

COUNCIL MEETING MINUTES (DRAFT)  
VILLAGE OF TIMBERLAKE

**Tuesday, November 21, 2023**

**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:**

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

**Public Comment, Good & Welfare:**

- Allen Peterson, 10 Owaissa
  - Mr. Peterson read the following statement regarding our Police Department and Chief:

“To my recollection of the last four police Chiefs our current Chief is the only one who has done and still does regular patrols.

Maybe because of Covid, or the negative attitudes towards police, Chief Scofield has had to deal with more challenging times. During those patrols, I noticed her public relations strategies through giving out dog cookies and interacting with residents. She shows that the police are people too. During last month's council meeting, the Chief explained some of the steps for recruiting staff. At the same time, I was amazed, and I realized the necessary administrative skills that the Chief exhibited through those experiences and the training procedures.

So on behalf of many of the Villagers who may or may not be aware of all the Chief's qualifications and contributions she makes I would like to thank Chief Scofield for her above and beyond dedication to the Police Department and the Village. I feel that we are in great hands. The Village is blessed to have Chief Scofield.”
- Elizabeth Waters, 3 East Shore
  - Spoke about a large tree near her home that was damaged during the Storm of August 25; it is leaning on another tree and threatening her home.
    - She called 3 arborists for quotes to remove the tree

- The neighbor, Mr. Dewey denied access to this driveway to take care of the tree, unless she would sign a disclaimer for access
  - She had a survey completed; the tree is on his property according to the survey.
  - She also sent a certified letter to the neighbor, but he did not pick up and has not responded otherwise.
  - She contacted an attorney, who suggested she contact the Village for a possible resolution to the situation.
  - She is requesting the Village to act to force the neighbor to remove the tree and enforce the Ordinance she believes is applicable (cited the responsibility of homeowners for trees)
  - Additional discussion and details followed on the situation.
- Jane Shaveyco (on behalf of Elizabeth Laub of 9 East Shore Blvd)
  - She read the following statement:
- Cynthia Hardwick (41 East Shore Blvd.)
  - Mrs. Hardwick read the following statement:

“Elizabeth Laub is visiting family and is unavailable to attend tonight’s meeting and has asked I submit the following statement for her... ‘Since I was the victim of Cindy Hardwick’s verbal attack, I have made numerous requests through email, in person, and by phone to have intimidating behavior addressed. Can the Mayor please provide what progress has been made in the addressing the improper conduct of Council President Hardwick.’

“I want to first speak about the Laub/Hardwick encounter that happened on August 25, wow, can you believe 3 months have passed and it still is alive and breathing. I wanted to tell my side of the story and point out all the omissions and inaccuracies that Mrs. Laub’s blurb contained, but I won’t waste my Mayor’s, my Council’s, my Solicitor, and other residents’ time on something so petty and childish. Anyone who knows me, knows there are 2 sides to every story. Does anyone know that I did apologize to Mrs. Laub? This entire debacle is laughable.

And any one who has questions as to why or who turned the Village Club into the Ohio Investigative Unit for Liquor Control, I have the complaint here with me. You are welcome to read it. Again, so many omissions and inaccuracies in the complaint since it was a one-sided attack on me personally and on the Village Club. I have a really funny story about how my picture almost ended up on the walls of the Post Office in a WANTED POSTER. But that’s a story for another time.

I end with a few words of wisdom:

If you've been offended by someone – forgive them. If you've offended someone – apologize. Don't drag around resentment with you. It only serves to make you sad and bitter. It doesn't matter who was right. Someone once said: "Holding a grudge is like taking poison and expecting the other person to die." Don't take that poison. Forgive, forget, and move on with your life.”

- **Mayor John Marra, Good and Welfare:**
  - Thanked residents for coming out and voting on November 7 and thanked them for entrusting him with another term. He said he will continue to persist in improving appearing of Village, improving storm sewer infrastructure, working on restoring the tree canopy, maintain a sound Council, as well as maintaining a surplus for emergencies that arise. He pledged to work diligently and impartially with Council and the Fiscal Officer for the best intentions of the Village.

### **Disposition of the Minutes:**

- a. Regular Council Meeting, October 17, 2023 – Mr. Joyce made a motion approve the minutes of the October 2023 Regular Council Meeting.

Mr. Thompson seconded the motion. Roll call: all were in favor of approving the minutes, except Mrs. Hardwick who voted nay. Motion passed, 5-1.

- b. Special Council Meeting, October 18, 2023 – Mr. Joyce made a motion approve the minutes of the October 18, 2023 Special Council Meeting.

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

- c. Special Council Meeting, October 26, 2023 – Mrs. Marra made a motion approve the minutes of the October 26, 2023 Special Council Meeting.

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

### **Legislation:**

- a. Resolution No. 2023-33 (2<sup>nd</sup> 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 second reading.

- b. Resolution No. 2023-34 (2<sup>nd</sup> 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 second reading.

c. Resolution No. 2023-35 (2nd 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 second reading.

d. Resolution No. 2023-38 (Rules Suspended)

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

Mrs. Marra 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. 2023-38; Mr. Joyce seconded the motion. Fiscal Officer noted that this is for our NOPEC NEC Grant Funds; this is a reimbursing grant and NOPEC will send us funds once we send in quotes and related information.

Roll call- all were in favor of Resolution No. 2023-38.

e. Resolution No. 2023-39 (Rules Suspended)

A Resolution authorizing and directing the Mayor and Fiscal Officer to enter into an agreement with Vitalone's Towing Service Inc. 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.

Mr. Joyce made a motion to approve Resolution No. 2023-39; Mr. Konrad seconded the motion; roll call- all were in favor of Resolution No. 2023-39.

f. Ordinance No. 10-2023 (2nd 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 second reading.

**Reports:**

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

General Fund- ending balance through October 31, 2023 is \$401,951.60. Month to date revenue was \$41,659.65 vs expenditures of \$46,144.67 for a net decline for the month of **\$4485.02**. Expenditures were \$1,855.33 less than anticipated; this was due to lower than estimated miscellaneous expenses .

General Fund Revenue through October 31, 2023 is \$1580.02 more than last year. Revenues in October were approximately \$659 more than estimated.

At this time, based on current estimated spending rates and revenue , we estimate a surplus for the General Fund this year of around \$58,207.32; 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 paid for a new HVAC and Air Purifier for the Police Garage out of our American Relief Plan Fund (2152); the cost was \$4,295. There were no refunds issued from the 9901 Hall Rental Security Deposit Refund Fund in October.

Mr. Konrad inquired about the deficit spending for the month; the Fiscal Officer noted that it was less than expected, and indicated that our highest revenue months are when we receive Real Estate Property Taxes. Some of the other months typically have deficit spending. There also remain some delinquent property taxes (several households), which account for lower than estimated revenues.

**a. Mayor:**

- Noted that the Village will be setting up luminaries on Christmas Eve
- Will be advertising plow truck for bid soon on municibid.com (*Editor's note: it will also be included on the Village of Timberlake website [www.villageoftimberlake.com](http://www.villageoftimberlake.com)*).
- Yard Waste- Republic Services will be picking up through the end of the month.
  - They will also pick up Christmas Trees for the two weeks after Christmas.
  - Contract with Republic Services is up for renewal

**b. Solicitor:**

- Mr. O'Leary passed out a handout of several sample Ordinances dealing with the feeding of animals
  - Can take a look at drafting an Ordinance if Council desires
- He would like to request an Executive Session to discuss pending litigation
- Mr. O'Leary says he will review the second Ordinance discussed by Mrs. Waters regarding tree maintenance.

- He noted that the tree is not in a public right of way
- There was additional related discussion on the topic
- Powers of Cities are different than Villages, since they have charters
  - Additional details were provided; Mrs. Waters also provided additional details on the recent issue with the tree. She also cited a State law, which might pertain to the situation. Mr. O’Leary noted that these laws cover public right of way. There was additional discussion among Council, Mrs. Waters, Mrs. Shaveyco and others.

c. Council Members:

**Cynthia Hardwick**

- Village Hall looks good; thanks to the Village Club for putting up decorations; outside of the Hall looks the best it has in the last six years.
- Reminded residents not to blow leaves into the median; it is against our Ordinance. Same applies to snow.

**Ryan Konrad**

- Commented on the situation related to the tree at 3 East Shore and hopes that Mr. O’Leary will be able to find a resolution.
  - Additional details and discussion followed related to the tree, right of way, and what constitutes a dangerous tree.
- Reviewed quotes on the speed signs
  - This would be covered under the NOPEC NEC Grant
  - Quotes are from Trafficlogix and K & K Systems
    - 1 is on loan already from ODOT; has been rewired, Village will be testing soon. Loaner unit is battery powered; it is an older unit. Proposes putting on the north side of Lake Shore; new unit will be able to collect data.
  - Purchased unit will be solar powered (40 Watt solar panel)
  - Trafficlogix units are 12 and 15 inch letters; 12 inch letters are recommended for areas with 40 mph speed limits and under
  - Loaner is 18 inches (correction: 16 inches)
  - Mr. Konrad recommends going with the 12 inch Trafficlogix quote
    - 1 year cloud package is included; will wait and see on renewing in the future. Unit is Bluetooth capable.
  - Hopes that this will reduce speeding; loaner unit will be installed on utility pole. Purchased unit will be mobile.
  - Loaner unit battery lasts approximately 1 week without recharging.
  - NOPEC NEC grant will cover entire unit according to Fiscal Officer; quote, Resolution passed, and minutes will be sufficient documentation.
  - Council intends to spend NOPEC NEC grant funds on speed sign, new fan and insulation in the Village Hall.
  - Discussion followed on whether to add the dolly cart to the speed sign quote

- Dolly would provide more mobility; Mr. Konrad will follow up with Trafficlogix for an updated quote.

#### **Jerry Joyce**

- We had a Finance Committee between our last Council Meeting; Mr. Joyce also had a follow-up meeting with the Fiscal Officer
  - Was encouraged by Fiscal Officer's identification of increased revenue potential, and challenges in the future.
  - Revenue is likely to be higher than projected in budget, and expenses likely to be lower than expected.
  - Mr. Joyce will have additional comments on additional revenue stream next month
  - Council has a fiduciary responsibility to the residents of the Village
- Village Hall looks great, feels festive; is looking forward to the luminaries this year. Recalled that last year the Winter Storm prevented us from putting them out.

#### **Margaret Joyce**

- Mrs. Joyce noted that she is still working on the survey of residents on Lake Shore Blvd regarding sidewalks; will try to reach those residents (who did not answer the door) by phone
  - She did leave notices in door; will try to use the Village Directory to reach residents. Will see how successful that is, since many numbers have changed, and people have eliminated landlines.

#### **Nancy Marra**

- Thanked Mr. O'Leary for providing information regarding feeding of animals
  - Noted that food left out for animals attracts pests, such as rats.
  - Believes legislation is needed
- Thanked Mr. Konrad for looking into the speed machine
- Village Club Christmas Party is December 2; working hard on getting together

#### **Kevin Thompson**

- Sympathizes with Mrs. Waters regarding the tree situation; appreciates Mr. O'Leary for looking into.
- Have a Happy Holiday week!

#### **e. Police Chief- Monthly Report-**

- Police Chief noted that these are reports that go through Central Dispatch: there was 1 911 Call, 1 Accident, 2 Administrative Referrals, 1 Alarm, 3 Animal Complaints, 3 calls for assistance, 3 Civil Complaints, 1 Court Case, 43 Community Policing Checks (includes Beach, Playground, including ball field), 1 Disturbance, 40 House checks, 15 Investigations, 1 Juvenile Complaint, 2 Phone Complaints, 1 Property Complaint, 1 Theft, 1 Traffic complaint, and 2 Welfare Checks. There were a total of 122 events.

- Spoke about the guardrail at Route 91 and Lake Shore that was damaged again due to an accident
  - Working with the individual's insurance (Nationwide); will be moving forward soon on repairs
  - This was the only part of the guardrail that had not been damaged before
    - Discussed additional details of accident; driver was lucky.

**f. Zoning/Property Maintenance-** No report, Mr. Gray was not here

### **Purchases & Approvals:**

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

Mr. Joyce made a motion to approve the October, 2023 Financial Reports.

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

- Jane Shaveyco, 14 East Shore Blvd
  - Following up on feeding of animals
    - Discussed culling of deer population
      - Mentioned that deer are following people, because they are not afraid; this includes bucks
    - Thinks that feeding of animals should be addressed
    - Mr. Konrad noted issues with deer as well; we cannot eliminate without a licensed hunt
      - Additional related discussion occurred on this subject
    - Chief noted that the police department has received calls regarding a buck with a broken antler
      - Referred information to the game warden (we cannot catch it)
      - Additional related discussion followed.
- Elizabeth Waters, 3 East Shore Blvd
  - Inquired as to when she will hear back on tree issue
  - Mr. O'Leary indicated that it should be before next month's meeting

### **Adjournment to Executive Session to Discuss Pending Litigation**

Mr. Joyce made a motion to adjourn to executive session to discuss pending litigation; Mr. Konrad seconded the motion. Council entered executive session at 7:40 PM. No action will be taken after executive session.

### **Return to Regular Session**



Mr. Joyce made a motion to return to Regular Session at 8:05 PM; Mr. Konrad seconded the motion. All were in favor of returning to Regular Session.

### **Adjournment**

Mr. Konrad made a motion to adjourn the meeting. Mrs. Joyce seconded the motion. Roll call: all were in favor. Meeting adjourned at 8:06 PM.

**Editor's Note:** for additional details and discussion, please see our You Tube Page link for this meeting: [https://www.youtube.com/watch?v=Xz\\_WOwBz\\_AA](https://www.youtube.com/watch?v=Xz_WOwBz_AA)

Called by: Mayor

Posted

**Our next regular meeting is Tuesday, December 19, 2023 at 6:30 PM.**

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**Fiscal Officer, John H. Roskos**

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**Mayor, John Marra**