

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, June 7, 2004

7:30 p.m.

The Village of Silver Lake Council met in a regular session on Monday, June 7, 2004, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With President of Council, Mr. Duane Scott, presiding, the meeting was called to order at 7:30 p.m.

Mr. Scott led the Pledge of Allegiance.

The following members were present and responded to roll call: Mr. Jack Ingram, Mr. Robert Gray, Mr. Duane Scott, Mrs. Carol Steiner, Mr. Bernie Hovey, Mr. William Church, and Mrs. Karen Fuller.

Roll call of Council – 7 members present

Mr. Scott asked if there were any additions or corrections to the minutes of the May 17, 2004, Council meeting.

There being no corrections, the minutes were approved as sent out.

Mr. Scott asked Mrs. Teresa Spohn, Clerk-Treasurer, for the reading of any pending legislation that is up for a first reading.

RESOLUTION NO.: 53-2004 A RESOLUTION RATIFYING AND CONFIRMING THE AUTHORIZATION OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH WICHERT INSURANCE SERVICES, INC. FOR THE PURCHASE OF GENERAL LIABILITY, PROPERTY/INLAND MARINE, AUTOMOBILE LIABILITY & PHYSICAL DAMAGE, PUBLIC OFFICIALS LIABILITY, POLICE PROFESSIONAL LIABILITY INSURANCE, ENHANCED EMPLOYMENT PRACTICES COVERAGE, AND UMBRELLA LIABILITY INSURANCE COVERAGE FOR THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 53-2004 to the Planning, Zoning, and Insurance Committee.

RESOLUTION NO.: 54-2004 AN ORDINANCE AMENDING PART ONE-ADMINISTRATIVE CODE, CHAPTER 123-CLERK-TREASURER, BY REPEALING SECTION 123.03 - SIGNATURES REQUIRED FOR DISBURSEMENTS AND ACCESS TO SAFE DEPOSIT BOX- OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO AND HEREBY ESTABLISHING AND SUBSTITUTING NEW REGULATIONS FOR SIGNATURES REQUIRED FOR DISBURSEMENT AND ACCESS TO SAFE DEPOSIT BOX.

Mr. Scott assigned Resolution No.: 54-2004 to the Finance and Appropriations Committee.

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ORDINANCE NO.: 55-2004 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO AN AGREEMENT WITH THE OHIO MUNICIPAL LEAGUE FOR THE VILLAGE OF SILVER LAKE'S PARTICIPATION IN THE OHIO MUNICIPAL LEAGUE 2005 WORKERS' COMPENSATION VILLAGE GROUP RATING PLAN, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Ordinance No.: 55-2004 to Personnel and Public Affairs Committee.

RESOLUTION NO.: 56-2004 A RESOLUTION AWARDDING A CONTRACT TO R.B. THOMAS ELECTRIC, INC. FOR THE ELECTRIC SERVICE UPGRADE WITH EMERGENCY GENERATOR PROJECT FOR THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

Mr. Scott assigned Resolution No.: 56-2004 to the Public Improvements Committee.

RESOLUTION NO.: 57-2004 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS, AND DECLARING AN EMERGENCY. \$164,988.54

Mr. Scott assigned Resolution No.: 57-2004 to the Finance and Appropriations Committee.

Mr. Scott asked Mrs. Teresa Spohn, Clerk-Treasurer, for the reading of any pending legislation that is up for a second reading.

ORDINANCE NO.: 50-2004 AN ORDINANCE ESTABLISHING CHAPTER 1134 OF THE ZONING CODE AND THEREBY PROVIDING REGULATIONS FOR A CLUSTER/TOWNHOUSE DISTRICT IN THE VILLAGE OF SILVER LAKE, OHIO.

This ordinance was previously assigned to the Planning, Zoning, and Insurance Committee.

ORDINANCE NO.: 52-2004 AN ORDINANCE RECLASSIFYING CERTAIN PROPERTIES IN THE VICINITY OF LODGE DRIVE AND CHURCH STREET, LOCATED SOUTH OF PROPERTIES ABUTTING KENT ROAD, AND CERTAIN PORTIONS OF VILLAGE LANDS ABUTTING THE ABOVE DESCRIBED PARCELS TO THE SOUTH AND EAST, FROM RESIDENTIAL, INSTITUTIONAL, AND PARKS AND RECREATIONAL DISTRICTS TO THE CLUSTER/TOWNHOUSE DISTRICT.

This ordinance was previously assigned to the Planning, Zoning, and Insurance Committee.

Mr. Scott asked if there were any questions or comments from the audience regarding pending legislation.

There were several audience members that had questions related to Ordinance No.: 50-2004 and Ordinance No.: 52-2004.

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The following residents spoke:

Resident's Name	Resident's Address
Mary Lou Van Sise	2821 Church Street
Patrick Larson	2887 Lee Road
John Nehrer	2906 Silver Lake Boulevard
Lila Nissel	2810 Outlook Drive
Joy Wilson	3099 Athens Road
Doug Nissel	2811 Outlook Drive
Mary Ellen Koegel	3072 West Edgerton Road
Bobbie Christman	2942 Overlook Road
Paul Moskowitz	2953 Overlook Road

The residents' questions and concerns were as follows:

- 1) Will the Van Sise Reserve no longer be in existence once these zoning changes are made?
- 2) The residents felt very little information has gone out to Village residents concerning the proposed zoning changes.
- 3) Can the legislation be approved without a public hearing?
- 4) The residents feel that the Village of Silver Lake is already congested and does not need additional housing. Those residents that want to move into condominiums and townhouses can move to that type of housing in the surrounding communities.
- 5) The residents would like a special letter regarding this issue sent to all Village residents.
- 6) Why is the Village considering additional housing when the sewer problem is an issue that needs to be resolved?
- 7) With the change in zoning, isn't it possible that this can cause a domino effect throughout the Village with more zoning changes?
- 8) What is the procedure that needs to be followed so the public will have an opportunity to voice their opinion for these proposed changes?
- 9) What is going to guarantee that these homes will be sold to seniors?

Mr. Scott responded as follows:

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Residents have received information regarding this proposed legislation in the Village newsletter.

The legislation had its second reading tonight. The legislation cannot be passed without a public hearing. A public hearing will be scheduled for an evening next month, and if more than one evening is needed, then that will be scheduled as well. Additionally, the Planning Commission will review this legislation and all planning meetings are open to the public. The legislation will then come back before the Planning, Zoning, and Insurance Committee. There are public notices for all these meetings. There will be a third reading of the legislation before it is passed.

Mr. Scott stated that he has lived in the Village for a long time and has spoken to a lot of residents that have lived here for a long time as well. These residents tend to have larger homes where they raised their families and now need a home that is more manageable. This kind of housing is not available for these types of families.

Mr. Scott said Council would consider sending out a mailing regarding the zoning issue to all residents.

Mr. Scott stated there is no guarantee the homes would only be sold to seniors.

Mr. Scott called the issue regarding zoning legislation to a close and told residents they can express their concerns at the public hearing.

Mr. Hovey thanked the residents for attending tonight’s meeting. Mr. Hovey stated he can guarantee there is no one on Council trying to change anything without informing residents. The residents are notified in the same exact procedure for every piece of legislation.

Mrs. Steiner stated she had received a phone call from a resident regarding the proposed legislation. Mrs. Steiner then asked if residents are unaware of this legislation, why is she receiving phone calls about the proposed zoning?

REPORTS OF COUNCIL STANDING COMMITTEES

Finance and Appropriations Committee – Mr. Jack Ingram, Chairman

Mr. Ingram stated Resolution No.: 57-2004 was discussed in committee earlier this evening and is ready for adoption.

Mr. Ingram made a motion to suspend the rule that legislation be read at three meetings for Resolution No.: 57-2004, seconded by Mr. Gray.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

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Mr. Ingram stated Resolution No.: 54-2004 will be considered a first reading.

Public Improvements Committee - Mr. William Church, Chairman

Mr. Church stated Resolution No.: 56-2004 was discussed in committee earlier this evening and is ready for adoption.

Mr. Church made a motion to suspend the rule that legislation be read at three meetings for Resolution No.: 56-2004, seconded by Mr. Hovey.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Personnel and Public Affairs Committee - Mrs. Carol Steiner, Chairman

Mrs. Steiner stated Ordinance No.: 55-2004 was discussed in committee earlier this evening and is ready for adoption.

Mrs. Steiner made a motion to suspend the rule that legislation be read at three meetings for Ordinance No.: 55-2004, seconded by Mr. Church.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Planning, Zoning, and Insurance Committee – Mr. Bernie Hovey, Chairman

Mr. Hovey stated Resolution No.: 53-2004 was discussed in committee earlier this evening and is ready for adoption.

Mr. Hovey made a motion to suspend the rule that legislation be read at three meetings for Resolution No.: 53-2004, seconded by Mr. Gray.

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mr. Hovey stated Ordinance No.: 50-2004 and Ordinance No.: 52-2004 will be treated as second readings.

MAYOR'S REPORT

The Mayor addressed the flooding problems that have occurred in the Village. This speech is attached to the original minutes.

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REPORTS OF VILLAGE OFFICIALS

Mr. Heydorn had no report this evening.

Chief DeMoss reported due to the rain the Safety Bike Ride was cancelled. Both the original date and the rain date were cancelled. It will be rescheduled for the fall.

The Police Department had an unexpected emergency transmission repair on one of the police cruisers. It is the first time in about ten years the Police Department has had a significant drivetrain repair. The cruiser is currently being repaired, but it is an \$1800 repair that was not planned for the 2004 budget. The Police Department has the money to make the repair but it is going to cut short the money allocated for repairs before the end of the year.

Mr. Fenwick stated the Service Department replaced a water main valve on Lakeland Parkway. The department has also been repairing catch basins and installing curbs on North Oakhill Road and Circle Drive. The resurfacing project starts on June 14th.

Mrs. Spohn had no report.

Mr. Scott stated that a list of residents had signed in that would like to speak regarding the sewer and flooding situation in the Village.

The following residents spoke:

Resident's Name	Resident's address
Michele Baldini	2931 Chautauqua Drive
Mary Ellen Koegel	3072 West Edgerton Road
Roseann Smith	3031 Vincent Road
Victoria Scott	2981 Chautauqua Drive
Christopher Scott	2981 Chautauqua Drive
John A. Spiroff	2880 Cranbrooke Drive
Diane Buckner	2063 Randolph Road
Kelly Shaw	3060 Harriett Road
Sybil Brenner	2993 Chautauqua Drive
Michael Mourad	2966 Chautauqua Drive
Hugh Gunter	3151 Highland Drive
John Held	3050 Lake Road

The questions and concerns regarding the sewer and flooding problems were as follows:

- 1) Residents feel the Village is not meeting the needs of the residents.

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- 2) Residents would like a timetable as to when the sewer and flooding problems will be resolved.
- 3) Residents wanted to know when the sewer pipe will be installed on Silverview Drive to help alleviate some of these problems.
- 4) Residents stated that flooding is not a new problem. For several residents, the flooding has been going on for twenty years or more.
- 5) Residents are worried about keeping homeowner's insurance for their homes.
- 6) Residents are worried about resale value of their homes.
- 7) Residents are worried about the costs of the continued damage caused by the flooding and who is going to pay for the damage?
- 8) Is the Village aware of how many residents have been affected by the flooding?
- 9) Will the lowering of the Munroe Falls Dam affect the Village?
- 10) The residents suggested forming some type of committee comprised of residents to deal with this situation and perhaps expedite a solution.
- 11) Were illegal connections, such as footer drains and downspouts, disconnected when the Village conducted the over and under sewer replacement program?
- 12) Will possible new development from the cluster housing cause additional flooding if the current sewer system cannot handle the homes that are currently built?
- 13) The residents feel that resolving the flooding situation should be the number one priority for the Village.

For those residents that live in the Chautauqua Drive/Cranbrooke Drive area there were additional concerns:

- 1) Whenever there are heavy rains, the street floods. The flooding has not been limited to the 100 year and 75 year storms that have occurred.
- 2) Residents are concerned that the river is contributing to the flooding problems.
- 3) Residents feel that since the vacant lots located on Chautauqua Drive were loaded with dirt that the flooding problems have increased.

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- 4) What can residents do to get check valves installed in their homes?

The responses were as follows:

The Mayor stated that he could not speak for Summit County but could only speak for the Village and the Village hopes it will have located the reason for the storm water getting into the sanitary sewer by the end of September.

The Mayor also stated that it will take until September to find out what the problem is. The hope would be to find some kind of connection that nobody knows about that shows where the storm water is going right into the sanitary sewer because at least the Village will know how to fix the problem. It will be more difficult to resolve this problem if we find out that the storm water is entering the sanitary sewer through individual residences because then the timeline for repair goes back to the resident making the repair.

Mayor stated the two residents involved in the sewer pipe project have been to Council and there have been extended discussions about this project. The outflow of the pipe will be sufficiently higher to allow a little bit more water to go into Silver Lake. Council has already expressed support for this venture and is getting pretty close to the final plans for this project. Mayor stated that when the project will be completed is up to the county. The county was willing to listen to the discussion on pipe this morning. It was the second discussion that we have had about this project. The demand on the resources of the county is great at the moment because there are a lot of communities that are a lot worse off than we are. The Mayor cannot make any guesses about the timetable of the county's response.

Mr. Ingram stated that it has just been this year that the Village has started to meter the sanitary sewer usage in the Village, not the whole Village, but a significant portion of the Village. This meter allows the Village for the first time to determine that part of the problem we are having with the sanitary sewer is a Village problem; we really didn't know that before.

The purpose of the metering was to decrease our cost of sewage treatment levied by Summit County.

Mr. Fenwick stated the only residents that he knows about whose homes have flooded are those residents that actually called the Village.

The Mayor stated that he met with the representatives from Summit County earlier today to establish whether or not we could use their equipment to determine which part of the Village the storm water is coming from. If Summit County is not able to provide the equipment for us, there is a backup plan that would involve meters.

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The Mayor stated the Munroe Falls Dam was not installed for any reservoir purposes. The dam was installed in order to generate some power. The plan is to lower the dam six feet. According to Army Corp of Engineers, the lowering of the dam will not affect the Village.

Mr. Fenwick stated that the old sewers located in the western part of the Village had the storm sewer on top and the sanitary sewer on the bottom. The Village eliminated the storm water from getting into the sanitary sewer. The homes in this area had a sanitary and a storm lateral. The Village tested the sanitary drains to make sure we were putting the sanitary into the new sanitary, but we did not dye or smoke test the homes.

Mrs. Joy Wilson asked who the developer for the cluster home/townhouse project is.

Mr. Scott said there was no developer at this time.

Mrs. Wilson then asked who has developed the plans for the cluster home/townhouse project?

The Mayor replied that he did.

Mrs. Wilson asked if the Mayor had input from a developer for the project.

The Mayor stated the Village is not in the development business. The Village is just trying to solve the problem of providing homes for senior citizens. The Village has had plenty of experts in to discuss this project; however, there is no relationship with any developer.

There is an opportunity here for developers. If a developer wants to come in to discuss this opportunity, it is up to him. The Village will not hire a developer. The roles of the Village are to have Council and the Planning Commission approve the proposed plans.

Mrs. Wilson asked the Mayor if this was his project.

The Mayor stated he is responding to the biggest complaint that he had during his run for office; the lack of senior housing in the Village. The Village is the only community in this area that hasn't done something for our seniors.

Mrs. Wilson stated that Crystal Lake is in financial straits. What is to stop a developer from saying we could make a lot of money if we sold cluster homes there? Where are we going to stop? Silver Lake is a beautiful and unique community and that's why people come here.

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There being no further questions from the audience, Council adjourned at 9:03 p.m., until the next Council meeting on Monday, June 21, 2004.

APPROVED:

Duane Scott, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer

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prepared by: Despina Mulrooney