

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, July 6, 2009 7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, July 6, 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: Mr. Christopher Scott, Mrs. Karen Fuller, Mr. Gerald Jones, and Mrs. Carol Steiner,

Mr. Jones stated Mr. Richardson would be arriving a few minutes late.

Roll call of Council - 5 members present

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

Mr. Jones asked if there were any additions or corrections to the minutes of the June 15, 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.

ORDINANCE NO.: 56-2009 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO AN AGREEMENT WITH THE OHIO MUNICIPAL LEAGUE FOR THE VILLAGE OF SILVER LAKE'S PARTICIPATION IN THE OHIO MUNICIPAL LEAGUE 2010 WORKERS' COMPENSATION VILLAGE GROUP RATING PLAN, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Ordinance No.: 56-2009 to the Finance & Appropriations Committee.

RESOLUTION NO.: 57-2009 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, 2009, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 57-2009 to the Finance & Appropriations Committee.

RESOLUTION NO.: 58-2008 A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE A NEW 5-TON 2009 INTERNATIONAL DUMP TRUCK CAB AND

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, July 6, 2009 7:00 p.m.

CHASSIS WITH PLOW PACKAGE IN ACCORDANCE WITH THE STATE PURCHASING PROGRAM STATE TERM SCHEDULE #77551500906 AT A COST NOT TO EXCEED ONE HUNDRED THIRTY ONE THOUSAND DOLLARS AND NO CENTS (\$131,000), AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 58-2009 to the Finance & Appropriations Committee.

RESOLUTION NO.: 59-2009 A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE AND SELL AT PUBLIC AUCTION A 1996 ODB 25-YARD LEAF MACHINE, A 1994 GMC 3500HD WITH 9' FLATBED AND A 1997 PETERBILT 5-TON DUMP TRUCK WITH 10' SNOWPLOW AND TAILGATE SPREADER, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 58-2009 to the Finance & Appropriations Committee.

RESOLUTION NO.: 60-2009 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 129,690.94

Mr. Jones assigned Resolution No.: 60-2009 to the Finance & Appropriations Committee.

ORDINANCE NO.: 61-2009 AN ORDINANCE AMENDING CHAPTER 1511 AND CHAPTER 1917 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, PROVIDING REVISED REGULATIONS FOR OPEN BURNING AND RELATED FIRE SAFETY, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Ordinance No.: 61-2009 to the Planning, Zoning and Insurance Committee.

Mr. Jones stated Mr. and Mrs. Hank and Irene Gillette, 3129 Dover Road, were in attendance to discuss a moral claim.

Mr. Gillette stated he and his wife are presenting a moral claim to Council due to the damage they have incurred on their property during the May 27, 2009, rainstorm.

Mr. Gillette presented to Council a letter and an itemized list of the damage. (Copies are attached to the original minutes.)

Mr. Jones thanked Mr. Gillette and indicated Council would review the matter and get back to him on their decision.

Mr. Heydorn stated should Council decide to honor the moral claim, there needs to be legislation passed by Council.

Mr. Heydorn also stated Council has no legal obligation to pass the moral claim.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, July 6, 2009 7:00 p.m.

Mr. Jones stated the amount of the moral claim is \$9,032.

(Mr. Richardson arrived at 7:10 p.m.)

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

There being none, Mr. Jones called upon Mrs. Carol Steiner, Vice-Chairman of the Planning, Zoning and Insurance Committee, to lead discussion on items on the agenda pertinent to her committee.

PLANNING, ZONING AND INSURANCE COMMITTEE

Mrs. Steiner stated Ordinance No.: 61-2009, which revises regulations for open burning and related fire safety, will be reviewed further and will be treated as a first reading 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 Ordinance No.: 56-2009 authorizes the Mayor to make and enter into an agreement with the Ohio Municipal League through the firm GatesMcDonald for the Village of Silver Lake's Participation in the Ohio Municipal League 2010 Workers' Compensation Village group rating plan.

Mr. Scott asked if the Village is in this plan now.

Mrs. Spohn said yes.

Mrs. Spohn stated she received notification that The Ohio Bureau of Workers' Compensation is totally revamping their program, which may lead us to a different kind of participation. GatesMcDonald indicated they may have to extend the deadline and will get back to us on further information.

Mrs. Spohn recommended Ordinance No.: 56-2009 be treated as a first reading until we hear back from Worker's Comp.

Mr. Scott asked if this is annual enrollment fee covers the actual employee's coverage.

Mrs. Spohn said the enrollment fee is paid every year and goes up every year, but is not the actual employee's coverage.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, July 6, 2009 7:00 p.m.

Mr. Scott stated Ordinance No.: 56-2009 will be treated as a first reading this evening.

Mr. Scott stated Resolution No.: 57-2009 makes additional appropriations for current expenses and other expenditures of the Village of Silver Lake during the fiscal year ending December 31, 2009, which allows for the purchase of the new 5-ton dump truck.

Mr. Jones asked Mrs. Spohn to review the funds that the money will be taken from for this purchase.

Mrs. Spohn said \$50,000 will be taken from the General Fund, \$26,000 from the General Capital Fund, \$20,000 from the Sewer Capital Fund, and \$35,000 from the Storm Water Fund, for a total of \$131,000.

Mr. Scott asked if some of the money would come from the Inheritance Fund.

Mrs. Spohn stated that is the \$50,000 from the General Fund.

Mr. Scott asked once the Village sells the old dump truck, will this money go back into the General Fund.

Mrs. Spohn stated the money we receive from the sale of the old dump trunk will go into the General Fund because money can be transferred from the General Fund to any other fund if needed.

Mr. Jones asked Mr. Fenwick does the \$131,000 include everything.

Mr. Fenwick said the only thing he would purchase is a different decal because the truck is white. The truck comes fully equipped and includes a seven year warranty.

There being no further discussion or questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 57-2009 this evening.

Mr. Scott stated Resolution No.: 58-2009 authorizes the Mayor to purchase a new 5-ton 2009 International dump truck cab and chassis with plow package at a cost not to exceed \$131,000.

Mrs. Steiner asked how old is the dump truck we will be selling?

Mr. Fenwick said it is a 1997.

Mrs. Steiner asked if the intent is to keep the new dump truck at least seven to ten years.

Mr. Fenwick said at least. We always keep equipment longer than the warranty.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, July 6, 2009 7:00 p.m.

Mr. Jones asked what we hoped to get from the sale of the old dump truck.

Mr. Fenwick said between \$20,000 and \$25,000.

Mr. Fenwick said we will also be selling the leaf picker and the flat bed truck.

Mrs. Fuller asked what we hope to get from the sale of those items.

Mr. Fenwick said around \$7,000 for the flat bed truck and \$8,000 for the leaf picker.

There being no further discussion or questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 58-2009 this evening.

Mr. Scott stated Resolution No.: 59-2009 authorizes the Service Director to advertise and sell at public auction a 1996 ODB 25-yard leaf machine, a 1994 GMC 3500HD with 9 foot flatbed and a 1997 5-ton dump truck with 10 foot snowplow and tailgate spreader.

There being no further discussion or questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 59-2009 this evening.

Mr. Scott stated Resolution No.: 60-2009 is for the Payment of Claims in the amount of \$129,690.94.

Mr. Scott asked about the maintenance agreement with Action Door. How often does Action Door provide maintenance?

Mr. Fenwick said once a year.

There being no further discussion or questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 59-2009 this evening.

Mr. Jones continued with the agenda.

Finance and Appropriations Committee – Mr. Christopher Scott, Chairman

Mr. Scott stated Resolution No.:57-2009 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.: 57-2009, seconded by Mrs. Steiner.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, July 6, 2009 7:00 p.m.

Mr. Scott stated Resolution No.:58-2009 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.: 58-2009, seconded by Mrs. Fuller.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Mr. Scott stated Resolution No.:59-2009 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.: 59-2009, seconded by Mrs. Steiner.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Mr. Scott stated Resolution No.:60-2009 was discussed in Committee earlier this evening and is ready for adoption.

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

Roll call on adoption: Yes 6 No 0

Mr. Scott asked for a motion to accept the Statement of Cash Position, seconded by Mrs. Fuller.

All members of Council signified their approval by saying aye.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey stated the Silver Lake Festival will be held Saturday, July 18. Anyone who wants to volunteer to help at the Festival selling food in the food booths, Mrs. Hovey would greatly appreciate your help.

The Ice Cream Social and Night at the Movie will be held on Thursday, August 6, from 7:30 p.m. until 9:00 p.m. at the picnic shelter. The movie will start at 9:00 p.m. The movie is yet to be determined.

Community Days at the Akron Zoo will be on September 13 and September 14. Tickets are available at Village Hall.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, July 6, 2009 7:00 p.m.

Mayor stated he has received three positive comments on Patrol Officer Amy Brauning since she became a full-time officer on June 1, 2009. Residents are pleased with her demeanor.

Mr. Robert Heydorn, Solicitor, had no report.

Chief DeMoss was not in attendance.

Mr. Richard Fenwick, Service Director, the Service Department is finished patching holes from damage done over the winter. Since then, new holes have been created. Patching will continue.

The Service Department is replacing old catch basins.

Water lines have been marked on Orchard Road and Kingston Circle in preparation of the sewer project. United Survey had to be called to camera 700 feet of sewer line at the end of Kingston Circle that runs through the woods on the side of the hill, because if we have to replace this, it will add quite a bit to the project. We are trying to determine if we can line this sewer first.

There is a really bad sewer smell around the Kingston Circle/Orchard Drive area and we hope to correct that with this much needed project.

There is a manhole on Lee Road that has developed a 13-foot sink hole. A contractor would have to be hired to repair the sink hole because the Service Department cannot go this deep.

Mrs. Steiner asked if Mr. Fenwick could do anything about the chipmunk explosion.

Mr. Fenwick said there is a product that can be spread which is supposed to irritate them; however, it irritates birds and other creatures.

Mr. Scott recommended calling the Village's Animal Control Officer, Cathy Schultz.

Mrs. Geis said she walks the Markle Drive and West Edgerton area every day and there is a very strong sewer smell in this area.

Mr. Fenwick said he will investigate.

Mrs. Spohn, Clerk-Treasurer, stated there is two staff meetings scheduled for the month of July. We are putting together the 2010 budget. The budget should be ready for Council's review at the next Council meeting.

Mr. Jones stated he will not be in attendance at the Monday, August 3, 2009, Council meeting.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, July 6, 2009 7:00 p.m.

Mr. Jones stated the Gillette's have submitted pictures of the damage due to the flooding for Council to look at. The pictures will be available at the office.

Mrs. Steiner asked we made an attempt to solve the Gillette's problem that didn't work.

Mr. Heydorn said this goes back to when the Village first tried to establish a drainage district there in the early 1990's. The Village was stymied at every point by residents who did not want to give us easements, but rather wanted money for the easements. We gave up the project.

There was a point in time when we wanted to do work in the culvert. The Gillette's problem was well known by now. All the water comes from the City of Stow.

Mr. Heydorn said the easement says we will do this work for you, we'll put the improvements in, but we have the right to clean it, we have no duty to clean it. There is a specific provision in the easement that says the Village will not be liable for anything related to the care and maintenance of the system that the Village put in.

The entire improvement was done to benefit the Gillette property. Therefore we would assume no liability for the maintenance of the system.

There is also a release of liability clause built into this easement.

Mrs. Steiner asked if we can do anything about the City of Stow's water entering this system.

Mr. Heydorn said no. The Gillette's property is so situated that there is nothing that we construct, and no amount of maintenance that we do, that will guarantee the Gillette's safety. It is impossible given the situation. It cannot be done.

The Village did not want to assume any liability because we knew this would happen.

The Village has no easement beyond the Gillette's headwall.

Mr. Heydorn said what Council has to remember is a moral claim cannot be used as a gift. It is to be used for good reasons of public policy. The Village has no legal liability but are there public policy reasons to compensate the Gillette's for their damages. It is not a gift. It is something that is good for the public and would be something that Council may want to repeat if someone else finds themselves in this situation.

Mrs. Fuller asked for a Committee meeting to discuss the Gillette's moral claim on Monday, July 20, 2009, at 6:15 p.m.

There being no further business, Council adjourned at 8:12 p.m. until the next regularly scheduled Council meeting on Monday, July 20, 2009.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, July 6, 2009 7:00 p.m.

APPROVED:

Mr. Gerald Jones, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer

s:council/2009 minutes/7-06-09 Council minutes.doc
prepared by: Suzanne Lipan

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, July 6, 2009 7:00 p.m.