

**VILLAGE OF MARBLEHEAD REGULAR COUNCIL MEETING  
HELD AUGUST 10, 2022**

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, Maryann Sauvey and John Starcher.

Also present were Fiscal Officer Rhonda Sowers, Solicitor Jim Barney, Police Chief Kenn Thellmann, Street Commissioner Bryan Lucas and Zoning Administrator Bob Hruska.

Visitors in attendance were Dale Harwood, Karyn Harwood, Joe Gouker, Patty Gouker, Lou Cardinale, Jackie Cardinale, Al Mazzeo, Mary Ann Brown, and David Ashenhurst.

**MINUTES**

Council approved minutes of the July 13, 2022 regular meeting, July 21, 2022 special meeting, and both August 4, 2022 special meetings as submitted.

**VISITOR COMMENTS**

There were no visitor comments.

**LEGISLATION**

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

- A. **ORDINANCE NO. 13-2022** – An Ordinance Setting Wage Range for the Village Administrator and Declaring an Emergency.

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, Mrs. Sauvey-yes, Mr. Starcher-yes. Motion carried.

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

Motion to adopt Ordinance No. 13-2022 made by Mrs. Kukay and seconded by Mr. App. Vote: Mr. App-yes, Mr. Dorko-yes, Mrs. Kukay-yes, Mr. Myers-yes, Mrs. Sauvey-yes, Mr. Starcher-yes. Motion carried.

- B. **ORDINANCE NO. 14-2022** – An Ordinance Amending Ordinance No. 4-2022 Setting Appropriations for Current Expenses and Other Expenditures of the Village of Marblehead, State of Ohio, during the Fiscal Year ending December 31, 2022 to include an increase in the Water Revenue Fund and to add the Johnson's Island Waterline Extension Fund and Declaring an Emergency.

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

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

Motion to adopt Ordinance No. 14-2022 made by Mr. App and seconded by Mrs. Kukay. Vote: Mr. App-yes, Mr. Dorko-yes, Mrs. Kukay-yes, Mr. Myers-yes, Mrs. Sauvey-yes, Mr. Starcher-yes. Motion carried.

**C. RESOLUTION NO. 11-2022** – A Resolution Establishing a Johnson’s Island Waterline Extension Fund for the Village of Marblehead and Declaring an Emergency.

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

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

Motion to adopt Resolution No. 11-2022 made by Mr. Dorko and seconded by Mr. Starcher. Vote: Mr. App-yes, Mr. Dorko-yes, Mrs. Kukay-yes, Mr. Myers-yes, Mrs. Sauvey-yes, Mr. Starcher-yes. Motion carried.

**D. RESOLUTION NO. 12-2022** – A Resolution Authorizing the Mayor to Contract with The JDI Group to Prepare Construction Drawings, Manage the Bid Process and Support the Construction Phase for the Radar Park Welcome Center and Declaring an Emergency.

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, Mrs. Sauvey-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, Mrs. Sauvey-yes, Mr. Starcher-yes. Motion carried.

Motion to adopt Resolution No. 12-2022 made by Mr. Myers and seconded by Mr. App. Vote: Mr. App-yes, Mr. Dorko-yes, Mrs. Kukay-yes, Mr. Myers-yes, Mrs. Sauvey-yes, Mr. Starcher-yes. Motion carried.

## **REPORTS**

### **Solicitor**

Mr. Barney had nothing to report.

### **Safety/Insurance Committee**

Mrs. Kukay had nothing to report.

### **Beautification/Parks/Cemetery Committee**

Mr. App reported that the parks committee met July 20 to discuss upcoming Radar Park improvements and to plan for receipt of James Park playground equipment scheduled for September delivery.

### **Streets/Sidewalks/Sewer Committee**

Mr. Myers will report under old business.

### **Utilities/Ferries/Waterfront Committee**

Mr. Dorko reported on the August 9 BPA meeting where the board approved an agreement with Bay Point Acquisitions and Equity Lifestyle Properties to complete installation of waterlines and meters in both the Waterview at Bay Point development and Bay Point Resort. The Board also approved tap applications for 51 new units at Waterview at Bay Point, and learned that the inspection and cleaning of the water plant intakes was completed by Solomon Diving with no problems noted.

### **Annexation/Subdivision/Planning Commission Committee**

Mrs. Sauvey reported that the Planning Commission held public hearings for a setback variance on Prairie Street, and for zoning text amendments during its August 3 regular meeting.

### **Finance Committee**

Mr. Starcher had nothing to report.

### **Fiscal Officer**

Mrs. Sowers advised the Ottawa County Commissioners have scheduled a public hearing for September 27 at 4:00 pm regarding their recommendation of locations in unincorporated areas of the county where construction of wind farms and solar facilities would be prohibited. The unincorporated area of Danbury Township is designated as one of the restricted areas.

### **Street Commissioner**

Mr. Lucas will be removing asphalt from in front of the Town Hall to prepare for installation of pavers.

### **Police**

Chief Thellmann submitted a written report of recent police activity and added that the new computer equipment for his department is currently being installed and configured.

### **Zoning Administrator**

Mr. Hruska had nothing to report.

### **OLD BUSINESS**

- A. **Update on Radar Park improvements** – Mrs. Sowers reported the paved picnic area behind at the rear of Radar Park is currently being constructed by Corso's Landscaping and the gazebos are scheduled for delivery within a week. Mrs. Sowers also provided copies of the proposed plans to convert the existing park building to a Welcome Center.
- B. **Update on Elliott St. improvements** – Mr. Myers reported that Elliott Street construction is scheduled to begin right after Labor Day and be completed by October 27. In addition to paving, the improvements will include additional drainage and partial sidewalk replacement. Affected residents will be notified prior to start of construction.

- C. **Update of new fireworks law** – Solicitor Jim Barney explained that prior to the newly enacted law, individuals could buy but were not permitted to discharge fireworks in the state. Under the new law, they are permitted on various named holidays. Council did not object to individuals celebrating with fireworks but would like to restrict use to only Fourth of July, New Year’s Eve and Labor Day. Mr. Barney will prepare legislation.
- D. **Motion to rescind final appointment of Officer Michael Scherer until he completes 180 days probation on 9/9/22** – Mayor Bird stated an error was made in calculating the end of Officer Michael Scherer’s probationary period adding he will not be eligible for a final appointment until September 9, 2022. Mr. Starcher moved to rescind the motion passed July 13, 2022 authorizing final appointment of Officer Michael Scherer. Second by Mr. Dorko. Vote: Mr. App-yes, Mr. Dorko-yes, Mrs. Kukay-yes, Mr. Myers-yes, Mrs. Sauvey-yes, Mr. Starcher-yes. Motion carried.

**NEW BUSINESS**

- A. **Set Public Hearing for zoning text amendments** – Mayor Bird set a hearing for Wednesday, September 14, 2022 at 5:45 p.m. on zoning text amendments initiated by the Planning Commission. The finance committee will move it’s meeting to 5:15 pm on that date.
- B. **Agreement for waterline extensions and metering at Bay Point** – Mr. Dorko moved to authorize the mayor to sign the agreement between the Village of Marblehead, Bay Point Acquisitions and Equity Lifestyle Properties for waterline extensions and metering at both the Bay Point Resort and the Waterview at Bay Point development. Second by Mr. Myers. Vote: Mr. App-yes, Mr. Dorko-yes, Mrs. Kukay-yes, Mr. Myers-yes, Mrs. Sauvey-yes, Mr. Starcher-yes. Motion carried.
- C. **Discussion/action on request to disband the Police K9 unit** – Mayor Bird reported that Chief Thellmann and Sgt. Danklefsen are requesting that the K9 unit be disbanded. Sgt. Danklefsen who is the K9 officer, advises that Luke is not being utilized as he should and it is stressful for the dog to spend that much time confined to the car. Sgt. Danklefsen has stated his willingness to purchase Luke for \$1.00 as permitted by law if the program is disbanded. At the request of Chief Thellmann, council tabled action.
- D. **Request to allow Lions Club to use Main Street for Perch Festival parade** - Council authorized use of village streets for the 10:00 am Perch Festival parade on August 27.
- E. **Council participation in Perch Festival parade** – Council members will participate in the Perch Festival parade, riding the old Dodge fire truck. Mayor Bird will order additional beads to distribute during the parade. Cost for the beads is paid by council members.
- F. **Request to close portion of Perry Street in 2023 for 1980s Danbury High School Reunion** – Council does not object to a request to close the block of Perry Street between Main and Elliott next summer if organizers decide to host a 1980s Danbury High reunion.
- G. **Request for batting cage at James Park** – Mrs. Sauvey asked about the possibility of installing a batting cage at James Park. The park committee will study this request to determine where a cage could be located.

- H. **Eagle Scout project** – Mr. Lucas has met with Owen Frattaroli regarding plans for an Eagle Scout project to locate a bicycle repair station in James Park. Council agreed to accept the project and authorized Mr. Lucas and Mr. App to determine the final location for the repair station.
- I. **Police Dept. Policy Manual** – Mayor Bird said recent updates to the police policies will necessitate council approval. She asked Chief Thellmann to provide copies to the solicitor and council members.

#### **VISITOR COMMENT**

David Ashenhurst apologized for missing the visitor comment period but asked for a moment to address council on behalf of Mary Ann Brown who received a letter from the Marblehead Police Chief about a nuisance of weeds growing at the side of her house at 905 Elliott Street. Mrs. Brown then spoke and expressed dismay that the Chief took time to photograph her yard but did not take the time to knock on her door and talk with her about the situation. She added that she is home recovering from back surgery and her son was ill at the time with Covid so neither was able to mow. It has been taken care of now but she just wanted council to know how she felt about the way it was handled.

#### **EXECUTIVE SESSION**

Mr. App moved to go into executive session at 6:48 p.m. to consider appointment of a public employee. Second by Mr. Starcher. Vote: Mr. App-yes, Mr. Dorko-yes, Mrs. Kukay-yes, Mr. Myers-yes, Mrs. Sauvey-yes, Mr. Starcher-yes. Motion carried.

Mayor Bird reconvened the meeting at 7:17 pm.

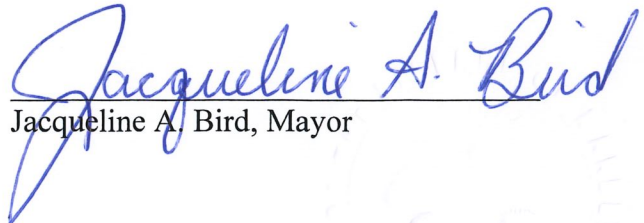
#### **AUTHORIZE PAYMENT OF BILLS**

Motion to authorize payment of bills totaling \$57,494.55 including July payroll was made by Mr. Starcher and seconded by Mr. Dorko. Vote: Mr. App-yes, Mr. Dorko-yes, Mrs. Kukay-yes, Mr. Myers-yes, Mrs. Sauvey-yes, Mr. Starcher-yes. Motion carried.

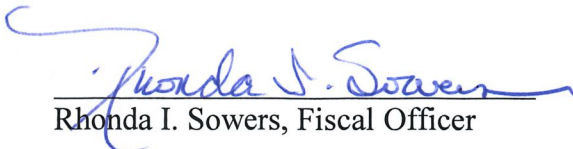
#### **ADJOURNMENT**

Motion to adjourn made by Mrs. Kukay and seconded by Mr. Starcher. Meeting adjourned by unanimous vote at 7:20 p.m.

APPROVED:

  
Jacqueline A. Bird, Mayor

Attest:

  
Rhonda I. Sowers, Fiscal Officer