

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

Held: Monday, May 14, 2018

**CALL TO ORDER:** The Village of Peninsula Council convened from 7:00 PM 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.

**ATTENDEES:**

Solicitor: Brad Bryan PRESENT

Fiscal Officer: John Stiegel PRESENT

**COUNCIL MEMBERS:**

Mike Matusz PRESENT

Dee Holody PRESENT

Mike Kaplan PRESENT

Chris Weigand PRESENT

Mary Booth ABSENT

Dan Schneider PRESENT

Douglas Mayer, Mayor PRESENT

**Others in attendance:**

Catherine Geyer of the Ohio Supreme Court

A large gathering of citizens including: Kim Haramis, Carol Haramis, Charlie Moyer, Barbara Gideon, Bob Durdack, Bob Kaczmarek, Steve Craig, Andrew Patrick, Amy Frank-Hensley, Leslie and John Hampshire, Jodi Padrutt, Doug Anderson, Lea Lockert, Ed Andros, Bill Clifton, Terry Padrutt, and Karen Walters (attendee sheet attached)

**PUBLIC PARTICIPATION:**

Kim Haramis stated his expertise in project planning and endorsed Stantec as a good company to hire for the Wastewater Project. Mr. Haramis stated the problem is overdue for a solution.

Carol Haramis read a statement by Adam Fleder who could not be in attendance. The statement conveyed that the motive in all, regarding the Wastewater Project, is selfishness. He recommends the Village stay the course on what they have begun.

Charlie Moyer stated we are fortunate to live in this beautiful community. We owe the government our confidence and trust. The community should rally and support the Wastewater Committee.

Barbara Gideon offered a historic perspective on the project. Considering how long ago the area was developed, how small the lots are, and the progression over time to address Wastewater, she supports the need to put in the sewer system.

Bob Durdack questioned why not put water in at the same time? The Mayor replied that there are many options around the area to tap into other water sources. The cost for the Village to add in water now would be a large endeavor. They also discussed the fee being collected now and into the future and the timing of the project completion. Mr. Kaplan pointed out this is the time in the meeting for the citizens to speak and to address their questions once they are finished.

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Carol Haramis stated that her family had their barn taken away by the Park. She does not want to see more of that happen.

Bob Kaczmarek stated as a small community, why are we split up into business and personal groups? He feels the forming of the two districts is meant to ramrod the issue through. Why are you forcing those in compliance with their systems to pay for another system? The process seems questionable to him. He hears of secret meetings. If you are catering to the businesses on 303, then why not rezone it to commercial? Ms Holody addressed the secret meeting comment stating that minutes are available for all meetings.

Steve Craig reiterated as to whether procedures are being done legally or illegally and would like to have that cleared up.

Matthew Padrutt stated he lives outside of the district. He shared facts he had found on violations regarding zero nuisances in the residential district and 4 businesses that are in violation. He obtained this information from Dean Stoll of Ohio EPA Enforcement and Julie Reese of the Summit County Health Department. Mr. Padrutt feels the residents should come first and the businesses should be subordinate.

Amy Frank-Hensley asked that as the project is debated to keep facts separate from assumptions and make residents a priority over businesses. She questions whether we really need the system or are we just trying to be compliant? She is concerned about the long-range cost to residents.

Leslie Hampshire asked why has wastewater not been dealt with before this time? There will never be a perfect time. Some nights the smell of raw sewage is nauseating. Some septic systems are fine now, but what about later? She was impressed with Stantec. She expressed that to fix it now would keep future generations from having to deal with it.

Jodi Padrutt, who owns property in the district, has found the responses she receives on how many systems are failing unclear. She states that there are remedies for taking care of the odor. She states complaints on specific properties and proper maintenance by the property owners could solve the problem. She asked that the project be placed on hold until January 2019 when the number of systems not properly maintained can be compiled.

Doug Anderson asked about future maintenance costs on a Village sewer system. Who would we call? Hudson had their own system and found they had to go a different route. In the future, an expansion would cost more money and where would that come from.

Matthew Padrutt asked that the environmental aspect be considered. Consider the rates in Akron. If the cost goes up in later years, only the rich will be able to live here. He is not in favor of the further gentrification of the Village.

Lea Lockert asked about potential easements for lines at Brandywine and whether there is anything in the plans to stop others from accessing our system.

