

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

**Monday, December 19, 2016**

**7:00 p.m.**

The Village of Silver Lake Council met in a regular session on Monday, December 19, 2016, 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

Mr. Jones asked if there were any additions or corrections to the minutes of the November 21, 2016, and December 5, 2016, regular Council meetings.

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

Mr. Jones said Mr. Beck of Beck Energy was here to make a presentation to Council regarding a gas well on Village property. Since he was not on the agenda, Mr. Jones asked to suspend the rules. All members of Council were in agreement.

Mr. Beck said he was here years ago. Beck Energy is an independent oil and gas producer. They drilled their first well in Ravenna in 1978. They operate about 300 wells in 10 Ohio counties, including many in Portage, Stark and Summit counties. This part of Summit County has a long history of oil and natural gas production. We will not go into a neighborhood. The farms and open areas are gone, so I search for places where I have a strong feeling of success and where we can be unobtrusive. We have had success in Munroe Falls. What I am asking tonight is if you would consider taking a 26 acre parcel and another 3 acre parcel and consider a natural gas well on the south side of Village property. I am looking to drill one vertical well. This is not a large fracking well. It would be about 4,000 feet deep. It wouldn't be near a home and would be at the closest 300 feet from your boundaries. I wouldn't have to remove any trees. When we are done drilling there is a tank battery and a wellhead. Because this is a natural gas area you don't have a pumping unit. The question is why would Silver Lake let Beck Energy come in and drill? You would get 300 MCF annually for use in this building. That would probably take care of your heating needs here. I would be willing to pay up front the royalty and pay the Village \$15,000 prior to drilling the well. If I drill and I am wrong you would get \$15,000 up front. If it's a good well, you would begin to get paid every month.

Mr. Jones asked what you can expect out of a good well. Mr. Beck said the price has been up and down so much the last few years I would sure hope that royalty is \$2,000 - \$3,000 per month.

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Mr. Church asked when the royalties would begin. Mr. Beck said we would provide you with production figures and what the cost would be, as if we were writing you a check each month.

Mr. Church clarified you would back that first few months out of the \$15,000. It's not a bonus up front. Mr. Beck said that's right.

Mr. Church asked if the drilling spot is next to one of our buildings.

Mr. Lipan said the green dot on the map is where I put the leaves right now.

Mr. Church asked if there would be enough free gas to heat all our buildings.

Mr. Beck said he would have to see the gas bill. I would hope so. Those figures are negotiable, as well.

Mrs. Fuller asked if the well in Munroe Falls has been active for about 10 years, what is their revenue?

Mr. Beck said it is dependent upon the depth of the oil and gas. There are almost 20 landowners on the 40 acres, the church and the houses surrounding it. The church gets free gas. The rest is less than \$2,000-\$3,000 because it's split.

Mayor asked about the proximity of the Cuyahoga Falls water wells.

Mr. Beck said there are over 52 requirements to get the permit from the State.

The water is about 120 feet deep. The oil and gas I want to find is 4,000 feet deep. We will spend close to \$100,000 at the beginning of that drilling process. The State is there the entire time. Before we even get to the oil and gas we have two pipes surrounded by two cement casings. The well in Munroe Falls is about 350-400 feet from the river.

Mr. Church asked if it makes any noise when it's operating.

Mr. Beck said only during the drilling. There is no device at the surface that makes any noise or moves.

Mr. Beck explained fracking. This is much different than that.

Mrs. Fuller said the Sonoco well is close to the river and asked if there have been any objections from Cuyahoga Falls.

Mr. Beck said they were very nervous at first. The State camped out there and it went off without a hitch.

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Mrs. Fuller asked what your liability is, and do you cover massive insurance if it doesn't work?

Mr. Beck said he could provide a copy of his insurance.

Mrs. Steiner asked how close to the river it would be.

Mr. Beck said he measured about 500-600 feet off your south border. To the east, about 400-500 feet from Cuyahoga Falls and their water field. Our company would notify them and the State.

Mrs. Steiner asked if the problem at the church was some landowners not wanting to drill there.

Mr. Beck said he had complete cooperation. The problem was the requirement of Munroe Falls conflicted with the requirements of the State. What began was a four year court battle regarding state law over home rule. The court ruled that state law should prevail.

Mr. Jones asked if there is a life of a gas well.

Mr. Beck said we have many in Portage County 20-25 years old and still producing.

Mr. Scott asked about the dots on the map. Mr. Beck said some are already drilled and some are permitted. There is a saline injection well belonging to Cuyahoga Falls.

Mr. Beck thanked Council for their time.

Mr. Jones and other members of Council said it was worth talking about.

Mr. Jones asked what the time frame is.

Mr. Beck said it would probably be next summer. The lease would be a three year lease. Once the well is drilled, it stays in effect as long as I continue to pay you. The preparation and drilling would probably take about a month. Drilling takes about six days.

Mr. Scott asked if Beck Energy is responsible for capping it if the well doesn't work out or dies 25 years from now. Mr. Beck said they have a bond and have to be responsible to plug wells at any time. We do one or two a year.

Mr. Jones said I think it is worth pursuing sooner rather than later. It is certainly income we can use.

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

**RESOLUTION NO.: 88-2016 A RESOLUTION AUTHORIZING THE PAYMENT OF**

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

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**CERTAIN CLAIMS TOTALING \$182,852.51.**

Mr. Jones assigned Resolution No.: 88-2016 to the Finance & Appropriation Committee.

**ORDINANCE NO.: 89-2016 AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2016, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Ordinance No.: 89-2016 to the Finance & Appropriations Committee.

**ORDINANCE NO.: 90-2015 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE, COUNTY OF SUMMIT, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Ordinance No.: 90-2016 to the Finance & Appropriations Committee.

**ORDINANCE NO.: 91-2016 AN ORDINANCE AMENDING SECTIONS 943.04, 933.01, 927.13 (B) AND 927.13(C) OF THE CODE OF THE VILLAGE OF SILVER LAKE, OHIO, TO INCREASE FUNDS IN THE STORMWATER UTILITY FUND BY INCREASING STORMWATER CHARGES WHILE DECREASING THE MINIMUM FIXED CHARGES IN THE WATER AND SEWER FUND, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Ordinance No.: 91-2016 to the Finance & Appropriations Committee.

**RESOLUTION NO.: 92-2016 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF BRIAN LAPOLLA TO FILL A VACANCY IN AN UNEXPIRED TERM ON THE PLANNING COMMISSION OF THE VILLAGE OF SILVER LAKE FOR THE TERM ENDING DECEMBER 31, 2017, AND DECLARING AN EMERGENCY.**

Mr. Jones assigned Resolution No.: 92-2016 to the Personnel and Public Affairs Committee.

**Second Reading: None**

**Third reading: None**

**Comments from the audience: None**

**FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHRISTOPHER SCOTT**

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RESOLUTION NO.: 88-2016

Mr. Scott asked if there were any questions on any of these payments.

Mr. Scott asked about a payment to Polytech for pre-employment exam.

Chief Conley said it is for two police officers.

Mr. Scott asked if this is the standard charge every time?

Chief Conley said yes and asked what the total amount was.

Mr. Scott said \$530.

Chief Conley said that is two polygraphs. He said they are around \$265 each.

Mr. Scott said that seems a little high to him.

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

ORDINANCE NO.: 89-2016

Mr. Housley said he looked over the budget and we were able to make some reductions. Some appropriations were also moved around to wages and overtime areas so that we could be prepared in the event of a severe storm so that money would be available to have workers out on the streets.

Mr. Scott asked if there were any other questions on the.

Mr. Church said that he notice the word reduced was underlined which is a good thing.

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

ORDINANCE NO.: 90-2015

Mr. Housley said the budget has changed only to the extent of legislation approved by Council. This has been adjusted for the changes in wages.

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

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ORDINANCE NO.: 91-2016

Mr. Housley said the purpose of this legislation is to reapportion an amount of the total utilities collected; putting monies in the water capital and sewer capital fund and reducing the water and sewer funds in a proportionate way.

Mr. Scott said basically we are not increasing the charges, just rearranging.

Mr. Housley said residents receive one benefit (one fixed rate charge). For all residents there should be no impact on the bill. If you are anyone defined as receiving more than one benefit, they would see a slight reduction for each benefit.

So if you are identified in ordinance 91-2016, Section 3, using the Silver Lake Florist as an example; it has two benefits which would result in a two dollar reduction (one for each benefit), but the total bill would be \$1 less per month.

Mr. Scott asked if there were any other questions.

Mr. Church said that this was discussed thoroughly last week.

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

**PERSONNEL AND PUBLIC AFFAIRS COMMITTEE – MRS. CAROL STEINER**

RESOLUTION NO.: 92-2016

Mayor said he asked Planning Commission members for recommendations and Mr. Ciraldo recommended Mr. Lapolla. He's very bright, an architect, and has worked in different parts of the country. I think he will be an outstanding member of the Commission.

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

**Personnel and Public Affairs Committee – Mrs. Steiner**

Mrs. Steiner stated **Resolution No.: 92-2016** 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 Mr. Plesich

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Roll call on adoption:        Yes    7        No    0

Mrs. Steiner said the Personnel Placement Committee met earlier this evening and is recommending the following:

**Assistant to the Clerk-Treasurer, Sarah Bowman,**  
effective December 20, 2016, \$13.50 per hour

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

Roll call:                        Yes    7        No    0

Mayor said she will serve two functions, working basically three or four days a week for Sean and either one or two days a week helping Suzanne with different things. Darlene Pedicino has asked to reduce her schedule to three days a week.

**Finance and Appropriations Committee – Mr. Scott**

Mr. Scott stated **Resolution No.: 88-2016** was discussed in Committee and is ready for adoption.

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

Roll call on adoption:        Yes    7        No    0

Mr. Scott stated **Ordinance No.: 89-2016** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mrs. Fuller

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

Mr. Scott stated **Ordinance No.: 90-2016** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Scott, seconded by Mrs. Steiner

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

Mr. Scott stated **Ordinance No.: 91-2016** 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

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE****Monday, December 19, 2016****7:00 p.m.****Reports of Village Officials**

**Mayor Hovey** reported we have rough draft legislation for a deer control program. The Chief and I had an extended meeting with a gentleman from ODNR. He suggested if we do something like this we put it on the resident and have them ask us for permission to do so. That way they have to abide by State guidelines and we don't have to get involved other than to say yes they can hunt on their property or no they can't. He said that works best for cities. If we decide to do that, then we have the authority to put limits on when and where they can hunt. We would pick the places and times. He suggested the best thing to do is during deer season, from the end of September to sometime in February. If you do it outside of deer season, the State has to issue a deer damage permit by ODNR. The gentleman from ODNR did not think there was enough deer damage.

General discussion held on deer control.

Mr. Jones asked Council to review the legislation.

Mr. Jones said the other piece of legislation submitted was regarding impervious surfaces and asked Mr. Heydorn to explain.

Mr. Heydorn said he fit into legislation what Mr. Stoiber worked up. He basically took as a model the Cuyahoga Falls legislation for impervious surfaces. Right now the only thing we regulate is the percentage of the house footprint compared to the lot size itself. The house can occupy 18% of the lot. There is nothing in our zoning code that regulates the amount of impervious surface outside of the house. Mr. Heydorn expounded on the subject.

Mrs. Steiner said she heard some of the new thinking, such as in Hudson, they have disconnected gutters. They would rather capture it before it gets to the street in rain barrels or rain gardens.

Mr. Heydorn said our storm water regulations say you are supposed to take it out to the street.

General discussion held on rain barrels.

Mr. Church asked if he wanted to build a large home, could he get a variance.

Mr. Heydorn and Mayor said yes.

Mayor said that's the issue with this legislation. I think the idea is good. We should have something to limit impervious surfaces, but if we start saying it can only be 5,000 or 6,000 square feet, that's a big change from what we've done before. There are a couple houses here that are 8,000 square feet and they fit on the land.

Mr. Jones said a large part of this came up because of the lake, which has improved a lot.



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Mr. Heydorn said it has to be sent to the Planning Commission. It has to have three readings and cannot be passed as an emergency measure. You should also confer with Dennis Stoiber. You have to weigh what someone wants to build against what is a reasonable amount of runoff and pollutants to the lake.

Mayor said another issue that will come is that we have a 10 foot side setback. That was established many years ago. Houses are now higher and bigger, which can ruin the value of the existing homes.

General discussion held on storm water.

It was agreed to have Mr. Stoiber attend a meeting in January.

Mr. Jones asked Mr. Heydorn if he made progress on the other things.

Mr. Heydorn said our ordinances say if you have something two feet or less across, we don't regulate it. Someone will argue that if that kind of service is available and I have a lot at some point that gets that service, then do you have a right to present a law that prevents them from getting a service that is federally regulated?

Mr. Jones said I wouldn't prevent them. I would make them put it someplace where it's not sticking into the neighbors.

Mr. Heydorn said if you regulate it, they will need to get a permit from the Planning Commission, as well a zoning permit and building permit.

Mr. Jones asked about the other issue.

Mr. Heydorn said the school property is owned by the school board. They are fee simple owners of the property. We merged our school district with their district. Mr. Heydorn said he has not yet looked if there are deed restrictions in the deed. Originally, they were platted lots for houses.

**Mr. Robert Heydorn, Village Solicitor**, had no further report.

**Chief John Conley** reported last month the Mayor approved two conditional offers of employment for two part time officers, based upon passing medical, physical and drug screening. I am hoping to have that done by the first of the year so I can swear in the officers for the next Council meeting.

We had a toy store in Village Hall with donated toys from Walmart. We found several families that were in need. Parents came in and loaded up boxes of toys.

**Mr. Mark Lipan, Service Director**, reported the windows have been installed.

**Mr. Sean Housley, Clerk-Treasurer**, reported November is reconciled.

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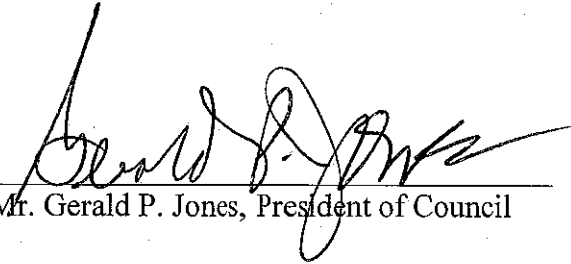
Monday, December 19, 2016

7:00 p.m.

Miscellaneous Business


There being no further comments or questions, Council adjourned at 8:28 p.m. until the next regular meeting of Council on Tuesday, January 3, 2017, at 7:00 p.m.

APPROVED:



Mr. Gerald P. Jones, President of Council

ATTEST:



Sean M. Housley, Clerk-Treasurer

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prepared by: Darlene Pedicino