

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, April 19, 2010 7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, April 19, 2010, 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. Gerald Budrevich.

Roll call of Council - 6 members present

Mr. Scott made a motion to excuse Mr. Gerald Jones from this evening's meeting, seconded by Mrs. Steiner, and all of Council agreed.

Mrs. Fuller asked if there were any additions or corrections to the minutes of the April 5, 2010, Council meeting.

There being none, the minutes were approved as sent.

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

ORDINANCE NO.: 26-2010 AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE 2010 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mrs. Fuller assigned Ordinance No.: 26-2010 to the Personnel and Public Affairs Committee.

ORDINANCE NO.: 27-2010 AN ORDINANCE GRANTING A COST-OF-LIVING WAGE ADJUSTMENT FOR FULL-TIME EMPLOYEES OF THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mrs. Fuller assigned Ordinance No.: 27-2010 to the Finance & Appropriations Committee.

RESOLUTION NO.: 28-2010 A RESOLUTION AUTHORIZING THE PAYMENT IN SETTLEMENT OF A MORAL CLAIM AGAINST THE VILLAGE BY MR. DAVID DANG, 1546 GRAHAM ROAD, FOR PROPERTY DAMAGE CAUSED BY VILLAGE TRUCKS DURING SNOWPLOWING, AND DECLARING AN EMERGENCY.

Mrs. Fuller assigned Resolution No.: 28-2010 to the Personnel and Public Affairs Committee.

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RESOLUTION NO.: 29-2010 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 129,467.49

Mrs. Fuller assigned Resolution No.: 29-2010 to the Finance and Appropriations Committee.

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

There being none, Mrs. Fuller called upon Mrs. Geis, Vice-Chairman of the Personnel and Public Affairs Committee, to lead discussion on items on the agenda pertinent to her committee.

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE

Mrs. Geis stated Resolution No.: 26-2010 is for approving, adopting and enacting the 2010 replacement pages to Silver Lake's Codified Ordinances.

Mrs. Spohn stated the Village's ordinances are codified each year. This is routine legislation.

Mrs. Steiner said, "We pay a lot of money to have this done."

Mrs. Fuller said, "I still think they charge too much. I think it's ridiculous."

There being no further discussion or questions, Mrs. Geis stated the Committee will recommend the adoption of Resolution No.: 26-2010.

Mrs. Geis stated Resolution No.: 28-2010 is a moral claim against the Village by Mr. David Dang, 1546 Graham Road, for property damage caused by the Village during snowplowing.

Mrs. Geis stated Mr. Dang is asking for \$64.78 to replace the mailbox that was destroyed when Graham Road was being snowplowed.

Mrs. Spohn stated the Service Department usually repairs or replaces the mailboxes they hit. Mr. Dang replaced the mailbox before the Service Department had a chance to. The Service Department was very busy this season.

There being no further discussion or questions, Mrs. Geis stated the Committee will recommend the adoption of Resolution No.: 26-2010.

Mrs. Fuller called upon Mr. Scott, Chairman of the Finance and Appropriations Committee, to lead discussion on items on the agenda pertinent to his committee.

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FINANCE AND APPROPRIATIONS COMMITTEE

Mr. Scott stated Ordinance No.: 27-2010 is for a cost-of-living wage adjustment for full-time employees. At the last Council meeting, the Mayor recommended a cost-of-living wage increase equal to an annual increase of \$750 per employee, which is \$0.361 per hour.

Mr. Scott said, "The Finance Committee has had some discussions on this, and while we thank the Mayor for his recommendation, we have some concerns. Based on the current economic conditions and the cost cutting that we have been trying to do with the budget, such as eliminating some items that probably shouldn't have been eliminated, the Committee feels, this year, we should not do any pay increases."

Mayor Hovey said, "As I tried to express to the Council members that I had a chance to talk to was, we have made several cuts saving the Village lots of money. Our bottom line on the projected figure for the budget is going to be much rosier than what it looked to be when the budget was passed.

