

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, April 2, 2007

7:30 p.m.

The Village of Silver Lake Council met in a regular session on Monday, April 2, 2007, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With 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. Christopher Scott, Mr. Adrian Achtermann, Mrs. Carol Steiner, Mr. William Church, Mrs. Despina Mulrooney, Mr. Gerald Jones, and Mrs. Karen Fuller.

Roll call of Council – 7 members present

Mrs. Steiner asked if there were any additions or corrections to the minutes of the March 19, 2007, Council meeting.

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

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

**RESOLUTION NO.: 27-2007 A RESOLUTION AUTHORIZING THE CLERK-TREASURER TO PAY TO THE CITY OF CUYAHOGA FALLS, SILVER LAKE'S PROPORTIONATE SHARE OF THE 2006 OPERATING DEFICIT OF THE CUYAHOGA FALLS MUNICIPAL COURT, AND DECLARING AN EMERGENCY.**

Mrs. Steiner assigned Resolution No.: 27-2007 to the Finance and Appropriations Committee.

**ORDINANCE NO.: 28-2007 AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE 2007 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.**

Mrs. Steiner assigned Ordinance No.: 28-2007 to the Personnel and Public Affairs Committee.

**RESOLUTION NO.: 29-2007 A RESOLUTION TO APPROVE THEN AND NOW CERTIFICATES FOR PURCHASES AND DECLARING AN EMERGENCY.**

Mrs. Steiner assigned Resolution No.: 29-2007 to the Finance and Appropriations Committee.

**RESOLUTION NO.: 30-2007 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 101,245.98**

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Mrs. Steiner assigned Resolution No.: 30-2007 to the Finance and Appropriations Committee.

**RESOLUTION NO.: 31-2007 A RESOLUTION CONFIRMING THE RENEWAL OF A GROUP HEALTH AND LIFE INSURANCE PLAN WITH MEDICAL MUTUAL OF OHIO IN ACCORDANCE WITH THE RATES SET FORTH EFFECTIVE APRIL 1, 2007 FOR THE SUPER MED PLUS 1580 PLAN, AND PURSUANT TO CONTRACT DOCUMENTS DATED APRIL 15, 1998, ON FILE IN THE OFFICE OF THE CLERK-TREASURER, AND DECLARING AN EMERGENCY.**

Mrs. Steiner assigned Resolution No.: 31-2007 to the Planning, Zoning and Insurance Committee.

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

**RESOLUTION NO.: 24-2007 A RESOLUTION CONFIRMING THE RENEWAL OF A GROUP HEALTH AND LIFE INSURANCE PLAN WITH MEDICAL MUTUAL OF OHIO IN ACCORDANCE WITH THE RATES SET FORTH EFFECTIVE APRIL 1, 2007 FOR THE SUPER MED PLUS 2080-250 PLAN, PURSUANT TO CONTRACT DOCUMENTS DATED APRIL 15, 1998, WHICH ARE ON FILE IN THE OFFICE OF THE CLERK-TREASURER, AND DECLARING AN EMERGENCY.**

Mrs. Steiner previously assigned Resolution No.: 24-2007 to the Planning, Zoning and Insurance Committee.

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

There being none, Mrs. Steiner recessed the Council meeting at 7:31 p.m. to continue the Committee of the Whole meeting.

Mrs. Steiner reconvened the Council meeting at 7:40 p.m.

**Finance and Appropriations Committee – Mr. William Church, Chairman**

Mr. Church stated Resolution No.: 27-2007 will be treated as a first reading.

Mr. Church stated Resolution No.: 29-2007 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.: 29-2007, seconded by Mr. Jones.

Roll call on suspension:      Yes    7      No    0

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

Roll call on adoption:      Yes    7      No    0

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Mr. Church stated Resolution No.: 30-2007 was discussed in committee earlier this evening and is ready for adoption.

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

Roll call on adoption:           Yes    7       No    0

**Personnel and Public Affairs Committee – Mrs. Karen Fuller, Chairman**

Mrs. Fuller stated Ordinance No.: 28-2007 was discussed in committee earlier this evening and is ready for adoption.

Mrs. Fuller moved to suspend the rule that legislation be read at three meetings for Ordinance No.: 28-2007, seconded by Mr. Scott.

Roll call on suspension:       Yes    7       No    0

Motion to adopt by Mrs. Fuller, seconded by Mrs. Mulrooney.

Roll call on adoption:       Yes    7       No    0

**Planning, Zoning and Insurance Committee – Mr. Gerald Jones, Chairman**

Mr. Jones made a motion to postpone indefinitely Resolution No.: 24-2007, seconded by Mr. Church.

Roll call to postpone indefinitely Resolution No: 24-2007:   Yes       7    No    0

Mr. Jones stated Resolution No.: 31-2007 was discussed in committee earlier this evening and is ready for adoption.

Mr. Jones moved to suspend the rule that legislation be read at three meetings for Resolution No.: 31-2007, seconded by Mr. Scott.

Roll call on suspension:       Yes    7       No    0

Motion to adopt by Mrs. Fuller, seconded by Mrs. Mulrooney.

Roll call on adoption:       Yes    7       No    0

Mrs. Fuller reported she attended the AMATS meeting. Crash reports for the Graham Road and Hudson Drive corridor for the years 2003 through 2005 were discussed. Over this period of time, there were 98 crashes. This corridor ranked 14 out of 108. The average daily traffic for this corridor is 31,355 vehicles.

There may be federal funding available in the year 2030 for sidewalks on Graham Road.

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**REPORTS OF VILLAGE OFFICIALS**

**Mayor Bernie Hovey** asked if a meeting has been scheduled for Mr. Friend, from The Fedeli Group, to discuss the healthcare plan with the employees.

Mrs. Spohn stated a meeting has been scheduled for Wednesday, April 11, 2007, at 3:00 p.m.

Mrs. Spohn also stated AFLAC would be here at the same time to introduce and discuss the Flexible Spending Plan.

Mayor Hovey has reappointed Mrs. Spohn to be a delegate for the Village at RITA (Regional Income Tax Agency) meetings.

Mrs. Steiner asked Council for a voice vote affirmation of Council for Mrs. Spohn to be reappointed as delegate to RITA.

All of Council responded with an affirmative vote.

**Chief DeMoss** stated the Council of Government (COG) Technical Committee meeting will be held on Tuesday, April 10, 2007, at 3:00 p.m. to discuss the regional dispatch facility.

Chief DeMoss stated there will be an advertisement for the police officer's position in one or both of the local publications, Record Publishing and/or The Akron Beacon Journal.

**Mr. Fenwick, Service Director**, stated the Spring clean-up program is underway.

The island at the entrance of Silver Lake Boulevard and Route 59 has been completed.

The (water) standpipe on East Edgerton and Graham Road was inspected by Burgess and Niple, Inc.

**Mr. Robert Heydorn, Solicitor** stated AT&T competition agreements have been finalized in the City of Cuyahoga Falls and the City of Kent.

Mr. Heydorn stated he should be able to look at those agreements to see what the Village will need to finalize our competition agreement with AT&T.

**Mrs. Teresa Spohn, Clerk-Treasurer**, stated the auditors are finishing the audit.

Mrs. Spohn stated she will be at the Local Government Conference tomorrow and Wednesday.

Mrs. Spohn stated she will not be at the next Council meeting.

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Mrs. Steiner called on Mr. and Mrs. Keith Murray, who formerly resided at 3122 Englewood Drive, to step forward and discuss their issue with Council.

Mr. Murray stated he and his family moved out of the Village last year after living here for a little over three years.

Mr. Murray said when they bought the house the seller did not disclose to them the water problems and the black mold problems that existed in the house.

Mr. Murray stated the realtors covered up the fact that there was a pre-existing mold problem and placed in the contract the house is to be sold "as is".

Mrs. Murray stated it was going to cost them \$75,000 to rectify the mold issue. They could not obtain the loan and had to file bankruptcy and vacate the residence. They lost everything.

Mrs. Murray said their son developed asthma as a result of the black mold problem and their other children developed severe nose bleeds.

Attorney (Mrs) Gayle Snyder recommend a letter be sent to the former owners stating all the problems they have had and asking the former owners to assist them in a solution.

A letter was sent to the former owners and they have not responded.

Mr. Murray stated the reason he and his wife are here this evening is to inform the Village that no repairs have been done to the house. The current owner has painted over everything to cover up the mold and is not disclosing that there is a mold problem.

His mother-in-law called and asked if there is any mold in the house and was told no.

Their ultimate concern is if another family moves in, they too will have problems. We would like a sign placed in the window that would alert anyone going into the house that there is a toxic black mold problem.

The Murrays wanted to make Council aware of the situation and hopefully something can be done before another family is harmed by this.

Mr. Heydorn stated our response in the municipality is limited to our municipal powers. This is a private problem involving private parties, unless there is an ordinance enacted that prevents the transfer or sale of houses with certain health problems.

Mrs. Lipan stated Ordinance 1359.08 UNSAFE CONDITONS; REPORTS may address this issue.

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Mrs. Steiner stated Mr. Heydorn will review this issue and report back to Council his findings.

Mr. Jones asked the Murrays if there was a home inspection done prior to sale.

The Murrays said yes. Prior insurance claims reference water damage to the house were not disclosed to them.

Mr. Jones called J&J today and at last count, 664 residents have signed up for service.

Mrs. Steiner asked if there was any further miscellaneous business.

There being no further business, Council adjourned at 8:18 p.m. until the next regularly scheduled Council meeting on Monday, April 16, 2007, at 7:30 p.m.

APPROVED:

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Carol Steiner, President of Council

ATTEST:

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Teresa M. Spohn, Clerk-Treasurer

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