

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE****Monday, August 20, 2018****7:00 p.m.**

The Village of Silver Lake Council met in a regular session on Monday, August 20, 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 July 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.

**ORDINANCE NO.: 53 -2018 AN ORDINANCE AMENDING SECTIONS 943.04, 933.01, AND 927.13(C) OF THE CODE OF THE VILLAGE OF SILVER LAKE, OHIO, TO INCREASE FUNDS IN THE STORMWATER UTILITY FUND BY INCREASING STORMWATER CHARGES WHILE DECREASING THE MINIMUM FIXED CHARGES IN THE WATER FUND, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Ordinance No.: 53-2018 to the Finance & Appropriations Committee.

**RESOLUTION NO.: 54-2018 A RESOLUTION ADVANCING THE SUM OF \$50,862 FROM THE GENERAL FUND TO THE STORM WATER FUND FOR THE BELLAIRE ROAD STORM SEWER REPAIR, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Resolution No.: 54-2018 to the Finance & Appropriations Committee.

**ORDINANCE NO.: 55-2018 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.: 55-2018 to the Finance & Appropriations Committee.

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**RESOLUTION NO.: 56-2018 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR COOPERATION AND COST SHARING WITH THE CITY OF STOW FOR CONSTRUCTION AND INSPECTION OF THE GRAHAM ROAD RESURFACING PROJECT LOCATED IN THE CITY OF STOW AND THE VILLAGE OF SILVER LAKE; COMMITTING THE CITY OF STOW AS SPONSOR; AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Resolution No.: 56-2018 to the Planning, Zoning and Insurance Committee.

**RESOLUTION NO.: 57-2018 A RESOLUTION DESIGNATING THE CLERK-TREASURER, ON BEHALF OF ALL ELECTED OFFICIALS OF THE VILLAGE OF SILVER LAKE, TO ATTEND CERTIFIED TRAINING ON PUBLIC RECORDS LAW AS REQUIRED BY HOUSE BILL 9, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Resolution No.: 57-2018 to the Planning, Zoning and Insurance Committee.

**SECOND READING:**

**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.**

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

**THIRD READING: None****Comments from the audience:**

**Shelley Jurkiewicz, 2920 Lee Road**, commented on the Lee Road sanitary sewer project. It has been a long, loud, disruptive and intrusive project, which has generated anxiety, frustration and anger among residents. An update on the website would be appreciated by all residents. There is still a long way to go. We are dealing with a lot of dust. The health effects of breathing the dust exacerbates other conditions. I have spoken with Mr. Lipan regarding this. Lastly, we would appreciate it if the administration could continue to communicate to residents.

**Valerie Morrison, 2927 Lee Road**, said I want to tell you how frustrated I am. I take care of a four-year-old and two-year-old every day. I cannot take them outside. The construction company has designated our block as a parking lot for this project. I don't find that reasonable. I should not have equipment that is stored there. My house shakes, and I am beginning to think I might have structural damage. The destruction that has taken place on Maiden Lane and Lee Road is ridiculous. Our properties have been damaged. I have a neighbor who had flowers that were 100

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years old. People used to take pictures because it was so gorgeous. They have been destroyed. It will never be the same. There was no respect and we were not warned. We had no idea it would be enjoyable to the workers to destroy our property. Who hired these people?

**FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHURCH**

ORDINANCE NO.: 53-2018

Mr. Church said the storm water fee is increasing from \$7.00 to \$8.00 per month and decreasing the minimum fixed charge in the water fund.

Mr. Housley said we had a storm water project this year on Bellaire Road that we weren't planning on. We didn't have the available cash of \$50,862 in the fund to pay for the project. This legislation will increase the storm water fee, raising about \$12,000 per year for the next three years to repay the General Fund.

Mr. Nivens said that is \$36,000.

Mr. Housley said the fund did have some cash.

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

RESOLUTION NO.: 54-2018

Mr. Housley clarified the correct number is \$50,862.

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

ORDINANCE NO.: 55-2018

Mr. Housley said Mr. Lipan had to increase appropriations by \$10,000. We had originally budgeted for the Bellaire Road storm water project to be paid out of the General Fund. We had budgeted \$70,696, but since the Storm Water Fund will be paying for it, we can reduce the appropriations in the General Fund. We need to increase appropriations for Advances Out by \$50,862.

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

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**PLANNING, ZONING AND INSURANCE COMMITTEE – MR. NICHOLS**

RESOLUTION NO.: 56-2018

Mr. Lipan said \$1,100,000 is just a “guesstimate.” It may be lower. All they will give us for federal funding is \$700,000. They would like to go out for bid in October. They are going to remove the railroad tracks, which increases our cost, and our share is also higher because the Village owns more of the portion of roadway on Graham Road that is being repaired than Stow does.

Mr. Nichols asked if this would come out of the General Fund.

Mr. Housley said it can, or it can come out of more than one place. This type of project isn't something we can adjust fees for. That's why it's good that we have reserves in the General Fund.

Mr. Church asked if we discussed the possibility of borrowing.

Mr. Housley said I would not recommend it, as we have reserves.

Mrs. Dunphy asked what protection we have.

Mr. Lipan said you will know what the bid is going to be.

Mr. Nivens asked about future change orders.

Mr. Lipan said it depends where it is. If it is in the Village, we have to pay for it.

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

RESOLUTION NO.: 57-2018

Mr. Housley said he is required to attend public records training once per term of elected officials.

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

ORDINANCE NO: 44-2018 (Second Reading)

Mr. Nichols said we must have a public hearing.

Mr. Housley said we couldn't have it at the next meeting.

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Mr. Nichols said the first thing we have is our original ordinance, which is followed by a red-lined version from the Planning Commission.

Mr. Heydorn said the question is whether or not you want to consider the amendments they propose. If you disagree with what they propose, it still takes the same 2/3 majority to pass it. Zoning legislation has to have three readings. There has been a lot of input into this by at least one professional, and that person probably will make a presentation during the public hearing. After that, you may want to discuss what changes you want to make. You table it after the third reading and then consider it for voting after that.

Mr. Plesich asked if the amendments we make on the floor would be included.

Mr. Heydorn said if, after the public hearing, you find there's interest in some of these suggestions, for the next meeting you can have the actual wording.

Mr. Plesich asked can we continue on or do we have to go back to Planning and Zoning.

Mr. Heydorn said the charter says after the Planning and Zoning Commission makes their report, they're done. After that, it's totally in your hands. After you've finished the third reading, my recommendation is you either pass it or table it.

A public hearing was scheduled for September 17, 2018, at 6:40 p.m.

There being no further comments or questions, Mr. Nichols said this Ordinance would be held for third reading.

**Finance and Appropriations Committee – Mr. Church**

Mr. Church said **Ordinance No.:53-2018** 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 Mrs. Meyer

Roll call on adoption:      Yes    7      No    0

Mr. Church said **Resolution No.: 54-2018** 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 Mrs. Meyer

Roll call on adoption:      Yes    7      No    0

Mr. Church said **Ordinance No.: 55-2018** was discussed in committee and is ready for adoption.

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

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

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

Mr. Nichols had a question on the bank report. Year to date we are \$514,000 to the good. Is that going to continue for the rest of the year or are some expenses going to catch up?

Mr. Housley said some expenses will catch up. I have not paid for the street program yet, plus Summit County is still behind on their sewer bills.

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

**Planning, Zoning and Insurance Committee – Mr. Nichols**

Mr. Nichols said **Resolution No.: 56-2018** 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 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mr. Nichols said **Resolution No.: 57-2018** 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 7 No 0

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

Roll call on adoption: Yes 7 No 0

**REPORTS OF VILLAGE OFFICIALS**

**Mayor Hovey** had no report.

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

**Chief John Conley** had no report.

Mr. Jones said I heard there is only one officer on duty at a time. Is that correct?

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Chief said there are various times in a calendar year that, based on staffing, we have one officer on duty. We receive backup from other communities at those times. It varies on all different shifts. We currently have eight full-time officers, including me, and three part-time officers.

**Mr. Mark Lipan, Service Director**, reported paving was completed today. It took a little longer than expected. The sewer project is coming along. They have two crews now. One crew is putting the main sewer line in. The other crew is digging the laterals. They are projecting December to complete the Lee Road project. On Chautauqua Drive, the riprap they put in is complete and looks really good. We are in the process of striping the crosswalks.

Mr. Nivens asked about the residents' comments regarding the Lee Road sewer project.

Mr. Lipan said you can't believe a lot of that has happened because the owner of the company would fire somebody that would talk to a resident like that. The equipment is still down there on Maiden Lane because the second crew came in and they use that equipment to do the laterals. The plates and boxes are also being used to do the laterals. As they move up, the equipment will go with them. I am going to talk to them to see if they can keep the dust down. It's a construction site-you are going to have a little dust. When H.M. Miller was doing work on Chautauqua Drive, a resident from Munroe Falls commented on how courteous they were. I will talk to them tomorrow to bring up these concerns. The Mayor did try to get someone from H.M. Miller to come to a meeting and invite the residents in to get their questions about the project answered. We're still working on that. I sent out three notices for the sewer project, and I passed out notices for the paving, and we still get complaints that people say they were not notified. We do our best.

**Mr. Sean Housley, Clerk-Treasurer**, reported we passed legislation to adjust the sewer rates for the Lee Road project and increased sewage treatment costs. We adjusted the variable rate to cover an additional \$23,000 in increased sewage treatment costs. This year to date, our costs are about \$23,000 more than they were last year at this time. We are prepared for these increased costs this year. We are almost exactly in line at the end of May as we were at the end of May last year. We have strong cash reserves. We will reevaluate the increased sewage treatment costs at the end of this year. We should know by March or April of 2019 whether or not we need to adjust our sewage rates again.

**Mr. Fred Johnson, Silver Lake Estates Trustee**, reported on the water quality of Silver Lake. Levels went up and down in the past few weeks. Our levels reached a DO NOT SWIM level because of the heat. Current level is 9.8. Between 6 and 20 is okay to swim. Mr. Johnson complimented several members of the Board for utilizing their science background and communications skills. Mr. Johnson also complimented Service Department employees for their assistance.

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Mr. Church asked about the up and down levels and if the aquifers are working.

Mr. Johnson said this time of year when there is rain, the flow of materials going into the lake increases. The impact of those materials on the body is not proven, but ingesting is.

**Miscellaneous Business**

Mr. Jones said we have a request for a moral claim. This person has an international license and was issued a traffic citation.

Chief Conley explained our officer stopped a vehicle for speeding and the driver produced a driver's license from Dubai and an international driver's permit. He had not obtained an Ohio driver's license. We issued a citation for no operator's license and the vehicle was towed. He went to court and told the magistrate he was returning to Dubai the next day. The magistrate dismissed the citation. The owner of the car was another person who paid the release and towing fee. The owner of the car assured me she has insurance, but I have not seen proof of that. The question came up because he had an international driving permit, which can be obtained from AAA. You must have a valid driver's license. It is not a substitute. The car was lawfully towed. We were not informed about the magistrate's decision. The driver did not go back to Dubai the next day. We did not request the citation be dismissed. Whether or not there is insurance is a moot point. They only towed the car because there was no operator's license.

Mr. Heydorn suggested he talk to the magistrate.

Chief said one issue you have to consider is whether the officer made a lawful traffic stop. Was he right to issue a citation to tow the car? Did he have probable cause? Even if the magistrate dismisses it, it doesn't mean the officer didn't have probable cause.

Mr. Housley said he will be attending the Public Records training on Tuesday, September 18, from 1 p.m. until 4:30 p.m.

Mr. Church said I want to keep the issue going of steps and pay raises for our employees. To discuss this perhaps we could meet at 6:00 p.m. before the next meeting on September 4, 2018. Council agreed.

Mr. Nivens said at the last meeting we dealt with the issue of a salary increase for Tricia Butts. We didn't act on that.

Mr. Jones said the Personnel Placement Committee recommended \$0.40 per hour and that didn't pass.

Mr. Nivens said we have to bring legislation back in.



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Mr. Heydorn said if we have a vote that says you will reconsider. One of the Council members who voted negative, should move to reconsider. If there is a reconsideration, you could postpone the vote to next time or go ahead with a reconsideration vote today. What you need to do is decide if you are going to reconsider.

Mr. Plesich moved to reconsider the Personnel Placement Committee meeting of July 16, 2018 for Tricia Butts, which at that time recommended a \$0.40 raise. Seconded by Mr. Church.

Mr. Heydorn said the motion is to reconsider the decision of that motion of July 16, 2018.

Mrs. Meyer said ten percent is high. That's why I'm voting that way.

Mr. Nivens said she's getting no benefits. That's one of the advantages of being able to put her at a higher wage.

Mr. Jones said giving someone a ten percent raise who has been here a year and works one day a week, I think sends the wrong message to the rest of the employees. I don't think it's fair. I can't remember when we've given a ten percent raise for someone who has been here a long time. Philosophically, I think it's wrong.

Mayor said I mentioned last time you use percentages to suit your advantage. A two or three percent raise for a service worker amounted to \$1,000 or so in salary. A ten percent raise for this lady amounts to \$8 per week. The percentages are not meaningful. I think it's unfair to compare percentages in that situation.

Mr. Jones said we gave the part-time ladies in the Service Department a \$0.50 raise and they've been here 13 years, and we're going to give someone who has been here a year ten percent.

Mayor said I don't think any employee will object.

Mr. Church said we are looking at one day a week.

Mayor said and a person who saved us \$3,400.

Mr. Nivens said I am looking at the need to retain her and the training associated with the position. Employees are going through here and we have to stop it.

Mr. Heydorn said what you have to do tonight is vote on whether or not you were going to reconsider the decision, which was for a \$0.40 increase. Then you have to decide when you want to vote on that same question, which is does she get a \$0.40 raise. You can do that tonight or mull it over again and take it up at the next meeting by tabling the issue until the next meeting.

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Roll call on motion to reconsider: Yes 7 No 0

Mr. Heydorn asked for a motion to table until the next meeting.

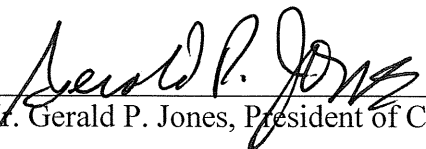
Motion to table until the next meeting by Mr. Church, seconded by Mrs. Dunphy.  
All members signified approval by saying aye.

Mr. Nivens asked about the issues raised by the residents tonight regarding H.M. Miller and the sewer project.

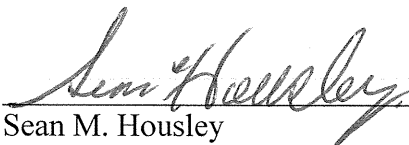
Mr. Lipan said he would find out if they are going to address the issues tomorrow and let Council know.

There being no further questions or comments, Council adjourned at 8:20 p.m., until the next regular meeting of Council on Tuesday, September 4, 2018, at 7:00 p.m. A Finance Committee meeting will be held prior to the regular meeting.

APPROVED:

  
Mr. Gerald P. Jones, President of Council

ATTEST:

  
Sean M. Housley  
Clerk-Treasurer

prepared by: Darlene Pedicino  
reviewed by: Suzanne Lipan

VILLAGE OF SILVER LAKE

COUNCIL MEETING SIGN-IN SHEET

DATE: 8-20-18

PLEASE REMEMBER YOUR NUMBER

	NAME (Please Print)	ADDRESS	CONCERN
1.	Shelley Turkiewicz	2920 Lee Rd	Silver Lee Rd Sanitary Sewer
2.	Valerie Morrison	2927 Lee Rd	Sewer Project
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