

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, May 20, 2019

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, May 20, 2019, 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. Dann Nivens, Mr. Tim Nichols, Mr. Gerald Jones, Mr. William Church, Mrs. Therese Dunphy, and Mr. Matthew Plesich

Roll call of Council - 6 members present

Absent - Mrs. Betsy Meyer

Mr. Plesich moved and Mrs. Dunphy seconded to excuse Mrs. Meyer. All members signified approval by saying aye.

The minutes of May 6, 2019, were submitted.

Mr. Nivens said I have a couple of corrections. First of all, they list Mr. Jones as being absent. There was no note of you being excused. We were discussing the new ordinances that we were adopting. The wording says that I discussed secondary offenses versus primary offenses. It mentioned Fastenal in the paragraph twice. That is on Page 2, second paragraph. That needs to be changed to offense.

Mr. Housley said we're using new software (Temi). We just started at the last meeting and I didn't have time to go back and listen to the recording again.

Mr. Nivens said on Page 3, Mr. Church says we have comments from the audience and he mentions Mr. Brian Brody, and I think he alludes to Mr. Brook. Those will be corrected.

Mr. Housley said there were a couple of other typos to be corrected.

Mr. Jones said other than those corrections there are no other changes.

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

RESOLUTION NO.: 23-2019 A RESOLUTION APPROVING THE EXPENDITURE OF FUNDS TO H.M. MILLER CONSTRUCTION COMPANY FOR THE CREEK BANK RESTORATION, CRANBROOK DRIVE, AND DECLARING AN EMERGENCY.
(Finance & Appropriations)

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RESOLUTION NO.: 24-2019 A RESOLUTION DECLARING A REAL AND PRESENT EMERGENCY AND PROVIDING FOR THE REPAIR, IN THE DEPARTMENT OF PUBLIC SERVICE, OF INOPERABLE WATER MAIN VALVES BY H.M. MILLER CONSTRUCTION CO., AND DECLARING AN EMERGENCY.

(Finance & Appropriations)

ORDINANCE NO.: 25-2019 AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019, AND DECLARING AN EMERGENCY.

(Finance & Appropriations)

SECOND READING

ORDINANCE NO.: 80-2018 AN ORDINANCE AMENDING SECTION 1131.03 OF THE ZONING CODE OF THE VILLAGE OF SILVER LAKE, OHIO, AND THE ZONING MAP OF THE VILLAGE TO RE-ZONE SUBLOTS 249 THROUGH 258 OF THE SILVER LAKE ESTATES SUBDIVISION IN THE VILLAGE OF SILVER LAKE, FROM INSTITUTIONAL DISTRICT TO RESIDENTIAL DISTRICT.

(Planning, Zoning, and Insurance)

Mr. Jones said Ordinance No.: 80-2018 takes three readings and then a public meeting. However, Mr. Stoiber is on the Planning Commission, and has to be at another meeting shortly. So he asked if he could speak and answer any questions that we may have on that subject. Council has received a copy of Mr. Jeff Heintz's (Chairman of the Planning Commission) memorandum.

Mr. Stoiber gave Council an overview of what the Planning Commission discussed. The Commission was asked to take a look at legislation that would rezone the school property from institutional to residential and asked for Planning's input. I know we asked for an extension of time, but at your urging we moved things along pretty well. We were able to submit our report to Council last month.

The Commission believes that the best outcome for both the Village and the school board will take place if there is a cooperative discussion between the board and the Village as to what is best for all. We believe that the public elementary school has been and will continue to be the best use of that land. Every effort should be made to try to resolve any obstacles that would come between the board and making the decision to keep Silver Lake School and rebuild as a new facility. On the other hand, if the decision is finally made that there will not be a school there, we also looked at a number of different options for what might be the best use of that land going forward.

Commission members suggested a number of things that didn't take us long to reject, but I think in the long run, we believe that in the event that there is no new elementary school to replace Silver

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Lake Elementary, that the best use of that property is a combination of residential and park and recreation.

We talked about some preliminary layouts, how that might work, and strategies that we think would be helpful in getting the school board to also see that it is their land and they're going to have to dispose of it in some way.

I plan to make myself available for all your future meetings so that if there are questions that come up, I can give our insight to that. In our report offered to Council, we stated any way that we could help, we'd be happy to do so.

Mr. Stoiber asked if Council has any questions.

Mrs. Dunphy asked if the Commission is recommending that Council doesn't proceed, and depending on how Council feels about that, what recommended process would you suggest. We've got three readings and a public meeting. Would you suggest we table this ordinance now?

Mr. Stoiber said our recommendation would be that the Village prepare itself and then go forward with meetings with the school board to (1) try to influence their decision as to whether it is Silver Lake School or Price Elementary that will be utilized. (2) Make the board aware of the things that are important to Silver Lake Village.

Our recommendation is that there be some group, whether a committee, or administration, or member of Council, that meet to try to understand and identify what are the important things for the Village of Silver Lake. Going into that first meeting, there should be a very clear sense of what our best scenario would be. What would be acceptable, and maybe most importantly, what would not be acceptable. Since there are a number of different options that might be open to the board.

Even if they decided that that building wasn't going to be an educational building, they may still be able to reuse that building in ways that could be considered grandfathering, unless Council chooses to change that definition of allowable uses in the institutional district.

Mr. Jones said the comment from Jeff Heintz was about changing the use of that property.

Mr. Stoiber said Council could just decide that's going to be an office building or a maintenance facility, or they could turn it into adult education, which would mean there'd be night classes there and that sort of traffic. In the long run, it may be that they may be forced to offer that building to a charter school. All of those things seem to us to be not in keeping with the residential neighborhood.

If we were to pass this legislation now, and they saw that as preemptively trying to limit their ability to use that property as they wish, that would certainly raise their hackles and put us in a

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position to not be able to have a good negotiation cooperatively to find a good reuse of that property.

It would also, if you were to rezone that property right now to residential, the value of that property goes up dramatically. Now, if I'm a school board member and I'm always facing budget problems and I'm trying to decide which of these two schools to get rid of, I've got one that I can sell for a bundle as opposed to having it zoned institutional still with a very limited buyer potential, that helps me make that decision against what we think would be the best use of the land.

I think all of those things have to be considered and those are all the things that we talked about when we said unanimously we should not pass this legislation now.

Mr. Church said these were things that we've discussed in the past as a Council, and we really appreciate your input. Has anyone on the Planning Commission reached out to the school board at all? Do you have any insight at all as to what's going on?

Mr. Stoiber said I had talked to my neighbor, Mrs. Dunphy. We decided we ought to keep this in-house for now to the degree we can. Our meetings are public meetings so anybody can find out anything and perhaps everybody will hear what I said here tonight. We didn't consider it to be wise or maybe ethical at this point to contact the board directly.

Mr. Nichols said as head of the Planning, Zoning, and Insurance Committee, I read the letter a couple of times. I certainly concur with trying to talk to the school board to do whatever as a cooperative way as possible. One of the other elements in the letter is a proposal that Council meet with the Commission to understand your thoughts a little better.

Mr. Stoiber said we offered our help.

Mr. Nichols said I would like to try and do that before our next meeting with either all of us or the members of the Committee, or however we decide to do it. You can also come to our meetings and have a discussion.

Mr. Jones said I would like to see Council get together with the whole committee or maybe a couple of you and talk about it. I think it would be good if we talked together. Maybe we could schedule a special meeting. We have to have another reading and public meeting, so we've got time between both of those meetings.

Mr. Stoiber clarified we're not ready to take the rezoning plunge tonight.

Mr. Nivens asked when the Silver Lake Board of Education dissolved and transferred everything over to Cuyahoga Falls. Is there anything that speaks of use in the original deed?

Mr. Stoiber said there is not. That was the first thing that we asked.

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Mr. Heydorn said there is nothing in there like a restricted covenant or anything like that. That's the first question they asked.

Comments from the audience

Mr. David Barstow, Silver Lake Park and Recreation, said last fall he presented to the board a proposed idea for improving the arboretum. I went to the board with the proposal to build a pergola on the grounds of the Arboretum. The Kent School District and other surrounding schools send their kids down to the Silver Lake Arboretum because we have so many Ohio trees.

A lot of people don't realize we have an arboretum and what it is to be used for. There is a pergola out there and landscaping is almost completed. We were able to get \$3,200 from the Silver Lake Garden Club. So we need a walkway from the parking lot to over to the pergola.

I've got three quotes. The best one we could get was \$4,700. We have \$1,300, which means we're trying to come up with \$3,400. I would like the walkway to be ADA approved, something any person in the Village can use. My presentation is just to ask Council to consider helping us out to finalize this and try and find the \$3,400 so we can put the walkway in.

Mayor Hovey said I do not think a concrete walkway in the middle of the arboretum would look pleasant or good. I do not think the concrete walkway is appropriate for that area. Secondly, what do you consider ADA? What are ADA standards? What do you consider that to be?

Mr. Barstow said no steps or anything like that.

Mayor said the ADA does not say concrete. I've looked out there and I have concerns about where are we going to put that walkway. I know you're talking about putting it right at this opening here (referring to across from the Police Department), but there's no parking there and we can't put it way out here because we're not going to have them walk along the third base line. So I have questions. Again, I'm not against a walkway, but I have some serious concerns about where is an appropriate place for it. I have serious concerns about the concrete walkway in the middle.

I know that Mark has \$500 in his budget that the Park Board can spend on flowers and they decided to spend that money to help with landscaping. The Garden Club did donate the money, the Service Department did a lot of work putting it together, which they do all the time. But if we didn't have enough money to do the project the way it should've been done, it might be that Garden Club or whoever, should raise the money for next year. I know that sounds cruel, but I'm saying what I feel.

Mr. Barstow said we've talked about mulch, but you wouldn't be able to walk on it very well. We've talked about black top. Those would require a lot of maintenance. We're going to be running over mulch or blacktop with mowers and we could end up spending a lot for maintenance.

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Mayor said my concern is if concrete in the middle of the Arboretum would be appropriate. I'm fine with another hard surface, if there truly is an appropriate place to put it.

Mr. Jones said we'll see what happens.

FINANCE AND APPROPRIATIONS – MR. CHURCH

RESOLUTION NO.: 23-2019

Mr. Lipan said H. M. Miller did extend it a little bit longer, which I explained at the time. Council approved it and I didn't get it done. I gave Council the money back at the end of the year. I couldn't figure out why I had an extra \$4,500 last year.

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

RESOLUTION NO.: 24-2019

Mr. Lipan said we are required by EPA to exercise the water valves just to make sure they shut off. The first one we tried broke. When we started doing the second valve it broke. The water was gushing out of the ground, so we had to fix it. In order to shut that down, we had to turn eleven other valves. When we turned the other 11 valves, four more broke.

Mr. Housley said he wanted to bring to Council's attention that this is a mandated procedure now that we have to do annually. If that's a routine percentage, and a predictable cost, we're looking at a little bit more than a \$2 per month fixed fee adjustment for residents of this community. I just want you to be aware of that going in as well as this EPA unfunded mandate. Right now the water fund has the cash. We don't need to make a fixed fee adjustment. I don't see a reason why we'd have to make any adjustment next year. But if we start to see a routine, just have it on your radar. This was going to be part of the reason why we may need a fee adjustment.

Mr. Lipan said we have almost 600 valves. I scheduled to turn 110 each year so that they could be done over the next five years.

Mr. Plesich asked with replacing these and exercising them, it seems like this isn't going to be an ongoing problem once you're done; then the next time you go to use them they're not going to break.

Mr. Lipan said we don't have water breaks where the roads are a little bit thicker or where we turn the valves all the time.

Mr. Church clarified you would not expect that percentage of broken valves to continue.

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Mr. Lipan said no, but it depends on where we are at.

Mrs. Dunphy asked what the schedule is for the rest of the year.

Mr. Lipan said I'm going to stretch them out to have 110 done each year.

ORDINANCE NO.: 25-2019

Mr. Housley said I'm asking for the amounts that are in their appropriations and for refunds in my budget. So this is just to get me through the end of the year. We may or may not need it.

Finance and Appropriations Committee

Mr. Church said **Resolution No.: 23-2019** was discussed in committee and is ready for adoption.

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

Roll call: Yes 6 No 0

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

Roll call: Yes 6 No 0

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

Roll call: Yes 6 No 0

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

Roll call: Yes 6 No 0

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

Roll call: Yes 6 No 0

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

Roll call: Yes 6 No 0

Mr. Church asked if there were any questions regarding the Payment of Claims of May 6, 2019. There being no questions, Mr. Church concluded his report.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey had no report.

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Mr. Robert Heydorn, Village Solicitor, said regarding the rezoning ordinance, what you need to do is to set a public hearing. You need 30 days leeway and then you shouldn't have a third reading until after the public hearing. In the meantime, you can do all the talking but my suggestion would be that you actually table to a time certain the third reading of that ordinance, and at the same time, schedule a date for the public hearing. Your rules currently say that these things should be ready for executive meetings. If you want to do something other than that, you either have to suspend the rules or table it to a time certain.

Mr. Jones said we would be looking at late July or August.

Mrs. Dunphy said I'd like to have our meeting with the Planning Commission beforehand regarding the impact and where and how we want to proceed.

Mr. Jones said I'd like to have a separate meeting to discuss a work session to talk with the Planning Commission.

Mr. Heydorn said again, the timing of this is up to you. If you want to put it off, you can put that public hearing off more than 30 days.

We have plenty of time. We could have that public hearing on July 1st or just postpone indefinitely.

It was agreed to schedule the public hearing for the second meeting in July (Monday, July 15).

Mr. Heydorn said someone should make a motion to table the third reading of that ordinance until the next regular meeting after the scheduled public hearing, which would be August 5th. I think you have to have that motion out there to table it out further.

The Ordinance shows Ordinance No: 80-2018.

Mr. Housley said yes, that number is going to stay the same. That's the way we have always done it. We state the year that it's introduced.

Chief Jamie Norris said I'd like to thank the Mayor for his support at the Police Memorial and the proclamation he gave to the Police Department. It was a very nice ceremony. It's an honor to be a part of it. I'd like to thank Mark and the Service Department for putting the memorial flags up on the island during the week.

Mr. Jones said I'd like to thank you for the issue we had on Ivanhoe Road with the dogs barking.

Mr. Church said I'd like to also thank the Mayor for taking care of that lawn so quickly that needed to be mowed.

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Mr. Mark Lipan, Service Director, reported the Village paving is tentatively going to start June 10, 2019. Right now we're spreading topsoil and seeding the plow damage, preparing tree sites and repairing water boxes. We are continuing with hydrant flushing and getting the islands getting ready to plant flowers. We dug up all the water breaks from last winter and will be patching those tomorrow. Paving will be done on Landon Drive, Kent Road to Lee Road, Vincent Road from the pump house to the four-way stop, the portion of Second Street, the inside loop of Silverview Drive, Hastings Road from Millboro Road to Silver Lake Boulevard, and South Oakhill Road.

Mr. Sean Housley, Clerk-Treasurer, said I want to mention Karly Easterling has been an intern for the Village, as an assistant to me since May 10th, 2018. She's taken a second internship with Dayton Freight, as a three month internship, full time, but they don't know if they're going to use her all five days of the week and I'm going to at least keep the position open for another month.

I want to briefly acknowledge her for the exceptional work that she did for us over the past year regarding the 2018 income tax delinquent filer program. She prepared all the letters. She did a mail merger, she did the certified mailing and there were 200 - 300 pieces of communication that had to go out. She even sat in on one pretrial with me. In addition to that, she worked on our records management upstairs and updated our existing records retention schedule, which the Records Commission still needs to approve, but it is updated. She converted it to digital format. It used to be we had a tight version of it, but it was not keyword searchable. She retyped it all. She reviewed all of our archived files upstairs. We had boxes and boxes of files that had collapsed and fallen over. Now they're all index electronically. She's organized them all up there. It's like a big office where you could walk through and we have records that are still considered active and others that can be destroyed. In addition to that, I want to thank her for her assistance in posting accounting entries for me and in addressing resident's concerns when they called or came up to the window.

Mayor Hovey added Karly did an exceptional job organizing upstairs. I can't believe she got it done as quickly as she did working part-time.

Mr. Nichols moved to table the third reading of Ordinance No.: 80-2018 until a date certain of August 5, 2019. Seconded by Mr. Church.

Roll call: Yes 6 No 0

Mrs. Dunphy asked if we need a formal motion for the public meeting to be scheduled in conjunction with our second July meeting. Mr. Heydorn said in the past, we've just given direction as long as it meets that requirement of 30 days before.

Mrs. Dunphy said on the Council rules, we got the draft with our packets. As I went through them one more time, I think we need a little bit of tweaking still on 6-1, in conflict with 2-3 which, on the schedules of the agendas, one was about the agenda itself. 2-3 is used for the president and

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getting the agendas. We changed that language to be the Thursday before the regular meeting, but in legislation under 6-1, you still have the 48 hours. Before we finalize these, we just need to make those match. So the rest of it is fine.

Mr. Jones said we could probably meet before the next Council meeting maybe at 6:15 p.m. to go over Council rules.

Mr. Housley had one other suggestion on 6-6, page 7, regarding the rezoning legislation, we struck out the line that talks about what you do when you bring a piece of legislation over from the previous year. I don't think we should eliminate that entire line. What we need to say is that any legislation carried over from the previous year shall retain the original number, rather than striking out the whole sentence, if you all agree with that. Council agreed.

Executive Session.

Mr. Jones said Council had scheduled an Executive Session to discuss possible property acquisitions.

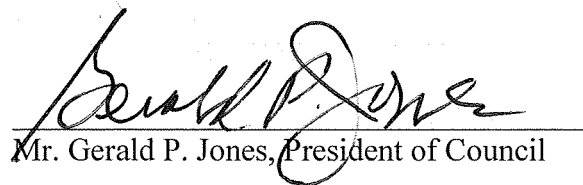
Mr. Church moved to enter Executive Session, seconded by Mrs. Dunphy.

Roll call: Yes 6 No 0

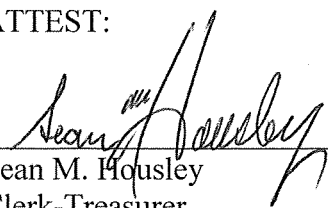
Council entered Executive Session at 7:55 p.m. and reconvened in Public Session at 8:25 p.m.

No action was taken and Council adjourned at 8:25 p.m. until the next regular meeting of Council will be on **Monday, June 03, 2019 at 7:00 p.m.**

APPROVED:


Mr. Gerald P. Jones, President of Council

ATTEST:


Sean M. Housley
Clerk-Treasurer

prepared by: Darlene Pedicino