

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, December 15, 2008

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, December 15, 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. James Richardson, 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 December 1, 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.: 115-2008 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.: 115-2008 to the Finance and Appropriations Committee.

ORDINANCE NO.: 116-2008 AN ORDINANCE ESTABLISHING A DRIVEWAY SNOW REMOVAL PROGRAM FOR SENIOR AND INFIRM RESIDENTS, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Ordinance No.: 116-2008 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 117-2008 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 252,030.51

Mrs. Steiner assigned Resolution No.: 117-2008 to the Finance and Appropriations Committee.

RESOLUTION NO.: 118-2008 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.

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Mrs. Steiner assigned Resolution No.: 118-2008 to the Finance and Appropriations Committee.

Mrs. Steiner asked for the reading of any pending legislation that is up for a third reading.

ORDINANCE NO.: 105-2008 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE, COUNTY OF SUMMIT, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2009, AND DECLARING AN EMERGENCY.

Ordinance No.: 105-2008 was previously assigned to the Finance and Appropriations 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 stated Resolution No.: 115-2008 is for re-appropriating monies.

Mrs. Spohn stated this is for year-end clean up. The monies will cover the snowplowing program and overtime wages for water.

Mrs. Spohn stated an amendment will need to be made to the legislation before adoption.

The first WHEREAS clause and SECTION 1 both need to be deleted.

There being no further questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 115-2008 this evening.

Mr. Scott stated Resolution No.: 117-2008 is for Payment of Claims in the amount of \$252,030.51.

The following items were reviewed:

- Akron Truck Tire - A prepaid check number was included by error in the last payment so a check did not print out. The last payment was voided and this basically reissues a new check for the payment.
- Goodyear - Three used tires and one new tire were purchased for a cruiser.
- Ohio Municipal Attorneys - Dues for the Village.
- Evergreen - Payment to the bonding company who replaced AAA Pipe Cleaning.

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There being no further questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 117-2008 this evening.

Mr. Scott stated Resolution No.: 118-2008 is for additional appropriations.

Mrs. Spohn stated the Fall Leaf Clean-up Program was extended this year and therefore more had to be paid out for wages.

Mrs. Steiner asked how many employees are on one crew.

Mr. Fenwick replied there are two crews of four employees.

There being no further questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 118-2008 this evening.

Mr. Scott stated Ordinance No.: 105-2008 had its third reading this evening.

Mrs. Spohn stated the following amendments need to be made before the legislation is adopted this evening.

Add Section 3 for Contingencies: \$10,000.

A line item for senior snowplowing needs to be added for the 2009-2010 season: \$5,000.

The General Fund total on Page 5 should read: \$2,216,681.12.

The New Grand Total for all appropriations on Page 11 should read: \$3,613,482.50.

Mr. Jones asked if it should be for the 2008-2009 season instead of the 2009-2010 season.

Mrs. Spohn stated she is going to encumber the whole \$5,000 for the season in 2009 so the balance will carry over to 2010.

Mr. Jones asked if any driveways have been plowed.

Mrs. Spohn stated no, the program started today.

Mrs. Fuller asked if the Snow Removal Program will continue if all the money runs out.

Mayor stated the Program will be over unless he requests more money from Council.

Mrs. Spohn stated if there is money left over from this year, it will be put back into the line item for the rest of next year.

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Mrs. Steiner asked how many residents have signed up for the program.

Mrs. Spohn stated fourteen, which is lower than we expected.

There being no further questions, Mr. Scott stated the Committee will recommend the adoption of Ordinance No.: 105-2008 this evening.

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE

Mrs. Fuller stated Ordinance No.: 116-2008 established a driveway snow removal program for senior and infirm residents.

Mayor stated every resident who was previously on the Village’s Snow Removal Program received a letter of application. Anyone who was not on the list is also able to apply.

Mr. Scott asked if Baker’s Towing will extend the special rate to other residents who want to pay for their service.

Mrs. Spohn stated Baker’s will charge \$20 per push to residents who wish to sign up. The guidelines might be different than for the Village Snow Removal Program guidelines.

There being no further questions, Mrs. Fuller stated the Committee will recommend the adoption of Ordinance No.: 116-2008 this evening.

Mrs. Steiner continued with the agenda.

Finance and Appropriations Committee - Mr. Christopher Scott, Chairman

Mr. Scott stated Resolution No.: 115-2008 was discussed in Committee earlier this evening and will need to be amended as follows:

Remove the first “WHEREAS” clause and “Section 1”.

Mr. Scott moved to amend Resolution No.: 115-2008, seconded by Mrs. Geis.

Roll call on amendments: Yes 7 No 0

Mr. Scott moved to suspend the rule that legislation be read at three meetings for Resolution No.: 115-2008, seconded by Mr. Hite.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mr. Scott stated Resolution No.: 117-2008, Payment of Claims, was discussed in Committee earlier this evening and is ready for adoption.

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Mr. Scott made a motion to adopt Resolution No.: 117-2008, seconded by Mrs. Fuller.
Roll call on adoption: Yes 7 No 0

Mr. Scott stated Resolution No.: 118-2008 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.: 118-2008, seconded by Mrs. Geis.
Roll call on suspension: Yes 7 No 0
Motion to adopt by Mr. Scott, seconded by Mr. Hite.
Roll call on adoption: Yes 7 No 0

Mr. Scott stated Ordinance No.: 105-2008 was discussed in Committee earlier this evening and will need to be amended as follows:

Add Section 3 for Contingencies: \$10,000.

Add a line item for senior snowplowing for the 2009-2010 season: \$5,000.

The General Fund total on Page 5 should read: \$2,216,681.12.

The new Grand Total for all appropriations on Page 11 should now read: \$3,613,482.50.

Mr. Scott moved to amend Ordinance No.: 105-2008, seconded by Mrs. Geis.
Roll call on amendments: Yes 7 No 0
Motion to adopt by Mr. Scott, seconded by Mr. Hite.
Roll call on adoption: Yes 7 No 0

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

Mrs. Fuller stated Ordinance No.: 116-2008 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.: 116-2008, seconded by Mr. Hite.
Roll call on suspension: Yes 7 No 0
Motion to adopt by Mrs. Fuller, seconded by Mr. Hite.
Roll call on adoption: Yes 7 No 0

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey thanked everyone for their service, time and dedication to the Village. It is appreciated by him and the residents. The residents are very happy with who is representing them at Village Hall. Mayor wished everyone a Merry Christmas.

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Mr. Robert Heydorn, Village Solicitor, reported he was previously asked by Council to communicate with the City of Cuyahoga Falls regarding the liability issue with the Smoke Alarm Program.

Mr. Heydorn spoke with their law director, Mr. Virgil Arrington, regarding the question of whether the Village would be taking on any liability that would be above and beyond the current liability exposure. Mr. Heydorn asked him what Cuyahoga Falls does for liability risk as far as the city is concerned.

Mr. Arrington stated to Mr. Heydorn the Smoke Detector Program is something the Fire Department really wants to offer and consequently their enthusiasm for doing it has never led to his consideration about whether there is an increased liability.

Mr. Arrington is taking no position on the question and won't because the Fire Department is so into the Program that they wouldn't not offer the Program even if there was a liability connected to it.

Mr. Heydorn assumes that even though Mr. Arrington is taking no position on it, there has to be at least the potential of some increased liability.

The only problem would be to try and assess what that increased liability is. This is a function not normally offered by Fire Departments and it would all depend upon whether the court feels that this is enough of a governmental function to be excluded of liability on immunity basis.

Mrs. Steiner asked if the Village could be sued if say Bakers Towing ruined someone's driveway. Should the Village be afraid to offer any services?

Mr. Heydorn replied that the reason the Village can justify using public money to do driveways, is because we are addressing the aspect of public welfare that deals with providing some good service to people who need it on a class basis.

Mrs. Steiner asked Mr. Heydorn if he had a recommendation.

Mr. Heydorn stated based on the fact that Cuyahoga Falls is more into this Program than the Village would be and they have assumed the risk, then it probably is not an unreasonable policy decision to shoulder some risk. There is very little that doesn't have some risk attached.

Mr. Jones stated he feels the benefits of the program outweigh the risk.

Mrs. Geis asked if this will cost the Village any money.

Mrs. Steiner stated the Village is not incurring any expenses for this program.

Mrs. Geis stated she doesn't know why we wouldn't do it.

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Mr. Hite stated he thinks the Village should provide the smoke detectors at no cost to Village residents.

Mrs. Spohn stated the Village does not have that kind of money.

The price of the smoke detectors has increased since the last price quote.

Mr. Scott stated this is a low cost for a high quality item.

Chief DeMoss stated he will look into the new prices of the smoke detectors and report back to Council at the next meeting.

Chief Gary DeMoss reported the Village paid \$22,000 to TAC Computer System for the operations software system for the dispatch center, their computer aided dispatch system, records management system and mobile data terminal systems. It is all integrated together between Cuyahoga Falls, Munroe Falls and Silver Lake. When the system was proposed in July, it was presented one way at less cost than the industry standard.

Cuyahoga Falls has decided to go back to the New World System as of tomorrow morning at 7:00 a.m. There will be no additional cost to the Village.

Mr. Richard Fenwick, Service Director, reported the Graham Road Waterline Project is almost complete.

On Friday, December 12, 2008, there was a water break at 7:00 a.m. and the Service Department employees didn't go home until 20 ½ hours later. One employee then had to salt the streets for 3 hours.

Mrs. Geis asked what was happening with the fire hydrant.

Mr. Fenwick replied they are waiting for parts.

Mrs. Teresa Spohn, Clerk-Treasurer, reported she spoke with Mr. John Lund and Mr. Ray Zetts regarding the sewer project. There will be another deduct change order that CTI will put together. This will take money that is owed on the contract and take it off the bottom line so that money can be paid to the engineer.

Mrs. Steiner asked if there was any miscellaneous business.

There being no further questions, Council adjourned at 7:55 p.m. until the next regularly scheduled Council meeting on Monday, January 5, 2009, at 8:00 p.m.

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7:00 p.m.

APPROVED:

President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer

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prepared by: Heather Reiheld