

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, January 16, 2018

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Tuesday, January 16, 2018, 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. Dann Nivens, Mr. Tim Nichols, Mrs. Betsy Meyer, Mr. Gerald Jones, Mr. William Church, Mr. Matthew Plesich

Roll call of Council - 6 members present

Absent – Mrs. Therese Dunphy

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

Mayor Hovey introduced part-time police officer Daniel Moledor and conducted his swearing in.

Chief Conley said Officer Moledor has been continuing his education at Kent State and has been employed in Boston Heights, so his training should be expedited here. Chief Conley said he spoke extensively to the Chief in Boston Heights, and he is more than willing to share Officer Moledor.

Mr. Jones asked if there were any additions or corrections to the minutes of the January 2, 2018, 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.: 11-2018 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS TOTALING \$168,247.02.

Mr. Jones assigned Resolution No.: 11-2018 to the Finance & Appropriations Committee.

RESOLUTION NO.: 12-2018 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE VILLAGE OF SILVER LAKE FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

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Mr. Jones assigned Resolution No.: 12-2018 to the Finance & Appropriations Committee.

Second reading: None

Third Reading: None

Comments from the audience:

Mrs. Barb Oldham, 2910 Hastings Road, asked what is going on with the deer culling.

Mayor said there was a situation that was exaggerated that was on the border of Stow involving a deer. None of our hunters put an arrow in a buck that did not go down. Anybody that thinks Silver Lake hunters did that is wrong. They do have some kind of hunting in Stow. We have had four deer put down in our program so far.

Mrs. Oldham asked why most legislation in meetings is an emergency.

Mr. Heydorn answered that almost 90 percent of legislation he has prepared over 40 plus years in four different communities has been an emergency. It's pretty much standard practice. People confuse the amount of readings with the concept of what an emergency is. The emergency has to do with when a piece of legislation goes into effect after it's been passed. On an emergency, it goes into effect as soon as the Mayor signs the legislation. If it's not an emergency, then it goes into effect 30 days after it is passed. Emergency simply means it goes into effect earlier. Courts have ruled that if Council thinks it's an emergency, the courts are not going to question it. There are certain things the charter mandates cannot be an emergency and have to be given three readings, including zoning ordinances, granting of a franchise, eminent domain, and others.

FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHURCH**RESOLUTION NO.:11-2018**

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

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

RESOLUTION NO.: 12-2018

Mr. Church asked the Mayor or Mr. Housley to explain.

Mr. Housley explained that, in general, the sewer lines are considered part of sewer facilities. The word facilities encompasses sewer lines. This has to do with the Lee Road sewer project we will be replacing this year. Our contribution amount of approximately \$500,000 has been discussed. This legislation permits me to submit an application for the financing. We've already been

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nominated by a State agency that has reviewed the project and determined it to be eligible. We are going to seek bids. The project is currently estimated at \$1,500,000. Before we turn in the application we will have a more accurate estimate of what the loan will be.

Mr. Church asked about the source of repayment being “sewer consumer charges.”

Mr. Housley said we have to be willing to accept that the sewer charges will be adjusted for the amount of the debt. That’s what you’re communicating in this legislation.

Mr. Nichols asked if the loan would be around \$500,000.

Mr. Housley said our portion would be about \$500,000, with a loan amount of about \$1,000,000. Loans can be 20 or 30 years. Interest rates are currently under two percent.

Mr. Nichols said by approving this we are de facto approving a sewer increase in the future.

Mr. Housley said it would be about \$68,000, or ten percent. Councils have decided in the past to phase it in. You have a surplus beginning cash fund balance, and that gives you some leverage on raising it. You should also consider when we went out for the Silver Lake Boulevard project, the engineer estimated that project to be around \$400,000, and it came in at half that. I’m hoping the costs come in much lower than what the engineer is saying. The scenario I gave you of \$68,000 per year is a worst case scenario.

Mr. Church said we will have an opportunity to look at actual numbers once all this comes in.

Mr. Nivens asked how many people are going to get the benefit of the project. Is this both storm and sanitary or strictly sanitary?

Mr. Housley answered sanitary.

Mr. Nivens asked what we are doing about the storm.

Mr. Lipan said we are separating them right now so we don’t have any infiltration. It’s an over and under system. The project will include North Park Drive, Lodge Avenue, all of Maiden Lane, and sections of Lee Road.

Mr. Nichols asked if this is a first reading.

Mr. Heydorn said what I think, from our discussion, what you’re doing with this is you’re having the State create the vehicle for which the loan can be accounted for when it does come through. It’s for them to establish an account. If that’s incorrect, let me know.

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Mr. Housley said it is two parts; that, plus conveying that they understand and realize that the sewer rates will have to be adjusted.

Mr. Heydorn said it's not actually signing anything that constitutes a binding agreement. It's more or less an expression of intent.

Mr. Housley said we are not obligated. Some assurances are stated, and they want us to be transparent. This is just a pre-loan vehicle.

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.: 11-2018** was discussed in Committee and is ready for adoption.

Motion to adopt by Mr. Church seconded by Mr. Nichols

Mr. Heydorn said this was a good time to explain that this resolution is not an emergency. This is something that could be done by motion. There are no statutory requirements for a resolution, unless you are a township. That's where this custom started. We do it because it's good oversight and it's a matter of custom. If you're in a municipality, there's no requirement to do this, therefore, it doesn't need three readings and you don't have to designate it as an emergency. That's what is different about this.

Mr. Housley said this is really no different than when Council approves the Statement of Cash Position every month. Potentially, maybe we should get it off the agenda and discuss it at the end of the meeting.

Mr. Heydorn said, as an example, a resolution could be brought forward to congratulate the Mayor on his tenure, and that's not truly a piece of legislation. For a resolution to be the same equivalent as an ordinance, it has to do something that legally requires an enactment. Legally, there is no difference between an ordinance and a resolution. It's just a matter of custom.

Roll call on adoption: Yes 5 No 0 Abstain 1 (Plesich)

Mr. Church stated **Resolution No.: 12-2018** was discussed in Committee and is ready for adoption.

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

Roll call on suspension: Yes 6 No 0

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

Mr. Jones said this is not an emergency.

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Mr. Heydorn wanted to point out that this piece of legislation does not state in the title that it's an emergency, but it does state it in Section 4. There's no requirement you state that in the title, but Section 4 takes precedence.

Roll call on adoption: Yes 6 No 0

Mr. Church said the **Statement of Cash Position of December 31, 2017**, was presented to Council.

Mr. Housley said he added a page to the Statement to let Council know what our spending of available reserves was for 2017. We were expecting to spend around \$419,000 of beginning fund balances, but we actually spent \$265,000, which is about \$153,000 less than we were expecting. I mentioned in the email I sent to Council today that a lot of that was contingency. The numbers came in better than we were expecting.

Mr. Church moved to adopt, seconded by Mr. Plesich. All members of Council signified their approval by saying aye.

Personnel and Public Affairs Committee – Mrs. Meyer

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

Patrol Officer Bert Johnson, step increase to Step 5, effective February 8, 2018, 2.5 percent increase, for a salary of \$42,340.70.

Mrs. Meyer moved to approve. Mr. Plesich seconded.

Mr. Nichols asked why a step increase was being given. Mr. Jones said this is the annual step increase.

All members of Council signified their approval by saying aye.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey reported the Centennial booklets were delivered within the past week with the help of volunteers. We've received many positive comments.

We've received a flu notice from the health department and we have posted it on our website.

I met with Mr. Mulhollen today. He did the painting for the Centennial, which will be auctioned off, and prints will be available for sale.

Sometime this year SWAT will be centralizing their work out of Stow. We will pay our yearly

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fee, and no longer be the fiscal agent for SWAT. The time we put in for it was not worth it.

There was a vehicle given to us in a forfeiture because someone got another DUI. There are several things we can do with it, including donating it to the drug unit or using it for the Village.

Police officers have many training sessions, and the State gives us some money for that. We recently received a check for \$3,240. That money can be used for future training.

The Service Department has been busy. Another fire hydrant has been damaged by a tree service company. There was a claim several months ago and Allstate is balking at paying for it.

Cuyahoga Falls Schools have obtained about twelve loads of salt.

Also, there was an unfortunate accident, and we are following up on that.

Bids for the Lee Road sewer project will be published on January 21, 2018.

Mayor said that concludes my report.

Mr. Jones asked if our insurance will cover the hydrant damage that Allstate doesn't want to pay.

Mayor Hovey said we were not at fault, so we shouldn't pay for the repair.

Mr. Jones said our insurance could pay and subrogate it to Allstate. It is property damage.

Mr. Lipan said the cost we submitted to insurance was \$16,000.

Mr. Church was concerned about our premiums increasing.

Mr. Heydorn said Mr. Jones is talking about it as if we have a policy like a homeowner's policy.

Mr. Jones said I think it's worth a call to Wichert Insurance to see if it's covered.

Mr. Nivens asked what our obligation will be to SWAT when we are no longer fiscal agent. Prior to becoming the fiscal agent, we had to have an officer as a member of SWAT.

Mayor Hovey said we don't know when the changeover will take place. It may take a year.

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

Chief John Conley had no report.

Mr. Mark Lipan, Service Director, said the Mayor gave his report.

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Mr. Sean Housley, Clerk-Treasurer, reported revenues for 2017 were as expected. In the monthly report packet you get, the revenue report overstated for the Silver Lake Boulevard loan account that we used. It doubled the budget I put in the system. I don't use that for the reports when I do my reconciliation. I have another one I run, and it wasn't showing up in mine. It is a system glitch. Revenue is overstated by about \$185,000. The reality is we ended up collecting about \$8,100 less than what we were anticipating. It was almost entirely due to the project that came in less, so we needed fewer loan monies than we were estimating.

Miscellaneous Business

Mr. Church asked how we might reduce the number of ordinances required each year. I was talking to a Councilman from Cuyahoga Falls, and he suggested if the Mayor is authorized to spend a certain dollar amount that may result in less ordinances.

Mr. Heydorn said the legal reason for it is that State law says that in a municipality (city) the Service Director/Mayor can purchase property and services without going out for bid up to \$50,000. The law now for villages is the same. Right now you have an ordinance that says if it's less than \$5,000, you don't have to go out for bid, but you need the approval of Council. You have to come to grips with whether or not you need that approval. In State law it usually doesn't come into effect until \$50,000.

Mr. Church asked what the limit is in most cities and villages.

Mr. Heydorn said it varies.

Mayor said Sean and I have talked about this before. I think Cuyahoga Falls is \$50,000 and Munroe Falls is \$25,000, but the only money that can be spent is money budgeted by Council.

Mr. Church said if the limit for purchase without coming to Council were increased to \$20,000, \$25,000, or \$50,000, it would result in us spending less time in Council meetings having to deal with some of these ordinances, correct?

Mr. Heydorn said yes, but the problem with this is that the \$5,000 limit was set in the 1970's. It gradually increased to \$50,000 and was based on State law. Council at some time put the \$5,000 limit in an ordinance, probably trying to mirror State law, but never changed it as State law progressed.

Mr. Church said this is something we may want to talk about in the near future.

Mr. Housley said, for example, our salt contract is approved in the budget and we estimate to spend about \$25,000 per year. When we get the contract, if you set it for \$30,000, it's over. The Mayor signs it, and we've already talked about it. There's no legislation required. It would improve efficiency dramatically. You wouldn't have to deal with 30 percent of the legislation, such as the

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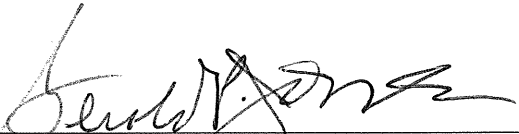
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Legal Defender's Office or Cargill Salt, for example. A lot of little stuff we talk about at the budget meeting would stay at the budget level. You are always involved in the bigger projects. A \$30,000 limit may be a good limit for us. I also would like to take the Payment of Claims off the agenda. It can be presented the same way as the Statement of Cash Position.

Mr. Heydorn said we want tight control, but the interesting thing is that even villages under State law have that higher limit. It's a question of what in the modern era is considered to be efficient.

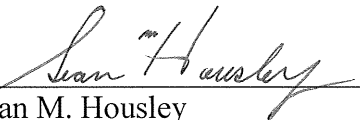
There being no further questions or comments, Council adjourned at 8:00 p.m., until the next regular meeting of Council on Monday, February 5, 2018, at 7:00 p.m.

APPROVED:



Mr. Gerald P. Jones, President of Council

ATTEST:



Sean M. Housley
Clerk-Treasurer

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prepared by: Darlene Pedicino
reviewed by: Suzanne Lipan