

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, December 18, 2006 7:30 p.m.

The Village of Silver Lake Council met in a regular session on Monday, December 18, 2006, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With President of Council, Mrs. Carol Steiner, presiding, the meeting was called to order at 7:30 p.m.

Mrs. Steiner led the Pledge of Allegiance.

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

Roll call of Council – 7 members present

Mrs. Steiner asked if there were any additions or corrections to the minutes of the December 4, 2006, Council meeting.

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

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

RESOLUTION NO.: 120-2006 A RESOLUTION AWARDED A CONTRACT AND THEREBY LICENSING J&J REFUSE, INC., TO IMPLEMENT THE VILLAGE OF SILVER LAKE SOLID WASTE PROGRAM FOR THE TERM APRIL 1, 2007 THROUGH MARCH 31, 2010.

Resolution No.: 120-2006 was assigned to the Planning, Zoning and Insurance Committee.

RESOLUTION NO.: 121-2006 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.

Resolution No.: 121-2006 was assigned to the Finance and Appropriations Committee.

RESOLUTION NO.: 122-2006 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 219,648.98

Resolution No.: 122-2006 was assigned to the Finance and Appropriations Committee.

Mrs. Steiner asked for the reading of any legislation that is up for a second reading.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, December 18, 2006 7:30 p.m.

ORDINANCE NO.: 117-2006 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE, COUNTY OF SUMMIT, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2007, AND DECLARING AN EMERGENCY.

Ordinance No.: 117-2006 was previously assigned to the Finance and Appropriations Committee.

The Mayor then administered the Oaths of Office for Reserve Officers Mr. Zachary Hudson, Mr. Eric Hendrickson, and Mr. John Pettit.

Finance and Appropriations Committee – Mr. William Church, Chairman

Mr. Church stated Resolution No.: 121-2006 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.: 121-2006, seconded by Mr. Jones.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mr. Church stated Resolution No.: 122-2006, Payment of Claims, was discussed in committee earlier this evening and is ready for adoption.

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

Roll call on adoption: Yes 7 No 0

Mr. Church stated Ordinance No.: 117-2006 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.: 117-2006, seconded by Mrs. Mulrooney.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Planning, Zoning and Insurance Committee – Mr. Gerald Jones, Chairman

Mr. Jones stated Resolution No.: 120-2006 will be treated as a first reading.

Mr. Jones stated during the Committee of the Whole meeting, there were several comments from the audience regarding Resolution No.: 120-2006.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, December 18, 2006

7:30 p.m.

Mr. Jones scheduled a Committee meeting for Wednesday, December 27, 2006, at 9:00 a.m. to discuss the solid waste hauler issue and the gas well issue.

REPORTS OF VILLAGE OFFICIALS

Mayor Bernie Hovey distributed a copy of the Cellular Phone and Pager Policy from the Village's Employee Manual that he will soon be addressing. (A copy is attached to the original minutes).

The Mayor made a change to the fourth paragraph, which now states, "Cell phones may not be used for personal use. Abuse of this policy shall subject the employee to disciplinary procedures as described in the employee manual."

Mr. Jones asked what would be done about incoming personal calls.

Mayor replied there should be no personal calls at all. The Village needs to abide by the policy from the IRS that says employees will be taxed as a taxable fringe benefit for personal calls that are made.

Mr. Jones stated it is his understanding that there are a set number of minutes that each department is allowed to use each month.

The Mayor stated he is not sure of the exact policy, but will look into it. There has been no abuse, but there have been personal calls from Village cell phones. Village monies are spent on Village business and personal calls are not Village business.

Mr. Jones asked about making a personal call from the office.

Mayor replied that it is a completely different situation. Village offices have landline phones and are not addressed by the IRS. If it was obvious that someone was spending too much time on personal calls and not doing their job, then it would be addressed.

Mr. Jones stated the reason he was asking about the minutes is because if there is a "bucket" of minutes, and the departments are consistently under that usage, then there shouldn't be an issue if there is an occasional personal call. If the limit is not exceeded, then there is no additional charge to the Village.

Mayor stated he has seen charges on some of the cell phone bills even when the minutes have not been over the limit.

Mrs. Spohn stated all the minutes belong to the Village.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, December 18, 2006 7:30 p.m.

Mr. Church stated that if we change the policy to no personal calls, then we could go to another plan to reduce the minutes and the monthly charges.

Mrs. Fuller asked if the policy was being changed strictly because of the IRS.

Mayor replied that if we do not comply, the Village is going to have to charge the employees on their taxes regardless.

Chief DeMoss stated this is a serious issue and is something that needs to be looked at and abided by. Village cell phones are a communication tool that is used "24/7" and are very important tools for the Police Department and the Service Department.

Chief DeMoss is not arguing that cell phones should not be used for personal use, but he wants to assure Council that there has been no abuse of the current policy.

Mr. Church asked Mr. Fenwick if he felt the same way as Chief DeMoss.

Mr. Fenwick replied that he does feel the same way. The Service Director, Assistant Service Director and the Police Department have to take the Village cell phones with them everywhere because of the duties of their job.

The Chief reported that since the start of this review, it was discovered that the Village was receiving a 17 percent discount from Nextel. They have now increased the discount to 25 percent. The Village should not have been charged for text messaging, so Nextel credited the Village 90 days of use and we will no longer be charged for any text messages.

Mr. Church stated it is the abuse factor that Council is concerned about.

Mayor stated the current policy allows for abuse and that is why it is being changed.

Mayor reported that Senate Bill 281 that was recently passed requires all Ohio police officers to take 24 hours of continuing education each year. The program is funded by state funds and will be reimbursed to the officer after the requirements are met.

The Mayor received a letter from Summit County Executive, Jim McCarthy's office, which is starting a Senior Independent Living Coalition, and is currently looking for volunteers.

The City of Stow has recently signed a water contract with the City of Akron. The Village of Silver Lake's water contract with the City of Cuyahoga Falls ends in April 2007. There is an option to renew the contract for another 10 years. This will need to be discussed further by Council.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, December 18, 2006 **7:30 p.m.**

Regional Income Tax Agency has notified the Village that RITA is now able to obtain IRS information.

There will be a position available on the Planning and Zoning Commission at the end of this year. If anyone would like to recommend a resident or knows someone who might be interested, please notify the Mayor.

Mayor stated that Council works really hard and feels they make important and intelligent decisions. The Mayor trusts that Council will make decisions in the best interest of Village residents.

Chief Gary DeMoss reported the yield sign on Lakeland Parkway and Millboro Road has been installed.

The Shop with a Cop program went very well. There were 252 underprivileged children who each received a \$110 gift card to go shopping with a police officer. Three of those children were from the Village.

Service Director, Mr. Richard Fenwick, stated the Garden Club will be reserving another \$5000 to redo the Main Island for a total of \$10,000.

On December 5, 2006, one of the Service Department employees got into an accident on Kent Road. There was \$600 damage done to the Village truck and the vehicle he hit was totaled. The last accident involving a Service Department employee was in 1994.

Mr. Jones told Mrs. Spohn she should call Wichert Insurance to find out if the sign that fell down in front of Village Hall is covered.

Village Solicitor, Mr. Robert Heydorn, had no report.

Clerk-Treasurer, Mrs. Teresa Spohn, thanked Council for adopting the 2007 budget. This makes the year end process easier and helps the new year start out quickly

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

Mr. Patrick Larson, 2887 Lee Road, suggested that Council try the curb side pick up for a week to see how it goes. Mr. Larson had J & J Refuse for six weeks as his trash hauler and J & J Refuse only picked up the trash for two of those weeks. Price is not the only thing to look at when selecting a trash hauler for Village residents.

Mrs. Bobbie Christman, 2942 Overlook Road, asked who made the decision to have a monopoly carrier for the Village.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, December 18, 2006 7:30 p.m.

Mr. Jones replied that Council makes the decision and the Committee reviewed all the bids before making any decision.

Mr. Heydorn stated that what it comes down to is this; exclusivity creates a lower bid price. Monopoly drives down price and the Committee made the decision as a result of more input favoring lower prices.

Mrs. Steiner asked if there were any further questions or comments.

There being none, Council adjourned at 8:38 p.m. until the Organizational Meeting of Council on Wednesday, January 3rd, 2007 at 8:00 p.m.

APPROVED:

Carol Steiner, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer