

Buckeye Lake Village Council Meeting
Held in Village Hall
December 30, 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: Doug Poorman (0,2), Arletta Ruton (0,1), Tom Wolfe (0,2),
(Consecutive, Total Absences) Kitty Zwissler (0,0), John Geiger (0,0), Bill French (0,0)

Mayor Wells

Absent: Robert Masone (0,13)

Staff Present: Valerie Hans, Clerk of Council; Vicki Wardlow, Police Chief; Toby Miller,
Water Supervisor.

APPOINTMENTS AND PRESENTATIONS:

Clerk/Treasurer

Motion by Councilor Poorman to confirm Chelsea Fulk as Clerk/Treasurer for the Village,
seconded by Councilor Wolfe.

Councilor Ruton stated that proper procedure wasn't followed. This should've been vetted thru the
Personnel Committee. We should've received a resume and had a chance to ask the candidates
questions. This was done very hurry up. Councilor Ruton stated that she received Ms. Fulk's
resume between 6:00 and 6:30pm on Saturday. She stated that she is not in favor of confirming her
this evening.

Councilor Wolfe stated that he agrees with Councilor Ruton and also feels that we should've
followed the process that worked that we used before. He stated that we don't have a drug test or a
background check on this person. Councilor Wolfe stated that this should be a decision for the new
council members.

Council President Zwissler stated that she agrees with Councilors Ruton and Wolfe. She stated that
we didn't know that the former prosecutor or legal counsel was going to be fired.

Councilor Wolfe stated that he did not get the information at all. He stated that he will not vote for
either candidate because of not receiving enough information. Councilor Wolfe stated that we get
emails at 4:30pm while we are in our car and we are driving.

Councilor French stated that he was concerned about the payroll and making sure that gets done;
however, we have an ordinance on this.

Councilor Wolfe stated that someone came up with a plan to get through payroll.

Councilor Ruton stated that she has nothing against the candidates it is about the process.

Mayor Wells stated that we have a situation. The Clerk/Treasurer is leaving us. She stated that the
State Auditor's office had her print out a list of visiting clerks, township fiscal officers, and village

fiscal officers. Mayor Wells stated that she spent hours making many calls to locate someone who was interested and would be a good fit so Rochelle could leave. She stated that visiting clerks make up to \$35 per hour and are coming from different parts of the state. She stated that there are 2 visiting clerks in Muskingum County and 3 in Fairfield County. Mayor Wells stated that Mrs. Fulk (Clerk/Treasurer candidate) has a good resume. She stated that as soon as she received her resume, she forwarded it on to council. She stated that the last thing she wanted to do was have council meet her at the last minute. Mayor Wells stated that LGS directed Clerk/Treasurer Menningen to tie up the loose ends before leaving although her last day was supposed to be 12/20/19.

Council President Zwissler stated that the bottom line is this information was handed to us at the last minute.

Councilor Geiger commended Mayor Wells for asking the current council to review these candidates and participate in the decision.

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

Motion Failed 1-5.

Prosecutor/Solicitor

Motion by Councilor Poorman to confirm Brad Nicodemus as Prosecutor/Solicitor for the Village, second by Councilor Wolfe.

Councilor Ruton stated that we are in the same situation as the Clerk/Treasurer position. She stated that she spoke with Brian Zets and David Moser today and they were surprised that their services were no longer needed. They stated that they were informed of this on 12/24/19 and were told that the reasons for the change were cost and the Mayor wanted someone who was closer to the village. Councilor Ruton stated that she knows they worked hard to stay in budget and she feels that they did a fine job for the village. She stated that they were upfront and honest.

Mayor Wells stated that Councilor Ruton proved why money is an issue. She stated that they have no money left for legal services. Mayor Wells stated that Councilor Ruton made the call to the attorneys without a purchase order. She stated that anytime she calls the attorneys, she gets a purchase order. Mayor Wells stated that she asked Brian Zets if he would consider letting us out of our 2-year contract with one year to go and he agreed. Mr. Nicodemus charges \$100 per hour and is here tonight. She stated that she felt things were not going in the right direction with our prosecutor.

Council President Zwissler stated that we were not made aware of the concern with the prosecutor.

