

Buckeye Lake Village Council Meeting
Held in Village Hall
April 9, 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; Doug Stewart, Zoning Officer; Toby Miller, Water
Superintendent.

Elections and Appointments: None

Approval of Minutes:

Motion by Councilor Wolfe to approve the minutes of the March 26, 2018 regular meeting,
seconded by Councilor French.

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

Approval of Clerk Treasurer's Report:

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

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

COMMISSION REPORTS:

Parks & Recreation Commission: The Parks and Recreation Commission met on Tuesday, April
3, 2018. Their next scheduled meeting will be on May 1, 2018, at 5:30pm. A copy of the approved
meeting minutes from the March 6, 2018 meeting were submitted for the council record.

Planning Commission & Board of Zoning Appeals: The Commission will meet on Tuesday,
April 10, 2018, at 7:00pm. A copy of the draft meeting minutes from the March 13, 2018 meeting
were submitted for the council record.

UNFINISHED/OTHER BUSINESS: Council Clerk Hans presented a \$1,000 invoice from the
Buckeye Lake Region Corporation for the 2018 dues. She stated that there is a note on the invoice
stating if the Village of Buckeye Lake pays \$500, "the foundation" will cover the other \$500.

Motion by Councilor French to pay \$500 to the Buckeye Lake Region Corporation for the 2018
dues, seconded by Councilor Wolfe.

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

Rich Hennosy, Buckeye Lake Brewery, 5176 Walnut Rd., Buckeye Lake, Ohio presented an a proposal to purchase the drive-thru building next door to the village office. He stated that the brewery is currently making beer in a portion of the Dollar General building; however they have outgrown the space. The proposal included a rendering of Buckeye Lake Brewery's expansion plans, an aerial view of the property including what the requested lot split would look like, an appraisal of the property, and the Ohio Revised Code section 721.28 that provides for the sale of property without going to auction in the case of urban renewal. Mr. Hennosy stated that the appraisal is for \$60,000; however he is willing to offer \$70,000. He also stated that they would also be interested in considering the purchase of the entire village municipal complex property. Mr. Hennosy further stated that if they cannot acquire the property, they would be forced to seek other locations for their expansion possibly outside of the village. Lastly, he stated that Buckeye Lake Village is their first choice for expansion.

COMMITTEE MEETINGS AND/OR REPORTS:

Finance Committee: Councilor Wolfe stated that his committee met prior to the council meeting. The committee discussed Ordinance 2018-16 and voted 3-1 to move it on to council.

The committee discussed Ordinance 2018-14 and voted 3 for with one abstention to move it on to council.

Public Safety Committee: No report.

Public Service Committee: Councilor Ruton stated that she was unable to be at the committee meeting due to work obligations. Councilor Poorman, Councilor French and Mayor Wells were present at the meeting.

Toby Miller stated that the committee reviewed project statuses and discussed upcoming projects such as road bonding, 2.1 mil bridge project and the need for bonding to protect the infrastructure investments. He stated the 2.1 mil bridge project is 95% funded by ODOT and that the village has until 2021 to fund the 5% village share. He further stated that we are reducing 2 bridges into one and aligning the bridge with the intersection at Milldam and Hebron Road.

Councilor Geiger asked if the load capacity will be increased to facilitate industrial use in the future.

Mr. Miller stated the bridge will be built to ODOT highway specifications.

Rules Committee: No report.

Community Development Committee: Councilor Poorman stated that the Harbor Community Center open house went extremely well. He stated that they had live music, several county agencies and private vendors were there to offer their services and support. Councilor Poorman stated that over 100 people showed up for the event and 20-30 people offered to volunteer at the center. He stated that the civic association, Mayor Wells and Council President Zwissler were extremely helpful getting the facility ready for the event. He encouraged everyone to come to the facility to play cards and get a free meal. Councilor Poorman stated that the free lunches are based on

numbers and they need people to RSVP and attend daily to keep that program going. Councilor Poorman stated that they receive \$600-700 in donations as well.

Councilor Ruton told Councilor Poorman that she feels that they did an awesome job getting the center open.

Council President Zwissler stressed that they need volunteers to keep the community center open.

Councilor Poorman stated that he met with Lakewood High School kids who live in the area about what they would like to see at the center in the future. They expressed their concern over the drug problem in the area and stated that they would be willing to help with cleaning up the area.

Personnel Committee: Councilor French stated that his committee advertised for the Planning and Zoning Commission vacancy. The deadline is April 13, 2018 for applications. He stated that the previous three applicants do not need to resubmit a resume, just send in a letter of interest. Councilor French stated that the committee will meet on April 16, 2018 to review applications and interview applicants. If they do not receive applicants in addition to the previous three, the committee will cancel the April 16, 2018 meeting and meet on April 23, 2018 prior to the council meeting.

CITIZEN'S COMMENTS: Larry Arnold spoke on behalf of his client, Jeffrey Vermaaten. Mr. Arnold stated that he filed two appeals, one with the Mayor and one with the Village Council. Mr. Arnold introduced Doug Wells to speak in regards to CVSA testing. Mr. Arnold stated that Mr. Wells is retired from the Columbus Police Department, Ohio State Highway Patrol, Department of Liquor Control, Deputy Director of Highway Safety, and the Inspector General's Office.

Douglas C. Wells, 5534 Lancaster Road, Hebron, Ohio 43025
Mr. Wells provided his curriculum Vitae and a list of cases pertaining to voice stress research. These documents will be included in the council record.

Mr. Wells stated that a CVSA test is a type of device that is useful in the detection of deception. He stated that he went to polygraph school as a state trooper in 1970. When he returned he was the newest and most up-to-date person in the highway patrol. He was also sent to Cincinnati to train on CVSA testing. At the time, it wasn't computerized at all, neither was polygraph. At the time, I was sent for the training to see if we could enhance polygraph testing by adding CVSA into the mix. He reported back after learning about the testing that he didn't feel that they could enhance the polygraph testing by adding CVSA into the testing for lie detection. He stated that research has shown it is no more accurate than chance or 50/50 percent. He stated that a polygraph test is not perfect either; however it is up to 95% accurate when conducted properly. Mr. Wells stated that he conducted 2 polygraph tests on a regular work day with Columbus Police Department. He also conducted 100's of polygraph tests during his time with OSP. Mr. Wells stated that his testimony has been accepted in court many times. He stated that he has never heard of a CVSA test being admissible in court of law

Council President Zwissler asked if they used CVSA as the Garrity test. Did they use CVSA in the Garrity test?

Mr. Wells stated that yes they do because it is an employment process. I do not believe it is valid no matter what the Garrity test allows. I have never had anyone show me evidence to support that.

Councilor Ruton asked if these type of tests, Polygraph and CVSA tests fall under Garrity rights. Councilor Ruton further stated that in the research she did there was nothing about tests in the Garrity rights just interviews.

Mr. Wells stated that they are a ride along. If it is a Garrity situation they can be ordered to take a CVSA exam and if they refuse their charged with an act of insubordination. This would be the same situation in the case of a polygraph examination.

MAYOR'S REPORT: Mayor Wells provided a 1 page report to council dated April 9, 2018. She read the report as well. A copy of this report is attached to the council record.

Mayor Wells stated that Council Clerk Hans has a letter, which was addressed to council and falls under attorney client privilege, that will be given to the council members in executive session at the end of the meeting.

After reading her report, Mayor Wells announced that she had three appointments to make.

First appointment – Doug Stewart, Zoning Officer. Mayor Wells swore in Mr. Stewart as the Zoning Officer.

Second appointment – Rex Adkins, Code Enforcement Officer. Mayor Wells swore in Mr. Adkins as the Code Enforcement Officer.

Third appointment – Clifford Mason, Interim Fire Chief. Mayor Wells swore in Mr. Mason as the Interim Fire Chief.

COUNCIL PRESIDENT'S REPORT: Council President Zwissler stated that Harbor needs volunteers so they can keep the facility open for longer hours. She encouraged everyone age 60 and over to come get a free meal each day.

ORDINANCES

3rd Reading

Motion by Councilor French to have a third reading on Ordinance 2018-13, seconded by Councilor Wolfe.

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

The third reading of Ordinance 2018-13 is recognized.

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.

Motion by Councilor Masone to adopt Ordinance 2018-13 as presented, seconded by Councilor Poorman.

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

Motion Passed 7-0.

2nd Reading

1st Reading

Motion by Councilor Poorman to have a first reading on Ordinance 2018-12, seconded by Councilor French.

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

Motion Passed 7-0.

The first reading of Ordinance 2018-12 is recognized.

2018-12 AN ORDINANCE AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO CERTIFY THE VILLAGE OF BUCKEYE LAKE FOR ENFORCEMENT OF THE OHIO BUILDING CODE WITH THE CONDITION THAT THE LICKING COUNTY BUILDING CODE ENFORCEMENT DEPARTMENT EXERCISE ENFORCEMENT AUTHORITY AND ACCEPT AND APPROVE PLANS AND SPECIFICATIONS, AND MAKE INSPECTIONS, AND AUTHORIZING AN AGREEMENT FOR SUCH ENFORCEMENT BETWEEN THE VILLAGE OF BUCKEYE LAKE, HEREINAFTER REFERRED TO AS THE VILLAGE, AND LICKING COUNTY, HEREINAFTER REFERRED TO AS THE COUNTY.

Motion by Councilor Poorman to have a first reading on Ordinance 2018-14 seconded by Councilor French.

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

Abstentions: Ruton

Motion Passed 7-0.

The first reading of Ordinance 2018-14 is recognized.

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

Motion by Councilor French to suspend the rules on Ordinance 2018-14, seconded by Councilor Wolfe.

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

Abstentions: Ruton

Rules suspended 7-0.

