

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

**Monday, May 19, 2008**

**7:00 p.m.**

The Village of Silver Lake Council met in a regular session on Monday, May 19, 2008, 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 7:00 p.m.

Mrs. Steiner led the Pledge of Allegiance.

The following members were present and responded to roll call: Mr. Christopher Scott, Mrs. Karen Fuller, Mrs. Carol Steiner, Mr. Richard Hite, Mr. Donald Alexander, and Mr. Gerald Jones.

Roll call of Council – 6 members present 1 member absent

Mrs. Fuller made a motion to excuse Mr. Adrian Achtermann from this evening's Council meeting, seconded by Mr. Scott, and all of Council agreed.

Mrs. Steiner asked if there were any additions or corrections to the minutes of the May 5, 2008, Council meeting.

Mr. Jones stated on Page 6 under the Public Improvements heading, he wants the minutes to reflect that he asked for a roll call vote of the Committee. The minutes will reflect the following:

Mr. Jones then asked for a roll call vote of the Public Improvement Committee. The vote of the committee members indicated they were in favor of the legislation.

Mr. Jones stated the committee will recommend the adoption of Resolution No.: 49-2008 this evening.

There being no further additions or corrections, the minutes were approved as sent out.

Mrs. Steiner called on Chief DeMoss.

Chief DeMoss introduced the new City of Cuyahoga Falls' Fire Chief Paul Moledor.

Chief DeMoss stated Chief Moledor was sworn in on May 13, 2008, as the 14<sup>th</sup> fire chief of Cuyahoga Falls. Chief Moledor joined the Cuyahoga Falls Fire Department in October 1983 and was named 1993 Firefighter of the Year by the Valley Fire District.

Chief DeMoss stated he feels the Village will be well served by Chief Moledor and his staff.

Chief Moledor thanked Chief DeMoss, Mayor Hovey, and members of Council for the opportunity to serve the Village of Silver Lake.

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Chief Moledor introduced Shift Commander, Lieutenant Bruce Wagner, and driver Mr. Mike Caporaletti.

Chief Moledor stated he looks forward to servicing Silver Lake beginning July 15. Rigs will be driving through the Village to get familiar with the streets. Maps are being made as to how to respond.

Chief Moledor stated there are approximately 20 percent of the Village residences that do not have addresses properly marked. He stated it is vital to responders to have addresses properly marked.

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

**ORDINANCE NO.: 51-2008 AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 O.R.C., DIRECTING THE MAYOR TO EXECUTE A CONSULTING AGREEMENT WITH INDEPENDENT ENERGY CONSULTANTS, INC. AND AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLY AGREEMENT WITH A CERTIFIED SUPPLIER SHOULD AN ACCEPTABLE OFFER BE FOUND.**

Mrs. Steiner assigned Ordinance No.: 51-2008 to the Planning, Zoning, and Insurance Committee.

**ORDINANCE NO.: 52-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO AN AGREEMENT WITH THE OHIO MUNICIPAL LEAGUE FOR THE VILLAGE OF SILVER LAKE'S PARTICIPATION IN THE OHIO MUNICIPAL LEAGUE 2009 WORKERS' COMPENSATION VILLAGE GROUP RATING PLAN, AND DECLARING AN EMERGENCY.**

Mrs. Steiner assigned Ordinance No.: 52-2008 to the Finance and Appropriations Committee.

**ORDINANCE NO.: 53-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF CUYAHOGA FALLS, OHIO, FOR THE PURCHASE OF WATER, AND DECLARING AN EMERGENCY.**

Mrs. Steiner assigned Ordinance No.: 53-2008 to the Finance and Appropriations Committee.

**RESOLUTION NO.: 54-2008 A RESOLUTION RE-APPROPRIATING MONIES FROM CERTAIN DIVISIONS OF CERTAIN FUNDS TO OTHER DIVISIONS OF THE SAME FUND AND DECLARING AN EMERGENCY.**

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Mrs. Steiner assigned Resolution No.: 54-2008 to the Finance and Appropriations Committee.

**RESOLUTION NO.: 55-2008 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 182,466.00**

Mrs. Steiner assigned Resolution No.: 55-2008 to the Finance and Appropriations Committee.

Mrs. Steiner stated Ordinance No.: 5-2008 and Ordinance No.: 37-2008 are still in Committee.

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

There being none, Mrs. Steiner called upon Mr. Jones, Chairman of the Planning, Zoning and Insurance, to lead discussion on items on the agenda pertinent to his committee.

**PLANNING, ZONING AND INSURANCE**

Ordinance No.: 51-2008 directs the Mayor to execute a consulting agreement with Independent Energy Consultants Inc. and authorizes the Mayor to enter into a supply agreement with a certified electric supplier should an acceptable offer be found.

Mayor Hovey stated there are no electric aggregation suppliers available at this time; however, if a supplier becomes available, the Village will be able to participate.

The Village's broker with Independent Energy, Mr. Mark Burns, would be able to collect from and work with any supplier of electric.

The Village can give a 120 day notice to terminate our agreement with Independent Energy and go with another agent.

There being no further comments or questions, Mr. Jones indicated the committee will recommend the adoption of Ordinance No.: 51-2008 this evening.

Mrs. Steiner called upon Mrs. Fuller, Chairman of the Finance and Appropriations Committee, to lead discussion on the items on the agenda that are pertinent to her committee.

**FINANCE AND APPROPRIATIONS**

Ordinance No.: 52-2008 authorizes the Mayor to make and enter into an agreement with the Ohio Municipal League (OML) for the Village's participation in the OML 2009 Worker's Compensation Village group rating plan. The amount is \$3,088. This is the same amount as last year.

Mr. Scott asked how long the Village has been with the OML.

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Mrs. Spohn stated the previous Clerk-Treasurer, Mr. John Earle, started the Village with the OML 15 years ago.

There being no further comments or questions, Mrs. Fuller indicated the committee will recommend the adoption of Ordinance No.: 52-2008 this evening.

Ordinance No.: 53-2008 authorizes the Mayor to enter into an agreement with the City of Cuyahoga Falls for the purchase of water.

Mayor stated Ordinance No.: 53-208 will renew the Village's water purchase agreement with Cuyahoga Falls for 10 years with an option to renew the deal for 10 more years. The contract also allows either party to end the agreement with a two-year notice. The contract would go into effect June 1, 2008.

The City of Cuyahoga Falls has supplied water to Silver Lake since 1928. Residents have indicated they want to stay with the City of Cuyahoga Falls as their water supplier.

Silver Lake will be charged the Cuyahoga Falls rate plus 20 percent. Cuyahoga Falls was assessing the 20 percent surcharge in its previous contract with Silver Lake which ended in April 2007. Silver Lake and Cuyahoga Falls had been working off the old contract verbally since it expired.

The cost of water is one-third of the Village's water fund. Despite the 20 percent surcharge, the Village has no immediate plans to increase the water charges. The Village will monitor the water fund in the coming months.

Mr. Hite suggested the Village explore how much it would cost to have and maintain its own water system.

Mrs. Spohn stated the Village would have to build a water treatment plant, purchase chemicals and hire workers to test the water.

Mr. Hite stated the Village has allowed another community to handle its fire and water services, as well as its school system.

Mrs. Steiner said officials have determined it would be more cost-effective to be regional in all those areas.

Mayor Hovey stated our base in the Village is too small to support such a capital venture. There would be no way the Village would realize a cost savings.

Mrs. Fuller asked how the Village would go about getting prices for our own water system.

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Mayor said he would ask the Service Director to obtain a ballpark figure on how much it would cost for the Village to have its own water system.

Mr. Hite said he would explore the issue with a person he knows who has expertise in this area.

There being no further comments or questions, Mrs. Fuller indicated the committee will recommend the adoption of Ordinance No.: 53-2008 this evening.

Resolution No.: 54-2008 re-appropriates monies from certain divisions of certain funds to other divisions of the same fund.

Monies need to be re-appropriated within the Law Enforcement Division and the Streets Division in the General Fund to pay for Worker's Compensation fees and programs for Law Enforcement and the Streets Department.

There being no further comments or questions, Mrs. Fuller indicated the committee will recommend the adoption of Resolution No.: 54-2008 this evening.

Mrs. Fuller asked for questions on Resolution No.: 55-2008, payment of claims. The amount is \$182,466.00.

The following items were reviewed:

- Cross Truck Equipment supplied the plow and tool boxes for the Service Director's new pickup truck.
- Falls Tool Rental Inc. supplied a camera to video a sewer at the sewer realignment project. This amount will be charged back to the contractor.
- Busy Bee Services did the root crown excavation on the tree lawn trees.

There being no further comments or questions, Mrs. Fuller indicated the committee will recommend the adoption of Resolution No.: 55-2008 this evening.

Mrs. Fuller stated Ordinance No.: 5-2008 and Ordinance No.: 11-2008 are still in committee.

Mrs. Steiner continued with the agenda.

**Planning, Zoning and Insurance Committee – Mr. Gerald Jones, Chairman**

Mr. Jones stated Ordinance No.: 51-2008 was discussed in committee earlier this evening and is ready for adoption.

Mr. Jones moved to suspend the rule that legislation be read at three meetings for Ordinance No.: 51-2008, seconded by Mr. Scott.

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Roll call on suspension:      Yes    6      No    0  
 Motion to adopt by Mr. Jones, seconded by Mr. Alexander.  
 Roll call on adoption:        Yes    6      No    0

**Finance and Appropriations Committee -- Mrs. Karen Fuller, Chairman**

Mrs. Fuller stated Ordinance No.: 52-2008 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 Ordinance No.: 52-2008, seconded by Mr. Scott.  
 Roll call on suspension:      Yes    6      No    0  
 Motion to adopt by Mrs. Fuller, seconded by Mr. Scott.  
 Roll call on adoption:        Yes    6      No    0

Mrs. Fuller stated Ordinance No.: 53-2008 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 Ordinance No.: 53-2008, seconded by Mr. Scott.  
 Roll call on suspension:      Yes    6      No    0  
 Motion to adopt by Mrs. Fuller, seconded by Mr. Alexander.  
 Roll call on adoption:        Yes    6      No    0

Mrs. Fuller stated Resolution No.: 54-2008 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.: 54-2008, seconded by Mr. Hite.  
 Roll call on suspension:      Yes    6      No    0  
 Motion to adopt by Mrs. Fuller, seconded by Mr. Hite.  
 Roll call on adoption:        Yes    6      No    0

Mrs. Fuller stated Resolution No.: 55-2008 was discussed in committee earlier this evening and is ready for adoption.

Motion to adopt by Mrs. Fuller, seconded by Mr. Hite.  
 Roll call on adoption:        Yes    6      No    0

**REPORTS OF VILLAGE OFFICIALS**

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**Mayor Hovey** stated in response to a request from the American Civil Liberties Union of Ohio Foundation (ACLU), the Village will stop enforcing its political sign regulations. This is a freedom of speech issue, based on the first amendment of the U.S. Constitution.

Mayor stated residents can put up a political sign without taking out a permit or paying a deposit. The Village will not enforce the requirements on the size of the sign or on the spacing between the signs.

Mayor asked Council for their input on the day to hold Trick or Treat.

After a brief discussion, Trick or Treat will be on Friday, October 31, 2008, from 6:00 p.m. to 8:00 p.m.

Mayor stated he attended a reception this evening where Governor Strickland was in attendance.

Mayor stated Governor Strickland does come across as a person who wants to do the very best he can for the State of Ohio.

Mayor stated Community Day is scheduled for Saturday, May 31, 2008, starting at 9:30 a.m. Council's attendance would be greatly appreciated at this event.

**Mr. Robert Heydorn, Solicitor**, stated the Village has declared default against AAA Pipe Cleaning. AAA Pipe Cleaning had a 10 day window to cure, which they have failed to do. Now it is left with the bonding company to complete the job. A second letter was sent to the bonding company.

Mr. Heydorn stated the bonding company is an A-rated carrier from Mayfield Heights. The engineering firm (CTI) should have commented at the onset of the bid if the bonding company was not acceptable.

Mr. Heydorn stated the representative for the ACLU would like to see the political sign ordinance repealed; however, the effect of not enforcing the regulation is sufficient.

There has to be evidentiary proof based on aesthetic concerns. That category of concerns would have to rise to the level of changing the residential character of the community. Even if a community produces documentation to defend its sign laws, that evidence is always subject to a challenge.

Chances are excellent that the Village would always be in a losing position, because there are no set standards recognized by the courts that will guarantee passage constitutionally. Federal and State courts have accepted almost no regulations concerning political signs other than a few cases where a sign presented a safety concern. As an example, a neon sign.

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Mrs. Fuller, Mr. Hite, Mrs. Steiner and Mr. Alexander were in favor of amending the ordinance to remove the political sign regulations.

Mr. Jones stated he doesn't have an opinion on the issue at this time.

Mrs. Steiner asked for a copy of the sign ordinance to be placed in the next Council packets.

Mrs. Spohn expressed her concern about the oath everyone takes to support the ordinances of Silver Lake.

Mr. Heydorn stated the oath also includes supporting the Constitution of the United States.

**Chief Gary DeMoss** stated the Silver Lake Police Association will hold its Annual Bike Safety Ride on Saturday, May 31, 2008, at 9:00 a.m.

The City of Cuyahoga Falls will be activating the Severe Weather Early Warning siren testing for the Village. There are a few issues to be worked out. Instead of being on the first Monday of the month, the siren will be activated the first Thursday of the month.

The City of Cuyahoga Falls also has a radio station, 1650 on the AM dial that reaches Silver Lake, Munroe Falls, and part of Cuyahoga Falls residents. Cuyahoga Falls advises residents to tune into 1650 AM for information when there is impending weather.

Chief DeMoss stated Mr. Paul Theiss will be holding a five day Bike Camp June 23.

Chief DeMoss stated with the increasing cost of fuel, the Police Department is taking steps to reduce the use of fuel. The biggest issue is turning off the vehicles when the officer is out of the vehicle. The Police Department's bicycles have been taken to Eddy's Bike Shop for service and repairs.

Chief DeMoss stated we have a young man who is in Iraq who thought enough of us to send us a flag that has flown in Iraq with the following proclamation:

*"Let it be known this flag was flown in the face of the enemy and bears witness to the capture, interrogation and imprisonment of terrorists forces threatening the freedom of the United States of America. Presented to the Village of Silver Lake and the Police Department by Special Agent John E. Fox Department of Defense Criminal Investigation Task Force Operation Iraqi Freedom April 12, 2008."*

The Police Association will buy a case for the flag and place it in the lobby.

Mrs. Steiner asked if Chief DeMoss had any information about the smoke detectors.

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Chief DeMoss recommended that we get past the July 15 changeover to Cuyahoga Falls Fire and MS then discuss the smoke detector issue further.

Mrs. Fuller said the Festival would be a good time to have the Fire Department there with a table displaying the smoke detectors.

Mayor Hovey stated we should work very closely with the Garden Club on this issue. Several members have indicated they do not want to have fire trucks at the Festival.

**Mr. Kevin Salmon, Assistant Service Director**, stated the hydrant flushing continues.

In the next few weeks, we will have a date when the standpipe painting will begin.

A resident on Mayfield Road has experienced several sewer backups in her basement due to the sewer relining project. We had to rent a camera from Falls Tool Rental and discovered the saddle liners that were installed by AAA Pipe Cleaning have buckled causing the sewer backup.

United Survey was called in. They brought in a robotic cutter and cut out the liner that was blocking the sewer line. The resident's sewer is fine now.

Mr. Fenwick will be submitting the bills to AAA Pipe Cleaning's insurance company for reimbursement.

Mr. Salmon stated the Service Department picked up the Service Director's new truck. Less than 24 hours later, a resident backed into it and caused minor damage. The resident paid for the damage.

Mr. Hite asked when a resident doesn't mow their lawn and the Village does it, are those costs charged back to the property.

Mrs. Spohn stated the amount is certified to the property taxes.

Mr. Jones asked when the Service Department would be getting to the sink hole on the devil strip on Bellaire Road.

Mr. Salmon said it would be this week.

Mr. Jones said at the corner of Vincent Road and Ivanhoe Road, there is hole in the devil strip that appears fairly deep.

Mr. Salmon said the Service Department would check that out.

Mrs. Steiner asked if mulch was still available to residents.

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Mr. Salmon said mulch is no longer available. What is left is for the Village's use on the islands.

**Mrs. Teresa M. Spohn, Clerk-Treasurer**, stated she has looked into financing for the Graham Road water main replacement. The Village has at least three options. The first option is, if the engineering can be done by the middle of June, we can apply to the Ohio Public Works Commission (OPWC) for next year at a zero percent loan.

The second option is the Ohio Capital Asset Financing Group. The cost is derived by the number of communities that want to borrow money. The interest rate is tied to the amount of money to be borrowed. This is the most expensive option.

The third option is borrowing money from Ohio Water Development Authority (OWDA). All applications are due the 15<sup>th</sup> of the month. The project would have to be bid and then tell them how much we will need. The rate is 4.78 percent with up to 30 years to pay.

Mayor Hovey said Governor Strickland said there is \$400 million dollars set aside for communities to do these kinds of projects. There will be more information in the next two weeks.

Mrs. Steiner said she wasn't sure if it is wise to keep borrowing money when we don't know the Village's income stream in the future.

Mrs. Spohn said a levy can be placed on the ballot to support the water fund.

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

There being none, Council adjourned at 8:44 p.m. until the next regularly scheduled Council meeting on Monday, June 2, 2008, at 7:00 p.m.

APPROVED:

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Carol Steiner, Vice-President of Council

ATTEST:

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Teresa M. Spohn, Clerk-Treasurer