

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, May 16, 2016

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, May 16, 2016, 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: Mrs. Karen Fuller, Mr. Christopher Scott, Mrs. Betsy Meyer, Mr. Gerald Jones, Mr. William Church, Mrs. Carol Steiner, Mr. Matthew Plesich

Roll call of Council - 7 members present

Mr. Jones asked if there were any additions or corrections to the minutes of the May 2, 2016, regular Council Meeting.

There being no additions or corrections, the minutes were then 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.: 32-2016 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS TOTALING \$72,185.74.

Mr. Jones assigned Resolution No.: 32-2016 to the Finance & Appropriation Committee.

RESOLUTION NO.: 33-2016 A RESOLUTION APPROVING THE EXPENDITURE OF FUNDS FOR AN AGREEMENT WITH H.M. MILLER CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF A RETAINING WALL TO PREVENT EROSION AT FENWICK PARK, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 33-2016 to the Finance & Appropriation Committee.

ORDINANCE NO.: 34-2016 AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2016, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Ordinance No.: 34-2016 to the Finance & Appropriation Committee.

RESOLUTION NO.: 35-2016 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH PERRY AND ASSOCIATES

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FOR COMPLETION OF THREE BIENNIAL AUDITS OF THE VILLAGE OF SILVER LAKE, OHIO, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 35-2016 to the Finance & Appropriation Committee.

RESOLUTION NO.: 36-2016 A RESOLUTION AUTHORIZING AN AGREEMENT WITH WICHERT INSURANCE SERVICES, INC. FOR THE PURCHASE OF PROPERTY/INLAND MARINE, CRIME, AUTOMOBILE, GENERAL LIABILITY, PUBLIC OFFICIALS LIABILITY, LAW ENFORCEMENT LIABILITY, AND UMBRELLA LIABILITY INSURANCE COVERAGE FOR THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 36-2016 to the Planning, Zoning and Insurance Committee.

RESOLUTION NO.: 37-2016 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF JIM NEWHOUSE TO REPLACE MIKE LYONS AS A MEMBER OF THE SILVER LAKE PARK BOARD FOR THE REMAINDER OF THE TERM ENDING DECEMBER 31, 2017, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 37-2016 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 38-2016 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF JOHN MYERS TO REPLACE BECKY RYBA AS A MEMBER OF THE BOARD OF ZONING APPEALS OF THE VILLAGE OF SILVER LAKE FOR THE REMAINDER OF THE TERM ENDING DECEMBER 31, 2016, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 38-2016 to the Personnel and Public Affairs Committee.

Second reading: None

Third reading: None

Comments from the audience: Dani Wertz from Howard Hanna Realty signed in, but said she was only there as an observer relative to interest in the community.

Bill Roemer, 3616 Southern Road, Richfield, Ohio, also signed in regarding community interest.

Brandi Croghan, 2924 Silver Lake Blvd., came to speak about dog ordinances. Council agreed to allow Mrs. Croghan to speak longer than three minutes. She came to speak tonight to ask Council to initiate discussion about implementing ordinances on dangerous and vicious dogs. An unprovoked pit bull attack happened on May 3, 2016 on Silver Lake Blvd. resulting in injury to a small dog. Mrs. Croghan expressed concern about pit bull attacks, saying their attacks were

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more severe than other breeds of dogs. Many communities have enacted laws regarding the problem, and she asked Council to do the same.

Mr. Jones asked the Law Director to take a look at our current ordinances and see if there is anything we can tighten up to address this problem.

Mr. Heydorn said in 2010 there were several instances of dog attacks, and we rewrote our vicious dog ordinance, which is very detailed. It sets up procedures which can eventually force a dog owner to get rid of the dog. It makes it a criminal penalty. It sets up an appeals procedure where we can issue orders to enclose the dog in a cage or not let the dog out of the house. Our ordinances are based on if a dog has shown it is vicious, Mrs. Croghan is talking about the concept of making certain breeds included as vicious. Court cases have challenged the constitutionality of labeling certain dog breeds prima facie vicious. It is a big issue and I promise you I will look into it.

