

**Record of Proceedings
Village of Peninsula Council
REGULAR SESSION**

Held: Monday, April 9, 2018

CALL TO ORDER: The Village of Peninsula Council convened from 7:00 p.m. to 10:15 p.m. in the Peninsula Village Hall. Mayor Douglas Mayer called the meeting to order and initiated the roll call, followed by the Pledge of Allegiance. The following members were present.

Council Members / Attendees Present:

Mayor: Douglas Mayer Solicitor: Brad Bryan Fiscal Officer: John Stiegel

Councilpersons:

Michael J. Kaplan Dan Schneider Christopher Weigand Dee Holody

Absent were: Councilpersons Mike Matusz and Mary Booth

Others in attendance:

JEDD Board Member: Amy Anderson

Police Chief Joseph Varga

Auxiliary Police Officer: Joe Nagy

1st Item

Amy Anderson of the JEDD (Joint Economic Development District) Board shared a presentation regarding two parcels in the Township at the meeting. They are the Halo property at the top of Hines Hill Road and the Zielinski property. These properties were in private ownership at the time the JEDD was formed so they were not included on the JEDD map. They now have employees working on the one property that could be paying income tax and they anticipate employees working on the other property. Ms. Anderson asked the Council to pass a resolution to add those properties to the JEDD.

Resolution No. 15-2018, a Resolution to Accept the Addition of Property to the Boston Township-Village of Peninsula Joint Economic Development District, is on the Agenda on first reading this evening. That Resolution was then read by title on first reading.

Mayor's Report:

Mayor Mayer thanked the Woodridge LSD for having him represent the Village of Peninsula at the first ribbon cutting at the old High School. They added a new gym and two classrooms. The classrooms were made more handicap-accessible than the existing classrooms.

The Mayor was also grateful for the opportunity by invitation from Clayton Henson of the White House to attend the visit by President Trump at the Richfield Operators Engineers Educational Center. Aside from promoting his Infrastructure Program, the President was asking the Educational Center to expand to a vocational electrical program and satellite training programs to help educate tradesmen of the future.

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Solicitor's Report:

Solicitor Brad Bryan indicated he is going to make a request to go into an Executive Session at the end of the meeting.

Approval of the Minutes:

A motion was made by Ms. Holody to approve the minutes of the March 12, 2018 Regular Council Meeting. The motion was seconded by Mr. Weigand.

A discussion ensued about the meeting minutes being edited by the Solicitor before they are submitted. It was brought up that the person(s) recording the minutes needs to be competent to do so and the Solicitor's time is worth more than a court reporter. Concerns were that he was being paid more than the work is worth (if he is billing for it) and that the raw minutes should be distributed so the editing is not questioned. The current method should only be a temporary fix and an informed employee needs to be in place to learn and perform the duty properly.

Ms. Holody moved to amend the minutes of the March 12, 2018 Regular Council Meeting to correct the Wastewater Report on page 4 paragraph 3 to read "design engineering" to replace "preliminary engineering".

Ms. Holody made a motion to amend the minutes as stated above. Mr. Weigand seconded the motion.

Roll call vote on the motion to amend: Mr. Kaplan, Yes; Ms. Holody, Yes; Mr. Weigand, Yes; and Mr. Schneider, Yes. The motion carried.

A motion to approve the March 12, 2018 Regular Council Meeting minutes as amended was made by Ms. Holody and seconded by Mr. Weigand.

Roll call vote on the motion to approve: Mr. Kaplan, Abstain; Ms. Holody, Yes; Mr. Weigand, Yes; and Mr. Schneider, Yes. The March 12, 2018 Minutes were approved.

For the March 14, 2018 Special Council Meeting Minutes, Ms. Holody made a motion to approve the minutes and Mr. Schneider seconded the motion.

Ms. Holody stated the meeting adjourned at 5:35 and moved to correct the minutes for the correct end time. The motion to amend was seconded by Mr. Schneider.

Roll call vote to approve the amendment: Ms. Holody, Yes; Mr. Kaplan, Yes; Mr. Weigand, Yes; and Mr. Schneider, Yes. The motion to amend carried.

Roll call vote to approve the March 14, 2018 Special Council Meeting Minutes: Ms. Holody, Yes; Mr. Kaplan, Yes; Mr. Weigand, Yes; and Mr. Schneider, Yes. The March 14, 2018 Minutes were approved.

Fiscal Officer:

Ms. Holody moved to acknowledge receipt of the April, 2018 Financial Report. The motion was seconded by Dan Schneider.

Roll call vote on acknowledgement of receipt of April, 2018 Financial Report: Ms. Holody, Yes; Mr. Kaplan, Yes; Mr. Weigand, Yes; and Mr. Schneider, Yes. The motion was approved.

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Mr. Schneider made a motion to pay the April 2018 bills. Ms. Holody seconded the motion.

It was stated there were 53 bills totaling \$47,102.38. Bill #48 was a sewer fee for Village Hall. It was questioned whether that bill was appropriate. It was suggested that it should be removed.

Mr. Kaplan made a motion to amend the bills presented for payment to remove item #48 from April 9th, 2018, a tax on the Village of Peninsula in the amount of \$45 for sewer fees. The motion was seconded by Mr. Schneider.

Roll call vote on motion to amend: Mr. Kaplan, Yes; Ms. Holody, Yes; Mr. Weigand, Yes; and Mr. Schneider, Yes.

The Mayor clarified the Interstate Towing bill #19 was for maintenance and not for towing.

Roll call vote on motion to approve the April 2018 bills as amended: Mr. Kaplan, Yes; Ms. Holody, Yes; Mr. Weigand, Yes; and Mr. Schneider, Yes. The motion was approved.

Police Report:

New Auxiliary Police Officer Joseph Nagy was introduced by Chief Varga. Chief Varga spoke of about a free program offering handgun safety locks to keep guns away from children. The gunlocks and pamphlets are at no cost to the Village.

Mr. Schneider brought up Ordinance No. 9-2018, an Ordinance Amending Section 139.08 of the Codified Ordinances Relating to Police Uniform Allowances, which was on this evening's Agenda on third reading. The Ordinance was read by title by Mr. Bryan. A motion to approve Ordinance No. 9-2018 was made by Mr. Schneider and seconded by Mr. Weigand.

Roll call vote on approval of Ordinance No. 9-2018: Mr. Kaplan, Yes; Ms. Holody, Yes; Mr. Weigand, Yes; and Mr. Schneider, Yes. The Ordinance was approved.

Mr. Schneider mentioned Lake Erie Construction Co. knocked down a guardrail on Rt. 303. This stated the guard rail needs to be fixed in the next couple of days since it is a hazard. A discussion regarding the damaged guard rail and the estimate for repairing it ensued. Mr. Kaplan made a motion stating that since it was the opinion of Council that an emergency exists because a guardrail was taken down, the Mayor should get it repaired as soon as possible. The Mayor agreed. Mr. Schneider seconded the motion.

Roll call vote on motion to authorize the Mayor to get the guard rail repaired: Mr. Kaplan, Yes; Ms. Holody, Yes; Mr. Weigand, Yes; and Mr. Schneider, Yes. The motion was approved.

Roads & Public Works:

The Mayor stated that two areas by the garage are not within the visible coverage of security cameras. The solution is to add one camera, and to save money, the equipment that is not presently visible by a camera will be moved to a location covered by an existing camera.

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Ms. Holody brought up the idea of an alliance between the Boston Township Service Department and the Village of Peninsula Service Department. Ms. Anderson of Boston Township and another Trustee would meet with three Village Councilmembers from the Village to discuss the issue.

Ms. Holody made a motion to form a committee to work with Boston Township on discussion on collaboration of our road departments that would consist of Dan Schneider, Mike Matusz, and Dee Holody. The motion was seconded by Mr. Schneider.

Roll call vote on the motion: Mr. Kaplan, No; Ms. Holody, Yes; Mr. Weigand, Yes; and Mr. Schneider, Yes. The motion was approved.

Planning Commission:

At the March 26, 2018 Regular Planning Commission Meeting, the discussion centered upon the Wastewater Project progress, paid parking in the Village, and a request for an increase in the Planning Commission 2018 budget from \$2,000 to \$20,000 to pay for the Long Range Plan consultant and other expenses. Mr. Kaplan proposed that the Park or County be asked to contribute to the project.

Mr. Kaplan made a motion that it is the intention of Council to accept the recommendation of the Planning Commission and to enter into the contract with Aislinn Consulting LLC pursuant to the terms presented in its April 4, 2018 letter and that Council will not do so right now while the Village seeks alternate funding sources. It was discussed whether this motion sufficiently described Council's intention to pay the consultant. The motion was seconded by Mr. Weigand.

Roll call vote on the motion: Mr. Kaplan, Yes; Ms. Holody, Yes; Mr. Weigand, Yes; and Mr. Schneider, Yes. The motion was approved.

It was decided that the Park and County need to be contacted to request their participation and additional funding.

Wastewater:

The Mayor needed to restate wording in an email to correct information in it. The email account had an incorrect name on it also.

A discussion took place about whether the Village has flood insurance through Wichert Insurance regarding the Village property in the area near Locust Street and Akron-Peninsula Road and if that insurance would have coverage for consequential damages to surrounding businesses. There is concern that possible flooding in that area would now contain raw sewage unlike in the past. Insurance coverage for the Village in that case could cause the businesses near there to turn to the Village for assistance if a flood should occur. It was decided that Ms. Holody would contact Wichert to discuss the flood insurance costs and coverage for the area discussed. She will also ask Stantec if flood insurance is in the Wastewater System Project budget.

Ms. Holody reported on a Mar 22nd letter of support from Friends of the Crooked River. Ever since the stakeholder's meeting we've been meeting with Elaine Marsh from that organization. The EPA had told the Village Wastewater Core Team and Stantec that organization was likely to challenge any MPDES permit filed by the Village. The Friends of the Crooked River is very interested in the MBR treatment system. The letter was sent

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to the Small Community Environmental Infrastructure Group and was sent on to the Army Corps of Engineers. This letter is to help the Village get the one million dollars from the Army Corps of Engineers and will help with the grant application with the OPWC. It was noted dams are coming down all around us. Why isn't Peninsula's dam considered on the docket for all the money being invested in dam removal? Elaine Marsh will speak at the library Tuesday, September 25th, 2018 at 6:30 PM giving her touring talk "Bringing Down the Dam" all along the Cuyahoga River. Our dam has decaying wood and rebar that is causing it to be a hazard for kayak users going over it on the river, and it will need to be attended to at some point.

Ms. Holody stated on March 23, the Core Team sent out an announcement for the April 11, 2018 Wastewater public update program with a questionnaire card that asked about usage of purchased water v. well water and if a softener is used. Softeners cause a high saline discharge. The questions will be covered at the program and be added to the website.

Ms. Holody stated on March 26, Bill Clifton, Stantec, and she attended an OPWC meeting where information was learned about applying for a grant. Data is being gathered for responding to the grant questions. She will get letters of support from the Park, Train, and Visitor's Center.

On March 26, Stantec met with Mike Weant of the Summit County Department of Sanitary Services and was told that the County position is consistent with what it was a few months earlier. In the afternoon, since Stantec was in town, they held a project update meeting. In attendance were Dan Schneider, Chris Weigand, Dee Holody, Bill Clifton, Greg Canda, and Karen Walters. The meeting was recorded. Stantec indicated there are a few properties where grinder pumps might be needed. Those properties are separated by the railroad tracks and include the bicycle shop and the Park's restrooms. It was also discussed whether the R-1 residents could contribute to the project since they would benefit from it. Mr. Weigand suggested a work session later with the Solicitor to see if this is even possible. Stantec suggested adding project information on the Village website and creating a Facebook page so residents have easy access to updates.

On April 6, Ms. Holody and Gary Silcott had a conference call with the Summit County Health Dept. asking for some reprieve for residents who ask for a permit. The Health Dept. addressed the concern of permits and septic systems' effects on water quality. The letter was distributed.

The Core Team Ms. Holody speaks of consists of Bill Clifton, herself, and Mary Booth, who has been unable to attend many meetings. A concern was brought up by Mr. Kaplan whether Mr. Clifton, who now serves as a Boston Township Trustee, should be allowed in the group attending the project meetings and making decisions on behalf of this community, since he is an elected official of the Township.

A motion was made by Mike Kaplan to dissolve the Core Team and place the responsibility for the Project with the Mayor and the Council. There was no second to the motion. The Mayor suggested it's his responsibility to appoint committees. The Solicitor stated that the Council can appoint committees.

Mr. Kaplan asked who will be responsible to pay back the loan agreement that was signed by Mr. Schneider. A discussion ensued whether the fee collected from the

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residents and placed into a fund plus possible grants is enough to pay back the loan. The Solicitor indicated that the Village is responsible in the event of default. Mr. Kaplan voiced concern about citizens who have low income and find the fee difficult to part with. He said there is wording in the ordinance they must pay. He suggests a hardship clause is needed in the ordinance. Ms. Holody stated she will add wording to the website about that.

Mr. Kaplan moved that the ordinance wording be changed. There was no second.

Ms. Holody stated she also met with Bill Zawiski from Ohio EPA, Division of Surface Water. He will be reviewing the NPDES permit application and the Village's Anti-Degradation Report prepared by Stantec. The report and application will be submitted in May to the EPA.

There will be a public presentation on April 11, 2018 where Stantec and Kubota (manufacturer of the MBR Treatment System) will be present from 6 p.m. – 8 p.m. A citizen, Adam Fleder, asked to speak. He has been trying to get his property across the street (at the corner of Rt. 303 and Locust St.) back on line and has had to spend \$40,000 to make it functional again. He expressed concern for those residents who are pinched for money to come up with the sewer fee. He wonders what would happen if they faced a similar expense to replace a system at their residences.

The Mayor discussed his thoughts on the sewer project concerns. He brought up the sewer concerns initially to help the local businesses. He did not realize it would cause residents to have to pay for it. He thinks it would be better for the County to take the project and create a solution. As for the offer of help for those in hardship, the statute wording needs to be honored. He believes if the costs go too high, the elderly will move out of town and those who can afford to buy will buy to rent and not live here. Karen Walters stated that she would not be able to pay for a septic system as opposed to paying a tax.

Lea Lockert asked if Stantec could be called on for further expertise than they are being used for.

Adam Fleder asked if we could meter the water usage, so costs are distributed more fairly.

Ms. Holody stated she will talk with Stantec about additional advice, and she discussed the ways water usage and sewage usage is estimated using the EPA table.

Zoning:

Ms. Holody raised a concern about the Port-a-John at the Windstream phone company property that has been there too long perhaps. There is a rule that if there is a temporary structure like a work trailer or temporary trailer you can have one on your property but no longer than one year. Ms. Holody asked the Zoning Officer to investigate if there is a limit on the time a port-a-john can be on a site.

The construction on Mill Street is delayed due to weather.

6287 Riverview Rd. has a remodel permit but none of the structure was retained. A Cease and Desist order has been placed on the work through the Stow Building Department. To re-commence, they need to go through the Village or Stow Building Department and comply with the codes.

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Mrs. Brunswick expressed her intent to complete the construction project on her property. She stated it will take time due to the weather. She wants to stop being monitored and called by representatives of the Village.

Buildings and Grounds Report:

Mayor Mayer

- 1) Circuit breakers were blowing out at the lower level occasionally then daily. An electrician was in to troubleshoot and found the canisters were installed in a way that caused burnt insulation on the wiring. These were placed out of service and must be replaced.
- 2) There are 5 fuse boxes on the property, which causes difficulty in troubleshooting areas that need worked on. The companies that belong to the boxes are being called by the Maintenance Dept. to correct the fuse box situation. A Fire Dept. Inspection was conducted. It showed that the alarm system is not functional and that the furnace room & fuse panel rooms need to be cleared of other items. A report of the inspection was distributed at the meeting. Most items have been corrected. The office workers will be relocated into one area so a storage area can be established. Engineers need to check out the building structure.

Chamber of Commerce:

Mr. Weigand reported Ramp-Up Peninsula will be held on April 28, 2018 from 11:00 a.m. to 5:00 p.m. There will be over 35 vendors, and the event will use 3 police officers. There is a Facebook page.

The Chamber was updated on the Sewer Project & Parking solutions progress. They are writing a letter of support for the sewer project.

The Mayor stated Ramp-Up asked for 2 officers, and there will be 3 around town. Also, they want a car to sit out with the cruiser lights on for a safety factor. Whether to waive the Village fee for the Village police cruiser was discussed.

