

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, February 20, 2018

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Tuesday, February 20, 2018, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With Vice-President of Council Mr. William Church presiding, the meeting was called to order at 7:00 p.m.

Mr. Church led the Pledge of Allegiance.

The following members were present and responded to roll call: Mr. Tim Nichols, Mrs. Betsy Meyer, Mr. William Church, Mrs. Therese Dunphy, Mr. Matthew Plesich

Roll call of Council - 5 members present

Absent - Mr. Dann Nivens, Mr. Gerald Jones

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

Mr. Church asked if there were any additions or corrections to the minutes of the February 5, 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.: 18-2018 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS TOTALING \$132,004.93.

Mr. Church assigned Resolution No.: 18-2018 to the Finance & Appropriations Committee.

RESOLUTION NO.: 19-2018 A RESOLUTION DECLARING A REAL AND PRESENT EMERGENCY AND PROVIDING FOR THE REPAIR, IN THE DEPARTMENT OF PUBLIC SERVICE, OF A RUPTURED FIRE HYDRANT LOCATED AT 3030 OAKHILL ROAD BY H.M. MILLER CONSTRUCTION CO., AND DECLARING AN EMERGENCY.

Mr. Church assigned Resolution No.: 19-2018 to the Finance & Appropriations Committee.

ORDINANCE NO.: 20-2018 AN ORDINANCE AMENDING SECTION 121.01 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE TO REQUIRE THE APPROVAL OF COUNCIL FOR CONTRACT EXPENDITURES OVER \$30,000, AND DECLARING AN EMERGENCY.

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Mr. Church assigned Ordinance No.: 20-2018 to the Finance & Appropriations Committee.

ORDINANCE NO.: 21-2018 AN ORDINANCE TRANSFERRING FUNDS FROM THE GENERAL FUND TO THE SEWER FUND FOR THE 2018 LEE ROAD, NORTH PARK DR., LODGE AVE., AND MAIDEN LANE SANITARY SEWER REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.

Mr. Church assigned Ordinance No.: 21-2018 to the Finance & Appropriations Committee.

ORDINANCE NO.: 22-2018 AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018, AND DECLARING AN EMERGENCY.

Mr. Church assigned Ordinance No.: 22-2018 to the Finance & Appropriations Committee.

RESOLUTION NO.: 23-2018 A RESOLUTION AWARDED A CONTRACT TO H.M. MILLER CONSTRUCTION COMPANY FOR THE 2018 LEE ROAD, NORTH PARK DR., LODGE AVE., AND MAIDEN LANE SANITARY SEWER REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.

Mr. Church assigned Resolution No.: 23-2018 to the Public Improvements Committee.

ORDINANCE NO.: 24-2018 AN ORDINANCE AMENDING SECTION 927.13 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE FOR MONTHLY BILLING PROCEDURES AND ESTABLISH NEW INCREASED RATES FOR SEWER CONSUMER CHARGES IN THE SEWER FUND, AND DECLARING AN EMERGENCY.

Mr. Church assigned Ordinance No.: 24-2018 to the Public Improvements Committee.

ORDINANCE NO.: 25-2018 AN ORDINANCE AMENDING SECTION 933.01 OF THE CODE OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE FOR MONTHLY BILLING PROCEDURES AND ESTABLISH NEW REDUCED RATES FOR WATER CONSUMER CHARGES IN THE WATER FUND, AND DECLARING AN EMERGENCY.

Mr. Church assigned Ordinance No.: 25-2018 to the Public Improvements Committee.

Second reading: None

Third Reading: None

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Comments from the audience:

Mike Razor, Stow City Council, said I have been on Stow Council for eight years. I ran when I was still in law school and today I am a partner in a law firm in Cleveland. I am here to take in a meeting, as Silver Lake is in the 37th House District, which will be vacated due to term limits. I can give you my business card, so if I am elected I can be useful to you at the Statehouse. I play golf at Silver Lake Country Club, and I spent today visiting a lot of Silver Lake residents. I enjoy the character of the neighborhoods in your municipality.

FINANCE AND APPROPRIATIONS COMMITTEE – MR. NICHOLS

RESOLUTION NO.:18-2018

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

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

RESOLUTION NO.: 19-2018

Mr. Nichols asked what the story is here.

Mr. Lipan said there was a tree service working across the street and a crane backed out of a driveway. The crane's tire caught the hydrant and pulled it forward. I have submitted the bill to the company to cover it, as the owner did not want to submit it to insurance.

Mayor said some way or another we will get the money.

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

ORDINANCE NO.: 20-2018

Mr. Nichols said I'd like to talk about this tonight. I talked to Mr. Church, and we don't think this needs to be an emergency and should have the full amount of readings.

Mr. Church said the fire hydrant was \$5,800 and could have been something the Mayor could have done. Mr. Church asked Mr. Housley for the limits in surrounding communities.

Mr. Housley said Hudson is \$25,000, Tallmadge is \$50,000, Cuyahoga Falls is \$50,000, Stow is \$15,000 for Finance Committee to approve, \$20,000 for Council approval, and Munroe Falls is \$25,000.

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Mr. Razor clarified in Stow we have a Finance Committee that has authority up to \$20,000 and a Board of Control (including the Mayor) up to \$15,000.

Mr. Heydorn explained the statutes for cities. Villages don't have the same system. The general statutes for a village allow that under \$50,000, a contract does not have to be bid and the money can be expended.

Mayor added it is important to note that whatever the spending limit is, we are talking about money Council has approved and put in the budget.

Mr. Church said he suggested the Mayor put a \$30,000 limit in this ordinance.

Mr. Nichols said I think \$30,000 is a big jump from \$5,000. What I think has nothing to do with our fine Mayor and his capabilities. I think this is about process, and is a road we should go down a little slower. We are smaller than our neighbors. Spending money is something that comes within the purview of Council. If we are deluged with talking about small items then we need to do something, but my personal opinion is \$30,000 is too much.

Mrs. Dunphy said when I think about processes, I think about how efficient we might be in empowering our employees. Is preparing a resolution for the fire hydrant an efficient use of time? Where is the best utilization of our employees? I'd rather be exploring higher value items than doing paperwork on small ones. We also talked about the Payment of Claims not be required as a resolution, which would be a more efficient process.

Mr. Heydorn added we've made changes in our ordinance, and the last change dealt with adopting the State limit, which is currently \$50,000. Currently you have to get Council approval for over \$5,000. I do believe that the \$5,000 limit is left over from the 1970's. I would say \$25,000 to \$30,000 in today's dollars is probably equal.

Mr. Church said we discussed that at the last meeting. We had \$5,000, then \$15,000, then back to \$5,000.

Mr. Housley said the \$5,000 limit was adopted by legislation in January, 1999.

Mr. Heydorn said we changed the legislation at that time to adopt the State statute for competitive bidding. I'd ask you to look at the ordinances before that and see what they were.

Mr. Church said the Payment of Claims can be treated the same way as the Statement of Cash Position.

Mr. Heydorn said yes, and it can be submitted as just a report. The Payment of Claims is a holdover from a township form of government.

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Mayor added if the Payment of Claims is submitted as a resolution, we have to keep it longer in our records retention.

Mr. Nichols said submitting the payments as a report is something I could support.

Mr. Nichols said Ordinance No.: 20-2018 would be brought back for second reading.

ORDINANCE NO.: 21-2018 and 22-2018

Mr. Housley said I want to point out that when we bring these out, we should start with the Public Improvements Committee first. Resolution No.: 23-2018 awards the contract for this project, so that should be adopted first.

We initially discussed the project being 1.4 to 1.5 million dollars. It was the Mayor's intention to contribute up to \$500,000 to that project. We have put \$25,000 into Silver Lake Boulevard. Since the bids came in much lower, the Mayor believes \$250,000 to contribute to the project is a fair amount.

Mayor said by contributing that amount of money, sewer rates are less than they would be, and the storm water fee would be lowered.

Mr. Housley said he had not budgeted for the Lee Road project, as final numbers were not available in 2017. Now we have the bids in and I know what the amount is. This appropriation measure takes into consideration increasing the Sewer Fund appropriation by \$992,000. That's what we have before us for a bid. It also increases the transfer out from the General Fund to contribute toward the project. In addition, the Mayor has revised his estimate for the Centennial Program. He will need an additional \$19,000 in appropriations. We will not spend any more than we have budgeted to collect. It will be a wash.

There being no further comments or questions, Mr. Nichols said Ordinance No.: 21-2018 and 22-2018 would be brought out for adoption this evening.

PUBLIC IMPROVEMENTS COMMITTEE – MR. PLESICH

RESOLUTION NO.: 23-2018

Mr. Plesich said this company (H.M. Miller Company) has done a lot of work for us.

Mayor said to my knowledge this is the only company who has not billed us if they came in less than their bid. We are very confident in them.

Mr. Housley noted a correction in Section 3, to remove the phrase *before inclement weather sets in* and replace with *so that the contractor can take full advantage of the construction season*.

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

ORDINANCE NO.: 24-2018

Mr. Housley explained we had postponed making some rate adjustments. Now our debt service is increasing due to the Lee Road sewer project. The interest rate I am using is 1.62 percent over a 20 year period, based on the Ohio EPA website. Interest rates could rise during the rest of this year, and payments could depend on the billing from H.M. Miller.

Mr. Nichols asked if Council would have to approve this again if there is change in interest rates.

Mr. Housley said we'll have to cross that bridge when it occurs. If there is a material increase in rates (such as one percent) we'll probably discuss it. To take that into consideration today would be too early. We could revisit this around the time of our budgetary process.

Mr. Nichols asked if Council could set a range of, for example, plus or minus five percent so they wouldn't have to revisit it later.

Mr. Housley said right now we don't have a basis rate, so it's difficult.

Mr. Housley added that Akron's cost to correct their sewers is being pushed out to everybody that taps into their sewage system, which is the Mudbrook system, and our master meter is connected to that. As Akron adjusts its base rates for its new debt, those costs are being pushed out to any community that uses their system. They've adjusted their rates between 13 percent and 15 percent since the end of 2015. That amounts to a current amount of \$24,306 for us. I've been talking about it for a year, and we need to start to make adjustments for this. The sewer fund is not collecting enough revenue to pay its routine operating costs. That's primarily due to the Akron increase for sewage treatment costs. We've put it off and it's time to talk about it now.

Mrs. Dunphy asked if 30 percent of this increase is because of Akron and 70 percent is to capital improvements.

Mr. Housley said correct. The difference I've made on the billing to residents is because sewage treatment is more of a variable cost. The fixed rate is for the debt. I know what our principal and interest will be.

Mr. Plesich said he would like to bring this out for adoption, although it's not easy to raise rates, it seems we have no choice.

Mr. Church and Mr. Housley said we have discussed this in the past.

Mr. Nichols noted a typographical error in Section 1(a) which will be corrected.

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

ORDINANCE NO.: 25-2018

Mr. Housley said in addition to evaluating the increased costs in the sewer fund, we looked at the big picture to see if there were any concessions we could make to offset the increase in costs on the combined water and sewer bill. The water fund is performing exceptionally well, due to the accuracy of the new meters and structured water rate increases since 2012. We have room to adjust those fees, so we will reduce the fee by \$1.50 per household, which is the second adjustment in probably the past six months.

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

Mr. Housley commented on Ordinance No.: 24-2018 to highlight the debt that is retiring. In 2020, we have an extra \$10,000 because of debt that is retired in 2019. In 2022, there is another \$70,000 we will have available. The cumulative effect in 2022 will give us \$85,521 annually we will no longer have to pay. We can also take a look at the rates to see if we can reduce them at that point in time, however, Akron and the County have been increasing rates and probably will over the next couple of years.

Public Improvements Committee – Mr. Plesich

Mr. Plesich stated **Resolution No.: 23-2018** was discussed in Committee and is ready for adoption.

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

Roll call on suspension: Yes 5 No 0

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

Motion to amend Section 3 by Mr. Plesich as follows: remove the phrase *before inclement weather sets in* and replace with *so that the contractor can take full advantage of the construction season*, seconded by Mrs. Meyer

Roll call on amendment: Yes 5 No 0

Roll call on adoption: Yes 5 No 0

Mr. Plesich stated **Ordinance No.: 24-2018** was discussed in Committee and is ready for adoption.

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

Roll call on suspension: Yes 5 No 0

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

Roll call on adoption: Yes 5 No 0

Mr. Plesich stated **Ordinance No.: 25-2018** was discussed in Committee and is ready for adoption.

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

Roll call on suspension: Yes 5 No 0

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

Roll call on adoption: Yes 5 No 0

Finance and Appropriations Committee – Mr. Nichols

Mr. Nichols stated **Resolution No.: 18-2018** was discussed in Committee and is ready for adoption.

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

Roll call on adoption: Yes 4 No 0 Abstain 1 (Plesich)

Mr. Nichols stated **Resolution No.: 19-2018** was discussed in Committee and is ready for adoption.

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

Roll call on suspension: Yes 5 No 0

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

Roll call on adoption: Yes 5 No 0

Mr. Nichols stated **Ordinance No.: 20-2018** was discussed in Committee and will be held for second reading.

Mr. Nichols stated **Ordinance No.: 21-2018** was discussed in Committee and is ready for adoption.

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

Roll call on suspension: Yes 5 No 0

Motion to adopt by Mr. Nichols, seconded by Mrs. Dunphy

Roll call on adoption: Yes 5 No 0

Mr. Nichols stated **Ordinance No.: 22-2018** was discussed in Committee and is ready for adoption.

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

Roll call on suspension: Yes 5 No 0

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Motion to adopt by Mr. Nichols, seconded by Mrs. Dunphy

Roll call on adoption: Yes 5 No 0

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey had no report.

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

Chief John Conley reported we are in the process of getting estimates to replace one of our cruisers. Hopefully, by the next meeting I will bring that forward. We will replacing a Crown Victoria with an SUV.

We are also looking at getting out our 2017 Annual Report in March.

Mr. Mark Lipan, Service Director, had no report, except that he is getting ready for H.M. Miller.

Mr. Sean Housley, Clerk-Treasurer, reported the 2017 annual report has been distributed to Council. We can discuss it at the next meeting, and if you have any questions, please give me a call or stop in.

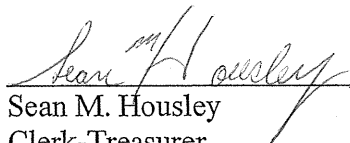
Miscellaneous Business

There being no further questions or comments, Council adjourned at 8:03 p.m., until the next regular meeting of Council on Monday, March 5, 2018, at 7:00 p.m.

APPROVED:


Mr. William Church, Vice-President of Council

ATTEST:


Sean M. Housley
Clerk-Treasurer

prepared by: Darlene Pedicino
reviewed by: Suzanne Lipan