

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

**Monday, June 3, 2019**

**7:00 p.m.**

The Village of Silver Lake Council met in a regular session on Monday, June 3, 2019, 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, and Mr. Matthew Plesich

Roll call of Council - 7 members present

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The minutes of May 20, 2019, will be submitted at the next meeting.

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

**RESOLUTION NO.: 26-2019 A RESOLUTION ADVANCING THE SUM OF FORTY-SIX THOUSAND AND FORTY-NINE DOLLARS (\$46,049.00) FROM THE GENERAL FUND TO THE PERMISSIVE MOTOR VEHICLE FUND FOR THE 2019 GRAHAM ROAD RESURFACING PROJECT, AND DECLARING AN EMERGENCY.**

*(Finance & Appropriations)*

**ORDINANCE NO.: 27-2019 AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019, AND DECLARING AN EMERGENCY .**

*(Finance & Appropriations)*

**RESOLUTION NO.: 28-2019 A RESOLUTION APPROVING THE EXPENDITURE OF FUNDS TO THE CITY OF STOW FOR THE 2019 GRAHAM ROAD RESURFACING PROGRAM, AND DECLARING AN EMERGENCY.**

*(Finance & Appropriations)*

**RESOLUTION NO.: 29-2019 A RESOLUTION AUTHORIZING THE APPROVAL AND ADOPTION OF THE SUMMIT COUNTY HAZARD MITIGATION PLAN, AND DECLARING AN EMERGENCY.**

*(Planning, Zoning and Insurance)*

**RESOLUTION NO.: 30-2019 A RESOLUTION STRONGLY URGING THE OHIO GOVERNOR AND MEMBERS OF THE OHIO GENERAL ASSEMBLY TO RESTORE THE LOCAL GOVERNMENT FUND TO PRE-RECESSION LEVELS.**

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*(Planning, Zoning and Insurance)*

**RESOLUTION NO.: 31-2019 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF SHELLEY JURKIEWICZ 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.**

*(Personnel and Public Affairs)*

**SECOND READING: None**

**THIRD READING: None**

**Comments from the audience**

Mr. Michael Asente, (3088 Markle Drive), mentioned that his attorney sent a records request in May by certified mail and the Village has not responded to it. When Mr. Asente spoke to Mr. Heydorn, Mr. Heydorn told him he had not received it.

**COMMITTEES**

**FINANCE AND APPROPRIATIONS – MR. CHURCH**

**RESOLUTION NO.: 26-2019**

Resolution No.: 26-2019 - Mr. Church asked Mr. Housley to lead the discussion on the Permissive Motor Vehicle Fund.

Mr. Housley - Some of the gas tax goes into that fund and that's what you see on a routine basis. The County holds back some monies that the Village is entitled to, and it accumulates these monies until we apply for them. At the time of application, \$46,049 was available to us for the Graham Road project. When we apply for reimbursement, we show the funds were used for eligible expenses. The General Fund has temporarily advanced the monies to the Permissive Motor Vehicle Fund until the funds are received from the County. This temporary advance will be returned to the General Fund.

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

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**ORDINANCE NO.: 27-2019**

Mr. Church - Increasing appropriations for insurance, parcels of land for \$9,500; and the extra overtime for \$5,000. There is another \$5,500 to replace two additional inoperable water valves.

Mr. Housley - In summary, the "whereas" clauses make the accounting activity more clear. If you add the increases, they total \$15,580. The transfers of \$5,500 is just moving money around instead of asking for more money.

Mr. Housley - What happens with insurance, it is spread out over several departments in contractual services, and it's hard to see. The "whereas" clauses make it more transparent.

Mr. Jones - Did we buy that property for \$9,000 or \$9,500?

Mr. Housley - We bid \$9,000 and were the only bidder, the auctioneer said there would also be fees, but I don't expect the final amount to be more than \$10,000.

Mr. Plesich - Are we paying property taxes that are due to us anyway?

Mayor Hovey - Those property taxes will be taken off. We paid \$9,000; if taxes were \$3,000, then we paid \$6,000. I was a little bit concerned because they're the ones that set the price and I told Sean that if we're talking a few hundred dollars, I'm not going to get too worried about it. But if they're trying to get thousands more, I'm not going to approve that, at least not without your consent.

Mr. Housley - We also added cyber protection for \$1,500 to our insurance.

Mrs. Meyer - Are we going to put in a retention pond, as Chautauqua Drive doesn't seem to flood since they removed the dam?

Mr. Lipan - We have pumped it out several times in the past year.

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

**RESOLUTION NO.: 28-2019**

Mr. Housley - This is a recurring type of legislation. If a purchase order in excess of \$3,000 is created after we get invoiced, we must have Council approval. The invoice was for the railroad tracks, and we should have had this purchase order created earlier. It's a timing issue. This is for Graham Road.

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

**Resolution No.: 26-2019**

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

Roll call:           Yes   7       No    0

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

Roll call:           Yes   7       No    0

**Ordinance No.: 27-2019**

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

Roll call:           Yes   7       No    0

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

Roll call:           Yes   7       No    0

**Resolution No.: 28-2019**

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

Roll call:           Yes   7       No    0

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

Roll call:           Yes   7       No    0

The **Statement of Cash Position ending May 31, 2019**, was submitted. As there were no questions, Mr. Church moved to adopt. Seconded by Mrs. Dunphy. All members signified approval by saying aye.

The **Payment of Claims for May 17 and May 31, 2019** were submitted. Hearing no questions, Mr. Church concluded his report.

**PLANNING, ZONING AND INSURANCE – MR. NICHOLS****RESOLUTION NO.: 29-2019**

Mr. Nichols - Every five years FEMA asks local emergency management agencies to update their rules and regulations. They have established the new rules and regulations that would be in effect in 2019, and we and every other political subdivision are required to approve this.

Mr. Nivens - We have until July 31, 2019, to get this passed; there is time to read it and discuss it.

There being no further comments or questions, Mr. Nichols said unless there is an objection, this resolution would be brought out for adoption.

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RESOLUTION NO.: 30-2019

Mr. Nichols - The local government fund was reduced in 2011 from 3.68 percent to 1.66 percent. Local governments are losing out, and the loss of revenue is over a hundred thousand dollars. We are asking that funding levels be taken back to previous levels.

Mayor Hovey - This came out in the last meeting of the Mayor's Association. We are getting the feeling that Governor Dewine may be in favor of restoring at least some of the local government funds. The Mayor's Association is asking each community to pass a resolution to let the proper representatives, state senators and the governor know that we can certainly use that money. Before they cut the local government funds, we were getting around \$300,000 a year. Now, I think we get \$100,000 or \$120,000.

Mr. Housley – I looked back to 2008 and we lost 50 percent. We received \$260,000 in 2008.

Mr. Nivens - Have you discussed speaking with the governor about the casino taxes and how they were supposed to be distributed?

Mayor Hovey - I have not discussed doing that.

Mr. Nivens – All the money coming from that is going strictly to the Department of Public Safety

Mr. Nichols - I guess I'd ask what people think.

Mr. Church, Mrs. Meyer and Mr. Jones asked why we would want to hold it.

Mr. Nichols - So I'm hearing that there are no issues with this and everyone's in favor?

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

Resolution No.: 29-2019

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

Roll call: Yes 7 No 0

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

Roll call: Yes 7 No 0

Resolution No.: 30-2019

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

Roll call: Yes 7 No 0

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

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Roll call:                    Yes    7            No    0

That concluded Mr. Nichols' report.

**PERSONNEL AND PUBLIC AFFAIRS – MRS. MEYER**

**RESOLUTION NO.: 31 2019**, confirming the Mayoral appointment fill a vacancy on the Park Board.

Mayor Hovey explained an opening occurred on the Park Board when Bob Zimmermann resigned. Ms. Jurkiewicz has been to several Park Board meetings and has expressed an interest in helping and contributing. Following an interview with the Chairman of the Park Board, he's fine with it.

Mr. Nivens said she brings a lot to the table.

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

Roll call:                    Yes    7            No    0

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

Roll call:                    Yes    7            No    0

**REPORTS OF VILLAGE OFFICIALS**

**Mayor Hovey** reported we've been getting some reports that people driving Graham Road are getting some flat tires because of the debris from the construction. Be careful driving Graham Road and avoid it if at all possible.

There were a couple of comments made a couple of weeks ago on NextDoor about a resident finding an arrow in the backyard. Another resident jumped in and said that the Mayor and his "boys" (*including women*), are putting the community in danger. It's a skinny little fiberglass arrow that is a target arrow. It may only pierce a piece of straw. The resident who started this did finally admit to the Police Chief that it's not an arrow that any hunter would use. So she's backtracked to the Chief, but I don't know if anything is on NextDoor. If you hear anything, as with many things that are on NextDoor, it is completely false. No hunting is being done, and no arrows are ever directed anywhere toward a residence, ever

We had several requests for bricks and I did open it up for the month of May. I think we have 16 and need 25 before we can place an order. Maybe three or four more came in today. If any of you have not bought a brick, try and do so by Friday so that we can reach a total of 25.

Also, the first concert of the summer is Sunday at 4:00 p.m. We also have a food truck.

**Mr. Robert Heydorn**, Village Solicitor, said I would like to comment on comments that were made in regard to this public records request for information. That particular request, as I discussed

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with Mr. Asente's attorney today, I never saw. Why I didn't see it. I'm not sure, but I did not. As far as Sean is concerned, it did not come in, because he never saw it as well. I checked with him before I called back the attorney. I was on vacation shortly after it was sent, and did not return until last Friday and discovered that there had been a phone call from the attorney. I returned the call about one o'clock Friday afternoon and I did not receive a phone call back from Attorney McConville that day. He did call me back today, and I did talk to him. He quite nicely said he would re-date the request, which he did, to June 3, 2019, and he sent it to me by email. So I have it and I distributed it tonight, and we will comply with the demands that are made in that particular request, because there's nothing really unusual about it. Nothing very unusual about it as far as I'm concerned, other than if there's any delay involved it would be because we claim we didn't get the initial request. Secondly, even if I had, I was on vacation and wasn't back until Friday.

Mr. Plesich - Is there a type of limit or time required?

Mr. Heydorn - No; just a reasonable amount of time.

Mrs. Dunphy - Do public records requests go to Sean?

Mr. Heydorn - Apparently it was sent here to the attention of me, but I didn't get it. So the question is if it was sent by certified mail, as is claimed, somebody would have signed for it and perhaps Mr. McConville has somebody's signature, but it's not going to be Sean and it's not going to be me. Public records requests can go to the clerk treasurer; they can go to the mayor, but I can receive them as well. I'm a representative of the municipality so I can receive it.

**Chief Jamie Norris** reported we had three cruisers over the weekend that had flat tires on Graham Road. It's unusual but coincidental when you have a project like that and we need to be there. This morning Stow had calls going out for flats in front of Lakeview School. I'm hoping the weather stays good for them so they can get it completed as soon as possible.

**Mr. Mark Lipan, Service Director**, reported on an update on the Graham Road paving project. They're going to put the leveling course on the two eastbound lanes tomorrow and then the leveling course on the two westbound lanes Wednesday. After that, then they're going to make adjustments on the manholes, valves, and catch basins. Our paving is tentatively going to start June 10, 2019. It will take one week for a portion of Lee Road and Landon Drive and the other streets.

Mr. Nivens - Who was marking Lee Road on Saturday and what were they doing?

Mr. Lipan - I have no idea.

Mrs. Meyer - There was a server crash several weeks ago and what happened or what was the problem?

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Mr. Housley - It did crash on a weekend. The reason is not known. Information was restored from a backup at not cost. The utility bills did get to the residents timely. We will evaluate complaints regarding late charges on a case by case basis.

Mrs. Meyer – Have we heard any more about a petition for sidewalks on Harriett Road?

Mr. Heydorn – I will be in touch with the resident.

Mayor Hovey - We have no time table yet, but Darlene Pedicino, (Administrative Services Clerk), has told us that she's going to retire, She was hired to work five hours a day and then some time ago asked to work three days and that's when we filled in with somebody for two days. We're not sure exactly when she's going to be retiring, but it'll be as soon as we find somebody else. We are going to advertise that position for a five day, five hour position. Tricia Butts actually only worked one day and we had been using Karly Easterling another day. We'll fill it with one person, which will be much better for us. We're looking at five days, five hours right now. We are looking at the possibility of doing a sixth hour and having that assigned to the Clerk-Treasurer, because we were having so much trouble getting the minutes done in a timely fashion. That would be part of the Clerk-Treasurer's office, but we are not sure. I wanted to mention it now in case you see an ad for a person in the newspaper, that's what it's about. Exactly what it's going to be, we still have to discuss.

Mr. Housley - If this person is hired at five days, six hours, I'll have to adjust the budget.

Mayor Hovey - We will be discussing the hourly rate at the staff meeting Thursday.

**Mr. Sean Housley, Clerk-Treasurer**, reported RITA sends me a summary of results related to our delinquent tax filers annually. They sent me the results for 2016, 2017, and 2018. In 2016, we collected \$35,000 in taxes, penalty and interest. Of that \$35 000, \$11,000 of it is penalties and interest. In 2017, about \$42,000 was collected in taxes, penalties and interest. These are monies that if we didn't send out proper notifications, the likelihood of them filing would have been probably less than three percent. 2017 had \$16,000 penalties and interest. In 2018 we collected \$61,000 in taxes, penalties and interest.

You would think fewer people would be filing late, but that's not what's happening. Last year there was a total of \$21,800 in penalties and interest related to delinquent filers. I will also mention that last year was the first year I used Karly and there was a big jump. We changed the way I did the program, and I noticed a big difference, so that's part of the reason why we saw the big jump. This is only the second time since 2012 we've collected over \$60,000. I just want to make you aware that these programs have been paying off for us.

Our gas tax revenues will be going up next year. It looks like the Village will be receiving an additional \$64,000 next year. Currently we're around \$103,000 and we're projected to be around \$167,000 next year.



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I'm going to be at training next week, so I'll probably have all the agenda prepared by the end of this week. If any last minute changes come up, Suzanne will have to get the changes in and get them off to Council

Mr. Plesich - Regarding the gas tax, is that money to be used exclusively for road improvement?

Mr. Housley - It can be used for road improvements. It can be used for labor related to plowing or salt for the streets. This year's numbers keep going up.

Mrs. Meyer - Three or four residents this week asked me who's in charge of maintaining around Silver Lake and Crystal Lake and what goes on at the bottom at the riparian setback.

Mr. Heydorn - Basically the riparian setback is a zoning requirement. Enforcement of it is like our zoning enforcement. We have a zoning inspector. I'm not sure exactly what the question is.

Mrs. Meyer - There are things going on at the lake, and it's been brought up to me.

Mr. Heydorn - Whoever's talking to you should be showing up at the Planning Commission meetings, because right now we're discussing it. As far as Silver Lake is concerned, a good portion of the shoreline is actually owned by trustees. The question is who's doing what to whom? And a lot of times it's happening on trustee land, but they're very much a part of this discussion now. We're trying to get this whole situation straightened out. The trustees are trying to involve all of the people that might be affected by this into these discussions. It's a zoning issue and is enforced by Ben Gregory, Zoning Inspector.

Mrs. Meyer - I understand from one of the neighbors that a gazebo or tree house is there on the edge of the lake that's in that setback.

Mr. Heydorn - That should have been reported to us. That is not allowed within the riparian setback without permission. The riparian setback was passed in about 2007 or 2008, so if that structure existed before that time period, we're not going to touch it.

Mr. Jones - This only applies to the people that live on the lake. Correct?

Mr. Heydorn - Yes, also people that live on water courses and on the lakes. Crystal Lake Development Corporations monitors Crystal Lake. We've been successful in preventing development around that shoreline for years.

Mr. Jones - Regarding the Planning Commission, I received a couple of calls and they're not doing anything to property they know doesn't belong to them. Are they talking about not being allowed to do anything with it, such as mow it or maintain it?

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Mr. Heydorn – It depends on what was there at the time we passed the riparian setback. There has been some discussion about reducing the riparian setback with plants and shrubs that are water catching instead of water runoff. Right now I think the current debate is to what extent a slope is going to be built into this, as it currently is built into the riparian setback. Places that have setbacks will discourage if not outlaw mowing right down to the water's edge because of the obvious reason that it just asks for fertilizer going into the lake.

Mr. Jones - So the Planning Commission will send legislation to Council? Correct?

Mr. Heydorn – Yes, because this is not something that you sent to them. This is something that the Planning Commission thought of on their own. So that prompted them to start this whole discussion, which has just blossomed into bringing everybody in, including the Trustee's, some of whom live on the lake, and Crystal Lake Development Corporation..

Mr. Jones - I think there's a lot of misinformation floating out there. I hope maybe the Falls News Press can print something to encourage people to come to those meetings. I think a lot of them are concerned about what's going to happen.

Mr. Heydorn – Whatever does happen has to come to you and there will be a public hearing.

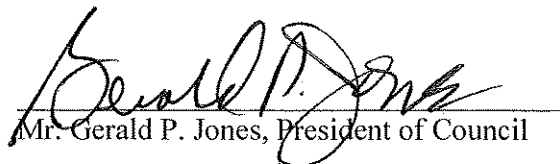
Chief Norris – There is one thing I missed. The Police Association is having a fishing derby at Crystal Lake on Saturday, June 22, 2019. The division of wildlife is going to donate the fishing gear (loaner rods). We're going to have a morning of fishing and then a lunch afterwards.

Mr. Housley - I want to make one remark regarding Council rules. Section 6.1 talks about legislation shall be in the hands of the solicitor by the close of business the second Friday preceding the regularly scheduled meeting of Council. That's not fair to me when I read that.

Mr. Heydorn - The Mayor and I just did this. I meet with you on Tuesday. By that time, I want to have everything I have to put together. So we're saying the preceding Friday, I have to have it so that when I come in on Tuesday I know what I'm writing, and then there's another Friday that intervenes before the Council meeting, so it is two Fridays before the Council meeting.

There being no further business, Council adjourned at 8:10 p.m. until the next regular meeting of Council on **Monday, June 17, 2019 at 7:00 p.m.**

APPROVED:



Mr. Gerald P. Jones, President of Council

ATTEST:

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7:00 p.m.

  
Sean M. Housley  
Clerk-Treasurer

prepared by: Darlene Pedicino