

Buckeye Lake Village Council Meeting Minutes
Held in Council Chambers, streamed live on Facebook
November 28, 2022

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: Don Cable (0,0), Linda Goodman (0,0), Deb Julian (0,1), John Lemmon (0,1), Max Thompson (0,2 – resigned effective today), Sue Wadley (0,3), Tom Wolfe (0,1)
(Consecutive, Total Absences)

Staff Present: Mayor Jeryne Peterson; Samantha Torres, Clerk of Council; Matt May, Police Officer; Keisha Amspaugh, Interim Fire Chief; Toby Miller, Public Works Supervisor; Jennifer Dennis, Fiscal Officer; Rex Adkins, Code Enforcement Officer;

Approval of Council Meeting Minutes: Motion by Councilor Cable, seconded by Councilor Julian, to approve the November 14, 2022 regular council meeting minutes.

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

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 Treasurer's report dated November 22, 2022.

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

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

APPOINTMENTS AND PRESENTATIONS: Police Officers Matt May, Hiroki Barker, and Michael Pereira presented community volunteer Andy Sirisukha with a certificate of recognition and appreciation, as well as a gift card, for his tremendous help to the police department over the years.

Charter Review Commission – Charter Review Commission Chairman Mark Pyle, along with two members of the Commission, Sherry Segna and Carole Winkel, presented Council with the final draft copy of their proposed revisions to the Charter for the Village of Buckeye Lake. He stated that the Charter Review Commission was appointed in April 2021, had worked on it through the year and were reappointed in 2022. He stated that along with the revisions draft, a changes glossary was given as well which specifies that there are clerical changes, transition rules, amendments, obsolete, and new changes within the revisions.

Council President Goodman stated that the process can now be that council can divide it up into sections and deal with one part of it at a time. The solicitor is reviewing it at the moment as well. It will be a long and expensive process to get it on the ballot next November.

COUNCIL STANDING COMMITTEE REPORTS:

Finance Committee: Finance meeting held today. Things are settled for the proposed 2023 temporary budget which will have a meeting tonight and will have some changes to the Fire budget for the third reading at the next meeting. Proposal of necessity for Fire levy was discussed and those will be on the next meeting to see which one to proceed with which will need to be certified by the County by February 1, 2023.

Public Safety Committee: Absent/resigned, no report.

Public Service Committee: Meeting held November 21st but it did not have a quorum, but Chairman Cable still had a general discussion where no motions or voting were permitted. Primarily discussed a list of questions proposed by Councilor Julian about the water billing process. Meeting minutes submitted. No meeting to be held in December. Next meeting will be in January.

Rules Committee: Nothing to report. Next meeting to be held in January where Chair Wadley will bring forth a draft of changes that have been discussed thus far.

Community Development Committee: No report.

Personnel Committee: Nothing to report.

Report of Council President: Very busy going into the new year, including getting proposed Charter changes on the ballot. Comprehensive Plan steering committee has their final meeting with OHM this week and the Comprehensive Plan will be received and OHM will do a formal presentation at the next council meeting. Christmas Parade with tree lighting will happen on December 10th at 4:30pm. There will be only one regular council meeting in December. Max Thompson's resignation from his council seat was read and is effective immediately. Posting will go up tomorrow for 14 days. Personnel Committee will set up interviews. It is a large time commitment. Councilor Wadley would like to sit as chair of the Public Safety Committee and temporarily she will be chair for both Public Safety and Rules Committees until a new member is appointed.

REPORT OF VILLAGE OFFICIALS WRITTEN OR VERBAL

Police Department – Officer Matt May – Chief absent tonight. Complaints received about a tent area off of East Street; Street Department helped clean up the area. 160 Cliff Street complaints have had citations issued with the help of Code Enforcement. Utility boxes have been removed so they cannot turn them on and set up in there anymore.

Fire Department – Interim Fire Chief Keisha Amspaugh – Written report submitted. Fire engine is currently at Finley Fire, as chosen by the insurance company, and will be repaired. There is no timeline on the repair due to the age of the truck and some parts may be hard to come by. Heard from 3 different fire truck manufacturers who said they could fix it. Keisha had a meeting with Sue Wadley about the fire budget and they have a good handle on what is needed and wanted by the Fire Department. Keisha stated that she is still learning and thanked Sue for being patient with her. Public education about the Fire Levy will be important. Councilor Goodman encouraged that she set up a fire levy committee to help with that. No price yet on the fire truck repair as they do not know what they will get into due to the old age of the vehicle; it is being done as an open-ended repair. Councilor Goodman asked if it could end up in a situation where insurance does not pay for all of it. Keisha said she does not believe that would happen and that if it gets to the point where it cannot be fixed, the village will receive a check for it to be totaled. Keisha stated that they have a Plan A, B, and C for however things may turn out. Frame inspection turned out great. They have had it for almost 2 weeks; repair is in the early stages and they are confident that it can be repaired. Keisha went over her submitted report and a copy of shift coverage was given to Mayor Peterson.

Public Works – Toby Miller – No report.

Parks and Recreation – Annetta Macedonia – Meeting minutes submitted. Commission member Kellie Green spoke to say that the Commission has completed purchasing for the Recreation Center and the park. The skate park will remain closed as it is unsafe. Mini skate ramp repair will be the focus for 2023. Working on fundraising ideas to help in recreating the skate park as it is a great focal point and heavily used element in the park. Worked with Fiscal Officer Jennifer and Finance Committee Chairman John Lemmon on the Parks and Recreation budget. Alarm system is set up at the Recreation Center. Toby Miller set it up and trained the Commission members on how to use it. Mayor Peterson approached the Lions Club of Millersport and they kindly donated \$150 toward park benches. The commission is thinking of fundraising ideas for the purchase of 3 park benches at \$500 apiece.

Code Enforcement – Rex Adkins – Report submitted. Cutting grass proved to be difficult this year as the village had a hard time finding a part-time person to cut the grass. Thanked Toby Miller’s crew and the Street Department for stepping in to help with that maintenance.

Zoning – Kevin Strang – Report submitted.

Planning and Zoning – Report submitted.

Report of Mayor – Report submitted.

ORDINANCES

Ordinances for 3rd Reading –

Ordinance 2022-48 – AN ORDINANCE SETTING 5 YEAR 2023-2027 WATER RATES AND COLLECTION GUIDELINES FOR THE VILLAGE OF BUCKEYE LAKE WATER DISTRIBUTION SYSTEM.

Motion by Councilor Julian, seconded by Councilor Wolfe, to table this Ordinance until the next council meeting.

Roll call vote: Yes: Julian, Wadley, Wolfe

Abstain: 0; Nays: Cable, Goodman, Lemmon; **Motion Failed 3 – 3**

Motion by Councilor Lemmon, seconded by Councilor Cable, to adopt Ordinance 2022-48.

Discussion: Councilor Lemmon stated that it was recommended from the Public Service Committee and every point was gone over again in great detail with Toby Miller at the last Public Service Committee meeting. Councilor Julian stated her concerns with the effective rate being high compared to neighboring cities. She stated that they need to understand the water finances a little more. Rates on the ordinance were discussed back and forth, for and against them.

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

Abstain: 0; Nays: Julian, Wolfe; **Motion Failed 4 – 2**

Ordinance 2022-49 – AN ORDINANCE TO AMEND THE STORMWATER UTILITY DEVELOPMENT PLAN WHICH ESTABLISHES DAILY OPERATIONAL GUIDELINES FOR THE STORMWATER UTILITY IN THE VILLAGE OF BUCKEYE LAKE, LICKING COUNTY, OHIO.

Motion by Councilor Cable, seconded by Councilor Lemmon, to adopt Ordinance 2022-49.

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

Abstain: 0; Nays: Julian, Wolfe; **Motion Passed 4 – 2**

Ordinances for 2nd Reading –

Ordinance 2022-52 - AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF BUCKEYE LAKE, STATE OF OHIO, DURING THE FIRST FISCAL QUARTER ENDING MARCH 31, 2023 AND DECLARING AN EMERGENCY.

Councilor Lemmon stated that this was recommended from the Finance Committee and there will be some changes to the Fire Department budget in the third reading. This will move on to a third reading.

Ordinances for 1st Reading –

Ordinance 2022-54 - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR REIMBURSEMENT OF LEGAL COUNSEL FOR INDIGENT DEFENDANTS FOR THE VILLAGE OF BUCKEYE LAKE, LICKING COUNTY, OHIO AND DECLARING AN EMERGENCY.

