

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, June 20, 2005

7:30 p.m.

The Village of Silver Lake Council met in a regular session on Monday, June 20, 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. Duane Scott, Mrs. Carol Steiner, Mr. Bernie Hovey, Mr. William Church, and Mrs. Karen Fuller.

Roll call of Council – 6 members present 1 absent

Mr. Hovey made a motion to excuse Mr. Robert Gray 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 June 6, 2005, Council meeting.

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

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

RESOLUTION NO.: 68-2005 A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE THREE MOBILE DATA TERMINALS FOR USE IN VEHICLES OPERATED BY THE VILLAGE OF SILVER LAKE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 68-2005 to the Finance and Appropriations Committee.

RESOLUTION NO.: 69-2005 A RESOLUTION TO MAKE ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2005, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 69-2005 to the Finance and Appropriations Committee.

RESOLUTION NO.: 70-2005 A RESOLUTION AWARDED A CONTRACT TO PERRIN ASPHALT COMPANY, INC. FOR THE 2005 COLD MILLING AND RESURFACING PROJECT OF VARIOUS STREETS IN THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

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Mr. Scott assigned Resolution No.: 70-2005 to the Public Improvements Committee.

RESOLUTION NO.: 71-2005 A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT UNDER THE SUMMIT COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR THE TOWN HALL MAIN ENTRANCE RENOVATION PROJECT INCORPORATING ADA ACCESSIBILITY GUIDELINES FOR PUBLIC USE, PLEDGING FIFTY PERCENT (50%) MATCHING FUNDS, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 71-2005 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 72-2005 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS, AND DECLARING AN EMERGENCY. \$ 135,270.34

Mr. Scott assigned Resolution No.: 72-2005 to the Finance and Appropriations Committee.

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 Resolution No.: 69-2005 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.: 69-2005, seconded by Mr. Hovey.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Mr. Ingram stated Resolution No.: 68-2005 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.: 68-2005, seconded by Mr. Church.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

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Mr. Ingram stated Resolution No.: 72-2005 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.: 72-2005, seconded by Mr. Church.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Public Improvements Committee – Mr. Bill Church, Chairman

Mr. Church stated Resolution No.: 70-2005 was discussed in committee earlier this evening and is ready for adoption.

Mr. Church made a motion to suspend the rule that legislation be read at three meetings for Resolution No.: 70-2005, seconded by Mrs. Steiner.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

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

Mrs. Steiner stated Resolution No.: 71-2005 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.: 71-2005, seconded by Mr. Church.

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

Mrs. Steiner stated the Personnel Placement Committee met this evening and made a motion to move Officer Eric Dirker, who has been employed with the Village for two years, from Patrol Officer I, Step B to Patrol Officer I, Step C. The motion was seconded by Mr. Ingram, and all of Council agreed.

MAYOR'S REPORT

Mayor Mendenhall stated that he attended the Elected Officials Conference in Washington D.C. that was sponsored by Congressman Steve LaTourette. All of the Mayors in the Summit County district attended the conference.

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The Village has requested \$100,000 from the U.S. Army Corp of Engineers for the study of the river basin to determine if the federal government has any responsibility for helping control the flooding of the river. A program director has been assigned and the money has been set aside, but not allocated. Once the money is allocated, the Village will be notified.

The Village has also requested for \$100,000 for Section 594, which is a grant for the Village to complete some of the projects that have been discovered that might help control the flow of the river. This request is on indefinite hold because the chairman of that committee is not in agreement with the U.S. Army Corp of Engineers. The Village will be informed if the funds will be forthcoming.

While the Mayor was in Washington, he also toured the Pentagon. The Mayor stood behind the window where the plane went through the Pentagon on 9/11.

While the Mayor was in Washington, Mr. Dameyon Shipley, Director of Projects for ODNR, visited Village Hall. The Mayor spoke to him the next day and he had arbitrarily decided that no decision really had to be made until August. Mr. Shipley asked the Mayor to come up with footage of the area, install a road, and designate the area and the ball field as a recreational area by Council adopting legislation.

This morning CTI Environmental briefed Mayor Mendenhall and Service Director Richard Fenwick on the smoke testing that was performed on June 1st and 2nd in the Village. Two instances of infiltration from private residences were found and there were two instances where our own catch basins are leaking. The next step will be camera work and then dye testing. For a long term solution, we might have to look at some reconstruction of those manholes. A determination has to been made about the other three sites.

The Mayor was able to meet with the two residents regarding the houses in Colony Allotments this afternoon and provided them with the final cost analysis based on the appraisal of the properties. Everyone involved was disappointed that the appraisals were lower than expected.

There will be a meeting at Village Hall on Thursday, June 23, 2005, at 8:00 a.m. regarding health insurance. The Mayor informed Council that Medical Mutual is the decided winner, with the understanding that all the other bids that came in from other providers were based on the 1590 model. The Village currently offers the 15100 plan.

There have been several requests from Village residents to move the flag in front of Village Hall closer to the street because it can not be seen.

Mr. Scott stated that the flag needs to be illuminated.

The Mayor stated that illuminating the flag will be possible once it is moved closer to the street.

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The Mayor stated there is a concerned effort to organize a Council of Government (COG) in the eastern perimeter of Summit County to handle dispatch services for the police. If a COG is formed, there will be more access to grants and also better communication.

There should be enough information gathered in July to look at the capital budget.

Mr. Scott asked if the sound wall on the Cuyahoga Falls side is being replaced.

Mayor stated that he and Mr. Lubinski had met with the ODOT director relative to this issue and knew that the sound wall project was coming. The Mayor is going to suggest placing the quiet pavement that he had discovered while on vacation in North Carolina.

Mr. Heydorn, Village Solicitor, stated that everyone has received a copy of the briefs filed with the Supreme Court in regards to the train case in their Council packets. The first copy is what the Village filed and the other is a copy of what the Ohio Municipal League filed.

Chief Gary DeMoss thanked Council, the Mayor, and Mrs. Spohn for adopting the legislation that will allow the Police Department to purchase three MDT's.

Chief DeMoss stated there was a serious traffic crash in the Village on Graham Road on Thursday, June 16, 2005. Subsequent to the crash, Graham Road was shut down to two lanes for most of the afternoon.

Two young males were going westbound on Graham Road at an estimated speed of 75 mph. At the radius of the curb between Lee Road and Dover Road, the car flipped, took out a tree and hit another tree in the neighbor's yard and went approximately 10 to 12 feet in the air. The car ended up in the grass and on its roof. The two unbelted occupants were severely injured and are still in the hospital recovering from surgery, although the driver is still in intensive care.

Due to the unknown seriousness of injuries, Chief DeMoss took the opportunity to activate the new countywide Technical Crash Investigative Team. Lt. Harrison and Sgt. Nivens had just received training on new equipment and software the day before the crash.

There was a second crash that day at the scene of the first accident involving one of our police cruisers that was sitting still with the lights on. A City of Stow med unit that was responding to the scene struck the rear of Silver Lake Patrol Car 6 and caused approximately \$1,500 worth of damage. Nobody was hurt in the crash.

Chief DeMoss handed out a National Lightning Awareness Week flyer and The Senior News to everyone in attendance. (copies attached to original minutes)

The Chief stated he had a concern from a resident of whether the stop sign on South Dover Road and Highland Drive should remain a stop sign or be changed to a yield sign. The stop sign

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has worked well in the past; however, many violations have been issued due to drivers slowing down and then continuing without fully stopping. In the pure sense, the stop sign is being treated like a yield sign anyways. The Chief will be discussing this issue with the Mayor.

Mr. Richard Fenwick, Service Director, passed around a picture of the sidewalk in front of Silver Lake on Kent Road that had buckled up from the heat approximately three weeks ago.

Mr. Fenwick also passed around a picture of the sink hole on Silver Lake Boulevard that was repaired last week.

There will be a demonstration of a vactor on June 23, 2005, at 4:00 p.m. on Silverview Drive if anyone is interested in seeing how a vactor operates.

Mr. Fenwick has received a proposal to illuminate the flag.

Mr. Fenwick and Chief DeMoss will be attending an Underground Pipeline Safety Awareness Program in Fairlawn on Wednesday, June 22, 2005.

The Park Board has inventoried over 1,000 trees that the Village cares for and has approximately 300 to 400 that are not yet inventoried. With the Park Board budget of \$5,000 for tree removal and planting, this allocates about \$5 per tree. Ms. Margaret Redford, Administrative Secretary, will be researching for grants to help ease the cost of tree care.

The Lodge Avenue Waterline Project started on June 16, 2005.

Mrs. Teresa Spohn, Clerk-Treasurer, reported that she received correspondence from the National League of Cities. They will be hosting three conferences in Washington, Massachusetts, and Charlotte if anyone is interested in attending.

Mr. Scott stated that he received a letter from Mr. Rick Lubinski, Chairman of the Charter Review Commission, asking when the Charter changes will be discussed. Mr. Scott asked Mrs. Spohn to send Mr. Lubinski a letter informing him of the meeting on Monday, June 27, 2005, at 4:00 p.m.

Mr. Scott also received a letter from former Council person, Mrs. Pat Grant. The letter is asking for donations from Council to purchase food for the Silver Lake Festival due to the Department of Public Health rules stating that "any food must be prepared in a state licensed kitchen."

Mr. Scott suggested that all Council members donate \$10 towards the Silver Lake Festival.

Mr. Scott asked if there were any questions or comments from anyone in the audience.

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Mr. Ted Mumma, 2794 Cranbrooke Drive, stated that he and Mr. Dann Nivens met with the Mayor, Mr. Fenwick, and Mrs. Spohn this afternoon to discuss the appraisals of the two properties on Cranbrooke Drive.

The appraisals came back twenty five percent below the application values. Instead of \$280,000 for Mr. Mumma's house, the appraisal was for \$210,000.

The problems are compounded for Mr. Nivens, who owes \$192,000 on his mortgage, but the amount offered will not allow him to pay off his house. Mr. Nivens will be forced into bankruptcy when his bridge loan becomes due in July.

Mr. Mumma stated that they bought the houses in good faith with the assumption that everything had been done in accordance with the laws of the State of Ohio and the Codified Ordinances of the Village of Silver Lake.

Mr. Mumma stated in 2003 the Village of Silver Lake offered to spend \$200,000 and reline the creek, with \$15,000 participation from himself and Mr. Nivens. Mr. Mumma stated that they are now being asked to participate on a much higher level.

Mr. Mumma feels this is not a step forward and asked if there was anything that Council could do.

Mr. Church suggested selecting another appraiser and see what they come back with.

Mr. Mumma stated that the retaining wall should never have been there in the first place and asked Council to reassess the proposals that came back from FEMA.

Mr. Scott stated that a meeting will be scheduled for further discussion.

There being no further comments from the audience, Council adjourned at 8:22 p.m., until the next regular Council meeting on Tuesday, July 5, 2005.

APPROVED:

Duane N. Scott, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer