

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, February 1, 2010

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, February 1, 2010, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With Mr. Gerald Jones, President of Council, 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: Mr. Christopher Scott, Mr. Gerald Jones, Mrs. Karen Fuller, Mrs. Janie Geis, Mr. Rich Hite, Mr. Gerald Budrevich, and Mrs. Carol Steiner.

Roll call of Council - 7 members present.

Mr. Jones asked if there were any additions or corrections to the minutes of the January 19, 2010, Council meeting.

There being none, the minutes were approved as submitted.

Mayor then administered the Oath of Office for Miss Carla Rich as an Auxiliary Officer.

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

RESOLUTION NO.: 11-2010 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 108,609.34.

Mr. Jones assigned Resolution No.: 11-2010 to the Finance and Appropriations Committee.

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

ORDINANCE NO.: 7-2010 AN ORDINANCE AMENDING PART ONE-ADMINISTRATIVE CODE, CHAPTER 139-EMPLOYMENT PROVISIONS, BY REPEALING SECTION 139.02 (h) -VACATION FOR REGULAR PART-TIME EMPLOYEES, SECTION 139.12 (a)- SICK LEAVE ACCRUAL FOR REGULAR PART-TIME EMPLOYEES, SECTION 139.12(o) SICK LEAVE CREDIT FOR PREVIOUS GOVERNMENTAL SERVICE, 139.12(s) -SICK LEAVE PERSONAL DAY INCENTIVE AND SECTION 139.03(d)-HOLIDAY TIME FOR REGULAR PART-TIME EMPLOYEES, AND BY AMENDING SECTION 139.04 (a) -RETIREMENT COMPENSATION OR LEAVE, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO AND HEREBY ESTABLISHING AND

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SUBSTITUTING NEW SICK LEAVE PROVISIONS FOR EMPLOYEES, AND DECLARING AN EMERGENCY.

Ordinance No.: 7-2010 was previously assigned to the Personnel and Public Affairs Committee.

ORDINANCE NO.: 9-2010 AN ORDINANCE TO IDENTIFY AND PROSCRIBE THE KEEPING AND BEHAVIOR OF VICIOUS AND DANGEROUS DOGS IN THE VILLAGE AND PROVIDE FOR THE ENFORCEMENT THEREOF, AND DECLARING AN EMERGENCY.

Ordinance No.: 9-2010 was previously assigned to the Personnel and Public Affairs Committee.

Mr. Jones asked if there were any questions or comments from anyone in the audience. Mr. Jones reminded everyone there is a three minute time limit per person.

Mr. Jones stated Mr. Heydorn has reviewed Ordinance No.: 9-2010 and has made numerous changes. There will be no action taken on Ordinance No.: 9-2010 this evening.

Mr. Jones then called on Mr. Thomas Hart, 3143 Highland Drive, for any questions or comments.

Mr. Hart stated he submitted a memo to the Mayor and Mr. Heydorn for material revisions to the vicious and dangerous dog ordinance that Council is presently considering. He has two more suggestions for Council to consider.

The first suggestion is to add the following wording after "Killed a domestic animal", *or repeatedly attacked and caused physical harm to any domestic animals.*

The second suggestion is to add the wording "*No owner of a dangerous dog shall fail to obtain such insurance coverage in an amount not less than \$50,000.*"

Mrs. Laurie Savage, 3135 Highland Drive, stated she was here to support Mr. Hart's revisions. This ordinance is so important. Her fear was that a dangerous dog could injure a small child.

Mrs. Savage encouraged Council to consider these changes in an effort to make our community safer.

There being no further questions or comments from the audience, Mr. Jones continued with the agenda.

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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.: 11-2010, Payment of Claims.

Mr. Budrevich asked, regarding the ammunition payment, if all police officers are shooting with the same type of gun.

Chief said officers use a .45 caliber, as well as a 9mm.

Mr. Budrevich asked how long this ammunition would last.

Chief replied it's a yearly purchase.

Mrs. Geis stated this purchase is for the SWAT Team.

Chief DeMoss stated the Silver Lake Police Department and the SWAT Team use the same ammunition. The Village processes all of the SWAT Team's invoices for them.

Mrs. Geis asked what bank run is for.

Mr. Fenwick replied it is the fill (sand and gravel) that is used when a hole is dug for a water break.

Mrs. Fuller asked what the PELC Alumni Association is.

Chief replied it is a Police Executive Leadership College. Several Silver Lake Police Officers have attended this college.

Mr. Scott asked about the payment to GBC for 2981 & 2986 Silverview Drive.

Mr. Fenwick stated it is for the ongoing storm sewer project in that area.

There being no further questions, Mr. Scott stated the committee will recommend the adoption of Resolution No.: 11-2010.

Mr. Scott asked if there were any questions regarding the January 31, 2010, Statement of Cash Position.

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There being none, the Committee will bring out the Statement of Cash Position for approval.

Mr. Jones called upon Mrs. Karen Fuller, Chairman of the Personnel and Public Affairs Committee, to lead discussion on items on the agenda pertinent to his committee.

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE

Mrs. Fuller stated Ordinance No.: 7-2010 is up for a second reading this evening. This ordinance amends Part One-Administrative Code, Chapter 129 of the Codified Ordinances.

There are more items to discuss regarding Ordinance No.: 7-2010. A Personnel and Public Affairs Committee meeting is scheduled for Monday, February 8, 2010, at 5:00 p.m. to discuss this ordinance and any other additional personnel issues.

Mr. Jones asked if any other issues will be discussed at this meeting.

Mrs. Fuller stated Ordinance No.: 9-2010 is also up for a second reading and will be discussed at the meeting.

Mr. Heydorn then lead discussion on his revisions to Ordinance No.: 8-2010. (A copy of the revisions is attached to the original minutes).

REPORTS OF COUNCIL STANDING COMMITTEES

Finance and Appropriations Committee - Mr. Christopher Scott, Chairman

Mr. Scott stated Resolution No.: 11-2010, Payment of Claims, was discussed in Committee earlier this evening and is ready for adoption.

Mr. Scott moved to adopt Resolution No.: 11-2010, seconded by Mrs. Steiner.
Roll call on adoption: Yes 7 No 0

Mr. Scott moved to accept the January 31, 2010, Statement of Cash Position, seconded by Mrs. Geis, and all of Council agreed.

Personnel and Public Affairs Committee, Mrs. Karen Fuller, Chairman

Mrs. Fuller stated Ordinance No.: 7-2010 and Resolution No.: 8-2010 had their second readings this evening.

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REPORTS OF VILLAGE OFFICIALS

Mayor Hovey stated Chief DeMoss will be reporting on the Auxiliary Officer in his report and Mr. Heydorn will be reporting on the Stanley Morgan case. Therefore, he has no report.

Mr. Robert Heydorn, Village Solicitor, stated Mr. Stanley Morgan is appealing the decision that was in our favor in the lower court regarding the installation of a backflow device at his residence.

The lower court made a court order that we turn off Mr. Stanley Morgan's water. His attorney has decided to ask for a stay of execution from the lower court for the dependency of the appeal. We decided to oppose that motion, but will not turn his water off until the decision on whether the execution should be stayed is heard by the lower court. In answer to his motion, Mr. Heydorn wrote a response and it is now under consideration by Judge Teodosio. No decision has been made yet, but Mr. Heydorn expects to hear one soon.

Chief DeMoss reported he spoke to the Cuyahoga Falls Prosecutor about the changes the Village is making regarding vicious dogs. Their ordinance has been in effect since 1999 and he supports it. He stated it is effective and it works very well.

In 2004 legislation was passed to begin an Auxiliary Police Force with two levels of officers. The first is Level One, which is a non-sworn position where the Ohio police officer certification is not required. A Level One Officer is basically a helper.

The second is Level Two, which is a certified sworn position. Five of our Auxiliary Officers are Level Two. They supply their own uniforms and no salary is involved. They also carry their OPOTA (Ohio Police Officer Training Academy) certification. The down side is these officers can move on to another agency.

There is a restriction in the Village ordinances that Level Two Officers cannot carry a weapon. This is a hindrance and is dangerous to the officers. With them being OPOTA state certified, they would meet every standard the full and part time police officers meet. This includes an annual qualification at the range.

The Level Two Auxiliary Officers drive a fully marked police car and wear their own uniform and they supplement our duty shifts. The Saturday and Sunday early cover shift is usually not covered due to budget reasons. These Auxiliary Officers are available and would be a perfect fit for them, along with other occasions.

Chief feels that we need to allow them to carry a weapon. This would only apply to Level Two Auxiliary Officers. The Mayor and Mr. Heydorn have already agreed. Chief DeMoss is now asking Council for the consideration.

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Mr. Jones stated this will be discussed further and he personally sees no reason why they shouldn't carry a weapon.

Mr. Budrevich asked what the expense would be to purchase weapons.

Chief stated he will gather the information to report to Council. There are five officers and most of them already have weapons that would qualify.

Mrs. Steiner stated it makes her a little bit nervous to think that the Auxiliary Officers would be in the Village and nobody would know who they are. This needs to be discussed further.

Mr. Richard Fenwick, Service Director, reported it has been pretty quiet and there haven't been any water breaks in the Village.

The contractor that takes and discards our leaves will be removing them soon. There is a very distinctive smell when this happens, so residents might be complaining.

Mr. Scott asked how long the smell stays.

Mr. Fenwick stated until the leaves are gone.

Mrs. Teresa Spohn, Clerk-Treasurer, stated the State Auditor stopped into the office on Wednesday, January 27, 2010, to pick up the Financial Statements for 2008 and 2009. The auditors are planning on being here within the next week or two.

Mr. Jones reminded everyone there is a Personnel and Public Affairs Committee meeting scheduled for Monday, February 8, 2010, at 5:00 p.m.

The next regular meeting of Council is scheduled for Tuesday, February 16, 2010, at 7:00 p.m. The Public Improvements/Finance Committees will meet at 6:15 to further discuss the Capital Plan.

The meeting was adjourned at 7:40 p.m.

APPROVED:

Mr. Gerald Jones, President of Council

MINUTES

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ATTEST:

Teresa M. Spohn, Clerk-Treasurer

s:/council/2010 minutes/2-01-2010 Council minutes.doc
prepared by: Heather Reiheld