

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, July 20, 2009

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, July 20, 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, Mrs. Karen Fuller, Mr. Gerald Jones, Mr. Richard Hite, Mrs. Carol Steiner and Mr. Jim Richardson

Roll call of Council - 7 members present

Mr. Jones asked if there were any additions or corrections to the minutes of the July 6, 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.: 62-2009 A RESOLUTION AMENDING RESOLUTION NO.: 58-2009 HEREBY REVISING THE VENDOR NAME FROM WHICH THE VILLAGE WILL PURCHASE A NEW 5-TON 2009 INTERNATIONAL DUMP TRUCK CAB AND CHASSIS WITH PLOW PACKAGE FROM "HENDERSON TRUCK EQUIPMENT-OHIO" TO "MIAMI VALLEY INTERNATIONAL TRUCKS", AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 62-2009 to the Finance and Appropriations Committee.

RESOLUTION NO.: 63-2009 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 77,167.67

Mr. Jones assigned Resolution No.: 63-2009 to the Finance and Appropriations Committee.

RESOLUTION NO.: 64-2009 A RESOLUTION PLEDGING COOPERATION AND AUTHORIZING THE MAYOR TO APPLY TO THE OHIO PUBLIC WORKS COMMISSION FOR NATURAL RESOURCES ASSISTANCE COUNCIL CLEAN OHIO CONSERVATION PROGRAM FUNDS AND FURTHER AUTHORIZING THE MAYOR TO ENTER INTO ANY AGREEMENTS AS MAY BE NECESSARY AND APPROPRIATE FOR OBTAINING THIS FINANCIAL ASSISTANCE, AND DECLARING AN EMERGENCY.

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Mr. Jones assigned Resolution No.: 64-2009 to the Public Improvements Committee.

Mr. Jones asked for the reading of any pending legislation that is up for a second 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.

Ordinance No.: 56-2009 was previously assigned to the Finance and Appropriations Committee.

ORDINANCE NO.: 61-2009 AN ORDINANCE AMENDING CHAPTER 1511 AND CHAPTER 1517 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.

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

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

Mr. Jones stated Mr. Gillette, 3129 Dover Road, was in attendance this evening and asked him if he had anything to address to Council.

Mr. Gillette stated he did not.

There being no further comments, 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 asked Mr. Fenwick to explain Resolution No.: 62-2009.

Mr. Fenwick stated there was a miscommunication between the Service Department and the Clerk-Treasurer regarding which company the Village was purchasing the dump truck from. Henderson Truck Equipment-Ohio did the bid package and the truck is being purchased from Miami Valley International Trucks.

There being no further discussion or questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 62-2009.

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Mr. Scott stated Resolution No.: 63-2009 is for the Payment of Claims in the amount of \$77,167.67.

Mr. Scott asked about the payment to Fifth Third Bank for room accommodations.

Mrs. Spohn stated it is for a one night room deposit for the Clerk-Treasurer's Conference in October.

Mr. Scott asked about the payment to Fifth Third Bank for the Silver Lake Festival-Stormwater items.

Mr. Fenwick stated the Village is required by the Ohio EPA to educate Village residents about Stormwater Pollution Prevention.

This payment was to Fifth Third Bank for the purchase of items to give to Village residents when they come to the Stormwater Education booth at the Festival.

There being no further discussion or questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 63-2009.

Mr. Scott stated Ordinance No.: 56-2009 is a second reading this evening.

Mrs. Spohn stated she needs this legislation adopted tonight. She spoke with Gates McDonald and they said to go ahead and send in the application fee, which is what the legislation pays for. Things have changed this year and we don't know exactly what the projected savings will be. The payment is due this Friday.

Mr. Scott stated this is for the Village to participate in the Ohio Municipal League's 2010 Workers' Compensation Group Rating Plan. The Village has participated in this for several years.

There being no further discussion or questions, Mr. Scott stated the Committee will recommend the adoption of Ordinance No.: 56-2009.

Mr. Scott stated a meeting will be scheduled to discuss the 2010 Budget.

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 asked Mr. Fenwick to explain Resolution No.: 64-2009.

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Mr. Fenwick stated last year during the budget process, he was approached by URS Corporation wanting to know if the Village had any projects that qualified for an 80/20 grant, which means the Village only pays 20 percent.

Mr. Fenwick showed them the Picnic Shelter area, where approximately 300 feet of the bank has eroded over the years and needs to be addressed.

Council okayed URS Corporation to start the process to see if the Village can get a grant.

URS Corporation called and the application is due August 4th. An employee with the Village has to be authorized to sign any agreements or documents.

Mr. Jones asked who decided to put in the fishing dock.

It has been in the long range plan for many years and will help in getting the Village points for the grant.

There is also talk about reclaiming some of the Wetland area by the Picnic Shelter that was filled in many years ago.

Mrs. Steiner asked if this would affect the Picnic Shelter.

Mr. Fenwick stated it would be to the side.

Mrs. Steiner asked if this will be in the plans if the legislation is adopted this evening.

Mr. Fenwick stated no, the plan has not been put in. The Village can pull out certain things or even the whole process if they wish.

There being no further discussion or questions, Mrs. Steiner stated the Committee will recommend the adoption of Resolution No.: 64-2009.

Mr. Jones called upon Mr. Richard 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.: 61-2009 amends Chapter 1511 and 1517 of the Codified Ordinances, which are regulations for Open Burning.

Mr. Heydorn stated there were a couple of questions that were important to Council. The Village Open Burning Regulations conflicted in areas. We decided to propose legislation that followed

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the guidelines issued by the Cuyahoga Falls Fire Department for Open Burning and Bonfires and Recreational Fires.

The one thing that is governing this whole process in the Ohio Fire Code is something that can't be varied and is uniform throughout the State. You can make it more restrictive, but you can't liberalize it.

The Cuyahoga Falls Fire Marshall believes that he has the ability to overall make a decision upon what is hazardous and what isn't. When there are places that have ambiguity in the Fire Code, he has the authority to fill in those holes and it is his interpretation of the regulations that becomes what the law does say. It gives him a great deal of authority.

We were particularly concerned with the Falls Fire Regulation Guidelines because they were also just called "Guidelines".

The way they treat them are prima fascia violations, like a speed limit. That if you're not doing what they say you're doing, and if you're doing what the code says you're not supposed to do, then the rule is that you can still argue to avoid prosecution.

Mr. Heydorn checked sections of the fire code that were the basis of the Cuyahoga Falls Guidelines and the Ohio Fire Code does follow their Guidelines.

Our biggest question was regarding putting a recreation fire within 25 feet of a structure, but if it's in an approved container then it can be within 15 feet of a structure. The problem would be if it's on a wooden deck even if it is in an approved device for burning wood.

Mr. Scott stated they make fire proof surfaces that you can place under a wood burning stove. Would this be okay for someone to place on their deck?

Mr. Heydorn stated it wouldn't be okay if you read the requirements literally. This is a situation where if you were cited, you could argue that it was still reasonable for the conditions.

Mayor stated that Cuyahoga Falls also said they would not be driving around policing the Village to see if people are having fires. They only go out to a residence after they receive a complaint.

Mr. Scott stated that whether we pass the legislation or not, there's still state law regarding violations and charges.

Mr. Hite stated that if this is all driven by the smoke, will the fire have to be put out if someone complains that smoke is wafting into their home?

Mr. Heydorn replied yes. If the odor is going into someone's house, it has to be put out.

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Mrs. Steiner stated she spoke to the resident who initially complained about the smoke issue. They have called the Fire Department out three or four times and each time they didn't do anything about it.

Mr. Heydorn stated it is at the Fire Department's discretion. It's not just the smoke and odor problem, the Village has been trying to review the fire code because what is currently on the books is totally ineffective because it's based upon a bunch of inconsistencies.

Currently if a resident has a fire that is 50 feet by 50 feet, as long as there is a hotdog there then the fire is deemed okay.

Mr. Jones asked if there has ever been a real incident with a big fire.

Chief DeMoss stated there have been some that had to be extinguished because they were burning too close to a structure.

Mr. Hite asked if there were any more questions or comments. There being none, he stated Ordinance No.: 61-2009 will be treated as a second reading.

Mr. Heydorn stated he will include in the legislation a description of a barbeque pit and clarify that a five foot by five foot fire pertains to the source of the fuel not the flame, before it is adopted.

Mr. Jones continued with the agenda.

Finance and Appropriations Committee - Mr. Christopher Scott, Chairman

Mr. Scott stated Resolution No.: 62-2009 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.: 62-2009, seconded by Mrs. Geis.

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.: 63-2009, Payment of Claims, 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 7 No 0

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Mr. Scott stated Ordinance No.: 56-2009 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 Ordinance No.: 56-2009, seconded by Mr. Richardson.

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

Public Improvements Committee - Mrs. Carol Steiner, Chairman

Mrs. Steiner stated Resolution No.: 64-2009 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.: 64-2009, seconded by Mrs. Fuller.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

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

Mr. Hite stated Ordinance No.: 61-2009 will be treated as a second reading.

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

Mrs. Fuller stated the Committee met this evening to discuss the moral claim from Mr. and Mrs. Gillette, 3129 Dover Road, concerning the stormwater that has affected their property.

The Committee has decided, after much discussion, that the Village will not be reimbursing the Gillette's for damage to their personal affects.

Council feels that the Village has acted in good faith by taking the necessary precautions to try to alleviate the problem in the past. A cow catcher has been installed to try to alleviate the debris problems, the manhole has been cleaned and the Service Department cleans and checks the catch basin when there will be a storm.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey reported he received a call from Mayor Fritschel from the City of Stow last week. A meeting has been called of elected Mayor's in the Stow Municipal Court jurisdiction over concerns about the cost overruns in the court. They are not looking to get any more money from the Village. Mayor will report the outcome after the meeting has been held.

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Mayor commented that the Silver Lake Festival turned out to be a great day. Mrs. Hovey thanks everyone who helped at the food court.

Mayor congratulated Mr. Richardson for participating in the Triathlon.

Mr. Robert Heydorn, Solicitor, had no report.

Mr. Richard Fenwick, Service Director, reported the resurfacing project will begin Wednesday, July 22, 2009.

There are a lot of barrels on Silver Lake Boulevard where a storm sewer pipe collapsed that needs repaired and a sinkhole developed when it got hot. These will be repaired in the next couple of weeks.

The Service Department is currently painting fire hydrants.

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

Chief DeMoss reported Reserve Officer Drake Oldham has been promoted to the part-time Police Officer position that was vacated.

Several weeks ago after he left work, Officer Dave Childers was driving home. There was a serious accident on Route 8 South. The jeep was overturned and the driver was a multiple OVI offender. Officer Childers got the driver out of the vehicle, but he fled over the guard rail. Officer Childers pursued him, tackled and arrested him.

Chief DeMoss thinks it's great and gives credit to Officer Childers because he did not have to take action.

Mr. Hite asked if more police officers could get involved during the Triathlon next year because the barricades on Kent Road don't seem to be enough to keep the cars out of the race lane.

Chief replied the Reserve Officers are already out in full force that day and continually try to enforce not driving in that lane. Next year, they will make sure they patrol the finish line.

Mr. Jones asked if anything was being done about the Graham and Dover Road traffic light.

Chief stated not at this time. Cuyahoga Falls willingly looked at the light and said it is synchronized with the Graham Road corridor. It's not something that can just be changed.

Mr. Jones suggested a left turn signal when the light changes to green to let a few cars through.

Chief stated it has been discussed in the past, but he will suggest it again.

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Mr. Scott asked how the Smoke Detector Program was doing.

Mrs. Spohn stated the Village has sold approximately 45 smoke detectors.

Mrs. Fuller reported she will not be able to attend the AMATS meeting on Wednesday, July 29.

Mayor stated he will be attending.

Mr. Jones stated he will not be at the next Council meeting.

There being no further business, Council adjourned at 7:50 p.m. until the next regularly scheduled Council meeting on Monday, August 3, 2009.

APPROVED:

Mr. Gerald Jones, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer