

Buckeye Lake Village Council Meeting
Held in Village Hall
September 12, 2016
Meeting Minutes

Call to Order: By Council President Zwissler at 7:01 p.m.

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

Roll Call: Present: Tim Ryan (0,1), Peggy Wells (0,0), Kitty Zwissler (0,0), Robert Masone, MD (0,0),
(Consecutive, Total Absences) Doug Poorman (0,1),
Mayor Carroll
Absent: Tom Wolfe (0,3), Arletta Ruton (2,4)

Staff Present: Valerie Hans, Clerk of Council; James Hanzey, Police Chief; Pete Leindecker, Fire Chief; Rod Riley, Code Enforcement Officer.

Approval of Minutes:

Motion by Councilor Wells to approve the minutes of the August 22, 2016 regular council meeting as presented, seconded by Councilor Ryan.

Roll Call Vote: Yeas: Ryan, Wells, Zwissler, Masone, Poorman
Motion Passed 5-0.

Approval of Clerk Treasurer's Report:

Motion by Councilor Wells to approve the Treasurer's report dated September 8, 2016, seconded by Councilor Poorman.

Roll Call Vote: Yeas: Ryan, Wells, Zwissler, Masone, Poorman
Motion Passed 5-0.

NEW/UNFINISHED BUSINESS: None

COMMISSION REPORTS:

Parks & Recreation Commission: The Parks and Recreation Commission met on Tuesday, September 6, 2016. Their next scheduled meeting will be on October 4, 2016, at 6:30pm.

Planning Commission & Board of Zoning Appeals: The Commission will meet on Tuesday, September 13, 2016, at 7:30pm.

COMMITTEE MEETING AND/OR REPORT:

Finance Committee: Councilor Wells stated that the Finance Committee met just prior to this council meeting. Councilor Wells stated that she will prepare the minutes of the meeting and provide them to council at the next council meeting.

Mayor Carroll mentioned items that council will need to work on for the 2017 budget such as storm sewer upgrades and right-of-way utility use fees. He further stated that there will be approximately \$130,000 of carryover at the end of the 2016 fiscal year.

Public Safety Committee: Councilor Masone stated that the cement plant and the drill on Northbank created a huge fugitive emission during cleaning last week which was caught on camera. However, the cement plant and drill have now been removed from the immediate area. He further stated that the cleaning caused minimal damage and were mostly just an inconvenience to the residents in the area.

Public Service Committee: Mayor Carroll stated that Councilor Ruton would like to schedule a committee meeting for Monday, September 26, 2016 at 6:00pm to discuss the village office roof quotes.

Rules Committee: Councilor Wells stated that the Rules committee meeting also has a meeting scheduled for Monday, September 26, 2016. She changed her meeting time to immediately following the Public Service Committee meeting.

Community Development Committee: Councilor Poorman stated that he thinks he has found someone who will help to manage the farmer's market and set up the WIC coupons. Council President Zwissler stated that there is already a farmer's market manager. Councilor Poorman stated he still has not received roof quotes for the LEADS building so he will contact the contractors again to ask for roof quotes.

Councilor Wells stated that she spoke with Jo Fedor, Licking County Aging Program and they are working with Johnstown at the moment. Whichever community Buckeye Lake or Johnstown has their plan together first is the community that will get assistance.

Personnel Committee: No report.

COMMUNICATIONS: None.

CITIZEN'S COMMENTS: Bonnie Mansfield, 136 Anchor's Way, Buckeye Lake. Ms. Mansfield passed out a package of information which included a letter to the Buckeye Lake Beacon editor which was published in the September 10, 2016 edition of The Buckeye Lake Beacon. The packet also included information printed from the Ohio Supreme Court website regarding Mayor Court Education and Procedure Rules. Ms. Mansfield read and submitted a letter dated September 12, 2016 which has been included as part of the council minutes for this meeting record.

Ms. Mansfield stated that has been writing to The Buckeye Lake Beacon about the Mayor's Court issues since April 14, 2016. She then asked Mayor Carroll if he is going to fire the magistrate.

Mayor Carroll stated, "No! I stated that I will take this under consideration."

Councilor Masone stated that it appears that the magistrate is mocking the people that are criticizing him and purposefully using the F-word. He then stated that he should be terminated.

Council President Zwissler stated that she agrees with Ms. Mansfield that his behavior is unacceptable and it does represent the village. She further states that we've been trying to put our best foot forward in this village and do as much as we can for the image of the village and I don't think this helps. It's unacceptable language period any where, any place, any time.

Council President Zwissler asked what are the options in terms of discipline or removal and since the Mayor is the appointing authority it comes from you and not from us. So essentially the decision is yours, right?

Mayor Carroll stated that it was his decision; however he would take the recommendations under advisement.

Councilor Wells read and submitted a letter dated September 12, 2016 regarding the use of profanity by the magistrate during the Mayor's court sessions. At the end of the letter, Councilor Wells asks for the Mayor to offer him the chance to resign and if he refuses he should be terminated. A copy of Councilor Wells letter will be included with the meeting records.

Marianne Perine, 264 Park St., Buckeye Lake. Thanked Council and Ms. Mansfield for bringing the magistrate issues to our attention.

Councilor Ryan stated that he knows the Mayor has spoken with magistrate Berryhill. However, he feels that the magistrate's behavior is far over the top of anything that he has ever witnessed.

Councilor Wells asked the Mayor, "now that you have heard how we feel, are you going to ask for his resignation?" She then stated if you do not ask for his resignation, this will not be the last you hear of this from me.

Ms. Mansfield asked if anything has ever been said to the magistrate about his language or behavior?

Councilor Wells stated that this is not the first time he has done this. She feels his behavior is very disrespectful to the Mayor and the village.

Councilor Poorman stated that he feels that the magistrate views this as a challenge and he doesn't care who he offends.

Councilor Ryan asked the police chief what would happen if a defendant behaved like the magistrate in the courtroom.

Chief Hanzey stated that they would be asked to stop and held in contempt of court if they failed to do so.

REPORTS OF VILLAGE OFFICIALS: None

DEVELOPMENT DIRECTOR'S REPORT: No report.

MAYOR'S REPORT: Mayor Carroll mentioned that he spoke with several people regarding contracting with an outside vendor for commercial building permits. He stated that he was not getting much positive feedback and has chosen not to pursue the issue any further.

Mayor Carroll also mentioned that the Village was approved for a 0% interest loan for the MARCS tower.

Mayor Carroll read and submitted an email from Robert Vogt dated September 5, 2016 regarding issues of loud music, drugs, fighting, graffiti and trash at the bike park. He is asking the village to tear down the bike park. Alternately, he would like a fence and video monitors to be put up and tickets to be written when issues arise. A copy of the email is included in the council record.

Mayor Carroll stated that the crosswalk construction is underway. He also mentioned that we will be receiving smoke-free environment signs from the health department and plan to post them at our building locations as soon as they are received.

Lastly, Mayor Carroll read a letter which was received from the Mayor Gary Matheny, Village of Millersport, addressing the issues they are experiencing with their iron and manganese filtration unit. A copy of this letter was entered into the council record.

PRESIDENT OF COUNCIL: Council President Zwissler thanked everyone for their hard work and cooperation on the health department grant. She also thanked the public for coming out to speak this evening

ORDINANCES

3rd Reading

2nd Reading

2016-10 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR ENGINEERING SERVICES FOR THE FORMULATION, IMPLEMENTATION ASSISTANCE & MAPPING FOR A RIGHT-OF-WAY UTILITY USE RATE DETERMINATION, MAPPING & IMPLEMENTATION FOR THE VILLAGE OF BUCKEYE LAKE, LICKING COUNTY, OHIO.

2016-12 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE THOMAS J. EVANS FOUNDATION FOR A TEN YEAR LEASE ON THE PROPERTY LOCATED AT 5310 WALNUT RD FOR USE AS A RECREATIONAL AND COMMUNITY CENTER FOR THE VILLAGE OF BUCKEYE LAKE.

1st Reading

RESOLUTIONS:

3rd Reading

2nd Reading

1st Reading

Citizen's Comments: Bonnie Mansfield, 136 Anchor's Way, Buckeye Lake. Ms. Mansfield stated that it doesn't say how much the lease will be and she would like to know the cost. Ms. Mansfield also stated that

there is an animal cruelty case which has been on our prosecutor's desk for over 1 year. She would like to know when the prosecutor is going to file charges on this case.

Ms. Mansfield asked why the prosecutor is never at Mayor's Court.

Lastly, Ms. Mansfield asked if the money was returned from Time Warner Cable. She then stated that it should've never been paid.

Council Member Comments:

Councilor Ryan: Stated that he has received 2 calls on the village rental space. He stated that we need to turn the power on and clean the space up so that it will show better.

Councilor Poorman: Asked if we should get the refrigeration unit removed from the back of the building.

Councilor Masone: Stated the he supported the MARCS tower a few weeks ago. He further stated that we also have to support fair, dignified behavior by all employees of the village.

Councilor Wells: Stated that she was happy to learn that we had a new business in town, she was just sorry she learned about it from driving by the business. She then stated that recently a resident had an issue getting a copy of a zoning permit. They were told that the zoning officer holds the permits until the end of the month when he turns in his report. She then stated that the person should've been able to get the public records as soon as they were created.

Councilor Ryan asked if we are putting any pressure on the ODNR contractor to fix the sidewalks near the spillway on Walnut Rd.? Mayor Carroll stated that he will look into this.

Councilor Wells stated that we should be asking ODNR to return the sidewalk near the spillway to its pre-dam construction state.

Councilor President Zwissler: Thanked everyone for attending the meeting.

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


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

Meeting adjourned at 8:10 p.m.

NEXT MEETING: September 26, 2016



Valerie L. Hans, Clerk of Council



Catherine Olohan Zwissler, Council President