

**Special (Regular) Meeting #12 - 2015**  
**Fairfield County Commissioners' Office**  
**Location: Utilities Administrative Building 6670 Lockville Rd, Carroll**  
**March 12, 2015**

**Commissioners' Special Meeting, purpose: Buckeye Lake Dam updates**

A special meeting of the Fairfield County Board of Commissioners was held on Thursday, March 12, 2015, beginning at 10:32 a.m., with the following Commissioners present: Steve Davis, Mike Kiger, and Dave Levacy. Also present were Carri Brown, Staci Knisley, Dani Vandegriff, members of the public, and other county agencies with representation. (See attached sign in sheets.)

Commissioner Davis called the meeting to order.

**Pledge of Allegiance**

Commissioner Davis asked everyone to rise as able, and he led the Pledge of Allegiance.

**Announcements**

Commissioner Davis asked Ms. Brown if there were any announcements.

Ms. Brown asked for all attendees to sign the sheets being passed around for a record of attendance.

**Welcome**

Commissioner Davis stated that he appreciated everyone's attendance today. In recent days, the Commission became aware of an Army Corps of Engineers' report regarding the Buckeye Lake Dam.

The reason for the meeting location today is because of a pre-scheduled Customer Service Seminar held at 8:00 a.m. already reserved for the location at the Utilities Department.

After learning about the pending issuance of an Army Corp of Engineers' report and a forthcoming response from the Ohio Department of Natural Resources, the Commission sent Ohio Department of Natural Resources Director Zehringer an email asking for a meeting regarding the report and actions the state is considering. The intent of scheduling the meeting today was to give a legal opportunity for the Board to discuss the report and to give Director Zehringer the opportunity to meet with the Board. On behalf of the Board, he apologizes for the inadequate space today.

Commissioner Davis stated that the Commission is not in any greater position to provide information than the public is. The Commission was invited to a teleconference call yesterday. ODNR scheduled the call after the report was released. Commissioner Davis and Commissioner Levacy both were on the conference call.

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Commissioner Davis stated that the members of the Commission will speak first and then give the voters and taxpayers an opportunity to speak.

Commissioner Davis stated that he is familiar with Buckeye Lake but does not have the level of history that the public here today has with the lake. Commissioner Levacy spoke to Director Zehringer directly. He asked that the ODNR retract the statement in the report relating to the option of "draining the lake".

Commissioner Davis added that he would appreciate it if ODNR would take the "draining of lake" alternative off the table. He appreciates reasonable alternatives and concepts. There are deficiencies that have not been analyzed yet. There are immediate consequences of not closing the gates; some of those consequences include reduction in employment, revenues, and property values.

Commissioner Davis stated that the Commission is at a disadvantage in analyzing the report because they are not engineers. They are not trained to respond to some of the statements in the report. They have no ability to challenge the potential harm that is reported.

Commissioner Davis stated that the intention of today's meeting was to provide Director Zehringer the opportunity to meet with the Commission. They have also given him the opportunity for another time to meet and hope to have a meeting in the very near future.

Commissioner Davis stated that this topic is emotional for the Board of Commissioners and for the public. In context of this meeting, he appreciates courtesy.

Commissioner Levacy stated that he is a member of the Board of Commissioners and a business owner at Buckeye Lake. He has operated the Marina at Buckeye Lake for almost 46 years. The issue with the dam goes back decades. He stated that he puts the responsibility of the Buckeye Lake dam issue upon the State of Ohio. For years there have been disagreements with landowners and the engineers. The disagreements were never resolved. Plans for improvement just went away instead of being resolved.

Commissioner Levacy stated that every year on March 1st he contacts ODNR to tell them to close the gates at the dam. This year he called on March 2<sup>nd</sup> because the 1<sup>st</sup> was a Sunday. A representative of ODNR told him that the gates would remain open until the report was released. This is the first he heard of that issue. He has had many conversations with the Director, various state officials, Congressman Steve Stivers, Senator Troy Balderson, Representative Ron Hood, and Senator Schaffer. Commissioner Levacy stated that the state needs to make a compromise. Yes, there have been issues with the dam, but there are other alternatives that are workable for the next 4-5 years.

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Commissioner Levacy stated that there are issues with ecology if the lake water level is low. The fish may die due to low levels, and the cranberry marsh may not survive. This is a national treasure that needs protected.

Further, Commissioner Levacy stated that the state needs to analyze the economic impact. The repairs need to happen now with no procrastination.

Commissioner Levacy stated that Congressman Steve Stivers has been very helpful. He is a problem solver, although the state is the responsible party. The Commissioners are stakeholders that can only do so much.

Commissioner Kiger stated that he was at a disadvantage. He reserves judgement on the issue until the meeting with Director Zehringer is held. He is in the process of reading the report.

Commissioner Davis stated that at the teleconference yesterday, ODNR did say that the dam project is top priority. The assessment of risk and alternatives was to be reported upon within two weeks.

Commissioner Davis stated that he mentioned earlier that a request was made for ODNR to retract the option of "draining of lake". Commissioner Levacy is working on communications surrounding a compromise of the lake water levels.

Commissioner Davis opened the floor for public comment.

**Public Comment for Voters and Taxpayers**

Commissioner Davis asked if anyone from the public who would like to speak or offer comments. Historically the public is given a three minute guideline. The Commission will be flexible with that guideline today. Commissioner Davis asked that participants please have comments condensed so that everyone has an opportunity to speak. There will be additional time for the public to speak again after everyone has had an initial opportunity.

Commissioner Davis stated that the intent of today's meeting was to provide the opportunity for Director Zehringer to meet with the Commission in open session. There will be a follow-on meeting.

**Ken Reber** of 10655 Lithopolis Rd, Canal Winchester reported that he has a vacation home on the west bank of Buckeye Lake. He is the Vice President of the West Bank Homeowners Association. He has been involved with studies that have been in progress for many years. The DLZ Engineering Firm came up with a plan. There were many problems. There were proposed compromises that were not accepted by ODNR.

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Mr. Reber spoke to Director Zehringer, and the Director stated that the improvements would be for a bike trail.

Mr. Reber stated that he is an engineer. His military service was with the Army Corps of Engineers. The report was as if the engineers were told to reach a number or conclusion that was intended by ODNR. There was no raw data with the report. He recalled that DLZ ran a vibration study 20 feet from the dam. They used a map of foundations created by an aerial photo. The map was wrong. The map indicated that the foundations were where front porches were located. The West Bank homeowners are not against the improvements, they are against the 30 feet right of way.

**Dan Frear** of 13396 West Bank Drive, NE, Millersport stated that Governor Kasich has bragged about the state income tax revenue and reserve balances. It appears to him that the state has a lot of money and that there should be no money issue in fixing this problem.

Commissioner Davis stated that although it is not typical to respond to the public during the comment period, they would provide information from the teleconference held yesterday. There is funding in place for ODNR engineering studies. There is no money for the project. Commissioner Levacy is in communication with state officials. He is dissatisfied with the process of waiting for the biennial budget process for funding the project.

**Cindy Abbott** of 3973 N. Bank Road, Millersport asked Commissioner Levacy if he has been contacted by the state regarding the issue.

Commissioner Levacy responded that in years past he had been contacted, but regarding the most recent report, he has not been contacted.

**Trudy Craig** of 3400 S. Bank Road, Millersport asked if Licking and Perry County have been contacted by the Fairfield County Commission.

Commissioner Levacy stated that he has been in contact with Licking County Commissioner Tim Bubb and members of the Perry County Commission.

**Ron Hupman** of Lieb's Island asked if the full report is available.

Commissioner Davis stated that the report that has been issued by ODNR will be placed on the county website today. He is not sure if what has been issued can be defined as the full report, but what has been released to the Commission will be placed on the website. The ODNR website has information, as well, and it is presumed that the information on the ODNR website will be the most current information.

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Mr. Hupman stated that he is interested in reading the report and identifying the specific locations. He supports compromises. There are particular locations where the water drops at the end of the summer.

Commissioner Davis stated that the report highlights the challenging situation. The Board does not want to jeopardize the safety of 3,000 people. Simultaneously, there are major economic concerns for many people.

Mr. Hupman stated that the initial breaking news of the Columbus Dispatch yesterday was extremely biased. This morning, the paper published another article that was much more balanced reporting that the Buckeye Lake Dam project was poorly handled.

**Lou Maresca** of 490 Lake Shore Drive, Hebron reported he is a member of the Buckeye Lake Civic Association. He stated that Senator Tim Shaffer issued a press release with other alternatives and options. Mr. Maresca asked the Board if the engineers have talked about other options.

Commissioner Davis stated that the report included risk reduction alternative, essentially keeping the water down or eliminating the water. He has not had the opportunity to see Mr. Schaffer's press release.

Commissioner Davis stated that ODNR did promise in the teleconference yesterday that they will immediately create a webpage with the Buckeye Lake Dam information on it.

**Barbara Maresca** of 490 Lake Shore Drive, Hebron stated that it seemed like the decision had already been made by ODNR.

Commissioner Davis stated that the Commission is trying to effectively and strategically be helpful. He wants effective communication with ODNR, although it does seem like there is a cry of there being a "shark in the water". Commissioner Davis stated that it was the Commission's desire to be helpful and strategic.

**Trudy Craig** of 3400 S. Bank Road, Millersport stated that when the dam at Seller's Point was repaired, there was no interruption. She asked that this be brought up to ODNR.

**An unidentified woman** stated that there are three counties on Buckeye Lake. The local governments need to kick this issue up to the state level as soon as possible. This needs to happen quickly. She urged everyone to contact the governor and state legislators.

Commissioner Levacy stated that he has had direct and indirect conversations with the governor and legislators. He added that Congressman Stivers has a good rapport with the state officials, and he is an effective congressman.

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**Ron Craig** of 3400 S. Bank Road, Millersport stated that all of the organizations affiliated with Buckeye Lake are working together. They have sent letters and have emailed the report to property owners.

**Anita Chaffins** of Harbor Hills reported that she has been at the lake since she was three years old. Her husband does business with many property owners at the lake. She asked the Commission if this was some type of political issue or a FEMA issue. With all of the things combined, she wondered about the big picture. She stated that the issue affects so many lives.

**Randy Chaffins** of Harbor Hills asked the Commission if the report was absolute. He stated that he did not believe that the Army Corps of Engineers had a good track record. He asked if it was possible to have another report done.

Commissioner Davis stated that he believes that ODNR can prepare additional analyses and reports. He believes the results of the report are what ODNR expected, however.

Commissioner Davis stated that this crisis will remain on the Commission's agenda until further notice. The Commission will be as helpful as possible.

**Deborah Ratcliff** of Harbor Hills thanked the Commission for the public invitation and for their time. She asked what the public can do to help.

Commissioner Davis stated that the two biggest issues are time and money. There is already an effect on the economy. There are boat orders being cancelled, dock fees not being paid, and other plans being altered. There is an immediate effect. Commissioner Davis suggested that the public contact the state legislators about funding.

**John Fisher**, business owner at Buckeye Lake, stated that he has invested in property on the lake. This is a state issue, and he asked at what point did ODNR not want to maintain the wall that was built?

**Anne Davy** of 5182 Bateson Beach Drive asked that a letter campaign for all of the civic associations be started immediately.

**Greg Stonerock** of 5192 Bateson Beach Drive asked where the dam begins.

Commissioner Levacy stated that the dam is from Lieb's Island to Mud Island beyond to Seller's Point. The original dam was made of stone. The new dam was built in front of the old dam about 1960. The major issue is from Seller's Point on.

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Commissioner Levacy stated that the public should contact state legislators about the timing of the project and about financing the project.

Commissioner Davis stated that this is already a crisis. ODNR's long term goal is to make incredible improvements. On the teleconference yesterday, it was mentioned that Buckeye Lake will be a "crown jewel" of Ohio.

**Dave Adams** of Millersport stated that there is pressure on the dams. He suggested that there be "no wake areas".

Commissioner Davis stated that slow speeds on the water could reduce risk.

**Don Lebold** of West Bank Drive stated that the dam has not been maintained since the 1940's. It is less than a mile from Mud Island to Lieb's Island. The other part of the dam is in good shape.

**Ron Myers** of Shell Beach Drive asked if Director Zehringer agreed to not draining the lake.

Commissioner Davis stated that they have asked for another alternative and asked that the option of draining the lake be removed from consideration. ODNR has not commented upon the Commission's request.

**Seth Pymer** of South Bank stated that ODNR better do something quick. He is curious if ODNR wants to make Buckeye Lake fully a state park as was the plan in the past.

Commissioner Davis stated that he is not sure of this.

Commissioner Levacy stated that the plan will be to do extensive dredging and to remove all obstacles. He wants to help regardless of his personal position. There has to be a compromise.

**Sherry Pymer** of South Bank stated that there was dredging before. It did not help. She asked that the public contact 610 WTVN radio station. They have a "Save the Buckeye Lake" campaign.

**John Fisher** of Millersport stated that the comment regarding making the lake a "crown jewel of Ohio" makes him wonder if there will be no private businesses or facilities on the lake in the future. The state has no problem spending money on their state parks. In the 1980's they weren't interested in private industry at Buckeye Lake. Commissioner Davis stated that he did not know the intent of their comment but he did know that the comment about a "crown jewel" of Ohio was made.

**An unidentified man** wondered if the state would be receptive to extending the docks.

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Commissioner Davis stated that the question was raised. He's not sure who made the statement or question on the teleconference.

Commissioner Davis stated that he was surprised in the announcement from ODNR in that there was no information on the effects or consequences.

**Jessica Spires** of North Bank stated that the report has disputable aspects. There are pictures of sidewalk cracks on the tow path. She is very familiar with the path. There are fixable things that need to be done to the dam. If the State wants trees taken down and docks not connected to the dam, then they should enforce such things. She wonders if there is any way to dispute the report. There are options noted in the report, and some are unrealistic.

Commissioner Davis stated that the report can be disputed. He would not want to restrict or eliminate alternatives. The Commission wants to be helpful and get passed the crisis. ODNR said that all resources will be put towards the plan for a two week period.

**Ron Craig** of 3400 S. Bank Road stated that there is a letter campaign for corresponding with the Governor and Director Zehringer. He encourages the public to contact State Senators, State Representatives, and the Commission. It is up to us to keep pressure on the representatives.

**Sherry Pymer** of South Bank stated that real estate agents have reported that they have already lost contracts, that property values are going down, and that lots of businesses will be going away. The Governor is pro-business so this is surprising. She hopes for a better compromise and plan.

Commissioner Davis introduced County Auditor Jon Slater.

Commissioner Davis stated that Auditor Slater's office is aware of the situation. His office is already examining the real estate values and is expecting Board of Revision filings for reductions. He reminded the public that the Board of Revision appeals are for tax years in arrears.

Auditor Slater stated that his office is paying attention. The valuations are adjusted every three years. The current valuation is from January 2013 through January 2016. We have a year before we see the impact. The Auditor's office is accepting Board of Revision applications for property value year 2015 in January of 2016. Values will reflect the data as it appears.



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Commissioner Davis stated that the Commission has been thinking about the effect on property values and wants to be helpful. Auditor Slater added that adjustments need to take into account inside and outside millage.

**Ron Hupman** of Lieb's Island stated that there will be no "comps" for new property valuations because there will be no sale of homes.

**Jim Fedor** of 991 Lake Shore Drive, Harbor Hills stated that most homeowners in Harbor Hills don't know what is going on. There are about 290 homeowners.

**Trudy Craig** of 3400 South Bank Drive stated that there has been communication coordinated to all of the homeowners in Harbor Hills.

**Anita Chaffins** of Harbor Hills stated that fixing the dam should be done with common sense. They did not drain the ocean while fixing the dam after Hurricane Katrina hit, for example.

**Randy Chaffins** of Harbor Hills asked who put the evacuation signs up.

**Tracy Higginbotham** who has a Lakehouse in Licking County and a business in Fairfield County on the lake stated that the impact is to the North and West Bank property owners. He thinks repairing the dam is a bullying tactic. There was originally open communication, and then the communication diminished due to public safety concerns. He has worked with the Army Corp of Engineers, he feels they are slow. There should be updated technology for using steel plates on the walls of the dam. The state has ignored the issues and neglected the dam for 60 years.

Commissioner Davis stated that the Buckeye Lake Dam issue will remain on the Commission's Agenda until further notice. The Commission has a standing request to Director Zehringer to meet and to reject the proposed alternative of draining the lake. The Commission will keep thinking for additional things to be helpful. There will be another public meeting with better notice and accommodations in the near future.

Dani Vandegriff with Congressman Steve Stivers' Office stated that the Congressman represents two of the three counties affected, Perry County and Fairfield County. Congressman Stivers has been engaged and will continue to be engaged.

Commissioner Levacy thanked the public for being at the meeting today and thanked the public for being so respectful. He congratulated the public for their courtesy.

Commissioner Levacy stated that he has a photograph of the dams that were constructed. He stated that there are two dams currently.

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**Cindy Abbott** of 3973 N. Bank Road stated that it was obvious that the dams were built with different characteristics.

Commissioner Kiger thanked the public for coming to the meeting. He is looking forward to meet with Director Zehringer to learning more about the issue.

Commissioner Davis stated that he appreciated the comments. He apologized for the chosen venue. He thanked the County Auditor and County Prosecutor's Office for their attendance. The Commission will work every day on the issue with the intent to be helpful.

**Adjournment**

With no further business, on the motion of Dave Levacy and a second of Mike Kiger the Board of Commissioners voted to adjourn at 12:18 p.m.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Dave Levacy, Mike Kiger, and Steve Davis

The next regular meeting for the Board of Commissioners is scheduled for Tuesday, March 17, 2015, at 10:00 a.m.

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Motion by: Dave Levacy      Seconded by: Mike Kiger


that the March 12, 2015, minutes were approved by the following vote:

YEAS: Levacy, Kiger, Davis

NAYS: None

ABSTENTIONS: None

\*Approved on March 17, 2015

  
Steven A. Davis  
Commissioner

  
Dave Levacy  
Commissioner

  
Mike Kiger  
Commissioner

  
Staci A. Knisley, Acting Clerk