

COUNCIL MEETING MINUTES (DRAFT)
VILLAGE OF TIMBERLAKE

Tuesday, September 20, 2022

Work Session 6:00 PM

Work Session began at 6:00 PM with the pledge of allegiance, and the Mayor's opening prayer.

Roll Call of Council Members Present:

Ryan Konrad, Jerry Joyce, Nancy Marra, Kevin Thompson, and Cynthia Hardwick. Dr. Sharma was absent

Personnel in Attendance:

James O'Leary	Solicitor
John H. Roskos	Fiscal Officer

Discussion of Ordinance 10-2022 Regarding Peddlers

- Chief was not in attendance, however, she put together some recommendations, and also provided Council with a copy of Bay Village's Ordinance.
- The Mayor recommends tabling the Ordinance, redoing, and bringing back on 3 readings.
 - Draft of the Ordinance needs a major overhaul.
- Discussion regarding the Do Not Knock section of the Ordinance; this can be through NOPEC's system or our own. There would be more administration for the Police if we have them handle (Third Party would be better).

Review/Discussion of HVAC Quotes for Village Hall

- Mayor provided Council and Fiscal Officer with a spreadsheet of the quotes, and reviewed.
 - Received quotes from 8 companies; Chief was also present for quotes.
- Upstairs ductwork is a mess; needs to be reorganized. There are only 4 registers currently.
 - Contractors that understand the complexity of the situation include Anderson, Smylie, Burrier, Relmec, Kobella, and Bryan.
- Least expensive with Carrier equipment was Anderson.
 - 2 Stage units are very efficient; top of the line; 10 year warranty parts, 2 year warranty for labor.
- Amana is generally of a lower quality.
- Longevity of any equipment depends greatly on installation (all quotes include metal duct work)

- Discussion of difference in proposed units 80,000 btu, 100,000 btu, tonnage, et cetera
 - We need 3 units total.

- Discussion of efficiency ratings, comparison of units, differences between the various Anderson quotes.

- Air purifiers are in addition to the main quote, but is what helps us utilize American Rescue Act funds for the project.

- Mayor recommends going with Anderson (2-5 tons, and 1-3 ton unit)
 - Discussion of how long it would take to recover costs.
 - Bigger savings would be experienced on heating.
 - Approximately 2 days for installation time.
 - Quote does include permits.

- Would need a Resolution for the Contractor, \$35,900 plus \$1,785 for the air purifiers, and funds would need to be appropriated for this project.

- Duct work would be metal.

- Council could have a Special Meeting, if they don't want to wait until October's Regular Meeting.

Adjournment

As there was no further business, Mr. Joyce made a motion to adjourn the Work Session; this was seconded by Mrs. Marra. Roll call: all members present were in favor of adjourning the Work Session. Work Session adjourned at 6:30 PM.

Regular Council Meeting 6:30 PM

Meeting began at 6:30 PM with the pledge of allegiance, and the Mayor's opening prayer.

Mayor John Marra presiding.

Roll Call of Council Members Present:

Ryan Konrad, Jerry Joyce, Nancy Marra, Kevin Thompson, and Cynthia Hardwick. Dr. Sharma was absent (excused).

Personnel in Attendance:

James O'Leary	Solicitor
John H. Roskos	Fiscal Officer

Public Comment, Good & Welfare:

- Nicole Beck (333 Clarmont Rd, Willowick)-
 - She is a parent in the Willoughby Eastlake School System and a representative of the Willoughby Eastlake Levy Committee; has 2 sons going to North High School
 - Wants to remind the community of the Renewal Levy (Issue 3) for Willoughby Eastlake on November 8; please spread the word to vote to renew
 - Many cuts will happen if it doesn't pass.
 - Continuous levies have not been successful
 - This Renewal Levy was originally passed in 1994.
 - Deadline for voter registration is October 11; recommends sending in absentee ballots by October 22. Poll hours on November 8 are 6:30 AM to 7:30 PM.
 - Willoughby Eastlake Levy Committee is a separate organization from the Board of Education.
 - Levy Committee will answer questions if submitted to their website- www.weschools.org; can follow on Facebook, Twitter, Instagram, also has fundraisers coming up
 - There are additional renewals coming up in 2023.

- Jane Shaveyco (14 East Shore Blvd; note- portions of audio inaudible)
 - Spoke regarding the Work Session about sidewalks
 - Thinks it is a waste of time to look at; better off looking at improving sewers, drainage
 - Also, asked why the Tree Commission hasn't met and noted that terms have lapsed; doesn't want Village to become "Lake" without any trees (*Mrs. Marra addressed at the end of the meeting; indicated that the current Tree Commission format is old, and it needs to be revised. Does not believe Commission should have power to give permission to residents to remove or plant trees. Believes this should be up to the resident.*)

- Jennifer McIntire (8 Nokomis)
 - Here regarding access to Beach; received a flyer regarding issues.
 - Concerned about loss of use after dusk
 - Wasn't aware that she needed a key; was surprised by this, but was provided with one quickly
 - Doesn't seem to be crime at the Beach, doesn't understand the dusk rule
 - Wants to know the reasoning for the rules

- Mayor's Comments
 - Reminded residents that the Village has a renewal levy coming up, 4.2 Mills; it raises \$34,110 per year for the Village, and provides funding for Police, Fire, and other General Fund expenses- keeps things running. Will not increase taxes.
 - Some sewer issues that were taken care of; service department is out there.
 - Bought a branch chipper that will help with taking care of yard waste; noted that Ohio EPA didn't want to see branches piled up, and would prefer that they be disposed of. Will be able to use some of these woodchips in various areas of the Village.

Reading & Disposition of the Minutes:

- a. Grant Committee, August 16, 2022- Mrs. Marra made a motion to approve the minutes of the August 16, Grant Committee meeting.

Mr. Joyce seconded the motion. Roll call: all were in favor of approving the minutes.

- b. Regular Council Meeting, August 16, 2022- Mr. Joyce made a motion to approve the minutes of the August 16, Regular Council Meeting.

Mr. Konrad seconded the motion. Roll call: all were in favor of approving the minutes.

Legislation:

- a.) Ordinance No. 10-2022 (3rd Reading- Table?)

An ordinance repealing, and replacing Chapter 820 of the Codified Ordinances of the Village of Timberlake, and declaring an emergency.

Mr. Joyce made a motion to table Ordinance No. 10-2022 until the Ordinance is revised.

Mrs. Marra seconded the motion. Roll call: all were in favor of tabling Ordinance No. 10-2022.

- b.) Resolution No. 2022-34 (Rules Suspended)

A resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Mr. Joyce made a motion to suspend the three reading rule.

Mr. Thompson seconded the motion to suspend the rules. Roll call: all were in favor of suspending the rules.

Mr. Joyce made a motion to approve Resolution No. 2022-34.

Mrs. Marra seconded the motion. Roll call: all were in favor of the Resolution.

- c.) Resolution No. 2022-35 (Rules Suspended)

A resolution authorizing the Mayor to enter into an amended agreement with the Lake County Automatic Data Processing Board for the purpose of providing

information technology services for the Village of Timberlake Police Department, and declaring an emergency.

Mrs. Hardwick made a motion to suspend the three reading rule.

Mr. Thompson seconded the motion to suspend the rules. Roll call: all were in favor of suspending the rules.

Mr. Joyce made a motion to approve Resolution No. 2022-35.

Mrs. Hardwick seconded the motion.

Mr. Konrad inquired whether this is the same processing Board; yes, however, the rate has increased from \$55 to \$85 per hour. **Roll call:** all were in favor of the Resolution.

d.) Resolution No. 2022-36 (Rules Suspended)

A resolution authorizing the Mayor to enter into a lease agreement with ComDoc for the purpose of providing Xerox Copy Machines for the Village of Timberlake and declaring an emergency.

Mrs. Marra made a motion to suspend the three reading rule.

Mr. Joyce seconded the motion to suspend the rules. Roll call: all were in favor of suspending the rules.

Mr. Joyce made a motion to approve Resolution No. 2022-36.

Mrs. Marra seconded the motion.

Mayor: our 5-Year Lease Agreement is up; this contract is for two machines, everything we have now, plus color. Copies are not included in the lease payment; these will be charged separately. This will actually save money, as we have not been utilizing the contracted amount on the current agreement. Mr Konrad questioned the operating systems supported by ComDoc connect (stops at Windows 10); we will look into that.

Roll call: all were in favor of the Resolution.

e.) Resolution No. 2022-37 (1ST Reading)

A resolution authorizing the Fiscal Officer to revise the effective date of Ordinance 2018-7 regarding municipal income tax for the Village of Timberlake, Ohio, and declaring an emergency.

Resolution No. 2022-37 was presented for First Reading.

f.) Resolution No. 2022-38 (Rules Suspended)

A resolution amending the Permanent Appropriations Funds for the Village of Timberlake, Ohio for the Year 2022 and declaring an emergency.

Mr. Konrad made a motion to suspend the three reading rule.

Mr. Joyce seconded the motion to suspend the rules. Roll call: all were in favor of suspending the rules.

Mrs. Marra made a motion to approve Resolution No. 2022-38.

Mr. Konrad seconded the motion. **Roll call:** all were in favor of the Resolution.

g.) Resolution No. 2022-39 (Rules Suspended)

A resolution authorizing the Mayor to promote certain police officers of the Police Department and declaring an emergency.

Mrs. Marra made a motion to suspend the three reading rule.

Mr. Joyce seconded the motion to suspend the rules. Roll call: all were in favor of suspending the rules.

Mrs. Marra made a motion to approve Resolution No. 2022-39.

Mr. Thompson seconded the motion. Roll call: all voted in favor of the Resolution.

h.) Resolution No. 2022-40 (Rules Suspended)

A resolution declaring it necessary and determining to proceed with acquiring, constructing, installing, equipping, improving, maintaining, and repairing improvements necessary to abate erosion along properties within the Village included within the Lake County Communities Shoreline Special Improvement District, together with all necessary appurtenances thereto, and declaring an emergency.

Mrs. Marra made a motion to suspend the three reading rule.

Mrs. Hardwick seconded the motion to suspend the rules. Roll call: all were in favor of suspending the rules.

Mrs. Marra made a motion to approve Resolution No. 2022-40.

Mrs. Hardwick seconded the motion. This Resolution will allow a homeowner (Dewey) to complete an erosion control project on his property; there are no funds from the Village involved in this project.

i.) Ordinance No. 12-2022 (Rules Suspended)

An Ordinance levying special assessments for acquiring, constructing, installing, equipping, improving, maintaining, and repairing improvements necessary to abate erosion along properties within the Village included within the Lake County Communities Shoreline Special Improvement District, together with all necessary appurtenances thereto, and declaring an emergency.

Mr. Joyce made a motion to suspend the three reading rule.

Mrs. Marra seconded the motion to suspend the rules. Roll call: all were in favor of suspending the rules.

Mrs. Marra made a motion to approve Ordinance No. 12-2022.

Mr. Joyce seconded the motion. Mr. Joyce inquired as to the purpose of this Ordinance; this allows a homeowner to proceed with the project. Again, it is at their cost; nothing is being completed on Village property. Some additional discussion followed. Specifically, this is an Ordinance passed at the request of a homeowner to place a special assessment on their taxes for the purpose of an

erosion control project on their property. **Roll call:** all were in favor of the Ordinance.

Reports:

a. Mayor:

- The Village purchased a chipper.
- Not much else to report.
- Clambake had a great turnout.

b. Solicitor:

- Nothing else to report

c. Council Members:

Cynthia Hardwick:

- Is already receiving reservations for 2023
- Looking at new flooring, new tables, and upgrades to other areas.
 - Old stains keep coming up after cleaning.
- Grants are available for playground equipment; currently, playground is in sad shape.
 - Is hopeful for some movement in the Spring
 - There are some fully-funded, as well as match grants available.
 - Discussion about how improvements would make safer (rubber pellets); trim could be installed to help keep pellets in place.

Ryan Konrad:

- One call about sewer drain that sunk near the end of a resident's driveway
 - Service Department will take a look.
- Federal Funding is available for sidewalks, which would also include funds for drainage repair.
 - Believes Lake Shore will be safer with sidewalks; noted that his trash can has been hit a couple of times.
 - Not the most pressing item in the Village, but thinks it is important.
 - Up for additional discussion.

Jerry Joyce:

- Clambake was terrific. Mary Beth Germano and Cindy Hardwick did a nice job; about 100 people came.
 - Village Club has booked the same caterer for the December 17 Christmas Party.

Nancy Marra:

- Thanked everyone for their help with the Clambake (there were 98 dinners, and 6 take out orders).
- Fall Fest is the next Village Club event on October 8.

- Mainly for kids.
- Mrs. Hardwick encouraged people to join the Village Club.

Dr. Ritu Sharma (absent)- NO REPORT

Kevin Thompson:

- He is looking for one more quote to take down the large maple tree by the dumpster at the Village Hall. Estimates have ranged from \$3,500-\$6,000 plus \$600 to grind the stump.
- Thanks Cindy Hardwick for looking at playground grants; would be willing to donate \$1,000, if the project is completed in the next two years, and project costs over \$5,000.

d. Fiscal Officer:

Monthly Financials- General Fund- ending balance through August 31, 2022 is \$400,931.69. Month to date revenue was \$135,789.22 vs expenditures of \$42,200.63, a net difference of \$93,588.59. (Please note, we received our Second Half Property Tax Settlement from the County Auditor).

General Fund Revenue through August 31, 2022 is up \$121,845.32 versus last year, primarily due to increased income tax collection; property tax collection rates have also improved. Revenues in August exceeded projections by approximately \$560, however, expenditures were \$6,460.24 more than anticipated. The increase in expenditures was mostly due to unexpected repairs to the police cars, payment to the U.S. Treasury for the Third Quarter of 2018 Withheld Payroll Taxes (Form 941- previous administrations never filed), flushing of a portion of the sanitary sewers, and greater than estimated payroll.

Estimated General Fund surplus based on current expenditure rates will be approximately \$115,620; this would not include transfers to the Village Hall, and Police Cruiser Capital Fund of \$20,000 each. With those transfers, the Village would be looking at a surplus of approximately \$75,620 for the year.

Other Fund Activity: There was no significant expenditures in our other funds. \$600 in refunds were issued from the 9901 Hall Rental Security Deposit Refund FUND.

e. Police Chief (absent)- Mayor presented the Chief's monthly report- 3 911 calls, 2 accident calls, 1 alarm, 6 animal reports, 10 assists, 4 backups, 2 court appearances, 101 community policing, 1 distribute, 102 house checks, 17 investigations, 1 lockout, 2 neighbor disputes, 2 noise complaints, 4 patrols, 2 phone complaints, 1 scam, 1 suspicious person/vehicle, 2 trespass; 282 reports total.

- f. Zoning/Property Maintenance (Gary Gray)- Since we last met (2 months ago), we wrote 27 permits, 2 for windows, 10 for roofs, 8 for contractors, 2 fences, 1 shed, and 1 yard drain.

Purchases & Approvals:

- a. Mr. Joyce made a motion to approve the August, 2022 Financial

Reports. Mrs. Hardwick seconded the motion. Roll call: all were in favor.

- b. Mrs. Marra made a motion to approve the purchase of a 429-cc Kohler 6 inch Steel Gas Wood Chipper in the amount of \$2,200.00.

Mr. Thompson seconded the motion. Roll call: all were in favor of the purchase.

Public Comment and Questions (may be directed at the Mayor or Council members only; reserved for follow-up questions on topics discussed at today's meeting):

- Martha Takacs (11 Nokomis)
 - Commented regarding issues at the Basketball, and Tennis Court
 - Sign regarding curfew only refers to playground
 - Thinks there should be a sign for the Basketball, and Tennis Court also.
 - Suggests a 9:00 PM curfew
 - Had to call 911 at 10:30 one night to complain about people using the Court; police asked the individuals to leave
 - She noted that this has been a continuing problem, and inquired whether we have an Ordinance addressing this.
- Jane Shaveyco (14 East Shore Blvd)
 - She suggested surveying Lake Shore Blvd. residents to determine if they want a sidewalk; also mentioned that residents would likely be responsible for future sidewalk repairs
 - Asked the Fiscal Officer whether we go through County regarding permits to make sure contractors are paying taxes to the Village (*Fiscal Officer responded later indicating that we do not ask contractors individually to pay taxes, and noted that RITA does an excellent job ensuring that businesses withhold taxes for the Village. However, if you believe a company may not be paying taxes, you can let us know*)
 - She noted that the Village would not be able to use the woodchips from the chipper at the Playground
 - Mentioned that Playground hasn't been maintained since Batoki; thinks the slide should at least be repaired
 - Thinks people should be questioned when they go down to Beach as to whether they are residents
- Peggy Pirosko (8 Nepahwin)
 - Had questions about rules at the Beach, regarding alcohol, fires, etc
 - Are these rules different for the Village Park versus private residences?
 - Mr. O'Leary indicated that the Ordinance for the Parks prohibits open fires in those locations.

- You can have an Hibachi grill, however.
 - Additional discussion by Council and Mayor indicated that the Ordinance references groups specifically in regards to permitting fires for events.
 - The Ordinance has not changed.
 - 660.08 deals with Open Burning otherwise
 - Additional discussion of the 1987 Beach Ordinance; we are enforcing Ordinances of the Village. Prohibits alcohol, open fires. The Village has liability and we have to error on the side of safety.
 - Believes the gate has solved the problem with unauthorized access.
 - Many of these issues date back to the 1960s.
 - Discussed Parcel A and implications associated with change from Board of Trustees to Village control.

- Maureen Munera (34337 Lake Shore)
 - Believes the reputation of the Village has gone downhill; thinks there are too many rules, and restrictions.
 - Agrees with no alcohol on the Beach.
 - Believes the curfew was changed without any notice to residents (*Mayor clarified later in the meeting that this curfew applies only to minors*)
 - Noted that renters have been asked to leave the Beach by the Chief
 - Council has the power to change rules
 - Thinks there is too much bullying in the Village

- James Swartz (22 Waban)
 - Would like to add to Maureen's comments
 - Wants stairs that he can negotiate (wants ADA stairs or a ramp)
 - Thinks there are too many stop signs
 - Addressed Police Chief raise; Mayor asked Mr. Swartz to save these comments for the next meeting, as this section of Public Comment is follow-up for questions of events during the meeting.
 - Addressed fires on the Beach; in the past, as long as fires were for cooking, there was no big deal.
 - Thinks we should include all the community in events.

- Frank Germano (36 Shawondassee)
 - Reminded people to speak into the microphone so everyone can hear.
 - Had a zoning issue he wanted to address; said in the past, you had to provide a plot of your lot, what you're going to add on, and where you're going to put it. Then provide to Zoning Committee.
 - Thinks there are some things going up now that make the Village look bad.
 - Council and Mayor noted that Gary Gray is the Zoning Inspector
 - Frank Germano mentioned the shed at 44 Shawondassee as being in violation of the code; Mr. Gray indicated that it meets the setback restrictions, and is not in violation of Ordinances. Additionally, the ramp is on the homeowner's property.

- Jane Shaveyco (14 East Shore Blvd)
 - What about property maintenance?

- Wants Ordinance regarding illegal trailers, and campers to be enforced.
 - Wants fair enforcement across the board
 - Mayor noted that he recently drove through the Village and saw 1 Camper; they currently have permission, as they are completing improvements. Chief is aware of the accommodation.
- Other Discussion
 - There was a multitude of comments on various subjects at the end of the meeting regarding fires on the Beach, grilling, Beach improvements, etc; Mayor says we are looking into grants for the steps, however, we are inhibited as state and federal grants would require us to open the Beach to everyone from all areas. There was additional discussion regarding Beach Improvements by the Mayor, and Council, Mr. O’Leary and residents present. Mrs. King inquired as to whether we have an estimate on the cost of this improvement; Mayor indicated that we do not. We recommend watching our Youtube video of the meeting for further details-
<https://www.youtube.com/watch?v=Lm46WLU2hQY>

Adjournment

Mrs. Hardwick made a motion to adjourn the meeting. Mr. Konrad seconded the motion. Roll call: all were in favor. Meeting adjourned at 7:41 PM.

Called by: Mayor Marra

Posted

Our next regular meeting is Tuesday, October 18, 2022 at 6:30 PM.

Fiscal Officer, John H. Roskos

Mayor, John Marra