

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, January 19, 2016

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Tuesday, January 19, 2016, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With Vice-President of Council Mrs. Carol Steiner presiding, the meeting was called to order at 7:00 p.m.

Mrs. Steiner led the Pledge of Allegiance.

The following members were present and responded to roll call: Mrs. Karen Fuller, Mr. Christopher Scott, Mrs. Betsy Meyer, Mr. William Church, Mrs. Carol Steiner, Mr. Matthew Plesich

Roll call of Council - 6 members present

Absent - Mr. Gerald Jones

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

Mrs. Steiner asked if there were any additions or corrections to the minutes of the January 4, 2016, Council meeting.

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

Mrs. Steiner asked Mr. Sean Housley, Clerk-Treasurer, for the reading of any pending legislation that is up for first reading.

RESOLUTION NO.: 03-2016 A RESOLUTION AUTHORIZING THE RENEWAL OF A CONTRACT WITH KIMBLE COMPANIES INC. FOR SOLID WASTE REMOVAL IN THE VILLAGE OF SILVER LAKE FOR AN ADDITIONAL THREE-YEAR TERM COMMENCING APRIL 1, 2016 AND ENDING MARCH 31, 2019, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 03-2016 to the Finance and Appropriations Committee.

RESOLUTION NO.: 04-2016 A RESOLUTION EXPRESSING THE INTENT OF THE VILLAGE OF SILVER LAKE IN 2016 TO DISPOSE OF, ADVERTISE AND/OR SELL SURPLUS, UNNEEDED OR OBSOLETE PROPERTY INCLUDING MOTOR VEHICLES VIA AN INTERNET AUCTION, PURSUANT TO SECTION 721.15 OF THE REVISED CODE AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 04-2016 to the Finance and Appropriations Committee.

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Mr. Housley said he wanted to amend the agenda to include the following Resolution, and asked Mr. Heydorn if he needed to read it in its entirety. Mr. Heydorn said Council could simply make a motion to include the Resolution on the agenda.

RESOLUTION NO.: 05-2016 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS \$115,773.92.

Mrs. Fuller moved to amend the agenda to include Resolution No.: 05-2015, seconded by Mr. Scott. All members of Council signified their approval by saying aye.

Mrs. Steiner assigned Resolution No.: 05-2016 to the Finance and Appropriations Committee.

Second Reading: None

Third reading: None

Comments from the audience:

Mr. Gary Kinsey, Silver Lake Historical Society, said there would be a meeting of the Historical Society on January 20, 2015, at 7:00 p.m. It will be an opportunity to see over 200 photographs and archives never seen before. He encouraged all to attend and become a member.

FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHRISTOPHER SCOTT

RESOLUTION NO.: 03-2015

Mr. Scott asked Mayor Hovey for his comments.

Mayor said the price is stable for the first year and then up 2% each of the following years. I think they've done a great job for us. The Village is comfortable with them. I think it is a good deal for the Village.

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

RESOLUTION NO.: 04-2015

Mr. Housley said this is recurring legislation we have been passing for the past couple of years. Mr. Scott asked if we have to pass this annually. Mr. Heydorn said the statute says you have to.

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

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RESOLUTION NO.: 05-2015

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

Mrs. Steiner asked about a \$2,000 payment to the Post Office. Mr. Housley said it was for bulk mailing.

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 December 31, 2015 was presented. Mr. Housley said we have not started the December reconciliation yet, and we have an unreconciled amount from November of \$10.00. Mrs. Steiner asked if Mr. Housley had the authority to write off an unreconciled amount if he cannot find it. Mr. Housley said yes, and amounts under \$10.00 have been written off in the past.

Finance and Appropriations Committee – Mr. Scott

Mr. Scott stated **Resolution No.: 03-2015** was discussed in Committee earlier this evening and is ready for adoption.

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

Mr. Scott stated **Resolution No.: 04-2015** 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. Meyer
Roll call on adoption: Yes 6 No 0

Mr. Scott stated **Resolution No.: 05-2015** was discussed in Committee earlier this evening and is ready for adoption.

Motion to adopt by Mr. Scott, seconded by Mrs. Fuller
Roll call on adoption: Yes 6 No 0

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Mr. Scott moved to accept the **Statement of Cash Position of December 31, 2015**. All members of Council signified their approval by saying aye.

Personnel Placement Committee – Mrs. Steiner

Mrs. Steiner reported the Committee met earlier this evening and is recommending the following:

Step Increase for Patrol Officer Bert Johnson to Step 3, \$39,704.92

Officer Johnson has been with us since August, 2012. Chief Conley is recommending this step increase effective February 8, 2016. This would involve an annual increase of \$968.00, which is 2 ½%.

Mrs. Steiner said the Committee is in agreement and she is asking Council to approve this. Mrs. Steiner asked for a vote. All members of Council signified their approval by saying aye.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey reported R.I.T.A. has had an information breach recently. Less than 80 people in Silver Lake were affected. Only one person has identified herself to him as being affected. Mayor recommended she take the free identity theft protection being offered by R.I.T.A.

The grant submitted by the committee working on the algae problem in Silver Lake has been turned down. We did ask for a meeting to understand why it was turned down and might we be able to do better if we apply again. We have not heard back yet.

Mr. Housley will speak on the grant we are submitting for Fenwick Park regarding restoration of the river bank.

Mayor reported we are getting some training help from former Bookkeeper Heather Rice. She will be on an independent contractor basis. We don't anticipate we will need more than 7 or 8 hours.

Mr. Robert Heydorn, Village Solicitor, reported the oral argument for the DeMoss case will be January 26, 2016 at 1:45 p.m. He invited Council to attend court that day if they are available.

Chief John Conley reported on the progress being made on expunging our video files. All of the old video camera files dating back to 2007 have been catalogued as required. Our Police Secretary is now working on the new system. As of today, she is up to July, 2015, so we are only about six months behind. When those are completed, she will go through all the old body camera data we have been storing on our hard drive.

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Mr. Scott asked how long we have to keep those records. Chief said there are different time lines for different offenses, so he will have to get back to Council.

Mayor added our Police Secretary, Sharon Pulley, is doing a wonderful job with that. She is doing it much faster than we had anticipated. She's a very good worker and a very solid person.

Mr. Mark Lipan, Service Director, reported Christmas tree pickup is complete. We picked up about 120 trees. Having the salt barn in the back and the front loader is working out well, and the area is now well lit.

Mr. Sean Housley, Clerk-Treasurer, reported on the Greenspace Grant related to the Fenwick Park bank stabilization. Mrs. Steiner had asked how many points we would get for what our contribution would be. We decided on a 25% match. If we include that 25% match and take into account "in kind" costs (employee time on the project) that puts us at about 30%. The way the parameters are written, 25% contribution is 0 points. If the Village contributes 26 to 39%, that is 4 points. If the Village contributes 40 to 50%, that is 8 points. If we are willing to pay for 51% of the project, we would get 12 points which is the maximum points for this question. As it stands right now at 30%, we are going to get 4 points. We are presently at 52 points, broken down into 3 categories. We are short 2 points in category 1, but Mark hasn't looked over the application yet. We are over a number of points in category 2. We are short 8 points in category 3. Mr. Housley will review how the points can be distributed and asked if we have any discretion to contribute more than the minimum 25%.

Mr. Scott asked what the Village contribution amount would be. Mr. Housley said a 25% contribution would be about \$75,000, based on \$300,000. We could get 12 points if we do a little more than \$150,000. The entire project is estimated at \$240,000 - \$250,000, excluding engineering and "in kind" costs. This is not in the budget for this year.

Mrs. Steiner asked why we are doing this now if we are not currently under EPA orders to do this.

Mayor said eventually the EPA will force us to do this, as we are causing erosion problems in Munroe Falls.

Mr. Lipan said since we have purchased it, it has receded about 10-12 feet into our land. Additional water runoff from the work Marhofer Chevrolet in Stow has done is worsening the problem. Silver Lake Towers are getting additional sediment in their retention pond, and it is costing them \$27,000 each time to clean it out, which rushes more water our way. Eventually it will cut through the corner of Mr. Testa's property.

Mr. Scott asked what problems were being caused in Munroe Falls.

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Mr. Lipan explained a gabion wall was erected on the bank, but water is now getting behind the wall causing erosion. The cost of the project in 2001 was \$250,000.

Mr. Church asked Mr. Heydorn if there was any recourse we could take since we seem to know the source of the problem. Mr. Heydorn said it would take a lawsuit. Communities have said they have the right to put water into a natural watercourse. It would be up to the judge to determine what a reasonable amount of water is. This is a new rule called the urban rule of watershed.

Mrs. Fuller said she was not comfortable making a decision tonight, as it had not been budgeted for this year. Mrs. Fuller suggested a special Council meeting could be held to meet the January 31 deadline for submitting the grant.

Mr. Plesich said this is free money we are looking at. It may cost us a little more, but we are getting money in return instead of having to pay for the entire project.

Mrs. Fuller said she did not want to make a rush decision tonight to spend \$150,000 we were not planning on.

Mr. Plesich asked what the timeline is to get the project done. Mr. Housley said it would probably be within a year of receiving the money. We tell them what our timeline would be if we were awarded it. Mr. Plesich said it would be a phenomenal opportunity to get free money.

Mr. Scott asked how much repair would have to be done to the Munroe Falls side. Mr. Lipan said the wall would have to be repaired and some fill put in.

Mrs. Steiner asked if the County had any responsibility when permits were issued for Marhofer in Stow. Mr. Heydorn said it is municipal jurisdiction.

Discussion was held regarding the construction of the subdivision in the 1960's. The streambed had gone through the middle of the subdivision and was moved by the developer. Mr. Heydorn added the problem is causing an issue on private property, which is in Munroe Falls. The private property owner's problem is what we are addressing here.

Mr. Church said if we fixed our side of the river, but it continued to erode on the other side, would it be Munroe Falls' problem? Mr. Heydorn said it would be the property owner's problem.

Mr. Lipan said it is our duty not to knowingly destroy someone else's property. Mr. Church said he was just trying to get at some cost sharing for the project.

Mr. Heydorn said if it was a natural stream that changed course on its own, you are not liable. However, the Village authorized changing the course of the stream when the subdivision was built, but he didn't know how it would play out in the courts.

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Mr. Lipan said the landowner maintains we have to maintain what we have already put up (gabion wall). Mr. Heydorn said the other argument would be the doctrine of assumed duty.

Mr. Church asked since the decision was made by Council in the 1960's, do we have to live with that forever? Mr. Heydorn said there could be an argument to that effect.

Discussion was held about engineering costs for the grant. Mr. Housley said the grant would pay for those costs. Mr. Scott asked if we are waiting to hear back from the engineer. Mr. Lipan said we are waiting.

Mr. Church agreed with Mrs. Fuller to wait and see what the final numbers are.

Mrs. Steiner asked where we are leaving this.

Mr. Housley said we are currently at a 25% match. Unless the Mayor thinks we need to have a meeting for some extra points, we will stay at 25%.

Mr. Housley reminded Council Karen Reiheld is new and he appreciates Council's patience with the payment of claims. We had to sort out the essential bills to get through the process right now. There should be two or three batches for the next Council meeting. Mr. Church asked about Kim Pigman's duties, and Mr. Housley explained the scope of her duties as Assistant to the Clerk-Treasurer.

Miscellaneous Business

There being no further comments or questions, Council adjourned at 7:52 p.m. until the next regular meeting of Council on Monday, February 1, 2016, at 7:00 p.m.

APPROVED:

Mr. Gerald P. Jones, President of Council

ATTEST:

Sean M. Housley
Clerk-Treasurer