

RECORD OF PROCEEDINGS  
Village of Peninsula Council  
REGULAR SESSION

Held: April 13, 2015

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Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye; Pamela Schneider, aye; Daniel Schneider, aye. **Motion passed unanimously.**  
(Motion 62-2015)

**MOTION:** TO ADOPT RESOLUTION 10-2015.

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

Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye; Pamela Schneider, aye; Daniel Schneider, aye. **Motion passed unanimously.**  
(Motion 63-2015)

*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.

**MOTION:** TO HOLD RESOLUTION 21-2014 IN THE STATUS OF TABLED.

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

Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye; Pamela Schneider, aye; Daniel Schneider, aye. **Motion passed unanimously.**  
(Motion 64-2015)

**OLD BUSINESS**

None.

**NEW BUSINESS**

Ms. Kramer reported what she learned pertaining to the email that Council received last Thursday, 4/9/15 explaining what happened with the proposal that was given to the County Engineer to chip and seal our roads. On the morning of Monday, 4/13/15, Ms. Kramer spoke to Dave Smith, of the Summit County Engineer's office, who puts together bid packages. He said that the county offers a Regional Program that they started several years ago in order to bring the county together and form a conglomerate, so they can put out bids and get a better price from their contractors. Ms. Kramer asked what steps a community takes to be involved in this package. Mr. Smith said that the first thing that happened, was in December, a letter was mailed out to the communities letting them know that there would be an upcoming meeting where they could learn more about the packages they were offering,

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and what the advantage was to being a part the package. The letter was mailed and received by the Village, but no one from the Village attended the meeting. Deadlines were presented at the meeting to communities wishing to be part of the Bid Package. Ms. Kramer stated that the Village Road Supervisor contacted the County Engineer at the beginning of March, and asked if it was too late to be part of the Bid Package. The County Engineer, Sam Ross told the Village Road Supervisor that it was not too late, but that it was close to the deadline. Ms. Kramer stated that she was informed that standard procedure, is for the Road Supervisor to submit the roads that he would like to be part of the bid to the County Engineer, who then puts together an estimate, the estimate is presented to Council at which time Council creates legislation giving the county permission to put us in their conglomerate to bid out the project. Ms. Schneider stated that they've been doing this for years. Ms. Kramer stated that the process is the County Engineer prepares an estimate that is presented to Council, Council than has to approve what the estimate says in order to give the County Engineer permission to include the Village in the Bid Package. The information was given to the Road Supervisor, and never presented to Council. When Dave Smith stated that the deadline had passed, Ms. Kramer replied that it was too bad because Council hadn't been given any information to create legislation to give permission to put together a bid package, Mr. Smith pulled documents, which stated that the Village, was in fact part of the bid package. Ms. Kramer questioned how that could be, as Council first heard about the Bid Package last Thursday and Council has not passed any legislation. Mr. Smith suggested Ms. Kramer speak to the County Engineer, Sam Ross, who informed Ms. Kramer that he spoke to the Road Supervisor who indicated that the legislation was being taken care of and to include Peninsula in the Bid Package. Therefore, Sam Ross included Peninsula in the Bid Package and the estimate to do the work is \$48,000. Ms. Kramer asked Mr. Stiegel if the Road Supervisor came to him to see if the funds were in the budget to do the work, and Mr. Stiegel replied that he did not. Ms. Kramer asked how we would pay for the chip and seal project, and Mr. Stiegel told her that the Village would use the license plate tax, 2 sources for this, the state gives us money directly and the county holds the money, we turn in our invoice and they pay us. This fund balance is about 30,000 leaving 18,000 that the Village would need to come up with. Mr. Stiegel showed Ms. Kramer places where that money could be found. Ms. Kramer's concern is, how did the Road Supervisor know what was in the budget, when she as a Council member didn't know. At this point there is no legislation to be part of this project.

Mr. Schneider stated that Roger Robinson has done this for the past 26 years, he has always brought it to council and council voted on it. Ms. Kramer stated that this is not the same as going out and getting a bid and bringing it to Council. By saying that the legislation is forthcoming, without bringing it to Council to say we are going to support that program and you can put 48,000 out to bid. Ms. Kramer asked Sam Ross if he needed to have the legislation in hand before including the Village in the Bid Package, and he said no, that he takes it on faith, when the Road Supervisor tells him that the legislation is in the works and forthcoming and included the Village.

Ms Holody stated that her huge problem with this is the budget number, when the Village did the resurfacing in 2010, 90 % was funded by the CVNP, the balance was funded by the Village of  
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Peninsula, the chip and seal was funded by Summit County tag tax. The Village did not pay the 50,000 that it cost in 2010, nor in 2005, because it was funded by the RRAP Grant that came out of the park. The Village doesn't have any more money than they had in 2010 to work with. The Mayor and Council did not have a chance to discuss if the Village could afford 48,000 or even 20,000 and no input regarding which roads really do need done.

Mr. Schall asked if the Village were to do it the right way, would we be able to be a part of the Bid Package. Ms. Kramer stated that the time has passed. Mayor Mayer stated that we are in the Bid Package. Ms. Kramer stated that the Village is in it without legislation, and the County needs to know by Friday if we are staying in the Bid Package. Ms. Kramer stated that Council has questions about which roads are included, that Council hasn't seen them, first roads need to be in proper shape, pot holes need to be fixed before the chip and seal process. Mr. Schall stated that roads are one thing, legislation is another, and we need the legislation to be included in the Bid Package. Ms. Kramer stated to create the legislation the Council needed some lead time, and was not given that. Mr. Schall stated that the Village would then not be a part of the Bid Package this year, and it would need to be done correctly next year. Mr. Schneider asked where the legislation was, which Ms. Holody answered there is no legislation. Solicitor Hesske stated that the County sent a proposed contract and the proposed legislation, which Mr. Stiegel brought to her last month and she said it was not going on the agenda, because she asked what the numbers were, as the numbers were left blank and that was the end of the discussion. The Solicitor stated that the estimates should have been presented to Council for review and approval. Mr. Schneider asked how was it that the Solicitor got a copy and the Mayor did not. Solicitor Hesske replied that she did not receive a copy from the County, the Road Supervisor forwarded a copy after the fact. Ms. Holody, Solicitor Hesske, and Mayor Mayer replied that they never got the estimate. Mr. Schall stated that since no member of Council took the initiative to do it, the Road Supervisor went on his own and did it. Ms. Holody and Mayor Mayer stated that Council was never involved. Mayor Mayer stated that the Road Supervisor received the paperwork, he followed through with the paperwork, he sent the paperwork in and Council was never told.

Mr. Schall asked if the Village could still be part of the Bid Package. Mayor Mayer stated that we do not have the legislation to be part of the Bid Package. Ms. Kramer stated the community missed an opportunity to save some money, by not being part of the Bid Package. Ms. Holody, stated that she did not believe there was money in the budget to cover the 48,000 bid. Mr. Schneider stated that in the past the Village used the license plate tax money, not money from the budget. Ms. Holody stated that is fine, but how much money is that, is it 10,000, is it 20,000 or is it 5,000. Mr. Stiegel stated that he called on the morning of April 13, and they were supposed to email the amount, but did not receive the information prior to the meeting. He stated that last time it was close to 30,000 about 28,000.

Mr. Schneider asked if there was a signed contract with the County, or was it just an estimate of work. Ms. Kramer explained the process once more, the County Engineer asked if we wanted to be part of the Bid Package and if so, we needed to send a list of roads to include. So the Road Supervisor sent  
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that information over to the County Engineer. The County Engineer looked at those roads and put together an estimate. He sent the estimate to the Road Supervisor. With that estimate, the Road Supervisor was to come to Council and say here are the roads that he presented to the Engineer for an estimate, and this is what I got back and it costs 48,000. At that time Council could have decided what the Village was able to spend and which roads would be done. Council then would have created legislation to have the work done. The legislation would have authorized the County Engineer to do 3 things, one to put us in the Bid Package for this amount of money, 2 to go out and solicit bids from contractors and it would have authorized the County to write the contract for the whole conglomerate. Once the work was done, the County office would check that the work was done correctly, and then send us an invoice. The County is acting as our Fiscal Agent to have the work done.

Mayor Mayer stated that the Road Supervisor sent road numbers out and received an estimate from the County. Then the Road Supervisor sent the estimate back to the County saying put us in the Bid Package. The Road Supervisor approved the estimate and it was entered into a bid which created a contract. Ms. Kramer stated that he bypassed Council, and never presented it.

Mr. and Ms. Schneider announced that they would need to leave the meeting to tend to a family medical issue. Mayor Mayer stated that for the record at 9:03 Mr. and Ms. Schneider were excused from the regular meeting.

Solicitor Hesske stated that the next step as Council is what is to be done about the roads. After Council discussion, Mayor Mayer stated that Council had until Friday to decide if the Village should be removed from the County Bid Package.

**MOTION:** TO REMOVE THE VILLAGE OF PENINSULA FROM THE COUNTY CHIP AND SEAL BID PACKAGE.

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

Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye; Pamela Schneider, absent; Daniel Schneider, absent. **Motion passed with 4 votes.**

(Motion 65-2015)

**MOTION:** TO MOVE INTO EXECUTIVE SESSION FOR THE PURPOSE OF PERSONNEL ISSUES IN RESOLUTION AT 9:06 PM.

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

Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye; Pamela Schneider, absent; Daniel Schneider, absent. **Motion passed with 4 votes.**

(Motion 66-2015)

**MOTION:** TO COME BACK INTO REGULAR SESSION AT 9:44 PM.

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

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Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye; Pamela Schneider, absent; Daniel Schneider, absent. **Motion passed with 4 votes.**  
(Motion 67-2015)

**MOTION:** TO HOLD A SPECIAL MEETING FOR PERSONNEL ISSUES  
MONDAY APRIL 20<sup>TH</sup> AT 7:00 PM.

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

Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye; Pamela Schneider, absent; Daniel Schneider, absent. **Motion passed with 4 votes.**  
(Motion 68-2015)

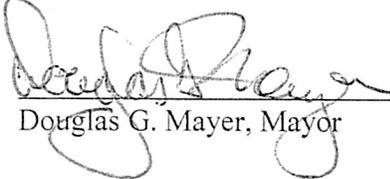
**ADJOURNMENT**

**MOTION:** TO ADJOURN AT 9:50 PM.

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

Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye; Pamela Schneider, absent; Daniel Schneider, absent. **Motion passed with 4 votes.**  
(Motion 69-2015)

Respectfully submitted:

  
\_\_\_\_\_  
Douglas G. Mayer, Mayor                      5-20-15  
Date

  
\_\_\_\_\_  
John D. Stiegel, Fiscal Officer                      5/20/15  
Date

The Village of Peninsula's next regular meeting of Council will be held **May 11, 2015** 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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