VILLAGE OF MARBLEHEAD REGULAR COUNCIL MEETING
HELD AUGUST 22, 2018
Mayor Bird called the meeting to order at 6:00 p.m. and opened with the Pledge of Allegiance.

ROLL CALL AND ATTENDANCE
Answering roll call were Lynn App, Dean Dorko, Angie Kukay, Duane Myers and John Starcher. Dave Redett was excused.

Also present were Fiscal Officer Rhonda Sowers, Street Commissioner Bryan Lucas, Police Chief Casey Joy, Police Chaplain Fr. Andrew Bartek and Zoning Administrator Bob Hruska.

Visitor in attendance was State Representative Steve Arndt.

VOTE TO EXCUSE MAYOR BIRD FROM THE OCTOBER 10 MEETING – Mr. Starcher moved to excuse Mayor Jacqueline Bird from the October 10, 2018 regular meeting. Second by Mrs. Kukay. Vote: Mr. App-yes; Mr. Dorko-yes; Mrs. Kukay-yes; Mr. Myers-yes; Mr. Starcher-yes. Motion carried.

MINUTES
Council unanimously approved Minutes of the August 8, 2018 regular meeting.

STATE REPRESENTATIVE STEVE ARNDT – GENERAL UPDATE – State Representative Steve Arndt was present to give Council a general update on the status of a number of House Bills. Rep. Arndt asked for letters of support for one in particular, HB415 that provides additional funding to local governments from 50% of unappropriated, excess state funds at the end of each calendar year. This bill passed the House and is now under consideration in the Senate.

VISITOR COMMENTS
There were no visitor comments.

LEGISLATION
President Pro Tem John Starcher read the following legislation by title only:

A. ORDINANCE NO. 5-2018 – An Ordinance Revising the Village of Marblehead Ordinance to Update the Zoning Fees and Subdivision Fees. This was the third and final reading.

Motion to adopt Ordinance No. 5-2018 made by Mr. Myers and seconded by Mr. Dorko. Vote: Mr. App-yes; Mr. Dorko-yes; Mrs. Kukay-yes; Mr. Myers-yes; Mr. Starcher-yes. Motion carried.

Motion to waive three readings on three separate occasions made by Mr. Myers and seconded by Mr. App. Vote: Mr. App-yes; Mr. Dorko-yes; Mrs. Kukay-yes; Mr. Myers-yes; Mr. Starcher-yes. Motion carried.

Motion to retain the emergency clause made by Mrs. Kukay and seconded by Mr. App. Vote: Mr. App-yes; Mr. Dorko-yes; Mrs. Kukay-yes; Mr. Myers-yes; Mr. Starcher-yes. Motion carried.

Motion to adopt Ordinance No. 7-2018 made by Mr. Dorko and seconded by Mr. Myers. Vote: Mr. App-yes; Mr. Dorko-yes; Mrs. Kukay-yes; Mr. Myers-yes; Mr. Starcher-yes. Motion carried.

C. RESOLUTION NO. 5-2018 – Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor.

Motion to waive three readings on three separate occasions made by Mr. Starcher and seconded by Mr. App. Vote: Mr. App-yes; Mr. Dorko-yes; Mrs. Kukay-yes; Mr. Myers-yes; Mr. Starcher-yes. Motion carried.

Motion to adopt Resolution No. 5-2018 made by Mr. Dorko and seconded by Mr. App. Vote: Mr. App-yes; Mr. Dorko-yes; Mrs. Kukay-yes; Mr. Myers-yes; Mr. Starcher-yes. Motion carried.

REPORTS
Mayor
Mayor Bird reported the Solicitor did send the notification letter to Mr. Mark Cole in regards to the pipe buried in the mulch at his tree diverting surface water onto Erie St. and adding to the erosion at that particular spot. The Street Committee reported this concern with recent inspections and evaluating future paving projects. Erie Street is on the Street Repaving List as it is becoming poor in condition from years of normal usage.

The letter stated no action was required at this time by Mr. Cole. However in the future if Erie St. were repaved with a storm sewer installed, Mr. Cole would be asked to tie into the system. If a storm sewer were not put in place at that time of repaving, Mr. Cole would then need to refrain from diverting surface water onto the newly paved Erie Street.

Mayor Bird reported she received a phone call from Mark Cole indicating he received the letter from Mr. Barney and that the village is suing him for water coming off his driveway into Erie Street.

Mayor Bird informed Mr. Cole he was not being sued by the village and was unsure how he came to that conclusion as Administration has a copy of the letter. Mayor Bird reviewed the content of the letter with Mr. Cole informing him the issue was not water from his driveway, but the pipe in his mulch running surface water onto that particular spot of the road adding to erosion in that area. It was equally noted with Mr. Cole the street overall has many years of wear and tear from normal usage. The goal however is to preserve all areas of the road once repaving is done. Mr. Cole reported he was glad to know about the pipe issue, as he would be calling Mr. Barney.
Once again, Mr. Cole was informed no action is necessary, this was just a heads up for the future once the repaving takes place.

The next day, Mayor Bird reported she observed Mr. Cole’s father, Rodney Cole walking around the top of Erie St. spray painting small marks on various spots of the road. Mr. R. Cole reported he talked to his son and was looking over the situation as water erosion is in various spots of the road. Mr. R. Cole reported he put the 2 inch pipe near the tree for his son and if he blocks it, those above the hill and wall would be flooded. Mayor Bird informed Mr. R. Cole of the letter content and no need for current action. The letter was a notification for the future once paving takes place and a potential storm sewer in place. At that time, his son would be asked to tap in or divert this surface water if no storm sewer is installed. Mr. R. Cole reported that was not his understanding from his son via the Solicitor’s letter. Mayor Bird asked if he read the letter and reported he had not. Mayor Bird suggested he review the letter as written. Mr. R. Cole reported he attempted to contact Pres.Pro Tem Starcher to review the situation. Mayor Bird directed Mr. R. Cole to contact the Street Commissioner Bryan Lucas directly and provided his work schedule. Mayor Bird reported she made the Solicitor, Street Commissioner, Pres. Starcher and the Chairman of the Street Committee, Councilman Duane Myers aware, but wanted all of council to be informed and up to date in the event they were contacted.

At this time, the 105 Erie Street issue is considered addressed with the notification letter. At this time, no further action is required until Erie Street is repaved in the future.

**Center Street/Lilacs**

Mayor Bird reported the Lilacs at Center Street would be trimmed after the Labor Day Holiday. B. Lucas and his staff will handle.

**Open Police Position**

The Police Department has an open position with the recent resignation of Sgt. Loren Welch. Sgt. Welch has accepted a Crime Prevention Officer position with Oak Harbor School System. Mayor Bird noted Sgt. Welch was 8 years with the village and was an asset to the department. Mayor Bird thanked Sgt. Welch for his dedication to the village and wished him well in his future endeavors.

At this time, Chief Joy has received various applications of interest in the open position. The position being filled will be that of Patrolman. Chief Joy will review the applications and schedule 1st Interviews. After he conducts 1st Interviews, those selected candidates will have a 2nd Interview conducted. Chief Joy has requested Council Representation at these 2nd Interviews. Mayor Bird appointed Councilwoman Kukay and Councilman Dorko, both of the Safety Committee to assist in these 2nd Interviews.

Upon completion of the interviews, Chief Joy will review the information with Mayor Bird and make a recommendation for council approval. Chief Joy will be in contacted Councilwoman Kukay and Councilman Dorko in regards to scheduling 2nd Interviews and will keep Mayor Bird and Fiscal Officer Sowers informed of the process.
Boytim's Curve Sidewalk
Solicitor Barney is in the works of preparing a letter to be sent to the property owner at Boytim's Curve on sidewalk replacement. B. Lucas has been assisting J. Barney with information. Mr. Barney will include ODOT specifications for sidewalk construction.

Solicitor
No report.

Finance and Records Committee
Mr. Starcher had nothing to report.

Utilities/Ferries/Waterfront Committee
Mr. Dorko gave a brief report on the August 14 BPA meeting. Board members approved an emergency spending policy needs to be approved by Council before it can be inserted into the updated Contingency Plan. This policy is on the Council agenda under new business.

Beautification/Parks/Cemetery Committee
Mr. App had nothing to report.

Streets/Sidewalks/Sewer Committee
Mr. Myers will convene a meeting of his committee after Labor Day to review estimated costs for next year's proposed paving projects.

Annexation/Subdivision/Planning Commission Committee
No report.

Safety/Insurance Committee
Mrs. Kukay had nothing to report.

Fiscal Officer
Mrs. Sowers had nothing to report.

Street Commissioner
Mr. Lucas said ODOT's emergency repair of Main Street is on schedule and will be completed by August 27 or 28.

Police Department
Chief Joy received one complaint about vehicles parked on private property during the Halupki Festival. Fr. Bartek said this year marked the largest attendance ever for the festival; he will note this concern to avoid the problem in the future. Council commended the changes implemented this year that helped reduce traffic congestion.

Zoning Administrator
Mr. Hruska had nothing to report.

Board of Public Affairs
No report.
OLD BUSINESS

A. **Alexander Pike Bid Opening** – Bid opening for the Alexander Pike improvement was Friday, August 17 with two bids received; one from Geddis Paving and Equipment for $262,300.00 and the other from Henry W. Bergman, Inc. for $263,450.00. Following bid tabulation, Village Engineer Julie Thomas recommends the Mayor award the contract to low bidder Geddis Paving.

B. **James Park List Update** – Mr. Lucas reported the dugouts have been painted; 7L Construction sent a written statement that they will repair the striping on the basketball court next spring at no cost; ballfield fence repairs have been scheduled with Fremont Fence; and the merry go round will be painted this winter. In addition, Mr. Lucas reported will rent a bush hog after Labor Day to cut back brush along Main Street and Alexander Pike.

C. **Maintenance Garage Roof Evaluation** – After inspecting water damage to the maintenance garage roof with Mr. Lucas, Mr. App feels the roof can probably be repaired but said it would be costly and said it would be helpful to have a structural engineer look at it before any decision is made. Mr. Starcher said the maintenance department will move to the fire station after February and feels it might be more cost effective to demolish the garage addition and just build a small addition to enclose the boiler and electric panels at the back of the Town Hall. Following discussion it was decided to consult with CT Consultants for advice on future use of space at the Town Hall.

D. **Website Discussion/Options** – Mrs. Sowers submitted a quote for municipal web design services from Town Web. This is the second proposal for Council to review. Initial cost of the Town Web proposal is less than the quote from CivicPlus but has higher annual fees. Mrs. Sowers will continue to seek proposals for Council consideration.

E. **Perch Festival Parade** – Mayor Bird reminded that the annual Perch Festival will be held in James Park on August 25 with the parade beginning at 10:00 a.m.

NEW BUSINESS

A. **President Pro Tem to be Acting Mayor** – Mayor Bird stated President Pro Tem John Starcher will be acting Mayor from Friday, September 28, 2018 through Friday, October 12, 2018.

B. **Policy to Establish Spending Authority for Water Plant Emergencies** – It was moved by Mr. Dorko, second by Mrs. Kukay to adopt the following policy for emergency expenditures of the water department:

**Emergency Budget**

The Village of Marblehead currently has a Repair and Improvement Fund available for water emergencies. The fund (5103), which collects approximately $27,000.00 per year, has $124,828.41 appropriated for expenditure in 2018. In the event of emergency, the Chief Operating Engineer may expend up to the $20,000.00 limit of a blanket certificate issued for this purpose. In the event of an emergency requiring more than $20,000.00 but less than $50,000.00, the Board of Trustees of Public Affairs would make a declaration of the circumstances and call a special meeting to authorize the expenditure. For
emergencies requiring funds in excess of $50,000.00, the Mayor would make a
declaration of the circumstances and call a special meeting of the Village Council to
authorize the expenditure. Examples of emergencies under this plan include, but are not
limited to, contamination of the village’s water supply or remediation of conditions that
could lead to such contamination.

Vote on motion resulted as follows: Mr. App-yes; Mr. Dorko-yes; Mrs. Kukay-yes; Mr.
Myers-yes; Mr. Starcher-yes. Motion carried.

C. Erosion of Clemons Park Breakwall and Walking Path – Mr. Myers and Mr. Lucas
reported on storm damage to the breakwall at Clemons Park. Mr. Myers recommended
the area be barricaded to prevent access by the public until Council figures what action to
take.

EXECUTIVE SESSION
Mr. Starcher moved to go into executive session at 7:31 p.m. for the purpose of considering
the appointment of a public employee. Second by Mr. App. Vote: Mr. App-yes; Mr. Dorko-yes; Mrs.
Kukay-yes; Mr. Myers-yes; Mr. Starcher-yes. Motion carried.

Mayor Bird reconvened the regular session at 8:05 p.m.

MOTION TO SUSPEND RULE
Mr. Dorko moved to suspend the rule and allow the meeting to continue after 8:00 p.m. Second
by Mr. Myers. Vote: Mr. App-yes; Mr. Dorko-yes; Mrs. Kukay-yes; Mr. Myers-yes; Mr.
Starcher-yes. Motion carried.

AUTHORIZE PAYMENT OF BILLS
Motion to authorize payment of bills totaling $11,452.67 made by Mr. Starcher and seconded by
Mr. Dorko. Vote: Mr. App-yes; Mr. Dorko-yes; Mrs. Kukay-yes; Mr. Myers-yes; Mr. Starcher-
yes. Motion carried.

ADJOURNMENT
Motion to adjourn made by Mrs. Kukay and seconded by Mr. Starcher. Meeting adjourned by
unanimous vote at 8:07 p.m.

APPROVED:

[Signature]
Jacqueline A. Bird, Mayor

Attest:

[Signature]
Rhonda Botti Sowers, Fiscal Officer

Marblehead Village Council, August 22, 2018