

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

August 9, 2021

Call to Order: By Council President Geiger at 7:11 p.m.

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

Roll Call: Present: Tom Wolfe (0,0), Kitty Zwissler (0,0), Don Cable (0,0), Bill French (0,0),
(Consecutive, Total Absences) John Geiger (0,0), Linda Goodman (0,0), John Lemmon (0,0)

Staff Present: Mayor Peggy Wells; Jennifer Dennis, Clerk/Treasurer; Samantha Torres, Clerk of Council; Jason Harget, Police Chief;

Motion by Councilor Wolfe, seconded by Councilor Zwissler, to amend the agenda for Appointments and Presentations to come before Citizen's Comments.

Roll call vote: Yes: Wolfe, Zwissler, Cable, French, Geiger, Goodman, Lemmon
Abstain: 0; Nays: 0; Motion Passed 7 – 0

APPOINTMENTS AND PRESENTATIONS: Officer Hiroki Barker was sworn in to the Buckeye Lake Police Department by Mayor Peggy Wells. Police Chief Harget introduced him and council welcomed him. He came from the Millersport Police Department.

CITIZEN'S COMMENTS: Councilor Cable read a submitted citizen's comment from Charlene Hayden of 67 Lighthouse Lane regarding regulations on Air B&Bs within the village. Councilor Cable read another submitted citizen's comment from Sherry Segna of 295 Lakeview Drive about the rental of the space at the end of the municipal building - 5206 Walnut Road.

Citizens from the audience came to the microphone to comment –

Rose Bowers – 332 Cranberry Lane – full time resident who loves her neighbors and the flavor of her neighborhood. Does not want to see it changed by short-term rentals. Supports moratorium for future Air B&Bs in her neighborhood.

Deb Julian – 300 Cranberry Lane – in Planning and Zoning, in the zoning of R1, R2, R3, there is no designation about Air B&Bs or short-term rentals. Need to define within the zoning book what a short-term rental is. In waterfront residential / waterfront business zoned areas, there is designation for rentals and bed and breakfasts and seasonal tourist homing, which some of it is outdated and needs to be updated. Multiple ways to do it, but needs to be done sooner than later and get it into the zoning book. Full time residents in Cranberry Bay are saying they want to sell their homes because they feel it is becoming more of a short-term rental place. Investors can start coming in and buying groups of houses and it can turn into that very quickly. Does not want a weekend rental right next to her where she does not know who is living there. Security and the quality/upkeep of homes being rented rather than lived in full time is an issue. Planning and Zoning needs to be involved in changing the authority in the zoning book.

Lisa Powell – President of Cranberry Bay Homeowners Association for 2021 – there is a piece of land and some docks in Cranberry Bay called the Water Strip that is managed by Cranberry Bay Homeowners Association. She stated that only owners of land in Cranberry Bay are allowed to use that area and those docks. Renters are not allowed to use that property unless escorted by the

owner. She said it becomes confusing for people buying that property who then learn that they cannot do what they wanted to do because of the rules of the HOA. She said the village should have specific rules around the Cranberry Bay community. She suggested an R2 zoning that can be regulated. She suggested to extend the rentals to at least 30 days to be able to allow dock use. She stated she is not against rentals.

Max Thompson – 79 Lighthouse Lane – Has dealt with partying renters all around his house and property until late hours of the night. He does not want to have to police the people who are partying. Traffic is also bad. Whatever can be done to fix it, he wants it done. He is considering moving away from the village because this is not what he moved in for.

Casey Clark – 241 Lakeview Drive – 2 years ago, over 800 volunteer hours were spent doing revisions to the Planning & Zoning book that were submitted to council and the solicitor by the previous Planning & Zoning Commission that she was a part of. She stated that nothing has been done with those revisions. She stated that over 2 years ago, restrictions on Air B&Bs were discussed. Those regulations would be in place by now if it had moved forward.

Linda Sims – 64 Lighthouse Lane – There are 3 B&Bs within 100 feet of her house. She said it is stressful. Moved here 25 years ago, she knew who her neighbors were, now she does not. It is etiquette to be a nice neighbor. She owns several properties in Cranberry Bay. Renters are parking in other people's yards and in the street. There is garbage in the yards, weeds that need maintained. She wants to see it regulated. People who own the properties should have commitment to the community. People want to move away as they are frustrated every day. She knows it is a long process. Wants to see tourism pick up within the village. Good can come from it but she is not sure that the residential neighborhoods are the right places for these things.

