACTING AND ADOPTING THE 2012 S-17 SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE VILLAGE OF KELLEYS ISLAND, OHIO, AND DECLARING AN EMERGENCY.** (first reading 1-14-13, 2<sup>nd</sup>reading 2-16-13) (INTRODUCED BY: MAYOR KYLE PAINE)

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

**11.2 ORDINANCE NO. 2013-O- 4 : AN ORDINANCE ACCEPTING BIDS FOR PUBLIC IMPROVEMENTS IN**

**THE VILLAGE OF KELLEYS ISLAND, OHIO TO IMPROVE CERTAIN ROADS IN THE SWEETBRIAR SUBDIVISION KNOWN AS CEDAR LANE, MELODY LANE, ORCHARD LANE, SWEETBRIAR LANE AND TRAILER LANE. (INTRODUCED BY: MAYOR KYLE PAINE)**

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

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

**11.3 ORDINANCE NO. 2013-O- 5 : AN ORDINANCE PROHIBITING THE TRANSPORTATION OF FIREWOOD ONTO KELLEYS ISLAND TO PREVENT THE SPREAD OF THE ASIAN LONGHORNED BEETLE (ALB) AND DECLARING AN EMERGENCY.(INTRODUCED BY: COUNCILMAN FEYEDELEM) (1<sup>st</sup> reading 2-16-13)**

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

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

**11.4 ORDINANCE NO. 2013-O- 6 : AN ORDINANCE DETERMINING TO PROCEED WITH THE PUBLIC IMPROVEMENT IN THE VILLAGE OF KELLEYS ISLAND, OHIO TO IMPROVE CERTAIN ROADS IN THE SWEETBRIAR SUBDIVISION KNOWN AS CEDAR LANE, MELODY LANE, ORCHARD LANE SWEETBRIAR LANE AND TRAILER LANE AND DECLARING AN EMERGENCY. (INTRODUCED BY: MAYOR KYLE PAINE)**

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

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

**11.5 ORDINANCE NO. 2013-O- 7 : ANNUAL APPROPRIATION ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF KELLEYS ISLAND, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING AN EMERGENCY. (INTRODUCED BY: MAYOR KYLE PAINE)**

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

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

**11.6 RESOLUTION NO. 2013-R- 1 : A RESOLUTION STRONGLY OPPOSING THE PASSAGE OF HB 5 BY THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE, IN THE VILLAGE OF KELLEYS ISLAND, OHIO AND DECLARING AN EMERGENCY. (INTRODUCED BY: MAYOR KYLE PAINE)**

Mayor Paine says that the State of Ohio is removing taxes from villages. Some is going for Skinny Ohio. On the mainland it is possible to combine emergency departments and even jurisdictions, but on Kelleys Island, we can't combine Fire, EMS, and safety services. Mayor Paine wants to try to have Kelleys Island be exempt from any additional loss of revenue from the State.

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

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

**12. Items from the Mayor**

12.1 Mayor Paine says that the State park is going to have a night time ranger, not a full time ranger. The Park will need volunteers to keep trails clear. Seeholzer adds that there will be one man for South Bass and Kelleys Island. Mayor Paine said that the

thought of having an emergency phone for the State Park and the village would share the expense with the State. The State is doing a major re-paving program. Paine says that he will attend a meeting and will ask for the grindings. The State paving project will include the public road on Division St. from the bridge northward.

### 13. Items from Council

13.1 Marchky wants something presented to the Council and Mayor about the Huntington Lane water line replacement. Seeholzer asks what side of the road the waterline is going on. Mayor Paine says that he thinks it should go in the middle of the road. There are three ways to assess the project and the method of using only linear feet won't work. Solicitor Lambros says that a second method of assessment is by property value. In that case the Erie County Auditor's appraisal for property values could be used. Seeholzer says that she thinks the plans are for the east side of the road. Solicitor Lambros says that CT Consultants developed plans for the east side of the road and then some people, some Huntington Lane residents wanted the water line moved to the west side of the street. Kaminski and V.A. Stevenson comment that the road isn't in the right place. Seeholzer says that if the village changes the location of the water line, it will need a new plan. Mayor Paine says that he wants to do the water line on Huntington lane and the sidewalk program this summer. Seeholzer suggests that the village do the Sweetbriar Road Project and the Huntington Road project.

### 14. Old Business

15. Public Participation for people interested in addressing council. :

15.1 Tom McNeal says that he needs to re-certify some of his skills to be able to continue to work on village vehicles. This will be his 9<sup>th</sup> re-certification. He personally paid for the schooling. The test is 9 ½ hours long and is given at Owens College in Findlay. He asks for village support for travel and hotel expenses. **Motion to authorize necessary expenses and that his testing be considered as part of his workday**, made by Seeholzer, second by Marchky; all in favor, motion passed.

15.2 Kim McNeal says that she and others are trying to open a senior center on Kelleys Island. She asks for support and help. Mayor Paine says that he supports the effort. Kim McNeals's idea is to show people how to work on cars. Mayor Paine asks that he be kept informed about the project.

16. New Business

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

(adjourned at 10:45 am)