

Buckeye Lake Village Council Meeting
Held in Village Hall
March 12, 2018
Meeting Minutes

Call to Order: By Council President Zwissler at 7:02p.m.

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

Roll Call: Present: Doug Poorman (0,0), Arletta Ruton (0,0), Tom Wolfe (0,0),
(Consecutive, Total Absences) Kitty Zwissler (0,0), Bill French (0,0), John Geiger (0,0),
Robert Masone, MD (0,0)
Mayor Wells
Absent: None

Staff Present: Valerie Hans, Clerk of Council; James Hanzey, Police Chief; Dave Ruton,
Assistant Fire Chief; Rod Riley, Code Enforcement Officer; Toby Miller,
Water Superintendent.

Elections and Appointments: None

Approval of Minutes:

Motion by Councilor Ruton to approve the minutes of the March 12, 2018 regular meeting,
seconded by Councilor French.

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

Approval of Clerk Treasurer's Report:

Motion by Councilor Ruton to approve the Treasurer's report dated March 12, 2018, seconded by
Councilor French.

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

COMMISSION REPORTS:

Parks & Recreation Commission: The Parks and Recreation Commission met on Tuesday,
March 6, 2018. Their next scheduled meeting will be on April 3, 2018, at 5:30pm. A copy of the
approved meeting minutes from the February 6, 2018 meeting were submitted for the council
record.

Planning Commission & Board of Zoning Appeals: The Commission will meet on Tuesday,
March 13, 2018, at 7:00pm. A copy of the draft meeting minutes from the February 13, 2018
meeting were submitted for the council record. Chairperson Cookston asked for the status on the
three applications to fill the vacant Planning Commission/BZA and Parks & Recreation
Commission seats.

Council members discussed that there were several positions available in the village; however the
only positions that council has any hiring or appointing power over are the two commission
appointments.

Councilor French agreed to schedule a Personnel Committee meeting to discuss and interview the 3 applicants for the vacant Planning Commission/BZA seat as well as the applicant for the Parks and Recreation seat for Monday, March 26, 2018 at 6pm.

Council members discuss the need to have a Personnel committee meeting to discuss position applicants. Councilor French clarified that the only positions he was aware of were the Clerk/Treasurer and Clerk positions. He stated that those positions are filled by the Mayor and the Clerk/Treasurer and confirmed by council. In addition, council members discussed the commission vacancies. They agreed to schedule the meeting for Monday, March 26, 2018 at 6:00pm to interview and discussion the commission applicants.

She also asked Councilor Poorman to schedule a Community Development Committee meeting to discuss how Planning Commission could work better with council and the administration moving forward.

Councilor Poorman agreed to schedule a Community Development Meeting for Monday, March 26, 2018 at 5:30pm to discuss how Planning Commission can work better with council and the administration.

UNFINISHED/OTHER BUSINESS;

Jack Pryor, Licking County Building Code Administrator, spoke with council regarding the building inspection services that his office provides. He stated that they current do residential 1, 2, and 3 family building code inspections for the Village of Buckeye. The Village by Ohio Revised Code has commercial and industrial building code inspections done by the state. However, if there is an agency that can offer that service locally, we can choose to contract with them with council approval. Licking County Building Code Department has the ability to provide commercial/industrial plans review and inspection services locally. Council members discussed that they like the idea of keeping the plans review and inspection locally; however they would like to learn more before introducing legislation and ultimately making a decision.

Council President Zwissler asked what are the differences between the county and the state for building inspections?

Mr. Pryor stated that walk through service at both state and county level is available for large projects. The timeframe is the same typically. The difference is we are a lot closer and the applicants do not have to drive to Columbus. We offer a consultation to our applicants and will even go out to the site for a site consultation. He also stated that the fees are similar the differences are that once they establish the fees for a project with a certain number of inspections. If you go over the stated number of inspections, the state will charge you for the extra inspections. Licking county does not. We will come out a number of times at no additional cost.

Councilor Poorman asked are the applications online?

Mr. Pryor no they are not because the applicant needs to submit plans.

Councilor Poorman asked about the timeliness of inspections.

Mr. Pryor stated that concrete pours always get first priority on inspections per their conversation with builders in the local industry. They receive a 2 hour window for the inspection. All other

inspections are scheduled on a first come, first serve basis. Contractors are always welcome to call the day of inspection to get a better idea of what time the inspector will be at their jobsite.

Councilor Geiger asked what the policy and procedure is if someone fails to get a permit.

Mr. Pryor stated building code notifies the person or business of the violation and attempt to get them to file a permit. If that does not work, building code will notify our solicitor to determine what action they would like to take.

Councilor Wolfe stated that he thinks building code has done a great job over the years. Councilor Wolfe made a motion to draft an ordinance to have Licking County Building Code do commercial/industrial building inspections for the Village of Buckeye Lake, seconded by Councilor Masone.

Council President Zwissler suggested that this should go to safety committee.

Council members discussed the motion and then decided to rescind the ordinance and sent it to public safety committee.

Mayor Wells stated that she forwarded the information received from Jack Pryor to council.

Councilor Ruton scheduled a Public Safety/Public Service/Community Development committee meeting for Monday, March 26, 2018 at 5:15pm to discuss reviewing the information that the mayor sent to council regarding Licking County Building Code Department doing the village's commercial/industrial inspections.

Once the legislation is adopted the commissioners would adopt similar leg and all paperwork goes to the state after they approve they set a date for the switchover.

Mr. Pryor introduced Troy who works on residential projects and Laura who is a commercial plans examiner.

Councilor Poorman stated that we still have a motion on the table.

Councilors Masone and Wolfe agreed to rescind their motions until the committee meeting is held to discuss this further on March 26, 2018.

Councilor Ruton stated that she passed out a packet last month. She refreshed the packet with information from charter ORC and the Ohio Village Officers' Handbook (David Yost state auditor) 1st page what an owner is per ORC, 2nd page we should not be doing anything within private streets until we have accepted them by ordinance. 3rd page from section 2.03 of the charter states that in carrying out any lawful function or power of the Village, the Council may, by a majority vote of its members, authorize the execution of contracts or in any other manner provide for cooperation or joint action, between the Village, 4th page is the agreement that Mr. & Mrs. Wright signed, 5th page ORC 705.11 Village Solicitor duties, 6th page Councilor Ruton stated that Bob you asked to get a legal opinion on this, Councilor Masone corrects her by stating, I demanded it in the charter it states the power to obtain from the mayor and the village departments, such information and reports as deemed necessary by council. 7th page chapter 3 of the Village Officer's Handbook. She talked

about entering into they are liable to pay back to the village what was spent she produced 2 estimates on street plowing/salting for 1-2 miles of roads \$100-400 cost estimate.

Councilor Ruton made a motion to ask that the village funds expended by the Mayor for plowing and salting private roads in the Carlin Addition be paid back to the village, seconded by Councilor Masone.

Councilor Masone stated that it was great research, however what he demanded he was told by Mayor Wells I don't care, I'm going to do it anyway, I'm not going to stop.

Councilor Masone stated, "But I want her to stop."

Councilor Ruton called for the question.

Roll Call Vote: Yeas: Masone, Poorman, Ruton, Wolfe, French, Geiger
Nays: Zwissler

Motion Passed 6-1.

Councilor Ruton stated there was an email sent out by Council President Zwissler in regards to Charlene Hayden's letter. Council President Zwissler wanted to know why Charlene did not send that email to her. Ruton stated that Charlene decided not to send her most recent email to Mayor Wells and Council President Zwissler because the last time she sent it to Council Clerk Hans and when she went to read it at council, Council President Zwissler censored it. Councilor Ruton stated that is against the law. Charlene learned her lesson and she decided to send it to everyone but did not send it to Mayor Wells and Council President Zwissler. Council Clerk Hans had nothing to do with that nor was it her fault. Ms. Hayden chose to have someone else come to council and read her letter to make sure it became part of the public records. Council Clerk Hans had nothing to do with that either. Council Clerk Hans has done nothing wrong. She does a very good job and this village cannot afford to lose her.

Council President Zwissler stated that she values Valerie. Her concern is not about her work it was about her attitude toward the public.

Mayor Wells stated that we are all getting along fine in the office.

Councilor Ruton stated that no you are not.

Councilor Poorman asked if this is old or new business. He stated we need to stick to the topic and if you have proof we need to see it. If not, we need to move on.

Council President Zwissler said that was enough. We need to move on.

Councilor Masone stated that he would like to hear what she wants to say. She's an elected official and she's at a council meeting and she deserves her time.

It is a plain logical request, to listen to a councilwoman.

Councilor Geiger, are these issues that should be dealt with in executive session. I truly believe in executive sessions.

Councilor Ruton stated, we tried last time and Council President Zwissler denied it.

Councilor Masone stated that you can't deny that. If there is a first and a second then the executive session begins.

Is there a motion and a second to hear Arletta?

Councilor Masone you don't need a motion to hear a council person speak. I want to hear the council person speak.

Councilor Ruton then turned over the floor to Chief Hanzey stating that she would like him to let us know the situation he is in and what has happened since the last council meeting.

Larry Arnold, Jimmy Hanzey's attorney introduced himself. He commended Mayor Wells for her actions in asking for a doctor's notice before coming back to work. He further stated that she was looking out for the best interests of the village.

Mr. Arnold stated that Mr. Hanzey had an operation, concerns might be is his trigger finger usable, is he on medication that would make it difficult to perform his job. He was told to produce a doctor's work release which he did at 7:30am on Monday morning. At this time, I will turn this over to Jimmy Hanzey to answer these questions.

Chief Hanzey stood up and stated that he had to have his ring finger amputated. He further stated that his doctor released him to work light duty. Chief Hanzey stated that he has a lot of administration work to do in the office as the police chief. Chief Hanzey stated that when he told the Mayor he was released to return to work light duty, the Mayor told him you are not coming back to work. Chief Hanzey then stated that he contacted Mr. Arnold who advised him to ask Mayor Wells for a letter to that effect in writing. Chief Hanzey stated that just because part of his ring finger is amputated, doesn't mean that he can't shoot. He further stated that they have to qualify with both hands. He then stated that he just wants to come back to work.

Councilor Masone stated that Chief Hanzey will have 35 years of service to the village in a week.

Mayor Wells stated that she was not going to speak on a personnel issue in a public forum. She stated that everything that took place on Chief Hanzey's discipline was on consideration with council. The village attorney was a part of those instructions as well. If he chooses to divulge his version, I'm not obligated to respond.

COMMITTEE MEETINGS AND/OR REPORTS:

Finance Committee: Councilor Wolfe stated that his committee met at 6:45pm this evening prior to the council meeting. They discussed ordinance 2018-11 and agree to amend it to pay the Clerk/Treasurer position a range of \$18-20 per hour for up to 35 hours per week. The committee also agreed to amend the Office Clerk position to a range of \$11-14 per hour for up to 35 hours per week.

Council Clerk Hans stated that the amended ordinance was at the top of the council packet for this evening.

Public Safety Committee: No report.

Public Service Committee: Councilor Ruton stated that her committee met last Monday for their monthly meeting to discuss the water and storm water needs in the village. ADR engineering presented

Rules Committee: Councilor Geiger stated that we are looking at sample rules from other communities. He hopes to have more information at a later date.

Community Development Committee: Councilor Poorman stated that they are working to get the old house next to the Harbor demolished. He has a local contractor that will demolish it for free; however we have to cover the cost of removing and disposing of the debris. Poorman further stated that Council Clerk Hans gave him options for getting dumpsters. Councilor Poorman stated that they hope to have the house demolished in the next three weeks.

Personnel Committee: No report.

CITIZEN'S COMMENTS: Clay Carroll, 247 Union Ave, Buckeye Lake, Ohio. Mr. Carroll stated that he would be in favor of Licking County doing building code inspections. He did not know if there were any clear advantages of the state doing inspections vs. Licking County.

Council President Zwissler asked Mr. Carroll if he would be willing to attend the council committee meeting where the inspections will be discussed further. Mr. Carroll stated that he would if he is available to do so.

Leslie Fitch, Buckeye Lake, Ohio. Ms. Fitch asked if there is something wrong with the house that is being demolished. She would like to know if it could be saved. Council President Zwissler stated that it is being torn down.

Rich Hennessy, Buckeye Lake, Ohio. Mr. Hennessy stated that he is not looking to tear down the drive-thru, he is just interested in expanding his operations in the existing location.

Marianne Perine, 264 Park St, Buckeye Lake, Ohio. Ms. Perine stated that the opening of the Harbor Community Center is something to celebrate. She encouraged everyone to attend the open house on 4/7/18 from 12-4pm.

MAYOR'S REPORT: Mayor Wells provided a 1 page report to council dated March 12, 2018. A copy of this report is attached to the council record.

COUNCIL PRESIDENT'S REPORT: Council President Zwissler stated she hopes everyone will come to the Harbor Community Center grand opening on 4/7/18. They will serve free meals to persons over 60 every day (with advance notice). The department goes on numbers so we need to get the people there. She stated that people can come out to play cards, exercise, and socialize. Zwissler also stated that Doug Stewart donated a 70" tv screen for use at the facility. She asked everyone to please use the center, there has been a lot of hard work put into it.

Council President Zwissler stated that Dave Kessler arrange to demolish the old house next door to the Harbor. She further stated that they are looking for donations to cover the cost of disposing of

the construction debris. Zwissler further stated that they have a letter from Sara Wallace that allows our safety forces to use the building for training purposes prior to demolition.

Lastly, Zwissler stated that the village has applied to become an opportunity zone. If we are successful, this will be a great benefit to businesses and developers looking at Buckeye Lake.

Toby Miller provided an update of the 2018 projects happening in the village. He also provided a copy of his report for the council record.

Mayor Wells stated that Toby, Michelle and Valerie are amazing. They work extremely well together and are all hard workers.

ORDINANCES

3rd Reading

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

Motion by Councilor Ruton to adopt Ordinance 2018-06 as presented, seconded by Councilor French.

Councilor Wolfe stated that he is for storm water in this community; however he does not believe that \$4 per ERU is an accurate charge. He believes that the initial \$4 per ERU will go up quickly because of the project costs slated to occur. Councilor Wolfe stated that he doesn't believe that the village is ready to handle the extra debt. He would like to see storm water taken off of Highland and East streets and into some existing pipes that we have. He feels that the ERUs for the businesses are too high.

Councilor Masone stated that the numbers were calculated through standard formulas. The project is well thought out and there has been a lot of effort put into the project He would prefer that council discuss this further and revise the ERU numbers prior to moving forward with the ordinance.

Toby Miller stated that the calculations are based on \$0 coming from grants right now because we do not yet have a grant. Any grants that we receive will reduce the cost. If you are over 5 ERUs, you can get credits. There is a list of credits such as putting in storm water, putting in a retention basin, Educational factors, easements, etc. The businesses will have the chance to get credits for activities that reduce their usage. The system was designed so that business users could get as much as 50% in credits. For large users that don't care, they will pay the full amount.

Councilor Wolfe stated that he doesn't feel that the businesses can easily get the credits. He would still like this project to go back to Public Service committee to be discussed further and further revise the ERU numbers.

Councilor Poorman chose an expensive way when he built his business. He put in a retention pond.

Councilor French stated that his neighbor spent thousands of dollars dealing with storm water issues and he would like something to be done. He stated he is with Councilor Masone and would like it to move forward.

Toby Miller stated that the \$4 ERU makes the system self-sustaining even if there is no outside funding.

Council members stated that they would like to move forward with the project as the community really needs it.

Councilor Poorman called for the question.

Roll Call Vote: Yeas: Masone, Poorman, Ruton, Zwissler, French, Geiger
Nays: Wolfe

Motion Passed 6-1.

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.

Motion by Councilor Masone to adopt Ordinance 2018-08 as presented, seconded by Councilor Poorman.

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

2nd 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

1st Reading

2018-13 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH OHIO ROW CONSULTING FOR MANAGEMENT OF THE VILLAGE OF BUCKEYE LAKE RIGHT-OF-WAY PROGRAM.

Toby Miller stated that Eric Sandine with GGC set up our R-O-W program. GGC has changed names and no longer wants to do ROW work because they have large utility clients. So Eric has created his own company. He will calculate the rates, do the billing and work directly with the utility companies. It is a 1 year contract and Mr. Sandine does all of the work. He \$3,000 is recoverable in the fee structure.

Councilor Wolfe asked if he was missing the page with the \$3000 on it. Council Clerk Hans stated that it was stated in the contract which was sent out in the council packet.

Mayor Wells reminded council that the attorney felt we were doing introduction of legislation wrong. She further stated that a first reading is not a first reading unless there is a motion, second and vote to introduce the legislation.

Motion by Councilor Poorman to have a 1st reading on Ordinance 2018-13, seconded by Councilor French.

Roll Call Vote: Yeas: Masone, Poorman, Ruton, Wolfe, Zwissler, French, Geiger

Motion Passed 7-0.

RESOLUTIONS:

3rd Reading

2nd Reading

1st Reading

Citizen's Comments: Bergene Spangler Braithwaite, 87 Lighthouse Ln., Buckeye Lake, Ohio. Ms. Spangler Braithwaite asked for the time of the Harbor open house.

Council President Zwissler stated that is was from 12-4 on 4/7/18.

Ms. Spangler Braithwaite further asked if the existing drive-thru business owner will be given an consideration for a lease with the same terms as other people looking at the building. She hopes that we are giving consideration to a local business that is most advantageous to the village.

Rich Smith, 345 Lakeview Drive, Buckeye Lake, Ohio. Mr. Smith suggested that we should give strong consideration to a local businesses and what is the highest and best use of the property. He feels that there is a higher and better use than a drive-thru. He further suggested that we should look into whether a sale of the drive-thru could generate cash flow for the village. He stated that as the brewery grows it could be a tourist attraction. As the village continues to develop, he would like the village to give thought to what that property could be.

Clay Carroll, 247 Union Ave, Buckeye Lake. Mr. Carroll stated that the property next to the spillway has been in the process of being sold to ODNR since last year. He stated that one of the conditions was that ODNR would add screening to the property. He stated that the Right-of-Way agreement collected \$18,000 last year. Mr. Carroll also stated that if we sell off property it needs to go to public auction.

Council Member Comments:

Councilor Wolfe: Councilor Wolfe

Councilor Masone: Councilor Masone stated that Dave Kessler goes around looking for ways to help the community. He's not even a resident of Buckeye Lake but he helps everywhere he can.

Councilor Poorman: No comment.

Councilor French: Thanked Toby Miller for all of his help on the storm water project.

Councilor Geiger: Stated that Mr. Kessler is a first class person. He is always willing to help.

Councilor Ruton: Stated that Mr. Kessler is a good person. He does many great things for the community. She thanked Toby on the work that he has done on the water rates and determining the village's long term needs. She also stated that the storm water was a long haul.


Councilor President Zwissler: Council President Zwissler thanked everyone for their hard work.

UNFINISHED BUSINESS/OTHER BUSINESS: None.

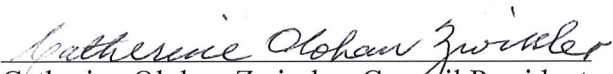
Adjournment: Motion by Councilor Ruton to adjourn the meeting, seconded by Councilor Poorman.

VOTE: **IN-FAVOR: All YEAS; MOTION CARRIED 7-0**
Meeting adjourned at 9:02p.m.

NEXT MEETING: March 26, 2018



Valerie L. Hans, Clerk of Council



Catherine Olohan Zwissler, Council President