RECORD OF PROCEEDINGS
Village of Peninsula Council
REGULAR SESSION

Held: May 13, 2013

Call to order: The Village of Peninsula Council convened from 7:03 p.m. to 9:45 p.m. in the Peninsula Village Hall. Mr. Mayer initiated the Pledge of Allegiance with the following members and visitors present:

Douglas Anderson	Present	Mary Booth	Present
Dee Holody	Present	Charles Moyer	Present
Brian Schall	Present	Dan Schnieder	Present
Douglas Mayer, Mayor	Present	John Stiegel, Fiscal Officer	Present
Irving Sugerman, Solicitor	Present		

Boston Township Trustees:

Randall Bergdorf, Amy Anderson, Gerald Ritch

Visitors:

Pam Lifke, Lisa Ausperk, Carol Kramer, Peggy Hauberg, Wendy Anderson, Linda Logan, Diane Seskes, Mrs. Spencer, Ed Andros, Lilly Fleder, Mr. Hammond, Roger Robinson, Tina Stephens, Jane Lemmo, Cathy Mayer, Patti Preston, Jean Wurzbacher, Richard Fisher, Nina Alvis

Mr. Mayer announced a change to the order of the meeting agenda whereby the Boston Township Trustees would provide their update to Council regarding the Cemetery Millage first.

Mr. Mayer then introduced the Boston Township Trustees, Randy Bergdorf, Amy Anderson, and Gerald Ritch. The Trustees had attended to discuss the renewal of the Cemetery Millage. Mr. Bergdorf addressed council and explained the projects and financial reports distributed to council.

A motion was made by Mr. Schneider, seconded by Mary Booth to **approve** the renewal of the Cemetery Millage as presented to Council. Votes were as follows: Mary Booth, aye; Brian Schall, aye; Charles Moyer, aye; Douglas Anderson, aye; Dee Holody, aye; Dan Schneider, aye; Amy Anderson, aye; Gerald Ritch, aye; Randy Bergdorf, aye.

(Motion 47-2013)

Mr. Mayer announced that a public hearing regarding the JEDD proposal will be held June 10, 2013 at 6:30 pm. at the Village Hall just prior to the Council meeting. He invited residents to attend. Mr. Mayer recommended that the Trustees and Council meet prior to June 10th. Boston Township Trustees will contact Mr. Mayer.

Mr. Mayer reported that no further information is available regarding the Police Chief position.

Citizens Participation:

Mrs. Ausperk addressed Council. She described the reason for her attendance as Mr. Ausperk, her husband, who worked within the Service Department of the Village, had been publicly embarrassed. She stated that he accepted the position and he had performed excellent work, while saving the

Village of Peninsula thousands of dollars. Mrs. Ausperk further explained that Mr. Ausperk had accepted the position because of the health insurance and for something to do. She stated that she felt that Councilman Schall and Councilman Schneider have personally attacked her husband; further noting that she thought the attacks were to protect Roger Robinson's job. Her husband was not interested in obtaining Mr. Robinson's job. She explained that Council has discussed, in public forums, concerns regarding the drug policies directly related to Mr. Ausperk's employment. She noted that these conversations, held during public meetings, had been reported within the newspaper. Mrs. Ausperk expressed her embarrassment which stemmed from the articles. The audience had acknowledged her comments and applauded. Mrs. Ausperk reiterated once again that Mr. Ausperk's mechanical abilities and work ethics had produced savings to the Village.

Mrs. Carol Kramer spoke to Council; she said that she has attended past Council meetings noticing that there is little or even no other attendance of residents. She stated that previous Council meetings which she has attended have publicly discussed sensitive personnel concerns. She said that those discussions were inappropriate within the atmosphere. She further noted that as a frequent attendee of the meetings she has seen the emotions of the members during discussions, their tenure, their expressions, she has felt the animosity. She admonished members of Council for their behavior.

Peggy Hauberg of Stine Road addressed Council. She agreed with Mrs. Kramer's previous comments. She noted the potential for degradation and possible destruction of the employee's reputation due to the actions of members and the publicity. Mrs. Hauberg asked members of Council for a public apology.

Mrs. Wendy Anderson addressed Council, stating that she felt that the West Side Leader reporter printed information that was over a year old and possibly unverified. Mr. Mayer spoke to Mrs. Anderson he stated that she needed to address Council and not the West Side Leader reporter. She then commented: the reporting of the meetings is supposed to be on the actual meeting and the information should be pertinent to that meeting.

Linda Logan addressed Council; she said that she has been a life long resident of the Village, also stating that she was in full agreement with the others. She also admonished members of Council, stating that they should be ashamed of their actions. Ms. Logan reiterated that members of Council are voted in and hold a duty to appropriately represent residents.

Diane Seskes addressed Council. She also spoke about her concerns regarding the behavior of Council members. She stated that more residents will attend future Council meetings to make sure that Village residents are appropriately represented.

Chanah Spencer addressed Council. She stated that when she and her husband first moved into the Village they had attended Council meetings. Mrs. Spencer noted that the meetings were appalling and they had therefore stopped attending. She also noted that elections will be in the Fall.

Ed Andros addressed Council; He focused on two Council meetings he recently attended. He expressed his concern regarding the open discussions, what has been publicized, and the comments made by residents and members during the Citizen's Participation portion of the meetings. He stated that his opinion is that the Citizen's Participation parts of the meetings have been accusatory towards

Mr. Ausperk. He asked that conduct of Council members be addressed and controlled.

Mr. Schall addressed Council and visitors. He stated that he has been friends with the Ausperk family for numerous years. He was disappointed that the family considered his decision and comments as personal attacks. He noted that he was one of the people who had first suggested Mr. Ausperk's employment within the Village. Mr. Schall also stated that he has never made derogatory comments regarding Mr. Ausperk's work. Mr. Schall further stated that he has publicly praised Mr. Ausperk's work.

Mr. Schall then discussed the drug and physical exam/testing policies of the Village. He stated that he was approached by people of the Police Department and/or Fire Department who questioned whether or not Mr. Ausperk had completed the drug and physical testing upon hiring. Mr. Schall further stated that he has never accused Mr. Ausperk of drug use.

Mr. Schall apologized to Mr. Ausperk and the Ausperk family for any actions/comments he may have made that could have been interpreted as personal attacks. Mr. Schall then stated that his decisions were regarding the financial capabilities of the Village and employment of two full time service department employees. Mr. Schall also said that Mr. Ausperk was aware that his employment could change as stated by Council in January 2013 mainly due to financial concerns.

An unidentified women addressed Mr. Schall and Council. She asked why sensitive topics are not discussed in private sessions of Council. Mr. Mayer responded that there have been some occasions where Council should have adjourned to an executive session. A gentleman spoke regarding the status of the Village grounds. He stated that the Village grounds have never looked better, he said that he has lived within the Village for 40 years; he has never seen Roger Robinson performing duties which would include a weed eater. He said that the Village is the best it has looked in those 40 years.

Mr. Mayer thanked residents for their comments.

Mr. Mayer reported that the Mayor's Court had received two checks from Stow Municipal Court. He reported that the last six weeks have produced more income that all last year with regard to Mayor's Court.

Fiscal Officer's Report: John Stiegel

Mr. Stiegel presented the April 8, 2013 and April 17, 2013 Village of Peninsula Council meetings minutes for consideration.

A motion was made by Mr. Anderson, seconded by Mr. Schneider, to review and consider Village of Peninsula Council meeting minutes. Votes were as follows: Mary Booth, abstained; Brian Schall, aye; Charles Moyer, aye; Douglas Anderson, aye; Dee Holody, aye; Dan Schneider, aye.

(Motion 48-2013)

Mr. Mayer then asked Council to qualify the part time status of Mr. Ausperk. Council discussed options including a possible three day work week or "call in as needed." Ms. Holody suggested

completing the minutes first then Council could proceed to that discussion.

A motion was made by Mr. Anderson, seconded by Mr. Schneider to **approve the April 8, 2013** Village of Peninsula Council meeting minutes. Votes were as follows: Mary Booth, abstained; Brian Schall, aye; Charles Moyer, aye; Douglas Anderson, aye; Dee Holody, aye; Dan Schneider, aye.

(Motion 49-2013)

A motion was made by Mr. Anderson, seconded by Mr. Moyer to **approve the April 17, 2013** Village of Peninsula special meeting minutes. Votes were as follows: Mary Booth, aye; Brian Schall, aye; Charles Moyer, aye; Douglas Anderson, aye; Dee Holody, aye; Dan Schneider, aye.

(Motion 50-2013)

Mr. Mayer explained that because the meeting minutes had been accepted, Mr. Ausperk's employment with the Village will be at a part time status effective May 14, 2013. He also stated to the public that the decision was made solely by Council and not the financial office nor the Mayor's office.

Financial Reports: John Stiegel

Mr. Stiegel presented the Village of Peninsula April Financial Reports to Council for review and consideration.

A Motion was made by Douglas Anderson, seconded by Dan Schneider, to acknowledge and approve the Village of Peninsula April **Financial Reports**. Votes were as follows: Mary Booth, aye; Brian Schall, aye; Charles Moyer, aye; Douglas Anderson, aye; Dee Holody, aye; Dan Schneider, aye.

(Motion 51-2013)

Council President's Report: Douglas Anderson

Mr. Anderson noted comments made regarding Mr. Ausperk earlier; he explained that he has had interactions with the Ausperk family in the past, he noted his actions regarding full time status of service department employees was strictly financial and not personal.

Street Liaison: Brian Schall

Mr. Schall reported on 2012 grant projects and the status of roads. Mr. Mayer then reported to Council that seismic testing performed within the Village had possibly caused damage to a pipe costing about $4,400 to repair. The pipe was located on a resident's property but was installed by the Village. Mr. Mayer had further explained that during the investigation of contracts with ODOT and the seismic company he found that the updated ODOT contract had never been signed. He will work to get those contracts and concerns resolved. Ms. Holody and Mr. Mayer discussed where and when the seismic testing occurred. Mr. Mayer said that he is working with Mr. Uray for possible solutions to the drainage and broken pipe.

Mr. Hammond stated that his drive apron was never completed. He further stated that he was concerned with water drainage and finish grading. Mr. Robinson said that he will address those concerns. A discussion regarding catch basins ensued; Mr. Robinson was unsure of who is responsible maintenance of the basins. Mr. Mayer reiterated that the Village is currently investigating the concerns.

Police Department Report: Douglas Anderson

Mr. Anderson reported that the new police cruisers were being utilized. He updated members as to the recovery of Officer Westfall. Council thanked Officer Westfall for his assistance with the new police cruisers.

Ms. Booth asked about the park contract for the foot patrol. Mr. Stiegel responded that the method of payment has not been finalized. Mr. Mayer noted that the park system grant program is temporarily on hold based on responses from park management.

Zoning Official's Report: Douglas Mayer

Nothing received as a report from the Zoning Inspector.

Ms. Holody requested that Council adjourn to Executive session later in the meeting for discussion of the Zoning Inspector.

Zoning Board of Appeals: Douglas Mayer

Nothing reported.

Fire Board Liaison: Dan Schneider

Mr. Schneider reported on the successful pancake breakfast. He noted the dedication of the Station House and Meeting Room.

Planning Commission: Charles Moyer

Mr. Moyer noted the meeting date change recommended by the Planning Commission. The Planning Commission would like to meet the Monday following the Council meeting.

A Motion was made by Mr. Moyer, seconded by Mr. Anderson, to approve the Village of Peninsula Planning Commission meeting date change to the Monday following Council meetings each month beginning in July. Votes were as follows: Mary Booth, aye; Brian Schall, aye; Charles Moyer, aye; Douglas Anderson, aye; Dee Holody, aye; Dan Schneider, aye.

(Motion 52-2013)

Mr. Stiegel noted to Council that advertisements will be published as required by the Sunshine Laws

with regards to the meeting date change.

Buildings and Grounds: Mary Booth

Ms. Booth noted the next Players Barn meeting as June 19, 2013 at the Library at 7:00 pm. She also stated that the Players Barn Committee will provide rehabilitation estimates at the September Planning Commission meeting. Mr. Mayer stated that the park will get back with him regarding a date to "walk through" the Players Barn.

Chamber of Commerce Liaison: Doug Anderson

Mr. Anderson reported on the Chamber of Commerce meeting: the first farm market of the season was last Saturday; Ramp Up Peninsula had 468 attendants and 5000 hits on their facebook page; they would also like to sponsor again in 2014; the Plein Air competition June 7 & 9th; the Art Festival is June 29 and July 6th; local food festival being planned on farm history day; Python Day July 20th. Mr. Anderson noted that the Chamber of Commerce has made meeting changes, mostly location changes.

Cemetery Board: Dan Schneider

Mr. Schneider noted some of the work done, i.e., mowing, cutting dirt getting prepared for Memorial Day.

Finance: Dee Holody

Ms. Holody noted the handsomeness of the the Town Hall due to the mulch. Ms. Holody then asked Attorney Sugerman to explain to visitors how Boston Township residents could park for free should the parking pay station be utilized. He stated that an exemption could be made but there could be a risk involved.

Mr. Anderson requested clarification of procedures regarding Planning Commission's recommendation and voting of the Pay Station proposal. Mr. Anderson asked if one of the legislation is passed but the loan is not approved. Attorney Sugerman responded that the money needed would have to be sought elsewhere.

Second Reading

Attorney Sugerman performed the **second reading** of the legislation as follows: "Ordinance to authorize the Village of Peninsula ("Village") through the Mayor and Fiscal Officer, to purchase a Parking Pay Station from Signature Control Systems; "Resolution Authorizing the Fiscal Officer to inquire into obtaining loan to purchase a Parking Pay Station."

Solicitor: Irving Sugerman

Attorney Sugerman discussed the JEDD contract proposal status. He addressed some concerns:

The recital, Section C, has a wording disagreement between attorneys but does not change the sustenance of the agreement.

Attorney Sugerman disagreed, taking issue with the 9 elected officials as members of the Board. He stated his concerns. His opinion was that this would not be in compliance with the ORC.

Less of an issue, but the potential removal of a Board member for cause; Attorney Sugerman stated that the statement "for cause" could create certain rights of the Board member and whereby causing issues later if removal occurs. He expressed that he is opposed with the statement.

Attorney Sugerman said that he would like to work out the last few issues with Attorney Schrader but also suggested a meeting be scheduled with Boston Township officials. Council further discussed the terms and conditions of the proposed agreement. Attorney Sugerman read the provisions contained within Section C related to the ORC requirements.

Attorney Sugerman mentioned that he would update Council regarding the Stine Road litigation at the next meeting.

Mr. Moyer had requested a copy of the maps related to the JEDD agreement.

Second Reading

Attorney Sugerman performed the **second reading of** the legislation: "An Ordinance Amending the Village of Peninsula Codified Ordinances, Title Nine- Taxation, Chapter 181.03 Imposition of Tax, Income Tax; by submitting to the electors an increase in the income tax from one percent (1%) to two percent (2%) to fund the General Operating Budget of the Village of Peninsula for the purpose of general municipal operations."

Second Reading

Mr. Anderson then offered the first reading of legislation as follows: "A Resolution specifying and hereby directing that on Tuesday, November 5, 2013, the date a general election is to be held, the Summit County Board of Elections shall conduct an election in the Village of Peninsula regarding the imposition of taxation as set forth herein and otherwise authorized in the Village of Peninsula Ordinance 36-2013.

Old Business:

Submitted Bills:

A motion was made by Mr. Anderson, seconded by Mr. Schneider, to authorize payment of the **Village of Peninsula bills** as submitted by the Fiscal Office. Votes were as follows: Mary Booth, aye; Brian Schall, aye; Charles Moyer, aye; Douglas Anderson, aye; Dee Holody, aye; Dan Schneider, aye.

(Motion 53-2013)

A motion was made by Mr. Anderson, seconded by Mr. Schneider, to adjourn the regular meeting of Council for an Executive Session to discuss of personnel issues at 9:30 pm. Votes were as follows: Mary Booth, aye; Brian Schall, aye; Charles Moyer, aye; Douglas Anderson, aye; Dee Holody, aye; Dan Schneider, aye.

(Motion 54-2013)

A motion was made by Mr. Anderson, seconded by Mr. Schneider, to adjourn Executive Session and resume the regular meeting at 9:42 pm. Votes were as follows: Mary Booth, aye; Brian Schall, aye; Charles Moyer, aye; Douglas Anderson, aye; Dee Holody, aye; Dan Schneider, aye.

(Motion 55-2013)

Council adjourned Executive Session at 9:42 pm. acknowledging that no action was taken during their Executive Session.

A motion was made by Mr. Schnieder, seconded by Mr. Schall, to adjourn at 9:45 pm. Votes were as follows: Brian Schall, aye; Charles Moyer, aye; Douglas Anderson, aye; Dee Holody, aye; Dan Schneider, aye.

(Motion 56-2013)

The Village of Peninsula Council's next regular meeting will be held **June 10, 2013,** at 7:00 pm. on the second floor of the Peninsula Town Hall, located at the corner of State Route 303 and Akron-Peninsula Road.

Respectfully submitted,

Douglas Mayer, Mayor 6-12-013 Dated

John D. Stiegel, Fiscal Officer 6/11/13 Dated

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.