

COUNCIL MEETING MINUTES (DRAFT)  
VILLAGE OF TIMBERLAKE

Tuesday, December 20, 2022

**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, Dr. Sharma, and Kevin Thompson.

**Personnel in Attendance:**

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

**Public Comment, Good & Welfare:**

- NONE

**Reading & Disposition of the Minutes:**

- Regular Council Meeting, November 15, 2022 – Mr. Joyce made a motion approve the minutes of the September, Regular Council Meeting.

Mr. Thompson seconded the motion. Roll call: all were in favor of approving the minutes, except Mr. Konrad whom abstained.

**Executive Session to Consider the Compensation of a Public Employee or Official**

Dr. Sharma made a motion to enter executive session to consider the compensation of a public employee or official. Mr. Thompson seconded the motion. All were in favor of entering executive session.

**Return to Regular Session**

Dr. Sharma made a motion to return to Regular Session; Mr. Joyce seconded the motion. All were in favor of returning to Regular Session.

**Legislation:**

- Resolution No. 2022-44 (3<sup>rd</sup> Reading)

A resolution approving the Permanent Appropriations Funds for the Village of Timberlake, Ohio for the Year 2023 as amended and declaring an emergency.

A motion was made by Mr. Joyce to approve Resolution No. 2022-44

Mr. Konrad seconded the motion. The Resolution has been amended to include appropriations for a \$1.00/hour increase for non-salaried employees, as well as taking into account funding for Holiday Shifts/Benefit Times (Vacation) for Salaried Employees.

**Roll call: all were in favor of the Resolution.**

b.) Resolution No. 2022-45 (3<sup>rd</sup> Reading)

A resolution authorizing the Fiscal Officer to transfer sixty thousand dollars (\$60,000.00) from the General Fund (1000) as follows: twenty-thousand (\$20,000.00) to the Police Cruiser Fund (4901); twenty-thousand (\$20,000.00) to the Service Truck Capital Fund (4902) and twenty-thousand (\$20,000.00) to the Village Hall Capital Fund (4903) for the Current Fiscal Year 2022 and declaring an emergency.

A motion was made by Mrs. Marra to approve Resolution No. 2022-45.

Mr. Joyce seconded the motion. Roll call; all were in favor of the Resolution.

c.) Resolution No. 2022-46 (3rd Reading)

A resolution authorizing the Fiscal Officer to transfer forty-four thousand six hundred and twenty dollars (\$44,620.00) from the General Fund (1000) to the Paving Improvement OPWC Debt Service Fund (3902) for the Fiscal Year 2023 and declaring an emergency.

A motion was made by Mrs. Hardwick to approve Resolution No. 2022-46.

Mr. Joyce seconded the motion. Roll call; all were in favor of the Resolution.

d.) Resolution No. 2022-48 (Suspend Rules)

A resolution authorizing the Mayor to adopt the 2022 Lake County Hazardous Mitigation Plan adopted by the State Emergency Management Agency, and Declaring an Emergency.

A motion was made by Mrs. Marra to suspend the three reading rule;

Mr. Joyce seconded the motion. Roll call; all were in favor of suspending the rules.

A motion was made by Mr. Konrad to approve Resolution No. 2022-48.

Dr. Sharma seconded the motion. Plan is already in place; this is just to put something formal on the books (according to Mr. O'Leary).

**Roll call: all were in favor of the Resolution.**

e.) Resolution No. 2022-49 (Suspend Rules)

A resolution amending the permanent appropriations funds for the Village of Timberlake, Ohio for the Year 2022 and declaring an emergency.

A motion was made by Mrs. Marra to suspend the three reading rule;

Mr. Joyce seconded the motion. Roll call; all were in favor of suspending the rules.

A motion was made by Mr. Joyce to approve Resolution No. 2022-49.

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

f. Resolution No. 2022-50 (Suspend Rules)

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

A motion was made by Mr. Joyce to suspend the three reading rule;

Mr. Thompson seconded the motion. Roll call; all were in favor of suspending the rules.

A motion was made by Mrs. Marra to approve Resolution No. 2022-50.

Mrs. Hardwick seconded the motion. Mr. O'Leary summarized the situation related to this promotion; he suggests that the Village may want to look at allowing the Mayor to appoint on a preliminary basis between meetings, and then have Council confirm. He will write up a draft for the next Council Meeting.

Roll call; all were in favor of the Resolution.

g.) Resolution No. 2022-51 (Suspend Rules)

A resolution authorizing the Mayor and Fiscal Officer to enter into an agreement with Love Insurance Agency to provide for the continuation of property and casualty insurance coverage for Village Property and declaring an emergency.

A motion was made by Dr. Sharma to suspend the three reading rule;

Mrs. Marra seconded the motion. Roll call; all were in favor of suspending the rules.

A motion was made by Mr. Joyce to approve Resolution No. 2022-51.

Dr. Sharma seconded the motion. Mr. Konrad inquired as to whether there has been a change in cost. The Fiscal Officer said that the premium went up about \$1,300 primarily due to claims from legal cases. Dr. Sharma inquired as to whether The Ohio Risk Plan is still the best option for the Village; yes, it has the lowest cost and offers the best coverages for the Village (according to Fiscal Officer). Mr. Konrad asked if we have a list of claims; Mr. Roskos said we can ask for a list from Love Insurance with more details.

**Roll call: all were in favor of the Resolution.**

h. Ordinance No. 13-2022 (Suspend Rules)

An ordinance granting approval and consent to the Director of the Ohio Department of Transportation Authority to apply, maintain, and repair standard longitudinal pavement markings and erect regulatory and warning signs on State Highways inside Village Corporation Limits, and giving consent of the Village for the Ohio Department of Transportation to remove snow and ice and use snow and ice control material on State Highways inside the Village Corporate Limits, and giving consent of the Village for the Ohio Department of Transportation to perform maintenance and/or repair on State Highways inside the Village Corporation.

A motion was made by Mr. Joyce to suspend the three reading rule;

Mrs. Marra seconded the motion. Roll call; all were in favor of suspending the rules.

A motion was made by Mr. Konrad to approve Ordinance No. 13-2022.

Mr. Joyce seconded the motion. There was some discussion on what this covered, including whether ODOT would be responsible for the guardrail or potential signage (warning lights, reflective tape, et cetera. The Fiscal Officer read a paragraph from the Ordinance, indicating that the agreement would only cover "...the application, maintenance, and repair of standard longitudinal pavement markings and the erecting of regulatory and warning signs..."

**Roll call: all were in favor of the Ordinance.**

**Reports:**

a. **Mayor:**

- Received an email regarding the Lake County Emergency Notification system; residents can register online to receive notifications. The Mayor will place a link on the website.
- The Mayor reviewed the events related to the elimination of the Income Tax Credit: "In April of 2018, the Village Council after Three Readings, voted to remove the Income Tax Credit for tax paid to other municipalities as of January 1, 2018. Subsequently, the documentation was forwarded to CCA, our income tax collection agency at the time. CCA never implemented the removal of the tax credit, nor did the Village Administration follow-up with CCA to ensure implementation. The oversight was discovered by our Fiscal Officer earlier this year. After notifying the Mayor, and legal counsel, along with eventual discussions with the current Village Council at a Work Session over the summer, Mr. Roskos contacted CCA, RITA, and the Tax Commissioner of Ohio regarding the failure of the Village to implement the elimination of the Tax Credit and sought guidance on how to correct the situation. RITA followed up late this summer with the Fiscal Officer, Mayor, and Legal Counsel regarding options to correct the situation. Several options were presented, including collecting additional taxes that would have been owed for the period after January 1, 2018, collecting only a portion of the taxes (for instance, going back to the beginning of 2022), or defer the effective date of the elimination of the tax credit until January 1, 2023. The Village Council was presented with these options, and asked legal counsel to draft a Resolution that would defer the effective date until January 1, 2023. After three readings (September, October, November 2022), the Village Council voted to approve the Resolution to defer the effective date. As a result of this legislation, RITA will NOT go back to collect taxes that would have been owed as a result of the elimination of the income tax credit during the periods of 2018 through 2022. Further, effective January 1, 2023, no income tax credit will be given by Timberlake for income taxes paid or withheld for other cities."
- The Mayor noted there is additional information on the Village website regarding RITA.

- The Village is ready to put out luminaries.
- We are trying our best to keep the roads clean, and the service truck running.
- Village Club did a wonderful job on the Christmas Party; hope to get more people to attend next year. Merry Christmas and Happy New Year!

**b. Solicitor:**

- He will draft legislation on the Mayor taking action on police officers (in between Council Meetings).
- He thanked Mr. Roskos for all the work he does on behalf of the Village, the various issues he has helped uncover, and resolve for the Village, as well as being constantly in contact regarding legislation. Thank you for your faithful service!
- He also wished everyone a Merry Christmas.

**c. Council Members:**

**Cynthia Hardwick**

- Mrs. Hardwick spoke about the residential lockbox available from the Eastlake Fire Department for a cost of \$25; it takes about 5 minutes to install. This is a box for EMS to access your housekey. She will put information on the website, and in the Timberlake Times.
- Mrs. Hardwick mentioned that the Lake County Foster Parents Association inquired whether the Village would donate time at the Hall for a presentation. It would be an Open House; 2 hours on a week day from 6-8 PM, Tuesday, Wednesday, or Thursday.
  - Council had no objections to allowing the group to use the Hall free of charge.
- We have a half dozen rentals booked so far for next year.

**Ryan Konrad**

- Mr. Konrad said there was not much to report, since the ground has started to freeze. Hopes that the sewers hold up.
- Asks for greater police presence at school bus pick-up times; cars are driving around stopped buses.
- Wishes everyone a Merry Christmas and Happy Holidays; it has been a good time on Council- hopes for additional progress in 2023.

**Jerry Joyce**

- Nothing to report; Fiscal Officer keeps him informed when needed.
- Mr. Joyce echoed the Mayor's comments on the Christmas Party; the Village Club had to change caterers. Small group, but still great, gift giving was more personable this time.
- Village looks festive this year with all the light displays.
- Wishes everyone a Merry Christmas and Happy New Year. It has been a fun half year on Council.

**Nancy Marra**

- Thanks the Village Club for organizing the Christmas Party.

- The Village Club will donate a tree for the Village Hall in honor of Ron Mona; they are no longer asking for donation. The Mayor noted that they will relocate the Magnolia Tree and place there; this area should provide some protection from the wind. Ron Mona loved decorating for Christmas, and thinks this will be a great tree for that.
- Also, mentioned that the Village Club is low on membership and needs volunteers.
- Merry Christmas and Happy New Year!

**Dr. Ritu Sharma**

- Was sorry to miss the Christmas Party this year.
- Thanked everyone for supporting the Memorial she had for family that was kidnapped and killed.
- She received some information from Pete Formica regarding possible grants to restore our beach steps, as well as restore wildlife and vegetation (National Fish and Wildlife Foundation).
- Dr. Sharma would like to thank residents for their unwavering support, and the Council. She announced that she would like to step back now from Council, as she may be moving to the West Coast. Council and the Mayor thanked her for her service.
- She wished everyone a Merry Christmas and Happy New Year.

**Kevin Thompson**

- There was a tree incident last month next to Parcel A involving fallen branches on power lines, causing a power outage. First Energy took care of, and another contractor took the lumber. The Mayor and Officer Simone deserve credit for getting the situation handled safely.

Mrs. Hardwick had an addition to her report, commenting on how the generator helped keep the Village Hall and Police Department going during the power outage. She noted also that she received a request from a resident to revisit updating the Parks Ordinance; would like to take a look again with the Committee in March. Merry Christmas to Police, Council, and Residents here.

**d. Fiscal Officer:**

**Monthly Financials-** General Fund- ending balance through November 30, 2022 is \$378,607.15. Month to date revenue was \$29,386.31 vs expenditures of \$56,393.45 a net difference of **-\$27,007.14**. Expenditures were \$20,647.06 more than originally estimated and higher than most months due to a Third Payroll, American Legal Ordinance Update payment, and Worker's Compensation payment due for next year. Originally, the third payroll would have landed in December, but payroll dates were shifted two days earlier this year.

General Fund Revenue through November 30, 2022 is up \$148,122.21 versus last year, primarily due to increased income tax collection; property tax collection rates have also improved. Revenues in November exceeded projections by approximately \$9,657.14.

Estimated General Fund surplus based on current expenditure rates will be approximately \$57,427 with the transfers to the Village Hall, Police Cruiser and Service Truck Capital Fund of \$20,000 each.

Other Fund Activity and Misc: Our bi-annual loan payment for our Street Improvement Loan was made to CNB Bank (parent company of Erie Bank) from Fund 3902 in the amount of \$21,177.78; this money was originally transferred from the General Fund. \$1,025 in refunds were issued from the 9901 Hall Rental Security Deposit Refund FUND. There was no other significant activity in other Funds.

e. Police Chief- Monthly Report- There was 1 911 call, 2 administrative referral calls, 1 alarm call, 1 animal complaint, 6 requests for assistance, 55 community policing events, 1 disturbance, 1 harassment complaint, 50 house checks 9 investigations, 1 juvenile complaint, 1 phone complaint, 1 parking violation, 1 property maintenance violation, 1 suspicious circumstance, 1 suspicious person, and 1 tree issue for a total of 134 events.

f. Zoning/Property Maintenance- Gary Gray reported that there were 7 permits issued, including 3 contractor registrations, 1 Furnace Permit, 2 Sewer Permits, and 1 permit for Interior Remodeling. He also reported that 5 Nokomis has been purchased, and will be renovated by an investor.

### **Purchases & Approvals:**

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

Mrs. Marra made a motion to approve the November 2022 Financial Reports.

Mr. Joyce seconded the motion; roll call, all were in favor of approving the monthly financial reports, except Dr. Sharma whom abstained.

b. **A motion to approve payment to Anderson Heating and Cooling-**

Dr. Sharma made a motion to approve a payment of \$32,495 to Anderson Heating and Cooling; Mr. Konrad seconded the motion. Roll call: all present were in favor of approving the payment.

There was some discussion on the improvements garnered as a result of the new HVAC installation. Chief now has heat; Mayor noted that there are a few punch list items to take care of including the noise from the fan, otherwise good. Fixed the situation with duct work in the front of the Hall; added registers in front and in kitchen (they are adjustable). Better heat in the bathrooms; positive comments from Officers. Air Conditioning also now available upfront. Hall will be better for Weddings, Events; thermostat is available remotely. There were additional related comments.

**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):

- Gary Gray, Keewaydin Drive
  - Had a question about the Guardrail that was just replaced.
    - Commented that there is no reflective tape on the guardrail; cannot see it well. Maybe install blinking lights?
    - The Mayor noted that a car actually hit the guardrail, while it was headed east on Lake Shore Blvd; driver walked away from wreck (without serious injuries).
    - There was additional discussion regarding the guardrail and the house.
    - Installation of a stone or brick wall would be unwise according to Mr. O'Leary; guardrail has some give to it.
      - Probably should ask ODOT about signs (O'Leary).
      - The Chief will look into it
    - There was more related discussion on this topic.
  
- Mrs. Marra asked residents that if you see luminaries that are not lit, please help out and also volunteer for the islands. Mr. Joyce also mentioned that some older residents may not be able to help this year, and encouraged people to help (and also help light the island luminaries).
- Mayor said it has been a pleasure working with everyone this year, got a lot done, and saved money keeping on top of things; couldn't do it without all of your help. He also thanked Dr. Sharma for her service.

**Editor's Note:** for additional details and discussion, please see our You Tube Page link for this meeting: <https://www.youtube.com/watch?v=rAjj6x2d5qA>

### **Adjournment**

Mr. Konrad made a motion to adjourn the meeting. Mr. Joyce seconded the motion. Roll call: all were in favor. Meeting adjourned at 7:31 PM.

Called by: Mayor

Posted

**Our next regular meeting is Tuesday, January 17, 2023 at 6:30 PM.**

---

**Fiscal Officer, John H. Roskos**

---

**Mayor, John Marra**