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

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

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

Motion by Councilor Lemmon, seconded by Councilor Wolfe, to adopt Ordinance 2022-54.

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

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

Ordinance 2022-55 - AN ORDINANCE AMENDING ORDINANCE 2016-17 REGARDING PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND THE DECLARATION OF AN EMERGENCY.

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

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

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

Motion by Councilor Wolfe, seconded by Councilor Cable, to adopt Ordinance 2022-55.

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

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

Ordinance 2022-56 - AN ORDINANCE AMENDING 2022-36 SHORT-TERM RENTAL ORDINANCE AND DECLARING AN EMERGENCY.

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

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

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

Motion by Councilor Wolfe, seconded by Councilor Julian, to adopt Ordinance 2022-56 as amended.

Discussion: Councilor Cable pointed out an instance of “bed and breakfast” that was not crossed out. This will be amended.

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

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

RESOLUTIONS

Resolutions for 3rd Reading – None.

Resolutions for 2nd Reading – None.

Resolutions for 1st Reading –

Resolution 2022-22 - A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND ISSUANCE OF LAND USE APPLICATIONS FOR MODULAR AND MOBILE HOMES AND THE DECLARATION OF AN EMERGENCY.

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

Roll call vote: Yes: Cable, Goodman, Julian, Wadley, Wolfe

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

Motion by Councilor Julian, seconded by Councilor Wolfe, to adopt Resolution 2022-22.

Discussion: Councilor Lemmon asked what the emergency is. Code Enforcement Officer Rex Adkins came to the microphone to state that it allows that any permits to put mobile homes back on lots that are vacant at this time cannot happen until the ordinance has gone through the Planning and Zoning Commission. Councilor Goodman stated that there was a part that was missed from the previous moratorium ordinance.

Roll call vote: Yes: Cable, Goodman, Julian, Wadley, Wolfe

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

UNFINISHED BUSINESS – Councilor Lemmon stated he did not wish to bring back his tabled Resolution about Parks and Recreation due to Council not yet receiving the Comprehensive Plan.

NEW BUSINESS – None.

CITIZEN'S COMMENTS –

Holly Stein – 13 Beacon Light Lane – Read a comment about short-term rental ordinances and fees that has been submitted in the meeting minutes binder.

Robin Thompson – 178 Dockside Drive – Robin spoke about the penalties proposed in the short-term rental Ordinance 2022-36 and amendment Ordinance 2022-56 – Robin stated he could see and understand there being a fine, but a third-degree misdemeanor sounds severe and serious for a penalty where the owner may not have control if a party gets out of hand, as that would be 6 months in jail or a \$500 fine. Robin asked where “excessive violations” is defined in the ordinance and asked who decides it. He stated the penalty is way out of line for something that could be considered a normal party around here. He said he has been around here when normal parties have been going on that are loud until 1am and there have been no violations where the police have been called and there needs to be serious consideration of the penalty for parties that could be going on.

Rusty Mock – 5239 North Bank Road – He has a short-term rental across the street that is in the waterfront business district and he needs to know if the ordinance effects a short-term rental in the waterfront business district and would he still fall under needing a permit? Councilor Goodman said yes.

Jason Chessler – 131 Lakeview Drive – Are the forms available so they can apply for the permit tonight? Councilor Goodman stated that it does not go into effect for 60 days. The forms will be on the website shortly. The amendments that were passed tonight were cleanups so that we are in compliance with the International Property Maintenance Code. The discussion on short-term rentals has been happening for 14-15 months in the village. Planning and Zoning and Council both have had public hearings on it and public discussion. Rex Adkins said that the 60 days would start from the passage of the ordinance on October 24th. Councilor Goodman stated that when the Code Enforcement officer comes to do an inspection, it is not a cold, hard “no;”

if he finds something, he will tell you what he finds that needs to be fixed to comply with the ordinance and you will be given a time period to fix that, he will come back out to look at it again. There is nothing aggressive about it, same with the third-degree misdemeanor: that would have to be an extreme situation.

Robin Thompson – Came to the microphone again and wanted to reiterate what council said that any violation is a third-degree misdemeanor but that Councilor Goodman just said there would be flexibility in the whole thing. He asked who is deciding the flexibility because the ordinance says in writing that any violation is a third-degree misdemeanor. He said that council right now may have the flexibility but there may be new Code Enforcement and new Council members who will read the law and the law is clear that it says “any” and “excessive violations,” neither of which are defined.

Peggy Wells – 258 Cranberry Lane – Government is supposed to be here to serve the people and are not supposed to be making a profit on the fees. She wants to know how much thought was put in to the \$375 registration fee for short-term rentals and the \$275 annual fee. She thinks they need to justify those fees. The village cannot charge any more than 10cents a copy for copies in the office or cannot charge for labor costs. Will Rex Adkins be doing this? She doubts that he is an electrical inspector and it is stated that the electrical will need inspected, so will a certified electrician do this? There are some details that were missed. Also, having worked with Toby Miller for four years as previous mayor, she stated that Toby is an excellent employee who knows where every penny is. She has said he is the master of spreadsheets. Councilor Cable has been doing a great job of managing the Public Service Committee meetings. Toby does very comprehensive and very detailed Public Service Committee meetings. She stated that if you cannot attend as a council member, the meetings are recorded and you can watch them. She wanted to commend Toby on looking ahead and planning for the way the bills are broken down. Costs are higher and she does not mind spending the amount that he is suggesting.

Cathy Howard – 4941 North Bank Road – She did not realize this was getting passed tonight. Councilor Goodman stated that the short-term rental ordinance was passed October 24th and tonight’s was just an amendment. Cathy said she is concerned about the fee. She held up an application for a short-term rental permit from Columbus with a \$75 fee, with non-primary resident fee being \$150. She asked where does the \$375 come from. Councilor Lemmon stated that in Columbus, they would also pay an additional 3% bed tax which is what he would prefer. Cathy stated that the \$1,000,000 liability insurance policy might be difficult for some people as well. There are a lot of short-term rentals but they are not making as much money as you think they are, with utilities and other things, and now they would be hit with this. She thinks that the \$1,000,000 policy should be for the long-term lease places as well.

Holly Stein asked from the audience “how will you respond?” Councilor Goodman stated that there has been back and forth discussion for 14-15 months and it was time to start. There were pro and con comments throughout these discussions. Things can change, things can be amended but we will go into the first of the year with an ordinance on the book. All meetings have been public. All input is great and appreciated and it will be looked at. It is time for us to move forward. Public records are available and the recorded meetings are available online.

COUNCIL MEMBER COMMENTS:

Councilor Cable: Be safe and buy local to help the community grow.

Councilor Lemmon: No comments tonight.

Councilor Wadley: Thanked Jennifer for her hard work on the budget. She feels that Council has the right to ask questions even if something is coming out of committee. We are voting on things and we need to have a clear understanding of what we are voting on. Just because it was in committee two or three times and was vetted out does not mean we cannot ask for clarification and we should be able to do that without any kind of anxiety or frustration on the part of anyone. We are making major decisions and we have to be able to understand what we are voting on.

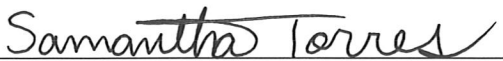
Councilor Julian: She agrees with Councilor Wadley. There are 7 people as opposed to 1 person on council for a reason. We are not always going to agree upon everything that comes to the table and we have every right to fully understand if we have \$200,000 or \$500,000 in the balance, what are the plans for that money. It is not our money; it is the citizen's money. That does not mean that we do not trust our employees, it means that we truly need to understand and help guide the direction that we are going on decisions.

Councilor Wolfe: Thanked those who have comments and thanked the Charter Review Commission who spent a year and a half on the Charter revisions and there will be some pros and cons to writing a new Charter. These people are all volunteers who spent many hours on the Charter revisions and we thank them for that. Same for the Parks and Recreation Commission who are also volunteers. All working hard because they want a better village. Thank you to President Goodman who does not get paid more to be the President. Happy Holidays to all.

Councilor Goodman: Thank you to everyone who serves on a committee or commission or council. It is a lot of work and a lot of time. We all want what is best and we all try to make good and wise decisions. A lot of work was put in to getting the budget ready; we appreciate it.

ADJOURNMENT: Motion by Councilor Cable to adjourn the meeting and seconded by Councilor Wolfe. All in favor. Meeting adjourned at 8:29pm

NEXT MEETING: Regular Council Meeting: December 12, 2022


Samantha Torres, Council Clerk


Linda Goodman, Council President