

ORGANIZATIONAL MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, January 4, 2010

8:00 p.m.

The Village of Silver Lake Council met in an organizational session on Monday, January 4, 2010, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With Mayor Bernie Hovey, presiding, the meeting was called to order at 8:00 p.m.

Mayor Hovey led the Pledge of Allegiance.

Mayor Hovey next administered the Oath of Office to newly elected and re-elected Council members: Mr. Gerald Budrevich, Mrs. Carol Steiner, Mrs. Janie Geis, and Mr. Christopher Scott.

The following members were present and responded to roll call: Mr. Christopher Scott, Mr. Gerald Jones, Mrs. Janie Geis, Mr. Rich Hite, Mr. Gerald Budrevich, and Mrs. Carol Steiner.

Roll call of Council - 6 members present, Mrs. Fuller absent.

Mr. Jones moved to excuse Mrs. Fuller from the Council meeting, seconded by Mrs. Steiner. All members present agreed.

Mayor Hovey asked for nominations for the office of Council President.

Mr. Scott nominated Mr. Jones for President of Council, seconded by Mr. Hite. All Council members affirmed the nomination.

With Mr. Jones now presiding, nominations for Vice-President of Council were taken.

Mr. Scott nominated Mrs. Fuller for Vice-President of Council, seconded by Mrs. Steiner. All Council members affirmed the nomination.

Mr. Jones next appointed a Committee on Committees and Seating consisting of himself, Mrs. Steiner and Mr. Scott. The meeting of Council recessed at 8:07 p.m. for the committee to meet.

The Council meeting reconvened at 8:10 p.m. when Mr. Jones reported on Council assignments which were to remain the same as in 2009, with Mr. Budrevich filling in on committees where Mr. Richardson previously served.

Mr. Jones asked if there were any additions or corrections to the minutes of the December 7, 2009, Council meeting.

There being none, the minutes were approved as submitted.

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

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ORDINANCE NO.: 1-2010 AN ORDINANCE AMENDING SECTION 6 OF ORDINANCE NO.: 1-2009 HEREBY PROVIDING A NEW MONTHLY SALARY FOR THE METRO SWAT ADMINISTRATOR EFFECTIVE JANUARY 1, 2010, AND DECLARING AN EMERGENCY. (*Personnel & Public Affairs*)

Mr. Jones assigned Ordinance No.: 1-2010 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 2-2010 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED MASTER SERVICES AGREEMENT BETWEEN THE VILLAGE OF SILVER LAKE AND VECTREN RETAIL, LLC, FOR THE PROVISION OF RETAIL NATURAL GAS AND RELATED SERVICES FOR THE VILLAGE'S GOVERNMENTAL AGGREGATION PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 2-2010 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 3-2010 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 155,840.74

Mr. Jones assigned Resolution No.: 3-2010 to the Finance and Appropriations Committee.

RESOLUTION NO.: 4-2010 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CARGILL, INC., SALT DIVISION, FOR THE PURCHASE OF BULK ROCK SALT IN ACCORDANCE WITH THE COMMUNITY UNIVERSITY EDUCATION (CUE) PURCHASING ASSOCIATION, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 4-2010 to the Finance and Appropriations Committee.

RESOLUTION NO.: 5-2010 A RESOLUTION AUTHORIZING THE TRANSFER OF FIFTEEN THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS AND SEVENTY-ONE CENTS (\$15,975.71) FROM THE GENERAL FUND (A01) TO THE ACCRUED BENEFITS PAYMENTS FUND (B11), AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 5-2010 to the Finance and Appropriations Committee.

RESOLUTION NO.: 6-2010 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENTS OF LOUIS CIRALDO AND TED CURTIS TO SERVE AS MEMBERS OF THE PLANNING COMMISSION OF THE VILLAGE OF SILVER LAKE FOR THE TERM ENDING DECEMBER 31, 2013, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 6-2010 to the Personnel & Public Affairs Committee.

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For a Second Reading at this evening's meeting:

ORDINANCE NO.: 89-2009 AN ORDINANCE AMENDING SECTION 927.13 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE FOR MONTHLY BILLING PROCEDURES AND ESTABLISH NEW RATES FOR SEWER USER CHARGES IN THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mr. Jones stated Ordinance No.: 89-2009 had been previously assigned to the Finance and Appropriations Committee.

Mr. Jones asked if there were any questions or comments from anyone in the audience.

Mr. Mark Huscroft, 3085 Markle Drive, described his and his dog's recent encounter with another dog (Huskie) which was being walked by his owner past the Huscroft house. He stated that the Huskie "picked up his dog and tossed it around like a rag doll." Mr. Huscroft stated he is aware that the same Huskie attacked another dog on Highland Drive.

He encouraged Council to consider a vicious or dangerous dog ordinance.

COMMITTEE HEARINGS

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 asked for any comments and questions on Resolution No.: 3-2010, Payment of Claims.

The following item was reviewed:

- GBC Design Inc. was paid \$20,433.66 for engineering services related to the Kingston/Orchard Sanitary Sewer Project.

There being no further comments, Mr. Scott stated the committee will recommend the adoption of Resolution No.: 3-2010 at this evening's meeting.

Resolution No.: 4-2010 authorizes the Mayor to enter into a contact with Cargill, Inc. for road salt. Mrs. Spohn stated the legislation is a routine matter which permits the Service Department to purchase road salt without having to go to Council each time. The amount purchased is usually greater than the Mayor's authority to issue a purchase order (\$5,000).

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Monday, January 4, 2010

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Mr. Scott stated the committee will recommend the adoption of Resolution No.: 4-2010 at this evening's meeting.

Resolution No.: 5-2010 authorizes a transfer of \$15,975.71 from the General Fund to the Accrued Liabilities Fund. Mrs. Spohn reported the transfer will fund retirement liabilities for sick time and unused vacation and holiday time at the 30% level determined by Council in 2003.

Mr. Scott stated the committee will recommend the adoption of Resolution No.: 5-2010 at this evening's Council meeting.

Mr. Scott stated Ordinance No.: 89-2009 has had its second reading. The new rates were amended from the first reading to reflect "option 5" of the handout previously discussed.

Mrs. Spohn stated the Ordinance reflects a one-time increase effective with the bill due February 10, 2010, and incremental 2% increases each year through the year 2015.

Mrs. Geis reported that only one resident has contacted her about the rate increase. Other Council members stated they have not anyone contact them.

After a short discussion about the timing issues needed to make changes in the computer system before the next utility bills are rendered, it was determined that the committee will bring the ordinance out for adoption at this evening's Council meeting.

Mr. Scott asked Mrs. Spohn for her comments on the Statement of Cash Position for year end 2009.

Mrs. Spohn stated the Mayor anticipated a \$75,000 contribution from First Energy sometime in 2010, but the funds were received in 2009. If that \$75,000 was not taken into account, the Village General Fund still ended the year with an approximate \$100,000 increase over the beginning year (2009) fund balance. She attributed it to the Village Departments watching expenditures during the year. The Village has done very well.

Mr. Jones called upon Mrs. Geis, Vice-Chairman of the Personnel and Public Affairs Committee to lead discussion on Ordinance No.: 1-2010, and Resolution Nos.: 2-2010 and 6-2010.

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE

Ordinance No.: 1-2010 deals with granting a contractual wage increase for Mr. Ron Piatt, the Metro SWAT Administrator. Mrs. Spohn reported Mr. Piatt's contract with Metro SWAT indicates he is due for a wage increase effective January 1, 2010.

The Village, by contract, provides accounting services for Metro SWAT, including payroll services for Mr. Piatt.

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Chief DeMoss commented that because of Mrs. Spohn’s agreement to take on the bookkeeping services, the Village’s Metro SWAT fair share dues are reduced to zero dollars, a savings of at least \$2,000. Chief DeMoss also indicated the Village has not had to have a designated officer to serve on the team as a result of the agreement.

Resolution No.: 2-2010 authorizes the Mayor to enter into an amended Master Services Agreement between the Village and Vectren Retail, LLC, extending the current contract from March 31, 2010 to March 31, 2012 for natural gas and related services.

Resolution No.: 6-2010 confirms the Mayor’s re-appointments of Louis Ciraldo and Ted Curtis as members of the Silver Lake Planning Commission until December 31, 2013.

Mayor Hovey stated Mr. Ciraldo and Mr. Curtis have served on the Planning Commission and was pleased they both agreed to serve another term.

Mrs. Geis stated the committee will recommend the adoption of Ordinance No.: 1-2010, Resolution No.: 2-2010 and Resolution No.: 6-2010 at this evening’s Council meeting.

REPORTS OF COUNCIL STANDING COMMITTEES

Finance and Appropriations Committee - Mr. Christopher Scott, Chairman

Mr. Scott stated Resolution No.: 3-2010, Payment of Claims, was discussed in Committee earlier this evening and is ready for adoption.

Mr. Scott moved to adopt Resolution No.: 3-2010, seconded by Mrs. Steiner.
Roll call on adoption: Yes 6 No 0

Mr. Scott stated Resolution No.: 4-2010 was discussed in Committee earlier this evening and is ready for adoption.

Mr. Scott moved to suspend the rules for the second and third readings of Res. No.: 4-2010, seconded by Mrs. Steiner.
Roll call on suspension: Yes 6 No 0

Mr. Scott moved to adopt Resolution No.: 4-2010, seconded by Mr. Hite.
Roll call on adoption: Yes 6 No 0

Mr. Scott stated Resolution No.: 5-2010 was discussed in Committee earlier this evening and is ready for adoption.

Mr. Scott moved to suspend the rules for the second and third readings of Res. No.: 5-2010, seconded by Mrs. Steiner.

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Roll call on suspension: Yes 6 No 0

Mr. Scott moved to adopt Resolution No.: 5-2010, seconded by Mrs. Geis.

Roll call on adoption: Yes 6 No 0

Mr. Scott stated Ordinance No.: 89-2009 was discussed in Committee earlier this evening and is ready for adoption.

Mr. Scott moved to suspend the rules for the third reading of Ord. No.:89-2009, seconded by Mrs. Steiner.

Roll call on suspension: Yes 6 No 0

Mr. Scott moved to adopt Ordinance No.: 89, 2009, seconded by Mrs. Geis.

Roll call on adoption: Yes 5 No 0

Mr. Budrevich asked to be excused from voting since he is a new member of Council and was unfamiliar with the legislation. Council agreed to excuse Mr. Budrevich from voting on this ordinance.

Mr. Scott moved to accept the December 31, 2009, Statement of Cash Position. All of Council agreed.

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

Mrs. Geis stated Ordinance No.: 1-2010 was discussed in Committee earlier this evening and is recommended for adoption.

Mrs. Geis moved to suspend the rules for the second and third readings of Ord. No.: 1-2010, seconded by Mr. Budrevich.

Roll call on adoption: Yes 6 No 0

Mrs. Geis moved to adopt Ordinance No.: 1-2010, seconded by Mr. Scott.

Roll call on adoption: Yes 6 No 0

Mrs. Geis stated Resolution No.: 2-2010 was discussed in Committee earlier this evening and is recommended for adoption.

Mrs. Geis moved to suspend the rules for the second and third readings of Res. No.: 2-2010, seconded by Mr. Budrevich.

Roll call on adoption: Yes 6 No 0

Mrs. Geis moved to adopt Resolution No.: 2-2010, seconded by Mrs. Steiner.

Roll call on adoption: Yes 6 No 0

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Mrs. Geis stated Resolution No.: 6-2010 was discussed in Committee earlier this evening and is recommended for adoption.

Mrs. Geis moved to suspend the rules for the second and third readings of Res. No.: 6-2010, seconded by Mr. Hite.

Roll call on adoption: Yes 6 No 0

Mrs. Geis moved to adopt Resolution No.: 6-2010, seconded by Mr. Scott.

Roll call on adoption: Yes 6 No 0

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey complimented the Service Department on doing a good job on snow removal the past few weeks.

Mr. Robert Heydorn stated, regarding a vicious dog ordinance, Council needs to ask if it wants to “stiffen” the provisions of the Village’s current ordinances. He reported the Village does have a vicious dog ordinance, but there is some question on whether or not it deals with only certain breeds of dogs or if it deals with dogs that are just plain vicious regardless of their breed. The ordinance, however, does not clearly define a “vicious or dangerous dog.” Another thing that can be done is vary the penalties. Currently the first offense is a fourth degree misdemeanor which carries with it a \$250 fine (maximum) and up to 30 days in jail.

The recent offense (earlier described by Mr. Huscroft) was cited by Silver Lake Police Department as a violation of the Summit County ordinance which deals with controlling your dog. “If your dog bites another dog and your dog is off his premises, you are guilty.” It’s easy to prove. The first offense is a minor misdemeanor. The second offense is a fourth degree misdemeanor which gives the \$250 and 30 days in jail.

We need to find out what the court determines since there are two different stories in what happened. Mr. Heydorn stated Silver Lake’s ordinance can be improved but Council needs to determine how far down the route it wants to go. Mr. Heydorn will provide options for Council to consider.

Mr. Budrevich stated he would like to stay away from naming specific breeds in the ordinance.

Setting aside the vicious dog issue, Mr. Heydorn reported Mr. Stanley Morgan has decided to appeal the court’s decision that he must install a backflow device for his well.

Chief DeMoss reported the State of Ohio is suspending three months fees for LEADS services for 2010. It equates to a savings to the Village of about \$300.

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Mr. Richard Fenwick, Service Director, reported there were three recent water breaks:

- Dec 10th by the driveway to Town Hall at Kent Road
- Dec 24th on Outlook Drive
- Dec. 31 at the intersection of Hastings and Millboro Roads.

Mr. Fenwick asked for a time to discuss capital projects for 2010.

A meeting of the Capital Improvements Committee was set for 6:15 p.m. before the Council meeting on January 19, 2010.

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

OTHER BUSINESS:

Mr. Jones reminded everyone there is a Personnel and Public Affairs Committee meeting next Monday, January 11, 2010, at 4:30 p.m.

Mr. Jones asked Council members for their thoughts on pursuing the Redflex cameras at the traffic lights on Kent and Graham Roads. The consensus of Council was, for safety reasons, to request Chief DeMoss to contact Redflex to determine the next step in the process of installing the camera system.

The meeting was adjourned at 9:30 p.m.

APPROVED:

Mr. Gerald Jones, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer