

Buckeye Lake Village Council Meeting
Held in Village Hall
January 14, 2019
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: Bill French (0,0), John Geiger (0,0), Robert Masone, (0,0),
(Consecutive, Total Absences) Doug Poorman (0,0), Arletta Ruton (0,0), Tom Wolfe (0,0),
Kitty Zwissler (0,0)

Mayor Wells

Absent: None

Staff Present: Valerie Hans, Clerk of Council; Rochelle Menningen, Clerk/Treasurer; Vicki Wardlow, Police Chief; Clifford Mason, Interim Fire Chief; Trent Cowgill, Zoning Officer; Toby Miller, Water Superintendent.

Approval of Minutes:

Motion by Councilor French to approve the council meeting minutes dated December 10, 2018, seconded by Councilor Wolfe.

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

Approval of Clerk Treasurer's Report:

Motion by Councilor French to approve the Treasurer's report dated January 9, 2019, seconded by Councilor Wolfe.

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

APPOINTMENTS AND PRESENTATIONS: Council Clerk Hans passed out ballots for the Charter Review Commission. Council members were instructed to vote for no more than 5 people. Council Clerk Hans collected the ballots when the members were finished voting. After tallying the results there was a 4 way tie for the fifth member of the Charter Review Commission. Council Clerk Hans passed out a tie breaking ballot for each council member to vote for one person. Those ballots were collected as well. Council Clerk Hans announced the result of the voting. The 2019 Charter Review Commission members are as follows: Clay Carroll, Linda Goodman, David Ruton, Tim Ryan and Kelly Spangler-Braithwaite.

UNFINISHED/OTHER BUSINESS: Mayor Wells swore in the following new employees: Scott Hite, Firefighter/Paramedic; Trent Cowgill, Zoning Officer; and Jeremy Jackson, Police Officer.

Council President Zwissler thanked everyone for their service.

COMMITTEES SHALL GIVE REPORTS IN THE FOLLOWING ORDER:

Finance Committee: Councilor Wolfe scheduled a committee meeting for 1/28/19 at 6:30pm to discuss a grant writer for the fire department.

Mayor Wells asked Councilor Wolfe to consider broadening the purpose of the meeting. She stated that there are some expenses that cannot be paid because of the limitation of only appropriating 25% of the budget (temporary budget). Mayor Wells further stated that until money is appropriated into the accounts some of the bills will not be able to be paid.

Councilor Wolfe agreed to add the topic to review unpaid bills to the finance committee meeting agenda.

Public Safety Committee: No report.

Public Service Committee: Councilor Ruton stated that her committee met on 1/7/19 to discuss village projects. She stated that they went over a proposed plan to where we might be able to get the money to put back our share of the TAP grant. They discussed stormwater issues, street lighting, and the R-O-W fund. Council Clerk Hans gave her information that came in from AEP for upgrading the electric meters in the village to smart meters. AEP is making the upgrade so they do not have to go onto someone's property to read the meter; instead they can be read remotely. Councilor Ruton stated that her next committee meeting is on 2/4/19.

Rules Committee: No report.

Community Development Committee: Councilor Poorman stated that his committee met prior to council meeting to discuss liquor license needs in the village. Trying to acquire another alcohol license for a restaurant on the lake. There are certain hoops that we need to go through to achieve it. He also stated that the BL2030 committee will meet on 1/19/19 at 9am at Millersport High School. They are going to update what has been accomplished over the last year and what they are doing to support communities around the lake.

Personnel Committee: No report.

REPORT OF COUNCIL PRESIDENT: Council President Zwissler stated that she is working with Representative Schaffer to put language in the budget bill for grants that will help our businesses around the lake. She is also working with the state to get money for a dredger on the lake.

REPORT OF MAYOR WRITTEN, AND VERBALLY BY REQUEST OF COUNCIL: Mayor Wells provided a written report dated January 14, 2019. She asked everyone to add #8 to her report. #8 in 2018 the Village of Buckeye Lake issued 87 zoning permits for a total amount collected of \$12,016.45.

Council President Zwissler stated that she is working with the Police Chief to get new vehicles for the Police Department.

Mayor Wells stated that the SUV cruiser was damaged last week. She turned the floor over to the Police Chief to explain further.

Chief Wardlow stated that during an arrest, a defendant kicked the rear door of the cruiser bending the frame out approximately 3.5 inches. Chief stated that the village will have to pay a \$500 insurance deductible; however additional costs will be covered by insurance. Chief stated that the cost can also be added on as restitution to the case.

Councilor Poorman suggested that we may want to consider leasing new police cruisers through North Valley Bank.

Councilor Geiger asked what shifts are the officers working now that we are getting up and running.

Chief Wardlow stated that Officer Jackson will be working 11am-7pm, Officer Ritter will be working 7pm-3am and Chief Wardlow will be working day shift. Chief is hoping to hire additional officers to get the village back up to 24/7 coverage.

ORDINANCES

3rd Reading

2nd Reading

1st Reading

2019-01 AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN ADR & ASSOCIATES, LTD. AND THE VILLAGE OF BUCKEYE LAKE FOR LAND SURVEYING, CIVIL ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE OPWC HIGHLAND AVENUE STORMWATER IMPROVEMENTS PROJECT.

Motion by Councilor Masone to suspend the rules on Ordinance 2019-01, seconded by Councilor French.

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

Rules Suspended 7-0

Motion by Councilor Ruton to adopt Ordinance 2019-01 as presented, seconded by Councilor Masone.

Councilor Wolfe asked how much is the amount of the contract.

Council Clerk Hans stated that the contract is for \$69,020. She further stated that this was discussed last week at the public service committee meeting.

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

Motion Passed 7-0.

2019-02 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 suspend the rules on Ordinance 2019-02, seconded by Councilor Poorman.

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

Rules Suspended 7-0

Motion by Councilor Ruton to adopt Ordinance 2019-02 as presented, seconded by Councilor French.

Councilor Wolfe asked how much is the amount of the contract?

Council Clerk Hans stated that it is \$3,000. She further stated that the contract is attached to the legislation.

Councilor Poorman stated that the program should generate approximately \$17,000 this year.

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

RESOLUTIONS:

3rd Reading

2nd Reading

1st Reading

UNFINISHED BUSINESS: None.

NEW BUSINESS: Council Clerk Hans read a notice dated 1/4/2019 received from OEPA regarding the Southwest Licking WSD Antidegradation Project.

Council Clerk Hans began to read a letter dated January 11, 2019 from David Ball, ESQ on behalf of David Ruton.

Mayor Wells objected stated this letter should be discussed in executive session since it is a personnel issue and could be considered imminent litigation.

Council President Zwissler instructed Council Clerk Hans to read the letter.

A copy of the letter is attached to the council record.

Mayor Wells stated that the Chief is asking the Public Safety Committee to meet and consider this. The Mayor asked Chief Wardlow to come to the microphone to discuss this. The Mayor stated that they are getting a lot of questions about what are they going to do about abandoned cars. She stated that they are a little bit handicapped on the legal side of it and the Chief can explain that.

Chief Wardlow stated that the Ohio Basic Code encompasses small villages and expands the ability of the ORC to allow us the right to go onto someone's property and tell them their car is abandoned and/or broke down and tell them to move it. It also expands the definition because they are running into the legalities of the ordinances that we have to work with are very limited on what they can do. For example, if we post a car as abandoned and its non-operational and they say they are going to roll it forward six inches and if you come back and post it we will roll it back six inches to show they have moved the vehicle. This allows the Police Chief or the Code Officer to actually post the vehicle for so many hours and have the authority to go onto the property and take care of the vehicle and it's all backed by the ORC. Everything in the Basic Code corresponds to the ORC. Its updated

yearly and maintained in the manner that if there are any law changes during the year they are sent out immediately. If there are major changes to the law, they will send you a whole new book. It gives us the proper authority to accomplish cleaning up the village.

Councilor Ruton asked if this is just for the Police Department or is this for other departments as well.

Chief Wardlow stated that will be for code enforcement as well because it expands on the nuisance violations as well. It gives direction on how long to post the violation for before legally going onto the property to fix the situation. It talks about high weeds and trimming the shrubs back away from the roadways so it doesn't block traffic view. It incorporates all the little things that we need to help us do our job.

Chief Wardlow stated that the Ohio Municipal Code costs \$1095 for 5 copies and they can get 10 copies of the Ohio Basic Code for \$995. They can also get a CD for an additional \$75 that can be loaded onto everyone's computer so everyone is operating on the same page and everyone has access to the codes. They will be available for public viewing if necessary so they can actually find the Village of Buckeye Lake click a button and view all of our codes, ordinances and nuisances that we operate off of.

Mayor Wells stated that there is information in your packet on this. She then asked Chief Wardlow if she is asking for Safety and Finance approval.

Chief Wardlow stated that she would like the input of the Public Safety Committee to see if they are interested in backing her on adopting the Ohio Basic Code. Finance it would take the place of the Municipal Code so there isn't any additional cost. The extra copies that we receive will allow us to get one to the Prosecutor's Office, Village Solicitor, Magistrate, Clerk of Courts, office, code enforcement and zoning copies. We can all be on the same page, we are all writing and we all understand. This is similar to codification but codification will cost us close to \$20-25K since it has been so long to do. It is a solution for us to become immediately proactive in our job. Meaning that we will have the backbone to go out and clean the properties and make sure people don't block the sidewalk with their car and they keep their shrubs trimmed back so you can see around them to drive out into the roadway. It is a lot more expansive. Chief Wardlow had a copy of the Ohio Basic Code available for review.

Council President Zwissler asked Councilor Masone if he would be willing to have a Public Safety Committee meeting to discuss this.

Councilor Masone stated that he would not.

Council President Zwissler asked Councilor Masone if he knows enough to make a decision now about this.

Councilor Masone responded that he doesn't need to make a decision; it is not his decision to make. Obviously, if the Police Chief and the Mayor have discussed this a lot and if they want it they should just do it. He further stated that the Mayor feels that she can terminate an Assistant Fire Chief without consulting council; but she has a book that she wants us to buy and she wants our opinion on this. Councilor Masone stated that he doesn't feel it needs to go to a committee, just do it. If it is best for the village do what you do as Mayor.

Chief Wardlow stated that with all due respect she has spoken with Council President Zwissler and Councilor Ruton. She further stated that she has not had a conversation with the Mayor with regards to this. She did stated that she has told the Mayor we need to broaden our authority.

Councilor Masone stated that it is the Mayor's decision.

Mayor Wells stated that maybe other members of the Public Safety Committee would be interested in participating in decisions that we make. You have asked to be informed and we are just trying to be inclusive.

Council President Zwissler stated that our Police Chief is used to using the Ohio Basic Code. She asked if she was more familiar with this than the Model Ohio Municipal Code.

Chief Wardlow stated yes.

Councilor Masone stated that it makes no sense to send it to two committees. This could be decided without going through two committees. It is not a threat to public safety.

Councilor Wolfe asked to borrow the copy of the Ohio Basic Code to review; however he does not see it as an emergency tonight.

Council Clerk Hans stated that the Village usually receives the Model Ohio Municipal Code books in January of each year. She asked that the delivery be placed on hold to avoid that cost until this is decided.

Chief Wardlow stated that she already did that. American Legal Publishing will ship the books when they receive payment for whichever book we choose to use with a sample emergency ordinance to adopt the code.

CITIZEN'S COMMENTS: Charlene Hayden, 67 Lighthouse Lane, Buckeye Lake. Ms. Hayden stated that she sent council members' information on the numbers of police runs from 1/18-9/18. She stated that there were over 1,000 runs during that time. The breakdown is as follows: 154 Union Township; 580 Licking County Sherriff's Office; 172 Hebron, 22 dog warden; 5 Ohio State Highway Patrol. She stated her concern that most of these agencies are out of our village and this could be a safety issue. Ms. Hayden asked council to keep watch on these numbers to see if they diminish over the next year.

Clay Carroll, 247 Union Ave., Buckeye Lake. Mr. Carroll stated that he looks forward to working with the Charter Review Commission. He asked if the Council Clerk will be emailing the Charter Review Commission Members to get this started.

Council Clerk Hans stated that she will send out an email to the members later this evening.

COUNCIL MEMBER COMMENTS:

Councilor Ruton: Councilor Ruton stated that The Harbor Community Center has game night on Mondays from 5-7pm. She encouraged everyone in the Village to check out and participate in the activities at The Harbor.

Councilor Geiger: Councilor Geiger stated that the process for the Charter Review Commission is not clearly defined in the charter.

Councilor Wolfe: No comment.

Councilor French: Councilor French welcomed the new employees to the village. He wished everyone a Happy New Year.

Councilor French suggested that Garry Hunter agreed to attend the first Charter Review Commission meeting.

Councilor Poorman: Councilor Poorman stated that we need to take a serious look at the police levy. Currently over half of the police budget comes out of the general fund. If we want to get a levy on the May ballot, we need to get moving. Councilor Poorman asked for the filing deadline.

Council Clerk Hans stated that the deadline is 90 days prior to the election, but she will have to check the exact date.

Councilor Poorman stated that he attended a meeting of the SWL Conservancy District about a month ago. They oversee the watershed in our area. They look at the way the water comes into the lake and how we get stormwater out. He stated that there is a huge logjam upstream that will need to be addressed which is affecting stormwater getting out of the village efficiently. Councilor Poorman also asked that council consider passing a resolution to support a \$5/year tax per property to have USACE study the area and provide funding and solutions to the issues. This will create a fund for match dollars to apply for grants to solve the issues.

Councilor Poorman stated that we need to discuss whether to do a renewal, replacement or new police levy.

Mayor Wells stated that the chair of Finance or Public Safety needs to make a commitment to set up a meeting.

Council Clerk Hans suggested that if council members want to meet in committee to discuss the levy, they need to do that this week to allow time to pass legislation and meet all filing deadlines.

Council President Zwissler suggested 1/17/19 for the committee meeting and then 1/22/19 for a special council meeting.

Councilor Wolfe scheduled a Finance/Public Safety Committee meeting on 1/17/19 at 6:30pm to discuss the Police Levy. He encouraged the public to attend the meeting and participate in the discussion.

Council President Zwissler scheduled a Special Council Meeting to consider levy legislation on Tuesday, 1/22/19 at 7:00pm.

Councilor Masone: Councilor Masone asked about the animal tethering problem that he was made aware of in the village.

Councilor Ruton stated she that remembered it but did not know exactly what happened.

Council President Zwissler asked Chief Wardlow about this.

Chief Wardlow stated that she posted notice on the person's door about the violation. She spoke with the person and explained the law in detail. The person stated that he understood the law and would make the change. Chief Wardlow stated that she has been by the house several times and has not seen the dog outside at all.

Councilor President Zwissler: Council President Zwissler wished everyone a Happy New Year and asked everyone to show their appreciation to the new employees.

ADJOURNMENT: Motion by Council President Ruton to adjourn the meeting, seconded by Councilor Wolfe.

VOTE: IN-FAVOR: All YEAS; MOTION CARRIED 7-0
Meeting adjourned at 8:13 p.m.

NEXT MEETING: January 28, 2019



Valerie L. Hans, Clerk of Council



Catherine Olohan Zwissler, Council President