

Buckeye Lake Village Council Meeting Minutes
Held in Council Chambers, streamed live on Facebook
February 13, 2023

Call to Order: By Council President Linda Goodman at 7:00p.m.

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

Roll Call: Present: Paula Brunton (0,0), Don Cable (0,0), Linda Goodman (0,0),
(Consecutive, Total Absences) Deb Julian (0,0), John Lemmon (0,0), Sue Wadley (0,0)
Absent: Tom Wolfe (0,0 excused)

Staff Present: Mayor, Jeryne Peterson; Jennifer Dennis, Clerk/Treasurer; Samantha Torres, Clerk of Council; Jason Harget, Police Chief; Rex Adkins, Code Enforcement Officer; Toby Miller, Public Works / Water Superintendent

Public Hearing – Ordinance 2023-04 – AN ORDINANCE AMENDING THE ZONING CODE FOR THE VILLAGE OF BUCKEYE LAKE AND ORDINANCE 2021-49 REGARDING MODULAR AND MOBILE HOMES AND THE DECLARATION OF AN EMERGENCY.

Public hearing was opened at 6:57pm before the council meeting. There were no public or other comments about this ordinance. Public hearing was closed at 6:58pm.

Approval of Regular Council Meeting Minutes: Motion by Councilor Cable, seconded by Councilor Julian, to approve the January 23, 2023 regular council meeting minutes.

Roll call vote: Yes: Goodman, Julian, Lemmon, Wadley, Brunton, Cable
Abstain: 0; Nays: 0; Motion Passed 6 – 0

Approval of Clerk Treasurer’s Report: Motion by Councilor Lemmon, seconded by Councilor Cable, to approve the January Reconciliations and Treasurer’s report dated February 9, 2023.

Roll call vote: Yes: Goodman, Julian, Lemmon, Wadley, Brunton, Cable
Abstain: 0; Nays: 0; Motion Passed 6 – 0

Fiscal Officer Jennifer Dennis stated she received a letter from the Bureau of Workers’ Compensation that they will be doing an audit to make sure the village is paying the correct amount.

APPOINTMENTS AND PRESENTATIONS – None.

COUNCIL STANDING COMMITTEE REPORTS

Finance Committee: Finance Committee meeting held today where they finalized their recommendations for the permanent budget for 2023 to have a first reading at the next council meeting. Will be moving forward in Finance with the village fee schedule as soon as that information is received from the administration.

Public Safety Committee: Next meeting February 27th at 6:00pm.

Public Service Committee: Meeting held on February 6th with normal discussion on various street and water topics. Working on paving; earmarked \$150,000 for paving Union Avenue. Waiting for approval from OPWC for Cranberry paving project. Ongoing project for upgrading water meter software. Some ordinances from Public Service committee on the agenda this evening. Regular meetings will be the first Monday of each month at 6:30pm.

Rules Committee: Next meeting will be organizational on February 27th at 5:45pm.

Community Development Committee: Absent, no report. Next meeting February 27th at 6:30pm.

Personnel Committee: Held a joint committee meeting with the Finance committee this evening to discuss the change in fire chief's pay from stipend to salary and some discussion about the position of Development Director. 95% of employee performance evaluations for 2022 are complete. Next meeting will be before the next council meeting in March on the 13th. They will continue working on the employee handbook closer to April.

Report of Council President: Last week President Goodman, Mayor Peterson, Jennifer Dennis, and Toby Miller met with Hayley Feightner and Alexis Fitzsimmons with GROW Licking County who were very helpful in giving direction on how to move forward with the Comprehensive Plan, which is an idea, vision, and suggestion for what the village can do in the next 5 to 10 years. Do not have to look at the projects based on how to fund them as that is not the purpose of the document. The plan is modifiable and the data and roadmaps are what should be looked at. President Goodman emailed OHM asking if they could provide another plan for a traffic-calming option instead of a roundabout in the North Shore entrance area and they will get back to us with that. The North Shore pier project is on the plan so that the village can see what is going on there and how it will affect what the village does own in that area. The village does not control or fund that project, nor does the village own that land. There is a part of the plan that shows development on privately-owned land but the village is not telling them what to do. It is a vision and idea of suggestions that might fit in there. The word "priority" to describe projects is being removed from the draft of the plan, as "potential" and "possible" are better suited words since these are just ideas and suggestions.

Report of Mayor: Written report submitted.

ORDINANCES

Ordinances for 3rd Reading – None.

Ordinances for 2nd Reading – None.

Ordinances for 1st Reading –

Ordinance 2023-04 - AN ORDINANCE AMENDING THE ZONING CODE FOR THE VILLAGE OF BUCKEYE LAKE AND ORDINANCE 2021-49 REGARDING MODULAR AND MOBILE HOMES AND THE DECLARATION OF AN EMERGENCY.

Motion by Councilor Julian, seconded by Councilor Cable to suspend the rules.

Roll call vote: **Yes:** Goodman, Julian, Lemmon, Wadley, Brunton, Cable

Abstain: 0; **Nays: 0;** **Motion Passed 6 – 0**

Motion by Councilor Julian, seconded by Councilor Wadley to adopt Ordinance 2023-04.

Discussion: Code Enforcement Officer Rex Adkins explained that the first version of this ordinance that was put out was told to everyone that it would eliminate mobile homes in areas that were not zoned as mobile home parks. After review, it did not do that and was determined that the old ordinance needed to be changed so that if you have a property now that has a mobile home on it and that mobile home is removed or is not repairable, you cannot put a new mobile home back on that property unless you are in a mobile home park zoned area. There was also confusion about mobile and modular homes on the old ordinance, so the new ordinance allows people to keep their current smaller lots and be able to build a permanent structure on them on a permanent foundation.

Roll call vote: **Yes:** Goodman, Julian, Lemmon, Wadley, Brunton, Cable

Abstain: 0; **Nays: 0;** **Motion Passed 6 – 0**

Ordinance 2023-05 – AN ORDINANCE PROVIDING FOR ESTIMATED REVENUE FOR THE VILLAGE OF BUCKEYE LAKE FOR THE CALENDAR YEAR 2023 AND DECLARING AN EMERGENCY.

Motion by Councilor Lemmon, seconded by Councilor Julian to suspend the rules.

Roll call vote: Yes: Goodman, Julian, Lemmon, Wadley, Brunton, Cable

Abstain: 0; Nays: 0; Motion Passed 6 – 0

Motion by Councilor Lemmon, seconded by Councilor Wadley to adopt Ordinance 2023-05.

Roll call vote: Yes: Goodman, Julian, Lemmon, Wadley, Brunton, Cable

Abstain: 0; Nays: 0; Motion Passed 6 – 0

Ordinance 2023-06 - AMENDING ORDINANCE 2022-52 TEMPORARY APPROPRIATIONS ORDINANCE AND DECLARING AN EMERGENCY.

Motion by Councilor Cable, seconded by Councilor Lemmon to suspend the rules.

Roll call vote: Yes: Goodman, Julian, Lemmon, Wadley, Brunton, Cable

Abstain: 0; Nays: 0; Motion Passed 6 – 0

Motion by Councilor Cable, seconded by Councilor Lemmon to adopt Ordinance 2023-06.

Discussion: Councilor Lemmon stated that this was recommended from the Finance Committee.

Roll call vote: Yes: Goodman, Julian, Lemmon, Wadley, Brunton, Cable

Abstain: 0; Nays: 0; Motion Passed 6 – 0

Ordinance 2023-07 - AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH ADR FOR ENGINEERING AND INSPECTION SERVICES FOR THE VILLAGE OF BUCKEYE LAKE, LICKING COUNTY, OHIO AND THE DECLARATION OF AN EMERGENCY.

Motion by Councilor Lemmon, seconded by Councilor Cable to suspend the rules.

Roll call vote: Yes: Goodman, Julian, Lemmon, Wadley, Brunton, Cable

Abstain: 0; Nays: 0; Motion Passed 6 – 0

Motion by Councilor Brunton, seconded by Councilor Julian to adopt Ordinance 2023-07.

Discussion: Councilor Cable stated that this was recommended from the Public Service Committee.

Roll call vote: Yes: Goodman, Julian, Lemmon, Wadley, Brunton, Cable

Abstain: 0; Nays: 0; Motion Passed 6 – 0

RESOLUTIONS

Resolutions for 3rd Reading – None.

Resolutions for 2nd Reading – None.

Resolutions for 1st Reading –

Resolution 2023-09 – A RESOLUTION AUTHORIZING MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE VILLAGE OF BUCKEYE LAKE FOR PLANNING, DESIGN, AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND DECLARATION OF EMERGENCY.

Motion by Councilor Wadley, seconded by Councilor Julian to suspend the rules.

Roll call vote: Yes: Goodman, Julian, Lemmon, Wadley, Brunton, Cable

Abstain: 0; Nays: 0; Motion Passed 6 – 0

Motion by Councilor Wadley, seconded by Councilor Brunton to adopt Resolution 2023-09.

Discussion: Toby Miller explained that this is legislation that is needed for the loan application for the North Bank West stormwater project and goes along with the engineering legislation that was just passed as Ordinance 2023-07. Need to have the executed contract and resolution to apply for funds.

Roll call vote: Yes: Goodman, Julian, Lemmon, Wadley, Brunton, Cable

Abstain: 0; Nays: 0; Motion Passed 6 – 0

Resolution 2023-10 - A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND ISSUANCE OF LAND USE APPLICATIONS AND PERMITS FOR PROPERTY LOCATED WITHIN THE GENERAL BUSINESS (GB) ZONING DISTRICTS AND THE DECLARATION OF AN EMERGENCY.

Motion by Councilor Cable, seconded by Councilor Brunton to suspend the rules.

Roll call vote: Yes: Goodman, Lemmon, Wadley, Brunton, Cable

Abstain: 0; Nays: Julian; Motion Passed 5 – 1

Motion by Councilor Wadley, seconded by Councilor Brunton to adopt Resolution 2023-10.

Discussion: Because of the development that is going on and the fact that the village has not passed a comprehensive plan and new zoning code yet, there is a request for a moratorium until new zoning is put into place. Rex Adkins explained that this moratorium is similar to the one for mobile homes in the past where it will suspend any automatic approval of new businesses coming into all areas zoned General Business. He stated that currently the zoning lists that businesses are basically automatically approved. He said that the village would like time to start to look at the Comprehensive Plan and design the village around that so it is suggested that the village do a six month moratorium to not allow automatic business approvals until council and the Planning and Zoning Commission have time to discuss the Comprehensive Plan and changes in zoning. He believes that in the new zoning, General Business zoning will be broken up and there will not be just one General Business definition in the book but it can be broken up into what the village would want in specific areas. President Goodman said that she had sent this to Planning and Zoning Commission Chairman Dick Williams who said it looked good to him because the zoning does need to be looked at. Rex said if someone comes into the office with a business during this time, nothing would happen and they would be asked to put that on hold until council approves the Comprehensive Plan and the zoning regulations changed. Councilor Julian wondered about the timing of this ordinance because if she is someone who has a property for lease and cannot sell that for a business to go in, it is not going to be six months due to all of the meetings and public hearings that would have to happen to get changes and approvals made; it would be more. Rex said there was a suggestion to stop the automatic approvals and send those business proposals to the Planning and Zoning Commission itself so they could take into consideration the vision going forward. Councilor Julian said that is picking and choosing and asked what brought about this request? Rex said this is a piece of legislation that probably should have come along way before there was consideration for a comprehensive plan and changes in zoning going into place and a moratorium is typical to do until you can get into place what you want to be permanent.

