

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**Monday, October 4, 2021****7:00 p.m.**

The Village of Silver Lake Council met in regular session on Monday, October 4, 2021, 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. 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 - 0.

Mr. Church: Were there any additions or corrections to the September 20th minutes? [There being none, the minutes were approved as submitted.] Assistant Clerk, the readings, please.

First Reading:

RESOLUTION NO.: 56-2021 A RESOLUTION AUTHORIZING THE SUMMIT COUNTY FISCAL OFFICER TO ADVANCE LOCAL TAXES FOR THE BENEFIT OF THE VILLAGE OF SILVER LAKE FOR TAX YEAR 2021, PAYABLE IN 2022, AND DECLARING AN EMERGENCY. *(Finance & Appropriations)*

ORDINANCE NO.: 57-2021 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:

RESOLUTION NO.: 55-2021 A RESOLUTION IN SUPPORT OF THE FUNDING AND CONSTRUCTION OF THE VETERANS TRAIL PROJECT IN THE VILLAGE OF SILVER LAKE, OHIO. *(Planning, Zoning & Insurance)*

Third Reading: None.

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

Mr. Bill Sepe, Co-director, TASCforce, LLC: Good evening. I was here a month ago requesting this Council pass a resolution supporting the Veterans Trail. Solicitor Heydorn and Clerk-Treasurer Housley told us the resolution has been drafted and had its first reading. We are here tonight to answer any questions this Council might have. We'd like to inform Council that the Cities of Hudson and Stow are working on a joint TASA grant application to be submitted to the Akron Metropolitan Area Transportation Study (AMATS) for the section of trail north of Springdale Rd. up to Barlow Rd. The City of Cuyahoga Falls intends to file for a TASA grant for another section, details forthcoming. There is clear interest in neighboring communities about this trail. Please know we are committed to this and feel it is in the best interests of homeowners in Silver Lake to preserve this right-of-way as a green space. Thank you.

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7:00 p.m.

Ms. Kristen Nervo Dowey, resident: Hello. I was also here a month ago, speaking to Council about adding sidewalk to Rt. 59 from Thomas Dr. to Church St. My husband and I went around and got 31 households to sign our petition. Several others said they would write their own letters on the issue. People were surprised that putting sidewalks there wasn't brought up before. Of course, everyone wants a light there, but this could be a good alternative. [Ms. Dowey handed the petitions and materials to Clerk-Treasurer Housley.]

FINANCE AND APPROPRIATIONS COMMITTEE - Mrs. Dunphy

RESOLUTION NO.: 56-2021

Mr. Housley explained that this resolution was simply routine procedure that allowed the county to start to advance the Village's tax monies right away in monthly installments.

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|--------------------------------|-----|---|----|---|
| 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.: 57-2021

Mrs. Dunphy summarized the appropriations adjustments. Mr. Housley stated the Village's electric bill was doubled for a few months this year, and directed inquiries to Mr. Lipan. Mr. Housley stated the Englewood Bond Counsel appropriation was contingent on Council approving the Englewood project; the Village wouldn't sign the contract if Council disapproved.

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

The payment of claims dated September 17, 2021, was approved as distributed.
The payment of claims dated September 29, 2021, was approved as distributed.

PLANNING, ZONING, AND INSURANCE COMMITTEE – Mr. Nichols

RESOLUTION NO.: 55-2021

Mr. Nichols summarized the legislation and asked TASCforce [Mr. Sepe and Mr. Ron Brubaker] about the grant and cost. TASCforce clarified that if the project goes forward and the grant is awarded, the 22% mentioned in the legislation would go to the Village to support its portion of the trail. The \$920,00 mentioned in the legislation refers to a 1.45 mi. section; an article in the *Akron Beacon Journal* ballparked that the trail would cost about \$1,000,000 per mile. Mr. Nivens asked how the trail would cross Graham Rd. TASCforce answered that crossing is an issue, and it was likely that there would be a signal to cross, but it'd be AMATS and Stow's decision. Mr. Lipan was told the trail would go up to the light where the offramp is to cross and then go back down. It was mentioned that the existing trail uses a signal to cross Steels Corners Rd. Mr. Nivens mentioned similar signals at the Hudson and Springdale, and Graham and Dover intersections. Mr. Plesich said those were preexisting intersections, and Mr. Nichols returned that placing new signals for trails had been done before.

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| Roll call to suspend the rules | Yes | 7 | No | 0 |
|--------------------------------|-----|---|----|---|

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Roll call to adopt Yes 7 No 0

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey: First, we will be having the house and pumpkin decorating contests this year. The details are on our website, and things will be the same as last year, except there will be only one category for the pumpkin contest. The houses will still have 2 categories, most festive and spookiest. The voting will be on the Village’s Facebook page from Oct. 26 to Oct. 29 at noon. The Silver Lake Patrolmen’s Association will be providing Amazon giftcards as prizes again.

Moving on to Englewood, Stow has agreed to pay approximately \$89,000 for sidewalks on their side, and approximately \$200,000 for the sewers. Our main aim was getting permission to divert that water into Wetmore, and we got it. Stow has agreed to assess its residents for driveway approaches and curbs, but only if we gather signatures in support of this from at least 60% of the Stow residents affected. I said we would not do that; Stow should. I have not heard back yet, but we’re meeting on Thursday. The Village will be handling the project completely. Our Assistant Service Director will be the project manager, but Stow reserves the right to do inspections at any time, which is fine with us. With Stow’s contribution of about \$419,000, potentially \$210,000 of the American Rescue Act [ARPA] monies, and \$500,000 from the general fund, the remaining balance is about \$2,000,000. At the next meeting, Council will see a resolution of necessity about Englewood; if it passes and Council agrees to seek bids, Mr. Lipan will start the bidding process. Chief Norris couldn’t attend tonight, so I have his report.

Chief Jamie Norris, Chief of Police (given by the Mayor): The Chief wanted to publicly recognize Dr. David Barson for sponsoring a training session for our officers. The training was designed to build mutual trust, improve the relationship between police and the communities they serve, and improve officer safety. Dr. Barson’s funding allowed 25 officers to do this training; 4 of our officers attended and it was open to other communities.

Our department will be participating in the National Faith in Blue weekend on Oct. 9. Faith in Blue is a national initiative to build bridges and heal divisions between law enforcement and their communities through the connection of local faith communities and houses of worship. We’re lucky that our police department is respected by our residents, and we participate in these events to further bring together the entire region.

Mr. Robert Heydorn, Village Solicitor: I’d just like to explain the Englewood attorney’s fees Council voted on tonight. The firm of Roetzal & Andress carries the necessary certification to stand behind the bonds issued and notes put out related to this project; their involvement is imperative. Most communities hire specialists like them to ensure projects are carried through and financed well. That’s why this firm will be heavily involved in this process.

Mr. Mark Lipan, Service Director: The Vactor is still broken, but hopefully, we’ll have it back by Thursday. Our backhoe was taken into the shop for repair.

Last time, I mentioned the leaf crew wage and I’ve since found out Munroe Falls is paying \$15/hr. and Cuyahoga Falls is starting at \$13.80. I need about \$4,800 more in that account, and the salary ordinance [55-2020] will have to be updated. I’d like this before Oct. 24.

On Englewood, Stow is redirecting about 7 acres of our watershed to Wetmore.

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Mr. Sean Housley, Clerk-Treasurer: Also on Englewood, I believe about \$260,000-300,000 of the stormwater costs should be chargeable to the ARPA 2022 monies. So, not all of the \$725,000 I assigned to the stormwater fund will be billed to it, probably only \$415,000. I'm 95% certain, but I'll do further research.

Next, September is closed and reconciled. My assistant has been with us 6 months now. Good job. We're scheduled to go live on our new software, VIP, within the next week or so. This may not surprise you, but we still haven't received payment from Akron on that invoice for my services dealing with their sewer overcharges.

Also, we are putting more effort into getting delinquent taxfilers to file. At the beginning of this year, they received notices from us, and now they're getting their last notice by certificate of mailing. After about a week, if they're still delinquent, the Village will issue complaints for warrants for them.

Miscellaneous Business:

Mrs. Dunphy mentioned the presence of Council's esteemed guests: EnviroScience and several Silver Lake Estates [SLE] Trustees. Mrs. Dunphy cited the 2015 EnviroScience report commissioned by the Village and the 2018 Watershed report commissioned by SLE. She continued by stating all interested parties should be involved in the stormwater conversation and the Village's budget season was drawing near. She mentioned a letter provided by Mr. Johnson [Chair of SLE Trustees] referencing monitoring the lake.

Mr. Johnson replied he didn't have the specific numbers, but EnviroScience might. Mr. Johnson emphasized the 2015 report's age and said the Village has had answers to this problem for 6 years. He noted some nutrient levels that should have measured around 100 were recorded at around 230 and up to 850. He said the report lays out areas to target and suggestions like an aeration system and monitoring. SLE embraced and has been doing some of the suggestions on an on-going basis. Mr. Johnson cited the \$12,000 per year SLE pays for EnviroScience to monitor and sample the lake. He mentioned the times this year they had to put up the caution flag, including 14 days where the yellow flag was up because of blue-green algae. The lake is hitting new levels and EnviroScience has new suggestions about products to try. He stated success was a squishy concept that could mean 10% or 50% efficacy. SLE already invests \$50,000 per year in lake quality and these new suggestions could cost an additional \$10,000-20,000. During October and November, SLE and EnviroScience will confer further to decide whether these new suggestions are worth the investment. [Mr. Church inquired about other lakes that have used the suggested product, Vodaguard C.] Mr. Johnson named Chippewa Lake and deferred to the EnviroScience representative.

Sheila Rayman, P.E., [Manager of Compliance Services and Senior Environmental Engineer, EnviroScience] indicated high microsystem and biological levels were causing the algae growth. EnviroScience was working with AQUA DOC [lake and pond management company] to put products in the lake to get rid of the algae. She didn't have the exact numbers, but she could get them. She cited several similar instances of working with AQUA DOC to remove biological hazards. [Mrs. Dunphy asked about the frequency of treatments.] Ms. Rayman answered that the treatment will be done several times and could be affected by several variables.

Mr. Johnson stated SLE has never used such a treatment before, being reluctant to introduce chemicals into the lake. He circled back to the 2015 report and reemphasized that the

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stormwater problem was laid out 6 years ago and has been known since then. He likened the stormwater going into the lake to a neighbor dumping yard waste on his property. He applauded the mayor's effort to get Stow involved. Mr. Johnson declared that partnerships are reciprocal, yet for the past 6 years, the Village/SLE partnership has felt one-sided. He praised the Village for the stormwater mitigation efforts in the Englewood project, and stated the past was over and everyone should focus on what can be done now.

Mrs. Dunphy emphasized that Council has the same goal as SLE. [Ms. Polly Bloom, SLE Trustee, asked Council to budget in lake monitoring costs each year and update the 2015 report with the latest products and options.] Mrs. Dunphy mentioned Council had old numbers, and asked whether more current numbers were available.

Ms. Rayman suggested monitoring the stormwater coming into the lake, on top of the current monitoring of the entire lake. If each lake drainpipe was tested, EnviroScience could pinpoint a drainage district to focus on, which could improve overall water quality. [Mrs. Dunphy stated the 2015 report gave data for each watershed and asked whether that data would have changed.] Ms. Rayman said watersheds marked as an issue probably still would be, but other watersheds that weren't flagged might have worsened since the report. She stressed there was no silver bullet, no one-and-done, and improving the lake required long-term efforts.

Mrs. Dunphy asked about the costs of monitoring and of EnviroScience's suggestions. The 2015 report named watersheds C and G as having high nutrient levels. Mrs. Dunphy said the Englewood project should help C. Mr. Plesich mentioned the Lee Rd. project in G, and said the Village was taking steps, multimillion-dollar projects, on the stormwater issue. Mr. Nichols recommended a more aggressive approach to the Englewood project, and asked whether EnviroScience could suggest more stormwater mitigation elements that could be added and help the Village with grants for the project.

Ms. Rayman answered that EnviroScience does seek out grants and could help the Village with that, and agreed to speak with Mr. Housley. She stressed that stormwater was a universal problem and addressing one watershed would not solve the entire issue. She said grants were usually based on improvement per person, so stormwater was difficult because it's not concretely measured. Ms. Rayman agreed with Mr. Housley that there were grants other than 319 available. [Mr. Nichols noted Ms. Bloom's close relationship with Western Reserve Conservancy.] EnviroScience has worked with the Conservancy several times.

Mrs. Dunphy encouraged Council to commit to a concrete plan to address the issue. She restated Council's desire to see specific pricing for the suggestions from the 2015 report and any new applicable suggestions. She highlighted residents' ability to disconnect their downspouts from the storm sewer for rain barrels and raingardens. Mr. Nichols interjected that the Garden Club should take a primary role on promoting raingardens and rain barrels. Unsuccessful past attempts to limit fertilizers were brought up. Mr. Scott said many residents add phosphorus to their lawns for no reason because they don't test their soil beforehand. Mr. Heydorn reminded Council that the discussed suggestions would require modifying the stormwater ordinance in the zoning code, and as that is the Planning Commission's jurisdiction, they should be involved. Mr. Scott asked if there were any new elements the Village could add into the Englewood project. Mr. Lipan reminded Council of the stormwater retention basins being put in. Mr. Church inquired about the effects of the maximum impervious surface legislation. Mr. Plesich said that future testing would show the effects of the Lee Rd. project and impervious surface legislation.

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Mr. Heydorn gave some historical background: the Lee Rd. project fixed the over/under sewer [waterline and sewer access through the same maintenance hole] so it no longer dumped raw sewage into the lake, which is far more of a health hazard than high phosphorus levels. Raw sewage went into the lake through the '30s, '40s, and into the '50s. In the '90s, they found an uncovered sewer with holes in it, probably dumping sewage into the lake for decades. During that same period under Mayor Thudium, millions of dollars were put into fixing all the over/unders in the Village. It was a total remake of the sewers. For most of its history, Silver Lake has been subject to raw sewage, just to put the talk about high levels of nutrients into perspective. While on Council [1992-1996], Mr. Heydorn suggested diverting all storm sewers to the Cuyahoga River, which has never been seriously considered. Stormwater going into the lake has been an issue for decades, and this report is really an afterthought compared to everything the Village has done and has not done for decades.

Mrs. Dunphy reemphasized the necessary of focusing on the present and circled back to creating a solid plan to go forward. Mr. Al Lloyd [resident] said the mayor created a group of interested people, stakeholders, which included himself, Mr. Johnson, and Ms. Bloom, and suggested the group come together again. Mrs. Dunphy agreed to be the point person for the issue and emphasized the need to keep focusing on the issue. Mr. Nichols asked EnviroScience to submit cost estimates for the necessary monitoring and the 2015 report's suggestions before the Oct. 18 budget meeting. Mrs. Dunphy concurred and added that she wanted to see pictures of the suggested products/elements to see what homeowners will see.

Ms. Rayman clarified that EnviroScience's data collection would last at least a year to get samples during all 4 seasons, meaning it might take at least a year to get the data necessary for more recommendations. She agreed with the Village taking steps now, like promoting raingardens and the Englewood project's planned bioretention cells. She added that stormwater sampling looks at more than just biological elements.

Mrs. Dunphy gave Mr. Denny Stoiber [Chair of Village Planning Commission, Chair of Summit Soil and Water Conservation District] the chance to speak. Mr. Stoiber stated the amendment to the zoning code that was suggested by the Planning Commission and passed by Council [68-2009] allowed more than rain barrels and raingardens, but homeowners who wished to disconnect their downspout still needed Planning Commission approval. He cited Summit Soil & Water Conservation District's expertise in raingardens and promoted its free rain garden and rain barrel trainings. He clarified the maximum impervious surface legislation [13-2017] was a prophylactic resolution to prevent future harm; no one was asked to remove any impervious surface on their property, but they're limited on how much they can add. Mr. Lipan interjected to praise Ms. Shelley Jurkiewicz's knowledge of raingardens. Mrs. Dunphy invited anyone who wanted to be involved in the stormwater discussion to email her.

Mr. Church moved onto the discussion regarding the deer hunting ordinance and gave the floor to Mr. Nivens. Mr. Nivens stated deer season started on Sept. 25 and will end Feb. 6. He said 6 deer were culled last season from both Crystal Lake private property and Village public property, and questioned whether that was worth the public being barred from recreational facilities. He recommended that Council review the deer hunting ordinance on a yearly basis to determine whether to close the recreational facilities for that year. Mr. Nivens requested that the facilities not be closed this year. Mr. Church asked if Council was interested in revisiting the deer issue.

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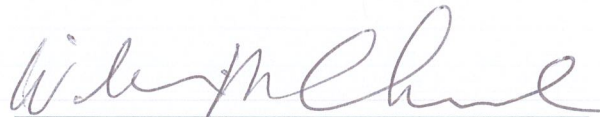
7:00 p.m.

The mayor clarified that the recreational area was not closed for the extended season, but from Thanksgiving until the end of the season; he stated hunters could hunt from half an hour before dawn until half an hour after sunrise. The mayor noted that before the cull was in effect, there were 15-18 reports about deer per year on average. After 2 years of the cull, there were 4-5 reports about deer. The mayor stressed the safety issue posed by the deer. Mr. Heydorn mentioned his wife's experience as a science teacher, and said each deer killed cuts down the population geometrically. Mrs. Louise Heydorn agreed that killing bucks would cause a tremendous change in population; the same with culling does since they can produce 2-3 fawns per year. Mr. Heydorn concluded that killing one deer can appreciably impact the future population. It was determined that the mayor has the option each year to implement the cull or not. Council decided not to change the deer hunting ordinance.

Mr. Nichols asked that Mr. Philip Kaplan, the unopposed contender for his seat, be invited to the budget meeting. The mayor responded that he had already invited Mr. Kaplan.

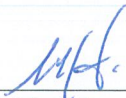
Council unanimously voted to go into executive session at 8:18 p.m. The next regular Council Meeting will be on Monday, October 18, 2021, at 7:00 p.m., with a Finance and Appropriations Committee Meeting regarding the budget occurring right before at 6:00 p.m.

APPROVED:



William M. Church, President of Council

ATTEST:



Sean M. Housley, CPA
Clerk-Treasurer

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