

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE****Monday, April 19, 2021****7:00 p.m.**

The Village of Silver Lake Council met in regular session on Monday, April 19, 2021, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio. The meeting was made available to the public via Zoom.

With President of Council Mr. William 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. Therese Dunphy, Mrs. Betsy Meyer and Mr. Christopher Scott.

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

Mr. Church: Were there any additions or corrections to the minutes of the April 5<sup>th</sup> Council meeting? The minutes were held for approval until next Council meeting. The following changes were requested by Council:

- In the Mayor's report, the assessment prices were incorrectly quoted as \$2,300 to \$6,300. The correct estimate is \$23,000 to \$63,000.
- During the discussion of Ordinance 23-2021, it should say "Mr. Heydorn is a contract employee."
- During the discussion of miscellaneous business, Mr. Nivens spoke about the "riparian issue."
- During Mr. Lipan's report, he spoke about the leaf pick-up program and said, "Get your leaves out."
- During Mr. Lipan's report, Mr. Niven asked about sidewalk inspections.

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

**First Reading:**

**ORDINANCE NO.: 26-2021 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.: 27-2021 A RESOLUTION AUTHORIZING AN AGREEMENT FOR GROUP HEALTH INSURANCE, GROUP DENTAL, GROUP VISION, AND LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE, ALL IN ACCORDANCE WITH THE RATES SET FORTH AND PURSUANT TO CONTRACT DOCUMENTS ON FILE IN THE OFFICE OF THE CLERK-TREASURER, AND DECLARING AN EMERGENCY. *(Planning, Zoning, and Insurance)***

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**Second Reading:**

**ORDINANCE NO.: 23-2021 AN ORDINANCE PROVIDING EXTRA COMPENSATION TO THE EMPLOYEES OF THE VILLAGE OF SILVER LAKE; AND DECLARING AN EMERGENCY. (*Personnel and Public Affairs*)**

**ORDINANCE NO.: 24-2021 AN ORDINANCE GRANTING A MERIT PAY INCREASE TO THE CLERK-TREASURER FOR EXCEPTIONAL EFFORT RESULTING IN SUBSTANTIAL BENEFIT TO THE VILLAGE; AND DECLARING AN EMERGENCY. (*Personnel and Public Affairs*)**

**Third Reading: None.****Comments from the audience:**

Mr. Housley gave the audience a chance to speak. No one spoke.

**PLANNING, ZONING, AND INSURANCE COMMITTEE – Mr. Nichols****RESOLUTION NO.: 27-2021**

Mr. Nichols: The committee has met twice on this issue. The first meeting was preliminary and exploratory, with a majority of Council present. The second was more directed and specific, with all Council members participating in-person or via Zoom. The committee immediately noticed the high out-of-pocket costs with the Anthem renewal plan, and so requested more plan proposals from Wichert. Those additional proposals were put together into a handout dated 4/1/2021; these additional options were whittled down into the Clerk-Treasurer's handout dated 4/12/2021, including Anthem plan 5T4J, our chosen plan. On the Anthem handout dated 5/1/2021, the first option after the renewal is the Anthem SOCA Blue Access PPO, which is Plan 5T4J, right Sean? [Mr. Housley confirmed.] Keeping the employees' best interests in mind, we were able to find a plan with a maximum out-of-pocket that was only a little bit higher than the current plan. The increase in premium is very small as well. For a single employee, they are paying \$52.59 per month under the current plan. For Anthem plan 5T4J, they would pay \$56.84 per month, only a slight increase. It's as competitive a plan as we could find. If you look at the material from the PZ&I Committee meeting on April 15th, we'll go into dental first. We concluded that moving from Unum, our current provider, to Delta Dental would be cheaper for employees. So hopefully, that can help mitigate the health costs increasing, and it has a 2-year rate lock. For vision, we are changing from AlwaysCare/Starmount to Principal. Mr. Farnham told us that the providers were virtually identical but again, Principal was slightly cheaper. Lastly, the renewal rates for life insurance were slightly more expensive than our current rate. The current plan is \$0.30 per \$1,000 while the renewal would be \$0.36 per \$1,000. The rate for accidental death and dismemberment stayed the same. We also discussed the Village increasing its contribution from 88% to 90%, and HSAs. Both are important issues and should be explored further, but due to the tight timetable, neither are included in this Resolution. For next year, Mr. Farnham of Wichert agreed to be available to us as early as January of next year.

Mrs. Dunphy: You did a good job taking this through as chair. We had excellent discussion and

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kept our employees' best interests in mind. At the end of the day, we got them a pretty good plan.

Mayor: I concur with Mrs. Dunphy and commend the committee on its work.

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

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

ORDINANCE NO.: 26-2021

Mrs. Dunphy: We have 2 items that would increase our appropriations: the purchase of 6 AEDs (Automated External Defibrillator) for \$6,500 and a change to our stormwater pollution prevention plan. Mr. Lipan and Chief Norris, please give us some background.

Chief Norris: The production of our current AED model stopped in 2007. So, we are no longer able to get replacement parts or software updates. Given this, they may not work properly if we need to use them. These new ones have a display screen with instructions on how to use the device, which is handy because regular people who are not medical professionals may need to use the AEDs in an emergency. The vendor told me that these are the type of AEDs used by the Solon police and by many school districts. We looked at other models that would have cost \$1,118.75 each, with extra pads costing \$112.72 and extra batteries costing \$192.35. Thanks to a contact we have, we got a good deal on these 6 from Cintas in Arizona.

Mr. Scott: How long is the lifespan of these units?

Chief Norris: In general, battery life is about 4 years. I'll get back to you with specifics.

Mr. Lipan: The EPA has released new national pollution regulations, and every time they release new ones, we're required to update our plan. We have to go through and remeasure, add some new tanks, and check for certain contaminants.

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

The payment of claims for April 5, 2021 was brought by Mrs. Dunphy.

Mr. Nivens: Sean, \$1,346.16 to the City of Cuyahoga Falls, listed as 68-2008 prosecutor fees. What's that?

Mr. Housley: 68-2008 is probably the legislation number related to the contract. I'll verify this and let you know.

Mr. Nivens: Alright. Mark, this Rice Oil & Environmental. 11 pick-ups?

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Mr. Lipan: Yeah, the reason it is associated with so many accounts is because it pertains to all those different accounts. But it only gets charged to the one account.

Mr. Nivens: Is that annually?

Mr. Lipan: This is just anytime they come and remove our hazardous waste. We have a fuel line separator at the front of the building to fuel all our vehicles, so every year to year and a half, I'll get that cleaned out. So that's what that is.

The payment of claims for April 5, 2021 was approved.

**PERSONNEL AND PUBLIC AFFAIRS – Mrs. Meyer**

ORDINANCE NO.: 23-2021

Mrs. Meyer: I spoke with Sean and our amendment of the wording was unnecessary. Any questions?

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

**PERSONNEL AND PUBLIC AFFAIRS – Mrs. Meyer**

ORDINANCE NO.: 24-2021

Mrs. Meyer: Our addition of “as well as working for the Village during the Coronavirus Pandemic” needs to be added, and our question about merit pay versus merit raise was already answered in Ordinance 23. I motion to amend to include our wording about the pandemic.

Roll call to suspend the rules:	Yes	7	No	0
Roll call to amend the legislation:	Yes	7	No	0
Roll call to adopt the legislation, as amended:	Yes	6	No	1 (Nivens)

**REPORTS OF VILLAGE OFFICIALS**

**Mayor Hovey:** I provided you all with a handout of information on the Englewood Dr. Project. Please look at the third page; those are the assessments for sidewalks and curbs only, so they're lower than the numbers I gave you last time. By next meeting, I will have met with Stow about their level of involvement. I just want you know this going forward in this project.

Mrs. Dunphy: For these sidewalk and curb assessments assigned to individuals on the handout prepared by the engineer (attached), has there ever been any allocations for those who live on corner lots? Looking at this list, the most expensive costs by far are to those who live on corner lots, which makes sense because they have more sidewalk and curb along their property. Has anything ever been done to help?

Mr. Church: Is there an ordinance on this?

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Mr. Heydorn: There is probably some way to mitigate the cost to those people. We'll have to do some investigating. Mrs. Dunphy: I'd be interested in that.

Mr. Lipan: The sidewalks and curbs don't go around the corner, they just go straight. None of those areas have sidewalks until you get down to the lake.

Mrs. Dunphy: So, like Lot #1 on Graham Rd. isn't Graham going on to Englewood?

Mr. Lipan: Yes, but Graham Rd. does not have sidewalks.

Mr. Plesich: Looking at the square frontage, per foot, lots that are 62 ft. on Englewood had to account for some of the curb. A good example is Mark Strong, who's on the corner right next to me. He has 71 frontage and also 10 ft. of frontage on that corner.

Mr. Lipan: All these are just estimates.

Mrs. Dunphy: Same with Mr. Jay Rau. Those are the ones that just jumped at me as I looked at this.

Mr. Lipan: Well, those corner lots are pretty big.

Mr. Nichols: But James Brink on the corner of Englewood and Graham is not big at all. Something else factored in there.

Mr. Lipan: There may not be sidewalk there, but there is curb. These numbers are not set in stone. Again, there is no sidewalk on our side of Graham Rd. It doesn't go up that far.

**Mr. Robert Heydorn, Village Solicitor:** The zoning case against Mr. Sawyer was settled, with him pleading guilty and being fined. Other than that, I have no report.

**Mr. Mark Lipan, Service Director:** I'd like to thank Council for their generosity tonight, the Service Department appreciates it. The mulch is out; if you need some, come and get it. The leaves are still in the back, but they'll be gone in the next few weeks. The vendor that handles that is running late. We've started re-lining the manholes today, the first one being the one by Bellaire with a large leak. Now that it's fixed, hopefully our sewer bill will decrease. They've got about 20 manholes to do, and it'll take 3-4 weeks. We're also on schedule to re-line and re-seal the tennis courts.

Mr. Nichols: Does Kimble pick up leaves? A Kimble driver told my neighbor they don't.

Mayor: I believe so. They've done it in the past. That driver may just be uninformed. We'll look at the contract tomorrow.

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**Chief Jamie Norris:** I'd also like to thank Council for their generosity; the department appreciates it. May 11<sup>th</sup> is Summit County's go-live day on their CAD (computer-aided dispatch) system. We are still having the officers' memorial this year, but only officers' families may attend. Our second vaccinations went well.

**Mr. Sean Housley, Clerk-Treasurer:** I'd like to update you on all the technology we bought last year with the CARES Act money. With the American Rescue Act being passed earlier this year, we've just received guidance on the eligibility guidelines. I can brief you next time. We're about to switch to the new software we bought last year, and this is a very complicated and involved project. To ensure things are done correctly, I'm renumbering and renaming the accounts to be in line with the current best practices of the state auditor. It's taking up a lot of my resources, so it's causing a bit of a delay. By next meeting, I will have an estimated rate increase for the sewer fund.

**Miscellaneous Business:**

Mr. Church: Because our next meeting was scheduled on May 3<sup>rd</sup>, the day before an election, we may have to cancel that meeting. So, our next meeting would be May 17, 2021. Concerning the June 7<sup>th</sup> public hearing on the riparian legislation, what do we think? Do we want to reschedule?

Mrs. Dunphy: I think it goes to format. Every meeting we've had about the riparian issue has drawn a crowd. So, are we comfortable with a crowd? Should we change formats?

Mr. Heydorn: Before a public hearing, there must be a notice published in the paper. This notice must be published at least 30 days before the hearing. I would suggest separating the public hearing from the meeting to pass the legislation to give Council adequate time to consider the public's viewpoints.

Mr. Housley: The next meeting after June 7<sup>th</sup> would be June 21<sup>st</sup>.

Mr. Nivens: There's only 12 people in this room. It's going to be set up for the elections. These mics are portable. Why can't we do a meeting? It's not open to the public. We need to get this business conducted.

Mayor: They have all the voting equipment in here, so they don't want anyone in the room. They may still be setting up the election equipment at that time. That has just been our understanding and agreement with them. We've never had a meeting the day before an election.

Mr. Church: Unless there's a further objection, we will postpone the meeting to May 17th.

Mr. Heydorn: So, in effect you would be setting up a special meeting of Council for this public hearing. With the only matter of business being listening to the public and then use that to consider later when it's time to vote on the legislation.

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Mr. Nivens: This is supposed to be a public hearing. How can it be a public hearing if the public can't come in here?

Mr. Church: We may have to postpone the public hearing.

Mayor: This wouldn't be a special meeting. June 7<sup>th</sup> is already a meeting day for Council, the hearing would just be before.

Mrs. Meyer: We could let them in one by one or a couple at a time. Mr. Scott: I agree.

Mr. Church: I think there will be an overwhelming amount of people who want to talk. That's the problem.

Mr. Housley: We could give them a number. We can make that work.

Mr. Scott: We're limiting the time they can speak to 3 minutes. Maybe if it's that overwhelming, we could get people to sign up for a time to speak and break it into 2 sessions.

Mr. Church: You're talking about actually having people in the chamber? People may not be comfortable, that's why we may have to delay until July.

Mrs. Meyer: We've been pushing it back already. Mr. Church: It depends on comfort level.

Mrs. Meyer: I'm okay with a few people coming in a speaking on June 7<sup>th</sup>. Everyone will have to wear masks, but yeah.

Mr. Nichols: But it might have a chilling effect on participation, if they're waiting out there in their car for an hour, not knowing when they're going to get to come in and speak. They may just leave.

Mr. Housley: If the Mayor is okay with having people in the room, we could set up some chairs back there, up to 4 people in the room at a time. Have everyone sign in on a numbered list, I'll track them down when it's their turn, keep people cycling in and out until everyone has spoken.

Mr. Church: Is everyone comfortable with that? About 5 people at a time, let them each have 3 minutes, then the next 5 until everyone has spoken.

Mrs. Dunphy: Actually, I forgot I'll be on vacation on June 7<sup>th</sup>. So, I'll be participating via Zoom. If everyone agrees, I'd like the hearing to be on June 21<sup>st</sup>. I'd really like to be here in-person. But if not, if it's the pleasure of Council, I'll just listen on Zoom.

Mr. Heydorn: The current authorization to use Zoom as a result of the pandemic expires June 30<sup>th</sup>. So, either they'll extend that, which could happen, or you open it up to a public meeting in-

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person. Because that's what we're doing here. The authorization to use these technics of not meeting in-person is just because of COVID, so when that open meeting law changes, we have to go back to in-person. So, the use of Zoom after that is out. So, will things change June 30<sup>th</sup> or will they extend that? I don't know.

Mayor: Given the state of what's happening, and how our governor has ruled in the past, I fully expect it to be extended. I would be surprised if we had in-person meetings again until July.

Mr. Church: I think most of us would prefer face-to-face. Does anyone have any problems with changing the date to the 21<sup>st</sup>? I know everyone wants to get this done, but I'd really like to include all council members.

Mayor: Will that leave enough time for the press notification on the public hearing? At least 30 days? Mr. Housley: Yes. Mr. Church: So, everyone agrees on June 21<sup>st</sup>?

It was decided that the public hearing will be held June 21, 2021.

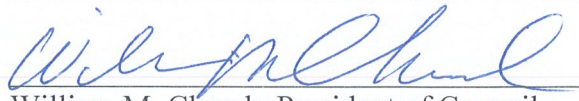
Mrs. Dunphy made a motion for the Clerk-Treasurer to notify the public about the public meeting on June 21<sup>st</sup>. Mrs. Meyer seconded. All signified agreement by saying aye.

Mrs. Dunphy made a motion to table the third reading of the riparian legislation until the first meeting in July. Mrs. Meyer seconded. All signified agreement by saying aye.

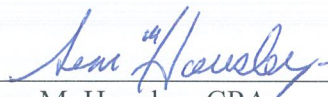
It was decided that the third reading of Ordinance 18-2020 would be tabled until Tuesday, July 6, 2021.

There being no further questions or comments, Council adjourned at 8:05 p.m., until the next regular meeting of Council on Monday, May 17, 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