

Buckeye Lake Village Council Meeting
Held in Village Hall
May 23, 2016
Meeting Minutes

Call to Order: By Council President Catherine Zwissler at 7:03 p.m.

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

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

Absent: None

Staff Present:

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

Approval of Minutes:

Motion by Councilor Wells to approve the minutes from the May 9, 2016, regular council meeting as presented, seconded by Councilor Ruton.

Roll Call Vote: Yeas: Ruton, Ryan, Wells, Wolfe, Zwissler, Masone, Poorman
Motion Passed 7-0.

Approval of Clerk Treasurer's Report:

Motion by Councilor Ruton to approve the Treasurer's Report dated May 20, 2016, seconded by Councilor Poorman.

Roll Call Vote: Yeas: Poorman, Ruton
Nays: Ryan, Wells, Wolfe, Zwissler, Masone
Motion Failed 2-5.

Elections and Appointments: None

NEW/UNFINISHED BUSINESS:

Councilor Wells passed out a list of questions dated 5-23-16 regarding the maintenance, security and use of village computers. She suggested that the Personnel and Rules committees should meet jointly to create policies to address these questions. The committees established a joint meeting date of June 6, 2016 at 6:15pm to discuss the employee handbook.

Councilor Wells also mentioned that she received a call from Rick Carfagna from Time Warner Cable. She has been working with him to get the list of international calls that were placed in the phone hacking issue with the village. She stated that she prepared a letter for each of the council members and the Mayor to sign requesting the telephone records. She asked Council Clerk Hans to place the letter on Village Letterhead before it was signed. Councilor Ruton stated that she feels this type of a request should go through the Village Solicitor. Council President Zwissler stated that she also received a call from Rick Carfagna and he stated the request should come from Village Council. Councilor Wells then played the voicemail message from Rick Carfagna stating that he needed a request letter from the Village or Village Council such as a letter requesting the records.

Solicitor Gardner stated that the request needs to be more succinct to avoid getting a very large amount of records that may not be needed. Councilor Masone stated that he would rather have too many than too few records and have to go back to them and ask for more records later.

Motion by Councilor Masone to ask for telephone records as stated in the letter prepared by Councilor Wells and ask council members and the Mayor to sign the letter, seconded by Councilor Wolfe.

Roll Call Vote: Yeas: Ryan, Wells, Wolfe, Zwissler, Masone, Poorman
Nays: Ruton

Motion Passed 6-1.

Councilor Wells passed out a chronological summary of all records she has collected over the past few weeks from the Clerk/Treasurer. Council members were asked to review the document while the Clerk of Council copied the records request letter onto village letterhead.

Council Clerk Hans discussed the need to establish a Free Community Yard Sale date for the Village. She suggested that it should be late in June to allow the seasonal residents to get back to their properties and sort items to sell.

Motion by Councilor Ruton to establish the Buckeye Lake Community Free Yard Sale Weekend as June 24-26, 2016, seconded by Councilor Wolfe.

Roll Call Vote: Yeas: Ruton, Ryan, Wells, Wolfe, Zwissler, Masone, Poorman

Motion Passed 7-0.

Council Clerk Hans presented a letter dated May 18, 2016 of properties in disrepair that the Village has cleaned up. She stated that council will need to do a floor motion to certify the properties to the tax duplicate so that the village can attempt to recoup the cost of the clean-up from the property owner.

Motion by Councilor Ruton to certify the list of properties on the letter dated May 18, 2016 to the property tax duplicate, seconded by Councilor Masone.

Mayor Carroll explained that they took bids from maintenance contractors for mowing and cleanup of the lots and also checked for insurance. The bids were for the group of lots that needed maintenance. The Mayor said the village would very likely continue to use the same contractor again rather than accept bids for the next round of lots.

Roll Call Vote: Yeas: Ruton, Ryan, Wells, Wolfe, Zwissler, Masone, Poorman

Motion Passed 7-0.

COMMISSION REPORTS:

Parks Commission: The Commission will meet on Tuesday, June 7, 2016 at 6:30pm.

Planning Commission & Board of Zoning Appeals: The Commission will meet on Tuesday, June 14, 2016 at 7:30pm.

COMMITTEE MEETING AND/OR REPORT:

Finance Committee: Councilor Wolfe read and submitted a Finance Committee report for the meeting of 5/16/16. He stated that the committee discussed the value of the Finance Chair working with the Clerk/Treasurer to get reports. Councilor Wolfe mentioned that future income needs for the street, fire, police and general levies were also discussed. The committee discussed expense tracking for the purchase orders. Lastly, they discussed that they were in favor of getting a refund on the phone bill and that they want to see more checks and balances in the accounting procedures. He also scheduled a Finance Committee meeting for 6/13/16 at 6:15pm to discuss the 2017 department budget requests.

Public Safety Committee: Councilor Masone stated that his committee met on 5/13/16 to listen to residents' concerns on the recent emergency issues on the dam project.

Public Service Committee: No report.

Rules Committee: No report.

Community Development Committee: Councilor Poorman stated that he has a meeting set with Cheryl Krause in hopes of getting some of the funds released to help businesses that are struggling around the lake.

Personnel Committee: No report.

COMMUNICATIONS:

CITIZEN'S COMMENTS: Charlene Hayden, 57 Lighthouse Lane, Buckeye Lake. Stated that she was disturbed at the disrespectful way that the Mayor was treated at the Finance Committee meeting on 5/16/16. She stated that the Mayor has been a part of this village on committees, boards and

commissions, village council and now as the Mayor for quite a few years. He has made Buckeye Lake home since he was a young child and he really cares about our community. She has spoken with many village employees and they have nothing but nice things to say about him. He has put in many hours, taken vacation days from his regular job in Columbus to meet with village employees and make sure that the village is a priority. He gets up very early to go to work in Columbus and many times drives the village before he ever leaves. He has donated his time and electrical expertise to the village as well as many other organizations in the village. He care a lot about this village and doesn't deserve to be treated disrespectfully. Lastly Hayden stated that consttant criticism is not productive.

Rich Smith, Buckeye Lake. Stated that he commends village council for continuing to research the phone issue. He encourages the village council to keep working on cleaning up the village and thanks the village for their efforts so far.

Jeff Keyes, 1 Rosebraugh Circle, Buckeye Lake. Followed up to his questions about the cement mixing silos. He stated that in the last meeting, he was told that the cement mixing silos were not in the village, they were in Union Township. Mr. Keyes then asked, "Does the village have the right to restrict the location of the silos?" Mr. Keyes mentioned that he contacted Union Township officials and they were surprised that the property was in Union Township. He also asked if there will be another meeting to discuss the air quality further? Councilor Masone responded that he has contacted ASI and is awaiting a response. There will be another meeting as soon as he receives a response from them.

POLICE CHIEF'S REPORT: A report for the month of April 2016 was submitted.

FIRE CHIEF'S REPORT: A report for the month of April 2016 was read and submitted.

Coucilor Wells asked how much revenue the village generated from soft billing during 2015? Chief Leindecker stated that he would have to get that information from the Clerk/Treasurer.

STREET SUPERVISOR'S REPORT: A report for the month of April 2016 was submitted.

WATER DEPARTMENT REPORT: A report for the month of April 2016 was submitted.

DEVELOPMENT DIRECTOR'S REPORT: No report.

MAYOR'S REPORT: Mayor Carroll asked Solicitor Gardner about the speed limit signs and the questions that have recently been raised about the 20mph speed limit zones. Solicitor Gardner stated that the village operates under home rule and that we have a right to enact an ordinance that makes the speed limit lower than what the state department of transportation has established. Gardner stated that he was still trying to locate if our speed limits were enacted by village ordinance or another agency's ordinance.

Mayor Carroll said, "Solicitor Gardner, you have been involved in reading minutes over the last few meetings about processes and procedures, could you give us some guidance if we are following the right path on the financial processes. Gardner stated, "From what I have read in the charter, the charter made the village a strong mayor form of government. Basically, this takes and places all the power in the mayor's hands to operate the village. Councilor Wells asked Solicitor Gardner to step up to the microphone so that all of the council members and guests could hear what he was saying better.

Solicitor Gardner said, "From what I can tell after reading the charter we are under a strong mayor form of government, the mayor is in charge of most of the administrative faculties. If council doesn't feel that something is going right, you have a right to question it and look into the records. Basically the day to day running of the village is to be handled by the mayor and the people he has hired to work with him." Gardner then stated that if you don't like that then you have to change your mayor or you have to amend your charter to change your type of government. Gardner went on to say there was a question about minutes and personal notes and whether they are a public record. Personal notes are not a public record unless you are taking the notes to make a public record. On the phone issue, I got a call about it and then I never heard anything more about it. Councilor Wells said, "We were told that you were called for an opinion about the phone bill issue and you advised that everything was being done correctly and it was okay to pay the phone bill. Is that correct?" Gardner said, "No, I only got the one call and found out later it was paid."

Council President Zwissler asked, "Doesn't the council have a fiduciary responsibility to the people of the village?"

Solicitor Gardner said, "You pass a budget each year. As long as the administration is doing what is within the budget that you passed. Basically even if you choose to not pass the treasurer's report, things are still being audited. If there is something wrong, the audit will also double check it. You have the right as a council member and a citizen to ask for public records. If you think something has not been paid correctly, you can always ask for that information. It doesn't mean that will change the way things were done, it would have to be decided by the Mayor and his administration."

Council President Zwissler stated we have a Finance Commission, and if the finance commission recommends that the person who writes the checks doesn't do the bank reconciliation is that a reasonable request? Solicitor Gardner said the finance committee is there to advise and they can make suggestions. Whether the Mayor and the administration follow the suggestions is their choice. Because under a strong mayor form of government it is up to the mayor as to how the administration is run.

Councilor Poorman asked Gardner in the past some of the council members have been concerned about their personal liability and since some of this stuff is out of councils hands as it is being run through the executive branch of government then is that where the liability falls? Solicitor Gardner said, none of us are immune from liability. You can say it but it depends on what type of defense and knowledge you have.

Councilor Wells read page 17 under article 5 under the Mayor's section of the charter and then asked Solicitor Gardner if he would consider a six month period of time appropriate to wait to advise council that a \$16,000 charge from time warner as fulfilling an obligation to council. Gardner stated again I do not know all of the background to make an interpretation as I do not have enough facts to form an opinion.

PRESIDENT OF COUNCIL: Council President Zwissler stated that she spoke with Cheryl Krause and she would like to come and speak at council in two weeks. Zwissler also stated that some of the grant funds are beginning to be released today and that she would like to see the state lower the loss in revenue to less than 40% to open up the grant funds to additional businesses that really need the money.

ORDINANCES

3rd Reading

2nd Reading

1st Reading

RESOLUTIONS:

3rd Reading

2nd Reading

1st Reading

2016-03 A RESOLUTION ESTABLISHING A TOBACCO AND SMOKE-FREE WORKPLACE FOR THE EMPLOYEES OF THE VILLAGE OF BUCKEYE LAKE, OHIO.

Councilor Masone stated that he has concerns that the language in the Resolution addresses all forms of tobacco instead of just secondhand smoke which has been shown to be harmful to others. He would like to have us look into the language further to see if it could simply address second hand smoke.

Citizen's Comments: Charlene Hayden, 57 Lighthouse Lane, Buckeye Lake. Stated that she was reading the Buckeye Lake Community Book and saw that the core values were respect, community first, and working together. She then asked, "Madame President you are co-chairing 2 committees and chairing 2 other committees, what are you doing to get money for our village roads and storm water sewers?"

Council President Zwissler stated this is her focus and she has been working on many committees with Tim Schaffer who recently put \$1,000,000 into the house budget bill for this. She further stated that the village is getting \$125,000 for a street scape.

Hayden then offered that she is willing to help with anything she can.

Council President Zwissler then mentioned that she spoke with David Goodman the Director of Development for the state regarding the grant for the struggling businesses. She sent out a letter to grants services to ask that they continue to bring down the 40% loss in revenue to allow more businesses to be helped by the funding.

Council Member's Comments:

Councilor Masone: In the short time I have been on council, I've seen all of the traits Ms. Hayden described when she mentioned the Mayor. Councilor Masone, however, did not feel that the meeting last Monday was that bad. He felt that he has been in worse meetings.

Councilor Poorman: Encouraged everyone to be respectful to each other and work together. He also encouraged everyone to respect the office staff's time.

Councilor Wells: Stated that she agrees with Councilor Masone and Councilor Poorman's comments. She talked with a couple of people in the audience who were at the meeting and they felt that people spoke respectfully. She would like the Mayor to let council know things in a more timely manner in the future. Respect goes both ways. Councilor Wells then went on to say that if she says something privately, her story will not change in public. Wells stated that she has told the mayor from the beginning that she appreciates the efforts that he has put into learning his job. He has spent much more time than any of the previous mayors in recent history. If she said anything to offend it wasn't intentional.

Councilor Wolfe: Thanked everyone for coming to the council meeting. It is great to see so many in attendance. He also stated that the community gardens look great now that the fence is up.

Councilor Ruton: You have to give respect to get respect.

Councilor Ryan: Stated that we need to have serious conversation about the streets, street repair and storm sewers.

Bonnie Mansfield, 136 Anchor's Way, Buckeye Lake. Stated that she pays \$20 each time she renews license plates for the Village of Buckeye Lake roads. Where does that money go? Council Clerk Hans stated that the money goes into a fund that is held by the County Engineer for road improvements. When the village has a project where that money is needed, we have to petition to get that money released from the county. Some of the money was used most recently when the roads were paved after the water lines were installed.

Council President Zwissler: Thanked everyone for coming to the meeting.

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

VOTE: IN-FAVOR: ALL YEAS; MOTION CARRIED 7-0

Meeting adjourned at 8:37 p.m.

NEXT MEETING: June 27, 2016



Valerie L. Hans, Clerk of Council



Catherine Zwissler, Council President