

Buckeye Lake Village Council Meeting  
Held in Village Hall  
**February 12, 2018**  
Meeting Minutes

**Call to Order:** By Council President Zwissler at 7:08p.m.

**Pledge of Allegiance and Moment of Silence:** Lead by Council President Zwissler.

**Roll Call:** Present: Doug Poorman (0,0), Arletta Ruton (0,0), Tom Wolfe (0,0),  
(Consecutive, Total Absences) Kitty Zwissler (0,0), Bill French (0,0), John Geiger (0,0),  
Robert Masone, MD (0,0)  
Mayor Wells  
Absent: None

**Staff Present:** Valerie Hans, Clerk of Council; James Hanzey, Police Chief; Dave Ruton,  
Assistant Fire Chief; Rod Riley, Code Enforcement Officer; Toby Miller,  
Water Superintendent.

**Elections and Appointments:** None

**Approval of Minutes:**

Motion by Councilor French to approve the minutes of the January 22, 2018 regular meeting,  
seconded by Councilor Wolfe.

**Roll Call Vote: Yeas: Wolfe, Zwissler, French, Geiger, Masone, Poorman, Ruton**  
**Motion Passed 7-0.**

Motion by Councilor Ruton to approve the minutes of the February 5, 2018 regular meeting,  
seconded by Councilor French.

**Roll Call Vote: Yeas: Wolfe, Zwissler, French, Geiger, Masone, Poorman, Ruton**  
**Motion Passed 7-0.**

Council Clerk Hans stated to village council that she and Mayor Wells caught a few errors in the previously approved council meeting minutes from January 8, 2018. Ms. Hans stated that she failed to elaborate on Council President Zwissler's comment. Mayor Wells also noticed a comment from a previous meeting was included erroneously in the citizen's comments. Council Clerk Hans stated that both errors have been corrected. She stated that the proper procedure to make the correction official is to rescind the previously approved minutes of the January 8, 2018 meeting and then approve the revised minutes of the January 8, 2018 meeting.

Motion by Councilor Poorman to rescind the approved the minutes of the January 8, 2018 regular meeting, seconded by Councilor French.

**Roll Call Vote: Yeas: Wolfe, Zwissler, French, Geiger, Masone, Poorman, Ruton**  
**Motion Passed 7-0.**

Motion by Councilor Masone to approve the revised minutes of the January 8, 2018 regular meeting, seconded by Councilor Poorman.

**Roll Call Vote: Yeas: Wolfe, Zwissler, French, Geiger, Masone, Poorman, Ruton**  
**Motion Passed 7-0.**

**Approval of Clerk Treasurer's Report:**

Motion by Councilor Ruton to approve the Treasurer's report dated February 7, 2018, seconded by Councilor French.

**Roll Call Vote: Yeas: Wolfe, Zwissler, French, Geiger, Masone, Poorman, Ruton  
Motion Passed 7-0.**

**COMMISSION REPORTS:**

**Parks & Recreation Commission:** The Parks and Recreation Commission met on Tuesday, February 6, 2018. Their next scheduled meeting will be on March 6, 2018, at 5:30pm. A copy of the approved meeting minutes from the December 5, 2017 were submitted for the council record.

**Planning Commission & Board of Zoning Appeals:** The Commission will meet on Tuesday, February 13, 2018, at 7:30pm. The Commission will change their regular meeting time to 7:00pm on the 2<sup>nd</sup> Tuesday of each month beginning with the March 2018 meeting. A copy of the 2017 Planning Commission/BZA Annual Report to Council is attached to the council record. Chairperson Cookston elaborated on her report to council.

**UNFINISHED/OTHER BUSINESS:**

Mayor Wells stated that she intends to hire Hayes Law Offices to act as the village solicitor. Mayor Wells stated that Dan Hayes and Lori Wells (no relation to Mayor Wells) have experience in municipal and real estate law. Mayor Wells asked that the council give her the authorization to sign an agreement that the firm will be paid \$150/ hour. Mr. Hayes is also asking the village to pay his \$600 annual OML dues.

Council members asked why we are being asked to pay his OML dues.

Councilor Masone stated that he would like to see his resume before making any decisions.

Mayor Wells stated that she needs him on staff now.

Councilor Masone stated that he needs information on the person we are looking at hiring before making a decision.

Mayor Wells stated that Mr. Hayes is ill otherwise he would've been here tonight.

Councilor Wolfe stated that the Finance committee recommended entering into a contract with Mr. Hayes to act as the village solicitor.

Councilor Masone stated that he has an issue with this since we do not know anything about this person yet.

Council President Zwissler asked council members to move on and vote on this issue.

Councilor Wolfe motioned to approve Dan Hayes as village solicitor.

Councilor Wolfe rescinded his motion and stated that this issue will be discussed further in two weeks.

Council members discussed the issue further and recommended that Mayor Wells get a resume for Mr. Hayes prior to proceeding to hire him. They decided to act upon this at the next council meeting after receiving additional information.

Mayor Wells stated that she will provide a resume to council members for Mr. Hayes and Ms. Wells.

### **COMMITTEE MEETINGS AND/OR REPORTS:**

**Finance Committee:** Councilor Wolfe stated that the finance committee met just prior to the council meeting to discuss hiring a new village solicitor. Their recommendation was to move forward with the recommendation to hire Dan Hayes at a rate of \$150/hour. The committee also discussed and recommended hiring an office clerk at \$11/hour for 28 hours per week. The committee discussed giving the fire and police departments a \$1/hour raise contingent on the interim Clerk/Treasurer verifying that funds are available to do so. Lastly, the committee authorized the mayor to transfer money or CDs for savings to North Valley Bank.

**Public Safety Committee:** Councilor Masone expressed his concern for the residents along the proposed ODNR 4' pathway who are being asked to move a portion of their houses to make way for the pathway. He feels that ODNR should've simply redesigned the location of the pathway to avoid encroaching on the existing homes. He stated that 12 people have received letters so far and he would like anyone who lives in Buckeye Lake and receives a letter to contact him.

Karen Cookston stated that it might be beneficial to make a statement in support of the homeowners.

**Public Service Committee:** Councilor Ruton stated that her committee met last Monday for their monthly meeting to discuss the water and storm water needs in the village.

**Community Development Committee:** No report. Mayor Wells asked the committee if they would discuss taking the lead on Lakefest because she does not have the time in her schedule to organize a festival.

**Personnel Committee:** No report.

**Rules Committee:** No report.

**CITIZEN'S COMMENTS:** Bergene Spangler Braithwaite, 87 Lighthouse Lane, Buckeye Lake. Ms. Spangler Braithwaite read a letter submitted to council on February 12, 2018. A copy of this letter is attached to the council record.

Karen Cookston, 113 Anchor's Way, Buckeye Lake. Ms. Cookston stated that she would like council and the mayor to consider spreading out commission appointments over different neighborhoods in the village to avoid the potential for conflict of interest on projects.

Ms. Cookston also mentioned that the purchase contract for property next to the spillway was supposed to include screening of neighboring properties.

Lastly, Ms. Cookston questioned why Charlie Prince is now a consultant to the village. He is not a consultant, he is the media.

**MAYOR'S REPORT:** Mayor Wells provided a 4 page report to council dated February 12, 2018. A copy of this report is attached to the council record.

Mayor Wells stated that she would like to switch the building code approvals for commercial property from the state to Licking County to make the approval process more timely.

**COUNCIL PRESIDENT'S REPORT:** Council President Zwissler stated that it was nice to see so many people at the meeting.

**ORDINANCES**

**3rd Reading**

**2nd Reading**

**1st Reading**

**2018-06** AN ORDINANCE OF THE VILLAGE OF BUCKEYE LAKE ESTABLISHING BASE RATE CHARGES RELATING TO THE STORMWATER MANAGEMENT UTILITY

**2018-08** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) TO PURCHASE PROPERTY LOCATED AT 4831 WALNUT RD. S.E., BUCKEYE LAKE, OHIO.

**2018-09** AN ORDINANCE RESCINDING ORDINANCE 2017-24 AND DECLARING AN EMERGENCY

**2018-10** AN ORDINANCE AMENDING ORDINANCE 2017-03 AND ESTABLISHING NEW WATER RATES AND COLLECTION GUIDELINES FOR THE VILLAGE OF BUCKEYE LAKE WATER DISTRIBUTION SYSTEM.

Motion by Councilor Poorman to suspend the rules on Ordinance 2018-10, seconded by Councilor Ruton.

**Roll Call Vote: Yeas: Wolfe, Zwissler, French, Geiger, Masone, Poorman, Ruton  
Rules Suspended 7-0.**

Motion by Councilor Ruton to adopt Ordinance 2018-10 as presented, seconded by Councilor Poorman.

Councilor Masone discussed concerns about changing the water rate legislation to reflect something other than what was recommended by the RCAP water rate study. He stated that the RCAP report is a great report. He feels that we had good data and good advice.

Council President Zwissler stated that if we go to the 5,000 gallons the rates get really high.

Councilor Masone stated that doesn't change the data. The EPA says a 2% increase is a proper increase. What RCAP is recommending follows EPA guidelines.

Councilor Ruton handed out a packet of information with three documents. A document called Information for Council's review – 2/9/18, Buckeye Lake Water Rate Analysis, and a draft letter to the editor from Vince Popo, Millersport Village Administrator. A copy of these documents is attached to the council record. Councilor Ruton read the draft letter to the editor from Mr. Popo in its entirety. She stated there were no concerns shared about rescinding the new water rates until Mr. Popo sent this letter to the village. Councilor Ruton stated that she doesn't feel the Village of Buckeye Lake should have to pay for Millersport's lack of planning on their water system. Councilor Ruton also stated that she feels Charlie Prince should not be involved in the discussion on the water rates.

Councilor Masone stated that if Millersport has mismanaged their system maybe they should consider having RCAP do a rate study for them as well to get their system back on track.

Charlie Prince asked to defend himself. Mr. Prince stated that he did not receive a copy of the letter to the editor at his newspaper. He was doing a story and noticed that the existing rates weren't there. The base rate was going up 11%, additional gallons were going up 53% and the overall rate was going up 28%.

Mr. Prince asked do we really need to increase our rates so drastically. He stated that he was a National Utility Buyer for Proctor and Gamble and does have experience with these issues. Mr. Prince stated that people always say that the Buckeye Lake Beacon is negative. He stated that you finally have a Mayor who is willing to listen to suggestions. He stated that Toby Miller is serving as Public Works Director, Water Superintendent and functioning in multiple job capacities while trying to run a water system. He stated that it makes no sense to saddle the residents with this harsh of an increase.

Toby Miller stated that in January 2017 we came to council with a small allocation change to correct a cash flow issue in the water system. Later in 2017 RCAP conducted a rate study on our water system. At the end of that study, council asked us to provide an Ordinance which reflected RCAP's recommendations from the rate study. That Ordinance was passed and is in the 30 day waiting period. Mr. Miller stated that we can change that ordinance; however we will still need to correct the issues long term that RCAP recommended to keep our system healthy. He further stated that we can save \$50,000 by eliminating the annual trench line repair which we have budgeted for. If council does not take any action this evening the Ordinance which was already passed will become effective on 2/21/18. If council rescinds the previously passed ordinance, you will still need to pass a new rate ordinance because we have obligations that still need to be met.

Mayor Wells stated that we are all impacted by the increases on property taxes from supporting the new operating levy. She stated that the alternate proposal is a way to soften the impact by increasing the water rates over a longer timeframe.

Councilor Ruton stated that the RCAP representative suggested that taking the hit all at once would be the better option rather than playing catch up later. She then stated that Licking County Sewer was faced with the same issue in the past that from not raising rates on an annual basis, they had to make a larger increase to catch up with their system expenses.

Councilor Poorman asked how eliminating the \$50,000 in annual trench repair will affect our village.

Karen Cookston stated that you are also going to be giving up a lump sum to Millerport for their iron filter.

Mr. Miller stated that Millersport is looking at funding opportunities and we would be willing to do a 10 year contract extension to our contract which expires in 2020. He stated that he would not be willing to make a decision without more information on their funding situation.

If Leisure Village came to the village tomorrow and needed to hook onto the water system we would have the money in capital improvements to make that happen without borrowing money. He stated that he can make the revised rate increase work for a year but this will only be a temporary solution and we will need to work toward a more permanent solution quickly.

Mayor Wells stated that when Licking County raised the sewer rates 28% Lakewood High School gym was packed with people protesting the increase.

Councilor Geiger how much the increase would be for our average user?

Mr. Miller stated that an average household using 5,000 gallons per month would go from \$51.00 to \$65.10. An average commercial user 10,000 gallons per month would go from \$83.50 to \$114.85.

Council President Zwissler stated that there are a lot of senior citizens in our village who simply cannot afford this increase.

Councilor Ruton asked Mr. Miller if he actually worked on the revised rate increase numbers.

Mr. Miller stated that he did. He stated again that he doesn't have an issue going with a revised rate increase on a temporary basis. However, he stressed that a more permanent solution need to be created during 2018. He stated that Millersport plans to pass a 3% rate ordinance in the near future.

Councilor Ruton stated that either we do the original rate increase now or we will have even larger increases later.

Mayor Wells mentioned that the previous Clerk/Treasurer was paying bills out of incorrect accounts which could also affect the cash flow of the water system.

Councilor Wolfe asked if we keep the same \$3.50 the large percentage increase was not in the base rate. The 53% increase was calculated at the 5,000 gallon per month user.

Councilor Masone stated that we should go with the RCAP recommendations to keep our income in the water system steady.

Mayor Wells stated that on behalf of the residents in their homes and trailers they are not aware of what is going on with the water rates. We have a new fiscal officer who can help us tighten our belts. She stated that she has seen Toby and Charlie crunching the numbers and feels that the revised water rate increase would be a much better option.

#### **RESOLUTIONS:**

**3rd Reading**

**2nd Reading**

**1st Reading**

**Citizen's Comments:** None.

#### **Council Member Comments:**

**Councilor Wolfe:** Councilor Wolfe thanked Michelle, Valerie and Toby for pitching in to help at the office. He also thanked Mayor Wells for her printed council report. He thanked the Planning Commission for their printed annual report. Councilor Wolfe stated that he prefers to get the reports in writing so council members can read them at their convenience. Lastly, Councilor Wolfe suggested getting an appraisal to consider selling the drive-thru property.

**Councilor Ruton:** No comment.

**Councilor Geiger:** Councilor Geiger suggested that we should follow-up on the request to sell a portion of the drive-thru property to Mr. Schilling to allow the brewery to expand their operations. He stated that he likes the idea of selling the drive-thru. Councilor Geiger also stated that he prefers to receive written reports rather than lengthy verbal reports at council meetings.

**Councilor Masone:** Councilor Masone asked if we reached an agreement on snow removal in the Carlin Addition.

**Councilor Poorman:** Councilor Poorman thanked Council Clerk Hans for helping to get council through the meeting this evening.

**Councilor French:** Councilor French stated that he also prefers to receive written reports rather than verbal reports.

**Councilor President Zwissler:** Council President Zwissler thanked Mayor Wells, Toby Miller and Charlie Prince for their efforts to get an equitable cost of water for the residents. She stated that she is absolutely against an increase. Council President Zwissler stated that the decision at the committee was to rescind the ordinance with the high water increases. She also thanked Valerie for her hard work this evening.

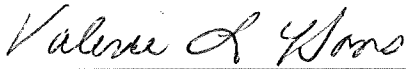
**UNFINISHED BUSINESS/OTHER BUSINESS:** None.

**Adjournment:** Motion by Council President Zwissler to adjourn the meeting, seconded by Councilor Ruton.

**VOTE: IN-FAVOR: ALL YEAS; MOTION CARRIED 7-0**

Meeting adjourned at 9:15p.m.

NEXT MEETING: February 26, 2018



Valerie L. Hans, Clerk of Council



Catherine Olohan Zwissler, Council President