

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, April 20, 2009

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, April 20, 2009, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With Vice-President of Council, Mrs. Karen Fuller, presiding, the meeting was called to order at 7:00 p.m.

Mrs. Fuller led the Pledge of Allegiance.

The following members were present and responded to roll call: Mrs. Janie Geis, Mr. Christopher Scott, Mrs. Karen Fuller, Mr. Richard Hite, Mrs. Carol Steiner, and Mr. James Richardson.

Roll call of Council - 6 members present

Mr. Richardson made a motion to excuse Mr. Gerald Jones from this evening's Council meeting, seconded by Mr. Scott, and all of Council agreed.

Mrs. Fuller asked if there were any additions or corrections to the minutes of the April 6, 2009, Council meeting.

There being none, the minutes were approved as sent.

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

ORDINANCE NO.: 36-2009 AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE 2008 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mrs. Fuller assigned Ordinance No.: 36-2009 to the Planning, Zoning and Insurance Committee.

RESOLUTION NO.: 37-2009 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$114,887.69

Mrs. Fuller assigned Resolution No.: 37-2009 to the Finance and Appropriations Committee.

Second Reading:

ORDINANCE NO.: 34-2009 AN ORDINANCE ENACTING FLOOD DAMAGE REGULATIONS AND REPLACING TITLE EIGHT OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY.

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Ordinance No.: 34-2009 was previously assigned to the Planning, Zoning and Insurance Committee.

Third Reading: None

In Committee: None

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

There being none, Mrs. Fuller called upon Mr. Hite, 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. Hite stated Ordinance No.: 36-2009 approves, adopts and enacts the 2009 replacement pages for Silver Lake's Codified Ordinances.

Mrs. Spohn stated once a year, our codifiers, the Walter H. Drane Company, updates all the legislation that was approved in the previous year, including the traffic code. The cost is \$4,100.

Mrs. Fuller stated she quibbles about the cost every year. It is a small amount of paper for a lot of money.

Mrs. Spohn stated the cost includes the attorney's fees to research and update the codified.

Mrs. Steiner said we are not just paying for the pages. We are paying for the attorneys to do the research.

Mr. Heydorn said most of what you see is reenactment of the general offense code and/or traffic code. In the State of Ohio, all state crime legislation has to be uniform. We get a better percentage of the money because our ordinances are the same as the States.

The codifiers update all of the changes that happen in the State code. This is one of the things we are paying for.

Mrs. Fuller said if the codifiers do it on a State level, shouldn't the State government be paying them to handle this.

Mr. Heydorn said if it is left as it is, we wouldn't have the advantage of our local ordinances corresponding with the State ordinance.

It is to our advantage to have our local ordinances mirror the state ordinances so that we can charge under our local ordinances.

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Mrs. Fuller asked Mr. Heydorn why he didn't handle recodifying the ordinances instead of sending them out to be done.

Mr. Heydorn said he would have to be intimately familiar with all the changes in the State law as they occur, when they occur.

Mr. Heydorn stated he doubts you will find a law director in any municipality anywhere in the state of Ohio who does this on their own.

Mr. Hite asked if this ordinance had to be passed this evening.

Mr. Heydorn said you don't want to cite under last year's code. The reason is these laws have to be uniform with what the State has done.

There being no further discussion or questions, Mr. Hite stated the Committee will recommend the adoption of Ordinance No.: 36-2009 this evening.

Mr. Hite stated Ordinance No.: 34-2009 is an ordinance enacting flood damage regulations and replacing Title Eight of the ordinances.

Mr. Scott asked what areas of the Village are affected by this ordinance.

Mr. Heydorn said Chautauqua Drive, which is the Terrance Knolls Subdivision.

Mr. Heydorn stated the Title Eight legislation was presented to us. This ordinance, or whatever we pass, has to be approved by the EPA. The EPA has let it be known that this is the only wording they are going to approve.

Mr. Scott asked if there was anything in the proposed legislation that would prohibit someone whose house was destroyed by fire and not by flood water, to rebuild the house back to the way it was.

Mr. Heydorn said no. If the house is to be rebuilt, it would have to be built under the codes that exist at that time.

There being no further discussion or questions, Mr. Hite stated the Committee will recommend the adoption of Ordinance No.: 34-2009.

Mrs. Fuller called upon Mr. Scott, Chairman of the 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.: 37-2009 is for Payment of Claims in the amount of \$114,887.69

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Mrs. Fuller asked about the payment to the Church in Silver Lake.

Mrs. Lipan stated in December, the Church’s pit meter was read incorrectly, which created a very large bill for them. At that time, Mr. Fenwick went to the Church to check for leaks and none were found. In March when bills were being prepared, the Church was going to have another high bill.

Mr. Fenwick and several of his staff went over to the Church and spent quite a bit of time trying to locate a leak. One could not be found. Mr. Fenwick then went to the pit meter and realized the meter had been read incorrectly. The pit meter has a million dial, which is different from residential meters.

The payment to the Church reflects the reimbursement for overcharging them on their December 2008 water and sewer bill.

There being no further discussion or questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 37-2009.

Mrs. Fuller continued with the agenda.

Planning, Zoning and Insurance Committee—Mr. Richard Hite, Chairman

Mr. Hite stated Ordinance No.: 36-2009 was discussed in Committee earlier this evening and is ready for adoption.

Mr. Hite moved to suspend the rule that legislation be read at three meetings for Ordinance No.: 36-2009, seconded by Mrs. Steiner.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Mr. Hite stated Ordinance No.: 34-2009 was discussed in Committee earlier this evening and is ready for adoption.

Mr. Hite moved to suspend the rule that legislation be read at three meetings for Ordinance No.: 34-2009, seconded by Mrs. Geis.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Finance and Appropriations Committee—Mr. Christopher Scott, Chairman

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Mr. Scott stated Resolution No.: 37-2009 was discussed in Committee earlier this evening and is ready for adoption.

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

Roll call on adoption: Yes 6 No 0

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey stated he has an answer for Mr. Hite's question as to whether or not we need to transcribe the minutes.

Mayor spoke to Mr. Heydorn and there is a law that states we must provide written documentation of all public meetings.

Mayor asked for an Executive Session to discuss property acquisition.

Mayor asked Mrs. Lipan if the equipment in front of her is our new recording device.

Mrs. Lipan said yes it is our new recording device.

Mayor said at the next meeting, he expects a report.

Mrs. Lipan said she could give a report right now. The April 13, 2009, Planning and Zoning meeting was recorded and has been transcribed.

Mrs. Lipan stated, when transcribing, everyone who speaks can be heard clearly. Both the digital recorder and the transcription software are vastly superior to what we were using.

Mrs. Lipan said she appreciates Council passing the legislation to purchase the recorder and transcription software. It really makes our job so much easier.

Mr. Heydorn, Solicitor, had no report.

Chief Gary DeMoss was not in attendance this evening.

Mr. Richard Fenwick, Service Director, was not in attendance this evening.

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

Mrs. Fuller stated the next regularly scheduled Council meeting will be Monday, May 4, 2009, at 7:00 p.m.

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Mrs. Steiner made a motion to adjourn the Council meeting into Executive Session, seconded by Mr. Scott.

Roll call on the Executive Session: Yes 6 No 0

Mrs. Fuller asked if there was any miscellaneous business.

There being no further questions, Council adjourned into Executive Session at 7:32 p.m.

Executive Session adjourned at 7:50 p.m.

The regular Council meeting reconvened at 7:50 p.m.

Mayor Hovey stated he has received notice from Mr. Mark Burns, the Village's Energy Broker from Independent Energy Consultants, about restoring the electrical aggregation program with FirstEnergy Solutions.

The offer from FirstEnergy Solutions is valid until May 1, 2009.

Mrs. Fuller called for a special meeting of Council to be held on Monday, April 27, 2009, at 6:00 p.m.

There being no further business before Council, the regular meeting of Council was adjourned at 8:10 p.m.

APPROVED:

Mrs. Karen Fuller, Vice-President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer