

REGULAR MEETING OF COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, October 18, 2004 7:30 p.m.

The Village of Silver Lake Council met in a regular session on Monday, October 18, 2004, 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. Bernie Hovey, Mr. William Church, and Mrs. Karen Fuller.

Roll call of Council – 7 members present

Mr. Scott asked if there were any additions or corrections to the minutes of the October 4, 2004, Council meeting.

There being none, 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.: 91-2004 A RESOLUTION RENEWING A SNOW PLOWING CONTRACT WITH BAKER'S TOWING AND REPAIR FOR THE SILVER LAKE 2004-2005 SENIOR/DISABLED CITIZEN SNOW REMOVAL PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 91-2004 to the Personnel & Public Affairs Committee.

RESOLUTION NO.: 92-2004 A RESOLUTION REQUESTING THE AUDITOR OF STATE FOR APPROVAL FOR THE VILLAGE OF SILVER LAKE, COUNTY OF SUMMIT, STATE OF OHIO, TO ESTABLISH THE METRO SWAT AGENCY FUND.

Mr. Scott assigned Resolution No.: 92-2004 to the Finance and Appropriations Committee.

RESOLUTION NO.: 93-2004 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS, AND DECLARING AN EMERGENCY. \$87,669.25

Mr. Scott assigned Resolution No.: 93-2004 to the Finance and Appropriations Committee.

RESOLUTION NO.: 94-2004 A RESOLUTION RE-APPROPRIATING MONIES FROM CERTAIN DIVISIONS OF CERTAIN FUNDS TO OTHER DIVISIONS OF THE SAME FUND AND DECLARING AN EMERGENCY.

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Mr. Scott assigned Resolution No.: 94-2004 to the Finance and Appropriations Committee.

Mr. Scott stated there were no second readings and asked for any third readings.

Mr. Hovey made a motion to postpone the third reading of Ordinance No.: 50-2004 until Monday, November 15, 2004, seconded by Mr. Church.

Roll call on postponing Ordinance No.: 50-2004: Yes 7 No 0

Mr. Hovey made a motion to postpone the third reading of Ordinance No.: 52-2004 until Monday, November 15, 2004, seconded by Mr. Church.

Roll call on postponing Ordinance No.: 52-2004: Yes 7 No 0

Mr. Scott asked if there were any questions or comments 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.: 92-2004 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.: 92-2004, seconded by Mr. Gray.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mr. Ingram stated Resolution No.: 93-2004 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.: 93-2004, seconded by Mr. Hovey.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

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Mr. Ingram stated Resolution No.: 94-2004 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.: 94-2004, seconded by Mr. Church.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Personnel and Public Affairs – Mrs. Carol Steiner, Chairman

Mrs. Steiner stated Resolution No.: 91-2004 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.: 91-2004, seconded by Mr. Hovey.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

MAYOR’S REPORT

Mayor Mendenhall reported the reason the newly installed street lights on Vincent Road and Athens Road have not been turned on is because FirstEnergy wants to charge the Village \$12 per light per month instead of the contract price of \$1.36 per light per month. When the Village received the contract for the new lights, the price per light per month was \$12.

Mayor stated the contract with FirstEnergy expires on January 1, 2005, and his concern is that FirstEnergy may want to charge the Village \$12 per light per month for every street light in the Village.

Mayor Mendenhall stated he wrote a letter to Mr. Anthony Alexander, President of Ohio Edison Company, in response to the per light charge. The Mayor is awaiting a response from Mr. Alexander.

Mayor Mendenhall read the letter to Council that was sent to Mr. Alexander. A copy of the Mayor’s letter to Mr. Alexander is attached to the minutes.

Mayor Mendenhall reported on several items pertaining to the storm sewers.

The first item is in reference to 2982 and 2986 Silverview Drive. The Village has a 42 inch storm sewer pipe that runs between these properties and is partially submerged in Silver Lake.

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This is the egress pipe that is half full of water all the time; therefore, the Village does not get the full benefit of the pipe. During periods of heavy rain events, the outflow is always hampered.

Three conceptual plans are being looked at and hopefully by the next Council meeting there will be documents to look at.

One plan is to construct a 24 inch pipe on top of the 42 inch pipe to take care of the overflow.

Another plan would be to remove approximately 18 feet of the existing 42 inch pipe that is there now and then construct 18 feet of new pipe at a steeper slope.

The third plan would be to remove 18 feet of existing pipe and then reconstruct the lake's edge.

The next issue involves the properties at 2970 and 2966 Silverview Drive. The Village will be installing a new catch basin and a 24 inch storm sewer pipe which will be sloped towards the lake.

The installation of the catch basin and the storm sewer pipe will directly impact 11 acres of land and indirectly impact approximately 100 acres of land.

The homeowners at 2970 and 2966 Silverview Drive have signed the required easements so that the project can move forward.

The third storm sewer issue involves Englewood Drive residents. The City of Stow sent letters to the residents on the Stow side of Englewood Drive. The letter was incomplete and misleading.

It is important to remember that the entire right-of-way for each property on the Stow side of Englewood Drive belongs to the Village of Silver Lake.

Mayor Mendenhall reported on the first of two U. S. Army Corps of Engineer's issues.

The first issue concerns the riverbed project. Congressman Steve LaTourette and Mr. John Rintoul III from the U. S. Army Corps of Engineers were at the Village today. Congressman Latourette has promised affected communities \$100,000 to do a study of the riverbed.

The money is approved but is not available until 11 bills are passed in Congress. These bills should be passed by November 2004. Money would be available January 2005.

Part I of the project is a reconnaissance study which should take 10 to 12 months. A study engineer will be assigned from the U. S. Army Corps of Engineer's Buffalo office to work with

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the City of Hudson, the City of Stow, the City of Munroe Falls, the City of Cuyahoga Falls and the Village of Silver Lake.

Part II of the study is a cost benefit analysis to determine if the federal government's role is justified.

Part I & II are paid totally by federal dollars. If the work to be done is justified, the improvements become a 50/50 project. Fifty percent is funded by the federal government and 50 percent would be the individual communities' responsibility. Our portion, in part, can be in kind (labor, sand, equipment) as well as in dollars.

The second project with the U. S. Army Corps of Engineers is the sewer project referred to as "594". The language in the 594 says the U. S. Army Corps of Engineers can, on a participatory basis, which is 75 percent from the federal government and 25 percent from the Village, do work on the problem of combined sewer overflow and on projects where surface water resources need protection and development.

CTI has installed 10 sewer flow meters throughout the Village. A map of the locations of the meters was passed out to Council. A copy of the map is attached to the minutes.

Mayor reported he met with Mr. John Earle, Finance Director, from the City of Stow. Mr. Earle came to the Village with a clear proposal of a 3½ percent increase for the Village's EMS contract with the City of Stow.

The 3 ½ percent was based, in part, on the City of Stow's wage increase for their employees.

Mayor asked Mr. Earle for reconsideration on the following three points.

The first point is not to have the EMS contract retroactive to January 2004. Any increase should start in the month the Village agrees on the contract price.

The second point is for the City of Stow to revise the population of the Village and EMS call statistics to reflect Silver Lake Towers as being in the City of Stow not in the Village of Silver Lake.

The third point is to consider the number of mutual aid calls from the City of Stow to the Village of Silver Lake, a procedure Mr. Earle was unaware of.

In 2003, the EMS contract was \$263,634, or \$21,969 per month. Mr. Earle had suggested \$272,861.19 or \$22,738.43 per month.

Mayor Mendenhall reported he has received several requests from fathers for a soccer field.

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The Mayor has been unwilling to proceed with the project until he has clearance from the EPA reference the soil conditions.

The Mayor has made frequent calls to state officials about this site, because prior to purchasing the property from the Van Sise family it was used as a dump site.

Currently the site is not under resource recovery and is not even being monitored by the EPA. There are pipes in the ground that have been monitoring the soil conditions.

Mr. Tom Mignery, an engineer from Burgess & Niple, is certified for all three phases of any project that the Ohio EPA requires. Mr. Mignery will be coming to the Village on Monday, October 25, 2004, to explore the site.

Any investigation and any cost will be the Village's responsibility. The EPA is glad the Village has continued to cover the site and seal the western edge. EPA funds have been cut so there are no federal dollars available to monitor the site.

Mayor reported December 1, 2004, is the deadline to decide whether or not to continue our association with Vectren Source for the gas aggregation program. The reason the Village went with Vectren Source was because Vectren Source had the best adder cost at \$1.60. Shell's adder price was \$1.71.

Mayor has spoken with Direct Energy. Direct Energy is associated with British Gas, which distributes to all of Great Britain and a large portion of Canada. Direct Energy currently does not have any wells in the United States.

Currently, the Mayor will continue with the program for a six month fixed rate during the winter months and a six month variable rate for the summer months.

Mayor reported FirstEnergy has applied for rate stabilization to run through 2008. The shopping credit will go down between 9 and 20 percent. FirstEnergy is trying to recover \$6.9 billion in stranded cost, which is the result of nuclear investments.

If the shopping credit gets limited by the rate stabilization, competition in the electric market will vanish.

There is a move among some people to return to regulation. The market development period is over in 2005. There is a move to shift dollars among customers to get an industrial rate reduction to "support job growth".

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There is also some interest in a market auction. Ohio has the largest aggregation program in the United States. If there is a market auction, the PUCO would make all the rules.

Mayor Mendenhall stated that Mrs. Amy Riechman is in attendance this evening. Mrs. Riechman is a Silver Lake resident who has been active in researching grants that may be available to the Village to build the picnic shelter.

The picnic shelter had been in the Village's plans to construct but had to be set aside due to funding.

Mr. Heydorn stated the brief for the train case is due Wednesday, October 27, 2004.

Chief DeMoss passed out the Silver Lake Police Department's Education/Seminars 2004 sheet to Council. This sheet lists all the employees of the Police Department and the training they have received and/or the seminars that each employee has attended. A copy has been attached to the minutes.

Mr. Gray asked Chief DeMoss what percentage of these courses are required.

Chief DeMoss responded about 80 percent.

Chief DeMoss stated the department sent a representative to Marion County to attend the funeral of the slain Marion County Sheriff's Deputy. There were over 500 cruisers in the funeral procession.

Mr. Fenwick stated on Monday, October 11, there was a water break at Lakeland Parkway and Millboro Road. Water was shut off for approximately two hours.

Mr. Fenwick stated the Leaf and Limb Program started today and will continue until Wednesday, November 24, 2004.

Mrs. Spohn had no report.

Mr. Scott asked for questions from the audience.

Mr. Scott called on Mrs. Mary Lou Van Sise.

Mrs. Van Sise stated she has information that the Board of Crystal Lake moved to change the by-laws so members are not restricted to five shares of stock.

Mrs. Van Sise went on to say someone is buying up Crystal Lake stock and if a small group controls 51 percent of the stock, they can dissolve Crystal Lake and sell it off to developers.

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Mrs. Van Sise asked Mr. Heydorn if he is on the Board at Crystal Lake.

Mr. Heydorn stated he is not on the Board at Crystal Lake, he is their legal counsel.

Mr. Heydorn stated that nothing that Mrs. Van Sise just said has any basis that he is aware of.

Mr. Scott called on Mrs. Kim Goldsboro.

Mrs. Goldsboro declined to speak.

Mr. Scott called on Mrs. Nancy Allen.

Mrs. Allen declined to speak.

Mr. Scott called on Mr. Dewey Larlham.

Mr. Larlham declined to speak.

Mr. Scott called on Mrs. Bobbie Christman.

Mrs. Christman declined to speak.

Mr. Scott called on Mr. Paul Moskowitz.

A copy of Mr. Moskowitz's speech has been attached to the minutes.

Mr. Scott called on Mr. Fred Fryberger.

Mr. Fryberger stated at the last meeting he asked Mr. Heydorn to explain something to him in layman's terms.

Mr. Fryberger stated Mr. Heydorn explained it in words he was sure that all in attendance did not understand.

Mr. Fryberger went on to say that Mr. Heydorn's response was that he (Mr. Fryberger) didn't want to understand.

Mr. Fryberger went on to say why would he ask the question if he didn't want to understand. All he asked was for Mr. Heydorn to explain it in layman's terms. If that is too much to ask, he is really sorry. Turning to Mr. Heydorn, Mr. Fryberger said "I'm sorry you are too good or up too high to . . ."

At this point Mr. Scott struck the gavel and said "that was enough".

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Mr. Fryberger said "I am talking here."

Chief DeMoss interceded and asked Mr. Fryberger to control himself at these meetings.

Chief DeMoss stated that Mr. Scott is in charge of these Council meetings and order needs to be maintained.

Mr. Scott stated he was here at the last meeting and he understood what Mr. Heydorn was saying.

Mr. Fryberger said that he took offense to the statement that the crowd at the July meeting was intimidating to those that were for the rezoning.

Mr. Scott stated that he said the residents against the rezoning issue were intimidating to the residents who were for the rezoning.

Mr. Fryberger said he thinks the intimidation is right here. (Mr. Fryberger indicated with a finger point towards Council that it was Council who was intimidating.)

Mr. Scott called on Mrs. Lila Nissel.

Mrs. Nissel stated there have been a lot of rumors and innuendoes associated with the rezoning issue.

Mrs. Nissel said she heard a rumor this weekend and she wanted to know if it was true or false.

Mrs. Nissel asked if the Village owns the property that the Church in Silver Lake has their playground on.

Mayor Mendenhall said that was true.

Mrs. Nissel went on to say that she heard the Village would like to own the property that the Boy Scout Center sits on.

Mr. Scott stated he never heard that and the Mayor also stated he never heard that.

Mr. Scott stated that as far as he knows that is a false rumor.

Mrs. Nissel said the rumor came from here (looking around the Council table) and she would go to that person tomorrow.

Mrs. Nissel asked how many current members of Council were on Council in 1996.

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Mr. Scott, Mr. Ingram and Mr. Heydorn were on Council in 1996.

Mrs. Nissel stated there was a piece of property purchased at 7 Lodge Drive that does not connect to Village property at all. Why would the Village buy this property, and is the Village in the business of purchasing property.

Mrs. Nissel asked if the purpose of purchasing the property at 7 Lodge Drive was for the rezoning issue that we are dealing with right now.

Mr. Scott said no. The property was purchased because it was a good price and it does connect to Village property. The condition of the house was not conducive for habitation so the Village purchased the property and had it demolished.

Mr. Ingram stated the property at 7 Lodge Drive is contiguous to Village property.

Mrs. Nissel asked if the legislation written to purchase this property stated that it was purchased for rezoning.

Mrs. Spohn said she did not believe the legislation specified that it was for rezoning.

Mrs. Spohn asked Mrs. Nissel to stop in her office and she would give her a copy of that piece of legislation.

Mr. Scott called on Mr. Doug Nissel.

Mr. Nissel declined to speak.

Mr. Scott asked if there were any further questions from the audience.

There being no further questions from the audience, Council adjourned at 8:35 p.m.

APPROVED:

Duane Scott, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer

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