Ed Andros stated that an imperfect plan well executed is better than a perfect plan totally screwed up. As a community, if we work together, it'll work out. If not, it will be worked out.

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Bill Clifton told of a personal past situation where restitution needed to be made for their neighboring properties. In another case, it turned out a neighbor needed to maintain their own system. He stated maintenance is necessary on septic systems. Most of us don't think about it. The County will collect your money, but they don't look at your system unless there is a complaint. He thinks the new system would fix all problems for the next 50 years.

Doug Anderson stated the County did come to his property before issuing a permit and gave instructions for fixing a problem. If the Wastewater system is put in place and down the road starts costing more money through new expenses, then it does not fix the problem for future generations.

Bettie Reinhart stated that we have become smarter now. We need to learn to take care of things. Septic is not okay in the Village. It pollutes the soil and water. She spoke in favor of the project.

Terry Padrutt of Stine Rd. commented that the prices are sounding very big. He stated that the costs being reported are greater than the costs he has experienced for his own property improvement. He said maintaining your septic system is a remedy for the odor and that a well-maintained septic is on par with a sewer system.

Bob Kazmarski, stated everyone's septic system would fail at some time. He suggests a Village solution that helps residents replace their system when they fail.

Catherine Geyer of the Supreme Court of Ohio Dispute Resolution Section gave a presentation on their Dispute Resolution Program for Public Officials. The free program helps public officials get through difficult communication and discussion using facilitation and mediation by neutral third parties. This program helps everyone share their points of view. The mediator helps Public Officials come together so they can reach a voluntary resolution. The program does not have the Supreme Court of Ohio take over and make decisions. The program trains professionals and they are paid. If Council decides to use the services, they will find a neutral party to act as a facilitator.

Karen Walters stated she agrees she doesn't want to have residents vs. businesses. There is not documentation on all our systems. As the Village goes on and the population becomes dense, she thinks someone will come in and make us upgrade.

**COUNCIL PARTICIPATION:**

A letter was read from Councilmember Mary Booth. Ms. Booth apologized for her absence and expressed her goal to be back for the June meeting. She has kept up to date with Council meetings and correspondence. She emphasizes a need for respect as the meetings about the Wastewater Program have eroded into rudeness, accusations conspiracy theories, and what appears to be posturing for future political positions. As elected Councilmembers, please remember your personal beliefs are superseded by your responsibility to represent the public. Recall that many people support the Wastewater Initiative and that you represent them also. The public can always have questions answered and decisions explained, both publicly and privately. Please refrain from disrespectful rhetoric. I press citizens to participate as well. We have already or will

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apply for a significant amount in grant money. Funding providers do not want to see a divided community fraught with infighting and indecisiveness. Most of the opposition is driven by financial fears. Why then do we want to resist the financial opportunities? We are fortunate to live in this beautiful and peaceful community. Let's pull together to do the right thing in a cohesive and civil manner.

Ms. Holody presented a Wastewater Program support letter (attached). She expressed that Council continues to answer questions and take suggestions regarding the program.

The Mayor indicated that the Citizen Participation section of the meeting is now over, so the meeting could move on.

Mr. Kaplan stated he favors a decision made by the residents that is based on the facts. He and Mr. Matusz spoke with Summit County Health Department and the Ohio EPA. He puts forward these facts: (1) Everyone wants the Village to have good waste water treatment; (2) Neither the EPA nor Summit County is threatening the Village; and (3) The EPA has no concern in Peninsula and they don't see one in the future. Mr. Kaplan further stated that if the Village doesn't want more commerce, then it shouldn't get a sewer system. Home septic is fully supported by both the agencies. All three systems that were determined to have been failing have been rectified. He says there are other solutions. A brand new NPDES septic system cost to a homeowner is \$8,000. In the past, larger numbers were heard. A yearly maintenance cost plus other expenses would be up to \$500 per year. The County said they would help those who need to upgrade. Unless requested by the Village, they would not do anything. If we asked them to investigate, we could find out how many systems are failing and going into the river, then we could see what decision is needed based on those facts. If we decide we want a sewer system, the County and the EPA do not recommend that we do it ourselves. The County does not recommend the MBR type because of how it operates with a steady flow of water, which the Village does not have. Where will the system maintenance money come from? The intention is to raise the money from the district. If we borrow money, that is a general obligation of the Village of Peninsula to repay. Mr. Kaplan represents all and states the decision should be made by all. If we want it, the County should do it without billing for the engineering. The Clinton, Ohio sewer system was cited as a County project that involved a financial contribution from the County that lowered the bills. He questioned the current plan for the location of the system to be placed by the service garage, which has flooded in the past

Mr. Schneider stated the location that is being considered has never been flooded.

