

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

Held October 8, 2018

CALL TO ORDER: The Village of Peninsula Council convened from 7:00 p.m. to 9:32 p.m. in the Peninsula Village Hall. Mayor Douglas Mayer called the meeting to order and initiated the roll call. The following members were present.

COUNCIL MEMBERS:

Mayor Douglas Mayer	Present	Diane Holody	Present
Mary Booth	Present	Chris Weigand	Present
Michael J. Kaplan	Present	Daniel Schneider	Present
Michael Matusz	Present		

OTHERS PRESENT: Solicitor Brad Bryan

ATTACHMENTS:

- Letter from Ohio EPA
- Spreadsheet Cost Overview of NPDES system
- Perrin Asphalt Quote Dated 9/20/18
- 10/4/18 John Stiegel and Mary Booth Buildings & Grounds Budget Overview
- September 10, 2018 Letter from the Solicitor Regarding Resident's Property and Right-of-Way Obligations

DISCUSSION ON MEETING MINUTES:

Mr. Kaplan asked who is taking the minutes. The Mayor stated Mr. Stiegel was unable to attend tonight's meeting due to a family emergency. Mr. Kaplan made a motion to have Mr. Weigand take the minutes for tonight and tonight only, which was seconded by Mr. Schneider.

Roll Call Vote: Mr. Matusz, yes; Ms. Booth, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

The Mayor raised concerns over Mr. Stiegel's performance. The process for discipline and termination was clarified by Solicitor Bryan. A discussion took place regarding Council arriving at a solution for the minutes for the November meeting and dealing with the backlog of past minutes. The possible leveraging of technology to record meetings and assist with the preparation of minutes was discussed.

It was determined that Mr. Kaplan will coordinate steps to research what other communities do in regards to minute taking. Mr. Schneider and Mr. Weigand will review Mr. Kaplan's findings and recommendations.

A Motion was made by Mr. Kaplan to authorize him to research meeting minute taking resources that was seconded by Mr. Matusz.

Roll Call Vote: Mr. Matusz, yes; Ms. Booth, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

CITIZENS' PARTICIPATION: The citizens' concern about the issues with the meeting minutes was acknowledged by the Mayor and Council.

COUNCIL PARTICIPATION: None.

REPORTS:

Mayor: The Mayor informed Council that Halloween trick or treating is from 6 p.m. – 8 p.m. on Wednesday October 31st. The Mayor stated the school did not want to host the community Halloween Party this year.

Mr. Kaplan stated he already emailed Your Community News to let them know the date and time of Halloween trick or treating.

The Mayor stated this Wednesday October 10th is a bulk trash pickup day.

Solicitor: Mr. Bryan stated the Right-of-Way Ordinance the Village recently passed may be pre-empted by a new FCC regulation that might nullify state and local laws on this issue.

Mr. Bryan also reported that the Village's income tax revenue sharing claim for the school moving to Cuyahoga Falls has been made with Cuyahoga Falls and the County. Mr. Bryan discussed the process of the claim and that it is based upon the 2017 payroll tax amount received by Village. The Village would be entitled to 50% of the payroll taxes in year 1, 40% in year 2, 30% in year 3, 20% in year 4, and 10% in year 5. He will keep Council informed on this issue.

Fiscal Officer:

Consideration of Minutes:

- May 22, 2018 Special Meeting
- June 11, 2018 Regular Meeting
- June 16, 2018 Special Meeting
- June 23, 2018 Special Meeting
- June 30, 2018 Special Meeting
- July 9, 2018 Regular Meeting

A discussion regarding approving past meeting minutes took place. It was suggested that Ms. Workman (an independent service provider) be retained to prepare the minutes from the tapes. Mr. Kaplan disclosed that he has represented Ms. Workman in the past. Mr. Kaplan will contact Ms. Workman to gauge her interest in providing these services to the Village. Once a resource is approved, the work will done in a timely manner. Council determined that no meeting minutes would be approved at this meeting.

Finance Liaison, Ms. Holody:

A motion was made by Ms. Holody to acknowledge receipt of the financial report, which was seconded by Mr. Kaplan.

