

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, November 20, 2017 7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, November 20, 2017, 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: Mr. Tim Nichols, 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

SWEARING IN NEW COUNCIL PERSONS

Mayor Hovey conducted the swearing in of Council members Tim Nichols, Dann Nivens, Therese Dunphy and Matt Plesich, who were elected in the November 7, 2017, General Election.

APPROVAL OF MINUTES

There being no additions or corrections, the minutes of November 6, 2017, were approved as submitted.

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

RESOLUTION NO.: 106-2017 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS TOTALING \$157,746.31.

Mr. Jones assigned Resolution No.: 106-2017 to the Finance & Appropriations Committee.

ORDINANCE NO.: 107-2017 AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Ordinance No.: 107-2017 to the Finance & Appropriations Committee.

ORDINANCE NO.: 108-2017 AN ORDINANCE GRANTING AN EASEMENT UPON VILLAGE PROPERTY LOCATED AT 2841-45 KENT ROAD FOR THE CONSTRUCTION AND MAINTENANCE OF AN EAST OHIO GAS COMPANY (DOMINION ENERGY OHIO) NATURAL GAS DISTRIBUTION LINE, AND DECLARING AN EMERGENCY.

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Mr. Jones assigned Ordinance No.: 108-2017 to the Planning, Zoning & Insurance Committee.

SECOND READING: None

THIRD READING:

ORDINANCE NO.: 89-2017 (As Amended), AN ORDINANCE AMENDING CHAPTER 1165 AND 1361, AND REPEALING SECTION 1133.04(e), OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO REGULATE THE SIZE, LOCATION AND CONSTRUCTION OF RADIO AND TELEVISION ANTENNAS IN THE VILLAGE.

Ordinance No.: 89-2017 was previously assigned to the Planning, Zoning and Insurance Committee.

Comments from the audience: None

FINANCE AND APPROPRIATIONS COMMITTEE – MR. SCOTT

RESOLUTION NO.: 106-2017

There being no questions, Mr. Scott said this resolution would be brought out for adoption this evening.

ORDINANCE NO.: 107-2017

Mr. Scott asked Mr. Housley for his comments.

Mr. Housley said the most significant change is the advance out of the General Fund to the Storm Water Fund related to the storm sewer improvement that was approved at the last meeting.

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

PLANNING, ZONING AND INSURANCE – MR. BILL CHURCH

ORDINANCE NO.: 108-2017

Mr. Church asked if there was already a gas line there.

Mr. Heydorn said what exists now is in the right of way. They feel it is more dangerous to repair the line than to replace it. They need ten feet into our empty lot to run a new line.

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

THIRD READING: ORDINANCE NO.: 89-2017

Mr. Church said I think what Mr. Heydorn was looking for is what is it we really want? Can somebody frame that?

Mr. Jones said I am not going to frame it, but since I am the one that originally brought it up, the complaint was in the front yard. There are a couple of them around, and one is right next to the property line.

Mr. Plesich said I think the argument is that by absolute necessity they have to be there. I don't think the homeowner wants them there, either.

Mr. Jones said on the first complaint, they could have put it on the other side of their yard by their driveway. Instead, it's close to their neighbor's driveway. They could have gone just about anywhere in the front yard.

Mayor Hovey said it's also easy for the satellite companies to put it there.

Mr. Church said I think you had an idea regarding anything other than what goes up on the roof.

Mr. Heydorn said here's the way I see it, for better or worse. First you have to decide (1) a flat prohibition against anything in the front yard, or a conditional situation where if it meets Planning Commission approval with correct specifications, you can put it in the front yard. There are two options, and if you decide the option is it should be a conditional use, then I think quite clearly you can say, if you want to go that far, that the satellite can go on the roof without a permit. I would tend to think you'd want to decide if you want it on the front of the roof, or maybe it doesn't make any difference. If you want it on the roof, fine, but I think if you start placing it around the ground and you've got some prohibition for even a conditional use regulation, then you'd have to know where the thing is going, because otherwise I've made the argument that we don't want to let a person put in something that's legal and then chase them after it's put in. It's much better and easier. Sometimes people don't know the regulations and then we're stuck with a possible prosecution or something.

Mr. Scott said I thought the way the legislation has been worded for several years is that you had to get a permit.

Mr. Heydorn said for satellite dishes under two feet, you didn't have to get anything. For everything else, you needed a permit.

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Mr. Scott said as we all know, for the last several years, they have been bigger than that, and how many permits have been issued?

Mr. Heydorn said I can't deny that, but all of our zoning violations are complaint driven anyway, and here we have complaints, and suddenly we have reason for legislation. Do you want to go through this again, or do you want to catch the obvious thing? Right now, if a person doesn't know he's not supposed to put it in the front yard (if that's what eventually comes out of this) he puts it in the front yard, and you say everybody is supposed to know the law, and that's true, but that's one of the reasons for the permitting process.

Mr. Jones said one of the things is that the satellite companies don't know the rules and they put it in the yard, and the homeowner says okay. The homeowner doesn't know either.

Mr. Heydorn said that's my point. He would know if he had to get a permit.

Mr. Scott asked how many people put them up in the past that didn't know they needed a permit.

Mr. Heydorn said you can take the argument out and say we don't need any permits for anything.

Mr. Scott said I'm not saying that. I am saying this is what we've lived with for years; people putting up dishes that were bigger than 24 inches in width because they didn't know they needed a permit.

Mr. Plesich said the difference is enforcement. If they don't realize now, they are not going to realize just because of legislation.

Mr. Scott that's my point, and that's why I'm saying let's set some parameters. Most of our zoning is complaint driven. If they're outside of that, someone is going to call and complain.

Mr. Heydorn said if that's your decision, then you also have to be ruling out the need for a conditional use for a front lawn, therefore, you have now come to the decision that you're telling somebody they can't put the antenna in the front lawn. If they do, then it's going to be enforced, and you are going to have to go to cable.

Mr. Plesich said there should be a process.

Mr. Plesich said I think we're all on the same page here. Mr. Scott said I think we are, but we're not connecting.

Mr. Church said we know we need height restrictions. Nothing over 40 inches should be permissible anywhere on the roof. Anywhere other than the roof, permission is needed from the Planning Department in order to do a conditional use. It's clean that way.

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Mr. Plesich said I have no problem with them being on the roof. It's not uncommon to see one on the roof.

Mr. Scott said what started this was someone had it in the front yard, and it was unsightly. I believe if they are going on the roof they should be on the back side where they are not seen.

Mr. Church said I'm not sure that's any worse than TV antennas on the roof. Mr. Plesich agreed, since it's up on the roof, not in the yard.

Mr. Scott said I would have gone a little further than you guys, but that's all right.

Mr. Church said the onus is on the Planning Commission. They need to determine if a front yard antenna is probably covered.

Mr. Heydorn said if you're going on the roof it has to be the backside, then you are getting back to the concept of the front of the roof is no permit, but it's against the law. If you put it on the ground, you need a permit. There's inconsistency going on here.

Mr. Scott said if we're permitting it on the front of the roof, how is it against the law?

Mr. Heydorn said if we follow Mr. Church's provision, there is a consistency. If you put it on the ground you at least have to get a permit, and in the front yard you have to get a permit for conditional use.

Mr. Scott said you're saying even for the back of the house on the ground you have to get a permit?

Mr. Church said anywhere on the ground. We could also say anywhere else but the roof if we want to include that.

Mr. Nivens said we went through this in 1996.

Mr. Church said it's never been enforced.

Mr. Heydorn said what Mr. Nivens is saying is that later they came out with the little satellite dish and that's when we exempted them from all regulations. Somewhere it got to the point where we exempted that size and everybody thought they were exempt. It's always been illegal to put them in the front lawn.

Mr. Scott said I think we are trying to say this is a fairly commonplace occurrence these days.

Mr. Heydorn said if you've gone to the place where you're willing to say okay you can put them on any location on the roof, and then Mr. Church was saying you can put them on the ground with a permit, and then you're saying no, I disagree with that because he thinks he can put it in the back,

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and the question I have for you on that is how do you enforce the thing when it's in the back yard? What if they put in a big dish or a tall one?

Mr. Scott said we all agree we don't want to see them in the front yard. I personally don't want to see them on the front of the roof, but that's debatable. In some cases that's the only way they are going to be able to use that service. If that's the case they should be screened, which would require going to the Planning Commission and get a permit. I think we're all okay with that.

Mr. Jones said my concern was when you wrote some of that you put the screen around it, and they are not going to get the signal.

Mr. Church said anywhere on the ground you need a permit.

Mr. Scott said I say if it's behind the house.

Mr. Church said your neighbor might be looking out their back window and doesn't want to see your large dish on the ground. It may be a problem for some people, especially for a 40 inch dish on the ground.

Mr. Heydorn said a shed is much bigger and they have to review it first.

Mr. Church said I can live with either. I am just throwing out some things.

Mr. Scott said I agree. We are making this more complicated for the homeowner.

Mr. Church said 90 percent of these installations are going to be on the roof.

Mr. Heydorn said the only point of contention at this point is to require a permit or no permit for the back yard and side yard. (It would be anywhere on the ground, per Mr. Church) That is the last place I think we have disagreement on.

Mr. Jones said I don't disagree with that. Permits on the ground, period.

Mr. Scott said I don't want permits on the side yard. That's my opinion, and you can out vote me.

Mr. Jones asked if we can hold this until the first of the year. I thought there might be some complaints about putting it on the roof, but do you want it in your neighbor's front yard, looking right at your house?

Mr. Plesich said I think the analogy with the shed is the most reasonable. We have to ensure setbacks. We do it for everything else. We need to do it for this.

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Mr. Jones said we'll need to put this on the website and in our newsletter, plus notify the satellite companies.

Mr. Scott said we recently had a notice about where garage sale signs could be and I see them all over Stow. We don't do anything about it.

Mr. Lipan said we notify contractors when they get a permit that no contractor signs are allowed, but every one of them will still put a sign out.

Residents also put leaves or the leaves blow into the street and that issue is not addressed.

Mrs. Steiner said what you are saying is it needs enforcement.

Mr. Church said do we want to require that people who install dishes no more than 40 inches on any part of their ground submit a plan to the Planning Commission and obtain a permit?

Mrs. Steiner asked why they have to apply to put it on the ground if they can put it anywhere on the roof. I want to say they don't put it on the ground, period. I thought that's what you were saying.

Mr. Lipan asked what about homes that have slate roofs?

Mrs. Steiner said they would have to go with cable.

Mr. Plesich said we need to regulate it on the ground, not totally ban it.

Mr. Heydorn said what would be the direction for whether or not we require a permit for the back yard or the side yard?

Mr. Scott said what if I put it on my deck? I still don't like it on the front of the roof. It's fairly unsightly.

Mr. Heydorn suggested let's just say any other place than the roof.

Mr. Plesich said when they put those up, for the most part, they put them where they need to be. The Village is full of trees.

Mr. Scott said I thought we were trying to do aesthetics by keeping them out of the front or requiring shielding.

Mr. Church said in some cases in order to get the proper reception it may have to be on the front of the house. To make someone jump through hoops to have that done, to me is over-regulated.

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Mr. Scott said if I have a choice of the front yard or the roof, I will have to get a permit for the yard, so I will put it on my roof.

Mr. Church said some of us don't see putting it on the front of the roof as a dire problem.

Mr. Nichols said anywhere on the roof is fine with him. Mr. Jones, Mrs. Steiner, Mr. Plesich and Mrs. Meyer agreed.

Mr. Heydorn suggested the Ordinance be tabled to a date certain and he would rewrite it for the next meeting.

Planning, Zoning and Insurance Committee – Mr. Church

Mr. Church stated **Ordinance No.: 108-2017** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Church, seconded by Mrs. Meyer

Roll call on suspension: Yes 7 No 0

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

Roll call on adoption: Yes 7 No 0

Mr. Church stated **Ordinance No.: 89-2017** will be tabled until December 4, 2017.

Motion to table by Mr. Church, seconded by Mr. Plesich

Roll call: Yes 7 No 0

Finance and Appropriations – Mr. Scott

Mr. Scott stated **Resolution No.: 106-2017** was discussed in Committee and is ready for adoption.

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

Roll call on adoption: Yes 7 No 0

Mr. Scott stated **Resolution No.: 107-2017** 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 Mrs. Steiner

Roll call on adoption: Yes 7 No 0

Personnel and Public Affairs – Mrs. Steiner

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Mrs. Steiner reported the Personnel Placement Committee met this evening, and is recommending the following:

- Placement of **Benjamin Gregory, Assistant Service Director**, Step 11 to Step 12, effective November 1, 2017, 1.25% increase, salary of \$55,902.

Motion by Mrs. Steiner to accept the above, seconded by Mr. Church.
All members of Council signified their approval by saying aye.

- Placement of **Mark Lipan, Service Director**, Step 7 to Step 8, effective November 1, 2017, 2.00% increase, salary of \$70,997.

Motion by Mrs. Steiner to accept the above, seconded by Mr. Church.
All members of Council signified their approval by saying aye.

Reports of Village Officials

Mayor Hovey reported we bought a 2016 Ford Escape with 32,000 miles for \$14,000. That car should last us many more years. It was purchased from Marhofer Chevrolet in Stow, who were being good neighbors and sold it for a good price. It will require some time to get the plates and equipment out of the old car (Ford Taurus).

I met with Mark Burns, our energy consultant today. Our electric aggregation with First Energy Solutions expires in 2018. Current price for electricity is 5.9 cents per kilowatt. First Energy Solutions is offering 5.1 cents (there is a 30 day lock on the price), which is the lowest of the companies offering a plan. While First Energy Solutions is going through some difficulties, Mr. Burns does not expect any difficulties whatsoever. They also are giving us an incentive of \$11,500. When we first signed with them years ago, they gave us \$75,000. I am also going to wait and see what surrounding communities do with their aggregation. The incentive is a cash payment to the Village. We could take another price without the incentive, which would be a wash.

We had 35-40 applications for deer hunting and Chief Conley reviewed them and interviewed the candidates. Mayor Hovey then met with the final selections. We have three two-person teams who are very experienced and have all the qualifications we asked for. Three are residents of the Village. They did go out this weekend and got one deer. There was a report of a buck with an arrow in it running around on N. Dover Road. After checking with our hunters, no one shot a deer leaving an arrow in it. It may be from hunters in an area in Stow, which borders N. Dover Road. The first deer goes to the hunter. If the hunter shoots a second deer, it goes to the food bank. Some hunters have said they may give it all to the food bank. While "No Trespassing" signs have been posted on the trail, some people were seen walking. However, the hunters were not near the trail.

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This time of the year we get calendar, and I have one with pictures of antique cars if anyone would like to have it.

Mr. Jones asked if the hunters supplied us with their insurance (certificate of insurance).

Chief Conley said he received a copy of their homeowner's policy, which we were informed was sufficient.

Mr. Jones said I would suggest they ask their insurance agent for a certificate of insurance naming the Village and you might raise a question about whether or not that's going to provide coverage to the hunter if something happens.

Mayor said we are using what we have been advised to use.

Mr. Church asked where the signs are posted.

Mr. Lipan said he posted them at every trail head, and then sporadically along the trail.

Mrs. Steiner asked about the backyards that back up to the trail. Mr. Lipan said he has been contacted by several people.

Hunting hours are one half-hour before sunrise to one half-hour after sunset.

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

Chief John Conley, reported we had an accident on Kent Road and Thomas Road, where a car hit our light pole. We have recovered the \$2,500 costs associated with that incident.

Last month we had a power outage and the backup battery at Kent Road and Silver Lake Boulevard was activated and operated properly.

We had Cuyahoga Falls Technical Services check out the light at Graham Road and Dover Road. The timing was incorrect. They found a problem with the sensor and have corrected it.

Mr. Mark Lipan, Service Director, reported the main line is in for the Silver Lake Boulevard project. Manholes and laterals are in, and all the homes are connected. We replaced two lead water lines. They are digging about eight inches off the top. If it's too late to asphalt, they will take concrete up to the top. If there is additional cost, I may have to come back to Council for more money. They are going to start on the storm sewer on the Boulevard soon. Leaf pickup is until December 1, 2017.

Mr. Church said on the Boulevard project they are about a week and a half ahead of schedule, and they have done a heck of a job. Mr. Lipan said the bad news is that four homes had sanitary sewers

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connected to the storm, which went right into the lake. It was done when they were first connected, and it has now been corrected.

Mr. Sean Housley, Clerk-Treasurer, reported the Ohio EPA has approved financing for the project with subsidized interest rates. That approval is what they refer to as a “draft priority” and it won’t be finalized until January, 2018. They have tentatively approved us for next year. There are a number of entities on their list, and we are with numerous others.


Mr. Church asked Mr. Lipan if he anticipates the same problem across the lake. They are newer homes. Mr. Lipan did not know.

Discussion was held on methods to ascertain the problem, such as die testing each home.

Miscellaneous Business

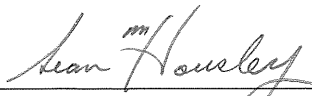
There being no further comments or questions, Council adjourned at 8:00 p.m. until the next regular meeting of Council on Monday, December 4, 2017, at 7:00 p.m. There will be a Finance and Appropriations Committee meeting at 5:45 p.m.

APPROVED:



Mr. Gerald P. Jones, President of Council

ATTEST:



Sean M. Housley, Clerk-Treasurer

(Prepared by: Darlene Pedicino)
Reviewed by: Suzanne Lipan and Kim Pigman