

Buckeye Lake Village Council Meeting  
Held in Village Hall  
**November 13, 2017**  
Meeting Minutes

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

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

**Roll Call:** Present: Doug Poorman (0,2), Arletta Ruton (0,3), Tim Ryan (0,5),  
(Consecutive, Total Absences) Peggy Wells (0,0), Tom Wolfe (0,2), Kitty Zwissler (0,1)  
Mayor Carroll  
Absent: Robert Masone, MD (0,4)

**Staff Present:** Valerie Hans, Clerk of Council; James Hanzey, Police Chief; Dave Ruton, EMS Captain; Toby Miller, Water Superintendent.

**Approval of Minutes:**

Motion by Councilor Ryan to approve the minutes of the October 23, 2017 regular meeting, seconded by Councilor Wolfe.

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

**Approval of Clerk Treasurer's Report:** No report.

**COMMISSION REPORTS:**

**Parks & Recreation Commission:** No report.

**Planning Commission & Board of Zoning Appeals:** The Commission will meet on Tuesday, November 14, 2017 at 7:30pm.

Chairperson Cookston stated that the commission met in October and reviewed the height restriction survey feedback. She further stated that it was apparent that the individuals completing the survey did not want height restrictions at this time. The PC/BZA has scheduled a final public hearing on this issue for 12/12/17 at 7:00pm. This will give the public one last chance to come forward if they would like to discuss height restrictions.

Chairperson Cookston stated that the BZA held a public hearing on 11/3/17 to hear a garage variance application for Gary Snowden. She further stated that Mr. Snowden decided to withdraw his application before ever getting to a point of fully discussing the application due to the negative comments from the residents and council president.

Chairperson Cookston stated that Councilor Wells handed Council President Zwissler a folder and Council President read comments from the folder during the public hearing.

Council President Zwissler stated that was not true.

Councilor Wells moved to end the comments.

Council President Zwissler stated that was not true.

**UNFINISHED BUSINESS/OTHER BUSINESS:** Council Clerk Hans presented the 2018 list of council meeting dates and voting order for approval. She stated that the 2<sup>nd</sup> meeting in May will be on Tuesday due to the Memorial Day Holiday. She also stated that there is only one meeting scheduled for December.

Motion by Councilor Poorman to approve the 2018 Council Meeting Dates and Voting Order as presented, seconded by Councilor Ryan.

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

Council Clerk Hans read a Notice to Legislative Authorities notifying Village Council members that all permits to sell alcoholic beverages in the Village will expire on 2/1/18. The letter stated that council only needs to take action if there are permits in the village that they object to.

Charlie Prince spoke to council on the Union Township Trustees regarding the common insurance issues that the Village, Union Township and several other entities are experiencing. Mr. Prince stated that Mark Stemm, an attorney who is extremely knowledgeable on the insurance issues related to OPEC-HC and JHP, provided a free legal consultation on 10/26/17. Mr. Prince provided a written synopsis of the meeting as well as a copy of an email that was sent to him from Mark Stemm. Mr. Prince stated that the group of eight government entities are forming a class action litigation to help negotiate better payment terms for the exit payment as well as a lower exit payment. He stated that the City of Steubenville is planning to be the lead plaintiff in the suit and there are He stated that the \$7,500 per employee cost is due by 1/1/18. If the payment is not made by 1/1/18, there is a possibility that run-out claims for October, November & December would not be paid. If the Village chooses to participate, the only cost to join the suit for now is \$1,000 which covers the Village's portion of the retainer. The suit will be filed in Jefferson County, Ohio as JHP tends to react quicker to suits filed in their home county. In addition, Mr. Prince explained that each participant in the litigation group will be charged accordingly to the number of insured individuals on their plan.

Council members and the Mayor all agreed that the \$1,000 was well worth it to work toward a solution that would get the outstanding insurance claims for the Village employees paid.

Motion by Councilor Wolfe to spend \$1,000 to join the Porter Wright Litigation Group seconded by Councilor Poorman.

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

Councilor Wells asked Charlie Prince if we need to also talk about benefits. She then stated that in the 12 page packet that she passed out to council there is a spreadsheet that lists options for benefit selection for 2018.

Janet and Greg Kearns spoke to council regarding their concerns with the zoning and property code enforcement process. Mr. Kearns handed out a 6 page letter to the Mayor,

Council President and Council Members. The letter will be included as part of the council record. They stated their frustration with the planning commission/BZA and zoning process that they encountered while trying to build their detached garage across the street from their existing home in Buckeye Lake. Mrs. Kearns stated that they were met with quite a bit of resistance on their project because they did not want to spend money on required living space that they did not need.

**COMMITTEE MEETINGS AND/OR REPORTS:**

**Finance Committee:** Councilor Wolfe scheduled a Finance Committee meeting for Monday, November 27, 2017 at 5:30pm to discuss the 2018 budget. He also scheduled a joint committee meeting with Finance and Public Service on Monday, November 27, 2017 at 6:30pm to discuss the storm water utility.

**Public Safety Committee:** No report.

**Public Service Committee:** Councilor Ruton state that her committee met on Monday, November 6, 2017 at 6:00pm. She stated that Doug Poorman was also present for the meeting where the engineers presented storm water study pictures of areas that the village should look at.

**Rules Committee:** No report.

**Community Development Committee:** Councilor Poorman stated that the storm water issue is extremely important. He felt that the engineer's report was reasonable and that most residents could take part in it.

**Personnel Committee:** Councilor Ryan asked to go into executive session to discuss complaints again officials.

Council President Zwissler asked that the executive session be postponed to the end of the meeting so the residents wouldn't have to stand out in the cold.

**CITIZEN'S COMMENTS:** None

**MAYOR'S REPORT:** Mayor Carroll stated that the stormwater assessment is very important. He stated that the right-of-way use agreement is working and has already been collected.

Mayor Carroll stated that the RCAP meeting is coming up.

He is glad both levies passed.

Mayor Carroll addressed the issues that the Kearns family brought up. He stated that he was at the meeting and didn't think the application ever went far enough to determine if there would be a deed restriction because the application was withdrawn by the applicant.

Mayor Carroll stated that the council rules and code of conduct have been ignored.

He stated that approaching village employees in public is an issue. Council needs to govern themselves and pay attention to their own rules.

**COUNCIL PRESIDENT'S REPORT:** Council President Zwissler thanked the Mayor, Arletta Ruton, Charlene Hayden and all who went door to door in support of the levies.

Councilor Wells suggested that we wait to until we receive a response from the solicitor.

Mayor Carroll stated that council needs to research the enforcement as the dog warden stated that they will not enforce the tethering legislation.

Councilor Ryan stated that the Police Department doesn't have the time to enforce the tethering legislation.

## **ORDINANCES**

### **3rd Reading**

### **2nd Reading**

**2017-17** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE LICKING COUNTY PLANNING COMMISSION FOR THE ADMINISTRATION OF FLOODPLAIN REGULATIONS

**2017-19** PERMANENT APPROPRIATIONS ORDINANCE

### **1st Reading**

**2017-20** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR REIMBURSEMENT OF LEGAL COUNSEL FOR INDIGENT DEFENDANTS FOR THE VILLAGE OF BUCKEYE LAKE, LICKING COUNTY, OHIO.

Motion by Councilor Poorman to suspend the rules on Ordinance 2017-20, seconded by Councilor Masone.

**Roll Call Vote: Yays: Masone, Poorman, Ryan, Wells, Wolfe**  
**Rules Suspended 5-0.**

Motion by Councilor Wells to adopt Ordinance 2017-18 as presented, seconded by Councilor Poorman.

**Roll Call Vote: Yays: Masone, Poorman, Ryan, Wells, Wolfe**  
**Motion Passed 5-0.**

**2017-11** A RESOLUTION ADOPTING ANIMAL TETHERING REGULATIONS

## **RESOLUTIONS**

### **3rd Reading**

### **2nd Reading**

### **1st Reading**

**Citizen's Comments:** Marianne Perine, 264 Park St., Buckeye Lake. Ms. Perine thanked council for proposing the legislation. She stated that no other town in Licking County has this legislation yet. She feels that this legislation will show the residents that Buckeye Lake really cares about their animals.

Bonnie Mansfield, Anchor's Way, Buckeye Lake. Ms. Mansfield stated that the legislation is not about dogs barking it's about chaining them up. Lori Carlson spent quite a bit of time talking with us.

**Council Member Comments:**

**Councilor Ryan:** Stated that he would save his comments for in executive session.

**Councilor Wells:** Stated that beginning on January 1, 2017 she will see that our Police Department has the time to support the tethering law. Councilor Wells stated that she appreciates Charlie Prince coming to explain the complex insurance issues. She stated that the disorderly conduct defendant was not a young lady, it was an elderly lady. Councilor Wells stated that she failed to commit suicide and it affected her greatly. She thanked Paddy Kutz for talking with her about this issue. Councilor Wells also stated that she understands that the thrust of the issue was about encouraging her to get help. She asked why we are operating this way; and then stated that we will find a better way. Councilor Wells stated that she was told this was a multiple offender and that we call on this person time and time again. How is burdening this person financially going to help her.

**Councilor Poorman:** No comments.

**Councilor Wolfe:** No comments.

**Councilor Ruton:** Stated that she will save her comments for executive session.

**Councilor President Zwissler:** No comments.

Margaret Hansen, 40 Beacon Light Lane, Buckeye Lake. Ms. Hansen stated that the Friends of the Buckeye Lake Library are running their membership drive. She is asking for community support.

Motion by Councilor Ryan to go into executive session to discuss complaints against appointed officials, seconded by Councilor Ruton.

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

Executive session started at 8:17pm.

Persons present: Council members, Mayor Carroll, Council Clerk Hans, Karen Cookston.

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


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

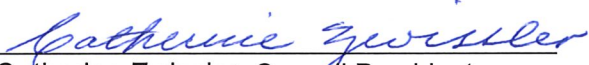
Executive session ended at 8:59pm.

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

**VOTE: IN-FAVOR: AII YEAS; MOTION CARRIED 6-0**  
Meeting adjourned at 8:59 p.m.

NEXT MEETING: November 12, 2017

  
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Valerie L. Hans, Clerk of Council

  
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Catherine Zwissler, Council President