

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, March 7, 2016

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, March 7, 2016, 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: Mr. Christopher Scott, Mrs. Betsy Meyer, Mr. Gerald Jones, Mr. William Church, Mrs. Carol Steiner, Mr. Matthew Plesich

Roll call of Council - 6 members present

Absent - Mrs. Karen Fuller

Mr. Church moved and Mrs. Steiner seconded to excuse the absence of Mrs. Fuller. All members of Council signified their approval by saying aye.

Mr. Jones asked if there were any additions or corrections to the minutes of the February 16, 2016, Council meeting.

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

Mr. Jones asked Mrs. Kim Pigman, Assistant to the Clerk-Treasurer, for the reading of any pending legislation that is up for first reading.

RESOLUTION NO.: 11-2016 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS TOTALING \$251,200.73.

Mr. Jones assigned Resolution No.: 11-2016 to the Finance and Appropriations Committee.

RESOLUTION NO.: 12-2016 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE PITTSBURG TANK AND TOWER MAINTENANCE CO., INC., FOR MAINTENANCE AND REPAIR OF THE VILLAGE STANDPIPE, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 12-2016 to the Finance and Appropriations Committee.

ORDINANCE NO.: 13-2016 A ORDINANCE AUTHORIZING THE TRANSFER OF TWENTY-ONE THOUSAND DOLLARS AND NO CENTS (\$21,000) FROM THE GENERAL FUND TO THE ACCRUED BENEFITS PAYMENTS FUND, AND DECLARING AN EMERGENCY.

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Mr. Jones assigned Ordinance No.: 13-2016 to the Finance and Appropriations Committee.

ORDINANCE NO.: 14-2016 AN ORDINANCE AUTHORIZING THE TRANSFER OF TWENTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$25,000) FROM THE GENERAL FUND TO THE SEWER FUND, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Ordinance No.: 14-2016 to the Finance and Appropriations Committee.

ORDINANCE NO.: 15-2016 AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2016, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Ordinance No.: 15-2016 to the Finance and Appropriations Committee.

ORDINANCE NO.: 16-2016 AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE REPLACEMENT, REPAIR AND OTHERWISE IMPROVEMENT OF SIDEWALKS IN THE VILLAGE OF SILVER LAKE.

Mr. Jones assigned Ordinance No.: 16-2016 to the Finance and Appropriations Committee.

RESOLUTION NO.: 17-2016 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CARDINAL ASPHALT COMPANY, INC. TO PROVIDE LABOR AND MATERIALS FOR THE RESURFACING OF TENNIS COURTS OWNED BY THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 17-2016 to the Finance and Appropriations Committee.

RESOLUTION NO.: 18-2016 A RESOLUTION AUTHORIZING THE VILLAGE OF SILVER LAKE TO PURCHASE A L3 MOBILE-VISION, INC. BODYVISION CAMERA SYSTEM FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 18-2016 to the Finance and Appropriations Committee.

Second Reading: None

Third reading: None

Comments from the audience: None

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FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHRISTOPHER SCOTT

RESOLUTION NO.: 11-2016

Mr. Scott asked if there were any questions on any of these payments.

Mrs. Meyer asked Mr. Housley for an explanation of a \$249.00 payment to Toshiba Business Solutions, which was for office equipment.

Mr. Scott asked about the \$8,700 payment to Pittsburg Tank and Tower. Mr. Lipan said this was half the amount. Resolution No.: 12-2016 is being presented tonight to authorize the work, totaling \$17,400. Mr. Housley said half the amount was requested up front. Members of Council questioned why this was paid prior to Council's approval. Mr. Lipan said the approval was granted at a budget meeting. Mr. Scott said he did not remember power washing the exterior or the tank being discussed. Mr. Lipan said it was in the proposal. Mr. Scott asked when the tower was painted. Mr. Lipan said it was a few years ago.

Mr. Jones asked why this resolution was not brought to Council prior to the payment being made. Mr. Lipan said he assumed since it was approved in the budget meeting it did not need further approval. Mayor added he signed the agreement prior to Council's approval, and it should not have been done that way. Initially, he did not think it needed further approval either.

Mr. Heydorn added our ordinances say approval must be given for expenditures over \$5,000, but they don't specifically say how approval has to be granted.

There being no further comments or questions, Mr. Scott said this Resolution would be brought out for adoption this evening.

RESOLUTION NO.: 12-2016

There being no comments or questions, Mr. Scott said this Resolution would be brought out for adoption this evening.

ORDINANCE NO.: 13-2016

Mr. Scott said we are making the annual contribution to bring that fund up to where we believe is appropriate for when we have retirees. Mr. Housley said this is boilerplate legislation.

There being no further comments or questions, Mr. Scott said this Ordinance would be brought out for adoption this evening.

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ORDINANCE NO.: 14-2016

Mr. Scott said this is what we talked about; phasing in the rate increases and the General Fund is going to take a little of the hit so we didn't have to push the cost onto the residents. This is the last year for that.

There being no further comments or questions, Mr. Scott said this Ordinance would be brought out for adoption this evening.

ORDINANCE NO.: 15-2016

Mr. Housley said there is legislation tonight to purchase body cameras for the Police Department. Chief Conley obtained a quote for substantially less than he received approval for at the budgetary meeting, Mr. Housley is asking to reduce the appropriations. We are going to try to be more proactive regarding the appropriations on other contractual work.

We did receive the \$55,000 from the County, which is our money that they held. I am asking to increase the appropriations in B-10. The money was deposited in B-10, and it will return the General Fund. I will be increasing our estimated revenues in the General Fund by this amount. When it's all done it won't have any impact on our projected budgetary balance.

Mr. Scott said we have a payment in the payment of claims for police equipment. Chief Conley said the payment was for the radios, not the body cameras.

There being no further comments or questions, Mr. Scott said this Ordinance would be brought out for adoption this evening.

ORDINANCE NO.: 16-2016

Mr. Scott asked Mr. Housley to speak on this.

Mr. Housley said what this legislation is asking is for your authorization on a 3.75% interest rate to be applied to those that don't pay their invoice in full prior to being assessed. It is also asking that the time frame for repayment be one year, which is in accordance with our own codified ordinances. The average assessment is \$508 per household. There are only 30 residents who owe over \$1,000. Bond Counsel suggested if you want to change the time frame, to change the codified ordinances first and then change the time frame.

Mr. Jones asked if the list included the Village costs for sidewalks damaged by trees. Mr. Housley said it does not, and after Council approves the assessments he will prepare final legislation for a transfer. We have already transferred some money into the General Capital Improvement Fund from the General Fund.

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Mr. Jones wanted to make sure Cementech did not double bill him or other residents for tree damaged sidewalks also billed to the Village. Mr. Housley suggested he review the charges with Mr. Lipan.

Mr. Scott said we will still accept cash payments, with a 30 day window for payment.

Mr. Jones asked when the bills would go out.

Mr. Housley said he would have 30 days after the legislation is approved to get the invoices out. Mr. Scott said we are currently set up for a one year payback and we would have to change our codified ordinances to extend that.

Mr. Scott asked what the average payback period would be for a sidewalk assessments.

Mr. Housley said Bond Counsel advised him that five years is customary.

Mr. Heydorn asked whether or not we could change the payment time once we have started the program. Mr. Housley referred to a memo from Bond Counsel and said Bond Counsel is defining Ordinance No.: 16-2016 as our assessment legislation.

Mr. Heydorn said if Council wants to extend the payments out, they should give Ordinance No.: 16-2016 a first reading. Let us get all this straight before we move forward. It is much wiser to see whether you can do what you want to do before you start this process.

Mr. Scott asked Council for their opinions on the number of years they would want to give for a payback period.

Mrs. Steiner suggested that all residents would have to adhere to the payback schedule once adopted; i.e., a resident could not have a payback period of three years if five years is the adopted time frame.

Mr. Housley added if Council decided not to extend the years and someone approached Council saying they needed more time, Council could adopt legislation for that resident at that time. Council did not want to pursue that option and put residents in the position of asking for time.

It was agreed to use a three year time frame for payback.

Mr. Housley asked if we should suspend this indefinitely and bring forth new legislation next time.

Mr. Heydorn said when we moved forward on this we were not in conflict with State law.

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It was agreed to leave Ordinance No.: 16-2016 on first reading. Mr. Heydorn will research our ordinances on assessments.

RESOLUTION NO.: 17-2016

Mr. Scott asked if this was the only proposal. Mr. Lipan said we obtained bids two years ago, and Cardinal Asphalt was the cheapest. Mr. Lipan did not want to waste his time on getting bids. They did our basketball court and did an excellent job.

There being no further comments or questions, Mr. Scott said this Resolution would be brought out for adoption this evening.

RESOLUTION NO.: 18-2016

Chief Conley said he asked the Mayor at the last meeting to wait, as funding might be available. We have now been advised we are not eligible for grant funding from the Summit County Emergency Management Agency. We are now asking for this purchase and the funding, which is less than originally anticipated. We reduced the number of cameras requested to 12 from 15. Our original estimate was around \$27,000. We have now obtained an updated quote for a little over \$15,000. The City of Twinsburg is using the same system. Mrs. Meyer suggested we may want to purchase more than 12 cameras, as we have an officer retiring and we may be hiring more part time officers. Chief said he is comfortable with 12 cameras at this time. This is the same company that provided our cameras in our cars. The car cameras do an automatic download, however, the body cameras will not do the same thing.

There being no further comments or questions, Mr. Scott said this Resolution would be brought out for adoption this evening

STATEMENT OF CASH POSITION

Statement of February 29, 2016, was presented. Mr. Housley said we are reconciled through January 31, 2016.

There being no further comments or questions, Mr. Scott said the Statement would be brought out for adoption this evening.

Finance and Appropriations Committee – Mr. Scott

Mr. Scott stated **Resolution No.: 11-2016** 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 adoption: Yes 5 No 0 Abstain 1 (Plesich)

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Mr. Scott stated **Resolution No.: 12-2016** was discussed in Committee earlier this evening and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mr. Church
 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 **Ordinance No.: 13-2016** was discussed in Committee earlier this evening and is ready for adoption.

Motion to suspend the rules by Mr. Scott, 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 **Ordinance No.: 14-2016** was discussed in Committee earlier this evening and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mr. Plesich
 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 **Ordinance No.: 15-2016** was discussed in Committee earlier this evening and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mr. Church
 Roll call on suspension: Yes 6 No 0
 Motion to adopt by Mr. Scott, seconded by Mr. Church
 Roll call on adoption: Yes 6 No 0

Mr. Scott stated **Ordinance No.: 16-2016** was discussed in Committee earlier this evening and is being held on first reading.

Mr. Scott stated **Resolution No.: 17-2016** was discussed in Committee earlier this evening and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mr. Church
 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

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Mr. Scott stated **Resolution No.: 18-2016** was discussed in Committee earlier this evening and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mr. Plesich

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Motion to accept the **Statement of Cash Position of February 29, 2016**, by Mr. Scott. Seconded by Mrs. Steiner. All members of Council signified their approval by saying aye.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey reported the old Christmas tree has been removed and a new tree planted. It was amazing to watch the machinery used to dig and plant the tree.

The year 2018 will mark the Silver Lake Centennial. Mayor plans to call a general meeting within the next few months for anyone interested in working on it, including the Garden Club, Historical Society and each of our Commissions.

Mayor plans on giving the State of the Village Address at the next meeting.

Mr. Robert Heydorn, Village Solicitor, had no report.

Chief John Conley reported at the end of February the Bath Police Department arrested three individuals for theft from vehicles in their community. Further investigation discovered items in Cuyahoga Falls, including items stolen from Silver Lake over the past year. Detective Norris is working with the Bath and Hudson Police Departments and has recovered numerous bags of items stolen from Silver Lake.

Chief encouraged Council and others to attend the Easter Egg Hunt to be held Saturday, March 19, 2016. Walmart donated empty plastic Easter eggs last year. This year Walmart donated a pallet of toys worth over \$7,000.

Mr. Mark Lipan, Service Director, reported we had two water breaks on Outlook Drive last month. The water tower is done. The next inside inspection will be in three years. We ordered 200 tons of salt today.

We had an EPA inspection two days ago. Only one minor infraction was a missing cover on the discharge pipe from the water tower.

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We are averaging 14 hours per month on the new backhoe and about 26 ½ on the front loader. On the old backhoe we were averaging 51 hours per month. The front loader will definitely extend the life of the backhoe.

Mrs. Meyer asked if there was a guarantee on paving, as some of the patches on Graham Road and Kent Road are coming loose. Mr. Lipan said there is no guarantee.

Mr. Sean Housley, Clerk-Treasurer, reported he is investigating the Summit County Department of Environmental Services invoice for additional charges that he reported on last month. He is requesting that they provide supporting data for the costs and requesting they explain to us what section of the contract applies. We will not pay these additional charges until Mr. Heydorn has had a chance to verify and confirm that it is something that is authorized per our agreement with them.

Mr. Jones commented on the natural gas aggregation with Constellation Energy, citing the current SCO offer through Dominion East Ohio is \$2.39, going down to \$1.73, whereas Constellation will be \$2.85. Mr. Jones asked if it is legal for Constellation to automatically enroll you in the aggregation program. Mayor said yes, that is how the program works. You must opt out. The current renewal at \$2.85 is for one year.

Miscellaneous Business

Mrs. Steiner asked when Council was going to continue the salary discussion.

Mr. Jones asked if the increases would not be until next year anyway.

Mayor said several years ago the raise and healthcare renewal were tied together for April 1st.

Mr. Housley said he can have something prepared for the next meeting for Council to review.

There being no further comments or questions, Council adjourned at 8:13 p.m. until the next regular meeting of Council on Monday, March 21, 2016, at 7:00 p.m.

APPROVED:

Mr. Gerald P. Jones, President of Council

ATTEST:

Sean M. Housley, Clerk-Treasurer