

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, May 15, 2017 7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, May 15, 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: Mrs. Karen Fuller, Mr. Christopher Scott, Mr. Gerald Jones, Mr. William Church, Mrs. Carol Steiner, and Mr. Matthew Plesich

Roll call of Council - 6 members present

Absent - Mrs. Betsy Meyer

Mrs. Fuller moved and Mrs. Steiner seconded to excuse the absence of Mrs. Meyer. 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 May 1, 2017, Regular Council meeting.

Mr. Scott said he was missing Page 5.

Mr. Jones said we can't approve the minutes because they are not all here.

Mr. Housley said he would submit the minutes for the next meeting.

Discussion on Deer

Mr. Jones said the next item would be a Council discussion on deer. Any residents that have signed in will have an opportunity during the regular session after we discuss the deer.

Also scheduled was a discussion on a moral claim of Paul and Kirklyn Kuzdrall. Mr. Jones said I understand the Kuzdralls are out of town, so I don't know how much Council can do.

Regarding the deer, Mr. Jones said it's up to Council. We agreed that we want to talk about this. I think that we did agree at one of the meetings that we basically all said we were in favor of doing something, but it would be on the property behind Village hall. That's the only place we agreed to do it, as I recall.

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Mr. Church said I think we said we would start there and see how it goes and if it takes care of the problem. If not, then we might expand it.

Mrs. Steiner said I'd like to say that I've said before I've been on both sides of this issue. I am now coming down on trying to manage the deer because in all of my thoughts and readings about it, I think it is our responsibility as representatives of the Village to manage our deer. One of the questions is how do we know we have a problem. We know we have a problem because our residents have told us. I hate to be involved in killing the deer myself, but I think it's our duty to manage the deer problem. How we manage that is what we're now going to discuss.

Mrs. Fuller agreed with Mrs. Steiner. I've thought about it on both sides, and even if we do cull the herd in one way or another, we will never eliminate the deer. They are going to be here. I do have a problem with people coming forward and saying the deer have been aggressive. We have found that in our yard. My neighbor had a buck pawing the ground when they were in the backyard with their children, and they were terrified. There has been a couple of cases of Lyme disease in the Village. I think it is our responsibility to do something. The deer are an issue.

Mr. Scott said I am in agreement with what has been said here. We know we have a problem. The population just keeps growing and there's nothing to stop it from growing. Something has to be done. I think it makes sense that we shouldn't be doing this in the neighborhoods when we have an area we can do it as safely as possible. I think it's our responsibility to do that.

Mr. Plesich said I would agree with that from a pure safety standpoint.

Mr. Church said I've been on this Council a long time over the years and I don't know if I've ever seen a more divided issue than this. It is incumbent upon this body to make a decision. Typically you pass rules and laws and it affects "x" number of people. Too often we see one or two people who are affected by something and sweeping laws and regulations change that. This is not the case. This is a case where a significant number of people have come to us. Fifty percent of the people we have spoken to say we have a problem. I agree with my colleagues as well.

Mrs. Steiner said as far as culling them back there, we don't know if that will do it.

Mr. Scott said it's a good starting point. Start there the first season and see if it has an effect. If not, deal with it the following year.

Mr. Jones said that seems to be the consensus that we do something back here with the bow hunters, correct? Then it gets down to how to handle that with regard to ODNR rules. They can only do it during certain months in the fall. I don't know how many a hunter is allowed to take. I was told there are two different kinds of permits you can get. You may be able to take five within the season.

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Mayor said he was told by ODNR it was ten for one hunter – nine doe and one buck. The preliminary number ODNR thought we would need to take would be 15–20. He hasn't made enough of an observation to say.

Mrs. Fuller asked how many hunters the Mayor anticipates authorizing.

Mayor said using the 15-20 as a guideline, I would imagine not more than four or five, maybe only one or two.

Mrs. Steiner said I don't think I'd want 40 or 50 taken.

Mayor said we can stop it. The draft resolution can be changed. It gave me the authority to stop the deer hunting at any time. If they take out 20 and we feel that's enough, we can say we're done.

Mrs. Fuller asked how the Mayor would notify Village residents that hunting is taking place back in the reserve.

Mayor said we could put a sign up, but it would be through the paper and through the website. There will be a Residents Review coming out prior to that time.

Mr. Heydorn said we could put a sign by the gate.

Mrs. Fuller suggested the sign in front of Village Hall could say "Hunting in Progress" with other signs by the trail.

Mayor said he would rely on Council to help advise what we should do.

Mr. Scott asked when they would do it. A lot of places seem to do it later in the evenings.

Mayor said I think early in the morning and later in the evening is when they do it. There are guidelines as to when they can do it. I think ODNR says they can hunt one hour before sunrise and one hour after sunset. For example, they can be there from 6:00 a.m. to 9:00 p.m.

Mr. Heydorn suggested the Mayor can talk to the representative from ODNR, and in those elements, put some sort of proposal as far as times and amount of deer that can be put into the ordinance. As long as you know what the elements are that you want to address, then you can alter those elements when the legislation gets to you.

Mr. Church said initially we'd only like to see the hunting take place behind Village Hall. Depending on whether or not that alleviates the problem, if it does not, then we would want to extend that to other areas of the Village. Is that something you would put in additional legislation or is that something we would bring up again at that time?

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Mayor said my own personal preference is if we are going to restrict it, let's have the ordinance say that. If we decide it needs to be done elsewhere in the future, then that ordinance would be amended.

Mrs. Steiner said I would like to make a statement that several people have complained to me that somebody said they have 20-25 in a backyard and there's a trail and I think there's feeding going on in the Village, We do have an ordinance against that. If somebody is feeding them, that makes it a problem.

Mr. Scott said the problem is the people feeding them are not the ones concerned about the deer.

Mayor said we've had cases in the past where it's been reported people are feeding deer. We've gone out and let them know it's against the ordinance. They have been cited for it. In most cases they have stopped. The problem is nobody is reporting that to us.

Mr. Jones asked Mr. Heydorn if he had enough to work with.

Mr. Heydorn said he would review the minutes and go back over those elements Council was concerned about and see if we can address them specifically in the legislation, with recommendations from the ODNR. Council can then look it over and see if you'd like it to be altered.

Mayor asked Council to look at the second draft they were given several weeks ago and see what they'd want to be taken out or added. That would give us a common starting point.

Mr. Jones asked how we are going to pick the hunters.

Mayor said there are certain standards that have to be met. They'll have to show evidence of passing an archery test and of having done this before. There are other guidelines from ODNR. We also have a police officer in the Village very experienced with this, and I would rely on him on what things we need to look for in a hunter.

Mr. Church clarified we are not spending any money. The deer is their payment.

Mayor said the archer is responsible for removing everything dealing with the deer.

Mr. Jones asked Council to look at the draft ordinance and make some notes and give them to the Law Director so he can put something together.

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Mr. Jones said the Kuzdralls should be here for the moral claim because there is some dispute on what they say in their letter. Their claim is for almost \$7,000. Mr. Jones asked Mr. Lipan to set up a meeting again when they come back in town.

Mayor said as a point of clarification, this gentleman stopped by to see me the day before he left. He made clear to me he is asking for \$4,100, not \$6,900.

Mr. Jones asked Mr. Sean Housley, Clerk-Treasurer, for the reading of any pending legislation that is up for first reading.

RESOLUTION NO.: 42-2017 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS TOTALING \$373,903.53.

Mr. Jones assigned Resolution No.: 42-2017 to the Finance & Appropriation Committee.

RESOLUTION NO.: 43-2017 A RESOLUTION APPROVING AN AGREEMENT WITH NORTH SHORE PUMP COMPANY FOR THE INSTALLATION OF A NEW BOOSTER PUMP IN THE WATER PUMP HOUSE OPERATED BY THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 43-2017 to the Finance & Appropriation Committee.

RESOLUTION NO.: 44-2017 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO LAN AGREEMENT WITH OHIO EPA TO OBTAIN A PERMIT FOR THE 2018 LEE RD, NORTH PARK DR, LODGE AVE, AND MAIDEN LANE SANITARY SEWER REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 44-2017 to the Finance & Appropriation Committee.

RESOLUTION NO.: 45-2017 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A COOPERATIVE AGREEMENT FOR CONSTRUCTION OF THE 2017 SILVER LAKE BLVD SANITARY SEWER REPLACEMENT PROJECT BETWEEN THE VILLAGE OF SILVER LAKE AND THE OHIO WATER DEVELOPMENT AUTHORITY AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 45-2017 to the Public Improvements Committee.

Second reading: None

Third reading: None

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

Claudine Steinfurth, 2853 Lee Road, said with regard to this, I'd like to know when Village residents will have access to the verbiage that is going to be utilized in this. The Mayor has cited there is a rough draft. I haven't seen anything online, and I think it would be prudent for the public to have some awareness as to where the structure is going. Also, if you were going beyond this back preserve area, what other areas would be considered for a hunt/kill area?

Barbara Tolliver, 2925 Millboro Road, said this has been a divisive issue. We have been here over 20 years, and we've never seen an issue like this. I'm reluctant to speak because I feel it's not always been neighborly. It's been kind of intimidating. Just because I might be for the culling because I believe it is an issue, I shouldn't be called a murderer. I know those who are against it are upset about the deer being killed, but I'm wondering if you're pro-life, perhaps the meat from the deer could go to feed the homeless. I know in the past there has been a person who used a cage to catch them and they were killed in an inhumane way. If you were worried about safety or suffering, they wouldn't have to suffer. If you eat chicken or beef, those animals are killed. As we go down the road perhaps that is a way we could meet more people's needs. They would feel better because the meat is going to feed homeless and hungry people and the deer wouldn't be suffering. I thank you for your courage. I do believe it's up to you to manage the Village. That's why we elected you.

Vicki Marimon, 3027 Harriett Road, said my opinion has not changed. I have spent countless hours, days, and weeks researching and talking with the deer management people that did the Clifton project. You are going to be doing this every two years or every year. It might take care of it in the short while. I have been studying a committee in Rochester, Michigan. They created a coalition of residents and they enforce no feeding. They get a penalty if they are feeding deer. They also have a program for deer education and awareness, with information on their website and newsletter. They also keep track of accidents. It is scientifically done. We don't know how many deer we have in the Village. I'm estimating, and several people have helped me with that, 20 deer. If you will have two hunters each take ten, they are extinct, but they will be back. They also put up "Deer Crossing" road signs. I am opposed to bow hunting. It's a slow, cruel death.

Mike Menere, 1851 Beacon, Cuyahoga Falls, Ohio said I have years of experience with Silver Lake and some observations I'd like to make. I'm not clear as to how big of a problem this is. I travel through Silver Lake at different hours and I don't see that growth. I'm not here to dispute people saying there were 20. Earlier in the year I saw 9, 10 or 11. Now they're down to about 6 or 7. I'm not sure about the problem. Is it that the community is getting tired of how cute they used to be? Mrs. Fuller made a comment about Lyme disease and it's a serious problem. (Mrs. Fuller clarified there are two documented cases in Silver Lake.) Vicki has made some excellent points. I don't think it is going to eliminate the deer population in Silver Lake. I work at a local golf course. We have deer. I don't think it's going to take care of the problem. It might be

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temporary. There are some other humane ways of doing it. Through research, it is an inhumane way of culling the deer because they are not going to fall with one arrow. There are some sterilization processes that can be done. Just like flowers, there is a spray for that. It stinks for about a day, but it can be done. I'm not sure the problem has intensified as much as people are making it out to be. I've been observing this for a number of years and I don't see those herds some are making mention of. I'm just voicing my observations. I hope it's not a matter of just not putting up with the deer anymore. I think there's also another issue about a more humane way of doing this.

FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHRISTOPHER SCOTT

RESOLUTION NO.: 42-2017, Payment of Claims

Mr. Scott said there was an insert in the middle named "Handout for discussion Resolution No.: 42-2017.

Mr. Housley said we changed the way we are putting together the payment of claims. The reason being the way we retain the records in the books. Payment of claims is going to include a summary of checks and it's not going to keep all the detail in the books.

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.

RESOLUTION NO.: 43-2017

Mr. Lipan explained we have two pumps; one that was put in in 2002. We operate that on a daily basis. That puts out 350 gallons per minute and about 90 PSI. The other pump is 20 years old or more and it puts out 550 gallons per minute at 120 PSI. If we run it for a prolonged while it tends to cause water breaks, as the pipes are getting older. We only operate it in an emergency, such as a house fire. With the new SCADA (Supervisory Control and Data Acquisition) system we put in, with a new pump we could alternate it on a daily basis. It will prolong the life of both pumps. Right now we are pretty much running on one pump.

Mr. Scott said we have been using it as a backup pump, but now we will alternate.

Mr. Lipan said the pump we have now is a 50 HP pump. The one we're getting is 40. It will put out a variable range from 350-450 gallons per minute.

Mrs. Fuller asked if at one time the cost of a pump was shared with Silver Lake Estates.

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Mr. Lipan said that was a pump on Lakeland Parkway that feeds the lakes. These pumps are for our drinking water. I did budget \$30,000. It came in at \$25,000.

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

RESOLUTION NO.: 44-2017

Mr. Housley said we are required to obtain the same permit for the Silver Lake Boulevard emergency work, but it is under \$5,000. This resolution is getting your permission, because of the expense being over \$5,000. Sometime between now and December we will file this. The cost is calculated based on the engineer's estimate of probable cost.

Mr. Scott asked if we are planning to do this next year.

Mr. Lipan said yes, that's when we're hoping to get the money for it.

Mrs. Steiner asked if we had to do this in the past for projects.

Mayor said it is a new mandate.

Mr. Church asked if we approved a permit for one of these last meeting.

Mr. Housley said you approved a permit when the projects were combined. We never filed for that permit, so that cost was never incurred. Instead, the engineer separated the projects, and now we have two permits to file at different costs.

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

STATEMENT OF CASH POSITION

Mr. Housley said we are reconciled through the end of April, 2017.

PUBLIC IMPROVEMENTS COMMITTEE – MRS. KAREN FULLER**RESOLUTION NO.: 45-2017**

Mr. Housley said the Ohio Water Development Authority needs to have permission from Council for us to file an application. This is in regard to the Silver Lake Boulevard emergency work. We are looking at a market rate with them of about 3.6 percent on estimated costs, prepared by the engineer, of \$354,000. If you were to finance that over 30 years at 3.6 percent, you are looking at

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approximately \$13,000 per year. The final determination hasn't been made on how much you want to put down on this project, but this legislation allows me to apply for the loan.

Mr. Church asked Mr. Lipan if this line will tie into what we just opened up.

Mr. Lipan said that has nothing to do with this.

Mr. Church stated Council said that basin needed to be replaced anyway, and it would be a good time to do that once we had this opened up. We could save some money that way.

Mrs. Steiner asked if this is the original thing we talked about with the pipe going into the lake.

Mr. Lipan said no, this has to do with the sanitary sewer that has collapsed.

Mrs. Fuller said it is mandatory this be done as quickly as possible.

Mr. Housley said we have the ads running. We are seeking bids on the project already. The bids have to be accepted by Council before OWDA will approve the application. By the next Council meeting we should have some quotes for you to decide.

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

Public Improvements Committee - Mrs. Fuller

Mrs. Fuller stated **Resolution No.: 45-2017** was discussed in Committee and is ready for adoption.

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

Roll call on suspension: Yes 6 No 0

Motion to adopt by Mrs. Fuller seconded by Mrs. Steiner

Roll call on adoption: Yes 6 No 0

Finance and Appropriations Committee – Mr. Scott

Mr. Scott stated **Resolution No.: 42-2017** 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.: 43-2017** 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

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

Mr. Scott stated **Resolution No.: 44-2017** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mr. Plesich
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 moved to accept the **Statement of Cash Position of April 30, 2017**, seconded by Mr. Church. All members of Council signified their approval by saying aye.

Personnel Placement Committee

Mrs. Steiner said the Committee met earlier this evening and is recommending a \$0.50 per hour increase for permanent part-time employees **Tammy Sroka** effective 5/3/2017, and **Diana Flinn** effective 4/13/2017. They have been with us for 13 years.

Motion to approve by Mrs. Steiner, seconded by Mr. Church.
All members of Council signified their approval by saying aye.

Reports of Village Officials

Mayor Hovey said I want to respond to some of your remarks about the Nextdoor website. I agree totally with what you are saying, but I refer back to what I said during my State of the Village speech. "Don't believe everything you read on the internet." We monitor that site, and if we see obvious falsehoods, we will post the facts. I pointed out and communicated with a few people that there are often falsehoods, innuendo and gossip on the site. Most of the site is good, but when they start saying things about Council or the Village or what we are doing or not doing, much of the time it is not based on fact. Do what most people do. Ignore it.

The Planning Commission did look at the satellite dish ordinance. They have a few comments. They want it tightened up. They want some things fixed up. They are going to come up with some recommendations as to how it should be amended. Hopefully, we will have that for the next Council meeting.

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

(New recording system stopped recording. Old system was used for the remainder of the meeting. This section was hard to hear to transcribe.)

Mr. Jones asked about the property on Graham Road that was discussed at the last meeting.

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Mayor said the Police Chief was out there probably within the last month.

Mr. Heydorn...(inaudible)...said the process starts with the Citizens Committee making a recommendation. That was done some time ago, so do we want to go with the same recommendation?

Mayor said it's the same problem.

Mr. Heydorn discussed citing the homeowner.

...(Inaudible)

Mayor said we can keep taking him to court, but it gets to the point the court just issues a small fine.

Mr. Heydorn suggested legislation... (Inaudible)... That's about all I can do.

Mr. Jones asked that we stay on top of that.

Mr. Church said he received a call from someone who was upset that cars were stored on a neighbor's property. Is there an ordinance that limits the number of cars?

Mr. Heydorn said no, only the placement of them.

...(Inaudible)

Mr. Heydorn discussed storing a vehicle in the driveway over 30 days. You cannot park on the lawn. You cannot store a vehicle unless it is put in the garage. Throwing a canvas over it and keeping it that way for 30 days would probably fall within the parameters of the ordinance.

Mr. Mark Lipan, Service Director, reported hydrant flushing has begun. We have 100 done. There are 209 total, so it will be a couple more weeks.

I've hired someone to start painting addresses on the curbs.

We received our new truck. We will put the old one on the auction site.

Bids are being advertised for paving this Sunday. Bid opening will be June 6, 2017.

H.M. Miller finished Silver Lake Boulevard with the resident's sanitary. They started on the storm sewer, but they ran into a problem. The pipe is level with the lake. They could not do what the engineer wanted them to do. We ended up cutting a hole in the pipe and putting a camera in. There was an 18 inch pipe coming from the Bellaire Road area and the Vincent Road area. The

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18 inch pipe is about 8 feet in the air and faces the big 36 inch pipe that comes from Vincent Road. During a heavy storm, the 18 inch pipe pushes all that water into the big pipe and won't let it go into the lake. An alternative the contractor came up with is to run a second pipe down to the lake, which would be the 18 inch pipe. Hopefully, we can do this when we do the sewer project.

Mr. Scott said the large pipe that's coming in from Vincent Road, we thought the water was running into the lake and backing everything up. We now think it's the two pipes facing each other. Is the pipe they were trying to pull out of the lake level with the lake?

Mr. Lipan said it's about half way up the lake. They would have to go all the way up to the road to get any lift, and the headwall would be up by the road. We are going to leave the one 36 inch pipe there, which is really deep, and on the other one we won't have to go as deep.

Mr. Scott asked if there's any concern that our initial thought process of the water hitting the lake and adding to this issue is not going away.

Mr. Lipan said no, that's not going away. The contractor believes the water was going into the 36 inch pipe. That was definitely slowing down the water coming from Vincent Road.

Mrs. Steiner said we thought the water was being stopped by the lake. Mr. Lipan said correct, but that wasn't the case. It would flow into the lake.

Mr. Scott asked if the bottom of the pipe is level with the top of the lake.

Mr. Lipan said the pipe is under water.

Mr. Church said you can see the water in the pipe, and when it rains it fills the whole thing up. They are talking about running an auxiliary next to it that will take the overflow. The other idea is to do nothing and wait for another 100 year storm, but I don't think anyone wants to do that.

Mr. Lipan said we considered going ahead and doing it while they were out there, but they would have had to tear up the sanitary sewer. Since we are going to be tearing up the sanitary anyway, we will do it all at once.

Mrs. Steiner said we are trying to address the flooding problems, and any time we have a chance to do something, we are trying to do it.

Mrs. Steiner also complimented the Service Department on the nice job they have done on the trails.

Mr. Scott asked if the lots on Kent Road were mowed by the owner or by us. Mr. Lipan said it was us. The owner has cancelled the plans to build.

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Mr. Jones also commented that some storm sewers are clogged with debris from trees. Some residents have cleaned theirs out. He asked Mr. Lipan to have the Service Department clean the clogged ones out. Mr. Lipan said we appreciate the help of the residents.

Chief John Conley was absent

Mr. Sean Housley, Clerk-Treasurer, reminded Council there will be an impervious surface public meeting at 6:15 p.m. on June 5, 2017.

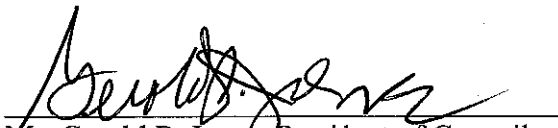
Miscellaneous Business

Mr. Jones thanked the residents for coming. I know there is some disagreement on what we are going to do with the deer, but we are all trying to do what we think is the correct thing.

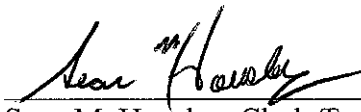
Mrs. Fuller said she and her husband, Steve, have bought a house in the Columbus area and their home is for sale. After 41 years in the Village, this is very bittersweet. It's close to our kids and grandkids, and I think it will be a positive move. My position on Council will need to be filled. I think I'll probably be here through June. I don't know for sure when we'll be moving. It could be July or September. Thank you to all of you. It's been 12 years for me and it's been wonderful. It's a wonderful place to live.

There being no further comments or questions, Council adjourned at 8:10 p.m. until the next regular meeting of Council on Monday, June 5, 2017, at 7:00 p.m. There will be a public meeting on impervious surfaces at 6:15 p.m.

APPROVED


Mr. Gerald P. Jones, President of Council

ATTEST:


Sean M. Housley, Clerk-Treasurer