

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, April 18, 2005

7:30 p.m.

The Village of Silver Lake Council met in a regular session on Monday, April 18, 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. 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 April 4, 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.: 47-2005 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, 2005, PURSUANT TO CONTRACT DOCUMENTS DATED APRIL 15, 1998, WHICH ARE ON FILE IN THE OFFICE OF THE CLERK-TREASURER, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 47-2005 to the Planning, Zoning, and Insurance Committee.

RESOLUTION NO.: 48-2005 A RESOLUTION AWARDING A CONTRACT TO H.M. MILLER CONSTRUCTION COMPANY FOR THE SILVERVIEW STORM SEWER IMPROVEMENTS PROJECT IN THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 48-2005 to the Public Improvements Committee.

RESOLUTION NO.: 49-2005 A RESOLUTION AWARDING A CONTRACT TO H.M. MILLER CONSTRUCTION COMPANY FOR THE LODGE AVE WATER MAIN PROJECT IN THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 49-2005 to the Public Improvements Committee.

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RESOLUTION NO.: 50-2005 A RESOLUTION EXPRESSING SUPPORT FOR THE CUYAHOGA FALLS SCHOOLS 7.9 MILL FIVE-YEAR LIMITED OPERATING LEVY ON THE BALLOT OF A SPECIAL ELECTION TO BE HELD MAY 3, 2005 AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 50-2005 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 51-2005 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS, AND DECLARING AN EMERGENCY. \$138,750.54

Mr. Scott assigned Resolution No.: 51-2005 to the Finance and Appropriations Committee.

RESOLUTION NO.: 52-2005 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SUNCREST GARDENS TO PROVIDE ALL LABOR, EQUIPMENT, AND MATERIALS TO COMPLETE THE DOVER ROAD/HIGHLAND DRIVE ISLAND IMPROVEMENTS IN THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 52-2005 to the Public Improvements Committee.

Mr. Scott asked for the reading of any pending legislation that is up for a third reading.

ORDINANCE NO.: 39-2005 AN ORDINANCE AMENDING SECTION 943.04 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE VILLAGE OF SILVER LAKE, OHIO, HEREBY ESTABLISHING A NEW STORMWATER USER FEE TO BE LEVIED UPON EACH RESIDENTIAL DEVELOPED LOT, PARCEL OF LAND, BUILDING OR PREMISES WITHIN THE CORPORATE LIMITS OF THE VILLAGE, AND DECLARING AN EMERGENCY.

Ordinance No.: 39-2005 was previously assigned to the Finance and Appropriations Committee.

RESOLUTION NO.: 43-2005 A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE A VIDEO CAMERA IN ACCORDANCE WITH STATE CONTRACT #778845A FOR USE IN A CRUISER OPERATED BY THE VILLAGE OF SILVER LAKE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

Resolution No.: 43-2005 was previously assigned 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 recessed the Council meeting at 7:32 p.m. to finish the Committee of the Whole meeting.

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The Committee of the Whole meeting adjourned at 7:53 p.m. and Council reconvened at 7:53 p.m.

REPORTS OF COUNCIL STANDING COMMITTEES

Finance and Appropriations Committee – Mr. Jack Ingram, Chairman

Mr. Ingram stated Ordinance No.: 39-2005 had its third reading this evening and is ready for adoption.

Mr. Ingram made a motion to adopt Ordinance No.: 39-2005, seconded by Mrs. Steiner.

Roll call on adoption: Yes 7 No 0

Mr. Ingram stated Resolution No.: 43-2005 was discussed in committee earlier this evening and will be indefinitely postponed.

Mr. Ingram made a motion to postpone indefinitely Resolution No.: 43-2005, seconded by Mr. Gray.

Roll call on postponement: Yes 7 No 0

Mr. Ingram stated Resolution No.: 51-2005 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.: 51-2005, 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

Public Improvements Committee – Mr. William Church, Chairman

Mr. Church stated Resolution No.: 48-2005 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.: 48-2005, seconded by Mr. Gray.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mr. Church stated Resolution No.: 49-2005 was discussed in committee earlier this evening and is ready for adoption.

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Mr. Church made a motion to suspend the rule that legislation be read at three meetings for Resolution No.: 49-2005, seconded by Mr. Gray.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mr. Church stated Resolution No.: 52-2005 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.: 52-2005, seconded by Mrs. Steiner.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

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

Mr. Hovey stated Resolution No.: 47-2005 was discussed in committee earlier this evening and is ready for adoption.

Mr. Hovey made a motion to suspend the rule that legislation be read at three meetings for Resolution No.: 47-2005, seconded by Mr. Church.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

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

Mrs. Steiner stated Resolution No.: 50-2005 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.: 50-2005, seconded by Mr. Gray.

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

REPORTS OF VILLAGE OFFICIALS

Mayor Mendenhall shared some observations relative to Chief Gary DeMoss and the investigation of the events that recently occurred at Crystal Lake. The investigation is on going and should be completed by Friday.

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That morning the Mayor and the Chief had been at a Heart Association meeting and were heading back on Route 76. As they approached the central interchange, the call came through and they immediately proceeded to the scene.

