

**REGULAR MEETING MINUTES**  
**Village of Put-in-Bay Council**  
**Tuesday, December 12<sup>th</sup>, 2023**  
**9:00 AM Village Town Hall**

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Mayor Berry called the meeting to order at 9:00 am.

Roll: Stephens; absent, Market; present, Koehler; absent, Cox; present, Biery; present, Cerny; present.  
Koehler entered at 9:03 am.

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**Agenda Additions:**

The second reading of Ordinance 1416-23; AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND DENYING THE APPLICATION OF MELINDA MCCANN MYERS TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF PUT-IN-BAY TO CHANGE THE ZONING CLASSIFICATION OF PARCEL NO. 0250565132253001, 404 BAYVIEW AVENUE, FROM RESIDENTIAL TO C-2 GENERAL COMMERCIAL DISTRICT.

Motion to approve additional items to the agenda:

1. Biery
2. Cox

Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

**ORDINANCES:**

**SECOND READING: 1416-23** AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND DENYING THE APPLICATION OF MELINDA MCCANN MYERS TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF PUT-IN-BAY TO CHANGE THE ZONING CLASSIFICATION OF PARCEL NO. 0250565132253001, 404 BAYVIEW AVENUE, FROM RESIDENTIAL TO C-2 GENERAL COMMERCIAL DISTRICT.

Cerny moved the second reading. Second by Cox.

Roll: Koehler; abstain, Market; yes, Cox; yes, Biery; yes, Cerny; yes.

**THIRD READING: 1417-2023** 2024 BUDGET/APPROPRIATIONS  
BIERY MOVED THE THIRD AND FINAL READING OF ORDINANCE 1417-23. SECOND BY CERNY.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

**SECOND READING: 1420-23** AN ORDINANCE RETAINING NATHAN MANNING AND MANNING LAW, LLC, AS LEGAL COUNSEL FOR THE VILLAGE OF PUT-IN-BAY AND DECLARING AN EMERGENCY

BIERY MOVED TO TREAT ORDINANCE 1420-23 AS AN EMERGENCY. MARKET SECOND.

Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

MARKET MOVED TO WAIVE THE THREE-READING RULE. SECOND BY BIERY.

Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

BIERY MOVED FOR ORDINANCE 1420-23 TO BE IN EFFECT IMMEDIATELY. SECOND BY MARKET.

Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

**SECOND READING:**    **1421-23**            AN ORDINANCE ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF, BUSINESS AND/OR ZONING PERMITS, LICENSES AND/OR CERTIFICATES FOR ANY BUSINESS, BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF ADULT USE CANNABIS FOR A PERIOD NOT TO EXCEED SIX MONTHS IN ORDER TO ALLOW THE VILLAGE TO REVIEW APPLICABLE STATE AND LOCAL LAWS AND TO PLAN FOR REGULATIONS RELATING TO SUCH ACTIVITIES; AND DECLARING AN EMERGENCY.

BIERY MOVED TO TREAT ORDINANCE 1421-23 AS AN EMERGENCY. COC SECOND.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

BIERY MOVED TO WAIVE THE THREE-READING RULE. SECOND BY MARKET.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

CERNY MOVED FOR ORDINANCE 1421-23 TO BE IN EFFECT IMMEDIATELY. SECOND BY BIERY.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

**SECOND READING:**    **1422-23**            AN ORDINANCE ESTABLISHING SPECIAL REVENUE FUND 4911, ELEVATED WATER STORAGE TANK REHAB CAPITAL INVESTMENT AND PROPRIATING OWDA LOAN PROCEEDS TO THE FUND AND DECLARING AN EMERGENCY

CERNY MOVED TO TREAT ORDINANCE 1422-23 AS AN EMERGENCY. KOEHLER SECOND.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

BIERY MOVED TO WAIVE THE THREE-READING RULE. SECOND BY KOEHLER.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

MARKET MOVED FOR ORDINANCE 1422-23 TO BE IN EFFECT IMMEDIATELY. SECOND BY KOEHLER.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

**SECOND READING:**    **1423-23**            AN ORDINANCE APPROVING NEW POLICY TITLED "EMERGENCY CALLS DURING OFF HOURS – CELL PHONE POLICY" FOR INCLUSION IN THE VILLAGE OF PUT-IN-BAY'S PERSONNEL POLICY AND PROCEDURE MANUAL AND DECLARING AN EMERGENCY.

KOEHLER MOVED TO TREAT ORDINANCE 1423-23 AS AN EMERGENCY. COX SECOND.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

Koehler moved to rescind his motion. Cox seconded and rescinded his second.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

Koehler amended his original motion to include adding the Utility Department to the title of the ordinance.  
Cox second.

Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

MARKET MOVED TO WAIVE THE THREE-READING RULE. SECOND BY BIERY.

Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

BIERY MOVED FOR ORDINANCE 1423-23 TO BE IN EFFECT IMMEDIATELY. SECOND BY COX.

Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

**SECOND READING:**    **1424-23**            ORDINANCE AMENDING TITLE TWO, BUSINESS REGULATIONS, CHAPTER 858, RENTAL VEHICLES, SECTION 858.01 LICENSE FEES; DEPOSIT INTO PUBLIC SERVICE STREET REPAIR FUND, AND DECLARING AN EMERGENCY

COX MOVED TO TREAT ORDINANCE 1424-23 AS AN EMERGENCY. KOEHLER SECOND.

Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

COX MOVED TO WAIVE THE THREE-READING RULE. SECOND BY KOEHLER.

Roll: Market; no, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

KOEHLER MOVED FOR ORDINANCE 1424-23 TO BE IN EFFECT IMMEDIATELY. SECOND BY COX.

Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

**SECOND READING:**    **1425-23**            AN ORDINANCE APPROVING A CONTRACT WITH THE OHIO WATER/WASTEWATER AGENCY RESPONSE NETWORK (OHIO WARN) AND DECLARING AN EMERGENCY.

Biery moved the second reading of ordinance 1425-23. Second by Cerny.

Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

**INTRO/EMERG:**            **1426-23**            AN ORDINANCE AUTHORIZING THE RECUSAL OF MEMBERS OF THE VILLAGE COUNCIL IN MATTERS BEFORE THE VILLAGE COUNCIL RELATING TO MEMBERS' PERSONAL, PRIVATE BUSINESS, OR EMPLOYMENT ACTIVITIES, AND DECLARING AN EMERGENCY

COX INTRODUCED THE ORDINANCE.

MARKET MOVED TO TREAT ORDINANCE 1426-23 AS AN EMERGENCY. KOEHLER SECOND.

Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

COX MOVED TO WAIVE THE THREE-READING RULE. SECOND BY MARKET.

Roll: Market; no, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

BIERY MOVED FOR ORDINANCE 1426-23 TO BE IN EFFECT IMMEDIATELY. SECOND BY MARKET.

Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

**INTRO/EMERG:**           **1427-23**           AN ORDINANCE APPROVING NEW POLICY TITLED  
"EMERGENCY CALLS DURING OFF HOURS – POLICE DEPARTMENT OFF  
SEASON CELL PHONE POLICY" FOR INCLUSION IN THE VILLAGE OF PUT-  
IN-BAY'S PERSONNEL POLICY AND PROCEDURE MANUAL AND  
DECLARING AN EMERGENCY.

DISCUSSION TOOK PLACE ON THE EFFECTIVE DATE.  
ORDINANCE WILL BE AMENDED TO REFLECT THE DECEMBER 17<sup>TH</sup>, 2023 EFFECTIVE DATE, AND  
ALSO, NOT TO BE RETROACTIVE.

COX INTRODUCED THE ORDINANCE AS AMENDED.

