

Buckeye Lake Village Council Meeting  
Held in Village Hall  
**September 9, 2019**  
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: Robert Masone (0,6), Doug Poorman (0,1), Arletta Ruton (0,0),  
(Consecutive, Total Absences) Tom Wolfe (0,1), Kitty Zwissler (0,0) Bill French (0,0), John Geiger (0,0)

Mayor Wells

Absent: None

**Staff Present:** Valerie Hans, Clerk of Council; Vicki Wardlow, Police Chief; Clifford Mason, Interim Fire Chief.

**Approval of Minutes:**

Motion by Councilor Ruton to approve the council meeting minutes dated August 26, 2019, 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 September 5, 2019, seconded by Councilor French.

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

**APPOINTMENTS AND PRESENTATIONS:** None.

**UNFINISHED/OTHER BUSINESS:** None.

**COMMITTEES SHALL GIVE REPORTS IN THE FOLLOWING ORDER:**

**Finance Committee:** Councilor Wolfe stated that he had a committee meeting just prior to the council meeting to discuss police pay rates. His committee voted unanimously to recommend the changes to the employee pay scale to council for a vote. Ordinance 2019-36 will be on the council agenda this evening.

**Public Safety Committee:** No report.

**Public Service Committee:** Councilor Ruton stated that her committee will meet again on 10/7/19 at 6pm to discuss upcoming projects.

**Rules Committee:** No report.

**Community Development Committee:** No report.

**Personnel Committee:** No report.

**REPORT OF COUNCIL PRESIDENT:**

Council President Zwissler stated trick or treat and trunk or treat will be on 10/31/19 from 5:30-7pm. She encouraged everyone to take part in these events and support the youth of the community. Council President Zwissler stated that there are two candidates' nights coming up at the Buckeye Lake Fire Department. The first event will be a meet and greet on 9/17/19 from 6-8pm and the second event will be a question and answer session on 10/23/19 from 6-8pm. All persons running for elected office in Licking County are invited to attend.

**REPORT OF MAYOR WRITTEN, AND VERBALLY BY REQUEST OF COUNCIL:**

Mayor Wells stated Kevin Dorman said that the Citizen's Watch program could help with trunk or treat. She asked if he has been notified of the dates.

Council President Zwissler stated that he was part of the decision process establishing the dates.

Mayor Wells stated that there have been several open meetings and lengthy discussions on pay increases including adding a Service Director position at \$45,000 per year. However, Toby Miller, Water Supervisor, was not addressed on this pay ordinance and she would like to know why.

Council Wolfe stated that council doesn't want to affect the water rates. He also stated that the Clerk/Treasurer told council that they may get less money than expected for the second half settlement. The Water Supervisor was not part of the Police Levy. Council wanted to make sure that they had enough funding for the increases.

Mayor Wells stated that the Water Supervisor pay comes out of the enterprise fund and there is more than enough money in the fund to cover this.

Councilor Wolfe stated that council plans to discuss the Water Supervisor and fire department pay increases at the next finance committee meeting. He stated that the Water Supervisor is on the radar.

Councilor French stated that the last time we talked about this with the Clerk/Treasurer was 30 minutes ago.

Mayor Wells asked when you set the next meeting, could you also talk about adding a second Code Enforcement Officer.

Councilor Wolfe stated that the Code Enforcement appropriations request only has \$17,250 and he feels that may not be adequate for a second Code Enforcement Officer. He suggested that the appropriations amount for this line item should be looked into further.

**ORDINANCES**

**3rd Reading**  
**2nd Reading**  
**1st Reading**

**2019-36 AN ORDINANCE AMENDING ORDINANCE 2010-45, 2011-14, 2012-07, 2012-13, 2012-15, 2013-01, 2013-04, 2013-24, 2015-13, 2016-08, 2018-11, 2018-14, 2018-29 AND 2019-23 REGARDLESS OF THE EFFECTIVE DATE, CREATING PAY LEVELS AND SALARY SCHEDULES FOR EMPLOYEES OF THE VILLAGE OF BUCKEYE LAKE, OHIO AND DECLARING AN EMERGENCY**

Motion by Councilor Ruton to suspend the rules on Ordinance 2019-36, seconded by Councilor French.

**Roll Call Vote: Yeas: Masone, Poorman, Ruton, Wolfe, Zwissler, French, Geiger**  
**Rules Suspended 7-0**

Motion by Councilor Ruton to adopt Ordinance 2019-36 as presented, seconded by Councilor French.

Mayor Wells stated that legal counsel suggested that the wording in the title “regardless of the effective date” should be changed.

Council President Zwissler asked council members if they had any desire to change this. No response so she moved on with the vote.

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

**RESOLUTIONS:**

**3rd Reading**  
**2nd Reading**  
**1st Reading**

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:** Councilor Ruton stated that in going through information she found the Zoning Ordinance 1995-07 which was passed on 12/26/1995. She stated that Article 5, Section 500 Office of Zoning Officer Created. It states that “a Zoning Inspector designated by the Village Council of Buckeye Lake shall administer and enforce this ordinance.” She then suggested that since we don’t have a zoning officer, we should place an ad for one.

Council President Zwissler asked if we need to ask for a purchase order.

Council Clerk Hans stated that we do.

Mayor Wells stated you are ignoring an email that you received as a response from me. I think that we all realize that the zoning book predates the charter. She further stated that the charter trumps what you just read in the zoning book. I cited the sections of the charter, duties and powers of the mayor. I purposely haven't consulted the attorney on this issue because you asked me not to do that. You are totally incorrect in moving forward and thinking that you have the authority. You don't have the authority, the mayor has the authority to appoint, demote, hire, fire all employees of the village except the council employee. The powers in the charter under the council give you the authority to have a Council Clerk and that position can be extended to the Mayor's Court Clerk and it can also be extended to secretaries of commissions. Nowhere in the charter does it mention that you have the authority to hire a zoning officer.

Councilor Ruton stated that it doesn't say that you do either. Where does it say you hire the zoning officer specifically in this document? We are not going to discuss this any further. Ordinances are ordinances, it's law. Yes, we had a statutory form of government prior to the charter. This is not a statutory form of government. This is the passing of our zoning, administrative code, which council does have the right to do. The zoning book it specifically states it and here's the ordinance. Ordinances and resolutions are the law.

Council President Zwissler stated that the zoning commission is a stand-alone commission and it doesn't come under your authority.

Mayor Wells asked if we could refer to the charter. She read number 1-3 of the duties of the mayor from the charter listed below. The Mayor is the chief executive officer of the Village, and shall:

- 1) Supervise the administration of the Village's affairs;
- 2) Exercise control over all departments and divisions thereof, except Council;
- 3) Be the justice of the peace and chief conservator of the peace within the Village and shall cause all laws, Ordinances and Resolutions to be enforced therein;

Mayor Wells asked don't you agree that the zoning officer and the code enforcement officer are in fact employees of the village.

Councilor Ruton agreed but stated that the ordinances are the law. The ordinance states this very specifically.

Council President Zwissler stated that the ordinance was not rescinded so it is still in effect.

Mayor Wells stated that this document passed by the electorate of this village after this ordinance and this trumps what you are suggesting.

Councilor Ruton asked so that trumps all prior ordinances is that what you are saying.

Mayor Wells stated it trumps anything that is in conflict with it.

Council President Zwissler stated that sounds like a very good reason for the amendment of the charter if that's true.

Mayor Wells stated that she will be calling the attorney and getting a clarification for all of you since you don't seem to want to follow the charter.

Council President Zwissler asked council members what they would like to do.

Councilor Ruton suggested that Council President Zwissler call the attorney and find out about this and let everyone know. She asked that you give them the ordinance and let them know that the ordinance was passed and the date of the ordinance.

Council President Zwissler said that it seems like it is a matter of interpretation.

Councilor Geiger asked what we are proposing. Is it to pay for an ad to hire a zoning officer? Does that mean that we are doing the hiring or that we are doing an ad to get the process moving?

Council President Zwissler stated yes.

Councilor Geiger stated that we should move forward with the ad and then discuss the process further following the opinion.

Council President Zwissler stated that this is a good step in the right direction.

Councilor Ruton agreed.

Councilor Geiger stated that we can get an ad in conjunction with Personnel Committee and Council Clerk Hans who has vast experience in terms of the language.

Mayor Wells stated that there is money in the council budget for advertising; however, Rochelle...have we used all of the legal funds and does this council have to make a motion or appropriate money in that line item for legal funds.

Ms. Menningen suggested that the advertising costs could be taken out of professional and technical as it has its own line. She suggested increasing this line item to cover this expense.

Motion by Councilor Ruton to increase contractor services by \$200 to cover the legal opinion, seconded by Councilor French.

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

Council Clerk Hans asked council members to make a motion to formally establish the trick or treat date for the Village of Buckeye Lake. She stated that Hebron and Buckeye Lake try to be consistent and establish the same date and time which this year would be Thursday, October 31, 2019 from 5:30-7pm.

Motion by Councilor Poorman to establish October 31, 2019 from 5:30-7:00pm as trick or treat night in the Village of Buckeye Lake, seconded by Councilor Ruton.

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

Council Clerk Hans stated that she received an application for a liquor license transfer. The application would transfer the D2, D2X, D3, D3A, and D6 licenses from safekeeping, D&M

Lounge Inn Inc, 29843 Lorain Road, 1<sup>st</sup> Floor, North Olmstead, Ohio 44070 to Wendell Parkinson, 10884 Mill Dam Rd., Buckeye Lake, Ohio 43008. Council members had no valid objections to this application.

Motion by Councilor French to authorize the council clerk to sign and return the transfer notification, seconded by Councilor Wolfe.

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

Chief Mason stated that the fire department employees Nick Dunfee and Keisha Amspaugh were successful in receiving a grant for 2 Pedilite pedi spine boards valued at \$599.98. This is much needed equipment for our fire department. We are very grateful for their hard work!

**CITIZEN'S COMMENTS:** Karen Cookston, PC/BZA Chairperson. Chairperson Cookston stated that the subcommittee met at 5pm prior to the PC/BZA monthly meeting to discuss the proposed zoning code changes. She also explained the process of "fly bys" which allows potential applicants to speak informally with the PC/BZA before expending large amounts of time and money on a project. Chairperson Cookston stated that it might sound like a broken record; however, your charter covers building and zoning enforcement under development. Your zoning code regulations cover zoning and should be managed under a Development Director. She stated that Mr. Adkins is putting in a ton of hours and he is overwhelmed. Chairperson Cookston suggested that you may want to hire a Development Director who can oversee all of this. If there are not enough resources presently to hire a Development Director to do all of this work, then we can address the issues in pieces.

Councilor Geiger stated that it's a matter of money. He asked what do neighboring communities do?

It was stated that Millersport and Hebron both have persons tasked with Development Director duties.

Karen Cookston, Anchor's Way. Ms. Cookston spoke as a citizen next and stated that they need a speed bump on Anchor's Way. She and her partner watched 4 bicyclists almost get this past weekend. They have had 2 cats hit and killed as well. Buckeye Lake Police Department regularly patrols the area; however, it doesn't fix the problem.

Councilor Geiger asked if the offenders are neighbors or others.

Ms. Cookston stated that they are residents of Cranberry Bay and the Carlin Addition. She stated that we have had the death of animals and we are afraid that people are also going to get hurt. Ms. Cookston stated that speed bumps are all over Columbus without any issues or difficulties on snow removal. She feels that we should be able to have speed bumps here.

Charlene Hayden, 67 Lighthouse Lane, Buckeye Lake. Ms. Hayden thanked council for addressing the issues and getting a zoning officer.

Bergene Spangler-Braithwaite, 87 Lighthouse Lane, Buckeye Lake. Ms. Spangler-Braithwaite reminded everyone that this Thursday from 4-7 is the last farmer's market of the season at The

Harbor. She stated that there will be music and a food truck in addition to the regular vendors. Ms. Spangler-Braithwaite thanked everyone for supporting the farmer's market this season.

**COUNCIL MEMBER COMMENTS:**

**Councilor Masone:** No comment.

**Councilor Poorman:** Councilor Poorman encouraged everyone to support the farmer's market.

**Councilor Ruton:** Councilor Ruton stated that she knows the hard work Nick and Keisha put into the fire department grant application. She stated that we have great police officers and fire department employees; they work hard for little thanks. Great job! Lastly Councilor Ruton stated that she will address the need for speed bumps with Toby Miller.

**Councilor Geiger:** Councilor Geiger suggested that Council President Zwissler should send a letter on behalf of council thanking the fire department employees for their hard work on the grant application. It was suggested that this should be a proclamation. Councilor Geiger commended Chief Wardlow for how the situation was handled on Saturday night. He stated that there were significant fireworks being discharged from large pipes between 10pm and 2am on the state property. The police chief took it upon herself to make contact with ODNR and get the situation under control.

**Councilor Wolfe:** Councilor Wolfe thanked everyone for coming to the meeting and providing input.

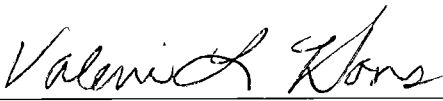
**Councilor French:** No comment.

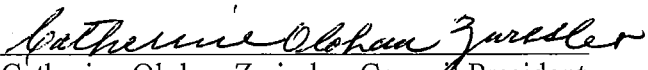
**Councilor President Zwissler:** Council President Zwissler thanked everyone for coming to the meeting and providing their input.

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

**VOTE:**       **IN-FAVOR: All YEAS; MOTION CARRIED 7-0**  
Meeting adjourned at 7:56 p.m.

**NEXT MEETING:**   September 23, 2019

  
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Valerie L. Hans, Clerk of Council

  
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Catherine Olohan Zwissler, Council President

