

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, August 17, 2009 7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, August 17, 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 August 3, 2009, Council meeting.

There being none, the minutes were approved as presented.

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

RESOLUTION NO.: 67-2009 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH PAVEMENT TECHNOLOGY, INC. FOR THE APPLICATION OF RECLAMITE ASPHALT REJUVENATING AGENT TO VARIOUS STREETS IN THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 67-2009 to the Public Improvements Committee.

ORDINANCE NO.: 68-2009 AN ORDINANCE AMENDING SECTIONS 1161.04(d)(2) AND 1334.04(e) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO IMPROVE MANAGEMENT OF PREMISES STORM WATER RUN-OFF, PRESERVE THE CAPACITY OF STORM WATER COLLECTORS AND IMPROVE THE QUALITY OF OUR LAKES AND RIVERS.

Mr. Jones assigned Ordinance No.: 68-2009 to the Planning, Zoning and Committee.

RESOLUTION NO.: 69-2009 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 80,355.66

Mr. Jones assigned Resolution No.: 69-2009 to the Finance and Appropriations Committee.

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Mr. Jones asked if there were any question from anyone in the audience.

Mr. Jones called on Mr. Dennis Stoiber, 2850 Hastings Road, who was here to comment on Ordinance No.: 68-2009.

Mr. Stoiber stated he is a member of the Silver Lake Planning and Zoning Commission and suggested to the Mayor and the Village Solicitor ways to improve management of premises storm water run-off, preserve the capacity of storm water collectors and improve the quality of the lakes and rivers.

Mayor Hovey stated to Council that one of the wisest decisions he has made is appointing Mr. Stoiber to the Planning and Zoning Commission.

Mayor Hovey went on to say Mr. Stoiber has been a very worthy and knowledgeable member of the Commission.

There being no further comments, Mr. Jones called upon Mrs. 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.: 67-2009 authorizes the Mayor to enter into a contract with Pavement Technology, Inc. for the application of reclamite asphalt rejuvenating agent to various streets in the Village.

Mrs. Steiner asked Mr. Fenwick to address this resolution.

Mr. Fenwick stated this project has been budgeted for and it is done every year to various streets in the Village.

Mr. Scott asked if the cost has remained level.

Mr. Fenwick said the price has stayed level.

Mr. Richardson asked what the reclamite does to the asphalt.

Mr. Fenwick stated reclamite is a chemical reaction that holds everything together longer. The Village has been doing this process since 1988. Reclamite extends the life of the asphalt three to five years.

There being no further discussion or questions, Mrs. Steiner stated the Committee will recommend the adoption of Resolution No.: 67-2009 this evening.

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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.: 69-2009 is for Payment of Claims.

Mr. Scott asked about the two payments for the Chief's luncheon.

Chief DeMoss stated one reimbursement was for a conference and the other was for a monthly meeting.

Mr. Scott asked about the reimbursement for a parking citation.

Chief DeMoss said there were two individuals that were given a citation at the same location. One party paid the ticket and the other party felt wrongly cited.

Chief DeMoss stated he discussed the issue with the Mayor and in an effort of goodwill, he decided to waive the citation.

Since the first party had already paid the ticket, he felt it was only fair to reimburse the party who did pay.

There being no further discussion or questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 69-2009 this evening.

Mr. Jones called upon Mr. Rich 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.: 68-2009 amends sections of the Codified Ordinances to improve management of premises storm water run-off, preserve the capacity of storm water collectors and improve the quality of our lakes and rivers.

Mr. Heydorn stated this was presented in draft form so that it could get a first reading. Council needs to refer this to the Planning Commission for their report.

The Planning Commission will incorporate any comments they have and send it back. At that point in time, Council can consider it in substance. The ordinance has to have three readings and cannot be passed as an emergency measure.

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Mr. Stoiber’s comments on where it should be placed in the Codified will go to the Planning Commission along with this ordinance.

Mr. Hite said it was a great idea and he appreciated Mr. Stoiber’s hard work.

Mr. Heydorn said when Mr. Stoiber brought his suggestions to us, the Planning Commission, as well as the Administration, had been dealing with issues about how to best handle storm water in the downspout drains and in yard drains.

Mr. Heydorn said this is a very important topical issue for the Village.

There being no further discussion or questions, Mr. Hite stated Ordinance No.: 68-2009 will be treated as a first reading.

Mr. Jones continued with the agenda.

Public Improvements Committee—Mrs. Carol Steiner, Chairman

Mrs. Steiner stated Resolution No.: 67-2009 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.: 67-2009, seconded by Mrs. Fuller.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Finance and Appropriations Committee – Mr. Christopher Scott, Chairman

Mr. Scott stated Resolution No.:69-2009 was discussed in Committee earlier this evening and is ready for adoption.

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

Roll call on adoption: Yes 7 No 0

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey reminded Council that we will need to start discussions on the upcoming budget.

Mayor Hovey reported the EPA notified the Village of our failure to properly monitor our drinking water supply during 2008. There is no emergency regarding our drinking water supply. Samples were not taken as per the plan that was submitted. The samples that were to be taken were for evaluation purposes, not for compliance purposes.

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Steps have now been taken to ensure that we do gain full EPA compliance as it concerns our drinking water system.

The Village is required to send a letter to all the residents. The EPA gave us a form letter so we used that letter because it is very clear. The letter will be included in the September issue of the Residents' Review so that additional mailing costs are not incurred.

Mr. Robert Heydorn, Solicitor, had no report.

Chief Gary DeMoss, stated the Police Department participated in another Department of Public Safety program. We received a \$1,200 radar unit. This is the second radar unit that we won. It is an award for participation. We met all the criteria so we were entered in the drawing for the radar unit.

We are starting the next campaign which is "Over the Limit, Under Arrest" program which runs through the fall.

Chief DeMoss stated he reviewed the traffic signal issue on Graham Road and Dover Road with the City of Cuyahoga Falls. A letter from the engineer for the City of Stow has been copied for Council's review. Cuyahoga Falls visited the site and they concur with the City of Stow that we are probably in jeopardy of even keeping the traffic signal by the warrant standards. If we add an arrow, it will further complicate the issue. Cuyahoga Falls recommends we take no action.

Mr. Jones said if they take the light out, nobody would ever leave Silver Lake.

Chief DeMoss stated his recommendation is not to proceed any further with this issue.

Chief DeMoss stated he attended a Chief's conference and spoke to a company that handles civil enforcement with traffic cameras. The company is called Redflex Traffic Systems. With the level of abuse of speeding through the traffic signals on Kent Road and Graham Road, these types of enforcement are becoming very common place.

Chief DeMoss stated he does not like cameras for speed enforcement; however, a school zone may be an exception, or work zone. There really is no reason why anyone should run a traffic light.

Redflx supplies the equipment, installs the equipment and will maintain the equipment. The typical fine is \$100. The Village would receive \$80 of the \$100. Redflex collects the fines and will do all the leg work. We would have a safer community and possibly gain a little revenue from it.

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Chief DeMoss stated he does like the idea of protecting those intersections and slowing people down. When we monitor those areas, we write tickets, then we leave and they start going through the lights again.

Chief DeMoss asked for any comments from Council on this issue.

Mrs. Geis asked which intersections would have cameras.

Chief DeMoss stated Silver Lake Boulevard/Kent Road and Graham Road/Dover Road. Ninety percent of the traffic that goes through these intersections is not Silver Lake residents.

Mrs. Geis asked if there is an initial set up cost.

Chief DeMoss said he doesn't believe so, but would check to be sure.

Mr. Hite asked if a sign is posted before the intersection stating it is camera enforced.

Chief DeMoss said yes.

Mr. Hite said those intersections can get pretty scary. He would like to know more.

Mrs. Steiner asked Mr. Heydorn if this is something legally we can do.

Mr. Heydorn replied yes. This is an administrative fine as opposed to a criminal penalty.

Chief DeMoss stated there would be no points put on the driver's license.

Mr. Jones asked if there are any of these types of cameras in this area.

Chief DeMoss said the City of Akron uses them at school zones. He will check around and let Council know.

Mr. Heydorn said he believes Akron had a case come up reference a red light camera and the verdict was upheld.

Mrs. Steiner asked if the Village follows up if they don't pay the ticket.

Chief DeMoss stated Red Flecks will handle all that.

Mr. Jones said he would like to hear more about it.

Mr. Richard Fenwick, Service Director, stated the cathodic protection is ready to be put back in the standpipe. This project was budgeted for \$11,000 last year. He has contacted a company

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that can come in and hook up the cathodic protection without having to drain the tank. Their price for the cathodic package is \$10,500. They will do the labor for \$3,000, which we didn't budget for. Draining the tank wasn't budgeted for. If the tank is drained, the cost would be \$2,000. After this is done, the tank has to be chlorinated, which means you have to have the tank filled for 24 hours, put chlorine in, then drain it again, which is another \$2,000.

Mr. Fenwick stated he would like to use this company. They will send a diver in to hook up the cathodic protection. As they are diving in the tank, they will inspect the sides of the tank.

We had problems with the valves at the pump house maintaining pressure while the tank was shut off. I believe this is the way to go instead of draining the tank.

Mr. Fenwick stated the Mayor gave Council the bad news from the EPA violation. If anyone has any questions, please call him to discuss the issue.

Mr. Fenwick reported there was a sinkhole on Silver Lake Boulevard that was dug up on Friday. The storm drain underneath the sanitary went bad but it is about 12 to 13 feet down. The shoring we have does not go that deep, so he has to bring in a company to repair the problem. The good news is, once they fix it, there are enough holes to put asphalt down so all the barrels will be gone.

The resurfacing project was completed. \$125,000 was budgeted for the project. The bid came in at \$129,000 and Mrs. Spohn had to add money to the fund. The actual price came in at \$109,500. We are under \$16,000 from what was budgeted for last year.

Mr. Fenwick stated the leaf picker that was up for auction was sold. We were hoping for at least \$8,000 and we sold it for \$11,001.

The other equipment that is scheduled to be sold will go to Edinburg for auction around the middle of September.

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

Mr. Jones asked if there were any further question or comments.

Mr. Hite stated he would like to meet with the members of the Planning, Zoning and Insurance Committee to discuss J&J Refuse's contract that is up in March 2010.

Mr. Scott stated he would like to schedule a budget meeting August 31, 2009, at 5:30 p.m. to discuss the 2010 budget. Council can also discuss the J&J Refuse's contract at that time.

Mr. Jones asked Mrs. Spohn to call the Copley Township about J&J Refuse. There was a favorable article in the paper about J&J Refuse.

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Mrs. Spohn stated she contacted J&J Refuse and they are interested in renewing the contract. The Village can renew the contract without bidding.

Mr. Heydorn asked how the contract can be renewed without bidding it out first.

Mrs. Spohn stated it was written in the legislation that way.

Mr. Jones said he feels we have resolved all the issues we had in the beginning with J&J and things are going very well now.

Mr. Jones stated he would hate to have a new hauler in the Village and start all over again with new problems or the same problems.

Mr. Jones said he has spoken to some residents about containers not being removed in a timely fashion.

Chief DeMoss stated courtesy notices are left at the home when the Police Department comes across that situation.

There being no further business, Council adjourned at 7:40 p.m. until the next scheduled Council meeting on Tuesday, September 8, 2009.

APPROVED:

Mr. Gerald Jones, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer

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