

RECORD OF PROCEEDINGS
Village of Peninsula Council
REGULAR SESSION
Draft

Held: August 11, 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	Excused	Brian Schall	Present
Carol Kramer	Present	Pamela Schneider	Present
Dee Holody	Present	Dan Schneider	Present
Douglas Mayer, Mayor	Present		

CITIZEN PARTICIPATION:

None.

OTHERS PRESENT

Connie Hesske, Solicitor, John Stiegel, Fiscal Officer, Rebecca Garner, Zoning Clerk/Zoning Inspector

VISITORS

Mary Booth for the Chamber of Commerce

CITIZENS PARTICIPATION

None.

COUNCIL PARTICIPATION

Mr. Schall detailed the research he and Solicitor Hesske performed on the proposed Bow Hunting legislation.

Ms. Schneider asked for clarification of why the legislation proposed did not include the statement, declaring an emergency; noting that hunting would start in 6 weeks. Mr. Schall responded that the legislation would go through the process without emergency language. Solicitor Hesske responded that consideration by Council was not an emergency, defining emergency as: for financial, public health, safety and welfare, of the Village's residents. New Council packets issued had included explanations regarding what and when legislation is considered an emergency.

Mayor Mayer updated members on the July 22nd Planning Commission meeting:

- Working to update data within the Long Range Plan.
- Legislation to change the meeting date on agenda.
- August 26th meeting the Solicitor will attend to clarify the duties of the Planning Commission. Planning members asked for clarification of duties due to Council's referral of the MS Consulting legislation.

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MAYOR'S REPORT

Mosquito Update

- West Nile Virus found within mosquitoes trapped at 1537 E. Mill Street.
- Summit County Health Department will have additional spraying.

Bids for Waste/Recycling

- Mayor Mayer asked for authorization to advertise for bids for the waste and recycling pick up within the Village.
 - Council does have the option to renew the Republic Contract without the bid process. -
 - At one time the Village thought to consider joining Boston Township for services but the contracts are on different cycles.

Sunshine Training

- Training offered in Wadsworth on September 23, 2014.

GAR Sidewalk

- Meeting scheduled with ODOT on September 3, 2014.
 - Discussed placement of sidewalks.
 - Cutting the Sandstone.
 - Updating the corner for handicap accessibility.

Riverview Road Guardrail

- Letter written to Joe Paradise and Tim Bolly including invitation to this meeting.
 - Response not received. Mayor Mayer will contact Mr. Brubaker.

Guardrail on Route 303

- Accident caused the damage, awaiting insurance coverage to replace the guardrail.
 - Contact will need to be made with the insurance company.
 - Solicitor Hesske will follow-up.

Deteriorating road conditions across from 2193 Main Street.

- Mrs. Kramer asked for improvements to the eroding berm.

Miscellaneous

- Update on the records disposal.
 - Four disposals thus far.
 - Historical records dating back to 1926.
- Walter Drane Company will assess records in order provide a cost to update the Codified Ordinances.

Update to the Jail Door.

- Estimates for restoration being obtained.

Ms. Holody asked for an estimate for painting, with epoxy paint, the sidewalk on the Route 303 Bridge. Mayor Mayer will include the suggestion within the ODOT meeting on September 3rd.

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SOLICITOR'S REPORT

-Cheat Sheet for procedures will be presented through email to Council. The Solicitor detailed the procedures for discussion of legislation.

FISCAL OFFICER'S REPORT

MOTION: Moved by Ms. Holody, seconded by Mr. Schneider to approve the July 14, 2014 meeting minutes as corrected.

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

(Motion: 117-2014)

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

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

(Motion: 118-2014)

MOTION: Motion was made by Mr. Schall, seconded by Mrs. Kramer to pay the bills as submitted by the Fiscal Officer.

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

(Motion: 119-2014)

POLICE DEPARTMENT

- Mayor Mayer announced that the department ran well during the Chief's vacation.
- The new police vehicle should be delivered soon.

Ms. Holody had asked for statistics regarding the last 5 years of truck violations within the Village.

- She would like to receive a breakdown of violations specific to tractor trailers.
- Mayor Mayer would inquire with the Chief.
- Ms. Holody then also asked for accident data related to tractor trailers.
- Ms. Holody decided that she will contact the Chief for the information.

Ms. Schneider expressed concerns with the absence of the Chief and Road Superintendent at the Council meetings. She explained that the flooring, painting, and other things discussed are not completed. Mayor Mayer noted that the Chief and Road Superintendent are not responsible for those items; but, if the Road Superintendent wanted to paint, he could ask for the paint purchase.

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Ms. Schneider stated that comp time is available and the Chief and Road Superintendent could attend the Council meetings. Mayor Mayer detailed the expenses related to comp time and members discussed.

Ms. Schneider asked for the procedure for Council to require the Chief and Road Superintendent's attendance at Council meetings.

MOTION: Motion was made by Ms. Schneider, seconded by Mr. Schneider, to require the Chief and Road Superintendent to attend Council meetings.

MOTION RESTATED FOR VOTE: Motion was made by Ms. Schneider, seconded by Mr. Schneider, to require the Chief and Road Superintendent to attend Council meetings. Votes were: Brian Schall, nay; Carol Kramer, nay; Pam Schneider, aye; Dee Holody, nay; Dan Schneider, aye. **2 aye: 3 nay. Motion had failed.**

(Motion: 120-2014)

Discussion:

- According to the motion they would be required to attend.
- What are the ramifications if the employees did not attend?
- Members discussed the expense involved with the requiring their attendance.
- Mr. Schneider recommended a representative be appointed.
- Mr. Schall requested Council re-consider the liaisons.
 - The liaison's purpose would be to report to Council.
- The minimum pay out for requiring attendance at a meeting would be 3 hours each person.
- Discussed shift changes to accommodate instead of comp time. Cannot change shifts due to scheduling.

Mayor Mayer explained the chain of command for supervision of the employees.

- The Chief and Road Superintendent report directly to the Mayor.

Mayor Mayer also talked about the supervisor/department head meetings that are held every other week for communication with the Mayor.

- Council members were invited to attend.
- The Mayor reports any relevant discussions of those meetings to Council.

Mayor Mayer asked: What would be the goal of their attendance at the Council meeting? Mr. Schall: I just want to hear back from more than just you, that's all. Mayor Mayer reiterated the reporting structure of Village employees. He also stated that he is currently the liaison between the Police and Road Department.

Members agreed to extend an invitation to the Chief and Road Superintendent to Council meetings on an "as needed basis."

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Mr. Schall asked for Council's consideration to establish a Committee. Ms. Holody recommended the discussion continue when all Council Members are in attendance.

Ms. Schneider asked for the Agenda of the meetings (held on every other Monday with the Mayor) get distributed to Council.

Mr. Schall then asked for a Resolution to reinstate liaisons be drafted.

ZONING REPORT

Mr. Schneider answered Solicitor Hesske's question regarding ownership of the fence, as the Foundation owns and maintains the fence at the rear of his property.

-Solicitor Hesske asked for what Mr. and Ms. Schneider thought the responsibility of the Village is with regard to the fence.

-Ms. Schneider responded that she would like to see the fence replaced.

BOARD OF ZONING APPEALS

Meetings were cancelled.

FIRE BOARD

Two candidates for the clerk position will be discussed on Thursday.
Concrete/Paving bids were requested.

PLANNING COMMISSION

Nothing in addition to what was already discussed.

CEMETERY

Topsoil needed for fill. Mayor Mayer will supply contact information for Mr. Schneider.

NEW BUSINESS

NEW BUSINESS

Mary Booth reported on following Chamber events:

-Food Fest was August 10th and included 26 vendors.

-Music on the Porches will be September 27th 11 to 5.

-Changes will be instituted to make sure that bands comply with Noise Control Ordinances of the Village.

-Peddler Day (Village event) will be the first Saturday in October (10/4).

-Christmas in Peninsula first Thursday of December (12/4)

-Halloween Party would like to have involvement of the Boy Scouts.

Mayor Mayer asked for volunteers.

Trick or Treat should include a way for outlying areas of the Village to distribute candy.

-Take donations to the Library for candy to distribute.

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OLD BUSINESS

Ms. Schneider declared that there was a “great miss-understanding” regarding usage of data related to the Sprint Cell Phone bill. She wanted to have an apology noted. She also said that the usage of data reported within the Sprint Bill and at the last meeting was a Sprint error which has since been corrected.

LEGISLATION:

First Reading:

RESOLUTION 15-2014

A RESOLUTION AUTHORIZING THE VILLAGE OF PENINSULA (“VILLAGE”), THROUGH THE MAYOR, TO ENTER INTO THE SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING, 2014-2015 VERSION, AND DECLARING AN EMERGENCY.

MOTION: Motion was made by Ms. Holody, seconded by Mr. Schneider, to **suspend the second and third reading rules** of **RESOLUTION 15-2014**.

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

(Motion: 121-2014)

MOTION: Motion was made by Ms. Holody, seconded by Mr. Schneider, to **ADOPT RESOLUTION 15-2014**.

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

(Motion: 122-2014)

RESOLUTION 16-2014

A RESOLUTION TO AUTHORIZE THE FISCAL OFFICER TO ADVERTISE FOR BIDS FOR A ONE YEAR TRASH COLLECTION AND DISPOSAL CONTRACT WITH THE OPTION TO RENEW FOR AN ADDITIONAL TWO YEARS AND DECLARING AN EMERGENCY.

Members discussed the services provided through the current contract. Solicitor Hesske explained that the legislation would allow for the acceptance of bids for a new contract.

MOTION: Motion was made by Mrs. Kramer, seconded by Mr. Schneider, to **suspend the second and third reading rules** of **RESOLUTION 16-2014**.

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

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Schneider, aye. **Motion passed unanimously.**

(Motion: 123-2014)

Mr. Stiegel clarified the advertising for the bid process. Members agreed to advertise within the West Side Leader and Record Publishing for local areas only. Ms. Holody asked that the bid specifications include ideas to propose novel ideas to encourage recycling.

MOTION: Motion was made by Mrs. Kramer, seconded by Mr. Schall, to **ADOPT RESOLUTION 16-2014.**

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

(Motion: 124-2014)

ORDINANCE 8-2014

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

MOTION: Motion was made by Ms. Schneider, seconded by Mr. Schneider to **suspend the second and third readings** of **ORDINANCE 8-2014.**

Discussion of the Ordinance including the following:

- Three readings are necessary because not an emergency.
- Public input should be sought whereby allowing for Public Hearings.
- Mr. Schneider stated that the season starts next month.
- Procedural manuals need to be prepared.
- All members' questions have not been addressed regarding safety.
- Permits will be obtained from the Chief of Police. His input is needed.
- Mr. Schneider noted the time frame for permit's when issued by the state for Haramis Farms.

Ms. Holody reiterated that the three reading rule should apply because of the need for public safety and input.

MOTION RESTATED: Motion was made by Ms. Schneider, seconded by Mr. Schneider to **suspend the second and third readings** of **ORDINANCE 8-2014.**

Votes were: Brian Schall, aye; Carol Kramer, nay; Pam Schneider, aye; Dee Holody, nay; Dan Schneider, aye. **3 aye: 2 nay, motion failed due to lack of super majority.**

(Motion: 125-2014)

Solicitor Hesske announced that the suspension of rules failed, **Ordinance 8-2014** will be placed on the agenda next month for second reading.

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MOTION: Motion made by Mr. Schall, seconded by Ms. Holody to further discuss
ORDINANCE 8-2014.

(Motion 126-2014)

Members addressed some of the details of the legislation:

- Hunters would need to be a resident or a guest of the resident/landowner.
- No more than one guest permitted at one time.
- Hunting not permitted within 600 feet of a **public** structure.
- Must secure permit from the Chief of Police.
- Must had all required State licenses.
- Abide by the Ohio Revised Code and Ohio Department of Wildlife

Concerns of a resident on Stine Road brought to Ms. Holody's attention:

- Target overshoots.
- Limit to compound or long bows.
- Cross bows are not as accurate.
- 5 Acre minimum not enough property.

Mr. Schall stated noted the communities used for the comparison as: Boston Heights, Hudson, Valley View, Brecksville, Avon Lake

Ms. Holody stated she liked the requirements included within the Hudson Ordinance.

Further discussion ensued:

- Deer runs onto neighboring property after hit.
 - Permission must be obtained to retrieve the animal.
- Hudson states an officer must accompany for retrieval.
- Mr. Schall detailed the permissions that are needed if a Deer would run after hit and land onto neighboring property.
- Mr. Schneider detailed the fines associated with non-compliance of permits.
- City of Hudson requires that hunters must complete Archery Proficiency Test at Gander Mountain.
- City of Hudson also requires a \$100,000 personal liability insurance requirement.

Solicitor Hesske stated: that if the requirements are stricter and supersede the Ohio Revised Code then the requirement is not enforceable.

Mr. Schall explained the permitting requirements and fees. He noted that the Village could not charge an additional fee, in addition to that issued by the State, for hunting licenses. Mr. Schall also explained that the permits within the Village would be issued and maintained by the Police Chief.

Mrs. Kramer asked: What is the liability of the Village should an accident occur. Solicitor

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Hesske responded: Depends on the scenario of the accident, as long as the Village used due diligence, proper license issued and proper paperwork, the liability would be between the victim and the hunter.

ORDINANCE 94-1941 (A)

AN AMENDMENT TO ORDINANCE 94-1941 TO CHANGE THE DATE OF THE PLANNING COMMISSION MEETING TO THE FOURTH TUESDAY OF EVERY MONTH, AND DECLARING AN EMERGENCY.

MOTION: Moved by Mrs. Kramer, seconded by Ms. Holody to **suspend the second and third readings** of **ORDINANCE 94-1941(A)**.

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

(Motion: 127-2014)

MOTION: Moved by Mr. Schneider, seconded by Mrs. Kramer to **ADOPT ORDINANCE 94-1941(A)**.

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

(Motion: 128-2014)

Second Readings:

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.

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

MOTION: Motion made by Ms. Holody, seconded by Mr. Schneider, to **suspend the third reading rule** for consideration of **RESOLUTION 12-2014**.

Votes were: Brian Schall, nay; Carol Kramer, nay; Pam Schneider, nay; Dee Holody, aye; Dan Schneider, nay. **1 aye: 4 nay, motion failed.**

(Motion: 129-2014)

Solicitor Hesske announced that the suspension of rules failed, **RESOLUTION 12-2014** will

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be placed on the agenda next month for third reading.

MOTION: Motion made by Ms. Holody, seconded by Mr. Schall, to discuss **RESOLUTION 12-2014.**

Ms. Holody asked for members opinions regarding a second Council meeting. Members expressed their dissatisfaction with the option to hold two meetings per month.

Mayor Mayer announced that Zoo tickets are still available.

ADJOURNMENT

MOTION: Mr. Schneider made a motion to adjourn, Ms. Holody seconded.

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

(Motion: 130-2014)

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.

The Village of Peninsula's next regular meeting of Council will be held August 11, 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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