

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, August 4, 2008 7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, August 4, 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: Mrs. Janie Geis, Mr. Christopher Scott, Mrs. Karen Fuller, Mrs. Carol Steiner, Mr. Richard Hite, Mr. Donald Alexander, and Mr. Gerald Jones.

Roll call of Council - 7 members present 0 members absent

Mrs. Steiner asked if there were any additions or corrections to the minutes of the July 21, 2008, Council meeting.

Mrs. Spohn stated Mrs. Fuller's name needs to be added into the list of respondents from roll call.

There being no further corrections, the minutes were approved as corrected.

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

RESOLUTION NO.: 69-2008 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF CUYAHOGA FALLS FOR THE PROVISION OF PROSECUTORIAL SERVICES, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 69-2008 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 70-2008 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, 2008, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 70-2008 to the Finance and Appropriations Committee.

RESOLUTION NO.: 71-2008 A RESOLUTION CONFIRMING THE VILLAGE'S DESIRE TO CONTINUE A COOPERATIVE AGREEMENT WITH SUMMIT COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM THROUGH THE YEAR 2011, AND DECLARING AN EMERGENCY.

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Mrs. Steiner assigned Resolution No.: 71-2008 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 72-2008 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 136,450.48

Mrs. Steiner assigned Resolution No.: 72-2008 to the Finance and Appropriations Committee.

RESOLUTION NO: 73-2008 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH DAVE THOMAS AND SON FOR THE TOWN HALL ENTRANCE RENOVATION PROJECT, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 73-2008 to the Public Improvements Committee.

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

There being none, Mrs. Steiner called upon Mr. Christopher Scott, Finance and Appropriations Committee to lead discussion on items on the agenda pertinent to his committee.

FINANCE AND APPROPRIATIONS COMMITTEE

Mr. Scott asked Mrs. Spohn for her comments on Resolution No.: 70-2008 to make additional appropriations for current expenses.

Mrs. Spohn stated we receive money from the Ohio Public Works Commission and then it is expensed out. The original appropriation was \$30,000 and the actual amount was \$30,400. The \$43.97 is incidental items, such as copy fees.

Mr. Scott stated the committee will recommend the adoption of Resolution No.: 70-2008 this evening.

Mr. Scott asked for questions on Resolution No.: 72-2008, payment of claims.

The following items were reviewed:

- ◆ Jack Doheny Supply- Vactor Repairs
- ◆ Rizzo Public Safety- Equipment installation in the cruisers
- ◆ Marhofer Chevrolet- Cruiser that had fuel in the tank

There being no further questions, Mr. Scott stated the committee will recommend the adoption of Resolution No.: 72-2008 this evening.

Mrs. Steiner called upon Mr. Gerald Jones, Chairman of the Public Improvements Committee, to lead discussion on items on the agenda pertinent to his committee.

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PUBLIC IMPROVEMENTS COMMITTEE

Mr. Jones stated Resolution No.: 73-2008 authorizes the Mayor to enter into an agreement with Dave Thomas & Son for the Village Hall renovation project.

Mr. Jones asked if this is the only bid received.

Mr. Fenwick answered yes. He called several contractors and Dave Thomas & Son is the only company that showed up. Burgess & Niple recommends Dave Thomas & Son.

Mrs. Fuller asked how this was put out for bid and nobody wanted to bid the project.

Mr. Fenwick stated he called several companies.

Mr. Jones asked if it was advertised.

Mr. Fenwick replied no.

Mrs. Steiner asked the amount budgeted for the project.

Mr. Fenwick stated \$15,000. The specs were done by Burgess & Niple.

Mr. Jones asked what was paid for the engineering.

Mrs. Spohn stated the engineering was done a long time ago because it was submitted to the Community Development Block Grant to see if the Village would be eligible for funding because of the ADA requirements. It was not funded. The prints can be used now for part of what will be done with the project. She is unsure of the amount that was paid at that time for the engineering.

Mr. Jones asked if this is something that has to be done.

Mr. Fenwick replied yes. If somebody should come to the Village Hall and not be able to gain access there could be a large fine.

Mayor asked Mrs. Spohn if there was any reason to believe the grant would be approved if we submitted for it again.

Mrs. Spohn answered it is not very likely.

Mr. Jones asked if the sidewalks have to be ADA compliant too.

Mr. Fenwick stated he is not sure.

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Mr. Jones stated that he knows of some places that are not. Will we be fined for that?

Mr. Fenwick did not know, but putting in a sidewalk would only cost about \$600.

Mrs. Steiner stated the ADA is requiring this for a reason so that people that do have a problem can easily access the building.

Mr. Jones stated the committee will recommend the adoption of Resolution No.: 73-2008 this evening.

Mrs. Steiner called upon Mrs. Karen Fuller, Chairman of the Personnel and Public Affairs Committee, to lead discussion on items on the agenda pertinent to her committee.

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE

Mrs. Fuller stated Resolution No.: 69-2008 authorizes the Mayor to enter into an agreement with the City of Cuyahoga Falls for the provision of prosecutorial services. Have we worked with Cuyahoga Falls before with these services?

Chief DeMoss replied yes.

Mrs. Fuller asked Mr. Heydorn why he is not prosecuting for Silver Lake.

Mr. Heydorn replied he does not believe there was ever a time where the law director prosecuted.

Chief stated we have been using the City of Cuyahoga Falls for these services for over thirty years.

Mrs. Fuller asked if the \$11,000 is a set fee or are there additional fees.

Mr. Heydorn stated we have been paying about \$6,000 for the past twenty years or so with no increase. This new rate reflects the \$10,000 plus 3% for the years that we didn't pay \$10,000. This rate is well within reason.

Mrs. Fuller asked how often these services are used.

Chief stated we use them all the time. They are used for around the clock counseling for victims or others involved cases, traffic tickets, OVI's, traffic crashes, etc. They are in court all the time.

Mr. Heydorn stated for a DUI trial a private attorney would be getting paid about \$2000-\$3000 per trial.

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Mrs. Fuller indicated the committee will recommend the adoption of Resolution No.: 69-2008 this evening.

Mrs. Fuller stated Resolution No.: 71-2008 confirms the Village's desire to continue a cooperative agreement with Summit County for the Community Development Block Grant (CDBG) program through 2011.

Mrs. Spohn indicated this is a housekeeping item.

Mrs. Fuller asked what the program can do for us.

Mrs. Spohn stated we received funding in the past for the Senior Snowplow program and also when the front entrance was changed to be ADA compliant. This is just to confirm our cooperation.

Referring back to Resolution No.: 73-2008, Mr. Jones asked if they approved funding for the project once, how do we know that they won't now?

Mrs. Spohn stated we would have to sit on it for a year. We received funding once to paint the water tower, but they no longer fund that either. The CDBG money is for fixing up impoverished neighborhoods. The Village has a very high per capita income and it is very hard to get approval.

Mrs. Fuller stated there is no down side to approving this agreement, but there could be a positive if we do.

Mrs. Geis asked if it would probably be another year before we could submit for funding for the Village Hall entrance.

Mrs. Spohn stated the application process to submit for funding for this year has passed.

Mrs. Fuller stated the committee will recommend the adoption of Resolution No.: 71-2008 this evening.

Mrs. Steiner called upon Mr. Jones, Chairman of the Planning, Zoning, and Insurance Committee, to lead discussion on items on the agenda pertinent to his committee.

PLANNING, ZONING AND INSURANCE COMMITTEE

Mr. Jones stated Ordinance No.: 63-2008 will have a third reading after the scheduled public hearing on Tuesday, September 2, 2008, at 6:45 p.m.

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Mr. Jones stated according to the minutes from the Planning Commission meeting, it looks like some of the members differed with what Mr. Heydorn wrote.

Mr. Heydorn stated for practical purposes, there is no legislation or regulation of political signs that is free from attack. If we went through an evidentiary process, by which we would build evidence that would support a particular restriction, show without a doubt compelling state interest in that particular regulation, then you at least stand the fighting chance.

There was at some point in this process the determination that we didn't want that fight. Certainly, a regulation can be written if you go through that evidentiary process of holding hearings and developing your own theory with proof that there are certain size requirements on signs, durational limits and so forth, which have a relationship especially to safety, health and welfare. Then you have a case you can take to court.

There is no clear guidance from the courts on this issue. Therefore, you do come up with the situation where you can put your best foot forward. But there is nothing out there that your best foot forward isn't going to put you into the middle of litigation.

We can enact something that is better than what we have. In order to enter into what the Planning Commission is suggesting, we have to make that commitment that we will defend it. We already made the determination that this was not worth litigation.

Mr. Jones read a statement from the Planning Commission meeting minutes. "The point is that it is an oversimplification to say that signs can't be regulated at all. They can be, so long as the regulation is reasonable and based on legitimate consideration of health, safety and welfare, but it takes some thought and effort. Presumably, we have the resources to do this properly and we should."

Mr. Jones asked if he is talking about spending some money to do some of the engineering.

Mr. Heydorn believes that what is being said is that presumably we have the resources to be able to put together the necessary expert testimony and to defend it.

Mrs. Geis stated that Cuyahoga Falls has a similar ordinance that they do not enforce. Can the Village do something like this?

Mr. Scott stated that Council felt that if we have an ordinance for something it should be enforced.

There being no further questions or comments Mr. Scott indicated Ordinance No.: 63-2008 will have a third reading on Tuesday, September 2, 2008, during the Council meeting.

Mrs. Steiner continued with the agenda.

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Public Improvements Committee – Mr. Gerald Jones, Chairman

Mr. Jones stated Resolution No.: 73-2008 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 Resolution No.: 73-2008, seconded by Mr. Alexander.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Finance and Appropriations Committee—Mr. Christopher Scott, Chairman

Mr. Scott stated Resolution No.: 70-2008 was discussed in committee earlier this evening and is ready for adoption.

Mr. Scott moved to suspend the rule that legislation be read at three meetings for Resolution No.: 70-2008, seconded by Mrs. Fuller.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mr. Scott stated Resolution No.: 72-2008, Payment of Claims, was discussed in committee earlier this evening and is ready for adoption.

Motion to adopt Mr. Scott, seconded by Mr. Hite.

Roll call on adoption: Yes 7 No 0

Mr. Scott stated the budget meeting on Monday, August 11, 2008, needs to be rescheduled. The new time will be Monday, August 18, 2008, at 5 p.m.

Personnel and Public Affairs Committee - Mrs. Karen Fuller, Chairman

Mrs. Fuller stated Resolution No.: 69-2008 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.: 69-2008, seconded by Mr. Alexander.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

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Mrs. Fuller stated Resolution No.: 71-2008 was discussed in committee earlier this evening and is ready for adoption.

Mrs. Fuller moved to suspend the rules that legislation be read at three meetings for Resolution No.: 71-2008, seconded by Mr. Alexander.

Roll call on suspension: Yes 6 No 1

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

Roll call on adoption: Yes 6 No 1

Mr. Hite voted no. He asked if this is an organization that we are never getting money from and aren't inclined to, then why are we supporting them?

Mr. Heydorn stated the concept that is at stake here is whether or not we want Summit County to get these funds. They may not approve anything within our own community, but do we want Summit County to receive these funds as opposed to another county.

Mrs. Spohn stated that they submit the legislation with their application to the Federal government to show that they are supported from local municipalities.

Mr. Heydorn stated in order to be eligible for the funding they have to include major cities and a percentage of the rest of the population in the county to receive the funds.

Mr. Hite stated the problem he has with this is if nobody ever says no then we never get heard. We are just lumped in then whoever does whatever they want with that money and just takes us for granted completely.

There being no further comments, Mrs. Fuller continued.

Mrs. Fuller made a motion to table Ordinance No.: 5-2008 until next meeting, seconded by Mr. Jones.

Roll call on tabling: Yes 7 No 0

Mrs. Fuller made a motion to amend Ordinance No. 37-2008 to include:

Section 3. That the effective date for these provisions shall be the date of approval by the Mayor.

Seconded by Mrs. Geis.

Roll call on amendment: Yes 7 No 0

Mr. Hite asked if Mrs. Fuller would review Ordinance No.: 37-2008.

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Mrs. Fuller stated they decided to remove sick time as hours worked for overtime purposes.

Mr. Hite asked if vacation time is going to be allowed.

Mrs. Fuller stated holiday and vacation stays in, but sick time is being removed.

Mr. Hite stated he doesn't see why vacation is staying and sick time is not.

Mr. Jones asked if Mr. Hite is suggesting the removal of vacation time too.

Mr. Hite said he would just leave it as it is, he doesn't see the difference between sick time and vacation time.

Mr. Fenwick stated it is a huge difference.

Mrs. Steiner stated there is a possibility of abuse with sick time.

Mr. Fenwick stated it would be penalizing someone for taking vacation.

Mr. Hite stated that if they are truly sick then you are penalizing them for being sick too. He has faith in the employees.

Chief responded thank you.

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

Roll call on adoption: Yes 6 No 1

Mr. Hite voted no.

Mr. Scott made a motion to accept the Statement of Cash Position, all of Council agreed.

REPORTS OF SPECIAL COUNCIL COMMITTEES

Park and Recreation Liaison- Mrs. Janie Geis

Mrs. Geis reported that the Park and Recreation Board has chosen a spot for a Memorial Walkway.

Mr. Fenwick stated the Park Board is running out of spaces to plant memorial trees. They have been researching the idea of a Memorial Walkway at the entrance to the Arboretum. This would allow a person to buy an engraved brick instead of a tree. This is still being developed.

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Mr. Jones asked if Mrs. Spohn ever spoke with the person in regards to the school playground money.

Mrs. Spohn stated she did speak with someone and they will have to tell us what needs to be ordered, the shipping costs and the taxes on the items.

Mr. Jones asked who is going to install the equipment.

Mr. Fenwick stated the Village will not be installing any of the equipment.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey stated the Ice Cream Social is Thursday, August 7, 2008, at 7 p.m. A family movie will begin at 9 p.m.

Mayor received a letter from the Summit County Combined General Health District regarding a mandatory point of sale inspection for households served by a sewer treatment system. Effective September 1, 2008, there must be an inspection before the property ownership can be transferred.

Mayor stated he had an opportunity to speak with Mr. Hannah, on the corner of Dover Road and Graham Road. He is very happy that Council agreed to replace those slabs of sidewalk directing water away from his property. He is also very happy with the arrangements Mr. Fenwick got for him for a price to fix the driveway.

Mr. Robert Heydorn, Solicitor, had no report.

Chief Gary DeMoss reported that the work and transition process with the City of Cuyahoga Falls continues. The next phase is having the mobile data terminal systems up and running. They were scheduled to go on line the first of August but it has been delayed until September 1. Once online all officers will be able to receive their calls online in their cars and type the report and send it back to the main base.

The records management system has also been delayed until September 1. The Village Police Department is not loading any reports right now because we are shut down on the City of Stow side waiting for the Cuyahoga Falls side to come up. All reports are being put in a box until September 1. There is training that goes with this, which Police Department Secretary, Mrs. Cindi Smith-Partin will be attending. Also, Ms. Margaret Redford will attend as a back up for Mrs. Partin.

Chief attended the FBI Academy National Conference in Milwaukee, Wisconsin last week. This is absolutely a very worthwhile conference. This is the third one that he has attended in the past twelve years since he graduated from the Academy. He brought back a lot of valuable training,

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contacts and internet investigative product. Chief stated he really appreciates the support from Council and the Mayor and everyone in this endeavor.

Mr. Richard Fenwick, Service Director, stated Kenmore Construction was awarded the resurfacing program. They will start the project next week.

The relining of the sewers has been going well. Six are already in and there are six more to go and then they will be evaluated.

The water tower painting has finally started.

Mrs. Teresa Spohn, Clerk-Treasurer, had no report.

Mrs. Steiner asked if there was any miscellaneous business.

Mr. Jones asked about the traffic light at Graham Road and Dover Road.

Chief stated this will be further looked at once the transition to Cuyahoga Falls has been completed.

Mr. Scott asked Chief if there was any new information about the smoke detector program.

Chief stated he will contact Cuyahoga Falls' new Fire Chief to discuss the matter.

There being no further business, Council adjourned at 8:42 p.m. until the next regularly scheduled Council meeting on Monday, August 18, 2008, at 7:00 p.m.

APPROVED:

Carol Steiner, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer