

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, May 6, 2019

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, April 1, 2019, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With Vice 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, Mrs. Betsy Meyer, Mr. William Church, Mrs. Therese Dunphy, and Mr. Matthew Plesich

Absent: Mr. Jerry Jones

Roll call of Council - 6 members present

There being no additions or corrections, the minutes of March 25, 2019 and April 1, 2019, were approved as submitted.

Mr. Church asked Mr. Sean Housley, Clerk-Treasurer, for the reading of any pending legislation that is up for first reading.

ORDINANCE NO.: 21-2019 AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE 2019 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE AND DECLARING AN EMERGENCY. (Planning, Zoning & Insurance)

RESOLUTION NO.: 22-2019 A RESOLUTION APPROVING AN AGREEMENT WITH WICHERT INSURANCE SERVICES, INC. FOR THE PURCHASE OF PROPERTY, INLAND MARINE, CRIME, AUTOMOBILE LIABILITY, GENERAL LIABILITY, PUBLIC OFFICIALS/EMPLOYMENT PRACTICES LIABILITY, LAW ENFORCEMENT LIABILITY, CYBER LIABILITY, AND UMBRELLA LIABILITY INSURANCE COVERAGE FOR THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY. (Planning, Zoning and Insurance).

SECOND READING: None

THIRD READING: None

Comments from the audience: None

PLANNING, ZONING AND INSURANCE COMMITTEE – MR. NICHOLS

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, May 6, 2019

7:00 p.m.

RESOLUTION NO.: 21- 2019

Mr. Nichols said Resolution No. 21 is for the replacement pages of the Codified Ordinances of the Village and declaring an emergency. This is a standard operating procedure we do annually. These are just new sections of state code that we are obliged to put in our code.

Mr. Nivens said a lot of municipalities are changing their Ordinances regarding texting and driving from secondary offense to primary offense. The state hasn't done that. How would we monitor that?

Mr. Heydorn said most of what they have here are changes to the traffic code. When there is a change in the state law, they immediately put it in here and make it also a Village Ordinance and then they put in parentheses the state code provision.

Mr. Nichols said any other comments or questions? Move to suspend the rules.

Mr. Nivens said I will second.

There being no further comments or questions, Mr. Church said this Resolution would be brought out for adoption this evening.

PLANNING, ZONING AND INSURANCE COMMITTEE – MR. NICHOLS

RESOLUTION NO.: 22-2019

Mr. Nichols said a Resolution which approves our agreement with Wichert for the purchase of all of the liability that is covered. We had a meeting with Wichert, Mrs. Geis was there to make a presentation and answer questions. I would like to make reference to Sean's handout, the bottom of the graphs shows what's all covered and the amounts of premiums that are relevant and where we would be annualized now versus what's proposed for this coming year. It's only 1.5% increase, \$500. That's based on the fact that there's a net change of one more vehicle and an increase in property value by 2.7%. My position would be that this be done without having another bid performed. That's my recommendation. The only thing that is different today versus last year is, it's on the bottom of the graph. We are proposing payment of a premium for cyber liability. If we are breached and suffer financial harm, that is covered by a liability insurance, that's in a separate provision.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, May 6, 2019

7:00 p.m.

Mr. Housley said to clarify, the last page of your packet on the top line says cyber policy is \$250,000.

Mr. Nichols said it's wise to proceed with this. What I was trying to say is page eight of her hand out, computer fraud and funds transfer, if someone hacks us and moves money away from us that's covered under the crime and liability insurance, not in the cyber liability.

Mr. Nivens asked would our insurance cover if we were asked to participate in the cleanup of a range that our officers had used? Is it covered under the insurance here?

Mr. Heydorn said probably not. I don't think it ever did.

Mr. Nichols said it's not on our property, nothing we own.

Mr. Nivens said it comes under law enforcement operations, we've always paid for that as I recall.

Mr. Church said we do have a comment from the audience, Mr. Brian Brooke.

Mr. Brooke (3044 Harriett Rd) said I have noticed a glaring concern in our particular area where we live, no sidewalks. The sidewalks stop at an intersection about halfway through. We see a lot of police officers hanging out around that area because of the amount of speeding that occurs in that particular area. It just seems like it's a very dangerous area. I've had conversations with police officers and asked why they hang out here so much. They said there's a lot of walkers, a lot of people on these roads and people drive fast. People don't pay attention when they drive. It's just a big concern in the area. I wanted to further the conversation, at least talk to you and see what we need to further the process of considering it for public safety. There area where the road's kind of converge, there's a lot of stopping. Sometimes there's not stopping and it seems to be a very dangerous situation. I don't think we need to do it all at once or anything like that..

Mr. Church said point well taken. Thank you very much. That is something we will discuss.

Mr. Church said Resolution No.: 21-2019 was discussed in committee and is ready for adoption.

Motion to suspend the rules by Mr. Church, seconded by Mrs. Meyer

Roll call: Yes 6 No 0

Motion to adopt by Mr. Church, seconded by Mrs. Dunphy

Roll call: Yes 6 No 0

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, May 6, 2019

7:00 p.m.

