

**RECORD OF PROCEEDINGS**  
Minutes of the Silverton City Council Meeting  
Held Thursday, April 20<sup>th</sup>, 2006

The Council of the City of Silverton met for a business meeting in Council Chambers at 6860 Plainfield Road at 7pm on Thursday, April 20<sup>th</sup>, 2006. Mayor John Smith called the meeting to order.

**OPENING REMARKS:**

Councilman Sylvester led the prayer and Anthony Foster, the April 2006 Student of the Month led the Pledge of Allegiance.

**ROLL CALL:**

**ELECTED OFFICIALS:**

**ALSO PRESENT:**

John Smith	Mayor	Present	Mark Wendling	City Manager
Joyce Glover	Council	Present	Bryan Pacheco	City Solicitor
Shirley Hackett	Council	Absent	Leighanne Davis	Tax Clerk
Mike Morthorst	Council	Present		
Mark Quarry	Council	Present		
Frank Sylvester	Council	Present		
Idella Thompson	Council	Present		

Mayor Smith noted that Councilwoman Hackett would not be present. Councilwoman Thompson motioned to excuse Councilwoman Hackett and was seconded by Councilman Quarry.

**REVIEW MEETING AGENDA:**

No changes were requested.

**APPROVAL OF MINUTES FROM PRIOR MEETINGS:**

Mayor Smith presented minutes from the following meetings for approval: March 9, 2006 Public Hearing, March 9, 2006 Workshop and the March 16, 2006 Business Meeting. Councilman Quarry motioned for approval with any necessary corrections and was seconded by Councilwoman Thompson. All voted aye. Motion carried.

**MAYOR'S COMMENTS AND GUESTS:**

1. Councilwoman Thompson introduced the April 2006 Student of the Month, Mr. Anthony Foster. Mayor Smith presented Mr. Foster with a proclamation declaring April 20<sup>th</sup>, 2006 "Anthony Foster Day".
2. Mayor Smith reminded all that April 22, 2006 was "Keep Cincinnati Beautiful Day" and the Silverton Sweet Pea Garden Society was heading up a cleanup day at the Train Station from 9 a.m. to noon. Councilman Quarry added that the Block Watch would also be helping and lunch would be provided. Councilman Quarry also added that if enough people showed up they would branch further into the community to clean up.
3. Mayor Smith noted that anyone interested in participating in the Memorial Day Parade should contact the city office.

**OLD BUSINESS AND GENERAL COMMENTS:**

Mr. Wendling reported that the Post Office has changed their traffic pattern back to the old pattern. The pattern does not permit a left turn out of the lot onto Montgomery Road. Councilman Glover stated that there was no "No Left Turn" sign in the lot at Montgomery Road. Mr. Wendling stated he would look into it.

**NEW BUSINESS AND COMMITTEE REPORTS:**1. City Manager's Report1.1. Mayor's Court Report

Mr. Wendling reported that the Mayor's Court Report for March 2006 will be deferred until the May business meeting due to the absence of Ms. George.

1.2. Budget Report

Mr. Wendling reported that 2005 financials have been closed out. Mr. Wendling gave a summary of the report. Councilman Morthorst motioned to accept the budget report and was seconded by Councilman Sylvester. All voted aye motion carried.

1.3. City / CPS Partnership

Mr. Wendling informed council that the local core group for the new Silverton School met Tuesday evening to start moving forward on the planning of the new school. Mr. Wendling stated the meeting went very well and there was a great deal of positive feedback. The next meeting is scheduled for May 9, 2006. All the meeting dates are available on [www.cityofsilverton.com](http://www.cityofsilverton.com) under the "calendar" tab. Attendance by all interested parties is encouraged.

1.4. NIMS

Mr. Wendling reported that there is a new requirement for all municipalities regarding Homeland Security called the National Incident Management System. It requires that all personnel, including elected officials, complete certain tests to qualify for federal funding in the event of a disaster. Mr. Wendling noted that he will inform council in the near future about taking the required tests.

1.5. 6939 Silverton Avenue

Mr. Wendling reported that renovation is underway at 6939 Silverton Avenue.

1.6. Community Garden

Mr. Wendling reported that the service department has been working on sprucing up the community garden and complimented them on the job.

1.7. Sampson Lane

Mr. Wendling reported that Cinergy has completed their portion of the project except the restoration portion. Cinergy cannot complete the restoration until the street improvement project is completed. Mr. Wendling has been in touch with Dave Emerick to find out when expects to grind and pave Sampson Lane. Mr. Wendling has conveyed to CDS that we really need to get the project complete. Councilman Sylvester asked who would be responsible for the settling of the sidewalks and Mr. Wendling reported that the contractor would be.

1.8. Play By Play Sports Café

Mr. Wendling reported that the business expects to open by May 4<sup>th</sup> or 5<sup>th</sup> and they are planning musical acts of all genres, including some national acts. Mr. Wendling says it really looks nice and is a vast improvement on Plainfield Road. Mr. Wendling also pointed out that we have a new chiropractor on Montgomery Road across from CVS and a new Latino grocery on Montgomery Road.

Councilman Quarry wished to remind everyone of the ordinance pertaining to property maintenance, including high grass. Mr. Wendling concurred and stated that the property owners will be cited if their property is not properly maintained.

**COMMITTEE REPORTS:**

1. Councilwoman Thompson

Councilwoman Thompson reported that the Fire District had not met since the last meeting and she had nothing new to report.

Councilwoman Thompson also reported that ICRC has also not met recently and she has no report. However, Councilwoman Thompson did report that council meetings can be viewed at [www.icrcvtv.com](http://www.icrcvtv.com). The meetings are available two days after the meeting has occurred.

2. Councilwoman Glover

Councilwoman Glover reported that the LSDMC met Tuesday, April 18 and was asked to announce the future happenings at the school. The Silverton School Pride Health and Safety Fair is scheduled for Saturday, April 29 from noon until 3pm. The Spring Program is also scheduled for the 29<sup>th</sup> at 6 pm and will include performances by the dance ensemble and show choir. On Friday, May 12, 2006 there will be an art fair, where the student's art works will be displayed and judged. Silverton School will be having summer school this year, which will be combined with Woodford Paideia and Pleasant Ridge School. Summer school will be held at Woodford Paideia. June 1<sup>st</sup> is the last day of regular school and the new school year will begin August 22<sup>nd</sup>.

3. Councilman Morthorst

Councilman Morthorst stated the Tax Review Board has now rendered three decisions and they feel confident in the format they have developed. Councilman Morthorst added that people are appealing to the tax review board before the sentencing phase in Mayor's Court.

Councilman Morthorst reported that the Charter Revision Committee has a meeting scheduled for April 25<sup>th</sup> and they will be discussing issues for the fall ballot.

4. Councilman Quarry

Councilman Quarry reported that the Hamilton County Storm Water District had no new business to report.

Councilman Quarry reported that with OKI the current topic of discussion is the closure of the exit from I-75 to Galbraith Road.

Councilman Quarry stated there was no report for the Park Board.

5. Councilman Sylvester  
Councilman Sylvester reported that there was no new business to report from the Planning Commission.
6. Councilwoman Thompson  
Councilwoman Thompson reported that the Fire Board recently passed their budget and they will be adding two new full time lieutenant positions.

Councilman Quarry noted that the train station has a new look and was recently painted by members of the Silverton Block Watch Association. Councilman Quarry thanked all that helped make this project so great, including Silverton Hardware who donated materials to the project.

#### **OPEN DISCUSSION / NEW ISSUES BY ELECTED OFFICIALS:**

##### David Momper – 6700 Sampson Lane

Mr. Momper was concerned about the completion of the Sampson Lane project. Mr. Momper stated he understood and appreciated why the completion of the project had been delayed. However, Mr. Momper was curious about a completion date of the project. Mr. Wendling explained that we did not receive notice from Cinergy about the gas main replacements until about half-way through the project. The City followed our engineer's recommendation, which was to defer the remainder of the project until after the first of the year, when the weather broke. Mr. Wendling went on to say that Adleta Construction is historically a very responsible contractor and the verbal goal for completion that they have given the city is April 30, 2006. Mr. Wendling empathized with Mr. Momper and assured him the project will be completed soon. Mr. Momper also reported that he has a drain pipe in his back yard that was replaced by the contractors and it is too high. Mr. Wendling reported that he will pass the information on and see that it is repaired.

##### Nasse Chachoff – 6720 Sampson Lane

Mr. Chachoff stated he was present to discuss several issues. The first issue was the adjustment of the agenda – Mr. Chachoff noted that there was no longer a three minute period at the beginning of the agenda for citizens to discuss old business and wanted to know when it had been changed. Council explained that it must have been an oversight and they would look into it. The second issue Mr. Chachoff addressed was the mandatory permit requirement for roofs or windows. Mr. Chachoff stated that he felt the property owner doing the renovation on Silverton Avenue should be required to obtain a building permit installing windows and a new roof. Mr. Chachoff stated the third issue he wished to discuss was the Sampson Lane project, beginning with the trees being cut down. Mr. Chachoff reported that the tree stump had not been ground down enough. Mr. Chachoff stated he was disappointed that he, his wife, and their child had all fallen in holes last winter and he had to fill the holes in. Mr. Chachoff stated that his niece had also tripped on a piece of plywood last winter. Mr. Chachoff stated that his wall has not been put back together properly by Cinergy and he cannot extend the wall because the gas cock is in line with the wall. Mr. Chachoff also stated that the contract should have been re-negotiated with Adleta Construction when the November 30, 2005 deadline occurred. Mr. Chachoff voiced his displeasure with the City over these issues. Councilman Quarry stated the deadline issue with Adleta had been discussed at a workshop and council as a whole felt the contract issue did not need to be re-negotiated.

Councilman Quarry apologized for the inconveniences that the delayed project has caused. Mr. Chachoff questioned if anyone from the City had checked the curbing on Sampson. Councilman Sylvester stated the curb was left that way until the project is finished and the grade will be brought up to the curbing. Mr. Chachoff stated that the contractor did not backfill the curbs; he had to do the backfill. Councilman Sylvester stated that the contractor should have done the backfill, however over time the dirt will settle. Mr. Chachoff asked if the contractor has said the intersection at Sampson and Montgomery is safe. Mr. Wendling stated we had notified them of the situation but they ran out of time, because of the weather, before they could fix the problem. Mr. Wendling agreed with Mr. Chachoff that the area could be safer. Mr. Chachoff then stated that council has said that the area is an unsafe situation. Mr. Pacheco added that council never stated that it was unsafe and would not be browbeaten into that statement. Mr. Pacheco stated all claims or actions should be taken up with the contractor. Mr. Chachoff reiterated his concerns about the tree stump and gas cock. Mr. Wendling stated he would pass it on to Cinergy, but the City has no control over the utility companies.

**INTRODUCTION OF NEW LEGISLATION:**

Mr. Wendling introduced Ordinance 06-3211 An Ordinance Mandating that Waste Collection Fees Shall be an Inseparable Part of Water Service Invoices and Declaring an Emergency.

Mr. Wendling introduced Ordinance 06-3212 An Ordinance Authorizing an Agreement Relative to the Plainfield Road Improvement Project Between the City of Silverton and the Board of Hamilton County Commissioners and Declaring an Emergency.

Mr. Wendling introduced Ordinance 06-3213 An Ordinance Enacting and Adopting a Supplement to the Code of Ordinances of the City of Silverton and Declaring an Emergency.

