

TOWN COUNCIL OF LEO-CEDARVILLE  
MEETING MINUTES  
JUNE 7, 2011

ATTENDANCE:

John Clendenen – Council President  
John Eastes – Vice President  
Paul Steffens  
Gordon Liechty, Jr.  
Tim Richards  
Pamela Spannuth – Clerk-Treasurer  
Peggy Garton – Town Administrator

7:00 – Council President Clendenen called the meeting to order with the Pledge of Allegiance.

MINUTES – The May 17, 2011 meeting minutes were approved as distributed. The meeting minutes from the May 26, 2011 special joint meeting between the Leo-Cedarville Park Board and the Town Council was approved by the town council as distributed.

SIDEWALK REPAIRS – Ms. Garton addressed two sections of sidewalk that need upgraded. Mr. Jim Lauer was present to discuss the proposed upgrades. The stepped sidewalk area along Amstutz Road is on the list to upgrade and bring into ADA compliance. The other area under consideration is the sidewalk located adjacent to SR 1 in Leo in front of the Leo Barber Shop. Mr. Eastes moved to proceed by accepting quotes for this work; Mr. Richards seconded. The motion to seek quotes was approved unanimously.

SOUDER ROAD – Mr. Lauer discussed his assessment of the condition of the asphalt used on Souder Road; he further discussed his recommendation on how to proceed with completing this project. The road was not designed to have a finished surface at this time however the asphalt has been under question as there has been areas of surface breakage and potholes. The mix of the asphalt used specifically in one of the lanes has been problematic. The council had previously agreed not to sign the certificate of substantial completion on this project until the problem is addressed. The contractor has offered to apply a top coat at a reduced rate; however, ideally the road should be given more time for settling before a topcoat is applied. Mr. Liechty suggested that the council hold off on putting a top coat on Souder road until a top coat is applied to all the Witmer Park streets. Another option offered by Wayne Asphalt is that they maintain Souder Road by filling any potholes that develop in the asphalt for an additional year beyond the one year warranty. Mr. Richards stated that he is comfortable with accepting the offer made by the contractor to extend their warranty by one year. Mr. Eastes stated that he appreciated the willingness of the contractor to personally meet with town representatives and several residents at the site to address these concerns. Discussion ensued regarding which option the council should choose to finish this project. Mr. Lauer recommended that the town hold off on a top-coat for several years due to the wear and tear of truck and buggy traffic on the road. The council agreed with Mr. Lauer's recommendation to hold off on a top-coat and accepted the offer of a one year warranty extension made by Wayne Asphalt. Mr. Eastes

moved to release the retainer in the amount of \$30,807.41 as payment in full for SIP 2010-01. Mr. Steffens seconded the motion. Mr. Walters, representing Wayne Asphalt, has agreed to sign a document drafted by the town engineer documenting his agreement to repair any potholes which develop in the Souder Road pavement from June 7, 2011 until September 30, 2012. The motion passed unanimously. Mr. Eastes moved to approve the certificate of substantial completion for SIP 2010-01. Mr. Richards seconded. The motion to sign the certificate of substantial completion was approved by unanimous vote.

**SIDEWALK AND PARKING IMPROVEMENTS** – The council discussed with Mr. Lauer the proposed sidewalk and parking improvements located on the south side of the building located at 15004 State Road 1. The council had previously requested a copy of the survey to determine if the proposed improvement area involved private property. The survey confirmed that a significant majority of this area is public property however it shows approximately 1' of private property running adjacent to the building. Discussion ensued regarding the lack of parking depth in this area as well as what downtown parking areas should be plowed by the town. Mr. Lauer recommended that due to the cost of asphalt, the town should wait to asphalt the parking area for a time that a road project is underway; however the grading work and cement sidewalk can be completed. Mr. Eastes moved that the council accept bids for the installation of a public sidewalk area along the south side of the property located at 15004 State Road 1, subject to one of two things occurring; the property owner agrees to provide either an easement or deed of the property to the town. Mr. Richards seconded the motion; the motion passed unanimously.

**FINANCIAL REPORT** – Ms. Spannuth presented the May 31, 2011 fund balance report. Discussion ensued regarding the funds that would be required if both of the town's outstanding grant applications were approved. Mr. Clendenen stated that the projects can be delayed accordingly to allow time for funding the projects.

**SOLICITING ORDINANCE** – Discussion ensued regarding the concept of a town soliciting ordinance. The council agreed that it would be very difficult to effectively define "soliciting" as well as enforce an ordinance against it. The individual homeowner's associations do have "no-soliciting" covenants.

**GARAGE SALE ORDINANCE** – Ms. Garton discussed the need for the council to consider adopting an ordinance regulating number of garage sales that can be held on a resident's property per year. Mr. Liechty agreed that if a resident exceeds a certain number of days per year selling out of their property, it becomes a business and could be considered a violation of the town's zoning code. Sample ordinances will be sought and brought back to the council for further discussion and consideration.

**5K RUN – DONATION FUND** – Ms. Spannuth presented Town Resolution 2011-03, a resolution drafted for the purpose of creating a temporary "Freedom Festival" donations fund. Mr. Eastes moved to approve resolution 2011-03; Mr. Liechty, Jr. seconded the motion. The motion to

create said fund passed unanimously. Ms. Garton stated that there are over 50 runners entered to date in the run. The 4<sup>th</sup> of July plans are progressing well.

Ms. Garton further stated that the recycling program is progressing well with heavy usage at the site. She stated that there have been some problems with people using the site to dump garbage as well as dumping recycling outside the gate afterhours. She is hopeful that the issues caused by the heavy demand are alleviated somewhat with Serv-All's new low cost roll-off recycling container. Another option that has been offered is to have manned trailers similar to Scott's recycling center. Concern is that we would have to have space for four semi-trailers to run this type of site. Discussion ensued about this concern and problems with after- hours dumping. This topic will be re-visited in the near future to allow time to better assess the impact of the increase in curbside recycling.

PARKING AT THE PARK – Ms. Garton again stated that there is an immediate need to establish an additional parking area at the Schwartz Road property for Riverside Gardens overflow. She stated that the first concert in the park was a great success but parking limitations became an issue. Mr. Clendenen suggested that Ms. Garton go ahead and arrange for an area to get mowed immediately. Additional information with then be sought on how to proceed to get this area prepared with gravel to further improve the parking area.

Mr. Eastes moved to approve the purchase of a wireless router of up to \$150.00. Mr. Liechty, Jr. seconded the motion.

4<sup>TH</sup> OF JULY AGREEMENT – Mr. Eastes moved to enter into the annual license agreement to allow the Chamber of Commerce to use the Town's Schwartz Road property for the annual firework's event. Mr. Liechty, Jr. seconded; the motion to approve the agreement was approved unanimously.

PARK BOARD ORDINANCE 2011-02 – Mr. Eastes moved to waive the complete reading of Ordinance 2011-02; an amendment to the Ordinance creating the Leo-Cedarville Park's Department. Mr. Steffens seconded; the motion passed by unanimous vote. Mr. Eastes moved to adopt Ordinance 2011-02; Mr. Steffens seconded the motion. Mr. Liechty, Jr. stated that he still is uncomfortable with the ability that an official park board has to levy its own tax. The motion passed by a majority vote of the council with Mr. Liechty, Jr. voting against. This amendment adds a fifth member to the board and adds verbiage that gives the town council the ultimate authority in the process of hiring any park employees.

VOUCHERS – The June 7, 2011 line item voucher form was approved by signatures.

APPROVE:

ATTEST:

JOHN CLENDNEN  
Council President

PAMELA SPANNUTH  
Clerk-Treasurer