

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, June 21, 2004

7:30 p.m.

The Village of Silver Lake Council met in a regular session on Monday, June 21, 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. Duane Scott, Mrs. Carol Steiner, Mr. Bernie Hovey, Mr. William Church, and Mrs. Karen Fuller.

Roll call of Council – 6 members present

1 member absent

Mr. Church made a motion to excuse Mr. Gray at this evening's Council meeting, seconded by Mr. Hovey, and all of Council agreed.

Mr. Scott asked if there were any additions or corrections to the minutes of the June 7, 2004, Council meeting.

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

Mr. Scott appointed Mrs. Suzanne Lipan as acting Clerk of Council for this evening's Council meeting in absence of Mrs. Teresa Spohn.

Mr. Scott asked Mrs. Lipan for the reading of any pending legislation that is up for a first reading.

**RESOLUTION NO.: 58-2004 A RESOLUTION TO MAKE ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2004, AND DECLARING AN EMERGENCY.**

Mr. Scott assigned Resolution No.: 58-2004 to the Finance and Appropriations Committee.

**RESOLUTION NO.: 59-2004 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SITE ELECTRIC INC. FOR MATERIAL AND LABOR FOR THE VINCENT ROAD AND ATHENS ROAD STREET LIGHTING PROJECT, AND DECLARING AN EMERGENCY.**

Mr. Scott assigned Resolution No.: 59-2004 to the Public Improvements Committee.

**RESOLUTION NO.: 60-2004 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS, AND DECLARING AN EMERGENCY. \$202,423.96**

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Mr. Scott assigned Resolution No.: 60-2004 to the Finance and Appropriations Committee.

**RESOLUTION NO.: 61-2004 A RESOLUTION TO APPROVE THEN AND NOW CERTIFICATES FOR PURCHASES AND DECLARING AN EMERGENCY.**

Mr. Scott assigned Resolution No.: 61-2004 to the Finance and Appropriations Committee.

Mr. Scott asked Mrs. Lipan for the reading of any pending legislation that is up for a second reading.

**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 previously assigned Resolution No.: 54-2004 to the Finance and Appropriations Committee.

Mr. Scott asked Mrs. Lipan for the reading of any pending legislation that is up for a third reading.

Mr. Hovey moved to postpone the third reading of Ordinance No.: 50-2004 to the first Council meeting after the July 26, 2004, Public Hearing for Ordinance No.: 50-2004, seconded by Mr. Church.

Roll call on postponement of third reading of Ordinance No.: 50-2004:

Yes 6 No 0

Mr. Hovey moved to postpone the third reading of Ordinance No.: 52-2004 to the first Council meeting after the July 26, 2004, Public Hearing for Ordinance No.: 52-2004, seconded by Mr. Church.

Roll call on postponement of third reading of Ordinance No.: 52-2004:

Yes 6 No 0

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

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George Fretz, 3095 Orchard Road, is concerned about any proposed changes to the zoning code. Mr. Fretz is also concerned about the sewer flooding conditions and feels that the flooding issue needs to be resolved before any proposed zoning changes.

Bobbie Christman, 2942 Overlook Road, is concerned about the proposed zoning changes.

Patrick Larson, 2887 Lee Road, asked why the zoning code ordinances have not been put up for a public vote.

Mr. Scott stated that is always possible but the correct procedure to follow is to schedule a public hearing for the proposed ordinances as the next step.

Mr. Larson stated that residents would like to have all the necessary information before the public hearing, not at the public hearing.

The Mayor stated there was a request at the last Council meeting that a letter be sent to all residents regarding the proposed zoning changes. The letter is almost complete at this time. The letter will be going out this week to Village residents.

The public hearing will be held at the City of Stow in order to provide accessibility and safety for our residents. D.B. Hartt, the consultant on this project, will be there to answer questions. The meeting will be open for any comment once the project presentations have been made.

John Nehrer, 2906 Silver Lake Boulevard, stated the Ohio Revised Code provides guidance on how citizens can fight issues proposed or passed by Council members.

Mrs. Steiner stated that as of the last Council meeting she has not received any phone calls from any resident regarding the proposed zoning issues. Mrs. Steiner stated she would like to hear from residents about their concerns.

Mrs. Fuller stated that residents definitely have an impact on what happens in their community.

Lori Kassinger, 2999 Overlook Road, expressed her concern over the flooding of the sewers. If the zoning ordinances are passed and a developer submits a study showing that no additional flooding will be caused by the cluster homes/townhouses, and additional flooding does occur, but the developer is no longer in town, who will be responsible?

Mr. Heydorn replied that any developer who submitted a plan would be subject to approval by the Village and its engineer. The plans would have to fall within acceptable engineering standards.

The application process is two-fold. The zoning process allows a developer to propose a plan but the zoning process makes various requirements when a plan is submitted. The Planning

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Commission, Council and the Administration will determine whether that particular proposal will be passed.

**REPORTS OF STANDING COMMITTEES**

**Finance and Appropriations Committee – Mr. Jack Ingram, Chairman**

Mr. Ingram stated Ordinance No.: 54-2004 was discussed in committee earlier this evening and is ready for adoption. Mr. Ingram stated an amendment needed to be made to the ordinance. Section 2, 123.02 (b) will include this additional sentence:

**“Employee payroll checks, however, may be signed and countersigned by machined facsimile or electronic signatures of the Clerk-Treasurer and a member of the Finance Committee of Council respectively.”**

Mr. Ingram made a motion to amend Ordinance No.: 54-2004, seconded by Mr. Church.

Roll call on amendment for Ordinance No.: 54-2004: Yes 6 No 0

Mr. Ingram made a motion to suspend the rule that legislation be read at three meetings for Ordinance No.: 54-2004 as amended, seconded by Mr. Church.

Roll call on suspension: Yes 6 No 0

Motion to adopt Ordinance No.: 54-2004 as amended by Mr. Ingram, seconded by Mrs. Steiner.

Roll call on adoption of Ordinance No.: 54-2004 as amended: Yes 6 No 0

Mr. Ingram stated Resolution No.: 58-2004 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.: 58-2004, seconded by Mrs. Steiner.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

Mr. Ingram stated Resolution No.: 60-2004 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.: 60-2004, seconded by Mr. Hovey.

Roll call on suspension: Yes 6 No 0

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

Roll call on adoption: Yes 6 No 0

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Mr. Ingram stated Resolution No.: 61-2004 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.: 61-2004, seconded by Mrs. Steiner.

Roll call on suspension:      Yes    6      No    0

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

Roll call on adoption:      Yes    6      No    0

**Public Improvements Committee - Mr. William Church, Chairman**

Mr. Church stated Resolution No.: 59-2004 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.: 59-2004, seconded by Mr. Hovey.

Roll call on suspension:      Yes    6      No    0

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

Roll call on adoption:      Yes    6      No    0

Mrs. Steiner stated the Personnel Placement Committee met this evening and recommended the advancement of one employee.

Mrs. Steiner made a motion to move Patrol Officer Erik Dirker from Patrol Officer I, Step A, to Patrol Officer I, Step B, seconded by Mr. Church, and all of Council agreed.

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

Mr. Hovey stated the third readings for Ordinance No.: 50-2004 and Ordinance No.: 52-2004 are postponed until after the Public Hearing for these ordinances, which is scheduled for July 26, 2004.

**MAYOR’S REPORT**

The Mayor reported on the sanitary and storm sewer issues.

The Mayor stated that steps taken to resolve the sanitary and storm sewer issues have been a constant effort, not something that has just recently happened in light of last month’s flood.

Mr. Fenwick was able to find information in reference to illegal private connections to the sanitary sewer. A study was done in the Village in 1982 to determine if there were any illegal connections. This was done by a smoke testing every home that was in existence at the time in

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the Village. Twenty-two homes were found to have illegal connections. The cost of this study was \$80,000. The Village will be examining those twenty-two homes to see if corrections were made.

The major report finding of this study was the infiltration of the under/over sewers. This issue has been aggressively addressed in the past eight years.

The second recommendation of that report was to reverse the sanitary sewer flow. This has been done.

The determination of the possible source of inflow is something that still needs to be investigated. The Village has asked Summit County to help us with this situation. The Department of Environmental Services will be lending two meters to the Village and they are going to be put in place today. However, the only way to use these meters is during storms. The meters will have to be calibrated during the next storm.

The Village is also in continued discussions with the county to determine how to correct the pipe that has a 2% fall. The pipe would have been corrected if the holding tank had been installed years ago; however, the decision was made to forego the installation of the tank in the Village.

The Village is also investigating a process called a storm sewer equalization basin. The idea is to locate an area where we can install an equalization basin. Colony Allotment will be considered as an area to install an equalization basin. The Village is meeting with an engineering firm to discuss this idea.

Mr. Michael Mourad has volunteered to help with the situation in Colony Allotments. Mr. Mourad would begin at ground zero to work with the Army Corps of Engineers to see what would be possible in terms of resolving the problems in that area of the Village.

The new catch basin on Silverview Drive is about to be flagged in order to let the residents know where the storm sewer will be located on their property.

The Village is looking to raise two sections of the existing 42" storm sewer that drains into the lake.

Discussions with the City of Stow are ongoing in terms of resolving the storm water problem.

The Mayor stated he and his wife Judy will be hosting a concert on Thursday, July 2, 2004, behind Fauser Arboretum.

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**REPORTS OF VILLAGE OFFICIALS**

**Mr. Heydorn** had no report.

**Chief DeMoss** had no report.

**Mr. Fenwick** stated the resurfacing project has been completed.

The water leak on Silver Lake Boulevard has been repaired by the Service Department.

The Water Quality Report for Residents was sent out last week.

Mr. Scott asked if there were any questions from the audience.

Mary Ellen Koegel, 3072 West Edgerton Road, expressed her concerns regarding the continuous flooding in the Village. Mrs. Koegel's home has been flooded several times. The check she received from FEMA for the last flood did not cover all of her damage. Mrs. Koegel submitted a bill to Council for damages done to her home from the flooding.

Mary Lou Van Sise, 2821 Church Street, stated her property is not for sale for the cluster home/townhouse project. Mrs. Van Sise wanted to know who the partners were for the project.

Mr. Heydorn stated there are no partners with the Village for this project. The role the Village has in this project is to rezone the property. It would then be up to a developer to buy the property and submit a plan for development to the Village.

George Zarava, 2928 Silver Lake Boulevard, asked if the Council agenda and minutes could be more up to date on the website.

Barry Wilson, 2334 Silver Lake Boulevard, is concerned about the proposed cluster home/townhouse project and is worried that the project will affect property values.

Kelly Shaw, 3060 Harriett Road, asked questions about the 1982 storm sewer study previously discussed in the Council meeting.

Michele Baldini, 2931 Chautauqua Drive, stated zoning was changed at her previous residence in New York, and it adversely affected her property. Mrs. Baldini feels that the same problem can happen in the Village. Mrs. Baldini also requested a timeline for resolving the flooding situation.

Foster Buchtel, 2830 Church Street, stated he was on a task force in Mayor Thudium's administration regarding senior citizens housing. Mr. Buchtel stated he is in favor of improving

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the quality of life for our citizens and will wait until the public hearing to hear all the facts about the cluster home/townhouse project to make a decision.

Carol Drugan, 3031 Millboro Road, stated she, like Mr. Buchtel, is very interested in this project. Ms. Drugan stated she would like all the facts as well in order to make a decision about this project.

Leeann Brady, 3054 Harriett Road, stated she was at the meeting regarding the sewer backup situation. Mrs. Brady thanked the Village for all the efforts that have been made to resolve this situation. Mrs. Brady wanted to know if the Village had any recourse with the county regarding the sewer situation and asked if the Village had combined with other communities to fight this problem.

The Mayor thanked Mrs. Brady for the calls she made to the county. The Mayor stated that mayors in other communities are conscious of this situation and the county is cooperating with the mayors. The Village continues to be in discussion with the county about this problem.

Paul Moskowitz, 2953 Overlook Road, looks forward to receiving the letter from the Mayor regarding the zoning. However, he cannot see any benefit right now in regards to changing zoning for the cluster homes/townhouses.

Lila Nissel, 2810 Outlook Drive, is not in favor of rezoning. Mrs. Nissel stated she has heard the Van Sise property was purchased not for a park area but for whatever the Village wants to do with the property. Mrs. Nissel wanted clarification about this issue.

Mr. Heydorn stated the property was purchased for municipal purposes, which can include parks, waterworks, or a sewage treatment plant. Prior to the Village's purchase of the property, a portion of the property was used as dump.

Mrs. Nissel stated that a 1964 ordinance specified the purchase of the property was for park purposes. Mrs. Nissel's belief is that she has paid a park tax for this property.

Mr. Heydorn stated that the ordinance means that using the property as a park was one of the purposes for which the property was bought, however, it was not put to that use in perpetuity. In order for the property to remain a park in perpetuity, the property would have had to have been dedicated and the Village would have had to accept that dedication. Another method that would have allowed for the park to continue in perpetuity are deed restrictions for the property. This did not occur.

State law and Village law states that after the property is not needed for that purpose or if the Village determines it is not needed for the purpose that it has been used for previously, the Village council can sell the property and that is because the property is not dedicated in perpetuity

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for any particular purpose. That is precisely the position that this particular property is in. The Village is not looking to sell all the property it owns, which is 45 acres, but only a portion of that property, 4.3 acres.

Mrs. Nissel stated again she is very much against the rezoning issue.

George Biros, 3106 Orchard Road, stated he has heard many variations as to what will be done during the cluster home/townhouse project. Mr. Biros hopes the Mayor's letter gives a lot of details in order to allow residents to make an educated decision about this project.

Sandy Roeger, 2826 Cranbrooke Drive, expressed concerns about the flooding. Mrs. Roeger stated she had a check valve installed in her home. The plumber informed Mrs. Roeger that the check valve worked automatically. Mrs. Roeger stated this was not the case as her home flooded.

Patty Koehl, 2814 Cranbrooke Drive, repeated Lori Kassinger's question and wanted to know who is responsible if problems are caused by the proposed development? Also, who is responsible if the developer goes bankrupt?

Mr. Heydorn stated the legislation will be designed to put financial responsibility on the developer. The Village is not liable for what it approves.

Mrs. Koehl stated she has lost about eight trees on her property due to the creek on her property behind her home. There is a tree down now. Will the Village remove the tree?

Mr. Fenwick stated he has walked in the creek area. The debris in the creek is the responsibility of the property owners to clean up.

Mrs. Koehl stated this situation is costing her a lot of money.

Mr. Heydorn stated the reason the Village cannot go on the back of Mrs. Koehl's property is because the Village does not have an easement for her property. The Village cannot go on private property and do private work with public funds. The Village does not own the creek.

Sybil Brenner, 2993 Chautauqua Drive, is concerned about the flooding situation. Mrs. Brenner stated that the Ad-Hoc committee suggested at the last Council meeting could participate in all the different issues the Village is facing regarding the flooding situation.

Jerry Jones, 2965 Overlook, stated that when he ran for Council that having an alternative housing situation such as the cluster home/townhouse development available in the Village was an issue. Mr. Jones stated he is neutral on this issue but has kept himself informed about the issue by reading the newspaper articles about it. Mr. Jones feels Council will do what is right.

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There being no further questions from the audience, Council adjourned at 9:32 p.m., until the next Council meeting on Tuesday, July 6, 2004.

APPROVED:

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Duane Scott, President of Council

ATTEST:

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Teresa M. Spohn, Clerk-Treasurer

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prepared by: Despina Mulrooney