

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, May 5, 2008

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, May 5, 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 for a motion to amend the agenda for the administering of the Oath of Office for Dave Childers.

Mr. Hite made a motion to amend the agenda, seconded by Mrs. Fuller, and all of Council agreed.

Mrs. Steiner asked if there were any additions or corrections to the minutes of the April 21, 2008, Committee of the Whole meeting.

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

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

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

Mayor Hovey administered the Oath of Office to David Childers as a part-time police officer.

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

RESOLUTION NO.: 45-2008 A RESOLUTION RATIFYING AND CONFIRMING AN AGREEMENT WITH WICHERT INSURANCE SERVICES, INC. FOR THE PURCHASE OF GENERAL LIABILITY, PROPERTY/INLAND MARINE, AUTOMOBILE LIABILITY& PHYSICAL DAMAGE, PUBLIC OFFICIALS LIABILITY, POLICE PROFESSIONAL LIABILITY INSURANCE, ENHANCED EMPLOYMENT PRACTICES COVERAGE, AND UMBRELLA LIABILITY

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INSURANCE COVERAGE FOR THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 45-2008 to the Planning, Zoning, and Insurance Committee.

RESOLUTION NO.: 46-2008 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF HARLAN JOHNSON TO FILL THE UNEXPIRED TERM OF KATRINA HONKALA ON THE SILVER LAKE PARK BOARD FOR THE TERM ENDING DECEMBER 31, 2009, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 46-2008 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 47-2008 A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK-TREASURER TO ADVERTISE AND TAKE BIDS FOR THE COLD MILLING AND RESURFACING OF VARIOUS STREETS IN THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 47-2008 to the Public Improvements Committee.

RESOLUTION NO.: 48-2008 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$125,181.70.

Mrs. Steiner assigned Resolution No.: 48-2008 to the Finance and Appropriations Committee.

RESOLUTION NO.: 49-2008 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BURGESS AND NIPLE, INC. TO PROVIDE ENGINEERING SERVICES RELATED TO THE REPLACEMENT OF A WATER LINE ON GRAHAM ROAD IN THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 49-2008 to the Public Improvements Committee.

RESOLUTION NO.: 50-2008 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.: 50-2008 to the Finance and Appropriations Committee.

Third Reading:

ORDINANCE NO.: 37-2008 AN ORDINANCE AMENDING SECTION 10 (A) AND SECTION 10(B)(1) OF ORDINANCE NO.: 1-2008 HEREBY ESTABLISHING HOURS

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WORKED FOR OVERTIME PURPOSES FOR FULL-TIME EMPLOYEES AND FULL-TIME LAW ENFORCEMENT OFFICERS, AND DECLARING AN EMERGENCY.

Ordinance No.: 37-2008 was previously assigned to the Personnel and Public Affairs Committee.

Mrs. Steiner stated Ordinance No.: 5-2008 is still in Committee.

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

Mr. Stanley Morgan, 3089 East Edgerton Road, gave Council members material that he brought.

Mr. Morgan stated he received a letter dated April 25, 2008, from Mr. Fenwick requiring his residence to have a check valve installed. It is being stated that the residence has an auxiliary water system.

Mr. Morgan does not believe that the well on his property is considered an auxiliary water system. Does this mean that every well is an auxiliary water system?

Under the code, it gives Mr. Fenwick the ability to make the call. "I think anybody that can read can say that I do not have an auxiliary water system. Auxiliary water systems are generally used where people, like up around the lakes, for flushing toilets. Even if he calls it that, to say that what I have is dangerous when I don't attach a hose to my house, I'm a heck of a lot safer than any of the other people."

Mr. Morgan thinks the Village Solicitor should rule on whether or not he has an auxiliary water system.

Mrs. Steiner stated she sees a response letter from Mr. Heydorn in the packet Mr. Morgan passed out.

Mr. Morgan replied that the letter does not address an auxiliary water system. His option is that if Council wants to go with his residence having an auxiliary water system, is to go to an attorney and get a ruling. "Do I have an auxiliary water system under these rules?"

Mrs. Steiner asked Mr. Fenwick what the cost would be to install the backflow valve.

Mr. Fenwick replied it is approximately \$230 for the reduced pressure backflow device (RP), the cost of the plumber to install and test it, and then the cost of testing once a year.

Mrs. Steiner thanked Mr. Morgan for coming and Mr. Heydorn and Mr. Fenwick will revisit the decision. Council cannot override the decision.

Mr. Heydorn reaffirmed that Council does not have any authority in this matter.

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Mr. Morgan stated that is incorrect. "You people are representatives of the owners." Time is running out for him to install this device and he needs to have an answer.

Mr. Jones informed Mr. Morgan that Council has established rules and he is over his allotted time. There is nothing that Council can do this evening to help with the problem. They will ask the Mayor, the Solicitor, and Mr. Fenwick to meet and re-discuss the matter.

Mrs. Steiner asked for additional questions from the audience.

Mrs. Camerata, 3071 Ardoon Way, stated their home has a well and they want to know how it is going to affect them.

Mr. Fenwick replied he will have to come to their home and survey the well. The installation of a backflow prevention device is an EPA regulation.

Mr. Scott asked if all people with wells watering their lawns will be getting the letter.

Mr. Fenwick answered no. Only the people who have a well and have access to connect to their house to their well will need a backflow device.

Mrs. Steiner asked why someone might need it and someone else might not.

Mr. Heydorn stated the EPA regulations use the term "potential" throughout. What has been done is driven by the nature of these regulations. What appears to be going beyond what we would normally require is the result of the fact that we are beginning to catch up with Federal and State legislature, which has required safety devices. This policy decision has been made by the State and Federal legislatures, not Silver Lake. The only issue that we have here is how much discretion is really up to the locality in varying this.

The EPA has viewed the simple connection of any well to a system that does connect to a public water system to be a potential danger. Whether it is or is not currently connected isn't the issue. It's the potential to have access to connect to the public water system.

The EPA has already had communication with the Village about this law and our interpretation appears to be the one that is described to by the EPA.

Mr. Fenwick stated the EPA has a form that is filled out when he goes to look at an auxiliary water system. The questions on the form guide you as to whether or not a home would need a backflow device.

Mrs. Fuller asked if a resident can connect the well to their home once a backflow device is installed.

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Mr. Fenwick answered yes. His job is to protect the public water supply at the meter. The EPA recommends to get rid of wells.

Mayor stated this is a nuisance and possibly an over reaction but it's the law from the EPA and no one wants to be in the position where they are defying the EPA.

Mr. Heydorn stated there doesn't have to be a current and present danger of any sort, it is the potential that is there.

Mr. Alexander asked how many wells are in the Village.

Mr. Fenwick believes no more than one hundred.

Mr. Jones asked how many homes are serviced only by the well.

Mr. Fenwick doesn't have an exact count. There are a few wells that are not connected to the public water supply so they would not need a backflow device.

Mr. Scott stated it would be nice if more time could be given for residents that are required to have a backflow device installed because it is costly.

Mr. Jones stated a specific amount of time needs to be decided, not just a little more time. What should be done if it is not done within the allotted time period.

Mr. Fenwick stated if they have not complied within the given time period their water will be shut off.

Mr. Heydorn stated authority has been given to Mr. Fenwick to make these decisions by legislation. Council can offer suggestions but it is still Mr. Fenwick's decision.

Mrs. Steiner stated they are suggesting a longer time period for residents needing a backflow device installed.

Mrs. Steiner asked for any additional comments or questions from the audience.

There being none, 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

Mrs. Fuller asked for questions on Resolution No.: 48-2008, payment of claims. The amount is \$125,181.70.

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The following items were reviewed:

- ◆ Goodyear Auto Service Center repaired the air conditioning on a few Police vehicles.

There being no further comments or questions, Mrs. Fuller indicated the committee will recommend the adoption of Resolution No.: 48-2008 this evening.

Resolution No.: 50-2008 authorizes the Clerk-Treasurer to make additional appropriations for current expenses and other expenditures of the Village for engineering services relative to the Graham Road water main replacement.

Mr. Fenwick stated his estimate for the Graham Road water main was low. The price will be approximately \$244,000. This project needs to be completed by fall.

Mrs. Spohn indicated she is not sure where the Village is going to come up with the money for this project. She will contact the EPA to see about a low interest loan.

Mrs. Fuller stated the committee will recommend the adoption of Resolution No.: 50-2008 this evening.

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

PUBLIC IMPROVEMENTS

Resolution No.: 49-2008 authorizes the Mayor to enter into an agreement with Burgess and Niple for the engineering of the Graham Road water main project.

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

Resolution No.: 47-2008 authorizes the Clerk-Treasurer to advertise and take bids for the Cold Milling and Resurfacing project.

Mr. Jones asked for Mr. Fenwick's estimate on the cost of this project.

Mr. Fenwick's estimate is \$124,885.

Mr. Jones stated he has read in the paper where some communities are scaling back in an attempt to save some money. Is this something that the Village is doing?

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Mr. Fenwick replied that the communities that are scaling back aren't grinding down as far as they used to. When the roads are resurfaced this way they don't last as long. The Village streets have 2 inches taken off and 2 inches put on. There was \$125,000 budgeted for this project.

Mrs. Steiner stated this was in the budget, but the money isn't there for the water main project.

Mr. Fenwick stated he can do what the other communities are doing, grind an inch and put an inch on. You get what you pay for. The streets will only last eight or nine years then.

Mrs. Fuller asked if this can be put off for a year.

Mr. Fenwick stated if this is put off then there will be additional streets next year that need to be resurfaced also.

Mr. Jones stated Council cannot keep postponing everything.

There being no further comments or questions, Mr. Jones indicated the committee will recommend the adoption of Resolution No.: 47-2008 this evening.

Mr. Jones, Chairman of the Planning, Zoning, and Insurance Committee, continued discussion with items on the agenda pertinent to his committee.

PLANNING, ZONING AND INSURANCE

Resolution No.: 45-2008 ratifies and confirms an agreement with Wichert Insurance for the purchase of various insurance coverage, including; general, property, and public officials for the Village of Silver Lake.

Mrs. Spohn stated the coverage is 12% lower than last year.

Mr. Hite asked if this includes some kind of crime coverage for people who sign checks.

Mrs. Spohn stated that coverage is in a policy with Thompson Insurance.

Mr. Jones stated the committee will recommend the adoption of Resolution No.: 45-2008 this evening.

Mrs. Steiner called upon Mrs. Fuller, Vice-Chairman of the Personnel and Public Affairs Committee, to lead discussion on Resolution No.: 47-2008.

PERSONNEL AND PUBLIC AFFAIRS

Resolution No.: 47-2008 authorizes the Mayoral appointment of Mr. Harlan Johnson to fill the unexpired term of Mrs. Katrina Honkala on the Park and Recreation Board.

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Mrs. Fuller stated the committee will recommend the adoption of Resolution No.: 47-2008 this evening.

Mrs. Steiner continued with the agenda.

Public Improvements Committee – Mr. Gerald Jones, Chairman

Mr. Jones stated Resolution No.: 49-2008 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.: 49-2008, seconded by Mr. Alexander.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Mr. Jones stated Resolution No.: 47-2008 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.: 47-2008, seconded by Mr. Alexander.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Planning, Zoning, and Insurance Committee- Mr. Gerald Jones, Chairman

Mr. Jones stated Resolution No.: 45-2008 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.: 45-2008, seconded by Mr. Scott.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Finance and Appropriations Committee, Mrs. Karen Fuller, Chairman

Mrs. Fuller stated Resolution No.: 48-2008 was discussed in committee earlier this evening and is ready for adoption.

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

Roll call on adoption: Yes 6 No 0

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Mrs. Fuller stated Resolution No.: 50-2008 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.: 50-2008, seconded by Mr. Scott.

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

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

Mrs. Fuller stated Resolution No.: 46-2008 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.: 46-2008, seconded by Mr. Alexander.

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

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey stated the established rate for gas for the month of May is \$12.98/mcf. Prices are completely out of control, everything is going up. There is nothing to support these high prices for gas, which is why Mr. Burns continues to recommend, and the mayors agree, that we just ride this out and hopefully the prices will drop. The prediction is that they will lower.

Mayor received an email from resident, Mr. Paul Theiss, stating that Silver Lake is being held up as the state model on how to properly care for trees and tree preservation.

Mayor stated there is a chart in the administrative car that is filled out each time it is used. March 2007 through September 2007 there were about 3300 miles driven. November 2007 through May 2008 there were about 4100 miles driven. There is a need for the car and it is less expensive to have it than it would be to pay employees for mileage.

Mr. Robert Heydorn, Solicitor, stated the new agenda seems to be working.

Chief Gary DeMoss stated the current Early Warning Siren System is operated by the City of Stow. The Police Department was not aware that it was going to be activated this past Saturday at noon. Additionally, it was inclement weather and it should not have been tested at all. Mitchell Communications is doing the upgrades to the sirens which should be complete in the next 3-4 weeks. Once completed, he is going to contact Cuyahoga Falls to see if they will assume the responsibility for the testing, since we will be synchronizing with the Falls.

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Chief reported the new car will be delivered tomorrow, Tuesday, May 6, 2008.

Chief attended the Chrysler Youth Awards in Twinsburg about a week ago. It was a very nice evening and Mayor Hovey was there representing the Summit County Mayor's Association.

Chief and Lieutenant Harrison met with the Cuyahoga Falls Fire Department on Friday, April 25, 2008, to discuss the transition to Falls Fire/EMS. He was very impressed. They spoke regarding the markers again and believe they will be helpful and are extremely necessary for a few homes.

The Village will have to decide whether or not to go ahead with the smoke detectors. Cuyahoga Falls has already installed a few in the Village.

The new Fire Chief in Cuyahoga Falls is Mr. Paul Moledor. He has been very involved with the transition to Cuyahoga Falls Fire and EMS.

Richard Fenwick, Service Director, spoke with the City of Stow to see if we would be able to go in with them to get a better price on asphalt. He also spoke with the Service Director in Munroe Falls and will be contacting Cuyahoga Falls. This wouldn't take affect until next year.

Mr. Fenwick stated AAA Pipe Cleaning was not given a change order for more time. A meeting is scheduled for Wednesday, May 7, 2008.

Mr. Heydorn received a letter from the engineer stating that the contractor is in default for not finishing in the described contract time. He wrote a letter to AAA Pipe Cleaning and Evergreen, the bonding company, informing them that the contract is in default. According to the contract, if they have not corrected the default within ten days then one of the remedies available to the Village is having the bonding company finish the job.

Mr. Jones asked how long this process will take before the Village can get moving on it again.

Mr. Heydorn stated after the ten days, after the initial default letter, then we can make the request to prosecute.

Mr. Jones asked how much time they have.

Mr. Heydorn stated if they do not assume the job in ten days then there are various options. The job has not been stopped, they have just declared a default.

Mr. Jones asked Mr. Fenwick about the chuckhole on Vincent Street and the SUV that is parking on the empty lot almost everyday.

Mr. Fenwick has already contacted Cuyahoga Falls regarding the chuckhole and has not received a response.

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Chief stated the Police Department will take care of the SUV.

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

Mrs. Steiner asked if there was any other business to be discussed.

Mr. Jones asked if the time of the organizational meeting can be changed.

Mrs. Spohn stated this is a charter change and it will cost a lot of money to have it put on the ballot; at least a few thousand dollars. She would like to wait until there are other charter amendments that need changed.

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

There being none, Council adjourned at 8:32 p.m. until the next regularly scheduled Council meeting on Monday, May 19, 2008, at 7:00 p.m.

APPROVED:

Carol Steiner, Vice-President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer