

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, August 5, 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 President of Council Mr. Gerald Jones presiding, the meeting was called to order at 7:00 p.m.

Mr. Jones led the Pledge of Allegiance.

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

Roll call of Council - 7 members present

There being no additions or corrections, the minutes of July 15, 2019 regular council meeting and the public hearing on the rezoning of Silver Lake Elementary Schools were approved as submitted.

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

RESOLUTION NO.: 37-2019 A RESOLUTION APPROVING THE EXPENDITURE OF FUNDS TO THE AKRON TITLE & ABSTRACT AGENCY, LTD., AND DECLARING AN EMERGENCY. (Finance & Appropriations)

ORDINANCE NO.: 38-2019 AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019, AND DECLARING AN EMERGENCY. (Finance & Appropriations)

RESOLUTION NO.: 39-2019 A RESOLUTION AUTHORIZING THE MAYOR TO EXPEND FUNDS NOT EXCEED \$35,945, FOR THE PROVISION OF BULK ROCK SALT FROM CARGILL, INC., IN ACCORDANCE WITH THE COMMUNITY UNIVERSITY EDUCATION (CUE) PURCHASING ASSOCIATION, AND DECLARING AN EMERGENCY. (Finance & Appropriations).

ORDINANCE NO.: 40-2019 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ENVIROSCIENCE, INC. TO PROVIDE ENGINEERING SERVICES FOR ENGLEWOOD DRIVE IMPROVEMENTS STORMWATER MANAGEMENT AND PLAN DEVELOPMENT IN THE VILLAGE OF SILVER LAKE. (Public Improvements Committee).

Second Reading: None

Third Reading: None

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ORDINANCE NO.: 80-2018 AN ORDINANCE AMENDING SECTION 1131.03 OF THE ZONING CODE OF THE VILLAGE OF SILVER LAKE, OHIO, AND THE ZONING MAP OF THE VILLAGE TO RE-ZONE SUBLOTS 249 THROUGH 258 OF THE SILVER LAKE ESTATES SUBDIVISION IN THE VILLAGE OF SILVER LAKE, FROM INSTITUTIONAL DISTRICT TO RESIDENTIAL DISTRICT. (Planning, Zoning, and Insurance).

No comments from the audience.

FINANCE AND APPROPRIATIONS – MR. CHURCH

RESOLUTION NO.: 37- 2019

Mr. Church said approving the expenditure of \$14,133.68 to the Akron Title & Abstract Agency, LTD. No questions, this will be brought out later tonight for approval.

FINANCE AND APPROPRIATIONS – MR. CHURCH

ORDINANCE NO.: 38-2019

Mr. Church said I discussed this briefly today regarding at least \$7,500 for installing Windows 10 and another question came about for the servers.

Mr. Housley said Software Solutions preemptively called me today and said that in addition to the pcs that we've got a server that's running on server 2008, that's no longer going to be warranted by Microsoft. They're going to discontinue their updates to it so we will need to replace that. They did give me a quote that's not in here just for the server. It's \$1,500 but they're giving us a \$500 break. For \$1,000 they can do the server while they're here, which I think is a good price. What I'm asking as long as we're on the subject is if you're okay with this appropriation measure, I believe that we have the money in our appropriation somewhere for this money. I'd like to give them the, go ahead and get it done.

Mrs. Dunphy said I called about this particular expense also for today and Sean and I talked about it a little bit and he mentioned that Chief Norris brought it to him, he found that the operating system that we're using is no longer going to be serviced. We were talking about the computer issues in the Village and that we don't really have anybody who manages or makes some of the suggestions. It would be nice if people who are doing the service could proactively suggest things like, this is the operating system you're using, this is when it's going to expire. It's something that we might need to look at. So, I'm just raising that because I think it's something that so much of our information is based on that system, we had a crash.

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Mr. Church said I'm glad you raised that issue. It was raised a number of years ago when first entered into this, how nice it would be. They have someone on staff that could save us a few bucks and was familiar with their system.

Mr. Nichols asked when we're talking about the reduced appropriations for Englewood engineering, which we're seeing tonight. My question is that was approved for \$76,000 is that in the budget? It's a permanent reduction?

Mr. Housley said yes, Mr. Lipan was success in obtaining a quote to accomplish the same objective. I think Mrs. Dunphy might have some questions about that.

Mr. Nichols asked in the street resurfacing, that's a permanent reduction to or could that be in other months?

Mr. Housley said it seems to be a permanent reduction at this point. There's still doing Graham Rd.

Mr. Lipan said the paintings done.

FINANCE AND APPROPRIATIONS – MR. CHURCH

RESOLUTION NO.: 39- 2019

Mr. Church said Resolution 39 is not to exceed 35,945.00 for the purchase of bulk rock salt from Cargill, INC. I had written down earlier that, what was it last year, you provided us with a really interesting history.

Mr. Housley said they were found guilty by the State Attorney General's office regarding bid fixing.

Mr. Church said interestingly this year's bid was a few thousand dollars less than it was last year. So, hopefully that trend will continue. I did have a question regarding this community university education purchasing association. Are we tied to that? Is there a possibility that you can take a look at purchasing salt outside of that association?

Mr. Lipan said yeah, we can get salt from the state, the DAS but they were a hundred and some dollars more last year.

Mrs. Meyer said I've been doing a lot of research about how the salt is suppressing the ecosystem and the like and what it's doing to everything. Is there some way different to do less salt? I know Kent Rd needs salt.

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Mr. Lipan said we have cut back quite a bit. We do more plowing than anything.

Mr. Nichols said will this purchase take us through the end of the season?

Mr. Lipan said it will last until the end of next year. This is for next years. I haven't bought any this year. So, I was going to use some of the money from this year's budget and cut into my 500 ton. So, this money probably isn't going to get spent.

Mr. Church said **Resolution No.: 37-2019** was discussed in committee and is ready for adoption.

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

Roll call: Yes 7 No 0

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

Roll call: Yes 7 No 0

Mr. Church said **Ordinance No.: 38-2019** was discussed in committee and is ready for adoption.

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

Roll call: Yes 7 No 0

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

Roll call: Yes 7 No 0

Mr. Church said **Resolution No.: 39-2019** was discussed in committee and is ready for adoption.

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

Roll call: Yes 7 No 0

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

Roll call: Yes 7 No 0

Mr. Church asked if anybody else had any questions or comments. A motion to accept the cash positions as of July 31st 2019 was made.

Mrs. Dunphy seconded it.

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

PUBLIC IMPROVEMENTS COMMITTEE – MR. PLESICH

RESOLUTION NO.: 40-2019

Mr. Plesich said I know this project has been on the radar for quite some time. Mayor and I have talked about this.

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Mrs. Dunphy said looking at the sections of the scope of work under task four. In the bulleted items, the next to the last bullet at the bottom of page three ends with talking about the paper calculations and it said that the calculations, asphalt or concrete sections are not included in this proposal. So, I wondered about any additional costs.

Mr. Lipan said no, we'll just follow ODOT's recommendations.

Mrs. Dunphy said one of the recommendations that they said that they were going to bring up aside from the Chagrin river watershed partners suggestions was potentially using pervious payments.

Mr. Lipan said no, that is just a one suggestion. Pervious payments are really expensive.

Mrs. Dunphy said that's why I'm asking, for cost from an environmental standpoint and given what we're trying to address, I absolutely understand why they're bringing it up here but two what the life cycle and maintenance would be for something that wasn't the same type of pavement we are using elsewhere so I thought that might be worth asking them to come in and maybe do a Q&A with us on some of the questions we have about this project because it's our first green infrastructure project and I think that our education curve might be better served by having them kind of walked through. I appreciate that the costs score lower than everybody else while accomplishing your goals.

Mrs. Dunphy said I read that in the proposal. I just thought that it says this is something we would like mainly. And maybe I'm the only one with questions but ...

Mr. Plesich said I agree. This was a very thorough report. I think it was probably the most thorough I've ever read but as you read through this there are areas where they talk about amended proposals potential for coming back and adding costs.

Mr. Lipan said that's in pretty much every contract. That's why they add the 10% contingency.

Mayor Hovey said when I met with Stow, they didn't say they were going to help out but also said they weren't either. They wanted to see the engineering plan before they made any commitment

Mrs. Dunphy said the other thing that caught my attention in here was when they talked about the USCPA encouraging green infrastructure and they mentioned about funding opportunities and then wondered if they would be helping us pursue any additional grants. I know we get a number of grants for construction projects...

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Mayor Hovey said there's a possibility that some of this dealing with the water retention basis or that they might put in the, in the devil strip. They seem to give me some feedback that they think that we could probably get a grant to help with that.

Mr. Nichols said I don't understand where there is competing proposals or not. GVC Englewood road improvements and TGC. Are these alternative ways to proceed and EnviroScience is going to advise us on down the road? We're not asked to vote on this tonight, right?

Mr. Lipan said these are the three competing bids.

Mr. Jones said is it our intent to do the green thing?

Mayor Hovey said that's what we're hoping now, we have to wait and see what everything costs. They're not retention basins, it would be like 3000 feet long, but it's only in front of two homes. One of the homes I know will probably be very enthusiastic about doing it. The other home we haven't had any contact with yet, I haven't reached out to them. I would definitely want to get the residents on board. Our idea is to incorporate green science into it. Now, if it's a choice between, we do it with the green and it's going to cost us \$300,000 and we do it without the green, that's going to cost \$100,000, that's a factor.

Mr. Nichols said some of this is on Stow's property, correct?

Mayor Hovey said we are hoping to put curbs and sidewalks on Stow's property, yes. Well it's our property, but it's in the city of Stow. But we would need, you know, permission from, from Stow to do that. I think because I view the sidewalks as an assessment project has always been that way throughout the village. And I don't think we can assess Stow residents. So that would be one of the things I would hope we get some cooperation from Stow with. Our biggest issue though is we would like to be able to take that water and put it into that Wetmore basin that they built down.

Mr. Lipan said talking with the Service Director and the Mayor, it'll only take so much water. They're going to have to figure out if it'll take any more-

Mr. Nivens said as you travel north on Englewood a good part of the east side of Englewood all the way up to a lot of utility poles is Silver Lake. So, where we would be running our curves, our sidewalks and the devil strip, everything is within the village right of way. However, all those houses are in Stow, they get their water service from us.

Mr. Lipan said it's a 60-foot right-of-way, 30 foot from that center of the road each way.

Mr. Nichols said we own that property, but it's in Stow?

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Mr. Lipan said no, it's ours.

Mr. Heydorn said this is normally an annexation, but it could also work just by meeting as the property because we're talking about the road and it doesn't necessarily have to be right-of-way. So, my understanding is that we own that property as well. But that doesn't necessarily alter where the boundary line works for the villages in the city.

Mayor Hovey said I don't think there's any question if we have the right, whether we have a title to it or whatever to put sidewalks and curbs on the east side of Stow. My issue though is that benefits, those people in those houses, the residents of Stow, when the residents of Silver Lake are paying for the sidewalks. So, should those residents have Stow that are benefiting. And again, we don't have the authority to charge them for that. That is something that I would have to get Stow to agree to do.

Mr. Heydorn said it is true the benefits with results in the entire parcel over there.

Mr. Nichols said so there's, there's no sidewalks there now and no curbs?

Mr. Jones said let's say Stow says we're not going to pay for that. Can we just put curbs in and not sidewalks?

Mayor Hovey said yeah. That's always an option.

Mr. Jones said I would think that if they say we're not going to pay for it.

Mr. Heydorn said the question is whether we can assess those homeowners or not. That's a different story, if you want to pay for it.

Mayor Hovey said there's also the possibility we just put, depending on what cooperation we may or may not get from stow, that we'd just do the sidewalks on the Silver Lake side. Now that's not the preferred option, but that's still an option.

Mr. Plesich said I'd like to bring this out.

Mr. Housley said I thought that was going to be held.

Mr. Lipan said this is just all options that they have that they're going to present to us and we can go with it or just lay down

Mr. Plesich said they're obviously giving us more options than GVC would have given us. GVC was just engineering. This is engineering plus some options as far as the green goes.

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Mr. Plesich said **Resolution No.: 40-2019** was discussed in committee and is ready for adoption.

Motion to suspend the rules by Mr. Plesich, seconded by Mrs. Dunphy

Roll call: Yes 7 No 0

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

Roll call: Yes 7 No 0

Mr. Nichols said the much-discussed ordinance relative to rezoning sub lots, 249 to 258 which is occupied now by the school and changing it from institutional to residential. Two things, first is just making sure we're all on the same page. We have discussed this a lot. We are all in favor of letting it remain institutional. Second, procedurally, am I bringing this out affirmatively and hoping that everybody votes no?

Mr. Heydorn said if the conclusion is that you want to see this particular piece of legislation die without necessarily voting against it then the motion is moved to postpone legislation 40-2019. I moved to postpone it indefinitely and that is literally a forever table. And then what happens is as I assume you're going to send this whole question back to the planning commission to deal with some more specificity as to what happens with that particular parcel, then this will be gone for your purposes and you can recommend the planning commission to take it up again.

Mr. Nichols said how do we recommend that's they take it up again?

Mr. Heydorn said all you have to do is just simply pass a motion. You don't have to have a piece of legislation that necessarily goes to the planning commission. You can ask them to take it up, which means they'll take it up on their own time. If you want to propose a piece of legislation, with the specifics connected to it and then send that to them for them to do whatever they're going to do with it, then they have the 30 days, I guess to deal with it.

