

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, February 5, 2018

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, February 5, 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, Mrs. Therese Dunphy, Mr. Matthew Plesich

Roll call of Council - 7 members present

Mr. Jones asked if there were any additions or corrections to the minutes of the January 16, 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.: 13-2018 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS TOTALING \$106,601.51.

Mr. Jones assigned Resolution No.: 13-2018 to the Finance & Appropriations Committee.

RESOLUTION NO.: 14-2018 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ANYTHING ELECTRIC LLC. TO REPLACE THE TRANSFER SWITCH ON THE PUMP HOUSE LOCATED ON VINCENT ROAD, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 14-2018 to the Finance & Appropriations Committee.

RESOLUTION NO.: 15-2018 A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE A SCAGS RIDING MOWER AND BAGGER INSTALL KIT FOR USE BY THE VILLAGE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 15-2018 to the Finance & Appropriations Committee.

RESOLUTION NO.: 16-2018 A RESOLUTION FINALIZING THE APPOINTMENT OF STAN LERO TO FILL A VACANCY IN AN UNEXPIRED TERM ON THE CITIZENS HOUSING COMMITTEE REPRESENTING DISTRICT "D" OF THE VILLAGE OF

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**Monday, February 5, 2018****7:00 p.m.****SILVER LAKE FOR THE TERM ENDING DECEMBER 31, 2019 AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Resolution No.: 16-2018 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 17-2018 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF CYNDA ZUCH TO FILL A VACANCY IN AN UNEXPIRED APPOINTED TERM ON THE PARK BOARD OF THE VILLAGE OF SILVER LAKE FOR THE TERM ENDING DECEMBER 31, 2021 AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 17-2018 to the Personnel and Public Affairs Committee.

Second reading: None

Third Reading: None

Comments from the audience:

Mr. Fred Johnson, 2943 Overlook Road, wanted to update Council on the work that's going on relative to the sewer project and winter activities on Silver Lake. Mark Lipan and I are meeting weekly to go over the sewer issues. He was kind enough to prepare a map with coding for properties that are in question. I'm pleased to report we've been getting together every Monday. As of this morning we had 23 properties that might be dispensing sewage into the lake. We have inspected 15 of them, 14 of which have passed, and one we've declared as inconclusive. Marks's plan is to bring a higher level of sophistication in terms of the testing process for properties that are inconclusive. I couldn't be happier with the progress we're making. It's moving along well.

The second topic came up several weeks ago when Mr. Church mentioned all the activity on the lake and I expressed some question as to what the rules and regulations were. I researched that and discovered we had some things in place that had been in suspension for the last couple of years due to aeration going on in the lake. We had posted and forbidden any winter activities during the last two years. Since the aeration system has been shut off, we went back to our regular winter rules. In view of that uncertainty, we sent a postcard indicating what those rules are. Skating, skiing, hiking, and those kinds of activities were permitted, but at the lot owner's own risk. We have no signs around forbidding things, but we do indicate in a bulletin each year going over rules. No ice fishing is permitted. One resident challenged the rule. After an extensive research process with similar enterprises in the area, we made a determination that the no ice fishing rule would remain in effect. I copied the Mayor on the memo, so the Police Chief is aware if we see anyone ice fishing that is a forbidden activity and we want them removed. No snowmobiling or motorized activity is permitted on the lake.

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On behalf of the Estates, I couldn't be happier with the progress Mr. Lipan is making. When we get this phase done, you'll have bids coming in for the sewer project on Lee Road. I encourage you to enact that so those properties in question can be addressed as well.

Mr. Church asked Mr. Johnson to clarify that lot owners who engage in unsupervised activities do so at their own risk.

Mr. Church said if I walked down my backyard and skate two or three doors down, it is my responsibility as the lot owner. What about somebody who does not live on the lake?

Mr. Johnson said a non- Silver Lake Estates resident is trespassing.

Mr. Church said if someone put on skates at the boathouse and skated down to my house and fell in the water, that person would be responsible, correct?

Mr. Johnson said yes, and we feel we've communicated that in writing on two occasions to residents. In addition, we have postings in the area of the boathouse and the park indicating that no ice fishing is permitted and all other activities are done at the property owner's own risk.

Mrs. Meyer said I've always been allowed to ice skate on the lake. I'm not allowed? I'm not in the Estates.

Mr. Johnson said technically, you are trespassing on the lake.

Mrs. Meyer said that needs to get out to the other side of the Village. There are a lot of people who skate and cross-country ski that do not live in the Estates.

Mayor Hovey suggested we could probably get that in the next Residents' Review and post it on our website.

Mr. Nichols said there are eight more properties to be inspected for the sewer issue. Have you identified all the places you think there could be a problem?

Mr. Johnson said Mr. Lipan has done that, and I have to defer to him, but based on the dialog we've had, I'm confident he knows his way around the Village, and he's identified areas that he considers problematic. We are, however, concerned about the 48 homes on Lee Road, but we are not going to begin preemptively testing them individually. I believe there's probably a higher incidence of infractions down there. There's little point in doing much about that until the mega issue is addressed. We will probably have the testing done on Silver Lake Boulevard within the next couple of weeks.

Mr. Lipan said we are having a hard time getting the last eight residents to call us back.

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Mr. Lipan said regarding Athens Road and Markle Drive, every time we dye test a house we always look at the storm sewer. There is no flow whatsoever in the storm sewer. I'm pretty confident there are no houses in that area hooked up into the storm sewer.

Mr. Johnson added the boathouse was tested and there were no issues there as well.

Mr. Johnson thanked Council for their time.

FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHURCH

RESOLUTION NO.:13-2018

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.: 14-2018

Mr. Church asked Mr. Lipan to comment. Mr. Lipan said they do good work and the owner is a Village resident.

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

RESOLUTION NO.: 15-2018

Mr. Lipan this is who we do business with. They always give us a great deal. They are giving us \$3,000 on the trade-in, and we have extra parts that will fit the new one.

Mr. Nivens asked how many hours we have on the mower.

Mr. Lipan said he did not have the hours, but it is run about six hours a day during eight months.

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

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE – MRS. MEYER

RESOLUTION NO.: 16-2018

Mayor said Mr. Lero contacted me several weeks ago to discuss ways to contribute to the Village. After discussing these duties, I am comfortable with him being there.

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

RESOLUTION NO.: 17-2018

Mayor said Mrs. Zuch has been an ex-officio member of the Park Board for years by volunteering for many things. She has now found herself with a little more time on her hands and has agreed to serve officially on the Board. I'm tickled pink to have her. She is replacing Mr. Barsan who wanted to serve, but had conflicts with meeting times.

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

Personnel and Public Affairs Committee – Mrs. Meyer

Mrs. Meyer stated Resolution No.: 16-2018 was discussed in Committee and is ready for adoption.

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

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mrs. Meyer stated Resolution No.: 17-2018 was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mrs. Meyer, seconded by Mr. Nichols

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Finance and Appropriations Committee – Mr. Church

Mr. Church stated Resolution No.: 13-2018 was discussed in Committee and is ready for adoption.

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

Roll call on adoption: Yes 7 No 0

Mr. Church stated Resolution No.: 14-2018 was discussed in Committee and is ready for adoption.

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

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mr. Church stated Resolution No.: 15-2018 was discussed in Committee and is ready for adoption.

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

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mr. Church moved to accept the **Statement of Cash Position of January 31, 2018**, seconded by Mr. Plesich. All members of Council signified their approval by saying aye.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey reported the Ohio Senate recently passed S.B. 2, which requires all public water systems to have an asset management program in place by October, 2018. We were contacted by someone who handles those kind of services. There are about 25 things we have to go through, which are extremely time-consuming. Mr. Lipan and Mr. Housley will be involved in it. I will give you an update when I can. This is another unfunded mandate, and it will be difficult to do by October. Perhaps there will be an extension for one year. The State wants to know every community has a properly maintained and funded water system.

We got our recent natural gas aggregation price of \$3.25/MCF, which is about 37 cents less than what we are paying now, effective through next April. There will be a press release and information coming probably this week. I think public aggregation has boiled down to cities getting a good and fair price for gas and electricity. You can't always guarantee it's the lowest price. Many residents do search the market for the best prices.

The deer cull is now over. We killed four deer early in the program and none since. The signs have been taken down and residents can now walk back there without any fear. If we do this again in the future, it will take input from Council and we will have to hear from residents as well. I received a publication stating "The Village of Silver Lake has only ten deer in the entire Village and the Mayor has decided to eradicate all of them." That's the kind of nonsense we contend with.

Mr. Jack Mulhollen has painted our official centennial poster, which is 12 postcard pictures of different things in the Village over the last 100 years. The original will stay here in Village Hall. When my term as Mayor ends, I will sign and date the back of it, and I will ask the next Mayor to do the same thing, so that it can be presented 100 years from now. We have 50 prints made up so far. Framed prints are \$150; unframed are \$70.

Mr. Jones asked Mayor Hovey for an update regarding complaints about the house on Graham Road.

Mayor said they have done enough work, but we are still after them to clean up some things. Mr. Heydorn does not believe the prosecutor will pursue the case at this time. It's still on our list,

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but it is in better condition than it was when it was first reported to us. The other ones have made substantial progress in getting things into proper condition.

Mr. Robert Heydorn, Village Solicitor, was absent.

Chief John Conley had no report.

Mr. Mark Lipan, Service Director, reported we had seven or eight companies obtain the bid specifications for the Lee Road project, and we sent out four or five.

Mr. Sean Housley, Clerk-Treasurer, reported the Mayor's authorized amount for spending is up to \$5,000 before he has to get permission from Council. Mr. Church thinks the spending limit should be set at the Ohio Revised Code limit of \$50,000. He wants to bring legislation in, but he wants Council to talk about it. If you set the limit at \$50,000, 26 pieces of legislation would not have been required last year. Those were for contracts. The Payment of Claims does not have to be in legislation form. It can be in report form, so that's an additional 24 pieces of legislation. Even if you reduced it to \$30,000, it would probably be around 26. If you set it at \$25,000, you pick up a couple of extra contracts, such as salt and insurance, which are around \$27,000.

Mr. Church said the limit now is \$5,000. Surrounding communities vary from \$25,000 - \$50,000.

Mr. Housley said our limit was increased to \$5,000 in 1999. At that time the Ohio Revised Code was \$10,000.

Mr. Church said it could save us 20 to 30 percent in time by not having to approve every little thing over \$5,000. My thought was to follow what they did in 1999, which was half of the Ohio Revised Code. Now that would be \$25,000 - \$30,000. I don't mean to say a \$15,000 item is nickel and diming, but I would trust the Mayor with that type of decision.

Mrs. Dunphy said to clarify, we approve it in the budget and have discussions during the approval process.

Mr. Plesich said then every year we are approving things twice.

Mr. Nichols asked if there is a target number recommended by the Ohio Revised Code.

Mr. Housley said we are allowed to be more restrictive than the Ohio Revised Code, but not less restrictive. We could not set it above \$50,000. There is no difference between cities, villages, etc. They are all considered municipalities.

Mr. Church asked the Mayor to draft some legislation for the next meeting.

Mr. Nivens suggested a \$25,000 limit be explored.

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Mr. Nichols said we ought to do something, but I haven't given it a lot of thought. Perhaps a \$10,000 - \$15,000 limit.

Mrs. Meyer said she also hadn't given it a lot of thought.

Mrs. Dunphy said I've have no problem with half of the State maximum.

Mr. Plesich said I agree. It's consistent to what was done in 1999.

Mr. Church suggested the Mayor submit 25 percent and we can talk about it at the next meeting.

Mrs. Dunphy said Mr. Housley sent out some information regarding training, and I plan on attending in March.

Mr. Housley said they go over Roberts Rules of Order, what a public record is, and many other subjects. I can register any Council members who want to attend.

Miscellaneous Business

There being no further questions or comments, Council adjourned at 7:45 p.m., until the next regular meeting of Council on Tuesday, February 20, 2018, at 7:00 p.m.

APPROVED:

William M. Church

 Mr. Gerald P. Jones, President of Council

William M. Church
 Vice president of Council,
 Acting president.

ATTEST:

 Sean M. Housley
 Clerk-Treasurer

s:/council/2018 minutes/02-05/18 Council minutes.docx.
 prepared by: Darlene Pedicino
 reviewed by: Suzanne Lipan