

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, August 3, 2009

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, August 3, 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. Jim Richardson

Roll call of Council - 6 members present

Mr. Scott moved to excuse Mr. Gerald Jones from this evening's Council meeting, seconded by Mrs. Geis, and all of Council agreed.

Mr. Scott made a motion to amend the agenda to add Resolution No.: 66-2009, seconded by Mrs. Steiner.

Roll call on the amendment: Yes 6 No 0

Mrs. Fuller asked if there were any additions or corrections to the minutes of the July 20, 2009, Council meeting.

Mrs. Geis stated the time in the header needs to be changed from 7:30 p.m. to 7:00 p.m.

There being no further additions or corrections, the minutes were approved as corrected.

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

RESOLUTION NO.: 65-2009 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 244,841.81

Mrs. Fuller assigned Resolution No.: 65-2009 to the Finance and Appropriations Committee.

RESOLUTION No.: 66-2009 A RESOLUTION AMENDING SECTION 2 OF RESOLUTION NO.: 64-2009 HEREBY REVISING THE LOCAL SHARE COMMITMENT BY COUNCIL FOR THE CUYAHOGA RIVER STREAM BANK STABILIZATION PROJECT IN THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY.

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Mrs. Spohn read Resolution No.: 66-2009 in its entirety.

Mrs. Fuller assigned Resolution No.: 66-2009 to the Finance and Appropriations Committee.

Mrs. Fuller asked for the reading of any pending legislation that is up for a third reading.

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.

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

Mayor stated Mr. Jerry Jensen is in attendance this evening to speak to Council about creating a Silver Lake Kiwanis Club.

Mr. Jerry Jensen reported he is a resident of Silver Lake who lives on Highland Drive and has been a member of the City of Stow Kiwanis Club for the last 17 years.

Mr. Jensen has gotten tired of doing all his community service for the City of Stow and feels that a Kiwanis Club in Silver Lake would be a good idea.

The Kiwanis Club is geared for kids from the ages of 0 to college age.

Mr. Jensen handed out a Kiwanis Club booklet to all of Council.

Mr. Jensen then turned the presentation over to his associate for more detail.

Mr. Jensen's associate stated Kiwanis started in 1915 and there are over 130,000 clubs in over 90 countries. The whole focus is on children and the community. There are all sorts of programs and community service that is offered through the Kiwanis Club. The whole idea is to get support and do things in the community.

Mrs. Fuller asked how large the Stow Kiwanis Club is.

Mr. Jensen stated there are 50 members in Stow. Cuyahoga Falls does not have a Kiwanis Club.

Mrs. Steiner asked how they would recruit members.

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Mr. Jensen stated they would start out with a core group of people and branch out through word of mouth. There are already a few people who are interested in participating.

Mrs. Steiner asked if there would be monthly meetings.

Mr. Jensen replied that would be decided upon after the Club is created.

Mr. Jensen stated an invitation to join will be in the next Cuyahoga Falls News Press.

Mrs. Steiner thanked Mr. Jensen and his associate for their information.

There being no further comments, Mrs. Fuller 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.: 65-2009 is for Payment of Claims.

Mr. Scott asked about the payment to Bourgeois Enterprises Inc.

Mr. Fenwick stated he rents a bulldozer to level off the area in the back.

Mrs. Fuller asked about the payment to Jucikas.

Mrs. Spohn stated the Police Department purchased two computers; one for Cindi's office and one for Lieutenant Harrison.

Mr. Scott asked why there were three entries for cleaning and servicing the typewriter.

Mrs. Spohn replied the office has one typewriter that has not been serviced in years and the charges are disbursed between three accounts.

There being no further discussion or questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 65-2009.

Mr. Scott stated Resolution No.: 66-2009 revises the local share commitment by Council for the Cuyahoga River Stream Bank Stabilization Project.

Mr. Fenwick stated when we received the first cost estimate, it was for the construction only. This new legislation also includes the cost for engineering and permit fees.

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The permits are very expensive and after the project is complete, there is a 3 year study that has to be completed to make sure the habitat has not had an adverse affect from stabilizing the bank.

The application is due tomorrow at 4:00 p.m.

Mr. Scott stated if they find out there is an adverse condition in the three years after the project is completed, then the Village would have to pay the additional costs to rectify the problem.

Mr. Fenwick stated when the dams are lowered, it is estimated that the flow of the river will speed up and accelerate the erosion problem. To stabilize the bank would stop the erosion.

Mr. Scott asked if there is an amount for the engineering cost.

Mr. Fenwick stated the price is all wrapped into one.

Mr. Scott stated our share was going to be approximately \$20,000.

Mrs. Steiner stated that amount was in our budget.

Mr. Fenwick stated we have not met for next year's budget yet. The amount that was in the budget was just to help us get the grant. This has already been completed.

Mr. Scott stated this project was not in the capital improvement plan.

Mrs. Geis asked when this project would start.

Mr. Fenwick stated testing would have to be done first, so not until sometime next year.

Mr. Scott asked for details about reclaiming the wetland.

Mr. Fenwick stated they are discussing reclaiming .3 acres east of the picnic shelter to get more points on the grant application. There are a certain amount of points you need in order to receive the grant.

Mr. Hite stated the total project cost is approximately \$200,000. This legislation is authorizing \$50,000 from the Village and we are trying to get a grant for the remaining \$150,000.

Mrs. Fuller stated at this point, the Village is only committed to paying approximately \$5,000.

Mrs. Steiner stated this legislation is just for the grant.

Mrs. Spohn stated she has to sign a certificate stating the money is earmarked.

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Mrs. Steiner asked if we have to take the grant.

Mrs. Spohn replied it's not a good thing to say you want to do it and then pull out after the grant is awarded. There is a lot of work that they complete.

Mr. Hite asked if they could give us an amount less than the \$150,000.

Mrs. Spohn stated she does not think they would do that. When you apply for a grant it is usually all or nothing.

Mr. Fenwick stated he is meeting with Mr. Tom Evans from the URS tomorrow to find out how many points the Village has so far.

Mrs. Steiner stated it doesn't seem fair that we have to make a decision so quickly.

Mr. Scott stated he is a little concerned over the whole wetland area. Since all that money was invested in the picnic shelter, he does not want to create a mosquito base.

Mr. Fenwick stated that is the first thing everybody says. There are mosquitoes down there now as it is. When a wetland is recreated, it attracts other species that eat the mosquitoes and their larvae. The wetland area would be well maintained.

Mr. Scott asked why the wetland area was filled in to begin with.

Mr. Heydorn stated the area from Kent Road back to the gate used to all be a swamp area. It was filled in with junk dirt.

Mr. Fenwick stated it is estimated that 95 percent of the wetlands are gone in the United States. If Council does not do anything at this time, it will eventually have to be addressed.

Mrs. Fuller asked if this is the only time to apply for the grant.

Mr. Fenwick stated it can probably be applied for again next year.

Mr. Scott feels this should be held until next year.

Mr. Hite agreed.

Mrs. Geis stated if we wait, then it can be discussed again next year.

Mrs. Fuller stated as long as the erosion is there, it will have to be addressed at some point.

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Mrs. Spohn stated she is disappointed that Mr. Evans waited until the last minute to put together the application.

Mayor stated the bike path is even more threatened than the picnic shelter. If this is held until next year, Council should look into partnering with the Metro Parks. It's not right if they receive the benefit, but do not contribute.

There being no further discussion or questions, Mr. Scott stated Resolution No.: 66-2009 will be postponed indefinitely.

Mrs. Fuller 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 is up for a third reading and amends Chapter 1511 and 1517 of the Codified Ordinances, which are regulations for Open Burning.

Mrs. Steiner stated this is amended and has changed since the last time.

Mrs. Spohn stated there are 2 changes, one on page 6 and one on page 2.

Mr. Heydorn stated the change on page 2 is to define a definition of a barbeque pit. The change on page 6 addresses an approved container being placed on a wood deck.

Mrs. Spohn stated there is another correction on page 7, Section 2. It should read **SETTING FIRES MALICIOUSLY, RECKLESSLY OR NEGLIGENTLY.**

Mrs. Steiner asked if you are allowed to burn leaves in an open pit.

Mr. Heydorn stated no, state law prohibits that.

Mrs. Steiner asked if this is stated in the legislation.

Mr. Heydorn replied he did not incorporate all of the state law in the legislation.

Mrs. Steiner stated she didn't mean to complicate things, but didn't know if we should be more specific.

Mr. Heydorn stated on page 3, it states where you can open burn. Unless somebody says they are using leaves in their barbeque pit to cook something, it would be considered waste disposal, which you can't use one of these fire pits for.

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Mrs. Steiner asked if we are talking about the recreation fires.

Mr. Heydorn stated it is specifically covered on page 5, (h) Fuel shall consist of only seasoned dry firewood and shall be ignited with a small quantity of paper.

Mrs. Steiner stated that is under the bonfire section.

Mrs. Fuller stated she does not think of leaves as waste.

Mrs. Steiner stated we are allowing bonfires and recreation fires, but we are not allowing open burning. How can we use the definition under open burning when we aren't even allowing it?

Mr. Heydorn stated we are allowing certain open burning. We can add in a sentence specifically stating that burning leaves is not allowed.

Mrs. Spohn stated if a resident called the office and asked if they were allowed to burn leaves, then there wouldn't be a gray area if some language is included to specifically not allow the burning of leaves.

Mr. Heydorn stated on page 7, Section (e) will read; *The fire shall not be fueled by leaves or other than wood vegetation and shall not generate objectionable smoke or odors.*

Mr. Hite asked if anybody had issues relative to distances.

Mr. Scott stated he has a concern with being able to have a combustible fire inside a fireplace inside his home, but he has to be 15 feet away from his house or any other structure outside.

Mr. Hite stated it is 15 feet away for a deck and 25 feet away for any other structure.

Mr. Heydorn stated it is 15 feet if it's in an approved container. If it's not in an approved container, then it's 25 feet.

Mr. Hite stated he is in favor of there being no restriction on the minimum of 15 feet.

Mr. Heydorn stated we cannot lose the 15 feet because it is state law and that can't be changed. The Cuyahoga Falls Fire Department will enforce the state fire code regardless of our legislation.

Mr. Hite stated he doesn't understand why we even need legislation.

Mr. Heydorn stated we don't, he is just trying to make the legislation clear because the state fire code is not clear.

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Mrs. Steiner stated she would like to address it because if a resident calls then what are we going to tell them?

Mr. Hite stated he is for making it understandable.

Mrs. Steiner stated there is a fear amongst residents that they won't be able to have their fires and their barbeque pits anymore.

Mr. Heydorn stated the only person who has anything to fear is the resident who has a backyard open fire fueled by a large amount of fuel and does not get a permit.

Mr. Hite stated there are residents who have gas barbeques on the backside of their chimney built into the brick. There are other residents who have grills on their back patios.

Mrs. Geis stated those don't count.

Mr. Heydorn stated the 15 foot requirement deals with recreational fires and a recreational fire is not a barbeque grill.

Mr. Hite asked if the City of Cuyahoga Falls has separate legislation for open burning.

Mr. Heydorn stated they follow the state fire code and have a set of guidelines that helps residents understand the fire code. The legislation the Village is adopting is the state fire code in a simpler form so residents can easily understand it.

There being on further discussion or questions, Mr. Hite stated the Committee will recommend the adoption of Ordinance No.: 61-2009.

Mrs. Fuller continued with the agenda.

Finance and Appropriations Committee - Mr. Christopher Scott, Chairman

Mr. Scott stated Resolution No.: 65-2009, Payment of Claims was discussed in Committee earlier this evening and is ready for adoption.

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

Roll call on adoption: Yes 6 No 0

Mr. Scott stated Resolution No.: 66-2009 was discussed in Committee earlier this evening and will be postponed indefinitely.

Mr. Scott moved to postpone indefinitely Resolution No.: 66-2009, seconded by Mrs. Steiner.

Roll call on postponement: Yes 6 No 0

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Mr. Scott made a motion to approve the Statement of Cash Position, seconded by Mrs. Geis and all of Council agreed.

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

Mr. Hite stated Ordinance No.: 61-2009 had a third reading this evening and needs to be amended before adopted.

Mr. Scott made a motion to amend Ordinance No.: 61-2009, seconded by Mr. Richardson.

The amendments are as follows:

1511.10 DEFINITIONS

Add: Section (d): A barbeque pit is an area below ground, entirely containing the fuel for a cooking fire, or an area surrounded by a non-combustible material, entirely containing the fuel for a cooking fire and not exceeding the size requirement for a recreational fire without specific approval by the fire official.

1511.05 RECREATION FIRES

A permit is not required for a recreation fire but such fires are subject to the following regulations:

Add to Section (c):

....Approved containers may be used on wood decks or other similar structures provided their use is specifically approved by the fire official.

Add to Section (e):

The fire shall not be fueled by leaves or other than wood vegetation and shall not....

Roll call on the amendments: Yes 6 No 0
Motion to adopt by Mr. Hite, seconded by Mr. Scott.
Roll call on adoption: Yes 6 No 0

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey stated the current waste hauler contract with J & J Refuse will expire on March 31, 2010. Council needs to start thinking about what they want to do for the next waste hauler contract.

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All residents will be seeing an increase of \$0.19 per month because the State of Ohio increased the disposal fees. It is in the contract that they are allowed to pass this increase onto the consumer.

Mrs. Fuller asked if it was ever considered to change the pick-up day to Wednesday as originally discussed.

Mayor stated an opportunity did arise during this past contract, but J & J could not do the whole Village on Wednesday.

Mayor feels that the residents have grown accustomed to the Friday pick-up. To change that would generate needless discussion. Mayor has not had one complaint since the first few weeks of the contract.

Mr. Hite stated he still receives complaints.

Mayor stated during the budget planning process for the past few years, it was insisted that Council review each and every line item. This year Mayor would like Council to not be as critical and pull back a little bit when taking money away from a line item. Mayor does not want Council to scrutinize each line item for a minor amount of savings. Taking \$50 here and \$100 there is not necessary.

So far this year, the Village has already had eight additional appropriation resolutions. This does not look good when the Village is audited every two years.

Council should focus more on the total amounts and trust the department heads when they say they need that amount of money.

Mayor's 3rd Annual Ice Cream Social and Night at the Movies will be held Thursday, August 6, 2009, at 7:30 p.m. The movie will start at 9:00 p.m. All of Council is welcome to attend.

Mr. Robert Heydorn, Solicitor, had no report.

Mr. Richard Fenwick, Service Director, reported the resurfacing project is completed and the company did a very good job.

Mr. Fenwick is going to need legislation for the reclamite project.

The standpipe that was painted last year will be drained and inspected soon to make sure the integrity of the paint on the inside is okay. At that time, the cathodic protection will be installed. This project was budgeted at \$11,000 and should be completed by the end of August.

The well project at Lakeland Parkway did not go as planned. An 8-ton crane and a 70-ton well

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drill could not pull the pump out of the casing. Two 200-ton bottle jacks lifted it out 6 inches at a time and then hydraulic jacks broke it loose. This took two days to complete instead of one.

After it was pulled out, Ohio Drilling recommended inspecting the casing. They came in the next day with a camera. They also recommended a well test. It was determined the well can produce 500 gallons per minute. The old one was 1300 gallons per minute when it was at its' peak.

The price so far is \$7,000 to pay for the work Ohio Drilling has completed. A report will be given to Council.

Mrs. Steiner stated she heard the bacteria was high in the lakes.

Mr. Fenwick stated the Summit County Health Department tested the storm sewer at the end of Kingston Circle and found some ecoli. This probably contributed to the high bacteria in the lakes.

Mr. Hite asked if Crystal Lake and Silver Lake are helping to pay for the pump.

Mr. Fenwick stated yes and he is keeping Mr. Lubinski and Mr. Griffiths posted.

Mrs. Steiner asked why there were barrels on Vincent Road and Lee Road.

Mr. Fenwick stated they found a manhole that had been buried. He is waiting for more small projects so he can get asphalt to patch them.

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

There being no further business, Council adjourned at 8:30 p.m. until the next regularly scheduled Council meeting on Monday, August 17, 2009.

APPROVED:

Mrs. Karen Fuller, Vice-President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer