

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

Phone 330-928-7573

Fax 330-923-6965

www.villageofsilverlake.com

Monday, November 15, 2021

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. Approval of the minutes.
 - Approval of the October 18, 2021, Regular Council Meeting Minutes.
 - Approval of the October 27, 2021, Special Council Meeting Minutes.
4. Ordinances and Resolutions:

FIRST READING:

ORDINANCE NO.: 64-2021 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*)

SECOND READING:

ORDINANCE NO.: 60-2021 AN ORDINANCE REPEALING CHAPTER 907, "SIDEWALK REPAIR OR REPLACEMENT," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY. (*Public Improvements*)

THIRD READING: None.

5. Comments from the audience (*3-minute maximum per person*).
6. Committee Hearings to discuss pending legislation.
 - A. Planning, Zoning & Insurance.
 - B. Finance & Appropriations.
 - C. Public Improvements.
 - D. Personnel & Public Affairs
7. Reports of Council's Standing Committees.

8. Mayor's Report.

9. Reports of Village Officials.

10. Miscellaneous Business.

- Discussion of 2022 Operating Budget, including capital schedules and proposed salary ordinance(s).
- Discussion and possible motion regarding the mutual aid agreement with the City of Newton Falls.
- Executive session regarding employee compensation.

11. The next regular meeting of Council will be on **Monday, December 6, 2021, at 7:00 p.m.**

**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 for backhoe repairs (\$16,224) and for additional services by EnviroScience related to assessment calculations for Englewood Drive (\$6,700).

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:	
TRANSPORTATION	
Contractual	\$8,758.00
STORM WATER/SEWERS	
Contractual	\$2,345.00
GENERAL CAPITAL IMPROVEMENT	
Contract Services	\$670.00
WATER FUND:	
MAINTENANCE & DISTRIBUTION	
Contractual Services	\$5,743.00
SEWER FUND:	
MAINTENANCE & SUPPLY	
Contractual Services	\$5,408.00

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

Second Reading

ORDINANCE NO.: 60-2021

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

AN ORDINANCE REPEALING CHAPTER 907, "SIDEWALK REPAIR OR REPLACEMENT," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Council wishes to remove and repeal Chapter 907, "Sidewalk Repair or Replacement," of the Village Codified Ordinances.

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

Section 1: That Chapter 907 of the Codified Ordinances of the Village of Silver Lake, Ohio, be, and the same is hereby, repealed.

Section 2: 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 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety, convenience and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that the Ohio Revised Code has authority on the issue, 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

ORDINANCE NO.: 60-2021

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

CHAPTER 907

Sidewalk Repair or Replacement

- 907.01 Districts established; cost assessment.**
- 907.02 Property owners' petition.**
- 907.03 Notice of assessment of property.**
- 907.04 Appeals.**
- 907.05 Proceeding with repair or replacement.**
- 907.06 Collection of assessments.**
- 907.07 Certification of resolution.**
- 907.08 Public sidewalk repair, replacement and construction.**
- 907.09 Sidewalk removal.**

CROSS REFERENCES

Construction or repair at owner's expense - see Ohio R.C. 729.01 et seq.
Notice to construct or repair sidewalk - see Ohio R.C. 729.03 et seq.
Duty to keep sidewalks clean and in repair - see GEN. OFF. 521.06

907.01 DISTRICTS ESTABLISHED; COST ASSESSMENT.

When, in the opinion of Council, the repair or replacement of sidewalks on any streets, lanes or public roadways, or parts thereof, will be of general benefit within the Village, Council may, by resolution, declare such street, lane or public roadway, or the territory including such street, lane or public roadway, or part thereof, or intersecting or connecting streets, lanes or public roadways, or parts thereof, or all such streets, lanes or public roadways within the Village, a district or districts within which sidewalk abutting on such streets, lanes or public roadways or part thereof shall be repaired or replaced within a period named in the resolution not to exceed one year. Such portion of the cost thereof as is deemed just by Council shall be assessed by the abutting foot on the property abutting the street, lanes or public roadways so improved in such district and the remainder of such cost shall be paid by the Village.
(Ord. 16-1986. Passed 5-5-86.)

907.02 PROPERTY OWNERS' PETITION.

Upon written petition signed by the owners of a majority of the abutting feet of property on a street, lane or public roadway, or part thereof, or of connecting or intersecting streets, lanes or public roadways, or parts thereof, presented to Council praying that sidewalks be repaired or replaced on the streets, lanes or public roadways within the territory described, and for the assessment of the whole or any designated portion of the cost thereof on the property abutting such streets, lanes or public roadways, Council may, by resolution, declare such territory a district within which sidewalk shall be repaired or replaced abutting on such streets, lanes or public roadways within the period named in the petition, not to exceed one year, and the cost thereof shall be assessed by the abutting foot upon the property abutting the streets, lanes or public roadways so improved.
(Ord. 16-1986. Passed 5-5-86.)

907.03 NOTICE OF ASSESSMENT OF PROPERTY.

When a portion of the cost of the repair or replacement of sidewalks abutting on streets, lanes or public roadways under Section 907.01 or Section 907.02 is to be assessed against private property, notice to the owners thereof shall be given by publishing, once each week for two weeks in a newspaper published and of general circulation in the Village, the resolution establishing a sidewalk repair or replacement district and setting forth the portion of the cost to be assessed.
(Ord. 16-1986. Passed 5-5-86.)

907.04 APPEALS.

If an owner objects to an assessment, he shall file his objections in writing with the Clerk of Council within ten days after the last publication of the resolution as provided in Section 907.03. Thereupon, Council shall consider such objections and if they are found to be well taken, may remit such portion of the assessment against the property of the objecting owner as deemed just or may determine by resolution that a portion or portions of the work described in the resolution adopted pursuant to Section 907.01 or 907.02 shall not be done. Any deficiency arising from such remitter may be made up from any fund of the Village available for the public improvement of streets or by contributions from the owners desiring that the work be done.
(Ord. 16-1986. Passed 5-5-86.)

907.05 PROCEEDING WITH REPAIR OR REPLACEMENT.

After the expiration of the time within which objections may be filed under Section 907.04 and the disposition of objections, the Director of Public Service may proceed with the work described in Sections 907.01 or 907.02, or if proceeding by contract, the legislative authority shall authorize the Director to advertise and take bids for the awarding of the necessary contracts, subject to any determination by Council that a portion of such work shall not be done pursuant to Section 907.04.
(Ord. 16-1986. Passed 5-5-86.)

907.06 COLLECTION OF ASSESSMENTS.

When any portion of the cost of work done under this chapter is to be assessed, Council shall, after the completion of such work, adopt

an ordinance levying an assessment by the abutting foot on the property abutting the streets, lanes and public roadways so improved in the district to pay such portion of the cost as was determined in the resolution of necessity. The assessment for the cost thereof may be payable in full within thirty days from the levy thereof in the office of the Director of Finance. All assessments remaining unpaid at the expiration of such thirty days shall be certified by the Clerk of Council to the County Fiscal Officer, to be placed upon the tax duplicate and collected in the number of annual installments established by Council in the assessment ordinance, not exceeding ten. (Ord. 23-2016. Passed 3-28-16.)

907.07 CERTIFICATION OF RESOLUTION.

A copy of the resolution shall be certified to the County Auditor by the Clerk of Council within twenty days of its passage. (Ord. 16-1986. Passed 5-5-86.)

907.08 PUBLIC SIDEWALK REPAIR, REPLACEMENT AND CONSTRUCTION.

(a) Upon the enactment of this section, periodically thereafter, or when conditions warrant immediate action, the Director of Public Service may require the owner of any property to repair and/or replace existing public sidewalks which meet or qualify under the following, and Council from time to time may provide for a program of assessment in accord with the following:

- (1) Any block which has multiple cracks; or any block which has any single crack which is irregular, has raveled edges or is wider than ½ inch (indicating movement), or has opened up so that part of the block has settled.
- (2) Adjoining sections of block, or portion thereof, whose edges differ vertically by 5/8 inch or more.
- (3) Blocks having depressions that impound water to a depth of ½ inch or more.
- (4) Any block with disintegrated, deteriorated, shattered or severely spalled areas or missing pieces or missing particles of aggregate.
- (5) Blocks pushed up due to tree roots that cause an abrupt change in the longitudinal grade of the sidewalk.
- (6) Any foreign material such as asphalt concrete covering that changes the contour of the existing sidewalk to be in need of replacement or repair as deemed necessary by the Service Director.
- (7) Trees, bushes or shrubs that overhang the sidewalk. Tree limbs should be trimmed to at least ten feet above the sidewalk. Bushes or shrubs should be trimmed so as not to overhang the sidewalk even after a rain.
- (8) Any block which the Director of Public Service determines to be in need of replacement or repair regardless of whether it has any of the characteristics set forth in subparagraphs (1) through (7).
- (9) The above specifications are determined to be that point from which public sidewalks should remain in sufficiently good repair over a period of years, before the next repair or replacement is initiated, given usual deterioration over time. Such specifications are not an expression of standards for the determination of a public nuisance, and are not an expression of any assumed duty by the Village of Silver Lake.

(b) The following specifications shall apply to both existing sidewalks under subsection (a) above and new construction:

- (1) All sidewalks within the Village shall be laid on a grade rising ½ inch to the foot from the established curb grade line to the street line, unless an exception is granted by the Service Director.
- (2) The minimum width of all sidewalks constructed within the Village shall be four feet. The Service Director may increase the minimum width of sidewalk construction at his discretion.
- (3) All sidewalks shall be constructed or repaired with Portland cement concrete, unless an exception is granted by the Service Director.
- (4) The above specifications are determined to be that point from which public sidewalks should remain in sufficiently good repair over a period of years, before the next repair or replacement is initiated, given usual deterioration over time. Such specifications are not an expression of standards for the determination of a public nuisance, and are not an expression of any assumed duty by the Village of Silver Lake.

(c) In the event any owner fails, within a reasonable time, to repair or replace the sidewalk as ordered by the Director of Public Service, then the Village may undertake the repair or replacement of the sidewalk and subsequently file a lien against the property for the cost thereof with the County Recorder. (Ord. 47-1996. Passed 6-3-96.)

907.09 SIDEWALK REMOVAL.

(a) The owner of a premises upon which a public sidewalk is situated may petition the Village Council for removal of such sidewalk. Council may approve such removal based upon the following:

- (1) The existing sidewalk is not contiguous to any other existing sidewalk.
- (2) The existing sidewalk is not on a through street.
- (3) The existing sidewalk is not incorporated in a Village plan for the location of present and future sidewalks adopted by Council, the Mayor, or appropriate board or commission.

(b) If approved by Council, all costs associated with removal and restoration shall be the responsibility of the owner of the premises. Such owner shall obtain a right-of-way permit from the Village before such work commences. (Ord. 81-1996. Passed 9-3-96.)