

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

**Monday, July 18, 2016**

**7:00 p.m.**

The Village of Silver Lake Council met in a regular session on Monday, July 18, 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: Mrs. Karen Fuller, Mrs. Betsy Meyer, Mr. Gerald Jones, Mr. William Church, Mrs. Carol Steiner, Mr. Matthew Plesich

Roll call of Council - 6 members present

Absent - Mr. Christopher Scott

Mrs. Fuller moved to excuse the absence of Mr. Scott, seconded by Mrs. Meyer. 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 July 5, 2016, regular Council Meeting.

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

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

**RESOLUTION NO.: 56-2016 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS TOTALING \$163,237.16.**

Mr. Jones assigned Resolution No.: 56-2016 to the Finance & Appropriation Committee.

**ORDINANCE NO.: 57-2016 AN ORDINANCE AMENDING SECTION 927.13(c) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE TO ADJUST THE SANITARY SEWER CHARGE TO RESIDENCES WHO HAVE UNMETERED SEWER CHARGES, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Ordinance No.: 57-2016 to the Finance & Appropriation Committee.

**ORDINANCE NO.: 58-2016 AN ORDINANCE AMENDING SECTION 933.01 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE TO APPLY A MINIMUM FIXED CHARGE FOR UPKEEP OF THE WATER SYSTEM FOR THOSE DIRECTLY CONNECTED TO THE WATER SYSTEM AND THOSE WHOSE CONNECTION TO THE SYSTEM IS THROUGH FIRE HYDRANT SERVICE, AND DECLARING AN EMERGENCY.**

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Mr. Jones assigned Ordinance No.: 58-2016 to the Finance & Appropriation Committee.

**RESOLUTION NO.: 59-2016 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH OHIO EPA TO OBTAIN A PERMIT FOR THE 2016 SANITARY SEWER REPLACEMENT PROJECT IN THE VILLAGE OF SILVER LAKE AND PROVIDING THE FUNDING THEREFORE BY AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Resolution No.: 59-2016 to the Finance & Appropriation Committee.

**Second reading:**

**RESOLUTION NO.: 52-2016 A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE A HANDHELD DATA COLLECTOR FROM NEPTUNE EQUIPMENT COMPANY FOR WATER METER READINGS IN THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY.**

Resolution No.: 52-2016 had previously been assigned to Finance & Appropriations.

**ORDINANCE NO.: 55-2016 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. (Presented as amended.)**

Ordinance No.: 55-2016 had previously been assigned to Finance & Appropriations.

**Third reading:       None**

**Comments from the audience:       None**

**FINANCE AND APPROPRIATIONS COMMITTEE – MR. WILLIAM CHURCH**

**RESOLUTION NO.: 56-2016**

Mrs. Fuller asked how long the ammunition lasts. Chief Conley said that order was for the SWAT team for \$19,946. Mrs. Fuller said it usually says SW for SWAT so Council doesn't question it.

Mr. Church asked about a payment for alcohol law enforcement. Chief Conley said the alcohol law enforcement trust fund is created from court costs as a result of DUI's. These are not fines and costs that are returned to the Village from the court. Money is put into an account and we are looking into if these were not the correct numbers. They should be much higher. It doesn't appear that the right amounts have been deposited into that account. These funds can be used for alcohol

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education and purchasing of certain equipment, such as portable breath meters. It is a fund created by the State of Ohio. Monies come from court costs related to DUI enforcement.

Mrs. Meyer asked who Robert Burch was for training. Mr. Lipan said he does our safety training.

Mr. Jones asked about the payment for photography. Mayor said it was for the office staff, whose pictures are now in the hallway. Chief Conley said the photographer has also been used by the Police Department. It has been an inexpensive option, as we are given the disk and can print our own pictures.

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

**ORDINANCE NO.: 57-2016**

Mayor explained this is for any home that has unmetered water service, such as people with wells that use our service.

Mrs. Steiner asked what these homeowner are being charged now.

Mayor said they are currently being charged at a rate of eight units, and we are adjusting it to six. We now have the ability to adjust it at the end of each year.

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

**ORDINANCE NO.: 58-2016**

Mayor asked that this be a first reading, as this will be a new charge to some residents. If Council passes this tonight, those residents will never have a chance to ask questions or have any input.

There being no further comments or questions, Mr. Church said this Resolution would be held for second reading.

**RESOLUTION NO.: 59-2016**

Mayor said the Clerk-Treasurer would be providing information for financing. This resolution is to authorize application for the EPA license, which is required. We have no intention of actually applying for it until Council gives final approval to go ahead with the project. This is just to get it in place so there is no delay. It takes some time to get that license.

Mrs. Fuller said all the engineering has been done on this project, so Denny's suggestion that engineering include green would not affect Lee Road. Mayor said it would not be cost effective

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for us to go back and redo it. Mr. Lipan said what he was talking about was storm sewers. This refers to sanitary sewers, and we don't want that water to hang around.

Mayor added the engineer's estimate is almost \$1.9 million dollars. There are some things Mr. Lipan asked to do in that estimate and he can explain the difference, but it would raise it from 1.3 to 1.9 million dollars. This is something that has to be done, otherwise we run the risk of that completely failing. Mrs. Steiner said we have never had one cost that much money, have we? Mr. Lipan said we have added a portion of Silver Lake Blvd. and others. When the engineer got into it he realized it was a little more involved than was originally thought. It is going from the island down Silver Lake Blvd., and all of Lee Road to Landon Drive.

Mrs. Steiner asked where we are with over/under sewers of this type. Mr. Lipan said there are a couple small portions on Silver Lake Blvd. around Athens. Mr. Church asked if that would complete the Village. Mr. Lipan said yes, after those sections.

Mr. Heydorn said under Mayor Thudium's administration we covered a lot of sewer problems using Issue 2 money, which is no longer available. We did millions of dollars of repairs.

Mayor said Mr. Housley is looking at several different financing options and one of them includes the possibility of using some grants. We are at the preliminary stage for that.

Mrs. Steiner asked if we always had to go to the EPA. Mayor said it is a new thing, and their fee for the license is \$8,800. Mr. Lipan said it is a portion of a cost of the project, based on the engineer's estimate, which could change. Mr. Lipan said the engineer put down the installation/construction cost of \$1,336,415. He gave that number to the EPA. There are a couple of other things Mr. Lipan added in. If we run across lead water lines we have to remove them and put in copper lines. We replace them when we find them. We have replaced two this summer. The engineer's estimate started at 1.3 million dollars, increasing to 1.9 million dollars, to cover contingencies.

Mrs. Fuller asked how long this would take. Mr. Lipan said if we start now we have an estimated completion date of December 1, 2016. Mayor said we would not be able to do it this year, as the applications and permits will not be approved until the end of the year. Mayor said the administration will not apply until Council agrees to whatever the financing would be. Mr. Lipan said there would be a lot of companies bidding, as this is a large project.

Mrs. Fuller asked if the EPA can change the plans when the application is submitted. Mr. Lipan said yes, if they are not correct. They are looking to make sure the sewer is a certain distance away from storm sewers and water lines. Mrs. Fuller said this is just a thought; if you are going to dig up all of this area, then you are going to have to redo the berms and the roads, so maybe you can use a little bit of the green technology in landscaping, as it will have to be done.

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Mr. Lipan said on Lee Road some of the lines are ten feet from people's front door. Mr. Heydorn said that area was originally projected to be a ballpark, so the sewers were put far away from the pavement. Mrs. Steiner said the storm sewers would still be located close to the homes, even after this project. Mr. Lipan confirmed they would. General discussion was held on engineering.

Mrs. Steiner asked why we are doing this now if we are so far away from applying. Mayor said when this was put on the agenda we had no idea how long it would take to get the financing. It will take several months to do that. Mr. Jones asked Mr. Housley to explain the financing options.

Mr. Housley reported he reached out to the Ohio EPA, Ohio Water Development Authority, Ohio Public Works Commission, and a Bond Advisory company. The Ohio EPA has a rate of about 1.31% for up to 20 years, which is the best rate. The application process begins August 1 and closes August 30, 2016, and is subject to a competitive evaluation. We would have to be accepted, and we find out in January of 2017. Eligibility for the lower interest rate depends on the project, community size, average household income, etc. We've met these qualifications before, and we were eligible for the lower interest rate in the past. We have used the Ohio EPA in 2000, 2001 and 2003.

They don't offer grants, but they do have a principal forgiveness program. We have not been eligible for the principal forgiveness program in the past. This program means that at a certain point in time they forgive the principal. It's like a grant, but it's not a grant. It's similar to a grant in that you don't have to repay the full amount you borrow.

Mr. Housley said the Ohio Water Development Authority has 2.56% for up to 20 years, and 2.7% for 21-30 years. There are no grants available through them. The Ohio Public Works Commission (OPWC) didn't get back with us yet. The OPWC may have some grants available. If you want to issue bonds, a 15 year loan term is 2.0%. The monthly cost per household for this would be around \$12. That's assuming no subsidy, but the Mayor has advised me he is in favor of subsidizing this with money from the General Fund.

Mr. Jones asked if the households included all in the Village. Mr. Housley said yes. It would be dividing the debt service by the total number of households. That's if you choose to do it for 15 years. We have done that before. It is part of what your fixed costs are on system maintenance costs.

Mrs. Steiner said she has never seen that on her bill. Mr. Housley said these projects are an element of the fixed portion of your water/sewer bill. In this case, it would be sewer. Mrs. Steiner said again she has never seen an amount like that on her bill.

Mayor said Mr. Housley is saying we have done it because we have raised sewer rates through the years. But I agree with you, we have never directly done it on the bill. We have \$2,000,000 sitting in our General Fund, and I am in favor of spending a big chunk of that to subsidize this; and I am talking \$500,000 or more.

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Mr. Church asked Mr. Housley about getting all the applications submitted for funding. Mr. Housley said we would get it done. Mr. Plesich added we are months away from approval, even if we do submit all the applications.

Mr. Housley said if you want to do a 30 year bond at about 2.5%, you are looking at about \$7.43 per household per month. That is unsubsidized, assuming 1.9 million. If you are in favor of us seeking bids, I would like to suggest we seek those bids right away, so when I fill out the applications I can tell them what the financing amount would be.

Mr. Jones asked if the contractors would bid on a job they can't do next month? Mr. Lipan said that would be a stipulation of the bid bond, and a lot of contractors would like to know what they are doing next year.

Mr. Church asked if we need the permit before we can seek bids. Mayor said we do not need the permit for bidding, but we need it before we begin the project.

Mrs. Steiner asked if would be advised in January if we were going to get any loan forgiveness. Mr. Housley said we would probably know in January.

Mr. Housley said you may not even need to seek bids, because he has an official opinion on estimated costs for the engineer, which is all that is needed to apply for financing. If the bids come in less, we will borrow less.

Mr. Housley said if we move forward I would start with filling out the applications for Ohio EPA. I wouldn't do anything with OWDA because we could wait until we hear back from the Ohio EPA. I would look into grants from OPWC.

Mr. Church asked if it matters if we do it now or later. Mr. Housley said if this is going to take place next year, he would rather budget for it and get approval next year,

Mayor said this was put on the agenda prior to us finding out information, which we just found out today. I just didn't want there to be delays in moving forward, but there is going to be an obvious delay now, because it is going to take us a while to arrange the financing. I would say it is not a necessity to do this now. If we do it now, it doesn't hurt.

Mr. Jones said if we authorize it and he doesn't spend the money this year, then it's a moot point. Mr. Heydorn asked if there would be any budgeting problems. Mr. Housley said he would rather it not be approved if we don't think we are going to apply for it and pay for it this year, because it does create some problems.

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Mr. Heydorn said, long matter short, he is asking to postpone this piece of legislation indefinitely.

Mr. Lipan asked if we were going to go out for bids. Mayor said Mr. Housley will try and figure out the financing first and then we will go out for bid.

Mr. Heydorn asked if it would be possible to use the engineer's estimate. Mr. Housley said that is what he was going to use. He will use the 1.9 million dollar estimate, but if you decide to spend less, we are approved for 1.9 million dollars.

There being no further comments or questions, Mr. Church said this Resolution would be postponed.

**Second Reading:**

**RESOLUTION NO.: 52-2016**

Mr. Lipan was asked to comment further. He said he talked to the representative and looked online. The ones Mr. Jones was looking at were navigation ones. They had the navigation system in them, but not Neptune's software. The one Mr. Lipan is recommending has Neptune's software. In addition, Mr. Lipan was told by the Neptune representative there are other components and the charger that goes with their software. If we buy from them, it will be covered under our maintenance agreement. Mr. Lipan added, I can only go with what they tell me. It is just like Software Solutions, Inc. We are under a maintenance agreement with them, and if we would purchase a computer from Best Buy on our own, Software Solutions would not cover it. The same thing would go for this.

Mr. Jones asked if Mr. Lipan called the company that had it online. Mr. Lipan said he did not, as Neptune had advised him they would not cover it if we purchased it elsewhere. Mr. Lipan asked, "If it breaks down who is going to pay to get it fixed?" Mr. Jones asked if there was a warranty. Mr. Lipan said it would be covered under our maintenance agreement with Neptune if we purchased through them.

Mrs. Steiner asked if we need this regularly to produce the billings. Mr. Lipan said this is used when we change a meter to find out if it's working and for troubleshooting. If our system goes down, we can use this handheld to collect the readings. It would be like having a drive-by system.

Mr. Lipan asked if any Council members find anything like this in the future, please call him before the meeting and he will check it out prior to the meeting. Mr. Jones said Council got the legislation on Friday before the meeting, and he didn't know in advance we were going to do this. There being no further comments or questions, Mr. Church said this Resolution would be brought out for adoption this evening.

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Mr. Jones asked about the resolution we are going to hold (Ordinance No.: 58-2016), the charge to the residents, and asked the Mayor if he was going to send something out to the residents.

Mayor said he will send a letter saying it is going to be discussed at the next Council meeting and if you have any questions, come and ask them. I am going to try to give them a reason why this is being done and I am assuming most of the people on that street are going to be reasonable. Again, you are talking \$15.94 per month. There will be information as to why we are doing it if they have any questions.

**ORDINANCE NO.: 55-2016**

Mrs. Steiner asked why we are putting so much money into the Park Board Memorial Fund. Mr. Housley said there was a change in policy and asked Mr. Lipan to explain. Mr. Lipan said at the beginning of the year he brought a policy to Council where it covered any type of donation, such as a \$500.00 donation to use for anything. This is pretty much a pass-through. We don't spend anything that we don't get. This is money we've already received.

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

**Finance and Appropriations Committee – Mr. Church**

Mr. Church stated **Resolution No.: 56-2016** was discussed in Committee and is ready for adoption.

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

Mr. Church stated **Ordinance No.: 57-2016** was discussed in Committee and is ready for adoption.

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

Motion to adopt by Mr. Church, seconded by Mr. Plesich  
Roll call on adoption:        Yes    6        No    0

Mr. Church stated **Ordinance No.: 58-2016** was discussed in Committee and will be held for second reading.

Mr. Church stated **Resolution No.: 59-2016** was discussed in Committee and will be postponed.

Motion to postpone indefinitely by Mrs. Fuller, seconded by Mrs. Steiner  
Roll call:                        Yes    6        No    0



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Mr. Church stated **Resolution No.: 52-2016** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Church, seconded by Mrs. Steiner

Roll call on suspension:      Yes    6      No    0

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

Roll call on adoption:      Yes    6      No    0

Mr. Church stated **Ordinance No.: 55-2016** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Church, seconded by Mrs. Steiner

Roll call on suspension:      Yes    6      No    0

Motion to adopt by Mr. Church, seconded by Mrs. Meyer

Roll call on adoption:      Yes    6      No    0

**Reports of Village Officials**

**Mayor Hovey** reported the festival went very well this past weekend. Mayor also reported the real estate agent from Howard Hanna Realty, Danyl Wernitz, who recently spoke at a Council meeting, passed away in recent weeks.

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

**Chief John Conley** reported on the new Pokemon craze, and Silver Lake is one of the best locations in the State of Ohio. We have received several calls in the past several weeks of suspicious juveniles or adults. The hottest spot is Silver Lake Florist. Mrs. Meyer said the cannon in front of Village Hall is also a hot spot.

Mr. Jones asked Chief Conley about the article in the last Residents' Review relative to trash containers. It says trash containers are to be removed by the following morning. They are supposed to be removed by 10:00 p.m. on trash day. Chief will make the correction the next time.

Mrs. Steiner said it was a nice Residents' Review and was very educational.

**Mr. Mark Lipan, Service Director**, reported we are moving close to having almost 800 water meters in. The crew is still doing a good job. We are hoping to be close to done by leaf and limb cleanup. We will have stragglers, but we are looking to have the majority done.

Mr. Church commented Mr. Lipan originally asked for one year and we are on time; very good. The paving was postponed from last week to today, due to weather and machinery problems.

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**Mr. Sean Housley, Clerk-Treasurer**, reported it has been a dry summer. Our water consumption numbers are coming in high. Last year our highest month was September. The month ending June this year was pretty close to that, if not higher.

In addition Mr. Lipan made me aware of someone who said Cementech didn't pay them the prevailing wage amount, but I haven't been contacted personally by anyone yet. Mr. Plesich questioned whether that would concern us. Mr. Housley said he is the prevailing wage coordinator for the Village. The contractor is obligated to pay prevailing wage. Mr. Housley makes the contractor aware of what the wages are and he spot checks. Mayor said they provide documentation. Mr. Housley said they send certified payrolls.

**Miscellaneous Business**

Mr. Jones commented at the last meeting he said there would not be an August 1, 2016, meeting. There seemed to be some confusion about who would be available in August. Mr. Jones asked who would be here for August 1, 2016. After polling Council, Mr. Jones concluded there would be no meeting on August 1, 2016. The next meeting will be August 15, 2016.

Mrs. Steiner said the Indian carvings that had been in Village Hall were auctioned off at the festival and \$300.00 was received.

Mrs. Steiner asked about the condition of Roberts Bridge. Mr. Lipan said the State will repair it, but we are responsible for patching holes, and they keep putting salt on it. Mrs. Steiner asked Mr. Lipan to check it out before school starts.

Mrs. Steiner said her water bill was very high and asked why we had not read meters since December. Mr. Lipan said we were installing five meters a day and skipped the March reading. Mr. Lipan said residents can send in readings on the back of the bill.

General discussion was held on high bills. Mr. Lipan also said the new meters are more accurate, which will increase bills.

Mr. Housley said the last time he checked our collections year-to-date for water/sewer charges, they were within 1% of last year's collection.

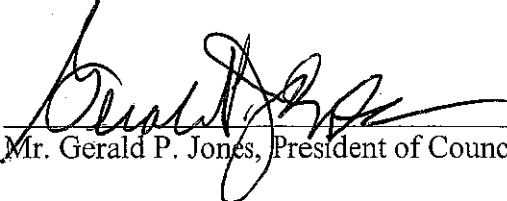
There being no further comments or questions, Council adjourned at 8:06 p.m. until the next regular meeting of Council on Monday, August 15, 2016, at 7:00 p.m.

APPROVED

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, July 18, 2016

7:00 p.m.

  
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Mr. Gerald P. Jones, President of Council

ATTEST:

  
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Sean M. Housley, Clerk-Treasurer

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prepared by: Darlene Pedicino