

**VILLAGE OF CHIPPEWA LAKE  
REGULAR MEETING MINUTES – AUGUST 13, 2018**

Mayor Dodaro called the meeting to order at 7:03 PM.

A roll call was taken with the following officials present: Bud Hardesty, Barb Hunter, Alan Robbins, Sarah Arend, Keith Riedel, Ken Demeter, Allan Michelson – Solicitor, Jim Brandenburg – Zoning Inspector, Gary Harris – Fiscal Officer; residents Bill and Connie Glasenapp, Doug and Kelly Schmotzer, Mark Krosse, Bob Williams, Doug and Kathy Schmitz, Amber Dalakas, Pam Williams, Carl Hannah, Robert Dowdell, Andy and Lynn Vidra and Tom and Sarah Copley; visitors Chief Hall – Lafayette Fire District, Bill Lee, Attorney Robert Skidmore, Genny Costanzo and Pat McNamara representing NOPEC, Rick Evans representing Lafayette Township, Michele Evans, Jeremiah Brand and Phillip Waldo representing ACD Net and Aaron Wood with Pro-Touch Lawn Care.

The Mayor asked if everyone read and agreed with the July 9th minutes and if there were any questions or comments – the Mayor had one correction on page 1, 3<sup>rd</sup> paragraph replace “Riegel’s” with Riedel

**Bud made a motion to accept the revised July minutes, seconded by Alan. 6 ayes, 0 nays.**

The Mayor asked if everyone read the August Bill’s for Approval and asked if there were any additions – Gary stated that he just had received an invoice from Pro-Touch Lawn Care in the amount of \$1,275.00 for a revised total of \$40,380.77. **Alan made a motion to approve the revised August Bill’s for Approval totaling \$40,380.77, seconded by Ken. 6 ayes, 0 nays**

The Mayor acknowledged Rick Evans representing Lafayette Township for the pending contract for Service Department Services; he confirmed that the rates will be the same as the prior year’s contract; Alan requested consideration for changing the contract terms to that of a calendar year for the next contract and Rick confirmed that he will present this to the Township

Allan did the first reading of Ordinance 825-18 “An Ordinance authorizing an agreement between the Village and the Lafayette Township Trustees for Township Service Department Services, and declaring the same an emergency”

**Bud made a motion to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings of Ordinance 825-18, seconded by Barb. 6 ayes, 0 nays**

**Ken made a motion to adopt Ordinance 825-18 as an emergency, seconded by Alan. 6 ayes, 0 nays**

Council Reports:

Safety

Alan reporting:

1. Chief Hall was present and started off by expressing his sincere appreciation to the community for the outpouring of support and wishes for his speedy recovery from burns in a recent accident; Chief Hall read the Lafayette Township Fire Department Report for the Chippewa Lake calls confirming that this new report format does not include fuel charges or training time and asked Council if we wanted monthly or an annual report containing these details; Alan recommended a Quarterly report with details
2. Alan read the Medina County Sheriff’s Office Incident Report to Council and reported that there was an abandoned vehicle left in the Village exit driveway and the Sheriff Department is tracking

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down the owner who will be cited as the Village tries to collect the “tow fee” of \$100 that it cost to remove the vehicle from Village property; Alan recommended better signage around the Community Center relating to parked vehicles on Village property; Alan expressed his appreciation to Allan and Sherriff Harhay for their assistance in this matter

3. Allan reported that he has the rewritten Sheriff Contract that only have some small changes and it is in a condition that can be shared for signature at September’s Meeting; Alan reviewed some highlights those being that there will be four deputies covering the Chippewa Lake area, hours up to November will continue at 120 per month, adjusting to 100 hours November – December and 80 hours from January – March and then returning to 120 hours per month and continuing thereafter as stated above, the new contract goes into effect 9/1/18 and he asked all of Council to please review it before next month’s meeting

Zoning

Bud & Jim reporting:

1. Jim read the Zoning Report to Council
2. Jim proceeded into the Conditional Use Permit concerning the use of the right of way for underground fiber optic cable and invited Jeremiah Brand to present to Council; Jeremiah stated that they are going to use existing poles in the Village and so some horizontal drilling along Lake and Heather Hedge and refill the holes where the drills were positioned with dirt and sod; they also confirmed that they did receive the necessary permit from Lafayette Township and obtained approvals from the other utilities; ACD does own a pole in the vicinity of the lake where they will install a receiver and run fiber optics cable from that pole to other locations; confirmed that there are no charges to the Village, they perform all maintenance and that contact information has been provided to the Village; Bud asked how soon until this service will be available for Village residents and Jeremiah stated that they require a certain percentage of the residents to sign-up before they will run lines specifically for Chippewa Lake residents
3. **Keith made a motion to approve the Conditional Use Permit, seconded by Alan. 6 ayes, 0 nays**
4. Jim then proceeded into the Special Permission to add a hard surface to the right of way for the use of a ramp on the property located at 501 Shorefield and distributed the sketch to Council; Allan commented that Council can determine if it wants to add any conditions to this Special Permission request; Mark Krosse offered an alternate of having the vehicle pull into the driveway to avoid the need for this request; Andy Vidra stated that the slope would be too steep if access is limited to the driveway; Allan stated that the Village may need to give a building permit if we approve this request and also stated that if a snow plow hits the ramp it will be the property owners responsibility to repair the ramp with no liability to the Village; Allan also suggested as a condition, that the ramp must be removed if/when the current occupant moves; Allan stated that this is not a variance or Zoning Rule issue, this is a Special Permission only
5. **Bud made a motion to approve this Special Permission but it is limited to this property owner alone and that the ramp must be removed by the owner if/when this property owner moves, seconded by Ken; the Mayor asked for a roll-call vote – 6 ayes, 0 nays**
6. Jim then proceeded into the Variance Hearing, and distributed the Variance Application, Zoning Permit Application and plans pertaining to 494 Shorefield involving an addition next to an existing foundation encroaching the front yard setback, also, a front porch to be added encroaching the front yard setback; Allan announced that a court recorder is present to report on testimony offered during this hearing; Allan swore in Bill Lee with Lexington Homes (the

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builder), Robert Skidmore the attorney representing neighbors Tom and Sarah Copley and Tom Copley was sworn in; Bill Lee confirmed that the existing house would be removed while keeping the foundation; Jim reviewed the plans and commented that the existing foundation is non-compliant and that the home addition and porch would all be non-compliant per Section 404.3, “D”; Attorney Skidmore distributed a two page “Memorandum in Opposition to Granting a Zoning Variance” and read this Memorandum to all in attendance; Tom Copley rose and addressed Council stating that he is not trying to be a bad neighbor but does not believe that anyone can alter his home’s view of the lake; a discussion took place about vacated roadways and underground utilities as relates to this property; Andy Vidra stated that at one time there was a 4” gas line running under the vacated roadway but 4-5 years ago that line was abandoned and that it should be easy to determine what abandoned lines this construction will be going over; Bill Lee stated that the property owners Kelly and Doug Schmotzer have a photo of the property; Jim commented that we are missing a plot plan for this proposed construction and the impingement, if any, to the right-of-way; Andy Vidra stated that property stakes are present and Jim responded that in the past many property stakes have been found around the Village that are not necessarily accurate; Tom Copley stated that the house itself is not an issue for him but rather only the porch addition and that if the porch does not meet setback requirements this is and should be an issue; Jim stated that a recent survey done by the Copley’s and other neighbors does not agree with the survey done by the Schmotzer’s and that a mortgage survey is not the same as a typical official survey; Kelly Schmotzer stated that the home they are currently living in on Clover Cliff has a beautiful view of the lake but this new property they found at Shorefield is what they want even with the loss of the view they currently have of the lake – she does not understand this concern over the view by the neighbors; Doug Schmotzer stated that it is ridiculous to expect a view of the lake from where his home and the Copley’s home are located; Bill Lee stated that if the porch is not done correctly, with pillars and roof, it will not look good; Allan stated that current drawings do not list current placement of utilities and any potential interference; Bill Lee stated that he can provide such drawings; Andy Vidra and Mark Krosse both stated that the utility lines are there but are abandoned and deactivated; Tom Copley stated that the pillars and roof block his view as well as the right-of-way infringement; Alan asked if there is not some compromise available that will satisfy both parties; Jim stated that a survey needs to be done showing exact locations and dimensions for all considerations, set-back and right-of-way are the issues and that the burden is on the property owner of the proposed construction to obtain and provide this information

7. **Bud made a motion to have the Schmotzer’s get an official survey that will include showing the right-of-ways in relation to the existing structure and proposed changes, seconded by Barb; the Mayor asked for a roll-call vote, 6 ayes, 0 nays**
8. Mayor Dodaro raised concerns about 258 Rustic Rook and its continued poor condition and the fact that no citations have been issued to the owner; Jim confirmed that the owner did hire someone to mow the lawn and that the premises are now secure; the Mayor stated that a door is missing so the premises are not secure and a citation needs to be issued; Jim stated that he will e-mail a citation tomorrow and Allan confirmed that he will follow-up with a call to the owner tomorrow as well

Finance

Gary reporting:

1. confirmed that on August 2nd he sent the July Reconciliation Report to Council reflecting that all accounts are “in balance” – are there any questions or comments – none were offered; he asked to have **a motion approving the July Bank Reconciliation Report as distributed and**

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**authorizing Council to sign the report; Alan made the motion to so move, seconded by Barb. 6 ayes, 0 nays**

2. updated Council on the Village Checkbook for the on-line reporting in OpenGov confirming that he uploaded our “payment” files from 2013 into OpenGov, that he received a call back from the Treasures’ Office to finish setting it up and that he needs to return their call – he is targeting to have this fully set-up and available for viewing by the time of our September 10<sup>th</sup> Council Meeting – any questions or comments – none were offered
3. stated that last month he had requested and Council approved his ability to transfer funds between the Star Ohio account and our Checking Account whenever we would exceed \$250,000 in the checking account; he stated that he needs to correct one important piece of information from last month’s meeting – when asked, last month, if the Star Ohio account is insured he had responded that yes it was, upon further review with Star Ohio and exchanging 3 e-mails with that agency, they confirmed that the funds are not insured based on the type of investments that they make in the public sector including Mutual Funds, Stock Market and similar such investments; he also confirmed that the Star Ohio account has a current yield of 2.05%; our current Money Market earns 1.6% (through October 27<sup>th</sup> which is the end of the introductory offer) and our checking account earns .1% interest; he reported that as of the end of July we have \$12,657.92 in the Star Ohio account and now with the knowledge that these monies are uninsured, does Council wish to keep these monies in this account or close the account and move them into an insured account – he reconfirmed his concerns about assuring the Village that all funds would reside in “insured accounts”; he stated that the Star Ohio Plus investments are insured but they require a minimum deposit of \$250,000; he recommended moving the Star Ohio funds into the Money Market Account – they charge \$10 for a wire transfer and no charge for a manual transfer between accounts up to 6 per month which would be more than we would ever need from what he is seeing at this time – any questions or comments; Allan asked for a confirmation that the Star Ohio funds are uninsured and Gary confirmed that to be the case; Allan stated that the funds must be fairly secure since this is a state managed program; Gary stated that if Council wants to move the funds out of the Star Ohio account and into the Money Market Account we will need **to amend the motion made last month authorizing the Fiscal Officer to transfer monies from the General Fund into the Money Market account anytime the balance in the General Fund is at or above \$250,000 and to transfer monies out of the Money Market account and and/or other Village expenses as needed – Alan made a motion to so move and to transfer Star Ohio funds into the Money Market Account, seconded by Barb. 6 ayes, 0 nays**
4. provided an Audit Update – when it became apparent that he could not meet the July 20<sup>th</sup> delivery date of the 2016 and 2017 records, he confirmed that he contacted the Auditor’s office on July 14<sup>th</sup> and stated that he needed until the end of August to have all files ready for pick-up; the Auditor’s office agreed to his request and he confirmed that he is proceeding along these lines and will meet this deadline – any questions or comments – none were offered
5. confirmed that he will be unavailable from September 15<sup>th</sup> through the 28<sup>th</sup> and that he will be distributing the August Meeting Minutes by September 15<sup>th</sup>; during his absence he can be reached by phone or text
6. Council asked if he no longer posts a notice in the Gazette about Council Meetings, he confirmed that he posted the notice under Legal Notices and will change where the notice is posted to its more common location

Community Relations

Ken Reporting:

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1. confirmed that the basketball hoop has been installed and it has the ability to raise or lower and he also negotiated for two free basketballs that he has now received; a concern was raised about hitting the hoop with a vehicle when the unit is lowered; Keith offered to provide a sign about elevating the hoop and Sarah confirmed that the trailer near the hoop will also be moved
2. announced that the Water Festival will take place on 8/25 from 1:00 to 4:00 PM and he is investigating renting a water slide with the one concern about noise caused by the generator to keep the slide inflated
3. Mark Krosse addressed Council on Save the Lake and reported that he attended a meeting at the Medina County Parks District where in July it was reported that the Park Rangers issued 0 citations, 24 warnings and 61 lake assists; he stated that the Park Rangers should be viewed as both educators and enforcement officers; he also reported that a tech company will be investing \$30,000 in a “pilot” unit to be placed in the lake to test its abilities to reduce nitrogen and phosphorous in the lake; Alan confirmed that he and Mark will be attending a meeting on Wednesday conducted by Stone Laboratories, the tech company involved in the pilot testing, and then a meeting on Friday at OSU headed up by the Muskingham Water District regarding jurisdictional issues on the lake; Alan pointed out that all other counties, except Medina, has a siting judge to rule on such matters and recommends that the Village through our residents petition Muskingham for action on this matter since residents do pay fee assessments into this agency; Alan will be working with Mark on this issue
4. Alan distributed a summary sheet recapping the Electric Aggregation and read the contents to Council and recommended that Council proceed to go with NOPEC except for Street Lighting that he recommends the Village remain with Ohio Edison who offers a very favorable rate structure to the Village for this service; Pat McNamara and Genny Costanzo addressed Council stating that citizens can elect to participate in one or both options offered those being gas and/or electric
5. Allan did the first reading of **Ordinance 826-18 “An Ordinance approving entering into the NOPEC aggregation program, for the purpose of jointly establishing and implementing an electricity aggregation program and declaring an emergency”**
6. **Ken made a motion to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings of Ordinance 826-18, seconded by Alan. 6 ayes, 0 nays**
7. **Keith made a motion to adopt Ordinance 826-18 as an emergency, seconded by Barb. 6 ayes, 0 nays**
8. Pat and Genny thanked Council and now will make a special request to First Energy to obtain a list of customers to approach over the next 60-90 days for a seamless transition

Buildings & Utilities

Barbara reporting:

1. announced that she is working to resolve a “glitch” on the DVR used with the security cameras and hopes to have this resolved by the end of the week
2. confirmed that mulch has been purchased and spread at the Community Center
3. confirmed that she will be painting doors and will pick-up materials at Home Depot
4. announced that she contacted Perfect Power Wash for a cost estimate to power wash the Community Center
5. reported that Melanie did a great job in cleaning the Community Center where, in addition to her normal cleaning duties, she also cleaned all windows and sills

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6. reported that she is working to contract having the floors scrubbed and waxed at the Community Center
7. confirmed that paint will be moved upstairs and Keith confirmed bringing in a TV for the kids' programs and that is now stored in the Mayor's office

Parks

Sarah reporting:

1. read her report to Council
2. reported that the Beach Attendants are doing a great job and that in July there were 856 residents and guests visiting the beach area
3. reported that the bocce ball court is a nice addition and work is underway to add corn hole boards for next summer
4. Keith reported that he is having problems getting The Pond Doctors to respond to his calls about the aeration pump not functioning; Allan asked for a copy of the contract so he can call that contractor

Streets

Keith reporting:

1. confirmed that he is ready to begin working on the next OPWC project for Phase 7
2. Allan did the first reading of **Resolution 478-18 "A Resolution authorizing Mayor Joanne Dodaro to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or local transportation improvement program(s) and to execute contracts as required and declaring the same an emergency"**
3. **Keith made a motion to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings of Resolution 478-18, seconded by Alan. 6 ayes, 0 nays**
4. **Ken made a motion to adopt Resolution 478-18 as an emergency, seconded by Alan. 6 ayes, 0 nays**

Legal

Allan reporting:

1. reported on the status of his 3 cases: one defendant was found guilty of abuse, there is an on-going trial on a drug charge and another on driving with a suspended license

Old Business

Nothing offered.

New Business

Nothing offered.

Public Participation

1. Amber Dalakas handed out a brochure on Mosquito Spraying and which sprays to use; she asked which spray is the Village using and requested that the Village consider natural alternatives which she offered to assist with
2. Amber also stated that the milkweed had been cut and requested that next year the Village delay cutting until September as these do attract Monarch butterflies; she asked if a sign could be put out to avoid an early cut; Mark Krosse stated that this plant will deter geese from coming to this area with the milkweed because it blocks the view of the water

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3. Bob Williams reported the Block Party turned out to be very good and signs were made for the bocce ball and beach party activities
4. it was announced that our local water ski team took 11<sup>th</sup> place in the nationals and the Mayor offered congratulations on a job well done and congratulation to all team members

**Alan made a motion to go into Executive Session on Pending Legal Matters at 9:49 PM, seconded by Bud.**

**Keith made a motion to return to Regular Session at 10:46 PM, seconded by Barb.**

**Ken motioned to adjourn at 10:47 PM, seconded by Bud. 6 ayes, 0 nays**

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Mayor Joanne Dodaro

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Fiscal Officer, Gary Harris