Kevin Foltz – 324 Cranberry Lane - owns several properties in the Cranberry Bay area. Believes a lot of what other citizens have said about Air B&Bs. Stormwater / runoff has become an issue in the Cranberry Bay neighborhood. He is responsible for land management as part of the Cranberry Bay Homeowners Association. There has been unusually wet weather and he has gotten complaints about the stormwater/runoff issues. He personally is experiencing the runoff problems in his home and his garage property adjacent. Water pools at neighboring homes on Lake Mist Drive. Asked council to speed up the process for fixing the stormwater issue. Development, homes taken down, put up, land cleared, driveways changed to concrete has all been a factor in the runoff issue.

Dave George – 290 Slocum Avenue – been in the village for 23 years, owns Buckeye Lake Hardware. Adamantly opposed to short-term rentals. Hopes to see stormwater resolution. There is a developer that promised an emergency exit road for disasters, but that road has not been put in yet. Emergency vehicles cannot get back to Slocum Avenue, as there is only one way in and one way out.

Brian Greene – 210 Cranberry Lane – Thanked council for hiring another police officer. Concerned about the safety issue with weekenders coming into the village. Doubts that owners are doing background checks on renters. Owners have no idea what is going on, they are not here. Things could get bad. Appreciates help from the police force. Hopes council will create rules and regulations to minimize or eliminate short-term rentals.

Cindy Wolfe – 284 Cranberry Lane – Echoes her neighbors’ comments about short-term rentals. She stated that Mayor Peggy Wells owns land in Cranberry Bay and that the mayor chose to clear that property, including village-owned property. When she cleared that property, she brought in multiple loads of fill dirt. There is now flooding in front of Mr. Foltz’s house that was not there previous to the clearing of this land. She said there is an enormous pile of tree debris on the edge of the mayor’s property that could attract rodents. She is concerned that this was allowed to happen with no recourse.

Jeryne Peterson – 182 Cranberry Lane – Asks that council look into the past records when she was on council when water was being brought into the village. At that time, they had indicated that they wanted the water and sewer to be brought in at the same time. She stated that part of the village’s problem is that the engineers did not properly oversee that project, and consequently, there are dips where the water is collecting in the Cranberry Bay area. Some of the side streets have already been corrected. She said to please not ignore what happened in the past. Capital improvements money were or were going to be collected, but the water and sewer and streets were not put in properly. Stay on top of whoever you get for projects in the future. Engineers not always having the village’s best interest at heart.

Councilor Zwissler addressed Dave George about the safety near his area of Slocum Avenue. The emergency road was part of the contingency plan with the developer of the Landings at Maple Bay. She wanted to know who was responsible for enforcing that.

Councilor Wolfe said he would schedule a Public Safety meeting August 23rd at 6:00pm (this was officially changed to 5:45pm later) with the idea to have the solicitor reach out to the Landings at Maple Bay developer with a legal letter asking when the emergency road will be done. He said there was an obligation on a blueprint that there was supposed to be a road put in. Needs to get done, it is an emergency.

Mayor Wells stated that the last time her, Toby Miller, and former Fire Chief Mason sat down with the developer of Landings at Maple Bay, Eric Horvath, their understanding was that he would not cut the canal in until the emergency road was put in. She said he is hanging his hat on a document that was authored by the former Planning and Zoning Chair that said they do not have to put in the road until a certain phase of Maple Bay near the collection pond was being done, which could be a few years.

Approval of Council Meeting Minutes: Motion by Councilor Zwissler, seconded by Councilor French, to approve the July 26, 2021 regular council meeting minutes.

Roll call vote: Yes: Wolfe, Zwissler, Cable, French, Geiger, Goodman, Lemmon

Abstain: 0; Nays: 0; Motion Passed 7 – 0

Approval of Special Council Meeting Minutes: Motion by Councilor Lemmon, seconded by Councilor Cable, to approve the August 3, 2021 special council meeting minutes.

Roll call vote: Yes: Wolfe, Zwissler, Cable, French, Geiger, Goodman, Lemmon

Abstain: 0; Nays: 0; Motion Passed 7 – 0

Approval of Clerk Treasurer’s Report: Motion by Councilor Lemmon, seconded by Councilor Cable, to approve the Treasurer’s report & reconciliations for July dated August 4, 2021.

Roll call vote: Yes: Wolfe, Zwissler, Cable, French, Geiger, Goodman, Lemmon
Abstain: 0; Nays: 0; Motion Passed 7 – 0

COUNCIL STANDING COMMITTEE REPORTS:

Finance Committee: Had a meeting this evening before the Council meeting at 6:30pm. The committee recommended Ordinances 2021-33 and 2021-34 to full council. At the next meeting, will talk about contributions to the grant for the Fire Department and paying the grant writer. The next Finance Committee meeting will be August 23rd at 6:00pm.

Public Safety Committee: Next Public Safety Committee meeting will be at 5:45pm on August 23rd for collection of documents for a possible resolution to get the emergency exit road under way from the Landings at Maple Bay / Cranberry Bay area.

Rules Committee: No report, but Council Rule 41A will be discussed in unfinished business.

Public Service Committee: Councilor French will get with Toby Miller about when the next Public Service Committee meeting will be since their next regularly scheduled date falls on Labor Day in September. Had a Public Service Committee meeting on August 2nd where they discussed: roof leaks in the village office area above the space at 5206 Walnut Road. When Toby is back from vacation, will look into getting a contractor to look at the roof issues. Not sure who will pay for it or how much it will cost. The garbage contract expires at the end of the year, there will be bidding and possible inclusion of recycling to be discussed at their future meetings. Village owns the Taco Bell bridge and it needs fixed. Further discussion of Neel Avenue and North Bank West stormwater projects that are on the Capital Improvements Program list. Discussion about the possibility to apply for HB 168 grant funding to supply Leisure Village with water. Cranberry Bay stormwater was discussed.

Community Development Committee: Lengthy Community Development meeting held this evening before the council meeting with a lot of good input from citizens. Next Community Development Committee meeting will be held on August 23rd at 6:30pm to discuss Air B&Bs and short-term rentals. Wants to look at rules and regulations from other areas that have these. Also wants to work with Councilor Wolfe and Public Safety about the emergency road.

Personnel Committee: No meeting scheduled yet. Want to discuss how to handle the step pay rate for Water Tech 2 and how that effects the water department and street department.

Report of Council President – John Geiger – No report. A lot of progress tonight from different points of view.

Report of Mayor – For auctioning off village-owned property, instead of spending 10% on an auctioneer, she found someone who could do it for 6%. She learned that if the village acquired the property by means of a forced situation like land bank or foreclosure, there are other ways to be able to sell it besides auctioning it off. Solicitor said it was okay to get approval tonight by a motion to allow the mayor to proceed with the auctioneer. Have to advertise for 5 weeks in a row. Councilor Lemmon asked if she considered www.govdeals.com to advertise. Mayor has had 2 contractors take a look at the roof for the municipal building and youth association building on Third Street. Asked for 3 types of bids – metal, shingles, or basic repair to get through winter.

Councilor Zwissler said the buildings do not need a band-aid and that money earned from selling the village properties can be used for the roof replacement.
Mayor Wells thanked the Police Chief for hiring another officer. She also stated that what was said about her property earlier in citizen's comments was not the whole story.

ORDINANCES

Ordinances for 3rd Reading – None.

Ordinances for 2nd Reading –

ORDINANCE 2021-27 - AN ORDINANCE TO VACATE AN UNUSED RIGHT OF WAY.
Will move on to a third reading.

Ordinances for 1st Reading –

Ordinance 2021-32 - AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE LEASE OF 5186 WALNUT ROAD AND AUTHORIZING THE MAYOR TO EXECUTE THE LEASE AMENDMENT WITH THE JULIAN FAMILY AND DECLARATION OF EMERGENCY.

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

Roll call vote: Yes: Wolfe, Zwissler, French, Geiger, Goodman, Lemmon

Abstain: 0; Nays: Cable; Motion Passed 6 – 1

Discussion: Councilor Lemmon asked why this was an emergency. The contract had expired August 10th, 2021.

Motion by Councilor Goodman, seconded by Councilor Cable, to adopt Ordinance 2021-32.

Roll call vote: Yes: Wolfe, Zwissler, Cable, French, Geiger, Goodman, Lemmon

Abstain: 0; Nays: 0; Motion Passed 7 – 0

Ordinance 2021-33 - AMENDING ORDINANCE 2021-10 PERMANENT APPROPRIATIONS ORDINANCE AND DECLARING AN EMERGENCY.

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

Roll call vote: Yes: Wolfe, Zwissler, Cable, French, Geiger, Goodman, Lemmon

Abstain: 0; Nays: 0; Motion Passed 7 – 0

Motion by Councilor Lemmon, seconded by Councilor Cable, to adopt Ordinance 2021-33.

Discussion: Councilor Lemmon said that the Finance Committee recommended this.

Roll call vote: Yes: Wolfe, Zwissler, Cable, French, Geiger, Goodman, Lemmon

Abstain: 0; Nays: 0; Motion Passed 7 – 0

Ordinance 2021-34 - AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AND TO SIGN THE

ONEOHIO SUBDIVISION PARTICIPATION FORM, AND DECLARING AN EMERGENCY.

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

Roll call vote: Yes: Wolfe, Zwissler, Cable, French, Geiger, Goodman, Lemmon
Abstain: 0; Nays: 0; Motion Passed 7 – 0

Discussion: Clerk Treasurer Jennifer Dennis read about this money to clarify what it can be used for, including opioid remediation and future opioid remediation efforts. She will talk to the solicitor about the specifics, but it should be within the document that was included with the ordinance.

Motion by Councilor French, seconded by Councilor Cable, to adopt Ordinance 2021-34.

Roll call vote: Yes: Wolfe, Zwissler, Cable, French, Geiger, Goodman, Lemmon
Abstain: 0; Nays: 0; Motion Passed 7 – 0

Ordinance 2021-35 - AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN ADR & ASSOCIATES, LTD. AND THE VILLAGE OF BUCKEYE LAKE FOR STUDY SURVEYING, PRELIMINARY ENGINEERING, AND FUNDING APPLICATION FOR THE NORTH BANK WEST STORMWATER IMPROVEMENTS PROJECT, AND DECLARING AN EMERGENCY.

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

Roll call vote: Yes: Wolfe, Zwissler, Cable, French, Geiger, Goodman, Lemmon
Abstain: 0; Nays: 0; Motion Passed 7 – 0

Motion by Councilor Goodman, seconded by Councilor Cable, to adopt Ordinance 2021-35.

Roll call vote: Yes: Wolfe, Zwissler, Cable, Geiger, Goodman, Lemmon
Abstain: French; Nays: 0; Motion Passed 6 – 1 – 0

Ordinance 2021-36 - AN ORDINANCE AMENDING ORDINANCE 2020-12 CREATING PAY LEVELS AND SALARY SCHEDULES FOR EMPLOYEES OF THE VILLAGE OF BUCKEYE LAKE, OHIO AND DECLARATION OF EMERGENCY.

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

Roll call vote: Yes: Wolfe, Cable, French, Geiger, Goodman, Lemmon
Abstain: 0; Nays: Zwissler; Motion Passed 6 – 1

Motion by Councilor Wolfe, seconded by Councilor Goodman, to adopt Ordinance 2021-36.

Roll call vote: Yes: Wolfe, Cable, French, Geiger, Goodman, Lemmon
Abstain: 0; Nays: Zwissler; Motion Passed 6 – 1

RESOLUTIONS

Resolutions for 3rd Reading – None.

Resolutions for 2nd Reading – None.

Resolutions for 1st Reading – None.

UNFINISHED BUSINESS:

I. Continued discussion on Lease of 5206 Walnut Road – Councilor Goodman stated there is a shortage of municipal office space for village staff and village needs (Code Enforcement, Toby

Miller, Zoning Inspector all need a space or more space). She later stated, to address Sherry Segna's submitted citizen's comment, that we do want new businesses in the village, but the space is not a standard space and it is a liability. Councilor Lemmon said the village should not consider renting it out until it is ready and the roof repaired. He would rather it be used for village needs. Councilor Wolfe agrees with Lemmon and Goodman. Not a fan of leasing it out. May be able to have better use of it here as municipal. Thinks it is a waste of money to put a nice space under that bad roof. He also said that we are obligated to tell anyone who is looking to lease the space. Councilor Zwissler thinks the leaks need to be fixed. Should not be leased out to anyone. Need to expand the use of it for village employees and police and code enforcement. Councilor Cable is for leasing the space. He said that work equity plans have been presented and we have done nothing as a village. We are forced to fix the roof. We need to do something with it. Councilor French said that the roof needs fixed regardless. There were talks before of doing something with the village building, but right now it is putting "lipstick on a pig". Could be an extension for the police. There were talks of moving the municipal building to the water tower site.

Floor vote to go forward with leasing the space at 5206 Walnut Road, where yes means "yes, lease the space" and no means "do not lease the space at this time"

Roll call vote: Yes: Cable

No: Wolfe, Zwissler, French, Geiger, Goodman, Lemmon

The space will not be leased at this time.

Community Development will let Sylvana Whitaker, who was looking to turn the space into an art space, know that the village does not want to go forward with leasing the space.

II. Acceptance of revised Rule 41A of Council Rules - Councilor Cable read the original rule and the submitted revised rule.

Motion by Councilor Lemmon, seconded by Councilor Zwissler, to accept revised Rule 41A as submitted.

Roll call vote: Yes: Zwissler, Cable, French, Geiger, Goodman, Lemmon

Abstain: Wolfe; **Nays:** 0; **Motion Passed 6 – 1 – 0**

NEW BUSINESS:

Discussion of village-owned lots to be included in auction advertising - 4 lots have been appraised and they have a value that could be a minimum bid. Councilor Lemmon recommended govdeals.com to advertise to a larger audience.

Motion by Councilor Goodman, seconded by Councilor French, to authorize the mayor to move forward with contacting an auctioneer for the 4 village-owned lots and advertising them.

Roll call vote: Yes: Wolfe, Zwissler, Cable, French, Geiger, Goodman, Lemmon

Abstain: 0; **Nays:** 0; **Motion Passed 7 – 0**

Mayor Wells stated if it has to be a legal notice, it will be expensive.

Municipal Building Parking Lot Resurfacing – Councilor Goodman stated it should include the space around the Drive-Thru. Councilor Zwissler said it should include the back lot as well,

more gravel there. Councilor Lemmon said it needs to be done sooner than later. Find the money somewhere. Need 3 bids and sent out to Public Service Committee.

COUNCIL MEMBER COMMENTS:

Councilor Cable: Good to see passionate citizens expressing their views.

Councilor Lemmon: No comments tonight.

Councilor Goodman: Saturday is Mopar. Had a meeting with FD and PD Chiefs and the mayor. Cannot get a watch tower for the weekend from Homeland Security, they were both booked. Trying to get electronic signage from ODOT. Tickets will be written; burnouts will be discouraged and ticketed. Tried to get legislation in place, but the village will go forward with how the rules are right now for Mopar. Welcome vendors and owners of cars who will spend money in the village.

Councilor Zwissler: Happy with citizen participation. Farmer’s Market on Thursdays at 4:00-6:30pm at the Harbor Community Center.

Leonard Love of 11143 Hebron Road came to the microphone to say that he feels harassed by the mayor and he is afraid to be evicted. He also explained about an incident between Councilor Zwissler and the Mayor that he witnessed.

Councilor Wolfe: Appreciates public coming to Council chambers. Council needs to address motels, B&Bs, short term rentals and do it swiftly. Supports regulations where R1 & R2 are not in that business. Getting out of hand as far as safety.

Councilor French: Thanked Chief Harget for working hard and for hiring Officer Barker.

As a response to Leonard Love and Councilor Zwissler, Mayor Wells said she denied hurting anyone. Said she has spoken to him once this year about possibly living at the junk store that he runs.


ADJOURNMENT: Motion by Councilor Cable to adjourn the meeting and seconded by Councilor Lemmon.

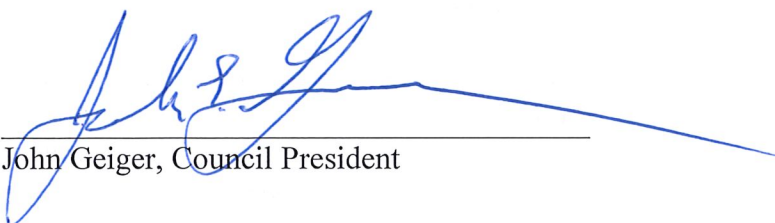
Roll call vote: Yes: Wolfe, Cable, French, Geiger, Goodman, Lemmon

Abstain: 0; **Nays:** Zwissler; **Motion Passed 6 – 1**

Meeting adjourned at 9:14 pm

NEXT MEETING: September 13, 2021


Samantha Torres, Council Clerk


John Geiger, Council President