Roll Call Vote: Mr. Matusz, yes; Ms. Booth, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

A motion was made by Ms. Holody to pay the bills as listed, which was seconded by Mr. Schneider. A discussion took place about line Item #25 (Ms. Hoody's expenses related to a public records request). The Mayor questioned this expense, stating the Fiscal Officer should not have paid it without Council approval since it was in excess of \$500.

Roll Call Vote: Mr. Matusz, yes; Ms. Booth, yes; Mr. Kaplan, abstain (because he made the public records request pertaining to Item #25); Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

Police Liaison, Mr. Schneider:

The Solicitor reviewed the grant from the OBWC for bullet proof vests for police officers. He explained that the Village's share will come from the Police Department Law Enforcement Trust Fund. The Village will front the rest of the money from its general fund and get reimbursed for that portion of the cost by the OBWC.

A motion was made by Mr. Schneider to authorize Village to accept the OBWC bullet proof vest grant and authorize the payment of \$2,149.44 that will later be reimbursed by the grant; the Village's matching share in the amount of \$716.48 will come from the Police Department Law Enforcement Trust Fund. The motion was seconded by Mr. Kaplan.

Roll Call Vote: Mr. Matusz, yes; Ms. Booth, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

Mayor Mayer reported the replacement police car is now in service. The Mayor also provided an update on the golf course incident. The County Sheriff's Department determined that Sgt. Renz acted appropriately and was not at fault for the incident. Sgt. Renz is now back at work.

Roads and Public Works Liaison, Mr. Matusz:

Mr. Matusz reported the price of road salt is expected to go up by 100% to over \$100 per ton. It is estimated that at least 300 tons will be needed this year. Mr. Matusz is working with Boston Twp. Trustee Amy Anderson to finalize the price from the vendor and the contract with the Township.

The leaf machine and big truck (front end problem) are at Interstate to get repaired.

A preliminary meeting with Boston Township took place about cooperation between or combining the service departments. Anyone who has thoughts on that matter should share them with Mr. Matusz, Mr. Schneider, or Ms. Holody.

The Village typically picks up leaves on the first Monday of each month. The Mayor stated he would have Mr. Kuboff put that information on the Village website and notify Your Community News.

The guardrail on 303 has been completed.

The Village is still discussing a Stine Road joint project with the Township. The Village's share would be around \$300,000. Mr. Matusz stated the Village received a September

20, 2018 quote from Perrin in the amount of \$24,000 to level part of the north side of Stine Road. He stated he was not clear as to the scope or exact location of the work contemplated by the proposal. Mr. Kaplan asked the Mayor for a presentation on this project from the Village Street Commissioner, emphasizing that the Village does not have a Street Commissioner. Mr. Matusz stated with the uncertainty of what the quote entails and the paving season ending soon, the project will have to wait until next year.

A discussion then took place about appointing a Village Street Commissioner and hiring a full-time and a part-time Service Department employee. Mr. Bryan clarified the Mayor appoints the Street Commissioner subject to the confirmation of Council. The Mayor stated he will put out an ad for a full-time and part-time Service Department employee using the existing job descriptions. The Village currently has one part-time Service Department employee.

Mr. Matusz questioned the appropriateness of the current Service Department pay scale.

Mr. Schneider stated he would like himself and Mr. Matusz to sit in on the interviews with the Mayor.

Ms. Holody provided an update on resetting the granite pavers to fix a water pooling issue. When fixing the issue, it was noticed that trucks were driving over the pavers. Timeless Landscape suggested a buried boulder to block that from happening. Council discussed placing road reflectors on the corners.

Ms. Holody requested that stone be added on the Bronson Street extension. The Mayor stated he would notify the Service Department.

Planning Commission, Mr. Weigand:

The most recent Planning Commission Meeting was September 24, 2018. The Planning Commission discussed traffic flow, off street parking, street parking, possible property acquisition for parking, and the extension of sidewalks.

Everyone on the Commission will have completed Sunshine Law Training by the end of the year.

The most recent Long Range Plan Meeting took place on October 1, 2018. The Commission reviewed the Housing, Economic, and Land Ownership sections. In addition, a draft of a new Historic District zoning amendment was provided by the consultant.

The next Planning Commission Meeting is October 22 at 7:00 p.m. The next Long Range Plan meeting will be on November 5, 2018 at 7:00 p.m. in the Police Department Lobby (due to election set up) Those meeting dates will be sent to Your Community News.

Wastewater:

Ms. Holody stated she requested copy of a letter created by the Ohio EPA from the Ohio EPA. The letter was crafted at the request of Stantec. The letter was never released to the public. A copy of the letter was distributed.

Ms. Holody provided a spreadsheet outlining resident NPDES estimated costs over a 20 year period. She created the document with data collected from Downs Septic and the Summit County Health Department. The spreadsheet provides a variety of cost scenarios.

Ms. Holody spoke with Summit County Health and the OEPA. Summit County advised it will provide the Village with a report on its testing in November. She reminded everyone the Stantec Final Project Review Meeting was scheduled for 5:00 to 7:00 p.m. at Village Hall on Wednesday October 10.

Zoning, Mayor Mayer: The Mayor reported there has been no interest shown in the Zoning Officer position to date. He stated the compensation may have to be looked at. Council then discussed the many current open positions in the Village's work force.

Board of Zoning Appeals, Mayor Mayer: The Mayor stated he has received no interest in the vacant BZA position.

Buildings and Grounds Liaison, Ms. Booth:

Ms. Booth provided an update on the Building & Grounds budget and a document reflecting that budget prepared by the Fiscal Officer. Ms. Booth asked what happens to the unspent dollars at the end of the year. Ms. Booth was advised that unless money was encumbered to pay for a particular bill, it goes back into the general fund and a new budget is established for next year.

Ms. Booth asked the Mayor about the status of the sagging floors in Village Hall. The Mayor advised that repair estimates are still being explored.

Ms. Booth provided an update on a proposed letter notifying the residents to keep their ditches clean. Ms. Booth stated Mr. Bryan provided Ms. Booth with a letter outlining the residents' legal obligations with respect to their properties and the right-of-ways in front of them. A copy of that letter was distributed. Ms. Booth will send out a letter in the spring that is a mix of her letter and Mr. Bryan's letter.

The Mayor suggests the Village buy its own mats for Village Hall and the Police Department and have the Service Department clean and dry them. Council would like a menu of options with costs, e.g. use other providers or do it ourselves, etc.

Chamber of Commerce and Economic Development, Mr. Weigand:

The Chamber of Commerce has established dates for its 2019 events. The Chamber is working to support the Train mission, including a possible interactive guide in 2019. The next Chamber Member meeting is November 7 at 5:45 p.m. at the Library.

Policies and Procedures Liaison, Mr. Kaplan: Nothing to report.

Fire Board, Mr. Schneider:

The Fire Board is conducting interviews for a second Lieutenant position. The steak dinner went well.

Cemetery Board, Mr. Schneider:

All is going well with the cemeteries. A broken lock issue was resolved.

JEDD, Mr. Schneider:

This month's report is in the Council meeting book.

LEGISLATION:

Third Reading

Resolution No. 26-2018 B

Requested by Fiscal Officer John Stiegel

A Resolution Authorizing Certain Amendments to the 2018 Annual Appropriation Resolution

The Resolution was read by title by the Solicitor. Mr. Kaplan made a motion to approve the Resolution, which was seconded by Mr. Schneider.

Roll Call Vote: Mr. Matusz, yes; Ms. Booth, no; Mr. Kaplan, yes; Ms. Holody, no; Mr. Weigand, yes; Mr. Schneider, yes. The Resolution was adopted 4 votes to 2.

Second Reading

Ordinance No. 29-2018

Requested by Councilperson Dee Holody

An Ordinance Establishing Section 339.13 of the Traffic Code Prohibiting the Use of Engine Retarding Devices or Engine Compression Brakes in the Village

This Ordinance was read by title by the Solicitor. The Ordinance will advance to a third reading at the next Regular Council Meeting.

First Reading

Resolution No. 30-2018

Requested by Councilperson Dee Holody and Fiscal Officer John Stiegel

A Resolution Accepting the Amounts and Rates as Determined by the Summit County Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Fiscal Officer

The Resolution was read by title by the Solicitor. It was explained that this Resolution was ministerial in nature and is required to be approved by the Village each year by the Ohio Department of Taxation and the County Fiscal Officer.

A motion to suspend the three reading rule was made by Mr. Kaplan and seconded by Mr. Schneider.

Roll Call Vote: Mr. Matusz, yes; Ms. Booth, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was adopted.

A motion to pass the Resolution was made by Mr. Kaplan and seconded by Mr. Schneider.

Roll Call Vote: Mr. Matusz, yes; Ms. Booth, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The Resolution was adopted.

OLD BUSINESS: None.

NEW BUSINESS: None.

EXECUTIVE SESSION: None.

ADJOURNMENT: A motion to adjourn was made by Mr. Kaplan and seconded by Mr. Schneider. All were in favor of the motion; none were opposed. The meeting was adjourned at 9:32 p.m.

Respectfully submitted:

Douglas G. Mayer, Mayor Date 11-19-2018

A handwritten signature in blue ink, appearing to read "Douglas Mayer", is written over a horizontal line. The signature is stylized and cursive.

9/10/18

NOTE: The following letter of support was prepared by the Columbus office of the EPA in the April 6, 2018 timeframe. The letter was never executed by Ms. Kavalec, nor was it submitted to the Village. Stantec Consulting had requested the letter from the EPA to submit to USACE and OPWC with grant applications. On August 16, 2018, I spoke to Bill Fischbein, OEPA, about the letter and made a public records request. On August 20, 2018, Mr. Fischbein forwarded me the EPA prepared letter with the following note, "Attached is the response to your public records request. As discussed, this letter was never finalized because it was determined that the Mayor was not in support of the project and therefor Chief Kavalec was not willing to sign the letter at that time."

Dee Holody

The Honorable Douglas G. Mayer
Mayor
Village of Peninsula
1582 Main Street
P.O. Box 83
Peninsula, Ohio 44264

CERTIFIED MAIL

RE: Assistance for Village of Peninsula Wastewater Project

Dear Mayor Mayer:

On behalf of the Director of the Ohio EPA and the Division of Surface Water, I wanted to express our encouragement for the continued efforts by the Village of Peninsula to move forward with its efforts to design, fund and construct a centralized sewage treatment and collection system for the Village.

I understand that at recent Village Council meetings, the Village has selected an engineering firm to design a membrane bioreactor type system, and the Village is moving forward with an application to obtain funding for the system. Ohio EPA was recently forwarded a copy of a March 22, 2018 letter in support of the Village of Peninsula's application for funding of a centralized wastewater treatment and collection system from the Friends of the Crooked River.

A centralized sewer system would alleviate many of the water quality violations that Ohio EPA is currently dealing with from businesses throughout the Village that have failing onsite wastewater treatment systems, and Ohio EPA has been working with a number of these entities to address water quality violations. Normally, Ohio EPA would require upgrades to these failing systems that would alleviate the continued effluent violations, typically through administrative Orders that would require the upgrades.

However, because of the potential for a centralized sewage system in Peninsula, Ohio EPA, in certain instances, has chosen to exercise our enforcement discretion and allow these entities the option of various temporary solutions (such as the installation of holding tanks) until such time as a centralized treatment and collection system is

complete. In this way, Ohio EPA is attempting to balance the need to protect human health and the environment while recognizing that we do not want entities to invest financial resources into upgrades that will eventually be superseded by a centralized system. Nevertheless, certain systems are so degraded that some upgrades will be necessary in the interim given that completion of a centralized system would not be complete until March 2020 under a best-case scenario.

We believe that it is imperative that the Village continue its efforts to construct the centralized system in as expeditious a manner as possible. The exercise of our enforcement discretion to deal with water quality violations through temporary solutions grows more limited with the passage of time as persistent violations accumulate. Therefore, we would encourage the Village to stay on track with its efforts to construct a centralized system.

Finally, we recognize Peninsula's unique position within the confines of the Cuyahoga Valley National Park, which limits the resources the Village can provide given its small population. As with many other communities throughout Ohio, funding is the primary barrier which inhibits the installation of sanitary sewers. Ohio EPA will continue to work with the Village as much as possible to obtain necessary funding to facilitate the design and construction of a centralized system. Please continue to work with representatives of the Ohio EPA in your efforts to move forward with this important project.

Sincerely,

Tiffani Kavalec, Chief
Division of Surface Water
Ohio EPA
50 W. Town Street
Columbus, Ohio 43215

Resident on lot NPDES estimated cost over 20 year period

System Cost	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	20yr Tot
NPDES System & Installation cost/yr over 10Yrs @ 4% interest	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$24,792
NPDES O&M yearly O&M																					
HD Permit per year	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$600
Yearly sampling	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$2,000
Yearly Service Contract (replaced every 6 months)	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$4,000
Electric (~\$12/mth for Hydra system, ~\$30/mth let system) (avg at \$22/mth)	\$252	\$252	\$252	\$252	\$252	\$252	\$252	\$252	\$252	\$252	\$252	\$252	\$252	\$252	\$252	\$252	\$252	\$252	\$252	\$252	\$5,040
Empty tank (at least every 3 yrs.)					\$400	\$400			\$400	\$400											\$2,400

NPDES expected component replacement during system life	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	20yr Tot
UV Light: needs replaced every 2-4 yrs (avg at every 3Yrs)			\$165						\$165									\$165			\$990
Air compressor: needs replaced or rebuilt every 5-7 years (estimated cost of rebuild) (avg at every 6 yrs)						\$300															\$900
Sump pump: needs replaced every 6-10 yrs (avg at every 9 yrs)									\$350												\$700

NPDES cost over 20 yrs	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	NPDES cost over 20 yrs	Cost/mth (an
TOTAL System per year over 20 yrs	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$1,239	\$24,792	Yr-1.0
TOTAL O&M and replacement parts each year	\$582	\$582	\$1,447	\$582	\$582	\$1,447	\$582	\$582	\$1,447	\$582	\$582	\$1,447	\$582	\$582	\$1,447	\$582	\$582	\$1,447	\$582	\$582	\$16,630	Yr-1
Total cost per year for residential NPDES	\$1,821	\$1,821	\$2,386	\$1,821	\$1,821	\$2,686	\$1,821	\$1,821	\$2,736	\$1,821	\$582	\$1,447	\$582	\$582	\$1,447	\$582	\$582	\$1,797	\$582	\$582	\$29,022	Total

NOTES on NPDES: On lot system, O&M, and replacement parts cost represented in this worksheet was provided by Down's Septic. These estimates do not include any additional costs for inflationary increases for services or equipment. NPDES needs consistent flow to operate at peak performance. Does not operate well with large surges in use. The NPDES can last "forever" if properly and regularly maintained. Life expectancy for the soil-based filter systems is 12-20 years, is more costly to purchase, but requires much less maintenance.

NPDES System cost for up to 4 bedrooms	Costs	Avg/mth over 10 yrs	w/4% 10Yrs
Initial Application to EPA	\$200		
Permit to install	\$384		
System cost	\$6,616		
Drawings, electrician labor, install, crush/fill old tanks	\$3,000		
	\$10,200	\$85,000	\$108,27



ASPHALT • CONCRETE

525 DAN STREET AKRON OH 44310
330.253.1020 FAX: 330.253.1042

PROPOSAL

Thursday, September 20, 2018

Village of Peninsula
1582 Main Street
Peninsula, OH 44264

Allen Halko
(330) 657-2089
(330) 523-0590

PROJECT: Stone Road

AREA APPROXIMATELY 16,000 SQUARE FEET

- Level roadway using item #448 hot mix asphalt.

APPROXIMATELY 200 TONS @ \$120.00 PER TON: \$24,000.00**

**** PRICE INCLUDES TRAFFIC CONTROL**

NOTE 1: IF SOFT AREAS ARE ENCOUNTERED, THERE WILL BE AN ADDITIONAL \$20.00 PER TON TO EXCAVATE BAD SOIL. IF ADDITIONAL STONE IS NEEDED, THE COST WILL BE \$25.00 PER TON INSTALLED.

NOTE 2: DUE TO UNSTABLE FUEL COSTS THIS QUOTE IS ONLY GOOD FOR 10 DAYS.

NOTE 3: THE COST DOES NOT INCLUDE LANDSCAPE WORK REQUIRED TO BACKFILL EDGES FOR SUPPORT.

NOTE 4: THERE IS NO GUARANTEE AGAINST ASPHALT/CONCRETE CRACKING.

Respectfully submitted,

Kimberly A. Perrin

Acceptance of Proposal,

PAYMENT TERMS: Full payment must be received within 10 days of completion or 2% of the contract price will be added monthly for service charges (or a minimum of \$50.00).

WARRANTY: All workmanship and materials are guaranteed for a period of one year from the date of completion. We will not guarantee any work from cracking due to the extreme temperature shifts and ground movement. All work to be completed in a workmanlike manner according to standard practices. Any alternation or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

ATTORNEYS FEES: In the event that Perrin Asphalt Company, Inc. elects to file an action in order to enforce the terms of this agreement or to collect sums due and owing to Perrin Asphalt Company, Inc., it shall be entitled to recover, in addition to its damages, all of its court costs and reasonable attorneys' fees and expenses incurred as a result of such action.

PLEASE RECYCLE

SUBSIDIARY OF PK CRUSHING & MATERIALS

RECYCLING OF ASPHALT AND CONCRETE

330.253.1020

Oct 4, 2018

John Steigl to Mary Booth
email
Mary Booth to Council 10/8/18

Line Item	Budget	YTD Expenditures	Available
Utilities	\$ 10,000.00	\$ 5,278.80	\$ 4,721.20
Telephone	\$ 350.00	\$ 184.35	\$ 165.65
Insurance	\$ 2,500.00	\$ 2,500.00	\$ -
Contract Services	\$ 15,000.00	\$ 14,796.14	\$ 203.86
Office Supplies	\$ 200.00	\$ 34.87	\$ 165.13
Operating Supplies	\$ 4,000.00	\$ 2,761.48	\$ 1,238.52
Maintenance/Repair Bldgs.	\$ 30,000.00	\$ 2,518.04	\$ 27,481.96
Small Tools & Equipment	\$ 750.00	\$ -	\$ -
Totals	\$ 62,800.00	\$ 28,073.68	\$ 33,976.32

Notes

Contract Services is for Building Cleaning, small repairs, elevator maintenance contract and repairs, small equipment repairs (i.e. mowers), carpet cleaning, window cleaning etc. Although there isn't much left for the rest of the year, funds could be moved from other line items such as utilities and supplies.

The Maintenance/Repair line item was put aside for the repair of the sagging floors. I do not know if we will get to that this year so that money is available.

GOODWIN & BRYAN, LLP

ATTORNEYS AND COUNSELORS AT LAW

22050 MASTICK ROAD

FAIRVIEW PARK, OHIO 44126

TELEPHONE (440) 686-9000

FACSIMILE (440) 686-9001

ELIZABETH A. GOODWIN

BRADRIC T. BRYAN

September 8, 2018

Councilperson Mary Booth

RE: Property Owner Responsibilities to Maintain Right-of Way-Areas Adjacent to their Properties

Dear Councilperson Booth:

I was requested to provide guidance regrading responsibilities of property owners for maintaining the public right-of-way areas adjacent to their properties.

Pursuant to Peninsula Ordinance 521.06, property owners and occupants are required to keep sidewalks, curbs, and gutters abutting their properties free from snow, ice, or any other nuisance. (Pen. 521.06) That requirement would include making sure gutters and catch basins are open and free of debris and obstructions so that they can function properly.

In addition, property owners and occupants are required to keep ditches, culverts, drains, and natural watercourses within the right-of-way of any public street that is adjacent to their property free any leaves, noxious weeds, cut or uncut vegetation, dirt, litter, refuse, or any other substance that might obstruct said culvert, drain, ditch, or natural watercourse. (Pen. 521.12)

At present, there is no Village ordinance that requires adjacent property owners to cut the grass in right-of-ways adjacent to their properties. The Village could legally adopt an ordinance imposing that requirement if Council feels there is a need to do so.

Property owners and occupants also have duties with respect to trees on their property that extend over a public right-of-way. Such property owners are required to keep any tree that overhangs any sidewalk or right-of-way trimmed so that it does not impede or interfere with traffic or travel, obstruct street lamps, or interfere with wires. Moreover, any tree limb which is likely to fall on or across any public way shall be removed by the owner of the premises on which the tree stands. A permit from the Village is also required prior to the removal or trimming work being performed. (Pen. 909.06)

If you have any additional questions or concerns regarding these matters, please let me know.

Very truly yours,

Bradric T. Bryan,
Solicitor, Village of Peninsula