

Buckeye Lake Village Council Meeting
Held in Village Hall
September 24, 2018
Meeting Minutes

Call to Order: By Council President Zwissler at 7:04 p.m.

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

Roll Call: Present: John Geiger (0,0), Robert Masone, MD, (0,2), Doug Poorman (0,0),
(Consecutive Total Absences) Arletta Ruton (0,0), Tom Wolfe (0,1), Kitty Zwissler (0,0), Bill French (0,0)

Mayor Wells

Absent: None

Staff Present: Valerie Hans, Clerk of Council; Rochelle Menningen, Clerk/Treasurer; Doug Stewart, Zoning Officer; Toby Miller, Water Superintendent.

Approval of Council Meeting Minutes: Motion by Councilor Ruton to approve the minutes dated September 10, 2018 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 French to approve the Treasurer's report dated September 20, 2018, seconded by Councilor Wolfe.

Roll call vote: Yays: Geiger, Masone, Poorman, French
Nays: Ruton, Wolfe, Zwissler

Motion Passed 4-3

New & Unfinished Business: Mayor Wells stated that she vetoed Resolution 2018-04 and 2018-05. She stated that the resolutions were vetoed on advice from legal counsel because they were in direct conflict with the Village Charter. Mayor Wells went on to read paragraphs 4, 5, and 6 of a letter received from Solicitor Hayes regarding Resolution 2018-04 and 2018-05.

Mayor Wells asked to read a portion of Solicitor Hayes letter regarding a response to Resolutions 2018-04 and 2018-05 which is listed below:

"With this said, I want to address Resolutions 2018-04 and 2018-05. Both Resolutions are in direct conflict with the Charter of the Village of Buckeye Lake.

As discussed repeatedly during the Chief Hanzey and Officer Vermaaten matters, the Employee Handbook violates the Charter in a number of respects. The process of disciplining Police and/or Fire employees is clearly set out in the Charter. Council did not have the authority to change this process by the passage of an Employee Handbook. Consequently, the discipline process set out in the Employee Handbook cannot be followed when applied to Police and Fire personnel. Further, the Charter gives the Mayor exclusive authority to deal with certain personnel matters. Resolution 2018-05 provides a different process which strips the Mayor of this

exclusive authority and transfers at least some of the power granted to the Mayor within the Charter to the legislative branch. The only proper way to do this would be through a Charter Amendment.”

Council President Zwissler asked for a motion to override the Mayor’s veto on Resolution 2018-04.

Council Clerk Hans stated that council members have the following options: 1-do nothing and the Mayor’s veto is upheld; 2-6 yes vote will override the veto anything less and the veto is upheld.

Councilor Ruton stated with 7 votes in favor when the Resolution was passed, that was a supermajority correct.

Council Clerk Hans stated that while it was a supermajority, it doesn’t override the mayor’s ability to exercise her power to veto. The resolution then comes back to council members one last time for potential action.

Motion by Councilor Ruton to override the Mayor’s veto on Resolution 2018-04, seconded by Councilor Wolfe.

Councilor Masone stated that council members received advice from another attorney, knowledgeable in city law, that resolutions passed by council were essentially addendums to the charter. So there is a conflict between the two legal opinions and neither legal opinion is ever here.

Mayor Wells stated that you have an anonymous legal opinion.

Councilor Masone stated that the legal opinion is not anonymous, they know who it is.

Council President Zwissler asked for a vote to override the veto.

Councilor Masone stated that if you override the veto and his legal opinion is right this is an exercise in futility according to the Solicitor’s legal opinion.

Council members continued discussion on the matter.

Councilor Masone stated that if you go by Solicitor Hayes’ letter then this may be an exercise in futility. It may be better to wait to override the veto until after we receive clarification on the legal opinion from our legal counsel.

Councilor Geiger asked Council Clerk Hans if there is a time limit for the veto to be acted upon.

Council Clerk Hans stated that she is unsure and does not have legal counsel here to answer that question.

Councilor Ruton and Councilor Wolfe chose to withdraw their motion and second on the override of the veto.

Planning/BZA Committee: Chairperson Cookston stated that her commission had a great meeting on 9/11/18. She stated that they met with the Landings at Maple Bay representatives and scheduled an additional meeting on 9/28.

Ms. Cookston also stated that two sub-committees of Planning Commission/BZA were set up to review subdivision regulations and the Planning and Zoning Code Book. She stated that each subcommittee has three PC/BZA members on it as well as professional and community members. Ms. Cookston stated Todd Willis and Doug Stewart agreed to participate on the committee as well.

Zoning: Mr. Stewart stated that he continues to issue permits for houses and decks. He further stated that most of the time, people are doing the work, getting caught and he is issuing permits after the fact. Mr. Stewart stated that he feels there should be a penalty for people who do not get a permit ahead of construction.

Mr. Stewart stated that he has been receiving complaints about junk vehicles. He talked with the Police Chief and Linda Nicodemus (Village of Hebron) and has found that we can legally remove the vehicles. He stated that we may not be able to act on all of the vehicles at once, but we can work our way through all of the neighborhoods. Mr. Stewart suggested contracting with an outside towing and storage company to take the village out of the equation.

Councilor Wolfe stated that he feels the village needs to have an appeals process before the towing begins.

Mr. Stewart stated that he is working to set that up. He further stated that there would be a timed appeal.

A copy of the August 2018 zoning report is also included in the council record.

Code Enforcement: A written report for the Month of August 2018 was submitted for the council record.

Finance Committee: Councilor Wolfe stated that his committee met before the council meeting to discuss Ordinances 2018-31, 2018-33, & 2018-34. The committee voted to recommend passage of these ordinances. Councilor Wolfe scheduled a Finance Committee meeting for 10/3/18 at 6:00pm to discuss the 2018 permanent appropriations and 10/8/18 at 6:00pm to discuss the 2019 appropriations.

Public Safety Committee: No report at this time.

Public Service Committee: Councilor Ruton reminded everyone of the standing Public Service Committee meeting scheduled for 10/1/18 at 6:00pm to review and discuss upcoming village projects.

Rules Committee: Councilor Geiger stated that his committee met prior to council meeting to discuss the council rules. They voted to recommend passage of the updated rules 1-24 to council. . Councilor Geiger scheduled a Rules Committee meeting for 10/1/18 at 7:00pm to continue the rules

review and update of rules 25-46. He then asked for a motion for council to approve the rules changes on rules 1-24.

Motion by Councilor Ruton to approve the changes on rules 1-24 of the council rules, seconded by Councilor French.

Roll call vote: **Yays:** Geiger, Masone, Poorman, Ruton, Wolfe, Zwissler, French
Motion Passed 7-0

Council members thanked Councilor Geiger for his hard work on the council rules.

Community Development: Councilor Poorman stated the BL2030 group met and are in the process of revamping the website to make it clearer. He further stated that there is a board meeting this Wednesday.

Personnel: No report.

POLICE CHIEF'S REPORT: A written report for August 2018 was submitted. Chief Wardlow stated that former Officer Haas has received all of his personal effects. Chief Wardlow listed the following accomplishments to date: the impound lot inventory is complete, inventory of all sexual assault cases completed, inventory of all counterfeit funds completed, updated documents, applied for a 75% reimbursement grant for ballistics vests, attended new chief's training and got a 94%.

Chief Wardlow stated that there were 1975 views of the storage facility theft and an arrest has been made in the case.

Lastly, she stated that the mobile data terminals are out of compliance. They are not able to be brought into compliance because they are on Windows Vista. She has received a donated newer terminal from Whitehall.

FIRE CHIEF'S REPORT: A written report for August 2018 was submitted along with a letter from Brendyn Ratcliff requesting a leave of absence to finish paramedic school.

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

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

Mayor's Report: Mayor Wells submitted a written report dated September 24, 2018. A copy of that report is attached to the council record.

Mayor Wells thanked the Police and Fire Chiefs for all of their hard work. She thanked Doug Sanderson for his volunteer assistance in the Fire Department. She thanked the City of Whitehall for their generous donations of equipment and support. Lastly, Mayor Wells thanked Al Segna for the carpentry work he has done for the village.

Council President Zwissler: Council President Zwissler thanked the council members for all of their hard work, especially the Rules Committee.

ORDINANCES

Motion by Councilor Poorman to have a first reading on 2018-31, seconded by Councilor French.

Roll call vote: **Yays:** Geiger, Masone, Poorman, Ruton, Wolfe, Zwissler, French
Motion Passed 7-0

2018-31 AMENDING ORDINANCE 2018-18 PERMANENT APPROPRIATIONS ORDINANCE AND DECLARATION OF EMERGENCY

Motion by Councilor Poorman to suspend the rules on Ordinance 2018-31, seconded by Councilor Wolfe.

Roll call vote: **Yays:** Geiger, Masone, Poorman, Ruton, Wolfe, Zwissler, French
Rules Suspended 7-0

Motion by Councilor Ruton to adopt Ordinance 2018-31 as presented, seconded by Councilor Geiger.

Roll call vote: **Yays:** Geiger, Masone, Poorman, Ruton, Wolfe, Zwissler, French
Motion Passed 7-0

Motion by Councilor Ruton to have a first reading on 2018-33, seconded by Councilor Poorman.

Roll call vote: **Yays:** Geiger, Masone, Poorman, Ruton, Wolfe, Zwissler, French
Motion Passed 7-0

2018-33 AMENDING ORDINANCE 2018-18 PERMANENT APPROPRIATIONS ORDINANCE AND DECLARATION OF EMERGENCY

Motion by Councilor Poorman to suspend the rules on Ordinance 2018-33, seconded by Councilor Ruton.

Roll call vote: **Yays:** Geiger, Masone, Poorman, Ruton, Wolfe, Zwissler, French
Rules Suspended 7-0

Motion by Councilor Ruton to adopt Ordinance 2018-33 as presented, seconded by Councilor Poorman.

Roll call vote: **Yays:** Geiger, Masone, Poorman, Ruton, Wolfe, Zwissler, French
Motion Passed 7-0

Motion by Councilor Ruton to have a first reading on 2018-34, seconded by Councilor French.

Roll call vote: Yays: Geiger, Masone, Poorman, Ruton, Wolfe, Zwissler, French
Motion Passed 7-0

2018-34 AMENDING ORDINANCE 2018-18 PERMANENT APPROPRIATIONS ORDINANCE AND DECLARATION OF EMERGENCY

Motion by Councilor Poorman to suspend the rules on Ordinance 2018-34, seconded by Councilor Ruton.

Roll call vote: Yays: Geiger, Masone, Poorman, Ruton, Wolfe, Zwissler, French
Rules Suspended 7-0

Motion by Councilor Ruton to adopt Ordinance 2018-34 as presented, seconded by Councilor French.

Roll call vote: Yays: Geiger, Masone, Poorman, Ruton, Wolfe, Zwissler, French
Motion Passed 7-0

Citizens Comments:

Marianne Perine, 264 Park St., Buckeye Lake, Ohio. Ms. Perine questioned what proper behavior is in a council committee meeting. There is a video which still has not been discussed by council. She stated that the perception of the meeting is very bad.

Council President Zwissler held up a small amber colored bottle and stated that the bottle in question was full of glycerin, honey and tea. She invited everyone to taste it.

Councilor Wolfe asked if anyone would like to taste what he had in his cup this evening.

Councilor Masone stated that he prescribed the glycerin and honey for Council President Zwissler earlier this year.

Ms. Cookston held up her bottle and stated that Council President Zwissler gave her a bottle earlier this year for her throat.

Casey Clark, 241 Lakeview Dr., Buckeye Lake, Ohio. Ms. Clark stated that she sent an email to Mayor Wells on 9/11/18 regarding the way that she was treated after the 9/10/18 council meeting. She stated that Mayor Wells has not responded or apologized for her behavior at this time. Ms. Clark requested to make that email a public record. She went on to read the email to council and the audience. Ms. Clark once again asked for Mayor Wells to apologize for her behavior. A copy of the email is included in the council record.

Charlene Hayden, 67 Lighthouse Lane, Buckeye Lake, Ohio. Ms. Hayden made a public records request from four entities. She received records from each of the entities except from Buckeye Lake. She did not receive a response from Buckeye Lake. Ms. Hayden stated that she has heard that money was spent on attorney fees.

Ms. Hayden stated that videotaping a public official is the lowest thing you can do. She further stated that no one asked what was in the bottle before jumping to conclusions.

Karen Cookston, Anchor's Way, Buckeye Lake, Ohio. Ms. Cookston stated that she believes that Mayor Wells owes an apology to the council members. She feels that it was despicable that no one asked what was in the bottle. Ms. Cookston then stated that she would be willing to share her bottle. She held up a small amber bottle.

Council Members Comments:

Councilor Ruton: Stated that it was very low to have a resident, Marianne Perine, bring up the issue at council. She felt that it was low that village officials are using camera for this type of smear campaign. Councilor Ruton stated that the cameras need to be taken down if they are going to be used for this type of use.

Councilor Geiger: Thanked his committee members for all of their work on the rules. He further stated that council reviewed the video and felt there was not enough evidence to proceed.

Councilor Masone: Stated that everything can be used for a good or bad purpose. When someone exposes the finances of a council member instead of the finances of a prospective tenant which were asked for, that is sad.

Council President Zwissler stated that the credit card being rejected could affect public safety in the village.

Councilor Poorman: No comment.

Councilor French: Thanked Councilor Geiger for his hard work on the council rules.

Councilor Wolfe: Thanked the Rules committee for all of their hard work. He also thanked Chairperson Geiger and Council Clerk Hans. Councilor Wolfe stated that we need to see the 2019 budget and start working on that at the 10/8/18 Finance Committee meeting.

Councilor Wolfe stated that he wants to make sure that if we have property maintenance citations going out, we have an appeals process. He thanked the safety officer for his volunteer work. Councilor Wolfe stated that the security cameras need to be for security purposes only and viewed by the Police only. He thanked Barry Herron and Mayor Carroll for their input at the Finance Committee meeting.

Council President Zwissler: Council President Zwissler thanked everyone for attending the meeting. She also thanked Councilor Geiger for amending the council rules. She also asked the Rules Committee to please take a look at the rule that makes me ask permission to read an ordinance. Lastly, Council President Zwissler thanked the City of Whitehall for their generous donations and support.

Other Business: None


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

VOTE: IN-FAVOR ALL YEAS; MOTION CARRIED 7-0
Meeting adjourned at 8:20 pm.

NEXT MEETING: October 8, 2018



Valerie L. Hans, Clerk of Council



Catherine Olohan Zwissler, Council President