

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, June 17, 2019

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, June 17, 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 Dumphy, and Mr. Matthew Plesich

Roll call of Council - 7 members present

There being no additions or corrections, the minutes of May 20, 2019, were approved as submitted.

The minutes of June 3, 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.: 32-2019 A RESOLUTION AFFIRMING THE PURCHASE OF REAL ESTATE IN THE TERRACE KNOLLS SUBDIVISION, SUBLOTS 3 AND 4, TO BE UTILIZED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.
(Planning, Zoning and Insurance)

SECOND READING: None

THIRD READING: None

Comments from the audience

Mr. Jim Newhouse, 6 Lodge Drive – He stated he was able to get rid of the deer by taping Mylar tape using double-sided tape on the lower leaves of his trees.

COMMITTEES

PLANNING, ZONING AND INSURANCE – MR. NICHOLS

RESOLUTION NO.: 32-2019

Mr. Nichols – This was not a “No Reserve” auction. We were informed the amount required is \$13,750 in order to meet the bankruptcy need, for a net of \$12,988.86. It’s marginally more than what we sanctioned the Mayor to go forward for, but I don’t have a problem with it. I wish we had better science in terms of what we want to do over there for a retention pond.

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Mr. Jones - I got a call from a resident in the area who said the flooding is not nearly what it used to be since the dams have come down. The resident questioned whether or not the residents were informed of this to see if it's really something they want to have done since the flooding is not as great as it used to be. Another issue is what the cost will be. We don't know. Personally I was a little upset with the price going to \$13,750. We were the only bidder. I felt we ought to drop it and let them bid it again.

Mr. Church - My question is what sort of dollars will we be spending for a retention pond? Do we have some feel for what amount of money we are talking about? No one could answer that question the night before we placed the bid. We could be looking at \$20,000 - \$40,000.

Mr. Lipan - I haven't looked into it.

Mr. Plesich - We voted on it and approved the Mayor spending up to \$25,000. I think it's a good investment. Those lots have been an eyesore and we have been chasing after the owner to maintain it. I don't know if we need another flooding event. A little bit of flooding is more than I want. This is Step 1.

Mrs. Meyer - The neighbors behind it don't care if we put in retention ponds or not, as long as we can keep it mowed. I would talk to the seven residents behind it before we put in retention ponds.

Mrs. Dunphy - When we pumped water from that neighborhood, we had to pump onto a homeowner's lot. If we lost that permission we need some place to be able to move that water. I see this as a first step. It is vexing that they had a minimum bid they would not accept, but it is still an inexpensive purchase of two lots that will give us a lot of options in the future.

Mr. Nivens - Knowing the history of that area, if we were to acquire the other two lots, if we don't use it for a butterfly garden/retention pond, we have the opportunity to put in a park or something else down the road. This also gives us another way into that development down the road.

Mr. Church - I do like the idea of options - retention pond, access road, sale of the lots. We need to keep our options open.

Mayor Hovey - I drove through there about two weeks ago and the water ripped the license plate off my van. They were pumping two weeks ago.

Mr. Jones - Is there is any reason why we have to vote on this tonight.

Mayor - As I understand, if we don't approve this bid, they are going to put it back up at possibly \$7,500 per lot.

Mr. Housley - The Trustee is under time constraints and has already held off for this meeting. There is the risk of relisting it.

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Mr. Jones - I'd like to see it held over for another meeting. I have some concerns.

Mr. Plesich - We probably have it for the lowest and best price. I'd like to see it brought out tonight.

Mr. Nivens - The Trustee has indicated to the court that the settlement date will be July 5, 2019.

Mr. Housley - I think they would need an answer tonight, if possible.

Mrs. Dunphy - I'm comfortable with that. I think it's judicious to get it at the price we have and then take our time evaluating development options.

Mr. Nichols - We authorized up to \$25,000. I stand by my original statement to bring it out tonight.

Mr. Lipan - We can pump water into it right now if they make a divot (with a bulldozer and make a bowl shape).

Mr. Nivens - He explained what Cuyahoga Falls has done. We may need permission (a variance) to lay hoses over the adjoining properties. We may want to get the plans from Cuyahoga Falls.

Mr. Lipan - There is an underground pipe that goes from the lake to the storm sewer in case the lake ever overflows, so there might be an easement.

Mrs. Dunphy - How much different this would be than what the Estates has done in the parking lot (rain garden).

A representative from The Estates explained the rain garden was done at a cost of \$10,000 - \$15,000.

There being no further discussion, Mr. Nichols said the Resolution would be brought out for adoption.

Motion to suspend the rules on Resolution No.: 32-2019, seconded by Mr. Nivens
 Roll call: Yes 7 No 0
 Motion to adopt, seconded by Mrs. Meyer
 Roll call: Yes 7 No 0

FINANCE AND APPROPRIATIONS – MR. CHURCH

Mr. Church asked if there were any questions on the **Payment of Claims of June 13, 2019.**

Mr. Nivens – What about the payment of \$146.37 to service the three first aid kits?

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Mr. Lipan - It is not a monthly service. For the Service Department, it is every other month, and we also bought some supplies.

MISCELLANEOUS BUSINESS

Mr. Jones asked if Council had a chance to look at the new draft of Council rules.

Mrs. Dunphy said she was happy with it.

Mr. Housley suggested he turn on the recording after the pledge of allegiance. Then we don't get the banter before the meeting, which can add pages to the transcribed recording. I am concerned about picking up conversation we shouldn't be picking up. Following some discussion, Council agreed. It does not have to go into Council rules.

Council rules will be presented in legislation form at the next meeting.

Mr. Jones reminded Council there is a meeting on Wednesday, June 19, 2019, 7:00 p.m., with the Planning Commission regarding rezoning Silver Lake School.

Mr. Nichols updated Council on the meeting he attended with the Planning Commission on Monday, June 10, 2019, regarding amending the existing riparian legislation for Silver Lake. A lot of residents attended with concerns. Mr. Heintz did an excellent job of explaining that new legislation would be less restrictive, easier to deal with, and grandfather what you have built already. During the meeting it was brought up that we have an independent watershed committee. A lot of people at the meeting felt the committee would be the ones to negotiate issues and consolidate differing views. They are not trying to do anything until they study it more.

Mr. Jones said keep in mind the Trustees and their attorney do not think the lake should be part of this riparian issue.

Mr. Church asked Mr. Johnson, Silver Lake Estates Trustee, a hypothetical question regarding decisions about Silver Lake. Mr. Church said all other decisions except the riparian question are decided by the Estates, and that's why I'm having some confusion.

Several questions were asked about the issue.

Mr. Jones encouraged Council to read the minutes from that meeting when they are available. It was a two-hour meeting. The majority of the people in attendance were against this involving the lakes being part of the riparian.

Mrs. Dunphy suggested Council have a series of discussions prior to anything being enacted. Just as the Planning Commission is taking their time, we need to take our time as well.

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Mr. Fred Johnson, Estates Trustee, reported Mr. Walker, Mr. Stoiber and he took a tour of the lake so they could deal with a fact-based discussion. Mr. Johnson suggested to Mr. Stoiber that the entire Planning Commission duplicate that tour, which they will be doing tomorrow night. The same invitation will be extended to Mr. Jones and Council. Our position as Trustees is that the removal of the lake's designation from the legislation from 2007 is our desire. We see no enforcement or any attention having been paid to this over the course of the past 12 years, until it came up regarding a property that is involved in construction right now. The Estates do a good job of managing the water, having spent a tremendous amount of money over the last several years for aeration, testing, shoreline issues, etc. We are very engaged in the long term well-being of Silver Lake. We speak of the values of the trust being safety of our guests, fiscal and environmental responsibility, and being true to the trust. The riparian issue touches all three of those points, and the collaborative nature of what the Village, the Estates, and the Watershed group is doing is moving us in the right direction. I want to be very clear that our position is the removal of the lake's designation from the riparian legislation will be our advocacy. We welcome bringing the level of understanding up to where it has to be and cooperate with you in any way we can.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey had no report.

Mr. Jones asked Mayor Hovey if the watershed discussions would involve Englewood Drive.

Mayor said we have something we are exploring. Mr. Lipan has contacted a few companies to give us a proposal on doing the engineering proposal on what we feel needs to be done, such as sidewalks, curbs and sewers.

Mayor said Mr. Lipan spoke to the engineering manager on the project at Wetmore Park in Stow, and that was designed to handle to water on Englewood to a great degree. I will be meeting with Stow Mayor Pribonic this week to see if there is something we can do to tie into it.

Mr. Robert Heydorn, Village Solicitor, was absent.

Chief Jamie Norris reported the fishing program will be this Saturday, June 22, from 8 – 11 a.m.

Mr. Mark Lipan, Service Director, reported paving is complete within the Village, but they will have to repair a few spots. Graham Road is not complete. A sinkhole developed on Hastings Road we will have to repair. We have been installing catch basins. We have been doing a lot of ditching inside the roads that don't have curbs. The grinder pump on the other side of the lake is broken again. It is for three homes. We have \$1,400 in costs so far. We were jetting the sewers and over \$10,000 of repairs were needed to the vactor.

Mr. Sean Housley, Clerk-Treasurer, reported that he was at training this past week at the Kalahari Resort. Total cost is around \$1,000. You get an excellent return on your investment.

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They have educated us on workers' compensation discounts, delegating tax programs, investments, personnel and other subjects.

We haven't made up our mind yet on the type of position we plan on replacing Mrs. Pedicino with. We haven't run an ad yet.

With all the rain we've had, I imagine our sewage treatment costs will be through the ceiling due to the costs associated with infiltration. This year we have already spent more than last year at this time.

Mr. Lipan added the costs are off the chart.

Mrs. Dunphy said in the minutes there was a mention of the Records Commission meeting to approve an updated retention policy. Who is on that Records Commission? Is that something we have to address as Council?

Mr. Housley said the Records Commission is Mr. Heydorn, Mayor Hovey, Fred Johnson and myself. It's not something Council has to address.

Mr. Housley also mentioned that he learned during training that when residents sign in to speak to Council, we are only required to keep a record of Council's interaction. Therefore, we just need to state their name and what they spoke about. In the past, when residents spoke regarding the deer cull, we've retained too much information in our minutes. He will be changing the level of detail maintained in the minutes. Audio files are kept for six months and if Council objects when submitted for approval, he will revise.

Mrs. Dunphy said I would like some kind of summary, not just say they spoke about deer.

Mr. Church said are you saying you will not be including the resident's conversation, only our response?

Mr. Housley said he could include their subject matter and sentiment.

Mrs. Dunphy said can we just scale it back somewhat? When the issue comes around again you don't remember what the comments were. Then in six months the audio files could be gone.

Mr. Jones said I agree. I think some of that is important.

Mr. Housley agreed.

Mr. Jones said we have a meeting Wednesday, June 19, 2019, with the Planning Commission.

Mr. Nivens thanked the Mayor for getting the housing issue settled. The truck is finally moved.

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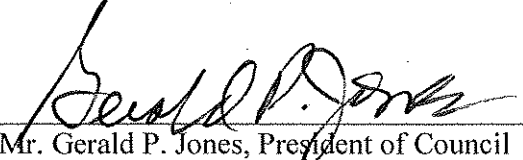
Mr. Nivens asked where we are with the Wi-Fi.

Mr. Lipan said the same place we were when you asked me the last time. I have to find a way of getting it back there. It is going to cost a lot. Another pipe has to be run through the ground at a cost of about \$6,000.

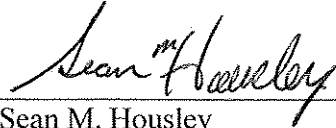
Mr. Nivens said perhaps run a pipe along the ground. If we end up spending \$1,000, we are already to the good, because we are documenting what is going on back there, plus documenting what is going on at the recreational area. The issues are the picnic shelter and tennis and basketball courts.

There being no further business, Council adjourned at 7:57 p.m. until the next regular meeting of Council on **Monday, July 1, 2019 at 7:00 p.m.**

APPROVED:


Mr. Gerald P. Jones, President of Council

ATTEST:


Sean M. Housley
Clerk-Treasurer

prepared by: Darlene Pedicino