

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE****Monday, June 21, 2021****7:43 p.m.**

The Village of Silver Lake Council met in regular session on Monday, June 21, 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 7:43 p.m. Mr. Church led the Pledge of Allegiance.

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

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

Mr. Church: Mr. Mayor, I believe you have a swearing-in?

Mayor Hovey: Yes. But first, would you like to make some comments, Chief?

Chief Norris: I'd like to introduce Ed Beverage. He's our new fulltime officer. He comes to us from Summa, and has over 12 years of law enforcement experience. His last fulltime job, other than Summa, was with Hartville. Ed said he wanted to get back in the cruiser in a location like Hartville. He thought that the Village was the place for him. He's about as close to a lateral transfer, which a lot of agencies are doing, that I could ever do. We're happy to have him.

Officer Edgar T. Beverage, Jr., thanked the Chief, the Mayor, and Council. He introduced his family, who came to the meeting in-person.

Mayor: I, state your name, individually, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio, the Charter of the Village of Silver Lake, and the Ordinances of the Village of Silver Lake, and that I will faithfully, honestly, and impartially discharge the duties as an Officer of the Village of Silver Lake, County of Summit, during my continuance in said office. [Officer Beverage repeats the oath.] Congratulations.

Mr. Church: Were there any additions or corrections to the minutes of the June 7<sup>th</sup> Council Meeting? [There being 1 correction or addition, the minutes were held for approval.] Before the reading of the ordinances and resolutions, Mrs. Meyer, you wished to speak?

Mrs. Meyer: Mr. President, as Chair of Personnel & Public Affairs, I'd like to make a motion to amend the agenda of the second reading of Ord. 32-2021, 33-2021, 34-2021, 35-2021, 36-2021, 37-2021, 38-2021, and 39-2021 until the August 2<sup>nd</sup> meeting. We can have a Committee of the Whole Meeting sometime in July, after the riparian setback, to review these ordinances. [The motion was seconded. The motion was passed with 7 ayes and 0 nays.]

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

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**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 21<sup>ST</sup> CENTURY DIGITAL ECONOMY, FOR THE EXECUTIVE AND COUNCIL, AND DECLARING AN EMERGENCY. *(Personnel & Public Affairs)***

**Second Reading:**

Ord. 32-2021, 33-2021, 34-2021, 35-2021, 36-2021, 37-2021, 38-2021, and 39-2021 were taken off the agenda by amendment. Their next reading will be August 2.

**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)***

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

**Mr. Fred W. Johnson, Chair of Silver Lake Estates Board of Trustees:** Good evening. These comments will be shorter than my comments during the public hearing. First, I'd like to thank you, Mr. Church, for conducting a dignified public hearing, extending the time. I was concerned about that, but you handled it very well, and on behalf of the Trustees and the citizens, I appreciate it. My life philosophy has been to turn the other cheek. I'm not a confrontational kind of guy. But the concluding remarks of tonight's public hearing were so deeply offensive that I must say that on-record for my fellow Trustees. During your testimony, Mr. Church, and forgive me for being personal, you spoke of the cooperation and quality of the Trustees in all that we do and stand for. I deeply appreciate that. That's who we are; that's what we strive to be. We're having a little family squabble now, but we're still family. When all of this is done, we're going to be just fine. There's no rift, no animosity between anyone and the Trustees. We happen to

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have different points of view and that’s a good thing in life. Thank you for your courtesy. I had to respond on a more positive note than how the hearing ended.

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

ORDINANCE NO.: 41-2021

Mrs. Dunphy: There are a couple of minor changes to appropriations here: the increase in zoning plan review costs of \$1,000; a transfer in the local coronavirus refund fund from personnel services to other; a decrease in the proposed appropriations for the water fund; and an increase in the proposed appropriations for the sewer fund. Any questions? [There were none.]

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.: 29-2021

Mrs. Dunphy: This is the third reading of our sewer rate increases. We have a companion discussion on this under miscellaneous business. We’ve gone through the rate changes several times during prior meetings, and these are reflective of what’s going on at Summit County. Do we have further discussion on this?

Mr. Scott: Mr. Housley, did you build the anticipation of those retroactive increases into these rates?

Mr. Housley: I think everything can be discussed here. It doesn’t need to be postponed into miscellaneous business; we can just discuss it all now. Any other questions?

Mrs. Dunphy: I’ve got a few. First, we keep dealing with some of the issues from Summit County and from Akron. When you looked at the disputed sewer charges, how much time did you spend on the disputed sewer charges that were billed to Summit County by Akron and then passed on from Summit County to us?

Mr. Housley: Around 150 hours.

Mrs. Dunphy: What was wrong with last year’s bills? We’re having continuing issues with this process.

Mr. Housley: Our bills recalculated with no mathematical mistakes. But the amounts billed were so far beyond reason that I had to do more to verify accuracy. I set up Office 365 meetings (audio only) with the County, and we were told someone was illegally dumping. That just wasn’t a good enough explanation for me. Already having knowledge that approximately 6-7 million gallons of sewage flows through that line per day (180M+ gallons a month), it just doesn’t seem to me that it’s possible for the reported volume of grease to have been flowing through that line when Akron drew their sample. I brought this to their attention on more than one occasion, mentioned that their samples didn’t seem representative. The County Department of Sanitary

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Sewer Services communicated that they did their due diligence and that it was dumping. Our next step was to make a public records request of Akron to make sure that Akron did their math right, in accordance with their procedures, to create the bill in the first place. The bill recalculated, but were the numbers behind the bill accurate? I requested Akron's policy and their sampling logs.

The first problem was that Akron was supposed to sample weekly, but they only sampled twice during November. The second problem was the Akron laboratory reports did not recalculate. There were basic mathematical mistakes on the reports that quantified the volume of pollutants flowing through that line. This mathematical mistake caused Akron to overbill Summit County \$4-5 million. The third problem was that it looked like there were sampling equipment errors. The fluid volume tested in the crucible was inconsistent for every test. One sample volume was less than 2/3 oz. [17 ml.], for a line with approximately 6M gallons flowing through per day. So, I challenged the sampling methodology. Were the proper samples being drawn, were they being applied and projected properly, and could 1 day's sample be projected to an entire week? It was *only after* I got involved with Akron's records, which was beyond anything I should have ever had to do, and found computational errors and what appeared to be equipment errors that Summit County decided to discuss my dispute directly with Akron.

Mrs. Dunphy: Where do we stand on the 2020 retroactive costs? [Mr. Scott seconded.]

Mr. Housley: For the 2020 retroactive fees, Akron's been billing Summit County those costs but the County is not passing them along because Akron hasn't responded to their records request.

Mrs. Dunphy: So, we're going to see a big bill should that stand up?

Mr. Housley: If Summit County loses its dispute with Akron, yes.

Mrs. Dunphy: When I think about you spending 150 hours on this project, correcting bills that we're getting from them while they're not testing according to their own guidelines, while they're not doing their due diligence before billing, while their sampling is clearly flawed, I think that we should submit a bill for your time on this project.

Mayor: We're in the process of doing that.

Mrs. Dunphy: Is Council in support of that idea?

Mr. Scott: Yes, but my question was dealing with the retroactive increase going back to April 2020 that you're now disputing with them. Did you take those anticipated increases and build it into these costs?

Mr. Housley: No. I just disclosed what I expect the amount to be, around \$64,000 potentially, based on our true flow. Basically, you're asking me to bill Akron. Is everyone on Council in support of that? Any remarks? Mr. Nichols?

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Mr. Nichols: No, I think you should do it.

Mr. Plesich: Yeah, I agree. But how are we going to pay that?

Mrs. Dunphy: Well, let's find out if they're right on it first because they've been wrong already once. They've kind of got this track record of coming to us and asking for more than they should.

Mr. Housley: We can discuss those options. The County has addressed that question in their own way. But first, they're also disputing the current 34% increase and have hired some consultants, so what they've said regarding the 34% existing increase is they're disputing it and if they win that dispute, they'll credit our bill. If they win that dispute, I suppose we would also have an option to credit our bills to our residents. Currently, we haven't billed them retroactively. If the County wins the retroactive costs dispute, we won't have any adjustments to make.

Mrs. Dunphy: But in the meantime, we need to be prepared, so I'm going to bring this legislation out for a third reading tonight, regardless.

Mr. Housley: I'll get a bill to Akron sometime this week.

Mr. Nichols: Is there a public hearing?

Mrs. Dunphy: Do we need a public hearing for a rate increase?

Mr. Heydorn: No, it's not mandated by law. You can do whatever you want to do, but it's not a legal requirement.

Mrs. Dunphy: I do appreciate the notice you put out, Mr. Housley. It was very helpful.

Roll call to adopt the legislation:     Yes     7           No     0

The payment of claims for June 7, 2021, was approved as distributed.

The payment of claims for June 9, 2021, was approved as distributed.

**PERSONNEL AND PUBLIC AFFAIRS COMMITTEE- MRS. MEYER**

**ORDINANCE NO.: 42-2021**

Mrs. Meyer: My opinion on this is I like the mayor opposing it, but then I like the idea that—I know COVID that we had kids that didn't have internet. Broadband to me would be important, but as a small business, I would oppose it in not having choice.

Mayor: The public internet does not exclude the private internet. It's just saying that if you want to go with the public one, you can. If the public one is not allowed, then only the private is available, which does limit choice. Basically, it establishes a monopoly. There's 2 cases, Fairlawn and Hudson, where they've established it already, and it's working great. I know there was a letter in the Beacon Journal, a week or so ago, about Fairlawn, and they're paying the

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exact same price they paid the private company they had, but with the public, they're getting 35 Mbps., when they only got 5 Mbps. with the private company. It's not stopping anybody from doing anything, but it's allowing the public to compete if they so choose.

Mrs. Dunphy: Again, we've seen in the past year the need for infrastructure for students, for those who work from home. There's been so many needs, and I can think of some cases of kids going to the library parking lot or other areas to try to do their classwork. I think that supporting every option available is worthwhile, and I wouldn't want to take it away from communities that have chosen it. I know Cuyahoga Falls was discussing doing something to cover the entirety of its downtown, and I thought it was a wonderful idea.

Mayor: That's what it does. It doesn't take anything away from anybody, just adds another player.

Mr. Scott: We just got this on Friday. I don't know if we have all the data on this. I know that there's probably another side to the story that maybe you haven't heard from whoever approached you to pass this. I know the state is looking to spend millions of dollars to try to cover the entire state with broadband, but the south-east section is a problem. It is too hilly and sparsely populated to get these major companies to go down there and do the major investment to get broadband to everybody. It's not profitable enough for them to do that, and maybe they won't do anything unless they get the state as a whole. That's just a guess. I don't know if there's a deadline on this...

Mayor: The Summit County Executive has asked all municipalities in the County to pass such legislation, and from my understanding, they are all doing it. We were asked to do it last week because the bill was in front of the Senate last week, or at least was being discussed. I sent a letter from me personally, and if you pass this resolution, I will send it along too. There is a deadline; it has to be acted on now, so the Senate knows how all the municipalities feel. If we don't act tonight, we are effectively taking no stance.

Mr. Plesich: I'd like to vote on it tonight.

Roll call to suspend the rules:	Yes	7	No	0
Roll call to adopt the legislation:	Yes	5	No	2 (Scott and Nivens)

**PERSONNEL AND PUBLIC AFFAIRS COMMITTEE- MRS. MEYER**

**RESOLUTION NO.: 40-2021**

Mrs. Meyer: You appointed him and why did we pull it off last time?

Mayor: I don't appoint him; the Park Board does. I wanted it pulled because I found out, not too long before the meeting, that the Park Board did not approve him in the proper manner. They did it by emails and phone calls, and I'm not sure that everyone on the Park Board had a voice in it. I

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was told they approved him, but when I found out it wasn't done in a public meeting, I said we can't act on that. They had a public meeting, and did approve this appointment then.

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

REPORTS OF VILLAGE OFFICIALS

**Mayor Hovey:** I notified you all a week ago that we finally found someone to take the artillery out front. We've tried to sell it; we've tried to give it away. There were some groups interested, but they couldn't afford to move it. This gentleman stepped forward and paid to move it. Originally, he was going to put it on his property in southern Ohio, but it was actually taken to someplace in Ravenna because he was related to the owner of that Ravenna property. We took pictures if you'd like to see. Last Friday, big trucks came with a flatbed; I spoke to one of the movers and he said that they cost about \$600,000 each. It took them around 1 1/2 hours to move it, and they estimated that it weighed 1,800-2,500 lbs. Fortunately, it wasn't bolted into the cement. They were able to pick it up, but it was a lot of work. We're going to jackhammer the slab, and start entertaining ideas of what to do with that space. It could be just grass; it might be nice to have a small veterans memorial there, which is what I'm leaning towards. If we do that, I'd like it to be a private enterprise, find a person to serve as chair, form a committee, and come up with different fundraising ideas. I have no idea how much it would cost, but we could get an estimate from Cuyahoga Falls, though its police memorial is more elaborate than what we'd do.

**Mr. Robert Heydorn, Village Solicitor:** No report.

**Mr. Mark Lipan, Service Director, was on vacation and did not report.**

**Mr. Jamie Norris, Chief of Police:** We're still waiting on our cruiser. We ordered it in February, and it was being "held hostage" due to the computer chip shortage. On Friday, I heard that it may be ready for transport. I did file a complaint with Ford Fleet, since we thought it would come in April. We took a cruiser out of service, and did have mechanical issues with other cars, so we were down a cruiser. Klaben really helped move my complaint along. In the past, Klaben helped us with a repair outside of warranty. They filed the complaint over it with Ford on our behalf and got us that extension.

The other thing is around this time last year, we had a pursuit that started in Cuyahoga Falls with another agency. It ended up going down North Dover Rd., and we caught the individual after they jumped out of their car. The car had narcotics and over \$5,000 in cash. That case has finally been settled and we did get a seizure amount of \$3,493. This is the second seizure of funds in the past year or so that we've been awarded.

Lastly, we've talked about the Ohio Collaborative, the community-based board established by former Governor John Kasich in 2015. They put different police executives and community members on the board in the state to establish minimum standards in different areas, like use of force, bodycams, recruitment and hiring, and diversity training. We are now certified in all areas, which will be in the residents' review. I'd like to recognize Lt. David Childers' efforts on this. It

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was a lot of time-consuming work, but now we're certified. Also, our annual report is complete. It should be emailed and on the website by the end of the week.

Mr. Church: Is there anything you need, like cameras or vests?

Chief Norris: We are reaching out to different vendors; there's quite a few. We're collecting prices to update our camera equipment. I'll have that for you soon.

Mrs. Meyer: Chief, how was the sobriety checkpoint?

Chief Norris: It worked well. There was a lot of traffic, but word spreads fast on social media.

**Mr. Sean Housley, Clerk-Treasurer:** In a previous meeting, you all asked me to look into the financing for the Englewood Project. I'm not sure what the status is of the engineering plans, but they should be close to done. An option to think about is allocating the stormwater and sewer costs to the enterprise fund. Council still needs to finalize how much you want to assess the community and how much the Village would pay. That would be just out of general government monies, not the enterprise fund. An option for that is to include a levy on the ballot for whatever portion you decide. After we have the final numbers and after we've determined how much stimulus money is going to be put down on this, it may be minuscule and you may feel that there's no need to put anything on the ballot. You can make an inquiry of the public on the ballot that you would like to propose a levy of X%, which would raise \$X and get their opinion on whether they want to guarantee that debt over the course of 5-20 years, depending on our available financing terms. You can do that before you seek bids. If the community says they're in favor of a \$500,000 levy to pay for the financing on project for the next 15 years, you bid it out and if you need less than \$500,000, I can inform the county auditor and they can adjust that down. The ballot language can be written as "not to exceed \$X," and they can bring it down. Council has the option to put this question to the public and get input like that.

Mrs. Meyer: Mr. Housley, can you provide us with copies of the Charter?

Mr. Housley: I'll get that out.

Mrs. Meyer: When could we have our meeting about the suggested Charter amendments?

Mr. Heydorn: I'll have to check the open meetings law. Officials may not be able to virtually attend meetings after June 30<sup>th</sup>. That may be something to keep in mind.

Mrs. Meyer: Okay. I'm thinking July 13<sup>th</sup> or 20<sup>th</sup>. [Council agreed with those dates.] Let's do July 13<sup>th</sup> at 6:30. [Ms. Shelley Jurkiewicz of the Park Board was in the audience and reminded Council that the Park Board was meeting that day at 6. The mayor offered his office as an alternative space if the Park Board meeting goes past 6:30.]



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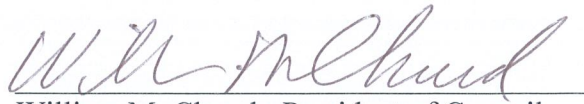
It was decided to hold a Committee of the Whole meeting on July 13<sup>th</sup> at 6:30 to discuss the proposed Charter amendments.

Mr. Nivens: As the liaison to the Park Board, I'd like to report on their June 8<sup>th</sup> meeting. They had had an open house that Saturday, primarily hosted by the Shade Tree Commission. Our Service Dept. made that place look outstanding. It was educational and well-received. One of the things Dr. Barsan and Ms. Jurkiewicz are doing is working on the trails with invasive plants in the back. I think they're going to ask for more money, and we should look at that.

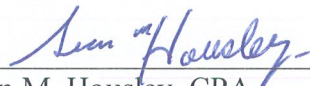
**Miscellaneous Business was addressed during the discussion of Ord. 29-2021.**

There being no further questions or comments, Council adjourned at 8:38 p.m., until the next regular meeting of Council on Tuesday, July 6, 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