

6:00 p.m.

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Board Members Present: Mr. Lapolla, Mr. Ciraldo, Mr. Brown, Mr. Stoiber

Board Members Absent: Mr. Heintz

Officials Present: Mayor Bernie Hovey, Robert Heydorn, Village Solicitor, Council President Gerald Jones

Others in attendance: Suzanne Lipan, Administrative Assistant, Mayor Hovey, Robert Heydorn, Jerry Jones, Council President

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**Call to Order**

Mr. Stoiber calls the meeting to order.

Minutes will be reviewed and approved at the next scheduled Planning meeting.

***80-2018 Rezoning sublots 249 through 258 from institutional to residential at Silver Lake Elementary School.***

Mr. Heydorn said the time extension resolution was passed at the last meeting and it runs from the time that was first given to the Planning Commission on December 10<sup>th</sup>. The six month date would be June 7<sup>th</sup>, which is 180 days. He said he offered to Council if they wanted to reconsider the vote, they could have done that at the last regular meeting per their own Council rules. He said they indicated that they weren't going to go that far, so the extension is in place right now.

Mr. Stoiber said he understood that there was discussion on whether the extension would be rescinded.

Mr. Heydorn said the discussion was that Mr. Jones was alleging that I had misled Council prior to their vote at the meeting before. He said he indicated to them that they had to deal with this subject at that meeting because he thought that the extension, or the time for dealing with this, was going to end at the beginning of March. He said his time frame was off but he did not get the sense that they wanted to reconsider.

Mr. Stoiber asked Mr. Jones if there was an issue on Council with Planning having until June 7th to submit their report to Council.

Mr. Jones said when Council had that legislation before us that night, I made the comment that I would have liked a couple more weeks to think about it because six months was a long decision. He said he didn't know where the six month came from, either Mr. Heydorn or the Planning Commission.

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Mr. Stoiber said the six months came from the Planning Commission.

Mr. Jones said Council was told they had to vote on it that night or the 30 days were gone, but in fact that was not the case because the 30 days were already gone. He said at the last Council meeting I questioned Mr. Heydorn about that and one of the other Council members, Matt Plesich, asked if our vote was even legal.

Mr. Heydorn then asked if Planning wanted his opinion on whether the vote was legal.

Mr. Stoiber asked if Mr. Heydorn has a legal opinion at this point.

Mr. Heydorn - On whether or not the vote was legal? I haven't given a written opinion yet. It will be ready on or before the next Council meeting.

Mr. Stoiber – It is Planning's belief, while the issue first came to us on December 10th, right away we indicated, and Mr. Heintz said there may be a reversion clause when that land was originally sold to the school board and we should know that first before we make any decision. He said Planning felt it was on hold until such time that they got that piece of information. He said they didn't have enough to start their work on December 10<sup>th</sup>, so that should be considered as well.

Mr. Heydorn - If it comes up that the vote was an illegal vote, then obviously the question can again be put to Council. He said there was ample opportunity to vote on it again and no one took me up on that.

The two issues that I see there are substandard lots in this development or in this large area. The Board of Zoning Appeals has the opportunity to treat anyone who wants to build on these lots on a case by case basis. Someone could come forward and buy this whole area and he would think that would be what the Board of Education would want. This way that buyer would have some motivation to tear down the school and not let it sit there and deteriorate.

If a developer buys the whole thing, the Village could insist that it be re-platted to standard lots. That is why the Village passed the Zoning Code in 1994 so the lots, as big as they are, encourage new construction to be done.

You would give the developer the option to buy it contingent on getting the zoning only after he re-platted. He said that's the way it's usually done in most places. He said there are two options at this point. One is to make a new Zoning District, a residential district and divide Silver Lake into two residential districts, R1 and R2. He said this way the other residential district could be treated in a different fashion. He said for instance you could make the lots a different size.

Mr. Heydorn discusses the idea of building huge homes next to existing smaller homes and would that be something that residents would want.

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Mr. Ciraldo said the Village doesn't own the land and when you talk about rezoning the land as a public entity, it could come back to haunt you in the legal world. Rezoning without a purpose is to discern the best way to go forward and advise Council on how to do that which means to engage the district. The school building right now has 265 students and has been as low as 210. He said a typical design model for an elementary school is 400 students. The school board has to wrestle with what to do with the school. He said as a Planning Commission we should vet a number of different ideas and present them to the school board.

Discussion on what the school board could do with the school.

Discussion on the condition of Silver Lake Elementary School and when it was built and modified.

Mr. Heydorn said a request to have the school property rezoned was made by a Village Council member and I drew up legislation. He said during the course of that discussion Council Member Mrs. Dunphy, who was on the school board, claimed close contact with what's going on. At that time she said the school board had a study or something that said the schools would be closed in the following order: Price Elementary number one and Silver Lake Elementary was number two. He said he did not know if that was a valid statement.

Mr. Heydorn said the Board of Education has not done what they should be doing regarding keeping the place attractive. He said someone should talk to the Board of Education and enforce compliance issues.

Mr. Lapolla said I'd love for there to be at school there because it's ideal location for a school in this Village, but only if it stays open and stays maintained.

Discussion on writing a complaint regarding the condition of the school.

Mr. Brown asked if the school has been informed that the Village is discussing rezoning the land and how can it be rezoned if they are not aware.

Mr. Ciraldo said that he does not believe they are aware.

Mr. Stoiber said if you rezone the land now, it may be construed as taking away the rights of the landowner to value their property.

Discussion regarding if the land is rezoned now and what the school board would do. The Planning Commission agrees if you rezone now, it would severely restrict the school district from rebuilding. They also agreed that if the property is rezoned now, it could cause the school district to sell the property to help with their budget problem.

Mr. Stoiber said another option may be that the Village buys the property and then rezone or replat the property.

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Mr. Jones said he asked for the original legislation but the idea of rezoning was not his idea as it was brought up by Mr. Heydorn at a meeting.

Mr. Stoiber said there is legislation right now being considered and we just need to come to an agreement. He said this is going to take some time because it is much more complex than one would think at the outset.

Mr. Heydorn said the Citizen's Housing Committee deals with residential dwellings. The Village can file an injunction and let the Court of Appeals or Court of Common Pleas decide whether or not the school should be declared a nuisance to the community. The judge would then say what you must do to improve the place.

Mr. Stoiber said filing a complaint would at least start the conversation.

Mr. Heydorn said you need to decide what you want done to clean up the property. He said he believes the Mayor is going to politically oppose shutting the school down.

Mr. Stoiber said it is his opinion that at least a portion of the land should remain a neighborhood playground.

Mr. Ciraldo references House Bill 70 which has to do with the way education funds are used.

Mr. Brown asked if the school system does an evaluation on the buildings for safety and maintenance every year, is that something the Planning Commission can request.

Mr. Heydorn said that report does exist.

Mr. Ciraldo said there is one on the school's website from the district and the Ohio School Facilities Commission. They analyzed all the buildings owned by the district as far as their heating and cooling, age, structure, and all of those kinds of things. They also analyze the number of students and project out 10 years.

Mr. Heydorn said you can change that section of the zoning code that says that common ownership between two lots will not be single ownership for zoning purposes and for all new construction henceforth, the lots shouldn't be considered separate lots. He said that is going to force the guy who wants to build a big house to come in and re-plat those two lots.

Mr. Stoiber said he thinks Planning agrees tonight that the first steps would be that the Citizens Housing Committee writes a tactful letter regarding cleaning up the property.

Mr. Stoiber asked if there was any other discussion from the panel.

Mr. Heydorn said he would like to see existing data on the size of these lots.

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Mr. Stoiber said he has information available that he could give to Mr. Heydorn.

Discussion regarding the possible size of the lots on the school property.

Mr. Stoiber asked for a motion to adjourn.

Mr. Ciraldo makes a motion to adjourn. Mr. Brown seconds the motion and all members vote in favor.

Meeting adjourned at 7:04 p.m.

Approved:



Dennis Stoiber  
Vice-Chairman