

RECORD OF PROCEEDINGS  
Village of Peninsula Council  
REGULAR SESSION

Held: November 10, 2014

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**CALL TO ORDER:** The Village of Peninsula Council convened from 7:00 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, Joe Paradise, Bill Wilk, Chuck Hawk, Gary Diorio, Diane Taninecz.

**CITIZEN PARTICIPATION**

Mr. Paradise, Deputy Director, Engineering Services, County of Summit, spoke to Council regarding the roadways and funding opportunities.

PLHD (Public Lands Highway Discretionary Funds through the Department of Interior) used for Akron Peninsula Road; Riverview Road (3 grants); Quick Road. Summit County requested \$4 Million but received \$400,000.

Discussed Bridge project funding.

Required matching funds usually 20%. Summit County had utilized another grant for the 20% matching funds.

STP (Surface Transportation Program), also an 80-20% matching funds program.

The PLHD and STP are federal funded programs.

State funding programs available:

OPWC (Ohio Public Works Commission)

Could utilize for the 20% matching funds.

Summit County applied for 21 projects and granted 3.

These grants are competitive, based on dollar amounts, traffic counts.

Can separate projects for more opportunities.

Suggested: Know the rules when applying.

Recommended a consulting firm to chase projects.

Should position the Village to be in the best condition to obtain funding.

Discussed the National Park Service funding opportunity for the Village.

August of 2015 Summit County will seek STP funding.

Talked about the TAP (Transportation Alternative Program).

Summit County Engineer's office offers a collaborative paving program

(Dec/Jan). Paving, Chip/Seal, bigger project, lower costs, expanding programs to include an evaluation of road conditions.

The Riverview Road project is a five year fix, not permanent.

Construction grants aren't available through the National Park Service.

The Village will need someone to chase funding.

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Ms. Holody asked about the TAP bicycle lane programs.  
TAP funding would be available for the Village.  
Mr. Paradise responded to Mrs. Kramer's question about paying for Services, he stated that most of his work is with townships.  
Mrs. Kramer asked how to utilize Summit County services?  
Mr. Paradise recommended the Village involve an engineering firm.  
The Summit County Engineers are chasing programs for 2021 with the hope to move up the projects to 2017.  
The Village needs to participate in AMATs and OPWC programs.  
Council should create a wish list of projects and be specific.  
Discussed the points systems for funding.  
Only one road, Riverview Road would qualify for STP funding.  
    Could change to Akron Peninsula Road.  
Stine Road would qualify for OPWC funds.  
Must have project list and firm to chase the funding.  
Talk to local elected officials, i.e., Tim Ryan; set aside dollars for future projects.  
The Mayor and Council thanked Mr. Paradise for his presentation.

Mr. Gary Diorio, Engineer, MS Consulting, introduced himself to Council and provided a brief history of the firm. He noted that MS Consulting could assist with seeking funding opportunities.

Utilize the "splitting/phasing of projects."  
Will need to spend time with the Mayor to discuss future projects.  
Can prioritize projects for the Village in accordance with funding opportunities.  
Meet/talk with agencies/county regarding projects representing the Village.  
Firm does not charge fees for **most** applications; but will charge for more extensive applications.  
Can discuss appropriate budgeting for projects with finance personnel.  
Distributed a listing of Ohio Funding Sources. (Attached to minutes)

Mayor Mayer asked, how the firm recovers expenses. Mr. Diorio explained that the firm markets through the grant applications, design and engineering fees are received if the grant is awarded. Mr. Diorio also explained how the scoring systems work for grants and stressed the need for local participation.

Ms. Holody asked about hourly services written within the contract. Mr. Diorio explained that some applications are complex and require a significant amount of time to complete. An hourly service fee would be requested of the firm to complete those more complex applications.

Council members discussed the last presentation from MS Consultants noting the "retainer." Mrs. Kramer read the section of the contract regarding fees and then asked for an explanation. Mayor Mayer said that the last presenter had indicated that the \$3,500 would be paid up front by the Village and distributed to MS Consultants for services provided. Mr. Diorio answered that the \$3,500 is not a retainer, it is "just the opposite," the \$3,500 to \$5,000 is not a retainer, it would be a maximum amount to be used for accounting/budgeting purposes.

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Mr. Diorio then discussed a community in Mahoning County having difficulty coming up with projects because they have come to be ahead of the process; completing so many projects to date.

He then discussed the need for discretionary funds:

Emergency budgeting to cover:

Construction Costs

Design Costs; and

Engineering Costs

He stated: If our fees are \$10,000, the grant may pay 80% of the engineering fees; the Village would be responsible for the 20%. Or 60/40 whatever the split is.

The firm could assist with disbursement paperwork related to grant awards.

He talked about reimbursable grants:

Mr. Diorio responded to Mr. Matusz' question about turnaround times for reimbursements.

Stating that the disbursements are electronic and quick.

Solicitor Hesske suggested members review sections of the contract including:

Commencement date of December 1, 2014

Proposing a period of 13 months.

Page 6, Payments, Section 4a within the Clinton Contract which contained an hourly rate schedule negating a retainer.

She suggested MS offer the Village the same.

An updated contract will be submitted to the Village to specify the rate schedule as discussed and include the \$5,000 maximum amount for accounting/budgeting purposes.

Ms. Holody noted that grants require the same amount of work whether it is related to a larger municipality like Hudson. The same number of pages are required at submission. The Village would pay the same amount for services as the larger communities.

Mr. Diorio suggested:

Evaluation of the condition of current roadways.

The firm could separate the fee from the \$5,000 maximum amount.

Create improvement plans; Involve Planning Commission.

In order to apply for OPWC funding, a five year plan must be developed.

Planned improvements could then be in place in 3 and 5 years.

TAP could provide for future funding opportunities for the Village.

Talked about funding awards to other communities.

Mr. Diorio thanked Council for the opportunity to present.

Mr. Bill Wilk of Simple Recycling explained the program to Council members:

Simple Recycling offers textile recycling:

i.e., Drapery, shoes, towels, small appliances (working).

Bagged for weekly service, same day as trash pickup.

No charge to the municipality and/or residents.

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Works closely with Republic Waste Hauling.  
Circulated fliers that could be sent to residents which detailed the services offered.  
Circulated a list of the current communities utilizing their services.  
The Village could be reimbursed at a rate of \$20 per ton for pickups.

One week before first pickup a mailer is sent to residents, along with two bags, and sticker.  
The sticker is used to mark boxes for pick up.  
Simple Recycling will leave two bags tied to cart after pick up for next use.  
Carts are available; only bags for this service.  
95% of items picked up avoid the landfills.  
If no way to hang the bag; the bags could be placed on front porch.

All documents sent to residents will have Village logo and Mayor's name.  
For profit organization, no tax receipts available for residents.  
Purpose of the service is to keep items out of the landfill.  
Extra bags are available to residents if requested.  
Appliances must be in working condition and would be resold.  
Drivers are instructed to pick up all Simple Recycling bags no matter the contents.  
Company does not collect metal, glass, plastic, and paper.  
They work with Cuyahoga County Solid Waste District for items that cannot be recycled.

Ms. Holody thanked Diane Taninecz for making Council aware of the program.

Mr. Wilk thanked Council for the consideration.

Mr. Chuck Hawk then addressed Council. He discussed the proposal for tax collection services offered by the Regional Income Tax Agency (RITA).

A sample contract was included within Council's packets.  
July 1, 2015 would be the next available start date for the Village.  
Municipal income tax services and JEDD administration experience.  
RITA manages taxes related to 23 JEDD programs throughout the state.  
Invited Council to visit/view the RITA facility.  
Solon and Ravenna viewing facility tomorrow.  
Five municipalities slotted to join RITA in July 2015.  
If interested in moving forward RITA will provide:  
List of items to be done.  
Weekly conference calls with Fiscal Officer.  
Review of tax ordinances.

Mayor Mayer spoke about a resident who inadvertently paid RITA and not CCA, he asked about the procedure to return the money, he also asked if the person penalized? Mr. Hawk explained that if a payment is received in error, contact would be made to CCA and the payer to resolve. Mayor Mayer asked again if there is a fine or a double payment (CCA and RITA) during the resolution process, Mr. Hawk stated no.

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Mayor Mayer asked if the RITA pricing was competitive and how their pricing compares to CCA. Mr. Hawk explained that the fees are based on the number of transactions and collections. RITA is a Council of Governments. Base pricing is subject to the number of communities involved with the Council. The more member communities involved the lower the cost.

Since 2008, 104 municipalities have joined RITA.

Offer real time reporting. Reports available immediately.

Twice a month distribution.

Delinquency programs available, which include payment plans.

Costs to utilize RITA services were distributed to Council members last meeting. A review included the following:

\$12,600 to \$13,900 fees to collect \$550,000.

Which equals about 2.4% of collections.

Village is now paying 2-3.5% with CCA, stated by Mr. Stiegel.

CCA is also based on transactions

CCA does include audit costs

CCA right now is closer to 3% for fees.

CCA has had problems the last 6-7 months.

Problems have been related to estimating.

289 households would be affected by a change.

It was noted that improved efficiency could be a large benefit to the Village.

Mr. Stiegel responded to Council's questions:

More estimating is now done by CCA within their monthly reporting.

Overpayments have occurred due to estimating.

Estimating had contributed to the difficulties with CCA.

Mr. Schall stated that the JEDD program does not contribute to the decision to change.

Council asked Mr. Stiegel: What is the benefit to the Village to change?

Efficiency, reporting, and budgeting.

Members agreed that CCA should have the opportunity to respond:

A meeting was scheduled with CCA and questions raised.

It took three months for CCA to respond the questions.

Mr. Schneider noted CCA problems residents have suffered from.

Ms. Schneider noted an issue with CCA regarding a check.

CCA has erroneously sent bills to Boston Township residents,

It is very difficult to retrieve residents' money.

Members discussed the cost to the Village and the amount of time spent dealing with problems from CCA.

Members made sure it was known that the Fiscal Officers administrative/financial duties are not reimbursed by the JEDD.

The Village should consider a switch to RITA to increase efficiency.

Mayor Mayer stated that the JEDD is what has caused significant issues with CCA.

Boston Township is unhappy with CCA.

The JEDD has enhanced issues with CCA.

Mr. Schall: "It is not just Boston Township involved in the JEDD."

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Mrs. Kramer asked for Mr. Stiegel's opinion.

Mr. Stiegel responded:

He had never dealt with RITA.

He has had problems with CCA.

He was unsure of RITA's service capabilities.

Twice monthly collections would be beneficial to the Village.

Real-time reporting would be an improvement.

Mr. Matusz advocated a change to RITA.

Mr. Hawk stated that a changeover to RITA is "not that big of a deal."

RITA offers online filing which makes everything very accessible.

RITA staff would be available to residents to assist with filings.

RITA facility is nearby.

Changeover process would include:

Several notices that would be sent to residents.

CCA would transfer data/information to RITA via downloads.

RITA would send specific, individualized notice to residents.

Residents would have the ability to call at all times.

Letters of change would be sent to all residents prior to April 15<sup>th</sup>.

Council agreed that a complete RITA contract and resolution would be considered at the next meeting, December 8, 2014. Mr. Schneider reiterated the slow responses from received from CCA. He stated that an explanation from CCA was expected a week and half after their JEDD meeting and the information was received three months later. The information received was the same information discussed at the meeting.

Mayor Mayer asked members to base their opinions on whether or not they felt that the Village would benefit from a change.

Mayor Mayer asked for a reporting of what was paid to CCA to date, Mr. Stiegel responded \$27,000. Ms. Holody noted: that is more than the 3% discussed earlier. Mr. Stiegel noted that the \$27,000 had included audits. Ms. Holody asked Mr. Hawk if audits are included in pricing for RITA. Mr. Hawk noted additional fees include subpoena programs which are \$8.00 per subpoena. Another fee that RITA may charge would be \$35.00 to represent the Village in small claims court if needed.

Mr. Stiegel stated that when CCA is audited, those costs are passed to the Village. Mr. Hawk then stated that the only additional fees from RITA would be for subpoenas or small claims court further noting that RITA absorbs their own audit costs. Mayor Mayer had said that he investigated the option of hiring personnel to perform these functions and determined that personnel would be feasible at CCA costs but not at the proposed RITA's cost.

## **COUNCIL PARTICIPATION**

Mr. Matusz asked about the towing related to the Service Department's leaf pickup truck. Mr. Matusz asked the Mayor if the Mayor knew about the truck's breakdown and subsequent tow. The Mayor responded that he was not aware of the events until three days after the breakdown of the leaf truck.

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Mayor Mayer said that the breakdown was due to a fuse. Mayor Mayer explained that the truck lost power and then towed. Mr. Schneider stated that Mr. Robinson told him today that “he, Roger Robinson, did not even know the fuse was there, one for the fuel injector and one for the computer, there are two of them, down by the battery case, they did not even know that they were there.” The mechanic showed Roger where the fuses are located and had provided two extra fuses.

Mr. Matusz asked why the Mayor was not notified: “why is there a lack of communication.” The Mayor should be one of the first people to know. Mrs. Kramer agreed. Ms. Schneider asked Mr. Matusz if he had called Roger. Mr. Matusz responded, no. Roger was off the following day. Mr. Matusz had called the Village Hall and spoke with Rebecca. “Why would I call Roger?” Ms. Schneider stated that she had heard that “Roger had attempted to contact the Mayor and didn’t get an answer.” Mayor Mayer stated that he was not called. Mr. Matusz stated that “the Department Heads have to communicate with the Mayor, and the Mayor communicates with us.” Mrs. Kramer said “that if an employee is trying to reach the Mayor with no response that is when you call the clerk.” The Clerk has ways to get in touch with the Mayor. Mr. Matusz stated that people need to be calling the clerk. Employees should be calling the clerk for vacations, call-offs, vehicle issues, and he would like to see a log book of calls. Logging of calls is a common business practice.

Ms. Holody asked if a report or form is completed when there is a problem with one of the department’s trucks and the report should be provided to the Mayor, by the end of shift. Ms. Schneider asked if there is a carbon copy telephone message book. Mr. Matusz stressed the need to log calls.

Mayor Mayer then addressed the comment that he was unable to be contacted saying “that the statement was untrue.” Rebecca is available 8 hours a day in the office to assist the Mayor. Rebecca can get ahold of the Mayor. Roger does not call the Mayor. Mr. Matusz said: “that it is a problem.” The Mayor is the first phone call made when something goes wrong. There is a chain of command that must be enforced.

Mrs. Kramer asked Council members to refrain from using their cell phones during the meeting.

Mrs. Kramer then stated that Mr. Matusz had a very good point and she would like suggestions to address the concern. Mr. Matusz suggested the log book. Mr. Schneider then recommended the return of department liaisons. Mr. Schneider advocated for Roger to have a cell phone. Council discussed the Service Department voice mail and current radio availability. Mr. Matusz expressed concerns with the lack of cleaning at the Village Hall.

Mayor Mayer then asked: “Who authorized Roger to hire a company to do the driveway? Council had authorized road repairs within the Cardinal contract.” Mr. Schneider affirmed that was all he (Roger) brought to us (Council). Mayor Mayer asked again, “Who authorized Roger to hire a company to do the parking lot?” Mr. Schall and Mr. Schneider responded: guess you will have to ask Roger.

Ms. Holody asked: Was it authorized? Mayor Mayer responded, no. Solicitor Hesske had monitored the documentation related to the contract from Cardinal in order to make sure the documentation was what Council authorized. The paperwork was to repair roadways, not the parking lot. Mayor Mayer

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remarked that Roger was told to do the parking lot and not to hire a company. Mayor Mayer announced that the asphalt company was, in fact, scheduled to come tomorrow to work on the parking lot. Ms. Holody asked if a company was hired to perform work on the parking lot who is responsible for payment. Solicitor Hesske responded that if an authorization was signed to perform work on the parking lot, then that person who authorized the work is responsible for the payment. Solicitor Hesske was unsure if there was such an agreement with Cardinal. If the work is over \$500 Roger cannot authorize the work. Mrs. Kramer ask if there is a reprimand that needs to be discussed. Solicitor Hesske said that could be addressed during an Executive Session.

Mr. Schneider stated that he was told that Cardinal Asphalt was coming today to do the roads and seal and place blacktop in the holes in the parking lot. Mr. Schneider also said that those projects were within the contract that Roger submitted. Solicitor Hesske noted that no parking lot improvements were within the Cardinal contract approved by Council. Ms. Holody commented that this has happened in the past, work performed that was not approved by Council.

Mrs. Kramer and Ms. Holody requested that Ms. Schneider to refrain from texting during the meeting. Ms. Holody and Mrs. Kramer asked Ms. Schneider to read the text/email. Ms. Schneider read: "Do you have the number for Roger, they're throwing him under the bus." Members asked Ms. Schneider: "who the text was addressed to" she responded Eddie Westfall. Solicitor Hesske asked if Officer Westfall was on duty. Ms. Schneider stated: "Yea, that doesn't mean he answered me." Solicitor Hesske asked if he had answered previously. Ms. Schneider responded, that Officer Westfall has not answered her tonight, her earlier message was a text to her niece. Ms. Holody and Mrs. Kramer asked Ms. Schneider to read the text message to her niece, which was read aloud and verified as a message to her niece. Mrs. Kramer pointed out to Ms. Schneider that her behavior was offensive, uncivil, rude, and unprofessional. Mrs. Kramer asked Ms. Schneider to stop.

