

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, August 19, 2019

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, August 19, 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. Dann Nivens, Mrs. Betsy Meyer, Mr. Gerald Jones, Mr. Matthew Plesich, Mrs. Therese Dunphy.

Roll call of Council - 5 members present

Absent – Mr. Tim Nichols, Mr. William Church. Both were excused.

Mr. Jones: Before we continue with this meeting, I would like a moment of silence for the retired police officer, Carl Harrison, who passed away suddenly on Friday.

Mr. Jones: Were there any additions or corrections to the minutes of the August 5, 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.: 41-2019: A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) FOR FINANCIAL ASSISTANCE WITH A PROJECT DESIGNATED AS THE STOW-SILVER LAKE-CUYAHOGA FALLS BIKE CONNECTOR AND DECLARING AN EMERGENCY. *(Finance & Appropriations)*

ORDINANCE NO.: 42-2019 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.: 43-2019 A RESOLUTION AMENDING RESOLUTION 29-2016 AUTHORIZING THE CLERK-TREASURER TO HIRE A PART-TIME ASSISTANT, AND DECLARING AN EMERGENCY. *(Personnel & Public Affairs)*

ORDINANCE NO.: 44-2019 AN ORDINANCE AMENDING SECTION 139 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE FOR THE USE OF AN EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE

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OF DUTY POLICY, IN LIEU OF A SURETY BOND, FOR VARIOUS OFFICIALS OF THE VILLAGE GOVERNMENT, AND DECLARING AN EMERGENCY. (*Planning, Zoning and Insurance*)

Second reading: None

Third Reading: None

Comments from the audience:

Mr. Jones: Called on Tiffany Asente of 3088 Markel regarding a moral claim.

Mr. Jones: I just want to remind you, I think you understand that our rules allow three minutes only, and that's it. I know why you're here, and there really won't be any discussion on that this evening.

Mrs. Asente of 3088 Markel Drive: I want to apologize to council for taking your time in this manner. But I do need your help. I've submitted what I hope to be a pretty concise narrative of events that happened this past March, 2019. It's my hope that you can read through those, that if you have questions or concerns you can reach out to me and I can help to clarify further. Long story short, our sewer line was capped, meaning sealed, with concrete, seven, eight, nine, ten years ago. And we have, for that entire time, had absolutely no access to the Village Sanitary Sewer System. What you see is a direct result of that. I provided Mr. Housley with some additional photos that weren't in the packet I submitted to give you an idea of what this was like for our family. You see the amount of money that we were out of pocket for this. It's been very upsetting. So I respectfully submit our claim to you all, for review, and hopefully approval. And if there have any questions I can answer, or concerns I can address, I am more than happy to discuss. Thank you.

Mr. Jones: Called on Bill Sepe and Ron Brubaker of TASCforce (Trail Advocates of Summit County).

Mr. Sepe: This presentation that you have in front of you is a presentation we made to AMATS back in May, regarding a trail that they had identified in their 2035 study. Basically we've been talking to the city of Hudson, we talked to the city of Stow, we talked to Rails to Trails folks, Summit County Metro Parks, and Metro RTA about this project. The Akron Secondary Line was built in 1851 and it branches off the Norfolk and Southern Main Line, connecting Cleveland and Pittsburgh in Hudson. From there it goes South through Stow, Silver Lake, Cayuga Falls and into downtown Akron. The condition of the right of way today is that the last time a train ran on those tracks was in 1996. A significant amount of the rails and ties have been removed, especially south of Broad Avenue in Cayuga Falls.

There are things that hinge on this project moving forward. It seems that what we're hearing from the Metro RTA folks and Summit County Metro Parks, they very much want to do this trail, or at

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least a good portion of it. There is one obstacle they have to overcome. In 1994, Metro RTA received the funding from the Federal Transit Authority to buy that right away with federal money, with the purpose of it being conserved for rail track. The Metro RTA have a meeting scheduled in the fall to speak with FTA about asking if it's okay to convert it from rail usage to a multi-purpose trail.

Ron and I are advocating for this trail in Summit County because we see it as a viable transportation and recreational trail that can give us connectivity with several of the trails in Summit County including The Bike-n-Hike trail, Toe Path, and Freedom Trail.

The Veteran's Trail, is what AMATS would call it, right now it's known as the Akron Secondary Line

There was a study done in 2005, I think Silver Lake took part in that study. Stow, Hudson, Cayuga Falls and Akron took part in that study. They hired an engineering firm to look at the possibility of doing this trail. And at the time, they were looking at it as a trail that would conserve rail traffic in one corridor, and have a barrier, and then put a multi-purpose trail next to it. They deemed that it was too expensive. It was very, very costly. So it was thusly tabled, and nothing really happened with it until now, where we've kind of started to ask questions about, is this trail going to happen? What can we do to help make it move forward? We're looking at it now, and we've talked to an engineering firm, and we've determined that because it goes through some wetlands, the chances of it being a multi-use rail on one side and a multi-purpose recreational trail just won't happen because of the wetlands. So it would have to be a trail on the railroad tracks as they exist today. Of course the rail would be removed and it would reduce the cost of the project because the bed is already there.

Mr. Jones: Is this what runs behind Vincent Road?

Mr. Sepe: Yes and it would cross Graham Road. We're basically just trying to get the first step, which is to get Metro RTA and Summit Metro Parks to agree. And the Metro County Summit Parks has already given us their thoughts that once the right of way is given over to them and we build a trail, that they will maintain this trail like they maintained the other trails, Freedom Trail and the Bike-n-Hike Trail.

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Mr. Heydorn: Resolution 41-2019 is a trail that's being proposed by Stow. Stow is talking about putting in a trail from essentially Milborough Road in Silver Lake, which is about where the bridge is that goes across to Robert, Jr High from Milborough Road. So 41-2019 is about putting in a trail from that point all the way through Stow and making a connection up where the trail starts again, and the idea for Stow's trail is to avoid all the streets in Stow where they currently have to bike through, basically the bird streets, we all know what those are. Stow is going to avoid all of that and just go up the railroad right away from the Milborough Bridge and probably connect at Spring Dale, with the regular bike trail avoiding the Stow streets.

What TASCforce, is asking for is your support, for extending the trail from the Milborough Bridge, or extending some kind of trail from Milborough Bridge south to parts that he'll probably describe. But that's not the grant related to resolution 41-2019 in front of you all today. The TASCforce presentation is essentially, from the Milborough bridge and going south.

Now, right now, this bike trail goes down the back of us, and then they go through Silver Lake Boulevard, they go all the way up Highland Drive, Dover Road, they go across there, then they go east, and they catch the bird streets at Baumberger, probably, and come up in that way and then they go all the way up to Spring Dale that way.

Well, 41-2019 would change the route through Silver Lake. They would come down this bike trail, go up Silver Lake Boulevard and at some point maybe Vincent Road or something, cut over until they catch Milborough, down Milborough until they have some sort of, and I don't know what the plan is there, but at the bridge have an entrance way, because it's probably a state easement at that point. Go right through the bridge area there and connect up to the railroad track at that point and then go north.

TASCforce is working with Rails-to-Trails. That's a big program, very familiar with it. Excellent program. And it's nationwide and they have a big lobby in Washington for it. The idea there is to change all of the railroad right away that isn't being used, into Bike and Hike trails. They've already got huge networks of these going all over the United States.

Mr. Sepe: The bottom line is that the Summit County Metro Parks does plan to make this trail from downtown Akron up through Cayuga Falls, through Silver Lake and to Stow. They're not as interested in going further into Stow and up into Hudson. We have a way to get around that right now based on what Hudson is doing. Hudson has a whole bunch of other issues that they're dealing with now, with their Phase 2 expansion. But Ron and I both feel that there's a lot of value in adding an extension of that trail, but we don't want to take up your time with details on that.

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Mr. Heydorn: With your proposal, would there be a trail going down the railroad right away toward Akron and this other trail that comes down through Monroe Falls and then connect?

Mr. Sepe: Yes.

Mr. Heydorn: So you're using the railroad, you're really using it for an additional trail in addition to the one that comes in from Monroe Falls.

Mr. Sepe: yes.

Mr. Heydorn: TASCforce are not here to oppose what Council has in front of you, TASCforce is here to ask for your support for the additional trail.

Mr. Sepe: Yes. We would love to have folks here at Silver Lake to support our effort by basically writing letters or emails, saying you'd like to see this based on the benefits it would bring.

Mr. Heydorn: That's potentially another resolution that we could draw up, if you wish.

Mayor Hovey: Mrs. Dunphy, your original question. I think I read that this flyer, the one that's in front of you tonight, is some \$900,000 and AMATS has committed to pay something like \$720,000... 80%. The remainder would be 75% to Stow, 3% to Cuyahoga Falls, and rest to the Village.

Mr. Heydorn: And our proportion is based upon the distance from the bridge going to Roberts and Graham Road. That's why our proportion is so little compared to all the rest.

Mrs. Dunphy: So to come back to the presentation by TASCforce, I know we're conflicting these two things since we have two similar issues. Does brochure you passed out include contact information?

Mr. Sepe: yes.

Mr. Nivens: Mr. Sepe. You stated that Metro would be maintaining the trail, as all their other properties. Would it be Metro or Summit Metro Parks?

Mr. Sepe: Summit Metro Parks.

PERSONNEL & PUBLIC AFFAIRS COMMITTEE – Mrs. Meyer

RESOLUTION NO.: 43-2019

Mrs. Meyer: any comments or remarks?

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Mr. Housley: The person in mind is a college graduate, had training in Excel and Word, her compensation would be \$13.50, the hours for the position would be increased from 20 to 25 (from 1,040 to 1,300 hours annually). The extra 5 hours a week would be used to transcribe the minutes.

Mrs. Meyer: It's like what we talked about.

Mr. Jones: Sean had asked me about this a couple of months ago.

Mrs. Meyer brought the legislation out for adoption.

Roll call to suspend the rules:	Yes	5	No	0
Roll call to adopt the legislation:	Yes	5	No	0

FINANCE AND APPROPRIATIONS COMMITTEE – Mrs. Dunphy

RESOLUTION NO.:41-2019

Mrs. Dunphy: any comments or remarks?

Mr. Plesich: I guess my question is, is this committing us to this, or is this committing us to applying for a grant? Are we committing \$48,000?

Mr. Housley: I suspect yes at some point in the future.

Mrs. Dunphy: I'd like to hold this for another meeting so that we have the other two members of the finance committee present when we bring this to a vote.

RESOLUTION NO.:41-2019

Mrs. Dunphy: Any comments or remarks?

Mr. Housley: The increase relates to the hiring of his assistant and the transfer was to correct the prior appropriation measure, not increasing or decreasing it.

Mrs. Dunphy brought the legislation out for adoption.

Roll call to suspend the rules:	Yes	5	No	0
Roll call to adopt the legislation:	Yes	5	No	0

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Mrs. Dunphy: The last thing we have in front of finance is the payment of claims. Does anyone have any questions for Sean on the payment of claims? There being none, that will be filed as presented.

PLANNING, ZONING AND INSURANCE – Mr. Plesich

ORDINANCE NO.: 44-2019

Mr. Plesich: any comments or remarks?

Mr. Housley: When Wichert was here, in March, they recommended to the Planning, Zoning and Insurance Committee that we cease the surety bond because the requirement for this bond is no longer mandated by the Ohio Revised Code if we have adopted a policy authorizing the use of an employee dishonesty and faithful performance of duty policy. The Planning, Zoning, and Insurance Committee said to go ahead go ahead and do this.

Mr. Plesich: Is there a cost-benefit?

Mr. Housley: Around \$380 to \$400 annually.

Mr. Heydorn: I think the argument on this is that it's duplicate, to have both a surety bond a faithful performance insurance contract. You already have the faithful performance insurance contract, correct?

Mr. Housley: yes.

Mr. Plesich: We already have insurance covering these?

Mr. Heydorn: Yes, absolutely. Now the problem is that the surety bond also is, at least in theory, is a less attractive way of doing this whole process because a surety bond, as I'm sure you know, is not really insurance, in the sense that a surety bond means that when someone performs a malfunction, then the surety bond people have to pay for it, but then they have a right of action back against the person who did it, and they ask they recompense them for it. In terms of the insurance, the insurance policy pays for it, but they don't have a right of action back on the employee. Now for those reasons, that it really is actually insurance and you've already got that anyway, basically also your insurance covers the Village for way more than these surety bonds cover them for. So it's completely duplicative and secondly, as far as we're concerned, we have way far better protection with a faithful performance insurance than we do with a bond.

Mr. Jones: Besides that, Sean doesn't want them coming back after him.

Mr. Heydorn: that's right.

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Mr. Heydorn: As a matter of fact, what would happen is your faithful performance policy would kick in, I suspect there'd be an argument as to who should pay for it first, but I'm pretty sure the faithful performance bond would kick in anyway, they'd never go after Sean anyway. In the current situation you're just paying for a surety bond you don't need.

Mr. Jones: Alright, go ahead.

Mr. Plesich brought the legislation out for adoption.

Roll call to suspend the rules:	Yes	5	No	0
Roll call to adopt the legislation:	Yes	5	No	0

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey: Nothing to report, other than to let you know that I excused Chief Norris from the meeting. He was very, very close to Harrison and he was going to try to rush back here, calling hours end at 7:00 and I told him this is a special circumstance, stay if you have to stay.

Mr. Robert Heydorn, Village Solicitor: We won the DeMoss case after 8 years and two times at the Court of Appeals. I would be surprised, in fact, if they take this to the Supreme Court, or if they could get in.

Chief Jamie Norris - Absent.

Mr. Mark Lipan, Service Director: We're going to be out cleaning storm sewers and catch basins before leaf season starts. I had the leak survey done for our water system yesterday, Friday, and he found four hydrants that was leaking that needs to be rebuilt. Got one of them today, we was losing 13 gallons a minute, about 18,000 gallons a month. That's all I got.

Mr. Sean Housley, Clerk-Treasurer: Summit County billed us \$24,000 for May compared to last May of \$30,000. This most recent bill, being \$24,000, \$7,000 less than last May. Currently our sewer treatment costs are about \$28,000 less than what they were last year through the end of May, which is a good thing. However, we budgeted approximately \$127K through the end of May, and we've spent \$126.7K so we're still in line with our budget. It's good to see the costs came in much lower. However, we've also budgeted that same amount to get us through the next five months and typically the next five months are lower. So I'm hoping our costs will be much lower over the next five months.

Also, our Local Government revenue collections will be increasing. Local governments get 1.66% of revenue from all state general revenue tax sources. This is increasing to 1.68. That's 2 basis points. And it worked out to be \$2,000 this year for us. We have also received an amended

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certificate of estimated revenues from the county reflecting this change.

Mr. Nivens: reported that a resident complained that there's no trash by the gazebo or by Silver Lake Park and people are throwing trash in the yards.

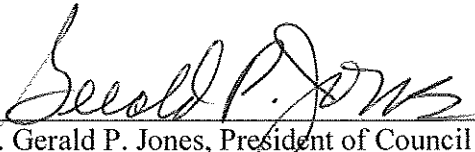
Mr. Lipan: I'll talk to the Mayor about it.

Mr. Jones: Anybody else have anything? No? Okay. Our next regularly scheduled meeting will be on Monday September 16.

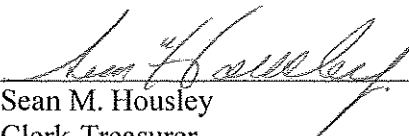
Mr. Plesich: I will be absent.

There being no further questions or comments, Council adjourned at 8:00 p.m., until the next regular meeting of Council on Monday, February 5, 2018, at 7:00 p.m.

APPROVED:


Mr. Gerald P. Jones, President of Council

ATTEST:


Sean M. Housley
Clerk-Treasurer

prepared by: Sean M. Housley, CPA
reviewed by: Sean M. Housley