

**Bellaire Village Council
Meeting Minutes
September 2, 2015**

1. **Call to Order:** President Schulz called the meeting to order at 7:00 PM.
2. **Roll Call Attendance:**
 - Present:** President David Schulz, Council Trustees Bryan Hardy, Dan Bennett, Helen Schuckel, David Ciganick, Trish Drollinger & Eldon McPherson.
 - Absent:** None
 - Staff Present:** Lori Lockett, Clerk, Cathy Odom, Treasurer & Brad Rowe, Police Chief.
 - Also Present:** Linda Gallagher, Patti Savant & Patrick Boyd.
3. **Approval of Agenda:** The agenda was approved.

Motion by Schuckel, seconded by Bennett, to approve the agenda with a change of old business item a, Ms. Savant will speak in place of Deana Jerdee and the addition of new business item b, Cemetery Headstones. Motion carried by voice vote.
4. **Conflict of Interest:** Trustee Ciganick, Bennett and Hardy noted their conflict with new business item b, Water/Sewer Bill-Methodist Church.
5. **Consent Agenda:** The consent agenda was approved.

Motion by Schuckel, seconded by Hardy, to approve the consent agenda as presented. Motion carried by voice vote.
6. **Public Comment on Agenda Items:** None presented.
7. **Old Business:**
 - a) **Paddle Antrim Request-Deana Jerdee:** Patti Savant spoke to Council in place of Deana Jerdee. Paddle Antrim is requesting approval to use village property on Ohio St. on September 17, 18 & 19. The space will be used for port johns, a registration tent and a secured kayak storage area.

Motion by Schulz, seconded by McPherson, to approve Paddle Antrim's request for use of the Ohio St. boat launch and surrounding village owned property for September 17, 18 & 19 for the annual Paddle Antrim event. Motion carried by voice vote.
 - b) **Blocked Alley-507 Richardi-Revocable License Agreement:** The Becmer's were unable to attend. Clerk Lockett informed Council the reason they wanted to attend the meeting was to file a complaint for obstructions at the other end of the alley. They want to be sure that if action is taken against some for obstructions, then action should also be taken against others who have obstructions. Clerk Lockett said she was directed to send a letter and have them remove the items that blocked the alley except for the shed, although the Village could require the shed to be moved. The attorney suggested, to avoid an adverse possession claim, to have them sign a revocable license agreement for the shed. This would allow them to keep the shed, but if a future council decided to open the alley for use, they would then have to remove it. Mrs. Becmer said she would be willing to sign the license agreement, understanding that she could keep the shed but, if needed, it would have to be removed at a later time.

Motion by Ciganick, seconded by Drollinger, to approve the license agreement and authorize the Village Clerk and the Village President to sign said document. Motion carried by voice vote.

- c) **Sidewalk Obstruction Ordinance:** Trustee Bennett stated Council will not have to address this if we “move agenda or postpone it.” Trustee Drollinger said she wanted to address it. President Schulz stated as long as there is something on the books, federal or state statute, that public safety will be able to enforce. McPherson noted that Chief Rowe was not involved in the conversation at the public hearing with Officer Drollinger about our police department being able to enforce the ADA and asked if this was possible. Chief Rowe said we have never enforced federal statute. He said we have never enforced or been asked to. It’s not a local ordinance but he would have to look into it to see if it is possible. McPherson asked how other communities are enforcing the ADA. Trustee Bennett said when a complaint is made it is usually dealt with quickly. McPherson asked who deals with it and Chief Rowe assumes that it depends on who owns the property of the filed complaint. He said if doorways are blocked and creates a fire hazard, the fire chief would have the authority to handle that.

Motion by Bennett, seconded by Drollinger, to turn down the sidewalk obstruction ordinance. Motion carried by voice vote.

- d) **Park Policy-For Profit Use:** This was tabled from last month’s agenda. President Schulz asked if anyone knew why we didn’t originally allow use of public property for fundraisers. Trustee Drollinger explained that this started when someone wanted to use the tennis courts for lessons, which would have made the public courts unavailable to the public during certain times. President Schulz explained if we rented out the other half of the building to a for profit business, we would most likely have to place that portion of the building back on the tax roll. He noted that in some cases, for example, having yoga classes at the park, might provide a favorable view to those that see the classes at the park. He said that the craft shows set up on County property and they are there for a profit. He understands the potential problem if the property used becomes exclusionary, but wonders if there is some possible latitude. Trustee Drollinger said it is not a set policy with President Schulz noting that it can be based on the circumstances of the situation.
- e) **DDA Resignation:** An email was received from Lori Silk resigning her position on the DDA Board.

Motion by Schulz, seconded by Bennett, to regretfully accept Lori Silk’s resignation from the Bellaire Downtown Development Authority. Motion carried by voice vote.

- f) **DDA Appointments:** With the recent resignations from the DDA, two spots on the Board are available. President Schulz reviewed the applications and would like to appoint Doug Dawson and Ryan McConnell to fill the vacancies.

Motion by Schuckel, seconded by Bennett, to approve the appointments of Ryan McConnell and Doug Dawson to fill the vacancies on the DDA. Motion carried by voice vote.

- g) **Hickory Lane Update:** President Schulz informed the Council that the tables have been removed, the cones still exist and she has until September 9, 2015 to request a public hearing. If she doesn’t request the hearing, then the cones can be removed. Trustee Drollinger stated her concerns about removing the cones for safety reasons. Trustee Ciganick asked if someone can legally park next to the building and it was noted that they could. However, Chief Rowe said state law states that you cannot park in an alley. Trustee McPherson asked if we enforce this elsewhere in the Village and if so, then we would have to enforce it everywhere. Chief Rowe stated yes but that it was a problem driven enforcement. President Schulz noted that if parking in an alley presents any problem, to which Chief Rowe said that is when it is addressed. He also said it has been allowed previously. President Schulz said this is something the Streets Committee could address, otherwise, he would leave it unless it poses a problem. He also said due to safety concerns, the cones may stay and asked the pleasure of the Council. No further action was taken.

- h) **Streetlights:** The two samples of streetlights have been installed and if Council has had the opportunity to look at them, determining how to proceed should be discussed. The total cost to replace them is \$17,297. Treasurer Odom informed Council the brighter of the two bulbs was actually a 75 watt bulb and not a 65 watt bulb as stated in the original quote. Due to this, Arndt Electric presented a new quote for the \$17,297. The 65 watt bulbs can be used which would lower the cost about \$1,200. President Schulz reminded Council that this is not a budgeted item, but an amendment to the budget could be completed to allow for the replacement of the lights this year. Trustee Ciganick asked if we have to replace them all at once or can we replace them as the current ones go bad. Discussion occurred about the current condition, the dimness and how the cold weather affects the bulbs that are currently in use.

Motion by Bennett, seconded by Schulz, to approve the proposal from Arndt Electric for the installation of 75 watt LED bulbs with the total proposed bid being \$17,297. Motion carried by voice vote.

Motion by Schulz, seconded by Bennett, to approve the transfer the sum of \$17,297 from fund balance in the general fund to repair and maintenance. Motion carried by voice vote.

8. New Business:

- a. **Water/Sewer Bill-Methodist Church:** The church had a leak in their line that did not go into the sewer. We do make adjustments to the average usage for sewer only when this happens. They do have to pay for the water usage. The adjustment is in the amount of \$221.73 and the auditors request approval from the Council when an adjustment is made for a larger amount. President Schulz asked if the leak was fixed and staff is not aware if the leak is fixed. Treasurer Odom informed Council that when she spoke with a representative of the church, he was told this is probably a onetime adjustment because they are aware of the leak and it is up to them to get it repaired.

Motion by McPherson, seconded by Drollinger, to approve the credit to be applied to the Methodist Church water bill in the amount of \$221.73. Motion carried by roll call vote. Ayes: McPherson, Drollinger, Schuckel & Schulz. Nays: None Abstain: Bennett, Ciganick & Hardy.

- b. **Cemetery Headstones:** Kent Bermingham sent in a letter expressing his interest in power washing and cleaning some of the headstones in the cemetery. He previously “adopted” a cemetery and provided this service. He has an archeology background and has the knowledge of different types of masonry, which allows for knowing which headstones can or cannot withstand this type of cleaning. Trustee McPherson asked if there was a charge and Clerk Luckett noted that he has not mentioned a charge. Liability insurance was discussed if something happens to a headstone that he is working on. President Schulz suggested inviting him to next month’s meeting, if he is available, to answer the questions posed by Council. This item was tabled and if he is available for the next meeting, have him attend.

9. Discussion Items:

- a) **Alley Request-608 N. Bridge:** Ruth Lowe who owns the property, currently has a twenty foot easement granted by her mother to access her property. She asked President Schulz about the possibility of accessing her property off of E. Hastings. Hasting Hill Lane is in the books but is currently nonexistent. She has informally spoken with the property owners and they would have no problem with that. She would be able to access her property through Hastings Hill Lane and would relinquish the 20’ easement. President Schulz reminded Council this is discussion only and encouraged them to go and take a look at it. Discussion of who would bear the cost of opening that up was also mentioned.

10. Department/Committee Reports

a) *Committee Reports:*

- **Administration Committee:** President Schulz said the Administration Committee is proceeding with standardizing job descriptions for all positions in the village and the 360 peer reviews. He noted their goal is to have them ready to integrate with the budget process for the next fiscal year.

b) **Clerk/Planner:** None presented.

c) **Treasurer/Deputy Clerk:** None presented.

d) **Department of Public Works:** None presented.

e) **Police Department:** A written report was presented.

Chief Rowe reminded Council that Officer Light was brought on for June, July & August, but would like to know if he can stay on longer, if the budget allows. Council has no problems with it as long as he stays within the budget.

Chief Rowe informed Council that he, Clerk Luckett and Officer Drollinger have been receiving phone calls about enforcing the 2-hour parking ordinance. It was previously enforced to get tenants and employees off of M-88. This became unpopular and he was instructed not to proceed with enforcing it. He said he asked the person who called him to attend the Council meeting, but he was unable to and Chief Rowe doesn't like the idea that people think he is not doing his job, but that he was acting at the direction of Council. He questioned whether this ordinance should be deleted if we aren't going to enforce it. Discussion of the location of the 2-hour parking and changing the amount of allowed hours was discussed. It was noted that the Streets Committee could address this.

11. Closing Member/Public Comment:

- **Dan Bennett:** noted that in looking at the financial statement, we increased our net position and it looks good.

12. Adjourn: Meeting adjourned at 8:01 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____