

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday May 7, 2018

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, May 7, 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 Mrs. Meyer seconded to excuse the absence of Mrs. Dunphy. All members signified their approval by saying aye.

Mr. Jones asked if there were any additions or corrections to the minutes of the April 02, 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.: 35-2018 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF CRAIG CHMIELOWICZ TO REPLACE JOHN MYERS AS A MEMBER OF THE BOARD OF ZONING APPEALS OF THE VILLAGE OF SILVER LAKE FOR THE REMAINDER OF THE TERM ENDING DECEMBER 31, 2020, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 35-2018 to the Personnel and Public Affairs Committee.

ORDINANCE NO.: 36-2018 AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE 2018 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE AND DECLARING AN EMERGENCY.

Mr. Jones assigned Ordinance No.: 36-2018 to the Planning, Zoning and Insurance Committee.

RESOLUTION NO.: 37-2018 A RESOLUTION APPROVING AN AGREEMENT WITH WICHERT INSURANCE SERVICES, INC. FOR THE PURCHASE OF PROPERTY, INLAND MARINE, CRIME, AUTOMOBILE LIABILITY, GENERAL LIABILITY, PUBLIC OFFICIALS/EMPLOYMENT PRACTICES LIABILITY, LAW

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ENFORCEMENT LIABILITY, AND UMBRELLA LIABILITY INSURANCE COVERAGE FOR THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 37-2018 to the Planning, Zoning and Insurance Committee.

RESOLUTION NO.: 38-2018 A RESOLUTION AWARDDING A CONTRACT TO TALLMADGE ASPHALT / PAVING CO., INC. FOR THE 2018 COLD MILLING AND RESURFACING OF VARIOUS STREETS IN THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 38-20-18 to the Finance & Appropriations Committee.

ORDINANCE NO.: 39-2018 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. Jones assigned Ordinance No.: 39-2018 to the Finance & Appropriations Committee.

SECOND READING: None

THIRD READING: None

Comments from the audience: None

FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHURCH

RESOLUTION NO.: 38-2018

Mr. Church commented that there were eight bids. Mr. Lipan said Tallmadge Asphalt was the lowest and best bid, at \$20,000 less than estimated. A start date has not been set, but paving should be completed by August or September. Tallmadge has done paving in the Village a few times.

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

ORDINANCE NO.: 39-2018

Mr. Housley said we need to increase our appropriations by approximately \$10,000 for trees that were damaged. The storm culverts have been damaged more than we expected. There is another \$4,700 related to debt. At the time we did the budget in November, I did not have the debt schedule for the Silver Lake Boulevard project. In the administrative offices, we need \$2,500 for contractual

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services. I am reassigning some charges from multiple departments and putting more in administration.

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

PLANNING, ZONING AND INSURANCE COMMITTEE – MR. NICHOLS

ORDINANCE NO.: 36-2018

Mr. Housley explained throughout the course of the year as you approve ordinances or changes to our rules, Walter H. Drane collects that information from us and prepares updated pages for our ordinance books and online.

Mr. Nichols clarified these are changes we made.

Mr. Housley said yes, except the traffic code has State changes.

Mr. Heydorn explained that even though we have a charter, anything having to do with criminal offenses, including traffic, are all State offenses. A lot of these are the same as the State code, but are given an ordinance number. This is an administrative necessity to have someone familiar with the changes in State laws, to put into our book. Sometimes we will pass an ordinance that should be codified that isn't in the category of something that is also a State ordinance. An example would be our sewer charge regulations.

Mr. Jones asked if Council members use their book or look up the ordinances online. Several Council members and Mr. Heydorn said they use the book.

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

RESOLUTION NO.: 37-2018

Mr. Nichols said my sense is this does not need to come out tonight. It expires May 31, 2018. My feeling is we have three new members on Council unfamiliar with this. I personally have to plead ignorance to what goes on in the insurance world. I feel an insurance contract is more complicated than, for example, a paving contract. I know Wichert is a very good company, and they're giving us a great deal on premiums. My reason is to try to understand this better.

Mr. Nichols said he has no idea what that the cover letter of April 24, 2018, means.

Mr. Housley tried to answer, but Mr. Jones said Mr. Housley is not qualified to answer that.

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Mr. Housley said I can invite Wichert to come to the next meeting.

Mr. Nichols said, if you don't mind, I would like to go through the exercise.

Mr. Nichols asked about the premium for \$2,500.

Mr. Housley said they are making us aware that we don't currently have cyber insurance and they are estimating the premium would be \$2,500. This is an option.

Mr. Church said I think the cyber liability clause is very important.

Mr. Jones said it's a separate coverage and I'm not sure it is that important for a village.

Mayor said maybe we don't have that much exposure, but all we need is to be hacked one time. I think it's probably a good idea. This can be added at any time.

Mr. Housley will invite Wichert Insurance to the next meeting.

Mr. Nichols said this resolution would be held for second reading.

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE - MRS. MEYER

RESOLUTION NO.: 35-2018

Mayor said he was recommended to me by another member of the Board of Zoning Appeals.

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

Mrs. Meyer stated **Resolution No.: 35-2018** 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 6 No 0

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

Roll call on adoption Yes 6 No 0

Mrs. Meyer said the Personnel Placement Committee met earlier this evening and is recommending the following:

Placement of **Lieutenant Andre S. Justice** from Lieutenant Step 10 to Lieutenant Step 11, effective May 19, 2018. Salary of \$60,694.51, for a 2.5 percent increase.

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

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All members signified approval by saying aye.

Wage increase of Service Department permanent part-time employee **Diana Flinn**, \$0.50 per hour increase, for a rate of \$13.78, effective April 13, 2018.

Motion to approve by Mrs. Meyer, seconded by Mr. Nichols
All members signified approval by saying aye.

Wage increase of Service Department permanent part-time employee **Tammy Sroka**, \$0.50 per hour increase, for a rate of \$13.78, effective May 3, 2018.

Motion to approve by Mrs. Meyer, seconded by Mr. Nichols
All members signified approval by saying aye.

Hiring and compensation of **Karly Easterling** and **Brian Ford**, effective May 7, 2018, to Assist the Clerk-Treasurer at \$11.00 per hour, for total hours not to exceed 1040 annually (combined).

Mr. Housley explained I have been down an employee in this position. I have been borrowing Tricia Butts, who was hired by Suzanne, for some extra hours to fill in. Mrs. Butts will now be working full time at her other job. Karly Easterling and Brian Ford are college students who will each be working approximately ten hours per week.

Mr. Nivens said we have two full-time and one part-time (3 days per week) employees in the office. We are buying new software. We just approved legislation to take the purchase amount up to \$25,000, which was supposed to reduce the workload on your office. Historically, we had two and one half people in the office. Now we are at two and one half on the administrative side and two other people helping your office. I don't see where we're realizing the expenses. We have new software and automated meter readings, which is supposed to reduce the workload.

Mayor Hovey said if you will come up and spend a day with the ladies working in the office, you will find there is not a minute in the day when they are not doing something. The workload from a few years ago to now is tremendous. Years ago we had one police officer. Now we have eight full time. The \$25,000 limit reduces some of the paperwork to allow more time to do the things that need to be done. These positions are absolutely justified. The work is there.

Mr. Nivens said I get that. That's the question I had.

Motion to approve the hiring of **Karly Easterling** by Mrs. Meyer, seconded by
Mr. Nivens
All members signified approval by saying aye.

Motion to approve the hiring of **Brian Ford** by Mrs. Meyer, seconded by Mr. Plesich
All member signified approval by saying aye.

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Finance and Appropriations Committee – Mr. Church

Mr. Church stated **Resolution No.: 38-2018** 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

Roll call on adoption: Yes 6 No 0

Mr. Church stated **Ordinance No.: 39-2018** was discussed in Committee and is ready for adoption.

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

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Mr. Church moved to accept the **Statement of Cash Position of March 31, 2018**. Mr. Nivens seconded. All members signified approval by saying aye.

Mr. Church moved to accept the **Statement of Cash Position of April 30, 2018**. Mr. Plesich seconded. All member signified approval by saying aye.

Mr. Church asked if there were any questions regarding the payment of claims. Being none, Mr. Church concluded his report.

Planning, Zoning and Insurance Committee - Mr. Nichols

Mr. Nichols stated **Ordinance No.: 36-2018** 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 6 No 0

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

Roll call on adoption: Yes 6 No 0

Resolution No.: 37-2018 will be held for second reading.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey reported I have asked Mr. Destro to become a member of the Citizens Housing Committee. The resolution appointing him will be presented next time.

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Tricia Butts resigned her position to take a full time job at the hospital. It works out that she will work four days a week. She has agreed to stay with us and will come in a day a week working for Suzanne. Suzanne thinks that's a much better solution. We will give that a try.

I had several emails regarding the Service Department in the last week complimenting them on the job they did on spring cleanup. Two Fridays ago three trees came down, and the two residents being affected were extremely happy.

You might hear some talk about putting the utilities underground for the homes around the lake. That is nothing that the Village is going to get involved in. It's not a Village project or Village money. Some people have asked me if I would approach the companies involved. I'm meeting with First Energy and AT&T and will meet with Spectrum. What I need to find out is who is interested in this. There are 53 residents who own property around the lake. I sent them a letter explaining the idea has come up and asking them if they have already buried their lines or if are they interested in burying the lines. If there are enough residents interested, I will pursue this as an intermediary to help the residents get the best deal they can. Years ago we went through this, and none of the companies were interested. First Energy may be interested now, as it costs them a lot of money when lines go down. The only involvement the Village will have is me trying to facilitate it.

Mr. Robert Heydorn, Village Solicitor, added that the individual homeowners would have to pay for this. That's being done now for those putting it in. Secondly, what's different about our Village is that we have the electric lines and the other lines tied to it going through backyards instead of following street lines. A lot of the places around the lake are wooded, and they have a definite problem when the trees go down. There are high maintenance areas where the power goes out relatively frequently, and those areas might be encouraged to do this.

Mr. Church added that several neighbors got together and got some kind of deal for burying the lines for aesthetic purposes.

Mr. Jones asked Mr. Heydorn if we have an ordinance relative to a property owner having a diseased tree and somebody complains about it. Cuyahoga Falls will send someone out to look at the tree and say it has to come down. What about us?

Mr. Heydorn said we do have an ordinance regarding fallen, diseased, or dangerous trees. It is complaint driven, and the Zoning Inspector, Ben Gregory, goes out to inspect. If they refuse to do it, the Village can take it down and put the cost on their taxes. When I wrote the ordinance I built in a hearing procedure. If somebody doesn't like that we've cited them for a tree, they can appeal it to the Mayor. We can't do something about everything. If a tree is diseased or dangerous, we can tell them to take it down. If a windstorm drops a tree on a neighbor's property, can you make them go to the neighbor's property and take it down? No, you can't. We can tell the owner of the tree to get rid of it up to the property line. After that, the neighbor has to get rid of it, as it is on his property.

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Mr. Jones said he is aware of a situation where somebody told their neighbor they had dead tree limbs hanging over their property. The neighbor said too bad. It's on your property. If it falls, the damage is yours.

Mr. Heydorn said that's not true. Mr. Heydorn said if tree branches are hanging over your property, you are authorized to cut down as much of that tree that's on your property, but you cannot kill the tree. If you kill it, you are liable for killing it. You are privileged to remove the tree that's on your property.

Chief John Conley had no report.

Mr. Mark Lipan, Service Director, reported we finished spring cleanup. They will start hauling the leaves out next week. We started hydrant flushing today. We also started repairs with seed and straw. There are a few sinkholes on Harriett Road we are repairing before they pave. Within the next week, will be digging up our water break repairs so we can asphalt them. We have a lot of catch basins we have to start rebuilding.

Tomorrow is Election Day, and the voting booths are not set up yet, as the Board of Elections is setting them up differently. I would like to suggest two times a year if Council would consider changing the meetings to a different day, so my guys don't have to come in at 9:00 p.m. to set up. Mr. Jones said to let us know prior to the November election and we'll make some changes.

Mr. Sean Housley, Clerk-Treasurer, reported March and April are reconciled.

R.I.T.A. sent me a summary for 2017. They said our income tax penalty and interest receivable for 2017 was \$25,000. In 2016, that amount was another \$25,000. The amount has been going up because we are aggressively going after non-filers. The amount associated with non-filers is about \$25,000 a year.

Miscellaneous Business

Mr. Church said I want to inform Council that I have been in discussions with the Mayor and Mr. Lipan about the possibility of adding some lines to our tennis courts to accommodate pickle ball players. The Parks and Recreation Director at Stow told me that's probably the best thing that ever happened in realigning their tennis courts at Adelle Durbin Park. Crystal Lake is doing that as well. I have an individual who may be interested in building us pickle ball courts for the Centennial and funding the whole thing. I'm still in the process of getting that person a quote and talking to the Mayor.

Mr. Nichols asked Mr. Lipan if he could add a couple recycling bins by the tennis courts.

Mr. Lipan said yes, he would do that.

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Mr. Nichols said I would like to reserve some time at our next meeting to discuss the water assessment being charged to residents of North Dover. It is there for the fire hydrant access. It's something we passed a year or two ago. When I was campaigning I was questioned about it at every house I went to, and I promised to bring it up. I'd like to talk about it two weeks from now, if that's possible.

Mr. Nivens said years ago there was a committee that looked at the electricity in the Village. One of things that was pushed was putting the utilities underground since Ohio Edison already had the right of ways through the backyards. The public support at that time was pretty decent. I realize the Village has changed. I think as a long term project it's something to look at. Storm damage is quite frequent. For these companies minutes mean money.

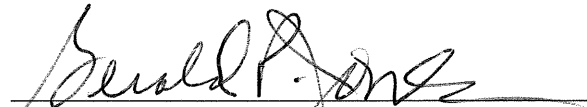
Mr. Heydorn said you may not realize the cost of this. The people that have so far funded it are spending big bucks. If the Village is willing to take this on for multiple properties, you're looking at a gigantic expenditure. In certain key areas it may be worth it.

Mayor said one resident told him he spent \$20,000.

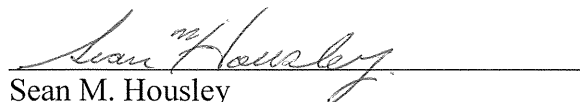
Mr. Church said the Service Department did an outstanding job this year on spring cleanup.

There being no further questions or comments, Council adjourned at 7:10 p.m., until the next regular meeting of Council on Monday, May 21, 2018, at 7:00 p.m.

APPROVED:


Mr. Gerald P. Jones, President of Council

ATTEST:


Sean M. Housley
Clerk-Treasurer

prepared by: Darlene Pedicino
reviewed by: Suzanne Lipan