Mayor Wells stated that Councilor French and Rex talked about this issue yesterday. She stated that she feels that we can save the village money and get more accomplished. She also stated that it is the Mayor's appointment. Mayor Wells stated that there were 4 cases now 3 for trial on the 1/7/20 docket. She stated that some cases in the past were dismissed because people were not subpoenaed and Code Enforcement Officer Adkins had to feed the prosecutor information on the cases during trial.

Councilor Ruton stated that Mr. Adkins should have been letting council that there was an issue.

Councilor Wolfe stated that he would feel bad if one year from now we were changing legal counsel again because someone is \$10 per hour less.

ORDINANCES

1st Reading

2019-54 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A TEMPORARY AGREEMENT WITH ROCHELLE MENNINGEN TO PROCESS EMPLOYEE PAYROLL FOR THE VILLAGE OF BUCKEYE LAKE, LICKING COUNTY, STATE OF OHIO AND DECLARING AN EMERGENCY.

Motion by Councilor French to suspend the rules on Ordinance 2019-54, seconded by Councilor Poorman.

Roll call vote: **Yays:** Poorman, Ruton, Wolfe, Zwissler, French, Geiger
Rules Suspended 6-0.

Motion by Councilor Poorman to adopt Ordinance 2019-54 as presented, seconded by Councilor French.

Clerk/Treasurer Menningen stated that she has resigned many times because of the administration. However, she feels an obligation to her co-workers to not put them in a difficult place. However, she stated that the continued harassment on social media is dangerous to her.

Councilor Geiger asked Clerk/Treasurer Menningen how many hours she needs to complete the tasks outlined in the ordinance.

Clerk/Treasurer Menningen stated that in order to do the payroll which is dated 1/3/20, she has to upload the new disc, enter the 2020 revenue and expenditure budget and then run the payroll.

Councilor Poorman thanked Clerk/Treasurer Menningen for being willing to do this. He stated that he feels bad she is getting social media attacks and feels that this is very immature of the people doing this.

Councilor French agreed with Councilor Poorman.

Councilor Geiger stated that as we move forward, we need to understand the Clerk/Treasurer's job better. He stated that it is not as simple as completing a task. There are many tasks to complete before you can get to the next step. He stated that there are processes that aren't easy to conform to.

Councilor Ruton stated that she talked to Stacy Scoll in regards to what LGAS found when they were at the village. She stated that in talking with Stacy and Matt, there were things that were very concerning and she was told things were not being done correctly such as more money on the books than we actually had.

Councilor Poorman stated that was not what they said in the letter.

Council President Zwissler stated that she spoke with Rochelle about calling in an auditor in preparation for leaving; however, she did not call for that. She stated that Matt (LGS) had billable

hours left on their contract and came out to the village as a result. She stated that we have had the same auditors out of Zanesville for quite a while and she would like to have a different group.

Councilor Ruton stated that she has Council President Zwissler's email and she knows what Stacy and Bob told her. She stated that it was something totally different and someone is not telling the truth.

Clerk/Treasurer Menningen respectfully declined the extension of an agreement to complete the 1/3/20 payroll at this time.

Mayor Wells stated that now no one is going to get paid.

Police Chief Wardlow stated that her officers will not be working tomorrow because worker's compensation will not cover them if they are not receiving a paycheck.

Councilor Geiger stated that with a new group of council members, we should be able to get things done. He suggested having a meeting on 1/1/20 or 1/2/20.

Mrs. Fulk (Clerk/Treasurer candidate) stated that she is only here because her husband forced me to come here and listen to what you had to offer. She stated that her husband had surgery on Friday and that is why she did not get her resume to them sooner. Mrs. Fulk asked council members if they receive monthly financial reports. They responded yes. She stated that it is their responsibility to ask questions and understand these reports. She stated that her council in Utica also disagrees from time to time as all councils do. However, you leave the disagreement in council and do not take it outside on social media. Mrs. Fulk stated that she could process the village's payroll and pay bills without a problem. However, what is happening in council is reflecting poorly on the Village.

Councilor Ruton stated that we have a process and it wasn't followed.

Mayor Wells asked if they could go back to Councilor Geiger's idea of having a meeting on 1/2/20.

Mr. Miller stated that a meeting on 1/2/20 would not allow the payroll to be processed in time.

Mrs. Fulk stated that she works full-time for the Village of Utica and would not be able to process the payroll on 1/2/20.

Discussion continued on having a council meeting on 1/1/20; however, council members did not set a meeting for that day.

Roll call vote: **Yays:** Poorman, Wolfe, Zwissler, French, Geiger

Abstentions: Ruton

Motion Passed 6-0.

RESOLUTIONS:

3rd Reading

2nd Reading

1st Reading

2019-18 A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF A NEW VILLAGE PROSECUTOR/SOLICITOR AND AUTHORIZING/DIRECTING THE MAYOR

AND CLERK/TREASURER TO EXECUTE A PERSONAL SERVICE CONTRACT FOR LEGAL SERVICES WITH NICODEMUS LAW OFFICE AND DECLARING AN EMERGENCY.

Council Clerk Hans suggested that council may want to delay acting on this legislation since they did not confirm the prosecutor/solicitor.

Motion by Council President Zwissler to table Resolution 2019-18 until a later date, seconded by Councilor Wolfe.

Roll call vote: Yays: Poorman, Ruton, Wolfe, Zwissler, French, Geiger
Motion Passed 6-0.

CITIZEN'S COMMENTS: Charlene Hayden, 67 Lighthouse Lane, Buckeye Lake. Ms. Hayden stated that over the past 2 years there have been numerous employees who left the village. She guaranteed that with the current council members who did not get elected this problem is still going to exist. She stated that it is ridiculous to blame council members for employees leaving. That is not the whole problem.

Clay Carroll, 247 Union Avenue, Buckeye Lake. Mr. Carroll stated that he has been in all of your seats. He stated that he knows what you have had to put up with on both sides of the coin. He stated that there are ups and downs. Mr. Carroll thanked the current council for their service and wished the new council good luck as they begin their term of office.

COUNCIL MEMBER COMMENTS:

Councilor Poorman: Councilor Poorman stated he feels for the Clerk/Treasurer and she has his apology. On a brighter note, Councilor Poorman stated that they have been able to get the property tax situation remedied and the village will be receiving their \$2500 back.

Councilor French: Councilor French stated that he has the upmost respect for Clerk/Treasurer Menningen. The books are not in shambles. He stated that there is a place to discuss personnel issues and it is called executive session.

Councilor Ruton: Councilor Ruton reiterated that she would like people to call Bob Burlinski or Stacy Scholl at Local Government Services. She stated that she still stands by her earlier comments and what they told her.

Councilor Geiger: Councilor Geiger stated that he has great respect for Clerk/Treasurer Menningen. She brought the village out of a bad place with our books to a much better place. He also stated that the Harbor looks great.

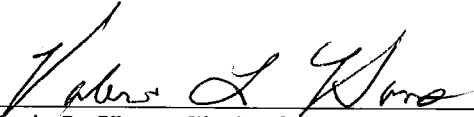
Councilor Wolfe: Councilor Wolfe stated that we have had a lot of people leave this village and we can point fingers. There are other people who are disappointed in how things are going. We really have to retrain people. We have been thru 3 almost 4 treasurers since I have been on council. Councilor Wolfe stated that we weren't given the picture that you (Clerk/Treasurer candidate) would not be full time. He also stated that he respects that nearly all of the current and new council are here tonight.

Councilor President Zwissler: Council President Zwissler stated that she got the call today at 5:10pm from Council Clerk Hans asking to place an ordinance and a resolution on the agenda. She stated that she is sorry that we put people in this situation. Lastly, Council President Zwissler thanked everyone for coming to the meeting and wished everyone a Happy New Year.

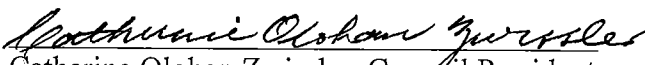
ADJOURNMENT: Motion by Councilor Ruton to adjourn the meeting, seconded by Councilor French.

VOTE: IN-FAVOR: ALL YEAS; MOTION CARRIED 6-0
Meeting adjourned at 8:03 p.m.

NEXT MEETING: January 6, 2020



Valerie L. Hans, Clerk of Council



Catherine Olohan Zwissler, Council President