Motion by Councilor Poorman to adopt Ordinance 2018-14 as presented, seconded by Councilor Wolfe.

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

Abstentions: Ruton

Motion Passed 7-0.

Motion by Councilor French to have a first reading on Ordinance 2018-15, seconded by Councilor Wolfe.

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

Motion Passed 7-0.

The first reading of Ordinance 2018-15 is recognized.

2018-15 AN ORDINANCE REPEALING 2016-17 AND RE-ADOPTING THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE WITH MODIFICATIONS WITHIN THE VILLAGE OF BUCKEYE LAKE, LICKING COUNTY, OHIO AND DECLARING AN EMERGENCY

Motion by Councilor Wolfe to suspend the rules on Ordinance 2018-15, seconded by Councilor French.

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

Rules suspended 7-0.

Motion by Councilor French to adopt Ordinance 2018-15 as presented, seconded by Councilor Wolfe.

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

Motion Passed 7-0.

Motion by Councilor Poorman to have a first reading on Ordinance 2018-16, seconded by Councilor French.

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

Motion Passed 7-0.

The first reading of Ordinance 2018-16 is recognized.

2018-16 AN ORDINANCE PROVIDING FOR AMENDING AND REVISING SPECIFIC FUND/EXPEDITURE ITEM IN THE APPROPRIATIONS OF EXPENDITURES FOR THE VILLAGE OF BUCKEYE LAKE, STATE OF OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018, AND DECLARING AN EMERGENCY

Motion by Councilor Wolfe to suspend the rules on Ordinance 2018-16, seconded by Councilor Poorman.

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

Nays: Ruton

Rules suspended 6-1.

Motion by Councilor French to adopt Ordinance 2018-16 as presented, seconded by Councilor Wolfe.

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

Motion Passed 6-1.

RESOLUTIONS:

3rd Reading

2nd Reading

1st Reading

Citizen's Comments: Jane Simmons, 252 Lakeview Drive, Buckeye Lake, Ohio. Ms. Simmons stated that she was disappointed that Councilor Masone and Councilor Geiger are not supportive of the Buckeye Lake Brewery's offer to purchase the drive-thru from the Village. She further stated that Buckeye Lake Brewery has brought so much to the Village and they are continuing to grow.

Kelly Haynes, Buckeye Lake, Ohio. Ms. Haynes stated that she is the owner of Buckeye Lake online news. She also stated that she is against the idea of the brewery because the village does not have a rehab facility. She went on to say that her fiancé was hit by a drunk driver in the village. Ms. Haynes stated that people need to think before they drink or drive, one joint, one pill or anything is too much if you don't have a prescription for it. Ms. Haynes also stated that she would like to see a waterpark in the village.

Council Member Comments:

Councilor Masone: Councilor Masone stated that the drive-thru land is very valuable property. He feels that the offer should have two commas in it.

Councilor Poorman: Stated that he hoped to see the house next to the Harbor Community Center down in the next month.

Councilor French: Thanked Councilor Poorman and Council President Zwissler for setting up for the Harbor opening.

Councilor Geiger: Stated that he agrees with Councilor Masone that the land is valuable. He also stated that the Harbor is a great place to have a meeting. He would like to do a back to school supply fair for the community.

Councilor Ruton: Stated that the Village lost a good guy last week. Chief Leindecker was my chief for 17.5 years. He and his father Dick taught me the skills that I needed at the fire department. Pete encouraged me to become a medic. He led us through some tough times when people tried to take us down. Rest in peach Chief Leindecker.

Councilor Wolfe: Councilor Wolfe thanked the finance committee for the hours that they spent reviewing the budget. He also thanked everyone for coming to the meeting tonight.

Councilor President Zwissler: Council President Zwissler thanked everyone for coming to the meeting tonight. She encouraged everyone to get involved at the Harbor Community Center. Council President Zwissler stated that Ray King is planning to do an art show in the next month.

She stated that there will be chess, yoga, tai chi, boat building, hula hoop exercise, meeting space and free lunches for people over 60.

Mayor Wells thanked Doug and Bobby Stewart for the electrical work they did at the village office.

UNFINISHED BUSINESS/OTHER BUSINESS: None.

Motion by Councilor Poorman to go into executive session, seconded by Councilor Ruton.

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

Nays: Masone

Motion Passed 6-1.

Executive session began at 8:27 pm.

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

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

Motion Passed 7-0.

Executive session ended at 8:59pm.

Motion by Councilor Poorman to dismiss Jeffrey Vermaaten's notice of appeal for lack of jurisdiction, seconded by Councilor Masone.

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

Abstentions: Ruton

Motion Passed 7-0.

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

VOTE: IN-FAVOR: All YEAS; MOTION CARRIED 7-0

Meeting adjourned at 9:00p.m.

NEXT MEETING: April 23, 2018



Valerie L. Hans, Clerk of Council



Catherine Olohan Zwissler, Council President