



Village of Peninsula

AGENDA
REGULAR MEETING OF COUNCIL
April 13, 2020
7:00 p.m.
Electronic Meeting Via Zoom Meeting

CALL TO ORDER

ROLL CALL

PRESENTATION OF AGENDA AND AMENDMENT OF THE AGENDA

PRESENTATION AND CONSIDERATION OF RECORD OF PROCEEDINGS
March 9, 2020 Regular Council Meeting Minutes

SPECIAL MATTERS AS DETERMINED BY THE CHAIR

REPORTS

Mayor Daniel Schneider, Jr.

Fiscal Officer Trevor Elkins

Street Commissioner Douglas Anderson

Finance Liaison Richard Fisher, Jr.

Acknowledgement of Receipt of Financial Reports
Ratification of Submitted Bills List

Police Department Liaison Daniel Schneider, Sr.

Roads and Public Works Liaison

Planning Commission Representative Christopher Weigand

Zoning: Mayor Schneider

Board of Zoning Appeals: Mayor Schneider
Board Vacancy

Buildings and Grounds Liaison John Krusinski

Chamber of Commerce & Economic Development Liaison Christopher Weigand

Policies & Procedures Liaison Michael J. Kaplan

Fire Board: Daniel Schneider, Sr.

Cemetery Board: Daniel Schneider, Sr.

JEDD

Wastewater

April 2, 2020 Correspondence from Kurt Princic, District Chief, Ohio EPA Northeast District Office

Solicitor Brad Bryan

LEGISLATION

Third Reading:

Ordinance No. 34-2019

Requested by Councilperson Weigand

An Ordinance Establishing Chapter 1159 of the Zoning Code Relating to Subdivision Regulations

Second Reading: None.

First Reading:

Resolution No. 06-2020

Requested by Fiscal Officer Elkins and Solicitor Brad Bryan

A Resolution Accepting the One Ohio Memorandum of Understanding Regarding the Pursuit and Use of Potential Opioid Litigation Settlement Funds

Resolution No. 07-2020

Requested by Fiscal Officer Elkins and Solicitor Brad Bryan

A Resolution Directing the Summit County Board of Elections to Place a 3 Mill, Five Year, Road Tax Renewal Levy on the November 3, 2020 General Election Ballot

Resolution No. 08-2020

Requested by Fiscal Officer Elkins and Solicitor Brad Bryan

A Resolution Authorizing the Mayor and Fiscal Officer to Enter Into an Intergovernmental Tax Revenue Sharing Agreement with the City of Cuyahoga Falls and Woodridge Local School District Relating to the Relocation of the Woodridge Intermediate School

UNFINISHED BUSINESS

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

Republic Services Proposal to Amend Trash and Recycling Hauling Contract

Village Hall Structural Issues

NEW BUSINESS

ADJOURNMENT

**DRAFT RECORD OF PROCEEDINGS
THEY ARE UN-OFFICIAL AND SUBJECT TO CHANGE
RULES OF COUNCIL RULE 10 SECTION 1**

Held: Monday, March 9, 2020

CALL TO ORDER; PLEDGE OF ALLEGIANCE: The Village of Peninsula Council convened at 7:00 p.m. in the Peninsula Village Hall. Mayor Daniel Schneider, Jr. called the meeting to order followed by the Pledge of Allegiance. The following members were present.

COUNCIL MEMBERS:

Mayor Daniel Schneider, Jr.	Present	John Krusinski	Present
Richard Fisher, Jr.	Present	Chris Weigand	Present
Michael J. Kaplan	Present	Daniel Schneider, Sr.	Present

OTHERS PRESENT: Solicitor Brad Bryan and Fiscal Officer Trevor Elkins.

PRESENTATION OF AGENDA AND AMENDMENT OF THE AGENDA: No amendments.

PRESENTATION AND CONSIDERATION OF RECORD OF PROCEEDINGS:

February 10, 2020 Council Meeting Minutes: Mr. Kaplan made a motion to approve the Minutes for the February 10, 2020 Regular Council Meeting that was seconded by Mr. Schneider.

Roll call vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Krusinski, yes; Mr. Weigand, yes; Mr. Schneider, yes. The Minutes were approved.

SPECIAL MATTERS AS DETERMINED BY THE CHAIR:

Council Vacancy Appointment: Mr. Bryan stated today is the last day for Council to make an appointment to the vacant Council seat. Beginning March 10, 2020, the authority to make the appointment will revert to the Mayor. Council determined it would not take action on this matter and let the Mayor make the appointment.

CITIZENS PARTICIPATION: Randall Roberts, a Board Member of the Buckeye Trail Association, introduced himself to Council. He stated the Association is a non-profit organization founded in 1959 that maintains 1400 miles of trails around the State of Ohio. Mr. Roberts stated the Association will be holding the Akron-Buckeye Trail Fest at Camp Manatoc from April 30-May 3, 2020. Mr. Roberts came to the meeting to promote the Trail Fest and ask the Village to become an Official Buckeye Trail Town. There are currently 15 Official Buckeye Trail Towns in Ohio. The Association is also looking for Trail Fest sponsors. Mr. Weigand took the information and stated he would provide it to the Village's Chamber of Commerce.

REPORTS:

Mayor Daniel Schneider Jr.: The Mayor stated on March 6, 2020, he met with both Ohio Senator Kristina Roegner and Catey Breck, the Economic Development Coordinator from U.S. Representative Tim Ryan's office. Their discussions focused on Village wastewater issues and the Villages' need for help, since it is situated in the middle of the National Park with millions of visitors every year. The Mayor stated he has also had discussions with the Health Department over the Coronavirus. Currently, the Health Department has established a system where it is monitoring anyone with symptoms on a 14-day home quarantine. The symptoms include: dry

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cough, fever & chills, and trouble breathing. If anyone exhibits these symptoms, they should contact a physician and get help. As the Village receives further information, it will inform the public.

Fiscal Officer Trevor Elkins:

2020 Budget: Mr. Elkins summarized for Council the final 2019 Fiscal Year Income, Expenditures, and Allocations. At the last Council meeting, Mr. Elkins was asked for clarification as to approximately how much Ordinance 04-2020, relating to seasonal employee call back pay, would cost the Village this year. After reviewing historical figures, Mr. Elkins stated, with an average winter, the Ordinance would cost the Village approximately \$500 per year.

Fuel Purchase Agreement with Boston Township: Mr. Kaplan made a motion to approve the Fuel Purchase Agreement between Boston Township and the Village that was seconded by Mr. Schneider.

Roll call vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Krusinski, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was approved.

Street Commissioner Douglas Anderson: The Mayor stated the Street Commissioner and Service Department are working on a priority list for repairs that can be made as the budget allows. The Street Commissioner is also checking into the cost of having a street sweeping company clean up the streets, since that has not been done recently.

Finance Liaison Richard Fisher, Jr.:

Acknowledgement of Receipt of Financial Reports: Mr. Fisher made a motion for the Acknowledgement of Receipt of the Financial Reports that was seconded by Mr. Kaplan.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Krusinski, yes; Mr. Weigand, yes; Mr. Schneider, yes. The motion was approved.

Ratification of Submitted Bills List: Mr. Fisher made a motion for Ratification of the Submitted Bills List that was seconded by Mr. Kaplan.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The motion was approved.

Police Department Liaison Daniel Schneider, Sr.: Mr. Schneider reported Cruiser #2, the oldest police vehicle in the fleet, needs a new water pump at a cost of \$1,230. Chief Varga would also like to trade in Car #2 for a new 2020 Ford Interceptor. The Police Department budgeted in 2019 to purchase a new vehicle but did not due to one of the cruisers being totaled in a crash. The offender's insurance covered the cost of the new cruiser and its equipment. The cost of a new 2020 Ford Interceptor with the police equipment installed is \$31,921. Additional equipment that was lost in the fire will also need to be purchased for \$2,800.

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Mr. Schneider made a motion to replace the cruiser water pump at a cost of \$1,230 that was seconded by Mr. Krusinski.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The motion was approved.

A motion was made by Mr. Schneider to authorize the trade-in of Cruiser #2 that was seconded by Mr. Kaplan.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The motion was approved.

A motion was made by Mr. Schneider to authorize the purchase of a new police vehicle and the amount to outfit the vehicle for police use in an amount not to exceed \$37,000 that was seconded by Mr. Krusinski.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The motion was approved.

Macedonia Jail Contract: Mr. Schneider stated Chief Varga would like to enter into a jail contract with the City of Macedonia as a back up to Richfield if the Richfield jail is not available. Mr. Bryan stated he reviewed the contract, and it is Macedonia's standard jail contract it uses with all of the communities served by its jail. The price is \$5 per day less than Richfield. Mr. Schneider made a motion to approve the agreement that was seconded by Mr. Weigand.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The motion is approved.

Roads and Public Works Liaison:

Boston Township Service Garage Lease: The Township has agreed to extend the Village's original lease from April 1, 2020 until June 30, 2020. A motion to authorize the extension of that lease was made by Mr. Schneider and seconded by Mr. Krusinski.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The motion was approved.

Stuver Auto Spring Company Repair: Mayor Schneider requested approval of the quote from Stuver Auto Spring Company to install two rear leaf springs on the F-550 Dump Truck. A motion was made by Mr. Kaplan and seconded by Mr. Schneider.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The motion was approved.

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Republic Waste Services Proposal: Due to the increase in recycling processing costs, Republic submitted a proposal to the Village that would require recycling pick-up every other week rather than every week. The proposal involved a contract extension and slightly reduced pricing. The average savings per household would be approximately \$12 per year. Council determined that this matter would be reviewed and discussed at the April Council Meeting.

Planning Commission Representative Christopher Weigand: Mr. Weigand stated the Planning Commission is still working on updating the Zoning Code. Mr. Bryan stated all the updates should be completed in the next 2-3 months. Mr. Weigand reported the Planning Commission will be putting together a committee to survey the sidewalks and recommend a uniform policy.

Zoning: Mayor Schneider stated he is still looking for a Zoning Inspector.

Board of Zoning Appeals: The Mayor stated the Board of Zoning Appeals would like to meet. It has been several years since the Board met, and everyone would like to meet the new members.

Buildings and Grounds Liaison John Krusinski: Nothing to report.

Chamber of Commerce & Economic Development Liaison Christopher Weigand: Mr. Weigand stated the Chamber of Commerce will most likely not close Mill Street due to the lack of vendor participation for Ramp Up Peninsula on Saturday, April 25, 2020.

Policies & Procedures Liaison Michael J. Kaplan: Mr. Bryan stated Council already voted to waive the employee health care payroll deduction for the first quarter of the year. Waiving the deductions for the four full-time employees for the entire year would cost the Village a total of \$1,500. One fourth of that amount has already been waived. If the deductions are waved for the remainder of the year, it would cost the Village an additional \$1,125. Mr. Kaplan stated he does not want the deduction to be automatically waived each year, but to be reconsidered each year. Councilmember Kaplan made a motion to waive the payroll deductions for the balance of 2020 that was seconded by Mr. Schneider.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The motion was approved.

Fire Board Liaison Daniel Schneider, Sr.: Mr. Schneider stated they are still interviewing for a Lieutenant position. The Department is expecting the new fire truck to arrive in July. The Department is working with the Boston Heights Safety Committee to split the cost of some new equipment. After the truck arrives, no new large equipment is thought to be needed for the next three years. There is great cooperation between the communities.

Cemetery Board Liaison Daniel Schneider, Sr.: Mr. Schneider stated new grass seed has been planted.

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JEDD: Mr. Schneider stated the Village needs to appoint another member to the JEDD Board. Mr. Krusinski volunteered for the position. The next JEDD Board Meeting will take place on April 22, 2020. Mr. Weigand made a motion to appoint John Krusinski to the JEDD Board that was seconded by Mr. Schneider.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The motion was approved.

Wastewater:

February 25, 2020 Wastewater Committee Meeting: Mayor Schneider stated members of the Committee met with the Summit County Health Department on March 6, 2020 and will meet with the Summit County Department of Sanitary Services on the morning of March 10, 2020, followed by a Public Meeting at 5:00 p.m. at Village Hall. All public meeting minutes are posted on the Village website.

Solicitor Brad Bryan:

Army Corps Directive Update: Mr. Bryan stated the Village received another 30-day extension from the Army Corps of Engineers. All parties involved are in communication and looking into how to best remedy the violation.

LEGISLATION:

Third Reading:

Ordinance No. 34-2019

Requested by Councilperson Weigand

An Ordinance Establishing Chapter 1159 of the Zoning Code Relating to Subdivision Regulations. The Ordinance was read by title by Mr. Bryan. Mr. Bryan stated minor adjustments were made based upon the input received at the Public Hearing. The Planning Commission reviewed the changes at its last meeting and approved them. Mr. Fisher requested additional time to review the Ordinance, and Council agreed to wait to vote on the Ordinance until the April Council Meeting.

Resolution No. 01-2020

Requested by Councilperson Matusz

A Resolution Reappointing Bradric Bryan of Goodwin & Bryan, LLP as the Village's Solicitor and Prosecutor for a Term Commencing on April 1, 2020 and Ending on March 31, 2021. The Resolution was read by title by Mr. Bryan. A motion to adopt Resolution No. 01-2020 was made by Mr. Kaplan and seconded by Mr. Weigand.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The Resolution was adopted.

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Second Reading:

Resolution No. 03-2020

Requested by Solicitor Bryan and Fiscal Officer Elkins

A Resolution Requesting the County Fiscal Officer to Certify to the Village of Peninsula the Amount a 3 Mill, Five Year, Road Tax Renewal Levy Would Generate for the Village.

The Resolution was read by title by Mr. Bryan. A motion was made by Mr. Kaplan to suspend the three-reading rule that was seconded by Mr. Schneider.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The motion was approved.

Mr. Kaplan made a motion to adopt that was seconded by Mr. Schneider.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The Resolution was adopted.

Resolution No. 04-2020

Requested by Mayor Schneider

An Ordinance Amending Section 147.08 of the Administrative Code Relating to Call Back Pay. The Ordinance was read by title by Mr. Bryan. Mr. Bryan stated this Ordinance will only apply to the seasonal employee and is retroactive to January 1, 2020. Mr. Elkins reiterated the estimated cost to the Village in a typical winter would be \$500. Mr. Schneider made a motion to suspend the three-reading rule that was seconded by Mr. Krusinski.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The motion was approved.

Mr. Schneider made a motion to pass Resolution No. 04-2020 that was seconded by Mr. Krusinski.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The Resolution was adopted.

First Reading:

Resolution No. 05-2020

Requested by Fiscal Officer Elkins

A Resolution Establishing the Annual Operating Budget and Setting Forth the Appropriations for 2020

The Resolution was read by title by Mr. Bryan. Mr. Kaplan made a motion to suspend the three-reading rule that was seconded by Mr. Schneider.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The motion was approved.

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Mr. Fisher made a motion to pass Resolution No. 05-2020 that was seconded by Mr. Schneider.

Roll call Vote: Mr. Kaplan, yes; Mr. Fisher, yes; Mr. Weigand, yes; Mr. Krusinski, yes; Mr. Schneider, yes. The Resolution was adopted.

UNFINISHED BUSINESS:

Necessary Space Site Plan Layout for Land Swap Discussions with CVNP for Possible Service Department Headquarters: The Mayor stated that Mr. Krusinski is working with C.J. Jones to get an understanding of what type of building the Village can construct based on the price per square foot. The Mayor is looking at all viable locations.

Village Hall Structural Issues: The Mayor indicated the Village Hall does not have major structural issues for its age. He is still looking into the matter for complete verification.

NEW BUSINESS: The Mayor has been contacted about a proposal to reroute the Valley Bridal Trail through a 30' right of way owned by the Village. This matter will be added to the Planning Commission Agenda.

EXECUTIVE SESSION (as needed): None.

ADJOURNMENT: A motion to adjourn was made by Mr. Kaplan and seconded by Mr. Weigand. All were in favor of the motion; none were opposed. The meeting was adjourned at 8:23 p.m.

Respectfully submitted:

Daniel Schneider Jr., Mayor

Date

Trevor Elkins, Fiscal Officer

**DRAFT RECORD OF PROCEEDINGS
THEY ARE UN-OFFICIAL AND SUBJECT TO CHANGE
RULES OF COUNCIL RULE 10 SECTION 1**

Fund Status

As Of 4/9/2020

Fund Number	Fund Name	% of Total Pooled	Fund Balance	Investments (Non-Pooled)	Checking & Pooled Investments (Pooled)
1000	General		\$574,356.86	\$0.00	\$574,356.86
2011	Street Construction, Maint. and Repair		\$23,835.21	\$0.00	\$23,835.21
2021	State Highway		\$10,424.32	\$0.00	\$10,424.32
2051	Federal Grant - CVNP		\$3,499.70	\$0.00	\$3,499.70
2052	Major Road Federal Grant		\$60.00	\$0.00	\$60.00
2053	FEMA Grant Fund		\$94.52	\$0.00	\$94.52
2081	Drug Law Enforcement		\$271.54	\$0.00	\$271.54
2091	Law Enforcement Trust(LEEF)		\$8,291.42	\$0.00	\$8,291.42
2101	Permissive Motor Vehicle License Tax		\$29,275.76	\$0.00	\$29,275.76
2901	Road Levy Fund		\$62,958.45	\$0.00	\$62,958.45
2902	Police Levy Fund		-\$5,250.35	\$0.00	-\$5,250.35
2903	Court Computer Fund		\$0.00	\$0.00	\$0.00
2905	WINDOW REPLACEMENT FUND		\$5,306.00	\$0.00	\$5,306.00
4901	Akron-Peninsula Road		\$67.00	\$0.00	\$67.00
4902	CVNP Capital Grants		\$1,368.86	\$0.00	\$1,368.86
4903	SD Replacment Fund		\$382,152.51	\$0.00	\$382,152.51
4904	South Canal Street		\$1,176.00	\$0.00	\$1,176.00
5201	Sewer Operating		\$0.00	\$0.00	\$0.00
5202	Sewer Operating		\$44.00	\$0.00	\$44.00
9101	Unclaimed Monies		\$0.00	\$0.00	\$0.00
9901	Mayors Court Agency		\$296.00	\$0.00	\$296.00
9902	JEDD Agency Fund		\$4,276.82	\$0.00	\$4,276.82
All Funds Total			<u>\$1,102,504.62</u>	<u>\$0.00</u>	<u>\$1,102,504.62</u>
Pooled Investments					\$6,061.66
Secondary Checking Accounts					\$65,823.92
Available Primary Checking Balance					\$1,030,619.04

Last reconciled to bank: 12/31/2019 – Total other adjusting factors: \$2,049.09

It is good practice to reconcile account balances with the bank every month. A current reconciliation should be posted for your financial records and for auditing purposes.

One or more values are negative. The % of Total Pooled cannot be accurately calculated.

VILLAGE OF PENINSULA, OHIO
ORDINANCE NO.: 34-2019
INTRODUCED BY: _____
DATE PASSED: _____

**AN ORDINANCE ESTABLISHING CHAPTER 1159 OF THE ZONING CODE
RELATING TO SUBDIVISION REGULATIONS**

WHEREAS, the Village's Zoning Code does not presently contain subdivision regulations; and

WHEREAS, the Village's Long Range Plan Update recommends that the Village incorporate subdivision regulations into its Zoning Ordinance; and

WHEREAS, in accordance with that recommendation, Council desires to guide and regulate the subdivision and development of land in order to provide for the orderly development of land, preserve the small town character of the Village, encourage more efficient use of land and public services through unified development, preserve the natural beauty and topography of the Village and insure appropriate development with regard to those natural features, establish reasonable standards of design, insure safe and convenient vehicular access, protect and conserve the value of land, ensure that land to be subdivided shall be of such character that it can be used safely for building purposes, and coordinate land development in accordance with the Zoning Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Peninsula, Summit County, Ohio, to wit:

SECTION 1. Council hereby establishes and enacts Chapter 1159 of the Zoning Code titled Subdivision Regulations as set forth in the attachment to this legislation.

SECTION 2. All formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in force as of the earliest date permitted by law.

SECTION 4. Effective Date. This Ordinance shall take effect on the _____ day of _____, 2019.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2019.

ORDINANCE 34-2019
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Passed:

Douglas G. Mayer, Mayor

Attest:

Trevor K. Elkins, Fiscal Officer

Approved as to Legal Form.

Bradric T. Bryan, Solicitor

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly passed by the Council of the Village of Peninsula, at a meeting held on the _____ day of _____, 2019.

Trevor K. Elkins, Fiscal Officer

Posting Certificate

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, hereby certify that there is no newspaper published in the Municipality, and publication of the foregoing Ordinance was made by posting true and accurate copies thereof at five of the most public places in the Village as previously determined by Council, each for a period of at least fifteen days, commencing on the _____ day of _____, 2019, as follows:

1. Terry Lumber & Supply;
2. Valley Fire District;
3. Peninsula Library & Historical Society;
4. Peninsula Village Hall Lobby; and
5. Peninsula Post Office.

Trevor K. Elkins, Fiscal Officer

VILLAGE OF PENINSULA, OHIO
RESOLUTION NO.: 06-2020
INTRODUCED BY: _____
DATE PASSED: _____

**A RESOLUTION ACCEPTING THE ONE OHIO MEMORANDUM OF
UNDERSTANDING REGARDING THE PURSUIT AND USE OF POTENTIAL OPIOID
LITIGATION SETTLEMENT FUNDS**

WHEREAS, the Village of Peninsula, Ohio ("Peninsula") is a municipal corporation formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance, and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted a One Ohio Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, nothing in the MOU binds any party to a specific outcome; and

WHEREAS, any resolution under the MOU will require acceptance by the State of Ohio and the Local Governments; and

WHEREAS, Council understands that the purpose of the MOU is to permit collaboration between the State of Ohio and Local Governments in order to explore and potentially effectuate an earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

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WHEREAS, Council understands that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and method that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio; and

WHEREAS, Council desires to agree to the non-binding Memorandum of Understanding.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Peninsula, Summit County, Ohio, to wit:

SECTION 1. The Village Solicitor is authorized to accept the One Ohio Memorandum of Understanding that is attached hereto on behalf of the Village of Peninsula.

SECTION 2. All formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution shall take effect and be in force as of the earliest date permitted by law.

SECTION 4. Effective Date. This Resolution shall take effect on the _____ day of _____, 2020.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2020.

Passed:

Daniel Schneider, Jr., Mayor

Attest:

Trevor K. Elkins, Fiscal Officer

Approved as to Legal Form.

Bradric T. Bryan, Solicitor

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly passed by the Council of the Village of Peninsula, at a meeting held on the _____ day of _____, 2020.

Trevor K. Elkins, Fiscal Officer

Posting Certificate

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, hereby certify that there is no newspaper published in the Municipality, and publication of the foregoing Resolution was made by posting true and accurate copies thereof at five of the most public places in the Village as previously determined by Council, each for a period of at least fifteen days, commencing on the _____ day of _____, 2020, as follows:

1. Terry Lumber & Supply;
2. Valley Fire District;
3. Peninsula Library & Historical Society;
4. Peninsula Village Hall Lobby; and
5. Peninsula Post Office.

Trevor K. Elkins, Fiscal Officer

VILLAGE OF PENINSULA, OHIO
RESOLUTION NO.: 07-2020
INTRODUCED BY: _____
DATE PASSED: _____

**A RESOLUTION DIRECTING THE SUMMIT COUNTY BOARD OF ELECTIONS TO
PLACE A 3 MILL, FIVE YEAR, ROAD TAX RENEWAL LEVY ON THE NOVEMBER 3,
2020 GENERAL ELECTION BALLOT**

WHEREAS, Village Council has determined it is necessary to levy a tax outside the ten-mill limitation set forth in O.R.C. Section 5705.02 for other purposes authorized by the Ohio Revised Code; and

WHEREAS, a 3 mill, five year, road tax levy that was adopted by the Village electorate in November of 2015 is presently in effect, and that levy will expire at the end of 2020; and

WHEREAS, Council desires for the Village electorate, at the November 3, 2020 General Election, to renew that tax levy, which is for the benefit of the Village for the purpose of general construction, reconstruction, resurfacing, and repair of Village streets and roads pursuant to O.R.C. Section 5705.19(G), upon the entire territory of the Village, which is located wholly within the County of Summit, Ohio, for an additional five year term, at the existing rate of 3 mills for each one dollar valuation, which amounts to 30 cents for each one hundred dollars valuation, commencing in year 2021 and first due in calendar year 2022; and

WHEREAS, pursuant to O.R.C. Section 5705.03(B)(1), before certifying the levy to the County Board of Elections for placement on the ballot, Council is required to request the County Fiscal Officer to certify to the Village the total dollar amount of revenue the above described road tax renewal levy would generate for the Village; and

WHEREAS, on March 9, 2020, Council adopted Resolution No. 03-2020, which is attached hereto as Exhibit A, requesting the County Fiscal Officer to certify the current tax valuation of the subdivision and the amount of revenue that would be produced by a 3 mill renewal levy for road purposes pursuant to O.R.C. Section 5705.19(G); and

WHEREAS, Resolution No. 03-2020 was reviewed by the County Fiscal Officer on March 24, 2020; and

WHEREAS, on March 27, 2020, the County Fiscal Officer provided the Village with a Certificate of Estimated Property Tax Revenue and Calculation of Revenue Worksheet, which are attached hereto as Exhibit B, indicating that the estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of the Village remains constant throughout the life of the levy, is calculated to be \$62,815 and the total tax valuation of the Village used in calculating the estimated property tax revenue is \$22,877,500.

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NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Peninsula, Summit County, Ohio, to wit:

SECTION 1. Based upon the forgoing, Council hereby and herein directs the Summit County Board of Elections to place a 3 mill, five year, road tax renewal levy on the November 3, 2020 General Election Ballot for consideration by the entire electorate of the Village of Peninsula. Such renewal tax levy is in excess of the 10.00 mill limitation set forth in Section 5705.02 of the Ohio Revised Code and is for the benefit of the Village for the purpose of general construction, reconstruction, resurfacing, and repair of Village streets and roads pursuant to O.R.C. Section 5705.19(G). The tax is to be levied upon the entire territory of the Village, which is located wholly within the County of Summit, Ohio, for an additional five year term including the years 2021 through 2025, at the existing rate of 3 mills for each one dollar valuation, which amounts to 30 cents for each one hundred dollars of valuation, commencing in year 2021 and first due in calendar year 2022.

SECTION 2. That the Fiscal Officer or Solicitor is hereby directed to certify a copy of this Resolution to the Board of Elections of Summit County, Ohio, along with the exhibits hereto, and notify said Board to cause notice of the election on levying the within renewal tax to be provided as required by law.

SECTION 3. That the form of the ballot to be cast at the election on the question of said renewal tax levy shall be as authorized by the Summit County Board of Elections and Ohio Secretary of State, but substantially as follows:

RENEWAL TAX LEVY

VILLAGE OF PENINSULA

A MAJORITY AFFIRMATIVE VOTE IS NECESSARY FOR PASSAGE

A renewal of an existing tax levy for the benefit of the Village of Peninsula for the purpose of general construction, reconstruction, resurfacing, and repair of Village streets and roads at the existing rate not exceeding 3 mills for each one dollar of valuation, which amounts to 30 cents for each one hundred dollars of valuation, for a period of five years commencing in year 2021 and first due in calendar year 2022.

_____ FOR THE LEVY

_____ AGAINST THE LEVY

RESOLUTION NO. 07-2020
PAGE THREE

SECTION 4. All formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. This Resolution shall take effect and be in force as of the earliest date permitted by law.

SECTION 6. Effective Date. This Resolution shall take effect on the _____ day of _____, 2020.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2020.

Passed:

Daniel Schneider, Jr., Mayor

Attest:

Trevor K. Elkins, Fiscal Officer

Approved as to Legal Form.

Bradric T. Bryan, Solicitor

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly passed by the Council of the Village of Peninsula, at a meeting held on the _____ day of _____, 2020.

Trevor K. Elkins, Fiscal Officer

RESOLUTION NO. 07-2020
PAGE FOUR

Posting Certificate

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, hereby certify that there is no newspaper published in the Municipality, and publication of the foregoing Resolution was made by posting true and accurate copies thereof at five of the most public places in the Village as previously determined by Council, each for a period of at least fifteen days, commencing on the _____ day of _____, 2020, as follows:

1. Terry Lumber & Supply;
2. Valley Fire District;
3. Peninsula Library & Historical Society;
4. Peninsula Village Hall Lobby; and
5. Peninsula Post Office.

Trevor K. Elkins, Fiscal Officer

VILLAGE OF PENINSULA, OHIO
RESOLUTION NO.: 08-2020
INTRODUCED BY: _____
DATE PASSED: _____

A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN INTERGOVERNMENTAL TAX REVENUE SHARING AGREEMENT WITH THE CITY OF CUYAHOGA FALLS AND WOODRIDGE LOCAL SCHOOL DISTRICT RELATING TO THE RELOCATION OF THE WOODRIDGE INTERMEDIATE SCHOOL

WHEREAS, the Woodridge Local School District ("School District") previously operated an Intermediate School in the Village of Peninsula ("Village"); and

WHEREAS, in 2018, the School District relocated its Intermediate School to the new Woodridge Elementary School building in the City of Cuyahoga Falls ("City"); and

WHEREAS, pursuant to Section 8 of the Summit County Intergovernmental Memorandum of Understanding for Job Creation and Retention and Tax Revenue Sharing ("County Intergovernmental Agreement"), the Village served the City with notice of its intent to claim tax revenue sharing; and

WHEREAS, pursuant to the County Intergovernmental Agreement, the City, Village, and School District desire to enter into an agreement concerning the distribution of tax revenues related to this matter.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Peninsula, Summit County, Ohio, to wit:

SECTION 1. Council hereby authorizes the Mayor and Fiscal Officer to enter into the Intergovernmental Tax Revenue Sharing Agreement that is attached hereto or a version of the Agreement that is substantially similar thereto.

SECTION 2. All formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution shall take effect and be in force after the earliest period permitted by law.

SECTION 4. Effective Date. This Resolution shall take effect on the _____ day of _____, 2020.

RESOLUTION 08-2020
PAGE TWO

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day
of _____, 2020.

Passed:

Daniel Schneider, Jr., Mayor

Attest:

Trevor K. Elkins, Fiscal Officer

Approved as to Legal Form.

Bradric T. Bryan, Solicitor

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly passed by the Council of the Village of Peninsula, at a meeting held on the _____ day of _____, 2020.

Trevor K. Elkins, Fiscal Officer

Posting Certificate

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, hereby certify that there is no newspaper published in the Municipality, and publication of the foregoing Resolution was made by posting true and accurate copies thereof at five of the most public places in the Village as previously determined by Council, each for a period of at least fifteen days, commencing on the _____ day of _____, 2020, as follows:

1. Terry Lumber & Supply;
2. Valley Fire District;
3. Peninsula Library & Historical Society;
4. Peninsula Village Hall Lobby; and
5. Peninsula Post Office.

Trevor K. Elkins, Fiscal Officer



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

RECEIVED
APR 02 2020

BY:

April 2, 2020

Re: **Village of Peninsula
General Correspondence
NPDES
Summit County
8DU00438**

TRANSMITTED ELECTRONICALLY

Mayor Schneider & Council
Village of Peninsula
1582 Main Street
Peninsula, OH 44264

Subject: Peninsula wastewater treatment options

Dear Mayor Schneider & Council:

This letter is in response to the on-going discussions between Ohio EPA, Division of Surface Water and the Village of Peninsula (Village) regarding wastewater issues that exist within the Village.

On January 14, 2020, Ohio EPA Northeast District Office met with Mayor Dan Schneider Jr., Council Members Chris Weigano, Dan Schneider, and the Village Solicitor Brad Bryan, to discuss the most recent sampling conducted by the Ohio EPA and to explore the Village's options to managing wastewater generated within the Village.

The most recent sampling, conducted by the Ohio EPA in September of 2019, revealed that elevated levels of E. Coli are being discharged from the storm sewers in Peninsula into the Cuyahoga River which flows through the Cuyahoga Valley National Park. Ohio EPA's findings agree with previous sampling results, obtained by the Summit County Public Health Department in September of 2018.

During our meeting in January, we reviewed the options to address the unsanitary conditions which include installing a central sewerage system or individually upgrading failing septic systems in the Village, of which there are many. As stated at the end of our January meeting, Ohio EPA expects the Village to reach a decision on how they plan to address the unsanitary conditions within six months. During the meeting, the Village committed to establishing a wastewater committee. We are in receipt of Mayor Schneider's email, dated February 27, 2020, in which he states the Wastewater Committee held their first meeting on February 25, 2020. We understand the Village plans to have a public meeting soon to discuss these options with their residents and are encouraged by these developments.

Although both above-mentioned options are available, Ohio EPA strongly believes the installation of a central sewerage system is the best approach. The centralized sewerage system would provide a permanent solution to the Village's wastewater treatment concerns while individual

systems would only provide a temporary solution, as individual systems often only have a useful lifetime of approximately 20 years. Having individual systems would also require all commercial properties to obtain a National Pollutant Discharge Elimination System (NPDES) permit with the Ohio EPA. If these commercial systems are not able to meet the effluent limits of their NPDES permit, they would potentially be subject to enforcement action and additional costly upgrades and/or replacement of their individual system.

Further, a centralized sewer system would alleviate the water quality issues that Ohio EPA is currently dealing with from businesses throughout the Village that have failing wastewater treatment systems. A centralized wastewater treatment system would produce a higher quality effluent when compared to many individual systems resulting in improved water quality in the Cuyahoga River. Please keep in mind that the costs of installing individual systems would be paid entirely upfront whereas the cost of a centralized sewerage system could potentially be distributed over many years.

We understand that you are pursuing grant funds in order to lower the cost of a central sewage system. If the Village wishes to proceed with the installation of a central Wastewater Treatment Plant (WWTP) and sanitary sewers, Ohio EPA recommends that the Village initiate discussions with Mike Weant of the Summit County Department of Sanitary Sewer Services, as soon as possible. The County has experience in designing, installing and maintaining sanitary sewer collection systems and WWTPs and could be an excellent resource as the village moves forward. We believe it is imperative that the Village continue its efforts to construct a 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.

As a precautionary response to COVID-19, Ohio EPA is currently operating with most staff working remotely. During this time, we will not be issuing hard-copy mail. The attached letter is an official response from Ohio EPA that will be maintained as a public record. We would be happy to meet with you to further discuss these issues and answer any questions you may have. To that end, please feel free to contact me at 330-963-1204.

Sincerely,

Kurt M. Princic

Kurt M. Princic (Apr 2, 2020)

Kurt Princic, District Chief
Ohio EPA, Northeast District Office

KP/cs

ec: Ynes Arocho, Ohio EPA, DSW, NEDO
Rich Blasick, Ohio EPA, DSW, NEDO
Dean Stoll, Ohio EPA, DSW, NEDO
Tiffani Kavalec, Ohio EPA, Chief DSW, CO
Larry Reeder, Ohio EPA, Enforcement DSW, CO
Ali Rogalski, Summit County Public Health (arogalski@schd.org)
Tonia Burford, Summit County Public Health (tburford@schd.org)
Julie Reis, Summit County Public Health (jreis@schd.org)
Mike Weant, Summit County Dept. of Sanitary Sewer Services (mweant@summitoh.net)
Mayor Schneider, (mayor@villageofpeninsula-oh.gov)

2020-02-28 District Chief LetterKP comments (002)

Final Audit Report

2020-04-02

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