

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, September 8, 2009

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Tuesday, September 8, 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, and Mrs. Carol Steiner.

Roll call of Council - 6 members present

Mr. Hite moved to excuse Mr. Jim Richardson from this evening's Council meeting, seconded by Mrs. Steiner, and all of Council agreed.

Mr. Jones asked if there were any additions or corrections to the minutes of the August 17, 2009, Council meeting.

Mr. Jones stated the following sentence on page 1 needs corrected:

There being none, the minutes were approved as corrected.

Changed to:

There being none, the minutes were approved as presented.

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

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

RESOLUTION NO.: 70-2009 A RESOLUTION RE-APPROPRIATING MONIES FROM CERTAIN DIVISIONS OF CERTAIN FUNDS TO OTHER DIVISIONS OF THE SAME FUND AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 70-2009 to the Finance and Appropriations Committee.

RESOLUTION NO.: 71-2009 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, 2009, AND DECLARING AN EMERGENCY.

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Mr. Jones assigned Resolution No.: 71-2009 to the Finance and Appropriations Committee.

RESOLUTION NO.: 72-2009 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CORPRO FOR MATERIALS RELATED TO THE CATHODIC PROTECTION OF THE SILVER LAKE WATER TOWER, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 72-2009 to the Public Improvements Committee.

RESOLUTION NO.: 73-2009 A RESOLUTION CONFIRMING AND RATIFYING THE EMERGENCY SEWER SYSTEM REPAIRS AT VARIOUS LOCATIONS IN THE VILLAGE OF SILVER LAKE AND FOR PAYMENT FOR SAID REPAIRS TO H.M. MILLER IN AN AMOUNT NOT TO EXCEED EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00), AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 73-2009 to the Finance and Appropriations Committee.

RESOLUTION NO.: 74-2009 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COMPUTER SOFTWARE SUPPORT SERVICE CONTRACT WITH SOFTWARE SOLUTIONS, INC. FOR THE SERVICE DEPARTMENT, POLICE DEPARTMENT AND ADMINISTRATIVE OFFICES OF THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 74-2009 to the Finance and Appropriations Committee.

RESOLUTION NO.: 75-2009 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. (~~\$355,297.52~~ \$344,903.02)

Mr. Jones assigned Resolution No.: 75-2009 to the Finance and Appropriations Committee.

Second Reading:

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 TE QUALITY OF OUR LAKES AND RIVERS.

Ordinance No.: 68-2009 was previously assigned to the Planning, Zoning, and Insurance Committee.

Mr. Jones asked for comments or questions from the audience.

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There being none, 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.: 70-2009 re-appropriates \$12,000 in the Sewer Fund from Billing (Contract Services) to Sewer Maintenance (Contract Services).

Mrs. Spohn stated this was taken out of the contract for Summit County.

Mr. Fenwick stated the appropriation is for the sewer repairs.

Mrs. Spohn stated it is also for the camera inspection at Orchard Road and Kingston Circle.

Mr. Fenwick stated the camera inspection was to see if we can line a section of sewer instead of digging it up. H.M. Miller came in and repaired two storm sewers.

Mr. Scott stated there is also a re-appropriation of \$350 from the General Government (Mayor) Fund from Supplies and Materials to Contract Services.

Mr. Fenwick stated he and the Mayor conferred with GBC Design engineer, Mr. Gary Rouse, about problems that were occurring at the Gillette Residence on Dover Road.

There being no further discussion or questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 70-2009.

Mr. Scott stated Resolution No.: 71-2009 is for an additional appropriation to the General Government Fund.

Mr. Fenwick stated a portion of the money is for Burgess and Niple because they were not fully paid.

Mrs. Spohn stated part of the purchase order was liquidated. She was going to do an additional appropriation for the Silver Lake Heights Sanitary Sewer Project but the documentation is missing.

Mrs. Spohn stated she would like to amend Resolution No.: 71-2009 by taking out the first two whereas clauses.

The total amount is \$3,409 that needs to be refunded to the Ohio Department of Taxation. The appropriation is for \$3,400.

Mrs. Fuller asked if it was okay to appropriate only \$3,400 when the amount is \$3,409.

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Mrs. Spohn replied the additional appropriation is only needed for \$3,400.

There being no further discussion or questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 71-2009.

Mr. Scott stated Resolution No.: 73-2009 is for the payment to H.M. Miller for sewer system repairs.

(Overlapping conversations made it difficult to transcribe what was said.)

Mr. Scott asked if it was okay to bring this out for adoption this evening without appropriating the monies for this.

Mrs. Spohn replied the money is being re-appropriated.

Mr. Scott stated he thought that was covered under Resolution No.: 71-2009.

Mrs. Spohn replied Resolution No.: 70-2009 is re-appropriating monies and that takes care of that.

There being no further discussion or questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 73-2009.

Mr. Scott stated Resolution No.: 74-2009 authorizes the Mayor to enter into a computer software support contract with SSI (Software Solutions, Inc.) This is for the Service Department, Police Department, and Administrative Offices.

Mrs. Spohn stated this is software support and also system support. Anytime there is a problem with Outlook or other computer problems they take care of it.

Mr. Scott stated there is something in Payment of Claims for work to a computer.

Mrs. Spohn replied that is probably for the Police Department.

Mr. Scott stated he did not know if that was something that would be covered under this contract now.

Mrs. Spohn stated it is only the software for utility billing and financial management. The original amount of the bill was \$1,500 more, but it was revised so the Village is now saving that \$1,500.

Mrs. Steiner asked if we get that much out of it by having a contract as opposed to just calling when there is a problem.

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Mrs. Spohn stated anytime there is a problem with either of the servers, SSI is there to help us.

Mrs. Fuller asked if SSI keeps a log of every call we make for help.

Mrs. Spohn replied no.

Mr. Scott asked if we have any idea of what SSI's per call rate would be.

Mrs. Spohn replied no. We aren't charged just by the call, but also how long it takes to rectify the problem. There have been times where they have been in the computer after hours.

Mrs. Fuller stated she would like to see a log.

Mrs. Spohn stated she thinks she asked for it last year, but she will ask them again for it.

Mrs. Steiner stated SSI should have that information.

Mr. Scott asked if they send someone out or if it is done online.

Mrs. Spohn responded they are contacted by e-mail that there is a problem and they call us back.

(Overlapping conversations made it difficult to transcribe what was said.)

Mrs. Spohn stated we do not employ an IT person.

(Overlapping conversations made it difficult to transcribe what was said.)

Mr. Scott stated the Committee would like the call log information from SSI. Resolution No.: 74-2009 will be treated as a first reading.

Mr. Jones asked if this is an annual charge.

Mrs. Spohn replied yes.

Mr. Jones asked the contract dates.

Mrs. Spohn replied it runs from October 2009 to October 2010.

Mr. Scott stated Resolution No.: 75-2009 is for Payment of Claims, in the amount of \$355,297.52.

Mrs. Spohn stated the payment to SSI is included, but we will not send the check right now.

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Mrs. Spohn stated the payment to GBC Design was only supposed to be a purchase order, not an actual printed check. The check was voided today.

Mr. Scott asked if we wanted to change the amount of Payment of Claims.

Mrs. Spohn replied she can do that. The new amount will be \$344,903.02.

There being no further discussion, Mr. Scott stated the committee will recommend the adoption of Resolution No.: 75-2009 with the amount changed to \$344,903.02.

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.: 72-2009 is for the cathodic protection of the water tower.

There being no questions, Mrs. Steiner stated the Committee will recommend the adoption of Resolution No.: 72-2009.

Mr. Jones continued with the agenda.

Finance and Appropriations Committee - Mr. Christopher Scott, Chairman

Mr. Scott stated Resolution No.: 70-2009 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.: 70-2009, seconded by Mrs. Steiner.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Mr. Scott stated Resolution No.: 71-2009 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.: 71-2009, seconded by Mrs. Steiner.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

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Mr. Scott stated Resolution No.: 73-2009 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.: 73-2009, seconded by Mrs. Fuller.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Mr. Scott stated Resolution No.: 74-2009 will be treated as a first reading.

Mr. Scott stated Resolution No.: 75-2009, 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 6 No 0

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

Public Improvements Committee – Mrs. Carol Steiner, Chairman

Mrs. Steiner stated Resolution No.: 72-2009 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.: 72-2009, seconded by Mr. Hite.

Roll call on suspension: Yes 6 No 0

Motion to adopt by Mrs. Steiner, seconded by Mrs. Geis.

Roll call on adoption: Yes 6 No 0

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey stated he attended Mrs. Mary Kelley’s 100th birthday party. She has been a resident of Silver Lake for 68 years. She was presented with a proclamation announcing Tuesday, September 8, 2009, as Mrs. Mary Ellen Kelley Day. There were many residents in attendance.

Mayor stated there is also another resident, Mrs. Agnes Bagley, who will be turning 100 years old in a few weeks.

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Mayor stated September 12th marks the 222nd Anniversary of the drafting of the Constitution. The Village and several other communities have been asked to prepare a proclamation declaring the week of September 17, 2009, through September 23, 2009, as Constitution Week.

Mayor stated there were several discussions after last week's budget meeting. Staff followed Council's direction and comments. After all of these things have been done; Mayor stated he thinks it is a very fair and fiscally responsible budget.

Mayor stated he asked Mr. Fenwick to make cuts on a program where he was up front and honest with Council. He said he could do that and it would look good on paper, but it wouldn't be a fair statement to what he needs because he will need re-appropriations. If a sink hole opens up or a waterline breaks in one of their homes, Council is going to want that repaired just like any other resident would. Mr. Fenwick has taken time and has a great history and has a good handling of what needs to be done.

Mayor stated Chief DeMoss was willing to take the car out of the budget. Mayor cannot recommend taking the car out. All this would do is push it into a year when perhaps the money is not available. This time we do have the money.

Mayor has asked Mrs. Spohn to prepare some figures on where our costs are in the Village. He thinks well over 70 percent of the Village's costs are fixed. The Village stays very vigilant on what is spent. We have a history of what has been appropriated and expected each year and the difference on how short we would be. It hasn't even been close. Even though it looks like we are going to be short, we are not going to be. We need those monies there because history shows us.

This is a very fiscally sound budget. Mayor does not think it puts the Village at risk, now, or in the future. The sewer fund is an enterprise fund and it needs to pay for itself. He understands Council's sentiments and agrees.

Mayor stated he thinks, at this time, the budget as presented to Council the last time, with the exception of trimming some of the fuel charges for the Police Department, is fiscally sound.

This is something that he would ask Council to stand by.

Mr. Hite asked, "Are you telling me you're not going to do what we asked you to do?"

Mayor replied he doesn't believe we can. Council is asking us to cut 10 to 15 percent out of every line. That is an impossibility.

Mr. Hite stated he didn't ask that. He asked what the budget would look like with the ten percent cut.

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Mr. Hite stated, "I don't know where it comes from. I don't know what line it's on. We just made a request and are you telling me that you're not going to do it?"

Mayor replied he believes it would be fiscally irresponsible for the staff to do such a thing. That would imply the amounts are something the staff could do and be comfortable with, and that is not the case.

Mrs. Steiner stated she thinks part of the problem is that we do over estimate expenditures and underestimate revenues. The problem with this is when we look at the budget and see we are under for next year; that makes us nervous. When this gets published, residents are going to see the large deficit and it looks like Council isn't trying to cut it.

Mayor stated there are some things that we budget for that the Village just doesn't do because we figure that we are getting short on money.

Mrs. Spohn stated if the car is left in the budget, then Council still has to approve the purchase of the car. If this is brought so tight, then Council is going to be making additional appropriations and re-appropriations every Council meeting. This has already been happening this year.

Mr. Jones asked if Mrs. Spohn was indicating that no changes should be made to the budget. He goes back to her memo from August 27, 2009, where it indicates the Village is having problems.

Mrs. Spohn replied the future needs to be looked at. In two or three years, revenues aren't coming in. She gave Council members a copy of the figures from the estimated year end budget for the General Fund from 1995.

Mrs. Spohn stated she finds it interesting that in 2007, the budget was negative \$444,000 just for the General Fund. We do have a fund balance. You will notice in that year the fund balance only went down \$96,000.

Mrs. Steiner stated going off what Mr. Jones said, that memo does say at some point in the next few years our expenses and capital needs will far exceed income revenues.

Mrs. Spohn stated almost 80 percent of the Village's costs are fixed cost, salaries, insurance. You could get rid of the animal control officer or the parks people. There are all kinds of things that can be done.

Mr. Hite stated to Mrs. Spohn, "You are calling a lot of things fixed costs that are not fixed costs."

Mrs. Spohn asked Mr. Hite what he is referring to.

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Mr. Hite stated, "Salaries are not fixed costs. They are if you assume that nothing changes. If you assume nothing changes we ride this right into the hole. I just don't find it acceptable. We are telling you we don't think it's fiscally responsible and you're saying it is and you're not going to change it.

The process is about finding the savings. You may not like the savings, but we're looking at a situation where we can survive two years of short falls."

Mrs. Geis asked if the budget included step increases.

Mrs. Spohn replied yes. There are only two employees eligible to receive step increases.

Mr. Scott stated everyone is concerned about the numbers. He understands what is being said about budgeting for the worst case scenario, so that we have the money there. He would much rather be more conservative on the revenue side and get more in than over estimate what we are going to take in and then fall short.

On the expense side, he does agree 80 percent is not fixed costs. Do we need all these people? That's what we are asking you guys to come up with. Nobody is asking for somebody to be let go, but let's look at anything else that maybe you guys are considering. We have our standard fixed costs for buildings and equipment.

Mr. Scott thinks what Council would like to see is an attempt to look at the budget and come back with anything you think you might be able to do without, without going overboard by putting yourselves in jeopardy.

Mrs. Fuller stated if we can't get it down 10 percent, then let's try for 5 to 6 percent or whatever the possibility is without Council dictating. Is this budget considered to be the very best that could be done?

Mayor replied there are probably a few things that can be changed, for instance; the fuel account that was mentioned previously. That would knock off about ten thousand dollars. There are probably a few other things where we could save a thousand dollars here and there that will look better in the budget. Realistically, we aren't going to approach \$400,000. The concern is that we are going to have to come back to Council to ask for re-appropriations. That is one of the things that we are trying to avoid, because it does not look good for the Village during an audit.

Mrs. Spohn stated if Council knows this and wants to do it that way, when she gets pinged for it, Council needs to remember this is how they wanted to do things.

Mr. Scott stated one of the things talked about was that the sewer fund is going to be \$95,000 short. He would like to know what the recommendation would be to fix this.

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Mrs. Spohn responded she has different ideas on paper that she would also like to discuss with Council. (Information attached to the original minutes).

If the per unit charge is increased from \$3.75 to \$5.00, we would raise \$96,000. We average about 76,800 units of sewer per year.

The second figure is splitting it between a few different things. The Village can increase the per unit charge from \$3.75 to \$4.25, which will generate \$38,400, and increase the fixed rate from \$12.60/month to \$17.32/month; which generates \$56,000. Or you could just increase the fixed rate by itself from \$12.60/month to \$20.52/month.

Mrs. Spohn stated Mr. Jones had previously asked for the Copley Township trash service rates. Copley Township has a two-year service contract from March 2009 through February 2011. There is a 4 percent increase in setback service for senior citizens.

Mr. Jones asked Mr. Scott how he wants to move forward with the initial budget projections.

Mr. Scott replied he would like to give it one more shot to try to come back with some kind of reduction.

(Overlapping conversations made it difficult to transcribe what was said.)

Mr. Jones asked if staff members could make another attempt to review their budget.

Mayor replied they can try and come up with something new for Council, but the bottom line at the end of the year is going to be whether we overestimate revenues and underestimate expenses to make it look like we are at a positive balance. We are going to spend the minimal amount that we think we can to keep the Village running the way it has been running.

Mr. Scott stated he is not interested in seeing adjustments to the revenue side.

Mr. Robert Heydorn, Solicitor, had no report.

Chief Gary DeMoss, stated the administration received a letter recently about possibly needing deer crossing signs on Graham and Kent Roads. There are a few regular points where deer cross. We recently had to put down a few deer. He is looking into existing signage through the Ohio Department of Natural Resources to see what is available. We are not sure if this will be effective in the prevention of a collision between a deer and vehicle, but it may bring awareness to the motorists passing through to be a little more cautious.

This Saturday, September 12, 2009, from 10 a.m. until 2 p.m. is the Cuyahoga Falls Marching Band tag day.

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The Redflex Company will be at the next Council meeting to give a presentation about the traffic light cameras.

Mrs. Steiner stated since we are talking about signs, there are 'No Parking' signs all over the Village, yet all of the landscaping vehicles park there. If it's a no parking hazard, why would a huge unit like that be allowed to park right in front of a 'No Parking' sign.

Chief replied they really aren't seeing that. Most of the companies are law abiding. 'No Parking' regulations are something that is definitely enforced.

Mr. Richard Fenwick, Service Director, reported the one-ton dump truck will go out for auction this month.

We have not received the check for the leaf picker yet.

Mr. Jones asked how much it was sold for.

Mr. Fenwick replied \$11,001.

Mr. Fenwick stated the Service Department is still trying to complete the catch basin work on Silver Lake Boulevard, but the water services keep breaking.

Mr. Fenwick stated Mrs. Spohn volunteered her and him to do the engineering for the sidewalk program. They went back to GBC's design from 1996 and the engineer's estimate was \$200,000 to do sidewalk program.

This is an assessment but we have to come up with the money upfront.

Mr. Fenwick would like to discuss the Storm Ordinance at the next meeting. He has some reservations.

Mr. Fenwick stated he would like to schedule a Personnel Placement Committee meeting on September 21, 2009.

Mrs. Teresa Spohn, Clerk-Treasurer, stated she gave her report when the budget was being discussed.

Mr. Jones asked for any miscellaneous business.

Mrs. Fuller stated they had the Athens Road 'Annual Picnic' the other night where they had an emergency. The Police Department response was absolutely phenomenal and the ambulance personnel were very impressive.

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Mr. Hite asked Mrs. Spohn if she received the information from J&J Refuse.

Mrs. Spohn replied she has not gotten anything back yet.

There being no further business, Council adjourned at 8:12 p.m. until the next regularly scheduled Council meeting on Monday, September 21, 2009, at 7:00 p.m.

APPROVED:

Mr. Gerald Jones, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer

s:council/2009 minutes/9-08-09 Council minutes.doc
prepared by: Margaret Tussey