The Mayor wants to convey to Council that it was a rare opportunity for him to see the Chief in action. By the time they had reached the Tallmadge exit, the Chief had already made three phone calls. When they arrived on the scene, the Chief knew exactly what to do in a very quiet unassuming way. The Mayor is very grateful for the Chief's services.

In addition to the Chief, the Mayor also had the opportunity to call on the Service Director. The Mayor also had the privilege at 9:30 p.m. to thank the seventy-five men from many different districts who came to help make the operation successful.

To the Chief the Mayor extended a very public thank you and appreciation.

The Mayor stated there is a meeting regarding the school levy tomorrow night at 7:00 p.m. at the Village Hall.

The Mayor spent nineteen hours in Columbus last week. On Tuesday at 9:15 p.m. the House of Representatives was going to lower the village cut to 5 percent, which in fact didn't happen. It was decided on a 10 percent cut. The Senate now has two months to deal with this issue. There was an excellent representation of mayors from Summit County.

Solicitor Bob Heydorn had no report.

Chief Gary DeMoss thanked the Mayor for his warm comments. He also thanked Mr. Fenwick, the Service Department, and the Administrative Staff for their part in the situation.

The Chief stated the day had started out on a positive note. The Mayor and the Chief attended an American Heart Association presentation at the Akron Public Library. Mr. Mulrooney was also in attendance. The AED's that were donated to the Silver Lake Police Department were actually purchased by the Mulrooney family. This was an extremely nice gift to the Village and will be utilized in the cruisers. The Chief thanked the Mulrooney family for their generosity.

The Mayor and the Chief were coming back from the presentation when the events of the day started to dramatically change. The Police Department received a call that there was a burglary at Crystal Lake boathouse. It turned out to be significantly different. A seventeen year old male Stow resident had ended his life in the lake. It was a lot to deal with for everybody who was involved.

It started out as a search and rescue, which quickly changed to a search and recovery. After the surrounding area was searched, the Summit County dive team used two sonars in the lake and found the body at approximately 8:00 p.m.

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There are three individual investigations being conducted by the Coroner's office, the Stow Fire Department and the Silver Lake Police Department. The Chief hopes to meet with the medical examiner on Friday and then later that day with the family. This is extremely difficult for the family to accept the fact that their loved one committed suicide. There is nothing during the investigation that pointed to any other direction than a suicide. This was basically a text book operation.

The Chief stated everyone has been given a gun lock this evening. They are provided free of charge and are provided by project Child Safe. The blue paper needs to be filled out and signed before the lock can be taken.

The Silver Lake Police Department was part of the operation that took place on Thursday, April 14, 2005, in Cleveland that recognized the U.S. Marshall's Operation Falcon. Northeast Ohio was the number one area in the United States for their collective activity.

Service Director Richard Fenwick reported that two pieces of equipment went to the auction in Edinburg. The 1989 GMC Truck went for \$2000 and the 1987 Ford Backhoe went for \$11,000.

Mr. Fenwick and members of the Park Board will be attending the Tree City USA Award Ceremony tomorrow in Solon.

Hydrant flushing has begun and will continue for the next four weeks.

The Leaf and Limb Program will continue for another two weeks.

Clerk-Treasurer Teresa Spohn stated that she has petitions from the Board of Elections for the District Council members who will be running again in November.

Mrs. Spohn has given all the Council members a copy of Betty Montgomery's Best Practices newsletter, which talks about public sector audit committees.

Mrs. Spohn also has information for the OML Municipal Leadership Training Academy if any Council member is interested in this certification.

All Council members need to bring in their Codified Ordinance books so the 2005 replacement pages can be inserted.

Mrs. Spohn received an Auditor of State bulletin that stated the American Institute of Certified Public Accountants issued an interpretation of certain professional auditing standards. This affects many aspects, especially small villages and small entities who do not prepare a financial statement using GAAP (General Acceptable Accounting Principles). The Village does a cash basis statement and is not required to do a GAAP basis; however, because of the AICPA's interpretation, the auditor of state must now give us an adverse opinion.

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The Mayor stated that Mr. Fenwick and Mrs. Spohn will be going to Columbus with him on Thursday, April 21, 2005, for the hearing regarding the houses in Colony Allotments.

Mr. Scott asked if there was any miscellaneous business.

Mrs. Steiner stated she was not able to attend the last Charter Review Commission meeting and asked what the outcome was.

Mayor replied that a letter of recommendation to Council is being prepared by the Chairman of the Charter Review Commission.

Mrs. Fuller stated she attended the last Charter Review Commission meeting and asked Mr. Heydorn to explain to Council his reservation that the Charter Review Commission did not take.

Mr. Heydorn stated that in one section, he thought a change should be made for consistency purposes. There was one section where the question was whether or not the Clerk and the Treasurer could be the same person.

The result of the discussion with the Commission was that they felt that the Clerk and the Treasurer could be the same person even under the Charter amendments.

Mrs. Fuller stated all the flowers have been planted on the Circle Drive Island.

There being no further questions from the audience, Council adjourned at 8:30 p.m., until the next Council meeting on Monday, May 2, 2005, at 7:30 p.m.

APPROVED:

Duane N. Scott, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer