

Buckeye Lake Village Council Meeting
Held in Village Hall
February 27, 2017
Meeting Minutes

Call to Order: By Council President Catherine Zwissler at 7:05 p.m.

Pledge of Allegiance and Moment of Silence: Lead by Council President Catherine Zwissler.

Roll Call: Present: Tom Wolfe (0,2), Catherine Zwissler (0,0), Doug Poorman (0,0),
(Consecutive, Total Absences) Arletta Ruton (0,0) Peggy Wells (0,0)
Mayor Clay Carroll

Absent: Robert Masone, MD (1,2), Tim Ryan (1,2)

Staff Present:

Valerie Hans, Clerk of Council; James Hanzey, Police Chief; Pete Leindecker, Fire Chief; Dave Ruton, EMS Captain; Rod Riley, Code Enforcement Officer; Randy Bucy, Street Department.

Approval of Council Meeting Minutes:

Motion by Councilor Wells to approve the minutes of the February 13, 2017, regular council meeting as presented, seconded by Councilor Wolfe.

Council members discussed the minutes and requested changes. Council Clerk Hans explained that she had requests for meeting minute changes from two different council members and the requests conflicted with each other. After discussing the issue with the mayor, she asked Solicitor Gardner for clarification on how to handle this issue. He explained that the council clerk should not make changes to the minutes based on email or personal request alone. All changes should be made as a result of the council members discussing it during the approval of the minutes and making the changes on the council floor.

Roll Call Vote: Nays: Wolfe, Zwissler, Poorman, Ruton, Wells
Motion Failed 0-5.

Motion by Councilor Wells to approve the minutes of the February 13, 2017 meeting as revised by Peggy Wells and Council President Zwissler which deleted language read out loud by Council Clerk Hans regarding the email that Charlene Hayden sent to council members, seconded by Councilor Wolfe.

Roll Call Vote: Yeas: Wolfe, Zwissler, Poorman, Wells
Nays: Ruton
Motion Passed 4-1.

Approval of Clerk Treasurer's Report:

Motion by Councilor Wells to approve the Treasurer's Report dated February 24, 2017, seconded by Councilor Poorman.

Councilor Wells suggested that the finance committee chair consider adding an appropriation amount to the elections line. She stated that we may need some money for election issues.

Roll Call Vote: Yeas: Wolfe, Zwissler, Poorman, Ruton, Wells
Motion Passed 5-0.

Elections and Appointments:

The following is a summation of Mayor Carroll's opinion on charter language as it relates to council's recent action regarding Planning Commission Member Stacie McCloud:

Commission members can be on two commissions. The intent of the charter language in question was to avoid a conflict of interest by preventing a member to serve on the village BZA while serving on another community's BZA. A non-electoral commission member should be reconfirmed each year but the language fails to identify the details, i.e., is it from the date the member was appointed or on a calendar year: He also questioned "what" is being reconfirmed? Is it that they still have a vested interest in the community such as a business or a second home? Or is the reconfirmation based on their active participation? It's not clear WHO reconfirms them. He referenced council's code of conduct within the council rules: It says reappointment should be based on such criteria as expertise, ability to work with staff and public and commitment to fulfilling official duties. The mayor said some of these questions could only be answered by commission members – activity, involvement and attendance. He also mentioned a provision in the charter giving the mayor the authority with the conference of council to remove a member for malfeasance. At this point, the mayor said he was suggesting that the actions taken a few weeks ago weren't exactly correct. He said we need to better identify the criteria used in this matter in order to deal with it in the future on an ongoing basis. Mayor Carroll said he wanted to get opinions from council, commission members, the solicitor and residents in order to create a guideline to follow that isn't identified in the charter. He said it will take out any issues of personalities, bias or politics.

Councilor Ruton questioned how Mr. Stewart (applicant for PC/BZA open seat) knew to submit a letter of interest on 1/22/17 when council did not discuss this issue and make a decision until 1/23/17. She further stated that this council keeps stressing transparency, yet they are not reciprocating that transparency by not informing the Mayor, Planning Commission/BZA chairperson and other council members.

Councilor Wells said there's an ongoing discussion in our community between individuals. It's not necessarily sinister when you're trying to get good candidates for future seats that might come open but also Ms. Julian was recently appointed so maybe the interest was in that regard.

She stated that page 27 of the charter stated that 3 members are appointed by the mayor and 4 by council. 3 of those 7 members do not have to be electors; however they must be reconfirmed by the village each year. Council Wells said it's clear that their "seat" would be reconfirmed. It's clear that it would be on an annual basis. Normally, we do organizational meetings in January as do most organizations.

Councilor Wells stated that the mayor is questioning the legality of the language that you can't serve on two commissions but yet the attorney questions the definition of the term "official." In his written opinion that's what he was basing his opinion on.

Councilor Wells stated, in her opinion, the decision regarding McCloud stands. She told the mayor that she doesn't think he or the solicitor has any basis on which to challenge an official action of council unless they want to file some sort of court action. Based on the opinions that the solicitor has given to council regarding this subject and how to properly email items, she has no confidence in Mark Gardner as our solicitor so, therefore, she doesn't want to hear any more legal opinions from Mr. Gardner.

Council President Zwissler stated that Gary Hunter was asked if we should have the same people on PC and BZA and he stated that we should separate those two commissions and their members out. She then said, "Out of that came questions from people in the village who said they'd be interested in serving on some of these commissions." She stated that we need people on the boards and commissions in this village who have a vested interest in this village. We don't want people making decision and making rules that we have to live under and they don't have to live under.

Councilor Ruton stated that Mr. Stewart's letters states he would like to be considered for the open position; when on the date he wrote the letter there wasn't an open position.

Council President Zwissler stated that she was not aware of any meeting that was held.

Councilor Wolfe stated that he came to a council meeting and not a court of law and would like to get back on topic. He then stated that council President Zwissler made the decision to remove Ms. McCloud from the PC/BZA and he stands by her decision.

UNFINISHED BUSINESS: Councilor Ruton asked if we have any minutes from the PC/BZA. Council Clerk Hans stated that as soon as she has signed, approved minutes from the boards and commissions she will pass those on to council.

Reports of Special and Standing Committees in the Following Order:

Zoning: January 2017 report is in the council members' office mailboxes.

Code Enforcement: No report.

Finance Committee: Councilor Wolfe scheduled a committee meeting for Monday, March 13, 2017 at 5:00pm to discuss the 2017 budget and a possible operating levy.

Public Safety Committee: No report.

Public Service Committee: Councilor Ruton stated that each council member received a copy of the ordinances which were done on storm sewers previously. Each committee member has also received a copy of the RFQs for engineers so we should have a good variety of opinions at the next Public Service Committee meeting on March 13, 2017 at 6:00pm.

Council President Zwissler stated that she came in to look at the RFQs; however she learned that whole sets of the documents were received by the PC/BZA members.

Councilor Ruton stated that the documents were scanned and sent to the PC/BZA members and Public Service Committee members so there would not be a copy cost.

Councilor Wells stated that she recently went through old minutes and noticed that we began speaking about the engineering RFQs in September 2016.

Councilor Ruton stated that she has the names and numbers of the firms and will get updated pricing from each of these firms prior to the next committee meeting. Ruton stated that the information contained in the RFQs was extremely comprehensive.

Rules Committee: Councilor Wells stated that 2 members attended the committee meeting. She stated that her committee discussed how to handle correspondence, posting of official documents on the Village website, presenting new members with a binder of all documents. Councilor Wells stated that she will present written committee meeting minutes at the next council meeting.

Community Development Committee: Councilor Poorman stated that he attended the last PC/BZA meeting and there was a person in the audience who was interested in serving on the commission.

Councilor Poorman stated that his committee is continuing to work on the Community Center building. They have had a few setbacks; however the electric, gas, and water are now turned on and the broken water pipe has been repaired. He stated that they recently had a cleanup/work day at the facility which was a great success. Poorman stated that they are still working with United Way to get additional funding. Councilor Poorman stated that 2 people from Goodwill have offered to serve on the community center board. Poorman also stated that he has received

offers of assistance to repair the roof. He is working toward getting the materials for the roof donated.

Personnel Committee: No report.

CITIZEN'S COMMENTS: Karen Cookston, Anchor's Way, Buckeye Lake. Ms. Cookston stated that she hasn't been outspoken as she was called by Councilor Wells. She stated that Stacie McCloud started out as an elector on the commissions and then moved out of the village. Cookston stated that she feels we need to develop rules as to what qualifies a person to serve and continue to serve on the boards and commissions if they do not live in the village.

Doug Stewart, 4537 North Bank Rd., Buckeye Lake. Mr. Stewart stated that he wanted to make sure everyone understood that the only way he would have been able to have a secret meeting is if it was out on his boat! He has been asked to serve on two different commissions. Mr. Stewart stated that he has been in construction since he was 16 years old and he is now 60.

POLICE CHIEF'S REPORT: A report for the month of January 2017 was submitted.

FIRE CHIEF'S REPORT: A report for the month of January 2017 was submitted.

Councilor Wells asked the Fire Chief if there is any truth to the rumor that the assistant fire chief has resigned and we have a new assistant fire chief.

Chief Leindecker stated that the assistant fire chief is retiring at the end of March 2017. Chief Leindecker went on to say that they do not have a replacement for the assistant fire chief at this time.

STREET SUPERVISOR'S REPORT: A report for the month of January 2017 was placed in council mailboxes.

Councilor Wolfe stated that he has seen enough in the street department report to know that our street department spends a lot of time cleaning up trash in the median on RT 79, the village complex and drive thru. He stated that he would like to see other activity in the report.

WATER DEPARTMENT REPORT: A report for the month of January 2017 was submitted.

DEVELOPMENT DIRECTOR'S REPORT: No report.

MAYOR'S REPORT: Mayor Carroll stated that the police department removed 7 non-operational cars from the village. He further stated that the impound lot is getting very full of forfeited vehicles. Mayor Carroll stated that the scrap vehicles will be disposed of as soon as we have clear titles and approvals to do so. Two old cruisers will go to the scrap yard.

Few weeks ago, mayor did repair on light fixtures throughout buildings; and street light by Wendy's – few more to go.

Carroll stated that he has confirmed LakeFest 2017 will be on June 17, 2017. Phantom Fireworks will once again donate the fireworks show at the end of the evening.

Mayor Carroll stated that the charter states he will give an annual report by March 1st of each year. He then read the highlights of his annual report.

ODNR completed phase one of the dam reconstruction.

Few new businesses.

1st phase of the street repairs was completed of a planned program. We'll do a section each year for 7 years.

2017

Continue looking into 6-7 village-owned properties that could possibly be auctioned.

2 storm sewer structures are being replaced (Ohio St. and Wendy's)

2nd phase of street repairs will be completed.

He stated that we need to work on a plan to get storm water/sewer improvements.

Fire Levy is up for renewal this year or next so we need to decide whether we're going to renew, replace or add-on.

Mayor Carroll stated that as the dam project gets completed and BL2030 gets going, we have many opportunities. However, we need to do away with the narcissistic attitudes. Council members need to be respectful of each other and the employees.

Councilor Wells stated that we have had several phases of the sidewalks. She then asked if the goal was to get that completed. If so, what is the cost to do so and with that funds?

Mayor Carroll stated that he would have to look into the exact cost as he was not prepared to answer that question this evening. Was looking at grant opportunities, ODOT, transportation. Trying to put something together. There's a grant application that due by 1st of May.

PRESIDENT OF COUNCIL: Council President Zwissler stated that hopefully the spillway gates will close on 3/1/17 as expected to allow the lake water to rise. She stated that there will be a BL2030 meeting on Thursday at the Buckeye Lake Eagles.

Councilor Wells stated that Mary gave some good answers in the 8-10 minutes that she spent with her at the village office. Wells stated that she was on the phone when she first arrived so she spoke with Toby Miller. Wells also stated that Toby was able to answer her questions about the water rate ordinance so that she now feels she can support the ordinance.

ORDINANCES

3rd Reading

2nd Reading

2017-03 AN ORDINANCE AMENDING ORDINANCE 2015-21 AND ESTABLISHING NEW WATER RATES AND COLLECTION GUIDELINES FOR THE VILLAGE OF BUCKEYE LAKE WATER DISTRIBUTION SYSTEM.

1st Reading

RESOLUTIONS:

3rd Reading

2nd Reading

1st Reading

Citizen's Comments: Karen Cookston Anchor's Way, Buckeye Lake. Ms. Cookston passed out a 1 page response to Councilor Wells' allegations and inquiries in the Council Meeting of 2/13/17. Ms. Cookston then went on to read the 1 page response letter. A copy of this letter is included in the 2/27/17 council meeting minutes.

Council Member's Comments:

Councilor Poorman. Asked if we have a list of the village properties that could be disposed of.

Councilor Wells: First we're accused of having secret private meetings and then we're told not to talk about things publicly but privately. It's important to discuss issues in public meetings because each council member deserves the same information. Our council rules say if you send information to one you must send it to all. I do talk about things in public because it's required by the Sunshine Law. I just got my sunshine law training certificate. We're all required to take the

training. How many of you did that? I didn't mean to call Rod Riley out nor did I call him out. I felt that I owed it to Rod to warn him that I had this confrontation with the resident while at Kroger. I also notified Chief Hanzey about the incident.

Councilor Ruton: Stated that you can listen to the tape and nothing against you sir (Doug Stewart) but we didn't discuss the issue of a potential PC/BZA vacancy until the 1/23/17 council meeting; however your letter references it from a 1/22/17 conversation. Councilor Ruton went on to say that there needs to be transparency on all parts to work together. The negative, vindictive vendettas need to stop

Councilor Wolfe: Stated that the community gardens is a great place to grow your vegetables for our village residents.

Other Business: Councilor Wells stated that on page 28 of the Charter it provides for a Charter Review commission to convene in 2008 and every 5 years thereafter. She further stated that at the next meeting I will make a motion that the charter commission should reconvene.

Adjournment: Motion by Councilor Zwissler to adjourn the meeting, seconded by Councilor Ruton.

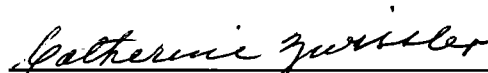
VOTE: IN-FAVOR: ALL YEAS; MOTION CARRIED 5-0

Meeting adjourned at 8:39 p.m.

NEXT MEETING: March 13, 2017



Valerie L. Hans, Clerk of Council



Catherine Zwissler, Council President