

PUBLIC HEARING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**Monday, July 26, 2004****6:00 p.m.**

The Village of Silver Lake Council held a Public Hearing concerning the establishment of Chapter 1134 and providing regulations for a cluster/townhouse district in Part Eleven of the Planning and Zoning Code of the Village of Silver Lake, Ohio and concerning the proposed reclassification of certain properties in the Village of Silver Lake, Ohio, from residential, institutional, and parks and recreational districts to a cluster/townhouse district on Monday, July 26, 2004, at the City of Stow Council Chambers, 3760 Darrow Road, Stow, Ohio.

With President of Council, Mr. Duane Scott, presiding, the meeting was called to order at 6:00 p.m.

Mr. Scott opened the meeting stating that only the issues in Ordinance Nos.: 50-2004 and 52-2004 will be addressed. The meeting is not a hearing on the Village's problem of storm water infiltration into the sanitary sewer system. The Village is diligently working to resolve those matters.

Mr. Scott entered letters into the record that were received by the administration from Ms. Priscilla Drach and Mr. J.W. Coffman, Dr. and Mrs. Foster Buchtel, Mrs. Donna Jennings, and Mr. Barry Wilson into the record. (Copies of the letters are attached to the original minutes.)

Mr. Scott stated that presentations will be given in accordance with the agenda handed out at the door. He explained that the information given in the presentations should answer many of the questions residents may have regarding the cluster/townhouse issue. After the presentations, those who signed in to speak will be given the opportunity to give their statements before Council. Mr. Scott asked that all rules be adhered to which were presented on the sign-in sheets.

Mr. Scott then asked for a roll call of Council.

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, Mrs. Karen Fuller, and Mr. William Church.

Roll call of Council – 7 members present

Others present: Mayor Mendenhall; Solicitor Heydorn; Clerk-Treasurer Spohn; Service Director Fenwick; Chief DeMoss; Administrative Assistant Lipan; Mr. David Hartt, President of D.B. Hartt, Inc.; Mr. Ted Curtis, Silver Lake Planning Commission; Mr. John Lund & Mr. Rick Reed, CTI Environmental, Inc.; and approximately 300 interested residents.

Mr. Scott then called upon Mayor Mendenhall to begin the evening's presentations. Mayor Mendenhall began by thanking the City of Stow for the use of the meeting facilities.

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Mayor Mendenhall then began his PowerPoint presentation (copy is attached to the original minutes).

After his presentation, Mayor Mendenhall introduced Mr. David Hartt, President of D.B. Hartt, Inc. Mr. Hartt then reviewed his PowerPoint presentation on the cluster/townhouse plan. (This same presentation was introduced at the January 26, 2004, Planning Commission meeting.) Copies of the PowerPoint slides are attached to the original minutes.

Mr. Robert Heydorn, Village Solicitor, offered comments on some of the issues at hand. He stated that he would like to try his best to frame some of the issues so what will be debated at tonight's meeting is consistent with what ought to be done as opposed to what could be done. Mr. Heydorn addressed "what could be done" first. The use of the land as a cluster/townhouse district is, in fact, a legal use. The record indicates that the deed given to the Village of Silver Lake at the time the land was sold to the Village is a quit-claim deed that has no restrictions as to usage. There is nothing recorded as to restricted covenants on the plat. The only things that exist are the statements of possible uses back in 1964. The land was bought at fair market value on a straight sale and the Village Council could determine that cluster/townhouses are a proper purpose for the use of the land. Mr. Heydorn stated what needs to be decided is if the Village "ought to" use the land for further housing development. The end purpose is a choice of Council on any rezoning matters.

Mr. Scott asked Chief DeMoss to address the traffic concerns reference further development at the end of Church Street.

Chief DeMoss stated that although it is difficult to project data from many unknowns (number of units to be built, etc.), it is his belief that the traffic patterns from those residing off of Church Street would be onto Kent Road towards Stow or towards Front Street in Cuyahoga Falls. He estimated that if there were forty units built, that would mean approximately eighty additional cars traveling to the Kent Rd./Church St. intersection. He stated that it may be a lot, but the Church has sixty to eighty cars exiting to the same intersection all at one time on Sundays and it has never caused a problem. He deemed the traffic issue a "non-issue".

Mr. Scott called upon Mr. Ted Curtis, member of the Village Planning and Zoning Commission to present his comments.

Mr. Curtis is a registered architect and has had many years of experience in the field. The members of the Planning and Zoning Commission were consulted during the process of creating the legislation, which is the topic of this evening's public hearing. Mr. Curtis discussed various projects he was involved with, especially one which presented a storm-water challenge. The challenge was addressed in the architectural plan and has worked for the betterment of the facility. Mr. Curtis' belief was that many of the Village's current storm water problems could be addressed with current-day architectural and engineering designs.

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Mr. Curtis stated that many Silver Lake residents have moved to Silver Lake Towers, The Kames, High Hampton and the Riverfront Condos. He stated that this project may be overdue. “Senior citizens deserve choices to remain in Silver Lake.”

Mayor Mendenhall next introduced Mr. John Lund and Mr. Rick Reed from CTI Environmental, Inc. Mr. Lund and Mr. Reed have been working with the Village administration over the past few months in terms of the flooding issues. Mayor Mendenhall, in order to separate the rezoning and flooding issues, asked for a brief explanation from CTI Environmental, Inc., of what is being done to alleviate the problems.

Mr. Lund mentioned that the storms of last July (2003) and April, May and June (2004) were horrendous, yet they were rare. Many storm systems and sanitary sewer systems which normally interact and work together failed during these storm events. The rarity of the storms did nothing more than to expose the vulnerability of those systems. Again, the storms are considered rare. Storm and sanitary sewer systems are not designed to handle those types of storms.

Silver Lake is probably the first community in Summit County to thoroughly inventory and map the municipality’s storm sewer system so these problems can be addressed.

Mr. Reed stated that the Village has already identified some possible areas with inflow and infiltration problems into the sanitary sewer system. A masterflow meter was installed a year ago. The meter measures the amount of flow in the sanitary sewers. In a perfect system, there should be no response in the masterflow meter during a rain event. Summit County has installed two additional flow meters to further identify what is going on in the system. CTI is currently putting together a hydrolic model of the Village’s sanitary sewer system to see how it will respond to a rain event.

Mr. Scott stated there are approximately 56 people who wish to speak during the public hearing. He called upon those people as follows (all are Silver Lake residents unless noted):

Joy Wilson	3099 Athens Rd.	Against rezoning, wants to keep park land intact and not sold to special interests for profit or development.
Kim Goldsboro	3 Lodge Dr.	Against rezoning, wants to be left alone, home is not for sale.
Briana DeRosa	Church St.	Wants to preserve Van Sise Reserve for enjoyment of future generations.
Mary Lou Van Sise	2821 Church St.	Has set up website: www.silverlake.cjb.net ; Opposed to rezoning, home and land is not for sale.

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Lori Kassinger	2999 Outlook Rd.	Home Builders Association statistics say that 90% of senior citizens want to stay in their homes. \$184,000 spent to stop the train. How much did the Village pay D.B. Hartt? Did the Village pay Darrell Seibert? Mayor stated that \$3,200 was paid to D.B. Hartt.
Wayne Benson	2838 Lakeland Pkwy.	Wants the issue on the ballot. Mr. Heydorn responded that a referendum is a private matter.
Karen McClain	3092 Markle Dr.	Opposed to rezoning. Elderly neighbors are staying in their current homes and have no plans to move.
Donald Dieterich	2998 Oakridge Dr	Signed in but left meeting.
Foster Buchtel	2830 Church St.	Served on Mayor Ann Thudium's committee to study senior housing. There were many seniors in the community who responded to the survey sent out in the "Residents' Review". Proponent of rezoning.
Keith Ruffner	3009 Oakridge Dr.	Gave administration some credit. Stated Mr. Heydorn, Mr. Mendenhall and Mr. Hovey have no agenda on this issue. Has not made a decision but thinks options for seniors should be made possible.
Jean Questel	2829 Lakeland Pkwy.	Wants water problems solved before more houses are built. Wants matter to go to the voters.
John Questel	2829 Lakeland Pkwy.	Signed in but left meeting.
Ernie Hall	3051 Kingston Circle	On and off resident for 38 years. Father lived here. Wants matter to go to voters. Asked if there is really a need for this type of housing.
Bruce Burgan	3104 Englewood Dr.	Resident since 1953. Mayor and Council have always done a good job. Walked the area and there won't be much area left to walk around if development happens.
Patricia Blake	314 W. Heritage Dr. Cuyahoga Falls	Lived in the Village for 47 years. Served on Ann Thudium's committee. Village has a unique opportunity to give a chance to those who would like the choice of condominium living. Parents and grandparents met at the old Silver Lake Park.
George Zurava	2928 Silver Lake Blvd.	Lived in Village over 30 years. Questioned need for additional housing when there are so many homes for sale in the Village right now.

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Nancy Ellison	2845 Outlook Dr.	Lived in Silver Lake for 35 years. Lives at highest point on Outlook Drive. Concerned about storm water problems.
Shirley Cohoe	2935 Vincent Rd	Stated her questions have been addressed.
Ed Bittle	3183 Silver Lake Blvd.	Interested party at this time. Has lived in four homes in the Village. How can we keep this for seniors only? Mr. Hartt stated that the current legislation does not have an age restriction. He stated that it could be restricted and not violate Fair Housing laws. Mr. Hartt stated that, typically, this type of housing is not attractive to families with school age children.
Alexander Baldwin	1412 Graham Rd.	Likes the green space and wants to keep it.
Andrew Appleby	1925 Thomas Dr.	Does not want condos, wants to keep green space. Isn't allowed to play in the basement since the sewer backed-up.
Dianne Jones	3016 Vincent Rd.	Opposed to rezoning. Silver Lake already has one of the largest elderly populations in the County. "We must be doing something right." There are plenty of ranch homes for elderly citizens. Condominium maintenance agreements are very expensive, people can live in their present homes cheaper.
Ronald Aiken	3102 Athens Rd.	Collateral issues. Plans on getting lawn service when he can't do the mowing anymore.
Gene Jennings	3026 Chautauqua Dr.	Takes care of his own lawn; intends to stay in his house. Wants issue on the ballot.
Norman Wingate	2919 Millboro Rd.	41-year resident. Infrastructure and flooding (Cuyahoga River) need to be addressed first.
Paul Moskowitz	2953 Overlook Rd.	We should build a Silver Lake "Superdome" instead (reference Mr. Curtis' project). Makes no sense to cram in another 100 housing units. Wants issue to go to the ballot. Opponent to rezoning. Keep community special and unique. Build the best park possible. Gave a petition with more signatures to Council for the issue to be placed on the ballot.
Donna Jennings	2025 Thomas Dr.	Likes quiet, old-fashioned Village. Arboretum does not count as green space since God did not intend trees to be planted in rows with tags hanging on them. Is opposed to rezoning.

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Darrel Seibert	6330 Wessington Dr. Hudson	Put together prototype for the cluster/townhouse district. The total number of units adds up to 42, not 100. Plan proposed mostly single detached ranch homes on small lots.
Chet Molnar	3145 Harriett Rd.	Signed in but left meeting.
Lila Nissel	2810 Outlook Dr.	Opposed to rezoning. No one has ever approached her with a survey. Has not seen evidence of any study performed. Wants to keep natural resources untouched by development.
Doug Nissel	2811 Outlook Dr.	Feels left out of rezoning plan until the 11 th hour. Rezoning does not meet original use requirements. Opposed to rezoning. Commented on Mayor Mendenhall's letter to residents point by point.
Philip Hoffman	2803 Outlook Dr.	Read the rest Mr. Nissel's comments opposing rezoning.
Laura Hoffman	2803 Outlook Dr.	Against rezoning.
Ben Kastein	2938 Overlook Rd.	Signed in but declined to comment.
Bruce Rothmann	3020 Kent Rd.	Proponent of rezoning. Cannot remodel home to meet needs. Supports choice. 42 units will not overcrowd the Village. The legislation have tough standards to meet.
Lola Rothmann	3020 Kent Rd.	Interested party.
J.A. Destro	2959 Silver Lake Blvd.	Signed in but left meeting.
Ted Rusinoff	2995 McCormick Rd.	Questioned eminent domain. No guarantee or certainty. No goals and objectives have been provided. Mr. Heydorn stated eminent domain is a totally different process from rezoning. Eminent domain will not be used to build the new homes. It is totally a private market process. He added that laws under the State of Ohio make the filing of a referendum one that is done by private citizens. The Village has no control over State Law.

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David Wright	2902 Lee Rd.	Asked if all the property owners refused to sell, could the project proceed? Mr. Hartt answered "no". Then asked if two developers could each develop 5 acres. Mr. Hartt stated that it would be possible. Mr. Wright thinks intent of property purchase was not to rezone the property for this purpose. He asked if a needs assessment would be done? Mr. Hartt stated that it is generally known that there is an increased demand in this area for this type of housing. Statistical verification would be up to the developer.
Carol Drugan	3031 Millboro Rd	Will continue to ask questions and gather information. She is only an interested party at this time.
Jeff Wenstrup	2930 Ivanhoe Road	Signed in but left the meeting.
Barbara Puhl	2855 Hastings Road	Came to the meeting for fact finding. Wanted to hear other opinions.
Dwight Creamer	3080 Silver Lake Blvd.	Signed in but left the meeting.
Steve Fuller	3087 Athens Rd.	Mayor and Council did a good job with their research. They are doing a good job for the Village and do not deserve the kind of anger demonstrated at the meeting tonight. Urged people to be on one team and work together and think for the betterment of the whole.
Larry Rhodes	3036 Vincent Rd	Wants to keep the green space of the Village. He has polled people on Vincent, Millboro, Overlook and other streets. Has a petition circulating... 70% of the people of the 40 homes he went to are against the proposed rezoning, 20% were not interested, 5% were for the proposal. \$250,000 price of proposed condominiums exceed median housing cost of \$190,000. Many people cannot afford these homes
Jean Rhodes	3036 Vincent Rd	Chemical engineer who is on EPA working group. Gave information on environmental issues relative to water runoff and its impact on the ecosystem. Wants current green space to remain.
Kelly Shaw	3060 Harriett Road	Complained about the sewage backup in her basement.

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Michele Baldini	2931 Chautauqua	Questioned the municipal immunity on sewer back-up issues. She directed a question to Mr. Heydorn relative to the "law of reasonable use under the Ohio Sewage Law." If the Village is aware of a problem which causes further damage to homes, can the Village claim immunity from residents' financial claims? Mr. Heydorn stated operating a sewer system is a governmental function. If something is done intentionally, then the person has a constitutional claim. Ms. Baldini stated that further development could exacerbate her problem. Knowing that, could the Village be held liable. Mr. Heydorn replied to the negative. It would have to be proven that the Village intentionally put sewage in someone's basement.
Bill Bartolini	2819 Riverview Blvd.	Mr. Bartolini asked what the capacity was of the current Mudbrook Sewer System. Mr. Fenwick stated that Mudbrook runs behind the homes on Chautauqua and dumps into another truck sewer. A sewer runs through the arboretum, then through Van Sise Reserve, down the River, crosses over Outlook Dr. to Willow Park. Mr. Fenwick does not know the capacity of the sewer as it belongs to Summit County. Mr. Bartolini stated that there would be more value to the Village to fully develop the park than if a cluster/townhouse development.
Dennis Spohn	3100 Orchard Rd.	BZA chairman. Stated that it is very interesting that the people waving signs and wearing shirts with the signs opposing rezoning are the same people who have asked the BZA to approve variances so they could improve their homes. People should be open-minded and he congratulated Council and the Mayor for being foresighted. Many people have the "I've got what I wanted so forget the rest" attitude. Solving the water and sewer issues in the Village are going to take money. He hopes everyone is ready to pay their share.

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Bob Zimmerman	2944 Ivanhoe Rd	Opposed to the rezoning. Approving it now seems premature. Issue needs more research before Council votes on it.
Judy Mendenhall	3020 Silver Lake Blvd.	Proponent of rezoning. Many opinions mean democracy is working. Mayor Mendenhall inherited the problem of senior housing. He did not create it. The problem existed under previous Mayors and she does not see it going away.
John Nehrer	2906 Silver Lake Blvd.	Had ordinance reviewed by Buckingham, Doolittle and Burroughs. The reviewer determined it was poorly written and was flawed. Had previously given information to Mr. Heydorn. Interested in preserving green space. Fears same thing could happen to land owned by Crystal Lake should it go out of business.
Jack Wenrick	2829 Hastings Rd.	Does not want to see park land changed over to cluster homes.
Nora Shisler	3098 Athens Rd.	Can the federal government mandate low-income housing?
Paul Appleby	2925 Thomas Dr.	Stated that it is rare that the Village Solicitor takes the ethical and moral high ground. Parents paid a special assessments tax to buy land that is now called Van Sise Reserve. Opposes rezoning, wants to keep park.

The meeting was adjourned at 9:15 p.m.

Duane Scott, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer