

REGULAR MEETINGMINUTES

Village of Put-in-Bay Council

Tuesday, September 8TH, 2020

9:00 AM

Mayor Dress called the regular meeting of council to order at 9:04 AM.

Roll: Faris; present, Market; present, McCann; present, Boyles; present, Koehler; present, Berry; present.

Susan Anderson present.

ORD: 1244-20 Revisions to Section 4.08 “Time Records”; Moratorium Set

Faris moved to continue the Moratorium. Second by Koehler.

Roll: Market; yes, Faris; yes, Berry; yes, McCann; yes, Boyles; no, Koehler; yes.

ORD: 1261-20 Face Masks; Second Reading

Faris moved the second reading for Ordinance 1261-20; Face Masks. No second.

Motion 1261-20 dies for lack of a second.

Boyles asks what happens to the Ordinance after there is no second. Mayor Dress states that the ordinance is done.

ORD: 1262-20 Amending Title Fourteen; “Underspeed Vehicles”; Tabled

Mayor Dress explains that this is the Ordinance regulating the golf carts, and the Ordinance is currently tables while being discussed by the Rules and Ordinance committee.

Faris moved that the Ordinance continue to be tabled until the Safe Island Task Force committee reports back with their sub-committee report on overnight rentals. Market second.

Roll: Boyles; yes, Koehler; yes, Market; yes, Faris; yes, Berry; yes, McCann; yes. Motion Carries.

ORD: 1265-20 Section 4.03 Revisions to “Hours of Work”; Third Reading

Mayor Dress stated this Ordinance regards lunch breaks and for the policy to reflect the current practice of employees.

Faris moves that the Ordinance be tabled until the policy is revisited and amended not to reflect that the employee is required to stay at the workplace during the ½ paid lunch due to restroom facilities not being present at some work locations.

Mayor Dress stated that the language Mr. Faris is referring to is NOT in the current policy.

Boyles stated that employees that work at locations where there is no accessible restroom facilities could take paid lunch at the Utilities Department. Examples being water plant workers and streets employees. His intention was to prohibit them from going home for the ½ hour paid lunch break. Boyles also stated that the Mayor presented this Ordinance primarily to coincide with the police department policy which states they receive a paid one hour lunch and in the event a call comes through, they are expected to tend to that call even if they are on break. Nowhere in the Village policy is it stated that if an employee is needed during their lunch break, they are required to return to work immediately.

Mayor Dress stated that as the Ordinance is currently written, there is no requirement to stay on-site for the half hour paid lunch break. With employees being paid, even though it is not explicitly stated, employees are on the clock and an issue comes up they are required to respond to the issue.

Susan Anderson agreed and stated that even though it is not in the Ordinance, the supervisor can certainly require the employee to respond to any issue that comes up during paid break. If they are not paid for break there is not requirement to tend to an issue.

Koehler moves for the third and final reading of Ordinance 1265-20, Revisions of Hours of Work. Seconded by Market.

Roll: Boyles; no, Koehler; yes, Berry; yes, Faris; yes, Market; yes, McCann; no. Motion carries.

Market moved to approve the Meeting Minutes for August 11th, 2020 Regular Meeting- as amended and the August 25th, 2020 Public Hearing Minutes. Second by Koehler.

Roll: Koehler; yes, Berry; yes, McCann; yes, Boyles; yes, Faris; yes, Market; yes. Motion Carries.

Faris moved to approve the August 2020 Financial Statements including: (T&N/Bills/PO's over 3K/Supplemental Appropriations/Mayor's Court). Second by Berry.

Roll: Faris; yes, Market; yes, Koehler; yes, Berry; yes, McCann; yes, Boyles; yes. Motion Carries.

Market moved for the bills to be paid in August. Second by Market.

Roll: Boyles; yes, Faris; yes, Market; yes, Koehler; yes, Berry; yes, McCann; yes. Motion Carries.

Faris moved to approve the reallocation of \$20,000.00 from Sewer line item Trash/Garbage removal to operating materials and supplies. Koehler second.

Roll: Faris; yes, Berry; yes, Koehler; yes, Market; yes, Boyles; yes, McCann; yes. Motion carries.

Market moved to approve the Coronavirus Relief monies to be allocated to Police Department operating in the amount of \$30,502.29. Berry Second.

Roll: Berry; yes, Koehler; yes, Market; yes, Boyles; abstain due to not enough knowledge. Boyles then voted "no". Boyles final vote is "no". McCann; yes, Faris; yes. Motion carries.

Berry moved to approve the DeRivera Park Agreement. Second by Market.

Roll: Market; yes, Boyles; yes, McCann; yes, Koehler; yes, Faris; abstain, Berry; yes, Motion Carries.

Koehler moved to approve the 2018 Audit Invoice \$21,320.00. Berry second.

Roll: Berry; yes, Boyles; yes, McCann; yes, Koehler; yes, Faris; yes, Market; yes, Motion carries.

Market moved to approve Final Installment from 2017 missed insurance payment - \$9,044.00. Koehler second.

Roll: McCann; yes, Faris; yes, Koehler; yes, Market; yes, Boyles; yes, Berry; yes. Motion Carries.

Faris moved to approve the Second Installment invoice for Liability insurance \$47,500.00. Koehler second.

Roll: Berry; yes, Faris; yes, Koehler; yes, Market; yes, Koehler; yes, Boyles; yes, McCann; yes. Motion carries.

]

Faris moved to approve the \$5,000.00 transfer from GF to Bathhouse Improvement fund per the DeRivera Park Agreement. Market second.

Roll: Faris; yes, McCann; yes, Market; yes, Koehler; yes, Boyles; yes, Berry; yes. Motion Carries

Faris moved to approve Village to recommend Port Authority to further investigate and gather more information on a possible "Head Tax". Berry second.

Roll: Boyles; yes, Berry; yes, McCann; yes, Market; yes, Koehler; yes, Faris; yes. Motion Carries.

Market moved to approve the purchase of a Variable Frequency Drive out of Water Capital Improvements Fund in the amount of \$13,500.00.

*Auger explained it is the circuit board for the water department computers.

Berry seconded.

Roll: Market; yes, Berry; yes, Koehler; yes, Faris; yes, McCann; yes, Boyles; yes. Motion Carries.

Market approved the 5K Race set for October 11th, 2020. Koehler second.

Roll: Koehler; yes, Berry; yes, McCann; yes, Boyles; yes, Market; yes, Faris; yes. Motion carries.

PUBLIC PARTICIPATION:

Joan Booker:

Asked the Village to negotiate something with the Port Authority to restrict the Helicopter tours back to the originally designed flight route. They are exceeding limits and traveling out of the area designated to the tour.

Randi Wertenbach:

Complaints of loud music at Bay Lodging August 22nd, 2020 and September 5th, 2020. Contacted the Police Department. When officer responds they turn music down, and then when officer has left, they turn it back up.

Boyles asked Mrs. Wertenbach which number she called to contact the police department. She stated she called 419-285-3962 (no answer) and then 419-285-4121 (answered).

Mr. Faris suggested contacting Liquor Control. He would like a letter sent to liquor department and urged the public to write down events and when they occur.

Anderson suggested taking a meter reading of the sound.

Mark Hummer of the Police Department stated there is a renewal for Liquor licenses. If the property is deemed as a ‘Nuisance property’ it can be re-evaluated based on complaints. He also stated the police department will continue to respond to calls. The correct number to call for non-emergencies is 419-285-4121. Mrs. Wertenbach stated she was told not to call anymore.

Teri Pierce:

Complained of noise issues on August 27th, 2020 and the police did respond. Also, on Saturday September 5th, 2020 she heard loud “bumping music”. She turned on her A/C unit and still could hear the noise. Around 4:40 pm she called the police department and there was no answer. On Sunday, September 6th, 2020 she heard the noise again. Nick Cartwright was the bartender at Bay Lodging that day. The police did respond. No social distancing.

Also stated her concerns of golf carts everywhere. Her mother Joy Urge has people doing doughnuts in her driveway and yard. She fears the island is becoming an unsafe environment for small children.

Rudy Cooks:

Golf carts are out of control. Would like Council’s clarification on what they are seeking from the Safe Island Task Force sub-committee.

Mr. Faris stated they are looking to limit golf carts at night.

Judy Berry responded to Mr. Cooks by stating that the Safe Island Task Force should meet with Council to work towards no overnight cart rentals.

Susan Anderson is looking in to how the Village can regulate carts. It will have to be a joint effort with the police department to regulate and enforce.

Rudy Cooks asked if the calls are being logged by the police department. Berry stated that they need to be. The Village Ordinance does not apply to Vehicles in the Township. Business Licenses can be looked at.

Boyles stated that the more Police involvement is needed.

Brad Ohlemacher would like to set another meeting towards the end of the month to moved along with what to do.

Christie Ontko asked how to enforce laws/ordinances from Village to Township.

Hummer replied that Ohio Revised Code is what the Township should follow, also could be applied to the Village. The Village would need more police to do so.

Faris moved for the Village to send a letter to Ohio Liquor Control regarding the noise complaints, and cc: the business owner as well.

Market second.

Roll: McCann; yes, Koehler; yes, Berry; yes, Faris; yes, Boyles; yes, Market; yes. Motion Carries.

Mr. Mike Bell asked how the department is to deal with so many golf carts with only 7 officers on duty. The jail is overwhelmed with 4 inmates and to transport an individual it takes 2 officers.

*Lengthy discussion took place on showing proof of overnight stay to rent an overnight cart, ticket processing systems.

REPORTS:

Chief of Police:

Dep. Chief Hummer – Introduced himself and that he has spent the last few weeks getting acquainted with the Island. There were 397 calls in August and 30 citations. 66 parking tickets in September. No more officers on MBI as of now.

*A Rules and Ordinance Committee meeting has been set for Wednesday, September 23rd, 2020 at 9:00 am; for the discussion of Golf Carts. This meeting will be held at the Village Town Hall.

Administrator:

August report

Still researching short term rental of the docks.

Market moved to approve the Village gifting Mr. Cox with a Village Burgee Flag for his efforts in cleaning and upkeep of the bathing beach. Berry Seconded.

Roll: Boyles; yes, Market; yes, Faris; yes, McCann; yes, Koehler; yes, Berry; yes. Motion Carries.

Koehler would like to see something planted around the trees to be able to see them.

Village Administrator invited Council members of a tour around the Fredricks property and the state that the garage unit was left in when Rutledge vacated the unit.

Census letter went out with the Utility Bills to residents.

Suez Water Tower Co. Paint analysis and presentation on what needs to be done for paint project.

Water Department Ozone Building Panel Fire – thank you to Jaime for his efforts. The companies that were involved with the production and installation are working to figure out who will be paying.

*10:30 AM recorder went out.

Fiscal Officer:

August Report

Mayors Report:

Update on dockage and how much it is down this year compared to the past.
Fiscal Officer is still waiting to hear back from Ottawa County Auditor about Levy possibility for the Village in the future.

LEGAL COUNSEL:

Would request for Council to enter Executive Session for the discussion on pending and imminent litigation.

Market would like to add personnel discussion to the executive session.

Boyles stated the agenda would have to be changed to accommodate that request.

Anderson suggested amending the agenda.

Market moved to amend the agenda to include the option of an Executive Session for the discussion of pending and imminent litigation and to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.
Berry Second.

Roll: Koehler; yes, Boyles; yes, Berry; yes, Market; yes, McCann; yes. Motion Carries.

*Mr. Faris exited the meeting.

Boyles moved for Council to enter Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.
Berry Second.

Roll: Boyles; yes, Market; yes, McCann; yes, Berry; yes, Koehler; yes. Motion Carries.

Council entered Executive Session at 10:50 AM.

Koehler moved for Council to exit Executive Session. Market Second.

Roll: Market; yes, Berry; yes, Koehler; yes, Boyles; yes, McCann; yes. Motion Carries.

Council exited Executive Session at 11:04 AM.

Market moved for Council to re-enter Executive Session for the discussion of pending and imminent litigation. Seconded by Koehler.

Roll: Boyles; yes, Berry; yes, Market; yes, Koehler; yes, McCann; yes. Motion Carries.

Council re-entered Executive Session at 11:05 AM.

Market moved to exit Executive Session. Berry Second.

Roll: Berry; yes, Koehler; yes, McCann; yes, Market; yes, Boyles; yes. Motion Carries.

Council exited Executive Session at 11:20 AM.

Boyles moved to authorize the filing of an appeal and to stay in the Taxiputinbay litigation. Market seconded.

Roll: McCann; yes, Berry; yes, Koehler; abstain, Market; yes, Boyles; yes. Motion Carries.

McCann moved to adjourn the Regular Meeting of Council. Boyles seconded.

Roll: Voice vote; all yes. Motion Carries.