

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, May 1, 2017 7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, May 1, 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.

Mr. Jones said we have a new microphone system we are using for the first time, so you should be able to hear us well. There is also a microphone for the public to come up and speak to Council.

The following members were present and responded to roll call: Mrs. Karen Fuller, Mrs. Betsy Meyer, Mr. Gerald Jones, Mr. William Church, and Mr. Matthew Plesich

Roll call of Council - 5 members present

Absent - Mr. Christopher Scott, Mrs. Carol Steiner

Mrs. Fuller moved and Mrs. Meyer seconded to excuse the absence of Mr. Scott and Mrs. Steiner. 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 17, 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.: 40-2017 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS TOTALING \$93,966.40.

Mr. Jones assigned Resolution No.: 40 -2017 to the Finance & Appropriation Committee.

RESOLUTION NO.: 41-2017 A RESOLUTION APPROVING AN AGREEMENT WITH WICHERT INSURANCE SERVICES, INC. FOR THE PURCHASE OF PROPERTY, INLAND MARINE, CRIME, AUTOMOBILE LIABILITY, GENERAL LIABILITY, PUBLIC OFFICIALS/EMPLOYMENT PRACTICES LIABILITY, LAW ENFORCEMENT LIABILITY, AND UMBRELLA LIABILITY INSURANCE COVERAGE FOR THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**Monday, May 1, 2017 7:00 p.m.**

Mr. Jones assigned Resolution No.: 41-2017 to the Planning, Zoning and Insurance Committee.

Second reading: None

Third reading: None

Comments from the audience:

Mr. Jones advised residents they have three minutes to speak. The Clerk-Treasurer will time you and tell you when your three minutes are up.

Adrian Achtermann, 3060 Ardoon Way, thanked Council for their time, saying I could talk until I'm blue in the face about deer. We all have different opinions about what has happened. I would like to show you a picture of my tract of land. (A picture was passed out.) The passage way is to north and south. The wooded areas that you see on the map, five years ago you would not see more than the beginning of the wooded area. Now I can sit on the back porch and look at my neighbor and see him reading his newspaper in the living room. Likewise on the south side, the deer have totally eaten out the understory, and likewise on the north side. We have two lots, 7/10 of an acre. The last two or three years we were planting flowers. The third year the deer cleaned them out. Geraniums and hostas have been eaten. The tracking through the front yard is compacting the earth. The ground has become very hard. If there is some way we can control this, I would be appreciative of it. I'd be willing to work on seeing if something can be done.

Aimee Bauer, 2990 Vincent Road, said she was here at the last meeting and presented some information about the Clifton Deer Project. We were wondering if you had any thoughts on that matter and if it was going to be considered at all. We also want to know the statistics on the accidents caused by the deer and the population count. How much has it gone up since 2015 or 2016? Are there any documented cases of Lyme disease in this area that actually stem from the deer?

Tim Nichols, 3093 Athens Road, said I support the Mayor's proposal because I think there is enough dissention over this topic. As opposed to being a Council mandate, it might be better if Villagers vote on how they want to do it. If I read in the paper, though, it sounded like you were saying, Mayor, we should end up voting on how we want the culling to take place, whether it be bow and arrow or... I think that might be a little bit too much for us to decide. I would rather that the proposal be specific and come with a lot of ODNR guidance. Personally, I favor the culling. I consider the deer to be a bit of a nuisance, but on the other hand, I am not a hunter. I understand the difficulties of thinking about going out and shooting Bambi. I do know that other municipalities and institutions, such as the Cleveland Metro Parks, go through a culling process, because they have become so invasive and are a problem to the plant life in many areas. I don't think the Cleveland Metro Parks is exactly North Korea. I support the Mayor's proposal.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, May 1, 2017 7:00 p.m.

Esther Underwood, 1764 Graham Road, I live by the four lane super highway and I see deer all the time out there. One morning I woke up and there was a dead deer across the street, so I called Stow. I support the Mayor's proposal.

FINANCE AND APPROPRIATIONS COMMITTEE – MR. WILLIAM CHURCH

RESOLUTION NO.: 40-2017, Payment of Claims

Mr. Church asked if there were any questions.

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

PLANNING, ZONING AND INSURANCE COMMITTEE – MR. WILLIAM CHURCH

RESOLUTION NO.: 41-2017, Agreement with Wichert Insurance

Mr. Church asked if this was a 2.1 percent increase, for a total of \$28,398.

Mr. Housley said the increase is 2.47 percent.

Mr. Church also asked about the breakdown of Public Officials Employment Practices Liability. Our insurance agent was not present. Mr. Church questioned the limit on each wrongful act for \$1,000,000. Does that seem rather low? I'm wondering what other communities are doing.

Mr. Heydorn said what we get is an analysis by Wichert for what we should have. I wouldn't doubt for a second that Tom Wichert has gone through this and is giving us the same kind of thing he would offer someone in our position. He doesn't just represent our municipality. He represents a whole bunch. We always rely on his knowledge and expertise to tell us what our limits ought to be.

Mr. Church said my concern was about the enormous awards given elsewhere.

Mr. Heydorn said this is for employment practices.

Mr. Jones said keep in mind that's if we let someone go, we fire them or terminate them.

Mr. Heydorn said they get past wages or maybe future wages.

Mrs. Fuller asked if the umbrella coverages we have expand that at all.

Mr. Jones said no.

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**Monday, May 1, 2017 7:00 p.m.**

Mr. Housley said the law enforcement carrier changed from Scottsdale Insurance to Hudson Insurance Company this year. There are no other changes to the terms of the policy. The reason was Scottsdale Insurance did not want to be involved with law enforcement, so they took themselves out of it.

Mayor asked if this includes the technology fraud they talked about.

Mr. Housley said yes. There's an option that they brought to our attention on Page 7, where they said for \$1,700 they could cover us for cyber liability.

Mr. Church asked where the coverage is for professional liability if we make a bad decision, for instance.

Mr. Heydorn said you are trying to liken this to a director of a corporation, and your position is not the same. You have a policy based on the law for public officials. If you have public officials insurance it's the same thing as in terms of liability insurance.

Mr. Church said then this particular policy doesn't cover public official liabilities.

Mr. Heydorn said yes it does. It doesn't cover director liability of a corporation. Public official liability is connected to some sort of bodily injury or injury to people because the misapplication of funds is something that is covered differently.

Mr. Church said then not necessarily decision making liability is what you're saying.

Mr. Heydorn said misapplication of funds is covered under bonds, not insurance. If you make a bad mistake in terms of the expenditure of money, that's hard to do if you are a Councilman, and easy to do if you are the Clerk-Treasurer. That's why he has specific things covering him. The law is very deferential for you making bad decisions about how money is spent. If you harm somebody, then that's different.

Mr. Jones said in regard to the cyber security, I don't think we're in a position at this point to make a decision on that. You have to do a signed application to start with, and I think he needs to get us a better explanation of exactly what it covers.

Mr. Jones said we can bring out the rest of it, but I don't think the option for the cyber should go forward this evening.

Mr. Housley said it can be added at any time.

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

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**Monday, May 1, 2017 7:00 p.m.****Finance and Appropriations Committee – Mr. Church**

Mr. Church stated **Resolution No.: 40-2017** was discussed in Committee and is ready for adoption.

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

Roll call on adoption: Yes 5 No 0

Planning, Zoning and Insurance Committee – Mr. Church

Mr. Church stated Resolution No.: 41-2017 was discussed in Committee and is ready for adoption.

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

Roll call on suspension: Yes 5 No 0

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

Roll call on adoption: Yes 5 No 0

Reports of Village Officials

Mayor Hovey wished Mr. Gary Kinsey a Happy 74th Birthday.

Regarding the newspaper article in the Falls News Press, Mayor said when I said a ballot issue, I, was referring to it as consideration. It was nothing I actually proposed we do. I don't think it's a bad idea, but I asked Council to consider it and talk about it, and see if they think it's a good idea. There's a little bit of a nuance there.

Also, as we consider talking about the deer issue again, I get letters from people all the time. I tell people every option is on the table. No decision has been made. I'm still not sure where Council stands on it. I personally think there is an issue with the deer here, but I will certainly support whatever Council comes up with. As we consider this issue, another thing I would ask you to consider, not that I'm proposing it, is that there has been a lady here that has volunteered to look into funding for non-lethal methods. We should consider whether we want to do that or not, also along with other things. We are being very deliberate in our discussions here. That's another thing to consider.

Lastly, brick sales for the centennial are going very well. We've sold maybe 60 – 75. I just want to remind Council, we'll be happy to have you fill out a form and take your money.

Mr. Mark Lipan, Service Director, was on vacation, so Mayor Hovey read his report.

Spring cleanup is completed. Hydrant flushing will begin Monday, May 8, 2017, until all hydrants are flushed. That normally takes four weeks.

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H.M. Miller completed the emergency repair on Silver Lake Boulevard, taking eight days to complete. As it was 22 feet deep, they had to build protective shoring as they went down, which was very time consuming. The resident's lateral was completely crushed. The contractor said it was probably like this for a while. During the digging the hole kept filling with water, which was coming from a broken 12" storm sewer pipe. After repairing the crushed sanitary lateral, with the Mayor's approval, they replaced 30 feet of the 12" storm pipe. The job will be charged based on time and materials, and money will have to be appropriated once we get the bill. *(He has no idea what that bill is, as of the last time I talked to him.)*

H.M. Miller is starting on the repair of the head wall on Dover Road, and after completion of that they will move on to removing the storm sewer from the lake. Paving will go out for bid in the middle of May. The roads are West Edgerton, Mayfield, McCormick, part of Silver Lake Boulevard, and a small patch on Graham Road, for a total of 1,824 tons.

The State has started refurbishing the pedestrian walk bridge that crosses Route 8 over to Roberts Middle School.

Mr. Church asked if Mr. Lipan will be making one more sweep of the Village for debris (branches).

Mayor said he normally does. Mrs. Fuller said they came down Athens Road today.

Mr. Church said the job on the Boulevard was absolutely incredible. The residents around there were very happy with the work and the people doing the work.

Mr. Robert Heydorn, Village Solicitor, had no report.

Chief John Conley was absent.

Mr. Sean Housley, Clerk-Treasurer, had no report.

Miscellaneous Business

Mr. Jones said he sent the Mayor an email about the property on Graham Road and asked if someone was living in the home. Mayor said he did not think the homeowner lived there, but has another home in Cuyahoga Falls. We have been trying to deliver citations for several months and have been able to catch the homeowner at the property several times. Mayor said we are looking into other things about the house with the health department. We are aware of the problem and we are on it.

Mr. Jones said hopefully we will have a full Council for the next meeting and we can talk about the deer issue again and see if we can come to some kind of agreement.

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Monday, May 1, 2017 7:00 p.m.

Mrs. Fuller said she read the minutes from the last meeting and I will go on record as saying I am not for putting it on the ballot. We are elected officials. We are elected to make decisions. Some decisions are harder than others. We get a lot of input from the citizens, and I think Council should make the decision.

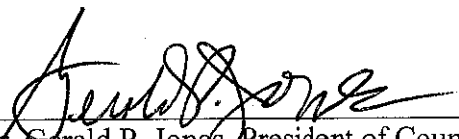
Mr. Church said that was the direction he thought we were heading from the last meeting.

Mr. Heydorn asked if the discussion would be before the meeting or during the meeting.

Mr. Jones said he would review how much legislation is on the agenda and then make a decision. I think this should be a Council discussion. We've heard a lot of the residents and I think we are only going to hear the same thing going forward.

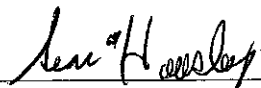
There being no further comments or questions, Council adjourned at 7:30 p.m. until the next regular meeting of Council on Monday, May 15, 2017, at 7:00 p.m.

APPROVED



Mr. Gerald P. Jones, President of Council

ATTEST:



Sean M. Housley, Clerk-Treasurer

s:/council/2017 minutes/05-01-17 Council minutes.docx (prepared by: Darlene Pedicino)
Reviewed by: Suzanne Lipan and Kim Pigman