

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

**Monday, April 17, 2017 7:00 p.m.**

The Village of Silver Lake Council met in a regular session on Monday, April 17, 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

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

**APPROVAL OF MINUTES**

Mr. Jones asked if there were any additions or corrections to the minutes of the April 3, 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.: 32-2017 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS TOTALING \$134,642.02.**

Mr. Jones assigned Resolution No.: 32-2017 to the Finance & Appropriation Committee.

**RESOLUTION NO.: 33-2017 A RESOLUTION APPROVING AN AGREEMENT WITH H.M. MILLER CONSTRUCTION COMPANY FOR THE INSTALLATION OF TYPE B ROCK CHANNEL AT THE GULLY ON SOUTH DOVER ROAD, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Resolution No.: 33-2017 to the Finance & Appropriations Committee.

**RESOLUTION NO.: 34-2017 A RESOLUTION APPROVING AN AGREEMENT WITH H.M. MILLER CONSTRUCTION COMPANY FOR THE INSTALLATION OF A 36" STORM SEWER OUTLET AT SILVER LAKE BLVD, AND DECLARING AN EMERGENCY.**

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

**Monday, April 17, 2017 7:00 p.m.**

Mr. Jones assigned Resolution No.: 34-2017 to the Finance & Appropriations Committee.

**ORDINANCE NO.: 35-2017 AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE 2017 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Ordinance No.: 35-2017 to the Finance & Appropriations Committee.

**RESOLUTION NO.: 36-2017 A RESOLUTION APPROVING AN AGREEMENT WITH GBC DESIGN, INC. TO PROVIDE ENGINEERING SERVICES FOR THE REPHASING OF THE 2016 SANITARY SEWER REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Resolution No.: 36-2017 to the Finance & Appropriations Committee.

Mr. Housley said Resolution No.: 37-2017 would be amended to read as follows:

**RESOLUTION NO.: 37-2017 A RESOLUTION ADVANCING THE SUM OF FIFTY FOUR THOUSAND ONE HUNDRED AND EIGHT DOLLARS (\$54,108.00) FROM THE GENERAL FUND TO THE STORM WATER FUND FOR THE INSTALLATION OF ROCK CHANNEL AT THE GULLY ON SOUTH DOVER ROAD AND A 36 INCH STORM SEWER OUTLET AT SILVER LAKE BLVD., AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Resolution No.: 37-2017 to the Finance & Appropriations Committee.

**ORDINANCE NO.: 38-2017 AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Ordinance No.: 38-2017 to the Finance & Appropriations Committee.

**ORDINANCE NO.: 39-2017 AN ORDINANCE AMENDING CHAPTER 1361 OF THE CODIFIED ORDINANCE OF THE VILLAGE OF SILVER LAKE, OHIO, TO REGULATE THE SIZE, LOCATION AND CONSTRUCTION OF RADIO AND TELEVISION ANTENNAS IN THE VILLAGE.**

Mr. Jones assigned Ordinance No.: 39-2017 to the Planning, Zoning & Insurance Committee.

**Second reading: None**

**Third reading: None**

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE****Monday, April 17, 2017 7:00 p.m.****Comments from the audience:**

Mr. Jones advised residents they have three minutes to speak.

**Aimee Bauer, 2990 Vincent Road**, came to speak about the deer. I am a fairly new resident to Silver Lake. Part of the reason we moved here was the wildlife. I am totally against culling deer. The life of a deer is more important than someone's hosta plant. I have a printout of a deer sterilization program.

**Vicky Marimon, 3027 Harriett Road**, said bow hunting alone will not control the deer population. It will have to continue ad infinitum as new fawns will equal or exceed the number of deer you can kill. This is fact. This is from the experts; I am not making this up. Bow hunting is inhumane. I spoke with the deer management company Clifton used. The husband is a scientist. He studies deer. He said it is a slow painful death. I feel very passionate about it. We love our deer. We need to think if we want a long term solution to this, we need to think about ovariectomies. Clifton has 152 residents. We have over 2,500. Their household income is about half of ours, and their household value is \$117,000 and ours is over \$206,000. If they can do it, then we can do it. Theirs was funded 100 percent by grants and contributions. They did ovariectomies on 95 deer. In the first year alone they have seen a reduction of 49 percent of the deer population. If they can raise that kind of money and get grants, I'm pretty sure we can do it. I'm willing to look into and write the grants if I have to. Clifton has 85 acres and three city parks. They were able to accomplish this at the last minute, as someone who went to Council said, if I can do this and not cost the community one penny, will you let me have a chance. They have done it and they are doing it successfully.

The name of group is the Clifton Deer Project.

**Devon Feriance, 2816 Hastings Road**, said I have spoken before about the deer. I followed up with the man from ODNR after the last meeting about counting the deer. He said there was another community which went that route first, and it was a lot lower than what they thought. I think it would be wise if our community took the time to get a grasp if it's an issue and I would strongly support and assist an effective long term measure, such as ovariectomies. From the research I've done bow hunting is not proven effective. It's a short term result. I'd love to hear from Council if you can advise where things stand or timing.

**FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHRISTOPHER SCOTT**

RESOLUTION NO.: 32-2017, Payment of Claims.

Mr. Scott asked if there were any questions.

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

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

**Monday, April 17, 2017 7:00 p.m.**

RESOLUTION NO.: 33-2017

Mr. Scott asked Mr. Lipan to talk about this.

Mr. Lipan said we put a storm pipe in there years ago. What has happened is the water coming out of the pipe is starting to undermine the head wall and starting to eat away at some of the area of Mr. Hill's property. This is basically the same thing they did on Kingston Circle and Fenway Park. A big rock is brought in and concreted in place. It will take about a week.

Mr. Jones asked if this is private property.

Mr. Lipan said it is our storm sewer and the storm pipe is our responsibility.

Mr. Scott said so we have an easement there for the storm pipe and we are responsible for any damage that may cause.

Mr. Church asked if the pipe has eroded.

Mr. Lipan said the pipe is probably 55 feet in the area. They laid out a cement block for it and over time it has gone underneath.

Mr. Heydorn said the relevant question would be if we don't put a rock channel in, what happens to the existing storm sewer pipe, which is definitely our property. If that can't be maintained without this and the homeowner is willing to let us do that, whether or not there is an easement.

Mr. Church said it could eventually back up below South Dover.

Mr. Lipan said correct.

Mrs. Steiner asked if we are paying for the rock installation plus the sewer pipe.

Mr. Lipan clarified the sewer pipe is at a different location. We don't have to do anything to the outlet except shore up the surrounding areas.

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

RESOLUTION NO.: 34-2017

Mr. Scott said this one we have talked about in the past. We are getting it out of the way so it will flow.

Mr. Lipan said it is between the Wolf home and Oldham home. (on Silver Lake Boulevard)

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

**Monday, April 17, 2017 7:00 p.m.**

Mrs. Steiner asked if this will help Vincent Road flooding.

Mr. Lipan said it will alleviate a lot of flooding, but I don't know if it will help one certain area over another. The water wasn't getting out fast enough on Silver Lake Blvd. There were several companies that did not provide a quote.

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

**ORDINANCE NO.: 35-2017**

Mr. Scott said this is something we do every year to keep our ordinances up to date.

There was a question on the spelling of marihuana instead of marijuana, and Mr. Housley said he checked the spelling and it is the way it is spelled in our original codified ordinances. It is probably the origin of the word.

Mr. Heydorn said this is updating for new State regulations. They go through and say every State law that would affect a municipality is reflected.

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

**RESOLUTION NO. 36-2017**

Mr. Housley explained initially we tried to piggyback Silver Lake Blvd. and Lee Road. Since Silver Lake Blvd. is now emergency work, we have to take it apart. The engineer's cost of taking those two components apart is \$8,000. This is to approve the engineering work to take that apart.

Mr. Church clarified this is a portion that is leaking dangerously. I understand we did not get a grant for this. Is that correct? Mr. Housley said correct.

Mr. Housley said Council passed legislation in March of this year approving us to file a permit with the EPA for a right to install. That permit is not going to be filed and we will not pay that amount of \$8,800. We will need two permits now for this. They should be less, as permits are based on the scope of the project.

Mr. Scott asked if we would get some of this money back.

Mr. Housley said the \$8,000 is probably going to be spent, unless the engineer charges us less. There will be legislation in the future for each of these projects to file for an EPA permit. In addition I will have legislation permitting me to file an application with OWDA. I am waiting on the engineer before I can complete my application.

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

**Monday, April 17, 2017 7:00 p.m.**

Mr. Church asked if we pass this tonight and all the permits are obtained, what's the best case scenario of having that repaired?

Mr. Lipan said we still have to go out for bid. The engineer said it would probably be the first of May before his work is completed. After that it is three weeks to go out for bid. I am hoping we can award the bid the first week in June. You are probably looking at August or September for repair.

Mr. Housley said the engineering cost for the Boulevard will be around \$354,000 of the \$1,900,000.

Mr. Scott said we have to pass this one.

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

**RESOLUTION NO. 37-2017**

Mr. Scott said we are combining the projects, but the cost on this Resolution is less than the total.

Mr. Housley explained we didn't need the full amount in the storm water fund because we have changed the fee structure in that fund. I will have some available resources in that fund. I am planning on having this repaid over a couple of years. We may need to look at fees again when we discuss the budget. We have 600 catch basins and maintenance costs about \$18,000 - \$20,000.

Mr. Scott asked Mr. Heydorn since the Resolution was changed how can we adopt it?

Mr. Heydorn said it was read with the changes and it was not changed in substantial form.

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

**ORDINANCE NO.: 38-2017**

Mr. Housley said I am just moving around some money to pay for this project. I went to the Mayor to see what he wanted to do. He decided he didn't want to move forward this year with Englewood Drive engineering, which was about \$75,000. We reduced the appropriations by that amount and re-appropriated monies where I needed them. The net effect is an overall increase in appropriations of about \$44,681. General Fund had a reduction of \$17,427. Others were changes to the sewer and storm water funds relative to the legislation in front of you tonight.

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

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

**Monday, April 17, 2017 7:00 p.m.**

**PLANNING, ZONING AND INSURANCE COMMITTEE - MR. WILLIAM CHURCH**

ORDINANCE NO.: 39-2017

Mr. Church asked if all Council members had looked closely at this.

Mr. Heydorn said aspects of this do touch zoning. As finally written it addresses zoning to a certain extent. In order to fully enact this it will have to be first reading. Then it will have to go to the Planning Commission and they have 30 days to respond. Then we pick it up. It will also have to have a public hearing at the end.

Mr. Church said all we can do tonight is treat this as a first reading.

Mrs. Steiner said basically this does what we wanted to have done.

Mr. Heydorn said I think so. I spent a long time and took a look at Chapter 1361 and found it to be wanting in lots of respects, some of which I thought was contradictory. I rewrote it almost in its entirety, picking out the better parts and putting it back together again. You are looking at an almost newly constructed ordinance. The essential aspects of it are simply that it is now regulating all of them and not cutting out the small dish antenna from any regulation whatsoever, and allowing the ones under three feet to be on the roof. It's saying they can't be in the front yard, but also allowing to seek an area variance for location if that's absolutely necessary for whatever reasons they can give. They have to go through the process to the Board of Zoning Appeals. If it does go in the front yard it has to be shielded by some sort of visual device so it's not so obvious.

Mrs. Steiner said she appreciated the work Mr. Heydorn has done.

Mr. Church asked Mr. Heydorn if he knew how many ham radio towers there are in the Village.

Mr. Heydorn did not know, but when we enacted legislation we allowed 75 feet. At that time the common satellite dish was about 6-10 feet.

Mr. Jones said this would require a permit. Did the old one as well?

Mr. Heydorn said yes, it has to have Planning Commission approval and that's a permit.

Mr. Jones said at the Planning Commission meeting he attended, they said most people are not getting permits.

Mr. Heydorn said most people thought they were in the area for the newer ones. The controversy comes up because the new ones are under the two foot limitation. We said anything under that is not subject to regulation. At the time we were trying to figure out an easy way of taking the old

## REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, April 17, 2017 7:00 p.m.

ordinance and allowing these things to go on the roof. The old ordinance said no satellites on the roof, but they were 6-10 feet wide. The two footers were not subject to any regulation, so they construct anything they want to, where they want to. That was what lead to doing this over to bring all of them regardless of size, into regulation.

Mr. Church said if I decide I want to go with Dish Network, I have to apply for a permit, assuming this is passed. The other question I have is what is an earth station?

Mr. Heydorn said to forget that. I've written it out of the new ordinance.

Mr. Jones said under the old ordinance you were not allowed to put them in the front yard, correct?

Mr. Heydorn said that's correct, but they thought that they were not subject to the front yard ban and they were part of the unregulated group that you could put anywhere you want.

Mr. Jones asked if this will impact those who have already put them in.

Mr. Heydorn said it probably will. I say in there if it's a legal nonconforming use, it can stay. If it's not, it cannot stay. I've come to the conclusion that whether or not it is less than two feet long in one direction that does not meet the requirement of being under two feet. They have changed the shape to an elongated disk instead of a sphere. Every one we have so far surveyed is larger than two feet in some direction. We are going to call all the existing ones NOT legal non-conforming, so they will have to go back through for a permit.

Mayor clarified the new dishes are mostly 24 inches by 36 inches.

Mr. Heydorn said if they are under two feet all the way around then they can stay.

Mrs. Meyer said shouldn't they be grandfathered if they are already there?

Mr. Scott said we are going to open a can of worms here. Many people have satellite dishes on the roof, myself included, and I think we're going to have a lot of complaints. I don't know if it's a 3 foot x 2 foot. I'm not the only one that's going to be in this boat.

Mr. Heydorn said all you have to do is apply for a permit.

Mr. Scott said I think that's asking a lot of people that just want to get a satellite TV signal.

Mrs. Steiner asked if he applies for a permit then he can do it. Is that what you're saying?

Mr. Heydorn said yes, to utilize the roof.

Mrs. Steiner said on the roof it's okay. In the yard it's not.



**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE****Monday, April 17, 2017 7:00 p.m.**

Mr. Heydorn said that's the one instance if it was over 2 feet in some direction, it was illegal. Now it is legal.

Mr. Scott said you will have people having to come to the Village for normal service for a dish, versus cable lines. You're getting the same service. It's just a different format. I understand we don't want them in the front yard and don't want 6 footers. I would say fine going forward, but to not grandfather these people.....

Mr. Heydorn said then there will be several of these which I know there's been objection to, that will stay up. You are going to live with what you've got.

Mrs. Steiner said this was brought up because we've got several complaints from people that don't want to look at their neighbor's dish in the front yard.

Mr. Scott said I heard this also and I don't know what this is going to look like, but if it is going to be granted for the front yard, they have to put up some kind of obstacle to shield this. How much has to be shielded?

Mr. Heydorn said that's up to the Planning Commission.

Mr. Church asked how many are in front yards in the Village?

Mayor said it's five or six.

Mr. Church said I agree with Chris. Not to grandfather this, I think we are going to create some problems.

Mr. Jones said you be the next door neighbor that has to look at one three feet off the ground, right on the property line, staring at you.

Mr. Heydorn said just as a suggestion you could say this is not going to apply to any installations on the roof that meet current standards. Then you would still be in the position of saying those in the front yard are going to have to change.

Mr. Scott said I agree. My concern is we've talked about other homes in the Village that don't deal with TV reception but we can't do anything about it because it's art.

Mr. Heydorn said the Planning Commission has said that. It has to be called landscaping and has to be art. They have taken the position that we shouldn't interfere with that.

Mr. Scott asked what's to stop someone from painting flowers on their satellite dish and saying it's art?

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE****Monday, April 17, 2017 7:00 p.m.**

Mr. Heydorn said the ordinance will. That's not the point. The point is we say the only thing you can allow on this is something that's connected to its function. It has to be shielded, if it's possible, from view. If they want to put up flowers on a shield around it and take that to the Planning Commission, maybe the Planning Commission will pass it.

Mr. Church said we have two problems with this -- the size of the antenna and the placement.

Mr. Heydorn said it's whether you want to have some sizes or all sizes in the permitting process.

Mr. Church asked if we were to say nothing over a 3 foot diameter antenna behind your property or on the roof, and if we were to say there will be no TV antennas installed in front yards. Are we overcomplicating this?

Mr. Heydorn said that was suggested a minute ago.

Mr. Church said Mr. Scott's on the roof is the right size.

Mr. Scott said I am not talking about myself. I'm talking about the other 250-300 people.

Mr. Heydorn said the Planning Commission is our expert in the field. Wouldn't it be nice to get their comments? Then you can change it any way you want to after that.

Mrs. Meyer said they were supposed to get a permit before. Who enforces these permits that aren't being given?

Mr. Heydorn said it is the Zoning Inspector in the Service Department who enforces permits.

Mr. Heydorn said you can say it's our fault we shouldn't enforce what used to be. The law is that we can wait 50 years and not enforce an ordinance and then choose to enforce it. The law says you can do it. The fact that the Village did not enforce this. If Mr. Scott's satellite dish is two feet or bigger, then he is violating the law.

Mr. Scott said I get that. That's fine; we want to go to zoning and get their feedback. I think I've had my satellite dish for probably 10 years. Nobody has ever approached me about where is my permit. We've never written in our newsletters to inform residents that they have to be aware. I know ignorance of the law is no excuse. All of these installers are not aware of it either.

Mrs. Steiner said the company should be able to give you what you need. I agree we seem to have some businesses that are complaint driven. You have to call and complain before anything is done.

Mr. Scott said how many signs have you seen for garage sales for the past five years and all of a sudden it's written up in our newsletter. It's not being enforced.

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE****Monday, April 17, 2017 7:00 p.m.**

Mr. Heydorn said if it wasn't complaint driven and we charged our Zoning Inspector to go out and cite for every zoning violation in this Village, you would really be surprised. It's complaint driven in every town.

Mr. Scott said so why can't we send our Zoning Inspector out to the 5 or 6 residences we have complaints on.

Mr. Heydorn said that's because Mr. Jones asked for this legislation to be drawn up.

Mr. Scott said I personally felt that at this point it wasn't necessary. Isn't that the solution? If we are going to enforce this, even the new stuff, by complaint. We have complaints. Why don't we enforce what we have?

Mr. Heydorn said what we have existing does not fit the technology of today.

Mr. Scott said we weren't allowing satellites in the front yard before.

Mr. Jones said I agree with what he's saying. I brought up that's there's one I cited specifically in the front yard. We should have probably gone out and said you can't put that here. The neighbors complained to him.

Mr. Heydorn said that's why I looked at the ordinance and said it's a mess. The Planning Commission agreed at the meeting I went to a few weeks ago.

Mr. Plesich said it makes sense to update the ordinance, but Mark could go out tomorrow and cite under the current ordinance as it is written now.

Mr. Heydorn said there's a point where non-enforcement also runs into an equal protection argument after a point.

Mr. Scott said I thought we were enforcing our stuff based on complaints.

Mr. Heydorn said that's because you're using the complaints for knowledge of. If we have knowledge of other ones and did enforce it then there's an equal protection problem.

Mr. Plesich said if there are five or six we can send the Zoning Inspector out.

Mr. Lipan said he spoke to one resident who moved it from our right of way to another spot. The company said that's the only place she can get reception. What can you do about that?

Mr. Heydorn said you have to ask for a variance.

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE****Monday, April 17, 2017 7:00 p.m.**

Mr. Lipan said the bottom line is they are going to end up staying where they currently are.  
Mrs. Steiner said they would have to landscape around it under the new ordinance.

Mr. Jones asked who enforces zoning.

Mr. Lipan said his Zoning Inspector is Ben Gregory.

This is first reading and will be sent to Planning Commission.

Mr. Heydorn asked Mr. Housley to provide a written summary of tonight's debate to the Planning Commission when they receive Ordinance No.: 39-2017.

**Finance and Appropriations Committee – Mr. Scott**

Mr. Scott stated **Resolution No.: 32-2017** was discussed in Committee and is ready for adoption.

Motion to adopt by Mr. Scott, seconded by Mr. Church

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

Mr. Scott stated **Resolution No.: 33-2017** 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 **Resolution No.: 34-2017** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mr. Church

Roll call on suspension: Yes 6 No 0

Motion to adopt by Mr. Scott., seconded by Mr. Church

Roll call on adoption: Yes 6 No 0

Mr. Scott stated **Ordinance No.: 35-2017** 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 **Resolution No.: 36-2017** was discussed in Committee and is ready for adoption.

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

## REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, April 17, 2017 7:00 p.m.

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

Mr. Scott stated **Resolution No.: 37-2017** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mr. Church  
 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

Mr. Scott stated **Ordinance No.: 38-2017** 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 6 No 0  
 Motion to adopt by Mr. Scott., seconded by Mr. Church  
 Roll call on adoption: Yes 6 No 0

**Reports of Village Officials**

**Mayor Hovey** commented on the draft legislation in regard to deer culling before Council. I wanted to get this to you Friday, but I only completed it this morning. The first draft was not well worded, but did serve its purpose in getting the discussion started. I'll let you read this and give feedback on it, but basically it refines some of the things that have been said during the meetings. I think I've tried to capture what Council was talking about as well as the residents' concerns.

If you jump down to Page 1, 3(a) *bow and arrow hunting is the only thing to be used and it must be from an elevated position*. If Council wants to entertain another culling program other than bow and arrow I'm perfectly acceptable to that. I have to check into the success of the Clifton Program. I know it cost about \$40,000. They had a \$20,000 corporate sponsor and raised the rest of the money in some other fashion. The Director of Public Safety is responsible for selecting and approving the hunters. There are standards that hunters would have to meet. We would be contacting them to make sure they have the experience and temperament that would be required. Hunters will perform under the rules and regulations established by the Director of Public Safety. If they agree to hunt and they are properly vetted and we say they can hunt, then they have to hunt. The gentlemen from ODNr said people get deer hunting licenses and then never go out.

ODNR rules for hunting are September to February. One hunter can take nine doe and one buck. I reserve the right to limit that number and end the program if we have reached 15-20 deer.

Mr. Jones asked how would we know what is enough?

## REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, April 17, 2017 7:00 p.m.

Mayor said he is going along with what Jeff Westerfield of ODNR said to take 15-20 to see if we have an impact.

(e) says the *Director of Public Safety, along with the concurrence of Council, shall determine which will be used as hunting.* It talks about if there is anything done where there's a landowner's property involved, all the landowners have to give permission. It wouldn't be necessary on Village owned property. I put down no hunting shall be done in areas less than four acres. I made up a number. It could be five or three acres. There will be no hunting in residential areas. Several residents could get together to combine their properties and request permission from the Village to hunt on those parcels, but that's probably not going to happen. They are never going to get four acres of residential property, and we still have the right to say no.

(g) says to *completely remove the deer and entrails from Village property.* There will be no cost involved.

On page 3, I went around with Jeff Westerfield and Mr. Heydorn and identified some areas that might be worth considering. (1) The Reserve area behind the Service Department. (2) Woods abutting Crystal Lake. There are houses at the top of the hill, and according to this legislation, those people would have to give their permission. (3) The same thing with the ravine to the east and at the end of Kingston Circle. Four homeowners in the area would have to give approval. (4) The north end of Dover Road has some large tracks of land.

I also am making the recommendation that we should consider putting this as a ballot issue on the November election. If it doesn't pass, that tells us what to not do. If it does pass, we could still run a program this year. I don't think we can just go to the ballot and say "do you want a deer culling program or not?" They would want to know what program you have in mind. I think Council has to be able to come up with something similar to this or completely different. I am not married to this proposal. I just tried to put one together based on the comments I have been hearing. If we do put it on the ballot, we have to have a program that they know what they're voting on.

The Country Club has said absolutely no hunting on their property.

Mr. Scott said the Mayor and I talked about this and we are in agreement. If you look at Section (a) on the first page below 505.11, Hunting and Deer Population Control, the first one is *no person shall hunt, hold, or attempt to kill any animal or fowl within the Village by use of firearms or any other means except as follows.* That then gets into the permitting things. Dogs will catch a rabbit in my yard and not finish the job and I have to do it. According to this I have to get a permit to go do that.

Mr. Jones said that would be mercy killing and that's okay.

Mr. Scott said we don't say that in here. My thought was do we have to say any kind of killing, because we probably have other ordinances that say we can't hunt in the Village.

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

**Monday, April 17, 2017 7:00 p.m.**

Mayor said this is the only one.

Mr. Heydorn said you can't hunt or trap, but the idea is to limit the means by which you can kill an animal and the animal has to be one that is basically a nuisance. Theoretically it prevents you from putting poison pellets in the ground to kill a chipmunk.

(Inaudible – several talking at once)

Mrs. Steiner said we need to discuss this.

Mr. Jones said we can talk about it, but we just received this. Do you want to talk now or later?

Mr. Heydorn said the Mayor has suggested we put it on the ballot. There is a question if you do it yourself or put it on the ballot. The people can put an ordinance on the ballot and that's called an issue. If Council puts something on as an issue, the vote of the people is not going to pass it. You can get the voters' opinion and then Council can follow it or not follow it. A referendum in that sense is not asking the people to pass it, but just getting their advice.

Mr. Jones said I think that's why we're here – to make the decision.

Mr. Heydorn said one of the problems you've seen is a lot of times you only hear and see what shows up here. Historically, the people that show up are the people that are against it. Jeff from ODNR knows of six communities where this was put on the ballot. Every one of them passed it overwhelmingly. You are not hearing the people that would say sure, fine. You are hearing the people that have a problem with it.

Mr. Church said the first time we brought it up it was close with those for and against.

Mr. Heydorn said how can you ever really judge? Is that an accurate poll? Of course not.

Mr. Plesich said that's why it would be nice to put it on the ballot. Then we'd have something to look at.

Mrs. Steiner said for those against it, it wouldn't be on us. We wouldn't be the bad guys.

Mr. Plesich said we will make the decision either way, but we're going to get a feel from the people.

Mrs. Meyer said people don't think it's fair for Council to make the decision. They say it should be put on the ballot.

Mr. Heydorn said voters will have to vote on what is put in front of them when maybe they would want something different. This brings to light the real problem you have about representation.

## REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, April 17, 2017 7:00 p.m.

Everyone says we have to do what voters want, but Political Science 101 teaches you maybe that's not always the best kind of representation. A lot of people are elected to do what they think is best because sometimes they have a better sense of judgment than the people that are telling them the reverse. It's usually a balance between the two.

Mr. Scott said as a Council, we first need to decide if we are for or against culling the herd and then approve the process.

Mr. Plesich said I think we have enough support to get some type of draft legislation together.

Mr. Scott said I am for doing something here, but I need to know how you and Carol and the others feel.

Mr. Jones said I've struggled with it as well, but I've come to the conclusion in my mind that we only do it back here; nowhere else. Mayor said at the last meeting he would not vote for something in residential areas.

Mrs. Steiner said that's what we need to talk about.

Mayor said those areas were identified by Jeff Westerfield as possible ones. I also feel now the reserve is the only viable area.

Mr. Heydorn said doing it back there could be a test case to see if it does something.

Mr. Jones said I tend to believe it's not going to impact much. I want it there because everybody is screaming about it.

Mrs. Steiner said there are several areas (*of concern*). One area is lyme disease. The new thinking is ticks are everywhere; not just on deer. I'd like to know from the Chief how many accidents have been recorded because of deer.

Chief Conley will get a report on that since the beginning of 2017.

Mrs. Steiner said the other problem is deer eating vegetation. I'm trying to identify the reasons why we want to kill them and see if it makes sense to do that.

Mr. Scott said we just spent \$8,000 on battery backups for our two traffic lights and we never asked how many accidents. We did it because if it saved one life it was worth it. I think that's comparable to the deer problem.

Mrs. Steiner said any place you drive, such as Peninsula, you have to be alert. Maybe we need an education program. We don't need to kill all the deer. Even if you kill half you will still have them going to the other side of the road.



## REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, April 17, 2017 7:00 p.m.

Mr. Jones said ODNR said 12-15 would be enough. I'm not sure I believe him, because nobody's told us how many deer we have.

Mr. Heydorn said there's no doubt they are on the increase. I have more than eight in my backyard early in the mornings. If somebody doesn't stop them, do you think the population is going to go down?

Mrs. Steiner said overpopulation would be the reason for culling.

Mr. Heydorn said people have talked about trying to make it so they are sterile. Jeff from ODNR has addressed that. Not only has that not really worked and had a limited impact, but his basic conclusion is it's no good at all in any place where deer can come in and traverse. The deer come up from Cuyahoga Valley to the Village and then disperse. It's a constant flow from that direction, but Cuyahoga Valley has a deer culling program.

Mrs. Meyer said she has 16 deer in her yard every night. Mr. Heydorn said they are going around the lake and crossing Kent Road.

Mrs. Steiner said she read about the Clifton Project. It's very experimental and research oriented. There are no conclusions yet.

Mrs. Steiner said in the 1970's we had 7,000 deer in Ohio. Now there are 700,000.

Mrs. Steiner said this is what I wanted -- some discussion to fortify why we would do it. Also, deer poop in the yards is not sanitary. If we want to cull them we have to work on this ordinance.

Mr. Jones asked if Mrs. Steiner was in favor.

Mrs. Steiner said do I have to tell you right now? I'm not ready to decide. Mrs. Steiner asked to poll Council.

Mr. Jones said he was in favor of limited culling.

Mr. Scott, Mr. Church and Mr. Plesich were in favor, with limitations. Mrs. Meyer was in favor.

Mr. Scott said I think we can approve it back here (in the reserve) and see how it goes.

**Mr. Robert Heydorn, Village Solicitor**, said Mr. Housley brought up that if you are going to put consideration of satellite dishes after the next reading and after the Planning Commission deals with it, you really should have tabled it until after the Planning Commission has considered it. You can bring it up in miscellaneous business.

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE****Monday, April 17, 2017 7:00 p.m.**

**Chief John Conley** reported the Easter Egg Hunt was very well attended this year. The annual report is out for 2016. I'm just getting back from Columbus. I was gone for two weeks.

Mr. Jones said it is that time of year where we are seeing contractor signs and grass clippings.

Chief Conley said he has been removing signs and will have his officers address grass clippings.

Mr. Church said he heard that because of the increased surveillance that resulted in more tickets than normal on Kent Road and Graham Road, there have been less drug busts on those two roads.

Chief Conley said I don't believe that any specific traffic enforcement has reduced or increased drugs traveling through the Village.

Mr. Church said I'm suggesting the program you instituted may very well have resulted in less drug trafficking on those two road. The word is out, so they don't come through.

**Mr. Mark Lipan, Service Director**, reported I will be bringing pump house legislation for the next meeting.

The resident at 2950 Silver Lake Boulevard had a sewer backup and spent \$6,000 to find out it is our problem between the curb and the main. It is 22 feet deep. I'm going to call in H.M. Miller. We don't have the equipment to do it.

The leaf and limb program is ongoing. Somebody put a steel rod into the stick pile and it went into the chipper. Every year something like this happens. It was about \$398 for repairs and four hours of down time. We just went through the Village today for the first time to pick up sticks.

Mr. Jones asked if he was going to repair the asphalt on South Dover where the repair was made. Mr. Lipan said he will replace it all.

Mr. Jones stated on Graham Road before Dover there are three big potholes. Mr. Lipan said we will continue to temporarily fix it until we do our paving project this year.

**Mr. Sean Housley, Clerk-Treasurer**, reported Mayor Hovey is being inducted into the Bellville High School 2017 Distinguished Graduate Hall of Fame, in Bellville, Michigan, on April 28, 2017. It is based on his achievements as a coach especially for ice hockey, and his involvement in community affairs throughout his adult life. Congratulations to Mayor Hovey.

March is reconciled. I want to mention I was away at training last week. This advance legislation came across when I was in Columbus, so I did the best I could over the phone. That's why there was a correction to it. I will be out Wednesday, Thursday and Friday this week for surgery. I have some training coming up in June.

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

**Monday, April 17, 2017 7:00 p.m.**

Mr. Jones said there was a television report on RITA the other night. Mr. Housley did not see it. Mr. Jones asked Mr. Housley to check into it.

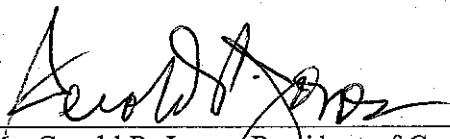
**Miscellaneous Business**

Mr. Church moved to table Ordinance No.: 39-2017 until the Planning Commission has reported back. Seconded by Mr. Scott.

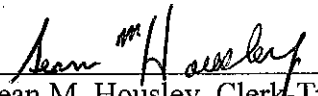
Roll call                      Yes    6            No    0

There being no further comments or questions, Council adjourned at 8:45 p.m. until the next regular meeting of Council on Monday, May 1, 2017, at 7:00 p.m.

APPROVED

  
\_\_\_\_\_  
Mr. Gerald P. Jones, President of Council

ATTEST:

  
\_\_\_\_\_  
Sean M. Housley, Clerk-Treasurer

s:/council/2017 minutes/04-17-17 Council minutes.docx (prepared by: Darlene Pedicino)  
Reviewed by: Suzanne Lipan and Kim Pigman