

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 6, 2005 7:30 p.m.

The Village of Silver Lake Council met in a regular session on Tuesday, September 6, 2005, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With Vice-President of Council, Mrs. Carol Steiner, presiding, the meeting was called to order at 7:30 p.m.

Mrs. Steiner led the Pledge of Allegiance.

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

Roll call of Council – 6 members present

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

Mrs. Steiner asked if there were any additions or corrections to the minutes of the August 15, 2005, Council meeting.

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

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

RESOLUTION NO.: 92-2005 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.

Mrs. Steiner assigned Resolution No.: 92-2005 to the Finance and Appropriations Committee.

RESOLUTION NO.: 93-2005 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LAKE COUNTY SEWER COMPANY, INC. TO PROVIDE PROFESSIONAL SERVICES FOR INVESTIGATING APPROXIMATELY 7500 FEET OF 8-INCH SANITARY SEWER IN THE SILVER LAKE HEIGHTS AREA OF THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 93-2005 to the Public Improvements Committee.

RESOLUTION NO.: 94-2005 A RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) FOR THE VILLAGE OF SILVER LAKE, OHIO.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 6, 2005

7:30 p.m.

Mrs. Steiner assigned Resolution No.: 94-2005 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 95-2005 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH PAVEMENT TECHNOLOGY, INC. FOR THE APPLICATION OF RECLAMITE ASPHALT REJUVENATING AGENT TO VARIOUS STREETS IN THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 95-2005 to the Public Improvements Committee.

RESOLUTION NO.: 96-2005 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COMPUTER SOFTWARE SUPPORT SERVICE CONTRACT WITH SOFTWARE SOLUTIONS, INC. FOR THE SERVICE DEPARTMENT, POLICE DEPARTMENT, AND ADMINISTRATIVE OFFICES OF THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 96-2005 to the Finance and Appropriations Committee.

RESOLUTION NO.: 97-2005 A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE A GORMAN-RUPP EMERGENCY PUMP WITH TRAILER AND NECESSARY HOSES AND FITTINGS FROM HERTZ EQUIPMENT RENTAL, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 97-2005 to the Finance and Appropriations Committee.

RESOLUTION NO.: 98-2005 A RESOLUTION BY THE COUNCIL OF THE VILLAGE OF SILVER LAKE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES IN ACCORDANCE WITH THE NATUREWORKS LOCAL GRANT PROGRAM TO PROVIDE AN OUTDOOR RECREATION IMPROVEMENT FOR THE SILVER LAKE RECREATION AREA, PLEDGING A LOCAL CONTRIBUTION IN AN AMOUNT NOT TO EXCEED NINETEEN THOUSAND EIGHT HUNDRED SEVEN DOLLARS AND NO CENTS (\$19,807.00) AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 98-2005 to the Public Improvements Committee.

RESOLUTION NO.: 99-2005 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS, AND DECLARING AN EMERGENCY. \$ 109,297.81

Mrs. Steiner assigned Resolution No.: 99-2005 to the Finance and Appropriations Committee.

ORDINANCE NO.: 100-2005 AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 6, 2005

7:30 p.m.

BE HELD NOVEMBER 8, 2005, VARIOUS AMENDMENTS TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, WHICH PROVIDE IN GENERAL THAT THE MAYOR SHALL SUPERVISE THE TREASURER , SHALL APPOINT THE TREASURER AND DEPUTY TREASURER WITH CONFIRMATION OF COUNCIL, AND WHICH DELETE THAT THE TREASURER MAY BE APPOINTED CLERK OF COUNCIL, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Ordinance No.: 100-2005 to the Personnel and Public Affairs Committee.

Mrs. Steiner asked for the reading of any pending legislation that is up for a second reading.

ORDINANCE NO.: 87-2005 AN ORDINANCE ESTABLISHING A VILLAGE AUDIT COMMITTEE UNDER PART ONE-ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, PROVIDING FOR COMPOSITION AND TERMS FOR MEMBERS, ORGANIZATION, AND POWERS AND DUTIES OF SAID COMMITTEE, AND DECLARING AN EMERGENCY.

