

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**Monday, June 19, 2017 7:00 p.m.**

The Village of Silver Lake Council met in a regular session on Monday, June 19, 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, Mrs. Betsy Meyer, Mr. Gerald Jones, Mr. William Church, Mrs. Carol Steiner and Mr. Matthew Plesich

Roll call of Council - 7 members present

Approval of Minutes

Mr. Jones asked if there were any additions or corrections to the minutes of the June 5, 2017, Regular Council meeting.

There being no additions or corrections, the minutes were approved as submitted.

Discussion on Deer

Mr. Jones said there are a number of people signed in to speak about the deer tonight. We have with us tonight two gentlemen to speak about the issue. They are going to address Council. It will not be back and forth between the residents. Residents will have their chance to state their opinions during the comments from the audience portion of the meeting

Jason Pullin was present to talk about his experience with the City of Hudson deer population control program. Mr. Pullin thanked everyone for coming out to express their opinions. He said I have done the City of Hudson program for the last three seasons. I want to talk about something called carrying capacity. That is the total number of food and total number of deer in a given area. Silver Lake has "x" amount of land and "x" amount of deer. The deer need "x" amount of food. There are different levels where the carrying capacity is out of sync. There is cultural; when the deer population is high enough to cause widespread conflict with the human population. There is ecological; when the deer density damages the forest's ecosystem population of plants and other wildlife species begin to deteriorate. There is biological; when the population density can't support the deer with the available habitat. I'm not sure what Silver Lake is experiencing, but those are three categories to think about.

The City of Hudson has about 150 acres of land on East Hines Hill Road. They select 12 hunters who go through an archery competency course at Gander Mountain. If they qualify, they take their certificate to the City of Hudson. You have to provide your hunter's safety course license, your deer permits, and Hudson requires \$100,000 of personal liability insurance. You submit that

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paperwork to the Chief of Police. Once approved, they give you a permission to hunt form and something for your car. You have to hunt at an elevation of at least eight feet. It's archery only. Any deer you harvest have to be reported to the City of Hudson within 24 hours.

Mr. Jones clarified the hunters are in a stand of at least an eight foot elevation. Mr. Jones asked if you build the stand. Mr. Pullin said there are portable stands the hunters can bring in at the beginning of the season and take them out at the end. The stands belong to the hunters. Mr. Pullin has been hunting in Hudson for three years.

Mr. Church asked if the culling has had a positive impact on the City of Hudson.

Mr. Pullin said he lives in Stow, not Hudson, but it reduces the total number of deer, and that makes it safer for residents and people who drive through that community.

Mr. Jones asked how many deer have been taken in the last three years.

Mr. Pullin said I think it was a total of six in the first year, five the next year, and then four the last year.

Mr. Plesich asked about the effect the carrying capacity may have on the deer population.

Mr. Pullin said at the cultural level, deer aren't eating forage from the woods. They are going into people's backyards and eating flowers and vegetables. At the ecological level, the plants are over-browsed, so they won't regenerate. At the biological level, you would see deer starting to starve. In the winter they would be malnourished and die, so in theory, there's a benefit to the deer population by removing some of the deer.

Mr. Jones asked if Hudson has any idea how many deer they have within their city. Mr. Pullin did not know. As Hudson is a big city, he didn't know how you could determine that.

Mrs. Steiner asked how the 150 acre area was chosen. Mr. Pullin said the City selected that.

Mrs. Fuller asked if there have been any issues with an injured deer running through residential areas after being shot.

Mr. Pullin was not aware of any. The City of Hudson requires if you shoot a deer and it goes on someone else's land, you must have a police escort to look for that deer. I have no personal knowledge of that happening.

Mr. Jones asked what you do after the deer is killed.

Mr. Pullin said I gut it and bring it out to a trailer and tarp it. The City of Hudson requires once you harvest a deer you have to cover it. I discard the entrails somewhere else in the trash.

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Mrs. Steiner asked if the City of Hudson tells the hunters they are done after six deer are killed.

Mr. Pullin says Hudson allows you to hunt the entire archery season, which is the last Saturday in September to the first Sunday in February. During that period, anyone of those 12 hunters can come and hunt on that land.

Mr. Plesich asked Mr. Pullin if he was a hunter before this, and if this way of doing things is different than when he hunted in the past.

Mr. Pullin said he and his dad would hunt. I am a meat hunter. I have a family and I eat the meat. Some people hunt for horns. I don't trophy hunt.

Mr. Plesich said last time we were here there were some statements made, and I've noticed there are less deer being seen now. Do you know the reason for that?

Mr. Pullin said from mid-May to July is when deer give birth. The mothers are in the woods more with the fawns, and it has been hot lately. There is a lot of natural vegetation in the forest now, so deer don't have the need to go into neighborhoods as much now as they will in the fall.

Mr. Church said you mentioned six deer, but hunters are able to hunt for the rest of the season. Are you talking about elsewhere? Can you continue hunting in the same area in Hudson?

Mr. Pullin said each hunter can harvest up to four deer in Summit County. There were a total of six deer taken in Hudson, but by four hunters. They could continue hunting because they hadn't met their maximum. In Summit County people can normally harvest four deer. Hudson got a special tag called a control hunt with ODNR, so they allowed up to ten deer per hunter.

Mrs. Steiner clarified there were only six deer taken in that specific area, but hunters were hunting elsewhere in the City of Hudson.

Mr. Pullin said in the City of Hudson you can hunt on private land if it is five acres or more, as long as you follow the rules I spoke of earlier.

Mr. Plesich asked about the safety issues with the use of arrows.

Mr. Pullin said hunters are required to do archery competency. In addition to that, when you hunt from an elevated stand and if you were to miss, the arrow would just stick in the ground.

Mr. Plesich asked if Mr. Pullin ever had an incident where the arrow ricocheted. Mr. Pullin said he had not.

