

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Tuesday, February 21, 2017

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Tuesday, February 21, 2017, 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. Christopher Scott, Mrs. Betsy Meyer, Mr. Gerald Jones, Mr. William Church, Mrs. Carol Steiner, and Mr. Matthew Plesich

Roll call of Council - 6 members present

Absent - Mrs. Karen Fuller

Mr. Scott moved and Mrs. Steiner seconded to excuse the absence of Mrs. Fuller. All members of Council signified their approval by saying aye.

Mr. Jones asked if there were any additions or corrections to the minutes of the February 6, 2017, Regular Council meeting.

There being no additions or corrections, the minutes 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.: 15-2017 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS TOTALING \$104,556.39.

Mr. Jones assigned Resolution No.: 15-2017 to the Finance & Appropriation Committee.

RESOLUTION NO.: 16-2017 A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE A NEW 2017 T370 CAB AND CHASSIS FROM HISSONG KENWORTH OF RICHFIELD, WITH EXTENDED WARRANTY AND HENDERSON PACKAGE, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 16-2017 to the Finance & Appropriations Committee.

ORDINANCE NO.: 17-2017 AN ORDINANCE AMENDING SECTION 927.13(c) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE TO ADJUST THE SANITARY SEWER CHARGE TO RESIDENCES WHO HAVE UNMETERED SEWER CHARGES, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Ordinance No.: 17-2017 to the Finance & Appropriations Committee.

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ORDINANCE NO.: 18-2017 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED CONTRACT WITH ROBERT W. HEYDORN AS SOLICITOR OF THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Ordinance No.: 18-2017 to the Personnel and Public Affairs Committee.

ORDINANCE NO.: 19-2017 AN ORDINANCE AMENDING THE SALARY ORDINANCE OF THE VILLAGE OF SILVER LAKE, OH HEREBY ESTABLISHING A NEW FULL TIME POLICE SECRETARY POSITION, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Ordinance No.: 19-2017 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 20-2017 A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE FEDELI GROUP FOR GROUP HEALTH INSURANCE WITH MEDICAL MUTUAL OF OHIO FOR THE P2080-1000 WITH RX-A PLAN OPTION, GROUP DENTAL WITH ALWAYS CARE, GROUP VISION WITH ALWAYS CARE, AND LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE WITH DEARBORN NATIONAL, ALL IN ACCORDANCE WITH THE RATES SET FORTH EFFECTIVE APRIL 1, 2017 AND PURSUANT TO CONTRACT DOCUMENTS ON FILE IN THE OFFICE OF THE CLERK-TREASURER, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 20-2017 to the Planning, Zoning & Insurance Committee.

Second Reading: None

Third reading: None

Comments from the audience:

Larry Rhodes, 3036 Vincent Road, said I saw in the Falls News Press that we might be discussing hydraulic fracturing and I want to say I am a big proponent of fracking. I think it's a great way to develop domestic resources, along with other types of energy - nuclear and also renewables. I'd like for you all to consider what may happen if you go forward with hydraulic fracturing in the Village, considering it's so close to our water supply.

There are a lot of chemicals that go into hydraulic fracturing. One can go online and see the list. I'd like to point out that some of those acids are considered to be highly toxic depending on the concentration. I have SDS's here, and if we do consider going forward, I would hope that you would ask Beck Energy to provide you with all those SDS's, so that you can make informed decisions about how to go forward.

It is, of course, our water supply. I'm concerned about any contamination. You all have to decide how to move forward. You need to make an informed decision about that. I can certainly leave

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you with any SDS's that you would like. I have a few here that are particularly onerous, I think. But it depends on the concentration. For example, acedic acid is known in your home as vinegar, but if it has a high concentration, it's considered very toxic and can burn your eyes, your skin, etc. That's what I wanted to say.

Mr. Church asked so your position on this in general is a plus or minus?

Mr. Rhodes said I think it's a bad idea considering if you think about it in terms of economic benefit to the Village. My understanding from the paper is we would accrue something like \$3,000 a month. I don't know how many households there are, but if there are 300, that's \$10 a household.

Mr. Jones said the households are four times that, about 1,100.

Mr. Rhodes said then it's even less money per household. It seems like in terms of cost benefit ratio, in my perspective, it doesn't seem like it's worthwhile because of the potential for contamination of the water supply.

Mr. Housley asked if Mr. Rhodes had something for Council and Mr. Rhodes said he would leave them for Council.

Dr. Jean Rhodes, 3036 Vincent Road, said I did my Ph.D. work on trace contaminants going into the Great Lakes. I worked at Harvard Medical School and in Switzerland at their Institute of Technology. I have a lot of experience with organic chemicals going into the water environment.

Larry talked about the fracking chemicals that are used. Remember, there's a huge water cycle that goes into this process. There's going to be a lot of water, I'm assuming they're going to take it from the Cuyahoga River. There will be thousands of gallons of water in tank after tank being mixed with all these chemicals. Those tanks could leak. Then it gets pumped into the ground, so there is a huge water cycle of all those thousands of gallons going into the ground.

Then there's a whole bunch of water that will come back up and as your hydraulic fracturing takes place over the years, there is going to be a constant flow of water. Underground there is about 4,000 PSI (pounds per square inch) pushing water back out. I'd like to submit to you the analytical results showing that the benzene could be up to about 2,000 micrograms per liter.

There are a lot of questions like how are they going to collect that wastewater? Are they going to try to treat it on site? What are they going to do if there's a spill? At the place where Larry works they have to incinerate hazardous water. I'm not saying they have to do that because they are not a chemical company, but chemicals are chemicals and there is a risk there. If this was sited where you minimized the risks by being farther away from water sources I guess I would say go ahead, take it under consideration. Where they want to do it maximizes the exposure to water treatment. They won't have time to make a cleanup before it could get out into the environment. Benzene is known to cause leukemia. Childhood leukemia is the most prevalent cancer to children. Based on

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the rates of 1.25 cases per 10,000 children, you could imagine someone drinking water from the Cuyahoga Falls plant and just by odds there is going to be a case somewhere. Are they going to come back to Silver Lake and say if you hadn't done this, this wouldn't have happened to me?

When I do an analysis plan for a site – just the plan telling you where I'm going to drill holes and how many samples I'm going to take – that could be a \$50,000 thing. How are you going to accrue the money? I don't see the trade-off. If you are going to have high risk, usually you should have high rewards. I see this as an inverse of that, where the risk potentially could be high. It would be awfully hard to prove that none of the risk ever came from Silver Lake, and the rewards that go with that risk, to me, are fairly low.

Mr. Church said they are talking about going down 4,000 feet.

Dr. Rhodes said down there they are using pressure, so the water has to go somewhere, and some of the water does come up. That's why they have to worry about the wastewater, collecting it and not spilling it.

Mr. John Lepkowski, 3077 Markle Road, said he runs a health safety environmental company and is against this. I am against this, but I want to caution Council on these two people. They are giving you theoretical information. The gentleman is talking about safety data sheets that he doesn't know if the company you have introduced are going to use those chemicals or not. He probably took them off the internet. They are theoretical references. Her reference in terms of benzene is absolutely correct. It is a carcinogen, but her information is also theoretical. I respect her. I think she's done a wonderful job, but I would caution you in terms of the specifics, because I think they're speaking in generalizations.

PLANNING, ZONING AND INSURANCE COMMITTEE - MR. WILLIAM CHURCH

RESOLUTION NO.: 20-2017

Mr. Church said this resolution is in reference to the employee health insurance renewal. Mr. John Friend from the Fedeli Group is here tonight. As we looked at this as a Committee, I believe we saw there was only a slight increase in the premium over last year.

Mr. Friend said it is a 3.02 percent increase.

Mr. Church said at the time of the discussion, he did not believe there was opposition to bringing this out tonight.

Mr. Jones asked what about the renewal of the health insurance? I understand that's not a full term.

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Mr. Friend said it is a term that was shortened by what we are calling transitional relief. When the Affordable Care Act was passed, we were allowed to avoid the ACA and all the negative associations with it until the end of 2017. Because this plan renews April 1, 2017, we are only going to get an eight month renewal unless the Trump administration grants additional transitional relief.

I think he's made it widely known by everyone that he opposes the ACA and has full intentions of repealing it, but doesn't have the time to get it repealed prior to the end of this current session of transitional relief. Although as it stands right now, Medical Mutual was renewing that rate and offering it through December 31, 2017. Because they are not allowed to offer it beyond that time, we expect that additional transitional relief would be granted and that this rate would probably continue through next March and we'd get a new rate next April. We can't guarantee that. This rate would be guaranteed through December 31, 2017.

Mrs. Steiner asked Mr. Housley what we put in the budget for healthcare.

Mr. Housley said we put in 10 percent.

Mrs. Steiner said that would put us in good shape then.

Mr. Scott said the three percent is over all of these insurance coverages, correct?

Mr. Friend said it's over the medical and the Rx. The rest are separate rate actions.

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

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE – MRS. CAROL STEINER

ORDINANCE NO.: 18-2017

Mrs. Steiner asked Mr. Housley when we last addressed this issue.

Mr. Jones and Mr. Housley said it was 2013.

Mrs. Steiner said Council has decided Mr. Heydorn serves us well. He does a lot for us. He is at every meeting. He's our consultant about any legal questions we have. If there is lawsuit he is authorized to do that work on an hourly basis, however, there have not been many bills submitted to us at all for any outside work. He's done an excellent job. The Ordinance is asking that he will be paid \$33,139 retroactive to January 1, 2017. Are there any further comments or questions from anyone?

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A gentlemen in the audience whose name is not audible asked what Mr. Heydorn is being paid now.

Mr. Jones said he is currently paid \$30,000 plus, so this is a \$3,000 raise.

Mrs. Steiner said we have done some research and he is one the lower paid attorneys doing the kind of work he does for us.

There being no further questions, Mrs. Steiner said this Ordinance would be brought out for adoption this evening.

ORDINANCE NO.: 19-2017

Mrs. Steiner said this has been discussed at previous Council meetings. The Chief has asked us if we would establish a new full time police secretary position and asked Chief Conley to address this.

Chief Conley said the volume of work, as I have explained in previous meetings, has increased substantially over the years. We need a full time position. One inquiry that was made was the amount of hours gained by making her full time. It was commented that based on holiday and vacation time that it was just basically a wash. It is not. With the addition of hours that she averages now, making her full time would grant 502.75 hours per year.

Holidays for the Village equate to 96 hours per year. That would leave us with an additional 406.75 hours. That's important to know because another question that was raised was she is also getting three weeks of vacation. She would get three weeks of vacation because she has prior governmental service. We have legislation that would grant her that if the Mayor would agree to give her that additional time. However, on the date she starts she doesn't have three weeks of vacation on the books. She earns it at 4.6 hours every two weeks. Every month she would earn 9.2 hours of vacation. She is not starting off with three weeks of vacation on the books. It would take her at least one full 12 month cycle for her to earn her three weeks' vacation total.

That was a very good question that was brought up. That was a concern of mine when I originally was told it was a wash and it is not a wash. Lot of hours here that I will be able to use for a lot of the programing in the police department.

Mrs. Steiner asked if she would start on Step 1 or Step 2 on the salary ordinance.

Chief said, also a good question. I went back to 2009 as a starting point and used a position at that time that was an Administrative Clerk position. Margaret Tussey was in that position when she first started at the Village. I didn't factor any additional pay since that time. I started with the 2009 rate and she would begin at Step 1, Police Secretary, \$13.6178 per hour.

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Mrs. Steiner clarified this would be a new position.

Mrs. Meyer asked what she is making now. Chief Conley said \$12.18 per hour.

Mrs. Meyer clarified she would get benefits also.

Mr. Scott said aren't we doing an Executive Session on this tonight?

Mr. Jones said yes, we are.

Mrs. Steiner said what we are doing with the Ordinance is establishing the position. We are not discussing a particular person.

Mr. Scott said I think once the position has been established, they have the authority to fill it, so if there's some question that we may or may not do this, aren't we sort of getting ahead of the game?

Mrs. Steiner said I think I got ahead of the game. I apologize.

Mr. Jones said let's just wait until we have our Executive Session.

Mrs. Steiner said do we want to bring this out to vote.

Mr. Church said we don't until it is has been discussed in Executive Session.

Mr. Scott said because as soon as that is done . . .

Mr. Jones said we are not going to do anything with it right know.

Mr. Heydorn said you can give something a first reading.

Mrs. Steiner said this would be a first reading.

FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHRISTOPHER SCOTT

RESOLUTION NO.: 15-2017

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

Mrs. Meyer asked about court costs for Randall for the Stow Muni Courts. Who's Randall?

Chief said this is court fees paid to Stow Muni Courts for a court case for Randall. I don't know the name of the subject. We incur court costs throughout the year. We have \$2,500 budgeted for this year. Last year we spent \$2,311.00 in court costs.

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

RESOLUTION NO.: 16-2017

Mr. Scott said this resolution deals with the purchase of a new 2017 T370 cab and chassis as well as the equipment package and warranty.

Mr. Lipan said he got quotes from other places. Everybody is on the State bid or on the National Joint Purchasing Agreement. I joined the National in January and it was free to join and goes all over the United States. We paid \$300 less than what the State was offering.

As you can see from the other quotes, Freightliner is an hour away. If the truck had to be repaired, it would take a while to get to them to service it. Western Star is more than an hour away. Are there any questions.

Mr. Church clarified we are looking at \$81,000 for the truck and another \$4,200 for the warranty, is that correct. The Henderson equipment package is for \$66,000.

Mr. Lipan said that is correct. The equipment package contains everything, lights, dump body, plow, and salt spreader, including a five year warranty. The other company is only offering a one year warranty.

Mr. Church said that is unbelievable.

Mr. Lipan said the one from American Roads is \$59,000. They offer a one year warranty. They have been around awhile but they are new to municipal trucks. This is made in Canada and is shipped here. We have used Henderson in the past and have also used Concord, both are good companies.

Mr. Jones said so there is a difference of about \$7,000.

Mr. Lipan said correct. You are also getting a five-year warranty with the Henderson.

Mr. Jones asked what we get with the other one.

Mr. Lipan said one year.

Mr. Scott asked how old the truck is that we are replacing.

Mr. Lipan said it is a 2001. This is just the price of the truck. We'll get money back for the truck we have now. We were going to get \$9,000 from Kenworth. I think we can get a little more by putting it on egovmarkets.com or at auction.

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Mrs. Meyer asked how many hours are on the new truck.

Mr. Lipan said there are 7,000 hours and 58,000 miles.

Mr. Scott asked on this package of \$66,000, how much is the bed itself.

Mr. Lipan said it is not priced out.

Mr. Jones asked if the five year warranty covers everything.

Mr. Lipan said bumper to bumper. With the new EPA emissions standards, it is more cost effective to get the warranty than have to pay out of pocket.

Mr. Jones asked how many trucks we will have once we get this one.

Mr. Lipan said we got the other one in 2010.

Mr. Plesich said we've had the other one for 16 years.

Mr. Scott asked is this is a stainless steel bed.

Mr. Lipan said it is stainless steel, including the weldings.

Mr. Scott asked the condition of the bed that we have now.

Mr. Lipan said the one we have now is stainless steel and it has a lot of ripples in the bottom. The new item is made with T3 or 4 stainless steel. There is a new type out now it is a little thinner and heavier duty.

Mr. Scott asked if the new one is thinner.

Mr. Lipan said the new one is thinner but it is stronger.

Mr. Scott said he remembers the conversations we had with your predecessor that the reason you have to get stainless steel dump beds is because they never wear out, but then we buy a new one every time we buy a new truck.

Mr. Lipan said they dent and scratch from the friction of the sand.

Mr. Church asked if we do the \$152,000 package, where the funds are sitting now.

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Mr. Housley said the General Capital Improvement would be paying for half and Water Capital and Sewer Capital each would be paying about 25 percent each.

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

ORDINANCE NO.: 17-2017

Mr. Scott said we looked at the average usage again and it appears that the usage has gone up from six to seven (*units*).

Mayor said it is probably due to the fact that we get more accurate water readings now.

Mr. Plesich asked what was being charged in the past.

Mayor said it had been eight.

Mr. Plesich said now we are at seven.

Mr. Scott said we will look at this at the end of every year.

Mayor said at the end of every year.

Mr. Scott asked how many residents are unmetered. Do we have the number of homes effected by this?

Mayor said there are five on DeGruchy, all of North Dover Road, I think Dover Road is included, Sean may know, and a house here and there.

(There are 11 unmetered accounts. Five on DeGruchy, three on Kent Road, two on Lake Rd, and one on Englewood Drive. These 11 homes are tied into the Village's sewer system and have wells. The homes on North Dover Road do not have Silver Lake water or sewer. They are charged for system maintenance and storm water only.)

Mr. Scott said so less than 50 houses.

Mayor said I am sure of that.

Mr. Scott said because there are 30 some on North Dover and five there. Probably less than 40.

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

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RESOLUTION NO.: 16-2017

Mr. Housley said there was a typographical error on Resolution No.: 16-2017 and asked if we have to do anything with it.

In Section 4, it does say that the monies are coming out of the General Fund, but only half will be coming out of the General Fund. As I said earlier, 25 percent will be paid for out of Water Capital and 25 percent out of Sewer Capital.

I can just fix the typo tomorrow. Is that correct?

Mr. Heydorn asked Mr. Housley if he could honestly say that is the way it should have been typed in the first place.

Mr. Housley said, yes, that is the way it should have been typed in the first place.

Mr. Heydorn said, on the record this will be a typo. What will the insertion be?

Mr. Housley said it will read as follows:

- 50 percent will be paid for out of General Capital, not the General Fund.
- 25 percent will be paid for out of Water Capital.
- 25 percent will be paid for out of Sewer Capital.

Mr. Church asked (Mr. Heydorn) if he still sees that as a typo.

Mr. Heydorn said he (Mr. Housley) is telling me it is a typo. Actually earlier this evening when Mr. Housley was asked where the funds would be coming from, he answered that question the same way, General Capital. It is on the record as a typo.

Planning, Zoning and Insurance Committee – Mr. William Church

Mr. Church stated **Resolution No.: 20-2017** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Church seconded by Mrs. Steiner
 Roll call on suspension: Yes 6 No 0
 Motion to adopt by Mr. Church, seconded by Mrs. Meyer
 Roll call on adoption: Yes 6 No 0

Personnel and Public Affairs Committee – Mrs. Steiner

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Mrs. Steiner stated **Ordinance No.: 18-2017** 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 6 No 0

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

Roll call on adoption: Yes 6 No 0

Mrs. Steiner stated **Ordinance No.: 19-2017** was discussed in Committee and will be a first reading.

Mrs. Steiner reported the Personnel Placement Committee met earlier this evening to discuss the following and is recommending the following:

Placement of Logan Sapper to Service Worker Step 2 on the Salary Ordinance, effective February 22, 2017, \$37,157, 2 percent increase.

Motion to approve by Mrs. Steiner, seconded by Mr. Church

All members of Council signified their approval by saying aye.

Placement of Kim Pigman to Bookkeeper/Administrative Secretary Step 2 on the Salary Ordinance, effective February 22, 2017, \$35,402, 2 percent increase.

Motion to approve by Mrs. Steiner, seconded by Mrs. Meyer

All members of Council signified their approval by saying aye.

Finance and Appropriations Committee – Mr. Scott

Mr. Scott stated **Resolution No.: 15-2017** was discussed in Committee and is ready for adoption.

Motion to adopt by Mr. Scott, seconded by Mrs. Steiner

Roll call on adoption: Yes 5 No 0 Abstain 1 (Plesich)

Mr. Scott stated **Resolution No.: 16-2017** 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 6 No 0

Motion to adopt by Mr. Scott, seconded by Mrs. Meyer

Roll call on adoption: Yes 6 No 0

Mr. Scott stated **Ordinance No.: 17-2017** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mrs. Steiner

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Roll call on suspension: Yes 6 No 0
Motion to adopt by Mr. Scott, seconded by Mrs. Steiner
Roll call on adoption: Yes 6 No 0

Reports of Village Officials

Mayor Hovey reported hopefully you have noticed behind you we have a mural on the wall that was donated by a resident. She took a panoramic picture looking across the lake from the west side to the east side. I sent her a thank you note for her donation.

I will give the State of the Village address at the next Council meeting.

We had a little bit of an emergency today with microphones. I informed Mr. Jones a couple weeks ago that I agree it's time we do something with these microphones. We have been getting some quotes and are expecting three quotes, hopefully tomorrow.

Now, it's turned into an emergency. The amplifier is blown. There is a choice of getting it fixed, which there was a slim possibility he could fix it in his shop. More than likely it was going to have to be shipped off to the manufacturer. The amplifier itself is about 15 years old.

Since we are getting a new system, it's probably a good time to get a new amplifier. We have an indication the quotes are between \$10,000 - \$12,000 and we've asked the people quoting us to amend that by including a new amplifier. Since it is an emergency, I checked with Mr. Heydorn and if you want to go ahead with it, you can give me verbal permission tonight to sort through those bids. I would ask Mr. Jones to come in and Mr. Housley to sort through the bids and pick what we think would be the best system for us.

If you could give me permission to go ahead with that tonight, I could in all likelihood have a resolution for you to approve at the next meeting.

Mr. Scott asked when your proposals went out for these quotes what were you looking at. Previously when we discussed this we tried to work out something that almost every person would have a microphone.

Mayor said it would probably be 12 microphones, including a wireless one for people to talk. He said it would be a wireless system.

Mr. Church said a stand up microphone for the audience would be very helpful.

Mayor said in order to expedite that, if you want to wait two more weeks to get the resolution we could do that. I think it would be in our best interests to have Council do a voice vote to give me permission to go ahead and make that purchase.

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Mr. Jones asked if Council could take a voice vote.

Mr. Heydorn said the bidding process limit is anything under \$50,000 doesn't need to be bid. But we do have this approval question that is in the ordinance for Council saying that anything over \$5,000 spent by the Mayor should have the approval of Council.

It doesn't say specifically what kind of approval should be done. Should it be by resolution or should it be by motion. I've always said for Sean's benefit and for the record, it probably would be better if it's done by resolution if it greatly exceeds \$5,000, because it looks better to the auditor in general.

Since you have what amounts to an emergency here, my suggestion is that during Miscellaneous Business someone from Council make a motion for the Mayor to buy the proposed microphones and speakers and add not to exceed some figure. Whatever you want it to be.

Mayor said about \$15,000.

Mr. Heydorn said not to exceed \$15,000 and then let him go for it. Then I will bring back a resolution that will ratify and confirm the motion that was made at the next meeting. That will allow the Mayor to get all the equipment before he next meeting.

Mr. Jones said unless it is 2 to 1 no.

Mr. Heydorn said yes unless you vote against it, sure.

Mr. Robert Heydorn, Village Solicitor, I want to thank you for looking at my resolution favorably. I look forward to this job and doing what I do. I really enjoy it and I appreciate the support.

Mayor asked about the DeMoss case.

Mr. Heydorn said the case was ruled in our favor by the trial court. It was sent back to the trial court because the court of appeals said the trial court did not follow the proper analysis to arrive at the conclusion that was arrived at. So the trial court, Judge Teodosio again, looked at the analysis, used the analysis the court of appeals wanted, and arrived at the same result, which was that we win.

The patrolmen received no vested rights when the ordinance was changed to change their medical payments and insurance when they retire. It was a win for us and it is expected to be appealed, as usual. This time it will go up having used the right analysis. Using the same conclusion. The interesting thing about all of this is that it's the same reasons we told the patrolmen years ago, that the courts denied their request.

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That gives us real hope in the Court of Appeals.

Mr. Jones said last Council meeting you gave us your summation, your thoughts on the school property. Is that something you can put in written form in case we need it down the road?

Mr. Heydorn said yes he would provide that.

Mr. Jones asked about the TV dishes.

Mr. Heydorn said we are sending out letters to the people that have dishes that don't meet the current requirements that they have to go to the Planning Commission for review. If they don't meet the requirements they have to go through the process for a variance.

Mr. Jones asked about a change in the ordinance itself.

Mr. Heydorn said I got the impression there wasn't much interest in changing the ordinance. Is there?

Council members said yes they are interested in changing it.

Mr. Heydorn said he would produce the change.

Mr. Church asked if the existing ones would be grandfathered.

Mr. Heydorn said that is an excellent question. It would depend on what kind of regulation this is going to be. If I put it in the Zoning section, then that's true. If I put it in the Business Regulations section, they would not be grandfathered. It would take some analysis of where it can be justified to come out with an answer to that question.

Chief John Conley reported Lt. Jamie Norris' mother passed away.

Mr. Mark Lipan, Service Director, reported we have about 20 more meters to install. We had to turn off one household.

Mr. Sean Housley, Clerk-Treasurer, reported he included for Council our regulatory basis financial statements for fiscal year 2016. These are non-comparable statements. Every other year we compare them to previous years. I just wanted to point out a few things.

There's a Governmental Fund presentation on Page 2, and it talks about net change in fund cash balances. It lets you know whether or not these fund types, general, special, debt capital, whether or not they collected more than what they paid out. For the year, collectively, all governmental funds, we had a surplus of \$145,507.

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Page 3 is Proprietary Funds. These operate similar to private business where management intends to recover the cost in these funds. The Proprietary Funds are the Water, Sewer, Storm Water, Water Capital, Sewer Capital. Collectively all those funds combined had a net operating surplus of \$76,000 last year.

The Agency Fund, that is Metro SWAT, they had an operating surplus of \$34,000, for a total of \$111,000.

The notes start on Page 4. I talk about the Village, the accounting basis, describes the funds, talks about the reserves. What I find to be extremely useful in these notes, it talks about our deposits and investments and budgetary activity. On Page 9 for example, what our budgeted receipts were, what our actual receipts were, what the differences were. Same thing for our appropriations.

Page 12 talks about what our outstanding debt is and what our interest rate is on all of our outstanding debt. The OWDA was refinanced in early 2016 from between four and six percent to three percent. Our total outstanding debt is \$1,504,158.

Mr. Housley said to call him with any questions or stop in the office.

Mr. Church said the report is outstanding and every new Council person should have this. It explains a lot about our finances.

Miscellaneous Business

Mr. Church moved that we authorize the Mayor to look into bids for a new microphone system and come up with an amount not greater than \$15,000 after consultation with Mr. Jones and Mr. Housley and to make the purchase. Seconded by Mrs. Steiner.

Roll call on adoption: Yes 6 No 0

Mrs. Steiner asked what Council thinks about appointing a Citizens Committee to thrash out some of the issue regarding the deer. It's 77 percent to 23 percent that people want something done. The question is how. What are we going to do about the deer? Do we want to take that on as Councilmen or a Citizens Committee would be a good idea.

Mr. Jones said the way this is written is not how the Mayor talked to me about it last week.

Mayor said he had made lots of changes in it. That was just given as draft legislation to get the discussion going because we have to make some sort of decision. This is certainly not the way it's going to end up being, if we decided to go ahead.

Mr. Jones said I think that's our responsibility.

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Mrs. Steiner said she heard some pretty knowledgeable people talk tonight. It might be good to get some input. They've done more research than I've done thus far.

Mr. Scott said I think from some of the comments being made they didn't really understand the legislation. I think there's changes that need to be made. I think some people were unaware of shooting from elevated positions. They're thinking these arrows are going to fly 500 yards down the road. There are other issues I don't think they fully understood and there are issues we have to be aware of with some of the other options, such as injecting them with a drug to make them sterile. How are you going to do that?

Mr. Heydorn said some of the suggestions may not be possible, as ODNR has rules. For instance, some of these people thought they could tranquilize them and in the back of their minds they don't want to kill them. So they are actually talking about taking them to a different location. I don't think that is permitted.

Mr. Church asked if it would be the responsibility of each homeowner to hire someone.

Mayor said his intent in the legislation was the homeowner would have to make a request for deer to be hunted on his property, but he would not have the right to hire them. That would have to come through us.

My intent was the deer hunters themselves would want the meat and would take it, so there would be no cost to us. If Council would schedule a work session on that issue, I can get the guy from ODNR here and he would tell us what we can and cannot do. Then we can decide if we're going to move forward and in what way. Together we can put together some sort of legislation.

Mr. Heydorn said there is history from other towns that this gentleman from ODNR knows that he can tell you about the pluses and minus.

Mr. Jones asked if he is local.

Mayor said he is local. This area is his domain.

Mr. Jones said we definitely need to have him come in.

Mr. Scott asked if we, as a Village, could not cull the herd because there wasn't enough damage being done.

Mayor said in his opinion, when he went around the Village, he wasn't sure we had a deer problem period. He said we can't do it on our own unless we can show damage done by the deer. We would have to establish and show that the deer are doing some sort of damage or some sort of hazard in the Village.

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Mr. Heydorn said what he was saying, I believe, was you have to show damage if you figure on a culling program outside of the hunting season. If you do it during the hunting season, you don't have to prove damage. They will allow that. You will be governed by the rules of the state as far as hunting is concerned. Then we as a town, now you can't shoot, but we would change our shooting rules to correspond with their hunting rules, to work together.

Mr. Church said that would make this area, as urbanized as it is, a hunting permissible ground, which opens up all kinds of other things.

Mr. Heydorn said no, no, no. I should have said, for purposes of what we allow – how you hunt, how you do these things. That is all local. The fact that you are allowing the hunting itself is part of what the State allows. Those are the things we could not permit, such as trapping a deer and then moving it. You can't do that. It just transfers the problem. That is where the state takes over. The same prohibition the state would have about hunting would also carry over to us. We would have complete control as the method of hunting and so forth.

Mr. Scott asked if we have any idea of how big our herd is.

Mayor did not know, but the man from ODNR thought if we took out 15 to 20 deer that would go a long way toward solving our problem.

Mr. Heydorn said there was a lady who talked about this some time back. She said she really didn't want to kill all the deer, it's not like she wanted to make this an extinct species. She wasn't talking about the normal amount of wandering deer. The problem we have in the Village goes beyond that. Now it is being over populated. Over population is the problem, not the existence of some, but over population. Once you arrive at that conclusion, then it seems to be a much more reasonable proposition, because over population we know creates all sorts of public nuisance problems.

Mrs. Meyer asked if there is an ordinances against feeding the deer.

Mayor said there is.

Mrs. Meyer said there are Facebook posts everywhere showing residents feeding the deer.

Chief Conley said he knows of no police reports on enforcement.

Mayor said in the past we were advised of a situation and went out and shut them down. We have not been provided any addresses recently. If you provide us with addresses, we will pursue it.

Mr. Jones asked Mayor Hovey to get in touch with the gentleman from ODNR to see if he is available for the second meeting in March or first meeting in April.

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Mr. Heydorn said we would not be implementing this until the next hunting season anyway, which is sometime in September.

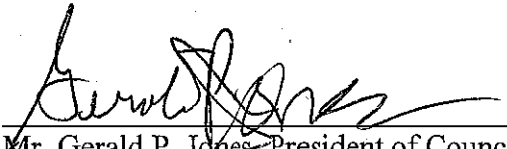
Executive Session

Motion by Mr. Plesich, seconded by Mr. Church to enter Executive Session to discuss Police Secretary Compensation. All members of Council signified their approval by saying aye.

Council entered Executive Session at 8:10 p.m. and returned to Public Session at 8:30 p.m.

There being no further comments or questions, Council adjourned at 8:30 p.m. until the next regular meeting of Council on Monday, March 6, 2017, at 7:00 p.m.

APPROVED



Mr. Gerald P. Jones, President of Council

ATTEST:



Sean M. Housley, Clerk-Treasurer

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Reviewed by: Suzanne Lipan and Kim Pigman