

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, June 18, 2018

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, June 18, 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, Mr. Gerald Jones, Mr. William Church, Mrs. Therese Dunphy, Mr. Matthew Plesich

Roll call of Council - 6 members present

Absent - Mrs. Betsy Meyer

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

Mr. Jones asked if there were any additions or corrections to the minutes of the June 4, 2018, Council meeting.

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

Mr. Heydorn said the agenda should be amended to include Resolution No.: 45-2018.

Mrs. Dunphy moved to amend the agenda to include Resolution No.: 45-2018 for first reading, seconded by Mr. Plesich.

Roll call on approval: Yes 6 No 0

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

ORDINANCE NO.: 43-2018 AN ORDINANCE ESTABLISHING FEES FOR USAGE OF VILLAGE RECREATIONAL FACILITIES, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Ordinance No.: 43-2018 to the Finance & Appropriations Committee.

ORDINANCE NO.: 44-2018 AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF SILVER LAKE, OHIO, AT SECTION 1133.02 AND 1134.04 TO PERMIT BEEKEEPING AS AN ACCESSORY USE IN RESIDENTIAL DISTRICTS AND ESTABLISHING REGULATIONS THEREFORE.

Mr. Jones assigned Ordinance No.: 44-2018 to the Planning, Zoning and Insurance Committee.

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RESOLUTION NO.: 45-2018 A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE BELLAIRE ROAD STORM SEWER PROJECT WITH THE H.M. MILLER COMPANY, AND DECLARING A REAL AND PRESENT EMERGENCY.

Several typographical errors were corrected by Mr. Housley.

Mr. Housley read aloud Resolution No.: 45-2018 in its entirety.

Mr. Jones assigned Resolution No.: 45-2018 to the Public Improvements Committee.

SECOND READING: None

THIRD READING: None

Comments from the audience:

Mr. Scott Croghan, 2924 Silver Lake Boulevard, thanked the Mayor and Chief of Police for listening to his comments two weeks ago. There was a speed reading device placed in several locations in the Village. One of the locations has been in front of my house on Silver Lake Boulevard, and I can see the effect it is having on traffic. The response and effectiveness of it proves my point that a passive speed sign needs to be installed. You can see the people slowing down when they see their speed come up. The highest I saw was 45 mph that went down to 24 mph.

Also, we talked about the crosswalk. At the corner of Maiden Lane and Silver Lake Boulevard is the main point where people cross from Maiden Lane to the boathouse parking lot. As far as having curbs cut, the residents who live at the corner told me you can use the end of their drive approach and go across to the boathouse. The crosswalk signs can be put in the middle of the street. My neighbor saw someone pass a car that was traveling the speed limit on the Boulevard.

I think this would be a very quick, easy fix. Again, I appreciate what the Chief and the Mayor have done.

FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHURCH

ORDINANCE NO.: 43-2018

Mr. Church asked if the charges would be for a four hour period.

Mayor said yes, most people reserve it for that amount of time, and we can add that to the resolution.

Mr. Church asked if the \$50 security deposit would be for the gazebo as well.

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Mayor said we could add that also. Right now we don't have a lot of activities at the gazebo, but I expect more once we get the patio in, and the time limit of four hours could be added.

Mrs. Dunphy said prior to homecomings and proms there are a lot of pictures being taken, so this is something we want to make sure the the community is well aware of.

Mr. Jones asked how we would monitor that. Kids show up on a Saturday, and there's no way you're going to be able to reserve that. I've seen more than two or three groups using it. How are we going to charge them?

Mr. Church said I suspect this is more for weddings or functions.

Mayor said if someone shows up to take a picture, we are not going to be concerned about it. I hope if something is going on there, and they want to take a picture, they will go somewhere else.

Mr. Jones asked if someone shows up at the pavilion on a weekend, are the police going to chase them out.

Mayor said probably not, but if someone shows up who has a reservation, then they would be chased out.

Mr. Plesich asked would it be prudent to have signs that say Use by Reservation Only.

Mayor said in Cuyahoga Falls they have signs that say Reserved Today. If there is no sign, then it's open. It would be the same thing with the pavilion.

Mr. Jones said if somebody reserves it, they pay the fee. If somebody just shows up, they don't pay anything.

Mayor said we can't monitor that.

Mr. Church said Section 1 refers to the fees and rules for usage. It suggests anyone using that needs to pay a fee.

Mr. Heydorn said might I suggest to change it to read that the following fees and related rules for *reservations* of the recreational facilities instead of *usage* of the facilities.

Mr. Jones asked how we are going to monitor the baseball fields.

Mayor said I included that because we are doing something for every other recreational facility we have. As they sign up for the fields, that's when they would be assigned to pay. They are reserved for certain times.

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Mr. Jones said we don't charge for basketball or tennis.

Mayor said if it starts getting overly used, people would be encouraged to reserve a time.

Mr. Church asked what the question is about the grant money used to build the pavilion. Do we have to open it up to the public?

Mr. Heydorn said I read the grant contract we signed. It says you can have differentiation of fees for residents and non-residents, as long as it's not unreasonable.

Mr. Nichols said we are saying if a baseball team wants it for the entire summer they can have it for \$40.

Mayor said we haven't had an issue, but they are using our facility, and money raised will help us maintain it.

Mr. Church said I like that we can waive the fee for a non-profit group.

Mr. Heydorn said the non-profit group must have primary membership within the Village. It's not just any non-profit group anywhere.

Mayor asked if Council would like this to take effect upon my signature or wait until next year. I would like to see the pavilion take effect immediately.

Mr. Church said since there are several changes to be made, this will be held for second reading.

PLANNING, ZONING AND INSURANCE COMMITTEE – MR. NICHOLS

ORDINANCE NO.: 44-2018

Mayor explained this came about due to a homeowner raising bees for about a year. There is another resident behind the Church in Silver Lake that would like to do it. Bees are good for the environment. There is really no harm in having them. There's no reason not to allow it, as long as it's not around kids. Other communities allow it.

Mr. Heydorn said he looked at what Cuyahoga Falls approved, as they had an extended amount of debate on their ordinance. The administration also found some other towns in the area. Two model ordinances, which they call the Uniform Beekeeping Ordinances, I believe are starting to be enacted by states. The two models I looked at were Michigan and Florida. Cuyahoga Falls had a beekeeper who was on the faculty at Purdue University who came in and talked to them about it. I had to adapt the ordinance to the size of lots we have. It is regulated by the Department of Agriculture concerning disease. They don't regulate how many hives you can have on a lot. They

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regulate for the spread of disease. One of the requirements is that everybody who operates a beehive operation should have a license from the State of Ohio Department of Agriculture.

Mrs. Dunphy asked if not allowing the sale of honey would be a potential conflict, because we have an exemption for Silver Lake Florist, which I think is commercial and agricultural.

Mr. Heydorn said the florist operation is the result of a legal non-conforming use. It is zoned residential. Crystal Lake Development Corporation was initially granted a variance, but when we wrote the new zoning code in 1994, we included a recreational district. We have residential, institutional, and recreational, and that's it.

Mr. Heydorn said what we have to do, because this is a zoning ordinance, is give it a first reading. Then you table it, and you have to send it to the Planning Commission for consideration.

PUBLIC IMPROVEMENTS COMMITTEE – MR. PLESICH

RESOLUTION NO.: 45-2018

Mr. Plesich said we discussed \$20,000 originally. Now this is jumping up to over \$90,000.

Mr. Lipan said they found more problems than they anticipated. When they were digging, they found a repair done in 1999 where the pipe sank.

Mr. Church asked if it was faulty workmanship.

Mr. Lipan said back then they used backfill (sand) under the pipes. Now they use gravel so it doesn't sink.

Mr. Heydorn said the company that did this repair vastly underbid everyone and then submitted change orders raising the price dramatically.

Mayor said the company doing this work is H.M. Miller, and they have been very good.

Mr. Housley said Mr. Nichols had a question about loans. With our current project financing, we are working on Lee Road. This is out of our pocket. We don't have appropriations in place for it, so at the next meeting I'll have to have an appropriation measure and purchase order for you to approve. As far as paying for it, it's a storm sewer project, which is an enterprise fund. The best business practice is if it's a self-sustaining fund, it pays for its' own costs. That would mean the cost of the project could be passed on to the residents. The other option is to pay for it out of the General Fund. Option Three is to advance money. What I'd like to find out from you is would you want the General Fund to pay for it all, the Storm Sewer Fund to pay, or a mix.

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Mr. Heydorn asked Mr. Housley if he could put his fiscal officer's certificate on the change order, without the money appropriated.

Mr. Housley said that we do have the money available in the General Fund. It depends on where Council decides to pay for it.

Mr. Heydorn asked if Mr. Housley would feel more comfortable if we included a clause that appropriated the monies to come out of the General Fund, which we could change it later on if you want.

Mr. Housley said our Codified Ordinances permit me to bring a purchase order before Council within 30 days. I'm comfortable with bringing something to them at the next meeting.

Mr. Heydorn asked can you certify that the funds are appropriated or in the process of collection at the time he signs the contract.

Mr. Housley said I can't certify that.

Mr. Heydorn said I think you have to put it in this legislation.

Mr. Housley said the next question is how do you want to pay for it? The Storm Sewer Fund currently owes the General Fund \$90,000. Last year Council passed legislation directing me to repay the advance from the General Fund over three years. The storm sewer fund had the \$20,000 originally asked for, but it doesn't have the additional \$70,000.

Mr. Jones said it sounds to me like we have to pay it out of the General Fund.

Mr. Church asked haven't we recently done a mix.

Mr. Housley said in the Sewer Fund, when we adjusted rates in the past, we split it 50/50. We supplemented that fund and phased in a fee increase for the difference.

Mr. Church asked would you be more comfortable doing that.

Mr. Housley said it's a better practice for the Storm Sewer Fund to be self-sustaining. It does not have the money right now, but I'm comfortable with fixing that at the next meeting. I can still say that the monies are appropriated, if you're willing to advance from the General Fund to the Storm Sewer Fund an amount to cover the appropriations.

Mr. Heydorn asked do you want to read both the Storm Sewer Fund and General Fund into this.

Mrs. Dunphy asked if we're splitting it, we're already paying back this \$90,000 over time, so are we talking about another sewer increase or a longer repayment.

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Mr. Housley said I think you'd have to increase the storm sewer rates. For every \$1.00 you increase it, it's about \$12,800 a year. To come up with about \$35,000, you are looking at an advance being repaid over three years.

Mr. Plesich said we did this not too long ago for that \$90,000. Could we just extend that for another year instead of raising the rates?

Mr. Housley said I think you could.

Mr. Heydorn said if you just appropriated from the General Fund now, you could come back next time and amend that section of the ordinance to whatever appropriation you want.

Mr. Housley said that's fine. It gives me a couple of weeks.

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

Public Improvements Committee – Mr. Plesich

Mr. Plesich said I have a question on the amendment for **Resolution No.: 45-2018**.

Mr. Heydorn said the amendment should simply read in Section 3, after the clause which says and which adds to said sum the subject expansion of said purchase order for an additional \$70,696, *and said total funds are hereby appropriated from the unappropriated funds of the General Fund, subject to properly executed and endorsed invoices therefore.*

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

Roll call on suspension: Yes 6 No 0

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

Motion to amend Section 3 as stated above by Mr. Plesich

Mr. Plesich read amended Section 3 in its entirety.

Seconded by Mr. Church

Roll call on amendment: Yes 6 No 0

Mrs. Dunphy clarified that at the next meeting Mr. Housley will bring forth potential options,

Roll call on adoption: Yes 6 No 0

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Finance and Appropriations Committee – Mr. Church

Mr. Church said we are holding **Ordinance No.: 43-2018** for the next meeting.

Mr. Church asked if there were any questions regarding the payment of claims.

Mr. Church said he asked the Chief about the ballistic vests. Chief Conley has applied for a grant, and he is hoping for 50 percent reimbursement.

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

Planning, Zoning and Insurance Committee – Mr. Nichols

Mr. Nichols said **Ordinance No.: 44-2018** was discussed in Committee.

Motion table Ordinance No.: 44-2018 for consideration by the
Planning Commission by Mr. Nichols, seconded by Mr. Plesich
Roll call: Yes 6 No 0

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey reported comments were made about the speed sign earlier. The Chief, Mr. Nivens and I have researched several companies for signs that will work in the Village. One cost \$6,000, with a \$600 yearly maintenance fee. We found another very similar sign for a cost of around \$3,000. Important to me is that we can move the signs from place to place. At least one of the companies Mr. Nivens was working with will allow you to do that. Other roads that are bad are Harriett Road, Englewood Drive, and Vincent Road. There is also one out there that we could measure how many people are going how fast and what time of day. It is not a flashing sign. It would help us identify the areas that are bad. We usually have one officer patrolling, but they can't be on the Boulevard and another road at the same time. They do write many tickets for speeding. I would hope that by the next meeting we would have something to present to you.

As far as the crosswalk, at one time it did go from Maiden Lane to the parking lot. That's illegal, as it has to go from curb to curb. We will get bids for curb cuts and install a legal crosswalk.

You may also be aware that the opening of Missing Mountain Brewery has created parking problems on Landon Drive. We have monitored the situation for two weeks and I have issued an order that we are going to put up No Parking signs from 5 p.m. to 7 a.m. If residents on Landon Drive need to park overnight for some reason, all they have to do is let us know. We have made that exception lots of times.

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Mr. Church said we are putting the signs up, and it's a good solution based on safety. If residents want to park on the street for a party, is that in conflict with the rationale we are using for the signs?

Mayor said I don't expect it to be too often and you're only talking about one house. There already is no parking on the west side. This will be on the east side. We checked the neighboring streets. There is no problem currently, but we will take action if it becomes a problem.

The pickle ball courts are installed thanks to Mr. Church and Mr. Sitts.

The gazebo concert last Wednesday was outstanding. People were saying this is what Silver Lake is. It is neighbors out talking to neighbors and making new friends. If anybody thinks we are still an old community, there were probably 25 children under the age of ten. The next concert will be July 11, 2018. If all the concerts prove successful, I will probably ask you in the budget next year to fund those things for next year. They are not that expensive. Three concerts are costing about \$2,500 this year.

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

Chief John Conley had no report.

Mr. Jones asked if the speed sign was powered by the car engine. Chief Conley said no, it uses battery packs.

Mr. Nivens asked if we have any results on the DUI checkpoints from last week. Chief Conley said he did not have any results yet.

Mr. Mark Lipan, Service Director, reported they will take the new Ford Escape for a safety inspection on July 12, 2018. So far we have less than \$2,000 into it. It should be a good vehicle.

Mr. Sean Housley, Clerk-Treasurer, reported he emailed Mr. Dicecco regarding his moral claim, but he hasn't heard back from him.

Mr. Housley will be having eye surgery on June 28, 2018. He will be off June 28 and 29, but he should be back for the next Council meeting.

Miscellaneous Business

Mr. Nichols said I attended the Garden Club meeting today to hear Paul Theiss talk about his work with Pay it Forward for planting a tree. I think it got started kind of late, and I don't think anybody got any trees put in this springtime. The planting season is over, but you can plant in the fall. I think they are headed toward keeping the Centennial idea alive to plant in 2019. I think it's a great idea. I'm planning to have one in my yard. I ask you all to think about it.

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Mr. Plesieh asked if there was any word on the loan. *Nivens* *Changed to Mr. Nivens, 4/7 7-2-18*

Mr. Housley said it has been approved. H.M. Miller has a purchase order, so the project has been given a green light.

Mr. Lipan said they have given me their submittal for a pipe and manholes, so I forwarded that to GBC Design. They should start shortly.

There being no further questions or comments, Council adjourned at 8:08 p.m., until the next regular meeting of Council on Monday, July 2, 2018, at 7:00 p.m.

APPROVED:

Gerald P. Jones
Mr. Gerald P. Jones, President of Council

ATTEST:

Sean M. Housley
Sean M. Housley
Clerk-Treasurer

prepared by: Darlene Pedicino
reviewed by: Suzanne Lipan