Ordinance No.: 87-2005 was previously assigned to the Finance and Appropriations Committee.

ORDINANCE NO.: 91-2005 AN ORDINANCE PROVIDING FOR THE UTILIZATION OF THE PROPOSED PICNIC SHELTER ON VILLAGE PROPERTY TO THE SOUTH OF THE VILLAGE HALL, AND DECLARING AN EMERGENCY.

Ordinance No.: 91-2005 was previously assigned to the Public Improvements Committee.

Mrs. Steiner asked if there were any questions from the audience regarding pending legislation.

Mrs. Anne Ratcliffe, 2946 Silver Lake Blvd., encouraged Council to look at Ordinance No.: 100-2005. The citizens would like to have time to justify the signatures.

Mr. Hovey asked if this Ordinance was passed tonight, and if the petitions are void, then would it still go to the ballot.

Mr. Heydorn said if the Board of Elections says there is not a sufficient amount of signatures, then the legislation can be repealed.

Mr. Ingram stated if the legislation is passed tonight, and the signatures are valid, then it will be on the ballot.

Mrs. Fuller asked if it was possible for residents to remove their signature if they want to.

Mr. Heydorn said residents can remove their signature.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 6, 2005

7:30 p.m.

Mrs. Ratcliffe stated that if people feel absolutely comfortable with signing the petition, then hopefully Council will become a very solid voice to explain why they made their decisions, and why they voted on this Charter amendment in the past.

Mr. Paul Moskowitz, 2953 Overlook Road, stated that he's trying to figure out how we got to this point. The Charter says that the Mayor appoints five people to review the Charter every eight or ten years, which took place earlier this year. They had numerous meetings to review the whole Charter. When it was all said and done, the five appointees presented their recommendations to Council. Council found three of the recommendations that the Village could live with for the next eight or ten years. One of the items was shot down and the Chairman of the Charter Review Commission is the one who is going out to get the petitions signed. Mr. Moskowitz does not understand exactly why a prominent person in the Village would go out and try to change something that Council has shot down. Mr. Moskowitz knows for a fact that some residents who have signed the petition will remove their name before Thursday after they hear exactly what this petition meant because they will not support what that particular revision stands for. The Village needs checks and balances and a Clerk-Treasurer who reports to seven Council members who represent the community works very well. Mr. Moskowitz hopes that Council meets later on in the week so that they can make sure that the correct number of names are on the petition and things were done the proper way.

Mr. Church asked Mr. Moskowitz if he feels that over thirty signatures can get taken off.

Mr. Moskowitz said absolutely.

Mr. Ingram stated that the petitioner could still be out there adding signatures to the list. As much as he supports this, Mr. Ingram feels that it would be more understood if it was a ballot issue. Mr. Ingram is in favor of passing the legislation this evening.

Mr. Church agreed with Mr. Ingram.

Mrs. Joy Wilson, 2906 Silver Lake Blvd., stated she supports Mr. Moskowitz's statement that the signatures could come off of the petition. When the petition was presented to Mrs. Wilson, the petitioner came across that there is this huge problem that needs to be corrected right away. Mrs. Wilson stated that we should keep the system that we currently have that is not working and make it work.

Mrs. Wilson asked why this was felt that it is broken and needs to be fixed.

Mrs. Wilson said that it is interesting to her after going through all the rezoning issues last year when it was being discussed about changing the deed to the VanSise property. Mrs. Wilson had asked how to make this area a park forever and was told there were two ways to do it. One would be to go through Council and the other would be through a petition. Mrs. Wilson was

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 6, 2005 7:30 p.m.

given the impression that those petitions just never work. They are so hard to write, it's so expensive to get legal advice, it's so hard to get the certifiable signatures, and once the petition is turned in almost every one of them get knocked down.

Now tonight, Council is sitting here and saying the only way to get this done is through a petition and once those petitions get in there, it's hard to get them out of there.

Mr. Heydorn stated that there is a huge difference in changing an ordinance and changing the Charter.

Mr. Bruce Burgan, 3104 Englewood Drive, stated he read the ordinance that was in the newspaper and does not see a reason why the Financial Officer should not be under the control of Council.

Mr. Burgan also stated that the voters of Silver Lake have voted for the Council members because they feel that Council can represent the residents and do what needs to be done.

Mrs. Steiner asked if there were any more questions from the audience regarding pending legislation.

There being none, Council recessed at 8:00 p.m. to continue the Committee of the Whole meeting.

The Public Improvements Committee recessed and Council reconvened at 8:15 p.m.

REPORTS OF COUNCIL STANDING COMMITTEES

Public Improvements Committee – Mr. William Church, Chairman

Mr. Church stated Resolution No.: 93-2005 was discussed in committee earlier this evening and is ready for adoption.

Mr. Church moved to suspend the rule that legislation be read at three meetings for Resolution No.: 93-2005, seconded by Mr. Gray.

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

Mr. Church stated Resolution No.: 94-2005 was discussed in committee earlier this evening and is ready for adoption.

Mr. Church moved to suspend the rule that legislation be read at three meetings for Resolution No.: 94-2005, seconded by Mrs. Fuller.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 6, 2005 7:30 p.m.

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

Mr. Church stated Resolution No.: 95-2005 was discussed in committee earlier this evening and is ready for adoption.

Mr. Church moved to suspend the rule that legislation be read at three meetings for Resolution No.: 95-2005, seconded by Mr. Gray.
Roll call on suspension: Yes 6 No 0
Motion to adopt by Mr. Church, seconded by Mrs. Fuller.
Roll call on adoption: Yes 6 No 0

Mr. Church stated Resolution No.: 98-2005 will be treated as a first reading and Resolution No.: 91-2005 will be treated as a second reading.

Personnel and Public Affairs Committee

Mr. Church reported for the Personnel and Public Affairs Committee

Mr. Church stated Resolution No.: 100-2005 was discussed extensively in committee earlier this evening and is ready for adoption.

Mr. Church moved to suspend the rule that legislation be read at three meetings for Resolution No.: 100-2005, seconded by Mr. Gray.
Roll call on suspension: Yes 6 No 0
Motion to adopt by Mr. Church, seconded by Mr. Hovey.

Mr. Church stated “I have owned companies that have been fortunate for years. And I have developed organizational charts for those companies. Those organizational charts have been dictated by logic. But in some cases, it has been dictated by group dynamics. In other words, who reports best to whom, what works, what is smooth in terms of reporting process as long as things are done. What that means is I oppose this petition and feel that we have in our Clerk-Treasurer, a person that has not only a designation as a Master Municipal Clerk, but also a designation that she is a Certified Public Finance Administrator. The checks and balances have worked here over the years with the system that we have. It is a good system. She reports to Council. And as such, I am a bit more comfortable with her reporting to Council than whoever may be sitting in the Mayor’s seat over the years. We also will appoint an Audit Committee that oversees all of us, which is a good idea to ensure that the same thing that happened with the Falls Public Schools doesn’t happen to us. I agree with Mr. Moskowitz. I am not so certain that this may be politically motivated, but the feeling is that there is something else in play here that we all may know about. With all of those reasons, I strongly oppose Resolution No.: 100-2005.”

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 6, 2005

7:30 p.m.

Mr. Hovey stated "I think I understand why the Charter Review Commission made this proposal. With all due respect to them, I think it's ill advice for the following reasons. And my comments are made to mayors and clerk-treasurers in general, not to anybody in particular. First, most mayors do not bring financial expertise to their office. And that's not going to make them any better of a supervisor to the treasurer, than we as Council members can do. Second, the Mayor's position is only part-time. He is not there every day and supervision can be both intermittent and inconsistent. Until and unless this Village decides it wants a full-time Mayor, I think supervision of the Charter is better served by the watchful eyes of seven members of Council who frequently question and ask the Treasurer for more information on many Village expenditures than if it was just one person. Third, I think it could result in an additional staff person, with one person being the Clerk and the other person being the Treasurer. I do not see how this is a benefit to the Village and I also see it as a financial drain. Fourth, separation of the Office of the Mayor and the Office of the Treasurer represents a good checks and balances. There could be some time that the Treasurer is asked to do something by the Mayor and she might want to get Council's opinion first, but if the Mayor's her boss and supervising all the time, she just might not ask Council about certain financial requests. Finally, virtually every previous office holder that I have talked to, including former Mayor Ann Thudium, has emphasized the importance of keeping the Treasurer's Office independent from the Mayor's Office. Finally, as we establish this Audit Committee, the Mayor is part of the Audit Committee and I don't know if there's any conflict of interest there or conflict of those. So for those reasons, I oppose and I would vote against this issue on the ballot."

Mrs. Fuller stated "I have a sheet with seven points and each and every one of those have been addressed. Thank you gentlemen, we are coming from the same place. My first reaction was Mayors come and go and the Clerk-Treasurer is a stable force of the Village. I cannot emphasize that enough. She is excellent in her position and has been here for some time and will be here for some time in the future. The change could mean creating two positions. With that you have more salaries, benefits, and office space. The current system works and I don't see a reason to change what is working. What the Commission did for us was to show us where we had some weak spots. We have recognized the weak spots and we are stepping up in creating an annual review process for the Clerk-Treasurer. We have not closed our eyes to what the Charter Review Commission said we should do. We are taking steps to correct what we have to do. I strongly oppose."

Mr. Ingram stated "I agree with them. I think one of the things is there's no misinterpretation. We are not talking about specific individual office holders. We are talking about the on-going structure of the Village. I think, without question, it's an organizational thing which makes sense that you have separation of duties and responsibilities. Without that, you can make a case that now we have no supervision of the Treasurer, if you're thinking terms of now controlling essential duties by one administrator instead of two. That perhaps is extreme, but I think without question, it is strange to have Council agree unanimously. This is the first time I can remember a meaningful audience of Council where those who have spoken in favor of what's

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 6, 2005

7:30 p.m.

in the Council’s planning and support Council. Again, I’m just afraid that it’s come down in large degree to personalities. I think it’s important to reemphasize that it’s not personalities, we can handle a Clerk, or Clerk-Treasurer or Mayor who performs their duties. We are fortunate that we have excellent office holders now. So, we are not talking about those who are currently in office. Perceptively, we all know and as long as you maintain that separation, I think that it has to be best in the terms of the function of local government.”

Mr. Gray stated “I have nothing further to add, except my strong opposition.”

Mrs. Steiner stated “The only thing I would like to say is this Council represents about fifty six years of working with our Clerk-Treasurer under the present situation. The Charter Review Commission put in approximately forty hours discussing this. We have fifty six years of working with a system that we have been satisfied with. I think I would have to go with the experience. Many of us were at many of the Charter Review Commission meetings and we heard what was presented, but we heard the same information that the Commission was hearing. There were five members of the Commission and one voted no, so that brings it down to four members that feel that they don’t like the way the government is structured right now. I will put our experience with working under the present situation up against the Charter Commission review effort.”

Roll call on adoption: Yes 6 No 0

Mr. Burgan asked if this is on the ballot, can Council send a letter to the population saying that they were against it.

Mrs. Steiner stated that she thinks that Council has already made a public stand and the newspaper reporters are in attendance this evening.

Mr. Heydorn stated it would be more appropriate to send a letter as individuals as opposed to sending a letter as a whole.

Finance and Appropriations Committee – Mr. Jack Ingram, Chairman

Mr. Ingram stated Resolution No.: 87-2005 was discussed in committee earlier this evening and is ready for adoption.

Mr. Ingram moved to suspend the rule that legislation be read at three meetings for Resolution No.: 87-2005, 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

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 6, 2005 7:30 p.m.

Mr. Ingram stated Resolution No.: 92-2005 was discussed in committee earlier this evening and is ready for adoption.

Mr. Ingram moved to suspend the rule that legislation be read at three meetings for Resolution No.: 92-2005, seconded by Mrs. Fuller.

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 Resolution No.: 96-2005 was discussed in committee earlier this evening and is ready for adoption.

Mr. Ingram moved to suspend the rule that legislation be read at three meetings for Resolution No.: 96-2005, seconded by Mrs. Fuller.

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 Resolution No.: 97-2005 was discussed in committee earlier this evening and is ready for adoption.

Mr. Ingram moved to suspend the rule that legislation be read at three meetings for Resolution No.: 97-2005, seconded by Mr. Church.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Mr. Ingram stated Resolution No.: 99-2005 was discussed in committee earlier this evening and is ready for adoption.

Mr. Ingram moved to suspend the rule that legislation be read at three meetings for Resolution No.: 99-2005, seconded by Mr. Gray.

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

Personnel Placement Committee – Mrs. Carol Steiner, Chairman

Mrs. Steiner stated the Personnel Placement Committee met earlier this evening to discuss a step increase for Service Department Employee, Mr. Rick Bergey.

Mr. Ingram moved to approve a step increase for Mr. Bergey from Service Worker I Step B to Service Worker II Step A, seconded by Mr. Gray, and all of Council agreed.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 6, 2005

7:30 p.m.

REPORTS OF VILLAGE OFFICIALS

Chief DeMoss stated the police cruiser that was damaged in June will be restored to full service soon.

The Village received the grant for the second early warning siren system that will be placed in the Arboretum. However, somewhere in the process there were some price increases by the vendor of the siren company. The Village decided to trench and bury the power supply to this siren, which will also increase the price. The total cost is approximately \$2,000 more than what we received for the grant. However, Chief DeMoss is still trying to receive grant assistance.

Chief DeMoss reported on the Graham Road crash that took place approximately a month ago. There were two vehicles that were street racing, one of them crashed and the other vehicle fled and left the area. Six witnesses gave a detailed statement and one of those had a license number of the car. After doing some tracking, the subject was located. The subject had 32 open suspensions and over \$10,000 of fines that were due.

Service Director, Mr. Richard Fenwick, reported that he and the Mayor had a meeting with Summit County officials regarding the houses on Graham Road in Stow that are connected to the Village's sewer system. Summit County agreed and the Village will start billing for sewer usage to these houses next month.

At the next meeting with Summit County, lost revenue will be discussed.

Mayor Warner Mendenhall stated that he will be meeting with other Mayors in surrounding communities to discuss the Natural Gas Aggregation Program. It is not a good time to bid right now. The general estimate across the state is that residents will pay approximately \$700 more for gas this year than they did last year.

Solicitor, Mr. Bob Heydorn, had no report.

Clerk-Treasurer, Mrs. Teresa Spohn, had no report.

Mrs. Steiner asked if there were any questions or comments from anyone in the audience.

Mrs. Kim Goldsboro, 3 Lodge Drive, stated that last year she stood in Council chambers and stated that she received phone calls saying that if she did not sell her property, then she would be receiving code violations regarding her property. That has now happened.

Mrs. Goldsboro thinks that code violations that do not exist are being created regarding her property. There are three temporary garages on Lodge Drive that have been there for over three

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 6, 2005

7:30 p.m.

years and have never been a problem. Now all of a sudden, the property owners are getting letters stating they have to be removed or legal action will take place.

Mrs. Goldsboro stated that only residents on Lodge Drive received these letters. There are other residents in the Village that have temporary garages, but did not receive a letter.

Mr. Richard Ruggles, 4 Lodge Drive, stated he also received a letter. Mr. Ruggles' temporary garage was put up by the previous homeowner, Mr. Dewey Larlham, and has been there for the past three years. Mr. Ruggles does not understand how he can be at fault when it's something that he didn't do.

Mr. Fred Fryberger, 2 Lodge Drive, stated that he also received a letter regarding his temporary garage that has been up for two years. Mr. Fryberger stated that there are other residents in Silver Lake that have the same structure, but did not receive a letter.

Mr. Hovey asked if anyone has locations of these other structures in the Village.

Mr. Fryberger stated that Mr. Ruggles has pictures of them.

Mr. Robert White, 2832 Church Street, stated that his temporary garage has only been up for two or three months and is a temporary structure. Mr. White could not find anything in the ordinances that pertains to these types of temporary garages.

Mr. Foster Buchtel, 2830 Church Street, stated he does not think the temporary garages look bad.

Ms. Jill Schieve, 2980 Vincent Road, stated that she wanted to speak regarding the proposed Hike and Bike Trail on Vincent Road.

Ms. Schieve received a letter on August 26, 2005, that was dated August 18, 2005, saying that there would be officials walking through the backyards on Vincent Road to consider the feasibility of a Hike and Bike Trail adjacent to the railroad tracks.

Ms. Schieve was concerned and made a call to the Mayor and to Mrs. Fuller, who encouraged her to come and speak to all of Council, because she has some real concerns about a Hike and Bike Trail in her backyard.

When Ms. Schieve purchased her home, she knew that there was an active freeway behind her home and also a railroad track that had been inactive for an extended period of time, but at any time could become active. Ms. Schieve did not know about this third issue, which she feels would be a major nuisance.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 6, 2005

7:30 p.m.

Ms. Schieve stated there would be a lot of noise from people walking on the Trail and she would never feel safe letting her young child play in her backyard. Ms. Schieve feels that there is still a lot of research that needs to be done on how this would affect property values and also the statistics on crimes in such a secluded area.

Ms. Marianne Marusiak, 2971 Vincent Road, asked if there were any advantages to a Hike and Bike Trail.

Mayor stated that since 2001, the master plan for the greenway for Summit County had a Hike and Bike Trail as their main priority.

The Mayor hand delivered the letter to residents on Vincent Road because he did not have time to send them out. Six residents that he spoke to that day were very enthusiastic about a Hike and Bike Trail.

After the Greenway Plan officials walked the railroad, they hired an engineer to do a feasibility study.

There are two ways that the Hike and Bike Trail could occur. One would be where all the political jurisdictions give money to put the Trail in use and to maintain it. The other way would be if Federal money is available through the State, it could occur without any expense to the Village.

This has been in the works since 2001, and they are only doing a preliminary engineer study to see if it is feasible.

Ms. Schieve stated that she is also concerned with the liability if there is a fight or somebody gets hurt and they end up on her property.

Mr. Heydorn stated that he wanted to give an in-depth analysis of the letters that were sent out in regards to the structures on Lodge Drive. Before Mr. Fenwick sent out those letters as Zoning Inspector, he asked Mr. Heydorn for his opinion as to whether or not there was a violation proceeding in those areas. It was, and still is, Mr. Heydorn's opinion that there is a violation going on.

These structures were always intended to be temporary structures; however, after time has gone by it is obvious that they are not temporary structures. As you can see from the testimonials tonight of individuals living in the Lodge Drive area, for the very reason they are irritated is the very reason why there is now a question. That simply is they've had them up for two or three years so what is the problem. The problem is that since they've been up for two or three years now, they are obviously not temporary.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 6, 2005

7:30 p.m.

Mrs. Goldsboro asked why it is only a violation on Lodge Drive. Other residents in the Village have the same structures and nobody else got a letter.

Mr. Heydorn replied that he did not know about any other structures in the Village.

Mrs. Goldsboro stated you can see the structure from Kent Road.

Mr. Steve Fuller, 3087 Athens Road, stated he has used the current Hike and Bike Trail in the past and has no problem with it. If there are security issues, Mr. Fuller feels that they can be addressed.

Mrs. Spohn informed Council that Mr. Ted Mumma accepted the revised original offer reference his property on Cranbrooke Drive.

There being no further comments or questions, Council adjourned at 9:10 p.m. until the next regular Council meeting, on Monday September 19, 2005.

APPROVED:

Duane N. Scott, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer