

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 7, 2004

7:30 p.m.

The Village of Silver Lake Council met in a regular session on Tuesday, September 7, 2004, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With Vice-President of Council, Mrs. Carol Steiner, presiding, the meeting was called to order at 7:30 p.m.

Mrs. Steiner led the Pledge of Allegiance.

The following members were present and responded to roll call: Mr. Robert Gray, Mrs. Carol Steiner, Mr. Bernie Hovey, Mr. William Church, and Mrs. Karen Fuller.

Roll call of Council – 5 members present 2 members absent

Mr. Hovey made a motion to excuse Mr. Jack Ingram and Mr. Duane Scott from this evening's Council meeting, seconded by Mr. Gray, and all of Council agreed.

Mrs. Steiner asked if there were any additions or corrections to the minutes of the August 16, 2004, Council meeting.

Mrs. Spohn stated that Mr. Fenwick made a change on page 10 of the Council minutes.

The paragraph that formerly read:

“On the advice of FEMA, Mr. Fenwick stated that the Village will no longer pump water out of basements due to the potential liability from doing so.”

will now read:

“FEMA chastised Mr. Fenwick for pumping out residents' basements and wanted to know why Village employees were on private property. Mr. Fenwick replied that is what the Village did last year, so the same procedure was followed this year. FEMA asked for the forms that Mr. Fenwick had the residents sign stating that the Village would not be liable for any damage done while Service Department employees were there. Mr. Fenwick did not have the residents sign a form. Basically, the Village will not be reimbursed for pumping out these basements.”

Mr. Gray made a motion to change Mr. Fenwick's statement, seconded by Mr. Hovey, and all of Council agreed.

Mrs. Steiner asked if there were any further additions or corrections.

There being none, the minutes were approved as corrected.

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Mrs. Steiner asked Mrs. Teresa Spohn, Clerk-Treasurer, for the reading of any pending legislation that is up for a first reading.

**RESOLUTION NO.: 74-2004 A RESOLUTION RE-APPROPRIATING MONIES FROM CERTAIN DIVISIONS OF CERTAIN FUNDS TO OTHER DIVISIONS OF THE SAME FUND AND DECLARING AN EMERGENCY.**

Mrs. Steiner assigned Resolution No.: 74-2004 to the Finance and Appropriations Committee.

**RESOLUTION NO.: 75-2004 A RESOLUTION TO APPROVE THEN AND NOW CERTIFICATES FOR PURCHASES AND DECLARING AN EMERGENCY.**

Mrs. Steiner assigned Resolution No.: 75-2004 to the Finance and Appropriations Committee.

**RESOLUTION NO.: 76-2004 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS, AND DECLARING AN EMERGENCY. \$83,263.45**

Mrs. Steiner assigned Resolution No.: 76-2004 to the Finance and Appropriations Committee.

Mrs. Steiner asked if there were any comments or questions from the audience.

Mr. Doug Nissel, 2811 Outlook Drive, asked why legislation is passed as an emergency.

Mrs. Steiner asked Mr. Robert Heydorn, Village Solicitor, to explain this.

Mr. Heydorn stated the courts have determined that passing legislation as an emergency is up to Council. Generally the reason Council passes legislation as an emergency is to allow the government to continue its day to day business, which is usually related to financial matters. Legislation that is not an emergency is usually reserved for matters such as zoning, granting a franchise, and those kinds of matters that are not a continued part of governmental business.

Mrs. Steiner thanked Mr. Heydorn.

Mr. Nissel made the comment that Council has no forethought then when it comes to emergency legislation.

Mrs. Steiner replied this procedure is done by legislative bodies across the country.

Mr. Heydorn stated this has nothing to with forethought. If governments had to wait thirty days to pass legislation, then there would be no opportunity to deal with the routine business of government, such as payment of bills and payroll, processing of contracts, etc.

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Mrs. Kim Goldsboro, 3 Lodge Drive, asked if the \$1000 reappropriation for Resolution No.: 74-2004 was for payment for D.B. Hartt, Inc. from the July public hearing.

Mrs. Spohn stated that the bill from D. B. Hartt, Inc. was approximately \$800, so not all of the \$1000 will be used for the payment of that bill.

**REPORTS OF COUNCIL STANDING COMMITTEES:**

**Finance and Appropriations Committee – Mr. William Church, Vice-Chairman**

Mr. Church stated Resolution No.: 74-2004 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.: 74-2004, seconded by Mr. Hovey.

Roll call on suspension: Yes 5 No 0

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

Roll call on adoption: Yes 5 No 0

Mr. Church stated Resolution No.: 75-2004 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.: 75-2004, seconded by Mr. Hovey.

Roll call on suspension: Yes 5 No 0

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

Roll call on adoption: Yes 5 No 0

Mr. Church stated Resolution No.: 76-2004 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.: 76-2004, seconded by Mr. Gray.

Roll call on suspension: Yes 5 No 0

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

Roll call on adoption: Yes 5 No 0

Mrs. Steiner stated the Personnel Placement Committee met this evening to discuss the promotion of one employee and the hiring of another. Mrs. Steiner made a motion to move Officer Jeffery Samaco from Patrol Officer II, Step B, to Patrol Officer II, Step C, seconded by Mr. Gray, and all of Council agreed.

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Mrs. Steiner made a motion to place a new employee for the Service Department, Mr. Richard Bergey, as Service Worker I, Step B, seconded by Mr. Gray, and all of Council agreed.

Mr. Church attended the Silver Lake Board of Trustees meeting the previous Thursday. The treasurer's report stated that the financial position of the organization is very strong. The trustees discussed the following items: a structural engineering review of the boathouse and what to do in the long run; using special event barbecue grills; the water problem that runs down the driveway and into the boathouse and that currently is causing some structural problems; and the sanitary line and backups of the sanitary line.

Mr. Church also reported that a new life jacket rack was put together for the lake. The umbrella insurance has been renewed. The Summit County Health Department tested the water quality and it was good. The lake will be closed September 26, 2004.

**Mayor's Report**

The Mayor was not present at tonight's meeting.

**Reports of Village Officials**

**Chief Gary Demoss** stated there is a piece of draft legislation that he put together with Mrs. Spohn's help that he would like Council to consider. The Chief is asking Council to create an Auxiliary II Reserve. This would recognize the auxiliary officer who has received OPOTA (Ohio Police Officer Training Academy) certification, which is statewide police training. This certification is an enhancement to both the officer and the Village. If the Village would need a part-time or full-time officer, these individuals would already be trained. These officers would still be reserve officers; nothing would change. By recognizing these officers as OPOTA certified by ordinance, the state would be able to keep this certification alive. Otherwise, the certification would expire in two years. This wouldn't cost the Village anything. The officers acquire the certification on their own.

Mrs. Steiner asked if this was the standard used in other communities.

The Chief stated that it was.

Mrs. Fuller asked what was involved in the certification.

The Chief stated 500 hours of academy training. This training includes firearms training, first aid, traffic control and domestic violence training.

**Mr. Heydorn** stated Metro received an extension to file its appeal on September 20<sup>th</sup>.

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Mr. Fenwick had no report.

Mrs. Spohn had no report.

Mrs. Steiner asked if there were any questions from the audience.

Mrs. Lila Nissel, 2810 Outlook Drive, thanked the Administration for placing Ordinance No.: 50-2004 and Ordinance No.: 52-2004 on the Village website.

Mrs. Nissel requested that Ordinance No.: 50-2004, Ordinance No.: 52-2004, and Resolution No.: 72-2004 stay on the website until the election.

Mrs. Nissel asked if there is a length of time that an ordinance can remain in Council without being voted on or will Ordinance No.: 50-2004 become a "dead" ordinance and will Council institute a new ordinance to better match Resolution No.: 72-2004?

Mr. Heydorn stated there is no automatic dead period for an ordinance unless Council says the action is postponed indefinitely. Ordinance Nos.: 50-2004 and 52-2004 are postponed to a date certain.

Mrs. Nissel feels the ballot issue emphasizes single family detached homes with four units per acre and it is misleading people. She has had residents ask her why she is against single family housing. Mrs. Nissel feels that Ordinance No.: 50-2004 does not read what the ballot issue is stating.

Mr. Heydorn stated if you read the ordinance you will see that the ordinance is precisely designed to address single family homes or single family attached homes with a maximum of four units. The only difference with these homes and other homes in the Village is that the lots are smaller and the houses are separated or they are attached. But these are single family homes, whether they are separate or attached. What is misleading is to think that these are somehow garden apartments or multiple units on top of other units. Cluster townhouse is actually a concept that is just a name but in terms of what actually is being proposed-the Village is proposing either single family homes on small lots or single family homes that are attached on a common lot. That is all that is being said.

Mrs. Kim Goldsboro asked Mr. Heydorn that if she were able to obtain enough property back behind her home would she be able to build another home?

Mr. Heydorn stated she could not put a second home on her property unless the zoning issue would pass, and she would have to have a minimum of five acres in order to put two homes on a lot.

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Mrs. Steiner asked if there were any other questions from the audience.

There being no further questions, Mrs. Steiner asked for a motion to adjourn into Executive Session to discuss the purchase of property.

Mr. Gray made a motion to adjourn into an Executive Session of Council, seconded by Mr. Hovey.

Roll call on executive session:            Yes    5            No    0

Council adjourned into executive session at 8:03 p.m.

Executive Session ended at 8:28 p.m. Council reconvened at 8:28 p.m. and adjourned at 8:28 p.m. until the next Council meeting on Monday, September 22, 2004.

APPROVED:

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Carol Steiner, Vice-President of Council

ATTEST:

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Teresa M. Spohn, Clerk-Treasurer