

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, June 1, 2009

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, June 1, 2009, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With President of Council, Mr. Gerald Jones, presiding, the meeting was called to order at 7:00 p.m.

Mr. Jones led the Pledge of Allegiance.

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

Roll call of Council - 6 members present

Mrs. Steiner made a motion to excuse Mrs. Karen Fuller from this evening's Council meeting, seconded by Mr. Scott, and all of Council agreed.

Mr. Jones asked if there were any additions or corrections to the minutes of the May 18, 2009, Council meeting.

There being none, the minutes were approved as sent.

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

RESOLUTION NO.: 50-2009 A RESOLUTION APPROVING THE FORM OF THE "REGIONAL 800MHz RADIO SYSTEM USER AGREEMENT," FOR THE USE AND MAINTENANCE OF A COUNTY-WIDE 800 MHz RADIO SYSTEM, AND AUTHORIZING THE MAYOR TO EXECUTE THE USER AGREEMENT FOR ONE TEN (10) YEAR TERM AND ONE FIVE (5) YEAR RENEWAL FOR THE VILLAGE OF SILVER LAKE'S USE OF SAID RADIO SYSTEM, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 50-2009 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 51-2009 A RESOLUTION AWARDED A CONTRACT TO NORTHSTAR ASPHALT, INC., FOR THE 2009 COLD MILLING AND RESURFACING OF VARIOUS STREETS IN THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 51-2009 to the Public Improvements Committee.

RESOLUTION NO.: 52-2009 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 191,025.56

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Mr. Jones assigned Resolution No.: 52-2009 to the Finance and Appropriations Committee.

Mr. Jones asked if there were any comments or questions from the audience.

Mr. Gary Kinsey, 3148 Highland Drive, stated on behalf of the Garden Club, he would like to thank all Village employees who helped and participated with Community Day. Thanks also to the Council members who attended or contributed to Community Day. It was a great success.

There being no further comments, Mr. Jones called upon Mrs. Janie Geis, Vice-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. Geis stated Resolution No.: 50-2009 approves the form of the “Regional 800MHz Radio System User Agreement.”

Chief DeMoss stated this is an issue that was addressed at the County level with all of the users in the system. There was some language in the contract that they felt needed changed to include the director of the position and his salary. It was already in the contract but it did not identify him specifically or the position. It doesn’t change the terms or any of the contract’s function or operation.

Mayor stated there is no additional cost to the Village.

Mrs. Spohn stated with this contract, all the contracts will expire on the same date.

Chief stated the Village’s cost to use the radios is \$12 per month per radio.

There being no further discussion or questions, Mrs. Geis stated the Committee will recommend the adoption of Resolution No.: 50-2009 this evening.

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

PUBLIC IMPROVEMENTS COMMITTEE

Mrs. Steiner stated Resolution No.: 51-2009 awards the 2009 Cold Milling and Resurfacing Project to Northstar Asphalt, Inc.

Mr. Fenwick stated Northstar Asphalt has not done any work for the Village in the past. They have been in business a long time. They have done a lot of work in Canton and Massillon. He recommends that Council accept their bid.

Mr. Jones asked the amount of Northstar’s bid.

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Mr. Fenwick stated their bid was \$129,990.

There being no further discussion or questions, Mrs. Steiner stated the Committee will recommend the adoption of Resolution No.: 51-2009 this evening.

Mr. Jones called upon Mr. Christopher 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.: 52-2009 authorizes the Payment of Claims in the amount of \$191,025.56.

There being no questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 52-2009 this evening.

Mr. Jones continued with the agenda.

Personnel and Public Affairs Committee - Mrs. Janie Geis, Vice-Chairman

Mrs. Geis stated Resolution No.: 50-2009 was discussed in Committee earlier this evening and is ready for adoption.

Mrs. Geis moved to suspend the rule that legislation be read at three meetings for Resolution No.: 50-2009, seconded by Mr. Scott.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Public Improvements Committee - Mrs. Carol Steiner, Chairman

Mrs. Steiner stated Resolution No.: 51-2009 was discussed in Committee earlier this evening and is ready for adoption.

Mrs. Steiner moved to suspend the rule that legislation be read at three meetings for Resolution No.: 51-2009, seconded by Mr. Richardson.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Finance and Appropriations Committee – Mr. Christopher Scott, Chairman

Mr. Scott stated Resolution No.:52-2009 was discussed in Committee earlier this evening and is ready for adoption.

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

Roll call on adoption: Yes 6 No 0

Mr. Scott made a motion to accept the Statement of Cash Position, seconded by Mrs. Steiner, all of Council approved.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey thanked anyone from Council who was able to attend Community Day or contribute in some way. Mayor congratulated Mr. Gary Kinsey and all of the people who worked to make Community Day a success.

Mayor spoke with a resident who asked if the Village was ever going to install any air quality control standards. There have been two residents who have complained about other people who have been having open fires in their back yard. Mayor told them that he didn't think this was something that the Village would want to venture into and control, unless it becomes a serious problem. The resident asked Mayor to mention this to Council.

Mrs. Steiner stated she believes there is legislation but it seems to be unclear. This may be the problem.

Mr. Heydorn stated yes there is legislation.

Mayor asked if there was legislation preventing smoke from wandering inside someone else's window.

Mr. Heydorn replied there are regulations regarding bonfires.

Mayor asked Mrs. Lipan to gather the Ordinances that pertain to bonfires and he will assign it to a Committee.

Mrs. Steiner stated it may seem like a small problem but when someone has a health issue, whose rights super cede.

Mr. Heydorn stated in addition, a lot of the bonfire regulations were predicated not so much on air pollution as they were predicated on fire hazard. When people build bonfires under trees, logic would tell you that maybe the tree would catch on fire. Traditionally in cities and villages, as opposed to townships, there is generally a ban on open burning. You can't burn your leaves anymore. One of the things that has been done in the commercial world is you now can buy an outdoor fireplace that sits above the ground. With that item you can have a controlled fire.

Mrs. Geis asked if this is what the resident is complaining about.

Mayor replied he believes they are both of that nature. He asked Mrs. Lipan to gather the Ordinances and he and Mr. Heydorn will review them.

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Mayor stated he received a letter from the Administrator at the Ohio Department of Natural Resources regarding the Ordinances that were passed dealing with flood damage. The Ordinances are compliant and are being forwarded to the FEMA Region Five offices to complete the update process.

Mayor received a letter from the City of Stow Police Department. It thanked the Police Department and specifically Sergeant Mark Kennemuth for his help in a robbery at BP Oil station on May 1, 2009.

Mayor stated Dominion was awarded their increases from the PUCO for the different charges they want to replace equipment, pipes, etc. (Attached to original minutes)

Mayor gave each Council member an update he received on what the Senate and House are doing in Columbus as far as the State budget. Nothing is finalized. Local Government Funds at this point are not going to change, but they could.

Mayor stated at the last Council meeting he mentioned to Council members a letter that he received from the Summit County Mayor's Association asking for contributions. He would like some discussion on this tonight. His feeling on this is the Village is not going to be directly benefited because we don't have business here and we aren't going to. However; there are many businessmen in the community where there could be some direct benefit to them and their employees. Also, in the interest of regionalism, he would like to see the Village contribute something, maybe a few hundred dollars.

Mayor stated there is a Summit County Mayor's Association function on Monday, June 15, 2009, so he will not be attending the Council meeting.

Mr. Jones asked what the Mayor's recommendation is as far as contributing money to the Summit County Mayor's Association.

Mayor stated about \$200. It would not look good if the Village did not contribute anything, because we are part of the region so he thinks we should show some support. The Village is not in financial shape to contribute \$1000. A few hundred dollars shows that we are interested and supportive.

Mr. Scott stated he agrees with the Mayor's decision. Mr. Hite agreed also.

Mayor stated it can be taken out of his budget.

Mr. Robert Heydorn, Solicitor, had no report.

Chief Gary DeMoss stated Community Day was a good event. It gave the Police Department an opportunity to speak with several residents.

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Chief stated the part-time staff has pager communication devices and cell phones. It has been discussed and they are looking at any way they can trim the budget. They have come to the conclusion that pagers are largely ineffective. They are discontinuing the use of them. This will save about \$300 per year.

Chief stated they are also looking at saving money on cell phones. There have been some improvements in the contracts. He will keep Council posted.

Today was Officer Amy Brauning's first day as a full-time officer.

Chief stated the Police Association is holding Bike Camp on June 25 & June 26. Everyone is welcome to attend. The ride on Friday is mostly level terrain.

Mr. Richard Fenwick, Service Director, gave Council pictures of a manhole and a headwall to review for discussion later.

The southern end of Main Island was revamped a few weeks ago.

The Island on Hastings Road and Parkwood Drive was revamped by Mrs. Nancy Henry and her siblings. This was done in honor of their parents' 60th Wedding Anniversary. It looks very nice.

Mrs. Steiner thanked the Service Department for the nice job they did on the main entrance.

Mr. Fenwick stated in 2001 the Gillette residence, 3129 Dover, was badly flooded. The storm water was up to the table in their basement.

The Village undertook an improvement to the storm water system and upgraded the pipe, installed a manhole, installed a headwall, and landscaping. The purpose was to try to reduce the risk of flooding with this project. The residents were informed that they would need to keep the debris away from the headwall. The headwall goes into a drainage creek that runs behind the houses on Graham Road and Highland Drive. There is a storm water pipe that comes from Stow that dumps their storm water in this drainage creek.

All of the debris in the picture is from the woods. The heavy rain washed the debris down into the creek and then the water took it down and clogged the manhole and then the pipe. It caused the water to go straight up and into the Gillette home. This is very similar to the incident in 2001.

The Gillette's were informed that they would have to keep the pipe clear. They said they were too old and it is not their debris, it is the neighbors'.

They also have a door that Mr. Fenwick recommended they remove and block. They did not and this is where the water penetrated.

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The Village never promised the Gillette's that this would not happen again. The Gillette's were informed they needed to keep the front of the culvert clean or this could possibly happen.

Mrs. Steiner asked if the debris was not there would the system have handled the water.

Mr. Fenwick replied yes. It has handled everything thus far. The project was engineered and cost \$70,000 to complete.

Mrs. Geis asked if the manhole is on the Gillette property.

Mr. Fenwick replied yes. They gave the Village an easement.

Mrs. Geis asked when this happened.

Mr. Fenwick replied on Wednesday, May 27, 2009.

Mr. Jones asked the moral of the story.

Mr. Fenwick responded he is informing Council because he believes they may come before Council with this issue at some point. They wanted the Village to clean up the basement.

Mrs. Geis asked if it was cleaned up.

Mr. Fenwick stated the Service Department took the debris out of the manhole. They took the debris from in front of the headwall and set it on top of the headwall and asked the Gillette's to dispose of it. The Gillette's called Mr. Fenwick and asked him to clean up their yard. He informed them that if they took it to the curb he would pick it up for them.

Mr. Richardson asked how the easement was written up and if this is something the Village would be responsible for maintaining.

Mr. Fenwick replied yes, the Village does maintain it. The manhole is checked for debris every now and then, especially if they are aware that a big storm is coming. Unfortunately, they were not aware how big the storm was that came through, but they do check the manhole. The debris in front is the responsibility of the owner.

Mr. Richardson asked if all the yard drains are tied into this pipe.

Mr. Fenwick responded yes.

Mr. Jones asked how often the manhole is cleaned.

Mr. Fenwick stated it was inspected in the end of February and it was clear.

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Once the manhole was cleaned out the next day his workers climbed all the way through the pipe and it was clean.

Mr. Richardson stated he doesn't think the Gillette's understand what Mr. Fenwick meant by closing up the basement door. He thinks that it is a good idea for them to close it up.

Mrs. Geis asked how fast they got their basement cleaned up.

Mr. Fenwick replied they had Stanley Steamer at their home the next day.

Mr. Richardson stated he was there Friday and everything was cleaned up.

Mr. Fenwick stated there was no sanitary sewer backup due to the heavy rain.

Mr. Fenwick stated he would like to discuss the trucks. This issue is not going to go away. He was asked to look into financing, the information was given to Mrs. Spohn. He did receive a new quote from International. In the next five years the other truck will be 13 years old and the tractor will be over 20 years old. This is three pieces of equipment that will need replaced and the cost will be close to half a million dollars.

Mr. Scott asked which truck is being replaced.

Mr. Fenwick stated the 1997 Peterbilt. The plow is worn and it needs an exhaust too.

Mr. Jones asked if the other truck was sold at the auction yet.

Mr. Fenwick replied no. The body was just put on and they are waiting for the safety lights to be installed. The gardeners are still using that to plant and water.

The Village needs the trucks. We have to have two big dump trucks. They are used to pull the leaf pickers in the fall and spring. Both trucks plow and salt.

Mr. Jones asked who came back with financing.

Mr. Fenwick responded Navistar Financial. They came back with an interest rate of 5.84% for 5 years.

Mrs. Spohn stated the other quotes are no longer valid because they were done at the beginning of the year.

Mr. Fenwick stated Akron is buying ten trucks like this but they are using a local bank.

Mr. Jones asked which bank Akron is using.

Mr. Fenwick was not sure.

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Mr. Jones asked if there is a chance that we could cooperate with them.

Mr. Fenwick replied we got a one-ton through them once.

Mr. Jones asked what the cost would be.

Mr. Fenwick replied around \$140,000 but he believes it will be less.

Mr. Jones asked if the truck was in the stimulus money that was requested.

Mr. Fenwick replied yes.

Mrs. Steiner asked if this was in the capital budget.

Mr. Fenwick replied it was in the 2008 budget.

Mrs. Spohn stated it can be financed but a revenue stream is still needed to pay for it. With income tax being down revenue has to be generated.

Mr. Fenwick stated he understands this, but there is also an obligation to the tax payers to keep services. The trucks are needed to keep the water and sewer system running.

Mrs. Geis asked if the Village can look into borrowing money.

Mrs. Spohn responded we can borrow through Capital Asset Financing, same as for the water line project on Graham Road, but we have to have a revenue stream to pay for it.

Mr. Richardson asked if we could buy a 2 -3 year old truck.

Mr. Fenwick replied those are hard to find.

Mr. Jones asked if Akron is buying ten.

Mr. Fenwick replied yes. He stated he could call Mr. Paul Barnett and find out who they are financing through.

Mrs. Steiner asked if the income tax was where it should be, would we still not be able to purchase the truck.

Mrs. Spohn responded we are using income tax to pay for operations. We have not set any money aside except for water capital. The only other thing we could do is take the inheritance tax. We budgeted for \$20,000 and we have already collected \$98,000. There is another \$50,000 expected in October.

Mrs. Geis suggested putting money down.

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Mrs. Spohn stated the next payment wouldn't be due until next year.

Mr. Jones asked if this purchase would be through the state program.

Mr. Fenwick replied yes.

Mr. Jones asked Mr. Fenwick to check with Akron to see who they are financing their trucks through.

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

Mr. Jones asked Mrs. Spohn for the preliminary cost associated with the draft ordinance regarding changing the time of the first Council meeting of the year.

Mrs. Spohn replied \$1300-\$1400. This is the cost of the mailing. This does not include any time the office would spend on it.

Mr. Jones asked if it could be done on a post card.

Mrs. Spohn replied no. There is not enough space on a postcard.

Mr. Jones asked if there was any extra cost as far as the Board of Elections.

Mrs. Spohn responded it is minimal. They could not put a price on it because it is an election year for Village Council districts and the Park Board.

There being no further business, Council adjourned at 7:59 p.m. until the next regularly scheduled Council meeting on Monday, June 15, 2009.

APPROVED:

Mr. Gerald Jones, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer