

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

Held: Monday, October 14, 2019

CALL TO ORDER: The Village of Peninsula Council convened at 7:00 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.

COUNCIL MEMBERS:

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

OTHERS PRESENT: Solicitor Brad Bryan.

PROCLAMATION: A Proclamation Honoring the Peninsula United Methodist Church

The church has roots going back to the Boston Moral Society established in 1833 and the Methodist Episcopal Church during the 1840's. The Church was erected at 1575 Main Street in 1869 and celebrated its 150-year anniversary on September 29, 2019.

A motion was made by Ms. Holody to adopt the Proclamation that was seconded by Mr. Kaplan.

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

CITIZENS PARTICIPATION: Tania Nemer, a candidate for Stow Municipal Court Judge, addressed Council and asked the community for its support.

COUNCIL PARTICIPATION: Mr. Weigand thanked Councilwoman Holody and everyone else involved for working with O.D.O.T. to get the 'Truck Route' signs posted on I271. A noticeable decrease in truck traffic has already taken place on Rt. 303. Sign postings are also being worked on for Rt. 8. Mr. Weigand also congratulated the Conservancy for entering into the agreement with the Golf Course. Finally, Mr. Weigand expressed a general Thank You to the Township for working together with the Village on both Police and Service matters. He believes this collaboration is the best solution for the taxpayers and the communities.

MAYOR'S REPORT: The Mayor stated he had nothing to report.

SOLICITOR'S REPORT:

2020 Proposed Meeting Schedule:

Mr. Bryan stated the proposed Village meeting and holiday schedule for 2020 is enclosed in everyone's packet. Mr. Kaplan pointed out the Independence Day holiday is listed as Saturday July 4 on the schedule rather than indicating that the Village employee holiday is July 3. Mr. Bryan stated he would have Mr. Kuboff make that correction and have the schedule posted.

Army Corps Directive Update: The Village received an additional thirty-day extension until

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October 30, 2019. The Council Committee and McCabe Engineering met earlier today and are continuing to work towards a solution.

LEGISLATION:

Third Reading:

Resolution No. 11-2019

Requested by Councilperson Kaplan

A Resolution Authorizing the Adoption of Rules of Council

Council agreed to hold further discussion on the Rules of Council until the end of the meeting.

Ordinance No. 21-2019

Requested by Councilperson Weigand

An Ordinance Establishing Chapter 1119 of the Zoning Code Relating to the Conservation/Recreation District and Overlay.

A Public Hearing took place today on Resolution No. 21-2019 at 6:30 p.m. before the Regular Council Meeting. Mr. Weigand requested that Council hold off on voting on this legislation to allow the Ordinance to be discussed and modified, if necessary, based upon input from today's Public Hearing.

Resolution No. 22-2019

Requested by Councilperson Weigand

A Resolution Supporting and Approving the Village Planning Commission's 2019 Long Range Plan Update.

Mr. Weigand made a motion to pass Resolution No. 22-2019 that was seconded by Ms. Holody. Mr. Kaplan stated he objected to the legislation as drafted. He stated Council should only state it supports and/or approves the Planning Commission's efforts in completing the Long Range Plan Update but not adopt or approve the Plan itself, because that action is within the Planning Commission's, not Council's, authority under the Ohio Revised Code. It was decided that Mr. Kaplan, Mr. Weigand, and Mr. Bryan will work on revisions to the Resolution and prepare a revised version for the next Council Meeting. Mr. Bryan will also run the agreed upon language by Ms. McMahan, the Village planning consultant.

The Mayor stated the next step is to synchronize the Zoning Code with the recommendations from the Long Range Plan Update.

Second Reading: None

First Reading:

Resolution No. 24-2019

Requested by Fiscal Officer Deborah Wordell and Solicitor Brad Bryan.

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

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A motion was made by Mr. Kaplan to suspend the Three Reading Rule that was seconded by Mr. Weigand.

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

A motion was made by Ms. Holody to adopt the Resolution that was seconded by Mr. Schneider.

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

Resolution No. 25-2019

Requested by Fiscal Officer Deborah Wordell

A Resolution Authorizing Certain Amendments to the 2019 Appropriation Resolution

There are two amendments requested. The first one is the guardrail repair from 2017 for \$28,450, and second, an additional \$15,000 for 2019 Service Department employee costs. A motion was made by Mr. Kaplan to suspend the Three Reading Rule that was seconded by Mr. Schneider.

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

A motion to pass the Resolution was made by Mr. Schneider that was seconded by Mr. Weigand.

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

Resolution No. 26-2019

Requested by Councilperson Schneider and Police Chief Joseph Varga

A Resolution Authorizing the Mayor to Enter into an Agreement with the Summit County Sheriff's Office to Remain a Summit County OVI Task Force Member

Mr. Bryan explained the old agreement expired September 30, 2019. All of the Village's expenses with respect to participation in the task force are reimbursed by the task force. A motion was made by Mr. Kaplan to suspend the Three Reading Rule that was seconded by Mr. Weigand.

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

A motion was made by Mr. Schneider to adopt the Resolution that was seconded by Mr. Kaplan.

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

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Resolution No. 27-2019

Requested by Mayor Mayer and Solicitor Bryan

A Resolution Authorizing the Approval and Adoption of the 2018 Summit County Hazard Mitigation Plan.

Mr. Bryan explained the County is required to pass a Hazard Mitigation Plan every 5- years in order to be eligible for any disaster relief from FEMA. The Village approved the Plan that was adopted five years ago. This Plan is an update of that former Plan. A motion was made by Mr. Kaplan to suspend the Three Reading Rule that was seconded by Mr. Schneider.

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

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

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

REPORTS:

FISCAL OFFICER'S REPORT:

Fiscal Officer Wordell resigned as of October 14, 2019. Mr. Bryan stated he has already drafted the job posting language and stated, unless Council objects, he would post the job opening on the pertinent government financial officer organization websites. It was decided that the Mayor and Finance Committee members should be involved in the interviews. Mr. Kaplan suggested that the incoming Mayor also be invited to sit in.

Consideration of Minutes:

September 9, 2019 Special Council Meeting: Ms. Holody made a motion to approve the September 9, 2019 Special Council Meeting Minutes that was seconded by Mr. Weigand.

Roll Call Vote: Mr. Fisher, yes; Mr. Kaplan, abstain; Ms. Holody, yes; Mr. Weigand, yes; Mr. Schneider, yes. The minutes were approved.

September 9, 2019 Regular Council Meeting: Ms. Holody made a motion to approve the September 9, 2019 Regular Council Meeting Minutes that was seconded by Mr. Schneider.

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

FINANCE LIAISON, MS. HOLODY:

A motion for Acknowledgement of Receipt of the Financial Reports was made by Ms. Holody and seconded by Mr. Kaplan.

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

A motion for Ratification of the Payment of Submitted Bills List was made by Ms. Holody and seconded by Mr. Schneider.

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

POLICE LIAISON, MR. SCHNEIDER: The Mayor reported the Police contract with the Township has not been signed by Ms. Wordell or himself. The Mayor stated the Village originally provided three contracts and later a fourth contract for the Township, but the Township rejected all of them. The Township, in turn, submitted a fifth offer back to the Village, and Council approved that contract (Resolution No. 23-2019). The Mayor stated he objects to the contract terms and does not believe it is in the best interest of the Village. Solicitor Bryan asked the Mayor if he is refusing to sign the contract. The Mayor responded "Yes." Mr. Kaplan asked the Mayor "Are you going to sign this Doug or are we going to take you to court?" The Mayor stated, "Take me to court." Mr. Kaplan then reminded the Mayor that his role now is nothing more than ministerial and he has no voice in this matter. Council took action, and Council passed the Resolution. Mr. Kaplan added the Mayor needs to sign it voluntarily or he will be mandated to do so by a court order. He and Mr. Bryan stated the Mayor does not have a veto and his signature simply acknowledges Council's approval of the Resolution.

The Mayor believes, under the contract, the Village will bear the burden of paying a portion of the Township's police protection. He also stated Council has not taken action to reduce the budget, and at this rate, he is concerned about the financial threat the Village will face in three years. He also believes Council is not working in the best interests of the Village. The Mayor stated he will sign the Police contract, but wanted it understood the public is being misled and it should not be signed. Mr. Kaplan thanked the Mayor and stated we, Council, want the contract signed and put into effect.

ROADS AND PUBLIC WORKS LIAISON, MR. MATUSZ:

Ms. Holody reported two driveway aprons at 1749 & 1755 Main Street are falling apart compared to all the other surrounding O.D.O.T. aprons. The residents would like to understand why their aprons are falling apart and get help in repairing them. The Mayor will ask Mr. Matusz to look into the matter. Also, Ms. Holody stated O.D.O.T. has erected the Truck Route signs on I271. The Rt. 8 signs will be put up next year after the construction is complete. Council also discussed sending an informative letter to the 20 trucking companies in Richfield and on Rt. 8 asking them not to use 303 as a cut through between I271 and Rt. 8. Mr. Bryan was directed to prepare a letter to the companies for the Mayor and Police Chief to sign and send to the different trucking companies.

Ms. Holody asked when the stone on Bishop Lane will be done. She stated she will talk with Mr. Matusz, since he is the Roads and Public Works Liaison. The Mayor stated the work should have been done already.

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Mr. Bryan discussed a draft of an ordinance he prepared to provide a uniform allowance for the Service Department employees that is not on the agenda. It was requested by Councilpersons Schneider and Matusz Friday afternoon. After a short discussion, it was determined that Mr. Bryan should discuss this matter with the Mayor and Mr. Matusz and prepare a revised version of the Ordinance for the November Council Meeting.

PLANNING COMMISSION, MR WEIGAND: Mr. Weigand reported the Commission requested that further discussions take place between the Village and the Conservancy regarding the Players Barn. Preliminary discussions are taking place about the idea of closing Mill Street to automobile traffic and turning it into a pedestrian area. On October 4, 2019, several members of the Village Leadership attended the American Planning Association Ohio Planning Conference. It was very informative. Last, a Public Hearing on Ordinance No. 21-2019 was held before today's Regular Council Meeting. The comments received at the Public Hearing will be discussed at this month's Planning Commission Meeting.

WASTEWATER: No report.

ZONING: Mayor Mayer stated the property owner at 6128 Riverview Road is allowing someone to live in a trailer on the premises. The property owner is not cooperating, and the Mayor must now look at other means to address the issue.

BOARD OF ZONING APPEALS: The Mayor reported there are still two seats available on the Board of Zoning Appeals.

BUILDING AND GROUNDS, MR. FISHER: Mr. Fisher advised Council that Timeless Landscapes will start the week of October 21, 2019 to replace the broken sandstone in front of Village Hall. Mr. Kaplan would like Timeless Landscapes to also look at the existing stones at the entrance of the Village Hall. The gaps between the stones have become too large, and the last step needs to be pushed forward.

CHAMBER OF COMMERCE & ECONOMIC DEVELOPMENT LIAISON, MR. WEIGAND: Mr. Weigand stated the Cuyahoga River is now officially designated a State Water Trail. The Peninsula Art Academy will have the Plein Air event on October 18 & 20, with a Community reception on October 26, 2019 from 6:00-9:00 p.m. The Peninsula Area Chamber of Commerce website will officially be changing from 'Explorepeninsula.com' to 'Peninsulaohio.com'. Christmas in Peninsula is under way with a mini tree exhibition at the Library. Trees should be dropped off between November 18 and 29, 2019. On the Economic side, Martini Skate and Snow will close as of October 16, 2019, creating a vacancy downtown.

POLICIES AND PROCEDURES LIAISON, MR. KAPLAN:

Resolution No. 11-2019; A Resolution Authorizing the Adoption of Rules of Council

Council continued the Rules discussions where it left off last meeting at Rule 11. After working through all 17 Rules, Mr. Bryan was directed to make all agreed upon changes and submit them in final form for the November Council meeting. Ms. Holody, as well as others on

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Council, felt a trial period for these Rules is necessary. Modifications can be made later if required. Council also believes these Rules should be re-examined yearly and adjusted if necessary.

FIRE BOARD, MR. SCHNEIDER: Mr. Schneider reported over 200 people came to the steak dinner on October 5. The Fire Department is now in the process of ordering a new Fire Truck.

CEMETERY BOARD, MR SCHNEIDER: The cemetery is looking to purchase a new towable leaf blower. The next Board Meeting is scheduled for October 17.

JEDD, MR. SCHNEIDER: The JEDD fund is up 8% in 2019 from year to date.

UNFINISHED BUSINESS:

Council Committee on Service Department Collaboration, Consolidation, and/or Contract with Boston Township Report:

The Mayor stated they are still working on the contract with the Township for the Service Department. There will be a meeting at the Township Hall on October 23, 2019 at 6:00 p.m. Ms. Holody pointed out the Township agreement does not cover certain maintenance items that will need to get done and asked if a handyman should be hired to help the Village.

Necessary Space Site Plan Layout for Land Swap Discussions with CVNP for Possible Service Department Headquarters:

The Mayor stated the Conservancy and Trust for Public Land will be purchasing the Golf Course property. Ms. Holody stated the Planning Commission is working on a shared interest committee where one member from each of the following entities is involved; CVNP, the Conservancy, the Village Chamber of Commerce, Planning Commission, Council, the Mayor, and a Resident. In February, 2019, Ms. Holody, along with the Solicitor and Councilman Schneider met with the CVNP about a future site for the Village Service Garage, possible sewer plant, and additional parking for downtown. The Park stated it would like to see a site plan drawing depicting how much space the Village needs. Ms. Holody acquired two quotes for the work, one from Peninsula Architects and one from Rick Hawksley AIA Architect. Both Mr. Kaplan and Mr. Weigand stated they felt a \$5,000 drawing expense is premature at this time without first engaging in more conversation. Everyone agreed that now is the time to work closely with the Conservancy on the Golf Course land opportunity. The Mayor agreed to contact the Conservancy to discuss the matter.

Republic Waste Service Proposals: Mr. Bryan stated he spoke with the Republic representative to follow up from an earlier Council Meeting. The Waste Haulers are currently in discussions with Summit County Solid Waste to enter into a mutual understanding as to what should be recyclable and what should not be recyclable. If that matter is resolved, Republic is planning on attending the November Council meeting to go over the Village's Trash and Recycling options. Mr. Kaplan suggested on Election Day in November, Republic set up a public recycle information visual at the Library.

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Village Hall Structural Issues: No report.

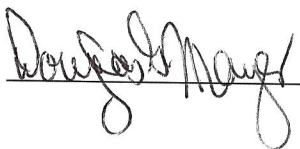
NEW BUSINESS: None.

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 9:46 p.m.

Respectfully submitted:

Douglas G. Mayer, Mayor

Date



11-11-19

Fiscal Officer



11/14/19