

Buckeye Lake Village Council Meeting Minutes
Held in Council Chambers, streamed live on Facebook
January 10, 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)(sworn in this evening), Don Cable (0,0), Linda Goodman (0,0),
(Consecutive, Total Absences) John Lemmon (0,0), Sue Wadley (0,0), Tom Wolfe (0,0)
Absent: Deb Julian (0,0 excused)

Staff Present: Mayor, Jeryne Peterson; Jennifer Dennis, Clerk/Treasurer; Samantha Torres, Clerk of Council; Keisha Amspaugh, Interim Fire Chief; Rex Adkins, Code Enforcement Officer;

Approval of Regular Council Meeting Minutes: Motion by Councilor Cable, seconded by Councilor Lemmon, to approve the December 12, 2022 regular council meeting minutes.

Roll call vote: Yes: Cable, Goodman, Lemmon, Wadley, Wolfe
Abstain: 0; Nays: 0; Motion Passed 5 – 0

Approval of Special Council Meeting Minutes: Motion by Councilor Cable, seconded by Councilor Wolfe, to approve the December 19, 2022 special council meeting minutes.

Roll call vote: Yes: Cable, Goodman, Lemmon, Wadley, Wolfe
Abstain: 0; Nays: 0; Motion Passed 5 – 0

Approval of Clerk Treasurer's Report: Motion by Councilor Lemmon, seconded by Councilor Cable, to approve the Treasurer's report dated December 31, 2022.

Roll call vote: Yes: Cable, Goodman, Lemmon, Wadley, Wolfe
Abstain: 0; Nays: 0; Motion Passed 5 – 0

Approval of Clerk Treasurer's Report: Motion by Councilor Lemmon, seconded by Councilor Cable, to approve the Treasurer's report dated January 4, 2023.

Roll call vote: Yes: Cable, Goodman, Lemmon, Wadley, Wolfe
Abstain: 0; Nays: 0; Motion Passed 5 – 0

Jennifer stated that she is pretty close to being finished with year-end reporting. This week she will work on getting out W2s and 1099s then reporting for the State Auditor. Reconciliation is completed but she cannot post it until all 2022 reporting is completed. When the council chambers roof was fixed, \$16,600 was appropriated from ARPA funds but only around \$13,000 was used to pay for that. Since then, a line in the air conditioner at the fire house froze and leaked and there are some repairs needed from that. Received a quote for \$3,490 to fix all of it. Jennifer asked council if they would like to use the rest of the appropriated money from the \$16,600 to cover that. The money is already appropriated in the Repairs and Maintenance line.

Motion by Councilor Wolfe, seconded by Councilor Cable to use the remaining appropriated \$3,490 ARPA funds to fix the fire house leak situation.

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

APPOINTMENTS AND PRESENTATIONS –

Paula Brunton was sworn in by Mayor Peterson to the vacant council seat left by Max Thompson and took her seat on council immediately after.

COUNCIL STANDING COMMITTEE REPORTS

Finance Committee: December 12th council passed the 2023 temporary budget and certification of those funds will be in March 2023 and the permanent budget will be passed hopefully on March 20th. Department heads should forward any budget adjustments to Fiscal Officer Jennifer Dennis within the next few weeks. Next meeting will be January 23rd at 6:00pm where they will be considering all of the adjustments including the mayor's request for additional personnel funds. They will lay out the Finance Committee agenda for 2023. In February, they will consider any budgetary adjustments that come in later as well.

Public Safety Committee: Have not had a meeting yet. Chief Harget has filled another full-time police officer position. Chair Wadley will establish a time for Chiefs Harget and Amspaugh to meet with her on a regular basis. She is looking to schedule meetings on the second council meeting nights each month and will confirm this later.

Public Service Committee: Meeting held January 4th with a lot of discussion on various topics. Brought two topics out of committee to full council – extending the ADR contract and the grant application for the 2023 TAP program. Regular meetings will be the first Monday of each month at 6:30pm.

Rules Committee: No report.

Community Development Committee: No report.

Personnel Committee: Absent, no report.

Report of Council President: Happy New Year. Will be a busy year, a lot of big things on the table that will affect the village in a big way: Comprehensive Plan, Charter changes, Fire Levy, and more. Welcome to Paula; happy to have her on council. Happy birthday to Sue Wadley. Winterfest is January 28th, big day around the lake, get ready! We need to get back to working issues through committee meetings and sending them on to council before legislation shows up in front of council which is the way it is supposed to be done.

Report of Mayor: Written report not submitted. Christmas and New Year and Special council meeting to fill vacant council seat have all happened. Welcome to Paula. Mayor Peterson urges all to not drink and drive during Winterfest. There are buses that have wristbands to take you all around the lake; be safe and do not ruin the day.

ORDINANCES

Ordinances for 3rd Reading – None.

Ordinances for 2nd Reading – None.

Ordinances for 1st Reading –

Ordinance 2023-01 - AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH ADR FOR ENGINEERING AND CONSULTING 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:** Brunton, Cable, Goodman, Lemmon, Wadley, Wolfe

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

Motion by Councilor Cable, seconded by Councilor Lemmon to adopt Ordinance 2023-01.

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

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

Motion by Councilor Wolfe, seconded by Councilor Cable to table Ordinance 2023-02 to go to the Community Development Committee.

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

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

For reference, though this is not considered a first reading, as it was tabled before it was read:

Ordinance 2023-02 – AN ORDINANCE REPEALING ORDINANCE 2022-36 AND 2022-56 REGARDING SHORT-TERM RENTAL UNITS AND REPLACING IT HEREIN ESTABLISHING BUSINESS REGULATIONS FOR SHORT-TERM RENTAL UNITS WITHIN THE VILLAGE.

Ordinance 2023-03 - AN ORDINANCE ESTABLISHING A MUNICIPAL INCOME TAX AT A RATE OF ONE AND ONE-HALF PERCENT (1.5%) PER YEAR, EFFECTIVE JULY 1, 2023, AND THE DECLARATION OF AN EMERGENCY.

This will move on to a second reading.

RESOLUTIONS

Resolutions for 3rd Reading – None.

Resolutions for 2nd Reading – None.

Resolutions for 1st Reading –

Resolution 2023-01 – A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO APPLY TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FUNDING, AND DECLARING AN EMERGENCY.

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

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

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

Motion by Councilor Cable, seconded by Councilor Wolfe to adopt Resolution 2023-01.

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

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

Resolution 2023-02 - A RESOLUTION DECLARING THE NECESSITY OF LEVYING A REPLACEMENT TAX ON PROPERTY IN EXCESS OF THE TEN-MILL LIMITATION FOR FIRE AND EMS PROTECTION AND SERVICES AND REQUESTING CERTIFICATION FROM THE LICKING COUNTY AND FAIRFIELD COUNTY AUDITORS AND THE DECLARATION OF AN EMERGENCY.

Fire Chief Amspaugh came to the microphone to explain which of this and the following Resolutions the fire department would prefer to go to the voters for a Fire Levy, the choice being Resolution 2023-06 which is a renewal levy with a three mill increase to 8 mills as this would be best for the taxpayers and will get the fire department the boost that they need without asking the taxpayers for much more.

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

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

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

Motion by Councilor Cable, seconded by Councilor Lemmon to adopt Resolution 2023-02.

Roll call vote: Yes: 0;

Abstain: 0; Nays: Brunton, Cable, Goodman, Lemmon, Wadley, Wolfe; Motion Failed 0 – 6

Resolution 2023-03 - A RESOLUTION DECLARING THE NECESSITY OF LEVYING A REPLACEMENT TAX ON PROPERTY IN EXCESS OF THE TEN-MILL LIMITATION FOR FIRE AND EMS PROTECTION AND SERVICES AND REQUESTING CERTIFICATION FROM THE LICKING COUNTY AND FAIRFIELD COUNTY AUDITORS AND THE DECLARATION OF AN EMERGENCY.

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

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

Motion by Councilor Cable, seconded by Councilor Lemmon to adopt Resolution 2023-03.

Roll call vote: Yes: 0;
Abstain: 0; **Nays: Brunton, Cable, Goodman, Lemmon, Wadley, Wolfe; Motion Failed 0 – 6**

Resolution 2023-04 - A RESOLUTION DECLARING THE NECESSITY OF LEVYING A REPLACEMENT TAX ON PROPERTY IN EXCESS OF THE TEN-MILL LIMITATION FOR FIRE AND EMS PROTECTION AND SERVICES AND REQUESTING CERTIFICATION FROM THE LICKING COUNTY AND FAIRFIELD COUNTY AUDITORS AND THE DECLARATION OF AN EMERGENCY.

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

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

Motion by Councilor Cable, seconded by Councilor Lemmon to adopt Resolution 2023-04.

Roll call vote: Yes: Lemmon;
Abstain: 0; **Nays: Brunton, Cable, Goodman, Wadley, Wolfe; Motion Failed 1 – 5**

Resolution 2023-05 - A RESOLUTION DECLARING THE NECESSITY TO PROCEED FOR THE MAY 2, 2023 ELECTION OF A RENEWAL TAX LEVY ON PROPERTY IN EXCESS OF THE TEN-MILL LIMITATION FOR FIRE AND EMS PROTECTION AND SERVICES AND REQUESTING CERTIFICATION FROM THE LICKING COUNTY AND FAIRFIELD COUNTY AUDITORS AND THE DECLARATION OF AN EMERGENCY.

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

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

Motion by Councilor Cable, seconded by Councilor Lemmon to adopt Resolution 2023-05.

Roll call vote: Yes: 0;
Abstain: 0; **Nays: Brunton, Cable, Goodman, Lemmon, Wadley, Wolfe; Motion Failed 0 – 6**

Motion by Councilor Lemmon, seconded by Councilor Cable to amend Resolution 2023-06 to remove “to proceed” from the title.

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

Resolution 2023-06 - A RESOLUTION DECLARING THE NECESSITY FOR THE MAY 2, 2023 ELECTION OF A RENEWAL TAX LEVY AND PROVIDING AN INCREASE OF THREE (3) MILLS FOR A TOTAL MILLAGE OF EIGHT (8) MILLS ON PROPERTY IN EXCESS OF THE TEN-MILL LIMITATION FOR FIRE AND EMS PROTECTION AND SERVICES AND REQUESTING CERTIFICATION FROM THE LICKING COUNTY AND FAIRFIELD COUNTY AUDITORS AND THE DECLARATION OF AN EMERGENCY.

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

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

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

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

UNFINISHED BUSINESS -

DORA - Council President Goodman asked for an update on the DORA. Councilor Wolfe stated they would like to get a temporary one. Mayor Peterson said the village would not be able to get a temporary one in time for Winterfest, so will not have DORA for Winterfest. Mayor Peterson said that the village solicitor has the DORA information and it is a timely process. She will get the information to Councilor Wolfe to take to the Community Development Committee for discussion.

Charter – Council President Goodman stated that the Charter is a lengthy document with a lot of proposed changes. She proposed that each member of council go through the Charter changes and bring forth their top 5 priority changes by the next meeting to start the process of getting them on the ballot in November 2023 for the voters.

Fire Truck – Councilor Wadley asked for an update about the repairs on the fire truck. Jennifer Dennis stated it is still at the frame shop and that there have been a lot of miscommunications between the insurance and the frame shop. Insurance says they have not received a bill from the frame shop. Chief Amspaugh said the fire department is ready to have it towed. Frame shop said he has no office staff to answer the back-and-forth phone conversations. Jennifer will get it cleared up tomorrow.

Comprehensive Plan – Council President suggested council members look at the Comprehensive Plan by the next council meeting and bringing forth their top five ideas for what would be good for the village to put into the plan. The comprehensive plan that we have is a draft of ideas. She stated Planning and Zoning will be taking a look at it as well, as the next step will be applying for a grant for new zoning code. She would like to see council have that proposal for the comprehensive plan ready by March 1st to know which direction we are going for the next 5 years.

CDARS – Jennifer stated that the General budget has CDs/CDARs and they are renewed every 6 to 12 months. They were up this week and the bank contacted her that they had another suggestion of a higher interest rate on the CDARs to transfer them over. Her and the mayor had a teleconference with them today and they decided that they will cash out the CDs and transfer them into an MMA (money market account) with an interest rate of 2.60% compared to 1.45%. Can be cashed out at any time with no penalties and it accumulates daily. The village will be paid monthly instead of yearly and they will not have to roll it over every 6-12 months. Will make the village a little more money. Liquid and secure.

NEW BUSINESS – None.

CITIZEN'S COMMENTS -

Holly Stein – 13 Beacon Light Lane – Holly stated she is disappointed in the council. The village once again squandered an opportunity to deal with the community on the issue of short-term rentals. She then read a statement as if Ordinance 2023-02 (which was tabled tonight) was talked about tonight: She thanked council for presenting and doing the first reading on the Ordinance, which repeals in its entirety Ordinances 2022-36 and

2022-56. She stated that still, this new Ordinance 2023-02 as it is currently written violates the constitutional right of equal protection under the law of the 14th Amendment which specifically bars any government from passing laws or taking official actions that treat similarly situated people or groups of people differently. To select a max threshold at this point or any point in the future of the 5% of short-term rentals allowed in the community is not enforceable as there is no such corresponding max allowable threshold for any other rental types in the community. This is the very specific equal protection violation that other communities were guarding against when they did not specifically enumerate a percentage of allowable short-term rentals in their communities. There should be no maximum allowable percentage and all properties that are active short-term rentals should be grandfathered and allowed regardless of their residential type. It is unequal treatment and not acceptable for safety reasons for the property owner and the short-term rental guests to require that a permit sticker must be displayed on or near the main ingress or egress of the short-term dwelling. This would be the equivalent of requiring those residents who leave and go to Florida for 4 to 6 months to place a sticker on the outside of their home and say you are now living in Florida. The requirement of an approved signed certification from a certified Ohio licensed electrician that the short-term rental dwelling meets or exceeds current electrical standards is an overreach of a personal property requirement and again creates an undue hardship on one class of ownership and is unequal adherence. This additional expense and time that is placed on this group of home owners that is not required nor enforced for any other property owner is arbitrary and unequal and therefore cannot be required for any one type of property owner in the same community. Who will have access to the information such as name, address, phone number, and email address of these rentals and how will this information be secured so it is not used for purposes not intended? Has the Village of Buckeye Lake comprehensive fee schedule for 2023 been posted? What is the application fee? What is the permit fee? What is the reference made to an annual operations fee in addition to these two fees? As read by Holly from the State of Ohio House Bill 563 as it is currently proposed: "No county, township, or municipal corporation shall adopt or enforce any regulation or restriction that does the following: prohibits short-term rental properties or regulates the number, duration, or frequency of rental periods for short-term rental properties." Council President Goodman stated that House Bill 563 is null, as it did not pass.

Robin Thompson – 168 Dockside Drive – Robin stated that he is confused about where we stand on the income tax. He asked what is the definition of a resident under it as it is pretty broad as to what will be considered a resident. The 1.5% increase that will possibly be looked at: will that be in addition to any income taxes that are out there through the State of Ohio? These are tax increases for the people who are residents and for businesses. Will fees and structures be put in place for short-term rentals which will be considered a business and then turn around and say they want a 1.5% income tax on it as well? President Goodman stated that her and the mayor met with RITA and CCA that administer and collect the income tax to have a discussion of what that would look like. Mayor Peterson stated that as far as a residency, you are a resident if you live in and work out of the village and are there all the time, 12 months out of the year. If you are not working and you have a place here in the village, and you have a place in Florida, you do not qualify anyway because chances are you are getting 401k money, a pension, Social Security, or other non-taxed by an income tax items. The only people who are taxed are those who live and work inside or outside the village. She said she would have to ask about Robin's question on taxing short-term rentals. She stated that yes, a short-term rental is a business. Councilor Wadley said it would be based on earnings, so if there is an employee working for the short-term rental, that employee would pay an income tax. There will be more information provided for the next reading of the income tax ordinance. Robin said that having definitions for this is very important for situations like this and how people will be taxed on that. Robin also questioned why the new proposed short-term rental ordinance is being tabled and "pushed down the road?" He thinks it is something that we need to keep moving forward and not delaying without any specific timeframe. It was delayed in committee and then it came out and it was proposed to be repealed and now it is tabled again with more delays again without any specific dates. Robin also commends

council for how the fire levy was handled earlier in the meeting. He thinks that if they try to raise the taxes on people in the current situation, they will have a lot of opposition.

COUNCIL MEMBER COMMENTS

Councilor Wadley: Happy New Year. Welcome to Paula. Appreciates comments from citizens. Levies and taxes that go on the ballot have an impact a lot of people and it is good to hear from the citizens in regards to that.

Councilor Wolfe: Welcomed Paula to council. Happy birthday to Sue. Watch for traffic and have a great time at Winterfest.

Councilor Cable: Citizen's comments are important and so are committee meetings. The village is split as to what they want and do not want. When there are openings on Planning and Zoning and Council, he encourages those who comment to jump into these open positions. It is not as easy as it looks. Appreciates the comments. Every meeting he goes through what he thinks works or does not work. He says there is a tax issue in the village right now. Just went through the operating levy and passed a water increase. Now talking about a fire levy and possible 1.5% income tax scares him. It is a concern for houses and businesses and he pays attention. Committees are where things should happen. Please come to the committee meetings. That is where the discussion takes place. Committees carry weight, as they should. He welcomes citizens as Chairman of the Public Service Committee on the first Monday of every month at 6:30pm.

Councilor Lemmon: Welcome to Paula. Happy birthday to Sue. October 2022 short-term rental ordinance was passed. New short-term rental proposal has a lot of good ideas in it and should be reviewed. There are laws on the books that need to be enforced now and continue to look at them and amend them. Whether you like them or do not like them, they are the laws of the village right now. Appreciates everyone's comments. Thanks to Chief Amspough for her work on the resolution.

Councilor Brunton: Thanks for the warm welcome to council during her first meeting. Happy birthday to Sue. Thanks to her family for showing up for her swearing in and first council meeting. Proud to be a part of the community of Buckeye Lake to make it as safe and inviting as possible.

Councilor Goodman: Citizen's comments are welcomed and are very helpful. She reminded everyone that we need to be respectful. Very passionate subjects that people feel very passionate about, and understandably. Stay professional and do our jobs and move forward. Thanks to everyone.

ADJOURNMENT: Motion by Councilor Cable to adjourn the meeting and seconded by Councilor Wolfe. All in favor. Meeting adjourned at 8:17pm

NEXT MEETING: Regular Council Meeting: January 23, 2023

Samantha Torres
Samantha Torres, Council Clerk

Linda Goodman
Linda Goodman, Council President