

Buckeye Lake Village Council Meeting  
Held in Village Hall  
**February 26, 2018**  
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), Tom Wolfe (0,0), Catherine Zwissler (0,0)  
(Consecutive, Total Absences) Bill French (0,0), John Geiger (0,0), Robert Masone, MD, (0,0)  
Doug Poorman (0,0)  
Mayor Peggy Wells

Absent: None

**Staff Present:**

Valerie Hans, Clerk of Council; Chris Kerby, Interim Clerk/Treasurer; James Hanzey, Police Chief; Dave Ruton, Assistant Fire Chief; Rod Riley, Code Enforcement Officer; Toby Miller, Water Superintendent.

**Approval of Council Meeting Minutes:**

Motion by Councilor Ruton to approve the minutes of the February 12, 2018 meeting as presented, seconded by Councilor French.

**Roll Call Vote: Yays: Geiger, Masone, Poorman, Ruton, Wolfe, Zwissler, French**  
**Motion Passed 7-0.**

**Approval of Clerk Treasurer's Report:**

Motion by Councilor Ruton to approve the Treasurer's Report dated January 17, 2018, seconded by Councilor French.

**Roll Call Vote: Yays: Geiger, Masone, Poorman, Ruton, Wolfe, Zwissler, French**  
**Motion Passed 7-0.**

**Elections and Appointments:** None.

**NEW AND UNFINISHED BUSINESS:**

Council President Zwissler welcomed Dan Hayes to the council meeting.

Mr. Hayes introduced himself and provided a brief background on his educational history. He mentioned that his firm has 5 lawyers with diverse knowledge and experience. He stated Lori Wells with the firm specializes in real estate law. He also stated that he has experience in property maintenance from his time with the City of Pataskala.

Mayor Wells stated that she is interested in hiring Mr. Hayes and his firm to act as the village solicitor. She advised council members that Mr. Hayes resume was at their council desks for their review.

Councilor Ruton asked who will be the village prosecutor.

Mayor Wells stated that Mark Gardner will still be the village prosecutor; however he was not interested in continuing to serve as the village solicitor.

Councilor Ruton asked what Mark Gardner is paid.

Mayor Wells stated that he is paid \$60/hour for his services.

Mr. Hayes stated that his normal hourly rate is \$225/hour. However, his contracted rate for the Village of Buckeye Lake will be \$150/hour.

Motion by Councilor Poorman to confirm Hayes Law Firm as legal advisor for the Village and authorizing the Mayor to sign the contract, seconded by Councilor Ruton.

**Roll Call Vote: Yays: Geiger, Masone, Poorman, Ruton, Wolfe, Zwissler, French  
Motion Passed 7-0.**

Council President Zwissler welcomed Chris Kerby as the interim Clerk/Treasurer for the village.

Mr. Kerby introduced himself and provided a brief background on his experience. He stated that he was presently with the Village of South Zanesville. He also stated that he is a visiting clerk for Southeast Ohio through the Auditor of State's office. Mr. Kerby also stated that he is on the OML Board and attends their conference in November of each year. He stated that he uses spreadsheets a lot to make it easier for everyone to understand the financial reports.

Councilor Wolfe stated that we have already done the permanent appropriations for 2018. However, he likes the recommendations he has seen so far from Mr. Kerby.

Mr. Kerby stated that 85% of our POs are blanket POs and unless you have a policy on blanket POs you shouldn't have them. He suggested deleting all blanket POs to make more village funds available and teach the department heads how to manage those funds on a daily basis. Mr. Kerby stated that he monitors the funds on a daily basis each day of the month. He stated that South Zanesville has tripled their revenue since he began managing their funds. He encouraged the village to spend their money wisely. He has helped South Zanesville increase their general fund from \$7,000 to \$200,000.

Council Clerk Hans read a notice for liquor license transfer for Thai Paradise. She stated that they are moving their business location from 11189 Hebron Rd. to 4675 Walnut Road (Blue Heron Boardwalk). Ms. Hans asked if council had any objections. She reminded council that if there were any valid objections, they need to be submitted by no later than 3/15/18.

**Reports of Special and Standing Committees in the Following Order:**

**Planning Commission/BZA:** Casey Clark read and submitted a letter dated February 26, 2018 highlighting concern that the Mayor and Council President did not attend a scheduled meeting with the Planning Commission. Ms. Clark also stated the commission's concern that office staff will no longer be available during the monthly PC/BZA meetings. She included a copy of Article 7, Section 7.01 of the Village Charter which states the duties and responsibilities of the Planning Commission. A copy of this information is included in the council record.

Council President Zwissler stated that she would like to see a report that states the number of permits requested, number of permits given, number and names of people requesting variances, and what variances are approved.

Councilor Ruton stated that last year, you (Council President Zwissler) asked for verbal reports. Now you are asking for no verbal report. She then stated that she was disappointed that neither the Council President nor the Mayor attend the meeting. She stated that it was a poor decision not to attend the meeting.

Mayor Wells stated that Ms. Hans is overworked acting as the Clerk of Council, Clerk of Courts, doing zoning review and formerly the Development Director. She and Toby Miller are the highest paid employees in the office making \$21.00/hour. It makes more sense to have her here more hours during the day, rather than have her here in the evenings during the Planning Commission/BZA meeting.

**Zoning:** A report for the month of January 2018 is in the council packet.

**Code Enforcement:** A report for the month of January 2018 is in the council packet.

**Finance Committee:** No report.

**Public Safety Committee:** Councilor Masone stated that there was another cement powder exposure at night on North Bank Rd. He further stated that he could barely breathe and his dog is still coughing. Councilor Masone stated that he has cement all over his house. It appears that this was done at night to be secretive.

Councilor Geiger stated that he's still suffering from the 1<sup>st</sup> Portland cement exposure.

**Public Service Committee:** Councilor Ruton stated that there will be a Public Service monthly meeting on Monday, March 05, 2018 at 6:00pm to discuss the storm water. She stated that ADR & Associates will make a presentation and there will be a public comment period. This meeting will be posted as a public hearing to give the public a chance to comment prior to the 3<sup>rd</sup> reading of the storm water ordinance.

**Rules Committee:** No report.

**Community Development Committee:** Councilor Poorman congratulated Council President Zwissler on working to get three items in the Capital Improvements Budget. She was able to get \$400,000 to clean out feeder creek to reduce sediment into Buckeye Lake. Secondly, she was able to get \$400,000 for a feasibility study for Crystal Lagoon. Lastly, she was able to get \$400,000 for phase I of a pier. She stated that the sternwheeler will be docked there too hopefully. Councilor Poorman stated that Council President Zwissler was directly involved with these projects.

**Personnel Committee:** Councilor French stated that he is working on an evaluation procedure for the Council Clerk.

**CITIZEN'S COMMENTS:** None.

**POLICE CHIEF'S REPORT:** A report for the month of January 2018 was submitted.

**FIRE CHIEF'S REPORT:** A report for the month of January 2018 was submitted.

**STREET SUPERVISOR'S REPORT:** A report for the month of January 2018 was submitted.

**WATER DEPARTMENT REPORT:** A report for the month of January 2018 was submitted.

**MAYOR'S REPORT:** Mayor Wells submitted a written report dated February 26, 2018. She stated that she will be including her report in the council packet and making it available to the public at the meetings; however she will no longer read her report in its entirety. Mayor Wells thanked council for giving us a capable legal counsel. She also stated that she has been very impressed with Chris Kerby so far. Mayor Wells further stated that she would like to slow down

the process of hiring a permanent Clerk/Treasurer. She stated that so far the village has received 10+ applications for the available positions. The applicants have a variety of skills due to the changes we made in the job postings.

**PRESIDENT OF COUNCIL:** Council President Zwissler stated that she has been working with the governor to get Buckeye Lake established as an opportunity zone. Tiberi put it in the tax bill in D.C. We are low income and can get tax credits for developers doing projects in our village. There is a 5% change of us getting contiguous zones.

## **ORDINANCES**

### **3rd Reading**

### **2nd Reading**

**2018-06** AN ORDINANCE OF THE VILLAGE OF BUCKEYE LAKE ESTABLISHING BASE RATES CHARGES RELATING TO THE STORMWATER MANAGEMENT UTILITY

**2018-08** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) TO PURCHASE PROPERTY LOCATED AT 4831 WALNUT RD., S.E., BUCKEYE LAKE, OHIO.

**2018-09** AN ORDINANCE RESCINDING ORDINANCE 2017-24 AND DECLARING AN EMERGENCY.

Motion by Councilor Masone to suspend the rules on Ordinance 2018-09, seconded by Councilor Poorman.