Mr. Nichols said that would not be my personal druthers, I don't think.

Mr. Jones said what we did talk about was Mr. Heintz said in his letter to strip some of those things that could be built on that property.

Mr. Church said we also consider that to be a whole new Ordinance.

Mrs. Dunphy said we wanted to narrow the institutional needs such that they could bring in elementary school, but not a charter, storage facility, etc.

Mr. Heydorn said the only question would be right now, if you all move to successfully move, postpone indefinitely. Your only issue is do you want me to write a piece of legislation with specifics which I don't know at the current time and give it to you. So, you pass it or you go

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through a first reading and then send it to them. Or do you want to just pass a motion that simply says that we're requesting the Planning Commission pick up this subject as soon as they can.

It was decided to postpone 80-2018 indefinitely.

Motion to postpone indefinitely by Mr. Nichols, seconded by Mrs. Dunphy

Roll call: Yes 7 No 0

Mr. Nichols made a motion to refer this back to the Planning and Zoning Commission to more specifically define the zoning limitations on the school property. Mrs. Meyer seconded it.

Roll call: Yes 7 No 0

REPORTS FROM THE VILLAGE OF SILVER LAKE OFFICIALS

Bernie Hovey, Mayor reported that I gave each of you a picture of the sign that I talked about with you and I think I might've given you a preliminary picture many months ago, but again it bounces off planning commission, went to Board of Zoning Appeals and have approval to purchase it and have it put up. But I just wanted to let you know what it looked like. So that's all I have right now.

Mr. Jones said how's your cost going to be?

Mayor Hovey said it's going to be approximately just shy of \$21,000 all from money raised through the centennial.

Mr. Jones asked it includes electrical work?

Mayor Hovey said yes, everything. All we have to do is dig a line to the post for electricity.

Mayor Hovey stated that he would also report for the Chief. The burglar related to the Fulmer Rd burglary was caught in Iowa by the Iowa State Patrol. The car has been returned to the victims. This burglar faces many felony charges. This case has been presented to the Summit County Grand Jury and a bench warrant on his arrest and everything. The Chief wants to remind you that the annual report should be in your email. He decided not to make a whole bunch of paper copies this year, but if you wanted a paper copy we can have that arranged. Finally, he just wanted to thank the Silver Lake Garden club for thanking them for all the work they did at the festival. Not only their booth but just their presence.

Mr. Jones said I think the electronic annual police report is a good idea.

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Robert Heydorn, Solicitor, had no report.

Mark Lipan, Service Director reported that we patched all of our holes today so you should be fine walking around with your dog. Graham road is almost done. There is a two-page punch list that they got to work ops and just minor things, cleaning up and raising a couple of lids. We should get the final bill sometime this month towards the end. North Star was out here and they fixed the low spots then they crack sealed everything so they're done. We're starting painting streets. Hopefully we'll be done before school starts in a couple of weeks. The Mayor approved that me going out with the engineering for Randolph's waterline considering it was 10,000. It was already budgeted for and that's what the costs can be land and that's with replacing the waterline from Englewood to Silverview. We have breaks there twice a year. The way I figured it's maybe about \$100,000-125,000 to replace that water line. Thanks to the new gas tax, everything will be going up. Everything that gets moved by truck or car in Ohio will be going up.

Mr. Jones asked what the cost of putting the catch basin in?

Mr. Lipan said just labor, the Village had the parts.

Mr. Plesich asked what would it have cost us?

Mr. Lipan said it was a road catch basin. So, you're looking at probably about \$2,000 for the catch basin and another \$600 for the grate and a couple hundred dollars for the pipe. But then you've got the labor and the trucks and everything. But I mean it was either that or ditch people's front yards all the way down. Right to the front of the school.

Mr. Jones asked are you going to take out those blocks that you put in?

Mr. Lipan said yes, they're going to come out and there's going to be a curb. I'm trying to get a price on that from where the curb ends to the catch basin.

Mr. Jones said you don't think it's going to cause a problem with the rest of the road?

Mr. Lipan said no, because of the curb should've went there anyway. If you were looking at the other side of the road, that's where the curb ends like when you're coming around the island.

Sean Housley, Clerk-Treasurer, stated there were a couple things today that will be coming up in the future that may require appropriation amendments. The new sign in front being one. We may have to appropriate an additional \$3,000. The Mayor has raised the extra money in the Centennial account. He may also need an additional \$1,000 to upgrade the server. The Village collected \$8,000 in interest in July and are in-line with the current budget. He doesn't expect to earn as much in interest next year due to declining interest rates.

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Summit County billed us through the month of April of 2019 which was \$22,000 under the Village's costs through April 2018. The Akron base rate increased 3% for sewage treatment. This increase will have to be passed on to our residents and will be discussed during the budget process. The cost is about \$9,000 a year in sewage treatment costs.

Mr. Jones said what does that mean to the residents?

Mr. Housley said under a dollar per household per month. Income taxes are currently around \$454,000 through the end of July. This is \$39,000 above where we were last year at this time. He expects to see income taxes collections of around \$712,000 this year verses our current budget of \$640,000. Mr. Jones said anybody on council have any miscellaneous business?

Mr. Plesich said I'm happy to see that Vincent St. was paved

Mr. Nichols said should talk about the school?

Mr. Jones said we had our meeting with the superintendent and head of the maintenance for all the schools. They said that they have some financial issues and they would cut back. They lost a couple of employees in the maintenance division. They won't be able to do some of the things that we think they should do. But it's interesting to note that although somebody edged the sidewalks with a weed whacker, the maintenance guy said that wasn't our people. Well, yeah, it was, because they did it again. It's not a great cut because it's very rough all the way along. We talked about the mowers blowing the grass out into the street, which goes into the lake. And just so happened as we walked out of the building, comes the mower up the devil strip, blowing it all out in the street. So, maintenance guy went down and said no more of that. The pavement by the school on the Bellaire side, they had to add a price from one of the contractors for \$20,000 to write all that up and fix it up a little bit. But they don't have the money for it.

Mr. Jones said they are trying to come up with some money for that.

Mrs. Dunphy said it was a meeting of compromise conversation. I mean we talked about the edging and I think that the lines are going to be the things that are safety issues they're going to get.

Mr. Church said was there any discussion at all about the school closing or rezoning or anything like that?

Mr. Jones said we didn't talk about the rezoning. They told us that the superintendent said basically that's not on their radar right now as far as closing the school.

Mrs. Dunphy said his comment was that they're focused on the high school and Middle School, and that anything on the Elementary buildings is, I think he said five years at minimum, and it

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would be 10 years till they even past the five year mark before there would be closures and that kind of thing because it'd be the same construction period. We basically said we kind of kept that off the table. One thing I will bring up though, during that conversation we did talk quite a bit about the school district finance. I think I had said this in some of our meetings that I needed; they were short people in part. That's one of the areas that kept tremendously, with the levy on the ballot. I haven't done this in a number of years ... [Inaudible] So I just wanted to bring that up tonight. I haven't contemplated even how we go about bringing in Legislation because I haven't ever done that before. But I think that, I know it's been supported in the falls. There council members are out there trying to push it. I think at this point I see it as incredibly important for the community and that as goes, the falls, it's got such an impact on us and still feel like we need to be supportive just as well.

Mr. Jones said I don't think we need legislation. We just informational motion to support whatever.

Mr. Heydorn said well, I mean if you want to make an impact, the thing would be a resolution. You should do a resolution and that's a piece of legislation, although it doesn't have to go through three readings if you don't want it to. But that's a way of formalizing motions. You should at least have a resolution.

Mrs. Dunphy said I just wanted to throw that out there and see how people felt about it. I know it hasn't happened in the village for a number of years. I do believe that when Dr Nichols said that there's been a good groundswell of support for this, I believe that that's true. I think that we would be remiss as leaders in our community not to try and...

Mr. Church said I believe that's true amongst the village residents as well.

Mr. Jones made a motion to enter executive session regarding personal matter of the hiring and compensation for the assistant secretary and Assistant to the Clerk-Treasurer position. Seconded by Mr. Church.

Roll call: Yes 7 No 0

Council exited executive session and motioned for a roll call to continue the regular meeting.

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, Mr. Jerry Jones

Council discussed and it was decided that the group regarding the Veterans trail alignment be permitted to be included on the agenda for the August 19th meeting.

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Council discussed and it was decided that a moral claims form be designed by the Village and completed by the Claimant in order for the claim to be considered.

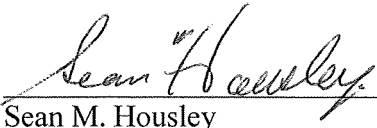
There being no further questions or comments, Council adjourned at 8:15 p.m., until the next regular meeting of Council on Monday, August 19, 2019, at 7:00 p.m.

APPROVED:



Mr. Gerald P. Jones, President of Council

ATTEST:



Sean M. Housley
Clerk-Treasurer

prepared by: Karly Easterling
reviewed by: Suzanne Lipan