Mr. Church said **Resolution No.: 22-2019** was discussed in committee and is ready for adoption.

Motion to suspend the rules by Mr. Church, seconded by Mrs. Meyer

Roll call: Yes 6 No 0

Motion to adopt by Mr. Church, seconded by Mrs. Dunphy

Roll call: Yes 6 No 0

Mr. Nichols said there are reports on payment of claims dated April 10, April 26th, and April 30th. The claims were accepted. The second thing is the bank port, in front of me is April 30th. I was just going to ask a question. Revenues are through four months or a third of the year. Revenues are exceeding expenses by \$150,000. Is that a point in time experience? Is it not illustrative of the trend for the rest of the year?

Mr. Housley said not necessarily. We receive our property taxes through the end of August. The last few months of the year will reduce this trend. We are forecasting to spend more than what we collect. The street program hasn't been paid for yet either. Income taxes are up through the end of April around \$30,000. Our water fund revenues are coming in lower than what we estimated due to the drop in consumption. A lot of it has to do with technology and residents habits, which has been said before. We've estimated to spend \$33,000 more than what we were going to collect. It currently looks like will spend around \$75,000 more than what we collect. If we can cut the expenses somewhere that would help the water fund. Its' disbursements are still in line with its projection.

Mr. Dunphy said the Sewer Fund seems to be doing much better now.

Mr. Housley said yes. The consumer revenues in the sewer fund are now coming in as expect. We also received loan proceeds related to the Lee Road project in the Sewer Fund this month as well.

Mr. Nichols asked if anybody else had any questions or comments. A motion to accept the cash positions as of March 31st and April 30th, 2019 was made.

Mrs. Dunphy seconded it.

Mr. Nichols said all those in favor say Aye. Motion carried.

Mayor Hovey reported the last council meeting we had Jeff Heintz was recognized for outstanding service to a community and the law profession by winning the Saint Thomas Moore

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, May 6, 2019

7:00 p.m.

award. It's a red mass, which is very high. It was at the Catholic Church last Friday. If you have not had a chance to congratulate him, please do so because it's a very, very high honor. If you want to look at the program, I do have a copy of it sitting right here. A reminder that next Wednesday, May 15th at 10:00 a.m. is the celebration of the police memorial at the auditorium. Everybody's welcome to come. It's a solemn affair and it's one worth attending if you can be there. We do present a plaque to the police departments. I would also like to take this opportunity to thank Mrs. Dunphy for informing us of the service that you became aware of that helps us transcribe. They take our audio stuff and give us a transcription, which is not complete. We still have to do some work on it, but they identify certain parts of it. From what I understand it saves us half the time. It's extremely cheap. It helps us get our work done in the office and hopefully we'll get minutes transcribed in a timelier fashion in the future. Finally, just a quick comment, our water meter server crashed over the weekend. We found out about it earlier today. It happened at 8:30 Sunday morning and we're not sure exactly what happened, were working on it. Neptune's involved as far as I'm concerned, Neptune is pretty much responsible for taking care of it, but the bottom line, the effect that most residents will feel, I think there could be a delay in the bills coming out. That completes my report. Thank you.

Mr. Heydorn reported that with the sidewalk question and how they can proceed in what to do, if they're serious about it. This has a lot of history connected to it. When I first got on council in 1992, I think it was a subject of discussion and during that whole decade, finally, the result of it was that we put in a sidewalk down one side of Vincent road. And that's part of the whole discussion. And during that discussion, which you can certainly have access to, I'm sure there were certain streets that were named thoroughfares streets in the city and Harriet was denominated a thoroughfare for a city consequently for the possibility of putting in sidewalks. At the time, I don't think there was enough neighborhood agreement on the subject to move forward. It was a place where sidewalks should be needed for safety reasons. The sidewalks do end right at Oak Ridge and after that all the way out to Graham road, there's literally nothing. They also have ditches there. In the past we've used our side walk assessment procedure which is really the state of Ohio sidewalk assessment procedure. We've only used it in the past on the Vincent Road Project. But that has always been done for repair as opposed to construction of, but clearly the state statute provides that you can use that same procedure for construction of. But before you get to that point, you have to decide the major issue, which is always the major issue, especially in Silver lake and that is are you going to assess the lot owners for it or are you going to have some or all of it paid by the General Fund? When it comes to a repair, sidewalks have always been an assessment deal and if they don't repair them on their own, then we assess it against them. The point is if they want to proceed with this concept, then you have to decide whether or not you want to do it out of the General Fund or if you want to use the regular

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, May 6, 2019

7:00 p.m.

procedure of assessment against the lot owners. They can do a petition. If they produce a petition, I think our code says 50% of the people on the street have to want to do it. They can produce a petition but they don't have to. You can just originate it without them producing a petition in that one instance. You do it by passing a Resolution of necessity. If you remember the sidewalk repair business, you give them a certain amount of time for them to put in the sidewalk themselves. If they don't do it within this particular time, then we put it in and we assess them for it. But nevertheless, it comes back at an assessment to them if you use this assessment procedure.

Mr. Church said besides how to fund the sidewalk, it has been brought up in a number of neighborhoods throughout the Village from time to time. Not necessarily on thoroughfares but that is the good people of Harriet want sidewalks. Usually you see this right down the middle. It becomes contentious.

Mr. Heydorn said at the time it only meant that that we were putting it in the category where we were thinking about it. I believe that they would always be subject to our first consideration for putting in sidewalks, gutters, and curbs. We chose what might be called a thoroughfare street and where Vincent is not bad there's a long stretch of that broken up by a stop sign. The fact is it is a long stretch of highway. Harriet goes from Kent Rd all the way to Graham Rd. which is the same thing on Englewood. There are places where a person can build up a really good head of speed and if you've ever walked you know what I'm talking about. If you decide you're not going to use the General Fund, then it's up to the homeowners to express have some unanimity on whether or not they want to get it assessed.

Mrs. Dunphy asked do we have any figures based on the sidewalk replacement program where we know what our costs were? I think that's something we should look into.

Mr. Heydorn said the distances involved wouldn't require the statute and require that the engineer come up with a cost estimate. You can get a rough idea.

Mr. Nivens said the sidewalk project on Vincent was engineering that was out of the scope because they went from a ditch concept, then put catch basins, and then pipping. It was actually a project to see how well it would hold up. And for the most part, other than a few little incidents, it's worked out well. If you look at Harriet up there and what you see now is a lot of those residences have changed hands. You have younger people coming in, there's a lot of kids. So, I think if the residents would look at a petition, a fight would be there.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, May 6, 2019

7:00 p.m.

Mr. Heydorn said the other thing on Vincent is a lot of that was cost. They scale the project down. Originally it was sidewalk on either side and curbs like you should be doing it if it's an urban setting. We were going to urbanize it and then the costs came to the point where nobody was putting up with it, so they decided put in a sidewalk on one side and not curbs which got around the safety problem. That also may be a potential solution here to keep the cost down.

Mr. Lipan reported the Graham Rd project got pushed back to May 28 because Stow still has some things to take care of on their end. The project should be completed by July 1st. Were also trying to keep up with the patching of holes on Graham. The flushing program has started. One other thing I dropped the ball on, was Resolution 59-2018 when they did Cranbrook, they had to extend the project and it cost an extra \$4,425. You approved that and it was put into the Buildings fund (Inaudible)

Mr. Church said what is the plan to pay that?

Mr. Lipan said that's who was going to pave our street. I'm hoping to get it sometime this month.

Mr. Housley reported my only concern right now with our financials is that the water fund revenues are coming in significantly lower than what we were projecting and that's due to consumption. We'll talk more about that later on. Also, I want to mention that I was able to eliminate the 90-day waiting period for employees being eligible for the benefits as you asked. However, Medical Mutual would not accept the changes effective immediately on April 1 but Anthem did permit it to be effective May 1st.

Mr. Lipan said water consumption is down and all cities are pushing for people to use more water.

Mr. Church said under miscellaneous business we talk about reviving the council rules discussion to finish that up. Can I do that under miscellaneous business?

Mr. Heydorn said yeah. You can go ahead with it.

Mr. Church asked are we having an executive session at the end of this as well? It'll be short.

Mr. Church said the motion has been made and seconded for a roll call vote for an executive session to discuss pending litigation.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, May 6, 2019

7:00 p.m.

Council entered into an executive session discussing pending litigation.

Council exited executive session.

Mr. Nivens mentioned that \$5,000 was needed for ADA compliant sidewalk to the Pergola.

Mr. Nichols asked how the project was paid for?

Mr. Housley said the project was paid for by a donation, however they don't currently have the \$5,000 needed for the sidewalk.

Mr. Nivens said he would ask the Park Board to ask the Mayor for the \$5,000.

Mr. Housley said the request to increase the appropriations would have to come from the Mayor.

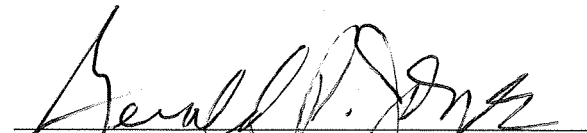
Mrs. Meyer asked about a Winnebago parked on Silver Lake Blvd.

Mr. Nivens stated that it was parked there because the resident did not have a setback.

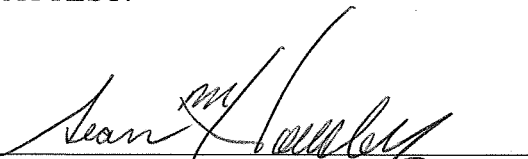
Mr. Heydorn said he still has to get a variance from the planning commission.

There being no further questions or comments, Council adjourned at 8:52 p.m., until the next regular meeting of Council on Monday, May 20, 2019, at 7:00 p.m.

APPROVED:


Mr. Gerald P. Jones, President of Council

ATTEST:


Sean M. Housley
Clerk-Treasurer

prepared by: Karly Easterling
reviewed by: Suzanne Lipan