Mr. Wendling introduced Ordinance 06-3214 An Ordinance Amending Ordinance 06-3210 Revising Appropriations for the Expenses of the City of Silverton, Ohio for the Fiscal Year 2006 and Declaring an Emergency.

Mr. Wendling introduced Resolution 06-486 A Resolution Approving the Update of the Solid Waste Management Plan of the Hamilton County Solid Waste Management District Account on behalf of the City of Silverton for the Period of January 1, 2006 to December 31, 2006.

Mr. Wendling introduced Resolution 06-483 A Resolution Authorizing the City Manager to Enter into An Agreement with NuVox Communications for the Purpose of Providing Telephone Services to the City of Silverton.

**PUBLIC COMMENTS REGARDING NEW BUSINESS:**

None.

**READING OF PENDING LEGISLATION:**

Ms. Davis gave the reading of Ordinance 06-3211 An Ordinance Mandating that Waste Collection Fees Shall be an Inseparable Part of Water Service Invoices and Declaring an Emergency. Councilman Quarry motioned for passage and was seconded by Councilwoman Glover. A roll call vote was taken. All voted aye. Motion carried.

Councilwoman Thompson motioned to suspend the rules and was seconded by Councilwoman Glover. A roll call vote was taken. All voted aye. Motion carried.

Ms. Davis gave the reading Ordinance 06-3212 An Ordinance Authorizing an Agreement Relative to the Plainfield Road Improvement Project Between the City of Silverton and the Board of Hamilton County Commissioners and Declaring an Emergency. Councilwoman Glover motioned for passage and was seconded by Councilman Sylvester. A roll call vote was taken. All voted aye. Motion carried. Councilman Morthorst motioned to suspend the rules and was seconded by Councilwoman Thompson. A roll call vote was taken. All voted aye. Motion carried.

Ms. Davis gave the reading of Ordinance 06-3213 An Ordinance Enacting and Adopting a Supplement to the Code of Ordinances of the City of Silverton and Declaring an Emergency. Councilwoman Thompson motioned for passage and was seconded by Councilwoman Glover. A roll call vote was taken. All voted aye. Motion carried. Councilwoman Thompson motioned to suspend the rules and was seconded by Councilman Quarry. A roll call vote was taken. All voted aye. Motion carried.

Mr. Wendling introduced Ordinance 06-3214 An Ordinance Amending Ordinance 06-3210 Revising Appropriations for the Expenses of the City of Silverton, Ohio for the Fiscal Year 2006 and Declaring an Emergency. Councilman Quarry motioned for passage and was seconded by Councilwoman Glover. A roll call vote was taken. All voted aye. Motion carried. Councilwoman Thompson motioned to suspend the rules and was seconded by Councilwoman Glover. A roll call vote was taken. All voted aye. Motion carried.

Ms. Davis gave the reading of Resolution 06-486 A Resolution Approving the Update of the Solid Waste Management Plan of the Hamilton County Solid Waste Management District Account on behalf of the City of Silverton for the Period of January 1, 2006 to December 31, 2006. Councilman Quarry motioned for passage and was seconded by Councilwoman Glover. A roll call vote was taken. All voted aye. Motion carried.

Ms. Davis gave the reading of Resolution 06-483 A Resolution Authorizing the City Manager to Enter into An Agreement with NuVox Communications for the Purpose of Providing Telephone Services to the City of Silverton. Councilman Morthorst motioned for passage and was seconded by Councilwoman Glover. A roll call vote was taken. All voted aye. Motion carried.

**MOTION TO ADJOURN MEETING:**

Motion to adjourn was made by Councilman Quarry and seconded by Councilman Morthorst. All present were in favor. Motion carried.

Meeting adjourned.

Respectfully submitted,

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Meredith L. George  
Clerk of Council

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John A. Smith  
Mayor

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Mark T. Wendling  
City Manager