

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

September 13, 2021

Call to Order: By Council President Geiger at 7:04 p.m.

Pledge of Allegiance and Moment of Silence: Led by Council President Geiger, honoring the lives lost on September 11, 2001.

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

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

CITIZEN'S COMMENTS: Councilor Cable read a submitted citizen's comment from Scott Jennie of 4707 North Bank Road regarding repair of portion of North Bank Road near his home. Councilor Cable read another submitted citizen's comment from Steve Schatz of 12 1/2 Beacon Light Lane about the storm water issues he has faced at his residence. Councilor Cable read another submitted citizen's comment (with pictures) from Max Thompson of 79 Beacon Light Lane about how appearance of properties should be a consideration when determining the rules for short-term rentals.

Public Hearing for an ordinance – AN ORDINANCE AMENDING THE ZONING CODE FOR THE VILLAGE OF BUCKEYE LAKE REGARDING MANUFACTURED AND MOBILE HOMES AND THE DECLARATION OF AN EMERGENCY was opened at this time. Council Clerk Samantha Torres confused some documents within the packet for the public hearing so the public hearing was closed shortly after being opened and will be moved to the September 27th council meeting so that everyone has a chance to properly review the proposed and revised Ordinance about changing the zoning book and the definitions for mobile and manufactured homes from the Planning and Zoning Commission. Council would like it changed to a 3-reading piece of legislation rather than an emergency, with the first reading and public hearing being on September 27, 2021.

Citizens from the audience came to the microphone to comment –

David Comisford – 192 Renner – He is currently in contract to purchase 192 Renner to be used as a short-term rental. He said that if him and his girlfriend put their money together for this property to mainly be for income and then find out that for 60 days (because of the short-term rental moratorium in effect) or permanently, if short-term rentals end up being banned in residential areas, that they could not use it for that purpose, it would be a challenge for his situation. He has already almost completed the process of buying the property. He said short-term rentals are on popular internet platforms where renters are vetted beforehand and not rented to just anyone, and that if he were to buy property to live in it, he would be less vetted as an owner. Councilor Geiger told him the village is in the process of coming up with rules and regulations for short-term rentals. Councilor Zwissler said that the village needs to consider the people who live in residential. David commented that the man he bought the house from fixed it up from being in bad condition and that this sort of thing can actually elevate the community rather than hurt it. Councilor Wolfe listed some things that Council could possibly be

considering for the rules and regulations for short-term rentals for David to think about, such as electric code, proper exits, and business insurance.

Howard Everitt – 4941 North Bank Road – Made a comment for David to hear that the moratorium is not a cease and desist, that he can still continue to upgrade the property, he just cannot start his short-term rental business at this time. He encouraged David to continue working right along.

John Hanson – Vice Chair of Planning and Zoning Commission – Planning and Zoning has begun looking at putting together a short-term rental application for owners to fill out when starting their business in the village. He read over much of the possible required information for the application. The Commission has not gone over the application as a full group yet to confirm what will be included and required, but they will get a chance to. Enforcement will be up to council. He mentioned the need for BCI inspection. Responded to Max’s comment about “slumlords” to say most are not slumlords and they put a lot of money into their short-term rental properties and noted no reports of criminal activity have been reported.

Cat Everitt – 4941 North Bank – Many of the people doing short-term rentals have lived in Buckeye Lake for years. She wondered if those people would have to have background checks, too. She does not think it is fair or necessary.

Approval of Council Meeting Minutes: Motion by Councilor French, seconded by Councilor Lemmon, to approve the August 23, 2021 regular council meeting minutes.

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

Approval of Clerk Treasurer’s Report: Motion by Councilor Lemmon, seconded by Councilor Goodman, to approve the reconciliations for August and the Treasurer’s report dated September 9, 2021.

Discussion: Jennifer Dennis explained some of the financial ordinances that are on the agenda this evening. Copier agreement was looked into because the copier bill was getting too high. Got estimates from other companies, but went with CRI Digital to bring the cost down. Samsung machines will be used but are under warranty.

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

APPOINTMENTS AND PRESENTATIONS: None.

COUNCIL STANDING COMMITTEE REPORTS:

Finance Committee: Did not have a meeting since the last council meeting. Next meeting will be at 6:30pm on September 27th. Fire operating supplies on an ordinance tonight is grant money that came in that needs to be appropriated.

Public Safety Committee: Had a meeting this evening to discuss the exits in Cranberry Bay / Landings at Maple Bay area. The Committee would like to draw up a resolution to ask for the completion of an emergency road by November 13th.

Public Service Committee: Next meeting will be October 4th at 6:30pm. Last meeting was September 9th where there was a resident on North Bank east who had some stormwater issues,

which has been forwarded to Toby Miller. Garbage contract expires at the end of the year and will go out for bids. Toby discussed the RFPs for the Taco Bell bridge work. Neel Avenue stormwater project is in the design phase. North Bank West stormwater project was discussed and currently taking place are base mapping and research elevations. Toby let them know that the village is able to apply for a HB 168 grant that might be able to help supply water to part of Leisure Village. Discussion on ODOT Consent agreement for the removal and control of snow and ice. The Committee decided it would be appropriate for the mayor to sign that agreement and move it forward. Purchase contract for property transfer (will not cost anything) for parcels the village will be getting through the new bridge project by the Duke gas station. Village needs to create an inventory number for the Gateway Crossing roadway. Those three items will come as ordinances this evening.

Rules Committee: No report.

Community Development Committee: Community Development meeting held this evening before the council meeting where they discussed the responsibility of the developer for the emergency road in Cranberry Bay / Landings at Maple Bay which led into the Public Safety Committee meeting where they decided they wanted to put a timeline on the completion of the road for the safety of the residents. Community Development also discussed short-term rentals in residential neighborhoods and the resident concerns in Cranberry Bay and Maple Bay. They also discussed bringing high-speed Broadband internet to the village and going after state and federal grants for that due to the low income of the village residents.

Personnel Committee: No meeting tonight. Next Personnel meeting will be held at 6:15pm on September 27th to begin discussion of 2022 Budget, wages, cost of living raises and looking into a request to increase the stipend for the Zoning Inspector position.

Report of Council President – John Geiger – No report.

Report of Mayor – Welcomed David Comisford to the community. Thanked office clerk Lissann Woodrow for helping above and beyond and for acting as interim zoning officer. Have a good prospect for filling the position. Thanked Chief Harget and his officers for patrolling North Bank. New Water Tech Joshua Rose is working out well for the Water Department. Glad to have Tom Boso back after his injury.

Councilor Goodman asked for a point of clarification that in the last council meeting, Mayor Wells announced that Rex Adkins would serve as interim Zoning Inspector. Now Lissann is the interim Zoning Inspector and the potential for someone else who is interested in the position. Mayor Wells said that a few times she had been in the position where there was no zoning inspector and the Charter does not allow the Mayor to hold another position. She was advised by the Solicitor to get a Zoning Officer. Rex agreed to do it prior to the last council meeting, but after conversations about his time burden and availability, Mayor Wells decided it was not the greatest choice and she appointed Lissann as interim, who will get the \$400 stipend on top of her normal office pay. Mayor Wells says she thinks it would only be about a month. Councilor Goodman said she knows Lissann is doing a great job but wondered if she is qualified. Mayor Wells said she is being advised and not making decisions on her own and has taken time to study the Zoning Book, but officially Lissann has to be the one to sign permits.

Councilor Cable asked a question from some residents: why did the village rope off private property (lots South of the fire department) during Mopar? Mayor Wells said they were asked to

at the request of the property owners for safety reasons, as it was an area where a lot of people gathered where a car had gone into the area in the past.

ORDINANCES

Ordinances for 3rd Reading – None.

Ordinances for 2nd Reading –

Ordinance 2021-38 - AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN ADR & ASSOCIATES, LTD. AND THE VILLAGE OF BUCKEYE LAKE FOR FEASIBILITY STUDY AND PRELIMINARY ENGINEERING FOR CRANBERRY LANE STORMWATER DRAINAGE.

Discussion: Councilor French clarified that the \$6,200 that was appropriated at the last meeting is just to be used for the feasibility study. Council would not be voting on the entire project with this ordinance, just voting on preliminary engineering and a study of the feasibility of even doing the project.

Councilor Lemmon passed out an addendum to the ordinance that he drafted stating that the village will spend no funds on the development of private property. There was confused discussion on what is village owned versus private property.

Motion by Councilor Lemmon, seconded by Councilor Zwissler to send the drafted addendum to the Solicitor and amend the Ordinance.

Roll call vote: Yes: French, Geiger, Lemmon, Wolfe, Zwissler
Abstain: Cable; **Nays:** Goodman; **Motion Passed 5 – 1 – 1**

Ordinances for 1st Reading –

Ordinance 2021-42 – AMENDING ORDINANCE 2021-10 PERMANENT APPROPRIATIONS ORDINANCE AND DECLARING AN EMERGENCY.

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

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

Motion by Councilor Goodman, seconded by Councilor Cable, to adopt Ordinance 2021-42.

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

Ordinance 2021-43 – AN ORDINANCE PROVIDING FOR ADDITIONAL ESTIMATED REVENUE FOR THE VILLAGE OF BUCKEYE LAKE FOR THE CALENDAR YEAR 2021 AND DECLARING AN EMERGENCY.

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

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

Motion by Councilor Lemmon, seconded by Councilor Wolfe, to adopt Ordinance 2021-43.

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

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

Ordinance 2021-44 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH AEP ENERGY FOR A FIXED PRICE, ALL-INCLUSIVE ELECTRIC RATE FOR THE VILLAGE OF BUCKEYE LAKE, AND DECLARING AN EMERGENCY.

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

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

Abstain: 0; Nays: Lemmon, Wolfe; Motion Passed 5 – 2

Motion by Councilor French, seconded by Councilor Goodman, to adopt Ordinance 2021-44.

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

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

Ordinance 2021-45 - AN ORDINANCE APPROVING A TOTAL PRINT MANAGEMENT AGREEMENT BETWEEN THE VILLAGE OF BUCKEYE LAKE, OHIO, AND CRI DIGITAL, AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE VILLAGE OF BUCKEYE LAKE, OHIO AND DECLARING AN EMERGENCY.

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

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

Abstain: Lemmon; Nays: 0; Motion Passed 6 – 1 - 0

Motion by Councilor French, seconded by Councilor Cable, to adopt Ordinance 2021-45.

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

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

Ordinance 2021-46 – APPROVAL AND GRANTING CONSENT TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION AUTHORITY TO, APPLY, MAINTAIN AND REPAIR STANDARD LONGITUDINAL PAVEMENT MARKINGS AND ERECT REGULATORY AND WARNING SIGNS ON STATE HIGHWAYS INSIDE VILLAGE CORPORATE LIMITS, AND GIVING CONSENT OF THE VILLAGE FOR THE OHIO DEPARTMENT OF TRANSPORTATION TO REMOVE SNOW AND ICE AND USE SNOW AND ICE CONTROL MATERIAL ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATE LIMITS, AND GIVING CONSENT OF THE VILLAGE FOR THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM MAINTENANCE AND/OR REPAIR ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATION.

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

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

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

Motion by Councilor French, seconded by Councilor Zwissler, to adopt Ordinance 2021-46.

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

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

This will go into effect in 30 days, as it is not an emergency but the rules were suspended.

Ordinance 2021-47 - AN ORDINANCE AUTHORIZING THE PURCHASE CONTRACT FOR PROPERTY CONVEYED PURSUANT TO R.C. 5501.45 (E), VILLAGE OF BUCKEYE LAKE, COUNTY OF LICKING, STATE OF OHIO.

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

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

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

Motion by Councilor Lemmon, seconded by Councilor Zwissler, to adopt Ordinance 2021-47.

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

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

This will go into effect in 30 days, as it is not an emergency but the rules were suspended.

RESOLUTIONS

Resolutions for 3rd Reading – None.

Resolutions for 2nd Reading – None.

Resolutions for 1st Reading –

Resolution 2021-14 - A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY.

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

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

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

Motion by Councilor Lemmon, seconded by Councilor Cable, to adopt Resolution 2021-14.

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

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

Resolution 2021-15 - A RESOLUTION CREATING INVENTORY NUMBER FOR GATEWAY CROSSING IN THE VILLAGE OF BUCKEYE LAKE, AND DECLARING AN EMERGENCY.

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

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

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

Motion by Councilor French, seconded by Councilor Lemmon, to adopt Resolution 2021-15.

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

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

UNFINISHED BUSINESS:

I. Discussion on Ordinance 2021-40 – AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE OPERATION OF ANY SHORT TERM RESIDENTIAL REAL ESTATE RENTALS AND THE DECLARATION OF AN EMERGENCY.

David Comisford came back to the microphone to ask if there was any possibility for grandfathering into the moratorium, as in, if he purchases the property that is contingent for him right now, could he still operate his short-term rental once he soon possibly owns the property. He asked how long the moratorium could extend for, to which Council President Geiger said that it depends on how long the Planning and Zoning Commission takes for their recommendation of the proper steps and rules for short-term rental owners to follow. Councilor Lemmon recommended that David attend the next Planning and Zoning meeting to see about getting grandfathered in.

Council Clerk Samantha Torres made a point of clarification of why it is on the agenda under Unfinished Business. The village council received counsel from the Solicitor that the veto from the mayor on Ordinance 2021-40 was invalid because the mayor did not state her reasoning for the veto, therefore the Ordinance has passed and the moratorium is in place to give Planning and Zoning time to work on short-term rental regulations. Because of this, it was brought back in case any council members wanted to reconsider the moratorium since council now knows that the ball is rolling on getting regulations in place. No members of council were interested in rescinding the moratorium.

II. Mayor's Veto on Ordinance 2021-41 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN EMPLOYMENT AGREEMENT WITH JASON HARGET AS CHIEF OF POLICE AND THE DECLARATION OF AN EMERGENCY.

Motion by Councilor Goodman, seconded by Councilor Lemmon (officially. Council Clerk said Lemmon and Zwissler), to override the Mayor's veto on Ordinance 2021-41.

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

Councilor Goodman stated that the Ordinance was a show of support for the police chief by council. Councilor Lemmon said that stability in the police department is very important. Mayor Wells read her veto reason.

NEW BUSINESS:

Date of Halloween 2021 in the village -

Motion by Councilor Lemmon, seconded by Councilor Goodman, to accept Thursday, October 28 from 5:30-7:00pm as the date for Halloween 2021 in the village.

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

Councilor Lemmon asked to add discussion about a Development Director for the village to the agenda of the next meeting.

COUNCIL MEMBER COMMENTS:

Councilor Cable: No comments tonight

Councilor Lemmon: Thanked Planning & Zoning Commission for doing a good job with short-term rental discussion.

Councilor Goodman: Need to legislate what is best for the village and not personal agenda.

Councilor French: Thanked all who showed up to the meeting and thanked John Hanson from Planning and Zoning Commission for giving an update on what is going on and thanked the Planning and Zoning Commission in general for all their hard work.

Councilor Wolfe: Thanked people for coming to the meeting including a candidate for the next Council.

Councilor Zwissler: Appreciates the audience coming to the meeting. Has a problem with John Hanson coming with short-term rental regulation recommendations since none of the other Planning and Zoning Commission members knew anything about them. Councilor Zwissler said that she called various members who did not know. Planning and Zoning member Kaye Hartman was in the audience and told Councilor Zwissler that they would be holding a meeting to go over it all.

ADJOURNMENT: Motion by Councilor Goodman to adjourn the meeting and seconded by Councilor French.

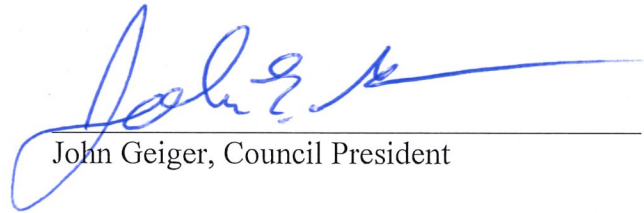
Motion passed unanimously.

Meeting adjourned at 9:25 pm

NEXT MEETING: September 27, 2021



Samantha Torres, Council Clerk



John Geiger, Council President