Mr. Kaplan suggested finding which septic systems were faulty and fixing them with bulk pricing could be a better solution. Let's not have the Council make the decision without consulting the public.

A motion was made by Mr. Schneider to schedule a special council meeting on May 22 from 4:00 p.m. to 5:30 p.m. to discuss wastewater issues with the public, the Summit County Department of Health, the Regional EPA officials, and Stantec Engineering Consulting. The motion was seconded by Mr. Kaplan. The Mayor asked that a location not be part of the motion at this time and that he would try to find a location

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with enough room for a large public gathering, such as the Fire Station or the Township Hall. Mr. Kaplan stated he will provide the list of people he spoke with to include by invitation. A roll call vote was taken on the motion to schedule the May 22 Special Council Meeting: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Schneider, yes; Mr. Weigand, yes. The motion was approved.

Ms. Holody referred to a November 2016 Environmental Health Director letter from the Summit County Health Department (attached) that expressed its support for the sewer system solution.

Mr. Kaplan stated that the councilmembers are supposed to have one comment each in the discussion, and Ms. Holody had already spoken. She stated he had made several points and she had important information to report.

Ms. Holody continued that in November 2016, the Village sent a letter to Tiffany Kavalec, Div. of Surface Water at Ohio EPA. We asked for a temporary 5-year hold on enforcement from the EPA on current NPDES systems in the Village. That request was denied in a letter dated Feb. 7, 2017. It expressed immediate concern for sewage in the environment. On March 23<sup>rd</sup>, 2017, a follow-up meeting ensued with a project update. The EPA representative stated that if the Village has a system in place within 2 years, the EPA will hold off. In August 2017, the EPA, the Mayor, the Park, Stantec, and DEFA had a meeting where the EPA revealed the permit will likely be challenged by the Friends of the Crooked River because of the discharge into the river. The EPA gave us three things to get done: (1) The Preliminary Engineering Report; (2) Start collecting a sewer fee from the residents; (3) Start meeting with the State Preservation agency to understand the Section 106 requirements. Sept 7, 2017, the Village received an unsolicited letter (attached) from the OHIO EPA wherein they suggested it strongly recommends turning the project over to the County as there are several commercial properties with problems. On March 9, 2018, she met with Bill Zawiski, who said there is a problem that can be seen. Her point being that she doesn't think we can go forever without having intervention insisting on a Village solution. Ms. Holody has heard no problems with the property identified as the proposed treatment site. There is a problem with saline from water softeners going into the Boston Run Creek. If we go through the steps and show the EPA, we can get it done. We investigated an operating MBR and see it as feasible.

Mr. Kaplan stated the unsolicited letter was sent out of concern. He stressed the mention of the costs put forward in the letter and that the letter strongly recommended turning this over to the County.

It was suggested the Mayor take charge of the meeting of the 22<sup>nd</sup> to help move this meeting along. The Mayor was half in agreement and wants to address some issues put forward.

**MAYOR'S REPORT:**

The Mayor stated you can get letters from anyone you want. The County would love for us to put in their system, but, we don't have the violations. He brought up the Dec. 28, 2017 Special Meeting where there was emergency language to hire Stantec and to apply for a loan. He made the comment that he vetoed that request. He didn't feel the Village was ready to hire somebody or to go for a loan. He was told that the next day he

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would be told if he could veto, but it was instead signed by Dan Schneider, Council Pro Tempore, that night. The same was done with the loan paperwork. It was done by emergency language by motion. The loan company would not accept that signature and says they need it re-signed. The Mayor discussed the usage of a Pro Tempore for signing in place of the Mayor. He is of the understanding that the Mayor needs to be deceased, incapacitated, or out of the country to be replaced by a Pro Tempore as outlined in the Ohio Revised Code.

Furthermore, from a tape at the end of the Feb 12<sup>th</sup> regular meeting, while the Mayor was out of the room, he heard Ms. Holody discussing with Mr. Bryan that she wanted to have special meetings when Mr. Kaplan can't be in attendance. Perhaps they could be when Mr. Kaplan was in court. The Solicitor questioned if there was such a recording and stated that if it were listened to it would be found that it was never said that about court dates. The Mayor read from the transcript. The Mayor spoke of 3 meetings on a Monday, a Friday, and a Saturday. The Feb 17<sup>th</sup> meeting was supposed to start at 8:30 a.m. The building video recorder showed the meeting transcriber entering the building at 8:30 a.m., and she told the Mayor that the meeting was over when she got to the top of the stairs and that Ms. Holody said she would give her the minutes. Ms. Holody stated that this was not true; the meeting was half over, and the transcriber was present for the remainder. The Mayor further stated that the transcriber apologized for the short meeting and that Mr. Kaplan entered the building at 8:32 and wasn't recorded as in attendance because the meeting was already over. An email about the minutes said the meeting was over at 8:42. A discussion took place about which clock was used for the meeting minutes; the clock in the meeting hall or the video camera for the building. The Mayor expressed that the meeting was run in an unorthodox order with Mr. Schneider presiding. The Mayor reported on a discussion about CD copies of the Feb. 17<sup>th</sup> meeting being edited for a copy specifically for Mr. Kaplan to receive.

The Mayor discussed a USDA report about the Membrane system not lasting if other types.

The Mayor brought up the Pro Tempore signature on the loan and that the Mayor needs to be dead or incapacitated to use the Pro Tempore.

The Mayor referenced an EPA email correspondence that Mr. Kaplan spoke of. He stated that the Stantec Engineer asked the EPA to put the Village on orders and findings to force us into putting in a sewer system. The company we asked to do the work for us was suggesting the EPA demand we put in a system. The Mayor stated that he doesn't like the way different members of Council, the Solicitor, and the Stantec Engineer are handling the project. He read in a local newsletter a published deadline, if all goes as planned, for the design as July 2018 and construction as August 2019 and that he was unaware of these dates. By special meetings and other actions, we have taken this out of the hands of the residents. He is upset that this project is not going well, and it is being forced on the Village. He thinks the project should be stopped and returned to the Council from the Core Team. Sunshine Rules are being broken, and secret meetings are taking place. There is no emergency. He says yes, there is a problem, but will it take a 6 million dollar solution? There is a business that has needed to fix their sewer problem for 8 years and it is time for them to fix it. Another business has already fixed their own

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system. He stated that perhaps the project needs to be put back to zero and have the people take care of their own septic systems. Newer systems are fiberglass and hold and disburse better. He referred to a property with a very small patch of land that will accept a new system. We should stop fighting about what we should do and what we want to do. This Village does not need this sewer system burden. He expressed that the community should make the decision. Also, the Health Dept has been asked that the Village be put under orders. The EPA called me and asked why would we put ourselves under findings and orders; why would we put ourselves in that position? They stated that the Mayor had requested that. The Mayor stated that he did not request that. He said Gary (Mr. Silcott) from Stantec did that. He further stated that he did not know why any Council Member would ask that our Village be condemned so they could get a project put through.

Mr. Silcott stated that the Village gets maximum points on grant applications by having a strongly worded letter or findings and orders as a requirement for the type of grant they are trying to get. He's been doing this for 20 some years and uses the same approach everywhere. He stated the Mayor was at one of the meetings where this was discussed with the EPA. Because of the income level in the Village, there are only two types of grants the Village is eligible for. The maximum grant comes with the findings and orders, and they don't have to come with fines and penalties. The 2<sup>nd</sup> best option is a strongly worded letter encouraging you to do sewers due to small lot sizes, bedrock, aging systems, and those kinds of things. The reason it was done this way, as an emergency, was because the application is due in July.

Mr. Kaplan stated that Mr. Silcott should not surmise why the Council created the emergency. He discussed that passing as an emergency cuts off the rights of the citizens to ask for a referendum on the matter. He discussed what the Health Dept said about being under orders; that they stated from their perspective, they would never recommend findings and orders, but they like it because they don't have to listen to the Village, they can just start digging.

Mr. Silcott stated this was not true and asked to explain further. The Mayor stated that there was not going to be a debate at this time.

Mr. Kaplan also discussed that Pro Tempore can only go along with what is the Mayor's stated policy.

The Solicitor stated that Council has control over the Villages' financial decisions. Council has the authority on behalf of the Village to enter into the loan agreement with the OWDA. A resolution was adopted to do that. The Mayor has the duty according to Ohio Revised Code Section 733.30 to see that all legislation passed by Council is faithfully obeyed and enforced. The Mayor stated at the December meeting that he would not sign the legislation and would not sign the agreement. He stated at the time that he wished to veto the legislation and he referenced a code section that's not applicable to statutory villages. Solicitor Bryan explained that it didn't apply and that he would investigate it and give him an opinion. Solicitor Bryan stated he believed he provided the Mayor with that written opinion the next day. At that time, Council made a motion to permit Mr. Schneider to sign the agreement if the Mayor refused to sign it. Solicitor Bryan stated, in his opinion, Council has the authority, if the Mayor isn't performing his duties, to authorize Mr. Schneider to sign it. He is acknowledging that

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Council has passed the ordinance. The statute reads "if the Mayor is unable... for any cause" the President Pro Tempore could step in and do so. The Mayor stated he was not going to do it so it was an act that could be performed by Council. Council was simply authorizing Mr. Schneider by its power, by motion, to acknowledge on behalf of the Village that the Council authorized the agreement and it was authorized on behalf of the Village. The OWDA said they were not satisfied with that being done by motion, they wanted it to be done by resolution. That's why in April Council went back and authorized it after 3 readings and the resolution was passed.

The Mayor stated that at the 3<sup>rd</sup> reading of the legislation, they made a motion to make it emergency language. It was posted as a regular 3<sup>rd</sup> reading. If a citizen read that, then they would think they have 30 days to appeal that action. A motion was passed to make it an emergency reading. This took it away the right from a villager to disagree with that Council's actions.

The Solicitor stated that you can disagree with it as emergency language, but it is not illegal. Council can amend legislation in that form. In any Council Meeting, Council has the power to amend legislation and pass it in that form.

Mr. Kaplan stated that was not the case in a Special Meeting. This was a Special Meeting for the specific purpose of having the 3<sup>rd</sup> reading on this resolution as published. Then at that special meeting it was changed. And you are not allowed to do this.

The Solicitor stated that is not true. The purpose of the special meeting and notice is the purpose of the meeting and the subject of the meeting. The legislation can be amended at a special meeting; it is done all the time.

Mr. Kaplan stated so you walk in with one plan and walk out with another plan. A special meeting is about a specific purpose and it can't be significantly changed.

The Solicitor stated this is not true. Changes can be made to legislation.

Mr. Kaplan stated regarding the Pro Tempore, you can't create a new authority.

The Mayor stated that in the Ohio Revised Code, it also states that the Mayor has the power to not sign something if we don't have the money for it.

A discussion followed about the tape recording that was removed from a CD copy for Mr. Kaplan. The Solicitor stated that the recording section that was removed was not part of a meeting. He agrees it is part of the public records. He stated that Mr. Kaplan asked for copies of meetings and that's what will be given to him. Mr. Kaplan stated that he requested copies of everything, and that the Solicitor also amended meeting minutes in the past, and he asked that the Solicitor keep things unaltered.

Lea Lockert brought up that the Meeting Minutes at the Post Office are not up to date on the public bulletin board. The Mayor asked Mr. Stiegel to see that they are posted and investigate it.

Mr. Clifton asked why only certain people were invited to go on the County and EPA meetings with Mr. Kaplan and Mr. Matusz. Mr. Kaplan explained he needed him along as a witness. If the whole Council were invited, it would be a Council meeting.

Karen Walters asked to hear more from Gary Silcott at Stantec.

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The Mayor stated that he could answer why Stantec acted as they did. It puts you in the front row for grant money. The findings and orders guaranteed that the project would continue falsely.

Mr. Kaplan stated that the actions were a breach of Stantec's fiduciary duty and it should never have happened.

Mr. Silcott stated that Council was aware of the action of Stantec. It was discussed in the interview with Council that the findings and orders would be requested on behalf of the Council. That has always been our approach and it was never a secret. Findings and orders do not necessarily put a requirement on you that you must do anything right now. He stated that he consulted with Dean Stoll, who said there was such a thing as friendly findings and orders that comes with no penalties or fines and it is used to get things done. Either findings and orders or a strongly worded letter are needed to get one of the two possible grants. At the beginning in the talks with Council, this was explained as the way to proceed to get sewers done. The comment that we did an emergency was that we needed to file a referendum. A July application was due for Army Corps and OPWC. Mr. Kaplan asked if it was this July. Mr. Silcott stated we started designing in January, so we had February through June to design the whole system, get it all submitted for a permit authorization with the EPA, so we could put that on the funding application. That is very aggressive to try to do all that work in 5 months. The only reason it was done as an emergency, as far as I'm concerned, was Council.

Mr. Kaplan asked Mr. Silcott if there are Resolutions of the Council that say that. If you find that, I'll apologize. You were hired to advise and assist.

Mr. Silcott stated we were hired to design a sewer system, apply for funding, and apply for a grant.

The Mayor stated that once findings and orders are in, then we can assess all your taxes. If it does not have the findings and orders, then it goes in front of the public for a vote.

Solicitor stated that Council can decide a way to pay for it is by assessment.

Ms. Holody stated that we sit down with the EPA and discuss the matter.

The Mayor stated that the Mayor's Report is done.

Mr. Kaplan made a motion to repeal the tax of \$15 per month; he stated there is no hardship waiver, and there is a penalty with it. Mr. Matusz seconded the motion to repeal.

A discussion ensued. Mr. Kaplan pointed out that the tax was the same for individuals and businesses. There was no provision in it for those with a bona fide hardship. No one is receiving anything for paying the tax.

Ms. Holody and Mr. Bryan pointed out that the ordinance was in the reading stage for 4 months.

Mr. Kaplan stated that the tax is in effect now and more than 30 have not paid. Some have had fees and possible bad check fees, too, and he understands the ordinance states if they miss one more payment it will go on their real estate tax bill. Repeal the tax.

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Ms. Holody discussed the number of parcels and owners and so far, there have been payments on 116 accounts out of the 146. Reminder statements went out last week from an automated system in a friendly way. The next quarterly statement will probably go out in June. A statement was made in the newsletter that if anyone was feeling a hardship, please call the Fiscal Officer. Ms. Holody asked the Fiscal Officer and staff if anyone had called with such a request and there have been none. We put it out there and we will make accommodations. We don't want to create a hardship.

Mr. Kaplan asked if Ms. Holody was suggesting amending the legislation by keeping the tax and doing away with the penalties. He understands from the Fiscal Officer and Administrative Assistant that they have received calls, but they don't want to field them because there is nothing they can say. There is nothing in the ordinance about a waiver.

Ms. Holody stated if anyone has a problem paying a bill, she is not aware of anyone. She stated that she and Mr. Kaplan have two different stories about whether there are calls about hardship paying the bill. She knows people are calling questioning sewer fee. We are talking about affordability. Right now, your motion is not about that, it is about rescinding the whole thing.

Mr. Kaplan stated that the public utilities publish help for those who can't afford their bills. Before they shut off, they send a letter not only to you, but, your family and determine if help is needed. With what we are talking about here, if you don't pay, it is put on your property tax and it is 18% interest. The difference is, with an electricity bill, you can decide to turn the lights off, but with the sewer tax, you have no choice like that. Also, if the bill is put on your property tax and you don't pay it for two years, the paper is sold to a company with no consideration towards the owner. I'm asking to repeal the whole tax, but if you want to make a friendly amendment to remove the fees, I'm good with it.

The Mayor stated that there are fees being charged on two contracts that don't have legal signatures.

Lea Lockert asked if an escrow fund could be set up for people to contribute money.

The Mayor pointed out the amount can go up on the fee.

Mr. Kaplan stated that he thought Lea Lockert meant others could contribute to the fund to help those who can't afford it. She commented that it was not for a hardship fund, but a way to obviate if it was a tax. Mr. Kaplan stated that the Fiscal Officer would need to find out more about that.

The Solicitor stated that the Village can accept donations to the Sewer Fund. Mr. Kaplan stated that the Solicitor would need to check if the separate fund was set up. The Solicitor stated that this was already in the ordinance.

A resident stated that the bill had wording on it that the service could be cut off. How can that be if there is no service?

Council Members questioned if this was really on the bill. Ms. Holody had a copy and stated that was not on the bill.

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The Mayor stated that the project has gone so fast that things haven't been worked out. He reiterated that it has happened too fast.

Mr. Kaplan asked do we need an ordinance to repeal an ordinance. The Solicitor stated yes it needs to be an ordinance. Ms. Holody stated it needs to come to the table at the next meeting. Mr. Kaplan asked that what we did tonight to be the 1<sup>st</sup> reading of the proposed ordinance repealing the tax. The Solicitor stated it is not on the Agenda, and he could, if asked, prepare it for the next meeting. The motion on the floor, if adopted, would only direct that an ordinance be prepared for the next meeting.

Mr. Kaplan withdrew the motion to repeal the tax.

Mr. Weigand asked Mr. Silcott on the \$15 per month tax, does that factor at all in our OWDA loan, if we are collecting money? Mr. Silcott stated the only way to secure financing is if you had some money collected so that if the project never went and you had a loan, in 15 or 20 years you could repay the loan. The Solicitor stated there needs to be a dedicated source to repay the loan. Mr. Kaplan stated he thought Mr. Silcott meant to achieve the loan, there must be a mechanism to pay it, but, that's not having already passed the tax and collecting it.

Mr. Silcott stated that it is a fee not a tax. That's the ordinance for the sewer fee.

The Solicitor stated that the Village could be the dedicated source for repayment, to do that you would have to dedicate part of the Village's sewer fund as a dedicated source of repayment and that money couldn't be used for any other purpose.

Mr. Kaplan stated it is like any other loan where you must show you can repay the loan. You must show them something. We don't have to have the fee. If the fee doesn't come to enough, the lender still expects us to pay, and it will come from the general fund. Mr. Schneider suggested further discussion be saved for the May 22<sup>nd</sup> meeting.

Mr. Weigand recommended we have an agenda and a facilitator for the May 22<sup>nd</sup> meeting to keep everyone on task.

The Solicitor stated that an Agenda will already be provided for the meeting.

Mr. Weigand made a motion to bring in a facilitator from the Ohio Supreme Court to be present to keep on task at the May 22<sup>nd</sup>, 2018 Special Meeting.

A discussion ensued as to whether the facilitator is needed.

Ms. Holody seconded the motion.

A roll call vote on the motion was taken: Mr. Matusz, no; Mr. Kaplan, no; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was approved.

**FINANCIAL REPORT:**

Ms. Holody moved to acknowledge the receipt of the Financial Reports, and the motion was seconded by Mr. Schneider.

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

It was suggested that tabs be added to Council meeting folders

Mr. Matusz made a motion to pay the bills that was seconded by Mr. Kaplan.

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Mr. Schneider stated the Bills Presented for Payment date needs to be changed from April 9th to May 14<sup>th</sup>.

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

The Fiscal Officer stated an Interstate Towing bill for the large truck that is being serviced needs to be approved by Council in the amount of \$1,053. Mr. Matusz made a motion to approve that payment that was seconded by Mr. Kaplan.

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

Three quotes for port-o-johns at the Service Department building were reviewed. Mr. Schneider stated that Millers is cheaper, and he can ask them for their cost. The Service Department needs a restroom. It is for the side of the building.

A proposal was presented for \$1,532 from the Service Department for weed control spray for use by the guardrails. Council asked what the weed spray consists of. It was mentioned that the beekeepers need to be advised what spraying is being done and what type of spray is being used. Mr. Schneider stated that there was an ordinance passed some time ago, introduced by then Council Person Don Carey, that we do not use harsh chemical sprays for weed control. Mr. Schneider stated that we should look up that legislation.

The Service Department also asked for authority to order custom signage. Mr. Kaplan made a motion to pay the signage bill, and that motion was seconded by Mr. Weigand. A roll call vote on the motion was taken: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was approved.

Mr. Kaplan asked about the sign previously discussed about "No Park Activities This Way" on Locust Street. Mr. Schneider stated it is being worked on.

**POLICE REPORT: None**

**PLANNING COMMISSION:**

The Mayor expressed condolences to the Brunswick family. Mr. Brunswick passed away last week. There is a memorial service on the 19<sup>th</sup> of May at the GAR Hall. Mr. Brunswick had served on Council.

A Planning Commission member resigned at the last meeting, leaving a position open. The Mayor had recommended Kevin Royer for the BZA, and he was then approved by Council for the BZA appointment. Now the Mayor would like to move him to the Planning Commission. He will then need someone for the BZA. Also, our Zoning Officer resigned, and we need to fill that position.

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Mr. Kaplan asked that it be someone from outside the Village. The Mayor said he will put it in the paper. Mr. Schneider stated that they were supposed to talk to the Stow Building Department about it because they do our building department duties. Ms. Holody suggested looking into an engineering firm to perform those duties.

Mr. Weigand stated the Planning Commission reached out to the community for feedback regarding regulating how to regulate short term rentals.

**ROADS & PUBLIC WORKS:**

Ms. Holody stated that the sidewalk sandstone is in the last stage of the repairs. It should be done in the next two weeks.

**ZONING:** No report.

**BUILDINGS AND GROUNDS REPORT:** No Report.

**CHAMBER OF COMMERCE:** No Report.

**FIRE BOARD:**

Mr. Schneider stated that Captain Eddie Yost and his son resigned. Scott Bufert was promoted from 2<sup>nd</sup> Lieutenant to Captain, and Mike Packard was promoted to 1<sup>st</sup> Lieutenant.

Mr. Kaplan asked to put in the minutes our thanks to the Yosts who have served our community for so long.

**CEMETERY:**

Mr. Schneider stated that the Board hired one individual to take care of Boston and the other two to take care of Peninsula. The Memorial Day parade starts at 11:00 a.m. Council needs to invite cemetery Trustees to the next meeting to vote on the property taxes. The Mayor can just invite them; they must come here for the meeting.

**JEDD:**

There are two new parcels that will be added to the JEDD. The JEDD Board is sending this addition to the County. There is one more step to go through. The Park approved of the amendment, and the JEDD is now waiting on the County.

**LEGISLATION:**

Second Reading:

RESOLUTION NO. 12-2018. A RESOLUTION EXPRESSING SUPPORT BY THE VILLAGE OF PENINSULA FOR THE SUMMIT COUNTY TOBACCO 21 INITIATIVE.

Resolution No. 12-2018 was read by title.

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RESOLUTION NO. 13-2018. A RESOLUTION AUTHORIZING CERTAIN AMENDMENTS TO THE ANNUAL APPROPRIATION ORDINANCE.

The Solicitor stated this Resolution relates to the Long-Range Plan. The Planning Commission is interested in meeting the 1<sup>st</sup> Monday of June, and each first Monday of the month thereafter, to work on the Long-Range Plan. There was a discussion at the last Regular Council Meeting about asking for money from the Park to assist with this expense. In order to do so, the Village and Park would have to enter into another cooperative agreement. Any money would have to come out of next year's federal budget, which starts in October. The Park indicated the Village's request for funding would not be affected if the Village went forward with the work before October.

The Mayor said in the past they didn't offer the funds in a similar situation, and the Village should take care of it.

The Solicitor asked if Council wanted to suspend the 3-reading rule to put the project in motion so that the consultant can start in June.

Mr. Weigand made the motion to suspend the three reading rule that was seconded by Mr. Schneider.

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

Mr. Weigand made a motion to approve Resolution No. 13-2018 that was seconded by Mr. Schneider.

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

The Solicitor will follow-up about reimbursement.

First Reading:

RESOLUTION NO. 16-2018. A RESOLUTION AMENDING THE EMPLOYEE PAY SCALE FOR CVNP SPONSORED FOOT PATROL OFFICERS AND OVI TASK FORCE SERVICES.

The Solicitor stated that the Mayor, Police Chief, and Fiscal Officer requested this Resolution since the pay rates for these duties haven't increased for several years. They will be reimbursed by outside agencies. A discussion ensued to understand the Resolution and pay rate raises.

Mr. Kaplan made a motion to suspend the three reading rule that was seconded by Mr. Weigand. A roll call vote on the motion was taken: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was approved.

Mr. Schneider made a motion to approve Resolution No. 16-2018 that was seconded by Mr. Weigand.

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

**OLD BUSINESS:** None.

**NEW BUSINESS:** Mr. Schneider stated that the Police Department needs approval of an amount not to exceed \$1,000 to replace a computer.

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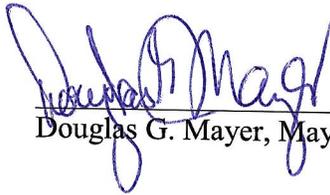
Mr. Kaplan made a motion to authorize the Mayor to assist the Chief of Police in acquiring appropriate IT equipment in a sum not to exceed \$1,000. That motion was seconded by Mr. Schneider.

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

The Mayor stated the old equipment will still be used by the Police Department.

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 10:27 p.m.

Respectfully submitted:

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

  
\_\_\_\_\_  
John Stiegel, Fiscal Officer      Date      9/10/18