

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

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Monday, July 20, 2020

NOTE: The Council meeting will be conducted via teleconference. Participation in the teleconference is available to the public by dialing the following number and then entering the identified access code (when prompted).

Dial-in number (US): (978) 990-5000. **Access code:** 172169

We recommend joining the teleconference 5 minutes early. If you are initially unsuccessful, hang up and try again. The line can become busy and it may take a few attempts. If you become disconnected, there are no limitations on rejoining the meeting.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

7:00 p.m.

1. Roll call of Council.
2. Approval of the minutes
- Approval of the minutes of the July 06, 2020, Regular Council Meeting.
3. Ordinances and Resolutions:

FIRST READING:

RESOLUTION NO.: 26-2020 A RESOLUTION TO ACCEPT COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUNDS RECEIVED BY THE COUNTY OF SUMMIT PURSUANT TO HOUSE BILL 481 (“ACT”) AND TO MAKE AFFIRMATIONS PURSUANT TO THE REQUIREMENTS OF THAT LEGISLATION AND DECLARING AN EMERGENCY. (*Planning, Zoning and Insurance*)

RESOLUTION NO.: 27-2020 A RESOLUTION AFFIRMING THAT FUNDS FROM THE COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND WILL BE EXPENDED ONLY TO COVER COSTS OF THE VILLAGE OF SILVER LAKE, OHIO CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT AS DESCRIBED IN 42 U.S.C. 601(D), AND ANY APPLICABLE REGULATIONS AS IS NECESSARY PURSUANT TO H.B. 481 BEFORE RECEIVING SAID FUNDS AND DECLARING AN EMERGENCY. (*Planning, Zoning and Insurance*)

SECOND READING: None

THIRD READING: None

4. Comments from the audience (*3-minute maximum per person*).
5. Committee Hearings to discuss pending legislation.
 - A) Planning, Zoning & Insurance.
 - B) Finance & Appropriations.
 - C) Public Improvements.
 - D) Personnel & Public Affairs.
6. Reports of Council's Standing Committees.
7. Mayor's Report.
8. Reports of Village Officials.
9. Miscellaneous Business.
10. The next regular meeting of Council will be on **Monday, Aug 03, 2020 at 7:00 p.m.**

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, July 06, 2020

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, July 06, 2020, by teleconference.

With President of Council Mr. Gerald Jones presiding, the meeting was called to order at 7:00 p.m.

The following members were present and responded to roll call: Mr. Dann Nivens, Mr. Tim Nichols, Mr. Gerald Jones, Mr. William Church, Mrs. Therese Dunphy, and Mr. Matthew Plesich.

Roll call of Council - 6 members present

Absent – Mrs. Betsy Meyer. Mrs. Meyer was excused.

Mr. Jones: Were there any additions or corrections to the minutes of the June 15, Council meeting. There being no additions or corrections, the minutes were approved as submitted.

Mr. Jones: Called for the reading of ordinances and resolutions by Mr. Housley and assigned the committees.

First Reading:

RESOLUTION NO.: 24-2020 (as amended) A RESOLUTION AWARDED A CONTRACT TO UNITED EARTHWORKS, LLC FOR THE 2020 RANDOLPH ROAD WATER MAIN REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY. (*Finance & Appropriations*)

RESOLUTION NO.: 25-2020 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF ROBERT BARSAN TO REPLACE DAVID BARSTOW AS A MEMBER OF THE SILVER LAKE PARK BOARD FOR THE REMAINDER OF THE TERM ENDING DECEMBER 31, 2021, AND DECLARING AN EMERGENCY. (*Personnel and Public Affairs*)

Second Reading:

ORDINANCE NO.: 23-2020 (as amended) AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2020, AND DECLARING AN EMERGENCY. (*Finance & Appropriations*)

Third Reading: *None*

Comments from the audience:

Mr. Jones: Called on **Fred Johnson** of 2943 Overlook Road regarding stormwater run-off originating from the Duffy property on Silver Lake Blvd.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, July 06, 2020

7:00 p.m.

Mr. Johnson: I provided Sean photos of this situation from December 2019, March 2020, May 2020 and just last week in June 2020. I brought this issue to Council’s attention in May. Stormwater run-off has been identified as a major contributor of pollutants in our lake. 92.5% of water entering the lake is from stormwater. The silt from the property in question is problematic. I have samples and have been in communication with Summit County Soil. We seem to have a problem for which there does not seem to be a solution. Next month we will take up the Riparian issue, the 7.5% contributor. For this situation, we are searching for a solution, in which there is no problem. The trustees of Silver Lake remain opposed to the inclusion of lakes in the proposed legislation.

FINANCE AND APPROPRIATIONS COMMITTEE - Mr. Church

ORDINANCE NO.: 24-2020

Mr. Church: This is in regards to the Randolph Rd Water Main Project. Mark, was the \$54,340 in the budget or is that in addition to Ordinance 60 from last year?

Mr. Lipan: We actually budgeted \$125,000 for this project.

Mr. Church: I am struck by the disparity in the bids. The highest being \$189,000 and the lowest \$54,340. Does that seem odd to you?

Mr. Lipan: If you look at past bids there are companies in my opinion that try to get government money. The low bid just wants the job. The low bid did put in references. I checked into them and they all did not have anything bad to say about the company.

Mrs. Dunphy: Are the scope of work and warranty on all of these bids the same?

Mr. Lipan: Yes, it is all in the contract.

Mr. Nichols: Do we require these to be bonded?

Mr. Lipan: Yes.

Mr. Housley: I realized that section 4 of this legislation needs to be struck out, it is already appropriated. We do not need to increase the appropriations.

Roll call to suspend the rules:	Yes	6	No	0
Motion to amend	Yes	6	No	0
Roll call to adopt the legislation as amended:	Yes	6	No	0

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7:00 p.m.

FINANCE AND APPROPRIATIONS COMMITTEE - Mr. Church

ORDINANCE NO.: 23-2020

Mr. Church: This is a second reading. Sean you said that there was an amendment to this?

Mr. Housley: We increased the appropriations from \$3,115 to \$5,619 pertaining to transitioning our utility server into the “Cloud” via Neptune 360

Roll call to suspend the rules:	Yes	6	No	0
Motion to amend	Yes	6	No	0
Roll call to adopt the legislation as amended:	Yes	6	No	0

The statement of cash position for June 30th 2020 was discussed and accepted as distributed.

The payment of claims for June 17th and June 30th were discussed and accepted as distributed.

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE - Mr. Nichols

RESOLUTION NO.: 25-2020

Mr. Nichols: This is in regards to the appointment of Robert Barsan in the place of David Barstow.

Mr. Nivens: Did we have anyone else express interest in this?

Mayor Hovey: No, we did not. He was originally in the position but due to certain circumstances he had to leave and when this opened back up his circumstances had changed and he was able to join again.

Roll call to suspend the rules:	Yes	6	No	0
Roll call to adopt the legislation:	Yes	6	No	0

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey: Silver Lake will be receiving close to \$170,000 from the CARES Act. There are specific things in which we can spend it on. We have been talking with Summit County in order to receive guidance on how we are able to spend that money. It does not seem entirely clear. However, we think we can spend it on communication. We are looking at getting laptops for office personnel, so that if it came to it, they would be able to work from home. We are also looking into getting iPads for every Council member so that we can do these meetings via Zoom. We do know that we can use the money for disinfectant supplies. We also had a few people that quarantined so we can use that money on them as well. The big question is whether or not we

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can use the money on the Police Department. We also think that we may be able to use the money for the new security door since it is Covid-19 related.

Mr. Church: Is this a question of use it or lose it?

Mayor Hovey: At the next meeting there will be a Resolution presented to you where we ask Summit County to forward our share of the money to us. They have 7 days to do that. Anything we do not spend we do have to return.

Mr. Nivens: I had emailed the Mayor about replacing the window in the Police Department similar to the one in the Administrative Office, I just wondered what happened with that?

Chief Norris: We did replace the window. It is more secure and anchored tight with the mouthpiece to speak through and a slot for papers.

Mrs. Dunphy: I would be pleased to see us prepare the staff for the opportunity to work from home and Council to move to a Zoom format.

Mr. Jones: I understand that there is an engineering project to raise the road 16-18 inches.

Mayor Hovey: Yes. I mentioned that in my State of the Village address to decrease the amount of flooding. That is one of the options, it is not on the books yet because it was substantially more expensive than I expected. We were just gathering information.

Mr. Jones: Did you already pay the engineer?

Mayor Hovey: Yes, I think it was around \$5,000.

Mr. Lipan: Yes, that is correct. It was just the preliminary to see what choices we have.

Mr. Jones: I spoke with a resident who said that it does not flood as bad now that the dam is gone and they don't feel that the project is necessary. We also have the bids in front of us for the security door. The one for \$8,800 is a lot more detailed. Where will this door be placed? Before the Mayor's Office and the Police Department stairs?

Mr. Lipan: Correct.

Mr. Jones: How will that work when people come in? Will they still be able to go to the counter?

Mr. Lipan: They will come in like normal, there will just be a glass partition there and the girls in the office will buzz them in.

Mr. Jones: Will employees and Council members also need buzzed in?

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Mr. Lipan: We are looking in to getting key cards.

Mr. Church: Will there be an intercom?

Mr. Lipan: Yes, and a camera.

Mr. Nivens: We discussed improving accessibility in the front, where are we on that?

Mr. Lipan: We have not checked in to that yet, it should be fairly easy to do.

Mr. Jones: When will the door be installed?

Mr. Lipan: As soon as you approve this, I have to get a PO and then there is a 3-4-week lead time for making the door.

Mrs. Dunphy: I am happy that we seem to be moving forward with the Zoom option. I sent some links to Mr. Jones from other municipalities for good examples to follow. I can forward those to Sean as well.

Mayor Hovey: I wanted to mention that last Wednesday, Vicky Smith of Silverview organized a group to thank the police and made a monetary donation to the Silver Lake Patrolmen's Association.

Mr. Robert Heydorn, Village Solicitor: Sean sent me an email in regards to the parameters of how we can use the CARES Act money and it seemed pretty well defined. I don't want it to seem like I am making it overly complicated to run the meeting. The procedure for amending follows Roberts Rules and is quite simple. The only thing you have to remember is the amendment process. If you would like me to produce a cheat sheet for you to use just let me know.

Chief Jamie Norris: I also would like to thank the Smith's for organizing the small rally to show appreciation for the police. We appreciate the citizens as much as they appreciate us. I know there is stuff going around saying who is listed and registered with the Ohio Collaborative which is an organization that certifies departments in certain areas. It is not that we aren't certified, we are registered now. It shows that we have a basic use of force policy that we go over. We have phase one complete and we are moving on to phase 2.

Mr. Mark Lipan, Service Director: We have exercised 25 water valves so far and none of them have needed replaced. Out of all the manholes that we checked, 21 need to be relined. I spoke with Summit County and they gave me the names of the people who do their relining.

Mr. Nivens: What process do they use?

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Mr. Lipan: It will be the epoxy lining. To hit on what Mr. Johnson said about the Duffy's, I have been on it since the beginning. The contractor has come a long way with its stormwater prevention. They have also been in contact with Summit County and they have said that he is doing all that he can do. Right now, there is no sediment going into the lake, it is just brown water.

Mr. Jones: Who is the contractor on that?

Mr. Lipan: Don Brown

Mr. Sean Housley, Clerk-Treasurer: It seems that a couple pieces of legislation will be required for the CARES Act money. There could be a third piece. The guidance I have been given says that the money cannot be used to replace lost revenue. If we have Police Officers spending more than 50% of their time on Covid-19 related activities then their wages would be able to be covered. The distribution seems as if it will be automatic. By the end of the year, any money that is not encumbered must be returned.

Mr. Church: Do you really think that iPads for Council will be eligible in a situation like that?

Mr. Housley: Yes. It's in the most recently released guidance. The US Treasurer FAQ's states that expenses to improve telework capabilities for public employees to enable compliance with Covid-19 Public Health Precautions are eligible. Regarding the new doors, the conference box allows us to ask questions such as do you have a fever. We probably would not have done these doors this year if it were not for the virus. Additionally, RITA has said that our income tax collections are up 5%. Our gas tax is collections are also greater than last year at this time due to the increased tax per gallon last year. Our ticket revenue is not down by much compared by last year at this time. I am not seeing a significant financial impact as of the end of June.

Mr. Nivens: We have a big meeting coming up and the Mayor eluded to maybe having it at the Church if we sanitized after. We may need video monitors for overflow. The Mayor had previously brought up street lighting and the different costs and companies, we haven't heard anything about that, so if we could get an update on that. Also, we should get the golf cart legislation moving along. Lastly, I mentioned how we budgeted for animal control and I am wondering if you would like me to look into finding someone who holds the proper license to do this.

Mr. Jones: I noticed that Cuyahoga Falls is converting all of their street lights to LED. I don't know what the cost is. Can we get a count from Ohio Edison on how many street lights we have?

Mr. Lipan: I do have the street light count on my computer. The last time I spoke with them they were just changing them as they went bad to LED.

Mr. Jones: What if we ask them what it would cost to change them all to LED?

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Mr. Lipan: If I remember correctly, they were a couple hundred dollars each.

Mr. Nivens: When we switched over the Village complex to LED, we saw a savings in the electricity.

Mayor Hovey: If Council wants to switch them over, we can get you a figure to discuss.

Mr. Jones: Mark I would like you to work on that.

There being no further questions or comments, Council adjourned at 8:05 p.m., until the next regular meeting of Council on Monday, July 20, 2020, at 7:00 p.m.

APPROVED:

Mr. Gerald P. Jones, President of Council

ATTEST:

Sean M. Housley, CPA
Clerk-Treasurer
prepared by: Lora Stewart, Assistant to the Clerk-Treasurer

RESOLUTION NO.: 26-2020

VILLAGE OF SILVER LAKE

INTRODUCED BY: The Administration

A RESOLUTION TO ACCEPT COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUNDS RECEIVED BY THE COUNTY OF SUMMIT PURSUANT TO HOUSE BILL 481 (“ACT”) AND TO MAKE AFFIRMATIONS PURSUANT TO THE REQUIREMENTS OF THAT LEGISLATION AND DECLARING AN EMERGENCY.

WHEREAS, the Coronavirus Disease 2019 (COVID-19) has had a significant impact on the health and wellbeing of the residents of (insert name of political subdivision), and has adversely affected its economy and employment for residents, local businesses, government and non-profit organizations throughout the Village.

WHEREAS, the State of Ohio has enacted Senate Bill 310, to provide Title V CARES Act funds under the 45% provision for local governments to local subdivisions; and

WHEREAS, pursuant to that Act, funding has been distributed to the County of Summit for further distribution to local political subdivisions; and

WHEREAS, pursuant to the Act, a receiving subdivision is required to adopt a resolution affirming certain requirements in order to be eligible to receive such payment;

WHEREAS, the Act further requires the subdivision to establish a fund within its treasury named the Local Coronavirus Relief Fund, and it is necessary to authorize the fiscal officer to create such fund;

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

Section 1. That the fiscal officer is hereby directed to create a special revenue fund within the accounts of the Village of Silver Lake and to name such fund the Local Coronavirus Relief Fund.

Section 2. That the Village of Silver Lake affirms that all funds deposited into this fund shall be used to cover the costs of the subdivision consistent with the requirements of section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, set forth in 42 U.S.C. 601(d) and any regulations applicable thereto, as well as any guidance established by the U.S. Treasury Department and the Auditor of the State of Ohio.

Section 3. That the Village of Silver Lake affirms it understands that this fund shall be subject to audit by the Auditor of the State of Ohio during its next regular audit under section 117.01 of the Ohio Revised Code.

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Section 4. That the Village of Silver Lake affirms that unencumbered funds, if any, in this account on October 15, 2020 will be paid to the County of Summit Fiscal Officer, who shall deposit the funds in the County Corona Virus Relief Distribution Fund and will proceed under the requirements of the Act.

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this 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 6. That this Resolution 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 inhabitants thereof, for the reason that it is necessary, in order to properly use the Local Coronavirus Relief Fund to fund the Village of Silver Lake’s efforts to abate the COVID-19 public health crisis, 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:

Gerald P. Jones, 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

RESOLUTION NO.: 27-2020

VILLAGE OF SILVER LAKE

INTRODUCED BY: The Administration

A RESOLUTION AFFIRMING THAT FUNDS FROM THE COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND WILL BE EXPENDED ONLY TO COVER COSTS OF THE VILLAGE OF SILVER LAKE, OHIO CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT AS DESCRIBED IN 42 U.S.C. 601(D), AND ANY APPLICABLE REGULATIONS AS IS NECESSARY PURSUANT TO H.B. 481 BEFORE RECEIVING SAID FUNDS AND DECLARING AN EMERGENCY.

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020; and

WHEREAS, the Ohio General Assembly established a process for distributing funds provided by the “Coronavirus Aid, Relief, and Economic Security Act” in Senate Bill 310, now H.B. 481 of the 133rd General Assembly (S.B. 310); and

WHEREAS, S.B. 310, now H.B. 481 requires subdivisions receiving funds under Section 1 of the act, to pass a resolution affirming that funds from the County Coronavirus Relief Distribution Fund may be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 601(d), and any applicable regulations before receiving said funds; and

WHEREAS, the Village of Silver Lake, Ohio is requesting its share of funds from the County Coronavirus Relief Distribution Fund.

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

Section 1. The Council of the Village of Silver Lake, Summit County, Ohio affirms that all funds received from the County Coronavirus Relief Distribution Fund pursuant to S.B. 310, now H.B. 481 be expended only to cover costs of the Village of Silver Lake, Ohio consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 601(d), and any applicable regulations and guidance only to cover expenses that:

- (1) Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- (2) Were not accounted for in the Village of Silver Lake’s most recently approved budget as of March 27, 2020; and
- (3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

RESOLUTION NO.: 27-2020

Section 2. FURTHERMORE, in compliance with S.B. 310, now H.B. 481 the Village Council of the Village of Silver Lake County, Ohio resolved it take all necessary action to:

- (1) On or before October 15, 2020, pay any unencumbered balance of money in the Village of Silver Lake, Ohio’s local coronavirus relief fund to the County Treasurer;
- (2) On or before December 28, 2020, pay the balance of any money in the Village of Silver Lake, Ohio’s local coronavirus relief fund to the state treasury in the manner prescribed by the Director of the Ohio Office of Budget and Management; and
- (3) Provide any information related to any payments received under S.B. 310, now H.B. 481 to the Director of the Ohio Office of Budget and Management as requested.

Section 3. The Clerk of Council is directed to file a certified copy of this resolution with the Ohio Office of Budget and Management's (OBM) and the Summit County Auditor.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this 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 5. That this Resolution 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 inhabitants thereof, for the reason that immediate passage of the Resolution is necessary so that the Village of Silver Lake can begin receiving COVID-19 reimbursements as soon as possible, 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:

Gerald P. Jones, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer