

Buckeye Lake Village Council Meeting
Held in Village Hall
January 9, 2017
Meeting Minutes

Call to Order: By Council President Zwissler at 7:00 p.m.

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

Roll Call: Present: Arletta Ruton (0,0), Tim Ryan (0,0), Peggy Wells (0,0), Kitty Zwissler (0,0),
(Consecutive, Total Absences) Robert Masone, MD (0,0), Doug Poorman (0,0)
Mayor Carroll
Absent: Tom Wolfe (0,1)

Staff Present: Valerie Hans, Clerk of Council; James Hanzey, Police Chief; Dave Ruton, EMS Captain; Rod Riley, Code Enforcement Officer.

Approval of Minutes:

Approval of the meeting minutes for the December 12, 2016 meeting is postponed to the January 23, 2017 meeting due to clerk's illness.

Approval of Clerk Treasurer's Report:

Motion by Councilor Wells to approve the Treasurer's report dated January 6, 2017, seconded by Councilor Ruton.

Council members had questions regarding the Treasurer's report. Council Clerk Hans suggested that council members email the Clerk/Treasurer for answers to their questions.

Roll Call Vote: Yeas: Ruton, Ryan, Wells, Zwissler, Masone, Poorman
Motion Passed 6-0.

COMMISSION REPORTS:

Parks & Recreation Commission: The Parks and Recreation Commission did not meet on Tuesday, January 3, 2017. Their next scheduled meeting will be on February 7, 2017, at 5:30pm.

Planning Commission & Board of Zoning Appeals: The Commission will meet on Tuesday, January 10, 2017, at 7:30pm.

Karen Cookston, Planning Commission Chairperson spoke to council regarding Ordinance 2017-01. She explained that the Flood Plain Administration Ordinance allows the Village to contract with Licking County at no cost to the Village for the administration and issuance of flood plain use permits. Licking County has professionals on staff with flood plain management training, certifications and experience. Presently, the village has 97 active flood plain insurance policies with over \$14,000,000 in property insured. The village is required to follow the FEMA regulations as well as the flood plain regulations or risk suspension from the FEMA flood insurance program. She stated that all of our Flood Plain regulations are accepted and current with FEMA.

Cookston also stated that previously the agreement with Licking County was a two year agreement that ran from the date of the signing of the agreement. To make it easier for Licking County to manage all of the agreements that they have with municipalities and townships across the county, they have chosen to switch to annual agreements with a January 1-December 31 timeframe. However, we did not receive the agreement until mid-December. In the future this agreement will be brought to council in November in preparation for the next year.

Council President Zwissler stated that she read through Exhibits A and B. She stated that Exhibit A appears to be the specific duties of the Flood Plain Administrator. She stated that these duties appear to be very specific and has concern about who will be handling each of the duties.

Cookston stated that this is a renewal agreement and that the Flood Plain Administrator at Licking County handles issuing the permits. The county and the village work together to make sure what is approved is actually what is built.

Councilor Wells stated that she was all for expediting things; however council did not get the attachments in time to act on this legislation.

Councilor Ryan stated that he will not be voting on this legislation because he did not receive the exhibits for the legislation in time.

Councilor Masone stated that he was part of the Fairfield County Airport Board and FEMA has very strict regulations.

Councilor Wells called for the question.

Council Clerk Hans explained that this was not the time in the meeting to vote on the legislation. In addition, the legislation is only up for a first reading and will not require any action this evening.

COMMITTEE MEETINGS AND/OR REPORTS:

Finance Committee: No report.

Public Safety Committee: No report.

Public Service Committee: No report.

Rules Committee: Councilor Wells provided a written report of her last committee meeting in the council packet.

Community Development Committee: Councilor Poorman stated that he will be meeting with the Evans Foundation next week to get the house next to the LEADS building taken down at no cost to the village.

Personnel Committee: No report.

CITIZEN'S COMMENTS: Rod Riley, 216 North Street, Buckeye Lake. Requested the Mayor to ask Licking County for an extension.

DEVELOPMENT DIRECTOR'S REPORT: No report.

MAYOR'S REPORT: Mayor Carroll stated that he received notice of a meeting coming up at Lakewood schools on 1/26/17 from 6-8pm to discuss building a new elementary school building.

Mayor Carroll also read a thank you letter from a citizen. Chief Hanzey assisted the woman and her pets when she became ill in her vehicle in the Taco Bell parking lot. The woman stated that his assistance was a vital part of her being able to recover and be reunited with her pets.

Mayor Carroll also provided a copy of the solicitor's opinion on whether any open meeting rules were violated with regard to the "group" emails sent by Councilor Wells. He stated that while the solicitor felt there was a violation, council did not vote at the last meeting to take any action on the issue that would have been considered a violation. In addition, state and local government doesn't have the authority to enforce a violation of the Open Meetings Act. Any person wishing to file an action would do so in common pleas court.

Councilor Wells asked why there was a sentence which was blacked out on the email. Mayor Carroll stated that was a conversation regarding a different unrelated topic to this email. Councilor Wells stated that she would like to see the entire email.

Mayor Carroll stated that the entire email is considered to be attorney client privilege; however he chose to share this response from our solicitor to answer questions that were raised.

Councilor Wells stated that she would like to read her paragraph from the 12/1/16 email. She then stated that it was a 2 part email where she was invited to attend the Council of Small Villages meeting. A code enforcement official from Baltimore, Ohio spoke regarding his opinion on the International Property Maintenance Code. He stated that he prefers the 2012 code over the 2015 code as he feels it is less restrictive toward businesses.

Councilor Wells stated that she contacted Council Clerk Hans and asked if she had given the document out to anyone following the meeting. She stated that Council Clerk Hans had given one copy of the document to Code Enforcement Officer Riley; however she had two other copies at the office unopened. She then asked Council Clerk Hans if they could be exchanged for a different version of the document. Council Clerk Hans stated that the unopened documents might be able to be exchanged; however she would need to contact the company to ask about the companies exchange/return policy.

In the email that was circulated around, Councilor Wells reminded the members that only a dissenting member of council could make the motion to rescind the legislation.

Councilor Ruton stated that any discussion of village business by group email denies the public access to the discussion and is a violation. She then stated that Councilor Wells was advising members how to bring up the topic and the procedure on rescinding legislation which she perceived as persuading the members on how to vote at the next meeting.

Councilor Wells stated that she was not trying to persuade anyone.

Councilor Masone stated that in his opinion no violation occurred. He then stated that sending information by email isn't a violation.

Councilor Wells asked the Mayor how much this legal opinion cost the village.

Councilor Masone stated that we simply need to move on with the meeting.

COUNCIL PRESIDENT'S REPORT: Council President Zwissler stated that she received a \$500 donation for the community center. She then mentioned that there will be a BLR2030 meeting on 1/23/17 at 9:00am.

ORDINANCES

3rd Reading

2nd Reading

1st Reading

2017-01 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE LICKING COUNTY PLANNING COMMISSION FOR THE ADMINISTRATION OF FLOODPLAIN REGULATIONS.

Councilor Ryan stated that he doesn't feel this legislation should be shoved onto the agenda since he did not get the attachments to review in a timely manner.

Council President Zwissler asked if the legislation could be tabled.

Council Clerk Hans stated that there was no need to table the legislation as it was only the first reading.

RESOLUTIONS:

3rd Reading

2nd Reading

1st Reading

Citizen's Comments: Charlene Hayden, Lighthouse Lane, Buckeye Lake. Hayden stated that she was disturbed that Councilor Wells thought the council rules code of conduct should be eliminated. She stated that members of previous councils thought that it was appropriate to keep members of council behaving properly to each other and the village staff.

Hayden stated that she felt Councilor Wells knew exactly what she was doing when she sent out the group email and the village solicitor should be approached on taking the next step.

Karen Cookston, Anchor's Way, Buckeye Lake. Stated that she would like to comment on all of us. She doesn't have any bills for the solicitor yet, but would suggest that he's the solicitor, the person we hired. She would further suggest that when the Mayor or any of us have questions about the village, it's the solicitor's job to guide the village on those matters. Lastly, she said that none of council are attorneys and while she even questions some of his opinion, the ultimate authority is the solicitor on legal matters.

Noel Joyce, 271 Lakeview Drive, Buckeye Lake. Stated that he thinks since it is a new year can't we all put the pettiness aside. He then asked why people are even paying attention to people who don't even live in the village. Lastly, Joyce suggested that we should look at the Columbus City Council meetings to see how everyone should behave.

Council Member Comments:

Councilor Masone: Councilor Masone stated that he just looked up and read **White vs. King** on his phone and feels that there is very little similarity. He stated that he just sent it to all of the council members. Councilor Masone then stated that he was tired of being called dysfunctional. He doesn't know how he made it this far without this group. Councilor Masone stated that he is a capable human being too. He is tired of being accused of being abusive to the Mayor. He thinks that the citizens' comments go too far and last too long. He asked for everyone to use common decency and respect toward one another.

Councilor Poorman: No comment.

Councilor Wells: .Stated that she was discouraged from sharing information with other people after this evening.

Councilor Masone stated that Councilor Wells has been an asset to this body.

Councilor Ruton: Stated that she disagrees with Councilor Masone. She stated that there are times when we don't listen.

Councilor Ryan interrupted Councilor Ruton and asked who she was referring to when she uses the word we. He then stated that he did not want to be included in Councilor Ruton's generalization.

Councilor Ruton continued saying that she thinks we need to listen to the public and each other. The situation with the emails is a wakeup call. We are not up on the Sunshine Laws and are in need of training.

Councilor Wells interrupted Councilor Ruton and stated that she has had over 40 hours of training and this situation will not happen again.

Councilor Ryan: Stated that he has a lot of respect for everyone in this community. He then stated that Hayden's comments on the rules are a moot point. He then stated that we hired an attorney and we have an opinion. He then stated that he doesn't like to be lectured to and is tired of the pettiness. He stated that there are two groups that need to work together. As far as the Mayor and the relationship with city council there needs to be more and earlier communication. He also stated that he has known Councilor Wells for many years and if the ship goes down he will be going down with her.

Lastly, Councilor Ryan reminded everyone that Benny the Bass will be making his appearance on January 28, 2017.

Councilor President Zwissler: Stated that she would like to show her appreciation to everyone who came to the meeting tonight. She stated that we need all of you here. Council President Zwissler then stated that we are going to expect the Planning Commission and Chairperson Cookston to provide meeting minutes to council in a timely manner. She also stated that the Articles of Incorporation specify that we should be getting at least one report from the Planning Commission each year. The Planning Commission meets once a month and should be able to provide a monthly report. Zwissler stated that she feels people on more than one board or commission should be forced to make a choice to be on just one. Lastly, she stated that member attendance at the board and commission meetings is a must.

UNFINISHED BUSINESS/OTHER BUSINESS: Councilor Masone stated that everyone gets berated, Police for ticketing people for going 46 in a 35 mph speed zone, our fire/ems personnel for a toxic spill that was completely out of our control and handled properly. I just don't see why people keep getting berated for doing their job.

Council President Zwissler interrupted and said let's focus on the positives.

Councilor Wells asked Karen Cookston where she got her information when she told the Planning Commission members that the village did not have a current engineer because council has been arguing about it and then tabled it. Cookston said she doesn't remember where she got the information. Wells informed her that the statement was incorrect and that some council members had asked months ago to review the RFQs received from the engineering firms and we were told by the Mayor he would refer them to the Service Committee and we haven't heard anything further.

Mayor Carroll stated that he needs council to go into executive session to discuss a personnel matter and an indigent burial issue.

Motion by Councilor Masone to go into executive session, seconded by Councilor Ryan.

**Roll Call Vote: Yeas: Ruton, Ryan, Wells, Zwissler, Masone, Poorman
Motion Passed 6-0.**

Executive session began at 8:17pm.

Motion by Councilor Ryan to come out of executive session, seconded by Councilor Wells.

**Roll Call Vote: Yeas: Ruton, Ryan, Wells, Zwissler, Masone, Poorman
Motion Passed 6-0.**


Executive session ended at 8:28pm.

Adjournment: Motion by Councilor Ryan to adjourn the meeting, seconded by Councilor Masone.


VOTE: IN-FAVOR: ALL YEAS; MOTION CARRIED 6-0

Meeting adjourned at 8:29 p.m.

NEXT MEETING: January 23, 2017



Valerie L. Hans, Clerk of Council



Catherine Olohan Zwissler, Council President