

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

Monday, February 7, 2022

7:00 p.m.

The Silver Lake Village Council met in regular session on Monday, February 7, 2022, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio. The meeting was only in-person.

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

These members were present and responded to roll call: Mr. Dann Nivens, Mr. Phil Kaplan, Mr. Matthew Plesich, Mr. William Church, Mrs. Therese Dunphy, Mrs. Betsy Meyer and Mr. Christopher Scott. Members of Council present were 7; members absent were 0.

Mr. Church asked for additions or corrections to the minutes from January 18<sup>th</sup>. [There being none, the minutes were approved as submitted.] He called for the readings.

**First Reading:**

**ORDINANCE NO.: 12-2022 AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY. (*Finance & Appropriations*)**

**ORDINANCE NO.: 13-2022 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$3,000,000 TO PAY THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, AND THE CITY'S PORTION OF THE COSTS OF IMPROVING ENGLEWOOD DRIVE BETWEEN THE TERMINI OF GRAHAM ROAD AND LAKE ROAD BY PAVING, GRADING, CONSTRUCTING AND RECONSTRUCTING CURBS, CONCRETE SIDEWALKS, DRIVEWAY APPROACHES, STORM SEWERS AND WATER MAINS, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (*Finance & Appropriations*)**

**RESOLUTION NO.: 14-2022 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SE BLUEPRINT, INC., TO PROVIDE RECORDS RETENTION SCANNING SERVICES NOT TO EXCEED \$41,000, AND DECLARING AN EMERGENCY. (*Finance & Appropriations*)**

**ORDINANCE NO.: 15-2022 AN ORDINANCE AMENDING CHAPTER 945 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO ACCORD WITH OHIO EPA REGULATION FOR EROSION AND SEDIMENT CONTROL, AND DECLARING AN EMERGENCY. (*Public Improvements*)**

**ORDINANCE NO.: 16-2022 AN ORDINANCE AMENDING CHAPTER 947 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO ACCORD WITH OHIO EPA REGULATION OF ILLICIT DISCHARGE INTO THE STORMWATER DRAINAGE SYSTEM, AND DECLARING AN EMERGENCY. (*Public Improvements*)**

**RESOLUTION NO.: 17-2022 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF THOMAS KRAMER AS A MEMBER OF THE BOARD OF ZONING**

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**APPEALS REPRESENTING DISTRICT “D” OF THE VILLAGE OF SILVER LAKE FOR THE TERM ENDING DECEMBER 31, 2025, AND DECLARING AN EMERGENCY.**

*(Personnel & Public Affairs)*

**Second Reading: None.**

**Third Reading: None.**

**Comments from the audience (3 minutes each):**

**Mr. Henry Gulich, former Chair of Silver Lake Park Board:** Thank you for allowing me to speak. I’m a past Park Board member, and Shade Tree Commission member. Recently, I’ve become the Silver Lake representative on TASCforce [Trail Advocates of Summit County]. We’ve been working to get a hike and bike trail, part of which will come through the Village. The trail will start in Hudson, come through the Village along the railroad right-of-way, and go into Cuyahoga Falls. I’m here tonight to introduce myself as the Village’s representative on the project; I attended the January board meeting, and will continue to attend the TASCforce meetings. I’ve been walking from Kent Rd. to Graham Rd., where the trail will be in the Village, and the railroad tracks are still there, but the right-of-way is in good condition. It shouldn’t be too difficult to improve. If anyone has any questions about TASCforce or the Veterans Trail, please reach out. I’d like to defer to the mayor if he has anything to add. [The mayor expressed his faith and confidence in Mr. Gulich as the Village’s representative.]

**Mr. Gary Kinsey, resident:** Since Mr. Johnson isn’t here tonight, it falls to me to praise Mr. Lipan and the Service Dept. for their tremendous work clearing the roads. [Mr. Lipan thanked him.]

**FINANCE AND APPROPRIATIONS COMMITTEE - Mrs. Dunphy**

ORDINANCE NO.: 12-2022

Mrs. Dunphy read the legislation and opened the floor for discussion. There was no discussion.

Roll call to suspend the rules	Yes	7	No	0
Roll call to adopt	Yes	7	No	0

**FINANCE AND APPROPRIATIONS COMMITTEE - Mrs. Dunphy**

ORDINANCE NO.: 13-2022

Mrs. Dunphy read the legislation and asked Mr. Housley if the Village would be pursuing financing options other than grants for the Englewood Project. Mr. Housley confirmed this, and explained some Ohio depts. had very low interest rates; he’s determining whether the Village would qualify for those rates and how early they can be locked in. He asked Council to hold Ord. 13-2022 for another reading. Mrs. Dunphy asked if the legislation locks the Village into bonds. Mr. Heydorn said that matter was still somewhat open and needed to be addressed further. It was determined the Village couldn’t issue bonds unless Council passed legislation written and approved by bond counsel. Mr. Scott questioned using notes before bonds. Mr. Housley clarified that he requested notes first, in lieu of bonds, because he was researching other funding options. If Council guaranteed that the Village would pay the difference between the bond amount and the final cost, then he could go directly into bonds. It was clarified the Village’s municipal advisor would get a percentage of the financing obtained for the Village, rather than a separate fee.

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Ordinance 13-2022 was held for a second reading.

**FINANCE AND APPROPRIATIONS COMMITTEE - Mrs. Dunphy**

RESOLUTION NO.: 14-2022

Mrs. Dunphy read the legislation and invited discussion. Mr. Scott asked whether the legislation covered both planning and zoning records and Mr. Lipan’s records. It was clarified SE Blueprint was the company Mr. Lipan used to scan his records and the rate quoted in the legislation was the rate he paid, but the \$41,000 mentioned in the legislation would only cover the planning and zoning records, which were crumbling. Mr. Nivens asked about accessing the scanned records. Mrs. Suzanne Lipan [Village Administrative Assistant] answered that SE Blueprint would provide the Village with software to access and search the records. It was determined QualityIP [Village’s IT services provider] was aware of the new software, and the software would only be for internal use.

Roll call to suspend the rules	Yes	7	No	0
Roll call to adopt	Yes	7	No	0

Mr. Scott questioned the Paychex amount. Mr. Housley said the amount covered a month and some extra costs for administrative work, like sending out forms, usually done at the end of the year. The payment of claims dated Jan. 26, 2022, was accepted as distributed.

**PUBLIC IMPROVEMENTS COMMITTEE – Mr. Nivens**

ORDINANCE NO.: 15-2022

Mr. Nivens read the legislation and invited Mr. Lipan to explain. Mr. Lipan explained the Ohio Environmental Protection Agency [OEPA] had updated the MS4 permit [municipal separate storm sewer system] with revised language and regulations. It was determined this legislation was only updating the Village Codified Ordinances to be in-line with OEPA’s new standards.

Roll call to suspend the rules	Yes	7	No	0
Roll call to adopt	Yes	7	No	0

**PUBLIC IMPROVEMENTS COMMITTEE – Mr. Nivens**

ORDINANCE NO.: 16-2022

Mr. Nivens read the legislation and invited Mr. Lipan to explain. Similar to Ord. 15-2022, this legislation only sought to bring Village law up to date with OEPA’s new regulations. It was determined residents could not put glowing green goo, pesticides, or motor oil into the sewer.

Roll call to suspend the rules	Yes	7	No	0
Roll call to adopt	Yes	7	No	0

**PERSONNEL AND PUBLIC AFFAIRS COMMITTEE – Mr. Plesich**

RESOLUTION NO.: 17-2022

Mr. Plesich read the legislation and asked the mayor for comment. The mayor said Mr. Kramer was highly recommended by members of the Board of Zoning Appeals and he trusted them..

Roll call to suspend the rules	Yes	7	No	0
Roll call to adopt	Yes	7	No	0

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**REPORTS OF VILLAGE OFFICIALS**

**Mayor Hovey:** First, I'd also like to commend Mr. Lipan and the Service Dept. for their work during the snowstorm. I received several calls from residents praising the Service Dept. I understand Mr. Lipan was also congratulated by someone from another municipality.

Concerning Englewood and Stow, I thought Stow's Council was going to approve the sidewalks for Englewood at its Jan. 27<sup>th</sup> meeting, but that didn't happen. Residents were told they just needed a petition with 60% support; apparently, the petition must be drawn up by the law director and then residents can sign it. Stow's law director is in the process of writing the petition and it will get passed again. I foresee no issues with that whatsoever because the residents' petition got at least 60% support. It does cause a delay, but there should be no problem since putting in the sidewalks comes toward the end of the project. If Stow doesn't decide to do sidewalks, nothing changes, and we go forward as planned. No adjustments need to be made.

Finally, our deer cull ended this weekend. I believe we got 7 deer this year. A resident sent me an email with an article from *The New York Times* saying deer were reservoirs of disease. Residents overwhelmingly support the deer cull.

Mr. Nivens asked if the mayor had met with Mayor Walters [Cuyahoga Falls] concerning the sound wall. The mayor had been in contact with ODOT [Ohio Dept. of Transportation], which said the sound wall was Cuyahoga Falls' responsibility, and with Mayor Walters. Mayor Walters was unsure whether the Falls was responsible for the sound wall and said he would talk with his Service Director. Mayor Walters agreed the wall was terrible and needed attention. The mayor expected improvements during the summer.

Mr. Nivens asked about communication with Stow. The mayor responded Stow seemed united and in favor of the sidewalks. Stow sent the Village a memorandum of understanding asking the Village to do the maintenance on Stow's sidewalk, which the Village refused. The Village didn't even do that for its own residents, and would have no assessment authority in Stow.

**Mr. Robert Heydorn, Village Solicitor:** I've been working with the mayor concerning Stow and Englewood. Stow may be overthinking things and overprotecting itself.

Concerning the deer, there's still plenty left. Come to my house and see their tracks.

**Chief Jamie Norris, Chief of Police (given by the Mayor):** The Chief couldn't be here tonight, so he gave me his report. The Chief would like to thank all the residents for their cooperation with the parking ban. There were absolutely no issues with cars in the street during the snowstorm.

There's a good pool of candidates for the part-time position. The Chief hopes to have a new hire or hires sometime in the next month, possibly by the next Council meeting. Thank you.

**Mr. Mark Lipan, Service Director:** Just a few things. All our trucks held up okay. The circuit board in our oldest plow got fried, and we replaced it. That was the only maintenance needed, and it was under warranty, so it didn't cost us anything. Right now, they're all cleaned up and ready for the next round. We plowed in a lot of mailboxes, but we dug them out this morning.

On our road projects, Kenmore would like to start on Englewood sometime in March. Right now, they're working with EnviroScience to get materials approved. They plan to start with replacing the waterline from Lake Rd. to Oakhill Rd. After pressure testing that, they'll start

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at Wetmore with the storm sewer. Then they'll finish the waterline. The bid opening for Outlook Dr. will be Feb. 22 at noon. If you'd like to come, you're more than welcome. That's all. Mr. Nivens asked about marking the catch basins and fire hydrants for winter, and Mr. Scott seconded. Mr. Lipan explained there was software that could give the exact latitude and longitude of catch basins. He said he would look into marking the basins and hydrants for next winter.

It was clarified that the gas company was still working, and also that the work on Silver Lake Blvd. would not begin for some time.

**Mr. Sean Housley, Clerk-Treasurer:** Right now, we're preparing some financial statements inhouse, and it's taking a lot of my time. Also, I'm working on funding for Englewood. That's it.

**Miscellaneous Business:**

Mr. Church began the discussion regarding Village Hall's electronic sign. Since Mr. Nivens asked for all the miscellaneous business, Mr. Church gave him the floor. Mr. Nivens asked about the capabilities of the sign. The mayor recalled that back when the sign was first put in, Council gave some stipulations, like no flashing or scrolling. Most of the time, the sign displayed one message per day, but there were a few occasions where multiple messages were displayed in one day. The Board of Zoning Appeals, which had the authority to interpret the zoning ordinances, approved the sign, with the conditions that there could be no animation nor flashing, and said the content and timing of the messages on the sign were at the mayor's discretion. The mayor's policy only allowed messages of importance or interest to the Village, not personal messages. He couldn't recall ever refusing a request for a message that was of public interest. It was determined notices for Council meetings have been on the sign, at least on meeting days, but normally before.

Mr. Church moved into the discussion regarding possible audio-visual equipment for the Council Chamber. Mr. Nivens praised the improvement in audio quality, and asked why the Village wasn't archiving audio files of meetings online, like surrounding municipalities. He reminded Council of various 2020 and 2021 meetings, when guest speakers had to call in, and the technical difficulties that caused. He proposed getting more equipment, so that Council could better interact with speakers. Mr. Housley informed Council that the Village's current records policy required meeting audios to be kept for 6 months and then destroyed. There is no policy concerning archiving them online. Once they have been approved, the minutes become a required permanent record, the only permanent record of meetings. Mr. Church voiced support for archiving meeting audios on the website, but did not support any type of visual component. He believed that cameras would cause grandstanding, be expensive, and cause undue stress.

Mr. Nivens clarified that he wasn't talking about cameras, just allowing Council to better interact with presenters. Mr. Plesich said the inability of speakers to physically come to the Council Chamber was caused by COVID. Mr. Nivens replied there could be similar future situations. Mrs. Meyer pointed out that Council could use a telecommunication platform on their laptops, which would allow Council and the presenter to see each other, and let the guest speaker screenshare content. Mrs. Dunphy added that links to presentations could be put in the minutes. She mentioned her experience in website administration and explained that audio and visual files required extra labor and extensive storage space, which would be costly. Mrs. Dunphy questioned whether the

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benefit would outweigh the cost, in time and money. She's comfortable with the Village's current policy of keeping audios for 6 months, and minutes being available and permanent. Mr. Nivens emphasized the convenience of meeting audios being publicly available, citing several recent contentious issues, and added that Council could listen to other bodies' meetings. Mr. Plesich expressed concern about cost. Mr. Scott stated that his company made the audios of its board meetings available on its website. He added that minutes don't usually tell the whole story and that he would be fine with making audios publicly available. He thought the cost would be relatively cheap. Mr. Housley reiterated records policy and asked if Council would like to change it, and asked if Council would like a quote for storing audios on the website. Mr. Heydorn reminded Council that records policy is under the authority of the Village's Records Commission [RC]. The RC has been making records policy, which has been conveyed to the state and made public. Council could change the policy by ordinance if desired, but the RC had jurisdiction unless and until Council acts. Mr. Church said Council would need to see a quote to make any decisions.

Mr. Church segued into the discussion regarding safety information given to Council. Mr. Nivens recalled the report of an accident involving a Village vehicle at the last meeting. He said Council used to get little reports like that, but those reports tapered off. He would like to get them again. Mr. Scott said the Village didn't have many accidents, but it would be nice to be informed of what's going on. Mrs. Dunphy said it would be nice to hear about things that would be a cost item, but beyond that Council should focus on legislative matters and not interfere with executive/administrative matters. Mr. Scott and Mr. Nivens clarified that they didn't want to exert any authority in such things, but just wanted to stay informed.

Mr. Nivens moved on to his final discussion item, public events involving Council. He expressed his interest in having public "Meet Your Councilmember" events, that wouldn't be official meetings with organized agendas, to allow people to meet Council in an open forum. He also wanted Council to get together outside of regular meetings to have work sessions, which also would not be official meetings with organized agendas. Mr. Heydorn said Council could hold work sessions; when he was on Council, work sessions were frequent, but had petered out through the years. If Council did hold work sessions, they would have to be open to the public, whether or not Council voted on anything or had an organized agenda. Mr. Heydorn continued that Councilmembers could rent Village Hall and invite anyone they wanted. If multiple members of Council wished to participate, they could do so, but the agenda and discussion items couldn't be predetermined. They could answer unplanned questions from the public, but they couldn't discuss matters that had previously been the subject of Council business. Politics would not be allowed.

Mrs. Dunphy informed Council that her work with EnviroScience concerning stormwater had been briefly delayed because her EnviroScience contact was ill. They were working with Mr. Lipan and Mr. Housley on a proposal to update the Village's study and hoped to put it before Council soon.

It was determined Mayor Hovey would give the 2022 State of the Village Address at either the first or second meeting in March. Because of COVID-19, the Address would be filmed and put on the Village's website, and Council would receive paper copies.

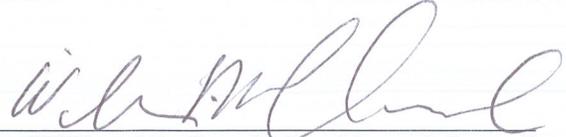
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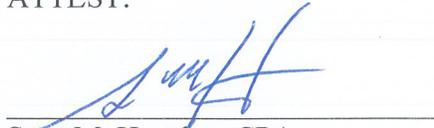
7:00 p.m.

There being no further questions or comments, Council adjourned at 8:07 p.m. The next regular Council Meeting will be on Tuesday, February 22, 2022, 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