

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, April 5, 2004

7:30 p.m.

The Village of Silver Lake met in a regular session on Monday, April 5, 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, Mr. Bernie Hovey, Mr. William Church, and Mrs. Karen Fuller.

Roll call of Council – 6 members present 1 member absent

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

Mr. Scott asked if there were any additions or corrections to the minutes of the March 15, 2004, 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.: 36-2004 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE AND SELL AT PUBLIC AUCTION A 1995 FORD 4 X 4 PICK-UP TRUCK WITH PLOW, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 36-2004 to the Finance and Appropriations Committee.

RESOLUTION NO.: 37-2004 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS, AND DECLARING AN EMERGENCY. \$229,541.27

Mr. Scott assigned Resolution No.: 37-2004 to the Finance and Appropriations Committee.

Mr. Scott stated Resolution No.: 93-2003 has had three readings.

Mrs. Scott asked if there were any questions or comments from the audience regarding pending legislation.

There being none, Mr. Scott continued with the agenda.

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REPORTS OF COUNCIL STANDING COMMITTEES

Finance and Appropriations Committee – Mr. Jack Ingram, Chairman

Mr. Ingram stated Resolution No.: 36-2004 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.: 36-2004, 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

Mr. Ingram stated Resolution No.: 37-2004 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.: 37-2004, 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

Planning, Zoning and Insurance Committee – Mr. Bernie Hovey, Chairman

Mr. Hovey made a motion to make the following amendments to Ordinance No.: 22-2004, seconded by Mr. Gray:

Section 1359.01 DANGEROUS BUILDING DEFINED (g), which formerly read:

- (g) Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of communication.

Should read as follows:

- (g) Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of *evacuation*.

Section 1359.01 DANGEROUS BUILDING DEFINED (k), which formerly read:

- (k) Those buildings which are vacant and unguarded at the doors or windows.

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Should read as follows:

- (k) Those buildings which are vacant and *unsecured* at the doors or windows.

Section 1359.04 AUTHORITY TO EXAMINE PREMISES; REMEDIAL ORDER (a), which formerly read:

- (a) The Building Official or a person delegated by him shall be empowered to examine or cause to be examined any building or dwelling within the Village, to determine whether such building or dwelling is dangerous, unsafe or constitutes a nuisance, as provided by this chapter, and may apply to a court of competent jurisdiction for an administrative search warrant to enter said premises for inspection.

Should read as follows:

- (a) The Building Official or a person delegated by him shall be empowered to examine or cause to be examined any *suspect* building or dwelling within the Village, to determine whether such building or dwelling is dangerous, unsafe or constitutes a nuisance, as provided by this chapter, and shall apply to a court of competent jurisdiction for an administrative search warrant to enter said premises for inspection *if such entry is not consensual*.

Section 1359.07 RIGHT TO DEMOLISH, the last sentence, which formerly read:

If the Village is not immediately reimbursed for such costs, the title cost as defined in R.C. 715.261(A) shall be collected as provided in R.C. 715.261 (B)(1) or (2).

Should read as follows:

If the Village is not immediately reimbursed for such costs, the *total* cost as defined in R.C. 715.261(A) shall be collected as provided in R.C. 715.261 (B)(1) or (2).

Section 1359.08 UNSAFE CONDITIONS; REPORTS, the last sentence, which formerly read:

No person who is an owner, manager, lessee, or occupant of a building on which premises such a dangerous condition exists and who knows or should know of such dangerous condition shall fail to make such report to either the Building Official or Director of Public Service within twenty-four hours after such knowledge is obtained or should have been obtained.

Should read as follows:

No person who is an owner, manager, lessee, or occupant of a building on which premises such a dangerous condition exists, and who knows or should know of such dangerous condition, shall

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fail to make such report to either the Building Official or Director of Public Service within twenty-four hours after such knowledge is obtained or should have been obtained.

Section 1359.11 APPEAL (c), which formerly read:

(c) On appeal, the Board shall consider the matter de novo and shall either affirm the decision of the Building Official or enter the decision the Building Official should have made the affirmative vote of three members of the Board shall be necessary for the decision or failure to receive three affirmative votes will constitute denial of the appeal and maintenance of the previous decision. The decision shall be rendered forthwith and shall be final.

