

COUNCIL MEETING MINUTES (DRAFT)
VILLAGE OF TIMBERLAKE

Tuesday, October 17, 2023

Work Session 5:30 PM

Meeting began at 5:30 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, Margaret Joyce, Ryan Konrad, Nancy Marra, and Kevin Thompson.

Personnel in Attendance:

John H. Roskos	Fiscal Officer
Susan Scofield	Chief of Police

Discussion:

- a. Review and Input from Council and Administration on Proposed 2024 Budget
 - The Fiscal Officer reviewed budget line items and related details.
 - Mr. Joyce inquired why we are planning deficit spending; Fiscal Officer explained the historical budgeting process in Timberlake. Typically, we use conservative estimates for revenue and a more aggressive approach for expenses.
 - Fiscal Officer reviewed a number of line items individually and explained the amount of leeway there is in each area.
 - Mr. Joyce asked a question about the use of the emergency clause, and why it is necessary; Mr. Roskos referred him to Mr. O'Leary.
 - Fiscal Officer reviewed additional important changes in line items from 2023 to 2024, particularly proposed wage increases for the Police Department and Service Department.
 - Mr. Konrad asked about proposed cost of living adjustments; related discussion occurred.
 - Approximate cost for wage increases would be \$15,000.
 - No funds have been spent in the Village Hall Capital Fund yet
 - i. Still need a proposal for what work will be completed; discussion occurred regarding potential roof repairs
 - ii. Funds need to be spent within 10 year or they revert to the General Fund
 - Fiscal Officer explained the difference between a carryover and surplus, as well as the reversion of appropriations at year end.
 - Fiscal Officer reviewed and explained the approved vendor list in the proposed 2024 budget; most are for utility or recurring bills.
 - Discussion occurred regarding vacation and sick days for the Chief.

- i. Legal discussion transpired regarding what benefits the Chief is entitled to; Mr. Joyce believes it is up to the Village Council. Additional discussion regarding this topic.
 - Discussion of Holidays for the Chief and shift coverage
 - i. A floating holiday was discussed; cost would be none or very minimal. Additional related discussion occurred.
 - Discussion of Chief's salary, time and a half pay, and related items.
- b. Discussion of Feeding Animals
 - Mrs. Marra says we will to further discuss this next month.
 - Council receives many complaints about feeding animals, including rodents.
 - There are volunteers in neighborhood for feral cat communities.
 - i. Euclid Pet Fix was contacted for information; it is \$75 to rent a cage. Additional details were provided on the trap, neuter, and release program, and other offerings.
 - ii. We are down to about 4-5 feral cat communities in the Village
 - Mrs. Marra noted that corn is not healthy for deer, as they cannot digest. Additional details were provided.
 - There was additional discussion related to rodents, and cats, as well as issues in the Village with ticks and fleas.
 - Mrs. Marra proposed a Parks Committee Meeting, and would also like Mr. O'Leary to look into potential legislation regulating the feeding of animals.

Adjournment

Mr. Konrad made a motion to adjourn the meeting. Mr. Joyce seconded the motion. Roll call: all were in favor. Meeting adjourned at 6:29 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, Margaret Joyce, Ryan Konrad, Nancy Marra, and Kevin Thompson.

Personnel in Attendance:

John H. Roskos	Fiscal Officer
Susan Scofield	Chief of Police

Public Comment, Good & Welfare:

- Stan Roediger, 10 East Shore Blvd.
 - Noted that he attended the work session and observed discussions.
 - Asked about overtime and benefits for the Police Department; inquired as to why Ordinance 5-2023 was tabled and questioned why the Village doesn't have a written policy regarding benefits. Believes it should be there.
 - Inquired about a liquor control board complaint about Family Days; why didn't they get a permit?
 - Noted the sewer problem in front of his house and provided more details; believes it is in the Village right of way.
- Jane Shaveyco, 14 East Shore Blvd.
 - Noted flooding the occurred in fire lanes; has the problem been assessed and why isn't the water draining
 - Commented on speeding in the Village, particularly on Keewaydin and Minnewawa; related her experience where she had to jump out of the way due to speeding car.
 - Can we make the speed limit slower or work with Eastlake regarding Lake Shore speed problem, as well?
- Holly Goddard, 10 East Shore Blvd.
 - Inquired as to why everything is passed as an emergency; does not believe it is necessary, and can be prevented with better planning.
 - The Fiscal Officer provided clarification on the proposed budget Resolutions, which will be placed on three readings.
 - Fiscal Officer indicated that Mr. O'Leary is more qualified to provide a detailed explanation of the emergency clause, its use and history.
- Elizabeth Laub, 9 East Shore Blvd.
 - Inquired about the status of the August 25 incident involving Council President Cindy Hardwick
 - She read this statement regarding her account of events:

“On August 25th , 2023 I was yelled at and called profane names by Council President Cindy Hardwick. The encounter was witnessed by several neighbors and verbal complaints were made to the Police Chief. The Lake County Sheriff's department did an investigation, reviewed the video tape and made a transcript of the incident, which I received a copy of through a Public Records request. I chose to not make a police report but instead, sent an email to Mayor, Council members, Attorney and Police chief a formal request to review the video and audio tape and address the incident, quickly, discretely and professionally. I received no response from any of the recipients. The September Council meeting took place and my request was not addressed.

It was not until Friday, October 5 th when Nancy and John Marra knocked on my door and handed me a re-election flyer for John Marra that a discussion was had regarding my formal request to address the incident. During the conversation both John and Nancy Marra assured me that the incident would be reviewed in executive session at the next Council meeting. Later that night, Mayor Marra copied me on an email to the Police Chief stating,

“Chief, Upon speaking with Mrs. Laub, please send me a copy of the video/audio tape of the Aug. 25 th incident you provided her. I need it for council to review in executive session at the next council meeting.”

Being intimidated, yelled at and called profane names while standing in my driveway, in front of several witnesses, is conduct unbecoming of an elected official who took an oath of office...and needs to be addressed.”

Reading & Disposition of the Minutes:

- a. Regular Council Meeting, September 19, 2023 – Mr. Joyce made a motion approve the minutes of the September 2023 Regular Council Meeting.

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

Legislation:

- a. Resolution No. 2023-30 (Rules Suspended)

A Resolution declaring the amount of taxes which may be raised within the ten mill limitation will be insufficient to provide for the necessary requirements of the Village of Timberlake, and providing for the submission of a 3.6 mill renewal tax levy in excess of the ten mill limitation at the primary election to be held on March 19, 2024, and declaring an emergency.

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

Mrs. Marra made a motion to approve Resolution No. 2023-30; Mrs. Joyce seconded the motion; discussion occurred as to the reason for the use of the emergency clause. The Fiscal Officer indicated this in case there are issues with the language of the Resolution, and if so, we would have enough time to fix.

Roll call- all were in favor of Resolution No. 2023-30.

- b. Resolution No. 2023-31 (Rules Suspended)

A Resolution declaring the amount of taxes which may be raised within the ten mill limitation will be insufficient to provide for the necessary requirements of the Village of Timberlake, and providing for the submission of a 4.6 mill renewal tax levy in excess of the ten mill limitation at the primary election to be held on March 19, 2024, and declaring an emergency.

Mr. Joyce made a motion to suspend the three reading rule; Mrs. Joyce seconded the motion to suspend the three reading rule. Roll call: all were in favor of suspending the rules.

Mrs. Marra made a motion to approve Resolution No. 2023-31: Mr. Joyce seconded the motion; roll call- all were in favor of Resolution No. 2023-31.

c. Resolution No. 2023-32 (Rules Suspended)

A Resolution declaring the amount of taxes which may be raised within the ten mill limitation will be insufficient to provide for the necessary requirements of the Village of Timberlake, and providing for the submission of a 5.8 mill renewal tax levy in excess of the ten mill limitation at the primary election to be held on March 19, 2024, and declaring an emergency.

Mr. Joyce made a motion to suspend the three reading rule; Mr. Thompson seconded the motion to suspend the three reading rule. Roll call: all were in favor of suspending the rules.

Mrs. Marra made a motion to approve Resolution No. 2023-33: Mrs. Hardwick seconded the motion; Mr. Konrad inquired as to the purpose of these Resolutions. Fiscal Officer provided an explanation of the process of placing a renewal levy on the ballot.

Roll call- all were in favor of Resolution No. 2023-33.

d. Resolution No. 2023-33 (1st Reading)

A Resolution approving the Permanent Appropriations Funds for the Village of Timberlake, Ohio for the Year 2024 and declaring an emergency.

Resolution No. 2023-33 was presented for first reading.

e. Resolution No. 2023-34 (1st Reading)

A Resolution authorizing the Fiscal Officer to transfer forty thousand dollars (\$40,000.00) from the General Fund (1000) as follows: twenty-thousand (\$20,000.00) to the Police Cruiser Capital Fund (4901) and twenty-thousand (\$20,000.00) to the Village Hall Capital Fund (4903) for the current Fiscal Year 2023, and declaring an emergency.

Resolution No. 2023-34 was presented for first reading.

f. Resolution No. 2023-35 (1st Reading)

A resolution authorizing the Fiscal Officer to transfer forty-three thousand dollars (\$43,000.00) from the General Fund (1000) to the Paving Improvement OPWC Debt Service Fund (3902) for the Fiscal Year 2024, and declaring an emergency.

Resolution No. 2023-35 was presented for first reading.

g. Resolution No. 2023-36 (Rules Suspended)

A resolution appointing Fred Beverly as a Patrolman with the Village of Timberlake Police Department pending background and drug testing and declaring an emergency.

Mr. Joyce made a motion to suspend the three reading rule; Mr. Thompson seconded the motion to suspend the three reading rule. Roll call: all were in favor of suspending the rules.

Mrs. Marra made a motion to approve Resolution No. 2023-36: Mrs. Joyce seconded the motion; Fred Beverly retired from the Cleveland Police Department in 2020 with 26 years of service. He currently works security at a school; friend of another officer; additional details were provided on how he became interested in the position. He would be working about 1 day per week or 4 days per month; has varying days of availability. Additional discussions transpired on amount of availability. There was also discussion on the change in text of the Resolution from a Special Officer to a paid Officer; Chief confirmed with OPOTA, that Fred Beverly could start immediately as regular Officer. He has agreed also to pay for the required Refresher Course.

Roll call- all were in favor of Resolution No. 2023-36.

h. Resolution No. 2023-37 (Rules Suspended)

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

Mrs. Hardwick made a motion to suspend the three reading rule; Mr. Joyce seconded the motion to suspend the three reading rule. Roll call: all were in favor of suspending the rules.

Mrs. Marra made a motion to approve Resolution No. 2023-37: Mr. Thompson seconded the motion; the Fiscal Officer indicated that appropriations are running low for payroll expenses in Trees and Parks, so additional funds are needed in this area, as well as related tax withholdings and OPERS.

Roll call- all were in favor of Resolution No. 2023-37.

i. Ordinance No. 10-2023 (1st Reading)

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

Ordinance No. 10-2023 was presented for first reading.

Reports:

- d. **Fiscal Officer:**
Monthly Financials:

General Fund- ending balance through September 30, 2023 is \$406,436.62. Month to date revenue was \$57,696.43 vs expenditures of \$44,085.81 for a net surplus for the month of \$13,610.62. Expenditures were \$4,086 more than anticipated; this was due to higher than estimated payroll expenses (police and service department), and other miscellaneous costs.

General Fund Revenue through September 30, 2023 is \$1931.35 less than last year. Revenues in September were approximately \$4,697 more than estimated; this was a combination of an unexpected Insurance Claims receipt of \$11,000, along with lower than estimated Income Tax revenues.

At this time, based on current estimated spending rates and revenue , we estimate a surplus for the General Fund this year of around \$55,692.34; this would not include any additions to the Village Hall or Police Cruiser Capital Funds. If the estimated surplus declines, we will need to consider reducing or eliminating transfers to our Capital Funds at the end of this year. Also, the Village will need to maintain conservative spending versus total appropriations to achieve a surplus; for example, total spending in the General Fund in 2022 was \$647,712 versus total permitted appropriations of \$761,708.

Other Significant Fund Activity and Misc: we received our quarterly reimbursement check from Lake County Department of Utilities for infrastructure fees, which benefits our Sanitary Sewer Maintenance Fund (2901). \$234 in refunds were issued from the 9901 Hall Rental Security Deposit Refund Fund.

a. Mayor:

- Leaf machine bearings have been replaced and machine is ready to go.
- The salt spreader has been mounted on the new truck.
- The Mayor asked for a back-up volunteer for plowing.
- Debris has been mostly cleaned up from the storm.
- Mr. Joyce will address why Ordinance 5-2023 was tabled.
- Mr. O’Leary will answer the question about the liquor control complaint when he is here.
- Service Department has materials to repair the catch basin near Mr. Roediger’s home.
- The Village does not have enough money to do most sewer projects.
 - i. Discussed the reason for setting aside money in capital funds, and how it helps with matching funds for grants.
 - ii. Noted that our sewers are gross undersized.
 - iii. Has been in contact with engineer and others, regarding sewer projects and grants; additional details were provided.
 - iv. Matching funds are needed for grants.
- Will look at flooding again near Shaveyco’s (14 East Shore)
- Chief will address issues with speeding

b. **Solicitor:** No report

c. Council Members:

Cynthia Hardwick- No Report

Ryan Konrad

- Need manpower to complete catch basin repair
- Spoke about speeding- noted that officers have been present on Lake Shore (by the brick road)- drivers only temporarily slow down though.
 - Resident says he was almost hit by car on Lake Shore, while trying to put garbage cans out; additional details were provided.
 - Thinks we should pull more people over, but doesn't think it should be a revenue stream.
- Additional discussion regarding the catch basin
 - Systemic project needed
 - Would look at a multiple-phase project
 - We are trying to save money towards sewers
 - Process for getting funding is slow; Village is starting to make some connections with grant organizations, such as NOACA
 - Plan to clean catch basins before the winter

Jerry Joyce

- Spoke regarding Ordinance 5-2023; he was not on Council at the time of the Chief's hiring
 - His understanding was that the Chief did not request benefits at that time.
 - Mr. Joyce in consultation with Mr. O'Leary and an employment attorney do not believe that Village is required to provide benefits.
 - Funds were appropriated this year to cover paid time off and sick leave for the Chief
 - Does not object to providing benefits; thinks they would help recruit officers
 - Should go in handbook if established; additional details were provided.
 - Didn't have a good handle on costs; wanted more details on the estimated cost
 - Currently the Village only has 1 official full-time employee, noted that Det. Sgt. Swanson is also working full-time hours currently.
 - Doesn't believe it was fair to saddle a potential new Mayor with new costs

Margaret Joyce

- She noted that she will try to get feedback on sidewalks from those she didn't have a chance to speak to
- Would like to work with Mrs. Marra on the animal issue

Nancy Marra

- Said that Council will have an executive session tomorrow regarding August 25 incident

Kevin Thompson

- Discussed a potential reason for use of the emergency clause.
 - Partly, this is due to the lack of meetings per month.
- Talked about trees marked with ribbons by Service Department; some will be pruned, others may be taken down. This may be a large project.

e. Police Chief- Monthly Report-

- There were 2 administrative referrals, 4 animal complaints, 5 requests for assistance, 54 community policing checks, 1 disturbance, 56 house checks, 3 calls for information, 13 investigations, 1 juvenile complaint, 1 neighbor complaint, 3 patrol requests, 2 phone complaints, 2 parking violation complaints, 1 suspicious person, 1 traffic complaint, 2 traffic details, 1 vandalism complaint, and 1 welfare check for a total of 154 events.
- Spoke about issues with hiring officers; this is a nationwide issue
 - Referenced department in Minnesota left without coverage
 - Is grateful for raises, but it is an uphill battle
 - Hard to recruit given pay differential versus Eastlake
 - Left news article to share for those interested
 - Discussed issues with police academies; 1 shutdown due to insufficient recruits. Throwing more money is not the only answer.
- Has officers complete 1 patrol every 2 hours; provided additional details.
- Has received many thank yous for residents for what our officers are doing
- Police can sit on aprons, but traffic poses a safety risk to officer and car; noted that the dirt triangle (on Lake Shore) is not Timberlake property.

f. Zoning/Property Maintenance-

- Gary Gray is not here, but he shared with Mayor that there were 2 driveway, and 2 roof permits last year.

Purchases & Approvals:

a. **A motion to approve the September, 2023 Financial Reports-**

Mr. Joyce made a motion to approve the September, 2023 Financial Reports. Mr. Konrad seconded the motion; roll call, all were in favor of approving the monthly financial reports.

b. **A motion to approve payment of \$4,295.00 to Anderson Heating and Cooling for a Reznor UDX-45 heater and Plasma Pure Air Purifier.**

Mr. Konrad made a motion to approve the **payment of \$4,295.00 to Anderson Heating and Cooling for a Reznor UDX-45 heater and Plasma Pure.**

Mr. Thompson seconded the motion; roll call, all were in favor of approving the payment. Mayor noted that the air purifier would be installed on October 18.

Mr. Konrad asked about the Pat Flowers Invoice; it just came in today and would be approved during next month's reports.

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):

- Debbie King, 43 East Shore Blvd.
 - Said she has 6-7 trees to donate to the Village (valued at \$25.00 each)
 - Mr. Thompson indicated the Village would be interested
 - They are native trees and ready for planting; additional details of where they came from
 - Fiscal Officer will prepare a Resolution acknowledging donation for next month
 - Asked Chief about examples of complaints
 - Chief provided some instances such as "...a car that people didn't think belonged in the neighborhood" (turned out to be someone using a personal car to make Amazon deliveries)
 - Mrs. King noted that she is familiar with article about police shortages
 - Additional discussion followed on speeding issues in Timberlake; noted that police will not run radar from residential driveways due to liability issues. Noted that the Police do give many warnings for stop sign violations. Related discussion on potential solutions occurred.

Editor's Note: *due to technical difficulties, there was no video recording of this Council Meeting.*

Adjournment

Mr. Joyce made a motion to adjourn the meeting. Mr. Konrad seconded the motion. Roll call: all were in favor. Meeting adjourned at 7:39 PM.

Called by: Mayor

Posted

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

Fiscal Officer, John H. Roskos

Mayor, John Marra