

Council Minutes 11-09-2013

Minutes of the November 9, 2013 Regular Council Meeting

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 P. Seeholzer, M. Feyedelem, G. Finger, D. Kaminski, L. Marchky, and G. Ritchie.

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

3. FEMA presentation- Alicia Silverio. Ms. Silverio says that there are over 750 participants in the Flood Insurance Program in Ohio. A community must adopt and administer rules which meet the minimum federal flood plain rules to be in the program. Over a 30 year mortgage the chances are 1 in 4 that a flood will damage buildings that are within the 100 year flood plain area. Kelleys Island is not currently a member. If a community does not participate, the homeowners cannot purchase flood insurance. Also federal grants are not available for the area and federal mortgage insurance is also not available. To join, a community needs a resolution of intent and also needs flood plain management regulations. A person must be identified to manage the regulations. During discussion it is asked if Erie County and Kelleys Island Village could work together to manage it and Silverio says that they could. A permit process is also needed for flood plain management. The Flood Plain Manager can get some free training and other seminars have a fee. Silverio's office helps Flood Plain Managers. Insurers sell flood insurance policies. These policies are actually FEMA flood insurance policies. All policies are sold at the same rate, because they all originate with FEMA. The regulations apply to development of structures, mining, dredging, additions, repairs, renovations that are substantial (substantial is defined as increasing the value by 50%), and water and sewer activities. The flood insurance program of 2012 eliminated subsidies, premiums will increase, and structures, older, that were constructed before the requirements, will be at a higher premium. The exact placement of the flood plain is determined by a surveyor. Mr. Scaletta (in the audience) says that there are 170 to 190 houses in the flood plain on Kelleys Island. The flood plain is on the east side plus Long Point. Flood Insurance applies to mortgages that are federally funded. If you don't have a mortgage then Flood Insurance isn't mandatory. Flood Insurance applies to mortgages that are federally funded. Also if there is no declaration of a disaster, FEMA disaster help is not available. Buying or selling property or a policy lapse can trigger rate changes. If the process in the village is flawed and a permit was issued incorrectly then FEMA would expect the village to respond and it would be considered a violation by FEMA if the person does not then get the appropriate

permits. If the village makes a mistake it can be put on probation or suspended from the program. Kelleys Island adopted regulations years ago, so much of the work has been done and also has been enforced. Zoning Inspector Minshall asks if someone is denied a permit because of flood plain regulations and the person goes to court against the village, does FEMA help with the cost of the litigation ? Silverio replies that FEMA does not help with the litigation. Silverio continues that the owner of property that wants to develop the property has a surveyor verify elevations and they obtain from the surveyor an "Elevation Certificate." The "Elevation Certificate" comes to the Flood Plain Manager as proof of location of the construction. It is part of the required paperwork for the village. After the building has started, the surveyor has to return and shoot the elevation of the building. The Flood Plain maps are good for 5 years. Every 5 years the flood plains are re-examined to see if changes need to be made. There is a new initiative "Risk Map" that focuses on Lake Erie. Communities around Kelleys Island participate: Put-In-Bay and Port Clinton. Kelleys Island withdrew from the Flood Insurance Program on January 29, 1986. As of August 28, 2008, the date of the current FIRM, the village had one year to join the Flood Insurance Program and it did not. After that year the village was considered "sanctioned" which affects the cost of the Flood Insurance. There is a FEMA Community Status book online that can be checked for more information. Mr. Scaletta (audience member) says that some people were denied mortgages because flood insurance was not available to them. Ms. Silverio continues that a sample would be for a \$250,000 home: if the lowest floor is below 4 feet of the base flood level, the flood insurance would cost about \$9,500 a year. If the lowest level of the home is at base flood level, the annual cost would be \$1,410 annually. If the lowest level of the home was 3 feet above the base flood level, then the flood insurance would cost \$427 a year. One of the common ways to elevate a structure is to make the first floor on top of a garage. Mayor Paine asks if someone builds up their property, does FEMA get involved ? Silverio replies that any change to the levels of the property within the flood plain have to be evaluated through the flood plain permitting process.

(11:00 am)

4. Discussion and/or amendments to the September 12, 2013 council minutes. Motion to accept the Minutes as presented made by Finger, second by Seeholzer; all in favor; motion carried.

5. Discussion of Pay Ordinance No. 1132 : Motion to accept the Pay Ordinance as written, made by Seeholzer, second by Finger; RC: Seeholzer-yea, Feyedelem- yea, Finger- yea, Kaminski- yea, Marchky- yea, Ritchie-yea; motion passed..

7. Committee Reports

7.A. Police- Chief Ehrbar reports that 11 reports were filed since the last council meeting; 175 phone calls were answered; 4 arrests were made;

5 warnings were given for excess speed and stop signs; 4 vehicle lock outs were also attended. The Police boat was taken out of the water for the season. Chief Ehrbar thanks the Palladino family for giving the village the dockage space for the Police boat. There have been several break-ins recently on the west side that the department is still investigating. If residents see anything out of the ordinary or unusual, please do not hesitate to contact the police. Remember that you are not bothering the police and it is our job to investigate. If you find anything damaged or your home entered let us know. Don't forget about the winter house checks. We will be starting the house checks soon. About 130 people have signed up for the race tomorrow, whose proceeds will benefit the police.

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

7.C. EMS- S. Devine reports that there were 9 runs with 6 transports and 4 clinical patients. The EMS will be applying for a grant through OBWC for a power lift cot system. Devine will need to get some information from the Clerk-Treasurer to finish the application. The EMS workers have continuing education during November. The department needs transportation and a stipend to a seminar. Motion to give transportation and a \$50 expense per diem to each village EMS worker that attends the seminar, made by Seeholzer, second by Feyedelem; all in favor; motion carried. Devine asks everyone to make sure that they have house numbers on their houses.

7.D. Fire Dept.-Chief Hostal's report is read by M. Feyedelem. There were no fire calls in October. The annual hose testing was completed last month and all the hoses passed. On Saturday, November 16th the Fire Dept. will be decorating Memorial Park at noon. Everyone is welcome to come and help. Rain date will be Sunday, November 17th, also at noon. Park lighting will be Friday, the day after Thanksgiving. Santa Claus will be there and hot chocolate and cookies for children.

7.E. Finance- P. Seeholzer reports that the committee met and discussed income tax and they will meet again on the topic.

7.F. Lands & Buildings- G. Finger reports that they are getting the buildings ready for winter.

7.G. Airport- G. Ritchie reports that the village met with ODNR about the acquisition of land to divert Monaghan Road. There were 7 representatives from ODNR, 3 from FAA, and 3 from the village. ODNR supports the Village of Kelleys Island. However, ODNR receives federal money from Land and Conservation and there are requirements attached to the federal money. One of the requirements is that they can only trade property. There are probably not enough acres available on Kelleys Island to satisfy this requirement. But, land off island, in Ohio, can be used as a match as long as it is near an existing State Park. Motion to agree to pursue land acquisitions that are consistent with the ALP, made by Ritchie, second by Finger; all in favor; motion carried.

7.H. Planning Commission- G. Finger has no report.

7.I. Design Review Board- G. Finger has no report.

7.J. Board of Zoning Appeals- G. Finger has no report.

7.K. Transfer Station- D. Kaminski has no report, just a reminder that the hours will be changing.

7.L Village Administrator- Stevenson is absent and no report was given. Motion to excuse Stevenson, made by Finger, second by Seeholzer; all in favor; motion carried.

7.M. Streets & Sidewalks- L.Marchky reports that patching was done on E. Lakeshore.

7.N. Park Board- James Erne reports that the semi-annual reports for Fish and Wildlife were completed.

7.O. Mayor's Financial Report- Mayor Paine reads from the Court report: "Bank expenses amounted to \$136.07, some of which will be disputed. No bond is being held at this time. The Court has paid a total of \$19,778.75 to the General Fund in 2013.

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

7.Q Treasurer's Report- C. Brown reports that council has the usual fund and treasurer's reports in their packets. The real estate roll back came in October. The OPERS refunds to individuals are on this pay ordinance. If departments have open purchase orders that they know they will not use by 12-31, please let the Clerk-Treasurer's Office know asap. So we can delete them from the system. We will be looking at cleaning things up for year-end. I think we still need a PO for the last road work. The Sweetbriar Assessments have been certified to the Erie County Auditor. It's time to renew health care and a 13 page Small Group Employee Application has been given to employees to complete and return by November 15th. Please make sure that your employees do this. Members of council have a memo in their packets about an obsolete Dell printer that no longer works. Motion to dispose of the obsolete equipment, made by Kaminski, second by Seeholzer; all in favor; motion carried.

9. First Readings

10. Second Readings

11. Third Readings & Emergencies

(next ordinance is 18 ; next resolution is 12)

11. 1 RESOLUTION NO. 2013-R- 12 : A RESOLUTION IN SUPPORT OF THE PREVENTION OF ASIAN CARP AND OTHER INVASIVE SPECIES FROM ENTERING THE

GREAT LAKES AND ST. LAWRENCE ECOSYSTEM. (INTRODUCED BY: MAYOR KYLE PAINE)

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

Motion to pass, made by Seeholzer, second by Kaminski; RC: Seeholzer- yea, Feyedelem- yea, Finger- yea, Kaminski- yea, Marchky- yea, Ritchie- yea; motion passed..

12. Items from the Mayor

12.1 Priebe says that he has permission from EPA to fill in the pond on Division Street next to his house. Mayor Paine is concerned about the possible effect that the loss of the pond may have on Division Street drainage. Engineering plans exist for all of Division Street for storm drains. Mayor Paine wants to complete the Division Street storm sewer project.

12.2 Mayor Paine says that he thinks the council needs an executive session today to discuss Tremmel litigation and potential property acquisition.

13. Items from Council

13.1 Kaminski thinks that the street patching, especially on Division Street, has helped tremendously.

13.2 Ritchie knows that he cannot make the December 14 Regular Council Meeting and asks to be excused. Motion to excuse Ritchie from the December 14 Regular Council Meeting, made by Finger, second by Seeholzer; all in favor; motion carried.

13.3 Finger asks Beck (in the audience) if he is satisfied with the recent road work. Beck replies that he is, the holes were filled and the road surface was smoothed out.

13.4 Seeholzer announces that there will be a Finance Committee Meeting a week from Tuesday at 9:00 am.

14. Old Business

14.1 Used equipment

15. Public Participation for people interested in addressing council. (Those who have signed the sheet will be called on first to speak. When called, please stand, face council, and state your name and address for the record. Please limit your comment to 1 minute to try to allow time for everyone.)

15.1 Patty Hart asks what about the land that the village purchased for the airport, at the south end of the closed runway ? Ritchie replies that the village has discussed using that as a swap with ODNR. Hart says that

she thinks the North-South runway should be opened. Ritchie responds that the FAA has said emphatically that they will not support a North-South Runway. several meetings ago council decided to support the current runway length. FAA wants the village to pursue moving Monaghan Road. The FAA is satisfied with the flashing stop signs and the requirement that ten foot high vehicles not use Monaghan Road at the end of the runway. These items have satisfied the FAA right now that the village is trying to comply with their requests.

15.2 Lori Hayes asks how residents find out about break ins in the neighborhood.

15.3 Leslie Korenko says that no one has mentioned the "fence" settlement. Lambros replies that the village was involved several years in litigation with Tremmel over a fence that was built and denied by the Zoning Inspector, and then denied by council. Tremmel refused to remove the fence and was subsequently cited by the village. Tremmel was convicted on 60 counts and the court ordered a \$15,000 fine, with a suspended sentence. Lambros continues that the 1990 revision to the Port Master Plan was important in the court case.

15.4 Leslie Korenko asks if the village made an application for State Issue II money ? Mayor Paine responds that the village could not get the application done in time. Tom Beck is helping the village with grants in the future.

15.5 Leslie Korenko asks what the village is doing about finding a location for a new fire building. Mayor Paine responds that obtaining additional land for a new Fire Station is not looking good because of the need to exchange land with ODNR. Korenko asks if there will be no new fire station because the airport requirements will take precedence. The response is that a fire station could still be built.

15.6 Mayor Paine said that he has received information that Erie County is establishing their own Port Authority. Kelleys Island has its own Port Authority already established, before Erie County's, it just has not moved ahead with appointments to it.

15.7 Joe Scaletta asks where the FEMA program for flood insurance will go ? Lambros replies that there are a lot of questions that need to be discussed by council. To administer the program a community needs an engineering staff and there is possible litigation connected with the program. Mayor Paine says that Steve Poggiali is the local liason for FEMA and he has already met with Mr. Poggiali. Mayor Paine says that he supports the island entering into the FEMA Flood Insurance Program.

16. New Business

Motion to go into an executive session to discuss litigation and potential property acquisition, made by Finger, second by Seeholzer; all in favor; motion carried.

Motion to resume open council, made by Finger, second by Seeholzer; all in favor; motion carried.

Motion to authorize the Zoning Inspector, if necessary, to survey the property concerning the Tremmel litigation and furthermore to authorize all expenditures associated with the new possible Tremmel litigation, made by Seeholzer, second by Feyedelem; all in favor; motion carried.

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

(12:10 pm)