**Roll Call Vote: Yays: Geiger, Masone, Poorman, Ruton, Wolfe, Zwissler, French  
Rules Suspended 7-0.**

**Ordinance 2018-09 failed to receive a motion or a second for adoption and therefore dies without further action.**

### **1st Reading**

**2018-11** AN ORDINANCE AMENDING ORDINANCE 2010-45, 2011-14, 2012-07, 2012-13, 2012-15, 2013-01, 2013-04, 2013-24, 2015-13 AND 2016-08 CREATING PAY LEVELS AND SALARY SCHEDULES FOR EMPLOYEES OF THE VILLAGE OF BUCKEYE LAKE, OHIO

## **RESOLUTIONS:**

### **3rd Reading**

### **2nd Reading**

### **1st Reading**

**Citizen's Comments:** Jane Simmons, 250 Lakeview Drive, Buckeye Lake. Ms. Simmons stated that she is concerned about the code enforcement in Buckeye Lake. She has a problem with a rat going under a house near her.

Mayor Wells stated that the car on the adjacent property will be removed. There was a big step forward taken this evening hiring new legal counsel. However, we have both of the safety chiefs on medical leave.

ODNR hit an electric pole last week at the spillways.

Ms. Simmons stated that she wants to make sure the village is moving forward on the code enforcement issues.

**Council Member's Comments:**

**Councilor Geiger:** Stated that ODNR as we near 3/1/18 and they are going to do the sidewalks. The closer the heavy trucks get to the houses, the greater chance of foundation cracking and drywall cracking. If no pictures are taken, forever hold your peace. Be aware that these trucks are within arm's reach pounding on the dam. There will be damage. There is a nasty period on the way with noise and pounding. He stated that stops were put in today.

**Councilor Ruton:** Asked if the village was still plowing the streets in the Carlin Addition. Stated that she looking this up in the ORC. We had no business plowing his streets. If he wants us to plow then he needs to bring the streets up to code. She also stated that ORD 723.011 states that it is the homeowner's responsibility for clearing sidewalks unless the village designates otherwise.

Mayor Wells asked which sidewalks.

Councilor Ruton stated the ones that Gary Bucy plowed.

Mayor Wells stated that she authorized plowing of the sidewalks because we have a handicapped resident that their only mode of transportation is their wheelchair.

Councilor Ruton stated that she was not done and then stated that Mr. & Mrs. Wright need to reimburse the village for what was spent on plowing

**Councilor Wolfe:** Welcomed Solicitor Hayes to the Village. He stated that Chris Kerby was doing a great job.

Asked Assistant Fire Chief Ruton to give an estimate of the medic replacement costs. He further stated that he would like to attend a conference in Indianapolis, IN next month to get more information on medic replacement costs and what is available.

**Councilor Masone:** Stated that the Mayor wants to focus on drugs in the village. He further stated that he understands that there have been 0 drug cases reported on the police and fire monthly reports.

Councilor Wolfe stated that he has concerns with ordinance 2018-06 because of the stormwater costs.

Mayor Wells stated that it hasn't been done because the Police Chief has had some medical issues which caused a delay.

**Councilor Poorman:** Welcomed Dan and Chris to the village.

**Councilor French:** Welcomed Dan and Chris to the village.

**Council President Zwissler:** Welcomed Dan and Chris to the village and stated that we need you. She further stated that we are looking forward to working with you. Council President Zwissler stated that she echoes Councilor Wolfe's concerns with Ordinance 2018-06 and stated that she was very concerned with the costs.

**Other Business:** Greg Kearns, 325 Lakeview Drive, Buckeye Lake stated that as you know, I was here in November 2017. I am going to pass out Ms. Cookston's facts. He then passed out a 5 page document dated 2/26/2018. He read portions of the document and stated that he would like to see Ms. Cookston barred from the commission. He stated that the village should consider his response this evening a formal objection to PC Chairperson Cookston.

Marianne Perine, 264 Park St., Buckeye Lake. Ms. Perine requested that the big potholes on Seymour Avenue be fixed.

Councilor Ruton stated in the Mayor's court report from 2/12/18 the Ed Stiles case was dismissed in January and she would like to see pictures that his property was cleaned up. She also asked that council go into executive session over a serious personnel issue.

**Adjournment:** Motion by Council President Zwissler to adjourn the meeting, seconded by Councilor Poorman.

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

Meeting adjourned at 8:23 p.m.

NEXT MEETING: March 12, 2018



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Valerie L. Hans, Clerk of Council



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Kitty Zwissler, Council President