Members agreed to allow Solicitor Hesske to follow up with Roger and Cardinal regarding the parking lot work authorization. Solicitor Hesske responded: there are two scenarios: (1) if a company is showing up tomorrow to pave, the numbers provided the Solicitor to prepare the legislation for Council had additional funding to cover this parking lot paving, if that is the case the contract is void; (2) If there is an ancillary agreement, separate from the road repair agreement, whoever signed the agreement would be responsible for payment. The company performing the repair work must be made aware that the signature on the contract is the responsible party if the company performs the work.

Solicitor Hesske further explained the two scenarios again. The fairest would be to determine the facts and speak with Cardinal first thing. Members noted that tomorrow is a holiday for Village employees. Mrs. Kramer asked: how does Council determine if the contract is legitimate. Solicitor Hesske offered to call Cardinal if Council approved. She will call and clarify the work. Ms. Holody stated that she would like to know if there was a verbal agreement to perform work.

**MOTION: TO APPROVE SOLICITOR HESSKE TO CALL TO CARDINAL PAVING AND ASPHALT TO CLARIFY THE CONTRACT AND DETERMINE ITS VALIDITY.**

Motion was made by Mrs. Kramer, seconded by Mr. Matusz.

Votes were: Brian Schall, aye; Michael Matusz, aye; Pam Schneider, nay; Dee Holody, aye; Dan Schneider, nay. Motion passed 4 aye; 2 nay.

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(Motion 169-2014)

Ms. Holody asked Mr. Wilk if he was awaiting a response from the proposal for Simple Recycling. He responded, no. Ms. Holody asked if Council would like to consider a reconvening of the meeting. Members agreed to proceed with the meeting.

### **MAYOR'S REPORT**

Mayor Mayer asked that nominations for the lifetime achievement award be provided to Ms. Garner this week for discussion at the next meeting.

Players Barn status and update:

At the request of the Mayor, Ms. Garner described the following:

She and the Mayor had met with the Northeast Ohio Four County Regional Planning and Development Organization (NEFCO). NEFCO assists communities within their district with planning and grant funding opportunities.

NEFCO suggested a meeting with the US EPA which resulted in the proposed Brownfields application to remediate asbestos from the Players Barn.

In order to apply for the Brownfields grant an Analysis of Brownfields Cleanup Alternatives (ABCA) would be required by the US EPA. An application to have the entire ABCA study paid for by NEFCO was made and approved. The ABCA Study could cost from \$3,000 to \$9,000 but NEFCO was willing to pay 100% of the cost.

Mayor Mayer then illustrated the following:

Discussions have occurred with the National Park suggesting a land swap if the Players Barn asbestos is remediated. The land swap would provide opportunity to gain property within the Village to house a wastewater treatment facility.

The US EPA Brownfields grant could provide funding of up to \$200,000 with a 20% match.

The National Park Service is confident they could provide sponsors for the 20% match. The 20% from the sponsors would be available only if the Players Barn property would be specified to the Park and used as a barn to the adjoining farm.

Mr. Matusz asked if both properties were included within the negotiations with the Park, Mr. Mayer explained that the consideration was just the property where the barn is located. Not both of the parcels.

Solicitor Hesske explained that the motion that Mayor Mayer was looking for would be to accept the funding for the study costs to be paid by an outside party, NEFCO. She asked: Would Council approve the study being performed if the cost was paid by an outside party? Further noting that the study would be paid 100%, no match would be

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required.

Mr. Schneider commented: why would the Village “pay \$200,000 for barn that is worth fifty cents.” Solicitor Hesske explained that no funds would be expended by the Village at this time. Mr. Schneider further stated that “\$80,000 was put into the barn for the damn stage, we should just take a backhoe and knock it down and the asbestos is gone.” Mayor Mayer described that the US EPA would monitor any removal and cleanup of the asbestos in phase two of the program. The first step is to get the study. The Village will not spend a dime, and then have a tool to land swap with the National Park. Ms. Schneider asked if the 20% promise from the Park is in writing. Mayor Mayer explained that the study must be done before those negotiations would begin. Ms. Holody made clear to Mr. Schneider that the purpose of the Brownfield grant funding is because the cost of most remediation of asbestos is more than the value of the site.

**MOTION: APPROVE THE ACCEPTANCE OF THE ABCA STUDY BASED ON THE FACT THAT THE COST OF THE STUDY IS PAID 100% BY NEFCO.**

Motion was made by Ms. Holody, seconded by Mrs. Kramer.

Votes were: Brian Schall, nay; Michael Matusz, aye; Pam Schneider, nay; Dee Holody, aye; Dan Schneider, nay. Motion was tie 3 aye; ~~2~~ 3 nay. Mayor Mayer voted aye. Motion passed.

(Motion 170-2014)

Members then discussed the trash hauling contracts submitted after the bid opening September 30, 2014. Several members agreed that they were very satisfied with Republic’s services. Council then decided that a Resolution should be prepared for consideration at the next meeting to approve the Republic Services contract. Ms. Holody asked if the Republic contract could include the once a year, all you want, spring cleanup. Mr. Stiegel would contact Republic Services.

Mayor Mayer asked for Council’s consideration of a survey to be performed in relation to the vacation of a portion of Akron Peninsula Road.

Discussed an inquiry to Boston Heights for an inquiry as to what they would charge to maintain that portion of the road. Including snow removal.

Cannot re-open the road once vacated.

Would affect funding opportunities from the National Park.

Members agreed not to proceed.

### **SOLICITOR’S REPORT**

No report.

### **FISCAL OFFICER’S REPORT**

Mr. Stiegel reported on the JEDD update as requested last meeting.

CCA reporting/collections were improved last month.

Expenses are now paid up to date.

Split is no at 70/30.

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Mr. Stiegel asked for Council's consideration of meeting minutes.

**MOTION:** TO APPROVE THE OCTOBER 14, 2014 MEETING MINUTES AS SUBMITTED.

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

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

(Motion 171-2014)

**MOTION:** TO APPROVE THE OCTOBER 20, 2014 MEETING MINUTES AS CORRECTED.

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

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

(Motion 172-2014)

**MOTION:** TO APPROVE THE NOVEMBER 3, 2014 MEETING MINUTES AS SUBMITTED.

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

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

(Motion 173-2014)

**MOTION:** TO ACKNOWLEDGE AND ACCEPT THE SEPTEMBER FINANCIAL REPORTS.

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

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

(Motion 174-2014)

**MOTION:** TO PAY THE BILLS AS SUBMITTED BY THE FISCAL OFFICER.

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

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

(Motion 175-2014)

**MOTION:** TO APPROVE THE HEALTHCARE CONTRACT INCLUDING THE 5% INCREASE.

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

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

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(Motion 176-2014)

**POLICE DEPARTMENT**

Mayor Mayer reported that the police department was dealing with some small problems, fewer officers, shorten schedules, and the need for more auxiliary officers.

**ZONING**

No report in addition to submitted report.

**BOARD OF ZONING APPEALS.**

Meeting was cancelled. Next meeting December 11, 2014.

**FIRE BOARD**

Meeting not scheduled until Thursday.

**PLANNING COMMISSION**

Mr. Matusz reported that the last Planning meeting did not have a quorum present. The next meeting will be held November 25<sup>th</sup> at 5:30 pm. at the Village hall to discuss vacation rentals due to the numerous inquiries.

**CEMETERY**

Mr. Schneider reported on the height extensions of the fencing and the new gates.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**LEGISLATION**

*First Reading:*

**RESOLUTION 29-2014**

A RESOLUTION TO AUTHORIZE THE VILLAGE OF PENINSULA (“VILLAGE”), THROUGH THE MAYOR, TO ENTER INTO A CONTRACT WITH THE SUMMIT COUNTY PUBLIC DEFENDER’S COMMISSION AND DECLARING AN EMERGENCY.

**MOTION:** TO SUSPEND THE SECOND AND THIRD READINGS OF RESOLUTION 29-2014.

Moved by Mr. Schneider, 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.

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(Motion 177-2014)

**MOTION:** TO ADOPT RESOLUTION 29-2014.

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

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

(Motion 178-2014)

**RESOLUTION 30-2014**

A RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE VILLAGE OF PENINSULA TO ENTER INTO AN AGREEMENT WITH GREAT LAKES RECYCLING, INC. DBA SIMPLE RECYCLING, AN OHIO CORPORATION FOR THE COLLECTION OF SOFT RECYCLABLES AND DECLARING AN EMERGENCY.

**MOTION:** TO SUSPEND THE SECOND AND THIRD READINGS OF RESOLUTION 30-2014.

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

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

(Motion 179-2014)

**MOTION:** TO ADOPT RESOLUTION 30-2014.

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

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

(Motion 180-2014)

**RESOLUTION 31-2014**

RESOLUTION 31-2014 A RESOLUTION TO AUTHORIZE THE MAYOR, ON BEHALF OF THE VILLAGE OF PENINSULA, TO ENTER INTO AN AGREEMENT WITH THE WALTER H. DRANE COMPANY, FOR THE PURPOSE OF CLASSIFICATION AND CODIFICATION OF ORDINANCES.

**MOTION:** TO SUSPEND THE SECOND AND THIRD READINGS OF RESOLUTION 31-2014.

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 181-2014)

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**MOTION:** TO ADOPT RESOLUTION 31-2014.

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

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

(Motion 182-2014)

**RESOLUTION 32-2014**

A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO REIMBURSE FIRST ENERGY THE SUM OF \$4,194.75 FOR DAMAGE TO A STREET LIGHT POLE AS A RESULT OF AN AUTO ACCIDENT BY AN UNKNOWN INDIVIDUAL, AND NOT COVERED BY THE VILLAGE INSURANCE AND DECLARING AN EMERGENCY.

**MOTION:** TO SUSPEND THE SECOND AND THIRD READINGS OF RESOLUTION 32-2014.

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

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

(Motion 183-2014)

Discussion regarding the circumstances involved with the expense ensued. An accident report had been filed after Roger Robinson, reported damage to the light pole. Solicitor Hesske explained that an agreement with First Energy exists that when an accident occurs and un-collectible by insurance, the Village is responsible for the costs. It was also noted that First Energy had threatened to suspend the Fiscal Officer's driver's license should the bill go unpaid.

**MOTION:** TO ADOPT RESOLUTION 32-2014.

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 184-2014)

**RESOLUTION 33-2014**

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CONTRACT WITH TIME WARNER CABLE BUSINESS CLASS FOR INTERNET AND LOCAL/ LONG DISTANCE PHONE SERVICES TO BE PROVIDED TO ALL VILLAGE OF PENINSULA ADMINISTRATIVE OFFICE AND SERVICE DEPARTMENT.

**MOTION:** TO SUSPEND THE SECOND AND THIRD READINGS OF RESOLUTION 33-2014.

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.

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(Motion 185-2014)

**MOTION:** TO ADOPT RESOLUTION 33-2014.

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 186-2014)

*Second Readings:*

**RESOLUTION 21-2014**

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

Solicitor Hesske asked for Council’s consideration to table Resolution 21-2014 in order to prepare the proper contract and legislation. The current contract and legislation are in compatible with the requirements of work to be performed by the Village.

**MOTION:** TO TABLE RESOLUTION 21-2014.

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

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

(Motion 187-2014)

*Third Readings:*

None

*Tabled:*

**RESOLUTION 11-2014**

A RESOLUTION AUTHORIZING THE VILLAGE TO ENTER INTO AN AGREEMENT WITH MS CONSULTING INC. FOR THE PERFORMANCE OF ENGINEERING SERVICES FOR THE CALENDAR YEAR 2014 AND DECLARING AN EMERGENCY.

Solicitor Hesske asked for Council’s consideration to move Resolution 11-2014 from the table to the Agenda for discussion.

**MOTION:** TO TAKE FROM THE TABLE RESOLUTION 11-2014 AND RESUME AS THIRD READING.

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

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

(Motion 188-2014)

Solicitor Hesske noted changes to the contract including:

Calendar Years 2014 and 2015.

Clarification within the contract that there is no retainer but use of hourly fees.

Include a \$5,000 maximum for budgeting purposes.

**MOTION:** TO ADOPT RESOLUTION 11-2014.

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 189-2014)

**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 190-2014)



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Respectfully submitted:

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Douglas G. Mayer, Mayor

Date

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John D. Stiegel, Fiscal Officer

Date

The Village of Peninsula's next regular meeting of Council will be held December 11, 2014 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)

rg

12/9/2014