"I think our employees work hard. I think they are deserving of an increase. I think the increase is very minor. One to 2 percent increase. I think any employer that is in a position to grant a cost of living increase if they have the money, and if they feel their employees are doing a good job, I think any employer would do that. To not grant the raise just to not grant the raise when I'm telling you the money is definitely there. We don't have a problem certifying the money is there. I think it would be a wrong thing to do. It would not be supportive of our employees. So I would urge Council to pass it.

"I have to admit I am a little bit concerned when you say you've talked about this. I am not aware of any Committee meeting to talk about this."

Mr. Scott said, "I've had a conversation with Mrs. Fuller, separately."

Mayor Hovey said, "I'm not sure you should be talking about legislation other than in a public forum."

Mr. Scott said, "You called us too about this."

Mayor Hovey said, "I'm not a Council person who is guided by those same rules."

Mr. Scott said, "You are decisional. I'm not sure what the law says on this. It was our understanding that as long as there were no more than three people, or one on one . . ."

Mayor Hovey said, "I don't want to get lost in that issue. The bottom line is, we have the money. I feel we should grant the raise.

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“I remember last year when you were discussing this, Mrs. Fuller asked why we are discussing this all the time, we should have a recommendation from the Mayor. I delayed a recommendation for three months. I looked at the budget. I looked at all the costs. I came across it with a recommendation. I am a little bit uncomfortable being in a position where I make a recommendation, I’m telling you the money is there, I’m telling you our employees are deserving of it, and for you to hesitate on doing it, I’m a little bit concerned with that.”

Mrs. Steiner said, “Why don’t we have a first reading and let’s discuss it.”

Mr. Scott said, “That’s fine with me.”

Mrs. Fuller said, “Just to clarify. It is our understanding that as you called us each individually, the committee chairman can discuss one on one with his committee. We never had a meeting.”

Mrs. Spohn said, “When there are only three members on a committee, two members constitute a quorum.”

Mayor said, “I don’t want this to be the big issue.”

Mrs. Fuller said, “This is something that should be clarified. In my six years, I have been told that one on one you could have a discussion. Mrs. Steiner has been on Council for 12 plus years.”

Mayor said, “One on one discussion is fine. Polling for a vote is different.”

Mr. Scott said, “I don’t think we polled for a vote. We discussed the situation. I wasn’t here to hear your [Mayor’s] recommendation at the last Council meeting. I apologize for that. We felt we had your recommendation, the leaning of Council, previous had been, and I think the understanding of most of the employees, as it had been represented by Mr. Fenwick, the employees weren’t expecting a raise.

“Then you come out and make this announcement without notifying even the President of Council what your recommendation is going to be. As you said, you have sort of put us in a dangerous position and I thought maybe you have contacted us and said this is my recommendation what do you guys feel before you came out and announced it to the employees, maybe giving them some false hope.”

Mayor said, “I announced it in a public meeting. That was the first time anything was said to anybody.”

Mr. Scott said, “That’s what I’m saying. Maybe you should have mentioned it to Jerry to get his feelings to say are we in the same ballpark as Council or not. Whether we did it wrong, we apologize if we did.”

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Mrs. Fuller said, "Absolutely."

Mr. Scott said, "He asked somebody if we needed to have a meeting on this. The understanding was that we didn't. I don't think that changes where we are."

Mr. Heydorn said, "I can shed some light on the procedural problem we have. And that is that Terrie is correct when she says if the body that you are talking about is a committee and if there are three people on the committee then if there is a discussion of two people of the three then you are in an area where there ought to be a public hearing of it.

"There is also some question about what constitutes doing business. Is it just a mere discussion or is it the question of doing business. If the discussion that you are having leads to the doing of business, whether it is done there or some other point, I think you put yourselves in a precarious position by doing that in private.

"There was a problem recently in Cuyahoga Falls with e-mail. The problem is one if you manage one on one to somehow involve everybody or a majority, even if it is not a simultaneous discussion, but a chain discussion, then that has been found to be simply getting around the law.

"In good faith, you can't just get around a public meeting by creating a chain discussion just to find out what everybody thinks. What I'm trying to say is that there is no good letter of the law answers to some of this because you can see that you can devise all sorts of methods to try to get around the public hearing aspect of it.

"I think the best thing to do is, you can always have a one on one discussion if it stops there, and that's it, but it's not involved in any sort of chain activity. That's always permissible outside of the public view. But it's a fine line when you cross it."

Mr. Budrevich asked, "Last meeting the Mayor brought this out in his report, it wasn't a piece of legislation in front of us. Is every piece of legislation required to have a committee meeting."

Mrs. Steiner said, "We're really in a committee meeting right now."

Mr. Budrevich said, "My question is, is it required to be discussed in a committee prior to a full Council meeting."

Mr. Heydorn said, "By your rules it is supposed to be."

Mrs. Fuller said, "Right now we are in our committee meeting."

Mr. Scott asked, "Do we need to go through that process and actually call a committee meeting of finance, or are we technically in one now?"

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Mr. Heydorn said, "In actually fact, I believe you are in one now. The practice has been in the past, as I understood, was simply when it has been assigned, you open it up for a committee hearing. The hearings are in public and consequently at the meeting so that anybody can attend.

"Theoretically it is not a Committee of the Whole in the formal sense. The committee chairman would not be presiding over a Committee of the Whole meeting, the president of council would be presiding. We very rarely have a Committee of the Whole meeting. Some places use them all the time because they don't have operating committees.

"I think you are in committee meeting right now."

Mrs. Steiner said, "Council did not increase the employee's share of the health care cost. I don't think we've done that for several years."

Mrs. Fuller said Council has done it twice.

Mrs. Spohn said the contribution was increased to 8 percent last year. In the beginning it was 2 percent. Then it was raised to 5 percent. The last two years it has been 8 percent.

The health plan itself had a reduction in the benefits. The out of pocket max increased. Co-pays increased.

Mrs. Steiner stated nevertheless 8 percent is very minimal.

Mrs. Geis said, in the long run, Council has made adjustments that are going to save us more money and make us fiscally responsible. The Mayor is exercising his authority by making a recommendation. Council did ask the Mayor in the beginning of the year to come back with a recommendation. The Mayor did wait until the budget was finalized.

Mrs. Geis said she views the \$750 as more of a bonus and asked if it could be treated as a bonus. Council appreciates what the employees do. They are hard working employees. However, we are not sure what is going to happen in the next year. She is uncomfortable with the employees expecting a pay raise each year.

Mrs. Steiner asked for clarification between a bonus and a raise.

Mrs. Geis said the bonus would be one time, not increasing the salary. Next year we may not have it.

Mrs. Spohn said we could grant the increase for one year and then go back. When calculating the rate of pay for overtime, it has to be factored in.

Mr. Budrevich asked when was the last time the employees did not receive an annual raise.

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Mayor Hovey said he didn't think that has happened.

Mr. Budrevich said it is fair to say that there has never been a situation that employees have not received a pay increase despite what the economic conditions have been.

Mrs. Steiner said this is the first time we've been in this economic situation.

Mrs. Fuller said no, it was bad in the 80's.

Chief DeMoss said it may not have always been 3 percent but it has been a very long time if ever that we've never got a raise.

Mrs. Fuller said Council has routinely granted everybody the step increase. We have good employees, there is no denying we have good employees. They get the step increase then they also get the 3 percent.

Mrs. Steiner said the pay raise has always been factored into the budget. Council hasn't done that in the last couple of years.

Mrs. Fuller said Council has rubber stamped the 3 percent.

Mr. Budrevich said, "3 percent is the standard cost of living increase in the industry. I would rather not bring this piece of legislation out this evening because I have not heard from anyone in my district, except one person, that has a feeling on this one way or the other.

"If this is treated as a first reading, there will be time for the paper to do a write up. I would like to hear from some of my people before I make a decision.

"The Mayor is right. If we have the money and it's not going to be a hardship, certainly everybody's cost of living goes up. There are a lot of people out there that are hanging on by a thread.

"I am concerned about the public's perception of giving the employees an increase when we see all of our neighbors trying to figure out what to do to keep their budget down. We have a fiscal responsibility of looking out for the future, not just worry about the next nine months. We have to look at what is the general feeling of the public."

Mrs. Fuller said, "I have an issue with the concept that we saved a lot of money so now we have money so we should spend the money and we'll worry about it down the line when we don't have money. This is not fiscally responsible. When we look to the future, do we see the revenue stream coming in.

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“I would rather be conservative this year and generous next year. I also have a problem with “bonusing” across the board everybody. I can see perhaps the hourly [employees] but I do not recommend salaried employees get an increase. I cannot see this as the same, apples to apples.

“I think our salaried employees, particularly those who are going to be leaving soon, have gotten some nice retirement money. We didn’t take that away. I don’t see giving the salaried employees an increase as a necessity.”

Mrs. Steiner said, “During the budget process, Council tried really hard to nail all the figures down.”

Mrs. Spohn said there are 11 employees who got grand fathered in not just the salaried employees.

Mrs. Fuller said that is correct.

Mr. Hite said he would like a second reading.

Mrs. Geis asked the Mayor why he chose the \$750 across the board instead of a percentage.

Mayor said his reasoning behind it was 3 percent would cost the Village a lot of money. The department heads make a lot more money than a secretary in the office.

Percentage wise it works out that if our salaried employees get 1 percent it is showing our appreciation of the job they are doing. Our lower paid people are getting a little bit more that is much more beneficial to them.

Mayor felt the \$750 would benefit the lower paid people. There is a big difference between making \$70,000 and \$36,000 a year.

Mr. Scott asked if the lower paid employees are still in the pay step process.

Mrs. Spohn said there are only two employees who are still in the step process.

Mr. Scott said there are still lower paid employees.

Mrs. Spohn said she did not think the employees were really low paid.

Mr. Scott said salaries are not really out of line here. That is something else that needs to be discussed.

Mrs. Fuller said the adjustments in the step program would not affect current employees it would only be new hires.

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Mr. Scott said Ordinance No.: 27-2010 will be treated as a first reading.

Mrs. Fuller said, "We did ask for the Mayor's recommendation. I know that you were getting a little hot under the collar there when it sounded like Council wasn't going to accept the recommendation. Accept or rejection. That's what it's all about."

Mayor said, "He understands that, but I want to hear everybody talking at the same time when you're talking about accepting or rejecting.

"I'm leery about 'well we might not have it tomorrow or we might not have it the next day'. If the water main breaks out there, should we not fix it because a bigger one might break a week from now. You have to spend the money when you have to spend the money on those kinds of things. If we have the money to afford to give a raise, and it is nothing that is going to break the bank, I do not see a good reason for not granting it."

Mrs. Fuller said Council is aware that there is some infrastructure in the Village that is not good. Council knows we have some huge expenses in the future.

Mayor said he understands that and appreciated all the open discussion. He feels the increase is still the fiscally responsible action to do.

Mrs. Fuller asked Mr. Scott to continue with the last item in his committee.

Mr. Scott stated Resolution No.: 29-2010 is for payment of claims in the amount of \$129,467.49.

Mrs. Fuller asked about the payment for the Ohio Police Juvenile Officers Association. She asked if it is a young officer or an officer who works with juveniles.

Chief DeMoss stated it is an officer who works with juveniles. We are sanctioned by the Summit County Juvenile Court to work with youth in the community that have had minor offenses, i.e., curfew, trespass, truancy, those kinds of thing. We have hearings with the parents. There is also a statewide organization that we are involved in.

There being no further discussion or questions, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 29-2010.

Mrs. Fuller continued with the agenda.

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Personnel and Public Affairs Committee—Mrs. Janie Geis, Vice-Chairman

Mrs. Geis stated Ordinance No.: 26-2010 was discussed in Committee earlier this evening and is ready for adoption.

Mrs. Geis moved to suspend the rule that legislation be read at three meetings for Ordinance No.: 26-2010, seconded by Mrs. Steiner.

Roll call on suspension: Yes 6 No 0

Motion to adopt by Mrs. Geis, seconded by Mr. Hite.

Roll call on adoption: Yes 6 No 0

Mrs. Geis stated Resolution No.: 28-2010 was discussed in Committee earlier this evening and is ready for adoption.

Mrs. Geis moved to suspend the rule that legislation be read at three meetings for Resolution No.: 28-2010, seconded by Mr. Hite.

Roll call on suspension: Yes 6 No 0

Motion to adopt by Mrs. Geis, seconded by Mr. Budrevich.

Roll call on adoption: Yes 6 No 0

Finance and Appropriation Committee—Mr. Chris Scott, Vice-Chairman

Mr. Scott stated Resolution No.: 29-2010 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 the adoption: Yes 6 No 0

Mr. Scott stated Ordinance No.: 27-2010 was discussed in Committee earlier this evening and will be treated as a first reading.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey said even though his reports have been brief that is not to say there are not a lot of things going on. Often, the things going on don't really need the involvement of Council at the present time. In the last week, we have dealt with the following issues:

- Dialogue with the Stow Municipal Court
- Employee issues
- Citizens' Housing complaints
- Workers' Compensation issues
- EMS issue

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None of these directly involve Council at this point in time. Rest assured there is still a lot going on.

The movie "25 Hill" wrapped up. The film crew was very polite and professional. They were very complimentary about the Village and Athens Road residents in particular. Mrs. Fuller has a starring role in the movie.

Mrs. Fuller said all of two seconds.

Long time resident, Mr. George Fretz passed away last week.

The "no cost" to the Village for the pharmaceutical drop off box will cost the Village \$2,500 for a camera that Chief DeMoss states we would need. Mayor expressed his reservations to the Chief about the cost.

Mr. Heydorn, Solicitor, said he has spoke to Mr. Bob Zimmermann about the Shade Tree Commission. An ordinance has been written and will be produced at the next Council meeting.

Mr. Budrevich asked what happened with the Animal Appeal Board.

Mr. Heydorn said the Board ruled in support of the Chief's position. The dog in question is a dangerous dog.

Mr. Budrevich asked how long they have to get a kennel constructed.

Mr. Heydorn said the owners have 30 days from the date of the original letter.

The owners of the dog have 30 days from the date the Findings of Fact, Conclusion of Law to appeal the decision of the Board. They can also appeal the decision with the common pleas courts.

Chief Gary DeMoss stated the camera for the drop box is his idea. He thinks it is a security issue. It may be possible to configure the box in such a way that it is not outside.

Chief DeMoss is working with the Service Director, Dick Fenwick, to install the box somewhere on the outside face of the building.

Over the years he and Mr. Fenwick have spoken about installing cameras in the parking lots. Over the years, the Village has incurred damages to the gas pump and Village equipment.

Chief DeMoss told Council about the traffic watches on Graham and Dover Road. Seventy man hours were logged watching the traffic. The officers made 27 traffic stops, wrote 10 citations and handed out 17 written warnings.

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Chief DeMoss said, due to new mandates, the Police Department must revise traffic citations by July 1, 2010.

Two officers attended the Community Crisis Intervention Program. This was paid for with grant money.

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

Mrs. Geis is trying to influence the Park Board to update the playground equipment.

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

There being no further questions or comments, Council adjourned at 8:13 p.m. until the next regularly scheduled Council meeting on Monday, May 3, 2010, at 7:00 p.m.

APPROVED:

Mrs. Karen Fuller, Vice-President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer