

RECORD OF PROCEEDINGS
Village of Peninsula Council
REGULAR SESSION
Draft

Held: September 8, 2014

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CALL TO ORDER: The Village of Peninsula Council convened from 7:00 p.m. to 9:48 pm in the Peninsula Village Hall. Mayor Douglas Mayer called the meeting to order and initiated the pledge of allegiance with the following members and visitors present:

COUNCIL MEMBERS:

Michael Matusz	Present	Brian Schall	Present
Carol Kramer	Present	Pamela Schneider	Present
Dee Holody	Present	Dan Schneider	Present
Douglas Mayer, Mayor	Present		

OTHERS PRESENT

Jurate Balas, Tina Stephens, Peggy Hauberg, Diane Taninecz, George Taninecz, Cathy Mayer, Kevin Kramer, Charles Hawk, Annette Morgan, Betsy DuWaldt, Bill Roemer, Bob Hrovat, Aaron Mayer, Kevin Royer, Todd Clarke, Valerie DeRose, Lt. Doug Smith, Charles Riedell, Tim Tessmer, Mary Ann Moyer, Elizabeth Mettler, Joseph Varga, John Stiegel, Connie Hesske.

Mayor Mayer presented Elizabeth Mettler with a proclamation of commendation for her outstanding service provided to a resident in distress on August 17, 2014.

Valerie DeRose and Lt. Doug Smith asked for residents and Council's consideration of support regarding the proposed 10 year Summit County sales tax increase, on the ballot as issue 12. Presentation attached to the minutes.

- Improve the radio technology (P25) used Public Safety Services.
 - Charlie Riedell explained the current radio systems and proposed improvements.
- Next gen 911 technology supporting the dispatch centers.
- Jail operation improvements and support services.
- Spread throughout communities within Summit County.
 - Peninsula estimated funding: \$68,000 per Bill Roemer.
- Applying for grants.
 - o If declined, the communities will be responsible for payments of upgrades to radios.
- Court Services will receive part of the funding.
- Proposal is for a use tax not a property tax.

Charles Hawk of the Regional Income Tax Agency presented Council members with a proposal for the municipal income tax services. Presentation attached to the minutes.

- Handle 22 JEDD programs across the state.
- 237 municipalities currently serviced.
- Based on the projections submitted RITA costs are based on members communities.
- Three part solution.
- Regional Council of Governments.
- Retains approximately 3% of tax collections.
- Explained services provided and advantages of real time data on web site.
- 6 to 9 months for a change in services.

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- Mr. Stiegel recommended the services.
- Response to Ms. Holody's question regarding communities who have left RITA; Mr. Hawk explained that a few communities had left but returned to RITA services.

CITIZENS PARTICIPATION

Diane Taninecz
2193 Main Street

Requested Council and the Mayor to investigate the Simply Recycling Program, article presented and attached to the minutes.

Tina Stephens and Peggy Hauberg
1539 Stine Road

Expressed concerns regarding the safety of residents within the Village related to the proposed bow hunting legislation. Both residents noted potential risks.

Betsy DuWaldt
2295 Main Street

Noted several concerns focusing on the preservation of private property rights.

Bob Hrovat
1710 Stine Road

Explained his concern with humanitarian issues related to the legislation. He also wished to cast a vote against the legislation for resident Lily Fleder.

Tim Tessmer
1874 Stine Road

Also against the bow hunting, he explained that he is pleased to see the wildlife within his back yard.

Kevin Royer
1521 Dell Road

Problem with the legislation are the risks of such a limited area; suggested a referendum.

Annette Morgan
6326 Riverview Road

Lived in Peninsula 36 years, proud of the wildlife within the boundaries of the Village, she said: "we invaded their nesting and population." She also noted that the State offers birth control methods if the
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legislation is for control of the deer and not for the sport. Also noting, that paintball will not work. She stated that: an arrow through her yard is not wanted.

Cathy Mayer
2226 Stine Road

Voiced that she was against the legislation as “wrong”, but agreed to a ballot issue.

Mary Ann Moyer
1720 Main Street

Expressed her position as against the bow hunting legislation due to risk of accidents, and the liability related to accidents, she asked who is liable?

Bill Roemer
3616 Southern Road
Richfield, Ohio

Complemented residents on their attendance and involvement in the community, he reiterated the importance of the sales tax increase proposal.

Ms. Holody noted that the bow hunting Ordinance was within the Agenda for third reading. Solicitor Hesske explained the legislative reading process also stating that the sponsor of the legislation could withdrawal the legislation after hearing and considering the public’s comments. A discussion of the process to initiate a ballot vote ensued.

Residents asked for clarification of the term “guest” used within the West Side Leader article. Mayor Mayer addressed the concern explaining the provisions within the legislation. Mayor Mayer noting that hunting is not allowed within Peninsula at this time.

COUNCIL PARTICIPATION

Mr. Schall announced his agreement with the Council and members of the community that the Ordinance, as submitted, was not comprehensive to the needs of the community. Mr. Schall decided that he would withdrawal the legislation.

MOTION: TO WITHDRAWAL ORDINANCE 8-2014.

Moved by Schall, seconded by Kramer.

Votes were: Michael Matusz, aye; Brian Schall, aye; Carol Kramer, aye; Pam Schneider, aye; Dee Holody, aye; Dan Schneider, aye. Motion passed.

(Motion 131-2014)

Mr. Matusz reported on the last Planning Commission meeting:

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- Solicitor Hesske attended and explained the role of the Planning Commission.
- Begin combined meetings with Planning and Board of Zoning.
- Meeting with the National Park:
 - Up to 40 years since active discussions.
 - Talked about mutual needs of the community.
 - Mayor Mayer reported that the meeting was to have general discussions.
 - Planning will continue to meet with the Park representatives.
 - Invited the Peninsula Police force to a training session.

MAYOR'S REPORT

Mayor Mayer reported on:

- Due to the holiday in October, the Council meeting will be changed to Tuesday, October 14, 2014 at 7:00 pm at the Village Hall.
 - Mr. Schneider and Ms. Schneider will be excused from the meeting.
- September 3 meeting with ODOT.
 - Potential crosswalk at the GAR Hall.
 - The ODOT project for Main Street is not scheduled until 2019.
 - Use the Route 303 fund to pay for crosswalks at that corner.
 - ODOT will provide engineering for the crosswalk.
 - Painting the bridge could be included within the 2019 project.
 - May include epoxy paint for the sidewalk as requested.
 - Discussed grinding depth.
- Guardrail concerns are the Village's responsibility.
- Riverview Road guardrail:
 - County representatives have not responded.
 - Safety barricades not provided to date.
 - Mr. Brubaker had been contacted, also no response.
 - Mr. Roemer offered to follow-up with the County Engineer's office.
- Guardrail on Main Street, damaged from accident, is the Village's responsibility.
- Discussed walking and handicap access to the Boston Township Hall.
- Senior Program:
 - Chief Varga detailed the program.
 - Priscilla Allaman leading the program.
 - Applications available on website and at the Village Hall.
 - Boston Township also approved the program.
- Ms. Holody requested investigation into sidewalks for Mill Street.

SOLICITOR'S REPORT

- Distributed the "cheat sheet" for Council and attached to minutes.
- Asked for Council's review and comments.

FISCAL OFFICER'S REPORT

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Mr. Stiegel asked for Council's consideration of the August 11, 2014 meeting minutes.

MOTION: Moved by Ms. Holody, seconded by Mrs. Kramer to approve the August 8, 2014 meeting minutes as corrected.

Votes were: Michael Matusz, abstain; Brian Schall, aye; Carol Kramer, aye; Pam Schneider, aye; Dee Holody, aye; Dan Schneider, aye. Motion passed.

(Motion 132-2014)

MOTION: Motion was made by Mr. Schneider, seconded by Ms. Holody, to acknowledge and accept the July Financial Reports.

Moved by Mr. Schneider, seconded by Ms. Holody.

Votes were: Brian Schall, aye; Michael Matusz, aye; Carol Kramer, aye; Pam Schneider, aye; Dee Holody, aye; Dan Schneider, aye. Motion passed.

(Motion: 133-2014)

Mr. Stiegel presented and noted a typographical error within the bills submitted for office supplies. Staples: \$31,173.00 correct to \$341.73. Ms. Holody questioned line item 29. Ms. Schneider questioned line items: 15, 17, and 35.

MOTION: APPROVE THE QUARTERLY PAYROLL.

Moved by Mr. Schneider, seconded by Ms. Schneider.

Votes were: Brian Schall, aye; Michael Matusz, aye; Carol Kramer, aye; Pam Schneider, aye; Dee Holody, aye; Dan Schneider, aye. Motion passed.

(Motion: 134-2014)

STREETS AND ROADS

Mayor Mayer explained the estimate to remove the pine tree at the side lot of the Village Hall. He noted concerns with the tree.

MOTION: TO REMOVE THE PINE TREE ON THE VILLAGE HALL PROPERTY.

Moved by Mr. Matusz, seconded by Mrs. Kramer.

-Ms. Holody noted the discussions of three years ago.

-A horticulturist had said that the tree was healthy.

-Removal would change the complexion of the Village.

-Asked for a horticulturist opinion of status of the tree before removal.

-Mr. Schneider noted that the tree "is dying from the inside out."

-Discussed damage to the roof and gutters of the Village Hall.

-Mr. Schneider stated a recommendation from the horticulturalist was to add something to the ground to save the tree. That was three years ago and it was not done. We did not improve

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- the life of the tree.
- Threat to the building and septic system.
- Preserve the building.
- Plant another tree that would not create problems with the septic and gutters.
- Cost to remove the tree, \$1,500.

Votes were: Brian Schall, aye; Michael Matusz, aye; Carol Kramer, aye; Pam Schneider, aye; Dee Holody, nay; Dan Schneider, aye. Motion passed.

(Motion: 135-2014)

Purchase of the Service Department truck bed was discussed.

POLICE DEPARTMENT

Chief Varga explained the establishment of a Parking Violations Bureau. Solicitor Hesske noted that the documents would be submitted to Council next month. Mr. Matusz congratulated the Chief for one year of service with the Village.

MOTION: TO PAY THE BILLS AS CORRECTED.

Moved by Mr. Schneider, seconded by Ms. Holody.

Votes were: Brian Schall, aye; Michael Matusz, aye; Carol Kramer, aye; Pam Schneider, aye; Dee Holody, aye; Dan Schneider, aye. Motion passed.

(Motion: 136-2014)

Chief Varga noted the ordering of traffic tickets for the department.

Ms. Holody asked about traffic tickets issued to large trucks within the Village. She has asked for statistics. Chief Varga will provide contact information for the person at the BMV to Ms. Holody.

ZONING

Mayor Mayer reported on his conversation with James Smith regarding the fence at the rear of the Foundation property:

- New support posts this year.
- Will not be painted in 2014.
- Concrete for the current posts will remain; posts will be cut off at the surface.

BOARD OF ZONING APPEALS.

Meeting was cancelled in August.

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FIRE BOARD

- Mr. Schneider reported on the new clerk.
- A \$23,000 grant received for new fire hoses.
- Driveway chip and seal done.

CEMETERY

- Grindings should be available soon.
- New company working to level stones.

NEW BUSINESS

None

LEGISLATION:

First Reading:

RESOLUTION 17-2014

A RESOLUTION EXPRESSING SUPPORT FOR THE COUNTY OF SUMMIT'S PROPOSED 0.25% ADDITIONAL SALES AND USE TAX, AND URGING THE CITIZENS OF PENINSULA TO VOTE YES ON THE ISSUE AT THE NOVEMBER 4, 2014 GENERAL ELECTION, AND DECLARING AN EMERGENCY.

Solicitor Hesske asked for Council's consideration of including both the suspension of the rules and the adoption of the legislation within one motion. Mr. Schneider disagreed with the process noting: the process would not allow for a member to vote aye to approve the suspension of the rules and vote nay to the adoption of the legislation.

MOTION: TO SUSPEND THE SECOND AND THIRD READINGS FOR RESOLUTION 17-2014.

Moved by Mrs. Kramer, seconded by Mr. Schneider.

Votes were: Brian Schall, aye; Michael Matusz, aye; Carol Kramer, aye; Pam Schneider, aye; Dee Holody, aye; Dan Schneider, aye. Motion passed.

(Motion: 137-2014)

MOTION: TO ADOPT RESOLUTION 17-2014.

Moved by Ms. Schneider, seconded by Mr. Schneider.

Votes were: Brian Schall, aye; Michael Matusz, aye; Carol Kramer, aye; Pam Schneider, aye;

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Dee Holody, aye; Dan Schneider, aye. Motion passed.

(Motion: 138-2014)

RESOLUTION 18-2014

A RESOLUTION TO AUTHORIZE THE VILLAGE OF PENINSULA (“VILLAGE”) THROUGH THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH CARDINAL ASPHALT FOR PAVING AND REPAIR OF VARIOUS ROADWAYS WITHIN THE VILLAGE, AND DECLARING AN EMERGENCY.

Solicitor Hesske suggested pulling the Resolution due to the absence of a contract from Cardinal Asphalt Company. She said that by statute a contract must be obtained prior to approval.

MOTION: TO SUSPEND THE SECOND AND THIRD READINGS FOR RESOLUTION 18-2014.

Moved by Ms. Schneider, seconded by Mr. Schneider

Votes were: Brian Schall, nay; Michael Matusz, nay; Carol Kramer, nay; Pam Schneider, aye; Dee Holody, nay; Dan Schneider, aye.

Vote count: 2 aye: 4 nay Motion failed.

(Motion: 139-2014)

Solicitor Hesske stated that Resolution 18-2014 would proceed for second reading pending the submission of a contract.

RESOLUTION 19-2014

A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF A TASER POLICY FOR THE VILLAGE OF PENINSULA POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

MOTION: TO SUSPEND THE SECOND AND THIRD READING OF RESOLUTION 19-2014.

Moved by Mr. Schneider, seconded by Ms. Schneider.

Votes were: Brian Schall, aye; Michael Matusz, aye; Carol Kramer, aye; Pam Schneider, aye; Dee Holody, aye; Dan Schneider, aye. Motion passed.

(Motion: 140-2014)

Chief Varga explained the taser policy and certifications of officers for use. Ms. Holody asked about the “use of force statement.” Chief Varga explained the forms and procedures are in place. She asked for any references within the Resolution stating Boston Heights be changed to state the Village of
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MOTION: TO ADOPT RESOLUTION 19-2014 AS CORRECTED.

Moved by Mr. Schneider, seconded by Ms. Schneider.

Votes were: Brian Schall, aye; Michael Matusz, aye; Carol Kramer, aye; Pam Schneider, aye; Dee Holody, aye; Dan Schneider, aye. Motion passed.

(Motion: 141-2014)

RESOLUTION 20-2014

A RESOLUTION GIVING APPROVAL AND AUTHORITY TO THE VILLAGE OF PENINSULA, OHIO POLICE DEPARTMENT TO INITIATE AND IMPLEMENT A SENIOR WATCH PROGRAM FOR THE VILLAGE OF PENINSULA, OHIO AND DECLARING AN EMERGENCY.

Solicitor Hesske explained that Resolution 20-2014 was added to the agenda after initial posting. The amendment had been properly posted.

MOTION: TO SUSPEND THE SECOND AND THIRD READING OF RESOLUTION 20-2014.

Moved by Ms. Schneider, seconded by Mr. Schneider.

Votes were: Brian Schall, aye; Michael Matusz, aye; Carol Kramer, aye; Pam Schneider, aye; Dee Holody, aye; Dan Schneider, aye. Motion passed.

(Motion: 142-2014)

MOTION: TO ADOPT RESOLUTION 20-2014.

Moved by Mrs. Kramer, seconded by Ms. Schneider.

Votes were: Brian Schall, aye; Michael Matusz, aye; Carol Kramer, aye; Pam Schneider, aye; Dee Holody, aye; Dan Schneider, aye. Motion passed.

(Motion: 143-2014)

Second Readings:

ORDINANCE 8-2014

AN ORDINANCE PERMITTING BOW HUNTING WITHIN THE VILLAGE OF PENINSULA, OHIO.

Previously withdrawn by Sponsor Mr. Schall.

Third Readings:

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RESOLUTION 11-2014

A RESOLUTION AUTHORIZING THE VILLAGE TO ENTER INTO AN AGREEMENT WITH MS CONSULTING INC. FOR THE PERFORMANCE OF ENGINEERING SERVICES FOR THE CALENDAR YEAR 2014 AND DECLARING AN EMERGENCY.

Questions arose regarding the pricing presented to Council. Was the initial 2014 pricing for three months of the year or for a calendar year? Solicitor Hesske responded that the legislation and pricing was for a calendar year. Mr. Stiegel noted that the first contract was pro-rated. Ms. Holody stated: the terms were very unclear. .

Ms. Holody asked for clarification of the fee structure involved with MS Consultants grant finding services. Solicitor Hesske responded that three months have passed since the initial reading of the legislation questions, regarding the fees could have been answered before this meeting. Ms. Holody: she had hesitated to ask questions because she was unclear as to when the discussion should take place. Ms. Kramer expressed concerns with the engineering services to be provided within the contract.

Mayor Mayer brought up about Mr. Uray, the Village Engineer, explaining that if any funds are received from FEMA or other organizations for projects Mr. Uray worked with, Mr. Uray would bill for payment of services he provided to the Village.

Ms. Holody read a section of the contract: the consulting firm would attend Council meetings and bill for their time.

Solicitor Hesske suggested Council postpone the Resolution in accordance with Roberts Rules Section 14. She explained that a vote of no would mean that the matter would be over. She asked Council to vote to postpone their decision for clarification. Ms. Holody will submit questions to Solicitor Hesske to forward to MS Consulting. Council asked that MS Consulting attend the next meeting.

MOTION: TO TABLE THE VOTE FOR RESOLUTION 11-2014 UNTIL CLARIFICATIONS ARE RECEIVED BY MS CONSULTING.

Moved by Ms. Holody, seconded by Mr. Schall.

Votes were: Brian Schall, aye; Michael Matusz, aye; Carol Kramer, aye; Pam Schneider, aye; Dee Holody, aye; Dan Schneider, aye. Motion passed.

(Motion: 144-2014)

RESOLUTION 12-2014

A RESOLUTION AUTHORIZING THE VILLAGE TO HOLD AN ADDITIONAL COUNCIL MEETING IN A PUBLIC FORUM AND WITH PROPER NOTICE TO THE PUBLIC, THE FOURTH MONDAY OF THE

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MONTH AS NEEDED FOR THE PURPOSE OF CONDUCTING
VILLAGE BUSINESS IN A TIMELY MANNER AND DECLARING AN
EMERGENCY.

MOTION: TO ADOPT RESOLUTION 12-2014.

Moved by Ms. Holody, no second received. Motion failed.

Tabled:

RESOLUTION 14-2014

A RESOLUTION AUTHORIZING THE VILLAGE TO ENTER INTO AN
AGREEMENT WITH MARK WISE'S CARPET FOR PURCHASE AND
INSTALLATION OF FLOORING FOR THE POLICE DEPARTMENT
AND DECLARING AN EMERGENCY.

OLD BUSINESS

Mr. Schall discussed options for new bow-hunting legislation, options could include: a meeting with the Chief to assist and review the new legislation, and submit to the public through public hearings.

ADJOURNMENT

MOTION: TO ADJOURN AT 9:48 PM.

Moved by Mrs. Kramer, seconded by Ms. Schneider.

Votes were: Brian Schall, aye; Carol Kramer, aye; Pam Schneider, aye; Dee Holody, aye; Dan Schneider, aye.

(Motion: 145-2014)

Respectfully submitted:

Douglas G. Mayer, Mayor

Date

John D. Stiegel, Fiscal Officer

Date

All formal actions of the Village of Peninsula concerning and relating to the adoption of resolutions and/or motions passed at this meeting were adopted in a meeting open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

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The Village of Peninsula's next regular meeting of Council will be held October 14, 2014 at 7:00 pm at the Village Hall within Council chambers. Council Chambers are on the second floor of the Village Hall, 1582 Main Street, Peninsula, Ohio, 44264. (Corner of Akron-Peninsula Road and State Route 303)

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