

SPECIAL MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Wednesday, January 18, 2006 7:30 p.m.

The special meeting of Council was called to order by Mr. Bernie Hovey, Council President.

Mr. Hovey led the Pledge of Allegiance.

A role call of Council found the following members present: Mrs. Karen Fuller, Mr. William Church, Mrs. Despina Mulrooney, Mrs. Carol Steiner, Mr. Bernie Hovey, Mr. Adrian Achtermann, and Mr. Christopher Scott.

Roll call of Council – 7 members present, none absent.

Other officials present: Solicitor Robert Heydorn and Clerk-Treasurer Teresa Spohn.

Others present: 9 residents, Mr. Phil Keren from the Falls News Press, and Mr. Todd Raskin, Esq. from the law firm of Mazanec, Raskin & Ryder.

Mr. Hovey called the Public Hearing to order. The hearing is on proposed zoning changes to the provisions of Part-Eleven-Planning and Zoning Code of the Village of Silver Lake as presented in Ordinance No.: 127-2005. The legislation has had three readings; the public hearing was properly advertised and notice given to the affected property owners. Mr. Hovey reported the Village's Planning and Zoning Commission has reviewed and approved the zoning changes (copy of the Commission's meeting minutes are attached to these original minutes).

Mr. Hovey reported ambiguity existed in the court (train) case which indicated some property has been left unzoned where Village officials had always thought was zoned. The ordinance clarifies the Village's intention that the property be zoned.

Mr. Steve Goldsboro, 3 Lodge Drive, asked what property is affected.

Mr. Hovey responded the property being considered is in the public right of way, especially as it relates to the train tracks along Vincent Road.

Mr. Heydorn stated the court case determined the area along the right of way by the train tracks located on the west side of the Village was left unzoned when the Village adopted a new zoning code in 1994. Village officials had always assumed that any right of way in the Village took on the same zoning of the property next to it, for example, streets, drives, railroad tracks, rivers, and private streets. The legislation does not change any zoning which currently exists. It is the Village's contention the court misconstrued the Village's zoning map, even though it was the Village's intention to leave the right of way zoning consistent with the 1960 zoning map (before the 1994 zoning changes). The Village is just trying to put back in place what officials thought had existed all along.

Mr. Heydorn explained that, although interstate rail for freight or commuter service could start up again on the existing tracks at any time, leaving the property unzoned could allow a "pop

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stand” be built (or any other structure) without the consent of the Village. The Village is not intending for anyone to give up any rights which currently exist.

Mr. John Padula, 2914 Vincent Road, asked what bearing the zoning is going to have on what happens on the tracks of within the right-of-way. He stated there has been talk of a dinner train and a walking trail.

Mr. Heydorn stated it would have a bearing on a “pop stand”. The dinner train activity is currently being litigated in court on another issue. The issue is whether or not Metro RTA has the authority to contract to operate a dinner train.

An unnamed man stated he understood that the City of Stow is looking to further develop an industrial park which might call for rail service.

Mr. Heydorn reiterated that if someone wants to run a true freight operation on the Akron Secondary line alongside Silver Lake, there is nothing the Village of Silver Lake can do about it. Economics will dictate whether or not that will happen.

Mrs. Dorothy Wilson, 3018 Milboro Road, asked if the Summit County noise ordinance would have a bearing on the noise trains would generate.

Mr. Heydorn stated that the County’s ordinance would probably not have any bearing on railroads, to the extent that a “true” railroad is operating.

Mrs. Durbin, 2944 Vincent Road, asked if a walking path next to the tracks was still being considered.

Mr. Heydorn stated a walking path is being planned by Metro Parks of Summit County. It is something that could co-exist with an otherwise inactive railroad. The zoning changes are needed so that the Village will have a voice in what happens to the property.

Mr. Padula asked if the changes have anything to do with the cluster homes which were proposed a couple of years ago.

Mr. Heydorn stated the zoning changes have nothing to do with the cluster home project.

Mr. Hovey asked for a motion to move into an Executive session to discuss pending and threatened litigation.

Mrs. Steiner moved that Council adjourn into Executive Session to discuss pending and threatened litigation, seconded by Mrs. Fuller.

Roll call of Council: Yes 7 No 0

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The special meeting of Council adjourned into Executive Session at 8:05 p.m.

Mr. Hovey reconvened the special Council meeting at 9:05 p.m.

Mrs. Fuller, Chairman of the Planning, Zoning and Insurance Committee, stated Ordinance No.: 127-2005 is ready to be taken off the table and presented for a vote of Council. The legislation is entitled:

“AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF SILVER LAKE, OHIO, AT SECTION 1131.03 - TO PROVIDE FOR ZONING MAP DEFINITION THROUGHOUT THE VILLAGE, AND REPEALING SECTIONS OF THE ZONING CODE INCONSISTENT THEREWITH.” *First Reading December 5, 2005; Second Reading December 19, 2005; Third Reading January 3, 2006; Public Hearing January 18, 2006.*

Mr. Church moved to take Ordinance no.: 127-2005 off the table, seconded by Mr. Scott.

Roll call of Council: Yes 7 No 0

Mrs. Fuller moved to adopt Ordinance No. 127-2005, seconded by Mrs. Mulrooney.

Roll call of Council: Yes 7 No 0

The meeting was adjourned at 9:07 p.m.

APPROVED:

Bernie Hovey, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer