**VILLAGE OF WAYNE LAKES**

**REGULAR COUNCIL MEETING**

**HELD AT THE VILLAGE OFFICE**

**1052 MAIN ST.**

**September 9, 2019**

Mayor J. Denise Wetzel called the meeting to order at 7:01 p.m. The prayer, pledge to the flag, and roll call followed. Council members present: John Swindler, Bob Tuco, Dane Driver, and Joan Falknor. Rita Robinett had an excused absence. There were nineteen (19) visitors present including; John McRoberts; Troy Stewart; George Mitterman; Rita Neff; Cindy Ploch; Ronnie & Martha North; Tom Wetzel; Curtis Yount; Linda Clark; Dave Flatter; Tom Prikman; Becky Hatfield; Patsy Livingston; Marilyn Fornshill; and Mr. & Mrs. Cupp.

**Agenda**: Falknor moved to approve the agenda as submitted by the mayor. Swindler seconded. All present voted yea.

**Minutes:** Tuco moved to approve the August 12, 2019 council minutes as written. Falknor seconded. All present voted yea.

**Expenses:** Driver moved to approve the expenses and finance reports submitted by the fiscal officer to the council members three (3) days in advance for their review. Falknor seconded. All present voted yea. (Council members also signed the bank reconciliations showing the detail expenses, etc.) Month end reports are always available for anyone interested to review.

**Council Business:**

**New Council Member:** There was only one person who stepped up interested in filling the vacant council seat. Linda Clark contacted the Mayor earlier in the month and expressed her interest in becoming a council member. Linda Clark introduced herself giving a short history as to why she would like to serve. Clark was raised in Wayne Lakes and due to her job had moved away. However, just recently she moved back to where she will be close to her mom (Patsy Livingston). The mayor requested council to approve her appointment of Linda Clark as a council member. Falknor moved to accept Linda Clark to fill the vacant council seat vacated on May 13, 2019. The term would be through 12/31/2021. Tuco seconded. All present voted yea. The oath of office took place immediately afterwards.

**Beach Septic Conversion**: Per previous discussions during the last two council meetings, the mayor requested for council to make a decision as to whether the village should move forward to convert the beach septic system (as requested by the Department of Health). Discussion followed. Falknor felt it would be to the best interest to move forward with the conversion allowing the concession stand to remain open later than the beach to serve food and to open in the spring before the beach would open. Others felt due to the size of the building it would be impractical to try to serve food during cooler months (due to the space). This decision will not determine if the beach will be open or closed in 2020. If the septic system was not converted, only prepackaged food can be sold (as it was done this year). Tuco moved not to convert the beach septic system at this time. Swindler seconded. Swindler, Tuco, Driver, and Clark voted yea. Falknor voted nay. Motion passed.

**Resolutions/Ordinances:**

**3rd Reading of Ordinance No. 2019-7-08-1 – AN ORDINANCE REPEALING ORDINANCE NO. 2012-06-1, DATED JUNE 18, 2012, WHICH WAS REQUESTING A ZONING CHANGE SOLELY FOR A RETAIL BAIT SHOP IN THE VILLAGE OF WAYNE LAKES, DARKE COUNTY, GREENVILLE, OHIO** was read by title only by the Fiscal Officer. Tuco moved to adopt Ordinance No. 2019-7-08-1. Driver seconded. All present voted yea.

**1st Reading of Resolution No. 2019-09-09-1 – A RESOLUTION RENEWING PREVIOUS CONTRACT/AGREEMENT TO PROVIDE SNOW REMOVAL AND DEICING SERVICE FOR THE VILLAGE OF WAYNE LAKES, DARKE COUNTY, FOR YEAR ENDING DECEMBER 31, 2010.**  This Resolution confirms council’s discussion and vote during the August 12th council meeting to renew Rod McNutt’s snow removal contract of 2019 keeping the same prices, etc. for year 2020. No action taken at this time.

**1st Reading of Resolution No. 2019-09-09-2 – 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.** This resolution is in reference to the 2020 Tax Budget approved in July, 2019 and sent to the County Auditor. This legislation confirms acceptance of the Budget Commission’s rates, which needs to be signed and sent back to the County Auditor and Budget Commission no later than 09/30/2019. Tuco moved to waive the three reading rule on Resolution No. 2019-09-2. Swindler seconded. All present voted yea. Tuco moved to adopt Resolution 2019-9-09-2. Falknor seconded. All present voted yea.

**1st Reading of Ordinance 2019-9-9-1 – AN ORDINANCE PROVIDED FOR AN AMENDMENT TO THE GOLF CART ORDINANCE 2016-07-01 OF THE VILLAGE OF WAYNE LAKES, DARKE COUNTY, OHIO.**  This legislation has been discussed during previous council meetings and was needed to be clarified and amended per ORC 4503.10 (effective 7/3/2019). No action was taken at this time.

**Public Record Policy**: The mayor spoke of an upcoming Public Record Policy. This has been an issue for the village and has been noncompliant since 2007. Per Ohio Revised Code Section 149.43 (outlined in Auditor of State Bulletin 2007-014), the village should have had a policy in place. This also involves the 2019 Sunshine Law.

**Mayor Updates: The mayor noted again how much she** appreciates all the people for their hard work and support for the village.

**2017-2018 Audit Status**: The audit has been completed by the 3rd party (Perry & Associates) and has been turned in to the state. It is now being reviewed by the state. We were told that the village should receive an official report sometime in September. As of this date, there has been no news from the state.

**Sewer Project – Billing:** The mayor again reminded everyone to get the word out that with the completion of the preliminary study by Access Engineering and a decision to move forward to the next phase there is an expectation for a monthly billing to start. There are reasons to not understand why one would get a bill when there is no service yet. The purpose is to start building funds to show funding institutions that Wayne Lakes is serious about this sewer project. If we have the billing in place the village would be more likely to receive more grants and loans that are available and to have funds when unexpected expenses are involved. The billing will start out at a minimal amount and will likely start at the beginning of 2020 or shortly thereafter.

**RITA Reminder**. Another reminder was mentioned on RITA and paying estimated tax this year for residents and owners in the village. Required filing for 2019 will be by April 2020.

**CodeRED – Emergency Notification System** - The mayor received an email from Josh Haney, Darke County EMA urging everyone to sign up through darkecountyema.org, darkecountysheriff.org or text “ DARKE” to 99411 for a mobile app. This is an emergency notification system that includes automated weather to those who choose it and can also be activated for other situations in which notifying the public is warranted. More information was available for those interested.

**Neave Township – Transfer Station:**  For awareness, the mayor wanted those present to know council is collecting information from the county and township offices trying to come to an understanding of what/why the village pays the township $540 every month. We are working our way through this and there may be some changes in the future about the transfer station and the trash pickup, etc. It has been our understanding that this payment has been for the village residents to have access to the township transfer station. However, the property owners’ real estate taxes from the village that goes to the township that covers the cost of the transfer station is the same as those real estate taxes for the properties in the rest of the township. So now the question is to now understand why the village has been paying this monthly payment. In other words, we are trying to figure out as to why the residents in essence are paying double taxes. A brief discussion followed. A written understanding and/or a contract should be in place for clarification as to whether this payment the village has been paying for years is justified.

**Dates of the upcoming council meetings**: Since a couple of upcoming meetings fall on federal holidays, the mayor asked for clarification from council if perhaps the meetings should be changed to different dates. After a brief discussion, council felt there should be no change for the meeting dates. Council meetings are always the 2nd Monday of the month.

**Community Group Updates:**

**F.o.W.L**.: Adam Wicker was not present. Tom Wetzel reported on F.o.W.L. behalf. Wetzel thanked everyone who came and volunteered. Wetzel stated they have had good feedback on the 5K Run. They loved the course. Although the attendance was not as high as they had hoped, Wetzel feels (after talking with the runners) this 5K Run has the potential to be one of the best. They had 46 runners and 8 children. No problems with traffic, the weather was great and all who participated had a good time. There were leftover shirts for sale, if anyone was interested. Wetzel reminded everyone of the upcoming 2nd Annual End of the Summer Hog Roast which is scheduled for Sunday, September 29th at the Community Building (noon to 3:00 pm). Tickets are $7 a piece. Wetzel encouraged everyone to buy their tickets before hand, which will help F.o.W.L. to know how much meat, etc. to be prepared so they don’t run out of meat like they did last year. This will also include again another “Bake Off”. Wetzel reminded everyone how all these events by F.o.W.L. can raise money to help the village for the lakes, etc. All these events (including the upcoming Halloween event) save the tax payers dollars.

**Bob Weaver Bait Shop**: The Fiscal Officer reported as of 08/31/2019, the Village received $623 for the month of August. Total for the year is $10,767 for fishing passes sold.

**E-Bird – Cindy Ploch** reported as of 8/31/2019 there has been 110 species of birds recorded for the year in Wayne Lakes. Linda Clark reported they had seen a “Bald Eagle” in their front yard this past week. Ploch encouraged everyone who would be interested to register for her free public program at the Darke County Parks Nature Center, which will be on Thursday, October 3rd at 6:30 p.m.

**Village Updates:**

**Community Building**: Troy Stewart stated he really did not have much to report. Tuco reported that during their finance committee meeting, the tentative appropriations for next year includes the cost for a new roof. The mayor noted that the committee is hoping to find a better price for the roof. Discussion followed as to finding a quote for someone to do the “Chinking”, which is needed and has been overlooked for years. This maintenance is because of our climate and that logs often move. Tuco stated he knew of someone local and would contact him for a quote.

**Zoning:** Curtis Yount had nothing to report.

**Tri-Village Rescue**: Rita Robinett was not present.

**Village Special Project Reports:**

**Sewer**: John Swindler had nothing new to report until Brice with Access Engineering comes back with more information. The mayor reported that there is a meeting scheduled for next week (Wednesday) with Brice and New Madison. The mayor plans to attend as the village representative. This meeting is to have continued discussion with New Madison about the idea of Wayne Lakes connecting to their waste treatment facility and trying to work out some details as to how that might work and what needs to be done. Also, discussion took place about having another meeting with the county to discuss the options of the billing. Access Engineering is anticipating having their final figures for the village at the November council meeting; giving council time to review and to have further discussion. A decision will have to be made whether to move to Phase II or not by the December council meeting.

**Village Office Options**: The mayor reported that we are at a point now in the current agreement where a decision has to be made with Jim Anderson (deadline November 1). The next step is to make a decision whether or not to enter into a purchase agreement or an extended rental agreement. One option is for the village to get a loan to buy the building outright (which is not feasible at this time). There are two versions of a land contract that has been proposed by Jim Anderson: One is basically a five (5) year term; one with a ten (10) year term; and an option of an eighteen (18) month extension to rent at $675 a month. The only other option would be to vacate the building by November 1st.

**OPEN FORUM**: At this time, the mayor established an open forum for further discussion about the options as outlined above. As per previous discussions during the council meetings, discussion followed. Outside of a few negative comments that the lakes were not taken care of (which they have been treated spending over $7,000 in chemicals), the majority present seemed to be in favor of a purchase agreement option, with plans to have it paid off in ten years. However, one person would not understand why the community building as an office building would not be an option. The village does not have the funds available or the time to build the addition to the building; make the needed repairs; and not to mention the needed permits, handicapped and EPA requirements, etc. Plus there still would not be enough room for parking. The same problems mentioned above would also be the same case in trying to add room to the garage (plus adding a restroom facility). It was also mentioned that council would not want to take the community building away from the community. The Anderson building would be move-in ready, plenty of parking space, with additional options available. The location just as you enter Wayne Lakes would also be considered as an asset. The mayor noted that Anderson has offered to pay half of the attorney’s fee to write up a contract. He will not hold us to the November 1st deadline that we are in right now as long as negotiation to purchase is being considered. There has been a lot of movement in trying to put together a deal that makes good sense for the village. Anderson has come down on the original price of the building; allowing the rental cost to go towards the purchase; propane tank has been filled with the cost donated to the village, etc. “The point of having the property is not to take away from the other village properties but to enhance the village property holdings for now in anticipation of the sewer for when it comes through, it opens up many possibilities.” As far as the lakes, we have a better understanding as to how/when to treat the lakes, etc. thanks to F.o.W.L. for paying for the Lake Management Study. It was confirmed that money spent on the lakes this year was way more than what was received in selling fishing passes last year. The income this year will all be appropriated for the lakes next year.

**Executive Session*: Tuco moved to go into an executive session to discuss the options for possible building/land purchase. Falknor seconded. All present voted yea. Council went into an Executive Session at 8:37p.m. Council came out of an executive session at 9:08 p.m.***

**Action taken**: Tuco stated the proposal offered by Anderson is really a good deal, as far as price and a fixed interest rate of 3.25%. Falknor stated there is no other better location than this. Tuco stated we need to look at this as an investment towards the future. Tuco moved to move forward with Jim Anderson’s Proposal #2 (ten year plan) to purchase the building on a land contract agreement and for our solicitor Paul Wagner to write up this contract agreement as proposed. Final vote to take place once the agreement is written to satisfy both the village and Jim Anderson and family. Swindler seconded. All present voted yea. Discussion followed as to all the potential this investment will offer for the village.

**Council Committee Reports:**

**Finance Committee**: Swindler confirmed with the fiscal officer that up-to-date copies of our receipts and expenses are available if anyone has any questions.

**Lake Management**: It was noted the next Lake Management Committee Meeting on November 5th will be held at the village office due to that day is Election Day and the Community Building will be used for the election.

**Village Maintenance**: Tuco reported the road patching has been completed. Discussion followed as to possible chipping in certain areas. Rita Neff volunteered to help, as long as she could reach them. The mayor confirmed the road easement is fifteen feet from the middle of the road. So that wide and straight up the village is responsible to maintain. Discussion also followed as to people dumping bags of leaves right in front of the “No Dumping” sign. Also, Tuco has discovered that some people are bringing in truck loads from outside of Wayne Lakes and dumping at various areas or properties.

**Newsletters**: Reminder for newsletter items to be in on a Wednesday by 5:00 p.m. to Karen Sink after every council meeting. The mayor then uses the Village printer for making copies. Those who have provided emails will get them sent to them. Copies will also be put in the green box in front of the garage and in the Village Office. Newsletters will also be posted on the village website.

**Welcome Packets/Wayne Lakes History:** Falknor had nothing at this time.

**Village Sanitation and Parks**: Council approved to have a trial-run for having “Wayne Lakes Fall Leaves only Cleanup” on October 25-27 and November 1-3. The village will provide a dumpster, located at the Beach parking lot where functional cameras will be recording. The dumpster is intended for leaves only that are collected within the village. If at all possible, it is suggested to mulch the leaves before bringing them to the dumpster. It was suggested to check with S&M.

**Domestic Animal/Wildlife/Littering**: Robinett was not present.

**Social Media:** George Mitterman has the Village Website up and working ([villageofwaynelakes@.com](mailto:villageofwaynelakes@.com) ). Newsletters, council minutes and legislations can now be viewed online.

Motion was made by Clark to adjourn. Tuco seconded. All present voted yea. Meeting was adjourned at 9:39 p.m.

Respectfully submitted by

Carolyn L. Robinson, Fiscal Officer

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