

Buckeye Lake Village Council Meeting
Held in Village Hall
September 26, 2016
Meeting Minutes

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

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

Roll Call: Present: Peggy Wells (0,0), Catherine Zwissler (0,0), Robert Masone, MD (0,0),
(Consecutive, Total Absences) Doug Poorman (0,1), Arletta Ruton (0,4), Tim Ryan (0,1)
Mayor Clay Carroll

Absent: Tom Wolfe (2,4)

Staff Present:

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

Approval of Minutes:

Motion by Councilor Wells to approve of the minutes from the September 12, 2016, regular council meeting as presented, seconded by Councilor Poorman.

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

Approval of Clerk Treasurer's Report:

Motion by Councilor Ruton to approve the Treasurer's Report dated September 21, 2016, seconded by Councilor Ryan.

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

Motion Passed 5-1.

Elections and Appointments: None

NEW/UNFINISHED BUSINESS: Council Clerk Hans presented a letter dated September 26, 2016 of properties in disrepair that the Village has cleaned up.

Motion by Councilor Ruton to certify the list of properties on the letter dated September 26, 2016 to the property tax duplicate, seconded by Councilor Poorman.

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

Councilor Wells stated that she had an item of unfinished business. Wells then went on to ask the status of council being able to review the RFQs for engineers since she has not seen them. She then asked the Mayor if he has the RFQs. He stated that they available for review at the village office.

Councilor Wells asked how many are there.

Mayor Carroll stated there are four.

Councilor Wells asked what is the urgency of hiring another engineer?

Mayor Carroll answered that we have not had a contracted engineer for a while.

Councilor Wells also stated that a few years ago we were trying to address a storm sewer project in the Neel addition with the neighborhood revitalization program. She then stated that she knows we let a CDBG opportunity pass and the OPWC deadline is rapidly approaching. She then asked the Mayor if he planned to apply for OPWC funding this fall. Are we doing anything with Ohio public works that application is due October 7, 2016. We only need a cost estimate to submit. She then asked, "Wasn't there a cost estimate from the engineer already done for that project?"

Councilor Wells asked are we making any application for those funds?

Mayor Carroll stated I hadn't planned to since this is the first it has come up. You typically have to have to do more with the matching funds.

Council President Zwissler asked Councilor Wells to make a phone call on this.

Mayor Carroll stated that he will look into this.

Council Clerk Hans reminded council members that OPWC has a match for their programs and she believes that new infrastructure is a 50% match.

Councilor Ryan asked the mayor if he had a chance to speak with ODNR about the lot and the sidewalk. Mayor Carroll stated he spoke with them but still needs to discuss the issue further and will do so when he meets with Jason Wesley tomorrow.

Councilor Wells asked about code enforcement. She asked are we going to get a zoning report at every council meeting or more often than one time each month

Mayor Carroll stated, "I don't think so."

Councilor Wells asked, "Could we?"

Mayor responded, "It is a lot of extra time and work for Bob and I'm not sure that it would serve a purpose." He commented that each of the department heads provide a report one time each month at the second council meeting and zoning does not need to be any different.

Council President Zwissler stated that code enforcement holds onto the checks and permits until the end of the month.

The Mayor further elaborated by saying that the checks are held until the permits are approved. The permits are certainly available at any time of the month upon request. I don't see why zoning can't simply do his report monthly like everyone else.

Council Wells stated that she would like to have the Parks and Recreation Commission and PC/BZA meeting minutes at least once a month as well. When new businesses come to town we are the last one to know about it.

COMMISSION REPORTS:

Parks Commission: The Commission will meet on Tuesday, October 4, 2016, at 5:30pm. Please note that the committee has permanently changed their meeting time to 5:30pm on the 1st Tuesday of each month.

Planning Commission & Board of Zoning Appeals: The Commission will meet on Tuesday, October 11, 2016 at 7:30pm.

COMMITTEE MEETING AND/OR REPORT:

Finance Committee: Councilor Wells provided a typed copy of the minutes from the September 12, 2016 meeting. She stated that the report was read at the last meeting. Councilor Wells mentioned that a few months ago council was given a letter from the CPA in Zanesville who did the audit. It was presented to us at the time that it was the final results of the audit and that was not what it was at all. I asked Mary for the management letter when it was available and didn't receive it the first time so I asked again and have now received it. You can go online and read the full audit online. There were 14% of expenditures that exceeded appropriations. There were other findings as well. It is our responsibility to know what is going on with our finances. We should have an opportunity to meet with the auditor after the audit. This is just one more way we are not being kept informed

Public Safety Committee: No report.

Public Service Committee: Committee met to go over the roof estimates before the meeting.

Rules Committee: No report.

Community Development Committee: Councilor Poorman got one estimate for the LEADS building which includes roof and facelift. The estimate was \$24,000 and I will get it broken out more.

Personnel Committee: No report.

COMMUNICATIONS: None.

CITIZEN'S COMMENTS: Doug Stewart, 4537 Northbank Rd., Buckeye Lake. Mr. Stewart apologized for not coming to the meetings. He stated that there was a letter passed out about the dam for code enforcement and he didn't receive it. It was regarding bushes and trees growing into the sidewalk. What were the consequences if they didn't conform to the letter? He wants to know what the status is and if the remainder of the properties can get cleaned up.

Mayor Carroll stated that we don't have any answers for that but asked him to leave a number and he would look into the letter and get back with him.

Council and the Mayor discussed the letter further and determined that code enforcement sent the letter because he noticed that there were weed and grass issues on properties and asked the residents to take care of the issues.

Council President Zwissler stated that she heard from Ann Oliver who received a letter and paid \$50 to have someone take care of the issues. She was upset because then someone came along and took care of the issues.

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

FIRE CHIEF'S REPORT: A report for the month of August 2016 was read and submitted. Chief further stated that there will be a grant for additional MARCS radios and the county will need 100% participation for the regional grant to be submitted.

Councilor Ryan asked if this is for radio equipment only. Chief Leindecker stated it was for radio equipment only.

Councilor Wells asked if we needed a resolution to support the grant. Chief Leindecker stated no.

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

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

DEVELOPMENT DIRECTOR'S REPORT: No report.

MAYOR'S REPORT: Mayor Carroll stated he spoke with the Solicitor about issues that came up at the last council meeting. There was a question about the case with the cat that was dropped off. The case did not have enough evidence to prosecute. Therefore, it has not been sitting on his desk for over 12 months, it was not able to be prosecuted.

Mayor Carroll stated that we have temporarily tabled the GGC legislation regarding the Right-of-Way use agreement until the changes are made and he receives more information from the gas company as to what their issues were. He would also like to determine how Millersport plans to proceed.

Solicitor Gardner also suggested that he contact the Ohio Municipal League. Mayor Carroll stated that he spoke with Gary Hunter, OML general council and Ohio Attorneys Association president. He is interested in coming to speak to our village. He would like to discuss procedures, functions, roles and things we should do to keep the village out of trouble. He suggested October 25, 2016 at 6 or 7pm as Tuesdays are best for him. He said it is best not to hold the meeting on a regular council night. Councilor Wells asked if he had any other dates. Mayor Carroll stated that this was the only date that seemed to work due to other scheduled meetings. Councilor Wells stated she will be in California and will not be there. However, she would like a taped copy of the meeting. Other council members stated they can be there and chose 7 pm as the meeting time.

Mayor Carroll stated that the posts are up for the crosswalks and we are getting more illuminated signs.

He also stated that now that the community garden season is over, we need to get it cleaned up so that the water can be turned off and the ground can be prepared for next season. He stated that the office doesn't have a list of everyone who had a plot at the garden. He then asked Council President Zwissler if she could get in contact with the people who used the community garden for the season and arrange for the clean-up. Zwissler stated that she will take care of that.

Mayor Carroll stated that road improvements were made on Hunts Landing Road. The village street department worked with Union Township and their durapatcher. There was some confusion because when Union Township arrived to do the work they had an agreement that needed to be signed before they began. It was something that the Village was not made aware of previously. Mayor Carroll stated that Street Supervisor Mark Dymek signed the agreement with the Mayor's permission so the project could proceed as scheduled. Labor and the machine were \$14.00/hour. Total project cost was approximately \$2,300.

Mayor Carroll stated that Fall Clean-up is on October 4-8, 2016. There will be dumpsters in the street department for residents to deliver items from 8am-6pm. Code enforcement has been notifying residents so they can dispose of items and clean up their properties.

Lastly, Carroll stated that water usage at the park has been quite a surprise. He stated that we have used over 26,000 gallons so far and are using approximately 400 gallons of water from 4-7pm in the evenings. He stated that the usage is not a problem at night because we are locking the restrooms at night. He stated that there will need to be a line item set up in the budget to address this for 2017.

Councilor Wells asked what the status is to replace the magistrate. Mayor Carroll responded that he is speaking with interested candidates.

PRESIDENT OF COUNCIL: Council President Zwissler thanked the water department for making a wedding party very happy by hooking up water for the event. Zwissler also thanked the street department for working to get Hunts Landing Road repaired. However, she stated that a resident complained because they feel the road still needs to be rolled.

Street Supervisor Dymek stated that you do not roll the road when using a durapatcher.

ORDINANCES

3rd Reading

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.

Motion by Councilor Wells to adopt Ordinance 2016-12 as presented, seconded by Councilor Masone.

Councilor Ruton asked if anyone has looked into the cost to the village for upkeep of the building. Council President stated that we have some options to rent some of the rooms to pay for the cost of utilities. Councilor Poorman stated that the utilities run \$500/month. Mayor Carroll stated that the Clerk/Treasurer is definitely concerned and we will need to keep our eye on the costs.

Councilor Ryan stated that he agrees with Councilor Ruton that while it would be great to have a community center, we need to know how much this will cost the village. He further stated that we need to have a plan before we take over the building.

Councilor Ruton stated that we need to be realistic with our budget. While we really need a community center, we need to look at all of the costs before jumping into it.

Council President Zwissler stated that we have had numerous meetings about it. We have an obligation to the people of this village to provide some source of enjoyment for them. She then stated that we have nothing for them now either for the children, high schoolers or the seniors. Lastly, she stated that we can enter into this lease with our eyes wide open knowing that if we can't manage it we can get out of the lease. The danger of us not entering into a lease is that some entrepreneur will get the building. Zwissler stated that it is safer for us to get the building.

Councilor Poorman stated that there have been other people interested in the building. The land owner has been very patient with us in holding the building while we get things approved. They have been holding off negotiating with other tenants for a few months while we get legislation approved for the lease.

Council President there are so many people willing to help. The civic association, and other entities that could have use of the building and pay a small fee for using the building.

Councilor Ruton stated that she doesn't want to see us scrambling to find a way to pay for the maintenance and upkeep of this building.

Council President Zwissler asked for a positive vote on this knowing that we have an out.

Mayor Carroll stated that he hopes we can make use of the building in short order and that we are not still working on this in six months.

Councilor Wells stated that based on the finance committee minutes we may have a minimum of \$30,000 and a maximum of \$40,000 to choose to put towards various items.

Councilor Poorman stated that the civic association is the most likely source of support. He has also spoken with the YMCA and is hoping to work with them as well.

Mark Dymek, Street Superintendent. He stated that is an old building and when LEADS was in it they were not there all the time. If we are in it full-time we may have utilities three times what they did.

Councilor Masone what support can the civic association provide?

Councilor Poorman stated that the YMCA has access to state and federal funds such as silver sneakers and they would like for us to find a segment of the population that would support and patronize the facility. I also spoke with the Catholic Church to involve the senior group with the Catholic Church. Father also suggested an art program for the facility.

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

2nd Reading

1st Reading

2016-13 AMENDING ORDINANCE 2015-24 PERMANENT APPROPRIATIONS ORDINANCE AND DECLARATION OF EMERGENCY

Motion by Councilor Wells to suspend the rules on Ordinance 2016-13, seconded by Councilor Poorman.

Mayor Carroll stated that this in the water department budget when we did the 2016 budget, we did not have enough information for the rate increase from Millersport. Therefore, we did not put enough money in the line item.

Councilor Wells stated so we are moving money to cover the rate increase?

Toby Miller can be heard faintly in the background speaking to council; however the conversation is not able to be determined.

Council Clerk Hans called point of order and reminded council that discussion should only occur after the motion to suspend the rules has been completed and the motion to adopt is on the table.

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

Motion by Councilor Wells to adopt Ordinance 2016-13 as presented, seconded by Councilor Ruton.

Toby Miller, Water Supervisor stated that this is not moving money. This is money that is already in the water fund 5101. This is a housekeeping issue. Last year, we thought the rate increase from Millersport might not happen so we didn't put money in for it. Then, after the rate increase went into place, we needed enough money to be budgeted to cover the increase.

Councilor Wells asked if the \$3,000 was for medical insurance increases in the police department. She then mentioned that is what Mary told her.

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

RESOLUTIONS:

3rd Reading

2nd Reading

1st Reading

2016-05 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Motion by Councilor Wells to suspend the rules on Resolution 2016-05, seconded by Councilor Poorman.

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

Motion by Councilor Ruton to adopt Resolution 2016-04 as presented, seconded by Councilor Ryan.

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

Citizen's Comments: Charlene Hayden, 57 Lighthouse Lane, Buckeye Lake. Thanked everyone for all of the progress that was made tonight. However, she was very dismayed at the behavior during last meeting. Ms. Hayden stated that she feels a lot of the issues could have been cleared up by simply following the council rules. Hayden went on to read a letter that she prepared. A copy of the letter will be included in the minutes.

Ms. Hayden stated that she feels that it is prudent to keep the side streets at 20mph because there are children who play near the edges of the streets. She also mentioned that many people use the streets for walking and walking their pets and the roads are very narrow placing people and pets very close to the traffic. She would like to see more police enforcement on the side streets.

Ms. Hayden stated that she really appreciates the crosswalks; however she worries about the crosswalks giving a false sense of security to the residents. She thinks that the police should be watching this carefully. She thinks that if you don't, you will have people speeding through there as they already do and hitting someone creating a liability for the village.

At the last meeting, Hayden heard the Mayor say that council was considering hiring a part-time development director. She feels that is a very premature decision. The last person in that position tried very hard to get businesses; however he did not find enough interest in development to warrant the position. That salary also drains the budget very quickly. She feels there are many things that need to happen in the village before developing here will be attractive. First the storm water needs to be addressed and a fund needs to be established to handle this. Next a plan for maintaining and funding the streets needs to be put in place. You have a start with the water system in place. These are two things that show the village is working towards goals that are encouraging to developers. She also asked if you were a developer researching the community and you read the local newspaper what would you think of the village?

She encouraged the council members to work together instead of creating distractions like the one at the last council meeting as they do not accomplish moving the village in a positive direction.

Council Member's Comments:

Councilor Ryan: No comment.

Councilor Ruton: Stated that we need to follow council rules at all times. She feels that it is simply wrong to criticize employees in a public forum.

Councilor Masone: Stated that he thinks the last 6-8 months have been very successful on council. He further stated that we are functioning very efficiently.

Councilor Poorman: Stated that we need to use council rules appropriately. He passed out a paper that Council Clerk Hans prepared on general meeting procedure.

Councilor Wells: Stated that she supports the sunshine laws. Since the magistrate made his issue public with his behavior in a public forum, it is appropriate to deal with it in a public forum. She also stated that she supports hiring a development director to get grants and keep council informed. Lastly, she stated that there is long history of killing the messenger; when we should actually be supporting the Beacon for informing the public.


Council President Zwissler: Stated that she was disappointed that she only heard about OPWC tonight.

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

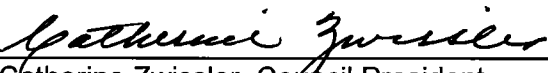
VOTE: IN-FAVOR: ALL YEAS; MOTION CARRIED 6-0

Meeting adjourned at 8:22 p.m.

NEXT MEETING: October 10, 2016



Valerie L. Hans, Clerk of Council



Catherine Zwissler, Council President