

Minutes for the March 14, 2015 Regular Council Meeting
Held 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 M.Feyedelem, G.Finger, G.Ritchie, and P.Seeholzer

Absent are J. Wolfe and D. Kaminski.

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

2.5 Motion to excuse J. Wolfe, D. Kaminski, V.A. Stevenson and solicitor D. Lambros, made by Finger, second by Feyedelem; all in favor; motion carried.

4. Discussion and/or amendments to the 12-13-14 council minutes. Motion to accept the Minutes as presented, Made by Seeholzer, second by Ritchie; all in favor; motion carried.

5. Discussion of Pay Ordinance No. 1142 : Motion to accept the Pay Ordinance as written, made by Seeholzer, second by Feyedelem; RC: J.Wolfe (absent), M.Feyedelem - yes, G.Finger -yes, D.Kaminski (absent), G.Ritchie - yes, P.Seeholzer –yes; motion carried.

7. Committee Reports

7.A. Police- Chief Ehrbar reports that since the December Report to Council, there were 2 Police Reports filed; 524 department phone calls; no arrests; house checks were on-going; 2 vehicle lockouts; and 5 assists with other agencies, namely EMS and Fire. Chief Ehrbar is retiring as of April 8th and he says this is the last Police Report that he will be giving as our Police Chief. Chief Ehrbar thanks the Mayor, Council and community for the privilege of serving. (applause)

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

7.C. EMS- S. Devine reports that there have been 4 runs with 3 transports and 2 clinical patients. The money not used from the BWC grant needs to be returned before 3-31-15. It is time to apply for the State of Ohio EMS grant which must be in by April 1st. Motion to support the application for the State of Ohio grant

7.D. Fire Dept.-Chief Hostal reports that in January and February the Fire Department had two calls: an ice rescue at Portside Marina and a false alarm at KI Venture Resort.

7.E. Finance- P. Seeholzer reports that the Finance Committee met to discuss the 2015 appropriations. Those present decided to treat the capital expense line items differently for 2015 than was done in the past, lowering the appropriations, sometimes to 0. This will cause Council to meet to increase the appropriations in those areas if needed. Ritchie has handouts and explains that every year he asks for detailed financial reports at the beginning of January for the previous year.

Ritchie's analysis has the title "Year 2014 Manpower Spending Increases in Water Fund and Maintenance Accounts" in which he shows an increase in spending in those areas. He explains that in the Water Dept. there was a change in accounting because UNITEC was brought in and they are not paid as employees, but as a company, but that the payment to UNITEC increases the total cost for personnel in the Water Dept. He brought that increase to the attention of the Mayor and Village Administrator in February and has not received a response from either of them. In Maintenance there has also been an increase in spending and both he and P.Seeholzer have asked the Mayor and Village Administrator for reasons why more personnel were needed. Ritchie summarizes possible 2015 expenses in the same areas, based on what he has heard might happen with number of employees, to be \$134,000. "In summary, the Mayor and Village Administrator intend to spend \$54,000 more in 2015 than the average spending of the prior 3 years... When the water fund spending is considered, our total manpower spending in the water and maintenance areas will have increased by \$86,000. In my opinion, the Mayor and Village Administrator are spending the residents' money with no accountability, no evident plan, no input from Council, and no explanation to Council." Ritchie says that he thinks the Mayor and Village Administrator view Council as a rubber stamp. He cites the example that last year the UNITEC contract was presented to Council, for \$74,000, that was written by UNITEC's attorney with no input from Council, and Council was expected to pass it.

Mayor Paine says that the Village Administrator knows a lot about the Water Dept. but he is not here today to respond. When Stevenson is available he can respond to the questions.

7.F. Lands & Buildings- G. Finger has nothing to report but he will check the light in the Town Hall elevator.

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

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

7.I. Design Review Board- G. Finger reports no meetings.

7.J. Board of Zoning Appeals- G. Finger reports no hearings.

7.K. Transfer Station- D. Kaminski is absent and there is no report.

7.L. Village Administrator- Stevenson is not present but he submitted a report: Since December the Water Dept. continued to have equipment failures and some problems with testing procedures. However, everything is getting resolved to be ready for the 2015 tourist season. The Maintenance Department did a good job keeping the roads cleared of snow this winter. The V.A. is currently working on a list of jobs for this spring. If anyone has requests, please contact him. Bobby was trained on how to use the sewer jetter that the Mayor purchased late last year. The Mayor is going to check with the Solicitor to see if the village can sub out jetting services to island residences and businesses. Tom Lange has been working in the Water Dept., Maintenance Dept., and Transfer Station. Stevenson says that he is extremely happy with the crew that he has in both departments.

7.M. Streets & Sidewalks- J. Wolfe is absent and there is no report.

7.N. Park Board- James Erne is absent and there is no report.

7.O. Mayor's Financial Report- Mayor Paine reads the Magistrate's Court report: For November the Court received a total of \$1,590 in fines & costs. A check was paid to the village in the amount of \$1,691.39; \$40 for the computer fund; \$15 for the library fund; \$50.00 for the Court Improvement Fund; and \$1,586.39 for the general fund.

7.P. Legal- D. Lambros is not present. Zoning Inspector Minshall says that he attended an Appeals Court Hearing in Toledo on behalf of the Village on March 6th, and at that time the court denied Tremmel's appeal and said that he should pay all the fees for the appeal.

7.Q. Treasurer's Report- C. Brown: Council has the usual fund and treasurer's reports in their packets. Invoices were paid as they were received and members of council have all the information attached to their copy of the Pay Ordinance for today. The last pages refer to the checks that will be paid at this meeting. The Annual Report for 2014 was finished on time and information was entered into the State Auditor's new electronic website. Brown was one of the first Clerk-Treasurer's to use the new electronic format and since then she has received some calls from other fiscal officers for help in meeting that obligation. The required publications were done for the Annual Report. There was a change to the Annual Report during the report process from what appeared in an earlier version. Before the Annual Report was done, a loan was paid out of the General Fund. In December the village received a loan payment request that was unexpected and had a short date to make the payment. The appropriations then existing in the Water Intake Fund were not sufficient to make the payment from that fund. The General Fund had enough appropriations, but it was not really the

best place to show the expense. The expense really pertained to the Water Intake area. During the Annual Report process, I decided to show the expense in the appropriate area even though the next audit will show that the village spent money without having sufficient appropriations. If I had waited to make the payment until council could increase the appropriations I would have had to deny the payment and that would have caused the village to incur additional expenses because of a late loan payment.

Thank you to the EMS Association which donated \$10,036.35 to the village to help pay for the ambulance power loader equipment. The money donated from the EMS Association was from their spaghetti dinners and money donated to them. The combination of the BWC grant and the EMS Association donation means that the power loader equipment was purchased with no expense to the village EMS Levy Fund.

The Cleveland Museum of Natural History has requested legislation from the Village in support of Ohio's Clean Air Fund granting money to purchase more property for the Museum- part of the Chucta property on the east side of the island. If successful, this property would join other Natural History properties and become property tax exempt.

The Village of Kelleys Island legislation that has become law was sent to the codifier. We should have a cost estimate for the codification in about six weeks.

The WSOS loan for the Water Department was paid off in the fall of 2014. One of the Water Dept. OWDA loans, loan #3112, was paid in full this January. The larger of the Water Dept. loans, #3525 continues with the remaining principle of \$669,922.91. The village will still receive the 2015 collection for loan #3112 and then that revenue will end.

An application for a \$300,000 no interest loan was submitted for the construction of a new Fire Station. Chief Hostal came to Brown about the loan and it was a short time frame to respond while council was recessed. The application had the support of the Mayor and Solicitor. The solicitor based his opinion on council's previous financial support of the project and the regular reports about a new fire station that Chief Hostal and Council Member Feyedelem have given to Council. The loaning organization only requires legislation if the village becomes the recipient. At that time Members of Council can decide if they want to accept the money or not. If the council does not want the money, the person I spoke with said the loaning organization just moves on to the next name on their list.

The CPI this year is 0.00 for the area council designated, if it is the seasonally adjusted rate, which I usually use. The rate, if not seasonally adjusted would be .8 %. If council wants to give a small increase they can direct me to use the not seasonally adjusted rate. We will be upgrading the office copier. The lease is up in 2 more months for the current copier and we had an offer to upgrade the copier at the same cost that we have been paying for the past 5 years, with the same terms. And right on schedule we have been having problems with our copier for the past several weeks. The new copier will arrive after we have boats.

The Transfer Station bills went out on time. It is proof year and we will need the Refuse Committee to review the applications for part-time status.

Ohio Bulk delivered a number of invoices for work they say they did for the village over the past several years. The invoices total more than I can legally pay out under temporary appropriations. They cover more than one area of the village, some are for road work and some are for container hauling from the Transfer Station. Council will have to review them and direct me to pay them or not. I do believe that the work was done; it was just not billed in a timely manner. Seeholzer motions to pay the bills, Finger seconds. During discussion several Members of Council, including Seeholzer, want to see invoices with more detail from Ohio Bulk. Brown adds that when she asked the Ohio Bulk representative for more detail, she received the paperwork that council sees before them today. All agree that if the money is owed it should be paid. Ritchie would like to ask Ohio Bulk for additional details on the invoices before voting on payment. He suggests dates, hours, and more information before Council okays about \$20,000 in payment. Brown says that she can contact the Ohio Bulk representative again. Seeholzer withdraws her motion to pay the invoices and the issue moves forward to the next council meeting.

MercyHealth gave the Village notice of their intent not to automatically renew the Lease for the EMS Garage and Services that will expire October 1, 2015. Council should decide how they want to proceed with this.

The Village received a summons for a lawsuit about Lincoln Road. Solicitor Lambros was sent a copy of it. Our insurance may handle it.

ODNR gave the Village notice that they have new requirements in the Ohio Coastal Management Program in the area of water pollution control.

Brown was contacted recently about the Kelleys Island Cemetery. Since 1993 any cemetery that is not a "family" cemetery must register with the State of Ohio. Brown received the paperwork and registered the cemetery. Along with the paperwork came information that all registered cemeteries must meet certain State of Ohio guidelines, some of which we may or may not be doing. The Cemetery Board will need to meet to go over that and the village may need to make some changes at the cemetery in reference to those guidelines.

The Ohio Senate introduced legislation which to address the toxic algae blooms issue in Lake Erie.

Erie County has requested that Council adopt their Hazard Mitigation Plan. It is quite lengthy and it will be available for review by Members of Council at the Village Office. If the Village does not adopt the Plan, then the Village would not be able to apply for certain funds in the event of a natural disaster. It probably includes the possibility of FEMA funds. Mayor Paine says that the Village does not have to join FEMA but this would give us some kind of protection.

There is a fatality response meeting on April 1st and Erie County Health would like a Kelleys Island representative to attend it. Chief Hostal will attend it.

Since there are only four Members of Council present today, none of the legislation that needs suspension of rules can be passed today. Everything will receive a reading. The one piece of legislation that must be passed this month is the 2015 Appropriations ordinance. Council will need to meet up to two more times to get that passed. A copy must go to the Erie County Auditor before the end of March.

9. First Readings

9.1 request from Marianne Cheetham, EMA Assistant/Planner, for Kelleys Island to adopt the Erie County All Hazard Mitigation Plan

Clerk Brown explains that council does not have any attachments about the plan and she holds up about 4" of paper saying this is a copy of the plan. The Plan copy will be available to Member of Council at the Municipal Office. Brown asks them to come in and look at it so they can decide if they want to adopt the Plan or not.

ORDINANCE NO. 2015-R- ____ : AN ORDINANCE APPROVING AND ADOPTING THE COUNTYWIDE NATURAL HAZARDS MITIGATION PLAN PREPARED BY URS CORPORATION. (INTRODUCED BY MAYOR KYLE PAINE)

10. Second Readings

10.1 ORDINANCE NO. 2015-O- ____ : AN ORDINANCE AMENDING SECTION 96.21(A) ENTITLED "RENTAL OF PUBLIC GROUNDS AND BUILDINGS" OF THE KELLEYS ISLAND, OHIO CODIFIED ORDINANCES. (INTRODUCED BY: MAYOR KYLE PAINE)

11. Third Readings & Emergencies

Since only four Members of Council are present, the three reading rule cannot be suspended. The following legislation will receive first readings.

11.1 ORDINANCE NO. 2015-O- ____: 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, 2015, AND DECLARING AN EMERGENCY. (INTRODUCED BY: MAYOR KYLE PAINE)

11.2 RESOLUTION NO. 2015-R- ____: RESOLUTION SUPPORTING THE SCHEELE PRESERVE EXPANSION PROJECT IN THE VILLAGE OF KELLEYS ISLAND, PROPOSED FOR SUBMISSION TO NRAC DISTRICT 5 CLEAN OHIO FUND BY THE CLEVELAND MUSEUM OF NATURAL HISTORY. (INTRODUCED BY MAYOR KYLE PAINE)

12. Items from the Mayor

12.A. Mayor appoints Dee Zimmerman as Mayor's Court Clerk (Zimmerman started 2-11-15)- **Motion to confirm the Mayor's appointment of Dee Zimmerman as Mayor's Court Clerk**, made by Ritchie, second by Seeholzer; all in favor; motion carried.

12.B. Mayor Paine spoke with administration of the Cleveland Museum of Natural History about them paying the Village for the loss of property taxes associated with the Chucta property. Both Pat Seeholzer and Greg Ritchie ask if he has that in writing and continue that they will not vote on the legislation until there is something in writing. He does not but will speak to the Museum of Natural History (MNH) representatives again and get a pledge in writing. Mayor Paine also says that he discussed what looks like a problem with the road to the property, where the drawing sent to him by MNH appears to show Chucta deeded property superimposed on a portion of the middle of the road that is used by residents to reach their properties. Paine has asked MNH for a clarification of this also and their intentions in reference to this and their willingness to provide easements if necessary.

12.C. Mayor Paine spoke with Village Administrator Stevenson about the generator at the Water plant and a maintenance agreement for it. The company that installed the generator offers an annual maintenance agreement for about \$1,900. It was also mentioned that maybe Gil could inspect it annually.

12.D. Mayor Paine wants to appoint Shawn Craig as Police Chief. Solicitor Lambros will have to write a contract. The Safety Committee needs to have input. Some say that probation is for six months. Craig wants full time and he said that he left the Police Dept. because he thought that no advancement was possible. Craig wants to stay in the Dwelle House for two years. Mayor Paine says that he had a good response to the job opening posting. Mayor Paine called applicants. Mayor Paine says that he thinks the Safety Committee should meet soon and he would like to have Solicitor Lambros in attendance. Chief Ehrbar adds that April 8 is his last day and usually it takes 1 to 2 months to interview officers for part time summer officers.

13. Items from Council

14. Old Business

15. Public Participation

15.1 Mary Sennish thinks Mayor Quinn presented the qualifications of Ehrbar to council and then he was appointed.

15.2 Minshall asks what the new lawsuit is. Clerk Brown responds that it is about Lincoln Road and it involves whether the residents along the road have a right to go to the lake.

16. correspondence- Mayor Paine reads the following 2 letters:

16.A. re: "comprehensive plan for the future ... for a Fire Department and EMT building" (from Baker & Phillips)

"3/7/2015

Dear Mayor, Council, and Administrator,

Our property is across from the Kelleys Island village playground, ball diamond, pavilion, and municipal buildings.

As years have passed, the Island has grown in population swelling to thousands in the summer months. These facilities are used both by residents and visitors. The playground is always in use during the summer, with both summer residents and visitors using the equipment. This land was initially for recreation purposes for everyone.

Part of the municipal building was for the mayor, clerk, and various offices. The maintenance building was for the village equipment, but later shared with the Fire Dept. who took over more and more space which left some equipment outside. Now some of the equipment has been move[d] to a hangar at the airport.

The EMT services are located downtown in an area which was accommodating to their needs, but today due to the growth of the island, the space is inadequate for their equipment and ambulances.

Lets plan for the future and have the mayor, council, safety committee, and administrator meet to make a comprehensive plan for the future.

If the water extension plan was critical to our island, then so is a need for a Fire Department and EMT building.

We ask to investigate all facts for acquiring land not only from ODNR, but from our representatives. Do we need to go to the voters for a levy to ensure our safety ?

Sincerely,
Frank and Karen Baker
Deborah Phillips

(signed) Karen L. Baker, Frank Baker, Deborah Phillips "

16.B re: building a Fire Station (from Anne Sennish)

The letter follows herein: "

23079 Lakeway
Farmington, Michigan 48336
March 8, 2015

Mayor Kyle Paine and Council Members
Village of Kelleys Island
Kelleys Island, Ohio 43438

In 2004, we residents fought off a move to install a fire station on Addison Street. Working with the Ohio Historical Society, we showed that the fire station would badly degrade the historic character of our street..

So, now that our street is ten years more historic, why is this project being resurrected? And why has no notice been given to us, the residents of Addison Street, who thought we had long since resolved this issue, or to those on Seeholzer Lane, who strongly object to the proposal as well?

Our street has a history on Kelleys Island, being named for Addison Kelley, oldest son of Datus. Addison built my house, his own, and two others on this street. And, my grandmother told me, it was Addison who planted the trees that have lined our street and lent it grace.

I have lived on Kelleys Island, on and off, all my life. I place a high value on its beauty, fresh air and space. Space, one of this Island's rare and wondrous attributes.

The proposed fire station would stand exactly across from my living room windows. And please don't think for one minute that it can be made lovely, or even just more okay, by plantings. As you can all see by driving down our street now, plantings are better than nothing, but they can't begin to hide the large, ugly, dust-ridden, vehicle-strewn scene that is already there.

And it's not just what we look at. We have suffered for years now from the clouds of dust, the automobile fumes from vehicles coming and going, the lights that glare onto our wonderful porch and into our bedroom windows all night long.

The fire station project would blight our neighborhood and destroy its historic character. It would adversely affect our health, welfare and property values.. The residents of two streets, and their heirs, would lose the enjoyment of their surroundings, and indeed of being on Kelleys Island. Noise, dust, automobile fumes, glaring lights, pole barn buildings – who'd want to pay boat fare to come to Kelleys Island and live with these?

But this letter is not just about me. It now concerns two of my sons, John and Frank, who will inherit our family house. John and Frank took great pleasure in choosing this property. Little did they dream that its charm might be erased by industrial eyesores right across the street!

And what would come next? For we have seen, ever since the arrival of the Village Offices, that one unwelcome project attracts another. This won't be the last installation so detestable that it must be placed here, along with the previous undesirables. And everyone would forget the words of my mother-in-law, Ester Sennish: "What have they done to that pretty little street?"

I don't believe the members of our Village Council would want to impose such losses on us. The fire station is a Village project, and the Village can stop it. This is a big island, and there are still areas where not only a fire station but our entire municipal center could be placed without giving offense to any residential neighbors.

Indeed, a member of the Crotser family, who was or had been a city planner, said in 2004 that the problem with the area on the west side of Addison is that there is not enough room for the Village to expand without encroaching on the recreational areas. This prediction is borne out in the drawing for Proposal C, where the fire house-to-be has nudged the children's play area clear across the lawn to where booths are set up at Homecoming and other events.

If it came down to it, I'd rather see all the municipal facilities moved to another part of the Island, and the land on the west side of our street turned entirely over to park use. (With restrictions, however. Back in the 1990's, we residents were promised, by the Kelleys Island Village Council, that the pavilion would always close at 11 pm. And as for the park as a whole, Vance Mowrey, former park board head, told me that "the park closes at sundown." These restrictions are not being honored now, and they need to be reinstated.)

I hope the Village Council will take this matter seriously, and either dismiss it altogether or move it to another less residential part of the Island.

Respectfully,



Anne Sennish

126 Addison Street

Kelleys Island, Ohio 43438

Phone 419-504-8636

I request that my letter be read aloud at the council meeting - Thank you. Anne

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Mayor Paine comments that the Village needs a newer ambulance and a place to put it. Newer ambulances are physically larger and it would not fit into the present EMS garage. Maintenance also needs space to work on trucks. One of the Maintenance bays was given to the Fire Department when they purchased the new fire truck. Paine thinks that the best plan has already been made. Seeholzer asks where the ambulances would go. Chief Hostal responds that the ambulances would be in the Fire Building. The Clinic would need its own space. At the Finance Committee meeting, the Holzhauser property was discussed and the village will have to see if the FAA would allow a Fire Station there since the land was purchased with FAA money. Mayor Paine says that he researched the ODNR property on the north side of Chapel St. and found out that it has a conservation easement on the deed which precludes any building on the property.

Public: Longbrake says that the village should combine Fire and EMS as they are usually combined today.

Chief Hostal adds that the village officials should be looking at the future. The average age here is over 60 and the village needs a plan for the next 5 years for emergency services. How are we going to staff the Fire Department and EMS ? We will probably have to house them. All over the State the volunteer fire departments are dwindling, so what we are experiencing is not unique.

Motion to enter an Executive Session for personnel, made by Seeholzer, second by Ritchie; all in favor; motion carried.

Motion to exit Executive Session and return to Open Session, made by Finger, second by Ritchie; all in favor; motion carried.

17. Motion to adjourn, made by Finger, second by Seeholzer; all in favor; motion carried. (adjourned at 12:05 pm)