

Record of Proceedings
Village of Peninsula Council
REGUALR COUNCIL MEETING

HELD: March 12, 2018 at 7:00 p.m.

ROLL CALL: The following members were present.

Michael Matusz	Absent	Douglas Mayer, Mayor	Present
Mary Booth	Absent	Chris Weigand	Present
Mike Kaplan	Present	Dan Schneider	Present
Dee Holody	Present		

CALL TO ORDER: The Meeting was called to order at 7:05 p.m.

The Pledge of Allegiance was led by Mayor Mayer.

Citizen Participation: None

Council Participation: None

SOLICITOR'S REPORT

The Solicitor stated that Resolution 11-2018 does not need to be acted upon and can be removed from the agenda. He stated he was alerted on Friday that the County Engineer's office was recommending that an additional \$11,000 worth of asphalt was needed on Stine Road in connection with the work that will be bid through the County Road Program. The Resolution was prepared to give Council the option of adding the additional work to the bid if Council wished to do so. Mr. Bryan stated that he has since learned from the County that it is too late to add any additional work to the program prior to the bidding process. If the Village wants this additional work performed, it would have to be done as a change order to the contract.

Mr. Kaplan asked which Council member asked this legislation to be added to the agenda. Mr. Bryan stated that Mr. Halko alerted him to the issue, and he stated he prepared the Resolution and added it to the agenda because he wanted to preserve the option for Council to add it to the bid if Council wished to do so. Mr. Kaplan advised the Solicitor that in the future, he wants legislation to be put on the agenda at the request of a Councilmember not just by the Solicitor.

The Mayor reminded Council that this matter pertained to the County Road Program that Council already decided to participate in.

The Solicitor stated that he and Mr. Kaplan discussed the issue of how the decision to enact legislation with an emergency clause or without an emergency clause should be made. Mr. Bryan stated that to date, he has prepared legislation based upon when Council wanted the legislation to be effective and what deadlines existed for the legislation needing to be in effect. In his discussions with Mr. Kaplan, Mr. Kaplan stated that decision should be made by Council. Mr. Bryan stated going forward, all legislation will appear on the agenda without an emergency clause. He will also prepare and bring with him to Council Meetings a version of each piece of legislation with an emergency clause. If Council decides to vote to amend the legislation to add the emergency clause, the emergency version of the legislation will be executed in the event the legislation is passed with the emergency clause added. Mr.

Bryan went on to explain to Council and the audience the three reading rule and the requirements for waiving it and the differences between adopting legislation with and without an emergency clause. Legislation passed with an emergency clause is effective immediately while legislation adopted without an emergency clause cannot be effective for 30 days. He added that not all legislative action taken by Council is subject to a referendum action, but in most instances in which legislation is subject to a referendum action, the inclusion of an emergency clause would cut off the possibility of a referendum action.

FISCAL OFFICER REPORT

A Motion to approve the Minutes from the February 12, 2018 Regular Council Meeting was made by Mr. Schneider and seconded by Mr. Weigand. Ms. Holody requested the Minutes be amended on page 2 to indicate that a larger or additional holes are needed to better inspect the building.

A MOTION to make the amendment was made by Ms. Holody and seconded by Mr. Weigand. VOTE: Mr. Kaplan-Yes; Ms. Holody-Yes; Mr. Weigand-Yes; Mr. Schneider-Yes. The Motion was approved.

A MOTION to approve the amended Minutes was made by Ms. Holody and seconded by Mr. Weigand. VOTE: Mr. Kaplan-Yes; Ms. Holody-Yes; Mr. Weigand-Yes; Mr. Schneider-Yes. The February 12, 2018 Minutes were approved as amended.

A MOTION to approve the Minutes for the February 17, 2018 Special Council Meeting was made by Ms. Holody and seconded by Mr. Schneider. VOTE: Mr. Kaplan-No; Ms. Holody-Yes; Mr. Weigand-Yes; Mr. Schneider-Yes. The Minutes were approved 3 votes to 1.

A MOTION to acknowledge acceptance of the February Financial Report was made by Ms. Holody and seconded by Mr. Schneider. VOTE: Mr. Kaplan-Yes; Ms. Holody-Yes; Mr. Weigand-Yes; Mr. Schneider-Yes. The Motion was approved.

A MOTION to pay the bills was made by Mr. Schneider and seconded by Mr. Weigand. VOTE: Mr. Kaplan-Yes; Ms. Holody-Yes; Mr. Weigand-Yes; Mr. Schneider-Yes. The Motion was approved.

A MOTION to approve the quarterly payroll was made by Mr. Schneider and seconded by Ms. Holody. VOTE: Mr. Kaplan-Yes; Ms. Holody-Yes; Mr. Weigand-Yes; Mr. Schneider-Yes. The Motion was approved.

POLICE DEPARTMENT REPORT

Mr. Schneider called attention to legislation to amend the police uniform allowance provisions. The title of Resolution 09-2018 was read by the Solicitor on first reading.

Mr. Schneider stated the Chief of Police received paperwork regarding the renewal of the liquor license at Brandywine. The Solicitor advised Mr. Schneider and Council that if the Village believes there are grounds to oppose the renewal of the license, the Village can send in the form and request a hearing. If the Village does not wish to oppose the renewal of the license, it does not need to take any action.

Chief Varga requested a motion to permit an old unused Village breathalyzer machine that has no monetary or resale value to the Village to go back to the manufacturer. The manufacturer will dispose of the machine after removing any useful parts.

The MOTION to permit the disposition of the breathalyzer machine was made by Mr. Schneider and seconded by Mr. Kaplan. VOTE: Mr. Kaplan-Yes; Ms. Holody-Yes; Mr. Weigand-Yes; Mr. Schneider-Yes. The Motion was approved.

Mr. Schneider stated the newly installed Service Department cameras need some minor adjustments before control of the system is handed over to Chief Varga.

The Mayor explained the old breathalyzer was discovered because of attempts to rid the building of excess waste. The breathalyzer was stored on top of chemical suits, boots, gas masks, and some other emergency items given to Village in case of a chemical (anthrax) emergency. These items, along with an old TV set, have been found and are in the process of being disposed of properly to free up wasted space in the building. Mr. Kaplan asked about the chemical suits and gas masks and whether there is an expiration date on them. The Mayor assured Mr. Kaplan that the suits and masks are very old and unusable.

ROAD DEPARTMENT REPORT

The Mayor mentioned again that the security cameras were installed at the Service Department building.

The Mayor stated the Service Department is requesting and budgeting for a Port-a-John to be permanently placed outside of the Service Department building because there is no restroom in the building. Council requested that quotes for this facility be sought. Ms. Holody asked whether there were zoning regulations pertaining to permanent/temporary Port-a-Johns. She stated if a building does not have facilities, it may be best to have them built so that in the future it will be connected to the waste water system.

The Mayor requested approval of the new Service Department Emergency Call-In Policy that was in Council's meeting packets and was designed to better record when the employees are called in and when they arrive at work. Mr. Kaplan moved that the policy be amended to have the calling in to dispatch requirement apply to any person that calls in the Service Department on an emergency basis, not just police officers. The Mayor stated that in the past when he has called in the Service employees he does call into dispatch so that some record of his call is made. The Solicitor stated he can reword it as requested.

A MOTION to authorize the amendment to the Policy and approve the policy as amended was made by Mr. Schneider and seconded by Mr. Kaplan. VOTE: Mr. Kaplan-Yes; Ms. Holody-Yes; Mr. Weigand-Yes; Mr. Schneider-Yes. The Motion was approved.

The Mayor stated the new one-ton dump truck that had new lights installed needs them to be reinforced because every time the truck hits a bump the lights fall off. The Mayor stated he would like the truck to be taken to a professional to fix this issue. The cost for this repair is currently unknown.

PLANNING COMMISSION REPORT

Mr. Weigand stated at the February 26, 2018 Regular Planning Commission Meeting, a new paid parking solution was discussed. The solution would include four locations in the downtown area with hard wired kiosks mounted adjacent to an existing power pole. A pay by license plate mode would likely be utilized. The cost of the parking could be adjusted remotely, options for guests to extend their time could be done digitally, and coupon options for events could be provided. The kiosk life expectancy is at least 7 years. Operating costs would include a maintenance program. The annual cost for implementing the paid parking system is estimated at around \$21k in the first year, with the annual income estimated between \$72k and \$86k at 50% usage. No decision to proceed with paid parking has been made at this time. Mr. Weigand stated the Planning Commission has taken over the work of the former Long Range

Plan subcommittee. Interviews with three consultants that applied to assist with the Plan and any recommended Zoning Amendments will take place on March 15, 2018. On March 5, 2018, the Commission met to review and discuss the first section of the existing Long Range Plan.

WASTEWATER REPORT

Ms. Holody stated the Frey Utility Software is being installed and the Village employees are getting familiar with it. The employee training is scheduled for later in the month. The first quarterly invoice should be out by end of the month along with a request for people in the District to attend the public engagement meeting on April 11, 2018.

Ms. Holody stated that Stantec is working on the layout and costing of the system, developing options to house the treatment system completely in the building or partially in the building, and evaluating the Village site as well as alternative sites for the treatment plant. Preliminary designs for the collection system are being completed. Stantec surveyors have been on site profiling streets against the maps provided by the County and the results are looking good.

Ms. Holody stated a public outreach meeting has been scheduled for April 11, 2018 at 6 p.m. At that meeting, Stantec will update everyone on the progress of the design engineering and review the plans and tap locations. Stantec wants to meet with the residents to identify if they have basement service to see where everyone will be able to tie in. Two Stantec consultants will be present at the session to work with the residents.

Ms. Holody stated she had a meeting with the Summit County Health Department about residential systems. This meeting came about because a resident reached out about putting in a new system but wants to delay that project with the idea that the central sewers are coming. The progress was discussed and the Summit County Health Department seemed very supportive about holding off on enforcement action in the District. The Department stated that action would only have to be taken if standing sewage was in a resident's yard. In that case, they would work with the homeowner to rectify the issue in a finically reasonable way.

Ms. Holody stated she also had a meeting with representatives of the Friends of the Crooked River, since they wanted to be updated on the progress. They are involved with Cuyahoga River restoration issues and will be reviewing the Village's permit applications. Friends of the Crooked River agreed to write a letter of support for the Village receiving funding for the Project.

Ms. Holody stated she recently had a meeting with the EPA Water Quality Group to update them on the Project and schedule.

Ms. Holody stated she and Mr. Weigand had a meeting with two board members and the new tenants at the Heritage School about the wastewater system. They discussed supporting the school so that they do not have to put a large investment into the current treatment system.

Ms. Holody stated the OWDA loan Term Sheet needs to be executed. Mr. Schneider executed the application form for the OWDA. The first payment on the up to \$450,000 loan will be due in July of 2019 in the amount of \$11,250. A second payment in that amount will be due January 1, 2020 and each 6 months thereafter.

A MOTION to authorize Mr. Schneider, as Council President, to execute the OWD Term Sheet was made by Ms. Holody and seconded by Mr. Weigand.

Mr. Kaplan emphasized that Mr. Schneider is not the Council President; he is the President Pro Tem of Council. He stated the Mayor is the President of Council. A discussion took place as to who has the authority to sign what documents, how the project is being handled, etc.

The Mayor stated that the reason he refused to sign the OWDA loan paperwork is that part of his job as Mayor is to be fiscally responsible to the community. He felt that Council did not look at other

options such as going to the County for the engineering design work. He stated that Council decided instead to put the community into a \$450,000 debt that he did not believe was necessary because not all options were looked at. Mr. Weigand stated he disagrees with the Mayor and that the options were considered before the decision was made.

Ms. Holody stated that there is still a motion on the floor. More discussion was had, and Ms. Holody moved to amend her motion.

A MOTION was made by Ms. Holody to amend the earlier motion. The amended motion was to direct the Mayor to sign the OWDA Term Sheet, and if at the end of this Council Meeting the Mayor refuses to sign it, to authorize Dan Schneider, as Council President Pro Tem, to execute the OWDA Term Sheet. The motion was seconded by Mr. Weigand.

The Mayor stated that since he did not sign the original agreement, he cannot sign the Term Sheet.

Vote on the motion to amend called: Mr. Kaplan-No; Ms. Holody-Yes; Mr. Weigand-Yes; Mr. Schneider-Yes. The Motion to amend the original motion was adopted 3 votes to 1.

Mr. Kaplan stated that Mr. Schneider cannot be given the authority to sign Village documents unless the Mayor is unable to do so because he is out of town or otherwise incapacitated. Further discussion took place.

A Vote on the amended motion was called: Mr. Kaplan-No; Ms. Holody-Yes; Mr. Weigand-Yes; Mr. Schneider-Yes. The Motion passed 3 votes to 1.

Mr. Weigand stated that road blocks are constantly made by people who do not attend meetings, do not visit sites, and do not want to be involved in the project. They then proceed to cherry pick information. The community has been faced with this problem for several years and now people want to make objections when they fail to attend the appropriate meetings, etc.

Mr. Kaplan stated again that regardless of the problem, Mr. Schneider still does not have the authority to sign.

Mayor stated he contacted the U.S. Department of Agriculture to see if they could assist, and they could not because the Village's median household income is too high. He stated there are grants that would assist families that were over the age of 60. He passed out correspondence from a person at the USDA that stated he felt that the MBR system is not the best system.

Ms. Holody stated that Stantec will guide the community where they can apply for financial assistance; it will be addressed by the engineers. Ms. Holody stated that she and others attended sessions with the small community infrastructure group where all of the traditional funding people are.

Mr. Kaplan pointed out that the USDA correspondence distributed by the Mayor states that Summit County is ineligible for loans/grants for housing connections. Mr. Kaplan discussed his concerns about the cost of the project and moving forward at this time before the Village knows how it is going to pay for the project.

Ms. Holody stated Stantec is addressing these issues/concerns, and it is a process that needs to be worked through with everyone's participation.

A resident stated his concerns with the cost of the system and stated that the entire Village be a part of the system rather than just the wastewater district.

Ms. Holody mentioned that two residents contacted her stating they want the sewers because they have smaller lots/properties, and this is a better option.

A discussion was had as to whether after all of the further discussion, a vote was taken on the amended motion. Council decided to call a vote on the amended motion.

Vote called on motion, Mr. Kaplan-No; Ms. Holody-Yes; Mr. Weigand-Yes; Mr. Schneider-Yes. Motion adopted 3 to 1.

ZONING OFFICER REPORT

Mr. Kramer reported that Greg Hanson's lot split and consolidation request was discussed with the Planning Commission, and it was determined that his drawings need to be redrawn and resubmitted because they were inaccurate.

Mr. Kramer stated he met with the ski and snowboard shop about proposed signage for on top of their building. That matter is all still under review.

Mr. Kramer stated that the gentleman who lives off Riverview that was approved to remodel his existing shed has now requested that he be allowed to relocate the shed about 10 feet. That request is also still under review.

Ms. Holody asked about the status of the connecting structure on the house on Mill Street. Mr. Kramer stated he is not sure whether that part of the project has been completed.

BOARD OF ZONING APPEALS

The Mayor stated the Board still has a vacant position, and a notice will be put in the paper. He asked for interested persons to apply.

BUILDINGS & GROUNDS DEPARTMENT REPORT

Mr. Schneider stated that estimates are being obtained for replacing the four windows in the Village Hall building that were not replaced the last time. The Solicitor reminded everyone that the NOPEC grant that the Village intends to put toward the cost of that project is \$1,813.

Mr. Schneider stated the water pump at Village Hall needs to be upgraded. The Mayor stated the current pump is not the correct one for the system.

A MOTION to upgrade water pump for \$1,126.50 was made by Mr. Schneider and seconded by Mr. Kaplan. VOTE: Mr. Kaplan-Yes; Ms. Holody-Yes; Mr. Weigand-Yes; Mr. Schneider-Yes. The Motion was approved.

Mr. Schneider stated that more people need to be involved on the downstairs floor project. He wants to get other quotes and opinions. The Mayor stated that he will get some more people to come in and look at it and provide estimates.

CHAMBER OF COMMERCE REPORT

Mr. Weigand stated he met with a local shop owner that has consolidated all his shops into the one in Peninsula.

POLICIES & PROCEDURES REPORT

Nothing to report.

FIRE DISTRICT REPORT

Mr. Schneider stated the fire house room remodel is underway with installation, etc.

CEMETARY BOARD REPORT

Mr. Schneider stated they are hiring a new employee on Thursday to help maintain the two cemeteries.

JEDD

No report.

LEGISLATION

Third Reading:

RESOLUTION NO. 07-2018 (Version 1) A Resolution Reappointing Bradric Bryan of Goodwin & Bryan, LLP as the Village's Solicitor and Prosecutor for a Term Commencing on April 1, 2018 and Ending March 31, 2019.

RESOLUTION NO. 07-2018 (Version 2) An Emergency Resolution Reappointing Bradric Bryan of Goodwin & Bryan, LLP as the Village's Solicitor and Prosecutor for a Term Commencing on April 1, 2018 and Ending March 31, 2019.

Mr. Bryan explained there are two versions of this Resolution. One with emergency language and one without. Mr. Kaplan questioned the need for the emergency language. He asked Mr. Bryan if the Resolution were passed without the emergency language, whether he would be willing to perform work for the Village from April 1 until the Resolution became effective on April 10th. Mr. Bryan stated he would. Ms. Holody suggested Council pass it with the emergency language to avoid that issue. Mr. Bryan pointed out the emergency version of the Resolution could not be passed this evening without Mr. Kaplan's vote.

A MOTION to adopt Version 1 of RESOLUTION NO. 07-2018 was made by Mr. Schneider and seconded by Mr. Weigand.

Mr. Kaplan asked the Solicitor whether information discussed between him and the Solicitor that he asks to stay private would stay between them. Mr. Bryan stated that the conversations would not always be privileged because the Solicitor's duty is to the Village not individual Councilpersons. The Solicitor stated that if conversations are asked to be kept private, he would use common sense and keep them private unless the conversation involves information that would compromise the Village if it were not disclosed or acted upon. Mr. Kaplan stated he was satisfied with that response.

VOTE: Mr. Kaplan-Yes; Ms. Holody-Yes; Mr. Weigand-Yes; Mr. Schneider-Yes. The Resolution was approved.

Second Reading:

RESOLUTION NO. 04-2018 An Emergency Resolution Establishing the Annual Operating Budget and Setting Forth the Appropriations for 2018.

The Solicitor explained that the budget needs to be passed by March 30, 2018 so that the Fiscal Officer can file it with the County Fiscal Officer by the March 31, 2018 deadline. He pointed out the Resolution cannot be passed this evening with only four members present because five votes are needed to suspend the three reading rule.

A MOTION was made by Mr. Kaplan to schedule a Special Council Meeting on Wednesday March 14, 2018 at 5:00 p.m. to vote on Resolution 04-2018 and have second readings for 09-2018 and 10-2018 with the emergency language removed on all of the legislation as previously discussed. The motion was seconded by Mr. Weigand. VOTE: Mr. Kaplan-Yes; Ms. Holody-Yes; Mr. Weigand-Yes; Mr. Schneider-Yes. The Motion was approved.

RESOLUTION NO. 05-2018 A Resolution Authorizing the Mayor to Accept a Northeast Ohio Public Energy Council Energized Community Grant and Execute a Grant Agreement Related Thereto.

This Ordinance was read by title by the Solicitor.

First Reading:

ORDINANCE NO. 09-2018 An Emergency Ordinance Amending Section 139.08 of the Codified Ordinances Relating to Police Uniform Allowances.

This Ordinance was read by title by the Solicitor.

RESOLUTION NO. 10-2018 An Emergency Resolution Amending the Employee Pay Scale.

This Ordinance was read by title by the Solicitor.

RESOLUTION NO. 11-2018 An Emergency Resolution Authorizing the Mayor to Enter into an Amendment to the February, 2018 Cooperative Agreement with the County of Summit, through the Summit County Engineer, for Certain Road Pavement, Maintenance, and Striping Work through the County Road Pavement, Maintenance, and Striping Program.

No action was taken on this Ordinance at the recommendation of the Solicitor.

OLD BUSINESS

None.

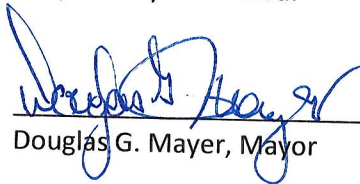
NEW BUSINESS

None.

ADJOURNMENT

A MOTION TO ADJOURN was made by Mr. Kaplan and seconded by Mr. Schneider. All were in favor of the motion and none were opposed. The Meeting adjourned at 9:37 p.m.

Respectfully submitted:



Douglas G. Mayer, Mayor

4-10-2018

Date



John D. Stiegel, Fiscal Officer

4/10/18

Date