

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, January 17, 2006

7:30 p.m.

The Village of Silver Lake Council met in a regular session on Tuesday, January 17, 2006, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With President of Council, Mr. Bernie Hovey, presiding, the meeting was called to order at 7:30 p.m.

Mr. Hovey led the Pledge of Allegiance.

The following members were present and responded to roll call: Mr. Christopher Scott, Mr. Adrian Achtermann, Mr. Bernie Hovey, Mrs. Carol Steiner, Mrs. Despina Mulrooney, Mr. William Church, and Mrs. Karen Fuller.

Roll call of Council – 7 members present

Mr. Hovey asked if there were any additions or corrections to the minutes of the Tuesday, January 3, 2006, Council meeting.

There being no corrections, the minutes were approved as sent out.

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

**ORDINANCE NO.: 11-2006 AN ORDINANCE AMENDING SECTIONS 1 AND 3 OF ORDINANCE NO.: 10-2006, AND DECLARING AN EMERGENCY.**

Mr. Hovey assigned Ordinance No.: 11-2006 to the Finance and Appropriations Committee.

**RESOLUTION NO.: 12-2006 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE METRO SWAT FOR THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE ADMINISTRATIVE SUPPORT SERVICES FOR THE PERIOD JANUARY 1, 2006 THROUGH DECEMBER 31, 2006, AND DECLARING AN EMERGENCY.**

Mr. Hovey assigned Resolution No.: 12-2006 to the Personnel and Public Affairs Committee.

**ORDINANCE NO.: 13-2006 AN ORDINANCE AUTHORIZING PAYROLL DEDUCTIONS FOR EMPLOYEE MEMBERSHIP IN THE CORPORATE PARTNER PROGRAM AT THE CUYAHOGA FALLS NATATORIUM, AND DECLARING AN EMERGENCY.**

Mr. Hovey assigned Ordinance No.: 13-2006 to the Finance and Appropriations Committee.

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**ORDINANCE NO.: 14-2006 AN ORDINANCE ESTABLISHING A CORPORATE WELLNESS PROGRAM WITH THE CUYAHOGA FALLS NATATORIUM AND PROVIDING AN INCENTIVE REIMBURSEMENT PROGRAM FOR EMPLOYEES OF THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.**

Mr. Hovey assigned Ordinance: 14-2006 to the Personnel and Public Affairs Committee.

**RESOLUTION NO.: 15-2006 A RESOLUTION AWARDDING CONTRACTS AND THEREBY LICENSING FRUTH SANITATION, INC. , J&J REFUSE, INC., AND WASTE MANAGEMENT OF OHIO TO IMPLEMENT THE VILLAGE OF SILVER LAKE SOLID WASTE PROGRAM FOR THE TERM APRIL 1, 2006 THROUGH MARCH 31, 2007.**

Mr. Hovey assigned Resolution No.: 15-2006 to the Personnel and Public Affairs Committee.

**RESOLUTION NO.: 16-2006 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CTI ENVIRONMENTAL, INC., FOR THE PREPARATION OF SPECIFICATIONS, BIDDING DOCUMENTS AND AN ENGINEER'S COST ESTIMATE FOR THE SILVER LAKE HEIGHTS SANITARY SEWER REHABILITATION PROJECT, AND DECLARING AN EMERGENCY.**

Mr. Hovey assigned Resolution No.: 16-2006 to the Public Improvements Committee.

**RESOLUTION NO.: 17-2006 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, 2006, AND DECLARING AN EMERGENCY.**

Mr. Hovey assigned Resolution No.: 17-2006 to the Finance and Appropriations Committee.

**RESOLUTION NO.: 18-2006 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF KATRINA HONKALA AS A MEMBER OF THE PARK BOARD OF THE VILLAGE OF SILVER LAKE FOR THE TERM ENDING DECEMBER 31, 2009, AND DECLARING AN EMERGENCY.**

Mr. Hovey assigned Resolution No.: 18-2006 to the Personnel and Public Affairs Committee.

**RESOLUTION NO.: 19-2006 A RESOLUTION CONFIRMING THE MAYORAL RE-APPOINTMENT OF JOHN COBLENTZ AS A MEMBER OF THE BOARD OF ZONING APPEALS OF THE VILLAGE OF SILVER LAKE FOR A FOUR YEAR TERM ENDING DECEMBER 31, 2009, AND DECLARING AN EMERGENCY.**

Mr. Hovey assigned Resolution No.: 19-2006 to the Personnel and Public Affairs Committee.

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**RESOLUTION NO.: 20-2006 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS, AND DECLARING AN EMERGENCY. \$ 115,012.54**

Mr. Hovey assigned Resolution No.: 20-2006 to the Finance and Appropriations Committee.

Mr. Hovey asked if there were any questions from the audience regarding pending legislation.

There being none, Mr. Hovey continued with the agenda.

Mr. Hovey recessed the Council meeting at 7:34 p.m. to resume the Committee of the Whole meeting.

Mr. Hovey reconvened the Council meeting at 8:03 p.m.

**REPORTS OF COUNCIL STANDING COMMITTEES**

**Finance and Appropriations Committee – Mr. William Church, Chairman**

Mr. Church stated Ordinance No.: 11-2006 was discussed in committee earlier this evening and is ready for adoption.

Mr. Church moved to suspend the rule that legislation be read at three meetings for Ordinance No.: 11-2006, seconded by Mrs. Steiner.

Roll call on suspension:                    Yes    7        No    0

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

Roll call on adoption:                    Yes    7        No    0

Mr. Church stated Ordinance No.: 13-2006 was discussed in committee earlier this evening and is ready for adoption.

Mr. Church moved to suspend the rule that legislation be read at three meetings for Ordinance No.: 13-2006, seconded by Mrs. Fuller.

Roll call on suspension:                    Yes    7        No    0

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

Roll call on adoption:                    Yes    7        No    0

Mr. Church stated Resolution No.: 17-2006 was discussed in committee earlier this evening and is ready for adoption.

Mr. Church moved to suspend the rule that legislation be read at three meetings for Resolution No.: 17-2006, seconded by Mrs. Steiner.

Roll call on suspension:                    Yes    7        No    0

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



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Roll call on adoption:                      Yes    7            No    0

Mrs. Steiner stated Resolution No.: 19-2006 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.: 19-2006, seconded by Mrs. Fuller.

Roll call on suspension:                      Yes    7            No    0

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

Roll call on adoption:                      Yes    7            No    0

Mrs. Steiner stated the Personnel Placement Committee met earlier this evening to discuss a step increase for service worker, Mr. Benjamin Gregory.

The Personnel Placement Committee has recommended a step increase for Mr. Gregory to move from Service Worker II, Step C to Service Worker II , Step D.

Mrs. Steiner made a motion to move Mr. Gregory from Service Worker II, Step C to Service Worker II , Step D, seconded by Mr. Church, and all of Council agreed.

Mrs. Steiner asked for 30 minutes before the next Council meeting for the Personnel & Public Affairs Committee to meet to continue their discussion on preparing the evaluation for the Clerk-Treasurer.

Mrs. Steiner stated Council will need an Executive Session at the next Council meeting to discuss the candidates for the newly formed Audit Committee.

**REPORTS OF VILLAGE OFFICIALS**

**MAYOR’S REPORT**

**Mayor Mendenhall** reported the engineering firm, Burgess & Niple, has completed the soil evaluation of the soccer field. Burgess & Niple reported the soil has an acceptable level of tolerance and is more than expectable as a safe playing field.

Mayor Mendenhall referenced the water rate calculation sheet that was handed out to Council members. Council needs to start the discussion on the possibility of increasing the water rates.

The suggested increase is as follows: The current water rate is \$2.53 per unit of water, and will go to \$2.75 per unit of water. The base charge is currently \$10 and will go to \$12.85.

**Solicitor, Mr. Robert Heydorn**, stated the last train brief has been filed.

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Mr. Hovey stated the Village received a letter from the law firm of Roetzel & Andress.

Mr. Heydorn stated the letter from Roetzel & Andress is simply a restatement of their brief where they appeal the decision of the trial court in regards to the zoning of that particular right-of-way.

The Village's brief took the opposite position on each one of Roetzel & Andress' points.

The issue that Roetzel & Andress are really going to is whether or not there is something preemptive about state law, which says that you cannot rezone a railroad right-of-way.

Roetzel & Andress' position is that this issue is not a Home Rule issue, but a state issue.

The Village's position is that Home Rule dictates that we are not forbidden to zone the railroad right-of-way.

Mr. Heydorn stated the Ohio Municipal League mirrored the Village's position that Home Rule is paramount to anything the state law says in this regard.

The federal court told the Village that, in regards to federal law, we have every right to zone that area.

**Chief Gary DeMoss** gave Council a verbal overview of the Police Department's activity for 2005. The annual report will be forthcoming. Telephone calls were up by 137 calls bringing the total calls to 3,194. There were 1,600 traffic stops resulted in 1,704 traffic citations or warnings being issued. 43 OVI arrests and 14 domestic disputes, which were down from the previous year.

The cruiser's mileage was down 3,000 miles to 97,000 miles. The previous year's mileage was 100,000 miles.

The early warning siren will be tested on Monday, February 6, 2006, at 6:00 p.m.

**Service Director, Mr. Richard Fenwick**, stated he handed out an equipment list to Council members. In 2007, a Vactor will need to be purchased at a cost of \$250,000.

**Clerk-Treasurer, Mrs. Teresa Spohn** stated she will be on vacation and unable to attend the next Council meeting.

Mrs. Spohn stated Mr. Ray Barish of Seasongood, a financial firm, will be in the Village on Thursday, January 19, 2006, if any member of Council would like to meet with him.

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Mrs. Spohn stated the Ohio Emergency Management Agency will be in the Village Wednesday, February 1, 2006, to review the files for the tornado sirens.

Mr. Hovey asked if there were any other questions from the audience.

Mr. Hovey reminded Council of the special meeting of Council, Wednesday, January 18, 2006, at 7:30 p.m.

There being no further questions from the audience, Council adjourned at 8:45 p.m. until the next regularly scheduled Council meeting on Monday, February 6, 2006, at 7:30 p.m.

APPROVED:

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Bernie Hovey, President of Council

ATTEST:

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Teresa M. Spohn, Clerk-Treasurer