

Council Minutes 10-11-2014

Minutes of the October 11, 2014 Regular Council Meeting

Held at 10:00 am at the Town Hall on Division St.

1. Mayor Paine calls council to order and roll call is taken: Present are D.Kaminski, G.Ritchie, P.Seeholzer, J.Wolfe, M.Feyedelem, and G.Finger. All are present.

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

3. Kirk Halliday from the Mental Health and Recovery Board in Erie County is present and wants to speak about the work of the Board and the issue on the ballot. Issue 7 on the November ballot is a renewal and additional levy. It is needed to recover the costs associated with inflation since the last time it was a ballot issue. The money is used to treat mental health and addiction. If the levy passes, it will cost the taxpayer an additional \$7 if he has a \$100,000 home. Last year the department served 22,850 local residents, who otherwise would not have been able to afford treatment. This is a 10% increase since 2009, the last time the levy was on the ballot. A sliding fee scale is used for payments for service and this represents people who could not afford treatment otherwise. Halliday explains that Erie County has a burgeoning heroin problem. Mexican drug lords are pouring cheap heroin into the U.S.. After people get addicted, then the price rises. The department is emphasizing education and prevention. If parents speak to their children about drug addiction, those children have a 50% less chance of becoming addicted, across all socio-economic strata. If people can be kept in treatment, many times with help of the court system, then the treatment works. Mental health and addiction are public issues and that's why tax money is needed. If someone is addicted and desperate, then the crime rate rises. Halliday stresses that mental health and addiction need to be treated like any other illness. The Mental Health Board has placed this modest levy on the ballot in the hopes that communities will support it as they have done in the past.

4. Discussion and/or amendments to the 9-11-14 council minutes: Motion to accept the Minutes as presented, made by Seeholzer, second by Wolfe; all in favor; motion carried.

5. Discussion or Pay Ordinance No. 1139: Motion to accept the Pay Ordinance as written, made by Seeholzer, second by Kaminski; all in favor; motion carried.

7. Committee Reports

7.A. Police- Chief Ehrbar reports that since the last Council Meeting, 8 reports have been filed; 4 traffic tickets were issued for speed violation and delinquent disposal fee; 25 verbal warnings were given, for open container, speed, and excessive noise; 1 accident with a parked car was attended; 2 house checks were done, because of alarms; 3 vehicle lock outs were attended, for keys locked in the cars; 12 assists with EMS were attended. The Police Department extends its thanks to the several businesses who contributed to the campaign for the new police cruiser. The Department is looking forward to the "Half Marathon" sponsored by Venture Resort which will occur on November 9th. The "Half Marathon" is the last planned fundraising event for the Police Dept. for 2014. The new car arrived on the island and soon the graphics will be added.

7.B. Safety Committee- M.Feyedelem has nothing new to report at this time.

7.C. EMS- S. Devine reports that since the last Council Meeting there have been 8 runs with 4 transports and also 5 clinical patients. EMT's will be training on October 19th and several EMT's will be attending Continuing Education in Cleveland in early November. The department is still waiting for the grant money from OBWC.

7.D. Fire Dept- Chief Hostal reports no fire calls in September. The burning ban has been lifted and burn permits are available again at the village office. The annual hose and pump testing was completed. Two hoses need to be repaired.

7.E. Finance- Seeholzer has nothing new to report.

7.F. Lands & Buildings- G. Finger reports that all the buildings will be winterized soon, including the public restrooms. In the Dwelle House and the Police Station, the heat is being revised.

7.G. Airport- Ritchie has nothing to report.

7.H. Planning Commission- Finger announces that there will be a Planning Commission Meeting next Saturday at 9:00 am.

7.I. Design Review Board –Finger reports that there have been no hearings.

7.J. Board of Zoning Appeals- Finger reports that there have been no hearings.

7.K. Transfer Station- Kaminski reports that there were 17 non-paid Transfer Station Annual fee accounts that were submitted to the Police on June 26th for citations. Sixteen of those have been resolved, still leaving one outstanding. The Transfer Station was inspected by the Health Dept. and the paperwork was found to be in excellent order. The grounds were cleaned up and we need to keep them that way.

7.L. Village Administrator reports that at the last Council Meeting Stevenson reported on a grant application for lab testing equipment. Now tests are sent weekly to Stone Lab. After speaking with EPA, Stevenson decided that the department should not dedicate the personnel to test locally. Each test takes 5 hours of time and the village does not have the personnel needed. EPA suggests another use for grant money.

7.M. Streets and Sidewalks- Wolfe reports that the application to the OPWC went in on time and there has not been an additional meeting.

7.N. Park Board- J. Erne reports that the treasurer was contacted about more money from the Russ Wilson Estate. An additional \$20,709 has been received to the credit of the Park Board.

7.O. Mayor's Financial Report- Mayor Paine reports that in September the Court received \$7,761.98 in fines and costs. Money was distributed as required to the village and the State of Ohio.

7.P. Legal- Lambros reports that there is an amended Operation Agreement . He received it yesterday. The area changed was in the structure of fees. In the winter they may not work a full week, in which case an hourly rate will be used with a cap of \$74,000. Also, if weather conditions prevent the Uni-Tech staff from coming to the island to work, the annual fee may be less than \$74,000. An hourly rate was also included in the contract. Ritchie says that he thinks the hourly rate is wrong in the contract and that it should be \$35.58. The contract now also acknowledges that it is a minimum of 8 hours a day, 40 hours a week. The renewal language has also changed. Lambros thinks that their lawyer did not understand some of the comments submitted. Usually renewals are automatic renewals unless notification is made by either party, but the contract has now been changed to be a one year contract with no automatic roll over. That is OK, but it will need to be addressed on an annual basis. Ritchie asks if the solicitor had a chance to review section 11, especially B. Lambros replies that the long and the short of it is that if there is just cause on the part of the village, then there is no cost to the village. If there is no just cause and the village wants to terminate the contract, then there would be a three month fee, that is a quarter of the contracted price to be paid to Uni-Tech. It is referred to as a 3-month negotiated fee in the contract. Under 11.B.iii, the breach referred to is a breach of general obligations, of which both parties have some general obligations. Lambros says that he has no opinion on the content of the general obligations. It is a council decision to enter into it or not. See 10.1, which was taken out of order and passed.

10.1 ORDINANCE NO. 2014-O- 15 : AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH UNI-TECH ENVIRONMENTAL SERVICES (UNI-TECH) TO PROVIDE FOR OPERATION OF THE VILLAGE OF KELLEYS ISLAND DRINKING WATER TREATMENT PLANT AND DECLARING AN EMERGENCY. (Introduced by Mayor Kyle Paine)

Lambros says that \$35.38 needs to be amended to \$35.58 in the contract. Motion to make the amendments as discussed to the contract, made by Seeholzer, second by Finger; all in favor; motion carried.

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

Motion to pass as amended, made by Finger, second by Kaminski; RC: Kaminski- yes, Ritchie-yes, Seeholzer- yes, Wolfe- yes, Feyedelem- yes, Finger- yes; motion carried.

Lambros adds that the contract needs to be put on an annual calendar for August 2015, for review. The actual contract will be effective from October to October.

7.Q. Treasurer's Report- Brown reports that members of Council have the usual fund and treasurer's reports in their packets. There is one note to the report: In late September the village received money from BWC, The amount is \$35,537.70. BWC was contacted, and the State of Ohio had three messages from me with no reply yet. This makes the fund report low by that amount The money can not be receipted until we know what it is for.

If drinking water is healthy, then Kelleys Islanders must be getting healthier because it appears that they are drinking more water. The revenue for August 2014 for bulk water was \$1,580, and in 2013 it took August, September, October, November, and December to reach just \$30 more than in 2014 August.

The village received \$1,000 grant money to partially support recycling. The effective dates for the grant are August 4, 2014 to August 4, 2015. Tires were mentioned in the grant application. The Transfer Station Committee needs to decide if they want to continue the metal collection also. In that case, two containers will be needed on recycling day. The information is printed and sent out with the March 15th Transfer Station bill so the Transfer Station Committee needs to decide. VA Stevenson says that the village could lease a container for the tires. Kaminski says that the village should do both and lease the second container for the event.

We have an update to the OPWC application. Three people went to the meeting from the village, Mayor Paine, Tom Beck, and Claudia Brown. Everything was turned in on time. The meeting was over an hour. They went through every application and it was very interesting. Sitting through the meeting made it clearer how they actually rate the points. The process involves a tier of boards. There is a local level, regional and then a State level. The Village is not on the list to get passed to the next level board. The project presented to the local level was West Lakeshore road resurfacing from the downtown intersection going west. Jack Myers came and saw the road and he did rate it as "poor". So the rating that we submitted in the application was right on target. In the mix of applications submitted, there were more projects in more need for this round. We lost a few points which we can remedy for next year. The application will be passed on to the Local Government granting agency. Donna Kirkbride called and spoke to me the other day and she explained that once the application reaches Local Government, we can inquire about it and we can make changes. She did say not to call them before Nov. 1st because they will not have the application to review yet. Kirkbride asked if we just wanted a loan, without a grant. Every time this was discussed by the committee or with the Village Administrator and Mayor, the

consensus was that the village did not want just a loan, that we would wait and re-apply next year for the grant and loan combination.

9. First Readings

10. Second Readings

11.0 Third Readings and Emergencies

11.1 ORDINANCE NO. 2014-O- 16 : AN ORDINANCE ENACTING A NEW SECTION OF THE KELLEYS ISLAND CODE OF ORDINANCES ENTITLED "DRAINS, RAVINES AND DITCHES" IN THE VILLAGE OF KELLEYS ISLAND, OHIO. (introduced by Mayor Kyle Paine)

Motion to pass, made by Finger, second by Ritchie; RC: Kaminski- yes, Seeholzer- yes, Ritchie- yes, Wolfe- yes, Feyedelem- yes, Finger- yes; motion carried.

12. Items from the Mayor

12.1 Mayor Paine reminds members of council that he has saved the village the \$6,000 expense of paying an Airport Manager since he has taken on the responsibilities of that position without pay.

12.2 Bill Minshall and Dee Zimmerman want to retire and then be rehired. Minshall would like a change in the type of compensation. Minshall prefers an annual salary and not the 9 cents per square foot which is currently part of the Zoning Inspector's current compensation. Brown explains that these retirements are driven by changes in PERS. Lambros says that he will prepare the appropriate ordinances for the December Council Meeting.

12.3 The FAA wants to finalize the "through the fence agreements" The topic will be on next month's agenda. To have such an agreement will require a payment to the village. The Airport Committee needs to meet with RS&H to solidify the agreement and notify anyone who might want one.

12.4 Cher DeMore's husband, Dean Pontius, has written a letter requesting a decrease in the debt owed to the village for the storage of their burned golf cart. In reference to the letter, Village Administrator Stevenson says that he told the son where the cart would be stored and he also told him that they needed to take care of it as soon as possible because there was a daily storage fee. Dave asks if the remains of the cart were worth the amount of the storage fee. Seeholzer says that it is hard to understand why the family didn't ask about the cart after the fire. DeMore's are asking to pay \$232.50 instead of the amount they were billed. Motion to make the bill \$232.50 as requested by the golf cart owner, made by Seeholzer, second by Finger; all in favor; motion carried. Brown says that notification is the problem, no one notified the Clerk's Office that the remains of a vehicle were being stored here. The storage prices per day are fixed. If the office had been notified by the Police or the Fire Dept., that letter would have been written immediately to the owner.

13. Items from Council

13.1 Wolfe says that he has been speaking with the Fire Chief about the roads that emergency vehicles would find it difficult to get down. Wolfe says that a letter is needed to send to home owners that live on streets too narrow to be traversed. For the purposes of safety vehicles, trees need to be trimmed. Brown says that to proceed her department will need the letter and names and addresses of property owners who should receive the letter. Lambros adds that usually the property owner is given 30 days to comply with a notice to abate a nuisance. The Fire Dept. will have to give specifications for the road width in the letter. Spring will be the time to do this. Route 575 is a State highway and Feyedelem said that they would trim the trees back but they have not come to do it. Village Administrator Stevenson will check with ODOT about it.

13.2 Feyedelem says that last year there were three proposals A,B, and C for the positioning of a new Fire Dept. building. The drawing that the Fire Dept. is putting forth is "C". Motion to hire an architect to determine the cost of a Fire building per drawing "C", for up to \$30,000, made by Feyedelem, second by Finger; all in favor; motion carried.

14. Old Business

15. Public Participation

15.1 Tom Beck asks if the village can improve on the OPWC application before submitting it to Small Government. Brown replies that she discussed the application with Donna Kirkbride and Donna suggested that the village wait until Small Government has the application in their hands. Then we could ask about making changes to it, make the changes, and then re-submit it.

15.2 Leslie Korenko, asks if the contract with Uni-Tech will replace all or some of the people in the Water Dept. Village Administrator Stevenson replies that it will replace one person, the Class III operator. Would the regular staff then cover emergencies in off hours ? Stevenson replies in the affirmative.

16. New Business

16.1 There were 56 golfers at the Miniature Golf Tournament sponsored by the Caddy Shack. The tournament was not a fund raiser, but Caddy Shack made the following donations to village departments: \$270 for the Police and \$270 to the EMS.

16.2 Kaminski says that 10-31 is a Friday this year and he asks the Police Chief what he thinks about also having Trick-or-Treat that night. Chief Ehrbar replies that the 5:00 to 7:00 time frame is early enough to not be dangerous because of traffic and he also thinks it would be good as the seasonal residents could participate. The downtown does not get busy until after 9:00 pm. Motion to make Trick-or-Treat on October 31 from 5:00 pm to 7:00 pm, made by Kaminski, second by Finger; all in favor; motion carried.

16.2 Lisa Klonaris and Lindsay Bouman Seitz request for road closures for Nov. 9th Annual Half Marathon. The Road Closures are granted by council.

16.3 correspondence from Zoning Inspector

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

(11:15 am)