

BERNIE HOVEY
Mayor

SEAN M. HOUSLEY, CPA
Clerk-Treasurer

MARK W. LIPAN
Service Director

JAMIE NORRIS
Chief of Police

ROBERT W. HEYDORN
Solicitor



VILLAGE OF
SILVER LAKE
Established 1918

SILVER LAKE VILLAGE HALL

2961 Kent Road
Silver Lake, Ohio 44224-3098

Phone 330-923-5233

POLICE
Non-Emergency 330-929-8771
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www.villageofsilverlake.com

Monday, June 21, 2021, at 6:30 p.m.

NOTE: Village Hall is currently open. The public may attend the meeting in person or by Zoom.

If you wish access the Zoom meeting, go to <https://zoom.us/> and click “Join a Meeting.” Type in the **Meeting ID: 251 208 6899** and **Password: Silver18**, or follow this link <https://zoom.us/j/2512086899?pwd=TXpQaUZCandybjh4Y3huUGgzT0dpQT09>. If you wish to speak during the meeting, type a message in the chat with your first and last name, address, and what you wish to speak about.

If you wish to access this meeting by dialing-in, use the following phone number, meeting ID, and password when prompted:

Dial-in number (US): +1 646-558-8656 **Meeting ID:** 251 208 6899 **Passcode:** 31461176
If you are dialing in and wish to speak, you can be unmuted by dialing *6.

PUBLIC HEARING REGARDING ORD. NO.: 18-2020 (below).
6:30 p.m.

Order of Business:

- Public Hearing to discuss Ordinance 18-2020, regarding amending the riparian legislation: **AN ORDINANCE ENACTING CHAPTER 1169 OF THE ZONING CODE OF THE VILLAGE OF SILVER LAKE, OHIO, ENTITLED “WATERFRONT AND RIPARIAN SETBACK DEVELOPMENT STANDARDS” AND REPEALING THE EXISTING CHAPTER 1169, ENTITLED “RIPARIAN SETBACK DEVELOPMENT STANDARDS”.**

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE
7:00 p.m.

1. Pledge of Allegiance.
2. Roll call of Council.
3. The swearing-in of full-time Officer Edgar T. Beverage Jr. by the Mayor.
4. Approval of the minutes.
 - Approval of the minutes of the June 7, 2021, Council Meeting.

5. Ordinances and Resolutions:

FIRST READING:

ORDINANCE NO.: 41-2021 AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021, AND DECLARING AN EMERGENCY. (*Finance & Appropriations*)

RESOLUTION NO.: 42-2021 A RESOLUTION OPPOSING PROVISIONS OF THE OHIO SENATE OMNIBUS BUDGET AMENDMENT WHICH WOULD EFFECTIVELY PROHIBIT IN THE STATE OF OHIO THE NEW CONSTRUCTION OF PUBLIC-OWNED BROADBAND NETWORKS, AND THE ONGOING PROVISION OF BROADBAND SERVICES PROVIDED BY PUBLIC-OWNED NETWORKS SUCH AS FAIRLAWN GIG AND HUDSON'S VELOCITY BROADBAND, THEREBY HARMING THE ABILITY FOR OHIO'S RESIDENTS AND BUSINESSES TO PARTICIPATE IN THE 21ST CENTURY DIGITAL ECONOMY, FOR THE EXECUTIVE AND COUNCIL, AND DECLARING AN EMERGENCY. (*Personnel & Public Affairs*)

SECOND READING:

ORDINANCE NO.: 32-2021 AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT THE NUMBER OF COUNCILMEMBERS REQUIRED TO OVERRIDE A MAYORAL VETO OF LEGISLATION PASSED BY COUNCIL BE INCREASED FROM FIVE (5) TO SIX (6), AMENDING SECTION 3.05, AND DECLARING AN EMERGENCY. (*Personnel & Public Affairs*)

ORDINANCE NO.: 33-2021 AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT COUNCILMEMBERS MUST RESIDE IN THE VILLAGE FOR TWO (2) YEARS PRIOR TO THE DATE OF HIS/HER ELECTION, AMENDING SECTION 4.04, AND DECLARING AN EMERGENCY. (*Personnel & Public Affairs*)

ORDINANCE NO.: 34-2021 AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT MEASURES RECOMMENDED BY THE MAYOR SHALL BE INCLUDED IN THE AGENDA OF COUNCIL, AMENDING SECTION 4.05, AND DECLARING AN EMERGENCY. (*Personnel & Public Affairs*)

ORDINANCE NO.: 35-2021 AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO

BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT MEETINGS OF COUNCIL MAY BE HELD AT A LOCATION OTHER THAN VILLAGE HALL IN EXIGENT CIRCUMSTANCES, AMENDING SECTION 4.08, AND DECLARING AN EMERGENCY. *(Personnel & Public Affairs)*

ORDINANCE NO.: 36-2021 AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT THE TREASURER BE APPOINTED BY THE MAYOR AND CONFIRMED BY COUNCIL, AND THAT THE TREASURER PERFORM THE DUTIES PRESCRIBED BY THE CHARTER UNDER SUPERVISION OF THE MAYOR, AMENDING SECTIONS 3.04 AND 5.02, AND DECLARING AN EMERGENCY. *(Personnel & Public Affairs)*

ORDINANCE NO.: 37-2021 AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT THE DIRECTOR OF PUBLIC SAFETY SHALL MAKE AND PUBLISH WRITTEN RULES FOR THE GOVERNMENT OF THE POLICE DEPARTMENT, AMENDING SECTION 7.04, AND DECLARING AN EMERGENCY. *(Personnel & Public Affairs)*

ORDINANCE NO.: 38-2021 AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, REQUIRING THAT COUNCIL UTILIZE ELECTRONIC MEANS OF COMMUNICATION, IN ADDITION TO THOSE METHODS CURRENTLY USED, TO PROVIDE NOTICE OF PUBLIC HEARINGS BEFORE COUNCIL, AMENDING SECTION 10.05, AND DECLARING AN EMERGENCY. *(Personnel & Public Affairs)*

ORDINANCE NO.: 39-2021 AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO STATE CONCISELY THE BEGINNING AND ENDING DATES FOR THE TERMS OF OFFICE OF THE MEMBERS OF THE PARK BOARD, AND NOT CHANGING SUCH TERMS NOW IN EFFECT, AMENDING SECTION 9.01, AND DECLARING AN EMERGENCY. *(Personnel & Public Affairs)*

RESOLUTION NO.: 40-2021 A RESOLUTION CONFIRMING THE PARK BOARD'S APPOINTMENT OF BRAD MCBRIDE AS A MEMBER OF THE SHADE TREE COMMISSION OF THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY. *(Personnel & Public Affairs)*

THIRD READING:

ORDINANCE NO.: 29-2021 AN ORDINANCE AMENDING SECTION 927.13 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO ESTABLISH NEW INCREASED RATES FOR SEWER CONSUMER CHARGES IN THE SEWER FUND, AND DECLARING AN EMERGENCY. (*Finance & Appropriations*)

6. Comments from the audience (*3-minute maximum per person*).
7. Committee Hearings to discuss pending legislation.
 - A) Planning, Zoning & Insurance.
 - B) Finance & Appropriations.
 - C) Public Improvements.
 - D) Personnel & Public Affairs.
8. Reports of Council's Standing Committees.
9. Mayor's Report.
10. Reports of Village Officials.
11. Miscellaneous Business.
 - Discussion regarding 2020 disputed Akron sewage treatment costs that were passed through Summit County to the Village of Silver Lake.
12. The next regular meeting of Council will be on **Tuesday, July 6, 2021, at 7:00 p.m.**
 - **NOTE:** Due to the Fourth of July holiday, the first Council Meeting in July will not be on Monday, but on Tuesday.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**Monday, June 7, 2021****7:00 p.m.**

The Village of Silver Lake Council met in regular session on Monday, June 7, 2021, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio. The meeting was accessible in-person and via Zoom.

With President of Council William M. Church presiding, the meeting was called to order at 7:00 p.m. Mr. Church led the Pledge of Allegiance.

The following members were present and responded to roll call: Mr. Dann Nivens, Mr. Tim Nichols, Mr. Matthew Plesich, Mr. William Church, Mrs. Betsy Meyer, and Mr. Christopher Scott. Mrs. Therese Dunphy participated remotely via Zoom.

Roll call of Council – 7 members present. Absent – None.

Mr. Church: Were there any additions or corrections to the minutes of the May 17th Council Meeting? [There being no corrections or additions, the minutes were approved as submitted.]

Mr. Church called for the reading of ordinances and resolutions by Mr. Housley and assigned the committees.

First Reading:

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COMMISSION OF THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY. (*Personnel & Public Affairs*)**SECOND READING:****ORDINANCE NO.: 29-2021 AN ORDINANCE AMENDING SECTION 927.13 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO ESTABLISH NEW INCREASED RATES FOR SEWER CONSUMER CHARGES IN THE SEWER FUND, AND DECLARING AN EMERGENCY.** (*Finance & Appropriations*)**Third Reading: None.****Comments from the audience:** (*3 minutes each*)

Dan Markowitz, Ph.D., Chair of Board of Directors of the Crystal Lake Association: Good evening. I'm Dan Markowitz. I have a doctorate in aquatic biology and over 30 years of experience managing aquatic ecosystem water quality issues. As I have stated here in the past, the Board is in unanimous support of riparian zone protections and feels strongly that Crystal Lake's shorelines should be included in those protections.

Crystal Lake is a unique natural glacial kettle hole lake with depths over 50 feet deep. The lake has some significant problems with eutrophication resulting from historic bad practices with land use and fertilizer management. Yet our lake still provides a clean safe swimming and fishing resource for the benefit of our members and their guests. The cost of maintaining that ecosystem for those uses continually increases because of eutrophication in our lake. Any additional soil erosion caused either during construction or because of increases in impervious surface in our watershed will make management of our lake more costly in the future. The relatively recent upstream development in Stow that drains into our lake has caused noticeable sediment loads during large storms. Since the watershed of Crystal Lake is relatively contained, impacts made by construction on our shorelines would dramatically increase our cost and cause further visible deterioration of our resource.

This season, the effects of both climate change and nutrient enrichment have caused a harmless but very unsightly algal bloom beyond any I have seen in my 26 years living here. That bloom luckily is of the harmless green algae spirogyra (not the rock group), which is an early bloom species in most temperate climate lakes. This year, we had an early thaw but then a very prolonged cool spring. Spirogyra is a spring species because it prefers cold water. So, the prolonged cool weather allowed a massive bloom of that algae to develop. The mats of that algae are normally an inch or so thick. This year's mats are 3-5 inches thick. They were so thick that many areas of the lake margin were unfishable without an extensive weed-harvesting effort. Even though this alga is harmless, it does impair fishing. The time and cost of that weed-harvesting effort is a direct result of the effects of uncontrolled land use. Further deterioration, impervious surface increases, or fertilizer use will only make these efforts more costly and impractical to maintain the current condition of the lake.

Deterioration of Crystal Lake would cause significant decline of home values in the Village. Therefore, the board has consistently supported the riparian setback ordinance and would object strongly and publicly to any action to drop the Crystal Lake shoreline from those protections. The Village should not allow development of these sensitive shorelines. There are even more

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protections that the Village could provide to correct conditions in our waters, but riparian protection is a good first step. Otherwise, the Village should consider dropping Lake from the name of the Village, so as not to draw attention to the lakes which will further deteriorate if we allow unfettered development. Thank you.

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE- MRS. MEYER

ORDINANCE NO.: 32-2021

Mrs. Meyer: I'd like to just table this until our next meeting, so we can arrange special meetings to focus on just these proposed amendments.

Mrs. Dunphy: I agree. I'd like to have a Committee of the Whole meeting to just discuss the amendments. The Charter Review Commission met several times, so I think Council should have at least 1 dedicated meeting.

Mr. Nivens: I second Mrs. Dunphy's idea of a Committee of the Whole meeting. There's a lot to digest here. This is the foundation of what we do in the future.

Mr. Heydorn: Looking at the history of this, Council approving amendments to go to the ballot was never meant to be a rushed process. There were several reads; Council had time to deliberate. Putting the proposed amendments in ordinance form simply allows these things to be addressed more like regular business, and lets the public know what Council is doing. In 2013, we weren't as concerned about the timeframe, even though we had less time back then. Now, we have time for 3 readings. I'd recommend having things ready around early August, but legally, the Board of Elections must have things 60 days before the election. If you'd like to delay action, simply don't suspend the rules and don't do anything.

Mrs. Meyer: I'd like to delay action on all of these.

It was decided to hold Ordinances 32-2021, 33-2021, 34-2021, 35-2021, 36-2021, 37-2021, 38-2021, 39-2021 until the next Council Meeting to allow time for a special meeting.

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE- MRS. MEYER

RESOLUTION NO.: 40-2021

Mr. Church: The Park Board has asked that this be taken off this evening's agenda. They want to delay it to tie up some loose ends on their part.

FINANCE AND APPROPRIATIONS COMMITTEE - Mrs. Dunphy

ORDINANCE NO.: 29-2021

Mrs. Dunphy: As we discussed at the first reading, there is an increase of \$4 to the base charge and a \$0.65 increase in the amount per unit used. This is a reflection of what happened with the Akron sewer rates increasing 34%. I'd like to thank Mr. Housley for putting together this information to show us this. Has notification of the rate increase also been posted to our website?

Mr. Housley: Yes. Also, it's been published in the Falls Press this weekend and last weekend.

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It was decided to hold Ordinance No.: 29-2021 for a third reading.

The statement of cash position as of May 31, 2021, was approved as distributed.

The payment of claims for May 26, 2021, was approved as distributed.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey: I met with Mayor Pribonic of Stow. He seemed to be very receptive of what we want to do with Englewood Drive and diverting the water to Wetmore. He personally agrees with paying for the sewer, but he needs to convince the Stow Council of that. We're going to go over it again after we get the final plan.

Mr. Robert Heydorn, Village Solicitor: No report.

Mr. Mark Lipan, Service Director: I will be bringing some engineering estimates for sewer replacement on Silver Lake Boulevard, probably next year. It's starting to fail; we've had 2 breaks there. It's been there since the 1920s, by the beach and the lake. It needs to be fixed. I've got the engineering quote for \$17,500 from GBC Design, Inc. [multidiscipline firm offering services in civil engineering, land-surveying, and architecture], which we've worked with in the past and I'd like to continue working with.

Also, the EPA has come out with a new permit for small MS4 systems [permit loosening EPA regulations for stormwater systems that serve populations less than 100,000 in urbanized areas.] They're making it harder for us to stay with Summit County. Summit County estimates that it would cost us \$51,000/yr. to stay with the group. If we break off, we'll pay \$200/yr. plus \$2,106 for the services we need. I'm going to get EnviroScience to write up our permit, which they said would be \$3,000-5,000.

Jamie Norris, Chief of Police, was on vacation and did not report.

Mr. Sean Housley, Clerk-Treasurer: I'd like to make you all aware that the VIP software that we bought at the end of last year has to be fully implemented by the end of this year. Full implementation was originally scheduled for June, and it's now scheduled for the middle of September. Summit County has billed us for our April sewer, so they're more current than they've been in years. As far as the retroactive 2020 charges from Akron, those are still under dispute and there's no resolution yet.

Mr. Church: How has notice been distributed to residents about the sewer bill increases?

Mr. Housley: It was published twice in the Falls Press, and Phil Keren [Falls Press and Akron Beacon Journal] mentioned that he would run something online. It is also on our website.

Miscellaneous Business:

Mr. Nichols: As the Chair of the Planning, Zoning, and Insurance Committee, I'd like to remove "lakes" from the language. The Committee had a meeting where we discussed this, and all 3

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**Monday, June 7, 2021****7:00 p.m.**

members of this Committee voted that we should remove “lakes” from the proposed amended legislation.

Mr. Heydorn: If I could inject on procedure here, this is more complicated than simply removing the word “lakes” from the ordinance. If you remove “lakes,” you change more than 1 section and also change the basic area affected by this. Take “lakes” out and the only areas you’ll be affecting are the streams. Removing the 100-acre lake and 24-acre lake constitutes a substantial change to the ordinance, in my opinion. Every time you amend an ordinance, the readings can go forward as normal, provided that the amendment is not substantial. This is a substantial one, so next meeting, if you tell me to draw up an amendment to this that removes “lakes” and whatever else necessary, that can be presented at the meeting. The problem is that the readings will have to start over, there will need to be another public hearing, and you’ll have your choice then whether to amend on third reading or table this ordinance indefinitely and start over with a new ordinance. Again, this is a sensitive thing because with zoning things, you must have 3 readings and a public hearing. It doesn’t take affect until 30 days after it’s passed to allow time for a referendum.

Mr. Nichols: Alright. I propose that Mr. Heydorn draw up that legislation without “lakes” for a first reading at our next meeting.

Mr. Heydorn: You don’t have to do anything tonight. Whatever you choose, you can do at the next meeting. The fact is Council as a whole has not voted on this yet. To find out legally what their positions are, they must vote on it. You could say that it’s a foregone conclusion, but you never know. The public hearing is a necessary formality to give Council information before the third reading.

Mr. Jack Morrison, Jr. Esq., Advisor to Silver Lake Estates Board of Trustees: There’s been a suggestion that the existing ordinance before Council be tabled to allow a new ordinance to develop. That new ordinance will have a first reading, then Council can drop the existing one and both will be discussed at the same hearing, so you don’t need to have 2 public hearings. After the hearing, Council can vote to approve 1 and destroy the other.

Mr. Plesich: I think he makes a valid point. We could start the process sooner, rather than waiting for the third reading.

Mr. Heydorn: There is an additional thing. Before Council decides to have a new ordinance and go past the first read on it, they should be fully informed, which is the purpose of the hearing.

Mr. Nivens: I think we should table this indefinitely to give us time to write the new legislation.

Mrs. Dunphy: I’ve heard concerns that we haven’t allowed the public to fully give us their opinions on this issue. Rather than making people guess which ordinance we’ll go with at the last minute, I think we should answer the question now. We’ve already taken a lot of time with this, so a few more weeks to answer the question would be too long of a delay.

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Mrs. Meyer: I agree with Mrs. Dunphy. We should do the public hearing; we need to hear from everyone. Because of COVID, we haven't been in this discussion for so long.

Mr. Heydorn: Council can't act on legislation when it's under miscellaneous business.

Mr. Al Lloyd, Advisor to SLE Board of Trustees: As all of you know, I'm very invested in this. I come to all the meetings. I'd like to clarify that we're at the point where we're recycling conversations 5-6 times. We have talked about it enough. If you want to go through the whole process again, we can, but to say we haven't talked about it... it's ad nauseum at this point. All these people here, they have vested interest in this, and they've all talked about it.

Mr. Denny Stoiber, Chair of the Village Planning Committee, Advisor to SLE Board of Trustees: I can think of no other community of this size that has 2 lakes like ours and the Cuyahoga River. They are the heart and soul of our community; they enrich the community. Every property-owner in this Village has the value of their property tied to these lakes, to some degree. They have aesthetic appeal, as well as recreational uses. The fact that we all have a stake in this means that a public hearing is absolutely necessary. Mr. Llyod is correct that the same people usually show up to these meetings, but there are many other people unaware of this ordinance. I think Council should go forward in this process with the public hearing and then wherever that leads.

Mr. Fred W. Johnson, Chair of the SLE Board of Trustees: I'm astonished at this evening's conversation. Mr. Stoiber just reiterated a point that I made 2 weeks ago about taking this out of the Village's control. That was my heartfelt concern, the attitude about control shifting to the Village from the parties charged with the care, custody, and control of the lakes. We spent \$1,000 this week on the lake; we spent \$1,000 last week on the lake; we'll continue to spend \$1,000 per week on the lake for the next 50 weeks. We are committed to the cleanliness of the lake. We have managed this asset for 101 years. We need to retain that control and trust of the community. We can do it; we will do it; we are doing it. If a public hearing is needed, I assure you that we'll need a bigger boat. If the decision is to proceed with that, it might be good to now consider the venue for the hearing. Village Hall will not accommodate everyone.

There being no further questions or comments, Council adjourned at 7:50 p.m., until the next regular meeting of Council on Monday, June 21, 2021, at 7:00 p.m.

APPROVED:

William M. Church, President of Council

ATTEST:

Sean M. Housley, CPA

Clerk-Treasurer

prepared by: Kathryn Kleinhans, Assistant to the Clerk-Treasurer

**VILLAGE OF SILVER LAKE
INTRODUCED BY: The Administration**

AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021, AND DECLARING AN EMERGENCY.

WHEREAS, increased appropriations are requested in zoning plan review costs (\$1,000), Akron’s increased sewage treatment costs imposed on the Village (\$43,370), GBC engineering services of a sanitary sewer replacement on Silver Lake Boulevard from Lee Rd to Maiden Ln (\$17,500); and

WHEREAS, decreased appropriations are requested for engineering services related to the 6” Outlook waterline (\$16,000), and finalization of the Lee Rd amortization schedule (\$54,015); and

WHEREAS, transfers are requested in the LCRF fund from personal services to other; and

WHEREAS, these appropriation changes are summarized as follows:

FUND	Description	Current Appropriations	Proposed Appropriations	Difference
A01	General Fund	\$2,432,682.00	\$2,433,682.00	\$1,000.00
B03	Local Coronavirus Relief Fund	\$6,350.88	\$6,350.88	\$0.00
E01	Water Fund	\$524,547.00	\$508,547.00	-\$16,000.00
E02	Sewer Fund	\$837,996.00	\$844,851.00	\$6,855.00
Total Appropriations		\$4,443,219.88	\$4,435,074.88	-\$8,145.00

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1. The annual appropriations Ordinance No.: 54-2020 be, and the same is, hereby amended to appropriate the following sums as follows for the fiscal year ending December 31, 2021:

GENERAL FUND:		
COMMUNITY ENVIRONMENT		
Contractual		\$1,000.00
NEW TOTAL GENERAL FUND		\$2,433,682.00
LOCAL CORONAVIRUS RELIEF FUND:		
Personal Services:		(\$431.75)
Other		\$431.75
NEW TOTAL CORONAVIRUS RELIEF FUND:		\$6,350.88
WATER FUND:		
MAINTENANCE & DISTRIBUTION		
Contractual Services		(\$16,000.00)
NEW TOTAL WATER FUND		\$508,547.00
SEWER FUND:		
OFFICE & BILLING		
Contractual Services		\$43,370.00

MAINTENANCE & SUPPLY	
Contractual Services	\$17,500.00
OTHER USES	
Debt Service	(\$54,015.00)
NEW TOTAL SEWER FUND	\$844,851.00
GRAND TOTAL APPROPRIATIONS - ALL FUNDS	\$4,435,074.88

Section 2. That the Village Clerk-Treasurer is authorized to make expenditures upon presentation of proper vouchers therefore and in accordance with applicable law.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council; and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to make appropriations for current expenditures, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____

I, hereby certify that Resolution or Ordinance No. _____ was published by title or in full in the local newspaper, or designated by Council resolution on the date or dates of _____.

Clerk of Council

RESOLUTION NO.: 42-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: The Administration**

A RESOLUTION OPPOSING PROVISIONS OF THE OHIO SENATE OMNIBUS BUDGET AMENDMENT WHICH WOULD EFFECTIVELY PROHIBIT IN THE STATE OF OHIO THE NEW CONSTRUCTION OF PUBLIC-OWNED BROADBAND NETWORKS, AND THE ONGOING PROVISION OF BROADBAND SERVICES PROVIDED BY PUBLIC-OWNED NETWORKS SUCH AS FAIRLAWN GIG AND HUDSON'S VELOCITY BROADBAND, THEREBY HARMING THE ABILITY FOR OHIO'S RESIDENTS AND BUSINESSES TO PARTICIPATE IN THE 21ST CENTURY DIGITAL ECONOMY, FOR THE EXECUTIVE AND COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, the COVID-19 pandemic has clearly shown that broadband is an essential service for Ohioans in the 21st century, and is needed to support online school and work, access healthcare and medical information, conduct efficient business operations, and ensure our safety forces can communicate with one another for our protection; and

WHEREAS, the Ohio Senate Omnibus Budget Amendment includes language that would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098) (the "Public-owned Broadband Restriction Amendment") to prevent political subdivisions, including municipalities that currently operate broadband networks, from offering broadband service except to areas that do not have service of 10 Mbps download/1 Mbps upload, which is akin to dial-up service; and

WHEREAS, the United States Federal Communications Commission (FCC) is the federal agency responsible for defining minimum broadband service, and the FCC has established that minimum broadband service as 25 megabits per second download (25 Mbps) and 3 megabits per second (3 Mbps) upload; and

WHEREAS, while many Ohioans lack access to the minimum broadband standard established by the FCC, it is estimated that 98.28% of Ohio households have access to service at the threshold definition used in the Public-owned Broadband Restriction Amendment, leaving only 1.72% of Ohio's population "unserved" under that definition; and

WHEREAS, as a result of the overly restrictive definition of "unserved" in the Public-owned Broadband Restriction Amendment, political subdivisions would effectively be prohibited from operating public-owned broadband networks, such as the Fairlawn GIG and Hudson's Velocity Broadband, resulting in local governments being banned from providing service even to those Ohioans that fall below the FCC's minimum broadband service standard; and

WHEREAS, given the massive migration over the last fifteen months of Ohioans to high-speed broadband for educational, employment, medical, and other essential purposes, many experts argue that even the FCC's standard for minimum broadband service is antiquated, and that a 21st century digital economy demands much higher broadband speeds; and

RESOLUTION NO.: 42-2021

WHEREAS, unfortunately, the Public-owned Broadband Restriction Amendment monopolizes an essential service in the hands of a small number of private companies, who have failed or refused to adequately provide affordable, reliable, and sufficient broadband service to many of Ohio's residents and businesses; and

WHEREAS, public ownership of a high-speed, reliable broadband network is critical to ensure that Ohio's residents and businesses can receive affordable, reliable, and sufficient broadband to be able to compete and prosper in today's economy, providing for:

- Critical communication between our public safety forces, including advanced-911 systems,
- The competitiveness of our businesses and the ability to attract and retain business and employment opportunities in our State,
- Access to meaningful educational opportunities for all Ohioans,
- A level playing field where Ohioans from all socio-economic backgrounds can obtain the tools they need to succeed,
- Enhanced security to ensure that personal and business data of Ohioans is secure,
- Access to high-quality medical services from anywhere,
- Advances in new technologies for Ohio to become an active player in our global economy, particularly in areas like autonomous transportation, enhanced security protections, medical advancements; and

WHEREAS, certain existing and already capitalized multi-jurisdiction/agency combined networks being used throughout Ohio for public safety, remote healthcare, regional economic development, and transportation initiatives would be required to cease operation as a result of the Public-owned Broadband Restriction Amendment because their participating jurisdictions will be required to abandon their individual system components; and

WHEREAS, Ohio schools, port authorities, and other entities falling under the sweeping definition of political subdivisions used in the Public-owned Broadband Restriction Amendment would be prohibited from ongoing or future participation in the provision of broadband service to meet the needs of its users; and

WHEREAS, the Public-owned Broadband Restriction Amendment is yet another infringement upon the home rule authority of municipalities and charter counties, like Summit County, that use such authority to provide for the health, safety, and welfare of their residents; and

WHEREAS, the Public-owned Broadband Restriction Amendment further prohibits political subdivisions, including those with already-established networks, from utilizing federal funds, including the billions being received by political subdivisions in Ohio under the American Rescue Plan, on public-owned broadband systems, at a time when those funds can be used to connect Ohioans to the 21st century digital economy; and

WHEREAS, the Public-owned Broadband Restrictions Amendment was added to the Ohio Senate Omnibus Budget Amendment at the twelfth hour, in an attempt to place the profits

RESOLUTION NO.: 42-2021

of a handful of companies ahead of the health, education, safety, and welfare of Ohioans, with absolutely no public discussion or debate; and

WHEREAS, in summary, the health, education, safety, and welfare of the residents of the Village of Silver Lake require the unfettered ability of the County and its political subdivision to provide affordable, reliable, and sufficient broadband services at levels that ensure the needs of its residents and businesses can participate in the 21st century digital economy and beyond; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village of Silver Lake to oppose the Public-owned Broadband Restriction Amendment contained in the Ohio Senate Omnibus Budget Amendment to the extent that would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, 122.4098) to restrict public-owned broadband networks.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Silver Lake, County of Summit, State of Ohio:

- Section 1.** The Village of Silver Lake opposes the passage of the Omnibus Budget Amendment to the extent that it would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098) to in any way restrict public-owned broadband.
- Section 2.** The Clerk of Council is hereby authorized and directed to forward a copy of this Resolution to the Governor of Ohio, to the members of the Ohio House and Senate Conference Committee negotiating the State of Ohio's Biennial Budget, and to the Summit County delegation of the Ohio General Assembly.
- Section 3.** That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.
- Section 4.** That this Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the further purpose of immediately expressing opposition to the passage of the Omnibus Budget Amendment to the extent that it would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098), and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

RESOLUTION NO.: 42-2021

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA
Clerk-Treasurer

Silver Lake, Ohio _____

I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Clerk of Council

Handout for Discussion
NO.: 42-2021

- Letter from Mayor Hovey regarding the Senate Omnibus Budget Amendment

To: Governor Dewine, Lt Gov Husted

Senate and House leadership teams

Fr. Bernie Hovey

Mayor, Village of Silver Lake

Re: Senate Omnibus Budget Amendment

June 17, 2021

As Mayor of the Village of Silver Lake, I write to let you know that I vigorously oppose the Senate Omnibus Budget Amendment prohibiting the new construction of public-owned broadband networks.

Broadband is an essential service for all residents of Ohio. To prohibit public owned broadband networks does not serve the State of Ohio well. To allow only private companies to provide such service constitutes allowing a monopoly of such service to continue to exist and denies Ohio citizens and businesses the opportunity to receive affordable, reliable and sufficient broadband from a source of their own choosing. It does not allow for a level playing field for broadband services and prohibits one's choice in choosing broadband service.

There is no logical or fiscally sound reason for broadband service to be the sole domain of private companies. If public entities can provide reliable broadband service at prices comparable, or perhaps even more attractive, than those of private companies, then such competition should be both allowed and encouraged. Private citizens and Ohio businesses deserve to have a choice when it comes to choosing a broadband service. They may choose a private company for such service, or they may opt to choose a public one. But the choice should be theirs; competition and choice serve all of us better than monopolies.

Again, as Mayor of the Village of Silver Lake, I strongly urge you to oppose and not pass the amendment. A resolution to this effect will be presented to Village council at our next meeting, 6/21, where I expect it to receive unanimous support.

Second Reading

ORDINANCE NO.: 32-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: Administration**

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT THE NUMBER OF COUNCILMEMBERS REQUIRED TO OVERRIDE A MAYORAL VETO OF LEGISLATION PASSED BY COUNCIL BE INCREASED FROM FIVE (5) TO SIX (6), AMENDING SECTION 3.05, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1: That the Summit County Board of Elections be and it is hereby requested and directed to place upon the ballot at the General Election to be held on November 2, 2021, the question of whether the Charter of the Village of Silver Lake shall be amended as fully set forth in the attached Exhibit "A."

Section 2: That the Clerk of Council be and is hereby directed to file this Ordinance with the Board of Elections in a timely manner to assure its inclusion on the general election ballot.

Section 3: That it is the desire of this Council that the ballots presented to the electors of the Village of Silver Lake, Ohio, shall be substantially in the following form:

Shall the Charter of the Village of Silver Lake, Ohio, be amended as proposed in Ordinance 32-2021, to provide that the number of Councilmembers required to override a Mayoral veto of legislation passed by Council be increased from five (5) to six (6)?

Section 4: That the Clerk of Council is further directed to mail, not less than thirty (30) days prior to the election, a copy of the amendment(s) proposed herein to each elector whose name appears upon the registration books of the last regular Village or general election.

Section 5: **WHEREFORE**, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to file the Ordinance with the Board of Elections to meet time requirements for inclusion on the general election ballot, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

ORDINANCE NO.: 32-2021

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Clerk of Council

EXHIBIT A

**ARTICLE III
MAYOR**

SECTION 3.05. VETO POWER.

Each resolution or ordinance adopted by Council shall be attested by the Clerk of Council who shall promptly present it to the Mayor for his approval or disapproval.

The Mayor may approve or disapprove the whole, or any part of, any resolution or ordinance appropriating money, but otherwise his approval or disapproval shall be addressed to the entire resolution or ordinance.

If the Mayor approves such legislation, he shall sign it and file it with the Clerk of Council. If the Mayor disapproves such legislation, or any item of such legislation appropriating money, he shall file it, together with his objections, in writing, with the Clerk of Council. His objections shall be entered in full on the journal of Council.

Unless the resolution or ordinance is filed with the Clerk of Council with the Mayor's written notice of disapproval within seven (7) days after presentation to the Mayor, it shall take effect as though the Mayor had signed it.

Upon the Mayor's disapproval, as provided herein, the Council may, but not later than its next regular meeting, reconsider the legislation, and if, upon such reconsideration, the legislation is approved by six (6) or more members of Council, it shall take effect notwithstanding the disapproval of the Mayor.

Handout for Discussion
(Ordinance 32 – 2021)

SECTION 3.05. VETO POWER.

Each resolution or ordinance adopted by Council shall be attested by the Clerk of Council who shall promptly present it to the Mayor for his approval or disapproval.

The Mayor may approve or disapprove the whole, or any part of, any resolution or ordinance appropriating money, but otherwise his approval or disapproval shall be addressed to the entire resolution or ordinance.

If the Mayor approves such legislation, he shall sign it and file it with the Clerk of Council. If the Mayor disapproves such legislation, or any item of such legislation appropriating money, he shall file it, together with his objections, in writing, with the Clerk of Council. His objections shall be entered in full on the journal of Council.

Unless the resolution or ordinance is filed with the Clerk of Council with the Mayor's written notice of disapproval within seven (7) days after presentation to the Mayor, it shall take effect as though the Mayor had signed it.

Upon the Mayor's disapproval, as provided herein, the Council may, but not later than its next regular meeting, reconsider the legislation, and if, upon such reconsideration, the legislation is approved by five (~~5~~) (6) or more members of Council, it shall take effect notwithstanding the disapproval of the Mayor.

Source: Charter Review Commission Report:

Rationale: Currently five members of Council can override the Mayor's veto. Since most legislation is passed with at least five votes, overriding the Mayor's veto can be done by the same members who passed the legislation. To make overriding the veto only possible by six votes, the Mayor's veto takes on the significance it should have.

ORDINANCE NO.: 33-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: Administration**

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT COUNCILMEMBERS MUST RESIDE IN THE VILLAGE FOR TWO (2) YEARS PRIOR TO THE DATE OF HIS/HER ELECTION, AMENDING SECTION 4.04, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1: That the Summit County Board of Elections be and it is hereby requested and directed to place upon the ballot at the General Election to be held on November 2, 2021, the question of whether the Charter of the Village of Silver Lake shall be amended as fully set forth in the attached Exhibit "A."

Section 2: That the Clerk of Council be and is hereby directed to file this Ordinance with the Board of Elections in a timely manner to assure its inclusion on the general election ballot.

Section 3: That it is the desire of this Council that the ballots presented to the electors of the Village of Silver Lake, Ohio, shall be substantially in the following form:

Shall the Charter of the Village of Silver Lake, Ohio, be amended as proposed in Ordinance 33-2021, to change the residency requirement for Councilmembers from one (1) year to two (2) years having resided in the Village of Silver Lake, Ohio?

Section 4: That the Clerk of Council is further directed to mail not less than thirty (30) days prior to the election, a copy of the amendment(s) proposed herein to each elector whose name appears upon the registration books of the last regular Village or general election.

Section 5: **WHEREFORE**, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to file the Ordinance with the Board of Elections to meet time requirements for inclusion on the general election ballot, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

ORDINANCE NO.: 33-2021

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Clerk of Council

EXHIBIT A

**ARTICLE IV
COUNCIL**

SECTION 4.04. QUALIFICATIONS.

Each councilmember elected at large shall have been for at least two (2) years prior to the date of his/her election, and during his term of office, shall be a qualified elector of the Village or territory annexed thereto.

Each councilmember elected to represent a district shall have been for at least two (2) years prior to the date of his/her election, and during his term of office, shall be a qualified elector of the district in which he lives, or territory annexed thereto.

A councilmember shall hold no other elective public office, or shall not be otherwise employed by, nor shall he/she hold any other office in this Village. A councilmember shall be administered the oath of office prior to the first day of January of the year following his/her election.

Handout for Discussion
(Ordinance 33 – 2021)

SECTION 4.04. QUALIFICATIONS.

Each councilmember elected at large shall have been for at least ~~one year~~ *two (2) years* prior to the date of his/her election, and during his/her term of office, shall be a qualified elector of the Village or territory annexed thereto.

Each councilmember elected to represent a district shall have been for at least ~~one year~~ *two (2) years* prior to the date of his/her election, and during his/her term of office, shall be a qualified elector of the district in which he lives, or territory annexed thereto.

A councilmember shall hold no other elective public office, or shall not be otherwise employed by, nor shall he hold any other office in this Village. A councilmember shall be administered the oath of office prior to the first day of January of the year following his/her election.

Source: Charter Review Commission Report

Rationale: Raising the residency requirement for a Councilmember to two years (from one year) should improve the familiarity of a Councilmember with his/her constituency, the needs of the Village, and community values.

ORDINANCE NO.: 34-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: Administration**

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT MEASURES RECOMMENDED BY THE MAYOR SHALL BE INCLUDED IN THE AGENDA OF COUNCIL, AMENDING SECTION 4.05, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1: That the Summit County Board of Elections be and it is hereby requested and directed to place upon the ballot at the General Election to be held on November 2, 2021, the question of whether the Charter of the Village of Silver Lake shall be amended as fully set forth in the attached Exhibit "A."

Section 2: That the Clerk of Council be and is hereby directed to file this Ordinance with the Board of Elections in a timely manner to assure its inclusion on the general election ballot.

Section 3: That it is the desire of this Council that the ballots presented to the electors of the Village of Silver Lake, Ohio, shall be substantially in the following form:

Shall the Charter of the Village of Silver Lake, Ohio, be amended as proposed in Ordinance 34-2021, to provide that measures recommended by the Mayor shall be included in the agenda of Council?

Section 4: That the Clerk of Council is further directed to mail not less than thirty (30) days prior to the election, a copy of the amendment(s) proposed herein to each elector whose name appears upon the registration books of the last regular Village or general election.

Section 5: **WHEREFORE**, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to file the Ordinance with the Board of Elections to meet time requirements for inclusion on the general election ballot, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

ORDINANCE NO.: 34-2021

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Clerk of Council

EXHIBIT A

**ARTICLE IV
COUNCIL**

SECTION 4.05. PRESIDENT OF COUNCIL.

At the annual organization meeting of Council, the Council shall elect one of its members President of Council, who shall preside at all regular and special meetings thereof and establish the agendas of Council therefore, which agendas shall include measures recommended by the Mayor. At the same meeting Council shall elect one of its members Vice-President of Council, who shall perform all duties of the President of Council in the absence of the President.

The President of Council shall become Acting Mayor, when required by Section 3.06 hereof. If the President of Council shall succeed to the office of Mayor pursuant to Section 3.07 hereof, his office shall be vacant, and shall be filled pursuant to Section 4.16 hereof.

The President of Council, neither by virtue of holding such office nor in performing the duties of acting Mayor as provided in Section [3.06](#) of this Chapter, shall be deprived of his powers and rights or be relieved of his duties or obligations as a member of Council.

Handout for Discussion
(Ordinance 34 – 2021)

SECTION 4.05. PRESIDENT OF COUNCIL.

At the annual organization meeting of Council, the Council shall elect one of its members President of Council, who shall preside at all regular and special meetings thereof, and establish ~~agendas therefore together with the Mayor, and become Acting Mayor when required by Section 3.06 hereof~~ *the agendas of Council therefore, which agendas shall include measures recommended by the Mayor.* At the same meeting, Council shall elect one of its members Vice-President of Council, who shall perform all duties of the President of Council in the absence of the President.

The President of Council shall become Acting Mayor, when required by Section 3.06 hereof. If the President of Council shall succeed to the office of Mayor pursuant to Section [3.07](#) hereof, his office shall be vacant, and shall be filled pursuant to Section [4.16](#) hereof.

The President of Council, neither by virtue of holding such office nor in performing the duties of acting Mayor as provided in Section [3.06](#) of this Chapter, shall be deprived of his powers and rights or be relieved of his duties or obligations as a member of Council.

Source: Charter Review Commission Report

Rationale: Currently, for the Mayor to introduce legislation on the agenda of Council, the President of Council must agree to include the Mayor's recommendation on the agenda. The Mayor has a duty under the Charter to recommend measures to Council as a whole. The change to §4.05 ensures that the Mayor's recommendations will be on the Council agenda.

ORDINANCE NO.: 35-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: Administration**

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT MEETINGS OF COUNCIL MAY BE HELD AT A LOCATION OTHER THAN VILLAGE HALL IN EXIGENT CIRCUMSTANCES, AMENDING SECTION 4.08, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1: That the Summit County Board of Elections be and it is hereby requested and directed to place upon the ballot at the General Election to be held on November 2, 2021, the question of whether the Charter of the Village of Silver Lake shall be amended as fully set forth in the attached Exhibit "A."

Section 2: That the Clerk of Council be and is hereby directed to file this Ordinance with the Board of Elections in a timely manner to assure its inclusion on the general election ballot.

Section 3: That it is the desire of this Council that the ballots presented to the electors of the Village of Silver Lake, Ohio, shall be substantially in the following form:

Shall the Charter of the Village of Silver Lake, Ohio, be amended as proposed in Ordinance 35-2021, to provide that meetings of Council may be held at a location other than Village Hall in exigent circumstances?

Section 4: That the Clerk of Council is further directed to mail not less than thirty (30) days prior to the election, a copy of the amendment(s) proposed herein to each elector whose name appears upon the registration books of the last regular Village or general election.

Section 5: **WHEREFORE**, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to file the Ordinance with the Board of Elections to meet time requirements for inclusion on the general election ballot, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

ORDINANCE NO.: 35-2021

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Clerk of Council

EXHIBIT A

**ARTICLE IV
COUNCIL**

SECTION 4.08. REGULAR MEETINGS.

At 7:00 p.m. on the first Monday in January (unless such date is a holiday, then the first Tuesday in January) of each year, Council shall convene and organize. This meeting shall be considered a regular meeting of Council, and, when Council shall have organized and shall have disposed of all business pertaining thereto, it may consider such regular business as shall come before it. Thereafter, Council shall meet on such days and at such times as may be prescribed by its rules, regulations or bylaws, or by resolution or ordinance, except that it shall hold regular meetings at least once during each succeeding calendar month.

All meetings of Council shall be held at Village Hall, or in exigent circumstances, such other location accessible to the public, determined by the President of Council, the Vice President in the absence of the President, or the Mayor, in the absence of both officers of Council. All meetings of Council shall be open to the public as provided in Ohio Revised Code §121.22 as now enacted or amended.

Handout for Discussion
(Ordinance 35 – 2021)

SECTION 4.08. REGULAR MEETINGS.

At 7:00 p.m. on the first Monday in January (unless such date is a holiday, then the first Tuesday in January) of each year, Council shall convene and organize. This meeting shall be considered a regular meeting of Council, and, when Council shall have organized and shall have disposed of all business pertaining thereto, it may consider such regular business as shall come before it. Thereafter, Council shall meet on such days and at such times as may be prescribed by its rules, regulations or bylaws, or by resolution or ordinance, except that it shall hold regular meetings at least once during each succeeding calendar month.

All meetings of Council shall be held at Village Hall, *or in exigent circumstances, such other locations accessible to the public, determined by the President of Council, the Vice President in the absence of the President, or the Mayor, in the absence of both officers of Council.* ~~and a~~ All meetings of Council shall be open to the public as provided in Ohio Revised Code Section 121.22, as now enacted or as amended.

Source: Charter Review Commission Report

Rationale: Currently, all meetings of Council must be held at Village Hall. We are allowed to meet otherwise during the 2020-2021 Pandemic by State legislation which is scheduled to expire. In exigent circumstances, Village officials should be able to change the location of Council Meetings at the local level.

ORDINANCE NO.: 36-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: Administration**

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT THE TREASURER BE APPOINTED BY THE MAYOR AND CONFIRMED BY COUNCIL, AND THAT THE TREASURER PERFORM THE DUTIES PRESCRIBED BY THE CHARTER UNDER SUPERVISION OF THE MAYOR, AMENDING SECTIONS 3.04 AND 5.02, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1: That the Summit County Board of Elections be and it is hereby requested and directed to place upon the ballot at the General Election to be held on November 2, 2021, the question of whether the Charter of the Village of Silver Lake shall be amended as fully set forth in the attached Exhibit "A."

Section 2: That the Clerk of Council be and is hereby directed to file this Ordinance with the Board of Elections in a timely manner to assure its inclusion on the general election ballot.

Section 3: That it is the desire of this Council that the ballots presented to the electors of the Village of Silver Lake, Ohio, shall be substantially in the following form:

Shall the Charter of the Village of Silver Lake, Ohio, be amended as proposed in Ordinance 36-2021, to provide that the Treasurer be appointed by the Mayor and confirmed by Council, and that the Treasurer perform the duties prescribed by the Charter under supervision of the Mayor?

Section 4: That the Clerk of Council is further directed to mail not less than thirty (30) days prior to the election, a copy of the amendment(s) proposed herein to each elector whose name appears upon the registration books of the last regular Village or general election.

Section 5: **WHEREFORE**, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to file the Ordinance with the Board of Elections to meet time requirements for inclusion on the general election ballot, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

ORDINANCE NO.: 36-2021

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Clerk of Council

EXHIBIT A

**ARTICLE III
MAYOR**

SECTION 3.04. EXECUTIVE AND ADMINSTRATIVE POWERS.

The Mayor shall be the chief executive officer of the Village. He shall supervise the administration of all the affairs of the Village and the conduct and administration of all departments and divisions thereof except Council, Clerk of Council, and Solicitor.

The Mayor shall be the chief conservator of the peace within the Village. He shall see that all laws, regulations and ordinances are enforced therein.

The Mayor shall execute on behalf of the Village all authorized contracts, conveyances, evidences of indebtedness and all other instruments to which the Village is a party, and shall, where required, attach thereto the official seal of his offices.

The Mayor shall keep the Council advised of the condition and needs of the Village, and he shall recommend to Council such measures as he may deem necessary or expedient for the welfare of the Village.

The Mayor shall be the official and ceremonial head of the Village.

**ARTICLE V
FINANCES**

SECTION 5.02. TREASURER.

The Treasurer shall be the fiscal and accounting officer of the Village and shall be appointed by the Mayor and confirmed by Council. The Treasurer may be a non-resident of the Village. The duties of the Treasurer shall include:

- a. Preparing an annual budget and financial reports;
- b. Receiving, collecting and depositing all monies due the Village, and signing all checks and vouchers for their disbursement. Money received for the Village by officers, employees, and boards and commissions should be reported and turned over to the Treasurer daily or at such intervals as he may deem expedient;
- c. Act as the custodian of official bonds and all instruments for the payment of money to the Village;

ORDINANCE NO.: 36-2021

- d. Auditing of bills, invoices, payrolls, or other claims against the Village, and determining the regularity and correctness of such items before submission to the Council;
- e. Performing all other financial duties imposed on him by the Mayor and Council, or by the Constitution or laws of the State of Ohio.

In the same manner, a Deputy Treasurer may be appointed to perform all duties of the Treasurer during his absence or disability.

Handout for Discussion
(Ordinance 36 – 2021)

SECTION 3.04. EXECUTIVE AND ADMINISTRATIVE POWERS.

The Mayor shall be the chief executive officer of the Village. He shall supervise the administration of all the affairs of the Village and the conduct and administration of all departments and divisions thereof except Council, Clerk of Council, ~~Treasurer~~ and Solicitor.

The Mayor shall be the chief conservator of the peace within the Village. He shall see that all laws, regulations and ordinances are enforced therein.

The Mayor shall execute on behalf of the Village all authorized contracts, conveyances, evidences of indebtedness and all other instruments to which the Village is a party, and shall, where required, attach thereto the official seal of his offices.

The Mayor shall keep the Council advised of the condition and needs of the Village, and he shall recommend to Council such measures as he may deem necessary or expedient for the welfare of the Village.

The Mayor shall be the official and ceremonial head of the Village.

SECTION 5.02 TREASURER.

The Treasurer shall be the fiscal and accounting officer of the Village. ~~He shall be appointed by Council, removable only by Council, and shall be responsible to the Council for carrying out his duties, which include.~~ ***and shall be appointed by the Mayor and confirmed by Council. The Treasurer*** may be a nonresident of the Village, ~~and shall be responsible to the Council for carrying out his duties, which include.~~ ***The duties of the Treasurer shall include:***

- a) Preparing an annual budget and financial reports;
- b) Receiving, collecting and depositing all moneys due the Village, and signing all checks and vouchers for their disbursement. Money received for the Village by officers, employees, boards and commissions should be reported and turned over to the Treasurer daily or at such intervals as he may deem expedient;
- c) Act as the custodian of official bonds and all instruments for the payment of money to the Village.
- d) Auditing of bills, invoices, payrolls, or other claims against the Village, and determining the regularity and correctness of such items before submission to Council;
- e) Performing of all other financial duties imposed on him by any measure of Council, or by the Constitution or laws of the State of Ohio.

Council may appoint a Deputy Treasurer to perform all duties of the Treasurer during his absence or disability.

Source: Charter Review Commission Report

Rationale: Currently the Treasurer is appointed and removed from office solely by Council, and excluded from supervision by the Mayor. See §3.04. In 1999, the Village almost completed a transition to a Mayor-Council form of government, wherein Council passes laws and controls the Village Finances, and the Mayor is in charge of administering and executing the laws. The Mayor-Council form of government recognizes that division of responsibility, i.e., a separation of powers. The Treasurer's duties involve the administration of Finances and preparing measures for Council's consideration. Essentially these duties are an administrative function. Hence, the Treasurer should be responsible to the Mayor for those functions. Council still retains full control of passing (or not) fiscal measures sent to Council by the Mayor and the Treasurer. Day by day functions of the Treasurer will be facilitated by a coordinated, overall supervision of the Administration office. This system can best be established by the Treasurer being appointed by the Mayor and confirmed by Council. Removal of the Treasurer by the Mayor must also be confirmed by Council.

This grants a degree of independence to the Treasurer which is necessary to ensure professionalism. The Treasurer would no longer be excepted from administrative supervision by the Mayor.

ORDINANCE NO.: 37-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: Administration**

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT THE DIRECTOR OF PUBLIC SAFETY SHALL MAKE AND PUBLISH WRITTEN RULES FOR THE GOVERNMENT OF THE POLICE DEPARTMENT, AMENDING SECTION 7.04, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1: That the Summit County Board of Elections be and it is hereby requested and directed to place upon the ballot at the General Election to be held on November 2, 2021, the question of whether the Charter of the Village of Silver Lake shall be amended as fully set forth in the attached Exhibit "A."

Section 2: That the Clerk of Council be and is hereby directed to file this Ordinance with the Board of Elections in a timely manner to assure its inclusion on the general election ballot.

Section 3: That it is the desire of this Council that the ballots presented to the electors of the Village of Silver Lake, Ohio, shall be substantially in the following form:

Shall the Charter of the Village of Silver Lake, Ohio, be amended as proposed in Ordinance 37-2021, to provide that rules for the government of the Police Department be made and published by the Director of Public Safety as a function of the executive branch of government?

Section 4: That the Clerk of Council is further directed to mail not less than thirty (30) days prior to the election, a copy of the amendment(s) proposed herein to each elector whose name appears upon the registration books of the last regular Village or general election.

Section 5: **WHEREFORE**, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to file the Ordinance with the Board of Elections to meet time requirements for inclusion on the general election ballot, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

ORDINANCE NO.: 37-2021

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Clerk of Council

EXHIBIT A

**ARTICLE VII
DEPARTMENT OF PUBLIC SAFETY**

SECTION 7.04. RULES FOR GOVERNMENT OF POLICE.

The Director of Public Safety shall make and publish written rules for the government of the Police Department and the conduct and discipline of the members thereof.

Handout for Discussion
(Ordinance 37 – 2021)

SECTION 7.04. RULES FOR GOVERNMENT OF POLICE.

The Director of Public Safety shall make and publish ~~with the approval of Council,~~ written rules for the government of the Police Department and the conduct and discipline of members thereof.

Source: Charter Review Commission Report

Rationale: A continuance of the rationale for changes to §5.02 can be carried forward to this section. In a Mayor-Council form of government, Council passes laws of a general nature with a focus on fiscal measures. That is the traditional separation of powers doctrine. The Charter Review Commission recommends that in §7.04, the language "with the approval of Council" be deleted, leaving the Department of Public Safety in charge of making and publishing rules for the internal affairs of the Police Department, including the conduct and discipline of the Department. In a Mayor-Council form of government, the administration of the Police Department is exclusively an executive function. The legislative function deals with the "power of the purse strings", i.e., control of the finances of each department, which control is substantial. In addition, who better to set the standards for the regulation of and the conduct and discipline of the police officers than those trained in police conduct and discipline?

ORDINANCE NO.: 38-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: Administration**

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, REQUIRING THAT COUNCIL UTILIZE ELECTRONIC MEANS OF COMMUNICATION, IN ADDITION TO THOSE METHODS CURRENTLY USED, TO PROVIDE NOTICE OF PUBLIC HEARINGS BEFORE COUNCIL, AMENDING SECTION 10.05, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1: That the Summit County Board of Elections be and it is hereby requested and directed to place upon the ballot at the General Election to be held on November 2, 2021, the question of whether the Charter of the Village of Silver Lake shall be amended as fully set forth in the attached Exhibit "A."

Section 2: That the Clerk of Council be and is hereby directed to file this Ordinance with the Board of Elections in a timely manner to assure its inclusion on the general election ballot.

Section 3: That it is the desire of this Council that the ballots presented to the electors of the Village of Silver Lake, Ohio, shall be substantially in the following form:

Shall the Charter of the Village of Silver Lake, Ohio, be amended as proposed in Ordinance 38-2021, to require that Council utilize electronic means of communication, in addition to those methods currently used, to provide notice of public hearings before Council?

Section 4: That the Clerk of Council is further directed to mail not less than thirty (30) days prior to the election, a copy of the amendment(s) proposed herein to each elector whose name appears upon the registration books of the last regular Village or general election.

Section 5: **WHEREFORE**, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to file the Ordinance with the Board of Elections to meet time requirements for inclusion on the general election ballot, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

ORDINANCE NO.: 38-2021

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Clerk of Council

EXHIBIT A

**ARTICLE X
PLANNING COMMISSION AND ZONING PROCEDURE**

SECTION 10.05. PUBLIC HEARINGS BY COUNCIL.

Council shall hold a public hearing on each resolution or ordinance enacting, amending, or repealing zoning regulations, and shall give thirty (30) days' public notice of the time and place thereof in the manner prescribed by the laws of the State of Ohio.

Except as provided below, written notice of the hearing shall also be mailed by the Clerk of Council, by first class mail, at least thirty (30) days before the date of the public hearing, to the owners of property within and contiguous to the area which is the subject of the proposed resolution or ordinance. Such written notices shall be mailed to the addresses of such appearing on the current tax duplicate of the County.

In addition to the methods of public notice recited herein, public notice applicable to this section shall be supplemented by electronic methods of notice. Council shall determine which method or methods of electronic notice shall be utilized.

Handout for Discussion
(Ordinance 38 – 2021)

ARTICLE X
PLANNING COMMISSION AND ZONING PROCEDURE

SECTION 10.05. PUBLIC HEARINGS BY COUNCIL.

Council shall hold a public hearing on each resolution or ordinance enacting, amending, or repealing zoning regulations, and shall give thirty (30) days' public notice of the time and place thereof in the manner prescribed by the laws of the State of Ohio.

Except as provided below, written notice of the hearing shall also be mailed by the Clerk of Council, by first class mail, at least thirty (30) days before the date of the public hearing, to the owners of property within and contiguous to the area which is the subject of the proposed resolution or ordinance. Such written notices shall be mailed to the addresses of such appearing on the current tax duplicate of the County.

In addition to the methods of public notice recited herein, public notice applicable to this section shall be supplemented by electronic methods of notice. Council shall determine which method or methods of electronic notice shall be utilized.

Source: Charter Review Commission Report

Rationale: The Charter Review Commission felt that in today's electronic age, additional methods of public notice for proposed zoning measures should be utilized. The Commission recommends that Council should have the positive duty to use electronic methods of notice, in addition to the traditional methods, to communicate more effectively with the public, concerning public hearings before Council on zoning matters. Council, at its discretion, shall decide upon the method of electronic notice to be employed for public notice.

ORDINANCE NO.: 39-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: Administration**

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO STATE CONCISELY THE BEGINNING AND ENDING DATES FOR THE TERMS OF OFFICE OF THE MEMBERS OF THE PARK BOARD, AND NOT CHANGING SUCH TERMS NOW IN EFFECT, AMENDING SECTION 9.01, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1: That the Summit County Board of Elections be and it is hereby requested and directed to place upon the ballot at the General Election to be held on November 2, 2021, the question of whether the Charter of the Village of Silver Lake shall be amended as fully set forth in the attached Exhibit "A."

Section 2: That the Clerk of Council be and is hereby directed to file this Ordinance with the Board of Elections in a timely manner to assure its inclusion on the general election ballot.

Section 3: That it is the desire of this Council that the ballots presented to the electors of the Village of Silver Lake, Ohio, shall be substantially in the following form:

Shall the Charter of the Village of Silver Lake, Ohio, be amended as proposed in Ordinance 39-2021, to state concisely the beginning and ending dates for the terms of office of the members of the Park Board, and not changing such terms now in effect?

Section 4: That the Clerk of Council is further directed to mail not less than thirty (30) days prior to the election, a copy of the amendment(s) proposed herein to each elector whose name appears upon the registration books of the last regular Village or general election.

Section 5: **WHEREFORE**, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to file the Ordinance with the Board of Elections to meet time requirements for inclusion on the general election ballot, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

ORDINANCE NO.: 39-2021

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Clerk of Council

EXHIBIT A

**ARTICLE IX
PARK BOARD**

SECTION 9.01. COMPOSITION AND TERM.

The Park Board shall consist of seven (7) members, appointed by the Mayor and confirmed by Council, who shall be qualified electors of the Village, not holding other municipal offices therein. Each member shall serve a term of four (4) years and until his/her successor is appointed, confirmed and qualified. Board members appointed for terms beginning on January 1, 2018 shall serve until December 31, 2021. Board members appointed for terms beginning on January, 2020, shall serve until December 31, 2023. The Mayor shall give priority for appointment to a qualified elector of the municipality who demonstrates membership in a Village organization dedicated to the preservation, conservation, and beautification of the Village.

All members of the Park Board shall serve without compensation

A vacancy in the Park Board shall be filled by mayoral appointment with the confirmation of Council and such appointee shall hold office for the unexpired term and until his/her successor is appointed, confirmed and qualified.

Handout for Discussion
(Ordinance 39 – 2021)

SECTION 9.01. COMPOSITION AND TERM.

Prior to January 1, 2006, The Park Board shall consist of six (6) Seven (7) members, appointed by the Mayor and confirmed by Council, who shall be qualified electors of the Village, not holding other municipal offices therein. Each member shall serve a term of four (4) years and until his/her successor is appointed, confirmed and qualified. Board members appointed for terms beginning on January 1, 2018 shall serve until December 31, 2021. Board members appointed for terms beginning on January, 2020, shall serve until December 31, 2023. The Mayor shall give priority for appointment to a qualified elector of the municipality who demonstrates membership in a Village organization dedicated to the preservation, conservation, and beautification of the Village.

~~and on January 1, 2006, shall consist of seven (7) members who shall be qualified electors of the Village not holding other municipal office therein. Four of said members shall be elected and two shall be appointed and on January 1, 2006, an additional member shall be appointed, and all shall serve without compensation.~~

~~The Mayor shall appoint six members of the Park Board, with terms to begin on January 1, 1960, to be terminated on December 31, 1961, or when their successors are elected or appointed and qualified as hereinafter prescribed.~~

~~At the regular municipal election to be held in November, 1961, four members of the Park Board shall be elected. The terms of the two members receiving the highest number of votes shall begin on January 1, 1962 and shall continue for a period of four years, or until their successors are elected and qualified. The terms of the two members receiving the third and fourth highest number of votes shall begin on January 1, 1962 and shall continue for a period of two years, or until their successors are elected and qualified.~~

~~At the regular meeting of Council to be held in December, 1961, the Mayor shall appoint two members of the Park Board. One such member shall be appointed to serve for a period of two years beginning January 1, 1962, and the other such member shall be appointed to serve for a period of four years beginning January 1, 1962, or until their successors are appointed and qualified. At the regular meeting of Council to be held December, 2005, the Mayor shall appoint one additional member to serve for a period of four years, beginning January 1, 2006, constituting three appointed members serving.~~

~~The Park Board upon the expiration of the terms of the members of the Park Board elected or appointed as provided above, their successors shall be appointed by the Mayor and confirmed by Council for successive terms of four (4) years. At the first expiration of term, priority shall be~~

~~given to a qualified elector of the Village who demonstrates membership in a Village organization dedicated to the preservation, conservation and beautification of the Village.~~

All members of the Park Board shall serve without compensation.

A vacancy on the Park Board shall be filled by mayoral appointment with the confirmation of Council and such appointee shall hold office for the unexpired term and until his successor is appointed and qualified.

Source: Charter Review Commission Report

Rationale: The substance of the current §9.01 is intact. However, the Charter Review Commission has eliminated from this Section the historical chronology of the "staggered terms" system which was both lengthy and confusing. The staggered terms remain but the start and end dates are updated.

RESOLUTION NO.: 40-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: Mayor Hovey**

**A RESOLUTION CONFIRMING THE PARK BOARD'S APPOINTMENT OF BRAD
MCBRIDE AS A MEMBER OF THE SHADE TREE COMMISSION OF THE VILLAGE
OF SILVER LAKE, AND DECLARING AN EMERGENCY.**

WHEREAS, the Park Board has appointed Brad McBride to serve on the Shade Tree Commission; and

WHEREAS, confirmation of the appointment by Council is necessary.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Silver Lake, County of Summit, State of Ohio:

Section 1. That the Park Board's appointment of Brad McBride to serve on the Shade Tree Commission is hereby confirmed.

Section 2. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. That this Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that the appointments to the Planning Commission be confirmed immediately to promote continuous and uninterrupted service to the residents of the Village of Silver Lake, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

RESOLUTION NO.: 40-2021

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA
Clerk-Treasurer

Silver Lake, Ohio _____

I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of

_____.

Clerk of Council

Third Reading

ORDINANCE NO.: 29-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: The Administration**

AN ORDINANCE AMENDING SECTION 927.13 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO ESTABLISH NEW INCREASED RATES FOR SEWER CONSUMER CHARGES IN THE SEWER FUND, AND DECLARING AN EMERGENCY.

WHEREAS, additional resources are needed annually to pay for increased sewage treatment costs to maintain the Sewer Funds' cash balance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit, State of Ohio, that:

Section 1: That Section 927.13 of the Codified Ordinances of the Village of Silver Lake is hereby amended to read as follows:

927.13 SEWER USER CHARGES

- (a) The Village hereby levies and assesses upon each lot, parcel of land, building or premises having any sewer connection with the sanitary sewerage system of the Village of otherwise discharging sewer, commercial or industrial waste, water, or other liquids, either directly or indirectly into the Village sanitary sewer system, a Sewer User Charge for the use of its system. Bills for sewer services will be prepared and submitted to all users on a monthly basis and will be based on the quantity of water used as the same is estimated or measured by the Director of Public Service, by meters then in use. Charges and monthly billing shall be as follows for utility bills rendered on or around July 1, 2021 and payable July 20, 2021.

COMPUTED RATE PER UNIT (100 C.F) OF BILLED DISCHARGE

USER CHARGES	<u>Residential</u>	<u>Commercial</u>	<u>Institutional</u>
<i>Effective with bills due:</i>			
July 20, 2021	\$5.56 \$6.21	\$5.56 \$6.21	\$5.56 \$6.21

- (b) A fixed charge per month per benefit to cover capital and debt service charges shall be added according to the following schedule:

<u>NUMBER OF BENEFITS PER USER</u>	
Residential	1 benefit
Silver Lake Country Club	42 benefits
Silver Lake School	5 benefits
Church in Silver Lake	2 benefits
Silver Lake Florist	2 benefits

ORDINANCE NO.: 29-2021

2969 Kent Road	3 benefits
2961 Kent Road	2 benefits

EFFECTIVE AS FOLLOWS, RATE PER BENEFIT
 July 01, 2021 ~~\$33.98~~ **\$37.98**

Section 2. That is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that the Village is immediately necessary to fix rates to provide revenues for regular operating costs and capital projects of the Village’s sewer enterprise system which funds are needed currently, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

PASSED:

 William M. Church, President of Council

APPROVED:

 Bernie Hovey, Mayor

APPROVED AS TO FORM:

 Robert W. Heydorn, Solicitor

ATTEST:

 Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____
 I, hereby certify that Resolution or Ordinance
 No. _____ was published by title or
 in full in the local newspaper, or designated
 by Council resolution on the date or dates of
 _____.

 Clerk of Council

Handouts for Discussion NO.: 29-2021

- **Summary of Utility Rate Changes and Impact on Consumer Charges**
- **Email from Summit County dated February 23, 2021.**
- **Letter from the City of Akron, regarding updated Mudbrook Sewer Rates dated December 30, 2020.**

Summary of Utility Rate Changes & Impact on Consumer Charges	Ordinance 2018.53 Fees	Ordinance 2019.14 Fees	Ordinance 2019.61 Fees	Ordinance 2021.29 Fees
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Change:

Water:

			Current	Proposed
SYSTEM MAINTENANCE	\$ 11.44	\$ 11.44	\$ 14.94	\$ 14.94
WATER PER CCF (per 100 C.F.)	\$ 3.81	\$ 3.81	\$ 4.38	\$ 4.38

Sewer:

BASE SEWER (Fixed Charge)	\$ 24.93	\$ 30.93	\$ 33.98	\$ 37.98	\$ 4.00
SEWER PER CCF	\$ 5.30	\$ 5.56	\$ 5.56	\$ 6.21	\$ 0.65

Stormwater:

STORM	\$ 8.00	\$ 8.00	\$ 8.00	\$ 8.00
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Recalculated Bill (5 Units)	Bill	Bill	Bill	Bill
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Average Household Units

Water:	5 Units	5 Units	5 Units	5 Units
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System Maintenance	\$ 11.44	\$ 11.44	\$ 14.94	\$ 14.94
BASE WATER	\$ 19.05	\$ 19.05	\$ 21.90	\$ 21.90
WATER PER CCF (per 100 C.F.)	\$ 19.05	\$ 19.05	\$ 21.90	\$ 21.90
Subtotal:	\$ 30.49	\$ 30.49	\$ 36.84	\$ 36.84

Sewer:

BASE SEWER (Fixed Charge)	\$ 24.93	\$ 30.93	\$ 33.98	\$ 37.98
SEWER PER CCF	\$ 26.50	\$ 27.80	\$ 27.80	\$ 31.05
Subtotal:	\$ 51.43	\$ 58.73	\$ 61.78	\$ 69.03

Stormwater:

STORM	\$ 8.00	\$ 8.00	\$ 8.00	\$ 8.00
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Grand Total:	\$ 89.92	\$ 97.22	\$ 106.62	\$ 113.87
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\$ Change: \$ 7.25
% Change: 6.80%

Households: 997
Monthly Revs: \$ 7,228.25
Annual Revs: \$ 86,739.00

Remaining Mo: 6
FY 2021 Revs: \$ 43,369.50

Year	Actual	Estimated Revised	\$\$ Change:	% Change
2019	\$ 259,000	\$ 349,121	\$ 90,121	34.80%
2020	\$ 262,000	\$ 352,152	\$ 90,152	34.41%
2021	Current Aps \$ 315,000	Increase Aps \$ 43,369.50	Revised \$ 358,370	June 21st

Akron Rate Hikes:	Rate	Change	%
1/1/16 to 12/31/16	2.694		
1/1/17 to 3/31/17	2.869	0.175	6%
4/1/17 to 3/31/18	3.041	0.172	6%
4/1/18 to 3/31/19	3.102	0.061	2%
4/1/19 to 3/31/20	3.193	0.091	3%
4/1/20 to 3/31/21	4.274	1.081	34%
4/1/21 to 3/31/22	4.424	0.15	4%
4/1/22 to 3/31/23	4.579	0.155	4%
4/1/23 to 3/31/24	4.739	0.16	3%

CHRIS D. LUDLE
Service Director



EUFRANCIA G. LASH
Deputy Director

DANIEL HORRIGAN, MAYOR

DEPARTMENT OF PUBLIC SERVICE

166 S. High St., Room 201
Akron, OH 44308-1657
Phone: (330) 375-2270
www.akronohio.gov

December 30, 2020

Michael Vinay, Director
Department of Sanitary Sewer Services
County of Summit
The Russell M. Pry Building
1180 S. Main Street, Suite 201
Akron, OH 44301

**Subject: Summit County
Master Meter Account # 69-0179.300 (Mudbrook), 69-0180.300 (Montrose),
69-0188.300 (Springfield)**

**Reference: Master Meter Agreement
Effective Date March 13, 2017**

Dear Mr. Vinay:

In accordance with Master Meter Agreement, Section 4, the Master Meter Community (MMC) Rate Model has been updated and new rates have been calculated for the four year period from April 1, 2020 through March 31, 2024. The rate calculations were reviewed with the Master Meter Communities at a meeting held on December 17, 2020. A document that outlines the process taken to update the MMC Rate Model and the recommended cost-based rates for 2020 through 2023, including detailed schedules to support the results, was also sent by e-mail on December 18, 2020.

For the period April 1, 2020 through March 31, 2021, a new MCC rate of \$4.274 per 1,000 gallons has been calculated. The new rate will be used in the MMC billing beginning on January 1, 2021. As detailed in the correspondence that has accompanied the monthly invoices since March 2020, a retroactive adjustment will be calculated for the period from April 1, 2020 through December 31, 2020 to reflect the new rate structure. The MMC will be required to pay the difference between the new rate and the rate actually billed for that time period in equal installments over a 36 month period commencing on April 1, 2021.

The projected rates through 2023 are listed for your information below.

	2020	2021	2022	2023
MMC Rate Per 1,000 gallons	\$4.274	\$4.424	\$4.579	\$4.739

If you have any questions, please contact me at (330) 375-2270 or CLudle@Akronohio.gov .

Sincerely,



Chris D. Ludle, Director
Department of Public Service

CDL/GH:mlr

- c: S. Fricker
B. Gresser
J. Bronowski
P. Gsellman
G. Hanna

Sean Housley

From: Vinay, Michael <mvinay@summitoh.net>
Sent: Tuesday, February 23, 2021 3:14 PM
To: Sean Housley
Cc: Matz, Deborah; Freeman, Randall
Subject: Notice of City of Akron Master Meter Rate Increase
Attachments: Notice of MMC Rate Increase - Akron.pdf

Sean,

Please see the attached notice of City of Akron's Master Meter Rate update. Let's set up a call to discuss in detail, as there has been some discussion among the Master Meter Communities regarding this increase.

Please provide some dates and we can coordinate.

Thank you

Michael Vinay, Director
Department of Sanitary Sewer Services
County of Summit | Ilene Shapiro, Executive
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