

Johnson's Island Road Commission

Minutes of Regular Meeting
Saturday, May 8, 2021. 9 AM

Attendance: Dave Klugman Present
Mike Kelty Present
Glenn Beachy Present
Sig Nachman Present
Joe Gouker Present
Bob Cailor Present
Rick Schulz Present by Telephone
An Island resident, Dale Harwood, was also present.

Due to a scheduling conflict with the JIPOA Clubhouse, this meeting was held at Mike Kelty's house.

The meeting was called to order by the president, Dave Klugman.

Rick opened the meeting by discussing progress by Richland Engineering in their evaluation of the causeway. They completed their site investigation work on Thursday after several weather related delays. They will develop repair plans for the causeway embankments and present them to us for review. They have begun the preparation work for permits which will be needed from the ODNR and the Army COE.

We discussed how causeway repairs will be funded. We have about \$100,000 in the causeway reserve now, which will not be sufficient to cover causeway work. And we have been planning to add approximately \$100,000 to a roadway reserve this year, to support a larger road project next year. The question was: should this road money be added to the causeway funding? It would almost certainly not be sufficient to pay for the causeway work, and a special assessment would still be required. And, it would add another year of delay to our next road project. The sentiment of members was that road money should not be used on the causeway, delaying road work. This would require a special assessment to cover most of the causeway work. We did not vote on this issue. It will be decided when causeway cost estimates are available.

Mike Kelty reported on the Cianciola case. The Court of Appeals issued their ruling about 2 weeks ago, and it was a complete vindication of the JIPOA position, which had also been supported by the Ottawa court decision last fall. The ruling establishes that if an owner accesses a ROW adjacent to their property, they have a common law obligation to pay for the road, including related administrative costs. And this obligation can be enforced by lien or other court enforced collection methods. The court further found that the way we allocate costs, with a set fee charged to each individual owner, is fair and reasonable. There is still time for this decision to be appealed, but the next step would be the Ohio Supreme Court, which is believed to be unlikely to take the case.

This is important to the JIRC, as a number of JIPOA residents are currently about \$30,000 in arrears on road fees. JIPOA has covered these delinquent fees so far, making full payments to the JIRC each year per the Operating Agreement. But this condition could not continue forever, threatening the financial viability of JIPOA and the Road Commission. And it is timely, as a special assessment is likely to cover causeway repairs.

Bob Reported that the gate is now working well. A glitch in the operations had been caused by the backup battery installation, which was not a manufacturer supported option. Now that the battery has been removed, the gate performs well. Fortunately, power outages have become relatively rare.

Bob reported several issues remain to be resolved around the gate. The drainage issue previously discussed has not been resolved. And the fill placed on the property to the west of Gaydos Dr. has made turning around nearly impossible without using the driveway on the east side of the road. Both of these issues will require working with Susan Manifold to resolve.

We still have about 20 reflectors available, and will be using them to replace missing reflectors along the causeway.

Erie Mowers has begun mowing. Bob proposed we pay them, per the contract. Dave Seconded. Approved, 7-0

Bob reported that the cameras at the gate have been performing well. Three times in the past few months they have been used to identify vehicles engaged in suspicious or unlawful activities on the island. In one case, a truck which stole two contractor trailers was identified, resulting in recovery of the trailers and arrest of the thief.

Bob also reported that the recent gate code change went well. Signs were placed to inform residents of the change, and both HOAs published the new code in their newsletters.

Mike and Dave reported progress in obtaining a “Right to Drain” agreement in the “bad road” section of Memorial. Dr. Tom Burke, 3182 Memorial Shoreway, has expressed an interest in an agreement. His 1 ½ lots are opposite of Lenny Strnad, in the worst road section. If we get a signed agreement, we may put the drain pipe in this year to be ready for a road project next year. From existing topographic maps, Rick and Mike will identify other candidate sites, in this particular area of Memorial Shoreway, for installation of drainage to the Bay. Owners of these properties will be contacted if we are unsuccessful in obtaining an agreement with Dr. Burke.

Glenn Presented a proposal from Sue Hartman to provide Website development and maintenance services to us. The current site has not been updated in almost two years. Sue proposes to move the website to a more modern platform, transfer data, and perform the initial update for a fee of \$400. She will then provide quarterly updates for a fee of \$25 to \$75 each. Dave proposed that we accept this proposal, and Glenn Seconded. Approved, 7-0. Website and domain fees of about \$200 per year would continue as before.

Non- Traditional Road Commission Business:

At the beginning of the meeting, Dale Harwood requested to speak to the Road Commission on a matter that is not normal RC business. He is part of a group that has been engaged in discussions with the Village of Marblehead on the matter of bringing water to the island. The deal being negotiated now provides for an equitable sharing of water tower and main costs with all water system customers, as all will benefit from these improvements. And 30 year, zero interest loans, or perhaps even a grant, may be available through the state for costs that would be the responsibility of island residents. This should

result in a significantly better “deal” for island residents than was previously available, and could have wide- spread support among island residents.

The village has requested a letter of “Sentiment” from island groups (JIPOA, BHOA, Unaffiliated Owners, JIG, JIRC) stating that they will support the process of developing a plan for water. This is an attempt to determine up front if any groups will actively oppose development of the plans. Ultimate approval of any water plan will depend on a vote of island residents.

The JIRC cannot, by charter, engage in non- road and causeway related island issues. However, any water system installation will inevitably impact roads, and will require active co-operation and coordination of activities with the JIRC to have a successful project. So it may be reasonable for the Village to ask us for a letter stating our “Sentiment” on the matter. Mike proposed that he draft such a letter for commission review. Dave seconded. Approved, 7-0

There being no further business, Dave moved to end the meeting. All agreed.

Respectfully,
Glenn Beachy
Secretary, JIRC