



Martin Files Lawsuit Over Duplex

Councilman Charles "Jake" Martin filed a lawsuit in Common Pleas Court against various Village Officers and Officials. The lawsuit, filed on September 2, names Jack Terry as Village Zoning Inspector, Chuck Herndon as President of the Planning Commission (although his capacity is normally described as Chairman) and as a Council member, Don Haas as Mayor, and the remaining members of Council (Russ Matso, Carl Yoscovits, Ed Curilla, and Lee Shadle).

At the heart of the issue is the duplex located on Woodford Rd. that Martin erected as agent for Kuchar Enterprises. Zoning Inspector Terry has steadfastly refused to issue a building permit for the structure because it does not meet the square footage requirements of Zoning Ordinance 303.

The square footage issue was surprisingly not mentioned as an issue in the lawsuit. The lawsuit appears to set the stage for arguments that Martin relied in good faith on the advice of Herndon and actions taken by the Council to order, ship and erect the structure. Herndon has admitted that a mistaken reading of sections of 303 led him to comment to Martin that the 1520 sq. ft duplex was within the limits of the requirements of Ordinance 303. Zoning Inspector Terry asserts that he visited Martin that same day and informed him Herndon was mistaken.

The issue was discussed at both the June and July meetings of the Planning Commission. A special Council meeting was called for late June to deal with the matter by lowering the square footage limits to accommodate the building. Changing the floor space requirement was an alteration of the Zoning Code, which requires a public hearing and a 30 day notice period. Since they could not modify the rules to accommodate the situation, Council, decided to change more rules that had to do with the Zoning Ordinance - they agreed among themselves that the building could be brought over but not occupied. They were without authority to issue such permission, but the building arrived that afternoon.

Public opposition to the proposed reduction in square footage to accommodate the duplex changed the sense of Council from one of agreement to one of opposition. An alteration was made to the duplex floor space requirements section of Ordinance 303, but instead of altering the space requirement it clarified and strengthened the language of the section. The modification passed, although there is dispute over the effective date of the change.

The complete text of the lawsuit, minus the exhibits, follows:

continued on Page 3

Meeting Dominated By Personnel Issues

The September regular Council meeting was punctuated throughout with items of personality. Several appointments by Mayor Haas were accepted, while several others were tabled and potentially stopped.

Several attacks were aimed at Councilman Martin.

Park Board

The least controversial appointments of the evening were to the Park Board. The Mayor proposed that four members consisting of two husband/wife combinations be appointed to the Park Board, which has been comatose for the past year or so. Paul and Vicki Finnegan and Leslie and Bruce Korenko were given the appointments. The Finnegans and Korenkos have planted and maintained the flowers in the downtown park for the last several years.

Airport Manager

An appointment to the position of Airport Manager is normally a quiet process with very little passion involved. However, this summer the position has become a hot political issue between the Mayor, the Airport Committee and the rest of Council. Ken Neuffer was removed from the position of Airport Manager in late May. In June, the Council voted by a 4-2 majority to recommend to the Mayor that Neuffer be re-appointed. The Mayor refused to accept the suggestion and said he was going to appoint Ken Haig to the position. Then he decided to combine the airport manager's job with that of the Street Commissioner. To avoid a potentially awkward situation where Street Commissioner/Airport Manager John would have to collect funds to turn over to Village Clerk/Treasurer Jean Kuyoth, the Mayor is having the Police collect the fees.

His attempt to codify that arrangement could not muster the required two-thirds majority to pass as an emergency, so he appointed Kuyoth as "temporary" manager.

Water Superintendent

Village Solicitor Strickler asked the Council to approve the employment contract with Bruce Korenko pending discussions with the BPA. Council members complained that did not have nor had they seen a copy of the contract. That matter was tabled

Planning Commission

This is the 20th anniversary of Watergate, so it seems fitting that Mayor Haas's attempt to appoint a new member to the Planning Commission should also remind some of that dramatic day when Richard Nixon announced Spiro Agnew as his running mate in the 1968 election. Spiro Who? said the headlines.

When the Mayor announced he was appointing Ralph P.

Continued on Page 9

Can a Councilman be Recalled?

There have been many questions about removing a Village Councilman from office. There is no statutory provision for recalling a member of a village legislature by popular vote.

The Council itself can only remove one of its members for failure to attend meetings. The only remedy available for removing a member of Council is through the courts on an issue of misconduct in office. Filing of a lawsuit against the Village is not an issue of misconduct.

There is an issue, though, that has not received much attention. That was the voting that occurred on Ordinance 604 during its lifetime in the legislation process. Ordinance 604 retains the original requirement of 960 sq. ft. per dwelling unit, but seeks to remove any vestige of ambiguity from the wording of the specification.

When the issue was first ready to be voted on, after the requisite 30 day notice period and subsequent public hearing, Village Solicitor Randal Strickler said, when asked if Martin could vote on the issue "As the Village Solicitor, Councilman Martin has called me and asked me regarding whether he should vote or not, at least in regards to the size of the duplex dwelling unit and my advice to him is that he should not participate in the discussion and that he should also not vote in regards to this ordinance."

In the voting on July 30 Martin abstained on the issue. The next time the Ordinance came to a vote, at the Regular Council meeting on August 20, Martin again abstained, but commented during a discussion of how abstaining counted, that

Continued on Page 11

Charter Fishing on SEATRADER I



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At the Foot of Division Street

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Friday, Saturday
8:00 AM - 8:00 PM

Sunday

9:00 AM - 3:00 PM

Monday-Thursday

8:00 AM - 7:00 PM

419-746-2292



MARTIN LAWSUIT...FROM PAGE 1

1. Plaintiff Charles A. Martin, Jr. is a local contractor and agent for Kuchar Enterprises.

2. Defendants Jack Terry is the Zoning Inspector, Charles Herndon is the President of the Kelleys Island Planning Commission and member of Council, Donald Haas is the Mayor, and Russell Matso, Carl A. Yoscovits, Edward Curilla, and William L. Shadle are all members of Council of the Village of Kelleys Island, Erie County, Ohio.

3. On or about December 6, 1979 Council for the Village of Kelleys Island adopted Ordinance No. 303, which Ordinance and amendments thereto are in full force and effect at all times material herein and purport to regulate and restrict the location of residential, commercial, and other properties in the Village of Kelleys Island.

4. At issue in these proceedings is the applicability and enforceability of Section 901-3 of Ordinance No. 303 "Zoning Certificates Required." A copy of Section 901-3 is attached hereto, marked "Exhibit A" and made a part hereof.

5. On June 6, 1992 Plaintiff applied for a building permit to construct a duplex at 440-442 Woodford Road, Kelleys Island, Ohio. A copy of the application is attached hereto as "Exhibit B" and made a part hereof.

6. At its June 1992 meeting the Kelleys Island Planning Commission recommended to Village Council that certain changes be made to Ordinance No. 303 affecting square footage of dwellings.

7. At a special Council meeting on the morning of June 16, 1992 by a voice vote Village Council authorized said Martin duplex to be brought to Kelleys Island and placed on its foundation.

8. Plaintiff has proceeded in good faith an installed a modular duplex on said property which complies in all aspects with the provisions of the Kelleys Island Code, the direction of the Village Council and Planning Commission of the Village of Kelleys Island, Ohio and their members.

9. Defendant Jack Terry, Village of Kelleys Island Zoning Inspector, now refuses to issue a building permit for said duplex.

10. On or about August 15, 1992 Jack Terry as Kelleys Island Zoning Inspector posted a zoning violation notice on said property on Woodford Road, Kelleys Island, Ohio. A copy is attached hereto, marked "Exhibit C" and made a part hereof.

11. Said Ordinance is contrary to law because it is unreasonable, arbitrary, and confiscatory relative to Plaintiff's duplex.

12. Plaintiff has no other adequate remedy for relief sought herein.

13. Said action of Village officials are contrary to law, unreasonable, arbitrary, and confiscatory relative to Plaintiff's duplex.

WHEREFORE, Plaintiff prays the Court for:

1. A declaratory judgment that said Ordinance is unlawful as applied to Plaintiff's duplex.
2. An order directing Jack Terry, Kelleys Island Zoning Inspector, to issue a building permit to the Plaintiff in accordance with the applications attached hereto as "Exhibit B."
2. (sic) An order enjoining the Defendants from issuing further zoning violations as to property located at 440-442 Woodford Road, Kelleys Island, Ohio.

3. An order granting Plaintiff his costs of this suit including reasonable attorney fees.
4. An order awarding Plaintiff such further relief as the Court deems just and proper.

Mayor Wants Noise Ordinance

Mayor Haas requested and obtained permission from the Council to have the Village Solicitor begin researching establishing a noise ordinance for the Village. Haas said he also wanted to buy a sound measuring instrument for enforcement purposes.

He said that when he can hear music at his house on Woodford, he knows it is too loud downtown. Also singled out during the discussion was the purported noise produced by Denny Kaisers boat "Jaws" as it passes back and forth past the Island.

THE FAMILY EATERY
CAPTAIN BOB'S

Weekend Breakfast
 8 am -12 pm Saturday and Sunday

Wally is Back and Cooking at Cap't Bob's!

Weekend Specials!
 Friday & Saturday 6 pm - 9 pm • Sunday pm 4 - 7 pm





- Pierogi • Pasta • Steaks
- BBQ/Baked Chicken
- Pork Roast • City Chicken
- Roast Beef • Soups
- Stuffed Cornish Hens
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One Price Includes Soup, Salad, Entree, Dessert, & Beverage.

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Country Store

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 Division Street - Downtown 419-746-2557

New	First	Full	Last
			
September 26 5:40 AM	October 3 9:12 AM	October 11 1:03 PM	October 18 11:12 PM

Phases and Seasons

Birthday greetings to **Beth Naufel** and **Nick Connone** on September 20, **Jimmy Kryznowek** on September 21, **Vicki Finnegan** on September 28, **Kim Gruly** and **Lee Verlinger** on the 5th of October, **Cathy Verlinger** on the 7th, **Kellie Reddinger** on the 12th, **Nicole Haggerty** on the 16th, and **Mary Lyczynski** on the 17th. **Pat and Dan Wood** will celebrate their first anniversary on October 4, and **Jean and John Kuyoth's** anniversary is on October 6.

Beth and Terry Kranyak are about to move into their new home in Farmington MI, which was just completed. They are also remodeling their home on the Island.

Ken Neufer and Joann Wilson are getting ready to spend a warm and sunny winter in Arizona, without their plane, which they recently sold. **Marge and Bill Clapper** will also winter in Arizona again this year.

Caroline and Richard DeBoard hosted a special event on their dock recently, when their granddaughter **Kelly Price** was baptized, along with **Sarah and Katie Finnegan** and **Lindsay Van Orman**. **Rev. Walton** performed the ceremony, and the Island Singers sang several songs.

Larry and Sally Reiss recently decided to leave the Island, and have moved their family down to Florida. **Kit and Charlie Moore** will be sure to make that one of their stops this winter, as they travel around in their new camper with their four-legged kid.

The **Old Fa*ts** are looking for a new name, according to Coach **Dick Kadlec**. Kadlec says the name just doesn't get them the respect they deserve, and his suggestion is "The Metamucil Nine." We hope someone can do better than that. The **Old Fa*ts** proved that age and treachery can beat youth and inexperience again this year, winning their game against the girls and everyone else on Labor Day weekend.

Capt. David Phinney recently led a group of adventurers to Pelee Island, Put-in-Bay, Sinbad's in Detroit, and to Port Huron. Fellow travelers included **Don and Sandy Alexander**, **Kim and Rob Watkins**, **Frank and Chris Yako**, and **Penny Kyle**. **Lil Phinney** reports that **Kim** did off-duty EMT work for her, when she sprained her ankle on the boat. The group ended up at the beautiful Thomas Edison Inn in Port Huron.

Ben Elfer's photo appeared in the Sandusky Register on September 16. He was pictured working at the courthouse in Sandusky.

We're glad to see that **Wally Kryznowek** is back at work, cooking up his special lunches and dinners. **Wally** is now at **Capt. Bob's**, and is serving lunch and dinner specials every weekend.

Steve and Laurie James spent their 17th anniversary up in the air, looking down on Sandusky Bay and the Islands from a parasail. They took the trip from Cedar Point, and loved it. **Steve** is planning a sky-diving adventure for their 18th anniversary—but **Laurie** doesn't sound real enthusiastic about that.

Rob McCullough had an unusual group on one of his trams lately—**Geraldine Betzenheimer**, **the Blatt's**, and **Tim Sullivan** joined two tourists on the expedition.

The VFW hosted their Back to School lunch on the 16th, for all 15 schoolkids and the staff. The VFW begins their series of Turkey Shoots this Sunday. On October 11, he shoot will benefit the Island Girls Drill Team, and on the 18th will be for the volunteer fire department.

Pat and Peggy Cooney are back from three weeks in the Emerald Isle (the real one), and promise a full report later.

Jerry Bozic has been on a real winning streak with the lottery recently, but has been spotted reinvesting the winnings.

Congratulations to **Suzanne Schock** who graduated from Bowling Green on August 8.

Wellness For Women Retreat

The Island Inns Association is hosting their 3rd Island Wellness for Women Retreat from October 2 through October 4. The retreat is being facilitated by Sacred Space, a women's group from Cleveland whose focus is on women's spiritual enrichment.

There will be yoga, workshops and activities planned to make the retreat both relaxing and self-rewarding. Kelleys Island during the off-season has proven to be the perfect setting for retreats because of the peaceful tranquillity and beautiful natural surroundings. In early October the leaves will be turning their vibrant colors transforming the Island into a Technicolor nature show.

If you are interested in attending the retreat, call **Lori Hayes** at (419) 746-2258 or **Sacred Space** at (216) 885-4020.

Cost for the total retreat package is \$170.00. This includes the retreat and workshops, two nights lodging at one of the participating inns, continental breakfast and supper Friday night.

Those with accommodations on the Island can attend the retreat and workshops for only \$70.00

"If you are like one of the many Super-Women who try to do it all," says **Lori Hayes**, "why not step off the treadmill temporarily and join us for the Island Wellness Retreat for Women."



Baptism and Music Along the Shores of Lake Erie

Letters To The Editor

To The Perchie Press,

We as an appointed body would like to give a step-by-step explanation of the process of issuing a zoning permit.

When a person or persons want to apply for a permit there are requirements that must be met before a permit can be issued.

The first requirement is that a permit has been obtained from the Erie County Board of Health for a septic system that will handle the building that is to be constructed.

Second, a plot plan must be submitted showing the size of the lot with the building and septic system shown drawn to scale as well as showing the rear setback, sideline measurement, and the front set back.

The specific requirements for dwelling units comes from Section 401 of the Village of Kelleys Island Zoning Ordinance 303 which is the law and must be followed. The relevant section of the code is reproduced below. (The bold face type is our emphasis):

Sec. 401-4 Area Regulations

- a. Minimum Lot Area - Fifteen Thousand (15,000) square feet for single family. Twenty thousand (20,000) square feet for two family.
- b. Minimum Lot Width at Minimum Building Setback Line - One hundred (100) feet.
- c. Minimum Front Yard Depth - Thirty-five (35) feet from the edge of the street right-of-way, except as provided in Section 401-4i, or in line with existing buildings on adjoining properties but no closer than (25) feet from the street right-of-way.
- d. Minimum Rear Yard Depth - twenty-five (25) feet.
- e. Minimum Side Yard Width of Each Side Yard - Ten (10) feet.
- f. Minimum Living Floor Area Per Dwelling Unit for Dwellings Located on the Lake Shore Road or Division Street and the Area Immediately Adjacent To and No Further Than Two Hundred (200) Feet from the Lake Shore Road or Division Street - **A two family structure shall meet the requirements of two dwelling units.**
 - 1. A dwelling unit shall have not less than nine hundred sixty (960) square feet of living floor area measured at the foundation.
- g. Minimum Living Floor Area Per Dwelling Unit - In all other areas classified as R-1 Residential -
 - 1. A dwelling shall have not less than nine hundred sixty (960) square feet of living floor area measured at the foundation.
 - 2. A minimum building width is twenty-four (24) feet.
 - 3. It is a recommended standard that the

architecture of any new dwelling must be in harmony with the style of the 19th and 20th century so as to preserve the antiquity of Kelleys Island as it now exists. See Sec 301-5 h and Appendix A for procedure.

When plans were submitted to build a two family structure on Woodford Rd., the unit size was 760 square feet per side which did not meet the 960 square feet that are required by law. These units are more than 20% per unit smaller than the requirement of Ordinance 303.

The application was not approved for construction because it did not conform with the Zoning Ordinance and therefore a permit was not issued.

The process for accepting and issuing a zoning permit are the responsibility of the zoning inspector and the review board, of which there are four members. All permits are reviewed by the zoning inspector and review board before they are issued. Approval from the zoning inspector plus two signatures from the review board are required on this form.

This permit was reviewed by members of the review board and the zoning inspector and turned down on June 6, 1992, three weeks before the structure arrived on the Island.

Here is also some information from Ordinance 303:

Sec. 902 Enforcement

Every person corporation or firm who violates, disobeys, neglects, or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Inspector, Board of Appeals, Planning Commission, or Village Council issued in pursuance of this Ordinance shall be guilty of a misdemeanor.

The only requirement not met on this was the minimum square footage. Manufactured homes are not mobile homes and, therefore, are subject to the same requirements as stick constructed homes (homes constructed on job site). Just because this is the largest size two-family unit constructed by Randall Homes doesn't mean it meets our requirements for minimum square footage.

For the record, a two-family home built on Fairview more than four years ago had to have 960 square feet per side at the time. This home is also a manufactured home and had to be brought over in four sections. In order to conform with our 960 square foot per unit at the foundation regulation, two single family homes with 960 square foot per unit were joined together.

On August 20, 1992, applications for four more duplexes of this same size were received. These duplexes will not receive zoning permits based on the square footage which were applied for.

Applying for four more zoning applications is hardly a way of getting together to resolve this issue.

Sincerely,

Jack Terry, Zoning Inspector
 Lori Hayes, Review Board
 Bev Johnson, Review Board
 Marcy Mielke, Review Board
 Dave Van Auken, Review Board

Korenko Named Water Plant Superintendant

Bruce Korenko was recently appointed the new Superintendant of the Kelleys Island Water Department. Bruce is originally from Cleveland, but has had a house on the Island for about 15 years.

Bruce has been acting superintendant since April of this year, and his official appointment was made possible by his recently passing the Ohio EPA Class I Operator (Water Supply) certification test in Cleveland. Ohio's certification test is reputed to be one of the toughest in the country, and Bruce passed the test with top scores.

Since his "acting" assignment began, he has instituted several improvements in the plant. A few of them are the installation of a higher-volume pay-meter for water haulers, and the installation of a new raw water pump in the pump house. He is proud that he has achieved a 99% full pay rate on outstanding water accounts. There is only one account that keeps the score from being 100%, and that service has been disconnected pending payment.

With the expanded water plant capacity and the recently completed water line improvements, water restrictions have been eliminated. Of course the unusual amount of rain this year and the diminished tourist traffic have reduced the usual summer demands on the system.

There are several projects that will keep Korenko occupied in the coming months. These include the extension of the water intake pipe farther and deeper into the lake, the assessed extension of the water system, and the "pigging out" (cleaning) of sections of the old water pipe. "Of immediate importance," he said, is the issue of contract compliance on the water line project. I want to make sure that the residents of Kelleys Island get every bit of work they are entitled to."

Korenko also said that he can be reached on 746-2555 to answer any questions about billing, the water plant, the distribution system, or any problems with the water supply. He also said that with almost 400 users on the system, he would appreciate as much advance notice as possible for pulling or installing meters.

Recent Building Permits

The conduct of political life in the Village recently has been centered around a building permit that wasn't issued. Below is a listing of building permits that were issued. Several are of sufficient interest to make comment on.

The world will "little note nor long remember" this fact,

No.	Date	Issued To	Work Address	Work Consists Of	Fee
1250	07/25/92	Marv Byer	733 W. Lakeshore Dr.	Shorewall Deck 12 x 24	58.96
1251	08/18/92	John Morse	Long Point	Change barn to Living area 2 BR, 2 Bath	415.15
1252	08/18/92	Alvin Thrush	115 McGettigan Rd.	5X18 Garage 6X12 Kitchen Additions	85.24
1253	08/29/92	Jim Smith	326 Lower Cliff Dr.	Residential Home - Wood	409.60
1254	08/29/92	Ted Terry	515 Lakeshore	Extension to Dock 12X52 12X24	165.04
1255	09/09/92	Betty Jones	109 Chappel St.	12X18 Wood deck with rail	46.72
1256	09/09/92	John and Karen Terry	302 Beach Rd.	Decks 32X8 & 8X8	64.40
1257	09/10/92	Florence Block	801 Monagan Rd.	Single Family Home 2 BR and Office	747.71
1258	09/12/92	John Carrig	209 Division St.	12X26 Porch	38.56
1259	09/12/92	Walter and Nancy McGreevy	901 E. Lakeshore	24X28 Garage	171.84



MARBLEHEAD SERVICE SEPT 28 - NOV 1

MONDAY - THURSDAY

Leave Marblehead	Leave Kelleys Island
7:30 am 1:30 pm	8:00 am 3:00 pm
8:30 am 3:30 pm	10:00 am 4:00 pm
10:30 am 4:30 pm	1:00 pm 5:00 pm

FRIDAY

Leave Marblehead	Leave Kelleys Island
7:30 am 10:30 am	8:00 am 10:00 am
8:30 am 12:00 No	

1:00 pm thru 7:30 pm	EVERY 1/2 HOUR	12:30 am thru 7:00 pm
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SATURDAY

Leave Marblehead	Leave Kelleys Island
7:30 am	8:00 am

8:30 am thru 1:30 pm	EVERY 1/2 HOUR	9:00 am thru 2:00 pm
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2:30 pm thru 6:30 pm	EVERY HOUR	3:00 pm thru 6:00 pm
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SUNDAY

Leave Marblehead	Leave Kelleys Island
8:30 am 9:30 am	8:00 am 9:00 am

10:30 am thru 6:30 pm	EVERY 1/2 HOUR	10:00 am thru 7:00 am
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FOOT OF FRANCES STREET · MARBLEHEAD, OH 43440 · 419-798-5800

Wheelchair Available for Use

Marge Newcomb has donated a wheelchair to the Village. It will be kept in the old Town Hall. It will also be made available on a loan basis for those who might need a wheelchair for short duration usage.

but Zoning Inspector Jack Terry granted himself a zoning permit. A change of use permit was issued to John Morse for converting a portion of his barn/workshop on Long Point into a living quarters.

Also of note is the issuance of zoning permits, under the conditions of the new Shoreline Zoning Ordinance, for dock and dock structures.

THE PERCHIE PUZZLER

I P E R C H I E P R E S S Y N I T U M G
 S S I E T N A L L E G A M N I N A N E N
 A C N O N A L E X T H E G R E A T E X O
 B U D P I N T O S E I D N I T S E W P I
 E R I R W I A C I A M A J K T G H W L T
 L V A Y E S U B M U L O C O A U R O O A
 L Y N L I H F E R E N O A Y N E E R R R
 A T S H I P P S I I R M O S J U S L E B
 T C L E W I S O A H E V A P B Y R D R E
 E I A S R K C T T R Y R E V O C S I D L
 B T G P H E P U I S A N T A M A R I A E
 O N U A I A O F N O I T A Z I L I V I C
 U A T I C M L E P M A R C O P O L O U Z
 N L R N Y O K R A L C Z H L R E D A R T
 T T O L R A M E R I C A O C C A B O T E
 Y A P A T R A D E W I N D S S M R O T S

One Explored, One Deployed

This puzzle, incorporating the legend of Christopher Columbus as its theme, was prepared and submitted by Renee Greenway. Greenway, a frequent critic of Rhonduh Behnke and of the Perchie Press's editorial quality, claims the puzzle to be without error. The Perchie Press did take the liberty of modifying the puzzle to include a message with the unused letters, hee, hee...

- | | |
|-------------------|-------------------|
| 1. ALEX THE GREAT | 20. MAGELLAN |
| 2. AMERICA | 21. MARCO POLO |
| 3. AMERIFLORA | 22. MUTINY |
| 4. ATLANTIC | 23. NEW WORLD |
| 5. BOUNTY | 24. NINA |
| 6. BYRD | 25. PERCHIE PRESS |
| 7. CAPTAIN | 26. PIKE |
| 8. CARGO | 27. PINTO |
| 9. CELEBRATION | 28. PLYMOUTH ROCK |
| 10. CHRISTOPHER | 29. PORTUGAL |
| 11. CIVILIZATION | 30. SANTA MARIA |
| 12. CLARK | 31. SCURVY |
| 13. COLUMBUS | 32. SPAIN |
| 14. DISCOVERY | 33. STORMS |
| 15. EXPLORER | 34. TOBACCO |
| 16. INDIANS | 35. TRADER |
| 17. ISABELLA | 36. TRADEWINDS |
| 18. JAMAICA | 37. VOYAGE |
| 19. LEWIS | 38. WEST INDIES |

Get Ready For Spring Blooms

The annual daffodil naturalization program, sponsored by the

Kelleys Island Garden Club, is underway. Bulbs should be used, of course, on Kelleys Island and can be planted in your yard or other visible area.

If you are interested in purchasing King Alfred daffodil bulbs (\$.20 each, minimum order \$5.00) please contact Bruce Korenko at 746-2432. Leave a message on the answering machine which should include your name, telephone number, and the number of bulbs you are ordering.

Water Project Finally Underway

The final holdout on granting an easement for the languishing assessed waterline project finally yielded and the project can finally move forward.

The new line will be eight inches in diameter with fire hydrants and will run from Lakeshore Dr. north on Melody to Trailer and from Lakeshore north on Cedar to Trailer Lane. with crossovers on both Trailer and Orchard Lane. Another line will be installed along Woodford from Harbor Lane to and including Eastpoint and Martin. The third section will run from Woodford down McGettigan and connect back to the Harbor Lane line.

The estimated cost of the project is \$689,000, which is \$27.35 per foot. Certified notices of the estimated assessments are being mailed to affected property owners. The actual assessments will be determined by the actual price of the project but can not be more than 10% over the estimate. If the project costs less than estimated, the assessment will reflect the actual cost.

Construction is anticipated to start in the spring and will take three to six months to complete. The engineering for the project was done by Poggemeyer Design of Bowling Green

ISLAND ELECTRIC & PLUMBING

LICENSED MASTER ELECTRICIAN

Thinking about a new kitchen or bath? Maybe rewiring that old rat's nest? How about plumbing your house so it actually drains when you leave? Call now to line up winter work. Come back in the spring to a completed project.

- ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆
- Base Board Heat
- Antennas
- Phone Jacks
- Electrical Service Upgrades
- Creative Track, Recessed, Sconce and Ceiling Lighting Design
- Hot Water Heaters - Repair or Replace
- Plugs, Lights, Switches Anywhere You Want Them
- Custom Kitchens and Baths
- New Plastic Drain Lines
- New Copper Feed Lines for Easy Drainage in Winter



TERRY KRANYAK
746-2236

EMT's To Bill For Services

The services of the Emergency Medical Technicians will no longer be provided free to anyone needing attention. A new ordinance assess a \$100 fee to each person utilizing the services of the EMT's. The fee will be waived for any owner of real property on the Island. Ownership of property is defined in the ordinance as those holding "fee simple" title to real property on the Island (a "fee simple" estate is one in which the holder is entitled to all right incident to the property. It is complete ownership). All others will be charged the \$100 for each response. The Village Council will have the power to waive the fees for any indigent person or other person who can demonstrate they can not pay the assessment.

The proceeds generated will be used to provide equipment and supplies for the EMT's

In a related development the Council authorized Mayor Haas to enter into an agreement with the Village of Marblehead for ambulanc services. If the Marblehead EMT's must provide ambulance service to a patient arriving from the Island at either ferry line or Coast Guard, Marblehead will bill the Village. This was the second round for the contract. Earlier, the contract as sent to the Village by Marblehead, was modified to include more favorable terms for Kelleys Island. For instance, it would have required Marblehead to bill the patient's insurance carrier before seeking payment from the Village. These modifications angered Mayor Dziak of Marblehead, but she did agree to extend the contract until the end of 1993 if Marblehead's terms were agreed to.

The cost for the Marblehead ambulance service will start at \$75 and will be billed to the Village. It will then be incumbent on the Village to obtain payment from the patient.

Court Upholds Availability Fee

Village Clerk-Treasurer Jean Kuyoth reports the first two rounds of court appearances over Transfer Station Availability fees show the Village with a perfect batting average - so far, anyway. There have been eight court sessions scheduled for individuals who remain delinquent on their 1991 Transfer Station availability fees. Of the eight, two (Lenox and Greeney) had not picked up the letter notifying them of their appearance and their cases were continued. One (Walcott) promised to pay the fee prior to the court date. Gary Finger requested that the matter be moved to Common Pleas Court, which petition was granted. Two others (Kranyak and Ivan Lange) lost by default when they failed to appear to contest the judgment, and two (Hugh Lange and Nyfenger) who did appear did not convince the judge they should not have to pay.

Additional court sessions are scheduled for the remainder of those delinquent. Late charges of \$5/month have been applied to the basic \$85 fee.

Kuyoth is also considering steps to date against those businesses who have not applied for their "business licenses for the 1992 season." The license ordinance as originally passed require all businesses operating on the Island to register and pay a license fee. One of the purposes of the ordinance was to track commercial operations so Island excise could be collected. The license ordinance ordinance was modified two months after it's

inauguration to exclude those businesses exempt from the excise tax. That move defeated the original intent of the ordinance - to license all businesses.

A penalty of up to \$100 can be assessed for not obtaining a business license.

Shhhhh, It's a Secret

Vacations Magazine selected the Island as one of the Top 100 Best Vacation spots in the Country in its summer ranking of destinations. It put the Island even higher on its Undiscovered Place list, ranking it within the top 10 nationally.

Library, Transfer Station Set New Hours

The Municipal Transfer Station and the Kelleys Island Branch of the Sandusky Library have both made adjustments to their hours of operation with the arrival of the Fall Season. The new hours of service are reflected in the bulletin board listing below.

Other service or non-profit organization wishing to have listings on the Community Bulletin Board are asked to send information to PO Box 472, Kelleys Island, OH 43438.

Community Bulletin Board

VILLAGE TRANSFER STATION

Wednesday & Saturday 9:00 AM - 1:00 PM
Sunday 10:00 AM - 3:00 PM

Kelleys Island Branch of Sandusky Library

Fall and Winter Hours
Wednesday and Saturday
10:30 a.m. - 12:30 p.m.

For Information Call
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Baptisms or Marriage Arrangements - Contact Pastor or Chaplain

Weekly Religious Education for Grades 1-8

Altar and Rosary Society Meets the Last Tuesday of Each Month.

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 <p>S-47 - LAKE FRONT LOT! This in demand home has all the extras for the discriminating buyer. 4 bedrooms, 3 baths, family room, enclosed sun room, new kitchen and just remodeled. Large insulated garage. Priced at \$189,000! Call today!</p>	 <p>S-38 HISTORIC CENTURY HOME! Currently used as bed and breakfast; lake front lot with magnificent view. Ideal for the antique lover. Situated on 1 1/2 acres and included barn. Many bedrooms and a must to see!</p>	<p>IN CONTRACT</p>  <p>S-44 FULLY FURNISHED... and ready for your family. 2 bedroom and everything is almost new, inside and out. Back deck looks over lake. Enclosed front porch. Call now for more information.</p>
 <p>S-49 BRAND NEW AND READY FOR THE RETIREE... This 3 bedroom ranch located on a beautiful wooded lot has all the extras. Lower level set up for a summer rental for supplemental income. Call quick!</p>	<p>IN CONTRACT</p>  <p>EAGLES NEST B&B - This charming secluded business is ready and rentals reserved for this summer. Very unique home with 2nd building for rental. Owner will finance to qualified party. Call for showing.</p>	 <p>S-42 ISLAND HOME AND RENTAL COTTAGE! Nice family home for use all year round plus bonus cottage for rental to pay for it. Main home has 5 bedrooms, large kitchen, family room with furnace. Priced at \$139,900. CALL Now</p>

Continued from Page 1

Wilms to the Planning Commission a collective murmur of "Ralph Who?" went through the audience and some members of Council. Haas went on to explain Wilms "is a professional architect. He lives on the East side between Cedar and Melody. He has a modified A-Frame."

Yoscovits opined he would like to meet someone before he voted for them, and Herndon queried if Wilms was an elector. Haas said he didn't think a member of the Planning Commission had to be an elector. A similar discussion was carried on at the July Planning Commission meeting where Dr. Ramy Dick's letter of resignation was read. Beverly Johnson suggested the Mayor consider appointing Lori Hayes to the vacancy, at which time Herndon asked Hayes if she was an elector (she is). Haas questioned whether that was a qualification and was informed by Herndon that it was.

The section of Ohio Code that allows the Village to appoint a Planning Commission says only that it shall contain "...three citizens of the village to be appointed by the mayor for terms of six years..." If "citizen" and "elector" are synonymous then Herndon is right; if not, Haas is correct. Wilms was not an elector as of the last general election, but could cure that situation by registering prior to October 5 to vote in the November election.

In another, more humorous, sense it is interesting that most members of both the Council and Planning Commission have never heard of Wilms, especially if he owns an A-Frame. Section 301-5 of Ordinance 303 reads in part "The issuance of all building permits for flat roof and A-Frame dwellings must be

approved by the Planning Commission subject to confirmation by the Village Council...."

Martin Criticized

No public meeting these days would be complete without a certain amount of Jake-bashing. Bud Minch, who works in the Cuyahoga County Engineers Office, gave a long recital of all the things he had done for the Island over the years. He described how his connections cultivated during his years of service to the US Congress and State Government help with causes as varied as getting help for someone with asbestosis to getting the State Lottery for the Island Market. He recently obtained traffic control signs for the Police Department. He said that Jake contacted one of the County Commissioners and told them he had been giving away signs. Minch went on to recite the things he had read about Martin and, when the Mayor tried to curtail the diatribe, the crowd yelled for him to be let to speak. Minch said that "when my character is done by that guy there, I have a right to respond...I think he is a disgrace to the Council and a disgrace to the Island and if they had a recall they ought to eliminate this individual."

Later in the meeting Bud Yoscovits, who has been known to be critical of Martin in the past said "For all you people who don't know, the Village is getting sued again by a Councilman - Mr. Martin... I think it's ridiculous that the man sit at this table with the amount of lawsuits he's filed against this Village." Martin responded "It's the first one I ever filed." That started a little shouting match between the two over the number of lawsuits that Martin has been involved in with the Village. "I wish you would do this Village a great favor and resign," said Yocovits. That received a round of applause from the audience.

The Right To Keep and Bear Arms?

Several real and alleged incidents involved gun fire have been reported recently on the Island. Although there is a general perception that someone convicted of a felony cannot possess a firearm, questions have been asked if that means any type of felony and if the proscription against firearms can be removed.

Those circumstances that make it illegal in Ohio to "acquire, have, carry, or use any firearm or dangerous ordnance" are euphemistically called a "disability." Heading the list of those with a disability are fugitives from justice. Anybody who is under indictment or has been convicted of a "felony of violence" also cannot play with guns. Presumably "white-collar" criminals are free to bandy weapons as they progress in their career.

Anyone convicted of or is under indictment for "illegal possession, use, sale, administration, distribution or trafficking in any drug of abuse" also may not possess or use weapons.

The next two are of special interest for they include anybody who is drug dependent or in danger of drug dependence, or is a chronic alcoholic, or anybody who has been determined to be mentally incompetent. *(the urge to make comments at this point have been assiduously avoided - ED.)*

The prohibition against possessing firearms by the classes listed above can be lifted. In general, all offenses have to be disposed of and sentences or other penalties have been discharged. Application is made to the Common Pleas court and the request is investigated by the County Prosecutor for recommendation. The applicant must demonstrate a law-abiding lifestyle and a likelihood to continue to do so, among other things.

Good News, Bad News, Joke

The road repair and paving story for the Island was met with some good news, some bad news, and what some call "a joke."

The good news is that it appears almost certain that East Lakeshore from its intersection with Harbor Lane to the Seaway Marina will get the necessary funding for repaving. The Village is expecting to get around \$102,000 of "second round" Issue II money for the project. In order to qualify for the funds the Village must agree to use a minority firm for the project engineering. The Village will apply the previously awarded \$34,644 in Issue II to the project. That money was to be used to widen and repave Woodford road from Harbor Lane to the lake. The Village must supply matching funds in the amount of 10%.

Now for the bad news. The money for the repaving of Lakeshore, including the money for the Woodford project, was to be used for the "number one" priority job of paving Harbor Lane. Last month Lee Shadle reported that he had been assured by the County Engineer there would be no problem in applying the funding to Harbor Lane. But the Ohio Department of Transportation saw things differently, and denied the request.

Rob McCullagh, while still mayor, once explained that Issue II money could only be used to rehabilitate existing infrastructure, not for new improvements. Paving a dirt road such as Harbor Lane would constitute a new initiative, while the repaving of Lakeshore would be a rehabilitation.

The not-so-funny joke in the story concerns the ever problematic new water line down Harbor Lane. One of the requirements for preparation of the road work bid package was for the surveying of the right-of-way of Harbor Lane. Results of that survey show, according to Bruce Korenko, that the waterline and fire hydrants are up to four feet into the road near Woodford Rd. He said it was not known at this time whether the fault rested with the engineering firm for the waterline project (Poggemeyer Design) or the construction company (Underground Utilities).

The right-of-way for Harbor is 50 foot wide, and there are no plans for a throughfare of that width. It might be possible to fit the road in without overlay the waterline, but one of the limiting factors is the drainage ditch on the East side of the road.

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Continued from page 2
 he would change to a "no" vote if the abstaining counted with the majority.

The third and final time the matter came for a vote, Martin did in fact change his vote to a "no." He actually voted twice on the matter, first when a motion was made to suspend the rules and make it an emergency (the meeting minutes are incorrect on this point in that they list him abstaining on the suspension of rules vote). He also voted "no" on the ordinance.

Voting on an issue in which one has a vested interest is generally considered to be an act of malfeasance.

Malfeasance is, in turn, is considered misconduct in office, and is actionable under Section 733.32 of Ohio Revised Code. The law provides that a complaint of misconduct can be filed with the County probate court by any elector of the Village, "signed and approved by four other electors thereof." After receipt of the complaint, the judge is required to issue a citation to the person charged in the complaint to appear before the judge within ten days. However, "before acting upon any complaint, the judge shall require the party complaining to furnish sufficient security for cost."

The judge then sets a hearing date and the matter takes on the trappings of a trial, where the accused may also be represented by counsel. Either party may demand a jury trial. It is interesting to note the Code requires the Village Solicitor to "appear on behalf of the complainant to conduct the prosecution."

If the person charged is found guilty on the complaint, the judge issues an order removing the official from office, and the vacancy is filled as provided by law.

The costs of the trial are charged to the complaining party, the accused, or the Village as the judge directs, except the accused will not be charged if acquitted of the charges.



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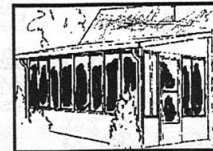
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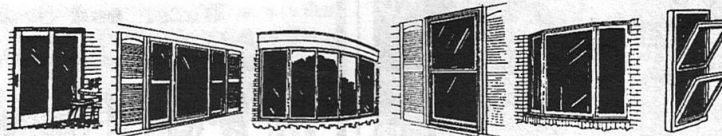
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911 Finally In Operation

After four false starts over the last year, the County-wide enhanced 911 system finally went into service in the early morning hours of September 15. The system is now effective for the Island, and emergency, and emergency only, situations should be reported by dialing 911.

The "enhanced" features of 911 involve the introduction of automatic routing and identification of calls from anywhere in Erie County. Based on the calling number, the call will be routed to the appropriate Public Service Answering Point (PSAP). PSAPs are various emergency response agencies across the county such as the Sheriff and Highway Patrol, as well as local fire and police agency. As the call is being routed, the calling number is also transmitted to a computer system in Columbus. The remote system contains information about the calling number, such as the street address where it is located and relays this information to the appropriate PSAP along with the call. The dispatchers then decide what action to take according to the type of emergency.

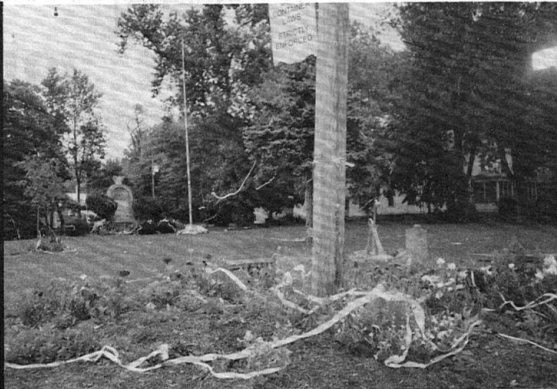
For 911 calls originating from the Island, the remote dispatcher at the PSAP will notify the Police or Fire Department as necessary. In some ways the new system might seem like it adds an additional step to summon emergency aid on the Island, since the call could be made direct to the responsible agency on the Island. But the additional information that can be captured and presented in the future (for instance, medical information on a household) make it a value added service. It also will immediately isolate the source of a call in case the caller is unable to communicate. It also is an easily remembered small number of digits to dial that is uniform throughout the County.

As of Saturday September 19, no emergency calls had been dispatched through the new system to the Island.

If curiosity should tempt you to call 911 to see how the system works, remember that the number you are calling from will be instantly accessible to authorities. They are not to kind with those whom they consider abusing the system.

If you would like to talk to the Village Police department about a non-emergency problem, please call on one of their two numbers - 746-2735.

The individuals responsible for implementation on the Island were Police Chief Schnittker and Beth Naufel.



These Decorations, seen the day after Labor Day, were not provided by the new Park Board

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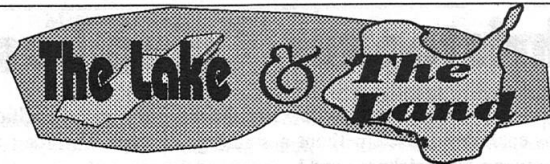


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Will The Walleye Capital Lose It's Title?

by Noah Eiger, GREAT LAKES REPORTER

For at least a decade, Lake Erie has been a frequently cited example of how successful environmental restoration could work. However, new research shows that the Lake's recovery is only recently becoming complete, and that the later stages of it may have some unexpected effects on the famous Lake Erie walleye fishery.

Lake Erie, once termed "dead" from eutrophication and overfishing, is now renowned for its sportfishing. Other visible improvements attest to a recovery that many doubted could ever happen. However, until recently, the natural cycle which maintains oxygen in the lake's lower depths during the summer had still not recovered.

According to Paul Bertram, an environmental scientist with the US Environmental Protection Agency and a co-author of the new study, the cycle provided oxygen to bottom-dwelling organisms and fish at the lower end of the food chain. Unnaturally low oxygen levels were the key to the Lake's decline: "fish and benthic organisms tend not to have very happy lives if there is no oxygen," he said.

In ice-free seasons, all of the Great Lakes "stratify" with cold water near the bottom and warm water on top. In the spring, algae feeds off the nutrients such as phosphorus in the water's upper layers, and dies. In the summer, dead algae falls to the lake's bottom and decomposition depletes oxygen dissolved in the water.

In deeper lakes and those that have less nutrient loadings, this cycle generally does not do permanent damage. In Lake Erie, however, the central basin averages only 20 meters (61 feet) deep, leaving a narrow bottom layer. The result has been an oxygen-starved bottom and disruptions of the ecosystem, such as the disappearance of the mayfly and other key links in the food chain.

According to Joe Makarawicz, a researcher at the State University of New York at Brockport and Bertram's co-author, Lake Erie is naturally more nutrient-rich than the other Great Lakes, and the additional burden from artificial sources of nutrients broke down oxygen-replenishing processes.

The massive recovery in Lake Erie in the last decade, the researchers say, can be attributed to phosphorous abatement efforts which reduced human contributions to the lake. Walleye populations exploded due to improved water conditions and a temporary consumption ban on walleye due to mercury contamination.

"Now, we have real strong evidence that we're achieving what we set out to do," said Bertram. "That is, influence the oxygen levels in that central basin."

Bertram cautions that oxygen levels at the bottom of the lake are effected by other factors such as atmospheric conditions and weather. "If we're looking for a total recovery everywhere in all basins all the time," he said, it's just not going to happen."

The bottom line, according to Makarawicz, is that with

one of the last indicators of a healthy lake going in the right direction, Lake Erie is "functionally" restored. Both researchers stress that toxic pollutants and an exotic species will prevent the lake from returning to it was in before significant human pollution.

One of the things the improved oxygen levels indicate is a less "productive Lake Erie." In recent years, this has been most evident in less algae. However, it is also likely to mean a less productive Lake Erie fishery. "Does lower phosphorus mean fewer walleye?" Bertram asked rhetorically. "The answer is 'yes'."

However, he stressed that the smaller stocks will be composed of larger and healthier fish. More importantly, Bertram said, the population is likely to be at a sustainable level, preventing the boom and bust cycles that have marked the last twenty years.

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The Adventures of Christopher Columbus

This year marks the 500th anniversary of the voyage of Christopher Columbus and discovery of the New World. This article will highlight some aspects of his epic journey and attempt to put them in the perspective of more modern and familiar times.

Christopher Columbus was born in the Italian seaport of Genoa in 1451. He first proposed his voyage to China (which is where he thought he was going) in 1484 to King John II of Portugal, but was turned down. He then journeyed to France and England and found no support. The following year, on a trip to Spain, he made connections with Queen Isabella, who, along with her consort Ferdinand, agreed to sponsor the trip (there are no known Ferdinands on Kelleys, but there is at least one Isabella). It is well known that the voyage didn't take place for another eight years, or roughly the time it takes to get a water line installed in Sweetbriar, but, as with the waterline, nobody knows why.

Columbus went to the tiny town of Palos to assemble the material for his voyage. That town was selected because it owed a debt to the Crown, and had to provide two of the boats - the Nina and the Pinta. He also chartered a larger vessel, called it his flagship, and renamed it Santa Maria.

As he readied for his epic journey, Columbus collected a crew of 40 for the Santa Maria, and about 25 each for the other two vessels. Almost all of these sailors were from the little town of Palos. The Santa Maria was 77 1/2 feet in length and had a beam of 26 feet. By way of comparison, the Neuman's Kelley Islander ferry is 100 feet long and has a beam of 34.7 feet. The Pinta and Nina were smaller yet at about 70 feet in length and 22 feet at the beam. They compare favorably to the Neuman line's Challenger which is 70 feet long with a beam of 25 feet. Although living quarters aboard the boats were confining, they were outfitted with better public rest room facilities than visitors to the Island enjoy.

Columbus's crew were neither a gentle nor loyal bunch. Picture taking 40 rambunctious individuals and putting them on a boat thirty feet shorter than the Kelley Islander for a couple of months. That is the equivalent of taking all six members of council, the mayor, the zoning inspector, the collective membership of the Planning Commission, Zoning Board of Appeals, Zoning Review Board, the entire police department, all the EMT's, the Village Clerk and assistant, the School Board, and, for variety, Rhonduh Behnke and Bob Gruly, putting them aboard the Kelleys Islander and sending them off for a 3,000 mile, 65 day ride powered only by air. Perhaps ridding herself of the seamen of Palos had as much appeal to Isabella as the modern equivalent does today.

Columbus finally set sail from Palos on August 3, 1492. His plan was to use the Canary Islands as a way point for his trip to the Orient. The early trip met with about as much success as the paving of Harbor Lane has, because the Pinta's rudder became unhinged, and the boat developed leaks. Columbus suspected sabotage, and left the ship at Grand Canary Island while he sailed to Comera to find a replacement. He then spent three weeks sailing back and forth between the two islands missing connections with the rest of his crew, similar to trying to pass a square footage change in the zoning ordinance. The Pinta was, though, restored to its original condition and strengthened. The voyage continued when the convoy set sail on September 6.

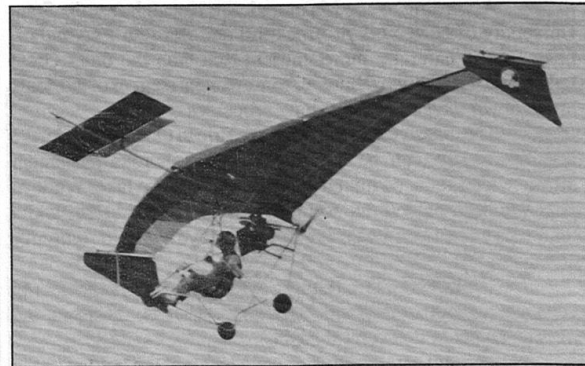
After a month on the water, the crew grew more rebellious as each day passed without a sighting of land. To offset the growing homesickness and boredom of the crew (there were no Perchie Puzzlers in those days), Columbus kept two sets of logs - one with the actual distances traveled daily and one with a randomly reduced set of distances so that the men "might not think themselves so great a distance from Spain." Similar, though refined, techniques are used to this day on the Island for the reporting of Excise tax collections.

Finally during the night of October 11, a light was sighted on the horizon. The following day Columbus landed on the tiny island of Samana Cay, claimed the land for Isabella and Ferdinand and named it San Salvador. He was given a curious but friendly welcome by the natives, organized by their Council of Chiefs (C of C), that was far better than that given to Voinovich when he visited the Island this summer.

Columbus spent the next several months exploring the Bahamas, Cuba (which he hoped was Japan), and the island of Hispaniola, which today is Haiti and the Dominican Republic. Unfortunately for Columbus the Santa Maria was lost to a sandbar, but the enterprising seaman, with help from the natives, constructed the first settlement in the New World - La Navidad - from the ship's timbers, augmented with some timber taken from a nearby Aztec camp property. It is not known whether he had a building permit for this dwelling.

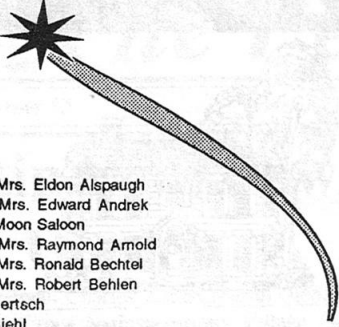
Homesickness on the part of the crew finally prevailed, and Columbus was forced to prepare for his return voyage. Prior to his departure he mined some stone for ballast from the residential district he had just built. He eschewed borrowing stone from the nearby buffer zone because it was the denizen of snakes and Mongooses (or is it Mongeese?). He set sail for Spain on January 16, was almost lost in a violent storm on February 14, and made it to Lisbon on March 4, 1493. Eleven days later he was back in Palos and gladly disembarked his crew, thus ending the famous journey for the Admiral of the Ocean Sea.

Columbus died in relative obscurity and his death wasn't even noted in his hometown paper (There was no Perchie Press in those days).



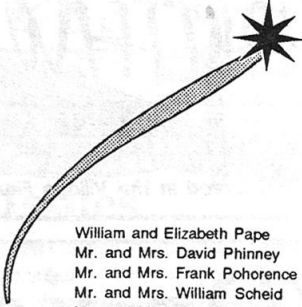
Just when Griffing thought they had a monopoly on airtravel in the Islands, John Kuyoth's Kelleys Island Trans-Erie (KITE) service (pictured here) is about to begin service to Marblehead and points in between.

The Kelleys Island Chamber of Commerce Say Thanks To All Who Gave Generously To the Islandfest Fireworks

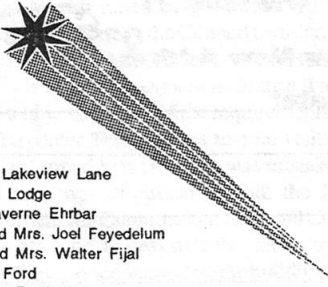


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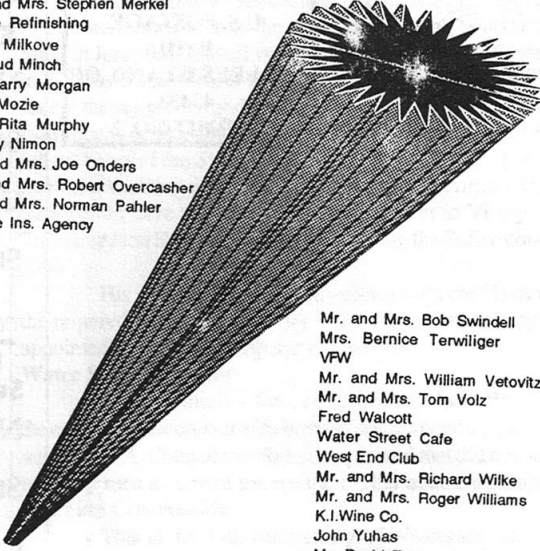
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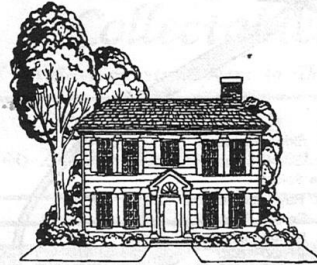
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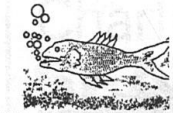
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