Mayor Hovey asked Mr. Pullin to speak to how long it takes a deer to expire.

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Mr. Pullin said I shot three deer in my three years in Hudson. Two of the deer I saw go down within eyesight. The third one I heard in the brush. I think they all expired within 20 seconds. They were all less than 80 yards away.

Mrs. Fuller asked if Mr. Pullin considered bow and arrow hunting a humane way to kill a deer.

Mr. Pullin said it's more humane than getting hit by a car. Getting shot with a gun would be more humane than a bow, but if you shoot in the right spot, they will expire almost immediately.

Mrs. Steiner asked if the \$100,000 liability insurance would be on someone's homeowner's policy.

Mr. Pullin said yes, you just print it out for the City of Hudson.

Mr. Jones asked if Mr. Pullin was aware of any problems concerning the liability. Mr. Pullin said not that he was aware of.

Mr. Scott said you mentioned that each hunter had to qualify at Gander Mountain in Twinsburg. That store is closing. Are there other areas that do that certification?

Mr. Pullin said yes, the Summit County Metro Parks in Hampton Hills have an archery range and a program similar to this. They qualify the participants at the beginning of the season. Also, the City of Aurora has an archery range and qualify their hunters. Mrs. Steiner added Cuyahoga Valley National Park has it also.

Mr. Jones thanked Mr. Pullin for his time.

Mike Kasar, a Silver Lake resident, was also present to speak.

Mr. Kaser said he has hunted with the Summit County Metro Parks for the last five years with an uncle and cousins. If you have any questions about our program or the numbers we produce, I can answer those.

Mrs. Steiner said she would like to know about the numbers.

Mr. Kaser said last year we harvested 22 between four of us in a 12 week period. We hunt on 200 acres. The population is not as dense as it was. We have hunted in the same area for seven years. The first year they did 19 and got called back to do the program again. The next year we shot almost 36, and it gradually declined after that, to 22 this past year. When we see a deer, we shoot. We don't see more than we shoot.

Mr. Church asked Mr. Kaser if he had experienced any accidents or misses.

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Mr. Kaser said it happens that you miss, but our arrows do not ricochet. None of us are less than 15 feet high, so our arrow is going almost straight down when you're shooting a deer. That arrow has to go in the ground if you miss.

Mr. Church asked if deer wander off to other areas where they shouldn't be.

Mr. Kaser said it is very unlikely. It does happen, but we haven't had many issues with it.

Mr. Jones asked if there is a limit on whether you shoot a female or a male.

Mr. Kaser said the State of Ohio only allows one buck per hunter per year, no matter what county you are in. Mr. Kaser said there are statistics about the number of bucks and does born. A doe is more likely to have more does than bucks.

Mr. Fuller asked what is done with the meat.

Mr. Kaser said we do the processing ourselves and eat the meat. We donated two deer last year, with no charge for the processing.

Mrs. Meyer asked if you have to have insurance through Summit County.

Mr. Kaser said no, we do not.

Mayor asked what the distance is when you take a shot.

Mr. Kaser said I and most hunters like to take a shot 20 yards or less, so you will be very accurate.

Mrs. Steiner asked how far deer wander.

Mr. Kaser said when they are mating the bucks move around a lot. This time of the year, they don't move very much. Later in the year, they will move during certain times of the day to find food. I see them move all day long around here. I will see different groups of deer in my yard on a weekly or daily basis.

Mrs. Steiner asked if we confine our hunting to one area, with that be effective?

Mr. Kaser said it will be to begin with, then they will move away as they feel hunting pressure.

Mrs. Meyer asked what times of the day Mr. Kaser goes out to hunt.

Mr. Kaser said it depends. Some parts of the year we hunt all day. In the winter we mostly hunt in the evening, about 3:00 p.m. to dusk.

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Mrs. Fuller asked if the park posts signs about hunting in progress.

Mr. Kaser said the rules are that people are not supposed to leave the trails in the park system, and we have to be a minimum of 70 yards from a trail.

Mr. Church asked if Mr. Kaser feels there are an overabundance of deer in the Village, given our acreage.

Mr. Kaser said yes. I can see a dozen here and a dozen at my house. I see the same amount or more in 80 to 100 acres here as I see in 200 acres where I hunt.

Mr. Scott asked when you shoot a deer, do they fall pretty quickly?

Mr. Kaser said if you hit the deer in the right spot they do not go out of your sight. Within 8 to 20 seconds they are dead.

Mrs. Meyer asked if they have to get certified.

Mr. Kaser said yes. It is an annual certification.

Mr. Jones thanked Mr. Kaser for his time.

Discussion on Paul and Kirklyn Kuzdrall moral claim

Mr. Jones said from the discussion at the last meeting, we felt 50 percent of what the resident was asking for would be fair.

Mrs. Meyer asked Mr. Kuzdrall if it was his understanding Roto-Rooter had contacted the Village and they didn't.

Mr. Kuzdrall said yes, but it was Good Friday, so there was no response.

Mrs. Fuller asked if we cover the holiday.

Mr. Lipan said normally on holidays to keep overtime down, the plumber will take a picture and send it to me or my assistant. Roto-Rooter never got permits. We were not notified they were going to be digging in our right of way. They dug on Friday and we were not notified.

Mrs. Steiner asked what would have happened if they waited to Monday.

Mr. Lipan said it would have backed up into his house, so I understand what they did. They dug up to relieve the pressure.

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Mr. Plesich asked what would have happened if we had been notified.

Mr. Lipan said it would have been the same. What we verify is that they are not connecting the resident's sanitary to the storm sewer.

Mrs. Steiner said the question is not that they did it, as it was a Village problem.

Mr. Heydorn said they had a problem at their house and then found another problem in the public street. Are you saying under those conditions the Village, once notified the problem is in the street, doesn't come out and do the work in the street. Do you let a private contractor do it?

Mr. Lipan said no.

Mr. Heydorn said once it is identified as being in the public street, it becomes our responsibility to fix the problem. Otherwise, a private contractor hired by the resident would be digging on public property.

Mr. Church asked if you had been notified, would you have come out to start digging?

Mr. Lipan said no, we can't dig that deep. Also, Roto-Rooter told Mr. Kuzdrall it was okay to use the facilities. To me, that means the emergency part was taken away.

Mr. Heydorn said what you are saying is he was told he could use the sanitary in his house and it would not, at least for a period of time, have gone into his basement. So the plug in the street was not such that it plugged that. Over time that might be a problem, but not immediately.

Mr. Heydorn said Roto-Rooter dug it up to identify the problem, but did not fix it. It was not that it had to be fixed at that moment, because they didn't fix it. The Village called out H.M. Miller.

Mr. Lipan said it was H.M. Miller who fixed the problem about three weeks later.

Mr. Heydorn asked Mr. Kuzdrall in the three weeks before H.M. Miller came out, did your basement flood with sanitary?

Mr. Kuzdrall said it wasn't plugged at that point, but there was a broken lateral, so the water was just going into the ground.

Mr. Heydorn said then there was no emergency.

Mr. Jones said at the last meeting, Mr. Heydorn gave us an explanation of why we have no legal liability.

Mr. Church said Roto-Rooter wasn't capable of fixing this anyway, as it was too deep.

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Mr. Heydorn said what you are being asked to evaluate is whether or not the identification of the problem was helpful to the Village or not. His problem was fixed and their identification of the problem helped us to get H. M. Miller out to fix it. It comes down to how much is that worth to you?

Mrs. Steiner asked if we fault Roto-Rooter.

Mr. Heydorn said they dug up part of the public street without a permit, so that is their fault.

Mr. Plesich asked if we had gone out there, would we have been able to figure out the problem without digging up the yard that Roto-Rooter did.

Mr. Lipan said no. They dug up by his house, but it was too deep.

Mr. Plesich said it seems the money was spent to diagnose the problem.

Mr. Lipan said there are two ways we find the problem. Normally, the resident will call and we will send a camera out through the manhole without digging.

Mr. Plesich said then it would have cost us very little to diagnose the problem.

Mr. Lipan said we would not have known. Mr. Lipan said when Roto-Rooter called us we cleared the manholes before and after to make sure ours were running. We had no idea his lateral was nonexistent.

Mr. Heydorn said they diagnosed the problem for us, but for us to diagnose it would have cost much less.

Mrs. Fuller asked would we have even looked to diagnose the problem if Mr. Kuzdrall had not called.

Mr. Lipan said it is \$600 to call the camera truck out, and I'm not going to call them out unless I'm pretty sure there is a problem. Our sewers were running, so to me, everything was fine.

Mrs. Fuller said we found out we had a big problem because Mr. Kuzdrall called Roto-Rooter for his problem.

Mr. Church said Mr. Kuzdrall incurred \$4,100 debt, and asked if Council would be in favor of paying 50 percent of the claim, at \$2,050.

Mr. Scott clarified before they started digging, they tried to camera, but they could not go far enough. We saw the main was running, so the only way for them to try to diagnose was for them to start the excavation in his front yard. I understand, it is an expensive process to bring the camera

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truck out when it may not be our problem. I understand you prefer the camera before you start to excavate. Would you have been able to see the lateral in the devil strip area? Had we taken the vactor out and done that, would that have cost \$600?

Mr. Lipan said that's what they did. It is the homeowner's responsibility to the curb. We wouldn't normally go out unless there was a sinkhole.

Mr. Jones asked if there was any agreement on what we should do.

Mrs. Fuller said she was in favor of compensating at least 50 percent.

Mrs. Steiner asked if that was a fair amount. Is there any moral obligation?

Mr. Heydorn said no. You have to look at both sides of this argument. The one side says it was helpful for the diagnosis. The other side says maybe his whole front lawn might not have been dug up if he had called out the Village. Mark said we wouldn't have known where it was.

Mr. Jones polled Council on what they wanted to do.

Mrs. Fuller said we should pay more than half. I would go three quarters, to \$3,000.

Mrs. Meyer and Mr. Scott agreed with \$3,000. Mr. Jones said he was good with half.

Mr. Plesich said he was not opposed to the entire \$4,100. Mr. Kuzdrall is not done, and he is going to have to repair his lawn. He acted in good faith and the Village acted in good faith.

Mrs. Steiner was in favor of more than half. Mr. Church agreed with \$3,000.

Mr. Jones said that was five in favor of \$3,000. Mr. Plesich and Mr. Jones went along with \$3,000.

Mr. Heydorn said he would draw up legislation for approval at the next meeting.

Mr. Jones told the residents in attendance they would be able to speak after the reading of the legislation.

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

RESOLUTION NO.: 51-2017 A RESOLUTION AUTHORIZING THE PAYMENT CERTAIN CLAIMS TOTALING \$185,037.43.

Mr. Jones assigned Resolution No.: 51-2017 to the Finance & Appropriation Committee.

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RESOLUTION NO.: 52-2017 A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE A 25-YARD CAPACITY VACUUM LEAF COLLECTOR FROM ODB DOMINION BRUSH CO., AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 52-2017 to the Finance & Appropriation Committee.

RESOLUTION NO.: 53-2017 A RESOLUTION AWARDED A CONTRACT TO PERRIN ASPHALT COMPANY FOR THE 2017 COLD MILLING AND RESURFACING OF VARIOUS STREETS IN THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 53-2017 to the Finance & Appropriation Committee.

RESOLUTION NO.: 54-2017 A RESOLUTION DECLARING THE INTENT OF COUNCIL TO RAISE THE FIXED MONTHLY SEWER USE CHARGE BY \$1.60 PER BENEFIT ON OR ABOUT JULY 1, 2018, TO PAY FOR INCREASE COSTS RELATED TO THE 2018 LEE ROAD, NORTH PARK DRIVE, LODGE AVENUE, AND MAIDEN LANE SANITARY SEWER REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 54-2017 to the Finance & Appropriation Committee.

RESOLUTION NO.: 55-2017 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE "SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING," AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 55-23017 to the Personnel & Public Affairs Committee.

Second reading:

ORDINANCE NO.: 50-2017 AN ORDINANCE GRANTING AN EASEMENT UPON VILLAGE PROPERTY ALSO KNOWN AS HIGHLAND DRIVE, A PLATTED BUT UNCONSTRUCTED EXTENSION OF HIGHLAND DRIVE TO GRAHAM ROAD AND DECLARING AN EMERGENCY.

Ordinance No.: 50-2017 was previously assigned to the Planning, Zoning & Insurance Committee.

Third reading: None

Comments from the audience:

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

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Bill Poloski, 3106 Athens Road, said we are at the point where we have to change our bylaws because there's no hunting allowed in Silver Lake. You are deciding that. Why aren't the residents deciding yes or no. The Mayor has said a lot of people want it done. I talked to eight people today and not one wanted it done. I think it should be on the ballot.

Adrian Achtermann, 3060 Ardoon Way, said I was here a few months ago, and made a presentation of what was happening on my lot. (Mr. Achtermann left a copy for Council.) I think we need you to be conscious of what is being done. If we're sitting here talking to you, you don't know what's happening. I'm asking every one of you to come out and take a look. If you see it, you might have a different story of what others have. I think you would want to have that. Go talk to them and see what the problem is. It's cost us money over a three or four year period for plants. Deer have chewed off all our geraniums. They jumped over our wire fence and knocked it down. Also, do people have a permit for the signs being put up in Silver Lake? Mr. Achtermann invited Mr. Plesich to come out and see his property. The national parks have a deer control program. Why can't we have control in Silver Lake? Another issue was raised in the Beacon Journal several weeks ago about the overpopulation of deer and deer spreading ticks.

Richard Lubinski, 2925 Circle Drive, said Council is the elected representative for the community and it's your decision. It might be worth clarification if the Law Director has a chance to talk about the charter vs. codified ordinances vs. some unknown, which are bylaws. There is the charter, ordinances which Council creates, and I don't believe there is a third category.

Mary Lou VanSise, 2821 Church Street, I've lived beside the nature reserve for over 50 years. I have large gardens all over my yard and tours go through my yard. My flowers are beautiful. I spray, and if it rains, I spray again. The whole yard is full of flowers. I see no reason to lure these deer in the nature reserve that is supposed to be safe for nature. Sometimes I have 8-10 deer in my yard. My flowers are still all there.

Barbara Oldham, 2910 Hastings Road, said if the water backup had not happened on a holiday, the way I understood it was the Village would have handled the problem. Mr. Kuzdrall had Roto-Rooter tear up his yard. I don't understand that we don't have someone on emergency duty on holidays and weekends in the water department. I think there should be somebody on call if somebody has a problem.

Mrs. Oldham said there has been a lot of talk about the deer and talk about letting us vote. You are elected, but on an issue this big, I think we should get the opportunity to vote.

Mrs. Oldham also said the last time before the public spoke, there was a comment about "*It is time for public comments, and I'm sure we've heard them all, but you have the right to comment.*" I find that very unsettling. Residents have the right to speak and have all of you listen to us.

Dee Ohmer, 3074 Harriett Road, said I haven't been a resident for very long; about six years. When I first moved here I planted tulips and crocus in my yard and when spring came they were

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all gone. If the deer eat your flowers, you don't plant the same ones again. There are flowers the deer do not like. I don't think killing the deer is the answer. I still think we need to have a vote and we need more insight into how many deer we actually have.

Dann Nivens, 2876 Kent Road, said I realize this is an issue, but we need to get back to basics of exactly how many deer we have per acre and per square mile. One of the things to look into is personal property vs. public property. How are we going to look at that as far as insurance issues? One of the biggest things if you look is the City of Solon last year had 400 deer and it cost them \$12,000. The Summit County Metro Parks and the Cuyahoga Valley National Park are also culling the deer herd. Last year, what Metro Parks budgeted and what it wound up were two different things. Silver Lake is part of the natural migration trail from east to west, starting in Tallmadge and culminating in the Cuyahoga Valley National Park. Over the years I've seen as many as 20-25 deer together. Saturday morning I saw 8 deer. We need to look at how we are going to manage this into the future. In 2011 we eliminated animal control in Silver Lake. We need to do aerial photography to get an exact count in the areas so we can look at how we are going to handle this in the future. You cannot relocate these deer. The Cuyahoga Valley National Park tried birth control and that failed. One of the things they finally did was using sharp shooters. The meat is processed immediately at an onsite processing center and is taken to the Cleveland Food Bank or the Summit County Food Bank.

Amy Schmidt, 3056 South Oakhill Road, said the deer are at my house almost every day. In our neighborhood we consider the deer our pets, but we do not feed them. They have never nibbled on my hosta plants. I invite anybody from Council to come to my house and you'll probably see the deer. They sleep there. We don't have any issues with them eating our plants, but we have issues with groundhogs and some other animals eating plants. Several red fox were born recently and are creating havoc in our yards. I don't think the deer eating foliage is a problem, as I have watched them walk through the hostas, but they will eat the clover. I have pictures to show that. I do think this should be a voted on issue. This is a community thing. There are a lot of us that have a great love for the deer, and we enjoy living in Silver Lake. One of the biggest reasons I enjoy living here is we have deer here. My grandkids love it. From a Google search, I know there have been other cities in other states where people have been hit by a bow and arrow. I would love to bring that to the next meeting. We don't have the acreage here that Hudson has. I know deer will run once they get hurt, and when I lived in Stow I saw deer coming through that were hurt. They will go to other neighborhoods. I would hate for children to see bloody deer with an arrow hanging out of their bodies.

Vicki Marimon, 3027 Harriett Road, said again I am going to ask that you consider non-lethal ways to take care of the deer population. First of all, get a count. If you are going to cull the deer, you will be doing this every two years. You felt you could bring in your side, and I have asked you to speak with deer management specialists. This man I asked the Mayor and Council to conference call does this for a living. He is a Ph.D. biologist. He does cull, but he looks at the situation and finds the best possible way to control the deer for the situation. I think in fairness, before you make a decision, you need to give all the options a chance. If people would quit feeding

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the deer, you would see a decline in the deer. People from Cuyahoga Falls and Munroe Falls have told me their deer come to Silver Lake, and they asked to send them back, because they don't want the deer killed. You are not only affecting this Village; you are affecting your neighbors as well, and they're upset about it. You need to do due diligence and consider a lasting solution to the problem. They will reproduce faster and have more twins and triplets, because the food is here. These are facts; I'm not making it up. If you would just give Tony a chance to talk with you. He doesn't sell sterilization. He's a deer management specialist with a Ph.D., and he would like the opportunity to speak with you.

Dan Markowitz, 2822 Lakeland Parkway, said I'm a Ph.D. biologist and teach at Kent State, but I am not a deer population specialist. One of the things that happens with deer is the population typically oscillates in almost any circumstance. If you take away predators, that population oscillates more. We have no real predators in Silver Lake. Coyote don't kill deer at any significant rate. What we are trying to do with culling is control that oscillation. We're not trying to murder deer or wipe deer out in Silver Lake. I appreciate some deer, but I don't appreciate having a herd of 8-10 in my yard, who do eat my hostas. If that oscillation goes too much, and you get a bad winter, the deer get sick and die, and you will lose more deer than you would by hunting. By keeping the population at a reasonable level, you run less risk of having the deer get wiped out by some disease in the winter. We have had mild winters lately, which might be part of the problem with having so many deer. With a severe winter and a high population, they will eat everything they can and then starve to death. The deer I've seen running around by cars are a horrible thing and a horrible way to control the population. It's a risk to people and property. I think we should do that by controlling the deer in an organized manner. I'm not sure I'm a fan of bow hunting. I don't think there's a risk to the population from it. The sharp shooters they have in the national park can shoot a deer from 50 yards and can do the job as good as and as quickly as anybody. They can put a deer down in one or two seconds, not 10 or 15 seconds. I know someone who shoots for the park and won't take a shot unless he knows he can get a brainpan shot on a deer. They prevent the deer from having a population problem in the national park, and that would be my main concern here.

Nancy Walker Gerbetz, 3094 Athens Road, thanked Council for their thorough review of this topic. I've lived here over 30 years, and I respect your decision. I am not opposed to culling. I like the idea that the deer meat would either be used by the hunter or given to the food banks. Thank you for your deliberation.

Jennie Bell, 2921 Lee Road, wrote the following statement: "This was a waste of time. You need a deer biologist. This is our anniversary in Silver Lake. Not a good time to divide the Village. This is an embarrassment to our Village."

A resident who spoke earlier expressed some concerns about the gentlemen who spoke to Council earlier. (inaudible).

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Monday, June 19, 2017 7:00 p.m.

Mr. Jones said they were invited to come to educate us. Mr. Jones said this is a business meeting and we have to get through the business.

FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHRISTOPHER SCOTT

RESOLUTION NO.: 51-2017

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.: 52-2017

Mr. Scott asked Mr. Lipan to speak to this.

Mr. Lipan said the vacuum leaf collector will replace one that is 20 years old. This is in the budget.

Mr. Jones asked how old the other ones are.

Mr. Lipan said they were purchased in 2006 and 2009, and cost a little less than this one. We need to run three in order to pick up all the leaves in the Village.

Mrs. Meyer asked if it was possible to get a used one.

Mrs. Fuller said it's a good idea to see if there's something used out there.

Mr. Jones said this was in the budget, and we approved the budget.

Mr. Scott asked Mrs. Steiner and Mr. Church if they were okay with bringing this out tonight. Both said yes.

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

RESOLUTION NO.: 53-2017

Mr. Scott asked Mr. Lipan for his comments.

Mr. Lipan said we had eight companies bid. Perrin Asphalt was the lowest at \$76.98 per ton. Last year it was \$70.00. The highest bid was \$97.25. Perrin Asphalt always does a good job for us. There would have been one additional bid, but it was received a day late.

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Mrs. Meyer asked when they would start. Mr. Lipan said as soon as this is approved.

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

RESOLUTION NO.: 54-2017

This is to increase the monthly sewer use charge by \$1.40 per benefit on or about July 1, 2018. This is part of the agreement we must have.

Mr. Housley said this is to show your intent. It is not requiring the sewer increase at this point in time. If you would actually decide that amount is needed, there would be another piece of legislation at that time. There's a good chance the bids could come in less than the engineer's estimate, so there's a good chance the amount of the increase could be less. This is your acknowledgement that you would be willing to increase the rate by \$1.40, if necessary.

Mr. Church asked what the duration of the increase would be.

Mr. Housley it would be a 30 year, zero percent loan for \$500,803.

Mrs. Fuller clarified this increase would be the maximum amount. Mr. Housley said yes, based on the engineer's estimate. They will award the entities that score the highest, so it could change.

Mr. Plesich asked if this was factored into the bid. Mr. Housley said yes. In discussing 25 percent, we can self-score and we have to turn in that score with the application. I spoke to Mr. Scott about it last week. You get 10 points if you contribute 10 percent to less than 30 percent. You get 15 points if you contribute 30 percent. Mr. Scott agreed we were planning on contributing 25 percent, but we'll get five extra points if we contribute 30 percent. Mr. Scott instructed Mr. Housley to complete the application contributing 30 percent. That would be \$477,000 toward the project, paid for from a combination of the General Fund and the Sewer Fund.

Mr. Scott said hopefully, part of this will be a grant.

Mr. Housley said the way the application is written, the engineer's estimated cost is \$1,587,803. We will contribute \$477,000. I'm applying for a grant of \$610,000 and the loan would be \$500,803. That sewer fee increase of \$1.40 would be for the loan amount of \$500,803.

Mr. Scott said the more points you get, it is more likely you will get one of those grants. If we go up another five percent, it's worth it if we can get money we don't have to pay back.

Mr. Heydorn added this is a resolution where you are showing your intent. It's not legally binding. It's done to show your willingness to cooperate.

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

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE – MRS. CAROL STEINER

RESOLUTION NO.: 55-2017

Mayor Hovey said this applies to municipalities in Summit County involving a revenue sharing program. Although this does not apply to Silver Lake, we may benefit if we apply for certain programs.

Mr. Housley added we will get 12 points on our Ohio Public Works Commission application for being a part of this.

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

PLANNING, ZONING AND INSURANCE COMMITTEE – MR. WILLIAM CHURCH

ORDINANCE NO.: 50-2017 (Second reading)

Mr. Heydorn said the parties involved are hoping Council can do something on this tonight.

Mr. Heydorn said the Village owns a platted area which would have been an extension of Highland Drive out to Graham Road. That extension never happened. The land there was part of the original Silver Lake Estates. The plat put the lane through there and left both sides of our platted street belonging to the Estates. About 1960, a house was built just to the east of that paper street. The concrete driveway for the house was put across our platted street and the Trustees property. The house has changed hands several times, but no title company questioned it. This title company is saying they will not underwrite this sale. The proposition is that we grant an easement on our property for the driveway out to Graham Road. The Estates have a problem because they can't even write an easement the way the trust is written. Their legal counsel came up with a device called a permanent license agreement, which will satisfy the Trustees and the title company. Without this, it will ruin the sale of this house and possibly the ability to inhabit this house.

Mrs. Steiner asked why the driveway was built in the first place.

Mr. Heydorn said we shouldn't have allowed that in the first place, as the building department should have stopped it.

Mr. Heydorn said it is important this be passed tonight.

Mrs. Steiner said I am not against this, but is the land worth some money?

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Mr. Heydorn said it has no real value to us and we have allowed that house to be there and have not charged them. I have handled many of these, and generally, the Councils just vacate the land and they don't charge anything.

Planning, Zoning and Insurance Committee – Mr. Church

Mr. Church stated **Ordinance No.: 50-2017** 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 7 No 0

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

Roll call on adoption: Yes 7 No 0

Personnel and Public Affairs Committee – Mrs. Carol Steiner

Mrs. Steiner stated **Resolution No.: 55-2017** 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 7 No 0

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

Roll call on adoption: Yes 7 No 0

Finance and Appropriations Committee – Mr. Scott

Mr. Scott stated **Resolution No.: 51-2017** was discussed in Committee and is ready for adoption.

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

Roll call on adoption: Yes 6 No 0 Abstain 1 (Plesich)

Mr. Scott stated **Resolution No.: 52-2017** 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 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mr. Scott stated **Resolution No.: 53-2017** 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 7 No 0

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

Roll call on adoption: Yes 7 No 0

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Mr. Scott stated **Resolution No.: 54-2017** 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 7 No 0

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

Roll call on adoption: Yes 7 No 0

Reports of Village Officials

Mayor Hovey had no report.

Mr. Robert Heydorn, Village Solicitor, reported we talked earlier about the deer discussion. Council rules should not and do not permit debate with the audience. A couple questions came up and someone mentioned by-laws. We do not have by-laws. We have a charter, which is difficult to change, and we have ordinances. The ordinances are what prohibit hunting. We are not going to put deer hunting or no deer hunting in our charter. We are going to continue to do it by ordinances.

The other thing is that it shouldn't get out of hand to understand what we mean by Council allowing the Village to vote on this issue. About 20 years ago, the Ohio Supreme Court dealt with the issue of whether or not a Council could at all refer an issue to the people when it's their job to make the decision. Can Council say we'd like you to make the decision, not us? The Supreme Court said you cannot do that, however, you can ask their advice. If you started the process and said we want people's advice, you could put it to a ballot vote to get their advice. The legal principle involved is that even after you get their advice, you can still vote the way you want to vote. It is your decision and duty, not theirs. If you refer to the people for advice, you retain the duty to make the final decision yourself. Ultimately you would have to pass that ordinance yourself.

Mr. Church asked if this would also apply to a political issue.

Mr. Heydorn said any issue you feel would be the subject of an ordinance, you can ask the people to vote on it to get their advice. Ultimately, you cannot pass on the obligation to them to pass the ordinance.

Mrs. Steiner said in the paper today was an article that states let our representatives decide. We live in a representative democracy, not a pure one. The article cites Edmund Burke from a speech he gave in 1774, which says while it ought to be the happiness and glory of a representative to live in the strictest unity and the closest correspondence and the most unreserved communication with his constituents, your representative owes you, not his industry only, but his judgment. He, the representative betrays you, instead of serving you, if he sacrifices it to your opinion.

Mr. Heydorn said that is why we have a republic, not a democracy. You elect people to use their best judgment. The general public does not buy that. I've seen people at Council meetings saying

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we are the people; we pay your salary; you will do what we tell you to do. Mr. Heydorn concluded you are supposed to investigate and use your best judgment.

Mrs. Steiner asked if the "Save the Deer" signs in the Village are legal.

Mr. Heydorn said I don't think constitutionally you can ask for a permit. In terms of size and placement, they meet our current standards.

Mr. Mark Lipan, Service Director, reported in the last two weeks we put down a ton of crack seal, rebuilt four catch basins, cleaned 7,583 feet of sewer line, and we are in the process of grinding some patches now. We will do them in three phases. We will probably do between five and ten patches each time, probably three times this summer.

According to the State schedule, they are going to start putting down three-eighths of an inch of asphalt on Kent Road from July 5, 2017 through July 15, 2017. It has some type of latex and you will be able to drive on it in an hour. Mr. Scott asked if this is the normal thickness they put down. Mr. Lipan said no. Mr. Lipan was told it should prolong the asphalt between five to seven years.

Mr. Jones clarified Mr. Lipan would do the repairs on Graham Road and Dover Road he had mentioned earlier. Mr. Lipan said he would also do one on Silver Lake Boulevard.

Chief John Conley was absent.

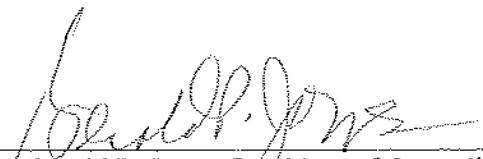
Mr. Sean Housley, Clerk-Treasurer, had no report.

Miscellaneous Business

Mr. Jones reminded everyone the July 3, 2017, meeting has been cancelled.

There being no further comments or questions, Council adjourned at 8:55 p.m. until the next regular meeting of Council on Monday, July 17, 2017, at 7:00 p.m.

APPROVED

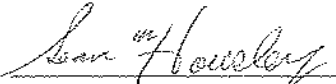


Mr. Gerald P. Jones, President of Council

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, June 19, 2017 7:00 p.m.

ATTEST:


Sean M. Housley, Clerk-Treasurer

s:/council/2017 minutes/06-19-17 Council minutes.docx (prepared by: Darlene Pedicino)
Reviewed by: Suzanne Lipan & Kim Pigman

VILLAGE OF SILVER LAKE COUNCIL

COUNCIL

SIGN-IN SHEET

DATE: 6/19/17

NAME	ADDRESS	CONCERN
Bill Polosh	3106 Offens	change to village of Lower
ADRIAN ACHTERMANN	3060 ARISON WAY	'deer population'
Jason Pullin	4594 Dishes Trl 44224	
Richard G LUBINSKI	2925 CIRCLE	Deer population
Jim Stue	2903 PARKWOOD	General
Mary Lou Vignia	2821 Chavel St	Deer
Brian Nathan	2910 Hastings	General
Clairine Smith	2853 Lee	
Dee Okmer	3074 Harriet	deer
James Nover	2876 Kent Rd	
E. J. Sun	3205 Spain	Deer
PAUL KUZELICAN	2950 SLB	MORAL COUNCIL
Katherine Kachell	2950 SLB	
Vicky Marimon	3027 Harriett	Deer
MARTE SEMINARO	3101 W. Edgerton	Deer
Pan Marlowitz	2822 Colford	Deer

MIKE KASER

VILLAGE OF SILVER LAKE COUNCIL

COUNCIL

SIGN-IN SHEET

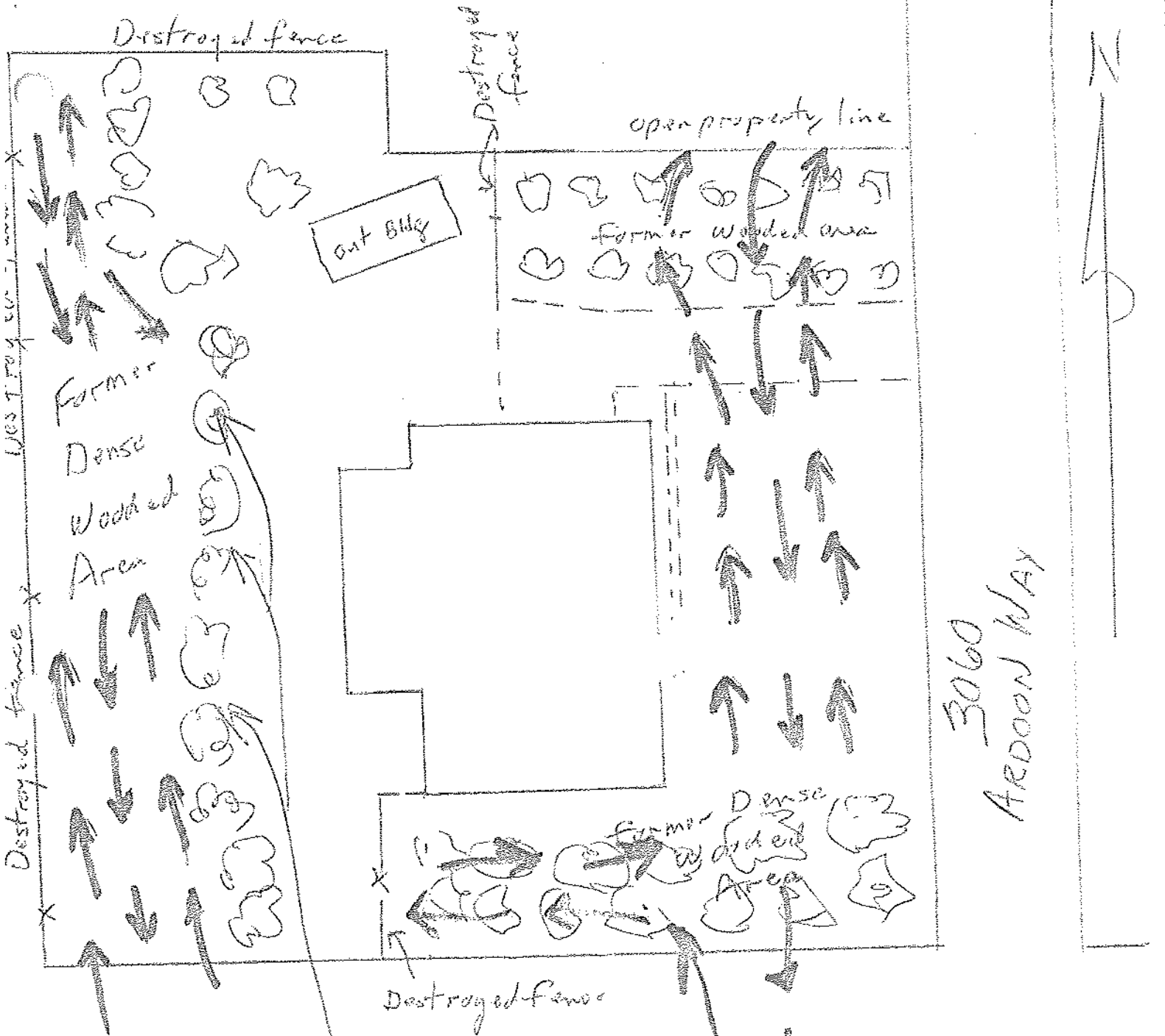
DATE: 6/19/11

NAME	ADDRESS	CONCERN
Phil Hoffman	2803 OUTLOOK	DEER
Nancy Walker-Geboge	3094 ATHENS	
Jennie Bell	-	This is a waste of time
		You need a deer biologist
		This is an anniversary in S.L.!!
		Not a good time to divide the village.
		This is an embarrassment to our village.
Steve Hoffman	3105 ATHENS	Deer.

295 Leebol

1

Double Lot



3060
ARDOON WAY

NORTH OAK HILLS

Deer
Travel
Pattern

n=9
Deer
Overnight
here

Deer
Travel
Pattern

Deer
Travel
N & S
Twice
&
Day

We have a problem
ADRIAN ACHTERMANN

3060 Ardoon Way
Silver Lake OH 44224
February 2, 2017

"DEER" Mayor Hovey,
"DEER" Village Council,

Something Has To Be Done About The Over Population Of Deer

This is response to all the chatter, but no action, concerning the deer over population in our Village. It is just like the old useless saying -- "Everybody talks about, but nobody does a thing about...."

Our little peace of heaven is at the southwest corner of Ardoon Way and North Oak Hill. It is a double lot -- with the west half being a once wooded area with a full of understory cover with lots of native wildflowers. Not any more.

A herd of seven deer uses our front yard and our back wooded area as a daily travel pattern north and south. This has been a course of travel for the past at least five years. Every day.

For five to three years ago, we spent \$70.00 each year planting Caladiums on our N.Oak Hill corner and throughout our fenced in back yard. For those three years, the deer destroyed the plantings -- eat the leaves and leave the stems. I quit planting those wonderfully beautiful flowers -- for the past two years.

During that same period five to three years ago, I over wintered about forty (40) geranium plants. I spent a lot of time and effort caring for them during the winter period and in planting them throughout our back yard. When they started blooming and showering our yard with their beautiful red colored flowers, -- yes -- the deer feasted on the flowers and left some barren stems. I quit.

Quite a few years ago, maybe ten years ago, I planted a lot -- quite a lot -- of hosta around the borders of our tract -- along North Oak Hill and around our house. During the past three years, as the plants reached maturity, -- yep, you guessed it -- the deer ate the leaves and left just the stem.

We have a little mound along the south of our driveway -- we have planted perennials and annuals for a few years. And -- yep -- you guessed it right again. Several dollars and lots of labor each year just provided food for the deer.

We have a wooded area about thirty (30) feet wide on our north side of our driveway that has been used and chewed over like the afore mentioned woodland.

Maybe six or seven years ago, I replaced the deteriorated woven wire fence around the wooded area west of our house. This was re-installed to contain our dogs – and they enjoyed the freedom of our back yard. Through the years, the deer has just about destroyed this – having wallowed it down to the ground in the SE corner and SW corner along N. Oak Hill, in several places along our west property line and along the north fence. The fence did not come cheap – the labor took quite a lot of time and effort to take down the old fence and re-install the new one. Now, it needs to be replaced again totally around our wooded area.

A large part of our back yard is covered with pachyandra. For the past three years, mama deer have used this to birth a new generation. . An eight point buck used it as a resting place (I have a photo). Now, it seems to be a comfort zone and sleeping zone for up to all seven deer during the day or night. They have developed "trails" throughout the area. It is impossible to spend so much time to keep them out. I have planted several "deer repellent" plants, but to no benefit. They eat them, too.

The deer have destroyed the understory by chewing off most of the young sprouts and naturally seeded and germinated tree sprouts. I have a 1938 aerial photo of this area showing that it was close to a virgin area from eons of time past. They have destroyed this aspect of what I was trying to retain as close to virgin history.

Then, also, the deer so uses our front and back yard in their travel pattern for long enough that I am starting to see a compaction of the surface soil taking place, causing a hardship on the grass cover.

I can't afford any beautification program, financially or physically, if the deer are chewing it off as soon as the flowers and leaves get ready. I am so at a loss as to what to do to keep my little piece of land beautiful.

I, so desperately, want the deer population under a controlled program. Even that might not be effective if the current herd has become so accustomed to this travel route that they can not be trained to use another travel pattern.

Now, if the Village and interested citizens wishes to do nothing about the deer population, I will gladly accept sufficient financial assistance to re-install a deer retardant fence and protective coverings for the re-beautification of our little track of land so that they, once again, can enjoy the beautiful road side as they travel North Oak Hill Road and Ardoon Way.

Sincerely,

Adrian Achtermann

Adrian Achtermann