COX MOVED TO TREAT ORDINANCE 1427-23 AS AN EMERGENCY. MARKET SECOND.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

BIERY MOVED TO WAIVE THE THREE-READING RULE. SECOND BY COX.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

BIERY MOVED FOR ORDINANCE 1427-23 TO BE IN EFFECT IMMEDIATELY. SECOND BY  
CERNY.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

**ACTION OF COUNCIL NEEDED:**

Cerny moved to approve the Committees and Committee Chairs for 2024; including Koehler as  
the new chair of the Rules and Ordinance Committee. Second by Biery.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

Cox approved the Pay increase for Aaron Shaffer from \$17.85 to \$19.00/hr effective the next pay  
period 12/17/2023. Second by Biery.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

Biery moved to approve the new Health Insurance Coverage for 2024. Second by Market.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

Cerny moved to table the Approval for Kleinfelder Ibis/East Point Gravity Sanitary Improvements  
Contract. Second by Cox.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

Cox moved to table any action on the Doug Nusser Independent Contractor Agreement. Market  
second.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.  
Discussion took place on liability insurance and budget expenses regarding the agreement.

Cerny approved the Credit Card purchase of \$1,233.96 from Home Depot on the utility Credit  
Card. Second by Biery.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

**PUBLIC PARTICIPATION:**

Brian Cultice; Jeris Lane.

Presented council with a proposal for I.T. work rebuilding the Village website. \$50/hour for labor to maintain, and \$750-\$1000.00 for the complete rebuild. Annual updates will be \$300.00. Work would start January 1<sup>st</sup>, 2024.

Market moved to approve up to \$1200.00 for the website rebuild to be done by Brian Cultice and including any annual updates. Second by Cox.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

**VILLAGE ADMINISTRATOR:**

Paul Ladd graced the council with his request letter for dockage. Discussion took place on liability, utility costs, and financial responsibility/contribution.

Cox moved to approve the suggested honor system of \$1.00/day per bubbler, and for the Village Administrator to produce and complete all paperwork regarding the approval and a liability contract. Second by Biery.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

**COMMITTEE REPORTS:**

**Water/sewer Committee:**

Committee Chair Market would like to schedule a Special Meeting for December 20<sup>th</sup>, 2023 at 9:00 am for the purpose of entering executive session; and to discuss Mr. Ciaccia report of the water and sewer departments.

A Property/Townhall Committee meeting will be scheduled for December 20<sup>th</sup>, 2023 at 10:00am to discuss employee housing, and potential of moving forward with Fredrick Property development; Village to send out RFQ's (request for qualifications).

Market moved to direct the Village Administrator to send out RFQ's to engineers for Fredrick Property development. Biery second.  
Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

Market also discussed increases with Water/sewer Rates, does not agree with another 7% increase, would prefer to stick with 3%-3.5% for the future.

**PLANNING COMMISSION:**

Need to obtain a new land use map that is updated, and also an updated zoning map.

**CHIEF OF POLICE REPORT:**

School resource Officer interviews will start tomorrow, December 13<sup>th</sup>, 2023.

**MAYOR REPORT:**

Discussion on Ordinance 1284-01 Parking Space Requirements; golf cart sizing requirements. Would like to see that revisited soon and updated. Legal stated that it will have to go through Planning commission first.

Mayor asked legal if the Village was required by law to pay holiday pay for all of the indicated Holidays? Legal stated that the Village is not required to pay holiday pay.

Golf Cart Regulations discussion that will take place on the committee meeting will need to include implementing rental regulations. Lengthy discussion took place on limiting number of golf And the regulations associated with them.

The possibility of a traffic study would help tremendously with the traffic patterns of the main Village roads downtown.

Short Term Rental Ordinance expired in March 2024, and the Golf Cart Moratorium will still need To be looked at.

**LEGAL:**

Language for T2 Parking System will be drafted.

The firm does not have anyone that the Village could utilize for permanent grant writing, but for The grant that is due December 18<sup>th</sup>, 2023, someone will be able to assist.

Biery moved to approve the application of the Strategic Community investment Development Program. Second by Market.

Roll: Market; yes, Koehler; yes, Cox; yes, Biery; yes, Cerny; yes.

**PENDING ITEMS:**

Longevity pay

Biery moved to adjourn. Second by Cox.

Roll: Voice Vote; all yes.

Meeting adjourned at 10:55am.

Mayor

Date

\_\_\_\_\_  
Attest:

\_\_\_\_\_  
Approved:

*Council may enter Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official; and for the discussion of pending and imminent litigation; and for the sale of property.  
Council may enter Executive Session for any items listed in R.C. 121.22*