Should read as follows:

(c) On appeal, the Board shall consider the matter de novo and shall either affirm the decision of the Building Official or enter the decision the Building Official should have made. The affirmative vote of three members of the Board shall be necessary for the decision; failure to receive three affirmative votes will constitute denial of the appeal and maintenance of the previous decision. The decision shall be rendered forthwith and shall be final.

Roll call on the amendments: Yes 6 No 0

Mr. Hovey made a motion to adopt Ordinance No.: 22-2004 as amended, seconded by Mr. Church.

Roll call on adoption as amended: Yes 6 No 0

REPORTS OF VILLAGE OFFICIALS

Chief DeMoss reported Officer Jeff Samaco was involved in a police cruiser crash on Route 8 southbound on March 21, 2004. It was a snowy evening and the Officer Samaco had stopped a speeding vehicle on Graham Road near the northbound entrance ramp to Route 8. After the citation was issued, Office Samaco proceeded onto Route 8 North to turn around at the Steels Corners exit, which is normal procedure. The roads became icy and cars started sliding around in front of our cruiser. Officer Samaco avoided the other cars, but ended up hitting the median. Officer Samaco fortunately had no injuries. The damage to the cruiser is approximately \$8,000.

The Ohio Department of Public Safety is offering a program that the Village participated in last year. The program is a two part safety campaign. The first topics are "What's Holding You Back" and "Click It or Ticket" for May and June or August and September. The second part topic is "You Drink and Drive, You Lose" campaign.

Seatbelt compliance has increased to 74.7 percent for the State of Ohio, which is a 4.4 percent increase over the 2002 period.

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Mayor Mendenhall reported that at the last Council meeting, he presented three designs for the engineering of storm water on Silverview Drive. The engineering cost for the design that had the smaller of acreage will be \$6,500. Approximate installation is estimated at \$29,300. The decision that needs to be made now is how to finance the project.

The Mayor stated the latest figure from Ohio Edison for the purchase of 12 street lights to be installed on two streets is \$41,947. Site Electric has come in with a bid of \$36,293. We are still waiting for a bid from Thompson Electric.

The Mayor reported on House Bill 278, which will remove local communities from any decision making with respect to the placement of oil and gas wells in our Village. Local communities will have absolutely no authority to enforce whatever regulations or provisions the state bureaucrats may impose. If this legislation passes, residents will be removed from these decisions and forced to accept oil and gas wells in their communities that the overwhelming number of people do not want.

The Mayor encouraged all of Council to call any senator to discourage the passing of HB 278.

Mr. Fenwick, Service Director, reported the Service Department is repairing sinkholes on Silver Lake Boulevard this week.

The bid package for the emergency generator is completed and Mrs. Spohn should have legislation ready by the next Council meeting to advertise for the taking of bids.

Woodchips are available to residents of the Village at the Service Department by the tennis courts.

Mrs. Spohn will be creating legislation for the emergency repairs to the Vactor. The transmission was replaced and the approximate cost was \$6,500.

Mrs. Spohn, Clerk-Treasurer, reported that the codified ordinances are in the process of being updated. Council has to pass legislation for the updates, which will hopefully be ready by the next Council meeting.

The State Auditors are conducting the Village's annual audit.

Mrs. Spohn will be attending the Ohio State Clerk's Conference at Quail Hollow for the next three days.

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

Mr. Mumma, 2794 Cranbrooke Drive, asked if the Village has heard a response from FEMA.

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Mr. Scott responded that the Village has not heard a response.

Mr. Church reported for the Silver Lake Board of Trustees meeting on March 4, 2004. Mr. Ted Curtis is developing a long-term plan and the structural engineer will be out to inspect the condition of the boathouse. New picnic tables that will be built by Silver Lake Estates employees have been ordered. The fishing lots are being reviewed to be sure there is only one privilege per lot.

There being no further questions from the audience, Council adjourned at 8:00 p.m. until the next Council meeting on Monday, April 19, 2004.

APPROVED:

Duane Scott, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer