

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, February 5, 2007 7:30 p.m.

The Village of Silver Lake Council met in a regular session on Monday, February 5, 2007, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With 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. Christopher Scott, Mr. Adrian Achtermann, Mrs. Carol Steiner, Mr. William Church, Mrs. Despina Mulrooney, Mr. Gerald Jones, and Mrs. Karen Fuller.

Roll call of Council – 7 members present

Mr. Church made a motion to amend the agenda to include Resolution No.: 16-2007, seconded by Mr. Jones.

Roll call on the amendment: Yes 7 No 0

Mrs. Steiner asked if there were any additions or corrections to the minutes of the January 16, 2007, Council meeting.

There being none, the minutes were approved as sent out.

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

RESOLUTION NO.: 12-2007 A RESOLUTION TO APPROVE THEN AND NOW CERTIFICATES FOR PURCHASES AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 12-2007 to the Finance and Appropriations Committee.

RESOLUTION NO.: 13-2007 A RESOLUTION TO MAKE ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2007, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 13-2007 to the Finance and Appropriations Committee.

RESOLUTION NO.: 14-2007 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BURGESS AND NIPLE, INC. TO PROVIDE ENGINEERING SERVICES FOR THE INSPECTION OF THE VILLAGE'S WATER STANDPIPE, AND DECLARING AN EMERGENCY.

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Mrs. Steiner assigned Resolution No.: 14-2007 to the Finance and Appropriations Committee.

RESOLUTION NO.: 15-2007 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 121,055.15

Mrs. Steiner assigned Resolution No.: 15-2007 to the Finance and Appropriations Committee.

Mrs. Spohn then read Resolution No.: 16-2007 in its entirety.

RESOLUTION NO.: 16-2007 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF DENNIS STOIBER AS A MEMBER OF THE PLANNING COMMISSION OF THE VILLAGE OF SILVER LAKE FOR THE TERM ENDING DECEMBER 31, 2008, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 16-2007 to the Personnel and Public Affairs Committee.

Mayor Hovey then administered the Oath of Office to Mrs. Gina Alexander as a member of the Citizens Housing Committee.

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

There being none, Mrs. Steiner continued with the agenda.

Finance and Appropriations Committee – Mr. William Church, Chairman

Mr. Church stated Resolution No.: 12-2007 was discussed in committee earlier this evening and is ready for adoption.

Mr. Church moved to suspend the rule that legislation be read at three meetings for Resolution No.: 12-2007, seconded by Mr. Scott.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mr. Church stated Resolution No.: 13-2007 was discussed in committee earlier this evening and is ready for adoption.

Mr. Church moved to suspend the rule that legislation be read at three meetings for Resolution No.: 13-2007, seconded by Mr. Achtermann.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

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Mr. Church stated Resolution No.: 15-2007 was discussed in committee earlier this evening and is ready for adoption.

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

Roll call on adoption: Yes 7 No 0

Mr. Church stated Resolution No.: 14-2007 was discussed in committee earlier this evening and is ready for adoption.

Mr. Church moved to suspend the rule that legislation be read at three meetings for Resolution No.: 14-2007, seconded by Mr. Jones.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Personnel and Public Affairs Committee – Mrs. Karen Fuller – Chairman

Mrs. Fuller stated Resolution No.: 16-2007 was discussed in committee earlier this evening and is ready for adoption.

Mrs. Fuller moved to suspend the rule that legislation be read at three meetings for Resolution No.: 16-2007, seconded by Mr. Jones.

Roll call on suspension: Yes 7 No 0

Motion to adopt by Mrs. Fuller, seconded by Mr. Jones.

Roll call on adoption: Yes 7 No 0

Mrs. Steiner asked if there were reports from the other Committees.

Mr. Achtermann, Liaison to the Park and Recreation Board, distributed a written report this evening and would like Council to review it. (Copy attached to original minutes.)

Mrs. Fuller reported the annual local share calculations for AMATS are out for 2008. The Village of Silver Lake has a population census of 2,749, which makes our local share \$449 for 2008.

AMATS has adopted legislation supporting the extension of time for the Cleveland-Akron area to obtain the eight hour ozone and air quality standard, which we are supposed to be in compliance with by 2010.

AMATS is working on their 2030 projected plans and Silver Lake is not included in any of those plans.

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REPORTS OF VILLAGE OFFICIALS

Mayor Bernie Hovey thanked Mrs. Fuller for representing Silver Lake on the AMATS Committee.

Mayor also thanked all of Council for their confidence in Mr. Dennis Stoiber as a member of the Planning and Zoning Commission.

The Mayor spoke to Congressman LaTourette's office regarding the flooding in the Chautauqua Drive area. The Village was approved for a \$100,000 study to find a resolution to the situation, but the money has not been appropriated. The Mayor would like to see if they can bypass the study part and go straight to resolving the problem.

The Village's lake right to Lot # 1 has expired and will be auctioned off to a resident of the Village. Anyone who is interested will have until April 30, 2007, to submit a bid.

The Village is once again a Tree City USA for 2006.

The Mayor asked Mrs. Steiner for a brief meeting to rearrange the seating for Council meetings.

Chief Gary DeMoss reported the repairs to the police cruiser that was damaged in Cuyahoga Falls on January 10, 2007, were completed last Friday. Two other cruisers then broke down. One had a fuel pump problem and the other cruiser's transmission went out.

Assistant Service Director, Mr. Kevin Salmon, reported the Service Department would like to purchase an AED unit for the Service Department. Medtronic's quoted the price at \$1,773, which includes the cabinet to store it in.

The Stage II Disinfection Byproducts report was mailed to the Ohio EPA for review. It takes the EPA approximately one year to review the plan, which means they will let the Village know by April 2008 if the plan is accepted.

Ohio Department of Natural Resources (ODNR) was in the Village monitoring for Emerald Ash Borer's.

The Service Department flooded the area by the picnic shelter for ice skating.

There is a water break on Graham Road that the Service Department has been working on all day. Graham Road is approximately 16 inches thick, so a contractor has to come in to saw cut the road. Due to the extreme cold weather, the contractor could not get their saw to start. We are hopeful we can begin tomorrow to make the necessary repairs.

Village Solicitor, Mr. Robert Heydorn, had no report.

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Clerk-Treasurer, Mrs. Teresa Spohn, stated she will be out of town from February 9th, 2007, through February 16th, 2007.

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

Mrs. Barb Lubinski, 2925 Circle Drive, stated everyone has a list of questions that she would like the answers to (A copy is attached to the original minutes). "Why did Friday get picked as the day for trash pick up?"

Mr. Jones replied that Friday is the day that J & J Refuse can service the Village because of their schedule. They are already in the Village on Fridays.

Mrs. Lubinski stated that they started servicing the Village on Wednesdays and used Fridays as the overflow day.

Mr. Jones stated that when the contract was awarded last year, J & J had to add Fridays because they had too many new customers to finish in one day.

Mrs. Lubinski asked if the day can be changed to some other day besides Friday.

Mr. Jones stated that Mrs. Spohn spoke with J & J and they cannot change the day.

Mrs. Lubinski stated, "Pick up will be on Saturday if there is a holiday. Residents who leave town for the weekend will have their trash cans out all weekend. Also, J & J has not made it clear which Friday they will pick up bulk items."

Mrs. Spohn stated they will pick up bulk items on the first Friday of the month.

Mrs. Lubinski stated this is a huge inconvenience and issue for a lot of residents and more thought could have went into picking out the day of service.

Mr. Jones replied that a lot of work and discussion went into this for the past three months. Mr. Jones told Mrs. Lubinski that she should have been here expressing her concerns the past three months. There is no 100 percent answer to this situation.

Mr. Church stated he has spoken to a lot of residents who are satisfied with Friday service. The Village had to go with the best bidder and we cannot make everyone happy.

Mrs. Nancy Repp, 3103 Silver Lake Boulevard, stated that considering there is no flexibility on the day of trash pick up, she would like to know how all of this happened without the residents of Silver Lake knowing about it.

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Mrs. Repp stated, "She has lived in the Village for the past 15 years and trash was not allowed to be at the curb so that Silver Lake didn't look like Goodyear Heights. Residents are stuck in a contract with J & J Refuse that they cannot fire for being incompetent. Mrs. Repp stated she had J & J Refuse for one full month and had to call the Village Hall and the Mayor in order to get them to pick up her trash."

Mr. Jones apologized on behalf of Silver Lake to the residents of Goodyear Heights. There have been many meetings regarding this issue and all of the meetings were well publicized. All residents had ample opportunity to attend the meetings and express their views.

Mrs. Repp stated that she knew there was discussion about a new trash hauler, but she did not know what the conclusion was until after the Village signed a contract.

Mr. Church stated if J & J Refuse breaks their contract, it would be dealt with at that time and if needed, a new hauler could be chosen.

Mrs. Repp asked what constitutes bad service.

Mr. Church replied each Council member has their own threshold, but his opinion is that if there is repeated calls from the residents that trash is not being picked up, then something needs to be done.

Mayor stated that a contract has not been signed yet, but legislation was adopted awarding J & J Refuse the contract.

Mrs. Repp stated every weekend in the summertime she is gone Friday morning through Sunday night. Her garbage cans will be sitting out in front of her house, which says to people "Come rob me". If she is paying the bill, she should get to choose her own trash hauler.

Mr. Jones stated there are many communities that have exclusive contracts. J & J Refuse has exclusively served the City of Richfield for the past five years and they have not had any problems.

Mrs. Repp asked why the contract is for three years.

Mr. Jones stated bids were sent out for one and three years, and the best and cheapest option was for three years.

Mr. Jones scheduled a Planning, Zoning & Insurance Committee meeting for Wednesday, February 7, 2007, at 9:00 a.m. to discuss the changes in the solid waste ordinance.

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Mrs. Mandy Ruffner, 3009 Oakridge Drive, stated, "Residents are mad and there is a problem with Friday pick up. There will be toilets in front of residents' houses and Saturdays will look terrible after a holiday." Mrs. Ruffner urged Council to change the day of pick up.

Mr. Tim Tausch, 3127 Athens Road, stated he does not read the paper or attend the Council meetings because he relies on Council to make the best decisions for the residents.

Mr. Tausch does not agree with trash on the curb because "Silver Lake is a very special community and it diminishes what the community has been about for many years."

Mr. Tausch explained that Friday is a difficult day for the way this community works. "The well to do and the reasonably well to do use their time slightly differently than other people do. Having a clear and clean community to present by the weekend is very important."

Mr. Jones stated he will call J & J Refuse and ask them if the pick up day can be changed.

Mr. Church stated he has spoken to a number of residents who like Friday for pick up.

Mrs. Lubinski asked how long the Village has had Friday trash service.

Mrs. Spohn stated the primary day was Wednesday, but when J & J Refuse had so many customers sign up last year, Friday was utilized as the overflow day.

Mr. Joseph Sigmund, 3180 North Dover Road, stated "it is the business of Council to make things better for the residents. This is not better and does not seem kosher."

Mrs. Mulrooney stated she is a stay at home mom and her budget is limited. There is this perception that a lot of residents are wealthy, but there are a lot of residents who are also not wealthy.

Mr. Sigmund stated "the value of houses will go down because of all this."

Mr. Jones stated Council did the best job that they could with what they had to work with. Many residents have said, "It is trash, just get it collected." There is no perfect solution to this.

Mrs. Fuller stated she is not thrilled with the Friday pick up, but choosing J & J Refuse makes the most sense.

Mrs. Bobby Christman, 2942 Overlook Road, stated residents liked things just the way they were.

Mr. Fred Johnson, 2943 Overlook Road, told Council they did a great job overall, but he is troubled with the Friday issue. There are seven holidays where Friday pickup will become

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Saturday pickup. There is a security issue if residents have their garbage cans out all weekend while they are out of town.

Mr. Achtermann reported he is holding a District D Citizen's Night on Tuesday, March 20, 2007, at 8:00 p.m. in Village Hall.

Mr. Jones made a motion to adjourn into Executive Session to discuss a Personnel issue, seconded by Mr. Achtermann.

Roll call on Executive Session: Yes 7 No 0

Council adjourned into Executive Session at 8:34 p.m. Executive Session adjourned at 9:17 p.m. and Council reconvened.

Council adjourned at 9:17 p.m. until the next regularly scheduled Council meeting on Tuesday, February 20, 2007, at 7:30 p.m.

APPROVED:

Carol Steiner, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer