

COUNCIL MEETING MINUTES (DRAFT)  
VILLAGE OF TIMBERLAKE

**Tuesday, January 17, 2023**

**Service Committee 6:00 PM**

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

Mayor John Marra presiding. All Council Members were present, as well as the Fiscal Officer, and Solicitor.

**Discussion about Service Truck**

- The Mayor called the meeting to discuss the condition of the Service Truck. It is 22 years old, we have gotten good use out of it. Researched several options, and obtained several quotes for replacement trucks.
  - Quote from Valley Ford was \$109,000 with equipment
    - Most government incentives are no longer available, thus the prices have increased significantly.
  - Quote from Classic Ford was \$65,000, plus cost for plow equipment.
    - 6-8 months to order; no guarantee of fulfillment
    - Delays blamed on production line issues
  - Only trucks current available are either Dodge Ram or Chevy Silverado; Dodge was estimated at \$75,000, plus \$10,000 for plow equipment; Chevy Silverado 3500HD is \$62,988 plus \$6,799 for Snow Dogg plow
  - The Mayor discussed additional details on retrieving quotes and needed specifications for truck (standard cab)
  - "Other goods and services" described in the quote from Classic Chevy is for the dump body
  
- Related discussion followed; Council members suggested getting "Village of Timberlake" decals for the truck.
  
- Discussion occurred on whether to trade in or auction off current service truck
  
- There was discussion regarding the usual bidding requirements that are typically followed for purchases exceeding \$50,000; based on emergency provisions this requirement may be waived. Truck has recently broken down twice while plowing this year. (see ORC 735.051).
  - Additional related discussion occurred.
  
- The Fiscal Officer recommends using \$20,000 in funding from the Service Truck Capital Fund, and \$50,000 from the Street Construction Maintenance and Repair Fund (2011). There is currently a \$137,000 balance in this fund.
  - Mr. Konrad inquired about Paving Loan. Currently, Paving Improvement loan is paid for via transfers from the General Fund.

- Further discussion occurred on availability and pricing of various options, and whether we would receive the order.
- Mayor noted additionally that it has been difficult to ask for assistance from Eastlake with plowing.
- No leases or rentals are really available either.
- Solicitor O’Leary also recommends beginning the process to replace the police cruiser as well; Fiscal Officer indicated that he is unsure of current order process for cruisers, and whether a down payment is required given current circumstances (where it is unknown whether cruiser would be received even if ordered)
- Insurance costs would likely go up somewhat with newer truck.
- Mr. Konrad asked if it makes sense to keep both trucks; probably not according to the Mayor; additional related discussion occurred.

Mr. Joyce made a motion to adjourn the Service Committee Meeting; Mr. Konrad seconded the motion. Roll call: all were in favor; meeting adjourned at 6:26 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 and Motion to Excuse:**

Cindy Hardwick, Jerry Joyce, Ryan Konrad, Nancy Marra, and Kevin Thompson.

#### **Personnel in Attendance:**

James O’Leary	Solicitor
John H. Roskos	Fiscal Officer
Susan Scofield	Chief, Police Department

#### **Public Comment, Good & Welfare:**

- Debbie King, 43 East Shore Blvd
  - Inquired about the rules for the Playground and Beach
  - Any movement on that?
  - Will rules be ready in time for season, regarding curfew, et cetera?
  - Chief Scofield indicated we do have rules currently on the books; Ordinance and State Law
    - No alcohol is permitted.
    - No curfew for adults, no minors are allowed after dusk.
  - Mayor: probably should plan to revise, and take a look at again in March.
    - We can pass under emergency if necessary.

- Mr. O’Leary indicated that currently rules are in place, and changes should be recommended by Committee and Council before Summer.
- Currently property owner or guest with property owner are allowed there.
- There was discussion about a non-owner being allowed at the beach (discussion of domestic partner and whether they can use beach; Chief says yes they are).

**Reading & Disposition of the Minutes:**

- a. Regular Council Meeting, December 20, 2022 – Mrs. Marra made a motion approve the minutes of the December, Regular Council Meeting.

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

**Legislation:**

- a.) Resolution No. 2023-1

A resolution designating and appointing Council Member Cynthia Hardwick as President Pro Tempore of the Council of the Village of Timberlake, Ohio and declaring an emergency.

Mrs. Marra made a motion to approve Resolution No. 2023-1: Mr. Thompson seconded the motion; roll call- all were in favor of Resolution No. 2023-1, except Mrs. Hardwick whom abstained.

- b.) Resolution No. 2023-2 (Suspend the Rules)

A resolution confirming the appointment of James O’Leary as Legal Counsel, affirming his agreement, determining compensation and declaring an emergency.

Mrs. Marra made a motion to suspend the three reading rule: Mr. Konrad seconded the motion; roll call- all were in favor of suspending the rules. Mr. Thompson made a motion to approve Resolution No. 2023-2: Mr. Joyce seconded the motion; roll call- all were in favor of Resolution No. 2023-2.

- c.) Resolution No. 2023-3 (Tabled, Resolution not needed)

A resolution authorizing and directing the Mayor to enter into an agreement with CT Consultants to provide for professional engineering advice, consultation, assistance and services to the Village, establishing the terms and conditions of same and declaring an emergency.

Mr. Konrad made a motion to table Resolution No. 2023-3; Mrs. Marra seconded the motion; currently contract runs through December, 2023, and thus this Resolution is not needed. Roll call: all were in favor of tabling the Resolution.

- d.) Resolution No. 2023-4 (Suspend the Rules)

A resolution amending the permanent appropriations funds for the Village of Timberlake, Ohio for the Year 2023, and declaring an emergency.

Mr. Joyce made a motion to suspend the three reading rule: Mrs. Marra seconded the motion; roll call- all were in favor of suspending the rules. Mr. Joyce made a motion to approve Resolution No. 2023-4: Mrs. Hardwick seconded the motion; this Resolution allocates \$50,000 to motor vehicles line item in the SCMR fund. Roll call- all were in favor of Resolution No. 2023-4.

e.) Resolution No. 2023-5 (Suspend the Rules)

A resolution authorizing the Mayor and Fiscal Officer to contract with Classic Auto Group and Best Truck Equipment for the purchase of a 2022 Chevrolet Silverado 3500HD with accessory package for the Service Department, and declaring an emergency.

Mrs. Marra made a motion to suspend the three reading rule: Mr. Joyce seconded the motion; roll call- all were in favor of suspending the rules. Mrs. Marra made a motion to approve Resolution No. 2023-5: Mr. Joyce seconded the motion; we did have a work session prior to Council meeting to discuss. Mr. O'Leary reminded council that the emergency provisions, allow normal bidding requirements to be suspended in this case. Roll call- all were in favor of of Resolution 2023-5.

e.) Ordinance No. 1-2023 (Suspend the Rules)

An ordinance amending wages and salaries for the employees of the Village of Timberlake, Ohio and declaring an emergency.

Mrs. Marra made a motion to suspend the three reading rule: Mr. Konrad seconded the motion; roll call- all were in favor of suspending the rules.

Mr. Roskos indicated that this Ordinance establishes annual pay rates for Police Officers, Mayor, Fiscal Officer Council, Service Department, and Zoning. A provision has been included allowing the Mayor to make interim promotions (between Council meetings) to maintain the organization of the Police Department, and safety of the Village. Mr. Konrad inquired whether the permits we received each year cover Gary Gray's monthly salary (yes, they do according to Fiscal Officer). Also, Holidays are included in the Ordinance by reference to the Employee Handbook; there is a separate Ordinance that covers these. \$16.00 per hour for Service Department does include the raise discussed and agreed upon at the December meeting (in 2023 Appropriation).

Mrs. Marra made a motion to approve Ordinance No. 1-2023: Mr. Joyce seconded the motion; roll call- all were in favor of Ordinance No. 1-2023.

f.) Ordinance No. 2-2023 (Suspend the Rules)

An ordinance authorizing and approving the appointment of Kevin Thompson as Street Commissioner of the Village of Timberlake, Ohio, pursuant to the provisions of Section 735.31 of the Ohio Revised Code, setting compensation of one dollar per year and declaring an emergency.

Mrs. Marra made a motion to suspend the three reading rule: Mr. Joyce seconded the motion; roll call- all were in favor of suspending the rules. Mr. Joyce made a motion to approve Ordinance No. 2-2023: Mr. Konrad seconded the motion; roll call- all were in favor of Ordinance No. 2-2023, except Mr. Thompson whom abstained.

g.) Ordinance No. 3-2023 (Suspend the Rules)

An Ordinance amending Section 13.2 of the Village of Timberlake Personnel Policies and Procedures Manual, Holidays observed by the Village, and declaring an emergency.

Mr. Joyce made a motion to suspend the three reading rule; Mrs. Marra seconded the motion; roll call- all were in favor of suspending the rules. Mr. Thompson made a motion to approve Ordinance No. 3-2023; Mr. Konrad seconded the motion; Mr. Roskos noted that this includes Martin Luther King Day celebrated on January 16, 2023. Roll call- all were in favor of Ordinance No. 3-2023.

**Reports:**

a. **Mayor:**

- The Mayor read the Committee Assignments for this year: Finance/Public Records Retention and Ordinances will be chaired by Mr. Joyce, with members being Mr. Thompson, and Mrs. Hardwick. Safety/Service will be chaired by Mrs. Marra, with members being Mr. Joyce, and Mr. Konrad. Trees will be chaired by Mr. Thompson, with Mrs. Marra and Mr. Konrad as members. Village Hall/Parks will be chaired by President Pro Tempore Mrs. Hardwick, with members Mr. Joyce, and Mrs. Marra. Sewers and Grants will be chaired by Mr. Konrad, with members Mr. Thompson, and Mrs. Hardwick.
- The Mayor appreciates everyone's help in these areas.
- Mayor was disappointed about not being able to do the luminaries, but the weather prevented it.
- Plow broke down recently, and some residents lost power during the storm.
- Luminaries are still ready to go for next year (neatly stored).

b. **Solicitor:**

- Mr. O'Leary thanked Detective Sergeant Swanson regarding the guardrail DUI case with contested hearing. Det. Sgt. Swanson handled self well on the stand; we did prevail at evidence suppression hearing. Defendant ended up pleading to the charge, and received 5 days in jail. Mr. O'Leary also related additional details of the case.

c. **Council Members:**

**Cynthia Hardwick**

- Hall is starting to book up for the year with graduations, Baptism, First Communion parties. Showed hall to some residents the other day, and they were very pleased with the view. Has received 5 calls from non-residents this year inquiring about rental too.

**Ryan Konrad**

- All is quiet in sewers; asked about power outages, and wondered if Hall could be offered a shelter.
- Would like to have a Grant Committee meeting next month at 6:00 PM before the Regular Council Meeting.
- Received a request from Willoughby Eastlake Schools for feedback; yes, there is an interest amongst several members. Fiscal Officer indicated that in theory, 3 may

attend so long as they don't discuss Village business; Mr. O'Leary cautioned about 3 attending for this reason.

- The Mayor noted that he did receive calls regarding water on Shawondassee. Sewers do need upgrades at some point. Encouraged residents to clean-up catch basins. Also noted property with leaves that has caused issues. Mayor also received another complaint about undersized sewers.
  - There may be some funding available, will look into with Pete Formica.
  - Additional related discussion.
- Mr. Konrad noted that residents can call him with concerns (contact info is on Village website).

### **Jerry Joyce**

- Nothing to report regarding finance (thanks to Mr. Roskos).
- Thought Mayor's idea for luminaries on New Year's Eve was a good one, but Village Club did not pick up on.
- Has not received calls from anyone (needs contact information on the website).

### **Nancy Marra**

- Thanked the Mayor for constantly fixing items, and plowing.
  - Appreciates Service Department and all their work.
- Would be great if people read Timberlake Times for information. Encouraged people to read; it is also on the website.
- Wished everyone a Happy New Year!

### **Kevin Thompson**

- Mr. Thompson discussed the tree taken down near main intersection on Owaissa on right of way.
  - It was determined to be a safety hazard, and potentially hazardous to traffic, so it was decided that the Village would take care of.
  - Cost to remove was \$750 by Supreme Tree; he also cut down pines that were damaged, and hauled away for free.
  - Reminded residents of their responsibility for right of way tree maintenance, unless there is an imminent safety hazard.

Mayor reminded residents of a vacancy on Council; please send a letter of interest to the Mayor.

#### **d. Fiscal Officer:**

#### **Monthly Financials and Annual Report:**

General Fund- ending balance through December 31, 2022 is \$292,044.28. Month to date revenue was \$22,944.00 vs expenditures of \$49,506.87 a net difference of - **\$26,562.87**. Expenditures were \$8,766.48 more than originally estimated, primarily due to closing out PERS and Ohio Police and Fire Contributions for the year (payment due in January 2023, made in December 2022), as well as repairs to the Police Cruiser and Payroll costs.

General Fund Revenue through December 31, 2022 was \$154,814.77 higher than last year, primarily due to increased income tax collection; property tax collection rates have also improved. Revenues in December exceeded projections by approximately \$2,589.83.

General Fund surplus for the year, including \$20,000 transfers to the Village Hall, Police Cruiser and Service Truck Capital Fund was \$51,251.11.

Other Fund Activity and Misc: We paid Anderson Heating and Cooling for after the completion of the HVAC improvement project in the amount of \$32,495.00- this was paid out of the American Relief Plan Fund (2152). We also received our quarterly sewer infrastructure reimbursement from the Lake County Department of Utilities in the amount of \$6447.00; this benefits our Sanitary Sewer Funds (debt and maintenance). Only \$200 in refunds were issued from the 9901 Hall Rental Security Deposit Refund FUND. There was no other significant activity in other Funds.

The Fiscal Officer also provided an annual review of revenue, expenditures, beginning fund balances and ending fund balances for 2022 as required by ORC 733.43, 733.45, 733.47, and 733.14.

e. Police Chief- Monthly Report- Chief Scofield read the monthly activity report: there were 7 911 calls, 1 accident report, 1 administrative referral, 1 animal complaint, 6 calls requesting assistance, 39 community policing events, 1 disabled vehicle, 1 disturbance, 2 harassment complaints, 73 house checks, 12 investigations, 1 litter complaint, 1 lockout, 2 telephone complaints, 2 parking violations, 3 suspicious circumstances, 1 tree call, and 3 welfare checks for a total of 157 events.

The Police Chief also spoke about the guardrail repair (question was posed by Gary Gray last month about using reflective materials), the reason for the difference in appearance of newer section on left side (non-reflective) versus old section on right side (reflective, shiny metal), and the reasoning for the change in materials used as recommended by the Ohio Department of Transportation. Impaired drivers are actually more attracted to reflective metal, and similar structures, particularly at T-Intersections. There was additional related discussion, and it was also noted that at one time there was no guardrail, but instead a line of pine trees.

f. Zoning/Property Maintenance- Gary Gray was absent, however, the Mayor indicated that 1 siding permit was issued.

### **Purchases & Approvals:**

**a. A motion to approve the December, 2022 Financial Reports-**

Mr. Joyce made a motion to approve the December 2022 Financial Reports.

Mr. Konrad seconded the motion; roll call, all were in favor of approving the monthly financial reports.

b. Approval of Payment to Supreme Tree (Damian Mitchell)

Mr. Thompson made a motion to approve a payment of \$750 to Supreme Tree for removal of right of way tree on Owaissa; Mr. Joyce seconded the motion. All were in favor of approving the payment.

**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):

- There were no other comments from the public, however, a discussion about rental properties and renters being excluded from access to the beach.
  - Renters are excluded; this goes back to Court Case.
  - Also is specified in Village Ordinance.
  - Restrictions go back to the original deed.
  - Could Council act upon?
    - Discussion of whether it could be challenged.
    - Mayor read part of the Ordinance.
    - Mr. O'Leary indicated that the opportunity to appeal Judge Lucci's decision expired 30 days after the opinion was issued. A new action in Court would be required in order to bring it back up; he does not recommend that. He did note that Council could look at other areas in the Parks Ordinance that may need revision.

**Editor's Note:** for additional details and discussion, please see our You Tube Page link for this meeting: <https://www.youtube.com/watch?v=j6v2i7pD5HE>

**Adjournment**

Mr. Joyce made a motion to adjourn the meeting. Mr. Konrad seconded the motion. Roll call: all were in favor. Meeting adjourned at 7:28 PM.

Called by: Mayor

Posted

**Our next regular meeting is Tuesday, February 21, 2023 at 6:30 PM.**

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**Fiscal Officer, John H. Roskos**

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**Mayor, John Marra**