

COUNCIL AGENDA
VILLAGE OF TIMBERLAKE

Tuesday, July 12, 2022

Work Session 6:30-8:00 PM

1. Pledge Allegiance, and Opening Prayer
2. Call to Order/Roll Call: Cynthia Hardwick, Ryan Konrad, Nancy Marra, Dr. Sharma, Kevin Thompson, along with Solicitor, and Fiscal Officer.
3. Discussion of Park Ordinances (Chief Scofield, et cetera)
 - Major issues with current way Ordinance is written regarding Village Hall property, and Playground.
 - Address of playground (34 Waban) is not noted
 - Miscellaneous regulations- “no person shall in the public parks...” (seems inconsistent based on residents only signage)
 - Public can’t rent Pavilion, use Playground at leisure, use Parcel A (beach) etc.
 - Ordinance does not specify closing of park at dusk, but sign states no use after dark.
 - Also, out of date references to age of users of park, et cetera
 - Loitering language is archaic
 - What about people on beach after dark? Or What about nude swimming? (not permitted in the State of Ohio)
 - Section H prohibits beer, alcohol, drugs of abuse, yet renters are using alcohol at events (glass is also not permitted)
 - Village Hall Contract seems to be in violation of the Ordinance
 - Remove this language in Ordinance related to alcohol
 - Also discussed Village Club events, and BYOB
 - Difficult to enforce the Ordinances when they aren’t the same as rules on signage, et cetera
 - Seems also to be a major liability for the Village, and the police department
 - Discussion of Parcel A/Village Property, and clarifying language in Ordinance
 - At the time Ordinance was written Parcel A was deeded to Board of Trustees
 - Might be better described as community property, as opposed to “public”
 - Additional discussion on whether playground is open to everyone, et cetera
 - Would be difficult to prosecute for trespassing if they are from another municipality
 - Police do not ask whether kids using playground are residents, and sometimes play basketball with kids.
 - Police does ask for identification for those on Parcel A beach, however.

- Mr. O’Leary will review the Ordinances with Chief, make some suggested changes, and then bring in front of Council; Three Readings would be recommended
- Discussion of camping, or having bonfires on the beach
 - It has occurred; police informed individual that camping, and bonfires are not permitted.
 - She was not a resident as far as police could ascertain at the time, and was advised criminal trespass would be pursued, if she did not leave the premises with her children.
 - Gate was held open by someone else.
 - Perhaps Ordinance should also include language prohibiting temporary structures.
 - Mr. O’Leary indicated that sometimes Ordinances are intentionally vague to avoid future problems, and misunderstandings.
 - Additional discussion on other possible language to include (from Mr. O’Leary, Council, Chief, etc).
- There is a provision exempting Village Club from requiring a police officer for an event that has alcohol.
- Additional discussion followed on events, alcohol use, glass containers

4. Discussion of Hall Rental Ordinance and Contract re: Police/Alcohol (Chief)

- See prior discussion on Pavilion, park, and alcohol usage
- Renter is not permitted to use alcohol once a police officer has left according to the contract
 - There have been issues with this, because sometimes rental time exceeds the event time listed on the rental agreement.
 - Should not be responsibility of officer on duty to monitor alcohol usage after party is over.
 - Basically like a bar over serving a patron (after officer has left); could be liability for Village, and Police Department
 - Contradictions in the contract need to be eliminated according to Chief
 - Officer is paid at the conclusion of the event, which has led to this issue.
 - Additional discussion followed on this issue.
 - Mr. O’Leary suggested a violation of the rules could result in the inability to rent the Village Hall for a period of time.
 - Mayor believes there should be a 4 hour minimum for officer.
 - Officer should also be there for the entire event.
 - Discussion of avoiding conflict with renters, as well.
 - Additional discussion followed on whether there should be a four hour minimum, other provisions, and possible language that could be included, and other topics covered previously.
 - Forfeiture of deposit, fine for violation of rules, prohibition of 2 years?

- Mr. O’Leary recommends additional discussion with residents at Council Meetings.
- E-mail suggestions or potential changes to Mr. O’Leary.
- Discussion of an example of party that was 12 hours, and party ended earlier; however, officer must be paid according to what the contract specifies.
- Discussion of event at Pavilion where group wanted to use the beach, but no resident was currently present, thus group advised by police they could not utilize the beach.
- Village does not pay for officer; it is paid directly to the officer by the renter.

5. Discussion of Beach Access/Gate

- See prior discussion for information
- New gate has been kicked, et cetera
 - Some still go over the fence
 - Gate is great with new lock, and push bar, but not a perfect solution.
- Steps are 75 years old
 - Replacement or improvements does need to be looked at; steps would have to be ADA acceptable, if replaced
 - Probably should be additional landings on steps.
 - Resident (according to Chief) offered a suggestion; putting a solid metal strip over the steps
 - Discussion of why there are holes in the steps; may be practical reasons
 - Surveys were completed 11 years ago; you can fix, but if you replace, they must be ADA acceptable according to the Chief, and Mr. O’Leary
 - What about a lift?
 - Would still need steps.
- O’Leary recommended a step by step approach to avoid issues with ADA; would still be considered a repair.
 - Also spoke about issue because of Parcel A, and the fact that it is considered a private beach; if public funding was accepted, beach would have to be open to the public.
- CT Consultants did put together an estimate years ago
 - Discussion of specifications, and additional suggestions for repair.

6. Police Hiring Policy (Regarding Council Approval)

- Mr. Thompson believes the process of having Council approve appointments is not necessary; ORC still does require council approval, but does allow hiring in the interim until Council votes on
 - Thinks it’s like rubber stamping an appointment, as Council does not conduct interviews
 - Recommends a change in wording to allow interim appointment
 - Must be a confirmation process of some kind
 - Ordinance would need to be modified to allow Mayor’s interim appointment

- Additional discussion followed on this topic

7. Income Tax Credit Issue (Fiscal Officer)

- Mr. Roskos informed Council that the credit for income tax paid to another municipality was eliminated by the Village on April 17, 2018; he also provided an example of what the credit entailed. The Ordinance was submitted to CCA at the time, however, the tax agency did not implement, and no one followed up. Residents may owe a significant amount of money in income taxes. Mr. Roskos will send a letter to each tax agency (CCA, and RITA), as well as the Tax Commissioner of Ohio informing them of the issue, and inquiring as to next steps, or a possible solution.

8. Other

- Gary Gray believes it's an inconvenience to charge \$3 for a garage sale; other cities around us charge \$5/10
 - Maybe have an annual garage sale day, or period, and not charge for it
 - Additional discussion followed.
- Also, currently we don't charge for Storage PODS (Gary Gray recommended \$25 charge, maybe 60 days they can keep on property unless building is going on)
 - Does not believe there is an Ordinance on the books (Gary Gray)
 - There may be one on the books regarding temporary storage according to Fiscal Officer (Chief, O'Leary will check)
 - Put Storage POD in the same section as dumpsters, as far as time frame.
- Inquiry about what fees there are for building from Mr. Konrad
 - There is currently a list for a variety of types of projects.
 - What about one set permit for building? (Mr. Konrad)
- Additional discussion about storage pods from Mayor, Council, et cetera
- No Ordinance covering manufactured homes (according to Gary Gray)
 - May want to look at adopting

9. Adjournment

Mrs. Marra made a motion to adjourn the Work Session. Dr. Sharma seconded; all were in favor. Work Session adjourned at 8:00 PM.

Special Council Meeting 8:00 PM

Please note, due to restrictions of a Special Council Meeting, only the items listed in the agenda may be considered, or discussed.

1. Pledge of Allegiance/Opening Prayer (please silence cell phones)
2. Call to Order/Roll Call: Cynthia Hardwick, Ryan Konrad, Nancy Marra, Dr. Sharma, Kevin Thompson, along with Solicitor, and Fiscal Officer.

Mayor would also like to welcome Commissioner Plecnik, Jerry Joyce, who is a candidate for appointment to Council.

3. Legislation:

a.) Resolution No. 2022-29 (Rules Suspended)

A resolution appointing Gerard Joyce as council member effective July 12, 2022 for the Village of Timberlake, Ohio and declaring an emergency.

Dr. Sharma made a motion to suspend the three reading rule; Mr. Konrad seconded the motion. All were in favor of suspending the rules.

Mrs. Marra made a motion to approve Resolution No. 2022-29; Dr. Sharma seconded the motion.

Mr. O'Leary provided a reminder that council has 30 days once a seat is vacated to select a replacement, and conduct interviews; after this period the Mayor has the opportunity to appoint; typical process involves an interview in Council, however not in this case.

Roll call: all were in favor of the Resolution.

Administration of Oath of Office was conducted by Commissioner Plecnik,

b.) Resolution No. 2022-30 (Rules Suspended)

A resolution directing the Lake County Board of Elections to place a 4.2 mill, five year renewal tax levy for the Police Department, Service Department and General Fund current expenditures within the Village on the November 8, 2022 General Election Ballot and declaring an emergency.

Mrs. Marra made a motion to suspend the three reading rule; Mr. Joyce seconded the motion. All were in favor of suspending the rules.

Mrs. Marra made a motion to approve Resolution No. 2022-30; Dr. Sharma seconded the motion.

Mr. O'Leary explained the need for this Resolution after additional discussions with the Board of Elections, and the Lake County Prosecutor's Office; auditor has provided certification again, also. The Secretary of State believed the original Resolution could indicate that this was a new levy, instead of a renewal, and thus recommended a change in language. Due to this, the Resolution requesting certification, and Resolution to place on the ballot had to completed again.

Roll call: all were in favor of the Resolution.

c.) Ordinance No. 10-2022 (First Reading)

An ordinance amending section Chapter 820 Peddlers, and Transient Dealers of the Village of Timberlake, Ohio Code, and adopting model Do Not Knock Legislation from NOPEC.

Mr. O'Leary would recommend putting on first reading, unless Council feels strongly about. Dr. Sharma recalls signing up for it, but it did not seem to be enforced. Recommends providing the opportunity for residents to provide input. Discussion followed on current Ordinance, contents of proposed drafts. Mayor believes that the policy should be updated anyway. Police has not received complaints about peddlers.

Ordinance No. 10-2022 was placed on First Reading.

4. Other Business

No proclamation was completed for the 75th Anniversary; does Council want one? (Mr. O'Leary)

Mr. O'Leary can draft, and Council can sign. Similar to proclamations from other municipalities. Commissioners usually do several proclamations a month.

Council is in favor of the idea. Please submit recommendations for contents of Proclamation to Mr. O'Leary.

5. Adjournment

Mr. Konrad made a motion to adjourn the Special Council Meeting. Mrs. Marra seconded the motion. Roll call: all were in favor of adjourning the meeting. Meeting was adjourned at 8:20 PM.

Called by: Mayor Marra

Posted

Our next regular meeting is Tuesday, August 16, 2022 at 6:30 PM.