Bill Roemer said he has spoken here before, initially representing Silver Lake in Summit County Council. He now represents Summit County as a member of the Educational Services Center for governors. He also is a candidate for Summit County Executive.

FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHRISTOPHER SCOTT

RESOLUTION NO.: 32-2016

Mr. Scott asked if there were any questions on any of these payments.

Mr. Scott said on Page 2 there is a payment to HD Waterworks for metal couplings and leather washers. Mr. Lipan said they are for the meter installations, and leather will last longer than rubber.

Mrs. Steiner questioned a payment for plants for the Village. Mr. Lipan said it was for new trees we planted.

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

RESOLUTION NO.: 33-2016

Mr. Lipan said he obtained the bid on this last year. The engineer from EnviroScience recommended some measures. Mr. Lipan held onto this until we received an answer on our grant application. They will do basically the same thing they did after the big storm in 2012. This will not include repair to the bottom.

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Mrs. Fuller asked if this was considered a permanent fix. Mr. Lipan said yes, it would be permanent, however, it would require regular maintenance. Mrs. Steiner questioned why we had a \$300,000 solution or a \$45,000 solution. Mayor said while this solution will last for many years, anything you do with water is not considered permanent, that's why they won't guarantee this. It is the same type of thing that was done on Kingston Circle, which will take care of the solution at a much lower cost.

Mr. Jones asked if this quote was a firm number, as it states actual costs will be charged. Mayor said that is standard language, and they have come in lower than quoted on prior projects.

Discussion was held if other quotes were obtained. Mr. Lipan said he contacted other companies in the past and has not had luck with them, and he trusts this company.

While this project was not budgeted in 2016 it is necessary to complete these repairs.

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

ORDINANCE NO.: 34-2016

Mr. Housley said this is primarily for the Fenwick Park work but also includes a couple of smaller budget adjustments for utilities and travel.

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

RESOLUTION NO.: 35-2016

Mr. Scott said this is a contract the State Auditor has negotiated for us. Mr. Housley said the cost is substantially lower by about \$5,000 per audit. Payment is required as the audits are completed. The State is behind and is requiring us to contract for these audits.

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

PLANNING, ZONING AND INSURANCE COMMITTEE – MR. WILLIAM CHURCH

RESOLUTION NO.: 36-2016

Mrs. Fuller said this is a 3% increase over last year.

Mr. Church asked if the amount for public officials was enough.

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Mr. Heydorn was asked for his opinion, and he said Mr. Wichert makes a science out of figuring out the best coverage under the given legal cases he has to deal with. If his recommendation is for that amount of coverage I would say he is the best expert on how much coverage you are going to need.

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

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE – MRS. CAROL STEINER

RESOLUTION NO.: 37-2016

Mayor said Mr. Newhouse is a long-time resident who recently renovated his home on Lodge Drive. He wants to serve the community and is replacing Mr. Lyons, who moved out of the Village.

RESOLUTION NO.: 38-2016

Mayor said Mr. Myers is a young man who is a civil engineer. Mayor Hovey and others involved were extremely impressed with him in the interview. He was the youngest candidate, but made the biggest impression.

Personnel and Public Affairs Committee – Mrs. Steiner

Mrs. Steiner stated **Resolution No.: 37-2016** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mrs. Steiner, seconded by Mr. Church
Roll call on suspension: Yes 7 No 0

Motion to adopt by Mrs. Steiner, seconded by Mr. Scott
Roll call on adoption: Yes 7 No 0

Mrs. Steiner stated **Resolution No.: 38-2016** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mrs. Steiner, seconded by Mr. Plesich
Roll call on suspension: Yes 7 No 0

Motion to adopt by Mrs. Steiner, seconded by Mrs. Fuller
Roll call on adoption: Yes 7 No 0

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Planning, Zoning and Insurance Committee – Mr. Church

Mr. Church stated **Resolution No.: 38-2016** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Church, seconded by Mr. Scott
Roll call on suspension: Yes 7 No 0

Motion to adopt by Mr. Church, seconded by Mrs. Meyer
Roll call on adoption: Yes 7 No 0

Finance and Appropriations Committee – Mr. Scott

Mr. Scott stated **Resolution No.: 32-2016** was discussed in Committee and is ready for adoption.

Motion to adopt by Mr. Scott, seconded by Mr. Church
Roll call on adoption: Yes 7 No 0

Mr. Scott stated **Resolution No.: 33-2016** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mrs. Meyer
Roll call on suspension: Yes 7 No 0

Motion to adopt by Mr. Scott, seconded by Mrs. Meyer
Roll call on adoption: Yes 7 No 0

Mr. Scott stated **Ordinance No.: 34-2016** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mrs. Steiner
Roll call on suspension: Yes 7 No 0

Motion to adopt by Mr. Scott, seconded by Mr. Church
Roll call on adoption: Yes 7 No 0

Mr. Scott stated **Resolution No.: 35-2016** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mrs. Mrs. Fuller
Roll call on suspension: Yes 7 No 0

Motion to adopt by Mr. Scott, seconded by Mrs. Steiner
Roll call on adoption: Yes 7 No 0

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Reports of Village Officials

Mayor Hovey reported there is a police memorial ceremony Wednesday, May 18, 2016, at the Natatorium. Also, The Justin Winebrenner Foundation is supplying blue bulbs for outside lights to show support for police. The bulbs are available in Village Hall main office.

Several months ago it was reported to me that a resident was trapping deer in his yard and hitting them over the head. Chief Conley checked into it, and there is no evidence of anything like that happening. The gentleman in question has been doing a similar thing. He came in to see me last week. He is trapping them in a cage, he does not club them, and it is perfectly legal. Council passed an ordinance in 2001 (No. 111-2001) that allows trapping with proper permits. He pays about \$400/month for his permits.

Mr. Heydorn stated this resident is only doing something the State of Ohio allows.

Mrs. Fuller said a resident called her this week offering to pay all costs for trapping deer. He said the deer know this area well and have their own trails in Silver Lake. They are very disruptive on Kingston Circle.

Mrs. Steiner asked where the trapping was taking place. Mayor said it is on North Dover Road.

Mrs. Steiner was concerned the deer were being shot in someone's backyard after being trapped.

Mayor said when a deer is caught someone has to call for removal.

Mrs. Steiner asked who is doing the trapping.

Mayor said it is a licensed trapper from the Division of Wildlife. The resident pays the licensed trapper.

Mrs. Fuller suggested Council could approve \$400.00 per month, as many residents have voiced concerns about the deer. Mayor said it would probably be \$400.00 per property.

Mayor said if Council wants him to draw up a resolution to approve such a thing he will.

Mr. Heydorn said there are deer trails through his property – they are an ongoing problem.

Mr. Scott added we have Lyme disease coming into the State, and Mr. Fuller said we already have one resident with it. Mr. Scott said we are considering legislation for vicious dogs, why not approve a program regarding deer.

Mayor added more and more residents are in favor of a deer culling program.

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Mrs. Steiner said she would like more information. Mrs. Fuller said this has gone beyond a nuisance problem. Mr. Scott and Mrs. Fuller added this would not have to be done twelve months of the year or even every year.

Mayor will come back with more information

Mr. Robert Heydorn, Village Solicitor, added this trapper can legally do what he is doing, so if any private individuals want to do the same thing and they have the money, so far we don't know how we can stop them. I will be looking at this vicious dog ordinance, but we already have a procedure for vicious dogs. Mrs. Croghan is looking for an ordinance declaring certain breeds as vicious.

Chief John Conley reported we issued the owner of the pit bull a citation for "dog at large." That is the first step. The ordinance requires the Chief of Police review the case and determine if the dog is considered vicious or dangerous, which I did. Then I served notice to the owner of the dog, and the law requires under the vicious and dangerous dog ordinance that they have 30 days to comply with the list of things that they have to do if they want to keep the dog. The list includes building a concrete base with chain link fencing and a top on it. You have to post signage in your yard. You have to register the animal yearly with the Police Department. You have to get the dog tattooed and carry a certain amount of liability insurance. The dog must be muzzled if outside the cage. I have been in constant contact with the family of the vicious dog to see what they are going to do and I have been updating the family of the injured dog. The injured dog had a punctured lung and some rib damage. This ruling can be appealed to the Mayor, as the Director of Public Safety. Chief Conley believes the family is looking for an alternative home for the vicious dog or putting the dog down. The owner cannot simply move the dog to a friend's home in another community, as the vicious dog procedures would follow the animal. Mrs. Fuller said she was glad to see our ordinances working effectively.

Chief reported we had an incident last week where a resident was allegedly contacted by his grandson in New York saying "grandpa I'm in trouble; I need \$10,000 cash". The resident sent \$10,000 by Fed Ex, but we were able to get in touch with Fed Ex and the put a hold on the package. The Buffalo Police Department is looking to do a controlled delivery to see if anyone really is at this fictitious location. We had a similar situation about a year ago and we were able to intercept that package also.

Mr. Jones said he is still seeing a lot of grass clippings going into the street. Chief said he has been making residents and landscapers aware of our ordinances.

Mr. Mark Lipan, Service Director, reported we are half done with hydrant flushing. We are installing five or more water meters per day. We advertised for bids for paving, with bid opening May 20, 2016. Signs were put out alerting residents to hydrant flushing.

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Mr. Scott asked if our service trucks have to put cones out when they are working. Mr. Lipan said the flashers should be on or cones used.

Mr. Sean Housley, Clerk-Treasurer, reported he was able to compile and upload a report for Ohio Checkbook. There is still some analysis to be done and it will not be made publicly available until we approve it.

R.I.T.A. has begun a delinquent letter campaign. Last year we did not do a subpoena program, but this year we will, as they recommend it be done every two years.

Cementech submitted their bill for payment last year. They held back 3% at that time, but that amount will now need to be paid. I will need to increase our budget for an additional \$7,511.00, as an amount owed for their final payment. Residents were billed correctly for their assessments.

Mayor said about 64% of residents have already paid for their sidewalks by cash or check.

Miscellaneous Business

Mr. Jones said he had a letter given to him by the Mayor from Mrs. Susan Bowers, 2817 S. Park Drive, regarding the sidewalk assessment. She wants to appeal the charge of \$855.36 on the grounds that it would cause a financial hardship. Mr. Jones asked Mr. Heydorn if this was like a moral claim.

Mayor said this resident spoke up at the beginning of the sidewalk program, saying she could not afford it.

Mr. Jones said he didn't know how Council could judge this. Mrs. Fuller asked if we check on applications for snow plowing. Mr. Jones said we do not check.

Mr. Heydorn said a moral claim can be handled any way Council wants. You can require any form of proof you want and it's up to the individual to comply with it.

Mr. Jones said he would hold it until next meeting and let everyone think about it. There was an appeals process at the beginning of the program. Mr. Housley said the resident made an appeal at that time on the same grounds.

Mr. Church was not concerned about it setting a trend, as this is only one request.

Mr. Heydorn, Mr. Church and Mrs. Fuller will not be at the next meeting, so Mrs. Fuller expressed concern about dealing with this at the next meeting. Mrs. Meyer may not attend either.

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There being no further comments or questions, Council adjourned at 8:16 p.m. until the next regular meeting of Council on Monday, June 6, 2016, at 7:00 p.m.

APPROVED:

Mr. Gerald P. Jones, President of Council

ATTEST:

Sean M. Housley, Clerk-Treasurer
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prepared by: Darlene Pesticino