

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

Held: APRIL 15, 2019

**CALL TO ORDER:** The Village of Peninsula Council convened from 7:00 p.m. to 9:19 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.

**COUNCILMEMBERS:**

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

**OTHERS PRESENT:** Fiscal Officer Deborah Wordell, Police Chief Joseph Varga, and Solicitor Brad Bryan

**PROCLAMATIONS:** Chief Varga and Officers Westfall and Watson were recognized for dedicated and outstanding service by the Mayor and Council for their efforts in responding to a ninety car auto accident on Rt. 8 on March 5, 2019.

**JOINT MEETING WITH TOWNSHIP FOR CEMETERY:** Postponed.

**CITIZENS PARTICIPATION:** Carol Kramer, 2581 Main Street, complimented the Village on the new guard rails. She would like the Village to encourage residents to embrace their Peninsula pride and clean up dead shrubs and loose trash littering roads and yards, especially on Rt. 303. She also asked Council to adopt the pending Rules of Council legislation. Next, Ms. Kramer stated she supports Resolution 09-2019 (A Resolution Requiring that Prior to Entering into any Contract for Designing, Constructing, or Operating a Village Centralized Wastewater System, Council Seek and Receive Approval from the Village Electorate to Move Forward with the Wastewater Project) and wants Council to support it as well. Last, Ms. Kramer commented that the open Council seat should not be filled by a family member or friend of Councilmembers.

Michael Mraz, 2277 Major Road, stated he was following up on his March 11 Council Citizens Participation statement about the behavior of Council. He provided a copy of his letter to the editor that was published in the West Side Leader.

Larry Bell also asked Council to make sure the open Council seat is not filled by a Council family member or Council friend.

**COUNCIL PARTICIPATION:** None.

**MAYOR'S REPORT:**

Mayor Mayer introduced Nancy Holdsworth, the new employee working in the administration office with Marty and Deb. The Mayor stated he spoke with Mr. Stoehr, the National Park Assistant Superintendent, who is retiring in May of 2019. The Park suggests a group of three liaisons from the Park should start attending Village meetings. The Mayor asked Council to consider having a second meeting each month, a work session, when committees can meet to discuss pending matters. Last, the Mayor stated Norman Custer, the Village seasonal

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Service Department employee, felt ill last week and was off work. He is feeling better now after receiving medical treatment. The Mayor is looking forward to his return.

**SOLICITOR'S REPORT:**

**Canal Street Property:** Mr. Bryan reported on the 5978 Canal Street property demolition and outlined the history of the Village's action to clean up the structure and property. The demolition is presently scheduled for the week of May 5-13. The Peninsula Foundation has asked permission to enter onto property before the home is demolished to record the dimensions of the house and materials used for posterity sake. Mr. Catalano from the Stow Building Department stated the house is not restorable and poses a danger to the community. In his opinion, the house must be razed. The Stow Building Department received 3 demolition bids. The lowest and best bid recommended by Mr. Catalano is from Alden Excavating, Inc. of Cuyahoga Falls in the amount of \$6,575. A copy is in Council's packet. Mr. Catalano stated he has worked with the company before, and it performs good work. The company stated it would, if possible, set aside any items identified by the Village as having historical value for saving and reuse. A discussion took place about seeing the other two higher bids, who was entitled to the salvage value for any items set aside, what permits are needed, and whether a contract should be drawn up before the bids are awarded. It was determined that Mr. Catalano would provide copies of the higher bids to the Village for distribution to Council and Mr. Bryan would draft an agreement for the demolition work. The demolition date would be extended in order to resolve those matters.

**Army Corps Directive Update:** The Village received an additional thirty-day extension until May 1<sup>st</sup>. The Army Corps Enforcement Officer wants to see continual progress toward a resolution of this matter. The Village is consulting with McCabe Engineering, the National Park, and First Energy. The Village is presently waiting for National Park to schedule additional meeting to discuss this matter.

**Council Vacancy:** Ms. Booth submitted her letter of resignation that is effective today. Council has 30 days to fill the vacancy by majority vote. Otherwise, the decision reverts to the Mayor. Council directed that an ad be placed in the Your Community News and on the Village website. All letters of intent are to be submitted no later than May 6<sup>th</sup>.

**Village Facebook Page Rules and Policies:** After a short discussion, Mr. Kaplan inquired of Council the purpose of a Facebook account: whether it is interactive or informative and how will it be monitored. Mr. Bryan will draft proposed policies and procedures for the account for Council to review.

**Service Department Fire Insurance Claim:** Mr. Bryan reported the Village received six bids for the Service building demolition and debris removal work. The bids range from \$4,500 to \$11,879. Those bids will be provided to Council so that action can be taken at Council's next meeting.

**Road Levy:** Mr. Bryan stated he was asked by Council to look into when the road levy needed to be renewed. He advised the levy was passed in 2015, meaning it would have to be renewed in

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2020. The purpose of the levy was to provide funding for general construction, reconstruction, resurfacing, or repair of Village roads. He stated the funds cannot be used for snow plowing or maintenance expenses. Council can consider amending the language when it is up for renewal.

**Tax Board of Review:** Mr. Bryan reported there were no responses to the ad, and the Village still needs two Council appointed candidates to serve on the Tax Board of Review. Council advised to place another ad in this month's Your Community News.

**LEGISLATION:**

**Third Reading:**

**Ordinance No. 04-2019**

Requested by Councilperson Schneider and Councilperson Holody

**A Resolution Reappointing Bradric T. Bryan of Goodwin & Bryan, LLP as the Village Solicitor and Prosecutor for a Term Commencing on April 1, 2019 and Ending on March 31, 2020**

The Resolution was read by title by the Solicitor. A motion to adopt the Resolution was made by Ms. Holody that was seconded by Mr. Weigand.

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

**Second Reading:**

**Resolution No. 09-2019**

Requested by Councilperson Kaplan

**A Resolution Requiring that Prior to Entering into any Contract for Designing, Constructing, or Operating a Village Centralized Wastewater System, Council Seek and Receive Approval from the Village Electorate to Move Forward with the Wastewater Project**

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

**First Reading:**

**Resolution No. 11-2019**

Requested by Councilperson Kaplan

**A Resolution Authorizing the Adoption of Rules of Council**

The Resolution was read by title by the Solicitor. Mr. Kaplan stated the Rules of Council documents are in the process of being completed and amended. Mr. Kaplan encourages all members of Council and the community to weight in. He stated he is looking for final action on this Resolution to be taken no later than August.

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**Resolution No. 12-2019**

Requested by Councilperson Schneider

**A Resolution Authorizing the Continuance of the One Mill Cemetery Maintenance Tax for the Village of Peninsula and Boston Township Cemetery Association**

The Resolution was read by title by the Solicitor. Mr. Schneider reported the Township officials could not make tonight's meeting. The joint meeting will be postponed until May's Council Meeting.

**FISCAL OFFICER'S REPORT:**

Consideration of Minutes:

March 11, 2019 Regular Council Meeting

March 18, 2019 Special Council Meeting

May 22, 2018 Special Council Meeting

**Approval of the Minutes for the March 11, 2019 Regular Council Meeting**

Mr. Schneider made a motion to approve the minutes for the March 11, 2019 Special Council Meeting that was seconded by Ms. Holody.

Mr. Kaplan proposed corrections to the pending, draft minutes. Mr. Kaplan requested that his affidavit that he submitted be included in the official record of this meeting. A discussion took place between Mr. Kaplan and Ms. Holody on the intent, validity, and purpose of the affidavit. Mr. Kaplan wanted the minutes to be amended to reflect that Mr. Kaplan asked Ms. Holody if she was calling him a liar and she said yes. Mr. Kaplan reminded Ms. Holody that the affidavit was signed under oath. Mr. Kaplan further stated that the affidavit reflects the true facts as learned by him, and the Affidavit was provided to Council for whatever purpose may arise.

Mr. Kaplan made a motion to amend the minutes as requested that was seconded by Mr. Matusz.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, no; Mr. Weigand, no; Mr. Schneider, no. The motion failed.

Further discussion took place about whether to transcribe the meeting. Mr. Kaplan made a motion to transcribe meeting that was seconded by Mr. Matusz.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes.

A discussion then took place about the cost of the transcription work. Mr. Matusz made a motion to reconsider the vote to transcribe the meeting and instead, for all Councilmembers to receive and listen to the cd recording of the March 11, 2019 Council meeting before approving the amended minutes. That motion was seconded by Mr. Kaplan.

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Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, abstain; Mr. Schneider, yes. The Fiscal Officer will furnish Council with cd of the meeting.

**Consideration of the Minutes for the March 18, 2019 Special Council Meeting**

Mr. Weigand made a motion to approve the March 18, 2018 Special Council Meeting Minutes that was seconded by Mr. Kaplan.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The Minutes were approved.

**Consideration of the Minutes for the May 22, 2018 Special Council Meeting**

Mr. Kaplan made a motion to approve the May 22, 2018 Special Council Meeting Minutes that was seconded by Mr. Schneider.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, yes; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes.

**FINANCE LIAISON, MS. HOLODY:** Ms. Holody made a motion to acknowledge receipt of the March 2019 Financial Reports that was seconded by Mr. Kaplan.

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

Ms. Holody made a motion to ratify the list of Payment of Bills that was seconded by Mr. Kaplan.

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

**POLICE LIAISON, MR. SCHNEIDER:** Mr. Schneider reported that Officer Michael Testa is due to receive a step raise to Auxiliary Pay Level 3.

Mr. Schneider made a motion to authorize Officer Michael Testa's step pay raise that was seconded by Mr. Matusz.

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

Chief Joseph Varga gave a special thank you to resident Larry Bell for his support in providing coffee during the March 5, 2019 traffic incident.

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**ROADS AND PUBLIC WORKS LIAISON, MR. MATUSZ:** A report was provided about the Service Dept. Council Committee meetings with Boston Township. Ms. Holody stated two preliminary meetings took place with Boston Township on March 27 and April 10, 2019 (See attachment). Three options for a new Village Service Building have been proposed: build on the current Valley Fire District property, build on land adjacent to that property that could be acquired from the Park, or build a new 40'x100' building at Boston Township Hall. During discussions, a short-term scope of work contract was suggested to work with Boston Township until the Village can fully assess and implement its best opportunities. It was emphasized that the Village should not build any facility in the flood plain. The Committee will continue to work toward a solution with Boston Township at meetings one hour before the Regular Township meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday's of the month at 5:00 p.m.

**PLANNING COMMISSION, MR WEIGAND:** Mr. Weigand reported the Long Range Plan public meeting was held on April 1 at the G.A.R. Hall. Nineteen members of the public attended. The Village Planning Consultant, Rita McMahon, provided an overview of the LRP and answered questions. The Planning Commission is currently reviewing the proposed Historic District Overlay and Short-Term Rental ordinances. Council should expect to see something from the Commission on those topics at the next Council Meeting. The next Planning Commission meeting is April 22. At that meeting, the Commission will discuss the LRP, Short-Term Rentals, and the Historic Overlay ordinance. The Canal Street property is beyond repair as discussed earlier.

**WASTEWATER:** Ms. Holody reported she spoke to a representative from the Summit County Health Department about the testing of the river and storm sewers. Three tests are needed. Only one test was completed last fall. Further tests are pending based upon the weather conditions.

**ZONING:** Mayor Mayer reported the Library is working on its remodel and requested Council to waive the permit fee.

Mr. Matusz made a motion to waive the Library permit fee that was seconded by Mr. Schneider.

Roll Call Vote: Mr. Matusz, yes; Mr. Kaplan, abstain; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes.

Mr. Kaplan indicated he abstained because he is on the Library Board and is the chairperson of the renovation project.

**BOARD OF ZONING APPEALS:** Mayor Mayer reported no meeting took place last month. There is still an opening on the Board.

**BUILDING AND GROUNDS, MS. BOOTH:** Mr. Schneider reported the National Park will bring its tree lift to fix the flagpole this week.

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**CHAMBER OF COMMERCE, MR. WEIGAND:** Mr. Weigand reported Ramp-Up Peninsula will take place on April 27. A good turnout of vendors is expected, including ten vendors on the Bronson green next to the Bronson Church. The Chamber has a Go Fund Me account to help fund the public art project that is part of the Xtinguish Celebration on June 21, 2019. There will be a dedication ceremony as part of the celebration, and Village dignitaries will be invited. The ceremonial torch will be passing through town around 2:00 p.m. that Friday. Remembrance Day will be the same day as well.

**POLICIES AND PROCEDURES, MR. KAPLAN:** Mr. Kaplan stated he had no further report.

**FIRE BOARD, MR. SCHNEIDER:** Mr. Schneider reported there was a meeting on equipment acquisition. The Board hired an attorney, Nick Sabastian, to handle the Department's workers compensation claims.

**CEMETERY BOARD, MR SCHNEIDER:** Mr. Schneider reported Janet Mayor died.

**JEDD, MR. SCHNEIDER:** Mr. Schneider reported the JEDD Board will meet with Attorney Al Schrader to go over procedural items.

**OLD BUSINESS:** Mayor Mayer stated he would contact First Energy to clean up limbs by the road.

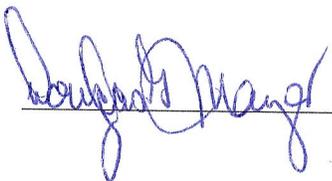
**NEW BUSINESS:** None.

**ADJOURNMENT:** A motion to adjourn was made by Mr. Kaplan and seconded by Mr. Schneider. All were in favor of the motion; none were opposed. The meeting was adjourned at 9:18 p.m.

Respectfully submitted:

Douglas G. Mayer, Mayor

Date

  
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5-20-19

Deborah Wordell, Fiscal Officer

  
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05/20/19