

**Record of Proceedings
Village of Peninsula Council
SPECIAL COUNCIL MEETING**

Held: December 28, 2017

CALL TO ORDER: The Village of Peninsula Council convened from 5:02 p.m. to 6:40 p.m. in the Peninsula Village Hall. Mayor Douglas Mayer called the meeting to order and initiated the roll call. The following members and visitors were present.

COUNCIL MEMBERS:

Michael Matusz	PRESENT	Douglas Mayer, Mayor	PRESENT
Mary Booth	PRESENT	Pamela Schneider	PRESENT
Carol Kramer	ABSENT	Daniel Schneider	PRESENT
Diane Holody	PRESENT		

OTHERS PRESENT: Mike Kaplan, Chris Weigand, Bill Clifton, Nancy Brunswick, and others.

It was announced that this Special Council Meeting was convened pursuant to a request from Ms. Holody, Mr. Schneider, and Mr. Matusz for the purpose of considering: an agreement with Stantec to perform wastewater system design engineering services; a loan application to the Ohio Water Development Authority for the funds to pay for the design engineering services; and the legislation related thereto.

The Mayor asked why these matters are being considered an emergency and read the definition of an emergency. He stated because this is an emergency meeting, once a vote is taken, it is put into place. There is no 30 days to appeal the decision. He also questioned why this meeting was forced onto the schedule right before the end of the year and stated more due diligence is needed before moving forward.

Mr. Bryan explained the definition the Mayor was reading related to emergency meetings. Mr. Bryan clarified that an emergency meeting is one that is called for emergency reasons without the required notice time. He stated this meeting is a Special Council Meeting, not an Emergency Council Meeting. He acknowledged the Mayor's statement that the legislation on the Agenda is drafted as emergency legislation. He clarified that means the legislation is effective upon passage rather than 30 days from the passage date. In addition, emergency legislation, in most instances, prevents the filing of a referendum petition to attempt to overturn the legislation. Mr. Bryan stated he was advised that the emergency relates to the desire to immediately move forward with the design work so that it can be completed prior to July 2018, when the Army Corps of Engineers is scheduled to award the sizable grant for which the Village applied. The Village will be best positioned to receive the grant in comparison with the other applicants if the preliminary design work is complete. With respect to the loan application, the application deadline is January 2, 2018. If the Village does not meet that deadline, the start of the engineering design project will be delayed, which would not leave enough time to complete the design engineering before July of 2018.

Ms. Booth stated the meeting was scheduled at this time so that she would be able to be present. She had been previously unavailable due to health reasons.

Ms. Holody stated she intended to discuss these matters at the Regular December Council Meeting on December 11, 2017, but that meeting did not take place due to the lack of a quorum. The Regular Meeting was rescheduled for December 15 at 8:00 a.m., but she did not have time to discuss these matters because Council had a lot of other end of the year matters on the agenda that day that had to be handled and could only meet for one hour because of people's schedules. This meeting was scheduled so that Ms. Booth could be present and more time could be devoted to discuss these issues.

LEGISLATION:

RESOLUTION NO. 40-2017 AN EMERGENCY RESOLUTION AUTHORIZING AN AGREEMENT WITH STANTEC CONSULTING SERVICES, INC. TO PERFORM DESIGN ENGINEERING SERVICES FOR A CENTRALIZED SANITARY SEWER COLLECTION AND TREATMENT SYSTEM FOR THE VILLAGE WASTEWATER DISTRICT (First Reading)

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MOTION made by Ms. Holody to suspend three reading rule. Seconded by Mr. Matusz.

Mr. Matusz-yes; Ms. Booth-yes; Ms. Holody-yes; Ms. Schneider-yes; Mr. Schneider-yes. The three reading rule was suspended.

MOTION to adopt made by Ms. Holody; seconded by Ms. Booth. Discussion ensued.

Mr. Matusz stated he believes the Village's has performed its due diligence on the wastewater matters. He believes it is the right decision to move forward with the design engineering at this time.

The Mayor stated he believes the decision is being made too quickly. He stated the Village is not sure which system it will have, let alone where it will be placed. He stated there was no assurance the Village would get any grant money for the project.

Ms. Holody stated due to the Village's average median income levels, the Village is not eligible for many traditional sewer project grants. She stated the Village's application for \$1,000,000 to \$4,000,000 in grant money from the Army Corps of Engineers is one of the few forms of nontraditional grant money for which the Village is eligible. She feels the Village needs to pursue that grant to the best of its ability. Letters in support of the Village's application have been received from Senator Portman, Senator Brown, and the Cuyahoga Valley National Park.

Further conversations ensued as to where grant money would come from or whether all of the money would end up needing to be borrowed. The Mayor noted the County would perform the design engineering for free. Ms. Holody stated if no grant money is made available from the Army Corps of Engineers, the Village can apply for a Small Community Grant from the State. Further discussions were had about the merits of the Village moving forward with Stantec or turning the project over to Summit County.

Mr. Kaplan stated he is opposed to Council adopting this legislation as emergency action. He stated was on the Wastewater Committee, and there were many bidders for the sewer project. Stantec was just one. He said he was in favor of choosing Stantec to perform the PER, but it was made clear to Stantec that it was hired only for the PER. He feels that other engineering firms should be considered and grant funding should be secured before moving forward with the design engineering. Mr. Kaplan read an email sent to Councilmembers by Ms. Holody, and noted that it stated there was no guarantee where the money for the project would come from. Mr. Kaplan questioned what is expected of the Village residents if funding does not come through. He stated the large users of the system, like the restaurants, should be charged a higher sewer fee than residents from the outset of the institution of the sewer fee.

Mr. Clifton stated he was also on the Wastewater Committee and was at all three meetings with the County. He is also going to be paying the bill since he is in the Wastewater District. Once the project goes forward, he said cost of the design engineering will be rolled into any Village construction loan. He stated it was advisable to go forward with Stantec rather than any other engineering firm. He stated the County estimated the cost of the engineering design as \$750,000. Stantec is doing it for an amount not to exceed \$450,000. Any other firm would have to charge more because of its learning curve once it would come onto the project. Stantec is required to meet or exceed the County standards in designing the project. The Agreement is set up so that Stantec has to design the project to County standards and have the County review the plans periodically throughout the design phase. The Village has the option of turning the system or project over to the County later if it is advantageous to do so. The County stated it was unable to make any commitments to the Village with respect to this Project before the design engineering is complete. The County stated the Village is far from the County's regular service area, and the number of users is not financially attractive to the County. Mr. Clifton emphasized that eighty percent of the cost of the project is to put the pipes in the ground and stated the difference between the costs of the two treatment systems is minimal in the overall picture. He stated the State EPA representatives advised that Summit County is not transparent in its cost analysis. The cost of any County design engineering would be paid for by the Village residents by way of the property assessments. The Village has identified

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someone qualified to run an MBR System in the event it does not want the County or the County is unable to operate the system.

Ms. Holody went on to say Stantec was originally chosen in accordance with the quality-based selection process. She stated Gary Silcott from Stantec understands small communities. He has overseen many sewer projects and specializes in obtaining funding sources for projects that the communities cannot pay for themselves. Ms. Holody emphasized that the Village is committed to making sure this project is affordable to the residents. The numbers put out to the public by some people are not accurate. They do not account for the fact that the larger users will be paying larger fees once the system is built. She is willing to sit down with anyone who wants to go over the numbers. She believes great progress has been made, and nothing that has been done has been rash. Ms. Holody thinks the Village is ready to apply for the OWDA loan and move forward with the design engineering.

Mr. Kaplan stated if the application were submitted as a business plan to a bank, the bank would thank the Village for the application and send it a polite rejection letter.

Ms. Holody stated the State EPA commended the Village on its work on the wastewater project to date and wants the Village to write an article regarding its experience and the process it followed.

Mr. Weigand stated he has reservations about going forward, but it comes down to the fact that the community needs to treat its wastewater. However it is done, there will be a cost. He does not see it as an undue burden. He has attended meetings with the engineers and is in favor of going forward.

A resident told a story about a man who was involved in something similar. He said the guy stated he will never be involved in politics again. He applauded the community for airing out the issues and the spirited but professional discussion. He stated "It's when we have to pull out checkbooks that things get really serious."

Mayor Mayer said when he took office, his desk was stacked with EPA letters regarding sewer systems that were not in compliance, but not anymore. With no treatment system or plant location determined, he is not in favor of going forward.

Ms. Holody stated Peninsula is the last non-sewered community on the Cuyahoga River.

A question was asked by a Village resident about people experiencing medical and financial hardships. He said what about those of us who have been good citizens, lived here our whole lives, retired, or people on fixed incomes. It doesn't get any cheaper. Ms. Holody stated there are programs and grants that can assist people in those situations.

VOTE ON MOTION TO PASS RESOLUTION 41-2017

Mr. Matusz-yes; Ms. Booth-yes; Ms. Holody-yes; Ms. Schneider-yes; Mr. Schneider-yes. The Resolution is adopted.

RESOLUTION NO. 41-2017 AN EMERGENCY RESOLUTION AUTHORIZING 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 (First Reading)

MOTION to suspend three reading rule made by Ms. Holody and seconded by Ms. Schneider.

Mr. Matusz-yes; Ms. Booth-yes; Ms. Holody-yes; Ms. Schneider-yes; Mr. Schneider-yes. The three reading rule was suspended.

MOTION to pass made by Ms. Holody and seconded by Ms. Schneider

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Mr. Matusz-yes; Ms. Booth-yes; Ms. Holody-yes; Ms. Schneider-yes; Mr. Schneider-yes. The Resolution is adopted.

Ms. Holody made a motion to authorize Council President Dan Schneider to execute the agreement with Stantec and the OWDA application in the event the Mayor refuses to sign them. The motion was seconded by Ms. Schneider.

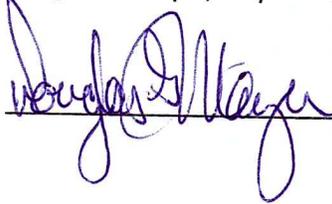
Mr. Matusz-yes; Ms. Booth-yes; Ms. Holody-yes; Ms. Schneider-yes; Mr. Schneider-yes. The motion passed.

At this time, Mayor Mayer stated he would not be signing any of the documents and would be vetoing the legislation. Mr. Bryan stated as a Mayor of a statutory village, the Mayor does not have the power to veto Council legislation. The Mayor cited O.R.C. Section 705.75 as the source for his veto authority. Mr. Bryan stated he did not think that section applies to the Village of Peninsula, but he would research the matter and advise the Mayor and Council on the matter tomorrow. The Mayor stated he would not sign the agreements and would not sign the legislation until the matter was cleared up. He suggested it could be taken up at the next meeting. Ms. Holody stated the Solicitor said he would review the matter and get back to everyone.

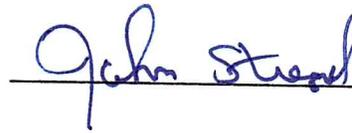
MOTION TO ADJOURN made by Ms. Schneider and seconded by Ms. Holody. All were in favor of the motion; none opposed. The Meeting adjourned at 6:40 pm.

Respectfully submitted:

Douglas G. Mayer, Mayor Date

 1-11-18

John Stiegel, Fiscal Officer Date

 1/9/18