

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, February 7, 2005 7:30 p.m.

The Village of Silver Lake Council met in a regular session on Monday, February 7, 2005, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With President of Council, Mr. Duane Scott, presiding, the meeting was called to order at 7:30 p.m.

Mr. Scott led the Pledge of Allegiance.

The following members were present and responded to roll call: Mr. Jack Ingram, Mr. Robert Gray, Mr. Duane Scott, Mrs. Carol Steiner, Mr. William Church, and Mrs. Karen Fuller.

Roll call of Council – 6 members present

Mr. Gray made a motion to excuse Mr. Bernie Hovey from this evening's Council meeting, seconded by Mr. Church and all of Council agreed.

Mr. Scott asked if there were any additions or corrections to the minutes of the January 18, 2005, Council meeting.

There being no corrections, the minutes were approved as sent out.

Mr. Scott called on Mayor Mendenhall to introduce and swear in the members of the Charter Review Commission.

Mayor Mendenhall then administered the oath of office to the members of the Charter Review Commission. The members sworn in were Mr. Richard Lubinski, Mr. Terrence Steele, Mrs. Gayle Snyder, and Ms. Connie Humble. Mrs. Amy Riechman was not in attendance.

Mr. Scott thanked the members for their willingness to serve.

Mrs. Snyder stated that the members understand the Charter Review Commission has a very important job ahead of them and they intend to take it very seriously.

Mr. Scott asked Mrs. Teresa Spohn, Clerk-Treasurer, for the reading of any pending legislation that is up for a first reading.

ORDINANCE NO.: 19-2005 AN ORDINANCE TO APPROVE, ADOPT AND ENACT POLICIES, RULES, AND REGULATIONS DESIGNED BY THE VILLAGE PARK BOARD AS WORKING GUIDELINES FOR PUBLIC TREES IN THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Ordinance No.: 19-2005 to the Personnel and Public Affairs Committee.

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ORDINANCE NO.: 20-2005 AN ORDINANCE WITHHOLDING CONSENT FOR THE REMISSION OF TAXES, PENALTIES AND INTEREST ON AN APPLICATION FOR REAL PROPERTY TAX EXEMPTION FILED UNDER SECTION 3 OF SUB. H.B. 362 OF THE 125TH GENERAL ASSEMBLY.

Mr. Scott assigned Ordinance No.: 20-2005 to the Finance and Appropriations Committee.

RESOLUTION NO.: 21-2005 RESOLUTION AUTHORIZING THE PAYMENT IN SETTLEMENT OF A MORAL CLAIM AGAINST THE VILLAGE BY MR. JOSEPH MAY FOR PROPERTY DAMAGE TO TIRES ON HIS PERSONAL VEHICLE, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 21-2005 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 22-2005 A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE A 2005 FORD EXPEDITION/SPECIAL SERVICE PACKAGE WITH TRADE-IN, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 22-2005 to the Finance and Appropriations Committee.

RESOLUTION NO.: 23-2005 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH COLONIAL LIFE AND ACCIDENT INSURANCE COMPANY TO SUPPLY INSURANCES UNDER A FLEXIBLE BENEFITS PLAN IN ACCORDANCE WITH THE GUIDELINES OF SECTION 125 OF THE INTERNAL REVENUE, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 23-2005 to the Planning, Zoning and Insurance Committee.

RESOLUTION NO.: 24-2005 A RESOLUTION BY THE COUNCIL OF THE VILLAGE OF SILVER LAKE AUTHORIZING TERESA M. SPOHN, CLERK-TREASURER, TO SIGN ALL DOCUMENTS AND IN ALL WAYS ACT AS AUTHORIZED AGENT RELATIVE TO OBTAINING CERTAIN FEDERAL FINANCIAL ASSISTANCE UNDER THE DISASTER RELIEF ACT (PUBLIC LAW 288, 23RD CONGRESS) OR OTHERWISE AVAILABLE FROM THE PRESIDENT'S DISASTER RELIEF FUND, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 24-2005 to the Planning, Zoning and Insurance Committee..

RESOLUTION NO.: 25-2005 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS, AND DECLARING AN EMERGENCY. \$ 113,268.74

Mr. Scott assigned Resolution No.: 25-2005 to the Finance and Appropriations Committee.

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Mr. Scott asked for the reading of any pending legislation that is up for a second reading.

ORDINANCE NO.: 16-2005 AN ORDINANCE HEREBY AMENDING PROVISIONS OF THE INCOME TAX CODE OF THE VILLAGE OF SILVER LAKE, OHIO, IN ACCORDANCE WITH HOUSE BILL 95 AND HOUSE BILL 477 BY REDEFINING NET PROFITS, INCORPORATING A SUBSTITUTE METHOD FOR ALLOCATING NET PROFITS, DEFINING INTANGIBLE INCOME, REGULATING EXTENSIONS AND THE USE OF GENERIC FORMS, AND AMENDING VARIOUS OTHER PROVISIONS RECITED SPECIFICALLY HEREIN, AND DECLARING AN EMERGENCY.

Ordinance No.: 16-2005 was previously assigned to the Finance and Appropriations Committee.

Mr. Scott recessed the regular Council meeting at 7:38 p.m. to continue the Committee of the Whole meeting.

Mr. Scott reconvened the regular Council meeting at 7:54 p.m.

Mr. Scott asked if there were any questions from the audience regarding pending legislation.

There being no questions, Mr. Scott continued with the agenda.

REPORTS OF COUNCIL STANDING COMMITTEES

Finance and Appropriations Committee – Mr. Jack Ingram, Chairman

Mr. Ingram stated Ordinance No.: 20-2005 was discussed in committee earlier this evening and is ready for adoption.

Mr. Ingram made a motion to suspend the rule that legislation be read at three meetings for Ordinance No.: 20-2005, seconded by Mr. Gray.

Roll call on suspension: Yes 6 No 0

Motion to adopt by Mr. Ingram, seconded by Mr. Church.

Roll call on adoption: Yes 6 No 0

Mr. Ingram stated Resolution No.: 22-2005 was discussed in committee earlier this evening and is ready for adoption.

Mr. Ingram made a motion to suspend the rule that legislation be read at three meetings for Resolution No.: 22-2005, seconded by Mrs. Steiner.

Roll call on suspension: Yes 6 No 0

Motion to adopt by Mr. Ingram, seconded by Mr. Gray.

Roll call on adoption: Yes 6 No 0

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Mr. Ingram stated Resolution No.: 25-2005 was discussed in committee earlier this evening and is ready for adoption.

Mr. Ingram made a motion to suspend the rule that legislation be read at three meetings for Resolution No.: 25-2005, seconded by Mr. Church.

Roll call on suspension: Yes 6 No 0

Motion to adopt by Mr. Ingram, seconded by Mr. Gray.

Roll call on adoption: Yes 6 No 0

Mr. Ingram stated Ordinance No.: 16-2005 was discussed in committee earlier this evening and is ready for adoption.

Mr. Ingram made a motion to suspend the rule that legislation be read at three meetings for Ordinance No.: 16-2005, seconded by Mr. Church.

Roll call on suspension: Yes 6 No 0

Motion to adopt by Mr. Ingram, seconded by Mr. Church.

Roll call on adoption: Yes 6 No 0

Personnel and Public Affairs Committee – Mrs. Carol Steiner, Chairman

Mrs. Steiner stated Ordinance 19-2005 was discussed in committee earlier this evening and will be a first reading. Ordinance 19-2005 will be discussed in more detail at the next Council meeting.

Mrs. Steiner stated Resolution No.: 21-2005 was discussed in committee earlier this evening and is ready for adoption.

Mrs. Steiner made a motion to suspend the rule that legislation be read at three meetings for Resolution No.: 21-2005, seconded by Mr. Gray.

Roll call on suspension: Yes 6 No 0

Motion to adopt by Mrs. Steiner, seconded by Mr. Church.

Roll call on adoption: Yes 6 No 0

Personnel Placement Committee—Mrs. Carol Steiner, Chairman

Mrs. Steiner stated the Personnel Placement Committee met earlier this evening to discuss the promotion of one employee and the hiring of another. There are two recommendations for Council to consider.

The first recommendation to consider is for Ms. Heather Reiheld, currently in the position of Administrative Services Technician, Step C. Ms. Reiheld has been with the Village since 1996 and will be taking on the responsibilities in the position of Bookkeeper/Administrative Secretary.

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The Personnel Placement Committee has recommended Ms. Reiheld for the Bookkeeper/Administrative Secretary position, Step C.

Mrs. Steiner made a motion to move Ms. Reiheld from Administrative Services Technician, Step C, to Bookkeeper/Administrative Secretary, Step C, seconded by Mr. Church, and all of Council agreed.

The second recommendation is for a new hire in the Administrative Office. Ms. Margaret Redford will be assuming the responsibilities previously held by Ms. Reiheld. The Personnel Placement Committee has recommended Ms. Redford for the Administrative Services Clerk II position, Step B.

Mrs. Steiner made a motion to place new employee, Ms. Margaret Redford, in the Administrative Services Clerk II position, Step B, seconded by Mrs. Fuller, and all of Council agreed.

Planning, Zoning & Insurance—Mrs. Carol Steiner, Vice-Chairman

Mrs. Steiner stated Resolution No.: 23-2005 was discussed in committee earlier this evening and is ready for adoption.

Mrs. Steiner made a motion to suspend the rule that legislation be read at three meetings for Resolution No.: 23-2005, seconded by Mr. Church.

Roll call on suspension: Yes 6 No 0

Mrs. Steiner made a motion to amend Resolution No.: 23-2005 in Section 1. Mrs. Steiner stated the last sentence which reads “e Police Department of the Village of Silver Lake and in accordance with the State of Ohio Cooperative Purchasing Program and House Bill 204” should be deleted.

The motion was seconded by Mr. Gray

Roll call on the amendment: Yes 6 No 0

Motion to adopt by Mrs. Steiner, seconded by Mr. Gray.

Roll call on adoption: Yes 6 No 0

Mrs. Steiner stated Resolution No.: 24-2005 was discussed in committee earlier this evening and is ready for adoption.

Mrs. Steiner made a motion to suspend the rule that legislation be read at three meetings for Resolution No.: 24-2005, seconded by Mr. Gray.

Roll call on suspension: Yes 6 No 0

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Mrs. Steiner made a motion to amend Resolution No.: 24-2005 to replace Teresa M. Spohn, Clerk-Treasurer, in the caption to read Sergeant Dann M. Nivens and in Section 1, to replace Teresa M. Spohn's name to now read Sergeant Dann M. Nivens.

Mr. Gray seconded the motion.

Roll call on the amendment: Yes 6 No 0

Motion to adopt by Mrs. Steiner, seconded by Mr. Church.

Roll call on adoption: Yes 6 No 0

Mr. Scott stated this concludes the legislation before Council this evening.

Mr. Ingram thanked the Mayor for his Power Point presentation which was presented at the Committee of the Whole meeting earlier this evening on capital expenditures.

Mr. Ingram stated he would like to have a work session at 6:30 p.m. on Tuesday, February 22, 2005, to discuss capital expenditures.

MAYOR'S REPORT

Mayor Mendenhall stated the Charter Review Commission will meet on Wednesday, February 23, 2005, at 7:00 p.m. and on Wednesday, March 2, 2005, at 7:00 p.m.

Mr. Scott asked if the Commission would have an agenda.

Mayor stated Solicitor Heydorn will be in attendance at the meetings of the Charter Review Commission and will be giving the members instructions and background information at the first meeting on Wednesday, February 23, 2005.

Mr. Heydorn reported the Court of Appeals will hear oral arguments in the State train case on March 1, 2005.

There is still no decision from the 6th Circuit Court reference the Federal train case.

Chief DeMoss reported on January 19, 2005, Officer Jeff Phillips responded to a resident's home where the male individual was in full cardiac arrest.

A plumber was in the home at the time of the incident and called 911. Officer Phillips was there within moments and used the AED unit before EMS arrived. This is the first time the AED unit has been used by a member of the Police Department's staff.

The male individual is Mr. William Mulrooney. Mr. Mulrooney is the father-in-law of our former bookkeeper, Mrs. Despina Mulrooney.

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The plumber's quick response to call 911, Mr. Mulrooney's son Aaron's ability to perform CPR while waiting for assistance and Officer Phillips' quick response time, as well as Officer Phillips use of the AED unit, helped save Mr. Mulrooney's life. Mr. Mulrooney was transported by the EMS team and later had triple bypass surgery to correct the blockage to the heart.

Mr. Mulrooney has been released from the hospital and is recovering at home.

Chief DeMoss stated he received a letter from MADD thanking Officer Dirker for his quick action in stopping "an experienced drunk driver". This was the 5th drunk driving charge for this individual.

Chief DeMoss read the letter to Council. A copy of the letter is attached to the original minutes.

Chief DeMoss reported the Summit County Police Chief's Organization has put together a Crime Stoppers Program for Summit County which will air on Channel 5 with Mr. Adam Shapiro

Mr. Fenwick gave Mrs. Steiner a list of the training classes, seminars and/or sessions that the Service Department has participated in.

Draft legislation has been given to Council for the purchase of a new chipper.

Mr. Fenwick reported he and Ms. Redford will be attending a Summit County Solid Waste Authority luncheon. The discussion at the luncheon will be about obtaining a grant through the Solid Waste Authority.

There were two water breaks on Randolph Road last week.

Mr. Fenwick stated he has received two quotes for the Storm Water Phase II Regulations. Legislation will need to be written. CTI Environmental, Inc. quoted \$4,200 last year. Burgess and Niple quoted \$1,800.

Mr. Fenwick said he wanted to commend Officer Jeff Phillips for the extremely professional way in which he handled himself at the Mulrooney's.

Mr. Fenwick stated he and Mrs. Lipan went to the home to assist in any way the Mulrooney's needed us to. We both witnessed Officer Phillips' and the Stow EMS' handling of this situation. It was quite remarkable.

Mr. Scott reported that a member of our Council, Mr. Jack Ingram, was inducted into the Cuyahoga Falls High School Basketball Hall of Fame.

Mr. Ingram was the first basketball player in the State of Ohio to use the one handed jump shot.

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Mr. Scott stated Mr. Ingram had a good career in basketball.

Mrs. Fuller stated she will be going to the Park Board meeting Tuesday, February 8, 2005, and asked if there were any questions or concerns that she could take to the Park Board at that meeting.

Mr. Scott said he has questions on several paragraphs throughout the draft.

Mr. Church stated he has a question on the Park Board having the authority to amend or add to the master plan at any time.

Mr. Church asked how much authority does the Park Board have in all of this and how absolute is it.

Mr. Scott stated he is in favor of Park Board having working guidelines for public trees but wanted to make sure whatever procedures are adopted are legal ones.

Mr. Scott stated he would like to schedule a work session for 6:30 p.m. on Tuesday, February 22, 2005, to discuss the working guidelines for public trees.

Mrs. Steiner reported the street lights on Vincent Road are on and the lights are very nice.

There being no further questions from the audience, Council adjourned at 8:28 p.m., until the next Council meeting, Tuesday, February 22, 2005, at 7:30 p.m.

APPROVED:

Duane N. Scott, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer

MINUTES

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