

Village of Geneva on the Lake
Regular Meeting of Council
Minutes of Meeting 9/20/2021

Mayor Bennett called the meeting to order at 7:00 PM.

Fiscal Office Kimberly McKinley performed roll call and the following council members were present: Jennifer Allison, Cindee Dudeck, Gary Himes, PJ Macchia and Donald Woodward. Absent: Matt Caudill. Also present were Village Administrator Jeremy Shaffer and Interim Police Chief Kyle Cawley. Solicitor Brown arrived late.

The Pledge of Allegiance was recited; a moment of silence followed.

MINUTES TO THE PREVIOUS MEETING: Macchia made a motion, seconded by Allison to approve the minutes of the August 16, 2021 regular council meeting and special council meetings of September 13, 2021. The motion passed with all in favor. Hearing no corrections, the minutes were approved as presented.

PERSONS APPEARING BEFORE COUNCIL: None

PAYMENT OF BILLS: Macchia made a motion, seconded by Allison to approve the payment of bills. The motion passed with all in favor.

Council reviewed reports from the Mayor for the month of August.

POLICE CHIEF REPORT: Interim Chief Cawley provided a written report for the month of August. Department is transitioning into the offseason allowing the department create and accomplish several goals including addressing the evidence room storage.

WORK SESSION REPORT: Fiscal Officer provided a report of the meeting held on September 13, 2021.

FIRE REPORT: The department provided a written report on fire & ambulance calls, and hour statistics for the month of August.

GOLF REPORT: Report provided for month of August.

ADMINISTRATORS REPORTS: Jeremy Shaffer provided a summary on his written report for September. Report included Lake Erie water levels, a Zoning, Street, WWTP and Golf Course report. Administrator Shaffer explained the fish grinding issue at the state park. Also, Administrator said village received \$250K funding from State Capital Budget for bike trail funding and waiting for CT to draw down funds.

RESOLUTION 2021-65: 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. Woodward made a motion, seconded by Macchia to pass Ordinance 2021-65. The motion passed with all in favor.

ORDINANCE 2021-66: AN ORDINANCE ACCEPTING TRANSFER OF RESPONSIBILITY FROM HGLE REAL CO. LLC OVER THE LIFT STATION AND FORCED MAIN SANITARY SEWER LINE CONNECTING COMMON PRIVATE SANITARY SEWER SYSTEM TO THE VILLAGE WASTEWATER TREATMENT PLANT AND DECLARING AN EMERGENCY. Macchia made a motion, seconded by Allison to pass as an emergency. The motion passed with all in favor. Macchia made a motion, seconded by Allison to waive the three reading rule. The motion passed with all in favor. Macchia made a motion, seconded by Allison to pass Ordinance 2021-66. The motion passed with all in favor.

ORDINANCE 2021-67: AN ORDINANCE AMENDING ORDINANCE 2019-49 BY INCREASING VILLAGE SEWER FEES BY 5.5% AND NOT DECLARING AN EMERGENCY. **1st Reading.**

ORDINANCE 2021-68: AN ORDINANCE AUTHORIZING THE ADMINISTRATOR TO SEEK BIDS FOR RESIDENTIAL TRASH COLLECTION AND DECLARING AN EMERGENCY. Macchia made a motion, seconded by Allison to pass as an emergency. The motion passed with all in favor. Macchia made a motion, seconded by Allison to waive the three reading rule. The motion passed with all in favor. Macchia made a motion, seconded by Allison to pass Ordinance 2021-68. The motion passed with all in favor.

ORDINANCE 2021-69: AN ORDINANCE AUTHORIZING THE FISCAL OFFICER TO CERTIFY A LIST OF DELINQUENT SEWER BILLS TO THE COUNTY FOR REAL ESTATE ASSESSMENT AND DECLARING AN EMERGENCY. Macchia made a motion, seconded by Allison to pass as an emergency. The motion passed with all in favor. Macchia made a motion, seconded by

Allison to waive the three reading rule. The motion passed with all in favor. Macchia made a motion, seconded by Allison to pass Ordinance 2021-69. The motion passed with all in favor.

ORDINANCE 2021-70: AN ORDINANCE APPROVING THE UPDATED 2021 PART TIME POLICE ROSTER, ATTACHED AS EXHIBIT A, AND DECLARING AN EMERGENCY. Macchia made a motion, seconded by Allison to pass as an emergency. The motion passed with all in favor. Macchia made a motion, seconded by Allison to waive the three reading rule. The motion passed with all in favor. Macchia made a motion, seconded by Allison to pass Ordinance 2021-70. The motion passed with all in favor.

ORDINANCE 2021-71: AN ORDINANCE AMENDING 2021 APPROPRIATIONS IN VARIOUS DEPARTMENTS. Macchia made a motion, seconded by Allison to waive the three reading rule. The motion passed with all in favor. Macchia made a motion, seconded by Allison to pass Ordinance 2021-71. The motion passed with all in favor.

ORDINANCE 2021-72: AN ORDINANCE AUTHORIZING THE ADMINISTRATOR TO EXECUTE A NEW AGREEMENT FOR MUNICIPAL GOVERNMENT CONSULTATION SERVICES WITH CT CONSULTANTS, INC. AND DECLARING AN EMERGENCY. Macchia made a motion, seconded by Allison to pass as an emergency. The motion passed with all in favor. Macchia made a motion, seconded by Allison to waive the three reading rule. The motion passed with all in favor. Macchia made a motion, seconded by Allison to pass Ordinance 2021-72. The motion passed with all in favor.

ORDINANCE 2021-73: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED ENGINEERING AGREEMENT WITH CT CONSULTANTS FOR TOWNSHIP PARK PHASE II AND FURTHER DECLARING THIS TO BE AN EMERGENCY. Macchia made a motion, seconded by Allison to pass as an emergency. The motion passed with all in favor. Macchia made a motion, seconded by Allison to waive the three reading rule. The motion passed with all in favor. Macchia made a motion, seconded by Allison to pass Ordinance 2021-73. The motion passed with all in favor.

ORDINANCE 2021-74: AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO APPLY FOR A GRANT WITH THE US ARMY CORPS OF ENGINEERS' OHIO ENVIRONMENTAL INFRASTRUCTURE PROGRAM – SECTION 594 THROUGH THE SMALL COMMUNITIES ENVIRONMENTAL INFRASTRUCTURE GROUP (SCEIG) TO ADDRESS INFILTRATION AND INFLOW TO THE MAIN SANITARY LINE RUNNING FROM THE VILLAGE'S WASTEWATER TREATMENT PLANT AND DECLARING AN EMERGENCY. Macchia made a motion, seconded by Allison to pass as an emergency. The motion passed with all in favor. Macchia made a motion, seconded by Allison to waive the three reading rule. The motion passed with all in favor. Macchia made a motion, seconded by Allison to pass Ordinance 2021-74. Village Administrator explained that this request will be for the interceptor line that runs through the golf course. The motion passed with all in favor.

RESOLUTION 2021-75: A RESOLUTION DECLARING THE VILLAGE OF GENEVA-ON-THE-LAKE'S SUPPORT FOR LOCAL CONTROL OF THE LODGE AT GENEVA-ON-THE-LAKE, A CONTINUED FUNDING SOURCE FOR MAINTENANCE OF THE LODGE AT GENEVA-ON-THE-LAKE, CONTINUED OPERATION OF THE LODGE AT GENEVA-ON-THE-LAKE BY THE DELAWARE NORTH COMPANIES, INC. AND TRANSPARENT DECISION-MAKING OF THE LODGE AT GENEVA-ON-THE-LAKE WITH STAKEHOLDER INVOLVEMENT. Macchia made a motion, seconded by Allison to accept Resolution 2021-75. The motion passed with all in favor.

Introduced under new business:

ORDINANCE 2021-76: AN ORDINANCE AUTHORIZING THE ADMINISTRATOR OR POLICE CHIEF TO APPLY FOR THE BODY-WORN CAMERA GRANT PROGRAM WITH THE OFFICE OF CRIMINAL JUSTICE SERVICES AND DECLARING AN EMERGENCY. Macchia made a motion, seconded by Allison to pass as an emergency. The motion passed with all in favor. Macchia made a motion, seconded by Allison to waive the three reading rule. The motion passed with all in favor. Village Administrator Shaffer stated that grant application was due October 8, 2021. Chief Cawley explained that grant would cover 100% of the replacement of 6-8 body camera's that are out of warranty. Macchia made a motion, seconded by Allison to pass Ordinance 2021-76. The motion passed with all in favor.

ORDINANCE 2021-77: AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO APPLY FOR THE BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC) GRANT THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO ADDRESS SEVERE EROSION ALONG THE LAKE ERIE SHORELINE AND DECLARING AN EMERGENCY. Macchia made a motion, seconded by Allison to pass as an emergency. The motion passed with all in favor. Macchia made a motion, seconded by Allison to waive the three reading rule. The motion passed with all in favor. Village Administrator Shaffer explained that grant is due in October. Grant would include properties west of Geneva Township Park. In addition, village could seek additional funds from future state capital budget. This project could potentially cost property owners \$100K and could be assessed to property payable over many years. Macchia made a motion, seconded by Allison to pass Ordinance 2021-77. The motion passed with all in favor.

ORDINANCE 2021-78: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED ENGINEERING AGREEMENT WITH CT CONSULTANTS FOR SANITARY SIPHON IMPROVEMENT AND FURTHER DECLARING THIS TO BE AN EMERGENCY. Macchia made a motion, seconded by Allison to pass as an emergency. The motion passed with all in favor. Macchia made a motion, seconded by Allison to waive the three reading rule. The motion passed with all in favor. Macchia made a motion, seconded by Allison to pass Ordinance 2021-63. The motion passed with all in favor. Macchia made a motion, seconded by Allison to pass as an emergency. The motion passed with all in favor. Macchia made a motion, seconded by Allison to waive the three reading rule. The motion passed with all in favor. Macchia made a motion, seconded by Allison to pass Ordinance 2021-78. The motion passed with all in favor.

Next work session is scheduled for October 11, 2021 and next council meeting is scheduled for October 18, 2021 at 7:00 p.m. Don Woodward would not be available for meetings on October 11, 2021. Woodward made a motion, seconded by Allison to schedule Trick or Treat for Sunday, October 31, 2021 from 4 pm – 6 pm. The motion passed with all in favor.

Ed Shearson 5531 Lake Road East attended to issue a complaint about the noise at Yankee Bar specifically on Friday and Saturday night. The music with the loud base and the constant pounding plays until 2:00 am. Mr. Shearson believes the noise is in violation of Ordinance 509.08 and would like something done about the noise. He can't sleep at night and he gets complaints from renters; he has polled his neighbors and some of them don't like it.

Mr. Shearson, along with his mother, attended a public meeting a few years ago specific to noise issues. It was mentioned at that time that an individual needed to file a complaint. Mr. Shearson filed complaints in 2019; the bars closed earlier in 2020 because of COVID. He hasn't complained all summer but filed a complaint over the weekend. He hopes to address the issue before next season. PJ Macchia explained that his music is off by 1:30 a.m. every night. Mr. Shearson responded that music was pounding after 11:00 p.m. He holds a day job and would like to catch up on sleep over the weekend. PJ Macchia, speaking as a business owner, responded that Geneva on the Lake is a resort town which draws tourism; business activity is up along with income tax and bed tax revenues. Revenues that help supplement police and fire.

Mr. Shearson is a resident of this town; his family has been long-term residents. He feels that businesses should not have a right to make a profit off the backs of residents' rights for peace and quiet. Property values have diminished in his immediately area. Mr. Macchia pointed out that the sale prices of property have increase dramatically in recent years. A home across from Yankees just sold for \$239k, which is a lot more than prior purchase a few years ago. PJ Macchia understands concerns, he has his children with an 8 p.m. bedtime. He hears Sportsterz, Eddies and the winery. The noise is just something he has to deal with. Mr. Shearson insist the noise from Yankees is in violation of the noise ordinance; he read portions of the ordinance.

Solicitor Brown acknowledged Mr. Shearson complaint. He informed Mr. Shearson that decisions were not going to be made this evening. Solicitor Brown stated that it is an officer's discretion to issue a citation. Also, he informed Mr. Shearson that he has a right to call police and issue another complaint. The complaint will be investigated based on facts, however, it does not guarantee that a citation will be issued. Mr. Shearson expects the police to enforce the ordinance without putting the burden on the residents. Don Woodward said council can pass, rescind or modify legislation. However, enforcement of legislation is the responsibility of the administration, police, fire or other departments.

Interim Police Chief Cawley explained that this was a first complaint received by Sergeant Lefeloc. Officers will use discretion on a first complaint. Sergeant Lefeloc talked to you and he talk to PJ. Macchia. Chief Cawley thanked Mr. Shearson for voicing his concern and he would like to have a further discussion on the issue with the administration and solicitor. PJ Macchia response was that GOTL was a summer resort and operating his business until 2:30 a.m. is reasonable. He will turn down the base amp, not necessarily at 11:00, but he will not turn down the music. People across from Sportsterz have contacted him to turn down the music. Some bands are louder than others. He does try to respond to complaints.

Don Woodward feels the base could be pulled down. Music ending earlier at OFW is because of a lack of employees. He expects the hours will be extended next season. Outdoor entertainment has exploded over the last twenty years.

Ed Shearson said that he is not going away. He will continue to complain and he will use the courts of necessary. He implored PJ to turn the base.

Lastly, Mr. Shearson inquired about the acrobatic plane. The Village nor any business has any association with the plane. Village holds no regulation authority. Mr. Shearson thank everyone for giving him the time to talk.

Woodward made a motion, seconded by Allison to adjourn the meeting. The motion passed with all in favor.

Mayor Bennett adjourned the meeting at 8:00 P.M.

Recorded by: Kimberly A. McKinley, Fiscal Officer