

RECORD OF PROCEEDINGS
Village of Peninsula Council
REGULAR SESSION
DRAFT

Held: December 8, 2014

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CALL TO ORDER: The Village of Peninsula Council convened from 7:04 p.m. to 10:25 p.m. in the Peninsula Village Hall. Mayor Douglas Mayer called the meeting to order and initiated the pledge of allegiance with the following members and visitors present:

COUNCIL MEMBERS:

Michael Matusz	Present	Brian Schall	Present
Carol Kramer	Present	Pamela Schneider	Present
Dee Holody	Present	Dan Schneider	Present
Douglas Mayer, Mayor	Present		

OTHERS PRESENT

John Stiegel, Connie Hesske, Rebecca Garner, Roger Robinson, Terry Thompson, Mark Trapp, Gary Jones

CITIZEN PARTICIPATION

None

COUNCIL PARTICIPATION

Mr. Schneider requested Council's consideration the upcoming Solicitor contract to be put forth for bid or see changes from the current Solicitor.

MAYOR'S REPORT

Mayor Mayer reported on the nominations for the Village's Lifetime Achievement award. The Mayor asked that a ballot be taken of members for the nominations and to announce to the recipient at the next meeting. This would allow for notification.. Three names were received for nomination: Grover Miller, John Hampshire, and Jack Mercer. Mayor Mayer noted Grover Miller's service to the community through community buildings and service on Council, Planning Commission, and the Board of Zoning Appeals. He then spoke about John Hampshire's community work with the Woodridge Local School district's sports teams and Mr. Mercer, who has worked with the community churches, helped with the plantings around the community, and his continued involvement with the Woodridge Local School District's track team.

Members agreed to a ballot vote. Ballots were distributed to members and the result will be announced at the January meeting.

The Player Barn update included the following:

ABCA study had returned cost results considerably less than expected.

To remove just the asbestos was reported at \$48,000.00

To remove all asbestos materials, including all items less <1%, was \$118,000.

All application information thus far has been forwarded to MS Consulting.

Solicitor Hesske stated that legislation will be considered by Council. And, that nothing was "turned over" to MS Consulting. Mayor Mayer then stated that the study had been

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forwarded to MS Consulting. Solicitor Hesske then noted that MS Consulting does not have authorization for the grant application until Council approves legislation.

Police Vehicles

Will be discussed after the budget preparation.

SOLICITOR'S REPORT

Nothing in addition to legislation.

FISCAL OFFICER'S REPORT

Mr. Stiegel asked for consideration of the meeting minutes.

MOTION: TO APPROVE THE NOVEMBER 10, 2014 REGULAR MEETING MINUTES AS CORRECTED.

Moved by Ms. Holody, seconded by Ms. Schneider.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye, Carol Kramer, aye. Motion passed unanimously.
(Motion 192-2014)

MOTION: TO ACKNOWLEDGE AND ACCEPT THE NOVEMBER FINANCIAL REPORTS.

Moved by Mr. Schneider, seconded by Mrs. Kramer.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye, Carol Kramer, aye. Motion passed unanimously.
(Motion 193-2014)

MOTION: TO PAY THE BILLS AS SUBMITTED.

Moved by Mr. Schall, seconded by Mrs. Kramer.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye, Carol Kramer, aye. Motion passed unanimously.
(Motion 194-2014)

Members discussed payment of the year end bills. Mayor Mayer asked for consideration for the payment of bills, excluding any unanticipated bills, through the end of 2014.

MOTION: TO PAY THE BILLS THROUGH THE END OF 2014 EXCLUDING ALL UNANTICIPATED BILLS.

Moved by Ms. Holody, seconded by Mrs. Kramer.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye, Carol Kramer, aye. Motion passed unanimously.
(Motion 195-2014)

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Mayor Mayor asked for Council's consideration of holiday bonuses for current employees who have work at minimum 400 hours at \$125.00 for full-time employees and \$65.00 for part time employees.

Solicitor Hesske stated that the expenditure of funds must have a paper trail associated, normally a Resolution. She suggested that the next meeting a Resolution be prepared and considered retroactively. Ms. Holody asked why a motion would not create an effective paper trail. Solicitor Hesske used the example of the Fiscal Officer's authorization for payment of bills, saying that there is a Resolution allowing the Fiscal Officer, every month, to present bills for approval. It was agreed that the Resolution would set a precedence. Ms. Holody asked is a Resolution was already in place, from four or five years ago. Solicitor Hesske did not know if a Resolution existed.

MOTION: as stated by the Solicitor: A RESOLUTION APPROVING EMPLOYEE 2014 HOLIDAY BONUSES AS PREVIOUSLY GRANTED MOVING FORWARD WITH A RESOLUTION TO AUTHORIZE.

Moved by Ms. Holody, seconded by Mrs. Kramer.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye, Carol Kramer, aye. Motion passed unanimously.

(Motion 196-2014)

POLICE DEPARTMENT

Mayor Mayer welcomed two new Auxiliary Officers, Christopher Staples, 34 years old and lives in Ravenna; John Hetzel, a recent graduate from the academy, 26 years old, and lives in Peninsula.

ZONING

No report in addition to submitted report.

BOARD OF ZONING APPEALS.

Mr. Greg Canda's term expires 12/31/2014 and he did accept another term. Next meeting will be December 11, 2014.

Mayor Mayer reported to Council that the Planning Commission did not recommend forward progress for the request for an illuminated sign by the Winking Lizard.

FIRE BOARD

Meeting not scheduled until Thursday. Lori Shields is the new clerk. Mr. Schneider asked for Council's consideration of Dick Slocum as the Fire Board at Large representative.

MOTION: TO APPOINT DICK SLOCUM AS THE AT LARGE FIRE BOARD REPRESENTATIVE.

Moved by Mr. Schneider, seconded by Ms. Schneider.

Votes were: Michael Matusz, aye; Brian Schall, abstain; Pamela Schneider, aye; Dee Holody,

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aye; Daniel Schneider, aye, Carol Kramer, aye. Motion passed unanimously.

(Motion 197-2014)

PLANNING COMMISSION

Mayor Mayer reported that Mr. Kaplan's appointment on the Planning Commission expires at the end of 2014. Mr. Kaplan did request to remain on the Planning Commission for 2015.

CEMETERY

Mr. Schneider noted that a meeting was not held.

CHAMBER OF COMMERCE

Meeting minutes were distributed.

OLD BUSINESS

None.

NEW BUSINESS

Mr. Terry Thompson, Area Municipal Market Manager, Republic Services thanked the Village Council and residents for the years of service to Republic. He asked if Council had any questions regarding the upcoming legislation/contract.

LEGISLATION

Solicitor Hesske announced, for the record, that she did not attend the pre-planning meeting and the "only two pieces of legislation that I drafted, that I participated in drafting, was the MS Consulting as well as the re-draft of the Solicitor's Contract, the other I did see on Friday, there has not been input from me, but I can answer legal questions, if they are legal as to form, other then that I did not have input, I did not attend the meeting."

Mr. Schneider asked why the Solicitor does not write legislation. Solicitor Hesske said: that was not a question for her to answer. Mr. Schneider asked, as a Councilperson, why the Solicitor is not doing this work, every other Solicitor did the work, if she writes (the legislation) then it's her problem. Mr. Schneider also said that he had never seen when someone other than the Solicitor's office write resolutions for Council's consideration, it was "out of line." Mayor Mayer said: that "over-use" of the Solicitor can be avoided, we try to put them together for her review. Ms. Schneider said: It probably would be a lot quicker for her to write a resolution which would be correct the first time. Members discussed the time involved with writing a resolution. Routine legislation, those are not even an hour's work, said the Solicitor. Ms. Holody asked if this was a change. Solicitor Hesske stated that up until this month, the Village administration had met with me to go through meeting preparation. Mr. Schneider again noted that no one other than the Solicitor has written Resolutions in the past. He felt

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that the Solicitor should be the only one writing the legislation. Ms. Holody verified the Solicitor's statement: of the 8 pieces of legislation, the Solicitor had written 2. Mrs. Kramer asked about renewal legislation, noting redundancy and the ease with updating for current use. Solicitor Hesske stated: Especially within fiscal office: I would say did you do this before, if so, change the numbers, change the year.

Mayor Mayer answered Mr. Schneider's question: "She (the Solicitor) reviews it, but in this case she did not write them" Solicitor Hesske stated: "In all honesty Mayor, this batch I reviewed only as it had gone out as part of the Agenda, it was back and forth quite a bit." Mr. Schneider and Ms. Schneider both commented "that is not right." Ms. Garner answered Mr. Matusz' question regarding comment: "we had sent out the Agenda on Friday because we were waiting on the Solicitor's review." Solicitor Hesske responded: "First of all that is not a true statement, secondly the Resolution that is going to be a challenge, new to everybody, is the pay structure, that started back and forth, back and forth, I did not initiate it, it was on Friday, and as everyone knows on Friday is not the day to write these up. I will be the first person to tell you that I have been slow on getting some there, but in this instance to turn and say because we are waiting on the Solicitor's review from the Village Clerk is inappropriate. This is an area that the Mayor addresses, not the Village Clerk." Mr. Schneider noted "that the Solicitor should write the legislation from now on, you know what resolutions we have and can write them."

Ms. Holody stated that she has formatted resolutions and sent them to the Solicitor for review in the past. She also noted that between John and Rebecca they are capable of writing a lot of the legislation, but, she would feel better if they were given to the Solicitor in sufficient amount of time for review and comment. Not on the day that the Agenda is going out. I would like to see the Solicitor's review of any legislation that Rebecca prepares. I am okay with Rebecca preparing the first draft. Ms. Schneider said that anything new, from scratch, should be prepared by the Solicitor. But, some of the renewal legislation can be prepared by Rebecca and sent to Connie (the Solicitor) for review. It is not in Rebecca's place to produce new legislation. We pay Connie to do that as her job.

Mayor Mayer spoke regarding the Pay Ordinance, he said that the Ordinance was asked for right after the Police contract, and now the summer's gone by and it was not done yet. We were following up on this for the Solicitor. I would like to see it on the books for this year, it has been put off. Council will have time to review and look over. Ms. Schneider asked why Council has not heard about it at any other meeting. Mayor Mayer said that he has asked for it to be produced but it has been put off by the Solicitor. The Solicitor responded, she did not recall a request to sit down and discuss the pay legislation. Mayor Mayer spoke again, stating that the pay scales were already established, the history was written within the legislation, the same rate schedule that was included is the same as the Police Department. None of these positions have a paper trail. Ms. Schneider recommended a committee be formed, further stating that some of the Police received \$.16 per hour. Mr. Matusz said that it could be figured out together, without a committee. Mr. Schall asked about a special Council meeting, the Solicitor recommended a workshop. Mrs. Kramer agreed that a workshop would be a group effort. Mrs. Kramer replied to Mr. Schneider: that this is part of Council's responsibility and should be addressed. Mrs. Kramer also noted that the State of Ohio Auditor explained that the Village needs to have ordinances in place to spend money and that pay scales were needed. That is why the Police

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Department pay scales were done. We do have other people working within the Village.

Mr. Matusz asked the Solicitor if she had seen the format of the legislation, Solicitor Hesske responded: "on Friday about 3:30 pm." Mr. Matusz asked if the Solicitor had a problem with the legislation. Solicitor Hesske responded that her job is legal, this is Council's responsibility. The question that belongs with Council is "is this what you want? Council manages the Village funds." Mr. Matusz said that this does go along with the Auditor's recommendation for establishing a pay scale.

Ms. Schneider said that a letter was delivered to her father saying that the audit, as of May 30th for the Village of Peninsula was reported as un-auditable, he received the letter in his mailbox last week. Mr. Stiegel responded that there were some items that were un-reconcilable which have since been addressed. The term used by the Auditor was not un-auditable, Ms. Schneider disagreed.

Mr. Matusz said that he was not against the numbers submitted within the pay ordinance. Mayor Mayer said that the discussion was on how the paperwork was created. Discussion concluded as: The Solicitor will prepare all Resolutions, that are not redundant." Solicitor Hesske stated the motion for Council's approval as:

MOTION: TO HAVE THE SOLICITOR REVIEW ALL LEGISLATION ON A MONTHLY BASIS IN REASONABLE AMOUNT OF TIME PRIOR TO THE MEETING, ANY RESOLUTIONS THAT ARE REPETITIVE AND YEARLY RENEWABLE SHALL ONLY BE REVIEWED BY THE SOLICITOR, ANY NEW CONTRACTUAL RESOLUTIONS WILL BE DRAFTED BY THE SOLICITOR UNLESS THE ADMINISTRATION COMES FORWARD WITH THE RESOLUTION PREPARED, IN THAT CASE THE SOLICITOR WILL REVIEW THE RESOLUTION FOR LEGALITY ANY NEW COMPLEX RESOLUTION INVOLVING VILLAGE BUSINESS WILL BE DRAFTED BY THE SOLICITOR FOR APPROVAL BY THE ADMINISTRATION.

Moved by Mr. Schall, seconded by Ms. Holody.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye, Carol Kramer, aye. Motion passed unanimously.

(Motion 198-2014)

First Reading:

RESOLUTION 34-2014

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO RENEW THE CONTRACT FOR LEGAL SERVICES WITH THE CURRENT SOLICITOR, CONSTANCE A. HESSKE AND DECLARING AN EMERGENCY.

MOTION: MOTION TO SUSPEND THE 2ND AND 3RD READING RULE FOR RESOLUTION 34-2014.

Moved by Mrs. Kramer, seconded by Mr. Matusz.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, nay; Dee

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Holody, aye; Daniel Schneider, nay; Carol Kramer, aye. Votes tallied as: 4 aye; 2 nay.
Motion to suspend the rules failed. Solicitor announced Resolution 34-2014 moves to second reading.

(Motion 199-2014)

Members discussed current Solicitor contract which ends December 31, 2014.

MOTION: TO CONTINUE SERVICES WITH CONSTANCE HESSKE AS VILLAGE SOLICITOR THROUGH JANUARY 31, 2015.

Moved by Ms. Holody.

Mayor Mayer asked if Council should consider extending the contract to allow for three readings. Members agreed that an extension of the contract would be appropriate.

MOTION: TO CONTINUE SERVICES WITH CONSTANCE HESSKE AS VILLAGE SOLICITOR THROUGH MARCH 31, 2015.

Moved by Ms. Holody seconded by Mrs. Kramer.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 200-2014)

RESOLUTION 35-2014

A RESOLUTION TO AUTHORIZE AN AGREEMENT WITH REPUBLIC SERVICES OF OHIO HAULING LLC, FOR WASTE AND RECYCLABLES COLLECTION AND DECLARING AN EMERGENCY.

MOTION: TO SUSPEND 2nd AND 3rd READING RULE FOR RESOLUTION 35-2014.

Moved by Mrs. Kramer, seconded by Mr. Schall.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 201-2014)

MOTION: TO ADOPT RESOLUTION 35-2014.

Moved by Mr. Schneider, seconded by Ms. Schneider. No vote taken.

(Motion 202-2014)

Discussion ensued regarding the title of Resolution 35-2014 as it had not listed the Mayor and Fiscal Officer as authorized to enter into the agreement. Solicitor Hesske stated that the body of the resolution would reference Exhibit A, which is the contract. The Mayor and Fiscal Officer would be the one to enter into the contract. Ms. Holody asked for confirmation of the statement.

Solicitor: "For purposes of the Resolution, is there a motion to correct, with reference to the contract as attached.

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MOTION: TO AMEND RESOLUTION 35-2014 TO CORRECT INCLUDE REFERENCE TO THE CONTRACT AS ATTACHED.

Moved by Ms. Holody, seconded by Mrs. Kramer.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 203-2014)

Solicitor asked for a **MOTION:** TO ACCEPT THE CONTRACT WITH THE AMENDED AGREEMENT.

Moved by Mr. Schneider, seconded by Ms. Schneider.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 204-2014)

RESOLUTION 36-2014

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CONTRACT WITH A REGIONAL COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF ADMINISTRATION AND COLLECTION OF MUNICIPAL INCOME TAX IN THE VILLAGE OF PENINSULA AND DECLARING AN EMERGENCY.

MOTION: TO SUSPEND THE 2ND AND 3RD READINGS FOR RESOLUTION 36-2014.

Moved by Ms. Schneider, seconded by Mr. Schneider.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 205-2014)

MOTION: TO ADOPT RESOLUTION 36-2014.

Moved by Ms. Holody, seconded by Ms. Schneider.

(Motion 206-2014)

Mr. Schneider asked if the JEDD was included within the Resolution Mayor Mayer stated that the collections would be performed by the hired agent for all tax collections of the Village and any agents the Village contracts with. Mr. Schneider asked if the Resolution should be amended to include the JEDD.

Solicitor Hesske asked for a **MOTION** to amend the title of Resolution 36-2014 to read: EXCLUDE THE WORD INCOME TAX AND INCLUDE THE WORD ALL TAXES FOR THE VILLAGE. Mr. Stiegel recommended adding the wording INCOME TAX and JEDD. Solicitor Hesske then amended her statement: COLLECTION OF THE JEDD AS WELL AS ALL MUNICIPAL INCOME TAX.

Moved by Ms. Schneider, seconded by Mr. Matusz.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee

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Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 207-2014)

Ms. Holody questioned whether or not the resolution referenced the attachment of the agreement was included within the resolution.

Solicitor Hesske stated: **MOTION: AT THIS TIME ANY AND ALL PENDING RESOLUTIONS ON TONIGHT'S AGENDA, ALL THOSE RESOLUTIONS SILENT TO SUPPORTING DOCUMENTS WILL BE AMENDED TO SHOW THE DOCUMENTS AT THE TIME OF SIGNING.**

Moved by Ms. Holody, seconded by Ms. Schneider.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 208-2014)

Solicitor Hesske stated: This is going to amend any and all contracts or documents.

MOTION: TO ADOPT RESOLUTION 36-2014 AS AMENDED.

Moved by Mr. Schneider, seconded by Ms. Schneider.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 209-2014)

RESOLUTION 37-2014

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MS CONSULTING INC, TO APPLY FOR FINANCIAL ASSISTANCE AND GRANT APPLICATION WITH THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND DECLARING AN EMERGENCY.

MOTION: MOTION TO SUSPEND 3RD READING RULE FOR RESOLUTION 37-2014.

Moved by Mr. Schneider, seconded by Ms. Schneider.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 210-2014)

Mayor Mayer asked for an explanation of the Solicitor regarding the amount associated with the grant application being \$200,000. Solicitor Hesske noted that the dollar amount was included within an email Ms. Garner had sent MS Consulting. Ms. Garner noted that the \$200,000 amount is total amount the Village could apply for within the proposed grant application.

Ms. Holody recommended amending the Resolution to state: Not to exceed \$200,000 because the estimates came at \$119,000. Ms. Schneider pointed out a typographical error within the title of the resolution, Assiistance which should be Assistance. Ms. Holody asked if a due date should be listed

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within the resolution as the grant application would be due December 19th. Solicitor Hesske stated that the consulting firm would be required to follow the rules of the grant. Solicitor Hesske responded to Mr. Schneider's question that MS Consulting would not charge the Village for the grant submission.

Solicitor Hesske noted the typographical error would be corrected prior to obtaining signatures.

MOTION: TO ADOPT RESOLUTION 37-2014.

Moved by Mrs. Kramer, seconded by Ms. Holody.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 211-2014)

RESOLUTION 38-2014

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO NEGOTIATIONS WITH THE VILLAGE OF BOSTON HEIGHTS TO SHARE THE MAINTENANCE OF A PORTION OF AKRON PENINSULA ROAD, AND DECLARING AN EMERGENCY.

Solicitor Hesske asked the Mayor if he wanted the Resolution pulled from the Agenda. Solicitor Hesske noted that the Mayor was requesting authorization from Council to enter into negotiations with Boston Heights.

MOTION: TO REMOVE RESOLUTION 38-2014 FROM THE AGENDA AND TO AUTHORIZE THE MAYOR TO ENTER INTO NEGOTIATIONS WITH THE VILLAGE OF BOSTON HEIGHTS IN ANTICIPATION, IN DISCUSSION, WITH AKRON PENINSULA ROAD MAINTENANCE.

Moved by Mr. Schall, seconded by Ms. Holody.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 212-2014)

RESOLUTION 39-2014

RESOLUTION TO INCREASE APPROPRIATIONS OF ONE ACCOUNT OF THE VILLAGE OF PENINSULA AND WITHIN THE 2014 BUDGET AND DECLARING AN EMERGENCY.

MOTION: MOTION TO SUSPEND THE 2ND AND 3RD READINGS FOR RESOLUTION 39-2014.

Moved by Ms. Holody, seconded by Mrs. Kramer.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 213-2014)

Mr. Stiegel explained that due to the authorization of payment to First Energy last month by Council an appropriation must be made.

MOTION: TO ADOPT RESOLUTION 39-2014.

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Moved by Mrs. Kramer, seconded by Ms. Holody.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 214-2014)

ORDINANCE 9-2014

AN ORDINANCE ESTABLISHING A TEMPORARY BUDGET FOR THE VILLAGE OF PENINSULA, OHIO, IN THE YEAR 2015 AND DECLARING AN EMERGENCY.

Solicitor Hesske responded to Mr. Schneider's question regarding the suspension of the three readings rule as related to the Ordinance stating that the Ohio Revised Code requires the public a right to know and a right to three readings if Council so believes it's in the best interest of the Village. She understood Mr. Schneider's question then stated: common sense says.

MOTION: MOTION TO SUSPEND 3RD READING RULE FOR ORDINANCE 9-2014.

Moved by Ms. Holody, seconded by Mrs. Kramer.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 215-2014)

Mr. Stiegel responded to Mrs. Kramer's question regarding the time period of the temporary budget stating that the temporary budget is good through March 31, 2015. Also noting that what was submitted was basically one-fourth of last year's budget.

MOTION: TO ADOPT ORDINANCE 9-2014.

Moved by Mrs. Kramer, seconded by Mr. Schall.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 216-2014)

ORDINANCE 10-2014

AN ORDINANCE TO ESTABLISH COMPENSATION LEVELS FOR ASSISTANT TO THE FISCAL OFFICER, CLERK OF COURTS, DEPUTY CLERK OF COURT, CLERK OF COUNCIL, ZONING INSPECTOR AND DECLARING AN EMERGENCY.

After reading the title of the legislation Solicitor Hesske asked for a motion to suspend the rules. She then announced that no motion was received to suspend the rules and read the title of Ordinance 10-2014. Mr. Matusz interjected to the Solicitor that he "did want to make a motion to suspend the rules." He repeated, he wanted to make a motion. The Solicitor asked, "why." Mr. Matusz stated that he did not think anything was wrong with the Ordinance. Mrs. Kramer agreed. Solicitor Hesske then noted that when she called for a motion to suspend the rules, you didn't. Mr. Matusz responded: your right, it went faster than I thought, I was waiting to see if anybody else was going to say something." Solicitor Hesske responded: unfortunately, they didn't. Ms. Holody asked if there was a motion to adopt. Solicitor Hesske noted that Council was on the suspension of the rules. Ms. Schneider noted

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that it (the legislation) was read, no response, so take it to a second reading. Solicitor Hesske: Since there was no motion to suspend, is there a motion to suspend the three readings?

MOTION: MOTION TO SUSPEND 3RD READING RULE FOR ORDINANCE 10-2014.
Moved by Mr. Matusz, seconded by Mrs. Kramer.

Mr. Schneider expressed that a Committee should be formed. Solicitor Hesske stated again that the motion was to suspend the rules.

Votes were: Votes were: Michael Matusz, aye; Brian Schall, nay; Pamela Schneider, nay; Dee Holody, nay; Daniel Schneider, nay; Carol Kramer, aye. Votes tallied as: 2 aye; 4 nay.
Motion failed. Solicitor Hesske noted Ordinance 10-2014 will move to second reading.
(Motion 217-2014)

Second Readings:
None.

Third Readings:
None.

Tabled:

RESOLUTION 21-2014

RESOLUTION TO AUTHORIZE THE VILLAGE OF PENINSULA (“VILLAGE”), THROUGH THE MAYOR, TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA VALLEY PRESERVATION AND SCENIC RAILROAD ASSOCIATION (“RAILWAY”) AND DECLARING AN EMERGENCY.

Solicitor Hesske stated that there was discussion on this Resolution as it stands right now, it is tabled, what is the Council’s wish, open to discussion for changes to the contract? Mayor Mayer agreed, if that is the option of Council. Ms. Schneider asked if new information was received. Solicitor Hesske reiterated that the Resolution is tabled and just information sharing only. Mayor Mayer asked if the tabled item was going for a second vote. Solicitor Hesske then stated that the agreement would be amended, we are looking at amending the agreement not to bring it back to vote but for new information.

Mr. Matusz was curious as to the status. Solicitor Hesske stated: “As this Council discussed previously, that contract for the train, is not correct, it is not for storage of the trains and has references in there that are not coinciding with how the Cuyahoga Valley Scenic Railroad gets paid.” It is my understanding from discussion with administration, with the Mayor, that we are looking at an alternative means of paying them, not the \$5,000 for something that they are already getting. Is it appropriate to share? Have you had a discussion with Gary? Mayor Mayer responded that they have
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talked and they are awaiting an agreement. They (Railway) do not want to go into an agreement with the Village because of the inaccurate content, the Village will provide safety services as part of the \$5,000 fee. The Village charges separate for police services. The Village's Police services bill is actually more than the \$5,000 with billing separate from this agreement and also states fire protection which we (the Village) does not have a fire department. If this contract was entered as it stands, the Village would provide police services as part of this contract with no other billing and lose \$4,000. Mayor Mayer said he would like to see the Road Department and Zoning Department to develop a permit and fee structure for road closures. Mr. Matusz recommended the Planning Commission review the suggestion. Mayor Mayer also noted that the permit for road closure would include all road closures within the Village. Ms. Schneider asked about the Chamber of Commerce and if a fee to close the road would apply for the parades and events they offer the community. Mr. Matusz suggest that the Planning Commission review the suggestion for a permit structure and also consider excluding the Chamber of Commerce should a resolution or ordinance be developed.

Ms. Schneider asked if the agreement could be updated. Solicitor Hesske stated, No. Ms. Holody asked who wanted the agreement re-worded, or amended to receive the payment for services in 2014. She noted that the agreement has been in place for three or four years and this is the first time it was not in place. Mayor Mayer stated that it is not in the best interest of the Village to follow the contract as it is written. Mrs. Kramer asked what is happening at this point. Mayor Mayer explained that there is no agreement at this point but the officers are being paid for their services. Ms. Holody stated that the agreement could be reworded: Railway agrees to pay the Village \$5,000 for consideration of the closing of Mill Street during the Polar Express events dates and times of closures require prior approval of the Mayor. The Solicitor responded that an issue would be to have the Railway approve the contract retroactively. Members agreed that a separate agreement is in place for Police and Fire Services. Ms. Holody asked for an amendment to the current agreement to allow for the 2014 payment to the Village. Solicitor Hesske noted that "it is not written"

Mayor Mayer then requested legislation to be prepared for road closures as a permit with a fee through the Zoning Department but with required Police and Fire Services approvals. He wanted to include the road closure fee within the current zoning fee schedule.

Ms. Holody said that the initial discussion happened two or three meetings ago regarding the agreement. Ms. Schneider then noted that Council had asked Solicitor Hesske to negotiate an agreement and get back to Council. Solicitor Hesske responded: I do not negotiate on that. Ms. Holody asked if the agreement has been re-written.

Members agreed that Planning Commission should review the agreement. Mr. Matusz stated the Planning will review and make a recommendation to Council.

MOTION: AUTHORIZE THE MAYOR TO NEGOTIATE A REVISED AGREEMENT WITH RAILWAY FOR THE 2014 POLAR EXPRESS SEASON.

Moved by Mrs. Kramer, seconded by Mr. Schneider.

Votes were: Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, aye; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

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(Motion 218-2014)

MOTION: TO ADJOURN TO EXECUTIVE SESSION AT 8:37 PM. TO DISCUSS PERSONNEL.

Moved by Mrs. Kramer, seconded by Ms. Holody.

Votes were: Michael Matusz, aye; Brian Schall, aye; Pamela Schneider, nay; Dee Holody, aye; Daniel Schneider, aye; Carol Kramer, aye. Motion passed unanimously.

(Motion 219-2014)

ADJOURNMENT

MOTION: TO ADJOURN AT 10:25 PM.

Moved by Mrs. Kramer, seconded by Ms. Holody.

Votes were: Brian Schall, aye; Michael Matusz, aye; Pam Schneider, aye; Dee Holody, aye; Dan Schneider, aye; Carol Kramer, aye. Motion passed.

(Motion 220-2014)

Respectfully submitted:

Douglas G. Mayer, Mayor

Date

John D. Stiegel, Fiscal Officer

Date

The Village of Peninsula's next regular meeting of Council will be held **January 12, 2015 at 7:00 pm** at the Village Hall within Council chambers. Council Chambers are on the second floor of the Village Hall, 1582 Main Street, Peninsula, Ohio, 44264. (Corner of Akron-Peninsula Road and State Route 303)

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