

Buckeye Lake Village Council Meeting
Held in Village Hall
March 26, 2018
Meeting Minutes

Call to Order: By Council President Zwissler at 7:08 p.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) Catherine Zwissler (0,0), Bill French (0,0), John Geiger (0,0),
Robert Masone, MD, (0,0)
Mayor Peggy Wells,
Dan Hayes, Legal Advisor

Absent: None

Staff Present:

Valerie Hans, Clerk of Council; Chris Kerby, Interim Clerk/Treasurer; James Hanzey, Police Chief; Dave Ruton, Assistant Fire Chief.

Approval of Council Meeting Minutes:

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

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

Approval of Clerk Treasurer's Report:

Motion by Councilor Ruton to approve the Treasurer's Report dated March 21, 2018, seconded by Councilor Wolfe.

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

Elections and Appointments: Councilor French stated that the Personnel committee interviewed one candidate for Parks and Recreation Commission, Raymond Anderson. The committee voted to recommend that Mr. Anderson be appointed to the Parks & Recreation Commission.

Councilor French stated that the Personnel committee interviewed four candidates for the Planning Commission/BZA. Those interviewed were: Clay Carroll, Sherry Segna, Dick Williams and Kaye Hartmann. Councilor French stated that Ms. Hartmann was not included in the candidates for the open position on PC/BZA due to the timing of the posting. However, there will be an additional appointment in the near future due to the departure of Doug Stewart from the PC/BZA.

Councilor French stated that each of his committee members received a ballot for each commission to complete. He then passed out ballots to the council members who were not at the Personnel committee to capture their vote.

Mr. Hayes stated that for proper procedure, the council should either vote to accept the method of voting or vote with an audible vote.

Councilor Poorman moved to accept a secret ballot as the method for voting, seconded by Councilor French.

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

Councilor French stated that Mr. Anderson was unanimously voted to serve on the Parks and Recreation Commission.

Councilor French stated that Dick Williams was voted to serve on the PC/BZA with three votes followed by Clay Carroll with two votes and Sherry Segna with one vote.

NEW AND UNFINISHED BUSINESS: Chris Kerby spoke to council regarding the study that he completed for the different funds in the village. He stated that two funds, Police Levy Fund and the Water Fund are in difficulty at the moment. Mr. Kerby stated that the recent letter of water bulk rate increase from Millersport makes the situation more difficult. However, he feels that by moving money around, the water fund will be OK. Mr. Kerby stated that even with transfers from the general fund, the Police Levy Fund will be short at least \$3K.

Mr. Kerby went on to say that the Police Levy brings in \$106K each year. However, last year only \$99K was collected. The payroll for the 2018 budget was \$103k and with fringe benefits \$159,451 was budgeted for 2018. The appropriation was actually \$188,161 including fringe benefits. Mr. Kerby stated that this does not leave much money for gas, supplies, repair of vehicles.

Mr. Kerby stated that the village will need to cut expenses because by law you can't go into the negative on the appropriations. He stated that the village is still 7-8% high on payroll in the Police Levy Fund and will need to consider cutting appropriations or finding other revenue sources.

Mr. Kerby stated that the village has transferred \$35K to the Police Levy Fund already and advanced another \$20K. The \$20K will be returned to the general fund once the first half settlement is received. Another \$35K can be transferred for the rest of the year for expenses. Unfortunately, that will not be enough to carry out the year.

Mayor Wells asked if someone were on salary and not hourly how would that save money. Mr. Kerby stated that it would simplify things because there would not be overtime and additional benefits to monitor.

Mayor Wells also stated that we have a little overlap of officers between shifts and we have five police vehicles. She asked how reducing the number of vehicles could save the department money.

Mr. Kerby responded by saying that the village is insuring all of the police vehicles, providing gas, maintenance and repair for the vehicles. He feels that reducing the fleet by the vehicles that have the highest expense could be beneficial.

Reports of Special and Standing Committees in the Following Order:

Planning Commission/BZA: Casey Clark spoke on behalf of the Planning Commission/BZA. Ms. Clark asked Mr. Hayes what her access was to the legal advisor and do you represent me.

Mr. Hayes responded that he doesn't represent individuals but the Village as a whole.

Ms. Clark asked if one person needs representation, we would need to come to you as a group for representation.

Mr. Hayes stated that if council needs representation, they have to come to me as a whole. They can ask for that representation as part of a meeting or as an opinion.

Councilor Ruton stated that if council wants an answer to a questions they have the right to ask for a legal opinion.

Mr. Hayes stated that if it is not done in a meeting, it will take at least three council members.

Zoning: No report.

Code Enforcement: No report.

Finance Committee: Councilor Wolfe stated that his committee discussed that they would like to move forward with leasing the drive-thru for a minimum of \$1,200/mo. on a 2 + 1 lease. He further stated that he would like Mayor Wells and the legal advisor to proceed with a lease. It was discussed that when we have a tenant ready to sign the lease, there will need to be legislation to proceed with authorizing the Mayor to enter into the lease.

Public Safety Committee: No report.

Public Service Committee: Councilor Ruton stated that her committee met with Jack Pryor from Licking County Building Code department to discuss the possibility of contracting with LCBC for commercial/industrial building code inspections. Council members were in agreement that they would like to move forward with contracting with LCBC for commercial/industrial building code inspections.

Motion by Councilor Poorman to authorize the Mayor to contract with LCBC for commercial/industrial building code inspections, seconded by Councilor Wolfe.

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

Mayor Wells reminded the council members that an ordinance was prepared and put on the agenda previously. She asked if it was now ok to return that ordinance to the next council meeting agenda. Council members agreed that they would like to bring the ordinance back to council.

Rules Committee: No report.

Community Development Committee: Councilor Poorman stated that his committee met and discussed how to have a more consistent message from everyone involved with the Planning

Commission/BZA. His committee will continue to work toward improving communication between council, the administration and PC/BZA.

Personnel Committee: Councilor French welcomed Raymond Anderson to the Parks and Recreation Commission. He also welcomed Dick Williams to the PC/BZA.

CITIZEN'S COMMENTS: Larry Arnold spoke on behalf of his client Chief James Hanzey. He stated that his client had his left ring finger amputated, was released from the hospital, released from the doctor to return to light duty and then received a call on Friday night from a resident stating that she found her aunt out in the cold. After the resident learned more about why her aunt was out in the cold, she called Chief Hanzey who was near the area with another off-duty officer. Chief Hanzey contacted the on-duty officer and the three of them arrived at the scene. Chief Hanzey contacted the county who cleared them for radio traffic. The resident stated that there was an armed man in the home, one person who had already been shot and who was potentially dying inside the home. Mr. Arnold stated that the last thing on his client's mind was being disrespectful to Mayor Wells.

Mr. Arnold went on to say that his client would like to be told when and where he needs to recertify so he is prepared to return to full-duty once his doctor permits him to do so.

Councilor Ruton asked why Pataskala Police Department is doing the investigation. She also asked if the village was paying for the investigation.

Mr. Hays stated that he has not arranged a firearms certification for Chief Hanzey but deferred to the Mayor on this question. He further stated that there is a difference between a criminal and an internal investigation. The mayor has the opportunity to choose who will do the internal investigation. In a larger community or a community with excess of 70 officers, the internal investigation would be done in house.

Councilor Ruton asked if the Mayor, Council and City Administration of Pataskala gave their approval to do an internal investigation for Buckeye Lake. She then stated that they are spending taxpayer dollars to do that. Ms. Ruton also stated that she understood that the Licking County Sherriff's office has offered to qualify Chief Hanzey.

Mayor Wells stated that she has contact Reynoldsburg Police Department and they are able to re-certify Chief Hanzey next week when they certify their new police chief. She stated that there will be a written test and 25 round firearms test. Mayor Wells stated that Pataskala Police Department feels that they are simply returning a favor to the community at large by conducting the internal investigation. She further stated that she has complied with all of the information that Pataskala has asked for as part of the investigation.

Darlana Wilt, Buckeye Lake, Ohio. Ms. Wilt stated that she arrived home to see her Aunt Shirley standing outside of her home in the cold. She asked her why she was standing in the cold. Aunt Shirley replied that there was a man in her trailer who shot her brother and they were going to turn the gun on her. So she got out. Ms. Wilt stated that she called Chief Hanzey who arrived at the residence quickly with another off-duty officer. Ms. Wilt later learned that her aunt was suffering from a severe UTI which can cause confusion in some people.

Dave Burnworth, 4711 Walnut Rd., Buckeye Lake, Ohio. Mr. Burnworth stated that it was his mother's trailer that Chief Hanzey discharged his gun in. Mr. Burnworth stated that he was very grateful that it only took the Chief 3 minutes to get there. He stated that Chief Hanzey and the other officers went inside and cleared the residence quickly. Mr. Burnworth stated that Chief Hanzey was extremely professional and spoke with his mom at the time of the incident and explained what happened when the gun went off. Mr. Burnworth stated that this village needs more people like Chief Hanzey. Lastly, Mr. Burnworth stated that the hole is hidden in the carpet and not visible unless you were to remove the carpet. He does not wish to seek any compensation for this incident. He stated that it was an accident and they were extremely grateful that Chief Hanzey was there for their family.

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

FIRE CHIEF'S REPORT: A report for the month of February 2018 was submitted by Assistant Fire Chief Ruton. He thanked council and Mayor Wells for allowing the fire department to use the house next to the Harbor for training. Asst. Chief Ruton stated that other fire departments are benefitting from the use of the house for training as well.

Councilor Wolfe asked Assistant Fire Chief Ruton for an update on the squad.

Assistant Chief Ruton stated that he will need another 6 weeks to get the information together.

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

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

MAYOR'S REPORT: Mayor Wells submitted a written report dated March 26, 2018. A copy of that report is attached to the council record. She stated that the Mayor Matheny of Millersport delivered the letter of bulk water increase.

Mayor Wells stated that during Doug Stewart's first week as zoning inspector, he discovered 30 cars without license plates.

Mayor Wells asked the Public Safety committee to look into determining if the spectators are adequately protected from tire burnouts during the MOPAR cruise-in. She would like this to be determined as soon as possible so any necessary adjustments can be made to keep the public safe.

Mayor Wells stated that a resident contacted the village asking to close Essex Lane, 2nd and 3rd Streets near Ryan-Braden Park for a block party. She recognized Asst. Chief Ruton in the back of the room shaking his head no. Mayor Wells then stated that she would have them talk with Asst. Chief Ruton about this.

Mayor Wells stated that she is not able to take on Lakefest this year as previous mayors have done. She asked for volunteers for an organization or the previous mayor to step up and take this festival over.

Mayor Wells also mentioned that she met with Yaromir Steiner to discuss the new pitched roof for the village office building. She stated that this will be done as part of the streetscape grant.

Councilor Poorman asked if we have confirmation from the state that we can use the grant funds for the new roof on village hall.

Mayor Wells stated that the roof is just part of the improvements. The Police Department will move to the end of the building, the cultural center/meeting space/tourism center will be in the old Police Department space, the village office will take over the next two spaces and the council chambers will remain untouched. Mayor Wells thanked J'me Bragg and Kay Hartmann for their hard work at the museum.

Council President Zwissler stated she will want the approval by the state to use the money for the roof almost stated in blood after it was determined that Millersport had to pay back their grant money.

PRESIDENT OF COUNCIL: Council President Zwissler stated that she is anxiously awaiting the opening of the Harbor Community Center. She stated that the building next door will be torn down once the asbestos inspection is completed. Council President Zwissler thanked Councilor Poorman for paying for the asbestos inspection. She also thanked Dave Kessler for paying to tear down the building. She stated that it will be a great space once the building is down. Council President Zwissler stated that most of the people in the room are contributors to the Harbor; however we now need you to be an active participant. Council President Zwissler stated that the free garden plots are available again to anyone who works or lives in the village. She asked interested participants to sign up at the village office.

ORDINANCES

3rd 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

Mr. Hayes reminded council members that they need to motion to have a reading before a reading is official. He also mentioned that to amend an ordinance, council members should motion to amend the ordinance on the floor once the first reading vote has taken place.

Motion by Councilor Wolfe to have a third reading on Ordinance 2018-11, seconded by Councilor French.

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

The third reading of Ordinance 2018-11 is recognized.

Motion by Councilor Wolfe to amend Ordinance 2018-11 to include the language "up to" in front of each police department pay rate, seconded by Councilor Poorman.

Councilor Wolfe stated that the amendment in the ordinance give the flexibility of scheduling and the ability to give raises when warranted.

Councilor Ruton asked if this means that each of the police department employees will still get their \$1/hr. raise.

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

Abstentions: Ruton

Motion Passed 7-0.

Ordinance 2018-11 has been amended to add the language “up to” in front of each police department pay rate.

Motion by Councilor Poorman to adopt Ordinance 2018-11 as amended, seconded by Councilor French.

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

Abstentions. Ruton

Motion Passed 7-0.

2nd Reading

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

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

Motion Passed 7-0.

The second 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.

1st Reading

RESOLUTIONS:

3rd Reading

2nd Reading

1st Reading

Citizen’s Comments:

Clay Carroll, 246 Union Avenue, Buckeye Lake, Ohio. Mr. Carroll stated that when things happen so suddenly it makes me wonder. He encouraged council and the mayor to follow the procedures of the charter.

Council Member’s Comments:

Councilor Geiger: No comment.

Councilor Ruton: Councilor Ruton made a motion to go into executive session, in accordance with ORC section 121.22 (1), seconded by Councilor Masone.

Roll Call Vote: Yays: Poorman, Ruton, Geiger, Masone

Nays: Wolfe, Zwissler, French
Motion Passed 4-3.

Executive session began at 8:34pm.

RECORDING SYSTEM TURNED OFF AT 8:34PM.

RECORDING SYSTEM TURNED ON AT 9:10PM.

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

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

Executive session ended at 9:10pm.

Councilor Wolfe: No comment.

Councilor Masone: No comment.

Councilor Poorman: No comment.

Councilor French: No comment.

Council President Zwissler: No comment.

Other Business: None.

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

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

Meeting adjourned at 9:11 p.m.

NEXT MEETING: April 9, 2018



Valerie L. Hans, Clerk of Council



Catherine Olohan Zwissler, Council President