

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, August 18, 2008

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, August 18, 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

Mrs. Steiner asked if there were any additions or corrections to the minutes of the August 4, 2008, Council meeting.

There being none, the minutes were approved as sent.

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

RESOLUTION NO.: 74-2008 A RESOLUTION AUTHORIZING THE PAYMENT IN SETTLEMENT OF A MORAL CLAIM AGAINST THE VILLAGE BY CRYSTAL PARK DEVELOPMENT CORPORATION FOR PROPERTY DAMAGE TO ITS PARKING LOT CAUSED BY VILLAGE TRUCKS DURING SNOWPLOWING, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 74-2008 to the Personnel & Public Affairs Committee.

RESOLUTION NO.: 75-2008 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 67,936.62

Mrs. Steiner assigned Resolution No.: 75-2008 to the Finance & Appropriations Committee.

ORDINANCE NO.: 76-2008 AN ORDINANCE ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICES IN THE VILLAGE; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Ordinance No.: 76-2008 to the Planning, Zoning & Insurance Committee.

Mrs. Steiner stated Assistant Fire Chief Jackson from the Cuyahoga Falls Fire Department is in attendance this evening to provide more information regarding the Smoke Detector Program offered by the City of Cuyahoga Falls.

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Fire Chief Jackson reported the Smoke Detector program was started approximately nine years ago as a concern for senior citizens and young families with children.

First Alert is allowing the city to purchase 10 year lithium battery smoke detectors at a price of \$20.50 each. The City of Cuyahoga Falls pays and installs the smoke detectors for their residents and they would like to extend the offer of installing smoke detectors to Village residents.

When the program began, at least 1 smoke detector was installed on each level of the home. The building code in the State of Ohio has changed since then to the International Building and Fire Code, which is slightly different. Now the code calls for a smoke detector in each bedroom as well as one on each level of the home.

The lithium battery model is being used because of the fires that had injuries or fatalities, all of those did not have working smoking detectors at the time.

The City of Cuyahoga Falls has distributed approximately \$100,000 worth of smoke detectors in the past decade.

First Alert will pass on the savings to the Village if we choose to utilize the program.

Chief Jackson stated if the Village utilizes the program, Cuyahoga Falls will support it in every way, shape and form. Their thought was if the Village collects the data on which residents would like to have smoke detectors installed, then the Village could fax or email the information to Cuyahoga Falls to have them schedule the installation. Cuyahoga Falls tries to install them within a week or so of being notified.

An information sheet is given to the resident once installation is complete. (A copy is attached to the original minutes.)

The dual sensing smoke detectors that are currently installed now work by ionization and photo cell because fires start in two major different ways. Smoke smoldering fires are best detected by ionization. An explosion with a fast, rapid growing fire is best detected by photo cell.

A remote control device is also included in case the detectors beep.

Chief Jackson reported on a few basic statistics. Two years ago in America there were 1.6 million fires and 3,200 deaths. We have the most amount of fires than any civilized country.

In the last decade, the City of Barberton has had 11 children die in three separate fires.

Mrs. Steiner asked if a home has four bedrooms and two stories and they don't want to buy 8 smoke detectors, will Cuyahoga Falls still come out and install two smoke detectors.

Chief Jackson stated that is something that will need to be discussed. He truly believes in his personal mind, it should be done to meet the building and fire code or not do it at all. He's not sure he would be comfortable if a resident buys two and really needs eight.

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Mrs. Steiner asked how it is done in the Falls.

Chief Jackson stated the city purchases them for the residents, so they install what is required.

Mr. Jones asked what the cost is.

The cost is \$20.50 per smoke detector.

Mr. Jones asked how this program would be administered as far as purchasing the units.

Chief Jackson stated it could be done a couple different ways. Cuyahoga Falls could buy a pallet and earmark it when we pay for 300 of them and keep track of those going out.

What Cuyahoga Falls would prefer is to just pass the savings on to the Village. First Alert will sell them to us at the exact same price whether we want to buy 1 or 1,000. Their normal price is sold in lots of 500. So the \$20.50 per unit is based on 500 units or more. Less than 500 units, is \$21.00 per unit. The Village could purchase them directly from First Alert and then bill the residents. The residents could come to Village Hall to purchase them.

Cuyahoga Falls is not seeking any reimbursement for installation time or a fuel surcharge.

Mr. Jones stated the problem with residents purchasing the units and taking them home is they might not call Cuyahoga Falls to install them.

Chief Jackson stated he does not have an issue if the resident wants to install the smoke detectors themselves.

Mr. Jones asked if he would have an issue if that resident needs 6 units but only purchases 3.

Chief Jackson stated that would be a problem.

Mayor Hovey asked if the Village could store the smoke detectors at Cuyahoga Falls if we purchased 500 of them or would we have to store them here.

Chief Jackson replied the Village could do it either way.

Mayor Hovey stated one of the problems would be getting the money. Whether they are stored here or at Cuyahoga Falls, after they are installed, the Village would have to bill them.

Mrs. Spohn stated the smoke detectors could be stored at the Village and the residents pay us when they purchase them.

Mr. Jones asked when someone calls Cuyahoga Falls and asks to have smoke detectors installed, the City doesn't really know at that point how many they will need.

Chief Jackson replied the smoke detectors come in 6 packs. Three or four boxes of these are

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taken when the crew is going out to install smoke detectors.

Mr. Jones stated he prefers that Cuyahoga Falls keeps them. The question is how would the Village know who got the smoke detectors installed.

Chief Jackson replied they keep track of people who call in on a simple excel worksheet.

Mrs. Spohn stated if a resident purchases five and they really need six, then the Village could bill them for that extra one.

Mr. Scott stated people are more likely to come in and purchase two smoke detectors than spend \$150 for eight of them. Then at least they have two in their house instead of none.

Mr. Heydorn stated if the international code is affected and is in effect, given that this is a safety issue versus a construction issue, then the problem is if you don't have smoke detectors in your house, it is violating the law.

Chief Jackson stated it is his understanding that if you own a rental property, you are required by Ohio Revised Code to provide smoke detection within that structure. If you build a new house or remodel your house, one of the final inspection items is smoke detection as required by law.

Mrs. Steiner stated Council is in favor of doing something for the Smoke Detector Program. The Administration will do some research and put together something.

Mr. Jones stated he does not think the Village should let the residents install the smoke detectors on their own. He would be more comfortable with letting the fire department go in and say how many are needed and install that amount. Then the Village bills it accordingly.

Mr. Hite stated he has access to a Fireman's Fund and Insurance Company. They gave \$10,000 to Children's Hospital Burn Unit for fire education. He will investigate to see if any funds are available for the Village to purchase smoke detectors for the residents.

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

Mr. Marvin Powell, 3072 Kent Road, stated he is having trouble with his gutters overflowing. The problem began when he remodeled his home a few years ago. The contractor had a 4-inch pipe from the gutters to the curb. The curb at the street is only 3 ½ inches. The Service Director told him to use a 3-inch pipe and his contractor said he cannot bore 3 inch holes in the concrete without it breaking out. Mr. Powell stated Mr. Fenwick said to use a 2-inch pipe.

Mr. Powell stated for the past ten days, his gutters are overflowing and his basement is wet. When there are no cars coming on Kent Road, he takes a 12-foot pole and rams it up the drain and water comes gushing out.

Mr. Powell stated he needs the Village to come out and change it and he does not feel that he should have to pay for it.

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Mr. Fenwick stated he has not found the right of way permit yet, but on the permits for curb cuts, a size is usually written down. It is very unlikely that he told the contractor to install a 2-inch pipe. There is nobody else in the Village that he has ever told to put in a 2-inch pipe.

Mr. Powell stated he will have his contractor write a statement.

Mr. Fenwick recently went out to look at the curb and he thinks a 3-inch curb cut can be done there. If that's what he proposed, then he doesn't know why he would change his mind and say 2 inches.

Mr. Powell stated he absolutely did.

Mr. Fenwick stated he would have to find the right of way permit to see what it says.

Mr. Powell stated he wants the Village to take care of it. His property has a well and he has wanted to connect to the Village water line, but Mr. Fenwick stated he could not do that. In order to connect to the pipes on McCormick Road, it would cost \$30,000. Another option would be to connect to Lake Road and get an easement from property owners. Mr. Powell also looked into hooking up to Silver Lake Towers across from his driveway.

In the last six years, he has installed three water heaters and is tired of it. He also had to replace his copper water lines. He is getting flooded with rain water and he can't even get a glass of drinking water.

Mr. Fenwick will look for the right of way permit and get a list of options for Mr. Powell.

There being no further questions, 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.: 74-2008 was discussed at length at the last Council meeting and is ready for adoption.

Mrs. Fuller moved to suspend the rule that legislation be read at three for Resolution No.: 74-2008, seconded by Mr. Scott.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mrs. Steiner asked Mrs. Fuller if she would like to do anything with Ordinance No.: 5-2008.

Mrs. Fuller stated it was discussed at length and was decided to permanently table Ordinance No.: 5-2008.

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Mrs. Spohn stated in her opinion if Council does not want to vote for it, then they should vote it down.

Mr. Heydorn stated Council can either bring it out and vote on it or postpone it indefinitely. If it is postponed indefinitely, it can be brought out again with a new piece of legislation. This is not expressing Council's intent if they are absolutely opposed against the idea. If it is voted on, then Council's favor or opposition is expressed.

Mrs. Fuller stated she would like to bring Ordinance No.: 5-2008 out for adoption.

Mrs. Fuller moved to suspend the adoption of Ordinance No.: 5-2008, seconded by Mr. Jones.

Mr. Scott asked if there was a cost study completed on this.

Mrs. Spohn stated it is about \$1,000.

Chief DeMoss stated full-time employees are currently pre-paid to work holidays at double time. Then when they do work the holiday they get an extra half time, which equals 2 1/2 times. So when they're not working, the part-time officer would be getting time and a half.

Mr. Scott stated so it's actually a savings.

Mrs. Spohn replied there is no savings.

Chief DeMoss stated it isn't about savings. It works out evenly, but would give the Police Department more options.

Mrs. Spohn stated if it is going to be voted on this evening, then it needs to be amended to remove the first paragraph.

Mrs. Fuller stated Council will wait to bring this out until the next Council meeting.

Mrs. Fuller moved to table Ordinance No.: 5-2008 until the next Council meeting, seconded by Mr. Alexander.

Roll call on tabling: Yes 5 No 2

Mr. Hite and Mr. Jones voted no.

FINANCE AND APPROPRIATIONS COMMITTEE

Mr. Scott asked for questions on Resolution No.: 75-2008, payment of claims.

There being no questions, Mr. Scott stated the committee will recommend the adoption of Resolution No.: 75-2008 this evening.

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Mr. Scott moved to adopt Resolution No.: 75-2008, seconded by Mrs. Fuller

Roll call on adoption: Yes 7 No 0

PLANNING, ZONING AND INSURANCE COMMITTEE

Mr. Jones commented that he will not be in attendance at the next Council meeting.

Mr. Jones stated he is in favor of adopting Ordinance No.: 5-2008.

Mr. Jones stated Ordinance No.: 76-2008 is to establish a video service provider fee from the local cable companies.

Mr. Heydorn reported the Village received a letter from Time Warner Cable stating they are electing to get out of their contract to go with state law. There is a window of opportunity that the Village can still levy the fees in that contract, which is 3 percent. The Village only has ten days to act otherwise we may lose it. If Council wants to act then they must accept a service provider fee.

The contract with AT&T did not provide advertising fees for the Village. If Ordinance No.: 76-2008 is passed this evening, the Village will start receiving fees from AT&T also.

Mr. Jones moved to suspend the rule that legislation be read at three meetings for Ordinance No.: 76-2008, seconded by Mr. Scott.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

REPORTS OF SPECIAL COUNCIL COMMITTEES

Park and Recreation Liaison - Mrs. Janie Geis

Mrs. Geis reported there have been approximately 10 to 12 contractors out to the Arboretum that have submitted plans for the Memorial Walkway.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey reported Mr. Gerald Martin has resigned from the Park Board and has moved out of the Village. Mayor is currently accepting applications for the position and hopefully will be filled by the September Park Board meeting.

The Ice Cream Social on Thursday, August 7th went very well. The movie got rained out, but it was moved to Village Hall.

Mayor received a visit from Ohio Edison and a letter from Dominion East Ohio regarding their rate increase. Dominion increased their monthly service charge to \$17.50. They say the average

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bill will go up 4 percent or \$4.50. Dominion is currently doing a Pipe and Trench Replacement Program which will now make them responsible for the pipe from the curb into your house. Currently, the resident is responsible for this pipe.

Chief Gary DeMoss reviewed the handout regarding the City of Cuyahoga Falls Prosecutor's Fees. (A copy is attached to the original minutes.)

Over the years, the Police Department staff has been asked to work off duty jobs such as football games, basketball games, etc. The big issue has always been workers compensation. Chief Conley from the City of Cuyahoga Falls will be sending a contract to Mr. Heydorn for his review.

Mr. Richard Fenwick, Service Director, passed around pictures of the Silver Lake water tank.

Three or four laterals are being completed every day for the sewer project.

The resurfacing project is complete for this year.

The standpipe was drained last Wednesday. When the diver went in to inspect the tank five years ago, it was probably bumped, and the whole top came loose. This change order will cost \$4,000 to \$5,000 to replace.

Mr. Fenwick made a wrong statement last week. There is no railing on the front entrance because it's only going to be six inches high.

The Service Department has started the painting project of the streets around the school.

The house on Silver Lake Boulevard was razed last week.

There was an emergency repair to the vacator. The main pump went out. A new one would have cost \$18,000, but we had it rebuilt for \$12,000.

Service Department employee, Mr. Ben Gregory, and his wife had a baby girl.

Mr. Robert Heydorn, Solicitor, stated he just received a message from the insurance adjuster for the Silver Lake Sanitary Sewer Project that says the test contract went very well.

Mrs. Teresa Spohn, Clerk-Treasurer, stated the Summit County Board of Elections visited Village Hall and we are in compliance for their ADA requirements. The Village will be receiving a written report.

Mrs. Spohn attended the conference for Clerk-Treasurer's last week. Mr. Frank Abignale was a speaker and he reported on the 207 Uniball gel pens that are resistant to chemicals that are used to wash the ink out of checks. These pens will be used at Village Hall as a safety measure.

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Mrs. Steiner asked if there was any miscellaneous business.

There being no further business, Council adjourned at 8:38 p.m. until the next regularly scheduled Council meeting on Tuesday, September 2, 2008 at 7:00 p.m.

APPROVED:

Carol Steiner, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer

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prepared by: heather reiheld