

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

**Monday, June 7, 2010            7:30 p.m.**

The Village of Silver Lake Council met in a regular session on Monday, June 7, 2010, 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, Mrs. Carol Steiner, and Mr. Gerald Budrevich.

Mr. Jones asked if there were any additions or corrections to the minutes of the May 17, 2010, Council meeting.

There being none, the minutes were approved as sent.

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

**RESOLUTION NO.: 35-2010 A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE “SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING,” AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Resolution No.: 35-2010 to the Personnel and Public Affairs.

**RESOLUTION NO.: 36-2010 A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM, EXECUTE CONTRACTS AS REQUIRED, AND PLEDGING A 50% LOCAL SHARE IN CASH AND APPLYING FOR 50% FUNDING AS A 30-YEAR, 0% LOAN FOR THE ORCHARD ROAD/KINGSTON CIRCLE SANITARY SEWER REPLACEMENT AND REHABILITATION PROJECT IN THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Resolution No.: 36-2010 to the Finance and Appropriations Committee.

**ORDINANCE NO.: 37-2010 AN ORDINANCE ESTABLISHING EFFICIENT SYSTEMS FOR THE PURCHASE AND SALE OF MUNICIPAL PERSONAL PROPERTY IN THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Ordinance No.: 37-2010 to the Finance and Appropriations Committee.

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**RESOLUTION NO.: 38-2010 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LIGHTGOV, LLC, TO PROVIDE FOR REVERSE AND FORWARD AUCTIONS AND OTHER SERVICES IN THE PURCHASE AND SALE OF PERSONAL PROPERTY BY THE VILLAGE OF SILVER LAKE, OHO, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Resolution No.: 38-2010 to the Finance and Appropriations Committee.

**ORDINANCE NO.: 39-2010 AN ORDINANCE AMENDING SECTION 7 OF ORDINANCE NO.: 1-2009 BY REVISING STAFFING LEVELS IN THE VILLAGE OF SILVER LAKE POLICE DEPARTMENT TO INCLUDE FIVE PART-TIME PATROL OFFICERS.**

Mr. Jones assigned Ordinance No.: 39-2010 to the Personnel and Public Affairs Committee.

**RESOLUTION NO.: 40-2010 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.: 40-2010 to the Finance and Appropriations Committee.

**RESOLUTION NO.: 41-2010 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 245,957.25**

Mr. Jones assigned Resolution No.: 41-2010 to the Finance and Appropriations Committee.

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

There being none, Mr. Jones called upon Mr. Christopher Scott, Chairman of the Finance and Appropriations Committee to lead discussion items on the agenda pertinent to his committee.

**FINANCE AND APPROPRIATIONS COMMITTEE**

Mr. Scott stated Resolution No.: 36-2010 is for authorization of a zero percent loan for our upcoming sewer project. The Village is not yet approved for this loan.

Mr. Jones asked when the engineer's work was done.

Mr. Fenwick replied in 2009 the cost was \$20,000.

There being no further discussion, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 36-2010 this evening.

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Mr. Scott stated Ordinance No.: 37-2010 is for the purchase and sale of municipal property.

Mayor stated this sets up the procedure for the Village to be able to sell old and unused equipment.

Mr. Scott asked if we will be purchasing through this system as well.

Mr. Fenwick replied that has not been looked into.

There being no further discussion, Mr. Scott stated the Committee will recommend the adoption of Ordinance No.: 37-2010 this evening.

Mr. Scott stated Resolution No.: 38-2010 is entering into an agreement with Lightgov to sell the Village's equipment.

Mr. Budrevich asked if the Village has looked into other options as far as the sale of industrial surplus.

Mayor stated this company is being used by neighboring communities and comes recommended by the Mayor's association.

Mr. Budrevich asked how much material we are talking about selling.

Mr. Fenwick replied he has not looked recently, but the items are just sitting there.

Mr. Budrevich stated his thought is that if we only have a few items, why not just put them on eBay and not have to pay the percentage to the company. Stow has their auction every summer; we could take our things over there.

Mr. Fenwick stated the Village tried that in the past and it did not work.

After brief discussion, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 38-2010 this evening.

Mr. Scott stated Resolution No.: 40-2010 re-appropriates money.

(Mrs. Spohn's comments were inaudible)

Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 40-2010 this evening.

Mr. Scott stated Resolution No.: 41-2010 is for payment of claims, in the amount of \$245,957.25.

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The following items were discussed:

- Mr. Richard Miller- reimbursement for healthcare
- Ohio Edison – remove old poles
- GBC- Chautauqua Drive flood plain elevation

There being no further discussion, Mr. Scott stated the Committee will recommend the adoption of Resolution No.: 41-2010.

Mr. Scott asked for comments or questions on the Statement of Cash Position.

Mr. Jones asked how we stand on income tax collections.

Mrs. Spohn stated we are about \$50,000 ahead from where we were at this time last year.

There being no further discussion, 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 her committee.

**PERSONNEL AND PUBLIC AFFAIRS COMMITTEE**

Mrs. Fuller stated Resolution No.: 35-2010 authorizes the Mayor to sign an intergovernmental memorandum.

Mayor stated this is the same memorandum that was signed last year.

There being no further discussion, Mrs. Fuller stated the Committee will recommend the adoption of Resolution No.: 35-2010.

Mrs. Fuller stated Ordinance No.: 39-2010 amends Section 7 of Ordinance No.: 1-2009, revising staff levels of the Police Department to five part-time employees.

Chief stated the Police Department is able to fill voids in staffing (i.e. vacations, holidays) with part-time officers. There is currently a part-time officer off for medical leave. This is going right into the vacation period peak. The department needs someone who can work more through the week and not just weekends and holidays. Reserve Officer Karla Rich is available to step into this position.

Mrs. Fuller asked how long the officer will be on medical leave.

Chief replied approximately two months.

Mr. Budrevich asked why a part-time and not use an auxiliary.

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Chief stated auxiliary are not used to fill shifts.

Mrs. Geis asked why we would add another position when we have auxiliary and other officers, especially since it's a short amount of time to fill.

Chief replied it is quite expensive to use full time officers for overtime.

Mrs. Geis asked why we can't use the auxiliary.

Chief replied the auxiliary do not have the training. They need more training, schooling and experience.

Mr. Budrevich stated this seems like the perfect opportunity for the auxiliary to receive some on the job training.

Chief stated that is asking a tremendous amount from someone to come in and work 40 hours with no pay, no benefits, no uniform, etc. They are strictly volunteers.

Mrs. Steiner stated adding the fifth part time officer just gives you more people to draw from if other officers are not available to fill the shift.

Mrs. Geis stated she is concerned with being overstaffed.

Mr. Jones commented we are just filling a position for someone who is out sick.

Mrs. Fuller stated the Committee will recommend the adoption of Resolution No.: 39-2010 this evening.

Mr. Jones continued with the agenda.

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

Mrs. Fuller stated Resolution No.: 35-2010 was discussed in Committee earlier this evening and is ready for adoption.

Mrs. Fuller moved to suspend the rule that legislation be read at three meetings for Resolution No.: 35-2010, seconded by Mrs. Steiner.

Roll call on suspension:        Yes    7        No    0

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

Roll call on adoption:        Yes    7        No    0

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Mrs. Fuller stated Ordinance No.: 39-2010 was discussed in Committee earlier this evening and is ready for adoption.

Mrs. Fuller moved to suspend the rule that legislation be read at three meetings for Resolution No.: 39-2010, seconded by Mrs. Steiner.

Roll call on suspension:        Yes    7        No    0

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

Roll call on adoption:         Yes    5        No    2

Mrs. Geis and Mr. Budrevich voted no.

Mr. Heydorn stated this Ordinance will take effect in 30 days.

**Finance and Appropriations Committee - Mr. Christopher Scott, Chairman**

Mr. Scott stated Resolution No.: 36-2010 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.: 36-2010, seconded by Mrs. Steiner.

Roll call on suspension:        Yes    7        No    0

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

Roll call on adoption:         Yes    7        No    0

Mr. Scott stated Ordinance No.: 37-2010 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 Ordinance No.: 37-2010, seconded by Mrs. Fuller.

Roll call on suspension:        Yes    7        No    0

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

Roll call on adoption:         Yes    7        No    0

Mr. Scott stated Resolution No.: 38-2010 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.: 38-2010, seconded by Mr. Hite.

Roll call on suspension:        Yes    7        No    0

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

Roll call on adoption:         Yes    6        No    1

Mr. Budrevich voted no.

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Mr. Scott stated Resolution No.: 40-2010 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.: 40-2010, seconded by Mr. Budrevich.

Roll call on suspension:        Yes    7        No    0

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

Roll call on adoption:        Yes    7        No    0

Mr. Scott stated Resolution No.: 41-2010 was discussed in Committee earlier this evening and is ready for adoption.

Mr. Scott made a motion to adopt Resolution No.: 41-2010, seconded by Mrs. Steiner.

Roll call on adoption:        Yes    7        No    0

Mr. Scott made a motion to accept the Statement of Cash Position, seconded by Mr. Budrevich, and all of Council agreed.

**REPORTS OF VILLAGE OFFICIALS**

**Mayor Hovey** reported Mr. John Lund, CTI Environmental, would like to speak to Council about the sewer project that was just completed.

At the next meeting there will be a resolution for the appointment of Mr. Jim Richardson to the Board of Zoning Appeals.

The position for Chief of Police has been advertised on the Ohio Association of Chiefs of Police website. There is no deadline to when the next Chief will be named. The general goal is before the end of July.

Mayor met with Ms. Pat Ramsey, Ramsey & Associates, and he would like to hire her to review the applicants for the Chief's position.

Mayor stated he will go through the applicant's resumes first and narrow the field down to about seven candidates. Ramsey & Associates will charge the Village \$500 per candidate. This is a very important position and professional guidance will serve the Village well.

Mr. Budrevich asked if this was just going on the Ohio Chiefs of Police website.

Chief stated this goes out to many other agencies through this website. This is the standard of how most agencies advertise.

Mr. Budrevich asked if our Lieutenants are applying.

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Mayor replied we do not know who is applying.

Mr. Budrevich asked if we have to advertise for this position. Have we precluded just promoting from within?

Mayor replied as far as receiving help from the citizens to form a committee for this, he does not want anyone who thinks we should hire from within or who thinks we should not hire from within. He wants this completely open to receive the best candidate wherever it may appear from.

Mrs. Fuller asked if the company the Mayor is interested in hiring has experience in hiring Police Chiefs.

Chief replied the company has done hiring for Fire, Police, etc. They specialize in governmental.

**Mr. Robert Heydorn, Village Solicitor**, reported on June 22, 2010, he will be giving the oral argument on the Stanley Morgan Case.

**Chief Gary DeMoss** had no report.

**Mr. Richard Fenwick, Service Director**, reported in March the EPA did a system evaluation on our water system.

Mr. Fenwick reported the debris at the bird sanctuary has been taken care of.

Mr. Fenwick stated he spoke about the requirements for the year 2013 going to narrow banding. This is required for the Village. He and Lt. Harrison met with Mitchell Communication. The radios the Village is buying are compatible already, they just need programmed. There are two that need replaced. The price came in at \$7,300. It was in the budget for \$25,000.

**Mrs. Teresa Spohn, Clerk-Treasurer**, reported she went to a Health Care Reform Seminar hosted by the Fedeli Group. The Village is going to have to provide health insurance for part time employees.

Mr. Budrevich asked if the cow catcher has been removed from the Gillette residence.

Mr. Fenwick stated the Service Department took it out because there is not time to go out and clean it every week.

Mayor stated when it was installed the agreement was the Gillette's would be responsible for taking care of it.

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Mr. Budrevich stated this is not a problem that they created. Isn't there something the Village can do? He feels the cow catcher was taken out in a protest.

Mr. Fenwick replied the cow catcher was installed as a courtesy. Mrs. Gillette stated she did not like the cow catcher because it was stopping all the debris and they had to clean it up.

Mr. Fenwick stated he was not aware they flooded, did anyone see it?

Mr. Budrevich replied his neighbor saw it. It didn't get into the house but the yard flooded again.

Mr. Scott stated he was under the impression it did get in the house.

Mr. Fenwick stated the cow catcher could be clean and we would have a down pour, it would bring all the debris from the woods, and it would plug it up anyway.

Mr. Scott commented it was previously discussed installing something farther upstream to catch some of the debris.

Mr. Fenwick asked who will clean this.

Mr. Heydorn stated the difficulty with this whole area is that the Village inaugurated a program of designating that whole area and the ravine beyond Dover Road that goes down to Crystal Lake as a storm sewer district.

According to the statute on establishing a storm sewer district, an engineering plan on how to hold back the erosion/debris/water, etc. should be established. GBC did a complete engineering study on this area.

The next step was appropriating the lands to do this. The policy was to set about asking residents for an easement. Residents would not give us the easements. Many asked for money. The Village decided they could not afford this.

There has been plenty of planning and money spent, but without residents giving the Village easements to do this, it was abandoned.

Mr. Fenwick stated residents upstream didn't have any incentive because they weren't getting flooded.

Mr. Heydorn stated one of the reasons the Gillette's take the brunt of this is simply because neighbors did not cooperate.

Mr. Budrevich asked what the Village would have to do to acquire the property and tear the house down.

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Mr. Heydorn replied the only reason it happened in the Chautauqua area is because we received Federal monies.

Mr. Fenwick stated the Gillette's have not taken the precautions that have been suggested to them.

Mr. Jones stated if this is to be discussed further, Council can designate the issue to the appropriate committee.

Mr. Jones stated Mr. Lund can give his presentation at the next Council meeting.

Mrs. Geis introduced Mr. Frank LaRose. Mr. LaRose is running for the Ohio Senate.

Mr. Hite stated he attended a Silver Lake Estates Board meeting. There is nothing to report.

There being no further questions or comments, Council adjourned at 8:22 p.m. until the next regularly scheduled Council meeting on Monday, June 21, 2010, at 7:00 p.m.

APPROVED:

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Mr. Gerald Jones, President of Council

ATTEST:

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Teresa M. Spohn, Clerk-Treasurer