

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
June 2, 2014**

Mayor Hammond called the meeting to order, followed by the Pledge of Allegiance. Mayor Hammond then asked for a Moment of Silence to honor our Men and Women; Past and Present; for their Military Service to our Country. Fiscal Officer Hastings took roll call with the following members present: Mr. Shelton, Mr. Wissinger, Mr. Sadler, Mr. Geiger, Mr. Laxton and Ms. Evans. Solicitor Hess and Engineer Grosse were also in attendance.

Mr. Sadler made a motion, seconded by Mr. Shelton to approve the May 5, 2014 Regular Council Meeting Minutes. All members were in favor. The motion passed.

Ms. Evans made a motion, seconded by Mr. Laxton to approve the May 19, 2014 Public Hearing Meeting Minutes. All members were in favor with the exception of Mr. Wissinger and Mr. Geiger who abstained. The motion passed.

Mr. Shelton made a motion, seconded by Mr. Sadler to approve the May 19, 2014 Special Council Meeting Minutes. All members were in favor with the exception of Mr. Wissinger and Mr. Geiger who abstained. The motion passed.

Administrative Reports:

A. Mayor's Report – Thanked everyone for coming tonight. Mayor Hammond gave a summary of things that have been happening in the Village. He said he attended the Celebrity Reads Day at Scioto Elementary and read to a group of 4th graders. On May 17, 2014 he attended the Relay for Life. The people in charge were very thankful for the proclamation from the Council. A road erosion occurred at the intersection of Bowling Alley and Cyrus Street on Sunday May 25, 2014. Mayor Hammond said he was notified by the Scioto Township Fire Department of the erosion. They helped him in securing the site. Mayor Hammond met with Mr. Sark of Mid-Ohio Water Management that evening and agreed to fix the issue on Monday, May 26, 2014, Memorial Day. Mayor Hammond said he helped Mr. Sark complete the project. The Village was not billed any extra due to the fact of it being on a holiday. Total cost of the project was \$ 1,400.00 for labor and material. The finishing blacktop will be installed when the road project is completed this year. The contract to repair the storm drain at Genoa Crossing has been awarded. The project will begin on June 9, 2014. Work has been completed and includes "No Parking" signs on St. Rt. 762 in front of the bank. Hopefully this will keep people from parking along the roadway and making a mess in front of the bank. At this time, Mr. Shelton thanked Mayor Hammond for his effort that he put forth in getting the area of Bowling Alley and Cyrus Street taken care of.

B. Village Engineer's Report – Engineer Grosse informed Council that we had a bid opening on the paving project. We received three bids, KMC Paving, Cox Paving and Decker. KMC was the apparent low bidder at a cost of \$ 59,149. Engineer said the estimate was \$ 71,000. The other bids came in at \$ 70,000 and \$ 73,000. Engineer Grosse said he did speak with KMC Paving and they are comfortable with their bid. They have done work for the Village before with reasonable success and no problems with the contractor. Engineer Grosse said he would like to recommend KMC Paving and for Council to award the contract to them. Mr. Wissinger asked what streets will be done for this contract. Engineer Grosse said Front Street and Congress Street. Front Street is a mill and pave with some new curb work to be done. Congress is a mill and pave project. Engineer Grosse said with the money that we are saving, we will be doing several smaller street projects in the Village. Mr. Shelton asked if Genoa Crossing would be included in the smaller projects. Engineer Grosse said he did not see the quote for the repair work and asked Mayor Hammond if it included the blacktop. Mayor Hammond said it would be completed with concrete. Engineer Grosse informed Council that we had received the site approval letter from the Ohio EPA regarding the wells. A bid from Moody's of Dayton came in at \$ 18,700 which was the lowest bid we had received. Engineer Grosse would like to start on the test wells next week. It will take 3-4 days to get the test wells completed. By the time we get the hydrolysis's test results back, as far as capacity, it looks like sometime in July we will be drilling our permanent well. Assuming the permanent well produces what we are looking for, 500 or more, gallon a minute, we will then continue. If it does not produce what we are looking for, then we will need to discuss our options. Engineer Grosse is hoping to finalize this project and close on the property sometime in August 2014. If all goes well, we will then proceed with the plant expansion project.

C. Village Solicitor's Report – Nothing to report

D. Police Department Report – Chief Jordan reported that he received several applications for the open positions. He was busy doing background checks. Having a hard time with previous employers wanting to give information, however it is coming along. Ms. Evans asked how many applicants Chief

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has received. Chief Jordan said he has received a total of 8. He said some are interested in the part time positions and some are just interested in the auxiliary positions.

E. Village Administrator's Report – Nothing to report

F. Fiscal Officer's Report – Fiscal Officer Hastings gave the following report. Fund balances as of May 31, 2014 are General - \$ 934,164.74; Street Construction - \$ 179,598.26; State Highway – \$ 15,067.06; Parks and Rec - \$ 2,873.57; Permissive Motor - \$ 7,483.59; Housing Development – \$ 11,676.07; Water Operating - \$ 1,805,141.23; Sewer Operating - \$ 1,659,187.04; Garbage Operating - \$ 17,688.53. Mr. Shelton asked Fiscal Officer Hastings what the payment to the Southeast Ohio Land Company was for in the amount of \$ 48,000. Fiscal Officer Hastings explained that is the tap fee reimbursement to Mr. Talbott per the agreement.

Legislative Reports

A. Legislative Authority Reports

1. Randy Shelton – Nothing to report
2. Nicole Evans – Nothing to report
3. Clarence Wissinger – Nothing to report
4. David Sadler – Nothing to report
5. Mark Geiger – Nothing to report
6. Brad Laxton – Mr. Laxton said he had been watching the traffic in Chestnut Estates. He

feels a 3-Way Stop at Cottonwood and Chestnut Estates would work. He said another section is people coming from Cherrytree Lane onto Chestnut Estates and continue to Welch Road. The people are "gunning" it. He doesn't feel a stop sign would do the trick. He feels speed bumps would be best in that area. Mr. Laxton said he spoke with the township and they said the bumps like what Orient has are the best for traffic and snowplows. Mr. Laxton said in his opinion, the speed bumps in Orient are the most effect speed bumps he has ever driven over. Mr. Shelton asked if the area on Cottonwood is near the playground area. Mr. Laxton said yes. He said he put a question on Facebook regarding if people would want stop signs in this area, and the answers were Yes. Mayor Hammond asked for a location so that OUPS could be called to mark the utility lines. He said once they are marked, the signs will be installed. Mr. Sadler asked if parking was allowed at a 3-Way Stop. Chief Jordan said yes parking was allowed, however the cars need to be so many feet away from the intersection. Mr. Sadler was concerned with putting a sign in someone's front yard. Mr. Laxton said he had people asking for the sign to be placed in their yard. He feels a 3-Way Stop sign will be welcomed. Chief Jordan noted the 3-Way stops in West Scioto Green. He said the Council changed it to only allow parking on one side of the street. Mr. Laxton volunteered to speak with the residents in the noted area to make sure all were in favor of a 3-Way stop. Ms. Evans asked if there was any feedback on the speed bumps for Chestnut Estates. Mr. Laxton said no one really talked about speed bumps. Mr. Laxton said he spoke with Mike Struckman regarding the speed bumps. He said Mr. Struckman told him he doesn't like the speed bumps, however if you need to put them in, speed humps which are longer and not so high, are better for the snow plows. Mayor Hammond said he had spoken with Mr. Struckman as well. He said Mr. Struckman told him speed bumps are not the best solution and if we issued a few tickets and got in their pockets, maybe it would make a difference. Mayor Hammond said Mr. Struckman is having the same issue at Southern Point. Mayor Hammond said our police department has been in Chestnut Estates patrolling. Chief Jordan said they did go and hit the area pretty heavy and wrote quite a few citations. Residents of Chestnut Estates did give Chief Jordan feedback and say that people were slowing down because the officers were there. Village Administrator Shelton said it would cost about \$ 1,500 per speed hump. While we have the paving company here, since they would have to mill out some of the road to put the hump in, it might be a good idea to put a few in. Mayor Hammond said we need to consider the total Village and all concerns. If one development receives humps, the others might want them as well. Mayor Hammond wants people driving safe. What is more effective, the humps or citations? He said he doesn't know what the best option is. Administrator Shelton said in her opinion, we are just looking at Chestnut Estates right now which has been a problem forever. She feels putting in one hump at a relatively low cost, might be a good deterrent. Mayor Hammond said it is a Council decision on what they choose to do. Mr. Sadler said Council had talked about purchasing the mobile radar gun that displays the speed to create an awareness to the speeders. He said we are considering to spend \$ 1,500 on one hump in one location, when we could spend \$ 3,500 to use in different locations throughout the Village. It will create an awareness to slow down. Ms. Gooden-Kinney from Grove Run Road said they could use a speed hump at her end of the street as well. More discussion will be held at the Committee of the Whole meeting. Mr. Shelton asked Engineer Grosse when the paving project would be starting. Engineer Grosse said he hadn't talked to the contractor yet, but a pre-con meeting will be held next week and he will be able to start any time after that. Mayor Hammond said Solicitor Hess had a great idea. Give this issue to the Roads Committee and have them bring a recommendation back to Council on how they want to move forward with the speeding in Chestnut Estates. Ms. Evans said the data in the monthly police reports might be a great tool to use when evaluating the problem areas. Chief Jordan said he doesn't

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have the latest report completed yet. He will get it to Council. Mr. Sadler asked Fiscal Officer Hastings if the Village tracks complaints. Fiscal Officer Hastings said she gets a few complaints, however does not track them.

Mayor Hammond asked if there were any citizens who wanted to address Council. Ms. Becky Blevins asked if any new discussions have taken place on the closing of Oak Alley between North and Brown Street since the new Council members have come on board. Ms. Evans said there has been some discussion on closing alleys in general, not focusing on one alley. Mr. Shelton said he thought the discussion was moved to the Street Committee for recommendation. Ms. Evans said it was a cost issue as well. Engineer Grosse said no decisions have been made, just conversations. If Council chooses to open the alleys up, they have a responsibility to make them safe and maintaining them. The two alleys in question are in very bad shape. One has a culvert that will be very expensive to repair and continue to maintain. Ms. Blevins feels if Council chooses to abandon the alleys, the "Oak Alley" sign needs to come down. Ms. Blevins said the "Road Closed" sign was removed from one end but not the other end. Mayor Hammond said he was responsible for that. A sign was needed at the intersection of Cyrus and Bowling Alley where the road had eroded away for the safety of the residents. The sign was then moved to Genoa Crossing for the safety of the residents there. It will be moved back once the Genoa Crossing project is completed. Mayor Hammond asked Mr. Wissinger to add this topic to the Roads Committee for discussion and recommendation to the rest of Council. Ms. Blevins asked about the cleanup of the ditches in the Village. She said Engineer Grosse said if they weren't done by November 2013, they would be done in the Spring of 2014. Engineer Grosse said long story short, the contractor we had to do the work, no longer is working for the Village. We are in the process of looking for a new contractor to do this type of work.

At this time, Nancy Woodrow spoke to Council regarding the excessive amount of solicitors going through Walker Point without permits. She had a stack of flyers from different companies that she had collected in just a few weeks. She said when she called and spoke with Fiscal Officer Hastings about why she was issuing so many permits, Fiscal Officer Hastings told her that wasn't the case. No permits were being issued. Ms. Woodrow said why would someone take the time to get a permit when there is nothing in the guidelines penalizing these people. She asked what could be done to stop this type of solicitation. Solicitor Hess said the ordinance could be amended to impose penalties. Solicitor Hess continued to say that he could write an ordinance and bring it before Council. They could waive the three readings and pass it as an emergency. It would then go into effect after Mayor Hammond would sign off. If Council chooses not to waive the three readings, it would go into effect 30 days after the third reading. Ms. Woodrow thinks that would be a great idea. Mayor Hammond said it is happening in his neighborhood. Mr. Laxton said it is happening in Chestnut Estates as well.

At this time, Ms. Gooden-Kinney spoke to Council. She said the sidewalk in front of the Municipal Building is falling apart and they are only one year old. Mayor Hammond said they are not new. They were put in when the building was built. Engineer Grosse said he would look into it. Ms. Gooden-Kinney mentioned the Community Yard Sale that was to happen the weekend after Homecoming and the weekend after Go-Kart Races. She would like to see this announced on the water bill. She informed Chief Jordan that there are basketball poles sitting on Walnut Creek Dr. She told Chief Jordan he needs to do his job and get these removed. Finally, Ms. Gooden-Kinney asked about the posts that were to be placed around the gate going back to West Middle School. She said there are people driving around the gate and children are playing in that area. Engineer Grosse said the decision was to not do anything with those posts since it was on school property. He said we could revisit the issue and see what has to be done to make this safe. Engineer Grosse said it will be discussed in the next Street Committee meeting. Mr. Shelton asked Engineer Grosse if that was put on hold by the school district or the Village. Engineer Grosse said by the Village.

At this time, Mr. John Murphy addressed Council. He passed out copies of the minutes from the April 29, 2014 Special Council Meeting. He said that he hi-lighted certain parts so the slower ones could keep up. He continued to read the hi-lighted section, "We could not find any confirmation by the legislative authority. Whether his, meaning mine, employment came before this Council or the previous Council for confirmation which is required, the statutes says his, meaning mine, is not final until that confirmation is made. Again, we could find no documentation...". Next Mr. Murphy passed out a copy of 02-2013 saying it was a reconfirming of the position of himself and Chief Jordan. He then read the title of the ordinance. "An ordinance establishing the position and pay scale for two part time police officer with the Village of Commercial Point Police Department and reconfirming the position of Police Chief and Sergeant within the Village of Commercial Point Police Department." He pointed out that the Mayor made the recommendation and that the Village Council, 3 of them sitting here tonight, approved the ordinance. He said Section 4 reads, "The positions of part time Police Chief and par time Sergeant within the Village of Commercial Point Police Department shall be continued as currently staffed." He said that he has gotten some opinions on this and the above means that he was confirmed. He said this happened on April 22, 2013. He said he went to get the minutes from the website, but

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whoever does our website, does not have these minutes available. Village Administrator Shelton said that he was incorrect. Mr. Murphy said the minutes from April 29, 2013 were not there either. Again, Administrator Shelton told Mr. Murphy he was incorrect. Mr. Murphy said he has an attorney taking care of all of this. He was not going to each Council member's house to speak to them, however felt each one of them knew what had been passed. Mr. Murphy feels both he and Chief Jordan were reconfirmed at that meeting when the ordinance was passed. He said if there were any legal hostility down the road, this is where it is coming from. Mr. Murphy turned and looked at the audience and said "regarding the Chestnut Estates speeders, your welcome but I can't do anything about it now." Mr. Murphy said his attorney has made some public records requests. Solicitor Hess said he filed them under the Federal statutes, however he called him and was able to give him what he requested. Mr. Murphy also said there were missing funds. Solicitor Hess said there were no missing funds.

At this time, Mr. Joiner spoke to Council. He said there was a resolution with emergency language to have the County Sheriff take over control in this area. He was inquiring as an auxiliary officer, with over 27 years experience, what constitutes this action. He feels the Sheriff's presence is pretty regular anyway being that we are in Pickaway County. What is the cost? He said as a tax paying citizen, he would like to know this sort of information. Mayor Hammond said at this moment, we cannot give you an exact answer. Once we come out of executive session, we will be able to give you more information. Solicitor Hess said this Council as well as the previous Council has always been concerned with law enforcement. Ordinances have been passed to set forth positions for part time Chief and other positions. As you are aware, the Chief is part time, another one of our officers is hurt and cannot work for a short period of time, and another officer was not confirmed. As of right now, we have one officer that is part time. This contract with the Sheriff is a temporary solution and not a permanent fix. Solicitor Hess said there are applicants that have applied for the open positions and Chief Jordan is in the process of hiring. A number of options are going to be discussed in the executive session as to how we resolve this issue. Mayor Hammond said with Homecoming coming up, school being out, one officer is not enough. We have been 3 weeks without proper coverage. Mayor Hammond said we are trying to come up with a temporary solution. Mr. Joiner said speaking as a citizen, it might be the time to set up a Safety Committee. Get citizens and Council involved to discuss what actions can be taken. Mr. Joiner feels we have numerous people in our community that would be a helpful resource to this committee. Mayor Hammond said he feels very strongly that we need complete presence, at least as much as we had before. Mr. Joiner said he was never asked if he could work to fill in for some of the lost hours. Mayor Hammond said it was the Chief's responsibility to notify the reserve officers that we needed help during this shortage. Mayor Hammond said we are going to have police protection some way or another during this shortage. He said he was open to suggestions.

Mr. Shelton made a motion, seconded by Mr. Laxton to enter executive session to discuss personnel matters with the Police Department. All members were in favor. The motion passed. Let the record reflect, Council invited Chief Adam Jordan and Pickaway County Sheriff Robert Radcliff for discussion.

Council returned to the table at 10:10 p.m.

Legislation:

- A. Resolution 09-2014 **A RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A CONTRACT REGARDING LAW ENFORCEMENT SERVICES ON BEHALF OF THE VILLAGE OF COMMERCIAL POINT WITH THE PICKAWAY COUNTY SHERIFF'S DEPARTMENT AND DECLARING AN EMERGENCY.** Mr. Sadler made a motion, seconded by Mr. Geiger to amend the proposed Resolution to include the wording in Section one to read "up to 10 weeks". A roll call vote was taken: Mr. Shelton – Yes, Mr. Sadler – Yes, Ms. Evans – Yes, Mr. Wissinger – Yes, Mr. Laxton – Yes, Mr. Geiger – Yes. The motion passed. Ms. Evans made a motion, seconded by Mr. Laxton to suspend the three readings. A roll call vote was taken: Mr. Shelton – Yes, Mr. Sadler – Yes, Ms. Evans – Yes, Mr. Wissinger – Yes, Mr. Laxton – Yes, Mr. Geiger – Yes. The motion passed. Mr. Laxton made a motion, seconded by Mr. Shelton to adopt Resolution 09-2014 and declare an emergency. A roll call vote was taken: Mr. Shelton – Yes, Mr. Sadler – Yes, Ms. Evans – Yes, Mr. Wissinger – Yes, Mr. Laxton – Yes, Mr. Geiger – Yes. The motion passed.
- B. Resolution 10-2014 **A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR AND/OR MAYOR TO AWARD A BID TO KMC PAVING IN THE AMOUNT OF \$ 59,149.50 FOR THE 2014 PAVING IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY.** Mr. Shelton made a motion, seconded by Mr. Geiger to waive the three readings. A call vote was taken: Mr. Shelton – Yes,

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Ms. Evans – Yes, Mr. Wissinger – Yes, Mr. Sadler – Yes, Mr. Geiger – Yes, Mr. Laxton – Yes. The motion passed. Mr. Geiger made a motion, seconded by Mr. Laxton to adopt Resolution 10-2014 and declare an emergency. A call vote was taken: Mr. Shelton – Yes, Ms. Evans – Yes, Mr. Wissinger – Yes, Mr. Sadler – Yes, Mr. Geiger – Yes, Mr. Laxton – Yes. The motion passed.

At this time, Mayor Hammond informed Council that we had received a letter from RITA asking us if we were interested in their subpoena program. He explained that the cost is \$ 8.00 per subpoena sent. It was very successful last year. Mr. Wissinger asked how much the program collected. Mayor Hammond said he wasn't sure of the dollar amount but knew 50 subpoenas were mailed. Mr. Sadler asked what other recourse does the Village have to collect this money. Mayor Hammond said we could have Mr. Hess take care of it for us. Solicitor Hess said that most everyone uses RITA for this type of collection. Mr. Wissinger asked about going as high as the Attorney General's office. Solicitor Hess said that RITA will go through municipal courts if they have to. Mayor Hammond said those were steps we would take if we need to moving forward. Mr. Laxton made a motion, seconded by Mr. Sadler to move forward with the subpoena program. All members were in favor with the exception of Mr. Wissinger who was opposed. The motion passed.

Ms. Evans made a motion, seconded by Mr. Geiger to adjourn the meeting. All members were in favor. The meeting adjourned.



Joe Hammond, Mayor



Wendy L. Hastings, Fiscal Officer