Mr. Schneider made a motion to waive the fee for the Village Police cruiser. The motion was seconded by Ms. Holody. A roll call vote on the motion was taken: Mr. Kaplan, Yes; Ms. Holody, Yes; Mr. Weigand, Yes; and Mr. Schneider, Yes. The motion was approved.

Fire Board:

Mr. Schneider reported the board is working on a basement room with volunteers and a lot of donated items.

Cemetery:

Mr. Schneider reported the crew is getting the cemetery ready for Memorial Day. Everything seems all right.

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Legislation:

Third Reading:

Resolution No. 5-2018, A Resolution Authorizing the Mayor to Accept a NOPEC Energized Community Grant and Execute a Grant Agreement Related Thereto, was read by title.

The Grant is in the amount of \$1,813. The Village intends to use the grant to replace old windows at Village Hall that have not previously been replaced.

Mr. Schneider commented that the Mayor and he decided to replace only one window that was in poor condition as the others were fine. A discussion followed about the type of window chosen and the need to make sure it matches the other new windows.

A motion to approve the Resolution was made by Ms. Holiday and seconded by Mr. Schneider. A roll call vote was taken: Mr. Kaplan, Yes; Ms. Holody, Yes; Mr. Weigand, Yes; and Mr. Schneider, Yes. The Resolution was approved.

Resolution No. 10-2018, A Resolution Amending the Employee Pay Scale, was read by title.

A motion to approve the Resolution was made by Dee Holody and seconded by Mr. Schneider. A roll call vote was taken: Mr. Kaplan, Yes; Ms. Holody, Yes; Mr. Weigand, Yes; and Mr. Schneider, Yes. The Resolution was approved.

First Reading:

Resolution 12-2018, A Resolution Expressing Support from the Village of Peninsula for the Summit County Tobacco 21 Initiative, was read by title.

Resolution 13-2018, A Resolution Authorizing Certain Amendments to the Annual Appropriation Resolution, was read by title.

Resolution 14-2018, A Resolution Re-Authorizing the Village to Enter into a Cooperative Agreement for Planning and Design of a Wastewater Treatment and Sanitary Sewer Collection Facilities Project between the Village of Peninsula and the Ohio Water Development Authority and Authorizing President Pro Tem Daniel Schneider to Execute the Agreement on Behalf of the Village, was read by title.

Resolution No. 15-2018, a Resolution to Accept the Addition of Property to the Boston Township-Village of Peninsula Joint Economic Development District, was already read by title earlier in the meeting.

Ms. Holody proposed Special Meetings for Thursday April 12 at 4:15 p.m. and Saturday April 14 at 8:30 a.m. or 9:00 a.m. to have second and third readings of Resolution 14-2018 and Resolution 15-2018. Mr. Kaplan stated he wants the minutes to reflect that this is not how to run a Village. The meetings need to be scheduled at times that are convenient for all members.

Old Business: None.

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New Business: Mr. Uray, the Village Engineer, brought up that the Players Barn needs to be taped up again for security. He was assured it would be attended to.

Executive Session: The Solicitor stated that an executive session is needed to discuss issues related to the possible acquisition and disposition of real property by the Village. A motion to go into executive session for that purpose was made by Ms. Holody and seconded by Mr. Weigand.

A roll call vote on the motion was taken: Mr. Kaplan, Abstain; Ms. Holody, Yes; Mr. Weigand, Yes; and Mr. Schneider: Yes. The motion was approved. The Executive session commenced at 10:09 p.m.

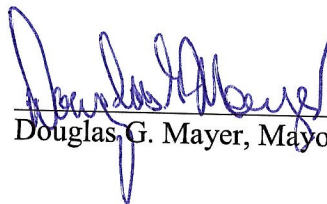
A motion to come out of executive session was made by Mr. Kaplan at 10:15 p.m. and seconded by Mr. Schneider.

A roll call vote on the motion was taken: Mr. Kaplan, Yes; Ms. Holody, Yes; Mr. Weigand, Yes; and Mr. Schneider: Yes. The motion was approved.

No action was taken as a result of the Executive Session.

A motion to adjourn was made by Mr. Schneider and seconded by Mr. Kaplan. All were in favor of the motion, and none were opposed. The Meeting adjourned at 10:15 p.m.

Respectfully submitted:



Douglas G. Mayer, Mayor 9-10-2018
Date



John Stiegel, Fiscal Officer 9/10/18
Date