

Buckeye Lake Village Council Meeting Minutes
Held in Council Chambers, streamed live on Facebook
August 9, 2022 (this meeting was rescheduled from August 8, 2022)

Call to Order: By Council President Linda Goodman at 7:10p.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 (0,0),
(Consecutive, Total Absences) John Lemmon (0,0), Max Thompson (0,1), Sue Wadley (0,1), Tom Wolfe (0,0)

Staff Present: Jennifer Dennis, Clerk/Treasurer; Samantha Torres, Clerk of Council; David Ruton, Fire Chief;
Jason Harget, Police Chief

Approval of Council Meeting Minutes: Motion by Councilor Wolfe, seconded by Councilor Julian, to approve the July 25, 2022 regular council meeting minutes.

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

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

Approval of Clerk Treasurer's Report: Motion by Councilor Wolfe, seconded by Councilor Thompson, to approve the Treasurer's report dated August 3, 2022.

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

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

APPOINTMENTS AND PRESENTATIONS – None.

COUNCIL STANDING COMMITTEE REPORTS

Finance Committee: Meeting held today. A lot is going on and a lot was discussed. Chair Lemmon will have meeting minutes for the next council packet. Next meeting will be September 12th at 5:45pm.

Public Safety Committee: Another great movie night at the park held on Saturday. Chair Thompson is working to get together with the Police and Fire Chiefs about how the opioid settlement money will be spent.

Public Service Committee: Next meeting will be September 7th at 6:30pm, due to September 5th being Labor Day, with offices closed.

Community Development Committee: Meeting held today where community entertainment district known as DORA was discussed for the village. It was discussed that if approved, the DORA would allow people to have an outside drink seven days a week and would extend from Bob's Bar down to Pizza Cottage. Would also include the Barrel Bar, the Boatyard, and the Yacht Club. Bar owners would need to sign into it and paperwork would need to be done through the Ohio Department of Liquor Control. Looking to hopefully move forward with it in time for Winterfest 2023. Community Development was also asked by Finance Committee Chair Lemmon for short-term rental licensing recommendations that were provided tonight.

Rules Committee: Next standing meeting to be held on August 22nd at 6:00pm.

Personnel Committee: Next meeting to be held on August 22nd at 6:30pm.

Report of Council President: President Goodman explained that the meeting was rescheduled for August 9th because on August 8th, staff came in to Council Chambers to water leaking from the ceiling onto the tables, floor, and electronics. HVAC workers were able to locate and fix the problem. It was not safe to continue the meeting that night in Council Chambers. There was discussion to move it to the Recreation Center, but would

have been handicapped by lack of electronics, but it is something to be worked on for the future just in case. MOPAR is this week and will be as it was last year – traffic violations will be ticketed. Summer Food Program ends August 12th. Has been a success and it is nice to have it back at the park.

Report of Mayor: Absent. No comments.

ORDINANCES

Ordinances for 3rd Reading – None.

Ordinances for 2nd Reading –

Ordinance 2022-31 – AN ORDINANCE AMENDING THE VILLAGE OF BUCKEYE LAKE EMPLOYEE HANDBOOK ALLOWING FOR THE ADDITION OF THE JUNETEENTH FEDERAL HOLIDAY TO THE LIST OF HOLIDAYS THE VILLAGE WILL OBSERVE.

This will move on to a third reading.

Ordinance 2022-32 - AN ORDINANCE AMENDING THE VILLAGE OF BUCKEYE LAKE EMPLOYEE HANDBOOK UPDATING THE EMPLOYEE BENEFITS SECTION BY ADDING PARENTAL LEAVE.

This will move on to a third reading.

Ordinances for 1st Reading –

Ordinance 2022-33 - AN ORDINANCE SETTING POLICY ON SUMP PUMP AND DOWNSPOUT DISCHARGES FOR THE VILLAGE OF BUCKEYE LAKE, LICKING COUNTY, OHIO.

Discussion: Councilor Wolfe stated that he has never had anyone come to him about the village policing sump pump and downspout discharges. He thinks it is ridiculous. Councilor Cable (Chair of Public Service Committee) stated that this went through his committee and was supported and recommended to go to full council for a vote. Councilor Julian stated that it is not policing it, but is setting guidelines for allowing the water to go into the village stormwater system without backflow coming into properties. The only thing that would be monitored is up front with an application if someone wanted to drill into or attach to the system.

This will go on to a second reading.

Ordinance 2022-34 - AMENDING ORDINANCE 2022-08 PERMANENT APPROPRIATIONS ORDINANCE AND DECLARING AN EMERGENCY.

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

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

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

Motion by Councilor Cable, seconded by Councilor Lemmon, to adopt Ordinance 2022-34.

Discussion: Recommended from Finance Committee with an increase to the expenditure on the police computers for the cruisers from \$14,847.00 to \$15,183.75. This would be ARPA money.

Motion by Councilor Lemmon, seconded by Councilor Cable, to amend the \$14,847.00 in Ordinance 2022-34 to be \$15,183.75.

Roll call vote: Yes: Cable, Goodman, Julian, Lemmon, Thompson, Wadley, Wolfe
Abstain: 0; Nays: 0; Motion Passed 7 – 0

Councilor Cable rescinded his motion to adopt the original Ordinance 2022-34.

Motion by Councilor Cable, seconded by Councilor Lemmon, to adopt Ordinance 2022-34 **as amended**.

Roll call vote: Yes: Cable, Goodman, Julian, Lemmon, Thompson, Wadley, Wolfe
Abstain: 0; Nays: 0; Motion Passed 7 – 0

RESOLUTIONS

Resolutions for 3rd Reading – None.

Resolutions for 2nd Reading –

Resolution 2022-18 - A RESOLUTION AUTHORIZING THE PARKS AND RECREATION COMMISSION TO OVERSEE AND ADMINISTER NEWLY ACQUIRED PARKS PROPERTIES.

Discussion: Councilor Lemmon said that these are the village-owned Myers Street properties. Showed some pictures. He knows there is some desire to not do this at the moment. This would be green space on Myers on the far east side for people in the neighborhood to enjoy. There is drainage on the northwest corner and there is not drainage on that end of Myers. One idea was to go diagonally from there and put in a catch basin on the other corner and tying the rest of Myers into that. Tearing the street out instead for the drainage would be very expensive. Councilor Lemmon wants to do it so that Toby Miller has a chance to get it into the budget. Councilor Goodman said that the Parks and Recreation Commission has a lot on their plate, as they have grown hugely in the last two years. Going forward, these things have to be maintained. This could become an issue of needing to hire another part-time employee for the Parks department. Need to be very careful with the village money. The people doing the Comprehensive Plan for the village have asked that we do not do anything with any village-owned property at this point until the Comprehensive Plan is complete, which should be a few more months. Then we would be able to see what we might be able to do with some of these other things. Could need to sell these properties in 2023. She loves the idea of a park, but the timing is not good.

Motion by Councilor Lemmon, seconded by Councilor Cable, to table Resolution 2022-18 and request that it be brought up in the second meeting of November.

Roll call vote: Yes: Cable, Goodman, Julian, Lemmon, Thompson, Wadley, Wolfe
Abstain: 0; Nays: 0; Motion Passed 7 – 0

Resolutions for 1st Reading – None.

UNFINISHED BUSINESS

Motion by Councilor Lemmon, seconded by Councilor Julian, that this council supports the Finance Committee's recommendation to move forward on a resolution for the operational levy guidelines.

Roll call vote: Yes: Cable, Goodman, Julian, Lemmon, Thompson, Wolfe
Abstain: Wadley; Nays: 0; Motion Passed 6 – 1 – 0

Fiscal Officer Jennifer Dennis stated the suggestions for where the operational levy money would be used as:
General Fund for day-to-day operations and payroll.

Street Capital for paving and other capital projects for streets.

Safety Capital for police and fire to help pay their vehicle loans or other capital projects for them.

Parks to help them prosper a little more and help them to run better on their own.
Maintenance for repairs and up-to-date maintenance on village lands and buildings.

NEW BUSINESS

Motion by Councilor Wolfe, seconded by Councilor Lemmon, to remove Planning and Zoning Commission Chair Rick Baker from his council-appointed seat.

Discussion: Councilor Wolfe stated that he does not think the conduct of the Planning and Zoning Commission meeting was what this council wanted to see. President Goodman suggested that this be postponed because legal counsel is not present and to ensure that this is being done the right way. Councilor Wolfe said that if he is a council appointment, council can decide at any time to remove him. Councilor Lemmon said that you can replace anyone at any time or it can be done by stating misfeasance, malfeasance, or nonfeasance. Councilor Julian stated she was appalled at the way the citizens were handled and disrespected in that the August 4th P&Z meeting. Elected officials are here to serve the public. She thinks there were a number of missteps and issues in the procedures of the meeting as well. President Goodman stated that council members need to make their decisions based on what is best for the village, not necessarily based off of our personal feelings, but by what is best, what is right, and what is legal. She wants to do what is fair and what is right and she wants to follow the rules and do what is legal and have it done in a proper way. We do not have all of the legal questions answered yet. It is our responsibility to do it the right way.

Roll call vote: Yes: Cable, Lemmon, Wolfe
Abstain: 0; **Nays:** Goodman, Julian, Thompson, Wadley; **Motion Failed 3 – 4**

Motion by Councilor Lemmon, seconded by Councilor Wolfe, to take applications for any possible positions that may open up in the future on the Planning and Zoning Commission.

Discussion: President Goodman stated that in order to take applications, an ad has to be placed which has to state that there is a vacancy on the commission. Councilor Lemmon said the ad could be amended for a possible vacancy.

Roll call vote: Yes: Cable, Lemmon, Wolfe
Abstain: 0; **Nays:** Goodman, Julian, Thompson, Wadley; **Motion Failed 3 – 4**

CITIZEN’S COMMENTS

President Goodman read a citizen’s comment received from Councilor Tom Wolfe of 284 Cranberry Lane, signed by residents of Cranberry Bay, about the concerns related to the information presented at the Thursday July 7th Planning and Zoning Commission meeting by Peggy Wells and her proposal of a subdevelopment within an already existing homeowner’s association that is in the meeting minutes binder.

President Goodman read a citizen’s comment received from Cindy Wolfe of 284 Cranberry Lane, about the conduct and outcome of the August 4th Planning and Zoning Commission meeting that is in the meeting minutes binder.

Jeff Guth – 242 Cranberry Lane – Read a comment requesting that council revoke the Wells Development street variance in Cranberry Bay approved by the Planning and Zoning Commission on August 4, 2022, with a list of concerns and questions. His comment and supporting documents are in the meeting minutes binder.

Cindy Wolfe – 284 Cranberry Lane – Read a comment about an email that was sent to BL Planning and

Zoning, BL Mayor, and Licking County Planning and Zoning on July 25th with concerns regarding a proposed subdivision by Peggy Wells with 58 signatures attached. To summarize, Cindy stated that the mayor had said that Licking County had already received and approved the request as long as codes are followed and a “bonafide HOA was in place prior to commencement of construction.” Buckeye Lake Planning and Zoning responded that even if they approve the request, it would still go to Licking County for approval. Licking County responded that they have no authority over Buckeye Lake. There is a very detailed response from Licking County that we have no recourse with them. Cindy said that Licking County has said numerous times over the years to Buckeye Lake Planning and Zoning that they should rescind their current codes and make them up-to-date. Cindy said she received a letter on August 2nd inviting her as an impacted property owner to attend the August 4th BL Planning and Zoning meeting to discuss Peggy Wells’ subdivision proposal, ask questions, and state concerns. The agenda of the meeting stated item 2022-07 was a site development discussion and that citizen’s comments would be read. When it came time for the discussion, Rick Baker stated he was allowing one person to talk even though several in attendance signed the letter voicing concerns. When others attempted to talk or ask questions, they were rudely cut off. A proposed variance to the roadway was presented and even though there were safety concerns of the 16-foot width, there was no documentation of an established HOA, there was no letter giving permission to utilize property Ms. Wells does not own for a turnaround and clear documentation from the Zoning Commission with road regulations of 12-foot paved lanes in each direction with a 2-foot berm, the variance was approved for a 16-foot street with culverts on both sides. All additional questions and concerns were left unanswered and when Kaye Hartman was asked to read citizen’s comments, she stated there were none. Cindy said that apparently a letter with 58 signatures does not qualify as a comment. Cindy stated she is here to ask council to reverse the approved road variance. It is a public safety risk to the new homeowners of the development and all that travel through Cranberry Bay. Buckeye Lake Planning and Zoning showed total disregard to those present that would be directly impacted and with no regard to the safety of the residents and they eagerly approved the request of Peggy Wells. She asked them please, as elected officials, do the right thing and do not let this travesty occur. The comment she read was not received, but instead documented above, and her supporting documents are in the meeting minutes binder.

Charlene Hayden – 67 Lighthouse Lane – Read a comment from Karen Cookston about things to consider with the development of a 16-foot wide street and Peggy Wells’ development that is in the meeting minutes binder.

Holly Stein – 13 Beacon Light Lane – Commented about the short-term rental fees. She restated the mantra that President Goodman had stated earlier in the meeting of doing what is fair, legal, and right and Holly believes that the short-term rental fees that were proposed are not any of those things. She did a few minutes of research during the conversation and found 4 relevant examples to help them make a better decision by seeing what typical comparable fees would be in this area. City of Columbus charges \$75 if it is your primary residence annually, \$150 if it is not, with a \$32 BCI background fee. City of Cincinnati charges \$250 for 3 years, divided out is \$83 a year for the registration fee. Louisville, Kentucky charges \$100 annually. She said that obviously the scale of the area needs to be considered so for example, Bexley, Ohio with 13,000 people charges \$75 annually. Holly said that the proposed starting cost of \$2,700 for registration in the village is completely outrageous, inappropriate, not fair, and not right. It is not fair for a registration fee to try to drive revenue. The purpose of the fee is to cover the cost of the expenses you would have for registration of short-term rentals in your community. Finding the short-term rentals can be done quickly on short-term rental websites like VRBO and Air B&B. She stated the village is missing the bigger business proposition of charging bed tax that would give a rolling revenue that is generated on a small level from the people that are using the resources that are coming in and doing short-term rentals. The bed tax is charged back to the guests and is then funded into the village revenue stream.

John Hanson – 40 Beacon Light Lane – John asked why is council more concerned about the safety of short-term rental people than of full-time residents? Based upon their logic, why not inspect all residential properties so they are all protected?

President Goodman stated that although council cannot address everything that was brought up tonight, council hears the citizens and they are not being ignored. There have been many questions asked and council is still waiting for some answers, and until they have those answers, they cannot guess or jump on it or do something that they do not have the power to do at the moment.

COUNCIL MEMBER COMMENTS

Councilor Cable: Uncomfortable discussions. We are elected officials and there are others who represent the village who are not elected officials, but who are appointed. That still does not absolve the responsibility of conduct and acting in the best way for the village. The people of the village need to be heard. Conduct at the Planning and Zoning Commission meeting was disappointing in the fact that the people were not heard. He agrees with President Goodman that some of that is legal discussion. We are here to represent the village. We do hear you and we are doing what we think is best and the village will always move forward.

Councilor Lemmon: There is a difference between full time and transient residents. The zoning code book says 24 or 25ft roads. A lot of legal questions. Was it a variance and was it done properly? It is being looked at and there is not a lot that council can do, as they need to wait on legal advice. A lot of people upset and he does not like how it was handled. Council members are elected by the citizens and they are supposed to live up to a certain standard and do things in a proper procedure. People who council appoint represent council and they should be held up to the standards that council members are supposed to live up to. Are they representing the people who put them into position?

Councilor Wadley: She has worked in the public sector for 20 years. We are here to serve and be respectful, and respect goes both ways. Hard to not make personal reactions from time to time. Need to do the right thing. You will prevail. There are issues in various neighborhoods in the village. There is a right way and a wrong way to address whether someone's conduct is inappropriate and we all want to address it in the right way.

Councilor Julian: She started living in the village full-time in 2015 and a long-term resident shared with her that things have always been the way they are and people get preferential treatment. Someone else was drilled for 40 minutes a few months ago at a Planning and Zoning meeting for a 1-foot variance that was denied. The passage of a 16ft road without any citizen's comments or safety issues heard needs to be addressed. More than one citizen tonight said that the decision should be retracted and she respects the request of President Goodman and the solicitor to allow everything to fall out. She is not here for certain people to receive preferential treatment over every other citizen. It is wrong and she will not stand for it.

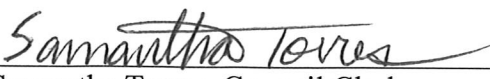
Councilor Wolfe: Stated that President Goodman was at the office for a long time yesterday during the water situation in council chambers and she was very dedicated to getting the room back together to be able to have the meeting tonight along with the fiscal officer, council clerk, maintenance men, and others. Behind the scenes, there are a lot of good people doing things for this community. Appreciates citizen's comments.

Councilor Thompson: Wants to get the citizens the answers they are looking for. As the village grows, he thinks 35 miles per hour is too fast with all of the pedestrians and bikes and golf carts and he would like to look into getting more crosswalks with the ARPA funds.

Councilor Goodman: Thanked village staff for their help with the water situation in council chambers yesterday. Everyone who works for the village is very dedicated to their job, the residents, and the village. Everyone pulled together to get us through the problem.

ADJOURNMENT: Motion by Councilor Cable to adjourn the meeting and seconded by Councilor Julian. All in favor. Meeting adjourned at 8:37pm

NEXT MEETING: Regular Council Meeting: August 22, 2022


Samantha Torres, Council Clerk


Linda Goodman, Council President