Councilor Wadley asked if there is anything in the process now in Planning and Zoning that will be impacted negatively from this? Rex said no, a majority of the items are PUD situations and will not be affected.

Councilor Lemmon asked about a man who tried to rent his piece of property out to a business and the village shut it down and now it is his understanding that the man wants to put a car lot there and asked if the village is going to shut that down as well? Mayor Peterson asked if he wanted a car lot there? Councilor Lemmon said it is not his choice, he does not own the property, and it is zoned for a car lot. Mayor Peterson said that is why we are asking for the moratorium. Councilor Lemmon said he would be suing the village if that were him.

Councilor Julian used another business as an example that if they wanted to sell their property, they would be stuck waiting not 6 months but 9 months to a year to be able to sell that to get through all of the steps to get the zoning book updated. According to this new ordinance, the village cannot give a permit to anyone, even if the same type of business were to come in to that property. Rex said when he talked to the village solicitor, what we are trying to avoid is the automatic approval and instead making them go to the Planning and Zoning Commission before that permit is automatically approved. Councilor Cable asked who is the “we” making these decisions and Rex said that was a discussion with the Mayor and the fact that you were having a comprehensive plan that was being done. Rex said he agrees that it takes a lot of time to change the zoning regulations so they were trying to figure out a way to slow things down, allow Planning and Zoning to look at things, recommend those to council, and allow Planning and Zoning more control instead of one person looking

in the book and saying yes this is listed in the book, so it is automatically approved. Councilor Goodman stated that there is certainly a large part of this that she agrees with and she asked: can we do this and amend it to allow people to go to the Planning and Zoning Commission for a variance? Her concern is if a business is for sale, does the village have the right to tell that landowner and that business owner we are not going to let you sell it? Rex said no we do not have the right to tell them they cannot sell it and the village already regulates those businesses now through the zoning regulations. All the village would be asking with this is to suspend those automatic approvals of those zoning regulations. Councilor Julian stated that Section 1 of the ordinance specifically lays it out that it says no on the acceptance and issuance of any and all new and renewal land use applications for six months. It does not say you can apply and we will decide. She also stated that there has never been a part of the Planning and Zoning meeting where a business comes to them with an application. That is usually done through the Zoning Inspector and administration. Councilor Cable asked if this is a council function or a zoning function? President Goodman said that as Council President, she feels it is a joint decision. Councilor Cable called for the vote.

Roll call vote: Yes: Goodman;

Abstain: 0; **Nays:** Julian, Lemmon, Wadley, Brunton, Cable; **Motion Failed 1 – 5**

UNFINISHED BUSINESS - None.

NEW BUSINESS – Licking County Park District – The Licking County Park District has set up a funding grant program that our parks can apply for. Mayor Peterson attended the meeting and brought the application back and has sent it to Parks and Recreation Commission Chair Annetta Macedonia for discussion at their next commission meeting. It is an opportunity to get more money for the parks. It is based off of the population from the census taken in 2020 so, although the dollar amounts are not great, from now until 2027 there is a total of \$10,000 that they can request \$2,000 of each year for repairs or equipment and there is a list of acceptable and non-acceptable items attached.

Mayor Proclamation – Mayor Jeryne Peterson read a proclamation declaring March 2023 as Developmental Disabilities Awareness Month in the Village of Buckeye Lake.

Liquor Permit - The Boatyard at Buckeye Lake – Change of Ownership –

Motion by Councilor Lemmon, seconded by Councilor Julian that council does not want a liquor permit hearing for change of ownership for the Boatyard at Buckeye Lake.

Roll call vote: Yes: Goodman, Julian, Lemmon, Wadley, Brunton, Cable

Abstain: 0; **Nays: 0;** **Motion Passed 6 – 0**

Release of Lease of the Harbor Community Center – Council President Goodman, Mayor Peterson, President of the Harbor Community Center Board Doug Poorman, and Evans Foundation chairwoman Sarah Wallace met to discuss the village no longer being in the business of holding the lease for the Harbor Community Center building so there is a new lease being written between the Evans Foundation and the Harbor Community Center. The document in the council packet up for approval releases the village from paying anything on that property any longer. Councilor Cable asked who owns the property; the Evans Foundation does. They rent it to the village who subleases it to the Harbor Community Center and the village has been paying the utilities for quite some time and this will make them completely independent of the village. Everyone is in favor and happy with this release and the village will no longer be paying any expenses for the Harbor and it will save the village money, per Councilor Goodman.

Motion by Councilor Cable, seconded by Councilor Lemmon to release the lease of the Harbor Community Center.

Roll call vote: Yes: Goodman, Julian, Lemmon, Wadley, Brunton, Cable

Abstain: 0; **Nays: 0;** **Motion Passed 6 – 0**

ARPA Projects Appropriations – Council President Goodman stated that there is an ARPA committee and there has been one since the beginning of COVID and there is \$99,209.10 left in the ARPA funds to be appropriated. In a meeting with Councilor Goodman, Mayor Peterson, Toby Miller, Jennifer Dennis, they came up with a packet of suggested appropriations for the remaining funds.

Floor vote to accept the projects listed in the appropriations packet as is.

Roll call vote: Yes: Goodman, Julian, Lemmon, Wadley, Brunton, Cable

Abstain: 0; Nays: 0; Motion Passed 6 – 0

CITIZEN'S COMMENTS - None.

COUNCIL MEMBER COMMENTS

Councilor Wadley: With regards to some of her votes tonight, she said she will always do what she thinks is the right thing and she is not challenging anyone else. She is a strong proponent of taking care of our employees. Turn over does cost money. Although we have to be sustainable, taking care of our employees is very important.

Councilor Julian: Good to see Winterfest go off so well. Village looked really good. Being a part of the GROW Licking County meeting, it was comforting as they started talking that a lot of things like signage that is being worked are some of the first steps in progress with the Comprehensive Plan even before approving it. Cannot wait to have a correct zoning book. We will all get there and we all have the same vision; it is just about timing. Next year we will have a really good roadmap.

Councilor Cable: Ordinance 2022-56 – Charter Section 5 states that the mayor needs to enforce ordinances. Council passed that to be an ordinance. If we want to pick and choose, that is fine. He does understand that a request for replacement is in hand but that has not happened and we have a current ordinance that has been passed by this council that needs to be enforced.

Councilor Lemmon: Thanked all of the council members and everyone here. We all have difference of opinions. Sometimes he wins, sometimes he loses and so does everyone else, but everyone's opinions are important to him and he does listen to them. We have hard choices. It has been very nice working with this council where once a decision is made, we all live with it whether it is what we wanted or did not want. We are all adults and we move on. It has not always been so in the village. Thank you to all and he has respect for all.

Councilor Brunton: She has been paying more attention to local and national news about what is happening since joining council and it is eye-opening. She does see that there are times where we are going to disagree and *passionately* disagree, but it all comes from a good place from everyone on council. A lot of times it is because she does not feel confident enough in the verbiage or financials (for example) before voting so she will track down someone to go over those with her and she trusts that everyone else is doing the same. She is glad to be a part of this group.

Councilor Goodman: We do not always get our own way and will not always agree but things move on and it is okay. Thanked everyone on council. There is a lot on the agenda and there is a lot coming up. All of council has a copy of the Charter and the council rules. These documents spell out how things are supposed to be handled and we follow them. If there is something on the agenda to vote on and a council member asks for it to be tabled, she as Council President has nothing to do but to honor that. All of our votes are equal. There are procedures to follow and we do our best to follow them.

ADJOURNMENT: Motion by Councilor Cable to adjourn the meeting and seconded by Councilor Brunton. All in favor. Meeting adjourned at 8:08pm

NEXT MEETING: Regular Council Meeting: February 27, 2023

Samantha Torres
Samantha Torres, Council Clerk

Linda Goodman
Linda Goodman, Council President