****

**RECORD OF PROCEEDINGS**

Minutes of the Silverton City Council Workshop

Held Thursday, August 6, 2009

The Council of the City of Silverton met for a workshop in Council Chambers at 6860 Plainfield Road at 7:00 pm on Thursday, August 6, 2009. Mayor Smith called the meeting to order.

**OPENING REMARKS:**

Mayor Smith led a moment of silent prayer followed by the Pledge of Allegiance.

**ROLL CALL:**

**Elected Officials:**

* John Smith, Mayor Present
* Willa Garner, Council Present
* Joyce Glover, Council Absent
* Shirley Hackett, Council Present
* Mark Quarry, Council Absent
* Frank Sylvester, Council Present
* Dottie Williams, Council Present

**Also present:**

* Mark Wendling, City Manager
* Bryan Pacheco, City Solicitor
* Meredith George, Clerk of Council
* Leighanne Helmes, Tax Enforcement Officer
* Tom Peterson, Finance Director

Mrs. Hackett motioned to excuse Mrs. Glover and Mr. Quarry. Mrs. Garner seconded the motion. All members present voted aye. Motion carried.

**WORKSHOP DISCUSSION ITEMS:**

1. Kleingers & Associates - Traffic Study of Plainfield Montgomery Intersection Presentation

Mr. Wendling introduced Mr. Tim Casto, Mr. Mark Nolt and Mr. Dave Meyer from Kleingers & Associates who were present to discuss the traffic study at Plainfield and Montgomery. Mr. Nolt addressed Council and explained how the traffic study was conducted. Mr. Nolt stated traffic counts were taken, along with observation of vehicle approach and general observation of the intersection. The peak hours analyzed was 7:30 a.m. to 8:30 a.m., and 4:45 p.m. to 5:45 p.m. The results of the study are based on current conditions as well as future predictions. ODOT data predicts a yearly growth rate of 1% on Montgomery Road. As the observations at the intersection were made, vehicles on southbound Plainfield which were turning left onto Montgomery Road were occasionally delayed to a second cycle. The intersection was graded on traffic flow and delay time and without the left turn arrow the grade in the morning was an “A” (great), and the afternoon was a “B” (good). The grades drop to a “B” and “C” (fair) respectively with the installation of the left turn arrow, because the arrow will increase the overall delay time for all the vehicles at the intersection. The predictions for 2020 without the signal are “A” in the morning and “B” in the afternoon. The predictions for 2020 with the signal are “B” in the morning and “C” in the afternoon. Again, the left turn arrow increases the overall delay time for all the vehicles entering the intersection.

Mr. Nolt presented Council with computer generated simulations of the scenarios listed above.

Mr. Nolt reported that the signal is operating efficiently as it is currently configured, and the recommendation is to leave the signal operation as is. There is no recommendation to install a left turn arrow from southbound Plainfield to Montgomery Road.

Mr. Nolt reported that while conducting the traffic study they did observe the coordination timing with the lights at both Sampson and Elwynne could be improved, creating a better traffic flow. Currently, if you are stopped at one of the lights, more than likely you will be stopped at the second light. Mr. Wendling stated the lights can be re-synced by Wagner Smith for a nominal fee and recommends we proceed.

Council thanked Mr. Nolt, Mr. Casto and Mr. Meyer for their work on the study and for their presentation.

1. Presentation of Tax Code – Jim Nuesser, Ohio Munitax, LLC

Mr. Wendling reported introduced Mr. Jim Nuesser from Ohio Munitax, LLC who has been working with Mr. Pacheco, Mr. Peterson and Mrs. Helmes to make changes to our current tax code. The changes will bring us in compliance with the Ohio Revised Code and help us become more in-sync with RITA.

Mr. Nuesser addressed Council to explain the changes to the tax code. Mr. Nuesser explained the reasons for the changes are as follows:

* state code compliance
* general housekeeping
* other miscellaneous changes that might generate revenue

Mrs. Garner complimented Mr. Nuesser on the tax code changes, stating they were helpful and well-written. Mrs. Garner also asked if the casino issue passes in Ohio would that bring about changes to Ohio taxes. Mr. Nuesser stated it would.

Mrs. Hackett asked about landlord reporting penalties. Mr. Pacheco stated his opinion is to charge landlords who fail to report tenants with a third degree misdemeanor, where the penalties are greater, rather than a $50, $75 or $100 fine. We have a problem with landlords reporting their tenants, so we need to aggressively monitor this and bring as many into compliance as possible.

Mr. Peterson stated the code changes will also create staggered terms for the members of the Tax Review Board.

1. Discussion about 7221 Montgomery Road

Mr. Wendling reported that he and Mrs. Brown have been discussion moving the municipal facility to 7221 Montgomery Road without a full scale renovation. The administrative offices can be easily moved with minimal improvements, such as carpeting and paint. Because the building has been vacant for two years it is beginning to show signs of deterioration. Mr. Wendling stated if it is alright with Council he would like to continue researching the project and work on figures as to how much the move would cost. Council agreed to proceed. Mr. Wendling reported that Chief Newman has agreed to allow Council meetings and Mayor’s Court to be held in the training room at the Fire House. Moving the Police Department will prove to be the greatest challenge of the project. Mrs. Garner asked if she could make a visit to the building. Mr. Wendling stated she could make a visit anytime. Mrs. Brown, Mr. Lehmkuhl or Mrs. George can show Mrs. Garner the facility if Mr. Wendling is unavailable.

1. Discussion about Sidewalk Repair Procedure

Mr. Wendling reported that he is considering recommending legislation that will establish a way for the City to repair sidewalks and assess the property owners for the repairs. Specifically, there is a large section on Hampton and Montgomery that needs to be repaired and the owner is not cooperating. The ORC gives the authority to assess for the repairs, but Mr. Wendling feels that, as a Charter Municipality, we can pass an ordinance that will make repairing and assessing for the repairs more efficient. Mr. Sylvester asked about the permit process for sidewalks. Mr. Wendling reported that either the contractor or the property owner may apply for the permit. The contractor must be a licensed contractor in Silverton and must have a bond on file with the City. Additionally, sidewalk appeals are heard by City Council. The ordinance will change that to the Board of Zoning Appeals, which is a quasi judicial body.

**BUSINESS MEETING**

**PUBLIC COMMENT:**

*Carol Weiper – 3838 N Broadlawn*

Mrs. Weiper addressed Council on behalf of the Silverton Block Watch Association. Mrs. Weiper requested that the Block Watch be permitted to place a sign at the Train Station promoting their Fall Yard Sale. Mrs. Weiper stated the Block Watch does a lot for the City and would like the sign to be permitted.

Mr. Wendling stated he will permit placement of a temporary sign and will discuss the details with Lieutenant Plummer. Mr. Wendling added that the City also does a lot for Block Watch, including providing the salary for Officer Replogle, permits and insurance for various functions and port-a-lets. Mrs. Weiper also mentioned the group is no longer permitted to conduct Split the Pot. Mr. Wendling reported that Officer Replogle asked Mr. Pacheco for a legal opinion on Split the Pot. Mr. Pacheco’s research revealed that only 501(c)3 Incorporated organizations can operate Split the Pot. Block Watch has the option of becoming a 501(c)3 or partnering with the Silverton Business Association, who already has 501(c)3 status to continue to have Split the Pot.

*Shirley Jason – 6612 Stoll Lane*

Mrs. Jason asked if the City was aware if the Silverton Post Office would remain open as a result of impending branch closures. Mr. Wendling stated we have not heard anything either way and is not in a position to make predictions. Mrs. Jason also mentioned the property maintenance issues with the Post Office property are on-going. Mr. Wendling stated we can force the grass and weed issues to be rectified, but we cannot go on the property and do such things as painting. The property owner lives out of town, and is basically ignoring the City’s orders. The next step is to take the property owner through the court process, which will prove difficult because he is out of state.

**READING OF LEGISLATION:**

Mrs. Garner motioned to remove Ordinance 09-3300 On Ordinance to Levy Special Assessments on Property for the Total Cost of Mitigating Noxious Weeds and High Grass Pursuant to Sections 91.70-.73 of the Municipal Code of Ordinances and R.C. 715.261 and Declaring an Emergency, for lack of a super majority. Mrs. Williams seconded the motion. A roll call vote was taken. All members present voted aye. Motion carried.

Mrs. George gave the first reading of Ordinance 09-3301 An Ordinance Amending Chapter 36 “Taxation” of the Municipal Code of Ordinances to Read as Set Forth Below.

**MISCELLANEOUS:**

Mrs. Hackett reported she had a name to submit to Mayor Smith and Mr. Wendling of a citizen who is interested in serving on a city board or commission. Mr. Wendling thanked Mrs. Hackett for the information, as we are always looking for residents that are eager to be involved.

**ADJOURNMENT:**

Mrs. Hackett motioned for adjournment and was seconded by Mr. Sylvester. All members present voted aye. Motion carried.

The meeting was adjourned at 8:07 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Meredith L. George

Clerk of Council

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John A. Smith

Mayor

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mark T. Wendling

City Manager